

VARIETY

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RAID-SHELTERED NITE LIFE

Advertising's Happy Thought

Radio as well as other advertising media is looking forward to a sudden outbreak of heavy spending as soon as the big corporations get an insight into their earnings for this year and figure how much of it will have to go to the Government because of the excess profits tax. This sort of last minute splurge has happened before, but the advertising agencies anticipate, because of the big business upturn of this year and the size of the tax bite as the brackets go up, that the extent of the rush will be greater than ever.

Networks have already had some intimations of what is in store for them along these lines. Certain major manufacturers that have been quiescent about radio for some time are now having their agencies make inquiries about time and talent.

Dorothy Thompson Claims Sponsor's Cancellation Threat Due to 'Expose'

Dorothy Thompson stated Monday (4) at a luncheon of the motion picture division of the Democratic National Committee that because of criticisms she made of advertising agency 'fear' campaign technique in the Presidential campaign she was threatened with the loss of a lucrative radio contract. She did not name the agency or the account. Miss Thompson is on a Mutual co-operative hookup Sunday nights.

Fred Mayer, who organized this hookup for the commentator, confirmed Miss Thompson's statement but added that the account couldn't cancel if it wanted to and, anyway, if it walked out he had another commercial interested in buying several stations on the same hookup. Mayer explained that the agency and account in question had had the day-lights scared out of it by a flood of 800 telegrams protesting against Miss Thompson's campaign broadcasts in President Roosevelt's behalf and demanding that she be dropped from the account's payroll. The account, he added, became highly disturbed even though the telegrams had all (Continued on page 21)

Dry Law for Canada Scares Hotels, Cafes; Radio Comm'ls Also?

Montreal, Nov. 5. Ghost of Andrew Volstead is giving hotel men, niteries and broadcasters a bad case of the jitters as the odious spectre of total prohibition hovers over Canada. A strong drive is now reported under way to give the Dominion a taste of the prohibition laws which were to a large extent responsible for both of the bootleg and allied rackets in America and created nationwide disrespect for the laws of the land during the prohibition era.

In guise of a war measure minority temperance groups are active throughout the country advocating the adoption of prohibition. Reports persist that the Federal government (Continued on page 53)

Stone's 17 Yrs. at M-G

Hollywood, Nov. 5. Lewis Stone has signed a new contract with Metro, which marks his 17th year on the same lot. First job under the new pact is a 'Hardy Family' picture.

Frank Hummert Protests 'Loss Of Music U.S. Loves'

Frank Hummert of the Blackett-Sample-Hummert advertising agency informed Variety yesterday (Tuesday) that he has instructed his attorneys, O'Connor & Farber, to prepare a protest and file it as soon as possible with the Federal Communications Commission. Hummert will charge that 'the music the American people love is about to be driven off the air.' This is in reference to the feud between the radio industry and the American Society of Composers, Authors and Publishers.

Agency official will act as a citizen and a user of 'familiar music' in urging the Government regulatory body to take official note of the situation as a development which he considers 'not in the public interest.'

Hummert's action is the only move by any adman in this connection.

JOE E. BROWN BUILDING UP TO HATE PANCAKES

New Haven, Nov. 5. Joe E. Brown, who owns a piece of the 'Elmer the Great' revving starring him, is currently suffering for his investment as well as his art. In an effort to collect laughs, he has to stow away an oversize quantity of food including orange juice, grapefruit, jam, potatoes, ham, pancakes, coffee, milk, doughnuts, pie, ginger (Continued on page 53)

'UPHOLSTERED SEWERS,' NO GAG

Class Hotels and Restaurants Turn Underground Cellars Into Night Clubs

FANCY PRICES, TOO

London, Nov. 5. Wiseacres may have coined the phrase 'upholstered sewer' derisively, in applicability to some of America's so-called night clubs during the Prohibition era, but it's no gag here. London hotels and restaurants have developed a new and very lucrative trade in underground night life, thanks to Hitler and his gang.

This can be dubbed as a 'Roving Shelterer's clientele,' which comprises a section of Londoners who cannot get away from town early enough to avoid night raids and although living in deluxe apartments, with safe shelters, prefer to haunt the class hotels and restaurants.

Wise to the situation, restaurateurs and hoteliers have turned their underground cellars into safety zones, planting their bands and trimmings there, and are reaping a harvest. Spots like the Savoy hotel, which accommodates 400; Dorchester, 400; Grosvenor House, 300; and Mayfair hotel, 250, are doing an overflow trade, with average intake of at least \$6 per person. The lesser spots such as Piccadilly, 300; Devonshire House, 200; and Park Lane, 150; (Continued on page 23)

'FATHER' PULLS \$980,000, 1ST YR. ON B'WAY

'Life With Father,' which completes a year's run at the Empire, N. Y. Friday night (8), will have grossed a total of approximately \$980,000 that time. Howard Lindsay-Russell Crouse comedy is still topping the \$18,000 mark weekly, having drawn more than capacity business for the entire 52-week stretch. In addition, second company, with Lillian Gish, is in its 36th week in Chicago, while a third troupe, with Dorothy Gish, is firmly established in Boston. Nearly \$500,000 has been grossed by the latter two editions.

Show's first birthday will be celebrated Saturday night (9) with a special three-way broadcast on 'National Barn' dance, over NBC by the three troupes, followed by a party on the stage of the Empire theatre. (Continued on page 55)

Films' Latin-American Cycle Finds Congarhumba Displacing Swing Music

Met Signs Auditorer

John Dudley, tenor, who appeared on the season's first 'Metropolitan Auditions of the Air' broadcast recently, has been given a Met contract.

Tenor was formerly with the D'Oyly Carte Opera. Only other singer to go from the D'Oyly Carte to the Met was Muriel Dickson, soprano.

Latin-American lads and lassies, who have flocked up from Mexico and points south on the crest of the rumba wave, are getting unprecedented opportunity for a shot in films. Virtually anyone who can swing a chasis or warble in the South American way has either been screentested or is about to be.

Stream of Latin pix, which has already begun to flow from Hollywood, and which is increasing with every production conference, has created the demand. Inasmuch as most of the talent being tested doesn't savvy too much English, it's of course being used for specialty spots. There's hope, however, of landing a leading man from among the group, and any steps which can be taken to develop one will be used.

RKO has two prospects for build-up to star billing. One is Desi Arnaz, whose option was lifted last week after making his initial film appearance in 'Too Many Girls.' He was also in the legit version. New pact is for seven years, with the usual option renewal at the end of each year. It's for two pictures a year, to be made within six months of each 12. The other six months each year is to give him an opportunity to continue his stage work. He's going into another legit musical shortly. Second RKO white horse is Alberto Vila, an Argentine, who was tested (Continued on page 22)

Hepburn Suspects Barry Is Hiding Play She Wants

Detroit, Nov. 5. Katharine Hepburn, here in 'Philadelphia Story,' said last week that she hopes to do a new Philip Barry play this season, but hasn't yet seen the script. She suspects the playwright has completed a new play and that he is withholding it and refusing to admit it is finished in order to keep her touring in 'Story.' She is definitely committed to continue with the present play until after the holidays, when Metro's picture version will probably be released.

Actress revealed that Barry went to Europe shortly after the New York opening of 'Story,' ostensibly to work on a new play for her. That was during the spring of 1939 and she believes he finished it during the ensuing summer. However, he is not known to have actually shown the script to anyone, so she can't prove he ever really finished it. Unless she gets another suitable play instead, she admits she'll just have to continue touring with 'Story' until Barry decides to let her see his new one. Having played in 'Story' for more than a full year and made the film version of it, she says (Continued on page 20)

KNOW YOUR JOKES? NEW AIR SHOW IDEA

WOR, New York, studio-auditioned Saturday (2) a new program tagged 'Can You Top This?' Show has three gagsters, Harry Hershey, Joe Laurie, Jr., and Senator Ford, with Fred Lewis as m.c. It's Senator Ford's idea.

It's a meter plan, the audience participant telling a joke and the audience's laugh-response measured. He gets \$10, but this is whittled down \$2.50 at a time if the pro gagsters can tell a switch on the same gag and get a higher rating on the meter.

Flush With Willkie, Or Problematical With FDR Is N. Y. Niteries' Big 'If'

Niterie business in New York from now on is an 'if' proposition to the cafe men. If Willkie, the bonifaces expect it'll be happy-days-in-Dixie; if F.D.R. for a third term, it's problematical. Vanurew went to press too early last night to keynote the answer, but the trend is newsworthy none the less.

What concerns the hotel and cafe men is the hope that the bitterness will wear off, and national unity can't go quickly, regardless of which political party comes into office. They, rubbing shoulders directly with as variegated an assortment of American population as falls to the lot of any business or profession, know full well how bitter was this campaign. And it's not local strictly. If anything it's perhaps as true a cross-section of national feeling as could be concentrated in any one point, for it's axiomatic that New York's niteries and theatres subsist by their provincial pull, more so than the local. It's conceded that a Roosevelt victory means that the masses will make mild whoopee along Broadway, and the Tories that patronize the class east side New York spots will go home and sulk—or down their sorrows. If Willkie, no question of it's immediate effect on the market, and that means a bonanza for the niteries.

New Music Critic Stirs New York By Panning Those Who Never Have Been

Virgil Thompson, recently appointed music critic of the New York Herald Tribune filling the year-old vacancy caused by the death of Lawrence Gilman, has already stirred up a furore in concert circles by his reviews of name artists and classic compositions. He panned Jascha Heifetz when the violinist appeared recently at Carnegie Hall, N. Y., and he likewise was critical of John Barbirolli and the New York Philharmonic-Symphony orchestra when they opened their season. Both Heifetz and the Philharmonic have long been sacrosanct to New York critics.

Thompson, noted as the composer of 'Four Saints in Three Acts,' the score for the film 'Through that Broke the Plains' and numerous other works, is regarded as one of the ultra-modern composers. Those who have objected to his reviews of Heifetz and Barbirolli profess to believe him prejudiced against traditional composers to such an extent that he is incapable of appreciating them. However, even some of those who disagree with Thompson's reviews think that his unorthodox opinions (Continued on page 21)

FILM MUSEUM IN HOLLYWOOD

Hollywood, Nov. 5. Film history will be perpetuated by establishment of a Museum of Motion Picture Arts and Sciences, backed by a four-way combination consisting of the film studios, the local Chamber of Commerce, the Museum of Modern Art Film Library in New York City and the Academy of Motion Picture Arts and Sciences.

Probable site for the Museum is the old Trocadero nitery on Sunset Strip, on which an option has been taken by Walter Wanger, president, and Donald Gledhill, executive secretary of the Academy. Arrangements have been made with John Hay Whitney, John Abbott and other execs of the New York Museum for the exchange of exhibits and material. Idea is to show the advance of picture-making, with stress on historical, mechanical and artistic improvements.

Scully Sues, Charges Rep as Writer Damaged

Los Angeles, Nov. 5. Frank Scully, writer and former secretary of the State Department of Institutions, filed \$140,000 damage suit against Dr. Aaron J. Rosanoff, director of that department; Marjorie J. Reuman, secretary, and Albert Belford, deputy state attorney general, charging malicious prosecution. Scully was discharged from the Department of Institutions on Oct. 21, 1939, and later accused of misappropriating funds. He was acquitted of the charges and now claims the accusations damaged his reputation as a writer.

TENNESSEE ROMEO

Eric Barnouw Thinks the Locale Fits the Old Plot Ideally

Eric Barnouw, the radio author, has collaborated with Ethel Parke Richardson in writing a hillbilly version of 'Romeo and Juliet.' It's laid in the Tennessee mountains, where, Barnouw points out, they still speak Elizabethan English and family feuds and 14-year-old brides are also appropriate to the scene.

Pasadena, Cal., Playhouse will try out the play in January.

She'll Finally Be Seen

Hollywood, Nov. 5. Betty Jane Rhodes, billed by the Don Lee network as the original television girl, goes under contract at RKO.

Deal is for two pictures, with options. Gal is a singer and looker.

Hollywood Influence

Buenos Aires, Nov. 5. VARIETY must have got a practical example of Hollywood influence while trying to get back to town recently.

Stuck on a road without bus service while doing the manana circuit, he started thumb-waving for a ride—something never done here. Within five minutes a big car pulled up, stopped and the driver invited him in. Riding to town, mugg asked motorist how he knew what the thumb meant and why he stopped.

'I saw it in the cine,' he replied. 'And besides, I figured you must be a North American. No one else would do that.'

BUTTERWORTH'S \$5,000 FOR COMMERCIAL SHORT

Charles Butterworth has just completed a commercial short for Westinghouse Electric, for which he was paid a reported \$5,000 for five days' work. Believed first time a Hollywood name has appeared in a commercial short. Picture was produced by Paramount at its Astoria (N.Y.) studio. Understood Westinghouse will make a number of additional shorts with other picture names. It is trying to keep its program in this line secret for the moment.

Paramount, which has previously made only non-commercial shorts of the comedy, musical and educational sort, is reported planning to go into the commercial film market intensively in future.

DeMILLE'S NEMESIS

August Schwartzman a Perennial Pest

Chicago, Nov. 5. Cecil B. DeMille, returning to Chicago from New York, was accosted by one August Schwartzman in the lobby of the Blackstone hotel last week and for the rest of his stay in town DeMille was guarded by the police to prevent a recurrence of any such incident. It appears that Schwartzman had been a perennial pest for DeMille and at one time had been sent to an asylum in Los Angeles for bothering him.

Schwartzman was waiting for DeMille when the producer arrived on Thursday (31) morning. He shouted at DeMille, and then ran out of the lobby and disappeared. Police are particularly anxious to learn how he knew so accurately the DeMille itinerary and movements.

Refugee MacDowell Kids Finally Get 20th-Fox Call

Philadelphia, Nov. 5. Roddy and Virginia MacDowell, British refugee child film stars, have been living in nearby Lansdowne with broker J. B. Yarnall since their arrival here last fall. For the past three months they've been waiting for a call from Hollywood, but no soap. Last Thursday (31) 20th Century-Fox telephoned Yarnall's home to get the moppets out to Hollywood pronto for parts in 'How Green Is My Valley,' but the kids weren't home.

The call finally reached them at the studios of WCAU. They were getting tryouts for cello radio appearances on the Horn & Hardart children's program.

ARLEN'S PLANE PLANT

Wichita, Kans., Nov. 5. Richard Arlen, who has recently formed Arlen-Probert Aviation Corp. at Van Nuys, Cal., flew in here Saturday en route to visit parents in St. Paul.

Keenly interested in aviation expansion here, Arlen said he would fly back here latter part of week and spend couple of days with friends and inspect local aviation industry.

SAILINGS

Nov. 27 (Rio de Janeiro to New York) Cynda Glenn (S. S. Argentina).

Nov. 1 (Los Angeles to Honolulu) Kay Francis (Matsonia).

RENO'S REVERSAL

Beaucoup Marriages, Few Divorces—New Gretna Green

Reno, Nov. 5.

Whether it is the draft or just the climate, Reno's marriage license bureau has had a boom for six weeks that has shattered all previous records and rung the county's cash register to the tune of several thousand dollars.

At \$2 per copy, 3,690 couples purchased marriage licenses here during the six weeks' period ending Oct. 15. Most of them were from neighboring California, and the ministers and judges reaped a harvest at a minimum of \$5 per marriage. During the same period only 288 divorce suits were filed.

California's gin marriage law, coupled with its recently enacted law requiring physical examination of license purchasers, is shifting a large number of California marriages to Reno, but in no six weeks' period in the past has the cavalcade been so large. It was about two months ago, when the draft talk reached definite proportions, that the trek over the Sierras began.

Reno is not the only beneficiary from California's marriage laws, and hundreds of couples are wed in Carson City, Virginia City, Las Vegas and other points near the California border. Las Vegas is taking much of the business that once went to Yuma, Ariz., from Los Angeles.

Joan Bennett's Ritz Irks LaG. Airport Newsmen

Joan Bennett made a bid for the crown formerly worn by her sister, Constance Bennett, when she snubbed reporters on leaving LaGuardia Field (N. Y.) last week for the Coast. Toward the close of a day when reporters had interviewed Betty and Benny Fox, Chicago-bound after finishing their work on the Sky High two-by-four platform at the Fair, Ethel Shutta, en route to Chicago and Minneapolis; the Astaires; C. V. Whitney, chairman of Pan-American Airways, and Mayor LaGuardia, to say nothing of President Roosevelt on his whirlwind tour, it was Joan Bennett who chose to be haughty.

Miss Bennett appeared fatigued. When she turned her head to answer a question her words had to edge out sideways between barely opened lips. For the anxious public it may be reported that her next picture now is titled something like 'Toarpar' (Continued on page 22)

N. Y. to L. A.

Fred Beeton.
Earl Carroll.
Jose and Paquita.
Lynn Farnol.
Russell Holman.
Alexander Ince.
John LeRoy Johnson.
Nunnally Johnson.
Cliff Lewis.
Tom Lewis.
Ed Perkins.
Bill Pine.
Charles Schwartz.
M. J. Siegel.
Murray Silverstone.
Loretta Young.

L. A. to N. Y.

John Erskine.
John Evans.
Nat Fanning.
Edmund Gwenn.
Al Hall.
Sir Cedric Hardwicke.
John Healy.
Henry Herbel.
Henry Jaffe.
Cora Lane.
Ralph Morgan.
Manning O'Connor.
Dorothy Peters.
J. Van Nest Post.
Dick Porter.
Harry Revel.
W. F. Rodgers.
Hubbell Robinson.
Rosalind Russell.
George J. Schaefer.
Nicholas M. Schenck.
Spyros Skouras.
Leopold Stokowski.

THE BERLE-ING POINT

By Milton Berle

Hollywood, Nov. 5.

Arrived here by super-Greyhound and believe me, the sun here is beautiful. When the bus pulled in it was coming down in sheets. 20th Century-Fox was very kind. They sent an outboard motor to meet me at the depot. My house here is situated on a bluff. I arrived just before the finance company called my bluff.

Asked Jimmie Fidler if he read my column. He said, "Yeh—and if anybody calls you a writer—slug 'em." I wonder what he means? (I'm trying to be a second Fidler and he calls me a big bassoon.)

Have a lovely home in Beverly Hills—76 rooms and a kitchenette. It has a gorgeous living room with a sunken butler, beautiful drapes and terraces to match.

Saw Alcatraz Island out in the bay. Understand that if a prisoner behaves himself at Alcatraz he gets a two-week vacation at Sing Sing—with pay.

Found out that you never have to be alone in Hollywood. All you have to do is get a loaf of bread and in five minutes you're a hostess.

Broadway Dept.

Understand that the new Ethel Merman musical makes it three hits in a row for Buddy DeSylva. Broadway Sam wired me (collect) that from now on more people will pass through the doors of 'Panama Hattie' than through the locks of the Panama Canal.

In front of the Strand Bldg. one actor said, 'I've gotta get work—vaudeville is in my blood.' Replies the other, 'Oh—so that's where it went.'

Abe Lyman is getting to the age now where the doctor looks him over and the girls overlook him. (Well, there goes the plug on my new song, 'Li'l Abner'.)

Saw John Garfield's gangster picture, 'East of the River,' at the Globe. The picture proved that crime doesn't pay—not the way it used to.

Jack Whiting of the Jolson show bought himself a new car. He says it's a combination 8 and 12—eight cylinders and 12 payments.

Just before I left New York I did a command performance for my landlord.

Hollywoodians

Feels great to walk down Hollywood Blvd. with Hedy Lamarr on one arm and Ann Sheridan on the other. That artist certainly did a great job of tattooing.

Ladies of the film colony don't use the expression, 'Tall, Dark and Handsome' (from my picture of the same name) to describe good-looking young fellows. They now say, 'Ooh—he's so conscriptive.'

Judy Garland says I've got Robert Taylor's face. The only trouble is—he's wearing it.

The loss of the foreign market has made it a little tough for people in Hollywood. Anyone with a clean shirt is now a dress extra.

Asked Jimmy Ritz when he was going to get his proboscis operated on. He said, 'One o'clock on the nose.'

Muscle Dept.

A youngster walked into Bregman, Vocco & Conn with a tune that he insisted was absolutely original. 'Shake, mister,' said Frank Bregman, 'I never thought I'd be face to face with Beethoven.'

Several Broadwayites heard a certain maestro's recordings the other day. Said one, 'If he's a conductor I want a transfer.'

Dave Franklin is making plans to open his own music publishing house. His only trouble is figuring out how to get a piano into a phone booth.

Radio Dept.

Wish Bob Hope and Jack Benny wouldn't be so funny. Every time they're on the air I get writer's cramp. Heard a novelty band over KHI. They played a tune the way it was written.

Hangnail Descriptions

Alice Faye: A bustle surrounded by Don Ameche. Three Stooges: Fools rush in. Dr. Gaylor Hauser: Garbeau. Guy Kibbee: A honeydew melon with legs. Mickey Rooney: M.G.M.'s annuity. Lana Turner: Shaw leave.

Observation Dept.

With two Thanksgivings, the turkeys in California don't go 'gobble gobble' as they do back east. They wander around crying, 'Which week—which week.'

Talking about Thanksgiving Day, a certain indie producer doesn't know whether to release his newest picture at about that time or whether to add a little cranberry sauce to it and serve the film for dinner.

In Hollywood they get married for better or worse—but not for long. Eavesdropped at Grace Hayes' Lodge: 'Her sheep's eyes always bring out the wolf in me.'

Eavesdropped at Dave Chasen's: 'She's in love with him—and so is he.' I came mighty close to being barred at the Lakeside golf course. I played one day wearing a coat and trousers that nearly matched.

Once made a picture so bad that when they put it up on the shelf the film next to it moved away.

Whatever Became of —?

Rice & Werner
Pasquall Bros.
Harry & Dennis Dufor.
Charles & Grace Keating.
Mr. and Mrs. Jimmy Barry
Pressler & Klais.

Afterpiece

In Hollywood the 10 best years of a woman's life are between the ages of 20 and 23.

New Mex. Gov't to Keep Lid on Gaming Spots

Mexico City, Nov. 5. Those who confidently figured that the change of federal and territorial governments on Dec. 1 would see a revival of gambling at Tia Juana, Mexico, Augus, Coahuila and what were once Lower California hot spots, got sharp disappointment with the information that the new administration intends to continue President Lazaro Cardenas' tight lid on gaming.

President Cardenas clamped down on these border spots soon after he took office in 1934. Gaming interests, it is understood, got a definite negative when they sought to induce the incoming government to ease up on the restriction.

Ardrey's Schedule

Robert Ardrey, in New York after a writing stint at RKO, leaves in about two weeks for Texas, where he'll author a new legit play. It won't be 'Death of an Indian,' which he's had outlined for more than a year.

Will probably return to the Coast next summer to do another screenplay for Garson Kanin to direct for RKO.

Suit and Countersuit Again Over Ed Sheldon And Mrs. Barnes' Play

The mixed-up action of Guthrie McClintic against Edward Sheldon and Margaret Ayer Barnes, in which Sheldon has started suit against Charles Frohman, Inc., Paramount Pictures, Inc., and Gilbert Miller, was further complicated Thursday (31) when Miller demanded that the N. Y. supreme court force Sheldon to bring in Mrs. Barnes as a co-plaintiff against him. Paramount and Frohman, Inc. The application will be heard tomorrow (Thurs.).

McClintic's suit claims that under his producer's contract with Sheldon and Mrs. Barnes he was to receive a percentage of the film sale rights of the play, 'Disordered Lady.' Since the authors collected from Loew's and its subsidiaries for plagiarism in 'Telly Lynton,' McClintic claims he is entitled to his percentage, the plagiarism constituting a sale.

Sheldon claims that McClintic lost all rights to recover any percentage when, during the eight-year court battle against Metro, the producer (Continued on page 22)

BEEF ON H'WOOD BONERS

Many Drawn But Few Will Be Called From H'wood for Military Service

Hollywood, Nov. 5.

Uncle Sam touched lightly on the expensive names of the film industry when he called his nephews for military service. Most of the high-salaried personages are above the draft age and many of the younger stars are in the matrimonial class. Outstanding draft-age bachelor is James Stewart, who drew No. 128 and is ready to desert Metro and don a uniform as soon as the Army calls.

Other 21-35-year thespians, some of whom are married and some bachelors through the divorce courts, are Robert Taylor, John Shelton, John Carroll, Lew Ayres, Lee Bowman, Dan Dailey, Jr., Robert Young, Douglas MacPhail and Tony Martin at Metro; Andy Devine, Michael Healy, Broderick Crawford and Noah Beery, Jr., at Universal; Errol Flynn, John Garfield, Jeffrey Lynn, Wayne Morris, Eddie Albert, Herbert Anderson, Peter Ashley, David Bruce, William Lundigan, Dennis Morgan, William T. Orr, Anthony Quinn, Ronald Reagan and Cornel Wilde at Warners; Tyrone Power, Henry Fonda, Cesar Romero, John Carradine, Laird Cregar, Alan Curtis, Don Ameche, George Montgomery, John Payne, Robert Sterling and John Sutton at 20th-Fox; Gene Autry, John Wayne, Roy Rogers, Don Barry, Frank Albertson, Bob Livingstone and Smiley Burnette at (Continued on page 54)

WB AND RICH'D AINLEY SETTLE WITH SHUBERTS

Suit of Select Theatres Corp. (Shuberts) against Richard Ainsley and Warner Bros. Pictures, Inc., which was discontinued in N. Y. federal court Oct. 7, has been settled. The settlement withdraws the action, and gives Ainsley to Warner Bros., which will make weekly payments to Select which totaling \$10,000 over the period of a year. Should Warner Bros. lift Ainsley's option the following year, monies paid Select will be increased.

Action had sought an injunction and \$100,000 damages against Warners for 'enticing' Ainsley from the plaintiff. It was charged the actor signed a one-year contract with Select on Jan. 22, 1939, at \$300 weekly with options to 1943. A deal was set up by Select with Loew's to lend out Ainsley at \$1,000 weekly for the first year, to \$2,500 at the end of the third year. While negotiations were in progress the actor signed with Warner Bros. at \$650 for the first year. Select charged breach of contract and asserted unless a temporary injunction could immediately be secured to prevent Ainsley working for Warner Bros., the Loew's deal would be cold.

Boyer and Colbert Will 'Hold Back Dawn' at Par

Hollywood, Nov. 5. Charles Boyer and Claudette Colbert team up for Paramount in 'Hold Back the Dawn', to be directed by Mitchell Leisen and produced by Arthur Hornblow, Jr. Charles Brackett and Billy Wilder are scripting.

TIME FOR COMEDY

Lombard Wants Lighter Yarn After Run of Drama

Hollywood, Nov. 5. Carole Lombard is off the heavy stuff for the time being and is studying scripts to find a comedy for her next starring at RKO. Her latest, Mr. and Mrs. Smith, now in the cutting room, is on the lighter side and she wants more in that vein.

Previous to the 'Smith' film, Miss Lombard's recent pictures had run to drama.

Vacation?

James Stewart, who received a low number in the draft lottery last week, has told friends that he will not offer any objections or excuses for being called for training. He explains that he will welcome a year's vacation, which he's been unable to obtain under the strenuous schedule Metro has maintained for him.

Actor says he has the money to afford a 12-month layoff, which he hopes will be good for his health. He is unmarried.

NORTH TO HEAD REPUBLIC'S PROD.

Robert North will likely be upped to the top associate producer spot at Republic. M. J. Siegel, studio's production chief, said in New York Monday (4). With Rep about a year, North will take over the job vacated by Sol Siegel, who has gone over to Paramount.

North is now working on 'A Flagpole Needs a Flag' and recently completed 'Meet the Missus', Higgins Family opus, about to be released. He also did 'Melody and Moonlight', 'Sing, Dance, Plenty Hot', 'Girl from Havana' and a flock of others. He produced for Columbia before moving to Rep.

Albert J. Cohen, story and scenario head, who was reported in line for the Sol Siegel spot following his production job on 'Who Killed Aunt Maggie', is needed in his present position, Siegel said. He will be handed additional picture to produce however, the Rep exec declared, to give him further experience. Permanent promotion to producer ranks may come, Siegel said, when Cohen's assistant, Morris Hanline, is able to (Continued on page 22)

DISNEY MULLS 'UNCLE REMUS' FOR FEATURE

Atlanta, Nov. 5. Walt Disney is skedded to blow into this burg this week for purpose of doing spadework for cartoon feature based on Atlanta's beloved Joel Chandler 'Harris' famed 'Uncle Remus' character. Writing to a personal friend, Mike Way, executive secretary of Kappa Alpha Frat, Disney said:

'We are chiefly interested in finding out all we can about the 'Uncle Remus' country—the atmosphere, dialects and so on, and I believe the best way to do this would be to make side trips about Georgia, with headquarters in Atlanta.'

The main purpose of our trip is to get an authentic feeling of the Uncle Remus country so we can do as faithful a job as possible to these stories...

Atlanta, through its mayor, William B. Hartsfield, has already put in bid for 'Uncle Remus' preem. Invitation was made last January when it was announced that Harris family and Disney had closed for rights to make pic.

The Invisible Voice

William Powell is heard but not seen in the role of Florenz Ziegfeld in Metro's 'Ziegfeld Girl'.

Voice of the Broadway producer, simulated by Powell, is heard once, speaking over the telephone to Edward Everett Horton, who plays a press agent.

LATIN AMERICANS URGE FILM CARE

Lack of Authenticity on U.S. Pictures with South-of-the-Border Themes Is Basis of Squawks—Many Disputes Arise on Patriotic Themes

CAUSES FRICTION

Buenos Aires, Oct. 29.

Unless Hollywood is willing to spend the time and coin on research and be very careful about subject matter and handling, it better stay away from South American pictures if it wants to stay in the good graces of Latin audiences. That's the consensus of U. S. film representatives long resident here, of the local industry, critics and a sampling of the public.

Upbeat of interest in things south of the border, instead of pleasing the industry, which centers here, has many worried for fear some blunder may cause offense and prove a kick-back. Those surveyed emphasized that U. S. audiences and officialdom laugh off things which South American (Continued on page 22)

Pic Biggies Get Took' By Jocks (Gotten To) With a Strong Pull

Hollywood, Nov. 5.

Seven jockeys were yanked out of their saddles and a lot of motion picture biggies are reading official scripts to learn how they lost approximately \$500,000 on various steeds which were 'sure' to win on various California tracks but were delayed in transit.

The breakage started up in San Mateo county, where the riders read their script at Bay Meadows. Jerry Geisler, new chief of the racing game in this state, didn't think the acting was according to script, so he ordered an investigation. A flock of jockeys ad libbed, and now there is confusion in the California horse game.

Improving the breed of horses, promulgated by some of the most substantial producers of Hollywood, is staggering on all four hoofs as a result of the jolt which revealed that a ring of gamblers was pulling the reins on horses which carried important money.

Horse racing has become Hollywood's leading outdoor sport. Executives, producers, directors and actors have been building up breeding stables to saddle steeds on the five California tracks and to send a few ambitious entries to the eastern ovals. And along comes a gang of slickers.

Long before P. T. Barnum there was a quaint adage: 'Never buck the other guy's game.'

Col. Signs 'Greatest Option Writer on B'way'

Columbia has signed Henry K. Moritz, who terms himself 'The greatest option writer on Broadway', to a straight six-months contract. He's due the Coast in about a week.

Amorg plays which Moritz has had optioned but never produced a 'To Helen', which Jerome Mayer held, and 'M Is for the Million', which Milton Bender and Al Lewis held and in which Jed Harris is currently showing interest. He also authored 'Angels on Wheels', produced in San Diego.

Harry Cohn, Col prez, who's in the east looking over talent, asked Moritz. Writer a former publicity man and musical librarian for Hugo Reisenfeld.

Yesteryear's Illustrated Pop Song Slides May Come Back if Radio Feud With ASCAP Reaches Impasse

Mix St. at U

Hollywood, Nov. 5. Tom Mix Street is the new name for the old western thoroughfare on Universal's back lot where more than 1,000 films have been made, wholly or in part. Studio claims it is the most photographed street in the world.

LUNTS' NIGHT BACK TO N. Y. IN SPRING

Alfred Lunt and Lynn Fontanne will bring Robert E. Sherwood's 'There Shall Be No Night' back to Broadway for a week next spring, at the completion of their present tour. Couple closed their engagement at the Alvin, N. Y., Saturday night (2) to a capacity-plus audience. Gross climbed during the final weeks and topped \$22,000 the concluding stanza.

Lunt announced the plan in a curtain speech at the final performance, after an ovation from the audience. Thanking those present for their response, he revealed the intention of bringing the play back to New York, and concluded, 'We think it will still be good next spring—we think it will be good as long as there's a cause for the freedom of the human spirit.' Intermissions for the last performance were shortened to allow the company to catch a train for Ottawa, where they opened the tour Monday night (4).

'Night' played a total of 23 weeks on Broadway, with a four-week lay-off during August. Total gross for the engagement was about \$390,000, according to Variety boxoffice estimates.

HOPE GROSSES \$49,500 AT S. F. AUTO SHOW

San Francisco, Nov. 5. Bob Hope wound up his nine-day auto show appearance in Civic Auditorium here with total estimated gross of \$49,500.

Evenings were excellent throughout, but in first five days matinees were way off, failing to respond to the most heroic treatment. Afternoon business improved, however, last Tuesday (29), when extra acts were added. Saturday (2) broke all-time record for single day's attendance.

Hope got a page-one splash Thursday (3), with a drafter where in Hope played host to the first 28 localities called and their lady friends. Affair started with champagne dinner at Sir Francis Drake, including an NBC airing at 8 p. m., a trip to the Auto Show, and a grand finale at Tom Geru's Bal Tabarin niter.

Critics Will Storm Their M.E.'s for This Assignment

Hollywood, Nov. 5. Harold Lloyd is mulling the idea of prepping his RKO picture, 'Three Girls and a Gob', in Honolulu during the Christmas holiday season. Fleet puts in at Pearl Harbor for the holidays, which means close to 100,000 sailors, soldiers and marines as potential customers.

The old illustrated song slide singer, a familiar figure in American theatres until about 12 years ago, may be resurrected in modern form because of the withdrawal of the music of the American Society of Composers, Authors and Publishers from radio broadcasting after Jan. 1 next. Songpluggers of this type went from theatre to theatre in the chief cities and got up in the auditorium or upon the stage if there was one, to yodel the current plug songs of Tin Pan Alley without pictures thrown on a screen. In the early days of broadcasting the same publisher-employed singers began making the primitive radio stations. They would come galloping into a radio studio and nudge the announcer, 'Quick, put me on the air, I'm on a marathon.'


With music publishers affiliated with ASCAP now obliged to re-examine other sources for song exploitation it is further expected that vaudevillians may get a break if their pipes are still in working order.

Imminence of a split between radio (Continued on page 18)

DIXIE DUNBAR FILES AS A BANKRUPT; OWES \$2,566

Christine Dunbar, known as Dixie Dunbar, actress employed at the Plaza hotel, N. Y., until this week when a new show opened at the hotel's Persian Room, filed a voluntary petition of bankruptcy Saturday (2) in N. Y. federal court, listing no assets and liabilities of \$2,566. During 1939 Miss Dunbar earned \$11,000 and this year only \$2,000.

Largest creditor is I. Magnin & Co., owed \$1,686 for goods purchased. Bautzer & Ryan of Hollywood are owed \$144 for services.



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Report Steuer Had Goldwyn's UA Suit Settled But Producer Balked

Settlement of the long-standing feud between Samuel Goldwyn and United Artists was all but consummated last July, but Goldwyn at the last moment repudiated the steps taken by his counsel, the late Max D. Steuer, and called the whole thing off. It has just come out. Preliminary terms had been agreed on and attorneys for the principals were ready to sit down to work out final details when Goldwyn interjected his nix.

Agreement called for the abrogation of the contract for distribution of the Goldwyn product through UA. Proviso was that Goldwyn would sell his 20% stock interest in the distributing company for \$250,000, and UA immediately would forego its percentage as sales agency for 'The Westerner', giving the producer the right to distribute the picture through one of the other companies. At one time he was negotiating with Warner Bros. as the sales organization for 'The Westerner'.

Reason why the settlement agreement, tentatively set by Steuer, was called off by Goldwyn is not known. Chief cause of his complaint against UA was that the company had made distribution deals with several independent producing units to which Goldwyn objected but was overruled by stockholding associates. Battle between the distributing company and the producer has been a bitter one, and the present disclosure is the first intention of any effort by the sides to get together. Although the principals have always been the essence of politeness in expressing regard for each other, there has been a strong undercurrent of recrimination.

Next step in the legal shadow-boxing may take place this week when UA will make a motion that Goldwyn's whole suit against it be thrown out of court. Distribut will maintain that Goldwyn's attorney, George Z. Medalie, has not followed the instructions of Judge Vincent L. Leibel in filing an amended complaint. U. S. district court judge ordered, according to UA counsel, that Goldwyn's request for an injunction be separated from demands to break off his connections with UA. These are still scrambled together, UA will maintain, in the amended complaint.

With two major law firms already in its legal bullpen, UA in the past couple weeks has lined up another, former judge, Joseph M. Prosbauer. Latter's activity will be limited to the Goldwyn matter, while O'Brien, Driscoll & Rattery and Schwartz & Frolich will continue to take an active part in the producer suit as well as handle general legal matters.

MILITARY CYCLE

20th-Fox Rushing Its Pic—Metro, Far and Lloyd All Set

Hollywood, Nov. 5. 20th-Fox is shoving 'Rise and Shine' ahead on the production schedule for a November start in the race to hit the market with military service features. Story deals with reserve officers training camp.

Metro's 'Flight Command' is in the cutting room; Paramount's 'I Wanted Wings' is nearing completion, and Harold Lloyd's 'Three Girls and a Gob' is approaching its final scenes at RKO.

20th-Fox will make 'The Eagle Flies Again' with Henry Fonda and Don Ameche in the leads. Yarn, by Robert Hopkins and Martin Hudson is based on exploits of young U. S. fliers who joined up with Britain's RAF.

Loretta Young West

Loretta Young, in New York vacationing with her husband, Tom Lewis, Young & Rubicam ad agency exec, will return to the Coast next week. She's slated for an appearance on the Screen Actors Guild air show opposite Orson Welles on Nov. 17. Vehicle is 'A Star Is Born'.

Miss Young's next film commitment is 'Ballerina', scheduled to start at Paramount around Dec. 1.

Hoofers' Film Deal

Hollywood, Nov. 5. 20th-Fox signed the three Wee Bros., comic precision dancers in the local 'Folies Bergere' company, for one picture with options.

Trio will be spotted in one of the plant's musical films.

'No War Stuff' Order

No newsreels with war or battle scenes in them can be played in theatres in conjunction with Charles Chaplin's 'The Great Dictator.' Word to that effect was sent out by United Artists last week to all of its exhibitors.

Ruling was made by Chaplin himself, who feels there is plenty of reminder in the picture of Hitler and war without any further contributions from the newsreels.

Labor's Truce; Co-op To Get 'Fantasia' B'way Premiere on Schedule

Electricians and sound men installing special equipment for Walt Disney's 'Fantasia' at the 53d St. theatre, N. Y., are working night and day to get the job completed in time for a press preem slated next Tuesday (12). Jurisdictional dispute between two unions delayed the work for six days, necessitating the present truce.

Compromise between the two labor groups involved ended the tieup at midnight last Thursday (31). Members of both are working side by side, in at least temporary amity, after Disney offered to go to almost any lengths to get the installation under way. Unions are Local 1, IATSE, which generally handles equipment maintenance and operation, and Local 3, International Brotherhood of Electrical Workers, which ordinarily makes installations in new buildings.

Socialite preem has been set for 'Fantasia' Nov. 13, proceeds to British War Relief. Hal Horne, Disney's eastern rep, was particularly anxious to avoid a delay in this, as well as the publicity and promotion in mags which also are set to break around that time.

Farnol Precedes UA Head, Att'y to Coast

Lynn Farnol, United Artists pub-ad chief, will plane to the Coast today (Wednesday), preceding Murray Silverstone and Charles Schwartz, company's head and attorney, respectively, who leave tomorrow (Thursday) by train.

Farnol will be on the Coast about a week making preliminary plans for a campaign on 'Flotsam', Loew-Lewin production, and also work on opening of 'Great Dictator' in L. A. He'll be gone about a week.

Silverstone and Schwartz will be away from New York from two to three weeks on business which includes revision of Edward Small's producing deal with UA.

Raft Powders 'Wolf'

Hollywood, Nov. 5. John Garfield took over the role turned down by George Raft in 'The Sea Wolf', the Jack London story which started yesterday (Mon.) at Warner's with Edward G. Robinson in the starring role.

Raft has been at odds with the Burbank studio since he refused to play in 'South of Suez', a role turned over to George Brent. 'Siesta in Manhattan', to which Garfield had been assigned, has been shelved temporarily.

Kyser Army Pic Speeded

Hollywood, Nov. 5. RKO is trying to clear Kay Kyser for a February start on his next starrer, 'In the Army Now', originally slated for summer production.

Studio execs fear the draft story may be dated by next summer.

Film Biz Sets Up Coordinating Defense Bodies

Picture business set up an Industry Coordinating Committee on U. S. defense last week in order to facilitate the contribution of motion pictures to the nation's defense program. It's all to be worked out by various divisions of the film business, plan being sponsored by Barney Balaban, Nate J. Blumberg, Jack Cohn, Sidney H. Kent, George J. Harter, Nicholas M. Schenck, Maurice Silverstone and Harry M. Warner.

The Coordinating Committee consists of George J. Schaefer, chairman; Barney Balaban, Joseph H. Hazen, William C. Michel, Nicholas M. Schenck and R. B. Wilby. Francis S. Harmon, executive assistant to Will Hays, has been selected as Coordinator, reporting to this committee. He already has made the essential contacts with national defense agencies, with suggestions to be transmitted through him.

The importance of theatres in national defense effort has been taken care of through a special theatre committee comprising Joseph Bernhardt, chairman; A. H. Blank, Harry Brandt, S. H. Fabian, John Harter, Ed Kuykendall, Charles C. Moskowitz, John J. O'Connor, R. J. O'Donnell, E. V. Richards, Spyros Skouras, R. B. Wilby and Nathan Yaminis.

Notified of the film business' purpose, Secretary of War Henry L. Stimson lauded the patriotic spirit which prompted the plan. Secretary of Navy J. P. Knudsen declared he was delighted with the arrangement while Secretary of State Cordell Hull likewise voiced approbation of the industry action.

Third committee, equally vital, is the Studio Production committee on the Coast, headed by Y. Frank Freeman. Other committees already functioning are Newsreels Committee, E. B. Hatfield, chairman; Short Subjects, William Clark, chairman; Distributors Committee, William A. Scully, chairman; and Theatre Publicity committee Oscar Doob, chairman.

Hollywood Committees

Hollywood, Nov. 5. Motion picture industry is tossing all its facilities to the United States Army in the production of films to aid the training of the nation's new soldiers for defense. Officers from the U. S. General Staff are due here this week, and shooting of military training shorts starts immediately after their arrival.

Filming of all training pictures is under supervision of the Academy Research Council, with Gordon Mitchell as general manager. Y. Frank Freeman, chairman of the newly organized Motion Picture Production Defense Coordinating Committee, appointed Darryl F. Zanuck, Sam Briskin and Major Nathan Levinson as a sub-committee to work in unison with General Joseph O. Mauborgne, chief of the U. S. Army Signal Corps, and carry out his plans for team work between the studios and the training camps.

Zanuck designated the Research Council, consisting of the leading technicians of the film industry, as the functioning group, and Mitchell was sent to Washington for technical information.

(Continued on page 20)

Joe Kennedy States It's Too Soon To Prophecy on British Film Coin

'7 Best'

Hollywood, Nov. 5. Jerry Wald and Richard Mauchly pick seven outstanding films in their just published anthology 'The Best Motion Pictures of 1939-40' (Dodd, Mead; \$3.50).

Topping the list are 'Goodbye, Mr. Chips,' 'Mr. Smith Goes to Washington,' 'Ninotchka,' 'Destiny Rides Again,' 'Bachelor Mother,' 'Rebecca' and 'Dr. Ehrlich's Magic Bullet.'

Erlanger, Philly, If Leased to Goldman, Would Buck Warners

Philadelphia, Nov. 5. William Goldman, former boss of the Stanley-Warner circuit here and now operator of an indie chain, is reported dickering for a lease on the Erlanger with a view of giving Warners a little competition downtown.

If the deal goes through, it will make the first threat to Warners stranglehold on the first run situation here in five years. It's no secret that the distrib would like to see an indie in the first run field so that they'll be able to get better prices for their product.

A couple of weeks ago Paramount had balked at the deal offered by Warners but had to capitulate because there was no other outlet for its product downtown. Because deals have already been set for this year, Goldman (if he gets the house) will probably run the Erlanger for legit productions until the new season's buying starts.

With the Erlanger for first runs, distrib would be able to sell to the Sablosky-owned Arcadia for second runs and to indie nabes in the event they are unable to get satisfactory deals from Warners.

The Arcadia is the only indie house in the central-city area at present outside of the tiny Studio, which specializes in foreign and arty pic.

Scanlan's \$92,000 Suit Vs. Sonja Nears Its End

Trial of Dennis R. Scanlan's \$92,000 action against Sonja Henie, which has been in progress for a week in N. Y. supreme court, drew closer to its finale Monday (4), when the actress took the stand for several hours in her own defense. Suit claims compensation for allegedly seducing Miss Henie her job at 20th-Fox.

Scanlan claims to have met the skater in 1935 and to have negotiated an oral contract calling for 15% of her earnings on any film job he could secure her. Howard Nicholson, ice coach, testified as to the introduction of the two, and Irving Harp, European representative of Orsatti & Co., testified as to discussions of a film contract with them in Europe. It was also disclosed by the plaintiff that the actress has earned \$639,895 to date from 20th-Fox, and her contract has one more picture to go at \$135,000. Miss Henie also had not paid Scanlan for her passage to the U. S. or that of her father and mother, as well as living expenses in 1936. She has paid him a percentage of her earnings in ice-skating exhibitions, however.

While on the stand the actress denied the existence of a contract and blamed circumstantial evidence for the apparent agreement. She insists that Scanlan had nothing to do with her securing of a film contract. Trial will probably end today (Wed.), when the actress will be cross-examined.

Sperling's 20th Tee-Off

Hollywood, Nov. 5. 'Stand Up and Cheer,' first producing chore for Milton Sperling at 20th-Fox, goes before the cameras early in December.

Sperling has three other productions on his schedule, 'Sun Valley,' 'Whispering Wires' and 'Dangerous Lady.'

Results of negotiations in London to get frozen U. S. film coin out of England probably will be known at the end of this week, Ambassador Joseph P. Kennedy told Variety Monday (4). Kennedy has been confabbing with Will Hays on the situation since his arrival in this country last week and has been in touch by cable with the negotiators abroad.

Whether or not the situation looks favorable for American companies to increase the coin they were permitted to withdraw under the old agreement, or whether it can be held even at the same level, Kennedy refused to say.

'I won't prophesy,' he declared, 'beyond the fact that there will probably be something definite before the end of the week.'

U. S. Embassy in Britain is participating in the negotiations, Kennedy said. They are being carried on principally by F. W. Allport, Hays office rep in London.

Agreement in force during the past year expired on Oct. 31. It permitted removal to the U. S. of \$17,500,000 by seven major companies, with Universal getting an additional \$1,500,000 or thereabouts under a separate agreement. There have been varying reports since negotiations started for a new pact that the total might be reduced to anywhere from \$5,000,000 to \$12,000,000.

British Proposal

Current deal suggested by the British, which has not been finalized, would give the seven U. S. distributors \$8,000,000 outright and 50% of the next \$8,000,000 on an 'earned' basis. This is figured by American foreign department officials as amounting to \$12,000,000. For the year ending last Oct. 31, the seven companies were allowed to transfer \$17,500,000 from London to U. S. This was figured as half what the American distributors would earn in the 12-month period after 30% was deducted for operating expenses.

This figure was worked out in American dollars, and the present one is being aligned on the same basis. Distributors claim that it is the only equitable way the frozen coin situation can be handled.

Hays will confer again with Kennedy, who as U. S. ambassador to England, naturally represents all business in any such trade negotiations. They may meet today (Wednesday) or later this week. Hays likely will be back in N. Y. today or tomorrow from his home in Indiana, where he went late last week to vote in the presidential election. Until the final order on frozen money is handed down by the British, all American distributors' coin is being held temporarily in Great Britain.

Ambassador Kennedy spent most of his time last week at Westchester after his radio talk last week (28) in defense of the Roosevelt administration. Some of his friends claim that he is not in particularly good health and wanted a much needed rest. Kennedy may not return to London as ambassador. He has been variously mentioned for the cabinet or to head the National Defense Board. Kennedy was the first head of the Securities & Exchange Commission, later in charge of the Maritime Commission and then was named ambassador.

ALL PREPARED

Giveaways (New in London) an Old Story in America

Columbus, Nov. 5. Arthur W. Kelly, U. A. vice president, speaking at the testimonial dinner in honor of ITOO president Martin Smith last week, at the Desher Walling hotel, told of the hardships being faced by British exhibitors. He explained how bombing attacks frequently made it necessary for the showman to keep patrons in the theatre bomb shelters for 24 hours at a stretch, making it compulsory they keep ample supplies of food, dishes and silverware, blankets, etc. on hand.

President Smith, in his address, told Gen. Gilson Light, adjutant general of Ohio, another guest at the dinner, to advise the War Dept. that the American exhibitor organizations were prepared. Said Smith: 'It won't present any problem to us; we've been giving away for years all of the things mentioned by Mr. Kelly, as necessities.'

Other News Pertaining to Pictures

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HIT \$3,000,000 CO-OP ADS

Par's Sales Method Under Consent Decree All Set to Go, As and When

Reported that Paramount has already worked out the sales method that will apply in the selling of its 1941-42 product in blocks of five under the consent decree and that this will be concerned in conferences slated to start on the Coast Nov. 10 in connection with the 1941-42 product.

Neil F. Agnew is said to have figured out the entire distribution plan in the merchandising of pictures in groups of five but, so far as the trade is concerned, it's under wraps until he is ready to sell.

It is believed not unlikely that the '41-42 program for Paramount may be even shorter than that of this year, which represented a drastic cut from last season's (39-40) schedule but that in setting up the budget for a curtailed product the studio will apportion larger sums for its pictures than ever before.

Barney Balaban and Stanton Griffiths are leaving today (Wed.), following their voting in New York. Agnew, Russell Holman, Sam Dembow, Jr., Leonard Goldenson and Leon Netter are also scheduled for the Coast huddles beginning Nov. 10 but may make some stops on the way out. Adolph Zukor, who is registered in California, arrived there during the past week to vote and await the N.Y. contingent.

ODLUM ADDS RKO, KENT DUMPS 20TH SHARES

Washington, Nov. 5. Appetite of Floyd Odium's Atlas Corp. (Jersey City) for RKO stock remained nippy throughout September, according to the Securities and Exchange Commission's summary of transactions released today. (5). Corporation picked up 100 shares of Radio-Keith-Orpheum 6% convertible papers on Sept. 13; 100 additional shares of the same on the following day; and 300 shares on Sept. 27. Atlas—Odium's holding company—was credited at month's end with 32,581 shares of the 6% convertible; \$94,313 shares \$1 par common and 327,812 warrants for common, with the firm listed as beneficial owner of more than 10% of the RKO registered equity security. American Co. also appeared as owner of 268,230 shares of the \$1 par common stock.

Other motion picture stock transactions included dumping of 1,000 shares 20th Century-Fox no par value common by Sidney R. Kent, prexy, and 700 shares of the same stock by Seton Porter, 20th Century's New York director. Kent retained only 2,180 shares, while Porter's holdings were reduced to 176 shares.

Loew's, Inc., of New York, gobbled an additional 309 shares of the \$25 par common stock of its New England subsid, Loew's Boston Theatres, bringing its total holdings to 117,783 shares. Purchase of 100 shares of General Theatres Equipment Corp. stock (capital no par value) by R. B. Larue, New York official, also was announced, with Larue listed as owner of 600 shares.

Schaefer Flies East

Hollywood, Nov. 5. George J. Schaefer planned east Monday (4) on home office matters and to work out deals for two stage players being considered for film bookings.

Other changes to follow recent studio shakeup expected upon his return to the studio end of this week.

FORD TAKES 'ROAD'

Hollywood, Nov. 5. John Ford was handed the direct job on "Tobacco Road," which takes the place of "Man Hunt" on the 20th-Fox production schedule. Director leaves Thursday (7) for Georgia with a camera crew to shoot backgrounds.

LAGUARDIA GIVES IN

Concentrating on Luring Other Business to N.Y.

Mayor LaGuardia has apparently concluded that the energy expended in last season's fruitless struggle to bring film production to New York can be more profitably directed in other channels.

George Sloan, chief of the Department of Commerce, in whose hands falls the task of interesting new industries in the advantages of the town on the Hudson, admits about films, "We've given up the idea. We're concentrating on other businesses."

RKO Takeover Of 26,000 K-A-O Looks Good Now

The RKO deal to acquire some 26,000 shares of Keith-Albee-Orpheum preferred stock held by Mike Meehan is reported nearer completion this week than at any time since the parent RKO corporation announced its desire to bring preferred shares into the treasury as part of the plan for simplifying the corporate structure. Several stumbling blocks still remain in the path of actual consummation, according to official views on the situation, but a pact satisfactory to all financial groups in RKO appears near.

Meehan's KAO preferred represents about one-third of all shares outstanding. They are valued at more than \$3,000,000 at present quotations. RKO would like to have them in the parent company treasury to save the cost on dividend distribution each year. Also with no KAO preferred outstanding, the RKO management would be able to go ahead with other plans for simplifying the entire corporate structure along more economical basis.

Presently are four groups in RKO which makes it difficult to reach an amicable agreement for the Meehan stock. Atlas, Rockefeller, RCA and Lehman Bros. each has a stake in the parent corporation, and thus far has shown no particular disposition to agree among themselves. Atlas (Floyd B. Odium) is about tops in the matter of stock ownership, with 594,313 common shares and 32,081 preferred to its credit as result of acquiring an additional 3,226 shares of common and 1,400 shares of preferred about a month ago.

Whether some sort of stock trading deal can be worked out to the satisfaction of all parties concerned, or whether the Meehan shares will be obtained through an outright purchase, has not been disclosed thus far. RKO is prevented from borrowing any coin for such purpose under the stipulated rules of the court plan whereby it emerged from 77-B.

Sabu Back in Jungles

Hollywood, Nov. 5. Rudyard Kipling's Jungle Book is the next stunner for Sabu, to be produced early next year by Alexander Korda for United Artists release.

Zoltan Korda directs from a script by Laurence Stallings.

Beetson Back West

Fred Beetson, executive vice-president of the Association of Motion Picture Producers, has left for the Coast after huddling for about 10 days with Hays office officials in N.Y.

Beetson came east by boat via the Panama Canal.

FILM BIZ WOULD TIGHTEN CONTROL

Distribs Conclude It's a Mild Racket, With 50-50 Local Ad Costs Actually Burdened Chiefly on the Exchanges

REBATE GAG

Complete re-vamping of the film industry's practice of placing daily newspaper advertising cooperatively with exhibitors, as a stimulant for first-run grosses and territorial bookings, is being seriously considered by some of the major companies. It is variously estimated that the combined expenditures by the companies for this type of exploitation exceeds \$3,000,000 annually, which is allocated among hundreds of newspapers.

Reasons for a contemplated change in prevailing policies are attributed to dissatisfaction among distribution executives with the ever increasing exhibitor demands for additional home office appropriations and accounting complications which result from lack of uniformity of space rates among newspapers. It is even charged in some quarters that many exhibitors have not been too scrupulous in the divisions of costs, and several have not been above taking an advantage of money spent nationally by distributors by obtaining substantial reductions in local rates.

Amount of money spent in cooperative newspaper advertising has increased by leaps and bounds during the past several years. As originally handled, it was the practice of some of the larger distributors to appropriate sums for extra newspaper space in first-run titles in order to spur the boxoffice returns on percentage bookings. Where a theatre normally spent \$500 weekly in newspaper advertising and the distributor believed the receipt of a special film would be materially benefited by a heavy campaign, an agreement was reached to double the display space, with the distributor sharing one-half of the extra amount. If a total of \$1,000 was spent, the distrib. paid \$250 as his share.

Business departments of the dailies were quick to grasp the opportunity for increasing amusement lineage. As inducements to distributors many newspapers extended to the companies the commercial rates, predicated on a volume of space to be used in a series of picture campaigns. The national advertisement (Continued on page 20)

RECORD OCT. N.Y. DAILY AD LINEAGE BY AMUS.

Combination of events and openings during October gave New York newspapers their heaviest monthly quota of amusement advertising in years. New York Times, with 72,504 lines, carried the largest volume since December, 1930.

Films accounted for the heaviest portion, 47,000 lines. Legit was next with 15,000, and miscellaneous entertainment, such as concerts, brought in 10,000 more lines. Helping to raise the total was Loew's action in discontinuing its handout sheet in favor of a newspaper directory. It was the largest single advertiser on the Times' amusement pages with 9,516 lines.

Another account which bought large space for the first time in months was the Roxy, which used 2,000 lines. Much of it was for "Bright Young" (20th), with "Spring Parade" (U.) and "Argentine Way" (20th) adding up in the remainder. Opening of "The Great Dictator" at the Capitol and Astor was also a big space user, taking care of 5,845 lines. Paramount took 5,004 lines and RKO, for its directory, 3,340 lines.

Pix Split Between Roxy and Rivoli Winds Up First-Run B'way Situation

SALUTE TO FRANK WALKER

Democratic Luncheon Really a Tribute to Ex-Exhibitor

Luncheon which the motion picture division of the Democratic party tossed for Frank C. Walker, postmaster general, at the Hotel Astor, Monday (4) noon, turned out to be an industry tribute to the former exhibitor.

Former Comerford circuit executive is highly regarded throughout the film business, and this was the first opportunity the industry has had to greet him since accepting the position formerly held by James A. Farley.

Exhibs-Metro Lunch Confabs Help Steam B.O.

Luncheons which Metro has already tendered exhibs in four cities have become a definite part of the company's policy in its effort to push up domestic grosses and will be extended to every exchange center in the country, it was learned this week. Friendly get-togethers of this nature have been tossed by other companies at scattered times, but this is the first effort to make a regular part of sales policy. Idea has long been held by William F. Rodgers, Metro sales chief, and they've been inaugurated since the switch from RKO of H. M. Riehey, exhib relations contact.

Luncheons have been tendered in Philadelphia, Cleveland, Chicago and Cincinnati and will be slated for other keys as rapidly as they can be scheduled. They'll be held at least once a year in each territory. Rodgers, Riehey and the district and exchange managers represent the company at the meeting.

Reason for the conclaves, Riehey said, is the company's conviction that sales terms to exhibs are now as high as feasible and the only way greater revenue can be achieved to offset foreign losses is by increasing trade through the wickets. Metro is therefore sitting down with exhibs in friendly fashion to talk over the problem of upping profits for both sides.

"At the luncheon meetings we have held so far," Riehey said, "we have discovered that theatre owners were never more conscious of the need of film producers for more revenue and were never more ready to help. They've cheerfully discussed all possible plans with us and have concretely evidenced cooperation in pushing up admissions for 'Boom Town.' In addition they've been very active in refurbishing theatres, putting up new fronts and installing new equipment to make picture-going more attractive, he added.

Metro's campaign to improve exhib relations has also increased Riehey's traveling schedule. He has just returned from attending exhib conventions in Atlantic City, Milwaukee, Jacksonville, Memphis, Pittsburgh and Columbus. He leaves shortly for the meets of the Independent Theatre Owners of Indiana at Indianapolis, Allied of Texas at Dallas, and ITO of Arkansas at Little Rock.

Tone in Wall Street

Hollywood, Nov. 5. Joan Bennett and Franchot Tone were signed as co-stars in "A Girl's Best Friend Is Wall Street," first of a series of pictures to be produced by Charles R. Rogers for Columbia release.

Filming starts when Tone finishes in "Nice Girl" at Universal. Richard Wallace directs "Wall Street."

The first-run situation in New York which finds numerous secondary theatres battling in the open market for film for the current (1940-41) season is expected to be finalized under a deal which will split the Universal product under selective contracts between the Roxy and Rivoli. Negotiations in this direction between U and the two Broadway houses have been on the fire for sometime but are likely to be consummated at an early date.

Under the closing of a split deal, the product of all majors will be on commitment for downtown New York and for subsequent runs. This includes U, which is split on second run downtown and in nabes between the Loew and RKO circuits. The Roxy-Rivoli deal is one of the last on the agenda for U, which according to its sales manager, W. A. Scully, is running about 10% ahead of last year on its deals.

"Seven Sinners" has been sold to the Rivoli pending finalization of negotiations, while a few weeks ago U gave the Roxy the Durbin picture, "Spring Parade." It also sold Loew "Argentine Nights" for first-run at the State, and in August made a special deal with the Paramount for Jules Levey's "Boys From Syracuse."

Other Deals
As deals now stand, the Music Hall has selective contracts with RKO and Columbia. It also gets first call on United Artists product, as available, and now and then is offered some film from Metro and Warner Bros.

Metro has its own showcase, the Capitol, as first choice and the Criterion as second choice first-run in certain films are not submitted to the Hall, while Warner places the majority of its product in the Strand. WB has not bought an outside picture for the Strand in years.

Paramount has its own Par as a showcase for its product but for overflow favors the Criterion unless something of higher than secondary first-run quality can be sold away from the Par. Such films as "Christmas in July" and "Victory" which the Rivoli have bought. Twentieth-Fox shunts its ace pictures into the Roxy, the pending deal of film and vastly increases the uniformity of final product. New device not only saves coin in speeding the finishing operation, but improves the quality. Instead of depending on the eye and judgment of the individual operator, this eliminates the human element without meddling with the accuracy.

Instrument, developed in ERPI Coast labs, is said to make the sound reproduction more lifelike than ever before.

ERPI'S NEW FILM PTC. GADGET NOW IN USE

New optical gadget, the Integrating-Sphere Denistrometer, just made available to Hollywood picture producers by Electrical Research Products, Inc., speeds up the developing of film and vastly increases the uniformity of final product. New device not only saves coin in speeding the finishing operation, but improves the quality. Instead of depending on the eye and judgment of the individual operator, this eliminates the human element without meddling with the accuracy.

Instrument, developed in ERPI Coast labs, is said to make the sound reproduction more lifelike than ever before.

Whitney Washes Up S-I

Hollywood, Nov. 5. Jock Whitney, former chairman of the board of Selznick-International Pictures, spent several days in town winding up the dissolution of the company.

In addition, Whitney went into huddles with film execs as a member of the Nelson Rockefeller commission seeking to improve friendly between the U.S. and Latin-American neighbors.

U.S. Rules That Even Alien Filmmers Are Subject to Cal. Community Laws

Washington, Nov. 5.

Principle that the California community property laws apply even to alien film actors, although their wives may not be in the United States, was further entrenched in the American tax statutes last week by a ruling in the case of Paul Cavanagh, Britisher, whose spouse has spent only a few days in this country.

Following the reasoning employed in deciding a recent tiff involving Herbert Marshall, the U.S. Board of Tax Appeals denied a claim of the Internal Revenue Bureau that Cavanagh (real name William G. Atkinson) is responsible for the income tax on all of his film earnings. Amount involved was not disclosed, although the controversy revolved around a Government demand for additional \$982 and actor's attempt to collect overpayment of \$1,995.

Two issues were presented by the case. First, which Cavanagh lost, related to advance of \$3,500 to a liquor salesman seeking added capital for his business, which served studio workers primarily. The other was on the often-disputed community property law.

After holding that Cavanagh could not deduct as a 'bad debt' the \$3,500 given one Rudy Pauly, the Board of Tax Appeals reaffirmed that 'the domicile of the husband is the domicile of the wife and the actor was entitled to split his earnings, thereby halving his tax liability. His wife left him in Alberta in 1932 and has lived subsequently in Canada and England, visiting New York only once.

The Government again endeavored to establish that, in order to take advantage of the California community property law, an actor must show that his wife also lives in California. With one member dissenting, the board of umpires said 'even though the wife never entered the State of California in her life, we must conclude that she was domiciled therein and can thus avail herself of the benefits of the community property statutes.'

Catch in the decision, however, involves the wives in such situations. While all of the film earnings can be divided—regardless of what share the frau receives—under the precedents, the Board held that the wives must make a tax return on half of the hubby's income. What happens when she is not a resident of the U.S. was not answered; presumably there is nothing this country can do about it unless she comes here and is served with a deficiency assessment.

RKO STALLING ANY PFD. STOCK DIVVY

Directors of RKO again considered the subject of dividend declarations on the preferred stock at the meeting last Thursday (31) but again took no action. Understood that the company does not intend making any dividend distributions until all claims of creditors and others involved in the corporation's emergency from 77-B have been entirely settled.

The court has trimmed many of these but until the final settlement is known the company does not believe the true financial picture will be available for consideration on divvy matters.

RKO earned its dividend requirements on the preferred for the first six months this year. Thus far, the dividends accumulated and unpaid on such stock totaled \$4.50 per share.

RKO's \$317,816 Net

Despite a writoff of \$1,328,374 for depreciation and taxes, RKO and subsid companies reported net profit of \$317,816 for the 39 weeks ending last Sept. 28. No equitable comparison with last year's earnings statement for that period because the corporation still was in receivership at that time and had numerous incidental expenses then.

Profits from operations before deducting all charges totalled \$1,865,142. RKO also deducted \$219,581, as 'provision for dividends accrued during the period on preferred stock of a subsidiary company, in hands of public (this presumably is Keith-Albee-Orpheum), before arriving at its net profit figure.

DURBAN'S SUPPORT

Flock of Name Players to Be in 'Nice Girl'

After experimenting with and without other b.o. names to back up Deanna Durbin in her recent starer, Universal has decided to pile up added talent for the next. Lined up for the corner, 'Nice Girl,' are Franchot Tone, Helen Broderick, Walter Brennan and Robert Benchley, in addition to some lesser names. Picture-before-last, 'It's a Date,' featured Kay Francis and Walter Pidgeon with Miss Durbin. Last one, 'Spring Parade,' depended upon the young femme almost wholly for b.o. draw. Results obviously dictated the new policy.

Henry Koster, who directed 'Spring Parade,' is expected to arrive in New York this week for a short rest before beginning work on 'Nice Girl.' He had his tonsils nipped out about 10 days ago. His wife has been absent six weeks and he'll join her in Manhattan.

Early Main Pic Clicks, So RKO Extends Plan

RKO circuit in Greater New York has found the new handling of dual features at the night shows so satisfactory at the 86th St. theatre that it has inaugurated the same scheme at four other houses, the Columbia and Strand, Far Rockaway; the Park, Rockaway Park; and Marble Hill, in the Bronx.

Specific realignment of two features so that the main picture goes on at 9:30 p.m. was made to satisfy patrons who might want to see the top feature and not the second one. This arrangement enables customers to be out of the theatre by 11 p.m. and makes it unnecessary to sit through the minor feature to see the main film at a late hour.

RKO HOME-OFFICE HQ REVAMPS ITS LAYOUT

RKO is planning to rearrange its home office quarters in the RKO Bldg., N. Y., so that the theatre department and picture units are more closely integrated. Actual plans have been drawn up, with only final okay by president George J. Schaefer remaining to put them into action.

One of principal changes will be moving the ad-publicity-exploitation department to the 10th floor to give it more room. Presently in cramped quarters on the 12th floor, but under new setup nearly the whole 10th will go to this department.

Also in the realignment, an attempt will be made to keep various theatre divisions together and apart from the distribution end of the corporation. Film portion similarly will be concentrated on convenient floors. Shift of the picture company publicity-advertising staff to the new floor will make necessary moving the purchasing and research divisions, negative and print department and possibly ad sales.

Studio Contracts

Hollywood, Nov. 5.

Mary Brodell drew player deal at Warners.

Carol Adams inked acting pact at Republic.

Metro signed Arthur Rosenstein as vocal coach.

June Johnson signed to acting contract at Republic.

Metro handed Melvyn Douglas new player ticket.

Charles Quigley penned an actor contract at RKO.

Warners lifted scripting options on Phillip and Julius Epstein.

Virginia Van Upp drew new five-year writing deal at Paramount.

Alexander Knox inked an acting pact at Warners.

Paramount handed Walter Abel a term deal.

A Conspiracy!

Detroit, Nov. 5.
Detroit, which often has felt that it has been neglected as the locale for motion pictures, still is shaking its head groggily over this one:

Paramount's forthcoming flicker, 'F.O.B. Detroit,' starring Joel McCrea, will have as its locale Nash's modernized automobile plant—in Kenosha, Wis.

OK on 'Ramparts' Follows 'Flames' Approval in Pa.

Philadelphia, Nov. 5.

The Pennsylvania Board of Motion Picture Censors on Thursday (31) changed its mind about banning the RKO-March of Time documentary, 'Ramparts We Watch,' and allowed it to be shown in the State after several very minor deletions were made. Only 105 feet of film was snipped, or a total of one minute and 15 seconds of running time. The scissoring was done in the scenes from the reels taken from the Nazi-made 'Baptism of Fire,' whose inclusion caused the original ban by the censors last month.

The about-face of the board took place at a reviewing at the censors' projection room. William Clarke Mason, attorney for RKO-MOT, announced that his appeal to the State supreme court had been dropped.

The scenes deleted were 22 feet depicting Nazi troopers pouring gasoline on a building in Poland; 38 feet in which the commentator tells of what the Nazis plan to do to America; and 47 feet of the commentator repeating the Hitler threat to the New World.

The film reopened the same day at the Park, Reading, and the Senate, Harrisburg, from where they were yanked originally following the ban. Crowds greeted the film at both houses. At the Senate, Bud Sidman, manager, hung 105 feet of film outside the theatre to show how little was snipped. Advertisements in the Reading dailies badly booed the film as one that 'the German Government tried to suppress.'

This echoed the statement of the MOT producers who blamed the censors' barring of the film on pressure brought by the Nazi embassy, which the board vehemently denied. The film was originally okayed by the board and a seal granted. But later when the 'Baptism' reels were tacked on the pic was barred on the ground that it 'tended to impair the morals and was inflammatory.'

The ban brought a storm of protest from prominent Pennsylvanians and newspapers, which was redoubled when the board turned its thumbs down on Paramount's 'World in Flames.' This bar was subsequently lifted upon appeal to the board.

Reports were current here that Mrs. Edna Carroll, board chairman, would be supplanted after Jan. 1, but she denied it.

'Someone trying to needle me,' she said. Mrs. Carroll is also vice-chairman of the Republican City Committee. She was placed in an embarrassing position by the ban on 'World in Flames' when the film got the approval of Wendell Willkie, for whom she had been campaigning vigorously.

Pitt's Big B.O.

Pittsburgh, Nov. 5.

Original Pennsylvania State Censors ban on 'Ramparts We Watch' proved a pot o' gold for little Ritz here where it was hurriedly booked in within 48 hours after picture got an okay. On opening day last Thursday (31), 800-seat house rolled up gross of nearly \$1,000, almost double biggest single day spot has had since it became a first-runner last January.

'Ramparts' would have opened gone into 2,000-seat Warner but that house is tied up with Chaplin film and WB wanted to cash in while news of censors' change of mind was still hot.

Metro Suspends Rita

Hollywood, Nov. 5.

Metro yanked Rita Hayworth off the payroll for refusing a part in 'Maise Was Lady.'

Dissatisfaction with her role has been brewing for some time.

Of People and Places

By THE SKIRT

Best Dressed Woman of the Week

ETHEL MERMAN
'Panama Hattie'
46th Street Theatre

The Tropics Wouldn't Know Themselves

The 46th Street theatre is a theatre where you can see and be seen. Built like an arena it is just the place for a circus and the opening of 'Panama Hattie' was a circus. Trouble was the audience was a competitive attraction opening night. In terms of applause the show was almost coldly received. The women were so swathed in furs they didn't have freedom of their hands and the escorts must have suffered with lack of space.

But 'Panama Hattie' is in. It is a field day for Ethel Merman. She shines as Hattie. Clothes set easily on her slight, trim figure and pretty limbs and feet. She is able to handle grotesque as well as modish gowns. Appearing with a huge sheep dog, Miss Merman wears a short orange cloth skirt with tan bolero jacket dotted in gold. A chartruese dress is simply made and the sort of Kiki dress of white with all sorts of frills and very tight skirt, with veiled hat meant for comedy, is nevertheless becoming. There is an amusing bit of business with a mauve dress decorated profusely with erise bows. It is a long white erise gown that draws a'h's from the women in the audience. It hugs the figure closely and oddly enough it had but one sleeve. The other side is off the shoulder and banded in silver beads, the bead motif also forming a half circle at the sleeved side of the bodice. Chamois and grey with a tan belt is an odd combination but lovely. Almost too simple is a turquoise blue organza with full skirt, tiny bodice, and puffed sleeves.

Phyllis Brooks from pictures bops up in this show in a part that is a little hard to take. Affecting a raspy voice it isn't nice. But Miss Brooks does wear nice clothes. Roul Penne Du Bois saw to that. His colors and more colors, and materials, run wild. Very costly must have been this production. The Brooks gal wears several outstanding numbers. One of an embroidered brown chiffon over green, is a dream. A periwinkle beaded dress is worn with a long mantle. There are also many short cloth dresses. Her hats are of the new off the face variety. A girl named Carmen D'Antonio has a body that a sculptor (or a broker) dreams about. Her first number has this body painted with bronze and her one other number has but a front and back panel with the tiniest of brahs. Apples are the decorations, also a large white hat.

Panama City and the native girls down there should see this show and not recognize themselves. Colors run riot with reds and purples the predominating note. Fashioned in tiers and among they are breath taking. Head/dresses are of gold and every color of coque and pheasant. Joan Carroll, a child, is another Shirley Temple. Opening night her scenes with Miss Merman aroused the only real enthusiasm. Betty Hutton does her usual pater pan colored frocks.

In the audience at the opening were noted Ted and Adah Lewis, Jack and Winnie Pearl, Earl Carroll, Kitty Watts, Charlie and Mae Einfeld, Milt Pickman, Billy Rose and his Eleanor, Jack and Flo Haley, Sari LeMaire, Edie Simons, Mrs. De Sylva, Max Gordon, Irving Berlin, Ambassador and Mrs. Kennedy, Mary Margaret McRobbie, Dave Marx and Charlene Sylvia Sullivan with Ed Cecilia and Milton Ager, Dorothy Kilgallen, Ben Bernie with the missus, Moss Hart, Bill and Jerry Morris, Nate Spingold, Jack Cohn, Louella Parsons, who sneaked in between shows at the State with Doc Martin, Lee Shubert, Major Bowes, Mark and Gladys Hellinger, Sophie Tucker, Harry Hersfield and Louis Shurr.

Lewis-Tucker-Richman

The show recently at Ben Marden's Riviera is at the State for two weeks. Joe Lewis, Sophie Tucker, Harry Richman and the Chandra-Kaly dancers perform with the theatre orchestra on the stage instead of in the pit. Ed Shapiro, Sop's right hand man, has the show.

Joe Lewis, the best m.c. in any language, starts things rolling, and of all things, Sop opens the show proper. She wears white. Plain skirt with gold embroidered top. Costly orchids decorate one shoulder, a diamond necklace glitters across the throat.

The Chandra-Kaly dancers, very Latin, wear the usual ruffled costumes. Joe Lewis' bit about commercials on radio is luscious. Harry Richman is Harry Richman, the best dressed man of any week.

Dressing 'Return Engagement'

Jenkins made most of the sport clothes in 'Return Engagement' at the Golden and they are stunning, although there was too much repeat in the modelling. Bonwit Teller also gets program credit. Mady Christians makes her first appearance in a tailored two piece suit consisting of two shades of blue. A large felt hat turned up in front matched. While shark skin slacks and a white skirt has a print jacket. In the last act a flowing gown is of orange and lemon chiffon. With a full length cape matching.

The best dressed woman in 'Return Engagement' is Leona Powers. Jenkins made all her dresses but one. For the most part they are sport clothes with one white chiffon evening gown, made with no trimming whatever. Long, full skirt, full sleeves and square cut neckline. An ed dress, but beautiful, worn presumably for yachting was of orchid lace over same color satin foundation. Audrey Christie wandered, but pleasantly, through proceedings in slacks and sport clothes with one yellow accordion pleated evening gown. Evelyn Varden who more or less ran away with the show as the manager of a summer stock company wears simple summer frocks, and a comedy evening gown. Augusta Dabney, Ruth Loft, Cary Smith and Helen Reid made up the rest of the female contingent all dressed in the Jenkins manner.

Bert Lytell noted as one of the best dressed men of the American stage wore suits to rave about. They were stunning and although Bert's tailor doesn't get credit, he could.

Norma Shearer's New Hair-Do

'Escape' has finally arrived. It's at the Music Hall and the talk of the town is or should be the comeback of Nazimova. She has little to do but how she does it. Nazimova proves the excellent performer she always was. Norma Shearer screens beautifully as ever, and she has a quiet dignity worthy of any great actress. Clothes don't much matter in this picture, but the few Miss Shearer wears are truly lovely and her new hair-do is most becoming. For the most part the hair is parted in the center with a cluster of curls at the neck, and for a little while the long hair is worn in a coronet style. A house coat with a long cord at the waist line is the first worn. A checko peasant dress was of the full skirt and blouse with the embroidery of that country. A long black gown is severe in its simplicity with only a brooch as ornament. In a concert scene a white cape ankle length is trimmed with gold braid.

The stage show at this theatre has once more turned to the magazine rack for inspiration. Thus, for Mademoiselle mag, the ballet, corp is in lovely white meline costumes heavily trimmed with silver sequins. Movie-Radio Guide backgrounds three men and two girls, the Revuers a new act around town. Coronet bit is truly lovely. Three pictures hang at the back drop. One, Blue boy, Laughing Cavalier and Whistler's Mother. The pictures came to life and were given a few comedy lines. Katherine Warren comes out of the frame to do a tap after discarding the skirt of Mother. Underneath is a black tunic ending in red sequin ruffles and her legs look nice in sheer black tights.

Feeding Familiar Faces

Sardi's, at lunch time: Zorina, with George Balanchine several tables away, Edgar Allan Woolf, Mrs. Sherman Billingsley, Beatrice Kaufman, Stella Adler, Margaret Wycherly, Margalo Gilmore, Otto Preminger, Richard Aldrich, Vinton Freedley and Ben Hecht.

LAST-DITCH CONSENT FIGHT

Monopoly OK Under U.S. Sanction?

Angle on the consent decree brought up last week by Abram F. Myers, Allied general counsel, has intrigued both distribution and exhibition interests in New York, providing something to ponder over, it was said, before the hearing Nov. 14.

Squawks that gave rise to the Government suit, Myers pointed out, were that the major companies by their theatre holding created a monopoly in restraint of trade. Consent decree, he said, will only serve to freeze for three years the status quo of the majors' theatre holdings.

In other words, Myers maintained, the Government by its own action is fostering the continuation of a monopoly, exactly opposite to what it started to do when it brought the anti-trust proceedings. Controls placed upon the majors in the decree, Myers admitted, will prevent them from flagrantly exercising monopoly privilege as they have done in the past, but nevertheless the monopoly itself is being continued under U. S. sanction.

N.Y. Allied Prez Charges Myers And Col. Cole With 'Betrayal'

Buffalo, Nov. 5. Charges that officers of National Allied had openly betrayed the membership of the organization were made by Max A. Cohen, president of Allied Theatre Owners of New York, in an address before a meeting of the Syracuse group of the M.P.T.O. of N. Y. State, Inc., at the Hotel Syracuse last Thursday (31).

Cohen charged that Cohen, 'that Commissioner' Abram S. Myers and Col. H. A. Cole, for purposes of their own, deliberately sold the exhibitors down the river. Cohen, discussing the history of the trade code as proposed by the distributors and Allied at Chicago and subsequent developments in the Government suit, outlined the negotiations at Chicago leading up to the acceptance in principle by National Allied of the proposals of the distributors with respect to the code. He stated that after public acceptance by Allied of the code, Myers and Cole had repudiated the agreement against the expressed wishes of the rank and file of the membership.

According to Cohen, Myers' and Cole's avowed acceptance of the consent decree was in direct contravention of the sentiments of National Allied, which has stated its opposition thereto. He outlined the provision of the code, pointing out that in his opinion it amounted to a complete victory for the producers and distributors over the Government, and in his support of his contention cited verbatim sections of the code of trade practices as agreed upon at Chicago and then compared them word for word with sections of the consent decree as now formulated. He concluded that the practices and procedure imposed upon the industry under the decree could make it practically impossible for the smaller exhibitors to continue in business.

Officers

At the business session of the meeting, Sidney L. Grossman of Syracuse was elected a v.p. of the new state organization and J. Myer Schiele, Gloversville; Ray Bashley, Interlaken, and Jack Kay and Ropley Merriman, Syracuse, were elected directors for the Syracuse district. Others officers and directors are: President, A. Charles Hayman, of Buffalo and Niagara Falls; vice-president, Vincent R. McPaul; secretary, Marion O. Bueth, both of Buffalo; directors, Vincent R. McPaul, Nicholas J. Basil, Jacob Lavene, George A. Gammel and Henry Dilleuth, all of Buffalo; John A. Reed, Gowanda; Merritt A. Kyser, East Aurora; Michael J. Kallet, Oneida; Michael Carr and William Cadoret, Rochester; Arden D. Gould, Franklinville.

The meeting was also addressed by Sidney B. Pfeiffer, Buffalo, counsel for the organization. Hayman, who presided, stated to the meeting that the association now embraced 200 affiliated and unaffiliated theatres, including both individual and circuit operated houses, and that an eventual membership of 250 theatres in the upper New York State area was in prospect by the first of year.

'Strongest Single Unit' in MPTOA

Effecting close harmony between the upstate Motion Picture Theatre Owners and the downstate Allied Theatre Owners of N. Y., Max A. (Continued on page 20)

MANY 'JOKERS' SEEN IN DECREE

Thursday (14) Will Find Exhibitors Staging Blitzkrieg on Its Provisions Before Judge Goddard in New York—Indies and Affiliates Alike Object to Divers Clauses

LEADERS CONVERGE

Following careful study of the consent decree in all its ramifications, including 'jokers' which are suspected here and there, exhibition forces are girding for a last-ditch and desperate fight against acceptance of the agreement by the Federal courts when a hearing is held Thursday (14). It is doubtful just how far theatre owner associations and individual operators may be able to carry their offensive but all indications are that the opposing exhibitor factions are going to retreat only after being badly licked.

A blitz against the decree is anticipated at the outset Thursday (14) in the hopes of turning the court quickly towards a considerate and sympathetic view of the exhibitor complaints which have arisen over the decree. Hearing will be held before Judge Henry W. Goddard in New York. Should the court be disposed to listen to the full extent of the exhibitor squawks concerning the decree and permit detailed grounds for such squawks to be aired, it may be that the retailers of film will have a chance.

Pending the Nov. 14 hearing, however, it is impossible to predict what status the aggrieved exhibition phalanx will enjoy before the court. During the past week exhibitors and exhib organizations, including leaders and attorneys, have been examining the decree minutely in preparation for a battle to prevent its signing. While it has been intimated that the Court may give only small heed to exhibitor protests and stymie efforts for intervention, exhibs may come in under what is known as 'amicus curiae' (friends of the Court).

In the event of frustration, it is reported efforts may be made to obtain injunctions restraining the Court from accepting the consent decree based upon the opposition of the exhibition field generally to it. Should an application for a temporary injunction be denied, it may be that an appeal will be made to the Circuit Court of Appeals. This, in turn, might delay the signing of the agreement between Government and distributors for several months.

According to Schechter, N. Y. Allied will make application to intervene and believes an unfavorable ruling by Judge Goddard may be carried to the Circuit Court of Appeals.

Opposition on the theatre side of the fence to the decree will come not only from leading independent exhibitor associations and leaders but also from R. B. Wilby and Fred Kent, committee of two representing all the Paramount partners who were first to start the ball rolling against the settlement agreement some months ago.

Reports that the Par partners would withdraw their opposition went into circulation during the past week. To these rumors, Wilby states from Atlanta:

'I will be and I expect Kent will be in New York at decree hearing on 14th. I am no less opposed to consent decree now than from beginning and if there has been any change of opinion on the part of any other southern Paramount partner, I do not know of it. If we were directly involved as defendants surely we would have been present at all of those conferences, so surely we can't be defendants.'

Impression had prevailed in some quarters, including among certain Par partners, that they would legally (Continued on page 21)

Myers Finds Plenty in the Decree That Allied Exhibs Can't Accept, Chiefly the 5-Picture Packaging

Maybe a Poor Connection

Hollywood, Nov. 5. Joan Bennett checked out of the cast of Hal Roach's 'Topper Returns' because the role did not suit her. Understood the part will be taken over by Carole Landis.

Miss Bennett is reported to have accepted the role when it was described to her over the long distance phone in New York two weeks ago, but withdrawn when she found the script did not coincide with the telephonic description.

Washington, Nov. 5. Clauses containing jokers or giving inadequate protection for independent theatre owners will cause Allied States Association to oppose approval of the film anti-trust suit consent decree. Definite warning that the major's worst gadfly will buzz around the New York courtroom is contained in a 6,000-word analysis sent by Abram F. Myers, general counsel and board chairman, to all trade group members last week.

Although generally pleased with the arbitration features and agreeing many sections contain some relief, the Allied head registered stern disapproval of the five-picture package scheme, assailed the Justice Department for shelving the divorce phase of the bill of complaint, charged the 'escape' clause contradicts the Sherman Act, and concluded the truce as a whole is more beneficial to the defendants than to their customers. He also was piqued because only five of the eight companies are willing to sign up and because the proposed settlement still would allow the participants to favor their own affiliated houses.

The features of the proposal which Myers finds most acceptable deal with arbitration, though he still is suspicious that the machinery may be operated in a manner that will hurt complaining exhibitors. Particular objections are that the adjustment of controversies will be delayed and theatre owners may be saddled with huge expenses. Extreme care must be exercised—though the American Arbitration Association was commended—that the majors do not dominate the panels by getting stooges named as clerks on appeal board and in similar capacities, the Allied leader fears.

Veiled suggestion that the D. of J. was high-pressured by prominent Democrats is made in the Myers analysis. Though he says he does not want to make insinuations, the Allied head is avowedly suspicious of the trust-busters since they agreed to shelve the divorce plea and have approved a provision dealing with producer-exhibitor connections that he feels is wholly unenforceable.

Gov't Brushoff

Aside from Myers, about the only one to suggest Government action is the Motion Picture Research Council's. Through its legislative committee, the reform outfit, which has been in forefront of the Neely bill crusade, termed the proposed decree 'very disappointing'. This crowd, as might have been expected, is irate about the escape clause and still believes only a legislative ban on group rentals will provide the right of 'community selection' for which it has clamored.

The long Myers analysis, noting that a consent decree cannot be used as a basis for private suits to recover triple damages, indicates some appreciation for the trade showing requirement, the ban against forcing shorts, the obligation to lease films some run to reputable exhibs, and for the attempt to curb circuit buying power. But Allied considers unsatisfactory the sections concerning withholding prints, rejection of films on moral grounds, discrimination on race and the escape clause.

Strong criticism is directed at the five-picture rental innovation. While some of the conditions seem pleasing, Myers charges that distributors still can punish exhibs by packing desired groups with stale or unwanted numbers and the new arrangement deprives exhibs of present cancellation privileges, may lead to higher rentals, and may cut off an assured, continuous supply of product.

In regard to forcing westerns, newsreels, foreigns, etc., Myers said the decree clauses are 'clear-cut and unequivocal'. He added that the decree on this point is a 'great advance over such proposals in the (Continued on page 23)

Gal Who Came to Warners

Hollywood, Nov. 5. Mary Wickes, currently in the Broadway play, 'The Man Who Came to Dinner,' is the first member of the stage cast to be signed by Warners for the film version.

Filming starts early next year, with George S. Kaufman and Moss Hart producing on the Burbank lot. Warners is dickering with Edith Atwater, femme lead in 'Man Who Came to Dinner,' to repeat the part in the picture version.

Consent Effect Will Be Little On Production

Hollywood, Nov. 5. Consensus among the top execs in the film studios is that the consent decree, dissolving the Government's anti-trust suit against the major picture companies, will in no way curtail the number of features produced annually in Hollywood. Producers are agreed that the only thing that will curb the current flow of production is the demise of double bills, and that will mean a higher quality, less numerically, in the making of pictures.

Better pictures, execs admit, will necessitate an infusion of new ideas in the production ranks and a release of new ideas in the production ranks and a release of run-of-the-mine producers who have been hanging on through personal friendships and studio politics.

MacKENNA'S METRO HUDDLE ON SCRIPTS

Kenneth MacKenna, Coast story editor for Metro, arrived in New York Monday (4) for confabs with eastern production department heads. Principal discussions are with vice-pres Robert J. Rubin and story editor William Fadiman on preliminaries to purchase of properties for the 1941-42 season.

MacKenna will be east about two weeks, during which he's also gandering the Broadway shows.

Talkitones Go for Spain

Hollywood, Nov. 5. First batch of Hollywood Talkitones goes into work at the Hal Roach studios this week with Herb Moulton in charge of production and Cecil B. De Mille in an advisory capacity.

Company holds a national convention here Nov. 18-20 to familiarize salesmen with jukebox machines and product. Morry and Frank Kizinsky, vice-president, are in charge of distribution.

WB Appeasement Policy Seen In Pa. Indies' Suits

The Stanley-Warner company has apparently embarked on a policy of appeasement with the indies in an effort to stem the tide of anti-trust suits which, for a time, threatened to assume landslide proportions.

Quietly indies who have squawks against the chain and the major distributors have been taken aside and their grievances have been ironed out. Counsel for both sides have come to the agreement that litigation in the courts is expensive to both sides and wind up in washing the industry's dirty linen in public.

The consent decree and threat of Government intercession into the situation here is also a factor in the out-of-court deals on the fire.

First of the suits to be settled out of court was that of Harry Fried, owner of three houses on the Main Line. Shortly afterward David Milgram, head of the Affiliated Theatre chain, dropped his suit when his differences with the majors and the S-W were ironed out. This was followed by a settlement between Warners and William Goldman in which product of their houses in Germantown was pooled.

This week Morris Wolf, S-W attorney, revealed that negotiations had begun for an out-of-court adjustment of the \$225,000 damage suit brought by Reuben Shapiro, operator of the Admiral in North Philly. Wolf said he believed 'an equitable settlement' was in the offing.

'With all the headaches besetting the industry from the outside, we've decided that we shouldn't be fighting among ourselves,' he said. 'We've got to hang together or we'll find that we'll be hanging separately.'

It was also reliably reported that feelers have been sent out for a settlement of the three-year-old suit against Warners filed by the Carman, which is now under receivership.

Only outstanding suit against the circuit now is one filed last fall by Henry Friedman, operator of the Lansdowne. It has not yet been listed for trial.

WOBBER, MCCARTHY TO COAST ON NEW FILMS

Herman Wobber, 20th-Fox sales manager, left last week on month's trip to the Coast. He's making a number of stops at branches on the way out and back, having already covered Chicago. He's now in San Francisco.

Charles McCarthy, 20th pub-ad head, leaves in a couple weeks for a quickie visit to the studio. He's aiming to get a gander at 'Western Union,' 'Chad Hanna' and 'Tin Pan Alley' to size up campaigns planned for them.

Producers Learning at First-Hand About Exhibitors' Ballyhoo Apathy

While it's nothing new to film salesmen who see what happens or doesn't happen in the field, producers are themselves beginning to learn about and lament the apathy of the average exhibitor in getting behind pictures which they place. Among these of recent date was Walter Wanger who is reported to have been shocked over the lack of showmanship interest exhibited by many accounts in selling their product to the public.

The lack of support among exhibitors is not confined to the smaller independents but includes larger chains, particularly those which have whole towns sewed up and buy the pictures of all companies. Where this occurs, the average manager merely uses small ads in the papers, often taking them from the press books or getting out cheap copy themselves. The lack of effort extended in getting local publicity and in exploitation tieups is also decried by distributors as well as the producers who are not so familiar with the activity of the exhibitors.

It is pointed out by a leading showman that most top-bracket, or high-budget pictures have received "something" from their producers but that advertising and selling must be put into such pictures what they lack, this being where showmanship counts. There is no doubt but that many pictures are put out for bigger gains in New York and some other, highly-competitive keys because the theatre managers use every means at their command to sell whatever they are playing.

This costs the theatres money but it frequently is bread cast upon the waters that comes back many times; whereas in scores of situations, from small to comparatively large that are controlled by circuits or local indies, the lines of least resistance are followed. In highly competitive situations an account often goes out of the way to get a good showing for a distributor so that he might continue to be favored as a customer through his capable efforts in putting film over. Against this, where a town is controlled, the distrib has to sell the same customer over and over again regardless of what happens to his product when it is dated. Meantime, these accounts are constantly complaining about rentals, whereas if effective local showmanship figured more importantly, the rental might turn out to be comparatively reasonable. Without the showmanship, the fixed rental might otherwise appear excessive.

WB STARS TO NEW MEX. FOR 'SANTA FE' PREEM

Hollywood, Nov. 5. New Mexico takes a three-day holiday Dec. 14-16 to celebrate the world premiere of Warners' 'Santa Fe Trail' at Santa Fe. Picture is expected to fetch 60,000 customers into town, with openings in three theatres at \$2.20 top.

Scheduled for personal appearances are Errol Flynn, Olivia de Havilland, Raymond Massey, Alan Hale, Ronald Reagan, Guinn 'Big Boy' Williams and Van Heflin.

Det. Exhib Hypothes B.O. Via 20-Yr.-Old Films

Detroit, Nov. 5. Kramer theatre here has turned its back on the present film era and all Saturday midnight shows are showing films more than 20 years old.

Initial program was 'Cash Parish's Pal,' with William S. Hart; 'Race for Life' with Barney Oldfield; 'Mystery in Manhattan' with Douglas Fairbanks and Jewel Carmen; and a newsreel containing shots of the San Francisco earthquake and bathing beauties of 1904.

First try was successful and idea is being continued.

50 YEARS FOR HOLUP

Laredo, Texas, Nov. 5. Fred Torres, arrested in San Antonio several months ago in connection with the attempted holdup of the Tivoli last August, was found guilty and served 50 years in the state penitentiary.

Gloria Jean's P.A.s

Gloria Jean arrives east tomorrow (7) for appearances in various RKO theatres on that day, Friday, Saturday and Sunday in connection with 'Little Bit of Heaven,' in which the 12-year-old singing starlet has a role. Putting in personals in Westchester RKO houses tomorrow (Thurs.), younger Friday (8) will take boxes at the Albee, Brooklyn, and various Queens theatres; Saturday (9) in the Bronx and upper East Side spots, and Sunday in Brooklyn nabes.

NW Allied Asks More Bally, Extended Time For the Better Films

Minneapolis, Nov. 5. Man bites dog story gets new twist. With Northwest Allied here coming out for 'greater emphasis on exploitation of the better pictures through various means of publicity and extended playing time' as a means of 'renewing the public's interest in movies and building greater theatre attendance.' Usually this territorial independents place all the responsibility for unsatisfactory grosses on the producer-distributors because of inferior product, and meetings are given over to recitals of grievances. At the organization's district meeting, however, the better exploitation and the extended playing time were declared to be 'the most effective solutions of the problem that could be adopted.' But it also was pointed out that 'never in the industry's history have there been so many forms of competition for theatres to combat.'

As to advancing admission prices for selected pictures, the exhibitors decided that 'there must be a different method of releasing and protection granted to exhibitors agreeing to boost scales'—a method different from that employed by M-G with 'Boom Town.'

Merchants, Theatres In All-Around Rock. Tieup

Rochester, N. Y., Nov. 5. First complete merchant-theatre tieup was arranged here by manager Lester Pollock, Loew's, and manager Jay Golden, RKO Palace, with 'Shop, Dine and Go to a Movie' week opening Nov. 21. Chamber of Commerce and newspapers are cooperating.

Idea, which was initiated by Loew's district manager Charles Kurtzman, includes selling the public by every form of exploitation, radio, special ads, editorials and street decorations. Sponsors figure to get people downtown, sell them some bargains, give them a swell time and thereby tend to make it a habit as height of season approaches.

Autry's Boston Party

Gene Autry party, similar to the one recently held in New York, will be tossed at the Hotel Manger in Boston Saturday (9) for kids selected by 75 theatres in the territory which show Autry pictures. Warbling cowhand, who is appearing with the roadies in Boston, will play host to the kids.

Stunt is being promoted in Boston, same as in N. Y., by Dave Whalen, Rep publicity head. Bill is footed by the participating theatres. Each one sends a boy and a girl chosen on a bingo idea from stubs dropped in a box during showing of an Autry picture.

Pleasant Queue-Wait

Toledo, Nov. 5. Believing that many would be standing in line at the Loew's Valentine to see 'Great Dictator' opening day (11), Jack Lykes, manager arranged with the Willard hotel, adjoining the theatre, to have waitresses serve hot coffee and doughnuts to those standing in line. A chain service from the grill was maintained throughout the morning. In addition, Paul Spor and his orchestra were in front of the house to play some of the score of 'Dictator.'

'Fog Tickets' Rainchecks At Drive-In Theatre

Houston, Nov. 5. 'Fog Tickets,' issued to patrons of the Texas Drive-In theatre in an emergency when a heavy fog rolled up from the bayous, are an innovation established by F. W. McHenry, new manager of the Drive-In. The theatre operates every night, regardless of the weather, but if a heavy fog rolls in or a heavy rainstorm obscures the screen, 'fog tickets' redeemable at any show within a month of the date, are issued to patrons.

Nearly 400 Theatres Represented at Ohio ITO Conclave Last Wk.

Columbus, Nov. 5. Annual convention of the Ohio ITO, held Oct. 30-31 at the Deshler Wallick hotel, proved to be the outstanding get-together of indie exhibitors in recent years. Nearly 400 theatres were represented, plus reps from the major film distributors, equipment companies and other Allied units.

Contrary to precedent—most exhibitor meetings have plenty of idle chatter—each of the speakers on the two-day program contributed at least one constructive thought. Sidney Samuelson, Philly chairman of AID, explained the activities of the new Allied information bureau, 'Ultimate purpose of this office is to supply exhibitors with data on their own businesses comparable to that already possessed by film salesmen.' He told of the difficulties over 'Arizona' with Abe Montague of Columbia, convention passing a resolution protesting company's refusal to co-operate with AID.

Abram F. Myers, counsel for National Allied, discussed in detail the consent decree, observing, 'Nothing can prevent the film companies from grouping one desirable picture with four unwanted ones, therefore I cannot see where the settlement is in the interests of the independent exhibitors.'

Arthur Kelly, v.p. and general sales manager of UFA, impressed the indie with a straightforward discourse on the problems facing the industry today. Admitting there may be a need for adjustments he voiced the plea that everyone in the industry recognize the difficulties facing each branch, cooperating in preserving the high standards of the American film business. He stressed the point that quality of production must be maintained—or else!

H. M. Richey of Metro could see nothing wrong with the industry that good pictures couldn't solve. He expressed the hope that someday he might attend an exhibitors' meeting where the discussions were on how to improve business—not the fight to justify existence.

Presided over by Judge Arthur Day of the Ohio Supreme Court, the testimonial dinner honoring ITOO president Martin G. Smith, Toledo, was the highlight of the convention. Speakers included Myers, Samuelson, Richey, Kelly and Billy James. Nearly 200 attended, prominent guests including Fred Harrington of the western Penny unit, D. H. Paley of the Hays office, and Gen. Gilson Light, adjutant general of Ohio. Smith was presented with a new Buick by the convention in appreciation of his 20 years of service to the organization.

Heading the ITOO for another year will be Smith. Other officers in 1940 will be: vice-presidents, Wes Huss, Jr., Cincinnati, and Max Stearn, Columbus; treasurer, Hoy Simons, Washington C. H.; and directors: Henry Greenberger, John Bernstein, Cincinnati; Nat Charnas, Toledo; C. A. MacDell, Columbus; Henry Fickinger, Gallion; F. E. Martins Ferry; Ray Wallace, Alliance; J. W. Trunk, Youngstown; C. F. Pfister, Troy; Jerry Steele, Oberlin; Lee Kessel, Lancaster, and Henry Thomas, Oak Hill.

30-Day Loss of License For Failure to Pay Taxes

Columbus, Nov. 5. Amusement tax license of F. C. Buben, operators of the National theatre, Akron, was revoked for 30 days last week by William S. Ewalt, head of the State Tax Commission. According to Ewalt, suspension was ordered when Buben failed to pay \$426.63 in back admission taxes and assessments. Amount is due on the National and Buben theatres, latter formerly operated by Buben.

Bert Robbins Joins Father's NSS In N.Y.; Other Theatres-Exchanges

Albany, Nov. 5. Bert Robbins, son of Herman Robbins, president of National Screen and its subsidiaries, is now working at the New York office of the exchange established by F. W. McHenry, new manager of the Drive-In. The local branch during the summer, spending weekends with his parents at their vacation villa on Schraff Lake. Robbins left school to enter the trailer-accessory-poster business operated by his dad.

A \$50,000 mortgage on Palace theatre property, the largest and costliest of its kind in the east, New York, was filed in Albany county clerk's office. Recorded at same time was an agreement between Copia Realty Co. (a Fabian corporation) and RKO Proctor, an amending a lease on the building.

The lease, which will expire Jan. 31, 1940, outlines the manner of payment. Mortgage given by Copia Realty to RKO Proctor is subject to a first mortgage. One is for \$500,000, given by Copia to Equitable Life last May. The other, on which a balance of \$80,809 was due in May, was from Copia to the Prudential.

Palace, seating 3,700 itself, was projected in 1929 and finished in 1931. Fabian circuit has operated on lease for some time.

The signing of a modification of an old lease by Fabian Theatre Corp. on historic Harmanus Bleeker Hall (destroyed by fire last winter) with Christopher H. Buckley took place here. Buckley now owns two theatres in Bennington, Vt., said he thought the deal indicated a new playhouse would be erected on the site. Lou Golding, Fabian division manager in New Jersey, stated no plans had been made as to construction.

Arthur Heads St. L. Variety

St. Louis, Nov. 5. Harry C. Arthur, Jr., directing head of Fanchon & Marco's interests here, elected Chief Barker of the St. Louis No. 1 Varieties Club. Others: Lou Ansell, first asst. chief, Barker; Harry Hynes, second asst. Barker; George Wiegand, dough guy; C. B. Nelson, property master, and members of the club: J. J. Roberts, Clarence M. Turley, Sam Shuchart, Clarence M. Hill, Alvin Wolf, Herb Washburn, Joseph Ansell, Harold W. Evans, Ray Colvin and Barnes R. Renshaw, Delegate at Large, A. L. Matreel and Ray Colvin and the national canvassman is Louis K. Ansell.

Geo. Hoover Gets the Job

Miami, Nov. 5. Appointment of George Hoover, manager of the Sheridan theatre in Miami Beach, to newly created post of city manager of Paramount pictures, has been announced by S. A. Lynch, prez of the Par affiliate. Hoover's elevation comes as result of resignation of W. R. Lynch as general manager of the chain. Duties will be identical, but general manager tag is being discarded. Fiv Fine, district manager of the Mutt & Pinckney theatres, New England, was first considered for the post, but discussions held here were non-productive, and Hoover was given the nod.

Newsreel Goes Revival

Hollywood, Nov. 5. Newsreel theatre, off Hollywood and Vine, gave up the ghost and goes in for revival. Owner is 'Great Train Robbery,' first feature-length film.

Beedle Heads Pa. Body

Pittsburgh, Nov. 5. Fred A. Beedle, Cannonsburg, Pa. exhib, has been named president of the AMPTO of western Pennsylvania for 1941, succeeding A. Rosenberg, operator of three local nabes. Harry Walker elected vice-president at annual convention last week and Joseph G. Adams, Fred Harrington chosen to retain their old posts of treasurer and secretary, respectively. Rosenberg was named to the board of director and Carl Pike was elected to the board. William Walker, brother of Harry Walker and his partner in exhibition, also placed on the board to succeed Peter Antonelli.

Harris interests have purchased William Penn theatre, Northside nabes house, from a realty group in that district. Spot has been operated by circuit for several years under a lease, with outright sale consummated recently after couple of months of negotiations. At same time, Harris reopened Senator, formerly Loew's Adline, following five-month shutdown during the summer. Senator had been waiting for get under way again for a h.o. clinic picture. Harris has a house downtown, the Alvin, and finally got it in U's 'Hired Wife,' which had two big weeks at latter spot before being moved. McClure on North Side reopened under management of Marnie Golden, vet exhib who has been away from the business for several years. Golden's son is an asst. mgr. with WB here. Herbert Schaefer and Herbert J.

Staminger, partner-exhibitors in local area, have taken lease on Emsworth (Pa.) theatre and already assumed operation. House was created until recently by John and Werner Lund, and was managed by J. Booth, long identified with this spot.

Work will start in next couple of weeks on new WB-FN exchange on Film.

WB has just taken over new Whitehall in Brentwood district from indie interests. House was completed in big shopping center only few weeks ago and will open Thursday (11). Deal with builders and Warners has been pending for few months and closed within last fortnight although announcement wasn't made until weekend. Charles Shannon of Boulevard, named manager of the house. He'll be succeeded at Boulevard by James Laux, moving from Cameraphone, with Paul Williams, asst. at Sheridan. Laux, getting used to Laux's post. Albert Schenkel, asst. at Melrose, replaces Williams.

Garbett's Acquisition

Des Moines, Nov. 5. E. M. Garbett, who recently took over the Grand, East Des Moines, and operated under the name of Lincoln and Forest neighborhood houses in Des Moines, has bought the Marion at Marion, Ia., from H. C. Kershon.

The Nassau theatre, Nashua, Ia., sold to G. H. Ballard by C. A. Menold.

Select's 20 Branches

A total of 20 branch offices have been established by Select Pictures, independent distributor headed by Charles Kranz and of which Eddie McAvoy, formerly eastern sales manager of RKO, is v.p. over distribution.

In 10 days or two weeks Select will hold a sales meeting, either in New York or Chicago, attended by all branch managers, to discuss sales plans on the indie product the company will release.

Imhof to Chit Metro

Milwaukee, Nov. 5. Joe Imhof, office manager here for Metro, has been transferred to a similar post in the Chicago branch, succeeded by Joe McMahon, chief booker for M-G in Chicago.

Toby Ross Shifts

Rochester, N. Y., Nov. 5. Toby Ross, manager of Schine's Elmwood, Penn. Yn., for last three years, transferred to Andrews, Salina, Okla., where he will succeed the time leader of RKO Palace orchestra here. Wallace Folkin moves from the State, Rochester, to the Penn Yan house, and Clayton Cornell takes over at the State.

John Alcock, Ashland, O., succeeds Bill Brimmer as manager of the Rialto, East Rochester, and Sam Shafer returns from Herkimer to take charge of the theatre, succeeding for Joe Deacon, who resigned. Morton Berg made house manager of the Madison under Schine city manager Bud Silverman, and Joe Goldstein takes charge of the newly acquired Webster.

Rowland's Addition

Columbus, Nov. 5. Fred Rowland, owner of small local indie circuit, has taken over the ultra-tricky Bexley theatre. Bexley is famed duo-auditorium theatre. Projection and sound equipment is top-notch. The theatre, owned by Ted Lindenberg, and Lease calls for use of the special equipment. Bert Williams has been retained as manager. Rowland has the Main, Parsons, Columbia and Hollywood nabes houses.

Tawson Succeeds Caldwell

Denver, Nov. 5. William Caldwell has resigned as 20th-Fox salesman, succeeded by George Tawson, assistant booker. Caldwell left for Oklahoma City, Assistant booker job goes to Howard Metzger, head shipper.

Marie Gieseler, cashier at the Oriental, and Larry Morahan, assistant manager the Egyptian, married. R. A. Spurlock sold Fairplay theatre at Fairplay, Colo., to R. D. E. who has added it to his string of small towns.

Premier Exchanges here and Salt Lake City become Select Attractions following signing of a 10-year franchise on distribution of Select films. Sam Feinstein remodeling the old Zaza, and will rename it the Kiva. C. A. Mulock, manager of the Palace, expects to leave the hospital in a couple of weeks, after recuperating from an operation. In parts of Colorado and New Mexico politicians were having a hard time getting audiences to political rallies until they hit on giving the crowd some films along with the speeches.

Chaplin \$34,000, 2 Chi Spots; 'Glamour'-Maxwell Unit \$15,000, 'Correspondent' 16G, Biz Steady

Chicago, Nov. 5. Business is holding currently and indications are for satisfaction at the box-office generally. There has been much pro and con on the "Great Dictator" but the Charlie Chaplin picture got away to a fast start with its reserved seat opening night at the Roosevelt and the Apollo and is now continuing at a smart clip at \$1.65 two-a-day in the Apollo and on a grand policy in the Roosevelt at 55c. and \$1.10.

"Mounted Police" has indicated, and "Dictator" is emphasizing, that the boosted admissions cut down the number of tickets sold to an admitted degree, but the difference in price is reflected in a satisfactory gross. Whether the added admission price is actually holding down the gross is not proved, but there is no question of the healthy coin received under the higher duet charge.

Foreign Correspondent opened in the United Artists on Saturday (2) and is off to a fine start that should get plenty of maxima from a public strictly foreign news conscious at this time.

Estimates for This Week
Apollo (B&K) (1,200; 65-110-165) "Dictator" (UA). Opened on Thursday (31) night and got away fast, heading to excellent \$14,000. Last week, under standard 35-55-75 grind, "Corson" (UA) finished a 12-day engagement to meek \$4,700 for final seven days.

Chicago (B&K) (4,000; 44-55-85) "Mounted Police" (Par) and stage show. Betty Grable and Ken Murray on stage. Hold-over for entire set-up following powerful initial week's take of \$47,700, and currently heading for fine \$35,000.

Corrick (B&K) (2,500; 55-65-75) "Wyoming" (M-G) and "World Flaming" (Par). Moved here after excellent week in the Roosevelt and going to \$7,000, fine. Last week, "Rockne" (WB) in third loop session took neat \$5,800.

Oriental (Jones) (3,200; 28-44) "Glamour Sale" (Col) and Elsa Maxwell unit on stage. Miss Maxwell and quartet of Coast name adding up to a satisfactory boxoffice stanza at \$15,000. Last week, "Golden Fleecing" (M-G) with Tiny Hill on stage managed to do so \$12,100.

Palace (B&K) (2,500; 33-44-06) "Spring Parade" (U) and "Men Against Sky" (RKO). Second week for the combination holding to healthy \$9,500 on bang-up selling, after taking beautiful \$14,200 last week.

Roosevelt (B&K) (1,500; 75-110) "Dictator" (UA). After reserved seat opener on Thursday (31) night went into grind policy and ripping through to \$20,000, powerful take from get-away indications. Last week, at 35-55-65-75, "Wyoming" (M-G) and "World Flaming" (Par) galloped home to \$11,000.

State-Lake (B&K) (2,700; 28-44) "Argentine Nights" (U) and "Hollywood on Loose" unit on stage. Trio of Coast film names on the stage adding some glitz to the picture, and ambulating through to sufficient coin at \$15,000. Last week, "Flowing Gold" (WB) plus Clyde McCoy band on stage was a bit of a disappointment at \$14,800 after healthy start.

United Artists (B&K-M-G) (1,700; 35-55-75) "Correspondent" (UA). Got away from the post in whirlwind, fashion on Saturday (2) and looks for mighty fine \$16,000 for opener. Last week, "Strike Up Band" (M-G) finished a rousing four-week convention to bang-up \$7,500.

'DICTATOR' NOT SO HOT IN MEMPHIS AT \$9,000

Memphis, Nov. 5. Chaplin's "Dictator" is playing to extremely frail houses at Loew's State despite favorable reviews in the local press, but the upping of ticket prices is to a normally impressive figure.

Matinee houses are no good at all; nights are only fair. Another anti-Nazi effort, the Warner's Pastor Hall, is getting high pressure campaign.

Estimates for This Week
Loew's State (Loew) (2,600; 75-110) "Dictator" (UA). Will pull under \$9,000, which is big money ordinarily, but at n. g. at prices offered and way under smallest week for long run of "Gone With the Wind." Last week (10-33-44), "Knew What Wanted" (RKO), \$3,800, weekish.

Warner (Warner) (2,300; 10-33-44) "Pastor Hall" (UA). Good campaign is pumping this one to \$3,200. Last week, "Tugboat Annie" (WB), \$2,000.

Chicago, Nov. 5. 33-44) "Northwest Mounted" (Par) (2d wk.). May nab \$5,000 on second week. Last week, Wham \$12,000. Loew's Palace (Loew) (2,200; 10-33-44) "Hullabaloo" (M-G). Good notices and word of mouth priming film to possible \$4,000. Last week, "Dulce" (M-G), \$3,300, better than expected.

Strand (Lightman) (1,000; 10-22-44) "Cherokee Strip" (Par); three days; "Ladies Must Live" (WB), two days, and "Mum's Hand" (U), two days. All nice pulls, likely \$1,900. Last week, "Mad Men Europe" (Col), three days; "Saps Sea" (UA), two days, and "Three Men Texas" (Par), two days, \$1,800, okay.

'DICTATOR' 20G IN BUFF PREAM

Buffalo, Nov. 5. Heavy competition which sapped a good deal of last week's boxoffice vitality is still showing its head currently although with less noticeable rallies, especially at the new Municipal Auditorium, has averaged close to 15,000 people for each evening; football has been seeing capacity crowds in the new municipal stadium; and opening game of Sunday night hockey, also at the city-owned Aud, drew a gate of 12,000 persons.

Charlie Barnet is spinning the Buffalo's wickets at a snappy rate, while numerals for "Dictator" are not too fancy. Jimmie Lunceford looks just fair.

Estimates for This Week
Buffalo (Shea) (3,500; 35-40-60) "No Time Comedy" (WB) and Charlie Barnet or on stage. Should snag very nice \$19,000. Last week, "Third Finger" (M-G) disappointing, under \$12,000.

Great Lakes (Shea) (3,000; 75-110) "Dictator" (UA). Including special opening show Thursday night (3), should do fair \$20,000. Last week (35-55), "Reuter's" (WB) and "Hold That Woman" (PDC) soft \$4,500.

Hills (Shea) (2,100; 30-45) "Raiders of Fortune" (Par) and "Quarterback" (Par). Mildish \$6,000. Last week, "Bright Young" (20th) and "Profile" (20th) fair \$5,000.

Lafayette (Herm) (3,300; 30-40) "Little Heaven" (U) and "Diamond Frontier" (U). Hopped up by Gloria Jean's personal opening day, should be satisfactory \$7,000. Last week, "Angels Over Broadway" (Col) and "Military Academy" (Col), fair \$6,000.

26th Century (Dispos-Basil) (3,000; 30-40) "Queen of Yukon" (Mono) and Jimmie Lunceford or on stage. Under preceding frame, passable \$11,000. Last week, "Boys of Blue" (H. Par) and "Hollywood Hotel" revue on stage shaped up for okay \$12,000.

'MOUNTIES' 71G H.O. PACING NG MONTREAL

Montreal, Nov. 5. "North West Mounted" at Loew's in second week will again top all grosses currently, with "Reuters" at Capitol average \$4,000, and the balance below average.

Estimates for This Week
Palace (CT) (2,700; 25-45-55) "Third Finger" (M-G) (2d wk.). Mediocre \$4,500 after fair \$7,500 last week. Capitol (CT) (2,700; 25-45-55) "Reuters" (WB) and "River's End" (WB). Nice \$6,000 in sight. Last week, "Pastor Hall" (UA) and "Slightly Tempted" (U), started well but slipped to fair \$5,300.

Loew's (CT) (2,800; 30-40-60) "North West Mounted" (Par) (2d wk.). Sighting for good \$7,500 after smash \$12,000 last week.

Princess (CT) (2,300; 25-34-50) "Haunted Honeymoon" (M-G) and "Kildare Goes Home" (M-G). Probable \$3,500. Last week, "Knute Rockne" (WB) and "Father Prince" (WB), average \$4,000.

Orpheum (Ind) (1,100; 25-40-50) "Diamond Frontier" (U) and "Nobody's Sweetheart" (U). Not much over \$2,000 in sight, week. Last week, "H. Par" (Rep) and "Girl God's Country" (Rep), middling \$2,500.

Cinema de Paris (France-Film) (600; 25-50) "Battements de Cœur" (2d wk.). Nice \$1,500. Last week, good \$2,000. St. Denis (France-Film) (2,300; 25-34) "Il est Charmant" and "Poule sur un Mur." Average \$4,500 in sight. Last week, "Terre d'Anjoise" and "Le Fantôme," good enough \$4,600.

First Runs on Broadway (Subject to Change)

Week of Nov. 7
Astor—"Great Dictator" (UA) (4th wk.).
Capitol—"Great Dictator" (UA) (4th wk.).
Corrick—"Golden Fleecing" (M-G) (3).
(Reviewed in VARIETY, Aug. 21)
Music Hall—"Escape" (M-G) (2d wk.).

Paramount—"North West Mounted Police" (Par) (6).
(Reviewed in VARIETY, Oct. 23)
Radio—"Devil's Pipeline" (U) (9).
Elvial—"Christmas in July" (Par) (5).
(Reviewed in VARIETY, Sept. 18)
Rox—"Mark of Zorro" (20th) (2d wk.).
Strand—"Tugboat Annie Sails Again" (WB) (8).

Week of Nov. 14
Astor—"Great Dictator" (UA) (5th wk.).
Broadway—"Fantasia" (Disney) (13).
Capitol—"Great Dictator" (UA) (5th wk.).
Criterion—"Sky Murder" (M-G) (13).
Music Hall—"Arizona" (Col).
Paramount—"North West Mounted Police" (Par) (2d wk.).
(Reviewed in VARIETY, July 17)
Rox—"Tin Pan Alley" (20th) (15).
Strand—"Tugboat Annie Sails Again" (WB) (2d wk.).

ELECTION BIFFS DET.; DURBIN \$17,500

Detroit, Nov. 5. (Best Exploitation: Michigan) With election interest running high in this key state, final campaigning has slowed down Detroiters on their picture going, at least until after the election. Business has been perking up here until the final blasts were put on with plenty of evidence that the local folks are taking this election seriously.

In the hopes of coaxing them out, three of the houses brought in new product. Fox with "Spring Parade" and "Meet the Wildcat," and the Michigan offering "Knute Rockne" and "Money Woman" making it a race for the top spot. The young draw on the Deanna Durbin probably will be a factor in this election week. United Artists brought "Escape" and "Hullabaloo" with the Palmis State and Adams riding through on hold-overs.

Michigan helped along its football picture not with just the simple device of getting the local or a good Cap behind it. A campaign was extended to extensive Catholic parish here with the Archbishop and other ecclesiastics invited to a special screening. "H. Parade" has been brought out—in fact, most of the sports world was brought in on the ballyhoo.

Estimates for This Week
Adams (Balaban) (1,700; 30-40) "Argentine Way" (20th) and "Glamour Sale" (Col). Former picture is being tried for a second week after an earlier week at the Fox. Expectations not above a dull \$4,000. Last week, "Argentine Way" (20th) was teamed with "Diamond Frontier" (U) for an okay \$5,000.

Fox (Fox-Michigan) (5,000; 30-40-55) "Spring Parade" (U) and "Meet the Wildcat" (U). Looking for a good \$17,500. Last week, "Public Debt" (20th) and Elsa Maxwell, Marjorie Weaver, Mary Beth Hughes, Mary Healy, Kay Aldrich on stage, big \$21,000.

Michigan (United Detroit) (4,000; 30-40-55) "Knute Rockne" (WB) and "Money Woman" (Par). Sports interest in this town will help push this bill to a good \$16,000. Last week, "Western Way" (UA) and "Dancing Dame" (Par) came off with an all right \$15,500.

Palmis State (United Detroit) (3,000; 30-40-55) "Western" (UA) and "Third Finger" (M-G). This is a pairing of the top two pictures from last week's bills at the Michigan and United Artists, and looks for a fair \$8,000. Last week, "Ramparts" (RKO) and "Queen of Yukon" (Mono), tapered down to a still good \$9,000.

United Artists (United Detroit) (2,000; 30-40-55) "Escape" (M-G) and "Hullabaloo" (M-G). Doesn't indicate much early strength and seems bound to fairly \$8,000. Last week, "Third Finger" (M-G) and "Dulce" (M-G) (2d wk) put a nice \$10,000 behind a good \$11,000.

Broadway Steady Despite Election; 'Escape' Big \$100,000, 'Zorro' \$52,000, 'Howards'-Tucker-Richman-Lewis 32G

(Best Exploitation: Music Hall) Regardless of the hot interest displayed in the Election, with radios getting overheated by Presidential ballyhoo, the downtown New York theatres are more than holding their own and, with holiday prices placed into effect yesterday (Tues.), the managers are handicapping the situation as pretty satisfactory. Impressions among the theatre operating gentry on Broadway yesterday (Tues.) were that although the sides were out of school and increased boxoffice scales were in effect, the grosses would be comparable to that on an ordinary holiday, however because of the advance likelihood that election crowds could not be anticipated for the film theatres. All of the Broadway houses advertised heavily for the downtown mobs that the great Presidential race was sure to bring out and sought to snare extra business through flashing results from stage or screen. Some of the houses had tieups with news services, others relied on the radio. The Paramount introduced an innovation by throwing results from the booth on the screen during the running of the picture, but superimposing it on the bottom of the film. This without disturbing the performance by the picture.

Business Monday (4) was generally good during the entire day, and yesterday started out all right. Due to higher scales and scheduling of late shows by all houses, it was estimated the take would be double that of Monday or better.

"Escape" and "Mark of Zorro" are the two new major first runs of the week. Both are tearing around the back streets for big weeks. At the Music Hall the Ethel Vance story, widely read, will upset the dope concerning anti-Nazi films by doing a possible \$100,000 and holds over. "Mark of Zorro" was brought in the Rox Saturday (2) instead of the customary Thursday change day and started off very powerfully, looking perhaps \$52,000 on the week. It also will hold.

"Dictator," in its fourth week at the Capitol and Astor today (Wed.), is not filling the former but at the twice-daily Astor is coming close to the ballyhoo. Business has been perking up here until the final blasts were put on with plenty of evidence that the local folks are taking this election seriously.

The indications are that the Chaplin picture will remain indec at the Astor, but that it may go out of the Cap on its grind run there in three or four weeks.

Hovers on Broadway show particular strength "Arise, My Love" and a stage show of Tommy Reynolds, Jon Hall and Frances Langford, closed so potently at the Paramount last night (Tues.) at \$39,000 that a fourth week would have been scheduled but for prior commitments.

This also true of the Strand, where "Knute Rockne" and Woody Herman are gathering the momentum for possible \$27,000, very close behind the second week's take of \$30,000. Strand, however, also will not hold over, though it could have done so.

Even the Rivoli has picked up pace, with the fourth week of six days ending Monday night (4) bringing the house \$18,000 as against \$15,000 the prior stanza.

Loew's second-run State marches on in the big profit column, this week looking around \$32,000 with "Howards" of Virginia, which didn't do so hot at the Music Hall, plus a b.o. stage bill headed by Harry Richman, Sophie Tucker and Joe E. Lewis. House hit an excellent \$34,400 last week with "Foreign Correspondent" and the Louella Parsons unit.

Aided by effective teaser ads, the exploitation campaign on "Escape" for the Music Hall, put on by the theatre and Metro, takes the Broadway cake. More than the average amount of money was spent for advance and run.

Estimates for This Week
Astor (1,012; 75-85-110-165-220) "Dictator" (M-G) (4th week). Still going strong here. Last week (2d) was \$21,500, while the six days on the strike of the Capitol today (4) was \$18,500, very close to capacity. Good extended run indicated here, though picture may depart from its grind run at the Capitol at an early date.

Capitol (4,520; 75-110) "Dictator" (M-G) (4th week). Begins the stint today (Wed.), that will add up to a month in the third week through last night (Tues.) totaling \$65,000. The second week was \$75,000, in both cases fine profits.

Criterion (1,662; 28-44-55-65) "Golden Fleecing" (M-G) opens here today (Wed.), "Haunted Honeymoon" (M-G) ground through a seven days stoutly to \$9,000. In ahead, "World of Flames" (Par), \$8,500, good.

Globe (1,700; 28-35-55) "East of River" (WB) 3d-final week. Gathered a far above-average \$9,000 on first week and augurs around \$8,500 on second, okay.

Palace (1,700; 28-44-55) "City for Conquest" (WB) (2d run). "Slightly Tempted" (U) (1st run), doubled. This pair is pulling for about \$8,300, fair. Last week's brace, "No Time for Comedy" (WB) (2d run) and "Gay Caballero" (20th) (1st run), \$7,500, fair.

Paramount (3,664; 35-55-88-99) "Northwest Mounted Police" (Par) and Glen Gray orchestra open today (Wed.). If it were possible to defer this booking, theatre would hold over "Arise, My Love" (Par), based on a \$39,000 gross for third week ending last night (Tues.), swell profit. Stage aid has been received from Frances Langford, Jon Hall and Tommy Reynolds orchestra, second week for the show having been \$8,000, excellent, and the final \$58,000, sockeroo. Prices for "Mounted" will be tilted a little in accordance with crowds and hours drawn.

Radio City Music Hall (5,980; 40-65-85-99-110-165-215) "Escape" (M-G) and stage show. Big from the barrier and will cross the wire at \$100,000 or close, immense. Holds over. Reserved seats, scale which up to \$1.65 at night, have been selling out, with picture drawing a class trade and getting a much bigger play at night than during the day, though steady at all times. Last week, "Western" (UA) let 'em down, only \$70,000.

Radio (750; 28-40-55) "Cherokee Strip" (Par), Med. and good, and away okay for possible \$8,000. In ahead, "Mexican Spitfire Out West" (RKO) did only \$3,500 on five days. Behind that "Meet Wildcat" (U) o. k. \$9,000.

Rivoli (2,992; 35-40-55-75-99) "Christmas in July" (Par) opened here yesterday (Tues.) after four weeks of "Long Voyage Home" (UA), which ended on a muscular note Monday night (4) at \$13,000 on six days as against prior full week of \$15,000.

Rox (5,835; 35-40-55-75) "Zorro" (20th) and stage show. Away with a rush and looks to come under the wire with \$52,000 or thereabouts, very good, and holds. Last week, second for "Argentine Way" (20th) topped \$30,000, all right, with two extra days getting \$7,000.

State (3,450; 35-55-75) "Howards" (Col) 2d run, and stage, Harry Richman, Sophie Tucker, Joe E. Lewis. Undoubtedly the in-person trio which was at Marden's Riviera is counting plenty at the ticket windows, indications pointing a fine \$32,000 or in that vicinity. Last week, "Foreign Correspondent" (UA) (2d run) and the Louella Parsons unit, \$34,400, potent.

Strand (2,767; 75-85-110-165-220) "Knute Rockne" (WB) and Woody Herman (3d-final week). It's flying hoofs through the stretch, with a very sturdy \$30,000, which is near the second week's take of \$30,000, something that's very unusual. Initial seven days' take was close to \$44,000.

'Dictator,' \$12,500, Not Up to Louisville Hopes; 'Wanted' Okay \$7,500

Louisville, Nov. 5. Lack of new product on downtown screens, the unseasonably warm weather which has prevailed for the past few weeks, plus intense interest in the elections, has slowed up b.o. traffic in this town. Hoot at the early Forders and on Broadway, the only bright spots in the local picture.

Windup of Churchill Downs race meet to perfect weather conditions was no help to b.o.'s Saturday (26). "Great Dictator" at Loew's State, priced at 75c. and \$1.10, is not as big as expected.

Estimates for This Week
Brown (Loew's-Fourth Avenue) (1,400; 15-30-35) "Argentine Way" (20th) and "Still Alive" (RKO) (2d wk.). Built steadily, moveover and will top last week's mark with \$3,200. Last week, fine \$3,000.

Kentucky (Swift) (1,200; 15-25) "Drive Night" (WB) and "Rhythm River" (Par). Moving along toward good \$1,600. Last week, "Frank James" (20th) and "Young People" (20th), okay \$1,500.

Loew's State (Loew's) (3,100; 75-110) "Great Dictator" (UA). Big things were expected of this one. However, public is not buying, no doubt influenced by the extra cool red.

(Continued on page 22)

Pitt Forte; 'Reuters'-Scandals 22G, 'Love' 14½G, 'Ramparts' Sock \$5,400

(Best Exploitation: Stanley)
Biz very good, but considerably less than last week. Public obviously getting a little fed up on political hoopah on the radio and they're looking around for some amusement. Election Day being fortified, too, with everybody announcing regular returns in the theatres at 10-minute intervals following close of polls.
Stanley taking the lead easily with 'Scandals' on 'Dispatch' from Reuters' and shooting for merry dought while 'Arise My Love' is plenty okay at Penn. and 'Ramparts We Watch' has the Ritz in line for small-seaters' biggest week since it went first-run. 'Great Dictator' at Warner slipping few grand in second week and opening session's short flicks indicate generally disappointing engagement. H.O. of 'Spring Parade' plenty satisfactory at Fulton and Durbin picture should get a third round. Only Alvin, with heavily-penned 'Kit Carson' and 'Scandals', which took 'Down Argentine Way' from Alvin where it had played fortnight, are off.
For 'Scandals' and 'Reuters', Stanley went to town on both screening picture for press and publishers and coming in for some nice breaks, sending pigeons to columnist and spotting its flesh, generously, on radio, and making much of fact that show had been at Nixon last season for \$3.30.

Estimates for This Week

Alvin (Harris) (1,850; 25-35-50)—'Carson' (U). Western didn't rate very good news. Will be lucky to get \$5,000, which isn't so hot here these days. Last week second of 'Argentine Way' (20th) around \$5,700.
Fulton (Shea) (1,750; 25-40)—'Spring Parade' (U) (2d wk.). Doing very nicely on h.o. Well enough, in fact, to rate a third week and management is even hoping for a fourth. Looks easy for \$6,000, and that's really dough for this spot. Last week, swell \$5,500.
Penn. (Loew's-UA) (3,300; 25-35-50)—'Arise Love' (Par). Heading for at least \$14,500 and may jump over that figure. Last week 'Third Finger' (M-G) about the same, and would have moved to Ritz had not WB-Loew pool wanted to get in 'Ramparts' immediately following censors' okay.

Ritz (WB) (800; 25-40)—'Ramparts' (RKO). Small-seater but was available so March of Time feature was shot in 48 hours after censor board lifted its ban, with hefty campaign hastily assembled. Gave house biggest opening day in its history and should have no trouble clocking \$5,400, little short of phenomenal here. Last week 'Knew What Wanted' (RKO), on the cover from Penn. only fair at \$2,200.

Senator (Harris) (1,700; 25-35-50)—'Argentine Way' (20th). Hardly rated a third session downtown, musical having obviously absorbed its first-run draw in fortnight at Alvin. Won't do more than \$1,800 here. Last week 'Mummy's Hand' (U) and 'Yesterday's Heroes' (20th), terrible at \$1,300.

Stanley (WB) (3,800; 25-40-60)—'Reuters' (WB) and 'Scandals'. Swell combination. First stage show here in almost two months. Lumber (RKO) ready for it. Around \$22,000 looked for. Last week 'Wyoming' (M-G) out of the money at \$8,700.

Warner (WB) (2,000; 75-11-10)—'Dictator' (UA) (2d wk.). Dropping off a few grand on h.o. and around \$11,000 is all that can be hoped for. Picture didn't get a very good reception from critics. Lumber (RKO) was poor, and that stiff scale is hurting, too. Opening stanza for Chaplin starrer around \$16,000, including reserved-seat premiere. That's disappointing.

'Wyoming' 4G 8 Days, Lincoln; Wife' \$3,800

Lincoln, Neb. Nov. 5.
Two westerns are in the money, and one sophisticated pic is making out rather nicely this week. 'Wyoming' is getting an extra day (Nov. 6) at the Stuart, making eight in all, and 'Kit Carson' is in easy stride for pretty fair gate, Varsity.

Hired Wife is belting it, and mouthed into a build at the Lincoln.
Estimates for This Week
Colonial (Monroe-Noble-Federer) (1,500; 10-20-25)—'Horse Range' (Mono) and 'Fisherman's Wharf' (RKO), split with 'Great Man Votes' (RKO) and 'Bill Hickok' (Rep). Fair \$800. Last week 'Rainbow Range' (Mono) and 'Fisherman's Wharf' split with 'Annabell' (RKO) and 'Gentleman California' (Prin), also \$800.

Lincoln (J. H. Cooper-Paramount) (1,500; 10-20-25)—'Nobdy's Sweetheart' (U) and 'Diamond Fron-

tier' (U), split with 'Argentine Nights' (U) and 'Money and Woman' (WB). Okay, especially last half, \$2,500. Last week 'We Are Young' (M-G) and 'Magnificent Fraud' (Par), split with 'Flowing Gold' (WB) and 'Calling Husbands' (WB), not bad, \$2,400.

Stuart (J. H. Cooper-Paramount) (1,834; 10-25-40)—'Wyoming' (M-G). Making it eight days, and doing neat \$4,800 on the stretch. Last week 'Flowing Gold' (WB) and 'Calling Husbands' (WB) unit on stage, three days, \$2,700, okay.

Variety (Noble-Federer) (1,000; 10-20-25)—'Ape' (Col) and 'Boys City' (Mono). Kicked off with a Halloween midnight show, should get \$2,400 on the week, good. Last week 'Father Prince' (WB) and 'Orphans North' (Mono), five days, light \$1,300.

Varsity (Noble-Federer) (1,100; 10-25-40)—'Kit Carson' (UA). Will bite off its share, around \$3,200, okay. Last week 'Too Many Girls' (RKO), couldn't get more than average money, although bombshell in advertising, finishing with \$2,800 on the week.

'ZORRO' SLICK \$18,000, CINCY

Cincinnati, Nov. 5.
Hyped by three-day fiesta honoring homecoming of Tyrone Power for the world premiere of 'Mark of Zorro', burg's aggregate h.o. currently is pretty high. Zorro is racking up Cincy's biggest gross for some time, due to personal appearance of Power and pic's simultaneous showing on first day, Friday (1) at Albee and Shubert. Also doing a p.a. with Power at both theatres that night were his wife, Annabella, and Kate Smith and Ted Collins. Kate Smith's \$18,000 program for 'Gracie' originated here, and the indie Emery auditorium the night of 'Zorro's' kickoff, with Power guesting.

'Too Many Girls' likewise is on the healthy h.o. side this week, with a good Palace figure. It fetched hotcha notices. Keith's and Lyric are under par on 'Rangers of Fortune' and 'Blondie Plays Cupid'.

Estimates for This Week
Albee (RKO) (3,300; 33-40-50)—'Zorro' (20th). Preempting to a whom \$18,000, sparked by p.a. of Tyrone Power. Estimate includes first day's additional simultaneous showing of 'Blondie Plays Cupid'.

'Westerner' (UA), excellent \$14,000.
Capitol (RKO) (2,000; 33-40-50)—'Westerner' (UA). Moveover from 'Caballero' (20th) and 'Military Academy' (Col), divided with 'River's End' (WB) and 'Sing, Dance' (Rep).

'Grand (RKO) (1,430; 33-40-50)—'Hullabaloo' (M-G). Pleasing \$5,500. Last week 'Rockne' (WB) (2d run), good \$5,000.

Keith's (Libson) (1,500; 33-40-50)—'Rangers of Fortune' (RKO). Poor \$2,800. Last week 'Christmas Judy' (Par), no dice at \$3,000.
Lyric (RKO) (1,400; 33-40-50)—'Blondie Plays Cupid' (Col). N.A.H. for \$3,000. Last week 'Strike Up Band' (M-G), third run and fourth week on front line, hot-totsy \$4,000.

Palace (RKO) (2,600; 33-40-50)—'Too Many Girls' (RKO). Surprisingly good \$10,500. Pic pulled rare reviews, and was puffed with extra stunts to spread spotlight from 'Mark of Zorro' to star. Last week 'Burma' (Par), dipped to \$4,300 for season's low in this house.
Shubert (RKO) (2,150; 33-40-50)—'Hullabaloo' (M-G). Pleasing \$5,500. Fair \$2,500. Last week 'Quarterback' (Par) and 'World in Flames' (Par), combo, sorry \$2,000.

'They Knew' Fine \$4,700, Port., Ore.

Portland, Ore. Nov. 5.
'They Knew What They Wanted' got the start at the Orpheum with personal of Charles Laughton. Looks as though it might hold two stanzas. Only other new pic is 'Hullabaloo', hogging its own at the Broadway. Other three major houses were holdovers.

Estimates for This Week
Broadway (Parker) (2,000; 35-40-50)—'Hullabaloo' (M-G) and 'Mummy's Hand' (U). Okay \$4,800. Last

week 'Wyoming' (M-G) and 'Dr. Kildare Home' (M-G). Nice \$5,000, and moved to the Mayfair.

Mayfair (Parker-Evergreen) (1,500; 35-40-50)—'Wyoming' (M-G) and 'Dr. Kildare Home' (M-G). Moveover average \$3,000. Last week 'Rockne' (WB) and 'Young People' (20th) closed second stanza to average \$2,800.

Orpheum (Hamrick-Evergreen) (1,800; 35-40-50)—'Knew What They Wanted' (RKO) and 'Dance, Girls' (RKO). Last week \$4,700. Last week 'Reuters' (WB) and 'Profile' (20th) fair \$4,000.

Paramount (Hamrick-Evergreen) (3,000; 35-40-50)—'North West Mounted' (Par) (second week). Still getting nice \$4,400. Last week great, \$5,800.

United Artists (Parker) (1,000; 35-40-50)—'Third Finger' (M-G) and 'Haunted House' (M-G). Holding up well in its second week, \$4,200. Last week strong \$5,000.

Loy-Douglas Pacing Wash. With \$20,000

Washington, Nov. 5.
'Third Finger, Left Hand' is riding on Loy-Douglas lure to lead town, an easy margin this week at Capitol, Loew's big vaudeur. 'Rhythm River' at Earle and 'Down Argentine Way' at Palace are battling it out for average second honors.

Major disappointment is 'Too Many Girls' at Keith's, which rated hefty praise in all reviews, but is dying, apparently from lack of names.

Estimates for This Week
Capitol (Loew) (3,434; 26-39-44-66)—'Third Finger' (M-G) and vaude. No-name revue leaves it up to Loy and Douglas to lead town with good \$20,000. Last week 'Kit Carson' (UA) pitiful \$11,000.

Columbia (Loew) (1,234; 28-44)—'Brigham Young' (20th) (2d run). Back downtown after fair week at Capitol and now a passable \$4,000. Last week 'Strike Up Band' (M-G) (3d run) solid \$5,000.

Earle (WB) (2,216; 28-39-44-66)—'Rhythm River' (M-G) and vaude. Oke \$15,000. Last week 'Christmas in July' (Par) and Jimmy Durante orph slipped after sock weekend for solid \$18,500.

Keith's (RKO) (1,830; 39-55)—'Too Many Girls' (RKO). Dying despite good reviews with weak \$6,000. Last week 'Knew What They Wanted' (RKO) (2d wk) held to strong \$7,500.

Met (WB) (2,600; 28-44-66)—'Conquest' (WB) (2d run). Back on main stem after good week at Earle and will hit average \$5,000. Last week 'Westerner' (UA) (2d wk) oke \$8,500.

Palace (Loew) (2,242; 39-55)—'Down Argentine Way' (20th). Average \$18,000. Last week 'Westerner' (UA) (2d wk) oke \$8,500.

'Dictator' Sock \$18,000 In Seattle; Election Hurts

Seattle, Nov. 5.
Plenty of h.o. mark this week's downtown film fare, with 'Dictator' at Fifth Avenue at road show prices; Charles Laughton in a one-night personal at the Paramount for 'Knew What They Wanted'; Gary Cooper 'The Westerner' singing at Liberty and 'No Time for Comedy' at Orpheum. Election has been hitting grosses, with 'Dictator' considerably under grossers for 'Gone', put nifty nevertheless.

Coliseum is stepping up second run of 'Boom Town', top being 41c. instead of 35c.

Friday Monday a better change day. Sterling chain (John Danz) switches to this policy at Palomar and Roosevelt. Latter is subject to advance to Friday when taking Warner Bros. moveovers from Orpheum.

Estimates for This Week
Coliseum (Hamrick-Evergreen) (1,800; 21-30-31)—'Boom Town' (M-G) and 'Chan Museum' (20th) (2d run). Indicated \$5,500, great, and may hold that week (21-35) 'Rhythm River' (Par) (2d run) impressive \$3,800.

Fifth Avenue (Hamrick-Evergreen) (2,349; 75-115)—'Dictator' (UA). Best newspaper campaign, lineage upped 300, anticipates sock \$18,000, with matinee near capacity, nights not. Last week (30-40-50)—'Third Finger' (M-G) and 'Yesterday's Heroes' (20th) (nine days) strong \$9,200.

Liberty (J-V-H) (1,850; 30-40-50)—'Westerner' (UA). Using plenty of newspaper space, expect big \$7,000. Last week 'Howard's Col' (2d wk.), \$4,100, okay.

Music Box (Hamrick-Evergreen) (850; 30-40-50)—'Third Finger' (M-G) and 'Yesterday's Heroes' (20th). Moved to 1st, anticipating good \$3,200. Last week 'Argentine' (20th) and 'Profile' (20th) \$3,200 for nine days. Good.

Orpheum (Hamrick-Evergreen) (2,600; 30-40-50)—'No Time for

Philly Hit Bad By Pre-Electioneering, But Lolly-'Quarterback' Fine \$24,000

Comedy' (WB) and 'World in Flames' (Par). Paced at excellent \$16,000. Last week, 'Tugboat Annie Sails Again' (WB) and 'Nobdy's Sweetheart' (U), \$4,500, slow.

Palomar (Sterling) (1,350; 30-40-50)—'Dispatch from Reuters' (M-G) plus vaude. Looking for big \$5,500. Last week 'Hot Steel' (U) and 'Ladies Must Live' (WB) (five days) \$3,400, good.

Paramount (Hamrick-Evergreen) (3,039; 30-40-50)—'Knew What They Wanted' (RKO) and 'Mexican Spitfire' (RKO) with personal by Charles Laughton opening day. Eyeing fair \$4,500. Last week, 'Dulcy' (M-G) and 'Cherokee Strip' (Par) poor \$4,300.

Roosevelt (Sterling) (800; 21-35)—'Stayed for Breakfast' (Col) and 'Captain' (UA) (4 days), fair \$1,100. Split with 'Brigham Young' (20th) and 'Girl Avenue A' (20th) dual (2d run). Headed for big \$2,400. Last week (30-40-50)—'City for Conquest' (WB) \$2,300, fair. Last week 'The Weekend' (20th; 16-32)—'Boys Syracuse' (U) and 'Man Talked Too Much' (WB) (2d run). Expect fair \$1,800. Last week, 'Ramparts' (RKO) and 'Maisie' (M-G) (2d run), \$2,000, good.

'COMEDY' 18G, BOSTON PEPPY

Boston, Nov. 5.
House managers expect to take a beating from the last-minute heat of the election, which keeps the patronage glued to radios, but they were leaning over the weekend at heavy rain drove would-be football fans into the film stands. 'Great Dictator', at tilted prices, is out in front on gross basis, but disappointing in attendance.
'No Time for Comedy' is a strong card at the Met, and 'Streets of Paris' at 66c top, is a good stage draw at the RKO Boston. 'Voyage Home' is better-than-average at the Memorial, and will probably hold over.

Estimates for This Week
Boston (RKO) (3,200; 33-44-55-65)—'Gay Caballero' (20th) with 'Streets of Paris' unit on stage for first week. Will hit a hefty \$18,000. Last week 'Queen Yukon' (Mono) and 'Marked Men' (Prod), with Blackstone magic \$18,000. Last week 'Lady Luck' (Col) (2d run) and 'Who's Guilty?' (Mono) (1st run), three days, okay \$10,000.

Bayway (M&P) (1,332; 28-39-44-55)—'Knute Rockne' (WB) and 'Calling Husbands' (WB) (both continued run from two weeks at Met). Still okay football season draw. Around \$8,000. Last week 'Burma' (Par) and 'World in Flames' (Par), ditto.

Keith Memorial (RKO) (2,907; 28-39-44-55)—'Long Voyage' (UA) and 'Knew What They Wanted' (RKO) (2d wk). Plus two personal appearances by Charles Laughton on Monday (4). Will hit around \$16,000, good. Last week 'Too Many Girls' (RKO) and 'Sandy Gots Man' (U), same.

Metropolitan (M&P) (4,367; 28-39-44-55)—'No Time for Comedy' (WB) and 'Father Prince' (WB). Aiming at very good \$18,000. Last week 'Knute Rockne' (WB) and 'Calling Husbands' (WB) holdover, \$14,500.

Orpheum (Loew) (2,300; 75-11-10)—'Dictator' (UA). Received politely but not enthusiastically by the press, and the opening was decidedly disappointing here. Film not strong enough to draw capacity houses at these fancy prices. Rainy weekend helped substantially, and final tally will be around \$25,000. Last week 'Howard's Virginia' (Col) and 'Dulcy' (M-G), okay \$16,000.

Paramount (M&P) (1,797; 28-39-44-55)—'Knute Rockne' (WB) and 'Calling Husbands' (WB) (both continued run from two weeks at Met). Should very good \$18,000. Last week 'Burma' (Par) and 'World in Flames' (Par), \$8,500.

Scollay (M&P) (2,538; 28-39-44-55)—'Argentine Way' (20th) and 'Foreign Correspondent' (U) (both 2d run). Around \$4,000 expected. Last week 'Wyoming' (M-G) and 'Kildare Home' (M-G) (both 3d run), same. 'Dictator' (UA) (3,600; 75-11-10)—'Dictator' (UA). Last week, good \$16,500. Last week 'Howard's Virginia' (Col) and 'Dulcy' (M-G), \$10,000.

Mono's Costly Move

Hollywood, Nov. 5.
Monogram's home office trek from New York to California meant the expenditure of \$25,000 on new construction at the Rialto. Like studio and a like amount within the next few months.

Two new buildings have been set up to accommodate various departments, and appropriations have been made for other improvements, including the remodeling of stages.

Philadelphia, Nov. 5.
Pre-election day blues are striking downtown, and the weather, and it's bad news all along the line. Philadelphians are hugging their loud-speakers and shunning the bright lights. Even the heavy product that's been spotted here for this sesh is failing to lure Mr. and Mrs. Voter out of hiding.

Only the Earle, with Lolly Parsons' unit on the boards, the holdover of 'The Great Dictator' and 'World in Flames' are doing profitable business. Paramount's documentary, being hyped greatly by the advance publicity brought about by the ban of the film by the censors and its subsequent release.

Estimates for This Week
Alday (WB) (1,303; 75-11-14)—'Great Dictator' (UA) (2d wk.). Failing off, but still an okay \$16,500. Opener socko \$28,300.

Areadia (Sablowsky) (600; 35-46-57)—'Sneak Show' (M-G) (third run) (2d wk) \$1,200. Last week, fair \$3,300.

Boys (WB) (2,580; 35-46-57-68)—'Arise My Love' (Par). Not hit as badly as the others, with profitable \$16,500. Last week, 'Third Finger' (M-G), yanked after one week's take of \$15,000.

Earle (WB) (2,758; 35-46-57-68)—'Quarterback' (Par) with Lolly Parsons' Hollywood unit. In the blue chips with \$24,000. Last week, combo of 'Hit Parade' (Rep) with Gene Krupa's orchestra, equally potent \$24,000.

Fox (WB) (2,423; 35-46-57-68)—'Dispatch Reuters' (WB). Weakie with box \$13,000 in the tills. Last week's six-day trek for 'Spring Parade' (U), in second sesh, so-so \$10,400.

Karlton (WB) (1,066; 35-46-57-68)—'Knew What They Wanted' (RKO) (2d run). Better than expected, with \$4,200. Last week 'Angels Broadway' (Col), poor \$3,700 for second run.

Keith's (WB) (1,970; 35-46-57-68)—'Spring Parade' (U) (2d run). Defying doldrum with fair \$4,500. Last week, 'Argentine Way' (20th), just under with \$4,000 second run.

Stanley (WB) (2,918; 35-46-57-68)—'Moon Burma' (Par) with 'London Can Take It' (Par). Very poor \$12,000. Last week, 'Hired Wife' (U), shade better with \$12,000.

Stanton (WB) (1,457; 35-46-57)—'World in Flames' (Par). Getting the news breaks and netting swell \$5,500. Last week 'Rangers of Fortune' (Par), neat \$5,800.

'Mounties' 2d \$9,000, K. C.; 'Sinners' \$7,300

Kansas City, Nov. 5.
'Northwest Mounted Police' in its second week at the Newman continues to stand out in the boxoffice sprint. In its No. 2 sesh it looks to exceed a good initial week for most of the better films in this spot, and the rate it's a cinch to go on for additional weeks. It's a pretty hot policy worthy in view of the 30c hike in admissions.

'Great Dictator' at the Midland is running continuously, but at prices of 10c and 15c is finding the going low. Upped prices evidently the stopper here, and house is operating with closed balcony and still having a good seat.

Estimates for This Week
Esquire and Uptown (Fox Midwest) (820 and 2,043; 10-28-44)—'Seven Sinners' (U). At \$7,300, fair enough. Last week, 'Spring Parade' (U) went nine days to reap a sturdy, though not big \$8,500.

Midland (Loew's) (4,101; 28-75-110)—'Dictator' (UA). Customers are taking to it slowly, and while the take of \$8,500 is a fair week for the house, it's a turkey at these prices. Last week, 'Kildare Goes Home' (M-G) and 'Dulcy' (M-G) were lightweight duo and slipped to \$6,000.

Newman (Paramount) (1,900; 15-31-55)—'Northwest Mounted' (Par). Goes strongly into second week, and \$9,000 follow-up will be an advance on any other second week in years and ahead of most first weeks. Third week easily in sight. Opening week of \$13,000 beat anything in recent years.

Oscar (WB) (500; 10-28-44)—'Too Many Girls' (RKO) and 'Laddie' (RKO). Getting the musical comedy fans and registering a pleasant though not large \$6,500. Last week 'Knew What They Wanted' (RKO) and 'Mexican Spitfire' (RKO) dualled with Charles Laughton p.a. Opening day drew \$7,300, good, but not up to expectations.

Tower (Joffe) (2,110; 10-30)—'Yesterday's Heroes' (20th) with Joe Sanders orch on stage. Home town rep of leader helping and take of \$7,800. It is none other than Joe Sanders here. Last week, 'Argentine Nights' (U) with vaude revue, above-average at \$6,500.

Mpls. Has More Alibis Than B. O.; 'Kit'-Bowes \$9,000, Rest Dreary

Minneapolis, Nov. 5. With the Minnesota-Northwestern football game at Chicago augmenting pre-election distractions, gloom in the loop continues thicker than the proverbial London fog. More than 10,000—many of them undoubtedly prospective theatre customers—made the Windy City trip.

They're still digging up plenty of alibis for the protracted public neglect of the film entertainment emporiums. One hears that there has been hoarding of resources for out-of-town football trips and to meet real estate tax payments, radio political oratory diversions, conscription and election uncertainties, strong night club and other ways opposition, disruption of matinee trade by a newspaper cooking school, and generally adverse business conditions due to the minor amount of war and defense spending hereabouts.

There's nothing in the current picture line-up, either, to cause a mad rush of customers to the theatres. The lone important newcomer is the State's 'They Knew What They Wanted,' but it's away under expectations at the b.o. Two hold-overs and the same number of stage shows are of no major boxoffice consequence. Due to an advertising commitment, rather than pulling power, 'Down Argentine Way' has moved over from the State to the Century for a second week. 'No Time for Comedy,' which has done at the Century and World, remains a third week at the latter seater house, but now, naturally, it's on the way out.

Flesh entertainment comprises the Major Bowes' Prize Winners of 1940 unit at the Orpheum and the Alvin's revue headed by Ruth Lowe and Edythe Wright. Neither stage show has any substantial screen backing.

Estimates for This Week
Alvin (Hirsch-Katz) (1,400; 25-44-55)—'Hold Woman' (PDC) and stage revue, with Ruth Lowe and Edythe Wright. Show meeting approval. A money's worth of entertainment, but the public here is spoiled by super-shows and demands tremendous values, and the tough customers don't get too excited over these late-coming. Pretty good \$1,000 here for last week. 'This Man News' (Par) and stage show with Estelle Taylor, \$3,800, mild.

Aster (Par-Singer) (900; 15-28)—'Mummy's Hand' (U) and 'The Great Dictator' (20th). Dual first-run in for five days and fair \$1,200 indicated. 'Captain Caution' (UA) and 'Diamond Frontier' (U), also dual first-run, opened last week (7) for last week. 'Three Men Texas' (Par) and 'Calling Husbands' (WB), dual first-run, split with 'Wagon Train' (RKO) and 'Father Prince' (WB), also dual first-run, satisfactory \$1,500.

Century (Par-Singer) (1,000; 28-39-44)—'Argentine Way' (20th) (2d wk). Moved here from State. Will be moved to reach \$4,000, pretty good. Last week, 'Knute Rockne' (WB) (3d wk), good \$4,300 after big \$6,600 first week at State.

Equipe (Gillman) (280; 28)—'A Wolf in the Fold' (re-issue). Doing all right for itself and should reach satisfactory \$200. 'Public Deb' (20th), yanked after five days, light \$400.

Gopher (Par-Singer) (998; 28)—'Public Deb' (20th). Well spotted in this house, which caters to the younger element. Picked up fairly good \$3,000. Last week, 'Rangers Fortune' (Par), \$2,200, mild.

Orpheum (Par-Singer) (2,800; 39-44-55)—'Kit Carson' (U) and 'Major Bowes' unit. Stage show okay, but picture of little box-office value and not contributing to gross. Good \$8,000 indicated. Last week, 'Dulcy' (M-G) and Glen Gray's Cass Long, band, Cas. D. R. C. on stage, with Gray and Miss Daley probably entirely responsible for big \$17,000.

State (Par-Singer) (2,300; 28-39-44)—'Knew What They Wanted' (RKO). Favorable critics and audience reactions, but not doing well and after six days probable \$4,500. Advance trailers and newspaper ads state picture 'will neither interest nor entertain children.' Pointing toward good \$9,000. Last week 'Argentine Way' (20th), \$5,000, light.

Uptown (Par) (1,200; 28-39)—'Foreign Correspondent' (UA). First neighborhood showing. Film apparently lacking in feminine appeal and did only 100 in first-run and disappointing results indicated here, too. Looks like slow \$2,000. Last week, 'Lucky Partners' (RKO), \$2,500, okay.

World (Par-Singer) (350; 28-39-44-55)—'No Time for Comedy' (WB) (3d wk). Surprise top grosser. Good enough \$1,500 in prospect after making \$5,700 second week, following

Key City Grosses

Estimated Total Gross
This Week \$1,831,400
(Based on 26 cities, 179 theatres, chiefly first runs, including N. Y.)
Total Gross Same Week
Last Year \$1,564,700
(Based on 26 cities, 172 theatres)

Tugboat-Tucker \$10,500, Ind'pls; Chaplin Way Off

Indianapolis, Nov. 5.

The weather man is the most popular fellow in town this week with the natives, and the worst enemy of managers of houses in the downtown sector. With perfect weather potential customers are taking a last look at the countryside and, as a result, week-ends are suffering at the boxoffice. Biggest disappointment is Loew's where 'Dictator' at a \$1.10 top is way under expectations after a lavish buildup with national assist ads prior to opening. Picture was booked in on Thursday with the intention to keep it eight days or longer, but house is turning it loose after the usual week and returning to double features. Circle and Indiana are also even with former showing 'Seven Sinners' and 'Slightly Tempted' and latter with 'They Knew What They Wanted' and 'I'm Still Alive.' Lyric is about normal with 'They Knew What They Wanted' and 'Slightly Tempted.' Sails Again' and Tommy Tucker orch on stage.

Another thorn in the side of downtown movie house operators is the opening of the hockey season at the Coliseum on the State Fair grounds. This is the second season for the ice men, last year having played to 125,000 paid admissions during the at-home games.

Estimates for This Week
Circle (Katz-Dolle) (2,800; 25-30-40)—'Seven Sinners' (U) and 'Slightly Tempted' (U). Okay \$7,000. Last week, 'Quartback' (Par) and George White's Scandals on stage did profitable \$12,500.
Indiana (Katz-Dolle) (1,100; 25-30-40)—'Knew What They Wanted' (RKO) and 'Still Alive' (RKO). Fair \$6,500. Last week, 'Ramparts' (RKO) and 'Mexican Spitfire' (RKO), bad \$4,600. 'Loew's Showers' (2,400; 75-110)—'Dictator' (UA). Opened a day early with great hopes, but no dice for a puny \$9,500 at the upped prices which means plenty of empty seats during the continuous showing. Last week, 'Knute Rockne' (WB) (3d wk), good \$4,300 after big \$6,600 first week at State.
Lyric (Lyric) (1,900; 25-30-40)—'Tugboat Annie' (WB) and Tommy Tucker orch. Fair \$10,500. Last week, 'Melody Moonlight' (Rep) and Laurel & Hardy heading vague, good \$12,500.

'DICTATOR' 18C, BELOW PROV. EXPECTATIONS

Providence, Nov. 5.

Driving rain over the weekend which cut attendance to the bone all around put a crimp in what might have turned out to be unusually high grosses. Clearing weather late Sunday gave a very immediate boost. Chaplin's 'Great Dictator' playing Loew's State at an increased price policy isn't drawing as well as expected and indications point to only fair take in the day. 'Northwest Mounted' still pulling strong at Strand in second week. Gloria Jean personal two-day stand at Majestic's showing of 'Little Bit of Heaven' cornered plenty of juve trade.

Strong publicity campaign which drew plenty in co-op advertising, and radio time, and which made good use of the mails for personal contact, was put to use by Loew's State for its current showing of Chaplin's 'The Great Dictator.' Street stunts had Charlie Chaplin imitators walking about the downtown district with signs plugging the show.

Estimates for This Week
Albee (RKO) (2,200; 28-39-50)—'Too Many Girls' (RKO) and 'Stranger Than Paradise' (RKO). Headed for good \$7,000. Last week, 'Knew What They Wanted' (RKO),

and 'Pop Pays' (RKO) (2d wk.), nice \$5,000.

Carlton (Fay-Loew) (1,400; 28-39-50)—'Argentine Way' (20th) and 'Great Profile' (20th) (2d run). Keeping healthy for good \$3,200. Last week, 'Knute Rockne' (WB) and 'Pier 13' (20th) (3d downtown wk.), swell \$4,000.

Fay's (Indie) (2,000; 15-28)—'Bill Hickok' (Rep) and 'Sandy Gets Man' (U). Holding own for good \$4,000. Last week, 'Hell's Angels' (reissue) and 'Triple Justice' (RKO), good \$4,200.

Majestic (Fay) (2,200; 28-39-50)—'Bit of Heaven' (U) and 'Reuters' (WB) with Gloria Jean on stage Saturday and Sunday. House played to standing room Sunday with emphasis on the younger element. Spotted for swell \$9,000. Last week, 'Argentine Way' (20th) and 'Great Profile' (20th), nice \$8,000.

State (Loew) (3,200; 75-110)—'Dictator' (UA). Slightly apathetic attitude enhanced by the weather sendoff keeping gross below expectations, though expected \$18,000 not to be sneezed at. Last week, 'Knute Rockne' (WB) (3d wk.) and 'Haunted Honeycomb' (M-G), fairish \$9,000.

Strand (Indie) (2,000; 35-50-65)—'Northwest Mounted' (Par) and 'Gloria Havana' (Rep) (2d wk.). House still packing them in for so-so \$8,000, after record breaking \$14,800 in first week.

'ARISE' \$16,000, BUT FRISCO DROOPY

San Francisco, Nov. 5. The boys are crying the blues this week. Campaign speeches have kept the fans glued to their radios and those who have come downtown have been dropping between \$4,000 and \$6,000 nightly to see Bob Hope and the new cars in Civic Auditorium auto show. Holdovers and hold-downs on ads and expenses are the rule. All first runs there in 'London Can Take It' (RKO) and 'Procceds to British War Relief.'

Estimates for This Week
Fox (F-WC) (5,000; 35-50-65)—'Arise My Love' (Par) and 'Street of Memories' (20th). Colbert-Millard starter well received. May hit \$16,000 despite election dent. Last (2d final week, 'Third Finger' (M-G) and 'Cherokee Strip' (Par), weathered storm for \$9,000.

Golden Gate (RKO) (2,850; 39-44-55)—'Too Many Girls' (RKO) and vaude. Election hurting here, too, holding tally to \$13,000. Last week, 'Spitfire' (WB) (RKO), \$10,500, mild.

Orpheum (F-WC) (2,400; 35-50-65)—'Spring Parade' (U) and 'Glamour Sale' (Col) (3d wk.). Stays to ride good \$6,500 unless things get better. Last (2d) week got \$9,500.

Paramount (F-WC) (2,710; 35-40-50)—'Argentine Way' (20th) and 'Quartback' (Par) (3d wk.). Will be good \$6,500 unless things get better. Last (2d) week got \$9,500.

St. Francis (F-WC) (2,470; 35-40-50)—'Burma' (Par) and 'Round Mountain' (Par) (moveover). Will do well to get average \$5,000. Last week, 'Knute Rockne' (WB) and 'Gloria Havana' (Rep) finished third slot with \$4,500.

United Artists (Cohen) (1,200; 35-40-50)—'Western' (RKO) (3d wk.). Looks like at least \$6,000 and stays for a fourth week with 'Dictator' (UA) following. Second week, okay \$8,000.

Warfield (F-WC) (2,680; 34-40-50)—'Reuters' (WB) and 'World in Flames' (Par). Probably won't do over \$9,000. Ought to pick up after election depress ends. 'Flames' was tossed in at last minute, replacing advertised 'Father Is Prince.' Last week, 'Burma' (Par) and 'Round Mountain' (Par), only so-so at \$11,000.

F.D.R. Speeches Stall Omaha; 'Love' Slow 86

Omaha, Nov. 5.

Nobody's bragging about business this week, grosses being well down from the high spots of the past month. State will do pretty well, around \$1,500 to the first day. Last week with the Disney festival plus 'Snow White.' Omaha with 'Arise My Love' won't get more than \$8,000, even with Colbert's popularity at the house. Orpheum with 'Rangers of Fortune' and 'Public Deb No. 1' will be lucky to wind up with \$9,000. Political blasts coming via air cut into the theatre take all week, the night Roosevelt's talks are on making a fairly deep dent. Kennedy's talk cut in too. Parades and final mass meetings took heavy toll Saturday night.

Estimates for This Week
Omaha (Tristates) (2,000; 10-30-40)—'Arise Love' (Par) and 'Yesterday' (RKO) (2d wk.).

L. A. Also Sings Campaign Blues; 'Mounted'-Vaude Big \$30,000, But 'Reuter's' N.G. 14G, 'Howards' OK 19G

Broadway Grosses

Estimated Total Gross
This Week \$376,300
(Based on 12 theatres)
Total Gross Same Week
Last Year \$298,800
(Based on 12 theatres)

'Dictator' \$28,000, 'Girls'-Cugat 14G, Cleveland So-So

Cleveland, Nov. 5.

Schoolmarm's convention last Friday gave all houses a well needed break, but outside of 'Great Dictator' at Stillman, majority are being cut down by the election hullabaloo. Business Saturday (2) was completely shot by visit of F.D.R., whose parade tied up street traffic.

Chaplin satire at hiked prices is zooming up to a grand \$28,000 under impetus of a smash opening that came within \$400 of first-day record for 'Gone with Wind.' Xavier Cugat's rumba crew collared with 'Too Many Girls' managing to do okay for Palace, but 'Moon Over Burma' at State is dropping into the so-so class. Ditto for 'They Knew What They Wanted' at Hipp.

Estimates for This Week
Allen (RKO) (3,000; 30-35-42-55)—'Knute Rockne' (WB). Corraling very nice \$4,000 on moveover. Last week 'City Conquest' (WB) on shift-over got poor \$2,800.

Hipp (Warner) (3,700; 30-35-42-55)—'They Knew What They Wanted' (RKO). A little too heavy for this stand with barely \$1,000 in sight. Last week 'Knute Rockne' (WB) had excellent send-off, but slowed up at the half-way mark to nab satisfactory \$13,000.

Lake (Warner) (900; 25-40)—'Gay Caballero' (20th) and 'Chan Wax Museum' (20th). House seems unable to build up any sort of profitable clientele with dented \$5, this pair dribbling along to miserable \$800. Warners may close it if biz doesn't pick up. Last week 'Ladies Must Live' (WB) and 'Military Academy' (Col), also \$800.

Palace (RKO) (3,200; 30-35-42-55)—'Too Many Girls' (RKO) plus Xavier Cugat's orch. Good combo, and \$14,000 is over the ordinary. Last week 'Reuters' (WB) with George Jessel's unit, \$15,000, okay.

State (Loew's) (3,450; 30-35-43-55)—'Burma' (Par), dreary \$8,000, and being kept only six days. Last week for 'Escapes' advanced Thursday opening. Last week 'Third Finger' (M-G), above average, \$12,500.

Stillman (Loew's) (1,970; 75-110)—'Dictator' (UA). With tilted gate swell promotion and dress-up shindig for opening, which resulted in a sell-out day. Chaplin comedy is whamming out \$28,000, socko stuff. Last week 'Kit Carson' (UA) a smart surprise at \$5,000.

'ARISE LOVE' \$24,000, B'KLYN; 'ROCKNE' 22G

Brooklyn, Nov. 5.

Despite intense interest in the presidential campaign and presence of Chief Executive at local Academy of Music and Fanny night for his musicals, downtown box offices weren't affected too much at b.o.'s. Fabian Paramount doing top biz with 'Arise My Love' and 'Five Little Peppers in Trouble,' while sister-house down the street, Fabian Fox, with 'Knute Rockne—All American' and 'Melody and Moonlight' will be second in line. Loew's Metropolitan also looks forward to a pleasant week, with 'Up the Band' and 'Diamond Frontier.'

Estimates for This Week
Albee (RKO) (3,274; 25-35-50)—'Argentine Way' (20th) and 'Still Alive' (RKO). Satisfactory \$18,500. Last week, 'Knew What They Wanted' (RKO) and 'Slightly Tempted' (U), nice \$20,000.

Fox (Shan) (4,089; 25-35-50)—'Knute Rockne' (WB) and 'Melody Moonlight' (Rep). Combo will reach for nifty \$22,000. Last week, 'Howards Virginia' (Col) and 'Quartback' (Par) (2d wk.), good \$15,500.

Met (Loew's) (2,535-50)—'Strike Up Band' (M-G) and 'Diamond Frontier' (U). Strong \$20,000. Last week, 'Foreign Correspondent'

Los Angeles, Nov. 5.

(Best Exploitation: State)

Unprecedented election interest is keeping down attendance in most of the local first-runs, exception being the Paramount, where 'Northwest Mounted Police' is heading for terrific \$30,000. Only other houses to cross the 10G mark are Loew's State, with a comfort \$12,000, and Pantages, expected to reach \$10,000 on first week of 'Howards of Virginia.' 'Third Finger Left Hand' looks like okay \$21,000 at the State and Chinese. 'Dispatch from Reuters' sold at Warners (4) after week \$14,000 for the two houses.

Novel exploitation idea was conceived and worked out for 'Third Finger' by George Watters. Hundreds of women, who were wedding rings but no diamond engagement rings, had their left hand photographed, with tieup made with a leading downtown jewelry house to give away a diamond ring daily to the woman whose photographed hand appeared in the store window. Jewelry house took newspaper ads boosting the picture and the giveaway, and drew hundreds of prospective customers (of diamond rings, especially married women who have not as yet been given an engagement diamond. Only cost to F-WC was for a photographer. Jewelry house supplied the rings and newspaper advertising.

Estimates for This Week

Carthay Circle (F-WC) (1,516; 55c-83c-1.10-1.65)—'Thief Bagdad' (UA) (3d wk.). Dipped to \$4,800 on third stand with \$3,000. Last week, 'The Great Dictator' moves in. Last week, 'Thief ended with \$16,600. Chinese (Grauman-F-WC) (2,024; 30-44-55-75)—'Third Finger' (M-G) and 'Haunted Honeycomb' (M-G). Will likely hit around \$9,000, with election hysteria hurting. Last week, 'Wyoming' (M-G) and 'Kildare Home' (M-G) slim.

Downtown (WB) (1,800; 30-44-55)—'Dispatch Reuters' (WB) and 'Melody Moonlight' (Rep). Election interest undoubtedly held trade down to \$7,000. Pulled away yesterday (Tuesday). Last week, five-day holdover of 'City Conquest' (WB) and 'Nobody's Sweetheart' (U), very good \$8,000.

Four Star (UA-F-WC) (900; 55-75)—'Foreign Correspondent' (6th wk.). With one more week to go, trade weak currently at \$2,400. Last week, slightly over \$3,000.

Hawaii (G&S) (1,100; 30-44-55-75)—'Snow White' (RKO) and Disney Academy winner shorts (4th wk.). Hearing end of run. Last week, \$2,300 in sight this week, still profitable, dipped to \$2,800, but still profitable.

Hollywood (WB) (2,750; 30-44-55)—'Dispatch Reuters' (WB) and 'Melody Moonlight' (Rep). Dug out away to good start, but sagged as week progressed and wound up Sun. (3) with poor \$7,000. Last week, 'City Conquest' (WB) and 'Sweetheart' (U), on five-day holdover, okay \$5,000.

Pantages (Pan) (2,812; 30-44-55-75)—'Howards Virginia' (Col) and 'Lady Question' (Col). Headed for good \$10,000. Last week, 'Knew What They Wanted' (RKO) (2d wk) and 'Meet Wildcat' (U), topped \$8,100.

Paramount (Par) (3,595; 30-44-55-75)—'North West Mounted' (Par) and stage show. DeMille opus getting smash \$30,000. Will hold. Last week, holdover of 'Moon Burma' (Par) with 'World in Flames' (F-WC) and 'Flames' finished with \$17,000, as expected.

RKO (RKO) (2,872; 30-44-55)—'Howards Virginia' (Col) and 'Lady Question' (Col). Headed for good \$9,200. Will hold. Last week, 'Knew What They Wanted' (RKO) (2d wk) and 'Wildcat' (U), good \$6,400.

State (Loew's-F-WC) (2,414; 30-44-55-75)—'Third Finger' (M-G) and 'Haunted Honeycomb' (M-G). Unless unexpected happens will hit okay \$12,000. Last week, 'Wyoming' (M-G) and 'Kildare Home' (M-G), very good \$13,000.

United Artists (UA-F-WC) (2,100; 30-44-55)—'Wyoming' (M-G) and holdover of 'Argentine Way' (20th). Looks like satisfactory \$5,000. Last week, 'Argentine' (20th) and 'Sky Murder' (M-G), okay \$4,000.

Wilshire (F-WC) (2,286; 30-44-55)—'Wyoming' (M-G) with holdover 'Argentine Way' (20th). Moveover not so hot here, and best of \$5,200. Last week, 'Argentine' (20th) and 'Sky Murder' (M-G), good \$6,200.

(UA) and 'We Are Young' (M-G) (2d wk.), good \$7,000.

Paramount (Fabian) (4,126; 25-35-50)—'Arise My Love' (Par) and 'Pepper Trouble' (Col). Booming \$24,000. Last week, 'City Conquest' (WB) and 'E. Puddistone' (Rep) (3d wk.), okay \$14,500.

Strand (WB) (2,870; 25-35-40)—'Calling Husbands' (WB) and 'Drums Desert' (Mono). Satisfactory \$4,000. Last week, 'Coming Round Mountain' (Rep) and 'Fugitive Prison Camp' (Col), good \$5,000.

**"THE MARK OF ZORRO"
SMASHES "ALEXANDER'S
RAGTIME BAND" AND
"JESSE JAMES" RECORDS
IN PHENOMENAL OPEN-
ING WEEK-END AT
ROXY, N. Y.!**

***and* CINCINNATI** WORLD PREMIERE
POSITIVELY SENSATIONAL! 25,000 STRAIN
POLICE LINES! ALBEE AND SHUBERT
GROSSES TERRIFIC!

***and* BALTIMORE** EQUALLY BIG . . .
BEATING EVERY HIGH IN SIGHT!

THAT'S BI^ZNESS!



'Sell the Producer,' Gould Urges At UA Convention in Buenos Aires

Buenos Aires, Oct. 29. Selling the producer instead of the star or story is the newest angle being tried in South America by United Artists. Sloan, revealed at first international continent convention held by UA attended by representatives from Argentina, Chile, Uruguay, Brazil and Peru.

According to Walter Gould, assistant to Arthur W. Kelly, v. p. in charge of foreign distribution, world conditions have shifted so rapidly in recent months that attempting to sell a definite schedule of pic is risky, especially here, where theatres and distribution centers are scattered over a tremendous area.

Gould told conventioners records and talents of such men as Selznick, Goldwyn, Korda, Wanger and Roach could be depended on, regardless of whether they picked this yarn or that and whether or not war and other conditions would change Hollywood plans. Stressed that it delegates could get this across to exhibitors they would not only be making things better for themselves, but testing a plan which might be followed in the States.

New season will open with Charles Chaplin's 'Great Dictator,' which has had much advance interest in the South American press. Although not mentioned at the confab, it's more than likely that strong Nazi pressure will be brought to bear to ban the pic in several countries, particularly Brazil and Chile, which have large German groups. No protests have yet been officially registered.

Also too early to know if selling producers will get across. While they get top billing in B. A. and a few other major cities, most filmgoers know the stars above anything else and line up at the boxoffice on that basis.

Gould called from B. A. Oct. 25, planned to spend a short time in Rio and then fly north.

Gould Steps Up

Walter Gould was named Monday (4) to act as head of the foreign department of United Artists by Murray Silverstone, UA chief. He will fill the spot left vacant by the promotion recently of Arthur Kelly to general sales manager.

Gould's appointment was made following his return Sunday (3) from a four-month visit to UA's exchanges in Central and South America, where he presided over a convention in Buenos Aires Oct. 20. His title was division manager for Latin-America, but he functioned largely as an assistant to Kelly, with particular attention to South America.

Sam Seidelman, whose title is New York representative for Latin-America, but who concentrated on Central America, will step up to Gould's post, handling both Central and South America, but will not take Gould's title. He is currently in Buenos Aires.

Thomas P. Mulrooney, foreign sales manager, is not affected by the shifts. Gould has been in the UA foreign department since 1926 and has headed the Latin American division for the past eight years.

In London Studios

London, Oct. 22. Leslie Howard finally underway with his director-action picture 'The Professor Pimento Smith,' with Howard as smuggler of refugees from Germany. Valerie Hobson draws femme spot. Scripting chore goes to R. de Gruywald.

New outfit, GHW Productions, put 'Better Than Light' into work at Denham. Pic stars Wilfrid Lawson and Mary Jerrol. Norman Walker directs from script by Manning Haynes.

Ealing Studios under Michael Balcon announce schedule of seven pics for coming months. Titles for three are 'Murder at St. Michael's,' Will Hay stars; 'As You Were,' legit hit, for George Formby; 'Leave Train,' original by Pat Kirwan. Remainder are in construction stages.

'Spring Meeting,' which is the next scheduled for production by Associated British Picture Corp. at Welwyn, will give Sarah Churchill, daughter of the English premier and wife of Vic Oliver, her first starring role. Nova Pilbeam is also in cast.

NIXES THE BULL

Femme Matador Paid in Advance
Though Others Get Promises

Mexico City, Nov. 5. Conchita Cintron, the ace lady matador, who has a dash of American in her, is a businesswoman. She was the only bullfighter to profit at a blood and sand fiesta that flopped because of bad management in Toluca, capital of the state of Mexico, near here.

All the male fighters, including two celebrated matadors, not only didn't get a centavo for their time and trouble, but they were out cash as well. But the senorita demanded, and received, \$1,000 (Mex) before she left here for Toluca.

BIG BACKLOG ON FOREIGN FILMS

Instead of what had been expected to be a shortage of European pictures, mostly French-made, due to the war, there probably will be a surplus of these productions during the next six or eight months. Reason for this paradoxical situation—with French producers turning out few new pictures—which finds so many features available is that foreign-language film distributors always are a year or two behind production schedules, particularly in France. There naturally is a large backlog of product available consequently.

Besides six French productions presently running, booked or recently concluding runs at N. Y. art theatres, there are 14 other features produced in France on hand awaiting future release. Several others probably will be made available before the end of the year.

Survey of French product situation shows 'Mayrelling to Sarajevo' at the Little Carnegie; 'Two Women' at the 55th Street Playhouse; 'Baker's Wife' at the World; 'Heritage' at the Belmont (opened Monday, Nov. 4); 'Hated' getting ready for a run at the Fifth Avenue Playhouse and 'Grand Illusion' (reissue) recently run at the Plaza. Besides these, the Czech film, 'Merry Wives,' is slated to go into the Bryant (old Cameo on 42nd Street), on Nov. 11.

In addition, the French-made pictures which have been shown in France but still await release here, include 'The Patriot,' handled by World Distributors; 'Man of the Hour,' with Maurice Chevalier; 'Twins of Brighton,' with Raimu, and 'Musicians of Heaven,' both in the hands of Leo Films; 'Have You Nothing to Declare,' 'Pepe le Moko' (U. S. remake is 'Algiers'), with Jean Gabin handled by Mayer & Burstin; 'The King Is Amused'; 'They Were Nine Bachelors' with Sacha Guitry; 'The White Slave' with Dario; 'Retour a l'ube' with Danielle Darrieux; 'Schoopontz' with Fernandel, being distributed by French Films Import; 'Andre E. Heymann'; 'Drama of Shanghai'; 'Moulin Rouge' and 'Trapped' with Maurice Chevalier. Some of these imports have not even been titled in English for U. S. consumption.

While there are an increasing number of features coming up from the Latin-American market, especially Mexican and Argentine, bulk of the pictures thus far have not evidenced the stability essential to make them stand up for long runs in art houses.

Russe Pic's N.Y. Date

Soviet-made films, which had a tough time locating a new showcase in New York City, finally, via Artkino Pictures, new distributing outfit for the Russian government, obtained the Miami, grind house on Sixth Avenue.

The Great Beginning opens there about Nov. 14, and is the first midtown run for Soviet pic since the Cameo shuttered last spring and subsequently reopened recently as the Bryant on West 42nd street out with a new film policy.

London in War Time

London, Oct. 22. Argyll theatre, Birkenhead, which has played most American acts visiting England in prewar days, has been demolished by enemy bombing.

Jack Hulbert, who is a war cop, is on duty outside the London Hippodrome.

Arthur Greenspan's household goods demolished by bomb. Likewise homes of David Macdonald, the film director, and Billy Cotton, the band leader.

Eric Maschwitz now full fledged major at the War Office, but still retains his interest in the British Broadcasting Corp., although only advisory capacity.

Frank Preston (Lucille and Frank) has joined the Royal Air Force.

Doreen Blake, daughter of Tom Payne and Vera Hillyard, just turned 18, has taken up nursing as career.

General Theatres Corp. and Moss Empires to stay open despite fortnightly notice to staff, which is only a precautionary measure.

Jack Hylton has been offered \$10,000 for his life story, which would be titled 'Jack Looks Back,' but is holding out for more coin.

Charles Heslop's house bombed in London while he was away broadcasting for BBC.

U.S. Producers Plan Program-Type Films To Be Made in Antips

Sydney, Oct. 15. Providing present plans mature, two or three U. S. producers are prepared to Clipper a marquee name, technician and cameraman here to work with local producers in producing several pic, mainly of the program type for use here and in U. S. In this way, the U. S. producers see a way out to unfreeze some of the coin held by the government to conserve dollars for wartime needs. The producers would be allowed to use their frozen money locally. A certain amount of finance, however, must come from the local units.

Most interested in the scheme are Cinesound, National and Argosy. Aubrey Scott, Hollywood director, is said to be representing certain U. S. interests keen to break into the Aussie field on setup as outlined. Scott boated in some weeks back for conferences with those most interested in the home production field.

Argosy and National, units headed by the Denis newspaper group, with Fred Daniels in charge, would like U. S. picture men to take two pic already completed locally with governmental dough, 'That Certain Something' and 'Power and Glory,' directed by Clarence Badger and Noel Monkman, respectively, with a homebrew talent lineup. However, U. S. men prefer, especially for own market, to have a name with marquee pull.

RKO Producing Picture in Barcelona As Means of Releasing Frozen Com

RKO has entered the production field in Spain as an experiment, with the idea of getting part of its frozen coin out of that country. If the initial production works out as well as expected, and difficulties are not encountered in money remittances, additional features may be made there. Film will be made in Spanish, but would be dubbed into English if found strong enough for the American market.

Understood that RKO may be able to realize only half of actual rental money obtained through distributing this picture in the world market. The original proposition made by the Franco government was for 50% of the money collected from distribution of the picture to be returned to Spain because of the need for dollar exchange in that country. However, RKO will have been able to use frozen coin held in Spain for production expenditures. Also

British Exhib Investments in Aussie Would Offset Home Losses via Nazi Bombings; Check U. S. Control?

GOV'T BACKS TROUPE

Mexico Sponsors Amateur Legiters
At \$30 Monthly to Each

Mexico City, Nov. 5. So that the drama won't go entirely to the dogs here, the Ministry of Public Education has organized a company of 17 players to present three picked plays during this season. Each player receives \$30 a month. They are all amateurs.

A decided leftist drama that was to have been the debut bit for this company was dropped after several rehearsals because of the new rightist trend in Mexico.

EVACUATE BRIT. CHILDREN TO AUSSIE

Sydney, Oct. 15.

Charles Munro, managing director of Hoyts, is presently working out a scheme with local industry assistance to transport to Australia for the war's duration children of British pic people. Scheme will be worked through the cooperation of the British and local governments insofar as transportation is concerned, with finance for maintenance coming solely from the home industry.

Believed that U. S. interests operating here via the Motion Picture Distributors Assn. will also come to the fore with monetary assistance to make the scheme workable, and that the Exhibits' Assn. will back the kiddies' upkeep to the fullest possible extent. Many industry members have signified their intention of taking British kiddies into their homes for the duration.

LONDON MGRS. SEEK TO REOPEN LEGITS

London, Nov. 5.

Managers of West End theatres are continuing to confer with the government in their effort to reopen theatres at least on a part-time basis. They have submitted a proposal whereby all houses in London would be open for afternoon performances, including Sundays.

Reported that the government is considering the idea favorably, regarding it as of assistance in restoring the temporarily defunct field.

1st Divvy for GUT Unit

Melbourne, Oct. 15.

Greater J. D. Williamson, unit of Greater Union, has after 11 years, declared first dividend amounting to 6c per share.

Revenue comes from lease of Melba theatre at \$600 weekly.

Sydney, Nov. 5.

Certain British film exhibitors may make a buy into certain independent circuits of Australia and New Zealand. Move is predicated on the basis of London exhibitors to overcome losses caused by the Nazi air blitz in England by extending their holdings to other parts of the British empire.

With the Greater Union Theatres-Hoyts booking accord timed for final consummation next Jan. 1, following final pressure from 20th-Fox, which holds controlling interest in Hoyts, British capital is likely to flow to this territory to offset also any possible American control. British producers see the agreement as a hindrance to more open distribution.

The Hoyts-Greater Union deal would establish General theatres as a booking unit for both theatre chains, insuring strong product for both.

Problem Up Before

Fear of American control of Aussie picture houses has been up many times before. In fact, it was the complaint of Greater Union Theatres over inability to obtain first-run product from top American major distributors that eventually resulted in the pending setup between Hoyts and Greater Union so that both circuits would be insured of strong U. S. screen fare.

C. Z. DEFENSE COIN UPS PANAMA PIX BUSINESS

Washington, Nov. 5.

Tremendous impetus has been given to the motion picture industry in the Panama Canal Zone, according to a report received by the Department of Commerce, with sustained improvement guaranteed over a period of years because of the long-range program of construction which the Government has undertaken.

According to Commercial Attache A. B. Sowell, of Panama City, the defense program has brought employment to an all-time high, with a corresponding boom in the motion picture industry. With a number of new theatres planned for the Canal Zone itself, there are at present 32 houses operating in the Panama Republic, having a total seating capacity of 21,000. Fourteen are located in Panama City, four in Colon and 14 at interior points. In the Canal Zone there are 30 houses, with a seating capacity of 12,500.

The Panama attache described the American film as 'a powerful indirect salesman of American ideals, customs and goods' in Panama, a strong desire for 'improved standards of living' has developed, he added, and 'experience has shown that the film that portrays without exaggeration the American way of life is an educational force of incalculable value to the people of this Republic.'

German Animal Trainer Interned as Enemy Alien

St. John, N. B., Nov. 5.

Capt. Wilhelm Schultz, a German wild animal trainer who has presented his circus act in theatres, with carnivals and at stationary zoos in the U. S. and Canada for past dozen years, has been interned as an enemy alien by the dominion government. Not only that, but a warrant has been sworn out against him in Amherst for his court appearance if and when he is liberated. In the court, he must answer to a charge of assaulting a Canadian soldier.

Schultz had been operating a zoo at Amherst for the past year when not on the road with his act. Previously, he had been located at points in northern New York State and adjoining Ontario.

Aussie Quota Stands

Sydney, Oct. 15.

Films Commission has set British quota at 15% and local at 24% for exhibitors to cover 1941.

Quota is same as previously.

'Our Town' pic has fared poorly in Australia, despite press raves.

SOON! SOON! SOON! SOON! SOON!

Bette Davis

The Letter

EASILY HER
ALL-TIME
GREATEST!



with HERBERT MARSHALL • JAMES STEPHENSON
Frieda Inescort • Sals Søndergaard
A WM. WYLER PRODUCTION
Screen Play by Howard Koch
Music by Max Steiner

SOMERSET MAUGHAM WROTE IT AND

WARNERS
made it!

POOR PIX, MORE GIVEAWAYS

Photog Union's Beef on Doubling Up Kayoes 'A.P. Newsreel' Hopes

An 'Associated Press of the newsreels' idea long advocated as a sound business proposition, is definitely a thing of the past. Final blow to the joint coverage plan, basic feature of such A.P. newsreel setup, was caused by strict enforcement of the present contract held by the cameramen's union. A couple of newsreels recently were hauled on the carpet for failing to assign photography crews on a story, using clips from friendly reels.

Spokesman for Local 644 of the International Photographers of the Motion Picture Industry claims that the practice of joint coverage had been fairly well broken up. Under the present pact with No. 644 (which dominates the newsreel operations), reels which fall to cover a big national story with their own crews but take dupes prints of same from another newsreel are subject to assessment equal to what would have been paid if cameramen had been assigned to the yarn. It's up to the union inspectors to catch violations, and so far almost all have been.

Newsreels long have advocated rotary handling of large news stories because of the saving. Thus, by doubling up, as was done on much European war coverage, two reels could handle the same yarn with one crew, prints being inter-exchanged. Also, a greater saving was possible where three newsreels agreed to swap prints after one camera crew and sound track had handled a story.

But now the Associated Press plan has been abandoned in recent months, with the reels having their own sound trucks on news events even when the Government allows only two newsreel camera crews to certain events where space is limited.

Some conception of what the pooling of interests means in dollars and cents is gleaned from the actual outlay on the Presidential campaign this fall. Each of the five newsreels—Movieme, Paramount, Pathe, News of Day, and Universal—has used its own crews on Wendell Willkie and Franklin D. Roosevelt. For six weeks of the campaign to date, it's estimated that the 1940 election has cost the newsreels \$20,000. The annoying feature to major film companies is that the newsreel outlay for this single national story does not bring a nickle of additional coin. The only thing it gives the newsreels is a flock of boos from partisan audiences.

Willkie Coverage Cost More

The 1940 Presidential campaign is costing the newsreels more to cover Wendell L. Willkie's drive for office than President Roosevelt. Estimated that six weeks of campaigning by the Republican nominee will cost the five reels \$12,000, while over the same period F.D.R.'s inspection and speechmaking trips have set the newsreels back \$8,000. Actual outlay for each newsreel's camera crew is about \$200 per week, but each one spends \$200 additional weekly for car hire and other expenses.

Reason for the difference, according to newsreel men, is that Willkie began his speechmaking earlier, made more talks and covered more territory. Consequently, the actual working time for Roosevelt's campaign is listed at four weeks against Willkie's six.

Power Off 'Commandment'

Hollywood, Nov. 5. Darryl Zanuck changed his mind about remaking 'The Great Commandment' as a starter for Tyrone Power. Feature is slated for early release in its present form.

20th-Fox bought the completed picture at a reported cost of \$160,000 from Cathedral Films last winter with the idea of re-shooting it in Technicolor on a more elaborate scale. Power's crowded schedule of swashbuckling roles prevents his appearance in the religious film.

RKO CLAIMANTS INTO COURT ONCE AGAIN

The RKO reorganization which supposedly was dead and buried uttered a faint peep of life in N. Y. federal court Thursday (31) when Kommel & Rosenberg, attorneys for H. Cassel & Co., brokers, filed an appeal to the circuit court of appeals in N. Y. from a decision on Sept. 11 by Judge William Bondy, denying them counsel fees and disbursements for services in the reorganization. Attorneys had sought \$15,000 for their services, with the court denying the request completely.

On Friday (1) Judge Bondy decided to allow reargument on three applications for allowances by disappointed parties who felt they deserved more than they received. Re-argument will be heard in the case of George L. Schein, attorney for the Independent Protective Committee for Common Stockholders, who had asked for \$101,404 for his services and received \$9,325. Schein bases his claim on 3,142 hours spent working on the reorganization from 1935-1939.

The others are Abel Gottheimer and Bernard Bercu, accountants for Schein's committee, who sought \$30,000 for 4,238 hours work covering the same period and received \$2,000. Lastly, David Stock, co-attorney for Cassel Co., with Nathan Rosenberg, is seeking a fee, the \$15,000 request of this attorney having been completely disallowed.

On Saturday (2) Judge Bondy set Nov. 14 as a date for a hearing in his chambers at which time he will consider an application for an allowance of \$15,000 plus \$142 disbursements to Thomas K. Finletter, special counsel employed by RKO. Finletter was hired May 28, 1940, to fight applications for allowances in the proceedings, and points out in his plea for an allowance, that requests totaling \$1,976,717 were filed plus 100,000 shares of common stock, which was eventually cut to \$338,073 plus 120,000 shares of common. The former trustee, Irving Trust Co. is expected to be present at the hearing on the 14th.

Court to Decide Rental On WB Strand, Albany

Albany, Nov. 5. An action has been instituted before Supreme Court Justice William H. Murray of Troy to determine whether Stanley-Mark Strand Corp., operator of Strand, Albany, must pay \$12,000 or \$18,500 annually for the next 21 years. Divisees of the estate of Henry M. Kramath, Albany realty man who built the first run house, seek a declaratory judgment for the higher figure. Theatre corporation, joining the motion, asks for an interpretation of the lease as to rental for the period stated above. Justice Murray has reserved decision after hearing attorney J. W. Perkins, for Stanley-Mark Strand, and Edward S. Rooney, of Albany, for the owners.

Original 21-year lease expired May 1, 1940. It provided for annual rental of \$12,000, plus \$6,500 yearly, the latter going to the payment of a \$130,000 mortgage. Tenants were required to pay taxes, cost of repair and insurance. There was an option to renew lease for an additional 21 years. Theatre company contends that inasmuch the mortgage has been cleared off, it is not obligated to pay the \$6,500 each year for the next 21 years. Owners of building claim it is no business of theatre concern what is done with the \$6,500.

Strand has been rated a profit producer from the outset.

MONEY GAMES ON THE UPBEAT

Death of Strong Product Increases Audience Stunts in Direct Ratio—More So Now Than in 3-4 Years

EVEN AFTERNOONS

Death of strong product, particularly to fill-out double bills, is forcing exhibitors throughout the east, in key cities, to expand their outlays for giveaway and audience coin games. The 'B' films lately have been under par. There are probably more different varieties of such contests staged for prizes in current use than at any time for three or four years, or since the vogue of bank nights. Lack of product and stalling on deals is also causing the booking of a lot of repeat films or reissues.

Tipoff on the early giveaway games are employed is the continued use of such by affiliated circuits. RKO employs Saratoga, Ten-O-Win, Lite-O-Win, Banko and Screeno for their off-days, usually scheduling these for Tuesday and Wednesday, rated the dull b.o. part of the week. Loews' also spots 'em midweek but in certain spots stages Saturday Fun shows when Screeno is used. Bank nights also are employed. A number of indie exhibitors in Greater New York are so desperate in their efforts to bolster business they offer giveaways nearly every night and, in some instances, use them even for afternoon performances.

At one time, independent houses in Manhattan found Screeno and kindred games so popular they were able to tilt the scale slightly for such special nights, sharply cutting the admission price after the games were over.

Gimmicks to encourage additional patronage are fairly prevalent throughout the country. It will be recalled that Commissioner Paul Moss attempted early in 1938 in New York City to enlist the cooperation of exhibitors in wiping out such games as Screeno, Banko, Lucky and Sweepstakes but without success. He failed to get the anticipated operation and when he took some violators to court, Moss finally lost on appeals.

Since then, they have continued unhindered excepting for occasional flareups when patrons reported alleged violations on the lottery angle. Bulk of contests or games evade this by making admission to the theatre not entirely pre-requisite and announcing winners in the lobby.

\$15,000 IN BACK PAY TO ST. LOO IATSE MEN

St. Louis, Nov. 5. About 50 members of IATSE, Local No. 143, have received approximately \$15,000 back pay from St. Louis Amusement Co. as provided for in an amendment to a wage contract recently negotiated. The Amusement Co. operates 24 nabes in the city and adjacent St. Louis County under the management of the Fanchon & Marco Service Corp. Under the terms of the original contract which expires on Sept. 1, 1942, the operators were granted graduated wage increases for the next three years but this clause was stricken out in lieu of the payment of the back pay.

Local No. 143 also has renewed a two-year wage pact that expired last Sept. 1 with indie exhibitors here. The renewal does not carry any wage increase.

FRIENDLY HOMICIDE

Hollywood, Nov. 5. 20th-Fox borrowed John Hubbard from Hal Roach for the male lead in the comic mystery, 'Murder Among Friends,' slated to roll Nov. 11.

Ray McCarey directs.

37 Indie Hollywood Producers Sign New Minimum Wage Agreement With IATSE Sound Technicians 695

WEISSMAN'S U.S. INDIE CO. TO FILM 'SAN LUIS'

New producing organization is being set up in this country by Herman Weissman, son of C. H. Weissman, of the top financing, producing and distributing powers of Europe, until Hitler marched into Czechoslovakia. Elder Weissman, who is Swiss, is contributing largely to the banking of the new outfit. His son is attempting to get the necessary papers to bring him to the U. S., along with another son, Joseph, who was also active in the business in Europe.

New company has taken an option on 'Bridge of San Luis Rey,' to which Metro owns screen rights. Irving Thalberg made a silent version of Thornton Wilder's Pulitzer prize novel in 1929. Weissman has already arranged with Wilder to work on the screenplay and is negotiating for cast and director. He expects to start production on the Coast in about three months. No release has been set yet and, Weissman said, inasmuch as aid of a distributing company is not needed to obtain capital, it is possible the film will be completed before a sales agency is arranged for.

Weissman, who is under 30, came to this country two years ago. Last year he backed 'Soliloquy,' a legit, which did a quick fade on Broadway. Outfit which his father operated for more than 20 years, and in which Herman and his brother in recent years took an active part, was known as the Emelka Co. It started out wholly as a film financing organization, but as it gradually obtained interests in studios and distributing companies throughout Europe undertook added tasks. Among the studios it controlled was Sascha Films in Vienna.

Young Weissman was brought up in the film business and worked in every department from cutter to advertising and publicity. He wound up with his principal duties in the financial end of Emelka. Lack of films and markets has now struck the business abroad to nothing.

Browne-Casey Confab In N.Y. Further Stalled

Discussion of International Alliance of Theatrical Stage Employees demands as to jurisdiction and working conditions over about 8,000 studios, has been further tabled due to George E. Browne being delayed in Chicago longer than anticipated. Reported that among other things he is remaining there in connection with some bartenders' union trouble.

At first due in New York last week to huddle with Pat Casey, who awaits him, Browne was subsequently expected east the end of last week. Then the election yesterday (Tues.), further interfered, with Browne staying on in Chicago to vote. He no doubt will arrive east by the end of this week so that the question of jurisdiction over IA workers, the matter of local autonomy and increases may be gone into without further delay.

Pending Browne's arrival and conferees, Casey has not been informed as to what the producers might expect.

'Earth' for Macgowan

Hollywood, Nov. 5. Kenneth Macgowan draws the associate producer job on 'Replenish the Earth,' based on Steven Longstreet's novel recently purchased by 20th-Fox.

Frank Nugent is doing the screenplay.

Hollywood, Nov. 5.

New minimum wage agreements with Sound Technicians Local 695, IATSE, was signed yesterday (Monday) by 37 indie producers. It provides for minimum of one day's pay, with a four-man crew on all companies. Local is given jurisdiction over all sound work.

Reps of 2,500 film workers who pulled out of Building Service Employees International former studio outfit calling itself Studio Maintenance Guild Membership scrambled when the International, formerly headed by George Scalise, sought control of the local. After adopting constitution and by-laws, outfit elected Ray Finelli prez and biz rep.

Raised Themselves 10%

The Screen Writers Guild put over a fast one on the producers, it was disclosed this week in the announcement that the SWG will have a 10% industry-wide Guild shop. The Guilders had asked for an 80% shop, but the company executives insisted the percentage be based on the number of SWG members employed on the individual lots when the contract became effective Oct. 10.

The SWG put on a whirlwind membership drive that gives them virtual control of the film writer situation, at least during the six-month life of its current deal. The smallest individual Guild shop percentage is 80% at Columbia, and ranges upward to 100% at Samuel Goldwyn. Metro, formerly a hotbed for Screen Playwrights, Inc., will have a 96% Guild shop.

Individual Guild shop percentages follow:

Samuel Goldwyn.....	100%
Metro	96%
RKO	93%
20th-Fox	93%
Warners	86%
Paramount	85%
Universal	84%
Columbia	80%

The ratio of Guilders who must be employed is even larger than the percentages indicate. For instance, only three non-Guilders were employed at Universal, but the percentage fell to 84% because of the small number of screenwriters employed at that time. At RKO only one employed writer was a non-Guild.

The SWG is now busy setting up machinery to police the lots to see that Guild shop percentages are lived up to. They also are preparing standard forms for arbitration and protests on screen credits.

Representatives of the various studio unions and Guilds are conferring with E. V. Cocking, survey analyst of the Wage-Hour Division. A majority of the workers are for shorter hours, but do not want to take any cut in earnings. The business agents of the 10 IATSE studio locals were headed by Harold V. Smith, head of Sound Technicians' Local 695, with attorney George E. Bodle appearing for the Screen Publicists and other independent units.

The Law on Its Own

Policemen at 20th-Fox have organized an independent guild and voted 100% against affiliation with the American Federation of Labor. Tom Doyle is president of the unit, Ed King, vice-presy; William Stratton, secretary-treasurer. Members of the board of governors in addition to the officers are Phil Fleisher, Bill Bomb, E. L. Smith and C. R. Upham.

Lineup clerks in the transportation department at Technicolor have voted to affiliate with Laboratory Technicians' Local 683 of the International Alliance of Theatrical Stage Employees. The Screen Office Employees Guild is amending its petition before the National Labor Relations Board so as to waive jurisdiction over these workers in accordance with an agreement between the two unions.

Hollywood, Nov. 2.

One Night in the Tropics

(WITH SONGS)

This is a lightly textured film—comedy based on Earl Derr Biggers' novel, "Love Insurance," first made by Paramount 20 years ago with Wallace Reid. It's a slim story that fails to hold together with any sustaining degree, and the music by Jerome Kern fails to reveal one tune that will be remembered. Only the comedy of Abbott and Costello, neatly spotted for periodic appearances, saves the picture from general te-

Tex. Rangers Ride Again
Hollywood, Oct. 30.

With cattle disappearing from a large ranch in wholesale lots, Texas Rangers John Howard and Brod-

James Hogan's direction unfolds the yarn at a zippy pace, which does much to maintain general interest in the proceedings. Photography by Archie Stout is one of the highlights of the picture.

Miniature Reviews

ent French-made tragic
n boxoffice potentialities

Calling All Husbands

Tobias is the man to watch. Bates continually refers to him as the better of the two men.

ally shows up, a jump a
e law, begging handouts a
door. Truett saves him

aily trade will be the best
ather Is a Prince,' and no
w bad the father is in the
ing it, he'll look like a br

Who Killed Aunt Maggie?

Some excellent laugh lines are given to the colored Willie Best who's involved in typical situations in which he clicked so well with Bob Hope in Paramount's 'Ghost Breaker'. In fact, Best, as the terror-stricken victim, gamely 'saves the film' as a major acting honor, though Wenda Barrie and John Hubbard also starred. Rest of the cast, including Edgar Kennedy in a typical, frustrated detective role; Elizabeth Patterson, as Aunt Maggie; Onslow Stevens, Joyce Compton, Walter Abel and Mona Barrie perform well enough, when one of the other is getting knocked off. Kan.

Orphans of the North

It concerns a little girl primarily whose father was a prospector and went away on a gold hunt never to return. His soul, played by Bob

Rainbow Over the Range

(WITH SONGS)

Slim Andrews is the Ritte partner for comedy relief, and he's just bad enough to be good enough for a western comic. Andrews, a former fave with midwest tent rep shows, is held down by not being allowed to spread himself in some of the comedy musical routines which won plaudits for him on boards. Just riding and speaking a few dumb lines as he has so far in this series won't carve him much of a niche. All other characters are very run-of-mill. **Art.**

HERITAGE

In the meantime Maria nurses

(Continued on page 18)

MR. & MRS. LEO

They attend the
"Bitter Sweet" Preview!



Thundering Frontier (Col) 9/13	W	55	C. Starrett-I. Meredith
Go West (M-G)	C		Max Bros.-J. Carroll
A Night at Earl Carroll's (Par)	MU		K. Murray-R. Hobart
Border Legion (Rep)	W		B. Rogers-G. Hayes
Charter Pilot (20th)	CD		L. Bari-L. Nolan
Margie (U) 9/18	C	58	T. Brown-N. Grey

Second week-end
gross of "N.W.N.P."
equal or exceed
opening week-end
business on "Union
Pacific"... It is
by all odds
Paramount's greatest
in 12 years

Leif Agnew

\$2,200,000 Foreign Writeoff Accounts For 39-Week Net Loss of \$1,075,611 By 20th; Par's Net Profit Up \$2,000,000

Writeoff of \$2,200,000 as special provision for reserve against foreign assets spelled the difference between a substantial profit and a surprisingly large consolidated net operating loss for 20th-Fox for the first 39 weeks ending Sept. 28. Corporation last week reported consolidated net operating loss of \$1,075,611, after all charges including the \$2,200,000 deduction for foreign reserve against assets and revenues, as compared to \$1,352,595 profit in the first 39 weeks of 1939. Without this writeoff, the company could have shown around \$1,244,000 net profit.

Third quarter ending on the September date showed 20th-Fox with a consolidated net operating loss, after all charges including a provision of \$1,400,000 for reserve against foreign assets, of \$1,192,824. This compares with a profit of \$827,069 in the third quarter last year and only a \$236,163 loss in the second quarter this year. This plainly indicates that the foreign situation prompted the substantial writeoff for the third quarter, being twice as large as the deductions for the previous two quarters combined.

Company explained that the purpose of the additions to the special reserve against foreign assets is to exclude from current profits those profits earned during the period in foreign currencies, principally sterling, which are not realizable in U. S. dollars and therefore are not available for use in the corporation's operations in this country. It also stated that these profits now are represented by foreign current assets (principally cash) and at such future time when they may be converted into U. S. dollars, they will be included in the profits of the period in which realized.

No part of the earnings of National Theatres were included in the figures since no dividends were declared by that corporation during the three quarters.

Gross income from all sources totalled \$3,938,269 for the three quarters while expenses amounted to \$3,720,068. Other charges included \$251,404 for depreciation of fixed assets, not including \$581,959 depreciation on studio buildings and equipment absorbed in production costs, and \$40,500 provision for Federal income taxes.

Par's \$4,810,000

Paramount earnings increased nearly \$2,000,000 for first nine months this year as compared with the first three quarters of last year, according to the earnings statement issued Friday (1). Par earnings for the nine-month period ending Sept. 28, after providing for increased taxes under the Second Revenue Act of 1940, were estimated at \$4,810,000 as compared with \$2,840,000 for the initial three quarters of 1939. This is equal to \$1.60 per common share against \$1.00 for the nine-month period of last year.

The \$1.60 per common showing was even better than estimated and appears to insure the company of more than \$2 for the full year of 1940. The nine-month total includes \$1,355,000 share of undistributed earnings of partially owned non-consolidated subsidiaries and \$88,000 profit on purchase of debentures.

Paramount statement estimated third quarter (ending Sept. 28) earnings at \$1,726,000 after providing for additional taxes resulting from the increased rates of income tax and the excess profits taxes under the Second Revenue Act of 1939. Before the retroactive adjustment based on these increases, the total was \$1,944,000, which however, was after interest and all other charges. This compares with \$710,000 for the corresponding September quarter last year.

The \$1,726,000 figure includes \$318,000 representing Paramount's direct and indirect net interest as a stockholder in the combined undistributed earnings for the quarter of partially owned non-consolidated subsidiaries, as well as \$22,000 profit on the purchase of debentures. This equals \$8c on the common for this third quarter as against 17c in the comparable quarter last year.

Acquired 2 Issues

Paramount reported having acquired 7,862 shares of first preferred and 11,200 shares of second preferred during the first nine months this year, \$910,200 being the total par

value of both issues so acquired. Company obtained the shares at a discount of about \$170,000 which has been credited to a special capital surplus account.

Company reported 136,689 shares of the 6% first preferred stock outstanding on Sept. 28 this year and 543,870 shares of the second preferred on the same date. Besides paying 30c on the common shares so far this year, Par has maintained the 60c rate on the \$10 second preferred and \$6 annual rate on the \$100 first preferred. On the same date, there were 2,465,927 shares of common outstanding.

Ability of the corporation to secure the conversion of any preferred shares into common stock in the present desultory market speaks well for the future stability of the company. Corporation ultimately hopes to get the bulk of both preferred issues converted into common stock, thereby saving around \$1,000,000 annually in dividend payments on the preference issues. The large earnings shown on the common on both maintenance of distributions on both preference issues indicates increasing value in common shares, which in turn is likely to be reflected in further conversions into common stock.

Roxy Theatre, Inc., directors declared a quarterly dividend of 37½c on the preferred last Friday (1). Divvy is payable Nov. 30 to stock on record, Nov. 16.

K-A-O and Keith Ahead

Earnings statements by both Keith-Albee-Orpheum Corp. and B. F. Keith, covering the first 39 weeks this year, showed the two companies' profits running ahead of comparable periods in 1939, Keith's being more than \$123,000 higher and KAO being nearly \$123,000 ahead of last year.

Keith-Albee-Orpheum showed net profit (after all charges) of \$469,259 against \$476,540 for the 39-week period ending Sept. 28 as compared with similar period of 1939. This is equal to \$7.60 on each preferred share against \$7.41 in the comparable period last year. Profit before income taxes ran approximately \$38,000 ahead of 1939. Profit before deductions totalled \$1,148,768 compared with \$1,550,743 in 1939, writeoff of \$310,597 for depreciation being the largest item.

B. F. Keith net profit after charges amounted to \$276,885 as compared with \$156,571 in similar first 39 weeks of 1939. Provision for income taxes, \$66,835, was virtually double that of the 39-week period in 1939. Profit before deductions totalled \$702,352 against \$660,200, but there was no \$400,000 writeoff this year in settlement of lease obligation as last year.

POSEN SCORES POINT AGAINST 2 ELECTRICS

Preliminary skirmish in Samuel I. Posen, Universal director's stockholder suit against the film Co., Standard Capital Corp., Big U Film Exchange, Inc., Western Electric, Eastman Kodak, Electrical Research Products, Inc., and officers and directors of Universal, went to the plaintiff, when on Monday (4) N. Y. supreme court Justice William T. Collins denied Western Electric's plea to dismiss the complaint. The court ruled that the complaint stated a cause of action against W.E. and Erpl and ordered the defendants to file an answer within 10 days.

Action seeks damages of approximately \$2,000,000 and charges waste and mismanagement, and seeks the dismissal from the company of J. Cheever Cowdin, chairman of the board of directors, claiming that most of the company's woes are traceable to Cowdin's management.

GILBERT BUYS OUT HIS BOSS

Detroit, Nov. 5. H. Vinton Gilbert, the manager, has bought out the interest of Bert Williams, president of the Allied Film Exchange, the newest of the Detroit independent companies. Williams has left for St. Louis where he plans to open a new independent exchange.

1st War Casualty

San Antonio, Nov. 5. List the first casualty in the picture theatre field to the current draft measures. Throughout the state many new houses are being planned, built and are being opened to take care of the great number of soldiers expected to be drawn to various training centers. But here, one house has been closed due to the fact that so many of its patrons have joined the fighting forces, not waiting for the draft. It is the Royal, Negro nabe owned and operated by Julian Amols.

According to Amols, in one week over 125 boys and men signed up for service which caused a huge dent in his list of patrons. According to reports from the local board no one is to be called from Bexar County in the first draft due to the fact that it has reached its quota of men. Bexar County includes this city.

'FILM FUMBLES' IS GIVEAWAY STUNT

Detroit, Nov. 5.

Plans to run \$5,000 weekly territorial giveaways have been completed here by Monogram.

'Film Fumbles', based on boners in pictures, will be released by Monogram on a local basis in Detroit, Charlotte, N. C., Memphis, New Orleans and Atlanta, with the arrangements now being completed for Cincinnati and Chicago, according to Lloyd Hammond, the producer. Other territories will be dated up later.

The project calls for moving all prints at a time from one territory into another. This allows a synchronization of the \$5,000 weekly giveaway among all participants in one territory who will be playing day and date on the booking. Quicker granting of awards is pointed to as one of the advantages in whipping up interest in the participation series.

Win. Bootleg Bingo

Milwaukee, Nov. 5.

Although the Wisconsin supreme court outlawed bingo nearly a year ago as result of court action by local theatre interests, after bank nights had been legally banned, the game did a noisy comeback this past week under 'patriotic' auspices. Edward Zrimsek's Bahn Frel hall, which had been 'perpetually enjoined' from presenting bingo, was leased out by its erstwhile owners and reopened as the Grand Army of the Republic Drum Corps clubhouse, more than 1,000 bingo players participating in the opening night's play. Winners received merchandise certificates then turned them in for a bottle of beer or a cigar and got the balance in cash.

Bingo games are now going full ball, sponsored by churches, fraternal orders and various 'patriotic' organizations, and theatre men, as well as civic purists, are waiting until after election to see whether anything is going to be done about it by the law enforcement officials.

Hepburn

Continued from page 1

she is fed up with the play. Barry, however, wants to keep it going as long as it continues to make money.

Philip Barry, author of 'Philadelphia Story', is not known to have completed a new play for Katharine Hepburn, but has another script called 'Liberty Jones', which the Theatre Guild has on this season's schedule. No one has been mentioned for the cast. However, the playwright has several times been reported working on a play to follow 'Story' for Miss Hepburn.

Splurge on 'Carnival'

Hollywood, Nov. 5.

'Carnival', currently in production at Warners, gets an increased budget and longer shooting schedule. Company is building up Humphrey Bogart, following his recent work in 'High Sierra'.

Tolls' Price of \$150,000 Termed 'Unhealthy' as It Pushes Costs Up

Co-op Ads

Continued from page 5

vertising agencies, in competition for film company accounts, developed the co-op plan with the expertise which larger commissions stimulated.

Burden on the Distrib

It was not long, however, before many first runs, both affiliated and independent circuit theatres, trimmed their 'regular' newspaper appropriations materially. When extra space was desired by the distributor, the division of expenditure switched from a 50-50 basis to a larger share for the film exchange. In situations where one exhibitor controlled all the first run theatres in a key spot it is not unusual for the distributor, in order to get quick play-dates, to kick in as much as 75% of all the newspaper advertising.

With the acceptance of the major film companies of the terms of the new consent decree in settlement of the Government's anti-trust suit, a general switch in the prevailing rules of newspaper cooperative advertising is anticipated. Under the decree sales of films will be limited to groups of five features, the playing and advertising terms of each of which will be designated at the time of the sale.

Where it would be difficult or almost impossible for any one, or two, distributors to clarify the current methods of placing the co-op advertising with exhibitors, it is believed that the breaking up of the blind selling plan will furnish the opportunity for a radical revision of the present practices.

Scheme which has been discussed among top distributors is that the newspapers will be charged with the responsibility of breaking up what is now being regarded in the trade as the 'co-op racket'. Under the new plan a definite space appropriation will be assigned to a given newspaper, to be released wholly on a contingent basis that the newspaper will persuade the exhibitor account to match the space with 'extra' advertising. It is thus believed that there will be a general return to the original equal cost division of 'extra' advertising.

Under the new plans also distributors will pay their bills direct to the newspapers, and not through the theatre accountants.

Allied Charges

Continued from page 7

Cohen, president of latter, prophesies that the two organizations will provide the strongest single unit in the national MPTOA, of which Ed L. Kuykendall of Columbus, Miss., is president.

Cohen states that his Allied Theatre Owners relinquishes jurisdiction above Poughkeepsie, leaving the rest of the state north of there and west to Buffalo to the newly-founded MPTOA of N. Y., of which A. C. Hayman is president.

In addition to all of Greater N. Y., Long Island, Staten Island, Westchester county and points as far north as Poughkeepsie, Allied of N. Y., however, will branch out into New Jersey, according to Cohen. Now having a membership of 200, Allied will take in New Jersey exhibitors from Trenton up, leaving the southern part of the state to the United Motion Picture Theatre Owners of Philadelphia, also affiliated with the MPTOA.

Defense Bodies

Continued from page 4

cal consultations. As a result, Major Richard T. Schlosberg, chief of the photographic division of the Signal Corps, and Col. Bruce, of the General Staff in charge of the training division, are due in Hollywood this week as technical advisors on production of the films.

Hal Wallis, production exec at Warners, is the latest addition to the co-ordinating committee, which will serve in an advisory capacity, for the films, not to be exhibited to the general public but shown as a visual educational course in Army camps. Pictures will be produced at various major studios, with the co-ordinating committee designating the lots.

Tremendous price paid by Paramount for screen rights to Ernest Hemingway's 'For Whom the Bell Tolls' was termed 'unhealthy' by a number of top film execs in New York this week, despite their admission that their own companies would have liked to have bought the novel.

Hemingway book sold for what will likely amount to \$150,000. Except, it is felt, will be to push up the price of all story properties at a time when every studio is attempting to trim costs. Permanent jump in sums demanded for novels and plays have always followed purchases at record prices.

Difficulty in paying so much for a book is that it gives the studio a \$250,000 nut, or thereabouts, to hurdle before actual shooting even begins. When such a price is paid for a novel, the studio is naturally not inclined to employ a hack to do the screenplay and a top writer pushes his fee higher than ever on a book on which he knows so much has been spent. Director and cast are likewise prone to demand a share in the gravy, which adds to costs all along the line.

Another difficulty pointed to with books that reach the tremendous sale promised by 'Tolls' is that the popularity becomes a double-edged sword. So many people are familiar with the story that scarcely a change can be made for political or ethical reasons without setting up a squawk. In the case of 'Tolls', which has as its background the controversial Spanish civil war, this may be a serious drawback. There's also a sex angle to be dealt with.

Despite the defects and difficulties they now see in it, however, there's not a studio which wouldn't want 'Tolls' to get it at its price. Details of the contract for the Hemingway purchase by Paramount have yet to be confabbed on by attorneys. Holding up the gab is delay in receiving copyright number from Washington, which must be included in papers. Sliding scale deal, depending on number of books sold, is anticipated as making the contract a particularly tough one to draw.

George W. Weeks has purchased 'Gun Smoke Valley', original by Oliver Drake, to go into production shortly as one of the Range Busters westerns in the series Weeks is making for Monogram release. Ray Corrigan, John King and Max Terhune will be featured.

RKO last week purchased 'Unexcused Uncle', mag serial by Eric Dietz, for about \$100,000. Story is currently running in 'Liberty'. It's about a deb who runs out of coin and is guided through the throes of poverty by her W. C. Fields-type uncle.

STORY BUYS

Hollywood, Nov. 5.

Harry Sherman purchased Dean Reinsner's story, 'Tombstone, Ariz.', for production at Paramount.

FEAR'S PROCESS SUIT VS. METRO TO TRIAL

Los Angeles, Nov. 5.

Jury in U. S. district court of Judge Ben Harrison is hearing case of Ralph Gordon Fear vs. Metro-Goldwyn-Mayer, who asks heavy damages for alleged breach of contract growing out of his invention of a developing process machine. Case was started early last week but indications are it will continue for several more days.

Fear, whose action was filed two years ago, charges that Metro violated a licensing agreement by using his invention for 'outside' work, whereas contract entered into provided studio could only develop and process its own films. Present defendant went into U. S. court here several years ago to secure declaratory relief but was ruled against by District Court Judge George Cosgrave.

Later's ruling was somewhat modified by Appeals Court, which held that Metro's licensing agreement provided not only it could do its own film developing but was also permitted to develop and process any other film which it might own.

H'WOOD EYES SERIAL CYCLE

Theatre, 20 Bowling Alleys and Bar All Under One Roof; Other New Bldg.

Detroit, Nov. 6. Putting it all under one roof seems to be the idea of Sydney and Irving Moss who opened their new Parkside theatre here. Three of the most popular diversions of the day have been combined by the Moss brothers who, in the same building with their 900-seat theatre, have 20 bowling alleys (sound-proofed) and a cocktail bar.

The theatre building was especially designed, at a cost of \$220,000, to get a play from the three principal away-from-home amusements of these times. House is managed by Eddie Jacobson, formerly at the Harmony theatre.

Suburban building also continues heavy here with Bernard Brooks, operator of the President, starting construction of a new house in River Rouge which for 15 years has had only one picture house. Roy Shook, owner of the Shores, will erect a 1,000-seater in the same community, St. Clair Shores, east side suburb.

Meanwhile Louis Schlusser, owner of the Farnum in Hamtramck, is going ahead with his plans for a 1,500-seater, the Mel, in suburban Melvindale. Project has been tied up through litigation in Circuit Court over property needed for the theatre's parking lot.

Kannapolis, N. C., 3d House Charlotte, N. C., Nov. 5. The new Sawnee, Kannapolis, opened, H. R. Butler manager. He moved there from the Dixie, also at Kannapolis, succeeded at the Dixie by Harris Rainey, former doorman at the Gem, a third Kannapolis house.

Anderson's 900-Seater Los Angeles, Nov. 5. Jack Anderson building 900-seat house in Ontario, Cal. In partnership with Fox West Coast, Anderson operates California and Granada theatres in Ontario.

Muscle Shoals Cinema Sheffield, Ala., Nov. 5. Muscle Shoals Theatres will start the construction of a 1,000-seat theatre here shortly, to be ready next February. Louis Rosenbaum announced the project to take care of the rapidly growing industrial population in the Muscle Shoals district.

San Antonio's First Drive-In San Antonio, Nov. 5. This city's Drive-In was formally opened recently. Managing director is Hal Norbeck, capacity 484 cars. Built through the Underwood and Ezell interests who plan several others throughout the state.

4 New Theatre Bids Ashland, O., Nov. 5. Mayor Howard S. Lutz, has received four bids for a 25-year lease on the proposed theatre in the new Ashland municipal building. Voters decide today (Tues.) on issuance of \$230,000 in bonds to finance the construction. High bid was that of the Ohio Amusement & Vending Co. of Cleveland, which bid \$303,000. Second highest was Belpick Theatre Corp. of Cleveland, which bid \$280,000.

NEW YORK'S Most Convenient Address Central Park, with its many opportunities for recreations, is at your doorstep... and all midtown is within walking distance. Rates from \$3.50.

The Shakespeare CENTRAL PARK SUITE AT 171 STREET 5 THRU 10 THRU 16

Consent Fight

Continued from page 7

have the right to intervene against the decree in view of the fact that circuits affiliated with Par are co-defendants actually in view of the fact that they constitute subsidiaries of Par.

Ed L. Kuykenhall, president of the Motion Picture Theatre Owners of America, informs Variety from Columbus, Miss., that he will arrive in New York Monday (11) and will oppose the decree to the limit with representation by able counsel.

Other leaders in exhibition and association politics who will be on hand at the Nov. 14 hearing will include Max A. Cohen, president of the Allied Theatre Owners of New York, affiliated with the MPTOA, together with his counsel, Jacob Schechter; Harry Brandt, president of the Independent Theatre Owners Assn. of New York, also a leading N.Y. chain operator, with Milton C. Weisman, his attorney, also attending; and, in all probability, a representative of Allied States. This may be Abram F. Myers, general counsel, though he had not indicated up to yesterday (Tues.) whether he would be on hand.

Cohen stated Monday (4) that on behalf of Allied Theatre Owners of N.Y., he and Schechter would object to the entire decree in both its portions, that which covers selling and that which covers arbitration.

\$500,000 a Year Budget Budget to cover the cost of arbitration will be somewhat under \$500,000 per year, it is understood, with the signers to be assessed the cost based on grosses during the 1939-40 season. Arbitration setup will begin to function Jan. 1, 1941, under plans, with the three men who will be appointed to the appeals board still in the air as to salaries. Two tentative sets of figures have been advanced. These are \$25,000, \$20,000 and \$20,000 in one group, and \$17,500, \$15,000 and \$15,000 for the other. Final figures will probably be determined before the revised document covering arbitration is submitted to the court Nov. 14.

During the past week, Dept. of Justice attorneys returned to Washington to complete the drafting of the new complaint to be filed against Columbia, United Artists and Universal, who are not party to the consent decree. Originally it was planned to present this new complaint to the Federal court in N.Y., also Nov. 14, but subsequently it has been decided to submit it Saturday.

On Monday (11), Herbert J. Yates, president of Republic, denied reports that Rep was contemplating any change in distribution policy as a result of the consent decree. He added that he had not yet had time to analyze the decree and "therefore, was not in a position to say whether it would affect Republic operations in any way," a prepared statement which he released.

Mpls.-St. Paul Indies Take Decree 'In Stride'

Minneapolis, Nov. 5. Twin City independent exhibitors, supposed to be bitterly opposed to the consent decree, are taking it mildly and appear to be unconcerned despite the fact that their organization, Northwest Allied, has gone on record several times against it.

The individual independents seem inclined to take the development 'in stride' and appear to be unworried over its effect on them. The general belief is that anything tending to eliminate strife within the industry is likely to prove beneficial to all factions and the hope among the boys is that this will be one of the things to even things out from the decree. Several also are confident that it will result in better product and they think that it represents 'some gains' for the independents and will better their lot, even though it's not sufficiently inclusive in its attack upon allegedly unfair trade practices.

CLIFFERS BRING BIGGEST PROFIT

Five Big Majors May Go For
Helping of Thriller Coin,
Cornered by U, Rep and
Col—Marquee Actors Into
Episodes

BIG AUDIENCE

By BOB MOAK

Hollywood, Nov. 5. With the entire production end of the film industry grabbing at straws in its search for anything that will bolster the flow of coin into theatre boxoffices, it wouldn't be surprising if practically all the majors take a flier into the serial field within the next year. Although the market is now controlled by the big picture, Universal and Columbia, other outfits, including Paramount, Metro, 20th-Fox, Warners and RKO, the 'big five' of the Hays group, are understood to be gazing at the trio's cliffhanger takes with envious eye.

No other form of talker-making production today offers the secure profit-guaranteeing possibility of the chapter films. This is vouchsafed by exerts of the three companies whose hats are already in the ring. Serials, they point out, have a fixed market, which assures grosses ranging anywhere from 100 to 300% over and above the lending outlay.

Republic's 'Ranger' Profit Case in point is Republic, which two years ago sank \$325,000 into a number called 'The Lone Ranger.' The line lined, Republic, with approximately \$1,250,000. The same company's first 'Dick Tracy' serial, made at a cost of \$300,000, has collected \$700,000 for Rep to date and is still going strong.

'Show me the feature made on an equal investment that can duplicate those figures,' is the challenge of Herbert J. Yates, Rep's chairman, whose sentiments are echoed by Nate Blumberg, Universal prexy, and Harry Cohn, Columbia's big boss. But there is no resort in these days of shuttered foreign markets and anemic domestic takes.

True, the cliffhanger has suffered from the march of the European dictators just as have other classifications of Hollywood product, but even with its current territorial limitations it's still good for that \$1,000,000 or better gross on the North and South American continents alone.

Now comes Universal with a drive to expand the number of domestic and Latin-American outlets for the continued-next-week brand of celluloid fare. It's an important experiment that the Nate Blumberg organization is conducting via 'Riders of Death Valley,' and one that recalls those early days of filmdom when the serial was the thing and the feature picture was yet to flash across the silver screens.

Treated Like An Opus While U is shooing around \$325,000, a record sum for an episode on that lot, into 'Death Valley,' an even more important factor in its manufacture is the fact that U's front office is treating it with the same considerate care it would give a Deanna Durbin 'Spring Parade' or a Marlene Dietrich 'Seven Sinners.'

The chapters, be it known, have long been regarded more or less as stepchildren even on the lots where they've been the bread and butter of the annual output. Blumberg, though, is going to try to restore them to a place in de luxe house marquees.

'Death Valley' is getting real attention from both home office and studio toppers. Listed as a Blumberg-conceived idea, it has been cast with 'names,' something that has been more or less lacking in serials in the last decade and a half.

Must Convince Actors Selling Hollywood, especially the talent ranks, on cliffhangers is not an easy matter. Actors, who have gotten anywhere in features, look (Continued on page 23)

19 Vocational Night Courses in Pix Training Proposed to the Academy

New Critic

Continued from page 2

are a stimulating influence on the concert world.

A personal appointee of Mrs. Ogden Reid, publisher of the Herald Trib, Thompson is said to have been recommended for the job by Geoffrey Parsons, member of the editorial staff familiar with music. His selection was not announced in advance and apparently took others in the paper's music department completely by surprise. F. D. Perkins, acting critic since Gilman's death, was expected to cover the opening Philharmonic concert when Thompson entered the office to announce he was the new critic and would handle the assignment. Others in the department are Jerome Bohm, Robert Lawrence and Walter Terry, the last being dance critic.

Thompson, close personal friend of lyric writer John Latouche, composed an original score played during the latter's wedding in New York last Wednesday (30) to Theodora Griffis, daughter of Stanton Griffis, board chairman of Paramount Pictures.

Dot Thompson

Continued from page 1

the earmarks of a single source campaign.

Miss Thompson, in a radio address under sponsorship of Business Men's Committee for Roosevelt, 'went to work' on certain phases of advertising and its technique, including use in political fields, and few speakers outside those from consumer groups and the like, have yet done on a nationwide broadcast. It must have caused comment, in and out of trade.

N. Y. Herald Tribune columnist said plenty about advertisers' belief in and employment of the 'fear' motive. After discussing how it is used to sell products, Miss Thompson detailed what she thought were instances of employment by Republi-

Hollywood, Nov. 5. Establishment of a vocational advancement night school for studio workers will be proposed to the Academy of Motion Picture Arts and Sciences at the board meeting Nov. 15. Planned are 19 courses, with attendance restricted to regular employees and on-call workers identified with the industry.

Curriculum would include development of the American silent film; review of foreign films; review of documentary films; structure and work of studio departments; working methods of representative directors; symposium of still photography; technique of film scoring; assistant direction and unit management; advanced secretarial technique; specialized practices in production; course in advanced sound recording; elements of art direction; advanced set design and art direction; cinematography and film editing seminar; laboratory practice; elements of acting for younger players; supervised practice course in screen writing.

With attendance limited to members of the Screen Writers Guild, idea is to promote additional opportunity for those in industry with training necessary for qualification. Enrollees would pay tuition fee one-third cost of instruction, with balance cost shared by studios and academy. Experts in various fields would deliver lectures and supervise practical seminar and demonstration sessions.

Acting course limited to players currently under term contract in ingenu and younger leading men classifications, with others taken in by special arrangement. Tentative outline instruction includes publicity problems in star buildup.

Speakers aimed hot shots at Bruce Barton, the name of whose advertising firm she gave. Miss Thompson stated that Barton believed 'everything can be sold by advertising,' including Jesus. Quoted from Barton's book on Jesus and then emphatically dissented from advertising executive's slant on The Saviour.

New York Theatres

Charlie Chaplin The Great Dictator

In his new comedy
CAPITOL, Broadway & 51st St.
Continuous performances. Doors open 10 A.M. 7:50 before 6 P.M. (Saturday, Sunday and Holiday) Before 3 P.M. \$1.10 afterwards. Midnite Show Every Night. Tax included.

RADIO CITY MUSIC HALL

HELD OVER
"ESCAPE"
Spectacular Stage Productions

PARAMOUNT

"Northwest Mounted" In Person
GLEN GRAY
CASA LOMA
CARY COOPER
MADAME
CARROLL
Midnite Screen Show

"CHRISTMAS IN JULY"

UNITED ARTISTS Broadway
at 49th St.
Doors Open 8:30 A.M. MIDNITE SHOWS

E. Port Major Quits WB

Hollywood, Nov. 5. E. Port Major resigned as head booker of Warner Theatres here. Formerly with Fox-West Coast in similar capacity.

RKO PALACE

Week Beginning Thursday Nov. 8
CAROLE LOMBARD
CHARLES LAUGHTON
"THEY KNEW WHAT THEY WANTED"
AND
GLORIA JEAN
"A Little Bit of Heaven"

At the Strand, Nov. 8th

"TUGBOAT ANNIE SAILS AGAIN"
A New Warner Bros. Hit Starring
MARJORIE RAMBEAU
In Person
Frisella Lanza, Jack Haley
Teddy Fowell and Orchestra
Waywayway STRAND LATE SHOW
& 47th St. NITELY

State

Last Times Wed. "HOWARDS OF VIRGINIA"
In Person
Harry Richmond
Sophie Tucker
Joe E. Lewis
Starts Thurs. Nov. 7
"STRIKE UP THE BAND"
In Person
HILLO OVER
Harry Richmond
Sophie Tucker
Joe E. Lewis

Joan Bennett's Ritz

Continued from page 2

Retor.' That's what 'Topper Returns' sounded like, coming out sideways.

Sunburned from her three-day stopover at Tucson, Miriam Hopkins stepped off the American Airlines Mercury into a rainstorm as fierce as on a film set when she reached the airport last week.

The blonde actress had just finished work in the Mrs. Leslie Carter role, the title part of 'The Lady With Red Hair' for Warners. East for casting and rehearsing of the new Theatre Guild play, authored by the Mississippi writer with the hillbilly name, Tennessee Williams. Miss Hopkins spent three days in Tucson where she had nine-year-old adopted son in pupil at the Arizona Desert School.

On the same flight, Mrs. Claude Rains and her daughter came in from the Coast.

Fred Astaire and his wife, the former Phyllis Baker, came out of the clouds for a two-week vacation in New York. He said he had just finished 'Second Chorus' and probably would push the vacation into a Florida visit before returning to Hollywood. Two or three pictures are on tap, he said.

Michele Morgan, French cinema star who has played opposite Charles Boyer, took a TWA plane to Los Angeles Thursday (31) night on which was Reginald Maurer, RKO foreign agent. Miss Morgan is to work at RKO. Other departees, same night, same line, were Ben Hecht and Bill Pine, the Paramount executive.

Whodunit

Judy Canova flew in Friday (1) morning on Eastern Air Lines from Atlanta where she attended the press of 'Who Killed Aunt Maggie', the Republic killer-diller. Thriller was written by Medora Field Perskerson, wife of the newspaper publisher in Atlanta, explaining the Atlanta premiere. Biggest moment of the junket, said Miss Canova, was meeting Margaret Mitchell, who authored 'Gone With Wind'. Miss Canova said she was to make personal in Newark and Baltimore before heading back to the Kliegs.

Vote

Tall, dark and handsome, 26-year-old FDR Jr. would be a likely candidate for the screen if he were to seek a career. He turned on charm for a press conference at the field late last week in which he forecast an overwhelming victory for his father. By the time this gets into print he will know the answer to a question that's been bothering him a little. He could not tell how his wife, the former Ethel Dupont, was going to vote. "I never discuss politics with her and she doesn't discuss politics with her family," he said. "You know, being a Democrat, naturally she's sort of in the middle."

Many a nose adorning stagefolk, and others, has been sliced from a liability into an asset by the scalpel of Dr. Louis Wolfson, Boston plastic surgery expert. By this time the doctor may be at work restoring bomb-blasted faces to normalcy. He flew out by Clipper last Thursday (31) en route to London.

Scores of Broadway and Hollywood celebs, disappointed when they sought passage on the sFWAoliner a couple of days last week, were mollified when they learned that the multiple cancellations of the 'over the weather' planes because of bad weather would not continue long. Because the straitliners are 'new equipment' under the classification of Federal aviation rules, they must observe stricter limits than other planes with which everyone concerned is totally familiar. Under company and U. S. rules, for instance, a straitliner may not land at LaGuardia Field when the ceiling is lower than 800 feet, although Douglas transports may land when the ceiling is down to 500 feet. In another few months equalized regulations will probably be in effect. Meanwhile, the straitliners will fly most of the time, laying off only in plumb-nasty weather.

Sir Cedric Hardwicke, who has been doing yeoman service in raising funds for British relief, arrived from California via Mercury last Friday (1).

Longhair

Benny Goodman, another musician going longhair with concerts on the schedule for Carnegie Hall, flew to Baltimore Thursday (31) on an Eastern silverliner.

Madeline Carroll fans at the airport steamed out their best hats as reports spread that the beautiful blonde was in town awaiting the arrival, by Clipper, of Richard D. La

Roziere, her fiance. He holds the rank of lieutenant in the French Army, but his present status was something reporters planned to quiz him about.

Gene Autry has two pictures awaiting him in Hollywood, he said before hopping Bostonward Thursday (31), but first there was the 10-day rodeo at Boston, then a three-day stay at Toronto before he could climb on Champ in front of the cameras. The same day Bruce Cabot took American's 'Plainsman' to Dallas, and Bea Wain, of the Lucky Strike Hit Parade, left at dusk for Providence.

'NW Mounted,' \$14,000, Big In 2d Denver Wk.

Denver, Nov. 5. 'Northwest Mounted Police,' at Denham, continues best money-getter here, its second weekend being the first picture holding its own.

Estimates for This Week
Aladdin (Fox) (1,040; 25-35-40)—'No Time Comedy' (WB) and 'Great Profile' (20th), after week at Denver, fair \$3,500. Last week 'Argentine Way' (20th), after week at Denver, nice \$4,500.

Broadway (Fox) (1,040; 25-35-40)—'Third Finger' (M-G) and 'Laddie' (RKO), after week at Orpheum, fair \$3,000. Last week 'Knew What Wanted' (RKO) and 'Mexican Spitfire' (RKO), after week at Orpheum, fair \$2,500.

Denaha (Cocktail) (1,750; 25-35-40)—'Northwest Mounted' (Par) (2d wk.), Big \$14,000. Last week same.

Deney (Fox) (2,525; 25-35-40)—'Knute Rockne' (M-G) and 'Girl Havana' (Rep), after week at Orpheum, Last week 'Comedy' (WB) and 'Great Profile' (20th), nice \$11,000.

Orpheum (RKO) (2,600; 25-35-40)—'Knute Rockne' (M-G) and 'Girl Havana' (Rep), after week at Orpheum, Last week 'Comedy' (WB) and 'Great Profile' (20th), nice \$11,000.

Paramount (Fox) (2,200; 25-40)—'Hit Parade 1941' (Rep) and 'Meet Wildcat' (U), Fair \$3,700. Last week 'Little Bit Heaven' (U) and 'Night Train' (20th), nice \$4,500.

Elkade (Fox) (878; 25-40)—'Argentine Way' (20th), after a week at each the Denver and Aladdin, and 'Drums Desert' (Mono), Okay \$2,200. Last week 'Western' (UA), after week each Denver and Aladdin, and 'Glamour Sale' (Col), nice \$2,500.

Robert North

Continued from page 3

handle the scenario-story department himself.

If another producer is needed because of the limited output to which Cohen will be restricted, Siegel declared, it's likely that someone else from within the company's ranks will be tapped. There's only small chance, he said, that an outsider will be brought in.

Siegel, who has been in New York for about two weeks, trains out for the Coast this Friday (8). He has been confabbing with chairman Herbert J. Yates on the producer problem, as well as a number of other matters. Yates is heading for Hollywood around the end of November.

Siegel declared there will be no change in company's policy of 18 features and four serials announced last spring. Musicals and pix with songs, of which Rep has recently turned out a batch, will be continued Siegel said, as long as they continue to hit the current strong biz.

'Lady' Suit

Continued from page 2

allegedly aided the film company with affidavits and to Paramount case appearing as amicus curiae to aid its film rival. Sheldon asserts that the original contract signed in 1928 granted McClintic producer rights with certain provisos, some of which were that the contract was not assignable. (It is claimed it was assigned to Miller, Paramount and Frohman, Inc.). That it could not be sublet, which Sheldon claims was, and that no London production was to be made without the consent of the authors to the cast and director. In this instance, Sheldon claims that over his and Mrs. Barnes' protests, a London production was put on by the defendants. On this point he is suing McClintic, Miller, Frohman and Paramount for \$50,000, claiming had his contract been lived up to, and his advice heeded, the London production would have earned him that amount in royalties.

'Dictator,' \$30,000, Tops Election-Blue Baltimore

Baltimore, Nov. 5.

Election blues cutting into local b.o.'s to some extent. The Great Dictator at the Century at \$10, finding those prices a hard hurdle to top, but is figured to turn in a fairly consistent opening week with a second session already in the bag. 'Angel Over Broadway' is getting a world of support from Jimmy Dorsey and orch at the combo Hipp, chalking up one of the best takes there in weeks.

Rest of town just so-so.

Estimates for This Week
Century (Loew's-UA) (3,000; 65-110)—'Dictator' (UA), Getting some biz in spite of upped price resistance and a few bad reviews, a second week. Last week (15-28-44), 'Hit Parade' (M-G), okay \$10,400 in six days.

Hippodrome (Rappaport) (2,240; 15-28-44-55-60)—'Angel Over Broadway' (RKO) plus Jimmy Dorsey orch. Pointing to healthy \$15,000, best here in recent weeks. Last week, second of 'Knew What Wanted' (RKO), fair \$9,000. Getting \$8,900 after fairish opening round to \$12,200.

Kelth's (Schanberger) (2,400; 15-23-40-45-50)—'Devoting Yourself' (U) Opens tomorrow (Wed.), after midweek of 'Want Divorce' (WB) and 'World in Flames' to \$5,500.

New (Mechanic) (1,840; 15-28-35-44-55)—'Reel of Fortune' (U) Gets some daytime response to possible \$5,000. Last week, 'Hit Parade 1941' (Rep), failed to draw at \$3,900. Stanley (WB) (3,200; 15-28-39-44-55)—'Reel of Fortune' (U) Gets some daytime response to possible \$5,000. Last week, 'Hit Parade 1941' (Rep), failed to draw at \$3,900.

Stanley (WB) (3,200; 15-28-39-44-55)—'Reel of Fortune' (U) Gets some daytime response to possible \$5,000. Last week, 'Hit Parade 1941' (Rep), failed to draw at \$3,900.

Strong opening round at \$14,400.

OMAHA

(Continued from page 11)
day's Heroes' (20th). Light \$8,000. Last week 'Third Finger' (M-G) and 'Laddie' (RKO), pretty good \$5,500.

Orpheum (Tristates) (3,000; 10-30-40)—'Rangers Fortune' (Par) and 'Reel of Fortune' (U) Get no more than \$9,000. Last week 'Argentine Way' (20th) and 'Calling Husbands' (WB), fair \$7,700.

Brandels (Mort Singer) (1,500; 10-25-30-40)—'Angels in the Flesh' (Col) and 'Blonde Servant Trouble' (Col), Fair \$5,500. Last week, 'Hit Parade' (Rep) and 'Laddie' (RKO), good \$6,800.

Snow (Goldberg) (900; 10-20-25)—'Snow White' and 'Disney Revue' (RKO) plus 'Maise' (M-G), split with 'Gow' (Ind) with stage leader and 'Dance Girl' (RKO), Good \$1,000. Last week 'Argentine Way' (20th) and 'Calling Husbands' (WB), fair \$7,700.

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Films' Latin Cycle

Continued from page 1

by Lou Brock about eight months ago in Buenos Aires and was brought north last week to work in Brock's next, 'They Met in Argentina.' Vila, in addition to being touted as a looker and a good actor, is said to have excellent pipes for warbling. His English is n.s.h., but, as Arthur Will, RKO talent digger, points out, 'neither was Charles Boyer's.' Studio went right to work on Vila's English upon his arrival on the Coast two weeks ago.

Metro's Gander

Metro is giving the New York cafe Latinos an expensive and extensive gander. Arthur Freed, who's about to produce 'In Gay Havana' for M-G, returned to the Coast last Friday (1) after 10 days of haunting any night spot that had anything that even smelled of Latin-American talent. Almost any performer with even a glimmer of possibility was lined up by Freed for a screentest. Entire show at La Conga has been tested by either Metro or 20th-Fox, including Rosita Rios, Galvan's Sans Souci dance troupe; Gloria Belmont and Ramon Serrano, ballroom duo, and Marco Rosales, baritone. To be tested by Metro later this week are the Velero Sisters, Violeta and Rosita, who sing and baton their own rumba band at Fefe's Monte Carlo. Outside the Latin ranks, but also due for an M-G test on Freed's suggestion, is Constance Russell, an Al Siegel-George Woods protégé, who was singing at the Famous Door, N. Y. Al Altman, of the Metro talent department, is directing the tests.

Also gandering S. A. talent and running off a flock of screen tests was Columbia's prexy, Harry Cohn, while in New York last week. He's since returned to the Coast. One of the top reasons for his stay in New York was to talk to embryo writers and look over the test talent which has been lined up for him by the eastern staff. Like a number of other companies, Col announced no pictures at the beginning of the season with Latin-American motif, but is apparently planning several according to the quantity of talent Cohn is testing.

Brock recently returned to the Coast after several weeks in New York covering the same territory as Freed. He took plenty of notes back with him, but is waiting for the script to develop farther to find out exactly what type and how much of the S. A. talent he can inject. 'Will will handle the testing and signaturings as soon as he gets word from Brock.'

Hemispheric Solidarity

Hemispheric solidarity, good neighborliness and the like was called by Freed only a background reason for the flood of South American pictures.

'I think the actual reason,' the Metro producer declared, 'is the popularity which has developed in the United States for South American music. It seems to me that swing music, which has held the stage for five or six years, is now passing out and the rumba stuff is jumping into No. 1 position in the American taste.'

'Of course, back of the popularity of the Latin-American rhythms and responsible for their rise is no doubt the new consciousness the people of United States have developed about South America. We have begun to realize that our contacts with Europe and Asia are growing slimmer, and we must live closer than ever with the South Americans. Thus we have become more ready to adopt their art forms.'

Above all, Freed warned, Hollywood must avoid errors of both fact and tact if the pictures, as a side purpose to being prime U. S. entertainment, are going to serve in the cause of good neighborliness. Squawks heard from S. A. on a number of pix already released are fully justified, he said, admonishing that a producer must wholly understand his subject before attempting to deal with South American backgrounds.

(Further details in International Section.)

Twentieth-Fox erred on 'Down Argentine Way,' he declared, in picturing the Argentines as operating a phoney race track while the guests from the U. S. were the good folk. (There has also been some criticism on the casting of Carmen Miranda as an Argentine. She's a native of Brazil.)

Freed's 'Havana' will go into production after Jan. 1, he said. Busby Berkeley will direct from Jack MacGowan's script. Music will be largely by native Latin-American com-

posers, producer asserted, with negotiations now on to bring several of them to Hollywood.

Argentina appears to be not only a favorite locale for the S. A. films, but a fave hunk of title. In addition to 20th's 'Down Argentine Way' and RKO's 'They Met in Argentina,' Universal recently released 'Argentine Nights.' Metro has slated as the Marx Bros. vehicle after the one on which they are now working, just plain 'Argentina,' although that is open to plenty of change before it goes into work.

Metro's 'In Gay Havana' has already had minor competition this season from Republic, which released 'Girl from Havana.'

More Latin

Hollywood, Nov. 5.

Robert Z. Leonard goes Latin in his next picture, 'The Sign of the Cross,' based on a story which he owns personally. Following a plane flight to Argentina, where the tale is backgrounded, Leonard is slated to produce and direct the picture next March.

Currently he is directing 'Ziegfeld Girl,' which will keep him busy until January.

Camera crew from 20th-Fox shoves off for Brazil this week to shoot tropical background in Technicolor for 'The Road to Rio,' in which studio production starts late this month.

In addition to scenery, cameramen will make tests of Brazilian girls for possible roles in the picture.

H'wood Boners

Continued from page 3

cans grow heated about. A proud, sensitive people, they're quick to express approval and disapproval at the boxoffice.

Despite warnings and alleged research, boners have continued to creep into the occasional South American films in the past with regularity. General advice is to steer clear of the word 'Rio.' In many countries, disputes about who won and how are by no means encyclopedia issues. Old-timers point out that while the States can take 'Gone With the Wind' without Georgians moving for the old musket, such an attempt here would cause plenty of trouble. Instead of aiding in American good will, many fear films with a South American locale will only cause friction.

Bolivar 'Authentic'

Metro, currently making the story of Simon Bolivar, the Washington of South America, claims research and attention going into the epic offset the probability of a beef. Warners' 'Juarez,' with a Mexican locale, also benefited from extensive advance probing and got by without trouble, it's claimed. Rather than being exceptions, such films prove the point, those questioned explained.

Carmen Miranda is being featured in the new 'Down Argentine Way,' and while she's known in Buenos Aires and Rio de Janeiro, she is well known in the interior or in Chile, Peru or elsewhere in South America. What will happen when the film gets here no one knows but advance press notices that Miss Miranda is 'the idol of South America' have brought nothing but laughs—laughs of the kind that don't bring biz.

The gaucha is the Argentine cowboy and he exists in no other country. The 'Gaucho Serenade' tune, currently being played in the States has only been heard here by short-wave, but it's already cited by many as 'proof' that North Americans know little about South America and aren't interested. The lyric places this particular gaucha in Rio de Janeiro, hundreds of miles from his actual habitat, the Argentine pampas. Mexicans are frequently cast as South Americans and nothing brings more grumbling. A Hollywood writer, here recently, explained that seeing the tremendous number of European types, he had an entirely new conception of casting possibilities for authentic South American locale pix. Nothing draws more resentment than the impression that North Americans believe South Americans are part Indian.

All over South America, dress is similar to that in the States and Europe. Yet films come here showing 'South American characters' in tight, laced pants and long sideburns or shawls and mantillas. That's museum stuff, film men here argue, and it has no excuse.

MINNESOTA THEATRE TRUSTEES TALK SUIT

Minneapolis, Nov. 5. Trustees in bankruptcy for the \$2,000,000 4,000-seat Minnesota theatre are expected to recommend to the U. S. referee who appointed them, the filing of a \$1,000,000 damage suit against major film distributors and the Minnesota Amus. Co. (Paramount-Singer) for alleged conspiracy to deprive the house of major screen product and thus destroy its value. The trustees, including Gordon Greene, managing director of the theatre on two different occasions, were appointed by the Federal court to decide on what disposition should be made of the property.

It is said that several interests are angling for the theatre and the damage suit proposal hinges on whether or not a deal can be closed. Owners were unable to find a tenant, but the trustees feel that theatre is "not entirely a lost cause." Before Minnesota Amus. took over their Palace theatre in the loop here on a lease, the Benz Bros., who recently operated the Minnesota unsuccessfully, were threatening "conspiracy" action against the major film distributors and the Paramount circuit. When its lease was up, Minnesota Amus. relinquished the theatre as a "white elephant." The owners tried to operate it themselves with vaudeville and took a financial beating. The Benzes were unable to put it over, either, blaming their lack of success to inability to obtain major film product which is tied up by the Minnesota (Par)-Singer pool.

DuPont's Prospects Buoying Pathe Stock

Prospects of DuPont Film Mfg. Co. cutting a hefty dividend may be before the end of the year, buoying interest marketwide in Pathe Film shares. As last year, present interest is wrapped up in the expectation that DuPont Film earnings will be sufficiently large to produce a distribution of \$30 or more per share. Since Pathe holds 35% interest in this company, stockholders are looking for a year-end distribution of around \$105,000 from this source. Pathe Film no longer has to write off as much each year-end as under its old corporate setup because the operations are carried on by the subsidiary company, Pathe Laboratories, Inc. This is the Pathe Film as the parent corporation.

Foliage au Natural

Hollywood, Nov. 5. Metro designated "Blossoms in the Dust" as a Technicolor picture, slated to start Nov. 21 with Tyrone Power producing and Mervyn LeRoy directing. Greer Garson and Walter Pidgeon share top spots.

Roxy-Rivoli

Continued from page 5. tributors. Republic sells the Criterion more than any other house, while Monogram now and then gets a booking for the Globe. Rialto plays RKO, U. Co., and occasional Paramount and Warner pictures. Sometimes a foreign, but since the Criterion went under Loew control it has been unable to get any Metros. Globe never gets any of the latter but between 20th-Fox, Col. WB and Monogram, plus some foreigners, carries itself along. A couple UA's have played the Globe recently. Rialto also had a couple during the past season.

The RKO and Loew circuits find the latter with a larger supply of product on subsequent run, under deals made, including some that are under long-term franchises. Loew's, on subsequent run, has all of Metro, Paramount, UA and Col. plus one-half of U. RKO has its own (RKO) product, all of Warner Bros. (RKO) product, all of Universal U. Both chains also use Republic and Monogram on deals made ordinarily for pictures as they are available.

Minnesota Amus. Pact Another late deal of major importance for RKO on which negotiations have strung out is with the Minnesota Amusement Co., operating 82 theatres for Paramount in Minnesota, Wisconsin, and the Dakotas. Contract covering the 1941-42 product was made by John J. Friedl for Paramount with a group of RKO sales officials including Andy Smith, Jr., Cresson E. Smith, L. E. Goldhammer and C. J. Dressell, latter branch manager at Minneapolis.

Myers

Continued from page 7

past' because of the arbitration opportunities. Section specifying that some run must be made available to responsible exhibitors 'perhaps as good as could be devised,' Allied members are informed. Myers commented that the difficulty in helping theatre operators who have been unable to buy any product is the danger that the decree might force licensing of non-theatrical accounts and fly-by-night competitors.

Cancellation privilege insufficient, in Myers' estimation. Principal squawk is that exhibitors are not allowed ample time to ascertain community sentiment, though he hopes the trade press will give timely warnings of danger points in the pictures reviewed.

Okays Arbitration

The arrangement for arbitrating clearance disputes is "a clear advance over any similar proposal in the past," recognizing the right of exhibitors to complain to the distributor and limiting the power of the circuits. Myers concedes. He is displeased at the idea that an indie cannot protest about the clearance granted a major's own affiliated houses, remarking sourly that the authors of the decree "adopted the principle that a distributor may deal with its own affiliates theatres on whatever terms it may see fit" and wondering what will happen if the protection given by other distributors is cut down by an arbitrator.

Meaningless window dressing is the term Myers applies to the clause forbidding distributors to withhold delivery of prints. This feature of the agreement provides no sure cure, in his view. The analysis adds that Allied has been unable to get the Justice Department to consider seriously the practice of withholding prints from a subsequent run in order to provide excessive clearance to an early-run rival.

A good many features of the pact seem intended to protect the defendants at the expense of the indies, according to the Allied blast. Criticism registered that the agreement would "immunize" franchises which contain "favoritism, preferences and discriminations which the Government alleged in its complaint."

Pat on the back for the American Arbitration Association is partly nullified by Myers' fears that "men outwardly impartial but actually sympathetic with the major interest" may worm into the machinery for settling disputes. He has fears about the Appeal Board, although he agrees that "the use of impartial arbitrators is the only method by which controversies involving clearance, runs and discrimination can be adjusted without the embarrassing obstacles" such as were encountered under the NRA code.

Time and cost elements are objectionable to Allied. Myers notes that 24 days may elapse before an arbitrator is appointed and that 50 days may be used up in waiting for different deadlines, without including the time consumed at a hearing. Rules must be changed to speed up adjustments and prevent distributors, by dilatory tactics, from loading exhibits with costs.

While Allied will fight approval of the agreement, Myers has his fingers crossed and said exhibs may have to make the best of a bad bargain.

London Night Life

Continued from page 1

average nearer \$5 per, with Cumberland house can easily squeeze in over 400, \$2.

Among the restaurants, Boulestin, holding 50, tops it with \$4 per head, with Hatchett's and Hungaria, both holding around 100 at \$2.50. This includes a meal and dancing to the band, with drinks extra, and sleeping accommodations which rank from an easy chair to a roughly arranged bed. There is also the Brasserie Universelle, a very mixed spot, holding 800, where one can munch sandwiches with coffee, in chairs, to the tune of a buck till the all-clear is screeched.

Mecca Cafes, which used to specialize in cheap dances, controlling around 20 such spots in London and the provinces, being compelled to shut most of these due to lack of customers, have suddenly taken a new lease of life. They have reopened their Astoria and Paramount cafes, in Tottenham Court road, charging 40c for hopping, with talent supplied among the customers. Each ticket carries with it a guarantee for

Happy Writes Buck An Unsubtle Mash Note

By BILL HALLIGAN

Hollywood, Nov. 5.

Mr. Buck O'Garritty, NVA, N. Y. City

Dear Sir:

I hope this letter finds you stiff in every room in the Pennyhill Hotel. I always said I would like to see you riding in a big 12-cylinder car and I still do only I hope it's a hearse. You is in my opinion lower than the night watchman in the Holland Tunnel. I have had the brush-off from experts and I have seen all the gyps from the Ocean State Fair to the pitchmen on the greater Cole Younger. Mastodon carnival but they is Babes in Arms compared to the ex-pal of mine which everyone I speaks to says didn't I told you so.

Nice louse you turned out to always have been. After you tell me to come to Hollywood and takes a run-out powder on me. I have a tough time thumbing my way out here as meets a guy in a jalopy outside Harrisonburg and he is coming out the hard way himself but I gives him a tale and he goes for same then I segways into Julius Tannen's old routine and I has him in my back pocket.

When we gets to the California boarder we brakes down and confesses we has no seeds, plants or bulbs, only two nuts from Hazelton, Pa. which same hands the Shamuses a big laugh. Well when we hits Hollywood I goes to the address you give me and I rings the doorbell and No. 2 company of Polly Moran answers the door and I says I am looking for Mr. Buck and she says you got nothing on me son, so I is I, and I has the assistance of the Sheriff's office who is as curious as I is due to a bouncing reader I cashes for the sum of \$38.88 and plus the fact that person left in the still of the night and stole my best mattress besides. But we will get him. Weight and see.

Campin' Out

So I gives Mrs. Bronchowsky your address care main floor terrace 154 West 47th which is the sidewalk in front of the Somerset. So if this letter is forwarded to you in jail you will know how you got their. In incarceration vile!

So I says to the landlady, has you got a place for me to kip and has you a room for 4 bucks and she says you can have the room your friend slept in as the fumigator, he just left and I is now ensconced in your old room without bath as you know the Chick Sale is in the Yard, 'Ma Hold The Lantern'.

They is a cute little wren living next door and she puts on shorts every morning and take a sun bath in the yard and she is a dish and as soon as I get a few bob who knows she for me and a ranch in the valley. She may be another Lana Turner waiting for a hidden Paster-nak.

I don't know why I am telling you all this except to suggest you sent me that 50 slugs I loaned you as same will come in very Handy Andy as I is having 15c breakfasts and washing out my sock to stretch out my short B. B. until I here from you, you rat. So send same at once or I will got to the G Men as I understand you do not make the trip to New York alone and State Boarders is still State Boarders—Hey Buck? A word to the wise makes jack.

Your Former Friend,
Happy Hemingway,
Hollywood.

He a Baddie, Too?

Hollywood, Nov. 5.

Lionel Barrymore, shares a killing with Walla Beery in 'Bad Man,' the J. Walter Ruben production at Metro, with Richard Thorpe directing.

Filming is slated for location near Tucson, Ariz.

PATHE BACK AT OLD PLACE

Pathe Film Corp. and Pathe Laboratories, Inc., moved back into its original home on West 45th Street—the old Pathe building—this week. Two companies quit the RCA building as an economy move, and also because of a desire of the management to be closer to the N. Y. laboratory of its operating subsid, Pathe Laboratories.

a comfortable sleeping chair. Biz is capacity, with turnover on many nights.

On top of the nightly intakes, both in the ritzy and cheaper spots, there is also a big breakfast trade, which is raking in several thousand dollars each morning.

Jr. Stooges for Producer; Anonymous Letters to Lefty Burn Up Aggie

By Joe Laurie, Jr.

Hollywood, Nov. 3.

Dear Lefty:

Yours received telling me about the anonymous letter you got that was unsigned, telling about me running wild here in Hollywood. I have an idea who would write a letter like that if she could write; she's a battlexx who posed for the original picture of 'Before' from the picture 'Before and After Taking.' She talks so much she has bags under her tongue. It's Freddy Hilly's mother, the kid who is playing the lead in Junior's picture. I don't know why you pay attention to a letter like that when you tell us that he's sending you a great picture, and he signs his letters.

It's funny to me when the party sez that I've been running wild around Hollywood. First place nobody runs here, and the only time you get wild out here is when you're outta work or trying to cross the street without being hit by a red-daimed car. As for being on wild parties, I've had a \$1 bottle of gin since I've been here and I nearly got half of that left. I only take some when my arm bothers me, so I can get some sleep. I haven't been any place but to the studio and to the market to do my shopping.

I think I know why that prune-soup thought it was me running around drunk. There is a nice girl that lives in the house here that wanted to go out and had no decent coat so I loaned her mine so she would look good and maybe get a job. You know there's a lot of producers that judge acting by clothes or no clothes. Well, this poor girl hadn't eaten much so when she drank a few cocktails with a zombie chaser she kinda got talking loud and got in a few arguments which it is very easy to get into here, especially around election time, and I guess this Hilly woman saw her from the back and recognized my coat and figured it was me. She is always shenanigan around those night spots with a young feller who is so young he looks like a calf out with his m. When she dances you think it's freerackers going off the way her bones snap. I could tell you a lot more about her which I hear around the studio but I know it don't interest you as all you think about is politics. And by the way she voted for Willkie which is the tipoff what kinda woman she is.

Junior Sounds Off

I must tell you about Junior walking into the producer's office and he let Junior play with his desk phone and everything. Junior got to like him and said, 'Are you the snoopervisor?', and when he got a laugh he said, 'Is it true that you had an appendic operation and that's the first time anybody ever got anything from you, and they say they had to chloroform you to get it?' Well, the producer laughed and said, 'Who do you mean by they?' and Junior sez, 'Oh everybody on the lot.' But instead of him getting sore he took him on his lap and got him candy.

Now with Junior hand in hand and everyone of the mothers are so jealous they can't see candy. What's worrying me is if Junior told him about the things I said. I tried to get Junior to tell me if he saw anything going on in the office, thinking maybe the kid caught the guy at something and he's being nice to Junior to keep him from blabbering. But I can't get a thing outta Junior except what he said to him. I don't know where he gets the idea of telling what he hears, after us learning him not to repeat what the customers say after they see our pictures at the theatre. You remember the spanking we gave him when he stood outside of the theatre and yelled, 'Don't go in his lousy, everybody sez so.' I thought he learned his lesson then, but it don't look like it. That's about all I have to write now. Don't pay any attention to unsigned and anonymous letters about me. I never paid any attention to what damages on the bills told me about you all these years, and they were true. I do feel flattered that you should be worrying about an old lady like me.

Take care of the laundry and send it out, defrost the icebox, water the plants and don't eat on the tubs where the ants can get at the crumbs and take care of yourself a little too. Love and kisses from Junior and

Your Aggie.

P. S.—Ray Peck sez, 'I remember the day when double-crossing was what devout people did when they knelt at the altar.'

Serial Cycle

Continued from page 21

upon the longies as something akin to the end of the professional trail, and gringe at the thought of lending their art to the production of them. They fail to take into consideration the profit side of the setup.

It was no easy task, then, for U officials to convince such thespas as Dick Foran, Leo Carrillo, Buck Jones and Charles Bickford, who are costarred in 'Death Valley,' that taking the assignment would in no way affect their professional standing. Nor was it any more of a cinch to convert newcomer Jeanne Kelly who has the femme lead, Guinn (Big Boy) Williams, Noah Beery, Jr., Monte Blue, Lon Chaney, Jr., and Glenn Strange, who are featured, from the belief that they would be 'typed' for nothing but serials in the future.

'Death Valley' is being produced by Henry MacRae, who has been grinding out serials for 30 years. He's still turning 'em out at the rate of four annually for U, where he is in command of the cliffhanger department.

Hiram Brown, Jr., is responsible for Rep's annual contribution of four or more new serials. He's been in 18 months since succeeding Bob Beche. Larry Darnour produces Columbia's slate of four.

Keep Running For Year

So loyal are cliffhanger fans, and, in turn, the exhibs screening this brand of entertainment, that companies entering the race must guarantee theatre operators 52 chapters for each 12 months. In other words, no week is complete without an installment. That's why each of the production outfits satisfying the demand sets its individual skeds at well over \$1,500,000.

four serials, with the group ranging in footage from 12 to 15 chapters.

At least 80% of the material used nowadays for the chapterites is backgrounded against characters that have been widely built up via newspaper comic strips or radio serials. Producers have discovered that these figures have pre-sold audiences for the film versions, as was demonstrated on the remarkable showing on Rep's 'Lone Ranger,' an other product.

Serials are made a year in advance, and are given two types of distribution, pre-release and regular runs. In other words, U's 'Riders of Death Valley,' which is listed for the 1941-42 sales program, will get its initial screenings next March. U still has to make 'Sky Raiders,' which winds up its 1940-41 serial roster, and which will go into release in January. Rep is currently shooting 'The Mysterious Dr. Satan,' which will be followed by 'Captain Marvel.' Darnour-Columbia momentarily has 'The Green Archer,' based on the Edgar Wallace yarn, in work.

Serials are almost as old as the picture biz itself. There was talk at the time sound zoomed in that dialog recording would make their costs prohibitive, but veterans of the game, like MacRae, solved the problem by speeding up production and seeking shortcuts.

Ruth Roland, Kathleen Williams, Pearl White, Grace Cunard, Marie Walcamp and Eddie Polo were among the top serial stars in the era when MacRae crashed the game. Jack Holt and Hoot Gibson started up the cinematic ladder over the cliffhanger route.

Serials were among William Randolph Hearst's first ventures (the film realm). His greatest grosser was 'The Hope Diamond,' more than 20 years ago. Filmed on an outlay of around \$300,000, it grossed well over \$1,500,000.

RADIO'S FUTURE AND THE MIDDLE CLASS

The politicians have just been saying that it behooves them to do this, and behooves them to do that. Perhaps now, in the lull following the screaming, radio might indulge in a little behooving on its own account. What could radio learn from recent events to apply to future strategy and planning? The all-importance of radio in politics is newly re-proven, but politics is only one part of the radio problem, as political campaigns are only the more vehement and picturesque expression of the snarling elements of modern life. It presumably behooves radio to consider nothing less than this gigantic proposition—that more and more and day by day it gets deeper and deeper into the middle and the middle of mid-20th century struggle for existence and the nice questions of who gets what and for how long.

Does it not behoove broadcasting to consider the omens of the 1940's a little more imaginatively? There may develop in the next few years a demand that radio play a more conscious, purposeful, blue-printed part in modern life. This expectation may be greater as and if the present tendency of radio to run away with the advertising pie continues, and it probably will.

Years ago, when children's programs were being widely criticized, some radio men defended certain shows as 'not bad.' To which a pat rejoinder was made: 'Not bad is not good enough for a medium that can mould the future of America.' Here was the negative not-doing-any-harm attitude in sharp clash with the positive not-doing-any-good attitude.

Many broadcasters entered radio under the incomplete impression that broadcasting was a business and that they were business men. It would be truer, we think, to say that a broadcaster is also and incidentally a business man, but first and foremost he is the custodian of a part of the public domain which he is charged with devoting to the public interest. Perhaps none is possible or desirable,

but neither the Government nor the industry has had a definition of 'public interest.' Originally the Government hardly went beyond hinting that stations shouldn't be vulgar, piggish or slanderous; originally stations hardly went beyond appeasement of the more influential and pugnacious pressure groups. But unofficially, in the give and take of daily operation and with a gradual extension of understanding, there has developed a condition of check and counter-check which, all things considered, is as brilliantly successful an example of democracy's talent for self-adjustment as the world now holds.

But, of course, radio progress can never rest on its laurels. Radio today is doing a lot for education, charity, religion, science, public discussion. In doing so it shows a shrewd awareness of its responsibility. It must hold its ground and continue to advance. It must keep the upper hand in public service and not, as with commercial programs which passed into the control of the advertising agencies, allow outsiders to encroach in this realm upon management. It may seem like an imaginary menace at this particular moment by the clock, but the tempo of social development today is not far behind the Lockheeds in speed.

It behooves broadcasters to ask if they, not outsiders, are developing the skills and techniques of public service programming. At the moment they are. At the moment the organizations that seek radio time are neither able enough nor powerful enough to impose their will. Radio management is in the saddle. But there are experts now in training, outsiders who one day may know everything a radio producer knows about scripts and sound effects and music, and when there are enough of these pressure group showmen around they might form strategic combinations for some smart squeeze plays. Broadcasting should not make the mistake of thinking that nobody is thinking along these lines. Take VARIETY's word for it—they are.

This behooving business is many-sided. Many separate threads tie in. For example there were pertinent developments at the recent White Sulphur Springs convention of the Association of National Advertisers. At that meeting, newspapers, through a spokesman, frankly offered themselves and appealed for support as the 'defenders' of business. Many eyebrows went up at that and have stayed up in the ensuing fortnight. It may well be one of the omens of the times that radio must ponder. Unless Government and business should merge and become co-extensive (which wouldn't be democracy), radio cannot ever offer itself on any such narrow base of appeal. Radio belongs to everybody, and that is why radio is great and why the struggle to control it will intensify, and why radio's own job of protecting its independence is so delicate.

What happened at the White Sulphur Springs convention seems to be fundamental to the 1940's and not just a casual sidelight on a business man's session. It didn't inspire those who appreciate a balanced system to see one medium so broken in spirit. The dominant, self-sure, showmanly networks stole the A.N.A. convention, but this time it seemed to be a lot more significant than simply superficial cleverness. It suggested new responsibilities and difficulties, new alignments of power.

What, then, might logically be the long-pull purpose and fundamental dedication of American radio? To what constructive, thoughtful, planned objective may it devote its public service in the near future, when all these now-nebulous elements are crystallized? One suggestion, in line with much of the best modern thought, might be that radio recognize that the preservation and protection of the middle class is an absolute necessity for the continuance of American democracy. It seems hard to think of a higher, better or more congenial dedication for American radio in the next decade.

JIMMY DORSEY TO 20 GRAND

Jimmy Dorsey has been engaged for the 'Happy Birthday to You' program which Twenty Grand cigarettes will debut on the NBC-blue Jan. 3. The program is slated for a warm up of several weeks but the band won't join it in any studio broadcasts until the January date. Because the song, 'Happy Birthday to You,' belongs to ASCAP the producer of the program is under the necessity of finding another title and getting an original song embodying the same idea.

Expect George Christoff As Radio Director Of New Ted Bates Agency

With the establishment of the new Theodore L. Bates agency it is expected that the radio directorship will go to George Christoff who has a Blackett-Sample-Hummert background. Bates follows and is followed by the Colgate-Palmolive-Peet business out of the Benton & Bowles agency. Therein reportedly lies a tale of daytime radio, and of Colgate's rival, Procter & Gamble, running away with the daytime radio leadership to the eventual creation of the situation wherein Bates was practically obliged to break free of his connection with B&B, where he was Colgate account exec also Continental Baking.

Following the Colgate notice of departure the radio department at Benton & Bowles became the subject of speculation. Tom Revere turned down an exit proposition and stays as v.p. and radio director. It is not reported if Kirby Hawkes who came east from Blackett-Sample-Hummert in Chicago as the Benton & Bowles specialist on daytime programs will be affected by the new situation when finally clarified.

Norman Corwin's 'Plot to Overthrow Christmas' done on Columbia Workshop two years ago, will be repeated on the same show this Christmas Eve.

WSB MAN DIES ON JOB

Harold Kelly With Atlanta Station For 20 Years

Atlanta, Nov. 5. Heart attack ended life of Harold H. Kelly, WSB's veteran transmitter engineer, and kept 50 kw. 'Voice of South' off air for 40 minutes. Studio Engineer Andy Bellinger waited in control rooms for Kelly's go-ahead signal and when it wasn't forthcoming he telephoned control tower at nearby Tucker. Getting no response he got in touch with Chief Engineer A. W. Shropshire, who went to control tower and found door locked. He kicked in door and found Kelly lying face down on floor near desk where he had been working on station's log.

Kelly's last entry in log was made at 5:15 a.m. and station was due on air 15 minutes later. Everything had been turned on except antenna switch. Kelly was rushed to Emory Hospital, but was pronounced dead. Kelly was 56 and native of Cumming, Ga. He was foreman of crew that installed WSB's first transmitter 20 years ago and also supervised installation of present transmitter, which he had operated from midnight to 8 o'clock each morning.

Burial was in Atlanta. Wife, son and two daughters survive.

Radio as Job-Getter

Washington, Nov. 5. Cooperation between radio and the government has helped 23,000 men get jobs in the 30-day period ended Oct. 15. That is the estimate of the National Association of Broadcasters in reviewing the effort to help expedite the national defense program via microphone appeals for skilled tradesmen.

Blubs have been heard on 600-odd stations since the U. S. Civil Service Commission begged for help in putting job-hunters in touch with employers.

Sarnoff's Quiet Visit

San Francisco, Nov. 5. CBS thinks Al Nelson gets too much publicity but proof he can hold back on hot copy on occasion is manner in which he screened David Sarnoff, RCA-NBC biggie, from limelight during latter's 10-day stay with local NBC chieftain. Not an interviewer got through after Sarnoff expressed desire for peace and quiet.

Appointments, however, were set up for Sarnoff's next visit—in March.

Form Radio Council With Civic Participation; To Commend Air Merit

Cleveland, Nov. 5. Various civic groups have become members of the newly organized Cleveland Radio Council. Latter's purpose will be to encourage the presentation of better radio programs and appoint a board of review to pass on the merits of programs.

Council has representatives from the Federation of Womens Clubs, Federated Churches of Cleveland, Parents' Teachers' Associations, Daughters of the American Revolution, the Young Men's Hebrew Association and the Catholic Youth Organization. Mrs. Walter V. Magee, chairman of the radio study division of the F-W-C is president of the council and Carl George, program director of WGAR, and Dr. William Levenson, radio director of the Cleveland Board of Education, are vice-presidents.

DEODORANT SPONSORS FOOD MARKET QUIZ

Hartford, Nov. 5. WTHS has packed with the Garbex Co. of Syracuse for a series of Thursday afternoon customer quiz shows from the Popular Food Market on Albany avenue here. Quarter-hour show, aired from 4:00 to 4:15 p.m., is a takeoff on the curbstone interviews.

Garbex Co., manufacturers of a deodorant in a tie-up with the store, will award merchandise prizes to successful interviewees plus samples of their products to everyone aired. Paul Schwimler and Stuart Wayne, of the station staff, will do the interviewing. Show is tagged 'Market Time.'

New Corporation Setup For WLW Booking Subsid

Cincinnati, Nov. 5. Incorporation of WLW's talent booking subsidiary has been changed from General Program Service, Inc. to WLW Promotions, Inc. New organization's officers are Lewis Crossley, president; James D. Shouse, executive vice-president; E. P. Bauer, secretary; George Smith, comptroller. Robert E. Dunville is a director. William McCluskey continues as the subsidiary's booking manager.

FOR OUT FRONT ONLY

Frankie Masters' Music A Victim of Political Gassing

Frankie Masters' band, bought for its fifth shot at the Fitch Bandwagon show on NBC Red Sunday night (3), went through its whole show for the benefit of only a studio audience. Show had been regularly scheduled, but at practically the last minute the time was sold out from underneath it for a political speech.

Masters completed the broadcast that didn't hit the air and will be paid for it. He may get another shot later.

Honor Albert Warner

Washington, Nov. 5. Albert Warner, CBS news commentator in Washington, has been notified that he has been voted the first annual Sigma Delta Chi award for radio newswriting. The award was one of five made by a committee from the professional journalistic fraternity for general reporting, editorial writing, foreign correspondence, Washington correspondence and radio newswriting, the latter a new category this year.

Presentations will be made Nov. 16 at the organization's annual convention in Des Moines. Judges who made the awards were Roy Roberts, managing editor of the Kansas City Star; John W. Owens, editor-in-chief of the Baltimore Sun; Paul Scott Mowrer, editor-in-chief of the Chicago Daily News; Arthur Krock, political writer of the New York Times, and Frederic William Wile of the Washington Star.

John Swanik Draws 158

Tuscola, Ill., Nov. 5. John Swanik, the 'Uncle John Barton' of local station WDW staff, had number 158, the first number drawn in the conscription.

Interviewed on the air shortly afterward, he said he was willing to go. He is married and has a child, his wife being in 'The Barton Family' series with him.

Promote John Whalley

Chicago, Nov. 5. John Whalley has been upped to post of business manager of NBC here. Appointment made by Harry Kopf, new chief of the NBC central division.

Whalley had been office manager at NBC in Chicago since 1931.

NBC SEEKS SINGLE ACTS

Hollywood, Nov. 5. Singles for quick sale and at low production cost are being framed at NBC, with the blue network in mind. Artists service is rounding up performers who can fill a one-man spot without the necessity of support or musical backup. In demand are singers who can do their own thumping or strumming.

First to be set up in this category for sponsorship inspection are Vaughn de Leath, veteran of 20 years of radio, who knows her way around the keyboard of piano or novachord and Johnnie Johnston, guttaring his own accompanist. They get quarter hour spots across the board.

'Ellery Queen' Up For Luxor's Air Return; Also Revising Treet

In addition to lining up a network show for Luxor cosmetics Lord & Thomas is revising the transcription series which have been running on several stations for Treet, which is likewise an Armour & Co. product. Presentation on the suggested changes in Treet program was made to the company in Chicago Friday (1).

Time which Luxor has contracted for on CBS is 4:30-5 p.m. Sundays. 'Ellery Queen' had been submitted for the spot. The recording of another show is being taken out to the account this week.

Edward J. Cahalan Dies

Pittsburgh, Nov. 5. Edward J. Cahalan, manager of KDKA-Westinghouse Artists Service, died suddenly at his home here last week of a heart attack. He was 54 and had been in charge of station's artists bureau since first of year.

Cahalan, an ex-broker, joined NBC's real estate division in 1939. He played a part in negotiations involving company's move from 711 Fifth Ave. to present quarters in Radio City. Transferred to KDKA in 1935. He leaves his widow and three children.

BIG WEBS AS PRIVATE CLUBS

Chain Income From Time Sales

	COLUMBIA			
	1940	1939	1938	1937
January	\$3,575,948	\$2,674,057	\$2,879,945	\$2,378,620
February	3,330,627	2,541,542	2,680,334	2,264,317
March	3,515,170	2,925,684	3,034,317	2,559,716
April	3,339,689	2,854,026	2,424,180	2,229,394
May	3,570,727	3,097,484	2,442,283	2,560,558
June	3,144,213	2,860,180	1,121,495	2,476,567
July	3,067,870	2,331,953	1,317,357	1,988,412
August	2,875,657	2,341,636	1,423,865	1,955,280
September	3,109,863	2,563,132	1,601,755	2,028,585
October	4,023,617	3,369,654	2,453,410	2,505,485
Total	\$33,537,907	\$27,556,348	\$21,378,941	\$23,281,018

	MUTUAL			
	1940	1939	1938	1937
January	\$317,729	\$315,078	\$269,894	\$213,746
February	337,649	276,605	253,250	231,288
March	390,813	306,976	232,877	247,421
April	363,468	262,626	189,545	200,134
May	322,196	234,764	194,201	154,633
June	299,478	228,186	202,412	117,388
July	235,182	216,583	167,108	101,458
August	227,865	205,410	164,626	96,629
September	283,463	210,589	200,342	132,868
October	Not Reported	428,221	347,771	238,683
Total	\$2,777,833	\$2,685,038	\$2,220,026	\$1,735,256

	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	3,336,440	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	2,866,517	2,627,721	2,261,344
June	2,919,405	2,759,197	2,550,040	2,209,304
July	3,141,902	2,713,798	2,377,065	2,018,820
August	3,072,338	2,737,926	2,368,161	2,094,306
September	3,132,005	2,750,688	2,397,333	2,057,513
October	3,842,195	3,444,139	2,798,739	2,222,803
Total	\$32,515,286	\$29,656,967	\$25,455,926	\$22,348,053

	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	965,004	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	505,529	794,083
July	688,536	599,757	581,645	688,630
August	665,924	574,644	572,938	690,871
September	747,774	564,619	581,908	793,668
October	1,203,499	773,119	975,223	1,116,936
Total	\$8,538,763	\$7,070,659	\$8,220,760	\$9,282,874

*Different system for allocating billings to the red and blue networks prevailed these years.

TIME OPTIONS TO MEMBERS ONLY

Small Number of Big National Advertisers. Now Control Network Time and Have Options in to Grab Whatever Else Opens Up—Discounts a Big Competitive Factor

BLUE, MBS OFFSET

A small number of big national advertisers are more and more consolidating a monopoly near-monopoly of the time of American radio networks. The latter know it, regret it, and don't quite know how to stop it since, as business men, they cannot gracefully refuse their biggest customers when the latter put in options to buy time as and when vacated by other advertisers. Thus the small number of many-brand merchandisers who stand willing to buy as much time as they can get (almost) literally, are leading to crowd out or prevent the entrance of other advertisers.

Warnings have been sounded before now on this predicament of network broadcasting. The more invidious implications of "monopoly" are, of course, avoided because there is still the NBC blue and Mutual and the tie-up is true primarily of the Columbia and NBC red loops. Also there still is the transcription alternative, via spot placement locally. However industry strategists deplore the situation as a case of too many eggs in too few baskets, as an invitation to fault-finders and as turning network radio into a "closed business," even though it is a constantly more prosperous industry.

Powerful Competition

The domination of their own fields through mergers and acquisition of trademarks or multiplication of products places the big packaged goods distributors in a powerful competitive position. Only another giant can go up against them. This advantage of bigness is increased in the case of the networks by the discount systems which favor the advertiser with many products and therefore many shows as against the smaller advertiser with only one product to sell. Station for station and minute for minute the small advertiser must pay more than the big one. Thus does the broadcasters' wheel of dilemma go round and round and nobody knows where it stops.

More than ever before the commercial time schedules on the NBC-red and Columbia this season tend to confirm the prediction made by some agency men that by 1942 the choice periods on these two networks would be absolutely controlled by a handful of accounts. Although both webs have more commercial programs running and more time sold than ever before CBS for one can lay claim to the addition of but one new account, Libbey-Owens-Ford, and the red to but two, Hall Bros., Inc., and Illinois Central, and these are Sunday matinee split networks out of Chicago.

'Can't Be Helped'

Network officials admit that this tendency toward bunching up their business within a few corporations is not the most healthy one, but they hold that it's a situation that can't be helped. At least they don't know how. As soon as a spot becomes available they have no choice but to offer it to some account already on the books, since many of these have standing bids for more time. A few cases in point are Lever Bros., Procter & Gamble, General Foods, Brown & Williamson, Campbell Soup. There are times that these networks would like to bring in a newcomer, if only for the sake of novelty, but their reasoning for stifling such inclinations is that it's

NBC Over \$5,000,000 in October; Beats Previous Mark by \$640,000; CBS Also Whammy at \$4,000,000

WAR DOESN'T HURT RADIO

But Held to Delay That Much-Postponed New NBC Building in Frisco

San Francisco, Nov. 5. Crisis conditions haven't hurt radio sales one little bit, according to J. C. McConnell, NBC national spot and local sales manager on his first Frisco swing, in five years. Asked if there was any holding back radio to parallel film exhibitors who are stalling on new product deals pending some idea of future events, the New York exec pointed out that for NBC, each month's biz has been better than the last.

Webb, however, is still delaying proposed new building here due to doubtful future conditions.

Jury Finds Against Labor Counsel in Suit Alleging Air Slander

Seattle, Nov. 5. KLV, Inc., as operator of KEEN, was cleared last week of a slander suit brought by E. B. Fish, labor counsel. Latter had asked \$25,000 damages from the Little Business Men's Bureau, Inc., and the station, alleging that remarks derogatory to him had been broadcast over KEEN but a jury, before whom the issue was tried, decided in favor of the defendants.

Station claimed that the statements in question were deleted from the script before the speaker went on the air. KLV, Inc., subsequently sold KEEN to other interests and the station's call letters now are KEVR.

DOLLARS TO DONUTS BET ON WIP, PHILLY

Philadelphia, Nov. 5. Mary Jane Shoe Stores will bankroll WIP's new quizzer, "Dollars to Doughnuts" beginning Friday (8). The program, handled by Fred Woods, bets dollars to doughnuts against contestants answering correctly.

The program will be aired from the stage of Fay's Theatre.

Washington's New Station Not on Air But Felt

Washington, Nov. 5. Newcomer-station, WINX, continued last week to report progress in the sales field with prediction that it will soon go over the top on its sales quota and take its place with the four chain-affiliated transmitters operating the Nation's capital.

Operating on a 24-hour basis as a purely local enterprise, station expects to start broadcasting shortly. Has been wooing numerous members of the staffs of WMAL-WRC, the two NBC stations; WJVS, Columbia's Washington transmitter, and Mutual's WOL. Latest addition to the staff is Bob Callahan, Music Rights supervisor for NBC, who will join the new WINX staff as organizational

never good business to disregard the wishes of an old customer basis as. With the red and CBS having become pretty much exclusive clubs—the advertising world, the lot has fallen to the NBC-blue and Mutual to do the prospecting for accounts new to network radio. The blue has so far this season brought in Axton-Fisher (Twenty Grand cigarettes), Clapp's Baby Food, Knapp-Monarch, United States of Brazil and Williamson Candy. Newcomer on Mutual's list is United Airlines.

Politics plus the season's big upsurge in commercial business accounted for record breaking time sales for the networks in October. For the first time NBC reached the \$5,000,000 and CBS, the \$4,000,000 brackets. NBC's gross billings for last month were \$5,045,694 and Columbia's \$4,023,617. With NBC it was \$640,000 over the previous top figure for any one month.

Compared to October of 1939 the margin this time was 19.6% in the case of NBC, and 19.5% for Columbia. Of the NBC take \$3,842,195 was credited to the red link and \$1,203,499 to the blue network. In comparison with October '39 the red's edge was 11.5% and the blue's 55.7%, record high in this category for any network.

NBC's previous monthly high came this past January, \$4,405,208. While the exact figures won't be available for a few weeks, it is estimated that NBC's billings on politics will go well over \$1,000,000 and Columbia's, around \$400,000. The big gainer in this instance will be the blue network, since CBS and the red will because of their full commercial schedules have to rebate the greater portion of this political money.

RADIO STRESS ON CLASSIC STUFF

Mutual's acquisition last week of the Philadelphia Orchestra and the Chicago Opera broadcasts brings an unprecedented lineup of symphonic and operatic broadcasts on the networks over weekends. There are now six major musical organizations whose regular performances will be aired. In addition, several network commercial shows stress classical music and there are such live broadcasts as the New York City Civic Orchestra over WNYC, the Alfred Wallenstein concerts over Mutual and a number of recorded opera and symphonic programs over various New York stations.

The list of regular musical groups heard over the networks is as follows:

Chicago symphony orchestra, Thursday nights, Mutual, sustaining. Philadelphia orchestra, Friday afternoons, Mutual, sustaining. Metropolitan Opera performances, Saturday afternoons (Starting in several weeks), NBC blue (WJZ), for Texaco.

NBC Symphony orchestra, Saturday nights, NBC blue, sustaining. New York Philharmonic-Symphony, Sunday afternoons, CBS, sustaining.

Chicago Civic Opera, Monday nights, Mutual, sustaining.

Among the network commercials specializing in classical music are the Ford hour Sunday nights over CBS, the Libby-Owens Sunday afternoons on CBS, plus several others using semi-classical stuff, such as "Musical Americana, etc."

There's a timely angle in the crease of classical music on the networks at this moment. That most classical music is in the public domain and will thus be unaffected by the expected battle between ASCAP and the networks. However, that is not regarded as the motive in the networks' obtaining the added classical programs.

Elias Breckin, on route for a concert appearance in Mexico City, paused in San Antonio to appear as guest soloist with Monette Shaw over WOAI.

SPECTOR ASKS 8-WEEK FREE TRIAL

Ray Spector agency is offering stations a special proposition in connection with Blackstone Products, which includes Aspartene, Tastylix and its own brand of aspirin. Spector is asking the stations to play along with the account on a contingency basis.

Deal calls for eight weeks of free time. If upon a check of sales in the territory the campaign proves to have been successful the station will receive not only payment for this time per card rate but a contract covering a minimum of 13 weeks.

DANDERINE'S 'SWEETEST STORY' ON TEXAS WEB

San Antonio, Nov. 5. Replacing the nighttime three times weekly broadcast of "Short, Short Stories," Double Danderine, a Sterling product will present a three times weekly morning stanza titled "Sweetest Story Ever Told."

Program is presented through the Texas State Network and was placed by Blackett-Sample-Hummert.

Drive to Los Angeles For Show That Doesn't Air

Minneapolis, Nov. 5. The Piehals brothers of WCCO here drove all the way from Minneapolis to California to appear on the Al Pearce radio show last week. When they got to Los Angeles they found that the show had to be eliminated because of a political broadcast.

Previous commitments here made it impossible for them to remain over another week for Pearce.

N. L. Nathanson Thinks Radio-Smothering of Press Would Provoke Evils

Calgary, Alta., Nov. 5. Radio should be used to augment the newspapers, not to take their place, in the opinion of N. L. Nathanson, vice-chairman of the Canadian Broadcasting Corp. and president of Famous Players Canadian Corp., who visited here recently.

Nathanson said that undoubtedly the radio newscasts skimmed a certain amount of the cream off the news before it could be painted, but he felt that radio could never take the place of the newspaper. If such a thing ever happened it would be a sad day for the democracies, he felt.

Florence Murphy, WCCO Minneapolis feminine newscaster, an ardent supporter of President Roosevelt, was cast for the role of a crusading Wilkie woman in one of station's radio skits.

ASCAP PREFERS PETRILLO STAY OUT, NOT BECLOUD ISSUE WITH RADIO BIZ

Report Society Wants Any Agreement to Have Enduring Qualities—'No Munich of Music' Is New Attitude—Nuisance Litigation Is One Phase

James C. Petrillo, head of the American Federation of Musicians, will not step into the ASCAP-radio controversy unless requested to do so by the Society, and it was made clear over the weekend by a high ASCAP official that ASCAP would prefer to have the union remain entirely on the sidelines. The message conveyed to the AFM chief through an unofficial intermediary who is a member of the union was that ASCAP was determined to fight the thing out by itself and that any mediation would serve only to give the networks an out from their present stand of no negotiations and befuddle the fundamental issues involved. Petrillo was at the same time thanked for his interest and the ASCAP spokesman stated that he felt assured that Petrillo would appreciate the spirit in which the answer was made.

It was pointed out that the temper now prevailing in ASCAP is against entering into any pact that will not assure peace between the radio and music industries for years. Any new agreement must contain a goodwill provision under which radio would guarantee to refrain from the sort of harassments, legislative and litigious, which ASCAP claims it has been subject to since the signing of the last contract (1935). ASCAP wants no Munich, it was further stated.

Relieves Admen

Foregoing feeler exchange between Petrillo and ASCAP tends to answer a question that has agitated the advertising agencies more than that concerning the availability of non-ASCAP material. The agencies have wanted to know what position Petrillo has indicated he would take in the performing rights controversy and whether there was any chance of his doing something about a settlement if the showdown resulted in a reduction of radio employment among musicians.

Agencies with programs using standard music are pretty well agreed that there is enough material available to them in the public domain to keep them going for a long time. Some of them have checked their standard repertoires for the past year and found that as high as 60% of these numbers stem from the public domain. The networks have had their music checking divisions busy the past several weeks preparing list of public domain numbers for submission to agencies handling this type of program and which these checkers think are geared to such programs. This task has involved studying each program and documenting all public domain numbers that are available for a particular program. The agencies admit that they will find it tough to make their programs of standard or current music highly diversified, but they at the same time feel that they can sell this limited line of music to the public.

ASCAP has in the meantime undertaken to set up listening posts in every state in the union so as to be in a position starting with Jan. 1 to obtain infringement reports on stations that have not taken out ASCAP licenses.

Italian Show in English Doesn't Pay at WEBR

Buffalo, Nov. 5. WEBR Italian Hour, which was anglicized six months back in the interests of national unity, finally has folded under the strain. Emelio Rios, its announcer-salesman, moved program this week to WBNY, which still allows foreign tongues.

WEBR cleaned its Polish and Italian programs of their native tongues a day after President Roosevelt's unity plea, station expressing hope all 'patriotic-minded' listeners would applaud the move. English announcements were substituted, although foreign language vocals on platters, banned at first, finally were allowed to stay on.

Sponsors were responsive at first but soon began dropping off. Although its revenue was cut, station kept program in its 90-minute size.

GAME OVER, NEIGHBORS AND PLAYERS HEAR IT

San Antonio, Nov. 5. Due to the political broadcasts, filling the local airwaves football games have had to make way on the schedule for the political talks. Odd quirk was the consequence on Friday when a play-by-play account of a game between two local high schools was recorded and played back one hour later after the game had started.

Telephone board at the station was bombarded with listeners near the stadium saying that they were listening to KABC broadcast a description of the game when they could see out of their windows and see the lights shut off and no one even near by who resembled a football player. Other callers were players and fans wondering what it was all about, hearing the game after they had already left the stadium.

NEW RADIO SALES EXEC

J. Kelly Smith Sets Henry Jackson At Chicago

Chicago, Nov. 5. J. Kelly Smith, general sales chief of the Columbia Radio Sales Division, has named Henry Jackson as manager of the Chicago office of Radio Sales. Jackson has been working for Radio Sales in Chicago for two months after four years as sales manager for the northern division of the Columbia web on the Coast.

Smith had been handling the local management for some time along with his assignment as general sales manager, but the pressure of the national sales job made it necessary to allocate some of the duties in Chicago.

Likely that Smith will continue to headquarter in the local Columbia offices, figuring Chicago as the logical spot for keeping an eye on the national situation.

Strotz Now at Desk

Sidney Strotz, NBC's new v. p. in charge of programs, settled down into this post Saturday (4). He arrived that day from Chicago.

He was at NBC headquarters a couple weeks ago but it was merely to meet the trade via a cocktail party.

Coast Branch of Radio Writers In Tactical Move Against Unfair Discs

WEMP HERE TO STAY

Dire Outlook of Five Years Ago Is Reversed

Milwaukee, Nov. 5. Although dire predictions for its future were made when WEMP started out as an independent station, with two well established broadcasters, WTMJ (NBC) and WISN (CBS), already covering the area, the station celebrated its fifth birthday anniversary early Friday night (1) with a party in its studio. WEMP has not only prospered, but six months ago became key station for a new state long known as the Wisconsin Broadcasting system, and in the past month did the biggest business in its history.

Celebration had double significance as it observed the birthday of C. J. (Chuck) Lampher, station manager, who was presented with an elaborate desk set for the occasion.

Ray C. Schroeder, the original 'Mr. Fixit', completed his tenth consecutive year on the air last week over WLS. St. Louis, currently bankrolled by Felz Naphtha.

Cincy's Teacup Tempest Because Kate Smith's Not at Britain Ball

Cincinnati, Nov. 5. Only unpleasant incident of the visit here last week by Kate Smith was a criticism appearing Friday (1) in the Times-Star about her non-appearance at the Bundles for Britain ball, held the night before in the Netherlands Plaza hotel. Tyrone Power, back in his home town for the premiere of his latest picture, 'Mark of Zorro', appeared at the affair with his wife, Annabella, through arrangement by 20th-Century Fox.

To clear up the criticism, Ted Collins, Miss Smith's manager, issued a statement which the paper published Saturday (2). His explanation: '20th-Century Fox does not represent me. Nine days ago in New York City I received a request to have Miss Smith appear at the ball. At that time I wired to Cincinnati saying an engagement previously made in Cincinnati for that night and also the time necessary for rehearsals for Miss Smith made it impossible for her to appear at the ball.'

I doubt if the tickets were printed at that time, but learned later that when they did appear they included the name of Kate Smith.

Insofar as the statement is concerned that the Bundles for Britain ball was a big success in spite of the fact that Miss Smith did not appear, I think that is a ridiculous and most unfair statement.

If the local committee for Bundles for Britain within the next 25 years will be responsible for raising the amounts of money for charities that Miss Smith has raised during her career, I believe they will do a very noble work. I deeply regret, and so does Miss Smith, that time would not allow her presence at the ball, but I also deeply resent the necessity of having to make a statement to soothe the feelings of persons who, I understand, had charge of an affair for charitable purposes.

Tyrone Power guested on the Kate Smith show broadcast Friday night by CBS for Grape-Nuts. He did a dramatization from the 'Mark of Zorro' picture. Air program originated in the 2,500-seat Emery auditorium, which was packed for the 8 o'clock Eastern outtelling and for the midnight repeat to the West Coast.

Bill Thomas headed a group of Young & Rubicam agency men who came from New York to arrange for theatre and ticket distribution details.

Miss Smith and Collins personallied with Tyrone Power and Annabella at the Albee and Shubert theatres, where 'Mark of Zorro' was premeing, between the two air shows.

Hollywood, Nov. 5.

Adoption of a ruling to prohibit members of Radio Writers Guild from working on or leasing material to transcription companies which are on the Guild's 'unfair list' will be asked of the membership at annual meeting Tuesday (7). Under the proposal, RWG staff would be impressed on all material to establish identity of the writer. Another resolution to be presented asks that a national vote be taken on an amendment to exclude executive writers from the elective posts of national president or regional vice prez. Term of latter would be fixed at one year.

Coasters will cast their vote for Forrest Barnes as prexy of the national body, with Paul Franklin and Sam Moore v.p. choices. Twelve members of the Western Regional Council will be elected from the following: George Backus, Forrest Barnes, Hector Chevigny, Peter Dixon, Paul Franklin, Frank Gill, Jr., Wolfe Kaufman, Leonard Levinson, Sam Moore, Carlton E. Morse, Davis Nowinson, Arch Oboler, Don Quinn, Robert Redd, William Robinson, Ted Sheredman, Jerry Schwartz, Everett Tomlinson, Leo Townsend and Maurice Zinn.

From the Production Centres

IN NEW YORK CITY

Joe Julian, of the 'Just Plain Bill' series, has authored an original playlet, 'Gardenias—10 cents,' which appears in the forthcoming One Act Play mag... Doyd Crawford, juve lead on 'Amanda of Honeymoon Hill' program, doubled on the Helen Hayes stanza last week, but he couldn't go to New Haven for rehearsal, so Phillips Holmes read the part for the tune-up... Geraldine Kaye, of the same show, also with Helen Menken's 'Second Husband' troupe... James Krieger, of 'Orphans of Divorce,' studying law at Columbia... John Brown doing the 'Fred Allen' show, the 'Famous Plays' series and 'Lorenzo Jones'... Lucy Kilpack, sister of Bennett Kilpack, title player in 'Mr. Keen,' has joined him from London.

Peggy Gould and Helen Larnon, legit actresses, writing and spelling a weekly series on WFAS, White Plains, for a local department store... Songs composed by Raymond Gram Swing will be played at a concert at Henry Hadley studio, New York, Sunday night (10)... Frank Thomas, motor and food show announcer at the World's Fair, back again to network and agency programs... Ezio Pinza, guesting on the Kraft Music Hall tomorrow night (Thursday)... Minnie Dupree, legit and film actress, now a regular on the 'Aunt Jenny's Real Life Stories' series... Kayvell Aiki added to 'Big Sister' troupe.

Ruth Howard and Sanford Dickinson, who do a daytime program on WOKO, Albany, have been set for a guest on Campbell Soup's 'Short, Short Story' over CBS. Miss Howard is a daughter of Comedian Tom Howard; her Albany program with Dickinson was recently reviewed in VARIETY... Sherman K. Ellis, Inc., has been dissolved. White & Case filed the papers in Albany.

Alberic Spalding and John Charles Thomas auditioning with Andre Kostelanetz for Coca-Cola... Brian Aherne will guest on 'Lincoln Highway' this Saturday morning (9), as well as playing opposite Katharine Cornell in bits from 'The Barretts of Wimpole Street' on the Red Cross broadcast Sunday (10)... Marian Shockley, back from Caribbean cruise with director-husband George Zachary, guesting tonight (Wednesday) on 'Manhattan at Midnight.'

When Augustin Llopis de Olivares, announcer of NBC's international division, reported for his short-wave program one day last week he had just had drops in his eyes and realized he couldn't scan regular-size print.

Someone located a typewriter with giant letters, however, so de Olivares went on the air as scheduled, reading his spiffy old cardboard strips... Dwight Cooke, of Andy's passing up their seasonal stand at Palm Springs for the winter... Arch Oboler gave up last week's time to President Roosevelt and saved himself a trip to New York where he was to direct Joan Crawford in his original, 'The Word.' Program goes over to Nov. 22, with Mary Astor in 'Till Tell My Husband' sketched for Nov. 8... Fox Case, Columbia's Coast special events director, named chairman of draft appeal board in the Hollywood sector... Carroll Carroll was equal to the occasion when Fred Whiting, bass in John Scott Trotter's orchestra, drew the now famous '158' in the draw. He had him saw off a few bars of 'Beat Me Daddy (158 to the Bar)' on the Kraft program... Hal Styles launching a participating sponsorship program on KFVB additional to his 'Help Thy Neighbors,' optioned for another quarter... Parks Johnson and Wally Butterworth coming for one 'Vox Pop' broadcast Nov. 21... Armand Deutsch, Coast head of McKee-Albright agency, helping Rudy Vallee keep in shape on the tennis courts... Ken Higgins, KFI-KECA Barker, peddled a yarn to Metro for its 'Thin Man' series... Hubbell Robinson flew back to N. Y. after looking over the talent crop... H. Sayle Taylor (Voice of Experience) on the verge of signing for a Coast show.

Mark Hellinger did a routine of jokes, puns and wise cracks for Ted Husing of CBS, between halves of Notre Dame-Army game. Margaret and Gordon Munro are in Manhattan to seek their radio fortunes after a spell at KMBC, Kansas City... William Morris agency handling them...

IN HOLLYWOOD

Lawton Campbell dropped in on 'Big Town' and helped himself to a load of California sunshine, which ran up a terrific C.A.B. during his sojourn... Henry Jacobsen, head drum beater for the McClatchy web, en route to Fort Knox, Ky., to serve his lieutenantcy in the armored division... Young & Rubicam office gang serenaded Joe Stauffer in the early hours of Sunday on the occasion of his passing another milestone... Harry Norwood in from New York to settle the Merry Macs here with enough work to make them permanent residents... Dave McCosker installed as Coast rep for H. W. Kastor agency. He was KFVB national sales manager for the past five years... Dwight Cooke, of Andy's passing up their seasonal stand at Palm Springs for the winter... Arch Oboler gave up last week's time to President Roosevelt and saved himself a trip to New York where he was to direct Joan Crawford in his original, 'The Word.' Program goes over to Nov. 22, with Mary Astor in 'Till Tell My Husband' sketched for Nov. 8... Fox Case, Columbia's Coast special events director, named chairman of draft appeal board in the Hollywood sector... Carroll Carroll was equal to the occasion when Fred Whiting, bass in John Scott Trotter's orchestra, drew the now famous '158' in the draw. He had him saw off a few bars of 'Beat Me Daddy (158 to the Bar)' on the Kraft program... Hal Styles launching a participating sponsorship program on KFVB additional to his 'Help Thy Neighbors,' optioned for another quarter... Parks Johnson and Wally Butterworth coming for one 'Vox Pop' broadcast Nov. 21... Armand Deutsch, Coast head of McKee-Albright agency, helping Rudy Vallee keep in shape on the tennis courts... Ken Higgins, KFI-KECA Barker, peddled a yarn to Metro for its 'Thin Man' series... Hubbell Robinson flew back to N. Y. after looking over the talent crop... H. Sayle Taylor (Voice of Experience) on the verge of signing for a Coast show.

IN CHICAGO

Jewel Kimberling playing new role in 'Right to Happiness' over CBS... Bob Morard, Columbia special events and news staffer, in West Suburban hospital following auto smash-up... Bill Hodapp has turned out a couple of play scripts... DeWitt McBride added to 'Tom Mix Straight Shooters,' Hugh Rowlands and Mary Young to 'L'il Abner' and Claudia Morgan to 'Lone Journey'... Walter Hagen, Jr., son of the golf name, now member of the NBC speller gang here... Verl Thompson has quit NBC here to join announcing staff at WXYZ, Detroit...

IN SAN FRANCISCO

Burns and Allen hiding away in the ol' home town for a short rest... Gracie's local gal, once ran a dancing school here... Pete de Lima, late of CBS Artists Bureau, auditioning junior college show patterned after 'We, the People'... 'It Serves Me Right,' introduced on Kraft show by Dorothy Lamour, is joint effort of Henry Busse and Dick Aurandt, KSFO bachelors... Dock Howard, KSFO technical boss, writing radio section of a Govt. CCC manual... Ruth Sprague, 'Suzie Q.' of KPO-KGO, got spot on Bob Hope's Peppercorn show aired from Community Playhouse here... played part of 'Miss Smith,' head of mythical fan club... Milt Samuel, NBC press chief, victim of small-town technicality on vacation when hick cops hauled away entire block of cars and charged owners impounding fee and fines for technical violation...

Frisco radio circles happy over word that H. M. Jackson, who left the local CBS office Sept. 15 for a Chicago berth, has been promoted to post of sales manager for Chi office of Radio Sales... KYA has inaugurated a Garden Gossip quarter-hour with Mary Ashe Miller of Argonaut magazine, plus a new Hollywood broadcast handled by Lenn Curley... Freshness of Bill Adams' KSFO Farm Journal broadcast has been requested for study by M. J. Rowell of the Department of Agriculture marketing division in Washington... KSFO spares early-rising farmers necessity of staying up all night to hear election returns... Special summary of what happened aired at 3:30 a. m. on Bill Adams' Farm Journal... KPO-KGO lost two members of its technical staff to Uncle Sam this week. Supervisor Proctor Sugg and Studio Engineer Frank Fullaway, both Naval Reservists, volunteered for active duty and got it.

Regina, Sask.—New addition to the sales staff of CJRB is Fred Luce, singing salesman of CJRB, Winnipeg, for the past six years, James Horton, SJRM news editor, has moved to Calgary.

Suffolk, Va.—Robert Wasdon, sales manager of WEMP, Suffolk, Va., has resigned effective Nov. 9 to join the sales staff of WBIG, Greensboro, N. C. He was with WRAL, Raleigh, before joining WEMP.

PACIFIC PROGRAM RATINGS

Pale, Fingers-Crossed, Holding-Breath

That's the Way Campaign Ends for Radio—Hugh Johnson's Jewish References Cause Jitters

Radio may be represented as literally heaving one vast collective sigh of relief this morning (Wednesday) that one of the most acrimonious election campaigns in American history is over. More than 500 stations were on the air all through Tuesday night and Wednesday morning giving the public the returns.

What momentarily seemed likely to develop into a very embarrassing incident for WOR and Mutual on Monday night was perhaps typical in exaggerated form of the dangers and the qualms involved in this campaign. Gen. Hugh Johnson, said a rumor that flew all over New York around 10 p.m., had made an anti-Semitic speech. Word-of-mouth was quickly quoting him as having said more than he did say.

Sensing theme of great political delicacy on election eve, some New York dailies on Tuesday ignored the speech altogether. Other newspaper quotations from the asserted Johnson script seemed not to coincide with the wording or the sense of Johnson's remarks as they were recalled and repeated by persons who actually were tuned in. Whether Johnson was off libbing, varying the text as he went along, or whether in the heat of their reactions listeners made it worse than it was, is probably going to be one of those two-version tales from here in unless a recording was made. Suffice that Johnson apparently did use Jewish dialect. In combination with his references to Major Glinburgh of the United States Army, with mimicry effects, plus a charge that Jews voted for Roosevelt because of spleen against Hitler, this was taken as anti-Semitism being openly injected into the campaign.

Johnson ended his remarks by calling the Reich leader "that anti-Jew, anti-Christ Hitler."

DAVIS OF BBC TO SINGAPORE

Eric Davis, who has recently resigned from the British Broadcasting Corp. in London, has been in New York City for the past week. He is en route to Singapore, where he will engage in radio broadcasting activities.

At the BBC he was connected with the Empire programs.

H. G. and Orson Meet

San Antonio, Nov. 5. Radio history was made here last Monday when H. G. Wells and Orson Welles met here, the author to make a talk before the National Brewers Convention and the actor passing through on a speaking engagement at El Paso. Both agreed to air their views over KTSa in a 25-minute discussion of current events.

Included in the broadcast was a mention of the Orson Welles' 1938 broadcast of H. G. Wells' book "War of the Worlds" which caused a panic and Princeton research project. Prior to the meeting actor stated that he was somewhat apprehensive on meeting the English author due to the disapproval voiced by Wells after the panic of the 1938 broadcast. After the panic of the 1938 broadcast. After they were introduced to each other, they exchanged pleasantries and spoke lightly of the hoax. Later they both spent the day together at a nearby ranch.

Campbell Buys Plays

Campbell Soup has decided on the "Playhouse" pattern for its Friday night half-hour on Columbia. Series will make its debut Nov. 22.

Policy will be dramatic and guest stars, but the initial names of script haven't been settled.

DOMESTIC STATIC

WTMJ's Record No Credit to Radio Says Ex-Vaudervillian

Milwaukee, Nov. 5. Maybe radio has nothing to do with it, but nevertheless there's a lot of speculation around WTMJ concerning the activities of the stork on recent weekends among members of the staff. The record—up to press time:

Saturday, Aug. 31—William Manley, WTMJ new editor, became the father of Patricia.

Monday, Sept. 2—George Comte, announcer, became the father of Karen.

Saturday, Sept. 14—Charles Golling, continuity staff, became the father of Cynthia.

Saturday, Oct. 26—Russell Tolg, continuity chief became the father of Tommy.

Roy Peterson, the station's assistant musical director, and father of ten children, scoffs at the implication of radio influence, citing the fact that his offspring arrived while he was a musical conductor in vaudeville, and before he got into radio.

ELECTION OUT OF WAY, RADIO TO PEP DEALS

Generally expected in the trade that, with the Election now out of the way, there will be a decided spurt of radio activity among the ad agencies. In a number of cases accounts had been led to the point of making tentative commitments, but the agencies got themselves so wound up in campaigning that they let up on business pressure.

Indications have already been given that several network programs are due for replacement around the first of the year. Talent agents are getting inquiries in connection with certain accounts that are known not to have orders with the network for additional time. Some of the inquiries, it is figured, may have been influenced by the potential break between the networks and ASCAP. Such accounts, it is assumed, are scouting the field to find out what's available in the event they want to pull their musical shows.

'WARM' ENVIRONMENT HELPS ORIGINATIONS

San Francisco, Nov. 5. Performers on network commercials have discovered that they can get a warmer response from audiences in the Community Playhouse than from gatherings in the regular network studios and NBC thinks that this will inspire talent to do more originating from San Francisco. Program casts haven't fancied working in these because of the chilly behavior from out front.

Bob Hope used the Playhouse for his Peppercorn show last Tuesday (29) and liked the results. Others that have recently staged their programs from this spot are Horace Heidt, Meredith Willson and Bob Crosby.

Eddie O'Shea, WTC, III

Hartford, Nov. 5. Eddie O'Shea, sound effects man at WTC, is at the Hartford hospital recovering from a major operation.

Temporarily replaced by Kurt Unkelbach.

C. E. HOOPER IN COAST CHECKING

Four Coast-Wide Networks Now Doing \$3,000,000 Annually in 'The Lost Horizon' of American Radio—Time Differential Makes Competition Entirely Changed

TOP SHOWS

By WILLIS WERNER

San Francisco, Nov. 5.

The Pacific Coast, famous 'lost horizon' and 'export market' of American radio, is continuing its prosperous if (to the east) little publicized way. Not only are the four Pacific networks severally and individually clicking as producers and executives at the Coast now has in full operation its own special time zone C. E. Hooper equivalent of the Cooperative Analysis of Broadcasting popularity ratings. Which is an important development.

Some of the recent Hooper ratings for this side of the Rockies are as follows:

One Hour Shows

Chrysler (Major Bowes), CBS, Thursday 8 p.m., 14.3.
Lux (Radio Theatre), CBS, Monday, 8 p.m., 13.

Lucky Strike (Kay Kyser), Red, Wednesday, 7 p.m., 10.3.

Alka Seltzer (Barn Dance), Red, Saturday, 9 p.m., 9.8.

Texaco (Fred Allen), CBS, Wednesday, 9 p.m., 9.7.

Kraft (Music Hall), Red, Thursday, 6 p.m., 8.4.

Ironized Yeast (Goodwill Hour), Blue, Sunday, 7 p.m., 5.4.

30-Minute Shows

Hormel (Burns & Allen), Red, Monday, 7:30, 12.4.

Ipans (Time To Smile), Red, Wednesday, 9 p.m., 12.3.

Eversharp (Take It Or Leave It), CBS, Sunday, 7 p.m., 12.

Woodbury (Hollywood Playhouse), Red, Wednesday, 8 p.m., 11.8.

Peppercorn (Bob Hope), Red, Tuesday, 7 p.m., 11.7.

Johnson Wax (Fibber McGee), Red, Tuesday, 8:30 p.m., 11.6.

Maxwell House (Good News), Red, Thursday, 8:30 p.m., 10.8.

Across-the-Board Quarters

Richfield Reporter, Red, 10 p.m., 9.1.

Chesterfield (Fred Waring), Red, 8 p.m., 9.1.

Alka Seltzer News, DLBS, 9 p.m., 8.3.

Raleigh (Paul Sullivan), CBS, 10 p.m., 7.8.

Francisco American (Lanny Ross), CBS, 7.7.

Campbell Soup (Amos & Andy), CBS, 8 p.m., 6.4.

Once-a-Week Quarters

Jergens (Winchell), Red, Sunday, 9 p.m., 14.1.

Woodbury (Parker Family), Red, Sunday, 9:15, 14.1.

Welch (Irene Rich), Red, Sunday, 8:15 p.m., 10.1.

Cardinal Candy (Night Editor), Red, Sunday, 8 p.m., 8.9.

Telephone Coincidental method is used by Hooper, surveys being made in San Francisco, Los Angeles, Portland and Seattle during actual broadcast of program being tabbed.

(Roosevelt's first campaign speech, on all networks, arriving here at 6 p.m. on a Saturday, clocked 32.6.

Wilkie, on the Red only at 7:30 on Tuesday got 24.9).

Pacific Coast's regional networks now mean something like \$2,000,000 in extra billings to the major chains, according to a survey recently made by A. J. Kemp, CBS Pacific Coast sales manager.

The significance of these regionals is something it seems impossible to understand until one has come out here and worked with them. Kemp points out "Back east, we have all kinds of regional webs, but often

(Continued on page 32)

Press Shuts Out Philly Stations On Official Draft Lottery List

\$15 Talk for Free

Philadelphia, Nov. 5.

Stan Lee Broza and Joseph T. Connolly, program director and promotion, exec respectively of WCAU, had a first class scrap with their hands last Tuesday as a result of the draft lottery. A husky young lad from South Philly arrived with a couple of henchmen and announced he was a holder of '158'—the first number pulled in Washington. After he had gone on the air for a five-minute interview, he turned to Broza and asked:

'Where's me fifteen bucks?'

Broza was stymied. The South Philly contingent threatened to 'take the studio apart' until one of them suddenly remembered the '15 buck' offer had come from WFIL. They departed sheepishly.

WEBR, BUFFALO, HARD HIT BY PETRILLO

Buffalo, Nov. 5.

Hard hit by James Petrillo's ban on use of musicians in cooperative network commercials will be WEBR, which stands to lose three and three-quarters hours of sponsored time weekly on NBC's 'Breakfast Club.' Station has sold largest number of local clients for the show since NBC started the co-op stunt.

Four firms currently buy three quarter-hours each week, having contracts that run to Dec. 28—Dates laundry, Jay Jones, Charles clothing and Bettinger coal dealers. Two additional commitments for three quarter-hour spots will have to be turned down under Petrillo's ban holding that such network-local tieups tends to discourage hiring of local union men.

Rosenbaum Protests

Sam Rosenbaum of WFIL, Philadelphia, addressed a protest to Petrillo last week on his ruling saying in part: 'Stations express the view that your prohibition is contrary to the spirit of the undertaking into which they voluntarily entered into when they increased their staff expenditures for live musicians. . . . The Breakfast Club' does not, in a single instance that can be pointed out, replace the employment of live musicians.'

On behalf of the Independent Radio Network Affiliates Rosenbaum further asked Petrillo for a chance to plead the A.F.M. board that the order be cancelled.

ALASKA LINK 33D DON LEE AFFILIATE

Hollywood, Nov. 5.

Don Lee network moved into Alaska last week and signed KGBU, Ketchikan, 1,000-watt. Site picks up the signal from Seattle, 900 air miles to the south. Forging of new link gives the chain its 33rd affiliate.

Web's border stations also service Mexico and Canada.

Sprucing Spartanburg

Spartanburg, S. C., Nov. 5.

With WORD a CBS affiliate and WSPA licensed for full time broadcasting, the quarters of the two stations are being modernized and WSPA will get a new transmitter. Outlets are owned by the Spartanburg Advertising Co. and Walter Brown is the general manager.

Philadelphia, Nov. 5.

The feud between the dailies and the radio stations, dormant for the past couple of years, broke out anew last Tuesday (29) when the newspapers froze the other crowd out of the local draft lottery setup. The Selective Service Board only had one extra list of the names of 275,000 Philly registrants, and this one was handed to the newspapers, who had pooled their interests for the occasion. When the radio stations heard about this they raised a squawk, contending that they were legitimate news dispensing agencies, but the draft officials gave them the cold shoulder.

Several of the stations had been set to snag the first localities to come under the draft and bring them to their mikes for interviews.

Because of the freeze-out they were forced to wait until the afternoon editions of the evening papers hit the street before they were able to learn who held number 158 here. One station even had lined up a sponsor for the stunt, if the outlet could guarantee an air scoop.

To get around the closed door policy of the dailies WFIL announced it would pay 15 bucks to the holder of the first draft number who telephoned the station. To the next 40 was offered a Farnsworth radio, with \$2.50 for the others. Of the possible 84 in Philly, 45 contacted the station and received the prizes. Several were interviewed, while others had their quotas plattered for future play-backs.

WIF spotted taxis in various parts of the city and picked up the 'lucky' registrants as soon as their names were announced in the papers, and brought them to the studios for interviews.

FRANK MULLEN ON FARMERS

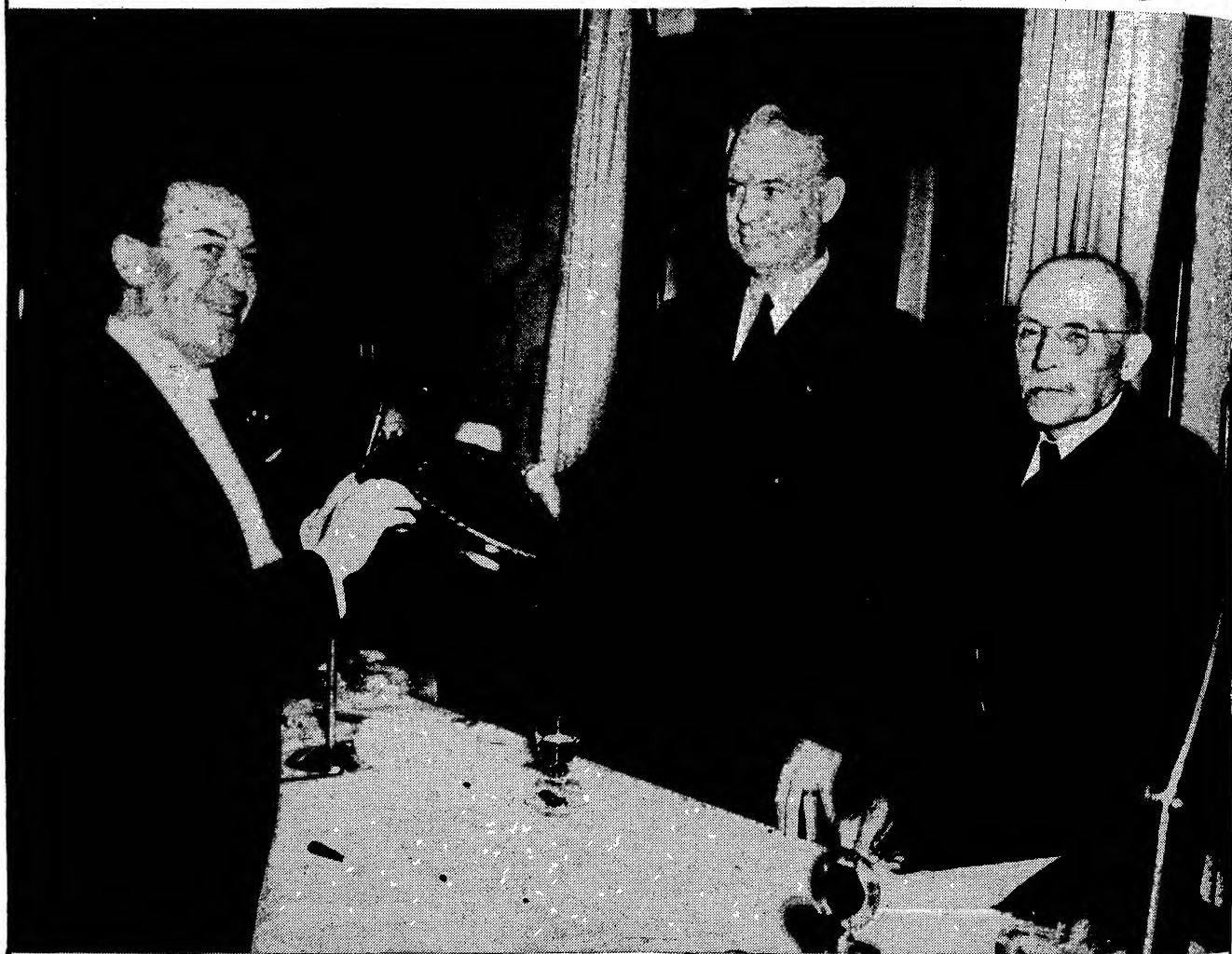
Schenectady, N. Y., Nov. 5.

Frank E. Mullen, vice-president and general manager of NBC, in a talk (1) on WGY-GZ's 'Farm Paper of the Air' marking the 25th anniversary of AGRICULTURAL PAPER by the Schenectady organization, said 'I have always maintained that the farmer and the farm family have a greater stake in radio than any individual or family.' Mullen, whose remarks were heard by nationwide audience of The Farm and Home Hour (originated by him for NBC in 1927), traced history of farm broadcasting back to 1923. That was the year in which he launched on a Pittsburgh station (not named) the first program directed exclusively toward a rural audience. He said he entered radio 'by accident,' part of his job as editor of a Pennsylvania farm paper being to create a farm show.

Mullen remarked 'The temptation is great to discuss the early days of farm broadcasting—then talking into the 'tomato can,' as we called it, was almost for the pleasure of hearing your own voice; speakers said things like 'Hello, mama,' with the hope the little lady back home would possibly be able to hear your greeting.'

Mullen continued that the important contribution of radio was it had brought the city and the world to 'farms,' the latter were no longer isolated, regardless of their location. This factor of 'isolation,' said Mullen, was one he keenly realized, although farmers in New York State might not. He did, because he 'was born and brought up on a South Dakota homestead; studied at Iowa State, Ames, Ia., and was a farm page editor in Sioux City.' Radio has provided the farmer with a substitute for the business man's trickster; it gives him the feel of the market,' added the NBC exec.

HIS EXCELLENCY **JOHN W. BRICKER**
GOVERNOR of OHIO



PHIL S

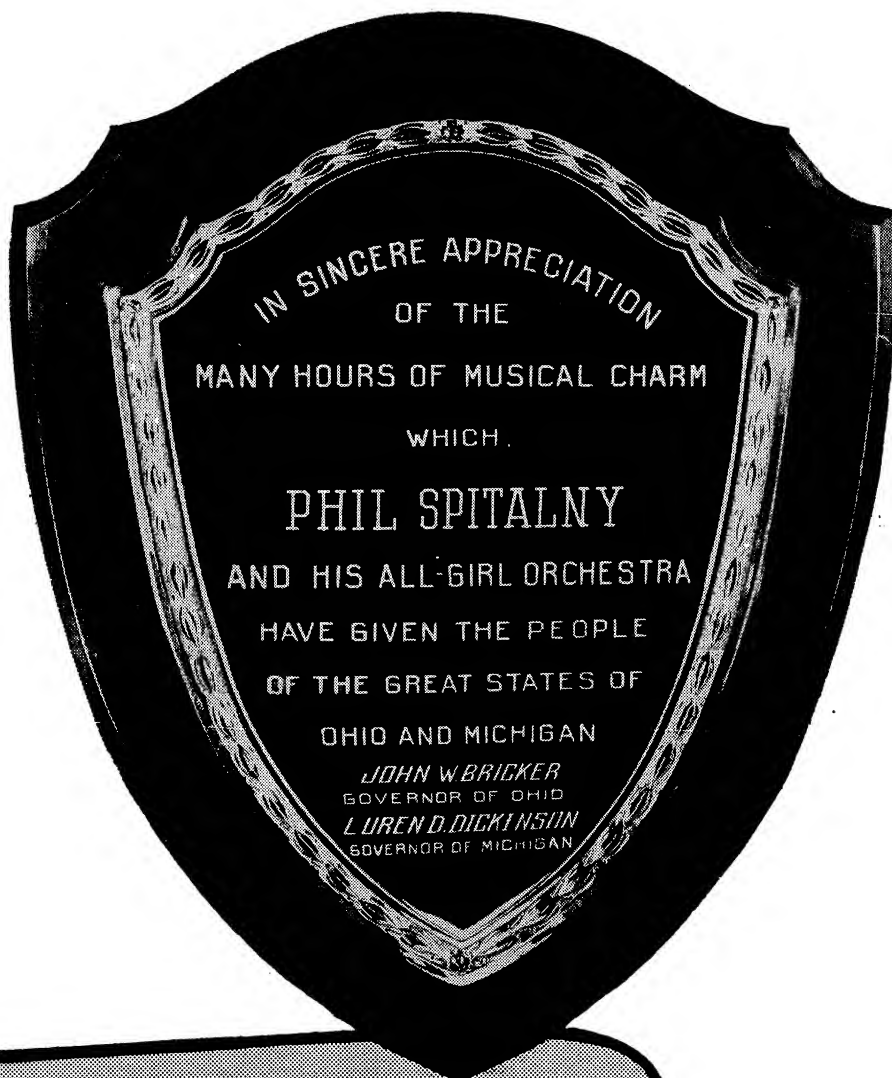
and
Hour of

30 girl artists

AMERICA'S FINEST FEM
EACH ON



HIS EXCELLENCY **LUREN D. DICKINSON**
GOVERNOR *of* **MICHIGAN**



SPITALNY

his
Charm

to sing and play!

**NINE INSTRUMENTALISTS
A STAR**



REMOTES FROM ARMY CAMPS, INCLUDING ADVERTISING SPONSORSHIP, NEED RULING

Broadcasting Foresees Many Issues as Showmanship Bumps Into Military Viewpoint — Ed Kirby Is Probable Smoother-Out for Industry

Washington, Nov. 5. The showmanship-minded radio industry is taking steps already to smooth the path of its special events experts in doing business with the what's-this-mind brass hats of the United States Army. Innumerable questions are now arising or anticipated in which the desires of radio stations and networks to broadcast from military camps bump into the lack of military precedent for the proper granting of permission.

The need for a practical diplomat with both radio and military experience to help facilitate relations is chief motive behind the pending and probable appointments of Ed Kirby to be broadcasting's dollar-a-year contact with the War Department. He would be given leave from the National Association of Broadcasters which would continue to pay him his regular salary. As to the chap who fed soothing syrup to the clubwomen Kirby is considered to possess both tact and training of the kind now needed.

Some details remain to be ironed out, since Kirby no longer is a member of the army reserve. Whether

he will receive a commission or be attached as a civilian expert is one of the matters still unsettled. Just what obligations and authority he will have in either status is being negotiated.

With the army expansion to more than 1,000,000 under the emergency precaution program, the generals realize the necessity of having a liaison man who knows the interests of both the military establishments and the industry. Kirby, whose experience includes newspaper work several years back, able to understand both viewpoints since he was for a time an officer in the Field Artillery reserve.

Among the matters which would be assigned the radio relations wing of the general staff are station coverage of activities at cantonments, preparation of programs for entertainment of the expanded defense forces and getting maximum value from radio in building the civilian morale. Without experience in showmanship, the brass-hats have been puzzled about some overtures from the industry and do not know what

to do with some of the physical problems already encountered.

Policy rulings still have not been made on such things as commercial sponsorship of programs originating at army reservations. It is anticipated, for example, that when a lot of draftees are put in khaki, there will be great interest in activities at various posts and camps, especially athletic contests and reviews, and that local stations and advertisers will want to air descriptions with a plug for some article on the market. The army fears its dignity might suffer if blanket permission is granted to pick features from the parade grounds or recreation centers.

Also, the men called to arms will be anxious to get various types of entertainment and news via radio, special programs for their diversion undoubtedly will be suggested to stations in the immediate vicinity of the principal camps.

So far, Kirby has been ironing out problems involving chiefly sustaining announcements. Notably duplication of appeals from the recruiting service (wanting volunteers for the long hitch), the National Guard, and the Selective Service Board.

NBC expects to begin covering U. S. Army camps within the next four or five weeks with a mobile transmitting unit. NBC expects to visit every camp in the nation before its special unit returns. It's all part of the networks' cooperative effort with the military forces in its national defense campaign.

WGAN, Portland, Wins Important Priority In Case With Border Angle

Washington, Nov. 5. Priority of WGAN, Portland Broadcasting System, Inc., of Portland, Me., has been reaffirmed by the Federal Communications Commission in its recent refusal to redesignate for hearing the station's application for a change of frequency and juice-jump. International relations entered into the grant to WGAN and the denial of two petitions, filed by WABI, Bangor, and William H. Rines, new station applicant of Portland, for a rehearing of the WGAN okay.

Previous assignment of the 640 kc frequency to the Portland Broadcasting System, was objected to by VONF, a Newfoundland transmitter, and the Newfoundland Government, which argued that VONF (operating on 640 kc) is the only effective means in many instances through which the public of Newfoundland is kept abreast of weather information, government decrees and other news. Operation of WGAN caused 'serious interference' to the secondary service of VONF under its old assignment. It was charged, and this interference would be increased by a switch to 640. Dicker was proposed by the Newfoundland government, through which all claims to the 560 kc frequency assigned to Newfoundland would be relinquished to the U. S. if the 640 kc berth were not assigned to any American station.

Assignment of the 560 kc frequency and a boost from 500 watts limited time to 5 kw, unlimited, was only okayed for WGAN, after the U. S.-Newfoundland parley. Petition of WABI—which has requested a frequency change from 1200 to 560 and a boost from 250 watts to 1 kw—for a rehearing was turned down, and William H. Rines was likewise snubbed.

A grant to WGAN would better service the public interest, convenience and necessity, Commish decided, because two stations already serve Bangor, while Portland has twice the population of the latter city. The Rines application for a new station on 560 kc with 5 kw days and 1 kw nights, involved interference to CJKL, Dane, Ont., and the Rines family is interested in Portland's other station—WCHS—as well as WRDO, Augusta, Me., and WFEA, Manchester, N. H., the F.C.C. pointed out.

Cincinnati — Dave Ward joined WKRC, Mutual outlet in Cincinnati, Nov. 4 as an announcer. He formerly was on special events for NBC in Hollywood.

Hero Turns Heel, Written Out

Recent title switch of 'Linda Dale,' daily serial over NBC blue (WJZ) from its former tab of 'I Love Linda Dale,' involves one of its instances of a character getting beyond the control of its author. In this case, Bruce Porter, the romance of Linda on the series, turned out to be a warranted pure Para heel, so he was written out of the show by being sent back to the sticks where he came from. That removed the 'I' from the program's title, so beginning last week it is called merely 'Linda Dale.'

Series was conceived by Elizabeth Coe Todd and Welbourn Kelley, but Richard Morenus has since replaced the latter as scripter.

Wayne University's Radio Division Actively in Program Production

Doll Up WLW Premises

Cincinnati, Nov. 5. Work has started on the transformation of the Crosley building's sixth floor, containing 15,000 square feet of floor space, into new offices for the WLW-WSAI business departments. New set-up also calls for building of seven new studios on the eighth floor, where the offices and studios are now located. Improvement is scheduled to be completed by Dec. 1.

Nab 2 Boeing Employees Who Operated Illegal Radio Station in Home

Seattle, Nov. 5. Two Seattle men, Miles R. Peters and Larry M. Reed, were arrested by U. S. Marshal Anthony E. Mandery, charged with operating a high powered amateur radio station in their local residence without a license. A. K. Robinson, inspector of the Federal Communications Commission, filed the complaint and all equipment was seized by the Government men.

Peters is employed by research department of Boeing Aircraft Company, while Reed is traffic control man at the Boeing air field. Both men appeared before U. S. Commissioner A. C. Bowman, waived a hearing and were bound over to Federal grand jury after posting \$250 personal recognizance bonds. After the hearing they were taken to office of Federal Bureau of Investigation.

Federal officials admit the case might become very serious because of present war activities. One of the men, Reed, refused to have pictures snapped by news photo and hid his face while Peters did not seem to mind. Pinch was occasion for many circulated reports to the effect that huge transmitter outfit was sending out info to enemy countries now at war.

Detroit, Nov. 5. Wayne University here is turning out an extensive production center for radio programs, new tie-ups with WWJ, Detroit, and WCAR, Pontiac, having been arranged for the current year by Garnet Garrison, director of the school's Broadcasting Guild. Mel Wissman, WWJ program director, has okayed a Sunday spot for an elaborate panorama of Detroit's history, 'These Our Yesterdays,' the series has the cooperation of the Detroit Council on Local History. The members of this organization contribute research data which checked by Prof. Joe Norris of Wayne's History Department and whipped into radio style by Frank Telford. Ernie Ricca of WWJ is producing.

WCAR is picking up three weekly broadcasts from the school, 'Time for Entertainment,' 'Guild Playhouse' drama series, and 'Time for Music,' a series direct from the Guild's studios on the campus. Stanley Schultz, WCAR program director, arranged for a direct line into the college.

Two other series, both of which received prizes for educational excellence at the Columbus meetings, are to be continued for another year. 'Short Story Time' makes its way onto the air over WXYZ, and is received in classrooms all around the Detroit area and in the state. 'The World of Music,' which goes over WWJ, features the larger organizations of the University's department of music.

8,000 Poetry Books Go Like Snow in the Sun

Cincinnati, Nov. 5. WCKY's supply of 8,000 copies of a 60-page book, which assembled the poems of Mose, mythical Negro character on Al. Bland's 'Morn Patrol' series, on all of the Cicely Red's games in the National League and world series this season, was exhausted last week several days after the station offered them at 35c each. Bland's program is sponsored by Bond's Clothing Store.

He'd run like blazes up one street and down another



BEFORE WBT was known by those call letters the transmitter was in the back of a radio shop where three local boys operated it.

Whenever they decided to broadcast, the most fleet-footed of the three would dash out of the shop and run like blazes up one street and down another . . . yelling to folks to tune in.

WBT grew into the top station of the whole, rich, Piedmont area of 3,000,000-plus population. Twice, now, in less than two years, broadcasting time had to be stretched to satisfy listeners who wanted more WBT programs daily. Today WBT is on the air at the crack of 5:00 A.M., and for 20 solid hours.

What's more important (and shows how radio advertisers know which way the wind blows when selling this area), 18 of those 20 hours are commercials.

Business is great, down WBT-way. Right now it's cotton pickin' time, here where it's always profit pickin' time. What are YOUR plans for WBT-Piedmont Area-selling this fall?

WBT
CBS

50,000 WATTS • CHARLOTTE, N. C.

Owned and operated by Columbia Broadcasting System. Represented by Radio Sales: New York, Chicago, Detroit, St. Louis, Los Angeles, San Francisco

The BASIC TEST

THE best yardstick for measuring our worth as radio station representatives is the steady progress in the national field of every radio station we represent.

The average increase during 1939 was 17% over 1938 in business contracted through our office. This year the gain will be even greater.

WEEED

AND COMPANY
NEW YORK • DETROIT
CHICAGO • SAN FRANCISCO
RADIO STATION REPRESENTATIVES

GAG GABBY RADIO SELLERS

N.A.B. MOVES TO STOP-WATCH COPY

Cheaters Among Advertisers And Salesmen to Draw Frown From Industry—Stations That Strictly Observe Code Resent Those Who Don't

PUBLIC TRUST

Washington, Nov. 5. Long-winded advertising messages on the radio will be frowned upon by the industry's leadership as never before. The grace period is over and the serious no-fooling-no-cheating application of the code of the National Association of Broadcasters must begin. The penalty would be loss of public confidence in radio's sincerity. To further prove its ability to self-regulate its own excesses the radio industry's leadership will meet this Thursday (?) in Chicago to map ways and means to persuade radio advertisers not to resent the stop-watch on their gabiness.

Problem of preventing chiseling now that the commercial copy limitations have gone into effect will be analyzed by a new National Association of Broadcasters code committee.

While cooperation generally has been gratifying, the ethics enforcers have run up against some real worries and various stations are upset about diversion of business in instances where long-winded blurb-writers or sponsors do not like the use of a stop-watch on their plugs. Nothing serious has come up in the way of violations, though, some clarifying interpretations may be necessary.

Composition of the committee for 1940-41 with Edgar L. Bill of WMBD, Peoria, staying in the chair, is: Earl J. Glade, KSL, Salt Lake City; Gilson Gray, CBS, Hugh A. L. Hall, WOAI, St. Antonio; Henry P. Johnson, WSGN, Birmingham; J. O. Maland, WHO, Des Moines; Frank Mullen, NBC, Calvin J. Smith, KFAC, Los Angeles, and Theodore C. Streibert, MBS.

Missionary Work

Missionary work among the agencies and station reps is one of the principal obligations which the committee must assume. Despite the wait of a year to put into effect the copy-limiting provisions, requirements of the code do not seem to be understood or appreciated by many time salesmen or program promoters. The industry is faced with some defections from its own ranks as well as continuing resistance from the sponsors and middlemen.

Since the commercial clauses went into operation last month, some stations have complained about lost accounts. Sponsors in certain instances have shifted to non-member plants, which are not bound by the time limits, while a minority of the N.A.B. roster has winked at the promise to restrict the blurbs in cases where an especially lucrative account hung in the balance. Naturally, those living up to their obligations don't like to see the fellow across the street profiting because of less sense of responsibility.

Invitations have been sent to agencies and station reps to join the huddle, so the N.A.B. gang can try to point out how desirable it is from everybody's standpoint to put some checkrein on the gabbers. The code committee is convinced that not only radio but sponsors will profit from living up to the limitations, which are intended to meet listener complaints about an excess of plugs. Radio missionaries will argue that advertising is more effective when there is enough white space to arouse attention and curiosity of the prospective customer.

Promise Anything Boys

The station reps, as well as some copy writers, are guilty of making things tough for the N.A.B. members. When pressed by a potential advertiser, some of the middlemen have been willing to promise every-

thing but the control board in order to get a signature on a contract. Code committee hopes to impress on this faction, as well as on the agencies, that excessive verbiage may offend the dialers and thus defeat its own purpose.

Free offers is another of the more troublesome matters to be debated. For some reason, in recent months, broadcasters have been deluged with disguised advertising material for which no compensation is proposed. Some highly respectable and well-known agencies and advertisers have been trying to snare gratis time on far-fetched pretexts and a system under which all member stations will help discourage this scheming is desired. Proposed contingent deals have become quite numerous, and in some cases it is hard to draw the line.

Circumscription of this twilight

zone is the objective of the code committee. Agencies will be asked to help discourage clients, notably trade associations, from trying to put over programs that masquerade as sustaining and non-commercial. Since they get no commission out of such business, the intermediaries should listen to reason, the broadcasting group feels. As things stand, radio seems to be in the middle of a war among agencies fighting for each other's accounts by holding out prospects of snaring free advertising from gullible station proprietors.

In this connection, the code committee is up against the difficulty of deciding when legitimate cooperation with an advertiser in merchandising his product amounts to violation of the code. Some yardstick seems imperative before the giving of gratis assistance in return for a

sponsored program break down the ban on free offers. Remarkably, some of the most greedy sponsors are those who spend very little on any form of promotion for their products.

A couple of unique problems have arisen since the code went into effect. No intention of violating the pledges can be charged against the individuals involved, but something still must be done if the commercial clause is not to be undermined.

Opera Dilemma

For instance, there is the Metropolitan Opera program soon to return to the air under partial sponsorship of Texaco. Trouble which NBC faces is whether to limit the oil company plug to the first hour, which is paid for, which would deprive the sponsor of some of the time to which it is entitled, or to air the blurbs after the time for which it

paid has run out. Since the feature will exceed the period which Texaco has bought, some interpretation is vital.

The matter of old transcriptions, manufactured before the code provisions went into effect, has arisen. Obviously it is impossible to specify that all of the waxed commercial programs must be recut, with the copy pruned. Some time limit after which these pre-October discs will be banned seems likely.

No particular class of account seems to bother the industry. Chislers and unintentional violators embrace almost every group of sponsors using radio. Some notorious grabbers, of course, are a perplexing issue, and it is felt these can be taken care of through the N.A.B.'s bureau of advertising.

On the whole, the first month's experience was encouraging.

"We consider Station WLW the finest medium for sales promotion in our territory. This applies especially to new items and to other items that have grown 'stale'.

"As soon as we are notified that an item is going on the air over WLW, our buyers check stock and get additional supplies in to take care of the inevitable increase in demand. WLW's efforts during NATIONALLY ADVERTISED BRANDS WEEK have always been particularly effective.

"We are situated in the corner of Kentucky, Ohio, and West Virginia where WLW has a complete coverage and invariably our seven salesmen ask, 'Is it on WLW?' when we speak of an advertising program for a product."

(Signed) J. M. Chamblin,
Manager
Huntington Division

**McKESSON & ROBBINS, Inc.,
Huntington, W. Va.**



REPRESENTATIVES: New York — Transamerica Broadcasting & Television Corp. Chicago — WLW, 230 N. Michigan Avenue. San Francisco — International Radio Sales.

WLW THE NATION'S
most Merchandise-able
STATION

WE HATE OBOLER

because:

The last and only time he wore a sweatshirt was in 1803 when he ran ninety yards against Harvard and a blonde!

He has a pretty wife!

He is a lazy so-and-so only having had over four hundred original plays broadcast both sustaining and commercially on the networks in the last five years!

He thinks that radio drama can be entertaining and yet actually have ideas in it!

He has a pretty wife!

He gets screen credit for writing "Escape" as his very first picture and now that nasty Music Hall is running it and Variety says it's a "smash box-office" and "a release from the conventional formulae"!

He was silly enough to pioneer, as a radio writer, in asking for the same rights and protection that other dramatists get as members of the Author's League of America!

He has a pretty wife!

Random House has just published a book of his radio plays—the first volume of its kind—and they actually paid him for it!

He actually thinks that, in times like these, there are more vital things to be discussed in the editorial columns of Variety than men's haberdashery!

As his first directorial effort in pictures he thinks he is going to do an A picture for Frank Lloyd Productions!

Hollywood stars and plain AFRA members are chumps enough to like the guy because he respects the art of radio drama so much he thinks you actually have to work at it!

He has a very pretty wife!

(Signed)

ROB SANDRY

FLACK PASTY

(And the line forms to the right)

(This ad inserted by the Non-Partisan League to Leave Arch Oboler Alone in Peace to Do His Work. Amen.)

Pacific Ratings

Continued from page 27

you'll find representatives of all three major chains, plus various independents, lined together. Here on the Coast, it's different; we have four miniature editions of the transcontinental hookups—every station is a basic CBS or a basic Red or Blue or Mutual-Don Lee.

This fact may be more or less hazy in Eastern offices, he points out, but it now means nearly \$1,000,000 a year in billings for CBS alone. And that's starting from zero less than three years ago, after CBS broke away from affiliation with the Don Lee web.

A major factor is the mileage covered the West. There are no overlapping territories out here; the exec points out; instead, we find five major centers, most of them hundreds of miles apart, with the bulk of the listening audience clustered around these key spots—Los Angeles, San Francisco-Oakland, Portland, Seattle, Spokane and Salt Lake City.

Standard ratings out here are by C. E. Hooper and are figured on the basis of regional nets, checking being coast-wide. C.A.B. tallies in the East mean little here because, due to time differences and repeat shows, a major program will usually play against different opposition on the Coast, this either helping or hindering its chances.

Nelson's Opinions

Kemp's sentiments are heartily echoed by Al Nelson, of NBC, who considers that the "surface has only been scratched." The potentialities are at least double anything yet achieved, he believes and adds "that's a conservative estimate." It's recalled here that Nelson fought the battle to put delayed relays of eastern shows on Coast webs at an hour when somebody could hear them. "Witnesses who were present at a meeting with John Royal in Hollywood point out that largely as a result of Nelson's campaigning the chain scrapped its taboo on wax and 'Information, Please,' began rolling off the platters in mid-evening instead of late afternoon. No comparative ratings are available as Hooper is only a year old on the Coast but the great number of repeats, both live and wax, which have followed are evidence of the listener acceptance.

"The West itself is not radio conscious as we know it in the East," Nelson contends. "There is a great job of educating yet to be done."

This verdict from a relative newcomer draws the nod from William Pabst, Jr., KFRC (Don Lee) chief-tain. "The Coast has long equalled the East in general program ideas —from a radio standpoint, we can match them. But nothing much has been done about the listener. It has only been in the past year or so that an intelligent effort has been made to segregate what we have to offer and put it on the air at hours when it can be heard." The Don Lee web has pioneered in this field, being primarily a regional and, prior to affiliation with CBS and later with Mutual, depending upon its ability to sell the regional idea to exist.

Just what the Coast means is vividly pointed up by the fact that the heaviest listening period is between 7:30 and 8 p.m., PST, whereas shows playing to peak hours in the East hit here around 5 or 6, or, in the case of daylight saving, as early as 4 p.m., local time.

Columbia has been especially active in "discovering" this entirely separate Western market and accounts signed for the CBS regional during the past month alone represent billings of approximately \$7,000 a week. Included are Old Gold, Smith Bros., Ludens, Postum, Planter's Peanuts, General Petroleum and Alber's Milling.

NBC, under Nelson, is giving six sustaining shows a special ride now and has three more cooking, with a view toward filling up chinks in the regional skeids. His idea is to prove that shows tailored for the West mean as much as stuff piped over the Rockies at less advantageous hours.

Cedric Foster's Hooper Rating

Hartford, Nov. 5.
Mutual is now airing a daily news commentary by Cedric Foster, station manager of WHTT. Quarter hour spiel on world events is early afternoon aired. A sustainer.

Mutual is said to have decided to use Foster after a Hooper Holmes survey of listening audience in the Hartford area indicated a high listening audience for the ex-newspaperman, station manager and news commentator on his 9 p.m. show.

Two Cola Transcription Campaigns Mark Time on ASCAP Situation

Orson Welles Panic Tale Set for KEBZ, Mex. City

Mexico City, Nov. 5.
Local radio station KEBZ is arranging to stage a broadcast in Spanish of "The War of the Worlds," with all the fireworks Orson Welles used in his CBS presentation. Authorities have not raised the least objection to it.

FORBID PRIZES IN CANADA ON SUNDAYS

Montreal, Nov. 5.
Beginning Nov. 10 no radio programs with contest or prize tins will be permitted on Sundays. Ban on Sunday contest shows applies only to programs going over network of either government or private stations.

Sunday contest programs on individual stations, providing there is no hookup with any other station, are for the time being unaffected. New regulation is result of representations made by the Lord's Day Alliance to the Canadian Broadcasting Corp.

WOV BACK ON AIR AFTER DAY'S STRIKE

After a full day's silence, WOV, New York, went back on the air Monday afternoon (4) with American Communications Assn. (CIO) pickets patrolling outside the building. Walkout of most of the engineering and announcer staff Sunday (3) put the station off the air.

As in most labor disputes, the opposing sides give conflicting accounts of the issues. The union claims that the station has refused to bargain, violated its contract and refused to abide by the decision of the arbitration award, which both sides agreed in advance would be binding. Hyla Kizales, manager of the station for owner Arde Bulova, asserts the strike was called without warning while negotiations were still in progress. Miss Kizales says the station is now in operation and will continue with non-union employees.

Pepsi-Cola has expressed interest in launching an extensive transcription campaign but it won't commit itself on the proposition before it while the signing of a new licensing agreement between the American Society of Composers, Authors and Publishers hangs fire. Presentation submitted this beverage company is similar to the one that Coca Cola has been underwriting the past three years, namely, 15-minute musical discs scheduled for several times a week.

Continuance of the Coca Cola transcription campaign likewise depends on the settlement of the radio-ASCAP tangle. Coca Cola's station list is now down to around 150. Since many of the contracts lap over into 1941 the beverage outfit is protecting itself against the non-ASCAP contingency by using public domain tunes for the few remaining recordings.

Anybody in Town May Buy Stock in Proposed North Carolina Station

Charlotte, N. C., Nov. 5.
Statesville Broadcasting company has been organized at Statesville to seek a radio station for that city. The station will be sought as a community enterprise, with stock in the corporation available to any person wishing to have a piece.

Dr. James W. Davis, surgeon and operator of Davis hospital, is president of the company, Frank L. Johnson is vice president, Ralph Lazenby is secretary and treasurer, and Fuller Sams, L. G. Churchill, Fred Bunch, Jr., and Lynn Casler are directors.

Hal Kean, Blind Singer, Resting in Houston, Tex.

Detroit, Nov. 5.
Harold Kean, blind singer who has been heard over WJR here for more than a dozen years, left late last week for Houston, Texas, to recuperate from a nervous breakdown which seriously effected his voice. He not only worked as a soloist but was a member of the Three Aces and the Don Large chorus.

Few singers in the country are believed to know the words and music of as many songs as the blind singer, noted like others with his affliction for his unusual memory.

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.



Now!
5000
WATTS
DAY and NIGHT

WBNX

YOUR BEST NATIONAL SPOT BUY
A NEW APPROACH TO THE NEW YORK MARKET

C.I.O. MAY SEEK STATION

If It Weren't for Radio—

An attack on the 'unfairness of the newspapers in Albany and Troy' was coupled by Congressman William T. Byrne, at a political rally in Troy, with the declaration that 'if it were not for the radio the Democratic Party would have no medium through which to bring its accomplishments and plans for the future before the public.' Although Albany is overwhelmingly Democratic and most of Troy's officials for years have been Democrats, the sheets in both cities have been bitterly anti-New Deal and anti-Roosevelt.

FCC CONTENT, CANCELS WGY HEARING

Washington, Nov. 5. Era of good-will, inaugurated by the Federal Communications Commission in its recent renewals of the Westinghouse applications—after termination of the trouble-making 'Westinghouse leases'—was extended in the cancellation of a hearing on the request of WGY, General Electric Co., Schenectady, for new papers.

Commissioners followed the policy established in the Westinghouse renewals, in granting the application without a hearing after finding that a 1932 contract between G.E. and NBC had been canceled and that the existing contract 'is in the usual chain affiliation form.'

St. Louis City—Louisiana Lou, formerly of the Iowa Barn Dance program, has been added to the talent troupe of WNAX, Yankton.

MAY LOSE BEER ADS

South Carolina Votes, but Issue Not Clear Cut

Spartanburg, S. C., Nov. 5. South Carolina's stations are faced with the loss of business from the brewing industry as the result of the prohibition amendment which was passed by a majority of over 50,000 votes several months ago. The state legislature had 60 days in which to act on the amendment.

Legal experts point out, however, that the dry victory may be nullified if the legislature is influenced by a recent state supreme court ruling which held that several millions of dollars of state highway funds cannot be diverted into the general state funds. Latter has a huge deficit.

KXYZ 100% to Jones

Houston, Nov. 5. Transfer of 50% of the capital stock of the Harris County Broadcasting Co. (KXYZ) from Fred Heyne to Tilford Jones, was made public last week by the Federal Communications Commission in Washington. Transfer effected at a consideration of \$95,000. Transaction gives Jones complete ownership of the station.

CALLS KYA BAN LABOR THROTTLE

San Francisco Station's Refusal to Renew Contract on Grounds of Conflict With N.A.B. Code Embitters John L. Lewis Group—FCC Declines to Intervene 'In Trade Practice Matter'

IMPLICATIONS

Washington, Nov. 5. Attempt of the Congress of Industrial Organizations to get the Federal Communications Commission to step into the row over the National Association of Broadcasters' code ban on sponsors controversial discussions failed last week when the regulators sidestepped a protest over the attitudes of KYA, San Francisco. The Government outfit would not touch the John L. Lewis complaint.

Stating it had no authority in such a situation, the Commish indicated it is ignoring demand of John L. Lewis that the license of the Hearst outlet should be put down for hearing to see whether the public interest was violated when the station refused to renew the contract under which the CIO reporter program had been scheduled for two years. No formal statement of the FCC's position was given but none of the top (Continued on page 39)

NBC Program for Music Educators Prompts 'ASCAP Significance' Question

Tickertaping Hockey

Omaha, Nov. 5. Falstaff Brewing Co. will sponsor broadcast over WOW all home and out-of-town hockey games of the Omaha Knights, which season begins Nov. 16. Out-of-town games will be brought to sportscaster Tom Dailey via ticker tape, and he will do the interpreting into the mike.

An earlier-in-the-day program by the same sponsor will offer prizes for guesses on scores.

ENGLISH NOW TAUGHT ON XEQ

Mexico City, Nov. 5. Add to the many small evidences of a new, friendlier attitude toward the United States the giving of lessons in English over Station XEQ broadcast starting hereafter by 'Novedades,' a morning publication which has recently installed an English section.

Never before has there been lessons in a foreign language heard here. XEQ thinks perhaps 25,000 prospective students may be expected to tune in to learn how to anglicize an 'h.'

Detroit, Nov. 5. More than 16,000 music teachers, professors and supervisors of music are putting their own program on the air. First of the series took off here Sunday (3) over the red-net-work of NBC with the Wayne University a cappella choir using Alexander Gretchaninoff's unpublished choral arrangement of Stephen Foster's 'Nellie Bly' as the centerpiece of the half-hour program which will be a weekly series sponsored by the Music Educators National Association.

Whether this shows any lining up of the nation's music teachers on the growing split between ASCAP and the radio industry or is just a means of attracting attention to their business of teaching singing started speculation here but no explanations are available at this end. The nationwide membership of the Music Association, which also has considerable influence on the young, would not be an unimportant factor in the growing struggle if it chose to take a side.

It marks the second national broadcast of the university choir which also is using compositions by Schaefer, Tschesnokoff and Cain. Prof. Fowler Smith, director of music in the Detroit public schools and president of the M.E.N.A., gave a short introductory talk.

Providence.—Theodore F. Allen, former executive of the National Broadcasting Co., has been named manager of WFCT, new Pawtucket radio station. Expected to begin operating about Jan. 1.

WCCO
MINNEAPOLIS-ST. PAUL
50,000 WATTS
CBS

The most effective station in the Twin Cities... with an unduplicated bonus coverage of 2,000,000 Northwest listeners



For more information about WCCO, 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

50,000 WATTS—WHERE IT COUNTS MOST

Doctor's Office Gadgets Produce Static, and FCC Is Concerned

Washington, Nov. 5. New efforts to minimize the spurious radiations and cut down the exasperating interference of electrical apparatus used in various types of medical practice are planned by the Federal Communications Commission. Without waiting for Congress to act on various suggestions which might strengthen Government control, the regulators last week called an informal engineering conference for Nov. 29 to consider setting up standards of good engineering practice to cover the operation of such electro-medical equipment.

With television and frequency modulation expanding, the problem has become much more important than ever before. Only in isolated cases in the past have listeners been bothered, although receiving sets in the immediate vicinity of doctors' offices often have been knocked askew by the therapy emissions. Exasperated dial-twisters have obtained little relief from service men, since experts still have found nothing to match proper shielding of the equipment which sprays out the interfering signals and few doctors have taken the precautions needed to prevent disruption of regular program service.

The regulators remarked that they appreciate the importance of electrical equipment in the practice of medicine but cannot longer disregard the seriousness of the interference which brought a report to Congress a couple of years back urging amendment of the law so the FCC might license and supervise such installations. Trend of commercial communications into the upper part of the spectrum is the reason for soliciting the cooperation of all groups and study of possible allocation of specific frequencies, requiring automatic frequency control equipment, and other safeguards.

World Affairs and Fashions

St. Louis, Nov. 5. Griesedieck Bros. Brewery Co., through B. B. D. & O., is currently bankrolling Josephine Halpin, KMOX news analyst.

Program, heard Monday through Saturday from 9:45 to 10:00 a.m., set to catch the housewives and discuss world affairs and current fashions.

KCMO SALES UP 25% OVER '39; WHB, 10-15%

Kansas City, Nov. 5. Commercial radio biz at the peak of concentration from the political camps and most everything else overshadowed this particular week-end. Means some upping of revenues in each set of books, but not overwhelming as some normal business is edged out.

Network commercials are hitting new highs since recent hook-up has put Mutual through the WHB switchboard, which operates daytime only, to KITE at night. With the Red Grange MBS program also being carried by KCKN, on the Kansas side, this puts Mutual on three K. C. stations at various times. And with WHB also feeding to the Kansas State network, this station is setting some kind of a mark covering the community.

Manager Jack Stewart of KCMO announced that the station's lineup is 25% ahead of that for the same period of 1939 on the basis of billings and 100% ahead on the basis of sales currently made. Clarence Brazeal, business manager, stated unofficially that the October balancing of the books was certain to show the best October biz in the history of the station.

John Schilling of WHB finds current business running about 10-15% ahead of previous year's period in every department.

KCKN: Veretta Bowling Alleys, quarter-hour of bowling news, Sundays, one year, placed direct; Daniel's Cleaners, sponsoring Jim Porter's column, quarter-hour, Sundays, one year, placed direct.

Nov. 2 Compared to Oct. 26				
Network	Local	National	Total	Units
Units	5,430	6,357	18,124	
6,337	5,430	6,357	18,124	
6,340	5,148	6,215	17,703	
	+5.5%	+2.3%	+2.4%	

* No change. (Included: KCKN, KCMO, KITE, KMBC, WDAF, WHB)

New York.—Seymour Morris, formerly an account executive with Benton & Bowles, has joined the Compton agency in similar capacity.

DENVER PEPPY

Local Units Soar 13.8%—National Spot and Network Healthy

Denver, Nov. 5. Tallies look good in all divisions in Denver, with political biz still applying the hypo. Local units made the biggest climb with an increase of 13.8%, while KLZ topped the week's take with about 50 quarter-hours.

KLZ: Bekins Moving & Storage Co., through Brooks agency, 52 announcements; Democratic County Central Committee, through Hall agency, political talk; Max Goldberg, through Max Goldberg agency, 15-minute political talk; Jolly Time Pop Corn, through Buchanan-Thomas, four spots; American Cranberry Exchange, through BBDO, 26 spots; United Drug Co., through Spot Broadcasting, three quarter-hours; Denver Jewelry Co., through Max Goldberg, three quarter-hours per week, three months; America First Committee, through BBDO, five quarter-hours; James Parrott, through Max Goldberg, six political announcements; Gigantic Cleaners, through MacGruder agency, four spots; Denver Motors Safety Service, five announcements.

KOA: Merchant's Biscuit Co., through Ball & Davidson, five time signals and one spot daily, two days a week, one year; Plough, Inc., through Lake-Spiro-Sherman, 300 announcements.

Nov. 2 Compared to Oct. 26				
Network	Local	National	Total	Units
Units	5,099	1,599	15,603	
8,905	5,099	1,599	15,603	
8,545	4,480	1,515	14,540	
	+4.2%	+13.8%	+5.5%	+7.3%

(Included: KPFL, KLZ, KOA, KVOD)

ASCAP PACT IS BASIS OF KFVB STRATEGY

Los Angeles, Nov. 5. Biz continued on the upsurge in all departments except national spots. With politics out of the way all sites will be back 'on their own' in normal gait. Pickup in network units showed the best gain last week.

All stations shared in the spread of new business. KFVB, on the local station signed to the new contract with ASCAP, is laying plans for the biggest campaign in its history. If the ASCAP-broadcaster impasse continues into next month.

KHJ: Bond stores, 368 quarter-hour programs, through Neff-Rogow; Gallo wine, 1,092 announcements, through Ted Dahl; Lyon storage, 30 spots, through BBDO; U. S. Playing Card, 79 spots, through J. Walter Thompson; U. P. railroad, 40 spots, through Caples Co.; Red-ee Food, 12 participations in Eddie Albright program, through Elwood Robinson.

KFI: Chemicals, Inc. (Vano), 20 participations in Agnes White program, through Benson. Constantine & Gardner; Grayco, 40 participations in Art Baker's 'Notebook'; Packard Motors, 21 transcriptions, through Young & Rubicam; Planters Nut & Chocolate Co., 39 participations in 'Notebook', through Raymond R. Morgan; Bullocks, 26 one-minute transcriptions, through Dana Jones. KEEA: Gullucks, 65 quarter-hour broadcasts of 'Ambassador of Good Will', through Dana Jones; Todd Clothes, 39 quarter-hour programs, through N. J. Newman; Victor Clothing, 13 announcements, through N. J. Newman.

KNX: Folger Coffee, 105 quarter-hour broadcasts of 'Tonight's Best Buy', through Raymond R. Morgan; Shearer Pen, 24 time signals, through Russel M. Seeds; Bullocks, 52 announcements, through Dana Jones; Forest Lawn Memorial Park, nine quarter-hour programs, through Dan Miner.

Nov. 2 Compared to Oct. 26				
Network	Local	National	Total	Units
Units	11,922	2,213	27,307	
13,172	11,922	2,213	27,307	
12,341	11,614	2,275	26,230	
	+6.7%	+2.7%	-2.7%	+4.1%

(Included: KEEA, KFI, KFVB, KILJ, KNX)

St. Louis.—Francis P. Douglas, city editor of the Globe-Democrat, has been named to head the news bureau of KGOX. He succeeds Harry W. Flanner, who recently was assigned to Berlin as a CBS commentator.

Local Commercial Possibilities

Book Reviewing for Dept. Store

Montreal.—Eaton's Department Store, only one of its kind using a radio program here, resumes with weekly Book Review program this week over Canadian Marconi station CFCF. Mrs. (Dr.) Little is handling commentary this year in place of Chris Ellis whose commitments with Molson's Brewery no longer permit him to appear on the program he had established in two previous seasons.

Christmas Expected on Schedule

Milwaukee.—Billie, the Brownie, a juvenile pre-Christmas 15-minute program sponsored by the three Ed. Schuster & Co. department stores, returns to WTMJ this week Friday (8) for its ninth consecutive season, being aired daily at 5 p.m., including Sundays, through Dec. 24. Up to the Saturday following Thanksgiving, the program is a plug for the annual parade that brings Santa Claus to town with live reindeer and a string of floats on flat cars, the free outdoor show regularly attracting about half the city's 600,000 population. From then until Christmas day 'Billie, the Brownie' tells of Santa's daily activities.

SEATTLE STEADY

Network Units Up 2.8%—Other Categories Show Small Gains

Seattle, Nov. 5. Seattle biz continued on a steady keel, with small gains registered in all departments.

Nov. 2 Compared to Oct. 26				
Network	Local	National	Total	Units
Units	10,947	777	17,489	
5,815	10,947	777	17,489	
	+2.8%	+0.8%	+0.6%	+1.4%

(Included: KIRO, KOL, KRSC)

Baltimore's 5th Station

Baltimore, Nov. 5. Construction permit granted to Thomas G. Tinsley, Oct. 29, will give Baltimore its fifth radio station. New 'set-up' will have a power of 250 watts on 1200 kilocycles. Tinsley, now engaged in organizing his personnel, will shoot at strictly local advertising and program coverage with rate card held down in proportion. New station will be only local studio without a chain affiliation.

Prior to taking hold for himself, Tinsley was general manager at WDEL, Wilmington, Del., sales manager of WBIG, Philadelphia and later of WBAL, Baltimore.

Betty McKinney Injured

Lincoln, Neb., Nov. 5. Betty McKinney, of KFAB's enter-tainer staff (Girls of Sunset Trail), is in the hospital here with a broken leg, and a couple of fractured ribs. Was riding with KFAB publicist Scotty Nicol and bumped into a dead end street. Verda Este her partner, is carrying on without her.

Politicos Clog Air In Hot Fight For Key State of Mich.

Detroit, Nov. 5. Unnatural conditions of top-heavy political advertising continues strong here up to the eve of the election, with all stations participating in the heavy buying.

All categories took a shove upward with a heavy push in the local time, since the local politicians are spending heavily and getting national help in trying to land Michigan, one of the key and fluctuating states in the national election.


Sorting out of time has become a headache, with some 15-minute periods split into three five-minute periods for various causes. Time has grown scarce and political campaign has distorted the picture here which won't reflect normal conditions until after Nov. 5.

Nov. 2 Compared to Oct. 26				
Network	Local	National	Total	Units
Units	12,814	5,342	26,971	
8,815	12,814	5,342	26,971	
8,865	11,923	5,171	25,759	
	+1.7%	+7.5%	+3.3%	+4.7%

(Included: CKLW, WKMG, WJR, WMBC, WWJ, WXYZ)

Extend Dog Expert

San Antonio, Nov. 5. Jack O'Brien, dog authority, currently presenting a series of programs over KABC sponsored weekly by the Ormsby Chevrolet Co., titled 'Going to the Dogs.' Response has been so favorable that programs are to be heard twice weekly starting Nov. 11.



Wise Eyes..

are on the

"SECOND THREE"

THEN to one you've already been thinking about stepping up your advertising in the "Second Three" markets. You know how Detroit, Los Angeles and Cleveland have been "on the boom." You're not going to pass up such opportunity. And perhaps, like many others, you've already discovered that the easiest, quickest method of blanketing these markets is through WJR, KMPC and WGAR!

It's the economical way, too. Fifteen minutes of Class A time on all three stations totals less than four hundred dollars weekly on a 52-week basis! Try to figure any other way of talking to nearly eight million families at such small cost! Yes, for in addition to the immediate trading areas of Detroit, Los Angeles and Cleveland... you also will get bonus coverage in five different states!

Be sure that the "Second Three" cities get the consideration they deserve in your plans for 1941. And be sure your advertising will do a job in these vital markets. Put WJR, KMPC and WGAR on your schedules!

WJR

THE GOODWILL STATION

Detroit

IN THE NATION'S 4TH LARGEST MARKET

KMPC

THE STATION OF THE STARS

Beverly Hills • Los Angeles

IN THE NATION'S 5TH LARGEST MARKET

WGAR

THE FRIENDLY STATION

Cleveland

IN THE NATION'S 6TH LARGEST MARKET


When you think of

NEW ORLEANS


you think of:

GENERAL JACKSON

and the Battle of New Orleans



and



50,000 WATTS

The greatest selling POWER in the South's greatest city

CBS AFFILIATE... NATIONAL REPRESENTATIVE... THE KATZ AGENCY, INC.

Active National Spot Accounts

(According to Reports from VARIETY'S 'Radio Market Cities')

Account	Agency	Time Purchases
American Pop Corn.....	Buchanan-Thomas	Spots
Armand Co. (Brisk Shave Cream).....	Russel M. Seeds	Announcements
Campana Sales.....	Aubrey, Moore & Wallace	Spots
Carter Products (Arrid).....	Spot Broadcasting	Spots
De Pont (Five Star Anti-Freeze).....	BBD&O	Announcements
General Cigar Corp.....	J. Walter Thompson	1/4 Hours
Grove Laboratories.....	J. Walter Thompson	Announcements
Gunther Brewing.....	Ruthrauff & Ryan	Election Returns
H-B Cough Drops.....	Horton-Noyes	Spots
Lever Bros.....	Jos. Katz	Announcements
P. Lorillard (Old Gold).....	Ruthrauff & Ryan	Announcements
Marlin Firearms.....	Lennen & Mitchell	1/4 Hours, 10-Min. Spots
May Co.....	Craven & Hedrick	Announcements
Mentholum Co.....	Milton Weinberg	Announcements
Morton Salt.....	Dillard Jacobs	Announcements
Musteroles.....	Klau-Van Pietersom-Dunlap	5-Min. Spots
North American Accident Ins.....	Erwin, Wasey	Announcements
P & G (Dun).....	Franklin Bruck	5-Min. Spots
Packard Motors.....	Compton Adv.	Spots
Par Soap.....	Young & Rubicam	Spots
Piso Co.....	Tomaschke-Elliott	1/4 Hours
Plough, Inc.....	Lake-Spiro-Shurman	Announcements
Potter Drug (Cuticura).....	Lake-Spiro-Shurman	Announcements
Remington-Rand.....	Atherton & Currier	Spots
Remington-Rand (Razors).....	Franklin Bruck	5-Min. Spots
Riggio Tobacco (Regent Cigarettes).....	Leaford Agency	Announcements
Jacob Rupprecht Brewery.....	M. H. Hackett	News Flashes
Shaeffer Pen Co.....	Ruthrauff & Ryan	Announcements
Smith Bros. Cough Drops.....	Russel M. Seeds	Announcements
Standard Oil of Indiana.....	J. D. Tarcher	Announcements
United Drug (Rexall).....	McCann-Erickson	Station Breaks
White Laboratories.....	Street & Finney	1/4 Hours
	H. W. Kastor	Announcements

DEPARTMENT STORES BUYING RADIO TIME LAST WEEK

Store	City	Time Purchases
Brager-Eisenberg Dept. Store.....	Baltimore	1/2 Hours
Franklin Dept. Store.....	Detroit	1/4-Hour News
Golden Eagle Store.....	Denver	1/4 Hours
Hub Dept. Store.....	Baltimore	Announcements

COUGH CURES KEEP CHI HEALTHY

Chicago, Nov. 5. This week's list of biz, as well as previous items, points to the general spread of strictly seasonal time purchases by purveyors of cold cures and remedies. Indications are that similar accounts will roll in for the next few weeks.

WMAQ: Morris B. Sachs Co., renewal of five-a-week five-minute news periods, through Wade agency; Manhattan Soap Co., for Sweetheart Soap, renewal of five-a-week five-minute news periods, through Franklin Bruck; Potter Drug & Chemical Co., for Cuticura, 12 one-minute announcements weekly, through Atherton & Currier; Ad Richter Co., three one-minute announcements weekly, through H. W. Kastor; Briggs Co., for H-B Cough Drops, three one-minute announcements weekly to March, 1941, through Horton-Noyes; Maryland Pharmaceutical Co., two one-minute announcements weekly, through Joseph Katz.

WBMM: Sawyer Biscuit Co., one and one-half-minute announcements, three times weekly, through Neisser-Meyerhoff; Bird-Sykes Motor Co., one 30-minute participation, through Dave Bennett agency.

Nov. 2 Compared to Oct. 26				
Network	Local	National	Total	Units
9,710	5,091	11,331	26,132	
9,740	5,044	11,250	26,034	
-0.3%	+0.4%	+0.7%	+0.2%	

(Included: WBMM, WENR, WGN, WIND, WJJD, WLS, WMAQ)

POLITICS SPUR CINC

All Units Gain as Candidates Enter the Stretch—Spot +5.8%

Cincinnati, Nov. 5. National, state and county office-seekers made another contribution last week to bulge marks on all brackets of time sales.

Nov. 2 Compared to Oct. 26				
Network	Local	National	Total	Units
6,955	10,032	6,989	23,976	
6,730	9,665	6,603	22,998	
+3.3%	+3.8%	+5.8%	+4.3%	

(Included: WCFO, WKRC, WLW, WSAI)

New Pittsburgh Biz

Pittsburgh, Nov. 5. New biz reported last week at WCAE follows:

Vick Chemical, 100-word announcements five times weekly to Feb. 7, through Morse Int'l.

Commercial Solvents, 6 weekly participations in Morning Express for 6 weeks, through Maxon, Inc.

Manhattan Soap, quarter-hour morning news six times weekly for 13 weeks, through Franklin Bruck.

Wilco Bros., six announcements weekly for 52 weeks, through Wellman Agency.

Lutheran Laymen's League, half-hour every Sunday for 28 weeks, through Kelly-Stuhlman-Zahndt.

Braun Baking, renewal of weekly 'Show of Week' until June 22, through W. E. Long.

THEATRE QUIZ ON WAGA

Atlanta, Nov. 5. New quiz show, originating in Miller theatres, Peachtree, Garden, Fairview and Temple, here, debuted last week over WAGA. Quizzer is assisted by station's staff on stage and two girl aides in audience.

National Spot Rises 11.1% in Des Moines

Des Moines, Nov. 5. Units here registered all-around gains, with national spot contributing a slick 11.1%. Local units pulled themselves out of last week's doldrums to the tune of plus 6.8%, while web biz increased 7.3%.

Nov. 2 Compared to Oct. 26				
Network	Local	National	Total	Units
9,160	3,475	3,805	16,440	
8,540	3,254	3,424	15,218	
+7.3%	+6.8%	+11.1%	+8%	

(Included: KRNT, KSO, WHO)

Salt Lake City—KUTA adds Earl Stephens to staff of technicians.

Chicago's Educational Meeting Dec. 4

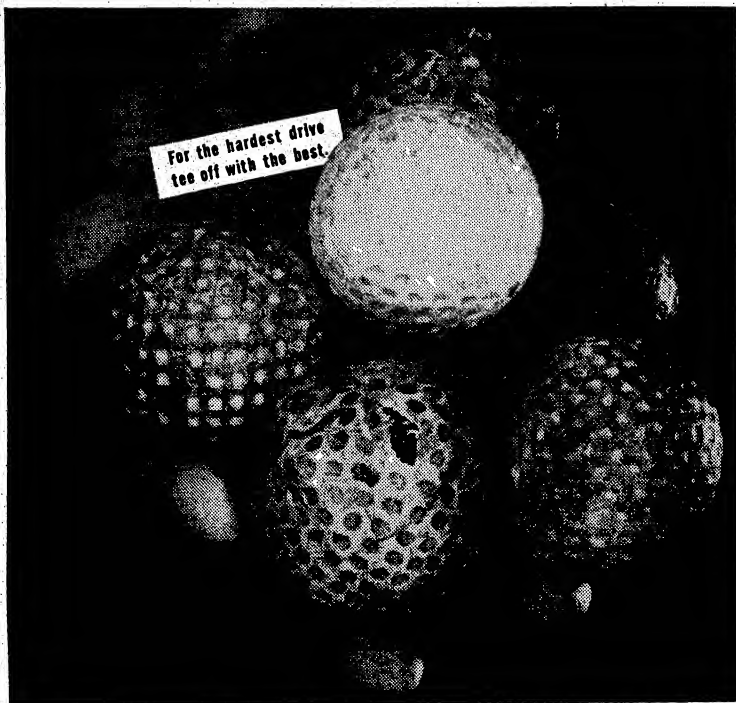
Conference to Tag Person Most Useful to Educational Broadcasting

Chicago, Nov. 5. Top names in the radio education field will participate in the fourth annual School Broadcast Conference which will be held in the Congress hotel here Dec. 4, 5, 6. Among those set for the confab which is sponsored by the Radio Council of the Chicago Board of Education headed by Harold Kent will be George Denny of

'America's Town Meeting,' Lyman Bryson of the Columbia Board of Adult Education, and Raymond Gram Swing, news chatterer on Mutual. Both NBC and Columbia will web east-to-coast periods from the meeting.

Others in on the meeting will be Clifton Utley, chairman of the Chicago Board of Education, and the Chicago Board of Education.

(Continued on page 37)



WNEW DELIVERS!

It's today's hottest radio buy!

1. ONE-THIRD THE COST of any New York network station.
2. THE NATION'S BIGGEST MARKET. (The 50-mile metropolitan trading area.)
3. TWICE THE AUDIENCE of any other New York independent station. (Hooper-Holmes and other impartial surveys.)
4. RADIO'S OUTSTANDING PROGRAMS. ("Make Believe Ballroom" with Martin Block, "Milkman's Matinee" with Stan Shaw. And many others.)
5. LOCAL ADVERTISERS know WNEW moves most goods—fastest.
6. MORE COMMERCIAL TIME is bought on WNEW than any station in New York.

WNEW

NEW YORK

SERVING NEW YORK AND NEW JERSEY 24 HOURS A DAY
5000 WATTS BY DAY • 1250 HILOCYCLES • 1000 WATTS BY NIGHT



We Boost Nodding Sales

WBNS

MAKES BUSINESS SNAP OUT OF IT!

WBNS

Central Ohio's Only CBS Outlet

JOHN BEAR & CO. Representatives

FREQUENCY MODULATION OFFICIALLY STARTS, N.Y.C. GETS FOUR LICENSES

Few Stations Exist at Moment Except on Paper—Must Produce One Hour of Live Talent in Every Six—Sunday a Holiday

Washington, Nov. 5.

Starting gun went off for Frequency Modulation broadcasters Thursday (31) when the Federal Communications cranked out the first batch of permits, authorizing commercial operation by 15 plants in 10 States from the Atlantic to the Pacific. Remainder of more than 50 requests on file will be disposed of at the earliest opportunity.

Required to run six hours daily, Sundays excepted, following received tickets enabling them to start serving specific areas under the regulations designed to provide new types of programs and prevent any monopoly in the radial type of transmission.

Detroit Evening News, Don Lee System, Baton Rouge Broadcasting Co., Zenith, Radio Service Corp. of Utah, Yankee Network, Milwaukee Journal, National Broadcasting Co., William G. H. Finch, Marcus Loew Booking Agency, Evansville on the Air, Howitt Wood Radio Co., Frequency Broadcasting Corp., WBNS, Inc., and Capitol Broadcasting Co.

With several of the transmitters already in existence and operating on an experimental basis, commercial service in some of the areas begins immediately. Most of the new outlets exist, however, only on paper and cannot throw the switch for several weeks. Action was described by Chairman James L. Fly as marking "an important milestone in the continued advance of the radio industry" and sure to encourage "rapid development of this new program art."

As soon as all of the starters go into operation, the medium-high frequency signals, which engineers proclaim much superior in fidelity to standard station emanations, will be available for more than 27,000,000 listeners in 110,000 square miles of potential service areas; the Commish estimated.

Lion's share of the grants went to New York State, where six of the pioneers will be launched. Three for Manhattan, one for Brooklyn,

one for Schenectady and one for nearby Binghamton.

Exploitation of the special band set aside for educators—43 to 50 megacycles—is expected to go forward quickly now that the green light has been flashed for the commercial plants. Production of equipment, both transmitting and receiving, is expected to accelerate with the uncertainty ended. Already the FCC has authorized Cleveland Board of Education's WBOE to shift from amplitude to frequency modulation. Outlet has been serving 151 schools since November, 1938. The band is adjacent to the stretch of the spectrum available for commercial use, so pedagogues hope the regular industry will be more alert to the possibility of sandwiching in cultural sustaining programs, and at the same time there probably will be more general interest educational matter. Several cities plan educational transmitters.

To dramatize the development, the commish is trying to dope out a new call letter system which will differentiate the FM outlets from regular stations.

Must Produce 1-in-6

The recently approved rules make it necessary to operate a minimum of three hours at day and same period after dark. To demonstrate the capabilities of the new system and arouse listener interest, stations must spend at least one of the six hours spraying programs not duplicated simultaneously, meaning they will have to embark on an original type of production. The rest of the time it will be permissible to carry features obtained from chains or individual stations in the standard band.

The specific assignments are: Detroit News, 44,500 kc; Don Lee, Los Angeles, 44,500; Capitol Broadcasting Co., Schenectady, 44,700; Marcus Loew (WHN), New York City, 46,300; NBC, New York, 45,100; Finch, New York, 45,500; Frequency Broadcasting Corp., Brooklyn, 45,900; Evansville (Ind.), on the Air, 44,500; Yankee Network, Mt. Washington, N. H., 43,900; Howitt-Wood, Binghamton, 44,900; Baton Rouge Broad-

casting Co., 44,500; WBNS, Columbus, O., 44,700; Radio Service Corp., Salt Lake City, 44,500; Zenith, Chicago, 45,100; Milwaukee Journal, 45,500.

Commish remarked that the service area of the Salt Lake City plant will be "considerably less" than the basic trade area, due to topographical limitations. Similarly, the shape of the trade area in the Los Angeles area means the Don Lee plant probably will not cover all of the principal market.

NBC Okays WTMJ Opera

Milwaukee, Nov. 5.

Execs of W9XAO, The Milwaukee Journal's FM station, had a jittery few hours when, after having announced the first FM broadcast of a grand opera performance direct from the Pabst theatre stage, they were confronted with an eleventh hour doubt as to whether it could be put on the air, due to the guest star's NBC commitments.

Giovanni Martinelli was scheduled to sing "Pagliacci" with the new Milwaukee Opera company. The opera itself was cleared, so far as copyright restrictions went. Special wiring had been installed, three microphones set and the management was enthused over the publicity it was getting for its Saturday night performance. The hitch came when Martinelli arrived in town. He would be only too happy to participate in the broadcast, but there was the matter of his NBC contracts.

W9XAO's officials immediately tried to contact NBC in New York. But was a weekend and the right man was hard to reach. Finally, however, L. W. Herzog, manager of radio for The Journal, got Niles Trammel on the long distance phone. The sought-for permission for Martinelli's broadcast was readily granted, and the opera went on as scheduled.

Listeners with FM receivers said it was the finest thing they had ever heard on the air, even though the sensitive microphones picked up such detail as whispered promptings off stage, which, instead of marring the broadcast, made it only so much more realistic.

John Drake, program director of station KCKN, Kansas City, Kansas, last week was made an honorary member of the Regular Veterans' association.

Inside Stuff—Radio

KDKA's weekly Saturday night broadcasts to the Far North have been resumed for the 17th consecutive season. Series of programs came into existence because of an emergency back in 1923 and has been on the air every winter since then. Nutting Expedition had left Norway in an oar-propelled boat 17 years ago with purpose of retracing exact course taken by Leif Ericson in his famous voyage to New World. Ship became lost somewhere in North Atlantic waters, and friends and relatives of missing men appealed to KDKA to notify those along the Labrador coast and other points in northern Canada to watch for expedition. Dramatic incidents in the following two years served to establish program. Weekly broadcasts consist entirely of messages to those listening in. Letters read on the air come from all over the world, starting as a thin trickle in October and increasing in volume until around the holidays, it's not unusual for station to stay on air until 6 a.m. sending greetings from natives and friends to men in northern outposts. Programs are sent over both KDKA and its short-wave affiliates.

Dorothy Thompson, in a radio address under sponsorship of Business Men's Committee for Roosevelt, "went to work" on certain phases of advertising and its technique, including use in political field, as few speakers outside those from consumer groups and the like, have yet done on a nationwide broadcast. It must have caused comment, in and out of trade, N. Y. Herald Tribune columnist said plenty about advertisers' belief in and employment of the "fear" motive. After discussing how it is used to sell products, Miss Thompson detailed what she thought were instances of employment by Republicans in presidential campaign. Speaker aimed hot shots at Bruce Barton, the name of whose advertising firm she gave. Miss Thompson stated that Barton believed "everything can be sold by advertising, including Jesus." Quoted from Barton's book on Jesus and then emphatically dissented from advertising executive's slant on The Saviour.

What's believed to be the first instance of political party urging supporters to crash interview broadcasts with propaganda came to light in San Francisco last week. "Willkie Bulletin," issued by Northern California Republican Campaign committee, specifically singled out Art Linkletter's "What Do You Think?" program, urging Willkiettes to "get on mike and express their preference. Sheet listed suggested short, punchy sentences to use in brief time allotted to each person interviewed.

Inasmuch as show is aired from Telenews theatre, plug is worth money in the b.o. ticket must be purchased to get to radio studio. Opinions aired are kept in balance anyway, so Telenews attaches are happy about the whole thing.

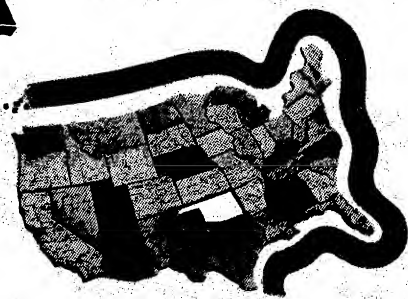
The Evangelist, organ of Albany Catholic Diocese, in a now much-discussed editorial captioned "Penalty for Holding Back" asked, "Why are not Catholic college teams given a fair share of broadcasting time or of space in sports columns?" Inquiring whether "broadcasting companies are bigoted or the commercial firms, that sacrifice their time or sponsor the programs, indifferent or opposed to Catholic patronage; and whether sports editors are prejudiced or the news services, such as Associated Press or United Press, intent on keeping publicity for Catholic teams to a minimum," the weekly wanted to know, "Are our local radio and newspaper managers unaware they serve a population in this area from 35 to 60% Catholic?"

One of first times a definite radio station has received plugs in a novel is noted in those given WGEA, a General Electric short waver. References are in "Landfall," latest war story of Nevil Shute. Shute pictures his British aviator-hero as consoling himself by listening to transatlantics from the powerful Schenectady transmitter, while he is falsely accused of bombing a British submarine. With the assistance of his beloved, fier proves its a U-boat and the fadeout is a happy one. As a matter of fact, WGEA receives considerable fan mail from vicinity of Portsmouth, Great Britain naval base, where the novel is located.

NBC last week denied the report that it's adopted a policy of issuing generally 10-year contracts to station affiliates. The general practice, it stated, was still a five-year agreement and that the only time it has made it 10 years is when a station has pointed out that such a long term deal would help it on a financing deal.

Arch Oboler is said to be the first author to have a collection of radio scenarios published in book form. This is "14 Red Plays" which Random has published. Douglas Coulter, of CBS, once edited and Whittlesby published "14 Radio Dramas" by different writers.

IT WOULDN'T FIT ANYWHERE ELSE ON THE MAP



... neither would WKY

No amount of work will fit Oklahoma into any spot on the map except the Southwest. WKY would be just as out of place in any other location. Its power in kilowatts could remain unchanged but its power to influence listeners has been built to the

Southwestern pattern.

WKY program builders take Oklahoma's likes into consideration. And because Oklahomans like the way WKY is programmed sponsors continue to use WKY year after year. They have found its way of moving into more radio homes in the state than any other station is matched by the way it moves products for dealers.

WKY

OKLAHOMA CITY • NBC Affiliate • 800 Kc.

OWNED AND OPERATED BY THE OKLAHOMA PUBLISHING COMPANY * THE DAILY OKLAHOMAN
OKLAHOMA CITY TIMES * THE FARMER-STOCKMAN * MISTLETOE EXPRESS * KVOR, COLORADO SPRINGS.
KLZ, DENVER (Under Affiliated Management) * REPRESENTED NATIONALLY BY THE KATZ AGENCY, INC.

Buff Missed and Miffed About 'The O'Neills'

Buffalo, Nov. 5.

Procter & Gamble serial, "The O'Neills," was put back on WBEN this week in response to deluge of fans' requests. In switching networks, from NBC Red to CBS two weeks ago, sponsor neglected to provide a Buffalo outlet and clamor started.

WBEN counted 900 calls at its switchboard alone, and other stations were swamped, too. Hubbub changed agency's mind, and waxing of the soap opera on CBS now goes on each morning at 8:45 over WBEN, NBC outlet.

OKAY EXPERIMENTAL (CLASS II) FOR CINC.

Washington, Nov. 5.

Okay for a new Class II experimental station for Cincinnati, O., was given Wednesday (30) by the Federal Communications Commission for the development of facilities which will simplify transmission of aural signals between the announcer or speaker at public gatherings and the loud speaker system, in instances where it is not possible or practical to use microphone cable.

Experimenter applying for the station is Guy S. Cornish, of Cincinnati, who proposes to construct a transmitter using the frequency 310,000 kc, with 1 watt and type A-3 emission.

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

H. Wooten of WREN Stages a Selznick Version of the Deep Julep South

Memphis, Nov. 5.

Hoyt Wooten and the three other Wootens tossed up a southern-style shindig for the opening of the new WREC studios in the Peabody hotel here last week, bringing newspaper and agency men in from all parts of the nation to join in the dedication festivities. Bringing agency men in from New York, Chicago, St. Louis and Kansas City by special plane, the Wootens proceeded to give 'em a new plant which looks as if it really cost the \$125,000 mentioned.

For the ceremonies themselves there was a 60-minute show with congratulatory speeches from William S. Paley of Columbia, Robert Ripley, Edward G. Robinson, Amos 'n' Andy, Percy Deutsch of World (who alone tread out of bounds with a commercial plug), and Hoyt Wooten along with Gov. Cooper of

Tennessee and Mayor Chandler of Memphis.

Most effective part of the 60-minute program was a pageant of the history of WREC, with particular emphasis on the heroic job turned in by Wooten and his gang during the 1937 flood when Wooten kept WREC working continuously for some 570 hours.

Yankees Lift Juleps

In from New York were C. R. Jacobs and Steve Fuld of CBS, John Kucera of Young & Rubicam, Robert Tannehill of McCann-Erickson, John Shultz of Erwin-Wasey, William Maillefert, Compton; George Trimble, Marschalk & Pratt; Fletcher Turner, J. M. Mathes; Ralph Robertson, Colgate Co.; Frank Silvernail, Pedlar & Ryan; W. S. Walker, Platt-Forbes; C. C. Slaybaugh, BBD&O; Harry Torpe, Sherman K. Ellis; N. F. McEvoy, Newell-Emmett; Paul Catherine of Standard Oil; Ted Fisher, Ruthrauff & Ryan, Buck Lewis of RCA. From Cincinnati came Charlie Robertson of Ralph Jones agency, and Bob Boulware of Procter & Gamble.

In from Chicago were Lou Nelson, Wade agency; Gene Fromherz and Lloyd Nelson, Elackett-Sample-Hummett; Evelyn Stark, Hays MacFarland; Burke Herrick, N. W. Ayer; Herb Hulsebus, Stack-Goble; Clair Heyer and Charles Darwest of the Armour packing firm; Nate Pumpsian, Henri, Hurst & McDonald. From St. Louis and the D'Arcy agency was Jim Payne.

The Katz Agency, Inc., had seven men at celebration, headed by Lowell Jackson of the Chi Katz office. Others were Jerry Gunst, Frank Brimm, Fred Ball, George Brett and S. R. Rintoul.

Number of southern station men came over to help in the dedication, including F. C. Sowell of WLAC, Nashville; S. C. Vinsonhaler of KLR, Little Rock; Harry Stone of WSM, Nashville; Bill West of WTMV, St. Louis; W. H. Summer-ville of WWL, New Orleans; Bob Alburty of WHBQ, Memphis.

Chi. Educators

Continued from page 35

Chicago Council on Foreign Relations; Dr. James Rowland Angell, educational chief of NBC; Dudley Crafts Watson of the Chicago Art Institute; William Boutwell of the U. S. Office of Education; Agnes Adams of the National College of Education.

Radio in education will be discussed and demonstrated in various phases. Among the activities and demonstration assignments are a production of 'Pyramus and Thisbe' by Wynn Wright of NBC here from a script by Erik Barnouw, prof. at Columbia University; discussion of 'Current Events' by Julian Bentley, news editor of WLS, and professional clinic in radio writing of William Hodapp of NBC and radio production by Clarence Menser, producer of 'Tom Mix Straight Shooters.'

Sterling Fisher of Columbia has been set as toastmaster for the banquet and closing session.

Innovation at this conference will be the presentation of an Award of Merit to that person who has been voted most prominent in educational radio.

Bush League 'Info Please'

Buffalo, Nov. 5.

Marine Trust Company puts its quiz 'What's My Name?' back on WKBW for third year Nov. 10. Lesson Faneuf, bank system's p.a., will again emcee.

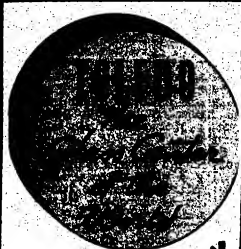
Weekly half-hour is a bushleague 'Information Please.' Set as 'regulars' this season are Thomas Brown, newspaper columnist; Walter McCausland, traction company p.a., and Daniel Streeter, author, big-game hunter and local civil service head.

Max Carl's Small Town Talks

Minneapolis, Nov. 5.

For station promotion purposes Max Carl, WCCO educational director, is appearing on state teachers' conventions in northwest states. He conducted a CBS 'American School of the Air' demonstration at the North Dakota Educational association meeting in Grand Forks, N. D.

Also appeared at a panel discussion of 'Radio as an Avenue of Communication' at the Minnesota Educational association in St. Paul the past week.



**IS COVERED BY
WSPD
5000
WATTS DAY and NIGHT**

WSPD can honestly say that it rates Number 1 in audience in this locality in more ways than one. The answer is really simple — because WSPD has the shows — and the signal that covers the big Toledo market. Then, too, WSPD is the listening habit of this area, for it has been servicing this community for nineteen years. WSPD is a Basic Red NBC station, and its list of NBC Commercials, as well as National spot accounts, classifies it as an important advertising medium.

Represented nationally
by
THE KATZ AGENCY

WSPD
TOLEDO
A Fort Industry Station

**THE
GREATEST
BUY
IN RADIO TODAY
IS THE
GREATEST
POWER
IN RADIO TODAY
WOR'S
135,000
WATTS**

'WUTHERING HEIGHTS'
With Jill Esmond, Arnold Moss,
Frances Oliver, William Podmore
Dramatic
15 Mins.
Transcription
WHEATENA
Daily, 12 Noon
WEAF-NBC, New York
(Compton)

This is the second in the series of 'good works' for Wheatena from the Ed Wolfe script mart. The significance lies in two facts: (1) that a daytime serial is based upon tested literary merit, and (2) that the story runs as long as its unfoldment requires and then terminates in favor of another story.

On both counts the effort is challenging. Based on the previous 'Dark Victory' and the present 'Wuthering Heights,' the results show an affinity between a smart idea and a smart execution.

The Bronte piece got going Monday (4) with the author written into the script as a narrator played by Jill Esmond, the English actress who herewith makes her radio debut on this side. The adaptation by Herbert Little, Jr., and David Victor captured the spirit of the moors and the overtone of passionate remorse. Nice performances by the cast in general and a skillful job of music mood-planting furthered this effect and suggested that the potato peelers will have their choice of something a little better than the usual daylight ersatz.

Miss Esmond showed that her experience on the stage makes the transition to a radio studio a relatively simple matter. Land.

MOISEWITSCH
Piano
5 Mins.
Saturday, 8 p.m.
BBC, London

Guesting on 'Cock-a-Doode-Do' program famed pianist Moiseiwitsch revealed a svelte line in repartee, as did Albert Spalding on an American show reviewed in VARIETY. Stunt had him paired with Carroll Gibbons, who did a treatment of a prelude from Rachmaninoff—then bowed out and down in front of a flow of sardonic praise from the maestro. Moiseiwitsch then played the piece as the composer intended. Ribbing was handled with dignity and charm to set it safely alongside graceful and skillful work of the pianist.

(Reference above is to the 'Battle of Music' on CBS last summer, in which the concert virtuoso, Albert Spalding, traded cracks with low-down 52d street five-tossing Frankie Hyers.—Ed.)

'MEET MR. MORGAN'
With Henry Morgan
15 Mins.; Local
Parliaments
Daily, 6:45 p.m.
WOR, New York

Announcer Henry Morgan's defuncted antics had the WOR bunch on the ropes, so the studio finally turned him loose with a program of his own. He was on during the day for awhile as a sustainer, kidding radio and the world in general. At first the series had an audience mostly in the trade, but lately it began to catch on with the public, so it has been moved to this 6:45 p.m. spot as a local participating show. It currently has three sponsors: Williamson Candy (Oh Henry candy bars), Select Theatres (Shuberts) and Marlin Firearms.

Morgan's screwball clowning isn't particularly new, but he carries it further than usual on the air. He's also generally funnier than most extemporaneous comics and his ribbing comes with a way beyond the sanctimonious blubs sponsors usually stand for. They're undoubtedly tough for a bankroller to take, but if any firm has the stuff to permit such kidding it ought to spotlight real attention on the product. And, although the blubs are all burlesqued, the copy is still there.

Morgan's habit to ramble on about almost anything in his 15 minutes. Recently he opened with his usual 'Good evening, anybody, then recited some deez, dem and doze doggerel, did a goofy yarn about the code used by lunch counter waiters, meandered through a ludicrous piece about barrooms and football predictions (which he somewhat contrived to tie up), answered a couple of letters from outraged listeners and offered a hilarious take-off of a Metropolitan Opera broadcast. Whenever he has to pause for breath or inspiration he plays some ultra-corny record.

That day's sponsor was Williamson candy, so he next gave the commercial. He then turned to the children out of saloons? Give 'em Oh Henry candy bars—and so on. He listed the various ingredients of the product and added, "But no gin." Finally, aping the commercials in which the announcer endorses the product, he observed, "If I sound too long-winded it's simply because I'm personally cr-r-r-azy about Oh Henry's."

He has an effective off-the-cuff style of delivery which makes all this nonsense palatable, particularly as an antidote to super-serious dramas and the grim news periods concurrent on the other network stations. It's a click show of its kind. Hobe.

Walter Herbert will do a series of six Sinfonietta concerts on the NBC Blue out of Frisco, starting Nov. 18.

Follow-Up Comment

General Electric seems to have had some qualms for the better in its commercial copy. Last Sunday the dramatization was not only an effective plea for stocking up with Mazda lamps, but an amusing bit of comedy. Carleton, 'Tee for Two,' 'Hallelujah' and 'Great Day' were ideal for the Spitalny embellishments.

Oceania was a sentimental one. The G. E. concert-mistress, Evelyn Kay, being presented with an expensive violin bow by the sponsor for her birthday. The whole half-hour proved a brilliant contrast across the Sunday night radio sky.

Tyrone Power, guesting with his wife, Annabella, with Larry Clinton, and mayor of Cincinnati to crack ad libber on a 'Vox Pop' from that city night before premiere of 'The Mark of Zorro,' proved he had not forgotten his ushering days (mentioned) when he gave 21 as answer to number of armlets on a row of 20 seats. Power also showed he had a long memory for pictures in which he had appeared, correctly fitting 'keyed' queries to a number of them.

WFBR, Baltimore. 'Carnival of Fun,' sponsored by the Gibbs Packing Co., last year after Suburban Club Gingersale went off the air, resumed recently with considerable extra trimmings given to the weekly half hour studio show. Added is a full orchestra directed by George Van Dorn, with special arrangements contributed by Carroll, Warington and Edmund Coo. Handled by Brent Guntz and station production staff, show has accomplished the finish and color of a network effort. A female vocal group of eight, Red Hall, comedienne Virginia Rawlings, doing a dumb game and The Three Girls in Blue, compose the cast which works around a general audience participation which includes dramatic critiquing, a revolving solo mike, comedy quiz and other novelties. Program is heavily merchandised by Cahn, Miller and Nyberg, and is a very good thing. Sent out 1500 telegrams and samples of company's products to grocers on show's current opening go. Also made available window stickers to grocers and distributed special portfolio containing promotion hints to food brokers and wholesalers. Studio prelude also staged for food retailers. Also Gibson and H. Hickman again at production throttle.

'Information, Please' popped a question last week about an American playwright who has written dramatic criticism within the past 10 years, and from it there developed a lively argument as to status of George S. Kaufman when on N.Y. Times. John Mason Brown, guesting insistently, was a revolving string critic, that he even reviewed Walter Hampden. Emcee Clifton Fadiman declared his information was to effect Kaufman had been with dramatic department of paper but never held rank of critic. Brown said present playwright had covered many shows; Brown had often seen him at premieres, although Brown never actually witnessed him writing a review. Oscar Levant interjected 'He used to write plays while being it (catching legit shows).' Fadiman compromised with statement that 'no first string critic' had authored plays within period set. He would not allow Levant's contribution of St. John Irvine, quizmaster stating the latter was an Englishman.

Brown had previously named, and mildly ribbed, John Anderson as one critic who had written unsuccesfully. He mentioned Anderson's adaptation of 'Inspector General' and a 'fairly good one' of 'The Fatal Alibi.' N. Y. Post critic added Anderson had written 'awful play whose name I can't recall.' It ran four nights at the Gaiety theatre and promptly closed. Levant tabbed Alexander Woodcock as a critic who turned out two failures, 'Channel Road' and 'The Dark Tower.'

Richard Watts, Jr., collected \$15 plus a set of encyclopedias for a stumper on time from four shows. Brown quipped, 'I go there (to musicals) with my ears, but they stay closed.' Watts is the N. Y. Herald-Trib drama critic.

Ben Robertson, PM's London correspondent, heard on a CBS transatlantic. He is probably unique among overseas mikers, in that accent is southern.

Buffalo—Phyllis Jean and Charles Saxe have joined vocalist ranks at WGR-WKBW.

'DOUBLE OR NOTHING'
With Alan Parker
30 Mins.—Local
HARRY P. OELSEN
Sunday, 1:30 p.m.
WTRX, Troy, N. Y.

Quiz show held on stage of Proctor's theatre Saturday night and recorded for broadcasting following afternoon, has hit a smoother stride since it started some weeks ago. Still moving a bit slowly for loudspeaker reception, it could be accelerated by Parker without depriving contestants of a fair chance to double their winnings. Imposition of time limit long over whether competitors want to shoot for more money and then in answering question, may be okay in the theatre, but via radio suspension incident to the game is dragged out. Parker also could let himself go on mild quips and retorts; noticeable they landed with chairholders, on one shot heard. However, he should not make mistake of 'kicking around' an oddsounding name, regardless of whether audience snickers. And might employ a less abrupt, darting, approach. Also rough production edge could be slanted off.

Half dozen triales, drawn from audience, begin with a dollar question and can go to \$10, plus a chance to win jackpot, dough. Recent contestants have included college students, and a better showing has generally been made. Few of them seem inhibited. Advertising (automobile insurance) is quite restrained, for a local program. Jaco.

JUNE HYND'S GUEST BOOK
With Sydney Mosley
Talk
30 Mins.

Thursday, 6:30 p.m.
WEAF-NBC, New York

Miss Hynd is one of the personalities in the NBC women's programs division. On the side she conducts a Guest Book program wherein visiting celebrities are interviewed. The program is dressed up with a bit of organization and the giving away of several sets of NBC chimneys for the best letters written in.

Possessing a pleasant, speaking voice, style and punching out intelligent scripts, Miss Hynd had on her program last week the one-time radio editor Sydney Mosley. Together they gave a flowery and interestingly, he likewise being an experienced miker with a regular series just now on a local station. Land.

'COCK-A-DOODE-DOO'

With John McCormack, Vic Oliver, Fred Emney, George Carney, Arthur Fear, Marquess of Donnell, Cleely Courtneidge, Pat Kirkwood, Phyllis Stanley, Dorothy Carlisle, Daphne and Jack Barker, Geraldo Orch. and C. E. Cochran.
60 Mins.
Saturday, 8 p.m.
BBC, London

'The Magic Hour of 8 p.m.'—a voice drew special attention to it—so show opened with a great theme-melody labeled 'Good Morning.' A queer twist to the melody with which Charles Cochran tied-off his special for BBC. Too many people, too many elements. Should come over with shape instead of a stretch, plus recognition of fact the medium is radio and not window shopping. Cochran is airing with it weekly; this stanza was opener.

To Fred Emney goes kudos for bright work with a meaning; fast, laughable stuff and clicks. Remainder of the acts sided on. In between pauses, and took their customary whirl to leave behind them an imprint with the depth of cellophane. One melody registered, 'Johnny One Note,' and only in finale did a showmanly hand give to airing that certain touch which, if it can hold on to and spread, other weeks may yet see something to merit the build-up. All material is publicized as original.

'CANADIAN CAPERS'
With Jack Penn, Algie Noakes, Big Bill Campbell, Jack Curtis, Bob Ellis, Dave Miller, Pat Bignold, Maple Leaf Orch.
45 Mins.
Friday, 7:30 p.m.
BBC, London

When a thing's plenty corny over here they give a sweet understanding smile and tag it 'passable.' That may explain this effort (13), by a radio unit from Canada, now on this side. If the Maple Leaf turned a bit yell around the edge it was from wincing at what was being laid out under the moniker of both 'Canadian' and 'Capers.' Spread barely limped.

Lacking continuity and polish, vocaling and such was spotty from the first pipe. Emceeing was close to high school pranks and teen age.

TODAY'S REVIEWS OF LAST YEAR'S NEWS

With Bill Bivens
15 Mins.
CHATHAM HOMESPUN
T-T-S, 5:30 p.m.
WBT, Charlotte

(Cahn, Miller & Nyberg)
WBT's latest news show keeps up a slow chant of last year's big news items, which, despite well-written, continually and strong subject interest, is a pretty heavy dose when it comes in 15-minute parcels of nothing else but. Apparently announcer Bill Bivens concurs in this sentiment, as a tendency toward a sing-songing of items was marked by an abrupt about-voice when Bivens noted his lack-of-interest attitude. Bivens has a deep, pleasing speaking voice and excellent diction, although he hangs on to about every fifth word as if it were a lucky bannight number.

Sound effect of a wireless to denote change of items is a weak prop, issuing a slow wheeze. Programs are interesting lecture courses for students of European history, but they need some deviation to break the monotony of last year's diplomatic mistakes. Commercials are handled smoothly. Just.

BONNIE STEWART
With Sandra Carlton, Barbara Wayne
Songs, Piano
15 Mins.

Sunday, 12 Noon
WEAF-NBC, New York

From KYW, Philadelphia, Bonnie Stewart has been getting several 15-minute sustainers a week, aided by pianologists Sandra Carlton and Barbara Wayne as accomp. Miss Stewart has one of those interesting, somewhat sexy yet not over-throaty contraltos, that sells her pop ballads well. They run the gamut from 'There I Go,' And So Do I' to 'May-be' and 'Two Dream Met,' also including Miss Carlton's original composition, 'And So Goodbye.'

Nice sustainer, and it backed up by any sort of personality—which sounds promising in the abstract—she'd make a good café act, especially after her radio buildup asserts itself. Abel.

IN BALTIMORE
It's **WFBZ**
NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.
ON THE NBC RED NETWORK

Gardner Advertising Company finds dealers enthusiastic about "Betty & Bob"

HERE'S PROOF THAT WE'RE GOOD!



BOB: CHARLES GARDNER, OF THE GARDNER ADVERTISING COMPANY, SAYS, THAT IN CITIES WHERE THEY'RE PUTTING ON OUR SHOW FOR STOKELY FINEST FOODS AND UNION BISCUIT COMPANY, THERE WAS A LOT OF ENTHUSIASM IN THE TRADE. HE SAYS, "IT IS GOING TO DO A REAL JOB!"

BETTY: YES—AND TO QUOTE HIM FURTHER, "THE SHOW SEEMS TO HAVE SUCH ACCEPTANCE AMONG THE TRADE THAT IT'S A SURPRISINGLY EASY JOB TO MERCHANTISE IT FOR A NEW SPONSOR."



Here, at low cost, is a sales-stimulating program of proven ability! It's "Betty and Bob," for eight years the favorite of millions on the networks. Now, at the height of its popularity, this program is available to spot and regional advertisers as a five-

a-week recorded series. Among the advertisers already on the air with "Betty and Bob" are Union Biscuit Company, Stokely Brothers & Co., A. E. Staley Mfg. Co. and Manhattan Soap Co.

Write for details, availability and rates.

"BETTY AND BOB"

brings you new merchandising features never before offered within syndicated recorded show.

NBC Radio-Recording Division
National Broadcasting Company

RCA Building, Radio City, New York
Merchandise Mart, Chicago
Sunset and Vine, Hollywood

Lively
Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN MARKET

FOR **KOVL**
The POPULAR Station
Salt Lake City

Representation
JOHN BLAIR & COMPANY

NBC RED NETWORK

CIO May Seek Station

Continued from page 33

men thought there was any reason for going into what is a trade practice matter, especially since the declaration of ethics has received indirect commendation.

After being on the air five nights weekly, the program was dropped when the prior contract expired. Under the code, KYA explained, it is impossible to renew agreements for sale of time which is prohibited by the industry agreement. In view of the continuing argument over Federal labor policies, rulings of the National Labor Relations Board, actions of various unions and their leaders, it was felt that talks sponsored by the CIO frequently would be controversial in nature and thus conflict with the requirement that such material be carried on a sustaining basis.

The issue raised in this case is of paramount importance to labor. It threatens to make radio communication inaccessible to organized labor for all practical purposes, the CIO chieftain protested. "To the contrary under the code pursuant to which this action has been taken, employers of labor are being afforded the opportunity to purchase time for the dissemination of news adverse to labor. In addition, the interpretation of the code of the National Association of Broadcasters, as applied in this case, places organized labor in its attempt to explain its problems to the people of the country in a category separate and apart from other interests of our community."

Won't Take Sustainers

Rejecting the suggestions which the NAB has made to members, Lewis and the SP Union group spurned offers of sustaining time. When the question of continuing to sell time to unions first arose right after adoption of the code, the trade body recommended each local proprietor should try to work out with the various labor outfits in his city some scheduling by which a period for discussion of matters concerning workers would be regularly reserved and distributed among the miscellaneous units desiring to reach the public via the microphone. This is entirely unsatisfactory to the CIO.

In a memo prepared by the San Francisco group, complaint was made that the interpretation of the NAB code is one-sided. If comments of labor speakers are to be ruled controversial, "then every commercial plug or sales argument on the air today is equally controversial," the union insisted. Particularly when industry sponsors commentators.

Trouble with the idea of using donated time, from the CIO standpoint, is the uncertainty about getting a regular booking. In this situation, the comments of labor speakers would be heard only by the dialers who happened to be listening and the habit of tuning in for the feature at a set hour would be nullified.

The gesture of offering free time on rare occasions in the midst of major disputes no substitute for labor's right to use the air waves at all times and especially during periods when there is no dispute whatsoever, the Commish was told. The CIO charged that often employer-sponsored commentators make biased statements or distort the facts, with labor given no certain opportunity to reply or correct wrong impressions.

"It must be emphasized that the issue we are fighting here concerns our right to the use of the air waves and not primarily a protest against the broadcasts of employers," memo continued. "In other words, we don't say: If we are to be restricted, they too must be restricted. We demand equal rights, not equal bans."

While the FCC for the moment has dodged the issue, it is likely there will be further repercussions from the KYA incident. Possibility is seen in labor circles that the CIO may endeavor to obtain a permit for

a station of its own in order to force the Commish to take cognizance of the NAB code clause and to dramatize the question or just what is covered by the obligation to serve public interest. More likely that some of Lewis' friends in Congress will hop on the trade association and toss incidental rocks at the regulators, although most of the individuals who have been among the leading critics of the industry and the Commish are inclined to play ball with the American Federation of Labor rather than the rival union crowd.

CKLW's Davies Chaplains Royal Canadian Air Force

Detroit, Nov. 5.

Rev. M. C. Davies, of CKLW, Windsor's 'The Quiet Sanctuary,' now is a chaplain with the Royal Canadian Air Force at St. Thomas, Ont.

For two of his five shows a week he personals in uniform. The other days, it's transcribed.

Jones, Kimel Setting Katz Agcy., CBS Deals For WLAW, Mass. Outlet

David Jones, business manager,

and David Kimel, sales manager, respectively, of WLAW, Lawrence, Mass., were in New York last week to set a sales representation deal with the Katz Agency, Inc. Also in preparation of going to the Columbia network Nov. 17, at which time it goes to 5,000 watts full time under an FCC grant.

Massachusetts station is due to play a future role of increased importance in New England radio competition, having a happily situated transmitter at Andover, midway between Boston and the Merrimac valley. After Nov. 17 station will be on the air from 6:30 a.m. to 1 p.m.

Meantime John D. Malloy has been promoted to program director, and George Hickley succeeds Herbert Brown as chief engineer of WLAW.

Buffalo.—Bob Turner is new on WBER splicing staff, succeeding John Boothby.

Delay Requirement That Stations Directly Measure Antenna Power

Washington, Nov. 5.

More time to comply with revised regulation requiring all standard stations to make direct measurements of antenna power was allowed last week by the Federal Communications Commission. Delay is due principally to the prospect that a good many operators, in shifting frequencies to conform to the allocation plan necessitated by the Havana treaty, will be altering their radiating systems.

Except for new stations and any changing their present directional tower arrays, the deadline has been pushed back from Dec. 1 to June 1. The Commish expressed a hope, however, that the job will be done as soon as possible, to prevent a flood of last-minute reports that might swamp the engineering staff.

In some instances stations shifting from one channel to another for the March change-over will have to alter

their antenna resistance, the regulators noted. So that engineers can have ample flexibility in making the adjustments, the rule was changed last Thursday (31). No time extension beyond June is contemplated, however.

OK WNBC's Power Boost

Hartford, Nov. 5.

FCC has authorized WNBC, Hartford-New Britain, to up its power to 5,000 watts days and 1,000 watts nights. Station formerly 1,000 days and 250 nights. Station will utilize new juice about March 1. Expected to spend in the vicinity of \$25,000 for new transmitter and other equipment at its New Britain transmitter site.

Station—one of the Arde Bulova clan—is also interested in 'FM.'

'WHO TOOK THAT BOOK OFF MY DESK?'

Executives in radio stations, advertising agencies and talent booking offices just can't keep *that book* away from their staffs. Too many people need it all the time in their work.

There's a solution to this problem.

BUY EXTRA COPIES.

FOURTH ANNUAL

VARIETY RADIO DIRECTORY

1940-41

ON SALE \$5.00

— AT —

NEW YORK
154 West 46th St.

CHICAGO
54 West Randolph

HOLLYWOOD
1708 North Vine St.

VARIETY RADIO DIRECTORY
154 West 46th Street, New York

Please send.....copies of VARIETY RADIO DIRECTORY
(\$5 per copy; \$5.10 per copy in New York City).

☐ Check Enclosed

☐ Send Invoice

Name

Address

CityState

Firm

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 STALL

Rockefeller Plaza, New York City
Suite 604 COLUMBUS 8-2142

If There's Only One Publisher (BMI) He's the Boss, Paine Tells Dancemen

New York.

Editor, VARIETY:

On Oct. 25, Lawrence Lowman of CBS wrote to all band leaders ordering a further increase in their use of BMI music on sustaining program as a prelude to the chains' complete boycott of ASCAP starting New Year's Day. The letter says that the chains take this action because ASCAP wants to increase the music charge to them by over 500%. This is just a made-up figure because they have in the past paid nothing to ASCAP for their music uses, and 500% of nothing would still be nothing.

The motive back of the boycott is not to save money—it is to complete the monopoly which the chains have of the air. First, the chains own big key stations; then, by contracts which are set out in detail in the FCC Monopoly Report, they control the time of a great number of affiliated stations; next they built up their own artists' bureaus, then their concert bureaus and lecture bureaus; next they own their own recording companies and transcription firms, then television; and now all they need to effect complete economic control of the entire broadcasting industry is to establish control of music. This is the last link of their 'chaining of the air'.

To force this last link in their monopoly, they promoted BMI. They sold stock in this company to the broadcasting stations after whipping them up into a white lather over an apparent controversy with ASCAP. The money was subscribed primarily for the purpose of producing music, but has been used principally for the purpose of producing propaganda. It is not a secret that as yet they have not produced a single good song-writer. Up to now, when stations ask for music, they get promises, but it's very difficult to lay a promise.

In spite of all that, however, the chains demand that band leaders play only BMI music starting New Year's Day. Think what that means. Today the leader can select music from the catalog of every publisher in the country. Tomorrow he will have to take music from only one publisher, BMI. And this you must remember: As long as the leaders are free to pick from every publisher's catalog, they are the boss. When there is only one publisher, he is the boss.

If all the publishers, inside and outside of ASCAP, can't produce enough hits to go around, how can one single publisher, BMI, do so? Under the enormous competition for material, you know what will happen. The chains' pet band leaders, the 'office orchestras,' will get the preference of the limited supply of useable tunes. Those not one of 'teacher's pets' will be behind the eight-ball for music so far as your professional reputation with the public is concerned.

Of course, that's the bandleader's big problem. What is this going to mean to orchestra leaders so far as personal reputation is concerned? If you're cast in a good role, you are good box office; if you're not cast in a good role, you are not good box office.

The leader's other problem, of course, is an equally serious one, namely, who is going to repay him for the investment he is now expected to junk? The chains insist that leaders join in their boycott of ASCAP music to their own financial detriment.

Let me make it very clear, that if this boycott of ASCAP music is put into effect on New Year's Day, it will be only because the chains definitely want it that way. Our doors are now open for negotiations and have at all times been open. If there are no negotiations, it is because the chains refuse to negotiate. They want, not a contract, not the availability of the American repertoire, but a complete and absolute control of radio broadcasting.

John G. Paine,
General Manager,
American Society of Composers,
Authors & Publishers.

INSURE WOODY HERMAN

Woody Herman Orchestras, Inc., has insured the life of bandleader Woody Herman for \$150,000. Bought last week, the policy is of a type that covers him until he's 65.

Herman's group is currently at the Strand theatre, New York. It goes back into the New Yorker hotel, New York, Dec. 20 for eight weeks.

Frank Kelton Bankrupt

Frank B. Kelton, songplugger, now with Mills Music in New York, has filed a voluntary petition in the N. Y. federal court, listing \$100 in assets and \$5,434 in liabilities. Kelton says he has earned \$500 yearly during the past two years. Among creditors are Bernard Prager, Feist, Inc., business manager, \$550 on a loan, Lee Nadell, Hollywood, \$120, on a loan, and Ted Florito, bandleader, \$100 on a loan.

Kelton, when he was Louis Bernstein's son-in-law, was general professional head of Shapiro-Bernstein. Following 'Bubbles' Bernstein divorce from him, he headquartered in Hollywood, only recently returning to New York.

Dash, Connelly Firm Is Set For America

Irwin Dash and Reg Connelly have formed Dash, Connelly & Co., Inc., to start in U. S. music publishing, independent of their own firms in England. Dash heads the music house bearing his name in London, and his partner is head of Campbell, Connelly & Co., Ltd., as well as Cinephonic Music, besides being a director of Dash's British firm.

Connelly, on a visit to the States, was caught on this side, whereas Dash, actually an American although long domiciled abroad, evacuated under U. S. order for all American nationals in the fighting zone.

Dash-Connelly's deal for Superior Music has been abandoned, both preferring to start with songs from their British catalogs and, in time, buying up some larger catalog with an ASCAP rating. For a time they were interested in using Superior as an ASCAP nucleus, but decided against it because of terms with the present management plus a desire for a larger firm.

Meantime they placed their 'There'll Always Be an England' with Gordon V. Thompson of Toronto, who has the North American rights, while another excerpt, 'We'll Meet Again,' by the writers of 'England,' is the nucleus of their own new U. S. publishing venture.

Report E. B. Marks Asks \$200,000 and Contract If Catalog Goes BMI

Edward B. Marks is still negotiating with Broadcast Music, Inc., for the performing rights to his catalog. Marks declared Monday (4) that several propositions have already been submitted to him by BMI but that so far the right one had not come along.

Report in the music industry has been that Marks set as the basis of a BMI deal an annual guarantee of \$200,000 and a contract for 10 years. It was also reported that Marks has in turn insisted that Marks provide warranty for every copyright in his catalog.

License Tempo Discs

In anticipation of inquiries on the subject, Harry Fox, agent and trustee, informed music publishers Monday (4) that a new phonograph record label, Tempo, had been duly licensed by him and that the platters had been turned out by U. S. Record Corp. for Musicraft Records, Inc., of New York. These records, he wrote, were selling in chain stores at 25c, but the publishers were to receive a royalty of 2c, which is the statutory fee.

The Tempo label was being tested out from the merchandising angle, Fox added.

Carol Horton takes over vocal spot with Charlie Spivak band this week. She's a newcomer.

Al Freedman Managing New Chi Harms Office

Chicago, Nov. 5. Al Freedman has been named manager here for T. B. Harms which is reopening its Chicago office. Freedman quit the local Sun music firm to make the switch.

Larry Daniels came in from New York to take over the E. B. Marks office replacing Erwin Berke.

ASCAP'S VIEWS IN 'WAR OF NERVES'

Gene Buck, prez of ASCAP, reiterates the 'door is always open to the broadcasters' in answer to all and sundry reports to the contrary. The Society is willing to sit down and talk a deal, which may even lead to a possible compromise, but, says Buck, will not countenance any radioites' blanket ultimatum to parley on a per-program basis or not at all.

ASCAP admits that it's seemingly a war of nerves, and while a few of the Society's own membership 'might scare easy,' Buck's view is that he cannot see how radio broadcasting will permit its commercial users to pass the Dec. 31 deadline without some sort of a move to negotiate a new contract.

Most surprising, from the ASCAP perspective, allegedly, is the fact that the advertisers seem to be swinging along with BMI, but this is dismissed by ASCAP as part of the war of nerves.

DISC FACTORIES LAG IN ORDERS

Columbia and Victor Record companies are currently working at top speed to fill the demands for classical and popular platters, both outfits shipping in unprecedented quantities. Columbia's two factories, one in Bridgeport, Conn., and the other in California, are working 24 hours a day in three shifts and turning out approximately 150,000 platters daily.

Victor's pressing capacities are being equally extended, the company working its machines in two shifts of nine hours apiece. However, those two shifts are spread over three plants as against Columbia's two. Victor's production is centered in Camden, N. J., Indianapolis, and another also in California.

Back orders at both companies are heavy particularly in the recently reduced price classical side. Latter have been selling so sharply that their production is taking precedence over popular sides.

Columbia recently instituted a school to train recruits in the operation of the pressing machines, not only to add more men, but to create a reserve in anticipation of national conscription's inroads into that field.

Giveaway Uses Music, Irving Berlin, Inc., Sues

Philadelphia, Nov. 5.

Irving Berlin, Inc., filed suit in U. S. District Court last week for an injunction restraining the Pennsylvania Independent Oil Co. from distributing song sheets at its gasoline stations in this State.

The songs were printed on the back of advertising promotion handouts given free to motorists.

Enoch Light Mends, Returns

Enoch Light expects to begin rehearsals of a new band about mid-November. Light is currently tapering off recuperation, at his Danbury, Conn., home from the serious injuries he suffered in an auto crash in Massachusetts last summer.

Leader will attempt to rehire most of the band that was under his baton when the accident happened. Men in that group stayed together for a short time then disbanded.

Inside Stuff—Music

Ted Shapiro's 'Handful of Stars,' from Metro's 'Hullabaloo,' is a tune the pianist-composer has been tickling out as a thematic for some nine years, in between Sophie Tucker's numbers. Shapiro, as her accompanist for many years, would use it as an incidental strain. Four years ago when Louis K. Sidney was producing Sopha's radio show he suggested Shapiro get some words set to his tune, but not until recently did Jack Lawrence fashion it into its present shape. When Sidney again heard it, he spotted it as the theme of his first Metro film musical production, 'Hullabaloo'.

Local 802 of the American Federation of Musicians is circulating its members with copies of a letter mailed to Arnold Johnson re the pro-Willkie ad in VARIETY last week. Letter takes Arnold to task for endeavoring to create the impression that the ad 'represented the views of 802' and condemns him for a 'deliberately misleading' presentation. Reprints of the ad in question were handed out all of the latter part of last week to musicians entering and leaving 802's offices in New York.

Johnson, in turn, wrote Local 802 refuting its attitude. Despite the threat of a break between the network and the American Society of Composers, Authors and Publishers Jan. 1 there are already been no letup in the inquiries made around the music business for ASCAP affiliated catalogs that may be available for purchase. The inquiries are either from persons already in the publishing business or from those who want to start a firm but prefer to do so on the basis of a membership in ASCAP.

Harry Engel, who has been out of the music publishing business in recent years, now heads the Los Angeles office of Broadcast Music, Inc. Latterly he has been with the Fanchon & Marco talent agency in New York.

Publishing contract which Shapiro, Bernstein & Co. has with Ray Noble covers his Indian series only and does not include his other works.

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. 28-Nov. 3). 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
Dream Valley (2).....	Feist.....	33
We Three (7).....	M-M.....	27
Practice Makes Perfect (14).....	BMI.....	26
There I Go (14).....	BMI.....	26
Ferryboat Serenade (9).....	Robbins.....	22
Only Forever (10).....	Santly.....	21
A Million Dreams Ago (9).....	ABC.....	20
Nightingale Sang in Berkeley Square (3).....	S-B.....	20
I Give You My Word (6).....	BMI.....	18
Looking for Yesterday (9).....	Berlin.....	18
Maybe (14).....	Robbins.....	17
So You're the One (2).....	BMI.....	16
Two Dreams Met (3).....	Miller.....	15
Blueberry Hill (16).....	Chappell.....	14
Same Old Story (14).....	BMI.....	14
Now I Lay Me Down to Dream (8).....	Remick.....	14
Our Love Affair (6).....	Feist.....	13
Trade Winds (13).....	Harms.....	13
I'm Nobody's Baby (20).....	Feist.....	12
There Shall Be No Night (2).....	Lincoln.....	12
Rhumboogie (10).....	Leeds.....	12
Crostown (9).....	S-B.....	10
I Hear Music (3).....	Famous.....	10
Moon Over Burma (1).....	BMI.....	10
Moon Over Burma (1).....	Paramount.....	10
You've Got Me This Way (1).....	BVC.....	9
Frenesi (1).....	Southern.....	9
Yesterthoughts (1).....	Witmark.....	9
And So Do I (12).....	Marks.....	8
Call of the Canyon (14).....	S-B.....	8
I Want to Live (2).....	Boys and Girls Together.....	8

Music Notes

Roy Webb batons 40-piece orchestra for scoring of the Kay Kyser picture, 'You'll Find Out,' at RKO.

Chet Foster and Bob Knight clefted five songs for 'Blondie Goes Latin' at Columbia.

Miklos Rosta awarded honorary degree of Doctor of Music by New York College of Music.

Adolph Deutsch was assigned to write musical backgrounds and handle the scoring for 'High Sierra' at Warners.

Johnny Burke and Jimmy Van Heusen finished the scoring of Bing Crosby-Bop Hope picture, 'The Road to Zanzibar.'

Universal bought two songs by Milton Rosen and Everett Carter for use in 'Where Did You Get That Girl?' Ditties are 'Rug Cuttin' Romeo' and 'Sergeant Swing.'

George Stone clefted 'Star of Love,' to be sung in 'Her Father's Daughter' at Monogram.

Herbert Stothart assigned to direct the musical score for 'Men of Boys Town' at Metro.

JERRY VOGEL SUES TO UNFREEZE ESCROW COIN

Jerry Vogel, publisher, has brought suit against Harry Fox, mechanical rights agent and trustee, in the N. Y. supreme court, for money that Fox has withheld pending settlement of conflicting claims on Vogel's copyrights. The amount named by Vogel in his action is \$4,000.

Vogel has for the past several years been particularly active in acquiring renewal rights, either in full or part, on works originally published by others. As Fox has collected on mechanical licenses for such numbers he has put the money in escrow until such time as the counterclaims made by other pubs had been solved by either court action or arbitration. The contention of most of the disputant publishers has been that the rights held by Vogel were not valid since the writers had conveyed the renewal rights to Vogel on the premise that the renewal assignments previously made to the original publisher were not in conformity with the requirements of the copyright law.

Some of the numbers affected by this dispute are 'By the Old Mill Stream,' 'Goodbye, Sweetheart, Goodbye,' 'Honeymoon,' 'I Wanna a Girl,' 'I Wonder Who's Kissing Her Now,' 'Some of These Days' and 'Ta Ra Ra Boom De Ay.'

Lombardo's Radio Burnup

Guy Lombardo expressed himself over the past weekend as irate at what happened to his sustaining pickup broadcast over WOR, Newark, Saturday night (2). He was scheduled for a 30-minute program but when at the end of 25 minutes he had not played the required six non-ASCAP numbers he was cut off the air. The band had done five such numbers and it was Lombardo's plan to repeat one of them at the end of his pickup.

In his resentment Lombardo asked that the Mutual wire be pulled out of the hotel. He also stated that it was his intention to refrain entirely from sustaining pickups and to devote himself exclusively to was straightened Monday (4) by WOR, explaining that the incident had been a mistake on the part of somebody on duty in the WOR studio. Lombardo was also told he would not henceforth be required to do more than four non-ASCAP numbers per 30-minute program.

Introducing U. S. Sales Methods For Argentine Classical Discs Not Easy

Buenos Aires, Nov. 5.

Whether or not U.S.A. sales methods can make South America into the mass market for symphonic recordings is currently being tested here. Low cost distribution of albums, successfully sponsored in more than 50 U. S. cities by the National Committee for Music Appreciation, were worked through newspapers and musical organizations.

South American distribution is being sponsored by the Instituto Argentino de Cultura Musical, made up of top drawer social names. Felix A. Grisette, executive secretary of the U. S. committee, flew down to get the plan under way. Major difficulties were these:

1. Although the symphonies sold for less than \$3 U. S. (and about half the normal price) the living scale here is still so much lower than in the States that it was a serious hurdle.

2. Number of phonograph users here is small (no exact figures available).

To get the idea across to the local distributors that the plan would help them, Grisette had German de Eliaalde, chairman of the Institute, invite them to the inaugural banquet at which the idea was explained to some 500 socialites. As a further good will and publicity gesture, representatives of some 15 inter-American cultural groups were invited to the opening of the Instituto headquarters and presented free albums. Schools, organizations and clubs were also contacted and wherever possible speakers sent around to play the music and explain the idea.

While sales were high based on local experience, Grisette pointed out something that local business men have learned from bitter experience. This is essentially a high profit, low-volume price market. Response is also far slower than in the States. In the U. S. it was possible to judge by the first monthly, not weekly, and sales lag in the interim. There's also a tremendous amount of credit buying, something important for the Instituto to attempt.

Accustomed to U. S. sponsoring committees which would get out and work, Grisette also found that the difference in temperament often means that manana doesn't mean tomorrow but the day after or perhaps next week. Advertising which followed U. S. layouts and was handled by the Buenos Aires branch, N. W. Ayer & Son brought a good response but produced some unusual reactions. Afternoon papers, contrary to expectations, produced the greatest draw.

While reviews of the records in the press were good, it was found that many of the critics, including those on the largest papers, did not own record-players—a tip off on the public in general.

ASCAP's Jersey Office

American Society of Composers, Authors and Publishers has opened a branch office in Newark for the handling of licenses in New Jersey. Arthur Rosencranz and Aaron Kane will run the office under the direction of Fred Erdmann in the home office.

Jersey area became directly operated a few months ago. It had previously been serviced by a lawyer in private practice.

ON SHORT NOTICE

Teddy Powell Into Strand, N. Y., in Place of Delayed Ozzie Nelson

Teddy Powell's orchestra goes into the Strand theatre, New York, Friday (8) on a quick booking in place of the originally scheduled Ozzie Nelson. Latter was set back for two weeks by mutual agreement and will come in Nov. 22, probably with Betty Hutton's star "The Letter". Powell will have the film "Tugboat Annie" and Jack Haley and Priscilla Lane on personals.

LAWYER CALLS ON ASCAP WITH RADIO IDEA

Declaring that he represented a major network advertiser, a lawyer called at the home office of the American Society of Composers, Authors and Publishers last week with an offer of \$15,000 for a license covering an hour's program of music. His client's program, the lawyer stipulated, would have to hold a license exclusively for that particular evening on the network.

The lawyer was informed by John C. Paine, ASCAP general manager, that the offer entailed a policy which was entirely new to the organization and that before it could be accepted the ASCAP board of directors would have to be asked to approve such a radical change in ASCAP's licensing structure.

ASCAP WINS OUT IN NUISANCE LA. LAW

New Orleans, Nov. 5.

American Society of Composers, Authors and Publishers scored a victory in the Louisiana supreme court Monday (4) when the latter declared the law requiring a tax on collectors of musical royalties unconstitutional. Measure had been passed through the pressure of Huey Long and called for tax of \$5,000 on each parish.

ASCAP's local attorney argued that his collections for 1939 for the state were \$65,297, whereas the law would have cost ASCAP \$320,000, since there are 64 parishes.

Albany Gets Papers Of Warren Pearl, Moskowitz

Albany, Nov. 5.

Music Management, Inc., has been chartered to manage orchestras, etc., in New York. Capital stock is 200 shares, par value.

A. Edward Moskowitz, of New York, is the filing attorney. He is also listed as a director.

This incorporation represents the newly organized management partnership of Moskowitz and Warren Pearl, former treasurer of the General Amusement Corp. They have the Bobby Byrne and Johnny Long bands.

Murphy at Famous Door

Spud Murphy band goes into the Famous Door, New York, for six weeks Nov. 15. Outfits do two one-nighters there before then however, going Friday (8) and Monday (11). Had already played three singles at the spot.

LEADERS' SPOT IN BMI-ASCAP

Providence.

Editor, VARIETY:

This letter is not written pro-ASCAP or pro-BMI—but rather as the middle man—being chiefly pro-Rines.

I thought you might be interested in an "out-of-town" orchestra leader's viewpoint concerning the ASCAP-BMI situation.

My orchestra is currently playing at the Biltmore hotel here, and broadcasts over the Colonial Network (18 stations in New England). Anticipating that we would need non-ASCAP music for our programs, I have had our arranger concentrate on just that. I have found that our non-ASCAP arrangements are adequate for our radio shows, but the people who come to our dining-room keep requesting songs in the ASCAP catalog.

I am required to play at least six non-ASCAP songs on each half-hour program. I am instructed that on Nov. 11 I will have to do at least eight non-ASCAP songs, and by Nov. 25, 14 non-ASCAP songs on each program.

The only non-ASCAP songs that the public have been requesting are "There I Go," "Practice Makes Perfect" and "Jeannie." Now, then, I am faced with a serious problem.

My band is an arrangement band. I don't mind arranging non-ASCAP music to fill the requirements of radio, but I also have to arrange the ASCAP songs to satisfy my dining-room patrons. I would, therefore, have a double expense for arranging.

In looking for a solution, this idea has been recommended: Drop the sustaining show entirely until the ASCAP-BMI skies clear, and in the meantime take that money and buy spot announcements on the local stations telling about our appearance at the Biltmore, and that listeners can hear their favorite songs played by Joe Rines, etc.

This solution would not answer the national program setup, but should answer it for all local spots.

Joe Rines.

Broadcast Music Sets Up Performance Checking; Hires Col. U. Expert

Broadcast Music, Inc., has engaged a statistician from Columbia University to set up a performance tabulating system for it. BMI expects to have its checking and tabulating force at work within a short while. It is figured that this force can be confined to a few persons since most of the uses at the start will be from catalogs that are either in the public domain or belong to firms getting stipulated guarantees from BMI.

Publishers Say They See Chance To Benefit from Radio's BMI Bally

Several publishers have declared during the past week that they propose to gear their business, should a break occur between radio and ASCAP, to the expected spread in popularity of public domain music. It is their plan to check the copyright of every number of foreign origin played repeatedly over the air and in the event they find that it is not properly protected the composition will be put out by themselves in competition with BMI or publishers affiliated with it.

These publishers pointed out that heretofore they have not gone to the trouble of checking the domestic protection of such numbers but that if their own works are barred from the air it will be expedient for them to capitalize on the compositions that are repelling exploitation from radio.

NBC Yanks Road House Wires; Chicago and Middle West Plus City Spots Are Beneficiaries

Electrical Conga

Influence of pop music, even on pure science, is revealed in a bit of whimsy by engineers developing a method of sending electric power through the air for lighting lamps or running machinery.

Transmitter, according to the scientists, is composed of doughnut-shaped copper tanks called rhumbatrons to describe the rhythmic surging of the radio waves within.

BAN ALL ASCAP TUNES FROM SUSTAINERS

Los Angeles, Nov. 5.

Harrison Hollaway, KFI-KECA general manager, last week ordered all music controlled by American Society of Composers, Authors & Publishers off sustaining programs originating at the two stations. Edit, which became effective Nov. 1, permits only the use of Broadcast Music, Inc., and public domain tunes and was instituted at this time to avoid confusion on the switchover in the event the ASCAP-Broadcasters' breach not healed by first of the year.

Claude Sweeten, music director; Glan Heisch, production manager, and Jack Owens are rewriting most of the themers.

HOTEL MEN CO-OP WITH RADIO IN ASCAP FIGHT

American Hotel Men's Ass'n has yielded partly to radio's plea for co-operation in the fight against the American Society of Composers, Authors and Publishers. The hotel men have been asked by the chairman of their association, H. P. Somerville, managing director of the Hotel Willard, Washington, to make as much use as possible of BMI music.

Somerville in a report distributed among hotel men stated that he wasn't urging them to drop their ASCAP licenses but that after they had made this use of BMI music they could decide whether they could or could not get along without ASCAP.

Bon Bon, colored singer who left Jan Savitt recently, is doing a single at the Hotel Lincoln, New York, backed by the Tony Pastor band. He's working on an idea of a band of his own with backing of Mrs. Maria Kramer, owner of the Lincoln.

SHOUSE SIGNS WITH BMI

WSAI Commits Self, but Does Not Exclude ASCAP

Cincinnati, Nov. 5.

In signing a BMI contract Friday (1) for WSAI, James D. Shouse, general manager of Crosley stations, stated that the action did not necessarily mean WSAI will not sign another ASCAP contract when the current one expires.

Shouse emphasized, however, that WSAI will not renew with ASCAP on its presently proposed terms.

Brad Hunt band has left Pittsburgh for limited stay at Tantiella Gardens, Richmond, Va. Thru return engagement there for Smoky City outfit.

On the theory that it doesn't have enough sustaining wires to supply bigger hotels in New York and the middle west, NBC has pulled out all remote pickups from smaller roadside spots in New Jersey. Places affected are Donahue's, Mountainview, which has Cecil Golly's band, but replaces him Friday (8) with Tiny Hill; Rustic Cabin, which has had Glenn Garr all summer; and the Brook Club, Summit, with Gus Steck. Each has several wires weekly. Frank Dailley's Meadowbrook, Cedar Grove, N. J., wasn't disturbed because its talent policy is concerned only with name bands. Bobby Byrne is current there, but he's to be replaced Nov. 12 with Jimmy Dorsey.

New policy has been introduced by Sidney Strotz, NBC's new program chief. Strotz comes from NBC's midwestern headquarters.

Wires that have been taken from the Jersey spots named will be used to fulfill commitments to larger New York places which have not been getting the coverage they should, and to devote more time to outfits situated in other cities.

English Firm Cables Atty. To See BMI

Attorney Louis Nizer was named exclusive attorney and representative of General Music Productions, Ltd., of London, this week. Initial cabled instructions authorize Nizer to make deals with BMI for use of their compositions in U. S.

Nizer informs VARIETY that only first cables had been exchanged with G. M. officials. Consequently, he would not know until later what works would be made available or what sort of a pact would be made with BMI.

Blanche Ring Testifies For Shapiro, Bernstein At 'Josephine' Trial

Trial involving the present ownership of "Come Josephine in My Flying Machine" came to an end Monday (4) in the N. Y. federal court, when Judge Grover Moscovitz reserved decision and gave both sides until Nov. 22 for briefs and the 29th for reply briefs. Plaintiff in the action is Shapiro, Bernstein & Co., who registered the original copyright, with the defendants being Alfred Bryan, Fred Fisher, Fred Fisher Music Co., and Famous Music Co. Last day of trial saw Blanche Ring take the stand for the defendants testifying that she sang the song in February of 1910 at the Herald Square Theatre in N. Y. for the first time. Miss Ring's former manager, Frederic McKay, appeared for the plaintiff and testified that the singer sang the song at a later date in the Majestic Theatre, Brooklyn, for the first time. Fred Fisher again took the stand in his own defense.

Controversy involves the time of the writing of the song. Fisher and Bryan, the authors, were employed between 1910-11 by Maurice Shapiro as writers and under the law as it stood at that time, any of their music belongs to their employer including all renewal rights. The defendants claim the song was written before they entered Shapiro's employment and that the renewal rights were rightfully theirs. The song was assigned by Maurice Shapiro to Shapiro, Bernstein in 1910, who published it. It will be up to the court to decide the actual date of the writing of the song, which will then determine its ownership. An injunction and an accounting being sought.

Night Club Reviews

COPACABANA, N. Y.

Ramon & Renita, Juanita Juarez, Fernando Alvarez, Pancho and Fausto Corbello Orchestras, Samba Sirens (6); staged by Mariety Fielding, costumes by Beatrice Ammidown and Miles White; decor by Clark Robinson; \$2 and \$3 minimum.

Monte Proser, who parlayed a zombie into a big business now comes up with a chichi room, the Copacabana, on East 60th, the site of the old Villa Vallee, and under Clark Robinson's decor the town's prettiest nitery. It's class without being as stiff as the Monte Carlo, for instance, which undoubtedly rates with the tops in the Big Town's atmospheric cafes.

As the Copacabana billing indicates, it's further in the tropical nitery cycle of which there is a plenitude these days. When Proser et al. clicked with their Beachcomber on Broadway, that started a wave of South Seas and congarumba atmosphere joints. Unlike the Winter Garden theatre venture, this is dominantly rates with the tops in the Big Town's atmospheric cafes.

For one thing, with the excellent Pancho and Fausto Corbello bands he needs but little hors d'oeuvres to round it out. The room is a natural attraction with its palmetto motif and a generous expanse of mirror through which most view the show. The design is also odd in that those at the elevated bar, whether sitting or standing, have a good view of the proceedings. The banquet perches likewise afford excellent vantage, so that some of those bothersome pillars, despite the ingenious decor, can be discounted.

Jack Entratter, last at the Stork, is managing director for Proser and an asset as the spot's No. 1 greeter. Danie, from the N. Y. Fair's Federal Bldg., is the headwaiter, plus socialite hosts like Jack Sterling, et al. The Copacabana is intended for that kind of a draw which is the more reason for trimming the show.

Ramon and Renita, or some other dance team, along with the two bands, are about all necessary. As it is, the present ballroomologists do too much. They do their own very competent routine and then he pirouettes with the six Samba Sirens, champ lookers from the current Broadway musicals, who go the South American way after their own stage chores are through.

The South American ingredients are quite authentic. For example, Juanita Juarez, songstress, for a time at La Conga, is from Rio de Janeiro, where her husband was the maestro at the Atlantic casino. He now accomps her here. Fernando Al-

varez is a personality kid and m.c. from the Casino da Urea, also in Rio, with emphasis on his Portuguese chansons. The general aura is in line with the Brazilian motif, and it shapes up as a gay little show, but for the fact that classy audiences these days want their nocturnal divertissement in capsule form. Proser undoubtedly will prune that down to size. The Copacabana is Rio's smart beach district and also the name of that capital's No. 1 casino and restaurant.

Situated around the corner from Felix Ferry's Cafe Pierre, that gives that 60th and Fifth avenue sector a new focal point for the night loafers. Abel.

VOGUE ROOM, CLEVELAND. (HOTEL HOLLENDEN)

Cleveland, Nov. 1.
Sigrid Dagnie, Floretta, Boyette, Rez Weber, Marion Arden, Sorrelli, Dean Martin, Sammy Watkins Orch: \$1.50 minimum.

Five of downtown's nitery toppest are slugging each other in a battle for musical prestige and the winter trade, but the Hollenden's Vogue Room is more than holding its own among the hostilities. By bringing back Sammy Watkins' Cleveland crew, always an outstanding fave here, and Rex Weber on his local hotel bow, this spot is retaining the clientele it was in danger of losing when the Statler's Terrace Room went Cuban.

Watkins, who shrewdly groves his dance rhythms for them, is more or less responsible for it. Always a good mixer, he knows all the regulars, as well as their fave songs, by name. That type of distinctive personality is becoming more rare in this era of machine-lathed bands and poker-faced maestros. Outfit also sounds well, with a refreshing lilt and a smoothness to its few rhumbas that lure the older generation. Nostalgic semi-swing arrangements of old pop numbers are its longest suit. For another asset, Watkins has acquired a new vocalist, Dean Martin, who backs a personable kisser with a warm, low tenor and an agreeable manner.

Sigrid Dagnie leads off with a couple of Andalusian song-and-dance bits; she's the show's best looker. With Spanish accent and generally Spanish-flavored act, she's dressed up in a neat gown of burundy and chattrousse that reveals her comely chassis. Toe-spinning closer's more natural and effective for her talents.

Floretta and Boyette, husky jack-of-all-arts, catch on with a potpourri of minor-league Broadway broad gags that are reliable laugh-pullers. Offer of a glass of cham-

Nitery Followup

Sammy Kaye continues his swing-and-sway effectively at the Hotel Commodore, N. Y., with virtually his band intact and doing bullish business in this hostelry's Century Room. A little extra flipp this season is the addition of Gracey and Graham, nee Benhardt and Graham, with svelte ballroomology although, at the dinner show caught, they aren't prising any of their Brazilian samba stuff which they featured so effectively at the Brazilian Pavilion at the N. Y. World's Fair. They probably extend themselves at the supper session, but essentially Kaye is the draw for the youngsters with his dansapation.

pagne if telepathic stunts miss fire always gets a customer to act as a stooge, which gives a zest to the hokum and hocus-pocus travesty. Weber, well remembered here for many vaude appearances, is something strictly different for the Hollenden. His standard routine of ventriloquist singing seems more amusingly novel in this intimate room than it does in a large-seated theatre. A veteran of astute showmanship, he hokes up his mugging without over-accentuation, quieting the fork-rattling customers through a good piece of pantomime re his hairless pate. Dick Powell impersonation puts 'em in right mood for his by-now classic 'Brother, Can You Spare a Dime' and a satire on 'Old Black Joe,' which is as corking as ever. Marlon Arden doing fine job at piano during lulls, with Sorrelli working neat character-readings at tables. Pullen.

BLUE ROOM, N. O. (HOTEL ROOSEVELT)

New Orleans, Nov. 1.
Art Jarrett Orch., Coleman Clark and Billy Willard Dancing Theodores, Stuart Morgan Dancers, Ginger Hamman, Carolyn Clarke.

Town's leading nitery continues to dish out choice entertainment whose every item registered with first nighters. Art Jarrett's crew, making its bow here, drew large house at inaugural, and since spot is only one dishing up live talent without stinting on the budget, it looks like business will be big for the remainder of his engagement.

Jarrett's aggregation tosses off swell dansapation which kept the dance floor crowded and the tables empty. He handles the audience and himself smartly. Band has a distinctly brassy style based firmly on rhythms. His brass was a little too loud at show, but caused no trouble. Following night, which was Halloween, floor was so jammed dancing was only a rumor,

15 Best Sheet Music Sellers

(Week ending Nov. 2, 1940)

Ferryboat Serenade	Robbins
God Bless America	Berlin
*Only Forever ('Rhythm on the River')	Santley
Trade Winds	Harms
Shout, I Am an American	Mercer
Maybe	Robbins
We Three	Mercer
Blueberry Hill	Chappell
He's My Uncle	BVC
*Our Love Affair ('Strike Up the Band')	FVC
*Down Argentina Way ('Down Argentine Way')	Miller
A Million Dreams Ago	ABC
When the Swallows Come Back	Witmark
Call of the Canyon	S-B
There I Go	BMI

*Filmusical

spot doing largest business in months.

Jarrett opens the show with two unusually good numbers, 'It's A Long Day Tomorrow' and 'Begin the Beguine.' He has nice pipes and appearance which should make him popular with the femme contingent.

Show is topped by the Stuart Morgan Dancers, a spectacular troupe comprising three husky males and a tiny blonde looker with a nifty chassis. She gets tossed from one end of the floor to the other, act getting plenty of palm-pounding.

Running a close second for applause is a team of table tennis experts who treat patrons to a novel act, Coleman Clark and Billy Willard give an able demonstration of the difference between ping pong, as the amateurs play it, and table tennis as experts do it. The act carries third member, Bob Larimore, who announces game, leads the cheering sections and urges members of the audience into trying their hand against Clark, who spots them points and plays swing down. Crowd got kick out of it.

The Dancing Theodores are suave ballroom dancers whose routines are smooth and graceful. Got fine hand. Ginger Hamman, sings better than she dances. Her pipes are strong and clear, coming over the loud-speaker with solid effectiveness and tonal quality. Act would benefit from elimination of her jitterbug routine. Carolyn Clarke, looker with band, contributes several vocals in pleasing voice to get her share of applause.

Jarrett emcees nicely. Following show, band plays request tunes for dancing, Jarrett singing the vocals. Lhuzza.

Minnesota Terrace, Mpls. (HOTEL NICOLLET)

Minneapolis, Oct. 31.
Will Osborne Orch (16), Dick Rogers, Dale Jones, Lydia and Julesco, Arthur Murray Dancers (2).

In this recently redecorated Hotel Nicollet room, the town's class spot, Will Osborne's novelty and dance orchestra holds forth for a month's engagement and provides a calibre of music and entertainment fully up to the spot's high standard. Dispensing a brand of sweet swing which occasionally goes torrid, the band fully satisfies the exacting de-

mands of the large dance crowds and then comes through with lively and amusing original numbers. For the low ceiling, compact room it's an overly large musical aggregation, and thus the one fault to be found is the excess of volume. However, this lone deficiency undoubtedly will be gradually eliminated.

The orchestra comprises seven brass, four sax, one bass, piano and drummer. Osborne is a suave m.p. who wields the baton, too, of course, and vocalizes occasionally. Arrangements are tops and afford plenty of opportunity for flash instrumental work which impresses, beguiles the ears and enhances dancing enjoyment. Numbers used during the dancing sessions include such pop-pieces as 'Trade Winds,' 'Only Forever,' 'Call of the Canyon' and 'Beguine.' The floor show has the musicians in several original novelty selections with rich comedy twist. Among these are 'Between 18th and 19th on Chestnut Street,' 'Captain Turnpike,' 'Hungry for a Rhapsody,' and, some which have the musicians vocalizing. There's also a swell arrangement of Ravel's 'Bolero.'

In Dale Jones and Dick Rogers, the band has a pair of comedy singers who land solidly. Jones is a big fellow with a funny face and foghorn voice, and his 'Wouldst That I Kiss Thy Hand, Oh Babe' is riotous. Rogers, a little chap with high-pitched pipes, clicks in a big way with 'Danny Boy,' 'Shadrack' and 'Dinah' in various dialects. Osborne vocalizes during 'Maybe,' 'Only Forever' and 'Call of the Pampas.' Special mention is merited by the hot drummer man, Hack O'Brien, who hits it up in 'Tuxedo Junction.' The clarinetist, Karl Kato, also is prominent.

Lydia and Julesco are a classy, polished ballroom team, aces in appearance and smooth in performance. Their routines include a fast tango and a waltz to a music box accompaniment. The two Murray dancers illustrate the latest steps and give instructions to the guests. A fairly well filled room when caught. Rees.

Encore Music Publications, Inc., has been chartered in Albany to conduct a music publishing business, with principal office in New York. Capital stock is \$10,000, \$100 par value. Directors are: Philip Shapiro, Florence Wister and Mathilda D. Miller. Leonard Zissu, of New York, was filing attorney.

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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	Covers	Weeks	Total
		Per Week	Played	On Date
Eddy Duchin*	Waldorf (500; \$1-\$1.50)	8	950	9,120
Ray Heatherton	Biltmore (300; \$1-\$1.50)	7	225	1,550
Sammy Kaye*	Commodore (650; 75c-\$1.50)	2	1,450	4,450
Ray Kinney*	Lexington (400; 75c-\$1.50)	25	1,425	32,625
Kay Kyser	Waldorf (400; \$1-\$1.50)	1	1,050	1,850
Guy Lombardo	Roosevelt (500; \$1-\$1.50)	4	800	4,800
Abe Lyman*	New Yorker (400; 75c-\$1.50)	3	1,575	5,525
Glenn Miller	Pennsylvania (500; 75c-\$1.50)	4	2,150	7,685
Tony Pastor	Lincoln (225; 75c-\$1.50)	5	400	2,550

* Asterisks indicate a supporting floor show, although the band is the major draw.

On the Upbeat

Bob Neldig and his crew in at San Su San, Mineola, L. I.

Johnny Griddle and His Five Hot Cakes beating it out at the Turnpike, Hempstead, L. I.

Jimmy Walker's crew booked in Tuesday (5) at the redecorated Casa Loma, Franklin Square, L. I.

Charlie Barnet band plays his annual week at the Apollo theatre, Harlem, New York, starting Dec. 6. Week of Dec. 24 outfit will be at Adams theatre, Newark.

Billy May, Charlie Barnet trumpet-arranger, shifting to Glenn Miller.

Les Brown out of action one day last week to have abscesses on left eye lanced. Okay now.

Ben Bernie band booked to play for ceremonies celebrating the opening of the new Patchogue hotel, Patchogue, L. I.

Benny Carter set for four weeks at Trianon Ballroom, Cleveland, beginning Dec. 1.

Kitty Lane, former vocalist with Bob Chester, replaced the ailing Dilagene with Woody Herman band at Strand theatre, N. Y., last week. She's wife of Jerry Johnson, ABC Music contractor.

Joe Glaser, Louis Armstrong, Les Brown, Glenn Garr, etc., manager, hopping on sales swing through Chicago, St. Louis, Kansas City, this week.

Ray Herbeck band off Columbia Records' Okeh label.

Jan Savitt copped trumpeter Charles Hausfeld and bass Johnny Cook from Joey Kearns band at WCAU, Philadelphia, last week. Kearns turned around and lifted Steve Markert, trumpeter, from Raymond Scott and Freddie Johnson, bass, from Clarence Furman's studio band at KYW, Philadelphia.

George King, following long stay at Bill Green's, Pittsburgh, opened indefinite engagement Monday (4) at Edgewood Club in Albany, N. Y.

Herman Middleman has installed small combo at Riviera, Pittsburgh, replacing Max Adkins, who has returned post as director of house crew at Stanley theatre.

Edith Caldwell (Mrs. Chick Floyd) has retired as femme vocalist for Leighton Noble at William Penn Hotel's Chatterbox, Pittsburgh, and orch is now without a gal singer.

Francis Murphy's orchestra is broadcasting on Stuart's new Albany restaurant and club. Charles Blanchard, long a tenor singer at WGY, and John McCullough, brother of Annette McCullough, WGY warbler, handle the vocals with Murphy's band.

Tommy Reynolds' band is off the Columbia Records Okeh label, the first outfit to go out under the expected houseleaving.

Frank Bedella's South American Marimba Band (Argentines) is now the second orchestra in Rainbo Room of New Kenmore Hotel, Albany, Terry Shand's being the first.

Bob Negron added to the trombone section of Gray Gordon's band. He

was formerly with Sammy Kaye. Gordon leaves the Edison hotel, New York, tomorrow night (Thursday), being replaced by Mal Hallett.

Blue Barron band signed for Policeman's ball, Nov. 20, in Memorial Aud, Buffalo.

Fran Hines, WGR-WKBW tenor, has replaced Tiny Schartz as vocalist with Tommy Flynn's crew at Chez Ami, Buffalo.

Jimmy Palmer, vocalist with Bobby Byrne, is leaving that group. No replacement yet. Byrne is at Meadowbrook, Cedar Grove, N. J.

Billy Arnold, Once Famed In Paris, Is Sued By Showgirl He Wed There

Paterson, N. J., Nov. 5. Billy Arnold, perhaps the best known U. S. maestro in France during the 1920's, is being sued for divorce by Mrs. Bobbie Arnold, whom he married in Paris in 1926, where she was a showgirl. Arnold W. Guldaman, his name in private life, now operates a nitery, the Club Rendezvous, here. Eleanor M. Ryan, quondam chanteuse at the Rendezvous, is named co-respondent. The Arnolds have an eight-year-old daughter.

Trial, which started this past week, has been bound over until Nov. 13.

Columbia Discs Add Joey Kearns, Les Brown

Columbia Records signed two new bands last week for its Columbia and Okeh labels. Joey Kearns, studio band at WCAU, Philadelphia, was taken on for the 50c sides. He'll begin recording next month on a year's contract.

Les Brown's band, former Bluebird cutter, has been scheduled as an Okeh outfit. Starts first sides in couple of weeks.

Band Bookings

George Damerel, Nov. 4, indef., New Colonial III, Singac, N. J.

Woody Herman, Dec. 15, Fox theatre, Philadelphia, week.

Jimmie Lunceford, Nov. 9, Snell's Dancing Academy, Syracuse, N. Y.; 22, U. of Connecticut, Storrs, Conn.; 23, K. of C. Hall, Rochester, N. Y.; 24, New Civic Aud., Buffalo; 25, Nu Elm B., Youngstown, O.; 26, Aud., Cleveland; 27, Savoy B., Pittsburgh; 28, Chestnut Hall, Harrisburg, Pa.; 29, Odd Fellows Hall, Wilmington; 30, Brooklyn Palace, Brooklyn, N. Y.

Ben Cutler, Nov. 23, indef., Edgewater Beach hotel, Chicago.

Emile Coleman, Jan. 8, indef., Ciro's, Hollywood.

Del Courtney, Nov. 16, Blossom Heath, Oklahoma City.

Claude Hopkins, Nov. 28, George F. Pavilion, Johnson City, N. Y.

Vaughn Monroe, Nov. 23, Commodore B., Lowell, Mass.

Carl Ravazza, Nov. 14, Plantation C., Dallas, week; 22, indef., Niccollet hotel, Minneapolis.

Teddy Powell, Nov. 15, West End theatre, New York.

Gene Krupa, Nov. 17, Savoy B., New York.

Eddy Brandt, Nov. 12, indef., George Washington hotel, Jacksonville, Fla.

Ralph Barlow, Dec. 1, indef., Dellwood B., Buffalo.

EADIE LANGE LOSES SUIT

Court Doesn't Support Her Damage Action Against Band Leader

Philadelphia, Nov. 5. The U. S. District Court on Thursday (31) threw out the suit for \$41,900 damages filed by Eadie Lange, nitery warbler, against Vincent Lopez, Miss Lange, niece of the late Eddie Lange, musician and songwriter, charged that Lopez had failed to keep his promise to hire her and pay her a loss of \$16,900 in salaries and damage to her professional reputation amounting to \$25,000.

She testified that on March 13, 1939, Lopez made his promise to sign her up for his band at \$65-a-week, and \$150-a-week if she got outside bookings. Four days later she entered suit.

Lopez declared that he fully intended to hire Miss Lange and had even instructed his lawyers to draw up contracts but had dropped the idea when the gal instituted suit.

"I didn't want to have anything to do with a girl who treated me like that," he said. The Court concurred.

PETRILLO BAND ENDS, BANDS ON CBS

Columbia Broadcasting System was given the go-ahead signal by the American Federation of Musicians last Wednesday (30), and that night resumed broadcasting remote sustaining band pickups. Bands had been off CBS for two and a half weeks after James C. Petrillo, AFM head, had ordered a strike against the net.

Two CBS affiliated outlets, WADC, Akron, O., and WGBI, Scranton, Pa., had been fighting with AFM locals in those towns.

Coin Machine Operators To Hoof in Person At Waldorf-Astoria, N. Y.

Will Bradley's band is down to play for the New York Coin Machine Operator Association's third annual shindig at the Waldorf hotel, N. Y., Sunday (10). Bradley is a Columbia Records artist.

Victor Records will run in as guests: Glenn Miller, Sammy Kaye, Lanny Ross, Yvette, Dinah Shore, Mitchell Ayres, Erskine Hawkins, Ben Wain, Abe Lyman, Gray Gordon, Ray Kinney, and others, and supply Henny Youngman as m.c. Youngman recently cut a platter of gags for Victor's Bluebird label.

CHILDS MAY EMPLOY MORE MUSICIANS

If the results of an experiment at one of their uptown New York eateries pans out Childs Restaurants will install orchestras in more of their spots. String has booked a small jazz combo to go into 103rd street, N. Y. branch beginning next Tuesday (11), working only in the evening. Group is under Curt Hodess and is composed of five pieces.

Childs for sometime has used bands at its Times Square and 57th street, N. Y. branches. Former currently uses Henry Jerome's band and the latter, tagged the Spanish Gardens, last week (29) opened with Jerry Wald's group.

MORRIS BOOKS ESSEX

Sets Joe Reichman in Major New York Band Date

Joe Reichman's orchestra starts an indefinite run at the Essex House, New York, today (Wed.) replacing Shep Fields. Booking gives the Wm. Morris agency its second major hotel job in N. Y., Will Bradley having been set some weeks ago to go into the Biltmore hotel, Nov. 11.

Reichman closed a week ago Sunday (27) at Ben Marden's Riviera; Fort Lee, N. J. Shep Fields goes into George White's new Gay White Way dine-dancery on Broadway.

Mel Marvin's orchestra is now playing at the Edgewood, East Greenbush, N. Y.

Asserts That MCA Makes \$19,000 Profit While Basie's Band \$11,000 Into Red

Count Basie and Music Corp. of America, which books him, are at the moment at odds over a question of commissions. Argument may result in Basie disbanding his group and joining Benny Goodman, with whom he's currently filling one-night dates while his own band lays off. Threat to join Goodman permanently is to force MCA to accede to his demands for a more "equitable adjustment" of commissions on his earnings.

Through Willard Alexander of the Wm. Morris agency band department, his personal manager, Basie is accusing MCA of bad management and poor routing of one-nighters with the result that transportation and other road expenses left his band \$11,000 in the red last year while MCA garnered a profit of \$19,000 in commissions over the same period. He wants MCA to fix a sliding scale of commissions based on the amount of his earnings instead of the straight 20% taken by all agencies for booking one-night dates. According to Alexander, MCA has agreed to drop its take from 20% to 15%, but refuses to go for Basie's sliding scale demands.

Basie has six single dates in New England for the Shribman office beginning Nov. 6. Alexander says if the situation isn't adjusted by the time they are completed Basie will break up his bunch and join Goodman.

MCA and Basie got together on the question last week and the leader was told that there may be an adjustment of the disputed commissions if he is willing to accept normal dates that are offered by the agency. According to MCA the leader has been turning down, on the advice of his managers, dates that did not require much traveling and which were booked at good figures. State that a week at the Royal theatre in Baltimore starting Nov. 1 was nixed, a date at the Tropica, new New York nitery, and two weeks at the Brunswick hotel, Boston, got the same turn-down, among other one-nighters.

MCA says Basie's intention of dropping his band and joining Goodman may be so, if it is there's nothing they can do about it. His contract with the office as a leader has several years yet to run but there's nothing to prevent him from giving

up his band and going on his way. On the poor management charge MCA says that, booking a colored band has its natural limitations and those are made more difficult when a leader repeatedly turns down work offered.

Curious angle on the whole thing is that Alexander originally signed Basie to the contract terms which he (Basie) is now objecting to. Alexander was an executive at MCA until he left to join the Wm. Morris agency.

Los Angeles Palladium In Flashy Opening, 6,500 Pack in for Tom Dorsey

Hollywood, Nov. 5.

Palladium, town's newest dancery, knee deep in the cinema colony, had its flashy opening last Thursday night (31) to a capacity attendance of 6,500. Reserved space for diners brought \$5 a head. Tommy Dorsey led off the parade of name bands booked into the hogfery for six-week stands. Artie Shaw follows, with Glenn Miller, Gene Krupa and Larry Clinton among the futures.

Head of the outfit operating the ballroom is Maurice Cohen, onetime indie film producer. In for a heavy slice of stock is Harry Einstein (Parkyakarkus). Others interested financially are Peter Mole, Lou Brecker, M. Gottlieb, Wayne Harmon and Ed Malley. Considerable picture coin is represented by these names. Los Angeles Times, which owns the site, put up the structure for lease to Cohen and his associates. Downtown sheet participated in a similar arrangement for Florentine Gardens, a few blocks away on Hollywood boulevard. Building is said to represent an investment of \$400,000.

Spot has all the innovations of a modern ballroom, with six bars scattered along the edges of the dance floor, and upstairs dining space. Scale for the estab is 75c for men, 50c for women on weekdays, with the tariff tilted a quarter, in both brackets on Saturdays and holidays. Dinner goes for 90c.

Earl Vollmer is assistant general manager of the Palladium; Alex Montoya, maitre de, and Albert Brittingham, cafe head.

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Nick Kenny's Greatest Ballad Hit
By Nick Kenny, Charles Kenny and Joe Burke

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Sweeping The Country In A Whirlwind Of Popularity
Words and Music by Jack Lawrence and Ted Shapiro
from the M-G-M Picture "Hullabaloo"

L'I' ABNER
A New Novelty Rhythm Song
By Ben Oakland, Milton Berle and Milton Drake
from the RKO Radio Picture "L'I' Abner"

THERE MUST BE AN EASIER WAY TO MAKE A LIVING
The First Big Comedy Hit On The Draft
By Harry Woods, Charlie Tobias and Sam H. Stept

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Loew's Pulls Laurel-Hardy Unit Out of Cleve. in Tiff with Musicians

Cynda Glenn's S. A. Pic

Rio de Janeiro, Nov. 5.

Cynda Glenn has shifted to Santos, Brazil, for a fortnight, and then returns to a carnival film being made here. She was booked originally into the Copacabana Palace (casino).

American comedienne returns to the States Nov. 27 on the S.S. Argentine.

Saranac Lake

By Happy Benway

Saranac Lake, Nov. 5.

Ex-champ Jack Dempsey, while stumping the Adirondacks for the President, stopped off at the Will Rogers, mitted the gang and told them why they should vote for F. D. R.

Eugene Platzmann, who has been here a long time regaining his health, is doing fairly well. His frau is also battling to a nice comeback.

Jack Edwards, who did the trick at the Will Rogers, came in for that annual check-up. Medico told him to go back to Great Kills, S. I., and work.

Here are a list of October releases that were pronounced absolutely okay or arrested cases: Kitty D'Agostino, Fred Essler, Kitty Horan, Bina Rogers, Stillwater, Texas, George Franklin, Harry (Honey Boy) Clark, Maxine Miller, Kansas City; Marie Froom, William Carne, New York; and Albert McGee.

The Halloween party held at the Will Rogers topped any previous attempts, with entertainment and eats galore. Most every patient attended in costume and prizes were given for the outstanding getups. Judges were Winnie Heagney, Ruth Heather and Mrs. Joe Bishop. Eddie Vogt, as Hitler, copped first prize. Harry Martin aped F. D. R. and ran second. Richard Moore pulled a nifty impersonation. Dr. George Wilson and took third money. Ben Schaffer and, as himself and knocked off the booby prize.

Write to those who are ill.

Unit Review

STREETS OF PARIS

(KEITH'S BOSTON)

Boston, Oct. 31.
Line Girls (16), Boys (8), Lorraine Belore, Sid Marion and Cliff Hall, Anne Crosby, Petch and Deauville, Hylton Sisters (3), Don Richards, Peggy Alexander, Frank and Jean Hubert, Ernesto and Talia, Dr. "Think-A-Drink" Hoffmann, "Gay Caballero" (20th).

Depending upon what is used for a standard of comparison, this is either okay entertainment or a thin, tepid version of a better Broadway show. Considering the scale of prices here, "Streets of Paris" in tab form is a welcome change from conventional vaude shows and a fair bargain with a film at 55c. There is little left of the original production, except some of the songs, Dr. Hoffmann and the Hylton Sisters.

Sid Marion and Cliff Hall are teamed for the comedy backbone of the unit, using the Abbott and Costello stuff that gave such life to the legit "Streets." The lemon-shuffling act goes okay, but the crazy-bunch scene was so slowly paced when caught. Whole unit is apparently gathering momentum, and not anywhere near set.

Dr. "Think-A-Drink" Hoffmann, top-billed, is well amusing with his routine of cocktail mixing, adding some snappy femmes passing out the samples. Frank and Jean Hubert were well received for their clever drunk and dance and pantomime turn, and are a definite asset to this line up. Routine is slightly trimmed here.

Three Hylton Sisters harmonize in two sessions of "Three Little Maids in Paris" and open the finale with "South American Way." Gals were good in the original "Streets," and they are clicking here too. Don Richards and Anne Crosby teamed for vocals of "Pot to Cook In" and "Rendezvous Time in Patee." Peggy Alexander introduces "Reading, Writing and Arithmetic." Petch and Deauville do a cutesy routine as a feature of the first dancing ensemble offering, displaying some quick, clear taps and whirls that add life to the general effect.

Petch and Deauville do a cutesy routine as a feature of the first dancing ensemble offering, displaying some quick, clear taps and whirls that add life to the general effect. Some rumba in the "South American" finale and help close the show in a neat flash of color and excitement. Writing and Rhythm" for an ensemble number.

Foz.

• 15 YEARS AGO •

(From VARIETY)

Morris Gest received such an ovation in Boston, where his production of "The Miracle" was showing, that he broke down and cried on the stage of the Boston Opera House. It was a wish fulfilled for the former Russian immigrant land, who had sold papers on the streets of Boston as a youngster.

Paderewski's method of showing his disapproval of the government of Poland was expressed in his refusal to tickle the ivories in a Washington concert since representatives of that government were stationed in the capital.

Sam Bernard and Willie Collier were talking about opening in vaude as a 'two' act. It would have been one of the important bookings of the season.

Eddie Quillan, 18, was being groomed by Mack Sennett for comedy stardom. Youngster formerly was of vaude's Quillan Trio and Buster Quillan and Co., which had played the Pantages circuit.

Though starred, Ina Claire had too little to do in "The Last of Mrs. Cheney" to warrant the billing. This, however, was no reflection on Miss Claire's ability as a comedienne. Play had its debut at the Broad Theatre, Newark, N. J.

With four of his plays due to run on Broadway simultaneously, George Bernard Shaw was one of the most popular playwrights on the Main Stem. They were "Candida," "Androcles and the Lion," "Man of Destiny" and "Arms and the Man."

Arthur Kober, the press agent, was turning producer with 'Me, new play by Henry Myers, with whom he had previously been associated in the Shubert press offices.

AINA CONSTANT SUES OVER USE OF HER PIX

Aina Constant, professional model and actress, filed a N. Y. supreme court action Friday (1) against Murray and Sol Korman, doing business as Murray Korman Studios, Leon Stein, doing business as the Film Fun Publishing Co., Dell Publishing Co., Inc., Street & Smith Publishing Co., Inc., seeking damages for the alleged unauthorized use of her photograph. Miss Constant seeks damages of \$25,000.

Plaintiff asserts she had Korman make some pictures of her in February, 1939, which were published in Film Fun and Pic in January, 1940. The plaintiff was a member of the "Streets of Paris" company.

"Backstage Biographies," series of radio interviews with name personalities and acts in the dressing rooms of the State Theatre, Hartford, on Friday nights over WNBC, is also being fed to WELI of New Haven and WATER of Waterbury. Jack Lacy handles the assignment.

MARION EDDY FILES VOLUNTARY BKPTCY.

Marion Eddy, known as Marion Eddy Conrad and Marion Eddy Comstock, theatrical performer, filed a voluntary petition of bankruptcy in N. Y. federal court Friday (1), listing assets of \$450 and liabilities of \$55,140. Miss Eddy is employed by the Somerset Coffee House, Inc. and It Happened on Ice Co. in N. Y.

Largest creditor, David Seligman, is owed \$50,000 as result of a supreme court action for injuries suffered in an automobile accident. Others are Dennis Shaw, \$45; Marion Twitchell, \$78; Max Goodman, \$700; Edward Smith, \$85; Lorraine Brandriff, \$92, all of Goodman's Wonder Show, Little Rock, Ark.; Al Siegal, \$1,900 on a contract made in 1931; and the William Morris agency, amount unknown.

Philly Park Casino Finally Gets Booze OK

Philadelphia, Nov. 5.
The Park Casino, formerly the Anchorage, finally got its liquor license after weeks of stalling by the liquor board and unshutters Thursday (7).

Heading the show will be Powers Gouraud, WCAU's "Night Owl," backed by a revue and Lou Gress' orch. Henry Weber, formerly of Jack Lynch's, will be maitre d'hotel, with Charles Beroud as chef.

Paul Hildebrand, once operator of the 69th st. Rathskeller, has been named general manager of the Evergreen Casino by Trenchard Newbold, the new owner.

Matinee Whoopee

Detroit, Nov. 5.
Matinees on night club shows have been put in by the Book Casino. Swank room in the Book-Cadillac Hotel here is running off full shows at 1 p. m. on Tuesdays, Thursdays and Saturdays. They go with "less-than-a-buck" luncheons.

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Every room has a combination tub and shower. Reasonably priced restaurant and cocktail bar. Completely rehabilitated throughout. Convenient all booking offices and downtown district.

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Best Coffee in England

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LONDON, WEST-END



Read What the Critics Said About:

CAPPELLA and BEATRICE

OPENING AT
RAINBOW ROOM

RADIO CITY — NEW YORK
January 15, 1941

New York, Daily News, Oct. 28, 1940

"Some time after 10 o'clock Saturday night, at Maxine Elliott's Theatre, a sturdy gentleman billed as Cappella lifted a slight and graceful lady billed as Beatrice, off the stage and also off her feet, and whirled her recklessly about his head. "IT WAS THE ONLY EXCITING thing that had happened all evening, and the audience gathered to welcome the musical revue, of which the act is a part, a little number called "Tis of Thee," broke into applause. Whereupon Cappella and Beatrice took their bows and departed. Their evening was finished, and so far as this auditor is concerned, so was the show." —BURNS MANTLE

WOR, Oct. 26, 1940

"There is a team called Cappella and Beatrice who are grace personified. Their telephatic television number tonight WAS THE HIGH SPOT OF THE PERFORMANCE." —BIDE DUDLEY

Variety, Oct. 30, 1940

"Cappella and Beatrice offer the ONLY SHOW-STOPPER, two spectacular ballroom routines, which even stupid presentation doesn't spoil." —Hobe

Billboard

Walton, R. F. ★ ★ ★
"Cappella and Beatrice, making their first appearance here, are WITHOUT QUESTION THE MOST SENSATIONAL BALLROOM DUO to play this spot in many a moon. Overhead spins of Cappella are breathtaking and crowd couldn't get enough of their terping. Each step fits the particular music, rather than uses the music merely as a background. Mixed team is evenly matched. After five dances patrons still YELLED FOR MORE." —M. H. ORODENKER

Hotel Roosevelt, New Orleans

"TOPPING THE FLOOR SHOW are Cappella and Beatrice, the latter a brunet looker with a nifty chassiss. Their routines are different from the average, and are chiefly for the ease of the lifts and spins. Offering is highlighted by their Spanish interpretations and they responded to several encores with rumba and conga." —LIUZZA

Nicollet, Minneapolis

"Cappella and Beatrice, spectacular Parisian dance team now at the Nicollet, ARE REALLY SHOW-STOPPERS. Nightly they do six, seven and occasionally EIGHT ENCORES which has been UNHEARD of in Minneapolis to date." —CEDRIC ADAMS

Thanks to PAUL SMALL, of the William Morris office, who gave us 17 straight weeks, and to PELL TYRRELL, who brought us from Europe and gave us 14 straight weeks.

ROXY, ATLANTA, GOES BACK TO VAUDEFILM

Atlanta, Nov. 5.

Roxy, operated by Meyer hotel interests, has switched from straight films to vaudefilm, featuring name bands on stage.

Ina Ray Hutton's band was first on list, followed by Lang Thompson and crew, featuring Peggy Nolan, vocalist. Judy Canova and Annie worked with Thompson's band.

Other name bands skedded for Roxy appearances are Tommy Tucker, Ted Fio Rita, Eddy Duchin, et al.

New Acts

SHIRLEY GAYE

Songs

6 Mins.

Flatbush, Brooklyn

Failing to give much punch in two pop numbers, Shirley Gaye is in need of considerable seasoning before she will attract more than passing notice. She does not have a particularly effective voice, nor is her selling ability what it should be to get her places quickly.

Opening pop is sung ordinarily. Number from "Down Argentine Way" is a bit better. She has personality, however.

Char.

DEVAL, MERLE and LEE

Comedy Adagio

6 Mins.

Flatbush, Brooklyn

Two men and a woman in comedy adagio dancing, topped off at the finish by a listed band of legit terpsichore. Rates pretty well.

Some comedy is attempted through exchange of coats by the men, one shirt. Garter belt figures, but not so funny. The comedy adagio routine, including a clever mixup bit, gets across nicely. Act is the type that will probably improve as it goes along.

Char.

Chi AGVA Local Also Needs Pep-Up; Only 200 Votes in for Nominations

Chicago, Nov. 5. Interest in the local offices of the American Guild of Variety Artists has slowed up to an alarming extent. At the nomination meeting a couple of weeks ago, only some 40 performers showed up, and of these at least 20 not even paid-up members.

After they had nominated a flock of people for the various posts, it turned out that nearly half of the nominees could not be voted on because they also had neglected to support the AGVA with their dues.

State that was nominated is a cinch to be elected since there is no opposition. Jack Irving is up for president; Boots Brae, 1st v.p.; Bert Welburn, 2d v.p., and Bernie Green, 3d v.p. There are supposed to be 4th and 5th v.p.'s, but nobody was nominated for these posts. Lew King was named for treasurer, and Bill Baird as recording secretary.

Nominated for the board of directors are Ginger Giland, Flo Niles, Lucille Carewe, Mollie Manor, Ray Conlin, Sr., Jack Warner, Bill Talent, Bruce Jordan, Winnie Hoveler, Walter Kreidt, Violet Stranz, Rosie Blakey, Carlotta Facelli and Rubia Rish.

There are said to be 2,000 listed members in AGVA here, but hardly 10% are paying their dues regularly. Which means that perhaps 200 performers are paying to support the AGVA office here.

AGVA here has not made much progress in recent months. Since June the office has failed to sign up any new hotel, theatre, circuit, cafe or tavern.

Also hurting the prestige of the union was the letter from the officers of AGVA to the Police Department complaining about the manner in which cafes were operating. Cafe operators feel that if AGVA had any complaint, it should have been made direct to the cafe owners and worked out with them instead of yelling 'copper.'

SAM REIDER DROPS ST. L. BURLEY PROJECT

St. Louis, Nov. 5. The heat put on the efforts of the Tropical Amusement Co., headed by Sam Reider, vet showman, to start a burlesque show in the Shubert-Rialto theatre in midtown by the merger of two nearby churches and the faculty of St. Louis University, a Jesuit college, in the same neighborhood, singed the undertaking to such an extent that it folded last week. Reider tossed in the sponge when License Collector Fred A. Renick refused to issue a license after the showman had hurdled several of the numerous obstacles tossed in his path.

Reider said that about 10 members of the Tropical cast, including several chorus girls, have joined Paul Kane, who was skedded to produce the shows at the Shubert-Rialto in Paul Kane's Burlesque Revue, which opened in the Fairmont Gardens on the Colville road outside of East St. Louis. Reider said he has no connection with the new show. Reider dropped about \$4,000 in readying the local house for operation when the avalanche of protests stopped him cold.

2 N. Y. Cafe Shows Join To K. O. Monday Slack

Cafe Society, New York has a new idea in how to combat usually dull Monday night business. Owners recently opened an untown branch operating under the same policy and tag as the original Greenwich Village spot.

On Mondays the downtown operation shutters for the evening and the show there shifts to combine with the latter layout for doubled appeal. Combination then has Teddy Wilson's and Eddie South's bands, Billie Holiday, Sister Tharp, James Copp 3d, Golden Gate Quartet, Hazel Scott, Boogie Woogie Boys.

BEN BEYER'S COMEBACK

Johannesburg, Oct. 17. Ben Beyer, vet bicyclist, is returning to U.S. early next month after an extended tour for African Consolidated Theatres, Ltd., of South Africa.

He was in retirement, moving here before doing a theatrical comeback.

West Tunes In

Hollywood, Nov. 5. 'Just one of my many sides,' quipped Pat West when he knocked off a C-note for the best original song submitted last week for Tommy Dorsey's Fame and Fortune radio program, and had his ditty, 'Be American,' used for the rousing finale to the stage show at the downtown Paramount.

For years a vaude comic and more recently pictures, West is making his first serious attempt to string sharps and flats together.

MAY EASE UP ON PHILLY CURFEW

Philadelphia, Nov. 5. Niter operators are hopeful that the blitz against their Saturday night biz will be eased after election day. Unless this happens, many of them will have to fold.

Last Saturday was a repetition of what's been happening every Saturday ever since the lid was declared on three weeks ago by the State Liquor Control Board and the Police Department. At midnight sharp, plainclothes detectives arrived and informed the customers the bar was closed and music and entertainment ceased.

Since Saturdays are the only big nights in the week, niter ops estimate that nearly one-quarter of their revenue has been cut by the 'lights out' edict. Wisesacs say that the blackout was ordered by the Republican bigwigs to woo the church vote into the Willkie camp.

The heat is expected to be eased off this weekend. If the lid comes off, there will be a chance to recoup from the huge crowds expected to come into town for the Penn-Cornell and Army-Navy grid battles.

Phil Ops Also Battling

Pittsburgh, Nov. 5. Niter and taproom owners here are getting set to follow Philadelphia's lead and recruit a slush fund to try and get State Liquor Board to ease up on Saturday night closing hour. It's long been a thorn in their side that best night in the week should be almost a total loss because of the midnight curfew.

Operators are pointing out that Sunday ban itself should be sufficient and that they should be permitted to sell until at least 2 a.m. on Saturdays. Cafes are feeling the pinch particularly during football season, when celebrants rarely pull in until around 11 p.m. and haven't time to order more than a couple of rounds of drinks before the bar closes.

Understood that a couple of prominent cafe men who wish to remain in the background have already started to raise between \$25,000 and \$50,000 to add to Philly fund in an effort to do sufficient lobbying in Harrisburg this session to win their point.

White's Gay White Way On B'way Opens Dec. 14

George White's Gay White Way (old Cotton Club) on Broadway opens Dec. 14, with Shep Fields' orch the only act signed so far.

White has the cabaret-theatre revue mapped out on paper and is now auditioning talent.

Call Off Withers' Tour

Hollywood, Nov. 5. Jane Withers' proposed personal appearance tour has been nixed by her mother, who thinks eight weeks on the road, in addition to studio work, is too much for a youngster. Last year Withers played as many as five shows a day along with three hours of school work.

Youngman Tops Vaude Opener in Brooklyn

Majestic, Brooklyn, which has had a variegated policy, goes vaudilim tomorrow (Thursday) with a bill topped by Henny Youngman and Belle Baker. House, being booked by Evans & Lee, is in downtown Brooklyn and quite a distance from the Brandeis Flatbush.

Youngman also opens tonight (Wednesday) as topliner of the new show at the Hurricane niter on Broadway, which also brings in Beverly Roberts and Maurice & Cordoba. He'll double into the Majestic.

UNIQUE SUIT VS. SHUBERTS

Jacob J. and Lee Shubert lost their plea not to be examined before trial, and must take the stand in the N. Y. supreme court Nov. 12, according to a decision of Justice John F. Carew. Operatic Festival, Inc., subsidiary of the Shuberts, is suing Nan Rae and Maude Davis over alleged breach of contract, in an action which bids fair to snap back at the plaintiffs.

Suit is a prosaic action claiming the defendants, a comedy team, had had their option picked up but have subsequently attempted to work for others. The defendants in an unopposed defense, assert the Shuberts lend out their contractees without an agent's license charging more than the legal 5%. They seek to break the contract of employment which, if upheld by the supreme court, will mean that all Shubert contracts with film companies and other play producers might be in the same position.

TED LEWIS' 25TH ANNI DINNER YIELDS \$10,000

Around 600 in the profession attended the 25th anniversary dinner tossed Ted Lewis at the Hotel Plaza, New York, Saturday night (2). Affair lasted five and a half hours, winding up at 2 a. m. after a show capped by Eddie Cantor, toastmaster; Henny Youngman, Belle Baker, Dinah Shore, Capello and Beatrice and Lewis himself. Teddy Powell's orch played the entertainment.

Affair grossed around \$10,000 at \$12.50 per person, which went in entirety to Junior Matrons' Auxiliary, a charity in which Sophie Tucker and Adah (Mrs. Ted) Lewis are greatly interested. Group operates a day nursery in New York, also the Sophie Tucker Playground in Elberon, N. J. Miss Tucker was v.p. of the dinner to Lewis, with Cantor heading the arrangements, but Miss Tucker couldn't perform, having hurt her angle in a fall on Lew's State's stage earlier in the day.

Besides Cantor as toastmaster, the din included James J. Walker, Jack Rosenberg, prez of musicians' local 802, Buddy DeSylva, Belle Baker, William Morris, Jr., Adah Lewis, Glenn Miller, Kay Kyser and several non-pro prominent.

Frisco AGVA Wants Rooney for 1st Benefit

San Francisco, Nov. 5. Local American Guild of Variety Artists headquarters trying to get Mickey Rooney to top line a midnight benefit show at the Golden Gate (RKO) theatre, Nov. 29. House is being turned over to AGVA for the night.

First show of its kind pulled by the local.

LANES OPPOSE EACH OTHER

One of the Lane sisters, Priscilla, goes into the Strand, N. Y., Friday (8) on a personal, while the other, Rosemary, has been booked for the Paramount, N. Y., to open end of this month.

Harry Kalcheim has also set off a three weeks' engagement at the Par. for the Chicago, Chicago, Nov. 29. For the same theatre he has booked Mischa Auer, to open Dec. 6.

N.Y. AGVA Officers and B'd Members Face 'Communitic' Charges; Stems Anew from Oct. 28 Entertainment-Ball

Classy Vaude

Milwaukee, Nov. 5. Although Arnold Skinkel, known to the professional world only as 'Bozo,' has been a vaudeville property man for 25 years, he gasped incredulously when he got the prop list for George Jessel's current engagement at the Riverside theatre.

Exclaimed Bozo, 'Look what show business has come to!'—ten to this: 'For dressing rooms—about eight cots with linen.'

American Guild of Variety Artists in New York is facing renewed accusations from within that some paid officers, members of the N. Y. local board and at least one organizer in N. Y. are Communists or fellow-travelers. This time the charge is based on the conduct of AGVA's first entertainment-ball, held at Manhattan Center the night of Oct. 28.

It's pointed out that the chief band at the affair was Frank Newton's, which is considered the 'official' Theatre Arts Committee orch and bills itself 'Cabaret TAC Orch.' TAC has long been accused of being Communist in principles and tendencies. This was the organization which picketed the Lunts' 'There Shall Be No Night' on Broadway because of the play's attack on Russia's invasion of Finland. TAC was also named by Congressman William P. Lamberton in his charges that some of the talent unions were ridden with Communism.

Newton's orch was engaged for AGVA's affair by John Velasco, colored organizer for AGVA in New York, who was an organizer for TAC before joining AGVA and is still a member of TAC. For the time being it is being kept under cover just why Velasco got the job of hiring the band—and also why certain local officials and board members who had a hand in the affair permitted TAC to be included in the doings, even only by the inference of Newton's presence.

Coming to a Head. Repressions within AGVA are now expected to come to a head within the next two weeks. One step will be a complete purge of those in the union who have Communist tendencies.

Among those against whom Communist allegations have been frequently heard, or of being a fellow-traveler, is the N. Y. local's executive secretary, Phil Irving, former Major Bowes amateur. Another is Charles Arno, member of almost every board and committee within AGVA. Pete Wells, who was only recently elected president of the N. Y. local, is accused of being a fellow-traveler, as is Thelma Flowers, re-elected to the local board. Miss Flowers, incidentally, is also accused of being on the membership committee of TAC and is said to have sent AGVA members letters of solicitation to join TAC.

The renewed charges of Communism beset the known patriotic officials and national board members of AGVA at a time when they are greatly concerned with the financial status of the vaude-niter union. Monday (4), Equity voted to lend AGVA another \$700, provided that the Screen Actors Guild and the American Federation of Radio Artists lend like amounts and that the conditions of the loan are mutually acceptable. AGVA last week had appealed to its sister unions in the Associated Actors and Artists of America for a loan of \$2,000 on top of the \$60,000 it already owes them.

Equity Situation

While the agitation within Equity over the charges of Congressman William P. Lamberton (Kansas) that half a dozen members of the council are Communists or sympathetic to the Red principles continues dormant, delay of Washington to sift the allegations has aroused resentment. (Continued on page 54)

TURNER, B & K BOOKER, DIES SUDDENLY IN CHI

Chicago, Nov. 5. Max Turner, vaude booker for Balaban & Katz, died suddenly Thursday (31), collapsing just after he had finished his dinner. He had been booker for B. & K. for the past two years as an assistant to general booking manager Nat Platt. Turner was 52.

Prior to his assignment with B. & K., Turner had been an indie agent and before that was with the William Morris agency here as local manager.

Turner was a relative of the Balaban family and started in show business as manager of the Central Park theatre for B. & K. His widow and son survive. Buried in Chicago.

FLA. GAMBLERS' BLUECOAT BLUES

Miami, Nov. 5. Local gambling-syndicate is now suffering from most severe attack of collective shakes in recent years. Situation grew out of raid on syndicate stronghold, the Club Ball, by two dicks. While shakes are more or less accepted as a pre-season occupational disease, this year it is feared complications may set in, crimping plans for a wide-open season with the whirling wheels.

Publicity over raid and 'conditions' in police department caused Mayor Alexander Orr, Jr., to send City Manager L. L. Lee a strong anti-gambling blast. This forced Ball case to trial, and a guilty verdict with a \$200 fine was added to woes of the operators. Not the \$200, but fact conviction can ease way for injunction proceedings, in case publicity forces authorities to make an issue out of the case. If gambling is padlocked syndicate stands to lose plenty. Outfit is reported to have dropped \$70,000 in just one spot alone.

A number of spots, where a heavy take is expected, have been undergoing expensive renovations.

At the Ball trial, where Defense Attorney Ernest Roberts was quizzing Detective Fred Rowland, attorney meant to ask, 'You backed the truck right up to the Ball Club?' Instead, he fumbled and piped, 'You backed the wagon right up to the Empire bar?' Got the best laugh of the session from the audience.

Battle of Beachcombers Stalls Both in Miami

Battle of the Beachcombers is stalling Monte Proser's Miami Beach venture, due to Herman Stark and his syndicate having meantime thought of opening a Beachcomber in Miami proper. Stark, ex-Cotton Club (N.Y.) impresario, and his backers have a site picked out.

Proser, sponsor of the original Beachcomber on Broadway, also has a lease on the old Roadside Rest in M.B., and license trouble, due to similar names, is stalling both.

Providence Clink

Providence, Nov. 5. Proof that Providence will support a first class night spot is shown by the manner in which it has flocked to Monte Proser's recently opened Beachcomber at the Crown Hotel. Spot has been doing turnaway biz since doors were opened.

Proser is giving food by Ruby Foo, two rhumba orchs and plenty of atmosphere with no cover or minimum. Spot is under the personal direction of Tommy Marren.

S. F. Burley Folds

San Francisco, Nov. 6. Burlesque folded at the Liberty this week, and house is dark. Striperoo was operated by Jack Railey.

Sitush is one of three North Beach houses owned jointly by Morris Klein and Gold State Theatre chain. Other two are Verdi, across the street, and Palace, couple blocks away.

STANLEY, PITT

Pittsburgh, Nov. 1. 'Scandals' unit with Ben Blue, Billy Hayes, Ross Wyse, Jr. and June Mann, Mildred Fenton, Kim Loo Sisters, Craig Mathews, Max Adkins orch (12), Line (18), Max Adkins orch (12), 'Dispatch From Reuters' (WB).

Pittsburgh thought 'Scandals' was a good show at the \$3.30. It was not. From the \$1.50 to \$6.00, in condensed form, it's a dirt-cheap bargain. In stripping it to 70-minutes only a lot of superfluous stuff has been sacrificed, but the meat is still here and the revue runs off like a crack fly.

'Scandals' gets WB de luxe back to stage shows again after six months of straight pit except for one month in September when Mickey Rooney came to bust the house record wide open. Management gave the customers an eye opener in Rooney, and has grabbed an eye opener in the White 'Lew. The show will be a little better because with Ben Blue the only name that means a thing to film audiences, biz was big all day long on the opener despite steady downpour all the year.

Blue remains the mainstay of the entertainment, of course, but could do even more. He's not on enough to satisfy the mob, this despite the fact that what he does do is the hooding comic has done at the Stanley a couple of times in the past. First spot is his yokel boy-dance-hall bit, preceded by a bit of patter with Billy Hayes, then a short 'Lew Barry' sketch, and finally his solo Russian dance burlesque. That's the only hooding Blue does, save for a couple of flashes in his initial appearance, and it isn't sufficient. He's always done more in his single act.

Replacing Ella Logan, and handling 'Are You Having Any Fun,' 'Mexiconga' and that tasteless Tin Pan Alley finale, is Mildred Fenton, who fell here to the Mary Mann in 'Leave It to Me' on road last season. While a little short on Jassie Logan's abandon, Fenton gal is a cuter with an okay soubrette's equipment in voice and manner, and gets by nicely.

Show-stoppers in the tab edition, just as they were in the original, are Hayes, with his juggling and smart imitations of stars and comedians as they would perform his ball-in-air turn, and team of Ross Wyse, Jr. and June Mann with their slick repartee and tomfofery. Hayes is new at the Stanley and size of his show (seats) surprisingly enough doesn't interfere with his intimate style, while Wyse-Mann have been here before with precision and timing, many times, but still surefire.

Margo Sisters, couple of diminutive strong-armers, have a single spot—Stanley Sisters had it in original—they handle the 'Lew Barry' acrobatics that neat spotting helps considerably, and the Kim Loo Sisters quartet of celestial cuties, add a touch of novelty with their announcements, and voice their exercises. Male vocalist is Craig Mathews and he scores both times out with swell pipes and a poise he has acquired in the last year. Seemed a bit lit at ease at \$3.30, at two bits, he behaves like a veteran.

There are a flock of good-looking in the chorus, although beauty quotient isn't quite as sturdy as in the original. Gals show to best advantage in the opening 'World's Fair' takeoff and the 'Mexiconga,' with the highlights, as always, the banding number and the 'Lew Barry' to 'Goodnight, My Beautiful,' with the femmes disrobing and then stepping out from behind wax dummies fully clothed.

Crowd reaction is excellent consistently, with lots of foundation all the way down the line, and backed by 'Dispatch From Reuters' (WB). Stanley is handing out a cut-price premium this time. The last year, he seemed a bit lit at ease at \$3.30, at two bits, he behaves like a veteran.

ALVIN, MPLS.

Minneapolis, Nov. 2.

Ray Denzell, Line (18), Betty Ann McGinn, Ben Blue, Shirley Gaye, Carlos and Dolores Paul Allen, Fild Gordon (2), Ruth Lowe and Edythe Wright; 'Hold That Woman' (PDC).

House really goes to town this week with the amount of its show to date. The amount of entertainment crammed into its 75 minutes makes it a big buy for entertainment bargain hunters. The Rut Lowe and Edythe Wright come the lay-out something of a name headliner, too, inasmuch as the girls seem to be pretty well known hereabouts. Miss Lowe as the composer of 'I'll Never Smile Again' and her partner as the former featured singer with Tommy Doersey's band. Proceedings are calculated to erase some of the none-too-pleasant memories that several predecessors have must have stirred up. If operators can follow through with more shows on the same order they should be able to put over the venture which, up to this time, has been hanging somewhat in the balance.

Production, utilizing a young line of 16 lockers with considerable

dancing talent, always is somewhat lavish. Currently, however, the producers have been themselves on this score, the scenery and wardrobe exceeding even the standard which one expects here. A 'Toyland' number brings out the 'Charmettes' as well as the 'Lew Barry' and provides quite a flash. Then there's a lively, sophisticated swing 'Bolero' finale which is liberal in its display of undraped femininity and impressively colorful as well as fast. By limiting the chorus' appearances to three, instead of the usual four or five, the show is thus speeded up.

Show also is fortunate in having a first-rate m.c., Ray Denzell, who helps greatly in keeping the proceedings moving swiftly. Wencil contributes a pleasing comedy turn besides uncoiling a succession of gags and stories good for many laughs.

Betty Ann McGinn from the line opens the revue with a cleverly executed dance specialty comprising three routines during which her cape is transformed into a trio of costumes changes. Carlos and Dolores, dance team, work in the production numbers in addition to offering their own act featured by adagio and ballroom dancing, and a solo, a slinger with a pleasing voice, warbles intermittently throughout the show.

In next to shut, Fild Gordon plays a trick violin from various angles and introduces a lot more comedy business than that. Both Miss Lowe and Miss Wright are eye-fillers as well as possessors of musical ability and personalities which stand them in good stead. The former is at the piano while Miss Wright sells pop songs, including several of her partner's compositions, in show-stopping style.

Lower floor well filled at the opening matinee Friday (1). Rees.

FLATBUSH, B'KLYN

Dick Stabile orch, Edmund Lowe, Loretta Denison, Jay C. Flippen, Eddie Hildebrand, Sunny Ray, Shirley Gaye, Deval Merle and Lee Bill Demayo; 'Shorts and Newsreels'.

Dick Stabile's orchestra, Edmund Lowe and Jay C. Flippen head a tighter-than-usual stage bill here this week. It runs only a little over an hour, whereas in the past many of the shows at this Brandt neighborhood operation have been padded to an hour-and-a-half or longer. Often they lose their force with too much running time thinning the entertainment.

Flippen is spotted ahead of the week and has in his act a routine with chatter and 'Small Fry,' which he sings eminently well, with some added stuff, building up the solo. Comedian also m.c.s the show, and on this score, he is Eddie Hildebrand with him. Latter is on about at the middle but could have registered better when caught. Improved material, however, and voice is the impression of a girl getting up in the morning (presumably it's morning) and dressing gets over rather well. This sequence could be built up, however.

Lowe is working here with Loretta Denison. She rejoined his act a few weeks ago, Lowe having had Carole Landis with him for a time. When the scenery was changed to the State, N. Y., a year ago, Miss Denison was then with him.

Act gets over nicely but at its opening, when Lowe identifies himself with the Set, his character he played years ago in 'What Price Glory,' the usual reception was missing Friday night. (1) Cracking about the lack of applause, Lowe stepped up with 'What Price Glory' to make love and influence a woman (by Lowe) and how to influence husbands (by Miss Denison) form the framework for the act. Miss Denison also sings a hot number with the band and goes into a dance.

There are two new acts on the show, both reviewed separately as such. They are Shirley Gaye, a singer of pops, who is just fair, and the comedy adagio trio of Deval Merle and Lee, a pretty good turn of its kind.

Stabile's orchestra, now including a girl at the steel guitar, has been on dates out of town. Last season the orchestra was at the Essex House, N. Y. It was not working hard on this engagement. Most effective sesh with the band is at the close, when Stabile and a choir of eight sax players do a number down front. Stadium light heightens the punch of the number.

On the opening, Bill Demayo, sax player with the outfit, doubles vocally. He sings 'The Windmills of My Mind' as 'The Windmills of My Mind' and a comedy novelty. As a soloist, Demayo is much too stiff but he should be able to correct this. An arrangement of a rumba-type number spotted. Stabile himself features the sax, being able to hit on this instrument what is supposed to be its highest possible note. In an after the opening band number. She is a tap specialist whose technique is fair.

Business very light Friday evening at the first stage show.

WEST END, N. Y.

'Hot Lips' Page Orch. (13) with Betty Cobb, Ben Blue, Shirley Gaye, Lester, Honi Coles, Dynamite Hooker, Sandy Burns, Crackshot Hackley, Jimmie Baskette, Chink Collins, Edna Mae Harris; 'Behind Green Lights' (Indie).

There are few things on this bill that rate the cheers that were dispensed by a half-filled house during the supper show opening night (Friday). Great Luster, Lester turn, which has been out of the stronger limelight for some time, and tapper Honi Coles are the top turns. 'Hot Lips' Page's large group of 12 gets top billing, but outside of the leader's solo trumpeting it impresses as an outfit of little use for anything outside of what it's doing here. Theatre bill page stuff is 'jam session every show.' That's what it amounts to.

House runs off the succession of turns in a solid style. There are few intros, the audience either being expected to know the guests, or who. Between the first comedy session of Sandy Burns, Crackshot Hackley, and Jimmie Baskette, and the runoff of the great Lester's voice tossing, there is a hot temper tap delivered by one who must be Dynamite Hooker. He's on and off so fast that the bit appears as a stage wait, but for the rest, Lester turn he works in one. House probably brushes Hooker off because of the conflict with Honi Coles, later on the bill.

Lester's stuff consists of the usual for him. This time, his voice despite obstruction of cigar smoking, drinking, etc. goes over heavily with the aud. Material, as befitting this particular section, (Harlem) is a bit on the blue side in its theme.

Honi Coles works late in front of Page's band, which shifts from the first half of the show in the pit to the stage. Coles is a crackerjack tapster, long-legged and with an effortless style of getting off clear and well trained taps. His work appears here as a bit too much in the ordinary groove. He has the ability to execute more distinguished routines.

There are two girls who sing with Page. One is definitely Betty Cobb. The other nobody at the house, front or backstage, seemed to know. She is a Hilda Perlova billed outside who is otherwise unaccounted for; it might be she. Billing lists Romayne Jackson as the band's vocalist, but Miss Cobb is filling in for her. Basington Guy is labelled on house's window cards as on tap for this week and he's not.

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Wood.

APOLLO, N. Y.

Bernette and Parks Trio, Ferdie Robinson, John Mason, John Vigil, Vivian Harris, Barbara Belmore, Mills Bros., Claude Hopkins, House Line (16), 'Behind Green Lights' (Indie), 'Money and the Woman' (WB).

Producer Leonard Harper has concocted one of the better Apollo shows this season in which there's plenty of production value neatly embroidered with a lot of imagination. Looks like more money has been spent on it, too, which may be an answer to the compellish offered by the recently-opened West End.

Among other things, somewhat of a precedent is broken with two of acts being included on the bill. There's usually only one act of the Fair variety, and both okay, Barbara Belmore, fan dancer, and Bernette and Parks Trio, across. Belmore gal, a cute looker is primarily noteworthy for her kicking and dancing that keeps the audience holding its breath in the expectation that one more bump and the G-string slides off. She's also quite agreeable, waiting on her hands and kicking Bernette and Parks Trio, two boys and a gal, do rapid fire tumbling and shoulder balances, finaling with one of the lads being swung over the other's head by a pole on the floor.

Mills Bros. and the Claude Hopkins band fight it out for top honors on the chrome portion of the bill. Mills boys are a quartet instead of the old foursome. They're not all brothers, as billed, but actually three brothers and their father, who played one of the leading roles in 'The Great Dictator' and an outsider with a guitar. They go in far too much for straight

ballads, on which they merely rate as ordinary, and not enough for the tricky rhythm stuff, on which they're unbeatable. 'Never Smile Again,' for instance, is very mild as they do it, while 'Sweet Lucy Brown' is the sockiest thing in Harlem. Boys' clean manner of presentation reflects their long experience and is purely professional, even to their well-fitting tuxedos.

Hopkins' 14-piece crew ranks among the top bands the Apollo has recently presented. Each achieves smash jive effects while retaining melody in its music and not blasting the customers' ears off. Maestro's work on the keyboard is also nifty. Belle Powell, warbler with the outfit, is strong on the pipework, but weak on appearance, suffering partially from bad hair-do, and dress.

Neat production number gets things under way, stage being set to look like a ballroom. Staged with the band in the grandstand and gals' sweaters on the 'field.' Routines by the femmes, still marked by a lack of precision, but show a lot more variety and show than the old time-step run-throughs. They're aided in specialties by Marion Worthy and Jimmie Smith, who show a lot more variety and show better than their terping. Charles Bristol also contris a specialty act and it's a honey.

Comics are Ferdie Robinson and two Apollo standbys John Mason and John Vigil, with Vivian Harris as usual, doing the straight. They get in one skit, a burley standard, for average results.

EMBASSY, N. Y.

About 30% of the reelage in the new week's exhibit is devoted to the windup of the presidential campaign. All this is now over the dam, but it's worthy to point out that each newsreel contributor to the symposium did a sound piece of impartial reporting. As usual, the Embassy's customers did themselves proud with the applause and the boing, all depending, of course, on personal reaction to the two leading candidates. There are others running for the office but apparently these had long ago been lost in the shuffle.

Reaction to President Roosevelt and Wendell L. Willkie was mild when counted. It was not when the program got around to John L. Lewis' endorsement of the Republican candidate. There was some applause but the boing and the boing from the audience were so overwhelming that few full sentences in the Lewis excerpts could be caught. The anti-Lewisites carried on as though the speaker were actually in front of them. Then heckling abounded with 'Go on you traitor,' 'Take him away' and 'Tell 'em what you got for selling out,' and when Lewis remarked that he would not be present at the CIO if Roosevelt were reelected there was an outburst from many quarters of 'Fine' and 'Don't you forget your promise.' Even though the results are not in, the foreboding it should still rate as a curious commentary on the pitch which film audiences' volubility has assumed.

Paramount's version is used by the Embassy in reporting what took place in Washington. The connection with the draft lottery. The soundtrack even echoes the scream of surprise which a mother in the lottery audience emitted when she heard her son number called off by President Roosevelt. The clip includes a cross-section of the type of young men in various parts of the country affected by the draft and a few words by a conscientious objector. The latter bit was received without any comment from the audience. Paramount also accounts for a view of the 27th Division of New York and other units starting off for camp.

The fire in the munitions building of the War Department in Washington, with the commentator touching on the saboteur suspicion angle, is retailed by Paramount. The brand is also on clips reporting the arrival in this country of Ambassador Joseph P. Kennedy from England, the arrival of an American naval officer to look over the naval bases in Trinidad and the ceremonies which accompanied the closing of the military pact among Japan, Italy and Germany.

Fox shows the Japs blasting away airplanes at Chungking and the same country's navy moving into Indo-China so as to establish a base for attacking the Burma Road. Metro has something about the final night of the N. Y. World's Fair, while other light moments come from Fox's two Lew Lehr bits and Universal's pictorial of a wine cellar which had been converted into a bomb shelter. Of the footpads Paramount produces the standout. It's an exclusive showing how the gridders of Long Island University overcome ante-game tension by a well-acted and listening to waltzes. Also on the program are two short subjects, 'London Can Take It' and 'This Is China.'

ORIENTAL, CHI

Chicago, Nov. 2. Elsa Maxwell unit with Mary Beth Hughes, Marjorie Hewitt, Mary Healy, Katherine Aldridge, Jerry Lawton, Toy and Wing, Maxellos (5), Stan Myers and house orch; 'Glamour For Sale' (Col.).

Staging must be reckoned with on these Hollywood units at the Coast. People want to continue coming east to pick up some personal appearance cash. The first units were able to get by on the name value alone, but that novelty has worn off and the audiences are now expecting more precision, showmanship, professional production and, certainly, more talent.

High-schoolish, the extreme presentation of some four Hollywood gals under the wing of Elsa Maxwell. For a person who is supposed to be able to handle people and make them like her, Miss Maxwell turned in an astonishingly nervous performance at this catching. She works hard, but pounds the water too much in trying to keep aloof. She shares considerably better than their terping. Charles Bristol also contris a specialty act and it's a honey.

With her are some girls who giggle like youngsters and appear unfatteringly awkward. Mary Healy probably rates the best for her singing in which she evidences real promise. Marjorie Weaver also manages to keep right side up with some vocalizing. But what can be done about Mary Beth Hughes who can do nothing on Katharine Hepburn's heels, who doesn't know what to do because, seemingly nobody told her? Miss Aldridge gives a couple of hints of comedy talent in a few bits but there really isn't enough of it to tell.

Fortunately there are some standard variety acts around to see that the audience gets some entertaining. Toy and Wing, Chinese couple, are in time to be a happy little dancing affair that can always repeat. Jerry Lawton opens with some novelty acrobatics and juggling. Does a little bit of everything, and does it well. The best audience attention Maxellos are standard as ever and clicked easily with their stand-out risley routines.

The Stan Myers house orchestra continues to grow in public approval. Myers has revitalized the entire pit music situation and made it a worthwhile and important factor on the Oriental bill. Myers has a personal following here and should develop into a boxoffice item.

Biz good at the last show Saturday (2). Gold.

FOX, ST. LOUIS

St. Louis, Nov. 1. Laurel and Hardy, Lew Parker, Sid Gold, Maxine Conrad, Darlene Garner, Cass Owen and Topsy, James C. Morton, Bernette and Parks Trio (10), Ben Rader's Orch (20), 'Meet the Wildcat' (U) and 'Little Bit of Heaven' (U).

Fanchon & Marco is taking another fling at stage shows in this midtown 5,000-seater and if it can maintain the calibre of the current offering, which got away with a bang, the latest try should be a profitable one. Surveys, polls, etc., have indicated that natives want more than talkers, but for some unexplainable reason they usually shy away from the stage shows when they get 'em. At supper show caught lower floor seating 2,880 was almost filled and peepers seemed to like the action of this 35-minute offering. Of course it was Laurel and Hardy who drew 'em in and the talker comedians don't pull any punches as they spend 15 minutes on the boards and wind up with a slapstick skit.

With the footers coming up on the elevator platform, proceedings get under way with Sid Gold in the aisles as a loud-mouth candy butcher and Lew Parker coming off the boards to squelch him. It's miniature of what opens in the 'Funzaire' pit, which has paid for the show. Danny Davis got all looks, warble a bit and capably do the first of three routines with Maxine Conrad leading in the chirping. Darlene Garner, another talker, followed with a nut aro-top that copped a deserved hancap.

The Conrad gal returns to solo 'Nobody's Baby and I Can't Resist You' after some time that stuff with Parker. She would go over better if Parker leaves the apron while she warbles instead of clowning at one side. Cass Owen and Topsy are a well-acted trio and their solo from bit is sock. The line comes back for a 'Cupid Is a Fake' number, the gals circulating among the customers and pulling a Beatrice and Lancelot to the Lovelorn with Parker on the boards.

After Parker does a neat parody on 'South of the Border,' he gets a sax, 'Charing of the Wind' from the band, and with Gold using a harmonica, they knock out 'Tiger Rag' with considerable gusto. Gold also snared plaudits by rendering 'Ode.' (Continued on page 55)

3 Shows, 3 Hits, No Errors

Buddy DeSylva, whose 'Panama Hattie' opened at the 46th Street, N. Y., last week, now has a record of three hits out of three tries. His first two ventures as a producer were 'DuBarry Was a Lady' and 'Louisiana Purchase,' both current, but he owns the new show by himself, with the exception of three little pieces. Billy Seamon, first-nighter husband of Phyllis Haver, Francis T. Hunter and Sammy Ledner each have 1%, DeSylva allowing them to buy the complimentary interests.

Ledner is general stage manager of the three shows, putting it on the line from his savings to get in on 'Hattie.' Seamon owns 1% also of 'Purchase,' in which Irving Berlin is 50-50 with DeSylva. Hunter is the former tennis star who now handles '21 Brands,' liquor wholesaled by the night spot of that name.

Serlin Highlights Shubert-Controlled Ticket Situation in Boston, But Lee 'Explains' It in N. Y. Times' Expose

Boston, Nov. 5.

Ticket situation here, which the dailies have previously ignored, was highlighted last week through extra space ads inserted by Oscar Serlin, producer of 'Life With Father,' running at the independently operated Civic Repertory theatre. Manager had previously readied a statement as to his position, but cancelled the release. Paid copy the papers named seven agencies as accredited to handle 'Father' tickets. Herrick's, alleged to be controlled by the Shuberts and the bone of contention by managers of visiting shows for the past year, was conspicuously absent.

Under the Herrick 'system,' all choice tickets have been handled by that agency, the others being forced to secure allotments from Herrick's by paying a fee of 25c per ticket. 'Father' ad names Tyson's, Burke's, Parker House, United Ticket Service, Hotel Statler, Ritz Carlton and Touraine hotel stands as authorized agencies.

Serlin asserted that the best seats may be obtained at the boxoffice, or at Jordan Marsh and Filene's (department stores) at regular prices. He insisted that any seat is available by direct sale if ordered sufficiently in advance. Those who prefer to pay a premium, however, may secure tickets from the agencies named, described as 'being engaged in a legitimate business enterprise, with obligations to a clientele.' He stated the agencies have a limited number of tickets, the bulk of the capacity being sold directly at the boxoffice. Manager also declared that if tickets were not obtainable in the manner suggested or by mail order, it is because they have been sold, 'not because they are being held for speculation by any agency.' Herrick's is said to have made a deal to buy an allotment of 'Father' tickets, then changed its mind presumably by orders from New York. Other agencies are understood to buy their tickets outright on a cash and carry basis.

N. Y. Times' Expose

N. Y. Times, which recently favored a central ticket office for Broadway, is believed to have stepped into a trap. Ticket brokers claim an alleged plan to duplicate the same dis-

(Continued on page 52)

Rewriting Abbott's 'Boy' For Another Try in Jan.

George Abbott's production of 'The White-Haired Boy,' which was taken off Saturday (2), cost about \$20,000, including the tryout week at the Plymouth, Boston. Charles Martin-Beckie Kaufman comedy is being rewritten and is slated to go back into rehearsal early in January, after Abbott's musical 'Pal Joey' has opened.

Two authors, and Abbott and George S. Kaufman have all agreed as to the form the revisions should take, the only question now being whether the script can be fixed as desired. Matter of cost changes is uncertain, that depending on how much the characters are altered in the rewriting. Failure of the show in tryout was a keen disappointment to the management and cast, as more was expected of this than any other straight play Abbott has done in several seasons. Producer himself put in more work on it than on other recent efforts.

Inside Berman

Attorney A. L. Berman has become quite a power in ticket circles, although that is not his specialty. He is adviser and personal manager for Buddy DeSylva. As such he has the say in ticket allotments to agencies for 'Panama Hattie,' 'Louisiana Purchase' and 'DuBarry Was a Lady.' Berman is similarly attorney for Ed Wynne and handles allotments for 'Boys and Girls Together.' His list is said to have been used by Al Jolson for 'Hold On to Your Hats.'

There are 22 agencies in New York regularly getting allotments from theatres, but 42 brokers are signatory to the code. How the latter do business is something of a minor mystery.

PANS BURN J. J., SO HE PULLS 'NIGHT' ADS

J. J. Shubert burned when he read two of the Boston notices on 'Night of Love' last week. Both reviews were by second-stringers—Alex Williams, music critic of the Herald, and John Gibbons, film critic of the Transcript.

For 24 hours the trade gossip was that Williams was in the doghouse and permanently out of the Shubert houses, but this was never made official. A follow-up story by Elinor Hughes, the Herald's drama critic, and diplomatic explanations by intermediaries evidently salvaged the situation.

J. J. anked his 'Night of Love' advertising out of the Transcript as a tangible gesture of protest and John Hutchens, drama editor, handled the story pictorially as generously as other productions in town when he laid out his Saturday page (corresponding with Sunday pages in other papers).

Daniel Frohman Seriously Hurt in Fall at Home

Daniel Frohman, 89, president of the Actors Fund, is in serious condition at the LeRoy sanitarium, New York, with a fractured hip. He fell Saturday (2) while arising from a chair in Dorset hotel apartment of his sister. He has been living with her for some time because of failing eyesight, but has life-time living quarters atop the Lyceum theatre. It is doubtful whether the veteran showman will be able to walk again.

Robert Campbell, Fund's secretary, sustained a similar fracture some months ago when he slipped while entering a taxi. Campbell has been on duty for some time, but early this week was in the Lenox Hill hospital for further treatment. He is expected out this week. Secretary is said to be 69, but friends say he has been giving that as his age for the past five years.

Equity Okays Test Plan for Productions

Experimental productions, a subject that has been under consideration by Equity and the Dramatists Guild for some time, have been approved by the former organization's council. Joint board of the two groups will be appointed to deal with the matter. Under the broad conditions set by Equity, not more than three performances of any single production will be permitted. Equity's action was taken at the weekly council meeting Monday (4). The Guild acted several weeks ago.

Charges have been brought against Maida Reade, a member of the Equity council, by several members of the association and a hearing will be held by the council Nov. 18. Basis for the charges is Miss Reade's recent action in using the Equity mailing list to send out circulars urging the election of Wendell Willkie.

When the matter was brought to council attention recently Miss Reade admitted using the Equity mailing list, an action which is against association policy, but expressed regret for doing so and promised not to repeat it. The council merely reprimanded her, but that failed to satisfy certain members, who will push the charges against her at the hearing. It was indicated that in letting Miss Reade off with a reprimand, the council was influenced by her past work in Equity's behalf.

New Production Combos May Be Hypo to Legit

Trend of new managerial combinations may ultimately constitute a vital force in the theatre. To date the fresh combinations aim to produce successes through the joining of men of financial substance with those of theatrical experience. It is the new hope of show business, bringing in new capital that is sorely needed.

Change in managerial setups is perhaps best signified by the formation of the firm of Vinton Freedley, W. Horace Schmidlapp, young Cincinnati, and Richard Krakauer. Outfit is incorporated, the former two putting up \$50,000 while outsiders in a seven-person company invested the balance of a \$200,000 bankroll.

Under the arrangement the trio may do shows on their own, but must first submit the deals to the corporation which may take part or 100% of the production if not declaring out. Indicated that each or all may buy in on productions of other showmen, as shown by their interest in 'Cabin in the Sky' (Martin Beck). Understood the trio invited others to buy in, because Federal authorities regard limited corporations which invest in enterprises other than their own as holding companies, which are subject to heavy imposts.

Schmidlapp started this season as a partner in the Copley theatre, Boston, trying an experiment which will terminate this week. Lee Shubert and Joseph W. Gaikes were partners with the young showman, idea being to test plays at the Copley prior to Broadway. Three shows were done there. First, 'Boyd's Daughter,' flopped in New York quickly. Second, 'Return Engagement,' opened at the Golden last week, getting weak press. Third show, 'Here Today,' now current, in Boston, won favorable notices but little business. Up to this week the Copley venture represents a loss of \$20,000.

Boston idea was somewhat affected by the illness of Gaikes, who has been in and out of the hospital, being treated for a kidney ailment. 'The Walrus and The Carpenter' was slated to be tried at the Copley, but was dropped when negotiations with Sidney Hirsch, who controls the play, were called off. Florence Reed will terminate this week. Lee Shubert and Joseph W. Gaikes were partners with the young showman, idea being to test plays at the Copley prior to Broadway. Three shows were done there. First, 'Boyd's Daughter,' flopped in New York quickly. Second, 'Return Engagement,' opened at the Golden last week, getting weak press. Third show, 'Here Today,' now current, in Boston, won favorable notices but little business. Up to this week the Copley venture represents a loss of \$20,000.

Accompanying the idea of showmen combining for the purpose of stepping up production activities, is the growth of business management (Continued on page 52)

Equity Membership Votes In Sunday Shows 6 to 1, Now It's Up to Mgrs.; Seen Attracting Suburban Trade

Happily Wrong

William A. Brady, most consistently bearish, financially, among managers, appears to be the only one who did not believe actors would vote in favor of Sunday performances. When he learned such shows were okayed by a wide margin, he telephoned the League of New York Theatres, which successfully handled the Sunday matter, to say he had guessed wrong.

Brady was the leading campaigner for Sundays over a period of 20 years. When New York legalized the performances and Equity voided it with a double pay nick, he lost hope of seeing the objective realized.

Sunday legit performances on Broadway will finally be given a thorough test after many years of agitation and a welter of pro and con argument. Actors, who had been swayed by former leaders to nix the idea, decided the issue in a referendum counted Friday (1), when it was disclosed that Equity's membership favored Sunday in the ratio of 6 to 1.

No doubt was left about the actors' attitude. Principally because of the limited number of stage engagements, they want to find out whether Sunday shows will help solve the unemployment problem. They so signified by voting 610 in favor of such performances without double pay, against 116 votes against. Total vote of 784 ballots was more than one-third of Equity's people in good standing, the volume of ballots exceeding expectations. Juniors were also allowed to 'vote,' but such ballots were not included. They favor Sundays in the same ratio as seniors. Chorus also, but at two to one.

'Double pay for Sundays had nullified the N. Y. state law legalizing Sundays and giving legit the same privilege of attracting patronage on the Sabbath that has been enjoyed by all other types of shows and sports events. Stagehands and musicians said they'd work Sundays without added coin months ago, so there is nothing to stop the experiment, dated to extend through the season.

Now Up to Managers

It is now up to the managers to handle the opportunity properly. Few gave the matter much consideration though the referendum period and some were dubious that the actors would assent. Only two (Continued on page 52)

'Carol Bruce, Getting \$150 In 'La. Purchase,' Fined \$500 in De Sylva Dispute

Ruling against Carol Bruce, ingenue in 'Louisiana Purchase,' Imperial, N. Y., by Equity's council last week had several unusual angles. Fairbairn's appearance, considered severe, was turned over to Equity's emergency fund. Salary with the show is nominal, contract calling for \$150 weekly, but council decided she breached the 'exclusive services' clause in the agreement with Buddy De Sylva and Irving Berlin, producers of 'Purchase,' by going on radio and appearing in a night club without managerial permission.

Miss Bruce got \$450 for a one-time air program with Ben Bernie and \$500 weekly for appearances in the Sert Room, Waldorf-Astoria, N. Y., earning around \$2,000 in that manner outside the show from the time her extraneous appearances started until the matter was settled. De Sylva, who appeared before council, later assented to Miss Bruce doing radio work, saying he did not object to her earning more money, but banned night clubbing.

De Sylva said that Berlin and himself 'discovered' Miss Bruce in a Newark, N. J., cabaret. Not stated at the time, however, that she made two stage appearances previously. Miss Bruce was in 'Nice Goin',' musical version of 'Sailor Beware,' which did not come to Broadway, and her appearance attracted attention. She was also in the last 'Scandal' when the revue opened in Atlantic City, but was not in the show when it came to New York.

Fact that De Sylva paid off when two casting errors were made in his other shows probably counted in his favor as far as Equity was concerned. Hildegard was under contract for 'Louisiana Purchase,' but when her part was written out she settled for \$6,000. Phil Regan was to have appeared in 'DuBarry Was a Lady,' but was replaced when it was felt his voice was more suited to the microphone than the stage. Settlement of that contract was reported to be \$10,000.

Miss Bruce explained that DeSylva permitted her to appear at the Hotel Pierre and she assumed it was okay for the other outside engagements. Understood she was advised to go ahead by her personal attorney despite the contract stipulation.

ELECTION EVE BIZ BRUTAL ON B'WAY

Attendance in Broadway theatres was described as 'brutal' Monday (4) evening, ticket agencies especially being affected. Business was rated the worst on night before Election in many presidential campaigns. As anticipated, grosses dropped last week up until Friday (1), but attendance then and Saturday (2) jumped, the being credited to an influx for the Notre Dame-Army football game. Exodus of visitors who came to the metropolis for the blizzard of the World's Fair was a contributing factor along with the hectic electioneering in the general boxoffice decline.

Most legit shows switched midweek matinees to yesterday (Tuesday), but there was very little morning activity in midtown. Business was at a standstill in the agencies up to noon, clerks standing around, not even required to answer telephones. That indicated that the populace was concentrating at the polls, with suburbanites similarly occupied.

Light trade was also indicated for evening performances. What was formerly a traditional big night in theatres on Election Day has disappeared. Radio is principally the reason, with citizens listening to Election returns at home instead of getting results from the stages or screens. In ticket circles it was not expected that today (Wednesday), with only a few matinees carded, would be any better, election hangover being almost certain. Bars were forbidden to open until 9 p.m., when the polls in New York closed.

There are two Gotham openings this week, 'Beverly Hills,' Fulton, and 'Quiet, Please,' both being Hollywood plays. 'White Haired Boy' was scratched after a disappointing Boston showing. 'Glamour Preferred' (formerly 'Morality Clause'), also with Hollywood background, is next week's sole starter, at the Booth.

MULL 'WHITE CARGO' REVIVAL FOR B'WAY

Among the revivals planned for Broadway this season is 'White Cargo,' deal being virtually consummated with a name actress mentioned for the lead. Meller has been on the boards in one form or another, principally stock, since presentation nearly 17 years ago. Leon Gordon's authorship was successfully contested by a woman author, and control of 'Cargo' under a corporation in which she, Gordon and Earl Carroll are interested, latter officially putting on the show at Wallack's, N. Y., for a run.

'Cargo' is currently playing the Beaux Arts, a Los Angeles little theatre. It plays 38 weeks there last season, up to December and returned in the same spot in June. William Swanson has the Coast attraction, and upon completion of the present engagement it will be toured through northwestern Coast territory.

Saroyan's 'Time' Okay \$14,000 in Chi; Ditto 'Father,' 'Animal' Perks at 10G

Chicago, Nov. 5. 'Time of Your Life' arrived last week as the second of the American Theatre Society subscription shows and came up with considerable critical and public enthusiasm. Though failing to reach any sellout proportions, the piece has, nevertheless, profit propensities and can figure on a stay of it from present indications. Other shows in town are holding their own and better, with 'Male Animal' perking and 'Meet the People,' which started at a limp, now running in the black.

Estimates for Last Week
'Life With Father' (Blackstone (35th week), (1,200; \$2.75). Entire production and handling is a lesson in public good-will. It dropped last week a bit, to \$14,000, but still a fine profit margin.

'Male Animal' (Selwyn (8th week), (1,000; \$2.75). Piece is going along steadily and with publicity boosting is managing satisfactorily at \$10,000. 'Meet the People' (Grand (5th week), (1,200; \$2.75). Public reaction grows constantly more favorable at the boxoffice; will hold until week before Xmas before scrambling for Times Square. Again \$12,000.

'Time of Your Life' (Erlanger (1st week), (1,300; \$2.75). Though under capacity, proving marketable commodity. With subscription support came up with \$14,000.

HEPBURN BIG \$26,000 IN DET.; 'LAWYER' N.G.

Detroit, Nov. 5. Three theatres finally went into action here, last week, rolling time back to the booming '20's with all the legitimate houses in Detroit in operation. It also meant three different plans being in operation, with the Lafayette providing bargain-price rotary stock; the Wilson what amounts to standing company on operettas and musical comedy, and the Cass bringing in the road attractions.

Katharine Hepburn in 'Philadelphia Story,' first of the Theatre Guild subscription attractions to come into the Cass, played to capacity business. It was followed Monday (Nov. 4) by Gladys George in 'Lady in Waiting.' Wilson, where the Messrs. Shubert are putting together musical shows, and Lafayette, with Wee & Leventhal's 'See My Lawyer,' are both n.g.

Estimates for Last Week
'Philadelphia Story' (Cass (1,400; \$3.30). During its eight performances, Hepburn piece played up to house's hit for smash \$26,000.

'Too Many Girls' (Wilson (1,900; \$2.20). Conditions here still are far from healthy with only an approximate \$8,500 for the nine performances, a slight increase over the first week of 'Unfaithfully Yours,' when approximately \$8,000 came in.

'See My Lawyer' (Lafayette (1,900; \$1.10). Patronage started extremely slow, a \$2,500 estimated for first six performances, including two matinees.

'Road' Hurt by Beefs In Mpls.; Fair \$7,000

Minneapolis, Nov. 5. Newspapers' refusal to run ads after Catholic group's protests hurt 'Tobacco Road' seriously last week, and, in the 2,200-seat Lyceum at \$1.65 top, it struggled to reach estimated fair \$7,000 for the nine performances. Last season, in the same house, the attraction copped hefty \$17,000, with an extra midnight Saturday show added to make 10 performances.

'Little Foxes' underlined for Nov. 14-16.

Cornelia Otis Skinner Options Job's 'Swift'

Pittsburgh, Nov. 5. Bill Fields, p.a. for Playwrights Co., and Cornelia Otis Skinner, bought an option on Thomas Job's play, 'Not to the Swift,' for Miss Skinner last week while he was here ahead of the Lunts in 'There Shall Be No Night.' Job, whose 'Barchester Towers' was done by Ina Claire for Guthrie McClintic few seasons ago, is now a professor in Carnegie Tech drama school's faculty. 'Swift' was tried out this Summer at Red Barn theatre, Locust Valley, L. I., under another title, 'Rue With a Difference.' Miss Skinner expects to do it, Fields said, after Warren Munzell, Jr.'s 'By Any Other Name,' which is slated to go into rehearsal when star finishes her current solo tour.

Joe E. Brown's 'Elmer' Week \$3,800 in N. H.

New Haven, Nov. 5. It may have been the pre-election slump, but town went father right on the Joe E. Brown revival of 'Elmer the Great' last weekend. In for four performances, gross reached an approximate \$3,800, which was not too good at \$2.75 top. That scale may also have had something to do with the half empty lower floor. Show drew favorable notices.

Only attraction definite now is the current last half of the 'Helloppoppin' road show with Billy House and Eddie Garr (7-9). Pencilled for later this month are preems of Phil Baker's 'All in Fun' and Max Baer in 'Hi-Ya Gentlemen.'

'LADY WAITING' OK 10G, PHILLY

Philadelphia, Nov. 5. For the first time this season Philly's two regular United Booking Office legit houses are open this week simultaneously. The Forrest is going places with the Theatre Guild-Gilbert Miller production of 'Twelfth Night' with Helen Hayes and Maurice Evans. With a \$40,000 advance reported as 'Merle as last Thursday' and around 43 grand reported unofficially yesterday afternoon (Monday), 'Twelfth Night' promises to rival some of theatre's biggest grossers. Run is for two weeks and show is on American Theatre Society subscription.

Other offering this week is Dante, the magician, in his revue, 'Sim Sala Bim,' which is the Locust, and engagement is limited to a week.

Last week's lone attraction, 'Lady in Waiting,' jumped a little more than a grand in its second and final week at the Locust for a neat \$10,000, quite profitable for this show. Upstairs trade was better than orchestra both weeks.

'Locust,' which has best lineup of bookings it has had in a couple of seasons, gets tryout, 'Conquest in April,' next Monday for two weeks and then adds in 'Requiem for a Nun' subscription. Forrest has 'Night of Love' skedded for two weeks starting 18th and musical, 'All in Fun' on Dec. 9. This month is solidly booked.

Remarkable for Philly in these days.

PGY LOSES D. C. CRUX VOTE, BUT OK \$12,000

Washington, Nov. 5. Ruth Chatterton's 'Pygmalion,' which opened its projected transcontinental tour here last week at the National, which had a reprinting from all critics, especially in comparison to the Howard-Hiller film, but same drama edgery went to town on interviews, candid camera spreads and feature stories throughout engagement. Result was that week not only held up, but built for surprisingly satisfactory \$12,000.

Current is Brock Pemberton's new Hollywood comedy, 'Glamour Preferred.' Next on tap is Shubert's new musical play, 'Night of Love,' opening Nov. 11.

'Dinner' 16G in St. Louis

St. Louis, Nov. 5. Political oratorical, pyrotechnics via radio by national, state and local job-seeking aspirants, plus the p.a. of many big names in the political firmament, constituted difficult opposition to legit here, but the drawing power of 'The Man Who Came to Dinner,' with Clifton Webb in the top role, was strong enough for the piece to close the two-week engagement at the American theatre Saturday (2) with a good b.o. take. Eight performances grossed approximately \$16,000. The house was scaled to \$2.40.

Piece copped raves from all the crit. It winds up local engagement Saturday (9), and is the second legitt to play here man one week, during the current season. 'Tobacco Road' was the other.

Elissa Landi in N. C.

Charlotte, N. C., Nov. 5. Elissa Landi, screen actress, will appear here Nov. 8 in a dramatic program, 'Rebellion in Shadow.' Landi's recent stage roles include starring parts in 'Rebellion in Shadow' and in 'Holiday House.' Miss Landi wrote 'Rebellion in Shadow.'

Current Road Shows (Week of Nov. 4.)

'A Night of Love'—Shubert, Boston.
Ballet Russe de Monte Carlo—Opera House, Boston.
'Conquest in April' (Henry Hull)—Playhouse, Wilmington, Del. (8-9).
'Elmer the Great' (Joe E. Brown)—Plymouth, Boston.
'Every Man for Himself' (Lee Tracy)—Lobero, Santa Barbara (8-9).

'Folies Bergere'—El Capitan, Hollywood.
'Glamour Preferred'—National, Washington.
'Helloppoppin'—Bushnell auditorium, Hartford, Conn. (5-6); Shubert, New Haven (7-9).
'Here Today' (Ruth Gordon)—Copley, Boston.

'Ladies in Retirement' (Flora Robson)—Wilbur, Boston.
'Lady in Waiting' (Gladys George)—Cass, Detroit.
'Life With Father' (Lillian Gish)—Blackstone, Chicago.
'Life With Father' (Dorothy Gish)—Civic Repertory, Boston.

'Little Foxes' (Tallulah Bankhead)—Palace, South Bend (4); Rialto, Joliet, Ill. (5); Coronado, Rockford, Ill. (6); Davidson, Milwaukee (7-9).
'Male Animal' (Elliott Nugent)—Selwyn, Chicago.

'Man Who Came to Dinner' (Clifton Webb)—American, St. Louis.
'Man Who Came to Dinner' (Taylor Holmes)—Auditorium, Newark, O. (4); Fairbanks, Springfield, O. (5); Paramount, Marion, Ind. (7); Uptown, Racine, Wis. (8); Garrick, Fond du Lac, Wis. (9).

'Meet the People'—Grand Opera House, Chicago.
'Not for Children' (Victor Jory, Lloyd Nolan)—Lobero, Santa Barbara (10).

'Philadelphia Story' (Katharine Hepburn)—Shrine, Ft. Wayne, Ind. (4); Victory, Dayton, O. (5); Hartman, Columbus (6-9).

'Pins and Needles'—His Majesty's, Montreal.
'Pygmalion' (Ruth Chatterton)—Ford's, Baltimore.

'Skyark' (Gertrude Lawrence)—Municipal Auditorium, New Orleans (4-5); City Auditorium, Jackson, Miss. (6); Lanier Auditorium, Montgomery, Ala. (7); Erlanger, Atlanta (8-9).

'The Ass and His Shadow'—Playhouse, Cleveland (6-9).
'There Shall Be No Night' (Alfred Lunt, Lynn Fontanne)—Capitol, Ottawa (4); Royal Alexandra, Toronto (5-8).

'Time of Your Life' (Eddie Dowling)—Erlanger, Chicago.
'Tobacco Road' (John Barton)—Fox, Stevens Point (4); Grand, Wausau, Wis. (5); Fond du Lac, Fond du Lac, Wis. (6); Myers, Janesville, Wis. (7); Parkway, Madison, Wis. (8-9).

'Twelfth Night' (Helen Hayes, Maurice Evans)—Forrest, Philadelphia.
'Zero Hour'—Music Box, Hollywood (8-9).

'Here Today' (Ruth Gordon)—Copley, Boston.
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Campaign Windup Hurts B'way; 'Hattie' Smash \$30,000, 'Cabin' OK \$14,000, Ditto 'Geo. Wash.,' \$13,000

'Ladies in Retirement' Fair \$10,800 in Balto

Baltimore, Nov. 5. 'Pygmalion,' with Ruth Chatterton, is in at Ford's this week with 'The Corn is Green,' a new one by Emyln Williams, slated for a three-day week-end, Nov. 14. 'Corn' will be presented by Herman Shumlin with Ethyl Barrymore holding down the starring niche.

'Last week 'Ladies in Retirement' fulfilled the first of six plays promised in the American Theatre Society subscription plan. Battled valiantly at \$2.95 against pre-election blues and thanks to heavy upstairs play added to subscribers advance sale, managed to build up estimated fair \$10,800 at the 1,900-seater.

'12TH NIGHT' BIG \$24,000 IN HUB

Boston, Nov. 5. Very spotty situation here last week, with 'Twelfth Night' and 'Life With Father' getting the most of the trade and three other shows starring: 'Night of Love,' the new Shubert musical, 'White Haired Boy,' the Martin-Beatrice Kaufman comedy which George Abbott took off the boards Saturday (2) indefinitely; and 'Here Today,' revival by George Oppenheimer, with Ruth Gordon starred.

New shows, opening Monday (4), are 'Ladies in Retirement,' with Flora Robson, and 'Elmer the Great,' with Joe E. Brown. Novel stunt in connection with 'Elmer' will be announcement of election returns tonight (5) from stage and through WBZ, with special material inserted into stage script for Joe E. Brown.

Estimates for Last Week
'Twelfth Night' (Colonial (2nd wk.) (1,643; \$3.30). Closed with capacity biz on second and final week. Although not generally rated the choice of the Shakespearean vehicles, the performances of Helen Hayes and Maurice Evans and the staging of Margaret Webster added up to a terrific draw for Bostonians. Bowled out with smash \$24,000.

'Life With Father' (Repertory (5th wk.) (965; \$2.75). No stopping this one. Seats selling weeks in advance. Fifth frame very solid at \$15,000.

'Night of Love' (Shubert (1st wk.) (1,580; \$3.30). New Shubert musical given the thumbs-down treatment by the press and public. Scored under \$5,000 for initial tryout stanza.

'The White Haired Boy' (Plymouth (one week), (1,480; \$2.75). Died before and taken off after a single week's tryout. Took around \$2,500.

'Here Today' (Copley (1st wk.) (1,038; \$2.20). Top price raised from \$1.85, but inake still scanty here. Last week around \$2,000.

TOLIES' BIG \$17,000 IN L.A., 'QUIET' SLIM 5G

Los Angeles, Nov. 5. Billmore is dark again after three weeks local tryout of the Jesse L. Lasky-Henry Duffy comedy, 'Quiet, Please,' and probably will remain shuttered until Tallulah Bankhead comes sometime in January with 'The Little Foxes.' 'Please' moves to the Guild theatre in New York.

'Folies Bergere' is in third successive week at El Capitan, where it probably will stick several more stanzas. 'Meet the People' has finally closed its Hollywood run, nearly 11 months after first edition, now on tour, first framed.

Estimates for Last Week
'Folies Bergere' (El Capitan, Hollywood (R-1,580; \$1.10) (2d week). Picked up slightly and at \$17,000 very good.

'Quiet, Please' (Biltmore (C-1,658; \$2.65) (3d-final week). Locals just did not want this comedy with a Hollywood background, and final stanza meagre \$5,000.

'Mrs. Carrrolls' Tour Margaret Bannerman will take 'Two Mrs. Carrrolls' on a trans-Canadian tour shortly, this being the play done in London some time ago by Mira Moya and Leslie Banks. Mrs. Bannerman Veller authored it.

Miss Bannerman is currently in New York casting it.

Estimates for Last Week

Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Operetta).

'Boys and Girls Together' (Broadhurst (5th week), (R-1,412; \$4.40). Election activities with numerous broadcasts reflected on most box-offices; hits not materially off, however, this one around \$27,000.

'Beverly Hills' (Fulton (C-978; \$3.30). Presented by Laurence Schwab and Otto L. Preminger; written by Lynn Stirling and Howard J. Green; opens Thursday (7) after series of previews.

'Cabin the Sky' (Martin Beck (2d week), (M-1,214; \$3.30). Audiences enthusiastic; attendance not up to expectations; but takings of \$14,000 first full week indicates colored musical may be stayer.

'DuBarry Was a Lady' (Royale (48th week), (M-1,407; \$4.40). Femme lead changed again; Gypsy Rose Lee out and Betty Allen in again; Frances Williams due to replace when show goes to road, probably soon; dipped to around \$14,000.

'George Washington Slept Here' (Lyceum (2d week), (C-1,004; \$3.30). Best draw among straight shows so far; gross around \$13,000 considered okay considering pre-election dip.

'Helloppoppin' (Winter Garden (11th week), (R-1,671; \$3.30). Second company opens on road this week; not expected to a fact original laugh-getter outfit, but last week's pace dropped under \$25,000.

'Hold On to Your Hat' (Shubert (8th week), (M-1,405; \$4.40). Matinees for some time, but night attendance in demand, but night attendance holds to big figures; slightly affected last week, but approximately \$27,000.

'It Happens on Ice' (Center (4th week), (R-1,087; \$2.75). More than held its own last week, and rink novelty looks set for stay; performance-bolstering a factor; \$36,600 quoted looks plenty profitable both ways.

'Johnny Belinda' (Belasco (7th week), (D-1,000; \$3.30). Early arriving drama sticking, but has been operating in the red; slipped to \$4,000.

'Life With Father' (Empire (52d week), (C-1,095; \$3.30). Entering second year and traveling at capacity; \$18,500 last week means just fewer standees.

'Louisiana Purchase' (Imperial (23d week), (M-1,060; \$4.40). List's topper continued clean-up; claimed virtual capacity despite election distractions; \$24,000.

'Man Who Came Dinner' (Music Box (55th week), (C-1,102; \$3.30). Long run shows were mostly affected by nearness of election; approached \$13,500, which is quite profitable both ways.

'Panama Hat' (46th St. (1st week), (M-1,127; \$4.40). Rated new-comer and taken over by a single week's tryout. Took around \$2,500.

'Quiet, Please' (Guild (C-956; \$3.30). Presented by Jesse L. Lasky and Henry Duffy. Written by F. Hugh Herbert and Hans Kraly; recently presented on Coast; opens Friday (8).

'Return Engagement' (Golden (1st week), (C-789; \$3.30). Opened Friday (1); drama n.g. matinees and chances doubtful; may stay for indicated picture rights coin.

'Separate Rooms' (Plymouth (32d week), (C-1,107; \$3.30). Dipped like other stayers and slated through autumn; has been turning weekly profit; claimed \$9,000.

'Suzanna and Elders' (Morosco (1st week), (C-939; \$3.30). Was announced to close Saturday (2) after adverse press; good Saturday matinee in continuance; may be audience show; little over \$5,000.

'Tobacco Road' (Forrest (28th week), (C-1,107; \$1.10). No show has advanced 'last weeks' for so long a period; rated around \$4,500, which means fair profit.

'White Haired Boy' (Biltmore. Taken off after one week in Boston; Broadway presentation off indefinitely.

Revs
'Blind Alley' (Windsor (3d week), (C-1,064; \$2.20). Using two for ones and other cut rates; may improve after election, but weak so far; \$3,500 estimated.

'Charles's Aunt' (Cort (3d week), (C-1,064; \$3.30). Started out promisingly and quickly faded enough, what with new straight shows slow to arrive; around \$8,000.

'Kind Lady' (Playhouse (9th week), (CD-885; \$3.30). Best draw of the revivals and slated through fall period; business last week estimated around \$9,000.

Equity Okays Sun. Legit

Continued from page 49

shows were announced to play next Sunday (10), neither being among the leaders. Those managers who were apathetic about Sundays recently are expected to go into action, but if Sunday plays are backward it is hardly pertinent, because the season has not gotten into stride. With the election over, production is expected to be stepped up and, when more shows are added to the list, Sundays should become important.

Still to be determined is the time of starting Sunday shows. It has been demonstrated that night performances are the right idea for most successes played Sundays for benefit of the various actors' charities, but the objective now is to attract that class of patronage that does not remain on Broadway Sunday evenings, the weekly suburbanite influx. Assumed that type of amusement seeker wants diversion at moderate prices, approximately the same rates that go for vaudeville and other theatres which have had the Sunday field without legit opposition.

Indications are that mid-afternoon curtains would lure the Sunday incomers, who like others usually go home comparatively early. That is proven by attendance in Broadway's leading picture theatres, last evening performances on Sundays being

No Admish Hike

Council of mandatory Equity in session Monday (4) introduced a note in okaying the vote of the membership to play Sundays without double pay for the balance of the season. Resolution stipulated that there shall be no boost in admission prices. Managers regarded that as an unnecessary precaution. General ideas about Sundays is to attract moderate-price patronage. At no time had there been any intent to hike scales.

distinctly light. If the legit shows are to capture the Sunday crowds, the starting time would have to approximate that of other attractions. Only show playing along legit lines playing Sundays this season is 'It Happens on Ice,' performance being at night, however.

Sunday curtain at 3 p.m. was proven the right idea when 'Jumbo' was at the Hippodrome. Those matinees were virtually capacity for 17 straight weeks, while the night performances were poorly attended. Another type of attraction in midtown New York furnishes another lead for managers. Amateur hockey at Madison Square Garden at moderate prices Sunday afternoons have been drawing between 10,000 and 12,000 persons (pro games at night have a different type of draw). Same amateur sports were tried at night last season, but flopped.

Will Help Moderate Shows

During the week managerial discussions will center on Sunday schedules and whether the hits will play then. There has been little dispute that the less favored shows and those nearing the end of their normal engagements would be prin-

cipally helped. It is anticipated, therefore, that actors will benefit because the dates on Broadway are expected to be extended, same going for managers of shows on the narrow edge between operating profit and loss.

It is stipulated in the pact between Equity and the managers that a percentage of Sunday earnings are to be given over to the move to 'organize audiences,' an idea emanating from the actors' association. League of New York Theatres attempted to campaign for suburbanite trade last season, without much success. It is now believed that such activities, concentrated on Sunday attendance, will have much more favorable reaction, particularly among potential players of limited spending power.

First shows which announced regular Sunday performances are 'Kind Lady,' Playhouse, and 'Johnny Belinda,' Belasco. Former is a revival and the latter has been a light draw. 'Belinda,' more than 'Lady,' which has been failing rather well, may prove the first test of the theory that Sundays will aid the in-betweeners.

It is to be discerned whether the Sunday performance is materially better attended than Monday night. Under the law, shows playing Sundays must lay off a full 24 hours. But that not applied to vaude, burlesque and other attractions which play Sundays, so it appears that legit is still discriminated against.

Ams to Try Out New

Louis Bromfield Play

Cleveland, Nov. 5.

'Here Today, Gone Tomorrow' is a new drama by Louis Bromfield, with his Man Friday, George Hawkins, as collaborator, which the novelist is turning over to hometown amateur players in Mansfield, O., for a tryout Dec. 3.

Author, on trip here, would divulge nothing more about his plan than that he would co-direct it. One of the three reasons behind premeing it in town of 40,000 population is that he's building a new home at his nearby Malabar farm. Secondly, Bromfield has taken an active interest in its Community Players since their inception several years ago. Helen Bacon, director, is also a close family friend who persuaded writer to let her amateur group do 'Here Today' first. Contingent of Cleveland critics will make trek to Mansfield to cover it for local sheets.

'Suzanna' Continues

'Suzanna and the Elders,' which Jack Kirkland opened at the Morosco, New York, last week, was announced to stop Saturday (2) after a week press kept down attendance. Late in the week business picked up and it was decided to continue. Best takings after the Tuesday (31) debut were drawn Saturday night, when the count was around \$1,000.

Figured that Sunday performances voted in by Equity was a contributing factor in the changed plans. Monday the cast agreed to a salary cut. Play was written by Lawrence Langner and his wife, Armina Marshall.

New Combos

Continued from page 49

firms offering specialized service to the newer showmen. Service principally consists of advice in theatre and booking dates, accountancy and investment counselling.

Newest firm in the field is John P. Brennan, A. Myler Kier and William Maxwell, operating both in New York and Hollywood, accounts there principally applying to tax matters. Brennan, who has been personal representative for Schmidlapp, was accountant for the Selwyns. Kier, wealthy young Pittsburgher, who studied at Yale, was teamed with Schmidlapp last season in backing 'Walk With Music.' Business management is not new to him, being in charge of the Kier estate. He prefers to be affiliated with show business on the management end rather than the producing department. Maxwell is not identified as having a show business connection.

Number of New York attorneys have specialized in business management, most active probably being A. L. Berman, who acts for Buddy De Sylva and Ed Wynn, in addition to a number of players.

Shows in Rehearsal

'Romantic Mr. Dickens'—John Tuerc.

'Mornings at Seven' (road)—Nat. Playboys Guild.

'Hi-Ya Gentlemen'—Alex Aarons, Robert Ritchie.

'The Corn Is Green'—Herman Shubert.

'Horse Fever'—Alex. Yokel.

'All in Fun'—Leonard Sullivan, Phil Baker.

'Fledgling'—Otis Chatfield-Taylor.

'Conquest in April'—Louise Carpenter, Adelaide Finch.

Serlin-Shuberts

Continued from page 49

tributing system as in Boston. In the drama section last Sunday (3) an expose was printed in the Times over the byline of Jack Gould, signed to the Hub to investigate the complaints of 'visiting managers.' Article led off:

'Acquisition of Boston's largest ticket agency by the Shubert interests, who already control five of the city's seven theatres, has precipitated a bitter row over the perennial problem of theatre tickets. Objecting showmen named are Buddy De Sylva, the Playwrights, Katharine Cornell, Eddie Dowling, Ed Wynn and Rowland Stribling. Called the Shuberts through Herriek's force patrons from the boxoffice to the agency, where they must pay 75c premium.

It is detailed that when Frank C. Herriek died last year his agency was sold, but there was mystery over the identity of the purchasers. According to the records, the officers are Milton Wolf, of New York, brother-in-law of the Shuberts, his wife, Dora, sister of the Shuberts, Mrs. Martha Levey, also related, and Carl E. Seligson, Jr., attorney for the Shuberts in Boston. Mrs. Wolf is now in the boxoffice of one of the Shuberts' F.iston theatres. When Herriek's was taken over, the offices were moved to the Copley theatre building, owned by the Shuberts. Orders were then issued to Shubert treasurers not to deal with other agencies.

Those agencies soon complained they were not able to secure desirable location for shows. They started court proceedings, alleging monopoly and restraint of trade. Milton R. Weinberger, a Shubert lawyer who is also attorney for the League of New York Theatres and who is said to have helped frame the Mitchell ticket law, managed to settle the action. Hub brokers explained they were forced to discontinue the suit because they would have been forced out of business before a court decision could be reached. Herriek's agreed to better allotments, but the 25c nick still applies.

Lee Shubert Explains

Lee Shubert, in New York, declared that the reputed complaints from other showmen are phoney and inspired by gyp brokers in Boston. Shubert, defending Herriek's, which he says is practically a central ticket office, added that complaints had been received from patrons that they could not get tickets until the curtain time of performance and charged the brokers with holding back tickets, then dumping them back. He further claimed that by Herriek's supplying other agencies, all tickets could be traced in event of complaints of overcharging.

Shubert is quoted saying: 'It's easier to do business with one agency. It's easier to follow the tickets. We've always wished there was one in New York. The gyps got all the tickets in Boston. Now that's been eliminated and that's what they're all sore about.'

Manager also explained why Herriek's is not getting 'Father' tickets, saying that if it made a buy for that show, buys will be sought for other attractions (buys are ruled out on Broadway by the ticket code because of abuses by managers and brokers). Reason why Serlin booked an indie Boston house was also explained by the United Booking Office (Erlanger and Shuberts). 'Father' is playing an indie house (Blackstone) in Chicago, thereby 'penalizing' UBO, and therefore an increased booking percentage was demanded for Boston to equalize the loss of potential profits in Chicago.

S. G. Harris launches a stick company at the Broadway theatre. 'Mort,' Bergen, N. J., next week with 'What a Life,' with several players from the original New York cast.

Inside Stuff—Legit

Comparative thickness of theatre programs, as a possible indication of a show's boxoffice prospects, has long been a matter of speculation and comment in legit circles. Question is whether the number of pages in the program (determined, of course, by the amount of advertising) bears any direct relation to the probable success of the show. Naturally, once a show is established as a hit its program draws much more ads. Also, musicals nearly always get more program advertising than straight plays do. However, likely-looking dramatic shows, particularly those for established managements, such as the Theatre Guild, Sam H. Harris, etc., ones with name stars, such as the Lunts, Helen Hayes, Cornell or Bankhead, or ones written by name authors like Kaufman, Sherwood, Cole Porter, are sure to attract heavy advertising in advance.

For whatever it's worth, then, the following are the number of pages in the programs for last few weeks' openings: 'Blind Alley' (12), 'Charley's Aunt' (12), 'George Washington Slept Here' (36), 'Ballet Russe de Monte Carlo' (36), 'Cabin in the Sky' (28), 'Tis of Thee' (16), 'Suzanna and the Elders' (24), 'Panama Hattie' (44), 'Return Engagement' (16). Other recent openings and established hits include 'Journey to Jerusalem' (36), 'Time of Your Life' (16), 'Boys and Girls Together' (40), 'Hold On to Your Hats' (44), 'DuBarry Was a Lady' (36).

General comment about youthfulness of recent Gilbert & Sullivan repertory at the 44th Street, New York, failed to mention appearance of Play Arts Theatre Group of Baltimore. Broadway in June, 1928. Pioneer G. & S. group did 'Patience' to good returns and favorable critical response. Youthful group numbered several members who stepped into more ambitious company. Lillian Moore, solo danseuse at the Met, Eleanor Elberidge and Loral Shaw, who appeared in several Ziegfeld shows; Wilma Lyon, who stepped into Willard Mack's 'Gang War' and later the 'Grand Street Follies'; and Donald Kirkley, present drama and film crack of the Baltimore Sun, were some of the members of that troupe. Company, under the direction of Tom Cushing, is still going strong and has turned out graduates into every branch of show business. Recent alumni includes Stan Shaw (Millman's matinee), Mildred Natwick, currently in pix; Louise Platt, 'Stage Coach' and 'Captain Cautious'; Virginia Fox and Melva Forsythe, who were members of Winthrop Ames' G. & S. troupe; Dean Gehring, in current N. Y. company; Esther Kains, who was in the 'Vandites' and is at present married to songwriter J. V. Monaco; Gary Moore, NBC comic, and many others. Present season, its 14th, is again essaying G. & S. rep, with 'Pirates of Penzance' current.

Dr. H. A. Covelier, midtown N. Y. doctor, received a verbal correction from Equity, which had been stated that he was not on its list of recommended physicians. Check-up showed that he was listed from 1932 to 1937, at which time Equity discontinued printing the names of doctors in its monthly magazine, following the action of the county medical association. Latter resolved that such listing was unethical and tantamount to advertising, which the medicos prohibit. Currently the monthly does list a single New York nose, ear and throat specialist. Equity makes no explanation for the exception, but no other metropolitan physician is named in the mag.

Doctors in key cities, however, are listed for the convenience of actors on the road, it is stated. Upon request names of New York doctors are furnished, those offering special service or a discount. Matter of Dr. Covelier arose when his fee for attending the late Bertion Churchill was questioned by his family, who, however, paid the bill through a Lamb's club official. Dr. Covelier defended his right to fix the fee and said he had treated a number of Equity members who were broke without charge.

Buddy DeSylva's concurrent three Broadway stage musicals are emphasized as passing a former Ziegfeld record, but it's equally rare that a librettist and composer have two smash musicals running at one and the same time. 'Cole Porter did the tunes both for 'Panama Hattie' and 'DuBarry Was a Lady,' and Herbert Fields co-librettized both. Incidentally, DeSylva figures as a co-author in both, although in 'DuBarry' he's merely credited for the 'story idea,' whereas 'Hattie' gives him equal book-authoring billing with Fields.

DeSylva's third musical smash, 'Louisiana Purchase' is a Morris Ryskind book with Irving Berlin's songs. Berlin is actually co-produced with DeSylva and half-owner thereof, but elects not to claim any impresario billing, as he has designed in former, self-financed musical comedy hits of his own writing.

Tryout of their new Americanized comedy labeled 'Ass and His Shadow' at Cleveland's community Play House tomorrow night (Wed.) is a Broadway buildup for Jan Werich and Jiri Voskovec, refugee Czech playwright-comedians, who are getting a number of well-heeled Clevelanders interested in their project to establish a New York theatre of their own. Working on the Manhattan end for them is Herald J. Rome, who composed the songs for 'Pins and Needles' as well as 'Sing Out the News.'

Composer's interest in the two Czechs, who operated their noted Liberated Theatre in Prague for 10 years until Hitler shuttered it, stems from the time when he saw their unique pantomimic comedy work in 'Heavy Barbara' last season. As result of that musical satire on dictators in their American bow, Rome wrote most of the tunes and lyrics for their new comedy ribbing European tyrants.

Things have been breaking right and left for Thomas Job since his appointment to the faculty of the Carnegie Tech Drama School in Pittsburgh. Author of only one previous Broadway show, 'Barchester Towers,' which Ina Claire did for Guthrie McClintic, he has within last two weeks sold two plays for production this season. Bill Fields, Playwrights p.a., visited Job while in Pittsburgh ahead of 'There Shall Be No Night,' and bought playwright's 'Not to the Swift' for Cornelia Otis Skinner, while firm of Mr. and Mrs. Julian Olney and Felix Jacques are already casting Job's 'Dawn in Lyonesse.'

Richard (Dick) Berger, managing director of the St. Louis municipal opera company, has an interest in 'Beverly Hills' being presented at the Fulton, N. Y. Thursday (7). He goes to St. Louis this week to handle the show to be staged at the Auditorium there Sunday (10) signaling the drive for the United Charities fund. No admission will be charged for the entertainment, which will be topped by the St. Louis symphony orchestra. Raymond Massey, John B. Kennedy and the munny opera chorus, led by Robert Lawrence.

Actors' Service, Inc., is operating a reading room, lounge, telephone message service, advance production list and lending library for Broadway actors. Located just off Times Square, it is operated by Anne Douglas and Lucy Storm. Fees are \$1 monthly, plus 25c. for registration. Some such idea has been advocated for some years. Several previous attempts to establish such a venture failed to get beyond the proposal stage.

Caldwell, Rome Collab

Erskine Caldwell is collabing with Harold J. Rome on a musical. It's a political satire on South America. 'Tobacco Road' author is doing the book while Rome, who's best known for his material in 'Pins and Needles,' is doing music and lyrics. Caldwell, while in Mexico recently, gathered color for the work.

Gordon Signs Trevor

For Spewacks' 'Different'

Hollywood, Nov. 5. Max Gordon signed Claire Trevor for the lead in 'Spewack's Different,' play, 'Out West It's Different.' Play heads for Broadway after out of town breakin.



EDDIE GARR
America's Distinctive Entertainer
OPENING IN NOVEMBER

"HELLZ-APPOPIN, JR."

Met: WM. KENT
1776 B'way, New York

WHAT THEY THINK

Many Aussie Showfolk
New York.

Editor, VARIETY:

There has never been a time when the American papers have contained so much news about Australia. Only recently an exchange of diplomatic representatives was established, Richard G. Casey becoming Australian Minister in Washington, and Clarence E. Gauss becoming U. S. Minister in Australia. There have been many rumors of our acquiring bases in the Antipodes.

It may not be generally realized that many men and women, well-known in public life here, especially in show business, are of Australian origin. I was born in Tasmania, of Australian parents. Merle Oberon is from Tasmania, and Errol Flynn spent much of his early life there. Mrs. Humphrey Ward, famous novelist of a generation ago, was from Tasmania.

May Robson, now "the grand old lady of Hollywood," was born in Australia, and Kerry Kelly, Hollywood costume-designer, is an Australian. In New York, many popular nightclubs and bars were decorated by Vernon MacFarlane, from Aussie.

Judith Anderson, dramatic actress, is an Australian, and Percy Grainger, the noted pianist, hails from the Antipodes. Lady Suzanne Wilkins, winner of the polar explorer, is from Australia, and formerly appeared on Broadway, in a Winter Garden production. In the realm of grand opera, many celebrated singers came from Down Under. Nellie Mitchell, from Melbourne, gained fame as Mme. Melba. Over a generation ago, Frances Saville, from the Antips, sang at the Metropolitan Opera House, and later was followed by her niece, Frances Alda. In the early 1900s, many plays by the Australian Haddon Chambers were applauded on Broadway.

And it should not be forgotten that the continent once produced a champion heavyweight of the world in the person of Bob Fitzsimmons.

American performers have always been especially popular there. Charlotte Greenwood, now back in Hollywood pictures, stayed there for years. And Will Mahoney is still there.

American-made movies are the chief entertainment of the Antipodes. Harold Seton.

Carroll Clucas' illness.
Bath, N. Y.

Editor, VARIETY:

Will you be so kind as to give me any information of the following persons, all former associates of mine at one time or another, in vaudeville and legitimate companies, that you may know? Since my complete break in health and being domiciled here I have lost track of many of my friends, and some of them I would like to write to, sometime.

The people are Marion Murray (my former partner, when with Lewis & Gordon); Martha Hedman, ditto; Dolly Lewis, ditto, when with Billie Reeves, for Gordon Bosstick; Alma Nielson and Dan Ely, Irene Franklin, Mary Haynes, Harry Berry and his 'Sunkist Vanities', Lew Fields ('Hello Daddy' Co.), George Hassell and Mrs. Hassell, Wilfred Clarke, Theresa Maxwell Conover, Madeline Grey, Billy Taylor, Giersdorf Sisters (one of them Mrs. Billy Taylor), Allen Kearns, Leonard and Willard (Jessie Leonard and Flo Bennett used to have a shop in Baldwin or Freeport, L. I., I believe), Charles 'Tex' Hendrix (used to be 'Texaco' female impersonator), Arthur Alexander (Alexander and Scott); Joe Bennett (Bennett and Richards). These are but a few of the 'I-don't-where's'.

Your personal interest in my behalf will be greatly appreciated by C. Carroll Clucas, (Ex-Sergeant, U. S. Marines), U. S. Veteran's Administration, Co. 3

Add: Radio Mispronunciations
Editor, VARIETY:

Recently in VARIETY you printed my comments on the careless diction of various news commentators. I especially stated that Raymond Gram Swing, Gabriel Heatter, and a few others, were of course not included in this category. Since mailing you that letter I have made notes of some of the many mispronunciations broadcast from various stations.

The President is persistently referred to as 'president,' secretary is called 'secketry,' and when the regular army is mentioned, it is called 'reglar.' One commentator frequently calls the Mackay company 'MyKue' instead of rhyming it with 'Mackay'.

'Jackay,' and terms the French port of Boulogne 'Bologna,' the mispronunciation confusing it with the Italian city which has provided our American slang with the word 'baloney'.

And, when it comes to politicians, the radio and sound-pictures reveal the significant fact that a considerable proportion of these gentlemen are in obvious need of lessons: in diction. Surely it is not 'snobbish' of us to prefer our leaders, whether they be congressmen, senators, governors or other representatives, to be able to use good grammar, and to pronounce words as designated in the dictionary and as generally pronounced by persons of education. I am ready and willing to admit the worth of a man who may be 'rough diamond,' but it will be generally agreed that, with a little 'polishing,' such 'diamond' would 'sparkle' much more brilliantly. (And some people call diamond 'dimin'.)

Harold.

ASCAP's Too Abusive?
Jamaica.

Editor, VARIETY:

I create stunts and audience participation ideas for dance bands. These bands pay me a royalty for their use.

I know that I can only collect my royalties as long as the bandleaders consider my demands reasonable. It's not what I consider a reasonable amount—it's up to them, for they're the babies who sign the paychecks.

Harold.

House Reviews

Continued from page 47

FOX, ST. LOUIS

'Flight of the Bumblebee' by manipulating his fingers against his lips. The line in a colorful production number, 'The Three Musketeers,' leads to the top of the ladder and Hardy. It's their first p.a. here and in the garb they wear in the talkers, score right off the bat. After their jump stuff they join James C. Brown in a skit with a lot of interaction with a cop. They swipe the latter's lunch, ignore his questions and wind up the guffaw with a bunch of rough house stunts when they dance Morton's nose with ink, bang him on the dome with a tin platter, tear his breakaway coat and pour water down his pants. Then the entire troupe parades to the stage to bring the festivities to a finale. The orch is entirely local. Sahu.

LYRIC, INDPLS.

Indianapolis, Nov. 1.
Tommy Tucker Orch. Amy Arnell, Kerwin Summerville, Donald Brown, Billy White and Four Fays, Bobby Gilbert, Fort Sydney, Stiller Twins, Tugboat Annie Sails Again' (WB).

Coming to town for the first time, Tommy Tucker orch. move off the networks and records to the stage of the Lyric for 68 minutes of well rounded entertainment. Three-rhythm, two-trumpet, two-trumpet and four-sax sections work smoothly, and most of the arrangements show sparkle and originality. However, band leans too heavily on novelty tunes.

Some of the numbers, namely, Kerwin Summerville's 'Man Don't Come To Our House Anymore' and 'Seven Beers With the Wrong Woman,' plus Amy Arnell's 'Papa's in Bed With His Bride,' are mighty good. Fort Sydney's 'The Dance Platform,' but it's an overdone for a family audience. One would be enough with more emphasis on the pop tunes which are done well by the band. In the pop department, band works out on 'Down by Ohio' to open, following with Donald Brown singing 'Stepping Out With Memory Tonight' and 'The Berry Hill.' Brown is a neat-looking and has nice pipes.

Band does 'Call of the Canyon' and 'Trade Winds' with vocal chorus and nice lighting on boys in bare on last number. The Fort Sydneys are apparently a new act, with three girls and a man practicing some difficult tricks on bicycles. Performance was a little uncertain at show caught, but must be given for imagination. Girls build up on man's shoulders to three high on one bicycle; also do a trumpet chorus on high unicycles; and an entire company mounts a palm tree mounted on a bicycle for finish. At show caught, tree got topheavy and fell over just at the finish. A little more practice will make it all right. The Fort Sydneys are all to the good in an orchestra show. Sisters, neatly outfitted and nice looking, do three rhythm tap numbers to good response. Bobby Gilbert, with the orchestra playing his fiddle until his turn comes, and then move down front to go through his well known act of making the fiddle talk. Comes

If they don't like my demands, all they've got to do is simply quit using my stuff. If it's going to cost them more than they feel it's worth, I'm out of luck. There's no collective bargaining in this business.

I'm afraid that's the situation ASCAP is in with relation to the broadcasting industry. ASCAP is the employee; broadcasting is the employer. If the employer doesn't like the wage demands of the employee, that's all, brother. It doesn't matter what the employee thinks his services are worth; it ain't money in the bank until the employer agrees. If the latter is willing to take the consequences of doing without the services of the former, that's up to him. You may not like it, but if you're practical you'll admit he holds the whip hand.

It seems to me that's the ASCAP-NAB situation when you get right down to it, and I don't know what all the mimeographic malarky that gets away from these essentials, as released by both sides, has to do with it.

As a creative worker myself, my sympathies certainly go out to ASCAP. I hope they wind up by making a deal very favorable to themselves. But I wonder if they're going about it the right way.

Call me gutless if you like, but as an employee with a new contract pending I don't think I'd dish out some of the things against the boss that the music boys have of late. That's no way to get him in a mood. No matter how just my cause I'd try to be diplomatic in handling the negotiations. After all, he is the Boss. He throws the fish on payday. Ray Harvey.

TOWER, K. C.

Kansas City, Nov. 2.
Joe Sanders Orchestra with Adrienne and Red Hodgson; Lester Harding, Maribeth Olds, House Line; 'Yesterday's Heroes' 20th.

Although a favorite of K.C. dance followers for two decades, Joe Sanders has been seen less frequently on the stage. Consequently this booking into the Tower after a fortnight in the Manhattan Grill (supper spot) was a good choice by Manager Barney Joffee. It's becoming regular to have the Grill bands play at the Tower (since Joffee manages both show and supper) and the hotel engagement, but this one is a bit emphatic because of Sanders' home-town supporters.

As a musical organization, the crew is in the class of better bands. As an entertainer the show it offers has both ups and downs, but finishes in the black. Featured is Red Hodgson, who clicks as a novelty singer on a brace of tunes and a deserved encore. Sanders, at the piano, m.c.s via a hand mike, chimes in with the lyrics on some of the band numbers. What clicks better than his versatile band also offers Adrienne, an Illinois youngster, as featured songstress; she's on the jive side but has some steps yet to climb to front a band.

The 50 minutes are considerably lifted by the contributions of the house standbys and the weekly amateur. Lester Harding, the regular singing m.c., is spotted midway in a neat song specialty. Doxy, a variety of John McCormack, the late Cantor Rosenblatt, Bing Crosby and Lawrence Tibbett, Harding's versatility won a deserved encore. Singer has basic idea and execution of a standard vaudeville act.

The continual striving of Joffee and Producer Frank Tracy to locate talent in the amateur ranks is fully rewarded this week in Maribeth Olds, an 18-year old acro-contortionist from Chanute, Kans. Besides being all that could be asked in 20's, the girl has reached the zenith in limberest forward and backward standing flips, and tops with a bit of sitting on her head. Also scoring are two numbers by the eight line girls, a waltz neatly costumed to 'Walking Up in the Sky' and later a football-tossing romp.

This combo of the Sanders crew, sticking mostly to the warmish rhythms, and, by the way, the regulars run up over the usual running time but it's generally to the patrons' advantage. Screen piece (footballer) is helping at the b.o. on the angle of timeliness. Guin.

Football

By Dick Fishell

(WHN, N. Y., Sports Commentator)

Alabama-Tulane
Tulane's record is unimpressive while 'Bama has found a scoring punch and should top the Green Wave.

Auburn-Clemson
The Clemson Tigers hit their peak too early in the year, while Auburn is on the rise. Auburn will win.

Arkansas-Rice
Here's a tossup, with Arkansas, the underdog, reaching great heights to topple Rice.

Columbia-Wisconsin
The Columbia Lions will have to depend purely on their passing. The Wisconsin Badgers have a versatile attack, sparked by the hard running Paskvan. The Big Ten is supreme in this test.

Fordham-Purdue
Here's a dogfight that finds the Rams a favorite. Unless Crowley's boys have a letdown; they should take the Boilermakers.

Holy Cross-Mississippi
Holy Cross is a major disappointment of the year. It's injury-riddled and cannot hope to stem the Mississippi tide.

Indiana-Michigan State
Indiana's record is unimpressive while 'Bama has found a scoring punch and should top the Green Wave.

Kentucky-Georgia Tech
LSU-Mississippi State
Manhattan-Marquette
Minnesota-Michigan
Nebraska-Iowa
Northwestern-Illinois
Oregon-UCLA
Oregon State-Wash. State
Penn-Harvard
Pittsburgh-Carnegie Tech
Princeton-Dartmouth
Rutgers-Lafayette
USC-California
SMU-Texas A&M
Stanford-Washington
Syracuse-Penn State
Temple-Villanova
Texas-Baylor
Army-Brown
Navy-Notre Dame
Yale-Cornell

Navy game, Penn should win going away.

Pittsburgh-Carnegie Tech
Pitt should take command and win as its pleases.

Princeton-Dartmouth
This is not a Dartmouth year and the Princeton aerial game should prove that conclusively.

Rutgers-Lafayette
The championship of the little schools will be decided as Lafayette knocks down Rutgers and remains unbeaten.

Southern Cal-California
USC is too potent to be stopped by off-beaten California.

Southern Methodist-Texas A & M
The southwest title comes to a head with this game. Texas Aggies are scheduled to retain their championship by winning a hard-fought game.

Stanford-Washington
Here's the Pacific Coast title-maker. It's an even game, but our vote goes to Stanford because of its hipper-dipper offense.

Syracuse-Penn State
This is a flummery Syracuse outfit,

Probable Football Winners

(And Proper Odds)

GAMES	WINNERS	ODDS
Alabama-Tulane	Alabama	8-5
Auburn-Clemson	Auburn	8-5
Arkansas-Rice	Arkansas	5-8
Columbia-Wisconsin	Wisconsin	6-5
Fordham-Purdue	Fordham	11-5
Holy Cross-Mississippi	Miss.	3-1
Indiana-Michigan State	Mich. State	5-7
Kentucky-Georgia Tech	Ga. Tech	6-5
LSU-Mississippi State	Miss. State	7-5
Manhattan-Marquette	Marquette	Even
Minnesota-Michigan	Michigan	Even
Nebraska-Iowa	Nebraska	3-1
Northwestern-Illinois	Northwestern	4-1
Oregon-UCLA	UCLA	7-5
Oregon State-Wash. State	Oregon State	11-5
Penn-Harvard	Penn	4-1
Pittsburgh-Carnegie Tech	Pitt.	4-1
Princeton-Dartmouth	Princeton	12-5
Rutgers-Lafayette	Lafayette	8-5
USC-California	USC	12-5
SMU-Texas A&M	Texas A&M	12-5
Stanford-Washington	Stanford	Even
Syracuse-Penn State	Penn State	2-1
Temple-Villanova	Temple	5-8
Texas-Baylor	Texas	2-1
Army-Brown	Army	6-5
Navy-Notre Dame	Notre Dame	3-1
Yale-Cornell	Cornell	6-1

Boxscore to Date:
Right, 105; Wrong, 34; Ties, 8; Pct., 75%
(Ties not counted)

Indiana-Michigan State
A great passing duel should ensue as Hursh meets Davis. A break will decide this game and Michigan State gets the edge.

Kentucky-Georgia Tech
Kentucky is just a fair ball club. Georgia Tech has been kicked around and is now ready to kick back. Tech to knock off the Colonels.

La. State-Mississippi State
Louisiana just doesn't have it while Mississippi State is the dark horse of the south with a well-rounded attack. State gets the verdict.

Manhattan-Marquette
Manhattan has been installed the favorite, but it's actually an even game. Marquette to win.

Minnesota-Michigan
The highlight game of the week, between two undefeated teams. Minnesota has had many breaks, while Michigan won its games decisively. A two-week rest gives slight edge to Tommy Harmon and company.

Nebraska-Iowa
Iowa doesn't seem to have the cohesion. Nebraska is a powerhouse and should ram its way to victory.

Northwestern-Illinois
Bob Zuppke has been looking for an upset but this is not the spot. Northwestern should romp over Illinois with ease.

Oregon-UCLA
Without a single major victory to its credit UCLA is long overdue. The tide changes and it's a victory for the Uclans.

Oregon State-Washington State
Oregon State has too much scoring punch to be denied. Still score early and often to get the nod.

Penn-Harvard
The Harvard just don't have the material. With no injuries in, its

and Penn State will profit by its mistakes for victory.

Temple-Villanova
Villanova is the favorite, but the Temples are coming and will grab the decision.

Texas-Baylor
These are always slugfests, but the versatility of this Texas team will outgo and outscore the Baylor Bears.

Army-Brown
Brown's a pretty good team, but the soldiers, after a disastrous start, have found themselves. The Army gets into the win column.

Navy-Notre Dame
No trouble here, as the Irish get back into stride to score at will.

Yale-Cornell
This is merely a matter of how many touchdowns the Cornells want to manufacture.

'Father'

Continued from page 1

Radio program will be timed to follow the first act in New York and Boston, and be just before the first act in Chicago. It will include a special skit written for the occasion, by Lindsay and Crouse. Producer Oscar Serlin is scheduled to make his air debut in the broadcast, but has been showing signs of nervousness and, according to colleagues, may take a powder from that portion of the proceedings.

Beginning Friday night, Lindsay and Dorothy Stickney (Mrs. Lindsay) will have featured billing. During the year's run the two juve actors who play the younger Day children have been changed as the first pair outgrew the roles.

"Lovely skin wins!"

Try ACTIVE-LATHER FACIALS for 30 days

THESE Lux Toilet Soap facials really work—for gorgeous Madeleine Carroll, for stunning Paulette Goddard. Try them regularly and see what they'll do for you.

Gently pat Lux Toilet Soap's ACTIVE lather into your skin. Rinse first with warm water—then cool. Dry the face with quick, light pats. Now look in your mirror! ACTIVE lather has removed every trace of dust, dirt and stale cosmetics from your skin. See how fresh your skin looks—how smooth and soft it feels. You'll love this gentle beauty care.



Madeleine Carroll



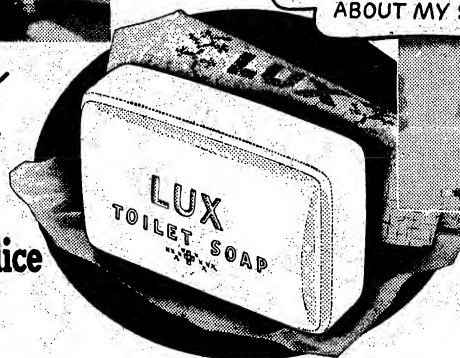
Paulette Goddard



I'VE FOUND THE RIGHT CARE FOR MY SKIN—THESE LUX SOAP ACTIVE-LATHER FACIALS REALLY WORK!



I TAKE A LUX SOAP ACTIVE-LATHER FACIAL ALWAYS AT BEDTIME. THAT MAKES ME SURE ABOUT MY SKIN!



Madeleine Carroll
Paulette Goddard

in Paramount's

"North West Mounted Police"

Now Showing Locally

**9 out of 10 Screen Stars
use Lux Toilet Soap**

SCREEN

RADIO

MUSIC

STAGE

VARIETY

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VOL. 140 NO. 10

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HOLLYWOOD'S WAR CYCLE

Gen. Johnson and Radio

Gen. Hugh Johnson has created an embarrassed silence that will probably embarrass him hereafter. This is the result of his injection on Election eve of the Jewish race and his unflattering mimicry over WOR, New York, of Yiddish dialect. With the exceptions of the Daily News and PM, no New York newspaper referred to this faux pas on Election Day, but the next day his paper, the N. Y. World-Telegram, carried a full-page box on page two disclaiming any responsibility for the radio remarks of its columnist.

Johnson on Thursday (7) said he was 'astounded that part of a radio speech by me was regarded as anti-Semitic. . . . He then went on to praise Jews as loyal citizens and lovers of peace. He also included letters from Bernard Baruch and Sol A. Rosenblatt, counsel for the Democratic National Committee.

The embarrassed silence definitely will have one result. Johnson will be on the 'be careful' list of radio stations hereafter, along with the padre of Royal Oak. Several affiliates have already told their networks that Johnson is too risky.

EMBRACING ALL MILITARY PHASES

Films Range from Conspiration and National Defense to U. S. Flyers with the RAF—Adventure and Action—the General Key-note

SUDDEN UPSURGE

Tipoff on the type of pictures America next will find flooding its screens is offered by a gander at titles to which major companies are laying claim for future productions. Tags for 36 different films dealing with conscription, flying and other phases of war and defense have been staked out during the past 30 days. There's every reason to believe, of course, that nothing more than a title and an idea exist for most of these pictures and that half or more will never be made. It, nevertheless, is a strong indication of the channel (Continued on page 29)

Bing Crosby Talks of Air Retirement But Agency Discounts Any Walkout

Bing Crosby goes back on the Kraft program (NBC-red) tomorrow night (Thursday) and the J. Walter Thompson agency figures that he will go on being there after the first of the year although Crosby continues to talk about getting out of his contract with the agency and quitting radio altogether. Crosby states that he has no intention of taking another commercial. All he wants to do is to take it easy for a year or two.

At no time, it was pointed out by the Thompson agency yesterday (Tuesday) has Crosby directly suggested (Continued on page 61)

MAYO BROS. AGAIN NIX BID FOR FILM BIOG

Overtures recently made by RKO to the Mayo Clinic for a film biog of the famed brothers and their Minnesota establishment have been turned down. RKO was told it was impossible, just as Paramount, Samuel Goldwyn and Warner Bros. have been informed in the past.

Nix is a result of medical ethics, which would class the film as publicity and advertising, both taboo. Mayo Clinic is a private affair and every doctor in the country would squawk, it is feared, should it be plugged in a film.

RKO had a story tentatively lined up under either the tag 'Dr. Will and Dr. Charlie' or 'Then Came the Mayos.'

Willkie Yearns for a Good Radio Crossley; F.D.R.'s 38.7 a New High

Robeson Favors Seattle; 'More Free of Prejudice'

Seattle, Nov. 12. Paul Robeson, Negro baritone, here for an appearance at the University of Washington, says the Robesons will move from New York to Seattle, to permit Paul, Jr., aged 13, to attend the public schools here. He likes chances for 'an American education' in this city which he says is 'more free of racial prejudice.'

Wendell Willkie, who announced on a broadcast Monday night (11) over all major networks that he intends continuing as leader of a 'minority opposition' to the New Deal, will undergo an intensive tutoring on microphone technique. He intends getting coaching from several top radio performers, continuing for at least six months.

Defeated Republican presidential candidate has not indicated whether he intends running for any public office, but according to several confidants in show business, he is convinced that his faulty radio delivery cost him many votes in the recent election and he is determined to correct the fault.

President's Record
President Roosevelt during the recent political campaign not only set a new high in ratings for political broadcasts but the Co-operative Analysis of Broadcasting figures show that his speeches drew far greater audiences this time than they did in the 1936 campaign. The President's top rating in this campaign (Continued on page 58)

NEW YEAR'S EVE IN NOVEMBER ON B'WAY

Saturday night (9) along Broadway was comparable to New Year's eve, with legit boxoffices and agencies selling all tickets on hand. Uptown, which followed a weak first three days in theatres directly attributed to the Presidential election, was explained by an influx of visitors arriving in town for the weekend that terminated Monday (11), Armistice Day.

That holiday is growing in importance yearly, but managers as a whole have not considered it for purposes of an extra matinee. Some showmen accepted the suggestion (Continued on page 63)

ACTRESS BITES AGENT

Carole Lombard's 10% Commission Joker in Selznick Pact

Hollywood, Nov. 12. Carole Lombard apparently went to a lot of trouble to prove no one in Hollywood reads the contracts he signs—but it was worth it. Her agent, Myron Selznick, was abaze when Miss Lombard disclosed today (Tuesday) that by the terms of the pact he signed with her he was to pay her the 10%.

Revelation came forth at an arbitration hearing on Miss Lombard's petition to void her tie with Selznick. She claimed improper representation, citing her contract as proof that Selznick doesn't read what he signs. Lead sentences in the contract she had drawn up were similar to those in the standard form, with the Joker inserted in the later paragraphs.

AMOS 'N' ANDY'S 3,500TH

Hollywood, Nov. 12. Amos 'n' Andy will air their 3,500th episode on Friday (15). They pass the 700th week with the succession broken by only one brief summer layoff.

Music Publishers Bitter at G. W. Hill; Call Him 'Too Quick on the Trigger'

Dropping off 'Lucky Strike of Happy Days Are Here Again' as the theme for its Hit Parade (CBS) entails a loss of \$100 a week to the publishing firm of Ager, Yellen & Bornstein. That's the amount that American Tobacco has been paying this publisher for years so that it can have the exclusive rights to the number as a theme song. Move was in line with the networks' request that commercials adopt non-ASCAP themes in preparation for a break with ASCAP Jan. 1.

American Tobacco's readiness to conform with the networks' wishes has produced no little bitterness within music publishing circles. George Washington Hill, they point out, has made no move to divest himself of the wealth of fresh material that the industry makes available to him weekly at a comparatively insignificant cost but when it comes to saving himself \$100 by changing themes he's extraordinarily quick on the trigger.

Paleys of CBS Learned Spanish As an Asset And Curtsey to Latins

William S. Paley and his wife spent two hours a day for the past six months learning to speak Spanish so that they would have the lingo handy when they made that long-extended tour of South America. The Paleys started that tour Thursday (7) along with Paul White, CBS public and news events director, and Edmund Chester, director of foreign broadcasts.

It's all being done by transport plane and the party will be back just before Christmas.

The Paleys' effort in acquiring a working knowledge of Spanish will probably score a hit with Latins who make little effort to hide their impatience that most Yankees never pay them this compliment.

Charlie Kunz Denies Espionage Via Piano

London, Nov. 12. Charlie Kunz, doing a keyboard specialty in vaude, had to send his manager down to the press boys pleading for published denial of rumor tagging him a spy.

Story circulated that Kunz sent secret messages over the ether via piano code when his act broadcast. Stunt is exactly that represented by comedian George Formby in a recent film.

THEATRE 'LOVE SEATS' VERY POPULAR

Milwaukee, Nov. 12. 'Love seats' wherein ardent couples can cuddle and coo to their hearts' content while watching (at intervals) the picture screen in front of them are the newest thing in seating arrangements in this territory, and they're clicking. The novelty made its first local appearance this past week in the remodeled Tosa theatre, which has been leased from (Continued on page 62)

Gert Stein It Certainly Is on Duchess Windsor

Gertrude Stein's new book, 'Jda,' which will be published in February, will have an unusual blurb on its jacket flaps. Written personally by the publisher, Bennett Cerf (Random House), it will announce that he doesn't 'understand' a single (Continued on page 62)

Steinway Scion Gives Credit to Radio As An Aid to '40 Piano Sales

St. Louis, Nov. 12. That the radio is making people more music conscious with the result that 135,000 of the instruments will be manufactured in the U. S. this year was the assertion made here last week by William R. Steinway, European manager of Steinway & Sons, who paused here on a nationwide business trek. In commenting on the piano output this year Steinway pointed out that only 37,000 were made in the U. S. in 1933, the worst year in the history of piano manufacturing.

A member of the third generation of the family that has been manufacturing pianos for 87 years, Steinway said the Germans had bombed Steinway Hall in London's Mayfair district and not an unbroken window remained.

Arthur Rule, No. 1 Legit Fan, Dies In Mason City

Mason City, Ia., Nov. 12. Arthur L. Rule, 64, died at his home here Nov. 4 of heart disease. Rule could aptly be termed America's No. 1 playgoer, for he traveled throughout the country to eye the best in legit stage shows. In his Mason City home for the past 30 years he entertained the stage greats of three decades who were in town appearing at the Cecl theatre.

He was known to most players of prominence and numbered among (Continued on page 61)

'If You Can't Abuse 'Em, Use 'Em,' So H'wood Makes Pix About Radio

Hollywood, Nov. 12. Old Man Tallyrand, one of the world's slickest diplomats, said in effect: "If you aren't strong enough to abuse the enemy, use him." The motion picture industry has ceased to abuse radio and is using it as a background for a score of films, and more, to come.

Practically every major studio is producing or preparing features dealing wholly or in part with broadcasting. Some of them are built entirely around the microphone, and there, "no answering kickback from the exhibitors, who used to protest against the inroads of the ether programs on the film business."

Paramount leads the studios in the use of radio backgrounds for the screen, with six features of that nature completed, in production or in preparation. "Love Thy Neighbor," the Jack Benny-Fred Allen starrer, (Continued on page 56)

Muscle Men For Juke Boxes Annoy Mayor

St. Louis, Nov. 12. Juke boxes will be barred in East St. Louis, across the Mississippi from here, by Hizzoner John T. Wanger, if rural distributors of the machines don't cut out the rough house stuff recently displayed in their anxiety to place the coin makers in choice spots in the burg. Numerous complaints of strong-arm tactics have reached the city's chief executive and have irked him no little. The prop. of a tavern heeded that a juke box was tossed out of his second-story window by muscle men because a rival distributor had installed it. Several others have squawked about threats of physical violence.

Hizzoner declared "this racketeering must stop. It can't continue if the phonographs are to continue. It's up to everyone to keep the peace." Connors also said that fortissimo music that disturbs residents near clubs and taverns also must be toned down or else.

Ed Sullivan Fulfiling H'wood Yen; Returning As Trade Daily Editor

Ed Sullivan, recently repatriated Broadway columnist of the N. Y. Daily News, has decided as has his wife (Sylvia) that they love Hollywood more, and for that reason are returning to the Coast next Wednesday (20). Sullivan, following a three-year stint covering the film capital for the News, yenned to come back to Broadway, which resulted in (Continued on page 24)

Godfrey Tearle Quits As British Equity Prez

London, Oct. 29. British Equity lost its president, Godfrey Tearle, when thespian union affiliated with Trades Union Congress. Resignation of Tearle saw election of Lewis Casson to prey berth to fill out unexpired term.

Nicholas Hannen also stepped down from the Council as result of Equity going to bat for Sunday opening of legit.

Berlins Cruising

Irving and Ellen Berlin embarked on a West Indies cruise Saturday (9) from New York, accompanied by their writer-friend, Alice Duer Miller. Gloria Swanson and Alexander Woolcott are also aboard.

Will be partly recreation, especially in view of Mrs. Berlin's strenuous campaigning for President Roosevelt, but the songsmith is taking his portable piano and will do some work en route.

Wrong Numbers?

Hollywood, Nov. 12. Study of draft numbers here reveals a curious situation that has the town scratching its head. Early numbers almost all seem to be held by film men married or with other dependents, while most of the eligibles are down at the bottom of the list.

They're in the Army Now; No Fanfare As 'H'wood's Own' Marches

Hollywood, Nov. 12. Film industry's first organized contingent to join the national defense program for a year of active service shoved off for San Diego without a sign of Hollywood's customary showmanship. Commanded by Major W. S. Van Dyke, II, with Capt. James Roosevelt as adjutant, the 22d Battalion, U. S. Marine Corps Reserves, entrained quietly in the early morning at the old Santa Fe station. Bidding them farewell were a group of relatives, three newspaper cameramen and one newsreel outfit. There was no public demonstration.

Outfit, known as 'Hollywood's Own,' consists of more than 300 men, many of whom left lucrative jobs in the studios in response to the President's call to prepare for national protection. Among the filmies are Joel T. Ashely, Earl N. Kennedy. (Continued on page 56)

33-Year-Old Minn. Gov. May Become Film Theme

Picture based on the life of Governor Harold A. Stassen of Minnesota is being milled by Walter Wanger. Producer has had a member of his staff studying biographical material on the guy and taken other steps indicating his interest, although nothing definite has been set.

Stassen, at 33, is the country's youngest chief state exec and has been a prominent political figure in the midwest. He shot into particular limelight during the Republican convention last spring when he made the keynote speech.

Next on Wanger slate is a yarn about the Eagle Squadron of American aviators in Britain. It's in the scripting stage. With the readying of production, Clarence Erickson, Wanger business manager, trained on Saturday (9) for the Coast from New York. He had been east about three months, launching campaigns on "Foreign Correspondent" and "Long Voyage Home."

GIVE BARRY WOOD THE BIZ

Extra Stone, Lyn Murray Frame Singer in Providence.

Extra Stone and Lyn Murray, returning from Boston together last week, stopped off to catch Barry Wood's act in the vaude show at the Metropolitan, Providence. Pair arranged with the management to occupy two first-class seats and they amused the audience and heckled the singer by reading newspapers and yawning loudly during his turn.

However, Wood finally recognized them behind the newspapers and switched the laugh by getting them onstage, introducing them to the audience and inviting them to do an act.

Stone and Murray were separately visiting Boston, and met each other at the final performance of "The White Haired Boy," which George Abbott was trying-out there.

Karlweis OK'd Into U.S.

Cesar Karlweis, who was featured in the German film, "Two Hearts in Three-Quarter Time," has arrived in New York after a lengthy stay on Ellis Island. A refugee, he was detained while his papers and connections were checked.

In addition to his film work, he owned the Impepatrice, a top socialite niter in Paris.

N. Y. Critics' Mugs Will Drape Algonquin Lobby

Photographs of reviewers belonging to the Critics Circle are to be hung in the lobby of the Algonquin, New York, Friday (15) by Frank Case, who operates the hotel, used by scribes for their meetings. There are 17 in the Circle, but only 11 pictures will be "unveiled." For one reason or another, the others ducked having their mugs snapped, but eventually all will be represented, it is expected. Among the missing is the photo of Joseph Wood Krutch (Nation), the group's new president, also Walter Winchell.

Pictures were taken by the Ralph O'Goggin studio, with a third dimensional lighting effect. Those whose faces will be shown: Brooks Atkinson (Times), Richard Watts (Herald Tribune), Burns Mantle (News), John Anderson (Journal-American), John Mason Brown (Post), Richard Lockridge (Sun), Sidney Whipple (World-Telegram), Louis Kronenberger (PM), Arthur Pollack (Eagle), Kelsey Allen (Women's Wear), George Jean Nathan (Esquire, etc.).

Walt O'Keefe In Switch to New Deal for 'Unity'

Like most comedians who write inwardly at not playing Hamlet, Walter O'Keefe, the radio wisecracker, yearns to do something serious—and he is bent on doing it, he told reporters at LaGuardia Field, New York, on Thursday (7).

O'Keefe did a double flip-flop from the Wendell L. Willkie camp, in which he was chief counsel doctor for the hoarse-throated leader of the G.O.P. forces, and is now hobnobbing with the New Deal, it became known when he landed at the airport on an Eastern Air Lines plane.

Aboard the same ship was Mrs. Eleanor Roosevelt, and reporters concentrated first on her, with how- (Continued on page 53)

Billy Rose Will Tour Ballparks With Aquacade

Billy Rose and his g.m., Nicky Blair, currently vacationing with their wives in Miami, have set with the City of Miami for an Aquacade there during the winter of 1941-42. Meantime, Rose's staff is lining up a ballpark circuit for next summer to play his water speed on tour, utilizing two 200-foot-long tanks as the stages, alternately, for purposes of speed and tempo.

Rose's "quaracade" idea (25c admish) for Broadway is still pending. The Gay Blades (ice rink) may house it, but another site may be chosen, depending on terms, capacity, etc.

Readying 'Orchid' as Play

Group which produced the Broadway play, "Cabin in the Sky," including Al Lewis, Dr. Milton Bender and Vinton Freedley, has another show on its slate. It's "Carnival," an adaptation by Robert Nathan of his own novel, "The Orchid."

Script is now being worked on and production will start shortly.

N. Y. to L. A.

Harry Brand.
Pat Casey.
Harry Cohn.
Ted Collins.
Carson Kinn.
Helen Jerome.
Kenneth MacKenna.
B. G. de Sylva.
James Rennie.
Kate Smith.
Mr. and Mrs. Ed. Sullivan.
Harold N. Swanson.
Bob Welch.
John Wexley.

SAILINGS

Nov. 11 (New York to Lisbon), George Lait (Atlantic Clipper).
Nov. 9 (West Indies cruise), Mr. and Mrs. Irving Berlin, Gloria Swanson, Alice Duer Miller, Alexander Woolcott (America).

THE BERLE-ING POINT

By Milton Berle

Hollywood, Nov. 12. Realize after being here a week what a big task I have before me. I have two swimming pools and a brother to keep filled.

Asked Helda Hopper if she read my column. She said, "Yes—does it cost you much each week to get it printed?" I wonder what she meant? (Maybe it just proves that you can't put ahead a Hopper. Wow!)

Went to the racetrack with Bing Crosby and got home very late. Bing wouldn't leave the track until his horse came in.

Since the draft there are other fellows out here besides Nelson Eddy wearing uniforms.

Got to be awfully careful about signing autographs. Last time I gave a young fellow my autograph I got the Ladies' Home Journal for a year. Got my nephew a job as an elevator operator at Bullock's. He's very nervous. Tomorrow he makes his first solo flight.

Broadway Dep't. (by pony express)

'Tis of Thee' opened and closed in a hurry because the show was unbalanced. There were more people on the stage than there were in the audience.

Helen Craig's performance as the deaf mute in "Johnny Belinda" proves that some of the greatest dialog is thought and not spoken. She won't eat horse-radish unless she puts on a riding habit.

A Broadway character is getting a job as a rubber at the Luxor Baths so he can sponge on his friends.

In front of Lindy's Morey Amsterdam tells Frankie Hyers not to use a certain gag, insisting that he (Morey) made it up. Hyers replies, "If you made it up, then you must have been a very clever baby."

My mother was terribly disappointed in the Auto Show—no samples.

Hollywoodiana

Dreamed last night I was holding Ann Sheridan in my arms and kissing her—when along came Will Hays and hollered, "Cut!"

If Hollywood keeps on turning out good pictures, pretty soon the moviegoers will be buying their own dishes.

At the Brown Derby, saw Dick Powell with Joan Blondell, Bob Hope with Dolores Costello, Arthur Hornblow, Jr., with Myrna Loy—and Charlie McCarthy with Constance Bennett's hall tree.

Orson Welles anking along Hollywood Blvd. wearing a pink beret, green shirt, purple trousers and orange tie, but his black shoes with laces to match kept the outfit conservative.

Music Dep't.

Phil Harris at the Wilshire Bowl proves his versatility. He can watch the show, lead the band—and figure out a three-horse parley at the same time.

Artie Shaw, the mathematical maestro, has a new idea for a band—40 daddies and a police whistle.

Ben Oakland, Milton Drake and myself are now busy writing a tune called "Everybody Loves My Baby But My Baby Doesn't Love Everybody Because She Doesn't Know Everybody."

Radio Dep't.

Al Pearce, the Camelone, has a swimming pool so large he has a light-house in the center of it.

Fannie Brice has been doing Baby Snooks so long she dreamt last night that Jessel proposed to her.

Handmail Descriptions

Judy Canova: You must have been a Beautiful Baby. Tyrone Power: Only one to a customer. Jack Benny: Design for Livingstone. Henny Youngman: The Mark of Borro. Tony Martin: Oh Faye can you see.

Observation Dep't.

Movies are the cause of women leaving dishes in the sink to go to the movies to win more dishes to leave in the sink.

A prominent producer here puts his heart in all his pictures. In fact, she's been in the last three he's produced.

My part in "Tall, Dark and Handsome" already has more cuts than a 10c news. When the picture's released I'll probably get four stars in the Medical Journal.

Ravedropped at Bill Jordan's Bar of Music: "She says her family came here in a covered wagon. If you saw her family—you'd know why the wagon was covered."

Ravedropped at Slapsy Maxie's: "If he ever went to a mind reader she'd charge him half price."

Since coming to Hollywood my mother has proven herself the old-fashioned type who loves to sit in front of a spinning wheel. Last night she won \$50 on the red.

Whatever Became of—?

Maurice Diamond & Girtle.
Burns & Kissen.
The American Ace.
Jane & Katherine Lee.
Corinne & Dick Humber.
Lowe, Feeley & Stella.

Afterpiece

Hollywood—where a girl signs up with Fox, meets a wolf and winds up with a mink.

Slapsy's Florida Pitch

Hollywood, Nov. 12.

Maxie Rosenbloom and his partner Sammy Lewis are dickering for a night spot in Miami to be operated for three months in the winter. Idea is to close the Hollywood niter from Jan. 1 to April 1 and move the whole crew to Florida.

George Raft is said to be financially interested.

L. A. to N. Y.

Arnold Belgard.
Edna Best.
Betty Field.
Tom Harrington.
Jed Harris.
Henry Jaffe.
Sandra Jolley.
Dan Kelly.
Henry Koster.
Jesse L. Lasky.
Dick Marvin.
Gladys Mesh.
Lewis Milestone.
Dorothy Petersen.
Irene Rich.
Robert Riskin.
Louise Rousseau.
Norma Shearer.
Gale Sondergaard.
Harry Stafford.
Donald Thornburgh.
Terry Turner.
Forrest Tucker.
John Van Druten.
Lewis Allen Weiss.

MET NEEDS A STRONG TENOR

Disclosure of the prospectus of the Metropolitan Opera Assn. of N. Y., Friday (8), showed that the company has dropped several singers who were on last year's roster.

Among the prominent members of the company during the past season who will no longer be there, are Jan Kiepura, tenor; Rosa Tentoni, soprano; Max Aitgliss, tenor; Erynd Lahom, tenor; Giordano Paltrinieri, tenor; Erich Witte, tenor; Herman Wiedemann, baritone; and Douglas Beattie, bass. No new names other than those announced previously were listed, although company officials declared that contracts with two other stars were in the making.

It is understood that the Italian tenor, Galliano Masini, who sang at the Met two years ago, has rejected the organization's offer of \$850 a performance with a guarantee of 15 performances. This will necessitate securing a first-class tenor capable of singing dramatic and spinto roles, as the only two available who are drawing cards are the veteran Martinelli, and Jussi Bjöerling.

BEST SELLERS BEST PIX BUY

Agent Dennis Scanlan Nicks Sonja Henie for \$77,113 On Commish Suit

Dennis H. Scanlan was adjudged completely victorious yesterday (Tues.) in his commission fight against Sonja Henie, when a N. Y. supreme court jury returned a sealed verdict awarding him \$77,113, inclusive of interest, against the actress. Scanlan had claimed to be responsible for the skater's contract with 20th Century-Fox Film, and had sued under an oral contract granting him 20% of her earnings, minus whatever amount her agent, Orsatti & Co., was to receive.

The original complaint sought \$92,000 based on the assumption that Orsatti had received 5% of her earnings, but it was disclosed during the week's trial in N. Y. supreme court before Justice Aaron Steuer, that Orsatti had received 5% on her first picture and 10% thereafter.

Total award was \$67,614, balance being interest. Miss Henie's attorney immediately announced intention of appealing. Plaintiff's attorney declared that should the decision be upheld by the Appellate Division it would also mean that the actress would have to give Scanlan a percentage of her future earnings in pictures, no matter for whom she made them. As Miss Henie has one more to do for 20th-Fox at \$135,000, this would give Scanlan about \$13,500 more to count on in the immediate future.

During the week many witnesses pro and con, with Joseph H. Moskowitz, eastern representative of (Continued on page 58)

ABBOTT AND COSTELLO REENACT LAGUARDIA

Detroit, Nov. 12. It may be a \$350,000 damage suit against Mayor Fiorello H. LaGuardia but it is just a jab at Abbott and Costello. In Detroit for a personal appearance at the Michigan the pair recalled that the suit was filed against the New York mayor for pulling a heckler's necktie on the City Hall steps here.

That was too good to pass up in view of the often commented similarity in appearance of Lou Costello to Mayor LaGuardia. The comedians went over to the City Hall, met Mayor Edward Jeffries and then staged their version of the necktie-pulling episode on the historic spot. The press dutifully photographed Fiorello Costello trying to strangle Citizen Abbott, his heckler.

VIC MEYERS' 3RD TERM

Orchestra Leader Stays as Washington's Lieutenant Governor

Seattle, Nov. 12. Vic Meyers, former band leader and night club operator, was re-elected for a third term as Democratic lieutenant governor of this state, again being way out in front as to plurality over teammates. He served for eight years and now goes on for four more.

By irony of fate he may be the lieutenant governor to Republican Arthur Langlie, mayor of Seattle, who ran such a close heat with Senator Dill that official count may be required to determine the winner. Recently in the mayoralty contest in Seattle, Langlie beat Meyers by a big vote. But in the state election bandman, garnered plenty more votes than did Langlie and was an easy winner, while Langlie is a doubtful one.

So the two former opponents may now be governor and lieutenant working hand in hand.

Cobina Wright, Jr., in Pix

Hollywood, Nov. 12. Cobina Wright, Jr., N. Y. socialite warbler, makes her camera debut tomorrow (Wed.) in "Murder Among Friends" at 20th-Fox.

Walter Morosco and Ralph Dietrich are co-producers.

Typed

Ann Corio, who did a stint in the strawhats during the summer and garnered a load of eastern publicity, reports from St. Louis: "Out here they don't know what I'm talking about when I precede my strip by singing 'I Was a Hit in Legit'."

"I think," she observes, "the public prefers me to show my lines, not read 'em."

New Find Peps Shubert Musical Stock In Detroit

J. J. Shubert's venture at the Wilson, Detroit, aimed to be the hub for musical stock, did not close Saturday (9) as expected. "Blossom Time," the third presentation, was hyped by the introduction of Barbara Scully, 17-year-old warbler, who is regarded to be a find and is referred to as another Trentini. "Blossom" is holding over this week with Miss Scully, who stepped into the cast Saturday, the top being reduced to \$1.10. She replaced Marie Nash.

Plans call for putting on "The Firefly" next week with Miss Scully doing the Trentini part, scale then going back to \$2.20 top. Girl only recently graduated from high school. Last summer, after her voice had attracted the attention of a Sunday school teacher, Miss Scully appeared at Belle Isle with the Detroit symphony orchestra and drew rave notices, which were sent to Shubert by Mrs. C. J. McKinney, formerly on the stage. Youngster learned the score of "Blossom" in two days.

Wilson, which is a 1,890-seater and claimed to be the best equipped (Continued on page 61)

WB Would Finance Vivien Leigh's Yen To Do a B'way Play

Vivien Leigh is seeking a play for a Broadway appearance. Her business manager, Lewis Deak, was in New York from the Coast last week doing the searching. He confabbed with a number of producers, although nothing definite was arranged. He may be back shortly, or Miss Leigh may herself hie to New York, to sew up a deal.

Warner Bros., it is understood, is willing to finance any show in which the femme player appears, although she is under contract for films to David O. Selznick. WB last season financed "Romeo and Juliet" in which Miss Leigh played opposite Laurence Olivier, now her husband.

Ed Chodorov's Play Set, M-G Producer Back West

Edward Chodorov, Metro producer and writer, who is east arranging production of his play, "Cue for Passion," will return to the Coast in about three weeks. He has nothing definite on his schedule when he gets back.

Chodorov, who was co-author of "Kind Lady," collaborated on "Passion" with H. S. Kraft. Gloria Swanson will be in it. Principal characters are said to resemble Sinclair Lewis and Dorothy Thompson. Rehearsals started Monday (11) with Aldrich & Myers producing.

GRAB 'EM BEFORE THE INK IS DRY

Rental Libraries a Factor in Studio Preference—Stage Plays Lose Favor, Originals Poor Third—Stick Closer to Text in Transference

FANCY PRICES

Hollywood, Nov. 12. Film production chiefs, after all these years of vacillating from novels to Broadway plays to originals in their search for the ideal screen plot source, have arrived at a latest decision. The best seller's the thing right now, with footlight attractions dropping into second place in their estimation, and the story written strictly for picture purposes trailing along as a bad third.

The verdict, however, is not expected to throw into a ditch those playwrights who point their efforts at the footlights, nor is it likely to be the means of adding to the relief rolls the names of members of that army of Hollywoodians who, aim their yarns at the silver-sheet direct. They are fully aware, as are the film moguls themselves, that there are too few successful books, and that with theatres requiring some 500 features annually, any worthwhile (Continued on page 56)

NAB NAZI RADIO NEST IN MEXICO

Mexico City, Nov. 12. Clandestine radio stations continue to be run down and suppressed by the G-men. The latest such station was put out of biz in Santa Fe, a local suburb. The two men and a woman who ran it are behind the bars accused of broadcasting sedition with a Nazi tinge.

The trio aver that while they did try to help along those who are ag in the government, they are true Mexicans and had nothing to do with Nazism. Nevertheless, the real backers of the station, said to be fifth columnists, are being sought by the police.

PAR TRYING TO GET ANDRE ULLMAN FREED

Paramount is using all its resources in an effort to secure the release of Andre Ullman, formerly general manager of its theatres in France and in charge of Par studio activities at Joinville, presently held a military prisoner by the Nazis 'some where in Germany.' Ullman, serving as a captain in the French army, was captured with other French troops during the Nazi push through northern France earlier this year. He's been in prison since June 17, but Paramount only recently learned of his whereabouts.

Ullman is Prisoner No. 2,871. Company Six, Oflag 11, Germany, according to word received by Paramount. Because he was an active reservist, Ullman was called into service soon after France and England declared war. Ullman received training each year because of his reservist classification. In 1938, he served for two months in the Maginot Line when the Munich crisis looked like war would flare.

Ullman fought all through the World War also. He is fairly well known in this country, aside from his affiliation with the American film business, because he was assigned to duty in the U. S. to help sell Liberty Loan bonds when America entered the conflict.

CBS Correspondent Eric Severid, In U. S. on Leave, Talks of Heroic Britam, Radio Censorship, Etc.

Monkey Biz

John Steinbeck's recent interruption in his work on a film he is making in Mexico, in order to come to New York, it has been revealed, was to buy monkeys—six of them.

Writer is part owner of a biological laboratory in California and the monkeys were needed for an experiment.

By HOBE MORRISON

London's show business people, like the rest of the populace, are carrying on heroically under the city's incessant air bombardment. With nearly all theatres closed, unemployment is particularly extensive among actors. But actors are carrying on somehow and even those who have jobs are also doing double duty as air raid wardens, special police, ambulance drivers and so on.

According to Eric Severid, CBS correspondent currently home on vacation from London, some of these performers are even doing three jobs during the present emergency. For instance, Severid cites the case of a dancer who works through the evening and early-morning hours in one of the West End's underground night clubs. He sleeps for a few hours (getting as much rest as possible during the bombings), rises at 5 a.m. and does special police duty until noon, giving dancing lessons in the afternoon and takes a short nap before dinner.

"Even so, he must have felt he wasn't doing enough," Severid added, "for I've since heard that he enlisted in the air service. That kind of thing is typical, rather than the exception. Just before I left London the bandleader in a cafe where I go told me he was leaving to go (Continued on page 42)

Studios Step Up Production After Temporary Lull

Hollywood, Nov. 12. Production is stepping on the gas after a momentary lull at three studios. Warners climbed to a peak with eight pictures and all its available stars at work. 20th-Fox is pushing three features into work this week, and Republic is launching two productions to take the place of two completed last week.

"The Sea Wolf," a Jack London story, is the latest addition to the lensing schedule on the Burbank lot. Others on the stages are "Strawberry Blonde," "Far Horizon," "Footsteps in the Dark," "Wagons Roll at Night," "Invitation to Murder," "The Case of the Black Parrot" and "Father and Son."

Starting this week on the Westwood lot are "Tall, Dark and Handsome," "Murder Among Friends" and "The Road to Rio." At Republic the newcomers are the Roy Rogers sagebrusher, "Robin Hood of the Pecos" and "Wyoming Wildcat," a Donald Barry western.

Coast Calls Hearst's Cruelty-to-Horses Blast a Year Late

With the election temporarily removing Roosevelt as a target, William Randolph Hearst swung the muzzles of his big guns on westerns last week. What he specifically objected to in his P. I. column in his papers last Friday was cruelty to animals in the equine concertos.

Hollywood comment was that while Hearst's squawk was commendable, it comes just about a year too late. While admitting cruelty to animals in outdoor pix had been prevalent in the interests of realism until almost the beginning of 1940, producers say the evil has been corrected and virtually eliminated. They are supported in this by Richard Craven, western regional director (Continued on page 58)

Josy Baker's Afro-Made Flicker for U. S. Dates

Josephine Baker's first film, produced in Africa with her own coin about two years ago, will shortly go into release in the U. S. It's being distributed by J. H. Hoffberg, with emphasis on houses which regularly play Negro films.

Picture, tagged "Gonga Girl" was produced in Algiers and played in many parts of Europe before the war. Hoffberg has added a prolog of the "home-town-gal-makes-good" variety, pointing out that Miss Baker is a native of E. St. Louis, who starred on Broadway before going to Paris in 1925.

TAYLOR, HEDY START 'EPISODE IN LISBON'

Hollywood, Nov. 12. Howard Emmett Rogers started work on "Episode in Lisbon," the Robert Taylor-Hedy Lamarr co-starrer to be produced by Edgar Selwyn at Metro.

It is No. 3 on Selwyn's production schedule.

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Two-Bit Trade 'Made' Chas. Chaplin, Resent \$1.10 Tap; May Revise Terms

Pittsburgh, Nov. 12. Revised policy for showing of 'Dictator' in this territory may be adopted, it is reported, as result of disappointment at the grosses in Pittsburgh. While the film was confidently expected to go big, it lasted only two weeks at the Warner and grossed barely \$25,000 in that time. Although critics in Pitt treated 'Dictator' lukewarmly, other factors were believed to have been more important in the public's indifference. For one thing there were a flock of complaints at the boxoffice because the \$1.10 road-show prices did not include the reserved seats which went with 'Gone With the Wind'. Word-of-mouth wasn't too good, either, but as one Pitt columnist pointed out, there wouldn't have been nearly so much disappointment at regular prices. Another wrote that it was the two-bit people who 'made' Chaplin and that he was turning his back on them with the increased admissions.

Protest 70%

London, Nov. 12. Squawks on suggested hiking of admission prices and the 70% rental on 'The Great Dictator' have held up trade showings of the picture here. Both the Cinematograph Exhibitors Association and the daily press have attacked Chaplin and United Artists on the admission and terms.

Meanwhile the government has intimated to UA that it would be desirable to release the film as early as possible. It maintains that the picture is of national importance. Teddy Carr, local UA chief, refused comment to VARIETY.

Ditto In Ausste

Sydney, Nov. 12. It is understood that United Artists will seek the same terms here for 'Dictator' as being asked in the United States. Exhibs are strongly protesting the increase over normal terms and there is a possibility that the pic will be boycotted by the Exhibitors' Association.

Local UA office is putting out feelers for city swings and Hoyts, via prior commitment, have been given the first opportunity of running the picture at upper rental. UA desires the film to go into city houses for extended runs at increased admission as was the case with 'Gone With the Wind'.

Walter Gould, UA foreign chief, said in New York yesterday (Tuesday) that negotiations are 'in the works' for 'Dictator' in both England and Australia. As to terms in world markets, he remarked that adaptations would be made to suit conditions in individual countries.

Other sources observed that negotiations in England and Australia, particularly the former, are taking abnormally long. In London, at least one of the several houses mentioned for 'Dictator' openings has been damaged by bombing, which may have caused minor delay. Principal reason for the holdup, however, appears to be the battle over terms both in Britain and Australia.

MARCH OF TIME WANTS TO MAKE 2D FEATURE

March of Time is going to produce a second feature patterned along the general lines of the patriotic theme contained in 'Ramparts We Watch'. Actual preparations presently are reported awaiting the return of Louis de Rochemont, producer of the first feature-length picture, currently vacationing in the northern woods. Despite the delay in getting 'Ramparts' out on general release, Time, Inc., officials are credited with seeing the possibilities of a second feature production. March of Time organization also presently feels the yen to obtain the money which is wrapped up in the feature production setup, and which has not been particularly evident in the two-reel monthly short during the past year or 18 months.

If the second feature is produced, as now presently outlined, it probably would be handled as part of the regular RKO product setup. Because 'Ramparts' was sold separately, M. of T. executives were reportedly disappointed over the usual widespread distribution generally accorded a regular RKO release.

Diosa Costello, Victoria Cordova for RKO Films

Diosa Costello and Victoria Cordova, who head for the Coast within the next week on the wings of the current trend for Latin-American lassies, will be followed shortly by another contingent for the same RKO picture. They Met in Argentina. Miss Costello flies out on Friday (15), Miss Cordova next week, and the others will be pacted as the film gets to the point where they are needed.

Miss Costello, who's currently working at LaConca, N. Y., is making her picture debut. She was skipped over when RKO selected the cast for the film version of 'Too Many Girls', although she was in the entire season's run on Broadway. Her present part is for one picture with options. She'll play a part opposite Buddy Ebsen, in addition to her terping and vocal specialties.

Miss Cordova, who also hoofs and warbles, was turned up for producer Lou Brock by an agent. Brock was recently in New York to look over the Latin-American nitery field for talent. He has a lot of people he wants for the film, RKO eastern talent chief Arthur Will signing them as they are needed.

DETROIT'S OWN 'SMELLIES' PIX

Detroit, Nov. 12.

'Dramatic Zephyrs,' a mingling of odors with motion pictures, gets its first theatre tryout here in the Vogue. Boasting that it adds 'a new dimension' to the screen, perfume was wafted into the auditorium synchronized with scenes. This combination of odor with action is the result of four years of experimentation by the Aromatix Co., of Detroit, which has been developing its own ideas in the field.

The experimental run gave the company the chance to demonstrate how it could produce suitable atmosphere for outdoors, waterfronts, forests, night clubs (smoke and Scotch), flowers, fruits, food, etc.

Of the comment cards handed out to the patrons about 80% said the innovation was o.k., but one guy wrote, 'What flavor you going to use for the bad pictures?'

Fleischer's 2d Feature Length Due After Jan. 1

Although the characters for a second feature length cartoon have been developed and a story sketched out, Max Fleischer is not expected to roll on production until the first of the year. Meantime, the nature of the story is being kept under wraps. A title also has not been selected.

A final budget on the picture has not as yet been set, it is understood. Fleischer's first feature pen-and-ink, 'Gulliver's Travels,' took 18 months to make but expected there will be a shorter shooting schedule on his next. Bob Gillman went to Miami last week to discuss advance publicity-exploitation plans on the film.

Grapewin as 'Jeeter'

Hollywood, Nov. 12. Charles Grapewin gets the role of Jeeter Lester in the screen version of 'Tobacco Road' at 20th-Fox. John Ford directs.

Other News Pertaining to Pictures

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Metro About to Sign Up

Horace McNally, Legiter

Horace McNally, featured in 'Johnny Belinda,' Broadway legiter, is understood about to be inked by Metro. Considerable interest in him was also exhibited by RKO, Paramount and Warner Bros., although M-G was the only company to screen test him.

McNally was a lawyer until two years ago. Since then he has had a couple of Broadway parts.

B'WAY OPERA TO BE DIETERLE'S 1ST FOR RKO

First production by William Dieterle's new unit will be 'The Devil and Daniel Webster,' folk opera by Stephen Vincent Benet and Douglas Moore, which had a short run on Broadway in May, 1939. Dieterle will distribute through RKO. He signed a pact with the company last week to release two pictures, with options for two more.

New outfit is obtaining none of its financing from RKO. Dieterle recently directed 'Hunchback of Notre Dame' for RKO and has directed many films for Warner Bros., including 'Paster' and 'Zola.' Dieterle also produced several for Warners.

He expects to do his first picture in work around Jan. 1. He's now east to confab with Benet on 'Devil.' Writer will probably work on the screenplay.

It's the story of a wedding at which Daniel Webster is a guest. When it's revealed that the groom has sold his soul to the devil, Webster goes to his defense. 'Furor' are guests of men who had been traitors to their country and the judge is another ghost, an old witch-hunter from New England. This makes Webster's winning of the case even more noteworthy than ordinarily. Locale is New Hampshire, 1840.

Walt Disney Doubts 'Fantasia' Will Ever Show Him a Profit

Frank misgivings whether 'Fantasia' will ever show a profit were expressed by producer Walt Disney on Monday (11) in a press interview remarkably thorough for the company. Of the interview, Pen-and-ink maestro arrived in New York over the weekend for the preem of what he terms his 'concert picture' at the Broadway theatre tonight (Wednesday).

Budget, Disney said, was \$2,200,000, of which \$200,000 was spent in developing and building the unique sound equipment utilized. In addition, the sound unit for each theatre to play the picture will cost another \$30,000. Eleven more units, in addition to the one now in the Broadway, are under construction by RCA. It costs about \$2,000 more to install the equipment. Disney denied reports that RCA has a financial interest in the picture to promote the new sound system.

Total 'inconventionality' of the picture, the producer declared, is expected to work in its favor. It's different, even to the lack of a main title. Name of the picture and the credits do not appear on the screen. Like a concert, it opens with music. Credits are in the program.

Distribution of 'Fantasia' Disney compared to a legit show with 12 road companies. Each will play a town as long as trade holds up and then move on. All seats will be reserved at the two-day shows, prices ranging from \$5c to \$1.10 mats and \$7c to \$2.20 evenings.

Wright's Sonovox Demonstration Amazes N.Y. Film and Radio Bunch

By HERB GOLDEN

A flock of Hollywood boys and girls—who never took a lesson in their lives—are going to be awfully surprised when they find pictures released in which they speak Spanish, Portuguese, Chinese, pig-Latin or whatever else the producer chooses. This mechanical age, it's marvelous. And it's provided the solution to Hollywood's hoary problem of dubbing films for foreign release.

Metro, for instance, decides it would like to distribute 'Boom Town' in South America. It calls in someone who can speak Spanish, anyone. To his throat is held an electrical device which is energized by being wired to the original 'Boom Town' sound track. Mr. Espino doesn't speak, but merely forms with his mouth the Spanish equivalent of the words the American actors are speaking at the time. Result is Clark Gable saying to Spencer Tracy—in Spanish—'Scram, before I stuff this oil derrick down your ear.'

It's Clark Gable's voice without a doubt. And it's recorded for the South American sound track as it comes out of the mouth of the Spanish-speaking guy. He acts as though he has laryngitis, forming syllables and words with lips, tongue and palate, but not allowing any air to come up through his vocal chords to actually create sounds of his own. Get it?

Gadget billed as a Sonovox, has untold possibilities. One unit has already been licensed to the British Broadcasting Co. And are those Jerries gonna be surprised when they hear what Herr Hitler is saying over their radios. Trick is that the voice doesn't necessarily have to be changed to a different language. Just the words can be switched. By using any recording of a Hitler speech, the tone, timbre and quality of his voice can be obtained and made to come out in oh, such embarrassing words. It's voice forgery, that's what it is.

Inventor of all this is Hollywood scriptwriter and author, Gilbert Wright. Son of Harold Bell Wright, he took the precaution of grabbing a physicist's degree at the University of California before turning to scribbling. Who knows what such things will lead to?

Device works, too. It was demonstrated to a press, radio and film bunch at the Waldorf-Astoria's Starlight Roof (N.Y.) on Monday (11). They went in like a guy about to have his leg pulled, came out sold. Footing the accompanying cocktails and hors d'oeuvres was RKO. Gadget makes its initial film appearance in the studio's 'You'll Find Out,' which opens at the Roxy, N. Y., Friday (15).

Does Plenty of Tricks

Among the tricks pulled at the demonstration by Wright's wife, Peggy, while he looked on, was to make a gale of wind talk. She took a phonograph record carrying an eerie wind effect and made it twice as eerie by having the wind itself whine something like: 'Let me in. I've come over mountains and hills and dales to get here and I want to get in. Let me in. Let me in.' It was enough to make you grab your Scotch.

And just imagine, from that, what can be done with it in the RKO film. In the cast is that terrifying trio, Lugosi, Karloff and Lorre. Also Kay Kyser, who, incidentally, performed the m.c. duties at Monday's demonstration and who is responsible for that Gable-Tracy gag up above.

In the picture the Sonovox is used to make a Novachord and the various band instruments play words instead of just sounds. Music is the same as it would ordinarily be, but the instruments actually sing the words instead of merely the tune. It's not that the words are superimposed as a vocalist would make them, but the musical sounds emanating from the instruments actually convert themselves into words.

Modus Operandi

It's done by attaching one end of the electrical gadget to the various band instruments (actually to a recording of the band, which is simpler) and the other end to the throat of anyone who talks decent English and has the words to the song in mind. He doesn't have to sing or carry a tune, but merely forms the words. Paraphrasing, which is held to the throat looks

like a pair of radio operator's earphones with a large red button in the center which vibrates.

Wright's gadget can be adapted to portable sets for mutes to carry around with them. It will enable them to speak by merely transmitting a buzzing sound into their throats, which their lips, tongue and palate can transmute into words. It hasn't reached the point of commercial development along that line yet, however.

Wright is going to Washington next week to demonstrate the Sonovox to the U. S. Signal Corps. He claims experiments have shown that by the use of it, apprentice telegraph operators can be taught their dots and dashes in 35% less time. It's done by making the dots and dashes for A say 'A' as they come out. In other words, the embryo hears the code and the letter it stands for at the same time, which speeds up the process of impressing on his mind the meaning of each series of buzzes.

Death on the Boy Friend

Among the sounds used by Mrs. Wright for the demonstration was a clock chiming 12. Instead of each chime just being a chime, actually chimed the word 'one,' then 'two,' and so on. What a way for the old man to get his datter's boyfriend out of the house! Mrs. Wright also made a steamboat whistle say in plain English, 'Get out of my way' and a bugle say 'Time to get up, etc.,' while a callopie sang 'Sweet Rosie O'Grady.'

Wright got the idea for the Sonovox when doing a script for a picture in which one of his characters was on a train screaming from the scene of his crime. Wright wanted the click of the rails to beat out: 'You did it. You did it. You did it.' Studio superimposed a voice in the standard manner and it sounded awfully corny to Wright. So he dug out his old physics books and started to evolve something better.

Getting nowhere after a while, he consulted a top West Coast engineer. He was told what he was trying to achieve was impossible, so he gave up. One day a year later he was shaving with an ordinary hoe-type razor. His mouth was open and as the razor ran over the part of his throat where the vocal chords lie, Wright could hear the whistles being snipped off. It took him practically no time after that to devise the Sonovox, which no one possibly could mistake for a razor.

HIRLIMAN COMPLETES HIS FIRST IN MIAMI

First feature to be made outside of Hollywood in two seasons has actually been completed. It is 'Adolescence,' made by George Hirliman at the Coronado Studios in Coral Gables, Fla. Now in the final editing stage, it will be released Nov. 29 by Select Films. Leon Janney and Eleanor Hunt are starred.

Hirliman is pacted to make four for Select release at the southern studio. He was in New York last week making arrangements on the shooting script for the second, which is 'The Tigress or the Lady,' a Cosmopolitan mag story. Lensing starts next week. Producer is being financed by the estate of the late George O'Toole, who was instrumental, with Arthur Sawyer, in establishment of the Florida studio.

Interstate's 3 Mobile Units for Gt. Britain

Dallas, Nov. 12. The purchase of three fully equipped ambulances which will be given England was made Friday (8) by Karl Hobilitzelle, president of the Interstate Theatres of Texas, Inc. The ambulances, which will be shipped overseas without delay to care for the victims of the bombing of London, will each bear the name of Dallas.

R. L. Thomas, chairman of the British Ambulance corps local committee, announced that one ambulance was given by Hobilitzelle personally, one by the Interstate Theatres of Texas, Inc., and one by the Texas Concul, Inc., and one by the Texas Concul, Inc., and one by the Texas Concul, Inc., fully equipped, costs \$1,350.

'ALL RIGHT, TELL US HOW'

Consent Decree's Blocks-of-5 Selling Cues Greater Voice By Par Theatre Men in Prod. and Budgeting

Henceforth and particularly now in view of the consent decree provision calling for selling in groups of five pictures at a time, all to be screened for the buyers in advance, the Paramount theatre department executives and its many partners throughout the country are expected to have greater voice in production planning, budgeting, etc.

In addition to the strong theatre representation in Paramount, the studio itself is headed by a former operator of many years experience, Y. Frank Freeman, whose production policies, it is anticipated, will surely reflect his own background in exhibition as well as the opinions of those in Par still in that branch.

In the conferences on the Coast this week to discuss producing plans for 1941-42 in relation to the consent decree, market demands, etc., the theatre executives attending will constitute a majority. It is believed probable that the exhibition leaders in Par will demand an even smaller program of pictures for the '41-42 season than being delivered this year. A substantial budget to assure the highest possible production values is at the same time likely.

CHI POWWOW

In advance of the Coast huddles, Par theatre execs and associates held a two-day powwow in Chicago, Friday-Saturday (8-9) to discuss general operating matters. With John Balaban of B. & K. and others locally sitting in, those who were on hand included: Sam Dembow, Jr., Leonard Goldenson and Bob Weisman from N. Y.; M. A. Lightman and

(Continued on page 24)

8 PRODUCERS WOULD REMAKE 'JANE EYRE'

'Jane Eyre' looks to be the screen's most popular gal. Right now eight producers are standing in line to woo her and to use the title of the Charlotte Brontë novel of the same name, which already has twice been converted to films.

Metro last week became No. 8 in the parade of claimants to the 'Jane Eyre' title. Ahead of it were David O. Selznick, who registered his intentions on Jan. 10, 1939; Pioneer, Nov. 14, 1939; Edward Small, Jan. 16, 1940; RKO, Jan. 19, 1940; Paramount, Feb. 19, 1940; Loew-Lewin, May 10, 1940, and United Artists, July 26, 1940.

Selznick has long spoken of filming the story and has priority. However, he maintains that he is not set to make it. Metro's move last week was without explanation, but is believed to be just-in-case. No mention of producing the picture has been made by any of the other studios listed above except to stake a claim to the title.

Monogram was the last to film the Brontë novel. It starred Virginia Bruce and Colin Clive, release in 1934. Prior to that it was made by the Hodgkinson outfit in 1921.

New Pact for Foster

Hollywood, Nov. 12. Paramount dissolved its old two-pictures-per-year contract with Preston Foster and handed him a new three-year document permitting him to retain radio rights. Agreement becomes effective next Monday (18).

Foster returns tomorrow (Wed.) from an eastern stage tour.

RITA JOHNSON ROVES

Hollywood, Nov. 12. Rita Johnson has obtained a release from her player contract with Metro.

Break was caused by an argument over the quality of her assignments.

Scully on Short End

Hollywood, Nov. 12. Frank Scully, writer, running for the state assembly on the Democratic ticket in the 57th Los Angeles district, ran second to his Republican opponent by 2,700 votes.

District covers a large section of the film colony.

PIX A 'PATSY' IN LATIN-AM. POLITICS?

With everybody rushing in to tell the film business what to do in the Latin-Americas, belief among industry officials is growing that high-pressure boys from without the trade are making the picture business the 'patsy' in the drive for Spanish national goodwill. Specifically they mention those outside the industry who are assisting the Government with a 'good neighbor' policy in South America. They claim that if the meddling and publicity on the film business continues it will turn out a 'bad neighbor' policy instead.

Foreign managers are doing a quiet burn over some of the high-publicized digs fomented in recent weeks. They point out that U. S. producers made Latin-American pictures long before the South and Central Americas were 'discovered' only lately by business people of the U. S. They claim the market on American pictures has been gradually developed over a period of years, with goodwill moulded without any fanfare or extravagant plans. However, that was in the era when producers listened to advice from their foreign managers who knew the Latin-American boxoffice and patriotism of the people. Now, some feel that the high-pressure lads are dictating trends on Spanish-language stories.

Home office executives also resent this sudden meddling into strictly industry matters. They cite the fact that the Latin-American market has been nursed along from infancy without acclaiming the need for a good neighbor policy. Many of these predicted that this course will be continued by companies hoping to survive in that territory but that the survivals would not be those trying to sugarcoat flag-waving themes, and overlooking the boxoffice.

75-25% AMORTIZATION OF METRO'S FILM COSTS

Because of war conditions abroad, Loew's, Inc., has revised its amortization table of film costs, reallocating such costs in the ratio of 75% to domestic distribution and 25% to foreign distribution. This compares with the old amortization lineup of 70% on domestic and 30% on foreign.

Company made the new amortization table applicable to all Metro pictures released after Sept. 1, 1939.

Ginger Rogers Cleared

Los Angeles, Nov. 12. Ginger Rogers was dropped from the list of defendants in Lawrence E. Sterner's plagiarism suit against RKO. Studio is charged with lifting the picture, 'Bachelor Mother', from Sterner's old stage play, 'Club Baby'. Plaintiff agreed that the actress, who starred in the film, should not have been served in the action.

H'WOOD HEEDING DISTRIB SLANT

It Took a War to Do It But Producers Finally Yield to Sales Dep't Collaboration — Planes Shuttle Execs Back and Forth

PULL TOGETHER

Hollywood, Nov. 12. If the wartime economic squeeze has accomplished nothing else for the film business, it has, at least, broken down the bars which for years have blocked the complete coordination of the production and sales branches of the industry. Studio execs, so long jealous of what they considered their unquestionable right to decide which stories were to be lensed, which stars were to be cast and how much coin was to be expended on product, today are only too happy to have the counsel of the distribution crowd.

Behind this sudden, far-reaching about-face on the part of the Coast biggies lies the fact that they have finally come to a realization that the security of their lucrative jobs is now measured solely by the size of the returns on their most recent efforts. Result is that production chiefs, to say nothing of their lieutenants charged with the responsibility of turning out the individual pictures, are as jittery as an Italian in Greece. Not only are they turning attentive ears for words of advice from homeoffice sales officials, but they are following the easterners' suggestions to the letter.

(Continued on page 22)

FILM TINTING IN ALL STUDIOS

Hollywood, Nov. 12. Color is playing an increasing part in film production for winter and spring release. Practically every studio has Technicolor features completed, before the cameras or in advanced stages of early preparation, to add to the number currently on the screen.

Completed and due for release within the next two months are 'Bitter Sweet' at Metro, 'Virginia' at Paramount, Walt Disney's musical cartoon, 'Fantasia', and 'Queen of Sheba', produced by Herbert Wilcox. Before the cameras are 'Western Union' and 'Chad Hanna' at 20th-Fox; 'Shepherd of the Hills' at Paramount, and 'Bambi' on the Disney lot. In preparation are Paramount's 'Aloma of the South Seas' and 'Reap the Wild Wind', RKO's 'Blood Will Tell', and 'Rings on Her Fingers' at 20th-Fox.

Gallop Would Gallivant

Hollywood, Nov. 12. Gene Autry is so busy with rodeo and stage dates that his next Republic picture, 'Valley of the Moon', originally slated to start Nov. 20, has been postponed three weeks. Currently Autry is touring Canada.

Doug Won't Be a Vag

Hollywood, Nov. 12. Douglas Fairbanks, Jr., called off his verbal deal to play the role of O. Henry in the Boris Morros production, 'The American Vagabond'. Doug is reported mulling another role with a major studio.

Pic Business Sees Inflationary Trend as General Opportunity To Up the B.O. Admish Average

Coslow Drops Out of Pix

Hollywood, Nov. 12. Sam Coslow sold his half-interest in the Voco Productions and the Lum and Abner picture contract to his partner, Jack Votion. Company's release deal with RKO calls for one more Lum and Abner feature, to be delivered by March 15.

GOLDWYN VS. UA SETTLEMENT SEEMS NEAR

Drawn-out battle between Samuel Goldwyn and United Artists may be brought to an end next week by a settlement between the producer and the distributing company in which he owns 20% interest. Negotiations which, it was learned this week, have been going on for several months, may reach a successful conclusion at a stockholders' meeting to be held on the Coast next Tuesday (19).

Scheduling of the get-together of UA owners at this time, coincident with the presence of Murray Silverstone, company's chief officer, and attorney Charles Schwartz, lends strength to the report that an agreement is imminent. Attending the meeting will be Goldwyn, Charles Chaplin, Alexander Korda, Mary Pickford and a rep of the Douglas Fairbanks estate.

Schwartz went to the Coast last Thursday (7) to lay the legal groundwork, it is understood, while Silverstone followed him out on Sunday (10) by train. They will be west for several weeks, taking up among other matters a revision of the pact of Edward Small.

Basis of the settlement with Goldwyn is closely guarded but it is clear now, despite tough talk on both sides, that UA would like to hold the producer and that he certainly doesn't want to leave if a fair arrangement can be reached. Formula must not only be face-saving, but give Goldwyn more voice in selection or rejection—he claims there are too many—of producers released through UA.

UA DIRECTORS SET TO MEET ON NOV. 19

Hollywood, Nov. 12. United Artists director-stockholder meeting set for Nov. 19 with all member-owners expected to participate. Charles Schwartz, UA counsel, arrived Sunday (10) to be followed by Murray Silverstone on Wednesday (13).

They will also discuss with Eddie Small revision of his current deal and talk a producer setup with Gene Towne and Graham Baker, effective after the completion in the spring of their current RKO commitment.

Time Out for Fillums

Hollywood, Nov. 12. Glenda Farrell takes leave of absence from the Broadway stage play, 'Separate Rooms', and returns to Hollywood next Monday (18) for the first time in more than a year to take one of the top spots in 'Road to Zanzibar' at Paramount.

On completion of the picture, the actress returns to the Broadway show.

With the stock market beginning last week to discount upwards the prospect of inflation in U. S., film industry chiefs saw in the inflationary move their biggest opportunity to recoup foreign losses. They also saw in inflation a chance to overcome the stalemate admittedly current between distributors and exhibitors, almost constituting a buyers' strike, over the attempt to force higher percentage deals on new product. With distributors anxious to get new contracts set for 1940-41 season, the log jam may be dislodged by lowering the high terms in hopes of getting equally higher returns via a raising of the general admission level.

Inflationary sentiment began sweeping stock markets last Thursday (7) when the Secretary of the Treasury announced that the Government would ask for a higher debt limit and his hint that price inflation might have to be shouted down. He also reminded that the U. S. has just started spending for defense. Stocks, including film and radio shares, of the gilt-edged type rose two to 10 points Thursday and Saturday.

Because all commodities and especially stocks with commodity attachments began soaring, the threat or actual arrival of inflation is likely to be felt in rising prices, experts admitted. Industry showmen were attempting to appraise the actual effect on the film business. Inflation probably will have these effects on the picture industry:

- (2) Make possible a widespread increase in admission prices.
- (3) Increase the cost of production (Continued on page 20)

HAYS MEETING REPORTS ON FROZEN BRIT. COIN

After the major company foreign sales chiefs had listened to Will Hays last Friday (8) morning reporting on the British frozen coin situation, the directors of the Motion Picture Producers & Distributors Assn. later the same day went over latest developments on this money problem and the general foreign situation. Hays gave the results of his conference with Joseph P. Kennedy, American ambassador to Great Britain, who had talked with the MPPDA president about a week earlier.

Present effort of major distributors is to secure a favorable deal with the British government on the money they collect from operations in Great Britain. Thus far, U. S. distributors have been unable to get any better setup than the \$12,000,000 proposal most recently advanced to the American companies.

If only this amount is permitted out of Great Britain in the 12-month period ending next Oct. 31, it will give the seven majors \$5,500,000 less than the year ending at the close of the year. This would mean that \$12,000,000 would be kept frozen in England for the duration of the war, with distributors affected by the decline or fluctuation in currency of Great Britain. Universal is making a separate deal as it did last year because of its British associated companies. Reported to be seeking between \$2,000,000 and \$3,000,000 for the coming year to be remitted to U. S.

Decision by the British government on the amount of American distributor coin to be frozen in London and the total that will be allowed for remittance to the U. S. likely will be made late this week. At the moment there appears little likelihood that more than \$12,000,000 will be allowed the seven U. S. distrib companies for remittance to this country.

THEATRE OPERATORS HOPE TO SWAY JUDGE GODDARD TOMORROW ON DECREE

Major and Indie Exhibs Converge on N. Y. to Argue the 'Consent' Favors the 'Big Five' Too Much—However, Small Hope for Revision Held Out

Film theatre operators, representative of many major interests and hundreds of smaller, independent exhibitors, through sectional organizations, will converge tomorrow (Thurs.) on the Federal Court, in New York, in the hope of persuading Judge Henry W. Goddard to rescind the Government and five of the larger film companies a consent decree, in the long pending anti-trust suit, portions of which exhibitors believe highly prejudicial and harmful to their investments.

Opinion of counsel for both the Government and the film companies is that the protests will be heard, briefs requested and after a period of two or three days, during which Judge Goddard will give consideration to the complaint, the court will accept the decree in its present form.

What legal course thereafter will be followed by lawyers for the exhibitor interests is undecided. Immediate application for any higher court review of the consent decree status is extremely unlikely, it is reported, inasmuch as the Dept. of Justice, by the filing of an amended complaint on Saturday (10) has indicated its determination to proceed immediately with the anti-trust suit against the three majors which have refused to sign the consent decree. These three are Columbia, Universal and United Artists. Attorneys for the three are expected to join with exhibitors in objecting to the decree, although on different legal grounds.

Amended Complaint

Filing of the amended complaint, in which all eight companies, but not individual officials, are named as defendants, gave rise to the report in the industry that Loew's, Paramount, RKO, 20th Century-Fox and Warner Bros. were not being stricken out as co-defendants when trial of the suit is resumed. Caucuses of both Government and company attorneys has led to several somewhat conflicting views on the status of the five signers.

Consensus is that the amended and superceding complaint, a document of 73 printed pages, brings the cause of action within the scope of the provisions of the already agreed upon consent decree. When the decree is signed by the five companies and approved by the court these film concerns will be dropped as defendants.

Spokesmen for the Government prosecuting staff, however, interprets the position of the companies as continuing defendants to the action, but as relieved by any compliance with a court order against them, in case of Government victory, so long as the consent decree works in a satisfactory manner. It is specifically stated in the consent decree that the Government withholds its application for divorcement of theatres from distribution functions of the companies for a period of three years from the date the consent decree takes effect. Trial action at this time will obviate the necessity of reopening the suit at a later date.

Much of the Original Bill

The amended complaint contains much that was in the original bill, which was filed in court in June 1938. Since that time and until June of this year the Government collected much additional information about the operations of the film companies. Some of the information was obtained in oral examinations of the industry executives, the remainder supplied by the defendants under court orders. All of it has been drawn upon to some degree in preparation of the superceding complaint.

The complaint is filed under Section 4 of the Act of Congress of July 2, 1890, known as the Sherman act. Its preparatory is a history of the start, growth and intensive development of the industry.

The government then launches a long dissertation on the competitive conditions in the industry, and more particularly the limited source of supply of features including first-class features. The Government goes back as far as 1908 in listing its information which reads almost verbatim like the testimony of major

company executives who were on the witness stand. The average cost of class 'A' product is approximately \$500,000, declares the U.S. and the Government also claims that by 1930 the defendants were producing practically all product costing \$250,000 and up. Availability of product and of talent to independents is gone into at considerable length, with the Government declaring that since 1933 loans of stars, feature players, directors, cameramen, writers and other production talent have totaled 2,005 to other majors, and 180 to independents.

A breakdown of this figure shows Loew's lending \$10 million to major producers and 56 to be independents; Paramount 439 as against 46; Warner Bros., 223 as against 12; RKO, 109 as against 12; 20th-Fox, 251 as against 7; Columbia 175 as against 26; and Universal 198 as against 11.

Majors Receive 70%

Total Film Rentals

The producer distributors during the past five years have received approximately 70% of all total film rentals with the 'little three' having received 25% of the total revenues. During the same period the 'big five' made 80% of all Class A features, and the 'little three' 15%. No other distributor has released more than 1% during the past five years, and the total of all the independents has never exceeded 5%.

Next heading of the complaint deals with Blockbooking and Blind Selling in long term contracts. In this instance, bracketing of features is explained, and the statement made that a good picture usually grosses over \$100,000 through 10,000 or more playdates, while a poor one grosses \$200,000 on 5,000 playdates. It is stated that each distributor releases a certain number of features yearly that most exhibitors do not want to play at all. In negotiating contracts in order to make the exhibitor take these films the distributor tries to get the distributor to buy all his product with as small a cancellation right as is possible to secure. The relative bargaining strength of both parties decides who wins in the ensuing argument.

The Government then declares that the small exhibitor with limited buying power is thus whipped before he starts, and is compelled to play as many features as the distributor wishes him to. The Government says that, 'While the restrictive effect of such blockbooking is substantially lessened in the case of United Artists, by the employment of separate release agreements for each of its producers, most of whom produce no more than four

pictures a year, this defendant generally negotiates the licenses for all of its producers' pictures with the same exhibitor at the same time, and sometimes conditions the sale of one producer's pictures upon the purchase by the exhibitor of the pictures of another producer which he does not desire to use.'

Accusations on Run,

Clearance, Admissions

Then the Government states its case in regard to run, clearance, and minimum admission prices. The Government declares that 'Notwithstanding the disavowal by distributors of agreements between themselves with respect to uniform clearance and zoning schedules, such schedules are actually in effect in every exhibition territory in the U. S. Many of these schedules were arrived at by agreement before 1932, and have been carried forward since that time as a matter of tacit understanding and custom. Other uniform clearance and zoning schedules have developed as a result of pressure uniformly exerted by the dominant exhibitor zone upon all of the distributors.'

Long term franchises and a discussion as to how they aid the majors is gone into next, with the (Continued on page 24)

Studio Contracts

Hollywood, Nov. 12.

Metro lifted its writer option on Tom Sellers.

Cesar Romero's pact renewed for a year by 20th-Fox.

Henry Moretz drew a scripting contract at Columbia.

Warners picked up Priscilla Lane's option.

James C. Havens, marine technician, signed by 20th-Fox for another year.

George Froeschel inked new writing ticket at Metro.

Tay Garnett filed application for a minor acting contract with Mary Anderson.

Warners picked up its option on Wayne Morris.

Brian Donley renewed for a year by Paramount.

Metro signed Marvin Borowsky to a writing deal.

Annette Whitmore drew a writing ticket at Metro.

Anne Shirley signed for three pictures a year at RKO, with privilege of one outside film.

Metro handed James H. Hill a scribbling contract.

Twentieth-Fox hoisted its option on George Sanders.

Laraine Day inked a new deal with Metro.

Robert Sterling penned a player contract at Metro.

Universal handed a player pact to Constance Moore.

Of People and Places

By THE SKIRT

Best dressed woman of the week:

JANE WYATT

'Quiet Please,' Guild Theatre

Jane Wyatt Struts Hollywood

After yawning through 'Beverly Hills' at the Fulton last Thursday, the skirt approached the Guild theatre the following night in a doubtful expectancy mood for 'Quiet, Please' was also about the film colony. But the experience was different. 'Quiet, Please' is the setting for this column's best-dressed woman of the week, Jane Wyatt. It is also notable for the presence of Donald Woods. Woods is from Hollywood but Hollywood, characteristically, will probably 'discover' him belatedly in this Broadway play.

Another standout is Ann Mason. Here is another wise-cracking dame, but with all her cracks, she has a sweetness that is easy to take. 'Quiet, Please' has many fine touches. Take Fred Niblo, for instance. It's grand to have this oldtimer back on Broadway again. A little older, a little portly, he looks like a film director should look in a stage play.

Miss Wyatt on a picture set wears a lovely white crepe gown made with the long hip line. The front is gathered and the back hung in an odd loop. The bodice is heavily studded in brilliants with the larger stones starting at the top graduating off to but single stones in the skirt. In her bungalow dressing room Miss Wyatt strips down to a lovely pink satin and L'once lace slip, then she puts on a wrap around skirt of black material having a tiny line forming tiny squares. A vestee is of mustard color and the coat is nicely tailored. An off-the-face hat has a high crown and black trim. Over all she throws a mink coat. In her home she changes to a negligee of a red material that looks both like velvet and taffeta; underneath peeps a grey gown. A very good looking dress of a color more hyacinth than purple has a pleated ruffle half way up the skirt. Very prominent are her initials embroidered in the bodice in silver. Her hat is a large tan affair off the face and program credit to John Fredericks. Howard Greer is given credits for Miss Wyatt's gowns, Jaekel for the furs.

Ann Mason wears some neat dresses by Magin and they are all of the well cut one-piece style but for one green suit with the front of the coat braided. Evelyn Wall does her bit from an orchestra seat gown nicely in pale blue with sequins. Judith Elliott, True Wyley stand-in, is very good looking in a white evening gown. Oza Waldo and Bunty Cutler are the other women of the cast.

Jack Haley's Front Row Trouble

At the Strand, Ruth Gaylor, a brunette singer, is in black net with velvet bodice and the only ornament is a rose. The Condors Brothers are in stone blue coats with black trousers. The novelty of duo tap dancing has been impaired by the male chorus lines of our hit musicals; especially is this true about the boys 'Panama Hattie' where every boy is a near-soloist in his own right. Jimmy Blair sings and Bob Dupont juggles, then comes Jack Haley, with a funny routine, but he had trouble with the first row girls. They knew all the answers after sitting through three shows on day caught, so no wonder.

'Tug Boat Annie Sails Again' renews regret for Marie Dressler. Miss Bambau isn't even Marjorie Rambeau. She looks like Lionel Barrymore. Jane Wyman is the one other female name and wears slacks, a few well-chosen street clothes and one good looking black net dress with insertions of lace with a cape matching.

The Mayfair Is Resurrected

The old Mayfair Club of Ritz-Carlton memory is the spiritual parent of the Lark, a new club run on the same lines, and with the same crowd. It is in the same attractive room at the Ritz and promises to be popular. Under the supervision of Radie Harris, George Ormsby, Mrs. John Krimsky and Jerome Zerbe the club will not be allowed to confine itself to a dance now and then. The next dance is scheduled for New Year's Eve, but it is rumored that the next dance will be a dance pulled every other week. Other setting shows off gowns like this room at the Ritz, and the staircase alone is a picture-framing. Floating down those steps have come some of the gasp gowns of town. And election night the gals were dressed to the 'nth degree.

The belle of the ball was Grace George, lovely in a black dinner gown. The majority of the dresses were with long sleeves and high necks. Isn't smart this year to show flesh. Libby Holman had on a black skirt with blouse of Point de Venice lace, Zorina was in black and carried a red purse. Estelle Brody's dress consisted of a green taffeta skirt and black bodice. Grace Menken, in a white faille gown heavily embroidered in gold wheat, Torre Sorel, black with shocking pink bands, Arline Judge, black skirt and red bolero; Martha Sleeper, black velvet, long white kid gloves, a rose in hair; Bubbles Schinasi, white lace with rhinestones; Sylvia Sadowsky, a beautiful gown of black with front panel of red, edged with gold braid; Edna Farrell in a mustard-colored dress with yoke of colored stones edged with gold fringe; Cecilia Agar, conspicuous with her exotic hair-do, decorated with carnations; Mrs. Max Gordon, brown lace; Fannie Ward wore the usual head dress with a coat dress banded in white fox. The skirt had a pointed train. Mrs. Ben Bernie, black with gold sequins. Helen Menken in a white dress with coat of glistening beads.

Also well dressed were Dolly Haas, Rosie Fletcher, Regina Crew, Hope Hampton, Gino Malo, Gloria Topping, Valentina, Betty Gordon, Mrs. Smith, Mrs. Buddy De Sylva, Dixie Tighe, Natalie Schaffer, Luella Geer, Mrs. Vinton Freedley, and some of the men were Harry Coon, Bob Ritchie, Moss Hart, Bert Lytell, Doctor Henry Smith, Arthur Treacher, Jack Deane, Ben Bernie, Max Gordon, Buddy De Sylva, Major Bowes, Billy Gaxton, Gilbert Miller, Victor Moore with a very young girl hung in orchids, John Hundley, Mr. and Mrs. Dick Rogers. Madge Evans was in yellow with gold and green sequins. There were all sorts of whacky head dresses with the Miranda turban winning.

Red Coats and Bear Skins

Technicolor has added much to the picture, 'Northwest Mounted Police,' showing at the Paramount theatre. The red coats photograph beautifully. In this picture the mountie gets his woman, Fredson Foster winning instead of Gary Cooper. Madeleine Carroll is the girl, a nurse in a plain blue frock, with white collar, and appears for the kill in a riding habit, grey skirt, red jacket and becoming black felt hat. Paulette Goddard, who appears to be the woman of the hour, is a French Indian brat who does her stint surprisingly well in bearskins.

Reporting the Arrival of More Hats

Marion Cooley in a lovely gown of black trimmed in jet was hostess at dinner at the Marguery a week or so ago. The occasion was the showing of hats by a newcomer, Mary Goodfellow from Canada, who is going to find plenty of competition in New York. But there is always room for ideas and Miss Goodfellow has them. Her hats are for young faces mostly. This young woman has taken advantage of the new fad at least for this town, that of wearing dark glasses. Hats in the collection were designed for the wearing of these glasses. Florida played the important note.

Their Favorite Recipes:

(Col. Stoopnagle's Charcoal Steak)

A lean sirloin steak two inches thick. Wash, rub with garlic, and thickly coat with salt, patting it so the juice can't escape. Over red hot coals place the steak, allow 15 minutes to each side, 20 minutes for medium rare. The salt will hold the juices in. Slice the steak length-wise, in strips, and throw the pieces into butter which has been brought to a boiling point. Then place the slices between hot rolls.

General Uncertainty Agam Defers Universal's Recapitalization Move

Although Universal directors met last Thursday (7) in regular monthly session, no action was taken on the recapitalization setup or any plan suggested. Past unsettled market conditions plus heavy losses in the foreign market are reported to have halted the original idea of revamping the corporate structure.

Instead of calling in or exchanging the First Preferred shares, listed on the N. Y. Stock Exchange, it now seems likely that the gradual withdrawal of a certain number of these shares annually, already begun, will be pursued. Small number of First Preferred shares outstanding makes such a plan feasible.

Sinking Fund operations already have removed 1,500 shares from the hands of the public. It was estimated this week, leaving only 16,500 outstanding instead of around 18,000 shares. By buying this stock in the open market, the company has been able to bring them into the corporate treasury at a considerably lower price than if the shares were called

at the redeemable price of \$110 plus accumulated dividends.

The stock has been quoted at below \$100 most of this year, so that the average price paid for the 1,500 shares likely has been around \$70 per share. Also estimated that U had to lay out less than \$150,000 on the stock. This would represent an annual interest saving of \$12,000. Additionally, the company wipes out the necessity of paying off approximately \$96,000 in accumulated dividends, as of Oct. 1 last.

Sinking Fund operations to withdraw additional shares, of course, depend on the continued prosperity of the corporation. Thus a losing year would halt these.

Announced purpose of Universal's recapitalization plan is the simplification of the corporate structure, with the elimination of dividend arrears (about \$64 per share on Oct. 1 last) the biggest problem. U admittedly has too many varieties of stock outstanding presently. A single preferred stock and one type of common may be the ultimate goal of the company.

INDIES 'INVADING' CHAINS

Only Change in Congress So Far As Pix Is Concerned Is Neely, Now Gov.

Washington, Nov. 12.

Balloting made little difference to the film industry, as far as the Congressional makeup is concerned. Though Republicans picked up some Senate seats and faded in the House, nobody conspicuous in debates over motion picture matters disappeared except leader of the reform block, Senator Matthew M. Neely, of West Virginia.

The House Interstate Commerce Committee, which has put the Neely bill in a pigeon-hole, will have only two new members next January. On the 21-man Senate committee, there will be four vacancies to fill. In neither case will there be any material difference about the legislative attitude. The Senate group, although it has reported the bill on two occasions, never has heard with enthusiasm and usually has acted only to appease Senator Neely, the House crowd always has been so chilly that the reformers perennially complain it is under the majors' thumb.

Fading from the House panel are Representatives Elmer Ryan of Minnesota, a Democrat, and Charles Risk, Republican, of Rhode Island. A couple of times Ryan showed up for last spring's hearings, indicating by infrequent questions he thought exhibits deserved more latitude in selecting and booking films, but never indicating he was very much sold on the Neely panacea. Risk never took any interest in the legislation. All of the bill's foes remain, with Representative Clarence Lea of California still in the chair.

Governor of West Virginia

Principal disappearance from the Senate committee roster was that of Senator Neely, the author of both the anti-block booking and divorce bills. He ran for and was elected to the governorship of his home state. Rumored he may quit that job as soon as he has straightened out political conditions which prompted him to seek the nomination, trying to get back to the Senate in 1942 or arranging to be appointed to the seat he will vacate.

Senator Vic Donahoe of Ohio, a Democrat, who never showed any concern about the Neely bill, was not a candidate for reelection while Senator Sherman Minton of Indiana, zealous New Dealer, was trounced. Latier was generally regarded as a hater of all big business, though not conspicuous in wrangling over film trade practices of moral calibre. The other berth to be filled in January is that which had been occupied by Senator Ernest Lundeen of Minnesota, the Farmer-Laborite who was killed Labor Day weekend when an airliner in which he was a passenger crashed in nearby Virginia.

Balance of the two committees probably will not be changed. While the Republicans picked up three Senate places and the Democrats made a gain of eight in the House, the difference is not enough to require a new ratio or affect the chairmanships.

'HIRED WIFE' TITLE SUIT AGAINST U.

A suit by Producers Laboratories, Inc., against Universal Pictures Co., Inc., Big-U Film Exchange, Inc., and the National Film Exchange, Inc., was revealed Friday (8) in N. Y. supreme court when the defendants applied for a bill of particulars. Action seeks an injunction, accounting of profits and damages against Universal's 'Hired Wife'.

Producers claims it owns a film entitled 'A Hired Wife' and asserts the defendants' use of the title 'Hired Wife' conflicts with its title and constitutes unfair competition. The defendants have entered a general denial to all charges.

To Examine 20th Execs

In M. J. Messeri's Suit

Sidney R. Kent, Walter J. Hutchinson and Ben Higgins, president, foreign manager, and European manager of 20th Century-Fox Film Corp., will be examined before trial Nov. 26 in N. Y. supreme court, according to an order of Justice Isidor Wasservogel on Friday (8). The examination is in connection with a \$6,112 suit by Marion Palmer, assignee of Moses J. Messeri, formerly 20th-Fox's Spanish manager, against the company.

Plaintiff claims Messeri was hired in June, 1939 at \$300 weekly, of which two-thirds were to be deposited to his credit in a New York bank and the rest paid in Spain. When Messeri returned on May 11, 1940, it is claimed he discovered the film company had failed to deposit the two-thirds of his salary.

9,000 U. S. Theatres

Collaborating in '40

Red Cross Campaign

Undoubtedly the greatest industry effort ever extended to the American Red Cross got under way this week when approximately 9,000 film theatres in all sections of the country participated in the two weeks' drive to put across the annual roll call campaign of the American Red Cross. The film business was particularly interested in making it an all-industry campaign this year because the Red Cross presently is confronted with additional responsibilities resulting from war relief activities in U. S.

In some cities the membership campaign will be conducted later with the full cooperation of local cinemas when a local drive is made to enroll members. Also in certain smaller towns no Red Cross membership campaign is conducted, making it impossible for local theatres to give any cooperation. Outside of these, theatre cooperation is 100%.

Major film companies are handling the distribution and booking of a special picture which the film business is contributing. Eastman Kodak has donated 2,000,000 feet of film for prints, while DuPont Film contributed 300,000 feet. Printing of the numerous reels needed is contributed by Consolidated Film Industries. There also is a brief short, which is booked via the Red Cross, for showing in theatres. Houses also are helping by heralding the Red Cross roll call via marquee, lobby, etc., decorations.

The house organ of the Red Cross commended the picture industry as follows: 'It is significant that the motion picture industry itself initiates this vitally important cooperation most generous and extensive ever accorded any agency. Red Cross workers everywhere take this opportunity to thank the motion picture industry for its valued support.'

Major L. E. Thompson is general chairman of the Motion Picture Theatres Campaign committee for the Red Cross, while David Paleyfrman, executive with the Hays office in New York, is secretary of the committee.

RKO to Build 8-Year-Old

Joan Carroll While East

Joan Carroll, juvenile actress, currently in 'Panama Hattie,' goes back to RKO, following the completion of her engagement in the legit show. Picture company plans giving the youngster plenty of eastern bally while she is in the musical because she is not expected to return to the picture studios until June next year.

Eight-year-old Carroll girl last was seen in RKO's 'Laddie,' but attracted attention previously for her work in 'Primrose Path.'

CIRCUITS NO LONGER IMMUNE

Heretofore the Sewed-Up Sectors Were No Man's Land, Because of Product Availability, or the Lack Thereof

DECREE CHANGES THAT

The strongholds of circuits which heretofore have been regarded as impregnable are threatened with an invasion such as has never before been envisioned, with independent interests, in and out of show business, moving into towns and territories which have been considered as 'no man's land' to the outsider.

This is particularly true of states that have been closely held by large circuits, both affiliated and independent, with resultant dominating buying power. The indies, among them persons outside the show business who see a chance for profit in exhibition, are sidling into situations that have been 'no persona grata' up to now and hope to knock off deals with distributors who refuse to give in to circuits with vast buying power at whose mercy they must deal.

This infiltration of independent interests has been particularly noted by distribution men since the consent decree was begun, the angle being that under it there was greater freedom to expand and build without fear of oppression. The consent decree, not yet signed by the court, places clamps on the major chains and distributors so far as opposition in chain-controlled territories are concerned.

A branch manager for one of the big companies seeking a large territory in the south, informs VARIETY that in all his 25 years of experience he has never had such a large number of men come into his office trying to learn the film business (buying-booking-dating, etc.) in 10 months. This exchange manager is located in a territory that is vitally controlled by one of the larger chains. He states that while he is gladly willing to sell the new customers film, he is amazed at the lack of business knowledge that is being demonstrated by the new crop of exhibitors. In his opinion, they are moving into 'verboten' towns finally because the consent decree has placed the chains in the position where they no longer can indulge the squeeze play and run the vader out.

South Always 'Closed'
The south has always been what amounts to a monopoly on buying, this explaining why the Saenger circuit covering Mississippi, Louisiana and portions of Alabama, never did play 'Snow White.' The Kincey-Wilby circuit in the southeast also has 'turned out' certain pictures and for as long as six months deferred action on film though available on the ground that a film 'is as good today as it is tomorrow.'

During the past season Universal reached an impasse with Saenger (Paramount) and, rather than give in to Saenger Amus. Co. demands, U encouraged indies to go into Saenger's towns. This has occurred during the past few months, with independents moving into Jackson, key town of the state held by Saenger and others. It was reported at first that U would grant franchises for five years to any indie invading Saenger dominions but Bill Scully, general sales manager for U, says this isn't true. He states, however, that two-year deals have been made with some of the accounts which are in opposition to Saenger. Also, Scully declares that since the company has played away from Saenger in New Orleans, it is realizing a larger return than when its film was sold to the E. V. Richards-Paramount.

(Continued on page 22)

Pending Sundry Protests in N. Y., Opposing the Consent Decree, Arbitration Machinery Being Set

Changing Oceans

Hollywood, Nov. 12.
Film navigators are tacking out of the Caribbean Sea, where titles are growing too numerous, and veering to the South Pacific, where the atmosphere is not so Latin-American.

20th-Fox has scrapped its title, 'Caribbean Cruise,' and adopted 'Song of the Islands,' located in the vicinity of Tahiti, far from the overworked rhumba belt. The basic story is the same, but the background Polynesian instead of Spanish. Robert Ellis and Helen Logan are doing the script, moving Jack Andrews' original story to a different ocean.

'Jerusalem' Legit

Filmed in 16 MM., For Schools, Churches

Sales possibilities on Joseph Pollack's complete 16 mm. filmization of the legit, 'Journey to Jerusalem,' will be tested before the producer contracts for another show. Pollack is now editing the picture made while the Maxwell Anderson play was recently on Broadway. Idea is to rent the film to schools, colleges, church groups and similar organizations.

Pollack's plan is to make a series of the narrow gauge pix from top Broadway plays, working on a royalty arrangement with the legit producer and author. First one cost considerably more than estimated when it was found unfeasible to do the filming right on the theatre stage. Instead sets were moved to the Fox-Movietone studios and play was picturized there.

NOV. 20 NOW DATE SET FOR GEO. SKOURAS CASE

Setting the date for the trial of George P. Skouras continues to be delayed in N. Y. federal court due to the inability of the court to provide a judge.

Date is now put over to Nov. 20. Action is by the U. S. Government and claims that Skouras attempted to bribe former N. Y. Judge Martin T. Manton by paying him \$30,000 in return for which Skouras Theatres Corp. received some of the assets of Fox Theatres Corp., valued at \$1,500,000.

20th-Fox Suit Vs. Century Circuit Marked Settled

Suit of 20th Century-Fox Film against Century Circuit, Inc. (A. H. Schwartz) of Brooklyn and Long Island was settled and discontinued out of the N. Y. supreme court Friday (8). Plaintiff asked \$70,000 in two suits each for \$35,000, while the defendant in a counter claim asked for \$75,000.

The film company's suit was based on alleged failure of Century to play product contracted for; in the 1938-39 and 1939-40 seasons, while the defendant's suit claimed breach of certain playdate contracts.

It is understood that over 50 features as well as shorts and newsreels were involved in the action. No complaint was ever filed in either suit.

Wallace's Roach Pair

Hollywood, Nov. 5.
Richard Wallace closed a deal to direct two more pictures for Hal Roach.

Films are slated for the 1940-41 releasing program of United Artists.

Pending approval of the consent decree reached with five theatre-owning majors which is slated to be submitted to Federal Judge Henry W. Goddard tomorrow (Thursday) in New York, arbitration machinery is being set up throughout the country and likely that within a week or two its cost will be apportioned among the five distributors.

Going ahead on arbitration, indications are that the Government, the five majors who are party to the consent decree, and the American Arbitration Assn., confident exhibitor protests against the decree will not upset it.

Preparing to resist the decree and attempt to get it thrown out altogether or modified to the satisfaction of theatre owners, exhibitor forces are scheduled to appear before Judge Goddard's court tomorrow morning (Thursday) to put up a fight. Exhibitor associations that will be represented include Allied States Assn., Independent Theatre Owners Assn. of New York, the Allied Theatre Owners of N. Y. and the Pacific Coast Conference of Theatre Owners.

Ed Kuykendall, president of the MPTQA, arrived in N. Y. Monday night (11) and Bob Wilby, plus Fred Kent, committee of two representing Paramount partners, were due in yesterday (Tuesday). Reports Par partners may withdraw their opposition are denied. Kuykendall will be in court with Henry G. Gray, N. Y. attorney representing the MPTQA. George P. Arons will act as counsel for the eastern Pennsylvania unit of the organization, also as associate of Gray's, while the Connecticut organization will have Herman Levy on hand as its attorney. Sidney B. Pfeiffer, of Buffalo, will represent the upstate N. Y. unit in the MPTQA.

Kuykendall stated yesterday (Tues.) the MPTQA and its various units continue to be vigorously opposed to various features of the decree.

AAA in Preliminary Meets

Preparatory to plans to immediately start setting up arbitration boards throughout the country, a meeting was scheduled to be held yesterday afternoon (Tuesday) at the American Arbitration Assn. to discuss the organization of an arbitration advisory board for the picture industry under the decree but due to the illness of an AAA official, it will not be held for a week or 10 days.

J. Noble Braden, executive secretary of the AAA, has been appointed to organize the 31 arbitration boards that will be set up and to aid in the selection of arbitrators, investigate their qualifications, background, etc. No one who is presently or in the past has been connected with pictures is eligible. Braden leaves Saturday (16) on a tour of 29 exchange points where boards will be organized. The remaining two will be in New York for N. Y. and Brooklyn cases. Braden will be away about six weeks.

Meantime, a budget of \$490,000 annually has been agreed upon to cover arbitration, with an additional \$55,000 for the three members of the appeals board. These figures will be presented to court tomorrow (Thurs.). The \$55,000 for the appeals board will be broken up as follows: \$20,000 for the chairman and \$17,500 each for the other two.

The cost of the arbitration machinery will be apportioned among the five majors (Paramount, Metro, Warner, RKO and 20th-Fox), with the percentage of the burden to be based upon the gross rental business of each for the year from Aug. 7, 1939, to Aug. 1 last.

In advance of approval of the consent decree, distribution departments are giving it considerable study in preparation for the new system of selling that would go into effect next year in the marketing of the 1941-42 programs.

NW Allied Admits All Must Join In Drive to Bring 'Em Back to B.O.

Minneapolis, Nov. 12. Tacitly admitting that the independent exhibitor must play a more constructive part in reviving the film industry and that his troubles are not entirely due to inferior product, excessive film prices and harmful trade practices, Northwest Allied here has announced a campaign designed to bring the public back to the theatres. Increased advertising and exploitation are promised in an effort to make the public more movie conscious and additional playing time for outstanding films to encourage the production of better product.

At the same time, however, Fred Strom, Northwest Allied executive secretary, says the independents are not deviating from their stand that film costs must be substantially reduced.

"We realize that never in the industry's history have there been so many forms of competition for theatres to combat and that better exploitation and extended playing time should be the most effective solution of how to renew the public's interest in pictures and to build larger theatre attendance," said Strom. "But that doesn't minimize the need for lower film costs and for elimination of trade abuses. However, if we can't get more people into our theatres it wouldn't do us any good to obtain film for nothing."

In fighting for a boxoffice 'comeback,' Northwest Allied proposed a three-way assault, Strom explains.

Trailers will be run on all screens stressing the value of movies for juvenile educational purposes and as adult recreation and relaxation, urging the public to 'go to movies' and to participate in the 'greater movie season' and help and advice in obtaining the type of film entertainment desired and which, according to the trailers, the management will try to provide. "Go to movies" valances and special banners and valances for individual films will be used liberally and, in the case of pictures, will be re-used and distributed to reduce exhibitors' costs.

Newspaper, postal card and other campaigns will be employed to a greater extent and there will be more intensive selling to particular groups which might find special appeals in certain films, Strom says. Special window cards and frames will be placed in prominent spots in the various towns, too, and more tieups will be used, he asserts.

"The keenest sort of competition has come into the industry," says Strom in his statement. "To vie for the public's entertainment dollar there now are night clubs, beer parlors, bowling alleys, basketball tournaments, night baseball and football, hockey and ice shows, carnivals, festivals, better radio programs, industrial shows of all kinds, etc. It's a tough battle for the theatre man."

'ARIZONA' GETS HEAVY PLUGGING ON NET SHOWS

Tucson, Nov. 12. Three nationwide radio programs will be used in saluting the world premiere of Columbia's 'Arizona' here Nov. 15. Columbia will be on the Kate Smith hour, 'Vox Pop' and George Fisher's 'Hollywood Whispers' broadcasts.

The Kate Smith program will observe the opening of Wesley Ruggles' picture by broadcasting Friday night (15) from Tucson with members of the 'Arizona' cast guests. Besides the regular artists of the program and guests, the Arizona U-lee club also will be heard. Kate Smith will broadcast five additional daytime programs from here over the Columbia network, with stars from the film on several.

Thursday night (14) 'Vox Pop,' another CBS show, will originate from Tucson, with Parks Johnson and Wally Butterworth interviewing members of the picture's cast at the Pioneer hotel. George Fisher's program, heard Wednesday afternoons over the Mutual network, is presenting a series of eight broadcasts, which began Nov. 7, on an 'Arizona' quiz contest.

United Chain's Latest.

New Orleans, Nov. 12. The Algy, new 1,000-seat house in Algiers, across the river from here, opened recently. House is latest in chain of the United Theatres, Inc.

REAFFIRM HAYS OFFICE NIX ON 4-STAR BILLING

Nix of the four-star advertising system by the Hays office was reaffirmed last week by advertising directors from seven major companies. Only Universal was not represented. This backed up the May, 1935, Haysian ruling, which held that major companies or their affiliates should not use four-star advertising directly or indirectly.

The same subject came up at the Motion Picture Producers & Distributors Assn. directors' meeting Friday (8), but nothing was done on the subject because Barney Balaban, Paramount president and member of the directorate, was absent on the Coast.

Paramount was singled out as the most recent violator. It advertised four stars on 'Arise My Love' and 'North West Mounted Police.' The Rival and Globe theatres were mentioned as using the four-star system in their ballyhoo, but the major company advertising and publicity chiefs attending last week's huddle admitted that little could be done about either house, because neither was in any way affiliated with major distributors.

Those in on the four-star agreement last week were Howard Dietz, Barret McCormick, Al Wilkie, Lynn Farnol, Mort Blumenstock, C. E. McCarthy and Maurice Bergman. Wilkie appeared for Paramount because Robert Gilliam, head of the publicity staff, was in Florida.

Opinion expressed at the session was that advertising of films by means of star ratings is bad for the whole film business. Attitude taken was that billing of features as a 'four-star' epic, a seven-star special or a 17-star masterpiece readily might be overdone. Because of the difficulty in enforcing the star-rating rule even in affiliated theatres, the whole subject may come up for additional discussion in the near future.

Even \$5,000 Per Co. for Shortwaving To So. America Finds Pix Cool to Idea

'Gone's' Advance Date In Atlanta for Charity

An advance pre-release engagement of 'Gone With the Wind' will be held in Atlanta, site of the world preem in 1939, at Loew's Grand, Dec. 12, with the proceeds to charity.

The national release of the picture will be in January, with showings at approximately one-half of the scale that prevailed before, 75c matinees and \$1.10 evenings.

Sales policy remains to be set. It will be based on results in about eight cities, half of which played the picture before, the other half that didn't play it.

OTTO HEHN'S NEW TYPE OF PICTURE SCREEN

Detroit, Nov. 12. Completing many years of research started when he lived in Europe, Otto Hehn, of Jackson, Mich., has come up with new type of film screen which, it is said, brings an end to picture distortion from any seat in the house.

The new screen, made of glass and steel, has been installed in the Butterfield circuit's Majestic, Jackson, and because of its sharpness and true image from any angle is going into other houses of the large circuit now numbering more than 110.

Hehn spent more than 15 years perfecting his screen and before coming to this country installed 148 of an earlier type along the same lines in Prague and Vienna. The glass-steel screen is washable with a hose and unbreakable. It employs the principle of alternating concave and convex surfaces.

Dave Lipton's Col. Studio Warmup Before N. Y.

Dave Lipton will spend two weeks in Columbia Pictures' studios on the Coast prior to coming east to assume the post of advertising-publicity chief. His resignation as head of Universal's studio publicity staff became effective Dec. 14 and he'll take over at the home office on Jan. 2.

Col. will be without a pub-ad head (although Nate Spingold will as usual keep an eye on the department) for a month before Lipton's arrival. Maurice A. Bergman, present topper in the office leaves on Dec. 2 to become advertising director at 20th-Fox, succeeding Arch Reeve, resigned.

Prior to joining U. three years ago, Lipton had public relations assignment with Columbia Broadcasting and was for 13 years in the advertising department of Balaban & Katz in Chicago and Detroit.

Catholic Clergy Laud 'Knutie,' But Nix Dual Partner In Det. Spot

Detroit, Nov. 12.

United Detroit Theatres here made an extensive campaign among the Catholic clergy, high school and college coaches of the parish schools as part of the buildup for the showing of 'Knutie Rockne.' The enthusiasm of these important Catholics for the film decided the chain to run an ad in the Michigan Catholic, influential weekly paper covering this part of Michigan.

The paper turned down an ad bill with 'Money and Women,' banned by the Legion of Decency.

However, a week after declining the paid advertisement, the Catholic paper came out and commended the chain in a front page editorial for moving the lauded 'Rockne' film to the Palms-State, where it was coupled with 'World in Flames,' okayed for Catholics.

Feigley's Canadian Service

Toledo, Nov. 12.

Howard Feigley, Jr., manager of the Fox and Metro theatres, will take entrance tests for the Canadian Air Corps.

3 Indies Bid for Carman, Philly; Other Theatre-Exchange Briefs

Philadelphia, Nov. 12. It was reported this week that an offer to lease the \$150,000 Carman has been made by three w.k. theatres, but of this writing it has not been accepted. The offer is said to have been made to George Graves, current operator of the house, by Jay Emanuel, indie chain owner and trade paper publisher; Frank McNamee, until recently RKO exchange manager here, and Izzy Rapaport, operator of the Hippodrome, Baltimore.

The house is currently in the hands of the receivers and is under reorganization under the supervision of the Federal Court. The offer to lease was said to be subject to the contingency that Graves drop his anti-trust suit against the Stanley-Warner circuit. It is this phase of the deal that is believed to be holding it up. Graves is adamant that his suit be brought to a head in court.

The receivers are expected to make their recommendation before Judge George Welsh in U. S. District Court some time this week. At this time the bondholders are expected to decide the ultimate fate of the house, a North Philly vaudeville.

Edgar Moss, 20th-21st Fox exchange boss, sells his new home in Bala-Cynwyd, Dec. 1, with a gala housewarming.

RKO getting ready to move to its new exchange building within the next few weeks.

Herb Elliott's Fern Rock reopened after refurbishing.

Industry mourning the death of Joseph Zolnerowich, operator of Imperial, Kulpmont, Pa.

Nominations of officers of Film Exchange Employees Union, B-7, will be held Friday night at the Broadwood hotel.

Herb Given's Producers Releasing Corp. moved to new quarters on Vine street.

Pat Duffy, former member of the State Board of Censors, a visitor along Film Row.

The Motion Picture Associates of Philadelphia, composed of 104 film salesmen in the area, will hold a dinner at the Allison Club, Harrisburg, Dec. 2, in honor of five Harrisburg exhibitors, pioneers in the industry.

Chief guests of honor will be C. Floyd Watkins, Herbert Karpis, B. Heckard, J. Marcus and J. Nangle.

Ben Bernie to emcee Variety Club's annual shindig.

Clifford McKelvey have taken over the operation of the Ideal, Montrose, Pa.

Victor D'Ambrosio has joined sales staff of Monogram.

Brandt's Art, N. Y.

The Brandt Bros. on Monday (11) concluded a deal with Herman Waingarten, builder-owner of the Art, New York, acquiring the house-lease, term not indicated.

Theatre opened about two months ago and has been playing foreign film on single bill. Policy under Brandt operation will be doubles, made up of one foreign and one domestic film.

Coincident with change of operation, Irving H. Ludwig, manager of the Art, resigned. Future plans indefinite.

Mendenhall Heads Omaha Variety

Omaha, Nov. 12. A. Ted Mendenhall, manager of the local Paramount exchange, has been elected president of the Omaha Variety Club.

"Dough guy" is M. L. Stern of Capitol Films and property master is attorney Edward Shafston. Board of directors consists of D. V. McLucas, Harry Shumow, Metro manager; R. S. Ballantyne, Scott Ballantyne theatre supply concern head; M. S. Cohn, owner of the Strand, Circuit Bluffs; David Newman, of WOW, and M. G. Rogers, of Film Transport.

Representative to the national board of directors for 1941 will be Newman. Delegates to the national convention will be Green and M. S. Cohn with Eddie Shafston and Sam Epstein as alternates.

The heart of 'Variety' or charity committee, elected is Eddie Shafston, chairman; D. V. McLucas and M. G. Rogers, trustees.

Howard Heads Det. Variety

Detroit, Nov. 12. John Howard, branch manager for Paramount, was elected Chief Barker of the Detroit Variety Club assuming office Jan. 1. Other newly elected officers are David Idzal, manager of the Fox theatre, first assistant chief; William Fleming, branch manager of Producers, second assistant; David Newman, circuit owner, property master, and J. L. Saxe, treasurer of Monogram, dough guy.

New directors include Frank Wettsman, of Wisper & Wettsman Theatres; Lew Wisper, ditto; Wade

Allen, Fine Arts theatre; Frank J. Downey, Metro branch manager; Barney Kilbride, theatre owner, and Carl Baumann, general manager of Co-Operative Theatres of Michigan.

The club raised \$26,000 in its recent campaign to provide lunches and clothing for needy school children and reported giving 105 free pix shows in the City's orphanages and hospitals.

John E. Flynn, who has been district manager here for Metro and is transferring his headquarters to Chicago, will be guest of the Variety Club at a farewell party Nov. 25. The testimonial banquet will be held in the Hotel Book-Cadillac. He served as the first Chief Barker in Detroit.

Shortlived Newsreeler

Milwaukee, Nov. 12. After a hectic life of one week, the first Newsreel theatre here

held up by a pack of postulates. Four partners, Lawrence and Earl Brown, Mrs. Irene Flagstad and William Moles, staffed the house in all departments and, since the theatre was in the hands of the partners, they went to court to halt the picketing, but before the case came up for a hearing the house was shuttered.

Industrial Commission also was on the neck of the partners for alleged unpaid union wage claims on work done prior to opening.

Mack Goodman's Hiatus

Cleveland, Nov. 12. Mack Goodman, UA branch manager, slowly recovering from recent heart attack, leaves for Florida Dec. 1. Bandmaster Al Goodman, his brother, here for week end with him.

Warners losing so many of its users that it has installed ushers at Hipp and Lake houses for matinees.

Exhibits tossing testimonial dinner \$6 a plate Nov. 20, for Dave Miller, Universal district manager on 20th anniversary in film biz, intend giving him a surprise gift but not one of cash. Erroneous impression given by previous item, saying committee hopes to raise \$1,000 for present. Miller doesn't need the dough.

High Sells Theatre

Des Moines, Nov. 12. The Cedar Rapids Theatre, sold by Julius High to Mrs. Alice Klimek.

A. H. Blank, Myron Blank and G. Ralph Blank, of Iowa State to Chicago to attend meeting of Paramount partners.

Lou Patz, onetime manager of Universal exchange here, returned to Des Moines as head of National Screen Service. Chic Friedman, former manager, reported heading for California. National Screen will set up complete accessory service in Omaha as a separate unit, also in charge of Patz.

Fay's Own House

Hartford, Conn., Nov. 12. Kenneth Fay, assistant manager of the Warner State, stepped to manager of the chain's nabe Rialto. Replaces Victor Morelli, who resumes management of the Cameo, Bristol. Latter house devastated by fire and been rebuilt.

Frank Ramsey, upped to assistant manager to replace Fay.

Farewelling Fred Duffy

Albany, N. Y., Nov. 12. A farewell will be for Fred E. Duffy, who has resigned as public salesman owing to poor health, will be given next Monday by Film Row colleagues. Duffy, who for years has been a public salesman before joining Republic and who was an exhibitor in Utica prior to becoming a salesman, has been succeeded by Eugene J. Lutz.

Will a few months be sold for Monogram and before that worked for other companies here.

McNatt's Addition

Naples, Texas, Nov. 12. Walter McNatt, who sold the Capitol, Linden, from J. B. Parker. McNatt owns the Inez here, the Morris in Dainierfeld and the Village in Hughes Springs.

Jacobs' Cleveland Exchange

M. M. Jacobs is organizing an independent film exchange in Cleveland. One of his first deals on product is for the Astor Pictures output, which is made up largely of reissues.

Waxman's Moves

Atlantic City, Nov. 12. Harry Waxman, head of Waxman chain, including Hollywood, Astor and new Cinema theatres, announced that Capt. Jay Waxman, former manager of the Astor, is now in charge of the Cinema. Martin Lazar, comes manager of the Astor, and James Cox, who sold the Astor, promoted to manager of the Hollywood.

Chi Films Need Help; Lolly Ups 'Burma' to 30G, 'Kildare'-Barnet \$17,000, 'Diamond'-Herbie Kay 15G

Chicago, Nov. 12. Business sagged sharply starting on election night last week and the box-offices have not been able to climb back to normal yet. Strangely, the loop was deserted on election night instead of the usual New Year's Eve atmosphere. And the time the theatres have not been able to recover. It's going to take some box-office dynamite to shake the public out of its current lethargy.

'Dictator' ran into a squall, and will call a halt on its reserved seat two-day policy in the Apollo on Friday (15). Seats had been sold in advance of this date, but business has been so slack that it has been decided to fold the run in this house and refund the coin. Business has been particularly weak in the matinees and the night-time price of \$1.65 here was too high when it's possible to see the same show at the Roosevelt for \$1.10. Picture will continue its grind run in the Roosevelt, where it is turning in satisfactory grosses.

'Foreign Correspondent' is holding a second session in the United Artists and heading for a happy money mark. Looks for bang-up stay on an up-to-the-minute picture. Too Many Girls on the other hand, tied in with Give Us Wings is a disappointment in the Palace and not likely to stick.

Big Chicago has 'Moon Over Burma' plus the Lovell Parsons unit on the stage, but business here is suffering from the general loop tightness. Charlie Barnet orchestra is a bright spot in the loop and getting some profits for the State-Lake.

Estimates for This Week
Apollo (B&K) (1,200; 85-81.10-1.65) —'Dictator' (UA) (2d and final week). Sagged quickly after good start. Fact that prices are higher here than at grind in the Roosevelt for same picture is real box-office injury, and two-day office here folds on Friday (15). Looks for next \$8,000, currently after taking \$13,200 last week.

Chicago (B&K) (4,000; 35-55-75) —'Burma' (Par) and Louella Parsons unit on stage. Strictly the Parsons game that's getting the better of this week, with the picture on the under side. Tackling a tough public at this time, but managing to pound out \$30,000, good. Last week, 'Moon Over Burma' (Par) finished a rousing first night to bang-up \$35,200, at 44-55-85.

Garrison (B&K) (900; 44-55-85) —'Mounted Police' (Par). Third loop week in this hold-over house. Prices up as they were in the Chicago. Getting fine \$7,500. Last week, 'Wyoming' (M-G) and 'World in Flames' (Par) in second loop session snatched happy \$6,200.

Oriental (Jones) (3,200; 28-44) —'Diamond Frontier' (U) and vaude. Herbie Kay orchestra on the stage is the busier of the two. Heading for sleek \$15,000. Last week, 'Glamour Sale' (Col) plus the Elsa Maxwell unit on stage took neat \$14,100.

Palace (RKO) (2,500; 33-44-66) —'Too Many Girls' (RKO) and 'Give Us Wings' (U). Not going anywhere despite excellent publicity and exploitation soundings. Previous excellent trade in this house at \$10,000. Last week, 'Spring Parade' (U) and 'Men Against Sky' (RKO) finished two-week stay to fine \$10,100.

Roosevelt (B&K) (1,700; 75-81.10) —'Dictator' (U) (2d wk). Grind policy is a winner. Looking for strong \$14,000. Second session after taking mighty \$25,500 last week.

State-Lake (B&K) (2,700; 28-44) —'Kildare Home' (M-G) and vaude. Charlie Barnet orchestra on stage and is accounting for one of the few bright spots in the current theatre situation in the loop. Upping the gross to \$17,000. Last week, 'Argentine Nights' (U) and 'Hollywood Loose' unit on stage, good \$14,600.

United Artists (B&K) (M-G) —'Correspondent' (UA) (2d wk). Riding to \$12,000, healthy, for second session after taking bright \$15,800 last week.

'Dictator,' 16G, 'Escape,' \$6,000, Both Big in Port.

Portland, Ore., Nov. 12. The Broadway picture, the spirit this week with 'The Great Dictator' at advanced prices. Opening night was a charity affair at \$5 per, poor (children's hospital). Film looks like a winner for this house, living up to local and national bally.

All other houses about even on new pictures. 'Mayfair' doing nicely with 'North West Mounted Police,' only h.o.

Estimates for This Week
Broadway (Parker) (2,000; 75-81.10) —'Dictator' (UA). Looks like terrific \$16,000. Last week (35-40-50),

'Hullabaloo' (M-G) and 'Mummy's Hand' (U), fair \$4,000.
Mayfair (North-West Mounted) (Par). Moved from Paramount for third week. Good \$3,800. Last week, 'Wyoming' (M-G) and 'Kildare Home' (M-G), about par at \$2,700.

Orpheum (Hamrick-Evergreen) (1,800; 35-40-50) —'Moon Burma' (Par) and 'Mountain' (Par). Probably nice \$5,000. Last week, 'Knew What Wanted' (RKO) and 'Dance, Girl' (RKO), average \$4,800.
Paramount (Hamrick-Evergreen) (3,000; 35-40-50) —'Zorro' (20th) and 'Still Alive' (RKO). Good enough \$5,500. Last week, 'North West Mounted' (Par) held 17 days and moved to the Mayfair, getting fine \$6,000 in last 10 days.

United Artists (Parker) (1,000; 35-40-50) —'Escape' (M-G) and 'Slightly Tempted' (U). Looks like great \$6,000. Last week, 'Zorro' (M-G) and 'Haunted Honeycomb' (M-G), second week, okay \$4,200.

K.C. Films Vs. Cows; 'Zorro' OK \$10,000, 2 Spots

Kansas City, Nov. 12. Attention this week is centered on the annual celebration of the American Royal Livestock and Horse Show and theatres are looking for ways to shift for themselves. Thousands of visitors from all over the Kansas City trade territory, including parts of seven states, are in town for the week, and after the opening coronation parade and ball on Saturday (9) films will be one of the bigger draws.

At the Garrison, the opening, the committee brought in Linda Darnell, Leo Carrillo and Shep Fields for name draught.

Estimates for This Week
Esquire and Uptown (Fox Midwest) (820 and 2,048; 10-28-44) —'Zorro' (20th). Reaping \$10,000, big money, and certain to play second week. Last week, 'Seven Sinners' (U), fair \$7,300.

Midland (Loew's) (4,101; 10-28-44) —'Hullabaloo' (M-G) and 'Girls Under 21' (Col). Couple of lightweights won't better \$7,800. Last week, 'Dictator' (UA), at 75c and \$1.10, was very poor at \$5,500.

News (Paramount) (1,950; 15-31-55-55) —'North West Mounted' (Par) (3d wk). May hit \$6,000, very nice. Second week, \$9,000, best most first weeks.

Orpheum (RKO) (1,500; 10-28-44) —'Angels Broadway' (Col) and 'Tugboat Annie' (WB). Average \$6,200. Last week, 'Too Many Girls' (RKO) and 'Ladies' (RKO), okay \$6,500.

Tower (Joffe) (2,110; 10-30) —'Friendly Neighbors' (Rep) and Faith Bacon heading stage show. Weavers and nudge happy combo and \$9,000 and the biggest grosser of the past two years. Last week, 'Yesterday's Heroes' (20th) and Joe Sanders' orch, \$7,200, good.

'DICTATOR' N.G. \$7,500 IN 2N BUFFALO KICK

Buffalo, Nov. 12. Tallies at Buff b.o.s remain in the black by a snug margin.

In its second week 'The Great Dictator' is limping, while the first dual bill at the Buffalo looks potent enough to warrant repeating twinners.

Estimates for This Week
Buffalo (Shea) (3,500; 35-40-50) —'Escape' (M-G) and 'Dancing Dime' (Par). Inducement will probably get nice \$15,000. Last week, 'No Time Comedy' (WB) and Charlie Barnet's orch, okay at over \$17,000.

Buffalo (Shea) (3,000; 75-81.10) —'Dictator' (UA) (2d wk). Present stanza terminates tomorrow (Wednesday). Only \$7,500, poor. Last week, \$18,500, nothing to brag about at \$14,000.

Hipp (Shea) (2,100; 30-45) —'Captain Caution' (UA) and 'Outside' (Alliance). Regulation fare and b.o., \$6,000. Last week, 'Tangers Fortuna' (Par) and 'Quarterback' (Par), ditto.

Lafayette (Hayman) (3,300; 30-40) —'Seven Sinners' (U) and 'Slightly Tempted' (U). Quickened b.o. pulse should spell fine \$8,500. Last week, 'Little Bit Heaven' (U) and 'Diamond Frontier' (U), fair \$6,600.

20th Century (Dispos-Basil) (3,000; 30-40) —'Knew What Wanted' (RKO) and 'Mystery Spills' (RKO). Looks geared to around \$8,000, good enough. Last week, 'Queen Yukon' (Mono) and Jimmie Lunceford orch, midlish \$10,000.

First Runs on Broadway (Subject to Change)

Week of Nov. 14
Astor —'Great Dictator' (UA) (5th wk).
Broadway —'Fantasia' (Disney) (13).
(Reviewed in Current Issue)
Capitol —'Great Dictator' (UA) (5th wk).
Criterion —'Sk: Murder' (M-G) (13).
(Reviewed in Variety Sept. 25)

Globe —'Angels Over Broadway' (Col) (16).
(Reviewed in Variety Oct. 9)
Music Hall —'Escape' (M-G) (3d wk).
Palace —'Youth Will Be Served' (20th).

Paramount —'North West Mounted Police' (Par) (2d wk).
Rialto —'Great Plane Robbery' (Col) (15).
Rivoli —'Seven Sinners' (U) (16).
(Reviewed in Variety Oct. 30)

Roxy —'You'll Find Out' (RKO) (State —'Kit Carson' (UA).
(Reviewed in Variety Aug. 28)
Strand —'Tugboat Annie Sails Again' (WB) (2d wk).

Week of Nov. 21
Astor —'Great Dictator' (UA) (6th wk).
Broadway —'Fantasia' (Disney) (2d wk).
Capitol —'Great Dictator' (UA) (6th wk).
Criterion —'Too Many Girls' (RKO) (20).
(Reviewed in Variety Oct. 9)

Globe —'Night Train' (20th) (23).
(Reviewed in Variety Oct. 9)
Music Hall —'Bitter Sweet' (M-G).
Paramount —'North West Mounted Police' (Par) (3d wk).
Rialto —'Give Us Wings' (U) (22).
(Reviewed in Current Issue)

Rivoli —'Seven Sinners' (U) (2d wk).
Roxy —'You'll Find Out' (RKO) (2d wk).
Strand —'The Letter' (WB) (22).

CHAPLIN WASH. SURPRISE AT \$29,000

Washington, Nov. 12. Strong advance fears that local traffic wouldn't stand \$10.10 top on 'The Great Dictator' apparently were unfounded. Pic isn't hanging out the s.o. sign at Palace, Loew's ace straight pic spot, but it's getting fine \$29,000, nearly double house average at regular scale, and is building.

Surprise of week is Long Voyage Home, turned down by Loew's here to leave Palace free for Chaplin and grabbed by Keith's. Sock reviews and word of mouth appear to be snagging the arty crowd for well above average take. Two vaude spots are tied neck 'n' neck, with 'Hullabaloo' at Capitol and 'Dispatch from Reuters' at Earle.

Estimates for This Week
Capitol (Loew) (4,344; 28-39-44-66) —'Hullabaloo' (M-G) and vaude. Much ballyhooed Pan American Revue, pretentious but starless, helping some, but \$14,000 n.g. Last week, 'Third Finger' (M-G) and vaude, built to good \$21,500.

Columbia (Loew) (1,234; 28-44) —'Westerner' (UA) (2d run). Back downtown after two oke stanzas at Palace, and will get solid \$5,000. Last week, 'Bright Young' (20th) (2d run), light \$3,500.

Earle (WB) (2,216; 28-39-44-66) —'Reuters' (WB) and vaude. Papers were nice to pic about their own biz. Should hold for oke \$14,000. Last week, 'Rhythm River' (Par), good \$15,500.

Keith's (RKO) (1,830; 39-55) —'Voyage Home' (UA). Critics went to town for and aft, and it looks like surprisingly solid \$9,000 for distinctly arty pic. Last week, 'Too Many Girls' (RKO), weak \$6,000.

Met (WB) (1,600; 28-44) —'Ab Lincoln' (RKO). First time at top prices since world premiere here last spring and will get neat \$5,500. Last week, 'City Conquest' (WB) (2d run), average \$5,000.

Palace (Loew) (2,242; 75-81.10) —'Great Dictator' (UA). If it holds, Chaplin will give the lie to the doubters with strong \$29,000, nearly double house average at usual scale. Last week, 'Dove Argentine Way' (20th) (39-55), slipped to fair \$12,500.

'NW Mounted' Sets New B'way Par Record at \$70,000; 'Escape' Big 94G On 2d, 'Tugboat'-Haley Show Mild 30G

(Best Exploitation: Paramount)
Business remains very firm on Broadway, though disappointing in a couple spots due to lack of strength in the attractions. While experience in the past has been that immediately after national release, weakness is displayed for a few days, this wasn't true following Tuesday's (5) vote day. Also Armistice Day this year, and that was stronger than in prior years. It isn't a holiday for many folks, but kids are always out of school. Some-theater jacked up their prices, while others didn't.

The Paramount not only upped its scale Armistice Day, but on the entire week with 'Northwest Mounted' it has been getting higher prices except at night. The \$1.10 price to 1 a.m. was placed in effect only until 1 a.m., whereas also the usual mat price of 55c was boosted a dime.

Theatre had a tremendous takeoff Wednesday, and the first seven days finishing the first seven days last night at \$70,000, a new high for the five years of the pit-band policy was established. The \$1.10 and the \$1.10 scored by 'Wells Fargo' and 'Fred Waring' on Christmas week in 1937. By grinding 20 hours each day, a total of 360 shows were performed on the initial week. Picture has the Glen Gray band, Red Skelton and others as stage draught.

Only other frontline first-run of the week is 'Tugboat Annie Sails Again,' which didn't get good notices. It's at the Strand with Jack Haley, Priscilla Lane and Teddy Powell's orchestra on the stage. Away to a slow start, show hasn't picked up pace and will be likely to hit \$30,000, but will be held over due to stage contracts. 'The Letter' and Ozzie Nelson will open Friday (22).

Fine staying powers are being exhibited by the holdovers, with 'Escape,' now in its second stanza at the Music Hall, pushing toward a fancy \$24,000, only \$6,000 behind the opening week's \$100,000. Remains a third.

'Christmas in July' started its second week yesterday morning (Tues.). At the Rivoli but is fairly well hit and will go out Friday night (15), with 'Seven Sinners' coming in Saturday (16). The first seven days for 'Christmas' was \$29,000.

The Chaplin picture, 'Dictator,' drops on the fourth week at the Capitol, concluded last night, to \$38,000, and likely will not remain for more than two or three weeks here though to be continued on its twicely daily run at the \$2 Astor, where holding firmly. The third week at the Astor was \$21,000, very good, while for the six days on the fourth through Monday (11) the take was \$18,000. Metro has 'Third Finger, Left Hand' scheduled for the Cap and it may open there on Thanksgiving or the Thursday following.

'Mark of Zorro' moves out of the Roxy tonight (Wed.) after a nice money-making run of 12 days. The first week came through with a very resounding \$32,000, while for the additional five days about \$38,000. The picture was held over from the prior stanza. House hit a \$33,000 last week when the picture was 'Howards of Virginia.'

'State is enjoying another sock week, with all indications pointing to \$32,000 or in that vicinity, with 'Strike Up the Band' and the Harry Richmond-Sophie Tucker-Joe E. Lewis stage trio that was held over from the prior stanza. House hit a \$33,000 last week when the picture was 'Howards of Virginia.'

'Fantasia,' the Walt Disney picture which requires special projection equipment, opens tonight (Wed.) at the Broadway, at a scale ranging from 55c to \$2.20, two shows daily. Opening night's proceeds are to go to British War Relief.

Elaborate exploitation and advertising campaign on 'North West Mounted' this week, the picture's better for the best job. Warners, however, had a nice campaign on 'Tugboat Annie,' including the world preem held at Tacoma, Wash., Oct. 18, w.s. stars brought up from Hollywood. More than the average in advertising was also spent on the film.

Estimates for This Week
Astor (1,012; 75-81-10-1.65-2.20) —'Dictate' (UA) (5th week). Continues firmly here, last week (34) being \$21,000, while for the first six days on the fourth stanza through Monday (11) an additional \$18,000 was clocked. Remains here index.

Capitol (4,520; 75-81.10) —'Dictator' (UA) (5th week). Goes into its fifth week today (Wed.), but not expected to remain more than two or three more stanzas, with 'Third Finger, Left Hand' (M-G) skedd as next. Chaplin picture finished its fourth week last night (Tues.) at \$38,000, still very good. Third week double house average at usual scale. Last week, 'Dove Argentine Way' (20th) (39-55), slipped to fair \$12,500.

(Wed.) after an indifferent week with 'Golden Fleece' (M-G) only \$6,500. Prior to that 'Haunted Honeycomb' (M-G) hit \$8,000, good. 'Globe' (1,180; 28-35-55) —'Girls Under 21' (Col). Sold on its sensational side, but probably won't net over \$6,500, just fair. Last week, second for 'East of River' (WB), \$6,300.

Palace (1,700; 28-35-55) —'Knew What They Wanted' (RKO) (2d run) and 'Little Bit Heaven' (U) (1st run). This pair will account for about \$6,500, old and new. 'For Conquest' (WB) (2d run) and 'Slightly Tempted' (U) \$8,000, fair.

Paramount (3,664; 35-55-85-99) —'Northwest Mounted' (Par) and, in person, Glen Gray orch, Red Skelton, others (2d wk). Begins second lap today (Wed.) after coming through to a smash \$70,000 the first seven days ended last night (Tues.). This is a new record for the house since installing pit-band units five years ago, previous high having been \$69,100, scored over Christmas week in 1937. Last week, third for 'Arise, My Love' (Par) and Frances Langford, Jon Hall, Tommy Reynolds orch, \$23,000.

Radio City Music Hall (5,960; 44-55-85-99-1.65) —'Escape' (M-G) and stage show (2d week). Very powerful at b.o. and should hit \$94,000 this week (2d). First was a round \$100,000, socko. Goes third week, with 'Bitter Sweet' (M-G) to follow.

Rialto (750; 28-44-55) —'Devil's Pipeline' (M-G) and stage show down \$5,500 but this is light. Last week, 'Cherokee Strip' (Par) \$5,300. Rivoli (2,092; 35-55-75-99) —'Christmas in July' (Par) (2d final wk). Finished first week Monday (11) quite disappointingly at less than \$20,000 and will be held only four more days through Friday (15).

Seven Sinners (U) opens Thursday morning (16). Final six days on fourth week for 'Long Voyage Home' (UA) \$13,000, sturdy.

Roxy (5,635; 35-55-65-75-85) —'Zorro' (20th) and stage show (2d final wk). Departs on very strong note tonight (Wed.) after run of 12 days. Came through handsomely for \$32,000, first week, great, and on final five days will nab another \$38,000 or so, fine.

State (3,400; 28-44-55-75-90-1.10) —'Strike Up Band' (M-G) (2d run) (1st wk) and Harry Richmond, Sophie Tucker, Joe E. Lewis stage trio. Turnstiles continue to spin snappily, with around \$32,000, excellent, indicated. Last week 'Howards' (RKO) (2d run) and first week of the Richmond-Tucker-Lewis combo, \$33,000.

Strand (2,787; 35-55-75-85-99) —'Tugboat Annie' (WB) and Jack Haley, Priscilla Lane, Teddy Powell orch in person. Ozzie Nelson will have to push to hit \$30,000, disappointing. Will hold, however, with 'Letter' (WB) and Ozzie Nelson scheduled for Nov. 22. Last week, third for 'Knute Rockne' and Woody Herman, \$24,000, satisfactory.

'Girls' - Revue 12G But Balto Bumpy; Chaplin 2d Anemic

Baltimore, Nov. 12. Navy-Notre Dame football game and Pimlico racing crowds resulted in some bullish nighttime biz on the weekend, with most grosses feeling some effect. Doings, however, are generally mild. Best effort being put forth by the combo Hipp with 'Too Many Girls' tied to an 'All Girl Revue' on the stage, and leading the week's parade thereby. Rest of town rather blah except for second week of 'The Mark of Zorro,' continuing very strongly at the New. H.o. of 'Great Dictator' not up to expectations at Loew's Century with price boost to 85c and \$1.10 the reason for it all.

Estimates for This Week
Criterion (Loew's UA) (3,000; 85-11.10) —'Dictator' (UA) (2d wk). Not holding up with patronage limited by extra b.o. joint. Might reach \$11,000 after a fair first round to \$23,000.

Hippodrome (Rappaport) (2,205; 15-28-39-44-55-66) —'Too Many Girls' (RKO) smartly tied to 'All Girl Revue' on stage. Leading town with nice \$12,000. Last week, 'Angels Broadway' (Col) loaned heavily on a.o. of Jimmy Dorsey orchestra, for steady \$12,400.

Keith's (Schanberger) (2,408; 15-28-39-44) —'Arise Love' (Par). Opens tomorrow (Wed.) after rather mild \$5,800 to 'Seven Sinners' (U). New (Mechanic) (1,581; 15-28-35-44) —'Zorro' (20th) (2d wk). Holding in very healthy style to good \$3,500 after okay first round to \$6,800.

Stanley (WB) (3,280; 15-28-39-44-55) —'Burma' (Par). Not catching on. Mild \$6,000. Last week, 'Reuters' (WB) just fair at \$7,200.

Bliz Blitzes Mpls. B.O.s; 'Third Finger' Good \$8,000, But 'Reuters' N.G. \$3,200

Minneapolis, Nov. 12. A heavy influx of visitors, comprising a portion of the record-breaking 64,000 crowd at the Minnesota-Michigan football game, gave a boost to weekend theatre takings, but worst blizzard in years yesterday (Monday) sloughed a third finger in newcomers are 'Third Finger, Left Hand,' 'City for Conquest' and 'A Dispatch from Reuters.'

The Alvin has the one stage show, headed by 'The Great Dictator' radio singer, who hails from Minneapolis.

Estimates for This Week

Alvin (Hirsch-Katz) (1,400; 28-44-55)—'Earl Puddleston' (Rep) and stage show with Michael Loring, radio singer. May reach fair \$4,000. Last week, 'Gold Women' (PDC). Last week, 'Par-Singer' (1,600; 28-39-44). 'Reuters' (WB). Storm knocking this down to n.g. \$3,200. Last week, 'Argentine Way' (20th) (2d wk), with good \$4,000 after light \$5,000 first week. 'State' (20th) (2d wk), 'Esquire' (Gillman) (230; 28)—'Secrets Model' (Indie). Sex angle stressed and ads carry line 'picture is neither interesting nor entertaining for children.' Good \$1,200 in prospect. Last week, 'Awful Truth' (Col) (reissue) split with 'Scarface' (WB) (reissue), good \$1,000, with Muni picture accounting for most of it.

Gopher (Par-Singer) (998; 28)—'Flowing Gold' (WB). Strong cast lineup for this house. Last week, \$3,000 indicated. Last week, 'Public Bed' (20th), \$2,900.

Orpheum (Par-Singer) (2,800; 28-39-44)—'City Conquest' (WB). Plenty of kind words this week, but storm holding it down to fairly good \$5,600. Last week, 'Kit Carson' (UA) and Major Bowes' unit, mid \$8,800. State (Par-Singer) 'Third Finger' (M-G) Loy-Douglas (2,500; 28-39-44-55)—'Knew What Wanted' (RKO) (2d wk). Moved here from State. Well spotted in this state. Last week, 'Knew What Wanted' (RKO), pretty good \$6,300 in six days.

Uptown (Par) (1,200; 28-39)—'Boom Town' (M-G). First name showing. Far over the top and big \$3,000 certain. Last week, 'Foreign Correspondent' (20th), \$2,500. World (Par-Singer-Steiffes) (350; 28-39-44-55)—'Knew What Wanted' (RKO) (2d wk). Moved here from State. Well spotted in this state. Last week, 'Knew What Wanted' (RKO), pretty good \$6,300 in six days.

'NW MOUNTED' SOCK \$15,000 IN INDLPS.

Indianapolis, Nov. 12. (Best Exploitation: Lyric)

'North West Mounted Police' not only get their men, but are getting the women this week at the Circle, with big plenty and one of the best grosses for the season a certainty. This is the big noise in the downtown area and is certain for a hold-over, while on other fronts all is quiet.

Loew's forced a holdover of 'The Great Dictator,' which, at \$1.10 top, is sadly lacking in customers. First stanza also was weak, but management, perhaps blamed the election or thought word-of-mouth would build up biz, but no go. Indiana is fair with 'Mark of Zorro' and 'Yesterday's Heroes.' Lyric is slightly in the black with 'Great Profile' and Russ Morgan's orch on stage. Lyric grabbed off extra attention with Russ Morgan beating a path to all the radio stations to appear on a number of programs for interview. Also did appearance in record department store, with display ad donated by store.

Estimates for This Week Circle (Katz-Dolle) (2,600; 25-30-40)—'North West Mounted' (Par) and March of Time. Socko \$15,000 and due for holdover. Last week, 'Seven Sinners' (U) and 'Slightly Tempted' (U), weak \$5,200.

Indiana (Katz-Dolle) (3,100; 25-30-40)—'Zorro' (20th) and 'Yesterday's Heroes' (20th). Opened Thursday (7) to catch double Thanksgiving on subsequent runs. Fair \$7,500. Last week, 'Knew What Wanted' (RKO) and 'Still Alive' (RKO), six days, \$4,800.

Loew's (Loew's) (2,400; 75-110)—'Dictator' (UA) (2d wk). Poor \$5,000 at upped scale. Last week, also poor at \$2,200.

Lyric (Lyric) (1,900; 25-30-40)—'Great Profile' (20th) and Russ Morgan's orch. Slight profit with \$9,500. Last week, 'Tugboat Annie' (WB) and Tommy Tucker orch, good \$10,200.

Chaplin, \$8,000, Hurt By Scale in Denver

Denver, Nov. 12. 'The Great Dictator' is disappointing at the Paramount. Exploitation worked in every possible way, but price angle is strong deterrent.

Estimates for This Week

'Aladdin' (Fox) (1,400; 25-40)—'Knute Rockne' (WB), after week at Denver. Nice \$4,500. Last week, 'No Time Comedy' (WB) and 'Great Profile' (20th), after week at Denver, not so good \$3,500.

Broadway (Fox) (1,040; 25-35-40)—'Argentine Way' (20th), after week at each the Denver and Aladdin. Fair \$2,500. Last week, 'Third Finger' (M-G) and 'Laddie' (RKO), after week at Orpheum, fair \$3,000.

Denham (Cockrell) (1,750; 35-40-50)—'North West Mounted Police' (Par) (3d wk). Big \$11,000 and holding again. Last week, nearly as strong as opening week with \$13,500.

Denver (Fox) (2,525; 25-35-40)—'Spring Parade' (U) and 'Lady Question' (Col). Okay \$8,000. Last week, 'Knute Rockne' (WB) and 'Girl Havana' (Rep), nice \$10,000.

Orpheum (RKO) (2,600; 25-35-40)—'Escape' (M-G) and 'Dulcy' (M-G). Good \$11,500. Last week, 'Too Many Girls' (RKO) and 'Haunted House' (M-G), poor \$7,000.

Paramount (Fox) (2,200; 25-35-40)—'Great Dictator' (UA). Getting around \$8,000, disappointing. Last week (25-40). 'Hit Parade' (Rep) and 'Meet Wildcat' (U), fair \$3,800.

Rialto (Fox) (878; 25-40)—'No Time Comedy' (WB), after week at each Denver and Aladdin, and 'The Ape' (Mono). Okay \$2,000. Last week, 'Argentine Way' (20th) and 'Spring Parade' (U) and 'Lady Question' (Col), and 'Drums Desert' (Mono), nice \$2,300.

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'HEAVEN'-'SPITFIRE' NICE 18G IN PERKY B'KLYN

Brooklyn, Nov. 12. Town is bustling with flock of flicker holdovers and two vaude shows, one at Electric downtown area featuring Phil Regan and Henry Youngman, and other at Flatbush with Reggie Childs' band and Diosa Costello, among others.

Major b.o. draw in downtown is RKO Albee with 'Little Bit of Heaven' and 'Mexican Spitfire Out West.'

Estimates for This Week

Albee (RKO) (3,274; 25-35-50)—'Little Bit of Heaven' (U) and 'Mexican Spitfire Out West' (RKO). Nice \$18,000 anticipated. Last week, 'Argentine Way' (20th) and 'Still Alive' (RKO), good \$18,000.

Fox (Fox) (4,089; 25-35-50)—'Knute Rockne' (WB) and 'Melody Moonlight' (Rep) (2d wk). Will grab satisfactory \$14,500. Last week, splendid \$22,000.

Met (Loew's) (3,018; 25-35-50)—'Strike Up Band' (M-G) and 'Diamond Frontier' (U) (2d wk). Good \$17,000. Last week, excellent \$20,000.

Paramount (Fabian) (4,126; 25-35-50)—'Arise My Love' (Par) and 'Pepper Trouble' (2d wk). Pleasant \$15,500. Last week, strong \$24,000.

State (Loew's) (2,870; 25-35-40)—'World in Flames' (Par) and 'Margie' (U). Will get nice \$5,500. Last week, 'Calling Husbands' (WB) and 'Drums Desert' (Mono), dull \$4,000.

State (Loew's) (2,870; 25-35-40)—'World in Flames' (Par) and 'Margie' (U). Will get nice \$5,500. Last week, 'Calling Husbands' (WB) and 'Drums Desert' (Mono), dull \$4,000.

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Philly Blue, But 'Escape' Fine \$19,000; Divorce'-Ken Murray Poor \$19,000

'Dictator,' With \$14,000, Topping Okay Montreal

Montreal, Nov. 12. Remembrance Day holiday (11), with long weekend, will boost grosses currently.

'The Great Dictator,' at Orpheum, is way out in front and over \$14,000 is in sight, a record for this house. 'Down Argentine Way' should take handsomely \$8,500.

Estimates for This Week

Palace (CT) (2,700; 25-45-55)—'Argentine Way' (20th). Facing for very satisfactory \$8,500. Last week, h.o. of 'Third Finger' (M-G), good enough \$5,000.

Capitol (CT) (2,700; 25-45-55)—'Moon Over Burma' (Par) and 'Quarterback' (Par). Good \$6,000 in sight. Last week, 'Reuters' (WB) and 'River's End' (WB), good \$6,000.

Loew's (CT) (2,800; 30-40-60)—'North West Mounted' (Par) (3d wk). Still clicking, with good \$6,000 coming up, after fine \$8,000 last week.

Princess (CT) (2,300; 25-34-50)—'Seven Cypars' directed films, one each night for week, may get fair \$3,500. Last week, 'Haunted Home' (M-G) and 'Kildare Home' (M-G), good enough \$3,500.

Orpheum (Ind) (1,100; 75c-\$1.10)—'Great Dictator' (UA). Doubled prices and Chaplin opens certain to break all records for this house, with over \$1,000 in sight. Last week, 'Diamond Frontier' (U) and 'Nobody's Sweetheart' (U), poor \$1,500.

Cinema de Paris (France-Film) (800; 25-35)—'Les Elements de l'Amour' (3d wk). Fair \$1,200, after good \$1,500 last week.

St. Denis (France-Film) (2,300; 75c-\$1.50). Stage show featuring Victor Francen with 'Le Scandale' and 'Apres l'Amour.' Sold out in advance for \$15,000 gross. Last week, 'Il est Charmant' and 'Poule sur un Mur,' average \$4,400.

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Frisco Rained Out; Mounties, 25G, 'Zorro,' \$17,000, 'Escape,' \$16,000

San Francisco, Nov. 12. Three days of rain dented opening this week, with the Gate taking an added blow from a truck-broken-down which kept the heavily bailed Thurston show from making opening performances. Things slowly on the mend, however, and boys are generally optimistic. U.A. splurging for upcoming 'Dictator' opening to-night (12).

Estimates for This Week
Fox (F-WC) (5,000; 35-40-50)—'Zorro' (20th) and 'Dancing Dime' (Par). Sold on California's most colorful bandit angle, and one to help \$17,000 for itself with holiday helping. Last week, 'Arise Love' (Par) and 'Street Memories' (20th) scraped through with fair \$15,000.

Golden Gate (RKO) (2,600; 30-44-55)—'Laddie' (RKO) plus vaude. Failure of the Thurston show, featured act, to arrive for opening, plus rain, gave this spot, though sedding with only \$10,000 in sight. Last week, 'Too Many Girls' (RKO) climbed to surprising \$13,500.

Orpheum (F&M) (2,400; 30-40-50)—'Mummy's Hand' (U) and 'Before I Hang' (Col). Heavy play on 'double terror show' pulling nicely \$10,000. Third-final week of 'Spring Parade' (U) and 'Glamour Sale' (Col), aided by two previews, coasted \$6,000.

Paramount (F-WC) (2,740; 30-40-50)—'Escape' (M-G) and 'Hullabaloo' (M-G). Looks like \$16,000. Last week, 'Ad Lib' (Argentine Way) (20th) and 'Quarterback' (Par), \$2,200.

St. Francis (F-WC) (2,470; 35-40-50)—'Arise Love' (Par) and 'World in Flames' (Par). Heavy med from Fox and latter shifted from Wardell. Worth \$5,000, average. Last week, ditto for 'Burma' (Par) and 'Round Mountain' (Par).

United Artists (Cohen) (1,200; 35-40-50)—'Westerner' (UA) (4th wk). With showings curtailed Tuesday (12) to make way for evening opening of Chaplin's 'Dictator' (UA), shortened week, finished up with \$5,000, almost as good as last (3d) week's \$5,500.

Warfield (F-WC) (2,680; 40-50-60)—'Mounted Police' (Par) and 'Eyes Navy' (M-G). Technicolor opus advanced tilt should have no difficulty in picking up \$25,000 on the week. Last week 'Reuters' (WB), 'World in Flames' (Par), only mids at \$10,000.

MOUNTIES' FINE \$14,000, L'VILLE

Louisville, Nov. 12. North West Mounted Police at Risko, will top all grosses currently. It's not experiencing much opposition, with holdovers and ordinary product on the bulk of the town's season.

'Hullabaloo', at State, came in, a day early (Tuesday), and Thursday opening will probably prevail until Thanksgiving (21). Not making much dent in the local box picture.

Weather has turned cooler and, with the fall races come and gone, pic houses should have no kicks coming.

Estimates for This Week
Brown (Loew's-Fourth Avenue) (1,400; 15-30-40)—'Argentine Way' (20th) and 'Still Alive' (RKO) (4th wk). Color pic has made remarkable showing in this burg, romping along in its fourth downtown week, and currently pacing for excellent \$2,000. Last week, topped previous week's figure with fine \$3,200.

Kentucky (Swiftow) (1,200; 15-25)—'Lucky Partners' (RKO) and 'Great McGinty' (Par) split with 'Fighting 69th' (WB) and 'Dance, Girl' (RKO). Drawing about average \$1,400. Last week, 'Drive Night' (WB) and 'Rhythm River' (Par), good \$1,600.

Loew's State (Loew's) (3,100; 15-30-40)—'Hullabaloo' (M-G) and 'Angels Broadway' (Col). Pacing for about \$6,000. Last week, 'Great Dictator' (UA) at slightly upped prices, fair \$12,500.

Marj Anderson (Libson) (1,000; 15-30-40)—'Knute Rockne' (WB) (3d wk). Still shaping up as a natural box draw for football season. Okay \$3,400. Last week, fine \$4,500.

Maisto (Fourth Avenue) (3,400; 15-30-50)—'North West Mounted Police' and 'March of Time'. Prices were tilted slightly and patronage has been unusually responsive. On single policy, more shows per day are possible, and should touch splendid \$14,000. Last week, 'Knew What Wanted' (RKO) and 'Dancing Dime' (U), fine \$7,500.

Key City Grosses

Estimated Total Gross
This Week.....\$1,747,908
(Based on 25 cities, 171 theatres, chiefly first runs, including N. Y.)
Total Gross Same Week
Last Year.....\$1,712,700
(Based on 27 cities, 184 theatres)

'ZORRO,' \$18,000, DETROIT SHOWS STRENGTH

Detroit, Nov. 12. With the election behind and a few weeks left before the Christmas shopping begins, the local picture merchants are looking to a few fair weeks. Maybe the clue lies in the fact that the Adams here, which has been taking hold-overs, has slid its top back to 55c, on a par with the rest of the first-run.

Michigan and Fox will make it a nip and tuck race this week to lead the town, the former taking its turn with a stage show in Xavier Cugat band and Costello with 'Christmas in July' as its film offering. The Fox is showing strength with 'Mark of Zorro' and 'Bit of Heaven' as a dual bill which is going to keep the two biggest houses evened up.

Rest of the hub area is riding with hold-overs, the Adams picking up coupling it with second feature 'Spring Parade' from the Fox and 'Palms-Stat' taking over 'Knute Rockne' from Michigan and the United Artists riding along with 'Escape' and 'Hullabaloo'.

Estimates for This Week
Adams (Balaban) (1,700; 30-40-55)—'Spring Parade' (U) and 'Nobody's Children' (Col). With the prices upped and the town's \$22w because of an extra school holiday (Armistice Day), this looks good for a neat \$6,500. Last week, 'Argentine Way' (M-G) and 'Glamour Sale' (Col), former going two weeks here after one at Fox, dull \$4,500.

Fox (Fox-Michigan) (5,000; 30-40-55)—'Zorro' (20th) and 'Bit of Heaven' (U). Seven's to have what they want and fine \$18,000 indicated. Last week, 'Spring Parade' (U) and 'Meet Wildcat' (U), came out with o.k. \$16,500.

Michigan (United Detroit) (4,000; 30-40-55)—'Christmas Joy' (Par) and 'Xavier Cugat orchestra, Abbott and Costello on stage. Orchestra has spent plenty of time in this town. But the bill indicates a good \$18,000. Last week, 'Knute Rockne' (WB) and 'Money Woman' (Par) came out with a nice \$16,000.

Palms-Stat (United Detroit) (3,000; 40-50-55)—'Knute Rockne' (WB) and 'World in Flames' (Par). Looks for a good \$7,500. Last week, 'Westerner' (UA) and 'Third Finger' (M-G) a combination of top pictures from previous bills at Michigan and United Artists, picked up a hefty \$8,000.

United Artists (United Detroit) (2,000; 40-50-55)—'Escape' (M-G) and 'Hullabaloo' (M-G) (2d wk). Pair came along better than expected, and may add a good \$6,500 to first week's o.k. \$11,000.

Lincoln Picking Up; 'Parade' Okay \$3,800
Lincoln, Neb., Nov. 12. Football game the long weekend holiday and cooler weather doing a major job of reviving the lagging theatres stalled during the closing third of money.

'Third Finger' is in the driver's seat in money, with 'Ramparts We Watch' also taking a neat slice of the available currency.

Colonial (Monroe-Noble-Federer) (750; 10-15)—'Western Gold' (20th) and 'Forgotten Girls' (Rep), split with 'Range Busters' (Mono) and 'Babies Like' (Col). Light \$700. Last week, 'Wild Horse Range' (Mono) and 'Fisherman's Wharf' (RKO), split with 'Great Man Votes' (RKO) and 'B. Hickok' (Rep), fair \$800.

Lincoln (J. H. Cooper-Paramount) (1,503; 10-25-40)—'Spring Parade' (U). Okay going at \$3,800. Last week, 'Hired Wife' (U), o.k. \$3,700.

for \$4,000. Last week, 'Womping' (M-G), good \$4,100 in eight days. 'Variety' (Noble-Federer) (1,000; 10-25)—'Yvain Pursued' (RKO) and 'Secret Seven' (Col). Fair \$2,000. Last week, 'Ape' (Mono) and 'Boys City' (Mono), very nice \$2,400.

'ARISE' PEPPY \$12,000, PROV.

Providence, Nov. 12. Generally healthy trade here, with holiday weekend helping nicely. 'The Great Dictator' in sluggish second week at Loew's State. 'Arise, My Love' at 12th, attracting nice biz as 'Seven Sinners' at Majestic. RKO Albee's 'Pastor Hall' also up.

Estimates for This Week
Albee (RKO) (2,200; 28-39-50)—'Pastor Hall' (UA) and 'Spitfire' (RKO). Dangling to hold own for good \$7,100. Last week, 'Too Many Girls' (RKO) and 'Stranger Third Floor' (RKO), good \$7,000.

Carlton (Fay-Loew) (1,400; 28-39-50)—'Reuters' (WB) and 'Bit of Heaven' (U) (2d run). Fair \$2,500 for this one. Last week, 'Argentine Way' (20th) and 'Great Profile' (20th) (2d run), good \$3,200.

Fay's (Indie) (2,000; 15-28)—'Frontier Vengeance' (Rep) and 'Margie' (U). Juve trade sure to pack this one for happy \$4,500. Last week, 'Bill Hickok' (Rep) and 'Sandy Gets Man' (U), nice \$4,000.

Majestic (Pay) (2,200; 28-39-50)—'Seven Sinners' (U) and 'Father Is Good' (WB). Pulling for swell \$3,000. Last week, 'Argentine Way' (U) and 'Reuters' (WB), healthy \$3,000.

State (Loew) (3,200; 75-110)—'Dictator' (UA) (2d wk). Slowed to walk with only some \$2,000 expected. Last week also slow at \$17,000.

Strand (Indie) (2,000; 28-39-50)—'Arise Love' (Par) and 'Melody Moonlight' (Rep). Proving unusually strong and heading for o.k. \$12,000. Last week, 'Northwest Mounted' (Par) and 'Girl Havana' (Rep) (2d wk), strong \$11,100.

'Zorro' Heads for Big \$10,000 in Seattle

Seattle, Nov. 12. Holdovers rule the roost this week, with 'The Great Dictator' hitting a fair pace in second week at upped scale. The matinees at 75c are far better than the \$1.15 nights.

Liberty is in a struggle with second stanza of 'The Westerner'; while the Roosevelt is doing well with second run on 'Sea Hawk'.

Estimates for This Week
Coliseum (Hamrick-Evergreen) (1,900; 21-35)—'Womping' (M-G) and 'Dance, Girl' (RKO) (2d run). Indicate big \$3,900. Last week (30-41), 'Boom Town' (M-G) and 'Chan Mues' (20th) (2d run), great \$3,500.

Fifth Avenue (Hamrick-Evergreen) (2,349; 75-115)—'Dictator' (UA) (2d wk). Expect only \$9,500, not so hot at the scale. Last week, same film, \$17,200, good.

Liberty (J-VH) (1,650; 30-40-50)—'Westerner' (UA) (2d wk). Good \$5,000. Last week, good \$7,100.

Must Be (Hamrick-Evergreen) (850; 30-40-50)—'Third Finger' (M-G) and 'Yesterday's Heroes' (20th) (3d wk). Looks for okay \$2,800. Last week, great \$3,300.

Orpheum (Hamrick-Evergreen) (2,600; 30-40-50)—'Seven Sinners' (U) and 'Father Prince' (WB). Fair \$4,500. Last week, 'No Time Comedy' (WB) and 'World Flames' (Par), \$5,600, good.

Palomar (Sterling) (1,350; 30-40-50)—'French Tears' (Par) and 'Men Against Sky' (RKO). Last week, 'Reuters' (WB) and vaude, \$5,800, good.

Paramount (Hamrick-Evergreen) (3,039; 30-40-50)—'Zorro' (20th) and 'Young People' (20th). Immense \$10,000 coming up. Last week, 'Knew What Wanted' (RKO) and 'Mexican Spitfire' (RKO), with \$4,700, top.

3-Day Tariff Upping Helps 'Zorro' To \$26,800 in Firm L. A., 'Mounties' 2d Fine \$23,000, 'Tugboat' N.G. 12½G

Broadway Grosses

Estimated Total Gross
This Week.....\$387,000
(Based on 12 theatres)
Total Gross Same Week
Last Year.....\$323,600
(Based on 12 theatres)

'ARISE' \$20,000, REST OF HUB SO-SO

Boston, Nov. 12. 'Arise My Love' is the healthiest entry in a so-so week here, with holdover of 'Dictator' and first week of 'Seven Sinners' matching for second week. Election night took a chunk of dough out of the local filmers.

Gene Autry drew big business for the RKO in the Garden last week, providing an extra alibi for the theatre managers around town.

Estimates for This Week
Boston (RKO) (3,200; 28-44-55)—'Gang of Mine' (Mono) with stage show headed by Three Stooges, five days; and 'Spring Parade' (U) and 'Secret Seven' (Col) (both 2d run). Two days. Should hit \$13,500, okay. Last week, 'Caballero' (20th) with 'Streets of Paris' unit on stage for full week, very good \$13,500.

Fenway (M&P) (1,332; 28-39-44-55)—'East of River' (WB) and 'Always Bride' (WB). So-so \$6,000 indicated. Last week, 'Knute Rockne' (WB) and 'Calling Husbands' (WB) (both continued run from two weeks at Met), \$5,500.

Keith Memorial (RKO) (2,907; 28-39-44-55)—'Seven Sinners' (U) and 'Spitfire' (RKO). Should garner satisfactory \$16,000 in five days. Last week, 'Long Voyage' (UA) and 'Bit of Heaven' (U), nine days, pleasing \$19,000, but not strong enough for two weeks hoped for.

Metropolitan (M&P) (4,387; 28-39-44-55)—'Arise Love' (Par) and 'Dancing on Dime' (Par). Drawing very good night trade, but tepid matinee patronage. Will hit around \$20,000 and lead the town. Last week, 'No Comedy' (WB) and 'Father Prince' (WB), \$17,000.

Orpheum (Loew) (2,900; 75-110)—'Dictator' (UA) (2d wk). Won the holdover privilege and shapes up for about \$15,000. First week okay \$26,800.

Paramount (M&P) (1,797; 28-39-44-55)—'East of River' (WB) and 'Always Bride' (WB). Okay for around \$8,000. Last week, 'Knute Rockne' (WB) and 'Calling Husbands' (WB) (both continued run from two weeks at Met), \$7,500.

Seollay (M&P) (28-39-44-55)—'Knute Rockne' (WB) and 'Calling Husbands' (WB). Playing fourth week in town. Will take around \$4,000, okay. Last week, 'Argentine Way' (20th) and 'Foreign Correspondent' (UA) (both 2d run), \$4,000.

State (Loew) (3,600; 75-110)—'Dictator' (UA). Holding for second week, and aiming at so-so \$10,500. First week \$17,000.

'CARSON' AMS NIFTY \$14,500 IN OMAHA

Omaha, Nov. 12. Standout grosser in Omaha this week is 'Kit Carson' with Major Bowes' Talent Parade at Orpheum. The Brandeis is doing much better this week with 'Seven Sinners'.

At the Omaha, 'Foreign Correspondent' will touch a fair figure.

Estimates for This Week
Orpheum (Tristates) (3,000; 10-40-55)—'Kit Carson' (UA) and 'Bowes unit'. Big \$14,500. Last week (10-30-40), 'Rangers' (20th) (Par) and 'Public Deb' (20th), light \$9,000.

Los Angeles, Nov. 12. Houses generally fared okay over Armistice Day holiday, and increased prices for three successive days helped grosses substantially. Fox-West Coast profiting by 'Mark of Zorro' with comfortable \$28,800. Paramount, on second week of 'North West Mounted Police', also good at \$23,000.

RKO and Pantages rushed in Deanna Durbin opus, 'Spring Parade', on holiday after 10 satisfactory days with 'Howards of Virginia'. 'Tugboat Annie Sails Again' is a disappointment at the Warners day-daters. Another newcomer this week is 'Long Voyage Home' (M-G) and 'Haunted Homeymoon' (M-G), fair \$3,300.

Estimates for This Week
Carthay Circle (F-WC) (1,516; 55c-83c-10-10-15)—'Thief Bagdad' (UA) (4th wk). Grabbing good \$4,000 on final stanza and making way (10) for 'Great Dictator'. Third week of 'Thief' fair \$4,000.

Chinese (Grauman-F-WC) (2,024; 30-44-55-75)—'Zorro' (20th) and 'Young People' (20th). Fair \$5,500, day helped and okay at \$11,800. Last week, 'Third Finger' (M-G) and 'Haunted Homeymoon' (M-G), fair \$3,300.

Downtown (WB) (1,800; 30-44-55)—'Tugboat Annie Sails' (WB) and 'Hit Parade' (Rep). Not very hot, as \$6,500 attests. Last week, 'Reuters' (WB) and 'Melody' (Rep), fair \$7,000.

Four Star (UA-F-WC) (900; 55-75)—'Long Voyage Home' (M-G). Debuted fairly strong and with Monday holiday should have no trouble hitting \$4,800 on first stanza. Last week, final, 'Foreign Correspondent' (UA), \$2,400 as indicated.

Hawaii (G&S) (1,100; 30-44-55)—'Queen Destiny' (RKO) and 'Captain Lady' (M-G). Last week, fair \$2,000. Last week, 'Snow White' (M-G) with Disney shorts, fourth and final week, okay \$2,300.

Hollywood (WB) (2,750; 30-44-55)—'Tugboat Annie Sails' (WB) and 'Hit Parade' (Rep). Week \$5,000 and the sver. Last week, 'Reuters' (WB) and 'Melody' (Rep), okay \$7,000.

Orpheum (Bway) (2,000; 30-44-55)—'Queen Yule' (M-G) (1st run), and 'Captain Caution' (UA), dual, and stage show. First run on half of screen program arousing little interest for about \$8,000 average.

Pantages (Par) (2,812; 30-44-55)—'Spring Parade' (U) and 'Men Against Sky' (RKO) dual. Opened (11) at holiday scale. Last week, 'Howards Virginia' (Col) and 'Lady Question' (Col), held 10 days for good \$13,400.

Paramount (Par) (3,595; 30-44-55-75)—'North West Mounted' (Par) (2d wk) and stage show. Should hit excellent \$23,000, after first week piled up close to \$28,000.

RKO (RKO) (2,872; 30-44-55)—'Spring Parade' (U) and 'Men Against Sky' (RKO). Got under way (11). Last week, 'Howards' (Col) and 'Lady Question' (Col), on 10-day run, satisfactory \$12,000.

State (Loew's-F-WC) (2,414; 30-44-55-75)—'Mark Zorro' (20th) and 'Young People' (20th) dual. Slightly above average. Bids to hold Armistice Day trade landing \$15,000. Last week, 'Finger' (M-G) and 'Homeymoon' (M-G), so-so \$12,000.

United Artists (RJA-F-WC) (2,100; 30-44-55)—'Womping' (M-G) (2d wk) and 'Third Finger' (M-G) dual. Holding over 'Womping' with 'Finger' on moveover. Good \$4,400. Last week, 'Womping' (M-G) and h.o. of 'Argentine Way' (20th), neat \$5,000.

Wilshire (F-WC) (2,414; 30-44-55)—'Womping' (M-G) (2d wk) and 'Third Finger' (M-G). Biz slightly up on current bill, with around \$6,300 in sight. Last week, 'Womping' (M-G) and holdover of 'Argentine Way' (20th), fairish \$5,200.

(RKO) and Disney shorts, plus 'Maidie' (M-G), split with 'Gow' (Indie), lecturer, and 'Dance Girl' (RKO) \$900.

Town Goldberg (1,500; 10-20-25)—'Young Hickok' (Rep), '3 Faces West' (Mono) and 'Man Talked Too Much' (WB). Triple split with 'Sundown Saunders' (Cap), 'Burr', 'Em O'Connor' (M-G) and 'Royal Rodeo' (WB), and 'Howards Virginia' (Col) and 'Stand Up Fight' (M-G). Fair \$800. Last week, 'Bride of the Howards' (Rep), 'Turnabout' (UA) and 'Awful Truth' (Col), split three ways with 'Murder Afoot' (M-G), 'Swift' (Cap) and 'Pony Express' (WB) and 'Lost Horizon' (Col) (Bussu), fair \$1,000.

THANKSGIVING WEEK ATTR ALL OVER THE NATION!

***World premiere this week at the Roxy,
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GINNY SIMMS

HARRY BABBITT ISH KABBIBBLE
SULLY MASON AND

"THE COLLEGE OF MUSICAL KNOWLEDGE"



Produced and directed by
DAVID BUTLER

Screen play by James V. Kern



London Exhibs Consider Extension Of Opening Hours a Near-Major Win

Near enough to a major victory to draw huzzahs from metropolitan film exhibs is okay (17) by London County Council of new opening hours for weekdays and Sundays.

Three-way request from the trade met with a sole nix on reduction of Charity Tax levied against the Sabbath take. Cinematograph Exhibitors Ass'n's London branch indicates it'll try again to whittle down the charity figure, sympathetic attitude of Council chairman Reginald Stamp holds promise of eventual cut. It remains at 13%.

Weekday playing times are now to run from 10:30 a. m. provided house is shuttered by curfew hour of 9 p. m. Sunday opening permits operating from 1:30 till 7 p. m.

Air-raids have hyped Sabbath attendance at cinemas into the old Saturday class. To cash in on this new countrywide change, CEA will press for opening hours in all provincial towns to be in line with London break for exhibs. There are bound to be difficulties in way of hinterland swing-over, but opinion is the close-to-London areas will follow the new ruling. On these Council's exhib body is already concentrating.

MEX CITY MAPS DAILY TAX YIELD

Mexico City, Nov. 12.

After more coin which they are confident the cinemas can yield, the civic fathers are arranging to re-vamp their tax system for the exhibitors. Instead of checking revenues of the cinemas during the last quarter of each year so as to set a base for taxation during the ensuing 12 months, the fathers intend to put cinema taxation on the basis that was in effect some years ago, a daily settlement.

This daily pay, the authorities are convinced, will be much more profitable to the civic treasury than is the flat tax. Besides, the daily chore is figured to provide 80 jobs, as cinema b.o. inspectors. When this system was in effect, the exhibitors had to pay these inspectors. They will probably have to do it again.

Opinion of exhibitors is divided about this forthcoming daily taxation.

Foes of Mex Labor Czar Fear That Delay of Union Voting Aids His Chances

Mexico City, Nov. 12.

Amusement biz got a jolt just when it had indulged a sigh of relief at the news that Prof. Vicente Lombardo Toledano, Mexico's labor czar and reputed red, is to step down as chief of the Confederation of Mexican Workers. News was that Toledano would surely be linked at the Confederation's annual elections this month.

But the elections are not going to be held this month. The Confederation has decided to postpone them until February, with the explanation that this delay is necessary because the new government, slated to take office Dec. 1, will need at least a couple of months to get down to biz.

Now there are doubts about Toledano going out. It is even said that the three-month election grace will give him a chance to win over some of his foes. However, a lot will depend upon the new government whether the labor czar stays or goes.

ARTHUR DENT QUILTS ASSOCIATED BRITISH

London, Nov. 12.

Arthur Dent, sales manager of Associated British Pictures, is resigning and taking a vacation before announcing future plans. With the government taking over Eelstree studios, Associated British now is limited to six feature films per year, which doesn't give Dent sufficient activity or scope.

Dent received a "satisfactory" settlement from the corporation.

Long Voyage Home

J. A. McConville, Columbia's foreign manager, and Jack Segal, head of foreign exchange operations, left Buenos Aires Thursday (7) on their return journey to N.Y.

Charles Roberts, home office supervisor for Latin-Americas, is with the group.

BRITISH STUDIO WORKERS GET BOOSTS

London, Oct. 29.

New wage agreement for studio labor has been inked. It provides for increases of 6c on hourly rates for 47-hour week. Workers in this group under 21 years of age draw half the boost.

Labor on a weekly payroll basis is upped by \$250; under 21's again going for half that amount. Increases in the weekly category apply only to envelopes under \$40; employees pulling down \$40-\$60 weekly draw a \$2 raise. Femme workers over 21 are upped by \$150. New scales are retroactive to July 1 for workers earning less than \$40; those in higher brackets go on from Oct. 14.

Deal was handled by George Elvin, representing Film Industry Employees Council, with Maurice Ostrer looking after producers. Union reps are now negotiating for a standard pact on lines of closed shop for studios. Producers' committee met last week (22) to discuss this.

Gaumont-Gainsborough Use Studios as Shelters

London, Oct. 29.

Gaumont British-Gainsborough Pictures, first to ignore the Hitler blitzkrieg, have their own shelter in the studios, complete with bunks to accommodate 200. Have also leased 70-bedroom mansion in the country to evacuate employees and families. First time in two years GB-GP has had two pictures shot simultaneously.

As result of "insignificant" interruptions, via raids, most of the other English film companies are going ahead with their schedules, voting the blitzkrieg a flop.

Incidentally, Ostrer claims that H. G. Wells' "Kipps," which he is doing for 20th Century, is most lavish film he has made to date, and will cost over \$300,000 before it reaches the cutting room.

Preps Gutty Release

J. M. Gottesman, newswriter in the foreign film distribution field in N.Y., has arrived in U.S. with a print of "They Were Nine Bachelors," latest Sacha Guitry French-made starrer. Picture was written and directed by Guitry.

British Legit Mgrs. Seek Suspension Of 159-Year Law vs. Sunday Shows

London, Oct. 29.

Move to suspend Sunday closure ruling for legit—an act going back to 1781—was weighed last week (24) by Theatrical Managers Assn. via appeal to members of the house to help clear away tape effectively restraining employment of vast and now idle show biz fraternity. TMA seeks a permit okaying matinee performances in West End and Britain's key towns.

Stage and Allied Arts League, incorporated group of theatre organizations and unions, is solid behind the appeal to Parliament. With the seven-day contract trouble now ironed out, performers are anxious to see some work. SAAL tagged the plea for lifting of Sunday ban as essential to survival of live theatre during the war.

Boost Forced Showing Of Magyar-Made Pix

Budapest, Oct. 27.

Minister of Interior has issued decree which rules that henceforth 25% of all feature pictures shown in Hungary must be of Hungarian make, as against the 20% proportion of home-mades enforced up to the present. Thirty percent of all accompanying shorts must also be locally made. Official newswires, the showing of which is compulsory in every program, are not to be reckoned within the contingent.

In order to prevent dwindling of less profitable home-made features into the off-season months and keeping all foreign hits for the height of the season, the decree rules that one Magyar picture is to be put on the program after every three imports.

An additional market for Hungarian films opens in the Transylvanian territories reclaimed from Rumania recently. No Hungarian films were allowed within this territory during the 22 years of Rumanian regime. Although population of this territory is well over 2,000,000, number of picture theatres is only 32, with seating capacity of about 15,000.

Hungary Okays 80G Unfreezing For Yank Films

Budapest, Oct. 27.

Hungarian National bank has agreed to unfreeze \$80,000 for American pictures in 1940, the same amount as in the previous year. Total number of features imported by local branches of American firms will again be 52, same as in 1939.

In issuing import permits, preference has been given to the distributors who imported American films last year, and to producers of Hungarian-made pictures. No distributing firms owned by Jews have received import okays.

There are still enough American and French films left over from the 1939 crop to make up for shortage and transport difficulties. There's no telling how the situation will develop in 1941. Hungary now has 586 picture theatres, of which 90 are in Budapest.

Of this season's openings, "Stanley and Livingstone," "Hollywood Cavalcade," French feature "President Haudecœur" featuring Harry Baur, and "Yes or No?" Hungarian comedy, are proving the biggest attractions.

Schless To Inspect Latin-American Mkt.

Robert Schless, Warner Bros.' new foreign sales chief, plans to leave on an extended inspection trip of the Latin-American market in the next two weeks.

It will be his initial trip to South America and Central America since being named foreign manager. Schless formerly was Warners' manager in Europe, remaining at the New York office when Hitler shut down most of the European market to U. S. distributors. He succeeded Joe Hummel, who was made his assistant.

Strictly American Themes in U. S. Pix Are Behind Their B.O. Lag in Australia

Brenner Back to Job

Richard Brenner, Metro's general manager in Chile, who has been in N.Y. for home office huddles, returned to Santiago Thursday (7).

Brenner was in U.S. about two weeks.

PIX SHORTAGE HYPOS SWISS PRODUCTION

Berne, Oct. 27.

Exhibitors in Switzerland, where 360 motion picture theatres present 600 feature pictures annually, will be facing hopeless shortage within a few months. Naturally, such a large number of pictures shown to a comparatively small population cannot be big money-makers, and that's why producers have not been tempted to make specific Swiss films. Hence there is hardly any local product to take the place of imports.

French and German pictures needed no dubbing to be shown in Switzerland, and even Italian pictures found a market in the southern cantons without having to incur the expense of dubbing. Only American and English product had to be dubbed in French or German. One or two joint French-Swiss productions were shot in Switzerland in recent years, benefiting by Swiss alpine scenery, but independent Swiss efforts have fallen flat. This was probably due to narrow budget limits.

The threatening shortage, however, has given new impulse to production. A Film Chamber has been founded, merging several production and distributing corporations, with the primary purpose of boosting inland production. First step has been to organize official newswires, shown by every theatre throughout the country. Only newswires to be shown beside this are German Ufa and Italian Luce; neither Fox, Paramount, Pathe nor Gaumont is any longer to be seen in Switzerland.

Production of feature pictures has also made a fair start. During the current year, three big features have been completed and four others are scheduled for completion before the New Year. This does not solve Switzerland's shortage problems, but is a step to national production.

Performers' Salaries Increasing In Mexico

Mexico City, Nov. 12.

Pay of players is going up here. Chelo Gomez, a specialty chorine, is commanding and receiving the unprecedented pay of \$10.25 a day for three shows. That makes her the heavy-duty gal of the chorines, for the rank and file of them cannot get more than \$1.25 to \$2 per day; and most of them have to do four-a-day at that price.

Esperanza Iris, ace Mexican comedienne, who has a theatre here named after her, now a cinema, and Maria Conesa, the vet Spanish comedienne, can easily cop \$31.50 for a single show. There were times not so long ago when even smash stars were glad to get \$5 for a lot of long and hard work.

Suit Over Mex Pix

Atlas Film Exchange, Inc., has applied to N. Y. supreme court for a writ of attachment on the New York property of the German Camus y Cid, claiming the defendant, a Mexican film company, was breaching a contract with Atlas. Plaintiff claims to have made a contract with the defendant Oct. 19, 1939, by which it was granted distribution rights in the U. S. to "Cafe Concordia" for six years.

It is alleged that after payment of \$300, the defendant has refused to order Mercury Film Labs. in whose possession the print remains, to give the plaintiff the print.

Sydney, Oct. 24.

Australians are not going for U. S. films with strictly American themes, and as a result such productions as "Grapes of Wrath" (20th), "Young Tom Edison," (M-G), "Edison the Man" (M-G), and "Brigham Young" (20th) are not doing as well at the b.o. down under as expected, exhibitors here aver. Stubholders are not particularly acquainted with the stories behind these pix, they say. Exhibs use their rejection rights whenever possible consequently on this sort of screen fare.

Anzac audiences also fail to supply big money for football, prize fight stories, politico, college and baseball films for the same reason. In contrast, productions like "Irene" (RKO), "French Without Tears" (Param), "It's a Date" (U), "Rebecca" (UA), and "All This and Heaven Too" (WB) are top grossers.

Australian exhibitors, incidentally, have turned thumbs down remakes from Hollywood. One prominent circuit executive explains that the public refuses to accept them. The boxoffice suffers as a consequence. Rather than buck public opinion, exhibs fall back on their rejection rights to shelve these.

NEW 20TH JOB FOR MORGAN

Twentieth-Fox took one of its first steps toward realigning its foreign staff last week when W. B. Morgan, managing director in France, was appointed manager of Trinidad by W. J. Hutchinson, foreign chief. Other shifts may be made to care for personnel allocated by the European war, although Ben Miggins, presently in New York, is carrying on his position as European chief from the home office.

Morgan's stay in the West Indies territory hinges on the outcome of events in Europe. J. V. O'Gara, former manager in Trinidad, moves to Chile where he replaces A. Ruscia as managing director. Latter resigned.

Morgan leaves for Port-of-Spain to establish headquarters on Nov. 13. He has been in New York since a short time after the Nazi conquest of France.

Better Representation Urged by Sam Snider For Pix in Antip Gov't

Sydney, Oct. 24.

Sam Snider, co-director of Snider-Dean, has been mulling over contesting a vacant United Australia Party seat in Parliament. Snider said that he had been invited by powerful local interests to run, but was heavily committed to biz matters.

Snider, however, pointed out that the pic industry should be represented in Parliament more fully than hitherto in order to offset prior blows taken at the industry by politicians without any true knowledge of the pic industry. Given anything like decent backing, Snider stated that he felt sure current hindrances could be safely overcome.

Connected with the Film Council of Australia, Snider was mainly responsible for preventing the government from bringing down product restriction on imports in the early days of the war to conserve dollar exchange. Snyder also brought about a better understanding between exhibs and producers, and is presently endeavoring to create better relations between the distrib group and the Exhibs' Assn.

HANBURY MEMORIAL FUND

London, Oct. 29.

Scheme for concrete remembrance of Ralph Hanbury, RKO chief here, killed by bombing, is taking shape of gift check to Cinema Trades Benevolent Fund.

Sponsored by Arthur Brown of Gaumont British, plan calls for subscriptions from intimates of Hanbury in film biz, the whole amount to be turned over to CTBF as Hanbury Memorial Fund.

Speaking of Tradition!

Reprint of Editorial In
First Issue of
Variety, Dec. 16, 1905

VARIETY

A Variety Paper for Variety People
Published Every Saturday by
THE VARIETY PUBLISHING COMPANY
Knickerbocker Theatre Building
New York City

First Year No. 1

VARIETY in its initial issue desires to announce the policy governing the paper.

We want you to read it. It will be interesting if for no other reason than that it will be conducted on original lines for a theatrical newspaper.

The first, foremost and extraordinary feature of it will be FAIRNESS. Whatever there is to be printed of interest to the professional world WILL BE PRINTED WITHOUT REGARD TO WHOSE NAME IS MENTIONED OR THE ADVERTISING COLUMNS.

"ALL THE NEWS ALL THE TIME" and "ABSOLUTELY FAIR" are the watchwords.

The news part of the paper will be given over to such items as may be obtained, and nothing will be suppressed which is considered of interest. WE PROMISE YOU THIS AND SHALL NOT DEVIATE.

The reviews will be written conscientiously, and the truth only told. If it hurts it is at least said in fairness and impartiality.

We aim to make this an artists' paper; a medium; a complete directory; a paper to which anyone connected with or interested in the theatrical world may read with the thorough knowledge and belief that what is printed is not dictated by any motive other than the policy above outlined.

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Show people who have read VARIETY with unswerving loyalty week after week for more than a third-of-a-century have supported the traditional policy.

It is traditional that show people in every branch of the business celebrate with VARIETY the anniversary of its founding. It is their newspaper, their instrument, serving them year after year.

During the coming Holiday VARIETY will publish its

35TH ANNIVERSARY ISSUE

Space Reservations, Usual Rates, Should Be Made Now

VARIETY

NEW YORK
154 West 46th St.

HOLLYWOOD
1708 N. Vine St.

CHICAGO
54 W. Randolph St.

LONDON
8 St. Martin's Pl.

ters from the city slums is a familiar screen fable, yet this one about 'teen-age girls has an original

	Columbia production and release.	
Bill Elliott; features Evelyn Young,	.....	Jo
directed by Sam Nelson. Story, George	.....	Jo
Franklin; screenplay, Robert F. Co	.....	Jo
and F. M. Weston; camera, George M	.....	Jo
chan	.....	Jo
editor, Al Clark. At Central, N. S.	.....	Jo
Nov. 7-10, 1940. Running time, 88	.....	Jo
min. Bill Elliott, Evelyn Young, Bill	.....	Jo
Virginia Beton, Evelyn	.....	Jo
Cannaball, D. D.	.....	Jo
Wolf Turner, Kenneth F.	.....	Jo
Jim Gibbs, Rob	.....	Jo
John Nette, Ed	.....	Jo
Adams, Richard	.....	Jo
Rusty, Edmund	.....	Jo
Chief Sanche, Jim	.....	Jo

Latest Wild Bill Hickok
 gives Bill Elliott a break, so

(Continued on page 20)

Extra! **THE NEW ESCAPE CLAUSE!**

In the event that a picture should immediately establish itself as a sensational box-office attraction —

For instance, if it should be playing a 3rd week at Radio City Music Hall, N. Y. and continue to do outstanding business—

Likewise, if in all early bookings such as cities like Philadelphia, San Francisco, Detroit, Denver, Akron, Cleveland, Harrisburg, Reading, Memphis, etc., it should be an extraordinary commercial success —

In such an instance, it is agreed that the showmen of America should clear their booking schedules to permit long and successful extended engagements of such a picture.

Such a picture is M-G-M's "ESCAPE" starring NORMA SHEARER, ROBERT TAYLOR with Conrad Veidt, Nazimova, Felix Bressart, Albert Bassermann, Philip Dorn, Bonita Granville. A Mervyn LeRoy Production. Screen Play by Arch Oboler and Marguerite Roberts. Based on the novel "Escape" by Ethel Vance. Produced by Lawrence Weingarten. Directed by Mervyn LeRoy.

Advance Production Chart

Hollywood, Nov. 12.

Production currently is slightly up, but with all major studios making heavy progress in number of completed productions for current season. Only plant not putting any new pictures into work past couple of weeks is 20th-Fox, where Zane Grey's Western Union is still shooting, being only opus in reduction. Activity centered at Metro, Paramount and Warners with six each shooting and Universal where five pic-

tures are in work. Columbia has four in various stages, RKO and Republic three each and United Artists two. Completed or released pictures totaled 181 at close of business Nov. 9, with a total of 295 remaining to be put into production on all lots. With 37 now in production, studios have 124 either in cutting rooms or on shelves ready for early release. Current week is expected to see more activity at the various lots.

Columbia

Features	Prom- ised	Com- pleted	Shoot- ing	Cutting	Now To Be Shot
Westerns	16	7	0	3	28
Serials	4	1	0	1	3
Totals	64	20	4	10	39

Pictures in cutting rooms or awaiting release:

PINTO KID, western with songs; prod., Leon Barsha; dir., Lambert Hillyer; screen play, Fred Morley; 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 Butcher.

THUNDERING FRONTIER, western; asso. prod., Jack Fier; dir., Sidney J. Wolfson; screen play, Paul Franklin; camera, George Meehan. Cast: Charles Starrett, Iris Meredith, Raphael Bennett, Alex Callam, Carl Stockdale, Fred Burns, Bob Nolan, John Tyrrell, Francis Walker, John Dillson.

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 Kelland; camera, Joseph Walker. Cast: Jean Arthur, William Holden, Warren William, Porter Hall, Paul Harvey, Regis Toomey, Edgar Buchanan, George Chandler, Valdo Valera, Earl Crawford, Colin Tapley, Byron Foulger, Wade Crosby, Say Saylor, Ralph Peters, Frank Darien, Nina Campano, Frank Hill, Earl S. Dewey, William G. Lomax.

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.

ESCAPE TO GLORY, formerly **PASSAGE WEST**, melodrama; asso. prod., Samuel Pischoff; 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 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.

ELERY QUEEN, MASTER DETECTIVE, formerly **JOHN BRAUN'S BODY**, drama; orig., Elery Queen; screenplay, Eric Taylor; camera, James L. Brown, Jr. Cast: Ralph Bellamy, Margaret Lindsay, Charles Grapewin, James Burke, Marsha Hunt, Michael Whalen, Katherine DeMille, Fred Niblo, Morgan Wallace.

ACROSS THE SIERRA, western; asso. prod., Leon Barsha; dir., D. Ross Lederman; no writing credits; camera, George Meehan. Cast: Bill Elliott, Luana Walters.

THIS THING CALLED LOVE, comedy; asso. prod., William Perlberg; dir., Alexander Hall; screen play, George Seaton; camera, Barney McGill. Cast: Joseph Walker, Cast: Rosalind Russell, Melvyn Douglas, Binnie Barnes, Gloria Dickson, Allyn Joslyn, Lee J. Cobb, Gloria Holden.

THE GREEN ARCHER, serial; Larry Darmour producer; dir., James Horner; no writing credits; camera, James S. Brown, Jr. Cast: Victor Jory, Iris Meredith, Forrest Taylor.

LEGACY, drama; asso. prod., Robert Sherwood; dir., Gregory Ratoff; original, Charles Bonner; camera, Peverell Marley. Cast: Warner Baxter, Ingrid Bergman, Fay Wray.

PENNY SERENADE, drama; asso. prod.-dir., George Stevens; no writing credits; camera, Franz Planer. Cast: Irene Dunne, Cary Grant, Edgar Buchanan, Ann Doran.

BLONDIE GOES LATIN, comedy; asso. prod., Robert Sparks; dir., Frank Strayer; no writing credits; camera, Henry Freulich. Cast: Penny Singleton, Arthur Lake, Larry Simm, Tito Guizar, Ruth Terry.

THE FACE BEHIND THE MASK, drama; asso. prod., Wallace MacDonald; dir., Robert Florey; no writing credits; camera, Franz Planer. Cast: Peter Lorre, Evelyn Keyes, George E. Stone, John Tyrrell, Don Beddoe.

Metro

Features	Prom- ised	Com- pleted	Shoot- ing	Cutting	Now To Be Shot
50-52	15	6	11	31	
Totals	50-52	15	6	11	31

Pictures in cutting rooms or awaiting release:

ESCAPE, drama; producer, Lawrence Weingarten; director, Marvin H. Corey; 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: Emylin Williams, Margaret Lockwood, Michael Redgrave.

THE PHILADELPHIA STORY, drama; asso. prod., Joseph L. Mankiewicz; director, George Cukor; original by Philip Barry; screenplay, Donald Ogden Stew-

art; camera, Joseph Ruttenberg. Cast: Katherine Hepburn, Cary Grant, James Stewart, John Howard.

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

DR. KILDARE'S CRISIS, formerly **DR. KILDARE TELLS**, formerly **DR. KILDARE NO. 6**, drama; Gen. Office prod.; dir., Harry Buckett; 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 Southerland; 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, Gail Patrick.

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

COMRADE X, melodrama; asso. prod., Gottfried Reinhardt; dir., King Vidor; screen play, Ben Hecht and Charles Lederer; camera, Joe Rutecki. Cast: Clark Gable, Hedy Lamarr, 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 Folsey. Cast: James Stewart, Hedy Lamarr, Verree Teasdale, Donald Meek.

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.

MAISE WAS A LADY, comedy; screen play, J. Walter Rubin; dir., Edwin L. Marin; no writing credits; camera, Charles Lawton. Cast: Ann Sothern, 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.

ZIEGFELD GIRL, musical; producer, Pandro S. Berman; dir., Robert Z. Leonard; story, William A. Wellman; screen play, Robert Z. Leonard; camera, Jack Cardiff. Cast: Clark Gable, Hedy Lamarr, Lana Turner, Hedy Lamarr, Jackie Cooper, Ian Hunter.

MEY OF BOYS TOWN, drama; asso. prod., John W. Considine, Jr.; dir., Norman Taurog; camera, Spencer Tracey, Mickey Rooney.

Monogram

Features	Prom- ised	Com- pleted	Shoot- ing	Cutting	Now To Be Shot
36	7	0	3	28	
Westerns	24	3	1	4	19
Totals	60	10	1	7	47

Pictures in the cutting room:

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 Reed, Jacqueline Wells.

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 Barcott, Jack Rutherford, Tom Lonner.

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.

HOMA BOUND, western; asso. prod., Edward Finney; dir., Al Herman; screenplay, Robert Emmett; camera, Marcel A. Lepicard. 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. Lepicard. Cast: Tex Ritter, Slim Anderson, Frank LaRue, Tristram Coffin, Richard Cramer, Gene Albee, Jim Pierce, Jim Thorpe, Hal Price, Evelyn Finley, Art Wilcox and Texas Rangers.

HER FATHER'S DAUGHTER, drama; asso. prod., I. E. Chadwick; dir., Edward Dmytryk; screen play, Ade Comandini; camera, John Messall. Cast: Edith Fellows, Wilbur Evans, Jacqueline Wells, Alan Ladd, Judith Linden, Roger Daniel, Marion Kerby.

WEST OF PINTO BASIN, formerly **TRIPLE THREAT**, western; asso. prod., George Weeks; dir., Roy Luby; screenplay, Oliver Drake; camera, Edward Linden. Cast: Roy Corigan, John King, Max Terhune, Lita Conway, Roy Barcott, Jack Rutherford, Tom Lonner.

UNDER TEXAS STARS, western; asso. prod., Edward Finney; dir., Al Herman; screen play, Robert Emmett; camera, Marcel A. Lepicard. Cast: Tex Ritter, Slim Anderson, Virginia Cuenter, I. Stanford Jolley, Jack Rutherford, Gene Isace.

Paramount

Features	Prom- ised	Com- pleted	Shoot- ing	Cutting	Now To Be Shot
33	15	6	15	9	
Studios	33	15	6	15	9
H. Sherman	3	0	0	0	0
Morris-Sullivan	2	0	0	1	1
G. Markey	1	1	0	1	0
Totals	45	22	6	23	12

Pictures in cutting rooms or awaiting release:

TEXAS RANGERS RIDE AGAIN, formerly **TEXAS**, formerly **TEXAS RANGERS RIDE AGAIN**, western (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 release 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 indicates date of VARIETY's review and running time.

WEEK OF RELEASE—9/27/40

Angels Over Broadway (Col)	10/9	D	78	D. Fairbanks, Jr.-It. Hayworth
Glamour for Sale (Col)	10/23	D	58	A. Louis-R. Pryor
Patric Schummers (Col)	11/13	W	58	B. Elliott-R. Freiser
Strike Up the Band (M-G)	9/18	MU	113	M. Rooney-J. Garland
Sky Murder (M-G)	9/25	M	71	H. Johnson-W. Pidgeon
Ray Caballer (20th)	11/6	M	61	A. 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
Under Texas Skies (RKO)	9/18	W	57	A. Mesquiter-L. Hanson
Brigham Young (20th)	8/28	RD	112	T. Power-L. Darnell
Spring Parade (U)	10/2	MU	89	D. Durbin-R. Cummings

WEEK OF RELEASE—10/4/40

So You Won't Talk (Col)	10/23	C	63	J. E. Brown-R. Robinson
Delcy (M-G)	10/2	C	61	A. Scherer-L. Hunter
Old Swammy Hole (Monro)	10/2	C	80	M. M. Jones-J. Moran
Quarterback (Par)	10/2	CD	71	W. Morris-V. Dale
Japan Train (RKO)	10/2	W	60	H. Holt-M. Driscoll
Drums of the Desert (Monro)	9/25	W	58	C. Rourke-S. Crable
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
Trailing Double Trouble (Monro)	10/16	W	56	C. Corrigan-J. King
Cherokee Str. (P-C)	10/2	W	84	R. Dix-V. Jory
Villain Still Hounded Her (RKO)	7/24	C	66	A. Scherer-L. Hunter
Melody and Moonlight (Rep)	10/16	CD	73	J. Downs-J. Fratez
Frontline Vendetta (Rep)	10/9	W	57	D. Barry-B. Moran
Howe Argonne Way (20th)	10/9	M	92	M. Rambeau-A. Hay
Father Is a Prince (WB)	11/6	C	59	G. Mitchell-L. Patrick
Little Bit of Heaven (U)	10/16	CD	85	G. Jean-H. Herbert

WEEK OF RELEASE—10/18/40

Nobody's Children (Col)		D	E. Fellows-L. Wilson
West of Abilene (Col)		W	C. Starrett-M. Cooley
Moon Over Burma (Par)	10/16	W 74	D. Lamour-P. Foster
Night Train (20th)	10/30	M 90	M. Lockwood-R. Harrison
Laddie (RKO)	9/18	D 69	T. Holles-S. Byington
Slightly Tempted (U)	10/30	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)	11/13	D	64	P. Kelly-R. Hudson
Hullabaloo (M-G)	10/30	MU	77	F. Morgan-B. Burke
Phantom of Chinatown (Monro)	10/2	D	66	K. Luke-L. Long
Christmas in July (Par)	9/18	CD	68	C. Cooper-M. Carroll
Knew What They Wanted (RKO)	10/9	CD	99	C. Laughton-C. Lombard
Young Bill Hickok (Rep)	10/2	W	59	R. Rogers-G. Hayes
Great Front (20th)	8/21	D	79	J. Barrymore-L. Hughes
Tugboat Annie Sails Again (WB)	10/23	C	75	M. Rambeau-A. Hay
Seven Sinners (U)	10/30	RD	85	M. Dietrich-J. Wayne

WEEK OF RELEASE—11/1/40

Escape (M-G)	10/30	D	105	N. Shearer-R. Taylor
Blondie Plays Cupid (Col)	10/30	C	67	P. Singleton-A. Lake
Take Me Back to Oklahoma (Monro)	10/30	W	73	T. Ritter-S. Anderson
Christmas in July (Par)	9/18	D	73	G. McDonald-R. Paige
Too Many Girls (RKO)	10/9	MU	84	L. Hall-R. Carlson
Lili Abner (RKO)	10/2	C	77	G. Owen-M. Ray
Who Killed Aunt Maggie? (Rep)	11/6	M	70	J. Hubbard-W. Morris
I'm Nobody's Sweetheart Now (U)	8/7	C	64	D. O'Keefe-C. Moore
Devil's Pipeline (U)	11/13	C	65	R. Arlen-A. Devine
Always a Bride (WB)	10/30	C	64	R. Lane-G. Reeves

WEEK OF RELEASE—11/8/40

Bitter Sweet (M-G)		MU	J. MacDonald-N. Eddy
Chamber of Horrors (Monro)		D	66
Arise My Love (Par)	10/23	D	100
Friendly Neighbors (Rep)	11/13	C	67
Mexican Spitfire Out West (RKO)	10/30	C	76
Trail Blazers (Rep)	10/30	W	58
The Mark of Zorro (20th)	11/6	D	93
Sandy Gets Her Man (U)	11/13	C	65
Pony Rider		C	65
East of the River (WB)	10/30	RD	73

WEEK OF RELEASE—11/15/40

Beyond the Sacramento (Col)		W	B. Elliott-E. Keyes
Gallant Sons (M-G)		D	J. Cooper-J. Preisser
Three Men from Texas (Par)		W	B. Boyd-R. Hayden
Remedy for Rliches (RKO)		CD	J. Hersholt-D. Lovett
Melody Ranch (Rep)		CD	G. Autry-J. Durante
Street of Memories (20th)	7/3	D	85
One Night in the Tropics (U)	11/6	MU	82
South of Suez (WB)			A. Jones-V. Bruce

WEEK OF RELEASE—11/22/40

Lone Wolf Keeps a Date (Col)		M		W. Williams-F. Robinson
Escape to Glory (Col)		M		P. O'Brien-C. Bennett
Little Nelly Kelly (M-G)		MU		J. Garland-G. Murphy
West of Pinto Basin (Monro)		W		C. Cooper-M. Carroll
North West Mounted Police (Par)	10/23	M	125	C. Corrigan-J. King
The Fargo Kid (RKO)		W	63	T. Holt-J. Drummond
You'll Find Out (RKO)		MU		K. Kysar-B. Karlon
Texas Rangers (Rep)		M	61	J. Barry-J. Durand
You'll Find Out (20th)		MU	68	J. Withers-R. Conway
Meet the Wildcat (U)	10/30	D	61	M. Lindsay-R. Bellamy
The Long Voyage Home (UA)	10/30	D	103	D. Wayne-T. Mitchell
The Letter (WB)	10/23	D	8	B. Davis-H. Marshall

WEEK OF RELEASE—11/29/40

Elery Queen—Master Detective (Col)	D	R. Bellamy-M. Lindsay
Comrade X (M-G)	M	C. Gable-H. Lamarr
Little Men (RKO)	D	K. Francis-J. Oakie
Meet the Missus (Rep)	C	R. Karns-R. Donnelly
Tin Pan Alley (20th)	MU	A. Faye-J. Oakie
The Bank Dick (U)	C	W. C. Fields-F. Pangborn
Blackout (UA)	C	C. Veldt-V. Hobson
Lady with the Red Hair (WB)	11/13 D 88	M. Winkler-C. Rains

WEEK OF RELEASE—12/6/40

Great Plane Robbery (Col)	M	J. Holt-V. Lester
Thundering Frontier (Col) 9/18	W 53	C. Starrett-I. Meredith
Go West (M-G)	C	Marx Bros.-J. Carroll
A Night at Earl Carroll's (Par)	MU	K. Murray-R. Hobart
Bigger Legion (Rep)	W	R. Rogers-G. Hayes
Charter Pilot (20th)	CD	L. Bari-L. Nolan
Margie (U) 9/18	C 58	T. Brown-N. Grey
Invitation to Murder (WB)		

WEEK OF RELEASE—12/13/40

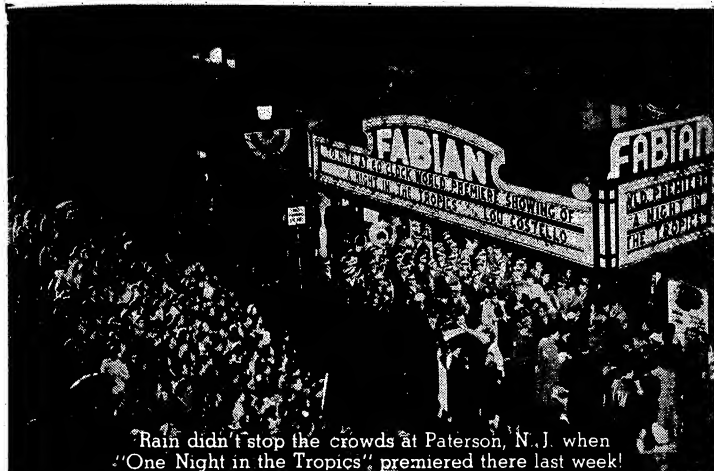
Dr. Kildare's Crisis (M-G)		D		L. Barrymore-L. Ayres
Texas Rangers Ride Again (Par)	11/6	WD	67	J. Howard-E. Drew
Mysterious Dr. Satan (Rep)		M		E. Ciannelli-R. Wilcox
Murder Over New York (20th)		M		S. Toler-M. Weaver
The Invisible Woman (U)		M		J. Barrymore-J. Howard
She Couldn't Say No (WB)		C		R. Prvor-E. Arden

WAIT TILL YOU HEAR FROM THE MOB

—when you play

UNIVERSAL'S RIOT ROMANCE

set to music...and comedy...
to make a nation's heart glow
and its feet itch to dance!



Rain didn't stop the crowds at Paterson, N.J. when "One Night in the Tropics" premiered there last week!

ONE NIGHT *in the* TROPICS

starring

ALLAN JONES • NANCY KELLY

Song-Star of "The Boys from Syracuse" At her loveliest since "Jesse James"

BUD ABBOTT & LOU COSTELLO

Radio Sensations of "I'm a bad boy" fame

ROBERT CUMMINGS

Romantic Hero of "Spring Parade"

with **MARY BOLAND LEO CARRILLO WILLIAM FRAWLEY**
PEGGY MORAN NINA ORLA RICHARD CARLE

Directed by **A. EDWARD SUTHERLAND**

Associate Producer: **Leonard Spigelgass**

Screenplay by **Gertrude Purcell and Charles Grayson**

Adapted by **Kathryn Scala and Francis Martin** from
the novel "Love Insurance" by **Earl Derr Biggers**

A THRILLING JEROME KERN SCORE

Topping his "ROBERTA" and "SHOWBOAT"

with Hot hit songs *Farandole*, "You and Your Kiss,"
"Simple Philosophy," "Your Dream," and "Romantic"

At last...the screen presents the
newest comedy sensation of radio
and Broadway...Abbott and
Costello, kings of hilarity!

NATIONAL RELEASE NOV. 15th

Film Reviews

PRAIRIE SCHOONERS

Another certainty with inflation more than an idle threat is that distributors will consent to fewer and fewer flat rental deals. They want to be protected as far as revenue is concerned on any possible tilt in admission prices, which the best of them admit has to come. If the vast majority of the new productions go out on percentage, a higher admission price plus greater attendance is sure to enable the distributor to cash in on the inflationary wave.

Advance Production Chart

(Continued from page 20)

United Artists

	From- last	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Goldwyn	1	0	0	0	2
Seizn	1	0	0	0	2
Wanger	4	2	0	0	2
Chaplin	1	1	0	0	2
Roach	2	0	0	0	2
Korda	3	0	0	0	3
Edw. Small	1	1	0	0	0
Lesser-Lubitsch	2	0	1	0	1
Loew-Lewin	2	0	0	1	1
Bronson	2	0	0	0	1
R. Rowland	1	0	1	0	0
Pascal	1	0	0	0	1
Totals	26	5	2	1	18

Pictures in cutting rooms or awaiting release:

THE SON OF MONTE CRISTO, costume drama; prod., Edward Small; dir., Rowland V. Lee; script, George Bruce; cast: Alexander Dumas novel; camera, Guy Robinson; music by Edward Ward. Cast: Louis Hayward, Joan Bennett, George Sanders, Florence Bates.

FLOTSAM, drama (Loew-Lewin) dir., John Cromwell; screenplay, Talbot Jennings; camera, William D. Foster; cast: Fredric March, Margaret Shuart, Frances Dee, Glenn Ford, Anna Sten, Erich von Stroheim.

UA Pictures in Production

CHEERS FOR MISS BISHOP, drama; Richard Rowland, prod. dir., Tay Garnett; no writing credits; camera, Hal Hottel. Cast: Martha Scott, William Gargan, Edmund Gwenn, Sterling Holloway, Donald Douglas, Mary Anderson, Marsha Hunt, Sidney Blackmont.

THAT UNCUTTING FEELING, drama; prods. Ernst Lubitch and Soy Lesser; dir., Ernst Lubitch; screen play, Donald Ogden Stewart; adaptation, Walter Reisch; camera, Merritt Gerstad. Cast: Merle Oberon, Melvyn Douglas, Burgess Meredith, Olive Blakeney, Eve Arden, Harry Davenport, Fritz Feld, Richard Carle.

Universal

	From- last	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Arten-Devine	40	14	3	17	
Actions	7	2	0	2	3
Westerns	7	4	0	2	1
Serials	1	1	0	0	1
Frank Lloyd	3	0	0	0	3
Totals	61	22	4	13	25

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 B. Condon, George H. Plympton, and Basil Dickey; camera, Jerry Ash. Cast: Dick Foran, Anna Nagel, James Craig, Tom Fadden, William Desmond, Harry Woods, Ed Keane, Charles Stevens, Charles Morrison, Edgar 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 Zaratus; camera, Stuart 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. screen play, George H. Plympton, Basil Dickey, Rex Taylor; camera, Jerome Ash. Cast: Billy Halop, Hunt 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.

THE DEVIL'S PIPELINE, formerly **DANGER ISLAND**, formerly **ISLAND OF MISSED MEN**, formerly **SOUTH OF SUMATRA**, comedy; asso. prod., Ben Fiam; dir., Christy Cabanne; orig. screen play, Paul Huston; camera, John Boyle. Cast: Richard Arlen, Andy Devine, Jeanne Kelly, James Flavin, Francis McDonald, John Eldredge, Eddy Waller, Dick Botiller, John Rogers, Jay Novello, Mala, Harry Fleischman, Nestor Paiva.

GREEN HORNET STRIKES AGAIN, serial; asso. prod., Henry MacRae; dirs., Ford Beebe and John Rawlins; screen play, George H. Plympton, Basil Dickey, Sherman Lowe; camera, Jerome Ash. Cast: Warren Hull, Anna Nagel, Wade Boteler, Keye Luke, James Seay, Harry Fleischman, Robert Blair, Fred Clift, Kenneth Rhoades.

SANDY GETS HER MAN, formerly **FIREMAN SAVE MY CHILD**, comedy; asso. prod., Burt Kelly; dirs., Otis Garrett, Paul Gerard Smith; screen play, James Stuart, Sy Bartlett; camera, Elwood Bredell. Cast: Baby Sardy, Stuart Erwin, Una Merkel, Edgar Kennedy, William Frawley.

GIVE US WINGS, melodrama; asso. prod., Ken Goldsmith; dir., Charles Lamont; orig. story, Elliott Gibbons; screen play, Arthur Scher, Ray Taylor, John Boyle. Cast: Billy Halop, Hunt Hall, Bernard Punsley, Gabriel Dell, Bobby Jordan, Wallace Ford, Anne Gwynne, Milburn Stone, Shemp Howard.

BOSS OF BULLION CITY, formerly **TRAIL TO PARADISE VALLEY**, formerly **PARADISE VALLEY**, western; asso. prod., Joseph G. Sanford; dir., Ray Taylor; orig. screen play, Arthur St. Claire, Victor McLaglen; camera, William Siskner. Cast: Johnny Mack Brown, Fuzzy Knight, Nell O'Day, Maria Montez, Harry Wood, Melvyn Lane, Earle Hodgins, Karl Hackett, Dick Alexander, George Humbert.

DARK STREETS OF CAIRO, meller; asso. prod., Joseph G. Sanford; dir., Leslie Kardos; asso. prod., Alex Gottlieb; camera, Elwood Bredell. Cast: Sigrid Gurie, Barbara O'Neill, Ralph Byrd, Eddie Quillan, Rod LaRouge.

BUXY 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 Knight, Nell O'Day.

SEVEN SINNERS, romantic drama; prod., Joe Pasternak; dir., Tay Garnett; original story, Tugend, Fodor and Vadnal; screen play, John Meehan; camera, Rudolph P. Christy.

(Continued on page 24)

'Tell Us How'

Continued from page 5.

such an arrangement. But they do appreciate the advantages of being able to retort, in case a feature does a flop in these trying times of rapidly fluctuating public tastes, and low boxoffice tak. "Well, we gave New York just what it asked for."

Bed of Thorns Roses

The path of the present-day producer is a far cry from that of his predecessor, traceable to the European conflict, the consent decree, upped production costs and what-have-you. Instead of being an overlord who could knock off any afternoon for a glimpse of the speeding ponies or for a set of tennis with a pal, he has lately found himself shunted onto an almost 24-hour-a-day routine of work and worry. So, if the homocidal boy is willing to lift some of the burden from his shoulders, he's not going to be the one to voice objections.

Era when a producer could rely on friendships or organizations of political strings as a means of clinging to the payroll is currently nothing more than a page in Hollywood history. Hollywood business friendships ended when England and Germany severed diplomatic relations. Now it's a case of every exec and producer for himself.

Sales departments of the various producer-distributor outfits gained their first foothold in Coast production councils within a week after Britain flipped a glove into the face of the fuhrer, and the film corporations' New York tops awakened to the necessity of struggling along without their former hefty foreign revenues. They have been gaining ground ever since, until now they are consulted on practically every studio move.

Profiting handsomely by this new deal in picture making are the transcontinental railroads and air lines, for it has brought film exec travel from New York to Hollywood, and vice versa, up to a new high. Film villagers can pick up their DAILY VARIETY almost any morning and read that "Herman Wobber planned in for two weeks of production confabs with 20th-Fox's Darryl Zanuck" or that "Metro's William F. Rodgers is here for studio huddles" or that Republic's James Grainger, Warner's Grad Sear, Universal's William Scully or any one of a half a dozen other sales generalists are either arriving or departing. In addition, there are those frequent eastern jaunts by the production bosses.

Either Going Or Coming

Wobber, who formerly planned to visit the studio twice annually, now checks in every two months, sometimes oftener. The same is true of Rodgers and his visits to Metro, and of other sales managers and their respective plants. Nor are the dislocations exact. Only once in increasing the frequency of their Coast treks. Sidney Kent, 20th-Fox prexy; Nicholas M. Schenck, Metro's No. 1 man; Barney Balaban, Paramount chieftain, and the top figures in other companies now make it a point to come westward from four to six times each year.

Meanwhile, the Frank Freemans, Louis B. Mayers, Jack Warners and Harry Cohns are abandoning their lot desks more often than formerly to powwow with their home office groups in Manhattan.

These sessions, regardless in which end of the country they are held, are anything but social affairs. Frequently they become slang-bang drag-out arguments. When they are over, members of both factions are willing to admit they have most thoroughly threshed out the production situation.

As this is written, Paramount's home office and studio execs, as well as its theatre partners, are expressing their separate views on production, present and future, in Hollywood. Herman Wobber is telling Zanuck what 20th-Fox film renters will and will not buy. George J. Schaefer, RKO prexy, is enlightening his Gower street aides as to what he believes will sell and what will not sell. Murray Silverstone is fighting it out with United Artists producers. Next week similar gatherings will be under way in other studios.

This new procedure isn't a reflection on Hollywood's ability to manufacture the product. Instead, it has been inaugurated by producer-directorates as a means of increasing the flow of payoffs. The sales departments, in constant contact with the exhibs, form the closest connecting link the industry has with the American masses, the

Schencks, the Balabans, the Kents and the Schaefer will tell you, so why not make use of their knowledge as to the popularity, or lack of it, of this or that mode in silverheat fare.

And now that the system of sales participation in production problems is proving its value in the way of better wicket results, the Hollywood lads are wondering why they didn't invite the easterners to take a hand long ago. They're thinking of all the grey hairs they might have saved themselves.

Invading Chains

Continued from page 7

chain. Incidentally, U sold all other Pat partners.

According to latest information indies are negotiating to move into Greenville, Miss., Monroe, La., and Greenwood, Miss., against Saenger. Further independent opposition is expected from A. L. Royals, operator of houses in Gulfport and McCombs, Miss., who is planning to buck a 100%-controlled situation. Meridian, Miss., by building a house in the downtown area. The site has been acquired and the house will be opened in a couple months across the street from a Saenger theatre which, formerly independent, it acquired for complete control of the town.

Siegel's Florida Blitz

An interesting sidelight on what might appear to be a "blitz" against big circuits is the plan of Arthur J. Siegel to move into Jacksonville, Fla., with a theatre of his own opposition to the J. Sparks drive. He has obtained site rights and will build what will be known as the St. Johns in that town, a 1,000-seat house. It will become the only independently operated theatre in Jacksonville, headquarters of the Sparks chain.

The theatre will play Warner pictures first run in that key, plus what else can be had. For a year and a half now, WB has been unable to get together with the Sparks circuit on a deal, the invasion by Spiegel following. While it isn't indicated at this moment, it is very probable that Siegel will head a circuit throughout Sparks territory that will begin to sprout shortly.

Siegel, formerly had his own chain of New York and New Jersey theatres. He is the nephew of Major Albert Warner of Warner Bros. and for the past several months has been in Warner Bros. on statistics in connection with theatres on the U. S. anti-trust suit on which a consent decree has been entered.

NW Allied Opposes Decree

Minneapolis, Nov. 12.

Going on record again in bitter opposition to the consent decree, Northwest Allied directors and representatives from the Wisconsin Allied organization, meeting here, voted to send L. B. Schwartz, local attorney, to New York to argue before the Federal court in opposition to its acceptance. It was declared that the decree is "100% for the distributors" and that any ostensible independent exhibitors' benefits are only on the surface. Independents get practically nothing from it, the directors asserted.

S. G. Lebedoff, treasurer and executive committee member, was named chairman of a committee, which henceforth will deal with distributors on individual exhibitor grievances. The committee also includes Andy Anderson, Detroit Lakes, Minn., and Paul Mans, Minneapolis.

Coast Objects Too

Hollywood, Nov. 12.

Coast conference of indie theatre owners will be represented by attorney Paul Ziegler at Thursday's (14) hearing on the consent decree. Ziegler is expected to enter objections on the ground that the new plan would work undue hardships on exhibs.

TITLE CHANGES

Hollywood, Nov. 12.

"A Dangerous Game" is new tag for "Who Killed Doc Robin?" at Universal. "Replenish the Earth" became "The Golden Touch" at 20th-Fox. "A Girl a Guy and a Gob" is the release tag on "Three Girls and a Gob" at RKO. Republic switched from "A Flagpole Needs a Flag" to "Behind the News."

dir., Joseph Santley; orig. screen play, Jack Moffitt, F. Hugh Herbert; camera, Eugene August; cast: Jimmy Durante, Ann Miller, George Hayes, Mary Lee.

MEET THE MISSUS, comedy; asso. prod., Robert North; dir., Malcolm St. Clair; orig. screen play, Val Burton, Ewart Adamson, Taylor Cavan; camera, Ernie Miller. Cast: Roscoe Karns, Ruth Donnelly, Polly Moran, Lole Ransome, Dorothy Ann Seese, 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 Coldewey; camera, John MacBurnie. Cast: John Red Barry, Julie Duncan, Arthur Loft, Al St. John, Eddie Waller, William Rubin, Ann Pennington, Panny McKim, Reed Howes, Robert Fiske, Fred (Snowflake) Toomes.

BORDER LEGION, formerly **IN OLD CHEYENNE**, western; asso. prod. and dir., Joseph Kane; screen play, Olive Cooper, Louis Stevens; based on Zane Grey's novel; camera, Jack Martin. Cast: Roy Rogers, George Hayes, Carol Hughes, Maude Eburne, Joe Sawyer, Jay Novello, Hal Taliaferro.

BAERNARD FOLLIES, rural comedy; asso. prod., Armand Schaefer; dir., Frank McDonald; orig. screenplay, Dorrell and Stuart McGowan; camera, Ernie Miller. Cast: Mary Lee, Pappy Chappin, June Storey, John Archer, Rudy E. Tompkins, The Kiddoodlers, Isabel Randolph (Mrs. Uppington), Caroline DeZurik and Mary Jane DeZurik (The Cackle Sisters), Dorothy Harrison, Joan Woodbury, Jim Jeffries.

MYSTERIOUS DR. SATAN, serial; asso. prod., H. S. Brown, Jr.; dirs., William W. Wyler, Robert North; dir., orig. screenplay, Louis Adreon, Ronald Davidson; camera, Wm. Nobles. Cast: Robert Wilcox, William Newell, Dorothy Herbert, Ella Neal, Walter McGrain, Paul Marion.

Republic Pix Now in Production

BEHIND THE NEWS, formerly **A FLAGPOLE NEEDS A FLAG**, drama; asso. prod., Robert North; dir., Joseph Santley; orig. screen play, Allen Rivkin; screen play, Isabel Dawn and Boyce DeGraw; camera, Jack Martin. Cast: Lloyd Landon, Doris Davenport, Frank Albertson, Robert Armstrong, Paul Harvey, Charles Halton.

BOWERY BOY, drama; asso. prod., Armand Schaefer; dir., William Morgan; orig. by Sam Fuller; screen play, Robert Chapin, Harry Kronman, Eugene Solow; camera, Ernie Miller. Cast: Dennis O'Keefe, Louise Campbell, Jimmy Lydon, Helen Vinson.

LOVE STAR RAIDER, western; asso. prod., Lou Gray; dir., George Sherman; no writing credits; camera, William Nobles. Cast: Bob Livingston, Bob Steele, Rufe Davis, June Johnson.

20th Century-Fox

	From- last	Com- pleted	Shoot- ing	Now Cutting	To Be Shot
Totals	52	24	1	10	28

Pictures in cutting rooms or awaiting release:

FOR BEAUTY'S SAKE, comedy-drama; prod., Lucien Hubbard; dir., Shepard Frauber; screen play, Wanda Tuchock, Ethel Loring, Robert Conroy; camera, Charles Clarke. Cast: Ted North, Marjorie Weaver, Richard Lane, Lenita Lane, Ned Sparks, Joan Davis, Pierre Watkin.

CHARLEY PILOT, comedy-drama; ex. prod., Sol Wurtzel; dir., Eugene Forde; screen play, Stanley Rask, Lester Ziffren; camera, Lucien Hubbard. Cast: Lynn Bari, Lloyd Landon, Arlene Whelan, George Montgomery, Hobart Cavanaugh.

YOUTH WILL BE SERVED, comedy with music; asso. prod., Lucien Hubbard; dir., Otto Brower; screen play, Wanda Tuchock; camera, Edward Cronager. 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 Lachmann; no writing credits; camera, Virgil Miller. Cast: Judy Mullen, Margaret Hamilton, 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, Dorris Bowdon, George Montgomery, Rand Brooks, Joan Valerie, William Henry.

HUDSON'S BAY, drama; asso. prod., Kenneth MacGregor; dir., Eugene Forde; screen play, Vincent Price, Fawcett Marley, Cast: Paul Muni, Gene Tierney, John Sutton, Virginia Field, Nigel Bruce, Vincent Price, Laird Cregar, Chief Thundercloud.

CHAD MANNA, drama; in Technicolor; asso. prod., Nunnally Johnson; dir., Henry Kind; screenplay, Nunnally Johnson, screen play, Walter D. Edwards; camera, Ernest Palmer. Ray Rennahan. Cast: Henry Fonda, Linda Darnell, Mary Beth Hughes, John Carradine, Guy Kibbee, Jane Darwell, Eddie Collins, Ted North, Olin Howland.

ROMANCE OF THE RIO GRANDE, western; asso. prod., Charles Clarke; camera, Cesar Román. Cast: Ricardo Cortez, Patricia Morison, Christ-Pin Martin, Lynne Roberts, Pedro de Cordoba, Aladdin Bowker, Joseph MacDonald, Raphael Bennett, Inez Palange.

GOLDEN HOOPS, drama; asso. prod., R. Dietrich and Walter Moore; screen play, R. Dietrich and Walter Moore; dir., Cast: Jane Withers, Charles Rogers, Katharine Aldridge, Robert Conway, Robert Shaw, Cliff Clark, Edward McWade, Philip Hurlitch, Buddy Pepper.

CORNCOB KELLY'S BENEFIT, comedy; asso. prod., Sol M. Wurtzel; dir., Norman Foster; camera, Virgil Miller. Cast: Marvin Sargent, 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; asso. prod., Sol Wurtzel; dir., Eugene Forde; screenplay, Stanley Rath and Manning O'Connor; based on novel by Bert Halliday; camera, George Schneiderman. Cast: Lloyd Landon, Marjorie Weaver, Donald McBride, Elizabeth Patterson, Walter Abel, Douglas Dumbrille.

TIN PAN ALLEY, musical; asso. prod., Kenneth MacGowan; dir., Walter Lang; screenplay, Robert Ellis and Helen Logau; 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 Now in Production

ZANE GREY'S WESTERN UNION, drama, in Technicolor; asso. prod., Harry Joe Brown; dir., Fritz Lang; no writing credits; camera, Edward Cobler; cast: Allen Dabyne, Cast: Robert Young, Randolph Scott, Dean Jagger, Virginia Gilmore, John Carradine, Laird Cregar, Slim Summerville.

**TIN PAN
ALLEY**
ON THE AIR
FROM HOLLYWOOD—
THE GREATEST
RADIO SHOW
IN THE HISTORY OF
RADIO SHOWMANSHIP!

**ALICE FAYE... BETTY GRABLE...
AND THE OTHER "TIN PAN ALLEY"
STARS... TAKING OVER THE
ENTIRE KATE SMITH HOUR!**

**FRIDAY NIGHT, NOV. 22, 8 to 9 P. M., (EST) OVER
89 CBS STATIONS! "TIN PAN ALLEY" STARS,
SONGS AND SELLING GOING OUT TO 25,000,000
LISTENERS—ONE OF THE FIVE BIGGEST RADIO
AUDIENCES IN THE CROSSLEY RATINGS! THE
SPECTACULAR CLIMAX TO THE BROADCAST BAR-
RAGE BACK OF 20th's GREATEST OF ALL MUSICALS!**

Theatre Ops vs. Decree

Continued from page 6

charges being similar to those in the old action.

"Circuit. Discrimination." "Control Over Exhibition Exercised by First Run Exhibitors." "Local Exhibition Monopolies." In the next sub-heads. In the latter case the Government charges that by control of first run theatres alone, affiliated exhibitors have been able to secure as much two-thirds of the total theatre admissions, paid cities as large as 250,000.

It is stated that more than 80% of all the metropolitan first run theatres are affiliated theatres, and more than 95% of all features exhibited in these theatres were made by the defendants. In only four of the 92 cities in the U.S. with populations of 100,000 or more are there no affiliated theatres.

In 73 of the remaining 88, the producer exhibitors operate enough first run theatres in each to receive a substantial majority of the total theatre admissions paid in each of these cities. The five producer exhibitors also own or operate one or more theatres in 200 of the 283 cities of population between 25,000-100,000.

Monopoly of Exhibition By Producer-Exhibitors

Again the charge of violation of the Sherman Law is made:

1. By concertedly conditioning the licensing of films distributed by one producer-exhibitor defendant in theatres operated by another such defendant upon the licensing of films distributed by the latter defendant in theatres operated by the former defendant.

2. By concertedly excluding independently produced films from affiliated theatres.

3. By concertedly excluding unaffiliated exhibitors from the operation of competing first-run theatres in cities and towns where affiliated theatres are located.

4. Same as to subsequent-run theatres.

5. By concertedly using the first and early-run affiliated theatres to control the film supply, run, clearance, and admission price of operators of competing unaffiliated theatres in the cities and towns where affiliated theatres are located.

6. By concertedly coercing and intimidating unaffiliated exhibitors in towns where there are no affiliated theatres to license their films upon arbitrary terms by expressed or implied threats to build or acquire a competing theatre and use it to destroy the business of the unaffiliated exhibitor.

7. By threatening or coercing unaffiliated exhibitors to relinquishing control of their theatres or a share of the profits by threats to deprive him of access to films or to limit the terms and conditions upon which he may secure these films so that they may no longer be exhibited profitably by him.

8. By pooling or sharing in the profits with each other of affiliated theatres owned by the defendants and located in the same competitive area.

9. By agreeing to divide the available films among affiliated theatres owned or controlled by two or more of the defendants without competitive negotiation.

10. By entering into joint arrangements with respect to a single theatre whereby the film buying power or proceeds from the operation thereof is divided among two or more of the defendants.

11. By concertedly refraining from building, buying or leasing or offering to lease theatres in any area in which they might compete with existing affiliated theatres except under agreements preventing competition.

12. By concertedly effecting a division of territory of the entire U. S. between them for theatre operating purposes.

13. By concertedly acquiring and maintaining a monopoly of the business of exhibiting motion pictures in approximately 80% of the cities of the U. S. with populations of more than 100,000.

14. By concertedly maintaining and acquiring a monopoly of exhibition in all cities in the U. S. with a population of more than 1,000,000.

Control of Film Stars Is

Violation of Anti-Trust

Next under a heading of "Conspiracies to Unreasonably Restrain and Monopolize the Production of Motion Pictures Participated in by the Producer Defendants," the Gov-

ernment declares that the defendants have violated the Sherman Act:

1. By placing under contract most of the valuable stars, featured players, directors, technicians, and others who have gained fame, prestige, reputation, artistic, technical or other great value in the production branch of the industry.

2. By lending or exchanging personnel or other costly equipment on a non-competitive basis.

3. By excluding independent producers from the same stars, technicians or equipment on the same basis as given the others.

U. S. Accusations On Illegal Combinations

Then under a heading entitled, "Combinations of Which Each Producer-Exhibitor Defendant is a member which are illegal per se, the U. S. lists:

1. Each of the combinations of parent and subsidiary corporations which respectively form 20th-Fox, Loew's, Paramount, Warner Bros. and RKO constitutes a separate combination in restraint of trade in the following manner: (a), by preventing dependent producers from competing with such a combination in the distribution of films; (b), same as to independent distributors; (c), by preventing unaffiliated exhibitors from competing with such a combination in the operation of theatres in cities and towns where the-

ties operated by it are located; (d), by acquiring and maintaining a monopoly of the business of exhibiting motion pictures in areas serving a substantial percentage of the total population of the U. S.; (e), by coercing and intimidating unaffiliated exhibitors by threats to build in opposition; (f), by forcing such independents to relinquish control of their theatres or give up a part of the profits of them; (g), by conditioning the licensing of films.

Then the defendants are accused of having contracted with various circuits including the affiliated circuits to restrain trade by entering licensing agreements with these circuits which contain provisions which impose one or more discriminatory acts upon independents, and which force or coerce them into granting concessions against their will.

U. S. Asks Preliminary Permanent Injunction

In conclusion, the Government follows with its prayer for relief. It asks the court to:

1. Issue a preliminary injunction restraining the defendants from building, buying, leasing, or otherwise acquiring any additional theatres or any further interest or interests, in any additional theatres, either directly or indirectly, through the acquisition by a subsidiary or associated corporation, until the final decree, or until further order of the court.

2. Each of the contracts, combinations and conspiracies in restraint of interstate trade and commerce, together with the attempts to monopolize and the monopolization of the

same, be declared illegal and violative of the Sherman Act.

3. That the defendants, their subsidiaries, and all of their officers, directors, agents, servants, and employees be perpetually enjoined and restrained from continuing to carry out directly or indirectly the attempts at monopolization, the monopolies and all restraints of interstate trade and commerce in the production, distribution and exhibition of motion pictures, and from entering into and carrying out, directly or indirectly, any monopolies or restraints of interstate trade and commerce similar to those alleged herein as illegal.

4. That a nationwide system of impartial arbitration tribunals or such other means of enforcement as the court may deem proper be established pursuant to the final decree of this court, in order to secure adequate enforcement of whatever general and nation-wide prohibitions of illegal practices may be contained therein.

5. That the integration of the production and exhibition branches of the industry by the producer-exhibitor defendants be declared unlawful as an instrumentality of monopoly and restraint of trade, and a violation of the Sherman anti-trust act.

6. That the producer-exhibitor defendants under the direction and supervision of the court be ordered and directed to divest themselves of all interest and ownership both direct and indirect either in theatres and theatre holdings or in production and distribution, and that they, and their respective successors, be permanently enjoined from acquiring, directly or indirect-

ly, any other interests in the branch of the industry divested of any persons, firms or corporations, which are engaged or may engage in that branch of the industry, said divestiture to be accomplished and carried out upon such terms and conditions as the court may deem proper.

7. That Paramount, 20th-Fox Film, National Amusement Co., Warner Bros. Pictures, Warner Bros. Circuit Management, Loew's, RKO, RKO Proctor Corp. and RKO Midwest Corp., under the direction and supervision of the court, divest themselves of all interest and ownership both direct and indirect in any theatres which the court shall find have been used by one or more of them to unreasonably restrain trade and commerce in motion pictures in violation of the Sherman Act.

Lastly—but not the least—the Government wants costs.

Blocks-of-5

Continued from page 5

Bob O'Donnell, southern operators; Sam Pineski and Marty Mullin of New England; Earl J. Hudson of Detroit; J. J. Fitzgibbon, general manager of Famous Players-Canadian, and Ralph Branton, g.m. of the Blank circuit.

Following the Chicago meeting, the entire group, including John Balaban, left for the Coast, while going directly from the east were Barney Balaban, Stanton Griffis, Neil Agnew, Russell Holman, Paul Raibourn and Leon Netter. Group left Wednesday (6), excepting Agnew who flew out Friday night (8). Adolph Zukor, who will attend the Coast conferences was already there, having voted in Hollywood.

Reports that television producing plans would be discussed on the Coast were denied at the home office.

Far Exes on Coast

Hollywood, Nov. 12

Paramount home office execs and theatre partners converged this week for confabs at the studio and the Ambassador hotel. Under discussion will be production and sales plans, the latter as they apply under the consent decree. Top players will also act on a proposal to increase indie production units.

Here for the meetings are Neil Agnew, Stanton W. Griffis, Barney Balaban, Russell Holman, Adolph Zukor, Leon Netter, Sam Dembow, Jr., and Leonard Goldenberg. The last three are members of the N. Y. theatre department. Bob Weisman, manager of the N. Y. Paramount, is also here, as are theatre execs Earl Hudson of Detroit, John Balaban of Chicago, M. A. Lightman of Memphis, Sam Pineski and Marty Mullin of Boston, John Fitzgibbons of Canada, Bob O'Donnell of Dallas and Ralph Branton of Des Moines.

Ed Sullivan

Continued from page 2

John Chapman swapping spots with him last July.

Sullivan's time, however, goes back to assume editorship of the Hollywood Reporter, a local trade daily, under the ownership of William R. Wilkerson, its publisher. Latter will devote himself more to operating the Arrowhead Springs resort hotel. Wilkerson has always operated Hollywood niteries as an adjunct to his trade paper. He will also continue running Ciro's.

Sullivan's deal with Wilkerson will call for a percentage which, as the newspaperman puts it, "I'll be able to tell more about after a year." Wilkerson's present editor, Frank Pope, will continue as a news exec and the staff will not be affected at all.

Sullivan has an open offer from the News managing editor, Duke Clarke, to return at any time, but meantime is seeking connections with the tabloid with which he's been identified for many years. He originally started on the now defunct N. Y. Evening Mail and later the N. Y. Graphic as a sports columnist. He's been a working N. Y. newspaperman for 20 years; the last eight on the News. Sullivan may do one Sunday feature from Hollywood for the News, but that's also indec, due to Capt. J. M. Patterson's absence from the city. Chapman's Hollywood coverage for the News, of course, continues as is.

BIG TOWN STUFF

Hollywood, Nov. 12

'New York Town' went into production at Paramount with Fred MacMurray and Mary Martin in the top roles.

Charles Vidor directs and Anthony Veiller produces.

Advance Production Chart

(Continued from page 22)

dolph Mate. Cast: Marlene Dietrich, John Wayne, Mischa Auer, Broderick Crawford, Oscar Homolka, Albert Dekker, Anna Lee.

ONE NIGHT IN THE TROPICS, formerly **MOONLIGHT IN THE TROPICS**, formerly **CARIBBEAN HOLIDAY**, formerly **CARIBBEAN NIGHTS**, musical; asso. prod., Leonard Spigelgass; dir., Joseph A. McDonough; screen play, Charles Grayson; camera, Joseph Valentine; cast, Allan Jones, Nancy Kelly, Bud Abbott, Lou Costello, Robert Cummings, Billy Boland, William Frawley, Peggy Moran, Lou Carrillo.

LUCKY DEVILS, formerly **FLYING NEWS**, action melodrama; asso. prod., Ben Pivar; dir., Fred Frank; orig. story by Sam Robins; screen play, Alvin Goddard; camera, Charles Van Enger; cast, Richard Arlen, Andy Devine, Dorothy Lovett, Jack Arnold, Gus Schilling, Hugh Huntley, Dora Clement, Frank Mitchell, Roger Halday.

A DANGEROUS GAME, formerly **WHO KILLED DOC ROBIN?**, mystery; asso. prod., Ben Pivar; dir., John Rawlins; orig. Larry Rhine, Ben Chapman; screen play, Larry Rhine, Ben Chapman, Maxwell Shane; camera, Stanley Cortez. Cast: Richard Arlen, Andy Devine, Jeanne Kelly, Edward Brophy, Vince Barnett, Richard Carle, Tom Dugan, Andrew Tombes.

SAN FRANCISCO DOCKS, drama; asso. prod., Marshall Grant; dir., Arthur Lubin; orig. screenplay, Stanley Kubrick; story, E. 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, Shemp Howard, Russell Hicks, Grady Sutton, Harlan Briggs, Bill Wolf, Nora Cecil, Emmett Hogan.

RIDERS OF DEATH VALLEY, serial; asso. prod., Henry MacRae; dirs., Ford Beebe and Ray Taylor; orig. story, Basil Dickey, George G. Brown, J. P. Flynn, Jack O'Donnell; camera, Jerome Ash. Cast: Dick Foran, Charles Bickford, Lou Carrillo, Buck Jones, Jeanne Kelly, "Big Boy" Williams, Noah Beery, Jr., Monte Blue, William Hall.

TRAIL OF THE VIGILANTES, western; prod., dir., Allan Dwan; 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.

WHERE DID YOU GET THAT GIRL, comedy; asso. prod., Joseph C. Sanford; dir., Arthur Lubin; no writing credits; camera, J. N. Boyle. Cast: Helen Parrish, Edie Quillan, Leon Errol, Charles Lang, Franklin Pangborn, Tom Dugan, Thurston Hall, Joe Brown, Jr., Wade Boteler, Nina Oria, Kay Leslie, Leonard Suss, Kenneth Cuddy, Joe Cobb, Billy Jack Elliot, Stanley Fields, Tim Ryan, Frank Marlowe, Elliott Sullivan, Eddie Bruce, Robert McKenzie, Lorin Raker, George Lloyd, Frank Mitchell, Tom Hanlon, Ed Stanley.

EAL OF THE DRAGON, drama, prod., Bruce Manning; dir., Robert Stevenson; screenplay, Bruce Manning and Felix Jackson, based on novel by Fannie Hurst; camera, William Daniels. Cast: Charles Boyer, Margaret Sullivan, Richard Carlson, Frank Jenks, Frank McHugh, James McNamara, Al Whitley Roberts.

Warners

Studio	From-ised	Com-pleted	Shoot-ing	Now Cutting	To Be Shot
Capra-Riskin	48	19	6	28	27
Lasky	1	0	0	0	1
Totals	50	20	6	28	28

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 Koma, Willie Fung.

MONTE CARLO FOR TEBEE, comedy; asso. prod., Herbert Blau; 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 Wyman, Fred Astaire, drama; asso. prod., Henry Blau; dir., William Keighy; screen play, Stephen Morehouse Auer; camera, Charles Roshier. Cast: Priscilla Lane, Rosemary Lane, Lola Lane, Gale Page, Claude Rains, May Robson, Jeffrey Lynn, Frank McHugh, Eddie Albert, Alan, Jerry Best.

SANTA FE TRAIL, historical 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 H.opper, John Halsey, Guilem, Henry O'Neill, Van Heflin, Allan Baxter, John Littel, Moroni Olsen, William Lundigan, David Bruce, Frank Wilcox, William Marshall, George Haywood, Capra-Robert Riskin production; dir., Frank Capra; orig., Richard Connell; screen play, Robert Riskin, Frank Capra, Myles Connolly; camera, George Barnes. Cast: Gary Cooper, Barbara Stanwyck, Edward Arnold, Walter Brennan, James Gleason, Rudy Vallee, Charles Bickford, Pierre Watkins, Henry O'Neill, Warren Hymer, Pat Flaherty, Ann Doran.

HIGH SIERRA, drama; asso. prod., Mark Hellinger; dir., Raoul Walsh; story, W. R. Burnett; screen play, John Huston and W. R. Burnett; camera, Tony Gaudio. Cast: Humphrey Bogart, Ida Lupino, Joan Brooks, Alan Curtis, Arthur Kennedy, Anthony Quinn, Henry Travers, Henry Hull, Willie Best.

SOUTH OF SIN, drama; asso. prod., Bryan Foy; dir., Lou Selzer; screen play, Brad Trivers and Michael Hogan; camera, Arthur Todd. Cast: George Brent, Geraldine Fitzgerald, Brenda Marshall, James Stephenson, George Tobias, Miles Mander, Charles Irwin.

THE CASE OF THE BLACK PARROT, mystery; asso. prod., William Wyler; dir., Noel Smith; no writing credit; camera, Ted McCord. Cast: William Lundigan, Maris Wrixon, Luli Deste, Eddie Foy, Jr., Paul Cavanaugh, Emory Parnell, Joseph Crehan.

WARRIOR PICTURES IN PRODUCTION
INVITATION TO A MURDER, formerly **TRIAL AND ERROR**, meller; asso. prod., Edmund Grainger; dir., Vincent Sherman; screenplay, Robert Rosson, Barry Trivers; camera, James Van Trees. Cast: Thomas Mitchell, Geraldine Fitzgerald, Jeffrey Lynn.

THE WAGONS ROLL AT NIGHT, formerly **CARNIVAL**, drama; asso. prod., Harlan Thompson; dir., Ray Enright; screen play, Fred Niblo, Jr., and Barry Trivers; camera, Sid Hickox.

FOOTSTEP 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, John Halsey.

STRAWBERRY BLONDE, comedy drama; asso. prod., William Cagney; dir., Raoul Walsh; no writing credits; camera, James Wong Howe. Cast: James Cagney, Olivia DeHavilland, Rita Hayworth, George Tobias, Jack Carson, Alan Hale.

FATHER AND SON, drama; asso. prod., William Jacobs; dir., D. Ross Lederman; screen play, Fred Niblo, Jr., camera, Al Siegler. Cast: John Littel, Frieda Inescort, Billy Dawson, Bernice Pott, Christian Rub, Philip Hurick, Sammy McKim, Sonny Budd, Myra Marsh, John Dillson, George Lloyd.

FAR HORIZON, drama; asso. prod., Henry Blau; dir., Edmund Goulding; no writing credits; camera, Tony Gaudio. Cast: Bette Davis, George Brent, Mary Astor, Hattie McDaniel, Sam McDowell, Jerome Cowan.

THE SEA WOLF, drama; asso. prod., Henry Blau; dir., Michael Curtiz; no writing credits; camera, Sol Polito. Cast: Edward C. Robinson, John Garfield, Ida Lupino, Alexander Knox, Frank McDonald, Gene Lockhart, Barry Fitzgerald, Stanley Ridges, Frank Lackteen, Howard da Silva, Wilfred Lucas, Lewis Mason, David Bruce, Half Harold.

PIX SOUND REVOLUTIONIZED

Trenton, N. J., Is Example of War's Boom Benefits to Amus. in 1940

Trenton, Nov. 12. America's boom town is Trenton, N. J.

Thousands of soldiers stationed at nearby Fort Dix 'invade' this city nightly bent on 'doing' the town with the result that films, cafes, hotels, dance halls, bowling alleys, shooting galleries and restaurants are enjoying a wave of prosperity unmatched since World War I.

With upwards of 15,000 boys already stationed at Fort Dix and with an additional 5,000 of the conscripted Army from the Second Corps Area, embracing New Jersey, New York and Delaware to be called up before the end of November, it is estimated that from 3,000 to 5,000 of Uncle Sam's khaki-garbed defenders visit Trenton each night bent on some form of pleasure. It's a strange sight for Trenton, whose main thoroughfares resemble a city in war-wrecked Europe. It's 1917 all over again here but the peace-time army going about its nightly pleasures with far less grimness. It's still in the lark era and the boys are having their fun.

From the lowly buck private making \$21 a month to the non-coms and commissioned officers whose salaries range from \$120 a month to \$10,000 a year, Trenton getting its full quota nightly as they all leave money behind. For the buck private it might mean a pack of cigars, a couple of beers and a dance hall or a pi. But the higher-paid boys are doing it up red, taking in the better cafes and staying over at the swankier hostleries.

The vice problem has already reared its head, with syndicates importing girls from Philadelphia and New York. They're leading police, a mere chase but no less an authority than Major General Clifford R. Powell, 44th Division commander and head man at Fort Dix, and Trenton Police Chief William A. Dooling assert they are coping with it splendidly.

Welfare of Soldiers

Though acts of misbehavior by the enlisted personnel have been few in number thus far, authorities have taken special steps for the welfare of the soldiers as well as the community, especially on pay-days and weekends. Nightly a staff of M.P.'s are sent up from Dix to augment local police protection and on weekends the number is doubled. Under a temporary policy now in effect, soldiers accused of misconduct are taken into custody by Trenton police and referred to military police.

In a move to curb excessive drinking by soldiers at taverns and cafes here, Mayor Berghoe has warned dispensers that unless they serve in moderation licenses will be revoked. As a result, cases of drunkenness have been the exception.

Boys come up from Dix in Trenton Transit buses, now running at the rate of 44 a day in place of the four which traversed the route prior to the opening of the military reservation.

Trenton itself has opened its purse strings to see that no soldier boy lacks recreation here. The Community Chest, which has just closed its annual drive, upped its quota by \$15,000 to provide a fund to take care of the boys. Community-sponsored dances are held at regular intervals, the facilities of the Y.M.C.A. and Y.M.H.A. have been placed at their disposal. Princeton University each week sets aside several thousand seats in Palmer Stadium with free tickets for soldiers who want to strike in a football game.

Strange enough, the places getting the biggest play to date have been the two shooting galleries here, where long queues form nightly as soldiers await their turn for a crack at the clay pigeons.

Sherman Ups Abrahams

Hollywood, Nov. 12. Derwin Abrahams was upped from assistant to director in Harry Sherman's production unit, with the next Hopalong Cassidy feature as his first piloting job. Picture is 'Border Vigilantes.'

Abolish SAG Council?

Hollywood, Nov. 12. Screen Actors Guild board, after a session running from last night (Monday) until noon today, voted to submit a referendum to class B membership on a proposal to abolish the Screen Actors Guild council.

Plans submitted embraced administration of the affairs of the Guild, including class B membership by the board and a functional setup to represent Class B members by committees named from various groups. Ballots go out Thursday (13) with a Nov. 26 closing.

HAYS OFFICE CONFAB ON SPG ORG.

Pending certification by the National Labor Relations Board, making the Screen Publicists Guild of New York official bargaining agency for its members in N. Y., resistance is reported cropping up among 'eligibles' and understood that the major film companies are preparing to put up a fight against the purported tentative contract that will be offered as well as the union itself.

A meeting on the matter was held at the Motion Picture Producers & Distributors of America on Thursday (7) attended by representatives of the publicity-advertising departments of all majors and attorneys. Pat Casey also attended the session as labor relations counsel for the picture companies. The meeting was held to consider the situation, the demands made, the claims of majorities in all film company h.o.s., etc., but whether or not attorneys would challenge the right of members of art departments to be qualified for the SPG was not indicated. It is doubted, on legal authority, that the artists or production men attached to art departments who do not produce copy, have any right to belong to the union.

Reported that numerous publicists who have been approached to join the SPG have remained aloof, preferring to bide their time, while some others who went in early have bowed out because of dislike concerning the administration and the executive committee which is described outside as being on the radical side and exercises autocratic powers. One member of a major (Continued on page 29)

RETAIL CLERKS IN DRIVE ON THEATRES

Lafayette, Ind., Nov. 12. At a recent meeting held at the headquarters of the Retail Clerks International Protective Ass'n., it was decided to institute a real and earnest drive against the various circuits and indie theatres that have candy counters, but without having regular union clerks handling the retail sales.

RCIPA officers object strenuously to theatres doubling their ushers and other theatre employees to work behind the candy counter, and the union insists that in so doing the theatres are keeping retail clerks out of legitimate jobs.

Main drive to organize and unionize those employees who work behind these candy counters will be centered in the state of California, Washington, Oregon and Texas, and in the cities of Buffalo and Detroit. This follows the organization of these candy counter clerks in New York and Chicago.

IMPROVE FILMS' TONAL QUALITIES

Warners to Introduce New Recording-Projection System With Release of 'Santa Fe Trail'—Carries Advantages of Disney-RCA Fantasound Without Heavy Added Cost to Studios and Exhibs

OTHER LOTS O.K. USE

Hollywood, Nov. 12. Pleas of exhibitors for some new development in the talker-manufacturing process of sufficient import to re-whet the public's appetite for the cinema are shortly to draw an answer from Hollywood. What is hailed by studio technical experts as the most startling advancement in sound recording and projection adaptable for general usage by the film industry since the screen first broke its silence will be unveiled with the opening of Warners' 'Santa Fe Trail' at the Strand, New York, late in December.

Modernized method, which consists of the addition of another sound-track running between the film's sprocket holes, and which is used for control purposes only, retains to the fullest degree all the dramatic shading of tone and volume that is to be found in the original sounds themselves.

While Walt Disney will introduce the new Disney-RCA perfected Fantasound, a somewhat similar proposition, with the roadshowing this month of the Disney symphonic cartoon feature, 'Fantasia,' the Warners-RCA system, realized under the supervision of Major Nathan Levinson, the Burbank studio's chief sound engineer, can be handled in both studio and theatre at a mere fraction of the cost of recording and projection involved in Disney-RCA scheme. Warners-RCA idea also affords an enormous saving in the turning out of prints as compared to the Disney-RCA method.

Withheld Inauguration

Although Warners' sound specialists have been working on the undertaking since 1935, when their initial experiments were included in the production and showing of 'A Midsummer Night's Dream,' and have had it perfected for some months, the company has withheld its inauguration to permit Disney to gain the full advantage of his elaborate expenditures in time and coin on the Disney-RCA recording-projection devices. Warners' financial outlay, both for the conversion of recording gadgets and lab printing machines, as well as for the installation in theatres of the sound division of the Academy of Motion Picture Arts and Sciences' Research Council, it will be adopted by other major lots as rapidly as recording and lab equipment can be changed over.

While the projection of the Disney-RCA Fantasound requires the installation of some \$15,000 worth of new apparatus in each theatre, the Warners-RCA system calls for only \$1,500 worth of extra gadgets. Addition of the second soundtrack does not prevent use of the Warners-RCA prints with present-day equipment, although it holds new advantages over the old recording-projection system when so harnessed.

Cal. Labor Board Wires Wm. Green To Remove AFL Exec, Meyer Lewis

Hollywood, Nov. 12. Acting on instructions from the executive board of the California State Federation of Labor, secretary Edward D. Vandeleur has forwarded a demand to prexy William Green, of the American Federation of Labor, that Meyer L. Lewis be removed as western director for the AFL. Vandeleur charges that Lewis, who aided Willie Bloff in his producer negotiations before the latter was shuttled off to the Chicago hoosegow, has attended only two Central Labor Council sessions since he arrived in California.

It is further claimed that Lewis has started a labor newspaper in opposition to the California labor press, and has failed to aid AFL locals in repelling CIO raids. The communication in reference to CIO activities states:

"The last year was one of high tide for CIO raids against established AFL unions. In not a single situation was any help forthcoming from Mr. Lewis. The California State Federation of Labor, in conjunction with the local Central Labor Council, furnished the only help to repel these raids. In fact, the suspicion

persists among many of our people that Mr. Lewis tried to cripple our resistance to the CIO raids in order to derive whatever factional advantage the attendant confusion might bring.

The executive council realized that the western office represented an effort on the part of the AFL to aid the movement on the Pacific Coast. It felt that this office could be continued with much benefit to our movement, provided the proper man was placed in charge. It instructed me to suggest that should the plea of the California State Federation of Labor be heeded, and Mr. Lewis be removed for the good of the movement, that it be consulted before his successor is appointed."

Beetson Back on Job
Fred W. Beetson, secretary-treasurer of the Association of Motion Picture Producers, has returned to his task, after a month's vacation trip to New York via the Panama Canal.

A preliminary check by the Screen Actors Guild this week indicated that approximately 300 extras will be eliminated from the industry for being more than 90 days in arrears in dues. The quarterly dues payment became due Nov. 1.

CASEY - BROWNE DIDN'T MEET AFTER ALL

About three weeks ago Pat Casey, labor relations counsel for the film producers, went to Chicago to see George E. Browne concerning IATSE demands and jurisdiction over many thousands of employees in Hollywood film plants. He didn't see him, though remaining in Chicago several days. Casey came on to New York and awaited Browne but latter never showed up, with result Casey left Friday (8) for the Coast.

He is reported to have been burned over the matter but understood, on inside, that Browne, who suffers from ulcers, was unable to leave his farm, outside of Chicago, for any purpose and may not go to the Coast immediately. Reported he refuses to listen to doctor's orders concerning the ulcers.

Browne Passing Up Coast

Hollywood, Nov. 12. George Browne is passing up the Coast for present, general plan for him and the International to keep hands off while locals negotiate with producers.

Should the tide go against them, understood the International will head pleas to intercede, step in and make deal for them.

FEAR WINS \$50,000 VERDICT FROM METRO

Los Angeles, Nov. 12. Ralph Gordon Fear was awarded a verdict of \$50,000 damages in his suit against the Metro studio in the U. S. district court.

Plaintiff charged the company with breach of contract in using his film developing process for outside business.

'Man Hunt' Again Up At 20th After Siesta

Hollywood, Nov. 12. 20th-Fox restored 'Man Hunt' to the production schedule after shelving it for a week. Dudley Nichols is polishing the script for early shooting.

Filming was delayed when John Ford, originally named as director, was shifted to 'Tobacco Road.' New pilot will be picked off the lot.

SAG Penalizes Metro
The SAG-Producer Standing Committee has ordered Metro to pay \$3,000 in standby checks for the use of native riders on location at Santa Cruz. Announcement of the award stated:

"M-G-M proposed taking 40 riders and jumpers, including 14 women, to a location near Santa Cruz. The 14 women were interviewed and engaged. A group of men were interviewed, but not engaged. Subsequently M-G-M decided to do the work with local Santa Cruz riders. After a protracted hearing, the Standing Committee ruled in favor of the Guild, that the location was within the 300-mile limit and made an award of \$3,000.

This made possible a check for \$75 for each of 40 riders. Each of the 14 women who had been engaged was sent her check. In consultation with the studio, the Guild made up a list of 39 men who might have received the 26 calls and who were members in good standing. From the list of 39, Paul Cook, a member of the Class B Council, drew 26 names at a drawing conducted in a board of directors' meeting and checks were distributed in accordance with the drawing."

Class B Referendum
The SAG is now conducting a referendum of Class B membership on acceptance of the Producer-SAG Standing Committee report, which recommended that all extras who worked 10 days or less in 1939 be eliminated from the industry. Kenneth Thomson, SAG executive secretary, sent the following notification to the Class B Council:

"In accordance with instructions (Continued on page 29)



SHAKE HANDS WITH SUCCESS!

...ing it all... and big... it is in merchandising. As true in your theatre as...
 ★ The masses may not understand advertising but they respond to its wiles... the better the advertising the more they succumb. They may not know a layout from a layette... or a headline from a clothesline... but you know when a combination of layout and copy hits them where they live, because that's the combination which makes them step up and buy... that's the combination you want in your theatre... that's the combination we give you in TRAILERS... LOBBY DISPLAYS and STANDARD ACCESSORIES...
 ★ And that's why we say "give yourself the breaks... Use All Three".

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All Sorts and Manner of Taxes, City, State and U. S., Plague Pix Biz

The rising tax burden for the picture business was accentuated this month by the addition of the recently enacted excess (defense) profits tax and tilt in the regular Federal income tax. Burden of taxation for the industry promises to reach an all-time peace period peak before the middle of next year.

Taxes are so numerous and sundry that it is difficult to tell which gets soaked the most, the producer, distributor or exhibitor. Indications are that the owner and operator carries the heaviest load because being confronted with city, county, state and government assessments. A close second is the distributor because of setups in 31 exchange cities covering 48 states.

The picture business is always sought out as the fall guy when additional revenue must be raised by the city or state. Formerly, tax levying solons used to sock the liquor business but nowadays with many states having their own liquor department the yen to sock the liquor dealers is gradually diminishing.

Films the Goat

Old-age and social security laws have sent many state legislative bodies scurrying to raise additional funds with the film industry generally 'it' in initial efforts to tack on more fees. This has brought in a flood on general sales taxes. Unless a theatre is specifically excluded it means that taxation on goods, wares and merchandise is interpreted as including theatre tickets. Estimated that this cuts in 2-3% on gross receipts. However, exhibitors are satisfied to escape any special sales levy because this generally means a 10-15% tax.

Exhibitors must face taxation for personal income, for personal property, real estate, for corporation levy, payroll and that on admission duets. There also is a license to do business which costs money in many states. Other states have a fee system operating in conjunction with the fire marshal on all property plus the theatre holdings.

The personal property tax is the greatest theatre headache because of varying interpretations by different states. Some states waste money on 10-reel picture at so much but would raise the value on another 10-reeler when they figure the production value of the film greater. The industry has fought tooth-and-nail any attempt to list personal property tax on films according to production value of a picture. Nominal value was used with the correct method, it has been contended.

Terrific Strain

With a circuit having 600 individual pieces of theatre property, the strain in keeping pace with individual state taxation is terrific. However, with all the taxes on theatres, the admish tax fee is the most onerous of all because it represents a 10% slash in the theatre's income. The only phase that may slow up attempts to install state taxes on theatre duets during the coming state legislative sessions, early in 1941, is the realization that the Federal government already has covered the field very thoroughly.

For the distributor, the greatest problem is handling the taxation setup from the 31 different exchanges. Each must handle on an average of one or two states with their varying taxation systems. There are some states covered by two or more exchanges such as Pennsylvania which has Philadelphia and Pittsburgh. In contrast some exchanges cover two states. Minneapolis handles the taxes from Minnesota, North and South Dakota. Possibly the outstanding exchange operation to feel the full load of state taxation is Atlanta which covers Georgia, Florida, Alabama and parts of Tennessee.

Shea's Buffalo Dualing First Time in 14 Years

Buffalo, Nov. 12. Shea's Buffalo, ace Paramount luxer here, this week goes double feature for the first time in its 14-year history. House, booking of which was recently taken over by Loew's, one-third partner in the operating company, also discontinued its house orchestra a few weeks ago after continuous pit music policy since opening.

First program, 'Escape and Dancing on Dime', runs three hours and 30 minutes.

LOCAL GAG

Omaha Lawyer Stand-In on M-G Pic—Also Reps Exhib Suing Metro

Omaha, Neb., Nov. 12. Metro's exchange manager, Harry Shumway, is being kidded profusely about using his company's casting dept. to get to an opposition attorney. 'Men of Boys Town' company is on location in Omaha, and picked Gerald F. Nye, attorney; Betty Marr, First National Bank secretary, and Dean Gray, an 11-year-old sixth-grader, to double in long shots for Henry O'Neill, Mary Nash and Bobs Watson.

Nye is attorney for Frank E. Hollingsworth, Beatrice, Neb., exhibitor, who is suing Metro, among others, for collusion and restraint of trade forcing him out of biz.

NEW THEATRE CHAIN ON COAST

Los Angeles, Nov. 12. First of a new chain of California film houses, backed by Hollywood capital, with local partners, went into construction at Dinuba, with Ed Levy as operating partner. Theatre will cost about \$35,000, and four more units at the same approximate price are due to follow.

Others are planned at Fort Bragg, Ukiah, Yreka and Modesto.

Construction was started in Pomona on a new Fox-West Coast theatre, the State, 500-seater, slated for Christmas opening.

Dwight Harkins building new College theatre, seating 480, at Tempe, Ariz.

Blevins' New House

Celeste, Texas, Nov. 12. B. E. Blevins and his wife have opened a new house here, partly supported by local business men.

He operates the machine while his wife is ticket seller and handles the main-floor operations.

Anco, New on 42d St., N. Y.

Another house for heavily-over-seated 42d street, New York, is the new Max A. Cohen operation, the Anco, which opened Saturday (9). It's playing double bills at a scale of from 10 to 25c, same as for other houses on the street. Theatre seats 600 and is on the site of the old Wallace, former legit house.

1,000-Seater for Dayton

Dayton, Nov. 12. Ground has been broken for a new suburban theatre, the Shafer, 1,000 or more capacity, to be operated by Maurice White and N. G. Shafer, who operate theatres in southern Ohio and Kentucky and are associated with Col. Ike Libson, Cincinnati, in the operation of the Strand here. Second-run features will be shown.

Loew's in N. Y. Day-Dates 'Kit Carson' in 11 Houses

'Kit Carson,' which has been awaiting a New York opening date for several months, preems tomorrow (Thursday) at Loew's State on Broadway and in 11 Loew key houses in the city simultaneously. It's the same play as was used with Universal's 'White the Daltons Ride.'

Deal with Loew's is on a flat rental. Picture was made by Edward Small for United Artists distribution. National release date was Aug. 30 and picture has played a large number of spots throughout the country since then.

STORY BUYS

Hollywood, Nov. 12. Harry Sherman bought 'American Empire,' by J. Robert Bren and Gladys Atwater.

Leonard Hoffman sold his war story, 'Night Hawks,' to Warners. Shridu cmfwpv vbjkpi cmfwpv yki RKO acquired 'Repent at Leisure,' by James Gow and Arnaud D'Usseau.

Bronco-Busting Dallas Showmen Enter Rodeo

Dallas, Nov. 12. When show makers suddenly decide to be show actors, that is as much news as the traditional yarn of man biting dog, so the recent announcement that the Variety Club would be in the All-America Rodeo and Horse Show program starting in Ft. Worth on Will Rogers Day, Friday (15), will be interesting to thousands of theatre-goers in the south.

Variety Club members have made reservations for horses to ride in the gigantic parade and will also select a queen from the many theatre employees of Dallas, to participate in the colorful selection of the 'all-American girl of the Southwest.'

The Cinema Breakfast & Bridle Club, composed of members of the various film exchanges of Dallas and a subsidiary of the Variety Club, was among the first to announce their membership would be here en masse for the parade, buffalo barbecue, prelude and premiere show opening day. They are transporting their own horses from Dallas for the gala celebration, and Buck Weaver, manager of the Paramount film exchange, reported that all members had paid their transportation fees, insuring a 100% membership in Ft. Worth.

The Cinema B. & B. Club is composed of film executives who like to ride horseback. They stage their own private, exclusive rodeo each year.

Rachman Now An Authority On Prison Pix

Lincoln, Nov. 12. When Jules Rachman, 48, former exhib who killed Harry and Sam Goldberg in 1932 and served about eight years in the penitentiary here, was released, he had offers of three jobs. He finally settled with Sol Francis, Monq exchange boss, and became a film salesman in this territory.

In his five weeks with Francis he has picked up five major accounts in Omaha alone, where Mono had no look-in before. But he did lose one, the Ralph Goldberg string. Goldberg is a brother to the two slain men, and was most active in the fight to keep Rachman behind bars.

Rachman was the theatre manager for the penitentiary all the time he was in stir, and now Mono sells nearly all the state institutions— Asylums, homes for the aged, reformatories and prisons. 'Nothing like making contacts wherever you are,' he says.

Rachman couldn't have gotten with a better company, he believes, as far as knowing the product he's selling is concerned. Mono puts out more gangster, prison, and reformatory action pictures than almost any other company. And when he tells an exhib the film he's peddling is the McCoy, the exhib knows he's getting expert opinion.

FIRE, SMOKE FAIL TO PANIC AVID PIX FANS

Portland, Me., Nov. 12. Fire in adjoining dept. store emptied R. E. Snider's Strand and Empire theatres here Sunday evening (10), but patrons of both houses, far from being thrown into panic by eddying wisps of smoke and clangor of apparatus outside, yelled for unreelings to continue. Police and firemen finally succeeded in detaching Armistice-eve payees from their seats.

Damage to dept. store estimated at \$50,000, but theatres escaped with but minor damage. Empire, least affected, is taking over Strand's higher-rented program for balance of week.

Nick Carter Up-to-Date

Hollywood, Nov. 12. Nick Carter, old horse-and-buggy detective, goes ultra-modern in his next Metro picture, 'Murder by Radio.'

William R. Lipman is writing the screen play for production by Frederick Stephani.

More States for Earlier Thanksgiving; Regarded as a Break for Pix B. O.

\$1,000,000 'Foot'

Hollywood, Nov. 12. Warners allotted a budget of \$1,000,000 to 'One Foot In Heaven,' based on a biographical novel by Harzelle Spence.

Studio is sending out several hundred copies of the publisher's preview, containing excerpts from the book, to exhibitors in key spots.

A.T.&T. TO BOW OUT OF PIX STUDIOS

Hollywood, Nov. 12. Move to sell the General Service studios in Hollywood and the Eastern Service lot on Long Island indicates the withdrawal of American Telephone & Telegraph from the picture industry, with the exception of the film sound system, developed by its subsidiary company, ERPI.

Further indications in that direction is the preparation by ERPI to foreclose its \$250,000 mortgage on Educational studios, on Santa Monica boulevard, once owned by Educational Films, now defunct.

No difficulty is expected in liquidating the General Service plant in Hollywood, owing to a heavy demand for studio space. Three separate groups of prospective purchasers have been tempting ERPI execs in the last few weeks. One outfit, headed by Ben Smith, investment banker from Wall street, is declared to have offered to underwrite the property for \$750,000 against a demand for \$850,000.

Eastern Service studios offers another problem, due to the shortage of picture production in the New York area since Mayor LaGuardia ceased to plug that sector as a film center.

Warners is understood to be ready to take over the Educational lot, which adjoins the Samuel Goldwyn studio, as soon as ERPI clears its title through a foreclosure sale of the property.

LA CROSSE LAWYER'S ILLNESS HALTS CASE

Madison, Wis., Nov. 12. Further delay in the LaCrosse Theatres Co. anti-trust suit against Paramount and others, now being tried before Judge Patrick T. Stone in Federal court here, was caused when Robert A. Hess, of Milwaukee, legal rep for the plaintiff, was taken suddenly ill Wednesday night (8) and removed to a hospital. His condition was not considered serious, but the adjournment was made indefinite pending his ability to resume trial of the case.

After getting under way Oct. 30 with the filing of an amended complaint upping the sought-for damages from \$1,050,000 to \$1,476,000, and the selection of a jury of 11 men, one woman and one alternate, the trial continued through Friday, only to be recessed until after Election day. It was resumed Wednesday (6); then had to be adjourned Thursday because of Hess' condition.

Opening days of the legal reps devoted to statements of the legal reps. Hess for the plaintiffs and Harold M. Wilkie, of Madison, for the defendants. Eddie Ruben, president of the Wellworth Theatre of Wisconsin, and co-defendant with Par and the Minnesota Amus. Co., was the first witness called, shortly before the first adjournment, and was again on the stand throughout the day trial was resumed. He will again be recalled upon resumption of the case.

LaCrosse Theatres Co. operated five houses in LaCrosse, having a virtual monopoly in the town prior to 1936. Ruben then came into the town, built the new Hollywood, and, according to the plaintiff, got most of the product, due to plaintiff's alleged, to the refusal of Par 20th and United Artists to sell to it, the plaintiff, and causing it to lose great sums of money.

Ruben testified he sounded out Par

There being two Thanksgiving days again this year, the dates subject to decision by the states themselves, showmen are elated that more of the country will celebrate Nov. 21 as the holiday than Nov. 28. An advance check would indicate a marked swing among states to the earlier date, following the experiences that were noted last year after President Roosevelt upset all tradition so far as Turkey Day is concerned by asking that it be moved up as a means of providing a longer breather between then and Christmas.

A total of 32 states are planning to celebrate Thanksgiving on Nov. 21, while in the column for Nov. 28 are 16.

32 Favor Nov. 21. In 1939 the division was much evened, with 22 states celebrating Thanksgiving on Nov. 23, date it fell last year, while 26 stuck to the historically-established date on the calendars. This November the check would indicate there will be 32 going with Roosevelt, which would double the number that won't.

The distributors are contacting their various exchanges in connection with Thanksgiving as it will fall in the various states, so that preparations can be made in booking film, laying plans for the holidays, and providing for prints. Distributors favor an earlier Thanksgiving generally so that people are not so closely pushed on the Christmas shopping, while also a division among the various states creates advantages.

Among other things, it becomes a simpler matter to handle prints when two dates are celebrated since the territories of the branches embrace more than one state. Other angles also figure such as cases where an exhibitor near to a border gets his holiday on Nov. 21, while across the border it may be Nov. 28, thus providing a double crack at business.

Border-States' Dual Break

The exhib found last year that where he is on a borderline and draws from two states, he got an extra play because of his location if different dates by the states were celebrated. In some such cases holiday prices were in effect on both Thanksgivings.

Experience last year also was that the period between the earlier Thanksgiving (Nov. 23) and Christmas did not suffer so much from the so-called pre-Xmas shopping and preparation. It afforded fans more time to recover from the cost of Thanksgiving in giving thought to Christmas. On the other hand for merchants it enabled them to start their Xmas campaigns a little earlier. That can never be done until gobbler-day is out of the way.

The lineup on state statutes tabulates the following for Nov. 21: New York, Washington, Montana, Wyoming, California, Utah, Idaho, New Mexico, Oregon, Colorado, Arizona, New Mexico, Texas, North Dakota, Nebraska, Minnesota, Missouri, Wisconsin, Illinois, Mississippi, Michigan, Indiana, Kentucky, Ohio, Alabama, Georgia, South Carolina, Virginia, West Virginia, Delaware, New Jersey, Maryland.

In the column favoring Nov. 28 are:

Pennsylvania, Iowa, Nevada, South Dakota, Kansas, Oklahoma, Louisiana, Tennessee, Florida, North Carolina, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine.

reps for the first time in January, 1935, on the possibility of obtaining product should he decide to build a theatre, and that a mass of correspondence, letters and telegrams, as well as visits to New York, concerned only his getting certain picture rights. Details and interpretations of what was said and written, with lawyers on both sides fighting every step of the way are still occupying the court's attention.

The action is brought under the Sherman and Clayton anti-trust laws, charging conspiracy in restraint of trade, with the alleged intent of preventing LaCrosse from carrying on its business. Trial is expected to last from four to six weeks.

HITTING THE ROAD

Hollywood, Nov. 12. Paramount shoved off on the 'Road to Zanzibar,' with Bing Crosby, Bob Hope and Dorothy Lamour co-starring.

Paul Jones produces and Victor Schertzinger directs.

WORLD PREMIERE OF "ARIZONA"

catches eyes and ears of nation!

*All eyes on
TUCSON!*
NOVEMBER 15th.



Wesley Ruggles'
ARIZONA

starring

JEAN ARTHUR

WILLIAM HOLDEN

WARREN WILLIAM · PORTER HALL

And A Cast Of Thousand

Screenplay by Claude Berron · Directed by WESLEY RUGGLES

**GENERAL
RELEASE
DECEMBER 25th**

TREMENDOUS ADVANCE SELLING



"ARIZONA'S
FLYING PRESS
SQUADRON"

In a lightning tour of the country... lands literally scores of full pages in leading newspapers... an unprecedented motion picture publicity barrage!



**SMASH COLOR
ADS for 50,000,000
READERS**

In the Saturday Evening Post, Life, Look, Screen Book, Hollywood, Movie Story, Motion Picture, Screenland, Silver Screen, Movie Mirror, Screen Guide, Photoplay, Picture Play, Screen Romances, Movies, Movie Life, Personal Romances, Glamour and Modern Screen magazines!

**2 COAST-TO-COAST
BROADCASTS
FROM TUCSON...**



as highlights of the huge two-day celebration of the great pre-release premiere on Friday, Nov. 15: KATE SMITH day, Nov. 15: KATE SMITH day, Nov. 15: KATE SMITH day... over 89 CBS stations... eliminating five daytime broadcasts for "Arizona" during premiere week... "VOX POP" Program—Three day (7:30 p. m., E. S. T.)... over a big 50-station CBS network!

HOUR—Friday (8 p. m., E. S. T.)... over 89 CBS stations... eliminating five daytime broadcasts for "Arizona" during premiere week... "VOX POP" Program—Three day (7:30 p. m., E. S. T.)... over a big 50-station CBS network!

Hollywood's War Cycle

Continued from page 1

in which every producer's mind is running and there's no doubt a surge of military films is on the threshold. What makes the trend particularly notable is that from the time the war started until almost mid-October there weren't as many war titles registered altogether as during the past month. Producers had been more or less frightened of the subject by the lack of success of the few military films made. Apparently it is felt now that the public mind has changed and the season is ripe for something that will jibe with current headlines.

'Back to Yaphank' Metro, which has stuck to a policy of avoiding rides on the popular news crest, has even entered the running. It has asked exclusive rights to the label, 'Back to Yaphank.' Yaphank is the U. S. Army camp out on Long Island, where many recruits from the New York area were quartered during the World War and are now being quartered again. It gained show biz immortality back in 1918 when the soldiers there put on a musical, 'Yip, Yip Yaphank,' which became a sensational success on Broadway. Irving Berlin, a sergeant there then, wrote the songs and there's been talk recently of reviving the show.

Also in the conception vein is Warner Bros.' idea, 'You're in the Army Now.' Picture was originally planned as a short, one of a patriotic series, but title registration was recently switched to cover a feature. WB, Universal and Selznick almost simultaneously had another idea for a draft pic, registering titles within two days of each other. WB claims 'No. 138,' while U and Selznick want 'Draft No. 138.' Universal has still another 'thought,' 'Draft Dodger,' while Paramount already has plans well under way on 'Caught in the Draft,' in which Bob Hope will be starred.

Pix on the Wing Flying pictures appear to be next most popular, among claimants to assorted titles on the subject (and of them with the word 'Eagle' being 20th-Fox, Goldwyn, Warner Bros., Howard Hughes, Columbia, Universal, RKO and Loew-Lewin, Fox wants 'The Eagle Flies Again,' 'The Eagle Squadron' and 'Yankees Over London.' Goldwyn's stake is on 'The Eagle Flies' and 'Flying Eagles.' Warners have 'Eagles of the Air' and 'Wings of the Eagle.' Hughes takes 'American Eagle.' Columbia would 'Let the Eagle Scream.' Universal wants 'Sky Raiders.' RKO claims 'I Bombed Berlin.' Loew-Lewin has 'RAF' and 'Royal Air Force.'

Meantime, Walter Wanger has grabbed priority on the whole 'Eagle' idea with a script writer, William Hurd Bennett, already at work on 'The Eagle Squadron,' although whether he can use that title, as 20th also claims it, is another question. Eagle Squadron is the name given the group of Americans fighting with the RAF, thus its popularity.

RKO alone seems to have shown recent interest in parachute troops, an idea on which all sorts of titles were registered last year when the Germans were dropping soldiers behind enemy lines. RKO's recent entries, all registered Oct. 28, are 'Parachute School,' 'Parachute Battalion,' 'Parachute Troops' and 'Sky Jumpers.'

Evacuation of the British from Dunkirk is another one of those things which seems to have taken a long time capturing Hollywood's imagination and then came through with a bang. Within 20 days there were four claims on the subject. Selznick wants 'The Beaches of Dunkirk' and already has a story

from one of the survivors while Warners maintains priority on 'Dunkirk' and 'Evacuation' and U chooses 'Dunkirk.'

'Burma Road' also had a slow start, but now has four claimants. Columbia tied it up right after first mention in the press last July, but it took the publicity on reopening of the highway in mid-October to hasten Glode Productions (Roosevelt), 20th-Fox and Universal, in that order, to put a finger on it.

RKO apparently is the only company that likes salt 'air.' It's corralled 'Pacific Fleet' and 'Convoy.' Also 'Inside Nazi Germany 1941,' Metro has a second war-like title registered, 'Fighting Fools,' which, of course, covers practically anything.

U's Rookie Yarn

Hollywood, Nov. 12. Universal's rookie yarn, 'Buck Privates,' will feature Abbott and Costello and the Andrews Sisters. Both are in current Universal releases.

A&C made their first film appearance in 'One Night in the Tropics,' while the Andrews debuted in 'Argentine Nights.'

Interviewing of writers to script training pictures is under way, with arrival of two U. S. Army officers to collaborate with the Motion Picture Production Defense Committee. Accompanying Gordon Mitchell, general manager of the Academy Research Council here from Washington, were Col. A. D. Bruce, U. S. Army general staff, Maj. Richard Schlossberg, chief photographic division signal corps.

Officers conferred with Darryl Zanuck, chairman of Academy Research for Rookies. Y. Frank Freeman, chairman of the industry's Defense Committee, has scheduled a meeting for this weekend to hear report on progress of project from Zanuck and consider proposal of making similar films for navy recruits.

Hays-SPG

Continued from page 25

well organized by the SPG is known to have resigned, giving as the reason an opinion that the organization at the top is too left-wing in its views.

Understood that under the proposed contract that will be offered the producers, if a man who is working for Metro wants to go to 20th-Fox, he can't do so because in the event that 20th wants a man it is up to the labor committee of SPG to send one over from among its members who are out of work. It is without question that this and other portions of the tentative contract will meet with severe resistance from the New York publicity-advertising departments.

Under the proposed contract, the SPG will ask for a scale ranging from \$45 for apprentices to \$125 a week for seniors, based on number of years of service, plus duties, etc. This also will probably be opposed, since years of service do not determine ability.

At a recent meeting of the SPG it is reported efforts were made to push through a resolution against the draft and that although the membership, small in attendance at the time, was not in accord, the resolution was still placed into effect. Spokesmen on this entirely irrelevant, and raise the point as to why it was ever considered.

Reports also are that the leaders of the SPG are considering affiliation with the C. I. O.

Full cooperation of members of the American Newspaper Guild throughout the country has been promised to the Screen Publicists Guild in its negotiation for recognition and a contract. James Ryan, ANG organizer, made the vow of support to more than 175 SPG members at a meeting last Thursday (7).

SPG recently went before the National Labor Relations Board to claim representation of employees in press departments of home offices in New York. Principal snag in the way of recognition has been a variety of claims as to who is eligible.

Although there has been no official word from the SPG that film companies are stalling, it was evident at last week's meeting that that is in their mind. Ryan went over with them methods and plans utilized by other unions to expedite negotiations in the face of stalling tactics.

KORN BUILDING AFTER SELLOUT TO GRIFFITH

Humble, Texas, Nov. 12.

Oskar Korn, who recently sold out his theatre holdings to the R. E. Griffith interests, is reported planning to build a new theatre here in association with E. N. Collins who operates the Lindell here.

Korn is at the present time operating the Lisbon on the edge of Dallas and plans to open a nabe in Houston.

No Product, the Esquire, Toledo, May Stay Dark

Toledo, Nov. 12.

The new Esquire, newest downtown theatre building, may continue dark for some time unless converted into a theatre-cafe.

All film product for 1941 in Toledo has been sold, so that if someone leases the Esquire, the best they can make it is a subsequent run house.

DURBIN PIC AWAY

Hollywood, Nov. 12. Deanna Durbin yesterday (Mon.) in 'Nice Girl,' with Franchot Tone and Robert Stack sharing top male spots.

Actress sings five songs, including a new patriotic anthem, 'Thank You America.'

Vs. Meyer Lewis

Continued from page 25

from the board of directors, arrangements have been made for the referendum of Class B members on the question of adopting the principles embodied in the Standing Committee Report.

Referendum ballots will be mailed beginning Friday night to all paid up Class B and Class B Special members in good standing. Ballot boxes will close at Guild office at midnight Friday, Nov. 22.

'Any member who pays his dues prior to midnight, Friday, Nov. 22, will be given a ballot at the cashier's window, at the time of making the payment.'

It is the hope of the board of directors that you will do all that you possibly can to insure a full vote from the Class B members on the important question.

'Votes must be cast by 51% of the eligible membership in order for the referendum to be valid.'

Holt Supervises Riders The SAC has announced that Tim Holt, Guild board member, will supervise the program of tests being prepared for western riders. The SAC announcement states:

'Need for the testing is twofold: (1) for good screen results and for the protection from injury of those who ride before the cameras; direct to need accurate data on competence; (2) for protecting the horses used in western riding scenes, stable owners insist on similar information.'

'More than 1,000 Guild members registered as western riders will vote on the selection of a panel of five judges. Field will be chosen in a Guild-conducted mail ballot from a list of 10 suggested by a committee of riders. Riders of recognized competence will be placed by the five judges on a 'recommended list.' This will mean recommended for competence.'

'Those riders who are not placed on the original 'recommended list' may apply for tests. Each rider who successfully completes his test will be added to the recommended list. The Guild will keep all members registered as western riders informed of the progress of this program.'

Barnes Heads Radio Writers Forrest Barnes has been elected national president of the Radio Writers Guild. Karl Franklin will be vice-presy of the Western Regional Council. The following members have been elected to the Western Regional Council for two-year terms: Hector Chevigny, Sam Moore, Arch Oboler, Jerry Schwartz, Everett Tomlinson. Council alternates named to serve for one year are Wolfe Kaufman, Leonard L. Levinson, Carleton E. Morse, Donald Quinn, Maurice Zimm.

The Western Regional members also adopted a resolution asking for a national vote on a move to prohibit any executive officer from becoming national president or regional vice-president of the organization. Another regulation approved prohibits any member from working for a transcription company that has been placed on the RWG unfair list.

Inside Stuff—Pictures

Aside from aid rendered by artists of screen, stage and radio, numerous showmen figured importantly in the campaign which keeps President Roosevelt in the White House and not unlikely that some might continue politically in some manner or other. In the administration itself are Frank C. Walker, of the Comerford circuit, recently appointed Postmaster General, and Joseph P. Kennedy, ambassador to England.

Charles L. O'Reilly headed the theatrical committee and was intensely active. Formerly an exhibitor and president of the old Theatre Owners Chamber of Commerce for years, he is now high up in the candy business. He is independently wealthy but may have political ambitions.

Others who figured on the Roosevelt campaign included Jack Connolly, former head of Pathe News and a vet in show business; Sol A. Rosenblatt, industry attorney and former NRA administrator; Eddie Dowling, actor-producer who was also on previous Roosevelt election campaign; Johnny Johnstone, for years in executive radio posts; and Walter Brooks, formerly in theatre operation, distribution and publicity.

Odd angle has cropped up in the making of 'Tin Pan Alley' by 20th-Fox wherein the screen story's pseudo-sonnets are supposed to have 'written' certain w.k. past song hits. This necessitates clearing rights with the real-life writers, but the complications are due (1) to some songs having as many as three collaborators, and (2) the actual songwriters of the cavalcade tunes refusing to have the public believe somebody else authored the tunes. The multiple collabs item is a tough problem, especially where estates of deceased writers are involved and it's difficult to make sure who has the proper authority. In the second aspect, the vanity angle figures. Some of the tunes to be used are world-famous hits, and the writers look upon their songs as personal 'monuments' and only for a stiff cash consideration—one especially would they hide their identity. It's a nuisance proposition essentially, but also a costly one.

'Tin Pan Alley' goes into release Nov. 22 instead of Dec. 13, as originally planned. Slated as a leadoff for the holiday season. Cast toppers are Alice Faye, Betty Grable, Jack Oakie and John Payne.

Shooting on the Pennsylvania railroad of Hal Roach's 'Broadway Limited,' which was expected to take two weeks, wound up a couple days ago at the end of five weeks. Snow and rain on the section of track between Harrisburg and Pittsburgh, where the crew was working, held up production.

Roach had to pay the salaries of the trainmen who were required, but Penny contributed the use of its new Pennsylvania Limited which has not yet been put in service on its scheduled New York-Chicago run. Only minor members of the cast were needed for the location shooting, which was directed by Hal Jr. Rest is being made on the Coast.

Jack London, who led a tumultuous life, is still causing tumult in the picture industry, even though he has been at peace for many years. Current controversy involves Metro, Mrs. Jack London and Samuel Bronston Productions. The Culver City studio is reported to have tied up \$50,000 in a London story, 'A Sailor on Horseback,' published several years ago in the Statepost. Latest report is that the Bronston company, with James Roosevelt producing, has made a deal with Mrs. London for picture clearances on her husband's writings. 'Martin Eden,' a novel depicting London's wanderings, is slated as a Bronston picture, to start filming in December.

Clarence M. Shapiro, who does talent snooping for Metro in the midwest, has written a guide of requirements for getting into pictures. Labeled 'I Scout for Movie Talent' (Kroch & Son, Chicago; \$1), 83-page paper-bound volume treats of general considerations, physical attributes, voice, pronunciation, facial expression, personality, training and experience and allied subjects. Shapiro, who is a Chicago lawyer as well as Metro scout, produced several revivals on Broadway in 1928.

Responsibility for all studio personnel changes, salary increases, etc., has been placed by 20th-Fox with Fred L. Metzler, studio manager and treasurer. Move is understood to be towards promotion from the ranks and establishment of seniority for regular workers. Shift in authority, covering only regular studio employees without touching any of the talent division, removes from department heads the power to hire and fire, and makes Metzler sole authority on such changes.

Story which Columbia bought from Louis Bromfield last season after a verbal narration by the author to studio execs has almost been completed. It is titled 'Storm Over Louisiana' and has been set to appear in Cosmopolitan mag in about two months.

Col paid \$50,000 for the story, first time a yarn has ever been purchased for anything near that price before there was a word of it down on paper.

There's repeated talk that Dan Tobin, president of the Teamsters union, will succeed William J. Green as president of the American Federation of Labor and that his first step will be to rid the AFL of racketeers.

New York Theatres

PARAMOUNT
2ND WEEK
"NORTHWEST MOUNTAIN POLICE"
In Person
GLEN GRAY
Cass Lantz, offc.
RED SKELTON
with GARY COOPER
MADGE JUNE
CARROLL
Screen Shows

LAST 3 DAYS
"CHRISTMAS IN JULY"
Opening Saturday, Nov. 10
"7 SINNERS"
UNITED ARTISTS
RIVOLI Broadway
49th St.
Dora Des 9:30 A.M.
IDWITE SHOWS

State
Last Times Wed.
"THEY KNEW THE BAND"
In Person
HARRY RICHMAN
Sophie Tucker
Joe E. Lewis
Starts Thurs., Nov. 14
"KIT CARSON"
with
Jon Hall
In Person
Morton Downey
Johnny Hines
and Orch.

SECOND WEEK!
"TUGBOAT ANNIE SAILS AGAIN"
A New Warner Bros. Hit Starring
MARJORIE RAMBEAU
In Person
Priscilla Lane & Jack Haley
Teddy Powell and Orchestra
B'way
44th St. STRAND LATE SHOW
& 47th St. NITELY

RKO PALACE
Week Beginning Thursday, Nov. 14
DON AMECHE BETTY GRABLE
"DOWN ARGENTINE WAY"
—AND—
JANE WITHERS
"YOUTH WILL SERVED"
HE

MUSIC HALL
HELD OVER
"ESCAPE"
Spectacular Stage Productions

Edmonton's 780-Seater
Edmonton, Alberta, Nov. 12.
New theatre in Edmonton is the Garneau, seating 780. Managed by W. H. 'Bill' Wilson, Garneau is owned and operated by Suburban Theatres, Ltd.

Overlooking Central Park
NEW YORK
An imposing address that's no imposition on your budget.
From \$350 single; \$5 double.
Also by the month.
The Mayflower
CENTRAL PARK WEST AT 51ST STREET
NEW YORK
A. J. RAY & COMPANY, INC.

HUMMERT CALLS WEBS ARBITRARY; GOES THROUGH WITH SQUAWK TO FCC

'Not Carrying Torch for ASCAP—But Property Values in Familiar Music Programs Being Destroyed'—Radio Producer Speaks Frankly

Elaborating his remarks of last week (VARIETY Nov. 6), Frank Hummert stated flatly to this publication yesterday (Tuesday) that his attitude as an independent producer of radio programs has in no way changed because of a meeting held in his New York offices last week between sundry lawyers, and a luncheon he had personally with Niles Trammell, president of the National Broadcasting Co.

'You may quote me directly as saying that I am not carrying the torch for ASCAP in this matter, but on the other hand the network attitude is an arbitrary attitude. They have issued a rule to advertisers that they, the advertisers, cannot do such and such after a certain date and I, for one, do not propose to abide by that rule.'

Hummert, who stresses that he speaks in his own name alone as a radio producer and not as 'an employee of the Blackett-Sample-Hummert agency,' does not propose to modify his original purpose of calling to the attention of the Federal Communications Commission what he regards as a prospective development 'not in the public interest which he believes should be prevented, if necessary, Government action.'

As a producer of programs, familiar music has been used by Hummert 'since the beginning of radio' and 'this thing threatens to destroy property rights built up in these programs.' He adds, 'I derive my income by selling my talents as a program producer and this interferes with it.'

Hummert continued: 'We are told to turn elsewhere for our music. And where? To music which in some instances doesn't even have the piano parts written in, to a Milan library in Fascist Italy—if that's the way to hold the American people together musically, I dissent.'

Hummert further informed VARIETY that his lawyers would file the complaint with the FCC in the next several days, the exact date being uncertain. Hummert knew nothing of a letter already supposedly sent to the FCC and attributed to him via O'Connor and Farber. Story was published elsewhere.

Phillip Morris Tests

Phillip Morris ciggies, which sponsors two 'Johnny Presents' musical programs on separate networks, is about to conduct an experimental stretch during which Broadcast Music, Inc. songs will be used exclusively on the two shows. Beginning Dec. 1, the sponsor will use BMI melodies to the exclusion of all others for 30 days. The radio-ASCAP agreement now in force will expire at the same time as Morris' experiment.

Listener reaction to the change in music will be gauged and will determine the future of the airings to the extent that if enough objection is raised to the absence of ASCAP stuff the shows will drop off the air at the expiration of their present terms. One 'Johnny' show rides NBC Red at 8 p.m. Tuesday and the other CBS at 9 p.m. Friday.

Lanny Ross Uses BMI

Lanny Ross will also test BMI music next Tuesday (19), devoting that evening's commercial for Franco Spaghetti to non-ASCAP tunes. It'll be for the one show only.

Ross has a problem in his theme tune, 'Moonlight and Roses.' Melody of the number is in the public domain, but the lyrics are under ASCAP. He may go on each broadcast after Jan. 1 with only the melody, but may also use 'Music in the Evening,' his own composition, as a theme.

Kobak at Film Luncheon

Edgar Kobak, NBC v.p. in charge of the blue network, will be the guest speaker at a luncheon of the Associated Motion Picture Advertisers in the Edison hotel tomorrow (Thursday).

His topic will be 'You're in the Show Business Too.'

WNEW's Papal Blessing

Papal blessing of Pope Pius XII has been bestowed on WNEW, New York, and Tom Brooks, radio ed of the N. Y. Journal-American for their interest and effort in propagating the faith.

Scrolleward and autographed photo of the Pontiff came through the mail to both parties yesterday (Tuesday).

ASCAP INVITES ADMEN TO LISTEN

The American Society of Composers, Authors and Publishers, is starting its counter-offensive against broadcasters this week with a series of luncheon confabs between advertising agency executives and ASCAP officials. John G. Paine, general manager for the Society, will be host with or without Gene Buck, prez of ASCAP, depending on circumstances.

Main idea is to inform the admen of ASCAP's position in a direct, first-hand way, rather than through third-party channels, particularly the networks. The idea of the luncheon huddles started from informal talks between Paine and other ASCAP officials and a couple of advertising agency men, who made it a point to come to the Society's headquarters in the RCA Bldg., New York, and find out why radio and ASCAP couldn't get together.

Buck and Paine have been reiterating that 'the door is always open' and still is.

Berkowitz's Freak Mishap

Hartford, Nov. 12.

Milt Berkowitz, news editor of WNBC, last Tuesday (5) landed in New Britain General Hospital with blood poisoning in his leg. Rescued by accidently banging limb against a typewriter stand.

Condition okay.

Despite Assurances, 'Chi Bias' Seen; Strotz Acts Upset NBC Program Dept.

Two immediate acts of Chicago-trained Sid Strotz upon assuming the program department vice-presidency at NBC last week have caused no little dismay among the New York staff. It foresaw in both acts a prejudice of his in favor of Chicago. In the first instance Strotz eliminated a number of roadhouse remotes (wires) around New York and gave the facilities to the midwest section. In the second case he summarily fired a woman remote wire expert who has been working in New York for 14 years in order to make a place for one of his own people from Chicago, who comes east as a stranger in a highly specialized field.

On Tuesday last (5) Strotz flatly denied that Catherine 'Tommy' Whitaker, the 14-year veteran, was leaving NBC, although the information was all over Manhattan music circles at the time. This denial evidently was part of Strotz' policy of allaying New York staff fears that he contemplates a sweep of New York personnel in favor of Chicagoans with whom he prefers to work. That the denial was so quickly contradicted by the facts has put Strotz on the spot on the New York end.

Miss Whitaker has refused to resign and insists she has been fired. NBC will probably pay her six months' departure salary. She refused to accept three months. The

Wrong No. From 'Pot', Says Telephone Operator

St. Louis, Nov. 12.

Mrs. Addie Brand, a telephone operator, squawked plenty last week when Turns' 'Pot O' Gold' program awarded her only \$100 instead of \$1,000 because her phone was reported to be busy. She asserts it was not. The program sponsored by the Lewis-Howe Co., St. Louis, was broadcast from Hollywood. The first attempt to get Mrs. Brand resulted in the wrong number being called. The next resulted in the busy signal.

J. H. Howe, prez of the bankroller company, said that when Horace Heldt asked the wrong number 'Is this Mrs. Addie Brand, at Parkview 5138, St. Louis?' he is convinced her friend began to call to congratulate her and this produced the busy signal recorded in later attempts. The \$100 award stands with \$1,900 being available to the winner this week. This is the first St. Louis award on the 'Pot O' Gold' program.

Several previous complaints of unfairness have been chalked up against the program.

J. J. Neale Leaves NBC; Harry Kopf Elevates Van Etten in Chicago

Chicago, Nov. 12.

J. J. Neale has been appointed radio director for Blackett-Sample-Hummert agency here and takes over his new post next week. Neale has been sales traffic manager for the NBC-Red web here in the Central NBC Division and leaves NBC after 11 years with that outfit.

Neale will handle general business and contract supervision for B-S-H and will work in close connection with the sponsors and accounts.

In the resignation of Neale from NBC, Harry Kopf, chief of the NBC district here, has made several appointments down the line to fill in the vacancies. Kopf has named Floyd Van Etten, sales traffic manager for the NBC-Blue here, to take over as manager of traffic for all commercials out of this office, which include both Red and Blue, along with national spot and local commercials. Assistants to Van Etten will be Eddie Stockmar and Ray Neuhengen, the latter coming over from Artists Service.

Issue is one of extreme delicacy in the program department. Phillips Carlin, himself an oddtimer, got the job of informing Miss Whitaker of the decision which was without comment or explanation, something resented by other oldtimers. Latter have long regarded the remote dance wire job as difficult and thankless. It has been a matter of comment in the past that her job of protecting NBC earned Miss Whitaker the dislike of an outside dance band booking office that always gets its woman.

NBC program department rumors were as thick as ingenuities over the past weekend.

PROMOTE RAY KELLY

Zale Dillon May Be Lost in NBC Shuffle

NBC last week reorganized its sound effects department. In the merger of the developing or experimental staff with the New York sound effects operating group Ray Kelly, who headed the former contingent, became No. 1 man of the whole effects setup.

Zale Dillon, who had charge of the operating group, was apparently lost in the shuffle, but this could not be officially confirmed as the sound effects staff comes under the jurisdiction of the program department.

FAREWELL TO BALMIES

Frying an egg on the sidewalk and describing the silly spectacle over the air used to be certain radio stations'—never VARIETY's—conception of radio showmanship. This sort of whacky stunt has too long been misinterpreted as evidence of station showmanship. Save in rare instances, where genuine whimsicality or aptness might be present, such stunts had little to recommend them even as attention-getters. As a generality, radio's whacky stunts have been just that—whacky stunts.

Which comment is apropos the fact that there seems to have been a sharp and welcome lessening of the eccentric and the exuberant during 1940. This much has already emerged and may be revealed in advance as the annual VARIETY showmanship survey continues through the month of November its arduous task of sifting a vast mountain of data, including reports from stations throughout the United States.

Both the excitement and the solemnity of the war news and the influence of our own drift into the circle of struggle have contributed to make it even more obvious to radio stations that there is something rather pre-schoolish about arranging inconsequential broadcasts from flagpoles, artesian wells and haunted houses. And so, thanks to war, the happy hooligans of broadcasting have sobered up.

Thinking up crazy stunts kept some of the local program departments busy. On the whole, not much harm was or could be done and not much money was or could be spent. But the stunts, collectively considered, had this great fault from the standpoint of anybody who thinks of radio as more than a blue sky advertising franchise to make money: it pitched the local showmanship tone low. Moreover, station management might be lulled by a splash of activity into supposing that the station had showmanship, whereas all it had was a cubbyhole full of buzzing people pretending to do important things, like actors who play newspaper reporters in stage scenes.

For its part, VARIETY always deplored the balmy stunts which were seriously offered as evidence of showmanship. They represented a perversion of the word, a cheap and vulgar misapplication of the whole concept of radio showmanship. Stations were discovering a small corner of ballyhoo and thinking of it as the whole realm of showmanship. Against this narrow, childish idea the annual showmanship surveys of this publication have incessantly hammered for eight years.

And so farewell to the balmies, the basically trivial if occasionally amusing outpourings of youthful pep in the program departments.

4 N. Y. Stations On 1400 Kc. to Merge, Set for Full Time

Four of New York's small stations, all now sharing the 1400 kc. wavelength, will merge within the next couple of weeks to operate full time. Outlets are WARD, WBBC, WFWF, all in Brooklyn, and WLTH, in Manhattan. They now operate on 500 watts, but are applying to the FCC for a power boost to 5,000 watts, the assigned amount for that wavelength.

Combined station will use the WARD studios for some time, with a few programs originating at WBBC. However, in line with the expanded policy, it's planned to build new studios before long. Contracts for the merge are not signed, but details are all worked out and the signaturing should take place within a week. Financial aspects of the deal and the personnel of the new station are not revealed. However, an outsider will be brought in as general manager of the combined outfit. Probably the WARD call letters will be retained.

WARD is owned by U. S. Broadcasting Co., Aaron Kronenberg, president. WBBC is owned by Brooklyn Broadcasting Corp., Peter Testan, managing director. WLTH is owned by WLTH-New York, Inc., Samuel Gellard, president and commercial manager. WFWF is owned by Paramount Broadcasting Corp., Salvatore D'Angelo, managing director. Merge of the four stations has been suggested for some time, the Brooklyn Eagle having tried to effect such a deal several years ago.

Adams vs. Adams

Philadelphia, Nov. 12. Hearings were held Friday (9) on the suit filed by the Adams Hat Co. against Adams Clothes of Philly, in U. S. District Court, asking that the clothing firm be forbidden to use the 'Adams' tag.

Counsel for the latter declared his client had spent 'thousands of dollars' in advertising the name through radio broadcasts of prize fights and that the clothing outfit was cashing in on it. The Court reserved decision.

MAURICE BENT AS HUMMERT EXEC V.P.

Maurice Bent comes to New York next week out of the Chicago office of Blackett-Sample-Hummert into the New York office where he will assume a previously non-existent title of executive vice-president. This move marks a further segregation of the business detail from the production activities under Frank and Anne Hummert.

George Tormey is undisturbed as the B-S-H v.p. and general manager in charge of servicing the accounts on the advertising side.

Out-of-Court Finale To Lee-Dannay vs. Rosemont

Suit of Manfred B. Lee and Frederic Dannay, radio writers, against Walter L. Rosemont for \$702 and court approval for breaking their contract with him, as well as Rosemont's counter action for \$20,000 was settled and discontinued Friday (8) out of the N. Y. supreme court. Plaintiffs claimed that when Rosemont made a managerial contact with Rosemont, it was under the impression that he was negotiating to secure them jobs as CBS writers, and that they never secured the jobs.

Defendant claims he secured plaintiffs the position of writers on 'The Adventures of Ellery Queen' and was paid \$702. It was alleged that at least \$20,000 in commissions on a 10% basis was due.

Ty Tyler Joins KSFO

San Francisco, Nov. 12. Haan ('Ty') Tyler has been named new sales manager for KSFO by Lincoln Dellar, station chief. Tyler was for the past two years Southern California manager for Free & Peters and prior to that in the agency biz in Chicago.

Takes place vacated by Charles Morin when latter shifted over to CBS side recently.

FM FREE RIDE AN ISSUE

WEAF SIGNAL IS OKAY NOW

Marked improvement in the signal of WEAF, New York key station of the NBC red, caused much comment around Greater New York last week. This followed the soup-straining of the 50,000-watt, long a headache for NBC, which was until last week in the ironic predicament of having its number one station on its number one network in its number one market as an unsatisfactory signal. WABC, WJZ, WOR, WHN and WNEW were generally rated easier to tune in in recent years than the red outlet. This was especially true on the west side of Manhattan Island and in the steel canyon sectors.

NBC last week made a ceremony of the new revised engineering, taking the press to the Port Washington, L. I., transmitter for a party. But the important parties were in the homes of regular listeners and the program critics of Variety were among 'em.

The new WEAF is a great improvement and corrects one of the weaknesses in NBC.

1930 Program, 'Painted Dreams,' Belongs to WGN, Writer Inna Phillips Loses

Chicago, Nov. 12. Appellate court in Illinois last week finally handed down final decision on suit involving 'Painted Dreams' radio serial. Inna Phillips had sued WGN, claiming that she was the original writer of the show, the creator and copyright owner and she sought a decision in her behalf because of the continued use of the program by WGN without compensation to her.

Court decided that WGN was the rightful owner of the program and was under no obligation to Miss Phillips. Court ruled in favor of WGN following station's claim that the outline of the program had been supplied by the studio manager, and alleged that Miss Phillips had obtained a copyright after a sponsor had been obtained. Court's decision was based upon assertion that the plaintiff had been employed by WGN at that time and that her work as such belonged to the station.

Inna Phillips was the writer of 'Painted Dreams' and the first went on the air in Sept., 1930. This suit had been kicking around the courts for years, but this decision is likely to bring an end to the dispute.

AL TORONTO OFFERED BATES' TIME BUYERSHIP

Al Toronto has been offered the assignment of time buyer for the new Ted Bates agency and the indications are that he will accept it when he returns from his honeymoon Nov. 25. Toronto has been in the radio department of the William Esty agency for the past five years. Toronto married Ninette Joseph, who is secretary for Ned Midgley at B.B.D. & O., last Friday (8).

ALTERNATE WRITERS

John Housman, Willis Cooper for Campbell—Diana Bourbons Directs

John Housman and Willis Cooper will alternate as adaptors of the scripts used on the Campbell Playhouse which opens on CBS Nov. 22. Diana Bourbons will do the directing. All programs will be out of New York, and based on stories new to radio.

Initial installment will have Walter Huston and Donald Cook, Jr., in 'Life Is So Little,' from a story by Wilbur Daniel Steele. The following broadcast will co-star Miriam Hopkins and Humphrey Bogart in Vivia Delmar's 'Air Mail to Red Riding Hood.'

Election Stirs 'Selling' Discussion

One of the provocative byproducts of the presidential election has been the heavy thought that the outcome, stimulated among many in the advertising agency field with regard to the question of ballyhoo technique. The advertising men are now beginning to wonder whether the results of the campaign, if properly and impartially analyzed, won't show that the advertising craft has been proceeding along methods and lines that have become obsolete and that, new approach to public selling must be adopted if the advertiser is to get his full dollar's worth.

In some quarters it is believed that the big lesson that the presidential campaign has brought home is that the day when a sales argument could be easily shrouded in overstatement may perhaps have gone by and that the

new trend is toward clothing the claims with facts, if not understatement. These same quarters are speculating as to the superior effect advertising may have if it unloaded itself of the old technique of sheer repetition or loudness, by either print or voice.

Since the leading brains of the advertising business were overwhelmingly engaged in helping put Wendell Willkie over, this problem of trade analysis, it is pointed out, has become not only their own baby but a timely one. It is also suggested that the probing start while the electorate's reaction to the campaign ballyhoo is still fresh so that an intelligent and comprehensive set of answers can be obtained to the various questions that such a study would suggest.

3,000 MILES TO WAX CORNHUSKING EVENTS

Yankton, S. D., Nov. 12. WNAX, local CBS outlet this year covered the principal cornhusking competitions in this area, traveling more than 3,000 miles to make 15-minute recordings of six events attended by 275,000 spectators. Records, giving the highlights of each event, were later broadcast.

Among the tournaments were those in Miner county, South Dakota; Hartley, Ia.; the South Dakota, Nebraska, Minnesota and Iowa state events, and the national competition at Davenport, Ia. Intense interest in cornhusking in the midwest is indicated by the fact that there are estimated 10,000,000-15,000,000 cornhuskers in the country, of whom about 10,000 compete in 1,000 contests, with about 3,000,000-4,000,000 attending.

WGY About the Same

Schenectady, Nov. 12. Only minor changes have followed the return to General Electric management at Station WGY, cut off from New York NBC supervision because of U. S. Government disapproval of any licensee passing the buck on operation responsibility. Kolbin Hager, with WGY since it first started in 1922, goes on as manager. G. E. stations here and in Denver and Oakland are under the company's publicity department, of which Robert Pearce, not a broadcaster, is the head. This department also handles any promotion that may be done for WGY. Alex McDonald, who was charged with that duty under the NBC order, is now the street an order-giver.

Robert Gregory is the G. E. contact with the New York end.

WJR, Detroit's 733-foot tower was demolished in gale Monday. Station temporarily took over WMBC for broadcasting.

Coca Cola Re-Enters Network Radio in Big Way, Also Keeps Singing Sam Discs on 198

CHEAPER SHOW IS CROWN COLA'S OBJECT

B.B.D. & O. is scouting around for a show to replace Robert Ripley's 'Believe It or Not' program on CBS Friday nights. Ripley is set to bow out of the spot at the end of this month, after a run of but 13 weeks this season.

Move is credited strictly to Crown Cola's wish to cut down the cost of its network show so that it can distribute more of its advertising largess among local bottlers. Ripley's program runs around \$8,000 a week.

Ray Perkins (A Major) Is Doubling in Army Work

Ray Perkins, a major in the U. S. army reserve, assisting in publicity and promotion of recruiting for the regular army in the Second Corps area. He's stationed at Corps Area recruiting office in downtown New York. Activities include recruiting, procurement of flying cadets and induction of selective service trainees. He expects to be retained in the service through 1941 at least. He has held a reserve commission since the first World War.

While stationed New York, Perkins is continuing his three-a-week series of piano and comedy programs at 8:30 a.m. over WJZ and an eastern hookup of NBC blue. Also does occasional spot transcriptions.

Coca Cola moves into the fraternity of major radio advertisers for 1941 with two networks and the continuance of its 'Singin' Sam' transcription series over 198 stations. Of the network shows the one already set is the Andre Kostelanetz-Albert Spalding combination. It will be around 80 stations on CBS Sunday 4:30-5 p.m., starting Dec. 1. If the time becomes available the period will be extended later to 45 minutes.

Other network show on the way is the Frankie Masters band in an idea addressed principally to collegeists. This one will be coast-to-coast on the NBC-red and the starting date will be around the first of January providing there's a settlement between the network and the American Society of Composers, Authors and Publishers, on a new licensing contract by that date.

Coca Cola's plans also call for continuing full force its spot campaign with the Singin' Sam discs after the first of the year. On the Columbia program Spalding will double from his violin to m.c. There will also be a chorus and a guest singer.

F. W. Coste, of the D'Arcy agency, is handling the campaigns.

SQUIBB PONDERES

Jan Peerce, David Ross, Victor Bay Program a Daily Quarter

Squibb is interested in a five-a-week 15-minute musical show, 'Golden Treasury of Song,' with Jan Peerce, David Ross and Victor Bay's orchestra.

Series was originally plotted by Bill Lewis of CBS as a prestige afternoon sustainer.

CBS TAKES STAND: NBC, MBS WAITING

Frown Upon Idea of Entertainment From Present Amplitude Modulation Networks as Gift to Promoters of Frequency Modulation — Introduces New Policy Definition Needs

FM STARTS

Unlike Columbia, NBC does not propose to immediately shut down on its program service to Frequency Modulation stations. In answer to inquiries from affiliates NBC has let it be known that it hasn't yet decided what its future position will be on this feeding angle. The inquirers, however, were informed that the information was not to be construed as NBC's intention to go on giving such service. CBS has already notified its affiliates with FM equipment that the servicing ban is to become effective next month.

Mutual's attitude on the subject that it will continue to feed its service to member stations with FM facilities but with all this subject to change in any 30-day period.

Generally speaking the attitude of present amplitude modulation networks is that promoters of Frequency Modulation can hardly expect to have their programs provided free by existing organizations representing investments of millions of dollars and 20 years of operation.

FM is now officially begun in the U. S. A. and has enjoyed some special consideration to date from the Federal Communications Commission. A ruling requires that one of the six daily hours of mandatory operation shall consist of local live, i. e. presumably professional, talent.

'Biggest,' 'The First' Are Themes of Two Series For St. Joseph's Aspirin

St. Louis, Nov. 12. Plough, Inc., is splitting its transcribed spot campaign for St. Joseph aspirin between two series. One dramatized group deals with the world's 'largest' objects and the other with 'famous firsts.' Schedule takes in 32 stations.

Lake-Spiro-Shurman, agency on the account, prepared the data.

37 STATIONS FOR KOA, DENVER, SHOW

Denver, Nov. 12. Chamberlain Motion has extended the hookup which has been carrying its Sunday night show from KOA. New setup comprises 37 outlets from Chicago to the Coast.

Program, titled 'Serenade of Love,' has Andy Gorney as baritone and offers as weekly first prize the dress worn by an actress in some major film production.

IT'S TERRY ROBINSON

Heroine of Carol Irwin Has a Compensate Name

Los Angeles, Nov. 12. Leading feminine character in 'Second Wife,' new five-weekly serial that debuted yesterday (Monday) over KNX for Postum is named Terry Robinson. Named for Theresa Lewis and Hubbell Robinson, Jr., friends of Carol Irwin, supervisor of the program for Young & Rubicam. Robinson is also with the agency and Miss Lewis recently left to script the Helen Hayes series.

'Wife' is scripted by John M. Young. If it clicks locally it will be extended to the network.

Radio Commercials Rushing Into United States Army Cantonments

Soldiers, training camps may become a popular originating point for commercial programs. Sensation cigarettes (Lorillard) is figuring on using the 'Soldiers Quiz' idea in every market that includes a training camp. George Washington Hilling camp, reported considering a camp route for his Hit Parade (CBS), while certain agencies are thinking of suggesting to their clients that they make the trainees' recreation halls, when or wherever practical, the source of some of their programs' broadcasts.

Sensation started the training camp trend three weeks ago when it bought the sponsorship rights to the 'Soldiers Quiz' from Camp Edwards on Cape Cod via the Colonial Network. The cig brand now wants to extend the stunt to all

camps in areas where it has distribution.

In connection with Camp Edwards tieup the account has already acted to anticipate any objection from Army authorities by inserting in the continuity a statement to the effect that the fact that the program originates from an army camp is not to be construed as an endorsement of the product advertised by the camp or Army authorities.

Vox Pop's Example

Significant perhaps of the policy the War Department will pursue in the flock of commercial programs expected to originate at training bases for National Guardsmen and Selective Service Act inductees, was the emphasis noted on 'Vox Pop,' in a shot from Wright Field, Dayton,

O., that 'this broadcast does not constitute an endorsement by the War Department of our product.' Announcement made such a declaration at the outset of the half-hour. Prior to the sign-off, Quizmaster Parks Johnson repeated it, adding the word 'official' before 'endorsement.' He called listeners attention to the fact the announcement had been delivered at program's beginning.

'Vox Pop' had originated at perhaps a half dozen Army and Navy camps or sites in recent months; officers as well as enlisted men, cadets, etc., had voiced voluntary ad lib plugs for Kentucky Club Tobacco (either a tin of the weed or a package of Mint Julep cigarettes was, per usual, handed to each of them). However, no statement like that heard last week had been included.

EXTRA \$12 PER MAN ON OPERA BROADCASTS

Dispute over extra compensation which the musicians in the Metropolitan Opera House pit raised after the broadcast rights to the Saturday matinee performance had been sold by NBC to Texaco was settled last week. The instrumentalists will collect each \$12 above their regular salaries. Amount is the same that prevailed when the opera was previously sponsored, Texaco series will clear over the blue link, starting Dec. 28.

The broadcasts were sold on a package basis, \$250,000 covering time, rights, etc., and the Met took the stand that if it paid the 90 to 100 men in the pit an extra \$12 each there wouldn't be much left from what NBC paid it. The network made an adjustment of the Met's share so that the musicians' demands could be met.

Kate Smith Show May Get 'Gone with Wind' Excerpt Plus Gable and Viv Leigh

Dramatic excerpt from 'Gone with the Wind,' with Clark Gable and Vivien Leigh repeating their screen roles over the air, is a possibility for the Kate Smith program in the next few weeks. Place is one of three, Ted Collins is negotiating for to be done on the Nov. 29 show. Probably all three of the sketches under consideration will be done on the series, the main question being the date of presentation. Other two, also adaptations from films, are 'Flight Command,' with Robert Taylor and Walter Pidgeon, and 'Second Chorus,' with Fred Astaire and Jack Oakie. They would probably be aired on successive weeks, beginning Nov. 29.

Kate Smith program, originating this Friday (15) from Tucson in conjunction with the preem of 'Arizona,' has Jean Arthur from the picture cast. Next week, Nov. 22, will be an excerpt from 'Tin Pan Alley,' originating from Hollywood with Alice Faye, Jack Oakie, Betty Grable and John Payne. According to Collins, he's doing only the one program from the Coast because he wants to get back to New York to do his Christmas shopping. That's what he said.

AFRA IN MIAMI

Negotiates With Stations—Elects Officers, Appoints Bi Agent

Miami, Nov. 12. New prez of local chapter of American Federation of Radio Artists elected this week is Sam Parker, WIOD announcer. He succeeds Earl Barr Hanson. Others chosen were Ray Vallen, v.p., Noah Tyler, secretary, and Carmen Judson, treasurer. Seats on the executive board went to Bill Pennell, Leslie Harris, Lydia Hubbell, Charles Green, and Don Butler.

Members approved a by-law amendment calling for new office of business agent, and approved Parker's appointment of Bill Pennell to post.

Bargaining sessions between AFRA and all three local stations are now in progress.

KGLO, Mason City, to 1 Kw.

Washington, Nov. 12. Final okay for a change in frequency and power boost for KGLO, Mason City, Globe Gazette Co., Mason City, Ia., was given last week by the Federal Communications Commission. Transmitter may switch from 1210 to 1270 kc and jump power from 100 watts nights, 250 watts days, to 1 kw all times.

At the same time, Commish turned down the application of Charles Walter Greenleaf, Decorah, Ia., for a renewal license for KGCA, and the request of KWLK, Luther College, Decorah, for new papers. It was understood, however, that no prejudice should apply to the consideration of KWLK's request for a construction permit.

Grabbing a Comet by the Tail

After 10 years in radio the director of sales promotion of the Columbia Broadcasting System considers his job, his environment, the luck of being in a business nobody can stop. His conclusion: 'Radio is the sharpest demonstration of democracy the world has seen.'

By Victor M. Ratner

I ride one of the great currents of our time.

Not everyone is so lucky. There are people who still make high-laced shoes, who still build carriages and outhouses. I'm not one of them.

I'm in Radio, have been deep in it for over 10 years, have seen it grow with astonishing speed from gadget into something no superlative quite fits.

When I first came to radio, as an advertising copywriter, it had just stopped being little Junior's adventure in practical science. The whole family was taking it over. Ted Husing and the New York Philharmonic were already on the air.

I found myself riding an enormously alive social force, galloping hell-bent for international significance. The big problem was to keep from getting unhorsed. Radio was bigger than anyone in it. We knew that. At best, all we could hope to do was to house-break radio without slowing its speed or spirit.

We needn't have been afraid. Here we are, the people in radio, after a ride like nothing else in history. Today, over 28,000,000 families in this country own 50,000,000 radio sets. Did you read those figures casually? Don't. They tell you a good deal more about democracy than you might imagine. After beds and tables and chairs, a radio is the most familiar household item in America. There's nothing else so many families own in common. Or use more.

I know that figures are tiresome. But think for a moment what the following figures must mean. Today, more than eight out of 10 U. S. radio families listen sometime every day. They listen an average of over five hours a day. That makes a total of something like 100,000,000 family-hours of radio listening in this country every day. (If anything, the figures are conservative.)

The Implications Are Harder

Its enormous distribution and enormous use are the simplest facts about radio. It now cuts across every income and geographic line. It makes the use of telephones and movies in this country seem like scattered phenomena. Radio has become the most typical thing in America; our 'first' activity—all in the time it took your kid brother to grow up to high school.

But if the facts are simple, their implication is not. Sociologists, in years to come, are going to spend a lot of time figuring out the impact of radio on us, on our family life, on our culture. They'll embalm their findings in the fat books which are their custom. My job is livelier: I have to interpret the meaning of radio now.

I'm still an advertising copywriter. I don't write anything that goes on the air. I write about radio. I try to explain it to the men who buy time and sponsor programs; try to convince them that the quickest and best way to reach most people is not in magazines, not in newspapers, but on the air.

It's not a hard job. Radio itself does most of the work. (I realize, at least once a week, that nothing I've written about radio in 10 years is half as exciting, as alive, as convincing as radio itself.) And why should it be? My subject really has been the American people—the energetic, cocky people with half a continent to stretch in; who assume, like no other people on earth, that anything anyone else owns is something they can have, too. They expect to know what's going on. They aren't awed either by symphonies or great classics of literature (both are on the air, and very successfully, as I write). They took to radio like a duck to water because new horizons, all things considered, have always been the great American stimulant.

And radio, simply stated, brings the biggest horizons right into the living room.

If this be flag-waving, make the most of it. I think our radio is the sharpest demonstration of democracy the world has seen. If everything else were as pleas-

ant, as healthy and generous in its growth, you wouldn't recognize the place!

It surprises me a little to find myself so ardent about radio. Perhaps it's because it buys my bread and butter. Or perhaps it's because I've had a chance to see it whole, to see what it has come to mean beyond my immediate circle. The complaints generally made about radio can almost all be traced to one thing. It is a mass medium. Intellectually-minded people are apt to get impatient with any mass medium. Yet radio gives the intellectual far more attention in its sched-

ule in serious programs—than intellectuals warrant numerically in the population. This has had a double-action effect. When radio carries serious music and serious talk to the intellectual, it also exposes these things to masses of people as no other medium can hope to. When serious stuff comes out of the same little box as broadcast comedy and hot licks on a saxophone, people in the habit of listening to one often go on listening to the other—and make interesting discoveries.

This has a double-action effect because radio has drawn many of intellectuals' attention listening to Fred Allen and Jack Benny, even as the audience for the New York Philharmonic and the 'Invitation to Learning' broadcasts* no longer consists only of people who normally buy concert tickets and 'good' books.

All of which is grist for the mill of the particular story I have been helping to tell for 10 years—the story of radio as an advertising medium.

Radio—the Advertising Medium

That story begins, as I have begun this article, with the size of radio's audience. The simple fact is that today 'everybody listens'—everybody but the very, very poor. This in itself makes radio an extraordinarily powerful advertising medium. But the story begins there. Radio's huge audiences are not the cause of radio's effectiveness. They are the result of it. They grew inevitably out of the special psychological advantages radio has as a means of communication. I think the first of these is so obvious people tend to overlook its weight. People listen to radio. They read other media.

And listening is easier than reading. Listening is something we do naturally from birth. Reading is an artificial business. And all our lives we do far more listening than reading. Why then be surprised to find that people are more ear-minded than eye-minded? Psychologists have tested the issue from every angle. With monotonous repetition, they discover that people remember what they hear longer and better than what they read.

And then, radio is so alive. You listen to the warm, subtle inflections of a real voice. Its message is immediately and directly alive in a way no 'still-life' medium can duplicate.

Nor should this be forgotten. People listen together. Radio is the only medium which reaches a roomful of people simultaneously. That does something. People together are far more responsive, far more 'open' to almost any message, they react much quicker to it than people alone.

Rebuttal and Rebuttal

Naive people sometimes say 'But people don't listen to advertising on the air.'

Tell them they're talking through their hat. There's no other way to account for the rise of radio in this country except in the audience's response to radio advertising. That's been the whole source of radio's revenue.

Perhaps some people might have liked a different system. But this one has given us the best radio in the world—by such a wide margin there isn't a good 'second' in any other country anywhere.

It's been a pretty full 10 years.

*'Invitation to Learning' every Sunday afternoon on CBS, in which the great classics of literature are being discussed.

NEW NBC SERIES OF EDUCATIONAL MEETINGS

NBC plans a new series of educational forum meetings during the winter in various sections of the country with public service program directors of its affiliated stations and local educational leaders. Staffers from New York will attend the meetings.

First of the meetings will probably take place Nov. 29 in New Orleans, with a second Dec. 3 in Chicago. Subsequent confabs are slated for Hollywood, Portland, Ore.; Boston, and Atlanta. Among the NBC execs planning to attend are Walter G. Preston, Jr., Dr. James Rowland Angell, Franklin Dunham, Judith Waller, Margaret Cuthbert, Lewis Titterton and Wilfred Roberts.

Chicago meeting will be the day before the opening of fourth annual Broadcasting Council conference there Dec. 4-6. Representatives of 30 stations in six south-central states and Florida have been invited to the New Orleans session, while spokesmen from 62 stations in the north-central area are being asked to the Chicago gathering.

Dialers Add to Woes Of FCC; Now Seeking Favors from Gov't

Washington, Nov. 12. Not content with registering squawks on every conceivable subject handled by radio with the Federal Communications Commission, knob-twiddlers now are forming in line to ask personal favors of the Government agency.

Sample of what the weary public servants must contend with was given in a Commish release last week which reported having received an original radio script written by a Philadelphia and a device invented by an Ohioan to revolutionize radio, with requests for an official opinion. In addition, an Illinois woman sent in a new patriotic song, with the suggestion that it should open and close all radio programs daily.

Explaining that it is unable to pass judgment upon inventions, radio scripts or tunes by amateurs, Commish turned down the various pleas. Also had to point out once again that it had no censorship powers that would enable it to delete programs of Rev. Charles E. Coughlin.

Complaint department of the Commission sifted numerous other squawks, ranging from one filed by a 'Connecticut man who is wrathful because his receiver is not functioning properly' to a Louisiana bleat which insisted Sunday radio programs should be confined to religious features.

CHEER THE TOLL GOODBYE

WHAS, Louisville, Plays Part In Glad Day Ceremonies

Louisville, Nov. 12. Good Neighbor Day, promoted by the Courier-Journal (WHAS) to celebrate reduction of toll on Municipal Bridge to Indiana last week, was gala affair, and climaxed with a giant radio show at the Jefferson County Armory. Visitors from Indiana were admitted free until eight o'clock, after which time Louisville fans were allowed to find seats in the building. Crowd estimated at 7,000 was on hand to gander the radio artists, with F. Chase Taylor (Col. Stoopnagle) heading the list of talent. While here, Stoopnagle and Sam S. Baker, radio director of H. O. Kiewit Agency, were guests of Gov. Keen Johnson.

Entire roster of WHAS talent was represented on the program, including Robert Russell's orchestra, Reflections Chorus, Stamp's Melody Boys, Cousin Emmy, Steak and Gravy, dancers, Sunrises, Herbie Koch and Leland Brock, piano and organ duo heard over CBS, and a number of other station acts. At-fair brought several thousand visitors from Indiana and Kentucky towns, and downtown stores' biz received a hypo from the influx of out-of-town folks.

McCann-Erickson Take Over the Ford Concerts With Dec. 8 Program

McCann-Erickson agency will assume charge of the production of the Ford Sunday night concert (CBS) with the Dec. 8 broadcast.

Two of men on N. W. Ayer's staff who have been handling the show will likely move over to McCann-Erickson when the switch takes place.

1938 CANDIDATE SUES RIVAL, KOL, SEATTLE

A suit for \$50,000 damages charging slander has been filed by Henry Clay Agnew, 1938 Republican candidate for prosecuting attorney. Names Democratic rival B. Gray Warner, present prosecutor, and Station KOL. Agnew claims he has been injured in his profession by statements which, he said, were made by Warner during campaign over KOL.

COLGATE SHOWS OWN PUBLICIST

Harry Keller, formerly with the William Morris theatrical agency, has joined Colgate-Palmolive-Peet to do publicity under Hugh McKay. Keller will have a new title never existing before, Director of Public Relations.

Colgate has been staging a drastic revamp of its radio programs and is withdrawing from Benton & Bowles to join and make possible the new Ted Bates agency. The competitive situation with Procter & Gamble has played a part in all the recent moves.

Currently Colgate has nine network radio shows, including 'Ed East's Ask-It-Basket,' Wayne King's 'Cashmere Bouquet of Music,' Bill Stern's 'Sportscast of the Air,' 'Strange As It Seems,' Jess Johnson's 'Hilltop House,' 'Myrt and Marge,' 'Woman of Courage,' 'Ellen Randolph' and 'Stepmother.'

Stanley Quinn and Bride Going to Australia For J. Walter Thompson

Stanley Quinn, who has been doing radio scripting in J. Walter Thompson's New York office, is being transferred to the agency's Australian branch as radio director. He replaces Phil Mygatt, who is coming back to New York.

Quinn is getting married Nov. 30 and he will leave with his bride several days later.

Victoria Same All Hours

Victoria, Texas, Nov. 12. Radio station KVIC, owned and operated by the Radio Enterprises, Inc. and managed by Charles C. Berra, has been given a Federal Communications Commission nod to operate day and night with a power of 250 watts. Station heretofore operated with 250 watts day and 100 night. Remains on present dial setting of 1310 kc.

Station first went on the air in May of this year.

United States Shortwave To South America Missing Mark In Opinion Of Buenos Aires

By RAY JOSEPHS

Buenos Aires, Oct. 30.

Alleged failure of the U. S. radio industry to make satisfactory progress in the international short-wave battle for South American ears and minds may soon result in important moves by the Department of State in Washington, *Variety* learned this week. While the U. S. Government has been careful in the past about telling the industry what it should and should not broadcast either at home or abroad, the growing need of winning support and good-will in South America is now considered so important that those in a position to know say official action is pretty certain.

With the Nazis and Fascists filling the ether over this continent with programs designed to woo friendly feelings and stimulate political sentiments, U. S. officials apparently feel it's about time the U. S. industry did a little more real work on its short-waving and directed its energies in the right direction. Of course, this is the Nelson Rockefeller's Committee to Co-ordinate Cultural and Commercial Relations with Latin America is supposed to come in. But it's slow to get started and time is vital.

In any case, it is emphasized here, pure showmanship demands programs that get across to the listener. Kind of things that's been coming in doesn't even pay for the efforts expended, officials observers here say. U. S. stations have been guilty of wasting their efforts, regardless of the cash expended.

Many of the programs now beamed here by the 11 U. S. stations broadcasting to Latin America are practically meaningless to South American listeners.

Charlie McCarthy, Abbott and Costello, Fred Allen, etc., may have high popularities in the States, but the humor doesn't get across to the average South American. Even with a working knowledge of English, the slang and fast quipping makes them valueless save for the music. Observers who have been researching the question call such programs "mis-directed energy."

Idea of the U. S. Government going into the propaganda business is still a long way off in the opinion of diplomatic sources here, but what would be done privately—and will probably be done officially if the industry itself doesn't take the initiative—is something like this:

COUNTRIES FURTHEST AWAY MOST NEED AND LEAST GET YANKEE VIEWPOINT

1. For the sake of radio, South America should be divided into three listening groups. No. 1 is the group of countries headed by Argentina. This includes Uruguay, Paraguay, Chile, and Bolivia. With a few minor exceptions, they speak the same kind of Spanish, live in the same kind of climate, and have the same tastes and temperament. Argentina has almost half the total number of radios in Spanish America, and, with the other countries in the group, represents about 65%. Argentina is also the territory which Hitler and his boys most want to control. Brazil needs programs in Portuguese. The Central American and Caribbean countries require a still different type of program. Observers who know all of the continent point out that the tropical and semi-tropical Central American countries are closest to the States, nearer the sphere of influence, get more attention. But from the governmental and good-will angle, it's the countries farthest away that need the most ear-bending.

Programs must be directed at each group. Berlin, in beaming on South America, often directs programs to specific sections and even has Argentine announcers when broadcasting to Argentina. Radio has been making the same mistake as Hollywood in assuming that all Latin American countries are virtually the same. Observers point out that since broadcasts for the Southern group must pass over the Caribbean, it would be better to have certain stations concentrate on each group, rather than continue mixing. Few people in Argentina or Chile will listen long to Caribbean Spanish. In fact, they don't even do the conga or rumba here as much as they do in the States. Conga is Caribbean.

UNITED STATES PROGRAMS NOT TIMED OR PRIMED PROPERLY FOR LATIN INTEREST

2. Co-ordination of effort and of time is necessary. Compilation of U. S. broadcasts directed here on a typical day showed that with all 11 U. S. stations on the air, only 13% hours of the 4 1/2 hours were in Spanish. Eight of these consisted of an identical four-hour double from WNBI-WICA, NBC International transmitters. This reduced the total of

different programs in Spanish to 9%. German and Italian short-wavers keep going with Spanish all day long. A number of U. S. stations apparently make no check-up of time differences. The Good Neighbor News Bulletin from WLWO, Cincinnati, for instance, gives a 15-minute late news broadcast in Spanish plus a commercial which includes a free sample offer. It is scheduled for 10:15 to 10:30 P.M., which is 12:15 to 12:35 a.m. in Buenos Aires. By this time, the local listener has had dozens of bulletins. While a late town on theatres, cabarets and restaurants, this is not a late radio listening spot as proven by local tests. In the interior listeners turn in far earlier. Another instance of well-inten-

DX Rivalry Undesirable?

By ROBERT J. LANDRY

The report published herewith from *Variety's* representative in Buenos Aires, Argentina, may serve to outline the dimensions of the shortwave problem as it affects United States hemisphere policy. Its publication coincides with the departure of CBS' president, William S. Paley, for a South American tour and with the withdrawal next week of Don Francisco from the presidency of the Lord & Thomas advertising agency to act as radio head of Nelson Rockefeller's Pan-American cultural relations branch of the U. S. State Department.

The thought has been growing in the U. S. A. ever since the failure of one "pressure group" to put a Government-owned station into the picture some two years ago that the competitive element may eventually have to be removed from shortwave wherein nobody really expects or hopes or wants to make money and wherein organizational prestige cannot be permitted to intrude since national interest is directly involved.

It is safe to say that only now—this late in the history of totalitarian propaganda—is the importance of closer harmony with the Latin republics getting its due attention. Until now much of the programming has undoubtedly been as *Variety's* Argentine report suggests, off-target. The increase of the NBC and CBS DX transmitters to 50,000 watts (NBC next month, CBS somewhat later) is an important step. WLWO (Crossley) is now thought to lay down the best signal out of America but the opinion grows that re-broadcasting on native Latin stations is more desirable than anything else.

Deals between American networks and South American stations are expected in the near future, this being among the objectives of Paley's present trip. But the whole situation is rather belatedly—on everybody's part—getting realistic attention. Don Francisco is expected to make a trip shortly and the Rockefeller group will precede any activities by extensive research projects. This has not made too bright an impression. Previous Yankee efforts to survey the likes and dislikes of foreign countries have been far from successful. Moreover the leisurely tempo of research and the time needed for study of the data is seen as in conflict with a need for zip.

The question of merging or combining all shortwave activities into a central office under private management for non-profit specialization is probably a long way off as the needs are, to date, obviously miles ahead of the thinking or responsiveness.

tioned but practically valueless programs on the same station was the offer of samples by one firm whose agents here were not even informed of the program.

Among others, heads of three U. S. advertising agencies based here say they do not regard present short-wavers from the States as much help to local sales. One U. S. company was approached by a U. S. chain with the idea of sponsoring a commercial series of short-wavers. Advertising manager of firm visited entire continent, concluded it would not only be difficult to arrange a comprehensive program for all Latin America but damned inefficient.

3. Germany is the strongest of the foreign broadcasters beaming here, with one or two British as strong and even surpassing the Nazis in microvolts at times. Due to a number of factors (some experts insist it is the high gain antennae used by Europeans) Europe usually comes in far better than the States. Long-time tests by engineers show WLWO, KGH and WGOE usually have best reception in Southern South America. WFIT is fairly good, but subject to side interference. WGEA is similar to WGOE. WRCA and WNBI are next, WCAB and WSBK are relatively weak and difficult

to get, and WFUL and WBUE are unsatisfactory locally, probably because of their irregularity.

Increase in signal strength, even if it means consolidation of stations, is being suggested. A few strong stations with more suitable programs, it is argued, would reach a much wider audience. Expected that the Department of State will also soon urge U. S. stations to permit South American stations to pick up programs, either from short-wave or by point-to-point (in which programs are sent by radio telephone to one of the radio companies here and then sent to the local stations). The latter is more satisfactory. President Roosevelt's Charlottesville address was picked up and outside interference during the course of the address forced a change to a different frequency and cut-offs. There has been no similar broadcast since.

A 15-minute program of U. S. news, in Spanish, would prove popular, radio men say. England now has two 15-minute splices on Radio Prieto and 15 on Splendid, both in Spanish, plus 30 on Excelsior in English. Germany has 15 on Callao and 15 on Prieto. Italy, the U. S. and Germany share a 10-minute round-up on Radio Splendid, with most of the U. S. time being taken up by market quotations. Japan reported to be planning a re-broadcast of its own news programs, now being short-wave direct. The BBC re-transmissions are supposed to be paid for by the local British Chambers of Commerce, and the Nazi and Italian transmissions by the local propaganda bureaus of these countries. Nazis, in particular, have been generous in permitting locals to pick up broadcasts of all kinds. Symphonic music, particularly popular here, may not be open propaganda, but the fact that you can hear the Berlin Philharmonic at most hours doesn't do the Nazis any harm.

COORDINATION OF PUBLICITY TO FOCUS ATTENTION ON U. S. DX ALSO NEEDED

4. More publicity is also needed for U. S. programs. The U. S. Bureau of Foreign and Domestic Commerce in every S. A. country distributes copies of the weekly advance schedule. The English-language daily, the Herald, and the Spanish paper, the Prensa, usually print them, but the other papers generally ignore U. S. short-wavers, a tip-off. Even if stations felt the cost of advertising not worth while, permission to re-transmit programs would get them publicity in local papers. Germany does plenty of advertising, often buying a quarter page in several papers for a special musical program. One such was on Columbus Day, an important holiday here.

Estimates on the number of sets in Latin America vary. Department of Commerce has a figure of 2,678,400, which is based on a round-up of several estimates. Estimates in the States, NBC estimates about 3,500,000, of which 2,100,000 are equipped for short-wave. Latter, while naturally interested in taking most liberal estimates, is just as likely. Either way, official observers say, the audience is definitely worth getting from the good-will point of view if not commercially for any particular sponsor or group of sponsors.

Best opinions say that with more than 40 program hours directed to South America during a five-hour period, it should be possible to arrange two or three different programs with a definite appeal. Several attempts have recently been made to do commercial short-wave direct to S. A. and it's still too early to tell the result. Last month, Republic Steel did a dramatization of an industrial development over WGOE. United Fruit has also bought time, principally for the Caribbean area, where it is strong, and S. C. Johnson & Son have sponsored a Stars of Hollywood program.

Chief criticism made against sustainers on NBC's WNBI and WRCA is the fact that they are slightly stereotyped and lack spontaneity. Whatever the reason, they get comparatively little response according to check-ups made here. Wide variety of entertainment offered by local stations and inability of States to comprehend local tastes must account for failure. This despite the fact that the average South American program is admittedly far inferior to the U. S.

What listeners here want most from the States are programs in which the U. S. is seen through South American eyes—symphonic, opera and operatic music, international concert stars, Hollywood stuff (especially if done from their point of view), and news. Most popular attractions on local stations during the past season have been broadcasts by Toscanini and Stokowski orchestras, Arturo Rubinstein and Jascha Heifetz, Mills Brothers, etc., all from the States and most of them sponsored by U. S. oil companies located here. Such programs, especially of those who have been here, would, if properly advertised, draw local dials away from the Nazi stations and directed ears and minds toward the U. S.

MBS' \$784,876 DURING OCT.

Mutual Network's billings for this October came to \$784,876, or 83% over what it had been for the like month of 1939. Of the former amount \$172,882, or 42.9% of the differential, was derived from political broadcasts.

Web's gross for the first 10 months of 1940 was \$3,562,509. This represents a boost of \$2.7 over the accumulative figure for 1939.

Calgary, Alta.—R.H.C. 'Bob' Straker, has returned to Calgary as production manager of CFAC. Starting as an announcer with the station 10 years ago, he has been program director of CFAC, WJNO, CJRM, Regina, and their affiliate short wave stations, CJRX and CJRO.

ROBERT STRAUSS, 55, COMMITS SUICIDE

Robert W. Strauss, 55, dramatic serial actor, died of carbon monoxide Nov. 10 in the garage of his home in Cold Spring-on-the-Hudson, N. Y. Notes were found in which he gave instructions for the disposition of his body and talked about financial difficulties.

Strauss has played in such serials as 'Our Gal Sunday,' 'Mrs. Wiggs of the Cabbage Patch' and 'Buck Rogers.' He had been on the stage and comes from Chattanooga, Tenn.

TAYLOR'S 'VOICE' BACK

Hollywood, Nov. 12. M. Sayle Taylor's 'Voice of Experience' will again be heard on the air after a long absence. Albers Milling Co. has put him under contract for three broadcasts weekly over NBC's coast red network.

G. W. Johnstone May Be Radio Director Under Francisco for State Dept.

G. W. (Johnny) Johnstone may join the radio section of the State Department's Latin American relations organization of which Nelson A. Rockefeller is chairman. Don Francisco recently resigned as president of Lord & Thomas to become head of this radio section.

Johnstone, who now holds the post of radio director of the Democratic National Committee, would handle the general details in the radio division of the Rockefeller setup.

St. Louis.—Herb MacCreedy, sportscaster at WVEU, St. Louis, has joined the Brunswick-Balke-Collender Co., as public relations representative. Frank Mahon succeeds MacCreedy.

WJNO HOUSE MUSIC SHOW SOLD PRONTO

West Palm Beach, Nov. 12. 'Play or Pay,' 30-minute musical quiz with members of a five-piece studio orchestra trying to answer questions and trick puzzlers submitted by the visual orchestra, has acquired a sponsor contract after four weeks on the air over WJNO here. Bankroller is Holsum bread, local baker. Series originates from the Terrace room of the George Washington hotel.

Show was assembled by the station to go on at 9 o'clock Sunday nights after the Ford program at that hour was dropped from CBS stations in Florida, a couple of months ago. WJNO excites figure the series an extra asset because it enables the station to sell the services of union musicians and thus help pay the amount agreed upon with the AFM.

CLASSIFIED AD IDEA ON WMCA

Something new in radio programs is scheduled to debut on WMCA, New York, tomorrow night (14). Classified ads, sold on a basis of 30c a word to small merchant subscribers, will occupy a daily 30-minute slot 7:45-8:15 p. m. daily except Sunday. Included in that time will be short contests of various kinds which will pay \$25 in cash awards each program to correct answers from listeners, local news, women's angles, etc. Time is paid for by Classified Radio Ads, Inc., who has bought WMCA's Bob Carter and Joe O'Brien to handle the half hour. Popular recordings will be used in connection with ads inserted by music schools, etc. Airings are to be called 'Reward for Listening.'

Stations Uneasy as FCC Hints It's Displeased with Transmitters of Many; Costly to Move Towers

Washington, Nov. 12.

Another financial headache for the radio industry seemed ominously near last week when it became known that the Federal Communications Commission had embarked upon a preliminary study of station locations in an effort to solve the problem of increasingly poor radio reception throughout the U. S. Radio pocketbooks are expected to be sadly flattened if the study shows a need for re-location of transmitters, or if it is found that sub-rosa attempts to wiggle out of Commish licensing instructions have been indulged in.

Special group of Government monitors is expected to be sent out from Washington by the FCC, to check the effectiveness of directional antenna systems; delve into possible disregard of engineering requirements or errors in judgment concerning placement of stations in the territories which they serve. Moving-day for numerous stations may result from the check-up and in cases where licensees have juggled with engineering specifications—a public spanking may be ordered for the operators.

Explanation was made that some transmitters have been located in the center of their trading areas, where the ideal situation would be to have them on the fringe of the city where directional antennas would be used to prevent interference with other stations. Stations located in mid-town, it was pointed out, in some cases dispense with directional antennas because they are able to cover the entire section without them.

In the case of a transmitter covering a radius of 25 miles, it is sometimes better to locate the station in the center of the city, it was found. But, assuming that another station is located to the south, whose signal must be protected from interference, a directional antenna is necessary to drown out the signal to the south and individuals in that territory would be unable to get the station. In such cases, it was explained, it would be better to locate the station on the south edge of the territory and install a directional antenna.

Squawks from advertisers have been received, to the effect that they are not getting the proper returns on their investments, it was indicated. In some cases programs are not going to areas which their advertisers demand.

Faulty Engineering

Suspicion that some licensees are not carrying out Commish licensing instructions has arisen and it has been indicated that violators will be haled before the Government agency if this is substantiated. If faulty engineering is found to blame, there will be orders from the Commish to correct the situation.

Heavy expenditures will be required in cases where relocation of stations is directed by the Commish. Major changes in the engineering set-up of transmitters, installation of directional antennas and other technical improvements also will add to the financial burdens of broadcasters if the FCC study shows a widespread need for renovation.

CBS Stock Trades

Washington, Nov. 12.

Desultory trading in Columbia Broadcasting stock was recorded by the Securities and Exchange last week, which listed Koeboydin Corp. as having sold 380 shares of \$2.50 par, class-A common, during September to lower its holdings to 6,000 shares. Same listing showed Herbert Bayard Swope, director, as owner of 1,100 shares of the same papers.

During September Milton Diamond, New York officer and director of Decca Records, Inc., exercised option to buy 1,868 shares of \$1 par common in the platter company. Diamond's holdings at the end of the month were listed at 8,137 shares.

I. Q. SHOWS TO CINCY

Chicago, Nov. 12.

Dr. I. Q. (Lew Valentine) show for Mars candy shifts its origination from Milwaukee to Cincinnati, starting Nov. 23. Will broadcast from the stage of the Albee theatre.

Account handled through the Grant agency here.

Bonnie Baker Finances Darrell Martin's Sheet

Pittsburgh, Nov. 12.

Darrell V. Martin, former radio editor of morning Post-Gazette, is getting ready to launch his own Radio Weekly here. While local news will be emphasized, he says publication will be national in scope.

First issue is due middle of next month. Since mid-summer, he has been conducting a one-man subscription campaign. Only other stockholder in venture beside publisher is Bonnie Baker, who has been a close friend of Martin's for years and who has invested an unannounced amount of cash.

Will be few outside workers, sheet to be pretty much of a one-man thing with Martin serving as editor, publisher, biz manager and columnist himself.

Corn Products Morning Strip Pends

CBS and NBC Compete for Biz—One Sales Rep Recommends Spot Method

Corn Products has expressed itself as interested in a morning or afternoon news strip across the board and CBS and the NBC-blue are making a hot pitch for the business. Also mixed up in the competition is one of the station reps who has polled his stations on the morning spots they could make available and who is now trying to sell Corn Products on doing this same thing on a spot basis.

The NBC-blue has already submitted its presentation. It's a five-minute news summary over a cross-

country hookup, similar to the one that it has on at night for Nash with John B. Kennedy. In the past Corn Products has confined its daytime merchandising to singers or dramatic serials.

Mutual Now Has 161

Two new stations have joined the Mutual network, bringing the number of affiliates to 161.

Additions are KGBU, Ketchikan, Alaska, and WARM, Scranton, Pa.

ANNE DIRECTOR RESIGNS FROM SPECTOR AGENCY

Anne Director has resigned as time buyer for the Raymond Spector agency. Her immediate intention is to take an extended vacation.

She was formerly with the San Francisco office of J. Walter Thompson.

ALL'S

THE "SALT WATER WAY" TO NEW YORK

Nov. 8th Listening to WEAF's new signal

Location	Power
Manhattan	100 w
Brooklyn	100 w
Queens	100 w
Staten Island	100 w
Long Island	100 w
Greenwich	25 w
Tarrytown	25 w
Yonkers	50 w
Westchester	50 w
Putnam	50 w
Orange	50 w
Rockland	50 w
Ulster	50 w
Delaware	50 w
Albany	50 w
Schenectady	50 w
Columbia	50 w
Albany	50 w
Schenectady	50 w
Columbia	50 w

WEAF coming in all over better than ever before. The best reception in the area!

CBS TAX BURDEN SHOOTS UP

MISSISSIPPI STATIONS RUN NBC UP TO 206

WGRM, Greenwood, and WSLI, Jackson, Miss., have become affiliated with the NBC-blue. Raises the NBC station total to 206.

WGAR, Cleveland, has renewed its transcription library service from World Broadcasting for another year.

Cleveland Social Club

Cleveland, Nov. 12.

Staff members of local stations have started plans for a radio club. It will be a purely social group, with membership open to male announcers, engineers, salesmen and other staff members of the four Cleveland outlets, WGAR, WTAM, WHK-WCLE.

Preliminary confab to set up the organization and inspect prospective quarters was held last week at the Allerton hotel.

RENO CHAMBER FETES. KOH'S JOINING NBC

Reno, Nov. 12.

Junior Chamber of Commerce of Nevada is giving a dinner Friday (15) to mark the advent of KOH, local McClatchy outlet, as an affiliate of the blue network.

Among the invited guests are Don Gilman, NBC v.p. in charge of Coast operations, and Guy Hamilton, McClatchy general manager.

'SPARKS OF FRIENDSHIP'

Show on WOW, WHO, WCCO—List to Expand

San Francisco, Nov. 12.

Haskins Bros. & Co. is plugging its Spark granulated soap with a new dramatic serial, 'The Sparks of Friendship.' Series has already been placed on WOW, Omaha; WHO, Des Moines, and WCCO, Minneapolis. List will be expanded steadily.

Sidney Garfinkel agency built and booked the discs.

**\$1,000,000 MORE
SO FAR IN 1940**

Although Gross Grows Network's Net Profit Will Probably Be Off for Year—Excess Profits Levy Bites Deep

\$1.94 A SHARE

Even though Columbia's net income for the 39 weeks ending Sept. 28 was \$1,000,000 over what it had been for the like period of 1939 the Federal income and excess profits taxes were of such proportions as to give the network a smaller profit and net earning per share. The network earnings for the nine months of this year were \$3,331,786, as compared to \$3,432,955 for last year. On a per share basis this figured as \$1.94 as against the \$2 paid for last year's initial 39 weeks.

Columbia this time wrote off \$1,753,172 in taxes, whereas for the parallel period in 1939 it was \$791,364. Coincidental with the issuance of the earnings statement the CBS directors declared a dividend of 60c on Class A and B stock, payable Dec. 6 to stockholders on record Nov. 22. This brings the total dividends declared or paid this year to \$2 per share as compared to \$1.50 at this time in 1939.

Report showed that the gross income for this year's 39 weeks was \$36,430,612, compared to \$30,347,506 for the similar '39 period. Net income before deductions amounted to \$5,647,809 as against the \$4,646,646 garnered during the like 39 weeks of 1939.

Talent Agents Get Revisions In AFRA Code

Revisions in the American Federation of Radio Artists regulations for talent agents are virtually completed and will probably be approved this week. Union officials met with network execs yesterday (Tuesday) to get the latter's okay on changes that will affect the artist bureaus. Independent agents, members of the Artists Representatives Assn., Broadway group, and the Artists Managers Assn., Coast organization, have already agreed on the revisions.

Henry Jaffe, AFRA attorney, returned the middle of last week from Hollywood, where he ironed out differences with the AMG. Principal changes have to do with the clause covering an added 5% commission for guaranteed employment contracts. This phase was viewed by the indies as being favorable to the network-owned artist bureaus, so it was altered. Other revision covers cancellation of contracts in case an agent fails to obtain a specific number of days employment for a performer in a stated period. The requirements in this regard were somewhat relaxed.

At the request of the Coast agents, the agreement was made to specify what constitute agent violations of the contract and what the penalties in each case may be. According to AFRA officials, the networks are expected to approve the revisions in the code. The union has set a deadline of Dec. 10 for the agents to reply for licenses, but they must agree by Nov. 15 to abide by the regulations.

New York—Gordon D. Cooke, formerly with Ruthrauff & Ryan, appointed vice-president in charge of copy at New York office of Stack-Goble agency.

CLEAR...

Most Favorable Listening Conditions Prevailing

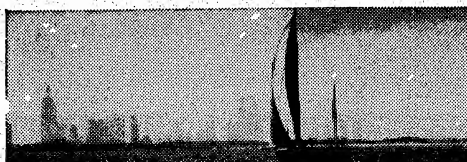
*That's what WEA's barometer says of its new signal...
That's what listeners and advertisers
are discovering now that WEA's new
transmitter is in operation...*

LISTENING to WEA has become a new experience... a new pleasure since November 8th. Throughout the vast area which is its province, millions of radio listeners began to hear WEA 2½ to more than 10 times better than ever before. And they will continue to enjoy this added brilliance day and night, winter and summer, because WEA's new transmitter, travelling its signal without obstruction across salt water, directs it with tremendous impact to the great concentrations of population in metropolitan New York, southern Connecticut and northern New Jersey.

Today WEA's listeners enjoy the finest radio reception in the market for the finest radio programs in the market... and WEA's advertisers are thus reaching them with greater force and in greater numbers.

We'd like to show you what WEA now delivers in the way of coverage, what WEA now offers adver-

tisers at no extra cost. Our new booklet, "November 8th Was Moving Day for a Line," will soon be off the press. It tells the story in words and pictures and figures—the story of market dominance, of listener dominance, of increased broadcasting leadership in the world's richest market. We have reserved a copy for you. Just write to Station WEA, New York.



The New Salt Water Way to the World's Richest Market

WEAF 50,000 WATTS
New York 660 KC

KEY STATION OF THE NBC RED NETWORK

General Electric to Add Another Program Supplemental to Spitalny

NBC last Friday (8) auditioned two programs for General Electric, which is contemplating augmenting its Phil Spitalny stanza with an institutional program. One of the auditions was put together by Maxon in New York and consisted of straight music with Frank Parker as vocalist and Frank Black as conductor. Other offering, originating from Chicago, was a five-time-a-week serial dealing with the life of Abraham Lincoln.

GE hasn't decided whether it will spot the new program in Spitalny's present Sunday night period on the red or whether Spitalny will be retained where he is and the institutional program be given a blue network release. Account is reported as leaning toward a shift of Spitalny to the blue because of the program's lamp-selling assignment and using the 10 to 11 o'clock stretch Sunday nights for the Parker-Black combination. The Spitalny inning extends from 10 to 10:30 p. m.

James E. Curtis, pres. of KFRO, Longview, Texas, has completed trip to New Orleans, Pensacola, Tampa, Jacksonville, Atlanta, Chattanooga and Memphis.

Right to Left

Safford, Ariz., Nov. 12. For a newspaper to buy a radio station is nothing unusual, but the other way around rates "man-bites-dog" attention. KGLU owners have announced they will soon start publication of a daily paper.

TAG WALTER SICKLES PITTSBURGH'S BEST

Pittsburgh, Nov. 12. Walt Sickles, WWSW speller and program director, was voted the H. P. Davis Memorial Award last week for the outstanding Pittsburgh radio announcer of the year. Prize was set up in 1933 as a memorial to Davis, a broadcasting pioneer, and carries with it a medallion and \$150 in cash.

First honorable mention went to Billy Hinds, KDKA, and second to Bob Donley, WCAE. Judges were Vincent Johnson and St. Steinhauser, radio editors, Mrs. Richard Rauh, Robert Garland, Earl G. Hadley and Marjory Stewart, director of the Microphone Playhouse here.

THAD BROWN JOINS FCC'S BRIEF-LINE

Washington, Nov. 12. Former Federal Communications Commissioner Thad H. Brown, who recently resigned his post after weeks of grilling by the Senate Commerce Committee which was looking into his fitness for reappointment, has appeared as just another radio attorney on the FCC list of individuals admitted to practice before the Government agency.

Now hanging out his shingle with a former Commission attorney, Brown becomes one of the vast army of barristers representing the country's radio stations, the hopeful applicants for new transmitters and the disappointed candidates for a slice of radio-industry pie.

Lesser lights whom the Commish approved include the following:

David Elden Tolman, Philip M. Traynor and G. Mallet, of Washington, D. C.; Arthur W. A. Cowan, Philadelphia; Sam L. Collins, Fullerton, Calif.; Gerald J. Meindl, Portland, Ore.; James S. McCluer, Parkersburg, W. Va.; George H. Toole, Boston; Milton Diamond, New York City; Paul J. Kaveney, St. Louis, Mo.; Israel Harvey Levinson, Chicago; Morton F. Melnik, Madison, Wisc.

Norman Corwin writing a new series with a part in it for himself, probably as narrator.

Speculation on New FCC Member

Some Think Appointee Should Know Radio Business —Kendall, Wakefield, Wheat, Johnstone Mentioned

Washington, Nov. 12. With President Roosevelt giving no sign what he may set, radio circles are bandying around a motley collection of names of possible successors to Federal Communications Commissioner Thad H. Brown. A nomination may go up to the Senate any time, but few industry people expect the post to be filled before the next Congress assembles in January.

Drive of both industry groups and members of Congress from the Western half of the country in behalf of somebody from their section is taking form gradually but has made relatively slight headway because so many lawnmakers still are out of town. Two names most often heard are Judge John C. Kendall of Oregon, who was mentioned on at least two prior occasions, and Ray Wakefield, president of the California state railroad commission. A third westerner suggested in the past, Carl Wheat of Los Angeles, has announced emphatically that he is not interested, having spent the last two years building up a law practice that he cannot afford to leave at this point.

Judge Kendall has been put forward in past years by Senator Charles L. McNary, the unsuccessful Republican candidate for the vice-presidency, when the terms of Commissioners George Henry Payne and Norman S. Case ended, futile efforts were made to get a western bloc in

Congress to endorse him for the Commission. How anybody sponsored by McNary would fare at this time is problematical.

Some emphasis is being given to the fact that a person familiar with broadcasting rather than a political favorite or a man from another business or another lawyer get the job. Fred Thompson, a Democrat member of the FCC, has been mentioned as possibly being reappointed to the long seven-year term leaving the short filler on Thad Brown to a Republican who would then be presumably reappointed in 1941 for a full commissionership.

Mention G. W. Johnstone

At present T. A. M. Craven is nearly the only FCC member with an intimate knowledge of broadcasting as such. The radio committee of the Democratic National Committee, G. W. Johnstone, formerly with NBC and WOR has been mentioned as an FCC possibility although he is also mentioned for at least two other jobs around Washington following the campaign. Johnstone is said to stand very well with the "White House."

Only two other names have been heard in political quarters. They are Nelson Lee Smith, member of the New Hampshire utilities Commission, and William L. Ballinger, former Federal Trade Commission attaché.

The place vacated by Col. Brown cannot be filled by a Democrat except under the circumstances under which Thompson might get the job. The law merely says that not more than four of the seven regulators can be members of the same party. A Farmer-Laborite or a Progressive would qualify—and President Roosevelt has some good friends wearing such labels.

Public to Write Titles for BMI Via Radio Comm'l

Brown & Williamson Tobacco has bought Bobby Byrne's band for a new program, to start in late December or early January, based on Broadcast Music, Inc. songs. Idea is to take an untitled and lyricless BMI tune and invite listeners to submit a title. Winning selection will receive a \$250 top prize and 10% of the royalties accruing from the marketing of the tune. BMI will fit lyrics to coincide with the title.

Show was auditioned recently by Batten, Barton, Durstine & Osborne, using Byrne's band and singer Carol Bruce. Byrne and Miss Bruce, newcomers in their respective fields, fit into the scheme of the program's "Discoveries of 1941" title. It is to be a half-hour layout, with Byrne m.c.-ing and handling everything except the commercials.

Slattery Leaves WCOP

Boston, Nov. 12. Gerard H. Slattery has resigned as general manager of WCOP, Boston, so that he can take an extended vacation. He has been in bad health for some time.

Slattery has been with the station since it opened, Aug. 25, 1935.

Kansas City.—Miller C. Robertson is new member of the sales staff at KMBC as of Nov. 15.



GEORGE DURAM

H. W. KASTOR & SONS ADVERTISING CO.
YOU GET QUITE A KICK, DON'T YOU, WHEN YOU WAKE UP IN THE MORNING WITH THE HAPPY THOUGHT THAT YOU HAVE DONE PRETTY ALL RIGHT BY THOSE ACCOUNTS NEEDING RADIO.

CARL MACASSEY HAS A NEARLY FOOL-PROOF FORMULA FOR JUST SUCH HAPPY THOUGHTS. HE'LL BE GLAD TO POP AROUND TOMORROW MORNING AND SCRIBBLE DOWN THE DIRECTIONS FOR YOU.

Regards,

Griff Thompson

WESTINGHOUSE
KYW RED network station in PHILADELPHIA



LITTLE NELL COMES THROUGH

WJSV's audience and sponsors never heard of Little Nell. WJSV's staff named her. WJSV's Elinor Lee knows her well.

You've guessed it. Elinor Lee is Little Nell, too.

Elinor Lee loves advertising's tough ones. Recently she took over a single announcement, one announcement, and sold \$411 worth of sewing machines for Palais Royal's Sewing Machine Department.

Then a John Hancock Mutual Life representative queried, "How about insurance?" Two announcements brought 35 hot prospects and a purr of satisfaction from the client.

The Wilson Line phoned: "We're

carrying 200 kids on our Monday kid excursions and we need more!" Elinor Lee announced just twice that she would be on the boat personally the next Monday—and 1,200 kids showed up.

And the staff joins in the chorus: *Little Nell comes through again!*

Elinor Lee, alias Little Nell, and WJSV have come through with electric roasters, frosted foods, bulbs, flowers, milk, ice cream and refrigerators... to mention just a few.

If you've got it for sale, and it meets with WJSV's standards, she'll sell it. Radio Sales or WJSV will be glad to tell you more about Little Nell, the Gal Who Comes Through.

WJSV ★ COLUMBIA'S STATION FOR THE NATION'S CAPITAL
50,000 WATTS

Owned and operated by the Columbia Broadcasting System, Inc.
Represented nationally by Radio Sales: New York • Chicago
Detroit • St. Louis • Charlotte • Los Angeles • San Francisco

'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

5:45-6 P.M., EST

COAST TO COAST

Dir. COMPTON ADVERTISING AGENCY

MGT. ED WOLF—RKO BLDG., NEW YORK CITY

34 BOONS FROM THE BLUE

and each one a boon to listeners, a bonus to advertisers

Regardless of the excellence of its programs, no station stronger than the "signal" it delivers.

The Blue Network of NBC doesn't forget its responsibility to listeners with the highest possible technical excellence. That is why you constantly receive reports on new stations, new equipment, increases in power on the Blue. Typical of this continual progress are the 34 improvements listed below. Each one means a definite and concrete addition to the audiences of Blue Network programs, an important bonus to Blue advertisers.

34 Blue Improvements since June 1st New Blue Florida Group Added

WJHP Jacksonville	WKAT Miami Beach
WMBF Daytona Beach	WTMC Ocala
WLOP Orlando	WSUN Tampa
	St. Petersburg

Other Stations Added or Scheduled for Immediate Addition

KOME Tulsa	KXOK St. Louis
WCBS Springfield, Ill.	KFRU Columbia, Mo.
WAKR Akron	WKIP Poughkeepsie
KOH Reno, Nev.	WGRM Greenwood, Miss.
KFBC Cheyenne	WSLI Jackson, Miss.

Completed Transmitter Improvements

KERN, Bakersfield, California. Increased power from 100 watts to 1000 watts. New transmitter.
WRNL, Richmond (1000 watts 880 kc.) was substituted for the previous outlet, which operated at lower power on a less favorable frequency.
WSGN, Birmingham. Increased its power to 250 watts.
WBZ, Boston, began operation with new antenna and new transmitter on new site at Hull, Massachusetts, giving direct salt water coverage to the Boston market.

Other Improvements Now Being Made

KOB, Albuquerque. Increases power to 50,000 watts, giving Blue Network excellent clear-channel coverage of the Mountain area. New building, new transmitter, new antenna.

Watch for the announcement of a group of important new stations to be added to the Blue, to bring a whole new sales territory of fast-growing sales value within range of Blue Network programs.

WELL, Battle Creek. Increases power from 100 watts to 250 watts.

WHK, Cleveland, Ohio. Increases night power to 5000 watts, and also installs directional antenna.

WKAT, Miami Beach. Increases power from 250 watts to 1000 watts and changes frequency from 1300 to 1330 kc. New location, new transmitter.

KFSD, San Diego. Increases power to 5000 watts. New transmitter, new site and new antenna.

KSCJ, Sioux City. Increases night power to 5000 watts and installs directional antenna.

WMAL, Washington. Increases power to 5000 watts. New location, new transmitter, new directional antenna.

Further Improvements For Which Authority Has Now Been Granted

WBAL, Baltimore—To use 50,000 watts.

WXYZ, Detroit—To use 5000 watts night.

WFDF, Flint—To use 1000 watts and change frequency to 880 kc.

KTMS, Santa Barbara—To use 1000 watts.

KFCA, Los Angeles—To use 5000 watts night.

WEAN, Providence—To use 5000 watts night.

WDSU, New Orleans—To use 5000 watts night.

NATIONAL BROADCASTING COMPANY
A Radio Corporation of America Service

The **BLUE NETWORK OF NBC**
Sales thru the air with the greatest of ease

Speaking of Tradition

VARIETY traditions spring from a statement of publishing policy which appeared in the very first issue of VARIETY on DEC. 16, 1905. That was 35 years ago. Long before there was any broadcasting industry.

Down through those 35 years—and they were frequently turbulent ones for a trade paper pledged to independence in editorial policy—this publication has followed one general idea set forth in that first editorial: 'The news part of the paper will be given over to such items as may be obtained, and nothing will be suppressed which is considered of interest. We promise you this and shall not deviate.'

That editorial purpose has been the sole measure of VARIETY publishing policy in radio. To serve our readers, to provide them with as much news as the publication could gather, to suppress nothing, to flatter nobody, to write reviews that people could believe and would respect—that has been the VARIETY tradition.

During the Coming Holidays VARIETY Will Publish Its

35TH ANNIVERSARY ISSUE

Space Reservations, Usual Rates, Should Be Made Now

VARIETY

NEW YORK
154 West 46th St.

HOLLYWOOD
1708 N. Vine St.

CHICAGO
54 W. Randolph St.

LONDON
8 St. Martin's Pl.

Follow-Up Comment

Bob Trout of CBS seemed to emerge with the most word-of-mouth praise for handling election night returns. Eric Severid, also CBS, now on this side on a visit from his European news beat, was highly provocative early in the evening with his remarks about 'so you think you know hatred!' The Roosevelt-Willkie campaign was brotherly compared to Europe, he said. . . . All of the news were organized for ambitious election coverage. . . . Mutual operated mostly out of Chicago, where Quin Ryan and Fulton Lewis, Jr., were teamed. . . . Lewis long distanced to various senators, etc. and while not repeating the phone talks, he gave quick excerpts of the remarks as he got them. . . . The showmanly flair of modern American radio was evident in many directions. . . . including NBC's elaborate set-up on the 8th and 9th floors of Radio City where not only radio but television was in operation (latter reproduced closeups of teletype machines spelling out the bulletins). . . . John B. Kennedy and Raymond Clapper proved a concise, fluent and sensible team on the 5th floor. . . . That was a slightly silly time-killer between Radio City and Joe Martin, of the G.O.P., at his newsroom office in North Attleboro, Mass. . . . They had very little color to report from that hideaway burg, so they stalled by asking Martin series of trifling questions, omitting only what he had for dinner and at what hour he last shaved. . . . dial wanderings uncovered familiar voices everywhere, including Barnhart, George Hicks, Paul Sullivan in from Louisville, Elmer Davis and Boake Carter, now returned to the flock. Times Square was as usual covered from lamp-posts, hotel marquees and electric signs. . . . The whole job was marked by split-second switch-overs to all sections of the country and by rapid refabrication of the returns. . . . Columbia blacklined its short wave service to foreign lands by having a staged sequence of foreign tongues, Spanish, Portuguese, Polish, German, Italian rattled off, early in the evening, using a pat, non-committal phrase—the same in all languages. . . . Here and there during the evening little traces of partisanship, pro or anti-Roosevelt, crept into newscasters' voices. . . . one well-known chap caused some grins about 11 p.m. when he seemed intent upon changing the course of history by the sheer strength of his sideline wishful thinking. . . . another made a bitter crack about 'it looks like the Roosevelt charm has done it again' . . . but with the exception of one or two lapses, radio was, professionally, dispassionate and strictly non-partisan. . . . and a swell job of public interest and convenience.

Boake Carter on Wednesday evening (6) conveyed to his Mutual listeners the interesting disclosure that he had telephoned to Marvin McIntyre, secretary to President Roosevelt, at Hyde Park, saying 'I want to help, not obstruct, and quoting McIntyre as expressing amazement. This was Carter's dramatic method of personalizing the 'burying of the hatchet' in his own case and his recommendation to all citizens that unity was now the dictum of men of good-will. It was a backed, clipped, peak-touching report inclusive of world reaction to the event. Very little was said about the sponsor, United Airlines, on this session.

Elephants, by coincidence, engaged the attention of Kate Smith on CBS and Bessie Beatty on WOR the same day last week. Miss Smith spoke of an 80-year-old pachyderm now near death. . . . Miss Beatty of the eating habits (50 pounds of carrots, for example) of two . . . Both speakers, the network star and the local newcomer, remain good samples of the gift of gab. . . . Miss Smith offered a human interest story of how a young sister, lacking money and wishing to give a birthday present, gave certificates promising to perform a stated number of chores for another sister as a gesture from the heart. . . . This was swell copy touching the masses where the pocketbook nerve presses down on the sentiment impulse. Miss Beatty's program was interrupted for a brief switchover to Wendell Willkie, and when informed by her announcer that there were some seconds to still, she repeated the name 'Dolly Madison' (one of her sponsors) until cut . . . a smile-inducing touch.

Dr. Henry Lee Smith of Brown University is doing his voice-guessing 'Where Are You From?' stunt on Mutual for Mission Vita-Water Wednesdays at 8 p.m. and making both a lively game and a thought-stimulating session out of a program that is full of what admen call 'hooks' (i.e. devices for making sure the product and the program mesh) and mail-bait. New York's hyperthyroid Maurice C. Dreicer (he has 17-odd programs, most of them on the intellectual side) put this one over, and it's a feather for Mutual because it probably comes nearest of all to matching as 'popular education' the highly-successful 'Information, Please.' Significantly, a beverage sponsor reacts along the same line by choosing to finance it. Dr. Smith's sharp ear is frequently uncanny and the program is nicely varied in approach to the guest subjects and the inclusion of a 'mystery guest,' concerning whose origin the public may guess for prizes. Dudley Digges was on the show with the prof not knowing, as many listeners undoubtedly did, that he's from Ireland.

Harry W. Flannery, from KMOX, St. Louis, is now broadcasting for CBS out of Berlin, Germany. He brings a new eye and seems to be adding small details of what the diplomats had on, trivia that a newcomer would note. Berlin job is obviously tough for a journalist, it being under the censor's eye at every sentence. At the moment Flannery's voice has a cheerful note, exceptional from the Nazi cap, where traditionally the American reporters have the agony of the world in their voices.

Tonto was wounded Monday night on Mutual, but we are led to believe he will recover. The Lone Ranger was mighty upset when the faithful Injun came in hardly able to hang onto his horse. Imaginative young listeners could no doubt see the fears welling up under the Ranger's black

mask, which he continues to wear for what the author succinctly has him describe as 'reasons best known to myself.'

It was exciting, make no mistake, in the fine old tradition of Arnold Daly zigzagging through traffic as the spiked doors closed in on Pearl Whitey of William Farum with gun in each hand and half the State of Nevada against him. The Ranger is a better hero than the old heroes, however, as he will pause for the notion to praise courtesy and kindness, to soothe the worried citizen. He will not spring to his horse immediately to avenge Tonto, but will first wait to see that Tonto is well cared for. The staff at WXYZ, Detroit, has developed a fine skill in designing these stirring gallops over hill and dale. The half hour are packed with what most kids and many male adults like — daydream-extending hoof and holster hokum. There is artful use of musical bridges, an occasional bit of sharply etched characterization. It moves with a purpose and with momentum. It's a good show, a horse saga produced in the automobile capital of America.

Clifton Fadiman, in a well-phrased announcement on fact last week's 'Information, Please' was the final under sponsorship of Canada Dry and program would be under different auspices, on 'another network' beginning Friday evening (15), mentioned perhaps for first time since quiz went commercial the name of Dan Golenpaul, 'creator of the program.' Fadiman stated that what he had said about the pleasant relations with Canada Dry people 'goes for all the staff, including Dan Golenpaul.' He declared great care had been taken lest the feature's spontaneity be destroyed by overlong commercial announcements. Mentioned clocking announcer Milton Cross, whose midway spiel was usually held to one minute. Fadiman expressed 'sincere hope' that listeners would continue to listen to the show. Also that just as there was a 'warm spot' 'in your heart' there would be one 'in your refrigerator for Canada Dry.'

Gracie Allen, whose radio campaign for prez of the U. S. bogged down, copped one vote for prez in the election last week. During an official count of the ballots cast in Beulah, Ill., near here, it was discovered that some admirer in the Fifth Precinct of the Seventh Ward wrote in her name.

KSC **SIoux CITY IOWA**

The **JOURNAL**

5000 WATTS

The **ONLY** Radio Transmitter of this or greater power within 75 miles of Sioux City

STATION MANAGERS

Are you interested in a capable musical director; experienced arranger with New York music bands; leader of top quality commercial programs in Canada; build and train orchestral and vocal units; concert and popular special arrangement library; 31, married, sober and responsible? Write or wire: Ben F. Variety, 154 W. 46th St., New York.

'FAMOUS JURY TRIALS'

Drama
30 Mins.
OH HENRY BARS
Monday, 7 p.m.
WJZ-NBC, New York
(Aubrey, Moore & Wallace)

Stories that are ended but not solved—court room presentations in which the evidence is contradictory and inconclusive—still comprise the formula of the newly revived 'Famous Jury Trials.' It is thoroughly dramatic in the telling, and the setup promises to get its share of those who stumble through the ether looking for diversion. But the program is guilty on all counts to the indictment of tantalizing, frustrating and hoaxing the listener, who gives attention on the tacit assumption that an author would never be such a meanie as to not provide the answer.

Seemingly a show of this character serves to corral enough listeners long enough to drive across a lot of mentions about the product. And the radio audience is possibly big enough to make that all that matters. Repeat listening, however, must carry a doubt if there is any validity to the idea that a who-dunit must always tell in the end who did it.

Court room stuff is absorbing because naturally dramatic. The district attorney has an opportunity to be appropriately nasty in a gravel-voiced way. The witnesses are allowed to suggest every shade of probable or improbable veracity. All sorts of hints and tangents and doubt-creating touches are flung into the microphone. There are characterizations when it suits the plot. Its all free and easy on this show because the story doesn't have to come out as a story. It begs off on a satisfying ending by professing to be 'true life' tales from court records. Life is of course often vague, but a story-teller isn't supposed to be.

In the case of Barney McGee, for example, the jury disagreed and then, for a screaming finish, the brother of the murdered girl killed Barney McGee in the courtroom. This despite the fact that the script allowed a strong presumption of Barney McGee's innocence and a hint that somebody else might have done her in, or she might have committed suicide. It was a cheap climax by the standards of any type-writer or microphone, as it is invariably considered bad literary taste to kill anybody in court. Not to mention the small matter of signing off with no word of condemnation.

WILLIAM FADIMAN

'Let's Talk It Over'
15 Mins.
Sustaining
Wednesday, 2:15 p.m.
WJZ-NBC, New York

'Let's Talk It Over' is an NBC blue weekly sustaining spot on which a different guest each week spouts on the subject he or she knows best. William Fadiman (Clifford's brother) gabbed on 'Book Ends and Odds.' It consisted of chit-chat and anecdotes about authors, plus considerable material about books bought for films and films to be made from books. Fadiman, of course, is equipped to handle the subject, as book and story editor for Metro-Goldwyn-Mayer.

Show obviously belonged in the educational category on NBC's slate because of the literary angle, although Fadiman neatly spiced his script with inside film stuff that, while not Jimmydidlerish, widened the appeal. Even the strictly literary items, in fact, were aimed pretty widely as Fadiman restricted himself to the better-knowns, such as Lewis, John Steinbeck, Louis Bromfield, Gertrude Stein—and even Gypsy Rose Lee, who was legitimately included as the accredited author of a mystery novel, 'Murder on a G-String.'

His first effort on the air, Fadiman didn't entirely achieve the chattiness of tone he was obviously trying for, but his voice and delivery are clear and cultured without being highbrow. Script carried out the chatty idea effectively. Fadiman appears a good possibility for a series.

Herb.

ation for the brother's messy (six shots) Georgia chivalry.

Thus the program left the listener up in the air about who killed Miss Robin and facing the possibility that the brother may have dispatched the wrong guy. The concluding commercial might appropriately have read 'You can't be sure about this case, but you can be sure of one thing, this program is sponsored by Oh Henry Candy Bars.'

For the information of those uncritical souls who don't mind being hoaxed by an author, it may be admitted that the hoax is quite well dialoged, produced and acted.

The commercials are of the drive-through-center variety. The announcer changes gait the minute the author snaps the ball back to the continuity department. There is a reverse of mood from narrative to self-conscious eloquence. Rich descriptions are enunciated syllable by syllable in the fine old tradition of 1933.

Land.

HARVEY AND DELL

Serial
10 Mins.
Sustaining
Daily 8:45 a.m.
WJZ-NBC, New York

Harvey and Dell is a small-cast sustaining serial riding NBC blue from WBZ, Boston, six mornings weekly. No romance, no pumped up heroics, no rending crises—just a mild, incident, rather than plot tale of folks in the friendly little house 'round the corner.' While some characters speak with a down East accent, exact locale is not set. Sketch somehow lacks the indigenous qualities, the tangy zest which brought a Maine-background serial up to a night network period and a sponsor, with Parker Fennelley as one of principals, several seasons ago.

Best drawn character perhaps in 'Harvey and Dell' is Snapper, a tart, independent, pessimistic spinster housemaid. It is well done, although not written into every episode. Another part off beaten track but not always as distinctively projected is hard-of-hearing Grandfather McGogie (funny names are used for never-heard individuals, too). Loud, tone-deaf voice employed by actor is true to life but not always easy on listener's ear. Dell is a many-line part of a small town woman, perhaps in thirties or early forties. Played to type. Harvey is Dell's husband, working in a vague 'office.' No acting... scripting credits.

Jaco.

'DANCING YEARS'

With Ivor Novello, Muriel Barron,
Roma Beaumont
40 mins.
Thursday, 9:20.
BBC, London

Specially scripted radio version by Ivor Novello of his stage musical provided some anxious moments in dialog and narration. Frequently near-to-trite lines of the former became more stand-out when divorced from picturesque setting of the piece and its elegant melodies. Narration is necessary to this sort of thing, but still unpalatable; no way around the trouble has yet come along, and constant breaking up of the action is distracting and a tough for the ear.

In 'Dancing Years' the music holds interest and was vocled by the principals with every aid to perfection. Novello also staged this radio job in nice style, subject to the exception alluded to.

One More Holdout, Katharine Cornell, Creates Memorable 1940 Radio Event

..In the world of artistic virtuosity only a few of the big names now remain unbaptized by the fire of the radio inputs and the outputs. The number was further reduced Sunday last (10), when, for the sake of the Red Cross enrollment drive, Katharine Cornell conquered a reluctance to broadcasting and ventured upon the strange ways of the sound box with the 40,000,000 ears. She followed the course of Alfred Lunt and Lynn Fontanne, who are also recent giver-inners. In Miss Cornell's case, as with the Lunts, the training and talent of the theatre had little trouble scoring in the new medium.

Miss Cornell was too imaginative an artist not to have been nervous in the presence of this new challenge and this incredible, unseen, near-universal audience. (She was on three networks simultaneously.) In one or two lines at the start there was, to the professional listener, a hint of tightness, of awareness that she was trusting, for sweet charity's sake, a very great reputation to what was probably a very strange bark. It may have been a tough ordeal precisely for the reason that she takes her work and her career so seriously.

Those one or two hardly perceptible suggestions of first performance jitters evaporated almost instantly once the unfoldment of the story of Robert and Elizabeth Brownings first meeting was well begun. Then there came through the loudspeaker that strange, accumulative focus of characterization which marks the star's work. Her voice met the mixing panel without any loss. Its distinctive timbre and the shadings were instantly familiar.

Superficially a radio studio page boy might say, 'Gee, Miss Cornell was nervous, but Sadie Glutz never is.' The point about Sadie Glutz who runs between studios to play five roles in one afternoon is that she is just as good as she'll ever be on the first reading. What these recent appearances by the Lunts and Miss Cornell drive home is the fullness of a radio performance when delivered after prolonged thought and preparation by great personages from the theatre as contrasted to the glib but shallow readings so often heard.

This observation will hardly flutter an eyebrow among the advertising agencies, who wish merely to sell a lot of soap, but professionals will no doubt get the distinction immediately. Soapmen will perhaps be more puzzled than impressed that Miss Fontanne and Miss Cornell spent weeks perfecting for radio.

It was intelligent yet fairly obvious to utilize 'The Barretts of Wimpole Street' for this radio first flight. Also to bring in Brian Abarne, a tower of strength, who created the lead opposite Miss Cornell on the stage. The three scenes in which the famous love affair ripens and crashes through against sickness and timidity played vividly on the air. (The father never appeared.) Thus the performance of the two actors and the material they were performing merged smoothly to give listeners something eminently worth listening to. The stage speeches were lengthy for radio but beautifully written and delivered with authority. Long speeches may be more common on the air when people capable of handling them are more common.

Guthrie McClintic, manager-husband of the star, spoke briefly before the performance, also revealing a good radio voice.

Land.

'NOAH SAILS AGAIN'
With Leon Quartermaine, Gladys Young, and cast.

20 Mins.
Sunday, 7:35 p.m.
BBC, London

Andre Obey's French piece around Noah recalled to go a-sailing again, hits the ether in its translation with especial timeliness. Drama is tied in with Europe's current mess and eventual world state of chaos—unless. Airing is serialized, so author probably has a remedy coming up on a later installment.

Historians are topline: Quartermaine handles his dialog as Noah with éclat, but Gladys Young neatly stole this airing with an uncanny natural reading of the time-and-event-worn spouse. As caught, show measures as one of the best drama department BBC has recently scheduled.

KWKH
SHREVEPORT, LA.

50,000 WATTS

CBS

Complete coverage of a rich tri-state market



For more information about KWKH, one of the sixteen CBS 50,000 watt stations, inquire of The Branham Company.

SERVING THE RICH TRI-STATE MARKET

MUTUAL URGES FCC CRACKDOWN; CALLS EXCLUSIVITY END PUBLIC SERVICE NEED

Caldwell Gets His Brief in First—NBC and CBS Documents Due—George Porter Back to FCC as Special Counsel

Washington, Nov. 12. Special regulations knocking the props from under the networks structure—banning exclusivity, excessive options on station time, long-term contracts, and maintenance of dual webs—are vital to carry out the will of Congress and uphold the anti-trust laws in the broadcasting business.

So says the Mutual Broadcasting System in a lengthy brief (almost a Ph. D. thesis on the economics of radio) filed with the Federal Communications Commission in anticipation of oral arguments on the time-bombish Chain-Monopoly Committee report. As usual, Louis G. Caldwell, MBS general counsel, dug deep into legal chronology for data that would back up the MBS contention that Columbia and National are demagogical.

The MBS brief was the first of the important analyses of the ominous record to be submitted for scrutiny by George Porter, special counsel, and the government regulators. Additional time—the fourth successive delay—was obtained by NBC and CBS, although the commission kept the deadline postponement almost a complete secret. Without going through the formality of giving all parties notice, the commission last week said the Nov. 11 time limit could be disregarded. Legalese documents from the other defendants are not expected until the end of the week.

More Delays Foreseen;

Too Much to Digest

Deferment of the oral argument, still officially carded for Dec. 2 and 3, is anticipated in industry circles. Aside from the usual skepticism about the FCC adhering to schedule, most radio watchers doubt the capacity of the regulators to wade through the briefs and the record quickly enough to be ready for arguments on the date fixed.

Appointment of Porter, who quit the commission last summer after he

had been snubbed repeatedly in connection with selection of a general counsel, was made two weeks ago but did not become generally known until a few days ago.

In his treatise, Caldwell lived up to both expectations and his past performance. He weighed the debates in Congress on radio legislation, cited numerous court decisions bearing on the meaning of the anti-trust statutes, summarized the pile of words and figures taken at the 1938-39 hearings, jabbed the regulators for not having acted more promptly, and dealt painstakingly with the industry's controversial issues.

Principal point in the Mutual brief was the contention that the FCC now has ample authority to impose regulations which would wipe out the practices that tend to establish a monopoly. Meaning the regulators can yank a curb rein on CBS and NBC, without asking permission from Congress. While he damned the other webs for various practices that he considers anti-social, Caldwell did not go so far as to urge added legislation to achieve the objective or more freedom for Mutual.

Exclusivity Clauses

Called the Villain

Caldwell's major arguments were as follows:

1. Exclusivity conditions in NBC and CBS contracts with affiliates close many markets to Mutual and any other newcomer. Competition cannot exist unless every web has an equal chance to reach the same audience. By refusing to allow their affiliates to take programs from other sources, CBS and NBC have a 'complete monopoly' and are able to exercise 'ironclad control.' In addition, they are secretive about the terms on which their services are available to their affiliates.

2. The time option clauses permit a fatal degree of compulsion, denying local managements who are shrewd enough to sidestep the exclusivity

requirement any real freedom to follow their own impulses. By tying up the most desirable hours, which often are not used, the other chains can pass death sentences on any calcitrants.

3. In addition to exceeding the license period, the customary long-term contracts give the chains a one-way renewal option that injures the public, hamstringing the affiliates, and prevents any competing web from even trying to bargain.

4. Any claim of competition between NBC's Red and Blue skeins is only a pretense. The Blue is maintained chiefly to suppress competition. As is evidenced by the fact that only 19% of the option time was used in 1938 and the Red had more hours of daytime commercials than the Blue carried at night. By reserving the right to shift stations from one network to the other, NBC has a weapon that terrifies any affiliate who might consider hooking up with some other network.

Mutual Does Likewise

But for Self-Defense

Some of these offensive trade practices are followed by Mutual—but only in self-defense, the Commission was informed. Caldwell said his client, believing in free and open competition, took the cue from NBC and CBS only when it was obvious that the latter pair would tighten their death-grip during the long time required by the regulators to weigh the evidence and decide the issues. But all MBS contracts with an exclusivity clause and a time option can be cancelled quickly, the brief added.

Existence of a monopoly is demonstrated by the revenue figures collected by the Commission, Caldwell declared. He pointed out that Columbia and National in 1938 grabbed \$60,875,221 of the \$63,147,883 taken in by the three major webs and emphasized that this amount is 50% of the whole industry's take. Pay-off to CBS affiliates, he added, was 34% of that web's gross and NBC apparently forked over about the same proportion.

The purpose of the Communications Act, judging from Congressional reports and debates, is to provide lively, not merely nominal, competition, the brief said. Equitable distribution of program service and a similar degree of freedom for each network to reach the audience are the basic objectives of the law. Responsibility of licensees—whose freedom to exercise their own judgment often is curtailed by conditions in network contracts—also was expected by the legislators in passing both the 1927 and the 1934 bills.

Since there is a physical limit on the number of transmitters, it is up to the Commission to do something about seeing that such goals are achieved, Caldwell lectured. The fewer the stations, the more important it is to give proprietors of affiliated plants a maximum of discretion and to assure the utmost competition between networks.

Study of various court rulings indicates that even if the affiliates of NBC and CBS are satisfied, present practices should be either outlawed or supervised closely, the MBS attorney asserted. For the third party—either the listeners or another network wanting to acquire outlets in key markets—is entitled to consideration. This principle has been endorsed frequently in litigation under the Sherman, Clayton, Federal Trade Commission, and Interstate Commerce statutes, Caldwell contended.

Although the customary NBC and CBS practices were severely attacked, the MBS counsel acknowledged that particular conditions must be taken into consideration. If there are enough stations for every network to have an outlet of equal value (power and time being the same and the frequencies as nearly desirable as possible), exclusive clauses might be condoned. The option system could continue if proprietors of the affiliated plants have sufficient leeway choosing what programs they wish to carry in time not sewed up for network commercials.

Without suggesting precise phraseology, Caldwell urged the kilocycle cops to adopt regulations which have the following effect:

1. No licensee may enter an agreement which prevents him from airing programs from another source; which gives the web control of more

Disappoint KFIO, Spokane, Also KFSD, San Diego

Washington, Nov. 12.

Nixing of the application of KFIO of Spokane, Wash., was completed recently when the Federal Communications Commission adopted its findings of fact and entered a final order denying the transmitter a change from the frequency 1120 to 930 kc and an increase in power and time of operation from 100 watts, days only, to 1 kw.

On the same day, Commission denied petition of Airfan Radio Corp., Ltd. (KFSD), San Diego, for a reopening of the proceedings granting a new San Diego station to the Worcester Broadcasting Corp. Petition was found to be without merit.

HYDE PARK TICKERS TO 23 SPORTSCASTERS

St. Louis, Nov. 12

Hyde Park Breweries which bankroll more sports programs in Missouri and Illinois than any other suds makers in the Mississippi Valley tossed a party for 23 sportscasters who are carrying the torch and passed out split second watches to each. Oscar A. Vahner, head of the St. Louis office of the Ruthrauff & Ryan agency, that handles the account, arranged the shindig that began in the brewery and wound up in the Missouri Athletic Club where a dinner and speech making preceded the awards.

Those who got the time pieces are Frank Eschen and J. Roy Stockton, KSD; Frank Mahon, WEW; Gabby Street and Cy Casper, KKOK; Bill Durney and Neil Norman, WIL; Bob Lyle and France Laux, KMOX, all of St. Louis; Sam Molen, WTAX-WCBS, Springfield, Ill.; Tom Dolan, WTAD, Quincy, Ill.; Mark Howard, WDWS, Champaign, Ill.; Clay Brooks, KWOS, Jefferson City, Mo.; Jack Peterson, WIZ, Tuscola, Ill.; Bob Leonard, WSOY, Decatur, Ill.; Gary Mitchell, WEBQ, Harrisburg, Ill.; Bill Davis, KDRO, Sedalia, Mo.; P. H. Cunningham, KWQC, Poplar Bluff, Mo.; Bud Barbee, WJPF, Barrin, Ill.; Harold Douglas, KFRU, Columbia, Mo.; Fred McGhee, KGBX, Springfield, Mo.; Bob Atherton, KFVS, Cape Girardeau, Mo. and Fred Vance, WDWS, Champaign, Ill.

than specified percentages of the operating time; which runs beyond one year; or which results in duplication of program service.

2. Number of stations operated by any individual shall be restricted to figures which the Commission feels will assure ample competition and protect public interest.

KOBAK CHIDES WEBER OF MUTUAL

Edgar Kobak, v.p. in charge of the NBC-blue network, took Mutual to task Monday (11) for its persistence in referring to the existence of three networks. Reference that got a

out of Kobak was the one contained in the promotion piece put out by Mutual in announcing formally the Philadelphia symphony orchestra series. Kobak told Fred Weber, Mutual general manager, that he thought that Mutual's bunching of the red and blue networks into a single operation was not only small stuff but has become too smidge to tolerate any longer. He pointed out that Weber repeatedly stressed this angle in bidding for political business during the recent campaign. Kobak added that even if Mutual refused to recognize the existence of four networks (the red and blue being separate entities) the trade and the public would go on counting that number, and not three, as Mutual hoped by its propaganda, to establish in various minds.

It was disclosed yesterday (Tuesday) that the blue network had about completed plans for a new group of sustaining programs and that this group will be launched as regular series within a couple weeks.

Mutual Shows Next Day On Jammed-Up WOR

Off-the-line recordings of three Mutual evening shows will be re-broadcast during the daytime over WOR, New York, beginning this week. They're programs that cannot be fitted into the WOR evening schedule.

Included are 'In Chicago Tonight,' to be heard 10:30-11 a.m. Fridays; 'Lew Loyal,' slated for 5:15-5:45 p.m. Tuesdays, and 'Ned Jordan, Secret Agent,' scheduled 8:30-9 a.m. Saturdays. Several others to be similarly waxed off the air and rebroadcast will be announced later.

CURTIN INTO U. S. ARMY

Ed Curtin, of the B.D.&O. publicity department, has gone into the U. S. army for one year's active duty. He's a reserve officer.

Will be stationed at Fort Banning, Ga.

Wise Eyes.. 

are on the

"SECOND THREE"

TEN to one you've already been thinking about stepping up your advertising in the "Second Three" markets. You know how Detroit, Los Angeles and Cleveland have been "the boom." You're not going to pass up such opportunity. And perhaps, like many others, you've already discovered that the easiest, quickest method of blanketing these markets is through WJR, KMPC and WGAR!

★ ★ ★

It's the economical way, too. Fifteen minutes of Class A time on all three stations totals less than four hundred dollars weekly on a 52-week basis! Try to figure any other way of talking to nearly eight million families at such small cost! Yes, for in addition to the immediate trading areas of Detroit, Los Angeles and Cleveland... you also will get bonus coverage in five different states!

★ ★ ★

Be sure that the "Second Three" cities get the consideration they deserve in your plans for 1941. And be sure your advertising will do a job in these vital markets. Put WJR, KMPC and WGAR on your schedules!

WJR
THE GOODWILL STATION
Detroit

IN THE
NATION'S **4TH** LARGEST MARKET

KMPC
THE STATION OF THE STARS
Beverly Hills ★ Los Angeles

IN THE
NATION'S **5TH** LARGEST MARKET

WGAR
THE FRINGELY STATION
Cleveland

IN THE
NATION'S **6TH** LARGEST MARKET

WSAI
CINCINNATI'S OWN STATION

MORE THAN 100,000 PAID ADMISSIONS

to the Northern Kentucky Food Show, with WSAI the only radio help—the only station permitted in the show. Surely convincing evidence that Larry Baumbach, General Chairman, hit the nail on the head when he said: "WSAI is the grocer's own station."

Represented by International Radio Sales

WWVA, Wheeling, to Quit Columbia For Blue; Shift to Be Official Jan. 1

Though the decision on whether WCAE, Pittsburgh, switches from the red to the blue network or joins Mutual on an exclusive basis won't be made until Nov. 25, WWVA, Wheeling, W. Va., is reported set to leave Columbia and become an affiliate of the blue link. Because WWVA's contract with CBS runs into next year an official announcement of the shift is not to be made until Jan. 1.

Final word on WCAE's future network affiliation is due to come from the Hearst organization on the west-coast. WCAE looms as but one focal point in the battle for affiliates which has been simmering between the blue and Mutual. Involved also are the future affiliation of WFBR, Baltimore, and WYAC, Boston. Mutual has high hopes of having these two stations as exclusive releases next year. In either case there's a revolt against giving up the red affiliation and joining the blue link. The proposed red substitute in Baltimore is WBAL, and in Boston, WBZ.

Cleveland Situation
NBC is likewise having its difficulties with WHK, Cleveland. Latter station, which has also been taking Mutual commercials, wants to be relieved of the schedule options stipulated in its contract as a blue affiliate so that it can be free to operate on a first-come-first-served basis. Still another blue recalcitrant is KSO, Des Moines, which, it is reported, has hinted that it might go 100% Mutual.

It has been intimated that NBC may meet these situations with some surprise moves, with each such move predicated on the argument that the listeners in the community are unable to get the blue network's service.

CHUMMY IS THE FRISCO WAY

San Francisco, Nov. 12.
New high in newspaper-radio affiliations for Frisco was touched this week with deal by Al Nelson, NBC asst. v.p. in charge of KGO-KFO, that the Call-Bulletin will collaborate in a five-week radio series. Kicking off with a half-hour shot Thursday (14), the 85-year history of the sheet will be dramatized, winding up just before Christmas with a full-hour show. Nelson has just completed a year's collaboration with the Chronicle, a relationship now definitely cemented and expected to continue indefinitely. Also has an annual Christmas tieup with the News, giving three of the city's four dailies access to NBC air.

The Call-Bulletin recently figured prominently in the CBS-KSFO orbit with draft and election cooperative coverage. Paper's NBC series came as no surprise to KSFO's Lincoln Dellar, however, who sees a logical trend in these affiliations and points out that his station also has a working agreement with the Examiner, although latter veered to KFRC for election night airings.

As Dellar sees it, "a sincere effort is being made by the press and radio in San Francisco to find a permanent formula for mutual cooperation." This does not necessarily mean exclusive tieups nor on the other hand does it indicate an attitude of shopping around. Each event is being decided on its merits and worked out accordingly, Dellar feels.

So far as the KSFO exec is concerned, the so-called press-radio feud plays no part in the local picture. "I've only been here a year," he comments, "but I have never been aware that any so-called feud exists between press and radio in San Francisco. While the two media are, of course, commercial competitors, there does exist a definite appreciation on both sides, I believe, of the value that each can be to the other."

Okay for Brownwood, Texas

Brownwood, Tex., Nov. 12.
The Federal Communications Commission has granted the application of the Brown County Broadcasting Co. for a new station to be built here. Station will operate on 1350 kc. with 500 watts unlimited time. Brown County Broadcasting Co. is composed of J. B. McBeath, Wendell Mayes, Joe N. Wetherby and B. P. Bludworth.

WGAR EXPANDS

Cleveland CBS Affiliate Leases More Space in Statler Hotel

Cleveland, Nov. 12.
WGAR, local CBS affiliate, is installing new master control, new speech input equipment and extensive studio alterations and renovations, besides leasing additional space for new studios in the Statler hotel. Hope to have the work completed by Dec. 15, the station's 10th anniversary.

New equipment being obtained from RCA. R. Morris Pierce, the station's chief engineer, is in charge of the work.

NBC Raiding Its Station List in South, Says MBS

Mutual is looking with a suspicious eye on the operations of NBC's stations relations staff in the southeast area as it proceeds with the task of expanding its affiliate list. Word has come to Mutual that a minimum of five of its stations have been approached with propositions about switching and it has answered inquiries from that sector with the statement that there is nothing to prevent these stations from going over to NBC so long as they grant MBS equal contractual terms.

The outlets that Mutual claims to have been approached by NBC include WSIX, Nashville; WMBL, Greenville, S. C.; WRAL, Raleigh; WAIR, Winston-Salem, and WSPY, Salisbury.

Jeanne Campbell Raises Question If Autry Part of Cole Is Available

Jeanne Campbell, who is in charge of BMI's 10-year deal with Cole, with the latter collecting a minimum of \$20,000 a year for its performing rights.

A survey made by Mutual of music broadcast by it during the past six months disclosed that over 95% of it is under the control of ASCAP members.

New York.—Robert Kaplan, new assistant to Lyn Murray, musical director at CBS. He's a musician and son of Ben Kaplan, radio columnist of the Providence Bulletin and Journal. Mary Day, Murray's secretary, has resigned to return to her home in Chicago.



"Sandwich" your message in the really VITAL SPOTS

EVERY DAY comes new proof of the consistently large returns advertisers obtain from the active audience of the 17 NBC vital spots. For example:

An NBC client recently made a one-announcement offer on a single morning broadcast over station WJZ. The response tallied well over 3000 requests and the offer wasn't diamonds either, merely a booklet. But

this story does indicate what a jewel of a reception advertisers get from NBC spot markets.

A performance like this isn't just occasional, either. It's repeated over and over again by every one of these 17 stations, exclusively represented by NBC. Perhaps that's why more advertisers have used these vital spots this year than ever before.

NATIONAL BROADCASTING COMPANY

A Radio Corporation of America Service

WEAF	50,000 Watts—640 kc.	New York
WABC	50,000 Watts—760 kc.	New York
WABC	50,000 Watts—670 kc.	Chicago
WABC	50,000 Watts—870 kc.	Chicago
WABC	7,500 Watts—790 kc.	San Francisco
WABC	50,000 Watts—680 kc.	San Francisco
WABC	5,000-1,000 Watts—950 kc.	Washington
WABC	500-250 Watts—630 kc.	Washington
WABC	50,000 Watts—830 kc.	Denver
WABC	50,000 Watts—1070 kc.	Cleveland
WESTINGHOUSE STATIONS		
WABC	50,000 Watts—990 kc.	Boston
WABC	1,000 Watts—990 kc.	Springfield
WABC	10,000 Watts—1020 kc.	Philadelphia
WABC	50,000 Watts—980 kc.	Pittsburgh
WABC	10,000 Watts—1160 kc.	Pt. Wayne
WABC	250 Watts—1370 kc.	Pt. Wayne
GENERAL ELECTRIC STATION		
WABC	50,000 Watts—790 kc.	Schenectady

The NBC Spot Specialist in New York, Chicago, San Francisco, Boston, Cleveland, Washington, Denver or Hollywood, will give you full information on any or all of these NBC Represented Stations. WABC and WABC will soon be operating with 5,000 watts day and night.

Eric Severeid Talks

Continued from page 3

into the R.A.F. Four men in the band were also going.

Severeid's colleagues at CBS say he has grown more mature and serious in the last year, during which he covered the fall of France, fled to England and went through months of London bombings. He is inclined to doubt that he has changed appreciably, but on reflection he admits that his viewpoint has altered somewhat.

"After you've been through this thing they call total war you're apt to have different standards," he explained slowly. "When you've seen the homes of civilians destroyed, hospitals bombed, and helpless women and children killed in the streets and in air raid shelters you have a new idea of what's important. I don't think I'll ever care much about non-essentials again. I don't believe I'll ever again be impressed by phonies—either in Europe or here at home. Everyone over there has narrow escapes from death every day. It can't help but change your outlook, give you a new perspective."

Mrs. Severeid, a pretty, smiling, brunet who during the conversation had been re-typing a magazine article for her husband, turned at this point and remarked, "That Chinese boy in Shanghai expressed it. Although the Japanese were occupying the city he remained there. He explained it to us by saying, 'To eat is important. That's what we mean by fundamentals.'"

British Censorship is O.K.

The British have the best censor-

ship of any he has seen, Severeid thinks. "Of course, all censorship is bad from a reporter's standpoint," he adds. "There is essentially a conflict of interest between the censor and the reporter. But the English have the most satisfactory system I've seen. They have regular BBC censors assigned to us radio men. They're young fellows with whom we've worked for some time. We've gotten to know each other and, while there are occasional squabbles, we get on very well on the whole."

Censorship in France was a headache. Severeid said, adding that from what he has been told conditions in Germany are extremely aggravating. "It's almost impossible to get any news out of Berlin, because the Nazis have throttled the press to such an extent there's practically no truth anymore—only propaganda. In France everything was demoralized after the invasion of the Low Countries. No one knew anything, but rumors spread and grew more fantastic by the hour."

F. D. R. Is Really Mr. Big

Severeid thinks that an appeal from President Roosevelt is probably the only thing that can save Reynaud, Blum and the other former heads of the French government from being shot by the Vichy officials. "People in this country have no conception of the popularity, prestige and influence that Roosevelt has among the people of Europe," he said. "The President is a bigger man to the French than any of their present or former government heads."

He has more influence with the Belgians or Dutch than their own rulers have or had. United States recognition is the only thing that's keeping the Vichy government in power—they'd collapse immediately if it were withdrawn."

With him in New York on leave, CBS is understaffed in London, Severeid asserts. "It leaves only Murrow and Larry Le Seur to cover things there. It wasn't bad when there were three of us, although when things got hot we were kept busy handling the 16 or 17 broadcasts a week. But I should be getting back as soon as possible to take the pressure off Ed and Larry—and to give them a chance to come over here on leave. Larry will make the trip as soon as I go back, but I don't know when Ed will come. He doesn't intend to leave. Bill Shirer is coming back from Berlin during the winter, and he probably won't return. Columbia is sending someone to replace him."

Murrow's Top-Down Yen

"When we've made our first broadcast for the night we generally go around the corner somewhere for a drink, sometimes with the BBC censor boys. We put on our tin hats and, if there's a raid in progress, scurry through the darkened streets, clinging to the sides of buildings and, when a siren blares overhead, dodging into doorways. For a time Ed Murrow used to go out in his roadster, with the top down, and ride around the city late at night. He got some great stories that way, but we finally persuaded him to stop. It was too dangerous."

Contrary to tradition, the way to get revealing news past the censors isn't by using slang or idiomatic phrases, Severeid says. "If you use slang they're suspicious, and either delete it or make you explain it," he points out. "The only way to slip things past them is to say something in a way that looks innocuous on paper, but will convey added meaning when heard over the air. For instance, during a recent broadcast from Berlin, I said that, despite British claims of raids over the city, the German capital was so quiet you could hear scarcely a sound. Then he added that it was so quiet that business men from the Ruhr were coming there to get sleep. The German censors had obviously passed it, but there it was—indicating the damage the British raids were doing in the Ruhr industrial areas."

Fooling the Kiddies

"When I was in Bordeaux with the fugitive French government I did a broadcast one Sunday," Severeid continued. "I was talking from a room jammed with French army officers. They were all terribly excited. Nobody knew exactly what was going to happen, but it was obvious that the new government was going to capture Paris. I didn't dare say that. They were so excited there is no telling what they would have done to me. So I told about the pacifist, pro-Hitler or Fascist background of each member of the new cabinet. It was all factual, apparently harmless and certainly not anti-French. But it got across the unmistakable implication that France was abandoning resistance."

Severeid is positive the Nazis can't conquer England. He isn't sure how the war will end, when the British will be able to take the offensive, or even if they'll ever be able to. But he says that the Germans can't invade England until they master the R.A.F. "They're not doing that," he says. "In fact, the R.A.F. is growing stronger."

"You can't conquer those British. They're the most magnificent fighters, the most heroic people who ever lived. You can't imagine the courage they show day after day and night after night. Their homes are destroyed and their friends and relatives killed, but they become more determined. They have a contempt for the Germans that is profound and that grows the longer the war lasts, the more devastating it becomes."

"Of course there is tremendous damage to England and to London, particularly the East End and the great docks and industrial areas there. But the primary industries are still operating. The Germans can't stop them. Life is going on. People go about their jobs. They lose sleep, their homes are bombed, their cities are damaged. But they will not quit and they won't be discouraged. The Nazis will never beat them."

Severeid, a tall, lean, dark-haired man with deep, direct gaze, a jutting chin and an air of calm, quiet friendliness, is inclined to be serious and, despite his belief that his experiences of the last year have not matured him, he looks older than his 27 years.

From the Production Centres

IN NEW YORK CITY

Betty Dennis and Stanley Richard doing interview shows with legit names Sunday nights over WEVD.... Elliott M. Sanger, WQXR executive vice-pres, guest speaker on the debut program of 'America Speaks' series over rival station WNYC.... both outlets specialize in classical music.... Charita Bauer, youngster on 'Orphans of Divorce,' currently written out of the script, but is emoting on 'Our Gal Sunday' and 'Set Sail'.... Harold Vermilyea recovered from rheumatic ailment in 'Medical Arts' hospital and back in cast of 'Stella Dallas'.... Raymond Bramley added to same show.... Andy Sannella, maestro of 'Manhattan Merry-Go-Round,' renting his yacht for Florida cruises.

Town Hall tossed cocktail rally yesterday to launch its sixth year on NBC.... the 20th anniversary of KDKA was another offering for a scotch and soda social event being staged by NBC on the roof garden of Radio City last week....

Red Barber and Stan Lomax m. c.'s on 'To the Victor,' new musical show Saturday nights over Mutual.... Ed Mayehoff, Guy Lombardo remote, Morton Gould, 'Sheep and Goats Club,' 'University Life,' 'Laugh and Swing Club,' 'Symphonic Strings' and 'Rendezvous with Ramona' all shifted to new times over Mutual.... Louis Wolfe, public school teacher, doing 'Let's Get Together,' moppet studio participating stanza Sundays over WINS.... Alois Havrilla to announcing staff of WOR.

Wrongly reported in this column that Sherman K. Ellis was dissolved in Albany.... White & Case, attorneys, merely filed Oct. 28 for extension of purposes and Nov. 1 for other corporate changes and issuance of new stock.

Ruth Howard, daughter of Comedian Tom Howard, and Sanford Dickinson were in New York over the week-end auditioning for a metropolitan department store a program scripted by Peggy Schuyler, fashion writer for magazines. It's titled 'Have a Time For Yourself in New York.' Miss Howard and Dickinson have been broadcasting for an Albany women's store.

George Zachary back again as director of Campbell's 'Short, Short, Story' for the show's final weeks.... Radio Monde, French language fan mag published in Quebec, may publish an edition in English.... Procter & Gamble may send 'Truth or Consequence' to originate from various cities. Would be policy departure for the account.... Diana Bourbon will direct the new 'Campbell Playhouse' series Friday nights.... Lyn Murray composed the special theme music for 'Second Wife,' new General Foods serial on the Coast.

IN HOLLYWOOD

When prankster at KNX hung a black crepe on the door of Don Thornburgh's office exec allowed it to stay. He was schoolmate of Willkie's and best man at his wedding and plenty disappointed at election.... Tom Harrington planned in, looked around and planned right back again.... NBC's James McConnell stopped over on his swing of the country in the interest of the net's national spot and local sales.... Bob McAndrews esconced as NBC sales promotion manager, succeeding Charles Brown, now head man of the department in New York.... John Swallow told the Women's Press Club of Hollywood just how this radio biz operates.... Some years ago Ben Alexander was a kid film star at \$1500 a week but was yanked from the cinema by his ma for more schooling. Later when he reached the awkward stage (for picture work) he went to work for Union Oil at \$9 a week. This week he goes back to work for the petrol outfit as announcer on its radio program. That gives him five commercials.... Richfield Reporter, for years the Coast's 10 p. m. newscast habit, reels off its 3,000th broadcast Nov. 26. NBC spreads the program to an hour for salutes from dignitaries up and down these Pacific-washed shores.... Old timers in radio are being rounded up by 20th-Fox for 'The Great American Broadcast' according to a studio announcement. Over at NBC is Vaughn deLeath, one of the real vets, yet she has not been called in for an interview.

IN CHICAGO

Capt. Sam Thompson, organizer, manager and tenor of the Cadets quartet, leaves to go into active army duty at Ft. Benning. He will be replaced in the quartet by Kenneth Morrow.... Eva Pownall added to cast of 'Bud Barton,' William Green and Herb Butterfield to 'Jack Armstrong' and Henry Hunter to 'Arnold Grimm's Daughter'.... Mary Patton into cast of 'Bachelor's Children' and Alice Hill to 'Helen Trent'.... Dorothy Russell, former warbler with Horace Heidt orchestra, now on WJJD with a twice-weekly vocal series with Priscilla Holbrook. Set through WJJD musical director, Ben Kanter.... Bob Gately goes on the Carnation show replacing Larry Taylor as vocalist.



Our best seller is this loveseat
... with accessory

This leading Chicago furniture dealer says,
"OUR best seller is WBBM." For eight years
Nelson Bros. have been selling loveseats (and
etc.) over WBBM. Last month they signed their
biggest contract. President Blinder tells you why!

We have been broadcasting over WBBM for eight years and spend all but 20% of our advertising dollar on radio broadcasting. And we have spent more money on WBBM than any other station.

Results obtained over the state of Wisconsin and southern Illinois, in direct response to our WBBM advertising, were so great we found it necessary to open new stores in Milwaukee and in Peoria.

October 1 of this year we entered into our largest WBBM contract consisting of four and one-half hours of broadcasting per week. Already my reports from our stores show an increase.

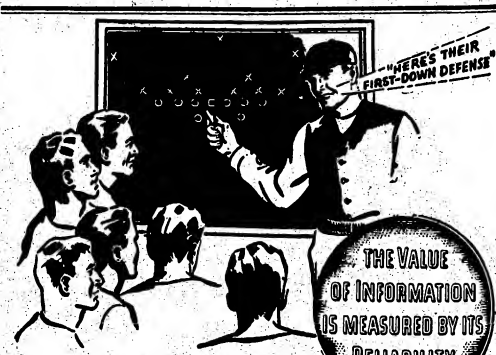
Each year finds our business growing. Our annual volume is now around two million dollars. The only trouble with that increased volume is that we have more money to spend for advertising and we would like to buy more at times on WBBM. This isn't so easy to do with the tight schedule prevailing there.

WBBM
50,000 WATTS - CHICAGO

A. P. Blinder

A. BLINDER
President, General Manager

Owned and operated by the Columbia Broadcasting System... Represented by
RADIO SALES: New York, Chicago, Detroit, St. Louis, Charlotte, Los Angeles, San Francisco



THE SQUAD listens intently to the scout's report. In crashing a line or a market, you get farther when you know just what you're up against. We consider it our responsibility to present an accurate picture of the factors that can contribute to the successful use of radio in the markets we represent.

JOHN BLAIR & COMPANY

National Representatives of Radio Stations

New York • Chicago • Detroit • St. Louis • Los Angeles • San Francisco

Dick Richards on National Unity

Detroit, Nov. 12.
From his home in Beverly Hills, G. A. 'Dick' Richards, pioneer broadcaster, last week wired his colleague, Leo Fitzpatrick, at WJR, Detroit, on the subject of national unity. Fitz had copies of the telegram reproduced and given to every employee. The telegram is representative of the present disposition of far-seeing business men to do their part in healing recent election wounds. It follows:
"Dear Fitz: Now that the election is over and the majority of the American people have chosen President Roosevelt for another term, I wish you would call your organization together and have a heart to heart talk with them and pledge our support to the President. Will you please suggest that it is my wish that they all forget any differences they might have had and, remembering that we are all good Americans, start immediately to cooperate with any program that the administration sees fit to lay down to the end that our country may become so well fortified and strong, both from an armament standpoint and also from within, that no dictator will dare to attack us. We must all pull together. The President has declared definitely against Communism, Fascism and Nazism, and has definitely pledged our people to keep them out of foreign wars and to do everything in his power to unite our people. It is up to us all to do our very best to contribute anything we can to help him accomplish his goal for the good of our country. I congratulate the President on his victory, although I did not believe the American people would elect any man for a third term. With my very best wishes for the health of everyone connected with WJR, I am
Sincerely yours,
G. A. Richards."

SHOWMANSHIP ALL OVER

Discs, Films Tell Girls How To Be More Devastating

Milwaukee, Nov. 12.

Beauty instructions on platters in the privacy of milady's own boudoir, and the lessons are free, are a new angle in merchandising claimed by the Boston Store to be the first time in cosmetic history. Rose Laird, skin authority, appearing in person in the department store, hands out the discs gratis to purchasers of her cosmetics, side of the pancake giving 'Young Skin Counsel,' the other side '3 Minute Facial' and Contour Exercise for Adult Skin Transparency.

Just to make her showmanship complete, Miss Laird shows a natural color motion picture depicting her approach to cosmetic problems and the art of correct make-up.

'May Variety Continue to Be a Thorn To All Phonies,' Wires Major Ridge

(The following from the owner-operator of WBIG, Greensboro, N. C., was received in New York on Monday (11) and refers to the editorial 'Radio's Future and the Middle Class' in the Nov. 6 VARIETY.)

(Postal Telegraph)

Greensboro, N. C.

Editor, VARIETY:

After re-reading your editorial of November 6th, it behooves me to thank you for it. At times we get blue and begin to believe we are suckers for putting accent on public interest. Necessity and convenience in their true sense, according to our

interpretation, by encouraging broadcasting by civic, educational and charity organizations, and by treating the little fellow equally as well as the great. We believe the American public has a right to be heard as well as to listen and that the best public service is the best business.

Then along comes something to encourage us, like your piece in VARIETY.

May you continue to be a thorn in the side of all phonies.

(Signed) Edney Ridge.

Regina, Sask.—New announcer at CKCK, Regina, is George Davies.

CBS Color Affects Television Rules, Still Purposefully Not Defined

Washington, Nov. 12.

Set of engineering standards for television, probably identical with the proposals rejected last spring for fear of freezing the art and removing incentive to research, will be laid before the Federal Communications Commission at huddle set for Jan. 20, but the regulators are not disposed to place formal approval on any particular technique even yet.

Informal parley with the industry experts has been called by the Commish at the instigation of the National Television Systems Committee now that the Radio Manufacturers Association is pressing once more for standardization of visual broadcasting. As far as the FCC is concerned, the objective is to hear latest reports from the technicians and look into such questions as the prospects of building receivers capable of picking up more than one breed of signal and the outlook for color transmission.

In some circles it is felt that the added clarity and sharpness resulting from color pictures (developed by Peter Goldmark of CBS) may simplify some of the allocation problems. By making it unnecessary to

increase the number of lines in order to get satisfactory definition.

Chances of standardization at this point remain remote. Regulators persist in the view that there are too many potentialities which have not been completely explored to warrant fixing any definite yardstick.

Some relaxation of the ban against commercial operation is figured possible, however. The Commish faction which hopped all over Radio Corporation of America last spring is reported to be disappointed over the slow progress since the rules suddenly were revised, so that some industry watchers feel there are grounds for hoping money-making under restrictions and close supervision may now be permitted.

If the Commish indicates displeasure because visual service has not progressed more, it is highly probable some of the manufacturers will fire back a new appeal for relaxation of the curb resulting from pique at RCA. This subject is not scheduled for discussion, however, and only technical angles are due to be taken up.

The Commish is particularly anxious to get the engineers' ideas about color pictures. At this point, it is recognized bugs have not been eliminated and considerable research and adjustment still must be accomplished. But the regulators want to find out the best guesses of the technicians for guidance in evolving the still-changing license policy.

Regina, Sask.—Maurice Reynolds, announcer, and Harold Law, cashier, both of CKCK, Regina, have left with the Royal Canadian Air Force for an eastern Canadian training center.

St. Louis.—Francis P. Douglas, city editor of the St. Louis Globe-Democrat for 16 years, now news commentator at KMOX, Douglas succeeds Harry W. Flannery, now in Berlin for CBS.

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

• Rockefeller Plaza, New York City
Suite 604 COLUMBUS 8-2142

Lively
Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN
MARKET
FOR
KDYL

Representative
JOHN BLAIR
& COMPANY

The POPULAR Station
Salt Lake City

NBC
RED
NETWORK



... WCAU went before the voters too ... before the electorate of listeners in a Philadelphia station popularity poll. WCAU was elected! As usual since 1928, WCAU was the People's Choice. Plurality: 32.7% more regular listeners than any other Philadelphia station.

WCAU

PHILADELPHIA'S ONLY
50,000-WATT CLEAR
CHANNEL STATION

Reuben Donnelley made the survey, covering a radius of 30 miles. For complete details get a copy of WCAU's booklet, "The People's Choice."

Extensive Assortment of Accts., But San Francisco Totals Off 3.1%

San Francisco, Nov. 12. Frisco radio circles evidenced this week by announcement that NBC's new four-story KGO-KPO headquarters have been given the go-ahead, with ground-breaking Thursday (14), as detailed elsewhere in this issue. Otherwise, things back on even keel now that election is history.

Novelty of the week is Al Nelson's effort to sell some late time on the Blue with the tri-weekly showcasing of a stripper at 10 p.m. Tabbed "The Five Edwards," it features an authentic theatrical family—John and Edna Edwards and their offspring, Jack, 20; Sam, 18, and Florida, 17—playing themselves from scripts by Sam Dickson. Cameron Prud'homme producing.

Amazing bit of NBC production is buildup being given Walter Herbert's Sinfonietta series which ride the Blue out of Frisco starting Monday (18). Solely because she is interested in the promotion of good music here, and because she likes Al Nelson, Mrs. M. C. Sloss, wife of a local judge and prominent in social affairs, has made herself a one-woman committee to notify schools and music groups and other people of importance to get behind the series. Curran Swint of War Memorial Opera house has contributed his music lovers for direct-mail contact of music lovers, advising them of times and stations.

KFRC: U. S. Playing Card Co. through J. Walter Thompson, 78 one-minute spots; Charles Brown & Sons (department store), through LaBess-Eisen, 10 participations; "Morning Hostess," Denalan Co. (dental plate cleanser), through Rufus Rhoades, four spots; Langendort-United Bakeries, through Leon Livingston, 12 spots; Hale Bros. (department store), through Theodore Segall, eight spots; Gardner Nursery, through Northwest Radio, six five-minute spots; Wood Briquettes, Inc., through Emil Reinhardt, Oakland, 157 spots.

KSFQ: America First Committee, through BBD&O, five quarter-hours; American Popcorn, through Buchanan-Thomas, Omaha, four spots; Beech-Nut Packing, through Newell-Elliott, N. Y., six spots weekly, 13 weeks; Blue Ribbon Books, through Northwest Radio, Seattle, six spots; Compagni Parisienne, through Northwest Radio, six five-minute spots; Jack Davis Co. (clothing), direct, three spots weekly, six weeks; Farnsworth Television & Radio Corp., through N. W. Ayer & Son, N. Y., 16 chainbreaks covering six weeks; Flamingo Sales Co. (for mail polish), through Milton Weinberg, Los Angeles, two spots weekly, 52 weeks; Gas Appliance Society, through Jean Scott Frickleton, 21 spots and one week's participation in "Housewives Protective League"; Pillsbury Flour Mills (for Globe A.), through Dan B. Miner, N. Y., five quarter-hours weekly, 13 weeks; Editor's Daughter; Grove's Bromo Quinine, through J. Walter Thompson, N. Y., three 10-minute newscasts weekly, 26 weeks; Langendort-United Bakeries, through Leon Livingston, seven spots weekly, six weeks; Ludden's, Inc. (for cough drops), through J. M. Mather, N. Y., three night-time chainbreaks weekly, 13 weeks; Manhattan Soap (for Sweetheart soap), through Franklin Bruk, three quarter-hour newscasts per week, eight weeks, and six quarter-hour newscasts per week, 13 weeks; Mission Packing, through Dana Jones, L. A., 14 one-minute spots; Mustard Co., through Erwin Wasey, five spots weekly, 26 weeks; Packard Motor Car Co., through Young & Rubicam, 20 one-minute spots; Pillsbury Flour, through Hutchinson Adv., Minneapolis, six participations weekly; "Housewives Protective League," 15 weeks; Pico Co., through Lake-Spiro-Shuman, Memphis, five spots weekly, 26 weeks; W. A. Sheaffer Pen Co., through Russell M. Seeds, Chicago, six spots weekly, 52 weeks; Vick's Cough Drops, through Morse International, N. Y., three spots weekly, 16 weeks.

Nov. 9 Compared to Nov. 2

Network	Local	National	Total
Units	Units	Spot Units	Units
11,990	4,094	2,558	18,612
12,510	4,201	2,494	19,205
-4.4%	-2.5%	+2.6%	-3.1%

(Included: KPNC, KFTO, KJBS, KPO, KFTO)

New York—Sylvia Ansen, formerly with the Women's Exchange Revue, New York, has joined the sales staff of WARD, Brooklyn.

SAN LUIS REY MODERN WITH RADIO ON JOB

Seattle, Nov. 12. KIRO scooped local radio on the coverage of the collapse of the \$6,400,000 narrows suspension bridge over Puget Sound, third largest of its kind in the world, last week. The program was fed to a cross-country CBS hookup.

With Maurice Rictor, KIRO's chief announcer, on shore, and Carrol Foster plane overhead broadcasting by shortwave, the station described the event as the bridge continued to break up and fall in the water. Senator Homer Bone was also brought in for some comment.

NBC BOARD OK'S SAN FRANCISCO EDIFICE

San Francisco, Nov. 12. Ground-breaking for new \$1,150,000 four-story NBC radio headquarters at Taylor and O'Farrell takes place Thursday (14). New edifice will give Frisco a modern, 100% radio plant. Go-ahead on the project was flashed to Al Nelson, KGO-KPO chieftain last week from New York by Niles Trammell, web prexy. Long-awaited approval by the Board of Directors brings to reality a dream for which Nelson has battled ever since his arrival here in October a year ago. Total of 38 sites were inspected and rejected by Nelson before present spot was picked.

With exception of a public garage occupying the basement, which will have a street-level on one side entrance due to hilly terrain, the structure will be occupied exclusively by NBC. Albert F. Roller is architect, with Barrett & Hill general contractors handling the job which is expected to consume 10 months. Web will move in next September.

Service station and tire repair shop currently occupying site are already on the move and Thursday's ground-breaking will be a posh affair. Entire Frisco NBC staff of more than 250 will be on hand with picks, shovels and construction equipment. California's Governor Olson, Frisco's Mayor Angelo Rossi and a host of other dignitaries will also attend as well as newsmen and press reps. Affair, of course, will be fully covered by NBC and kicks off at high noon.

Promotion spotlight is that all persons attending ceremonies will be made charter members of Frisco's first Sidewalk Superintendents' club. Special membership cards with coat-of-arms bearing picks and shovels will be handed out, a convenient observation gallery will be provided and the club will remain active throughout the entire 10-month construction period.

New building will be modified-streamline in motif, conditioned throughout and making liberal use of glass brick and tile. Site to be occupied is 137 by 137.

Executive and administrative offices will be on the fourth floor, with most of the 10 studios spotted on the second shelf. Third tier will be devoted principally to programming and related services.

Announcement that final approval had come through put entire headquarters at 111 Sutter in festive mood. Shift will terminate 13 years in present quarters, long since outgrown.

Bercovici on WSAY

Rochester, N. Y., Nov. 12. B. S. Bercovici, news commentator, returned to the air yesterday (11) over WSAY, Rochester. Sponsor for 26-week period is National Clothing Co., Rochester, marking first time this men's store, long goal of local radio stations, has taken to the air.

Deal was closed directly by Winston S. Thornburg and Mort Nussbaum of WSAY. Bercovici will talk at noon and 8:30 p.m. daily, five days a week. Ross Weller of WSAY staff will handle the commercials.

Stores, Politics Up Baltimore Grosses; WBAL Plugs 50 Kw

Baltimore, Nov. 12. Politics again dominated the local picture here last week, with both network and local units moving in healthy manner. Jerking around of schedules took its toll of national spot activity, but considerable improvement anticipated by all stations following the election.

The Hub Department Store continued its radio usage by tying up 18 announcements over WBAL on top of its consistent schedule heretofore. Local department store figures are reported leading the nation in the current week. New towers and transmitter site under construction. Followed up with mailed reproductions and a special issue of studio house organ, "Business in Baltimore," which featured a boost from the mayor and a detailed story from Westinghouse, entrusted with the building job.

WCAG: Paquin's Hand Cream, through Wm. Esty, 190 announcements starting Nov. 11; Beaumont Laboratories, through H. W. Kastor, 100 announcements.

WBAL: Jay Allen (furs), 201 announcements; Raymond Hughes (diamonds), through Maurice Azeal, 208 announcements; Mano Swartz (furs), 312 15-minute programs via Harry J. Patz; Hub Dept. Store, 18 spots through Louis Schechter; Jaran Motors, through Cahn, Miller & Nyberg, 874 announcements; Koester's Bread, via Carroll Jones, 32 announcements and 15 15-minute shows; Baltimore News-Post, four announcements; John Morrell & Co. (Red Heart Dog Food), through Henri, Hurst & McDonald, 13 100-word spots; Sherwood Bros. (gas and oil), via Van Sant, Dugdale, 301 spots at 156 15-minute news periods to be used up three times a week; Christian Science Committee on Publication, three 15-minute programs; National Brewery, through D. Stuart Webb, renewed 364 quarter-hour spots reviews; Charles Gulden, Inc. (mustard), through Charles W. Hoyt, 26 15-minute shows to be used twice a week; Rosenthal's Department Store, through Sunday quarter-hour shows, through Samson Feldman; Mishavake Rubber & Woolen Mfg. Co., through Campbell-Ewald, 18 100-word spots.

WFBR: Renewed Fels-Naptha, through new agency, S. E. Roberts, five 15-minute participations a week on locally produced "Community News and Views," a nabe news round-up; American Chic Co., through Badger, Browning & Hersey, three five-minute newscasts a week; Carter Medicines, through Street & Finney, five five-minute shows a week; BC Remedies renewed two announcements daily and participation on Ralph Powers' daily early a.m. program, through Harvey Massensalg.

Nov. 9 Compared to Nov. 2

Network	Local	National	Total
Units	Units	Spot Units	Units
9,590	5,661	1,885	17,136
9,670	5,363	1,878	16,911
-0.8%	+5.6%	+0.4%	+1.3%

(Included: WFAL, WCAG, WGBR, WFBR)

LOCAL UNITS SPURT 10.8% IN KANSAS CITY

Kansas City, Nov. 12.

General consensus finds station managers relieved that the political stress ended with the election. Program managers are again sleeping nights with last-minute changes and fills reduced to a minimum, as under normal conditions.

Biz is holding its own nicely, despite the topeavy influx of political time. Local biz spurring more than enough to overcome dropoff of political accounts, and only department affected unfavorably is national spot, which looks to recover fully in a week or two.

Nov. 9 Compared to Nov. 2

Network	Local	National	Total
Units	Units	Spot Units	Units
6,502	6,018	6,165	18,685
6,337	5,430	6,357	18,124
+2.6%	+10.8%	-3%	+3.1%
(Included: KCKN, KCMO, KITE, KMUR)			

(Included: KCKN, KCMO, KITE, KMBC, WDAF, WHD)

Wine Sponsors Increasing in N. Y.; Monarch Buys Stanza on WMCA

DES MOINES FAIR

Local Units Gain 18.6%—Others Off as Politics Go

Des Moines, Nov. 12. Local biz made a slick gain of 18.6% here, helping gloss over the losses felt in other categories due to the departure of politics.

Nov. 9 Compared to Nov. 2

5 SAN ANTONIO STATIONS FOR

(Included: KRNT, KSO, WHO)

5 SAN ANTONIO STATIONS FOR DEPT. STORE

San Antonio, Nov. 12.

With the coming of Thanksgiving and an early Christmas drive by local shopkeepers, totals will rise to new high during the coming weeks. Celebrating their 67th anniversary Joske Bros., one of the city's largest department stores, placed heavy spot biz on all local stations calling attention to their sale.

Hugh A. L. Half, president and general manager of WOAI, is currently in Chicago in a biz trip. KOAO: Model Shoe Repair Co., three announcements per day for one year; Bobby's Flower Shop, two announcements per day; Alamo Radio Co., four announcements per day; Joske Bros., spot announcements both on the sale and for RCA Personal Radio, three one-minute announcements per day.

WOAI: Renewal from the Borden Co., through Thomas F. Conroy, Inc., four announcements per week on the 9:15 a.m. newscasts; Paquin's Hand Cream (Thomas Leeming & Co.), through Wm. Esty, five 100-word announcements per week; Farm and Home Savings & Loan Association, through John E. Zeller Co., four announcements per week, 26 times; Carter Products (Arrid), through Small & Seiffer, Inc., three announcements per week; Carter Products (Carter's Little Liver Pills), through Street & Finney, five announcements per week; renewal from First Federal Savings & Loan Association, through Coulter-Mueler-Grinstead, quarter-hour Sunday newscast; renewal, through United Advertising Co., 1,000 announcements for Joske Bros. store.

KABC: Election returns, San Antonio Public Service Co., Leprosy, through Wm. Esty, 70 announcements; Dibble Toy Store, 30 announcements; Wolff-Max Department Store, three five-minute and one quarter-hour program; S. H. Kress Co., 10 announcements on opening of new store; Dr. A. W. Montgomery, 260 five-minute programs; San Antonio Music Co., 16 quarter-hour programs to be aired twice weekly; Parke Laboratories (Absorbo Nose Drops), two 50-word announcements per day; Leslie's Chicken Shack, one announcement per day for one month; Martin Neal Motor Co., 100-word announcement daily; Bat Corrigan, two thank you election victory announcements; Alamo Jewelry Co., 100 announcements starting the Xmas campaign; Interstate Theatres, Inc., quarter-hour program announcing the opening here of the new Northwest Missouri Police Board Show Store; renewal of 100 announcements per month; National Farm Youth Contest, 10 100-word announcements in three days.

Nov. 9 Compared to Nov. 2

ment Store, three five-minute and one quarter-hour program; S. H. Kress Co., 10 announcements on opening of new store; Dr. A. W. Montgomery, 260 five-minute programs; San Antonio Music Co. 1

(Included: KABC, KMAC, KOAO, KTRA, WOAI)

Nov. 9 Compared to Nov. 2

announcements per day; Leslie
Chicken Shack, one announcement
per day for one month; Martin Neas
Motor Co., 100-word announcements
daily; Bat Corrigan, two thank you
election victory announcements
Alamo Jewelry Co., 100 announce-

(Included: KABC, KMAC, KOAO, KTRA, WOAI)

Nov. 9 Compared to Nov. 2

ing here of the film 'Northwest Mounted Police'; Boston Shoe Store renewal of 100 announcements per month; National Farm Youth Contest, 10 100-word announcements in three days.

(Included: KABC, KMAC, KOAO, KTRA, WOAI)

Nov. 9 Compared to Nov. 2

Units	Units	Spot Units	Units
6,958	8,847	1,245	17,050
7,192	8,659	1,401	17,252
-3.3%	+2.2%	-11.1%	-1.2%
(Included: KABC, KNAC, KONO, KTSN, WOAI)			

(Included: KABC, KMAC, KOAO, KTRA, WOAI)

Hartford—Eunice Greenwood has been made director of women's programs at WTHF. A graduate of the Guy Hedlund Players at WTIC, she has also done dramatic work at WDRG. Other addition at WTHF is Thomas Siglin to the engineering staff. Siglin, formerly of WBAB, Atlantic City, replaces Tom York who has shifted to WBRY, Waterbury.

Makers of light wines, who have of late been buying more and more time on Gotham stations (especially on late evening hours), again come to the fore this week. This time it's the Monarch Wine Co., which has bought a two-hour platterized request program on WMCA. Stanza airs on Saturday nights, 8 to 10 p.m., and as part of the cost of the show the sponsor has had to hire two telephone switchboard operators to handle the traffic.

Monarch Wine Co. sponsors the program. Each two-hour session is split up by sports and news flashes, the interludes being labeled "sit-outs." Fact that the stanza is aimed at house parties is responsible for the rest periods.

WHN: Plough, Inc., through Lake-Spiro-Shuman, Inc., 52-week contract, 12 broadcasts weekly; United Press News; Gottfried Baking Co. (Hanscom Baking Company's cakes, bread and rolls), through Ideas, Inc., three-quarter hours weekly of United Press News; Gottfried Baking Co. (Golden Crust Bread), "Junior G Men," 15 minutes, three nights weekly.

WMCA: American Tobacco Co. (Lucky Strike), through Lord & Thomas, transcribed repeat of "Information Please," 13-week contract; Busch's Credit Jewelry Company, 60 announcements weekly, 52-week contract; Monarch Wine Co., through Arthur Rosenberg Co., Inc., "Just Dance," two half-hour programs, 52-week contract; Hudson-Candian Fur Company, through M. R. Parry Agency, seven 10-minute programs weekly, 52-week contract; Egofoam Products Co. (shampoo), through Bob Wheaton Radio Features, participation in Ida Bailey's Homemakers, 13-week contract; Hotel St. George, Brooklyn, renewal, participation in "Rise and Shine," 10x Theatre, through Kayton-Spiro, 13 announcements.

WNEW: National Committee for Independent Voters, through The Biow Company, 10 announcements (Roosevelt); Citizens Committee of One Thousand, for Willie, direct one 15-minute program; Colored Workers Committee for Willie, through J. Walter Thompson Co., one 15-minute program; Democratic National Committee, direct, one half-hour program; Associated Willie Clubs, through Young & Rubicam, eight announcements; e.com well campaign, through Halpern Advertising Agency, six announcements; Committee of Democratic Businessmen for Willie, through Grady & Wagner, half-hour program and four announcements; Citizens Information Committee of New Jersey, through Charles Dallas Reach, five announcements; New York Republican State Committee, through J. Walter Thompson Co., four announcements; National Committee of Independent Voters, through The Biow Company, 12 announcements (Roosevelt).

Nov. 9 Compared to Nov. 2

Network	Local	National	Total
Units	Units	Spot Units	Units
195	10,900	8,342	19,437
195	11,210	8,978	20,383
	-2.8%	-7.1%	-4.6%

*No change. (Included: WHN, WMCA, WNEW, WQXR)

ELABORATE FRISCO SCIENCE PROGRAM

San Francisco, Nov. 12.

Arnold Marquis of KGO-KPO production staff has been assigned to handle the Frisco end of "Unlimited Horizons," most elaborate science show ever to get a transcontinental ride out of the west. Prestige series debuted on NBC Friday (8) from Los Angeles with Dr. Robert A. Millikan delving into astronomy. Initial contribution from this end goes eastward on the Blue (15) on the topic of "The Klystron and Radio Beams." Fans will learn how the new instrument, developed at Stanford U. generates the shortest radio waves yet known and why.

Series is steering clear of the academic touch, using an 18-piece orchestra under Ricardo and a dramatic cast of 16 to sugar-coat the culture. University of California also figures in the feature, which comes under the heading of public service programming.

Marquis already has U. of C. affiliation, conducting an extension class in radio writing on his nights off.

CHI CHIZ BIZ IRKS REPS

L.A. Radio Political Gross Up 140% Over 1936; Papers—50%

Los Angeles, Nov. 12. It was only natural that the unit count would have a minus flavor, what with politics out of the way and normalcy setting in. KNX analyzed election spending against what poured forth in 1936 and found that this presidential year showed a gain of 140%, while newspaper revenue declined 50%.

Hopeful signs over the coming holiday season are already taking shape. Department stores are pre-empting station breaks and participating in the more popular co-op programs. Nearly all sites are anticipating new highs for the remaining weeks of this year.

KHJ: Broadway Department Store, 312 quarter-hour newscasts, through Lee Ringer; Greyhound Bus Lines, 52 quarter-hour programs, through Beaumont & Hohman; County Council of American Legion, 12 spots, through Allied Adv.; Bullock's Department Store, 26 announcements, through Dana Jones; Lyon storage, 30 spots, through BBD&O; Safeway Stores, 32 announcements, through J. Walter Thompson; Thrift Drug, 90 announcements, through Milton Weinberg; Safeway Stores, 10 participations in "Happy Homes," through J. Walter Thompson; Forest Lawn Memorial Park, 26 participations in Eds. Albright's program, through Dan B. Miner.

KFI: Rancho Soups, 65 participations in Art Baker's "Notebook," through Lord & Thomas; North American Accident Insurance, 39 five-minute programs, through Franklin Bruck; Sweetheart Soap, 22 quarter-hour programs, through Franklin Bruck; Beaumont Laboratories, 100 one-minute transcriptions, through H. W. Kastor; Vick's Cough Drops, 48 one-minute transcriptions, through Morse International.

KECA: Aggeler & Musser Seed Co., 26 quarter-hour broadcasts of "Garden Club of the Air," through Julien Besel; Chelsea Cigarettes, 13 participations in "Bridge Club," through Warwick & Legler; Vitamin Products, 13 quarter-hour broadcasts of "The Family Doctor," through Philip Meany; Kerwin Food Products, nine quarter-hour broadcasts of "Uncle Dan's Quiz," Downtown Business Men's Ass'n, 28 quarter-hour broadcasts of "Cinnamon Bear," BC Headache Powders, 156 quarter-hour broadcasts of Al Poska's "Musical Clock," through Harvey-Massengale; Broadway Department Store, 261 quarter-hour broadcasts of Robert Lee Johnson's Bridge Club, through Lee Ringer.

KNX: Cluett, Peabody, 78 10-minute broadcasts of "Nancy Dixon," through Young & Rubicam; State Ass'n of Architects, 13 broadcasts of "What, No Architects?" through Smith & Bull; Broadway Department Store, 52 100-word announcements, through Lee Ringer; Norbert Turkeys, 12 participations in Fletcher Wiley combination, through McCarthy Co.

KFWB: Louis Weiss Co., 260 participations in Tons Stoddard Bridge Club, through W. Austin Campbell; L. A. Examiner, five quarter-hour newscasts weekly, indeq; Pan Pacific Ice Arena, 20 spots, through Allied; West Pic Furniture, 19 spots, through Allied; American Legion, 20 spots, through Allied.

Nov. 9 Compared to Nov. 2				
Network	Local	National	Total	Units
Units	Units	Spot Units	Units	Units
11,844	11,581	2,295	25,720	
13,172	11,922	2,213	27,307	
-10.1%	-2.9%	+3.7%	-5.8%	

Winchester Wants Aired
Lynchburg, Nov. 12. Winchester may be the next Virginia burg to rate a transmitter. Broadcast privileges are being sought by Richard F. Lewis, Jr., owner of the station at Fredericksburg. Has deposited \$10,000 as an earnest, and is readying application to the FCC. Site for tower is to be bought on northeast edge of city. Winchester's pop about 10,000.

SEATTLE SLOW

All Units Under Par—KJR Lands 'Voice of Experience'

Seattle, Nov. 12. 'Voice of Experience,' M. Sayle Taylor, is slated to be aired via KJR beginning Monday (18). The quarter-hour stanza will thereafter be heard Monday, Wednesday and Friday at 8:30 a.m. Albers Bros. Milling underwrites the series for cereals; Erwin-Wasey is the agency.

Nov. 9 Compared to Nov. 2				
Network	Local	National	Total	Units
Units	Units	Spot Units	Units	Units
5,585	10,830	760	17,175	
5,775	10,947	777	17,499	
-3.3%	-1.1%	-2.2%	-1.9%	

(Included: KIRO, KOL, KRSC)

ONLY 7 WEEKS TO XMAS IN DETROIT

Detroit, Nov. 12. While network and local time fell off this week. The slight degree of the dip is indicative of the general healthy condition of business in all Detroit's six stations.

Although Christmas still more than seven weeks off, the store advertising is starting to shape up rapidly. Stores usually herald the season in Detroit with a Santa Claus parade on Thanksgiving, but some of the time buying indicates that the radio advertising for Christmas will be launched over the airways several weeks before the newspaper campaigns are started.

Nov. 9 Compared to Nov. 2				
Network	Local	National	Total	Units
Units	Units	Spot Units	Units	Units
8,404	12,691	5,469	26,564	
8,815	12,614	5,342	26,771	
-4.7%	-1%	-2.4%	-1.5%	

(Included: CKLW, WJBK, WJR, WMB, WJW, WXYZ)

DENVER UNITS SO-SO; GEN. MILLS BUYS KLZ

Denver, Nov. 12. Sales for the week show a shorter list than usual. However, KLZ sold a nice contract for 150 quarter-hours and KFEL copped a contract for 13 half-hours.

KLZ: Republican State Central Committee, through Ball & Davidson, 13 announcements; Independent Republican Supporters, two half-hours; Reid Murdoch & Co., through Rogers & Smith, 312 announcements, to run one year; Lauer's Jewelry Co., two announcements; Campana Sales Co., through Aubrey, Moore & Wallace; General Mills, through Westco agency, 150 quarter-hours, five a week; Clayton Coal Co., through Lane-Freiberg, 78 announcements; Bender's Bakery, 13 announcements; John Zink Co. and Copper Products Co., through Watts, Payne agency, 26 announcements.

KFEL: Dr. Harvey Hardman, Mental Science Institute, 13 half-hours, one a week; Broadway Department Store and Paramount Boot Shop, through Ted Levy, 31 announcements; Junior Chamber of Commerce, for personal appearance of Fulton Lewis, Jr., 13 announcements; Willard Tablet Co., through First United Broadcasters, three five-minute a week for one month, and six five-minutes for two months.

Nov. 9 Compared to Nov. 2				
Network	Local	National	Total	Units
Units	Units	Spot Units	Units	Units
8,450	4,647	1,534	14,631	
8,905	5,099	1,599	15,603	
-5.1%	-8.9%	-4.1%	-6.2%	

(Included: KFEL, KLZ, KOA, KVOD)

MIDWEST AGCTS. DEAL DIRECTLY

National Station Sales Representation Principle Ignored by Various Chicago Advertisers Who Find Local Stations Willing to Cut Rates—Reps Protest Bad Effect on 'Legitimate' Buyers

LOOK FOR EDGE

Group of Chicago accounts specializing in mail-pulling programs have become such a serious thorn in the sides of station reps that the latter are considering co-operative counteraction. If the murmuring heard among the station reps materializes into some sort of action it will be the first time that station reps have got together on anything. Previous attempts within their ranks to arouse group interest in a trade problem have always failed because one distrusted the other's motive or because a leading rep firm refused to participate.

These Chicago mailing-pulling accounts have made it a practice of not dealing with any one, but the station direct, and the reason for this policy, according to the reps, is that in that way little difficulty is encountered in working out special deals. Often after such deals have been set the reps put up a stiff argument against their acceptance, holding that if the details get out it's going to be tough for the rep to get card rates for that same station. The reps state they have often advised the stations involved that they (the reps) would rather pass up their commissions than have the stations run this business.

Buyers WWL's Miss Jevans
New Orleans, Nov. 12. Gas Appliance Co. of this city has been signed to a 13-week contract by WWL calling for the services of Suzanne Jevans, WWL's conductor of the WWL Woman's Forum.

Chi Waking Up From Political Nightmare; WMAQ-WENR Strong

Cold Tablets Sponsors Clements Duo on WGY

Schenectady, Nov. 12. Otis and Eleanor Clements, instrumentalists-singers, are doing a 'Mid-Day Serenade' over WGY Schenectady, Monday through Friday for Beaumont Laboratories' Cold Tablets. H. W. Kastor & Son, Chicago, placed account, running to March 14, 1941.

Clements were with Doc Schneider's Texans when latter aired over WGY, and more recently had been miking on WTRX, Troy.

DEPT. STORE DIVERSIFIES ITS RADIO

Louisville, Nov. 12.

WGRC, Louisville-New Albany, has the J. Bacon & Sons department store using two quarter-hours a day for a diversified outlay of entertainment, news, information, etc. First period is scheduled for 9 a.m. or just as the store opens its doors, while the other program comes from the store direct. Store had previously confined its radio activity to spot announcements.

Morning stanza consists of music news bulletins, announcements of civic events and plugs about the day's best buys. In the afternoon the m.c. is again Jean Merville (Charlotte Falkner), who includes interviews with customers, salesclerks and buyers. Each woman customer interviewed gets a free pair of silk stockings.

Store cooperates with window-cards and merchandising aids and prior to the store going on the air it brought buyers and sales force together to listen to auditions of the proposed daily setup.

Pittsburgh—Rosaling Kharfan, formerly with WIP, Philadelphia, has been added to the continuity department at WWSW here.

Active National Spot Accounts (According to Reports from VARIETY'S Radio Market Cities)

Account	Agency	Time Purchases
American Chicle Co.	Badger, Browning & Hersey	5-Min. News
American Cranberry Exchange	BBD&O	Spots
American Popcorn Co.	Buchanan-Thomas	Announcements
Beaumont Laboratories	H. W. Kastor	Announcements
Briggs Co. (H-B Cough Drops)	Horton-Noyes	Announcements
Danalan Co. (Dental Plate Cleanser)	Rufus Rhoades	Spots
Folger Coffee	Raymond R. Morgan	4 Hours
Gospel Broadcasting Ass'n	R. H. Alber	Full Hours
Lever Bros. (Rinsos)	Ruthrauff & Ryan	Announcements
Lutheran Laymen's League	Kelly, Stuhlman & Zahndt	1/2 Hours
Maryland Pharmaceutical Co.	Jos. Katz	Announcements
Packard Motors	Young & Rubicam	Announcements
Pacquin's Hand Cream	Wm. Esty	Announcements
Planters Nut & Chocolate Co.	Raymond R. Morgan	Participations
Plough, Inc.	Lake-Spiro-Shurman	Announcements
Potter Drug (Cuticura)	Altherton & Currier	Announcements
Purex Corp. (Bleacher)	Lord & Thomas	Participations
Sawyer Biscuit Co.	Neisser-Meyerhoff	Announcements
Sheaffer Pen Co.	Russel M. Seeds	Time Signals
Union Pacific Railroad	Caples Co.	Spots
United Drug	Spot Broadcasting	4 Hours
U. S. Playing Card Co.	J. Walter Thompson	Spots
Wood Briquets (Presto Logs)	Emil Reinhardt	Spots

DEPARTMENT STORES BUYING RADIO TIME LAST WEEK

Store	City	Time Purchases
Bon Marche Dept. Store	Salt Lake City	4 Hours
Hub Dept. Store	Baltimore	Spots
Kate's Dept. Store	San Francisco	4 Hours
Roe's Dept. Store	Salt Lake City	Announcements

Chicago, Nov. 12.

Business remains on healthy level in Chicago's radio field. The transmitters are back to normal after the hectic political shove-around. Many of the lesser stations got plenty of additional sugar through the political speech-making, particularly on the local and state elections, but the major stations gained little from the electroneering. What they got from the politicians, they lost on the commercial kick-offs. It may total to somewhat more coin on the politics, especially since the speech-makers even bought time not ordinarily purchased by audience-wide commercial advertisers. But the collections from political time-buyers are not as sure or as guaranteed as those from recognized agencies. Many time sales were to political committees which may or may not be in existence today, with elections over.

Two NBC stations here, WENR and WMAQ, assert that October hit a new monthly high in spot business, WENR showing 172% jump over the same month in 1939, and KMAQ was up 51%. But much of this increase must be put down to the political chatter. However, both stations are showing healthy increases regularly.

New business around includes three one-minute announcements weekly on WGN for Vick Chemical through Morse International; a series of time signal announcements on WBBM for the Carson, Pirie, Scott department store, through the McCjunkin agency.

Stretching the clock as a means of squeezing in more potential commercial time continues in this sector, with WMAQ, the NBC-owned red outlet here, moving its opening time up to 6:15 a.m. starting Nov. 18. For some time the station has been opening at 6:45 in the morning.

WMAQ is the second 50 kw. outlet in Chicago to move its opening time. WGN, the Chicago Tribune ether, recently boosted its schedule get-away 5:30 dawn to add a full hour of corn to the farmers for Consolidated Drug Products.

New half-hour for WMAQ will be a farm service period tagged 'Agricultural News and Views' handled by Everett Mitchell, who is regularly on the NBC Farm and Home Hour. First 15 minutes of the time will be devoted to crop and livestock reports and other info strictly for the planters and breeders. Second half will try a little disk music along with general time and weather data.

Nov. 9 Compared to Nov. 2				
Network	Local	National	Total	Units
Units	Units	Spot Units	Units	Units
9,800	4,922	11,111	26,333	
9,710	5,969	11,331	27,010	
+0.9%	+0.8%	-1.9%	-0.7%	

(Included: WBBM, WENR, WGN, WIND, WJLB, WLS, WMAQ)

ALTSCHULER REFEREE WJBK'S 11 TONGUES

Detroit, Nov. 12. WJBK which sells beer in Polish, soap in Greek, coffee in Yiddish and other assorted products in other assorted languages, has brought in Stanley Altschuler from Cleveland to act as chief referee and censor between the 11 language groups using the station. In a polygot town like Detroit the cables from Europe cause plenty of emotional disturbance which WJBK has to artfully sidestep so that it does not become entangled as an organization.

WJBK has a strict ban against the mention over the air of any controversial question of European doings. This extends even to a prohibition against publicity for any gathering in Detroit arranged by a foreign group. Station specializes, as did Altschuler on the old WJLV in Cleveland, in furthering Americanism among the immigrant groups. Programs are punctuated on WJBK with such patriotic endings as 'The American Creed' or 'Pledge to the Flag.'

LYMAN FIGURES FAN CLUBS MAY PUSH ASCAP-RADIO BIZ TOGETHER

**Kay Kyser Sees Fight None of Leaders' Business—
Fred Waring Mum But Optimistic—Inaction
Chafes Some Dancemen**

By ABEL GREEN

Through the medium of the band-leaders' fan clubs the public will be brought very vividly into the broadcasters vs. ASCAP battle, if Abe Lyman and others who think his way have their say. Lyman called a meeting yesterday afternoon (Tuesday) at the Hotel New Yorker, where he is regularly employed, for the purpose of effecting a showdown on the issues which, the maestros feel, is not only putting them in the middle, but bids fair to possibly put them out of business.

This is the second bandleaders' meeting, since a committee is already in existence under chairmanship of Fred Waring, as result of the three meetings called over a month ago by Russ Morgan, at which time it was decided to let the matter rest in the hands of a group of leaders including Waring, Eddie Duchin, Meyer Davis, Ben Cutler and Nat Shilkret. However, it was agreed that both bandleaders' committees form a coalition and, in merged form, work for the common weal.

A Bad Situation

Lyman's reason for his own meeting was predicated on the premise that if the admen should suddenly discover they can do without ASCAP and can successfully merchandise their wares solely by script shows, it just about means 'k-o' for some individual careers. Maybe it is wise for leaders to remain neutral throughout, Lyman concedes, or, contrariwise, to get the American Federation of Musicians into the fight, although ASCAP has expressed itself as preferring no AFM intervention and James C. Petrillo, union prez, has not been heard from. But, regardless of the right ways and means Lyman is restless under inaction.

The 'fan clubs' figure as a wedge to remind ASCAP and the broadcasters alike that 'both music and the air belong to the public,' and not to any vested interests.

As a maestro, Lyman's personal attitude is that the accumulation of quarter-of-a-century of music (as contained in ASCAP) cannot be replaced, either for the dead but immortal Herbert, Foster, Gershwin, et al., or the living Kern, Berlin, Friml, Romberg, et al. As a specific instance of immediate damage, Lyman points to the deal his hotel, the New Yorker, has with NBC on sustaining. Lyman closes there Dec. 19. Pretty soon all chain sustaining pickups will mandatorily have to drop ASCAP music in favor of PD's (public domain) or 'other non-ASCAP music' (meaning, in part, BMI tunes). However, his hotel has an ASCAP license and Lyman can perform anything he pleases so long as it's not radioed. However, for the next few weeks it may mean an investment of some \$3,000 in orchestration which, after Jan. 1, if there is no contract, could become worthless. Yesterday's (Tuesday) session also endorsed adman Frank Hummert's attitude in squawking to the FCC.

The feeling by the interpretative artists persists that 'while we're all getting the jitters, there'll be a deal made before the deadline.'

Say the Maestros

Eddie Duchin observes, 'Both radio and ASCAP need each other.' Phil Spittany thinks radio can't get along without ASCAP's music. Fred Waring observes that while the leaders' sympathies are more or less openly with ASCAP, it only because of their libraries, he of course must abide by a promise not to talk for publication, since that was a condition of his participation with the National Assn. of Broadcasters. Waring expects an answer from Neville Miller, NAB prez, momentarily, and feels that his committee is making real progress to bring both factions together.

Kay Kyser has the most to say about it. For one thing, he already auditioned a large type of show two Wednesdays ago which has been recorded for Ed Lasker (Lord & Thomas) and George Washington Hill (Lucky Strike) but he

has no report as yet on their reaction.

To begin with, NBC told Kyser that in the past three years he's been on the air, Kyser put 735 questions that didn't hinge on ASCAP music. In an analysis of his scripts shows that there are an average of 22-25 queries by the Musical Professor to the studios. Multiplied 52 weeks a year for three years, that's some 3,500 queries.

What Kyser emphasizes, therefore, is not a total indifference to the music-radio scrap, because there's no disputing his job would be made easier by free use of all music, but that essentially it's none of our business; by our I mean the band-leader. It's a battle between ASCAP and the broadcasters.

'Furthermore, if radio decides to get along without ASCAP I'll tell you what I've told the other leaders; whether they like it or not after Jan. 1 we will all be playing 'Jeanie With the Light Brown Hair' or 'Straw Hat' or a non-copyright arrangement of 'La Cucaracha' and the battle won't be so tough. Because we would all be competing on common footage; not as if one leader had ASCAP music and I had to get along only with BMI or PD tunes.'

'On this non-ASCAP audition program I had two schools of thought. One was to put everything into it and make one hot program, or secondly, just to strive for an average program, one that we would maintain a good pace with, each and every week. We took the latter, reprising some of the 735 questions that the NBC people mentioned to me. So if I'm asking about Annie, I'll skip 'Annie Doesn't Live Here Any More' and use either 'Annie Rooney' or 'Annie Laurie,' and achieve the same thing.'

Guy Lombardo, current at the Hotel Roosevelt, N. Y., is another maestro who can see both sides of the fence, although admitting, under direct query, that 'it will be awfully hard for a band like mine, or in fact any band, to get along without ASCAP music.' He added: 'I sure would love to see it settled. It's true that perhaps the broadcasters pay for a lot of music that they don't use, although it's always there under the ASCAP licensing for usage at will, and from the Society's viewpoint you can't blame it for wanting a big price for its very valuable collection of copyrights.'

'On the other hand my sponsor (Lady Esther) renewed us as of Dec. 15, so it's certainly not scaring away the advertisers, at least not ours.'

Some 30 maestros attended Lyman's powwow.

Oberstein Has 10 Days to Particularize Or Court Rules Out His Miller Suit

Ell E. Oberstein was ordered Friday (8) to either serve a bill of particulars within 10 days on Glenn Miller and the RCA Manufacturing Co., or be precluded from giving evidence at the trial of the action. Supreme court Justice Isador Wasservogel in N. Y. Friday (8) ordered the particulars.

Oberstein is suing Miller for \$150,000 and RCA for \$250,000, claiming breach of a recording contract whereby Miller on Feb. 27, 1939, signed a contract with Oberstein, agreeing to record 48 selections for him. 'Plaintiff claims that in April, 1939, RCA signed Miller to a contract calling for 36 records, and Miller subsequently refused to go through with his original agreement. RCA for its answer filed a counter claim against Oberstein asserting that its former employee, while still in its employ, signed its artists to personal contracts, and while on the road for it, charged Victor for many compositions by composers, all of whom were non-existent, and actually were Oberstein's stooges.'

CITY GIVES IN

St. Louis Symphony Wins Compromise on Opera House

St. Louis, Nov. 12.

The St. Louis symphony orchestra has started its 61st consecutive season after having won a victory from city fathers over the rent of the opera house in the municipal auditorium. Last spring the two-year contract for the use of the opera house for which the music backers paid \$15,000 and \$10,000, respectively, expired. The city demanded a new three-year contract at \$15,000 per annum. The excess of the symphony balked. After a lot of chatter the city receded from its original stand and asked for \$12,500 with two cello concerts during each year of the contract.

Again the symph execs, thumbed down the proposal. After several weeks of silence on both sides the Board of Estimate and Apportionment capitulated and inked a three-year contract at \$12,500 per annum—with no cello concerts.

COMBINE BASKETBALL WITH LOPEZ BAND

Vincent Lopez has been booked for the Sunday night series of basketball games at the Royal Windsor Palace, N. Y., starting Nov. 10.

Games are played by teams in the American Professional Basketball League.

Can't Pre-Pump Vogel

Harry Von Tiltz and Harry Von Tiltz Music Publishing Co. may not take the depositions of Jerry Vogel before trial until such time as the plaintiff has been examined. This ruling was handed down yesterday (Tuesday) by N. Y. Federal Judge Murray Hulbert, who found that taking of depositions before trial had crossed on the same day, but the defendant's plea was in a half hour before the plaintiff sought to take Vogel's depositions.

Action involves the rights to seven songs, 'Down on the Farm,' 'I Want a Girl Just Like the Girl Who Married Dear Old Dad,' 'All Alone,' 'Summertime,' 'I'll Lend You Everything I've Got Except My Wife,' 'When Harvest Days Are Over, Jessie Dear,' 'I Love, I Love, I Love My Wife, But Oh You Kid.'

Plaintiff claims it acquired the songs from 40 to 28 years ago, secured renewal rights, and the defendant is threatening publication. A counter-claim asserts the songs belong to Vogel and asks a court ruling.

AULD JOINS GOODMAN

Abandons Formation of Orchestra of His Own

Georgie Auld, tenor saxist who took over the Artie Shaw band when Shaw stepped out of the business last year, joined Benny Goodman's band last week. He replaced Sam Donahue, an outfit 'sponsored' by Goodman now at the Roseland Ballroom, Brooklyn.

Auld, a star player, was on the verge of securing backing for a new band of his own, but it fell through just before he joined Goodman. He also had been offered an opportunity to rejoin Artie Shaw. His salary in his present spot will vary with the record Goodman takes. 'Latter records and plays only three or four one-nighters a week at the most. Auld will become part of Goodman's sextette, upping it to seven men.'

Lud Gluskin directing the music for 'They Met in Argentina' at RKO.

15 Best Sheet Music Sellers

(Week ending Nov. 9, 1940)

*Only Forever ('Rhythm on the River').....	Santley
Ferryboat Serenade.....	Robbins
God Bless America.....	Berlin
Blueberry Hill.....	Chappell
Trade Winds.....	Harms
Maybe.....	Robbins
*Our Love Affair ('Strike Up the Band').....	Feist
Shout, I Am an American.....	M-M
We Three.....	M-M
He's My Uncle.....	BVC
*Down Argentina Way ('Down Argentine Way').....	Miller
*Two Dreams Met ('Down Argentine Way').....	Miller
Call of the Canyon.....	S-B
There I Go.....	BMI
Now I Lay Me Down to Dream.....	Remick

* Filmmusical.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ) and CBS (WABC) computed for the week from Monday through Sunday (Nov. 4-10). 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
Dream Valley (3).....	Feist	36
There I Go (15).....	BMI	35
Prize Marches Perfect (14).....	BMI	24
We Three (8).....	M-M	24
Ferryboat Serenade (10).....	Robbins	23
Same Old Story (15).....	BMI	23
So You're the One (3).....	BMI	20
Trade Winds (14).....	Harms	20
Maybe (15).....	Robbins	19
I Give You My Word (7).....	BMI	18
*Our Love Affair (9).....	Feist	17
A Million Dreams Ago (10).....	ABC	16
An Old Castle in Scotland (2).....	S-B	16
Now I Lay Me Down to Dream (9).....	Remick	15
Two Dreams Met (4).....	Miller	15
You've Got Me This Way (2).....	BVC	14
He's My Uncle (2).....	BVC	12
Rhumboogie (11).....	Leeds	12
I'd Know You Anywhere (1).....	BVC	10
Let's Be Buddies (1).....	Chappell	10
May I Never Love Again (2).....	BMI	10
Moon Over Burma (2).....	Paramount	10
Great Day Manana (1).....	Chappell	10
Falling Leaves (1).....	Jewel	9
Only Forever (11).....	Santley	9
Yesterthoughts (2).....	Witmark	9
An Old Castle in Scotland (2).....	Berlin	8
Along the Santa Fe Trail (1).....	Harms	8
Crosstown (10).....	S-B	8
Five O'Clock Whistle (1).....	Advance	8
I Hear a Rhapsody (2).....	BMI	8

Enesco Detained by Nazis

Detroit, Nov. 12.

Europe's tumult still reverberates in small places here. The Kalamazoo Symphony Society has been forced to alter plans for the feature of its concert season. Georges Enesco, famed Rumanian violinist, who was to appear as guest soloist and conductor, being detained by the Nazi invaders.

The society is lining up Jose Iturbi to take his place.

'HEAD BENEATH A ROSE' ACTION IS SETTLED

Suit of Villa Moret, Inc., and Robbins Music Corp., against Jerry Vogel Music Co., Inc., was settled and discontinued Thursday (7) in the N. Y. federal court. Action sought an injunction, accounting of profits and damages, claiming the defendant since 1928 had been infringing on the plaintiffs' song, 'Lay My Head Beneath a Rose,' by publication of it.

Song was written in April, 1908, by Grant Falkenstein and W. Madison who assigned it to Tullia Moret in 1926, which in 1938 granted Robbins the mechanical rights including phonograph records, transcriptions, television, etc., to 1944.

Music Notes

Mack Gordon and Harry Warren clefted 'Buenos Noches' for Alice Faye in 'The Road to Rio' at 20th-Fox.

Dave Butolph handling the musical score on 'Chad Hanna' at 20th-Fox.

Helms Roemheld is clefting background music for 'The Lady With Red Hair' at Warners.

Ralph Rainger and Leo Robin wrote four ditties for 'Tall, Dark and Handsome' at 20th-Fox. Songs are 'Oh, Ma, I Done It Again,' 'Wishful Thinking,' 'Alive and Kicking' and 'Did I Have Fun.'

Cash Profit Is CRA Guide, States Green

Charles Green, head of Consolidated Radio Artists, denies that CRA has any intention of stepping out of the band agency picture because it has during the past several months dispensed with the booking contracts it held on a number of bands. Claims that the reason such bands as Don Bestor, Les Brown, etc., were given or bought releases from CRA so easily is that his auditors had informed him that bands of that type was costing the agency money to book. It was difficult keeping 'em working steadily enough to repay the agency for the effort and expense of securing them jobs.

In the cases of Russ Morgan and Jan Savitt, whose contracts were sold them and they shifted to Music Corp. of America, Green claims that he made more money by selling the leaders their CRA agreements than if he had held them. Explains that he couldn't have made as much in commissions from each band, for the duration of their CRA contracts, as he did in selling them back to the respective leaders. He received \$15,000 for Morgan's agreement and \$25,000 for Savitt's.

Green says his outfit can make more money with bands like Blue Barron, Gray Gordon, Tony Pastor, Richard Himber, etc., bands that can be kept moving without too expensive selling jobs. Himber is currently at the Chatterbox, Mountain-side, N. Y., and Dec. 21 opens for four weeks at the Edgewater Beach hotel, Chicago.

Another indication that CRA is not folding, he points out, is that he has just renewed leases on both his New York headquarters and the offices of his Chicago branch. 'Latter lease includes additional space.'

Jack Owens, radio singer, clefted 'You Didn't Steal That Kiss,' to be published by Broadcast Music, Inc.

D.C. AWAITS ASCAP TREND

ASCAP Professes To See Light

Feeling of optimism in connection with the controversy between the American Society of Composers, Authors and Publishers swept through the music industry during the latter part of last week. Word had got around that things must be beginning to break ASCAP's way. What these things were seemed to be clothed in much mystery. Information also was passed around among ASCAP members that the networks were having a tough time to keep some ad agencies in line and that despite the various moves made by the webs to wean ASCAP music off their facilities preliminary to a complete break Dec. 31 there were definite signs that radio and ASCAP spokesmen will be sitting around a negotiating table by Nov. 23.

Same sources intimated that the networks had got themselves badly jammed up in Washington as a result of their financing of Broadcast Music, Inc., but that this monopoly angle would play no part whatever in any negotiations between the networks and ASCAP. The Society, it was further suggested, would not extend any support in this Washington move but proceeds to work out peace terms as though radio's publishing setup did not exist.

Meanwhile ASCAP is taking stock of all the groups and quarters that would come to its support in the event a showdown does take place Jan. 1. ASCAP claims to have received letters from consumers leagues, protesting themselves to aid American composers in every way possible to prevent the networks from keeping their music off the air.

NO WASHINGTON ACTION JUST NOW

Many Rumors of United States Government Taking Interest in Radio-Music Feud From Different Points of View—But Confirmation of Such Intentions Is Lacking

SCAN BMI

Washington, Nov. 12.

Several more weeks will be required before the Justice Department can decide whether to lay all its evidence in the music copyright row before a Federal grand jury, push the long-pigeonholed equity suit against the American Society of Composers, Authors and Publishers, or wash its hands of the whole affair.

Persistent rumors that the trust-busters are on the verge of seeking numerous indictments are not borne out by authoritative statements. Nobody will talk for quotation, but all Federal officials indicate the whole matter is still being investigated. Best guess is that nothing will be decided until after the present ASCAP licenses expire and the D. of J. has a chance to see what happens in the radio industry's campaign for less costly royalties.

Lack of manpower has prevented the antitrust division from reaching any conclusion. With numerous more important from the standpoint of the biggest number of taxpayers involved and the annual business volume of the industrial cases on the docket, the D. of J. lawyers have been compelled to push the radio-music squabble to one side in recent weeks. Only since the first of this month has it been possible for the aides of Assistant Attorney General Thurman Arnold to devote what they believe sufficient time to studying the data already obtained via subpoenas, questionnaires, complaints, and interviews.

It still is anybody's guess what will happen. There are, roughly, four courses open to the trust-busters. First, they can drop the entire matter on the ground that no injunction or conviction could be obtained. Or they can (1) go before a grand jury and ask indictments of any number of parties or (2) request reinstatement of the present bill of complaint against ASCAP. A fourth possibility, considered extremely remote, is the filing of an amendment to the pending bill or even a complete substitute, broadening the scope of the proceeding in either instance.

Radio people are convinced. (Continued on page 49)

Paine Meets Smaller Publishers To Explain the Radio Predicament

Engel Heads Broadcast Music on the Coast

Hollywood, Nov. 12. Harry Engel, former music publisher, this week takes over as Coast supervisor for Broadcast Music, Inc. His aides are Dick Hartman and Eddie Janis.

Engel has been with Fanechou & Marco since selling his publishing firm to Fred Waring, Paul Whitehead and Guy Lombardo three years ago.

Group of small publishers will meet with John G. Paine, general manager of the American Society of Composers, Authors and Publishers, this afternoon (Wednesday) to have him explain to them what has happened so far in the Society's controversy with the broadcasting industry. What spurred this meeting was the report which reached ASCAP headquarters that Max Mayer, owner of the Paul-Pioneer Music Co., has been agitating other small publisher members of the ASCAP into making a concerted demand on the Society for detailed information on the situation as it exists to date between that organization and radio.

Mayer had gone so far as to arrange for a luncheon-meeting on the subject with several small publishers at the Astor today (Wednesday). Paine heard about this proposed gathering and got in touch with Mayer. He assured Mayer that it was unnecessary for this group to get off in a huddle by itself as he (Paine) would be glad to meet with these publishers himself and give them all the information they sought. It was then arranged for the small pubs to meet with Paine for lunch in the Rainbow Room and then repair to ASCAP's board room for a detailed exploration of the radio situation.

Mayer explained that his call to the small publishers had not been prompted by anxiety but rather by the Society's failure to acquaint the small pubs with what was going on as it did the major publishers. While they didn't have as much ASCAP money involved as the latter, the small pubs, argued Mayer, were as deeply concerned as the big publishing firms and that ASCAP officials had erred in not taking the smaller pubs into their confidence.

ASCAP SEEKS FEE BOOSTS OUTDOORS

Chicago, Nov. 12.

Carnivals and other shows of this type have been notified by the American Society of Composers, Authors and Publishers that many of the carnivals will shortly be given revised license ratings.

ASCAP is calling them up for new ratings and will establish license rating on a basis deemed commensurate with the amount of profits that the carnivals make from the use of ASCAP tunes.

U.S. RECORD LISTS ASSETS AT \$178,815

The U. S. Record Corp. has filed a statement of affairs in N. Y. federal court showing its present assets to be worth \$178,815, of which \$100,000 are mothers, masters and stamper; \$50,000 inventories; and \$17,815 accounts receivable.

The record company, which filed a petition for reorganization on Sept. 5, states that from Oct. 11-Oct. 31, it received \$4,149 in cash, and disbursements for the period were \$3,947. The operating loss from July 1, 1940-Sept. 5, 1940, was \$40,396.

Bobby Byrne band returns to Meadowbrook, Cedar Grove, N. J., Christmas Day to stay until Tommy Dorsey opens there Jan. 21. Byrne concluded a three weeks' stay at the spot last night (Tuesday) and is followed tonight by Jimmy Dorsey whom he will replace Dec. 25. Byrne goes to the Roosevelt Hotel, New Orleans for four weeks opening Nov. 28.

Canadian Broadcasters Sympathetic to BMI; Own Society Wants Up

Montreal, Nov. 12.

Situation created for Canadian broadcasters with regard to ASCAP and BMI is being closely watched by the Canadian Association of Broadcasters, with indications that controversy between radio stations and CPRS-ASCAP may eventually have to be taken to arbitration courts again next year. Currently the Canadian Performing Rights Society collects a fee of eight cents for every set in use in Canada from broadcasters for the privilege of using ASCAP music. The CPRS wants the fee boosted to 12 or 14 cents per set from accounts.

Canadian broadcasters on the other hand feel that they would like to follow the lead set by the NAB and possibly tie up with BMI, though this may be done only to limited extent because of the Canadian Performing Rights Society setup here. Suggestions now being discussed in broadcasting circles is a compromise arrangement whereby three cents of every eight should be set aside for BMI while CPRS would get five cents.

Proposed increase to 12 to 14 cents as demanded by the CPRS, or any increase whatsoever for that matter, will be hotly contested by radio men in Canada who contend they are playing about 50% less music, due to preponderance of quiz and dramatic programs on the schedules, than formerly.

Voorhees Expands Agency

Chicago, Nov. 12.

Reginald Voorhees has made two additions to his club and general vaude booking staff, bringing in Bob Perry and Herb Mintz.

Both Perry and Mintz had previously been with local Consolidated Radio Artists office.

Victor Wins Right to Show 'Set Course' Of Columbia Competition to Court

RCA Manufacturing Corp. won over the Columbia Recording Corp., Columbia Phonograph Co., and Times Appliance Co., decisively last Thursday (7), when federal Judge Vincent L. Leibell in N. Y. upheld RCA's complaint, and denied the defendants' request to strike out portions of the actions. It had been claimed that certain paragraphs were immaterial and impertinent in character.

Action claims that Columbia, through the issuance of 'Red Label Records' starting in Sept., 1939, was infringing on RCA's trademark, and an injunction, accounting of profits and damages are being sought.

Columbia had sought to strike out three portions of the complaint which stated that it had hired away five or more key men of RCA's during the past year and placed them in executive positions at Columbia, had started out to divert the good will of RCA's to itself, and had induced artists who had previously been exclusively Victor artists, to sign with it.

RCA had claimed that these statements belonged in the complaint, as it showed the intent to work in on RCA's good will, and also showed a set course of action. In deciding the issue, Judge Leibell agreed with RCA, stating that 'the claims of unfair competition and trademark infringement are inseparable.' Columbia's application was denied in toto.

Suit is the outgrowth of the price cutting on classical records by Columbia, which was almost immediately followed by similar slashes by Victor. The red label or red seal was acquired by Victor in 1902 from its sister company, the Gramophone & Typewriter Co. of London, and the old Columbia - fringed by use of a red label on a celebrity series issued in April 1903 at which time Victor took the fight to the courts and in September of 1903 won the right to the label, with Columbia switching to a black and silver label. No further infringement occurred until Decca was accused by Victor of imitating its label last year.

Johnny Messner Breaks

Three Years at McAlpin

Three straight years of air time from the McAlpin hotel, New York, will be interrupted for four months beginning tonight (Wednesday) by Johnny Messner's band. Outfit hops out into a one-night and theatre tour to cash in on the popularity built up by the hundreds of broadcasts it has done from the spot. Jaham Jones band replaces, Messner goes into Loew's State theatre tomorrow (Thursday).

Messner has a contract with the McAlpin which allows him to step out for a tour whenever he feels like it.

Palladium's 30G Week

Hollywood, Nov. 12.

Palladium cashed heavily on two big nights in its opening week and ran up a gross of around \$30,000. Inaugural turnout accounted for better than \$10,000 and Election Night added another \$7,500.

Dancery, with 6,500 capacity, operates at around \$15,000 weekly. Of this amount Tommy Dorsey cuts in for \$3,750.

METRO GROUP TO SIGN WITH ASCAP

Jack Robbins states the Metro-Robbin group of music publishers will re-sign with ASCAP any day now.

Besides the firm bearing his name, Feist and Miller are part of the setup which, for a time, was used as a \$4,000,000 negotiation by Broadhurst Music, Inc., to become the nucleus of this song copyright pool.

ECHOES OF STRIKE

Union in Philly To Hold Election Under Its Influence

Philadelphia, Nov. 12.

The Earle theatre strike that was settled last month after nearly ten months of bickering is expected to be a main campaign issue at the elections of Local 77, American Federation of Musicians to be held Dec. 5. Leading the slate seeking to unseat the present administration is Charles McConnell, music contractor at the Earle. McConnell will oppose Frank P. Luzzi, incumbent running for re-election. Running for president are Ralph Kirch, on the Luzzi ticket, versus Romeo Cella, former president, on the McConnell slate.

Contenders for secretary are Rex Riccardi, incumbent supporter of Luzzi, against Louis Ingber, a McConnell man. Glen Coughlin is running independently.

Joseph Bosley, treasurer for the past 20 years, is unopposed for re-election.

The factions opposing the Luzzi regime claim that the terms on which the strike was settled didn't warrant the costly months of strike. On the other hand, Luzzi's backers point out that McConnell is an 'employer's man' because of his long-association with the Stanley-Warner company, which operates the Earle.

Jimmy Lunceford Sells to BMI

Denouement to His Quarrel With WOR Over Playing BMI Music

Jimmy Lunceford has straightened out the tangle he got into with WOR, Newark, recently over his refusal to play Broadcast Music tunes by selling his catalog of 54 numbers as contained in his New Era Music Publishing Co. to BMI. As the result of this deal Lunceford resumes his remote broadcasting.

Lunceford quit the air on the ground that he was unable to conform with Mutual-WOR's request that he include four BMI numbers in each of his programs. The bandman declared at the time that the BMI tunes were not suited to his style of playing. Now that BMI, Lunceford states, owns his catalog he can do the sort of music he requires.

Vancouver Musician Is a Prisoner of War

Vancouver, B. C., Nov. 12.

Harry Hills, former sax man with Calvelin, Winter's Capitulations, the Commodore and Hotel Georgia orchestras in Vancouver, is now a prisoner of war in Germany, according to word received here. He was captured when the S.S. Orama was sunk by enemy action in the Atlantic last summer.

He was a member of the orchestra aboard the liner.

Edward Ward doing the musical score for RKO's 'Mr. and Mrs. Smith.'

Band Reviews

LES BROWN ORCHESTRA (15) With Doris Day, Ronnie Chase Glen Island Casino, N. Y.

Clean looking and clean playing young band is this group that rates among the best of the rising outfits. Well rehearsed and full sounding setup interprets smart arrangements, sweet or warmer, with a maximum of lift and enthusiasm. Given the proper spotting and push, this bunch should get places. It has just been signed to record for Columbia's Okeh label.

Band's most notable quality lies in its distinctive arrangements, most of them written by Brown himself. They're stamped with excellent taste blending the four sax, four rhythm, three trumpet, three trombone setup perfectly in ensemble and in the right-out numbers always playing various sections against each other in such a way that there's practically never any objectionable blank. Yet it swings out with a wealth of drive.

Section by section there are no apparent faults. Rhythm's strong and dishes out a solid dancing beat. Saxs are full toned, a curved soprano instrument being responsible for the Glenn Millerish tone of the tastefully tailored sweet tunes. Blended and strong trumpets and trombones round it out. Soloists aren't missing. There are exceptionally capable men in each team, particularly a trombone man and the pianist.

Doris Day, good-looking possessor of a nifty voice and style, handles the femme vocal assignments. Ronnie Chase, from the trombones, others. He's okay. Brown himself has an easy way of handling himself up front, delivering intones or whatever is necessary in ingratiating style.

Personnel: Steve Madrick, Wolff Tayne, Tony Martell, Eddie Scherr, saxes; Bob Thorne, Ed Bailey, Winston Bogart, trumpets; Si Zentner, Ronnie Chase, Warren Brown, trombones; Wm. Rowland, piano; Ed Julian, drums; Johnnie Knepper, bass; Joe Petrone, guitar. Wood.

BOBBY GRIGGS ORCHESTRA (12) King's Ballroom, Lincoln, Neb.

Preferring to play it swingy or quit, rather than turn to the Rotary club omph, Bobby Griggs has become the exception rather than the rule in the plains country. His is a line of music geared to ballrooms and the bigger halls, with no thought of locations, so it fits in well, a change,

if booked right relation to the other orchestra.

Griggs is a good sax player, and although a cripple, he doesn't let it put him in the old rockin' chair. He jacks himself up on a pair of crutches and moves nimbly around the bandstand, calling off the numbers over the p.a., bending an ear for requests, and giving out with his feature sessions.

The personnel of the outfit includes Dale Anderson, Bob Reid, Dave Purdue, and Chuck Dullin, on brasses; Benny Bentfield, Kenny Kasebier, Bob Ziems, and Woody Oslund, on saxes; and Fuzzy Zarn, piano; Billy Pietsch, drums; and Buck Jones, bass, in rhythm.

Arranger is Freddie Brecklin, and the library is good. Art.

SLEEPY HALL GROUP (4) Ciro's, Homestead Hotel, Kew Gardens, N. Y.

It's a far cry from his recent 16-week run at the Hotel Biltmore, where he had 14 men, but Sleepy Hall likes his present job. For years, he's believed in the 'keep working' formula, with the result that he has played the best and the worst, with big combinations and small—but, the point is that he's played them.

In the matter of musical effects, this quartet is easily the equal of the average six or seven-piece outfit. The answer is in the men who comprise Hall's little group. Hank Kremen, who plays tenor sax and shares leads with Hall, recently was with Bobby Hackett's swing crew. He's a standout on virtuosity and feeling. Sol Breddan played second piano with Little Jack Little before joining this unit and bassist Bud Ladish was with Claude Thornhill's band. On the side, Ladish does arrangements for Ina Ray Hutton and others.

Sleepy Hall plays the original electrified banjo, which he introduced on a Rudy Vallee broadcast in 1936. By means of various dials, he changes this unit and bassist Bud Ladish was with Claude Thornhill's band. On the side, Ladish does arrangements for Ina Ray Hutton and others.

With slight variations, Hall's compact little crew plays its numbers in one of two routines. Generally, only choruses are rendered, the routine being two choruses each of four tunes segued.

Hank Kremen usually leads the first chorus, with Sleepy Hall taking the

first eight or 16 bars of the second refrain, the remainder being melodized by either Kremen or Ladish. Because of the novel banjo colorings, dullness is avoided.

Another formula is to give a tune a complete workout, as is done occasionally on 'South American Way' and 'Song of India.' When this is done, a full 10 minutes might be spent on a single number, with each of the boys taking real rides.

An important advantage of Hall's smaller outfit over his larger orchestra is the ability of the boys to jam any request, since they play entirely from memory, or simple lead sheet. They are at home in this intimate atmosphere and can stay at the spot indefinitely. That saving on arrangements is an inducement to do just that, too, for Hall left the Biltmore, N. Y., date \$2,000 poorer than when he started, due largely to the need of costly specials.

JACK SHERR'S ORCHESTRA (6) Fountain Lounge, Hotel Roosevelt, New Orleans

Jack Sherr's orchestra, when it opened in swank spot and scored nicely with intimate type of dapsation. Sherr, graduate of Meyer Davis, is practically a one-man band in himself. Besides conducting, he performs on the accordion, piano, saxophone, flute, piccolo and clarinet. The remainder of the sextet also prove versatile, particularly in vocal interludes.

Ralph Napoli is the guitarist of the band and one of the better vocalists; George Flores massages the drums and likewise handles the cymbals. Norman Small and Sid Prussin, saxophonists, contribute the novelty songs. Sam Mineo is the pianist of the outfit and handles the ivories adeptly when Sherr isn't taking over the keyboard temporarily.

The band is small but ample for a room of this size. Its larger rhythm is solid. Luizza.

JAY McSHANN'S ORCHESTRA (12) Turnpike Casino, Lincoln, Neb.

Pianist Jay McShann heads fast moving young colored band. Has sounded forward far enough to go on records before a year.

For the dancer, McShann offers a clearly defined variety of easy-to-step-to tunes. For the listener, he has some excellent arrangements on pop numbers and many originals. For the watcher, he sports a colorful rhythm section, and several specialists in the solo departments. McShann, although technically the leader, seldom permits himself away from the piano, and his rhythm trio is his pride. Other than McShann, it involves a fast stamping bass-player, Gene Ramey, and Gus Johnson, an expert drummer. To stop a crowd in front of the bandstand, all McShann has to do is raise a red flag. Saxes and cut his rhythm three loose.

Saxes are a nice collection, and in the several sweet tunes, stand in nicely. They're headed by William J. Scott, who is arranger and composer of the originals used by the band. Bob Maybaine, Charlie Parker, and John Jackson, the brass foursome takes in Joe Baird, Orville Minner, Harold Bruce, and Bernard Anderson. Bruce is the topper in the color bracket and has an iron lip.

For some time, he's not the weighty department, Joe Coleman doesn't k.o., but satisfies.

Ballrooms are the speed for McShann, most because his outfit would be unhappy if it had to suppress tendencies for musical cutting up, and haul back on volume. His music is mostly for dancing to, not much for the listener and the on-looker. Therefore, the big halls are his forte, and he should be able to take care of himself in any of them. Art.

BARRY WOOD SHIFTS

Radio Singer From Columbia To Victor Label

Barry Wood, singer on the Lucky Strike Hit Parade, shifts from Columbia to Victor Records next week, one of the flock of changes currently going on between cutting companies. Wood hops from the 50c Columbia sides to same price Victors. To replace him Columbia takes on singer Buddy Clark, who had been on the 35c Varsity sides.

Clark makes the fourth addition Columbia has picked up—the past week or two, while dropping two of the half dozen or so bands and singers scheduled to exit from the Columbia and Okeh labels. Company signed Charles Spivak's outfit last week soon after contracting Les Brown's and Joie Kearns' bands. Tommy Reynolds and Ray Herbeck were the two to go off. Although Herbeck's exit is not as yet definite. Both were on Okeh. Victor picked up Teddy Powell's band for its Bluebird labels.

Medical benefit of New York Local 802 of the B.F.W. goes on next Monday (18) at Manhattan Center, N. Y. All bands in the area will show up at the shindig, which will run most of the night.

Alvino Rey band replaces Glenn Garr's group at the Rustic Cabin, Fort Lee, N. J., Friday (15).

Disc Reviews

Lanny Ross 'Whispering'—'Moonlight and Roses' (Victor 26784)

Lanny Ross selected a pair of sure tunes for his debut on popular wax. The two are delivered in fine style and voice, the second slightly better than the first. 'Moonlight' is his theme. It's handled in slower tempo than the accompanying standard and stacks up as more likable.

Ella Fitzgerald 'Five O'Clock Whistle'—'So Long' (Decca 3420)

Fitzgerald's vocal on the rhythm side puts it in a top drawer. 'Whistle' is the type of tune that demands a good vocal which is what makes this cutting a best. Other bands have done better instrumental jobs, but the Fitzgerald band provides plenty adequate backing. Coupling forms good contrast. It's a ballad done at extremely slow tempo. Up to her usual high standards, the singer's vocal occupies the entire side.

Tommy Dorsey 'Make Me Know It'—'When I Saw You' (Victor 26786)

The first side can be classed as one of the poorest attempts by Dorsey in some time. An original instrumental it runs off as a monotonous couple of minutes not worth bending an ear. Near the fade it slips into blare, brassy work that convinces it would sound better in two pieces. The arrangement of the other side is anything but outstanding. Its only points are a Dorsey trombone solo and Connie Haines' vocal.

Will Bradley 'Rock-a-Bye Boogie'—'Scramble Two' (Columbia 35732)

Another in the string of boogie-woogie tempo stuff the Bradley band has been concentrating on of late, 'Rock' is a sock job. It's almost spotlessly played and the tempo caught makes it attractive turnout. Trumpet, trombone, piano solos, all sock, enliven it. In regular tempo the reverse is equally sparkling. Plainly relaying the band's lift and drive the original fare is studded with brisk breaks.

Gray Gordon 'Cuttin' Class'—'Autumn on Campus' (Bluebird 10897)

First side shows up a Gordon band that has changed its spots in the last couple of months. Instead of exclusively tick-tick tempo the band is warming up. 'Class' is a sizzling thing that winds up as a wild trip to nowhere, however. It has the idea, but the execution is open to improvement in several departments. Nevertheless the outfit has taken long strides forward. Outfit reverts to its sweet style on the coupling, delivering nice work in ensemble and behind Art Perry's good vocal. There's a long sax solo and a glee club inning by the band that sounds neat.

Woody Herman 'Frenes'—'Song of Old Hawaii' (Decca 3427)

'Frenes' has been tried in many different tempos and styles, but few pack the wallop of this version. At slow tempo which allows the leader's vocal style full sway and enables him to interpret the lyrics with feeling, the side is new and glistening approach. Band's modulated accompaniment rates a nod. Reverse is also strong at almost the same tempo. Herman's vocal again stands out for a smooth interpretation of the Island tune. Electric guitar takes an appropriate break.

Tony Pastor 'Let's Do It'—'Ready, Get Set, Jump' (Bluebird 10902)

Pastor's vocal, occupying almost the entire side, twists this Cole Porter tune into a weak bit of wax. His style doesn't fit it. Too, the reverse has little merit. It's a monotonous arrangement of an original and never climbs out of the ordinary except for the leader's sax break. There are others on piano and trumpet.

Russ Morgan 'I Hear Music'—'Dancing on Dime' (Decca 3419)

Morgan's arrangement of 'Music' is a light and appealing way of handling a tricky tune which can easily go awry if not treated right. There have been several tries at it, few as capably worked out as this. At a slow, lilting tempo, it shines. Jimmy Lewis does the vocal. Coupling is an average treatment of a pop. Carol Kay does the lyrics.

Artie Shaw 'Special Delivery Stomp'—'Keepin' Myself' (Victor 26762)

Shaw's Gramercy Five, not his full band, is on these two. They're solid turnouts, the first a sizzling ride piece the second a rhythm job spotlighting nice work in various breaks. Harpsichord, handled by Johnny Guarino, is startling in its effect. It adds lustre. First drives at high speed and serves up some hot clarinetting by the leader, coupled to a harpsichord. Reverse drifts along with the same sort of solos and at a rocking rhythm tempo. It's good. Quintet often sounds like John Kirby's small combo.

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A Little Touch of Gaelic

WHAT'LL I DO IF I MARRY A SOLDIER

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"I'VE GOT A ONE TRACK MIND"

"LIKE THE FELLA ONCE SAID"

Sweeping the nation!

"HE'S MY UNCLE"

By Charles Newman and Lew Pollack

BREGMAN, VOCCO & CONN, Inc.

1619 Broadway

New York

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. Figure after name of hotel give room capacity and cover charge. Larger amount designates weekend and holiday price.)

Band	Hotel	Weeks Past Week	Covers On Date	Total
Eddy Duchin*	Waldorf (500; \$1-\$1.50)	9	825	9,945
Ray Heatherton	Biltmore (300; \$1-\$1.50)	8	200	1,750
Sammy Kaye*	Commodore (650; 75c-\$1.50)	3	1,875	6,125
Ray Kinney*	Lexington (300; 75c-\$1.50)	26	1,375	34,000
Kay Kyser	Waldorf (400; \$1-\$1.50)	2	875	2,725
Guy Lombardo	Roosevelt (500; \$1-\$1.50)	5	1,150	5,950
Abe Lyman*	New Yorker (400; 75c-\$1.50)	4	1,450	6,975
Glenn Miller	Pennsylvania (500; 75c-\$1.50)	5	1,825	9,510
Tony Pastor	Lincoln (225; 75c-\$1.50)	6	350	2,900

* Asterisks indicate a supporting floor show, although the band is the major draw.

On the Upbeat

Hughie Kelleher, Johnny Long drummer, in Boston hospital with internal disorder. Wally Gordon, ex-Ina Ray Hutton replacing Kelleher will rejoin when band goes into Roseland B, New York, for six months Nov. 22.

Charlie Spivak band signed to record for Columbia Records Okeh label. Band currently at Glen Island Casino, N. Y.

Jimmy Palmer's staying with the Bobby Byrne band. Two week notice rescinded. Byrne's at Meadowbrook, Cedar Grove, N. J.

Alec Fila out of the Bob Chester band. Trumpeter walked off the stand last week rather than work out two weeks notice.

Les Brown band put under General Amusement management by Joe Glaser, its personal rep. Brown into Arcadia B, New York, today (Wednesday).

Judy Ellington, former Charlie Barnet vocalist, starts eight-week stand as single at Leon & Eddie's, New York, Friday (15).

Lou Holden's Disciples of Rhythm replace current Bobby Parks at Village Barn, N. Y., Dec. 6, for four weeks.

Gene Krupa band signed for Paramount short subject to be filmed Nov. 19-20 in New York.

Al Donahue rejoined his band at Baker hotel, Dallas, Tex., opening Friday (8). Leader had been recuperating from an injury to his back suffered while working with an aco act at the Flatbush theatre, Brooklyn, couple weeks ago.

Harold Aloma and his Hawaiians into Hotel Roosevelt's Lounge Cafe, Pittsburgh, for an eight-week stay, replacing Sally Jo Nelson and Joe Cina's Men of Music. Booked by Joe Hiller for CRA.

Frank Adrin Four picked up for additional month at Hotel William Penn's Chatterbox, Pittsburgh, while his brother Lawrence, with whom he used to do a vaude act, is taking his own band to Havana for the winter.

Henry Busse was renewed for three weeks at the Casa Manana, Culver City, Cal.

Jimmy Lunceford's orchestra played at the formal dance in Wil-

liams College gymnasium one night and Johnny Long's band for an informal there the following evening, during the annual fall house parties in Williamstown, Mass., over the week end. Dances both nights were preceded by performances of Cap and Bells, dramatic organization, in Behrman's 'End of Summer'.

Emerson Gill orchestra closed at the Green Mill, Saginaw, Mich., Nov. 10, followed by Don Pablo.

Milton Christian and his orchestra have taken over the bandstand at Club Forest Inn, Birmingham, for the fall season. Jean Hatcher is vocalist.

D. C. Awaits

Continued from page 47

though admittedly unable to quote any responsible source, that the Justice Department crew will not make any move against Broadcast Music, Inc., the National Association of Broadcasters, and the networks as long as the Federal Communications Commission is pondering the monopoly question. Feeling is based on the fact that one government outfit would not make a move so humiliating to another member of the family.

The activities of the BMI promoters still are being scrutinized by Arnold's assistants. Nobody has been given a clean bill of health. At the same time, the Justice Department has not made up its mind whether there is anything criminal in cooperative efforts of music users to set up an alternative source of supply. The industry observers are positive in their own minds that no conspiracy charge could be pressed successfully as long as neither NAB or the networks exercise compulsion on their members. While individual stations and each of the chains enjoy the right to decide whether to take out licenses from BMI or ASCAP or both, it will be impossible to obtain an indictment, let alone any convictions, the radio attorneys insist. Though ASCAP may be the victim of widespread resentment, nothing has developed yet to show that the concerted action amounts to a conspiracy, it is said in radio quarters.

In the meantime, radio people are scoffing at intimations from ASCAP that a per-piece licensing system still may be worked out. Leaders in the broadcasters' camp comment that over a long period of time, it has been impossible to arrange for a discussion at which such a plan might be mapped out. Even if the Tin Pan Alleyites make further gestures, the broadcasters will remain skeptical because of past experiences.

Hartford Cuts Down

Hartford, Nov. 12. Musical diet of 50% ASCAP music and 50% non-ASCAP (mostly BMI) has been prescribed for WDRC this month. All WDRC musically programmed shows, including musical recordings, are affected.

Last month station operated minus 25% ASCAP. Expects to be entirely of the ASCAP diet by Dec. 1. Five-piece string ensemble aired thrice daily (twice over the station's 'FM' station) has been on a steady BMI diet past month.

WNBC is expected to continue with ASCAP to the end of the year. WTIC is mustering BMI numbers on its musical request midnight show, 'Party Line,' emceed by Bud Rainey.

DEFIANCE OF PETRILLO BRINGS STIFF FINE AND EXPULSION TO BARNET

Orchestra Leader's One-Man Rebellion Costs Him His Livelihood But Petrillo Allows Him to Finish State-Lake Week—Consolidated Complete Victor

Charlie Barnet's differences with Consolidated Radio Artists and the American Federation of Musicians came to a head last week. The AFM expelled him from membership and tore up his card. At the same time he was directed by the union to pay CRA \$8,529.50 in back commissions. It was the most drastic action taken by the union against a name band leader. years. It removes him from a position of prominence in a field in which he had battled for the major part of his life to reach that prominence.

Barnet's band is currently finishing a week stand at the State-Lake theatre, Chicago. AFM's action came on the day that the band opened at the house. James C. Petrillo, AFM head, himself served the AFM's action on Barnet. He came backstage at the State-Lake, called the band and its leader together and served the decision. Theatre's operators, claiming that the date was originally booked by CRA asked Petrillo to allow Barnet to continue until the end of the week. The request was okayed and the leader remains with the band until tomorrow night (Thursday). After that, however, the men in the band cannot work with Barnet on pain of expulsion for themselves.

Decision which made Barnet an ex-member of the AFM was one of three handed down regarding his case by the AFM International

executive board. First, preferred by CRA, asked for the back commissions which the board ordered Barnet to pay within 30 days or suffer expulsion. Second, also brought by CRA, was also decided in its favor. Barnet was told his contract with the agency had been declared valid and that henceforth he was to live up to it. Third, which brought about his expulsion, was not of CRA's making. It was based on charges preferred over the name of Leo Cluesmann, a member of Petrillo's administrative staff at the union's New York headquarters.

Defiance

Those charges accused Barnet of defying Petrillo's order at the time Barnet's band started a stand at the Fiesta Danceteria, New York, last Sept. 13. Date was booked by Barnet himself. He had previously declared a 10-year contract between himself and the agency as no longer in force. On the afternoon of the start of the Fiesta date all parties concerned in the dispute met before Petrillo.

After hearing both sides, Petrillo decided that Barnet was to be allowed to take his grievances to a civil court, but that in the meantime the leader was to abide by the terms of the contract with CRA. Legal minds interpret that as a conflicting ruling, that no one can logically and intelligently present a court argument against an agreement that they continue to recognize. The ruling meant that the Fiesta was

not to be played but that the band should fulfill one-nighters booked by CRA during the period of the Fiesta stand. Barnet continued at the dancery and after he left continued to book his own work. In the meantime his lawyers had filed suit against CRA asking for an accounting of cash earned by Barnet and seeking a release from the 10-year agreement. Latter contract still has more than eight years to run.

Cluesmann then followed with the complaint that cited Barnet's 'defiance' of the union in continuing to book his own work in the face of Petrillo's order to recognize the CRA agreement.

Barnet has stated that if his attempts to release himself from CRA fail he will break up his band.

CRA won an initial victory over Barnet in N. Y. supreme court Saturday (10) when Justice William T. Collins struck out four parts of the leader's complaint at the request of Consolidated.

In making his ruling the court declared that in its opinion the contract was one of management only. Therefore sections three, four, 11 and 12 of the action, which did not deal with management, were stricken out.

Section three declared Consolidated to be in the business of conducting an agency and securing engagements for vaudeville, and theatrical entertainments, and that the purpose of the disputed contract was for the defendant to secure employment for the plaintiff. Section four repeats parts of section three and declares the contract was signed under those conditions. Section 11 declares that a 20% commission is illegal, and section 12 says that the defendant was without authority to make the contract.

Night Club Reviews

HURRICANE, N. Y.

Henny Youngman, Caroline Marsh, Maurice and Cordoba, Jeri McMann, Maloha, Stanley Girls (5), Eddie Bush and Chiquito Orchs; \$1.25 minimum.

Henny Youngman took up last Wednesday (9) where he left off as chief comic of this synthetic corner of Tahiti. Vincent reportedly returns around Xmas time and Youngman's rapid-fire delivery remains till then. It's a little out of place among the palms, but Youngman is energetic enough to overcome the otherwise lethargic atmosphere. He has a good gag for every one that misses, and that's a pretty good average.

This show was caught at dinner-time, which is tourist-time also, and Youngman was up against a crowd that wasn't there, and even then it was a typical chow mein-palace clientele, attracted by the Hurricane's \$1.25 minimum and promising talent line. The latter doesn't miss.

Caroline Marsh, who replaced Beverly Roberts, a laryngitis victim, after the opening night, is a strong-and-good-looking vocalist. She fills the room with an excellent voice and neat style of delivery. Jeri McMann is a ballet-type hooper for a la Paul Draper and looks like a show boy once he can overcome the feminine posturing. That slinky-fitting silk Etou suit only exaggerates his distasteful mannerisms and tails or tux may add a more manly touch to excellent taping.

Maurice and Cordoba's ballroomology was a strong click at this catching, the fine-looking team delivering several routines and a couple of encores, and even then were virtually forced to beg off. They're graceful in the straight terping and very flashy in the lifts and twirls. It's a big-time catch all.

There are a couple of hula and south-of-the-border breaks in the show via Maloha, an educated-hip swinger, and the five Stanley girls, who mix up slight acrobatics with rumba rhythms. Eddie Bush's orch plays the show nicely, with Chiquito's rumba crew alternating.

Scho.

MOTHER KELLY'S
(MIAMI BEACH)

Miami Beach, Nov. 8. Owens and Parker, Barbara Long, Bennett Green, Jack Reynolds, Don Baker's Orch (5).

Pre-season opening finds Mother Kelly's entourage little changed from past years. Spot has long been peddled as atmospheric, much in same manner as Sloggy Joe's in Havana. In reality, both joints combined couldn't produce enough atmosphere to ruffle a deb's tresses. Decor of this room is particularly negative, glaring lights and a garish neon effect over the bar providing

anything but a flattering setting. Even during show house lights remain on.

Only newcomers to this season's lineup are Barbara Long, last caught at the new defunct Town Casino, and Don Baker's quintet. Miss Long is a sock songstress with a calisthenics complex. Not that she can't give out satisfactorily when taking a breather; but her singing is definitely secondary to her uninhibited antics. Not content with a mild bump-or-two, she rips through a routine of kneebends, nip-ups, and acrobatic gyrations that are way out of this world. Aside from militating against her vocal effectiveness, it's ruinous mike technique.

Baker's five-man combo gets little opportunity to assert itself, being limited to single spot, and playing show under wraps. When caught, its opener, Russian number, wasn't impressive. Room has no dance floor.

Only standout is team of George Owens and Tony Parker, who have more or less carried the joint for past two years. Back with a new assortment of spicy songalogs, duo can just about supply all the divertimento needed. Parker is smart, and so deftly delivered that even most risqué wordage is inoffensive. Owens is comical chap whose mimicry is a show in itself.

Bennett Green, likewise back for third season, continues to capably enerce and contribute an occasional song.

Jack Reynolds fills the lulls with his skillful piano improvisations.

Les.

LOG CABIN
(ARMONK, N. Y.)

Armonk, N. Y., Nov. 6. Herbie Holmes Orch (13) with Nancy Hudson, Cromwell Sisters (3), Bill Smith.

This stand is Herbie Holmes' first location shot of any length in eastern territory. He's better known in the midwest where an unusually constructed combination, the band under Holmes' baton stacks up neatly in its particular style. It dispenses dance music and showmanship in gobs and always seems to be working for the satisfaction of the customers.

Sweet is the band's line, not sticky, but rather straightforward stuff that can be plenty appealing to the type of patron who looks toward an evening of ankle exercise along with the liquidizing. Composed of three fiddlers, three tenor saxes, two trumpets, four rhythm, and a quartet of femme singers who are a distinct asset from any angle, the band plays with a neat line and earbale blend of instruments despite the unusual instrumentation. Its arrangements and tempos are varied, too, with pleasing effect. Besides ballads and the usual run of moderated rhythm offerings it comes up with well-handled congas, rumbas and bossas.

Nancy Hudson, a looker, handles solo vocals and is easy on the ears

as well as the eyes. Cromwell Sisters (3) do harmonizing effects and put 'em over. In addition the group has bassist Bill Smith, who does comedy tunes, and also club arrangements which use the entire band. St. Louis Blues, when caught, was nicely delivered.

Holmes' himself is clean looking and smartly tailored. He sings occasionally in deep voice, but popular tunes don't seem to be up his alley. Gets 'em off easily though.

Log Cabin is situated some 30 miles above New York, in Westchester County. Its construction and decorations account for the name, the atmosphere being entirely rustic. It's a sprawling spot with accommodations for 1,500 in two rooms.

Wood.

NIXON CAFE, PITT

Pittsburgh, Nov. 9. Galli Galli, Armonk, 12, Lettelle and Deane, Bob Carter, At Marsico Orch; \$1 couple cover.

With nitery competitish growing stiffer and stiffer locally, Tony Conforti's still leading the field in quantity of entertainment at his downstairs Nixon Cafe. Biz has been a bit off of late, not only here, but everywhere, on account of the election excitement, but instead of scissoring the budget to conform, which is the usual policy among the downtown bonifaces, Conforti has kept the purse strings open and comes up with his best selection of acts of the year.

Of course, Galli Galli could make any act good. He's apparently tops among the masters of magic, and there are customers who come back night after night just to see him work. Works like greased lightning, has no trouble getting even the snootiest payees up on the floor to stooge for him and he packs into his 15 minutes a full night of entertainment. His piece de resistance still comes when he begins pulling live chicks out of the pants, the coat, the shirt, etc., etc. of his non-pro assistants and nothing tries to follow this nothing.

Nixon has another tonight act in the dancing Ashburns. Conforti captured them by a fluke. They were supposed to have opened short time ago at Ojo Villa, Cleveland, and when police clamped down on that spot, they were without a booking and came here hurriedly. Looking couple with class, grace and sophisticated manner, making everything in their ballroom repertoire look like a million. Kolllette and Desai (New Acers) are a team of flashy blondes with good legs they put to good use.

Bob Carter, in addition to his vocal chores with At Marsico band, still, in no way less, clicks handsily in his own spot. He's a top-notch balladeer, hitting the high notes with power and juggling and making us believe "Because do nip-ups. Marsico has the orch stand to himself now, Ovando's rumba band, relief crew, having disappeared as a spot, is now the new movement to Conforti that his regular clientele wasn't going for the congarhumba stuff. Marsico is in his second year at Nixon Cafe and has learned what the customers here go for, and he gives it to them neatly. In addition, he's the fave with the performers because he's the best show band leader in town.

Cohen.

MONACO'S, CLEVE.

Cleveland, Nov. 9. Chadwick's (2), Mary Ruth Milam, King's Jesters (7); minimum, \$1 week-days; \$1.50 Saturdays.

Air of slick urbanity and its high culinary standards have always been the chief assets of this Pompeian-styled spot, but its entertainment policy is far too lacking. Although it has tried everything from society bands to floor shows and rumba outfits, few of them went clicko in a big way.

It's the type of austere, high-ceilinged room that needs a punchy personality band to warm it up. King's Jesters as the latest experiment come closer to filling the bill than many of their predecessors. A compact combo of seven, it has more showmanship, hotter dance rhythms and enough variety to rate a long stay at Monaco's Cafe.

Compared to Don Pablo's softer rumba crew, which it replaced, this one sounded too robust and swingy at opening. But the band's maturity and the invigorating dancipation is building up a strong supper trade of youngsters who have been passing up sverber bands. The fact that it doesn't emphasize rumbas is selling it big to the regular clientele. That's not so strange, since they take their hoofing straight, despite the continental atmosphere.

As entertainers, Paul Whiteman's three proteges—George Howard, John Havencroft and Fritz Bastow, who organized the unit—also do well in putting on a lively show of their own. Trio harmonizes breezily, hitting it off best in slightly corny ditties of the "I Like To Stay After School" or "I'm a Little Bit of a Fool." Also go nostalgic in yesteryear medleys. Mary Ruth Milam lacks personality, but is okay as a swing songstress with a swell wardrobe. Charles Mikul doubles in fiddle solos while

Inside Stuff—Music

Jack Robbins transmuted the film press technique to the 'Icecapades' revue, which he's publishing, by staging a cocktailery in Pittsburgh last week and will do so again in Philadelphia this week where it's current. Peter deRose and Mitchell Parrish who wrote the ice show's tunes accompanied the music publisher on these exploitation junkets, at the same time contacting the trade, dealers, band plugs, etc.

Whitney Blake Music Publishers, Inc. has become affiliated with the Society of European Stage Authors and Composers. Blake recently withdrew his application for membership in the American Society of Composers, Authors and Publishers which had been pending for some time.

Shapiro, Bernstein & Co. has sold the title and story rights of the song, 'Penny Serenade,' to Columbia Pictures. Deal includes unlimited use of the number. 'Penny' was a best seller a couple years ago.

Fred Harvey restaurant chain, which extends through the Santa Fe Railroad system's territory, has expressed an interest in making an exploitation tieup on a current Warner Bros. song release, 'The Santa Fe Trail.' Tune is from the film of the same title. Harvey group would like not only to plug the number in its restaurants and dining cars but put sheet music copies of 'Trail' on sale at its cashier desks.

An electric organ-piano duet is neatly worked up by Dick Platt and Bud Dimmidie.

Specialties are worked around to two Chadwicks, who add color to slim evening with smart rumbas and spinning ballroom routines. There's a feeling of incompleteness about the show, despite neat doubling in brass, which calls for the addition of another act to balance it properly.

Fullen.

CURLEY'S, MPLS.

Minneapolis, Oct. 31. Oscar Bellman Orch (5), Jimmy Hegg, Henderson Trio, Charlie Bruegge, Ethel Shutta; no cover or minimum.

Bringing in Ethel Shutta for a fortnight's engagement, this intimate nitery continues its name policy, inaugurated with George Givot and Nick Lucas. Although the spot charging no cover or minimum and having a reasonable tariff for beverages and food, caters mainly to the masses, Miss Shutta's sophisticated stuff smashes over. It's proof that genuine talent's appeal has no limitations.

In this small room, Oscar Bellman's five-piece orchestra is plenty large and does a workmanlike job playing the show and for dancing. Jimmy Hegg m.c.s capably and also vocalizes pleasingly. Aside from Miss Shutta, the floor show is of modest proportions, but her presence spells a tremendous amount of entertainment in the aggregate.

The Three Hendersons, two men and a girl, are versatile performers who give the show a good balance in their well-received turn. Jimmy Hegg has played numerous engagements in local clubs and theatres and he varies his comedy material routine only slightly if at all, but his act does not seem to suffer from familiarity and repetition. He incorporates considerable amusing business in his Charlie Chaplin impression, demonstrates eccentric dancing ability and, for a stand-out, plays the banjo upside down.

Miss Shutta closes the show and left these customers clamoring for more. Every one of her comedy song numbers is socko, but her mastery handling of the clever lyrics gives them added value. She does 'Darn Clever,' 'The Chinese,' 'Madame La Zonga,' 'George M. Cohan's Indians and Trees' and a special-material song about a girl who got sunburned. The last named is somewhat blue, but not in the least offensive under the Shutta treatment. They were standing 'em up at the last show on the second night of Miss Shutta's engagement. Rees.

KITTY DAVIS AT MIAMI CLUB

Miami Beach, Nov. 12. Deal has been closed for sale of Belmont Club, beach's only year-round nitery, to Kitty Davis, Chicago boite owner, by operators George Shelton and Charley Friedman. New management takes over immediately. Joint has been tagged Kitty Davis Airport and revised decor will follow an aeronautical motif, dining room representing Miss Davis' conception of a Buck Rogers stratoliner. Kitty Davis is area's first femme nitery operator since Texas Guinan ran the Silver Slipper here in 1925.

Band Bookings

Al Kavelin, Nov. 15, Oakhill C. C., Rochester, N. Y.; 16, Ohio U., Athens, O.; 17, Keith's Roof B., Baltimore; 19, Roller Rink, Uniontown, Pa.; 20, Stambaugh Aud., Youngstown, O.; 21, Coliseum B., Lorain, O.; 23, Old Hotel, Lansing, Mich.; 24, Dansant, Toledo, O.

Blue Barron, Dec. 6, Flatbush theatre, Brooklyn; 13, Windsor theatre, Bronx, N. Y.

Johnny Long, Nov. 17, Armory, Monessen, Pa.; 19, Aud. Lawrenceville, Va.; 20, Richmond, Va.; 21, Aud. Portsmouth, Va.; 22, six months, Roseland B., New York.

D'Artega, Nov. 16, Columbia U., New York.

Jack Tigardien, Nov. 15, Union College, Schenectady, N. Y.; 17, Lyric theatre, Bridgeport, Conn.; 18, Nick's Tavern, N. Y. City; 19, Springfield, Mass.; 20, Kingston, N. Y.; 21, week, Loew's State theatre, N. Y.

Del Courtney, Nov. 17, Tower B., Pittsburgh; 18, Fairgrounds Club, Muskogee, Okla.

Al Donahue, Nov. 27, Women's Club, Austin, Tex.; 23, Cedar Lane, Opelousas, La.

Claude Hopkins, Nov. 17, Auditorium, Lowell, Mass.; 21, week, Majestic theatre, Brooklyn.

Vincent Lopez, Nov. 15, Ritz theatre, Clarkburg, W. Va.; 30, Billmore hotel, New York.

Enoch Light, Nov. 26-27, Coliseum theatre, New York; 27, Yahnuddasis G. C., New Hartford, N. Y.

Ted Lewis, Dec. 18, four weeks, Royal Palm Club, Miami, Fla.

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BEN EDWARDS, Manager

AGVA REVAMPS N.Y. LOCAL

Al Siegal Pleads for a Break for His Singers From Vaudfilm Name Bands

New York, Nov. 8.
Editor, VARIETY.

Show business has been very kind to me, and when I say show business, I mean the people in it—the musicians, stagehands, electricians, agents, trade papers and, most of all, the girl singers whose reputations I've had a part in making. (I don't mean they were too grateful, but the fact they were there to work on is enough. I'm still working on them, and that's the reason for these observations.) I want to continue to find them and make them. Now when I say make them, I must say at once that I can only make them if show business (look above) co-operates, and in the past the record is plenty in the groove.

Now, it has been my experience that orchestration and material add at least 25 to 50% to the success of the singer. Let's get down to the orchestration: they must be played, and obviously the better played the better the results. Who plays my arrangements? Orchestras.

In the past, the pit orchestra's job depended on their ability to play the show. Today, in band policy houses, the artist is liable to run up against a situation where his or her act is at the mercy of the band's ability to accompany.

My experience has been that these name dance bands do a swell job for themselves and their own vocalists, due to plenty of rehearsals and knowing each other's styles. But, when it comes to playing a show—look out, brother! The reasons for this are as varied as the bands themselves. One band is strictly live and jump, another is sweet, etc., and

(Continued on page 52)

Carroll's Brief Shuttering

Hollywood, Nov. 12.

Earl Carroll is planning to close his nitery around Dec. 1 while readying a new show for Christmas night unveiling.

Current troupe may be packaged for tour of picture houses.

MULL VAUDE IN 8 ST. LOUIS HOUSES

Chicago, Nov. 12.

Harry Arthur, general manager in St. Louis for the Fanchon & Marco theatres, was in town last week with Ralph McGowan, St. Louis city manager, with an eye towards returning vaude to eight theatres in that town should satisfactory deals be worked out with stagehands and musicians unions.

St. Louis, though one of the nation's key towns, has been backward as far as vaude is concerned for several years now. But business has been so big with some of the occasional shows played in that town that the operators believe the customers are ready for a steady diet of vaude.

PHIL IRVING, EXEC SEC'Y, FIRST OUT

Idea Behind Reorg Is to Entirely Eliminate N. Y. Officers and Board—Will Curb Long Brewing Dissension Over Some Officials

SINGLE CONTROL

Per last week's expectations, the national board of the American Guild of Variety Artists is completely revamping the New York local setup. Phil Irving, local executive secretary and long a bone of contention, is the first out, with others to follow. Irving 'resigned' following last Thursday's (7) national board meeting.

It's the union's first major step to clean house in N. Y., where only factionalism on the local board and among the N. Y. branch's officers has retarded the union's progress. The reorganization comes after months of bickering, chiefly due to charges of communism and un-American tactics levelled against some in the union.

Another factor in the revamp is the national board's desire to do away with the cumbersome and oft-times conflicting machinery of having two boards and sets of officers in N. Y., the national and local. In the new order of things, it's expected that the entire local setup will be out, with the national board and officials.

(Continued on page 52)

Philly Agents Nix AGVA Deal, Fearing Reprisals From Kelly's Indie Faction

Reuben's in Miami

Miami, Nov. 12.

Negotiations were concluded this week between Arnold Reuben, and Tom Casara for purchase of latter's Club Continentale on 23d street.

Spot will be transformed into eatery similar to Reuben's New York establishment.

SHUBERTS DROP SUIT AGAINST RAE-DAVIS

The test action of Operatic Festival, Inc., against Nan Rae and Maude Davis came to an abrupt end last week (5), when the Shubert subsidiary secured an order from N. Y. supreme court Justice Thomas Noonan terminating the action.

Suit alleged breach of contract. As result of the discontinuance, the defendants' claim that the Shuberts were illegally operating a booking agency and charging more than the legal rate of interest of 5% will not receive a court ruling.

Action claimed that the defendants, a comedy team, were attempting to breach an agreement granting the plaintiff exclusive rights to

(Continued on page 52)

Philadelphia, Nov. 12.

The battle royal between the Philly unit of the American Guild of Variety Artists and the indie United Entertainers Assn. is reaching the 'you're another stage. No cafe owner has dared sign a contract with either union for fear of being subject to reprisal by one or the other. Agents, members of the Entertainment Managers Assn. have refused to recognize either AGVA or the UEA as representing performers.

Last week Hoyt C. Haddock, national executive secretary of AGVA, conferred with members of the EMA board, asking that the ten-percenters back up his union, but was turned down flatly.

'Until you put your house in order and show us that you really have a bona fide representation of the actors, we can't do business,' was the message of the agents.

Lee Traver, executive secretary of AGVA here, was transferred to Chicago as an organizer, and Jack Miller was named national representative in charge of the local here.

Tom Kelly, ousted as exec secretary of local AGVA last August over disagreement regarding policies, and who revived the UEA, intimated that Traver's transfer was an attempt to mollify local members. Kelly claims that the Philly membership was in back of him when he demanded that the AGVA leadership be deposed because of 'Communist tendencies.'

Kelly called a meeting of his adherents last week to reorganize his UEA union, which had been dormant while he was associated with AGVA. He claimed that 'more than 75 members attended.'

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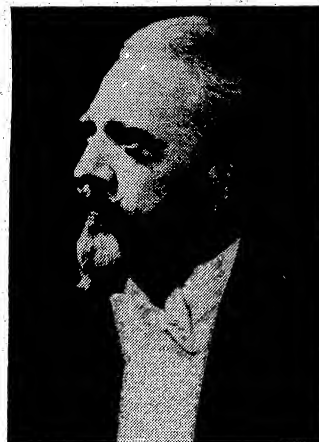
"Broadway's Newest Pet"—John Anderson in the N. Y. Journal-American

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THE AMERICAN "PRESS" CONFIRMS THE VERDICT OF THE WORLD:

NEW YORK—Burns Mantle in the New York Daily News gives "Dante" 3 stars, and says "you'll love DANTE—the only real novelty the new season has uncovered. Here is a bit of Hermann, the Great, and a bit of Kellar, the Greater. Here is a touch of Houdini, the Marvelous, and a big slice of Thurston, the Incredible. And here, fusing the greatest jumble of paraphernalia and properties ever piled together on stage, is Dante, the Master."

Brooks Atkinson, in the New York Times, says: "Marvelous—When giving a show, Dante gives a show. It was good to hear whistling again in the theatre. Two hours of mirth and magic. Everything he does is stupendous, miraculous and amazing." Willela Waldorf, in the New York Post, says: "Sim-Sala-Bim provides one of the merriest entertainments Broadway has boasted in some time. No wonder Dante has been a riot for the past fourteen years."

John Anderson, in the New York Journal-American, says: "Dante is Broadway's newest pet. Master magician and master showman with Olsen and Johnson informally."

PHILADELPHIA—"For two hours Dante intrigues amuses and amazes in his mystery revue. Original sensation, most spectacular, the first full-length magic show in some years."—Philadelphia Inquirer, Nov. 5, '40.

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"By the time you get around to 'Sim-Sala-Bim' you will be seeing a new variety of pleasure-giving theatre."—Daily News, Nov. 5, '40.

"SIM-SALA-BIM is a lot of fun and magic, and a swell show for the kiddies. And as for you grown-ups, seeing is misbelieving."—Philadelphia Record, Nov. 5, '40.

LONDON, ENG.—"He is the Cecil de Mille of Magic."—News-Chronicle, Aug. 13, '36.

"Just as Ziegfeld was the king of his own field of showmanship, so is Dante at the top in the World of Magic."—Sporting and Dramatic News, Sept. 11, '36.

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STENCH BOMB LYNCH'S IN PHILLY

Philadelphia, Nov. 12.

As if he didn't have enough troubles, what with the State Liquor Board trying to grab his booze license and the city police making him shutter at midnight Saturday, Jack Lynch, operator of one of the city's leading niteries, which bears his name, now has a brand new headache—stench bombs.

Saturday night (9), just when the place was filled with spenders seeking to down a flock of fast ones before the cops pronounced the curfew, a couple of guys let go with the foul-smelling missiles that forced nearly 300 customers to flee.

Detectives nailed William A. McCaffrey and Tony Forcillo as the bomb-throwers. They refused to tell why they did it, even after Lynch offered them \$1,000 if they'd tell who put them up to it. Lynch was quoted as saying that "some competitor" was responsible. It was reported that a stink bomb was unloosed in the spot a month ago, but no official complaint was made to the cops.

Meanwhile the cops continued their blitzkrieg against niteries holding open past the "witching hour" on Saturday by raiding the College Inn near the campus of Temple University. Fifty patrons were chased from the place and the proprietor, Louis Tomasco, was arrested. It was the second time within four weeks that the place was taken. Last raid was staged on Oct. 13.

N. Y. MUSICIANS' LOCAL FORCES NITERY PAYOFF

New York Local 802 of the American Federation of Musicians stepped in on the Tropicana, recently opened N. Y. nitery, to collect a week's salary due Ella Fitzgerald's band. Outfit worked two weeks at the spot beginning Oct. 18 and was not paid off for the second week. It has not yet been settled.

Fitzgerald crew starts two weeks at the Brunswick hotel, Boston, Nov. 18.

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N. Y. AGVA

Continued from page 51

cers acting for the local as well as the country-wide situation.

Organizer Changes

Besides the fact that the local officers and board will be dissipated, the ranks of the N. Y. organizers will also undergo some changes. There has been considerable to-do, for instance, over John Velasco, colored organizer, who was formerly an organizer for the Theatre Arts Committee, alleged Communist group, and is said to be still a member of TAC. Velasco is accused of hiring Frank Newton's orch for AGVA's recent entertainment-ball at Manhattan Centre. Newton's orch bills itself as "Cabaret TAC Orchestra."

Also on the way out is Ed Harrison, press agent of AGVA and a figure in the theatrical trade paper chapter of the American Newspaper Guild (CIO). This has put Harrison in the peculiar light of being active in both CIO and American Federation of Labor unions, despite the fact that these bodies have long been at odds with one another.

AGVA's N. Y. local only recently held its election of officers and board members. Only 85 votes were tallied and some in AGVA didn't like the electioneering methods used.

Those voted in were: Peter Wells, president; Elton Rich, Romeo Vincent, Hazel Scott, Sydney Chatton and Eddie Bartell, 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 Rel 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 Seller, David Sorin, Constantin Tarrant, Nate Ward and Dorothy Wenzel.

Besides the reorganization of the N. Y. setup, AGVA's national board is now proposing to Equity that the chorus girls be put into one union, policed by both AGVA and Equity. AGVA considers this the only way to eliminate chorines paying dual dues and initiation fees. According to the plan, Equity and AGVA would take from the chorines' dues only the necessary expenses to run the chorines' branch, with all monies left over going into a strictly chorines' fund. Dewey Barto, president of AGVA, has already proposed the idea to both Equity and the Associated Actors and Artists of America.

'Hellz' Burley Unit

Newark, Nov. 12.

Having just settled one suit over the title of "Hellzafire" used by the nut unit which Benny Meroff now calls "Funzafire," it looks like Olsen and Johnson will have another beef to make to protect their "Hellzapoppin'." A burlesque unit of the first circuit was billed last week (3-9) at the Empire here under the "Hellzapoppin'" tag.

The burley unit is the one built around the snake-charming stripper Zorita.

2 ST. LOUIS NITERIES EXCHANGE FLOORSHOWS

St. Louis, Nov. 12.

Johnny Perkins, part owner of the Playdium, a combo bowling alley and nitery in East St. Louis, and Steve Cadz, operator of a nitery in midtown here, have inaugurated a policy now in these parts by exchanging their floor shows once weekly. Cadz's place is shuttered on Monday night, so he carts his talent across the Mississippi, where they appear in the Playdium. The reciprocal agreement calls for Perkins' show to make an appearance in Cadz's place two nights later. Stunt is attracting lots of attention in the Mississippi Valley and other nitery operators are trying to figure out if this kind of cooperation would not be more beneficial to all than the usual cut-throat tactics indulged in.

• 15 YEARS AGO •

(FROM VARIETY)

The film rights of "Abie's Irish Rose" were valued by the comedy's management at \$1,000,000. A group of Wall Street men was said to have offered \$800,000, but it was refused.

Pola Negri valued her services highly, and the result was that Famous Players, which pertained her option to leave, saw the star being lost to United Artists. Miss Negri would have forgotten about UA, however, for \$10,000 weekly.

An all-English vaude program played the Broadway Palace. It was the first time such a show had played on any American vaude stage. Priced at \$6, it included Nervo and Knox, Rebla, Ada Reeve, Casey and Warren, among others.

The premiere of "Charlot's Revue" at the Broadway Selwyn was regarded as THE preem of the season. There seemingly was no price limit for seats, one broker being offered \$200 for a pair.

The Duncan Sisters were drawing terrifically in some towns that had previously been considered dead as far as b.o. was concerned.

Five new hits on Broadway in 10 tries was a high percentage for Broadway, but that was the average realized through the cliky bows of "Charlot's Revue," "Last of Mrs. Cheney," "Naughty Cinderella" (Irene Bordoni and Nat Pendleton), Princess Flavia and "Young Woodley."

The Shuberts were in another jam with the Washington dailies. All due to the Shuberts' desire to cut the ticket allotment to the papers for the George Arliss starer, "Old English" at the Belasco.

Saranac Lake

By Happy Benway

Saranac, N. Y., Nov. 12. Cliff Heather, Pittsfield, Mass., trombonist, who did the trick at the Will Rogers, is now ozoning for the balance of the winter at 59 Kiwassa road here.

Lillian (Tootsie) Newcomb, who mastered a mess of operations during her three years here, left for her home and husband in Milwaukee. The tiny dancer of vaudeville days got an absolute okay.

Jimmy Marshall, who in Gabriel, N. Y., says that he anticipates a go-home-to-New York okay. After arguments and mud-slinging, 26 patients of the Will Rogers registered, only to find out later that they could not vote. Reason, they are inmates of a charitable institution.

Margie Regan of the Will Rogers has been bedsided by big-shots of the sports world. Within a month she was mitted by Jimmy Johnston fight-promoter, Jack Dempsey, Bob Pastor and Stanley Keefe, ex-light-weight boxer.

Frank Gregory, ex-tab comic, who once N.V.A.'d it up here, is nursing a slight setback in Asheville, N. C.

Nick Roberts, who claims a connection with the old-time vaude act, The Eight Blue Devils in "an act out with an okay on a recent checkup. He hails from Fall River, Mass.

Frank Palmer, of the Musical Palmers, who once here and at Gabriel, left for his Fargo, N. D., home. Write to those who are ill.

DANCERS' MEX PIC

Hollywood, Nov. 12.

Raquel and Tarriba, dancers, closed their eight-week engagement at the LaConga here and left for Mexico to do a picture.

Chiquita and Dolores Gay followed them into the local nitery.

Al Siegal

Continued from page 51

when they play your music, they give it their own interpretation regardless of your original conception. And that's my point: are they to play the show in their own style or as an accompaniment supplied by the theatre for your act?

Make or Break

Furthermore, why the lack of interest on their part for your act? You're there to do your bit as well as you can. Alright, they're the attraction—but do their obligations end with their own act and are they to slough you off?

There's no question they can make you or break you. Take this was at the Paramount, on Broadway. Glen Gray is playing my music for Connie Russell, and doing an O. K. job. When I want it loud—it's loud, and when I want it soft, it's soft.

But a few weeks ago, I had the reverse experience; not only were the boys tired, but the leader was standing up waving his stick in the air, any tempo, and the hell with us! Not only did the boys not follow him, but they didn't look at me. After all we want to make good, too. We want the big dough. These boys are fat. They've made good and don't have to worry.

I claim they work hard enough for themselves and lay down on us. I claim the theatre operators ought to see that the act is protected at rehearsals. I claim that the leader should see that his musicians get behind the act and help to put it over. They may be stars when they're on, but they're just background otherwise. I claim if a name band were all a theatre needed, the theatre wouldn't buy any acts. I claim my reputation, and every act's reputation, is at stake when we're on. I claim we rate a break! Al Siegal.

WARNE JONES JOINS B&K AS VAUDE BOOKER

Chicago, Nov. 12.

Warne Jones has been appointed booker for Balaban & Katz by Nate Platt, general booking manager for B. & K.

He was for many years booker for RKO and Singer theatres in mid-west.

Shubert Suit

Continued from page 51

their services. The defense declared that the Shuberts were operating an agency without a license, and in lending its stars to film companies and other legit producers, were securing large fees and collecting royalties on their services far in excess of the 5% commission allowed under N. Y. State law.

End of the suit was a dour disappointment to Emil K. Ellis, attorney for the defendants, who issued a statement declaring, "The termination of this action is a disappointment to me, as I had hoped the Shuberts would come into court and meet this issue. I am firmly convinced they are operating booking agency and I had wished to prove it in court."

The court has denied a request of Lee and Jacob J. Shubert to avoid being examined before trial.

STANLEY, PITT, STICKS TO UNITS

Pittsburgh, Nov. 12.

Vaude trend has shifted here. Last year, Stanley, WB deluxer, wouldn't take a chance on anything but name bands. Units were poison. Whole picture has changed this season, however. Big-time orchs, whatever their reps, are being passed up completely by Harry Kalmanson, zone manager for WB in this territory, and he's going in for unit shows almost exclusively.

House is apparently determined to make combo policy stick for the winter, as against pre-season dope that Stanley would be an in-and-out most of the year. "Scandals" tab got the theatre back on a regular show basis last week, and the George Jessel unit is current. That'll be followed Friday (15) by Laurel and Hardy show, with nothing booked yet to follow except Louella Parsons' troupe Nov. 29.

NAT MOSS FILES IN BKPTCY, OWES \$61,781

Nat Moss, known as Nathan Moscowitz, restaurateur, now employed at the Famous Door, Inc., New York, filed a voluntary petition of bankruptcy in N. Y. federal court Wed. (6) listing no assets and liabilities of \$61,781. Liabilities are confined to the A. & U. Restaurant, 1600 Broadway, N. Y., and to other creditors for monies borrowed and furnished. The corporation which tried to revive the Hollywood restaurant, N. Y., after its bankruptcy under Joe Moss' direction, Joe and Nat Moss are brothers.

Titan Trio's J. J. Ryan Sues for 20G Injuries

An action by John J. Ryan, performer and a member of the Titan Trio, against the Stanley Co. of America was revealed Friday (8) in the N. Y. supreme court. Suit seeks \$20,000 damages for personal injuries suffered in the Stanley theatre, Pittsburgh, June 9, 1940.

Ryan claims that he fell from the stage to the basement at a morning rehearsal. Stanley Co. claims that Ryan's work entailed certain risks which he was aware of, and that the contract he signed when put to work eliminated collecting of monies for injuries.

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3 DANCING DEBS

Featuring GERTRUDE BRIEFER and LILLIAN MACK

At Loew's State Theatre, New York, Week of Nov. 14.

Direction—THOS. J. FITZPATRICK

THE REVUERS

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PARAMOUNT, N. Y.

Glen Gray and Casa Loma band, Red Skelton, Al Siegel, Connie Russell, Knight, Sargent, and West. *Police* (Par); reviewed. VARIETY Oct. 23.

Glen Gray's Casa Loma unit stacks up as one of the slickest, savviest dance units in the business. It gives a swell account of itself in this stage show. The same goes for Red Skelton and Al Siegel's latest vocal discovery, Connie Russell. The three-way combination provides a highly pleasant hour. Casa Loma surfeits 'em with a brassy, documented and diversified volume of dance rhythm in the most modern manner. Miss Russell unleashes a vigorous, blazing style of singing that registers and Skelton sends 'em all laughing.

The house technicians do especially well by Casa Loma. The lighting effects have been smartly thought out and these effects add to the impression made by the band's performance. With Gray out in front, the band opens with a hot arrangement and then, with a shift in mood, it takes the bolero rhythms of "Temptation" and makes 'em exciting listening. In this latter passage the woodwinds and the brass section compete for the lead, and the harmonic result is pretty much of the photo finish. Later innings by the band include its incendiary exhibit of swing. No one can deny the amazing highnote calisthenics with the trumpet, Kenny Sargent's torch specializations and Pee Wee Hunt's knack for getting both rhythm and comedy out of such numbers as "I'm Nobody's Baby" and "Me and the Ghost Upstairs."

Skelton darts in and out of the proceedings, and gives every occasion this comic, who improves with every view, scores maximum results. At first it's a monolog, crisp and funny. Then he next to a wife, Edna Stillewell, is along to lay the customers low with their impressions of what would happen in a department store if the clerks were permitted to say what they thought. She shows how the howls come at the fadeout point of the runoff when he gives way to his ace bit of nonsense, the television announcer who takes the task of selling and demonstrating a liquor brand.

With Miss Russell it's not a case of promising talent. They are both there in rich profusion. Among the assets are looks, an air of self-confidence, a voice that's both sturdy and resilient and a keen sense of dramatic values. She certainly knows how to punch out a song with all its undertones of harmony and overtones of story interpretation. She makes a lyric singer with her and when she gets through with her sing-and-say the audience knows that the item has been thoroughly explored from every melodic and narrative angle. Siegel's his usual place throughout, the piano. Also on the bill are the Knight Sisters. Their specialty is acrobatic adagio. The last item is so much the routine as their figures. Ode.

ALVIN, MPLS.

Minneapolis, Nov. 12.

Line (12). Three Ladd Sisters, Paul Allen, Barney Grant, Brown the Magician (4), and the Pickers, Lois Lane, Black Brothers (2), Michael Loring, Earl of Puddleston (Rep).

As usual, there is plenty of entertainment value here, even though the show falls considerably under its immediate predecessor's high standard. At least three of the acts, the chorus and the elaborately staged produced numbers merit particular praise.

The current headliner, Michael Loring, best known for his radio singing, rates as somewhat of a name here because he's a native Minnesotan and was prominent in University of Minnesota and other amateur and semi-professional theatricals before he left for a film, legit and airwave career. He fills the bill nicely.

Show opens with the 12 choristers as Dutch boys and girls in a fast tap number for which Paul Allen, house singer, vocalizes. The Three Ladd Sisters from the line do a pleasing specialty during this interlude.

Barney Grant, slick comic, fills the m.c. assignment capable besides offering his own act. He uses skill in running the show and comes across with several amusing gags and stories.

Four lookers from the line work with Brown the Magician, whose act consists of sleight-of-hand and other none too mystifying or unusual tricks. Rolla and Verna Pickers are a corking dance team who swing it up on high stilts to climax their tap, acrobatic and eccentric routines. The girl is an eye-filler.

A flash ball number by the line is noteworthy for its costuming, lighting, staging and dancing. It introduces Lois Lane, one of the chorists, in a diabolical routine. Then Grant steps out of his m.c. role to cop laughs with his mixture of hillbilly and rube patter and songs interspersed with a bit of eccentric dancing.

The Black Brothers are tramp acrobatic comics who perform some

hard comedy and tumbling when they're not clowning. Loring is spotted next to close and, in this position, his singing clicks superbly to stop the show. To go with a good voice, he has fine looks, personality, a pleasing stage presence and exceptional delivery and presence. His repertoire has been wisely chosen.

A snappy collegiate number, particularly appropriate for this football weekend, has the chorists in shorts and sweaters and waving pennants of the various universities. It's an effective finale.

Lower floor well filled at late Saturday night (9) show caught. Rees.

COLONIAL, DAYTON

Dayton, O., Nov. 9.

Milt Britton's Band, Samuels Brothers and Harriet Hayes; Helen Palmer, Irving Jaffe, Phil Brown, Tommy Brown, and a Little Blue Heaven (Univ).

Milt Britton and his band of musical maniacs, as he calls them, are a tap dancing. While most of it is okay, the program lacks the variety that makes for completely satisfactory and well balanced entertainment.

Britton and his band occupy the stage, throughout, and though the major portion of their offering is reserved for the latter half of the bill, the boys are not ever to chime in on the earlier acts. In fact, with stogees wandering on and off the stage and in and out of the wings, the proceedings have somewhat the appearance of a miniature "Helzapoppin'."

Chief dancing ensemble is that of the three Samuels brothers and Harriet Hayes. The boys do military stunts with their feminine partner, but the latter is the mainstay of the act with her acrobatic splits and twists.

Another peer dancer is Helen Palmer, whose line is taps also, and she's very nifty in their execution. She's followed by violinist Irving Jaffe, who has a clever stunt with his imitation of birds on the strings.

Phil Brown goes into high, after starting singly, when a partner joins the act and the two engage in comedy acrobatics. Once the band swings into action with its own stuff, the proceedings become a bit more hilarious, beginning with still more taps by Tommy Brown, who, however, gives them an eccentric twist and adds a fairly good imitation of Charlie Chaplin.

Band numbers that follow include the troupe's own version of "Comin' Round the Mountain" and in interlude in which the band members disguise themselves as amateur comedians, "conducting" one of his own best known compositions in modern swing.

Concluding episode is a reversion to the well-known Cab Lowell rendition of "Poet and Peasant," in which coats and instruments are rendered apart in a free-for-all. However, compared with previous appearances, this must be depression year since there is only one violin that goes pop, whereas there used to be a number of them. Kany.

ADAMS, NEWARK

Cab Calloway Newark, Nov. 10. Cab Calloway with Anise and Aland, Six Cotton Club Boys, Avis Andrews, Cook and Brown, The Cab Jivers, Joe Feccher's House Ork, Queen of the Yulon' (Mono).

Local alligators get a break at the Adams this week, for all-colored the well-known Cab Calloway keeps the joint jumping plenty.

Calloway presides over swing carnival throughout, not only waving batus, but performing customary rhythmic calisthenics all over stage. He gives voice to The Ghost of Smokey Joe to good hand, and turns in usual bang-up job as m.c. Boys in band clown at every opportunity, individually and with each other's cooperation.

Principal change of pace from his usual comedy turn and nearly as vocalizing of Avis Andrews, who does o.k. handling of "Yours Is My Heart Alone" and "Why Was I Born?" The Six Cotton Club boys, in a bulk of program, Anise and Aland, guy and gal, rip up stage with speedy soft shoe work and some spectacular acrobatics thrown in for good measure. The Six Cotton Club boys march out in semi-military rigs and offer formation tap routine that has plenty of class. Cook and Brown do a comedy number, in which they themselves apart in process. All went over big with customers.

The Cab Jivers are five boys who step out from regular band seats for private jam session on their own arrangements are smart and rendition plenty hot.

For smash finish, maestro brings out a comedy duo to do a conga. While ork plays "Chile Con Conga," dancers do their stuff, the others beat drums and sing, and curtains follow. B.O. good, when caught Sunday afternoon (10). Kent.

STRAND, N. Y.

Priscilla Lane, Jack Haley, Condos Bros. (2), Bob Dupont, Buddy Powell's ork, Ruth Gary and Jimmy Blain; Tugboat Annie Sails Again (WB), reviewed in VARIETY Oct. 23.

Strand this week is stressing personalities rather than band, with the result that this is an okay variety layout instead of a musical session. Priscilla Lane, from film by a singing, better than Fred Waring's ork, and Jack Haley give the marquee nice dressing in the way of names and they are probably chiefly responsible for why business the house is doing. At the last show opening night (Friday), attendance was only about half the seating capacity.

Powell's ork is no great shakes on the stage, either musical entertainment or in playing the show. Of the same calibre are his two vocalists, Ruth Gary and Jimmy Blain, whose singing is ordinary and completely lacking in style.

In between the band sessions, however, the show is a lot more interesting account of themselves. Haley is toponch, both as a single and when working with first a white-faced stogie who imitates Al Johnson, in his session with Miss Kavanagh, or takes the play completely away from the good-looking blonde. She shows her stage singing training, though, when nicely vocalizing "This for Me," "Now I Lay Me Down to Dream" and "I'm Nobody's Baby."

For further variety, the show includes Bob Dupont, comedy juggler along the lines of Stan Kavanagh, or vice versa, and the Condos Brothers, fast challenge dancers who've been around for years. Both turns register in their respective spots.

Strand's stage and its distinctive currently because of a fine lighting job turned in by Harry Gourlain, house producer. Scho.

FLATBUSH, B'KLYN

Reggie Childs Ork (13) with Paul Carley, Lucille Doran; Diosa Costello, Wally Brown and Annette Ames, Top Hatters, Three Pitchmen.

Flatbush patrons are getting a lot of show for their money this week, not only from the satisfying lineup of talent, but also from the running time. This stretch runs about 30 minutes, most of it taken up by Wally Brown's double talk in solo and at the finish with Diosa Costello. Reggie Childs' surprising stage band and two sock turns, the Top Hatters and the Three Pitchmen, round out the setup.

Luc Costello, Latin firebrand who hit the heights in the legit musical, "Too Many Girls," gets top billing. With her own drummond onstage to insure correct tempos, she sings and prides her line to a nice rating with this family audience. Her songs are completely lost to the seat holders inasmuch as they are entirely in Spanish, but her roving bearing hips and general demeanor speak a universally known language.

Between solo innings she gets in what seemingly is a long adagio session with Brown, m.c., and occasionally ringing in Reggie Childs. At the show caught (closing, Friday) the interlude was produced of a full round of eight, though the session weaved in and out of a mildly suggestive vein.

Brown handles intros and kicks up good results with his double talk. It's done similar to Cliff Nazarro's turn. He's a bit weak at the outset, but increases in effectiveness as he moves along. He's a capable dance encephalitis. Annette Ames, a tiny, falsetto-voiced femme, joins him during this stretch, immediately preceding Miss Costello. Her costuming and manner designed to make the kiddie impression of her pint size. The two run through an exchange wherein he's supposed to be Gary and she Hedy Lamarr. It clicks.

Childs' band is a neatly-blended combination of three trumpets, one trombone, four saxes and four rhythm. It's clean playing and rounded-toned, capable of sweet or hot. The latter style is surprisingly good despite the fact some of its arrangements are not at all pleasing. Muted or clear, the brass stacks up as the foremost section, closely followed by the work of the four saxes. Both teams seem to be capable of a good deal of variety in their playing. Rhythm is steady and dispenses a good beat, but the drummer should be careful to be more quiet on ballads. Even with such a good band, the quieter deliveries.

Childs himself is too noticeably inadequate when the group is riding in a jump groove, and he is smart to modify his batoning attempts of the more driving stuff. Paul Carley is the group's male vocalist. He's okay for the demands put on him. Does "Trade Winds" and "Caddy in the Canyon." Lucille Doran is an average girl vocalist, handling here in no too sure voice and no style in "Rhumbus" and "Whispering Grass." The group's female vocalist, Annette Ames, is poorly done in "Caddy in the Canyon." The Pitchmen are the real clicks of the bill, each garnering strong returns. Hatters are one of the best of the night, extant. Good looking girl and bag through a series of dangerously difficult skating tricks which call for changing holds in mid-air while spinning at high speed. Picking up

a handkerchief off the floor and lighting cigarettes, the girl holding a match in her teeth and striking it on the floor while in a spin, are their top stunts and they hold an audience tense.

Pitchmen are taking their first crack at Brooklyn. Their mouth kazoo gadgets account for healthy laughs in imitations of various musical instruments, playing style of different band leaders, and a lack of other apes. Trick, makeshift copies of several musical instruments add zest. Turn hasn't been altered one bit from its recent Rainbow Room and Strand theatre, N. Y., dates. Wood.

TOWER, K. C.

Kansas City, Nov. 9.

Faith Bacon, Dave Tannen, Nelson and Evans, Helen and Clark, Harding, Wilma Allen and Sophie Ziegler, House Line, Herb Siz House Ork; "Friendly Neighbors" (Rep.).

A festa atmosphere pervades the town in celebration of the annual American Royal Livestock and Horse Show and social functions. The Tower is doing its bit with a headline, Faith Bacon, the new dancer. As an attraction Miss Bacon is doing her part and the house is on its way to one of its better bo. figures. A part of this is due to the fact that a strip act always hypotes around the Tower, and part is due to the predominance of rural folk and trade territory visitors. But a goodly part is directly due to the name of Bacon, as she is outstripping other acts of her type.

With three standard supporting acts and the weekly amateur selection, the show runs its usual route. The only exception is the fact that the "Death of the Bird of Paradise" from the show and the close of the show with "Dance of Shame," in which she wears the usual g-string and gives the brass flash on the finale.

In tune with the American Royal the show opens the show with a western number and follows through midway on stunts as a background for baton-waving, amateur majorettes. Dick girls do their best in an evening-worn soft shoe piece, and the nine-footed soft shoe piece, and the strip finale. Lester Harding is back in his old post as m.c. and early in the route sings "I Am An American" and "God Bless America."

The remainder of the bill is largely comedy, with Dave Tannen's pantomimic skit well placed in the stretch. Likewise Hanson and Clark wind up the comedy pace as city slicker-comedy duo. Novelty note of the show is offered by Nelson and Evans in barrel-jumping acrobatics.

Running time is up to 50 minutes and the selection of the Weaver Bros. feature is a nifty for this week in view of the type of trade. Quin.

HIPPO, BALTO

Baltimore, Nov. 10.

"Hollywood All Girl Revue" with Pearl Robbins, June Lorraine, The Herzogs (5), "I Am An American" and Sister Annie, Gae Foster, Rozettes (16) Paul Lampkin and House Ork (11); "Too Many Girls" (RKO).

Smart idea this of a sumbling an all-girl layout to round out the title of "Too Many Girls." Result is a stage full of pulchritude and a nice conglomeration of talent.

With a fine, sparkling ancient lack of men and emphasis on gals, house line of 16 Roxettes under direction of Beth Mitchell, opens doing with routine which serves to introduce the Herzogs. Quintet of troupe workers looks well and contributes a socky opening. Utilize three traps for good perk and work in novel comedy sketch by inviting any one in audience to participate. "Volunteer" takes some funny falls, keeping up good line of chatter and wind up with smash one-foot catch on high swinging trap to show-halting results. Acts matters perfectly for June Lorraine, who follows.

In spite of avalanche of mimics constantly booked "I Am An American" is a clever-working lass, whacks out a clever-clever crack impersonations presented with a novel twist. Does all the familiar, with version of Bette Davis and Katharine Hepburn and Schnozzle Durante standouts.

Linc returns for some precision hoofery nicely climaxed by toe-tap to sold to the hilt by Pearl Robbins. Interlude is brief, but far above the average stuff. Makes just the right spot for Judy Canova, on to an audible reception.

In non-descript hillbilly outfit, she gives out with vocal of "Benny the Beaver," after which a session of gagging with Sister Annie at the piano leads into some ivory tickling with the latter. Followed with "I Ain't Got Nobody," announced as from recent film "Scatterbrain," and "Jook It" from "Yokel Boy," Broadway musical. recent vintage, which she starred. Legit encore contributes some comedy hoofery and a beg off. Makes a very solid spot.

Linc closes with well developed act, utilizing a good deal of her smartly turned out in tails and topers for punchy routine and solid series of curtains. Biz all right. Burn.

STATE-LAKE, CHI

Chicago, Nov. 9.

Charlie Barnet Ork, with Bob Carroll, Ford Leary, Jimmy Byrnes, Dick, Don and Dinah, Allan Carney, "Kidnare Comes Home" (M-G).

This is the first appearance in town for the Charlie Barnet orchestra, and it comes through impressively. There is no question about the orchestra being kind of a novelty, especially to the younger set who crowded into the house opening day and indicated that they will give this house a fine gross this week.

Barnet's orchestra proved plenty high-class in the modern tempo when caught. The 16-piece layout is effective on sight in the first place, and then proceeds to dish out a brand of modern music that must impress any listener. It's smart and they're rug-cutters. It's smart and live stuff, aided by Barnet's neat musical array. After this appearance Barnet is assured of a genuine Chicago following.

Vocalist with the Barnet aggregation is baritone Bob Carroll, who does well with his straight ballading. But the crowd the individuals is Ford Leary, who steps away from his trombones for some more-or-less singing. His breezy personality pleased the audience, and the applause was so pleasing to Leary that he stayed too long.

Three acts make up the variety lineup: Jimmy Byrnes, pretty fast himself, soundly kicking in the little and little note spots, clicked neatly with this mob with his deft tap dancing. Byrnes comes over the footlights pleasingly and handles himself with a sure touch, and a simple clowning to put the audience at ease. Dick, Don and Dinah are a standard acrobatic trio who have some extra little novelty stuff. They work particularly well with their three-high tricks. Score one for 'em also on their smart wardrobe.

Allan Carney finishes up the show with his own act, a little of the standard stuff is there, Barrymore, Robinson and Laughton, but Carney manages to get plenty out of the routine. He's a comedian, a comedian. He winds up with some Russian, Irish and Italian dialect-clowning for good results.

Biz line on the last show Friday (8). Gold.

EARLE, PHILLY

Philadelphia, Nov. 9.

Ken Murray, Milton Charleston, Wynne Murray, Park and Clifford, Dixie Dunbar, Earl of Puddleston, Betty Atkinson, Milt Herth, Lou Schrader's House Band; "I Want a Divorce" (Par).

This bill features everything from a couple of acres to a baggy-pants tramp comic with a gal drum major thrown in. Heading the lineup are the Murrys—Ken and Wynne. The former encores a tap number through the 55-minute bill with his ever-present cigar. His material could stand freshening up as many of his gags are definitely in the die cliche.

Opener is Betty Atkinson, billed as the "world's champion drum majorette." Dressed in a scanty, fetching costume, she twirls a baton to music. Act clicks well, especially when accompanied by tunes of local colleges. (When caught, Saturday night, the house was filled with school boys.)

Wynne Murray is in the deuce spot. More svelte than in her previous appearance here, her pipes are fine, but her selection of songs can be a bit of a bore. Her "Million Dreams Ago" and "Great Day," but Tennessee Fish Fry as her finale is just so-so.

Dixie Dunbar and Clifford have an assortment of difficult tricks, and their act is lived up considerably by the inclusion of Ken Murray toggled in a baggy athletic costume. They toss him about with ludicrous results.

Dixie Dunbar is backed by a quartet of long-legged lads and they mix up their dance routines nicely. The quartet is a tap number and a combo combo and tap bit. Miss Dunbar also does a solo, the one she featured in "Yokel Boy."

Ken Murray is in the deuce spot. More svelte than in her previous appearance here, her pipes are fine, but her selection of songs can be a bit of a bore. Her "Million Dreams Ago" and "Great Day," but Tennessee Fish Fry as her finale is just so-so.

The Milt Herth Trio, making their first appearance here, wrap up the show neatly and wrap up to their reputation as the "biggest little band in the world." Herth at the electric organ, Johnny Corners at the drums and xylophone and Wilson McGraw at the piano are out with an endless number of swing arrangements that have these customers pounding their palms begging for more. Lou Schrader's pit crew gets forth on the stage and does a smooth job of accompaniment. Biz, when caught, was okay but not in the same class as in previous weeks. Shel.

STANLEY, PITT

Pittsburgh, Nov. 8.

George Jessel, Isabel Jewell, Rochelle Hudson, Lya Lys, Jean Parker, Lois Andrews, Evelyn Farney, Jean Rogers, Ben Reed, Adkins House Orch (16); 'Moon Over Burma' (Par).

Only a George Jessel could turn this trick. He's been in show business a lot of years and needs the experience of every one of them to keep his Hollywood unit from turning turtle. As it is, show gets by, passably at any rate, because of his ace showmanship, his constant and unceasing vigil over the catload of Glamour. Preferred and the sugar-coating, culled from the books, with which he's outfitted the show. In pictures, Isabel Jewell, Jean Parker, Rochelle Hudson and Lya Lys are okay, but they have nothing at all to offer vaude, or what still passes for vaude. But Jessel doesn't passably, he's taken to the road and guided 'em through a few tricks, the trade, stands guard, volubly and cooperatively, over the flock and result is a little unit that's more entertaining than it seems right to be. The dames can thank Jessel for under ordinary auspices they'd be considerably happier—and safer, too—back on the Coast.

Miss Lys, who has been seen just in a couple of WB bits, punches out a smattering of crossfire dialect with Jessel; Miss Hudson does a song, 'Too Marvelous for Words,' in a fair voice; Miss Parker, an arch, comical, edgy skit with Jessel, and Miss Jewell an okay monolog about a roadside waitress whose sweetie runs out on her. She's the best of the lot. However, Jessel isn't really right to be everybody's side both before and after, and frequently during, so they can't go far wrong with such a show-wise assistant.

Even he knows that glamour itself isn't enough, so he's sporting a couple of bona fide music hall talents in Evelyn Farney and Jean Gary. Litter works through the show as a local kick trying to get a break and shows plenty of stuff as song-shouter, hooper and comedienne. The Farney gal is a crack terper who does her tap-twirling like the wind, but there's nothing more. Not enough pro-Broadway turns either and unit could stand at least one more, possibly two of them.

Show's rounded out by Lois Andrews (Mrs. Jessel), who's producing her, Jessel directs a few digs at his friends of the stage and radio who ribbed him within an inch of their life on a recent marriage, after which she goes into 'Madame La Zonga.' Pipes may not be so hot, but she sells fairly well and is living, luscious proof that Jessel can not only guide glamour but also pick it.

Of course, for his part, he's indefatigable and certainly indispensable. Jessel keeps 'em coming quick and fast for solid hour, and the audience in a receptive mood at the outset and holds it there, plus jumping around like a whirling dervish to hold the loose ends when they begin to start to sag. His over-specialty, per se, is a medley of songs he wrote, following few bars of each with an anecdote about how he lost the dough he made on the tune. He never lets up and he knows that would be fatal, and does better with what he has here than anybody could possibly have done under the circumstances. He's a brave man, but he's more important, he's getting away with it. Well, almost anyway.

Unit carries its own musical director, who bats Max Adkins' house orch from the pit and there's also an unbillied fellow who does a water bit in the Jessel-Parker sketch. Finale has the comedian coming out as Gabe Clark, ear to ear, in 'Gone' gets away, climax to the running gag in which each girl says her fave is Gable. Unit could stand a punchier finish, but by that time Jessel is probably dog-tired, and understandably so.

FOX, ST. LOUIS

St. Louis, Nov. 8.

Donald Novis, The Seven Freds, Smith, Rogers and Eddy, Six American Whirlwinds, Royal Swedish Bell Ringers, Ben Reed, Adkins House Orch (20); 'Dispatch from Reuters' (WB) and 'Blondie Plays Cupid' (Col).

Two-a-night at the Chase Club, west end nite spot, and even a radio stint for the radio, concocter, plus three-a-day at Fanchon & Marco's Fox is a pushover for Donald Novis, NBC warbler, who currently is headlining the musical segment of the season in this midtown 5,000-seater. The theatre management made a deal with the nitery for Novis and built up a 'surrounding stage show with vaude acts' headed by Harry C. Arthur Jr., from Gus Sun in Chicago. Entire layout, which includes two tailors, opened strong and indications are that it will pile up a heap of kopecks.

With the toolers transferred from the elevator platform to the apron, the 50 minutes of fast action get underway with an organ solo, 'Nobody's Baby' by the instrumental rising and then disappearing in the pit. A voice off stage in-

troduces Novis who doubles as m.c. and warbler, and he wastes no time in bringing on the Whirlwinds, who sock across their acro stuff done on roller skates. Some of the tricks are pulled at an amazing dizzy pace. Next, the Royal Swedish Bell Ringers (4), making local bow with starting with the old reliable stand using 'Bells of St. Mary's' with the lads using most of the 206 bells at their command. Then they step up the tempo with 'Beer Barrel Polka' and wind up with the 'Double Eagle March.' In between, one of the lads, utilizing a flock of musical water tumblers, scores with 'Gypsy Love Song.'

Novis begs palm-pounding for each act before they earn it, but the customers didn't respond too cordially until they had been shown. Then the m.c. went the mob with his singing of 'Beautiful Lady,' 'Blueberry Hill' and 'Trees,' the latter for an encore. Next are Smith, Rogers and Eddy, who sing the song of the only female on the entire bill. The men are softshoe dance comics and their deadpans are as funny as their steps. Miss Rogers, a looker, might just as well be a male, she's got it with the lads whose only responses are guttural grunts. When she gets down to her forte, tapping, after stripping from her cerise colored evening dress, she's a dancer. She briefs she won plenty of customer approval.

Ben Rader's symphonic arrangement of 'With a Song in My Soul' and the local Rustlers score solidly with this. The next and windup act is the Seven Fredsons, tumblers and teeterboarders. One of the best of the lot, the lads is who's the best of the lads does a triple somersault to land in a chair suspended on a 12-foot pole held by the feeblest member of the troupe.

Big gun at show is the lower floor being almost completely filled.

Sahu.

MAJESTIC, B'KLYN

Zinn Arthur Orch, Henny Youngman, Phil Regan, Joan Merrill, Three Sisters; Joan and Bobby Rexer.

A policy patterned after that of the Flatbush, farther out in Kings county, has been installed here, but although the local scene is a little different, the policy is the same. It occurs on the opening show, it will have to be better presented in order to get anywhere. House, old legit stand, for years on the local subway circuit, breathes an atmosphere that is stuffy and dreary. Also the stage is poorly lit, leaving the artists at a disadvantage.

Independently operated, theatre is filling out with a good crowd, as at the Flatbush, where the policy seems to have worked out satisfactorily. Evans and Lee are booked in the orchestra, scale ranges to 55c orchestra 66c lounge.

Initial bill, opening Thursday (7), was to have included Belle Baker, but her mother died suddenly that day and she was unable to appear. She was rounded up to substitute for the singer.

The orchestra is Zinn Arthur's 11-piece combination from the local St. George hotel where he played all summer. Has also played other engagements, including a fill-in band and also worked for the Brantley operators of the Flatbush. It's a pretty good swing band which can get plenty hot and noisy, but also deals in the more moderated rhythms. Arthur does not play any instruments but solo. His voice is not top but he sells himself rather well.

On the opening the band plays a medley with two different groups of four each stepping down front for featured positions, Arthur singing a portion of the arrangement. Later on Arthur hits a pop. He's got a good line for years on the local subway circuit, but the poor presentation.

Henny Youngman is on several times, but had trouble landing his leg. Perhaps this was partly due to the fact some of his material is pretty old. He's still pulling that one about flying in from the Coast, with his main session with the fiddle Youngman again found the going tough. A small audience Thursday night on the first show could be partly responsible for the coldness generally displayed.

Regan, in good voice (Irish tenor), is doing three numbers, including 'I'm a Fool for You,' which he carries his own pianist, Jack Harold. The former Brooklyn cop, who was in pictures for sometime and has played numerous numbers, including a hilarious one, was not so satisfactory as the Three Sisters, slapstick trio. The slaps, hoofery clowning and acrobatic nonsense are topped by the Sisters do a tap dance skipping ropes for laughs. A Samoan girl who does nothing but get herself introduced is now carried by the act. Includes Joan Merrill, singer, and the tapping team of Joan and Bobby Rexer (New Acts), fast-performing, buck-and-wing number, which is a little better. Miss Merrill has been in the nitery. Over here her routine includes 'Yodeling Jack,' in which the yodeling is nothing to rack about. The Rexers are a sure-shot, sure-shots, very well sold, and 'Must Be the Latin in Me,' also effectively put over.

GOLDEN GATE, S.F.

San Francisco, Nov. 6.

Will Rock, Thurston show, Britt Wood, Gene Gory and Robert Brown, Three Brown Sisters, Five Jewels, Peggy O'Neill, Line (12), Charles KKKO, House Orch (12); 'Laddie'

Francis who braved rain to catch the Gate's opener found a sign on the box announcing non-appearance of Will Rock, thus making the show due to 'transportation difficulties.' Truck breakdown provided authentic disappearing act which was a mystery 'unit 30 minutes before doors opened. Other advertised acts appeared as sketched, supplemented by emergency fill-ins, but management found it tough to watch walk-aways, big being bad enough anyway.

Two emergency acts opened. Italer being Jim Asselin from Benny Walker's KGO amateur hour. Very much an act, but has plenty of power behind his baritone, unusual in the days of thin mike voices. Encored 'Desert Song' with 'Without a Song' for nice reception. Second filler was Copeland Trio, singing act with the two female members, garbed as the luminous costumes. Done largely in dark light, it's pretty to look at, but any skating technique is lost in the darkness. The Copeland Trio, both gals in final spin, were lights on for windup so customers can see how it's done.

Trey spot allocated to first regular, Gene Gory and Robert Brown, plenty of class, but the Gorys are actually an A-1 gut scraper, mixes it with breakaway fiddles, one of which he shoves up and another of which he yields a live, stage, Gorys include tommy-gunning of partner and he crowns him with a cello and act even ventures into strip field when gal's dress is yanked during one mix-up. It's fun and nonsense which the customers went for in a big way, with ample approbation for Gory's serious bowing as well.

Three Brown Sisters follow, held over from their cello last week. They're still punching out strong, landing especially with 'Miss Otis Regrets.' The Five Jewels drew a next to closing spot out of the scrabble, quite a few female jugglers working principally with their hands and garbed in identical glittering gowns plus white gloves. Couldn't coax much of an audience at start but when all five began exchanging clubs at high speed toward the close, palms began to pound furiously.

Britt Wood, billed as from 'Hopalong' and other act operas, closes with his humor and harmonica. After tearing into 'Practice Makes Perfect' being one of the tunes used.

Band in the pit this week in anticipation of Thurston show. BMI music creeps in with it. 'Practice Makes Perfect' being one of the tunes used.

EARLE, WASH.

Washington, Nov. 9.

Line Trio and the Gollywog, Mark Dawson, Fray, Patsy, Gae Foster, Girls 'Dispatch from Reuters' (WB).

This one is heavily on the visual side with a lot of patter, a pup parade and a butterfly dancer, but it's a lush and colorful bill by any standards. A baritone 'Find of the Month' and the line's doubling as baritone in several occasions round it out effectively.

Bill is launched as usual with the Sing-A-Song-With-Mike stunt, Roxette Eileen Ritter getting biggest laugh by collecting amateur quartet from audience for 'Down By the Old Mill Stream.' Curtains open on other Ritter gal, Joan, in cued getting, carrying slate and warbling 'I Made a Decision on My Heart' to one of the goot, pantomime doll-handlers of the Lime Trio, dolled up in grid gear. Guy stalks off and line trickles on, also as cued carrying on several gag routines. Lime Trio follows, two handers in football pants wheeling box labeled 'Redskin Unisforms.' (Local pro team is Redskins.) This is followed by the double-jointed blackface ragdoll, surefire as always.

Eileen Ritter takes it next to present Mark Dawson, who gets a hand on 'I Love the Girls,' backed up by six gals in interpretative pantomime, 'Song of the Flame' and 'Where Else But Here.' In the latter, a suitable patriotic angle. Travelers open on three gals on platform holding strings on six others dressed as puppets for a comic atmosphere routine to last. Fray and Patsy are the mannikins. Young chap works in black pants and shirt, keeps the dolls stepping fast and smartly to solid music score. A Gae Foster, a rumba babe, a Joe Collette jitter-

bug, a bike rider and a skeleton got him biggest hand of the bill.

Baritone Dawson, steps to side line to do chorus of 'Tap Purple' as line willows through formations. Gals fall prone as Niska appears with her umpteen square yards of white satin for butterfly Effect, is fast, but she's even under plain spots, but with changing lights from all angles, it gets downright beautiful even to the balcony shirt-sleeve trade. A party solid had merged with usual blaring of the finale with lineup and Dawson doing a vocal bit to close.

Biz good at show caught. Craig.

WEST END, N. Y.

Teddy Hill Orch (14), Rhythm Brown, Gladys Madden, Earl and Francis, Betty Lee, Taps Miller, Jimmie Baskette, Sandy Burns, Edna Mae Harris, Crackshot, Chink Collins, chit-chatting, Joe Louis, Line (16); 'The Monster Walks' (Undie).

At a 35c. top (plus tax), the bill here includes a stage show and orchestra, a feature picture, Joe Louis, Arturo Godoy fight film and a cash-giveaway game. That indicates the quality of the show. As not a single portion of the bill is worth the 35c. ap. it's a cinch that all of them come behind merely prolong the boredom. But Harlem craves quantity, so the stageshow runs more than 90 minutes, which is about 90 minutes too long. It's all colored.

To mention the better things first, there's Rhythm Brown, a lean tap dancer on roller skates. Act needs a little more, but it's not to be wished considerably. But Brown is skillful, and if his stuff were more showmanly he would be a click in the crowd. Brad, with an educated trumpet and a novel tap dancing style, also provides a few bright moments, while Earl and Francis are a big-league dance pair.

Otherwise, the entire stage bill is dreary. Teddy Hill's band is blare enough to split non-Harlem ears. Gladys Madden, vocalist with the band, is nondescript. Betty Lee, announced as from the house chorus and getting a chance as vocalist, looks it. Jimmie Baskette, Sandy Burns, Edna Mae Harris, an undentifiable guy billed as Crackshot and somebody or other listed as Chink Collins struggle through several interminable, fishy and stale stabs at comedy. And from time to time the ill-trained house chorus stumbles through a routine. First half is presented in what is apparently supposed to be a 15-minute act, with the band in the pit. Crew is onstage for the second half. It's pretty bad, as was business at the early show Friday night (8). Hobe.

EMBASSY, N. Y.

(NEWSREELS)

More and more the newsreels have been assuming a firm opinionated stand instead of, as formerly, just reporting straight news. That is considerably evident this week at the Embassy where Pathe is making a plea, via printed slides, for American unity in order to cope with the present world crisis. This, of course, is a tactic employed to save the wounds of an acrimonious election campaign, and it's no more fitting and proper that Wendell L. Willkie should be the first to dismiss the animosity of political feuding, as he does in his personal pledge, through the reels, to aid the President's campaign.

It's a touch that in other, less critical times might have been construed as a corny fag-warfare. Today, however, the message carries a far greater weight. It's punchy and timely. And the consistency of the reel's message with the sentiments of the audience present at this catch-reporting straight news, was sufficient indication of its timeliness.

The coverage of the election is tough to follow from the standpoint of audience interest, and therefore the rest of the straight newsreels, while more or less diverting, suffers accordingly. This, of course, excludes the special British propaganda short, 'London Can Take It,' which gains a smash interest in showing London under fire, aided in a large measure by the commentary of 'I Made a Decision on My Heart' of the Lime Trio's 'On Foreign Newsfronts,' treating of foreign correspondents, is also in the category of 'London.'

Each actually exceeds an interest anything on this program. Pathe caught practically all the election stuff.

Most of the other subjects deal with the common-place, such as American preparedness moves, skiing, horseracing, the emphasis placed by Lord Lathian on the need for United States-British cooperation, etc.

A somber note is struck in Pathe's coverage of Paderewski's arrival in the U. S. from Europe. It's a re-creating of the kind of Poland which made the aged pianist, an onetime president of the Polish republic, a refugee from his native land.

There are some interesting football shots, with the Notre Dame-Guyton contest. New York topping that part of the setup. Fox caught all three except one. While extensive in coverage, they're more in the coverage, they're more in the coverage, they're more in the coverage.

APOLLO, N. Y.

Lorenzo Robeson, Patsy Eckstein, Walker and Walker, John Mason, John Vigil, Ferdie Robinson, Vivian Harris, Beachcomber, Joe Louis, Line (16), Louis Jordan Orch, Fats Waller Orch, with Kathryn Perry; 'Wildcat Bus' (RKO).

After a series of strong stage presentations, marked by nice work by the 16-piece orchestra, some good acts, all skillfully produced (within budget limitations), current Apollo show misses out. It's partially bad booking, but mainly the lack of anything outstanding among the performers.

There are two orchs, Fats Waller's and Louis Jordan's. Waller has a 16-piece orchestra, including piano, piano with one reed, one brass, typing, guitar and doghouse. The vein is sweet and it's nice, quiet listening, but not exciting. Waller's keyboard struts, such as 'Someday, Someway,' his expressive face still gets laughs and the solos by each of his instrumentalists are good. Vocalist Kathryn Perry's low-down style against the neovachord manipulated by Waller is likewise okay. Yet the whole thing adds up to a sleepy evening. Which was well-demonstrated at the last show (business Friday night) by the complete apathy of the usually enthusiastic Harlemites.

Jordan's crew is likewise a minature for stage work, nine pieces. His chief task is to break the show, which it does effectively. Maestro's sax work and humorous personality also earned limited plaudits. His vocal version of 'Just a Dirty Cad' is a pip.

Comics provide the real high spots in the show with two appearances. Boys are Apollo regulars, John Mason, John Vigil and Ferdie Robinson, aided by the straightening of Vivian Harris. Their initial shot is a repartee between him and another in a mezzanine box and another on the stage. Second is a hoary burlesque, with the boys getting a mouthful of water in their phizzes. It still earns solid laughs, but the business added by Mason, Vigil and Robinson.

Most of the other turns are segued into a gin-mill scene, which provides a little more variety. It includes a baritone Lorenzo Robeson (a similarity between him and Paul Robeson is purely coincidental); Patsy Eckstein, who's chrono despite the stage and does a few tricks, aided by a few trick twists but otherwise flat; Walker and Walker, gal-boy terper duo, who do a neat precision tap, one behind the other; Beachcombers, very blue combo of sax, acrobatics and dance by a guy and gal in the South Seas setting the name suggests; and Lou Spencer, one okay on the stage, but a fairly good tapster, but the show is overloaded with hoofery. What is needed in the spot is a novelty turn. Line of 16 females, after some nifty sections, is back in the burlesque run, with no imagination, no enthusiasm and no precision. Herb.

STATE, HARTFORD

Hartford, Nov. 9.

Jimmy Dorsey Orch (14), with Bob Eberle, Helen O'Connell, Buddi Schatz, Moke and Poke, Emerald Sisters (2), Sam Kaplan Pit Band; 'Melody and Moonlight' (Rep).

Two acts plus the Jimmy Dorsey orch comprise this bill at the State this week. Both acts are strong as is the band, which directs its appeal mainly at the younger set (14) consists of four sax (excluding Dorsey), three trumpets, three trombones, piano, guitar, piano and bass. Leader indicates more showmanly than Eberle, who has prior experience here nearly two years ago. Is more at ease and has gotten rid of his stilted mike announcements. Maestro follows his institutional policy of letting the specialists in the crew come out for some spotlighting.

Following an overture by the pit band, the Dorsey aggregation gives out with a swingy theme from behind closed curtains. Band then lets loose with a medley of swing tunes after which Dorsey joins the crew in Old John Silver, a few swinging wickie clarinet. Buddy Schatz then whitelighted for extended set at the skins.

Bands' femme warbler, Helen O'Connell, is out for a neat selling of a brace of songs, 'Practice Makes Perfect,' 'All of Me' and 'Madame La Zonga.' She and band's other, Eberle, are stand-bys with the outfit.

Spotted next are the Emerald Sisters (2), who get by niftily with some cild tumbling. Gals inject comical quips and a medley of tap to milk laffs. Finale number is doubling tumbling bit over and under a table. Good selling bit.

Schutz next beats out solid on the skins. A Man and His Drum, a change of pace brings out Eberle, baritone, and a heart throb for the lassies. Vocals effectively. Never. Annie Adams, in back, is a good up sax to join his four-man sax section for brief period of tooting. Next: 'Breeze and I' with maestro this time on the clarinet.

Next band, the 'Annie Adams' Cough Fanny, has Don Madison, of (Continued on page 56).

House Reviews

Continued from page 55

STATE, HARTFORD

the band, and Eberle dueting. Double-edged meanings of the various choruses as echoed by the band boys hits a palatable spot with the stubbleshooters, who eat it all up. Eberle next duets with Miss O'Connell, on an active comedy number, 'Do It Again,' with maestro coming in for some horsplay. Ebony male duo, Moke and Pokes, speed the pace, plus some terrific interbugging and comedy hoofing. Boys open with a vocal, then go into their dancing routine. Sell themselves to the hills on Friday night (8), large portion of the house's 4,000 seats were filled. **Ec.**

KEITH'S BOSTON

Boston, Nov. 7.
Ciro Rimac Band (11), with Charley Boy, Alzira Camargo, Estrellita and Chinita; Three Stooges, Three Trojans; 'That Gang of Mine' (Mono).

An odd, but very entertaining combination is the South American music, singing and dancing of the Rimac troupe, plus the rummy-toned comedy of the Three Stooges. This show, on a four-day policy, is drawing good business. The Rimac troupe has not been viewed here for some years, but there is still an exciting lift to its flashy, showmanly work. Charley Boy and Chinita open with a short, snappy dance. A large crowd follows with a solo castanet terp to 'Breeze and I' that rates hearty applause.

Three Trojans come on next for a snappy session of clean-cut tumbling. Boys are smart-appearing in collegiate rigs of red sweaters and white slacks, ripping off their routine with good timing and a fine finish. Whole turn is on the floor, with each of the trio offering a trick, in rotation. Standout stunts include a series of backflips without use of hands and flips with a slow-motion touch.

Stooges have two innings. The first angle is a resume of their old routine, involving the hokum play-reading and eye-gouging. The second session is seemingly new. Curley is togged out as a moth-eaten rajah prone to do fancy tricks with a pop gun and knives, after sufficient cajoling from Moe. In a large way, the act is far-fetched, even to be called foreign. Larry is the innocent by-stander who has a raisin shot off his noggin and who stands against a board while the knives appear to go through the air and skim his anatomy. The skit is good and corny, loaded with the kind of horse-play usually associated with the act.

Featured in the Rimac troupe is Alzira Camargo, Brazilian singer, doing a vaude version of Carmen Miranda. Miss Camargo sells three numbers in native tongue with solid backing by the band. Her songs get better response as she goes along.

A socko number, midway in the show, is a Brazilian samba with Rimac and Estrellita and Chinita is well received for her version of a Cuban waltz. Rimac and Charley Boy really go to town in their heated dance in native tongue.

Stage is nicely dressed this week and the lighting is effective throughout. **Fox.**

LYRIC, INDPLS

Indianapolis, Nov. 8.
Russ Morgan Orch., Carol Kay, Johnna, Paul Roberts, Paul Karan, Bob Hall, Three Freshmen, Six Skating Maravels, Jimmy and Mildred Mulcahy, 'Great Profile' (20th).

The free and easy manner of Russ Morgan as m.c. of his own band show gives the spectator the impression that this is a rehearsal instead of a regular show this week at the Lyric. It's a new approach to band shows, and a pleasant change of pace. Morgan's efforts of other maestros who have been holding forth on the boards during previous weeks. Morgan's wit adds sparkle to the band numbers, which are being played in the four-rhythm, three-trumpet, two-trombone, three-fiddle and four saxophone sections.

Smooth singing is evident on the theme song 'Does Your Heart Beat for Me,' done in its entirety to open, and followed throughout the 65 minutes running time by 'Johnny Rag,' 'Introspection' and 'Sentimental Mood,' with Morgan on the slip horn and also doing a vocal on 'Only Forever' and moving over to the piano on 'Stumbling' with very hot treatment given 'Linger Awhile.'

Band vocalists are Paul Roberts, baritone, who sings 'Whispering Grass' and 'Stardust' and Carol Kay, who gives lackadaisical treatment to 'Maybe' and 'Nobody's Baby.' A heavy scorer in the vocal department was Paul Karan, winner of an amateur contest on station

WFBM, who sings 'Shadrack.' He either had no sense of the audience, or they liked it, for the mitslaps were heavy.

One of the novelties on bill is Johnna, a quick sketch artist, who draws a picture of a man in audience. Turn also gives Morgan chance for fooling around with audience, all done in good taste. Jimmy and Mildred Mulcahy go symphonic on the harmonicas, flipping through number of tunes, cold and hot, and finishing off with 'Rhapsody Blue,' a toughie which won heavy applause.

Bob Hall, who has been making the town for many years, and improving rhymes all the while, is still good entertainment. Still has his fine line in the connotes suggestions from audience into lyrics of song which he composes as he sings. Three Freshmen perform comedy acrobatics for finisher. A little kidding is made at production, though lighting and set have not been neglected. The pace of the show is casual and accounts for part of its appeal. Big goos at three, show Friday (8), opening day, with standees on first floor. **Kiley.**

MICHIGAN, DETROIT

Detroit, Nov. 8.
Xavier Cugat Orch. with Raul and Eva Reyes, Lina Romay, Adel Mara, Carmen Castillo, Miguel Valdez, Carlos Gardes, and a vocal quartet, Phil Brestoff House Orch., 'Christmas in July' (Par).

This town's prolonged yen for music in the South American way makes it a natural draw to put the Cugat troupe, practically old settlers here in the Hotel Statler's Terrace Room, on the theatre stage with good reason. Organized in the Detroit mood, widely known with the long tenancy in the hotel and the steady night airing of his music, and it has entered the city with a bang. As usual, this house boasters its band with names and has brought up Abbott and Costello for the comedy spot and added Catherine Westfield, whose puppets fall in step deftly with the Cugat music. The Phil Brestoff house orch opens the show with an overture 'The Beer Barrel Polka,' as Liszt, Wagner, Verdi and Beethoven would say.

Cugat outfit gets in enough popular and Latin balance to satisfy a fairish cross-section of musical tastes. The core are Miguel Valdez, doing hot waltz and Afro-Cuban type of tunes with good results; Carmen Castillo to provide the sheerer Spanish and Portuguese stuff with 'Carmen' and 'Guero' and 'Tango in tux, dancing in the Spanish tradition, Adel Mara. These Latin portions of the bill, highly fancied here, are separated by the appearance of the Cugat band. The first is Cesar Romero, Anna ('Blue Gown') Neagle and Joe E. Brown—provide rhumba, waltz, and jitterbug dancing, climaxing with a slick number in which Donald Duck puppet comes out and does a Sonja Henie on roller skates, wildly gesturing while singing his tail feathers on the floor. She could have worked more puppets as far as this audience was concerned.

The Reyeses, who worked with the Cugat band during its long hotel stay, once worked in a polished comedy ballroom team with a comedy knack. They could easily have done more. For the rest of the band work, Cugat shows its versatility with trumpet and violins on 'Breeze and I' and easy congarumba style. Lina Romay's piping in swing or Spanish is done with equal facility. Later's father once worked in Mexico, could relate there and she began her professional work in Detroit. 'Rhumboogie' and 'Only Forever' are more numbers that fall here way.

The setting is a natural for Abbott and Costello, whose turn halfway through is perfect balance for the Spanish parade. Pair take over with the Cugat band, and then leave it up to the audience to pick out what part of their extensive routine is wanted. Audience, naturally, in baseball town like this, took a liking to 'Babe' and 'Babe' heavily for it. Pair hadn't had a chance because of late arrival to work with band, but clicked smoothly as they fitted into a conga chant and Costello tucked away a fast routine on a sorely needed ending.

Biz fair when caught Friday (8). **Fox.**

Fla. Nut Club Opens

Miami, Nov. 12.
'Kernel' Lew Mercer's Nut Club lights up Friday (15), a month and a half prior to last season's opening. New revue is packaged under 'Tunapoppin' label, James Paddy Buchanan, formerly at Mercury's Pittsburgh spot, leads lineup, which includes Reggie Dvorak, Bishop Brothers (2), Charles Adams and Ray Walker.

Room has been refurbished and enlarged to accommodate 30 additional seats at bar.

Unit Reviews

GLAMOR GIRL REVUE

(BROADWAY, CHARLOTTE, N. C.)

Charlotte, N. C., Nov. 6.
Ray Martell, Mack and Lynne, Hank Sermon, The Three Cards, Jean Moore, Edna Brown, Connie Cella, Ray Samuels' Girls (8), Hugh Emmerson's band (7), 'Slightly Tempted' (U).

Featuring Ellen Drew (not the pic player of the same name) in a bedroom story, 'How to Undress Before Your Husband,' 'Glamor Girl Revue' presents a well-balanced and pleasing show, though lacking in a sock act. The unit depends on the novelty-plot to draw the customers and on several neat acts to leave a pleasing taste in the viewer's palate.

The bedroom business is billed as showing the right and wrong way to disrobe before hubby. With emcee Ray Martell narrating play-by-play description from the sidelines, a tired chorus comes in and gives a rough but revealing demonstration of how not to undress. When she is safely tucked in bed, Miss Drew trips in and delivers the first of the artful wile takes on of keeping her lines at an interesting angle to the audience, with a finesse capable of affecting hubby with a fine case of insomnia—if he's still awake. Martell's sideline quips enhance the act. The Three Cards, Gay Maxine and Mal, drew top plaudits with precision acrobatics, in which regard, less from what point they take, they always land in a barrel after doing the prescribed numbers of twists and turns. Mack and Lynne are in a zany act run.

Hank Sermon and Archie Overcome the Edges Ben and McCarthy barrier in a dummy act in which Sermon contributes some dextrous vocal-pops. A Martell emcee impersonation comes off well with impersonations P.D.R., Walter Winchell, Lionel Barrymore, and Stepin Fetchit. His best, however, is a takeoff on Amos 'n' Andy, who took the principal characters. Jean Moore warbles acceptably in one appearance. Connie Cella does a song and dance with the strictly routine. Line performers nicely in usual three appearances. Band played from stage. S.R.O. on show caught. **Just.**

GAY NINETIES REVUE

(BROADWAY, CHARLOTTE, N. C.)

Charlotte, N. C., Oct. 26.
Jack LaVier and Ruth Morgan, Bernard and Jensen, York and Grace, Mel Hall, Sandra Lynn, Flora and Andy, Condon Girls (5), Band, 'If You Can't Fool Your Wife' (RKO).

'Gay Nineties Revue' presents a heavy nostalgic show, built around three sock acts, which are mixed with present to round out a fast-moving 50 minutes.

Top act is Jack LaVier, vaude vet, with Ruth Morgan, who does the act consisting solely of getting himself up on a trapeze bar and balancing himself with his hand with his build-up, up, gaes, and nifty timing the acrobatics.

Pushing the LaVier act is the slapstick comedy of Bert York and Beatrice Tracy. York impersonates W. C. Fields, while Beatrice carries on the LaMartha Raye. Strictly hokum, but drew heavy in last end.

Nifty impersonations turned in by Bernard and Jensen. Miss Jensen formerly having been a stand-in for Joan Crawford. In addition to Crawford, the line includes Mae West and without much success. Bernard contributes fast-change impersonations of Jimmy Durante, Ned Sparks, Groucho Marx, Charlie Chaplin and other film actors.

Mel Hall turns in a run-of-the-mill unicycle turn, while Sandra Lynn niftily soprano nostalgic '90s numbers. The line, divided in five can-can girls, 'The Florida' girls, dances pleasantly in three stands. Arrangements. Band plays from on show caught. **Just.**

New Act

JOAN AND BOBBY REXER

Dancel, 8 Mins.
Majestic, Eklyn
The youthful Rexers, probably brother and sister, are making a nice appearance, they also are all there on their feet and right now quality for the better time in theatres as well as in night clubs.

The Rexers are a good wing dancing, bringing out an old-time vaude flavor, but with plenty of punch for the moderns. Opening tap with the 'G' establish a sham quickly. Bobby Rexer, then steps out for a single buck, his partner joining him for a fast challenge finish. The closing sends them across very strongly. **Char.**

Best Sellers Best Buys

Continued from page 3

yarn, regardless of its origin, is exchangeable for studio coin.

In fact, Hollywood will indefinitely go on paying anywhere from \$50,000 to \$125,000 for Broadway hits, just as it will also continue to fork over from \$1,000 up for a synopsis that has been neither staged, produced nor put between covers. The big of the celluloid business, though, would be mighty grateful if the novelists, especially those whose works strike the public fancy, could be hyped to greater fecundity.

Studios' current rush for anything exuding the aroma of a potential best seller—the result of long and careful analysis of the enviable nickels' two, most recent winners, 'Gone With the Wind' and 'Rebecca.' During this study was discovered the importance of an institution known as the rental library.

Go After the 'Renters'

So, moving on the theory that the general public has a natural curiosity for talker versions of plays, it has seen or novels it has read, Hollywood's production overlords are doing it this way: the audience for a best seller, due to the 30-day rental establishments, is many times that of even those legit attractions that follow long stay on Manhattan's main stem with road tours. That being the case, they ask themselves, why not pay as much for books as they would for pieces first given the spotlight via the footlights?

That they are translating words into action is demonstrated by Paramount's move in planting \$100,000 in the line for Ernest Hemingway's 'For Whom the Bell Tolls' with promise to pay him an additional 10c for every copy of the book sold up to a total of 500,000, making it possible for Hemingway to increase his picture income from 'Bells' by another \$50,000.

Par's deal with Hemingway is a far cry from the one Margaret Mitchell had with Selznick. 'Gone With the Wind' costars \$150,000 for the Atlanta authoress received \$55,000 for the cinema rights to her novel, which is explained by the fact that Selznick took a gamble and closed for her story while still in galley form.

Picture skeds for 1940-41 and 1941-42 will carry an imposing list of titles gleaned from the field of contemporary books, most of which were purchased before they reached the stalls.

Leading the parade will be Richard Llewellyn's 'How Green Was My Valley,' for which 20th-Fox paid \$50,000 before publication, and which Harry Zanuck will personally produce with William Wyler, borrowed from Samuel Goldwyn, directing. Although the cast has not yet been set, the offering will be mounted on an expensive scale. It is slated to roll around Dec. 1.

From the same lot during the next 18 months will come screen versions of F. Van Wyck Mason's 'The Accused,' Ballerina Maders, for which Zanuck handed over \$16,000 before publication in book form; Vereen Bell's 'Swamp Water,' a Sat-vepost serial soon to be published as a tome, and Steven Longstreet's 'Renishen the Earth,' which also is still in the printery.

'Farmers has Henry Bellamann's 'King's Row,' for which it paid a healthy price before publication, which is now giving the Burbank outfit considerable worry from the scripting angle, and 'Hartzell Spence's 'One Foot In Heaven,' which will reach the stores and rental libraries late this month.

In addition to Hemingway's 'Bell,' Par has another novel, Katharine Brush's 'You Go Your Way,' the publication rights to which brought the authoress \$16,000.

Catching it In Stride
Metro has Jan Struthers' 'Mrs. Miniver,' for which it paid \$25,000 before it had hit its full stride as a book, and in which it plans to star Genevieve Howard. Metro also has a talker around Nathaniel West's 'A Cool Million,' which it obtained before publication in a rather unusual manner. Copy of the manuscript had been submitted to Col exes for inspection before the yarn was sent to the publishers. But 'Million,' as prepared for book purposes, hadn't considered suitable for pictures, so author West and screen writer Boris Ingster set about to grind out a screen treatment. This met with Col's approval, and a contract was signed.

In studying the Selznick situation on 'Gone' and 'Rebecca,' the production bosses had impressed upon themselves the fact that they have too long overlooked. It is that the po-

tential ticket buyers want literal translations in the conversion of books into pictures. This, they learned, was responsible for much of the takes garnered by both vehicles.

Standing out in sharp contrast to Selznick's experience on the two features is that of the Frank Lloyd-Jack Skirball producing combo on its initiator, The Howards of Virginia, a studio to which to date have not been up to expectations. When Columbia handed Elizabeth Page \$50,000 for the screen rights to her best seller, 'Tree of Liberty,' it planned to produce it under its own banner, with Lloyd, moving over from Paramount, as its producer-director. Came the outbreak of the war and its accompanying pinch on the film companies, and Col decided to shelve the vehicle, temporarily at least. Then Lloyd submitted a proposition, involving his resignation from the Col roster and the acceptance of the story, then partially scripted, in settlement for the advance preparations he had handed.

Run Into Title Conflict

Lloyd then set up his own producing firm in association with Skirball, negotiated financing from a New York bank, and went ahead, with Col signed as the distributor outlet. The picture had been widely publicized before the start of shooting under its original tag, but Col sales heads suddenly conceived the idea that 'Tree of Liberty' might be confused with Warners' patriotic short, 'Sons of Liberty,' then going into release.

Lloyd and Skirball countered with a suggestion that 'Susquehanna' be substituted in view of the fact that most of the filming was to be done in the Susquehanna valley. Col officials, however, were insistent upon 'The Howards of Virginia.' They argued that the customers might believe it a story of the earlier Susquehanna dirigible tragedy if the Lloyd-Skirball proposal were carried out.

Lack of accord between the two factions over the title eventually led to other differences, with the picture suffering from lack of exploitation after the negative reached the distribution organization. The bulk of its bally had been around the novel's tag, which became meaningless when the shift was made.

Pix On Radio

Continued from page 2

recently finished, wrapped around their mike feed. Others with an ethereal twist are 'You're the One,' 'Christmas In July,' 'There's Magic in Music,' 'Rhythm on the River,' 'Second Chorus' and 'A Night at Earl Carroll's.'

'Hullabaloo' at Metro, just produced by Louis K. Sidney, who used to produce radio shows, has a mike aura. 'The Great American Broadcast' at 20th-Fox is self-explanatory and 'Stand Up and Cheer' is in the same category. RKO's Kay Kyser starrer, 'You'll Find Out,' has an aerial setting and his next picture is aimed in the same direction. Two of Republic's high-budget features, 'His Parade of Stars' and 'Melody Ranch,' have a radio trend, and so have two of the studio's future films: 'Melody and Moonlight' and 'Milkman's Matinee.' Throughout the celluloid industry the broadcasting background is a growing rival of the canyons and prairies.

In Army Now

Continued from page 2

Colman W. Coalter, Harry W. Miller, Victor C. Horn, Clifford R. Lohr, Florian J. Klock, Warren M. Mac, Jr., Edward Connelly, Fred Hickey, son Smith, George W. Farlow, Paul J. DuPre, Burt H. Dryer, James T. Dale, Donald E. Lewis, William A. Rush, Milton T. Parsinger, Harry W. Burdett, Jr., William R. Jones, Harold A. Gibson, Marvinne R. Franklin, Jack H. Young, Robert M. Benham, Robert Hoffman and Clifford A. Wright.

At the Marine barracks, San Diego, the bachelors are discharged for three months of training, after which it will be reassembled as a unit, with the same commissioned officers.

When reorganized after the training period, the outfit will have a band capable of playing anything from swing to the classics. Some of Hollywood's best musicians will be wearing Marine uniforms for the next year.

Father's' 1st N. Y. Anni a Fabulous Party, Show; Caustic Rib of Shuberts

By JACK PULASKI

The most elaborate theatre party yet held was staged Saturday night (9) principally in the large lobby and foyer of the Empire, N. Y., in celebration of a year's run there of "Life With Father." Bar and serving tables, which were constantly replenished, were ample to satisfy the thirst and appetites of an unexpectedly large throng of showpeople, authors and newspaper men. It had been intended to invite 200, but the list mounted to the 800 mark, with few if any crashers.

Theme of the event seemed to be: "Enjoy yourself—there isn't as much time as you think." In addition to the generous collation and pleasantness among those present, most of whom were acquainted, there was what might be termed an impromptu show on the stage. One skit could have been called "Ribbing the Shuberts" and a lyric warbled by Lief Erickson alluded to the brothers violently, to put it mildly. Erickson, however, slurred the name by design or otherwise but it was rough enough.

The skit referred to the little affair in Boston where "Father's" producer, Oscar Serlin, has been having run-ins with the Shuberts. First it was over booking the Boston company, Serlin winning by leasing the Civic Repertory theatre. Second contest was over tickets for "Father" there, result being that Herick's, alleged to be operated by the Shuberts, does not handle tickets for the show.

Lost, One Knife

Hiram Sherman, who m.c.ed the show, appeared as Serlin, Shuberts being played by Lester Allyn, Benny Baker. After some pleasant remarks the brothers departed, Sherman remarking: "After all, Jake and Lee aren't so bad." Thereupon he turned around and a knife was sticking in his back, with a resultant howl. Serlin himself, sitting down front, almost fell into the orchestra pit. Later he explained there were to have been two knives, but one prop dropped.

Earlier in the evening there had been a three-way radio show, leads of the New York company participating with those of the Chicago and Boston casts. Burns Mantle (News) introduced the New York end; Elliott Norton (Post) was in on Boston, and Ashton Stevens (Herald-Examiner), had the Chicago end. Time was secured through Alka Seltzer, but Stevens made a fumble, saying it was by courtesy of the rival Bromo Seltzer. For that he was penalized half the distance to the goal by Russel (Buck, "have another drink") Crouse, who wrote "Father" with Howard Lindsay.

Hit of the show was scored by Danny Kaye with his "Pavlova" number. A "Mikado" skit, with a sextette in red wigs, a la "Father," was light-highlighted by Bert Lahr, who did a Lindsay. Some name players were also listed to appear, but walked out on a real party. However, Gypsy Rose Lee showed. She was stinky about stripping, but flashed her attractive gams. Sylvia Fine was at the piano throughout.

Check was split by co-host Lester Meyers, who operates the Empire, Serlin, Crouse, Lindsay and the several backers who are in on one of the most profitable plays in generation.

Shuberts doubtless got a report on the ribbing, for one or two of their staff were having a good time, though explained they didn't attend to check up.

Legit Cues

Ann Mason ill with heavy cold for several days before preem of "Quiet, Please," but went through with show.

Josephine Hull set for "Arsenic and Old Lace."

Ralph Forbes, in from the Coast and may go into the new Moss Hart play, opposite Gertrude Lawrence. Author is also looking for girls to play as Lawrence at the ages of 6, 12, 18 and 23.

Elmer the Great, currently trying out in Boston with Joe E. Brown, will get second act revisions before being brought to Broadway.

Engagements

Vivienne Segal, Gene Kelly, "Pal Joey."
Barty Jones, Kent Smith, "Old Acquaintance."
Eleanor Lynn, Allen Tower, Edward Nunn, "The Hard Way."
Victor Mature, Lief Erickson, Hume Cronyn, "Retreat to Pleasure."
Terence Morris, Robert Merritt, "O'Duel."
Kenneth Clarke, George Bleasdale, "The Corn Is Green."
Lou Lubin, Joseph Pevney, Sarah Seeger, Leslie Barrett, John L. Kearney, Clancy Cooper, Bobby Mitchell, Kay Loring, George Dill, Mitchell Kowal, Seldon Bennett, Jack Arnold, Peter Cucanelli, "Horse Fever."

Robert Keith, Diana Barrymore, Thais Lawton, Lawrence Fletcher, Henry Kolle, Gertrude Flynn, Zolya Talma, Elwyn Harvey, Mary Heberdeen, Emily Lorraine, Ronald Hogue, Kathleen Cortell, Marita Sylvia, Tom Bate, "Romantic Mr. Dickens" (complete cast).

RED SMEAR ON EQUITY STILL A BURNUP

The "smear" of half a dozen congressmen by Congressman William P. Lambertson, Kansas Republican, who charged them with being Communists or sympathizers of that system, still rankles among Equity leaders. They have been forced to remain quiet, awaiting an answer from Washington whether the charges are to be investigated or tabled. It is their intention to attempt forcing the issue, unless word is soon received from the Capital.

Equity leaders are not only concerned over the cloud covering those named, but over the position in which the charges have placed the association itself. Felt that its standing among unions has been impugned. If the charges are proven, Equity could act to "clean its house." Until such time officials for the most part are standing up for the members named in the Congressional Record by Lambertson. For the second time the association's monthly will not touch upon the charges, but the magazine may be the means of refuting Lambertson.

Equity's head, Bert Lytell, sought prompt action so that Equity might again participate in federal relief and the association's unemployment situation relieved. Chances of securing such aid are hazy, despite the assertions of Congressmen that they would favor theatre relief legislation if the Red charges were dissipated.

CONCERT DATES HELD BACK BY ELECTION

Columbia Concerts Corp., unlike the film companies, did not attempt to battle the election period. Booked almost no concerts of its artists during first days of November. The concert agency felt that any attempt on the part of its serious musicians to buck the election would be disastrous, and that while motion pictures may be willing to chance its strongest attractions during election week, concerts cannot afford to do so.

Starting with Nov. 10 however, Columbia is making up for lost time with no fewer than 12 artists scheduled to make appearances at Town and Carnegie Halls in N. Y., in the next two weeks. Those to appear are: Ellen Ballon, pianist, at Town Hall, Nov. 10; Michael Zador, pianist, Town Hall, Nov. 11; Grace Leslie, contralto, Town Hall, Nov. 13; Rose Dirman, lyric soprano, Town Hall, Nov. 16; Richard Hale, baritone, Town Hall, Nov. 16; Henri Tomlianska, violinist, Town Hall, Nov. 17; Albert Spalding, Carnegie Hall, Nov. 18; Robert Goldsand, pianist, Town Hall, Nov. 18; Nathan Chaikin, cellist, Town Hall, Nov. 22; Clara Coo, pianist, Carnegie Chamber Music Hall, Nov. 22; Simon Bars, pianist, Town Hall, Nov. 24, and Dorothy Minty, violinist, Town Hall, Nov. 26.

Shows in Rehearsal

"Delicate Story"—Gilbert Miller, Vinton Freedley.
"Old Acquaintance"—Dwight Deere Wiman.
"Pal Joey"—George Abbott.
"Off the Record"—John Shubert.
"Romantic Mr. Dickens"—John Tuark.
"Hi-Ya Gentlemen"—Alex Aarons, Robert Ritchie.
"All in Fun"—Leonard Sillman, Phil Baker.
"Horse Fever"—Alex Yokel.
"Follow the Furles"—Fledgling—Otis Chaffield-Taylor.
"Mornings at Seven"—Nat'l Playgoers Guild.

'Today' Closes Copley, Boston, Tryout Venture Around \$25,000 in Red

Some mystery attended the presentation of "Here Today," which closed at the Copley, Boston, Saturday (9) after two lean weeks despite a favorable press. Copley was announced a tryout spot, with half a dozen plays supposed to be played as a show case for Broadway. "Today" is not new. It was produced at the Barrymore, N. Y., by Sam H. Harris in 1932, but failed, and went off after five weeks.

Ruth Gordon, who was in the original cast and the Boston showing, appeared in the play during the summer in stock. It then attracted the attention of a picture scout. Lee Shubert, with the urging of Miss Gordon, placed "Today" on the Copley schedule, it being assumed that he would share in possible film rights money. No picture deal has been consummated, however, and the rights are owned by Harris, George Oppenheimer, the original author, and George S. Kaufman, said to have revised the script though not billed as a participant.

"Today" was supposed to satirize Dorothy Parker at the time of original presentation. First, the weeks were fooled by figuring it a money show. There are no plans to try it again on Broadway and the Copley venture, in which W. Horace Schmidlapp, Jos. W. Gaits and Lee Shubert participated, has been dropped, closing in the red for about \$25,000.

Sunday Legit Begins Nov. 24; Matinee or Nights Up in the Air

Sunday legit performances on Broadway are dated to begin Nov. 24, original starting date of next Sunday (17) being called off because too many managers stated they would not be ready at that time. Principal hindrance was the advance sale of tickets for the following Monday (18). "Quiet, Please," "Life With Father," 800 tickets for next Monday's performance being out. As a number are in the hands of out-of-towners, it would be unfair to such patrons and practically impossible to recall the tickets. Some question whether the hits will play Sundays, despite the League of New York Theatres, which helped secure such performances. Some producers of top shows are not members of the League.

Early this week 12 attractions were definitely committed to Sundays. Those ducking such performances are "Panama Hattie," "Louisiana Purchase" and "Father," because of each show's advance sale. Managers concerned are not in the League.

Protective Clause
There are a number of angles to the Sunday subject. It was thought that some showmen might give a matinee on the Sabbath and then play Monday night, figuring that the state law of 24 hours rest following a Sunday performance would be complied with. Whether afternoons or nights to be used is still to be determined but the league's idea at present is that all shows play at the same time and thereby test the possibilities of the draw.

"Tobacco Road" only legit that played last Sunday (10). Sold out, indicating the possibilities for a new moderate price patronage. Scale for "Road" is \$1.10 top.

Full 24-Hour Rest
Equity claims that its resolution okaying the members' referendum voting in Sundays 6 to 1 includes a provision calling for full 24 hours

Straight Show Clicks Are Missing From B'way; 4 Hits Same Time in '39

Milw. Aud's 31st Year's Net Profit at \$32,051

Milwaukee, Nov. 12. Biggest amusement place in the town, the quasi-municipal Auditorium, where grand opera, concerts, indoor circuses, conventions, auto shows, prize fights, etc., held, ended its 31st year Sept. 30, showing a net profit of \$32,051.56, a gross of \$150,446.15, or four times the net return of the previous year.

The profit will be put into building improvements, yearly practice that has resulted in the Auditorium property doubling its original value when built. The big building has had the same manager all these years—Joseph C. Grieb.

TOURING GROUP CUTS SKED TO 2 SHOWS

The National Playgoers Guild, which aimed to tour four attractions in the smaller stands under a system of local guarantees, along the lines attempted by the Legitimate Theatre Corp., last season, has been reorganized but the corporation was not dissolved as reported. George Sommes, who originally had a small interest, is understood to have absorbed all the stock, although Hedy Raines, of Metro, who is credited with raising the first bankroll, is said to still be president.

Guild is said to have gone into the red for about \$25,000. Instead of four shows, only one is definitely announced to open, it being "Morning's a Seven," which replaced "Outward Bound" (Continued on page 58)

Broadway is way behind last autumn, particularly new dramatic successes. Not one unquestioned straight play click has yet registered. Up to mid-November, 1939, four hits had arrived, plus two shows of moderate success rating and one of moderate proportions has arrived to date this fall—George Washington Slept Here (Lycum), while two revivals are of similar standing, they being "Kind Lady" and "Charley's Aunt."

Favorable signs are the increase of shows in rehearsal, most of those being readied being well regarded in script form. It may be well past New Year's before more productivity reaches the peak and then most theatres Broadway should be operating.

New musicals have a much higher average currently, four drawing big grosses. "Panama Hattie," newest hit (48th Street), "Hold On To Your Hats" (Shubert), "Boys and Girls Together" (Broadhurst), "It Happens on Ice" (Center), "Cabin in the Sky," colored musical (Martin Beck) is an indicated moderate money-getter and none of the new musicals have flopped. Musical strength is heightened by the continued big draw of "Louisiana Purchase" and "Hellzapoppin'."

Last Season's Start

Straight play winners which opened during the first month and a half last fall: "Life With Father," "Sky-lark," "The Man Who Came to Dinner," "Ladies and Gentlemen," "Margin For Error" and "Time of Your Life," latter two being moderates, though "Error" spanned the season. "Father" and "Dinner" are still on Broadway. The incoming musical hit during that period was "Too Many Girls," big winner on Broadway, but not so good out of town.

From September to the middle of November, 1938, was also much more productive of scoring attractions than the current season to date. At that time four straight hits and a quartet of musicals lived the list: "Victoria Regina," "Kiss the Boys Goodbye," "Abe Lincoln in Illinois" and "Oscar Wilde," the musicals being and "The Man Who Came to Dinner," "Hellzapoppin'," "I Married an Angel," "Leave It to Me" and "Knickerbocker Holiday."

Last season the fall period looked so favorable that the critics were even patted on the back when they failed to detect flops up to late October. Recently, too, the reviewers were regarded as leaning backward to hail the new shows, but their praise was for the musicals.

Production is being stepped up coincidental with the amended pact between authors, managers and picture interests, but the shows now in rehearsal are not film-backed, or at least not admittedly so. Picture people say they are ready to re-enter Broadway, but are holding off on production commitments until the deal is actually sealed, wary that any last minute jam might result in front office pressure.

ADOPT AMENDED PACT ON PIX-BACKED PLAYS

At a membership meeting of the Dramatists Guild held at the Music Box, N. Y., Tuesday, it was reported that the amended basic agreement covering picture-financed plays was unanimously adopted. This opens the path of the re-entry of Hollywood into Broadway. Understood that the new deal will be effective as of Nov. 15, but activity by the picture end may not begin until Dec. 1.

Film companies known to be ready to back legit shows are Paramount, Warners and Metro, and this trio is expected to figure principally in Broadway this season. There is a possibility that Columbia and 20th-Fox will also participate. During negotiations two others were represented, Universal and RKO, but neither indicated it was ready to finance shows.

All that is necessary to make the agreement official is signing by the League of New York Theatres (managers) and the Guild. Hollywood was never a party to the basic agreement, but figured prominently in healing the breach with the authors.

Craven's Coast Play

Hollywood, Nov. 12. "About Tomorrow," George Seaton's new stage play, is slated to open here Dec. 1 under the guidance of Associated Producers. Piece will move to New York if it clicks on the Coast.
Frank Craven and Sally Eilers share top roles.

Inside Stuff—Legit

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Continued from page 3

Efforts of private societies to prevent maltreatment, Hearst wrote, are largely frustrated, and violation of the law made easy and presumably commercially profitable by some studios, who hire the Humane Society's officers ostensibly to supervise the shooting of pictures, but actually to provide protection for the studios engaged in the infraction.

ORIGINAL BALLET Russe

Regardless of attendance, the present company is no stepchild of the Monte Carlo troupe. Its leading dancers are every bit as proficient and personable as those in the other outfit. Its ballets have a different flavor, but are just as showmanly. And the ensemble is no less effective. Only inferior aspect of this company may be the physical production—the settings lacking vivid-

(Continued on page 60)

[illegible]

First of three plays with Hollywood as the background, two of which came in last week and the other is due this week, is not nearly

Saroyan's 'Life,' \$14,000, Best in Chi; Father' Good \$12,500, 'People,' 11G

Chicago, Nov. 12. Trade was cramped badly on election and post-election nights. Harris delighted for the second time this season getting away on Sunday (10), with Gladys George in 'Lady in Waiting'. Of the newcomers to town the best item at the wicket is 'Time of Your Life,' which is doing excellent though not capacity, business.

Estimates for Last Week

'Life With Father,' Blackstone (36th week) (\$1,300; \$2.75). Was hurt along with all other shows last week, but held to \$12,500, still excellent for this time and run.

'Maie Animal,' Selwyn (9th week) (1,000; \$2.75). Has been getting support from the papers on exploitation and publicity, but found it tough to buck the down-trend last week and wound up near \$8,500.

'Meet the People,' Grand (6th week) (1,200; \$2.75). Favorable word-of-mouth throughout the town is holding this one up considerably. Took \$11,000 last week. This show plays Sunday nights also.

'Time of Your Life,' Erlanger (2d week) (1,300; \$2.75). Public curiosity and approval got this second show on the American Theatre Society subscription season bank-up \$14,000 again last week.

'Dinner' 17G in St. Louis

St. Louis, Nov. 12. 'Man Who Came to Dinner' wound up the last of a two-week stand at the American theatre Saturday (9) with an approximate take of \$17,000 to bring the gross for the engagement to \$33,000, swell, Mary Wickes, localite and grad of the St. Louis Little Theatre, who played the role of the nurse, grabbed off plenty of curio space in the local dailies, and this, added to the raves dashed out, helped the cause.

House dark currently, but relights Monday (18) with Ruth Chatterton in 'Pygmalion'.

'ELMER' OKAY IN HUB, \$8,500

Boston, Nov. 12. The election severely dented the legit trade here for first three days of last week, then it perked up steadily for the remainder of the week. 'Life With Father' continued to romp in the field, with 'Ladies in Retirement' taking second money.

Interest in Joe E. Brown's presence in 'Elmer the Great' is on the rise. Advance sale coming in for the second week indicates a third frame would be a safe gamble. 'Sim Sala Bim' opened here Monday (11) night.

Estimates for Last Week

'Life With Father,' Repertory (6th wk) (985; \$2.75). Already had a good start on the week through advance sale, so less affected by election than other shows in town. Garnered nearly \$13,000 for sixth stanza.

'Ladies in Retirement,' Wilbur (1st wk) (1,227; \$2.75). Well-received by the press and business is healthy. Took okay \$12,500 for initial week. In for two more.

'Elmer the Great,' Plymouth (1st wk) (1,480; \$2.75). Drawing hefty suburbanite trade. The star, not the play, got a nice run in the reviews, and the informal chats with the audience by Joe E. Brown are building up fine word-of-mouth comment. First week okay \$8,500.

'Night of Love,' Shubert (2nd wk) (1,590; \$3.30). Never had a chance during the two-week tryout. Final frame around \$5,000.

'Night of Love,' Gregory (2nd wk) (1,038; \$2.20). Public catching on to this Ruth Gordon starrer, which built up to encouraging \$4,000 for second stanza.

'FOXES,' 12G, SAN CARLO, \$9,000, BIG IN MILW'KEE

Milwaukee, Nov. 12. With 15,000 schoolmams in town for their annual state convention and shopping spree, all Davidson theatre records for a three-day engagement were smashed by Tallulah Bankhead in 'The Little Foxes,' with an estimated gross in excess of \$12,000 in the 1,600-seat house at \$2.75. Originally set for three nights and a Saturday matinee starting Thursday (7), the advance sale was so heavy that an extra matinee was put in for Friday and did practically capacity. At the opening performance, the orchestra was taken out of the pit to put in 50 extra chairs to accommodate part of the overflow crowd.

Visiting teachers also helped swell the gross for the San Carlo Opera Co., which came into the 1,600-seat Pabst Thursday (7) for four nights and a Saturday matinee at \$1.50 top. Opera troupe, which has been an almost annual visitor here for many years, grossed approximately \$9,000.

'Tobacco Road,' with John Barton, opened its fifth engagement at the Davidson Sunday night at \$2.75. The full week, to be followed by 'The Man Who Came to Dinner' with Clifton Webb.

'Pins' 6G in Montreal

Montreal, Nov. 12. Labor Stage revue, 'Pins and Needles,' at \$2 top at His Majesty's, collected satisfactory estimated \$6,000 last week.

Current is 'Hellzapoppin,' at \$3 top, featuring Billie House and Eddie Garr.

Current Road Shows

(Week of Nov. 11)

'A Night of Love' — National, Washington.

Ballet Russe de Monte Carlo — Bushnell auditorium, Hartford, Conn. (11-12); Westchester Community Center, White Plains, N. Y. (13); Academy of Music, Philadelphia (14-16).

'Conquest in April' (Henry Hull) — Locust, Philadelphia.

'Corn Is Green' (Ethel Barrymore) — Ford's, Baltimore (14-16).

Cornelia Otis Skinner — Metropolitan, Seattle (14).

'Elmer the Great' (Joe E. Brown) — Plymouth, Boston.

'Every Man for Himself' (Lee Tracy) — Geary, San Francisco.

'Folies Bergere' — El Capitan, Hollywood.

'Hellzapoppin' — His Majesty's, Montreal.

'Ladies in Retirement' (Flora Robson) — Wilbur, Boston.

'Lady in Waiting' (Gladys George) — Harris, Chicago.

'Life With Father' (Lillian Gish) — Blackstone, Chicago.

'Life With Father' (Dorothy Gish) — Civic Repertory, Boston.

'Little Foxes' (Tallulah Bankhead) — Parkway, Madison, Wis. (11); Chateau, Rochester, Minn. (12); Auditorium, St. Paul (13); Lyeum, Minneapolis (14-16).

'Maie Animal' (Elliott Nugent) — Selwyn, Chicago.

'Man Who Came to Dinner' (Clifton Webb) — Coliseum, Evansville, Ind. (11); English, Indianapolis (12-16).

'Man Who Came to Dinner' (Taylor Holmes) — Brin, Menasha, Wis. (11); Orpheum, Green Bay, Wis. (12); Fox, Stevens Pt., Wis. (13); Grand, Wasau, Wis. (14); State, Eau Claire, Wis. (15); Broadway, Albert Lea, Minn. (16).

'Meet the People' — Grand Opera House, Chicago.

'Philadelpia Story' (Katharine Hepburn) — Capitol, Wheeling, W. Va. (11); Park, Youngstown, O. (12); Colonial, Akron (13); Telf, Cincinnati (14-16).

'Pins and Needles' — Royal Alexandra, Toronto.

'Pygmalion' (Ruth Chatterton) — Cass, Detroit.

'Skylark' (Gertrude Lawrence) — Temple, Birmingham (11); Ryman auditorium, Nashville (12); Auditorium, Louisville (13); Victory, Dayton (14); Embassy, Johnstown, Pa. (15); Playhouse, Wilmington, Del. (16).

'Thank You, Columbus' — Playhouse, Hollywood (15-16).

'There Shall Be No Night' (Alfred Lunt, Lynn Fontanne) — Nixon, Pittsburgh.

'Time of Your Life' (Eddie Dowling) — Erlanger, Chicago.

'Tobacco Road' (John Barton) — Davidson, Milwaukee.

'Tonight At 8:30' — Curran, San Francisco.

'Twelfth Night' (Helen Hayes, Maurice Evans) — Forrest, Philadelphia.

'Zero Hour' — Music Box, Hollywood.

'FOLIES' CLICKS OFF \$16,000 IN HOLLYWD'

Hollywood, Nov. 12. Clifford Fischer's 'Folies Bergere' continues to hit an excellent pace at El Capitan theatre. Revue had things pretty much to itself last week, only opening being 'Zero Hour' at the Music Box (8), and there being several minor oppositions scattered about town. Hollywood Playhouse lights (15) with 'Thank You, Columbus.'

'Bergere,' on third week, piled up estimated satisfactory \$16,000.

'Hellz' Jr. Rings Up OK \$11,000 in New Haven

New Haven, Nov. 12. Following its Hartford break-in, road company of 'Hellzapoppin,' featuring Billy House and Eddie Garr, hit town behind a hefty publicity campaign and garnered some real money. No turnaways but there was comfortable capacity on four performances that brought an approximate \$11,000. Show drew reviewers' boosts, also good word-of-mouth.

Shubert is dark this week, but throws the switch in again Nov. 21-23 for preem of the Phil Baker revue, 'All in Fun.' Also pencilled for an airing here is the Max Baer musical 'Hi-Ya Gentlemen.'

B'way Picks Up After Election Hit All Shows But 'Hattie,' \$32,000; 'Hats,' 25G, 'Boys,' 24G, Both Off

Pyg' 7½G in Balto

Baltimore, Nov. 12. Only immediate booking on local legit calendar is pre-Broadway trial of 'The Corn Is Green,' by Emlyn Williams, slated for three-day break-in beginning Thursday (14) at Ford's. English success being presented by Herman Shumlin, with Ethel Barrymore in the starring role.

Last week Ruth Chatterton, in 'Pygmalion,' scaled at \$22.20 top, drew an estimated fairish \$7,300 to the 1,900-seat Ford's.

'12TH NIGHT' BIG \$23,000, PHILLY

Philadelphia, Nov. 12. Another Philly legit entrant in a sparsely booked season has clicked on all cylinders. The Theatre Guild-Gilbert Miller production of 'Twelfth Night' with Helen Hayes and Maurice Evans, jammed through to a whopping \$23,000 first week at the Forrest and what made that figure all the more remarkable was that show played on ATS subscription. Played on a straight \$2.50 top basis, it figured the revival would have hit at least \$31,000. One unusual feature of biz was that Monday night opening, traditionally weak here even for big names, was in this case a near sell-out and on Election Eve, too.

Dante's 'Sim Sala Bim' got profitable \$7,500 in single week at the Locust, scaled at \$1.50 top. Magic show got off to a bad start, but going fine at the end of the week. This week's opener was 'Conquest in April,' try-out with Henry Hull, which bowed in last night (Monday) at the Locust. In for two weeks at \$2 top.

Estimates for Last Week

'Twelfth Night' Forrest (1st week) (1,800; \$2.85). Helen Hayes-Maurice Evans offering garnered very fine \$23,000, all the more remarkable inasmuch as show was playing ATS subscription. Will bet that figure this week and that will mean solid SRO. 'Night of Love' opens Nov. 18 for two stanzas.

'Sim Sala Bim' Locust (one week only) (1,500; \$1.50). Dante, the magician, in for single session, started slowly but picked up steadily and was capacity at get-away; \$7,500 was good for scale and considering slow pre-election start.

'LAWYER' BUILDS UP TO \$6,500 IN DETROIT

Detroit, Nov. 12. Although three legitimate houses are in operation in Detroit for the first time in a blue moon, nobody was bragging about last week's nobusiness. Election interest here in a state where candidates ran neck and neck may have been some of the reason, but probably not the whole reason for the low grosses.

For one thing, it looked as if 'Blossom Time' would end the Messrs. Shubert venture at the Wilson, but the introduction of a local find gave a fillup at the end and it is going two weeks. Gladys George in 'Lady in Waiting' got only a cool reception at the Cass and was followed yesterday (11) by Ruth Chatterton in 'Pygmalion.' 'See My Lawyer,' Wee & Leventhal's pop-priced offering at the Lafayette, is building.

Estimates for Last Week

'Lady in Waiting,' (Cass) (1,400; \$2.50). Never developed any strength during the eight shows and wound up around \$9,000.

'Blossom Time' (Wilson) (1,900; \$2.20). Price on this for the second week dropped to \$1 top. A Detroit youngster took over Mimmi role and boosted it to fairish \$2,200 last week.

'See My Lawyer' (Lafayette) (1,900; \$1.10). Having shown only n.g. \$2,500 in its first six performances, this showed some improvement in first full week, getting up to \$6,500 for 10 performances.

George S. Kaufman will direct 'My Sister Eileen' for Max Gordon, then will go to the Coast to produce the film version of 'Man Who Came to Dinner' with co-author Moss Hart, for Warners.

Estimates for Last Week

Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Opera).

'Boys and Girls Together,' Broadhurst (3th week) (R-1,412; \$4.40). First half last week affected by election, nearly entire list sagging; strong comeback Saturday; estimated gross \$24,000; under normal.

'Beverly Hills,' Fulton (1st week) (C-978; \$3.20). Opened last Thursday (7); Hollywood play drew weak press, but has number of parties booked this week and next.

'Cabin in the Sky,' Martin Beck (3d week) (M-1,214; \$3.30). Colored musical slight better with management confident it will make the grade; quoted around \$16,000, which betters even break.

'DuBarry Was a Lady,' Royale (49th week) (M-1,407; \$4.40). Leaves for road after another week; as expected, when moved and musical competition became stronger, attendance dropped; \$16,000 claimed.

'George Washington Slept Here,' Lyceum (1st week) (C-1,004; \$3.30). Picked up with field after week first half; takings around the \$10,000 level should improve for moderate click.

'Glamour Preferred,' Booth (C-712; \$3.30). Presented by Brock Pemberton, with Betty Hutton, Clemens and Florence Ryerson, opened Friday (15).

'Hellzapoppin,' Winter Garden (12th week) (R-1,871; \$3.30). Long players were more affected last week than the newbies; claimed around \$24,000, which affords plenty profit.

'Hold On to Your Hats,' Shubert (9th week) (M-1,405; \$4.40). Few shows escaped dip early last week and no exception here; turned in very good gross, however; rated around \$25,000.

'It Happens on Ice,' Center (5th week) (R-1,087; \$2.10). Ice revue heavy upstairs for most performances; getting consistently good grosses on week, though could draw much more; \$35,000 said to be profitable both ways.

'Johnny Belinda,' Belasco (8th week) (D-1,000; \$3.30). Spending plenty to plug drama that is still in doubtful divison; tipped like most others; estimated around \$4,000.

'Life With Father,' Empire (53d week) (C-1,005; \$3.30). Little doubt this laugh show will span another season; caught up extra matinee started; election caused dip under \$18,000 mark, but approached capacity on week.

'Louisiana Purchase,' Imperial (24th week) (M-1,450; \$4.40). Continues to top Broadway; few shows approximated capacity election afternoon; no exception here; but topped \$25,000 by extra matinee.

'Man Who Came to Dinner,' Music Box (56th week) (C-1,102; \$3.30). Eased off to around \$12,000; run comedy is now aimed past first of the year; though gross dipped, okay profit earned.

'Panama Hattie,' 46th St. (2d week) (M-1,347; \$4.40). New sock musical claimed to be only exception last week, with standees in at all shows; topped \$32,000.

'Quiet, Please,' Guild (1st week) (C-956; \$3.30). Second Hollywood play that arrived last night, Friday (8) drew more adverse press than 'Beverly Hills'; business chances better indicated this week.

'Tavern Engagement,' Golden. Taken off last Thursday (7); no business; one week.

'Separate Room,' Plymouth (33d week) (C-1,107; \$3.30). Extra matinees didn't help much last week, but kept some grosses up comparatively; off here, but over \$7,000, which is plenty for this one.

'Sunshine and Elders,' Morosco (2d week) (C-1,107; \$1.10). Play guaranteed theatre; under that last week's takings around \$4,000, not enough, but may improve.

'Tobacco Road,' Forrest (288th week) (C-1,107; \$1.10). Playing on enough to better even break and will continue at least into December, when another birthday will be marked; \$4,500.

REVIEWS

'Blind Alley,' Windsor (4th week) (C-1,064; \$2.20). Has been struggling, but evidently costs little to operate; rated around \$3,000 last week.

'Charley's Aunt,' Col. (1st week) (C-1,064; \$3.30). So far has registered operating profit and may extend through autumn; rated around \$7,500.

'Kind Lady,' Playhouse (10th week) (CD-945; \$3.30). Will close at end of month, then going 'tour'; has done well for revival, though off last week took \$10,000; indicated; 'Romantic Mr. Dickens' next attraction.

Lawrence Tibbett, Jr., in 'Man Who Came to Dinner,' auditioned yesterday (Tuesday), at Max Hart's 'Lady in the Dark.' He's also taking tap dancing lessons.

'Night' Gives \$12,681 To Canada's War Fund Via Salaries, Profits

Toronto, Nov. 12. In a five-night, three-matinee performance of 'There Shall Be No Night,' the Lunts grossed a smash \$23,893 at the Royal Alexandra here, scaled at three dollars top. Road tour opened for a one-nighter at the Capitol, Ottawa, Saturday (12), center grossed \$5,711 at the same scale. On combined grosses, a check for \$12,681 was turned over to Canada's Spitfire-Hurricane Fund. Check for this amount was presented to the Hon. C. D. Howe, Federal Minister of Transport.

Sum included the Lunts' salary, Robert Sherwood's royalties, Theatre Guild's profits, share of profits of the Playwrights' Co., profits of John C. Wilson, who has a share in the show, Al Greenstone also turned over his show's profits of \$32 from the sale of souvenir programs.

In the past fortnight, legit top-rankers have donated \$22,781 to Canada's war effort. 'Philadelphia Story' contributed \$10,100 toward the same cause. This presented by Katharine Hepburn's salary and her share of the profits, author Philip Barry's royalties, Theatre Guild share, and Robert Sinclair's directorial fee.

It also recalled that Sherwood, who served in the Canadian Black Watch regiment in the first World War, turned over to the Canadian Red Cross his royalties from 'Lincoln,' which amounted to \$2,200 for the Toronto engagement. Playwright also donated his royalties to Finland for the New York run of 'There Shall Be No Night.' Profits of Ruth Draper's trans-Canada tour, which exceeded \$17,000, was awarded to the Canadian Red Cross.

'Glamour' Divides Wash. Critics, Gets \$10,000

Washington, Nov. 12. Four local critics hit as perfect a deadlock as was possible over 'Glamour Preferred,' new Brock Pemberton comedy, which arrived last week after one tryout performance in Princeton. Two a.m. reviewers hailed it as another sure thing and two p.m. columns tore it to shreds as hopelessly. The paying guests made up their own minds to tune of approximately \$10,000.

Current at National, Cap's only leg-ger, is another new one, the Shubert's 'Night of Love.' Next week it's Ethel Barrymore in 'The Corn Is Green,' followed by DuBarry Was a Lady' (25) and John Shubert's new venture, 'Off the Record' (2).

Maria Veronica, Singer, Sues E. L. Goltzman

St. Louis, Nov. 12. Mrs. Maria Veronica Goltzman, 26, former singer in the Municipal Theatre Opera chorus, last week filed suit in the local Circuit Court to divorce Edward L. Goltzman, 26, who was associated with his father, Guy Goltzman, in grand opera promotions here for many years. Mrs. Goltzman alleges general indignities and aishes for the custody of their son, Edward L., Jr., 18 months old.

The couple were married Dec. 20, 1935, and separated two weeks ago.

Irving Pincus collaborating with Frank Gabrielson on a farce, 'The Great Whitewash.' Also plotting a comedy with William Bowers. He supplied the original idea for the 'Higher and Higher' book and is co-author, with his brother, Norman, of the Alvin theatre.

Broadway

James Rennie motoring to the Coast.

Ray Broeder back with 'Elmer the Great'.

Betty Grable in town for a week's looksee.

Jack Mehler promoting coin for a play which he has optioned.

Virginia Smith trained off 15 lbs., preparatory to a legit Florida film.

E. J. Sparks, up north on his first visit in a long time.

Humphrey Douglens to Michigan to manage several concerts for Lily Pons.

Terry Turner, RKO exploitation director, in from the Coast yesterday (Tues.).

John Hurley, ex-VAMM, fanned press rep stint for Bell Tel with success of World's Fair.

Danny Kaye has a singing part in the new Moss Hart show, 'Lady in the Dark'.

Donald, Jan Martin and Shirley Dale tested by 20th-Fox for parts in 'How Green Was My Valley'.

George Walsh, former Paramount operator who retains personal theater interests, in town for several days.

Plenty along Broadway voted for Wilkie but bet on Roosevelt. Al Johnson reportedly cleaned up on the election.

John Barbirolli, Philharmonic conductor, superstitiously clings to his high-cloth, buttoned shoes in the Italian 'maestro' tradition.

Gene Kelly, of the 'Pal Joey' company, cut his hand badly last week but was able to continue with rehearsals without difficulty.

Ben Grier, in charge of the Paramount during absence of Bob Weisman, its managing director, who's on Coast for two weeks.

George McGee (ex-husband) having broken in his radio-personality unit, goes into the Alvin, Minneapolis, as his first regular booking on Friday.

Dick Halliday, former story ed for Paramount, who recently joined Frank Vincent agency, expected east soon for confabs with agents and authors.

Phil and Lou Nestler, former New York cabaret operators, have leased the Midtown hotel, Miami Beach, built by Laurence Schwab and Tom Dupree.

Jennie Grossinger's hotels sponsoring a fete Nov. 30 in the Hotel Astor grand ballroom at which it's hoped to realize \$2,500 to purchase one British music hall organ.

Mary Wickes, under contract to do her stage role in the picture version of 'The Man Who Came to Dinner' for Warners' negotiated the deal on her own, without any agency.

Now that the political fireworks are over, it's agreed that everybody can go back to hating his former pet before switching misaffections to one or the other candidates.

Gouldie Stanton, formerly secretary for Flo Ziegfeld, similarly spotted in office of W. Horace Schmidpapp who, with Dick Kruger, is in production deal with Vinton Freedley.

Ill for about eight months with a heart condition, Hortense McInerney, wife of John McInerney of the Broadway Parade, has been ordered to Florida for the winter.

Elihu Winer, assistant story ed of Universal, now taking the vacation which he had been promised, made impossible in the summer. He's visiting Chattanooga, the old home town, and Miami.

Sam Spewack fell and broke his arm last week at his back country (Pa.) farm. When Phyllis Perlman had a similar mishap there last summer, Spewack wired her from the Coast, 'You're a dope'.

Harold N. Swanson, Coast agent who was contacting clients and agents, trained west on Friday (8). He left Robert Lewis, who came to Manhattan with him, for another month to handle post office.

Otto Preminger wanted Mark Hanna, a 10%er in real life, to play the agent role in 'Beverly Hills' which opened last week, but Hanna said he'd rather be a bee in the flesh than personate one on stage.

Cafe biz up, following the death of sulkling when Wilkie lost during which period they stayed home and went into a pet seemingly. Election Night was sad in the class joints, where WW was the fave.

Sam Zolotow, New York Times drama reporter, laid up with sprain, back received lifting the front of his car when the bumper became locked with another machine. Besides his newspaper work Zolotow is reputedly angling an auto sales concern.

St. Louis

By Sam X. Hurst

Joe Hewitt, an exhibit in Robinson, Ill., convalescing from prolonged illness.

Jascha Heifetz guest artist with St. Louis symph. orch Friday and Saturday (15-16).

Russ Morgan orch, featuring Carol Kay, Jimmy Lewis and Paul Roberts, start stay at Chase Club Friday (15).

Jack O'Shea, State Representative from the First District in the election.

Wiktor Lebuski, Polish pianist, gave benefit concert for the Polish

National Council for Relief in Municipal Auditorium.

Joe Garrison, recently upped to district manager for Universal Pictures, hobnobbed on local film row with old associates, etc.

George Bentley has joined Pat Daly, Mark Adolphus and Jay Sanford in the newly opened States Theatrical Exchange here.

Jeanne Schuler, ballet, one of the featured performers with the 'Ice Follies of 1941', which did nice biz in five-night stand at the Arena last week.

Local conscriptionees whose numbers were the first and last to be drawn were cuffed to guests of the Arena management during the engagement of 'Ice Follies of 1941'.

Mary Wickenhauser (Wickes), localite, playing role of the nurse in 'The Man Who Came to Dinner' at the American theatre last week, is a grad of the St. Louis Little Theatre.

Because he was 'legally detained' in Reno, Calif., by Vanderbilt, Jr., was unable to keep scheduled p.a. before the Zona Clubs of St. Louis and St. Louis County. He fled suit for divorce in Carson City last Feb.

D. P. Peters, former assistant manager of the Fox-Lincoln, Springfield, Ill., now assistant to Phil Hill, city manager for Fox-West Coast cities with headquarters in Belleville, Ill. Betty also will double as manager of the Lincoln, Belleville.

Out of towners shopping on film row include Mrs. M. Paul, Carlinville, Ill.; Mrs. F. W. Rodgers, Cairo, Ill.; Bob Clusier, Salem, Ill.; Tom Price, Oblong, Ill.; C. Zwermer, Olney, Ill.; Ted Coleman, Mt. Vernon, Ill.; Bill Griffin, head booker for the Rodgers Circuit, Cairo, Ill.; and Noah Bloomer, Belleville, Ill.

Chicago

Ruth Lowe and Edythe Wright going into the Hi-Hat.

Noel Gordon, WGN Talent Division chief, back from New York confabs.

Morrie Leonard heading the picture business annual Christmas Basket Parties drive this year.

Pat Casey stopped off on his way through to the Coast, and being escorted around town by Tom Gorman.

Ramon Ramos orchestra figured set for a full year's term at the Drake hotel's Camelia House if okay with Ramon.

Griff Williams inaugurating his own musical quiz show this week under the tag of 'Musical Monitor' from the bandstand of the Continental.

Lee Travers, national rep for the American Guild of Variety Artists, in to pep up local offices and instituting several changes in layout of their own, where to make clubrooms for performers.

Bing Crosby

Continued from page 1

gested to them walking out of his contract. He has, it was said, admitted in his conversations that the agency had him bound under contract and that if it insisted he was ready to live up to the agreement. If Crosby continues to insist he may be relieved of his patter assignments on the show and participate strictly as a singer.

Philly Record Attacks Crosby for F.D.R. Blast

Philadelphia, Nov. 12.

The Philadelphia Record in a blistering editorial last Wednesday (6) rapped Bing Crosby's attack of President Roosevelt in espousing the cause of Wendell Wilkie in the recent campaign.

'When President Roosevelt first took office Crosby was a two-bit crooner,' the Record declared. 'So thoroughly did the Roosevelt Administration ruin Crosby that in 1939 he boasted one of the biggest incomes in the U. S. Not just in Hollywood, but even in competition with the titans of industry.'

'So completely had President Roosevelt also destroyed private initiative—alas!—that Crosby has to announce his support of Wilkie. Of course it may not have been his reduced circumstances which led Crosby to attack the President. Maybe it was something else.'

'Maybe it was the fact that one of his race tracks turned out to have been built by the W.P.A., under circumstances which smelled so badly they reached the floor of Congress so that when he came to light Bing was crooning out of the other corner of his mouth.'

Australia

By Eric Gorrack

'Blue Bird' (20th) still awaiting release.

'The Westerner' (UA) is on ice as exhibitors decline to pay price asked.

Charles Chauvel's '40,000 Horsemen' preems at Mayfair, Sydney, on Xmas.

Radio finding shortage of chatterers as former mikers joined the services.

Exhibits in industrial centers, with new wartime tempo, find biz swinging upwards.

Reg Kelly, formerly exploitator for Paramount, is producing concerts with khaki talent.

Department stores intend staging kiddie pantos at the Yuletide despite protests from toy stores.

U. S. distributes sending plenty of free product for exhibition around the various military camps.

If monetary problems can be solved, A. B. C. may play a repeat season here during 1941.

Minnie Love, a former William-son-Tait m.c. star, is playing the nabob for Hoyts in a cabaret idea.

Distributors announcing there will be plenty of product on tap from Hollywood to cover all needs over 1941.

'Gone' (M-G) routed into Tasmania via the Jim Thornley indie houses for Yuletide bid at upped admissions.

Upbeat in 16-mm. production is seen as government back producer for visual education purposes throughout New South Wales.

Charles Munro lookingsee Victoria theatres for Hoyts. Unit has turned in a profit of \$400,000 for year's operations, mostly with U. S. product.

Many Hollywood pic stars are sending autographed photos here for sale to aid war efforts. Autographed books are also coming forward.

'Jenny Lind' has returned from London to the Rex-Vue engagements in radio. Was formerly known as Rita Nugent when dancing in William-Tonight musicals.

Government may permit U. S. publications again to flow this way next year. The stoppage of fan and pulp mags has been a drastic blow to distributors in this sector.

Mexico City

By Douglas L. Grahame

Radio singer Lucha Reyes a divorcee.

Amalia Blanch, dramatic actress, back to pix.

Dolores del Rio here ahead of the time she was expected.

Sherry, his wife, expected. No boost seen until the turn of 1941.

Evangelina Magana, soprano, on a road tour after her radio engagements.

Elisa Rios, the singer who did well in N. Y., gave a half-hour farewell concert from station XEW on the eve of her return to Gotham.

'Cantinas' (Mario Moreno), ex-tramp comic, doing \$3,000 a week to provide Cotija, Michoacan state, where he was born 29 years ago, with a good road.

Elvira Crovas, pic producer and ex-Paramount, exes here, vacationing in Morelia, beauty spot capital of Michoacan, President Cardenas' home state.

No news whatsoever about the new cabinet until late on the night of Nov. 30, eve of presidential inaugural day. Cabinet lineup is causing much speculation in amusement circles.

Pedro de Lille, ace announcer for local radio station XEW, signed as narrator for 'History of Mexican Motion Pictures', a pic album of highspots of all talkers made here since that industry began in 1930.

Movita Castaneda, Mexican actress who married boxer Jack Doyle, spiked reports of her death. A cable from London received her denied press dispatches that Movita had been killed in a bombardment there.

Mystery surrounds the arrest of Francisco (Paco) Astor, the young actor who is an ardent Almazanist. He was grabbed in the general post-office while chatting with some showfolk. Charges against him have not been announced. He is one of several persons arrested here in similar manner.

Pittsburgh

By Hal Coken

Gabe Rubin holding off 'Baker's Wife' at his Art Cinema until Xmas.

Bob Leibers' father coming around okay after undergoing a serious operation.

Dioea Costello here for a few days visiting friends between Manhattan engagements.

Margaret Kim-Loo out a big bright cake for the 'Scandals' company here last week.

Jackie Heller's engagement at 100 Club in Des Moines, Ia., extended for two more weeks.

Herman Middleman has nixed an offer to piano at Lew Mercur's Nut Club in Miami.

Warner Club annual supper-dance Sunday (10) at William Penn, had Paul Pendarvis' music.

Dave Beidermann, indie film exec on Coast, planned back to Hollywood

after attending funeral of his sister here.

George Tyson had a slight tussle with pneumonia before hitting the road as managing director of 'Icecapades'.

State censors didn't pass 'Ramparts We Watch' completely. They clipped 70 seconds from 'Baptism of Fire' insert.

Ballet Russe considering scenario of a newspaper ballet written by Donald S. Steinfirst, Post-Gazette music critic.

Practically all of Johnny Long's boys came on yesterday (Tuesday) for Jack Edmondson's marriage to Martha Glynn.

Philadelphia

Cliff Hall, pianologist, back in town playing at social parties.

John Kelly, ex-WDAS announcer, is chief clerk for Draft Board No. 11 here.

Roy LaPlante, WFIL gabber, received his final citizenship papers on Thurs. (7).

Powers Gouraud, WCAU speller, currently emceeing show at Park Casino, mulling a nitery tour in this area.

Roger W. Clipp, WFIL's g.m., named to head the publicity committee for the Maryland Society of Pennsylvania.

Betty Lane, vocalist with Joe Frassetto's WIP house band, disclosed she eloped last July 2 with Bernard Shoemaker, non-pro.

Lucky Teter, daredevil auto racer, reported to have purchased the Langhorne Speedway from Ralph Hankinson for \$100,000.

Doris Owens, latest addition to WIP secretarial staff, replacing Winifred Groux who left to marry Dan Barlow, WIP engineer.

Sybil Warner (Mrs. Arthur Simon) was the only woman commentator on the local air lanes election night. She handled the returns on WPEN.

New Haven

By Harold Bone

'Strand' is now offering Sunday vaude.

'Icecapades' revue due at Arena Nov. 20-26.

Sol Rudnick, IATSE, died suddenly here Nov. 5.

Joe Miller's orch is back at Hotel Taft Colonnade Saturdays.

Jean Dubarry again managing the Lincoln, foreign film house.

Shubert is decided to get preem of the Max Baer 'Hi-Ya Gentlemen'.

Phil Baker-Bill Robinson preem of 'All in Fun' is set for Shubert Nov. 21.

Belle Baker's boy, Herbert, broke out in Yale drama department production.

Sunday vaude at Arena subsided with advent of hockey but spot will bring in now 'n' then shows on week nights.

Many of 'Hellzapoppin' cast played here with laryngitis acquired in road news. Shubert is at Hartford's massive Bushnell Auditorium.

New Detroit Find

Continued from page 3

house in Detroit, was leased for two years by Shubert after being dark for the most of the past seven seasons. House owner, wed to one of the Dodge family, millionaire motor car makers, is not interested in the Shubert presentations.

First show, 'Unfaithfully Yours', which was originally 'Du Barry', did not fare so well and same applied to 'Too Many Girls', despite good staging and favorable press. Local interest has been upped by the appearance of Miss Scully, who may spark the Wilson indefinitely. Believed that if the musical stock season had been decided to open after election better support would have resulted.

Intense interest in the campaign and the draft are blamed for the mild first weeks.

Arthur Rule

Continued from page 1

his friends and guests; such figures as Walter Hampden, Taylor Holmes, Frank Bacon, John Drew, James O'Neill, Ann Nichols, Fiske O'Hara, Chauncey Olcott, Raymond Hitchcock, Eddie Foy, Thomas Holden, William H. Crane, Walker White-side, Douglas Fairbanks, Sr., May Robson and Tyrone Power, Sr. Most of the circus names of the past 30 years were also guests at the Rule home in Mason City during their visits here.

Rule was a prominent Mason City attorney who spent most of his time playing and world-traveling. He was also a state senator for four years and a Spanish-American war veteran.

Probably his favorite play was 'You Can't Take It With You', which he saw 10 times in New York and Chicago.

Hollywood

Otto Kruger laid up with flu.

Ila Rhoads, daughter of Arthur Lyons, Billy Gilbert east on a stage tour.

Myrna Loy in the hospital with flu.

Frank Capra hunting ducks in Oregon.

Dick Dickson recovering from two operations.

Bill Elliott to Texas for two weeks of personals.

William Lundigan limping on a sprained ankle.

Cliff Lewis back at his desk after an eastern tour.

Jesse Hibbs back to work after a minor operation.

Frank Seltzer east three-week bally tour.

George Cline in serious condition with pneumonia.

Eduardo Cienfuegos changed his first name to Edward.

Nora Perry in the hospital as a result of a delicate chub.

Mary Boland recovering from injuries in a motor crash.

Helen Vinson granted divorce from Fred Perry, tennis star.

Sterling Holloway has a broken leg after fall from a horse.

John LeRoy Johnston back from a coast-to-coast air jaunt.

Jimmy Durante back in town huddling over a new film chore.

Bradley King, film writer, divorced George H. Boyd, screen actor.

Forrest Tucker and Sandra Jolley east on a delayed honeymoon.

Jack Benny hopped to Waukegan, Ill., to visit his father, who is ill.

George Raft to San Francisco to preview a new picture he is filming.

Jeanette MacDonald opened her autumn concert tour in Little Rock, Ark.

Gloria Lynch, Chilean film star, paused on her way to New York for a stage debut.

Eddie Darling, former top booker for the old B. F. Keith office, is here for the winter.

Dixie Davis running a soft drink stand at Palm Springs, with Hope Dare as waitress.

Herbert Munson succeeds Joe Watson as manager of the Troupers theatre in Hollywood.

George Givot vacationing on his ranch before leaving for New York to join the 'Public Be Pleased' troupe.

Cleveland

By Glenn C. Pallen

Gene Austin opening at Jimmie Sannetta's niter.

Morey Condon of WGAR doubling as Allerton Hotel's p.a.

Ace David Robinson set for a nitery publicity bureau of his own.

George Degnon, rep for RKO here, transferred back to Toronto territory.

Wife of Paul Pendarvis, bandmaster at Bronze Room, has a date with the stork.

Jack Warfel, assistant drama ed at Press, stands on 1 on local conscription list here.

Dean Martin, from Steubenville, O., now vocal in Sammy Watkins' crew at Vogue Room.

Josephine Del Mar replacing Ramon Armengood as Spanish singer at Cuban Terrace Room.

Herman Perchner preeming new newspaper, and 'Theatrical private club, tagged the Eldorado, within a fortnight.

Keno prize of \$1,000 at Variety Club's election night shindig copped by Aaron Wayne, unemployed film salesman.

Harry (Pony-Boy) Winemizer, cafe owner, had to have infected right arm amputated. He's con-teschable.

Bob F. Brydie promoted to management of Stater hotel here, Eugene J. Kelly resigning, with Richard D. Main as new assistant.

Harold J. Rome, composer, in town to get an earful of tunes he wrote for Play House's new Voskovec-Werlich show, 'The Ass and the Shadow.'

Minneapolis

By Les Rees

Angna Enters at Lyceum for one-nighter.

Mother of Bob Murphy, Star-Journal film editor, passed away.

Twin City Variety Club holds election of officers this week.

Black Hills 'Mission' finished week's engagements at Auditorium.

W. H. Workman, M-G branch manager, home after brief siege in hospital.

Michael Loring, CBS singer, headlining current Alvin show, is Minneapolis.

Lyceum has two attractions in row this month, 'Little Foxes' and 'Man Who Came to Dinner.'

Myron Adcock, Warner Brothers' salesman, back on job fully recovered from injuries sustained in auto mishap which nearly cost him his life.

While playing at Alvin, Ruth Lowe, composer of 'Till Never Smile Again', had M-G accept two of her new songs for the forthcoming 'Ziegfeld Follies.'

Hal Munroe's band from Chicago to follow Freddie Fisher's 'Schneklitzers', who finish 21-week engagement at Happy Hour and then go to Milwaukee nitery.

OBITUARIES

LUIGI MARMORINO

Luigi Marmorino, 67, long an actor, playwright and singer on the Italian stage, died Nov. 4 at his home in Brooklyn, N. Y. A veteran of the first Ethiopian war, his theatrical talent first evinced itself when a captive of the Ethiopian tribesmen after the battle of Adowa. Entertaining the royal court he was so splendidly received that upon cessation of hostilities he decided to make the theatre a career.

He came to America in 1904 and became active in Italian stock. During the past 30-odd years he played scores of roles. The writer of several plays, perhaps his most successful was "Poor Blind Man," in which he toured the country last summer with an Italian stock company, with himself in the leading role.

He leaves his widow, Carmela; three daughters and a son. Funeral services were held in Brooklyn last Thursday (7).

HENRY E. JEWETT

Henry E. Jewett, 56, actor and theatrical producer who retired some

publicly acclaimed by the French Minister of Interior.

MARTIN A. ALLEN

Martin Adsit Allen, 90, who claimed to be the first in this country to make a parachute jump from a balloon, died Nov. 4 at his home in Dansville, N. Y. Dean of the Flying Allens, family of parachute jumpers at fairs and carnivals, he made his last jump at the age of 75 and declared he would have continued but for rheumatism in his left leg. He started his act in 1877.

Allen trained his grandnephew, Edward Allen of Batavia, N. Y., and his sisters, Gloria and Florence, who continued the family tradition. Gloria was fatally injured three years ago at the age of 17 when her chute became entangled during a jump in Georgia.

HOWARD LEE McEWEN

Howard Lee McEwen, 53, news editor of WAVE, Louisville, until a month ago when ill health forced him to quit, died of a heart ailment Wednesday (6) at his Cincinnati

been a legit, vaude and film player during the early silent days. Among the Broadway plays in which he appeared are "Lysistrata," "The Bat" and "Hamlet," and he had also appeared in many stock productions. In vaude he played with Johnson and Bennett in the sketch, "Friday Evening at Home." His first appearance on the stage was with Julia Arthur in the '90s. Widow and three daughters and 12 grandchildren survive.

GEORGE A. H. GARDNER

George A. H. Gardner, 53, onetime press agent and manager of the old Euclid Avenue Opera House, Cleveland, died Nov. 3 at his home in Cleveland after a long illness. He had been in retirement since 1928.

Gardner entered the business in 1906 when hired by Augustus G. Hartz to publicize his legit house in Cleveland, and was promoted to management within five years. In 1920 he quit to open a steamship brokerage. Surviving are widow, daughter and son.

J. A. MCKENZIE

J. A. "Jack" McKenzie, 54, died in Winnipeg, Nov. 6, after a lengthy illness. He was manager of the Orpheum theatre, Estevan, Saskatchewan, for the past 15 years and prior to that managed a theatre at Weyburn, Sask.

Survived by widow, two sons, Dr. Francis McKenzie, Winnipeg, and Duane, managing Orpheum for the past eight months.

JOHN B. KEATING

John B. Keating, 52, for 30 years a prominent New York hotel concessionaire, died Nov. 4 at the Lenox Hill Hospital, N. Y., after an illness of several months. As proprietor of Hotel Astor, N. Y., barber shop, he was a familiar figure to Broadway.

Widow survives.

JOSEPH J. KRAUSE

Joseph J. Krause, 49, who for a quarter of a century was associated with Charley Fox in the management of the Gayety and Empress (burley) in Milwaukee, died Nov. 5 in county emergency hospital following his sudden collapse in a downtown hotel.

HENRY (DAD) LOLLIER

Henry (Dad) Lollier, 74, for years with Fox-Wood Street Theatre, died Nov. 7 in Hollywood after an illness of six weeks.

Surviving are his widow, daughter, sister and four sons, three of whom, W. H. (Bud), George and Robert, are in show business.

HARRY BERNARD

Harry Bernard, 62, vaude and film comedian, died Nov. 4 in Hollywood after a long illness. He had been in show business 45 years.

Surviving are widow and a daughter.

LETTIE ROSS

Lettie Margarette Whitlie, mother of Jerry Ross, m.c., died suddenly at her home in Belmont, Wash., Oct. 29. She was 58.

As a dramatic actress and songwriter she was known as Lettie Ross.

AL WEINER

Al Weiner, 52, died suddenly of a heart attack Nov. 5 in Detroit. He was in the production department of Wilding Pictures and formerly headed the Embassy Talking Picture Service.

TED HATHAWAY

Ted Hathaway, 30, manager of the Fox-West Coast Apollo theatre in Los Angeles, died in Hollywood Hospital Nov. 11 following an operation. His widow and mother survive.

JAMES MAOG BASKERVILLE

James MacGlenn Baskerville, 58, associated the past several years with Radio Corp. of America, died Nov. 8 in New York from a heart attack.

Mrs. M. Sophia Ezerman, managing director of the Philadelphia Conservatory of Music, died Sunday night (10) at the University Hospital, Philly, after short illness. She succeeded her husband, Dr. Kirk Hendrik Ezerman, Dutch composer, as manager of the school after he was killed by an auto in 1928.

Dave Harris, radio studio tenor sax man and former member of Raymon Scott's band, forming a cooperative group of studio musicians to cut transcriptions and possible popular recordings. Band will do no dance work.

Literati

George Lait to Lisbon

George Lait clips to London this week, en route to London for International News Service, where he will be the first to relay three INS men over there. Latter will be given six to eight-week vacations, if not desiring to return to the States, as seems to be a common attitude, since any newsman regards the London blitzkrieging as the biggest story they will ever cover in their lifetime.

How long Lait, who is the son of Jack Lait, editor of the N. Y. Mirror, will have to lay over in Lisbon before getting plane passage to London depends on bulk mail, as that takes precedence even over diplomatic transportation accommodations, and, of course, there are hundreds of people with tickets in hand who have been waiting for weeks to also get on a plane.

Lait expects to bunk with Collier's Quentin Reynolds in London.

Lifts Liberty's Petticoat

"Lifting Liberty's Petticoat" is the label on a book now being turned out by Zoltan Czako, Hungarian writer who is using the nom-de-plume of Lawrence Dodd in this country.

Tom is somewhat autobiographical, discussing various minor aspects of American life which are taken for granted in this country but are extremely impressive and appreciated by a refugee from present-day Europe. Among such are cigars, coffee and the comparatively excellent food obtainable at even the lowest-priced cafeterias.

H'wood Fund for Exiles

Funds to aid writers abroad who are being buffeted around by dictators will be raised by a \$10-a-plate dinner in Hollywood on Nov. 26. It will be given by the Committee for Writers in Exile, of which Sheridan Gibney is chairman. Honorary chairmen include Ernest Heming-

way, H. G. Wells, and Charles Chap-

lin. Round-table discussion, presided over by Robert Benchley, will have as speakers Irving Asher, John Cromwell, William D. Philp, Merivale, Dorothy Parker and Norma Shearer.

Guest speakers will be Senator George Norris of Nebraska; Lion Feuchtwanger, Emil Ludwig and Heinrich Mann. As treasurer of the group, M. C. Levee will disburse checks to writers and maintain exiled writers. Committee's sponsors include top Hollywood names.

LITERATI OBITS

Mrs. Lucy E. Haight Strong, 68, pioneer Milwaukee newspaper woman, and daughter of T. W. Haight, one of Wisconsin's earliest publishers, died Nov. 6. Survived by mother and three brothers, Walter, L. F. Putney and Robert, all widely known in the middle west by reason of their newspaper work in Milwaukee and Chicago.

Charles D. Morris, 73, former publisher of the St. Joseph (Mo.) Gazette, died in Chicago, Nov. 8.

Sarah Addington, 49, author, agent Lucy Stoner and one-time writer for the New York Herald Tribune, died at her home in New York, Nov. 7.

Victor Mitchell, 73, former associate editor of Dearborn (Mich.) Independent, died in Detroit, Nov. 7 from auto injuries.

CHATTER

Dick Joseph, ship news reporter until recently for the N. Y. Post, added to promotion department of New Haven railroad, with headquarters in Boston. He's handling the house organ.

Arthur D. Hecox, for four years general manager of The Saratogian, Frank Gannett afternoon sheet Saratoga Springs, N. Y., is retiring Nov. 15. W. Howard Mooney, member of the staff for 39 years, will become editor and general manager.

MARRIAGES

Camilla Romo to John Wolfe, in San Francisco, Cal. Bride is vocalist with KPO, Frisco; he's with Photo and Sound Recording Co.

Betsy Lamb to King Harris, in Woodside, Cal. Nov. 2. He's account exec with KPO-KGO, Frisco.

Mary Louise Weiser to Ben Winslow, in Hollywood, Nov. 6. She's in charge of the color lab at Walt Disney studio.

Dorothy Douglas to Thomas A. (Tommy) Axelson, in Salt Lake City. He's v. p. of the R. T. Harris Advertising Agency, Salt Lake City, but was for a long time head of KSL promotion.

Janet Rowland (Greenwald) to Arthur F. Cramer, in East Williston, L. I., Nov. 4. Bride is daughter of John Greenwald, v. p. of Glickman Advertising Co., Inc., N. Y., and formerly in vaude.

Ninette Joseph to Al Toronto, in New York, Nov. 8. Groom is time buyer for the William Esty agency; bride was with the B. B. D. & O. agency.

Martha Glynn to Jack Edmondson, in Pittsburgh, Nov. 12. He's with Johnny Long band.

Catherine Craig to Robert Preston, at Las Vegas, Nev., Nov. 8. Both are screen players.

Ariane Allen to Harold W. Ross, in Roselle Park, N. J., Nov. 10. Bride is actress and model; he's a founder and editor of the New Yorker magazine.

Dorothy Darling to Samuel Kaufman, in New York, Nov. 5. Bride is legit and radio actress; he's a radio writer with the New York Sun.

Anna Tiebout to Phil Reisman, Jr., in Larchmont, N. Y., Nov. 8. He's a writer at Pathe Newsreel, and son of Phil Reisman, RKO v. p., and foreign sales manager.

Gert Stein

Continued from page 1

word of what's in this book but here it is. Only a small edition will be printed.

It will be the first novel in more than 30 years by the writer, who is in the unoccupied portion of France. In a letter to Gert some time ago she told him it was about the Duchess of Windsor, although since receiving the manuscript Cert declares he can't find a single mention of the duchess. He called Miss Stein: "Do you think what the world needs now is a novel about the Duchess of Windsor?" Her reply was: "It certainly is."

BIRTHS

Mr. and Mrs. Harold Dickinson, daughter in Greenville, Pa., Oct. 16. Mother's Paula Kelly, singer with Al Donahue, and father's one of Paul Whiteman's ex-King's Men.

Mr. and Mrs. Eddie Noah, daughter, in Pittsburgh, Nov. 1. Father's Pitt band leader and mother's Betty Blue, orch singer.

Mr. and Mrs. Harry Fox, son, in N. Y., Nov. 6. Father is general manager of the Music Publishers Protective Association.

Mr. and Mrs. Al Helfer, son, Nov. 4, in New York. Father is announcer and sportscaster with WOR-Mutual.

Mr. and Mrs. Shimen Ruskin, son, Nov. 8, in Hollywood. Father is a stage and film actor.

Mr. and Mrs. Ingham Roberts, son, in San Antonio, Nov. 4. Father is KTSAs account executive.

Mr. and Mrs. Herman (Tiny) Schwarz, Buffalo, Nov. 2. Father is singer at WBEN.

Mr. and Mrs. Don Chatfield, son, Nov. 10, in Los Angeles. Father is a Paramount film studio publicist.

'Love Seats'

Continued from page 1

Ross Baldwin by Marcus & Swinoff, operators of houses in Oshkosh, Ripon, Reedsburg and Tomah, Wis., \$15,000 having been spent upon re-seating and refurbishing. The love seats' have a popular part of the equipment of the Troy theatre in East Troy and the Alma in Alma, Wis., where they were recently installed.

Not only are these seats in great demand by the younger element, but they also are eagerly sought by extremely obese elders who have all themselves in the average theatre chair. The heavyweights now find ample room in seats that are twice the width of the ordinary chair, and for the first time are really enjoying going to the theatre.

The love seats are staggered throughout the auditorium, being placed at the ends of the rows, but only one in each row, and on opposite ends of succeeding rows. Thus no pair of coosers has another pair directly in front or directly behind them, and they are able to take their love lessons direct from the screen.

Benny Carter band headed for a recording berth with Bluebird Records. He recently made some test sides for Decca.

IN MEMORIAM SYDNEY SPIER

November 14, 1939

BILLY ROSE

15 years ago, died at his home near Scarsdale, N. Y., Nov. 8, after a three-week illness. A native Australian, he came to America with his parents at the age of 13.

His father, Henry, Sr., was a veteran of the theatre, and both he and his wife, Maggie Knight Jewett, were favorites of the Australian stage. He was a founder of the Jewett Players in Boston and upon its merger with the Repertory theatre to form a new organization known as the Jewett Repertory Theatre Fund, served as director of the newly launched company. The younger Jewett appeared in several Broadway plays and also produced a few shows on his own.

Funeral services were held at his residence last Saturday (9). He leaves his widow, Ada, who was bequeathed \$7,375,000 by an uncle in 1925.

FRANK BARNES

Richard Allen, a veteran actor whose stage name was Frank Barnes, died at the Morrisania Hospital, Bronx, N. Y., Nov. 1. First appearing in a production of "Ten Nights in a Barroom" in 1893, he later toured in stock and played in early silent films.

In 1917 Allen halted his career in pictures to enter the Army where he saw service overseas in addition to drilling officers at various training camps. He had roles on Broadway in "Monte Cristo" with James O'Neill (father of Eugene), "Mrs. Wiggs of the Cabbage Patch" and was last seen in "Criminal Code" some 10 years ago.

Funeral services were held Nov. 4 under auspices of the Actors' Fund and burial followed in the family plot, Crawfordsville, Ind. His sister, Mrs. C. A. Britton, survives.

PAUL FRATELLINI

Paul Fratellini, noted clown, died recently in Paris, according to a report received in Vichy, France, Nov. 6.

The mournful member of a trio of brothers known as Les Trois Fratellinis, he was born in Sicily and stemmed from a long line of clowns. Among their more favorite routines was an imitation of a German band.

During the last war Fratellini gave many performances to cheer French war orphans. In recognition of the troupe's contribution to the entertainment field the three brothers were awarded the Cross of the Legion of Honor. They were also

home. A newspaperman for many years, he was editor of the newspaper of WLW, Cincinnati, from 1935 to 1938, when he came to WAVE to organize its news department. While at WLW he prepared and edited the Paul Sullivan news scripts, prior to Sullivan's removal to Louisville. McEwen entered newspaper work as a police reporter on the Cincinnati Post.

Surviving, wife, two sons and a daughter.

IRMGART HUTCHESON

Irmgart Hutcheson, wife of pianist Ernest Hutcheson, president of the Juilliard School of Music, New York, died Nov. 5 at her home in that city.

Born in Berlin, Mrs. Hutcheson was a daughter of Baron Arnold von Piltsch and received her education in Switzerland. She wed Hutcheson in London in 1899. A founder of the

I Miss You SYDNEY SPIER

(Nov. 14, 1939)

Hildegard

Musicians' Emergency Fund, Mrs. Hutcheson also helped organize the Shubert Memorial and was chairman of its board of directors at the time of her death.

She leaves besides her husband, two sons, Arnold T. and Harold R. Hutcheson.

PROF. GEO. B. REALS

Prof. George B. Reals, 65, musician, band leader and composer, died Nov. 8 in Clifton Springs (N. Y.). Sana-trauma after a brief illness. He had been a clarinet soloist in Sousa's band and had also played in Patrick Conway's band, Rochester Park and 54th Regiment bands, and in theatres in Rochester, N. Y.

Reals was composer of "Finger Lakes March," "The Old Home Town" and "Boy Scout March." He directed the Papez Band of Shortsville, N. Y., and the Phelps Park Band. He maintained a studio for pupils in Rochester and also taught music in East High School there.

Leaves a brother and sister.

ERNEST HOWARD

Ernest Howard, whose real name was Ladd, died Friday in Brooklyn at 65 after a long illness. He had

WHAT THEY THINK

In re: Latin Good Will
New York.

Editor, VARIETY:
In re your story about the Films Latin-American Cycle, I have been visiting Havana the last 30 years and through these decades have been chanting the praises of the picturesque singing and dancing of the vivacious Latins. There have always been 'Spanish dancers' to entertain the American public and in my youth I applauded Carmencita, and later Otero, whose portraits are in my private collection of 10,500 rare photos.

Winter after winter in Cuba I used to delight in the distinctive entertainment afforded by Latin artists, but not until quite recently you indicate in your article that the general public here develop a taste for the music and dances of Cuba and South America. The Mexicans got the start—the movies, with Ramon Navarro, Dolores Del Rio and Lupe Velez. But later came Cesar Romero, and now Desi Arnaz, both from Cuba.

I know, from personal experience, that many Latin visitors in New York resent the absurd inaccuracies incorporated in Hollywood movies, such as 'Down Argentine Way', in which gilegos are introduced and customs are burlesqued. South Americans have told me of their surprise and disgust.

But, on the other hand, the Cubans, for instance, get strange idea of 'Americans' from many thousands of the 'cruise passengers' who spend most of their time in Havana getting drunk at Sloppy Joe's, women, generally the fattest ones, parading along the Prado, through Parque Central, in pelamas or slacks.

An interesting sidelight to the 'good neighbor policy' however, is illustrated in the fact that many of New York's big hotels, the McAlpin, Pennsylvania, New Yorker, Commodore, Waldorf-Astoria, etc., now have Spanish-speaking employees, clerks, bellboys, etc., for the convenience of these visitors, many of whom are very rich and, before the war, used to spend much time and money in Paris and on the Riviera.

Harold Seton

Transmitter Statistics
Philadelphia.

Editor, VARIETY:
Your Philly correspondent was looking through the wrong end of his field glasses when he parked WDAS' transmitter 50 feet above level in the Oct. 30 issue, Nos. 35 and 36. Elevations on transmitters, according to Philadelphia Municipal Airport maps, are:
WCAU 589 feet WIP 370 feet
WIBG 587 feet WDAS 357 feet
WPEN 456 feet WHAT 340 feet
KYW 425 feet WFIL 338 feet
WTEL 281 feet.

Rupe Werling,
Production Manager, Station WIBG.

Shakespeare, Fifth Columnist
Rhinebeck, N. Y.

Editor, VARIETY:
I don't know whether Ripley ever has read any Shakespearean history or not—anyway, he hasn't so far dug up the facts connected with Bill Shakespeare as a Fifth Column plotter. However, he—and VARIETY—are welcome to the story.

The Earl of Essex was—as many know from plays about Elizabeth—the aging monarch's favorite. He was a pal, too, of the Earl of Southampton, who was Shakespeare's patron—that is, he paid heavily for the buttered dedications that the poet then handed out in return for cash of the realm. You read Shakespeare's toady lines the works.

Well, when Essex was sent to Ireland to put down rebellion he took along Southampton as an aide. Upon the return to London, the Bard's patron was deep in the plot against the queen that brought Essex to the block.

Southampton had an extreme notion of the persuasive powers of the drama. He remembered Shakespeare's 'Richard II' which had not been allowed to be printed because Elizabeth had been compared unfavorably to the deposed monarch. Essex had a resemblance to the successful usurper, Henry of Hereford.

According to the story the playwright, wanted, pay because 'Richard II' was an old play, out of use. Southampton gave them a few pounds, and being one of the share owners of the company, Shakespeare came in on the divvy. A patron was one thing to Bill, but he had his eyes on an estate in Stratford-on-Avon, and though he admired Essex, loved Southampton, and was the one con-

temporary poet not to write any mournful lines on Elizabeth's death, pence was pence and better in the pocket.

At the order of the conspirators, 'Richard II' was played in the daytime, as always, on Feb. 7, 1601. A number of men meant to support Essex, as a successful rebel, were invited.

That night, attended by Southampton, a few friends, and a number of paid swashbucklers, the Earl of Essex tried to start an insurrection in the city of London, 'raise the town', as the saying went in those days. Reports that huge throngs would rally to his cause proved untrue. The propaganda of Shakespeare's 'Richard II' was barren of effect. The poet, Fifth Column agent, was top.

Essex was tried for his life and went to the block. Francis Bacon, supposedly his close friend, spilled a lot of inside beans. If Bacon had written Shakespeare's works here was the time for someone to expose him—at the trial—but no one spoke up.

The Earl of Southampton was given a sentence of imprisonment for life, but not long afterward was released from the Tower. The fate of the nobleman he admired has been said to account for Shakespeare's growing melancholy from that time on, and perhaps, too, he sorrowed that his own play hadn't helped the cause against the so-called Virgin Queen. He had written for her that piece about Falstaff in love, 'The Merry Wives of Windsor', but he liked best the great earls of the period, Essex, Pembroke and Southampton, who were more free with golden gifts.

Doesn't this bring the period back to us? And Ripley or not, not far from Stratford-on-Avon is the little town of Broadway, nearby the village of Wickhampton; Penelope Washington lies buried in a church there, under a stone bearing the coat of arms of the stars and stripes. Penelope was a cousin of George Washington. And who'd have thought that anyone would go back and dig up Shakespeare as a Fifth Columnist? But this is all true, and I thought it might amuse all save your more historically minded readers, to whom it may not be news.

John Wilschach.

Big B'way B. O.

Continued from page 1.

that a matinee on Armistice Day would draw. Only three performances were given in that afternoon and before noon it was clear that all could have sold out three or four times. Matinees which cleaned up were 'Hellzapoppin', 'Winter Garden', 'Panama Hotel', 46th Street, and 'It Happens on Ice' Center. Attendance was the reverse of election day afternoon, when theatres fared badly.

Hollywood Plays Fared

'Beverly Hills', Fulton, and 'Quiet Please', Guild, both Hollywood plays which opened last week, drew adverse notices. Third play with a similar title, 'Glamour Preferred', Booth, is the sole premiere this week. Next week the heralded 'Twelfth Night' (Helen Hayes-Maurice Evans) comes to the St. James and 'Horse Fever' bows in at the Mansfield.

Election Was Bad

Some ticket speculators were badly nicked by having batches of unsold tickets on their hands for Election Night performances, either because of mistaken judgment or overconfidence. Better informed brokers, however, avoided holding tickets for celebrities and rid their racks by selling at reduced premiums or at boxoffice price.

Specs Nicked

The newer musicals fared very well, according to boxoffice statements, but tickets sold and not in the doorman's box indicated that they were still in possession of the agencies. Radio and the difficulty of traveling through Times Square because of traffic regulations accounted for the drop in ticket demand. Estimated that there were 150 unsold tickets in the hands of specs for one popular show.

Individual brokers were summoned to the League of New York Theatres offices last week and asked to pay their three cents per ticket levy. Coin has been owing the League since last March, when the nick was called off for the summer. Understood some ticket men paid off, while the others said they were hard hit but promised to pay later. Recently the League was asked to

discontinue the ticket levy, but refused. Few agencies have paid since the code was declared extended for this season and the undercurrent among brokers is against kicking in. They say the state's Mitchell law makes the managers-Equity code unnecessary. They also insist they cannot afford the levy.

Airlines

Continued from page 2.

do - you - feel - about - the - election queries.

Bystanders later told of noting one reporter suddenly turn to O'Keefe and question him when he was seen ready to get into Mrs. Roosevelt's private automobile. Then the 'new' O'Keefe was revealed.

'How does it happen that you are in the Democratic fold now?' the reporter asked.

'Tell you exactly why,' said the m.c. 'The campaign is all over. The time has come to put an end to all the friction, controversy and bitter feeling. I was in Washington yesterday and I went to the White House to offer my services to the Government for nothing, if there's anything I can do to help out. This is a time for everyone to help.'

Mrs. Roosevelt had come to town to address a luncheon at Radio City and award the Clifford Burke Harmon aviation trophy to Jacqueline Cochran. She told reporters that she would begin a lecture tour on Monday (11) in Chicago.

Quiet

Jesse Lasky flew in from the Coast on 'American Airlines' Mercury Wednesday (6) to see the Friday night (8) opening of 'Quiet Please', which he co-produced with Henry Duffy. Donald Woods, who has the lead in that show at the Guild theatre, stratolined an hour later, and aboard the same liner was Irene Rich, who finished a picture at 4:45 p. m. the day before in Hollywood and 'scrambled like mad' to get the plane early to see her two-week-old gadchilde.

Nancy Carroll arrived from Washington, mum as to what her business in Washington and New show. There is a new show coming along, she admitted, but begged off telling its name.

Bills Next Week

Continued from page 53.

Slippery Little
Glamour Glee (4)
Lee Walters' Ore
Corktown Tavern
Hal Henney
Ellen Kaye
Frank Reynolds
6 Vesters
Eddie Bratton Ore
Robert Costello
Don Frye
Jerry Wright
Don Andra Ore
Hund's
3 Old Timers
Sun Valley
Serenaders
London Chop House
Tony
Ruby Ore
Mar-Joe
Ray Patterson
Ray Carlin Ore
Morocco
Jay Jasso
Paddy Bate
Four Chienkoettes
Will Henderson Ore
Nebolo's
Di Giovanni
Jack & Polly
Ryck & Kaye
Peter Marr
Daniel Dew
Leonard Seal Ore
Northwood Inn
Fred Smith
Wilfred Dubois
Berni & Giovanna
Alpine Village
Dina & Diana
Emil & Evelyn
Bob Cooper
Carl Mueller
Oto Thurn Ore
College Inn
Hy Baron Ore
Eddie Sid & Val
Freddie's Cafe
Art Lackey Ore
Gloria Gayle
Dorinda & White
Tip Top Gals
Renae Larks
Eddie Burns Ore
Gourmet Club
E Robinson Ore
Lee Bartell
Four Melbettes
Bill Lockman
Hotel Alterion
Grant Wilson
Marlin Maynard
Hotel Carver
Versatilians
Bob Optis
Hotel Cleveland
Paul Penavia Ore
Hotel Fenway Hall
Gene Bryn Ore
Helen Sterling
Equinox
Jay Schwartz

Marie Hollis
Sammy Dibert Ore
Palm Beach
Charles Rolan
Six Jewels
Jack & Thelma
Carol Crane
Nicholas Paige Ore
Carlos Vesta
Bobby Crawford
Mac McGraw Ore
Club Royale
4 Monkeys
Buster Hotel
E Madriguera Ore
George Negrette
San Diego
Carlos & Chita
Bibi & John
June Davies
George Pressnell
Alma Redford Ore
Verna's
Eddie Snyder
Vicki & Kaye
Bibi & John
Wally Joli
Harry Collet Ore
Rita & Fred
'Gold Cup Room'
Vocalions (4)
Wonder Bar
Ralph Rogers Ore
3 Lassies
Paddy La Bato.

CLEVELAND

Hotel Walenden
Florence & Alvarez
Denne Janis
John Scott
Marian Arden
Sorelli
Sammy Watkins Ore
Hotel Statler
Jose Morand Ore
Josephine Delmar
Cathy Rolan
Jack & Eddie's
Rubertino, Roberts
Babe Sherman
Arlene Blue Ore
La Congo Club
Ramon Arles Ore
Lindsay's Bar
Rudy Rayson
Judy Preston
Pearl DeLuca
Mouand's Club
Al Young Ore
Regal Club
Nostrick Ore
Pat Dennis
Judy Preston
Jim June Gallagher
Thymth Shon
Thymth-Seven Club
Noble
Jolly Carr
Frances Paul
Romy Carroll
Thymth Debs

Football

By Dick Fishell

(WHN, N. Y., Sports Commentator)

Auburn-Louisiana State
This is not Louisiana's year, while the Auburn Tigers have progressed to a point where they are one of the strongest teams in the south. Auburn should have no trouble.

Boston College-Georgetown
Here's the game of the east. Both undefeated and both boast potent squads. Boston College has the better reserve material, and therefore must get the edge.

Columbia-Navy
This is not one of Lou Little's scoring machines. Navy has its best team in years. The Midgies' two-team system will exhaust and outscore the Lions.

Dartmouth-Cornell
Unless the field is two feet under water, or a train wreck derails the Cornell squad, this should be just another scoring orgy for the boys from Cayuga Lake.

Georgia Tech-Alabama
Whatever has become of Georgia Tech?—that's what the south wants to know. The Rambling Wreck

eleven, and it'll continue to stay unbeaten.

Oklahoma-Missouri
Missouri's Paul Christman should pass it to victory in an upset.

Penn-Army
The soldiers have been threatening for two weeks. Penn has had a letdown, but should bounce back for decisive victory.

Penn State-NYU
The Violets are weak. This is one of State's strongest teams in years, and it should prove its superiority.

Pittsburgh-Nebraska
Pitt is unpredictable. The Nebraska Cornhuskers are unquestionably a high-powered machine. Nebraska gets the nod.

Princeton-Yale
On a dry day Princeton should go to town. A rainstorm makes it a tossup, but hoping for fair weather, we'll stick with the Tigers.

SMU-Arkansas
Arkansas is a weak sister. The

Probable Football Winners

(And Proper Odds)

GAMES	WINNERS	ODDS
Auburn-La. State	Auburn	2-1
Boston College-Georgetown	Boston College	7-5
Columbia-Navy	Navy	9-5
Dartmouth-Cornell	Cornell	4-1
Georgia Tech-Alabama	Alabama	2-1
Harvard-Brown	Harvard	7-5
Holy Cross-Temple	Temple	8-5
Illinois-Ohio State	Ohio State	3-1
Manhattan-Villanova	Villanova	Even
Marquette-Michigan State	Michigan State	8-5
Michigan-Northwestern	Northwestern	1-2
Minnesota-Purdue	Minnesota	3-1
North Carolina-Duke	Duke	3-1
Notre Dame-Louisiana	Notre Dame	3-1
Oklahoma-Missouri	Missouri	1-2
Penn-Army	Penn	3-1
Penn State-New York U.	Penn State	3-1
Pittsburgh-Nebraska	Nebraska	12-5
Princeton-Yale	Princeton	12-5
Southern Methodist-Arkansas	SMU	3-1
Stanford-Oregon State	Stanford	12-5
Syracuse-Colgate	Syracuse	5-8
Texas A. & M.-Rice	Texas A. & M.	3-1
Texas Christian-Texas	Texas	7-5
Tulane-Georgia	Tulane	12-5
UCLA-Washington State	UCLA	8-5
Washington-USC	Washington	11-5
Wisconsin-Indiana	Indiana	8-5

Boxscore to Date:
Right, 122; Wrong, 43; Ties, 10; Pct., 73%.
(Ties not counted)

should take another dive. 'Bama continues to flow.

Harvard-Brown
The Brown Bears already consider this a successful year. Harvard, with no major victory to its credit, is definitely a November team that is ready to hit the victory column.

Holy Cross-Temple
The Crusaders of Holy Cross are definitely in the doldrums. Temple is on the upbeat and should stay that way.

Illinois-Ohio State
Zupke is still looking for his upset of the year, but the Buckeyes have too much power and will not take the short end of it.

Manhattan-Villanova
Manhattan's Jaspers scored many times against Marquette, but the victory was costly with two vital injuries. Villanova's Wildcats are too many to be stopped.

Marquette-Michigan State
A tired and beaten Marquette squad cannot hold its own against powerful Michigan State. The Spartans should win going away.

Michigan-Northwestern
Michigan should have beaten Minnesota, but Northwestern was in the same boat. Michigan ranks a two-to-one favorite, but this Northwestern club, with loads of dynamite, should upset Tommy Harmon and company.

Minnesota-Purdue
Purdue is only a fair ball club. Minnesota is above average and unless it suffers from a mental letdown should breeze home against the Boilermakers.

North Carolina-Duke
Carolina has hit its lowest ebb. Duke gets stronger from week to week. The Duke Blue Devils again victorious.

Notre Dame-Iowa
Iowa cannot do the impossible. This is an opportune Notre, Dame,

Mustangs are the second strongest aggregation in the Southwest Conference. They'll win.

Stanford-Oregon State
This might be Stanford's undoing, but if it can stay up there for another week, the Indians will sneak into the Coast title.

Syracuse-Colgate

Here's the annual dogfight of upper New York State, with the two teams evenly matched. Colgate's double wing-back system is obsolete, and with no mistakes Syracuse should eke it out.

Texas A. & M.-Rice

The Texas Aggies are on their way to great heights. They'll leave badly mangled Rice in their wake.

Texas Christian-Texas
Christian has a feeble offense while Texas will score often.

Tulane-Georgia

Georgia has been floundering while the Tulane Green Wave has finally found itself. Tulane on top.

UCLA-Washington State
State has petered out since its impressive opening. UCLA looking for its first conquest will finally turn the trick.

Washington-Southern California
USC just doesn't have it this fall. The Washington Huskies haven't lived up to their pre-season possibilities, but they have enough to take Southern California.

Wisconsin-Indiana

Indiana is improving with leaps and bounds, while Wisconsin has no running game and only a fair aerial offense. Indiana should knock off the Badgers.

Bill Watters, New York, p.k. whose 'Slap-Happy Lassie with a Streamlined Chassis' was recently published by Berlin, has three more, among them 'Don't Kid Yourself', tricky patriotic novelty. He collaborates with Howard Steiger.

The Big 3 Has 6 Big Hits!

From **ROBBINS MUSIC CORPORATION**

MURRAY BAKER, Gen. Prof. Mgr.

LEO TALENT, Prof. Mgr.

FERRY-BOAT SERENADE

By the Writers of "The Woodpecker Song"

MAYBE

By Allan Flynn and Frank Madden

From **LEO FEIST, Inc.**

HARRY LINK, Gen. Prof. Mgr.

LON MOONEY, Prof. Mgr.

DREAM VALLEY

Words and Music by Nick Kenny, Charles Kenny and Joe Burke

OUR LOVE AFFAIR

Words and Music by Arthur Freed and Roger Edens

From M-G-M's Picture, "Strike Up The Band"

From **MILLER MUSIC, Inc.**

BEN GILBERT, Gen. Mgr.

HERB REIS, Prof. Mgr.

DOWN ARGENTINA WAY

TWO DREAMS MET

Both Songs by Mack Gordon and Harry Warren
from the 20th Century-Fox Picture, "Down Argentine Way"

THANKS---To all those who made these six
song hits possible, simultaneously.

Sincerely,

Jack Robbins



SCREEN

RADIO

MUSIC

STAGE

NOV 22/40 A

VARIETY

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HOLLYWOOD'S TALENT GRAB

\$8,000,000 Earmarked for Television Development; H. Hughes' \$2,000,000

Washington, Nov. 19. A promised capital investment of \$8,000,000 in television was announced last Saturday (18) by the Federal Communications Commission. This is the sum represented as pledged by corporations having applications with the FCC for television licenses. It apparently includes money earmarked either for equipment to establish service or, in the case of NBC, CBS, Philco, Don Lee, etc., which already have installations, money under budgets to continue technical and showmanship experiments.

Two of the new grants are to the Hughes Productions Division of the Hughes Tool Co., which has set aside \$2,000,000 for stations at Los Angeles and San Francisco. The establishment of Howard R. Hughes' 'proposes to experiment in program production development in cooperation with Hughes Productions of Hollywood,' according to the Commish.

The new Hughes ventures will conduct a study of studio lighting effects; seek improvement of television transmitters, cameras, and synchronizing generators; test transmission of various numbers of lines between 421 and 525; compare different types of synchronizing signals and try FM for the sound accompanying the pictures, it was explained. In both California. (Continued on page 55)

Kay Kyser to Stall 'Til Jan. 1 in Order Not to Go Overboard on Income Tax

Kay Kyser finishes his current stand at the Empire Room of the Waldorf hotel, New York, Nov. 27, and will do nothing outside of a few one-nighters and his Lucky Strike broadcasts until the first of the year. Leader doesn't want to work, because his income so far this year has put him in high income tax brackets, and further—bankroll—pyramiding will be only for benefit of the Government.

Kyser draws down \$3,000 per one-night stand currently and at least \$10,000 a week in theatres, often more than that. In view of the percentage deals he usually gets in theatres. He's currently at the Roxy theatre, New York, with his RKO film, 'You'll Find Out.'

'Joe Palooka' Would Push Army Enlisting

'Joe Palooka' has taken on the semblance of reality. Newspapers carrying the McNaught Syndicate cartoon feature last week carried stories and cartoon in regular journalistic style that 'Joe' was enlisting in the army. The stories went on to point out that cartoonist Ham Fisher felt that it was the only thing Palooka, one of the top pen and ink figures, could do in these times. It (Continued on page 15)

Colonna Rides Handlebars From \$50 to \$2,500 Week

Hollywood, Nov. 19. Motor cars have crowded bicycles off the roads but handlebars are still going strong. Jerry Colonna's sweeping mustache has pedaled along the financial track from \$50 to \$2,500 a week in a few years.

Once a trombone tooter at half-a-century per week, Colonna is soloing his wind chimes at \$5,000 for a fortnight at the downtown Paramount theatre, plus a percentage over a certain figure. He leaped into prominence on the Bob Hope air show after two years of comparative obscurity under a Warner contract.

HAYS' POWWOW ON SPICY GAB IN PIX

Tabbed one of Will Hays' regular visits to the Coast, the present visit by the head of the Motion Picture Producers & Distributors of America to Hollywood is reported in N. Y. to have two objectives. One is to lay before Coast producers the seriousness of recent protests against fast-dialled screen dramas, stirred up in recent weeks by several church and club groups, including the League of Decency. The other is the British film coin situation.

Better cooperation with Joe Breen in his administration of the Hays office production code will be urged on all producers simply as a common sense policy.

It's no secret at home offices that Hayites in Hollywood have been liberal with producers anxious for the screen realism. But along with the realism, some producers have been slipping in spicy gags, double-entendre, etc.

GOV. DICKINSON, LIKE WILLKIE, TO LECTURE

Detroit, Nov. 19. Like Wendell Willkie, another politician is reported headed for the lecture platforms. Gov. Luren Dickinson, Michigan's 81-year-old chief, who was defeated at the polls this November, will hit the Chautauqua trail after the first of the year.

A former head of the Anti-Saloon League, he caught plenty of attention when he returned from a Governors convention in New York to condemn 'life in high places.' This makes his lecture topic a cinch—'Sin and High Life.'

DIRECT RESULT OF CONSENT DECREE

Ethics Frowned On As Studios Reach Out for Creative People—Decree Cues Plants to Improve Quality or Else

AGENTS' BONANZA

By BOB MOAK

Hollywood, Nov. 19. Picture production today is in the throes of the most far-reaching revolution ever to rattle the foundations of the Hollywood lots. Dwarling, in comparison, even the wholesale housecleaning that came on the heels of England's declaration of war on Hitlerism in September, 1939, this latest reshuffling of studio personnel threatens to remove from the picture-making scene scores of familiar producer, director and writer faces.

Behind the turmoil, which has jitter-infected everyone from the biggest of the plant bigs down to members of the labor gangs, is the loud and firm demand by home office heads that the general quality level of pictures be lifted without further delay. In addition, the eastern bosses have issued very exacting instructions. (Continued on page 54)

TODD BEATS ROSE TO TWO-BIT CABARET IDEA

Michael Todd and Billy Rose, who acquired a distinct coolness between them in the second year of the N. Y. World's Fair, now may have another bone of contention. Rose the past three weeks has been talking about a 25c or 'quartercade' cabaret, but Todd took action, and over the weekend closed a deal for what was formerly the Rainbow Garden (original French Casino) in Chicago and adjoining the Fronton, where ja-lal-a was once played. He's merging both buildings into the largest nitery in the world (3,500 capacity), and will open it Xmas Eve. The only thing he hasn't yet set is the admission fee, but it will be either 35c or 50c.

Todd states that he has been dickering for the sites for the past nine weeks, long before Rose announced (Continued on page 53)

Station Locks Ams In To Stymie Mike Fright

Mexico City, Nov. 19. To be sure of talent for its daily amateur show, local radio station XEFO (5,000 watts), owned and operated by the party of the Mexican Revolution, is exercising drastic action. As soon as all the aspirants for a show are in the mike room, the door is locked—from the outside—to (Continued on page 55)

Theatre Guild-NBC Radio Deal On; Also Belasco and Playwrights Co.

Bromfield Drops Idea Of Becoming an Actor

Cleveland, Nov. 19. Because of an over-abundance of work, Louis Bromfield is dropping his original intentions of taking a role in his new play, 'Here Today, Gone Tomorrow,' which is being preemmed Dec. 3-4 by community players of Mansfield, O.

Novelist, who lives on a farm nearby, had hoped to do a Sinclair Lewis by playing himself in the comedy-drama, on which his manager, George Hawkins, collapsed. Bromfield, however, will act as co-director on the Mansfield production, cooperating with Helen Bacon, group's director, and collaborator Hawkins.

ASCAP TANGLE ENDS PATRIOTIC TIEUP

ASCAP-radio controversy last week again came in for much space in the New York dailies when NBC cancelled the broadcast of a patriotic show after it was found that the program contained music written by an ASCAP member. Edward A. Vosseler, an American Legion commander, had been invited to accept the first copy of a children's patriotic book, 'Molly Pitcher,' during a preview of a musical radio script of the same name on 'The Lady Next Door' program.

The script was written by Madge Tucker, conductor of the series, but the three numbers in the sketch had been composed by Molly Donaldson, one of the newer ASCAP members. Incident marked the opening of the network's campaign to keep all ASCAP music off sustaining programs.

CAPT. RATHBONE OF CANADIAN AIR FORCE

Toronto, Nov. 19. Application of Basil Rathbone to serve in the Royal Canadian Air Force in any capacity has been accepted and screen player is expected to arrive here in a few days. Although he did not seek a commission, he will be given a captaincy and will serve in the signals division in which he served in World War I. His son, Basil Rathbone, Jr., arrived in Toronto four weeks ago and is now in the RCAF.

Rathbone Sr., born in Johannesburg, South Africa; started his stage career under the tutelage of his cousin, Sir Frank Benson.

Closer relationship between the legitimate theatre and radio broadcasting is foreseen. Omens of this growing interest include a deal now reported in negotiation between the Theatre Guild and the National Broadcasting Co., whereby the recently reorganized Guild will make its plays and, presumably also its players, available to the network. The Theatre Guild has meantime added several new subscription cities to its road tours and radio fits into the new plans not alone as a possible revenue source via royalties but as a modern publicity factor to find a wider audience.

Edward Padula of Yale Drama School and NBC television (direction) background is now with the Theatre Guild but whether this has a bearing on the radio thinking within the Guild is not known.

Meantime the plays of the late David Belasco have been assembled into a package which Arnold Van Leer has interested Ed Wolf Associates in for radio purposes, and there is renewed interest in the Playwrights Co. script package that was first peddled about two years ago by John L. Clark's Transamerican.

Drama is to the fore in broadcasting just now partly because of the impetus of the recent NBC appearances of Alfred Lunt and Lynn Fontanne and more recently of Katharine Cornell. But another thought in the radio men's minds is the need to find music substitutes should the networks fail to renew their licenses with the American Society of Composers, Authors and Publishers after Jan. 1 next.

Feud on 3 Hollywood Fronts; Who'll Play In What for Whom?

Hollywood, Nov. 19. Resume of the Sam Goldwyn-Gary Cooper-Warner-Paramount-Bette Davis-Ernest Hemingway feud now spreading all over the western front: Gary Cooper, under exclusive contract to Samuel Goldwyn, is supposed to do the male lead in 'The Amazing Story of Sgt. York' for Warner Bros.

Bette Davis, under exclusive contract to Warners, is supposedly set by (Continued on page 55)

Nitery Op, in Burnup At Politicos, Becomes Mayor

Detroit, Nov. 19. Burned up because his night club's license had been revoked by the State Liquor Control Commission, William Osmond (Ozz) Kelly became mayor of Flint, Mich. It was one way of showing how to get direct action and it took the embattled night club operator just eight months (Continued on page 23)

Martin Beck, Pioneer Vaude Tycoon, Dies at 73; Had Variegated Career

Martin Beck, one of the last of the former vaudeville tycoons, died suddenly early Saturday morning (19) at Mt. Sinai hospital, New York, at the age of 73. He had been operated on for an intestinal obstruction the previous week, his condition being favorable for several days, but a blood clot formed and caused death when it reached his brain. He had undergone a similar operation four years ago.

The veteran showman, who reaped a fortune in vaudeville as builder and head of the Orpheum Circuit and who was in the legit field for the past 15 years, had a premonition of death. Recently, at luncheon with friends, he joked about the operation, saying:

"What are you fellows worrying about? I am going into the hospital and won't come out. However, I've enjoyed 73 beautiful years."

Started As A Waiter

Beck evidently was reluctant to divulge his lowly start in this country after entering the U.S. as an immigrant from Austria. Almost all the biographical matter on him claims that he started here as an actor in a German troupe, but actually he was first a waiter. His beginning as a manager dates back to a biergarten in Chicago, where the proprietor permitted him to put on a show. This was successful and Beck branched out until he went to work for the late Morris Meyerfeld, Jr., later president of the Orpheum Circuit in San Francisco. Beck eventually married Meyerfeld's daughter and this was his stake for theatre-building. When Beck became presi-

(Continued on page 45)

Harris Wins Mature For Legit In Contest With Group Theatre

Contest over the services of Victor Mature, young film player who has never appeared on Broadway, was won by Sam H. Harris, who will use him in "Lady in the Dark," forthcoming Moss Hart-Kurt Weill musical drama. Harold Clurman claimed Mature for the cast of "Retreat to Plesure," Irwin Shaw play which he will stage for the Group Theatre.

Mature is not known to have had stage experience, except in little theatres on the Coast. He was in several pictures, his first being "1,000,000 Years B.C.," which was produced by Hal Roach. Clurman's (Continued on page 22)

ARMAND TOKATYAN, MET TENOR, BANKRUPT

Armand Tokatyan, tenor, with the Metropolitan Opera Co. since 1922, filed a voluntary petition of bankruptcy in the N. Y. federal court yesterday (Tues.), listing no assets and liabilities of \$8,084. The tenor earned \$7,175 in 1939 and \$10,000 in 1940.

Tokatyan is now under contract to the Charles Wagner Agency and among his creditors are Max Chopnick and Louis Garrell, \$3,600 for professional services; John J. Jaffin, \$215, agents commission; The Lambs Club, \$162, and estate of Richard Copley, \$182, on agents commissions. Tokatyan scheduled to appear opposite Lily Pons in the Met's vival of "Daughter of the Regiment" this winter.

Ashton Stevens Learns About Radio Biz

Chicago, Nov. 19. Ashton Stevens, dean of drama critics for Hearst's Herald-American, is taking a double dose of Alka Seltzer these days. He has two headaches.

Last week, as guest on the Alka Seltzer program, he slipped to say he recommended Bromo Seltzer, too. That caused the headache. When every columnist in town picked up the slip, Alka Seltzer said Ashton Stevens' praise for Bromo Seltzer is the best plug Alka Seltzer ever had.

Wondering what they meant is causing his second headache.

Jack Benny Antidote

New Haven, Nov. 19. WELL's found an answer to the problem of what an independent station is to do when Jack Benny's on the air.

Solution is 'Nobody Listens Anyway,' pop record program produced by Bud Finch. Finch keeps saying nobody listens except his father and mother, but fan mail indicates otherwise.

Tom Mix Estate Set At \$115,000; Clipped By Suits and Payoffs

Hollywood, Nov. 19. Estate left by Tom Mix, believed to be over \$1,000,000, had dwindled to \$115,000, it was disclosed by his attorney, Ralph W. Smith, who is preparing an application for the appointment of an appraiser to determine the exact value of the fortune. Preliminary investigation turned up about \$100,000 in real estate and \$15,000 in personal property, which may be greatly reduced when obligations are discharged.

Mix once was Hollywood's highest salaried actor, but his earnings were depleted by scores of lawsuits and settlements. The largest single outlay was a property settlement of approximately \$500,000 on his former wife, now Mrs. Victoria de Olazabal, in 1930. In the same year the Internal Revenue Bureau charged him \$177,000 for neglected income taxes. A good part of his early earnings was invested in securities which collapsed in the market crash of 1929.

Mrs. Mabel Mix, his widow, is preparing a court appeal for an allowance of \$400 to \$500 a month. The will divides the estate equally between his daughter, Thomasina, and his widow.

ISABEL JEWELL HAS BROADWAY PLAY BID

Pittsburgh, Nov. 19. Isabel Jewell, here last week with George Jessel unit, said she wasn't returning to Hollywood and disbands but will do a Broadway play this season. Actress' last show was "Blessed Event" in 1932 and she's been on Coast ever since being drafted for her original role in the screen version of that comedy. Miss Jewell has been offered one of leads in new Allen Bretz comedy, "Hard Way," and will discuss terms with producers when she reaches New York. Flock of single radio (Continued on page 26)

Ann Corio From Strip To Legit Next Season

Pittsburgh, Nov. 19. Ann Corio, doing her peel specialty at the Casino here last week, said she'll definitely make the break away from burlesque next year, at least for a season, and tour in a revival of "White Cargo." Stripper doesn't intend to hit Broadway with the show but will stick to the key spots and hinterlands. She was at the train here when the Ruth Chatterton "Pygmalion" company stopped en route to Detroit and held an hour's conference with Jus Addis and Hayden Rorke, who will produce "Cargo" for her. They operate the Chapel Playhouse in Guilford, Conn., one of the stock spots she played last summer in her first fling at legit.

Helen Morgan Better

San Francisco, Nov. 19. Helen Morgan, who was near-fataly stricken shortly after opening at the transbay Rancho San Pablo, is recovering rapidly and hopes to finish out two weeks at the El Cerrito niter.

Friends stated that at the crisis of her sudden illness, the singer was given up as dead for a period of 30 minutes.

Paul Robeson Files Race Prejudice Suit in S.F.

San Francisco, Oct. 19. Paul Robeson, here last week on concert tour, heads list of plaintiffs in \$22,500 race-prejudice damage suit against Vaneesi's, North Beach niter. Action charges that the drinkery refused to admit Robeson's party of nine because four members of the group were Negroes, in violation of California law against racial discrimination.

Witnesses said Robeson himself did not get out of the car in which he was riding and apparently would have preferred to move on without making a scene. Cafe's side of the story is that the place was crowded and had no room for a large party. The other Negroes in the party, included John Pittman, foreign editor of the People's World; Revels Clayton, secretary-treasurer, Bay Area District Council No. 2, Maritime Federation of the Pacific, and Lawrence Brown, Robeson's accompanist.

White plaintiffs were named as Clara Rockmore, theremin player, and her accompanist, Eugene Helmer; Merle Pittman, Ethel Cayton and Louise Branstetter.

Singer left town to continue his concert tour after filing of suit. Attorneys handling case are Harold M. Sawyer and George Olshausen.

Marj. Lawrence Airlines Into N.Y. For Brit. Benefit

To bed at 1 a.m. after singing the exhausting Carmen in Chicago, and up at 6 a.m. to grab a United Airlines plane, Marjorie Lawrence, Australian-born Met soprano, arrived at La Guardia Field, New York, last Wednesday (13) and hurried to Manhattan to confer with representatives of Bundles for Britain on her appearance in the BFB benefit concert in Carnegie Hall, Dec. 13. Proceeds will buy children's coats for London's air raid shelters.

Toppling

Arline Judge's return to Alms kneed a hurdle last week when Dan Topping, her ex-husband, filed court papers requiring the actress' presence in New York. She had to cancel her reservation on a liner L.A.-bound, Wednesday night (13). If she had gone, she would have ridden (Continued on page 44)

CBS and Wrigley Sued By Stong Over 'Career'

Phil Stong, writer, filed suit in N. Y. federal court Friday (15) against Columbia Broadcasting System, Inc., and William Wrigley, Inc., seeking an injunction, accounting of profits and damages for the alleged infringement of his book, "Career." It is claimed that the defendants used parts of the book from July 9, 1939-Oct. 1, 1939, over the Jesse L. Lasky (RKO) "Gateway to Hollywood" program sponsored by Wrigley.

L. A. to N. Y.

Neil Agnew. Barney Balaban. Lucille Ball. Monte Banks. Joe Bigelow. Ray Bolger. W. C. Cagney. Harry Carey. Ted Collins. Charles Correll. Lili Damita. Sam Dombow, Jr. Leonard Goldenstein. Freeman Gosden. Stanton Griffis. Sig Heisig. Mann Holmer. Russell Holman. Arthur Hornblow. Rita Johnson. Joseph Kelly. Joseph Lamm. Charles McCarthy. Bill Maloney. Jimmy McHugh. Johnny Mercer. Phil Rapp. Albertina Rasche. Wells Root. Kate Smith. Paul Stewart. Carol Wayne. Bob Welch.

THE BERLE-ING POINT

By Milton Berle

Hollywood, Nov. 19. Have trouble finding my house in Beverly Hills each night. The only way I can locate it is to take a ride on a rubber-neck wagon, and when the guide yells, "Here's where Nelson Eddy used to live—that's it."

Asked Mark Hellinger if the stuff in my column is funny. He replied, "Always was." I wonder what he means?

Have a new secretary—the second in two weeks. Sent the first one out for a couple of Corona Coronas and she brought back two typewriters. In "Tall, Dark and Handsome" I play a tough guy and there is \$1,000 on my head. I told director Bruce Humberstone that was a silly place to carry money.

I live three trees from Johnny Weismuller. My home has all modern conveniences, three faucets in the kitchen sink, hot water, cold water and orange juice.

Hedy Lamarr is my favorite opera star. She doesn't sing—but who cares?

Broadway Dept.

"Life With Father" celebrates the completion of one year at the Empire. Next July I celebrate 33 years of "Life With Mother."

"Suzanna and the Elders" opened to so-so notices at the Morosco. A lot of people think Jack Kirkland planned it that way so he could write nasty notes to the critics.

At the request of the N. Y. Telephone Co. Barclay Beekman, who writes sassy notes for the New York Mirror, has changed his name to Barclay 7-Beekman 3.

Leo Lindy writes that his restaurant is now full of "if money" Roosevelt bettors. He says, "If they had bet on Roosevelt they would have been in the money."

Hollywoodiana

Went to the opening of Rudy Vallee at Victor Hugo's. Sat so close to the band that the management had me hold a saxophone as so not to embarrass the other customers.

Saw Clifford Fischer's "Folies Bergere" at El Capitan. Business so terrific even the ushers are standing.

Out here all the gals have holes in their shoes so their toes can stick out, and it's considered stylish. If a man wears shoes that way he's a bum.

Joe Frisco is doing a great job at Slapsie Maxie's. Joe has the horses just where they want him.

Some Hollywood marriages are kept secret until the divorce leaks out. Just received an invitation to attend the sneak preview of a new meat market.

Music Dept.

Tommy Dorsey's boys at the Palladium really live their music. Every time they play "Old Man River" they wear bathing caps.

Harry Ritz has a sequel to "Beat Me Daddy, Eight to the Bar." He calls it, "Hit Me Papa, With a Three-Header Parlay."

Songwriter Ralph Rainger says he never worries about money. He owns an oil well from which he bottles the best drinking water in California.

Radio Dept.

Am now busy writing a radio show for Myrna Loy and yours truly. The title of the program will be "Loy Meets Berle."

There's no truth to the rumor that they are going to change the name of "The Shadow" programs to "The Hour of Harm."

Hollywood is so weather-conscious that when a band played "The Wind and the Rain in Your Hair," the announcer apologized by saying that the tune was written in Florida.

Hangnail Descriptions

W. C. Fields: The Grated Profile. Lucille Ball, Dez, Dezi give me your answer tune. Jerry Colonna: A Fuller Brush with eyes. Slapsie Maxie Rosenbloom: Fifteen minute intermission. Groucho Marx: Ad-libber stay away from my door.

Observation Dept.

Saw a very dull boxing match at the Hollywood Legion. It was so dull that Maxie Rosenbloom got out of his ringside seat and yelled, "I can knock the both of you out over the telephone."

Hollywood old-timers tell you not to mind what anybody says about you here. They've been panning gold in California for almost 100 years.

Three years after Bert Gordon, the "Hold On to Your Hats" earful, was born, people were still trying to figure out whether he was going to walk or fly.

Eavesdropped at Brown Derby: "He's a fine fellow—every other inch a gentleman."

Eavesdropped at Ciro's: "He's the kind of a guy who wears bell-bottomed shorts."

Back east the girls used to eat out of my hand. Here they eat me out of house and home.

Whatever Became of—?

The Great Leon. Lytell & Fant. Fay, 2 Coleys & Fay. Bessie Clayton & Co. Novelly Clintons. Loretta McDermott & Eddie Cox.

Afterpiece

In New York the big problem for women is what to get their husbands for Christmas. In Hollywood, it's what husband to get for Christmas.

13 Draw Salaries With Savo's 1-Man Show

"Mum's the Word," Jimmy Savo's one-man revue slated to open Dec. 5 at the Belmont, N.Y., may require 13 extra employees as a result of various union regulations. There will be four stagehands, possibly four musicians, two boxoffice men, a house manager, company manager and press agent. That would involve a weekly payroll of around \$1,100, without figuring any other expenses. As against this wholesale employment for the indirect contributions to the show, Savo himself is the author, director, producer, backer and entire cast.

N. Y. to L. A.

Ralph Bellamy. Carl Brisson. Betty Grable. William German. Monroe Greenhal. Will Hays. Sona Henie. Sidney Justin. Jesse L. Lasky. George J. Schaefer. David O. Selznick. Norma Shearer. William B. Smith. Arthur Wirtz. Herbert J. Yates. Irving Yates.

Cantor Expounds On America's Need for Real Good Laugh Right Now

Philadelphia, Nov. 19. What America needs is a real good laugh. Eddie Cantor came here Sunday with that prescription. "I mean it seriously," the big-eyed comic said. "Everybody should start laughing." Coming to the city to perform for the Mizrahi Women's Organization of America show and dance at Broadway Hotel, he explained the country has been through a "hard election," animosities have been kindled, but now it's time to smile.

"Laughter is the oxygen tank that will keep the whole world alive," he insisted. He pulled many Cantorisms as usual, but he also found another serious cause to champion—aid to refugee children. Excepting for his air stanza, Cantor said he is devoting all his time to refugee work and to the Bundles for Britain organization.

"I feel we must do all we can to aid what looks like the next-to-last democracy," he said, but cautioning, "We should never send troops, though." Instead of drawing laughs about his "son-less marriage with five daughters," Cantor said he might (Continued on page 15)

PLAY SALES SLUGGISH

Broadwayites Transplant Selves To Soil of Cal.; Take Bows in Furrows

Hollywood, Nov. 19. Conversation between George Spelvin and Joe Zilch at the corner of Hollywood and Vine, where they had pulled up their station wagons to exchange a bit of gossip about the show business.

George—You oughta seen the hand I got from my tomatoes at run-up today. I had 'em rolling in the furrows.

Joe—You ain't got nothing on me, George. You oughta seen the shower of lemons I got this morning. I don't want to brag, but they were the finest lemons in San Fernando Valley.

That is how your old Broadway thespians greet each other today after their insides have become inured to the soft soil of California vales. Up to the time they moved to Hollywood for a picture job, their idea of soil was a load of something moving out of a subway excavation in a motor truck. They thought a palm was something that grew out of a bucket in a hotel lobby.

When a Hollywood actor talks about dates he means the species that grow on the wide-spread palms in front of the wide-spreading adobe house on his wide-spreading rancho. Dates with blondes in the niteries (Continued on page 55)

Legit Production In London Under the Most Trying Circumstances

(The following is an excerpt from a letter received last week in New York by Reginald Denham, playwright and director, from his actress-daughter, Isolda Denham, who was recently married in London to Peter Ustinov. An actor and director, Ustinov is the son of Nadia Benois, scene designer for the Russian Ballet, and a nephew of Alexandre Benois, who designed the settings for several ballets in the repertory of the Original Ballet Russe, currently at the 51st St. theatre, N. Y.)

London. During the week preceding the closing of all theatres, Peter and I sat here and tried to relax and get accustomed to the air raids. We are quite hardened to them now. It's incredible how quickly people manage to get used to new conditions. I never thought I would, but here we are, right as rain and adapting our lives very nicely, thank you.

Well, we sat here and read plays. Friends begin to venture out of their (Continued on page 22)

GABLE, LOMBARD SKIP PIX FOR LONG LAYOFF

Hollywood, Nov. 19. Clark Gable is not likely to make another picture for at least six months. Metro star is said to be under the weather as a result of overwork and is taking a long vacation with his wife, Carole Lombard, who has passed up numerous roles for winter and spring production. They plan to travel, hunt and fish until Gable feels like working again.

Meanwhile, Metro has a long list of features lined up for his approval. Among them are 'The Great Canadian', 'The Life of Simon Bolivar', 'Torilla Flats', 'Osborne of Sing Sing', 'Pioneer Doctor', 'Witch of the Wilderness' and 'The Story of Soapy Smith.'

Sues Fritz Blocki

Chicago, Nov. 19. Suit for divorce against Fritz Blocki, radio director, and ex-drama critic, playwright and press agent, was filed last week in superior court here by Mrs. Fern Head Blocki. Charges cruelty.

Where's Sherlock

Harry A. Jansen, the Dante of 'Sim Sala Bim' magic show, had his own stuff pulled on him in Boston, where his overcoat did a disappearing act. He thinks he left it in his car while dining in a hash house.

Same evening a New Hampshire sheriff complained that somebody lifted his wallet and badge during Dante's performance.

Hope Breaks In Radio Material In L.A. Theatre

Hollywood, Nov. 19.

Fed up on the same phlegmatic audience reaction every week at NBC, Bob Hope is trying a new tack on Sunday night preview, prior to his Tuesday night broadcast. He has arranged with the downtown Paramount theatre, in Los Angeles, whereby he gives the house an hour show with his Pepsodent troupe in exchange for a fresh audience. Trial runs for two weeks and if results prove satisfactory he'll pick there every Sunday night. No other consideration is involved in the bargain. Paramount advertises the event and Pepsodent will be generously paid.

Other producers and comics, long nursing a peeve against the same arm-folding audience week in and out, are watching the Hope experiment with a view to following suit unless the network can correct the duet evil. Theatres are also eyeing the unusual procedure and casting envious glances at Fanchon & Marco (Continued on page 18)

RAH-RAH HOSS OPRY SERIES, LATEST TREND

Hollywood, Nov. 19.

Newest angle in the town's continuous search for something different are hoss opera-musicals based on the songs of western colleges. George Weeks will do the first 'Tumbledown Ranch in Arizona,' for Monogram release. Title is from the song of the same name used by the students of the University of Arizona as their 'official rodeo song.'

Both the tune and the script were written by Bill Waters, Arizona alumnus and New York p.a. now on the Coast. He's working out a series of similar screenplays built around melodies of western colleges and featuring music of the state where the school's located.

Weeks' picture is expected to be premed in March as a feature of the Intercollegiate Rodeo in Tucson.

SWEET CHARITY

Cal. Tracks Collect 500G, Clash on Legality

Hollywood, Nov. 19.

Southern California racetracks are in a financial crouch with Governor Olson over the disposition of \$500,000 collected on charity days at Santa Anita and Hollywood Park. The Governor wants the money turned over to the state treasurer, but the horsemen declare they can't do it legally at present.

Jack McKenzie, at Hollywood Park, explained that the money has been impounded to await a ruling by the California Attorney General. There is doubt whether it is legal to turn over the charity fund to the State for general relief purposes.

DEARTH OF B'WAY HITS THIS YEAR

'George Washington' Hottest Dicker Right Now — Par May Take 'Panama Hat-tie' Because of DeSylva—Other Negotiations in Talk Stage Chiefly

ONLY 2 SOLD SO FAR

Broadway season, which has been noteworthy for a dearth of hit shows and, as a result, a lack of legiters bought for films, will shortly see its first important purchase, 'George Washington Slept Here,' George S. Kaufman-Moss Hart comedy, has three bidders and a sale is expected momentarily.

Warner Bros. and Columbia are neck and neck with offers of \$75,000, while producer Sam Harris is holding out for his original asking price of \$100,000. He's doing the negotiating for Kaufman, Hart and him. (Continued on page 44)

Mrs. Eddie Bracken's Hurts Not as Critical As At First Believed

Hollywood, Nov. 19.

Eddie Bracken and his wife, Connie Nickerson, Broadway actress, were injured in an auto crash near Banning, Cal., yesterday (Monday). Comedian received a cut ear, requiring several stitches, and minor bruises. Miss Nickerson sustained a fractured collar bone and injured pelvis.

Bracken, who recently completed 'Reaching for the Sun' for Paramount, was motoring east for a two-months vacation.

Martin Jurow, Bracken's agent, in New York said yesterday (Tuesday) that the actor had informed him by phone that Miss Nickerson's injuries are not as serious as first believed. She will remain in the hospital three or four days and then will be confined to her home for about six or eight weeks.

Bracken will now remain on the Coast, as he is slated to begin work in a couple of months in Paramount's 'Caught in the Draft,' with Bob Hope. Under his Paramount contract he expects to come east next fall for a legit show.

Couple met during the Broadway run of 'Brother Rat,' in which they both appeared. They later played opposite each other in the road company of 'What a Life.'

HAYS GREENLIGHTS 'TOBACCO' FOR SCREEN

Hollywood, Nov. 19.

Under close scrutiny by the Hays office right along, 20th-Fox's 'Tobacco Road' will hit the screen shorn of all profanity and its sex angles severely tempered.

Film will rely on suggestions to get past state censors. Most explosive expletive in filming is 'darn.'

MacKenna Back West; Metro Signs Og Nash

Kenneth MacKenna, Metro's studio story editor, returned to the Coast last Friday (15) after two weeks in New York seeing plays and talking with writers.

Wilkeast MacKenna signed Ogden Nash to a one-picture deal. He'll do screenplay and dialog on 'Female of the Species.' Nash last worked for Metro about a year and a half ago.

H'wood Starts Back-to-B'way Coin Movement; Par, Metro, WB 1st in Legit

Not Chirpy

On the theory that the tune he had been using for several years was more appropriate on the other side of the ocean and out of order here, Abe Lyman dropped his theme 'Lights Out' last week. Replaced it with 'Moon Over America.'

Lyman's band is at the New Yorker hotel, New York, until Dec. 19 when it shifts to the Strand theatre, N. Y. Woody Herman follows at the hotel.

Three Plays On H'wood—3 Flops; 'Quiet's' 50G Red

'Quiet Please,' which Jesse L. Lasky and Henry Duffy jumped from Los Angeles to the Guild, N. Y., started the Broadway date very mildly after a weak press. It is the most costly venture of the three plays about Hollywood that opened within eight days. Approximate red to date is \$50,000, principal chance to recapture the investment being possible sale of the picture rights. Other asset comedies, 'Beverly Hills' and 'Glamour Preferred,' also drew adverse notices.

One of the added expense items was the transportation of the rather large company and retinue of handlers. There was one company manager, general manager and at least three press agents, or were up to early this week, so that the payroll was well loaded. Presenters gambled on the critics, that being the explanation of bringing the show east after so-so takings on the Coast.

'Quiet' was reported stopping Saturday (16), but it was stated that the show would continue because of the film rights. Question of financing (Continued on page 54)

BETTY FIELD PREFERS TO STAY ON THE STAGE

Betty Field, who over the weekend flew east to go into 'Flight to the West' for the Playwrights Co., hopes to confine herself to the theatre exclusively in future. She is under contract to Paramount for five years of a seven-year contract, but hopes the studio will not take up her option for next summer.

'Flight' started rehearsals Monday (18), with author Elmer Rice directing. It opens Dec. 18 in Washington and Dec. 23 in New York. Even if the play is unsuccessful and Paramount picks up her option, Miss Field will remain in New York until June, when her contract would require her on the Coast.

41 YEARS LATER

Pat O'Brien's Mother Decides to Record Hi Birth

Milwaukee, Nov. 19. When Pat O'Brien was born here in 1899, it was not unusual for doctors to file birth certificates without giving the first name of the infant. He was one of these babies, and for 41 years remained without a name. Milwaukee's official records. When he visited the city last week as chairman emeritus of Marquette University's homecoming celebration, his mother, Mrs. Margaret O'Brien, decided it was time something was done about it and visited the office of the registrar of vital statistics to rectify matters. A regulation birth certificate now reads: William Joseph (Pat) O'Brien.

Adoption by the Dramatists Guild of the lengthily negotiated changed rules covering film rights of shows backed by picture money has signaled the resumption of the Hollywood-Broadway production liaison. Because of the numerous delays in reaching a final agreement, picture people were cagey in conceding that they are back in the legit field. Such activity, however, is definite, eastern end of several companies waiting the okay of the Coast on scripts selected for stage presentation.

Paramount, Metro and Warners will first initiate the film-financed production, it is indicated. Par has selected three scripts, titles unannounced, and Metro has at least one, but there is some question as to priority of rights with Par. Warners wholly backed one show this season ('Jupiter Laughs') and is mentioned financing 'Hot Nocturne,' announced by Kermit Bloomgarden and Elia Kazan.

WB was very active on Broadway last season, concerned in backing half a dozen shows. Firm had been listed among those that objected to the former system of film rights sales, but was the most active in (Continued on page 18)

BING CROSBY NOT FREE FOR FOOTBALL PROGRAM

Bing Crosby won't participate in NBC's broadcast of the Rose Bowl game New Year's Day because the J. Walter Thompson doesn't want him doubling from the Kraft program. Bill Stern, who is going out to the Coast to handle the event, had the idea that Crosby might be had for some color comment but John U. Reber, Thompson radio v.p., taboored the stunt. Crosby's contract with Thompson is exclusive as far as radio is concerned.

Stern figures on staying out on the Coast for a few weeks, doing his Sunday night Colgate program from that point.

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THEATRE MEN AVER THE BATTLE AGAINST THE DECREE IS BY NO MEANS OVER

Cite What Happened to the NRA Following Appeal to the U. S. Supreme Court—Exhib Leaders All Agin' It—OK for Distribs

Even if the consent decree is officially signed by Federal Judge Henry W. Goddard, in spite of the violent fight in opposition to it by exhibition forces, this will not mark the end of the battle so far as theatre men and exhib leaders are concerned, it is indicated. And if a subsequent effort is made through the courts to set aside the decree, declaring it inoperative, obtaining modification, the exhibiting branch will have an entirely different standing than at the Thursday (14) hearing before Judge Goddard in N. Y.

The impression legally is that, although the exhibitors were fighting from the outside since the decree actually is a settlement between parties that does not include them (the exhibs), any subsequent move made against the decree will be a totally different matter. Mentioned in connection with the consent decree and any subsequent attacks upon it via the courts—perhaps the U. S. Supreme Court for a ruling—is the NRA and the manner in which that ultimately was thrown into the discard.

R. B. Wilby, influential theatre operator and a partner of Paramount in around 150 theatres in the south, believes it is three-to-one that Judge Goddard will sign the decree. Fred Kent, general counsel for the Sparks-Paramount circuit in Florida, who has served with Wilby in representing all Par partners in opposition to the consent, also believes the odds are against the exhibiting branch after the lengthy arguments advanced Thursday (14).

An important point is raised by Wilby in reminding that although the decree goes through the exhibition arm of the industry enjoys a "back-ground," as result of the "back-ground," made, which should rate importantly "if we want to come back." Wilby, regarded by many show business as one of the smartest theatre operators in America and also one of the shrewdest showmen, is also known as a fighter and is not expected to lay down his guns under defeat in Judge Goddard's court. This is also true of Kent and the other partners in the vast Paramount theatre enterprise who are dead-set against the decree in general, and many of its provisions in particular, notably sales in groups of five.

Exhibitor leaders such as Ed Kuykendall, Abram F. Myers, Harry Brandt, Max A. Cohen and others are likewise bitterly opposed to the decree and are expected, in conjunction with affiliated theatres (many of them are in the MPTOA), to carry on the fight.

Distributors Like It

The distributors are generally regarded as liking the consent decree and no aid is expected from that side of the fence, regardless of affiliations such as exist between distribs and theatre circuits as Wilby observes. "They could have done something about it in Washington if they wanted to."

Distribs are laying plans to meet the new system of selling that will go into effect next year in the sales of the 1941-42 product, giving much study to the consent decree, checking territories, accounts, deliveries, etc.

Work is going forward rapidly on the part of the American Arbitration Assn., association with distributors in setting up the machinery essential to arbitrating disputes under the consent decree. J. Noble Braden, executive secretary of the AAA, left Saturday (16) on a six-weeks' tour of the country to lay the groundwork for organization of the various boards.

There will be 31 boards, two of them in New York to serve the territory covered by N.Y., Brooklyn and New Jersey exchanges.

The others will be located in New Haven, Boston, Albany, Buffalo, Philadelphia, Pittsburgh, Cleveland, Detroit, Cincinnati, Indianapolis, Chicago, Milwaukee, Minneapolis, Des Moines, Omaha, Kansas City, St. Louis, Charlotte, Atlanta, New Orleans, Memphis, Dallas, Oklahoma City, Denver, Salt Lake City, Los Angeles, San Francisco, Portland, (Ore.), Seattle and Washington, D. C.

Uncredited Credit

San Francisco, Nov. 19.

Attracting comment here is an institutional ad by Bank of America headed "Financed by Bank of America is never in the movie titles," with body of copy going on to say, "No, but Bank of America dollars have played a vitally important role in the production of many famous motion pictures."

Winds up with offer to do the same for you.

Dave Selznick Back To Coast on Friday; Yens 'Dunkirk' Yarn

David O. Selznick will return to the Coast at the end of this week after being in New York and Connecticut almost consecutively since last spring. Producer will train back, probably Friday (2), with his family.

Selznick is clearing rights to a semi-official story by a survivor of the evacuation of the British from the French Coast. It's labeled "Beaches of Dunkirk," with the author's name given as Bartimeus. Selznick's explanation of his intentions with it was, "It's something I'm interested in but not planning."

Producer declared his picture-making plans when he returns to the Coast are still hazy.

Acad Approves Schooling; Tables Plan for Museum

Hollywood, Nov. 19.

Board of directors of Academy has approved the establishment of vocational instruction courses for those employed in the picture industry.

Acad directors tabled the proposed creation of a film museum because of inability to find a site suitable to house the relics of the film business. Location sought would have to be large enough to contain a theatre and accommodations for 150,000 visitors annually.

Teddy Roosevelt Grows Up From Short at WB

Hollywood, Nov. 19.

Theodore Roosevelt's career is the basis of a full-length feature to be made by Warners for the 1940-41 season, under the title 'Teddy and the Boys.' Idea is the outcome of a recent two-reeler, 'Teddy, the Rough Rider.'

Sidney Blackmer, who played the 'big stick' in the short, is slated to repeat in the feature.

He Stays, Too

Hollywood, Nov. 19.

Harlan Thompson drew a renewal of his associate producer contract at Warners, with 'She Stayed Kissed' as his next assignment.

Present picture chore is 'The Wagons Roll at Night.'

NEWSREELERS' HEADACHES

Drive for New Business As Sports Coverage Mounts

Intensive drives for new business by several newsreel companies is a temporary financial headache for the operating staffs because of the big increase in local editions. Different newsreels are reported willing to cover local news for a limited edition in several cities or one state in order to curry favor with exhibitors in various territories.

Added to this has been an increase in gridiron coverage the last three or four weeks. Estimated that the newsreels are averaging six football games each week or two more than in 1939. Some weeks the larger reels include seven and eight games in the lineup. Current prospect is that the grid season will cost the five newsreels about \$50,000. Heightened interest in professional contests also has added to overhead.

Peculiar feature about the pro football games is that the newsreels have to spend additional sums weekly in order to protect exhibitor accounts without any additional revenue.

U. S. Defense Demands Stall RCA-Disney On 'Fantasia' Equipment

Defense production is holding up openings of Walt Disney's 'Fantasia' in cities outside of New York. RCA, which makes the special sound equipment necessary, has been so overwhelmed with Government orders for radio apparatus that it has been delayed in turning out the Disney paraphernalia. It has shifted the 'Fantasia' manufacture from its Camden, N. J., plant to its Indianapolis factory in an effort to speed things.

If asked as it now stands can be carried out, next 'Fantasia' opening will be in Los Angeles, Dec. 27. Preems after that will be held in Chicago, Boston and Philly in that order, dates depending on equipment delivery. Disney, who was in New York for a week for the 'Fantasia' unveiling, is trained home Monday (18).

The RCA equipment situation, of course, as it now stands, will thus further postpone the proposed installations in the regular houses.

Consent Speeds Yates To Studio For Confabs

Hollywood, Nov. 19.

Two months ahead of his usual time for winter releases, Herbert J. Yates, chief exec at Republic, is due in town this week to make policy adjustments to coincide with the recent consent decree.

Currently the studio has two features in production, 'Robin Hood of the Pecos' and 'Wyoming Wildcat.'

'Legacy' Hits Snag

Hollywood, Nov. 19.

Robert Sherwood's 'Legacy,' for Columbia release, called off shooting for one week to let the scribes rewrite the windup. Revamping is being done by Henry Blankfort.

Gregory Ratoff is directing the picture, which co-stars Warner Baxter and Ingrid Bergman. "It is the first screen production for Sherwood, former radio announcer. He's not to be confused with the playwright of the same name."

Other News Pertaining to Pictures

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Clearance a Real Break for Indies

Because nearly every exhibitor protestant against the consent decree stressed the objections to the five-picture, group-selling plan, the one major concession favorable to independent operators, which the Government has won from producer-distributors, was completely overlooked.

Film company executives are more concerned about the ability of exhibitors to arbitrate complaints against existing clearance between competitive theatres than they are about the anti-bid selling clauses. Lawyers of the major companies have fought vigorously in the negotiations over the consent decree to limit the cases of arbitration over clearance some of them frankly stating that a disturbance of prevailing protections between first, second and subsequent runs will more seriously disturb the distribution-exhibition structure than any other 'reform' contained in the decree.

U. S. insists that the affiliated theatre circuits control picture book-

ings by virtue of clearances which have been established by custom

and tradition in their favor. It is their clearance advantages, rather

than their ability to pay higher film rentals, which Government attorneys

declared is the crux of the monopoly. Arbitration concessions in the

consent decree give complaining exhibitors a toehold which they

never have had before.

Long Tirades Against the Decree, But Likely to Be of Little Avail

By EDWARD SMITH

The lid blew off the top of the Department of Justice and the consent decree in the N. Y. federal court Thursday (14), when at the formal hearing before Judge Henry Warren Goddard, independent exhibitors, gathering in unprecedented numbers from all sections of the country, launched terrific verbal and written attacks on the decree. The document itself, along with an amended complaint and a Government consent to a dismissal of the action against approximately 130 individuals, was handed to the court by James V. Hayes of the consent decree division of the Dept. of Justice, together with a half-hour speech by Hayes explaining the means and methods by which the decree had been arrived at.

Louis B. Frohlich, attorney for Columbia Pictures, was the spearhead of the blitzkrieg as the attorney, in brilliant form, pointed out to the court the discrepancies in the decree, and the reasons for Columbia's objection to it. Frohlich remarked that, for a period of six weeks, Columbia, as well as United Artists and Universal, had attempted to force parties to the proceedings only to discover that their interests were being so jeopardized as to demand their withdrawal. The Columbia attorney first attacked the provisions for block-off of selling and trade showings, which he asserted would substantially increase the period of time between the commencement of a picture and its exhibition in a theatre. This would result in delaying the release of a picture for exhibition for about four months and would mean that the capital necessary for the production of a picture would be tied up for that length of time. In addition, in selling in blocks-of-five, it would be necessary to hold up release until a complete block was finished. The entire procedure would mean the expenditure of additional capital which Columbia just does not possess, he said. To continue in business Columbia must maintain the same volume of business in the U. S. that it presently has. Capital of \$40,000,000-\$50,000,000, in addition to the present \$11,000,000 spent annually, would be required. The only two sources of such additional capital, loans from the banks, and sales of securities to the public, cannot be obtained as in the first case the money would have to be permanently retained and in the second case because of a poor market and of the economically unsound idea backed of such venture, the attorney added.

Columbia Hasn't the Coin To Tie Up in 30 Profits

While the consenting defendants may have sufficient surplus capital to tie up 30 productions in advance of release, Columbia cannot. Also Columbia would be unable to meet the demand for selling 10 times yearly to sell 50 features each in blocks of five. This is 10 times the amount of selling required under the present financial system. Columbia would be unable financially to meet the obligations of such selling program, he also stated.

Frohlich then attacked this method of selling as being unsound from a business basis, pointing out the sale of product in advance of production in other industries. To force blocks-of-five on the industry means the assumption of speculation, risk and

hazard which does not exist in any other large industry in the country.

Frohlich then launched an attack on the actual power of the court to approve the decree. "First," declared the attorney, "the decree does not carry out the expressed and avowed purposes of the suit as expressed by the attorney general at the opening of the trial. Both the allegations of the new bill and the provisions of such decree actually aim to set up a kind of NRA over this industry. They purport to enlarge the powers of this court from judicial functions to legislative functions and assert the right to do so. In this respect I believe that the court, without power to sign the decree and that consent of the parties is not sufficient to enlarge the jurisdiction of the court, this jurisdiction being limited by the Constitution and statutes of the U. S."

Columbia also objects to the 'escape clause' which allows the signing defendants to get out of the provisions of the decree if by June 1, 1942 a decree is not entered against Columbia, United Artists and Universal.

It is Columbia's belief that the clause carries an implied threat against Columbia, UA and Universal in that if they do not sign a decree containing similar provisions, pressure will be used on them by the parties interested in the litigation to force them to do so. "If the Government should desire to prevent the five consenting theatre owning defendants from resorting to the escape clause, it undoubtedly would bring pressure to bear on Columbia to give its consent or suffer the consequences," declared Frohlich.

Tradeshows Would Increase Trade Reviews

Edward C. Raftery, representing United Artists and Universal, got to his feet to counter Frohlich's statements, and to say that he saw eye to eye with the Government on only one point of the decree, namely that trade showings would increase the number of trade paper reviews, and decrease the number of reviewers on daily metropolitan papers.

First of the independents to be heard was Abram F. Myers, general counsel of the Allied States Association of Motion Picture Exhibitors, who stated that he was authorized by the board of directors of Allied to oppose the decree. In stating his position Myers thanked Judge Goddard for the right to be heard and said that he felt the court 'will not lend its sanction to an agreed decree which is so unfair, burdensome and unjust.' His application to third persons, or to the public at large, as to be unconscionable.

Myers charged that the Government was trying to abolish block-bookings, but that the decree does not do so. The decree provides for licensing no more than five pictures in a group, which is the same, saying, "You may say that the producer-exhibitors can now perform illegal acts in packages of five, rather than in groups of 50." It was pointed out that an exhibitor would be forced, as result of the decree, to buy a block containing four bad pictures to get the one good one he wanted. "The exhibitor's rights would be infinitely worse off than now. Contracts between exhibitors and their producers were attacked as being instruments of monopoly and that the decree, by assumption of speculation, risk and

(Continued on page 22)

PAR THEATRES-STUDIO TIE

SHOWMANSHIP REPEATS

The enthusiasm with which the paying customers are attacking the boxoffice to see hear Walt Disney's latest and most original screen production, 'Fantasia,' in New York, is added evidence that nothing which has merit in the form of theatrical entertainment ever is over the heads of the public.

'Fantasia' is the newest thing in sound pictures—a combination of classical music compositions, skillfully played by the Philadelphia Symphony Orchestra, under the direction of Leopold Stokowski, synchronized to screen illustrations in the form of visual interpretations of the scores. That is what it looks like on paper; actually, it is an eye-and-ear show employing the newest and most improved RCA recording and reproducing equipment yoked to Disney's advanced method of graphic animation in color.

Names of Bach, Tchaikowsky, Dukas, Stravinsky, Beethoven, Moussorgsky and Schubert, composers whose works form the musical background of 'Fantasia,' are more familiar to devotees of symphony and concerts than to the vast film public. To speculate on the reason for the instant success of 'Fantasia' is to assume that the source of the musical classics is of little popular interest; on the other hand the sheer emotional and aesthetic charm of the music incites a broad common response. On this firm foundation, the Disney pen and pencil staff has constructed screen pictures of amazing beauty and imagery. The two art forms welded together furnish an entertainment that is novel, exciting and stimulating.

For Disney the venture is far past the experimental stage, unless one can imagine a \$2,000,000 experiment. That is the figure which the production cost is said to have reached. Large as it is, it by no means represents the showmanship risk, considering that it is necessary to equip theatres where 'Fantasia' is shown with the new electrical sound machinery, without which the film-symphony is impotent. The giant exhibiting facilities presently operating in thousands of theatres must be replaced to conform to the presentation requirements of 'Fantasia.' It is a promotional task which few showmen would dare to undertake.

But the history of show business sustains Disney at every point. Where some of the larger studios during the past two years have been content to mark time under the harassment of the Government's anti-trust suit, Disney has leaped into the future to reclaim a strong grip on creative leadership. The resistance he will meet, the obstacles that will be in his way and the concerted apathy he must overcome in time will vanish and the new sound mechanism will replace the present standard equipment. Other leading directors and producers will be quick to recognize the enhanced values of the new synchronizing. Public interest in films will be heightened, larger audiences attracted to the theatres and new sources of dramatic material discovered.

The industry at large will profit generously from the Disney pioneering. Others may reap greater financial rewards through adapting his new methods.

But Walt Disney will receive something more than an assured money success. As 'Fantasia' opens in city after city, under the same careful and expert handling which has marked the premiere in New York, Disney will have for himself alone the enviable thrill of satisfaction that is born of bold theatrical venture.

Larger Screening Quarters in Det. To Conform With Consent Decree

Detroit, Nov. 19.

With studio representatives here opposed to the idea of theatre screenings because of the extra gate crashers, Max Blumenthal will enlarge his projection room in the Film Exchange Building to handle the increased attendance induced by the regulations under the new consent decree.

Blumenthal's projection room at the present time can only accommodate 60, far from sufficient in an area of this size with the flood of trade screenings which will come along. With the exception of Paramount and 20th, which have their own projection rooms, all screenings by exchanges and for the police censor use his quarters.

Arrangement has been made for the expansion of the screening room in the present building, where most exchanges are centered, up to any size required under the new trade-showing policy.

Exchanges here came to frown (Continued on page 13)

PAR-TRUMBO DICKER FLIVS; HE'S NOW AT M-G

Deal which Paramount was negotiating with Dalton Trumbo as a producer-writer has fallen through. He was to produce his own book, 'The Remarkable Andrew,' for which Par paid \$30,000 last summer, before it was written. Originally titled 'The General Stayed in Bed,' it will be published by Lippincott Jan. 29. Par is making plans to assign another producer to the story, while Trumbo has been signed by Metro to screenplay 'Somewhere I'll Find You,' a newspaper story. He starts on the lot next week.

Trumbo's new book is about a small American town in which Andrew Jackson returns to life. Writer is best known for his 'Johnny Got His Gun.'

CLOSER ACCORD WITH EXHIBITORS

Powwows on Both Coasts
Emphasize Greater Need
for Theatre Owners to
Have Vital Say in Studio
Production Plans

\$16,000,000 FOR 48 PIX

Hollywood, Nov. 19. Paramount allotted between \$15,000,000 and \$16,000,000 for the production of its 48-feature schedule for 1941-1942 at the final session of a series of huddles which was attended by representatives of the home office, studio and theatres. Another result of the conferences is an agreement on closer relations between producers and exhibitors.

Production program for the new season consists of 24 features in the \$500,000 class; 16 action pictures ranging \$125,000 to \$150,000; and eight westerns to be produced by Harry Sherman. Six of the sagebrushers are Hopalong Cassidy and two specials.

Barney Balaban, president, and Y. Frank Freeman, chief of studio operations, agreed that the exhibitors were entitled to a stronger voice in consultations about production. The combined conferees discussed story material for 1941-42, as well as casts, titles and directors.

In addition to Barney Balaban, the home office was represented by (Continued on page 22)

FAIRBANKS' UA STOCK WORTH \$300,000

Disposition of stock held by the estate of Douglas Fairbanks is expected to have been one of points under discussion at United Artists annual stockholders' meeting on October yesterday (Tuesday), but it won't be sold now. Trustees of the estate have been approached informally by several sources offering up to \$300,000 for it. It was recently evaluated by the State of California for tax purposes at \$500,000, but Fairbanks' attorneys think \$300,000 is more like actual value under present foreign conditions.

Delaying stock sale now, although estate would like to dispose of it, is a technicality imposed by Samuel Goldwyn, who claims his stock is also for sale, it was learned from an authoritative source. Inasmuch as stock must be offered to UA's other owners before it can go to an outsider, Goldwyn claims action is due on his block before Fairbanks' is considered, because he offered first. UA has no desire to even consider Goldwyn's offer in light of present relationships with him, which leaves the Fairbanks' estate hogtied.

Four Tee Up at Metro, Cameras Grind on Eight

Hollywood, Nov. 19. Metro is sending four new features into production this week, three at the studio and one on location. Starters on the lot are 'Four Cents a Word,' 'Blossoms in the Dust' and 'Mr. Co-Ed.' 'Bad Man' goes into work on the desert near Gallup, N.M., making a total of eight before the cameras.

In addition to the features, the Culver City plant is shooting six briefs: 'Behind the Law,' '1-2-3-Go,' 'The Man Who Changed the World,' 'Dark River,' 'Immigration' and 'More Trifles of Importance.'

No Real Fireworks Materialize At UA Board Meeting; Reelect Same Officers Except Jack Schlaifer

'Variety' in Academy

Hollywood, Nov. 19. Addition of a collection of film reviews from 'Variety,' dating from 1925 to the present, brings the Academy of Motion Picture Arts and Sciences Library up to second rank in data on the picture industry. In first place—the New York Public Library, which has been filing copies of 'Variety' from the beginning. Other comparable collections are the Museum of Modern Arts in New York and the Library of Congress in Washington. On the Academy's shelves are 20,000 folders of reference for the use of film makers, which will be augmented by the 'Variety' reviews.

Hollywood, Nov. 19. Expected fireworks only partially materialized at the annual stockholders' meeting of United Artists at the Hotel Ambassador here today (Tuesday). Only real beef against conduct of administrative heads of the company, it is understood, came from rep. of Samuel Goldwyn who has long been the No. 1 feuder against UA policies. Alexander Korda, who was expected to squawk, was straightened out shortly before the meeting, it is said.

Only major change in election of officers and directors was failure to rename Jack Schlaifer a vice-president. Schlaifer is western sales manager. Harry Gold, eastern sales chief, was duly returned to his vice-presidency. It is reported that Schlaifer may get a v.p. title again in a month or so after some confabs in the east.

Acceptance of the resignation of Lynn Farnol as pub-ad head of the company and appointment of Monroe Greenhalgh to step up to the post was next most important move at the meeting. It was otherwise routine, with acceptance of usual reports.

Murray Silverstone was reelected to the post of chief of worldwide operation. Vice-presidents renamed, in addition to Gold, were Arthur Kelley and Harry Buckley. Directors reelected were:

Charles Schwartz for Charles Chaplin; Herbert Maas for Mark Pickford; Steve Pallos for Alexander Korda; Dennis F. O'Brien for Douglas Fairbanks; and James Mulvey for Samuel Goldwyn.

The owners who attended the meeting were Miss Pickford and Korda, with Schwartz representing Chaplin; Harry Bard of the trust department of the Bank of America for the Fairbanks' estate; Mulvey for Sam Goldwyn. Also present were Silverstone and Harry Muller, treasurer of United Artists.

It was brought out at the meeting (Continued on page 20)

NO XMAS LULL FOR 20TH PROD.

Hollywood, Nov. 19. 20th-Fox will not slacken production pace during the holiday season and puts four pictures in work. Studio execs are acting on belief workers need coin to match spending it. Marks the first time in six years this studio hasn't kept production at minimum around Christmas.

E. C. GRAINGER PREZ OF M.A. SHEA THEATRES

Edmund C. Grainger was elected president and a member of the directorate of the M. A. Shea circuit by trustees named by the late circuit operator, who died last month. Under terms of Shea's will, revealed last week, the business will be held in trust for 10 years, with specific directions to the trustees as to how to operate the companies. Grainger has been operating head of the chain since 1936.

Besides Grainger, the other trustees are Dennis F. O'Brien and Edward C. Rafferty. New officers include O'Brien, v.p.; Thomas E. Shea, sec.; Rafferty, treasurer and assistant sec.; A. J. Kearney, assistant sec.; George Goett and Preston G. Tuckerman, assistant treasurers. Jack Shea, who has been chief booker for years, stays in the same position.

Shea circuit operates 21 theatres and also is associated with Warner Bros. in the operation of eight others.

20th Expects Better Final Quarter Report Due to Foreign Coin

Possibility that foreign assets, written off to the extent of \$2,200,000 in the first three quarters this year, would be converted into U. S. dollars for the final quarter made earnings prospects of 20th-Fox look up for 1940 despite the loss shown in the first 39 weeks.

Corporation has made practice of adding the full year's dividend received from National Theatres also in the final quarter. Hence, the chance for showing a profit of \$1,000,000 or more looms good for this year, according to opinion in Wall Street. This is predicated, of course, on the feeling that the foreign revenues and also the National divvy will (Continued on page 22)

Metro Seals Considine

Hollywood, Nov. 19. John Considine, Jr., renewed his contract with Metro, where he has been an associate producer since 1933.

Currently Considine has 'Men of Boys Town,' the Spencer Tracy-Mickey Rooney co-starrer, before the cameras and has four more features in preparation.

Canada's 1,300 Theatres, Serviced By 6 Branch Points, Probably Will Not Operate Under Blocks-of-5

While the five producer-distributors who are party to the consent decree will sell film in packages of five in the U. S., they are not forced to merchandise pictures in that manner in Canada where all of them maintain exchanges. No decision has been reached as to how the Canadian market will be handled and whether or not the new machinery to be set up in the States will be applied to above the border, but doubted that it will.

The old system of merchandising film on a full yearly basis, with likely forcing of shorts in Canada, now forbidden in this country under the decree and subject to arbitration if attempted, is expected to remain in force for the Dominion. Canada has around 1,300 theatres, and the distributors maintain exchanges in Calgary, Montreal, Saint John, Toronto, Vancouver and Winnipeg. The market is of considerable importance, though the business done by a couple of the exchanges, particularly Saint John, is not much. A few distributors operate through exchange systems that are of Canadian origin, such as Empire Films, in which N. L. Nathanson has an interest, but selling forces are maintained and all companies have district managers in the country.

Another interesting angle concerning the distributors under the consent decree is that theatres which some of them control above the border are not in any way involved and do not come under arbitration.

In the event the U. S. should ultimately set aside the consent decree and press for the divorcement of theatres, distributors could still maintain their exhibition arm in Canada. Paramount, Loew's and RKO have theatres on the other side of the border. Par is the largest operator through Famous Players-Canadian, which has around 350 houses across the Dominion.

Jap Curb on U.S. News Reeks; More Co-op With Latin-Am. and Canada

All American newsreel organizations will quit Japan the first of next year in compliance with the Nipponese decree turning newsreel coverage over to a government monopoly in that country. After Jan. 1, 1941, any U. S. newsreel desiring any clips on Japan must purchase them from the Jap-controlled newsreel outfits at Tokyo.

Several American newsreel organizations are contemplating considerable further expansion of the Latin-Americas in an effort to overcome inroads in Europe and elsewhere to their newsreel business.

Canadian market also may come in for additional attention. Better cooperation is anticipated in Canada, evidence of which came this month when all U. S. reels were invited to cross the border and make their own story war preparations in that country. It is the first time American newsreels have been asked in to make their own story since six years ago when the government set up its own newsreel organization. Previous to that the heavy duties on camera crew equipment were so excessive that they were deemed confiscatory and precluding any attempt to make stories with American outfits.

Studio Contracts

Hollywood, Nov. 19.

Monica Bannister, Barbara Lynn and Bonnie Bannion inked stock contracts at 20th-Fox.

Howard Koch drew a new script-lease ticket at Warners.

RKO hoisted its player options on Wendy Barrie and Ruth Warwick.

Superior Court approved minor contracts between Peggy Diggins, Alexis Smith and Warners.

Charles Winninger penned a contract at Metro.

Warners renewed Orry-Kelly's pact.

Warners contracted Olympe Bradna.

FROZEN-COIN RULING DUE

British Say \$8,000,000 But May Go Up to \$12,000,000

U. S. major company foreign chiefs expect to have some ruling by the end of this week from the British government regarding the American distributor frozen coin situation in Great Britain.

Under the terms of an agreement for one year, which expired on Oct. 30, the American companies were permitted to withdraw from their British film exchanges a total of \$17,500,000, or approximately one-half of the normal, pre-war rentals.

In discussions over the past few months the British government was reluctant to extend the agreement for a second year for any sum in excess of \$8,000,000. It is believed that a compromise will be reached soon, with authorization for the American companies to withdraw \$12,000,000 during the current year. This sum will be divided among the major companies in proportion to the gross rentals of each company. Balances will be retained in British banks.

Woodruff Moves Up

Hollywood, Nov. 19.

Frank Woodruff, former radio producer and more recently a director at RKO, has been upped from the B to the A class.

Originally assigned to direct 'Show Business', Woodruff was replaced by Irving Reis and is awaiting a higher-budget picture.

She's Not Missing Santa

Hollywood, Nov. 19.

20th-Fox postponed the start of 'A Very Young Lady' from Dec. 16 to Jan. 6 to permit Jane Withers to enjoy the holidays.

In all her film career the young star has never worked during Christmas week. Her narrowest escape was last year, when 'Shooting High' was rushed to finish two days ahead of Santa Claus.

WEXLEY'S WE COIN TIEF

Hollywood, Nov. 19.

John Wexley has asked Warners to release him from his studio writing contract, which runs until next March. Difficulty is about money.

Writer recently finished a play for the Theatre Guild in New York and is currently working on 'Footsteps in the Dark' on the Burbank lot.

Sidney Schwartz, Metro's traveling auditor in the Far East, arrived in N. Y. last week for a series of home office huddles.

Add: Film Biz Panaceas

Exhib Ass'n Attorney Sees the Consent Decree As Latest 'Sure-Cure' Attempt, But—

By Sidney B. Pfeiffer

(Counsel, MPTO of N. Y. State)

The exhibitor group of the motion picture industry, during the past 20 years with uncanny regularity has been confronted with situation after situation which have made for confusion in their business. The Thacher decision, the Federal Trade Commission proceedings, the producer-distributor theatre acquisition program, the cooperative buying movement, the NRA, all in their time were hailed as sure-cures for the industry evils. One after another they went down to defeat and each has created a further declination in the ranks of the independent exhibitors.

Now comes the Consent Decree. In the light of past experience the independent exhibitors can hardly be pardoned for examining skeptically the mouth of this new gift horse. The exhibitor ranks are now so thinned that one more economic upheaval in the business may well mean a final coup to the smaller independent exhibitor.

The decree is hailed by the Government as affording sure relief for

To Examine ERPI Prez In Pacent Trust Suit

T. K. Stevenson, president of Electrical Research Products, Inc., will be examined before trial in N. Y. federal court today (Wed) in connection with the \$6,000,000 triple damage anti-trust suit against ERPI, Western Electric Co. and American Telephone & Telegraph by Stanley K. Olden, assignee of the Patent Electric Co. Suit has been pending in Federal court since September, 1935.

Plaintiff was in the business of manufacturing and distributing motion picture accessories and parts, and claims it was put out of business in 1933 as a result of monopolistic acts on the part of the defendants.

Zukor Claims His Golf Course at New City, N.Y., Overassessed by 159%

Nyack, N. Y., Nov. 19.

An appeal from an order of Supreme Court Justice Graham Witschick, denying a motion to quash the writ of certiorari sued out by Adolph Zukor, owner of the properties comprising the Mountain View Golf Club at New City, N. Y., was filed at the Rockland County courthouse. The appeal is made to the Appellate Division by Morton Lexow, counsel for the Clarkstown board of assessors, named as defendants in the writ, on grounds that the court had no jurisdiction.

On Sept. 20, Supreme Court Justice M. B. Patterson granted the application made for the writ. The assessors of the town were required by terms of the writ to show how they arrived at the assessment levied on Zukor's extensive holdings. Counsel for Zukor contended that even after Zukor asked for reductions in his assessment, it was still too high by \$159,000.

Following his appearance before the board on grievance day, Zukor, through his legal representative, claimed his assessment should be lowered to \$178,500 from the original \$278,500 levied by the board.

Aside from a few reductions made after this request, it is claimed, the board of assessors did nothing more. The Aug. 30 published assessment roll showed, said Zukor's complaint, that the assessment on his holdings of more than 700 acres, was \$270,100. It was charged that this assessment was 'illegal, erroneous, incorrect, excessive and unequal.' Thereafter, the writ was made returnable on Oct. 18 and then again adjourned.

In the meantime, in an effort to test the legality of this procedure, an application was made to Justice Witschick to dismiss the writ. This was denied and it is from this order that the appeal to the higher court is now being made.

Of People and Places

By THE SKIRT

Best dressed woman of the week:

MARLENE DIETRICH
'Seven Sinners', Rivoli Theatre

Dietrich in Feathers

'Seven Sinners', at the Rivoli theatre, is a triumph for Marlene Dietrich. Universal concentrates principally upon how to bring out the best points of this actress. Her clothes made by Irene are the last word. At a dance on a battleship Miss Dietrich wears a white crepe gown form fitting with an elaborate brilliant embroidery. The headress is of ghourra feathers but when she leaves the ship, by request, it's missing. Around her shoulders is a boa made of small white plumes. A skirt of solid silver sequins has a bodice of black velvet. There is a white suit with very short skirt and coat with diamond studding a yoke. The hat is made of what looked like goose feathers. A short black lace dress is worn with an enormous hat of the same lace. A parasol is oddly trimmed with brilliants and feathers. Then there is Dietrich in a man made white suit singing a navy

The Silly Opus of Kay Kyser

'You'll Find Out' is Kay Kyser's picture now showing at the Roxy theatre. It's thoroughly silly. Week is only saved by the personal appearance of Kyser himself. The screenplay is by James K. Kern and produced by David Butler, and they sure did wrong by, probably, this popular radio band leader. There are a bunch of young girls in this opus the like of which must have come out of some summer stock. If these youngsters are being groomed for future pictures, Heaven help pictures. There is one old-timer, Helen Kruger, who wanders through the unbelievable proceedings in a black velvet gown with silver bands and flowing chiffon hangings. Helen Parrish, the young heroine, wears a cloth dress of the tunic fashion, off the face hat and carries a sable scarf. A party frock is of white with full skirt decorated with three rows of ruschings the same edging the low bodice. Ginny Simms in the picture wears some nice frocks with a lame close-fitting evening gown a standout. Appearing later in the stage show she wears an odd frock, consisting of a very full skirt of purple satin with the long-sleeved bodice of cerise. The Gae Foster girls don't have much chance this week, but they did look nice with scarlet bodices and white net skirts. A change is made to orange slacks worn with white blouses edged in black. Small white caps have one black quill. Walking on during the quiz part of Kyser's act, the girls donned silk skirts of plaid with blue silk tops.

Letter from Alice Lloyd, England

Dear Skirt:

It is ages since I wrote you... but here goes for all my news... Thanks for your letter of sympathy on the death of my dear father, but, although we hated to part with him, he has been spared a lot of sorrow with this war... We would never have got him down in our dugout at night. We haven't been in bed for the last seven weeks. Directly it gets dark the sirens go, and we go to the dugout and stay until dawn. We have a shelter built 18 feet below the ground, with two double bunks and three single ones. We take cards down there and play solo or knit, or read until we can't keep awake, lie down and sleep until the all clear sounds, which usually goes with daylight. God only knows how long this will last. London has gotten it pretty badly. Several houses around us have been bombed, but touch wood, only a few tiles off our roof, and the locks and bolts off the garage have been our only damage.

I expect you get all the news about the raids. Hasn't America responded wonderfully? London is a dead city at night, but in the daytime, although they get bombed, it is very lively, and people take no notice of the sirens, but go on with their work. I don't like being out when a battle is on, so I stay at home. Our show closed overnight. It all seems very sad to finish so abruptly, it was such a lovely show, and it looked like being a record run. I met many Americans who remembered me in the old days.

In one scene we danced the polka, and sometime I'd go in the stalls, and one night a lady caught hold of my arm and said she was at my opening at the Colonial theatre. What a thrill I got out of that!

Tommy has been married a year, and her husband has to report next Tuesday for the Navy. He chose the Navy because his father was a Captain in the Mercantile Marine in the last war and was drowned when his ship was torpedoed. My niece, May Yorkie, has lost her home; also my brother, Syd Wood. He is living with Daisy; you see, we have to help one another in these terrible times. I am busy knitting scarves, mittens and helmets. I go occasionally to sing to the troops, and you should hear these boys join with me in the old songs. I read about Charlie's (Freeman) farewell dinner in VARIETY, and what pleasant memories those names brought back to me.

I get a letter now and then from Eddie Darling. The mails are all right and I do love to hear from my favorite city.

Alice Lloyd.

Girls in Detective Yarn

Walter Pidgeon is at the Criterion theatre in another Nick Carter picture, perhaps the weakest of the series. Karen Verne, with a slight accent, is the leading woman, wearing first of all, a street dress, and then a dress in stylish style. An evening frock is of white crepe with gold lapels and belt. There is a becoming house coat.

Joyce Compton, a jittery miss, wears a black silk dress beruffled with white organza and an off the face hat showing curl upon curl. Dorothy Tree as a sinister stenog is very tailored. A bunch of dress models brought in for atmosphere wore the very latest in evening frocks and wraps.

Imagination on a Gallip

Margaret Macy put on a press showing for Bergdorf Goodman that was the last word in that type of optical entertainment. The models were unusually beautiful. Among them was Miss Nardi who did that clever fencing act in a show of last season.

Girls, get out your bed jackets, if it's unusual, tack it on to a full skirt of any flimsy material and its an entrancing evening gown. Housecoats of silk prints were worn over dinner and more formal evening gowns. Here is imagination run wild. Noted especially were the sloping shoulders which will probably be the new trend. The gowns with fine shirings seemed to be the most popular.

Complaint About Football

College football seems to have changed. Strange sight to see Yale men patting Princeton men when they made an outstanding play and vice versa. Also very friendly Saturday at Princeton. The stands were not the colorful sight of former years. There was little color. There was a time when the Yale stands were a flood of violets, and Princeton laden down with yellow chrysanthemums. Saturday's crowd looking from the Prince: side saw quite a drab picture. The Yaleites were in gray or brown, and many mink coats showed up, with a few racoons. Princeton rooters were in much the same type of dress.

Their Favorite Recipes:

(Joe Cook's Hollow Chick Consomme)

One pound ground beef, one pound fresh pork, two medium-size chopped onions, one chopped green pepper, one tablespoon olive oil, one tablespoon butter, one large can of tomatoes, four cans red kidney beans, two level tablespoons of chili powder, one pint water, garlic to taste, salt and pepper. Saute: garlic, onions and green peppers in olive oil and butter. Add ground meat and chili powder, salt and pepper to taste, and fry golden brown. Add large can tomatoes, kidney beans and pint of water and simmer for half hour. The secret of success is letting it get cold and warm at serving time.

AGENTS' CONTRACT BEEF

Legitimate Jukepikers Fear They'll Suffer From Smut Film Sharpshooters

Hollywood, Nov. 19. Unless the slot altners aid their ranks of shoestringers after fast cleanup via lewd films, repercussions will shake the entire foundation of the new industry, a survey by DAILY VARIETY discloses. The parent-teachers organizations of Los Angeles and Glendale have launched censorship moves and will seek legislation to regulate 16 mm. output.

Hollywood picture makers fear such move may have far-reaching effects and smile them along with those responsible for wave of shady films.

Projector manufacturers and soundie producers have launched a campaign to clean house of undesirable and will cooperate with forces bent on cleanup. More than 40 franchise-holders operating jukeboxes in this vicinity have banded together to eliminate those smirching industry with immoral films.

Slotfilm operators fear that unless the evil is quickly curbed the whole industry will be thrown into dispute and forced to submit to regulatory measures. Producers of most objectionable subjects hide identity in anonymity.

Anticipating Jokers

Milwaukee, Nov. 19. Although juke pix have not yet been shown in Milwaukee, some tavern keepers are already dickering for the gadgets and the city fathers are already setting up machinery to regulate the new industry 'when, as, and if'.

Alderman T. E. Wedemeyer, who says his aim is to prevent racketeering and the showing of questionable pictures, introduced an ordinance in the common council this past week to license the distributors of the new projection equipment.

'LADY BE GOOD' ON M-G MUSICAL SLATE

Hollywood, Nov. 19. Metro bought the George Gershwin musical comedy, 'Lady Be Good', to be made into a picture with Eleanor Powell, Ann Sothern and Tony Martin in the top roles.

Producer and director jobs are assigned to Arthur Freed and Busby Berkeley, who produced and directed 'Strike Up the Band.'

IS THAT SO?

Pic. Producers Learn All Is Not Spanish in S. A.

Hollywood, Nov. 19. Film producers are learning that not all South Americans speak Spanish. National lingo of Brazil, the biggest country on the southern continent, is Portuguese.

Following the lead of 20th-Fox, which is filming 'Road to Rio,' Edgar Selwyn at Metro is preparing 'Epi-ode in Lisbon' with a Portuguese angle to capture the Brazilian trade.

Thurber's Eye Operation Keeps Him From 20th Lot

Hollywood, Nov. 19. James Thurber defers reporting at 20th-Fox to adapt his comedy, 'My Life and Hard Times,' until recovered from a recent optic operation in the east.

Nunnally Johnson will produce and screenplay Thurber's draft.

Spread Out, Men

Hollywood, Nov. 19. Ground was broken on the Universal lot for a new 10-suite office building and two new office bungalows to relieve overcrowding among producers, directors and writers.

Space formerly used for a parking lot will be occupied by the new buildings.

It Ain't for Us

Hollywood, Nov. 19. Operator of a swank hotel in Palm Springs was tickled pink when a film company approached him for a location site in and about his lobby and palm grove. It cost him plenty to refurbish the architecture and manicure the surrounding foliage. When he read the script his ears turned from pink to purple. It called for various forms of felony from mayhem to manslaughter, not calculated to charm the high-paying winter guests.

The troupe was shunted to a less expensive resort in a distant palm valley.

'Ecstasy' Okay Is a Surprising Reversal in N. Y.

Albany, N. Y., Nov. 19.

Kayode numerous times during the past four years by the motion picture division of the State Education Department, the Commissioner of Education, the courts and the Board of Regents, 'Ecstasy' has finally received an OK from the Regents. The latter, acting upon recommendation of a three-man subcommittee, have approved for licensing, what is understood to be a drastically revised version. The Regents previously rejected 1939 and 1940 editions, holding with director Irwin Edmond that they were substantially the same as versions heretofore thumbed down. The Appellate Division unanimously upheld the Regents, as that court had once before. Two months ago, however, Eureka Productions, through its president, Jack Haupt, obtained permission to submit for inspection another print which would be considerably changed from the others, it was understood here.

Recommended Permit. A committee consisting of Vice-chancellor William J. Wallin of Yonkers (substituting for Susan Brandeis), Dr. George J. Ryan and Gordon Knox Bell of New York saw a screening of the new version. They recommended to full board that a permit be granted. Word of the okay caused some surprise in view of the opinion several times unofficially voiced that to receive approval the film probably would have to be changed almost beyond recognition. The 'Ecstasy' case has been fought for the longest period in the history of New York State licensing of pictures, the matter dating back to September, 1936. The film, made in Czechoslovakia, originally was called 'Extase' and was the vehicle which first won widespread attention for Hedy Lamarr (then known as Hedy Kiesler). A nude swimming sequence was the big attention-getter. However, the mpp frowned on the picture generally as 'obscene, immoral, etc.'

The Regents' action in greenlighting a permit, following upon the heels of recent similar action in 'Remous' or 'Whirlpool' (another foreign-made feature repeatedly nixed), and 'Fools of Desire,' is considered by some observers as significant. Like 'Ecstasy' those two had to undergo a lot of shearing before the go-ahead was forthcoming.

'Bouncer' for Burton

Hollywood, Nov. 19. Director assignment on 'The Bouncer and the Lady,' to be produced by Sol M. Wurtzel at 20th-Fox, goes to David Burton. Stanley Rauh is doing the script for an early January start.

WOULD REVISE GUILD CLAUSES

Selznick-Lombard Case Causes Many Leading 10%ers to Protest—Aver SAG Franchising Gives Actors All the Breaks

OTHER LABOR MATTERS

Hollywood, Nov. 19. Many leading film agents are clamoring for revision of the cancellation clauses in their franchise agreement with Screen Actors Guild. While the fight has not yet been brought out into the open, there have been under cover rumblings from many agencies on the Strip. The bookers claim the current agreement gives every protection to the actors, and little or none to the thousands of dollars the actor representatives have invested in their business, especially the coin contributed to the building up of a player.

The present tiff between Myron Selznick and Carole Lombard may bring the situation to a head. Miss Lombard is demanding cancellation of her contract on the grounds that Selznick has not properly represented her, after promising to devote his personal attention to her business. The petition is being heard by an arbitration board which has authority to order cancellation of her contract. Charges and counter-charges have been hurled back and forth.

Probed Selznick. Not satisfied with questioning witnesses about the manner in which the Selznick agency conducts its business, the board has probed into the personal affairs and conduct of Selznick himself. He was questioned in detail about his gambling losses, etc. The agent is reported to have admitted losses totaling \$125,000, but to have countered with the question of what that had to do with whether a client was given proper representation by his agency. Selznick contends that he has devoted his personal attention to Miss Lombard's affairs, that his agency has negotiated many profitable deals for the actress, and that her present top salary level was reached under the representation of his agency.

It is understood that Miss Lombard is seeking cancellation with the idea of tossing her business to Nat Wolff, who represented her for radio. She is the second top player to break with Selznick, Kay Francis having recently secured cancelling of her contract with the agency. Other big agents are said to have become apprehensive that their clients may be enticed away, and that under the present liberal cancellation clauses they would have little chance of holding them.

AFL Angle in Fight For Control of Extras

The current fight between the Screen Actors Guild board of directors and the Guild Council for control of the 7,000 film extras has spread to the American Federation of Labor. After the board demanded cancellation of committees appointed by Council Chairman Harry Mayo to contact the AFL and the National Labor Relations Board, Council members announced the two groups would be contacted by them individually. Several Council members contacted Meyer Lewis, western director. (Continued on page 20)

Riding the Bars

Hollywood, Nov. 19. Tex Ritter westerns grow more monogram under the new policy at Monogram. Under Texas Stars, now in production, has eight songs, an increase of five over the last release. Star is slated to sing three ditties and Cal Shrum and his Rhythm Rangers do the rest.

WB Invasion of Sparks' Florida Theatre Territory Said to Stem From a Product Schism 1½ Yrs. Ago

IA Presses Prods.

Hollywood, Nov. 19. Ten IATSE studio locals are pressing the producers for immediate opening of negotiations on wages, hours and working conditions for 10,000 industry workers.

In a letter to Pat Casey, the studio execs draw fire for failure to adjust alleged contract violations.

Farnol Leaves UA Jan. 1; Greenthal Back as Ad Head

Stating that he offered to resign at least six times in the past six months, Lynn Farnol will leave United Artists as publicity-advertising director Jan. 1, although his three-year contract has several months to go. Monroe Greenthal, whom Farnol succeeded as UA pub-ad head, returns to the top spot, after having been restricted for the past two and a half years to handling exploitation and advertising.

Greenthal will take over his new post Dec. 1, although Farnol will stay on for the extra month. Present exploitation head will plane to the Coast Saturday (23) for confabs with UA chief Murray Silverstone and producers prior to taking over the top spot.

Farnol's future plans may finalize today or tomorrow (Thursday), having to do with industrial exploitation and merchandising. He has been associated in the past with the General Motors Futurama ballyhoo at the N. Y. World's Fair, when it first premiered in 1939, and because of his past close associations with Norman Bel-Geddes, who conceived the 'Futurama,' it is presumed Farnol's new field in commercial products, displays and exhibits will be linked to Bel-Geddes, who is even more active as an industrial designer than as a scenic artist for the amusement field, indoor or outdoor.

Murray Silverstone, on the Coast, confirmed Farnol's resignation, supplemented by his statement that 'at the conclusion of his work with UA, it will enable Farnol to develop a new type of personalized exploitation and publicity without the burden and routine of a large department and organization. It is work in which Farnol has long been interested.'

'Streamline' Ringling Circus. Possible tieup with Farnol's departure from UA is seen in an announcement from Miami yesterday (Tuesday) that Bel Geddes has been retained to streamline the Ringling Brothers, Barnum & Bailey circus.

Geddes and a group of his technicians from New York were with the circus in St. Petersburg, Fla., all of last week. They planned overhaul of the big show from one end to the other, including design of a new tent which will do away with center poles and permit it to be raised in half the present time, as well as provide for air-conditioning.

New seating arrangement will be worked out, Geddes said, 'to present a different style of circus,' which will enable thrill acts to be presented at faster tempo and spectators to see better. Auxiliary tents, costuming of performers and attendants, presentation of animals and lighting will also be redesigned.

Invasion of the exhibition field in Florida by interests assertedly backed by Warner Bros., one of the most daring moves over made as result of inability to reach accord on a product deal, is scored by Fred Kent, general counsel for the E. J. Sparks-Paramount circuit operating in that state.

A week ago an official announcement, sent out by Warners, stated that the St. Johns Amusement Co. had been formed for the purpose of organizing a chain in Florida and that Arthur J. Siegel would be its operating head. Siegel is a nephew of Major Albert Warner, one of the founders of the company, and until St. Johns Amusement was set up, he had been attached to the theatre department of Warners on statistics in connection with the U. S. anti-trust suit on which a consent decree had been entered. He was formerly in the ind. exhibition field in New York, in association with Max A. Cohen of the Cinema circuit, and also had some theatres of his own in New Jersey.

The threat of new competition for Sparks at the hands of Warner Bros. follows trouble between the two a year and a half ago, since when WB pictures have been shut out of the Sparks houses. Efforts were made again this past selling season to get together with Sparks, but no headway was made, the announcement from WB that Farnol would be invaded having followed.

Plans Are Vague. Whether or not a circuit of any importance or size will be built up in behalf of Warners in Florida, playing this company's product and anything else it can get, remains to be seen. Kent stated that he knew a theatre was being built in Jacksonville, stronghold of the Sparks circuit, but could not verify a guess as to what might happen beyond that. Apparently, meantime, there is no inclination on the part of the Sparks circuit to get scared.

The Sparks chain, controlled 50% by Sparks and 50% by Paramount, is one of the most powerful in the country and under expansion plans which were restricted for the past two years with Warners, its size will be brought to around 115 theatres. It may reach 120 if all building plans are fully carried out.

Kent declared that in Jacksonville itself, first point of invasion by St. Johns Amusement Co., the Sparks circuit was building three houses. He stated that this had not been done before because independent exhibs in the neighborhoods were taking care of the situation, but that, with the remarkable growth Jacksonville has enjoyed, Sparks had decided to expand in conformity with an increased market. Also a large army camp (Camp Bland) is being built at Jacksonville.

A new house is under construction at Lake Wales, and during the past month Sparks has added theatres to its chain in Orlando, Tallahassee and (Continued on page 15)

Martha Raye's Dad To Pitch Coast Stager

Hollywood, Nov. 19.

'Hits and Bits of 1941,' a stage musical to be produced by Pete Reed, Martha Raye's dad, is slated to open in Hollywood early in the new year.

Lee Shaw, film writer, is doing the script and Martha's brother, Buddy Raye, is working on the musical score.

MISS SHEARER BACK WEST

Norma Shearer is scheduled to return to the Coast today (Wednesday) after a week in New York. She was accompanied by her mother.

Miss Shearer's next assignment is 'The World We Make' at Metro. No starting date has been set.

Tucson Back to Normal After Hectic 'Arizona' Premiere in Five Houses

By BILL BROGDON

Tucson, Nov. 19. Peace and quiet returned to this Arizona town Sunday (17) as the natives sped to the Hollywood visitors on their way home and settled back to recover from one of the most hectic and strenuous events ever pulled in the city limits of Tucson. Columbia had every intention of taking over Tucson for the world premiere of the Wesley Ruggles production, "Arizona," but instead Tucson took over the guests, and showed them special brand of western hospitality that will require several days for recuperation, so lustily did the natives do their part in helping launch the picture's exploitation campaign and theatre bow.

Columbia escaped with a comparatively small cost for what amounted to a state-wide cooperative celebration, Arizona and Tucson loosening the purse strings to take care of necessary budget. Columbia's national exploitation cost, though, because of five Kate Smith broadcasts and one Vox Pop airing, the transportation for h.o. executive division managers, studio representatives and film personalities, ran into a considerable figure, which will compare with expenditures by other companies for such out-of-town junkets. Arizona and Tucson proved themselves generous hosts by coin outlay for the press in transportation, lodging and entertainment, sharing budget with the studio, in addition to arrangements for various exhibits, parades, etc., strictly on their own.

20th-Fox Cut In

Columbia, making its first entry into the ranks of studios holding premieres out of town, had to share a small portion of "Arizona's" space-gathering with 20th-Fox's radio department, which managed to cut in on the Friday night Kate Smith broadcast with a plug for its "Tin Pan Alley." Following announcement near end of program that next week's picture to be plugged with "Tin Pan Alley," Mack Gordon, flown here from the Coast by 20th, presented Ted Collins with a plaque from the music men of Tin Pan Alley, in appreciation for his cooperation with singsters. Further space grabbing was put over Saturday (16) afternoon, when a chartered plane, "the 20th-Fox Tin Pan Alley Special," took off for Hollywood with Gordon and members of the Kate Smith troupe.

Home office executives of Columbia present for the premiere were Harry and Jack Cohn, Nate Spingold, Abe Montague, Lou Weinberg, Max Weisfeld, Lou Astor and Rubie Jackter. Division managers attending included Jerome Saffron, Sam Galanty, Phil Dumas, Carl Shalit, Bob Hill. Players included Jean Arthur, Warren William, William Holden, Charlie Ruggles, Rita Hayworth, Jack Holt, Mary Carlisle, Porter Hall, Paul Harvey, Johnny Mack Brown, Fay Wray, Paul Lukas, Regis Toomey, Florence Rice, Glenn Ford, Melvyn Douglas, Guy Kibbee and Clarence Budington Kelland, author of the story and part-time resident of Arizona.

Harry and Jack Cohn, Spingold, Montague, Jackter and Jerome Saffron all headed for Hollywood for studio confabs before returning to their respective headquarters. Montague, general sales manager, Jackter, assistant, and Saffron, western division manager, will attend a regional sales meeting in San Francisco next Saturday (23).

48-Hour Fiesta

(14) Tucson reverted to the pioneer town of 1860 to launch a 48-hour fiesta that only the hardest could keep up. Natives had been practicing since Monday (11), when preliminaries got underway, but the visitors had no such pace-fixing start to help carry them through their short stay here. Only hitch in Tucson's plans was the closing of gambling at Old Tucson, authentic set erected by Columbia for filming of the picture 14 miles from town, after kicks from the reform element. Pressure was brought to bear, though, and bars were again dropped, so visitors could have their games of chance Friday and Saturday nights. After the ceremony at midnight Thursday, guests were treated to a "menu" (Mexican dish concocted around a base of tripe), and entertainment that lasted until dawn. In addition, a Mexican fiesta was staged all night in the City Hall park.

Visitors were the luncheon, guests Friday of Governor R. T. (Bob)

Jones and state officials in the Pioneer Society Rooms of the University of Arizona. They then participated in the Southwest Pioneers Parade, garbed in old-time costumes and touring the town's streets on horseback, in ancient wagons, ox carts and buggies. Following the Kate Smith broadcast at 6 p.m., members of the press were hosted by Harry Cohn at a dinner, and then left to attend one of the five theatres showing first screenings of "Arizona."

Under m.c. Charlie Ruggles, film names were brought on at each house for a short bow, horseplay and general salute to Tucson, the state, and those responsible for a rousing good time. Ruggles, now an old hand at m.c.ing out-of-town events, sold the personalities to the audience in top form. He was also official representative for his brother, Wesley, who is now vacationing in Mexico. After the screenings, majority of the visitors took in the "Premiere Western Ball" at the Santa Rita hotel, dancing to Jimmie Grier's music.

Goldman's Erlanger, Philly, to Oppose WB in Downtown Pix Belt

Philadelphia, Nov. 19.

Largest central city theatre deal since Warners opened years ago was the leasing on Saturday of the \$2,500,000 Erlanger theatre to William Goldman, indie operator of a chain of picture houses in eastern Pennsylvania. This is the first time an indie operator has invaded the downtown first-run field. A dozen years back, Goldman first came here from St. Louis to become general manager of the Stanley-Warner circuit system in this area, resigning in 1933 to organize his own chain.

Goldman will give the house a legit fling for this season and then make it a first-run pic competitor to the WB chain. House has been a legit but dark for the most part, with bookings few and far between. Seating 2,000, it's the only legit house in town wired for flickers. In 1929 RKO leased it for first-run pictures, in 1932 reverting back to legit with occasional pictures, notably the Charles Chaplin pix.

Under the Goldman aegis, Erlanger re-opens Nov. 25 for the U. of P. Mack and Wig show, "High As a Kite," booked set prior to Goldman's taking over. House originally opened in 1927 with Fred Stone appearing in "Crisis Cross."

The lease was consummated by Heymann & Bros., realtors, who represented the Pennsylvania Co. trustees under the first mortgage issue. Terms were not announced but the lease is for a long term. House was named after Abraham Lincoln Erlanger, who first operated it, in later years operated by Samuel Rindlinger.

Back to Laughs

Return of Hal Roach to production of the slapstick type comedy, with which he gained fame in silent days, will be plugged in the campaign for "Road Show." Picture, which is said to be made on a frankly slapstick basis, will be advertised in that manner.

United Artists, the distributors and Roach are undertaking planning to spend heavy coin in publicity and exploitation. Among other things, they'll promote a "Laugh Week" conjunction with release of the film.

Glued to the Saddle

Hollywood, Nov. 19. RKO signed Tim Holt to star in six more westerns for the 1941-42 program.

Currently the cowboy actor is working in the third of the present season's sagebrushers, "Along the Rio Grande."

FIRST CHEER FOR NEB.

Hollywood, Nov. 19. Richard Rowland's "Cheers for Miss Bishop," located at the University of Nebraska, is slated for a premiere at Lincoln, Neb., early in February.

Picture is being released by United Artists.

Schine Theatres Off Air But May Return Later

Rochester, N. Y., Nov. 19.

Rochester Schine theatres will drop daily radio program over WSAW next Friday after six months run. May try it over another station after an interval. Fifteen minutes program, originated by the Schine theatre, emceed by Bob Meagher and included organ, am soloists and ticket giveaways.

First extended air-theatre effort here, program attracted considerable attention.

Grad Sears' 20th Year With WB, Key of Sales Drive, Dec. 22-April 19

Another sales drive is scheduled for Warners this year to commemorate Grad Sears' 20th year with this company and First National, which it acquired 12 years ago. The sales push was discussed among district managers at a recent meeting called in New York by Sears to discuss distribution matters generally, including the consent decree.

The drive begins Dec. 22, and will be spread over 17 weeks, ending April 19. A total of \$25,000 in prizes will be awarded to the men showing the best results.

This year a different system of grading and determining award-getters will be inaugurated, with the first 12 weeks of the drive to serve as a qualifying period. The company's exchanges in Canada, as well as those in this country, totaling 27, will participate. Final five weeks of the drive will be determining surviving exchanges in the 12-week competition, but with results to be determined over the entire 17 on business.

Branches qualifying for the final five weeks will be split into two teams, west-south and the east, plus Canada. In addition to prizes for the winning division among the two, there will be prizes for district managers, branch managers, etc.

'Thief' to Emulate 'Reuter' On Schoolroom Ballyhoo

Following the success of the new streamlined Teachers' Guide for classroom work on "A Dispatch from Reuter's," the Hays office school activity division is working with United Artists in putting out a similar guide on "Thief of Baghdad." Lynn Farnol is checking on the cost of making up such a guide and the scenes-from-the-picture film strip in color for this film.

Pictorial Events made the Teachers' Guide on "Reuter's" which supplies brief printed lecture for some 30 scenes on the picture to be used in classroom activity. Guide also contains a large layout of typical shots from the picture. Use of the stills, shown on classroom screen, is a trailer for the screen production. Idea behind the whole setup is that it reaches the school audience in a dignified manner.

Pathe's 30th Anni

Pathe newsreel's 30th anniversary this month is being plugged by the RKO publicity department with art work taken from typical newsreel yarns in the last 30 years, plus explanatory publicity. Photos of Charles Pathe, founder of the reel, also have received a good break in the nation's press.

Fact that the first issue of Pathe News came out in November, 1910, also is being accorded publicity by the Embassy, Airlines and other newsreel theatres in New York.

Rep Rustles Rustics

Hollywood, Nov. 19.

Republic is putting another rustic feature, "County Fair," to follow its recently completed "Barnyard Follies." Armand Schaefer is producing from a script by Dorrell and Stuart McGowan.

Other bucolic yarns lining up for Schaefer production are "Arkansas Judge" and "False Witness."

HUMORING MARS

Hollywood, Nov. 19.

Olivia de Havilland, George Brent and Jeffrey Lynn share top spots in "Miss Wheelwright Discovers America," a humorous war story at Warners.

Filming starts next month with Kurt Bernhardt directing.

Hamrick's Changes, Jensen's Seattle Powwow; Other Theatres-Exchanges

Seattle, Nov. 19.

John Hamrick reports the following Hamrick-Evergreen managerial changes here: Clyde Strout, assistant mgr. at Paramount, becomes mgr. of Blue Mouse; Pax Dunham, mgr. at Blue Mouse, new assistant to Dan Redden at Paramount; Marvin Fox, assistant mgr. at Coliseum, now manager of that house, succeeding former mgr. Bill Hamrick, transferred to offices of John Hamrick. Bill will be utility worker, cooperating with various house managers and on other detail matters. Bill, a nephew of former mgr. John Hamrick, started with him 15 years ago as doorman.

Claude S. Jensen of Portland, long partner of John von Herberg, here to confer on the Jensen-von Herberg matter. Most recent addition is the 400-seater at Renton, nearby coal and industrial burg. Joining in the conference is LeRoy Johnson, gen. mgr. for J-V-H, just returned to Seattle after month's trip east.

Robert Heitmill succeeds Chas. Barnes, assistant to Jerry Ross, manager of Palomar (Sterling) and vaude supervisor for the John Danz-Sterling chain in Seattle. Barnes resigned to go to Northland Transportation Co., operating three passenger steamers between Seattle and Alaska, during tourist season, as booker for bands. His resignation was submitted two weeks ago and finally accepted.

Strand, Rochester, Sult.

Rochester, N. Y., Nov. 19.

A move to void lease of the Strand to the C. C. Carroll estate was begun in supreme court here last week by Mrs. Florence L. Purdy, of Ithaca, a stockholder in the Estate of Kate C. Curtis, Inc., owner of the building. She charges that her brother and two sisters conspired with the Carroll firm to divert profits that should have gone to the estate.

The lease was made two years ago after Howard G. Carroll severed connections with Schine as city manager of local houses. Carroll is president and general manager of the theatre corporation with Henry Curtis, Treves, Pa., secretary; Mrs. C. W. Widman, of Boston, vice-president; Mr. Jennie C. Bertsch, treasurer. Latter trio are Mrs. Purdy claims the Curtis estate has been damaged \$100,000 and she herself \$25,000. She asks that the lease be declared fraudulent and void, and seeks an accounting.

Strand is a downtown subsequent run house. E. M. Loew's Embassy goes dark with any immediate prospects after try with sex film. Manager Hy Rodman stays in town pending possible deal. Plans for burlesque reportedly met local opposition.

Plaza, acquired by Schine in Webster theatre deal, will remain closed. Move to reopen Majestic, shuttered since death of Morris Zimmerman last spring, fell through.

Wilby-Kinney's New One

Spartanburg, S. C., Nov. 19.

Construction on Criterion, Wilby-Kinney's fourth local unit, starts Jan. 1. City Manager R. B. Talbert announces house will be 800-900 seater, air-conditioned. New Charles theatre, Charles Rook owner-manager, under construction at Montgomery, Ala., opens soon.

Ritz, razed by \$5,000 fire at Union, S. C., still dark. Everglades, Belle Glade, Fla., being remodelled and re-plugged. Lafayette, Lafayette, Ala., gets new sound, redecorating. E. M. Jennings manager, High Theater Corp., Norfolk, Va., chartered at \$25,000. A. E. Lichtman, Washington, president. Dudley Williston has bought Dixie, Louisville, dark several months.

Strand, Columbia, S. C., Wilby-Kinney house, \$10,000 in stock, fire, being rebuilt. Reopens in about five weeks. City Judge R. G. Cobb has declared Fayetteville, N. C., ordinance barring Sunday shows void on Saturday night run-overs. He absolved Leon Gibson, Broadway theatre manager, booked on charge of allowing Saturday night film to run over on seventh day time. Decision viewed as possibly paving way for full-time Sunday shows.

San Francisco, Nov. 19.

Resignation of D. J. McNeerney, United Artists branch manager, who will devote his time to theatre in general in partnership with Joe Blumenfeld, who is handling the complicated interlocking of circuits here.

In several situations Blumenfeld shares his interest with the Golden State circuit, particularly around Sacramento. In many others he is the major oppositor to Fox-West Coast, which happens to own between 21% and 25% of Golden State. Yet E. W. Fox and GS individually are bitter oppositors in other spots, among them San Jose.

Entirely unconnected with Blu-

mentfeld or F-W is the Nasser Bros. circuit, but Nasser and Golden State each has a small piece of the other. They, too, oppose one another elsewhere, particularly in the Mission District of S.F.

Clay theatre, nabe arty spot, got entire front-of-house repair job through courtesy of Market St. Railway Co. this week. A railway cable, which snapped, set fire to the place week before, doing \$200 damage.

Cigarette in the cushions blazed for a fire, not discovered until 3 a.m., which destroyed the balcony in the Broadway theatre here. Nabe operated by Jess Levinsky, who kept story out of the papers.

Canlor Back to Pitt

Pittsburgh, Nov. 19.

Leo Cantor, formerly with UJA here but more recently located in Indianapolis, returned to Pittsburgh to join local U sales force. He will take over Main Line territory for Pele Danat's office, succeeding Sid Feld, resigned.

Vincent Choffe, manager of Orpheum, McKees Rocks, transferred to Bradford, Pa., to pilot two Shea houses there. Orpheum controlled by same circuit but no permanent managerial replacement been made yet.

Chuck Steinhauer, son of St. Steinhauer, Press radio ed. joined M-G checking force the road. For two years, he was asst. mgr. for WB but quit couple of months ago. Briefs: Dave Broddy's lad, Leonard, at Fort Monroe, with lieutenant's bars. Irving Weinstein, son of Izzy Weinstein, Stanley musician, manual technical librarian for Lockheed airplane factory in Burbank, Cal. Post-Gazette put out special section for opening of new Shapiro-Fineman house, Temple in Sheraden, which opened last Saturday (16).

Hanson Selling Out

Norman Hanson, operator of the Sun, Woodward, Ia., selling his theatre.

Sean Post, broker for midwest Republic, married Dorothy Wilson, pharmacist.

L. E. Goldhammer, district manager for RKO, Minneapolis, finally got to Des Moines after marooned in Minnesota in the Armistice Day storm. Other district managers here this week are J. E. Garrison, Universal, from Kansas City, and H. P. Wolfberg, M-G, from Kansas City.

A new 575-seat theatre under construction in South Ottumwa, Ia. Jake Cohen will manage.

Joe Felder Joins U

Leaving M-G and under its economy program, which resulted in shifting executive activity to the Coast, closing the home office previously maintained in New York, Joe Felder has joined Universal's N.Y. exchange as a special sales representative. He was for several years in charge of the N.Y. branch for Morgan.

Harry C. Thomas, who acquired an interest in the Philadelphia, New York and Washington branches, is making headquarters at the N.Y. exchange. He is in complete charge of that locality.

Brookings' Acquisition

Lincoln, Neb., Nov. 19. Howard Brooking, former owner of the theatre in Weeping Water, Neb., bought out J. A. Meredith, Ia. Avoca, Ia.

W. C. "Lew" Jewellen, publicity director for the J. H. Cooper-Paramount theatres here, being moved to Oklahoma City, where he'll assist Walt Shuttice, Cooper's city manager there. Replacement for his spot under city manager R. W. "Bob" Huffman not been named.

L. A. the Winnah

The Los Angeles exchange copped first prize in the gross collections contest spread over seven months on "Dark Command," Republic release. Last summer. Contest ended Oct. 31.

Top award was \$1,500. Other prize-getters were Philadelphia, \$1,250; New York, \$1,000; New Haven, \$750; and Washington, \$500.

K. C. Variety Club's Dance

Kansas City, Nov. 19.

Annual charity ball of the Variety Club Nov. 22 at Pla-Mor Ballroom. Herbie Kay orchestra to officiate. Earl Jameson general chairman, with Homer Blackwell, Jay Means, Jerry Zigmund, Sam Abend and Ward Scott under him.

Fox-WC Promotes Pair

Los Angeles, Nov. 19.

Al Bruno and Oscar Fock were upped from assistants to house managers in the local Fox-West Coast circuit. Bruno succeeds Ted Hathaway, deceased, at the Apollo, and Fock takes over Easyway, replacing Barton Aylesworth, who moved over to manage the Wilshire.

Ground broken for new 900-seat nabe to be erected by Harry Popkin and Jack C. Berman in the Wyvernwood section.

Chicago Finally Gets B. O. Sunshine; 'Conquest'-Abbott & Costello \$36,000, 'Finger' 15G, 'Voyage' Nifty \$10,000

Chicago, Nov. 19. Plenty of new attractions walked into town over the weekend, and these shows evidence an ability finally to yank the loop out of the lethargy under which it had been suffering for the past couple of weeks.

Apollo, which had a wishy-washy fortnight with 'Dictator', is reverting to its grind policy with 'Long Voyage Home' and indicates a bright initial session on this picture, which, though apparently strictly a patronage—the reviews and word-of-mouth. 'Dictator' continues on in the Roosevelt on its grind set-up, which is doing well. This town has never really gone for the reserved—two-day policy, and only 'Gone With the Wind' was able to make any real impression under that arrangement.

United Artists opened 'Third Finger' on Saturday (16) and here also is bright stuff for the b.o. Cast, title and story appear to be just what the femmes are hungering for on the screen, and plenty of wicker-whirling is in prospect here for several weeks to come.

Abbott & Costello on the stage of the Chicago are giving considerable boost to the gross in that big house, which has had a long time of being billed heavily and indicate that they will whang out a smacking session tied in with 'City for Conquest'.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-75) —'Voyage' Home (UA). Opened Saturday (16) and looks for bright \$10,000, best straight grind item the house has had in a long time. Last week, 'Dictator' (UA) finished a fortnight (85-110-\$1.65) on a twice-daily with mild \$7,600 for second session.

Chicago (B&K) (4,000; 35-55-75) —'City Conquest' (WB) and Abbott & Costello, the Merry-Macs and Larry Adler on the stage. Comedy team particularly effective at the front gate and combination indicates fine \$36,000. Last week, 'Burma' (Par) and the Louella Parsons unit on stage managed \$30,100.

Garfield (B&K) (3,500; 35-55-75) —'Northwest Mounted' (Par). Fourth week in loop, and holding in excellent fashion to \$6,000 currently after fine \$7,500 last week.

Oriental (Lodge) (2,000; 28-44) —'Nobody's Sweetheart' (U) and George White's 'Scandals' unit on stage. Double item figures for nice \$16,000, with both picture and show apparently getting a good word.

Last week, 'Diamond Frontier' (U) and Herbie Kay band on stage took neat \$14,100.

Palace (RKO) (2,500; 33-44-68) —'Bit of Heaven' (U) and 'Night Tropics' (U). Double feature program looking for a fair enough one-week session at \$11,000. Last week, 'Too Many Girls' (RKO) and 'Give Us Wings' (U) suffered with the rest of the town at \$8,400.

Roosevelt (B&K) (1,500; 75-110) —'Dictator' (UA) (3d wk). Grind act up is doing well and took a fine \$12,000 after excellent \$13,500 last week.

State-Lake (B&K) (2,700; 28-44) —'Cherokee' (Par) and Major Bowdoin unit on stage. Another excellent combo that augurs bright \$16,000. Last week, 'Kidnare Home' (M-G) and Charlie Barnett orchestra on stage came through with happy \$15,300.

United Artists (B&K-M-G) (1,700; 35-55-75) —'Third Finger' (M-G). Opened on Saturday (16) and indicates a rousing \$15,000, and that's because of buttons. Last week, 'Correspondent' (UA) finished a bright two-week stay to \$9,600, sliding off rather rapidly in the second week.

McDonald-Eddy Topping
Snappy Denver, \$10,200

Denver, Nov. 19. First run takes are above average, with 'Bitter Sweet' at the top of the best business. 'North West Mounted', in its fourth week at the Denham, is galloping strong.

Estimates for This Week
Aladdin (Fox) (1,400; 25-40) —'Spring Parade' (U). A week at the Denham. Garnering a nice \$4,000. Last week, 'Knute Rockne' (WB).

after a week at the Denver, \$4,500. Broadway (Fox) (1,040; 25-35-40) —'Escape' (M-G) (2d wk) after a week at the Orpheum. Good for acceptable \$3,000. Last week, 'Argentine Way' (20th), after a week at the Denver and Aladdin, fair \$2,500.

Denham (Cockrill) (1,750; 35-40-50) —'Northwest Mounted' (Par) (4th wk). Adding a very good \$9,000 to third week's \$11,000. 525; 25-35-40) —'City Conquest' (WB) and 'Blondie Cupid' (Col). Good \$9,500. Last

week, 'Spring Parade' (U) and 'Lady Question' (Col), fair \$8,000. Orpheum (RKO) (2,600; 25-35-40) —'Bitter Sweet' (M-G) and 'Stranger Than Paradise' (RKO). Fine \$10,200. Last week, 'Escape' (M-G) and 'Dulcy' (M-G) nice \$11,500. Paramount (Fox) (2,200; 25-40) —'Reuter' (WB) and 'Father Prince' (WB). Okay \$4,500. Last week, 'Dictator' (UA) (25c-75c-\$1) was okay at \$8,500, but would have done much better if a kids' price had been on at night.

LAUREL - HARDY
FAIR \$16,500
IN PITT

Pittsburgh, Nov. 19. Now that the votes have been counted, the weather has become the No. 1 alibi again. At any rate, one's certainly needed this week. Snow, sleet and icy streets Saturday (18) kept plenty in their homes, and it's felt in some local quarters that collapse of Alvin roff may have had a short, psychological effect. One thing is certain anyway, his is way off.

In second weeks, 'Escape' at Penn, and 'Mark of Zorro', at Fulton, are still doing pretty good, but falling off sharply from opening session's highs, while at Stanley, Laurel-Hardy unit, with 'Dulcy', isn't going to wind up any better than just fair. Warner and Ritz, with a couple of strictly second-rate twin bills, are merely marking time, and Senator hurriedly yanking a double-feature for 'Night in the Tropics', is doing no better.

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50) —'The Many Faces of Mr. C' College musicals only day and a half when word of collapse ended it all. Slow opening, however, and lukewarm reviews didn't presage any too well for it. Alvin's brief, but bright, last week, 'Angels Broadway' (Col) and 'Bit Heaven' (U), good \$5,800.

Fulton (Shea) (1,750; 25-40) —'Zorro' (20th) (2d wk). Still turning pretty satisfactory profit for this site and should hold for half of a third week, running into Thanksgiving (Pennsylvania) and 'Seven Sinners' (Lodge) (2d wk). Word-of-mouth still all the good for Shearer-Taylor click and clocking okay \$10,500, with everybody satisfied and well probably move to \$12,000.

Warner (Lodge) (U) (3,300; 25-35-50) —'Escape' (M-G) (2d wk). Word-of-mouth still all the good for Shearer-Taylor click and clocking okay \$10,500, with everybody satisfied and well probably move to \$12,000.

Senator (Harris) (1,700; 25-35-50) —'Night Tropics' (U). Picture had been booked to follow 'Too Many Girls' at Alvin, but with the house out of running for months, its product has been switched to Senator. 'Blondie Servant Trouble' (Col) and 'I Married Adventure' (Col) came out after four days to week \$800 with 'Tropics' going in with minute's notice on Sunday (17). Doesn't ring like more than \$2,600. Last week, 'Greatest Show' (20th) and 'Gay Cabaret' (20th), slow \$2,000.

Stanley (WB) (3,600; 25-40-60) —'Dulcy' (M-G) and Laurel-Hardy on stage. Comedians are on their own, but bag of little or help. Notices for new show okay, but boys have never been particularly hefty here in pix and obviously interest in them in person only slight. Present pace indicates \$16,500, just fair.

Last week, George Jessel unit and 'Moon Burma' (Par), over \$18,000, finishing strong.

Warner (WB) (2,000; 25-40) —'Quartet' (WB) and 'Laddie' (RKO). Smallpox sign could be at the ticket window for all these two are doing. Nothing at all and house will settle right now for poor \$2,800.

Last week, 'Want Divorce' and 'Flowing Gold' (WB), fair \$4,200.

First Runs on Broadway (Subject to Change)

Week of Nov. 21
Astor—'Great Dictator' (UA) (8th wk).
Broadway—'Fantasia' (Disney) (2d wk).
Capital—'Great Dictator' (UA) (8th wk).
Criterion—'Too Many Girls' (RKO).

(Reviewed in VARIETY, Oct. 9)
Globe—'Angels Over Broadway' (Col) (2d wk).
Musical Hall—'Bitter Sweet' (M-G).

(Reviewed in Current Issue)
Palace—'Always a Bride' (WB).
Paramount—'North West Mounted Police' (Par) (3d wk).
Rialto—'Give Us Wings' (U).

(Reviewed in VARIETY, Nov. 13)
Rivoli—'Seven Sinners' (U) (2d wk).
Roxy—'Tin Pan Alley' (20th).
Strand—'The Letter' (WB) (22).

(Reviewed in Current Issue)
Week of Nov. 28
Astor—'Great Dictator' (UA) (7th wk).
Broadway—'Fantasia' (Disney) (3d wk).
Capital—'Third Finger, Left Hand' (M-G).

(Reviewed in VARIETY, Oct. 16)
Criterion—'Too Many Girls' (2d wk).
Globe—'Blackout' (UA) (30).
Musical Hall—'Bitter Sweet' (M-G) (2d wk).

Paramount—'Second Chorus' (Par) (27).
Rivoli—'Seven Sinners' (U) (3d wk).
Roxy—'Tin Pan Alley' (20th) (2d wk).
Strand—'The Letter' (WB) (2d wk).

PEOPLE-LOLLY PACE DET. TO NEAT 23G

Detroit, Nov. 19. With Michigan observing the earlier Thanksgiving, theatres here are looking to a good week, since business has been on the general rise and it means an extra cut on holiday prices. However, there's a darker side, for the same Thanksgiving that brings thousands downtown for the annual Santa Claus parade heralds the beginning of the Christmas shopping season.

With the Michigan and Fox alternating on stage shows it's the latter's turn this week to come with one of the Louella Parsons' troupe, which on the early indications should do a healthy week to lead the town. Michigan will do all right with 'Arise My Love' and 'Knowing Good' while the United Artists also has a new bill for the holiday week with 'Bitter Sweet' and 'Sky Murder'.

Both the Adams and Alms-State, which have been switch-over houses, have drawn good bills this week to put them in a position to gain from one of the big days of the year.

Estimates for This Week
Adams (State) (1,700; 30-40-55) —'Zorro' (20th) and 'Bit of Heaven' (U). This bill was moved over from the Fox after doing a big week there and looks to a choice \$7,200. Last week 'Spring Parade' (U) and 'Nobody's Children' (Col), okay \$6,500.

Fox (Fox-Michigan) (5,000; 30-40-55) —'Young People' (20th) and Louella Parsons' troupe on stage. Showing enough strength to make it a healthy \$23,000. Last week 'Zorro' (20th) and 'Bit of Heaven' (U), big \$18,000.

Michigan (United Detroit) (4,000; 30-40-55) —'Arise Love' (Par) and 'Flowing Gold' (WB). Looks all right and w. the extra cash a nice \$16,000. Last week 'Christmas Gold' (Par) and Xavier Cugat orch. Abbott & Costello on stage, got a good \$18,000.

Palms-State (United Detroit) (3,000; 30-40-55) —'Arise Love' (M-G) and 'Christmas July' (Par). This bill is made up of the two leading pics from the United Artists and the Michigan and is looking for a neat \$9,000. Last week 'Knute Rockne' (WB) and 'World in Flames' (Par) came up with a good \$7,500.

United Artists (United Detroit) (2,000; 30-40-55) —'Bitter Sweet' (M-G) and 'Sky Murder' (M-G). This seems to be following the local pattern of good business and is aimed at \$11,000. Last week 'Escape' (M-G) and 'Hulabaloo' (M-G) (2d wk) came up with a good \$7,500. Last week, 'Want Divorce' and 'Flowing Gold' (WB), fair \$4,200.

Fantasia' Sellout, 5 Days 20G; B'way Steady, Weekends Up; Kay Kyser, Stage and Pic, Big 50G, Dietrich 32G

(Best Exploitation: Broadway)
The tone of business on New York's first-run front continues very firm, including among the majority of the holdovers. For the past few weeks the Saturday and Sunday business has been terrific, with certain attractions doing three to four times as much business in some cases on each day than on weekdays. There is no particular accounting for the heavy weekend upsurge except that the end of the fair, bringing the natives back to the film houses, may be partly attributable. Moreover, it is believed people have gotten sick and tired of war, deciding to forget about it all and see shows. With the election over, that may also have played a part. According to operators, the neighborhood houses have not enjoyed an increase comparable to that of downtown Broadway, but reported that business has improved generally since the fair closed.

With last week's Armistice Day (11) having brought more patronage to theaters than any other experienced in prior years, the street is looking for a strong Thanksgiving take. Holiday prices, as usual, will be in effect.

Two new pictures on major first-run buys came in this week, 'Seven Sinners' at the Rivoli and 'You'll Find Out' at the Roxy, while for a roadshow run at \$2 top 'Fantasia' opened at the Broadway on Wednesday night (13), when entire proceeds were donated to British War Relief.

The Walt Disney film, employing special projection equipment and not to be shown in any other theatre within a radius of 100 miles, is a complete sellout at virtually every performance. On the first five days, through Monday (18), it had rolled up the neat total of \$20,000. Capacity of the house is presently 1,864, but plans are to add about 10 additional seats. Because of bad location, four seats on the far side of the house are not used, and money the capacity, now \$27,500, will be brought to nearly \$30,000 with the addition of extra chairs.

An unusual advance sale is being handled with between \$5,000 and \$7,000 in tickets being sold every day. Because of the great demand for seats in advance, three extra boxoffices have been opened, and now take orders for tickets to be in advance. It will be extended to 10.

Kay Kyser is in person at the Roxy with his 'You'll Find Out' and that is counting mightily at the b.o. With an upswing expected tonight (19), the show should be a top a hearty \$50,000. Theatre will not hold the show over, however, prior plans having been laid to bring in 'Tin Pan Alley' (20th) on Thurs.

'Seven Sinners' brought in the Rivoli Saturday (16), got away well though not sensationally, and will hit \$32,000 or close on the first week. It holds.

Truly remarkable business is being done by North West Mounted at Paramount's stage show, including Glen Gray, Red Skelton and Connie Russell, which since its third week (16) has been a smash. Through to within inches of \$70,000 the first week, it finished its second in high-powered fashion at \$50,000 last night (Tues.). Decision has been reached to hold the bill a total of four weeks.

Very sturdy, also, has been 'Escape', which winds up its third stanza tonight (Wed.) at the Music Hall. On a good play over the weekend, the final round will add up to about \$71,000, which, following a week 14 days behind that, adds the total on the engagement to \$161,000, hefty profit for both the Hall and Metro. Theatre brings in another Metro tomorrow, 'Bitter Sweet' and during the past week also concluded a deal for 'Philadelphia Story'.

'Dictator' begins its final (6th) week at the Capitol today (Wed.), with 'Third Finger, Left Hand' due to open Thursday (28). It thus goes a total of eight more days at this house, where it has been on a continuous policy at 75c mats and \$1.10 evenings. The fifth week, concluded last night (Tues.), ran to \$48,000, the normal drop to be expected from the prior stanza's \$58,000. Chaplin film continues at the Astor, where it is on a twice-daily run at a \$2 top. It is close to capacity at that house, proving once again people want to know where they're going to sit and whether they're going to be able to get in.

Loew's second-run State is off this week, appearing less than \$20,000 with 'Kit Carson', in a first-run booking. The value bill consisting of Morton Downey, Johnny Messner's orchestra and others.

Strand is limping along with 'Tugboat Annie' and, on its stage, Jack Haley, Priscilla Lane, and Teddy name. 'Fantasia' is due to hit \$20,000 on the week, second for the show, and 'The Letter', plus Ozzie

Nelson and Harriet Hilliard will open Friday (22).

Best exploitation goes to 'Fantasia', publicized long in advance.

Estimates for This Week
Astor (1,012; 25-35-55) —'Dictator' (UA) (6th wk). Continues close to capacity here, the past six days through Monday (18) on the fifth week being \$18,000. The prior (4th) week was \$21,000.

Broadway (1,864; 55-75-\$1.10-\$1.65-\$2.20) —'Fantasia' (Disney). Playing two shows daily and a hit of the first water, grossing \$20,000 through Monday (18) was \$20,000, absolute capacity. House can do \$27,500 on the week on a basis of 14 shows but with about 10 seats to be added it will be brought to nearly \$35,000. Tickets are being sold eight weeks in advance with \$6,500 to \$7,500 a day in sales being handled.

Capitol (4,520; 75-\$1.10) —'Dictator' (6th wk). Goes another eight days for a total of six weeks and one day here on a consecutive basis. Fifth week, ended last night (Tues.), added another \$48,000 to the gross, very good. Prior (4th) lap was \$58,000. A very good profit will be shown on the run. 'Third Finger' (M-G) opens Thursday (28).

Criterion (1,862; 28-44-55-65) —'Too Many Girls' (RKO) opens here today (Wed.), following a light week of \$5,500 with 'Sky Murder' (M-G). Behind that 'Golden Fleece' (M-G) \$6,500, fairish.

Globe (1,180; 28-35-55) —'Angels Over Broadway' (WB). Doing very well, around \$10,000 weekly, and will probably be held over. Decision on that will no doubt be reached today (Wed.). Last week, 'Girls Under 21' (Col), \$6,300, moderate.

Palace (1,700; 35-55-75) —'Argentine Way' (20th) (2d run) and 'You'll Find Out' (20th) (1st run), dualled. Bill was withdrawn last night (Tuesday) after six days, only \$6,500 on the period. Decision on that will no doubt be reached today (Wed.). Last week, 'Girls Under 21' (Col), \$6,300, moderate.

Paramount (3,664; 35-55-85-95) —'Mounted' (Par) and, on stage, Glen Gray, Red Skelton, Connie Russell, others. (3d wk) Begins another stanza today after coming through on second with swell \$50,000. The first was near to \$70,000, new high under five years of the pit-band policy.

Radio City Music Hall (M-G) and stage show (3d final week). A fine money-getter, this week (3d) looking \$71,000. The second socko \$90,000, first \$100,000. 'Bitter Sweet' (M-G) opens tomorrow (Thursday).

Rialto (750; 28-44-55) —'Great Plane Robbery' (Col) and as a sub-featurette running only 44 minutes, 'Billy the Kid in Begins another stanza today after coming through on second with swell \$50,000. The first was near to \$70,000, new high under five years of the pit-band policy.

Roxy (5,820; 35-55-75-85-95) —'You'll Find Out' (20th) and Kay Kyser in person. Kyser and his band on the stage is helping vastly to account for a sweet \$50,000 or over. Show will be a smash.

'Tin Pan Alley' (20th) is scheduled for tomorrow (Thurs.). The final five days on a second week for 'Argentine Way' \$55,000, very good. Went only five days so that the theatre could get back to its regular Thursday opening.

State (3,400; 28-44-55-75-90-\$1.10) —'Kit Carson' (UA) (1st run) and Morton Downey Johnny Messner orch, others. A big drop from recent smash weeks will bring the countup to under \$20,000. Last week 'Strike Up the Band' (WB) (2d wk) and 'Richman, Joe E. Lewis' (2d wk), close to \$32,000, excellent.

Strand (2,707; 35-55-75-85-95) —'Tugboat Annie' (WB) and Jack Haley, Priscilla Lane, Teddy Powell (2d final week). Business very slow here but with the holiday maybe \$20,000. First week \$26,500, mild. 'The Letter' (WB) is due to hit \$20,000 on the week, second for the show, and 'The Letter', plus Ozzie

Metro Terms McNally
Horace McNally, featured in 'Johnny Belinda', Broadway leggie, has been linked by Metro to a term contract. Whether the juvenile will go to the Coast is indefinite, as he has a run-of-the-play pact in 'Belinda'.

A lawyer united a couple years ago, McNally was seen by producer Harry Wagstaff Gribble stock at Ann Arbor, Mich., and given his Broadway break.

Mpls. Still Snowbound; 'Mounties' \$11,000, But Tilted Admish Hurts

Minneapolis, Nov. 19.—On top of numerous other adverse factors, including a generally unfavorable business situation, the worst blizzard in years hit the town and surrounding territory with an exceptionally heavy fall of snow and zero temperature, and this and other communities haven't dug their way out or restored normal transportation facilities yet.

Last week's attractions didn't have a chance under the circumstances. The Armistice Day holiday, which should have been above par, was knocked out completely with the storm raging at first blast.

Consequently two attractions, which had gotten off to highly promising starts before the blizzard, were held over for extensions of their first runs. They're 'Third Finger, Left Hand' and 'City for Conquest'.

'Northwest Mounted Police' came in with a big splurge. They had a gala premiere, and Thursday night at the State with all sorts of ceremonials, klieg lights, etc., and they've advertised and exploited it to a fare-you-well otherwise. In view of all this and the advanced admission scale, the returns thus far have been exceedingly disappointing. Incidentally, this is only the second recent film to have a Thursday night uptick, the other having been 'Boom Town,' and maybe the stiff 55c night tariff, in place of the regular 44c, may have something to do with the unsatisfactory picture.

Estimates for This Week

Alvin (Hirsch-Katz) (1,400; 28-44-55)—'Wagon Westward' (Rep.) and, on stage, George McCall and his 'Man About Hollywood' revue. Best show house has had since its opening nearly three months ago, and is sure to build May reach good \$9,000. Last week, Earl Pardner (Rep.) and Michael Lorink and stage show started briskly, but was smashed to smithereens by storm and wound up to bad \$2,500.

Aster (Par-Singer) (900; 15-28)—'Laddie' (RKO) and 'Ride, Tenderfoot' (Rep.). On for full week through Wednesday (20) with 'Mexican Spitfire' (RKO) and 'Devil's Pipe Line' (U). Last week, first-run, to open Thursday (21). Good enough \$1,800 indicated. Last week, 'Captain Caution' (U.A.) and 'Diamond Frontier' (U), dual first-runs, \$1,200, poor.

Century (Par-Singer) (1,600; 28-39-44)—'Third Finger' (M-G) (2d wk.). Moved here from State and, all things considered, is progressing satisfactorily. Reaching for fair \$3,200. Last week, 'Reuters' (WB), \$2,600, bad, with blizzard sharing some of blame.

Equaire (Gillman) (290; 28)—'Secret Model' (Indie) (2d wk.). Sensational sex angle bringing customers. Hitting a \$1,000 tune. Last week, \$800, light.

Gopher (Par-Singer) (988; 28)—'Men Against Sky' (RKO). En route to fair \$2,400. Last week, 'Flowing Gold' (WB), \$2,000, light.

Orpheum (Par-Singer) (2,800; 28-39-44)—'Spring Parade' (U). Should reach fair \$8,000. Last week 'City Conquest' (WB), \$5,500. Okay considering weather.

Uptown (Par-Singer) (2,300; 35-44-55)—'Northwest Mounted' (Par). Heavily exploited, and admission scale tilted from 44c to 55c top. Indicator \$11,000, good but disappointing at scale. Last week, 'Third Finger' (M-G), \$7,800, fine under the circumstances.

World (Par-Singer-Steffes) (350; 28-39-44-55)—'City Conquest' (WB) (2d wk.). Moved here from Orpheum and hitting good \$2,000 pace. Last week, 'Knew What They Wanted' (RKO) (2d wk.), \$1,400, mild, with weather mainly to blame.

BURMA-BOLGER-CUGAT FAIR \$16,000 IN BUFF.

Buffalo, Nov. 19.—Grosses at the main stem wickets have turned soft this canto, Xavier Cugat and Ray Bolger, on stage with 'Moon Over Burma' at the Buffalo, are only fair. 'Mark of Zorro' is strongest comparative draw on short stanza, due to opening new bill on the holiday.

Estimates for This Week

Buffalo (Shea) (3,500; 35-40-60)—'Burma' (Par), Ray Bolger and Xavier Cugat on stage. With holiday should see fair \$16,000, or better. Last week, 'Escape' (M-G) and 'Dancing Dime' (Par), first duals here, satisfactory \$14,500.

Great Lakes (Shea) (3,000; 35-55)—'Zorro' (20th) and 'Street Memories' (20th). Six-day week will get good \$9,000. Last week, 'Dictator' (UA) (75-110), poor \$7,500.

Hipp (Shea) (2,100; 30-45)—'Escape' (M-G) and 'Dancing Dime' (Par) (2d run). Moveover dual

looks set for around \$7,500, good. Last week, 'Captain Caution' (U.A.) and 'Outside' (Alliance), draggy \$5,200.

Lafayette (Hayman) (3,300; 30-40)—'Before Hang' (Col) and 'Blondie' (Col). Plenty mild \$4,500. Last week, 'Seven Sinners' (U) and 'Slightly Tempted' (U), nice \$8,000.

Twentieth Century (Dipson) (3,000; 30-40)—'Knew What They Wanted' (RKO) and 'Mexican Spitfire' (RKO) (2nd wk.). Five-day second stanza indicates poor \$4,500. Last week, around \$7,500, fair.

'ESCAPE' SOCKO \$42,000, TWO HUB SPOTS

Boston, Nov. 19.

Good business all over town, especially over the weekend, which benefited from rain Friday, football games Saturday and good show on other Sunday. 'Escape' socko at the Orpheum and State and is expected to hold over. 'City for Conquest' also stands a holdover chance at the Met. Mark of Zorro opened to steady \$10,000 at the Memorial, and will hit one of the top grosses in the downtown district.

Estimates for This Week

Boston (RKO) (3,200; 28-44-55)—'Stranger From Floor' (RKO) and 'Phantom Chinatown' (Mono), with stage show, four days; and 'Met Murderer' (Classic) and 'Wagon Train' (RKO), three days. Will hit a medium \$7,500. Last week, 'Gang Mine' (Mono), with Three Springs on stage, five days; and 'Spring Parade' (U) and 'Secret Seven' (Col) (both 2d run), two days, dandy \$12,000.

Fenway (M&P) (1,332; 28-39-44-55)—'Christmas July' (Par) and 'Cherokee' (Par). Will flirt with \$6,000. State, same \$18,000 for 'River' (WB) and 'Always Bride' (WB), \$5,500.

Keith Memorial (RKO) (2,907; 28-39-44-55)—'Zorro' (20th) and 'Last Die' (RKO). State, same \$18,000 or better for the week. Last week, 'Seven Sinners' (U) and 'Spitfire' (RKO), also strong at \$17,500.

Paramount (M&P) (2,389; 28-39-44-55)—'City Conquest' (WB) and 'Hit Parade' (Rep.). Will ram about \$20,000 through the till and possibly hold over. Last week, 'Arise Love' (WB) and 'Dancing Dime' (Par), \$20,000.

Orpheum (Loew) (2,900; 28-39-44-55)—'Escape' (M-G) and 'Hullabaloo' (M-G). Proving a powerful draw, day and night, and will hit \$25,000 or better. Last week, 'Dictator' (2d wk. at \$110 top), fair \$15,000.

State (Paramount) (1,797; 28-39-44-55)—'Cherokee' (Par) and 'Christmas July' (Par). Okay for \$8,000. Last week, 'East of River' (WB) and 'Always Bride' (WB), \$7,000.

Scollay (M&P) (28-39-44-55)—'East of River' (WB) and 'Always Bride' (WB) (both 2d run). Around \$3,500, so-so. Last week, 'Knute Rockne' (WB) and 'Callin' Husbands' (WB), playing fourth week in town, \$4,000.

State (Loew) (3,800; 28-39-44-55)—'Escape' (M-G) and 'Hullabaloo' (M-G). Socko \$7,000 indicated. Last week, 'Dictator' (UA) (2d wk.), \$11,000.

Chaplin 2d \$10,000, Mont'l; 'Band' 9G

Montreal, Nov. 19.

'Dictator' took everything in pix last week and will continue same way currently with smash \$10,000 on repeat. Runner-up will be 'Strike Up Band' at Palace with good \$9,000 in sight. Balance are average.

Estimates for This Week

Palace (CT) (2,700; 25-45-55)—'Strike Up Band' (M-G). This is getting fine play to \$9,000. Last week, 'Argentine Way' (20th), good enough \$6,500.

State (CT) (2,700; 25-45-55)—'Too Many Girls' (RKO) and 'Men Against Sky' (RKO). Pointing toward average \$5,500. Last week, 'Burma' (Par) and 'Quarterback' (Par), fair \$5,000.

Loew's (CT) (2,800; 30-40-60)—'North West Mounted' (Par) (4th wk.). Should be good for \$5,500 after nice \$7,000 last week.

Princess (CT) (2,300; 25-34-50)—'Rampart' (WB) and 'Spitfire' (RKO). Pacing for likely \$4,500, good. Last week, seven Capra-directed films, weak \$2,500.

Orpheum (Ind) (1,100; 75c-110)

'Dictator' (UA) (2d wk.). Socko \$10,000 after \$14,000 last week. Cinema de Paris (France-Film) (600; 25-50)—'Battlements de Coeur' (4th wk.). Fair \$1,000 in sight, after good \$1,400 last week.

St. Denis (France-Film) (2,300; 25-34)—'Maitre des Forges' (WB) and 'Sans Gene' (WB). Average \$4,500 probable. Last week, stage show at \$1 top got packed houses for smash \$15,000.

'NELLIE' \$7,500, L'VILLE SOGGY

Louisville, Nov. 19.—'Activity at the Palace' is not on the medium slot side, although current the weather is not a factor. Fact is, best hit in town is being turned in by h.o. 'North West Mounted' at the Midland, the balance of the town's first runs are pacing for medium returns with average product.

Legit attractions are concentrating in this burg during the current week, 'Philadelphia Story' with Katharine Hepburn playing Memorial Auditorium Monday and Tuesday (18), while 'Mountings at Seven' opens three-day stand at Columbia Theatre starting Thanksgiving Day (21).

Estimates for This Week

Brown (15-30-40)—'Spring Parade' (U) and 'Nobody's Sweetheart' (U). This pair did nice biz at Rialto about three weeks ago, but return for another seven-day run. Last week, 'Three Little Girls' (WB), probably light \$1,800.

Last week, 'Argentine Way' (20th) and 'Still Alive' (RKO), on fourth downtown week, third at this house, capped okay \$3,000, final tie balance.

Kentucky (Switow) (1,200; 15-25)—'Sea Hawk' (WB) and 'Ladies Must Live' (WB). Aiming for satisfactory \$1,500. Last week, 'Lucky Partners' (RKO) and 'Great Gatsby' (Par), split with 'Fighting 69th' (WB) and 'Dance, Girl' (RKO), drew average \$4,000.

Loew's State (Loew's) (3,100; 15-30-40)—'Nellie Kelly' (M-G) and 'Haunted Honeycomb' (M-G). Pace a little slow, but Judy Garland still packing enough b.o. punch to pull all right \$7,500. Last week, 'Hullabaloo' (M-G) and 'Angels Broadway' (Col), so-so \$6,000.

Maty Anderson (Libson) (1,000; 15-30-40)—'Reuters' (WB) and 'Father Prince' (WB). Lack of top-notch product brings this house back to the double-features for current week. This pair probably will turn in okay \$3,000. Last week, 'Knute Rockne' (WB) on third downtown week, wound up with okay \$3,400.

Rialto (Fourth Avenue) (3,400; 15-30-40-50)—'Northwest Mounted' (Par) and 'March of Time' (U). Quite unusual for this deluxe house to hold a pic over for a second week, but that's the case on 'Mounted'. Holding over until Wednesday (20), and running along year fine \$8,000. Last week, same pic capped tremendous \$15,000, a real top b.o. figure for this town.

Strand (Fourth Avenue) (1,400; 15-30-40)—'Christmas July' (Par) and 'World in Flames' (Par). Mild \$2,600 looked for. Last week, 'Too Many Girls' (RKO) and 'Caballero' (20th), good \$3,400.

'BITTERSWEET' STUDRY \$11,500, KANSAS CITY

Kansas City, Nov. 19.—Film newcomers are in only half the first-run houses while holdovers fill the rest. Of the newcomers 'Bittersweet' at the Midland is the driver's seat with margin to spare. RKO-owned Orpheum has a pair of Paramount releases, 'Moon Over Burma' and 'Quarterback'. These were released by the four-week run of 'Northwest Mounted' at the Newman, the regular Par outlet.

Of the holdovers, 'Northwest Mounted' is the way in the van of anything the town has known with the exception of 'Wind'. Although its current (fourth) week will be only six days, film looks to grow around \$10,000. A very good figure for a first-run, repertory picture. This will make a total four weeks of around \$38,000, better than the top of any other four pictures of the past two years.

All houses rearranging schedules to provide Thanksgiving Day openings.

Estimates for This Week

Esquire and Uptown (K&E Mid-west) (820 and 2,043; 10-28-44)—'Zorro' (20th). Holds over for second week. Currently hitting nice \$5,800 after opening week's \$10,000, fine.

Midland (Loew's) (4,101; 10-28-44)—'Bittersweet' (M-G) and 'Blondie Cupid' (Col). McDonald-Eddy following lead of this house, known \$11,500. Last week, 'Hullabaloo' (M-G) and 'Girls Under 21' (Col), lightweight \$7,300.

Newman (Paramount) (1,900; 15-31-26-51)—'Northwest Mounted' (Par). Going merrily into fourth week with hold outs on weekends. Exceptional \$7,000. Last week, the

Chaplin \$22,000 on Frisco Grind; 'Letter' Dual Nice 17G in Average Wk

San Francisco, Nov. 19.

Plenty of activity on Market this week with 'Dictator' at the United Artists, 'The Letter' world-premiering at the Fox, Orrin Tucker on stage at the Gate, and 'Northwest Mounted' holding at the Warfield. But fans aren't responding as well as hoped, things remaining just average on whole with no alibis having. Not bad, not good sums it up, while the nabs continue to sing blues.

Estimates for This Week

Fox (F-WC) (5,000; 35-40-50)—'Letter' (WB) and 'Hit Parade' (Rep.). Moving along for nice \$17,000. Last week, 'Zorro' (20th) and 'Dancing Dime' (Par), okay \$16,000.

Golden Gate (RKO) (2,850; 39-44-55)—'Li'l Abner' (RKO) plus Bonnie Baker and Orrin Tucker on stage gets credit \$18,000. Last week, doing more harm than good here, Tucker in on \$10,000 guarantee plus split.

Orpheum (F&M) (2,400; 35-40-50)—'Seven Sinners' (U) and 'Blondie Cupid' (Col). Started slow, but rave reviews helping to \$9,000. Last week, 'Mummy's Hand' (U) and 'Before I Hang' (Col) surprised everybody by topping \$10,000 mark, fine.

Paramount (F-WC) (2,740; 35-40-50)—'Escape' (M-G) and 'Hullabaloo' (M-G) (2d wk.). Ought to pick up \$9,000. First week, okay \$16,000.

St. Francis (F-WC) (2,470; 35-40-50)—'Zorro' (20th) and 'Dancing Dime' (Par) (moveover). Average \$5,000. Last week, same for 'Arise Love' (Par) and 'World in Flames' (Par).

United Artists (Cohen) (1,200; 75-110-135)—'Dictator' (UA). Grinding five a day, and looks like \$22,000 on the week including Tuesday night opening. Picture heavily sold, and reviewers devoting extra space to comment, mostly favorably. Last (4th final) abbreviated week of 'Western' (U.A.) just under \$4,000.

Warfield (F-WC) (2,680; 40-50-65)—'Northwest Mounted' (Par) and 'Eyes of Navy' (M-G) (2d wk.). Holding up nicely with week's \$4,000. First week pulled okay \$22,000.

Estimates for This Week

Albee (RKO) (3,300; 33-40-50)—'Escape' (M-G). Very good \$14,000. Last week, 'They Wanted' (RKO), n.s. \$8,000.

Capitol (RKO) (2,000; 42-60)—'Northwest Mounted' (Par). Upped scale a b.o. help for a wham \$16,000. Last week, 'Too Many Girls' (RKO) (2d run), at regular 35-40-50-cent scale, slow \$3,500.

Family (RKO) (1,000; 15-28)—'Up In Air' (Mono) and 'Night Train' (20th), split with 'Before I Hang' (Col) and 'Stage Coach' (WB). Average \$2,000. Ditto last week on 'Wagon Train' (RKO) and 'Still Alive' (RKO), divided with 'Drums Desert' (Mono) and 'Girl Avenue A' (20th).

Grand (RKO) (1,430; 33-40-50)—'Voyage Home' (UA) (2d wk.). Fair \$4,500. Last week (1st), okay \$8,000.

Keith's (Libson) (1,500; 33-40-50)—'Arise Love' (Par). Moveover from Palace for second week. Mild \$3,500. Last week, 'Reuters' (WB), awful \$2,500.

Lyrie (RKO) (1,400; 33-40-50)—'What They Wanted' (RKO). Transferred from Albee for second week. Poor \$2,500. Last week, 'Western' (UA) (2d run), slow \$3,500.

Palace (RKO) (2,600; 33-40-50)—'Bitter Sweet' (M-G). All right \$10,500. Same last week with 'Arise Love' (Par).

Shubert (RKO) (2,150; 33-40-50)—'Zorro' (20th). Holding for second week. All right \$3,500. Last week, 'Arise Love' (Par) fetched excellent \$17,000 in its first week. Albee, with Tyrone Power personalling for preem.

'BITTERSWEET' \$8,000, 'LETTER' 74G, SEATTLE

Seattle, Nov. 19.

Heavy sugar hereabouts this week, with Thanksgiving expected to up the take still more. Financial leader is 'Bitter Sweet' at the Regent, which is heading for swell \$8,000. 'The Letter' at the Orpheum is close on the pace-setter's heels, with \$7,500 anticipated.

'Blue Mountain' has been removed from the ranks of first-runners, and is now a subsequent-run at pop grind prices, 15c-20c, with hopes to jell at these tariffs.

Estimates for This Week

Coliseum (Hamrick-Evergreen) (1,900; 21-35)—'Seahawk' (WB) and 'Hired Wife' (U) (2d run). Clicking to great \$4,400. Last week, 'Worming' (M-G) and 'Dance Girl' (RKO) (2d run), big \$3,800.

Fifth Avenue (Hamrick-Evergreen) (2,349; 30-40-50)—'Bittersweet' (M-G) and 'Street Memories' (20th). Back to regular policy, but reaching for excellent \$8,000. Last week, \$75c-115c 'Dictator' (UA) (2d wk.), socko \$6,600, but run ended, figuring upper-price customers: pretty well. (Continued on page 20)

Vaude Helps 'Burma' Toward Slick \$15,000, Omaha; 'Escape' \$8,900

Omaha, Nov. 19.

In spite of cold weather, Harry James band and the Four Ink Spots got away to a start at the Orpheum that's going to give them no less than a \$15,000 week. Coupled with the stage show is 'Moon Over Burma'. Prices added for all stage shows to 15c-55c.

At the Omaha, 'Escape' will go around \$8,000 largely because of the story and Shearer draw here. Second feature, 'Sky Murder', Brando is due for a better week than last and well reach \$6,000 with 'Too Many Girls' and 'You'll Find Out'.

Estimates for This Week

Omaha (Tristates) (2,000; 10-30-40)—'Escape' (M-G) and 'Sky Murder' (M-G). Okay \$8,900. Last week, 'Correspondent' (U.A.) and 'Young People' (20th), fair \$6,600.

Brando's (Mort Sanger) (1,500; 10-25-35-40)—'Too Many Girls' (RKO) and 'You'll Find Out' (RKO). Around \$8,000. Last week, 'Seven Sinners' (U) and 'Father Prince' (WB), \$8,500.

Orpheum (Tristates) (3,000; 15-40-55)—'Burma' (Par) and stage show, Harry James and the Four Ink Spots. Nice \$15,000. Last week, 'Kit Carson' (UA) and 'Boves stage unit', good \$14,300.

State (Goldberg) (800; 10-20-25)—'Boom Town' (M-G) single-featured split with 'Grip' (Rep.) and 'Daltons Ride' (U). Just fair \$800. Last week, 'Love Again' (M-G) and 'Howards Virginia' (Col), split with 'Sea Hawk' (WB) and 'Wildcat Bus' (RKO), pretty good \$800.

Town (Goldberg) (1,500; 10-20-25)—'Triple Justice' (RKO), 'Demon Barber' (Select) and 'Return Frog' (Select), triple, split with 'Man Baited' (M-G), 'Phantom Ranger' (Cap) and 'Sea Hawk' (WB), 'Blackmail' (M-G) and 'Singing Dude' (WB). Slow \$700. Last week, 'Young Hickok' (Rep.), 'Faces West' (Mono) and 'Man Talker' (M-G), (WB) triple, split with 'Sundown Saunders' (Cap), 'O'Connor' (M-G), 'Royal Road' (WB) and 'Howards Virginia' (Col) and 'Stand Up Fight' (M-G), fair \$800.

Avenue Military-Dundee (Goldberg) (850; 300; 600; 25)—'Boom Town' (M-G) single-featured, split with 'Daltons Ride' (U) and 'Sailor's Lady' (20th). 'Pretty good \$1,100. Last week, 'Sea Hawk' (WB), 'Wildcat Bus' (RKO), good \$1,100.

Philly Slow; 'Ramparts' Good \$6,500 On Ban Bally, 'River'-Calloway-Mills, 23G

Philadelphia, Nov. 19. Nothing much to cheer about at the downtown boxoffices, with post-election doldrums still staying put. Couple rainy days for the tall end of the week made for an added damper, with little blame to be shouldered by the 'Ice-Capades of 1941.' Ice show opened Wednesday (13) at the Arena and reported to be playing to comparatively small audiences. Eddie Cantor headlined a benefit show on Sunday (17) at the Broadwood hotel, drawing an overflow crowd of 4,000. But for the rest, pic houses had a clear field, which only turned out to be cloudy. 'Bittersweet' is leading the field at the Boyd, but the \$16,000 expected is short of what a Nelson Eddy-Jeanette McDonald combo pulls in these parts. On a comparative basis, 'Ramparts We Watch' makes for the biggest hurrah at the Stanton. Prebanned in the state, it's reaping hefty \$6,500. Vaudeville Earle stepping out of rut with 'East of the River'-Calloway-Mills.

Estimates for This Week
Aldine (WB) (1,303; 74c-11.14)—'Great Dictator' (UA) (4th wk). Dropping off to \$12,500 and hardly strong enough to hold for fifth brace. Third stanza, fairish \$15,500.

Arcadia (Sablowsky) (35-46-57)—'Third Finger' (M-G) (2d run-2d wk). Okay \$3,000, after \$3,600 in first stretch.

Boyd (WB) (2,758; 45c-57-68)—'Bittersweet' (M-G). Always a warm spot for an Eddy-McDonald flicker in these corners, both accepted hometowners, but \$16,000 is hardly a gala homecoming. Last week h.o. Arise Love (Par) did terrific nose-dive, dipping to \$7,000 after clicking to the tune of \$16,300 in first week.

Earle (WB) (2,758; 35-46-57-68)—'East River' (WB) with stage show headed by Cab Calloway's orch and Mills Bros. Latter like manna from heaven, if the \$23,000 anticipated materializes after a rock-bottom \$17,000 week previous with 'Want Divorce' (Par) and Ken Murray.

Fox (WB) (2,423; 35-46-57-68)—'Zorro' (20th). Doing okay with \$15,000, the best hope for last week. 'Rhythmic River' (Par), disappointing \$11,500.

Karlton (WB) (1,068; 35-46-57-68)—'Moon Burma' (2d run). Seeing a new house, management considering it plenty lucky if the total tallies \$1,900. Last week, 'Hired Wife' (U), \$3,600 for second trip.

Keith's (WB) (1,970; 35-46-57-68)—'Arise Love' (Par) (2d run). This one holding up fairly well for second running, aiming at \$3,500. Last week, 'Reuters' (WB), poor \$3,100 in second week.

Stanley (WB) (2,916; 35-46-57-68)—'Escape' (M-G) (2d wk). Slipping fast and will add \$11,000 quite likely after banner \$19,000 for first of fortnight.

Stanton (WB) (1,457; 35-46-57)—'Ramparts Watch' (RKO). Pa. Censor Board can take the bow for bawling this to \$6,500 in first week. 'Tugboat Annie' (WB), fair \$3,300.

'ZORRO' NABS \$7,200 IN 10 DAYS, PORT., ORE.

Portland, Ore., Nov. 19. Thanksgiving Day this week will help the b.o. of all major spots, with only two new shows dividing top honors and getting over to nice biz. 'Arise, My Love' at the Orpheum and 'Seven Sinners' at the Broadway. 'Escape' at the little UA is the best h.o., since 'Great Dictator' was pulled after only one week.

Estimates for This Week
Broadway (Parker) (2,000; 35-40-50)—'Seven Sinners' (U) and 'Argentine Nights' (M-G). Average \$2,200. Last week, 'Dictator' (UA) \$5-11.10 went over to good \$12,800, and was pulled after the one week.

Mayfair (Parker-Evergreen) (1,500; 35-40-50)—'North West Mounted' (Par) (4th wk-first two to Paramount). Still holding up to par, \$2,700. Third week did better than average with \$3,500.

Orpheum (Hamrick-Evergreen) (1,800; 35-40-50)—'Arise Love' (Par) and 'Spitfire' (RKO). Good \$5,000. Last week, 'Burma' (Par) and 'Round Mountain' (Par), okay \$4,800.

Paramount (3,000; 35-40-50)—'Zorro' (20th) and 'Still Alive' (RKO). Holding for 10 days to satisfactory \$7,200.

United Artists (Parker) (1,000; 35-40-50)—'Escape' (M-G) and 'Slightly Tempted' (U). Making a good record in its second week with fine \$4,500. Last week this small house had to turn customers away, winning a great \$6,500.

Key City Grosses

Estimated Total Gross
This Week \$1,661,000
(Based on 26 cities, 178 theatres, chiefly first runs, including N. Y.)
Total Gross Same Week
Last Year \$1,648,400
(Based on 26 cities, 178 theatres)

'Mounties' 2d Wk. \$6,500, Still Best In Shivery Indpls.

Indianapolis, Nov. 19. The mercury hit a new season's low over the week-end, and grosses at box offices in the downtown area produced a reasonable facsimile. Besides the weather, theatre managers have another alibi in pre-Christmas shopping, for while downtown streets are well peopled, not enough of the natives are touring to a seat in a picture house during matinees, and night traffic is no heavier.

Circle is still healthy in its second week of 'North West Mounted Police.' Loew's is only average with 'Kit Carson' (U). Always a home, Indiana is suffering with lay fever, having given top play to Lum and Abner in 'Dreaming Out Loud,' doubled with 'Too Many Girls.' Lyric is also off with 'Hit Parade of '41' and 'Hollywood on Loose' on stage.

Estimates for This Week
Circle (Katz-Dolle) (2,600; 35-44-80)—'North West Mounted' (Par) (2d wk). With upped prices, okay \$6,500. Last week, 15th \$14,000.

Indiana (Katz-Dolle) (3,100; 25-30-40)—'Dreaming Out Loud' (RKO) and 'Too Many Girls' (RKO). Not pulling as expected to disappointing \$5,000. Last week, 'Zorro' (20th) and 'Yesterday's Heroes' (20th), average \$7,300.

Lyric (Lyric) (2,400; 25-30-40)—'Kit Carson' (U) and 'Kidnate Goes Home' (M-G). Average \$7,500. Last week, 'Dictator' (UA) (2d wk.), at \$11.10 top, very sad \$4,500. 'Lyric' (Lyric) (1,900; 25-30-40)—'Hit Parade' (Rep) and 'Hollywood on Loose' on stage. Red \$8,500. Last week, 'Great Profile' (20) and Russ Morgan's orchestra, just over the black line at \$10,000.

'NELLIE' NEAT \$13,000, 'ZORRO' 7½G, PROV.

Providence, Nov. 19. More average takes are being registered hereabouts this week, with no holiday to hype biz. Since Rhode Island won't celebrate its Thanksgiving until the traditional last Thursday, school children are about the only ones to get a break with the President's proclamation and should help the next season.

Loew's State looking happy again with 'Little Nellie Kelly.' Strand doing fine holdover biz with 'Arise, My Love.' Majestic doing nicely with 'The Mark of Zorro.'

Estimates for This Week
Albee (RKO) (2,200; 28-39-50)—'Tropics' (U) and 'Still Alive' (RKO). Fair \$5,000. Last week, 'Pastor Hall' (UA) and 'Spitfire' (RKO), spurred for swell \$4,400.

Carlton (Fay-Loew) (1,400; 28-39-50)—'Seven Sinners' (U) and 'Father Prince' (WB) (2d run). Okay \$2,000. Last week, 'Reuters' (WB) and 'Big Heaven' (U) (2d run), good \$2,500.

Fay (Indie) (2,000; 15-28)—'Youth Served' (20th) and 'Trailing Double Trouble' (Monro). Stepping along to \$4,400. Last week, 'Frontier Vengeance' (Rep) and 'Margie' (U), good \$4,500.

Majestic (Fay) (2,200; 28-39-50)—'Zorro' (20th) and 'A Wife's Bride' (WB). Stepping along nicely for good \$7,500. Last week, 'Seven Sinners' (U) and 'Father Prince' (WB), strong \$8,000.

State (Loew) (2,200; 28-39-50)—'Nellie Kelly' (M-G) and 'Passport Alcatraz' (Col). Showing nice gain and heading for neat \$13,000. Last week, 'Dictator' (UA) (2d wk), poor \$3,900.

Strand (Indie) (2,000; 28-39-50)—'Arise Love' (Par) and 'Melody Moonlight' (Rep) (2d wk). Still rolling strong, and set for nice \$7,000. Knocked off swell \$11,000 in opening session.

'ZORRO'-YOUTH' BEST IN B'KLYN AT \$18,000

Brooklyn, Nov. 19. Satisfactory attendance at all downtown deluxers, with topnotch results at RKO Albee, displaying 'Mark of Zorro' and 'Youth Will Be Served.'

Estimates for This Week
Albee (RKO) (3,274; 25-35-50)—'Mark of Zorro' (20th) and 'Youth Served' (20th). Attractive \$18,000. Last week 'Little Heaven' (U) and 'Mexican Spitfire' (RKO) ditto. Fox (Fabbian) (4,089; 25-35-50)—'East River' (WB) and 'Blondie Cupid' (Col). Okay \$15,000. Last week, 'Knute Rockne' (WB) and 'Melody Moonlight' (Rep) (2d wk), satisfactory \$14,500.

Met (Loew's) 3,618; 25-35-50)—'Spring Parade' (U) and 'Outsider' (Alliance). Good \$17,000. Last week, 'Strike Up Band' (M-G) and 'Diamond Frontier' (U) (2d wk.), passable \$15,500.

Paramount (Fabbian) (4,126; 25-35-50)—'Arise Love' (Par) and 'Pepper Trouble' (Col) (3d wk). Okay \$13,000. Last week \$15,500.

Stanton (WB) (2,870; 25-35-40)—'Leather Push' (U) and 'Ride, Tenderfoot' (Rep). Quiet \$4,000. Last week, 'World Flame' (Par) and 'Margie' (U) good \$5,500.

'ARISE' \$7,500 LEADS MEMPHIS

Memphis, Nov. 19. Boxoffice is responding to 'Arise My Love,' the New Malco attraction being easily the best money-getter of the week. Colbert-Milland romance started nicely and zoomed over the weekend, shooting well ahead of 'Mark of Zorro,' across the way. Loew's State latter is not doing badly, however.

'Escape' rates so-so in its second week at Loew's Palace after a terrific opener. The Warner has Republic's 'Hit Parade of 1941' and is finding business satisfactory.

Estimates for This Week
Loew's State (Loew) (2,600; 10-33-44)—'Zorro' (20th). Good enough to rate fairish \$5,500. Last week, 'Too Many Girls' (RKO), four days, and 'Men Against Sky' (RKO), three days, \$2,800, bad.

Warner (Warner) (2,300; 10-33-44)—'Hit Parade' (Rep). This one is doing better than expected. Might nab as much as \$3,600. Last week, 'East of River' (WB), \$3,700, fair.

New Malco (Lightman) (2,800; 10-33-44)—'Arise Love' (Par). Rave word of mouth and press reports spun this one ahead for weekend all good opening. Should take easy \$7,500. Last week, 'Christmas July' (Par) and 'World in Flames' (Par), \$3,650, about as expected.

Loew's Palace (Loew) (2,200; 10-33-44)—'Escape' (M-G) (2d wk). Fox not bad at \$3,000. Last week, \$6,600, whameroo.

Strand (Lightman) (1,000; 10-22-33)—'Grand Ole Opry' (Rep), three days, 'Before a Stranger' (WB), two days, and 'So Won't Talk' (Col), two days. Should get good \$2,000. Last week, 'Scatterbrain' (Rep), three days, 'Fugitive Prison Ramp' (Col), two days, and 'Devil's Pipeline' (RKO), two days, \$1,800, about average.

'Argentine'-Woody Herman 17G, Cleve.

'Arise' 10G, Durbin Ditto—Chaplin Strong \$11,000 On 3d Sesh

Cleveland, Nov. 19. Unexpected first snow storm, that skidded autos in traffic jams and kept many show shippers home, held down the gateway of most houses last Friday (15). Cold weather didn't phase the jitterbugs who gave Woody Herman's orchestra and Doris Argento 'Way' a breezy send-off that is keeping Palace in first place.

'Arise My Love' at State and Hipp's 'Spring Parade' much the same, and that for what will be an okay take. 'Great Dictator' going surprisingly fine at Stillman on third round, pulling more consistently than it has in other middle-western cities, despite hypoco.

Estimates for This Week
Allen (RKO) (3,000; 30-35-42-55)—'Seven Sinners' (U). Ordinary \$2,500 on a jumpover week. Last week, 'Knute Rockne' (WB), all right at \$2,000 for five days on third lap.

Hipp (Warner) (3,700; 30-35-42-55)—'Spring Parade' (U). Drawing more Durbin fans after two evenings. Set for Thursday openings helping it a bit toward fairly

'Dictator' In 2 L. A. Houses Rolls Up 30G, Aided by \$3,500 Preem; 'Bitter' 21G, 'Hair' \$12,500, 'Mounties', 3d 16G

Broadway Grosses

Estimated Total Gross
This Week \$387,000
(Based on 12 theatres)
Total Gross Same Week
Last Year \$356,700
(Based on 12 theatres)

'ZORRO' - VAUDE OK \$18,000 IN WASH.

Washington, Nov. 19. Comparison is tough this week with three major spots playing full week and other three chopping to six days to make way for Thanksgiving Day openings. Earle and Met, two key WB houses, are taking this opportunity to officially shift from Friday to Thursday openings, leaving only Keith's still clinging to Fridays.

Tops easily is 'Mark of Zorro,' at Capitol, with other vaude spot, Earle, second with 'Moon Over Burma' for six days, no names on either stage. Big disappointment is 'Little Bit of Heaven,' dying despite hefty bally via two-day visit of Gloria Jean. Kid couldn't make p.a. due to strict child labor law here, but she hits the papers plenty via banquets and stunts outside theatre.

Estimates for This Week
Capitol (Loew) (3,434; 28-39-44-66)—'Zorro' (20th) and vaude. It's all up to pic, which is leading town with oke \$18,000. Last week, 'Hullabaloo' (M-G) and 'Fanny' (Par), 'American Review,' miserable \$12,000.

Columbia (Loew) (1,234; 28-44)—'Argentine Way' (20th) (2d run). Backstage fair week at Palace and will see nice \$5,000. Last week, 'Westerner' (UA) (2d run), good \$5,500.

Earle (WB) (2,216; 28-39-44-66)—'Moon Over Burma' (Par) and vaude. Just Lamour and her new bob for average \$13,500, six days. Last week, 'Reuters' (WB) and vaude, n.g. \$13,500.

Keith's (RKO) (1,830; 39-55)—'Bat Hound' (U). Diving toward new house low with \$4,500 in six days. Last week, 'Voyage Home' (UA), surprised with solid \$9,000.

Met (WB) (1,600; 28-44)—'Rhythm River' (Par) (2d run). Back down to register more than okay \$10,000. Last week, 'Abe Lincoln' (RKO) (2d run), strong \$7,000 in first local showing at pop prices.

Palace (Loew) (2,242; 75-110)—'Great Dictator' (UA) (2d wk.). Holding to oke \$15,000. Last week, big \$29,000.

'Argentine'-Woody Herman 17G, Cleve.

'Arise' 10G, Durbin Ditto—Chaplin Strong \$11,000 On 3d Sesh

Cleveland, Nov. 19. Unexpected first snow storm, that skidded autos in traffic jams and kept many show shippers home, held down the gateway of most houses last Friday (15). Cold weather didn't phase the jitterbugs who gave Woody Herman's orchestra and Doris Argento 'Way' a breezy send-off that is keeping Palace in first place.

'Arise My Love' at State and Hipp's 'Spring Parade' much the same, and that for what will be an okay take. 'Great Dictator' going surprisingly fine at Stillman on third round, pulling more consistently than it has in other middle-western cities, despite hypoco.

Estimates for This Week
Allen (RKO) (3,000; 30-35-42-55)—'Seven Sinners' (U). Ordinary \$2,500 on a jumpover week. Last week, 'Knute Rockne' (WB), all right at \$2,000 for five days on third lap.

Hipp (Warner) (3,700; 30-35-42-55)—'Spring Parade' (U). Drawing more Durbin fans after two evenings. Set for Thursday openings helping it a bit toward fairly

good \$10,000. Last week, 'Seven Sinners' (U) way off at about \$5,000.

Lake (Warner) (3,000; 25-40)—'World in Flames' (Par) and 'Cherokee' (Par). Realistic war film apparently scaring them away. Barely \$10,000 indicated. Last week, 'Men Against Sky' (RKO) and 'Married Adventure' (Col) did better, \$14,000.

Palace (RKO) (3,200; 30-35-42-55)—'Argentine Way' (20th) plus vaude. Woody Herman's orchestra and film with heavy exploitation lines showing smart returns, perhaps \$17,000. Last week, 'East River' (WB) and 'Streets of Paris' stage unit pulled up in last stretch, but still won nearly \$20,000, grand.

State (Loew's) (3,450; 30-35-42-55)—'Arise Love' (Par). Although awarded best of notices, it's a bit too light or sophisticated for natives to register more than okay \$10,000. Last week, 'Escape' (M-G) had power, \$14,500.

Stillman (Loew's) (1,972; 75-110)—'Dictator' (UA). Sailing into this week blithely, blown by winds worth \$11,000, after scooping up excellent \$16,000 on second week.

(Best Exploitation: Hawaii)

Biz generally up on current stanza although some of the first runs will not crash any new records. Big event locally was the debut of Charlie Chaplin and Great Dictator, showing simultaneously at the Carthy Circle at a two-day reserved seat policy, and downtown at the United Artists on a grind, no reserved seat plan. Last week, (14) at the Circle at a \$5.50 top, garnering about \$3,500 on that showing. Thereafter the customary road show prices of \$1.10 top at mats and \$1.65 at nights, the prevailing fare, garnering about \$30,000 at both houses.

Paramount is holding 'North West Mounted' for third week with a fourth stanza. Last for Paramount radio show on the stage Sunday night (17) drew capacity house and pushed the gross \$1,500 over the average Sunday.

RKO and Pantages piled up lucrative first week on the Deanna Durbin opus, 'Spring Parade,' which sticks for extra three days. At Loew's State and Grauman's Chinese, 'Bitter Sweet' is fair. Warners are doing so-so with 'Lady With Red Hair.' Hollywood house being in the lead due to a Bette Davis advertised preview early in the endgame.

Hawaii theatre went to town on exploitation for 'Queen of Destiny,' resurrecting a number of old stunts and some new ones for a pageant lure. Special morning screening was staged for the British consulate and staff as well as members of the A. Board of education. Luncheon was tossed the Brown Derby, presided over by Producer-Director Herbert Wilcox and Anna Neagle, who stars in film, with newspapermen and education officials as guests. Event was broadcast over KMTB. Direct mail campaign was conducted and usual library tieups were made. Reviews of picture were broadcast each evening on Hollywood 'Bitter-Sweet' Round program.

For 'Merry-Go-Round' George Watters made an effective tieup with Hershey's Chocolate Co., whereby firm supplied samples of the bittersweet candy and provided cards which were distributed on downtown streets. Only expense to theatres was imprints cards and for the girls.

Estimates for This Week
Carthy Circle (F-WC) (1,516; 83c-1.10)—'Dictator' (UA). Long-awaited Chaplin opus, going up to a \$5.50 preem (14) and following day started two-day engagement. Started slowly and outlook for first (Continued on page 20)

'Zorro', 'Escape' Each \$3,700, Lincoln Fine

Lincoln, Neb., Nov. 19. 'No Time for Comedy' and 'Mark of Zorro' heading for the most profitable biz this week in Lincoln, with 'Escape' showing more b.o. stalling and 'No Time for Comedy' when booked.

Unusual occurrence this week is the Variety's stage bill, 'Pardon Us, Please,' the Charles Seidner unit. Vaude act, 'No Time for Comedy,' three days, and did a fair job of pulling patronage.

Estimates for This Week
Colonial (Monroe-Noble-Federer) (750; 10-15)—'Frontier Vengeance' (Rep) and 'Trapped Sky' (Col), split with 'Out West Peppers' (Col) and 'Roaring Dan' (U). Usual \$800. Last week, 'Western Gold' (20th) and 'Babies Sale' (Col), light \$700.

Lincoln (J. H. Cooper-Paramount) (1,508; 10-25-40)—'Zorro' (20th). Dames going for it mostly, although \$3,700 is okay. Last week, 'Spring Parade' (U), wasn't up to expectancy, but came in with \$3,800, helped by big football weekend.

Nebraska (J. H. Cooper-Paramount) (1,236; 10-20-25)—'Golden Gloves' (Par) and 'Public Deb' (20th). In for six days only. Likely \$1,600, good \$1,400. 'Please Come Back' (Par) and 'Mystery Sea Raider' (Par), got pretty fair \$2,000 bucking a severe cold blast.

Stuart (J. H. Cooper-Paramount) (1,894; 10-25-40)—'Frontier Vengeance' (Rep) and 'Trapped Sky' (Col), split with 'Out West Peppers' (Col) and 'Roaring Dan' (U). Usual \$800. Last week, 'Western Gold' (20th) and 'Babies Sale' (Col), light \$700.

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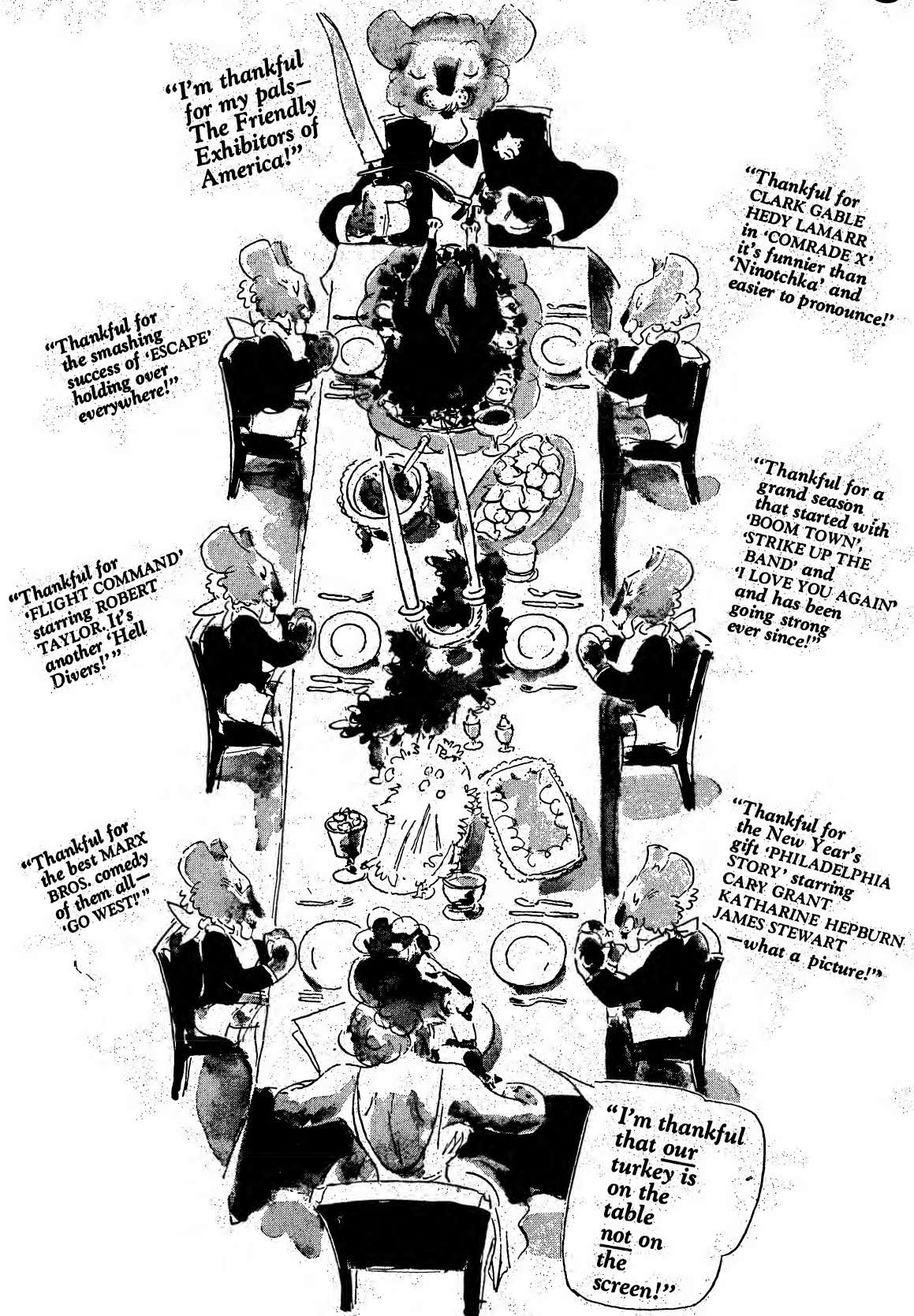
Stuart (J. H. Cooper-Paramount) (1,894; 10-25-40)—'Frontier Vengeance' (Rep) and 'Trapped Sky' (Col), split with 'Out West Peppers' (Col) and 'Roaring Dan' (U). Usual \$800. Last week, 'Western Gold' (20th) and 'Babies Sale' (Col), light \$700.

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MR. AND MRS. LEO

They Celebrate Thanksgiving!



U. S. Distributors Look to \$800,000 Jap Rental Coin in S.F. Escrow

With no money being remitted from Japan at the present time and an unfavorable outlook for distribution next year, chief interest of American distributors now in the Nipponese market is getting the coin out of the Yokohama Specie bank, San Francisco, next year. Foreign executives expect the money, \$800,000, to be released next June. This represents the combined rental money collected in Japan after the government froze all money there soon after the Sino-Japanese war began.

At the time this pact was made, the U. S. distributors were allowed to distribute 240 pictures for the ensuing year, 1939. The number was trimmed about in half for 1940 with permits problematical. Recent months. Not a cent has come from Japan, since the pact on \$800,000 was consummated late in 1938.

Sole break that the American companies will get out of the Japanese situation, that this lump sum is realizable in American dollars and not subject to any decline in the value of the yen. That is one of the principal reasons that the U. S. distributors agreed to allow this money to be tied up for three years.

David Niven Sought For British War Pic; Les Fenton to Direct

London, Nov. 5. Anglo-American, distrib organization hitherto inactive on production, has announced plans for film-making, with a high-budget feature showcasing activities of service branch responsible for jacking Nazi time-bombs from the danger zone. "Bomb Squad" is understood set as vehicle for David Niven, with deal governed by military headquarters' aid in arranging his release from duty.

Leslie Fenton will direct "Bomb Squad" under producer setup of Gerry Freeman, Anglo's managing director. Megger is stated here to have been brought specially over from Hollywood, accompanied by wife, Ann Dvorak, who is slated to fill romantic niche. Earlier Hollywood report stated Fenton was enroute this side solo for military duty.

Scripting is complete, and plan is to roll feature before end of the year. Anglo-American will aim for worldwide release on this one and subsequent pics are indicated.

Pascal, With 'Barbara' Neg, Due Over Dec. 23

Gabriel Pascal will risk his original negative and master print of "Major Barbara" in a flight by clipper from Lisbon to New York next month. Producer is due Dec. 23. He recently completed filming the George Bernard Shaw story at Denham, England.

Usual practice in shipping film over dangerous routes is to transport only a lavender print. Pascal can save time, however, by working on cutting and dubbing of the English version right up to the time he must catch the clipper and then continue his work on the American version in this country. Film will be distributed by United Artists.

Difficulties of working on the picture have considerably eased during the past six weeks, Pascal cabled. In addition to a letup in the intensity of the air raids, system of roof lookouts was set up so that the staff wasn't forced into a shelter every time the siren sounded, but only when danger appeared imminent at Denham.

After his first trip to London in several weeks, Pascal cabled: "I was more impressed by what damage had not been done than by what had been done."

Step-up in Anglo-American (British) sales office has Vivian Parsons moving in as general sales manager from supervisor post.

Mex. Exhibs Nixed On Personnel Slash

Mexico City, Nov. 19. Operators of the Cines Variedades and Estava, two of the biggest film-eries in Vera Cruz, had to back down on their decision to pare their personnel, even though this was to have been an economy action because of bad biz.

The exhibitors gave in and ended a strike that lasted a month. The help went on strike to compel the exhibitors to maintain full staffs. The federal labor department is having a hard time to decide whether or not the help should draw wages for the period during the strike. The exhibitors aver that if this pay is allowed, they will have to quit.

SHOW BIZ BOOST IN MEX SEEN IN 1941

Mexico City, Nov. 19.

Jitters about the political-economic situation and fears for the future have just about quit the amusement biz now that Washington has officially recognized President-elect Gen. Manuel Camacho, the government candidate in the elections of July 7, with President Roosevelt appointing V.P.-elect Henry A. Wallace as his personal rep at the inauguration of Camacho, slated for Dec. 1.

This Roosevelt action is generally accepted as settling the Mexican political situation, which, for nearly a year, had been plenty disturbing and, coupled with very bad economic times, had skidded amusement biz. The industry now looks for a decided upswing.

Nothing big in that direction is looked for until the turn of 1941, when the new government can really get down to biz. The amusement industry is reconciled to counting 1940 the worst year in its peacetime history. It had worse 12 months during the armed phase of the revolution 20 years ago.

DANGER—DEATH AT WORK

Composers for Mexican Film Die After Getting Assignment

Mexico City, Nov. 19. Death played a strange trick with music-writing assignments for the pic, "Ay, Que Tiempos Señor Don Simon" (Those Were the Days, Señor Simon). Manuel Castro Padilla, noted composer and impresario of the Teatro Litrico here, where Lupe Velez first came to notice, died soon after he got the assignment. The writing was then assigned to Silvestre Revueltas, another big-time composer. But he passed on, just when he had started the job.

The assignment has now been accepted by Raul Lavista, a youngster who has made his mark. Lavista's friends warn him that he may become a victim of the rule of three. But he laughs at them and is determined to finish the music. Pic, which features a glorified can-can, is scheduled for release early in 1941.

G.U.T.'s 220G Profit

Sydney, Nov. 1.

Greater Union Theatres reported profit of 44,000 pounds (\$220,000 at par sterling) for the first 10 months this year.

Theatre chain only had product from Universal, Columbia, Republic and Monogram.

Greenhouse Due in N. Y.

Dan Greenhouse, RKO manager for Philippines, expected in New York this week from the Coast.

He's on vacation.

Will Fyfe signed to character role in Warner's "Empire Was Built," being made in England.

In London Studios

London, Nov. 5. RKO's "A Gift to His Majesty" into work as second on Bill Siström's program.

Sally Gray signed for femme lead in "The Saint's Vacation," opposite Sebastian Shaw in name role. RKO feature underway last week.

Gainsborough's "Ghost Train" completed roster with signing of Kathleen Harrison, Peter Murray-Hill, Morland Graham, Carol Lynne, Betty Jardine, Stuart Latham, Herbert Lomas, Linda Travers and Ray Huntley. Maurice Ostrer producing.

BRITISH STUDIO CONTROL SEEN

London, Nov. 5.

New wrench in being readied for fast into British production machinery if off-the-record talk is to be believed here. Understanding is confabs are presently being held between Board of Trade and producers on matter of restricting studio space. Rule would see government control of all available stages.

Behind the project, the report continues, is government's newly-bowed insurance setup for film-makers. By cutting down on number of locations, thus would be reduced liability arising from bombings of now widespread studio sites.

Mexican Gov't Gives Oscars for Drama, Music, Film Scripts

Mexico City, Nov. 19.

Congress has okayed the ministry of public education's ambition to do a little Oscar on its own. The ministry can now award annually seven cash prizes of \$10,000 (Mex) each to each Mexican man or woman who makes the best showing of the year in literature (fiction or fact), poetry, drama, picture writing, music, plastic arts and scientific investigations.

Picking is to be done by a commission representing the ministry and the National University of Mexico.

Insure Nat'l Theatre For \$20,000,000 (Mex.)

Mexico City, Nov. 19.

The Palace of Fine Arts (national theatre), which cost \$30,000,000 (Mex.) (\$60,000,000 U. S.) to build over a period of 25 years, has been insured for \$20,000,000 (Mex.) (\$40,000,000 U. S.) by a syndicate of Mexican underwriters. Policy protects the Palace against fire and accidents.

This is said to be the heaviest insurance coverage of any theatre in Latin America.

London In Wartime

London, Nov. 5.

Apartment of William Sassoon, French refugee, film producer, burgled. Among things snatched were his wife's three fur coats, valued at \$10,000.

Metro's Empire is only picture theatre in West End, which has a permanent crew of air-raid spotters.

Marion Harris slightly injured when her home in London was hit by bomb, but still refuses to sleep in air raid shelter.

Reported killed in air raid in provinces is Navarre, some years ago stooge for Fred Sanborn. He became quite a name as single on the air for British Broadcasting Corp. Was 45 years old.

Government just closed deal to provide entertainments in tube station shelters. Will be of 30 minutes' duration, with each company doing three shows nightly, covering route by special train provided by the transport company.

Bud Flanagan practically decided, and changed his mind the last minute, to take cottage in country

Stage Unions Draft Plan in England For Relief of Unemployment Problem

Real Gun Used in Picture Nearly Causes Tragedy

Mexico City, Nov. 19.

Too much realism provoked a near-shooting tragedy during the making of a pic in a local studio. The action called for Fernando Fernandez, pop radio singer, to be shot by his brother, Emilio, a pic actor. Fernandez collapsed, shot in the stomach by a real bullet. He will recover. Emilio has been exonerated.

There was an ironic coincidence in this affair. Emilio's pic pistol and cartridge were provided by mistake by Pablo Granjean, property man, whom Emilio wounded in a shooting scrape last year, a fight that was not for pix. Granjean convinced the police that he had provided a real bullet instead of a blank purely by mistake.

20% OF BRITISH FILMERIES SHUT

London, Nov. 5.

Blue-tinted picture of film biz here was painted at meeting of Kinematograph Renters Society in considering present financial blitz. It was stated 20% of cinemas in the country are now closed, with number rising steadily with continuing drop in attendance.

A further unsatisfactory viewing was obtained from news KRS is holding weekly meetings to deal with cases of coin-hits exhibs unable to meet bills for rental hire.

On the other hand, Sam Eckman, Jr., Metro's British chief, recently stated his company's figures for the previous eight weeks showed better biz than for same period a year ago.

Hustle to Pep Output Of Low Mex. Pic Prod.

Mexico City, Nov. 19.

Mexican pic producers will have to do some tall hustling if they want to save 1940 from being the lowest output year in their history, for up to Oct. 31 only 19 features had been completed. Ten of these pics have been exhibited, not one being outstanding.

There are hopes that the \$35,000 provided as an advance by the Calderon Bros. for the completion of 10 pics for their cinema circuit in the southwestern U. S. will bring 1940 production to at least 29 features by Dec. 31.

owned by Desiree Elinger, but which was taken by Harry Sylvester. A few days later bomb blew cottage up.

Princes restaurant, once ace cabaret, which housed such attractions as Three Revellers, Ben H. B. Frances Day and Jack Smith, an air raid victim. Also the famed Drury Lane theatre.

General Theatres and Moss Empires have moved their offices from Cranbourn street, London, to Great Missenden.

Maurice Elvey to direct film for the Ministry of Information.

Phin. Balcon, brother of Michael, received commission in the Royal Air Force.

Wife of Harold French killed in their London flat during air raid. Their little girl was evacuated recently to Ian Hunter's place in Hollywood.

Robert Douglas had to make a forced landing recently, and was slightly damaged, but returned to duty almost immediately.

London, Nov. 5.

Faced by conditions of unusual hardship in the ranks, combined performer and technical unions have met with theatre managers to set up an emergency committee to handle the problem. Idleness extends throughout whole of the profession due to complete shutdown of London legit and vaude houses. When a definite slate has been formulated, emergency committee will tackle Parliament with a plan for aid.

Scenic artists' position is particularly tough, hit by both war shuttering and harsh economy rules now in force where shows are playing. Artists have no union, so can raise no effective squawk against inroads being made on profession by ordinary stagehands called in to rehabilitate old sets or do on-the-spot touching up.

Musicians' union is carrying a platform for use of instrumentalists as against numberless amateur players being offered work in wartime shows. Wider play to Sunday opening for legit houses on the musical-concert setup provides obvious break for musicians group.

British Exhibs Split On Sunday Openings Due to Charity Tariff

London, Nov. 8.

Appeal to exhibs to get behind drive for nation-wide Sunday opening is being nixed in many quarters by refusal of house-owners to go for the Sabbath trade unless Charity Tax is axed completely. Number of key towns have turned down Sunday opening chance even when made available by authorities; others have failed to apply for renewal of existing Sabbath license, grounds being given that charity levy makes it unprofitable to the exhib to operate that day. Tax percentage in some cases can run as high as 25%.

Cinematograph Exhibitors Assn. had recently attempted to link up branches for a drive on Parliament to sanction Sunday opening. At the moment it is controlled by local authorities.

DAVID ROSE STILL STALLED IN LISBON

David E. Rose, Paramount's managing director in Great Britain, again was delayed last week in getting away from Lisbon for U. S., when departure of his Clipper plane was postponed because of unfavorable flying weather. Rose planned to be in N. Y. by the end of last week on his first visit since heavy bombing attacks began on London. His family has been in U. S. for several months. Rose is coming to make a first-hand report on latest developments, the distribution setup and studio conditions in Great Britain. He also will tell John W. Hicks, Jr., foreign sales chief, just how much damage has been suffered by Paramount properties on the British Isles. Rose was supposed to visit N. Y. the middle of this year but postponed the trip because of the press of immediate business at London.

Fernando Wagner Sets Pix Stars for Mex Legit

Mexico City, Nov. 19.

Fernando Wagner, who did well with his Pan-American theatre here last summer, has arranged a new season, tentatively scheduled to open next month at the Palace of Fine Arts (National Theatre), that will be an innovation because his company is to include some of Mexico's leading pix stars.

Wagner is to open with "Anna Christie" and has signed for the femme lead, Isabella Corona, the pic actress. Her supports are to be Arturo de Cordoba, making his stage debut, and Stella Inda.

OPENING EVERYWHERE THIS HOLIDAY WEEK!

following spectacular World Premiere limited to one week only at the Roxy, N. Y., with Kay and his band in person!

Eileen Creelman, N. Y. Sun:

"This Kay Kyser is a super showman... 'You'll Find Out' is a mystery melodrama, and it also is fun."

Archer Winsten, N. Y. Post:

"Lively, and full of all the tricks of the thriller trade... In addition, the band plays, the comics indulge in humor, Ginny Simms sings and all the kids seem to have a good time."

Film Daily:

"A surprise package of swell popular entertainment... Novel and highly amusing... Lots of laughs."

Hollywood Variety:

"A laugh riot from start to finish."

Motion Picture Daily:

"Lively, fast-moving box-office merchandise which should be easy to sell and should leave the customers laughing."

Los Angeles Examiner:

"The audience ate it up. A great dish of entertainment. For laughs combined with chills, you can't beat it."

Kate Cameron, N. Y. Daily News:

"Had the Roxy Theatre audience in a dither of shakes and shouts."

Jimmy Starr, L. A. Herald-Express:

"If you don't mind seeing a picture from the floor, that's where you'll be when you're through laughing at Kay Kyser in 'You'll Find Out.'"

L. M., N. Y. Daily Mirror:

"Fans will go for this with open arms... a lot of entertainment."

Phil Scheuer, L. A. Times:

"Most successful example of its kind."

Cecelia Ager, PM:

"The Roxy has surrendered to Kay Kyser... everybody, cashiers included, seems to be happy about the whole thing."

Motion Picture Herald:

"A welcome dish of picture entertainment... Audience in New York roared with enjoyment... Applause greeted the interludes devoted to music."

Hollywood Reporter:

"A sure hit. Should pass the exceptional box-office record made by Kay Kyser's first picture."

Harry Mines, L. A. News:

"Riotously funny combination of mystery and music. It's a winner."



KAY KYSER

IN THE MYSTERY WITH MUSIC

YOU'LL FIND OUT

WITH THOSE THREE BAD BAD-HUMOR MEN

PETER BORIS BELA
LORRE · KARLOFF · LUGOSI

HELEN **PARRISH**

DENNIS O'KEEFE · ALMA KRUGER and KAY KYSER'S BAND
featuring **GINNY SIMMS** HARRY BABBITT · ISH KABIBBLE
SULLY MASON and "THE COLLEGE OF MUSICAL KNOWLEDGE"

Produced and directed by **DAVID BUTLER**
Screen play by James V. Kern



UA Stops Selling Chaplin at 70% Upped Admish; New Terms Indef

United Artists has ceased selling contracts on Charles Chaplin's 'Great Dictator' under the upped admission—70% policy. Picture will be seen in no more houses than those already played or contracted for, numbering about 150, until the six-month clause protecting the upped admish scale has expired, Arthur W. Kelly, general sales manager, said Monday (18).

Kelly explained that the film will be allowed to continue out its special runs before an attempt is made to place it in regular distribution. Six-month clause, protecting public exhibitors from the film's being shown in their territory at less than the 75c-\$1.10 price, is effective from date of the preem in New York. That was Oct. 15, which means 'Dictator' will go into general distribution April 15.

There was no effort, Kelly said, to make the six-month clause effective for six months from the opening of the film in that zone as this would have created too many complications. On 'Gone With the Wind', which was similarly sold, the price-protecting clause was for one year.

When selling is resumed, admish scale will be down to ordinary prices, Kelly said, but what percentage will be asked exhibs hasn't been decided. He asserted that was up to Chaplin and there had been no confabs on it as yet.

Biz Disappoints at 75c-\$1.10
Change in policy is seen as the first official recognition of the generally-accepted fact that the pic is not doing expected business. 'It started off doing 'Gone With the Wind' grosses, one UA exec said, and is still doing excellently but has dropped off somewhat.'

It is understood that UA's refusal to make any more contracts guaranteeing 10% profit on the engagement, which it did at first, led to the change in policy. 'It's admittedly impossible to get an exhib to accept 70% rental terms without the profit guarantee. And, as a result of the warranty, it is said, UA had to fork over so much to certain exhibs that it would have fared better to rent the film at the ordinary 40%.

Expect Nazi Trouble in S. A.
Nazi boycott of Chaplin's 'Dictator' in South America is expected by United Artists, general manager, Walter Gould declared Monday (18). Gould, who recently returned from a tour of the southern continent, remarked: 'There are plenty of Nazis down there.'

Nevertheless, Gould said, he didn't expect the boycott would do serious harm. Means of getting it, he explained, would probably be similar to that on Metro's 'Mortal Storm'.

A rep of the local Nazi organization stood continually in front of each house playing the film and watched all of those going in. Consequences of his spotting a member of the group or a sympathizer passing through the wicket can only be guessed at.

'Dictator' will probably open almost simultaneously, Gould said, in a number of South American cities, London and possibly Sydney, around Jan. 1. Contracts are now being drawn for S. A. and London, it was stated. Terms will be 70% against a guarantee, despite expected exhib squawks. Attempt is being made to open the film day-and-date in four houses in one Latin American city, Gould said.

Opening of 'Dictator' in London will not be delayed by loss of prints en route, the UA foreign department declared, because virtually every boat will carry a duplicate.

Original lavender duplicate to England is now believed lost, since it left New York a little more than a month ago and has not arrived.

Aussie Balk on 'Dictator'
Sydney, Nov. 1. United Artists, so Aussie exhibs aver, are heading for trouble on terms being asked for Chaplin's 'Dictator' in this zone. Appears that the N. Y. moguls of UA are planning with Cecil Marks, local boss, to set playdates on Aussie runaround similar to 'Gone,' such as release in two ace theatres in the key spots simultaneously, 70% of the takings on upped admissions, and no early release in the minor spots, excepting at higher rates at the boxoffices.

Learned that Marks is presently attempting to set a deal with Hoyts, who, according to inside info, have

the first call on the pic, but it's regarded as doubtful whether Hoyts' execs will agree to the terms as laid down on present lines, figuring that a layoff may bring a lowering in rental ideas. 'While in Melbourne with Metro, the storm of protest over upped admissions in that sector determined execs never to buck the public again on the upping of admissions for any pic.

Right now the Exhibs' Assn. has advised the MPDA that Aussie exhibs will not tolerate rental increases during 1941, and is definitely against increasing admission rates during wartime. Threat of strong political pressure, is forecast should distibs go ahead on advanced rentals next year, including any bid to make exhibs raise admissions. Appears, too, that some inside info on the pic biz is flowing to Prof. Copeland, the man who controls wartime prices throughout Australia, and VARIETY learns that Copeland is frowning upon bids to up picture prices next year.

Present indications are that the Exhibs' Assn. and the MPDA are framing plans to offset each other covering the advance of 1941, and some very interesting angles should come to light in the very near future. The exhibs were strongly against Metro over 'GWTW'; today they are doubly stronger over the proposed terms coming from UA on 'Dictator'.

Tasmania Adamant.
Hobart, Tasmania, Nov. 1.

An attempt has been made here to boycott 'Gone' on playdates over the Thornley loop. This sector is a strong Labor layout and upped admissions have not appealed to payees. Metro is endeavoring to have the picture run three weeks in Hobart, but it's doubtful whether this will be gotten.

National Theatres, opposition to Thornley, bringing 'Rebecca' (UA) to time with 'GWTW', announcing that this one is Selznick's latest production, and can be viewed at ordinary admissions.

No More Roadshowings.

Hollywood, Nov. 19. 'Great Dictator' will have no roadshowings on the Coast or the Rocky Mountain area other than current advanced price bookings here and Denver.

Picture goes into general release in January. Profit margin on percentage deal eliminated from contracts.

RKO Product Deals.

Following delayed negotiations, Saenger has signed up for the RKO 1940-41 product for all its theatres in Louisiana, Mississippi, Alabama and Florida, numbering 99. Bob Mochrie, eastern-southern division manager at the RKO h.o.; Dave Prince, southern district manager, and Page Baker, RKO's local representative in New Orleans, worked out the deal with Gaston Dureau, Jr., of Saenger.

RKO has also sold the Great States circuit, operating 63 theatres in Indiana and Illinois. Jules Rubens made the deal for Great States.

RKO has closed for the 1940-41 (current) season's product with the Comerford circuit, operating around 75 theatres in Pennsylvania and New York state.

'John Nolan and John Roberts acted for the circuit, while Bob Mochrie represented the RKO in company with Nat Levy, district manager, and Charles Zagrans, branch head at Philadelphia.

Cantor
Continued from page 2

get about 50 'adopted' sons through his refugee work. He announced he is preparing to open his Great Neck (L. I.) estate for 100 British refugee children as soon as transportation can be arranged to bring them to America.

Coming here with his wife, Ida, Cantor precipitated a disturbance with his appearance at the Broadway. More than 1,000 people were turned away from the entertainment held in the ballroom of the hotel, necessitating the presence of an extra detail of police to maintain order. More than 4,000, at \$1 per, jammed the hall, normally seating 3,200.

Det. Conforms

Continued from page 5

upon the theatre showings on pictures because of the preponderance of people from outside the trade who showed up and sometimes crowded out those with a better right to be there. They didn't want to encounter ill will by turning down the gate-crashers and invited friends.

Paramount already has broken the ice for the out-state screenings which will take some of the pressure off Detroit. Earlier having encountered the fact that the up-state exhibitors didn't want to spend the time or the money for junkets in to Detroit, the studio began to meet the boys halfway. Thus far, with success, it has staged two screenings near the northern part of Michigan with enthusiastic enough response to provoke the other exchanges to make similar plans.

The practice of out-state screening is expected to grow rapidly now under the new decree and the indicated response.

U.S. ARMY FILM SERVICE ADDS MORE HOUSES

FT. Sam Houston, Texas, Nov. 19.

With the expansion of the national defense program, the U. S. Army Motion Picture Service, of which W. E. Crist is regional manager and booker, is taking on a number of new theatres in this area. New houses are to be established in Brownwood, San Angelo, Palacios and at El Paso. Besides the ones mentioned above he also handles the bookings for four houses here, one at Randolph Field; at Marra El Paso, 'Galveston'; Bracketville and Rio Grande, all in the state of Texas; at Shreveport, La.; Ft. Sill and Ft. Reno, Okla., and Ft. Huachuca, Ariz.

A new booking office will be established in Atlanta to handle a portion of the southeastern booking now being handled by Crisp.

Another Service Theatre

Detroit, Nov. 19. To meet the entertainment demands because of the heavy concentration of soldiers at Fort Custer, the Butterfield chain will add a new theatre in Battle Creek. Work will be started Monday on the new 800-seater which will be devoted to second-run pictures.

The chain recently opened two new houses in Michigan, the Southtown, in Lansing, and the Hill in Hillsdale.

Picture Workers in U. S. A.

Hollywood, Nov. 19. Plan for picture workers, drafted for military service, to continue their vacations in the Army, is under discussion by the Picture Production Defense Committee and the Army Signal Corps.

Arrangement would assign draftees with special qualifications to training in the Picture Production project. Photographic and technical divisions of the Signal Corps would get the bulk of workers.

A. M. Shows for War Workers

Bridgeport, Nov. 19. Morning showings have been skedded at Stratford theatre to accommodate workers in factories of Bridgeport and vicinity which have been operating day and night on defense materials.

Al Pickus, operator of Stratford, figured that thousands of men and women have been taken off the normal schedule by the peak production at the nearby plant, and therefore is advertising a 10:30 a. m. get-off Tuesdays and Thursdays.

Chas. Chaplin Suing On 'Shoulder Arms' In 16 MM.

Charles Chaplin will be examined before trial in N. Y. federal court Nov. 26 according to a notice to that effect filed Monday (18) by Harry Jacobs, doing business as the Garden Camera Exchange, whom Chaplin is suing.

The actor-producer claims that Jacobs secured a print of 'Shoulder Arms' made by him in 1918, reduced it to 16 mm. in August, 1938, and sold the dupes. An injunction, accounting of profits and damages are sought.

Supper Show Hour Alone Prevented A Major Catastrophe in Pitt Theatre

WB Invasion

Continued from page 7

Bradenton. There may be additional houses in certain spots to meet the increased growth of Florida. During the past year, Kent stated, 12 new theatres have been erected by Sparks. This includes one at Orlando about a year ago, which, with the new operation there, gives Sparks two more in that resort spot on the year. The whole east coast is well thespied by Sparks, and if St. Johns hopes to compete with Sparks in Jacksonville or elsewhere in the state the move is regarded as envisioning high ambitions.

The Miami sector is not believed to be on the St. Johns list, because the Warner fuss is with Sparks alone, and, so far as can be determined, does not embrace the Paramount group of houses in the Miami region, operator for Par by S. A. Lynch. This circuit, known as Paramount Enterprises, is also expanded. It has just completed the Boulevard in Miami proper; has the Beach under construction at Miami Beach, and is planning a third, also on the beach.

The Wometco circuit is also powerful in the Miami territory. Headed by Mitchell Wolfson and Sidney Weaver, it operates around 20 theatres. The city of Pensacola, Fla. is not on the Sparks books, three theatres in the town being operated by Saenger of New Orleans, which purchased the Warner product this year.

In New York last week with Kent, E. J. Sparks returned to Jacksonville Friday (15), but will be back the end of this week, under plans. Kent also went back Friday (15).

MPLS.-ST. PAUL'S SNOWSTORMS' SOCK B.O.

Minneapolis, Nov. 19.

The theatre industry here and throughout the territory is still wobbly from the beating which it took from one of the worst blizzards in history. The storm dented grosses to the extent of tens of thousands of dollars. In numerous instances, shows last Monday and Tuesday nights were called off entirely. When played, houses were near-empty. Grosses in de luxe neighborhood houses have been reported as low as \$9 and \$11.

Snowfall and wind were so heavy that highways and roads were made impassable for several days. Last Monday night bus, streetcar and taxicab service was completely paralyzed and it took until Wednesday to get transportation going on greatly curtailed schedules. Privately owned motor cars also were unable to manipulate. Thousands of workers in downtown Minneapolis were marooned in the loop Monday night and couldn't get home.

In order to get an audience, the Alvin theatre went across the street to the union bus depot and invited 300 people marooned there to be its guests at the show. The State permitted its patrons to remain there all night. The Alvin called off its Monday night performances entirely. Many neighborhood houses in Minneapolis and St. Paul and theatres throughout the territory also remained dark Tuesday.

Film salesmen were snowbound as many as four days. Film shipments' misadventures were the rule instead of the exception. The fact that the storm broke on Armistice Day, when better-than-average grosses were anticipated, made it an even more bitter pill to swallow.

Hughes On Goldwyn Lot

Hollywood, Nov. 19.

Howard Hughes closed a deal for the use of the Goldwyn studio for the production of his story about Billy the Kid. Gregg Toland, Goldwyn cameraman, goes with the deal. Picture is slated to roll next week with Howard Hawks directing.

Pittsburgh, Nov. 19.

More than 100 patrons at the Harris-Alvin theatre early last Thursday evening (14) had a miraculous escape from death when half of the roof collapsed and dropped down in the middle of the orchestra pews. Only four persons were hurt, and only slightly, and quick thinking of Bill Zeilor, manager, and an usher, Glenn Pottermeyer, prevented a major disaster.

Pottermeyer noticed bits of plaster falling down from the ceiling and notified Zeilor. Together they immediately herded every customer beneath the steel-supported balcony, and a moment later, the top of the house crackered and poured hundreds of tons of masonry and rafters over the floor below. Damage was estimated by officials at more than \$50,000.

Although patrons were safe at time of crackup, they didn't know it and broke into a stampede when roof caved, tearing and balcony might also crash, too. Additional panic was added when the sprinkler system let go and poured virtually a thunderstorm on the milling crowd. When top of house fell, the lights went out and up in the booth, Donald Ackard and his assistant, Elliott Sullivan, tipped film ('Too Many Girls') from the machine and used it for an emergency lighting system, illuminating wrecked interior and part of balcony.

Opened in 1891

Alvin is only theatre in Pittsburgh where such a roof collapse could be possible, because it's the only playhouse in town still operating that has a construction framework of wood. House was opened in 1891 and for 43 years was one of city's top legit houses. In 1934, it was leased by Harris interests from Harvard College, owner of building and turned into a deluxe cinema at a cost of more than \$200,000. At that time, steel girders were installed to strengthen the first balcony, but no steel went into the roof structure.

Andrew Frazier, city building inspector, said Alvin had been inspected from cellar to roof about Oct. 25 and that it was 'entirely safe then.' He expressed an opinion that wooden trusses supporting the roof had dried out since the inspection, weakening the base.

Smallness of crowd was thought to have been responsible for saving every life, inasmuch as job of getting them together and out of the building quickly. It was pointed out that had Alvin's Bank Nights still been Thursday and Friday, fatalities would have been numerous, for on Bank Night, house usually fills at around 8 o'clock. Roof break took place at 6:23. But, just a couple of months ago, management switched its Bank Nights from Thursday and Friday to Monday and Tuesday.

Among the four injured was one usher, Guy Bulfont, with wrist and ankle sprains. Others were all women, Elizabeth Denk, Mildred McIntosh and Hilda Danielson.

Whether Alvin would be demolished completely and rebuilt from scratch, or whether the damage would be repaired couldn't be learned until trustees representing Harvard, which was willed the building years ago, could be assembled. For time being, a product set for the Alvin will be re-routed into Senator, Harris circuit's other first-run house downtown. As for disposition of Senator's commitments, that hasn't been decided yet. Likely to take months at least before Alvin will be open again.

KIDS ON A SPEE

Hollywood, Nov. 19.

Next East Side Kids feature to be produced by Sam Katzman for Monogram is 'Honeymoon Cottage', slated to start Dec. 2.

Leo Gorcey and Bobby Jordan share top roles.

'Joe Palooka'

Continued from page 1

was added that Fisher had spent considerable time these past months in the army camps, getting color and authentic material so that he could induce 'Joe' into the new life realistically.

The newspapers went on to point out that 'Joe' being a popular guy given to always doing the right thing, probably could exert quite an influence on Uncle Sam and give quite a boost to enlistments.

Paramount undoubtedly paid Earl Carroll for the privilege of using his Hollywood cabaret theatre and accompanying talent for this picture, but from what's on the screen it looks like the producer should have paid the studio. It's a national plug for his layout via an extended trailer

(Continued on page 18)

Thanksgiving



BETTE DAVIS
'THE LETTER'

By W. SOMERSET MAUGHAM with
HERBERT MARSHALL · JAMES STEPHENSON

Frieda Inescort · Gale Sondergaard

A WM. WYLER Production

Screen Play by Howard Koch · Music by Max Steiner

HOLIDAY TIME



IS WARNER TIME!



Xmas

ERROL FLYNN
OLIVIA de HAVILLAND
'SANTA FE TRAIL'

with
RAYMOND MASSEY · RONALD REAGAN · ALAN HALE

Wm. Lundigan · Van Heflin · Gene Reynolds
Henry O'Neill · Gulnn · 'Big Boy' Williams

Directed by MICHAEL CURTIZ

Screen Play by Robt. Buckner · Music by Max Steiner

New Year

'FOUR MOTHERS'

Starring the 'Four Daughters'

PRISCILLA LANE · ROSEMARY LANE

LOLA LANE · GALE PAGE

with
CLAUDE RAINS · JEFFREY LYNN · EDDIE ALBERT

May Robson · Frank McHugh · Dick Foran

Directed by WILLIAM KEIGHLEY

Original Screen Play by Stephen Marchese. Avery
Suggested by the Book, "Sister Act," by Fannie Hurst



(Continued from page 16)

Ken Murray works hard to overcome static material as the press agent drafted as m.c. Miss Hobart does nicely as Carroll's assistant, while Brenda and Cobina hit some bright spots with their familiar routines in search of men. Jack Norton is a drink who wanders through the proceedings for moderate laughs. Four songs, all of lightweight rating, are sung by William Brady, Rose Hobart, Lillian Cornell and Mary Lou Cook. Lela Moore provides the best specialty with her old vaude dance. Wall.

(WITH SONGS)

The show. Nellie Kelly *I Love You* and Norman Taurog provides strength to the character of the cop who later advances to captain on the police force. Role is natural as Murphy's talents. Winninger also scores with his portrayal of the cop who is a bit of a good guy. He naturally dominates both his daughter and grandchild. McPhail is convincing as Nellie's suitor, and looks like a good bet for development as a character. The supporting cast includes Rita Page and James Burke as mementoes in the supporting cast. Norman Taurog provides convincing direction to display liberal chucking of the cop. The show is a good one during the week. The show is a good one during the week. The show is a good one during the week.

Holt plays the stern investigator with his accustomed masculine swagger and with his child-out-thrust even more than usual. And as always, he's effective in his peculiar, somewhat old-fashioned manner. Noel Madison is believable as the cornered ex-con and Vicki Lester is a pert ingenue. The others are standard. So is the direction.

Hobe.

Billy the Kid in Texas

Producers Releasing Corp. release of Sigmund-Neutel production. Stars Bob Steele and Billy the Kid. Original screen story by Philip H. Love. Screenplay by John H. Tootell; camera, Jack Greenhall; music, Joseph O'Donnell. Running time, 68 minutes. Released by PRC, Inc., New York, N.Y. on 11-18-40, dual.		
44 MEN	11-18-40, dual	Running time
Billy the Kid	Bob Steele	
Mary	Terry Walker	
Funny	Carlton Young	Al St. John
Joe	Charles King	
Dave	Charles King	
Flash	John Stortorto	
Windy	Charles Wittke	

Bob Steele rides and shoots again as Billy the Kid in this new cattur opus. Picture is another in this series of adventures by the dashing "Kid" character. Excepting this picture, Steele has been in only one picture entirely likable in acting sense. This is a good picture. The production, film likely will get most

'Mysterious Dr. Satan' is strictly for the youngsters, and there's enough menace and nail-biting sequences in the first of the 15 chapters to suggest that the kids will go for it in a big way.

Eduardo Ciannelli is the menace, a mysterious master criminal who plans to rob and terrorize the nation with a mechanical man. The major part of the yarn deals with his attempts to secure a remote control device with which he would exercise his robbery plan, but there's 'The Copperhead' to reckon

STORY BUYS

Hollywood, Nov. 19.

Frank Lloyd Productions bought T. James Lewis' production at Universal. Monogram purchased "Tumble down Ranch in Arizona," by Bill Watters.

Aben Kandel sold his yarn, "Manhattan River Divides," to Paramount.

Warners acquired "Here Come Happiness," by Charles Linton Tedford.

Continued from page 3

Last season Hope complained of the same old trouble but nothing was done about it. He tried out a fresh audience at Hollywood Pantages with a new comedy, but his performance due to the theatre's poor acoustics. Complaint has been general with comics on NBC but those in charge of ticket distribution claim they're doing the best they can. CB's with larger auditoriums has been virtually free of some of the funniest fellows.

For its four audience studios, each seating around 350, NBC ticket distribution is roughly on the same basis. Arbitrarily takes 100; around 200 go the sponsor; the agency picks up about 35, and some of the artists on the show take two apiece. CB makes no demands for tickets, taking only what the agency allows.

Hollywood, Nov. 19.

Frank Lloyd Productions bought 'James Lewis' from Paramount for production at Universal.

Monogram purchased 'Tumble down Ranch in Arizona,' by Bill Waters.

Aben Kandel sold his yarn, 'Manhattan River Divides,' to Paramount.

Warners acquired 'Here Comes Happiness,' by Charles Linton Tedford.



"Unprecedented effectiveness"
says "The New York Times" of this
New Miracle from the RCA Laboratories

FANTASOUND by RCA

In *Fantasia*, now playing at New York's Broadway Theatre, Walt Disney again gives America a notable motion picture "first."

But the picture itself is not the only thoroughly new and different feature of *Fantasia*. The sound, too, is a notable "first." Named "Fantasound" it was developed by RCA and Disney engineers — and "The New York Times" acclaims it in this way:

"Sound is reproduced with a degree of color and effectiveness without a precedent in my experience of either the screen or the radio . . . that 'tone color' of which every musician speaks and which is particularly the attribute of orchestral music is here reproduced with a completeness and sumptuousness for which . . . may be able to furnish a precedent, but I cannot."

HOW FANTASOUND WORKS

Fantasound differs from ordinary movie sound by recording and reproducing dialogue and music not on one, but on three, sound tracks. It "follows" the action on the screen. When a performer moves from one side of the screen to the other, the sound moves as well, switching from one sound reproducer to another. This same realism is also provided in musical sequences — and results in

new richness of instrumental tone because individual sections of a band are separately recorded and reproduced.

In the Broadway Theatre, sound reproducers are placed behind the screen — and surround the audience — so that woodwinds, basses, strings, brasses and other sections of the Philadelphia Orchestra, which plays in *Fantasia*, are heard with all

the dramatic beauty that normally reaches only the ears of the conductor. The performances of individual sections are automatically controlled so that a much wider, more realistic volume is enjoyed. Because sound is spread across the stage instead of coming from one speaker centered behind the screen, music is heard as if the orchestra were actually present!

Better Sound Means Better Box Office
RCA Photophone Magic Voice of the Screen
Means Better Sound

Developed by the same RCA engineers who collaborated with those of the Disney organization in the creation of *Fantasia*, the RCA Photophone Magic Voice of the Screen is just what you need to bring your patrons true reproduction of the sound of Hollywood records on film. It is designed and priced for theatres of every size, from smallest to largest. Although *Fantasia* sound by RCA is the first step toward a new era of motion picture sound reproduction, there is no reason why its advent need cause you to withhold the installation of the RCA Photophone Magic Voice of the Screen now. Its equipment planned for the future!



Radio Corporation of America

Radio City, N. Y.

RCA Manufacturing Co., Inc.
R.C.A. Communications, Inc.
RCA Laboratories

Radiomarine Corporation of America
National Broadcasting Company, Inc.
RCA Institutes, Inc.

Parking Space, a 'Must,' Will Curb New Theatre Building in Detroit

Detroit, Nov. 19.

While liberalized to some degree, the new Detroit zoning ordinance still will work a hardship and to a degree be prohibitive to theatre building here by the smaller outfits. Fear of the enactment of the ordinance as law was one of the reasons for the heavy new building in Detroit this year.

Under the modified form now under consideration by the Council, as approved by the City Planning Commission, the premium still is placed on adequate parking space in connection with any future theatres, auditoriums or places of public assembly.

The portion of the ordinance applying to theatres stipulates that a house must have 200 square feet of parking space, exclusive of the driveway areas, for every 10 seats. This would mean that a small 700-seat neighborhood would be required to provide 14,000 square feet of parking space. For a large 2,000-seater this parking space would soar to 40,000 square feet.

Not only does this make the costs come high with the price of real estate, what it is in a city of this size but it also creates quite a problem on just where to find that much room for a theatre without going out into the prairies.

One of the peculiarities of the situation is that while theatre men have bucked the ordinance and won some liberalization in it—still not considered reasonable—they have acknowledged the need for supplying sufficient parking space for successful operation.

Neighborhood houses here—which advertise free parking in equal prominence to their bills in the newspapers—have been rolling up good attendances, some at the expense of the downtown houses where the parking problem is brutal. In fact, most Detroiters, when considering downtown picture-going, tag an additional 25c on to the expense for parking, which gives the nabes that much more of a price advantage than just admission.

Schaeffer-White's Addition

Dayton, O., Nov. 19.

Nick Schaeffer and Mauri White, owners of an indie chain throughout central and southern Ohio, are planning a new nabe house in suburban Dayton, View Theatre, to be called the Daview, as it will have 900 seats.

Conrad's 450-Seater

Wichita, Kas., Nov. 19.

Mr. and Mrs. M. E. Conrad will convert business building in downtown section into 450-seat theatre to be opened about Nov. 25. Their daughter, Mildred, will assist in operation of the Roxie, as it will be tagged.

F. & M.'s 30th in St. Louis

St. Louis, Nov. 19.

Harry C. Arthur, Jr., v.p. and gen. mgr. of Fanchon & Marco's interests here, and Robert Hanna, contractor and builder, closed a deal to erect a 1,500 house in new residential district in South St. Louis. The new theatre probably will become the 30th in the St. Louis Amusement Co. chain, which is operated by F&M. Construction expected to start within 30 days.

More Texas Drive-Ins

Austin, Texas, Nov. 19.

W. G. Underwood and C. C. Ezell are rapidly formulating their plans to erect more Drive-In theatres throughout the state. Deal for a house here has been closed, together with a deal for two houses in Dallas. Other houses for Waco and Fort Worth, and an additional house in Houston.

Another in Texas

Sundown, Texas, Nov. 19.

A new 550-seat house will be opened here this week by Wallace Blankenship, circuit operator, with headquarters in Levelland.

Lee Scarborough will open his new house in Van, Texas, this week. He formerly operated the Queen, Tenaha. City's only other house was the Victor operated by S. G. Fry, destroyed by fire several months ago.

Add: Panaceas

Continued from page 6

settles on the gross and not on the contract is the reason that the exhibitor is able to continue in business. In repeated instances major companies which are selling under contracts calling for 35% of the gross are glad to settle at 10% and 15% reductions when a picture falls down. And this goes not only for the independent theatres but for the affiliates as well.

The deadly feature of the situation from the exhibitor point of view is that where the gross justifies it, the distributor collects the top percentage. And in any event is able to skim the cream off each week's business that enables him to do so. Each season the distributors have been increasing their percentage demands enabling them to cash in on the favorable grosses, while at the same time allowing them to appear as benefactors to the exhibitors when business does not justify sharing in the higher percentage brackets.

That an industry, the investment in which runs into millions, should be based upon such a flimsy economic basis is almost unbelievable, but it furnishes ample justification for sincere exhibitor belief that the burden of any increased cost to him will result in his destruction.

Exhibitors with singular unanimity are convinced that instead of alleviating any monopolistic practices, the decree will only further accentuate monopoly in the business. And certainly the disappearance of the small independent exhibitor will do more toward the creation of an absolute monopoly than any other single thing among affiliated as well as unaffiliated circuits.

Isabel Jewell

Continued from page 2

shots, with material of her own authorship, also being lined up for Jewell gal by couple of New York agencies.

Jessel show was minus Rochelle Hudson and Jean Parker when it left here last Thursday (14) for Syracuse and a three-day stand. Miss Parker flew back to Hollywood for a picture and Miss Hudson, accompanied by her husband, Hal Thompson, headed for Texas and will vacation in Mexico for couple of weeks before returning to coast.

Following Syracuse, Jessel unit has two more weeks, at Flatbush and Windsor, both N. Y., and he'll run out route with remaining members of his Hollywood troupe, Miss Jewell, Lya Lys, Lois Andrews (Mrs. Jessel), Evelyn Farney and Jean Gary.

SEATTLE

Continued from page 10

garnered, and not caring to chance third week or moveover.

Liberty (J-VH) (1,650; 30-40-50)—Western (UA) (3d wk.). Big \$5,300. Last week, same film, \$6,500, great. Music Box (Hamrick-Evergreen) (650; 30-40-50)—Third Finger (M-G) and 'Yesterday's Heroes' (20th) (4th wk.). Bringing \$1,700 in five days, okay. Last week, same pair paced at excellent \$2,700.

Orpheum (Hamrick-Evergreen) (2,600; 30-40-50)—Letter (WB) and 'Calling Husbands' (WB). Good for very fine \$7,500 behind advertising.

Just week 'Seven Sinners' (U) (2,600; 30-40-50)—'Father Prince' (WB), mild \$4,200. Palomar (Sterling) (1,350; 20-50)—'Melody Ranch' (Rep), plus Bing Crosby in 'Singing with Bing' (Par) (2,600; 30-40-50)—'Zorro' (20th), plus vaude. Great \$6,500 rolling in. Last week, 'French Without Tears' (Par) and 'Men Against Sky' (RKO), plus vaude, gathered in \$6,100, big.

Paramount (Hamrick-Evergreen) (3,039; 30-40-50)—'Zorro' (20th), and 'Young People' (20th) (2d wk.). Pulling good \$4,000 in six days. Last week, same films, \$9,800, magnificent. Roosevelt (Sterling) (800; 30-40-50)—'Go Conquy' (WB) (3d wk.). Good \$2,200. Last week, same film, moved over from Orpheum, big \$3,300.

Winter Garden (Sterling) (800; 16-32)—'Lucky Partners' (RKO) and 'Queen Yukon' (Mono) (2d run). Fair \$1,900. Last week, 'Love You Again' (M-G) and 'Mystery Sea Raider' (Par) (2d run), \$2,200, good.

\$40,000 L. A. THEATRE FIRE

Los Angeles, Nov. 19.

Fox-West Coast Larchmont theatre here was destroyed by Fire Sunday (17). Loss around \$40,000.

LINCOLN

(Continued from page 11)

week is \$14,500. Last week, 'Thief Bagdad' (UA) (4th-fifth week) garnered slim \$3,000. Chinese (Grauman-F-WC) (2,024; 30-44-55-75)—'Bitter Sweet' (M-G) and 'Chan at Museum' (20th), good \$9,900. Last week, 'Zorro' (20th) and 'Young People' (20th), okay \$10,500.

Downtown (WB) (1,800; 30-44-55)—'Lady Red Hair' (WB) and 'Aunt Maggie' (Rep) (Fair), \$6,000. Last week, 'Tugboat Annie' (WB) and 'Hit Parade' (Rep), \$6,500.

Four Star (UA-F-WC) (900; 55-75)—'Voyage Home' (UA) (2d wk.) Dropping quickly, after around \$3,000 after first week succeeded in topping \$4,500.

Hawaii (G&S) (1,100; 30-44-55)—'Queen Destiny' (RKO) and 'Captain Lady' (M-G) (2d wk.). Heading for profitable \$1,800 on holdover stanza, after first week slightly topped \$2,000.

Hollywood (WB) (2,750; 30-44-55)—'Lady Red Hair' (WB) and 'Aunt Maggie' (Rep). Will be lucky to hit \$6,500. Last week, 'Tugboat Annie' (WB) and 'Hit Parade' (Rep), also \$6,500.

Fantasia (Pan) (2,812; 30-44-55)—'Spring Parade' (U) and 'Men Against Sky' (RKO) (2d wk.—three days only). Should add okay \$3,000 on holdover stanza. Hope will revert to Thursday opening with 'Too Many Girls' (RKO) and 'Sandy Gets Man' (U) on Thanksgiving, first week, hit \$13,800.

Paramount (Par) (3,595; 30-44-55-75)—'North West Mounted' (Par) and stage show (3d wk.). Continues to hit excellent pace at around \$16,000 after second week almost reached \$23,000. May go fourth stanza.

RKO (RKO) (2,872; 30-44-55)—'Spring Parade' (U) and 'Men Against Sky' (RKO) (3-days, second week). Will likely garner \$2,500 after first full seven days tipped scales at around \$13,300 mark, big.

State (Loew-F-WC) (2,014; 30-44-55-75)—'Bitter Sweet' (M-G) and 'Chan at Museum' (20th). Okay \$12,000 in prospect. Last week, 'Zorro' (20th) and 'Young People' (20th), okay \$14,800. UA-F-WC (2,100; 83c-1.10-1.65)—'Dictator' (UA). On grind policy with five shows daily and no reserved seats. Chaplin opus likely to arrive big \$15,500 on first week. Last week, regular picture on moveover, 'Wyoming' (M-G) (2d wk.) and 'Third Finger' (M-G), hit \$4,400, better than expected.

Widow (Rep) (1,414; 30-44-55)—'Young People' (20th) and 'Zorro' (20th). On moveover, looks like weak \$4,800. Last week, 'Wyoming' (M-G) on second week and 'Third Finger' (M-G), only \$5,700.

'Arise' Rosy \$9,200, 'Spitfire'-Vaude 11G, Balto Lacks Power

Baltimore, Nov. 19.
Rather unimpressed, Nov. 19, are with downtowners all angling for Thanksgiving openings and short-dating current entries. Ahead of the field is 'Arise My Love', in ahead entry of 'Arise My Love', in ahead of the holiday week and figured strong enough to continue to satisfying results. 'Wyoming', at Loew's Century, and 'Dictator' at Loew's Again, at the Stanley, are ambling along mildly with both dated for Wednesday night pullout in favor of midnight show openings for succeeding films. 'Arise My Love' generally hasn't been so fortunate of late.

Estimates for This Week
Century (Loew's-UA) (3,000; 15-28-39-44-55-66)—'Spitfire' (RKO) placed here in ahead of regular fallers, \$6,000. 'Bitter Sweet' (M-G) slated to open Wednesday midnight. Last week, second of 'Dictator' (UA) fell down to \$9,900 after disappointing first round of \$11,000, all due to price jolt of 85c and \$1.10.

Hippodrome (Rappaport) (2,205; 15-28-39-44-55-66)—'Spitfire' (RKO) plus vaude headed by Ken Murray. Only fair \$11,000. Last week, 'Too Many Girls' (RKO) plus 'All Girl Revue' on stage, sold strongly for slightly better than average \$11,600. Keiths (Schaeffer-White) (2,400; 15-28-39-44)—'Arise My Love' (2d wk.) Starts second stanza tomorrow (Wed.) with everything its own way to rosy \$3,200 on opening round.

Loew's (Mechanic) (1,581; 15-28-35-44)—'Zorro' (20th) (3d wk.). Holding satisfactorily at \$4,200 after bullish initial brace to total of \$12,400. 'Tin Pan Alley' (20th) underlined to open Thursday (21).
Stanley (WB) (3,280; 15-28-39-44-55)—'Tugboat Annie' (WB). Filling in five-day interlude to mild \$4,000 and making way Wednesday midnight for 'The Legend' (WB). Last week, 'Burma' (Par), unexciting \$5,600.

TITLE CHANGES

Hollywood, Nov. 19.
Monogram switched from 'C.C.C. Camp' to 'Here We Go Again'.
Alexandria Korda changed his 'Lady Hamilton' to the Entomologist. 'Blondie Goes Society' replaced 'Blondie Goes to the Dogs' at Columbia.

Agents' Contract Beef

Continued from page 7

rector for the AF of L here this week, and it is understood he was asked to bring the matter to the attention of President William Green at the AF of L convention in New Orleans this week.

In the meantime, ballots have been mailed to Class B members of the Guild calling for a vote on a proposal to abolish the Council. In its place, the extras are given the alternative of having their affairs handled by the board of directors, or of electing committees from the various classifications to confer with the board on matters pertaining to extras. These representatives would be selected by the riders, dancers, dress extras, et al. The polls close Nov. 26. At the same time, the extra will vote on adoption of the Standing Committee report which recommends elimination of all extras who worked 10 days or less in 1939.

The situation was aggravated when job placements for extras in October reached a new all-time low. Only 14,859 jobs were handed out by Central Casting Corp. during the month, with earnings falling to \$169,035, compared with \$203,931 in September, when placement totaled 14,157. The figures disclosed a shrinkage in job placements of \$3,727 for the first 10 months of the year as compared with 1939. Total earnings for the year are now approximately \$650,000 behind the same period last year.

Mayo Groups Dropped

This announcement was accompanied by the following communication from prexy Edward Arnold ordering cancellation of committees named by Mayo:

"The relationship of this organization with other organizations is to be conducted by the board of directors. To have purportedly official committees discussing the Guild's problems with other organizations and bodies when such committees have no such power and are not official, can lead only to confusion and will not be tolerated.

"All Council members are hereby put on notice that they must not serve on any such committees."

"No one has the slightest objection to the extras forming a separate union, if they see fit. The board has made this clear over and over again, and by their vote the extras have said they do not want separate union. As long, however, as the extras remain members of the Screen Actors Guild, they must abide by its duly constituted by-laws."

The Screen Writers Guild has re-elected prexy Sheridan Gibney, and amended its constitution so as to raise the requirement for active membership in the organization. Sidney Buchman was named vice-president; Dore Schary, secretary, and Lester Cole, treasurer. New members of the executive board are Ralph Block, Sidney Buchman, Jerome Chodorov, Joseph Fields, Sheridan Gibney, Harry Kurnitz, Ring Lardner Jr., Howard Lawson, William Ludwig, Maurice Rapp, Donald Ogden Stewart and Dwight Taylor. Board alternates are Fred Rinaldo, Robert Rossen, Allan Scott, Sol Shor, Tess Slesinger, Nathaniel West.

Screen Credit Ruling

The constitutional amendment lifting the membership requirements to 28 weeks' employment in the industry now reads:

"The active membership shall consist of the following: (a) Upon the recommendation of the executive board, any member of the League (Authors League of America), immediately upon such member becoming employed or otherwise engaged as a writer in the motion picture industry; (b) all persons who within the period of two years prior to the date of their filing an application for membership in this Guild shall have received either one screen credit for writing a screen play or a feature length picture, or two screen credits for writing an original story or three screen credits for writing a screen play or original story on short subjects or who has been employed or engaged during such time as a screen writer in the motion picture industry for a period of 26 weeks, consecutively or non-consecutively.

The membership also amended Section 2 of Article 13 so that it now reads:

"Nothing hereinabove in this Section 2 shall authorize the executive board to discipline any member for any political or religious belief, or for his or her expression of such belief, nor shall any member be disciplined by the executive board for membership in any other organization, unless such organization be a union, guild or other similar organi-

zation, whose purpose or actions are in the opinion of the executive board inimical to the best interests of the Guild.

"Notwithstanding anything hereinbefore or hereinafter stated, the enforcement of any order disciplining a member, in the Screen Writers Guild, pursuant to the provisions of this Section 2, shall be automatically stayed pending the final decision by the membership of an appeal from such order taken in accordance with the provisions of the constitution and the by-laws."

UA Meeting

Continued from page 5

that the profits for the company during the fiscal year of 1940 are well in excess of \$500,000 which was the amount made last year and these profits this year were mostly garnered from domestic distribution. No peace pact having been made with Goldwyn, he did not attend and it is understood his legal action against United Artists will continue in New York. However, it was said here by UA heads that should Goldwyn make any pictures during the present year, the company will release them as it did 'The Westerner'.

Another report that was kicked over, before the company meeting, was that Alexander Korda was trying to dispose of his stock. At the time Korda came into the fold as a member-owner, agreement was made that he pay for the stock out of his dividends and, to date, they have not been sufficient to cover the allotted value of the stock which stops him from disposing of it.

Pictures Lined Up

Silverstone says company has 14 pictures that will go on general release between Jan. 1 and June 30, and that the season of 1940-41 was 'the biggest picture distribution season in the history of the company. The aggregate cost of the 14 pictures to be distributed—the first half of 1941 is \$1,250,000. Pictures that will be released during the new year are: 'Thief of Bagdad', costing \$1,750,000; 'Great Dictator', costing \$2,200,000; 'Flotsam' (Loew-Lewin), \$900,000; 'Son of Monte Cristo' (Edward Small), \$650,000; 'Road Show', \$1,100,000; 'Major Barbara' (Gabriel Pasteris), \$800,000; 'Cheers for Miss Bishop' (R. A. Rowland), \$650,000; 'Lady Hamilton' (Korda), \$1,250,000; 'Return of Topper' (Hal Roach), \$500,000; 'That Uncertain Feeling' (Lubitsch), \$750,000; 'New Wine' (Korda), \$600,000; 'Pot of Gold' (Roosevelt), \$600,000; 'Broadway, Ltd.' (Roach), \$500,000, and 'Strange Victory' (Sol Lesser), \$600,000. Majority of these pictures have been completed or are in work with a final few of them getting into production by Jan. 15.

Silverstone pointed out that under the Silverstone plan of 1938, with refunds and rebates and the company participating in the cost of prints and advertising, the producers under the plan, which provides for reducing the 25% domestic distribution, in some instances will have their costs cut to around the 20% mark or less. Should the Chaplin picture gross around \$5,000,000 or more, the cost to the maker of 'Great Dictator' will hit between 12 and 15% which is even cheaper marketing than 'Gone With the Wind' received from Metro.

Silverstone will remain here for about 10 days to two weeks after the meeting, working out 1941-42 product allotments with the various United Artists producers. In that group he expects two from David Selznick, a group from Walter Wanger and also from Eddie Small, who is getting a new contract worked out, plus the other producers who made product for the current season. A deal is also being worked on to Gene Towne and Graham Baker to make three pictures as well as two other producers to come into the fold.

L. & J. GETS ROXY, ATLANTA

Charlotte, N. C., Nov. 19.

The Roxy, Atlanta, which has been playing big-name vaude shows in the Georgia capital, has been acquired by Lasker & Jenkins (Paramount) of Atlanta.

The house, which has been operated independently for the past two years by the Robert Meyers hotel chain, will continue to present big-name vaude, according to J. D. Kemp, Jr., manager of Southern Attractions. Jimmy McCoy has been retained as manager.

When It's For The Record They Look To **VARIETY**

Variety Film Reviews For Academy Library

HOLLYWOOD, NOV. 19.
ACADEMY OF MOTION PICTURE ARTS AND SCIENCES HAS COMPLETED A COLLECTION OF VARIETY'S MOTION PICTURE REVIEWS, AS A SOLE AND AUTHORITATIVE REFERENCE AND A CONSPICUOUS ADDITION TO THE FILM LIBRARY. NEW YORK PUBLIC LIBRARY AND THE VARIETY OFFICE, NEW YORK, POSSESS THE ONLY OTHER SIMILAR FILES.

FIRST FILM REVIEWS EVER PUBLISHED

(From VARIETY, Jan. 19, 1907)

'THE LIFE OF A COWBOY'
(Melodramatic)
13 Mins.
Pastor's

EDISON FILM

A long and interesting moving picture is the 'Life of a Cowboy,' shown at Pastor's. It covers a wide range of subjects and the locale seems to be really the western plains. The picture runs from a western mining camp barroom to the arrival of a stage coach at a ranch with 'tenderfeet' aboard, for whose delectation trick lariat throwing is introduced, followed by the holding up of the coach by Indians. The abduction of a young girl, the chase by the cowboys through pretty woods and rolling fields to the recapture of the girl, and the tragic finale where an Indian girl shoots a murderous bad man silently crawling up on the lover of the white girl.

The series is so melodramatic in treatment that it acted on the audience like a vivid play. Sime.

(From VARIETY, Jan. 19, 1907)

'AN EXCITING HONEYMOON'
(Humorous)
7 Mins.
Colonial

PATHE FILM

'An Exciting Honeymoon' is listed on the Colonial program as a new series. It combines comedy and 'chasing,' besides a melodramatic touch. The fun is amusing; the picture well worked out and the audience remained in its seats until the close.

One scene, where a 'ducking' party was shown caused a great deal of laughter. There is sufficient variety to 'An Exciting Honeymoon' to cause both interest and amusement. Sime.

Down through the years, since the first issue of VARIETY, Dec. 16, 1905, history of show business has been written, week by week, in terms of personal achievements of artists, writers, craftsmen and showmen.

The indelible record is in print, the never-ending, fabulous, exciting and brilliant saga of the theatre, in all its forms, ever changing, ever new—thrilling, inspiring.

Great names of the past commingle with the entertainers and showmen of today. People of show business who always have regarded VARIETY as their newspaper have compiled the chronicle.

VARIETY annually reviews the past and peers into the future. This year the

35th Anniversary Issue

will be published during the Holidays.

Space reservations, usual rates, should be made now.

VARIETY

NEW YORK HOLLYWOOD CHICAGO LONDON
154 West 46th St. 1708 N. Vine St. 54 W. Randolph 8 St. Martin's Pl.

Long Tirades vs. Decree

Continued from page 1

exempting these contracts from arbitration, furthers the monopoly.

The decree was challenged as "unjust and inequitable," due to the fact that 98% of the exhibitors of the country are against it and as they are the ones affected, they are being subjected to a new and experimental method of distributing pictures which they believe will be disastrous, and in the formulation of which they had no voice.

Milton C. Weisman, representing the Independent Theatre Owners Assn. of New York, was the next spokesman. The attorney declared his organization had some 263 members and was opposed to the decree completely. He declared he had been in touch with Thurman Arnold at various times and had called his attention to the futility of the entire proceeding. Weisman charged that the economic side of the question had not been looked into, and said he had received hundreds of letters from persons in the industry who would be out of business if the decree was signed. He told the court that it was an impossibility for an independent exhibitor to secure a first run in any situation where an affiliated theatre operates, and that the decree will not work and cannot cure any of the basic evils of the industry.

Major Co. Franchise

Is Worth \$1,000,000

The nature of the industry necessitates blockbooking, declared Weisman, who said that a major film company franchise is the most valuable thing in the world to an exhibitor. He pointed out instances where theatres, valued at \$1,000,000, had been given away a half interest for nothing to a distributor, to secure product.

Trade showings were laughed at by the attorney, who pointed out that the average New York independent plays fifth run, and receives a picture six to nine months after it has played around him, and he knows all he needs to about the picture. On blockbooking, Weisman said that if it is not illegal, the court is then in the position of forcing something on exhibitors they do not want, and if it is illegal it can't be forced by decrees on independents.

With Weisman's conclusion, Robert Brodsky representing Local 802 of the American Federation of Musicians having 21,000 members, asked the court to insert a clause in the decree allowing independent exhibitors to use live talent if they so saw fit. Brodsky claimed that independent exhibitors, when he approached them, claimed they were saddled with double features, shorts, newsreels, etc., so that all their screen time was taken up, and they could not use live musicians. "By eliminating blockbooking and forcing Brodsky thought the decree went far, but not far enough."

He pointed out that since the advent of sound pictures his union has been forced to spend \$600,000 a year in support of its members, thrown out of work as result of the monopolistic tactics of the defendants.

William E. Sims, representing the Motion Picture Theatre Owners of America, advised 7,700 members, opposed the decree next on the grounds that it puts the independents in an inferior position to where they stand today. He centered his blows on blockbooking and trade showings, and said that a 20% cancellation would be of far greater aid.

Paul J. Ziegler, representing the Pacific Coast Conference of Independent Exhibitors, then asked the Court to hold proceedings for a while until he could ask the Court for the right to intervene. This was denied by Judge Goddard, who refused to brook any delay, saying that Ziegler had had time enough to get his papers ready, and intimated he would not allow any intervention anyhow.

Louis B. Schwartz, representing 300 members of Northwest Allied, pointed out to the court that many theatres had never sought a better run than the one they were enjoying now, because they knew they would not receive anything better.

Jacob Schechter, of Albee of New York, representing 200 theatres, stated that blockbooking had been OK, and that what the Government sought to do in the decree was to push the clock back 30 years to the old days of selling by a producer to an exchange, and then to the exhibitor. Schechter also asked that the case be referred to a master for hearings.

Sidney B. Pfeiffer, of the MPTO of N. Y. State, representing 225 the-

atres, was next on the list, and stated that the decree was a vicious one. During the one year trial period every independent will be eliminated, warned the attorney, who termed the situation "ghastly one," with the Government ending a case taken on by independent exhibitors, by placing a further and more unbearable load on their shoulders, and giving the affiliated theatres a code of escape while crucifying the independent.

"Independents will be throttled and at the absolute mercy of the affiliated theatres with court blessing. The Government has not acted in the independents' interests in proposing this decree," declared Pfeiffer.

Robert Barton, representing 125 theatres in Virginia, then spoke and also asked for cancellation rather than blocks-of-five and trade showings. In the latter regard he pointed out a theatre he represents, which uses 468 pictures a year. To see all of them would require the exhibitor to spend day and night in the living room. "The Government does not want to hurt us," he said, "so let them drop the decree and we'll fight it out."

Next on the program was Judge Roy L. Walker, president of the Theatre Owners of Texas, and owner of three small theatres there himself. Judge Walker set forth three principal arguments against the decree. First, that the decree will double the price paid for pictures, then that it will force subsequent run exhibitors to show pictures three to six months after they are shown in first run theatres, instead of three to six weeks after as they are now doing, and lastly that blocks-of-five and trade showings will put independent out of business or force them into chain buying.

The exhibitor pointed out that in his state exhibitors frequently were 500-600 miles from an exchange center, making it impossible to come in to see trade showings, and it forced to buy in blocks-of-five, the frequent trips to secure film would double its cost. The average independent uses 250 pictures yearly, and the price paid seldom runs over \$12.50-\$40 for a film, making arbitration of any film much more costly than taking a hearing on it. The judge told of having gone to Washington to see Thurman Arnold, and of having been refused a chance to express his views.

Fred Kent, Representing

Par Partners, Also Beefs

First of the affiliated exhibitors to be heard was Fred H. Kent, representing the Paramount partners, who announced that for the first time in many months he was joining with independents in a common fight against the decree. He too told of having been tossed aside by Arnold when he objected to blocks-of-five and trade showings, and asked 20% cancellation in their place. The attorney general had no right to make this agreement and he is usurping the rights of Congress, which alone has the power to get up a trade practice code, said the attorney. Kent pointed out that all the exhibitors in the U. S. were in court telling the court that the decree was a bad one, and that the judge had no recourse but to find the decree inequitable. The rights of 300 parties have been adversely adjudicated without giving them the right to be heard, and the Department of Justice has no right to create and further a monopoly which is what they are doing here, declared Kent.

John R. Moroney, counsel for Intertek Circuit of Texas, an affiliated circuit, was the next speaker who also attacked blocks-of-five and trade showings. He declared in regard to the blocks that it was like leasing an apartment for five weeks, and then being forced to renew the lease on different terms each five weeks thereafter, rather than one lease covering a year's rental. "This decree will shake the stability of the industry," he warned.

Last of the independents to be heard was L. M. Rice of Texas, representing the Robb & Rowley Circuit of that state, Oklahoma and Arkansas. He stated that he had been in the film business for 15 years, which proved exclusively that he was crazy, as he had stayed in the business that long who was not insane. He pointed to the Government attorneys, squirming alongside of him, and shouted dramatically, "These men were nice, decent men until they began to associate with affiliated exhibitors for five months. Now look at what they look like. The affiliates have taken off their pants, rolled them over a barrel, squeezed them hard, and after pregnancy look

at what they gave birth to—a small white insignificant mouse." Robert E. Sher, of the Consent Decree Department then got up to address the court. His first remark was, "The court seems to have more friends than the decree," referring to the unanimous attacks. His brainchild, and to the many "amicus curiae" who had been parading before the bar of justice all day.

Sher, for the Govt., Attempts to Refute

Sher did his best to refute some of the statements which had been made and repeated Hayes' earlier stand on the reasons for the decree. He said that he found merit in only one claim, that of the AFM, and that the decree would cure it. He asked formal court approval.

Judge Goddard then reserved decision, but from the court's attitude little doubt remained among the despairing independents that theirs was a lost cause. Much earlier than the present session, Judge Goddard had indicated that the Government had taken care of everyone's welfare outside of the defendants, and time seems to have strengthened rather than weakened this stand. A decision approving the decree is looked for in court circles within a fortnight at the latest.

At the outset of the hearings after Hayes had explained the position of the Government, and the reasons which culminated in the decree, he had asked the court to approve not only the decree but the amended complaint and the dismissal of the action against some 130 individuals, including officers and directors of the defendant companies. Despite violent objections from Frohlich, the court signed the dismissal order and set a hearing for Dec. 5 at which time objections of Columbia, United Artists and Universal will be heard.

Hayes' speech covered every angle of the decree, showing how each had been evolved. The Government attorney in concluding his statement declared: "Both the defendants and the Government believe this decree to be infinitely preferred to the present status of the industry. It is the hope and expectation of all involved in its creation that it will bring peace and good will to the industry. We know we have not arrived at a Utopia. We cannot read the future and it may be that it will not work and the necessity for the Government to press the suit may occur. However, we are convinced that it will do the greatest amount of good for the majority of persons involved and it deserves a fair trial of a year to see if it can successfully be operative. If it should not work, none will be so seriously injured by its terms as to be put out of business or be unable to recover should it be necessary to shelve."

Robert E. Sher, of the Department of Justice, together with attorneys for the film companies and Judge Goddard, were closeted yesterday afternoon (Tues.) as the judge started his perusal of the decree. The court is understood to have suggested several minor changes in the arbitration rules, some of which may be incorporated in the decree. Any changes that are made apparently will be so minor as to warrant little attention from interested parties.

Harris Wins

Continued from page 2

claim was based on his contention that he secured the release of Mature from the Roach studio, but admitted there was no contract with the actor.

Crumman wrote a complaint to Equity, seeking support of his claim to Mature's services. He was informed that as the actor had not yet joined Equity the latter had no say in the matter. He was advised that Mature belong to the Screen Actors Guild, but that association has no jurisdiction over the actor. He explained that Mature had to have a contract before he was eligible to join Equity.

Hart-Weill's "Lady" will star Gertrude Lawrence. It was merely a case where the actor took the best offer.

SHALES, JR., SUICIDES

Des Moines, Nov. 19.—John R. Shales, Jr., 18-year-old son of J. R. Shales, exhibitor of Tripoli, Ia., and state representative from Bremer county, killed himself with a 32-calibre revolver in the men's lounge of the Paramount theatre, Waterloo, Ia., the night of Nov. 12. No motive has been established for the act.

He was a student at Gates Business college in Waterloo and had attended the University of Iowa last year. He was a only child.

Par Theatres-Studio

Continued from page 3

Stanton Griffiths, Neil Agnew, Russell Holman and Adolph Zukor, Freeman and William LeBarons spoke for the studio, and the theatre reps were John Balaban, chairman of the group; Bob O'Donnell, Dallas; Earl Hudson, Detroit; M. A. Lightman, Memphis; Sam Pinanski and Marty Mullins, Boston; Ralph Branton, Des Moines, and John Fitzgibbons, Canada.

Theatre Attitude

The consent decree, the changes that it will bring in the selling of pictures, and the problems that will be involved in buying, is one of the chief topics of discussion at the Hollywood conferences between studio heads and the rank of theatre operating executives in Paramount who took part in the huddles. The important partners on hand are said to believe that their efforts to upset the decree is a cause that, though hardly fought, must go down to defeat.

John Balaban, operator of the Balaban & Katz chain in Chicago and brother of Barney, president of Paramount, acted as spokesman for the exhibition forces within Par. Designated as chairman of the theatre partners who are presently concerned in Coast conferences bearing on production, Balaban pointed out this is the first time that exhibitors have had a voice in actual production plans and added in an address he made at the studio that such cooperation should go far to overcome the obstacles put in the path of the film industry by the Government consent decree, the deteriorating force situation with its loss in revenue and legal problems.

Among other things, Balaban said: "We came to Hollywood to place before our studio the problems which we in the theatre face, hoping that we might bring about closer cooperation between those making the films and those screening them. While we have worked together very closely in the past, it was felt that the need for cooperation was greater this year than ever before."

"We selected from our theatre department men on the firing line of exhibition. Together we brought to the studio our problems along with certain ideas which we knew would clarify many situations. After all, isn't it reasonable to assume that the factory making a product should gain from a knowledge of facts pertaining to its dealers? By the same token, we in the field certainly can learn from the man who day in day out struggles to produce us good pictures for our theatres."

Par Execs Back

Barney Balaban, Stanton Griffiths and Neil Agnew returned to New York Monday (18) and immediate huddles in the east were slated among executives to discuss the conferences held on the Coast concerning 1941-42 production, filming plans for the next year and buying-selling as a result of the consent decree. A special department is reported considered on the latter at the home office, but what form it will take is problematical in view of the premature nature of the plans.

Prior to eastern huddles and more definite conclusions growing out of the Coast studio confabs, Balaban Monday (18) declined to issue any statement on the matter, due in part to the fact that the conferences held on the Coast with Y. Frank Freeman and other studio heads were largely in the manner of laying ground-work for the coming season by generally discussing the whole situation as regards pictures, the market, consent decree, etc.

The leading theatre operators attending the sessions are reported to have had a long day, citing conditions in their respective territories, and through home office theatre executives, the entire country as well. Question of buying which affects Par's own theatres as vitally as others, was also mullied, together with selling from the distribution point of view.

Week Ahead of Sked

These matters were more importantly on the agenda, it is understood, than pictures for 1941-42 themselves since there is still plenty of time to start laying out the coming season's program in a preliminary way. Setup of each year's product, together with budget, ordinarily does not occur until January or February, since the releasing year does not start until Aug. 15 or Sept. 1. However, Par is further ahead on this season's schedule, than ever before in history and new films for the 1941-42 semester, when they will

have to be sold in blocks-of-five, will no doubt be tentatively set farther in advance than in prior years so that a backlog of product may be built up for packaging in fives when delivery time comes. Completed '40-'41 pictures now take Par up on release until well after the first of the year, but dates that far to the front are very tentative. With product that is now rolling, release will be brought well into the spring.

While Balaban, Griffiths and Agnew rushed back east, others will remain behind longer. Adolph Zukor does not plan returning to the home office until sometime before Christmas. Also, he went out ahead of the h.o. group and the theatre executive-operators.

Russell Holman, eastern production department head, gets in tomorrow (Thurs.), while Leon Netter and Robert Weisman are due Friday (22), Leonard Goldenson and Sam Dembow, Jr., h.o. theatre executives, are stopping off in Dallas on the way east, but will probably get in Monday (25).

London Legit

Continued from page 3

doughts to visit us and we talked theatre for hours on end, arguing, suggesting, planning. The outcome of it was, we put on a play. Yes, we had a play running for a fortnight in London. There were only two theatres besides ours opened at the time, Lunch Ballet and Robert Atkins proclaiming Shakespeare in the Strand.

"Our production started thus: Peter was asked to produce at the Threshold Theatre, Nottingham Gate (in Hyde Park—Ed.), rival to Ashley Dukes' Mercury Theatre. When jobs were forthcoming, obviously Peter went along there and persuaded the Threshold people to open for matinees, and they agreed to do so and gave him a hand."

"We found a French play that suited us, translated it in two days and produced it in a week opening Oct. 10. It was 'Fishing for Shadows' by Jean Sarment. The company consisted of ourselves, two ex-Westminster drama students, one of the St. Denis Studio people and a boy from the Old Vic, all under 20, with one exception. By the time we had the complete cast there was only a week left and all the publicity and billing had gone out, so we had a hard job in front of us. We worked like hell, rehearsing in the theatre every day till blackout time and then going back to our home or one of the others' homes to study and learn lines. At the same time we had to build the set for ourselves. I do not think I ever crammed so much into one week. It was grand to be acting and I must say the concentration took my mind almost completely off the war."

"The play is modern, one set, six characters. Sarment wrote it when he was only 20, just after the last war. We chose it mainly because it suited the actors and material we had at our disposal. Also, it is light and has no bearing on the present situation. It is a charming tragicomedy. We had a moderate reception. The press honored us with their presence, some were bored, most people said we were courageous, some were very enthusiastic. We played sometimes to six, sometimes to 20. At any rate, it was an experience and an achievement and we were noticed."

20th Expects

Continued from page 5

be included in the financial statement for the year.

Report of 20th-Fox for the first 39 weeks showed a net loss of \$1,075,611 after the \$2,200,000 foreign writedoff. It was explained at the time this statement was issued that this deduction for foreign reserve against assets and revenues was made because the money had not been converted into American dollars. Also that this coin would be included in the profits of a preliminary year in which realized at such future time as when converted into U. S. dollars.

Company received around \$600,000 from National Theatres in 1939 from its share of the dividend declared in the final quarter. Prospects are that this much or more would be realized this year.

Detroit Pressure on 'Pastor Hall' Flivs; Mild To-Do In S. F. Over Chaplin

FOR SALE
One large dimmer board, complete, for the trade, that originally cost \$12,000, for sale at a real bargain price; formerly used at the New York World's Fair. **WRECKERS & EXCAVATORS, INC.**, 100 Fifth Avenue, New York City, ALgonquin 4-8841-2-3.

Fifth Column Theme No Go on CBS In Form of Emotional Fictionizing

Campbell Soup had to put off the opening of its 'Playhouse' series from Nov. 22 to Nov. 29 because CBS taboos the script submitted for the initial show. The latter was to be a dramatized version of Wilbur Daniel Steele's story, 'Life Is So Little,' and what the network objected to was the Fifth Column theme of the piece. Walter Huston and Donald Cook were to appear in this one, but their dates have now been set back two weeks.

Action against 'Life Is So Little' is in line with the policy which CBS has had in effect since the outbreak of the World War. Network has taken the position that while it proposes to cover the news of the conflict and any issues accruing from it here and abroad, it cannot permit this conflict or the attendant issues to be stepped up emotionally by the process of dramatic presentation.

Campbell's original schedule called for the appearance Nov. 29 of Miriam Hopkins and Humphrey Bogart in a Vina Delmar yarn.

KNX SNIPES AT NBC SUNDAY TOPPERS

Hollywood, Nov. 19

Showcasing the 'hard way' is being undertaken by Columbia's KNX to exhibit five of its new shows and at the same time try to cut in on NBC's string of Sunday top raters. Charles Vanda, chain's western division program director, believes that any kind of a showing against Jack Benny, Edgar Bergen or 'One Man's Family' would be an encouraging sign and provide plenty of sales ammunition.

Pitted against NBC's sabbath aces will be such shows as 'I Disagree,' an open forum conducted by Lewis Browne; 'Hollywood Smarty Party,' a kid quizzer, and 'Calling All Cars,' dramatized tales from the police blotter. Other pair are Tom Breneman's one-man show and 'Showcase,' airing the talents of performers on the roster of Columbia Management. NBC has long ruled the roost along the coast on Sunday evenings and Vanda's production staff will, at least, make a good old college try at dipping into the gravy bowl.

John Charles Thomas 1st For Coca Cola Program; George Faulkner Scripts

First four guests on the new Coca-Cola musical series starting Dec. 1 over CBS will be John Charles Thomas. Subsequent guests will be Lily Pons, Rose Bampton, Thomas repeat and Helen Jepson. Show will be tabbed 'Company's Coming,' with the sub-billing 'To Your House from Coca-Cola.' Fixtures on the program will be Albert Spalding, m.c. and soloist, and Andre Kostelanetz. George Zachary will direct and the scripting will be by George Faulkner.

Zachary, also currently directing 'Short, Short Story' for Campbell's soup, is likewise probability to handle Ellery Queen when and if it returns to the air with a new sponsor. He worked on the show with the authors and directed it as a CBS sustainer before it was sponsored by Gulf.

SALESMEN ARE LITERATE

Swamp Jean Holloway After Her Story in N. Y. Post

Jean Holloway, 21-year-old scripter who does 'My Son and I' serial and the dramatic spot on the Friday night Kate Smith program, was the subject of a feature story in the New York Post last week. Yarn told of how she makes \$300 a week, but is so busy she doesn't get time to spend it.

Next day Miss Holloway mobbed by so many salesmen and promoters she had to have her picture discontinued. Two days later she moved to a new apartment, leaving orders at the vacated spot not to reveal her forwarding address.

New Chicago Ad Agency

Chicago, Nov. 18.

New advertising agency opening offices here has G. W. (Wally) Bauerlein as president and one of partners.

He retains head of Bauerlein, Inc., New Orleans. With him in new venture is John M. Shaheen, and Donald B. Skinner, former advertising manager for General Motors in Japan.

'Oath of Undying Curiosity' Admits Public to Frisco's NBC Sidewalk Cappers

San Francisco, Nov. 19.

NBC's ground-breaking ceremonies here Thursday (14) were aired not only by KGO-KPO but by KYA, Hearst; KSFO, CBS outlet; KWB, Stockton; KFBK, Sacramento and KCH, Reno. Mob overflooded across entire street, completely blocking traffic and keeping cops busy. Nearby hotels draped bunting and all available wall space was plastered with huge KGO-KPO call signs.

Dedicatory program ran more than an hour and kept the crowd of several thousand standing until the one o'clock lunch whistle called office workers back to their jobs. Crowd began assembling in early morning and many hung around long after the program was over. Speeches were kept to a maximum of one minute each with plenty of music between, talent being parked atop tire repair shop which will be torn down to make way for the million-dollar NBC headquarters.

Ground-breaking was authentic, mob of 250 NBC employees descending upon the asphalt-covered parking lot with picks and shovels and ripping it up with a will. Office crew burned up a week's energy whacking out chunks of paving. Gag was newsreel.

For finale, entire mass of spectators was sworn in as members of the Sidewalk Superintendent's Club. George Markidjian of Omar Khayyam eatery, official NBC chef, was named proxy and read the oath of undying curiosity, which was repeated aloud by the crowd. NBC gals in red and white striped overalls then circulated, handing out charter membership cards.

Trudy Wood Singing

San Antonio, Nov. 19.

Trudy Wood, former NBC and CBS singer, will resume her radio activities in a series to be aired here over KTSA each Monday, Thursday and Friday. She will be assisted at the two pianos, soloist and orchestra, by Bea and Joe Morin, brother and sister keyboard artists.

Miss Wood is the wife of William C. (Buster) Bryan, program director for the station.

No More Soldier Quizzes for Sensation

Abandons Military Camp Programs — Buys Trans-American Package Instead

Sensation cigarettes (Lorillard) has dropped the idea of going in for soldier quizzes on a grand scale and instead has bought a transcription show, using Liberty mag's short short story. It will be two 15-minute programs a week on a nighttime schedule, starting the week of Nov. 25. Series is coming from Trans-American Broadcasting & Television Corp. on a package arrangement. With the Old Gold campaign included Lorillard is spending well over \$500,000 on spot time this season.

Linsup for the Sensation campaign takes in over 30 stations. This consists of WXXY, Detroit, and the Michigan Network, WOWO, Fort Wayne; WFBM, Indianapolis; WHAS, Louisville; KOA, Denver; WCHS, Charleston; and the West Virginia network, WTAR, Norfolk; WDBJ, Roanoke; WJAX, Jacksonville; WJBC, Orlando; WDAF, Tampa; WQAN, Miami; KMOU, St. Louis; KWOS, Jefferson City, Mo.; KBX, Springfield, Mo.; WCCO, Minneapolis, and WBMG, Richmond.



RAYMOND PAIGE

Who, with his orchestra, has just been signed for a series of albums by Victor. Paige's insistence on an exceptionally large number of instrumentalists has made him one of the longest 'recording hold-outs' in the music field.

The first Victor album is titled 'Musical Americana' and the orchestra is reported to be the largest popular group to be recorded.

MORE STATIONS ADDED TO NBC IN SOUTH

NBC has released some more information about incoming affiliates that have recently been recruited for the expansion of its southern leg. Latest of the newcomers is WAML, Laurel, and WFOR, Hattiesburg, Miss. They have become part of the Red Network's southernmost group and are available as bonus outlets to advertisers buying WJDX, Jackson, Miss.

Week before last two new NBC affiliates in the southern air were announced. It is reported that the southern additions under way total 14.

VIVIAN DELLA CHIESA ON BAYER'S 'ALBUM'

Vivian Della Chiesa, lyric soprano, has been signed to option-studded 104-week contract to appear on Bayer's 'American Album of Familiar Music' starting Sunday (24), on a national hookup over NBC red. With soprano will be Frank Munn, tenor, and Jean Dickenson, coloratura soprano.

Air Features set the deal, which reportedly will pay Miss Della Chiesa \$750 weekly. Contract calls for 10 weeks with options every 13 weeks thereafter, with a war clause also inserted. Radio soprano branched out into opera in Cincinnati and St. Louis, as well as Havana with Met stars this summer.

DOUBLE CHARM SLAM

That's the Idea as Bessie Beatty-June Baker Temporarily Swap

Bessie Beatty, who does the daily 45-minute 'Martha Deane' program over WOR, New York, and June Baker (Catharine Roche), who does a similar series over WGN, Chicago, will swap guest appearances on each others' shows Nov. 28-29. Each femme speller will do the two-date on the other stanza.

Idea is for the gals to give local agency executives a chance to see them in action. As one gent connected with the housewife spicifiers expressed it, 'the boys will be overcome by their charm.' No fooling.

Paul Ray With Blair

Chicago, Nov. 19.

Paul Ray has been added to the Chicago office of the John Blair station rep firm as account exec. Ray was previously with the Katz agency in Chicago.

INFORMATION VS. GAB

'America's Town Meeting of the Air' returned last Thursday to the NBC blue network. The program which gave the U. S. A., a practical and socially significant demonstration of how to conduct a forum on controversial issues before an audience with all the microphones open has now begun its sixth season. The program has already won many plaudits for NBC, which spends \$50,000 or so annually to subsidize the event, and for Town Hall in New York, which is a far vaster influence today as its leader, George V. Denny, is now a national celebrity. All because of radio.

Having pioneered in a special field of radio it begins to be clear that, like many another pioneer, the Town Hall, and NBC to the extent it participates in production, has survived to see the new and the different become the commonplace. Worst of all, a tentative shadow of dullness is creeping across the once sun-drenched porch of the temple.

In other words, the Town Hall program seems to be suffering from a drastic shortening of the former margin between its own program conception and the tempo of current events. It was once ahead of the parade. Now it may be on the point of lagging behind it. A challenge that can hardly be denied and certainly not ignored has taken shape, and the opening program of the sixth season emphasized it.

If it is correct to say that Americans are developing a certain unmistakable impatience with 'inconclusive' gab, the lesson is clear, for that was pretty much what the Town Hall delivered to its radio audience on the subject 'Is This Our War?' On paper it sounded like a humdinger, but in unfoldment was full of evasions and shadow-boxing.

For a long time now the Town Hall has opened its audience discussion session well ahead of the time it goes on the air. The suspicion grows that there may lie one production fault. The best questions seem to be used up in the prolog, which isn't broadcast. Of course this warmup session may have been originally worked out to spot any crackpots that might be present in the audience, or to break the ice before going on the air.

People thirsting for 'information' do not find satisfying the platform tricks of less-than-candid speakers thinking primarily of their personal prestige. Nor does the wasting of precious moments to answer silly questions enrich radio or democracy. This is not just a question of an Ickes and a Johnson going after each other in picturesque invective, although this makes for a better show. But Town Hall, while it has to remain a good show, needs to be a lot more than that or it will lose its present leadership in the educational radio field.

Perhaps what these radio forums need is a new method of presentation and especially a summation or clarification of what has been said by somebody who is free of the need to be strictly impartial. An Elmer Davis, an H. V. Kaltenborn, or any glib speaker, who can function fairly, swiftly and concisely.

WISN, WEMP Spotlighting In Milwaukee Journal To Offset WTMJ Edge

Milwaukee, Nov. 19.

In an evident attempt to wean away some of WTMJ's listeners, both WISN and WEMP sponsors have been buying increasing amounts of display advertising space in The Milwaukee Journal, positioned alongside the newspapers' radio columns, which naturally plug its own stations and NBC programs. More than 300 lines of opposition copy appeared in a single recent midweek edition, placed for Coca-Cola's 'Sing-in' Sam, Sunkist's 'Hedda Hopper's Hollywood,' Sanka Coffee's 'We, The People,' and Gimbel Bros.' 'Gimble and Ellie,' a department store 15-minute daily Christmas show.

Other WISN programs plugged regularly through WTMJ's newspaper medium include Lifebuoy's 'Meet Mr. Meek,' Texaco's 'Fred Allen show,' which is shipped back to commission's Mary Margaret McBride, and Wonder Bread's 'Haven MacQuarrie Marriage Club' show. Apparently The Journal is glad to take the money and not worrying about losing any appreciable portion of its radio audience.

WBEN's Fort Dix E. T.'s

Buffalo, Nov. 19.

WBEN has sent e.t. outfit to Fort Dix, N. J. to wax three platters weekly, which are shipped back to play mornings at 7:15 a. m. Station, which is owned by Buffalo Evening News, has placed News' reporter covering the camp, Del Ray, in charge of the recording. Sent an engineer there to give him two-week instruction course, and has enlisted Master Sgt. Charles L. Henry to quiz local boys while the turntable whirs.

After being on WBEN, discs are sent to DEBR, also owned by News.

OLD GOLD TO J. W. THOMPSON

Old Gold division of the Lorillard away from has been switched from Lenzen & Mitchell to the J. Walter Thompson agency. The move became effective Monday (18) and represents the biggest shift in cigaret advertising appropriations since the Camel account was transferred from Erwin-Wasey to William Esty six years ago. L & M has handled Old Gold for over 12 years and the cigaret as one of radio's bigtime program pioneers.

Old Gold quit network radio early this summer and recently launched a spot campaign via a musical transcription. Thompson has been soliciting the account for years, and the prize will tend to balance off in a substantial measure Thompson's loss the past year of a huge chunk of the Standard Brands business.

G. W. Johnstone Radio Chairman of Birthday Ball, Knox Director

G. W. (Johnny) Johnstone will be a member of the executive committee and chairman of the radio division of this year's Birthday Ball campaign. This will be in addition to his duties as radio director of the Democratic National Committee, which post he continues to hold.

Active radio director of the Birthday Ball committee, under Johnstone, will be James H. Knox, who was with the Florida exhibit at the N. Y. World's Fair and more recently with WFTL, Fort Lauderdale, Fla. Johnstone will commute between his two jobs in Washington and New York.

'TIP' SERVICES DANGEROUS

'Tip' That J. Walter Thompson Agency Resents

TOM FIZDALE

NEW YORK—485 MADISON AVENUE CHICAGO—360 N. MICHIGAN AVENUE HOLLYWOOD—8532 SUNSET BOULEVARD

FOR RELEASE AFTER October 29, 1940

THIS RELEASE IS **EXCLUSIVE** TO YOU IN YOUR CITY

Inside on the Bob Burns-Bing Crosby mess is fact that the agency forgot to renew Bing's contract when option time came around. However, he has promised to start on Nov. 14. If he likes the program he will remain. If not, he will insist on a half hour show with more music and less chatter and NO Bob Burns.

FREELANCE PRESS AGENT IN JAM

J. Walter Thompson Agency Resents Tom Fizdale Stirring Up Bing Crosby-Bob Burns Feud for His (Fizdale's) Benefit

LAWYERS MULL

As the result of a strong complaint from one of the country's leading advertising agencies, publishers and managing editors of daily newspapers are expected to direct their attention for the first time to the sources from which their radio columnists are getting 'news'. This investigation will bring under publisher spotlighting the fairly common practice of freelance radio press agents to supply 'tip' service to radio columns with the 'tips' frequently concerning matters and personalities not connected in any way with the freelance press agents.

The motives of the freelance press agents are obvious. They wish to gain the reputation for being 'hot' so that their publicity copy gains close attention from radio columnists. Fearing to load up their releases with nothing but squibs about their own clients they slip in juicy hearsay items about non-clients. And that's where they get into trouble and where the newspapers carrying the unauthenticated 'tips' may be sharing the risks, but not the benefits of the press agents-turned-journalists.

Most of the protests due to this practice have more or less been confined to the inner circle of the radio advertising trade. One of the first serious complaints was nearly four years ago when a 'tip' on Major Bowes originating in one of these volunteer mailing services was printed in over 60 radio columns. Bowes traced the story and assembled a file, but decided against any action. Since then intermittent complaints of like nature have popped up. Where the items have been innocent—even though wrong or foolish—it hasn't mattered, but occasionally the 'tip' does not fall into this category of innocent fact.

J. Walter Thompson agency states it is 'considering' taking legal action against the publicity firm of Tom Fizdale as result of a gossip item which the latter distributed among radio editors throughout the country the last of October. This item, which was published in many newspapers, stated that one of the causes for the difficulties in which the agency allegedly now finds itself with Bing Crosby, was due to its oversight in picking up the crooner's last option when it became due. Thompson attorneys regard this reflection on its business matters as commercial libel and disclosed Monday (18) that before starting any action they would further investigate the motives for Fizdale's release. The Thompson agency has its own elaborate publicity department and clears all items pertaining to the Kraft Music Hall through its own staffs. Fizdale formerly handled the Rudy Vallee show, which like the Kraft Music Hall, is sponsored by National Dairy Products. Fizdale got his assignment from the McKee-Albright agency, and in late June lost it to Irving Mansfield.

The Voice Is Added

San Francisco, Nov. 19. Experiment in off-the-air synchronization tried here by John Wolfe of Photo & Sound in connection with NBC ground-breaking. Entire affair was lensed in silent color while ceremonies were waxed in studio. Dubbing process will unite sight and sound in lab.

If it works out system will be used for lensing of all radio affairs, permitting mobility of camera sans any loss of sound.

WLW REP FOR OHIO CAR CARD ADVTs.

Cincinnati, Nov. 19. Tying in with band advertising in street cars and buses, WLW Promotions, Inc., subsidiary of Crosley's \$50,000-watter, is taking over the exclusive selling rights on such space in cities within a 150-mile radius of Cincy. Up to Monday (18) contracts had been closed with the carrier companies in Kenton and Campbell counties, Kentucky, opposite this city; Lexington, Ky., Ft. Wayne, Ind., and Columbus and Dayton, O., Shouse said. Approximately 800 cars and buses operate in these spots. Four cards in each car and bus will be turned over to the WLW promotions department to publicize new programs, time changes of programs and personal appearances of talent on that station. Balance of space will be available to national and local advertisers. A second division of WLW Promotions, Inc., handles bookings of WLW acts for theatres, auditoriums and fairs.

FORREST BARNES NEW WRITERS' GUILD PREXY

Forrest Barnes was elected national president of the Radio Writers Guild last week, with Paul Franklin replacing him as California regional president and Katharine Seymour elected as eastern regional president succeeding Knowles Entringer. Courtney Savage remains Chicago regional president. Eastern council members were elected as follows: Erik Barnouw, Ruth Adams Knight, Henry Flisk Carlton, Laurence Hammond and Weibourn Kelley to serve until 1942, and John T. W. Martin and S. Mark Smith (not the Mark Smith of AFRA) to serve until 1941. Following council alternates were also elected: Stuart Ayers, Elaine Sterne Carrington, James Hart, Philo Higley, Richard McDonagh, Addy Richman and Francis G. Wilson. Kenneth Webb, retiring national president of the Guild, declined to accept re-election on the ground that, as an employee of B. B. D. & O. agency, his duties are sometimes of an executive nature and he would thus have conflict of duties in the agency negotiations recently started by the Guild.

Joe Bigelow to N. Y.

Los Angeles, Nov. 19. Joe Bigelow of the J. Walter Thompson agency is returning to the New York office to resume duties there. Was here temporarily on Kraft show assignment as writer in illness of Carroll Carroll, who is now back.

Frank Parker, Mary Small Leadoffs for 20 Grand 'Birthday' Show on NBC

Frank Parker and Mary Small will be the guests on the debut Your Happy Birthday program Friday night (22) for 20 Grand cigarets. Show originates at the Ritz theatre, N. Y., and will be heard on NBC blue (WJZ). Jimmy Dorsey's orchestra and Tiny Ruffner are the regulars the series. Carlo DeAngelo directs and the script is by David Victor and Herbert Little, Jr. Ed Wolf Associates produces for the Compton agency. Non-broadcast 'preview' was held last Friday (16), with Jack Haley, Jean Muir, Adrienne Ames and John Carter in addition to Parker and Miss Small. Harry Salter batoned in the absence of Dorsey.

'Alice Adams' Next Disc Series for Wheatena

'Alice Adams,' adapted from the Booth Tarkington novel, will be the next drama on the Wheatena Playhouse recorded series five days a week locally over WEAF, New York, and 16 other stations. Replacing the current 'Wuthering Heights,' with Jill Esmond, the new play starts Dec. 2 on most of the outlets and two weeks later on the others. David Victor and Herbert Little, Jr., adapters of 'Wuthering,' are scripting 'Alice,' while Carlo DeAngelo is also directing both plays. Leading players in 'Alice' include Joan Tetzel, Florence Malone, Ray Collins, Ted Reid and James Messman. Piece will run four weeks. Ed Wolf Associates is producing for the Compton agency.

DOUBTS CALMED

'Gangbusters' Rates Okay in C.A.B. for New Sponsor

'Gangbusters' has started off with an imposing C.A.B. this season, thereby administering a sedative to some not-too-sure persons. Gang-bang opera was warned over this season for another serving by Bernard L. Schubert of the Phil Lord office. Sloan's Liniment signed up, despite the potshots taken at the show last year by some women's clubs and whatnot. Show's ability to chalk up a good rating, although launched in the midst of the political campaign on a new network and a new time has been widely noted in the advertising trade around New York. On two of the recent broadcasts 'Gangbusters' had John L. Lewis and Franklin D. Roosevelt, respectively, opposition.

Frank Braucher's Job

Frank Braucher, former v.p. in charge of sales for WOR, Newark, has become the paid president of the Periodical Publishers Association. Before coming into radio Braucher was an executive of the Crowell Publishing Co.

PUBLIC STOPS CHANGE OF PROGRAM

Fresno, Cal., Nov. 19. KMJ, Fresno, has been permitted to drop the 'Mary Marlin' (Procter & Gamble) serial because of the protests received by the station when it eliminated the noon news and weather reports to make room for the strip show. One of the protests was in the form of a seven-page petition from the citizens of Reedley in Madera County. Among those who signed the petition was the editor of the local paper. Gist of the plaint was that the local listeners supported the station in other ways and they saw no reason why they should be deprived of their weather forecasts.

TALENT AGENTS MEET ON AFRA RE-WRITE

The Artists Representatives Assn. of New York held a special membership meeting last night (Tuesday) to approve the revised agreement for franchising of 10-percenters submitted by the American Federation of Radio Artists. I. Robert Broder, counsel for AFRA, and Henry Jaffe, AFRA's attorney, collaborated on the rewrite, which extended the agreement to around five times the length that signed by the networks' artists bureau several weeks ago.

Artists Managers Guild on the Coast has also been concerned in making changes in the agreement, with its original form, the agents considered inequitable and unfair insofar as it put them at a disadvantage in competition with the webs' artists bureau.

Mutual Board in Varied Actions

To Have Latin Tie-Ups—Forum for Sale—FM Affiliates Get Free Ride—115 Take Symp

Mutual last week entered the movement of the American broadcasting industry for cultural contacts with Latin-American when the networks board of directors, meeting with its operating board, adopted plans for the exchange of a series of programs with South American countries. It was suggested that somebody be engaged to negotiate the series. This rep will probably be spotted in Buenos Aires, with the facilities of WRUL, Boston, and Press-Wireless used for the short-waving. Board also agreed to make The

Lunt-Fontanne Broadcast While on Coast With Stage Show; Time Okay

Alfred Lunt and Lynn Fontanne, currently touring in Robert E. Sherwood's 'There Shall Be No Night,' will probably do a guest dramatic appearance on the forthcoming 'Campbell Playhouse' series from the Coast. Program is slated to air at 9:30 Friday nights, but with the three-hour time difference, that would give the acting pair time to do the radio stint after their evening stage performance.

Date might be any time between Jan. 31 and March 3, when the troupe is playing various Coast stands. Director and announcer would probably be the only talent that would have to be sent from New York for the broadcast, although probably the writer would also make the trip in advance to confer with the Lunts regarding the script. 'Night' company is unusually well balanced, so no additional actors would be needed.

Leggett Brown, the Lunts' radio agent who is dickering with the Ward Wheelock agency for the date, hopes to have Willis Cooper write an original drama for the pair. It would be their first commercial stint and the expectation is that if it is successful, they would be available for repeats.

After repeatedly refusing radio offers, Lunt and Miss Fontanne made their air debut several months ago on a Red Cross benefit program. Since then Miss Fontanne, with Lunt briefly, introducing her, did the Alice Duer Miller ('White Cliffs of Dover') poem over NBC blue (WJZ) and repeated it two weeks later.

Len Hollister, of the radio and vaude act, The Hollisters' is producing a show for the soldiers at Fort Monmouth, N. J. Art Mayhew, formerly announcer at WBBB, Red Bank, will do the m.c'ing with Hollister, though the cast will consist of the trainees.

American Forum of the Air' available for sponsorship, to grant affiliates permission to rebroadcast Mutual programs on their FM facilities, and to work out a deal with the Associated Press for continuous use of its service and sale to national advertisers. It was voted that a special program meeting take place around Jan. 12 so that network officials and station program men can exchange new program policies.

Fred Weber, general manager, reported that 115 Mutual stations were taking the Philadelphia symphony orchestra concerts.

INDUSTRY CALLS FCC TELEGRAMS TO IRNA MEMBERS AN 'ATTEMPTED INTIMIDATION'

Paul Porter Defends Commish's Action as 'Fact-Seeking' in Situation of Confusion—Mutual Affiliates Divided in Attitude?

Washington, Nov. 19. Possible re-opening of the Federal Communications Commission's chain-monopoly probe was hinted Friday when the regulators, arousing fury of almost the entire broadcasting industry, dramatically indicated deep resentment at the outspokenly sarcastic brief filed by Paul M. Segal on behalf of the Independent Radio Network Affiliates. FCC displeasure was expressed in the unprecedented action of telegraphing all 227 members originally listed as composing IRNA, inquiring whether they had seen and approved of Segal's sizzling document.

This move drew condemnation from many quarters, being denounced by lawyers for various groups as evidence that the probers are determined to impose their convictions on the industry regardless of questions of jurisdiction, need for suggested regulations, or the effect of arbitrary action on the public, networks and stations.

No such action ever has been taken, in the memory of persons who have been prominent in radio affairs since Federal regulation was launched on a major scale in 1927. Fearful of arousing more hostility, none of the principal leaders of the business was willing to voice an opinion publicly. In private, however, this sensational step was assailed as attempted intimidation of any individual who dares differ with even a minority of the Government outfit.

George Porter Is Under Fire From Newspapers

For several hours, great secrecy surrounded the moves which preceded transmission of the wires. Buck-passing thwarted efforts to ascertain the motives and the identity of the individuals who directed the sudden inquiry. Eventually—after everyone approached had deflected all questioners to George B. Porter, special counsel for the investigating committee—it was learned that Commissioners Paul A. Walker and Fred I. Thompson, only remaining quiz-conductors, had authorized Secretary Thomas J. Slowie to send out the barrage of messages. But other members were kept in the dark, although a full Commission meeting occurred a few hours after the wires went forth, and the first George O. Gillingham, press relations boss, knew of the incident was when he received telephone calls from bewildered newsmen.

When informed that every individual who should be informed had sidestepped with "see George Porter" answer to queries, the special counsel acknowledged he had called to the special committee's attention the fact that a substantial number of licensees appeared to be in a wholly contradictory position regarding the findings in the hotly-attacked report. Porter's explanation was that since 40-odd stations listed as IRNA members also were Mutual affiliates, it was imperative for the probers to find out whether their sentiments were expressed by Segal, whose brief was an even more vigorous defense of network practices than the documents of the web lawyers.

Porter, remarking that "the Commission is entitled to have the record straight" emphatically he was neither trying to discredit the Segal brief nor defend the report. He was anxious only to clear up the bewildering situation. He said he had suggested to Thompson and Walker that an inquiry should be made because he felt positive that Segal's tantalizing assertions did not reflect the unanimous views of IRNA members.

The wires asked each station listed as a member of the group (in the exhibit filed two years ago by Samuel I. Rosenbaum, IRNA proxy) whether it had "authorized" the filing of the brief, had approved either the document or the views it expressed, and shared the sentiments.

While no detailed information was forthcoming, Porter said Saturday (16) that replies had been received

from virtually every individual and the bulk were that the station execs had not seen the brief, consequently could not state whether it reflected their positions. Some said they had inspected it and a few acknowledged they had given advance approval. But a surprisingly large percentage of the answers, according to Porter, said that the individuals no longer were IRNA members. In this category was John Shepard, III, who repudiated the brief with the comment he had been out of the organization for some time. Immediate resignation from IRNA was sent by WFBR, Baltimore. Other stations were reported quitting—some privately acknowledging they feared chastisement if they backed up the Segal arguments.

Meanwhile, members of the chain-monopoly group also were described as bitter toward the Columbia Broadcasting System attorneys. Privately they indicated to intimates that the brief filed by John J. Burns et al. was equally reprehensible in their eyes, although most industry people considered it far more temperate than Segal's screams.

The IRNA counsel was naturally burned at the breath-taking move, while many other industry people felt the implications of the wire were any faint hope for an impartial weighing of the issues and thorough consideration of the arguments advanced by opponents of the recommendations. Segal pointed out that all of the IRNA board examined and endorsed the brief, some of them having seen it in galley proof and all being given an opportunity to suggest whatever changes they felt desirable.

Sarcastic Tone of Brief

Noted By Attorneys

Attorneys generally were sympathetic toward Segal, although some indicated they question his discretion in firing such a sarcastic blast at the regulators. Even the latter, however, were secretly tickled that somebody had the courage to get blunt and decide the time has come to shoot the works instead of shadow-box with antagonistic regulators. No lawyer agreed with the implication that before a brief is filed every paragraph and statement must be discussed with the client. When a licensee, applicant or group retains an attorney, he naturally outlines his feelings and then leaves the question of what legal technique shall be used up to the discretion and judgment of the barrister. It was remarked frequently. It patently is impossible to demand that every licensee carefully read the full text of each pleading, brief, motion, and

other legal document, they muttered. For instance, neither National, Mutual, nor Columbia sent their briefs to all stockholders, or outlets to get a green light.

The next move in the dynamite-laden situation was uncertain, but there was a hint that the committee may follow up its wires by reopening the proceeding to call IRNA officers and members—especially those which are MBS affiliates—in order to find out whether their views coincide with the Segal or the contrary Caldwell brief. Possibly the committee will ask for additional evidence about the IRNA organization, inasmuch as some of the individuals listed as members when the hearing occurred say now they have no connection with the group. It was thought unlikely there will be any general resumption of the quiz or further evidence on the basic issues may be received. Also it seemed remote that the IRNA members who are NBC or CBS outlets would be summoned, inasmuch as the Segal brief is echoed by those submitted by the webs.

If the committee's action was occasioned by the conflict between the IRNA and Mutual positions, industry leaders were bewildered by the quizzing of the NBC and CBS stations. There is no justification, in the mind of most lawyers, for asking anyone except the MBS outlets whether his position is accurately reflected by the brief—unless, of course, the Thompson-Walker faction intends to crack down on everyone who says he approves of what Segal has done.

Almost unanimous anger in industry circles was somewhat tempered by the hope that such a sensational move may have repercussions. It may be boomerang, arousing general public alarm about the tendencies of the Commish and help crystallize the question of just how far the regulators' authority goes, whether the outfit administers the law fairly and conscientiously, and whether there is bias and prejudice that can be corrected only by changing the personnel. To some watchers, it seemed that Thompson, Walker and Porter may have taken a step that will become a political cause celebre and add fuel to the fire about bureaucracy and interference with private enterprise.

SPONSOR INTERVIEWS WITH SHOW PEOPLE

Chicago, Nov. 19.

Dutch Mill Candy, through the Goodkind, Joyce & Morgan agency, has set a new weekly program on WBBM, using interviews of stars of stage, screen and radio.

Interviews will be handled by Tommy Bartlett. Gladys George, the "Lady in Waiting," is the initial interviewee.

IRNA Wires Members After FCC Does

Philadelphia, Nov. 19.

Samuel Rosenbaum, chairman of the Independent Radio Network Affiliates (and head of WFIL, Philadelphia) Saturday (16) sent the following telegram to radio stations that had, the day before, been queried telegraphically by the Federal Communications Commission as to whether they knew about, had seen, or gave assent to the IRNA brief on chain monopoly question filed in Washington with the FCC by Attorney Paul Segal and blasting the regulatory body. Rosenbaum's wire follows: (Copy)

"At the San Francisco convention the IRNA officers and board were instructed to file a brief taking exception to the report of the monopoly committee and Paul Segal was retained to write the brief. Segal's brief for IRNA does not attempt to express any view on behalf of any individual affiliate, nor does it preclude an expression of such views. It sets forth only an argument on behalf of IRNA as an organized group containing affiliates of every class and description, and therefore is limited to a spirited defense of the right of stations to contract freely for network affiliation within the present structure of American network broadcasting, and vigorously denies the monopoly committee's charge that present affiliative relationships interfere with our ability as affiliates to render satisfactory public service under our licenses.

Before the brief was filed, advance proof was circulated to the IRNA board, and when it was filed, extra copies were ordered for distribution to every affiliate regardless of IRNA membership. These are being mailed today.

A copy of this wire is being sent to the secretary of the commission in answer to his wire. We are informed his wire was intended principally to ascertain for commission information the number of stations for whom IRNA is qualified to argue, and not to place your individual opinions or views on the record. Would appreciate for our files copy of any reply you send the commission in this regard, and also your opinion of the brief after you have read it.

Copy of the brief is being furnished to every known radio station lawyer in Washington.

Defense Communications Board

(How It Sub-Divides Into Four Committees, 11 Sub-Committees)

Washington, Nov. 19.

The present set-up of the Defense Communications Board comprises (1) the board itself, (2) the four major committees (law, coordination, labor, industry), and (3) the 11 subcommittees.

THE BOARD

Members of the board, with James L. Fly as chairman, are Major Gen. Joseph O. Mauborgne, Chief Signal Officer of the Army; Rear Admiral Leigh Noyes, Director of Naval Communications, and Breckinridge Long, Assistant Secretary of State in Charge of the Division of International Communications. Herbert E. Gaston, Assistant Secretary of the Treasury in Charge of the Coast Guard, is board secretary.

LAW COMMITTEE

The Law Committee will be headed by Telford Taylor, FCC General Counsel, and its duties will include the furnishing of legal opinions and advice and the drafting of final reports and recommendations, proposed Executive Orders, proclamations and legislation. Other members are Capt. J. W. Hays, Office of the Judge Advocate General, War Dept.; Steven Spingarn, Treasury Dept.; Lieut. Commander Franz O. Willenbacher, Navy Dept.; Raymond T. Yingling, State Dept.

COORDINATING COMMITTEE

Members of the coordinating committee are as follows: E. K. Jett, Chief Engineer, Federal Communications Commission, chairman; Francis C. de Wolf, State Dept.; Major W. T. Guest, War Dept.; Commander Earl E. Stone, Navy Dept.; Commander J. F. Farley, Chief of Communications of the U. S. Coast Guard.

LABOR COMMITTEE

The Labor Advisory Committee, whose functions include submission of expert advice to the board on all labor problems involved in the radio national defense mission, has not yet been chosen.

INDUSTRY COMMITTEE

Personnel for the Industry Advisory Committee also remains undesignated. The latter committee, it was announced, will have charge of all problems of general concern to the communications companies incident to the proper carrying out of the board's national defense mission.

THE 11 SUB-COMMITTEES

The eleven subcommittees whose members remain to be designated are:

- I. Amateur Radio Committee.
- II. Aviation Radio Committee.
- III. Cable Committee.
- IV. Domestic Broadcasting Committee.
- V. Interdepartment Radio Advisory Committee.
- VI. International Broadcasting Committee.
- VII. Radio Communications Committee.
- VIII. State and Municipal Facilities Committee.
- IX. Telegraph Committee.
- X. Telephone Committee.
- XI. United States Government Facilities Committee.

John L. Lewis Calls N.A.B. Code Hurtful to Labor, Not to Sponsors

Atlantic City, Nov. 19.

John L. Lewis, president of the Congress of Industrial Organizations, yesterday (Monday) called upon the Government to amend the Federal Communications Act to prohibit alleged discriminations against the selling of time to labor unions by broadcasters. Lewis made his report to the C.I.O. constitutional convention which opened at the Hotel Chelsea, the same place where the C.I.O. was founded five years ago.

The C.I.O. president, who is seeking to retire in line with his pre-election day promise, charged that a C.I.O. union in San Francisco had been refused a renewal of its contract of a regular nightly program by KYA. The station gave as its reason, Lewis said, that the program dealt with "controversial issues."

"At the same time," said Lewis, "large corporations in that area subsidize news and amusement programs, which like the Ford Hour always include a bias in favor of the employer-organization. There have been several similar instances in the past year in which other C.I.O. locals have been denied the right to secure radio time, even when they offered to pay for it."

Lewis declared that the N.A.B. rule on "controversial issues" was not based upon any law or had any legal authority. "It is simply a rule devised by the radio broadcasters through their national association," he said.

"Under this rule, no station is supposed to sell time for controversial subjects. Instead such subjects are to be handled by giving representatives of both sides equal amount of free time to discuss them."

"At the last convention, I reported that the rule gave considerable time to broadcasters and it would have to be watched with grave concern. As it is now working, the rule seems harmful to labor. Unions are denied the rights to purchase time, and they cannot get free time for radio debates, because employers will not give labor the publicity of a public debate. Yet everyone is familiar with the distorted news and propaganda put out

by corporations on their commercial programs.

"It is therefore necessary to subject to some control the arbitrary power of the radio stations to withhold or grant radio time. This can be done by amendments to the Federal Communications Act which would prohibit discriminations and afford a summary procedure for hearing cases of discrimination with authority to direct that the facilities be made available on non-discriminatory terms."

This would put the radio broadcasting business in the same class as other public utilities, like railroads, ships and bus lines, which must give equal service to all the public.

Employers Association Is Again Backing B'dcasts Of Workers Songs, Skits

Hartford, Nov. 19.

For the third year the Hartford County Manufacturing Association is sponsoring a series of Industrial Employee Playhouse airings. Consists of a series of Sunday night offerings by employees of 12 industrial concerns affiliated with the association.

Etherings are over WHTH and fed to WNBC. Walter Nilson of commercial side of WHTH is again emceeing shows and handling other arrangements. Presentations consist of skits, choral group offerings, etc. Each industrial concern has a group of its employees participating on subsequent Sundays. A half hour shot.

First was Sunday night (17) by employees of Underwood-Elliott Fisher Typewriter Co. Next is by workers of Veeder Root Manufacturing Co.

Louis Lorraine Off CBS

CBS' publicity head Louis Ruppel has dropped Lorraine, who worked on commercial programs. She was with the department for five years.

'MONOPOLY' BRIEFS RIP FCC

NBC, CBS, IRNA IN BLUNT RETORTS

Unprecedentedly Frank Criticism of Commission for Going Beyond the Law, Not Knowing Its Own Mind—Sees Mutual as the Stirrer-Upper

ALLEGED BIAS

Washington, Nov. 19.

Concerted opposition from two of the major networks and the bulk of their affiliates to the recommendations, findings, and conclusions of the chain-monopoly investigators is squarely put before the Federal Communications Commission in blunt and sarcastic briefs declaring the FCC wants to go far beyond the statute and alleging that the FCC demonstrated bias and prejudice in its voluminous report on the 1938-39 incursion.

Charges that the vagueness of the report and failure to advance concrete recommendations place them under a severe handicap were made by attorneys for the National Broadcasting Co. and the Columbia Broadcasting System as the briefs for the leading 'defendants' were docketed Friday (15). Taking many digs at Mutual, which urged strict supervision of web-affiliate relations, the rival loops contended the report is a mass of confused, unfounded, erroneous, and prejudiced calculations and statements. The CBS and NBC lawyers effect accused the investigating committee—now cut to two individuals—with operating in an ex parte manner.

Breath-Taking Brief

Most important development in the squaring-away stage, however, was the filing of a breath-takingly sarcastic brief by Mr. Segal on behalf of the Independent Radio Network Affiliates. His defense of chains' practices was much more vigorous than those presented by the webs' own counsel, while the tartness of the language caused an immediate, sensational repercussion that may result in reopening of the probe. Frequently he implied, often not subtly, the committee's philosophy—either communistic, fascistic, or socialistic and adoption of the report would pave the way for outright government dictatorship over the broadcasting industry.

The three-cornered attack on the report included unanimous agreement that the Commission lacks jurisdiction to supervise business transactions and trade practices, that the committee in many spots either nullifies long-established policy or proposes contradictory changes, and the fundamental issues have been thoroughly obscured by concern over social questions that are none of the FCC's business.

The CBS and NBC briefs both contained flat denials that there is any talent monopoly, pointed out that network acquisition of key stations (except for NBC's ownership of WJAF, New York) was approved by the FCC or its predecessor, asserted that there is no disguised transfer of control over program choices from station managers to chain executives, declared the evidence does not back up claims the webs skim all the cream off time sale revenues, argued that exclusivity is imperative to give stability and compensate the networks for many expenses benefiting affiliates, noted that there is no equality in facilities and it is impossible to give all outlets competitive parity, and protested that the committee does not know its own mind. Most of these points are echoed by Segal, although he limited his discussion to the findings that are of joint concern to the chains and affiliates.

Technical Policemen

The job of the regulators is to handle technical problems, not to

embark on a social crusade, or begin passing on trade practices, the Commission was advised. Most of the findings, which bear on the economic aspects, are nothing more than opinions or conclusions based on preconceived ideas, according to the two chains' lawyers.

With Segal setting the pace, both NBC and CBS threw Commission decisions, action policies, and statements back at the regulators, stressing repeatedly that the report is often at odds with past performance. Confusion, conflicts, contradictions, and inconsistencies are charged in discussion of many key topics.

Segal warned the Commission that the indies don't want as much governmental solicitude and pampering as the probes would like to bring about. Loss of freedom would be an inevitable result of promulgation of policies and regulations along the lines advocated in the report. Why should the FCC suddenly get agitated about alleged abuses and injury to the affiliates which the supposed victims haven't noticed or squawked about?

Only on one point of importance did the defendants seemingly agree—that a reform may be necessary. That was in regard to the maintenance of more than one combination of transmitters by a single company. The CBS and IRNA briefs were silent on this proposition, while NBC made only what most readers considered a routine argument that it should be allowed to go on running both the Red and the Blue.

Digs at Mutual

The digs at Mutual were generally to emphasize that the rookie has lost most of the practices about which it complains. (In urging reforms, MBS acknowledged it has been forced in self-defense to tighten the ties with member stations a la NBC and CBS, but professed willingness to give up long contracts, exclusive clauses, etc., if the Commission will force the others to do the same.) They also contended that much of Mutual's difficulty grows out of its type of operation, which they consider unsound because there is no room for a cooperative hook-up in the radio business.

Exclusivity Vital

Exclusivity is vital because of the good will, listener interest, prestige, and identity considerations, the chains declared. Both asked why they should be expected to build up reputations and then have their outlet free to jump ship whenever a rival comes along with a seductive offer. In the opinion of CBS attorneys, the exclusivity clause is an actual benefit to little fellows, who might otherwise be left out in the cold, and the Commission probes ignored the fact that affiliation is a voluntary, not compulsory affair. Similar NBC argument noted that contracts are expiring constantly and the needs actually overcome. In equalities by assuring every plant of the same quality programs, Segal agreed that exclusivity is a matter of trading and haggling, snorting that the objectors are merely a small group of managers who long for a bigger piece of pie.

Discussion of the time-option system, severely criticized in the report, followed the same line. Without assurance of outlets, networks cannot book accounts, the briefs pointed out. Using the FCC's own figures, the NBC legal battery argued that contracts are of great value to the stations, not vicious instruments. Big investments such as networks make and long-time commitments are impossible without certainty of outlets and unquestionable ability to tap key markets, CBS emphasized. Both maintained goodwill cannot be built in a short time and sponsors cannot be signed up if salesmen are unable to promise desired coverage.

Calls Terms Fair

The divvy between the webs and the affiliates is fair, in the view of the network barristers. The NBC brief noted that both their own and CBS outlets get more non-web revenue than do Mutual transmitters, while contracts are premised on each station's contribution to the total coverage. Basically agreeing that the Commission figures have been misinterpreted, CBS added that as long as markets vary in desirability the revenue of stations must differ. Value of sustaining service available without charge, research, promotion, sell-

ing, and other chores that benefit the affiliates also should be taken into consideration in measuring fairness of the payments, both webs insisted. Segal shares some of these views, besides commenting sourly that the indies prefer to do their own bargaining, not have some bureaucracy do the haggling over terms of affiliation. The IRNA attorney remarked upon the 'startling results' of the peculiar computations by FCC statisticians, admitting that the outlets want all they can get, but challenging the soundness of the governmental arithmetic.

There was general disagreement with the committee's apprehension that actual control over operations is being shifted to New York under web contracts. Affiliates can reject any program within reason, both chains reiterated, and the stations know what to expect. Besides the National Association of Broadcasters' code, each chain has its own standards, which antedate the industry-wide yardstick, the Commission was reminded, and keep the affiliates constantly informed about production plans. The committee must have been blind, CBS implied, and even though agencies do prepare a large proportion of the commercial shows, the web exercises censorship powers, and CBS in particular has rejected over \$900,000 of business that did not meet its tests. If the committee suggestions are followed to a logical terminus, not only networks, but even advertising agencies and speakers would have to take out licenses, while free expression would be virtually impossible. Segal agreed there is ample freedom to reject web programs, adding that the chains generally know better than the FCC what type of entertainment is in the public interest and have a constant finger on the audience pulse.

Size of Webs

As for program service, the IRNA brief pointed out that it is distributed, according to population, as equitably as station distribution which is a responsibility of the regulators, and there is constant expansion of the networks. Size of networks depend on many factors, some beyond the chain's control, CBS asserted, sarcastically noting the conflict between the committee's findings that there is 'unhealthy domination' of the industry by the webs, but not enough network service. Making a parallel argument, NBC declared the committee offered no explanation

how its suggestions would improve service to the people, and complained that, although program duplication was an issue on which much testimony was taken, the probes made no findings, and skated lightly over this question.

Talent Monopoly Silly!

The idea of talent monopolies was laughed at by both chains. Only a small percentage of available performers are managed by their subsidiary bureaus, they retorted, while the concentration of talent in New York, Chicago, and Los Angeles is due to many other things than to radio. Movement of show people to these centers occurred long before broadcasting started, CBS declared. NBC pointed out that only a tiny fraction of its outlay for talent went to individuals under its own management. Some control is justifiable, CBS insisted, because the webs pay sustaining performers who should not be free to go to work for a rival after being built up. Committee confuses exclusive management with exclusive service, CBS added.

Question of network activity in the recording field and conditions under which chain programs can be waxed were not discussed in the CBS brief, but the other web defended restrictions on off-the-line recordings, and pointed out that RCA does a big business with non-web outlets. The NBC barristers could not see why the chain should make its facilities available to competitors or persons who won't buy time. Network is no Santa Claus.

Complaints of the committee about the web's asserted fat profits drew sharp rejoinders. Both webs yelled that the regulators were unfair in their measurements, hollering that total investment is no yardstick to be applied in a field where service is the article bought and sold. They also insisted that in relation to the aggregate take of the whole industry their cut is not unconscionable, Columbia pointing out that the two majors together pocketed but 39% of the gross billings, and NBC contending that over 10 years its operating expenses were 93.1% of its income, leaving but 6.6% margin.

Public Interest

Arguments about FCC jurisdiction were almost identical, with Segal loudly echoing the arguments that the government has no authority under existing law to undertake many of the jobs the committee proposed. Most of the recommendations deal

with economics, not allocation of facilities or interference of such matters; NBC protested, adding a minder that broadcasting stations still are not either common carriers or public utilities. Limitations imposed by the Supreme Court, notably in the Sanders Bros. case, were cited by CBS, which said the proposals do not deal with best use of the spectrum, and added there is no showing that contractual relations have made it impossible for affiliates to serve the public interest. This point was not touched by Segal, though he indicated he questions whether Congress ever gave the Commission authority to enter some of the fields suggested in the committee report.

In regard to maintenance of two hook-ups, NBC attorneys curtly denied accusations that affiliates are clubbed or may be chastised by arbitrary switches if they don't behave. The second chain was an answer to public demand; the Commission was advised, not the result of greed. The public benefits, because it gets additional service and the industry has been stimulated, rather than injured. There was a flat denial that any transmitter ever was shifted from the Red to the Blue without parleys.

The committee is guilty of a misconception about the nature of licenses and about monopoly and competition, NBC replied, a point echoed by both CBS and IRNA. Maximum competition exists, they declared, adding that free and unlimited competition is both impossible and probably undesirable. NBC explained that stations were supposed to complement each other, with different types meeting particular needs for service, a point noted that Congress limited the opportunity to enter the business because of chaos that led to the 1927 Radio Act. Columbia's attorneys maintained the recommendations can be attributed only to a zeal for reform, unrelated to the actual operation of radio together with amazing ignorance. Rejection was urged by CBS because the report is 'incorrect... unsound' and unsupported by facts.

The IRNA brief admitted a selfish interest and asserted that any disagreements between webs and affiliates are private matters, not public controversies. Because of highly personalized relations, the industry can get along without shepherding by a group of government watchers. Vigorous rivalry between NBC and CBS can be testified to by his crowd, Segal declared, pointing out there is a continuous fight for outlets reaching key markets, accounts, and talent. Each station is unique and the industry cannot be forced into a rigid mould, he cautioned.

Criticism of long-term contracts drew unanimous reply that the cure for this problem is longer licenses, not shorter agreements between webs and outlets. The industry has to make its plans well into the future, sponsors frequently desiring to earmark particularly favorable time a year or so ahead, the briefs emphasized, and no gain would result from making the pacts co-extensive with the Commission tickets. And as long as the FCC can revoke or refuse to renew a franchise, there is no harm to the public since a station with a contract is no good unless it has an operating permit.

Strong suggestions that clear channels should be wiped out aroused resentment. Segal remarked that the matter of reserving particular ribbons is something else again, declining to argue this proposition, but remarking that it has been studied time after time and that assignment policies are complicated matters that should not be upset rashly. NBC remarked that the committee itself found a big slice of the audience is dependent on such stations for service, declaring the conclusion that they contribute to a monopoly is not backed up.

Denial of Mutual's motion that the FCC prohibit any change in network-affiliate status quo pending final decision—the issues were unanimously opposed. The IRNA brief remarked upon the long delay and said no step of this kind should be taken now since many contracts already have been renewed; NBC denied the Commission has authority to prohibit any contract before a specified date while CBS agreed there is no provision in the Communications Act justifying temporary injunctions.

Ethridge Chides Fly

(Copy)

RADIO STATION WHAS
Louisville, Ky.

Nov. 16, 1940.

Mr. James Lawrence Fly, Chairman,
Federal Communications Commission,
Washington, D. C.

Dear Mr. Fly:

I have sent the following wire to Mr. Slowie, in response to his wire of yesterday:

"WHAS was represented at the San Francisco Convention, which instructed the officers and directors of IRNA to file a brief setting out the attitude of stations toward the Monopoly Committee's report. The brief was submitted to us for approval and we approve."

I want to protest to you, however, as Chairman of the Commission, what I consider to be intimidation. Whether the wire had that purpose, its wording and its preemptory nature will certainly have that effect. I do not know any reason why the stations affiliated with the networks should not make their position known to the full Commission, particularly when a report of a committee of the Commission charges, in effect, that the stations are not fulfilling their public duty.

The full Commission, you told me, has not had the opportunity to study the question and has set oral arguments for the purpose of receiving further information and views. It seems to me that the Commission would welcome a statement of the position of affiliates, no matter whether it embraced that position or not.

If the Commission was interested in knowing whom Mr. Segal represented, it could have required from him written authorization of signatures to the brief; or when he appeared to argue it, could have required him to make a showing of representation; or could have denied him the right to be heard if he could not make a showing. As a lawyer I know you will recognize that as a fair and just and regular procedure.

I do not believe the Commission as a whole would ever have authorized such a telegram as was sent out. I must say that it strikes me as a violent departure from any procedure of democratic government. I cannot refrain from adding a more personal word. As you may know, I was a New Dealer before anybody in the present administration ever said he was, and all my adult life I have fought the same sort of evils you have. Moreover, I have done all I could in the radio industry to bring about an acceptance of the necessity and desirability of regulation. But this sort of tyranny seems to me irresponsible regulation and, worse than that, a form of tyranny which I do not like in any form.

Sincerely yours,

Mark Ethridge.

CC to the President of the United States.

First Step for Blue Network's Own Program Setup Is a Special Manager

NBC blue network will have a program manager of its own who will function under Sidney Strotz, v.p. in charge of the program department. NBC has often discussed the idea of separating the programming operations of the red and blue, but this is the first time that the project will be carried out. The appointment of a program manager for the blue will be announced within a few days.

In the work for the blue is a campaign to strengthen its daytime sustaining schedule as well as the introduction of several new evening shows.

924 Announcers, All Registered, And Mexicans

Mexico City, Nov. 19.

A counting of Mexican announcers reveals 924 of them, including 12 women. Data is from the ministry of communications and public works, ruler of air affairs down here. All announcers are officially registered with the ministry and all are citizens. There are now 95 active stations in this country. Some of them have as many as 15 announcers. One local station steadily employs four she-announcers.

Meanwhile there is talk of the announcers forming a union of their own. At present they are affiliated with the regular radio workers' organizations.

Charles Carvajal Quits NBC to Become Spanish Radio Program Freelance

Charles Carvajal has resigned as production manager and chief of the Spanish division of the International Section of NBC in New York. He will establish himself as a freelance foreign language program director for Latin America. Has tentative assignment for a 26-week series of Spanish shows for South American placement as a starter.

He's been with NBC 11 years.

FAITH-HEALING THEME OF CKAC PROGRAMS

Montreal, Nov. 19.

St. Joseph's Oratory, world-famous shrine credited with many miraculous cures, will soon be of daily radio broadcast routine by station CKAC. Scheduled to begin Dec. 1 program will consist of interviews with sick people who have been healed by a visit to the Shrine. There will also be interviews with workmen who have been employed in construction, renovations and additions to the Oratory for the past 20 years.

Under guidance of Brother Andre, the Oratory has become internationally known as Mecca of those who believe in faith-healing. Station CKAC has received permission from Bishop Charbonneau to proceed with the daily broadcast.

Kay Halle of WGAR In Disc-Making Latin Tour

Cleveland, Nov. 19.

Kay Halle, commentator of WGAR, Cleveland, planned out recently on a tour of Latin and South America. She will make transcriptions at various stops during the trip and the platters will be flown back to Cleveland for airing over the station. The State Department, the National Assn. of Broadcasters and CBS assisted in plans for the junket, believed to be the first undertaken by a local station.

Broadcaster's first stop will be Mexico City, with subsequent visits to Lima, Peru; Santiago, Chile; Buenos Aires and other cities.

Stale Voices?

A survey is in progress in the NBC program department in New York to determine the most heard actors on sustaining programs. Over-use of 'favorites' or 'quick study standbys' to the exclusion of new voices has been a point of criticism for some time.

Data may form the basis of some new rules from Sid Strotz's office.

WEMP, M'w'kee, to Blue; Long Dickerings Thought Due to WTMJ Squawks

Milwaukee, Nov. 19.

Negotiations started last April culminated Friday (15) when contracts were signed whereby WEMP, independent local station which recently celebrated its fifth anniversary, will on Jan. 1 become the Milwaukee outlet for NBC's Blue network. Long drawn out dickerings is said to have been due to objections to the new hookup by WTMJ, outlet for the NBC Red web.

With the coming of 1941, WEMP will carry practically all the NBC Blue programs, including commercials, although pickup of sustaining programs probably will start in December. Station will retain practically all of its strictly local programs, making necessary adjustments to take care of network programs.

WEMP is key station for the Wisconsin Broadcasting System, a loop of half a dozen stations covering southern and eastern Wisconsin, and is now feeding 15 hours daily to these outlets. Eventually it is expected these outlets, too, will carry the NBC Blue programs.

Increase in staff and studio facilities of WEMP are now being planned.

BURGLARIZE MEXICAN STUDIO

Mexico City, Nov. 19.

Burglars looted the radio station operated in a downtown local office building of the Mexican, one of the government's oil companies, of air and electrical appliances, typewriters, and a clock worth in all \$1,000.

They left no clues.

20 DAYS, 20 YEARS

That's Keynote of WHEC's Radio Anniversary

Rochester, N. Y., Nov. 19.

WHEC, pioneer Rochester radio station, celebrates '20 years of radio' with 20 days open house and special programs. Station itself claims 18½ years through predecessor, WHQ, in days of crystal sets and headphones. Sponsors were invited to meet the staff and inspect the station at buffet luncheon yesterday (18) with News Commentator Al Sigl telling about it on the air.

Special nights were arranged for city officials, religious groups and educators and Vice-president Clarence Wheeler went on the air to reminisce on the early days. General manager Gunnar Will told about early sports broadcasts including first description of baseball game via ticker tape. Musical Director Ken Sparrow dug up music of 20 years ago for nostalgic airings. Station used cards in buses to plug anniversary celebration and invited the public to inspect the station, get a souvenir and eat a piece of cake.

Dr. Ranson and Dr. Simon To Spinel at L. I. University

Course in radio will be conducted at Long Island University for the next spring semester by Jo Ranson, radio editor of the Brooklyn Eagle, and Al Simon, publicity director of WHN, New York. There will be 15 sessions, starting Feb. 5.

Guest lecturers will include Herbert L. Pettey, director of WHN; Sterling Fisher, educational director of CBS; David Ross, announcer; A. A. Schechter, NBC special events head; 'Red' Barber, sports announcer; Ezra Stone, radio and legit actor; Louis Ruppel, CBS publicity head; E. P. H. James, NBC sales promotionist; Isaac Brimberg, WNYC chief engineer; Jerry Danzig, WOR publicity head; Nita Mack, CBS children's program director; Frank Roehrenbeck, WHN general manager, and Dick Dorance, director of promotion of FM Broadcasters, Inc.

The Growing Importance of The Writer

Some Thoughts on The Subject By a Comedian—Writers Must Be Young, at Least Mentally

By EDDIE CANTOR

I have an aversion to articles and speeches beginning with 'What this country needs. . .'. I say nothing of love letters to VARIETY commencing with 'I'. So let's start all over. I think that what radio needs (oh, well, let it go) is a greater appreciation of the writing behind the program. By appreciation I do not mean a perfunctory 'credit' mumbled by an announcer just before the station break, although, to be sure, there would be no harm and some good in more of that sort of thing.

It should be admitted, once and for all, that radio dependent upon what is written for it, and measures should be taken to insure good radio writing in the future.

Radio is still too young for much in the way of tradition. I cannot list, therefore, the various places of origin of radio writers with any degree of confidence. Offhand, I could name one radio writer who rose from the ranks of the cab drivers; three or four who were college men with only the questionable experience of having contributed humor to the college newspaper; one young man who, while studying dentistry, found relaxation in listening to radio shows and then decided he would rather improve the comedy on these shows than people's teeth. And so on. These are not unusual cases that I have selected. They are, rather, a cross-section of the men who have become writers in radio.

It all sounds haphazard, catch-as-catch-can, doesn't it? And it is, when you realize how tremendously important are how necessary good radio writing is.

Own Talent Scouts

Comedians, for example, must be their own talent scouts in the search for writers. In recent years radio writers have become more estab-

lished and recognizable personalities, handled as other talent is by reputable agencies. But buying a radio writer is far more difficult than buying a singer or an orchestra. It is comparatively seldom that one hears an orchestra or a singer completely out of tune with the general spirit of a comedy show. When that happens, furthermore, it is easily corrected, either by a switch to a different singer, or orchestra, or by building the character of the talent seemingly at odds with the rest of the show in order to make an advantage of what may appear a defect.

Now, where are these writers to come from? Let's think of their requisites. They must be young, at least mentally, with the alertness and vitality that come with youth. They must have a knowledge of what constitutes comedy, pathos or drama, as based upon their understanding of people. Lastly, they must be able to write with conciseness, simplicity, and an intuitive 'feel' for the medium of radio.

Perhaps that sounds like a large order. If it does, then all the more reason for these few paragraphs. For radio writers must continue to come from somewhere, and radio is now too powerful a field to depend on its good luck in developing writers.

For radio's future we must commence to groom writers through organized channels. One means of accomplishing this would be to encourage the establishment of courses in radio writing in our great universities. Make the little 'b'—profession legitimate by convincing our college youth that there is a career in radio writing—a dignified, interesting career that can reap the rewards for them. Let our boys know that they needn't be doctors and lawyers when they feel the creative urge instead. Let them know that they can be pioneers in a new branch of show business that is definitely here to stay.

Aliens Going on WGAR, Cleveland, First Answer Quiz, Then Notary Signs

MEXICO CITY'S 31ST

Hoy Magazine Opens Radio Station In Hotel Regia

Mexico City, Nov. 19.

Alr biz here is going right ahead expanding, despite the acute coin depression. 'Hoy,' a snappy local magazine, has boosted the number of active local radio stations to 31 by opening XERH on 1430 kilocycles. XERH studios are in the downtown Hotel Regia.

CHAB, MOOSE JAW DUE FOR 1,000-W IN JAN.

Regina, Sask., Nov. 19.

Permission has been granted by the Canadian Department of Transport, Ottawa, acting on a recommendation of the Canadian Broadcasting Corporation, to radio station CHAB, Moose Jaw, Sask., to increase its power from 250 watts to 1,000 watts. The station expects to be operating on the new power early in January.

A new transmitter building large enough to accommodate the new transmitting equipment and also provide living quarters for the operators will be built about seven miles out of the city. Transmitting equipment will be the Marconi 51-C, same as is being installed at Hamilton, Ont. Transmitting tower will be 200-feet high.

Station originated in 1920 and from 1923 to 1934 it operated on a community non-commercial basis, switching to a commercial basis on Nov. 1, 1934, owned and operated by CHAB Limited. Company is composed entirely of Moose Jaw citizens with A. E. Jacobson, pres.; Allan R. Rorison, v.p., and H. Carson Buchanan, secretary-treasurer and manager.

University of Alberta

Station as Commercial

Edmonton, Alberta, Nov. 19. University of Alberta radio station CKUA will be stepped up in power from 500 to 1,000 watts immediately and will radiate commercial programs audible over most of Alberta. Cost of the change will be about \$30,000.

The Alberta government will enable the station to secure funds for the change which will be undertaken with the usual sanction of the Canadian Broadcasting Corp.

Management of the station will be vested in a board of six members—three members appointed by the Alberta government and three by the university. Those named by the university are Dr. W. A. R. Kerr, president; Donald Cameron, director of the university's extension department; and Dean Robert Newton, of the faculty of agriculture.

WETS VS. DRYS

Rivalry Produces Some Revenue For Local Stations

Spartanburg, N. C., Nov. 19.

Even though the state's broadcasters are threatened with the loss of beer business, the prohibition amendment controversy is bringing them revenue. The state dry forces have started an air campaign to induce the legislature, which meets Jan. 2, to act on the pro-dry amendment recently passed by incorporating it into the law, and the wets are expected to take to the same medium for a counter fight.

Ministers using WSPA admit that the forces behind the prohibition drive are two grand in the red and are making a strong bid for donations. For \$1 listeners are offered a quarterly dry drag and membership.

Speechifying WSBers

Atlanta, Nov. 19.

J. Leonard Reinsch, WSB's general manager, last week made four speeches in Macon, Athens, Dalton and Waycross. Marcus Bartlett, mill's production manager, addressed Georgia Military Academy students at College Park while to students at West Georgia College in Carrollton. Elmo Israel, publicity director, took time out to tell journalism students at University of Alabama, in Tuscaloosa.

Cleveland, Nov. 19.

With national defense assuming constantly greater importance, WGAR is taking exceptional precautions to prevent objectionable material being slipped across the air on its foreign language broadcasts. Carl George, the station's program director, has worked out an elaborate procedure of self-censorship to forestall any kickbacks.

Under the plan, members of the Nationality Broadcasting Assn., which presents 11 nationality programs a week over WGAR, have been required to fill out a questionnaire, with the answers sworn to by a notary, before they may participate in further broadcasts. Some of the questions asked included birthplace of the member and his parents, birthplace of children if any, is the member an American citizen and to what clubs or organizations does he belong.

In addition, scripts for all nationality programs must be submitted at least 48 hours in advance, the program must be not more than half in a foreign language, and the broadcaster must swear to an affidavit that the program is broadcast precisely as written. As a final check, transcripts are frequently made from the air.

Ford Sponsors Cantinflas, Fav With Mexicans

Mexico City, Nov. 19.

Ford Motors of Mexico is getting swell radio publicity with the engagement of Cantinflas, famous Mexican tramp comic, for two shows of 15 minutes each a week from local station XEQ (50,000 watts). This is an exclusive radio engagement for the comic who has become what seems to be the permanent star at the Follies Bergeres revue theatre here. The monthly fee for his radio work is \$1,125.

Understood that Ford outbid several industrial enterprises who wanted Mexico's head comic to air their wares.

Pygmalion Routine Under General Elec. (Maxon); Mission Water Bows Out

General Electric takes over sponsorship tonight (Wednesday) of 'Where Are You From' Maurice C. Dreier's audience participation with Dr. Henry Lee Smith, of Brown University, recently and briefly bankrolled by Mission Vita locally over WOR, New York. Maxon is the agency for both accounts. Understood the reason Mission is dropping the show is because the company is having trouble with distribution of its product, due to labor difficulties.

Show will remain as a WOR local for the present, but it's believed it will be extended to the network in a few weeks, now that it's sponsored by GE, which has national distribution. Series was heard over the network as a sustainer, but was cancelled off the other stations when Mission took over sponsorship in New York.

Andy McDermott's Job

Montreal, Nov. 19.

Andy McDermott has moved here as manager of the Montreal office of Joseph Hershey McGillivra, American station sales rep. He comes from Toronto. McDermott was once a VARIETY reporter.

Kenny Baker's concert date at Sireveport, La., Auditorium, scheduled for Friday (15) was cancelled by an epidemic of infantile paralysis. He flies out of New York each week after his turn on the Fred Allen show, for the concerts.

[illegible]

PHILIP MORRIS LOOKS INTO HILLBILLIES; REGIONAL WEBS STAND TO BENEFIT

**Old Gold, Camels Also Exploit the Fringe Market—
Corn Stuff Pays Off Through Loyalty of Audience**

Philip Morris may go in for hillbilly shows on a wide scale. If it does it will be by the regional network and local station route. Reggie Schuebel, the Biow agency's radio director, said last week that so far it was merely a matter of examining the possibilities of hillbilly fare and finding out what was available.

It would make Philip Morris' first bid for the rural trade on a specialized program. Old Gold has been doing it for the past several weeks with a Ranger transcription series, while Camel has had its 'Grand Old Opry House' out of WSM, Nashville, for the past two seasons.

Two sources that the Biow agency has already inquired into for its hillbilly entertainment are the Michigan Network and Western Radio System. Theory that has caused these cig manufacturers to gravitate toward this type of entertainment is that it does a highly effective job in getting to people who listen strictly to local stations and whose loyalty to such programs produces a comparatively strong percentage of sales.

Biow agency last week denied the report that it planned to restrict its Philip Morris musical programs on NBC and CBS to BMI tunes during the next few days so as to get a line on listener reaction to this class of song fare. It was explained that it would go on using only some BMI music until that time the networks notified it to drop all ASCAP tunes.

WHO Golden Gloves tournament will be Jan. 24 and 31, Feb. 7 and 14, to be held at the Shrine auditorium, Des Moines. Bill Brown, WHO sports editor, is director of the tourney.

That Rinso Look

Hollywood, Nov. 19. Satorially, Edward G. Robinson's 'Big Town' crew should run up the highest CAB rating in town. Ukase from Ruthrauff & Ryan agency decrees formal or semi-formal attire for all performers.

Timbered down sweat-shirts, sports regalia and other Hollywood garb.

KQW AS 50 KW.

LIKELY CBSER

San Francisco, Nov. 19. Application for 50,000 kw for KQW, San Jose, was filed with the federal government this week by Ralph Brunton of KQW-KJBS. Request for permission to erect plant at Alviso costing between \$175,000 and \$200,000 was entered with specific reservation that power jump is to become effective only if station moved to 740 kc as skedded under Havana treaty, thus achieving CBS affiliation.

If wave-change goes through and power boost is granted, KQW would become CBS outlet in January, 1942. Probably would take over studios in Palace hotel, at present rented from CBS by its outlet, KSFO.

Meanwhile in January of this year, the Brunton station loses its present web affiliation with Mutual-Don Lee, duplication of service with KPRC being given as reason.

WSB BRINGS IN 13 TO SWELL TALENT

Atlanta, Nov. 19.

Filling requirements under its expanding entertainment setup, WSB has added 13 additional musicians and singers to its staff. They've been assigned to five sustainers, two of them started since the signing of this new batch of talent, most of them ex-network artists. All of these performers and the productions on which they appear are under direction of John Lair and Glenn Hughes, formerly of NBC's Plantation Party. Those added to WSB's talent staff are:

Dwight Butcher, formerly on NBC's Renfro Valley; Hank Penny, CBS entertainer; Harpo Kidwell, formerly with Plantation Party; Marvin Taylor and Doug Spivey, Renfro Valley Pine Ridge Boys; Lewis DuMont, from Beverly Hillbillies, Hollywood; Boudleux Bryant, fiddler from Chattanooga; Warren Sykes, harmonica player; and the Four Cumberland Valley Girls of Renfro Valley.

WSB's program schedule lists following shows on which this talent appears: Around the Cracker Barrel, daily at 8:30 a.m.; Dixie's Farm Hour, daily at 5:30 a.m.; Little Country Church House, Monday through Thursday at 10:45 a.m.; daily variety shows at 1:30 p.m.; and Saturday Night WSB Barn Dance at 10:30 p.m.

Rambeau Reps WHB

Kansas City, Nov. 19.

WHB has appointed William G. Rambeau as national sales representative for the station. Rambeau will also provide national representation for the Kansas State Network in the territory outside Missouri, Kansas, and Southern Nebraska and Iowa. Bryan P. Murphy, Kansas City, represents the KSN in these states.

Never Before On The Air

(An Occasional Department Devoted to the Unique, the Unprecedented and the Slightly Amazing in the History of Broadcasting)

Americans in Canadian Army Camp

Vox Pop will originate 'somewhere in Canada' Nov. 28. Wallace Butterworth and Parks Johnson will quiz members of the armed forces of the Dominion, but subject to military censorship requirements. It's sponsored by Kentucky Club Tobacco and believed to be first time a Yankee radio program has come out of a foreign army camp.

A Deaf and Dumb Quiz

In connection with the Community Fund, Station WGAR, Cleveland, conducted a quiz of the deaf and dumb. Finger semaphore translated by Wayne Mack.

Makes Program of Man's Collapse

When a visitor had a heart attack Tuesday (12) in WCPO's Cincinnati sidewalk studio, Tom McCarthy, who was at the teletype preparing one of his newscasts, signaled for a switchoff of musical recordings in an upstairs studio and made a special event of what transpired before him.

The Life Squad was summoned and McCarthy described how the firemen worked to resuscitate the victim, bundled him in blankets and removed him to General Hospital.

Pays for Radio Series in Advance

Welfare Finance Corp. tried WSAI, Cincinnati, during the election, liked the results, contracted for Dick Bray's sportscast. Then came the development that 'bowed over' WSAI: sponsor sent a five figure check paying for the radio time in full and in advance.

DEPLORE INFERENCES

Esty Scouts But Says It Doesn't Necessarily Mean Anything

William Esty agency stated last week that even though it was scouting the field for some new shows it wasn't to be inferred that the quest involved replacements for Camel's 'Meet Mr. Meek' and Bob Crosby programs. No decision, it was said, has been made on the renewal of these two shows. Their renewals come up the first week in December. The agency, it was added, has some new accounts that want to go on the air.

WEXL, Royal Oak, Increasing Detroit, Nov. 19.

FCC has approved boosting the operating power of WEXL, in Royal Oak, from 50 to 250 watts, on unlimited time. Manager J. B. Sparks said the station would begin operating on its increased power as soon as a new antenna and new transmitter building are completed, probably within 90 days.

9 QUIZ SHOWS WKLY. ON WTMJ

Milwaukee, Nov. 19.

With the acquisition of 'Information, Please' on Friday nights, WTMJ is now broadcasting nine quiz shows a week, five of them network programs, the other four station shows locally sponsored. There is at least one quiz every day in the week, and on some days two or three.

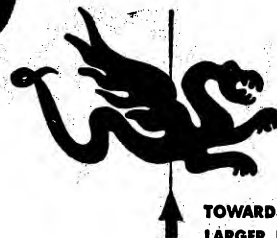
The NBC shows include 'Truth or Consequences,' 'Battle of the Sexes,' Kay Kyser and 'Dr. I. Q.,' while the local quizzes with cash or merchandise prizes include the Sidewalk Reporters, on at noon five days a week; Song Doctor, on every weekday; 'Hot Off the Gridiron,' on every Sunday, and 'Winsom,' on every Thursday night.

they all point the same way—



TOWARD MUTUAL AS No. 1 NETWORK FOR NEWS

Boake Carter for United Airlines, Arthur Hale for Richfield Oil, Gabriel Heatter for Liberty Magazine, Fulton Lewis and Dorothy Thompson for various sponsors, Raymond Gram Swing for General Cigar, Wythe Williams for American Safety Razor!

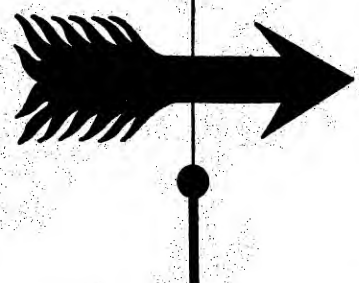


TOWARD RENEWALS ON EVEN LARGER HOOKUPS

The makers of American Bird Products, Bayuk 'Phillies', 'blue coal', Gillette Blades, LaRosa Spaghetti, Wheeling Steel, Richfield Oil, White Owl are among those whose greater sales meant a sales-wise increase of stations.

TOWARD THE SUCCESS OF A STATION OPERATED NETWORK

In its growth from 3 to 161 stations, Mutual has held to one belief: the best interests of broadcasting are served by a network where stations receive a full share of the profits and retain local autonomy of operation.



PREFER NEW BLOOD IN FM

All Television Engineers Look Alike

An Afternoon in the Exciting Hideaway at CBS—Still Can't Find Anything Wrong

By ROBERT J. LANDRY
Some 2,000 persons, many of them celebrities, most of them skeptics, have trooped in recent months into a suite of offices on the fifth floor of 485 Madison avenue in New York to see Columbia's and Peter Goldmark's much-touted color television. This hideaway of engineering genius and patience has existed for some four years in the very center of that beehive of super-salesmanship and slick operation which passes under the magic letters 'CBS,' and means the radio network that made good. But until recently this lab was known only to the few insiders. Today these offices and the machines and men in them may be the most exciting and provocative premises in American broadcasting. Certainly it is at CBS. Because all the evidence suggests that the supposedly improbable has raced home a winner.

An unknown engineer popped into Paul Kesten's office at Columbia in 1936 and babbled about television with that other-world quality characteristic of those who function in the higher levels of spectrum calculations. In a moment of occult suffusion Kesten hired this man, not long away from Austria, at a nominal stipend. His name was Peter Goldmark and he now sits at a large blanting console of knobs and composes color combinations to astonish visitors and inflame CBSers. Goldmark's greatest achievement technically, the visitors learn, is a high lustrous yellow, hardest of all colors to transmit. And the excitement of the CBSers is understandable because that handsome Edam cheese

tint holds unmistakable hints of the glitter of gold.

And so the Klondike-conscious line forms to the left, stomps out cigarettes before entering and explores the unpretentious inner sanctum, where a camera to experiment on moving actors and props is being assembled, each perfect part at a time, and all made by hand. The whole engineering crew is engaged in the laborious processes of splitting nothing into one-thousandth of an imperceptible suggestion.

Can't Find Anything Wrong

But while the engineers (who all look alike, sharing the same intellectual vibrations) perform their inscrutable tasks, and Peter Goldmark draws diagrams to make it simple enough for west side journalists to understand (maybe), the most newsworthy fact about the fifth floor suite is that so far nobody, and the CBSers have tried the hardest, has thus far found out what's wrong with Goldmark's color television.

If it is ever fair to generalize on the mental attitude of 2,000 prospectors it may be stated that Columbia's reputation for being more clever than the Chinese has resulted in a particularly sharp lookout for the mirrors, something out of Thurston. But apparently there is nothing behind CBS' color television set but the engineering magic of young Doc Goldmark. It all seems as natural as the crowds in the CBS elevators.

Salt Lake City—Dave Roberts, recently of RKO pictures in Los Angeles, is recent addition to the KDYL announcing staff.

NOVICES EDGE OVER VETERANS

Chairman James L. Fly at Washington Press Conference Admits Fears of New Type Broadcasting Falling Into Old Hands Is Uppermost in FCC Policy

NEWCOMERS SLOW

Washington, Nov. 19.

Veteran holders of broadcasting tickets go to bat in the frequency modulation field with one strike already called. 'Mounting animosity on the part of Federal Communications Commission regulators has been demonstrated, and the desire to bring 'new blood' into the radio business gives an advantage to any applicant for FM papers who had not been engaged in radio.

Providing he is legally and financially able and has the proper engineering advice, all any novice has to do is to hire a station operator with knowledge of what it's all about and prepare a transmission schedule which will enhance the 'Public Welfare.' Then, if he follows the advice of the experts, he should find that the kilocycle cops will be sympathetic to him as a newcomer. The FCC uneasiness about possible monopolization of the upper part of the spectrum is that strong. With their concern about social reforms, the New Deal element is predisposed to

Repeat Pulaski-Praising Broadcast As Special Polish Station Event

favor applicants not in the business at present.

This slant was acknowledged last week by Chairman James L. Fly. At his press conference, the head regulator clearly indicated one reason more applications have not been granted is the Commission's desire to attract 'independents' who have been slow to file requests. While he agreed that it is 'perfectly natural' for experienced operators to hop on the FM bandwagon, Fly showed his preference for the 'new blood' idea. He thought the industry as a whole would benefit more if novices got a substantial proportion of the FM tickets than if the existing industry merely moves upstairs. Regulators are 'quite sympathetic,' according to Fly, to any ambitious groups wanting in.

This ties directly into the idea that more competition is urgent in radio. Fly was fearful that the present operators might want FM papers only to prevent development of enterprises that would become costly rivals. He believed it would be most healthy and would result in greater progress if FM frequencies went mostly to newcomers. The Comish, he said, will 'welcome' more requests from individuals and groups not now engaged in broadcasting, although he acknowledged that in some cases experience may be more beneficial to the public than enthusiasm. As far as Fly is concerned, he wants to see more of that 'old college spirit.'

Oklahoma City—Joe Bernard is the new commercial manager for KOCY. He comes from WHLD, Niagara Falls.

Rinso (Lever Bros.) is placing a recorded version of the Americanism script which opened the Edward G. Robinson-'Big Town' series this season (Oct. 9) on nine Polish-language stations. The central figure of the story was a jeweler named Pulaski and the play outlined the significant part played in the founding and history of the American Republic by a long line of patriots of the same name. The drama closed with a plea for racial tolerance and national unity.

The stations scheduled to carry the disked version, with Ruthrauff & Ryan doing the booking, are WGES, Chicago; WHOM, Jersey City; WJBK, Detroit; WBRE, Wilkes-Barre; WEMP, Milwaukee; WWSW, Pittsburgh; WPN, Philadelphia; WCOP, Boston; and WHLD, Niagara Falls. The script has already been published in several Polish language newspapers. Editors of the latter had asked for copies.

NEW RADIO V.P.

McKee & Albright Agency Names McFadden—Thomas Also Upped

Earl Baldwin Thomas, formerly with N. Y. Ayer, has been named v.p. in charge of the McKee & Albright agency's New York office. Armand Deutsch, who handled this assignment, is now stationed permanently on the Coast with the Rudy Vallee-Sealtest show.

J. A. McFadden, of the McKee-Agency's Philadelphia office, has been made v.p. in charge of radio.

they all point the same way—



TOWARD 70-80-90 STATION COMMERCIAL HOOKUPS

Mutual's new Volume Plan, first marketed this spring, has attracted such radio-wise advertisers as: American Safety Razor, General Cigar Company, The Wander Company, White Labs, each placing over 76 stations.

TOWARD THE STRONGEST PROGRAM SCHEDULE YET OFFERED BY MUTUAL

- ★ Joan Blondell
- ★ Boake Carter
- ★ Frank Forrest
- ★ Gabriel Heatter
- ★ Fulton Lewis, Jr.
- ★ Captain Midnight
- ★ The Lone Ranger
- ★ The Shadow
- ★ Leopold Stokowski
- ★ Raymond Gram Swing
- ★ Dorothy Thompson
- ★ Wythe Williams

the radio weather vanes all point the same way—toward the

MUTUAL BROADCASTING SYSTEM

AMERICA'S ONLY STATION-OPERATED NETWORK

Canadian Broadcasters Prepare For Court Tiff With Own Perf. Society

Montreal, Nov. 19. Official notice from the Canadian Association of Broadcasters went out last week to members that the question of music royalties will have to be submitted to the courts in view of the fact that negotiations with the Canadian Performing Rights Society during past year having been unsatisfactory it will be necessary to appear before the Appeal Tribunal to submit arguments against increased rate of performing rights fees for 1941.

The Appeal Board will sit in Ottawa early in December. Station men are being asked to forward complete information—number of hours in which transcriptions are being used either for commercial or sustaining programs.

Understanding is that the Canadian Performing Rights Society wants fees raised from 8 to 12 or 14 cents per radio receiving set in use. Canadian broadcasters want CPRS rates reduced from 8 to 5 cents per set, claiming greatly reduced number of musical programs now in use in Canada because of preponderance of script and quiz shows. Reported that Canadian station men are considering possibility of using the three-cent reduction, if granted, to buy in on BMI.

KDKA Girl Sec'y Sells Poetry to a Sponsor

Pittsburgh, Nov. 19. Poetry written by Marjorie Thoma, secretary and assistant to publicity director at KDKA, has just landed a sponsor on that station, Braun Baking Co. of Pittsburgh, Pa., who joined staff in April, 1939, had been at station only eight months when she was given an opportunity to write romantic verses for a program called "To You" and read over a musical background. Show stayed on air until last July.

Last month, show slightly revised form was purchased by Braun and set for 26 weeks. Show's labeled "Town Talk Dream Weaver" and consists of Miss Thoma's poetry read by Paul Shannon, announcer, and accompanied on organ by Bernie Armstrong.

Spitalny's G.E. Event

Schenectady, Nov. 19. Phil Spitalny's orchestral and singing unit will participate tomorrow (Wednesday) in the inauguration of General Electric's experimental frequency-modulation outlet, W2XOY, located in the Heldeberg mountains. Spitalny will put on an hour's program from the local Proctor's theatre. Speakers for the ceremonies will be Charles E. Wilson, GE prez; Dr. W. R. G. Baker, manager of radio and television; and Robert S. Pearce, director of GE publicity.

W2XOY will have its studios in the same quarters with WGY and the signals to the experimental outlet will be carried by shortwave.

TEXAS IN MOVE TO BACK UP BMI

Fort Worth, Nov. 19.

At a meeting of broadcasters from seven states last week it was agreed to reinforce radio's stand against ASCAP by setting up a central copyright clearance point in Fort Worth, using the joint facilities of WFAA-KGKO. Bureau goes into effect after Dec. 1. The meeting also endorsed BMI and produced more BMI members.

Stuart Sprague, traveling BMI lawyer, was the main speaker. Harold Hough was chairman. O. L. Taylor, director of the N.A.B. district No. 13 and Herb Hollister, director of No. 12, were among those present.

Denver—Wendell Barcroft, KFEL announcer, moves to a similar job at KGGM, Albuquerque. Robert Young, KGA announcer and second lieutenant, has been called for a year's service with the army. He expects to return to KO.. after the year.

ASCAP Light-Throwers Take to Road, Explain Clauses to Stations

American Society of Composers Authors and Publishers has dispatched a squad of representatives from the home offices to explain to station licensees throughout the country the terms of the Society's new contract. Each man was given a specified route and instructions to devote much time necessary at each stop in making clear every point raised by the licensee. The group set out on its respective tours Monday (18).

The ASCAP management stated that this procedure was not undertaken as a sales campaign but rather to enlighten those stations that have written in that certain phases of the proposed agreement are too complicated for them to understand. The explanatory letter sent along with applications by ASCAP to these broadcasters have advised ASCAP seems to be in conflict with statements made about the new contract by traveling representatives from Broadcast Music, Inc. Also that they would not be inclined to sign the new ASCAP contract unless the conflicting statements were cleared up for them.

Most of the above letters, according to the Society, were received from non-network affiliated stations which under the new agreement would fall within the classes paying but 3% or 4% in commercial fees.

Connecticut Ban On ASCAP

Bridgeport, Nov. 19. Connecticut BMI stations with ASCAP music from all local programs, commercial and sustaining, as of Dec. 1.

Move, which means that only network commercials will contain ASCAP tunes in December, should be practically unnoticed as broadcasters through state have already cut ASCAP product to minimum.

Haverlin, Arney Eloquent

Minneapolis, Nov. 19. All but three of the 36 radio stations in this 11th district have joined BMI, it's announced. Before the N.A.B. meeting here Saturday, there were 11 stations outside the fold. After hearing Carl Haverlin, BMI station relations' manager, and C. E. Arney, assistant to Neville Miller, eight of these signed up. The talks were followed by an all-day discussion of the ASCAP-BMI conflict. There were 21 Minnesota and North and South Dakota stations represented at the district meeting. Opposition to the ASCAP demands was unanimous and the station managers pledged themselves to a last-ditch resistance.

KANSAS STATE WEB SETS WINTER PLANS

Kansas City, Nov. 19. Representatives of member stations of the Kansas State Network met in Kansas City last Thursday (14) and elected Kay Pyle of KFBI, Wichita, Kansas, to succeed Herb Hollister, resigned, on the network executive committee. The group also discussed program origination plans for the winter and determined upon coverage of basketball tournaments in which Kansas University, Kansas State College and Kansas high school teams participate.

A permanent network line has been installed between Lawrence, Kansas, and K. C., making possible frequent broadcasts from the state university. The telephone line set-up of the network is such that any member may originate programs and the new winter schedule will carry originations from every member. Currently the net is carrying Bix Six football games under sponsorship of the Ford Motor company.

Members of the KSN are WHB, Kansas City (key station); KTSW, Emporia; KFBI, Wichita; KSAL, Salina, and KVGB, Great Bend.

CBS Ban Pleases Fitz

Detroit, Nov. 19. Leo Fitzpatrick, WJR boss, feels vindicated at last. CBS has issued an order against swing versions of any religious, sacred, gospel, any other or national anthem. Fitz feels it puts the o.k. on his famous edit against jazzing up old tunes several years ago when he took Tommy Dorsey off the air for a swinging "Comin' Through the Rye."

The ban on modernization of religious music has been in force at WJR for several years.

From the Production Centres

IN NEW YORK CITY

Blevins Davis, of NBC, had 110 (more or less) in for cocktails Saturday at his flat... Hal Davis, late Columbia Record publicist, handling WBXX as an account... KNX's Don Thornburgh in town... Jim Hanrahan of Scripps-Howard radio in from Memphis... the cry 'hey, novelist!' fails to halt passerby Abe Schecter... His 'Go ahead, Garrison' came out—bad showmanship—two days before election... Frank Lovejoy and Al Rinker collabed on 'I Get the Blues from Reviews' done Sunday night on the Columbia Workshop and due for repeating at the next Lambs Gambol... that was Sydney Moseley, the ex-London radio editor and present WMCA commentator, who bobbed up with the question out of the Town Hall audience over NBC last Thursday....

Larry Nixon now doing publicity for H. A. Bruno and associates... The Revuers due back on Blue, but Sundays at 4:30 p.m.

William Doerr, Jr., sales manager at WEBR, Buffalo, visiting New York offices of Weed & Co... Dick Teela, producer for KSO-KRNT, Des Moines, Iowa, starts on a production job at Columbia Dec. 1... Teela was formerly a vocalist on the Breakfast Club, Armour Hour and other Chicago productions before joining KSO-KRNT several years ago... Bert Henderson, with KRNT, Des Moines, will appear with Al Pearce's Gang Nov. 29. He is the second KRNT entertainer to appear on this show in the last two months. Tommy Thompson appeared several weeks ago... Henderson is a character-actor imitator and also author of the comic strip, 'Blackout', syndicated in many newspapers... Margaret Culkin Banning's last three 'It Looks From Here' talks over NBC blue came from WEBC, Greenville, S. C. Mrs. Banning will return to her home base, Duluth, Minn., for commentary next week.

The O'Neills now being aired in Honolulu via transcriptions... Florence Malone added to 'Against the Storm' in a permanent part... Martin Gabel will play opposite Helen Hayes in 'The Outsider' next Sunday night (11)... 'Painted Dreams' was dropped last week by Procter & Gamble... Nancy Kelly... from the Coast to make a 'triumphant return' appearance on 'Cavalcade of America', on which she got her start... will stay east a week to see the shows... Grace George doing 'Kind Lady' on 'Campbell Playhouse Dec. 6... William Morris office set following guests on next three 'Show of the Week' stanzas—the Radio Rogues, Howard Shellen, Richard Hayden.

Max Meth, first fiddle with Mark Warnow's orchestra on the 'Hit Parade', is out of the crew during the run of the legit musical, 'Cabin in the Sky', for which he's pit conductor... William Lyon Phelps will be guest interviewed on 'Met Auditions' next Sunday (24)... Mary Mason back in the cast of 'Betty and Bob', recorded spot serial produced by C. D. Morris... she's currently appearing in the revival of 'Charley's Aunt' at the Cort, N. Y.

IN CHICAGO

Ray Wilson, former writer of the 'Gateway to Hollywood' show, set as writer-producer of the Wayne King program, for Colgate through the Sherman & Marquette agency... Stan Harris has replaced John Larkin in 'Backstage Wife'... Alec Templeton escaped possible death when he decided to fly rather than drive back to Chi from Washington. Chauffeur took auto home and was killed in highway accident... Third WGN artist signed for the Chicago Opera soprano Kathryn Witmer, following setting of WGN tenor Attilio Baggione with same outfit. Henry Weber, musical director of WGN, is general director of the opera company.

The Greatest Value We've Ever Offered!

12 MONTHS' SUBSCRIPTION TO "HOLLYWOOD HEADLINERS" WITH STELLA UNGER

At a Cost of One Month's NBC Thesaurus Service

FREE BONUS! A trial program will be sent to NBC Thesaurus subscribers without cost—for either commercial or sustaining use!

"Your Hollywood News Girl"—the amazingly successful Stella Unger—is now available in an NBC recorded program at a bargain cost that will make your eyes glisten. For the price of just one month's NBC Thesaurus service, you get 156 programs—3 a week for 52 weeks!

"Hollywood Headliners" can be programmed as a 5-minute show, or it also may be used with NBC Thesaurus music as a 15-minute program.

Free Bonus—As a bonus to present NBC Thesaurus subscribers, we are sending 8 trial programs free—plus a special opening and closing announcement record! These recordings may be used until December 15th—and Thesaurus subscribers have options in their markets till that date.

Get full details on this sensational value, today!



NBC Radio-Recording Division
National Broadcasting Company
RCA Building, Radio City, New York - Merchandise Mart, Chicago - Sunset and Vine, Hollywood



Let's Look at the RECORD

RESULTS COUNT MOST



WEED AND COMPANY
RADIO STATION REPRESENTATIVES
NEW YORK • DETROIT • CHICAGO • SAN FRANCISCO

Radio Time Salesman Wanted

New York market. Advertising agency background preferred. Address all replies to Box 19, Variety, 154 W. 46th St., New York.

SEE CONCERT UNION FIGHT

RADIO MAY FEEL GUILD DEFEAT

**Justice Steuer Denies AGMA
Plea to Restrain Petrillo;
Demand All Concert Solo-
ists Also Join A. F. M.**

MANY ASPECTS

Radio and subsequently films, legit and all branches of show business may be quickly affected by the decision of N. Y. Supreme Court Justice Aaron Steuer denying the American Guild of Musical Artists application for an injunction against the American Federation of Musicians and James C. Petrillo, its president. While no one can predict developments in advance, the situation theoretically can lead to a complete stoppage of virtually the entire entertainment field. Radio would conceivably be hit first.

Petrillo's threatened plan, which AGMA delayed by a temporary restraining order and sought to halt permanently, is to force all instrumental artists to join his AFM or be barred from radio, phonograph recording, guest solo dates with concert orchestras and work in films. Many AGMA members, insisting on their right to belong to a union of their own choice, insist they will confine themselves to solo recital work (which is presumably beyond the reach of the music union) or even give up their careers rather than join Petrillo's organization.

Top instrumentalists' names are booked for dates during the ensuing weeks on such radio shows as the Ford program, the forthcoming Coca-Cola series and several others of a concert nature. These artists would be appearing as American Federation of Radio Artists members and under that union's jurisdiction. Therefore, it would be up to AFMA to protect them, not only because of its (and other Four A's affiliates') pledge to do so, but as protection of its own jurisdiction.

Petrillo has threatened to refuse to permit any AFM member to appear with any AGMA member refusing to join AFM.

HUGH ASPINWALL AT KGKO, FT. WORTH

Fort Worth, Nov. 19.

Hugh M. Aspinwall, radio veteran as producer-writer-announcer, has joined manager of farm programs. During his 16 years of broadcasting, he has written and produced shows for WBBM, Chicago; WJJD, Chicago; WCCO, Minneapolis; KMOX, St. Louis and WISN, Milwaukee. At WCCO he originated Fishin' Time and March of Minnesota; both national award winners.

Aspinwall comes here from WHB, Kansas City, where he was doing program promotion work. In addition to his new duties he will continue to produce and appear as Chick Martin in the Purina Mills transcribed show, Checkerboard Time, aired three times weekly on 60 stations.

CORPUS CHRISTI GETS OK

Corpus Christi, Tex., Nov. 19.

Construction permit has been granted by the Federal Communications Commission to Earl C. Dunn and Charles W. Reed, operating as the Nueces County Broadcasting Co., for a new station to be built here. Station will operate on 1500 Kc, with 250 watts, unlimited time.

City has one other station, which is KRIS, operating on 1330 Kc, with a power of 500 watts, unlimited time. Station is outlet for NBC and Lone Star chain.

Pittsburgh—Lloyd G. Chapman has just been named day news editor of KDKA. Joined the staff as a page boy in 1938.

KWK, St. Louis, Set For Hearing on 50 Kw. Bid

St. Louis, Nov. 19.

KWK will be granted a hearing on its application to increase its power to 50,000 watts and change its frequency from 1,350 kc. to 680 kc. Robert T. Convey, prez and Ray Dady, station manager, will present the station's argument. Currently KWK is operating on 5,000 watts during the day and 1,000 watts at night on the 1,350 kc. band. Expected here that KFEQ, St. Joseph, Mo., which has applied for an increase of its power to 5,000 watts day and night from 2,500 watts during the day and 250 watts at night will appear jointly with KWK.

NOW 50-50

Ownership of Three Stations Confirmed by FCC

Lincoln, Nov. 19.

FCC this week approved sale of one share of stock in the Central States Broadcasting System (KOIL, Omaha; KFAB and KFOR, Lincoln) to the Lincoln Star by the Sidles Co. This gives the Sidles Co. 50% of the trio, and divides the other 50% equally between the Star and the Nebraska State Journal.

This clears up a sale made nearly four years ago, when the stations were divided between Sidles and the newspapers, without nod from FCC. In order that Sidles keep control and put FCC at rest, the Journal took its 25%, and the Star had but 24%.

Russell Bennett's Big Order Calls For Original Music Weekly on WOR

Russell Bennett has set himself a new high in back-breaking assignments. Composer who recently returned from a lengthy Hollywood stay to arrange the score of 'Panama Hattie' is doing weekly 30-minute musical show.

Tabbed 'Russell Bennett's Note Book,' it will offer original compositions and arrangements. Bennett will compose all the original music and will do all the arrangements. He will also conduct the orchestra,

write and deliver all the announcements and program notes, etc. There will be occasional composer-guests such as Aaron Copeland and Oscar Levant.

Series, a sustainer, is spotted at 7-7:30 Sunday nights, opposite Jack Benny on NBC red (WEAF) and news broadcasts from Europe over CBS.

Sioux City—Eugene T. Flaherty has been appointed manager of the Sioux City Journal's KSCJ.

CINCINNATI DRUG WHOLESALERS SAY:

"WLW"

**CREATES INSTANT DEMAND" (1)
MOVES MERCHANDISE CONSISTENTLY" (2)
MAKES SALES TAKE SHARP UPWARD TURN" (3)**

1. When consumer demand is created on new items or increased on old ones, there is more business for the RETAILER and the WHOLESALER.

WLW, The Nation's Station, can always be depended upon to create instant demand on the new products which it advertises and to maintain or increase the movement on the good old regular "standbys."

We have found this to be true for a long time, and our customers recognize and realize this fact also. They always anticipate increased business on WLW advertised products.

LEO P. LANGEFELS,
Manager
Cincinnati Branch
McKesson-Robbins



2. As a wholesale drug distributor of many years' experience in the Cincinnati trading area, I can safely say that products advertised over WLW move consistently through our house and stores we contact.

JOSEPH SCHNEIDER,
President
The Cincinnati Economy
Drug Co.



3. It has been our experience through the years, when Drug Store items are advertised over the Nation's top radio station, WLW, that sales immediately make a sharp upward turn. This condition, obviously, puts our buyers on their "mettle" and makes it necessary for them to order more frequently and in larger quantities in order to supply the demand thereby created.

A. W. PETERS, Manager
Hale-Justice Drug Co.



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

WORLDS!
RADIO ADVERTISING ON

Active National Spot Accounts (According to Reports from VARIETY'S 'Radio Market Cities')

Account	Agency	Time Purchases
Albers Bros. Milling	Erwin, Wasey	4 Hours
American Popcorn Co.	Buchanan, Thomas	Announcements
B. C. Remedies	Harvey-Massengale	4 Hours
Beaumont Laboratories	H. W. Kastor	Announcements
Beech-Nut Packing	Newell-Emmett	Announcements
Blue Ribbon Books	Northwest Radio	Spots
Carter Products	Street & Finney	5-Min.
Carter Products (Arriad)	Small & Seiffer	Announcements
Carter Products (Little Liver Pills)	Street & Finney	Announcements
Chelsea Cigarettes	Warwick & Legler	Participations
Cleeth, Peabody	Young & Rubicam	10-Min.
Compagnie Parisienne	Northwest Radio	Spots
Denalan (Dental Plate Cleanser)	Rufus Rhoades	Spots
Farnsworth Television & Radio	N. W. Ayer	Chain Breaks
Flamingo Sales (Nail Polish)	Milton Weinberg	Announcements
General Mills	Westco Adv.	4 Hours
Greyhound Bus Lines	Beaumont & Hohmann	4 Hours
Grove's Gumbo Quinine	J. Walter Thompson	10-Min. News
Charles Gulden (Mustard)	Charles W. Hoyt	4 Hours
Luden's Cough Drops	J. M. Mathes	Chain Breaks
Manhattan Soap Co.	Franklin Bruck	4-Hour News
Mishawake Rubber & Woolen	Campbell-Ewald	Spots
Red Heart Dog Food	Henri, Hurst & McDonald	Spots
Musterole	Erwin, Wasey	Announcements
North American Accident Insurance	Franklin Bruck	5-Min.
Packard Motors	Young & Rubicam	Announcements
Pacquins Hand Cream	Wm. Esty	Announcements
Pillsbury Flour Mills	Hutchinson Adv.	Participations
Pillsbury (Globe A-1)	Dan B. Miner	4 Hours
Piso Co.	Lake-Spice-Shurman	Announcements
Reid, Murdoch & Co.	Rogers & Smith	Announcements
Safeway Stores	J. Walter Thompson	Announcements, Participations
Sheaffer Pen Co.	Russel M. Seeds	Announcements
U. S. Playing Card Co.	J. Walter Thompson	Announcements
Vick's Cough Drops	Morse International	Announcements
Willard Tablet Co.	First United Broadcasters	5-Min.
Wood Briquettes	Emil Reinhardt	Spots

DEPARTMENT STORES BUYING RADIO TIME LAST WEEK

Store	City	Time Purchases
Broadway Dept. Store	Denver	Announcements
Broadway Dept. Store	Los Angeles	4 Hours, Announcements
Charles Brown & Sons	San Francisco	Participations
Bullocks Dept. Store	Los Angeles	Announcements
Carson, Pirie, Scott	Chicago	Time Signals
Hale Bros.	San Francisco	Spots
Joske Bros. Dept. Store	San Antonio	Announcements
Rosenthal's Dept. Store	Baltimore	4 Hours
Wolff-Marx Dept. Store	San Antonio	5-Min., 4 Hours

NATIONAL SPOT ONLY GAINER IN BALTO

Baltimore, Nov. 19.
Loss of time picked up in network and local classifications by political activity took its toll in last week's unit count in comparison to previous doings. National spot biz, however, provides some hypo to the receding figures with steady gain a bright spot.

Some important renewals and schedule placing by local retailers with eye to Xmas biz, points to rosy possibilities, with all stations reported okaying most bullish indications in years.

Strong mailing piece titled 'The Forty-niners,' sent out by WFBZ with 49 national advertisers using the station listed and claim made that N. B. C. Red outlet carries more national spot advertising than rest of town's stations combined.

WBAL: Fleer's Double Bubble Gum, through N. W. Ayer, 39 announcements; Reid-Murdoch Co. (Monarch foods), through Rogers & Smith, Chicago, 158 announcements; Zerbst Pharmaceutical, via Barron Co., Kansas City, 115 announcements; Dill Co. (Espolabs), through Herbert Slifer Co., 528 announcements; Barbasol and Best Toothpaste, 260 announcements; Erwin, Wasey, Seven-Up Bottling Co., through Hamblett Agency, Baltimore, 260 fifteen-minute programs; National Brewing Co., through D. Stuart Webb, tied up local weekly boxing shows for 39-week period; Mangels Herrold Co. (King Syrup), through Brown-Alexander, 201 spots; J. H. Filbert (vegetable margarine), via

Courtland Ferguson, 364 announcements; Albert Goetz Co. (meat packers), through Harry J. Patz, 312 announcements; Sun Spot Beverage, 600 five-minute transcriptions; Rev. Wm. Detweiler, evangelist, 52 half-hour Sunday airings.

WFBZ: Fleer's Double Bubble Gum, through N. W. Ayer, five spots a week around juve programs; Coca-Cola, renewed through D'Arcy Agency, 'Singin' Sam' five days a week; Read Drug Co., renewed for fifth year, participation on 'Studio Party'; Wm. Cook, undertaker, bought 'House of Dreams' transcriptions for Sunday quarter-hour airings.

Nov. 16 Compared to Nov. 9	Network	Local	National	Total
Units	8,910	4,841	1,903	15,654
Spots	9,590	5,061	1,885	17,136
% Change	-7.1%	-14.5%	+1%	-8.6%
(Included: WBAL, WCOB, WFBZ)				

LOCAL POT O' GOLD

KOWH Telephones Housewives: As Listeners Hear (But Only Him)

Omaha, Nov. 19.
Modified Pot-o'-Gold idea being used effectively by KOWH here. Ken Stewart, production man, makes announcement, then calls number by phone with listeners getting in on half (his) of the conversation. He asks if housewife has any of the sponsor's (Miller's Muffin Mix) on hand and if so, pays her \$1 per package. If none on hand, he sends over a couple of packages by special messenger.

Idea has caught fancy here and proof of efficacy is shown in the increasing number who report they have the stuff on hand. Program is on every morning 9 to 9:15, except Sunday. Rounded out with music and some clever comments by Stewart, who is vet newspaper man, script writer and special feature newsmen.

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: FRANK STEELER
9 Rockefeller Plaza, New York City
Suite 606
Columbus 5-2142

St. Louis Retailers 'No Radio' Pact

But One Chain Store Breaks Away to Use KXOK to Plug Women's Apparel

St. Louis, Nov. 19.
The second defection from a 'gentleman's agreement' of members of the St. Louis Retail Credit Men's Assn. against the use of radio as an advertising medium was hung up last week when the Three Sisters, a chain of popular priced women's clothes, began a test series on KXOK. A slightly different setup of the local programs has been made in comparison with those in other cities where a policy of stressing its name and merchandise is maintained.

Rose Claire, station commentator on clothing styles, is used. The commercial is inserted with the info that while New York and Hollywood are paying stiff prices for the gowns and dresses just discussed they are available at the local store at pop prices. Program is aired six times

weekly, divided between 9:30 and 7:15 p.m.
The Well Clothing Co. is a steady user of radio time but none of the three large dept. stores have departed from the agreement to stick to visual advertising.

KFI UNITS GAIN, BUT OTHERS CUT TOTALS

Los Angeles, Nov. 19.
Only station to show a gain over the week was KFI, picking up smartly in network and local units. Others dragged the aggregate down into the minus brackets. KNX reported little activity other than participations in the Fletcher Wiley combination. Tabbed 'Housewives League' and 'Sunrise Salute,' this pair will account for \$220,000 in billing for the year, which KNX points out is more biz than 60% of the country's stations chalk-up.

KFI: Pacquins Hand Cream, 188 one-minute transcriptions; through William Esty; North American Accident Insurance, 39 five-minute programs, through Franklin Bruck; Bulova Watch, 678 announcements, through Blaw Co.; Sweetheart Soap, 39 quarter-hour programs, through Franklin Bruck; 4-Way Cold Tablets, 100 one-minute transcriptions, through Morse International; Broadway Department Store, 11 announcements, through Lee Ringer.

KECA: Aggeler & Musser Seed Co., 26 quarter-hour broadcasts of 'Garden Club of the Air,' through Julien Resel; Safeway Stores, 49 one-minute transcriptions, through J. Walter Thompson; Institute of Applied Science (fingerprinting), 13 quarter-hour broadcasts of Nick Harris detective stories, through Matteson-Fogarty-Jordan.

KHJ: Broadway Department Store, five quarter-hour programs, through Lee Ringer; Dr. Hiss Foot Clinic, 52 half-hour programs, through Pot Health Adv. Alliance; Kelley Kar Co., 52 one-hour programs of recordings, through Allied Adv.; Midnight Mission, six quarter-hour programs, through Glasser agency; Safeway Stores, 48 announcements, through J. Walter Thompson; Par Soap, 42 announcements, through Tomaschke-Elliott; Safeway Stores, 15 participations in Norma Young's 'Happy Homes,' through J. Walter Thompson. KNX: Linsay Olives, 78 participations in Fletcher Wiley combination, through Lord & Thomas; Cudahy Packing, 78 participations in Wiley combo, through Erwin-Wasey; Helms Bakeries, 24 participations in Wiley combo, through Martin Allen.

Nov. 16 Compared to Nov. 9	Network	Local	National	Total
Units	11,872	11,414	2,182	25,268
Spots	11,844	11,581	2,295	25,720
% Change	-1.5%	-1.4%	-4.9%	-1.8%
(Included: KECA, KFI, KFWB, KHJ, KNX)				

STEP UP!

- YOUR SALES PUNCH
- YOUR PRESTIGE
- YOUR \$ VOLUME

with
WMMN
CBS
IN
FAIRMONT
WEST VIRGINIA

and if it's mail-pull you want to check, just ask Fairmont's busy postmaster.

WMMN is on the home stretch in a successful drive to break its remarkable mail record for last year

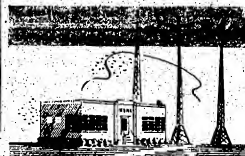
Represented Nationally
by
JOHN BLAIR & CO.

WMMN

5000 WATTS DAYS

1000 WATTS NIGHT

A FORT INDUSTRY STATION



WBNX

Now!
5000 WATTS
DAY and NIGHT

YOUR BEST NATIONAL SPOT BUY
A NEW APPROACH TO THE NEW YORK MARKET

More N. Y. Business Coming Up

Rebirth of activity as far as radio is concerned has started in a big way among the agencies and the indications are that the next few weeks will see plenty of network and spot time buying.

Among the agencies where the new business is being given the presentation and inquiry treatment are J. Walter Thompson, J. Sterling Getchell, Ruthrauff & Ryan, Sherman K. Ellis, Maxon and Young & Rubicam.

POLITICO BLITZ NICKS KANSAS

Kansas City, Nov. 19.

Situation still characterized by de-emphasis from the political build-up to which, all stations had been subjected. Currently it's more or less a matter of getting back to normal, or at least to the normal business of trying to increase business. Most managers agree the task of keeping keel even following loss of the political revenue was a considerable accomplishment.

Since no station showed any unusual drop, biz figured to be more than holding its own. There is some natural variation in different departments, but totals for the most part stay nearly the same. From here on it's to be increases, say the managers.

KCKN: 'Songs of Yesteryear,' quarter-hour Sundays, 13 weeks, bought by Wyandotte Glass & Paint Co. Singer is Gwendolyn Peterson.

Nov. 16 Compared to Nov. 9				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
6,502	5,800	6,105	18,407	
6,502	6,018	6,165	18,565	
..*	-3.6%	-1%	-1.5%	

* No change.
(Included: KCKN, KCMO, KITE, KMBC, WDAF, WKB)

Sophie Hadida of WBEN, Buffalo, has written fourth, better-speech book, 'New Pitfalls in English,' just off the presses.

SALT LAKE SLUGGISH

Local Units Drop Back 14.9%—Nat'l Spot OK

Salt Lake City, Nov. 19.

Local units took a steep drop of 14.9% here this week, but a 3% gain in national spot helped offset the total loss somewhat.

KDYL: Superior Optical Service, 28 quarter-hour programs; Dupler's Furriers, two 15-minute programs weekly for 13 weeks; Cordova's Rancho Grande, 28 five-minute programs; Grand Central Market, three 15-minute programs and 52 announcements; Mountain Fuel Supply Co., renewal, 150 100-word announcements; Woolstate, 52 50-word announcements; State Building & Loan Co., 52 tie-in announcements to Kallenberg; Utah Photo, 28 Xmas Tree participations; National Pants Co., 14 Xmas Tree participations; King-Irvine Music Co., four Xmas Tree participations; Goodrich Co., 14 Xmas Tree participations; Judd's Drive Inn, 13 announcements on the 'Telequest Hour'; U. S. Playing Cards, through J. Walter Thompson, 78 one-minute announcements; Wesson Oil and Snowdrift, through Fitzgerald Agency, renewal, 312 chain breaks; Coca-Cola, through D'Arcy Agency, renewal, 260 quarter-hour programs; Carter's Pills, through Spot Broadcasting, renewal, 260 one-minute announcements; Zemo, through Erwin, Wasey, 78 one-minute announcements; Hudson Bay Fur Co., 1,000 announcements and 52 quarter-hour programs weekly; Purdy Biscuit Co., renewal, 13 quarter-hour programs; Dundee Clothes, renewal, 52 quarter-hour programs; Bailey, Ltd., 14 Xmas Tree participations; Western Royal Vacuum, 14 Xmas Tree programs; Hilton & Cramer, florists, renewal, one 25-word announcement per week

indefinitely; Grains of Gold, 52 50-word announcements; Fred N. Nye, eight Xmas Tree programs; Pembroke Co., 14 Xmas Tree participations; W. H. Bantz & Co., 26 'Spring-time' programs; Du Shey Linen, 14 Xmas Tree participations; Glen Bros., music, 33 100-word announcements; Stokes Studios, 13 Xmas Tree programs; Thompson Indian Trading Post, 14 Xmas Tree programs; Foland Drug, 14 Xmas Tree participations; Porter-Walton, 14 Xmas Tree Participations; Arthur Frank, renewal, 52 50-word announcements; Classic Cleaners, renewal, 52 100-word announcements.

Nov. 16 Compared to Nov. 9				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
7,571	2,401	651	10,623	
8,148	2,821	632	11,599	
-7.1%	-14.9%	+3%	-8.4%	

(Included: KDYL, KSL, KUTA)

BLURBS UP FOR AGFA FILM AT Y. & R.

Young & Rubicam's time buying staff last week started a flurry among station reps who the agency called them in and asked them to produce availabilities for minute announcements preceding of following sports program. The account is Agfa-Ansco film.

Schedule calls for the first 20 major markets, a minute announcement each night of the week and a run of four weeks. Campaign is framed to start this week.

Agency, as usual, named the stations that it wanted tagged and it was these outlets' reps who were called in and urged to produce.

Dorothy Jane Coy is a new voice on WOKO, Albany. Does an afternoon participation, 'This Changing World,' talks on fashions, etc., with Van Heusen Charles Co. the sponsor.

N.Y. Still Punchy Despite Loss Of Political Hypo; Local Up 4.9%

Without the stimulant administered by political biz recent weeks, Gotham still wrote in an active week.

National spot mirrored the return to normal by dropping back to minus 7.9%, but local accounts came through with enough of a gain to cushion the fall. Network units remained unchanged.

WHN: P. J. LeRoy, 15-minute broadcasts daily, 13-week contract; Hudson Motors, through Brenallen, Inc., two participating announcements daily, six times weekly, 13-week contracts; Naborhood Service, Inc., through Edmund S. Whitten, three station-break announcements weekly, 13-week contract.

WMCA: Hudson Dealers of N. J., through Brenallen, Inc., 13-week renewal for spot announcements; Modern Industrial Bank, through Metropolitan Advertising Co., 52-week renewal for 24 quarter-hour programs weekly; National Schools of Los Angeles, through Huber Hoge & Sons, 13-week renewal, 11 quarter-hour programs, nine five-minute programs, three 10-minute programs weekly; The Newspaper PM, Inc., through Compton Advertising, 21 announcements; Hollywood Memorial Park, through Scheck Advertising Agency, five 15-minute programs weekly, 13 weeks; Stanback Co., Ltd., through Klinger Advertising Corp., 12 announcements weekly, 52-week contract; Guild Theatre, direct, 10 announcements.

WNEW: Welding Training Institute, through Albert E. Hebert, one-minute announcements, Monday through Saturday, four-week contract; American Fruit Growers (Blue Goose Citrus Fruit), through Walker & Downing, four announcements weekly, 13 weeks; Monarch Wine Co., through Arthur Rosenberg, 'Dance Parade,' quarter-hour programs Monday through Friday, half-hour program on Saturday; Arch Aid Shoe Shop, through N. C. Greenfield, 10 minutes in 'Music Hall,' Tuesday through Saturday; Crosley Distrib-

uting Corp., direct, 'Make Believe Ballroom,' quarter-hour three times weekly for five weeks; Red Seal Motor Co., renewal, through Brenallen, Inc., 25 announcements weekly for 13 weeks; Smith Bros., through J. D. Tarcher, 'Make Believe Ballroom,' quarter-hour three times weekly; Rum and Maple Tobacco Corp., through Arthur Rosenberg, 'Dance Parade,' quarter-hour Monday through Saturday; Beaumont Laboratories, Inc. (Four Way Cold Tablets), through H. W. Kastor & Sons, 25 announcements weekly, 13 weeks; Roxy theatre and/or 20th Century-Fox Film Corp., through Kayton-Spiro Co., 11 announcements, six days; West End Amusement Corp., through Blakstone Adv. Agency, 'Dance Parade,' quarter-hour Monday through Saturday.

WQXR: Federation Bank and Trust Co., through Redfield-Johnstone, Inc., 'Tomorrow's Headlines,' Associated Press news, quarter-hour, three times weekly, 13-week contract.

Nov. 16 Compared to Nov. 9				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
195	11,431	7,694	19,310	
195	10,900	8,342	19,437	
..*	+4.9%	-7.9%	-0.7%	

* No change.
(Included: WHN, WMCA, WNEW, WQXR)

B.B.D.&O. STALKS CHAINBREAKS

Batten, Barton, Durstine & Osborne is inquiring for availabilities of evening chainbreaks but won't disclose the account. It's generally assumed they are for DuPont's various anti-freeze brands.

Bid is for six announcements a week for 13 weeks.

KNX
LOS ANGELES
50,000 WATTS
CBS

Over one-fourth the total U. S.
land area is within the primary
nighttime coverage of KNX



For more information about KNX, one of the sixteen CBS 50,000 watt stations, inquire of Radio Sales: New York, Chicago, Detroit, St. Louis, Charlotte, N. C., San Francisco

COLUMBIA'S WORKSHOP IN THE WEST

Something New in Radio: Rivals Vie to Air NBC Sod-Busting

San Francisco, Nov. 19. Something happened to radio in San Francisco this week. On the surface it was the spectacular groundbreaking staged by NBC for its new home. But underneath it was the crystallization of the realization that radio is bigger than individuals. There had been some tendency to scoff at Al Nelson's wooing of the press and his stunts, such as the sod-splitting of Thursday, and to be jealous of NBC's splurges.

Then came that ceremony. The reaction of the thousands of spectators who jammed the streets somehow pounded home the fact that although this was NBC's party, it was helping all radio. The thing was a shot in the arm for the whole town. The newspaper-radio tieups seemed sane and logical. Nobody said anything, but the trade reaction was immediately noticeable. And the unprecedented situation of rival transmitters asking to broadcast the hour-long show was unique sidelight, wax repeats airing on seven other stations in addition to KPO and KGO. The unit figures were down this week, but the lasting impression left on public press—and the trade—is worth more than gold.

A statement issued by Lincoln Dellar, manager of KSFO (CBS), the day following the ceremony sums up adequately. "We are happy for KGO, KPO's realization of an ambition for San Francisco which they've had for years," Dellar said. "KSFO is happy because this new step forward made by the two stations further enhances San Francisco's place in the national radio picture."

When radio spends a million bucks, it ain't kidding. KFRC: Fels Naptha, through S. E. Roberts, 39 quarter-hours, thrice-weekly, participation in "Breakfast Club" (renewal); Postal Telegraph, through Biow Co., 208 time signals and spots; Federal Outfitting, through Allied Advertising, 288 spots; Southern Pacific Railroad, through Lord & Thomas, five one-minute spots.

Nov. 16 Compared to Nov. 9

Network	Local	National	Total
Units	5,683	2,291	17,409
Spots	11,980	4,094	18,612
%	-6.1%	-5.2%	-10.4%

(Included: KFRC, KGO, KJBS, KPO, KSFO)

DES MOINES DOWN

Departure of Politics Cuts Units—Local Off 26%

Des Moines, Nov. 19. The passing of political biz left many holes in Des Moines schedules, with local units affected to the tune of 26.1.

Nov. 16 Compared to Nov. 9

Network	Local	National	Total
Units	7,990	3,047	14,321
Spots	8,120	4,122	15,687
%	-21.1%	-26.1%	-25.5%

(Included: KINT, KSO, WHO)

Denver Units Off; Local Gas Station Buys KLZ, 26 Wks.

Denver, Nov. 19. Local gas station signed over KLZ for 156 quarter-hours at the rate of six week, running 26 weeks, and Household Magazine running a short campaign of six quarter-hours per week for two weeks.

KLZ: Crawford Hereford Breeders Assn., three spots; Cottrell Clothing Co., through Robertson agency, one announcement; Campana Sales, through Aubrey, Moore & Wallace, one cut-in announcement; Smith Bros. Mfg. Co., through R. J. Potts, 117 daytime spots; W. T. Grant Co., through Max Goldberg, 10 daytime quarter-hours; Terry Carpenter, Inc., through Betts-Koerber, six quarter-hours weekly for 26 weeks; Household Magazine, through Presba, Fellers & Presba, 12 quarter-hours; J. C. Robinson Seed Co., through E. H. Brown; Wesson Oil and Snowdrift, through Fitzgerald agency, one announcement daily except Sunday, one year.

KFEL: Broadmoor Country Club, two participating announcements daily, one month; Colorado Alcohol Co., through Max Goldberg, 52 chain breaks.

Nov. 16 Compared to Nov. 9

Network	Local	National	Total
Units	8,145	4,517	14,191
Spots	8,450	4,847	14,631
%	-2.4%	-2.8%	-3%

(Included: KFEL, KLZ, KOA, KYOD)

WDRS 47.5% Better

Hartford, Nov. 19. Biggest month's business in its 18 years' existence was grossed by WDRS in October. Although dollar figures of the take are withheld, station execs state gross was 47.5% better than same months in 1939. Percentage increase is exclusive of network business. Based on national and local spot business.

CHI TOTALS EDGE UP 1%

Chicago, Nov. 19. Network units maintained the status quo in the Windy City this week. Other units managed to take the departure of political biz in their stride and come through with small gains.

WBBM: Dutch Mill Candy, 15 minutes weekly, through Goodkind, Joyce & Morgan; C. A. Briggs Co. (H-B Cough Drops), temperature reports twice weekly, through Horton-Noyes, Providence (R. I.); Smith Brothers, time signals and temperature reports five times weekly, through J. D. Tarcher agency.

WGN: American Dairy Assn., station break announcements twice weekly, through Lord & Thomas.

WIND: Lewis Mfg. Co., renewed participation in "Sports Edition" for John Ruskin cigars, through Lewis & Tokar; Windsor Clothes, participation in "Sports Edition" through Morris & Davidson; William Wrigley Jr. Co., renewed 15-minute strip across the board for additional 52 weeks, through Neisser-Meyerhoff; Samuel Winteritz Co., 15 minutes daily, through the Harold Collier agency; Carson, Pirie, Scott & Co. (department store), two 50-word announcements daily, through McJunkin agency; Gamble Hinged Music Co., seven announcements weekly, through Evans Associates; Alpine House, 15 minutes nightly on "Nite Watch," through McJunkin agency; Bird-Sykes Co., 50 spots weekly, including a 15-minute program, two 10-minute programs and 46 one-minute announcements, through the Bennett agency.

Nov. 16 Compared to Nov. 9

Network	Local	National	Total
Units	9,800	6,009	11,234
Spots	9,800	5,922	11,111
%	+1.5%	+1.1%	+0.6%

* No change. (Included: WBBM, WBBB, WGN, WIND, WJJD, WLS, WMAQ)

CINCY SLUMBERS

Units Slow—Skeads Recovering From Political Bumps

Cincinnati, Nov. 19. Commercial schedules resumed a semblance of normalcy last week, after the uneven waves of political blasts. Total biz showed a slight dip from the preceding week, national spot units reflecting the only rise.

WKRC: Little Crow Milling Co., through Rogers & Smith, series of weekday 15-minute programs blurring Coco Wheat via piano-vocal stanzas by Mike Hunnicutt, of the station's staff; Rubel Baking Co., local for five quarter-hour weekly of the "Forbidden Diary" series, through Frederic W. Ziv, Cincy; Grayson Dress Shop, three 15-minute periods weekly in the "Dawn Patrol" participation stint; Sears-Roebuck Co., 18 50-word announcements, through the Ziv agency; Guardian Bank & Savings Co., five 100-word announcements in addition to its regular run of plugs, through Walter Haehnle agency, local.

Nov. 16 Compared to Nov. 9

Network	Local	National	Total
Units	6,535	8,922	8,608
Spots	6,815	9,899	9,794
%	-4.1%	-0.7%	+1.5%

(Included: WCPO, WKRC, WLW, WSAI)

POLITICAL HANGOVER HITS DETROIT UNITS

Detroit, Nov. 19. Knocked sky high by the unusually heavy political buying of time in this closely contested state, unit figures this week for Detroit's stations showed great unbalance as they fell back to a normal representation of the picture here.

Last week's figures still carried three days of political time—with the campaign here carried on during election day—which kept Nov. 9 from settling down. Local and national spot showed heavy collapses—the latter down more than 15%, but total units showed only a 3% loss as network units rocketed up for a good gain.

Political buying, which crowded as many as three separate five-minute programs in a quarter-hour, elbowed out much of the local business, which is shaping up well again and will make a considerable appearance next week. Only one of the six stations here showed a marked gain, having passed up much of the political mif-naw.

Nov. 16 Compared to Nov. 9

Network	Local	National	Total
Units	9,213	11,810	4,633
Spots	8,404	12,691	5,469
%	+9.6%	-6.9%	-15.3%

(Included: CKLW, WKRC, WJR, WMBC, WWJ, WXYZ)

'Gabby' Street Lectures

St. Louis, Nov. 19. Charles "Gabby" Street, former major league baseball manager who clicked last season as a baseball analyst on a six-station web in Missouri and Illinois for the Hyde Park Breweries, through Ruthrauff & Ryan, is being groomed for a good-will trek through the same states. In some 65 towns in these states Street will discuss "Inside Baseball" and dish out cuff copies of a booklet on baseball he penned under the agency's supervision.

Street will demonstrate plays and strategy on a 6x8-foot diamond he will tote along. Ray Schmidt will do promotional and publicity work in connection with the stunt.

San Francisco—Jerry Norton, account exec, shifted from KYA to KJBS. Jean Fay also off KYA payroll. Conducted woman's program.

SAN ANTONIO WEB UNITS FORTE

San Antonio, Nov. 19. Despite the fadeout of political biz, total units here gained 4.7%, with web accounts contributing a hefty 9.7%.

All stations report merchants are coming around to using radio in their campaigns this Christmas, and execs are looking forward to more accounts than they can handle.

Outstanding bit of promotion work here this week was display in windows of all 18 local Handy-Andy food stores by WOAI. Each display contained merchandise of sponsors and advertisers using the station's facilities.

WOAI: Chamberlain Sales Corp., through L. W. Ramsey, half-hour program through NBC network; American Tobacco Co., (Lucky Strike), through Lord & Thomas, "Information, Please," half-hour on NBC network; Liston Zander Credit Co., through Marion Johnson, one additional announcement per week; renewal, through H. W. Kastor & Sons, quarter-hour transcribed Irene Rich for Welch Grape Juices; renewal, through Ferry Hanly Co., Ralson Bran product of the Skinner Manufacturing Co.; Morton Salt Co. for Morton's Smoked Salt, three five-minute transcribed announcements for 10 weeks through Klau-Van Pietersom-Dunlap Associates.

KABC: Wolf-Max Co., additional spot announcements; Broadcast of St. Marys-Texas A&E football game sold to the Star Finance Co.

Nov. 16 Compared to Nov. 9

Network	Local	National	Total
Units	7,635	9,109	1,103
Spots	6,958	8,847	1,243
%	+9.7%	+3%	-11.4%

(Included: KABC, KMAC, KONO, KTSB, WOAI)

XMAS CAN'T COME TOO SOON FOR SEATTLE

Seattle, Nov. 19. The pre-holiday lull nipped spot and local units here, but stations are looking forward to brisk doings with some accounts nearly doubling their radio allocations for Christmas.

KOL: Rhodes department store, "Here's Song for Today," 8:45 to 9 a.m., Monday through Saturday; Bonmarche department store, "Ray Daughter's Exercise," local talent, 9:30 to 9:45 a.m., Monday through Saturday.

Nov. 16 Compared to Nov. 9

Network	Local	National	Total
Units	5,590	10,754	748
Spots	5,585	10,830	780
%	-0.7%	-1.6%	-0.5%

* No change. (Included: KIRO, KOI, KRSC)

Sell 'Do You Remember?'

Buffalo, Nov. 19. Baldwin & Strachan agency has set 15-minute twice-weekly old-time show, "Do You Remember?" on WBBR for August Ebke, auto dealers. Links nostalgic tunes with historic Buffalo events.

San Francisco—KFRC has lost its veteran technician, naval reservist Charles Concanon, who has been called to active duty at Mare Island Navy Yard...so they hired two men to take his place, Paul Lewis and Paul Dougherty.

He found 2,000 pet lovers with a one-time shot at 8:30 Saturday a.m.

It was much too good a find to let us mention the product here. But it's a pet specialty, and (take our word for it) one with limited distribution. Out to crack the Twin City market, this sponsor tried a test spot on WCCO, fifteen minutes, at 8:30 Saturday morning, just music.

In the commercials on one program, he offered samples. And within two days, 1,984 requests had reached our mail desk. Our new client, who has used time on scores of stations from coast to coast, told us that never before

had any station come within 30% of this. Needless to say, he has signed a long-term contract.

WCCO's audience, of course, is many times the size of this particular pet-loving group. But all these listeners have one thing in common. Pet-loving, bread-eating or what have you, results show that they all seem to trust this station and go for its sponsors' products—in large numbers.

How about a test program on WCCO for your product?

WCCO 50,000 WATTS WHERE IT COUNTS THE MOST
Owned and operated by the Columbia Broadcasting System. Represented nationally by Radio Sales.

Whose Bread, Noodles and Soup?

WBNS
HELPS
HOUSEWIVES
CHOOSE!

WBNS
JOHN BLAIR & CO.
Representatives

See Clear Channel Principle In Jeopardy

Washington, Nov. 19. Circuitous attack on the clear-channel policy is worrying large proportion of the broadcasting industry watchers, while the Federal Communications Commission ponders an application which cannot be granted without whittling down the group of I-A ribbons. Great apprehension is felt, because the regulators have refused to allow any interveners to present evidence bearing on the question whether the latest regulations and the North American Regional Agreement should be nullified by arbitrary administrative action. Procedure of the FCC directly raises again the issue of star chamber and ex parte promulgation and revision of basic principles and deliberate evasion of the obligation to follow legislative methods in writing rules under which the whole industry functions.

While the industry is admittedly divided on the clear-channel problem, even those leaders favoring duplication on all frequencies are

upset by the course which the regulators are following. If one rule—in this instance that specifying what stripes are to be set aside for exclusive night occupancy by 25 transmitters—can be set aside, modified, or disregarded without allowing all concerned parties to present their views and engineering data, there's nothing to stop the FCC from barging ahead in any way a majority desires. And the way chances of obtaining court review have been limited in the last couple of years means there'd be practically no brake on the Commish.

Involves 830 Kc.

Discomforting situation surrounds application of WHDH, Boston, for full-time assignment on 830 kc, now one of the 25 I-A ribbons and on which KOA, Denver, is the dominant transmitter. If the plea is to be granted, the Commish will have to shift 830 from the I-A to the I-B classification. Latter ribbons can be used by other plants after dark, with one of the occupants having 50 kw.

The nibbling-at threat has not come into public sight as yet. Proposed findings have not been issued, but reliable sources say the regulators in executive session informally agreed 3 to 2 to give the nod to WHDH. Commissioners Paul A. Walker, Fred I. Thompson, and George Henry Payne, who frequently have indicated conviction that the clear-channel principle fosters monopoly and gives a select few members of the industry an unfair advantage, were the majority. Chairman James L. Fly did not take part in the discussion, but many observers tag him as sharing the Walker-Thompson-Payne view rather than siding with Commissioners Norman S. Case and T. A. M. Craven.

The final vote—now a couple of months distant—will be clear-cut show-down on the matter of preserving a principle that has existed

since the outset of government supervision. Also, it will raise the question whether such fundamental policies can be established in individual proceedings, without allowing intervention by others who may be greatly affected by administrative decisions.

Futile attempts to register protests against either waiving or changing rule 3.25a were made by National Broadcasting Co., KOA, Columbia Broadcasting System, and 13 of the 50kw. plants in the so-called Clear Channel Group. Each petition for leave to participate at the hearing

was summarily turned down; and attempts to get the Commish to reconsider were equally unavailing.

Admittedly the matter of preserving clear channels presents many controversial angles. But so far, even while reducing the number of such frequencies, the Commish still has agreed that the economic considerations make distant plants rendering secondary service necessary if millions of listeners are to hear anything in the sparsely settled expanses on the eastern slope of the Rockies and down the Mississippi.

Allocation question is whether Bos-

ton, already served by many stations, needs another full-time outlet more than the far-away listeners to KOA need interference-free service. The number of people counting on NBC's Denver radiator presumably exceeds the potential WHDH after-dark audience. At least, from a geographical standpoint. And all engineers agree that the populace dependent upon secondary signals should be able to bring in two stations airing the same program, in order to offset fading effects. This condition does not occur in the Boston region.

ZANESVILLE

A Fort Industry Market

Want Proof?

We have it to the tune of

72

Accounts

—from towns within a 25-mile radius of Zanesville who use—

WHIZ

—consistently to sell their wares

THEY ARE—

Cambridge, O.
Coshocton, O.
New Lexington, O.
Malta, O.
Somerset, O.
Roseville, O.
Crooksville, O.
Utica, O.
McConnelsville, O.

BLAIR Represents Us



WHIZ

Hanson, Phelan Looking Into NBC Frisco Plans

San Francisco, Nov. 19.

Thomas H. Phelan of NBC's eastern engineering department was due in San Francisco today (19) for month's stay during which electrical, air conditioning and general building plans for new KGO-KPO headquarters will get his attention. Phelan then will return to New York, being relieved here by Gordon Strang as general construction supervisor for duration.

O. B. Hanson, NBC chief engineer, pulls in tomorrow (20) for a look-around and Joe Arnone checks in a week hence for architectural conferences.

WEE HOUR POETRY

WMCA, N. Y., Trying An All-Night, Many-Sided Schedule

WMCA, N. Y., is going on a 24-hour operating basis Dec. 1. Unlike WNEW, which has been running all night for years, WMCA will put a period to its dance programs at 2 a.m. and engage in such features as soft music, poetry reading, sunrise service and information for job-seekers. Until WMCA decided to change its policy WNEW had the allnight field to itself in the New York area.

Alan Courtney has been brought back by WMCA to m.c. the station's broadcasting activities from 1 a.m. to 7 a.m. The sunrise service will be nonsectarian, while the help-wanted bit will be produced in cooperation with the New York State Employment Bureau. There will also be news bulletins and impromptu guests.

Edwin Browne at KMBC

Kansas City, Nov. 19.

Edwin Browne, has been appointed director of education for KMBC, Kansas City. He takes over post left by Kenneth L. Graham, who resigned after three years to become assistant manager of the Herald Publishing Co., in Independence, Mo. Browne comes from WREN, Lawrence, NBC blue affiliate, where he had been about a year, as announcer and newscaster.

Miller C. Robertson, newly appointed member of the sales staff, arrived last week from Ft. Worth, Texas, to take over work as director of local sales, post which has been vacant several months. He'll work with Sam Bennett, director of sales, a former crony.



WNEW DELIVERS!

Proved thousands of times

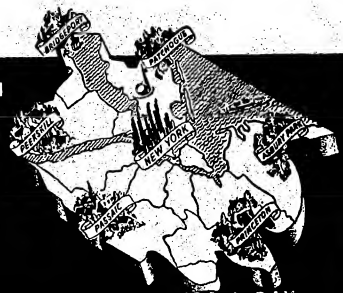
1. TWICE THE AUDIENCE of any other New York independent station. (Hooper-Holmes and other impartial surveys.)
2. THE NATION'S BIGGEST MARKET. (The 50-mile metropolitan trading area.)
3. ONE-THIRD THE COST of any New York network station.
4. RADIO'S OUTSTANDING PROGRAMS. ("Make Believe Ballroom" with Martin Block, "Milkman's Matinee" with Stan Shaw. And many others.)
5. LOCAL ADVERTISERS know WNEW moves most goods—fastest.
6. MORE COMMERCIAL TIME is bought on WNEW than on any other station in New York.

WNEW

NEW YORK

SERVING NEW YORK AND NEW JERSEY 24 HOURS A DAY

5000 WATTS BY DAY • 1250 KILOCYCLES • 1000 WATTS BY NIGHT



Nationally Represented by John Blair & Company

BING CROSBY

With Connie Boswell, John Scott Trotter Music, Bob Burns, William Frawley, Joel McCrea, Winger Manone, Ken Carpenter

60 Mins.

KRAFT CHEESE

Thursday, 9 p.m.

WEAF-NBC, New York

(W. Walter Thompson)

Preceded by the usual half-truth, half-publicity reports that the show was going to be 'different,' Bing Crosby returned last week to the Kraft Music Hall, restoring it to the slickness of which it has, times past if not in the last months, been an exemplar. More music and more singing there may have been. But it would take a stop-watch to tell the difference as between music and dialog so far as on air that has not heard the show a long time was concerned.

Instead of stressing that the show was 'different,' it might be truer to describe it as 'better.' It gave every evidence of thoughtfully put-together entertainment wherein a master-stylist of song was visited by sundry personalities and all of them talked like Carroll Carroll. Connie Boswell talked that way. Winger Manone talked that way. Bill Frawley was thoroughly Carrollesque. There were bits and fade-ins and gags and Bob Burns losing his place in the script. So maybe Bing Crosby sank a bit more (he should) and Connie Boswell was added to the program for a series (she's good) and the press department made the most of it (they would), but actually the Kraft formula was little changed.

Basic components. The show may have been pretty glibly last year and the auspices may be well advised to guard against this. The Carroll patter often sharply witty, usually colorful Americans that H. L. Menckens should incorporate in his classic works on the American language. But anything so brittle and inventive carries risks. As in fast handball, if you hit it and miss you can break your wrist. A dull stretch of polysyllabic jive would be bad even in a mid-morning sustainer.

However, the getaway broadcast was a model of finesse in script, performance and directorial tempo. It was strictly wonderful. The authority of the star, the embellishments implicit in Miss Boswell's presence, the adroit bringing in and exploitation of the several guest personalities all spelled big time radio. Especially worthy of commendation was the easy-going bridges from bit to bit, the effortless introductions of people and ideas, the skillful manipulation of the familiar quick-glance values as between Crosby and Burns, for example. The feathered bird of light personage in this nimble game of kiloycelle badminton never once hit the boards.

Praise was doubly merited in this case because it is well known that the full hour variety show is radio's toughest production assignment and only a hardy few still stand the gaff. This program in the uniform, the build, the accumulative values and the steady remembrance of the fact that easy does it puts a premium on talent—no aeroplanes, no diamond rings, no \$1,000 banknotes, not even a free sample of Philadelphia Brand Cream Cheese were given away.

Let all who love entertainment and deplore dish night uncover in reverence for virtuosity in the realm of song and spoof. Land.

Ben Gross On WMCA, N. Y.

Ben Gross, radio ed. of the New York Daily News, goes sustaining on WMCA, New York, next Sunday (18) reviewing news events of the week past. It's to be a weekly 15-minute shot at 10:45 a.m.

Gross was at one time an overseas correspondent.

'GRAND CENTRAL STATION'

With George Coulouris, Jessie Royce Landis, Leif Erickson, Joan Tetzel, Louis Van Ruten, Tom Shirley

30 Mins.

LEVER BROS.

Tuesday, 9 p.m.

WJZ-NBC, New York

(R. B. Russell & Ryan)

With a new sponsor and different network and time, 'Grand Central Station' returned to the air Tuesday night (12) after several weeks' absence. Under the same format, and identical production setup, formerly handled by Lambert & Fensley for Listelene, the series is still produced by that agency as a package for R. B. Russell & Ryan and Lever Bros. Rinsio is now the producer. Ira Ashley continues as director.

Principal change in the show itself is the manner of presenting the commercial. Rinsio has injected a showmanly bit of atmosphere, having the announcer introduce the opening and closing blurbs in the manner of a train-caller. Following right after the highly colorful sound effects, and spiel about 'Grand Central Station,' the copy reads something about 'Rinsio Express' you're on the right track and on. There's also a dramatized plug at the half-way mark, with the sponsor hammering at the anti-sneezing sales angle. This middle commercial is preceded by an envelope sound-effect, which sounds and is phony. It's the only outright weakness of a hokery but commercially potent program.

Opening citation of the new series was an ultra-sentimental backstage yarn about a has-been matinee idol who's helped to a comeback by his abandoned wife's devotion and an abandoned reporter's kindness. George Coulouris sounded a trifle young as the fallen star, but otherwise gave a really conceived and shaded performance. Jessie Royce Landis had proper warmth as the wife. Leif Erickson was excellent as the public's idea of a dashing reporter. Joan Tetzel had an artificiality as the actor's income distributor, but admirably projected the girl's earnestness. Louis Van Ruten, colored the part of a newspaperboy. Ira Ashley's direction had skillful pace and variation. Hobe.

'WONDER TRAILS OF THE AIR'

With Ellsworth Jaeger

15 Mins.—Local

Saturday, 11:15 a.m.

WFRB, Buffalo

Trite topic of nature study needn't be so tiring after all, if you have a fair for showmanship. Possessor of such quality is Ellsworth Jaeger, outdoor expert, who turns what might be ordinary talk into a sock quarter-hour.

Difference is sweeping use of imagination throughout. Subject Saturday was mushrooms and toadstools, lifted out of stodgy speech class by comparing them with inebriates, etc. Opened by re-enacting a scene, then launched into script that sparkled with keen writing. Avoidance of scientific phrases, easy use of slang and employment of piercing allegory lifted talk into a near-drama class. Jaeger's style is pleasant and voice clear.

Betz.

PHYLLIS ROBINS

5 Mins.

BBC, London

Femme warbler is high priestess of the double entendre—done in velvet. At this guesting on 'Spotlite' (19) insouciant vocaling of one of her whimsical numbers around man's best friend, had the announcer giving freedom to a stifled guffaw and found himself neatly steered into the act for added click on denouement. Routine is never out of hand; girl has it developed smoothly and balance, allowing her to step out of the character and point what it is—spoofy hokum served in style.

Her merry following tells how they go for it; Radio hasn't heard much of her. Handling of a pop melody is added proof of eclect.

'BARRETT'S OF WIMPOLE STREET'

With Emily Williams, Peggy Ashcroft, Clifford Evans

BBC, London

Zest of its dialog put Rudolf Bessier play over for a fine airing, albeit cast in strangest way. Emily Williams as a sterna, paragon of bourgeois days is after the style of a penguin in a marmoset parade. Stellar reading of Miss Ashcroft did much to gloss over the awkwardness of the play, the quality of brilliance and gave the Elizabeth part meaning and appeal.

Remainder of parts were well clothed, with a few telling, nice fire into the Browning role.

Follow-Up Comment

'When a Girl Marries' (CBS) seemed aimed at the younger, rather than the more mature, potato-peeler. At least Prejudicial (of Newark) presented its insurance spiel when heard last week (10) of a 29-year-old husband. The story of Joan and Harry Davis is a prelude to a saga of acting ahead in the world. Last week the young lord-headed lady refused to accept the apology of a proud but rich man of influence and the law practice may suffer—tune in tomorrow. 'Dialog' was excellent, being full of the ornamental-sounding, but out being icky in the daytime manner. Maybe Variety should listen more before 7 p.m.? Maybe something is happening?

WVO, New York, last Tuesday (12) went to New Haven to pick up the economies. It then attended the award of a distinguished service medal by the local advertising club to Dr. William Francis Verdi. As is usual at such events the speakers who got up to laud became so immersed in their own egos and personalities that by the time they were through the oratorical subject had been almost entirely overlooked. The broadcast ran for three quarters of an hour but it was apparent when the event faded out that the orgy of self-admiration would go on for hours before the person being honored had a crack at the floor. In any event Dr. Verdi was not heard. Besides being a world distinguished surgeon, Dr. Verdi, and as the most beloved humanitarian and figure that the town has produced in this or the past generation. Those that conducted the event, a dinner at the Hotel Taft, and a party at the residence in their handling of the program. Undoubtedly thousands of listeners not only in New Haven but the surrounding towns would have deep enjoyed hearing Dr. Verdi's words of acceptance.

Lucky Strike took over 'Information, Please' with last Friday's (15) broadcast and there was not a single deviation from the formula. Instead of Milton Cross, praising Canada Dry he talks of the more expansive leaf in Luckies. Fred Allen is pretty verbose and not funny. It's ironic that this fast-thinking, fast-talking tempo-conscious vaudeville-trained vet should be guilty of slowing down an entertainment. But he did.

Martha Scott pulled all the dramatic stops Sunday night (17) in dramatic fantasy by True Boardman as her hostess in the contest whereby listeners send in a 25-word essay on 'Why I Like Chamberlain Lotion.' To the three best, accompanied with a carton from the 25c, the 50c or \$1 size of the product, a gown or accessory worn by one of the Paramount girls will be awarded. Current contest offers as first prize dress worn by Claudette Colbert in a scene of her current motion picture 'Arise My Love.' Second prize is the hat worn by the star while the bag carried by the star is the third prize. Value of the dress was said to be \$225. To each of the winners an autographed photograph of the star will also be given.

Commercials are very long. Also stress to the verge of silliness that it's Chamberlain lotion hands that men love the best and that Chamberlain is not sticky nor gummy as are others on the market. Andy.

Bob Hope's patter was up to par for the Red Cross roll call program Sunday. Incidentally, the Red Cross has gone in for showmanship in a grand manner this year. Not only but several super-revues have been projected. Besides Hope there was Edgar Bergen, Bette Davis, Edward Arnold, Connie Boswell, Dave Brookman, Harold Barrymore, Edward Newell. A week ago there was Katharine Cornell and Brian Aherne. The shows have been tightly produced, showing real thought on the part of the participants. The appeals have been pointed, but not maudlin.

'I GET THE BLUES FROM REVIEWS'

With Len Doyle, Eleanor Audley, Frank Lovejoy, Hubert Hendrie, Peter Donald, Joan Banks, Billy Green, Audrey Marsh, Genevieve Rowe, Art Gentry

30 Mins.

Sustaining

Sunday, 10:30 p.m.

WABC-CBS, New York

'I like sophistication, if it's not too obvious,' said Al Howard, the incurably glib producer-angel character in this spoofery by Al Rinker and Frank Lovejoy. 'Girls' with Curlies' the play-within-a-play and it was full of corn, travesty on Noel Coward at his worst, comedy bird imitator, an outrageously over-arranged hot song number and a swing-versus-classic waltz.

All this, presented as the musical that was to recoup the evaporated prestige of fall-guy Howard, formed the backbone of 30-minutes on the CBS workshop. It opened with the producer, re-reading the brutal notices of his last show and closed with Howard again on the phone and about to be fleeced by still another fast operator with a 'new and different' show. Whether the program appealed to uninitiated dialers is a question, but to anyone with show business experience it was a succession of chuckles. Characters were shrewdly conceived and written, the situations were ludicrous and the 'Girls with Curlies' interlude was sure murder.

Music (including a couple of numbers slated for publication) was by Al Rinker, with book and lyrics by Rinker and Frank Lovejoy. Rinker directed, under Davidson Taylor's supervision. Ray Block conducted the orchestra and the click cast included Len Doyle, Eleanor Audley as producer, Eleanor Audley as the music secretary, Lovejoy as Orson, Rose, Peter Donald as a goofy Noel Coward and doubling as the bird imitator, Joan Banks as the ultra-Gertie Lawrence, Hubert Hendrie as a would-be Nelson Eddy, Audrey Marsh as an anguished torcher, Genevieve Rowe as a saccharine soprano and Art Gentry as the super-swing tenor. A purported VARIETY review of a Howard show was liberally liberate. 'I Get the Blues from Reviews' was a gem. Hobe.

'SERENADE TO LOVELINESS'

With Milton Shrednick's Orchestra, Andrew Gaine, John Stanton, Gil Berkley

30 Mins.

CHAMBERLAIN SALES CORP.

Sunday, 9:30 p.m.

WQAI-NBC, St. Antonio

(L. W. Ramsey)

From the studios of KOA, Denver, to 23 stations on the NBC-Red Cross this half hour stanza of music and songs with a novel contest for listeners whereby they will receive a 25-word essay on 'Why I Like Chamberlain Lotion.' To the three best, accompanied with a carton from the 25c, the 50c or \$1 size of the product, a gown or accessory worn by one of the Paramount girls will be awarded. Current contest offers as first prize dress worn by Claudette Colbert in a scene of her current motion picture 'Arise My Love.' Second prize is the hat worn by the star while the bag carried by the star is the third prize. Value of the dress was said to be \$225. To each of the winners an autographed photograph of the star will also be given.

Commercials are very long. Also stress to the verge of silliness that it's Chamberlain lotion hands that men love the best and that Chamberlain is not sticky nor gummy as are others on the market. Andy.

ALFRED ANTONINI CONCERTS

With Guest Singers

LA ROSA MACARONI

Tuesday, 8:30 p.m.

WOR-MBS, New York

(Commercial Radio Service)

A pleasant musical show employing guest singers of the classical tradition. It's the fourth season on Mutual for the macaroni manufacturer. As before, Alfred Antonini's lifting music is ably projected over the air. Opening guest singer, Nino Martini, was not in ideal voice, seemed occasionally thin and uncertain on the high notes. Otherwise, all moved smoothly.

Meliorious was the dramatized commercial. It was pointedly natural, having a welcome freedom from the usual announcer tensing, which is like a bad golfer addressing a ball with a grim determination to hit it 275 yards. In playing down the commercials to come near matching the mood and the character of the entertainment, the auspices show themselves as more than the average small hook-up (five stations) radio advertiser. Land.

'RAISING A PRESIDENT'

Pratt, Talk

15 Mins.

Sustaining

WJZ-NBC, New York

NEC has picked an arresting title, 'Raising a President,' for an afternoon sustaining broadcast once weekly over the blue in cooperation with Children's Bureau, U. S. Department of Labor. It is a public service educational, emphasizing especially the importance of nutrition in rearing a family. Introduction and dramatized portion originate in New York talk or commentary by women specialists of Children's Bureau follows from Washington. Various government booklets are offered.

The program opens with statement by a woman, that 30 years hence, a president will be selected from one of the homes, somewhere in the nation, on farm, in town or city, where children are now being brought up. Not he, class figures on the percentage of country's population under 18 and stressed the necessity for making them strong and healthy. Then program slips into a dramatization of incidents in Young Family: how mother, father or both solve problems concerning care and feeding of three youngsters, one a baby. Washington speaker tips in remarks with points made via skit.

Small bit of cartoon broadcasts continued the acted portion to perhaps three minutes. However, on last one heard the time had been doubled. This seemed to be smarter showmanship. Long talks dragged a bit, although rather well delivered, particularly by Dr. Banks. Of course, program is still an educational requiring close listening by mothers who are or should be interested. Acting is competent. Mother, father and children are all well played. An 'anti-cocoon' statement by last week's speaker might not entirely please some radio advertisers, but balancing milk plus would find favor with other groups. Jaco.

'I'M AN AMERICAN'

With Leopold Stokowski

15 Mins.

DEPT. OF JUSTICE

Sunday, 1 p.m.

WJZ-NBC, New York

One of the innumerable tie-ups of NBC with various organizations, group movements and Government departments. 'I'm an American' is part of the Americanism work sponsored by the U. S. Department of Justice. Its modus operandi is to single out men and women of distinction who come to this country as immigrants and get them to speak of their attitude to democracy, etc.

Polish-born Leopold Stokowski in his careful, weighed precise English, proved an intelligent subject, as would be expected. He developed his 'youth orchestra' theories on the thesis of the pioneer spirit, the willingness to embark upon adventures which he found the most distinctive quality of America as against Europe, where only chancellors embark upon adventures. Land.

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

Lively Showmanship WINS LARGER AUDIENCES in the INTERMOUNTAIN MARKET

FOR WOMEN

Representative JOHN BLAIR & COMPANY

The POPULAR Station Salt Lake City

NBC RED NETWORK

Pluggers Union's Probe of BMI

For the first time since its organization Broadcast Music, Inc., is faced with a probe of its exploitation methods by the contactmen's union, Bob Miller, paid president of the union, declined Monday (17) to disclose the basis of the complaint against BMI and how far he had proceeded in his investigation. Miller stated that it would be unfair to all concerned for him to discuss the matter until he had made a thorough inquiry and submitted his findings to the union's executive council. The report in the music trade was that the complaint involved BMI's alleged practice of subsidizing the making of recordings which contain its new song releases. According to this report, not only are the bands paid for the arrangements used but the recorder bills BMI for the musicians' salaries and the production job.

Shortly after BMI went into the publishing business it signed a contract with the contactmen's union. Under this contract, which is a standard one for the publishing industry, firms found guilty of stipulated unfair exploitation practices are subject to a fine of \$500 for each violation. The penalized publisher is also required to put up a bond of \$1,000. Contactmen involved in such violations are also subject to fines and possible expulsion from the union.

BMI Royalty Worth \$1-A-Day To Songwriters, Ahlert Figures

Editor, VARIETY:

I have read with intense interest, the past few months, the various promises of bigger royalties held out by BMI as a bait for composers and authors to desert ASCAP. BMI and its bosses, CBS, NBC and MBS, have tried to make something of a cause celebre in behalf of the struggling new composer and author, and they have made it appear that they are coming to his aid with gold and glory.

It all looks very beautiful on paper. But I can't make figures do magic tricks, and so my calculations don't produce quite the same results.

The schedule of payment announced by BMI for the works of its composers and authors calls for one-cent per song per station. On that basis, if a number is played on a vast hookup of 100 stations, the songwriters will get from BMI exactly \$1.

The theme songs which have become identified with leading radio personalities, and which are virtually the radio trade-marks of important sponsored products in addition to having endeared themselves to the public, would have to be performed over 100 stations in order to net their composers \$1.

I'm sure BMI pays its office boys more than that.

And don't forget that a song, to be used over 100 stations, must be worth while. Can you imagine any writer sitting up nights to write a song hit for \$1 a day?

Fred E. Ahlert.

N.Y.-CHICAGO SYMPHS SWAP FOR FORTNIGHT

New York Philharmonic-Symphony orchestra and the Chicago Symphony orchestra have swapped stands for the next couple of weeks. Local outfit plays concerts in York, Pa.; Baltimore, Toledo, Chicago, Milwaukee, Ann Arbor, Saginaw, Lansing, Ft. Wayne, Cincinnati, Columbus, Pittsburgh, Washington, Providence, Boston and Springfield. Next two Sunday afternoon broadcasts over CBS will be from Ann Arbor and Baltimore. Next home broadcast will be Dec. 7. Chicago orchestra will play several concerts at Carnegie Hall, N. Y., in the meantime.

Exchange of orchestras was arranged to celebrate the 50th anniversary of the Chicago organization.

'Bassinet' Song Suit Against Gordon-Revel

Inability of Robert Brooker Wyatt to find Mack Gordon and Harry Revel in New York has slowed up the trial of Wyatt's action against the songwriters, 20th Century-Fox and Leo Feist, Inc., in N. Y. federal court. For the third time since the start of the action in 1939 Wyatt has received permission extending his time to serve Gordon and Revel, this time for six months from Nov. 30, 1940.

Action claims plagiarism by the defendants of the plaintiff's song, 'In a Bassinet,' written in 1934, in the Gordon, Revel song, 'My Lucky Star,' used in 20th-Fox's 'This May Be the Night.' An accounting of profits, an injunction and damages are sought.

All-Girl Mexican Orch

Mexico City, Nov. 19. Some 16 local girls, ranging in age from 20 to 26 years, have organized an all-female orchestra, known as Rios Art. Band has already been booked for three months at various local spots.

This is the first professional girl band Mexico has had in 10 years. The pioneer band disbanded in 1931.

ADVANCE NOT ELIGIBLE FOR BMI

Broadcast Music, Inc., has made a bid for another catalog specializing in boogie-woogie music, the Advance Music Publishing Co., but in this instance found that an ASCAP affiliate had its performing rights under control. Approach was made by BMI to Moe Gale, personal rep for Erskine Hawkins and other bands, about the same time that BMI opened negotiations for Jimmy Lunceford's catalog contained in the New Era Music Co.

Gale is a 50% partner in Advance, with the balance of the stock held by the Warner Bros. publishing group. After Advance was set up the WB group assigned the former's small rights to Remick Music Corp., a WB subsid, and since Remick is a member of ASCAP the performing rights in the Advance catalog are being administered by the Society. Advance will likely be admitted to ASCAP as a member in February, and as such will have its small rights assigned back to it.

Under the ASCAP by-laws a firm has to be in business for a year before it can be eligible to membership.

ASCAP SEES 250 IN CAMP JAN. 1

Management of the American Society of Composers, Authors and Publishers is confident that in the event there is a showdown on the new licensing contract Jan. 1 it will get applications from around 250 stations. It arrives at this figure in the following way:

ASCAP's station licensees total 867. Indications that Broadcast Music has about reached its maximum of subscribers, namely, 420. ASCAP looks forward to getting not only these BMI holdouts but quite a number of stations that have taken out BMI licenses but which are expected when the showdown occurs to sign up with ASCAP so as to cover their heavy use of phonograph records.

Westinghouse's 100% Non-ASCAP Rule in Abeyance for Charity Show

Pittsburgh, Nov. 19. Pittsburgh Symphony Orchestra's five-station broadcast for Community Fund here Friday night (15) was almost called off at last minute as result of ASCAP-BMI regulations which went into effect at Westinghouse-owned KDKA same day. Only action of John Holman, station manager, who deferred order for 12 hours, enabled program to hit air as scheduled.

Although other four stations, WCAE, WJAS, KQV and WWSW, carried music, KDKA was in charge of the broadcast. When Holman agreed to hold up Westinghouse ruling that all music on sustaining shows must be 100% non-ASCAP, managers of remaining outlets also temporarily relented in interests of Community Fund.

Works Symphony had scheduled were by Debussy and Tchaikowsky, and controlled by ASCAP publish-

Torching for ASCAP OK for Leaders Already in Chips, But Upcomers Need Air Plugs—Joe Reichman

Paging The Cops

Art Green, who conducts phonograph record program on WMCA, New York, offered free theatre tickets to listeners identifying a disc and reporting where the band was playing. It happened to be Guy Lombardo.

Two hours later the Information Department of the city of New York, one of Mayor La Guardia's innovations, tracked down WMCA and said it had over 100 requests for whereabouts of Lombardo and, please, where was the orchestra.

It's at the Roosevelt Grill, New York.

Joe Reichman, maestro at the Essex House, N. Y., states that in these bandleaders' committees called by Fred Waring and Abe Lyman, and attended by such other illustrious names as Eddy Duchin, Meyer Davis, Guy Lombardo, Kay Kyser, Phil Spitalny and others of similar renown, it's all right perhaps for them to rant against anti-ASCAP music restrictions, but he (Reichman) feels that he is expressing the viewpoint of others not so financially fortunate or world-famous when he prefers the radio buildup as a vital commercial asset.

Reichman states that, if after Jan. 1, all ASCAP music and tabu, he can compete with anybody else on equal footing, and he would be foolish to deprive himself of the mike exploitation values.

"When I get to be as well fixed as Fred Waring, maybe I, too, can carry the torch for or against ASCAP," says Reichman, "but right now I certainly need that radio outlet. I play 'Practice Makes Perfect' or Strauss waltzes or 'Jennie With the Light Brown Hair' along with anybody on the air—but most importantly that air channel is very necessary to my career. I've no sponsor; I haven't annuities to back me up economically like the others; I've my entire future before me."

"Sure I prefer playing Romberg and Herbert, Kern and Friml, Gerishwin and Porter and Berlin to 'There I Go,' but some of the old masters in the public domain aren't bad either, and some of these new BMI tunes compare quite favorably with some of the others' popular releases."

"But the main idea is that the radio outlet means too much for me and my band to deliberately kick it in the face."

FINAL AWARD IN SONG LIFT ACTION

Final award to W. A. Wilkie, known as Bud Wilkie, against Santly Bros., Inc., and Bernice Petkere for the plagiarism of the plaintiff's song, 'Confessions,' in 'Starlight Help Me Find the One I Love' was set Friday (15) in the N. Y. federal court by Judge Samuel J. Mandelbaum.

The court approved the findings of the special master almost completely, only deducting from the award, an amount paid to Joseph Santly in settlement of his contract. The music publishing firm has, since filing of the suit, become Santly-Joy-Select, Inc.

The master's findings granted the plaintiff \$6,763 from the Stanlys and \$779 from Miss Petkere. Award was filed in the court on Sept. 6, 1939, with both sides objecting, the plaintiff claiming the amount should have been in excess of \$20,000, and the defendants asserting they lost money on the song. The court found that the song sold over 60,000 copies and grossed \$15,686. The master's request of \$1,825 to himself was granted to the extent of \$1,000. Reduction of the award by several hundred dollars as a result of allowing the payment to Joseph Santly as part of Santly Bros. overhead, will end the case.

Republic Music Chartered

Albany, Nov. 19. Republic Music Corp. has been chartered to conduct a business in musical and dramatic works of all kinds. Capital stock is \$1,000, \$10 par value.

Leopold V. Eastman, of N. Y., is the filing attorney.

Sue ASCAP On Austrian AKM Song Income

Leo Ascher, Hermann Leopold, Franz Sabotta, Ladislav Szucs, Austrian songwriters and publishers, and Daniel R. Finn, Jr., have a N. Y. supreme court action on file against Gene Buck, as president of the American Society of Composers, Authors and Publishers, for \$99,658. Suit was revealed by ASCAP's request for a dismissal, claiming no cause of action had been stated.

The plaintiff, Finn, Jr., is the Sheriff of N. Y. County and automatically becomes party to an action seeking to recover on an attachment action of this nature. In March, 1940, the plaintiffs, with the exception of Finn, sued the Staatlich Genemigte Gesellschaft Der Autoren Kompositoren Und Musikverleger (AKM) and on July 9 won a judgment in the amount of \$99,658. On April 8, during an examination before trial of Buck, he revealed ASCAP owed AKM \$57,994 on royalties due the Austrian performing rights society. The plaintiffs, having no other creditor of AKM in the country, started this action against Buck in August, which has remained unrevealed till now, to recover as much of their money as possible.

REISMAN AND DRUMMER AT OIL MAN'S DANCE

St. Louis, Nov. 19. Leo Reisman, band leader, and his drummer, Davey Gray, were brought from New York Friday (15) to guest conduct Jimmy Downey's band at a coming-out party for Dorothy Jane Mahaffey, daughter of Birch O. Mahaffey, local millionaire oil man. The shindig, to which 400 guests were invited, was tossed in the St. Louis Country Club and got under way at 11 p.m. and lasted until 6 a.m. Saturday (16).

Reisman and Green returned to New York Saturday noon.

Orchestra Dismisses Its Leader

Sonny Burke Cut Adrift So Band Can Move, Without Him, to William Morris

Situation rare in the band business will part Sonny Burke from the band he's currently leading at the Roseland Ballroom, Brooklyn, N. Y., after the completion Friday (22) of the band's stay there. Burke is on two weeks' notice given him by the band members, and the day after he steps out (23) the group will shift to the leadership of Sam Donahue, tenor saxist, who was a member of the band several years ago, and who recently left a spot with the new Benny Goodman band. Burke wasn't exactly given two weeks' notice. It was worked by the entire band giving him their quitting notices, in a body. It amounts to the same thing.

Benny Goodman has been interested in Burke's bunch in the past couple of months. He spent the entire evening with the band after introducing it when it started the Roseland date Oct. 19 and has allowed himself to be labeled as its sponsor.

According to the men in the band Burke is being discarded as a leader to "safeguard" their future. Getting rid of him clears the band of obligations in his name to one band agency so that it can tie up with another which wouldn't have interested itself if the tie with the first hadn't been erased. Burke for some time has had a personal management agreement with the Fredericks Bros. and was being booked by Music Corp. of America on a farmout idea. MCA didn't provide bookings enough and the band was working hand-to-mouth for some time. Burke got his release from MCA this past fall.

Goodman then became interested in the band, and so did the Wm. Morris agency, but the latter wouldn't consider getting the band work until the Fredericks Bros. tie to Burke was nullified. Remembering lean days of the past, the band members are said to have informed Burke that his negotiations to release himself from the Brothers were not progressing fast enough and that they were quitting on him, and taking Donahue as leader, which would automatically clear them for a deal with Wm. Morris.

Donahue, once a member of the band in its early days in Detroit, has been with various big name outfits in the past year or two. He was named from the first as a member of the sax section in Goodman's new group, but suddenly was replaced

more than a week ago by George Auld. Burke's exit and scheduled replacement by Donahue followed. Burke is currently negotiating for an arranger job with Glenn Miller. Columbia Records, which had been recording Burke for its 35c Okeh label, has said that it would not record the band without Burke, inasmuch as its contract called for him.

Coslow Cites 22 Dominantly ASCAP Air Show

Editor, VARIETY:

One important point that seems to have been lost sight of in the ASCAP-Radio controversy is this: Do the networks intend depriving 130,000,000 listeners after Jan. 1 of at least 22 of their favorite shows—shows that have been long established on the air, and that have hosts of loyal followers who will probably not accept substitute programs?

Following is a list of important shows we get out here on the Pacific Coast, all of which depend almost entirely on standard material in the ASCAP repertoire (there are probably many more which do not get out as far as the Coast):

1. Musical American (Raymond Paige Orch.).
2. American Album of Familiar Music.
3. Song of Your Life (N.B.C. Blue Network feature—see their own ad in a previous issue of VARIETY, headed "What does 'Stardust' mean to you?")

4. Beat the Band (Ted Weems).
5. Hawaii Calls (Mutual) Most Hawaiian standards are ASCAP songs.
6. Ben Bernie's Musical Quiz Show.

7. Kay Kyser's Lucky Strike Show.
8. Hit Parade (if ASCAP songs are still in the first 10 six weeks from now, what happens? At present date 9 out of 10 on the Hit Parade are ASCAP songs—does BMI expect to replace these—authentically—in six weeks?)

9. Major Bowes Amateurs. (Most musical amateurs perform numbers they have been practicing for several years.)
10. Waltz Time (Phillips Magnesia).
11. Horace Heidt-Treasure Chest.
12. Parade of the Years (NBC Sunday show).

13. Union Oil Show (composed exclusively of "oldies").
14. Wayne King Saturday Show (based on prizes for listeners writing best letters regarding their favorite memory songs).
15. Songs for Sunday (Mutual Sustainer—exclusively songs from past musical comedy hits).

16. Contended Hour.
17. General Electric Hour of Charm.
18. Gene Autrey's Melody Ranch.
19. Saturday Night Serenade.
20. Lower Basin Street Chamber Music Society. (Can you imagine what would happen to this popular show if they couldn't do "San," "Dinah," "Honeysuckle Rose" or "Sweet Sue.")

21. Voice of Firestone (Will Richard Crooks have to sing "Practice Makes Perfect" or "There I Go")?
22. Manhattan Merry-Go-Round. And so it goes. You can probably

Russ Morgan, Coastward, Replacing 11 of 17 Men

St. Louis, Nov. 19.

Russ Morgan who will make a film in Hollywood shortly after Jan. 1 is streamlining his 17 piece band having given notice in Cincinnati three weeks ago and by the time he finishes his current engagement at the Chase Club he will have replaced 11 men. Of the original group only the sax section of four and two others remain. Of the new faces nine were engaged in Cincinnati and two in Indianapolis.

Morgan said that besides getting more youth into the band he also wanted to make sure that the new members would not be in the composition class to be called within six months or more. Some of the men to be displaced have been with the maestro for several years. While at the Chase Club Morgan is rehearsing the new outfit and expects them to play in public for the first time on the last night in St. Louis.

From St. Louis Morgan autos his troupe to the Palace Hotel, San Francisco, with a few in between stops, and after that engagement moves into the Coconut Grove in Hollywood until it is time to appear beneath the Klieg. The talker, tentatively tagged "The Story of Radio" probably will be made by Paramount, according to Paul Specht, Morgan's manager.

Morgan came here from Indianapolis. Below freezing temperature delayed the band as they reached this burg just five hours before their first performance.

INCREASE IN CHILD DISCS

Columbia Records is going in heavily for record albums designed for kiddie consumption. Company is using various known pirate, bedtime and fairy stories, nursery rhymes, etc., spoken or sung with musical background, as a basis for widening the opportunities for record sales. Each one of the albums is appropriately inscribed with pictures and the words or lyrics to the material it is based on.

Four, five and six record books are also supplemented by stories that require only two two-sided platters. They're to be released in envelopes.

think of many more. Study the format of the above shows and you will see that they depend mainly on the Standard hits of the past 40 years. Public Service, Blue Seal, etc., can not supply this type of material. Is the public faced, then, with the unwelcome possibility of either losing their favorite musical programs or having these programs radically change their basic ideas?

Another point which has struck me very forcibly in the past few weeks is the steadily growing resentment on the part of network staff singers and leaders at having a small group of songs "forced down their throats" by their employers. As one important musical director told me several days ago, "I hear 'There I Go' or 'The Same Old Story' just once more, I'll scream!'"

What could be more detrimental to the morale and efficiency of a network schedule than to have a very unhappy bunch of artists all singing the same four or five songs after Jan. 1, without having their hearts in the job? Perhaps the big network executives have a thing or two to learn about the psychological make-up of musical artists.

Sam Coslow.
(ASCAP).

15 Best Sheet Music Sellers

(Week ending Nov. 18, 1940)

*Only Forever ("Rhythm on the River")	Santly
God Bless America	Berlin
Blueberry Hill	Chappell
We Three	M-M
He's My Uncle	BVC
Ferryboat Serenade	Robbins
*Our Love Affair ("Strike Up the Band")	Feist
Maybe	Robbins
Shout, I Am an American	M-M
*Down Argentina Way ("Down Argentine Way")	Miller
Trade Winds Ago	Harms
Dream Valley	Feist
*Two Dreams Met ("Down Argentine Way")	Miller
There I Go	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 (WEAF and WJZ) and CBS (WABC) computed for the week from Monday through Sunday (Nov. 11-17). 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 (10)	BMI	40
Practice Makes Perfect (16)	BMI	26
Trade Winds (13)	Harms	26
So You're the One (4)	BMI	25
You've Got Me This Way (3)	BVC	25
Ferryboat Serenade (11)	Robbins	24
Dream Valley (4)	Feist	23
Only Forever (10)	Santly	22
I'd Know You Anywhere (2)	BVC	22
I Give You My Word (8)	BMI	21
Nightingale Sang in Berkeley Square (5)	S-B	20
We Three (9)	M-M	17
A Million Dreams Ago (11)	ABC	16
Same Old Story (16)	BMI	15
Down Argentina Way (1)	Miller	14
Two Dreams Met (4)	Miller	14
Moon Over Burma (3)	Paramount	13
Our Love Affair (10)	Feist	13
We Could Make Such Beautiful Music (17)	BMI	13
Frenesi (2)	Southern	12
Now I Lay Me Down to Dream (10)	Remick	12
Easterhoughs (3)	Witmark	12
You Walk By (1)	BMI	12
Maybe (16)	Robbins	11
Turkey in the Straw (1)	BMI	11
Five O'Clock Whistle (2)	Advance	10
Don't Remember to Forget (1)	BMI	10
Let's Be Buddies (2)	Chappell	10
May I Never Love Again (3)	BMI	10
Along the Santa Fe Trail (2)	Witmark	9
Blueberry Hill (17)	Chappell	9
He's My Uncle (3)	BVC	9
Tonight (1)	Southern	9
Accidentally on Purpose (1)	BMI	8
Bad Humor Man (1)	BVC	8
I Hear a Rhapsody (3)	BMI	8
Want to Live (3)	Crawford	8
Who Am I? (1)	Mills	8

Adds Sister to Suit

Meredith Blake, sister of Charles Balford, was added as a third party defendant in Balford's suit against Jack Teagarden and Columbia Broadcasting System, Inc. in the N. Y. federal court Monday (18). Judge John C. Knox in an opinion decided that Teagarden's claim against her had merit and allowed the action to be amended.

Balford claims that on May 14, 1939, Teagarden and his orchestra broadcast his song, "Darling You Weren't There" over CBS without permission. Plaintiff seeks an injunction, accounting of profits, and \$5,000 damages. Teagarden claims as a partial defense that Miss Blake, plaintiff's sister, told him that Balford had consented to the airing of his song. The orchestra leader will now seek to shift any damages which might be found against him on the head of Miss Blake, whom he claims is responsible. She was Teagarden's vocalist at the time of the alleged misuse of her brother's song.

Ben Oakland and Herb Magidson are writing the score of George White's next musical, "Gay White Way." Show is due to open around the middle of December.

Edward Ward started on the musical score for Richard Rowland's "Cheers for Miss Bishop" at General Service.

Fred Rose and Ray Whitley wrote three songs for "Along the Rio Grande" at RKO. Ditties are title song, "Old Monterey Moon" and "My Grandpa."



JOHNNY MESSNER
and His Orchestra
SIGNED FOR
PARAMOUNT PICTURES

THE DARK ANGEL OF THE VIOLIN

EDDIE SOUTH

and HIS ORCHESTRA

RENEWED FOR
ADDITIONAL
SIX WEEKS

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COLUMBIA RECORDS
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The Song Hit From The \$250,000 Sonja Henie - Arthur M. Wirtz Production "It Happens On Ice"
now playing at the Radio City Center Theatre

THE MOON FELL IN THE RIVER

Lyric by MITCHELL PARISH

Music by PETER DE ROSE

Writers of "Deep Purple," "Lilacs In The Rain," "The Lamp Is Low," "The Starlit Hour," etc.

ROBBINS MUSIC CORPORATION • 799 Seventh Avenue, New York • MURRAY BAKER, Gen. Prof. Mgr. • LEO TALENT, Prof. Mgr.

Johnny Messner Sets Biz Details For Own Recording of Double Entendres

Johnny Messner, whose band did the controversial recording of 'She Had to Go and Lose It At the Astor' last year for Varsity records, is making plans to turn out a series of platters in the same vein with an independent recording and pressing setup. Messner has been talking to one of the transcribing recording outfits in New York to do his recording and another out of town factory to handle the pressing.

Leader explains he now owns a flock of tunes that run along the lines of 'Astor' and inasmuch as the currently established recording companies shy away from that style material figures to do 'em himself. Bases his idea on the sale of 'Astor' which is figured to have sold beyond the 200,000 mark although an accurate sales count has not been given by U. S. Records, which released the platter.

Joe Rines, leader who recorded the same type of stuff solo for Varsity under the name John Ryan, has been recording and shipping under his own efforts for some time and with outstanding success.

MCA BOOKS 228 DATES IN EAST

Music Corp. of America claims this month (November) will account for the highest number of one-night dates it has scheduled in its history in the area covered by the New York office only. That extends to the western edge of Pennsylvania and down the eastern seaboard.

Office has set 228 dates for 21 bands, including ones played and others yet to be played. Business done on the major portion of that number is supposed to have been okay, with some exceptionally good and others at the other extreme.

Rather Than Cut, Full Benny Goodman Versions Get 12-Inch Releases

Rather than use both sides of a 10-inch recording for a lengthy arrangement, or cut it down to fit only one side thereby lessening its impression, Columbia Records will release a pair of Benny Goodman super-writings on a 12-inch platter. Idea of scheduling the tunes for 12-inch release is based also on the fact that the continuity and effectiveness of special arrangements is broken up when impressed on two sides of a 10-incher, which has to be turned over in the middle of the playing. There have been a number of the latter lately. Goodman's sides will sell for 75c whereas the 10-inch Columbia discs sell for 50c.

Columbia will later release the same tunes, pared down to 10-inch running time, for coin machine consumption. For the 12-inch sides the two tunes, one the standard 'Man I Love' and the other an original titled 'Benny Rides Again,' will run between four and half and five minutes. Normal records can't use beyond three minutes and 20 seconds. If the 12-inch idea gets enough buyer response Columbia and Goodman will turn out one such release a month.

EDWARD KEEVINS GETS SUSPENDED SENTENCE

Buffalo, Nov. 19. Pleading guilty to a reduced assault charge, Edward, Kevins, 32, member of Orrin Tucker's band when it played She's Buffalo two months ago, was given a suspended sentence here Friday (15).

Keevins, who gave his home as Chicago, told the court he was intoxicated when he assaulted Betty E. Kennedy of Elmira. Charge was reduced from criminal assault and second-degree assault to third-degree count. Court placed him on probation for one year.

GETS SIX CENTS

Supposed Juke Box 'Mystery Man' Wins Consent Judgment

Detroit, Nov. 19. A consent judgment of six cents was handed down here by Federal Judge Ernest A. O'Brien in a \$200,000 libel suit instituted by Maurice H. Brown, of Chicago, against Edward A. Nowack, as publisher of the Michigan State Digest. Brown, who is an operator of the Mutual Music Co., distributors of juke boxes and who was referred to as 'the mystery man' during several state administrations, charged defamatory statements in the Digest.

Brown was said to have obtained an additional settlement out of court.

BARNET TO GET PARDON?

Charlie Barnet took a long step toward ironing out all his difficulties with Consolidated Radio Artists and the American Federation of Musicians last week. He bought his release from the 10-year booking contract. CRA held on his band for an undisclosed figure and is currently free from any booking agency ties. Buying his contract automatically ends the legal fight he had started to extricate himself from its terms.

Though Barnet's differences with CRA are at an end he still is under suspension by the AFM. At a meeting with Petrillo and all parties involved in the squabble, including attorneys and mediator. Johnny O'Connor, manager of Fred Waring, Barnet said that from that point on he would conform with the union's wishes. His reinstatement sometime this week to good standing in the AFM is a probability.

Meanwhile Petrillo has allowed Barnet's band to continue filling dates that had been set for it beyond the finish of last week's stand at the State-Lake theatre, Chicago, at which time Barnet's membership in the AFM was supposed to cease. Group played Purdue University's, Lafayette, Ind., Friday (15); Flint, Michigan, the following evening and the Savoy Ballroom, Chicago, Sunday. Barnet played none of the dates with it, however, having flown into New York after closing at the State-Lake for the conferences that straightened him out.

Jan Savitt to Record For Victor; Gets Fee Guarantee and Royalty

Jan Savitt's orchestra completes its current recording contract at Decca Records next March then shifts over to the Victor label. Contract at the latter outfit calls for 48 sides without a time limit, the agreement is ended when that number have been cut. He's to get a guarantee and a royalty.

Savitt recently shifted booking offices from Consolidated Radio Artists to Music Corp. of America after buying his way out of CRA. He's currently on a one-night tour.

Jimmy Dorsey Zingy

In the first four days of his current four-week stay at Meadowbrook, Cedar Grove, N. J., beginning last Wednesday (13), Jimmy Dorsey topped all attendance and gross figures for a like period. Outfit drew 6,350 patrons in four evenings and a Sunday afternoon cocktail session and his gross ran more than \$900 above the old mark.

Opening night business accounted for 612; Thursday, 438; Friday, 1,900; the best single night Meadowbrook has ever had; Saturday, 1,600; Sunday, 2,300 over the afternoon and evening more than half of it being accounted for during the afternoon.

Bob Kitis, pianist with the old Artie Shaw combination, vice Tony D'Amon with Gene Krupa.

BILLY STEIN CRITICAL

Brain Clot Serious Aftermath of Leg Amputation

Billy Stein, Music Corp. of America v.p. and brother of Jules C. Stein, head of that org. is again in a grave condition as a result of the heart attack he suffered a month or so ago. He is now suffering with a blood clot on the brain at Fifth Avenue hospital, New York, where he has been since the first.

Following the heart attack, a similar clot formed in his left leg, making it necessary for the limb to be amputated. He was recovering from that when the current trouble set in. For a time he had been recuperating nicely.

Oberstein Can't Hold Orchestras, Gets New Delay to Salvage U.S. Record Co.

Lopez at New Kenmore

Albany, Nov. 19.

Vincent Lopez opened (16) a special week's engagement in Rainbow Room of New Kenmore hotel, Albany.

Terry Shand's band had been playing for two months a return engagement at the spot, with floor show changed every fortnight.

Bands which had been tied to recording contracts with Eli Oberstein's U. S. Record Corp. were told last week by referee Irwin Kurtz in Federal court, New York, that they could apply for releases from their U. S. contracts. Ruling was handed down last Wednesday (13), at which time the bankrupt record company was supposed to uncover new backing or be liquidated. Neither happening (Continued on page 42)



Present

The Song Of Your Life

LOVE OF MY LIFE

By Johnny Mercer and Artie Shaw

From the Paramount Picture, "SECOND CHORUS", a Boris Morros Production, starring FRED ASTAIRE, PAULETTE GODDARD and ARTIE SHAW.



Once You've Heard It, You Can't Forget About

YOU FORGOT ABOUT ME

By Dick Robertson, James F. Hanley and Sammy Mysels

From the RKO Picture "LET'S MAKE MUSIC," featuring BOB CROSBY.



Riding High

WE THREE

(MY ECHO, MY SHADOW AND ME)

By Dick Robertson, Nelson Cogane and Sammy Mysels

SHOUT! WHEREVER YOU MAY BE

I AM AN AMERICAN

By Ira Schuster, Paul Cunningham, and Leonard Whitcup

MERCER & MORRIS, Inc.

Bob Mellin, General Manager

1619 Broadway



New York

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, is the estimated cover charge business being done by name bands at various New York hotels. Dinner business (7-10 P.M.) not rated. Figures after name of hotel give room capacity and cover charge. Larger amount designates weekend and holiday price.)

Band	Hotel	Covers	Total
		Week	Week
		Played	On Date
Will Bradley	Biltmore (300; \$1-\$1.50)	1	700
Eddy Duchin	Waldorf (500; \$1-\$1.50)	10	775
Sammy Kaye	Commodore (650; 75c-\$1.50)	4	1,250
Ray Kinney	Lexington (300; 75c-\$1.50)	27	1,200
Kay Kyser	Waldorf (400; \$1-\$1.50)	3	675
Guy Lombardo	Roosevelt (500; \$1-\$1.50)	1	1,050
Abe Lyman	New Yorker (400; 75c-\$1.50)	5	225
Glenn Miller	Pennsylvania (500; 75c-\$1.50)	6	1,425
Tony Pastor	Lincoln (225; 75c-\$1.50)	7	275

*Asterisks indicate a supporting floor show, although the band is the major draw.

Night Club Reviews

CHASE CLUB, ST. L.

St. Louis, Nov. 15.
Lee Sims, Ilomay Bailey, Jana, Carol Kay, Gower and Jeanne, Jimmy Lewis, Paul Roberts, Russ Morgan's Orch (17).

Quality and quantity are currently offered at this swank west end spot, and with the weather more suitable for nifty than in several months, the natives are turning out in droves.

Lee Sims and Ilomay Bailey, who scored solidly several months ago in this same room, are back for another two-week stand and continuing where they left off. Morgan's band is making local bow and customers like its style. And the female artists in the band, including Jana, a fast-working sketch artist who grabs ringsiders for subjects, also click.

Proceedings get under way with Morgan dishing his familiar theme, "Does Your Heart Beat For Me?" "Wabash Blues," the maestro with his trombone, clarinet and trumpet socking over the tune. Gower and Jeanne, ballroomology team, are as nimble-footed as any who have shown in this room. The lad wears a dove-colored ensemble, a pleasing departure from formal tails, and the gal is attractively garbed in a striped, strapless gown. One of the best of the four routines they present is a novelty, "Tin Type," done to the music of "Chopsticks."

Next are Sims and Miss Bailey, who have firmly established themselves in this burg. Opening with "Come to the Fair," Miss Bailey follows with the English hit song, "A Nightingale Sang in Berkeley Square," for which Sims wears a special arrangement. Miss Bailey continues with Gershwin's "Rhapsody in Blue." Sims doing some swell manipulation on the ivories. The customers who packed the 1,100-seat room demanded more and Miss Bailey obliged with "Tea for Two," "Dinah," and "Indian Love Call." Jimmy Lewis, baritone with the band, warbles "Eight Candles" for Roberts, a tenor score, with "Star Dust," and Carol Kay clicks with "Maybe" and "Blueberry Hill," the latter having been recorded by her with the band. The maestro closes with "Only Forever" to bring a nifty 60-minute show to a finale. Sals.

Nut Club, Miami Beach

Miami Beach, Nov. 16.
Paddy Buchanan, Reggie Dorak, Joe Bishop, Mary Bishop, Charles Adams, Ray Walker, Syd Lewis Orch (5); \$1.50 minimum.

Opening month and half in advance of last season, Kernal Lew Mercer's booby-bait houses an even wackier, assemblage of zanies than in the past. It's boisterous, bawdy and batty, but for those who like their comedy broad, and whose sensibilities aren't easily offended, it's the ticket.

Tabbed as "Frenzypoppin'" show is continuous, frequently interrupted to announce arrival of fresh money, give directions to the powder room and heckle arriving and departing customers. Even during dance sets, goofs continue to circulate through room, mugging at diners, doubling as waiters at generally keeping place in uproar. Entire proceedings are enveloped in a bluish haze; however it's of the lusty variety, and seldom becomes thick enough to strangle anyone.

Decor also follows wacky motif. Walls are plastered with gas-lit burley three sheets, wrestling bills, bar murals and trick mirrors. When caught, opening supper show ran 75 minutes, forcing conclusion that judicious pruning is advisable if well-paced unity is to be achieved. Number of rough spots remain to be smoothed out, particularly cross talk between Buchanan on the stage and Mercer by cashier's wicket. Goings-on are such a hodge-podge

of singles, doubles and ensemble routines that none number of covers rates any special bow. All are equally proficient mimics, hoke songsters, and slap-happy gagsters. Question as to whether addition of femme foil wouldn't provide needed sex. No hooper to bill, either, an omission that should be corrected, for slick eccentric tapper would round out show nicely.

Ray Walker's piano accompaniment is light in character, and Syd Lewis's four-man team handles brief dance sessions in fine style. Les.

CHEZ PAREE, CHI

Line, Chandra Kaly Dancers (3), Robinson Twins, Bob Bromley, Tamara, Joe E. Lewis, Emile Coleman Orch.

The Chez, in starting its winter season, has plenty of b.o. combo. Joe E. Lewis and Tamara have proved themselves a hot setup before. Fred Evans has outdone himself in production numbers, and Emile Coleman has had to take Lewis at one to make him a favorite with the Chez clientele.

Of prime importance is Lewis's return. He's had a long, up and down history in Chicago. For years he was considered a Chicago act, strictly. He didn't get much money, but was a shekel-drawer. So safe owners fought to get him. After a drop into almost oblivion, he went to the Coast and did pretty well. Then to New York and he did even better. Between times, he was in Chicago. He was found, and so did cafe operators, that he'd been practically forgotten. He was recognized as a New York and Coast success, a previous Chicago king, and Tamara, his safe business, but Chicago just didn't recognize him any more.

Then came the break. The Hi-Hat was in desperate need of a headliner. They had to take Lewis—at around \$1,000 a week. There just wasn't anyone else. On his opening, everybody crossed his fingers, realizing he'd be through for good as far as Chicago was concerned. If he didn't click. When it was all over, everybody said it was too bad; but what Joe E. Lewis needed was the Chez Paree.

But what he needed was Mike Fritz and Joe Jacobson putting an advertised headline of the Hi-Hat into their Chez Paree. It was unthinkable. Yet, he's at the Chez now, six months later. Like the Hi-Hat management, Fritz and Jacobson were desperate for a headliner. Nobody else was available. They had to take Lewis. His every word had doubled meanwhile. They cried, but they paid.

And so Joe E. Lewis became Chicago's again. He did a sock 30 minutes at this catching, and there were still cries for more. What he does doesn't matter. He sings, he talks, he clownes—he even suggests the audience be quiet, and has his suggestion followed by Bob Bromley. Fred Evans has done something which is against all tradition. He got rid of his tall showgirls, admittedly lookers but who couldn't dance, and he welcomed them with the swiftest-looking bunch of mediums who ever shook an ankle in this town. Productions are full of life and color. First is a cowgirl thing; second, something la Mma. Modiste; and finale, a gypsy number.

Robinson Twins open. How that little redhead has developed! Their fast action dancing is something to watch. They followed by Bob Bromley, who handled marionets in full view of audience. Uses a Sonja Henie model to considerable success, but the real novelty and the real hit is a marionet stunner. It's a hoper. Coleman m.c.s neatly. Music of his orchestra can compete with anybody's.

Tamara looks like a Dresden doll in her well-costumed act. She does her usual excellent singing, and couldn't get off here without doing "Smoke Gets in Your Eyes." Closing here. Chandra Kaly dancers, two girls and a man. Do two doubles and a trio with plenty of fire. Chicago likes 'em. Hal.

Band Bookings

Ella Fitzgerald, Nov. 26-27, Academy of Music, New York.

Bob Chester, Nov. 23, Commodore hotel, New York 25, Nick's Tavern, New York, Dec. 2-3, Paramount short; Dec. 6, week, Michigan theatre, Detroit.

Cab Calloway, Nov. 22, week, Apollo theatre, New York; Nov. 30, one-time, Manhattan Center, New York; Dec. 1, one day, Lyric theatre, Bridgeport, Conn.

Johnny Kovach, Nov. 22, Wagner College, Staten Island, N. Y.

Benny Goodman, Nov. 22, New Bedford theatre, Bradford, Pa.; 23, Valley Dale, Columbus, O.; 24, Trainor B., Cleveland, O.; 27, Aud, Worcester, Mass.; 28, Broadway hotel, Philadelphia, Pa.

Boyd Raeburn, Nov. 17, Cedar Lake B., Kiel, Wis.; Dec. 13, Illinois C., Jacksonville, Ill.; 14, Memorial Coliseum, Marshalltown, Ia.; 30, IMA Aud., Flint, Mich.

Ben Cutler, Dec. 28, Hotel Olds, Lansing, Mich.

Immorality Charges Are Made Against Detroit Taxi Style Ballrooms

Detroit, Nov. 19.

Charges of immorality among taxi dancers in three of Detroit's public dance halls were placed before Mayor Edward Jeffries by the police with a recommendation that the licenses of the Trianon, Hollywood and Aragon be revoked. Police said that in four visits to the places they found hostesses dancing under low lights, drinking from bottles brought in by guests and leaving the place with men and making engagements with others.

Martin Zimmerman, organizer for the American Federation of Dancing Teachers, which is negotiating a contract with the city's six ballrooms, said that the union would see that a code of conduct be drawn up by a committee of the girls and strictly enforced. He added that the jobs of scores of girls should not be tossed out because of the conduct of a few and that the immoral ones could swiftly be weeded out once the contract was obtained.

Girls here have been averaging about \$20 a week in the dance halls. They work six nights a week, sometimes having as many as 300 dances on a good night. The charge is five cents a dance with the girls getting two. The union is asking two and a half cents a dance.

Oberstein Case

Continued from page 41

pened. It secured a stay until Dec. 16, when it will have to produce evidence of fresh money or go out of existence.

Stay until that date is what brought about the okay for filing applications for release which allows the bands involved to seek other recording affiliations. One band objected to the filing, claiming that its popularity was being hurt because there were no records by it available. In okaying the exit of the objector, the referee gave leave to the others to apply for freedom. At the previous hearing was scheduled, Kurtz had told the various bands that none would be set free of contracts on the theory that each was an asset and to let them go would be stripping the company, which would in turn force its liquidation.

Sammy Kaye has already shifted back to Victor. Harry James is negotiating to return to Columbia. Jack Teagarden is free and talking a deal.

Glenn Miller Case
Suit of Eli E. Oberstein against Glenn Miller, and RCA for \$150,000 and \$250,000 respectively, and RCA's counter action against Oberstein for \$172,172 will probably be settled this week out of the N. Y. supreme court.

Action had been noticed for trial Monday (18) but a stipulation signed by attorneys for both sides revealed that a settlement of the action had practically been agreed on and a request to postpone the trial a week to Nov. 25 was granted.

Al Trilling, of S-J-S's New York professional staff, has been given a six weeks leave for absence so that he could motor his mother out to the Coast for a visit with his brother, Steve Trilling, casting director of Warner Bros.

Walter 'Mouse' Powell orch set for indefinite stay at Grey Wolf Tavern, Sharon, Pa.

Wilbur Bascomb, trumpeter with Erskine Hawkins, joins Duke Ellington's band at the Flatbush theatre, Brooklyn, Nov. 26. He'll take the place of Cootie Williams, who hopped to Benny Goodman recently.

Jimmy Dorsey's opening date at the Pennsylvania hotel, New York, is set as Jan. 20. He's now at Meadowbrook, Cedar Grove, N. J.

Vaughn Monroe set for a run at the Brunswick hotel, Boston, opening Nov. 25.

Russ Brown replaced Jack O'Rourke on trombone with Bobby Byrne.

Woody Herman made two changes. Ed Scalzi replaced Bill Vitale in saxes and Viv Hannon took over from Jessie Ralph in trombones.

Manny Prager orch into Dellwood Ballroom, Buffalo, Sunday (17), instead of previously-scheduled Aud King crew.

Allie Seelbach orch added to Policemen's Ball in Memorial Aud., Buffalo, tomorrow (20), with Blue Barron band.

Phil Harris and his orchestra doing a one-reel musical at Warners.

Dan London, St. Francis hotel manager, shopping for bands in Chicago, Cleveland and St. Louis on a jaunt east. Freddie Martin current in the hostelry with Bernie Cummins in Dec. 10.

George Flores and his rhumba band set for indefinite run at Club 37, Columbus. Replaces Walter 'Mouse' Powell.

Lang Thompson band booked into Hotel William Penn's Chatterbox, Pittsburgh, indefinite, beginning Dec. 26. Leighton Noble outfit stays until then.

Layten Bailey orch opens four-week engagement, with options, at Bill Green's, Pittsburgh, Monday (25), replacing Baron Elliott band.

Marty Schramm band into Colonial Room of Riviera, Pittsburgh, for indefinite stay, succeeding Herman Middleman combo.

Michael Strange quitting Benny Burton band in Pittsburgh to become featured vocalist with Baron Elliott orch, when latter outfit quits Bill Green's, Pitts. Saturday (23) for return date at Trianon Ballroom in Chicago.

Adrian Rollini trio into Roxy theatre, New York, Dec. 5 or 12.

Jerry Blaine's 'Dreamline Orchestras' opened engagement Saturday (16) in Atlanta Henry Grady's Hotel's Spanish Room.

Bobby Byrne with Dorothy Claire, played for Georgia School of Technology dances Friday and Saturday (16) in Atlanta as feature of week-end marked by Tech-Alabama grid game.

Larry Clinton's band current at Ansley Hotel's Rainbow Roof, Atlanta, and booked for two weeks. Featured as 'Peggy Mann,' singer, who joined crew just two weeks ago; Terry Allen, Jack Palmer and Jimmy Currie.

Ray Noonan, trombone, replaced Russ Brown, and trumpeter Max Kaminsky, last with Glenn Miller, replaced Vinnie Badie, with Tony Pastor.

Sid Frusin, saxist listed last week as member of Jack Sherr's band at the Roosevelt hotel, New Orleans, hasn't been with that band for six months. He's currently leading his own band at the Mounds Club in Cleveland.

Fran Eichler winds up two-month stay at William Penn Tavern, Pittsburgh, Nov. 30 to play a series of one-nighters in the territory.

Kelly Camarata, brother of Toots Camarata, arranger for Jimmy Dorsey, joins the U. S. Army Nov. 27 destined for a spot as a trombone

player in one of 10 Camp Dix, N. J., post bands. He enlisted after having spent the last two years studying trombone.

He stays at Camp Dix until next March then is to be shifted to Panama. Enlistment is for a year.

Bunny Berigan's new band fees off a new name band policy at the Jacksonville hotel, Jacksonville, Fla., Nov. 27. Date is for four weeks.

Glenn Garr quit Rustic Cabin, Fort Lee, N. J., last week because NBC removed the sustaining wire he had had all summer.

Jack Teagarden band begins a two-week stay at the Arcadia Ballroom, New York, Dec. 11.

Dolores O'Neill Scrams Bob Chester Band In Intermission, Sans Notice

Dolores O'Neill, vocalist with the Bob Chester band, quit that spot last week in the middle of a date at Charleston, S. C. Singer left the outfit without word of entering an intermission between afternoon and evening sessions. She returned to New York and so far has not been definitely replaced.

Alec Fila, first trumpeter with the same band since its inception, and Miss O'Neill's fiancé, did the same thing the week before, walking off the stand during a one-nighter in Staten Island, N. Y. He has since joined Benny Goodman's new group.

JACK DENNY BANKRUPT; MAESTRO OWES \$9,833

Ralph McCord Denny, orchestra leader known as Jack Denny, filed a voluntary petition of bankruptcy in N. Y. federal court Thursday (14), listing no assets and liabilities of \$9,833. During 1938 Denny earned \$1,446 and in 1939 he lost \$3,077. Denny's last date was at the Majestic, Brooklyn theatre which folded Sunday (17), after a brief vaude try.

Largest creditor is Merle Denny, \$4,300 on a loan. Others are Jeanie Lang, \$624 on a judgment, Phil Braustein \$700 for services rendered, Consolidated Radio Artists, \$1,000 commissions, William Morris Agency, \$400 commissions, Frederick Bros., \$150 commissions, Jack Bregman, of Bregman-Vocco-Conn, \$500 on a loan, and Louis Bernstein, of Shapiro-Bernstein, \$300 on a loan.

AVAILABILITY FORMULA

ASCAP Committee Still Cudgels the Complicated Ratings System

Though availability ratings in the publisher division of the American Society of Composers, Authors and Publishers have been frozen for the remainder of this year, the availability committee still holds meetings for the purpose of developing a formula that might be put into effect after Jan. 1. One such meeting was held last Thursday (14).

What the availability committee is working toward is the establishment of a mathematical setup, such as that which prevails for the seniority and performance phases of the royalty payoff, so that there would be no further need of the committee itself. Latta is of the opinion that the availability ratings as they now stand are soundly representative of each catalog's value, and that future changes in these ratings should be determined by the mathematical formula adopted by the publisher membership.

M.P.P.A. Elects Directors

Membership of the Music Publishers Protective Association met at the Ritz Astor hotel yesterday afternoon (Tuesday) to elect directors for the coming year.

Also on the agenda was the proposition of the publishing industry preparing itself for other methods of exploitation in the event there's a break between ASCAP and the networks and their affiliates Jan. 1.

Directors elected yesterday were Louis Bernstein, Saul Bernstein, Jack Bernstein, Dick Murray, Jack Mills, Buddy Morris, Johnny O'Connor, Lester Santly and Harry Starr.

MUSICIAN FEUD PITS LOEW'S VS. RKO

Cleveland, Nov. 19. Difference between musicians' union and Loew's State, which cancelled Laurel and Hardy stage unit for week of Nov. 7 when told it would have to sign a 20-week minimum contract to get a pit orchestra, is still reverberating here. It now looks like the anti-climax of a feud between RKO and Loew's operations here.

Calling it a 'hold-up,' Charles Raymond, Loew's division manager, said after conferring with New York office that the house won't play any more vaude this season until more reasonable terms are reached. No compromise is in sight yet, but Lee Repp, prez of local union, defended its stand by issuing following statement last week:

"Since an article in the Nov. 6 issue of VARIETY accuses us of double-crossing the Loew theatre management and places us in the light of being unfair and uncompromising, I ask that you publish this to clear our position.

"There has been no contract, neither verbal nor written, between Loew's State and our organization for some years. In 1937 a contract was mailed them for signature and it was never returned. There was no verbal agreement between house manager Everett Steinbach and myself for an orchestra for the Laurel and Hardy show. As a matter of fact, we learned for the first time that this show had been booked by the theatre when we approached Steinbach in his office and asked for a season's agreement.

"During the years that there had been no contract in evidence with the State Theatre, we have permitted our members to play spot bookings which amounted to three or four weeks a season, and no question was ever raised by the Palace theatre management.

Once Friendly

"Very friendly relations have always existed between the managements of these houses until this year, when Nat Holt, district manager for RKO houses here, told us he felt he was within his rights in asking that we exact the same agreement from the State as was then in evidence between the Palace and our organization. It contained an agreement for employment of our members for a minimum of 20 consecutive weeks for this year.

"We felt that Mr. Holt was justified in his contention and accordingly informed the State's management that we would have to ask for the same contract as we had exacted from the RKO Palace. These theatres are opposition houses, practically next door to one another, and our employment in past years at the Palace has varied between \$30,000 to \$35,000, and at the State between \$5,000 and \$6,000 a season, and we were faced with a choice between this certain employment at the Palace and very uncertain employment at the State.

"I am sure you will agree that the foregoing statement presents our side of the controversy in a clear manner, and that under the existing circumstances we have no choice but to assume our present position," concluded Repp.

One of the charges in his statement was denied by Loew's execs, who said they made a verbal agreement with Angelo Vitale to use his orchestra two weeks before the Nov. 7 booking. Union's contract with Palace was signed Oct. 1, but State's management claims that Repp did not present 20-week contract demand until after Laurel and Hardy had been booked. Chief burnup is not so much over the contract, according to a Loew rep, as it is over the last-minute notice which forced a cancellation.

'Private' Club Starts

Cleveland, Nov. 19. Franko Ramon, Max Singer at New York's El Chico for nearly four years, and Johnny Banago's orch. are switching on lights for Herman Pichner's new Eldorado Club Nov. 28.

A private catered niter, it was organized by Herman Pichner as a spot exclusively for newspapermen with bylines, theatre folk and local celebs who are getting membership cards gratis. Seating capacity is less than 200.

N. Y. Cafe's Bankruptcy Lists \$200,267 in Debts

The Cafe des Gourmets, Inc., 148 East 56th street, N. Y., filed a voluntary petition for reorganization in N. Y. federal court Monday (18) listing liabilities of \$19,864 and assets of \$200,267. The cafe is a restaurant and bar. A plan of reorganization plans to pay unsecured creditors 20% on claims, of which 5% will be paid within 60 days of court approval, and the other 15% in 90-day installments. Liabilities include \$5,110 in taxes and \$2,446 to 32 employees. Secured creditors holding \$15,947 in securities are owed \$4,637 while unsecured claims are \$10,513.

Among creditors are Muzak Corp., \$105; Jay Martin, \$130 for entertainment, and ASCAP, \$45. The ASCAP contract runs to August, 1941. Most of the rest of the liabilities are owed for food, purchases, advertising, etc. Of the assets, \$58,000 consists of insurance policies, and \$100,000 in a suit.

ACTS UNPAID AS MAJESTIC FOLDS

Majestic, Brooklyn, which tried to establish an indie vaude venture in the downtown sector, did a quick fold Sunday (17), with all of the acts holding the bag for their salaries after nine days of operation. Understood the shutdown came when Local 802, musicians union, pulled Jack Denny's orch after the last show Saturday because the band had not been paid nightly as per agreement.

House was booked and operated by Henry Evans & Arthur Lee, a Strand Theatre Bldg. firm with a short bankroll. At least one act in the first week's show, Henny Youngman, also failed to collect a full week's pay. It's known that the house staff, ushers and doorman, only collected around 25% of their scheduled salaries.

No shows were played on Sunday, and the following day the Three Stooges filed a claim with the American Guild of Variety Artists against Evans & Lee for \$2,000. Show also included Dinah Shore, singer on Eddie Cantor's radio show, at \$750, and Al and Fido, the colored team, besides Denny's band. This layout had opened Friday (15) and played but two days, film support being only shorts and newsreels, at 40-65c top.

Evans & Lee agency is franchised by AGVA. Harry Bestry was also concerned in the booking of the house.

SUN. BAND-VAUDE TEES OFF IN BRIDGEPORT

Bridgeport, Nov. 19. Sunday name band-vaude policy teed off at Lyric, Loew-Poll 2170-seater, where Max Rudin runs burlesque the rest of the week. With New Haven Arena, which pioneered one-day shows in Connecticut, devoted to hockey games, Lyric has fielded to itself. Jack Teagarden and Buck and Bubbles topped show Sunday (17), with Tommy Tucker and Cal Calloway coming up Nov. 24 and Dec. 1, respectively.

A. & B. Dow office, which is booking Lyric, has assigned Fred Perry, formerly with Comerford circuit in Pennsylvania, to exploit house. Ed Madden manages for Rudkin.

Stage competition has cut into the Sunday night name band take at McCormack & Barry's Ritz ballroom. The state's only one-night stand, and spot has countered with a series of 25c Sunday-matinee jam sessions.

Nat Rosen Hurt

Philadelphia, Nov. 19. Nat Rosen, 38, former manager of Fay's here, and now head of Royal, Baltimore, was critically injured when struck by a hit-run driver in front of the Adelphi hotel here last week.

Rosen, an associate of the Stiefels, was leaving the hotel after being host at a party celebrating the confirmation of his 13-year-old son, Louis. He is in Jefferson Hospital with a fractured skull.

NEW EXEC COMMITTEE GIVEN SUPREME RULE IN AGVA; BARTO NAMED CHAIRMAN

F&M's NEW VAUDEFILM POLICY IN ST. L. OKAY

St. Louis, Nov. 19.

Because there is a strong demand for vaudfilms, Fanchon & Marco, which inaugurated this policy at its 5,000-seater Fox in midtown, will continue the combo policy indefinitely. Three weeks ago the first stage show of the season was presented and the b.o. take exceeded the weekly average run up when just films were the bill of fare.

M.c.s are being brought in to add luster. The first week Lew Parker introduced the acts. Then Donald Novis, heading a floor show at the Chase Club, west end nite spot, topped last week's bill. Currently, Johnny Perkins, part owner of the Playdium in East St. Louis and a fave on both sides of the Mississippi, is m.c'ing the stage show. Ben Rader, a local dance band leader, is maestro of the 20 tooters working these shows. Harry C. Arthur, Jr., top man for F&M here, is the booker, reaching into Chicago and other spots for his talent.

The usual bill consists of two features and five or six acts, with the tooters playing special arrangements in addition to their usual stint. Last week the tooters were transferred from the elevator platform to the apron. There has been no hike in the admish scale.

N. Y.-S. F. FAIR SHOWS IN COMBO

Cleveland, Nov. 19.

Almon R. Shaffer's new indoor carnival-circus, made up of features from New York and Frisco fairs, started tour Tuesday (19) with 12-day break-in date at Cleveland's civic auditorium, utilizing all three of its exhibition halls, having a 22,000 capacity.

Frank Buck took over one of them for his Jungleland, while the main hall has been turned into a midway topped by Benny and Betty Fox, flag-pole dancers, and Five American Eagles. Other main exhibits consist of Stanley Kozloff's circus, Ben Yost Varsity Eight, Duke and Sloan, Jean Bedini, Jean Goldie and 'Night Court' from the New York World's Fair. Knights of Pythias is sponsoring here.

BEA WAIN SET

Bea Wain has been booked for three days at the Worcester, Mass., Auditorium beginning Dec. 1.

Follows with weeks at the Flatbush and Windsor theatres, New York, Dec. 5 and 12.

Liberty, Frisco burlesque house, reopens Nov. 29 with Harry Ferris operating.

Connors, Frisco AGVA Chief, Held to Be After Haddock Job With Thomson Aid

San Francisco, Nov. 19.

A situation is developing here that may have national repercussions in the American Guild of Variety Artists. Vic Connors, local executive secretary, is said here to be maneuvering for the post of national executive secretary, in place of incumbent Hoyt Haddock, with support from Kenneth Thomson, executive secretary of the Screen Actors Guild. It was Thomson who led the revolt in the Associated Actors and Artists of America against Ralph Whitehead, which led to the disfranchisement of the American Federation of Actors; the squabble with the stagehands and a near-national strike of all the talent unions.

Group Is Outgrowth of Suggestion by Paul Turner, Equity Counsel, With Adoption Unanimous— Purge of 'Reds' Seen by Move

Pitt Stanley's Pause

Pittsburgh, Nov. 19.

Unable to land a name show, Stanley, WB deluxer, will have a week's break in the recent resumption of its vaude policy on Friday (22), when house goes straight pix again with Bette Davis in 'The Letter.'

Stage shows will be resumed Nov. 29, when Louella Parsons' troupe comes in. Laurel-Hardy unit is current. Stanley hopes to keep vaude going regularly, but Harry Kalmine, zone manager for WB here, says only if biggies can be booked. Otherwise, he'll shuffle the policy to meet requirements.

Reno Bros., Last Heard From in Germany, Cause Anxiety in Home Town

Hartford, Nov. 19.

Appeal is being made by the family of Al and Val Reno, dance team, through Vangers for possible information as to their whereabouts. Local dance team was last heard of from Dusseldorf, Germany, where they were playing a date seven months ago. At that time team had written their family here they would soon be going on to Cairo, Egypt, where they were to play an engagement.

In seven years the pair has been on the continent, family has received mail quite regularly. Duke Martin, a brother-in-law, is a drummer with a local band.

400 BALLOTS CAST IN CHI AGVA ELECTION

Chicago, Nov. 19.

Election held Thursday (14) by the Chicago local of the American Guild of Variety Artists had 13 members in attendance, out of some 2,000 listed. Around 400 ballots were cast, nearly all by mail, many of which were tossed out as coming from non-paid-up members.

Regular ticket won. Lots of writings for every office, but too divided to give anybody a majority, except for fourth and fifth vice-presidencies, where regular ticket had no candidate.

Jack Irving continues as president, Boots Brae as first v. p., Brent Ace Welburn, second; Bernice Green, third; John Logan, fourth, and Rubie Blakey, fifth.

Members of board elected are Lucille Carewe, Ray Conlin, Sr., Ginger Gilard, Winnie Hoveler, Bruce Jordan, Walter Kreidt, Molly Manor, Ilo Niles, Carlotta Pacelli, Ethel Rish, Violet Sandz, Bill Talent and Jack Warner.

Reorganization of the American Guild of Variety Artists was made complete Monday (18) afternoon, when the national board adopted a suggestion from Paul Turner, Equity's counsel, which places the operation of AGVA in the hands of a newly formed executive committee. Latter supercedes all boards and committees in AGVA and makes figureheads of the long controversial New York local officers and board.

In fact, the executive committee also makes figureheads of the national officers and board as well, but the new board's setup is such as to keep in control those officials who have been cleaning house. In this respect, Dewey Barto, national president, becomes chairman of the new executive board. Other members are Henry Dunn (Cross & S.), who is also national treasurer; Helen Sanford, Willie Bryant, Dave Apollon, Sam Kramer, Morton Downey, Frank Gilmore, Paul Dullzell, Edward Arnold (Florence Marston alternating), Ruth Richmond and Blanche Witherspoon. Presence of Gilmore, Dullzell, Arnold, Miss Richmond and Miss Witherspoon accents the renewed interest of the Associated Actors and Artists of America in AGVA.

AGVA previously had an executive committee, but its powers were restricted. The new board has all the power formerly invested in the national board. In fact, neither the national board nor the N. Y. local board can meet unless the executive board asks them to do so. Hoyt Haddock, national executive secretary of AGVA, will be responsible only to this body.

Turner Suggestion Adopted

Turner attended Monday's national board meeting and his suggestion regarding AGVA's housecleaning was unanimously adopted, but only after two of the elements AGVA has been trying to purge entered objections. They were quickly over-ruled and then voted for the idea.

First official meeting of the executive committee is scheduled for Friday (22) and out of this may come further changes in AGVA's personnel setup. Ed Harrison, who has been p. p. for AGVA, is definitely on the way out. AGVA has already stopped publishing its house organ, which means Harrison's work is greatly curtailed as well.

There's been no official action as yet regarding John Velasco, colored N. Y. organizer who has been linked with the Theatre Arts Committee (TAC), reputedly Communist organization of motley membership. TAC's chief official, Adelaide Beane, has denied the charge. Velasco has been connected with TAC officially, but TAC's own house organ, dated March 15, '40, has a story stating that 'John Velasco, who has been acting as business manager of the Theatre Arts Committee, has joined the American Guild of Variety Artists as an organizer.' This same issue credits Phil Irving, ousted N. Y. local executive secretary of AGVA, leading a TAC Civil Liberties meeting in the singing of 'The Yanks Are NOT Coming,' a song aimed chiefly against American aid to Britain.

Easy Sailing

With AGVA now having brushed out the official position in the union who were allegedly Communists, or fellow travelers, or dupes, it is figured the union should have easy sailing from herein. It is expected that confidence and respect.

(Continued on page 44)

Palatial Buffalo Elks Club May Turn Nitery

Buffalo, Nov. 19.

Palatial white elephant, four-story building erected as Elks Club house just before the stock crash, may become a swank nitery. Owners stated last week a 'night club proposition' had been considered, but disclosed no details.

Ultra spot reverted to local bank when Elks couldn't keep it up, and lately was run as hostelry under tag of Hotel Fillmore.

Play Sales Sluggish

Continued from page 3

self. Number of other companies were interested in screen rights to the play, but gave up when the bidding got too high. Paramount was the last one to be forced out by the steep Col and WB offers.

Stipulation placed the purchase is that the film cannot be released until the comedy of country life in Bucks County, Pa., has completed its Broadway run. Now in its fourth week, current grosses make it appear it will continue a good part of the season.

Next hottest thing the market appears to be 'Panama Hattie', B. G. de Sylva musical. Paramount's generally conceded to have that as de Sylva is currently on the Coast producing for Par. Story is said by film property buyers to be desirable. It deals with sailors, which they feel is an appropriate theme at this time. Music is also desirable, although the story itself is said to be shallow and will need plenty of scrubbing to make it acceptable to the Hays office. Price on it will be high. Par has talked to de Sylva about buying it, but there have been no formal negotiations.

'La. Purchase' Hot and Cold

'Louisiana Purchase', another de Sylva special, has been hot and cold on every studio's list since it hit the boards months ago. Par, of course, has the same in here as it has on 'Hattie', although the show is equally likely to be bought by another studio.

Third de Sylva musical smash on Broadway, 'DuBarry Was a Lady', has never been given serious attention by the studios. It's so blue it's virtually on the impossible side as a film. Ed Wynn's hit, 'Boys and Girls Together', is another which is drawing little attention. That's not because of the Hays angle, but companies feel it is too strictly a one-man show.

Jolson Show

Al Jolson's 'Hold On to Your Hats' is understood to be attracting some interest from 20th-Fox, although nothing's set. Its similarity in theme to Par's 'Buck Benny Rides Again' has counted against it on some lists. Remaining available musicals, 'Cabin in the Sky', all-Negro production, and 'It Happens On Ice', blades show, are completely discounted as film possibilities. Eighth musical on the street, 'Hellzapoppin', has already been sold for pictures, Jules Levey planning to make it for Universal release.

Of the 14 straight plays on Broadway, the lineup is something like this: bought for pictures, two; picture interest being shown, three; no interest, nine.

'Dinner,' 'Road' Bought

Two purchased are 'Man Who Came to Dinner', which Kaufman and Hart will make for Warner Bros., and 'Tobacco Road', which 20th-Fox is filming. Those in which there is interest are 'George Washington Slept Here', 'Life With Father', which producer Oscar Serlin

will probably film and which he can sell virtually at the beckon of a finger; and 'Charley's Aunt', ancient revival.

'Charley's Aunt'

'Aunt' was viewed by Paramount for a while. Bob Hope starred and a number of execs went to see it with that in mind. They finally agreed, however, that it wasn't his style and forgot it. In the meantime, Metro has registered the title with the Hays office. This would seem to indicate strong interest, although the company doesn't own the play yet.

'Aunt' has been filmed twice before, once by Al Christie with Syd Chaplin and later by Columbia with Charlie Ruggles.

'Glamour Preferred', which opened Friday (15), is on the unlikely list, while two others, also with plots about Hollywood, are n.g. They are 'Beverly Hills' and 'Quiet, Please'. Remainder of the shows on Broadway, none being considered, are 'Johnny Belinda', 'Separate Rooms', 'Suzanna and the Elders', 'Blind Alley', 'Kind Lady' revival, made by Metro (1930), and 'Twelfth Night'.

Kenneth Roberts Cool

To Any Film Deals Now

Disappointed at the way 'Northwest Passage' and 'Capt. Caution' were filmed, Kenneth Roberts has refused to allow picture companies to see advance copies of his next novel, scheduled for publication Friday (22). New tome is 'Oliver Wiswell', which, with 200,000 volumes printed prior to release, is expected to be one of the season's big sellers.

'Northwest Passage' was done by Metro, 'Capt. Caution' by Hal Roach. Roberts is one of the few authors who can afford to turn up his schnoz at further film offers, as a succession of successful books over a long period of years has made him wealthy. He feels no compulsion to add an extra \$50,000 to his pile at present because he is already in higher income brackets. Inasmuch as the book is historical and can be filmed just as well five years from now as at present, author would be pleased to wait for a bad income year before selling.

Although a tremendous sale by the book may change their minds, studios are wont to lay off 'Wiswell' anyhow, from what they know about it. It deals with the Revolutionary War and delves into bitter feeling between the British and Americans, which is thought to be a touchy subject in the light of current events.

Metro used only half of 'Passage' in its films and has been prevented by a trick clause in its contract with Roberts from picturizing the second half. Pact requires that the film made from the book be called 'Northwest Passage'. Company naturally doesn't want to label the second half exactly the same as the first, but Roberts insists that that be done or a stiff sum be paid him for changing the title. Metro, as a result, has given up the whole idea.

WARWICK, PHILLY, BLUEPRINTS HOOF ROOF

Philadelphia, Nov. 19. Warwick Hotel, Philadelphia popular-class hostelry, is laying plans to install a roof garden similar to the Astor hotel, New York, to be ready for business next summer. It will use name bands.

Spot has been made with a high-priced music policy, using only a small combination in its downstairs cocktail room.

Saranac Lake

By Happy Benway

Saranac, N. Y., Nov. 19. With the Florida-Mt. Baker Club, Duggan's, Harvey's, Alex's Grove, Ma Potter's shuttered, leaves the Saranac hotel the only spot with a band here. Niteries no-can take the hard-boiled winters of northern New York.

Harry (Sliptoo) Clifton, a strictly bed patient, has added a mess of poundage; Alice Carman, Philadelphia singer, fighting off some setbacks; Harry Martin getting set for a series of pneumo-thorax 'gas' treatments; the up-patients taking time out in making little things to be given the strictly in bed patients; this coming Yuletide; Monroe Coleman rated tops as the laboratory medical expert, he received his degree while onizing at the old NVA sanatorium; the fighting spirit of Carl Kern and Eddie Dowd, ditto Seymour Grill and Oscar Price.

Mazie Dewey, formerly with Dewey Brothers, juggled did the trick in nine months and left for Washington, D. C., where she will be connected as a ticket dispenser at a local showplace there.

Jack Dempsey writes that 'the biggest thrill and heart-pulse-upper I ever had' was when I personally visited the gang at the Will Rogers hospital, a moment that the theatre should be proud of.

Lotsa theatre connections here in these mountains trying to land a buck-deer during the month's hunting period. So far only one kill has been reported, an eight point-178 pounder bagged by Everett Malley, a stagehand from Buffalo.

Gerald Walsh, who once managed the old Overlook niterie, a successful ozenor, got into auto jam here and his car was badly wrecked. He was discharged from hospital.

Jimmy Lyons, ex-N. Y. cop who is ailing up here, was once the baritone with Val Farrell's New York's Finest quartet.

Sitting around the table at Camp Intermission on Thanksgiving Day will be the whole Morris family and a few muggs from the William Morris office. Acting as hostess and turkey carver will be Mrs. William (Mother) Morris and Aunt Ella Berlinhoff. The gobbler will be from the herd owned by Bill White.

Addresses of those who are ozening here:

At Will Rogers Memorial Hospital: Jack T. Altrett, Edna Irene Bal, Claire Beckmann, Louis Betz, Lillian Mae Biggio, Joe Miller Bishop, Margaret Armer Block, Virginia Frances Browne, Simeon Bryant, Jr., Tudor Cameron, William Chase, Harry Clifton, Olivia Cohen, Michael Colohn, Hazel Gladstone Coleman, Anna Comerford, Robert Harry Cosgrove, Charles DiDiego, Eddie Dowd, John Wesley Eaton, Harriet Emerson, Beatrice Fiddler, Iris Gabrielle, Rudelle Bella Gayles, Seymour Grill, Valdimir Gural, Vera Harff, John Harkins, Samuel Hine, Mary Hirsch, Helen Inglee, Carl Kern, Beatrice Lee, Margaret Kinsella, Helen Lassman, Kathryn Laus, John Loudon, Helen Mann, Harry Martin, Richard Moore, Peggy Marie McCarthy, Josephine Navarre, Dorothy Newcomb, Margaret Newell, Agnes Orr, John O'Shea, Oscar Price, Earl Redding, Margaret Reine, Leandra Rinzler, Victor Rocketer, Martha Rogow, Isabelle Rocker, Ben Schaffer, Charles Smith, Paul Sorkin, Joseph Souhami, Vivian Vaughn, Anna M. Vincent, Eddie Vogt, Clarence Albert Walker, Donald Wayne, Patricia Wallace, Rufus Haywood Weathers, James Milton Weeks.

Alice Carman is at 47 Helen street; Harry and Charlie Barrett at 302 Broadway; Cliff Heather at Hotel Saranac; A. B. Anderson at Pontiac theatre; Helen O'Reilly at 44 Main street, and Happy Benway at 10 Olive street.

Marie Southard, of the Will Rogers, rates tops with the gang of ozeners there. She has been connected with the staff since the opening of that institution. Write to those who are ill.

Marj. Lawrence

Continued from page 2

with her successor in the domestic field. Sonja Henie, glum over losing the \$60,000 verdict to the manager with whom she piffit-and-split, boarded the straitliner and headed for the Coast. With her was Arthur Wirtz, her present business associate. Miss Henie, the present Mrs. Dan Topping, was not accompanied by her husband, owner of the Brooklyn Dodgers football club.

No Boake, No Joke

A handful of prank-minded airline employees met a disappointment Thursday (14) afternoon when rain, fog and poor visibility washed out a scheduled American Airlines flight to Hartford. Boake Carter, newscaster for United Airlines, was booked on it, and was heading for a kidding over flying with rival. It didn't matter to the kidders that only American flies to Hartford.

Draw

A bookie on AA's Mercury to L.A. that night was film player Ralph Bellamy. At least, two dozen girls from the airline offices found it necessary to be in the rotunda near the AA counter a few minutes before the 5:10 p.m. takeoff.

Madeline Carroll is at the Ritz-Carlton, but she is keeping quietly out of the public eye in respect to the memory of her sister, a London air raid victim, while she anxiously awaits the arrival by Clipper of her fiancé, Lt. Richard de la Roziere, of the French Army.

Band

The new band in the Aviation Terrace Restaurant and the Kitty Hawk Room of the Administration Building at the field is catching on. The Stylists are headed by a gal, Marjorie Hyams, who pounds the vibraphone in front of the male members. Outfit has been together two years, having recently played the Rendezvous, Philadelphia; Columbus Hotel, Harrisburg, Pa.; and earlier both Baltimore, Md., Royal Hotel and Chanticleer Club. Jerry Blake's left-handed git-tar playing gets attention.

Mrs. Dwight Deere Wiman, wife of the producer, sailed to the Wiman vacation house in Bermuda on Saturday's (16) Dixie Clipper.

Battle of Beachcombers Now Settled in Miami

Miami, Nov. 19.

End of hostilities is seen in local battle of Beachcombers, with report that George Raft and Mario, owners of the Hurricane in New York, have tied up with Herman Stark in his Miami venture. Under new setup, niterie will be tabbed the Hurricane, giving Monte Proser combine the exclusive use of disputed Beachcomber tag.

Controversy arose when Stark purchased old Frolics club in Miami, and applied for license as Beachcomber, Inc. Proser had previously filed intention to reopen former Roadside Rest in M. B. as a Beachcomber.

Hurricane is slated to open Dec. 23, with Slapsie Maxie Rosenbloom's Hollywood revue imported en masse.

15 YEARS AGO

(From VARIETY)

Thirty tryout plays were planned for Broadway as a test for talent. Plan worked out by Chamberlain Brown and Equity gave its sanction.

Sam Goldwyn fled suit through attorney Nathan Burkan against First National Pictures, charging that the latter entered into conspiracy to defraud him under a deal he had for the company's distribution of his three productions.

Mistinguett opened in her new revue at the Moulin Rouge, Paris, and it was a smash success. The Dolly Sisters withdrew from the show because they claimed they were insufficiently featured.

William Anthony Maguire's new Broadway play, '12 Miles Out' was clicko in its debut. It had picture possibilities.

'Stella Dallas' looked like a b.o. pic. Ronald Colman and Belle Bennett were the leads. Others in the cast were Lois Moran, Jean Hersholt, Doug Fairbanks, Jr., and Alice Joyce.

A 50-50 basis was arrived at for the merger of United Artists and Metro. Deal called for the exchange of stock, with each company to hold half of the other's stock.

RAYE & NALDI WILL TOP N. Y. COPACABANA SHOW

Mary Raye and Naldi follow Ramon and Renita into the Copacabana, N. Y., Dec. 3 as featured dance pair. Monte Proser's new niterie, incidentally, is now open from cocktail time on, since James McKinley Bryant came over from the Hotel Pierre, N. Y., to build up that phase of the business.

Ramon-Renita team goes to the Royal Palm, Miami, to handle the smaller room as last year.

Meantime, Proser's new Beachcomber, in Miami Beach, will open shortly, with Ed Gardner, from the Broadway Beachcomber, leaving in a fortnight to take over.

N.Y. Niterie Shut 3 Days By Unions in Non-Payoffs

Treasure Island, New York niterie, was shuttered for three days last week, from Tuesday (12) through Thursday night, when the musicians union and the American Guild of Variety Artists pulled the talent and tooters because of non-payment of eight days' salaries.

Spot reopened Friday night (15) under a deal with AGVA and the musicians whereby the talent will be paid nightly, plus an extra day's pay each night until all the back claims are met.

Show includes Nani Rodriguez's orch. The Coltons, Ruth Clayton, Karen Kinn, Carlos and Carita and Bud Sweeney.

New AGVA Rule

Continued from page 43

spect of AGVA, lost because of the subversive and oftentimes stupid tactics of those now out of the picture, will be quickly restored. One immediate benefit AGVA now expects is final approval by the N. Y. theatre circuits of the five-year agreement with AGVA, supposedly held up only by the reluctance of the circuit to deal with AGVA until it cleaned out the 'travels'.

AGVA still has a hard road ahead financially, but this also is expected to be cleared up. Equity and Screen Actors Guild have each advanced additional \$700 loans, but the American Federation of Radio Artists turned down a request for a loan of a like amount. AFRA stated that it first wanted the AGVA debts to SAG and Equity. AGVA recently refused to support AFRA in its fight for an agreement with the talent agencies.

Two new AGVA locals were set up in the past week. One in Montreal is temporarily headed by Leslie Litomy, national representative. The other is in Detroit, where Les Golden, m., has been selected as executive secretary.

Hollywood Officers

Los Angeles, Nov. 19. Los Angeles chapter of AGVA has balloted Cliff Nazarro into presidency.

Membership petitioned Kenneth Howard, international rep, to devise plan whereby performers can collect unemployment insurance, with either managers or agents categorized as employers.

Sammy Kaye does another NBC shortwave shot to Brazil today (Wed.) speaking Portuguese. Leader has acquired a smattering of the language just for these shots. This one's his second.

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J. H. LUBIN
GENERAL MANAGER
SIDNEY H. PIERMONT
BOOKING MANAGER

Martin Beck Anecdota

One of the most eccentric of vaudeville showmen, Martin Beck's course with employees and actors was always erratic. It was not known from one hour to the next just what his actions would be, and Lester Hammel, now with the William Morris office in New York, who was Beck's office boy years back, was fired as often as three times a day. However, at the end of the week Beck usually came through with a \$5 raise for Hammel instead of a pink slip. The firings and increases came at such a rapid rate, Hammel says he eventually wound up as probably the highest-priced office boy in the world, his top salary with Beck coming to \$75 weekly.

Bickering Beck

Beck's personal battles were legion. One actor and the showman had a particularly bitter set-to, and Beck had the last word in his N. Y. Palace Building office. The actor went out and hired a horse and wagon, which he parked in front of the Palace, and waited for Beck to come out. As Beck emerged, the actor tugged on the reins, screaming: 'Beck, Beck, you so-and-so—! Beck, you—!'

Colored Porter's Revenge

One of the men closest to Beck, strangely enough, was Charles Woodley, colored porter, who is undoubtedly now RKO's oldest employee. Beck, in his love for exercise, used to box with Woodley, using regulation sparring gloves. Once, in refurbishing his home, Beck gave Woodley an icebox, which Woodley promptly sold for \$25. This burned up Beck, who claimed he gave Woodley the icebox for personal use, and he demanded that the colored porter give him the \$25. This Woodley agreed to do, but at the right time. He waited until Mrs. Beck came to the office, and then he threw the \$25 at Beck, saying, 'Here's that money, you cheap so-and-so.' But Beck kept it.

Vengeance That Got Stalled

In recent years Beck missed most his annual sojourn in Baden Baden, Germany, for the baths. He was there back in 1932 when George Godfrey cabled him that H. B. Franklin, then head of RKO, was taking vaudeville out of all the theatres. By the time Beck maneuvered Godfrey and himself back into RKO, as supervisors of the vaudeville booking office it was a little too late to save vaudeville, but Beck decided to clean house, regardless. He went from man to man, about whom he already had advance reports from Godfrey and Godfrey's stooges, and asked: 'What do you do?' This was the signal that they would soon be out. When he walked into the office of Arnold Van Leer, in the publicity office, and popped the query: 'Van Leer didn't answer or wait for the axe to fall. He took his hat and coat and walked right past Beck and out.'

Bootblack's Brushoff

It was at this time that Beck, quick on the insult himself, ran into an insult he couldn't top. Walking through the RKO booking office, he came across Gary Grosso, the 'official' shoe-shiner on the booking floor and a character all over show business. Beck asked the squat Grosso: 'What do you do?' and Grosso, looking intently at Beck's feet, replied, 'I shine shoes!' Beck then declared, 'When I talk to you, you look me in the eyes!' Grosso retorted, 'Business before pleasure.'

Baden-Baden Bankroll

Beck used to mix business with his pleasure trips to Baden-Baden and was always on the hunt for foreign acts. His favorite gag in impressing a turn which had never before appeared in a U. S. was to flash a letter of credit for \$100,000. He is said to have pulled this on Sarah Bernhardt, who toured the Orpheum Circuit and then played the N. Y. Palace shortly after its opening in 1913 at \$7,000 a week—paid her \$1,000 at the end of each day.

Fuzzled Entrepreneur

In recent years the showman's interest centered on the legit house he built and named after himself on 45th street west of Eighth avenue. He remained very close to the theatre's operation and was greatly concerned with the business it was doing. A couple of years ago he attended a showing of Marc Blitstein's 'Cradle Will Rock' in a competitive house, which was done without scenery and costuming, and marvelled at the capacity attendance. He said to Lester Hammel, sitting next to him: 'Here's a show without costumes and scenery and it's doing a big business. I've got a show in my own house with plenty of scenery, costumes and actors, but no business.'

Insuring a Profit

While Beck had more enemies than friends, it was a known fact that he was more liberal with employees and actors than most showmen. The Keith-Albee interests. When the Orpheum Circuit, a closed corporation, took in the Junior Orpheum theatres and a stock issue was floated, Beck saw to it that all of his employees got blocks of stock at the rock-bottom price. Later, when the market on these shares dropped considerably, Beck underwrote their losses. The profits of one of his houses, the Orpheum, Calgary, were turned over to his bookers, including George Godfrey, Frank (Wilmer) Vincent, Ray Meyers and Earl Saunders. As a result, the bookers saw to it that acts played this house at a 50% cut so that more profits would be realized. Vincent and Godfrey made a lot of money with Beck, Vincent retaining and building his coin into a fortune, but Godfrey today is booking one and two-day vaude houses for short coin.

It was Beck's ingeniousness which overcame many of the Palace's early billing headaches. He devised the time-table billing which gave the acts an equal break in type-size and he also figured out the method for stopping backstage quarrels for the No. 1 dressing room on the stage floor. When it appeared certain that there would be a scrap between two headliners for the No. 1 dressing room, Beck would order the room painted. The No. 2 dressing room also was on the stage floor, but if they couldn't get No. 1 actors didn't appear to mind, even if they were placed on the upper floors. The No. 1 room, therefore, got more coats of paint than any other spot in Times Square.

Episode of the Warm Martini

In the rough and tumble of the early beer garden type of vaudeville Martin Beck got to know hundreds of actors personally. He disliked certain performers and they returned the dislike, feuds dating back to his water days and lasting for decades.

The late Maurice Downey, who was in vaudeville over 40 years with a series of acts, and Martin Beck glowered at each other for years, although eventually the success of Beck ended the likelihood of personal contact. It seems that Downey, a self-assured young actor, had been out front at a patron's table and had accepted a dry martini, but said he would take it backstage. Martin Beck was the waiter told to deliver the drink. It arrived late, warm and in a pop bottle, whereupon the hot-tempered Irishman booted Beck out of the dressing room and was never forgiven.

Pushover for a Looker

That Beck could never pass by a pretty face was legendary in show business. On his return to RKO in 1932 he switched secretaries twice because of this penchant. His first secretary he brought over from his office at the Martin Beck; a week or so later he saw a personality femme who worked in the publicity department. He switched her to his office and moved his original secretary to the contract department. Shortly afterwards still another girl attracted him and again he switched, but he dismissed the last one because he claimed 'she used too much makeup.'

Could Dish It Out, But—

It was Beck's boast that he had more stamina than any other man, and

ALF WILTON RECALLS BECK'S SHOWMANSHIP

Pequannock, N. J., Nov. 19.

Editor, VARIETY:

Had it not been for having a very bad cold I would have attended the funeral services of my good friend, the late Martin Beck, who surely was a great showman and his foresight was uncanny. Here is at least one proof of this certainty. Several years ago I had the late Holbrook Blinn, star of the 'Bad Man' and many other great successes, headlined at the Palace theatre, N. Y. All of the Keith managers had gone to Cleveland to the opening of the new Palace theatre. When they returned they all saw this act; every one of them turned it down cold. I saw him in the act and thought he was wonderful.

I immediately saw Mr. Beck who said, 'Has he no time—this is a great name!' I told him George Godfrey said he would not play it, so Mr. Beck said, 'I will see George.' The result was he gave me Chicago and St. Louis, and sent for me Tuesday morning and told me they were sold out for the week. So he gave me Memphis and New Orleans to follow St. Louis. Mr. Godfrey said I was right and they were all wrong, as he booked the act against his best judgment.

Frank Vincent offered me the entire Orpheum circuit to follow but as Mr. Blinn tied up with Wilbur and Randolph Hearst with pictures he could not accept. I could state many more cases of this kind where Mr. Beck's judgment was superior to other managers.

If my memory serves me right David Bispham, the well-known baritone of the Metropolitan opera house, was the first big opera star in vaudeville. Mr. Beck gave me 30 weeks at \$2,000 weekly. It was good money in those days. He offered me \$4,000 weekly for the late Mme. Nordica. I cabled her in Australia. She went to the Thursday Islands and passed away owing to a shipwreck. I booked many great acts on the Orpheum time, among others being Gallagher & Sheen, Ted Lewis, Charles Ruggles, Lou Tellegen, Victor Moore & Emma Littlefield, the late Marie Dressler, Montgomery & Moore, Jack Wilson and Kitty Gordon, Four Diamonds (now Three Diamonds), Johnny Burke and many others.

I was the first vaudeville representative whose name was in front of the Palace theatre on a painted signboard. It read: 'Alf T. Wilton presents Frances Starr, in a one-act play entitled, "Nanette," written by Jean Archibald, staged by David Belasco.' I made it possible for Mr. Belasco to make his famous speech the opening afternoon. Mr. Albee told me it was a great piece of showmanship.

Alf T. Wilton.

Ice Show Tours N. C.

Charlotte, N. C., Nov. 19.

'Royal Ice Palace Classic' ice show, is currently touring North Carolina, with bookings at Winston-Salem, Raleigh, Gastonia, Salisbury and other towns. Has 26 performers and eight technicians who handle the portable rink of ice. William Matlock is in charge.

Two shows are given each night and some towns are booked for two days. At the close of the 8:15 show and until the 10:30 show opens, spectators are permitted to use the ice rink to the music of Nick Nicholas band.

for a time associates in the business looked upon him with awe because of his ability to keep working for stretches of 18 hours daily. This was exploded, however, when it was discovered that Beck was slipping away every afternoon for a rubdown and two or three hours' sleep in a hotel, pretending that he was attending in important conferences.

Beck, when commuting during the summer from his Elberon, N. J., home, became acquainted with the president of a leather company. Beck then subscribed to the Leather Journal and took delight in riding the leather man about his own business in front of other commuters. This kept on for weeks until he quoted a story direct from the trade paper, and this wised up the leather man, who then subscribed to VARIETY and retaliated—in spades—on Beck. Beck was known as a ribber, but not as a 'taker'.

Beck's Personal P. A.

Years ago Beck hired the late Mark Luescher, who eventually headed the Keith-Albee and then the RKO publicity department, as his personal press agent. Idea behind this was for Luescher to build him up as an international showman. The object was partially achieved, although Willy Paspard, an agent, had a lot to do with many of Beck's imports. It was through Paspard that Beck met his second wife, then Louise P. Heims.

'Never Read Variety'

It was typical of Beck's pride that he loudly proclaimed that he never, never read VARIETY. However, agents looking from the Mayfair (then Columbia) Theatre Building could look into Beck's office and see him regularly each Wednesday going through this sheet, which was then 'poison' to him and Godfrey, his booking head.

Martin Beck Dies at 73

Continued from page 2

dent of the Orpheum Circuit in 1920, replacing Meyerfeld (who died in 1935), the circuit had grown to more than 50 theatres. A closed corporation, it floated a stock issue when taking in the Junior Orpheum time in the early '20's and more than doubled its number of theatres.

The Orpheum stockholders voted Beck out of the presidency in 1923 and a year later he built the New York legit house bearing his name on 45th street west of Eighth avenue. He re-appeared in the vaude picture in 1932, when vaudeville was gasping its last, and shook up the RKO booking office. A year later he was out again and since then confined himself strictly to legit.

Built the Palace, N. Y.

Beck's entry to Broadway was via the Palace, on Broadway, which he built and opened on March 24, 1913. There was much behind-the-scenes maneuvering, so far as the Palace was concerned, between Beck and the B. F. Keith-E. F. Albee United Booking Office, all of them working against the then flourishing Hammerstein's. Oscar Hammerstein held the UBO vaudeville franchise for Times Square, from 42nd street to 57th street, and Beck and Albee tried to keep secret the UBO's interest in the Palace. When Hammerstein got the drift of things, he threatened to sue for an injunction. Albee then denied any connection with the Palace and even Beck got so worried that he also tried to disclaim responsibility for the house. Eventually, however, Beck and Albee settled, \$250,000 on Hammerstein and the threat against the Palace was dissipated.

The Palace was the country's first \$2 vaude house and for a time it had rough sledding. Opening show was panned and cost around \$7,000, with the Elkan Wachs on opera, act, getting \$3,000 and Napierkowski, an artistic coo dancer, salaried at \$1,000. Rest was split between six acts, including Ed Wynn in 'The King's Jester,' Taylor Holmes, Ota Gygi, the violinist, and a line of girls. Sarah Bernhardt, who was booked by Beck for a tour of the Orpheum Circuit, played the Palace shortly after it opened and started the house on a paying basis.

Inaugurated the State-Lake Polio. Beck was responsible for what became known as the State-Lake (Chicago) policy. It was the first mid-west four-show-a-day house, with the acts only working three shows. This was done by booking nine acts for a seven-act show, Beck alternating two or three acts through the day so that no turn played more than three shows.

Beck was ruthless betimes in his business dealings. An eccentric, he was never so eccentric that he forgot his shrewdness. One of his traits was to shout at and belittle people in public—but he himself could never take a ribbing or a slight. He became estranged from Mort Singer, midwest theatre operator and once one of his closest friends, because Singer, whom Beck brought into the Orpheum Circuit as vice-president and general manager, was able to join one of New York's swankiest golf clubs that had turned down Beck. This rankled Beck, so he established a summer home at Elberon, N. J., and helped form the Norwood Country Club at Long Branch. He took golf lessons from some of the best known pros, but his game was never really good.

Inaugurated the 5% Booking Chief. It was Beck who started the book-

ing office commissions still in practice. He formed the Excelsior Collection Agency which operated for the Western Vaudeville. Later Keith-Albee set up the Vaudeville Collection Agency for the K-A time. It became one of the circuit's juiciest plums for insiders and long a bone of contention with actors, who couldn't understand why they had to pay an employer a fee for giving them a job.

Beck's last theatrical venture was an interest in 'Cabin in the Sky,' current at the theatre bearing his name. Show was produced by Al Lewis and Vinton Freedley. Lewis was a prominent figure in vaudeville, teamed with Max Gordon prior to their legit ventures and their managerial separation. Some weeks ago Beck and Lewis looked over a photo of the showmen who founded the Vaudeville Managers' Protective Assn. Beck commented that all but himself, J. J. Murdock and Pat Casey were deceased and remarked: 'I wonder who'll be next.'

His Pet House

When the Beck theatre opened, its structure of much iron work caused the comment that it was built like a fortress. Although spotted west of Eighth avenue on 45th street, it is considered worth a fortune, and Beck's boast was it is the only theatre without a mortgage. Showman was involved in a sensational court proceeding in connection with the house.

Lillian Saxon Schrein, who was his secretary and treasurer of the Beck, was arrested at the instance of the manager who charged she embezzled him through forgery out of approximately \$400,000. She was eventually convicted of stealing \$60,000 and is currently serving a two to four-year prison sentence.

Miss Saxon, who was known in ticket and bookmaker circles, alleged she had been intimate with Beck for years, although she is wed to his nephew and has three children. He denied the intimacies, though they were seen together on any number of occasions. At one time they frequented the racetrack, he wearing modest sums while she covertly bet \$1,000 or more on a race, even away from the course. Seemingly, it never occurred to him that Miss Saxon could not afford to maintain an elaborate home at Neponset, L. I., with several servants on the salary he paid her. Miss Saxon claimed to have power of attorney to sign his name, but he contended that she had no right to sell his securities. It was reported that Beck made partial recovery from banks because of the forgery conviction. Beck was mixed up in other litigation in connection with the theatre. Opening attraction was 'Madame Pompadour.' When Horace Hampton was replaced as the lead she sued Beck and the late Charles B. Dillingham, who presented the show with him, for \$36,000. Another suit was started by Rosalie Stewart in 1927. She presented a revue called 'La Carte' which failed and she sought recovery of his share of the losses. His defense was that he turned over his interest to a stenographer.

Theatre had some lean years, but also a string of successes. One of the best money getters was the D'Oyly Carte Co., with Gilbert and Sullivan operettas.

Beck's first wife (Meyerfeld's daughter) died a number of years ago after bearing two daughters, Mrs. Nicholas Ranshoff, of N. Y., and Mrs. Paul Ladin, of Los Angeles, who survive. Beck then married Louise P. Heims, many years his junior, who had radio ambitions as a singer several years ago. It's known Beck instructed her to hold simple burial rites for him.

Services were held Monday (18) at Campbell's, interment in Beck's mausoleum in Salem Field, Brooklyn.

Around 400 attended the funeral services for Beck, at which a Presbyterian minister, a close personal friend of the family, officiated. At the cemetery, he read the Jewish prayer for the dead, but in an English translation. Arthur Hopkins delivered the eulogy.

Pallbearers included members of the board of governors of the League of New York Theatres and close associates of Beck. Among them were Marc Heimann, Brock Pemberton, Lee Schubert, Gilbert Miller, Herman Shumlin, Sam H. Harris, Lester Meyer, Harry Sommers, Max Gordon, Vinton Freedley, Lawrence Langner, Roland Stebbins, Dwight Wiman, William A. Brady, Al Lewis, James Reilly, J. J. Murdock and Louis Lotito, manager of theatres for Beck.

CHICAGO, CHI

Chicago, Nov. 16.
Abbott and Costello, Merry Macs (4), Larry Adler, Rudy Day, The Janseys (4), 'City for Conquest' (WB).

If week ending Thanksgiving Day (in Illinois) held any boxoffice terrors for Ballyhoo, this nobody's knows it by this bill. Layout runs a top length, an hour and a quarter, and with one exception, acts build logically in the pattern of a good vaudeville show.

Top honors go first to Abbott and Costello, then to the Merry Macs. And there's only a hair's breadth between 'em. Abbott and Costello have the edge because they're teaming the customers came to see. Reputation is big here, and they're pulling 'em in, but, unlike a lot of personal appearance acts, they don't disappoint. Their brand of comedy is better on the stage, if anything, than over the air. Customers gave plenty of evidence that chatter acts and crossfire are all too seldom seen these days, and they'd welcome more as good as Abbott and Costello. Only improvement these boys could make would be to employ a little more action at the mike. Maybe the old finger-in-the-eye type stuff would do it.

Merry Macs have what it takes for a singing outfit: good appearance, excellent arrangements and swell pipes. Talk is uneasy, and ballad, which they announce as something they are seldom allowed to do, could well be left out if they can't change to a ballad style. Finish was a near showstopper.

Third in line for audience approval is Larry Adler, and it's a photo finish. If there's one harmonic player worthy of being called 'musician,' he's Larry Adler. Billed as a 'virtuoso,' one of the few times when any actor's billing is an understatement. Costello comes on at finish of Adler's act to stooge for him and do a fake harmonica playing bit which has been seen here, which went over big. Sticking in by way of an introduction for 'fin' which is a whole company, headed by Costello, doing a blackout announced as from 'Streets of Paris.' The Columbia Wheel used the blackout, also, 'way back. So have we, come to think of it, and, probably, before. The only difference here is that the bed has clean sheets, an innovation for this particular bit.

Opening shows are the Janseys, two men and two boys, doing a well-hidid tumbling turn. Following them is Rudy Day. She just doesn't belong. She's a good little tap dancer, and does three long, standard routines in one without any lighting effects and with no change of costume. That isn't what's wanted after the whamming the show gets at the start from the Janseys. It's like promising a guest a glass of caviar, then giving him a lone oyster. Which is not to Insultate Miss Day is an oyster, though even an oyster is swell in its proper place.

House nearly capacity at dinner show caught.

Majestic, San Antonio

San Antonio, Nov. 16.
Ted Lewis Band (13), Ted Sisters (3), Charles 'Snowball' Whittier, Joan Woods, Jeanne Blanche, Kay, Katya and Kay, 'Rangers of Fortune' (Par).

Local vaudeville season opened neatly with Ted Lewis' group of talented entertainers in a fast 60-minute revue heavy with dancing, songs and music, with a touch of comedy here and there, all enhanced by the Lewis showmanship.

Wearing his battered top hat, Lewis opens show with his now-standard song stating that for years he has been getting away with murder with his nonsense, patter and songs.

Leader opens with his old standby, 'The Hat With the Silver Lining,' and then gives out with his clarinet on 'St. Louis Blues.' In this several, all of the boys in the band are given solo spots. Joan Woods taps to 'Somebody Loves Me' and comes back in finale to do a rumba, her best applause-getter.

The Ted Sisters, Jean, Gladys and Peggy, are seated on stage throughout and lend nice support to several of the production numbers. Are spotlighted with nice rendition of 'Ferryboat Serenade' and 'Dinah.' Gladys is heard solo with Lewis in his 'Me and My Shadow' and 'You Can't Brush Me Off.'

'Isn't She a Pretty Thing' sung by Lewis in the country, but they serve nothing beyond what the papers have already covered on the subject.

Since this is the time of the year when turkeys are given their due in several shows, which suggests that 'Universal and Fox are being none too astute in ushering in the seasonal affairs. The reeling is the usual stuff.

No less than eight football games are part of the setup, which gives another idea of the void in actual news clips.

Bill Robinson in a tap and in the finale as a peanut vendor.

Lewis vocals 'I'm Stepping Out With a Memory Tonight' to good effect, bringing in the names of many local establishments for good laughs. Other musical highlights are the 'Musical Magical Man,' in which Lewis does his small-town band routine with some fancy band-twirling and 'Are You Having Any Fun?'

Entire group is on stage for finale, an imaginary trip to South America, which closes with goobers being tossed to the audience.

Good show, caught opening day had full house.

PALACE, CLEVEL.

Cleveland, Nov. 16.
Woody Herman Orch, Kitty Lane, Stump and Stumpy, Sid Robin, Bobby May, Cass Daley, 'Down Argentine Way' (20th).

Regular customers are conspicuous by their absence during Palace's current show, but the heavy load of live stuff being a little too much for the conservatives. But it's a perfectly grooved, high-voltage bill for an army of litterbugs who are storming the house.

Woody Herman's stage personality as well as his horn of jivers show more flexibility than they did on last visit in spring. Although still over-emphasizing the brasses when cutting loose on some hot high notes, Herman wisely makes concessions to long-underwear customers at right times. For them the outfit gets into a melodically sweet strain in 'Swallows Come Back to Capistrano' and 'Moonlight and Roses' made even more mellow by warm lighting effects.

But for a change, opening crowds yelled for whackier rhythms, so Herman put the heat on 'Fan It and 'Giddy Up' to such a degree that youngsters nearly pounded wooden arms off their seats. Kitty Lane not distinctive in voice but okay in delivering 'Rumboging' with power while Sid Robin accents comedy ditties nicely.

Both of them as well as everybody else are shoved aside by Cass Daley's super-showmanship when it comes to selling songs in a terrific way. The shouting, howling, rousing warbler is at her best on this visit. She's slicker, shrewder and surer of herself and her audience. A new bit of her repertory, at least new to localities, followed by a series of earned songs telling a low-comedy story of a hapless love affair. She follows them with 'Old Man Mose' and get encored to death until she repeated her famous album number 'I'm a Fool for You' with a middle spot satisfactorily with gags and juggling, timing them uncannily. Stump and Stumpy missed opening show because of late train, but made up for it in hotcha sepi hoofing a second performance.

Ken Murray with Milton Charleston, Betty Atkinson, Park and Clifford, Patricia Newman, Gabe and Royettes (14), Phil Wapkin House Orch (14), 'Mexican Spitfire Out West' (RKO).

EMBASSY, N. Y.

In the wake of the election furor, this bill at the Embassy resolves itself into a hum-drum, innocuous collection of clips. The fanfare accompaning the national voting is still prevalent in the reels, but by this time the popular spirit of the occasion has died down, something which the reels seemingly have ignored. Paramount and Fox have the reels on the Roosevelts and the Wallaces, with Fox catching 'Wilkie sounding off' on the need for 'mercenary unity' regardless of political affiliations. The last is a clip that was on last week's bill, which suggests that the theatre, or the reeling companies, are somewhat at a loss for material. The rest of the bill shows that, too.

Perhaps the most startling bit of news emanates from Tacoma, Wash., with the actual showing of that bridge crash. Pathe caught it, and the full intensity of the wind that sent the huge span swaying to and fro was nabbed neatly, though the camera was seemingly out of focus, perhaps followed up the yarn, but not before they had kindled in the minds of many the whyfore of the negligence.

Pathe and Par share equal billing on the mystery blasts that rocked Lewis into the country, but they serve nothing beyond what the papers have already covered on the subject.

Since this is the time of the year when turkeys are given their due in several shows, which suggests that 'Universal and Fox are being none too astute in ushering in the seasonal affairs. The reeling is the usual stuff.

No less than eight football games are part of the setup, which gives another idea of the void in actual news clips.

FLATBUSH, B'KLYN

Clyde McCoy Orch (13), Dick Lee, Mildred Bailey, Bennett Sisters (3), Charles Barnes, Calgary Bros. (2), Rufe Davis, 'Shorts and Newsreels'.

Clyde McCoy's band has to stand fairly much on its own and others in his unit in filling out an hour of stage entertainment. That the show stacks up so well, however, is due to the credit of this veteran in the band field, who has made his 'Sugar Blues' signature, mighty familiar down through the ages. He's mainly supported by Mildred Bailey, and the Calgary Bros., with Charles Barnes, slick dancer, an added entry.

McCoy's outfit plays smoothly. Trumpet section, of course, is as is McCoy's hot-line in soloing. There is considerable excuse for his repeated playing, but it's never overdone. Additionally, he m.c.s the solo performance with ease.

Bob Nelson, band's arranger, is spotlighted with a piano solo and could do at least two. The three Bennett sisters, who're with the organization, are doing the same old routine, though the gloom-harmony around the mike and some first-rate tapping. The maestro appears to have a real assist in this team. Dick Lee, male balladist with the crew, is a solid clip in pictures 'Only Forever,' but not so forte with 'A Million Dreams Ago.' Mixes a nice smile with neat warbling and deserves additional songs. Band features 'Tear It Down,' 'Basin Street Blues' and the inevitable 'Sugar Blues.'

Miss Bailey, 'Old Rockin' Chair' lady of the air, is seemingly a lot popular behind the footlights as on the radio. 'I'm Nobody's Baby' and 'Lover Where Can You Be' latter in the modern-day idiom, are her best songs with 'Old Rockin' Chair' 'Got Me' for a closer. Enunciation and diction still make her singing among the tops of current balladists.

Calgary Bros. are doing the same old routine, though the gloom-harmony around the mike and some first-rate tapping. The maestro appears to have a real assist in this team. Dick Lee, male balladist with the crew, is a solid clip in pictures 'Only Forever,' but not so forte with 'A Million Dreams Ago.' Mixes a nice smile with neat warbling and deserves additional songs. Band features 'Tear It Down,' 'Basin Street Blues' and the inevitable 'Sugar Blues.'

Charles Barnes, who builds with his tap-dancing, appears to have been rushed in as an emergency. Theatre advertises Nash and Evans, and also Curley Van outside, but neither act shows.

Biz off at first show Friday (15).

HIPP, BALTO

Baltimore, Nov. 17.
Ken Murray with Milton Charleston, Betty Atkinson, Park and Clifford, Patricia Newman, Gabe and Royettes (14), Phil Wapkin House Orch (14), 'Mexican Spitfire Out West' (RKO).

With house orch on stage to rally the air, there's a lot of specialties, and house line of Roxettes skillfully woven in and out of doings by Beth Mitchell, show here takes on considerable stature. Out of the pit and on the stage, in Phil Lampkin, house orch helps with socko musical support.

Following a peppy collegiate routine by the house, which uses (Continued on page 55)

New Act

RICO de SIERRA

Songs
Hotel St. Moritz, N. Y.
This is Rico de Sierra's American debut. He's a 22-year-old Cuban singer, tall and personable with an engaging, romantic tenor, which, in combination, should prove even more effective with maturity and increased stage presence. Right now de Sierra has a bit of a hiccup in his act, but he makes a favorable impression on the floor of the Cafe de la Paix, at the Hotel St. Moritz.

De Sierra is slated for 'Crazy With the Heat' in the Continental Broadway musical, the cafe booking being a smart idea to work out the kinks. He does standard ballads like 'Bababab' with a nice self-accomp, the Mexican 'Estrellita,' and the inevitable 'Mama Inez' and 'Perfidia.' They're all Latin-American sureties by now, and under de Sierra's tenoring neat interpretation.

The St. Moritz otherwise holds over the expert Eddie Varos dance septet, with the talented maestro-violinist clicking heavily with sentimental ballads and a touch of domestic flavor. He's been here 14 months, apparently. Axture, and deservedly so. Vivian Blaine, new lounge singer, is hit 'n' miss with her vocal. Blues Glover and in her LaMae, long conducting the 'champagne hour' at the Rainbow Grill, are here with terp specialties, plus the dance-contest idea later in the evening. Nino continues as a personality greeter, and business is apparently good.

Unit Reviews

MAN ABOUT H'WOOD PARDON US, PLEASE!

(ALVIN, MPLS.)

Minneapolis, Nov. 16.
George McCall, Live 12, Ruth Foster, Buddy Green, Mamo, Billy Young, Virginia Gibson, 'Bobby Pinkus; 'Wagons Westward' (Rep).
George McCall, who has achieved radio prominence as the CBS West Coast film columnist on the Old God hour and the Kate Smith summer program, has had some of his 'Man About Hollywood' revue, breaking in at the Alvin. Besides providing pleasing entertainment, revue gives auditors a Hollywood education. While entirely unpretentious and probably comparatively economical in talent expenditure, it generates more audience satisfaction and pleasure than the more elaborate name Hollywood shows.

Instead of taking his cue from Louella Sullivan, Ed Sullivan and Elsa Maxwell, who have been touring with screen stars who have little or nothing to contribute in the way of stage performance, McCall has gathered together a half-dozen and-off-the-screen 'Hollywood' personalities, probably unknown by name to even the dyed-in-the-wool movie fans.

McCall has Gary Cooper to introduce him—from the screen—as the man who knows everything about Hollywood and the movies. In the scene, which was especially produced for the revue, Cooper also apologizes for his inability to be present in the flesh due to film commitments. While the film unwinds, McCall is at the microphone, telling the audience on what amounts to a personally conducted tour of Hollywood and the studios, relating interesting anecdotes about the stars and places and giving various Hollywood lowdowns. Laurel and Hardy stooge in and out of the film for comedy purposes. Numerous other stars also appear in company with McCall. All very interesting, as well as authentic, of course, and duly impresses the customers and helps to create a friendly audience attitude for the performers.

During the show, McCall eases, during various acts and answers questions about the film capital and stars, the queries being deposited in a box in the lobby for that purpose. It is a solid clip in pictures, itself to permit some joking. In some spots, at least, he may be an approach to a name with a segment of the film fans. The same goes for Mamo, a Tahitian beauty, the featured performer, whose talking point is the fact that she was the object of Clark Gable's screen affections in 'Mutiny on the Bounty.' So, all in all, the revue affords plenty of selling possibilities.

Here McCall is using the theatre's own line of 12 lookers instead of his own eight. The choristers participate in four well-staged numbers, costumed in a way that is considerable of their physical charms. The girls have a chance to sing and do solo work.

Show opens with the McCall film. Then, after the initial chorus bit, McCall tries on Ruth Foster, introducing her as the dancing duette for Joan Crawford and other non-dancing stars in various pictures. He taps nicely. Next comes Buddy Green, who, according to McCall, imitates the various stars for the Walt Disney cartoons. His impressions of Wallace Beery, Paul Muni, Ned Sparks, Jean Harlow, and Charles Boyer, when a good hand and, for a finisher, he takes off Clyde McCoy playing the 'Sugar Blues.'

Mamo is a stunning young woman, strikingly attired, and she and McCall exchange some smart patter. She also explains Tahitian customs and the native language. Then Billy Young, an exuberant comic, makes his appearance from the audience and, in a series of sketches, imitates the 'Bounty' imitation and the three of them do an amusing burlesque on a mystery drama. In explaining the way such dramas are made, Young cleverly imitates the various stars from one of her pictures for a good finish.

Another chorus number precedes the appearance of Virginia Gibson, introduced by McCall as the one who does the vocals for non-singing stars in films. She's a personable blonde with nice pipes heard to good advantage in 'South American Way' and other numbers. Her chorus production is built about her version of 'Alice Blue Gown.'

Bobby Pinkus, the show's principal comedian, lands laughs with his version of a crooner making love to a girl, his impression of a show little girl giving a recitation, and his exhibition of the dance 'that killed vaudeville.' He also does some first-rate acrobatic and eccentric stepping and with Miss Foster, clowning through a Hollywood casting office bit.

House well filled at the last show Saturday night (16).

Lincoln, Neb. Nov. 16.
Bill Gardner, 'Ore Don't Red-dings, Monte and Rochelle, Colova, Anne Collard, Bill Robb, Jr, Joe Vernon, Medley and Dupree, Line, 'Saint's Double Trouble' (RKO).

Showing inroads in talent made by lack of playing time as the 'Pardon Us, Please' unit moved east from the west coast, this 54-minute vaude collection, with a pretense towards an idea has a lot to do to get in shape for particular playing time. As it looked here, it was still breaking in, and trying desperately to keep from breaking in.

Charles Seidner, with most of his display photos tagged with signature of Leroy Prinz, the Hollywood dance director, and claiming to have Hollywood talent, makes the most of this in the show.

His principal number, 'Patronage,' is Colova (Marguerite Cole), who suggests from her entrance that she's going into some manner of a strip, but doesn't. Rather, she applies light showings of contortion with some rippling muscular work, that keeps the censors away and primes interest just the same.

Utility workmen in the unit are Don and Johnny Redding, doing acrobatics, and the ballroom dance team of Monte and Rochelle. After an opening number by the girls to allow the audience to set itself comfortably, the Reddings boys come forth with a little dancing. A couple of times later in the running they bound back for conversation, or biz. They're just fair on all counts. Monte and Rochelle are kept busy all the time—in fact, too much. In nearly every number by the girls—and there are four—the team comes in the package. They, too, are only average.

Medley and Dupree are the sole standard act, and quite familiar to vaude attendants. The routine right down to the explosion of the shrapnel-treated, phonograph remains as always, and Joe Miller's slapstick-ery gouges for laughs as usual.

Bill Robb, Jr, is the m.c. and sings and Anne Collard works as the femme foil when bits and blackouts are a-shred and a-shake. Robb covers the music side, and highlight Joe Vernon, a shiner on the drums. Biz only fair.

H'wood on Loose

(LYRIC, INDFLS.)

Indianapolis, Nov. 15.
'Hollywood on Loose' with Tom Brown, Arleen Whelan, Alexander D'Arcy, Judith Allen and Carlyle, Shaw and the Ginger Manners, Rosemary Albert, 'Three Flashes; 'Hit Parade of 41' (Rep).

The long-time complaint of the patron who lays his dough on the line to see film names in the line of the milder expressions, that they don't do anything. This week's bill at the Lyric takes up an hour's time to ensure that the milder expressions, that they don't do anything. This week's bill at the Lyric takes up an hour's time to ensure that the milder expressions, that they don't do anything.

Tom Brown, Arleen Whelan, and Alex D'Arcy are familiar names to those who attend ptx, but when given an opportunity to perform behind the footlights, they show a woeful lack of material.

Most of the stuff is strictly street-corner trivia. D'Arcy and his wife, Miss Whelan, try a song and dance, but the milder expressions, that they don't do anything. This week's bill at the Lyric takes up an hour's time to ensure that the milder expressions, that they don't do anything.

Others on the bill are strictly from vaude. Shaw and the Ginger Manners, in three spots, help Brown with egg gag first, then with spitting scene from street car and finally with their roller skating and dancing. Three Flashes do some tricks on roller skates in the deuce, working in front of pit orchestra on stage which hampers them for room.

Finger Manners give a good finish when she mouths the lyrics of 'Bets Bevel' and her synchronization with Andrews Sisters recording off stage. Rosemary Albert is winner of current amateur contest on WFBR and acquired her own outfit on May 16, 1940, at the Lyric.

This house at third show Friday (15).

Variety Bills

THIS WEEK (Nov. 15)
NEXT WEEK (Nov. 22)

Numerals in connection with bills below indicate opening day of show, whether full or split week

Loew

NEW YORK CITY
State (21)
Hermosa
Frances Faye
Paul Gertie
Jesse Teagarden
Washington
Capitol (22)

Rhythm Rockets
3 Arnold
Renna Co
C. Emmy Mad Wags
Wally Vernon
Barline King
Lila Moore

Paramount

NEW YORK CITY
Paramount (22)
Glen Gray 14
Red Skelton
Kulbitt
Connie Russell
(CRIC 44)
Chicago (22)
Xavier Cugat 14
Dick Don & Dinan
Raul & Eva Reyes

State Lake (22)
Jan Garber 14
Dillie Gilbert
F. D. Hoffman
Carter & Holmes
MINNEAPOLIS
Orchestra (22)
Harry James 14
Inkpot
Dick Don & Dinan
Rita & Ed Ochman

RKO

BOSTON
Kolls (21-24)
Toy & Wing
Paul Nolan
Halloway
S. B. B. B. B.
Milt Herch 3
(14-17)
R. & N. Perez
Miles King & Ray
Hedrick Calhoun
Johnny Burke
Mister Shaver Co
CHEVSEAND
Palace (22)
Louella Parsons Co
June Praelser
Hinnie Barnes
Joanna Joyce
Saba
Robert Cummings
Vin Orr
Mike Frankovich
Virginia O'Brien
(15)
Woody Herman
Stump & Stumpy
Bobby Day
Cash Day

State Lake (22)
Jan Garber 14
Dillie Gilbert
F. D. Hoffman
Carter & Holmes
MINNEAPOLIS
Orchestra (22)
Harry James 14
Inkpot
Dick Don & Dinan
Rita & Ed Ochman

Warner

NEW YORK CITY
Strand (22)
Ozzie Nelson
Harriet Hilliard
Roy Davis
Ray & Tent
(15)
Teddy Powell
Jack Haley
Priscilla Lane
Condo Bros
Bob Dupont
PHILADELPHIA
Earle (22)
Laurel & Hardy
U. S. A. and Toppy
Lay Parker Co
Maxine Conrad
10 Danny Dore
Darius Gardner
Gonzales & Christie
Cah Callaway
Milla Bros

State Lake (22)
Jan Garber 14
Dillie Gilbert
F. D. Hoffman
Carter & Holmes
MINNEAPOLIS
Orchestra (22)
Harry James 14
Inkpot
Dick Don & Dinan
Rita & Ed Ochman

Independent

NEW YORK CITY
Mead Hall (21)
Katherine Harris
Maurice Melbourne
Neal Kennedy
Andrew Gracie
Jack Powell
Rosemarie Brannato
Corp de Ballet
Rockettes
Glee Club
Erno Rakey Symph
Rakey (22)
Don Ames
Vincente Gomez
Galvan Co
Bel Tost Co
Apollo (22)
Chh Calloway Co
Whisper (21)
Johnny Barnes
Calgary Bros
Rufe Davis
Mildred Bailey
Cris McCoy
Prospect (22-24)
Dale Aris
3 Byrnes
Joe Termini
Will Hudson
B. Rivera (24)
(14-17)
L. H. H. H.
Art Paulson
BALTIMORE
Bipodom (21)
Bobby Bruce
Loul Lann
Bob Evans
Gaudin Bros
16 Glee Foster
State (22-27)
Chem Belling Co

State Lake (22)
Jan Garber 14
Dillie Gilbert
F. D. Hoffman
Carter & Holmes
MINNEAPOLIS
Orchestra (22)
Harry James 14
Inkpot
Dick Don & Dinan
Rita & Ed Ochman

HARTFORD

State (21-24)
Scholier Springs
Gene & Glenn
Edmund Love
Amy Overton
C. Fredericks Co

NEWARK
Adams (21)
Gray Gordon
T. Wonder
Betty
Everett Sils
Sith Timblin Co
CRIC 44

PATKESON
Mettie (22-25)
Gulls of 1941

PHILADELPHIA
Carman (22)
Hollywood
Ben Yost Variety
Colins & Peterson
A. K. K. K.

WASHINGTON
Alton & K. K. K.
Andy Kirk
Son & Son
Zephyr
Plymouth (22-27)
Unit

Worcester
Barry Roy
Dennis Sis

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Hotel St. George

Johnny McGee
Alan Ward
Jane Gerard
Worrell St
Bud Lawrence

Hotel St. Morris
Eddie Vargas
Gloria La Mesa
Rico de Sierra
Vivian Blaine

Hotel St. Regis
Hail Saunders
Gus Martel
Dorothy Lewis
Hesley Twins
Bill & Betty Wade

Hotel Vart
Frankie Masters
Hotel Waldorf
Antonia
Empire Room
Key Kner
Gibby Sims

Hotel Waldorf
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Gibby Sims

Hotel St. George

Johnny McGee
Alan Ward
Jane Gerard
Worrell St
Bud Lawrence

Hotel St. Morris
Eddie Vargas
Gloria La Mesa
Rico de Sierra
Vivian Blaine

Hotel St. Regis
Hail Saunders
Gus Martel
Dorothy Lewis
Hesley Twins
Bill & Betty Wade

Hotel Vart
Frankie Masters
Hotel Waldorf
Antonia
Empire Room
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11 Legiters Tee Off Sundays (24), With 3 More to Follow; Nights at First

Geer, the Politician

First test of Sunday nights on Broadway will come Sunday (24). Exact number of performances to be given is not certain, but indications are that at least 11 will light up, three others being slated to join the Sabbath list. If so, that will be slightly more than 50% of the total number of productions operating. None of the major musicals will be on the Sunday starting list with the exceptions of 'Hellzapoppin', 'Winter Garden', and 'It Happens on Ice'. Center, latter, has been playing Sundays since opening.

At start, the performances will be given at night. Managerial opinion seems to be that if Sundays are to be established an evening clientele must be 'educated' in attending the theatre at that time. Others believe that it will require quite some time for New Yorkers, who can afford theatre prices to discontinue their custom of Sunday night social visits, card parties and the like.

Managers, however, say they are willing to lose money on Sundays if they are eventually successful in building up the new patronage. Evening performances are being fostered by the League of New York Theatres, with the idea of having uniformity in presenting all legitimate consideration appears to have been given the suggestion that Sabbath afternoon performances, starting at 3:30, would be more likely to attract picture-house audiences and those with pop price pocket-books.

Equity, though, favors that idea. Its monthly magazine expresses the opinion that while it has no real right to tell managers how to handle Sundays, it makes a suggestion to them as to where it believes the best chance of success for such performances is to be found. By implication it says afternoons should be favored.

Special advertising is running in the dailies calling attention to the Sunday shows. Copy was prepared by the League and will probably be pre-arranged among the shows that play that day. But that it will be necessary to keep the Sunday idea before the public and also out-of-town visitors not aware of such showings. Likely that an extensive promotional campaign will follow, with suburban points emphasized.

Two straight shows played last Sunday (17) under the new rule, one being 'Tobacco Road', Forrest (its second Sunday), and 'Susan and the Elders', Morosco. Latter show stressed the number of moderate-priced seats and both played in the evening. 'Road' has the cheapest admission on the list, being \$1.10 top. 'Louisiana Purchase', Imperial, also played last Sunday night, but it was for the benefit of the Actors Fund.

'HEAT,' COSTLY SUMMER SHOW, DUE FOR B'WAY

'Crazy With the Heat,' an intimate revue due into rehearsal next week, was the most expensive venture in the rural theatres last summer. Kurt Kaszner, 29-year-old Viennese, said he would have a wealthy wife, will present the show on Broadway as he did at White Plains and other spots originally. Willie Howard and Louella Gear will head the new cast, originally topped by Sheila Barrett.

Summer showings are known to have involved the outlay of more than \$15,000 and the estimated production cost before it opens a tryout in Boston at Christmas time is around \$75,000. It had been reported in rehearsal some weeks ago, but casting delays postponed the start. Kaszner is said to have been with the Max Reinhardt repulse which came to this side during the last two years.

'Heat' has a flock of writers connected with it. Skits are by Luther Davis, John Cleveland, Kay Kenny and John La Touche, score coming from Irvin Graham and Rudi Revel. First two named are magazine writers whose yarn on Jinx Falkenberg ('Hold on to Your Hats') in Collier's won them a bonus.

Also in the new cast lineup are Richard Kollmar, wed to the Journal-American columnist Dorothy Kilgallen, Grace, and William de Sierra and Lubov Rostova. Nick Holde is general manager of the Kaszner outfit.

Nyack, Nov. 18:

Will Geer, currently appearing in 'Tobacco Road', on Broadway, was elected to the county committee of the Rockland County American Labor Party at a meeting held in Spring Valley. Party is planning complete tickets in future elections and is organizing more formally, with Geer, one of many theatre people living in Rockland, getting a post.

On the county committee with him are a factory hand, nurseryman, Negro laborer, Negro Socialist and an accredited union organizer.

Percentage Deals For Entire Casts, New Legit Idea

What is seen to be a new trend among producers with limited bank-rolls is to engage casts at the minimum salary plus a percentage of the gross. Theory is that if the players or the play draws profitable patronage, the actors will benefit to a greater extent than at regular salaries. The percentage system also would eliminate the necessity of going to Equity if business is under expectations to seek salary cuts.

Idea of engaging players for salaries less than they usually command, with contracts stipulating percentage participation, is not new in the theatre, but it is not usual. That whole casts engaged thus, however, is the latest wrinkle. An outstanding success that started with the leads on percentage was 'Street Scene', William A. Brady telling the actors they should be in on the risk because of production costs. After the drama clicked the manager issued new contracts to those who accepted them, with regular salaries stipulated. One actor insisted on the original agreement and took down considerably more than his regular pay.

Two shows of recent arrival on Broadway have cut salaries. 'Suzannah and The Elders', Morosco, has a somewhat different type of arrangement for the slice, that being agreed to when the cast accepted a reduction of 40%. If the gross exceeds \$5,000 the actors get 10-15% additional pay, 20% more if they bring \$6,000 and full salaries if reaching \$7,000 or more. 'Beverly Hills', Fulton, is also on a cut salary basis starting this week.

When actors are on percentage in such instances, boxoffice statements are given the Equity deputy for perusal by the cast, which can then figure what the week's pay is to be. Such statements are signed by the treasurer, along with the house and company managers, so there is little or no chance for incorrect grosses.

In addition to the shows with reduced salaries, several arrivals during the fall employing two-for-one tickets to draw bargain patronage.

Minimum salary at present is \$40 weekly, but increases to \$50 start Dec. with the initiation fee for Equity membership being doubled to \$100. Present contracts, however, are not retroactive.

Cornelia Otis Skinner's Problem Is Unusual

Cornelia Otis Skinner, who is appearing on the Coast in her one-person program, faces an unusual problem. She plans appearing in a straight show after the first of the year, but must make up her mind about cancelling solo bookings during January, February and March. Contracts for the concert dates total \$28,000, all guaranteed, thereby assuring her considerable profit.

Plays she is considering are 'By Any Other Name', by Warren Munsell, Jr., and 'Not to the Swift', by Thomas Job. With her 'monodrama', 'Mission on their Hudson' and 'The Loves of Charles II', she is currently appearing in San Francisco.

Dowling As Play Judge

Chicago, Nov. 19. Eddie Dowling, here with 'Time of Your Life', will serve as one of the jury allotting an award of \$300 in the Marjorie Montgomery Ward Baker play contest to be held next summer at the Coach House theatre in Oconomowoc, Wis.

Coach House play contest closes on Jan. 1. Also on the play jury will be Cecil Smith, drama critic of the Chicago Tribune. Coach House is headed by Thoda Crofoot, Chi rep for the American Theatre Society.

B'WAY LEADERS SPOTTY BUT BIZ IS OK

Business on Broadway continues to be prosperous but somewhat spotty among the leaders. Elsewhere managers are not complaining but ticket brokers have been affected and they question whether New Yorkers can support the number of \$4.40 musicals now competing with each other. Agencies point out that when the metropolis starts filling up at weekends, their volume of sales jumps. First half last week was off, as it was the previous week.

'Panama Hattie' is easily the tops in agency demand, with the call for other new musical clicks being denied since its opening. 'Louisiana Purchase' the exception. Fall period is approaching the peak with the arrival of the new Thanksgiving this Thursday (21).

One attraction is closing Saturday (23) when 'DuBarry Was a Lady' goes to the road from the Royale. There's some question about 'Quiet Please' sticking at the Guild after Thursday.

Due next week: 'The Corn Is Green', well regarded out of town, National, and 'Fledgling', Hudson.

Lyons & Lyons, Shurr Agcys. Put on Carpet In Carol Bruce Matter

Two casting agency heads were called before Equity's council Tuesday (19) to furnish reasons why their permits should not be cancelled for violation of the association's licensing rules in the case of Carol Bruce, 'Louisiana Purchase' warbler, who also breached the rules and was fined. Agents involved are Louis Shurr and Lyons & Lyons. Former booked her with the show, then both figured in spotting her at the Waldorf-Astoria hotel for night-club appearances and on radio (Ben Bernie program). Matter was put over for another week or two.

Equity complaint is that both agencies erred by figuring in the club and radio dates, as both were aware that the girl's contract with Buddy De Sylva, producer of 'Purchase', stipulated her exclusive services for the show. Whether there were dual commissions for the extra dates is not involved, since they are outside Equity's jurisdiction. Also probably figuring is Martin Spector, her attorney, who is understood to have advised the singer since she entered the profession.

There is no provision in Equity's (Continued on page 50)

B. O. WILL DETERMINE GREEN DRAMAS' FUTURE

Charlotte, N. C., Nov. 19. At the end of this week it will be determined whether Paul Green will continue with his series of historical dramas based on Tar Heel history. Final returns from the 'Highland Call', now being presented nightly at Fayetteville, will either make or break the projected series of dramas—a project unique in the entire country.

If these showings prove self-sustaining financially, or if they approximately break even, Green will undoubtedly be encouraged to continue and he will find backers in other places where the dramas are being considered.

Reports from Fayetteville indicate that this week's attendance must be good in order for 'Call' to pay its way. Something like \$10,000 was invested in its production.

In Ruling Against AGMA's Suit Vs. AFM (Petrillo), the Court Holds It Can't Decide on Union's Bylaws

Equity Initiation \$100

Initiation fee required of players elected to any class of membership in Equity on and after Dec. 1 will be \$100, with the exception of juveniles under the age of 14. Youngsters of such type are exempt from initiation payment, as heretofore, until they are 14, when the doubled fee must be paid if they remain on the stage.

Fee was \$50, increase accompanying the boosting of minimum salaries from \$40 to \$50, effective Dec. 1.

Shubert Drops Detroit Project; 5 Losing Wks.

Detroit, Nov. 19. Although its final week pulled out the best attendance, the J. J. Shubert venture in stock musical productions washed out here with the second week of 'Blossom Time' after five unsuccessful week at the Wilson. There is the possibility at the present time that the house will be kept alive by swinging into pictures with Charlie Chaplin's 'The Dictator', followed by Disney's 'Fantasia', and the musical shows resumed after the first of the year, when conditions here are expected to be better as the armament coin trickles down from the bottlenecks.

The Shubert productions, originally planned as road shows at two-week intervals, gave Detroit three shows in operation for the first time in a decade, but the town wasn't up to it. Cass playing the regular road shows, and the Lafayette struggling along and looking to making the grade with \$1 top drama.

J. J. Shubert, who is said to have dropped \$40,000 on the project, holds a two-year lease on the Wilson. Season was launched with 'Unfaithfully Yours', originally known as 'Du Barry when seen on Broadway with Grace Moore. This was expected to go out from there and open up a mid-West road, but the proposal died when the opera was shut out of its first move into Chicago. 'Too Many Girls' followed for a slow week.

'Blossom Time' did better and pulled out the best attendance in its second week, when a local find, 17-year-old Barbara Scully, took over the Mizzi role and price was dropped to \$1. But the lift wasn't enough to warrant carrying on the project at this time, it was said, with the dull Christmas shopping season coming up.

2 Ice Shows at N. Y. Garden to Oppose Center

First opposition to 'It Happens on Ice', Center, N. Y., will be the 'Ice Follies of 1941', dated at Madison Square Garden from Dec. 2 to 11, engagement dropping the intervening Sunday (8) because of a hockey contest. Ticket sale which opened Monday (18) was reported exceptionally heavy. Second rink show to buck the revue will be headed by 'Sonja Henie, due at the Garden in January. Miss Henie and Arthur Wirtz are presenters of 'Happens'. No other ice shows are scheduled for the Garden, which has dropped the skiing events that had a commercial tieup.

'Happens' went off somewhat last mid-week because of rainy weather, but started with an exceptionally big Sunday and ended strongly on Saturday (18) for takings around \$33,000. Perfor mance suffered through the absence of La Verne, one of the outfit's solo stars, who returned to the show yesterday (Tuesday).

The American Guild of Musical Artists, Inc., and the numerous singers and instrumentalists who joined with the organization in its fight against James C. Petrillo and the American Federation of Musicians, lost the first important phase of their battle yesterday (Tues.). Justice Aaron Steuer in N. Y. supreme court ruled against AGMA's plea for an injunction against Petrillo, to prevent the union leader from carrying out threats against AGMA members. Petrillo had ordered all instrumentalists and accompanists, the first of whom number approximately 30 and the latter several hundred, who were members of AGMA, to resign by Labor Day of this year or be precluded from playing in concert, radio recording, etc.

AGMA immediately claiming 'Hitler tactics', applied to the courts for relief, and secured a stay of Petrillo's edict until the application for an injunction could be argued before the court. Justice Steuer has been pondering the case for many weeks, and his decision ruled that the instrumentalists, under the laws of the American Federation of Labor, belonged to the defendant. The court commented upon but did not rule on the many charges against the arbitrary manner of Petrillo's order, and, finding triable issues, denied the defendants' plea to dismiss the suit.

The decision is as follows: 'The membership of plaintiff (hereinafter called AGMA) is composed of vocal and instrumental soloists. Defendant union draws its membership from musicians playing in bands and orchestras. Defendant has announced that hereafter it will not allow its members to participate in any musical rendering in which an instrumentalist member of AGMA is taking part and it has called on such members of AGMA to resign and join defendant. Plaintiff seeks to enjoin defendant from carrying out this program.

The difficulties in this situation are of plaintiffs' making. It had been defendant's position that the members of AGMA were not suitable candidates for membership in a labor union. Plaintiffs made this position untenable by forming and joining a labor union. By these acts they declared themselves to be proper subjects for union membership. As such, within the union structure, it has been determined by the American Federation of Labor that the defendant is the union, having jurisdiction. Defendant now seeks to enforce its rights to extend its membership.

Unionists. The means employed are not illegal and as unionists they must be familiar to the plaintiffs. Despite their claims, no breach of contract is threatened by defendant. It is not shown that defendant's activity is due to malevolence.

'Much has been said about the arbitrary character of control given by the constitution of the defendant union to its president. All this is true.

It is claimed that this control exposes AGMA members who might join defendant to great danger from extortion. This danger may exist.

'But the courts do not draw constitutions and do not select the union to be joined. These are economic problems outside the scope of judicial activity. Relief in such situations must be had from other sources.

'The motion must be denied. As the complaint does state a cause of action, the cross-motion is likewise denied.

'Plaintiffs in the action are Deems Taylor, Kirsten Flagstad, Jascha Heifetz, Emanuel Feuermann, Richard Crooks, Richard Bonelli, Frank Chapman, Gladys Swarthout, Albert Spelling, Armand Trostman, Zlatko Polokovic and AGMA's president, Lawrence Tibbett.

AGMA's attorneys met late yesterday (Tues.) afternoon and a course of action will be presented to the board today (Wed.). Petrillo could not be reached last night for a statement as to his intentions.

AGMA will probably press for an immediate trial, so that the contemplated calling out of AFM musicians by Petrillo will do as little damage as possible if a trial deciding the issues can be reached within the next month.

Special Equity Council's Meeting Deliberates on Nominations, Reds

A special session of the council was held at Equity Friday (15) for the purpose of considering two proposed amendments to the constitution. One was to change the method of making nominations and the other had to do with the regulation which would bar Communists, Nazis and Fascists from holding office or employment in Equity. Both proposals are partly co-related, but remained in committee, it being the opinion of some observers that some of the disputants were time-wasters.

Nomination proposal occupied most of the meeting. Idea of its proponents was that if a change in the system were made, it would stimulate interest of the membership in the selection of their leaders and would make for a more democratic organization. Present system is the use of nominating committee of nine, three being named by the council and six by the membership at general meeting.

Since a simple majority is only necessary to nominate, it is believed that the present rules give the membership ample chance to favor their own choices. Those not in favor of changing the rules figure that, inasmuch as suggestions by letter from rank and file are considered, the only excuse for revising the system would be an attempt to place more people in the council by a minority group which aims to control the body and therefore the association.

The anti-Red proposal is regarded as one of the most puzzling problems being considered by the actors. That any person on committee should definitely say that any member is definitely radical, or so inclined, is not believed to be reasonable nor logical, unless undisputed proof is obtainable. Certain councillors are for dismissing any member of the body unless officially named. That might come if identity is made by the Dies committee, when and if that investigating group complies with Equity's request for action.

ATLANTA IS HEADING BACK TO LEGIT DIET

Atlanta, Nov. 19. Devotees of legit here and hereabouts, starved for quite some time, have a group of outstanding plays to look forward to this season at the Erlanger, operated by W. F. Winecoff. First to come in was 'Skylark', starring Gertrude Lawrence, for three performances (8-9). Next will be Francis Lederer in 'Autumn Crocus' Nov. 29-30 for three shows, to be followed by Katharine Hepburn in 'Philadelphia Story' Jan. 21-22.

Tallulah Bankhead, prime fare here because of her Alabama connections in addition to her histrionic ability, is scheduled to bring her 'Little Foxes' to Erlanger here, 14-15. Next on list will be 'The Man Who Came to Dinner', March 3-5. 'Hellzapoppin' is on date book for March 25-26-27.

Taken all in all, the list is imposing for this neck of the woods, which is far removed from beaten track of legit routings.

Legit Cues

Reginald Denham, co-author with Edward Percy of 'Ladies in Retirement', collaborating by cable on another meller, 'Tomorrow We Smile', which he may produce in New York himself. Also translating into American his own London success, 'First Night'.

Ruth Gordon, mentioned for the new Paul Vincent Carroll play, 'The Old Foolishness'. John Golden will produce it, with Eddie Choate having a silent interest.

Robert Ardrey, left by motor yesterday (Tuesday) for Texas, planning to stop off in Washington to see 'The Corn Is Green', which is trying out there this week. Playwright-scenarist has a new drama in mind.

Dorothy Fox will assist Charles Walters in doing the choreography and staging the dances for the new Dennis King musical. She and Walters were partners several years ago. Both are managed by John Darrow.

Agents on Carpet

Continued from page 49

agency rules for punishment by fine in cases where rules are breached, but council may suspend or permanently revoke a permit. Miss Bruce was fined \$500 by Equity for making the outside appearances without DeSylva's permission. She was originally engaged for 'Purchase' at \$125 weekly, but after the show opened out of town was given a run of the play contract for \$150.

DeSylva relented later and gave Miss Bruce permission to accept radio engagements. Stated that he had planned raising her salary to \$400 weekly after 'Purchase' opened in New York, but changed his mind when she appeared outside the show. Showman was also said to have been annoyed when she was reputedly committed to Universal Pictures after the run of 'Purchase'. DeSylva counting on using her in another show then or in films.

Last year the Shurr agency figured in the George Tappa matter when it was discovered that the hooper had paid commissions to two agencies, the other being William Morris, for his engagement in 'Id Ratter Be Right'. Both was ordered to refund all the commissions to Equity, where it was put in the emergency fund.

Sam Lyons for Coast

Hollywood, Nov. 19.

Sam Lyons planned in from New York.

He handled several deals in east for Frank Orsatti, but there's no definite clasp between the two agencies.

Engagements

Jack Durant, June Horoc, 'Pal Joey'.

Jessie Ralph, 'The Flying Gerardos'.

Paul Huber, Johnny Belinda.

Joe Laurie, Jr., Jack Norworth, Ginger Manners, Marjorie Lord, 'Snookie'.

Claire Trevor, Keenan Wynn, Charles de Shelm, Sam Levene, Martin Blaine, 'Out West It's Different'.

Florenz Ames, Barbara Reed, Henry Antrim, 'The Hard Way'.

Sally O'Neill, Roy Roberts, Margery Maude, 'The Old Foolishness'.

Harry Gribbon, Thomas Beck, Norman Tokar, Katherine Gray, Arnold Koert, Charlotte Neilson, Harry Irvine, 'Delicate Story'.

Kent Smith, Jane Cowl, Peggy Wood, Barry Jones, Adele Longmire, Edna West, Anna Franklin, Nancy Wiman, 'Old Acquaintance' (complete cast).

Betty Field, Arnold Moss, Paul Harnier, Hugh Marlowe, Eleanor Mendelsohn, James Seelye, Constance McKay, Boris Marshalov, Randolph Rhodes, Arvid Paulson, Karl Malden, Helen Renee, Rudolf Weiss, Elmer Borwon, John Triggs, Harold Dyrenforth, 'Flight to the West'.

Tonight at 8:30' in S. F.

San Francisco, Nov. 19.

Booked in suddenly from Los Angeles, series of Noel Coward's 'Tonight at 8:30' plays will be offered by film casts at Curran theatre here Nov. 25-30, at \$27.50 top. Trio of skits will be presented each evening under auspices of Players' Theatre. When done in L. A., coin went to British War Relief Fund.

Same house relighted Monday (18) with Cornelia Otis Skinner for a week's stand.

NEW CHI PRODUCTION

Chicago, Nov. 19.

Radio Theatre, Inc., headed by Art Peterson and Pearl Ross, will do a little theatre production of a new play tagged 'Protective Custody' in the Civic theatre here Dec. 13-14.

Play was written by Marion McGuire and Henry Rosendahl. Will be directed by John McGee, former Federal Theatre Project chief in Chicago.

Shows in Rehearsal

'The Old Foolishness'—John Golden.

'Flight to the West'—Playwrights.

'Out West It's Different'—Max Gordon.

'Due to Passion'—Aldrich and Myers.

'Delicate Story'—Gilbert Miller, Vinton Freedley.

'Old Acquaintance'—Dwight Deere Wiman.

'Pal Joey'—George Abbott.

'On the Record'—John Shubert.

'Hi-Ya Gentlemen'—Alex Aarons, Robert Ritchie.

'Romantic Mr. Dickens'—John Tuark.

'Fledgling' (Follow the Furies)—Otis Chafeld-Taylor.

Plays on B'way

Glamour Preferred

Fare comedy in three acts presented at the Moritz Theatre is for the provided. Brock Pemberton, written by Florence Ryerson and Colin Clendenen; staged by Antonio Perry; settings by John Root; \$3.30 top.

Amanda Beckett..... Helen Harmon

Max Musick..... Glen Langner

Angela Vaughn..... Irene Corlett

Max Musick..... Loring Smith

Lynn Eldridge..... Flora Campbell

Silver-Fish Exterminators (Thomas Ray)

Jeff Potter..... Lex Lindsay

Kerry Eldridge..... Glen Langner

Henry..... Haskell Coffin

Bernard C. Goldwater..... Louis Scola

Nicholas Jorga..... Helen Riggs

Mrs. Florida Mott..... Mabel Turner

Lady Bonita Towny..... Betty Lawford

Henry Cox..... Elaine Perry

A Strange Girl..... Elaine Perry

Karl Reinbeck..... Henry Lawry

Hubert Towny..... Robert Craven

Officer Hannan..... James Gregory

Latest comedy peopled with Hollywood characters is for diverting, but could have been better. Impression is that 'Glamour Preferred' just misses, but that the authors might have made it the first play click this autumn.

First known as 'Morality Clause', new comedy staged in fast tempo by Antoinette Perry seems the best of three plays of Coast locale that came to win a series of eight plays. Had 'Glamour' premiered first it probably would have been more cordially received. It is the best performance of the trinity and its sex stuff does not intrude as crudely as the others, which are 'Beverly Hills' (Fulton) and 'Quiet, Please' (Guild).

There is a situation similarity in 'Glamour' and 'Hills' it belies a basic triangle idea, always familiar on the stage. 'Hero' husbands in both plays fall for the wiles of married hoys; Credulity in both comedy is not important so long as fun is provided, but that so nice a girl as Lynn Eldridge should continue to adore such a stuffed shirt as her pretty boy male, Kerry, picture lead, stretches the imagination.

Kerry had been 'found' in a hash house, his schnozz fixed up and he was made into a star by Bernard C. Goldwater, who presented Lynn in films previously. At her first play, Character of the dialect-speaking Goldwater is on the stage too much. He gets over some of the laughs, being his dispenser of a Goldwyn, but says that successful producer's native wit. Part is over-written and padding of a dress-stuff incident slowed up act two.

Matters in the Eldridge home in San Fernando Valley were right until Lady Bonita Towny plane to town, and moved in on them. She had been one of Kerry's flames years before, a night clubbing hooper, called 'Hotstuff', but wed today's Hubert. Learning that Hubert aims to settle down on his Australian shee ranch, she schemes a way to return to Hollywood.

Kerry is about to start on a new picture when Bonnie sells him the idea of ditching the story and co-starring with her in a best seller called 'Night of Love'. Goldwater rages while Lynn listens to Hubert, who is aware of his wife's transgressions and who proposes that they leave Mexico and get divorces. Kerry comes to leave him. A film story finale has Kerry in an accident and he is brought in bruised on the forehead. That, however, came when Bonnie socked him with an Oscar Academy award which he just copped. However, Goldwater leaves the idea of the screwy author 'Love' and that Kerry and Lynn play opposite each other and everything is hunky-dory.

Play has a bolsterous last act, best part of the performance. Flora Campbell is splendid as Lynn, it being her first appearance in some time. Newcomer Glen Langan plays Kerry, not an easy part for a handsome fellow. Betty Lawford is ex-Louis Sorlin rates well as Bonnie, leads with his Goldwater, and so does Robert Craven as the British Hubert. Laughs should have come from Stefan Schnabel, playing a know it all Russian director. Mabel

Inside Stuff—Legit

It was known before Maida Reade appeared before council to answer charges of being 'unfaithful to her trust' in using part of Equity's mailing list for literature favoring Wendell Wilkie that she would have a number of defenders. Miss Reade had been reprimanded by the council, and to bring her before that body again on the same matter was considered to be double jeopardy, therefore foreign to American procedure. Yesterday (Tuesday) council refused to reopen the case.

It was a case of whether the council would reverse itself, but under the rules was forced to accept the charges. Even the intent of the complaint, signed by eight members, was to force Miss Reade off the council, where she is highly regarded because of her activities in behalf of the actors. In admitting the transgression, she indicated willingness to withdraw, but fellow councillors declined to take such action. It is not denied that Miss Reade was at fault, even by those who also supported the unsuccessful Wilkie, but the aim of the council is for unity. Ruction which started when Congressman William P. Lambertson charged that Reds were in the council has quieted down for the time being, but it is felt that if Miss Reade were dropped from that body fresh feeling would be aroused.

Despite the fact that eats were on the house in 'Elmer The Great', the show stopped Saturday (18) in Boston at the suggestion of Joe E. Brown, who was started by Aldrich and Myers, manager of 'Hold On To Your Hats' (Al Jolson). Substitutes were Louis Epstein, also that Brown would be better off in a new play than chancing a flop in an old one. 'Elmer' played in New York originally for 40 performances and was tabbed unsuccessful. That company, with Walter Huston, was seen in Boston in 1928 under the title of 'Fast Company'.

'Elmer' drew a very good press, but not enough patronage for a play with six settings, which required a fairly large crew. However, it was a winner in summer stocks. Brown may bow in with 'Western Union Please', under the same management. Authors are now engaged rewriting the script.

Series of six stories on company managers ran daily in the World-Telegram, N. Y., bylined by Douglas Gilbert, specialist in theatrical personalities. Substitutes were Louis Epstein, manager of 'Hold On To Your Hats' (Al Jolson), Nick Holde, who handled the revival of 'Showboat' after the death of Flo Ziegfeld, Marty Fokins, in on a number of legit shows and personal manager of Bill Robinson, Johnny O'Connor, manager of Fred Waring and his Pennsylvanians, Charles Harris, who manages 'Louisiana Purchase', and Richard Berger, who was associated with Laurence Schwab and who is managing director of the St. Louis municipal opera company.

Several others were to have been limelighted, including William (Willie) Gilbert Norton, manager of the Music Box and Sam H. Harris attractions, but he declined the nomination.

Returning from Elkton, Md., after her surprise Friday (15) wedding to William R. Smith, Coast agent, Ethel Merman's initial entrance in 'Panama Hattie', 46th Street, N. Y., that evening was greeted with congratulatory salvos of laughter and plaudits from the audience. Lines between the star and James Dunn were frequently interrupted by the house, script calling for references to their supposed on-again, off-again marriage and honeymoon. After the finale, players, choristers and pit musicians deluged the new Mrs. Smith with rice and the pit band also contributed an old song.

Smith met Miss Merman during rehearsals of 'Hattie' and their courtship was swift. In Hollywood he is associated with the Feldman, Blum agency.

Al Jolson indicated a mild burn over the renewed use of his name for a theatre. It is the same house built by the Shuberts in conjunction with apartments at Seventh avenue, New York, close to Central Park. For a time major musicals were presented there, but the showmen abandoned the property, the house being used for foreign language shows and films for years.

Original name of the theatre lapsed, but with Jolson's presence in 'Hold On To Your Hats' (Shubert) a painted sign was recently placed on the canopy reading: Al Jolson Theatre. Underneath it another sign reads: Teatro Venezia. Recent attractions have been in the Italian tongue.

'It Happens on Ice', currently in its seventh week at the Center, N. Y., has been cut considerably since the opening. There has also been a number of comedy bits added. As a result, the show is smoother and more entertaining than before.

Turner, as representative of the Purty League, is another character with too much to say. Lex Lindsay is okay as a press agent, and same goes for Elsie Mae Gordon, a maid who was a pro.

'Glamour Preferred' is the third play with film characters presented by Brock Pemberton, who scored with 'Personal Appearance' and 'Kiss the Boys Goodbye'. His newest effort is one that will cause a wider difference of opinion than the others. See.

SARAH SIMPLE

Comedy in three acts presented at the Provincetown Playhouse, N. Y., Nov. 16, by the Hilltop Theatre, staged by Wallace Rooney, written by S. J. Settelles, Forrest Thayer, Jr.; \$1.60 top. William Bendish..... Guy Smutt

Marianne Bell-Mason..... Helen Riggs

Sarah..... Joy Harrington

Altruda Bendish..... Leslie Stevens

Charles, the waiter..... Edward Broadley

After three years of summer stock at Ellcott City, Md., four miles from Baltimore, and winter barnstorming in firehouse and town halls, schools and little theatres in the vicinity, a group of youngsters who label themselves 'The Hilltop Theatre' have invaded New York City. They opened Saturday (16) at Greenwich Village's Provincetown Playhouse.

Hilltoppers, in the semi-pro class, apparently recognized their own shortcomings and stepped outside for four Equity players for their cast of six. They have given themselves an impossible task, however, for their preem. The A. A. Milne play which they have selected for the unveiling would take a deal more time than the producers, director Wallace Rooney, or the players can give—and it still wouldn't be worth much. This is its first presentation in America after kicking around the world for years, and the reason is clear. It achieved some success in London in 1937.

Maryland players plan a six-month season, each show running two weeks and with a two-week intermission between. Next is 'Help Wanted Female', by Irving Jones, set to uncork Dec. 17. Group is also operating a children's theatre, which will open

under the direction of Jeanne Elgart on the Provincetown stage with 'Hazel and Gretel' on Nov. 21. It will be given matinees every Friday, Saturday and Sunday for a month at \$1.10 top.

Equities in the 'Sarah Simple' cast are Guy Spaul, who's worked mostly in England but was seen here in 'Fanny Forster', Helen Riggs, Canadian player; Edward Broadley and Joy Harrington. Latter is by far the standout of the Hilltop production.

Wishy story deals with an Englishman separated—but not divorced—from his wife for eight years. She has become a milliner in New York under the 'Sarah Simple' tag and returns to find her spouse in an embrace with a carter's widow (Helen Riggs). Engineering by Miss Harrington, the wife, to win back Spaul, her husband, by apparently aiding him in his efforts to get a divorce comprises the action.

Rooney's staging is no asset. With a talky play and little inherent action, he has done nothing to correct its faults. Leslie Stevens and Florence MacMichael, the two best scenic designers in minor roles and don't do much to increase their importance. Two sets by Forrest Thayer, Jr., are standouts, making a real impression on the tiny Provincetown stage.

Hilltoppers can continue on almost infinitesimal grosses, as they have apartments on the floors above the theatre, in addition to which many of the original group are getting support from home. They all work on percentage. Lineup of patrons at \$5 each has also been partially set. House, with 198 seats, is sealed to \$1.24, total for six performances weekly. Herb.

Dante to Maine

Portland, Me., Nov. 19.

'Sim Sala Blim', magic revue headed by Dante, will spell local Civic theatre's stock crew while they take week's layoff.

Date is week of Nov. 25.

'Lady Waiting' Nice \$10,000 In Chi; Saroyan's 'Life', 'Father', Top 13½G

Chicago, Nov. 19. Business held better generally throughout the Joplin district, with indications of boxoffice pickup following the sharp post-election toboggan, which had the legit managers crying for their aspirin. 'Lady in Waiting' came into the Harris Nov. 10 and is getting by with the personal following here of Gladys George. Actress was here in 'Personal Appearance' some years ago and enlarged her following with her subsequent picture assignments. 'Male Animal' will quit town on Nov. 23 after fair profits. House will be dark for one night and then reopens Nov. 25 with 'Pygmalion', which will be the second year in town in succession for Ruth Chatterton. Set in the future is 'DuBarry Was a Lady', which is scheduled for the Erskine here following with 'Your Life' continues to round out a healthy money session in that house at present.

Other two shows, 'Meet the Pepole' and 'Life With Father', though off from the peaks, are nevertheless holding steadily.

Estimates for Last Week
'Lady in Waiting', Harris (1st week) (1,000; \$2.75). Word of mouth to \$10,000 in initial week. 'Life With Father', Blackstone (37th week) (1,200; \$2.75). Picked up quickly after bit of a slump on election week and came back to nearly \$14,000.

'Male Animal', Selwyn (10th week) (1,000; \$2.75). Last-weeks notice is up and figures to aid the closing days of the run. Upped to \$10,000.

'Meet the People', Grand (7th week) (1,200; \$2.75). Strong party business last week aided this one to \$2,000.

'Time of Your Life', Erlanger (3d week) (1,300; \$2.75). Has caught the Chicago public's fancy and galloping steadily, rated over \$13,500.

CHATTERTON 'PYG' NICE \$12,000 IN DETROIT

Detroit, Nov. 19. It's feast or famine here. Where last week there were three legitimate houses in operation, this week sees only one. The Wilson has shuttered, the Cass is dark a week on bookings and only the Lafayette with pop priced drama is carrying the house.

The Cass, playing road shows, did a fairish business with Ruth Chatterton in 'Pygmalion', but goes dark until 'Pins and Needles' comes in on Nov. 23.

With both other houses dark it may give the Wee & Leventhal experiment in dollar drama a good chance to take hold this week. Management figures it went too long by a week in carrying its opening show 'See My Lawyer', for two and a half weeks. Its present show, 'Rocket to the Moon', will go for only a week, ditto the following shows.

'Blossom Time' (Wilson) (1,900; \$1.10).—With the price reduction from \$2.20 and with press attention paid to Detroit youngster in Mitzi role, this got approximately \$5,800 in its first week, as compared to \$9,200 in the first.

'Pygmalion' (Cass) (1,400; \$2.50).—This came out all right with an approximate \$12,000 as contrasted to \$9,700 for 'Lady in Waiting' at the same price.

'See My Lawyer' (Lafayette) (1,900; \$1.10).—This fell away in its final 10 performances with an approximate \$3,200, after getting up to \$6,500 last week.

'Foxes' Gets \$9,500 Despite Mpls. Blizzard

Minneapolis, Nov. 19. Despite blizzard, resulting in almost impassable roads and streets, Tallulah Bankhead, in 'The Little Foxes' at the Lyceum, grossed estimated \$9,500 for three nights and a matinee at \$2.75 top. Critics and customers both helped the box-office. Show got \$3,000 for matinee and night in St. Paul.

Current offering is 'Man Who Came to Dinner', with Taylor Holmes, in for a week.

'Dinner' 15G in Indpls.

Indianapolis, Nov. 19. 'Man Who Came to Dinner' at the English for seven performances last week, got off to a slow start, but word-of-mouth built up attendance for a stretch finish in the money. Wound up with estimated \$15,000, good.

Katharine Hepburn is due in Wednesday (20) for three evening performances and matinee Saturday of 'Philadelphia Story'.

'Corn' 6G In Balto

Baltimore, Nov. 19. Town is currently dark again for legit a condition quite regular this season.

Last week, three day pre-Broadway showing of Herman Shumlin's 'The Corn Is Green', by Emily Williams, and starring Ethel Barrymore, drew a highly favorable press and steady biz. At rather stiff top of \$2.85, drew estimated \$6,200 for four shows to 1,900-seat Ford's, with most of the action on the upper floors at lower tariff. 'Corn' regarded as good possibility for Broadway.

'LADIES' GOOD 13G IN BOSTON

Boston, Nov. 19.

'Life With Father', in its seventh week, led the town last week with three other shows drawing medium trade. 'Ladies in Retirement', a fairly good grosser from the start, remains top third frame. Joe E. Brown closed two okay stanzas Saturday (16) in 'Elmer the Great'. Dante is distinctly on the downbeat of the run. Upped to \$10,000.

'Romantic Mr. Dickens', new comedy by H. H. and Marguerite Harper, opens here Saturday (23) with Diana Barrymore and Robert Keith.

Estimates for Last Week
'Life With Father', Civic Repertory (7th wk) (950; \$2.75). Still packing 'em in and looking strong for another \$14,500.

'Ladies in Retirement', Wilbur (2d wk) (1,227; \$2.75).—Getting good break at the box, taking okay \$13,000 for second week.

'Elmer the Great', Plymouth (2d wk) (1,480; \$2.75).—Built up over initial week, but never sockeroo, all through the comments were good. Final frame \$11,000.

'Sim-Sala-Bim', Shubert (1st wk) (1,590; \$1.65).—Dante is putting on a swell magic show, at the right price, but the demand is limited. First week flirited with palid \$5,000.

KATE HEPBURN TALLIES SMASH \$19,000 IN CINCY

Cincinnati, Nov. 19. Burg's second biggest legit take on four performances in last 15 years was racked up in last half of last week by Katharine Hepburn in 'Philadelphia Story' which grossed \$19,000 and \$19,000 at the 2,500-seat Taft. Top was \$3.50. Turn-aways were registered at the matinee and night show Saturday (16) after 128 chairs were placed in orchestra and standees were cared for.

Cincy record on a similar stretch was \$20,000 made three seasons ago by George M. Cohan in 'Daddy's Girl' at the same theatre, but with a top of \$3.80. Block and Sully are in the 1,400-seat Cox currently in 'See My Lawyer' at \$1.50 top. Next week the town will have two shows at the same time, which is a rarity in recent years. 'Rocket to the Moon', at \$1.85 top, will be in the Cox for seven night performances and two matinees, starting Nov. 24. Lunt and Fontanne, in 'There Shall Be No Night', will be the Taft, Nov. 28-29 for three night shows and a matinee at \$3.30 top.

'Hellz' Gets Record \$22,000 In Mont'

Montreal, Nov. 19. Two shows at opposite ends of town, one with English and the other with French appeal, broke all known records at the two theatres which went legit for the week.

His Majesty's showed 'Hellzapoppin' at \$3 top and turned them away almost every night for a gross of \$22,000, better than anything known there in many years.

St. Denis, major theatre of city, showed couple of Parisian comedies, 'Le Scandale', and 'Après l'Amour', featuring Victor Francen with typical feminine leads. Francen is strong screen favorite and his personal appearance in the star role of the two comedies packed houses in this 2,300-seater at \$1 top for socko \$15,000.

Current Road Shows (Week of Nov. 18)

'A Night of Love'—Forrest, Phila. 'All in Fun' (Phil Baker, Bill Robinson)—Shubert, New Haven (21-23).

'Ass and His Shadow'—Playhouse, Cleveland.

Ballet Russe de Monte Carlo—Lyric, Baltimore (18); Constitution Hall, Washington (19-20); Music Hall, Cleveland (22-23).

'Conquest in April' (Henry Hull)—Locust, Philadelphia.

'Corn Is Green' (Ethel Barrymore)—National, Washington.

Cornelia Otis Skinner—Curran, San Francisco.

'Desire Under the Elms'—Mayan, Los Angeles.

'Every Man for Himself' (Lee Tracy)—Geary, San Francisco.

'Folies Bergere'—El Capitan, Hollywood.

'Hellzapoppin'—Royal Alexander, Toronto.

'Ladies in Retirement' (Flora Robson)—Wilbur, Boston.

'Lady in Waiting' (Gladys George)—Harris, Chicago.

'Life with Father' (Lillian Gish)—Blackstone, Chicago.

'Life with Father' (Dorothy Gish)—Civic Repertory, Boston.

'Little Foxes' (Tallulah Bankhead)—Orpheum, Cedar Rapids (18); Orpheum, Davenport (19); Shrine, Des Moines (20); Orpheum, Sioux City (21); Central Highschool, Omaha (22); Municipal Auditorium, Kansas City (23).

'Male Animal' (Elliott Nugent)—Selwyn, Chicago.

'Man Who Came to Dinner' (Clifton Webb)—Davidson, Milwaukee.

'Man Who Came to Dinner' (Taylor Holmes)—Lyceum, Minneapolis.

'Meet the People'—Grand Opera House, Chicago.

'Morning's at Seven'—Columbia, Louisville (21-23).

'On the Record' (Hugh O'Connell, Bruce Clark, Mary Brian, Betty Furness)—Playhouse, Wilmington (22-23).

'Philadelphia Story' (Katharine Hepburn)—Memorial Auditorium, Louisville (18-19); English, Indianapolis (20-23).

'Pins and Needles'—Grand, London, Ont. (18-19); Savoy, Hamilton, Ont. (20); Erlanger, Buffalo (21-23).

'Pygmalion' (Ruth Chatterton)—Amban, St. Louis.

'Rocket to the Moon'—Lafayette, Detroit.

'Romantic Mr. Dickens'—Plymouth, Boston (23).

'See My Lawyer'—Cox, Cincinnati.

'Thank You, Columbus'—Playhouse, Hollywood.

'There Shall Be No Night' (Alfred Lunt, Lynn Fontanne)—Hanna, Cleveland.

'Time of Your Life' (Eddie Dowling)—Erlanger, Chicago.

'Tobacco Road' (John Barton)—Auditorium, Davenport (17); Paramount, Hammond, Ind. (18-20); Majestic, Peoria (21-23).

'Zero Hour'—Music Box, Hollywood.

'FOLIES' STRONG \$15,000 IN L. A., 'THANK' BOWS

Hollywood, Nov. 19. Hollywood Playhouse reloaded (13) with 'Thank You, Columbus', presented by G. V. Gontard and Curt Bois. Piece is a musical with a cast of around 35. Mayan, downtown, unshutters temporarily (20) with Los Angeles Civic Theatre presenting an uncensored version of 'Desire Under the Elms'.

'Folies Bergere' continues to attract healthy trade to El Capitan theatre in Hollywood, where fourth week ground out another approximate \$15,000. Several more stanzas are in prospect. 'Zero Hour' is on the skids at the Music Box, but Theatre Alliance plans to keep piece going for a week or so in the hope that a New York buyer will be found. Top scale has already been cut to \$1 plus tax.

AGMA Signs Ballet

Minimum of \$180 a month, plus traveling and living expenses while on the road, a 36-week guarantee and Guild membership are required for all members of the Original Ballet Russe, under contract signed last week with the American Guild of Musical Artists. Col. de Basil, director of the company, currently appearing at the 51st Street theatre, New York, signed the pact.

Of the 36 weeks guaranteed, 20 may be in the U. S. and 16 abroad. Understood it's the first time a performer union—the U. S. has thus extended its jurisdiction. Other Russian ballet troupes, the Monte Carlo Ballet Russe, signed an AGMA contract last spring.

All 3 New Plays on H'wood N. G. In N.Y.; 'Cabin,' \$16,000, Clicking; 'Hattie,' Smash \$35,500, Tops List

'Pins' Poor 6G, Toronto

Toronto, Nov. 19.

'Pins and Needles' dived to a bad week here, with Royal Alexandra (2,461-seater), at \$2 top, chalking up poor estimated \$6,300 last week. Advance, however, 'Hellzapoppin' was over \$18,000 by Saturday (16) night. Opened last night (Monday).

'CONQUEST' N.G. \$6,000, PHILLY

Philadelphia, Nov. 19.

That Philly legit patrons will generously patronize name shows, but aren't inclined to gamble on tryouts unless they have the biggest marquee name in the house, was emphasized last week. The Theater Guild-Gilbert Miller production of 'Twelfth Night', with Helen Hayes and Maurice Evans, left town Saturday night after two terrific weeks at the Forrest. Fact it was on ATS subscription held down total gross and actual money intake was again dented last week because both Monday and Tuesday performances were sold out to the Philadelphia Forum at the usual substantial reduction.

'Conquest in April', Chester Erskine play about the Nazi invasion of Norway, didn't fare so well in the first two weeks' tryout at the Locust. The crits weren't savage in their reviews, but not one of them could give the Erskine effort a passing mark as playwrighting.

This week's newcomer is 'Night of Love', in at the Forrest for two weeks. House is solidly booked to Xmas, is the locus.

Estimates for Last Week

'Twelfth Night' Forrest (2d week) (1,800; \$2.85). In final stanza, Helen Hayes-Maurice Evans venture was handicapped by having two evening performances sold out solidly to Forum at reduction. This and ATS subscription scale held down gross to \$24,000, but week was actual sellout as to seats.

'Conquest in April' Locust (1st week) (1,500; \$2). Tryout not enthusiastically received by crits and public followed their lead, with resultant light \$6,000, or little less. 'Ladies in Retirement' next week.

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LUNTS GET RECORD \$27,200 IN PITTSBURGH

Pittsburgh, Nov. 19.

Lunts ran up a new house record in 'There Shall Be No Night' last week at the boom Ziegfeld preem days and grabbed approximately \$27,200. Show was an ATS-Theatre Guild attraction and at \$3.30 scale topped previous mark for subscription offering at that price rung up by Katharine Hepburn in 'Philadelphia Story' last spring by several hundred dollars.

'Night' was in right from the go. Gave Nixon its biggest opening night since the boom Ziegfeld preem days and then ran straight through to 100% absolute capacity, with standees at every performance. Mats were terrific, each bettering \$3,200. Figured that has Lunts come here without subscription auspices, gross would have been at least \$15,500.

What burned Nixon up and lot of Pittsburgh public, too, was fact that show had been booked in for fortnight. Particularly since theatre is dark this week and so far doesn't even have a show for Thanksgiving Week, traditionally the best stanza of the year here.

'Night of Love' Tired \$7,500 in Washington

Washington, Nov. 19.

'Night of Love', Shubert's new musical, took hefty wallowing last week from critics and had to struggle for estimated light \$7,500 at \$2.75 top. Current is another new show, 'Harris Shubert's production of Emlyn Williams' London success 'The Corn Is Green', starring Ethel Barrymore.

Next week comes road company of 'DuBarry Was a Lady', with Bert Lahr, Frances Williams, and Benny Baker, followed on Dec. 2 by John Shubert's first indie production, 'On the Record'.

Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Operetta).

Estimates for Last Week

'Boys and Girls Together', Broadhurst (7th week) (R-1,412; \$4.40). Earlier portions of the week not so good along Broadway, with last half continuing to show excellent attendance; this musical rated around \$25,000.

'Beverly Hills', Fulton (2d week) (C-978; \$3.30). Business for first of the Hollywood comedies to arrive not promising, some performances okay, but light gross on the week, \$5,000.

'Cabin in the Sky', Martin Beck (4th week) (M-1,214; \$3.30). Commanding business from Monday on and figures to make a stay of it; rated more than \$16,000; good at scale and profitable.

'DuBarry Was a Lady', Royale (M-1,407; \$4.40). Final and 51st week; last missed year's run mark; goes to road well in the black, gross \$16,000; most of big money run was at 46th Street.

'George Washington Slept Here', Lynd (4th week) (C-1,004; \$3.30). Improvement in last show, which has drawn fairly well; estimated better than \$11,500 and should stick.

'Glamour Preferred', Booth (1st week) (C-712; \$3.30). Opened last week; was given mixed notices, some quite adverse; light following day.

'Hellzapoppin', Winter Garden (113th week) (R-1,871; \$3.30). Doing plenty alright in face of new musicals' competition; excellent week-end gross; a factor in nearly \$26,000, quoted; extra matinee helped.

'Hold On to Your Hats', Shubert (10th week) (M-1,405; \$4.40). Holds old real business; Saturday matinee straggled; improvement last week; extra matinee helped.

'Horse Fever', Mansfield (C-1,000; \$3.30). Presented by Alex Yoke; written by Eugene Conrad, Zah H. Weeks, and G. Gabel; was slated for midweek, but put off until Saturday (23).

'It Happens On Ice', Center (8th week) (R-3,087; \$2.75). Maintains very good pace, with weekends (in-clude) very good; counting matinee; rain hurt but reached \$15,000.

'Johnny Belinda', Belasco (9th week) (D-1,000; \$3.30). Extra adds to plug drama which draws fair audience; claimed improvement last week; around \$6,000, but plenty in red; may move.

'Life With Father', Empire (53d week) (C-1,005; \$3.30). Sock laugh show; continued at capped clip; and surest holdover to run through season; over \$18,500.

'Louisiana Purchase', Imperial (25th week) (M-1,450; \$4.40). Vies with 'Panama Hattie' for leadership; has been prevailing list since opening; capacity toppling, with gross around \$34,000.

'Man Who Came to Dinner', Music Box (57th week) (C-1,032; \$3.30). Long stay is continuously turning a profit; picked up last week, with gross bettering \$13,500.

'Panama Hattie', 46th St. (3d week) (M-1,347; \$4.40). Strongest draw in town is newest musical hit; last week with an extra matinee on Armistice Day topped all with gross of \$26,000.

'Quiet, Please', Guild (2d week) (C-956; \$3.30). Following weak press business light; first full week estimated around \$4,500; continuance not certain after Thursday (21).

'Separate Rooms', Plymouth (34th week) (C-1,107; \$3.30). Will play until after New Year's according to present plans; better last week, with more than \$6,000 claimed; plenty for one better.

'Suzanna and Elders', Morosco (3d week) (C-939; \$3.30). Management still expectant of better business; again light gross, with takings around \$5,000 level.

'Tobacco Road', Forrest (28th week) (C-1,107; \$1.10). Sunday night attendance has helped record stayer to around \$5,000; makes money at that.

'Twelfth Night', St. James (D-1,526; \$3.30). Presented by Theatre Guild and Gilbert Miller; Shakespearean work drew big money out of town; opened Thursday (18).

'Blind Alley', Windsor (5th week) (C-1,064; \$2.20). Getting very light money, but Sundays may help produce engagement; rated around \$3,500.

'Charley's Aunt', Cort (5th week) (C-1,064; \$3.30). Climbed again last week and quoted at better than \$10,300; goodly profit at that figure and should stay, though.

'Kind Lady', Playhouse (11th week) (CD-865; \$3.30). Has one more week to play before going to road; profitable right along; over \$8,000.

Broadway

'Let Her Go' is tentative title for new Dennis King musical.

Bianca Strook supervising costumes for 'Cue for Passion'.

S. Jay Kaufman, president of 'Horse Fever,' opening Saturday at Mansfield.

Oscar Serlin sent wine to each player who appeared in 'Life With Father' party show.

Jack Cole, currently at the Rainbow Room, opens Dec. 19 at the Royal Palms, Miami.

Impacted tooth sent Jack Robbins to Doctors hospital for couple days. Out today or tomorrow.

Sam Levene, readying for his part in the new Spewack show, growing an Orson Welles beard.

Roy Haines back Monday (18) after sales huddles at Warner offices in Cleveland and Cincinnati.

E. Ray Goetz in town from Hollywood where he's associated with the Myron Selznick agency.

Paul Stewart due from the Coast today after doing retakes on Orson Welles' 'Citizen Kane' for RKO.

Bob Marko, scripter on Ben Bernie show, to do the sketches for Willie Howard in 'Crazy With the Heat.'

Reginald Armour, RKO's European manager, in Hollywood for a rest before returning to his post at Lisbon.

Al Mackenzie, treasurer of the Blank-Par circuit, in the Midwest, arrived in the east last week on business matters.

Ben Kalmenson, Warner Bros. southern and western sales manager, on the Coast, and will be away for several weeks.

Sidney Justin, of Paramount's Coast legal department, returned west Sunday after four weeks vacation in New York.

John Pollock in advance of 'There Shall Be No Night,' Bill Fields returning to publicize 'Flight to the West' (Playwrights).

Polly Hart, of Mutual Broadcasting's exec. offices, and Lucille Levy, with Par's foreign dept., are in Miami Beach for three weeks.

20th-Fox screen-testing Jimmy Monks, brother of playwright John Monks ('Brother Rat'), for a part in 'How Green Was My Valley.'

T. H. Jones, comptroller for the Kinney-Wilcox circuit, in the south-east, left Friday (15) for Atlanta after contacting the Par home office.

Carl Brisson leaves by motor for the Coast this week, to remain through the Christmas holidays.

Sally Ellis in January to star in 'The Merry Widow' in Australia.

Joseph Lucachewich, French producer, recently arrived in S. E. left for the Coast yesterday (Tues.) to discuss plans for production in this country.

Steve Hannagan added 'photographic relations' counsel for Miami ballyhoo, James Reed, formerly with Paramount newsreel, is the new p.r.c.

Arthur De Bra found out just how much weight he carries when it comes to ducking grand jury duty this month. He's had to serve now for two weeks.

Ebel Herman and her new groom, Bill Smith, being wedding cocktail-partyed by the Broadway show business next Sunday at Monte Proser's Copacabana.

Just back from a West Indies cruise, Irving Berlin will be 'fall guy' when he's inducted into the Dexter Fellows Tent, Circus Saints and Sinners, at the Hotel Astor next Wednesday.

Vincent G. Hart, of the law firm of Friend, Holbrook, Reiskind and Hart, has been named to the Selective Service Legal Advisory Board.

A lieutenant in the last war, Hart held a similar post in Richmond in 1917.

Kurt Kasser, dickering with Paula Lawrence for a singing-comedy part in 'Crazy With the Heat,' would be her legit musical debut, although she did straight parts for the Group and Mercury theatres before going into niter.

Nine-and-a-half-minute documentary on the work of the United Hospital Fund has been contributed to the organization by Roy E. Larsen, chairman of its campaign committee and president of Time, Inc. Film was made by March of Time.

Monty Woolley, David Burns and Rex Brown, of the 'Man Who Came to Dinner,' if the studio doesn't get Edith Atwater to do her part in the last way cast Rosalind Russell in the role.

Kansas City

By John Quinn

Kenny Baker in for a one-night concert in the Music Hall.

Kate Smith in a brief stopover en route to Arizona for Columbia Pictures premiere.

Lou Avery, of the Free and Peters Chicago office, in town briefly, confabbing with KMBC execs.

John McManus, of the Midland theatre, out of the hospital and back on the job with the new show.

Jimmy Nixon back on the job at the Music Hall following his hospital leave as result of car accident several weeks ago.

Next legit attraction in the Music Hall is 'Little Foxes,' with Tallulah

Bankhead heading cast in a one-day stand, Nov. 23.

Lum N. Abner unit set for week at the Town Theatre beginning Nov. 22. Will Rock and Thurston Magic Show to follow.

Infantile paralysis in surrounding communities cut into vaude and night club dates and caused temporary layoff of 'Rise and Shine' unit.

Redeoration of the Newman theatre lobby progressing without interfering with the champion ship run of 'Northwest Mounted' for four weeks.

Pittsburgh

By Hal Cohen

Dancer Sylvia Hart sporting a new nose.

Bill Davis guest-directing second Playhouse show of the season. Here today.

Fred Burleigh back, after serious illness, to resume directorial post at Playhouse.

Mrs. Dan Campbell, wife of UP comedian, in London, here visiting husband's folks.

John Walsh celebrated second anniversary as Fulton manager on Armistice Day.

Maerie Hart at Casino this week for her first Pittsburgh date in more than two years.

Lang Thompson's band headquarters here for three weeks while on one-night tour.

R. E. Baltz will again be local manager for Burton Holmes series at Carnegie Music Hall.

It's a boy at the Freddy Cooks. Pop's the drummer. Max Adkins' Stanley theatre org.

Pennsylvania College for Women premiering new children's play by local author, Midge Miller.

Jules Seltzer winning up advance pay, stint for Laurel-Hardy unit and heading back for the Coast.

Lois Andrew Jessel going to Hollywood in fortnight to try and displace the Jessel home out there.

Beverly Bennett, who recently left vocal berth with Nelson Maples to get married, back with band again.

Minneapolis

By Les Rees

Harry Anderson back on job at Warner's after days of illness.

Katharine Hepburn in 'Philadelphia Story' due at Lyceum Dec. 12-14.

City building department compelling theatres to remove all signs from marquees.

Billy Rose's Aquacade comes into Auditorium Nov. 27 with Buster Crabbe for five days.

Mary film salesmen were snowed-bound for as long as three days during last week's blizzard.

Gloria Jean scheduled for personal at Orpheum Nov. 22-24 with her new picture, 'Little Bit of Heaven.'

Fiddlers' Club of younger film men liquidated because some of boys preferred to join Twin City Variety club.

Twin City Variety club election of officers postponed because storm kept many members away from meeting.

Eddie Bush Little Theatre offerings to include 'Margin for Error,' 'The Boys Goodbye' and 'Time of Your Life.'

Wife of George Granstrom, Twin City independent circuit operator, seriously injured in auto accident in South Dakota.

Todd's Cabaret

Continued from page 1

a similar idea. According to Todd, it's purely coincidental that Rose also considered such an operation. Rose, incidentally, has no site picked out, though he has been eyeing the Gay Blades ice rink in N. Y.

Besides a show, the nucleus of which will be his 'Sazerac' revue in the Gay New Orleans Village at the N. Y. Fair, Todd's Chicago cabaret will have a name-band, bars, dancing and bowling alleys.

The basement will have a bar, and over minimum charges, the gate tap taking care of that, and it'll be an Elmer's French Casino, where one can stand as long as he wants to over a glass of beer. He's dickering for Willie West and McGinty to headline the first floorshow.

Financially behind Todd the cabaret setup is Harold C. Costello, head of the board of the Iroquois Realty Mgt. of Chicago.

Meanwhile, Todd is going ahead with his legit production plans in New York. He'll first present a modern version of 'The Hot Drunkard,' with Ned Sparks, Gypsy Rose Lee and Carrie Fennell in the cast. Todd has also obtained a first play by Joe Bryan, 3d, titled 'Give It Back to the Indians,' and a Ferenc Molnar two-act called 'So You Want to Be an Actor.' From these, however, Todd will likely present a rewrite of 'The Man from Cairo,' which he did a couple of seasons back on Broadway, and which some critics termed likely if rewritten.

London

Harry Taft left \$10,000; Randle Ayrton, \$5,000.

Cyril Percival, one of George Black's key men, ill.

Gayne Dewar no longer in charge of Warner Bros. publicity office.

Mervyn Macpherson, Metro's publicity hound, claims he has covered 12,000 miles in exploitation of 'Gone with the Wind.'

Maurice Ostrer has left Michael Redgrave to Warner Bros. to star in 'Transatlantic Fury' opposite Valerie Hobson. Carol Reed directing.

George Formby is understood to be doing his last film for Associated Talking Pictures, as there is a rift between him and one of the directors.

Tom Arnold, bronchitis victim, and having to direct his forthcoming Xmas pantomime activities from his flat in Park Lane, under strict doctor's orders.

Charles B. Cochran looking for resident theatre in the provinces to present London stars. Will be associated in his venture with Leslie Macdonnell, local agent.

Czech pianist who arrived here about three months ago, has had one broadcast, written the music for two films and is under contract to a London music publisher.

Gaumont British - Gainsborough Films-Charles Woolf's 'Charley's Aunt,' which looked like it would gross \$600,000 until the blitzkrieg came along, is to be revived as an Xmas attraction.

Cleveland

By Glenn C. Pullen

Jerry Hathaway turning his nitery into a black-and-tan spot.

Frank Sennels taking over booking of Beverly Hills Club in Covington, Ky.

Steve Gresh, reopening old Avalon Club Dec. 31, taking it off Harry Winchman's hands.

Kay Halls of WGAR sending back waxed interviews with Latin nabobs from South America.

German fireman, having August Bielo sketch features of about 100 local celebs for walls of new Eldorado Club.

Almon R. Shaffer, one of backers of East and West Expo here, back to stage his World's Fair Highlights at civic auditoriums.

Wedding of Norman Flute, 3700 Club bandmaster, to Phyllis Kohn set for Dec. 10, at another maestro, and Irene Cherney married Armistice Day.

Roger Peckinpah, new manager of Cleveland Indians, and pitcher Willis Hudlin, as guest-speakers, broke Variety Club's attendance records for stag night dinner.

Australia

By Eric Gorrick

Williamson-Tait presenting 'Banana Ridge' in Sydney.

Harry Hunter, Paramount's local boss, planning looksee visit to U. S. 'Convoy' (ATP) is still the biggest British hit registered here this year.

Wirt's circus to tour extended run in Melbourne with U. S. and Aussie acts.

Noel Coward may appear in charity show of own 'Design for Living' in Sydney.

Sid Gresham making extensive New Zealand looksee behalf of Associated Talking Pictures.

Department store's despite C. Actors' Equity protest, will go in for miniature pantos this Yuletide with juve talent.

Levayev, magician, has been set for a run bid at Minerva, Sydney, by Dave Martin, in association with Williamson-Tait.

Connors and Paul will do a series of miniature revues for Greater Union at Capitol, Sydney, in conjunction with pic policy.

Tivoli loop dickering presently with Hebe Daniels and Ben Lyon now in London for an Aussie revue runaround early part next year.

Metro is routing 'Gone' through northern Queensland with indie loops. Lew Brown has gone to the territory to handle special exploitation.

Efforts are still being made to have Alfred Lang and Lynn Fontanne come to Australia under the Williamson-Tait or Dave Martin banner.

Nabe pic loops are now running special newsreels of 30 minutes as a biz aid prior to regular bills. Newsreel trade is reaching new high throughout Australia.

Army officials intend censoring any blue material presented at camp concerts in the future. Officials declare that some artists have been digging down into their bluebagg lately at camp playdates.

Pic execs are waiting to see whether the government will permit the importation of penny pic machines from U. S. for spotting in hotels, stores and clubs. Certain indie interests are said to be pressing for importation okay on local pic with the penny setup.

Acts listed as coming from U. S. and England for Tivoli runaround next year include Eddie Gordon, Gene Gory and Roberta, The Titans,

Everett Sanderson, Rebla, Ted and Mary Taft, Paul Robinson, Bobby Joyce, Kendall Capps, Darlene Walden, four Albee Sisters, Stanley Holloway, Keene Twins, and Tom Rafferty.

Buenos Aires

By Ray Josephs

Ernest Lecuena, Cuban composer, opened own revue at the Ateneo.

Well-known tango, 'Discepolo,' being made into a film directed by Modia Barth at Sofom.

San Miguel Films making 'Petrolio,' story of the local oil industry. Stars Fernando Borel and Leisita Vehl.

Jose F. Moreno Rojas leased Casino theatre for a series of comedies, many translations of English and French hits.

Sanonini making 'Napoléon,' directed by Luis Cesar Amadori, with big cast headed by Pepe Arias and Alita Roman.

Unusually mild spring-seasons here as the reverse of those in the States—has kept them coming to the b.o. No sharp letdown yet.

Wesley Ruzgals and wife, the former Marcelle Ruzgals, aired into town on South American trip, combination look-around and honeymoon.

Blanca Podesta doing play based on the life of Madame Curie, written by Alexander Cassona and Francisco Madrid, at the Varietas.

Eva Granda, actress, failed to draw with a new play by Samuel Eichelbaum, local newspaper writer, and grossed \$600,000 until the blitzkrieg came along, is to be revived as an Xmas attraction.

Carlos Borcosque, director whose 'Manana Seran Hombres' (Tomorrow They Will Be Men) was a big success, began a new series, 'The Boys,' kind of Argentine Andy Hardy pic.

'Te Quiero Ver Escopeta' ('Fd Like to See You Now') set record locally with 300 performances. Comedy scripted by Tito Insanetti, features the Ratti brothers, local comics, and is still packing them in at the Apolo.

U. S. colony, including show biz, not out in full at the all-weather dinner-dance of the American Legion at the Plaza. Jack Oberman, only U. S. leader of a U. S.-type band here, to have everything else from Dutch to English war the baton.

Baires Films, new film company owned by Antonio Botano, owner of Critica, leading afternoon sheet, decided to go shortly in charge of Eduardo Bedyog. Plans which cost more than 1,000,000 U. S. dollars, is to be the most modern in S. A. First effort will be a local background, semi-historical called 'Mateo.'

Chicago

Doc Sheehan toastmaster at Showmen's League dinner.

Bill Murray, Morris office radio head, scouting some midwest biz.

Moe Levy in as head of the Sidney Kent sales drive for 20th Century-Fox.

Vincent Sheehan around this territory on a lecture tour, and so is Orson Welles.

William F. Rodgers, Metro sales chief, here in confabs with Eddie Saunders and Jack Flynn.

Town had a flock of notable visitors last week, including Norma Shearer, Loretta Young and Ina Claire.

Bills Next Week

Continued from page 48

Riviera	Helene Ward
Marty Schramm	Mary Wendler
Frederick Lewis	Lonny Lee
Yacht Club	Union Grill
Nelson Maples	Art Yagala
Nevers Bennett	Frank Stallone
Jackie Heiler	Mike Sandretto
Joan Branden	Villa Madrid
3 Playboys	Eliz Covalo Ore
4 Yoemettes	Carminella & Les
Sky-Two	Mark Lane
Bobby Hamilton Ore	Gregory & Elie
Helen Young	Wetzel Twins
Tavern	Betty Nylander
Flan Ichler Ore	Willow
Marlin Maynard	E Covino Jr Ore

CLEVELAND

Alpine Village	Hotel Hollenden
Dawn & Darrow	Florence & Alvarez
Ellis Rolles	Deane Janis
Emil & Evelyn	Jack Swann
Bob Center	Marion Arden
Carl Mueller	Sonell
Otto Thure	Sunny Watkins Ore
College Inn	Hotel Statler
Hydron Ore	Joe Morand Ore
Eddie, Sid & Val	Josephine Jeldlar
Freddie's Cafe	Catrina Rolles
Art Tackey Ore	Jack & Eddie's
Stacy Ore	Robertino, Roberts
Shubby Keys	Indie Sherman
Mildred & Skourie	Archie Rice Ore
Joe March Ore	La Coma Club
Eddie Barnes	Ramon Ariza Ore
Gourmet Club	Lindsay's Bar
R. Robinson Ore	Red Blayzer
Night 2 & Evelyn	Judy Preston
Bill Lockman	Bill DeLuca
Hotel Allerion	Mounds Club
Grant Wilson	Regal Club
Marlin Maynard	Kozick Ore
Hotel Carter	Pat Dennis
Veratillina	Pat Dennis
Bob Optis	Jim, June Gallagher
Paul Pendennis Ore	Rhythm Shorty
Hotel Fenway Hall	Shirley-Seren Club
Gene Edwin Ore	Ned
Hotel Sterling	Billy Carl
5 Emuliers	Franker Paul
Jay Schwartz	Rhythm Debs

Hollywood

Shirley Temple parted with her tonsils.

Dr. Herbert T. Kalmus in for the winter.

John Brahm suing Dolly Haas for divorce.

Carole Landis divorced Willis Hunt, Jr.

Dick Dickson back to work after two operations.

Pat Flaherty recuperating from a nasal operation.

Mischa Auer opens his stage tour in Chicago Dec. 6.

William Dover joined the Feldman-Bium agency.

William Dover joined the Feldman-Bium agency.

Jesse Hibbs back to work after 10 days in the hospital.

Gail Patrick divorced Bob Cobb, Brown Derby companion.

Constance Bennett divorced her French marquis in Reno.

Little Billy going on tour as emcee of Singers' Midgits.

Burgess Meredith checked out of the hospital after a flu attack.

Myrna Loy filed a divorce suit against Arthur Hombrow, Jr.

Myrna Loy out of the hospital where she was treated for flu.

Broderick Crawford and Kay Griffith took out a marriage license.

Buddy DeSylva headed in to produce a picture for Paramount.

Leo Soltz checked in at RKO prior to his Florida vacation.

David O. Selznick back from his summer vacation in Connecticut.

Maxie Rosenbloom cleared on charges of buying a lottery ticket.

Earl Carroll shutters for five days, from Dec. 21 to 26, to ready his new revue.

Jerome Kern's daughter suing Richard Green, film director, for divorce.

Governor Herbert H. Lehman in from New York en route to Palm Springs.

Orson Welles came back from a lecture tour to shoot retakes on 'Citizen Kane.'

Joseph P. Kennedy, U. S. Ambassador to Great Britain, huddling with film execs.

Uncle Sam is asking Loretta Young for \$2,652 in additional income taxes for 1938 and 1939.

Mary Boland's condition is reported serious but not critical, the result of a motor accident.

Lou B. Metzger's daughter will be married Nov. 17 to Burton L. Kramer, Columbia film editor.

Clarence Hennecke, onetime shorts director, returned to pictures as an actor after two years illness.

Basil Walker passed up her New York modeling job to check in at 20th-Fox for a screen career.

Leon Leonidoff on vacation here from his job as director of production at Radio City Music Hall.

Otto Soler in from South Africa for studio huddles at 20th-Fox, his first Hollywood visit in 20 years.

Rouben Mamoulian sailed for Honolulu for a six-week vacation before taking up his new job at 20th-Fox.

St. Louis

By Sam X. Hurst

Mary Beth Hughes, screen player, visiting relatives here.

The 'Ice Follies of 1941' drew 40,128 patrons to the Biltmore Arena where it played five nights.

William West, prez of WTMV, East St. Louis, elected a member of the Board of Directors of the East St. Louis C. O. of E.

The Casa Loma ballroom, destroyed by fire last winter, reopened last week with Herbie Kay orch playing one night.

A benefit performance of 'Mr. Pim Passes By' was presented by the Mummies, proceeds donated to Bundles for Britain.

The 'Make Animals' with Julie Stevens, localite. In the cast, onens at the American theatre, only legit in this burr, Monday (24).

The Frisina-Mexico Theatres Co., incorporated in Mexico, Mo. Organization controls the 450-seater Rex and 800-seater Liberty in that town.

Wally Heim, assistant advertising director for the city, is finishing as drummer in Jimmy Smith's dance band at the Old Apple Tree, north side niter.

Clarence M. Turley, director of the St. Louis Army Co., appointed to Chamber of Commerce committee to select a slate of officers for the forthcoming annual election.

Gordon Carter directing 'The White Steed' to be presented by the St. Louis Little Theatre. Those cast are Elliot Bergfeld, Al Miller, Robbie Schwartz, Gordon Ashlev, Charity Grace, Della Douglas, George Abel, Della Mae, Raul, Frank McLean, Moe T

OBITUARIES

MARTIN BECK

Martin Beck, 38, died suddenly at his home, 110 N. Y. Saturday (19) of a cerebral blood clot following an intestinal operation.

Details on page 3 and Anecdota in the Vaudeville section.

AFFIE WEAVER

Affie Weaver, 85, retired actress and widow of Horace McVicker who for several years appeared as Edwin Booth's leading lady, died Nov. 18 at her home in New York after a long illness. As a child actress in her father's company she played 'Little Eva' in 'Uncle Tom's Cabin' on the road in Kentucky during the Civil War. At one time she recited before General Grant and his staff. A native of Newburyport, Mass., Miss Weaver began her career with the McDowell company, Montreal, and later returned to appear with Col. Simm's Brooklyn troupe. She achieved perhaps her greatest success in the company of J. H. McVicker, a famous name in Chicago stock and builder of the theatre there which still bears his name. While there she not only acted as Booth's leading lady but married McVicker's son, Horace, who also was Booth's brother-in-law.

In the late '90s she toured with Nance O'Neill, and under her husband's management, appeared with the star in Honolulu in 1899. Horace McVicker had garnered a fair reputation as manager for such luminaries as Booth and Mrs. Fiske. He died nine years ago.

Miss Weaver won particular acclaim for her Shakespearean portrayals. She performed such roles as Nellie Vaughn in 'Davy Crockett', Ophelia in 'Hamlet', Desdemona in 'Othello' and Cordelia in 'King Lear'. Also seen as Lady Macbeth, Camille and Pauline in 'The Lady of Lyons'.

Two daughters, Affie and Horatia McVicker, survive.

HARRY MACFAYDEN

Harry MacFayden, 59, production director for the National Broadcasting Co. the past eight years and a veteran actor and director of 40 years in the theatre, died after a short illness Nov. 13 at the Flower Fifth avenue hospital, in New York.

It was the friendly interest of De Wolf Hopper that introduced MacFayden to legit. Born and raised in Milwaukee, MacFayden sang there as a lyric tenor. On a road tour in 1902, Hopper heard him and signed the singer for his company. After a year with Hopper, MacFayden joined the Dan Belco organization, with which he remained for nearly 20 years as an actor and director. Aside from Broadway he was active in summer stock, where for 11 years he served as director of Robert MacLaughlin's company in Cleveland.

He interrupted his stage career in 1929 when he went to Hollywood to assist on the directing of Universal, 'All Quiet on the Western Front'.

A brother of the late Alex MacFayden, the pianist and composer, he leaves his widow, Teris. Funeral services held in New York Saturday (19).

LOUIS F. BLUMENTHAL

Louis F. Blumenthal, 56, member of the realty firm of Haring & Blumenthal, which has wide theatrical holdings, died after a long illness Nov. 12 at his home in Yonkers, N. Y. With Charles Haring, Blumenthal reopened the Earl Carroll theatre, N. Y., in 1938, as the French Casino, which was razed a few weeks ago for a two-story taxpayer. Originally an advertising man, he became a film exhibitor in 1906 with acquisition of a 300-seater in Jersey City. That was the nucleus of a large Jersey circuit which Haring & Blumenthal later developed. However, in 1928, the firm withdrew from the picture business to concentrate upon their real estate holdings. Not generally known was the fact that Blumenthal, in association with Lee Ochs, founded the Exhibitors Trade Review in 1916.

Widow, Elizabeth; a brother, Leon, and a sister, Mrs. Henry Sommerfeld, survive.

ARCHIE PITT

Archie Pitt, 55, British music hall artist and former musical comedian, died in London, Nov. 12. Noted for his Cockney characterizations, he was for 40 years a British stage and screen performer.

Starting as a music hall performer, Pitt went on to head his own the-

atrical company which drew much praise for productions of 'Mr. Tower of London' and 'It's a Bargain.' He toured with the former from 1918 to 1925.

In films since 1934, Pitt appeared in 'Danny Boy,' 'Barnacle Bill,' and two years later played the lead and assisted with the dialog on 'Excuse My Glove,' prizefight drama with Len Harvey, the English champion. Miss Fields won a divorce last Jan. 30 and is now married to Monty Banks, the film producer and director.

ELMER H. WAHL

Elmer H. Wahl, 48, secretary and treasurer of Local No. 4 of musicians union, Cleveland, was found dead at the wheel of his automobile Nov. 17 shortly after he had bumped into the rear of another one during a snowstorm. Death was discovered by the other driver when he walked back to Wahl's car to talk over accident. Police called in declared the union man had not been injured and probably died from a heart attack.

Surviving are widow and 15-year-old son.

SADE CARE

Sade Latham, 51, professionally Sade Carr, died Nov. 17 in Carmel, Cal. In recent years she operated a cafe there which was the haunt of the literary colony.

Miss Carr began her stage career in her native London and came to the States to be glorified by Ziegfeld. She had a brief fling in pictures, reputedly as Charles Chaplin's first femme lead in early Essanay slapstickers.

MELVYN HARRY LONG

Melvyn Harry Long, 45, stage and film actor, died Nov. 14 in Veterans' Hospital, Sawtelle, Cal., following a sudden attack of a heart ailment in Wayne, Mich. He was widely known in the distribution field, in 1920 serving as head booker for Pathe and later serving as booker and salesman for Favorite Films, Monarch, Monogram and Republic.

He leaves a widow.

HARRY HONDORF

Harry Hondorf, 55, manager of the Wayne theatre, Detroit filmery, died suddenly of a heart ailment in Wayne, Mich. He was widely known in the distribution field, in 1920 serving as head booker for Pathe and later serving as booker and salesman for Favorite Films, Monarch, Monogram and Republic.

He leaves a widow.

CHARLES F. LORRAINE

Charles F. Lorraine, 100, retired British actor, who once appeared before Queen Victoria, died Nov. 14 at his home in Hamilton, Bermuda.

A resident of Bermuda for the past 40 years, Lorraine teamed with his wife in an act known as Lorraine and Hussey. He originally was trained to be a printer.

JAMES J. ROHAN

James J. Rohan, 71, former opera singer in the midwest, died of a heart attack at St. John's hospital, St. Louis, last week. He was a charter member of the old Apollo Club organization of male singers in St. Louis.

Widow, four sons and sister survive.

ISAAC M. MAYER

Prof. Isaac M. Mayer, 78, Atlanta, Ga., pianist, composer and teacher of music, died of pneumonia at Jewish hospital, St. Louis, last week, where he underwent an operation 10 weeks ago for relief of a leg infection. He was visiting his daughter, Mrs. Carl Schweizer here, when stricken.

Widow, three sons and daughter survive.

ENRIQUE BOGUEZ MARTI

Enrique Boguez Marti, 50, who enjoyed quite a rep in Spain and Latin America as a dramatist, but who became involved in Spain's civil war, and had to seek refuge in Mexico, died Nov. 10 at the port of Vera Cruz, where he had established residence.

Widow and brother survive.

ARTHUR THWAITES

Arthur Thwaites, 53, artist at Walt Disney studio, died Nov. 16 in Los Angeles.

He previously gained considerable acclaim for oils and water color work

and did art work for many New York agencies.

SAM FLAX

Sam Flax, 53, Republic franchise holder in Washington, dropped dead Sunday afternoon (17) while attending a pro football game in Griffith Stadium, Washington.

In addition to his widow and two sons, Flax leaves a brother, Jake, associated with him in Republic.

Funeral services held yesterday (Tuesday) in Washington.

MRS. SYLVIA ASHTON

Mrs. Sylvia Ashton, 60, who played mother roles in pictures, died Nov. 17 in Los Angeles.

After a stage career she went to Hollywood 30 years ago, where for years she was a screen character actress.

Caplain Henry Loranger, 73, police inspector at Warner studio for 15 years, died Nov. 11 in Glendale, Cal. Surviving are his widow and two sons.

Father, 69, of Herb Magidson, songwriter, died at his home in Pittsburgh, Nov. 11, from complications which followed a serious operation.

Father of Russ Morgan, the maestro, died suddenly in Nanticoke, Pa., last week.

Mother of Dan Goldberg (VARIETY) Chicago, died in Baltimore last week.

3 B'way Flops

Continued from page 3

was a principal problem up to Saturday morning, coin evidently being raised in Hollywood where Lasky and Duffy returned after the disappointing debut. Former is due back this week.

Both were confident about the show's chances on Broadway, so much so that when others on the Coast wanted to buy into the production they were nixed. First full week's takings were estimated around \$4,500, but with eight or more parties arranged, most being dated this week, the gross was expected to improve.

John Henry Mears—came east with the outfit as company manager, with Irving Cooper placed in general charge, from which post he withdrew. Julius Evans, who with his wife, Jane Hathaway, was formerly connected with the County Playhouse, Westport, Conn., also accompanied the company and is present as Lasky's personal representative. Al Spink is named as the press agent, with James Proctor and Martha Draiblat also in that department.

MARRIAGES

Ethel Merman to William B. Smith, in Elktion, Md., Nov. 15. Bride is the musical comedy star; he is the Hollywood agent with Fein Blum.

Baroness Louise Dumont de la Chassart to Jack Kriendler, in Miami, Nov. 20. He's co-proprietor of the '21' Club, N. Y.

Mildred Brewster to Phillip Guild, in New York, Nov. 12. He's a legit actor.

Mary Kirk, radio singer, to Ted Meyers, KFI newscaster, Nov. 15, in Glendale, Cal.

BIRTHS

Mr. and Mrs. Fred Stauber, son, in Toledo, Nov. 8. Mother is Anna Kline, VARIETY's Toledo correspondent.

Mr. and Mrs. Fort Pearson, son, in Chicago, Nov. 10. Father is NBC staff announcer in Chicago.

Mr. and Mrs. Warren Wardwell, son, Nov. 7, in Grand Rapids, Mich. Father is manager of Keith's Butterfield theatre, Grand Rapids.

Mr. and Mrs. Stuart Steelman, daughter, Nov. 11, in Des Moines. Father is a member of the Song-fellows, on WFO, Des Moines.

Mr. and Mrs. Paul Sloan, son, in Pittsburgh, Nov. 10. Father's with station KDKA there.

Mr. and Mrs. Frank Nelson, daughter, Nov. 12, in Hollywood. Father is radio actor, mother is the former Mary Lansing, act actress.

Mr. and Mrs. Mike Hunnicutt, son, in Cincinnati, Nov. 14. Father is pianist and vocalist on WKRC, Cincy.

Mr. and Mrs. Forbes, daughter, Nov. 16, in Hollywood. Father is CBS agency contact.

Mr. and Mrs. Alexander Goltzstein, son, Nov. 16, in Hollywood. Father is film art director.

Mr. and Mrs. Paul Phillips, son, in New York, Nov. 14. Father is on continuity staff.

H'wood Talent Grab

Continued from page 1

instructions that each individual picture in the future must be studded to the very fringe of its budget limitations with player names worthy of marquee attention.

While the necessity for speedy improved boxoffice returns is one of the factors in the current shakeup, its real motivation is being provided by the signing of the consent decree that ended the Government's anti-trust suit against the 'big five' of the producer-distributor realm, 20th-Fox, Paramount, Metro, Warner and RKO, and pushed into the discard blockbooking as it has been practiced in the past.

Although Universal, Columbia and United Artists are momentarily unaffected by the new order of things limiting sales to blocks of five pictures each, they realize that it is up to them to also improve their output if they are to remain in the race.

Windfall for Agents

While the decree may be a bitter pill for the 'big five' to swallow, and the almost too large one for the gullets of those indie exhibitors indirectly responsible for its birth, the new deal in film sales methods comes as sugar to the palates of the Hollywood agents. After a year of scanty pickings, the 10 per cent are now thrilling to the greatest prosperity in their history, thanks to the wild scramble being made to bag, via one-person deals or in 'package' lots, worthwhile thespians, supervisors, pilots and scribes.

Despite the fact that the campaigns by the separate producing outfits to bolster their respective contract lists with additional cream from the crops in all four of the talent divisions have been under way for a month, the drives are only now hitting their real strides, with every indication pointing to further intensification as November gives way to December. At least 30% of all picture contracts expire around Jan. 1.

20th-Fox's Hype

Illustrative of the new era that is dawning for the celluloid factories is 20th-Fox's grab-off of three stars, Charles Boyer, Irene Dunne and Ronald Colman, and two directors, Lewis Milestone and Anatole Litvak, in a mass purchase. With William Hawks as their business manager, they will turn out features for 20th-Fox release without studio supervision, but with full studio financing. They will toil for nominal salaries and a percentage of the earnings of their pictures.

Agreement among the Hays group means even to prevent the 'theft' of artists and crew by one studio from another may still be in force, but it has become more or less meaningless. While company heads are trying to give the impression that they were living up to its wordage, they are making no attempt to hide the fact that they are daily violating its spirit.

Highly appetizing bait is being strewn at the doors of every outstanding star, producer, director and playwright in the business by their present employers' competitors. Each bid, however, carries a postscript warning that the quarry's breakaway from his or her present spot must be an 'amiable' one.

Officials of 20th-Fox, for example, may be highly elated over their Boyer-Dunne-Colman-Milestone-Litvak acquisition, but understood to be in quite the opposite frame of mind is George J. Schaefer, RKO prexy, who has one and two-picture tickets on the three stars and who would like to have had their services for even a larger number of features. Schaefer is said to have been carrying on negotiations to further their commitments when 20th-Fox moved in.

Dangle Bait at Crosby

Meanwhile, Paramount's generals are tossing icy glances at the moguls in half a dozen other studios who are holding out propositions so inviting to Bing Crosby that the crooning star is reported to have become dissatisfied with his situation at Par. Reputed to have only one more film to do for that company, Crosby already has had proposals from rival setups calling for everything from higher paychecks for straight singing-trouping deals to full control and financing for his own production unit.

As result of this every-company-for-himself growing out of the struggles to make 11 films more readily salable, salaries of stars capable of drawing mobs through theatre turnstiles and producers, directors and writers who really have what it takes to make hit talkers are skyrocketing, and will continue

to do so. For the producing corporations themselves it has become a battle for the survival of the financially fittest.

Nor are the name actors and established producers, directors and scenarists the only ones benefiting from this current reaching out for bigger contractee stables. Also playing a part in the creation of this new era in production are some of the comer-uppers, those persons in the four classifications who are known to have the ability to make the grade, but who, to date, have not been given sufficiently broad opportunities to fully showcase their wares.

Not only have edicts gone forward from studio front offices for the immediate dragging into the spotlight of these potential future greats, but to give them the type of publicity buildup that will more impressively stamp their monikers in the minds of the masses and the public-at-large.

Besides its own home-Colman-Milestone-Litvak buy, 20th-Fox has in the last few weeks inked five other name players as well as two directors, with a possibility of a third, and one producer. Thesps are Joan Bennett, who currently holds a two-picture commitment; Ida Lupino, two pictures; Betty Grable, brought in for two more, but since signed to a term; Jack O'Connell, who has been set to do three annually for the company, and Carmen Miranda, who has been pacted for her third feature, plus options. Directors sealed are Rouben Mamoulian and Archie Mayo, while William Wyler, borrowed from Samuel Goldwyn to guide 'How Green Was My Valley,' will be held for other chores providing Goldwyn gives the nod. Producer is William Perlberg, being brought over from Columbia Jan. 1.

Tieing Them Down

Paramount has extended one-picture agreements with four players, Preston Foster, Constance Moore, Walter Abel and Catherine Craig, into termers, at the same time hoisting its option on Brian Donlevy considerably in advance of its due date. Donlevy gains a sizable salary boost along with the lift.

RKO, which has been fighting for a plentiful supply of name artists ever since Schaefer assumed the prexy's chair, is doubling its shove. In addition to further commitments on Boyer, Miss Dunne, Colman, Carole Lombard, Charles Laughton, Henry Grant and Ginger Rogers, Schaefer is angling for others of equal caliber. He has already secured a pulling power for 1940-41 and 1941-42 product. In the interim he has notified his studio lieutenants to get behind such players as Lucille Ball, Anne Shirley, James Ellison, Maureen O'Hara, Gene Raymond, Alberto Villo, Signe Hasso and the newly-arrived Michele Morgan, with exploitation blasts aimed to swell the value of their monikers.

Warners believes it has a find in 16-year-old Joan Leslie, just termed, and is open to negotiations for a dozen or more others offering possibilities for conversion into stars. Burbank lot is also out to pick up any worthwhile names whose contracts elsewhere permit one or more outside films each year. It is already dickering with Columbia for future strings on Rita Hayworth, now at Burbank on a one-picture loan-out.

Metro hired Philip Doran, formerly at Universal, for a role in 'Escape,' but has handed him a term with an eye to skyrocketing him to stardom. Conrad Veidt, Charles Winninger and Robert Sterling, each brought in for single roles, have since been term-anchored, as is Connie Gilchrist, a Broadway importation. Metro also has caged Nixon Miller, St. Louis warbler, and William Murphy, Saratoga Springs amateur thesp, with the idea of giving them the buildup routine.

With Constancio Bennett's one-picture deal, Columbia now extended to three, and Joan Bennett and Virginia Bruce signed for two roles each, Harry Cohn crew has set extra pictures for Irene Dunne and Cary Grant, presently working in 'Penny Serenade,' and Rosalind Russell, Ralph Bellamy, former under since released, has been re-signed to a term that stars him in the Ellery Queen series and makes him available to the studio for other assignments.

Alvino Rey's new band did pair of test sides for Bluebird theatre Monday (18). Used King Sisters harmonizing group, which is part of his band, but also Bluebird records on separate contract.

House Reviews

Continued from page 47

HIPPI, BALTO

megaphones to point up a neat tap and high kick precision number. Murray takes hold of fast gagging, some of it similar, but nevertheless skillfully delivered. Takes band through "Tiger Rag" and brings on Betty Atkinson, an s.a. drum major who handles a baton in the con-juncture. Twirling the stick as she con-tributes a fast foot to a college med-ley, she earned a solid encore which brought her back manipulating a 12-pound baton to big response.

Par and Clifford next with extra flashy hand-to-hand stuff. Equal sized sized stick to the old-style, body-revealing "atire" and work smoothly, socking over every trick. Utilize Murray for some comedy business which brings him out simi-larly attired, a striking resemblance to physical comedy. Drew considerable laughter.

Patricia Norman follows with vocals preceded by some crossfire with Murray. Does "Rhumbogie" "Night and Day," "Old Man Mose" to audible reaction and a medley of oldies. Has considerable style and vocal equipment plus punching out a tune with smart assurance. Leads line gals stepping out in the hotcha routine broken up by challenge of solo spots, all good and extra smart chorus work.

Murray winds matters up with his act which utilizes Milton Charleston for a bundle of laughs. In nonde-script attire, a perfect foil for the swift gagging, some of it blue but adroitly handled. Some protracted hocking by Charleston is a bit get-ter and just right to bring back the line and a reintroduction of all involved for a well-received curtain. Biz fairly good. Burn.

MAJESTIC, B'KLYN

Jack Denny's Oreh with Dick Shore, Dinah Shore, Three Stooges, Al and Freddie; Shorts and News-reels.

If this be an example of vaudeville's rock back, then there's a long stretch of dreariness ahead. It's like asking the profession to ignore the advancements of show business up to present-day act, and just right to bring back the line and a reintroduction of all involved for a well-received curtain.

This is putting another handicap on vaudeville, already being hit by many handicaps. It's the presentation of acts with old-fashioned lighting and, considering that nearly all variety performers nowadays are strictly microphone men, with poor sound equipment. The stage is dark and dull looking; the voices and music are lifeless. Capping it all, is the slowness of the show itself, with the mounting and dithering of its name act, the Three Stooges.

At the last show opening night (Friday), they were belching and spitting in each other's faces. This is the mounting and dithering of its name act, the Three Stooges.

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This is the second week of opera-tion here and business has been brutal. Less than 100 people were in for the last show Friday night, and there was nothing on the stage to warrant more. Evans and Lee Strand Theatre Building agents, are booking and supposed to be. From reports, the acts, musicians and stagehand are being paid nightly instead of weekly, which indicates a very short bankroll.

Scho.

GOLDEN GATE, S. F.

San Francisco, Nov. 13.
Orrin Tucker Band (15), Body guards (4), Bonnie Baker, The Stapletons, "Li Abner" (RKO), Nino Ghezzi; (2) Abner (RKO).

House crew lays off this week, with Orrin Tucker's aggregation holding the spotlight. General off to a flying start, session turning into what amounted to a fan-club meeting, mob being thoroughly hep to Tucker specialties and demanding

game. Which is a testimonial to his air and disc popularity.

Band makes trim stage appearance, opening with a medley running the gamut, sweet to hot. Dance team, the Stapletons, then moves in for a smooth broken-rhythm tap session ranging from adagio to rug-titting. With the boy in tails and the gal in a d'hot gown, pair goes socko, staying for three routines.

Tucker then orders lights out for a band novelty which impressed here. Illuminated musical notes in various colors and combinations are flashed on and off to represent different instruments. Notes likewise move in rhythm and effect is well worth the wiring. Maestro's own system starts when he takes over the mike to croon "Little Girl," gal fans yelping names of favorites they wanted sung and responding audibly to every flicker of the Tucker eye-lid. Could get off the mike until he had gone through "Imagina-tion," "I Need Loving," "Nobody but Me" and "How Many Times."

More trick props show up with the vocalizing specialty, 13 of the systems colors and combinations are flashed on and off to represent different instruments. Notes likewise move in rhythm and effect is well worth the wiring. Maestro's own system starts when he takes over the mike to croon "Little Girl," gal fans yelping names of favorites they wanted sung and responding audibly to every flicker of the Tucker eye-lid. Could get off the mike until he had gone through "Imagina-tion," "I Need Loving," "Nobody but Me" and "How Many Times."

This week's acrobats are Paul and Nino Ghezzi, hand-to-hand control specialists. The boys are smash, hitting a deserved reception despite the fact the fans seemed a little sur-prised to find them mixed up with Tucker. They keep in the spirit of the week by closing with an in-verted, lither back light, spelling out hands in perfect synchronization for a fast bit of trick jive which had 'em shrieking.

Big moment for the palpitating crowd was appearance of Bonnie Baker, who had to do all or part of nine numbers before they'd let her go. Gal sticks strictly to singing, doing her talking with a broad smile rather than words. Bodyguards and Tucker work in and out of the num-bers, including "Pinch Me," "Would You Mind?" "Some Day," "What Little Girls Are Made Of," "Not Yet," "Registration," "Low," "Oh Johnny," "Make Eyes at Me" and "Wish I'd Listened to My Mother" from her Par flick, "You're the One." Tucker explains she is blonde this week due to hair orders.

Show is a clicker as long as the supply of Tucker fans last. Wern.

Television Coin

Continued from page 1

fornia cities the Hughes concern will operate on Television Channel No. 2 (60,000-66,000 kc.) with 10 kw. aural and visual.

Other L.A. Licenses

Five other Los Angeles applicants received okay on their experimen-tal programs and pleas from New York, Chicago and Manhattan, Kansas, also were granted.

A berth on Channel No. 8 (162,000-168,000) was given to the pur-pose of transmitting programs to certain public reaction and other-wise conducting a program of re-search in Los Angeles in conjunction with that of its New York television station. Web's Los Angeles trans-mitter will use 1 kw. power, aural and visual.

Other L.A. stations will be erected by Earle C. Anthony, Inc., using Channel No. 6 (96,000-102,000 kc., 1 kw. aural and visual) for a study of the effect of ignition and diathermy interference, and transmission over salt water to Catalina Island; Leroy's Jewelers, May Department Stores Co., and Television Productions, Inc., a subsid of Paramount Pictures.

Jewelry outfit seeks to 'further im-prove the quality of pictures trans-mitted by television from the stand-point of representing reality and de-termining the system of television transmission which will produce the best results for widespread use from a visual and optical standpoint.' Will operate on Channel No. 10 (186,000-192,000, with 1 kw. aural and visual).

The Paramount subsidiary will op-erate a television relay station on Channel Nos. 13 and 14 (234,000-240,000; 240,000-246,000) 250 watts visual. To supplement television broadcast station W6XYZ, Los An-geles, for which the applicant has a construction permit (W6XYZ pro-poses experimentation with the Du-Mont standards.)

Department Store Permits

May Department Stores received permission to operate on Channel No. 12 (210,000-216,000 kc.) with 1 kw. aural and visual power, for 'gen-

eral research and experimentation in the Los Angeles area.'

Metropolitan Television, Inc., con-nected with Bloomingdale's and Abraham & Straus—was the New York applicant. Operating on Chan-nel No. 8 (162,000-168,000 kc.) with 1 kw. aural and visual, station will be utilized for development of program techniques for determining public tastes, including the use of two tele-vision theatres where daily programs will be projected for free public viewing.

Chicago station will be another CBS undertaking for the purpose of aiding in the web's television re-search by developing data on Chi-cago conditions that may assist in the ultimate determination of polariza-tion and synchronization for a na-tional television service. Channel No. 4 (78,000-84,000 kc.) will be used, with 1 kw. aural and visual.

For propagation charac-teristics, and horizontal and vertical polarization, Kansas State College of Agriculture and Applied Science, Manhattan, Kans., will construct a transmitter to be operated on Chan-nel No. 1 (50,000-56,000 kc.) with 100 watts aural and visual. Experimenta-tion with various synchronizing systems using various numbers of lines and frames also will be under-taken.

Commenting on the 10 new grants, Commish declared that:

"These contemplated programs of research and experimentation are pursuant to Commission require-ments looking to development of television to apoint that will enable the industry to agree on a uniform transmission system of acceptable technical quality.

Survey

'Cooperation of the industry is further reflected in the comprehen-sive survey of the television situa-tion now being conducted by the National Television Systems Com-mittee. Organized last July through the joint efforts of the Radio Manu-facturers Association and the Com-mission, this committee represents the pooled engineering experience of the industry. Its various panels have been making a detailed study of many phases of television.'

Formal 'full-overall progress report' from the full committee will be re-ceived by the Commish on Monday, Jan. 27, after members of the FCC return from Jan. 24 visit to the New York area to look over late television developments first-hand.

Earlier applicants, who contributed an investment of \$5,000,000 in previ-ous television authorization, in-clude:

RCA-NBC, CBS; G. E.; the Don Lee system; Philco Radio & Tele-visions Corp., Allen B. DuMont Lab-oratories, Radio City, Katz, Bamberger Broadcasting Service, Croley Corp., City, Mo.; Purdue University, West Lafayette, Ind.; Radio Pictures, Long Island City; State University of Iowa; WCAU, Philadelphia; Zenith Radio Corp., Chicago, and the Mil-waukee Journal.

Back to Soil

Continued from page 3

might cramp his date with a harrow or a disc or a baler at early morn-ing in his alfalfa field.

It is inspiring to see an old Broad-way trouper making his debut in his own newly bought orchard. He has discovered the facts of life. He has learned that oranges do not grow in crates, apricots in cans, or olives in martinis. He has learned that spin-ach comes out of the ground and not out of a cartoonist's inkwell. He has gone back to nature and revels in it like any other venturer into lands unknown.

Your film star, longer tools his rakish red roadster along the boulevards at daybreak. About that time he is warming up his new tractor for a bit of plowing on the west 40 be-fore checking in at the studio.

Hollywood Feud

Continued from page 1

Goldwyn for the femme lead in 'The Little Foxes.'

Cooper wants to do Paramount's "For Whom the Bells Toll," written by his old pal, Ernest Hemingway. Goldwyn announces that he won't let Cooper go to Paramount.

Paramount announces that it never asked Goldwyn for Cooper's services. Cooper won't play for Warners un-less Goldwyn lets him play for Paramount.

Warners won't let Bette Davis play for Goldwyn unless Cooper plays for Warners.

And there you are.

Football

By Dick Fishell

(WHN, N. Y., Sports Commentator)

Fordham-Arkansas

The Razorbacks of Arkansas come into New York with only an aerial game. The Fordham Rams have been entirely successful in throttling their opponents' passing throughout the year. They should defeat Arkansas.

Missouri-Kansas

Kansas has nothing on the ball, while Missouri still has Paul Christ-man. And that's enough.

Alabama-Vanderbilt

Vandy's stubborn, but 'Bama should score frequently enough to take the day.

Baylor-Southern Methodist

The unexpected might occur, but the Mustangs of Southern Metho-dist should win handily.

Boston College-Auburn

Auburn is a rough club, and will be tough opposition, but BC should be on top.

Brown-Dartmouth

Brown is past its peak. Dart-mouth's great game with Cornell should give it the impetus to knock over the Bears.

California-Stanford

California is moving, but Stanford

and the big Oklahoma 11 will tear it apart.

Penn-Cornell

Penn had an easy day with Army, while Cornell was battered by Dart-mouth. The Dartmouth game should help Cornell reach great heights in beating Pennsylvania.

Pittsburgh-Penn State

Pittsburgh is a slight favorite, but the Panthers haven't enough man-power to stop this Penn State loco-motive.

Princeton-Army

Princeton needs dry weather for its passing game; Army is unpre-dictable. The Cadets to turn the trick to finally win a major tilt.

Purdue-Indiana

This is as close as Purdue could be. The only edge goes to Purdue be-cause it's playing in its own back-yard.

Rice-Texas Christian

TCU is just mediocre. Rice is bet-ter than average and should romp to victory.

Tennessee-Kentucky

Kentucky will try to keep the

Probable Football Winners

(And Proper Odds)

Thursday (Nov. 21)

GAMES	WINNERS	ODDS
Fordham-Arkansas	Fordham	3-1
Missouri-Kansas	Missouri	3-1

Saturday (Nov. 23)

Alabama-Vanderbilt	Alabama	3-1
Baylor-SMU	SMU	12-5
Boston College-Auburn	Boston College	2-1
Brown-Dartmouth	Dartmouth	6-5
California-Stanford	Stanford	3-1
Columbia-Colgate	Columbia	6-5
Detroit-Marquette	Detroit	11-5
Georgetown-George Washington	Georgetown	3-1
Holy Cross-Manhattan	Holy Cross	8-5
Iowa-Illinois	Iowa	11-5
Georgia Tech-Florida	Georgia Tech	12-5
Mississippi State-Mississippi	Mississippi	5-7
Nebraska-Iowa State	Nebraska	3-1
Northwestern-Notre Dame	Notre Dame	5-8
Ohio State-Michigan	Michigan	9-5
Oklahoma-Temple	Oklahoma	3-1
Penn-Cornell	Cornell	11-5
Pittsburgh-Penn State	Penn State	5-6
Princeton-Army	Army	1-3
Purdue-Indiana	Purdue	Even
Rice-TCU	Rice	5-1
Tennessee-Kentucky	Tennessee	9-5
UCLA-Washington	Washington	11-5
Villanova-Duquesne	Duquesne	9-5
Wisconsin-Minnesota	Minnesota	4-1
Yale-Harvard	Harvard	8-5

Boxscore to Date:

Right, 139; Wrong, 52; Ties, 12; Pct., 728.

(Ties not counted)

is close to the Rose Bowl. The lat-ter to hurdle this barrier.

Columbia-Colgate

Colgate's hipper-dipper will be well taken care of by the Lions' ag-gressive forward wall.

Detroit-Marquette

Detroit is too versatile to take the short end.

Georgetown-George Washington

The Georgetown Hoyas a breeze.

Holy Cross-Manhattan

Here is a close game, with Holy Cross finally rebounding from bad breaks to get a close decision at home.

Iowa-Illinois

Iowa's victory over Notre Dame makes it a marked team, but it should be able to get by the Illini.

Georgia Tech-Florida

Florida is hot, but Tech is finally capitalizing on its tricky offense and should win.

Miss State-Mississippi

Here's a tossup, with State the favorite. 'Ole Miss' to win the hard way.

Nebraska-Iowa State

Nebraska, headed for the Big Six title, should powerhouse its way to a good-size margin.

Northwestern-Notre Dame

Northwestern's the favorite and playing at home. The Irish have been in the doldrums for three consecutive weeks; they're about ready to roll again. Here's an upset, with Notre Dame on top.

Ohio State-Michigan

Many good backs on the f. d. but Tommy Harmon makes the differ-ence as Michigan gets the shade.

Oklahoma-Temple

Temple's stepping out of its class

score down, but Tennessee's Volun-teers should score at will.

UCLA-Washington

Washington is too potent.

Villanova-Duquesne

This is one of Clipper Smith's in-ferior teams. Duquesne should have no difficulty.

Wisconsin-Minnesota

Wisconsin is a passing outfit. But the Gophers' fleet backs should score more often.

Yale-Harvard

Yale's a scrappy aggregation, but Harvard's timing has finally reached perfection. The Harvard line to out-charge the Bulldogs for victory.

Mexico Ams.

Continued from page 1

keep the nervous ones, mostly gals, from bolting.

The station decided upon this school days procedure when it had the embarrassment of not being able to put on an advertised amateur show because all the aspirants fled as soon as they saw the mike. None of the amateurs have protested against being locked in.

The station is now considering locking out of the mike room the Don Juan who oozes in or the pre-text that they are supporting the girl singers. These Juans, it has been found, make the shes even more nervous than does the mike.

Bob Sylvester has opened two-week engagement with options, at Merry-Go-Round, Pittsburgh, replacing Al Fremont band, going to Co-lumbiana Ballroom in Cleveland.

133,500 Watts*

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50,000 WATTS • CLEAR CHANNEL

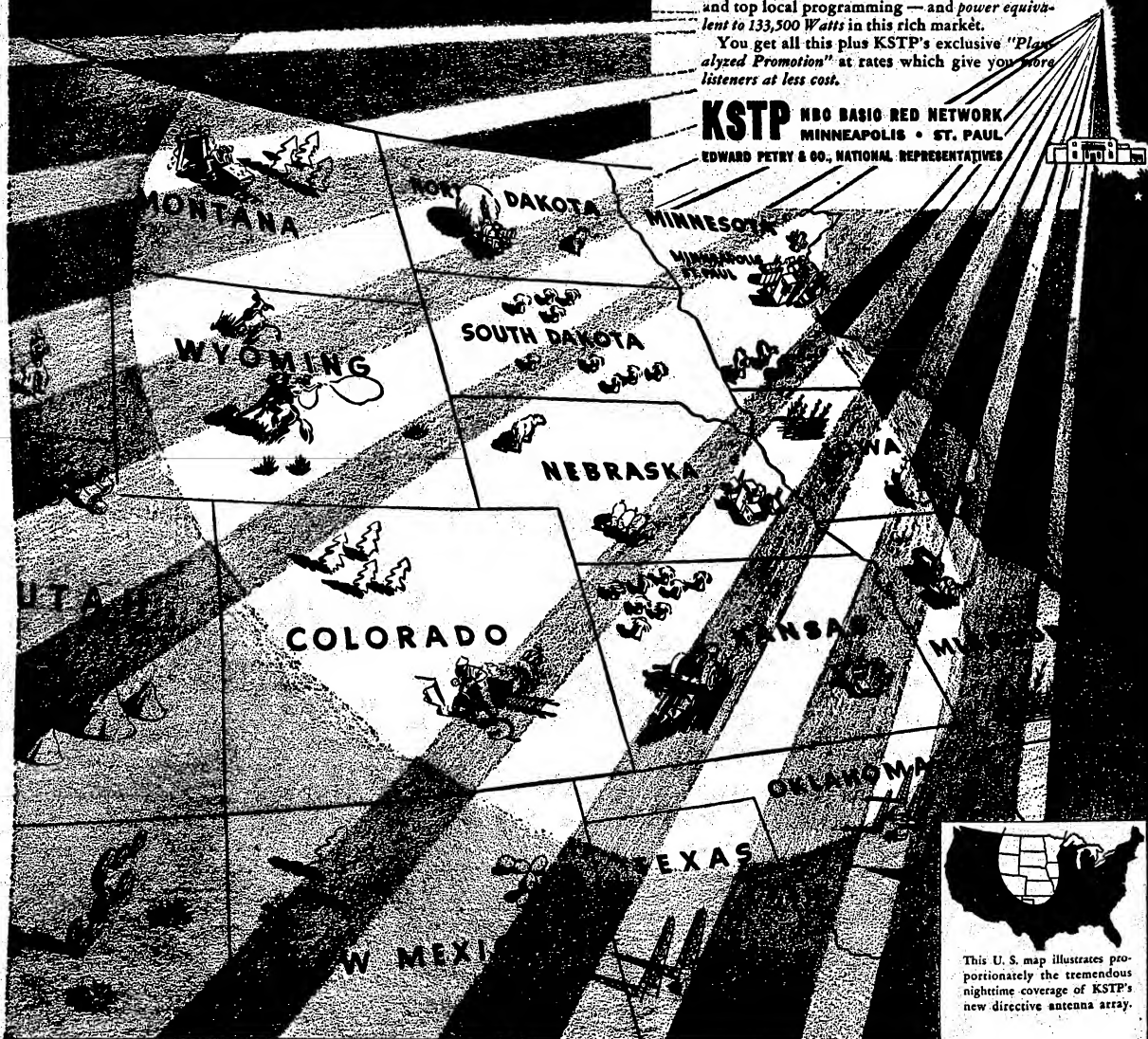
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This U. S. map illustrates proportionately the tremendous nighttime coverage of KSTP's new directive antenna array.

SCREEN

RADIO

MUSIC

STAGE

NOV 27/48

VARIETY

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VOL. 140 NO. 12

NEW YORK, WEDNESDAY, NOV. 27, 1940

PRICE 25 CENTS

ARMY CAMP SHOWMANSHIP

B'way Cinemas May Go in for Extra Stunts to Combat New Sunday Legits

There being no illusions as to the aim of Equity and its members to go after more of the weekend picture business via Sunday legit shows, the Broadway cinema managers are taking stock of the situation and studying ways and means of combating the opposition. Unless guest nights or previews are tossed in on Sundays, which is possible, the film houses on Broadway and in the neighborhoods may readjust scales in an effort to retain patronage.

The first of the Sunday legit performances began Sunday (24), with 10 shows, scheduled for the night. In addition, there is 'It Happens on Ice,' which has been giving Sunday shows right along, with 750 unserved seats sold at the boxoffice prior to each performance. Legits that gave Sunday night (24) shows included 'Blind Alley,' 'Charley's Aunt,' 'George Washington Slept Here,' 'Hellzapoppin,' 'Johnny Be-

(Continued on page 54)

Detroit Tries 'Smellie' With 'Boom Town'

Detroit, Nov. 26.

Having had experimental tryouts in the theatres here, 'Dramatic Zephyr,' a mingling of odors with motion pictures, got a full week's run at the Vogue, one of the United Detroit chain. The smells were synchronized with 'Boom Town' and according to engineers of the Aromatix Co., of Detroit, which for four years has been developing its own ideas in the field, the picture afforded them a great opportunity for a variety of aromas, pleasant and otherwise.

The scent experts had a field day (Continued on page 25)

TOM MIX IN MIDDLE OF 'MEMORIAL' TIFF

Tom Mix's body lies in his grave but his memory is being double-featured by a couple of rival factions seeking funds to build a memorial. Faction No. 1 is Valley Village, a real estate promotion-near the Republic studio, where it is planned to build a Tom Mix museum with funds collected.

Faction No. 2 is headed by Fred Summers, radio promoter, who proposes to put on a series of wild west shows throughout the country, part of the proceeds going to a Mix memorial.

One Sunday Missout

Panhandlers were not in evidence on pavements of Broadway legit playing Sunday (24). They either won't work on the Sabbath, or, figures, pop price audiences are n. g. for touches. Managers have never succeeded in ridding the walks of the nuisance. Same pests have been seen during intermissions for years, but never around picture and vaudeville houses.

**2 LEGITS TOP
\$1,000,000 B. O.**

'DuBarry Was a Lady,' Cole Porter musical which closed Saturday night (23) at the Royale, N. Y., to go on tour, grossed a trifle over \$1,200,000 in 51 weeks on Broadway, according to Variety boxoffice estimates. Show opened Dec. 6, 1939. It is playing its first road stand this week at the National, Washington.

'The Man Who Came to Dinner' last week topped the \$1,000,000 mark at the Music Box, N. Y. It is currently in its 59th week, having opened Oct. 16, 1939. Kaufman-Hart comedy also has second company with Clifton Webb, which played nearly a year in Chicago and is continuing its tour, this week in one-nights through the midwest. Alexander Woolcott for a time headed a third company, and may resume after the first of the year.

Side Show Trimmings With 'Little Egypt' And Barker at NBC

Stage of studio 8H in NBC's Radio City layout was dressed up last Wednesday night (20) in all the exterior trimmings of a traveling carnival for the debut of the network's latest quiz show, 'Spin and Win with Jimmy Flynn.' The program also served as the bowing-in effort of Sidney Strout, who recently became NBC program head.

Hoopla that went with the broadcast included the verbal flow of a (Continued on page 53)

Glenn Miller's 100G Pic

Glenn Miller and his band have been signed for a picture by 20th-Fox with Sonja Henie, to be made some time between March 1 and April 15. The date is to be set by Feb. 1.

Deal involves \$100,000 and a maximum of eight weeks' work. General Amus. Corp. set the deal.

PIX TASTES ARE LIKE CIVILIANS

Like to Indulge in Ballyhoo and Show a Profit—U. S. Army Film Service Pays a Uniform \$10-\$25 Rental.

'VARIETY' AS A GUIDE

'Soldiers are no different from anyone else. They like and dislike the same pictures as the general public. Our bookers carry that in mind continually and it forms the basis of our policy in dating films into Army-operated theatres.'

That's the answer to the question, 'What kind of pictures do soldiers like?' offered by Thomas H. Martell, director of the eastern district for the U. S. Army Motion Picture Service and liaison man between the Army and major film companies. Trade paper reviews and Variety's (Continued on page 20)

ASK ASCAP HELP FORM PAN-AM. MUSIC SOCIETY

American Society of Composers, Authors and Publishers has been requested by the World Performing Rights Society to take the lead in forming a Pan-American Confederation of Performing Rights Society. It is now up to ASCAP's foreign relations committee to authorize the appointment of a special representative whose task it will be to tour the Latin-American countries and discuss the Pan-American proposal with them.

In its communication the World Performing Rights Society pointed out that the suggestion had come from Sociedade de Escritores e Compositores Teatrais, of Lisbon, Portugal, and the Sociedad General de Autores de Espana, of Madrid. Latter two organizations are ASCAP affiliates. ASCAP's South American affiliations are with the Argentine and Brazilian performing rights societies.

Willa Cather Sure Means It; No Pix for Her Books

Willa Cather has gone Kenneth Roberts one better in refusal to cooperate with film companies. While advance proofs of Roberts' new novel, 'Oliver Wiswell,' were denied story departments, Miss Cather has nixed completely any deal for screen rights to 'Sapphira and the Slave Girl,' published last week.

Miss Cather's last picture sale was to Warner Bros. in 1925. Story was 'A Lost Lady.' Pulitzer prize winner filmed by WB during the year of purchase and again in 1934. Author was so dissatisfied with the screen versions she vowed never again to let a picture be made from her yarns.

Pro-German Paid Ads in Mexico City Dailies Rap Anti-Nazi 'Pastor Hall'

In a Patriotic Stew

Hollywood, Nov. 26. Corn belt gets a break over Scotland on the liquor situation in motion pictures. Through an agreement between the American distilling interests and the studios, bourbon will take the place of Scotch and soda when screen players drink, according to script.

BERLIN OPERA ALL MATINEES

Theodore Knause, an NBC Berlin correspondent, reported on a transatlantic hookup that opera performances in the German capital now start at 4:30 p.m., and in the case of the long Wagnerian ones, at 2:30 in the afternoon. Thus, opera attendance 'interfered' with lunch rather than dinner. Since opera has been put on a matinee basis, evening dress at the performances has disappeared, NBC miker stated. However, 'the theatre in Shakespeare's day was a daylight affair,' and the Germans rationalize that it has returned to the old basis.

On previous shortwaves, speaker related how legit and motion picture shows are ended by 9 p.m., in order that attendees can 'get home in plenty of time.' This is one of the precautions taken against raids by British fliers.

Jimmy Durante Might Follow John Barrymore As Great Vagabond Lover

Sealtest has under consideration a proposal to bring Jimmy Durante into the Rudy Vallee show (NBC-red) for a series of guest appearances after John Barrymore closes his eight-weeks run. Advent of the Schnoz would be given a preliminary buildup as the third of America's 'three great vagabond lovers.'

Barrymore's contract calls for a rising scale which on the final week of the eight will bring him \$2,750 for the broadcast.

Westchester Diehards

Operators of nightspots and cocktail lounges in the Westchester County, N. Y., area report suffering the worst letdown in business in years because of the deep disappointment that followed when Wendell Willkie failed to win the election. The county, next to the state of Vermont, rates as the most intense G.O.P. community in the country.

Mexico City, Nov. 26. Nazis here have begun to hit back at anti-Nazi propaganda.

Sarcastic slashing of 'Pastor Hall' (UA), called 'The Martyr' here, is spread in full page ads, run by certain local dailies, and signed, 'This advertisement inserted and paid for by a group of Germans.'

'We invite you to see this picture,' the ads say. 'It won't cost you very much and it will edify you to the extent of beholding the most monstrous picture of anti-German propaganda that has ever been exhibited and an excellent example of the perfection films have attained as instruments of propaganda, defamation and calumny since the last war to the present one.'

The ad charges that UA presents as fact a film that is based upon fiction. Ernst Toller's novel, and plays up statements of U. S. Ambassador Cudahy to Belgium to the effect that (Continued on page 23)

4-Hour Vaude Show Bad Prolog For Bob Hope

Hollywood, Nov. 26.

Bob Hope's experiment of trying out his routines on a Los Angeles theatre audience, while satisfactory enough to call for a repeat at the downtown Paramount, ran into an unanticipated obstacle that may cancel future rehearsals away from NBC. Overhaul audience proved responsive enough but spontaneity in his gags was lacking.

This was attributed by Hope and others of his cast to the fact that the auditors had sat through four (Continued on page 53)

RADIO'S CUFFO TRAILER FOR LEGIT REVUE (BMI)

Broadcast Music, Inc. has mapped out a huge exploitation campaign for the score of the new 'Phil Baker Leonard Silman musical, 'All in Fun,' currently breaking in in Boston.

Whereas other legit shows would have to buy the time, arrangements have been made for lots of cuffo trailering for this musical on the networks.

CHAPLIN AS SONGWRITER

Irving Berlin Co. is about to publish 'Falling Star,' coiffed by Meredith Willson collaboration with Charles Chaplin.

Another Willson ditty, 'Rockabye Your Baby With a Long Underwear Tune,' has been accepted by Metro for a forthcoming musical.

NAZI PUTSCH ON U. S. PIX

\$23,350 From Benefit Rodeo for British War Aid; \$14,260 for Canada Red Cross

Toronto, Nov. 26. War benefit rodeo staged in Coliseum here, with Gene Autry contributing his services, netted \$23,350 at \$5 top, according to N. L. Nathanson, president of Famous Players-Canadian and chairman of the Motion Picture War Services Committee. Sum has been cabled to the Lord Mayor of London for the relief of air-raid victims. Show, attended by some 24,000, was sponsored by the Canadian Picture Pioneers and produced by Charles Mavety. A full statement of expenses and receipts will be published within the next 10 days, according to N. L. Nathanson. Cable to the chairman from Sir William Cullen, Lord Mayor of London, read: "Delighted to hear great success of rodeo. Please convey to all associated my very sincere thanks for this splendid help for people suffering from air raids." Nathanson's earlier message had said, in part, "We in the motion picture industry in Canada will continue to do everything possible to help the war effort both here and in England. We are proud and happy on this occasion to show, in a practical way, our admiration for the courage and fortitude of the English people."

\$14,260 at \$4 Top
Here for a benefit performance sponsored by the Junior League in aid of the Canadian Red Cross, greatest array of stars of stage, screen and radio ever seen in this city converged on this point by plane, train and motor car to present a five-hour show in two houses to gross an estimated \$14,260 at \$4 top.
(Continued on page 54)

Ed Sullivan Changes His Mind; Will Stick As N.Y. News Columnist

Ed Sullivan is ex-editor of the Hollywood Reporter before he even started. Assurances from Capt. J. M. Patterson, publisher of the N. Y. Daily News, that Sullivan "can stay with the News for life," swayed the Broadway columnist to forego the proposition from W. R. Wilkerson, publisher of the Reporter, to assume editorship of the Hollywood trade daily, with the potentiality of a percentage "piece" thereof.

Sullivan will continue his five columns weekly for the News; also his syndication for 23 dailies serviced by the Chi Trib-N. Y. News service. At the same time, his continuance on the News scotches a flock of reports anent feeling between Sullivan and sundry other News staffers, east and west.

A business buildup by the Reporter for "welcome Ed Sullivan" was planned for Dec. 2, when he was supposed to take over, will be cancelled. Wilkerson, however, is still interested in the idea of getting somebody to edit his daily, preferring to devote his major time to operation of the Arrowhead Springs Hotel, in Southern California, as an adjunct to his Giro's, Hollywood.

Morris Set by Col. As 'Boston Blackie'

Hollywood, Nov. 26. Chester Morris was signed by Columbia to play the lead in the "Boston Blackie" series, based on the old mag yarns written by George Randolph Chester.

First of the set is "The Return of Boston Blackie," rolling Dec. 7.

WOO FRANK MORGAN

Maxwell May Drop Dick Powell and Mary Martin

Hollywood, Nov. 26. Maxwell House radio program is being shaken up. Auspices are trying to lure Frank Morgan back. Both Dick Powell and Mary Martin may be missing from new setup.

Keep 'Em Covered

Hollywood, Nov. 26. Skinny costumes in forthcoming musical pictures are being eyed austerely by the Will Hays office following a bit of difficulty over clothes worn by the chorines in "Tin Pan Alley," at 20th-Fox. Metro is editing the garb worn by the girls in "Ziegfeld Girl" to avoid a scowl from the censors. Other musicals under scrutiny are "No, No, Nanette" and "They Met in Argentina" at RKO. 20th-Fox whittled 450 feet off a harem scene which the Hays blue-pencillers considered too Oriental for the corn belt.

Phone-Operator Jukeboxes Now In Times Square

First jukeboxes of the tell-it-to-the-operator variety have gone into Manhattan spots during the past two weeks and are drawing heavy coin from the lads who'll invest a nickel or a dime anytime for something new. More than 50 of the machines are operating from two central stations in the Times Square area, on "central" in Harlem one at 23d street and Broadway and one on 14th street near Fifth avenue.

New angle on the Manhattan installations is that four of the five central exchanges are maintained on a co-op basis by the juke men, solving the problem originally presented by the machines. That was that 10 of them must be bought at time to obtain the switchboard equipment and operate it profitably.

Ops got together and subscribed to stock in an outfit called Play-A- (Continued on page 55)

JACK WARNER QUILTS AS RACE TRACK EXEC

Hollywood, Nov. 26. Jack L. Warner resigned as chairman of the board of the Hollywood Park race track as part of the general exodus of film execs from the horse business.

Raoul Walsh and Alfred E. Green had already stepped out as board members of the same corporation, and Hal Roach, one of the founders of Santa Anita park, turned in his resignation as president several weeks ago.

Columbia Disks to Give Robt. Weede a Big Putsch

Robert Weede, baritone at the Metropolitan Opera and Radio City Music Hall, has been signed by Columbia to make a series of records.

It is understood that the records will number over 20 sides containing the principal baritone arias from Weede's operatic repertoire as well as English songs. Columbia will push Weede as its principal operatic baritone, taking precedence over Nelson Eddy.

'Havana' for Arnaz-Ball

Hollywood, Nov. 26. Lucille Ball and Desi Arnaz are slated to co-star in a musical, "Havana," to be produced by RKO in spring. Cuban actor, currently at the Roxy, N. Y., will not be available for pictures until that time, as he has another Broadway musical commitment. Studio has assigned writers to develop a Cuban story.

'THIRD TERM' KEY TO S. AMER. DRIVE

Rabble-Rousing Crusade Designed to Hit All Aspects of American Film Industry Plus Roosevelt Good-Neighbor Policy — 'Foreigners' (Meaning Yanks) Claimed to Be Wrecking Continent's Production

'SUPER-PATRIOTS'

By RAY JOSEPHS

Buenos Aires, Nov. 26. A new high-powered drive against U. S. films—and anything concerning the industry—has been started by Nazis throughout South America within the past fortnight. Campaign is part of the new anti-Roosevelt, anti-Yankee propaganda effort launched by the swastika spielers almost as soon as the election returns came in. Although the re-election was hailed by the general press in the most lavish terms, Nazi rags from one end of the continent to the other struck at the third-term victory as the 'worst possible thing that could have happened to this continent.'

Rabble-rousing crusade is designed to hit at every aspect of the Roosevelt Good-Neighbor Policy. Films, long considered among the greatest U. S. good-will builders in South America, are being attacked. (Continued on page 23)

Unique Decision In Favor of Ciggie Co.; Dot Stone Loses Suit

Liggett & Myers, makers of Chesterfield cigarettes, and Newell-Emmett & Co., Inc., ad agency for the company, won a victory in the Appellate Division of the N. Y. supreme court last week in Dorothy Stone's action over rights to certain shorts, produced to plug Chesterfields. Five-judge court handed down a unanimous reversal of the lower court which had upheld the plaintiff's contention that she was entitled to damages because holding so-called original rights to the idea incorporated in the shorts.

Decision is viewed as important not only to all in radio but also general. (Continued on page 55)

RED SKELTON OPTIONED; HE SCRAMS B'WAY PAR

Metro has picked up Red Skelton's option for a term deal, so he'll cancel two weeks at the Paramount, N. Y., and four weeks at the Earle, Washington, to go into the new William Powell-Myrna Loy picture Dec. 12. Currently at the New York house, the comedian will close there Dec. 10 and fly to the Coast.

Skelton made a single picture for Metro and the studio had an option for several years, at six-month intervals. This will be the first six-month stretch. William Morris agency handled the deal.

Ray Goetz Headquarters In N.Y. for Selznick Agcy.

E. Ray Goetz, associated with Myron Selznick's agency in Hollywood, will headquarter in New York and, coincidentally, produce "Brook Into River." It's a play adaptation from the French of Claude Andre Puget's "Happy Days."

Irvin Marks, longtime Paris rep for many U. S. film and stage interests, will align with the Selznick agency in N. Y., working with Goetz, and specializing on foreign talent for the American market, along with native writers, players, et al.

B'way Legit's 1st Real Sunday Test Inconclusive on Actual Possibilities; Clicks Get Business, Others N.S.G.

Vallee a Prof.

Hollywood, Nov. 26. Rudy Vallee any minute will lecture studies at University of California at Los Angeles on "Elements of Showmanship." Series will keep him thumbing through textbooks for many weeks. Understood he'll tell the undergrads right off that if they haven't got the stuff to stay out of show biz.

6th Ave. (N. Y.) Subway Has Yet To Hypo Sector

With the Sixth Avenue subway of the Independent system set to begin operations shortly, new facelifting of business structures along Sixth is under way. One structure, a taxpayer, has been completed at 47th street while buildings across from the RCA buildings already have been revamped and streamlined.

In the new construction program along Sixth Avenue, thus far the show business has been overlooked, the Music Hall and Center being the only present large theatres deemed adequate to "take care of any new biz." Miami, near 46th, is a grind picture house, with a foreign-language picture policy.

No new theatre additions presently are in sight, the old Waldorf on 50th street, sandwiched between the Music Hall and the Roxy, currently being shuttered. Any trend towards Sixth avenue of show business probably would bring a new tenant for this film house, which last was operated on a grind, subsequent-run policy.

Most changes in the immediate future probably will be new taxpayer structures, streamlined two and three-story buildings, ducking the skyscraper idea in order to save taxes. New Sixth avenue subway line will connect lower Manhattan and Brooklyn with the Bronx and upper Manhattan and also Queens. Drive to tear down the Sixth avenue elevated as an eyesore began back in 1932, soon after the first modern buildings of Radio City were completed.

Tenants of the RCA and RKO buildings will have direct entrance to the new subway line via the basements of their structures.

DENHAM'S BLIND PIC CONTRACT WITH KORDA

Reginald Denham, English playwright-director, left by train Friday (22) for the Coast to fill a scripting commitment for Alexander Korda. Deal was made by phone with the producer in Hollywood and details were unsettled. All Denham knows is that he will work on a script for Merle Oberon. He has no idea how long the contract will be for. Formerly head of the Phoenix studios in England, Denham worked with Korda there some years ago. Co-author with Edward Percy of the currently-touring "Ladies in Retirement" and other plays, Denham has recently been collaborating by cable with Percy on a new play to be called "Tomorrow We Smile." He was also adapting for the U. S. his own London success, "First Night." He had planned to produce both on Broadway.

His is his first trip to Hollywood, although he has been in the U. S. several times before.

First Sunday (24) of regular Broadway legit was inconclusive. Starting around six o'clock there was a rush of patronage for some shows, upsetting the dope indicated by light advance sales. Gloomy weather doubtless kept down the number of visitors to Broadway, but the play fare offered was nothing to brag about. None of the new musicals were shown and most of the shows which made the Sabbath plunge are of moderate money-rating. Considerable interest was evident, however, during the afternoon at boxoffices where the more popular plays on the card are running.

In all, 11 shows went on Sunday night, but two were benefits, "Kind Lady" (Playhouse) being for the Stage Relief and "Charley's Aunt" (Cort) for the Actors Fund. Such presentations usually have a draw quite different from that expected for regulation performances. Of the nine shows regarded as providing the first Sunday test, "Hellzapoppin'" (Winter Garden) and "It Happens on Ice" (Center) were the only musicals. Straight shows were "Beverly Hills" (Fulton), "Blind Alley" (Windsor), "George Washington Slept Here" (Lyceum, best of the newer plays), "Johnny Belinda" (Bel- (Continued on page 52)

NEXT 'SAINT' PICTURE TO BE MADE IN LONDON

Hollywood, Nov. 26. The Saint's Vacation, next of the Saint series of detective stories at RKO, will be released without the presence of the title character, played by George Sanders. Shooting is slated in England, featuring battle-scarred backgrounds. Sanders is in Hollywood. Feature marks the resumption of British production by RKO after several months of inactivity.

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WB Now Terms Amended Dramatists' Pact 'Too Tough'; Calls Off Legit Plans

An unlooked for complication arose in connection with the amended Dramatists Guild contract provisions affecting film rights of shows backed by picture companies. Objection was voiced by Warners, which has been most active in healing the breach between Hollywood and Broadway. Other picture people were somewhat surprised over the Warners' angle, but said that, as the managers and authors had okayed the revisions, further changes could be made at this time.

While other film firms are proceeding with plans to back legiters, Warners called a halt. The firm was considering financing 'Hot Nocturne', but it was reported the deal was fixed. Picture execs believe the point raised might not be adverse to the film end except unusual instances, if at all, but WB says that there are a number of provisions not acceptable and that 'it is too tough a contract' to operate under. Principal complaint appears to be over a 'ceiling' for film rights, supposed to be set at \$200,000. Under the amended rules there is no limit, but if the amount of rights money, dependent on the length of the engagement, reached the \$200,000 mark the additional rights money is to come out of the play's profits, not that of the picture company's. Phrasing of the provision is that such additional money shall be turned over to the film arbiter, to be computed by stipulated percentage of the gross or half of the profits, whichever shall be less.

Up to the \$200,000 level, the film end pays for the rights according to a schedule. For film-backed plays the minimum advance on the picture rights is \$5,000. If the show runs two weeks, rights money is \$7,500 and jumps to \$15,000 if playing three weeks. Backer, however, is permitted to withdraw after the first or second week, with no further liability. Money for the rights is to be paid each week to the arbiter by the backer, amount being computed according to the cost of production and the amount of the gross. Author's royalties are in no way connected with the rights schedule. The managerial share of the rights money is refunded on the basis of 40%, 60% going to the author. Amount which is returned the picture company depends on the arrangements between the latter and the actual producer.

Gordon Would Like To Unload Some Of His Theatres, Sez He

Julius Gordon, president of the Jefferson Amusement chain in east-Texas, which is affiliated with Paramount, arrived in New York Monday (25) on matters concerning his circuit and will remain a week. He stated the Jefferson organization was not building any additional theatres but instead would like to sell or give away some that it now has. Being in a portion of the territory that was affected by last summer's bad floods in the southwest and Louisiana, theatre business was injured by that along with other businesses. Last week's floods also no help. Otherwise Texas... in good shape.

ERROL FLYNN'S LIBEL SUIT

\$2,500,000 Claim Over Spanish Author's Book

A libel suit for \$2,000,000 damages by Errol Flynn against Harcourt, Brace & Co., Inc., publishers, Quinn & Boden Co., Inc., printers, and Constancia de la Mora, authoress, was revealed yesterday (Tues.) in N. Y. supreme court when Justice Isidor Wasservogel ordered the actor to post a bond of \$250 to cover costs. Flynn charges libel in Miss de la Mora's book, 'In Place of Splendor', dealing with the authoress' experiences in the Spanish revolution. Intimation in the book is that Flynn used the suffering and plight of the Spanish people to gain publicity during a visit to Spain. The authoress is a Communist of Spanish aristocracy, whose husband headed the Loyalist government's air force. She is now in exile, while her book is in its fifth printing, according to Flynn's attorney, Nathan Elman.

Buck Goes to Palm Springs

By BILL MALLIGAN

Hollywood, Nov. 26. Mr. Happy Hemmingway, Federal Relief Project, N. Y. Dear Happy:

Well, Happy, it's a fill wind that blows nobody's good and I must fall in a quackmire and come out covered with an Earl Benham suit. First off I wins a big parlay just before the law busts in and throws everybody in the bucket and the gang all knew same was coming and ducked but me, as I has a old saying, 'Never change horse rooms in the middle of a stream.' So I wins the bet and the beard saved me from going to the clink, the coppers thought I was Gabby Hayes in the makeup and gave me a pass. The coppers here all favors there pet actor, and Hedy Lamarr and Spencer Tracy would be acquitted without the jury leaving the box if they murdered a casting director—and it ain't a bad idea.

Well I ain't home too minutes when the phone rings and the landlady says it's for me, and who is it but Tom McCarey's young son Ray who is a director and he says, 'Put on the best you have,' which I had on already, 'and hop over to the Western Ave. studio,' which made me think it was a western, but no! It was a whodunit and I was supposed to be a Park Ave. doctor, and the producer takes one look at yours truly and he says, 'He would be grate if we was doing the life of Winnie Sheehan as he is a dead ringer—so I got the part! Well I is supposed to be the father of a society girl and another young squirt doctor is in love with same. McCarey tells me to be careful of my diction and cut out all the seens and dones. He puts a pair of cheaters on me and a scarf to hide a couple of my jowls, and the opening shot shows me looking through a microscope, so for a laugh I puts my contract under same to make by salary look larger, but the gag laid there.

Too Late

So I says to McCarey, 'What about me gagging the script up,' and he says, 'You have it gagged up already and it's a good thing that Lefty Huff likes you as otherwise it would be unanimous.' For once I keeps my trap shut, although it sounds like a crack to me, but who am I to walk out 20th Century-Fox. I says, 'Okay, chief, and who am I supposed to be in love with in the picture,' and he says, 'You should be in love with your agent as he is a wizard of overstatement.'

Well, Happy, here is the punch. Instead of a actress playing the society daughter of mine, who do you think they has cast for same? Nobody, but a real society girl from the Stork Club named Cobina Wright, Jr., and she is not only marvelous but as nervous as Max Baer in there with Joe Louis. Well we take a few shots and the next day they signs a glamour girl up for a year on account of her looking so good alongside of me, and I says to the still man, 'Make a couple of Cobina and me,' and he does same and I am sending one of the pictures to that certain party who gave me the brushoff, and will she burn as Cobina has her arms around me in a fatherly sort of way like I saw a blonde on the Boulevard last night doing likewise with Mack Sennett—and he is grayer than I.

As soon as I gets my dukes on the coconuts I gets in the car and heads for Palm Springs, as all stars go to Palm Springs after a picture for a checkup. Palm Springs looks like Cicero without the delicatessens and

it costs a quarter check to kip down there in the cheapest, which is 12 smackers at night, so what does I do but call on Eddie Goulding, who has five cottages, and he puts me up in one on the cuf for free and I spends the day in shorts at the Miramar pool as I looks all right in shorts the same as Hitchcock, the director, who would make two of me and 'Foreign Correspondent' at the same time.

I has a grate time only I is puzzled all day as everyone is saying 'Hello Jim' to me and one monkey says, 'Hello Jim, how's May,' and I says, 'Well, and I am still in the dark until the leading man, who is passing the time away down here as a gas station attendant, says, 'You remind me of Jim Timoney, Mac West's manager,' and I says, 'Maybe I am, can you cash a check?' We all goes over to The Dunes, which is a night club at Cathedral City near by and I wins 30 dollars shooting craps which same I still has.

When I gets back to the rooming house the landlady asks me to ask you if you will please send that mattress back and all will be forgiven.

Yours truly,
Buck.

Six New Films Start at Coast Major Studios

Hollywood, Nov. 26. 'They Met in Argentina' went into work yesterday (Mon.) at RKO after two days of non-production on the lot, following the completion of Harold Lloyd's 'A Girl, a Gun and a Gob'. Other films slated to start within the next two weeks are 'The Devil and Miss Jones', 'How to Meet a Man' and David Butler's untitled horse story.

'Tobacco Road' went before the lenses at 20th-Fox with John Ford directing and Charles Grapewin, Marjorie Rameau and Gene Tierney heading the cast.

Ralph Murphy, director, gave the go signal to 'Las Vegas Nights' at Paramount after several days of pre-recording by Tommy Dorsey and his band. Featured are Allan Jones and Bert Wheeler.

'Four Cents a Word,' with John Shelton and Virginia Gray in the top roles, got under way at Metro under Busby Berkeley's direction. Edward Dmytryk rolled 'Edge of Running,' with Robert Taylor, Karlhor's picture at Columbia. Amanda Duff has the femme lead.

'Prodigy,' new Dr. Christian feature, started (25) by Stephens-Lang, with Eric C. Kenton directing.

Looking for better weather conditions, Metro has shoved back the start of production on two features until next spring. 'The Yearling' is scheduled for extensive location in Florida and 'Adventure in Paradise' is slated for Canadiana background. Under the new plans, Edgar Selwyn, originally assigned to handle 'Pierre,' will send 'Get a Horse' into production in the meanwhile.

Capek's 'World' Themes Fleischer's 2d Cartoon

Basic for the story of the second Max Fleischer feature-length cartoon, to be turned out for Paramount, is the Karel Capek fantasy, 'World We Live In.' It has been adapted by unrevealed writers with considerable freedom to suit the requirements for the picture.

Norman Corwin did some work on the yarn. Hoagy Carmichael has written all the music for the cartoon, production of which will begin to roll, under plans, around the first of the year.

Other News Pertaining to Pictures

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Purity Squad to Police Producers Of Shady Slotters; Drop to Jit Seen

Hollywood, Nov. 26. Drive to purge the slotfilm production ranks of sharpshooters who would peril the infant industry's growth by flooding the market with lewd product is under way in Hollywood, now as definitely established as the capital of the soundies field as it is of the talker empire. Leading the cleanup push are such 35 mm. showmen as Cecil B. DeMille, James Roosevelt and his top aide, Henry Henigson, and J. Frank Shea and Floyd Bolton, all of whom have cast their lots with the 16 mm. enterprise.

A producers' organization, patterned after the Hays group setup, is now in the formative stage, with Shea, former Paramount and Fox distribution exec, leading the cleanup forces. Plan is to take in as members only the more financially stable 16 mm. producers who will operate under a purity code that parallels almost word for word that which now governs the major picture studios.

Behind the movement is the hue and cry being raised by Parent-Teachers associations in Southern California, which threatens to spread into a nationwide movement unless the slotfilm clamp down on those responsible for the influx of lascivious subjects currently being projected in cocktail bars in this area. Aware that immoral and even suggestive spoils can easily seal the doom of the industry and wipe out their investments, DeMille, Roosevelt, Henigson, Shea and Bolton, backed by others of the same calibre, are losing no time in moving toward a remedy for the situation.

Action by these 16 mm. producers

\$85,000 GAVE WB 'WASHINGTON'

Deal for screen rights to 'George Washington Slept Here,' Broadway legitier, was closed by Warner Bros. over the weekend. They paid about \$85,000 and accepted a proviso that the film will not be released until the show has completed its run.

Play, currently in its fifth week at the Loew's, N. Y., is by George S. Kaufman and Moss Hart. Authors asked \$100,000, but accepted the lower figure after bidding by WB and Columbia, last two studios in the race, came to a standstill. Col offered \$75,000 top, with WB taking the permit by boosting the ante another \$10,000. Paramount was also in, but dropped out when the big numbers were reached.

Kaufman-Hart are due on the Coast next spring for the film adaptation of their previous sale, 'The Man Who Came to Dinner,' on which they will hold producer reins at Warners. 'Washington' is a comedy about rural life in Bucks county, Pa., where both of the authors have homes.

Femme 'Penrod'

Metro and Paramount both interested in screen rights to 'Janie,' novel by Josephine Benthall which was published Monday (25). It's the story of a 16-year-old gal who is said to be the counterpart of Booth Tarkington's 'Penrod.'

Number of companies are also interested in wait-and-see way in 'The Corn Is Green.' Embury Williams play which opened last night (Tuesday) at the National, N. Y. They all caught it in London and believe it has film possibilities, but want to see how it takes in this country before making bids.

Story Buys

Warners bought the rights to 'Murder on the Second Floor,' once filmed in England.

20th-Fox purchased 'The Golden Touch,' a novel by Steven Longstreet. Mertha Churn sold an original to Continental Pictures.

Wallace to RKO

Hollywood, Nov. 26. Richard Wallace, director, moved from RKO to Columbia to handle the Charles R. Rogers production, 'A Girl's Best Friend Is Wall Street,' early in January.

Pilot recently completed 'A Girl, a Guy and a Gob' for Harold Lloyd.

follows close on the heels of DAILY VARIETY's expose of the unhealthy conditions existing within the business, revelations based on a survey of automatic projector manufacturing and slotfilm production and exhibition throughout the Southern California sector. Among other things disclosed by the investigation is that hundreds of operators of hard drink dispensaries in the territory are holding off on the installation of machines until such a time as they are assured a steady flow of subjects suitable for mixed audiences.

Liquor Licenses Periled

In addition to being personally opposed to the screening of vulgar and even suggestive reels, these bar owners are fearful of the attitude that the State Board of Equalization, which controls their liquor licenses, might assume toward the immoral brand of soundies.

Spread of coin-in-the-slot flickers across the country is momentarily being held back by several factors, according to both box manufacturers and soundie producers, chief among which are:

1. Present high price of the projectors, which now range from \$650 to \$750, allowing for certain discounts for distributors ordering job lots.
2. The failure of the engineers to iron out kinks as speedily as they had hoped, thus delaying the start of mass manufacture, and, as a result, backing promised early cost reductions.
3. Lack of sufficient film subjects to permit frequent changes of programs.
4. Delays in elevating the entertainment and production qualities of the soundies, which must eventually be put on a level with those contained in modern 35-mm. talkers.

5. Slowness of box makers to develop selectivity, so that prospective patrons can screen the subject they want to see without having to drop into the slots all the dimes necessary to spin the reel to the desired number.

Selectivity, it is pointed out by Mills execs, DeMille and by other box manufacturers, is only six months away. In fact, they insist it is already here, and will be added to the projectors as soon as tests prove it to be fool-proof.

Jits for Juke Slots

With the coming of selectivity, they claim, the land will be dotted with film jukeboxes, for, by that time, they believe, mass production of the machines will be a realization, permitting lower prices for the projectors. Simultaneously, the standard of the films themselves will have been upped. Besides, they add, nickel starts the reels unwinding instead of the dimes now in vogue.

Projector manufacturers are convinced that the film boxes will drive the nickel phonographs from the scene. They are basing their prophecy on the strength of their view that they will be able to give customers better music on celluloid than others are now getting via the discs, with the added lure of the visual angle, and delivered for what the public is now paying for automatic music alone.

Meanwhile, there will be no letting up in the campaign to brush the dirt from the slotfilm. DeMille and his competitors feel that they have a gadget that some day will rival the talkers themselves—profit-grabbing possibilities, and they will permit nothing to endanger the growth of the undertaking, even though the lewd slotfilm may mean fatter earnings for the time being.

New Slotfilm Outfit Has '5c Movie' Slogan

Los Angeles, Nov. 26. 'What the country needs is a good 5c movie,' is the slogan of Nickel Talkies, Inc., a new slotfilm outfit, organized to compete with the dime-in-the-slotfilm by Frank Albertson and Jerry Colonna, actors, Harold Schuster and Thornton Freeland, directors, and Bruce Knox and Donavin Miller on the sales end. Projectors, made by Bell & Howell, will retail at \$750 singly, with prices cut for buyers of 10 or more. Outfit plans to produce its own pictures.

\$25,000,000 FROZEN IN ENG.

Non-Owning Producers in UA Will Get Considerable More Voice in Co. Management, Sales Policies, Etc.

Change in the manner of operation of United Artists, to give considerable more voice in management to the non-owning producers, will result from meetings on the Coast and in New York last week. Seven producers got together for a confab in Hollywood, while five of their eastern reps gathered at the UA home-office to discuss common interests.

The two meetings were the first of their type ever held by UA's indie producers. Plans were laid for more of them in the future, although no intensive organization was set up. Dissatisfaction with the management of the UA sales department is back of the conclaves. It was stressed on both coasts, however, that the purpose of the get-togethers is not carping, but to get constructive suggestions before UA heads.

Although the sales department difficulties are momentarily at the fore, there is a growing feeling in the minds of the producers. They feel that the five owners of the company are turning out an insignificant number of pictures, while the indies are counting for the real success of the company and thus should have a greater voice in management.

Meetings coincided with the annual gathering of the UA stockholders in Los Angeles last week. Get-togethers of the owners was advanced by UA as something that would result in noise and thrills a combined football game-Fourth of July celebration, but a lot of oil poured on troubled waters by UA chief Murray Silverstone made it something of a dud. Although Mary Pickford and Alexander Korda did not personally attend the opening session last Tuesday (19) to keep it from becoming a strictly proxy affair, not even they saw fit to attend the closing gathering on Saturday (23). Only spice in the program was a bit of heckling that Sam Goldwyn contributed to the initial huddle via his representative, James Mulvey.

Small Calls Conclave

Non-owning producer meetings overshadowed in importance anything developing out of the stockholder conclave. Producers who got together in Walter Wanger's office on the Coast last Wednesday (20) were Edward Small, who sponsored the meet, Sol Lesser, Hal Roach, David Loew, Richard Rowland and Henry Henison, representing James Roosevelt. Death of Wanger's mother-in-law in the east precluded his attendance. Group will get together again this week, when it will elect a chairman to act as contact with the homeoffice. Wanger, Small and Lesser are under consideration for the post.

Eastern meeting was attended by J. J. Milstein, representing Small; David Griesdorf, repping Roosevelt; Harry Kosiner, repping Wanger; Fred McConnell, for Lesser, and Ed Peskay, rep for Roach.

Vote of confidence was given by the producers to Silverstone in his operation of company affairs, while the eastern reps, who have daily dealings with the sales department, expressed complete confidence in Arthur W. Kelley, new sales chief. Much sincere respect for his ability and the certainty that he will straighten out the muddled state of the department was voiced.

Blame Sales Setup

There was considerable venom spent in past management of the department, the producer reps pointing out that producers are suffering because of bad feeling engendered by UA mechanics of distribution for which they are not responsible. They think they are taking a rap unjustly and it's reflecting on the deals they are getting from exhibitors.

Another purpose of the producer get-together is for greater cooperation, which it is hoped will end conflicts in types of pictures. Best example is the mixer between Wanger and Small. While Wanger was reading the script of 'So Gallantly

Gleaming,' in which he has considerable coin invested, Small came through with 'Kit Carson.' The two stories have similar characters and take in the same period. Had a producer confab been held, either Small would have held up 'Carson' or Wanger wouldn't have invested heavily in 'Gleaming.'

Silverstone presided over the stockholder meeting in Hollywood, discussing with the UA owner-proxies the possible effect of the consent decree on distribution policies. Present were Charles Schwartz, UA general counsel and envoy of Charles Chaplin, Loyd Wright, sibling for Miss Pickford, Mulvey, dittoing for Goldwyn, George Bagnall serving as listening post for Korda, and Harry Bardt, Bank of America trust department exec, sitting in for the heirs of Douglas Fairbanks, Sr.

Silverstone Stays West

Hollywood, Nov. 26. Ed Rafferty, United Artists secretary, left yesterday (Monday) for New York after attending stockholders' meeting here last week. Murray Silverstone will remain two weeks for talks with UA producers, while Charles Schwartz has gone to Palm Springs for the next 10 days.

Silverstone will confer with Gene Towne and Graham Baker, currently producing for RKO, on a distribution pact for their future output. He'll also take up matter of granting Ben Hecht and Douglas Fairbanks, Jr., a three-picture-a-year deal.

Monroe Greenhalgh, succeeding Lynn Farnol, UA ad-pub chief, planned in Sunday (24) from New York to line up campaigns on features to be released during the first six months of 1941.

PAR'S YEAR NET PROFIT MAY TOP \$6,000,000

Paramount earnings are running higher in the present, fourth and final quarter, than at any time this year, according to Wall Street reports. Claimed that both the theatre department and picture distribution division are doing better than at any other period in 1940. Par reported \$4,810,000 net profit for the first three quarters, with \$1,726,000 of this coming from the third quarter ending last September.

Although the company reported \$3,874,944 in 1939, a material pickup over 1938, if the present earnings rate is maintained it is estimated that Paramount may wind up the year with net profit in excess of \$6,000,000.

WOULD EXAMINE KENT IN TEMPLE FILM SUIT

Application was made Friday (22) to the N. Y. supreme court by Lola Forrester and Maxine Page examining Sidney R. Kent, president of 20th Century-Fox, before trial on Dec. 2. Action by the plaintiffs against the film company is scheduled for trial Jan. 1, 1941.

Suit claims plagiarism of plaintiffs' play, 'Joyous,' in 'The Poor Little Rich Girl.' Plaintiffs' script was submitted to the defendant in October, 1934, and rejected, and is alleged the Shirley Temple starrer of two years later was lifted from 'Joyous.' An injunction, accounting of profits and damages are sought.

WHAT TO DO WITH IT, THE PROBLEM

Britishers Don't Want It Invested in Native Theatres, Fearing Monopoly—Would Favor Film Production Underwriting, However

MAXWELL'S HOLDINGS

London, Nov. 26. While negotiations are still pending between the American film companies and the British Board of Trade as to the maximum cash withdrawals from Great Britain for the year commencing this past Nov. 1, considerations are being given to the problem of the impounded funds, currently withheld, which are reported close to \$25,000,000. At the expiration of the year's agreement, on Oct. 31, last, there was a credit balance in excess of \$19,000,000 to the account of U. S. companies.

Latest report to American companies, through the U. S. Embassy in London, is that withdrawals for the current year will be fixed at \$12,000,000. Sums in excess of that figure will be frozen. If American distributors continue serving British theatres at current film rentals and numbers of pictures released annually, it is anticipated that the total funds held in Britain to the credit of American companies will reach \$45,000,000 by Nov. 1, 1941. In the two-year period, withdrawals will be approximately \$29,500,000.

Probabilities are that regulations soon will be laid down in Great Britain indicating the investment channels to which the impounded millions of American credits may be diverted. Each month that the war continues is regarded as an additional blockade against transfer of funds.

Suggestions that the cash shall be invested in British film theatres have been received unsympathetically in Britain, where fear is expressed that American concerns may obtain too great a financial grip on the English exhibition organization. On the other hand, encouragement is being given to any plan which would divert the funds into British producing.

ABPC Angle

Reports reached New York this week that certain London agents were sounding out American interests in behalf of heirs of the late John Maxwell, organizer and operator of Associated British Picture Corp., one of the largest film enterprises in Great Britain. Under current restrictions it is stated that however attractive a purchase of all or part of the Maxwell interests might be, sale of his holdings to an American company would not be approved.

New officials of the Associated British Pictures Corp. R. G. Simpson, chairman, W. D. Scribner, deputy chairman, and Eric Lightfoot, managing director. All have had important executive positions under the Maxwell management.

Some light on the complexities of British-American film relations are expected when Dave Rose, Paramount representative, reaches New York from Lisbon tomorrow (Thursday). He is conversant with latest developments.

\$12,000,000 Final British Offer on Pix Coin for '41

Following a two-hour huddle at the Hays office Monday (25), major company foreign chiefs took no decision on what purported to be Great Britain's final offer on frozen coin. Foreign managers want time to study the lengthy, involved document and may take no action until later this week. Understood that the British government offer is to permit the major companies to withdraw from the British Isles around \$12,000,000 during the year starting

Par Plan to Refund \$13,400,000 Worth of Pfd. Stock Would Save Some \$550,000 in Interest, Divvys

last Nov. 1, with approximately \$24,000,000 kept frozen there for the war's duration. During first year of cash embargo \$17,500,000 was withheld, plus \$1,500,000 additionally credited to the Universal company.

British frozen-coin agreement was received over the weekend. Report was circulated in the trade that this is the last offer from England, with the implication that U. S. distributors 'could take it or leave it.' No denial or confirmation could be obtained on this angle. But indications this week are that American distributors are not satisfied with \$12,000,000 or thereabouts, especially since it likely would be divided among eight major companies, including Universal, not counted in on the \$17,500,000 permitted withdrawn during the 12-month period ending last Oct. 31.

Suggestion that a counter-proposal might be made to the British government was seen in the fact that England's governing body meets again today (Wednesday) when this might be taken up.

WB VITASOUND, IMPROVED BY RCA

Hollywood, Nov. 26. Vitaphone, a new idea in sound projection developed jointly by Warners and RCA, was given a press preview at the Burbank studio and convinced a lot of newspaper critics that there is something novel in the technique of picture production. Major Nathan Levinson, chief of the Warners sound department, turned the new development on an old picture, 'The Sisters,' which featured an earthquake (fire) and gave the scribes an idea of what a real temblor is.

Improvement on the old sound technique refines or heightens the tones at will. It costs about \$2,500 to re-equip a theatre for Vitaphone, but the process of converting theatres generally will be slowed up by the national defense program, which has heavy calls on RCA and other manufacturers of sound machinery. The same thing is delaying the new Walt Disney-RCA Fantasia for 'Fantasia.'

First theatres to be equipped with Vitaphone are the WB Strand, New York, and Warners, Hollywood. First film to get the benefit of the new apparatus is a short subject featuring Henry Busse's orchestra. Next on the list are 'Four Mothers' and 'Santa Fe Trail.'

RIFKIN NEW MONOGRAM V.P., SUCCEEDS LOACH

Hollywood, Nov. 26. Herman Rifkin, owner of eight theatres in New England, stepped as vice-president of Monogram Pictures, succeeding Thomas P. Loach, who resigned.

Mel Hurling, Pacific Coast manager for Monogram, took Loach's place on the board of directors. Ray E. Young was named treasurer in the series of shifts made at a board meeting last week.

Samuel (Steve) Brody was named to succeed Edward Golden as general sales manager for Monogram. Golden turned in his resignation effective Dec. 1 and is taking a vacation. Board meeting was the first since Monogram moved its home offices from New York to Hollywood. Brody was formerly head of Monogram's Boston exchange and a member of the board.

Paramount has entered into negotiations with banking interests looking towards the refunding of approximately \$13,400,000 worth of preferred stock. There are presently about 134,000 shares of this stock outstanding. It is callable at \$100 per share. No agreement has been made for the refunding but action may be taken in the near future.

Calling of the 134,000 shares would be accomplished through fund which would come from cash in the company's treasury as well as money from a long-term loan. Coin needed for the latter phase of the refunding operation prompted the banker negotiations. Paramount and outside subsidaries are reported having about \$22,000,000 cash on hand at the present time.

Estimated that Paramount would be able to save about \$550,000 annually in dividend and interest payments if the refunding proposition goes through. Company pays \$8 annually on this first preferred.

While reported last week in Wall Street that either one or both of the preferred issues might be refunded, it is understood that Paramount considering the first preferred only presently. If this preferred stock is called in, Par would have only two classes of stock outstanding, the \$10 second preferred and the common. The 60c annual divvy distribution on this stock represents an outlay of about \$333,000 per year.

Paramount has been attempting to convert as much first preferred. It could into common during the last few years, in hopes of reducing interest and dividend payments, and leaving the common in line to receive more substantial dividends. Refunding operation apparently the key to the entire problem since it would leave enough money available for additional common share divvys, thereby speeding the conversion of second preferred stock into common.

A.H. BLANK'S NEPHEW FORMS OWN CIRCUIT

Lincoln, Neb., Nov. 26. Another Blank entered the film circuit operations picture in Nebraska and Iowa this week when Ralph Blank, a nephew of Paramount's partner, A. H. Blank, with V. Gerhard incorporated for \$10,000 Blank Theatres, Inc. Scope of operations will probably be in Nebraska and Iowa. Home office is listed as Omaha, which is also district headquarters for Blank-Par-Tri-States.

Whether or not this is linked with the Blank chain is not yet designated, although it is figured buying of films will be influenced by the big Blank negotiations, as has been the case with Harry Warren's Central States Theatres, Inc., also unaffiliated with a distrib.

Ralph Blank was formerly Nebraska district manager for Central States, and sold out his interest more than a year ago after which he went to the Coast and dabbled in production. His reappearance on the mid-west scene has not been unexpected, but the full import his company may bear in relation to the lesser Nebraska and Iowa situations is not known.

WB Renews Blanke

Hollywood, Nov. 26. Henry Blanke, 15 years with Warners, signed a new contract for two years as associate producer. Currently Blanke is producing 'The Sea Wolf.'

AAA ALL SET TO HANDLE ANY AND ALL FILM BIZ SQUABBLES STARTING FEB. 1

First of 31 Bureaus Formed—Details of How the Distrib-Exhib Arbitration Machinery Will Work—10 Arbitrators for Each of the 31 Offices

Hurriedly setting up the necessary machinery for the arbitration of distributor-exhibitor disputes under the consent decree, the American Arbitration Assn. will be ready to start hearing cases between Feb. 1 and 15 but, meantime, in the event anyone wishes a matter arbitrated it may be brought before the AAA and it will be handled through its regular channels, outside of the decree, as are other cases.

The first of 31 bureaus in exchange points has already been established in Los Angeles, J. Noble Braden, executive secretary of the AAA, flew out Saturday (25) and immediately appointed Walter Elliott as manager of that office. He will also serve as supervisor over Pacific Coast zone, plan of the AAA and distributors being to split the country into five or six regions. Elliott, with the AAA as an arbiter for 10 years, has been active on matters pertaining to the Dollar Steamship Line. With the AAA in New York, he leaves Jan. 1 and will headquarter at L.A., his zone also taking in San Francisco, Portland, Seattle, Salt Lake City and Denver exchange keys.

In Los Angeles only two days, Braden leaves today (Wed.) for San Francisco to establish a local bureau there, then sets up offices and managers in Portland, Seattle, Salt Lake City, Denver, Omaha, Des Moines, Kansas City and other points on the way east, including in all probability Minneapolis. He is flying most of the way. Braden will wait until after the holidays to organize arbitration offices in Washington, Charlotte, Philadelphia, Atlanta, New Orleans, Memphis, Dallas and Oklahoma City, with various keys grouped into zones at the same time.

Grading Bureaus
Bureaus which will be maintained for records, etc., and where cases will be heard, will be headed by A. B. and C. according to the importance of the territory and business of the various exchange cities. While not entirely worked out as to details concerning office help required, the salaries of the managers will be \$60 for those in the 'A' offices and \$50 for those in 'B' or 'C' exchange points. The manager of any branch office, who also supervises and directs the activities of the others in his zone, will not receive more than the prescribed \$60 for the 'A' exchange keys.

The AAA has a panel of 7,000 arbitrators throughout the country from which to choose some of those who will serve on film cases under the consent decree if desired. On his trip Braden will contact local Chambers of Commerce, credit associations, business men's organizations, etc., in lining up a sufficient number of men who will serve, however. He will seek recommended parties from the various exchange keys and the lists will be gone over carefully by a standing committee of the AAA before selections are made, either among new recruits or from present AAA panels.

No one having had a past association with the film industry or presently tied up with pictures in any way is eligible. The arbitrators appointed will do nothing until they are called as the first of the cases are filed.

\$10-\$50 Average Cost, Some May Run to \$90

It is figured the cost of arbitrating cases to each party concerned will run from \$10 to no more than \$50 on the average, but if a transcript of the record is required, the cost might run to around \$90. In 75% of the cases which the AAA now handles on appeal, briefs are not submitted and attorneys are not required, though anyone before arbitration may have both.

A filing fee of \$10 must be paid when a case is brought up for arbitration. This fee is borne by the losing party, and if the loser desires to appeal the case he also bears the freight on that.

The panels of arbitrators to be organized will number a minimum of 10 for each of the 31 bureaus. In presenting a case, either one or three arbitrators may be had. The fees for each are not to exceed \$50 a day or

part thereof, plus any expenses involved, which are expected to be minor.

A budget of \$490,000 was set to cover the costs of arbitration (aside from filing fees, etc.) for the first year under the consent. For the second year it is understood it will be \$465,000, the reduction taking into account the initial cost of organizing bureaus, purchasing furniture, etc. Under the Federal Judge Henry W. Goddard, who has jurisdiction over the consent decree, may increase the budget but not more than \$50,000.

Col, Ua and U May Participate
It is understood that Columbia, United Artists and Universal, not parties to the consent, may arbitrate if they desire. In some cases where they are involved with any of the five distributors who signed the decree they are automatically brought in. Cost of the arbitration under the budgets set will be apportioned, however, only among Metro, Paramount, Warner Bros., RKO and 20th-Fox, with the percentage each is to bear to be based on gross rental business from Aug. 1, 1939, to Aug. 1 last. Data is now being gathered to determine what each will pay. Metro will have to shoulder the largest share, the rest being doubtful as to how they will rate.

Complaints against clearance are expected to represent a vast majority of those filed, a leading distributor official opining that "every exhibitor will want his clearance changed." It is admitted cases may be found where the exhib is justified in seeking a change.

Deals for blocks of five contingent upon buying of shorts, newsreels, etc.; discrimination in selling and clearance; high-pressure tactics, disputes over run classifications and various trade practices regarded as unfair, are also expected to come up under complaints filed. It is reported on inside, however, that the position of the Government is that it has no idea of restraining buying power and keen bargaining except where undue pressure figures.

It is believed among sources that many precedents will be set and that after a while the number of cases will be materially reduced, with the second year of arbitration probably seeing a sharp drop in complaints that have to be arbitrated.

All Hearings Will Be Open, Including Press

All hearings will be open to any interested parties, including the press. This takes in the appeals board hearings as well as all of the 31 bureaus throughout the country. Considerable opposition to this is said to have been registered by the distributors at a very stormy meeting on the matter with Dept. of Justice representatives. All records will also be available for perusal.

The appeals board will hold its hearings at the New York offices of the AAA, but will also maintain an office of its own, probably in Radio City. Local cases, one unit handling New York, Westchester and northern New Jersey, the other Brooklyn and (Continued on page 53)

Whitney as AAA Prez

It is reported that C. V. Whitney, socialist and long prominent in racing circles, will be elected president of the American Arbitration Association. He would succeed Franklin E. Parker, Jr., attorney, who has been president of the AAA for years.

LACROSSE VS. PAR MAY RESUME TRIAL NEXT WK.

Madison, Wis., Nov. 26. Opposing counsel are conferring with Judge Patrick T. Stone in Federal court here today to fix a date for the resumption of the trial of LaCrosse Theatres Co. anti-trust suit against Paramount and others, and efforts are being made to get going again next week. Trial of the action involving alleged damages of \$1,476,000 had barely started, with Eddie Ruben, president of the co-defendant Wellworth theatres, on the stand as the first witness when Robert A. Hess, of Milwaukee, legal rep. for LaCrosse, suffered a collapse from exhaustion, halting proceedings Nov. 6.

Hess, who also is Wisconsin attorney for the American Society of Composers, Authors and Publishers, has since been recuperating and is now ready to proceed.

Wheat Peps Alberta B. O.

Lethbridge, Alberta, Nov. 26. Despite the wheat quota, farmers are realizing a fair return for their crops and theatres in this part of the country are doing a good business. Recent raising of the quota has put more money in circulation.

Colder weather, too, has helped the circulation of money with mines working steadily to take care of orders and thus handling large payrolls. Sugar beet crop, one of the best in years, and sugar beet factories with large staffs are also serving to keep the greenbacks rolling.

\$350,000 Metro Blaze

Hollywood, Nov. 26. Fire on the back lot cost Metro \$350,000 in sets, props and mechanical equipment. Cartoon building was severely damaged, requiring a new front. Two studio firemen were injured.

Studio Contracts

Hollywood, Nov. 26. RKO picked up Gene Raymond's option for a third picture.

Phil Regan put under contract at Paramount.

George Seaton inked writing pact at Metro.

Universal handed Peter Sullivan a player contract.

Metro lifted Edward Ashley's player option.

Universal hoisted its player option on Lewis Howard.

Edward Arnold inked term pact at Metro.

Indies May Be Able to Start Separate Suits to Kayo U.S. Approval of Decree

Formal signing by Judge Henry Warren Goddard of the consent decree and rules of arbitration in New York Wednesday (20) had been expected as a foregone conclusion by both the five producer-exhibitors and the Department of Justice, but apparently various independents who had so vigorously protested against the decree were somewhat shocked at the rapidity of the signing of the document, and even more shocked at the failure of the court to do anything about their complaints. Others had no illusions as to the outcome. Milton C. Weisman, attorney for the Independent Theatre Owners' Assn. of New York, declared that in his opinion there was no possible

appeal from the court's ruling by independents who had appeared in the guise of 'amicus curiae', but that the indie could start separate, triple-damage, anti-trust actions against the film companies. Weisman pointed out that the independents were not actually parties to the proceedings, and as such had no standing in the court, although actually affected by the terms of the decree. Weisman plans at the next hearing on Dec. 5 to ask formal court permission for leave to intervene. This will no doubt immediately be denied, and then Weisman plans to appeal to the Circuit Court of Appeals from this denial, which will in effect bring (Continued on page 25)

Of People and Places

By THE SKIRT

The Best Dressed Woman of the Week:

ALICE FAYE

'Tin Pan Alley,' Romy

Memory-Arouser At Romy

'Tin Pan Alley' is better than the average musical. The picture divides honors between Jack Oakie's and Edgar Leslie's song 'America, I Love You.' The dances by Seymour Felix are splendid and Alice Faye looks zoffic and sings her numbers in great style. (She is outdanced by Betty Gable.) Miss Faye wears some outstanding clothes designed by Travis Manton. Gable and Faye team in a Hawaiian number in silver straws with sequin tops. Then Miss Faye goes into a cloth dress with an upstanding neck ruffle of white lawn. Good looking is a street dress of black with a striped belt and a small hat trimmed with flowers. A gold sequin evening gown cut decollete, has a fringe trimmed bertha, and a hobbie skirt draped to the center. A wrap is fur-trimmed as all through the picture are the different evening wraps. A going away costume consists of a long white skirt with black bolero and wings, trimmed hat. A silver hobbie skirt, evening gown has a knee flounce edged in white fox. In a sheik number Jack are Harem beauties in bespangled trousers with brahs. Hear Jack Oakie sings 'Goodbye Broadway.' That, as they say, is worth the price of admission alone. What a hey day for the song plugging industry, is this picture, and what a lot of memories.

Didn't Wear Bustles in 1891?

Vienna, 1891—so reads one of the captions for 'Bitter Sweet' at the Music Hall. Adrian, who designed the costumes for this Jeanette MacDonald-Nelson Eddy picture, seemingly has the period wrong, or maybe it's the script's fault. If memory serves the Skirt, 1891 wasn't the bustle or pousse period. But this may be unimportant to most people.

As worn here, the hoop skirts and bustles of Miss MacDonald are most becoming, especially as this picture is done in technicolor. The red hair of the star, her blue eyes, and her fair skin are highlights of this film. And who says a redhead can't wear red? A red velvet dress is worn for the trip from London to Vienna. At a ball a very full white skirt and bodice are trimmed with large pink roses. Green silk is worn with a tiny poke bonnet. There is a blue and white dimity and a gold colored satin. The well-known 'Zigzag' number is breathtaking in its white and brown coloring. Miss MacDonald wears a white-hooped dress with brown trimming. The headpiece is a full moon effect and around her throat is a necklace of row upon row of brown beads. The huge chorus has the men in white tights and brown trimmed jackets. The girls wear ankle-length brown skirts with bodices and shawls of brown.

Music Hall Has Sock Stage Bill

The stage show at this Music Hall is the best seen by the Skirt in moons. Called 'In the Blue,' the first number is a bit of Dresden. On rise there's a three-layer stage with a huge china platter at the back. On what seems to be a table there is a complete set of dishes consisting of 12 cups and saucers, a creamer and pitcher and two candlesticks. They all come to life, and the cups are the ballet girls, while the saucers are cute gold parrots. The girl of the platter does a hard toe tap dance in a very short frock of blue and gold, and red slippers. Her name, Katherine Harris. Maurice Melbourne does whistling stunts in a white gown with blue shadows. 'Bluebells of Scotland' has the Rockettes as lassies in kilts. It's swell. But it is the 'Blue Danube' that is among the most beautiful effects ever attempted by the Hall. An enormous castle hugs the banks of the famous river. What looks like real water turns out to be a huge square of blue and white silk cleverly manipulated by the ballet crop who are shimmering in diamond-studded costumes. At the sides of the castle are two piazzas holding royalty in white costumes. In the upper chambers of the castle can be glimpsed waltzers in blue buffaloes gowns and white uniforms. Rosemarie Brancato, making her Music Hall debut, does the vocalizing.

For the Murder She Wears—

In 'The Letter' at the Strand Bette Davis does the original murder in a grey crepe gown made with full skirt and full sleeves. A long skirt of a striped material is worn with a white blouse and, in prison, the same kind of costume is worn excepting the skirt is short. A plain material is combined with a check pattern with an overcoat hung from the shoulders of the plain pattern. A starched dinner dress seems to be of a dotted embroidery. For the trial a black suit with a lace jabot at the throat and a Bangkok hat is also worn. The finish of the picture has the star in a grey kithen, made with full skirt and very full sleeves. Gale Sondergaard is a usual sinister sister in snake-like makeup. As an Eurasian she wears the Oriental costumes well. Frieda Inescourt, for a bit, is matronly in a cloth shirtwaist dress and a print dinner frock.

On the stage, Harriet Hilliard with Ozzie Nelson's band, is nicely dressed in a long red skirt and black velvet tight-fitting bodice, with a lace ruffle at the hip line. Roseanne Stevens is simply frocked in a red dress and white blouse. Girl of Harris and Shore is in white with red velvet trim. It could be said the Strand stage show is in the red.

At 'Cabin in the Sky'

Ethel Waters playing in 'Cabin in the Sky' at the Martin-Bell theatre convinces more than ever that she ranks with such stars as Helen Hayes, Lynn Fontanne and Katherine Cornell. Saturday found the house packed. Costumes are credited to Boris Aronson, but he had little work dressing this show. Gingham and calico don't need a designer. For the most part these were the materials used and also some of the clothes by now needed a cleaner's attention.

Miss Waters wears bungalow aprons until the last act when she appears in a lovely gown of tomato red chiffon with gold bolero and giraffe. Katherine Dunham, a dancer of talent, is a siren in a black silk skirt very short and tight. The bodice is blue and the hat and gloves of orange. She heads an Egyptian number in gold fringe with long skirt of colored chiffon, in print design.

Plays Heiress, Doesn't Look It

'Too Many Girls' showing at the Criterion theatre suffers from comparison to the stage show. Lucille Ball can be mentioned favorably. She does the lead with gusto. Diana Costello and Mary Jane Walsh are missed. Richard Carlson was a poor choice. Eddie Bracken and Hal LeRoy of the original company do very well. But there is more than performances missing in the picture. Boiled down it is just another football picture whereas the stage show had vitality and pace and the spirit of clever kids. Miss Ball isn't any too well dressed for the heiress she is supposed to be. Her first outfit consisting of a 'wolf-trimmed coat is most ordinary, not what one expects from a rich young woman from Europe. At college she wears the customary short dresses and suits. Ann Miller is only a tap dancer in a black and white frock. Frances Langford's clothes favor the western atmosphere. Desi Arnaz, who is getting so much publicity, screens surprisingly badly. His bongo beating isn't nearly as important as the costumes of the large chorus.

Their Favorite Recipes:

(Pegeen Fitzgerald's Poppy Seed Cake)

One-half cup poppyseeds, one cup milk, one-half cup butter, one and a half cups granulated sugar, pinch salt, two cups flour, two teaspoons baking powder, four stiffly beaten egg whites. Soak the poppy seeds in milk overnight, use additional milk it soaked up too quickly; cream butter and sugar, adding dry ingredients alternately with the milk. Fold in the egg whites and bake in loaf tin for one hour. Icing optional.

DECREE CRIMPS PROD. COIN

First Post-Consent Decree Suit Filed By Two Pennsy Indies

Philadelphia, Nov. 26. The first anti-trust suit, since the consent decree, was filed in U.S. District Court here last Wednesday (18)—the day the decree became law. It was filed by Henry Sork and Harry Block, operators of the Rio, Reading, and Rio, Schuylkill Haven, both in Pennsylvania. The suit also marked the first time in local court history that Republic Pictures was named as co-defendant with the majors in an anti-trust action.

Besides Republic and the majors, Sork and Block named the following defendants as responsible for alleged conspiracy in making product hard to get in their two houses: Warner Bros., Wilmer & Vincent, Jay Emanuel, Rajah Theatre Co., David Brodstein, George Lessey, Comerford Amusement Co. and Comerford-Publics.

Sork and Block asked triple damages amounting to \$62,700 under the Clayton anti-trust law and an injunction to prevent the distributors from showing preference for the defendant-exhibitor to the detriment of the plaintiffs' houses.

The plaintiffs claimed they were forced to wait from seven to 37 days for features longer than their competitors.

Their grievance was caused, the plaintiffs said, because the Reading house has to wait seven days after WB's Strand; and 27 to 30 days after Wilmer & Vincent's State before it can get product, while the Schuylkill Haven theatre, only house in town, must wait 28 days after Comerford's three theatres in Pottsville get finished with pix before available. In addition, Block and Sork aver, theatres owned by the other defendants are all in the deal to make things tougher for them.

Another charge in the bill of complaint is that Warner Bros. and Loew's have "a silent but financial interest" in the State and Embassy, Reading, and Loew's has a similar interest in the Penn Theatre West Reading. These houses are nominally under the operation of Wilmer & Vincent.

KUHN DROPS WB LIBEL SUIT OVER 'NAZI SPY'

Fritz J. Kuhn, ex-president of the German-American Bund, now serving a prison term for stealing the Bund's funds, dropped his \$5,000,000 libel action against Warner Bros. Pictures, Inc., Milton Krims, John Wexley and Leon G. Turrou in the N. Y. federal court Friday (22). Kuhn had been given until Dec. 15 to decide whether to prosecute or drop the action, the Bund having dropped its share of the suit a month ago.

Action claimed libel to Kuhn and the Bund in Warner Bros' 'Confessions of a Nazi Spy'.

Chas. J. Cella's Will

St. Louis, Nov. 26. The will of Charles J. Cella, millionaire theatre owner and real estate dealer who died Oct. 29, was filed last week for probate in Clayton, St. Louis County, stipulating that the estate is to be held in trust for 21 years, with 60% of the income going to his widow, and 40% to be divided among two daughters.

A son did not share in the will as Cella observed he had been amply provided for by the estate's brother, Louis A. Cella, who died in 1918. No value of the estate was given.

'ROAD' STAYS PUT

Hollywood, Nov. 26. 20th-Fox called off its plan to send a "Tobacco Road" troupe to Georgia for location shooting. Studio execs decided not to take any chances on winter weather in the southeast. Filming will be done in California, where sound stages can be utilized in case of rains.

McLaglen in 'B'way Ltd.'

Hollywood, Nov. 26. Victor McLaglen was signed by Hal Roach for one of the top spots in "Broadway Limited," a railroad yarn, slated to roll Dec. 2.

Hal Roach, Jr., recently shot background footage aboard a work train on the Pennsylvania road.

NW Indies Mull Some Sort of State Laws To Hamstring Decree

Minneapolis, Nov. 26. Foreseeing higher film costs as one of the results of the consent decree, and declaring there'll be no offsetting benefits for them, independent exhibitors here are studying the matter to determine if any state legislation can be enacted to hamstring some of the provisions of the decree.

At a Northwest Allied meeting at which the decree was discussed and passed, a committee was appointed to look into the proposition of proposed state legislation that would "protect" the independent exhibitor and give him "relief." It was asserted that the decree brings "ruin" closer for a large number of independents who "urgently need" lower film costs and who now are "practically certain" of advanced costs.

"The organization sent its own attorney, L. E. Schwartz, to New York to represent it and argue against the decree's approval by the court.

2d Plagiarism Action

On WB's 'Mayor of Hell'

Thomas Carlton Upham, author, filed suit in N. Y. federal court Monday (25), against Warner Bros. Pictures Inc. seeking an injunction, accounting of profits and damages for the alleged plagiarism of his play, 'Lost Boy' in Warner Bros' 'Mayor of Hell.' Plaintiffs' play, originally entitled 'Compulsion,' was produced in Jan., 1932, at the Mansfield theatre, N. Y.

'Mayor of Hell' was made the same year, 1932, and this is the second suit charging infringement against Warner Bros. on the same picture, Albert Bein having filed one some years ago. That action was dismissed.

EDICT WORRIES COAST PRODUCERS

Film-Makers Told to Carry Out Orders or Make Way for Those Who Will—Consent Decree Puts Big Five on Their Mettle

PLENTY OF B'S

Hollywood, Nov. 26.

How to readjust the talker production machine so that it will be able to annually turn out between 400 and 500 features, each of which will have sufficient strength to sell on its own merits, is the problem momentarily harassing Hollywood studio heads. And that's not all.

They've been ordered by their home offices to immediately find ways and means of manufacturing these pictures at costs considerably below the 1940-41 season's outlay.

Behind this new trend in film making are two factors: (1) The revised conditions imposed upon the industry by the signing of the consent decree, and (2) a fuller realization by eastern execs that future production outgo must be kept strictly within the income possibilities of the domestic market. Besides, they are not overlooking the fact that distribution expenses are going to soar to new highs as result of the agreement that ended the Government's anti-trust suit against Paramount, 20th-Fox, RKO, Warners and Metro—increases that must also be taken out of those strictly U.S.-Canada grosses before there can be anything in the way of profits.

Even more indelibly impressed upon the production chiefs' d'faires by the visiting moguls, however, was the fact that Paramount intends to lean backwards in its efforts to prevent exhibitor squawks as provided for under the wordage of the decree. Par's home office officials will countenance no sloughing of product, the Hollywoodians were warned, which means that each picture offered by the company in its groups of five or less must stand or fall by itself.

Other Majors Fail in Line. Similar messages will be delivered by the eastern moguls of 20th-Fox, RKO, Warners and Metro when (Continued on page 25)

On Top of Inevitable New Taxes For Nat'l Defense, Theatres Must Remit Full 10% on Cut-Rate Ducats

Product Shortage?

Minneapolis, Nov. 26. Because of curtailed production and numerous extended runs, subsequent-run and neighborhood exhibitors are more seriously threatened with a product shortage than at any time in recent years, independent leaders here assert.

The curtailed production and the necessity of milking everything possible out of every picture that demonstrates boxoffice strength make the extended-run policy essential as far as the loop first-runs are concerned.

Distributors of independent product already claim the largest demand for their releases in many years, and they assert, the fear of a product shortage is motivating the increased buying.

In addition to contemplating the virtual certainty that new taxation will be levied to meet increased defense costs and the raising of the Government's debt limit, theatre operators meantime have learned that they cannot accept cut-rate admissions without paying tax thereon in accordance with the established price at the boxoffice.

A vast number of picture houses permit students and others past the gate at a special admission which is less than that charged for others. Soldiers and sailors are also given a cut-rate benefit by many operators, but this special privilege is technically doubtful in view of a ruling handed down on the matter which refuses to exempt such patronage from tax which applies to others paying the full b.o. levy.

Theater district "fun" students, teachers, soldiers-sailors, etc. have been selling seats to this slice of trade at a discount on the ground that their amusement budgets are considerably restricted.

Following the lowering of the tax ceiling from 40c to 20c last July 1, the question of cut-rate admissions finally came up and the Treasury Dept. at Washington was consulted. Its ruling is that if a theatre charges 35c, which is taxable, but cut-rates students or soldiers at 20c (not taxable), the tax must still be collected based on a 35c admission. Thus, a theatre ceiling at 35c seat for 20c must either collect a tax of 4c or bear that load itself, which would bring the net from a student to 16c.

The Law

Treasury Department has ruled as follows:

'Section 1700 of the Internal Revenue Code provides that in the case of persons (except bona fide employees, municipal officers on official business and children under 12 years of age) admitted free or at reduced rates to any place at a time when and under circumstances under which an admission charge is made to other persons, an equivalent tax shall be collected, based on the price so charged to such other persons for the same or similar accommodations.'

Reported that some colleges and schools have been admitting soldiers and sailors to football games free of charge. Under the strict ruling of the Treasury Dept. they are subject (Continued on page 26)

Additional Arguments From Three Firms Due On RKO's Reorg Fees

RKO comes to life again in its most familiar home, the N. Y. federal court, when on Dec. 5 Judge William Bondy will re-hear applications for allowances by three firms which feel they were not allowed enough in reorganization fees. The court has notified Irving Trust, former trustee, and RKO Corp. to be present and either attack or defend the request for allowances.

Those to be heard are George L. Schein, attorney for the Protective Committee for Common Stockholders, allowed \$8,000 out of a request for \$100,000; Abel Gottheimer and Bernard Bercu, accountants for the stockholders, allowed \$2,000 out of \$30,000 asked, and David Stock, attorney for H. Cassel & Co., bondholders, whose claim for \$15,000 was disallowed.

TRACY'S DUALER

Hollywood, Nov. 26.

Metro is reviving 'Jekyll-Hyde' for Spencer Tracy. John Barrymore and Fredric March made it previously.

35th ANNIVERSARY NUMBER



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SPOKANE PROS AND CONS

Decree's Effects Have Divergent Views Among Indies

Spokane, Nov. 26. Opinions vary among independent theatre owners of Spokane, as to the consent decree. Says H. D. McBride, owner of the Granda and Dishman theatres, and president of the local independent owners, 'The decree is a great victory for the producers and a defeat for the independents. The five-picture selling is a hardship on the little fellow that will probably cost him his theatre over a short period of time. The ideal arrangement would be blockbooking, with a 20% unrestricted cancellation.'

Cecil Miller, of the Ritz: 'Believe it will work out to advantage for the theatres using subsequent runs.'

W. E. Lindsay, of the Bandbox: 'Can't see where it will effect us much, except in the matter of price. Harry Black, of the Empress: 'We were satisfied with the 20% elimination, why change it?'

Harry Luft, of the Rainbow: 'Should make no difference in a one to six run house.'

Allen Zell, New Rex: 'We buy selective deals, so it should not effect us.'

Walter Seal, Rialto: 'As we make six changes, there is no question but what it will work a hardship on us, and am in favor of blockbooking, with a 20% unrestricted cancellation.'

Dave Blum of M-G Has Alternate Disc Film Plan for Latin-American Goodwill, Instead of NBC Shortwave

Campaign to get the film industry to pay for shortwave broadcasts to the Latin-Americans produced two developments during the last 10 days. First is that Metro's foreign publicity chief, Dave Blum, has submitted an alternative longwave program idea to Metro home office officials and to the Hays office. The second is that L. P. Vandell, National Broadcasting Co. shortwave sales executive, has submitted a new proposal to all major company foreign chiefs and has offered these officials a sample disc of the intended shortwave programs.

Checkup on the status of the Latin-American shortwave goodwill program revealed this week that only RKO had approved the NBC proposal. Metro, Paramount, United Artists and Warner Bros. rejected the proposal. UA turned down the NBC shortwave plan on Nov. 18, but Walter Gould, new foreign manager, expressed himself as willing to listen to a new proposition. Universal, via J. H. Seidelman, foreign chief, is marking time to see what develops on the new NBC proposal. Columbia reported the situation as status quo but had not approved any shortwave proposition. 20th-Fox, which previously had shown no interest in the NBC proposal, is now passing on Vandell's new proposition after hearing a sample recording of a typical Latin-American shortwave program.

Better Reception

The idea submitted by Metro is for major film companies to get together in a concerted industry effort via radio by making transcription programs in Spanish and Portuguese on the Coast and then distributing these to Latin-American stations. Outlined plan would be for the discs to be released on key dates by film industry committees in principal South and Central American cities. These programs would not plug any product or any picture but would constitute a friendly message to the Latin-Americans plus general American film news notes.

Spokesman for Metro pointed out that Latin-American stations use electrical transcriptions quite freely, there not being the aversion to their use that prevails generally in this country. He claimed this method of building a good-neighbor policy would reach more listeners than a shortwave broadcast, contending that the lack of clear reception of U. S. programs by shortwave and the small number of shortwave sets would not give film companies the coverage the Metro plan would.

Regarding the shortwave, a spokesman for United Artists stated that distributor representatives in the Latin-Americas definitely were not sold on even the limited coverage possible through the shortwave setup. In contrast, he said that tie-ins with local stations were much more satisfactory, citing the excellent results obtained by this method recently on "Rebecca" in Brazil. Also he claimed that should the company want to spend money for radio coverage in the Latin-American territory, greater benefits would accrue if programs were tied in locally, in different key cities.

PITT 'ROAD SHOW' DATE TO CUE SELLING POLICY

Pittsburgh, Nov. 26. World preem of Hal Roach's "Road Show" has been set for Stanley Theatre here week of Dec. 6, but won't be surrounded by usual ballyhoo. Frank Seltzer, publicity director for Roach, has been in town for week setting up campaign but prefers to call it a test engagement rather than the usual hoopla thing.

No stars will be brought in, but studio is shelling out close to \$10,000 for special newspaper campaign in all three dailies, details of which are to be announced in a few days. For those in the press box who want concrete reason for picking Pittsburgh, Seltzer is saying it's Adolphe Menjou's home town. Menjou is featured in the picture.

"Road Show" doesn't have any definite release date yet, and film's showing here will determine selling policy, classification and other details.

Exhibit Wins P-TA Aid On Building Kid Biz

San Francisco, Nov. 26. Ty Winkel, manager of the Piedmont, nabe filmer, is investing considerable time, effort and cash in cooperation with Parent-Teacher Association groups to see just what happens when the well-intentioned mothers get their way. Picking his product from a list approved by the ladies and building a two-hour show under their direction, Winkel has started series of Saturday kid mats. In return, he has been promised full cooperation, and this is urged in a letter, now being circulated, signed by several churches and P-TA units.

PAR-BALABAN THEATRE DRIVE

The drive for increased grosses by all of the Paramount theatres throughout the country, located in all but a few states, as a salute to Barney Balaban on his fifth year as president of the company, started Thursday (21) and will end Christmas. This period which generally affects theatre business vitally due to Xmas shopping and planning.

Prizes in every unit of the Par chain will be awarded, according to Leonard Goldenson, home office theatre department executive. These will be trips to Chicago and attendance at a banquet to be given Balaban Jan. 23. Each of the Par circuits, including all the partnerships, will determine the number of prizes to be given, based on business shown.

Goldenson, who was on the Coast for the recent studio holidays, returned to his office Monday (25) after stopovers in Dallas, Kansas City and Des Moines. He confabbed with Karl Hobbeltz and Bob O'Donnell in Dallas on Interstate matters and reports that grosses in Texas have improved.

In Kansas City, where Par operates the Newman itself, the company is spending some money to pep up the house up, including a new front. Goldenson discussed matters affecting the midwest with A. H. Blank while in Des Moines.

Sam Dembow, Jr. had gone with Goldenson as far as Tucson, Ariz., where they attended the "Arizona" preem, then flew to Cincinnati to see Tracy Barham, Ohio-Kentucky operator, before returning to P. Y. Thanksgiving.

UNIVERSAL SETTING UP ANOTHER SCULLY DRIVE

Universal district managers meeting in New York last Saturday and Sunday elected to stage another William A. Scully sales drive to start Dec. 8 and extend until May 10 next year. Drive will be sponsored by Scully in recognition of the part played by Scully in developing the improved relationship between the company and exhibitors. Matty Fox and Milton Feld will act as honorary captains in the western and eastern divisions, respectively.

Largest amount of prize coin since Nate Blumberg and Cliff Work took over, has been set aside for the Scully drive. In addition, Jules Level, producer of "Boys From Syracuse," also has offered prizes for best work in selling that picture. Prizes will be awarded on basis of best all-around sales and liquidation of accounts.

District managers' meeting was presided over by Scully, with J. Cheever Cowdin, board chairman; Nate Blumberg, F.J.A. McCarthy, William J. Heineman, Joseph H. Seidelman, Jules Lapides, David Miller, Harry D. Graham, E. T. Gomersall, J. E. Garrison and A. J. O'Keefe attending. From the N. Y. office were Tom Mead, newsreel editor; Davy Levy, B. B. Kreisler, F. T. Murray, J. J. Jordan, Morris Alin, Louis Pollock, and Hank Linet.

H'wood's 'Alley'

Hollywood, Nov. 26. Vine street and Hollywood blvd. became Tin Pan Alley for one day by official edict of Mayor Fletcher Bowron of Los Angeles. Gesture was made to plug the 20th-Fox picture opening in the vicinity. Kate Smith lent her hand and voice in the dedication ceremonies.

The boys on the curb, veterans of the old Palace sidewalk, appreciated the atmosphere even though it wasn't the same climate.

SPG Certification Powwow With NLRB in N. Y.

Pending certification by the National Labor Relations Board of the Screen Publicists Guild as bargaining agency for eastern publicists and advertising department employees, the SPG is preparing and discussing data with the NLRB in New York to show that it has the necessary majority to qualify for certification.

Hyman Glickstein of the law firm of Boudin, Cohen & Glickstein, counsel for the SPG, states that a sizeable majority membership has been obtained in all of the major film companies. Universal, which has a very small publicity department at the h.o., was not included at first in the SPG membership but now has been brought in. No efforts have been made to organize the small force at Republic's New York office headed by Dave Whalen. Monogram recently moved its entire staff to the Coast.

N. Y. membership voted final approval last night (Tuesday) of terms of the contract it will seek with film companies. General meeting was attended by better than 170 of the approximately 250 members. Stipulations in the pact were not released pending their deliverance to employers.

Principal contest in bargaining certification is expected to be the eligibility of staff advertising artists, the Guild taking them in under a constitution which opens membership to "all who create, prepare or disseminate advertising, publicity or exploitation matter." SPG interpretation is that it includes all publicity department employees except secretaries and office boys. Execs with power of hiring and firing are also not acceptable.

Statistics gathered by the Guild show 207 eligibles in the seven major offices, excluding U. Warner Bros. has 48, Columbia 33, RKO and Fox 29 each, Metro 27, Par 23, and UA 18.

For purposes of the contract, Guild is dividing all employees into seven classifications. These include three apprentice categories, three junior groups and one senior bracket. Each company unit will determine classification of its members on basis of length of service, job done and dispensability.

Par Cancels Plan to Preem Benny-Allen Pic in Miami

Miami, Nov. 26. Scheduled world premiere of "Love Thy Neighbor" in Miami Beach has been cancelled. Change of plans came as surprise to local Paramount representatives, who had just completed arrangements for first showing of the Jack Benny-Fred Allen opus on Dec. 20.

Reported that expenditure involved in bringing both Benny and Allen's entire radio companies here, and necessity of arranging two broadcasts, influenced decision.

New Circuit's 11th House

Detroit, Nov. 26. Having formed a new operating company, Associated Theatres here has just taken over the 11th house for its circuit, the Norwood, formerly operated by Ben and Lou Cohen. The theatre will be operated directly by the new Standard company, created by Associated. It is located directly across the street from Associated's central office.

Joe Klein, who formerly managed the Loop, will take over the Norwood with Fred Walton moving in as chief of the Loop.

WB Sets Up New Southeastern Sales Dist.; News of Theatres-Exchanges

Increasing its executive field forces for better coverage, Warner Bros. has set up another district which will make a total of eight for the company. Last summer, when it had only six, it created the so-called "prairie district" in the middle west. New southeastern group will embrace the territory covered by the Atlanta, Charlotte and Memphis exchanges which formerly have been tied in with the rest of the south.

Ralph McCoy, Warner branch head at Atlanta, took charge of the newly created district Monday (25), while Tom Gilliam, Chicago branch manager, stepped into McCoy's former shoes on the same date.

At the same time other shifts are made in the Warner chain. Joseph Sidney, Boston branch head, succeeds Gilliam in Chicago, and C. K. Olson is transferred from the Minneapolis to the Omaha exchange to take charge there.

Art Anderson, exchange chief at Des Moines, is promoted to the Minneapolis office, succeeding Olson there, and Elmer Tilton, former Des Moines branch mgr., returns to WB in command of the Cincinnati exchange. His promotion is that of R. H. Dunbar, Pittsburgh salesman for Warners, who takes over the Cincinnati exchange replacing Ralph Kinsler who is going to head the exhibition field on his own. Harry Goldman, salesman out of Chicago, is promoted to handle city sales in that key and Haddy Mandell, Chicago booker, succeeds Goldman on the road.

Blanks' Ambulance Gift

Des Moines, Nov. 26. Mr. and Mrs. A. H. Blank gave the local chapter of the Red Cross a check for \$1,150 this week for the purchase of an ambulance for Britain.

Schline May Add in Syracuse

Syracuse, Nov. 26. Though lacking confirmation, reported Schline is planning to take over the New Empire, dark since last spring when Charles Martino made an ill-fated stab at bringing vaudeville to town. Some \$25,000 was expended in the last few months of the house have been insisting that lessee shoulder much of this burden, thus discouraging several individuals who have been interested in the house. Schline may be able to swing the deal for a house which is perfectly laid out for stage show. Report is that it would then become available for roadshows, concerts, lectures, etc. It would tie up every downtown house, but Loew's, under the Schline banner.

Bob Dunbar Promoted

Pittsburgh, Nov. 26. Bob Dunbar, office manager for WB-FN here, has just been promoted to the managership of the company's exchange in Cincinnati. He will take up his new duties in a couple of weeks. W. F. (Dinty) Moore, Main Line salesman, will succeed Dunbar at the local office. No replacement for Moore is expected for a few months, inasmuch as his territory is sold solid for some time and won't need servicing until later.

WB is out of commission due to recent collapse of roof. Bill Zellmer, manager of that house, has been transferred to the Senator, which has become Harris circuit's only downtown first-run. Jack Hovey moves from the Senator to Garden of Sports arena controlled by Harris company, as morning manager and assistant to Howard Adelsberger.

Two new up-to-the-minute movie houses opened here last week with appropriate ceremonies. They were the Temple in Sheraden and Park in Munnah. Former is an 800-seater owned by Mike Shapiro and Archie Fineman, who now have a string of seven spots in this district and latter is a 650-seater built by John E. Stahl, who has two other theatres in Homestead.

Briefs: Mother of Harold Cohen, Lewistown exhib. died last week. Si Feld, who recently resigned U. sales post here, has joined RKO in Cleveland. Royant, manager of Kennyswood Park since 1928, resigned and replaced by his assistant, Karl E. Henninger. Sam Neaman, in vaudeville, convincing in Miami Beach. In a serious illness, George Wheeler, former Film Rower and now booker for Lichtman chain in Washington, a visitor here for few days last week.

Doc Levy Heads Philly Variety

Philadelphia, Nov. 26. Dr. Leon Levy, president of WCAU, elected chief barker of the Variety Club here, will include: Earle W. Sweigert, Hillary Brown, assistant barker; John Monro, secretary; William McAvoy, treasurer; Harry Ball, "fixer." New members on the board of canvassers are: Doc Levy, Sam Stiefel, Monroe, Sweigert, Sam Schwartz, Charles Goodwin, Ted Schlanter, Henry Friedman, David Supowitz and Brown. The new office will be conducted at the club's annual banquet, Dec. 12. Ben Bernie

will m.c. the affair. Guest of honor will be Postmaster General Frank C. Walker.

With the city celebrating two Thanksgiving because of dispute between dates set by Gov. James and F. D. R., film houses are cashing in double.

Jack Engel, formerly of Universal, has joined the sales staff of REO, replacing Harry Tyson.

Bill Quinelevan, Vitaphone office manager, back after a long illness. The film and radio division of the Allied Jewish Appeal started off in high gear raising \$26,000 at its opening dinner. Chairman is Dr. Leon Levy, WCAU prexy. Main speaker was Ambassador William C. Bullitt. The committee includes William Goldman, Jay Emanuel, Ben Amsterdam, Abe Sablosky, Jack Breslin, Dave Barriat, Ed Blofson, Dave Millgram, Sam Gross, Ben Fertel, Ed Samuelson, Morris Wax, Lewie Plor, David Wehner, Harry Ball, Lou Krouse, Sam Schwartz, Edgar Moss and Jacob Fox.

Scully's Exchange Swung
William A. Scully, Universal general sales manager, left Sunday night (24) for Detroit on the first lap of his swing through the midwest exchanges. Plans to be away until Dec. 2, and then will stay in New York until Dec. 13.

Scully and other home office officials plan to head for the Coast about that time for confabs on new-season product at the Universal plant.

Anderson Heads WB Mpls.

Minneapolis, Nov. 26. Warner Brothers' chances here bring Art Anderson, manager of the Des Moines branch, as local branch manager. He succeeds C. K. Olson, transferred to Des Moines. Anderson was here before being promoted to the Des Moines branch manager post.

28th's Tax Suit

Atlanta, Nov. 26. Suit for an injunction to restrain Fulton county from assessing 20th-Century-Fox Film Co. \$22,000 taxes for 1940 was denied by the superior court. Petition named Guy A. Moore, tax collector, and T. Earl Suttles, tax collector, claiming \$60,000 assessments on company's motion picture films had been arbitrarily fixed by tax assessors.

Assessors had assessed film at 60% of their market. Metro, who complains, made a tax return upon demand. Company claimed assessment was too high and Judge A. L. Etheridge signed an order temporarily restraining the county from collecting taxes. Date for hearing on petition has not been set.

Kali Joins TWA

Kansas City, Nov. 26. Robert Kali left post as assistant manager of Loew's Midland to join Transcontinental & Western Air in sales department, Manager Joseph F. Holloman, the new assistant. He comes in from Indianapolis, also was under the Loew banner.

John Allen Cincy Variety Pres

Cincinnati, Nov. 26. Officers of Tent No. 3, Variety club, elected Monday (25) John Allen, salesman, president; John William, Allen, Monogram, and William Koegel, Goldsmith sporting goods, assistant chief barker; Sam Greenberg, Indianapolis, property master; Ralph Kinsler, WB, branch manager.

(Continued on page 18)

MORROS, MISS GODDARD TO PLUG '2D CHORUS'

Paramount has recommended that Paulette Goddard accompany Boris Morros on a countrywide picture in connection with Morros' picture "Second Chorus," which producer will screen especially for exhibitor-buyers in a number of leading keys within the next three weeks. Miss Goddard is featured in the film.

First stop is Dallas, others being New Orleans, Memphis, New York, Boston, Montreal, Toronto, Boston, Detroit, Chicago, Kansas City, Des Moines and Salt Lake City. She will be assigned to accompany Morros and, if she goes along, Miss Goddard, for interviews, exhib lunch-eons, etc.

Thought on the part of Morros is to cover the country on his picture much in the same manner that Jules Levey did for "Boys From Syracuse" in the sale of which he played a vital part. Various press exhibits, property master, "Second Chorus" but general release is not until New Year's week.

Chi Happy; Zorro'-Cugat-Bolger 33C, 'Dance'-Woody Herman 'Find Out' \$14,000, Chaplin

Chicago, Nov. 26. Business is holding up well throughout the loop sector currently, with the pictures all indicating the approval of the bulk of the film fans. Roosevelt, the last home of 'The Dictator', has gone back to its standard policy with 'Howards of Virginia' after the Charlie Chaplin film failed to hold. Picture, which had been yanked after two weeks of two-day in the Apollo, was pulled out of the Roosevelt after three weeks of grilling at \$1.10. It was generally the most disappointing slide-off in recent picture history, particularly after the powerful first week.

Two hold-over pictures in the loop which are doing excellently are 'Long Voyage Home' and 'Third Finger, Left Hand'. Both are in their second weeks and look for solid runs.

But the top run picture of recent weeks is 'North West Mounted Police', which is currently pounding out its fifth week in the loop. With the pre-opening ballyhoo sending the picture away from the action flicker has held to high profits since its get-away.

Of the new items in town the best looks to be the new Kay Kyser flicker, 'You'll Find Out'. It was doubling in the Palace with 'Queen of Destiny'.

Of the stage show houses, the State-Lake indicates the best potential on the personal of Billy Gilbert, 'Estimates for This Week'.

Apollon (B&K) (1,000; 35-55-65-75) 'Long Voyage' (UA) (2d wk). Heading for line \$6,500 currently, after turning in a rousing \$9,000 last week.

Chicago (B&K) (4,000; 35-55-75) 'Zorro' (20th) plus Xavi Cugat orchestra and Ray Bolger on stage. Combination has considerable strength, and looks for \$33,000, satisfying. Last week, 'City Conquest' (A&W) and 'Columbia' (C) on stage slipped after strong start, but still came through with bright \$33,000.

Garrick (B&K) (900; 35-55-65-75) 'Northwest Mounted Police' (5th wk). Still finding customers, and a big winner at \$6,000 after taking brilliant \$6,500 last week.

Oriental (Jones) (3,200; 28-44) 'Dance Girl' (Columbia) (2d wk). Headed by Woody Herman orchestra. Business all right and well managed. Last week was a sizzler at \$20,800 for 'Nobody's Sweetheart' (UA) and George White's 'Scandals' on the stage.

Palace (RKO) (2,500; 33-44-66) 'You'll Find Out' (RKO) and 'Queen of Destiny' (RKO). Kay Kyser pic is the big item on the bill and will rouse the wicket to \$14,000 splendid. Last week, 'Bit of Heaven' (U) and 'Night Tropics' (U), fair enough at \$10,100.

Reserve (B&K) (1,500; 35-55-65-75) 'Howards of Virginia' (2d wk). Old-time policy, house is garnering substantial \$12,000. Last week, 'Dictator' (UA) finished three weeks at \$35-55-75-110. After initial fall week slumped, it quickly and faded last week to \$11,000.

State-Lake (B&K) (2,700; 28-44) 'Angels Broadway' (Col) and vaude, Van Garber orchestra and Billy Gilbert headlining. Strong combination, which is zooming. Last week, 'Cherokes' (Par) and Major Bowes unit on stage, bright \$18,700.

United Artists (B&K-M-G) (1,700; 35-55-75) 'Third Finger' (M-G) (2d wk). At \$11,000 this week after smacking through with excellent \$15,900 last week.

Estimates for This Week

Capitol (Loew) (2,424; 29-39-44-66) 'Bitter Sweet' (M-G) and vaude, MacDonald & Eddy wowing 'em in big house for good \$21,500. Last week 'Zorro' (20th) and vaude, \$17,000. Columbia (Loew) (1,234; 75-81-10) 'Dictator' (UA) (2d run). Moved in cold after two big weeks at Palace and will pull strong \$11,000, double what spot averages at regular scale. Last week 'Argentine Way' (20th) (2d run) (36-44), solid \$5,500.

Earle (WB) (2,216; 28-30-44-66) 'Letter' (WB) and vaude. Bette Davis as a murderer earning big \$21,500. Last week, 'The Letter' (Par) and vaude, oke \$12,000 for six days.

will have at least a \$12,000 week with its companion picture 'The Quarterback' (Par). Brandeis, too, had long lines and is good for a big \$9,000 with 'You'll Find Out' and 'I'm Still Alive'.

'Northwest Mounted Police' is a certain second-weeker while the Kyser opus at the Brandeis looks as if it might also hold over.

Estimates for This Week

Omaha (TriStar) (2,000; 10-40-55) 'Northwest Mounted' (Par) and Quarterback (Par) (2d wk). Last week, at 15-40-55, 'Burma' (Par) plus Harry James band and Four Inkspots on stage, very good \$15,000.

Brandeis (Mort Singer) (1,500; 10-25-35-40) 'You'll Find Out' (RKO) and 'Still Alive' (RKO). Extra good \$8,000. Last week, 'Too Many Girls' (RKO) and 'Lady in Question' (Col), fair \$6,500.

State (Goldberg) (900; 10-20-25) 'Married Adventure' (Col) and 'Wyoming Trouble' (Col). 'Devil's Pipe Line' (U), 'Lion Has Wings' (UA). Pretty fair \$900. Last week, 'Boom Town' (M-G), fine-tuned, split with 'Girl Havana' (Rep) and 'Dalton's Ride' (U), fair \$900.

Town (Goldberg) (1,500; 10-20-25) 'Law and Order' (U), 'Girl God's Country' (Midwest), 'Not So Tough' (U), triple, split with 'Stranger 3rd Floor' (RKO), 'Kid Texas' (M-G) and 'Young America Files' (WB), 'Dodge City' (WB), 'Golden Fleecing' (M-G). Only fair \$700. Last week, 'Triple X' (RKO), 'Demon Barber' (Select) and 'Return Frog' (Select), triple, split with 'Man Dakota' (M-G), 'Phantom Ranger' (Cap) and 'Singing Dude' (WB), and 'Sea Hawk' (WB), Blackmail and 'Singing Dude' (WB), solid \$700.

Avenue (Military - Dundee) (Goldberg) (950; 300; 600; 25) 'Married Adventure' (Col), 'Wyoming Trouble' (Col), 'Devil's Pipe Line' (U), 'Lion Has Wings' (UA), 'Not So Tough' (U) and 'Ride Tenderfoot' (Rep). Fair \$1,000. Last week, 'Boom Town' (M-G), single-featured, split with 'Dalton's Ride' (U) and 'Sailor's Lady' (20th), very nice \$1,000.

Washington, Nov. 26. Boys hit with all they had Thanksgiving week. New picture opening simultaneously. With holiday prices for one day, all will wind up in the money and the three big guns are scoring direct hits. 'Bitter Sweet' at the Capitol and 'The Letter' at the Earle, are keeping two vaude spots neck 'n' neck for top honors. 'Escape' is solid runner-up at Palace. As Loew's straight pic house.

'You'll Find Out' (RKO), Kay Kyser with his swing collecting \$6,000. 'Bit of Heaven' (U) and 'Night Tropics' (U), fair enough at \$10,100.

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State-Lake (B&K) (2,700; 28-44) 'Angels Broadway' (Col) and vaude, Van Garber orchestra and Billy Gilbert headlining. Strong combination, which is zooming. Last week, 'Cherokes' (Par) and Major Bowes unit on stage, bright \$18,700.

United Artists (B&K-M-G) (1,700; 35-55-75) 'Third Finger' (M-G) (2d wk). At \$11,000 this week after smacking through with excellent \$15,900 last week.

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Earle (WB) (2,216; 28-30-44-66) 'Letter' (WB) and vaude. Bette Davis as a murderer earning big \$21,500. Last week, 'The Letter' (Par) and vaude, oke \$12,000 for six days.

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Earle (WB) (2,216; 28-30-44-66) 'Letter' (WB) and vaude. Bette Davis as a murderer earning big \$21,500. Last week, 'The Letter' (Par) and vaude, oke \$12,000 for six days.

Kelth's (RKO) (1,830; 38-55) 'You'll Find Out' (RKO). Kay Kyser with his swing collecting \$6,000. 'Bit of Heaven' (U) and 'Night Tropics' (U), fair enough at \$10,100.

Palace (RKO) (2,500; 33-44-66) 'You'll Find Out' (RKO) and 'Queen of Destiny' (RKO). Kay Kyser pic is the big item on the bill and will rouse the wicket to \$14,000 splendid. Last week, 'Bit of Heaven' (U) and 'Night Tropics' (U), fair enough at \$10,100.

Reserve (B&K) (1,500; 35-55-65-75) 'Howards of Virginia' (2d wk). Old-time policy, house is garnering substantial \$12,000. Last week, 'Dictator' (UA) finished three weeks at \$35-55-75-110. After initial fall week slumped, it quickly and faded last week to \$11,000.

State-Lake (B&K) (2,700; 28-44) 'Angels Broadway' (Col) and vaude, Van Garber orchestra and Billy Gilbert headlining. Strong combination, which is zooming. Last week, 'Cherokes' (Par) and Major Bowes unit on stage, bright \$18,700.

United Artists (B&K-M-G) (1,700; 35-55-75) 'Third Finger' (M-G) (2d wk). At \$11,000 this week after smacking through with excellent \$15,900 last week.

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40)—'Arise Love' (Part. B. & C. & D.)
(Continued on page 26)

For Christmas

No, No

For New Year's

1941

ANNA NEAGLE

*Amazing! Daring! Intimate
The Smash Best-Seller
Now A Screen Sensation!*

GINGER ROGERS

...the girl in the Sensational
Broadway Hit With Vincent Youmans' Music

Nanette

the "Tea for Two" Romance **"NO, NO, NANETTE"**

with **RICHARD CARLSON • VICTOR MATURE • ROLAND YOUNG**

HELEN BRODERICK • ZASU PITTS • EVE ARDEN • TAMARA • BILLY GILBERT • STUART ROBERTSON

From the Musical Comedy, "No, No, Nanette" by Frank Mandel, Otto Harbach, Vincent Youmans, Earl Haydon, Music by You and Youmans, Lyrics by Irving Caesar & Otto Harbach

Produced and Directed by

HERBERT WILCOX

SCREEN PLAY BY BEN ENGLUND



**RKO
RADIO
KEYS**

Christopher Morley's
"White Collar Girl"...

KITTY FOYLE

DENNIS MORGAN • JAMES CRAIG The Natural History of a Woman
EDUARDO CIANNELLI • ERNEST CINGARI

LADYS COOPER • Produced by **DAVID NEMPSTEAD • HARRY E. EDINGTON** Executive Producer

STUDIO CITY

Screen Play by Dalton Trumbo, Ernest Cingari
Dialogue by Donald Ogden Stewart

British Partly Ease Jobless Problem Among Stage Players Through Troop Shows; Sunday Legit Drive Spreads

London, Nov. 11. Aftermath to cooperative efforts of stage unions and managers, in a combined deputization to government on practical relief measures, has seen the organization by latter of an Entertainments Board which is to function for troop shows only. No deal has been worked out for the West End. Under possible chairmanship of Viscount Esher, new Board will include reps from Equity, Variety Artists Federation, Theatrical Managers Assn. and kindred interests, with instructions from government to aim, through medium of military camp concerts, at reduction of distress in performer employment ranks.

Drive for Sunday opening for legit will be continued by stage fraternity, hammering away at one-sided and antique act which rubs out theatre but permits pictures. Teed off by West End group, demand for Sunday stage is spreading to key cities, with Manchester, once leading trout spot of the heyday, now in process of wrangling with local justices. Birmingham's effort in the same direction was nixed for play performances but drew an o.k. open its houses for orchestral concerts. Manchester managers will also ladle this gravy in event their stage bid hits a snag.

Membership of Equity is split on Sunday opening idea, despite active participation of these union in the drive. Old come-on proffered to authorities and players, closing Monday in return for Sabbath plum, fails to rate now as all singe must operate on a matinee basis only, unless air blitz lessens appreciably. Afternoon experiment with 'Diversion', now offering at Wyndham's, is being watched carefully by managers.

Exodus of players to hinterland on pantomime bookings is revealed in deals embracing names like Sonnie Hale and Jessie Matthews for Birmingham's 'Aladdin.' Leslie Henson to Manchester in 'Robinson Crusoe,' Jack Buchanan to Birmingham for 'Cinderella.'

Bergner Bow-Out Leaves British Propaganda Film At Loose Ends on Windup

London, Nov. 11. Bow-out of Elizabeth Bergner from '49th Parallel' leaves the Government-backed propaganda pic either having to cut her footage, shot in Canada or dub a film likeness on this side to complete. Amount of time spent in front of Canadian cameras isn't enough to warrant billing actress as star, so they may try to ring in a sister part to fit the script someone who looks and acts like Miss Bergner. Hollywood report says Miss Bergner is ill.

Government sank \$100,000 in '49th,' conveying cast and crew to Canada in face of hot criticism here on matter of 'waste.' All but the star seem to have returned.

Feature is set to roll at Denham studios when they get ironed out, with Leslie Howard completing his contracted chore. Raymond Massey, co-starred, did his stuff during the Canuck shooting period. From the outset, and as part answer to trade criticism, it had been always maintained major part of '49th' would be camcared here; trans-atlantic trip was for no more than background.

NEW ZEALAND WON'T OK COIN WITHDRAWAL

Wellington, N. Z., Nov. 7. It's believed that government will not grant an okay to coin take-away from this zone by any visiting artist, either from U. S., England or even Australia.

Government is keen to conserve coin as far as possible for wartime needs, hence the proposed continuance of ban. This territory, presently, is devoid of stage shows and looks like it'll remain so indefinitely. Australia, however, is taking steps to permit withdrawal of some money by foreign players.

Harley, 20th-Fox Chief In Britain, Plans U. S. Trip

F. L. Harley, 20th-Fox distribution chief in Great Britain, plans to sail for U. S. within the next couple of weeks. He is coming over to spend the year-end holidays with his family, who arrived in New York several weeks ago.

The 20th-Fox home office has been urging him to come to U. S. for a rest from the shock of incessant bombing of London.

YANK 'METHODS' PLAYED IN SUIT ON QUOTA

London, Nov. 11. Nicked on five counts in failure to meet exhib obligation under the quota, Emery circuit, North Country loop, successfully dodged the rap, earning dismissal of all charges.

Judicial proceedings uncovered some pertinent comments by counsel, Emery himself and the magistrate trying the case, with former charging the industry was in hands of Americans using 'American methods' to strangle small exhibs. Broadside grew out of deposition by Emery he was unable to obtain sufficient British product, after majors had taken their pick, to meet quota obligation leveled against each of the five houses. On the average for his total chain he had managed to get under the wire. Magistrate took this into account when dismissing action brought by Board of Trade. Circuit also referred to poor quality of some of the available British product, stating audiences had occasionally 'demonstrated' against showings which not long before had played adjacent competitive houses.

Insufficiency and shortage angle was played up by exhibs as long ago as last March with the campaign against the no-provision for reduction in their obligations. Ruling in the Emery action is thus likely to be seized upon as a big stick to wield in parleys.

Odeon's \$369,776 Net

London, Nov. 11. Financial report of Odeon Theatres indicates a gross profit of \$1,989,924, after allowing for directors fees, administration, depreciation and reserves. Figure compares with last year's \$2,059,960; drop of \$149,036. Directors voted to pass up ordinary divvy in line with usual wartime conservation.

Deductions from the gross to meet loan and debenture interest, air-raid precaution measures, excess profit and income tax, and preferred divvy leave it at \$369,776.

British Gov't's \$1,600,000 for Mobile Pic Units Has Exhibs Shouting 'Unfair'

London, Nov. 11. Heavy spending urged by the treasury is awakening voice or two here inquiring for film biz why some of it isn't coming that way. Latest cash outlay is a reported \$1,600,000 on 300 mobile projector units for War Office's use at troop camps. It's some plum, and sticking it in the throats of exhibs who see these ambling screens as competition to already heavily hit b.o.s. One hundred and fifty of the latter units are geared for 35 mm. stuff, and the War Office purchase is distinct from already floated Ministry of Information fleet of vans and projectors for local halls.

BRITISH 'GONE' RECORD

Manchester Stay Longest for a Film At a Single Theatre

London, Nov. 11. 'Gone With the Wind' (M-G) folded its Gaiety theatre, Manchester, run Nov. 2 after the longest stay at a single theatre in that city for any pic. Gross figures are unavailable, but big. Ran 29 weeks, longest run of film in foreign field.

Gone With the Wind London hold-out at the Ritz, small-capacity house, where understanding is it takes a comfortable \$1,200 a week despite air blitz day by day.

Yanks Clamp Down on Cubans In Decree Beef

American distributors in Cuba have agreed to give no further spot bookings to exhibitors in that country. They will carry out existing contracts, however, some of which extend until January next year.

This action was taken jointly by all major American distributors because of the anti-blockading decree there.

Failure of either the Cuban government or exhibitors to take any action to remedy the anti-blockading regulation prompted the distrib step. Cuban officials granted American distrib a 30-day extension from Oct. 18 to Nov. 17 before placing the decree in operation. When it was declared operative this week, the U. S. distribution representatives agreed to the curtailment.

Schless Starts Tour Of Latin America for WB

Robert Schless, Warner Bros.' new foreign chief, left on the first stop of his Latin-American survey Sunday (24). He headed immediately for Mexico City.

Schless plans visiting key spots in the Central and South American territory, it being his first swing through this market since he was named foreign manager. He'll be absent about four months.

Royer's Latin-America Educational Films

Hollywood, Nov. 28. Fanchon Royer returned from a three-month tour of Mexico and Central America with 50,000 feet of educational and commercial film, covering native life and industry.

Producer is slated for similar trips to South America.

UA Names Andrews

Sydney, Nov. 28. Hal Andrews has been appointed United Artists manager for New Zealand, taking the place held by Bernie Allen, who died recently.

Andrews has been with UA for the last 13 years. He formerly had charge of the Melbourne branch, controlling Victoria, South Australia and Tasmania.

'They Drive by Night' (WB) released in Australia as 'Road to Frisco.'

Exhibs claim no military camp is more than five miles from a town where luxury houses are waiting and ready to adjust screentime to suit troop attendance. But War Office seemingly prefers to handle this biz itself. It's over such an attitude exhibs and renters are currently standing off the military agents who seek to establish their own purchase setup for films, a biz now handled through Navy, Army and Airforce Institute.

Some form of plea is likely from the trade, pointed at serious overclipping of investment and practice in this troop entertainment bonanza.

Mexican Film Business Looks Up As Gov't Gives Assurances of Aid

Firth Shepherd Revue Tours in Provinces

London, Nov. 11. Firth Shepherd's musical, 'Up and Doing,' a hit in the West End, but which had to fold due to the blitz, goes on provincial tour, opening in Glasgow today (11) for three weeks, followed by one week in Blackpool. Entire company, headed by Leslie Henson, Binnie Hale, Stanley Holloway and Cyril Ritchard, then goes into pantomime for Tom Arnold at Manchester.

Shepherd intends to bring 'Up and Doing' to London next year if the Government is prepared to concede to the demand by West End managers to permit Sunday afternoon shows in London. Otherwise, show resumes provincial tour.

AUSSIE EXHIBS PUSH FIGHT ON RENTAL HIKE

Sydney, Nov. 7.

New year looms as a headache for distributors because exhibitors are fighting shy of deals on new season product, with pressure under way to bring down Yankee film company rentals. Government even has been approached to prevent a repetition of Metro's ideas on 'Gone With the Wind' and Charles Chaplin's on 'The Dictator' via United Artists.

A government spokesman hinted that increased theatre admissions to offset high rentals will be made taboo during the war period. There also is a possibility that exhibitors will form their own buying pool to ease the current bid to up rentals. No chance is given any attempt of distributors to go into the exhibition field locally in opposition to established exhibitors.

Bitterness is continuing to be felt over Metro's operation of six theatres in principal Anzac cities plus interests in Melbourne suburbs.

DAVE ROSE DUE THURS. FOR PAR H. O. PARLEYS

David E. Rose, Paramount's managing director in Great Britain, is due to arrive in N. Y. tomorrow (Thursday) by steamship. Originally, he planned coming across from London by Clipper, but schedules and reservations were jammed by the press of mail shipments.

Rose plans spending the holidays with his family in the U. S. He also will report to John W. Hicks, Jr., foreign manager, on latest developments on the British Isles.

Cervantes Loses Strike to Employees

Mexico City, Nov. 28. Employees of the local Cervantes circuit of five name cinemas scored a victory when the federal labor department intervened to end their strike, which lasted six weeks. Details are not revealed.

Workers got pretty much what they asked, including a big boost in pay, according to reports.

Bombs Shut Theatre

Leicester Square theatre, London, struck by big bombs recently, is so badly damaged that it probably will remain shuttered until the end of the war, according to word received in New York by film company officials.

Recent word is that the Ritz, Odeon and Empire also were hit by Nazi bombs, with the Ritz and Empire being only slightly damaged and reopened in a few days. Ritz is where 'Gone With the Wind' is playing and the run of the picture is continuing, according to information at the Metro homeoffice.

Mexico City, Nov. 28.

Pic biz has again recovered a degree of optimism with the assurance given by Congress that it will take care of various measures intended to hypo the industry with government aid before the New Year. These bills, presented by the industry and sponsored by various solons, include the one that has been in the offing for the past two years, the establishment here of a state-controlled bank to finance the trade for more and better production and wider marketing, and the resolution adopted at the pic workers' convention here awhile ago urging federalization of the industry.

The bank plan calls for an ultimate capital of \$20,000,000 (Mex.) (\$4,000,000 U.S.) to be supplied pro rata by the government to the industry. There is some difference of opinion about the nature of this bank. Some want it to be a separate institution, like the sugar and agrarian banks. Others figure it would be better to have it a department of the National Workers and Industrial Bank because that institution during the two years it has functioned has helped several industries along considerably.

The workers think that federalizing the industry is the only medicine for it. But some quarters consider that the government is already too much in business and that the more it sticks to national administration the better.

Another proposition for Congress is the request that a law be passed compelling the American distributors to devote 25% of their annual revenues to cash stimulating the Mexican industry. This plan gives the distributors the choice of buying Mexican pic outright, making pic in Mexico or investing in production.

The distributors rather laugh at the contention the union made when it presented this proposition that their annual revenue be increased \$8,000,000 and \$10,000,000 (Mex.) (\$1,600,000-\$2,000,000 U.S.). They say that after paying off in Mexico—taxes, rent, wages, etc., and settling with their home offices—all that is left them is a fair living.

There is an opinion that this plan will be dropped because of present conditions, the fervent desire to cooperate with the U.S., the intention not to annoy Hollywood and the scarcity of pic, both from abroad, owing to the war, and in Mexico, due to slim output.

Some producers have taken kindly again to the proposition that cropped up in Mexico some time ago to make deals with American producers for the making of Spanish pic in this country. These producers figure that this is the best bet of all to push the home industry into good coin running, for, they hold, it can be worked without harming the prestige of the Mexican industry.

British Picture Workers Push Membership Drive As Prelude to Studio Deal

London, Nov. 11. As a forerunner to a deal now pending between labor and studio tows, Film Industry Employees Council is underway with a membership drive embracing all technicians, designers and straight workers in production field. Current membership in union is high but doesn't reach 100% status now sought by FIEC. Leaflets and mail-pieces are being sent out as a primer, with heavier program planned as follow-up. Opening confab recently between Maurice Ostrer, for producers, and FIEC reps saw tabling of labor's demand for standard contract for studio workers. Document is now being scanned by individual producers concerned in the agreement. FIEC recently snared new wage agreement for studio workers, with uppings all along the line.

Back Again

J. A. McConville, Columbia foreign sales manager, and Jack Segal, manager of foreign branch operations, arrived in New York last week from an extended swing through the Latin-American territory. Both had been away about two months.

"WE SAW 'THE PHILADELPHIA STORY'!"

The Biggest Eyeful of 1941!

Hot from M-G-M's Projection Room Preview comes this prophecy: "'Boom Town' was the sensation of 1940—'Philadelphia Story' is the 'Boom Town' of 1941!" We saw it and we tell you that Cary Grant, Katharine Hepburn, James Stewart are at their box-office top! We saw it and we tell you that the famed stage play is bigger and better in M-G-M's unstinted production. Keep your eye on "Philadelphia Story"—the success story of next year!

*Not released until 1941

CARY GRANT
KATHARINE HEPBURN
JAMES STEWART in
"THE PHILADELPHIA STORY"
with **RUTH HUSSEY**

John Howard • Roland Young • John Halliday • Mary Kay • Virginia Weidler
Screenplay by Donald Ogden Stewart • Based on the Play by Philip Barry • Directed by JOSEPH L. MANKIEWICZ • An M-G-M Picture

Maurice Chevalier's latest French film may do tolerably well in art theatres. But *The Man of the Hour* will not build from word-of-mouth publicity. It is a comedy of the disjunctive affair. Not only is it far from Chevalier's best, but it also fails to measure up to Julien Duvivier's strongest screen productions, and patently lacks the quality of the French cinema standard. Film is about three years old—but just released in U. S.

There are several contributory factors for the uneven storytelling. The passages early in the film wherein a stage electrician, Alfred Bouard, is represented climbing the popularity scale as an idol of Paris because of his electrician's work, and the noted actress' life is bright and witty. Broad farcical strokes given to the life of the actress' troupe and the conceit aroused by the dumb waiter, are in line with the best of French cinema tradition. But it is when Duvivier attempts to show the angry actress, the disgruntled boarding house people where the plausible ending takes place that the story founders.

Even when the electrician tries his singing alongside that of the music hall fortune, Maurice Chevalier's story is built and to an inane story.

(Continued on page 18)

Bette Davis' Greatest is 'The Letter!'

Openings in every point of the compass top 'Old Maid', top 'All This and Heaven Too' — top everything she's ever done!



with
HERBERT MARSHALL
JAMES STEPHENSON

Frieda Inescort Gale Sondergaard
Screen Play by Howard Koch
Music by Max Steiner

Somerset Maugham wrote this
WM. WYLER Production
for
WARNERS



SANTA CLAUS WILL BRING YOU 'SANTA FE TRAIL'!

Latest of Blatant Nazi Propaganda Pix Is Technically Much Improved

Herr Hitler's film-makers apparently pick up tricks as speedily as his army. Just as the technique of blitzkrieg Holland, Belgium and France improved over that of the earlier warfare in Poland, so the film technique in the phase of Der Fuehrer's second conquest of Europe has improved.

'Blitzkrieg im Westen,' the German propaganda ministry's last word on the fall of France and the Low countries, currently playing to hordes of Hitler's faithful at the 96th St. theatre in the Nazified Yorkville sector of New York. It's the same house that played 'Feldzug im Polen' ('Campaign in Poland') and for its next bill promises a real dose of Nazi propaganda, 'Blutendes Deutschland,' which holds out the promise: 'Adolf Hitler Speaks—Dr. Goebbels Speaks.'

While the picturization of the demise of Poland was pretty dull stuff, the taking of the western countries can hardly be placed in the same category. Diluted with sufficient quantities of salt to compensate for the Nazi commentary and the portions of the film which have obviously been left out, 'Blitzkrieg im Westen' is an interesting—albeit terrifying—documentary.

Somewhere between Poland and France Dr. Goebbels' stable of hoke artists seems to have picked up a capable film editor. He shows even a sign of a sense of humor. While the Polish pictures, which reputedly hastened the downfall of Norway when shown to its officers to demonstrate the might of the German war machine—is deadly repetitious with lengthy sequences of marching men, rumbling tanks, more men and more tanks, the second edition of 'Blitzkrieg' is breath-taking.

This is a picture purely of mechanized might. Marching men are held to a minimum, while the variety of gasoline-powered equipment is not only frightening, but at one point becomes actually humorous in its terrible way. That's when a German soldier comes along on a gas-driven scooter similar to those enjoyed by American kids. It's a not-so-subtle comment on the giant 12-wheeled transport trucks and the greatest assemblage of tanks, armored cars and other devastatingly powerful motorized equipment the world has ever seen.

All this is skillfully edited in the film to keep down length of sequences and give shots from all angles in rapid succession. Woven in are exciting scenes of the Reich army cleaning up Belgium and French towns by ducking from doorway to doorway as the unseen enemy machine-guns them. From a Hollywood viewpoint these sequences aren't very satisfactory, because the enemy is so well hidden. It's quite understandable, however, that no cameraman was interlop enough to expose himself, no matter what the possibilities for a thrilling shot.

Grim Humor Even Too

Grim for Yorkville
Dag of grim humor is injected in pictures of long lines of refugees dejectedly trekking back to homes devastated one wonders why these poor people even bother to return—except that they're the only homes they have. Being pushed along are babies in carriages and hanging on the carriages is a utensil for which even Hitler can't eliminate the necessity. A closeup evokes a sad kind of laugh from the audience.

Underlying everything, of course, are scenes of the terrible destruction of war. One after the other erstwhile beautiful Belgian and French towns—Antwerp, Tournay, Ostend, Sedan, Cambrai, Arras, Boulogne, Calais—are pictured in ruins. Some are shown dropping apart under the pounding of heavy guns, others were still smoking when Hitler's official photographer of death arrived and still others are nothing but silent devastation. The dead have all been removed, but it takes little imagination to picture the twisted bodies of screaming children in that carnage.

Even on the most Nazified of Yorkville's louts, such scenes have a sobering effect. In contrast with the enthusiastic applause and cheers that greeted each German victory and the appearance of Hitler in past pictures there is now a great silence, occasionally some scattered hand-clapping. Even Herr Adolf entering the famed railway car for the final armistice evoked no whole-hearted response. It could hardly have

meant Yorkville has lost some of its enthusiasm for Der Fuehrer after digesting an hour of war, or could it?

Sipliers, in English, Underplay Narration

Narration in 'Blitzkrieg im Westen,' as in the reels on the Polish campaign, is in English. And even the commentators (there are two; they switch in the middle) seem to lack enthusiasm. Voices are dull and flat, the narration is in the most flat manner of the earlier picture—which makes it more impressive if anything, but perhaps accounted for some of the lack of enthusiasm in the Nazi audience.

Shots of Hitler and the French general, Huntzinger, signing the Armistice in the railway car are excellent and no doubt an important contribution to the history of our times, if anyone in the future cares. Evacuation of Dunkirk, on the other hand, is rather poorly covered by the German lens crew. Maybe they considered it too definitely a British victory or maybe the RAF was too active for them. At any rate, only some of the tons of equipment the English left behind on the beach are shown.

Next episode in producer Goebbels' film series would naturally be 'The Fall of England.' Production, however, seems to have been delayed.

'Bleeding Germany' Next, With Trailer to Match

With no one—the Dies committee included—apparently making any effort to halt the stream of Nazi propaganda pictures pouring into the United States, German film forces appear to be growing bolder. Most blatant Hitler propaganda picture yet to be shown in this country is now scheduled for the 96th St. theatre in Manhattan's little Germany, Yorkville.

Film 'Blutendes Deutschland.' Its opening date is still indefinite, depending on the run of 'Blitzkrieg im Westen,' another propaganda special, now packing Nazi crowds into the house. Title means 'Bleeding Germany,' and the trailer in the theatre's program, more or less literally translated, perhaps best tells the story.

'This factual film,' it reads, 'is laid in the year 1933, shortly after the transformation of National Socialism took place. And seen with the eyes of today, it is as interesting and real as then. Every day the papers are full of war correspondence and full of unfriendly comment. People over here don't understand much, one can't grasp what's behind Germany's moves.'

Here you see Versailles, the trailer comes in larger type. 'Germany there was gagged, strangled. Occupation of the Ruhr by France made 6,000,000 Germans unemployed. Forty-six political parties—hopelessness—bewilderment.'

Then into Germany's future marched youth, the program proclaims. 'Adolf Hitler Speaks—Dr. Goebbels Speaks.' These speeches are, perhaps the most interesting because they are from the men who created the new Germany. They were delivered long before the National Socialists came into power. And they are today as fresh as then, yes even more interesting, since we can see by what has happened between then and now, how earnest and truthful were the words. The last mass meeting before taking over. The ascension of Hitler to Chancellor.

'Bleeding Germany' is an important documentary in the true sense of the word. No German can afford to miss it. Don't fail to see it. 'Bleeding Germany.' The film of the national resurgence. An interesting picture-document of our troubled times.'

MAN OF THE HOUR

(Continued from page 16)
climax. The stage mechanic played by Chevalier, who, of course, appears as himself, making it a dual role combo for the signoff. This singing episode, with the two Chevalier voices dueling on the same score, track along with the vocalizing of the same man via a phonograph record, probably seemed a smart idea on paper, but it is anything but entertaining to the viewer. Chevalier is happiest when he is mimicking and putting over a song

in his familiar style. It is when he tries to act that he overdoes. Even so, his performance would have been far smoother if the initial tempo had been maintained. There's a long string of trivial, uninteresting mugging which even his concluding song fails to overcome.

Elvire Popesco, as Mona Talia, the great French actress, is a bit off exactly the type for American screen. Almerie, vet French actor, is superb as the actress' manager and husband. Josette Day makes the role of Chevalier's true love, intriguing and more effective than the time allotted it on the screen. The affair between this girl as the aspiring youthful actress and the manager is shunted to one side in order to keep interest focused on Chevalier. Or maybe the censors stepped in. The most likely members, in the supporting cast, are Marcelle Genia, as the actress' mother, and the Devil. Photography and lighting not up to recent French film standards, explained, of course, by the film's age. Recording also is uneven. Wear.

THE KISS OF FIRE

(With Songs)
(From French to English)

Hakon Bros. release (Juno Pilma) of Paris film production, Stars Viviane Romance, Jeanette MacDonald, and Michel Simon. Dated. Directed by August Genie. Story, August Genie; camera, Leif Johnson. Music, Maurice Strakosky. N. Y. week Nov. 20. Running time, 83 mins.

(In French; with English Titles)
The Kiss of Fire (Unkaiser de Feu) is an amusing French comedy, offering plenty of exploitation opportunities to the point where local police object) and should do comparatively strong biz in the right houses as an amusing French comedy. Mouth gets around. It's by no means another 'Baker's Wife' (now almost rounding out a year's stay in New York), but it possesses some of the same unique qualities.

Title gives a tipoff to larger quantities of sex than the pic actually boasts. Not that Viviane Romance doesn't toss a mean gam, but for U. S. consumption, French comedies has been sharp and accurate when the possibilities become menacing.

It's not that kind of picture, anyway, although the audience might believe it might be from the early footage. Soon apparent, however, is that it's French satire and good, clean fun, despite the ready manner in which the French exploit themselves in any male in sight. The temptress is shapely and seductive, but so obviously so she's more laughable than wicked.

Story finds her picking up Michel Simon in a church. He innocently takes her to his apartment when she says she's a poor orphan with no place else to sleep. He falls in love with her. She, however, is a temptress, whereupon she starts working on his roommate, Tino Rossi. Rossi is about to marry Mireille Balin, but leaves her waiting at the church to scam with Miss Romance. The affair is hardly under way before the femme fatale has discovered in the next room in the inn where she is staying with Rossi a photographer, Dalio, who was the one who took pictures. Simon and Rossi now take Miss Romance for the vixen she is and resume their friendship. Miss Balin takes Rossi back and, it may be said, everyone lives happily thereafter.

Cast is tonetouch. Miss Romance is overwhelmingly a bad woman. Miss Balin is good and one. Simon is an ugly but likably humorous lover, and Tino Rossi a pleasant lady-killer. Rossi sings a number of tunes to his own guitar accompaniment for nice effect.

Mechanically, the picture is a killer. Abruptness of the cutting is bewildering in many spots, while other sequences are allowed to roam on forever. Director August Genie has overworked to its death the trick of focusing his lens on innumerable objects before getting on the central point, introducing a scene. In addition, the camera never appears to have a vibrator attachment, so the English titles were no doubt composed from a French-English dictionary, mention just a few defects.

The picture is, however, less successful via its pleasantly French satire. It was made about three years ago and was highly successful in Europe.

The Great Beginning (RUSSIAN-MADE)

Arlino release of Lendini production. Directed by Alexander Zarkhi, and Joseph Heintz. Stars Boris Morosov, a Glinka music, N. Y. week Nov. 20. Running time, 76 mins.

(In Russian, with English Titles)
For the first time since the Soviet invasion of Finland made Russian pictures boxoffice poison in the U. S., Artkino has imported another modern production, which should do modern biz. It's an outright propaganda

piece, although a trifle more subtle than some previous Soviet pictures and certainly less blatant than many of the recent Nazi films.

As usual with Russian pictures, 'The Great Beginning' is over-deliberate, attenuated and has all the technical flaws common to foreign product. Its story is genuine, however, and its situations and characters are plausible, and, except for its frankly proselytizing finale, it offers a revealing and often touching picture of peasant life on the collectivized farms.

Yarn deals with a courageous woman who, when her husband deserts her, rallies her lagard neighbors to work the farmlands. She has to deal not only with their laziness, but with the anti-feminine prejudice of some of the farmers and several corrupt minor officials. Against this broad background is presented the heroism and character of her handling of the farm young people, of her evading the amorous advances of various men around the place, of her joy and wisdom at her husband's eventual return. She finally triumphs over the crooked local politicians, is sent as a delegate to the Kremlin and, at the fadeout, is shown making a triumphant speech about and joining in a tribute to Stalin.

Although Vera Maretskaya is hardly the glamor girl to U. S. filmgoers that she seems to be to the Soviet comrades, she is a sensitive and eloquent actress who makes the heroine believable and sympathetic. V. Vanin gives a deftly-shaded, expressive portrayal of her not too bright husband, and most of the supporting parts are played with unaffected sincerity. Direction is slow; photography, lighting and sound are all inferior, but there are a number of vivid shots of Russian landscapes.

The ideology of an foreign picture is probably of more interest to the Dies Committee or J. Edgar Hoover than to VARIETY, yet the final moments of 'The Great Beginning,' in which Stalin is hailed as the exponent of liberty, is apt to seem rather ludicrous to anyone but the most intense Party zealot. Nevertheless, a sizable portion of last Wednesday's (20) audience at the Miami theatre, N. Y., put a determined demonstration when the Soviet dictator appeared on the screen.

Airlines

Continued from page 2

stomach—halfway down his 8-foot, four-inch bulk—and estimated that he weighed about 250 pounds.

But that is nothing, he guffawed. 'My bear, she was 12 feet tall and weighed 2,000 pounds. His paw was nine inches wide and 13 inches long—nice little glove, isn't it?'

Mrs. Melchior, the petite Kleinch who was a Danish film star under her maiden name, Marie Hacker, gave Melchior a warm kiss and then rushed him away for his holiday dinner at home—on the ducks shipped home from British Columbia, where they were victims of Melchior's marksmanship.

Reporters

Scott Moore, who has a new show coming up soon under the John Golden, and who is forever being mistaken for (a) Warren William, (b) Adolphe Menjou, or (c) John Barrymore, whiled away a dull Thanksgiving morning at the airport. Over a beer in the Kitty Hawk Room he chatted with airport reporters and reminiscenced. Moore recalled doing a bit of turn with Hugh O'Connell in 'The Racket' in which O'Connell did the 'first realistic portrayal' of newspaper reporters.

'Before that play,' he said, 'reporters were young dudes straight out of college, wearing horn-rimmed spectacles and always ready with pencil and notebook and a stupid look on their faces. We did the job right. We depicted regular guys who got drunk once in a while because the people we had to interview were so doggone dumb.'

Romance

Maybe there's a romance between Lucille Ball and Desi Arnaz, but professional probers at the airport were unable to confirm it when Miss Ball flew in from Hollywood on the Mercury last week.

Richard Barenson, of Miami's Le Fronto, blew in on an Eastern Silverliner to look over talent for the winter season of his club, and bumped into Arnaz for a warm greeting. Barenson gave Arnaz his first job, show business, back in 1936, fronting a chorus band. Fritz Kreisler, off to Denver for a concert, was one of the 16 passengers on the STWAoliner when it was converted into a flying art gallery last week.

Constance, Barbara and Joan Bennett flew in Friday (22) for the funeral of their mother, Adrienne Morrison. On the Mercury with them was Walter Winchell, to whom Joan is married, and Virginia Cherrill, the Countess of Jersey.

Exchanges

Continued from page 2

manager, dough guy. Canvasmen are Pete Niland, William Devaney, James Grant, and Frank W. Hiss. Nieldenthal and Frank W. Hiss. Retiring chief Barker Arthur Frudenfeld and Kinsler were elected delegates to the 1941 Victory Clubs' convention at the Waldorf Astor. Past chief Barker Allan S. Moore was elected national committeeman.

Roy Crebs to Rochester

Roy Crebs comes from Glens Falls as new manager of Schine's West End theatre.

George Lurie takes charge of Lincoln as brother Howard Lurie opens Orpheum, 600-seat nabe which he has just acquired in Buffalo.

Two Change Ownership

Spartanburg, S. C., Nov. 26. State and Lincoln, Florence, S. C., acquired by B. & B. Theatres Corp. Dixie construction, which hit new high starting early fall, continues. Contract for new Criterion, Spartanburg, set for December. New owners, Nathan and M. C. Beattyville, owners of three houses, building new Sand Gap, Ky. layout. New Charles theatre, 1,000-seater, opened in Montgomery Ala., by R. W. Hiss, new owner-manager. Victory, Charleston, S. C., hurricane-damaged, and Carolina, Hendersonville, N. C., damaged in \$5,000 fire, renovated, modernized.

J. C. Cartledge has assumed duties as manager, State, Spartanburg. Formerly with Wilby-Kinney, North Carolina.

Cherchez's Marshall, N. C. house, repaired, reopened, following flood damage.

Other Dixie developments include chartering of Gulf Drive-In Theatres, Little Rock, Ark., by R. W. Hiss and others. Austin Moon shifted from Miami's Colony to Sheridan as manager, with William Pratt of Atlanta succeeding; reopening of renovated South Carolina theatre, naming of H. W. Pettengill, formerly with Schine Circuit, as publicity-advertising manager, Paramount Enterprises, Miami, succeeding Karl R. R. R.

New Orpheum, North Wilkesboro, N. C., sold to J. W. Allen, who has reopened and will manage. Purchase price \$11,000.

Film Salesmen's \$5,000 Dance

A net of around \$5,000 will be shown on the dinner-dance of the Motion Picture Associates, embracing the New York, N. Y., and Brooklyn-Jersey exchanges, held Wednesday night (20), it is estimated by Jack Ellis, president of the organization. This will be the largest net ever shown by the M.P.A. in its 21 years of existence.

Ellis, salesman for RKO has been president of the M.P.A. for three years and says that he will decline another year. The nation's officers for 1941 takes place sometime in December.

Lon Fidler III

Lon T. Fidler, owner of the Monogram exchange franchise here and Salt Lake City, Ill. in St. Luke's hospital.

William Osterberg, Jr., manager of the Bluffs theatre, Scottsbluff, Neb., and Miriam Briggs of Denver, married in Denver, and after a California honeymoon, will make their home in Scottsbluff. The bride is daughter of Mr. and Mrs. E. P. (Buzz) Briggs of Denver, where he manages the State. The groom's father owns movie theatres in and around Scottsbluff.

Five hundred dollars was the loss when yeggs cut the bottom out of the safe at the Gothic theatre.

The Old Town built 30 years ago, operated by J. B. Melton, will be demolished to make way for a seven-story addition to the May Co. department store. The house, at one time known as the Princess, was formerly a public house, but renamed the Victory after the World War. The house has 1,200 seats.

The ladies of the Rocky Mountain Screen Club, as their share of the charity work being done by that organization, have adopted three girls, and will see to it they are sent through school. The incidentals such as food and clothing.

George Allan, Sr. and Jr., have bought the State theatre, North Platte, Neb., from John Matern. C. A. M. Moore, manager of the Palace, back on the job after an operation and 31 days in Fitzsimmons army hospital.

Meyer's Tivoli, Frisco

San Francisco, Nov. 26. Tivoli, recently overhauled, legit converted to sporadic flick operation, has been leased by Joseph Meyer who operates the Palace with 'Hell's Angels.' Lease is indefinite and contingent upon whether or not grand policy clicks. Intervening weekends have been negated by Marie Moran, who has been with exception of De La, secured by J. Waldow of KSMAN's Jewish Art Hour for screening of 'Land of Promise.' Russian and Italian films recently did big business and biz following flop of legit try.

Joe Blumenfeld's Esquire theatre, formerly Davis, reopens Thursday (28).

TIN PAN ALLEY IS THE ONLY
ATTRACTION IN THE HISTORY OF
THE ROXY THEATRE, NEW YORK,
TO SHARE "ALEXANDER'S RAGTIME
BAND" BOXOFFICE HONORS!

(Jointly holding the record for opening
day grosses and weekend business!)

TIN PAN ALLEY

IN FIRST FOUR DAYS AT
SAN DIEGO EQUALLED A
FULL WEEK OF "THE
RAINS CAME"! IN MIL-
WAUKEE—DAY AND DATE
—DID A FULL WEEK'S
BUSINESS IN FOUR DAYS
AT BOTH HOUSES! IN
BUFFALO—"JESSE JAMES"
BUSINESS OPENING DAY!
IN NEWPORT NEWS, VA.
—A NEW OPENING DAY
RECORD—BEATING EVEN
"ALEXANDER'S RAGTIME
BAND"!

(Those are typical of all
pre-release reports! The
"Alley's" paved with gold!)

TIN PAN ALLEY

"SMASH HIT!"—Boxoffice Digest
"SOCK! IT WILL JAM HOUSES EVERY-
WHERE!"—Hollywood Reporter.
"ONE OF THE TOP BOXOFFICE PIC-
TURES OF THE YEAR!"—Showmen's
Trade Review. "'ALEXANDER'S
RAGTIME BAND' HAS BEEN
MATCHED, IF NOT EXCELLED!"
—M. P. Daily. "SECURELY AMONG
THE SEASON'S BEST GROSSERS!"
—Daily Variety. "SURE TO KEEP
THE THEATRES' CASH REGISTERS
RINGING LONG AND LOUD!"
—Boxoffice

(Summing up a million agree-
lines of the greatest reviews
ever given a picture!)



Army Camp Showmanship

Continued from page 1

gross pages do much in guiding selections, Martell declared.

Bookers for the soldier theatres have an ideal arrangement for getting top pix, or at least an exhibit would make its lips at. Army has an arrangement with all companies whereby it can choose any picture it wants after seeing it and buy it on flat rental. Rentals run from \$10 to \$25, very occasionally a little higher. They are determined by the percentage bracket the film is in for sale to ordinary exhibitors. Forty percents, for instance, bring \$25, while a 20% pic might bring \$10.

U. S. Army posts throughout the world pay the same rental for the same picture, those theatres which regularly lose money at the smaller camps being aided by the ones that show a profit. Soldiers pay 20c admittance for a single ticket or can buy a coupon book of 10 tickets for \$1.40. They may give cash or have the cost of the book taken out of their pay at the end of the month.

A soldier bringing his gal to the camp film theatre must pay for her the same admission as is charged by nearby outside houses for an orchestra seat at night. This applied to all 'non residents' of the posts as a protection to civilian exhibitors.

22 New Theatres On

Top of 85 Ordinarily

Draftees and National Guardsmen pouring into the Army camps under the new defense program have resulted in 22 new theatres being added to the 85 ordinarily operated for soldiers. An undetermined additional number is in prospect as the recruits roll in, reaching a peak next June. Each post will have at least one house and the larger ones will have two.

Building of a theatre in each camp takes precedence over all other construction as soon as barracks buildings themselves are completed. In some places, where the trainees have poured in faster than carpenters and mechanics can work—as at Ft. Dix, N. J.—the Army Motion Picture Service has erected large tents. Dix canvas top is a 2,200-seater.

All posts have a similar booking policy, based on Martell's studied opinion that there is an average of 3½ good pictures produced 'each week'. Top pix are played Sunday and Monday, next best Wednesday and Thursday, third best Tuesday, fourth best Friday, Saturday is reserved for double features of action and family type, a great portion of the patronage being wives and kids of officers living at the post. Matinees are generally held on Saturdays, Sundays and holidays. Shows are a minimum of 105 minutes, including shorts.

Clearance is not a worry of the Army M. P. Service, although bookers' instructions are to grab pix as rapidly as possible. How quickly they get 'em depends on how close to a town they are. If the camp is far away, it makes no difference, of course. If it's close by a regular theatre, latter is allowed a 'reasonable' clearance—anywhere from one to three weeks, or more.

No Censorship

Only censorship Army pix are subject to is that of individual post commanders—and they usually leave it to their officers in charge of the house. There's virtually no censoring, Martell said. Hollywood's production code being held sufficient. All pix are billed in ads as either F (family) or M (mature).

House 'manager', projectionist, ushers and all other operating employees are soldiers. All get extra-duty pay. Houses go in for various shades of showmanship, depending on the interest of the 'manager'. No ads are allowed off U. S. Government property, as a protection to commercial exhibitors, but camps are well-posted, mimeographed heralds are passed out, notices are placed on bulletin boards, announcements are made when regiments are assembled at retreat, and there are trailers.

Each house is encouraged to make a good financial showing because a percentage of the profit from each operation goes back to the commanding officer for the recreation fund. To perk up the 'managers', district directors of the m.p. service make regular visits to the posts in their territory.

Country is divided into six districts, one having just been added in Atlanta to handle the rush of new business in the south, where many recruits are now being sent. Others

are in New York, Washington, Dallas, Seattle and St. Louis. District directors, who are in charge of booking as well as general operation, are civilian employees. Only other civilians are machinists in the equipment shop in St. Louis. They visit each camp once every three months to check on projection and sound. Motion Picture Service has been operating since the last war. It falls under the Adjutant-General's department in the Army, with Major T. J. Davis currently the topper.

14-25c Vaudfilm for Camp

Dix, N.J.; Acts on the Cuff

Camp Dix, New Jersey, which will eventually house 40,000 soldiers, is building 10 picture and stage theatres to take care of the trainees' recreation wants. They will charge admissions, 14c for pictures and probably 25c for stage entertainment.

Phil Morris, vaude producer, is set to furnish the camp with variety units in an agreement with Major J. C. Donoghue in charge of recreation. First show will go in Dec. 1, but this will be a gratis affair for both the acts and soldiers. Following that, acts will be paid and admissions charged. Morris sees an eventual circuit of U. S. Army camps and a resultant upbeat in employment of vaude performers.

Most of Camp Dix's musical equipment is being donated for instance Knabe's donation of five pianos last week.

'Entertainment Plenty, But It'll Be No Picnic'

Fort Dix, N. J., Nov. 26.

That radio continues to play an ever-increasing role in national defense, particularly in instilling a spirit of 'draft consciousness' in the youth of the nation, was again demonstrated here when Major General Clifford R. Powell, commander of the 44th Division, New Jersey National Guard and Fort Dix, commanded, took to the air waves to warn the vanguard of selective service trainees that 'life at Fort Dix will be anything but a picnic.'

In a broadcast, probably without parallel, General Powell, speaking from a microphone set up at the rifle range on the military reservation, addressed the conscripted youth of the country on a coast-to-coast hookup (Mutual), warning them just what to expect when they arrive at Dix or any other military post where they will spend a year as members of the Regular Army.

General Powell stressed the brighter aspects of the picture, too. He told them 'everything will be done to receive the trainees, house, equip them, and keep them well fed and entertained.' As for entertainment, he said that every effort is being made by the command and by neighbors to see that the men have a good time to compensate for the 'tough assignments' in store for them.

'The men work hard during the day and play comparatively hard during the week-end,' he said. 'Princeton and Rutgers Universities each provide nearly 1,000 free seats for enlisted men at home football games. The entertainment, films and dancing at the Hostess House provide additional recreation and passes are issued generously for holidays. Ample provisions have been made to enable men to receive visiting families and friends during off-duty hours.'

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More Theatre Bldg. For the War Camps

Detroit, Nov. 26. Nearby Camp Custer, its population increasing rapidly these days as army units pour in, has set off a theatre building boom in Battle Creek, Mich. Two weeks ago the W. S. Butterfield Circuit announced the new home near the Post Tavern and directly across street from its Regent.

Now the Life Amusement Corp., which operates the Orpheum, has announced that it is starting work shortly on a new 800-seater. Jack Ross, of Lansing, president of the company, said deals have been made with eight major companies for second runs.

Uncle Sam is getting ready to crack down on professional and crooked gamblers who have been making a beeline for the heavy concentration of troops at the expanding camps.

Advices have reached here both from nearby Camp Custer and Camp

Beauregard, in Louisiana, where a large portion of Michigan's 32nd Division was sent for training, that crooked games of all types have sprung up and the soldiers are being plucked of everything but their eyebrows. Most of the operations are out of bounds and in quickie spots which is more than a problem for the few local police in the lightly populated areas near most army camps.

With cashless soldiers plentiful in the camps, high ranking officers have laid down rulings that the gambling joints were 'out of bounds' for the military, but without much success. While the soldiers' pay isn't much individually, in mass it counts up plentifully. For instance, the initial payroll for the first 15 days for the National Guardsmen of the 32nd division alone, totaled \$350,000. It stacks into the millions monthly.

As one measure to keep the soldiers from falling prey to blitzkrieg dice, the officials are hurrying along the construction of picture theatres and other amusements centers, hoping to keep the boys at home.

Lucky Strike's Free Camp Shows

Lucky Strike is organizing, through the Lord & Thomas agency, a dance band unit, with m.c. attached, for a tour of soldiers camps. Neither the m. nor the batonist had been set by press time yesterday (Tuesday). It'll be a free show.

Traveling combination will carry a tag associating it with the product and the broadcasting flavor will derive from the circumstance that the band will be cut into Lucky's Saturday night Hit Parade on CBS for two numbers.

After putting on several show numbers, the touring aggregation will provide an hour or two of dancing for the soldiers.

Lambs' Gambol

Continued from page 2

cheerated by Max Hoffman and it got them both an ovation. James Sterling Moran gave a funny lecture on sound recordings. S. J. Kaufman's sketch, 'God's Country,' had a big cast and went over very well. Jimmy Savo was forced to do three encores, and 'Love's Old Sweet Time Of Your Life,' a satire on all Saroyan plays, done by Fred Waring's Glee Club, was as screwy as Saroyan himself, but got laughs.

The Kids Take Over

One of the outstanding acts of the night was 'Chippies Off the Old Block,' written by Ernest Truex and Fred Howard, in which all the sons of noted fathers appeared as dames. They sang about how their old men did 'dames' in the old Gambols and now they're carrying on. Sons of Frank Craven, William Courtleigh, Lawrence Tibbett, Jack Devereaux, Harry Tyler, William Faversham, Dennis King, Henry Hull, Ernest Truex and Alexander Clark appeared and gave a swell touch to a swell show.

'Two Old Men' by Hale Hamilton and with Raymond Massey, William Burress and Spencer Bentley, was a skit of the Civil War and the only dramatic touch of the evening. Another high spot was The Barrendo... a dance act written by Frederick Loewe and James Tranter, with John Wray as a senior and Chester Stratton as a senior. Alexander Gray next gave the program a 'war touch' with a song 'Right Little Light Little Isle,' a salute to England.

The closing act was the Lambs Glee Club of over 75 voices and directed by Bob Shaw. They sang a Lambs song, followed by a spiritual end, finishing up with 'This Is My Country,' brought the members to their feet.

Fred Waring was installed for his second term as Shepherd with usual ceremonies. He made an impromptu speech thanking everybody and spoke about letting the younger Lambs and Lambkins take an active part in the running of the Club and its Gambols. He pointed up the fact that this particular Gambol was composed of over 80% of the younger Lambs.

Lambs Gambol to be held at the Waldorf Astoria Dec. 31 (New Year's eve) is scaled at \$25 top. That rate applies for seats in the boxes, elevated over the sides and rear of the grand ballroom. Tickets for tables on the floor are \$15, regardless of location. At previous Gambols there was a \$5 admission after dinner and the show, but that has been eliminated.

Show which will be publicly presented at the Gambol was that given in the clubhouse Sunday (24).

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—10/11/40

Third Finger, Left Hand (M-G)	10/10	CD	34	M. Loy-M. Douglas
Trailing Double Trouble (Mono)			W	34 C. Corrigan-J. King
Cherokee Strip (Par)	10/2		W	34 R. Dix-V. Jory
Yulian Still (Rep)	10/10	7/24	W	34 L. Louis-J. Brownell
Melody and Moonlight (Rep)	10/10	CD	73	J. Downes-J. Frazee
Frontier Vengeance (Rep)	10/9	W	57	D. Barry-B. Moran
Down Argentine Way (20th)	10/9	MU	82	D. Ameshe-B. Grable
Father Is a Prince (WB)	11/6	C	59	G. Mitchell-L. Patrick
Little Bit of Heaven (U)	10/16	CD	83	G. Jean-H. Herbert

WEEK OF RELEASE—10/18/40

Nobody's Children (Col)		D	7	E. Fellows-L. Wilson
West of Abilene (Col)		D	74	C. Starratt-M. Cooley
Moon Over Burma (Par)	10/18	W	74	P. Axtell-A. Burke
Night Train (20th)	10/30	M	90	M. Lamour-F. Foster
Laddie (RKO)	9/18	D	89	T. Holt-S. Byington
Slightly Tempted (U)	10/30	C	90	M. 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)	11/13	D	84	F. Kelly-R. Hudson
Sollhaloe (M-G)	10/10	W	74	R. Axtell-A. Burke
Christmas in July (Par)	9/18	CD	60	D. P. Kelly-E. Drew
Knew What They Wanted (RKO)	10/9	CD	90	C. Laughon-C. Lombard
Young Bill Hickok (Rep)	10/2	W	74	R. Axtell-A. Burke
Great Profile (20th)	8/21	D	79	J. Barrymore-M. Hughes
Tugboat Annie Sails Again (WB)	10/23	C	75	M. Rameau-A. Hale
Seven Sinners (U)	10/30	RD	85	M. Dietrich-J. Wayne

WEEK OF RELEASE—11/1/40

Escape (M-G)	10/30	D	105	N. Shearer-R. Taylor
Blonde Plays Cupid (Col)	10/30	D	67	P. Axtell-A. Burke
Dancing on a Dime (Par)	10/16	D	73	G. McDonald-R. Paige
Too Many Girls (RKO)	10/9	MU	84	L. Hall-R. Carlson
Phantom of the Opera (20th)	11/13	C	71	G. Axtell-A. Burke
Who Killed Aunt Maggie? (Rep)	11/6	M	70	J. Hubbard-W. Barrie
I'm Nobody's Sweetheart Now (U)	8/7	C	64	D. O'Keefe-C. Moore
Devil's Pipeline (U)	11/13	C	59	R. Lane-G. Reeves
Always a Bride (WB)	11/21	C	58	R. Lane-G. Reeves

WEEK OF RELEASE—11/8/40

Bitter Sweet (M-G)	11/20	MU	92	J. MacDonald-N. Eddy
Take Me Back to Oklahoma (Mono)		W	7	R. Ritter-S. Anderson
Arise My Love (Par)	10/23	D	100	C. Colbert-R. Milland
Phantom of the Opera (20th)	11/13	C	71	G. Axtell-A. Burke
Mexican Spitfire Goes West (RKO)	10/30	C	79	C. Weaver-B. Elviry
Trail Blazers (Rep)	10/30	W	38	R. Livingston-B. Steele
The Kids of Zorro (20th)	11/6	D	73	T. Power-L. Darnell
Sandy Gets Her Ward (U)	11/13	C	63	S. Egan-L. Conway
Pony Post (U)		W	7	J. M. Brown-F. Knight
East of the River (WB)	10/30	RD	73	J. Garfield-R. Marshall

WEEK OF RELEASE—11/15/40

Beyond the Sacramento (Col)		W	7	B. Elliott-E. Keyes
Gallant Sons (M-G)	11/13	D	75	J. Cooper-J. Preisler
Phantom of the Opera (20th)	11/13	C	71	G. Axtell-A. Burke
Three Men from Texas (Par)		W	6	B. Boyd-R. Hayden
Remedy for Riches (RKO)		CD	67	J. Herreshol-D. Lovett
Melody Ranch (Rep)		W	63	G. Axtell-A. Burke
Street of Memories (20th)	7/3	D	85	L. Roberts-G. Kilbree
One Night in the Tropics (U)	11/6	MU	82	A. Jones-V. Bruce
South of Suez (WB)		D	6	G. Hren-G. Fitzgerald

WEEK OF RELEASE—11/22/40

A Lone Wolf Keeps a Date (Col)		M	70	W. William-F. Robinson
Escape to Gladiolus (Col)	11/20	D	70	E. Cable-B. Devine
Little Nelly Kelly (M-G)	11/20	MU	96	J. Garland-G. Murphy
West of Pinto Basin (Mono)		W	6	R. Corrigan-J. King
North West Mounted Police (Par)	10/23	W	125	G. Cooper-M. Carroll
The Fargo Kid (RKO)	11/20	W	63	H. Axtell-A. Burke
You'll Find Out (RKO)	11/20	MU	85	K. Kyser-B. Karloff
Texas Terrors (Rep)	11/20	W	57	D. Barry-J. Duncan
Youth Will Be Reckless (20th)	11/20	C	68	J. Withers-R. Conway
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
Let's Talk (WB)	11/20	D	85	B. Davis-R. Marshall

WEEK OF RELEASE—11/29/40

Elery Queen—Master Detective (Col)		D	7	R. Bellamy-M. Lindsay
Dr. Kildare's Return (M-G)		D	7	L. Barrymore-L. Ayres
Little Men (RKO)		D	6	K. Francis-J. Oakie
Meet the Missus (Rep)		D	8	R. Karm-R. Donnelly
Tin Par Alley (20th)		M	6	A. F. O'Keefe
The Bank Dick (U)		C	6	W. C. Fields-F. Pangborn
Blackout (UA)		D	6	C. Veidt-V. Hobson
Lady with the Red Hair (WB)	11/13	D	78	M. Hopkins-C. Rains

WEEK OF RELEASE—12/6/40

Great Plane Robbery (Col)	11/20	M	55	J. Holt-V. Lester
Thundering Frontier (Col)	9/18	M	55	C. Starratt-M. Cooley
Go West (M-G)		C	6	M. Ross-J. Carroll
Chamber of Horrors (Mono)		C	6	G. Mallo-L. Banks
A Night at Earl Carroll's (Par)	11/20	MU	82	K. Murray-R. Hobart
Border Legion (Rep)	11/27	W	8	R. Rogers-G. Hayes
Charter Pilot (20th)		CD	58	L. Bari-L. Nolan
Bargie (U)	9/18	C	58	T. Brown-N. Grey
She Couldn't Say No (WB)		C	8	R. Fryer-E. Arden

WEEK OF RELEASE—12/13/40

Here We Go Again (Mono)		D	6	L. Gorey-B. Jordan
Comet (M-G)		D	6	C. Cable-B. Devine
Texas Rangers Ride Again (Par)	11/6	WD	67	J. Howard-E. Drew
Mysterious Dr. Satan (Rep)	11/20	M	6	E. Clannell-R. Wilcox
Murder Over New York (20th)		M	6	T. M. M. Weaver
Trial of the Vigilantes (U)		W	6	F. Toner-B. Crawford
Invitation to a Murder (WB)		D	6	T. Mitchell-J. Lynn

WEEK OF RELEASE—12/20/40

Phantom Submarine (Col)		M	6	A. Louise-B. Brand
Keeping Company (M-G)		C	6	A. Rutherford-J. Shelton
Her Father's Daughter (Mono)		D	6	E. Fellows-W. Evans
Behind the Curtain (Rep)		D	6	L. Nolan-B. Martin
Lone Star Raider (Rep)		W	6	R. Livingston-B. Steele
Jennie (20th)		CD	60	V. Miller-D. Bowdon
Give Us Wings (U)	11/13	M	60	W. Ford-V. Jory
Here Comes Navvy (WB) (reissue)	7/24/34	D	68	J. Ganey-F. O'Brien

WEEK OF RELEASE—12/27/40

This Thing Called Love (Col)		C	8	R. Russell-M. Douglas
The Wilburys (Col)		C	8	R. Russell-M. Douglas
Flight Command (M-G)		W	8	R. Taylor-R. Busby
Under Texas Stars (Mono)		W	8	T. Ritter
Love Thy Neighbor (Par)		D	8	J. Benny-M. Martin
Bowery Boy (Rep)		D	8	O'Keefe-L. Campbell
Chad Hanna (20th)		D	8	H. Fonda-L. Darnell
The Invisible Woman (U)		D	8	J. Barrymore-J. Howard
Chief of Hanged (Col)	10/16	MU	105	C. Veidt-V. Hobson
Santa Fe Trail (WB)		W	8	E. Flynn-O. G. Haviland

CENSORSHIP'S VAGARIES

Mpls. Points to 'NW' and 'Boom Town' Where Upped Prices Didn't Hurt B.O.

Minneapolis, Nov. 26. The policy of boosted admissions for special pictures has been justified by boxoffice results at the State here in the first two instances marking its inauguration. Within a month the State was tilted from 44 to 55c top for both 'Boom Town' and 'Northwest Mounted Police' and in each case grossed skyrocketed.

'Northwest,' now in its second week at the State and still pulling heavily, did \$15,500 in seven and a half days, whereas \$9,000 ordinarily is a good week at this house. Last month 'Boom Town' went over the top to \$14,500 in its first and \$9,900 in its second week at the State and then ran two additional weeks at the Century, getting \$5,100 and \$4,000 in its third and fourth weeks, respectively.

No resentment whatsoever or harmful reaction resulted, as far as the public is concerned, the theatre management states. Customers are satisfied to pay higher prices for exceptional films and leave the theatre pleased, it's asserted.

Over 400 'Mounted' Dates

Indications that exhibitors face no jeopardy when kiting prices for pictures that deserve a lift in scales and that, also, the public is willing to pay more for such films, are reflected by the fact that to date there have been no complaints to Paramount where prices have been increased for 'Northwest Mounted.' This is true also on Broadway, the local Par having shifted prices upward for the first time under its set policy.

According to a Par checkup, over 400 dates at advanced admissions have been set on 'Mounted.' Declared that there has been a substantial swing toward the higher prices among Par accounts since the company decided to get the release date back to the Christmas holidays and, as a protection to accounts playing the film now on pre-release, to take it out of circulation for the two weeks prior to Christmas.

Metro's experience with 'Boom Town,' playing at advanced prices, also was that the public was generally willing to stand the extra cost at the b.o.

TO EXAMINE EASTMAN, ERPI IN POSEN-U SUIT

Electrical Research Products, Inc., and Eastman Kodak Corp. were ordered to appear for examination before trial in N. Y. supreme court yesterday (Tues.) by Justice Isidor Wasservogel. Examination is in connection with a stockholder suit of Samuel I. Posen, Universal director, against the film company, and ERPI and Eastman were ordered to produce all necessary books and material at the examination, time of which has not yet been set.

Posen is suing the film company, its officers and directors, and numerous subsidiaries, claiming waste and mismanagement, and a loss of several millions of dollars. Cancellation of certain licensing deals, ousting of J. Cheever Cowdin, chairman of Universal's board; elimination of certain employment contracts, etc., are sought in the action.

Pathe 9-Mo. Report Due

Pathe Film Corp. will have its three-quarter financial statement ready for distribution following the quarterly directors' meeting scheduled for Friday (29) at the company's new headquarters on West 45th Street.

Pathe report for the nine months ending last Sept. 30 will not include any special dividend from DuPont Film Mfg. Co. This year-end divvy being declared in December when any special melon-cutting is done. Company got a hefty dividend from DuPont in December last year.

'Smellies' Back in 1916?

Detroit, Nov. 26. Joe La Rose, now a theatre manager here, points to an interesting fact in view of the new interest in snelleroo pik induced by the introduction in this country of recent Swiss experiments and the work done here in the same field by the local Aromatic Company. It's old stuff and if they want to go to the bother of searching through the house they'll find scent equipment installed in the Rivoli on Broadway.

La Rose, then in New York, recalled that in 1916 the equipment for pouring out scents to an audience was built right into the Rivoli and he's sure it is still there if anybody wants to make the search. It was used to spray out floral scents in connection with a short, 'Story of the Flowers,' and never used after that.

20 OF 48 SHOW BIZ UNIONS IN ACCORD

Reported 20 unions have been lined up and discussions are going forward on rounding up 28 more, either directly or indirectly involved in show business, for the recently organized alliance of unions known as Combined Theatrical Amusement Crafts, which has as its president Vincent Jacobi, business agent of No. 1, New York stagehands. The council will include only N. Y. unions.

George Browne, president of the International Alliance of Theatrical Stage Employees, now in New Orleans with his vice-presidents, is believed to be the prime mover in the organization of the alliance, but it does not necessarily mean particular powers to the IATSE except through representation of IA locals such as operators, stagehands, scenic artists, etc.

One of the principal purposes of the alliances is to consolidate co-operation among unions in and near to show business when help is required and possible, only means in the past toward that end having been so-called working agreements such as practiced between the IA and the musicians.

Explained by a reliable union source that there are times when cooperation of many unions is desirable and that for a long time steps have been considered to provide a place of organization where common problems can be discussed. Calling the Combined Theatrical Amusement Crafts a sort of Central Trades of the business, it is added that no one will have any real power but that through it there always will be a forum where matters can be huddled over which may affect several outfits that are members. The printing trade has such a council, as do other crafts.

Heretofore when trouble arose or strikes were called, unions would have to round up others in sympathetic walkouts or for aid under conditions that were difficult, while through an organization the procedure should be greatly simplified.

A Family 'Goodbye'

Hollywood, Nov. 26. Joan Fontaine, borrowed from David O. Selznick, is slated to co-star with her husband, Brian Aherne, in 'And Now Goodbye' at Columbia. Picture, based on James Hilton's tale, goes into production early in January.

CHI'S NEW CURBS; BETTER IN PENN?

Exhibits Backing a New Pennsy Bill as Result of 'Ramparts' and 'World in Flames' Bans — Chicago's Under 21 Proposal, However, Opposed by All

POLITICS

Philadelphia, Nov. 26. Public resentment over the barring by the Pennsylvania Board of Censors and subsequent mysterious release of 'Ramparts We Watch' and 'World in Flames' is expected to come to a head at the next session of the State Legislature. One of the newly elected Democratic representatives has disclosed he is preparing a bill to force the censors to make public all deletions. The bill is said to have the blessing of exhibitors in the State.

Up to now deletions have been made secretly and there was little redress on the part of the distributor. Presentation of the bill was seen as an action to further embarrass Edna Carroll, board censor, who has been the target of newspaper and public criticism since the 'Ramparts' ban. Mrs. Carroll is vice-chairman of the G.O.P. City Committee. The State House of Representatives is now under the control of the Democrats thanks to the Roosevelt landslide and the bill is sure of passage there.

Although the G.O.P. has a bare majority in the State Senate, backers of the bill feel they will be able to pick up enough votes to get the bill passed there also.

Last week the Philly Motion Picture Forum joined the list of censor board critics by passing unanimously a resolution condemning the suppression of 'Ramparts.'

Pic Biz Opposes Chicago Proposal on Censoring

Change in Chicago's motion picture censorship setup, proposed by Earl B. Dickerson, alderman, is being opposed by the film business as an additional expense and a blow to present theatre revenue in the Illinois metropolis. Far-reaching consequences of the censorship amendment of Dickerson are so serious that Charles C. Pettijohn, general counsel for the Hays office, went to Chicago over the weekend to represent the industry at proposed public hearings this week.

Dickerson amendment would place censoring in the hands of a special committee, instead of the police. It would regulate and pass on all films to ascertain if fit entertainment for persons under 21. As this proposed legislation now reads, distributors would have to pay \$3 per 1,000 feet of film released in Chicago, both on the original print viewed by the censors and on duplicate prints. Presently, the rate is \$3 for the original and \$1 for all additional prints of a subject, on the 1,000-foot scale. As interpreted by film officials, the new censorship setup also would view all newsreels and assess them the \$3 fee. One estimate is that this would mean nearly \$200,000 additional outlay for the newsreels annually in Chicago.

Censorship change is reported as being backed by the American Civil Liberties League, and according to reports received by film companies in N. Y., is being pushed under the guise that it liberalizes censorship by applying only to child motion pictures. Check by distributors shows that the new censors would look at every subject and allow patrons under 21 to view only the films they deem fit for juvenile consumption, with the film business carrying the additional censorship fee burden. Besides cutting into all cinema patrons under 21, the additional fees forced on the distributors in Chicago presents a real

(Continued on page 26)

Wage Hikes for Freelance And Day Players Due For Producer-Guild Discussion

Hollywood, Nov. 26. Producers today (Tuesday) got the International Alliance of Theatrical Stage Employees demands for non-exemption of 10,000 film workers from provisions of the wage-hour law with overtime pay retroactive to October, 1938, and time-and-a-half after 40 hours. Union reps, headed by Harold V. Smith, chairman of the IA business agents committee, opened negotiations this morning with Pat Casey, producer labor contact, looking to revision of current agreements. Two of 10 IA locals, the Laboratory Technicians and International Photographers, are not participating, preferring to negotiate individually.

Hollywood, Nov. 26. Demands for higher wages for actors, particularly free lance and day players, will be mulled by the Producers the first of next week when they go into a huddle with Screen Actors Guild tops. The drastic economic condition of extras, caused by a shrinkage in job placements, also will be considered.

The major companies will be represented by a committee composed of E. J. Mannix, Herbert Preston, Y. Frank Freeman and Mendel S. Silberberg.

With earnings of film extras running more than \$700,000 behind last year, both the Producers and Guild realize that some revision in wages, classification, etc. will have to be made in order to hold the Class B membership together. It is probable that the first move will be to drop all occasional players in an effort to create more work for the regular extras who have no income outside the industry.

A new call system for extras has been installed at Central Casting Corp. in an effort to relieve the congestion on the call boards. Each player will be given a certain number to call, and when casting is being done his name will be broadcast to all casting directors instead of just one as was done in the past.

Casey Advises

Pat Casey, producer labor contact, has advised the studio locals of the

International Alliance of Theatrical Stage Employees that the Producers will be glad to open negotiations with them at any time. He suggested, however, that demands of all unions first be submitted so that these could be analyzed by executives in advance of the negotiations meetings.

The demands probably will be submitted by Harold V. Smith, chairman of the IATSE business agents' committee, soon as he has had time to confer with the various union heads. Many of them including Zeal Fairbanks and Herbert Aller, are now in New Orleans for the American Federation of Labor convention. A meeting of agents will be called as soon as they return to the Coast.

Photogs' Position

International Photographers Local 659 IATSE initiated move to encompass all lensers in industry. Disclosed IA will not issue separate charter to American Society of Cinematographers which holds a five-year contract with producers covering chief photographers.

Frederick Kiey, ASC exec v.p., issued the following statement: 'Notwithstanding statements made, the facts are that the ASC has the only agreement with producers covering directors of photography. This covenant provides that the producer agrees to engage as directors of photography persons who are members of the ASC; that producers will recognize the ASC as the sole and exclusive collective bargaining agent for all directors of photography employed or used by them in the United States. This agreement is in full force and effect and has a number of years to run. Both parties to this agreement have and propose to continue to live up to its obligations.'

Basil Casabona has been elected president of Motion Picture Laborers Utility Workers Local 727 of the IATSE. Orville W. Connor was elected recording secretary. C. E. Bailey, Lynn Batchelder and Travis H. Richards were named to the board of trustees, and John Kunkel, Herb Koerlin and Earl Williams to the executive board. All successful candidates were on the administration ticket.

Superior Court Judge Emmett Wilson has handed down a decision ousting Ray Finnell as business and international representative of the Building Service Employees International Union. The International claimed Finnell was appointed by George Scallie, recently convicted of looting the union treasury while president.

Flack's Agreement Up

The Producers have taken under consideration request of the Screen Publicists Guild for revision of its present basic agreement. The flacks are asking for two weeks vacation with pay, preferential hiring, job protection for those who enter the military service, and straight severance pay instead of notice when discharged. Attorney George E. Bodle, proxy Lesley Mason, Don King, Bill Edwards, Ted Taylor and Jerry Breitman are handling the negotiations for the flacks.

The Screen Cartoonists Guild has set Dec. 9 as the date for the annual election of officers. William Littlejohn will be opposed for re-election as president.

Paul Cook and Harry Evans, two members of the Screen Actors Guild Council, have been cited to trial before a Guild trial board. Cook is charged with being abusive to members of the violations of rules committee and with having questioned authority of the committee to function. He is now confined in Sawtelle hospital, and his trial will be deferred until he recovers. Evans is accused of having kicked back part of his earnings as an extra to an independent casting director in return for jobs.

'SPRING PARADE' GETS F-WC BAN IN SO. CALIF.

Los Angeles, Nov. 26. Fox-West Coast, through its proxy, Charles P. Skouras, has put an embargo on Universal's latest Deanna Durbin picture, 'Spring Parade,' and will not play the musical in any of its houses in this area because of a 'continued first-run booking' with the Hawaii theatre in Hollywood immediately following the 10-day first-run at the RKO and Pantages theatres in downtown L. A.

Skouras' position is that F-WC holds a subsequent run product contract with U, and that it should have been given first chance at a continued first-run of the opus. Instead, U exchange execs closed a booking deal with Albert Galston, operator of the independent Hawaii, with the film opening on Thanksgiving day to record-breaking biz.

Main contention of F-WC head is that there is no ownership connection between the Hawaii and the RKO and Pantages, and that U's action in releasing the picture to the indie house violates a contract entered into good faith by the circuit. Further repercussions are looked for.

BUSINESS before CHRISTMAS"

(Christmas will take care of itself)

When the exhibitors, who now head Universal, operated theatres, they knew that every-one was a great showman on Christmas Day. But they also knew that Christmas Week profits disappeared into thin air after the pre-Christmas expenses were deducted. It was only natural therefore that their motto should be "Business Before Christmas!"

They fought for the best pictures they could get and they campaigned them with all their energy and resources—AND any number of times they licked the old bugaboo about pre-Christmas slumps; they did business!

Today, as distributors, these men feel the same way about it. To every real showman in America they say: "Tell tradition to take a sneak! Here are two of our most important pictures. In star value, in production, in every detail, they have potentiality for high grosses NOW, before Christmas! You'll get one of these on November 28th; you'll get the other on December 13th! Prints are ready! Campaigns are ready! And business is ready—always ready—if you've got pictures like 'The Bank Dick' and 'Trail of the Vigilantes'."

Go out and get those dollars that are waiting for you between now and December 25th!

"Christmas will take care of itself!"

For National Release
NOVEMBER 28th!

W. C. FIELDS in "The BANK DICK"

with Una Merkel • Richard Purcell
Shemp Howard • Franklin Pangborn • Grady Sutton
Jessie Ralph • Cora Witherspoon
Original Screenplay by Mahatma Kane Jeeves

Directed by
EDWARD CLINE



For National Release
DECEMBER 13th!

"TRAIL of the VIGILANTES"

starring FRANCHOT TONE

with
Warren William • Broderick Crawford
Andy Devine • Mischa Auer
Porter Hall • Peggy Moran
Directed by ALLAN DWAN



UNIVERSAL—the Exhibitor Company!

Kodachrome to Be Used in Filming Shorts; Trim Cost With Single Neg

Hollywood, Nov. 26. Use of Kodachrome in the regular run of shorts, trailers and other scenic types is assured by experiments carried on by Technicolor and Warners. New process cuts down production costs by permitting the use of a single negative in regulation cameras. Technicolor filming requires three negatives and heavy lensing equipment.

Kodachrome is jointly controlled by Eastman Kodak and Technicolor, through a combination of patents. In its present state it has limitations that prevent its adoption for general feature production, but it has been improved to a stage where it can be used for outdoor work with an important reduction of labor and cost. The lighter equipment is more portable and the price per foot for negative and release prints is much less than that for Technicolor.

Technicolor, through an agreement with Eastman, is the sole agent for Kodachrome as applied to motion pictures. Meanwhile Warners, with the consent of Technicolor, is undertaking extensive shooting and laboratory tests by its own cameramen and lab technicians.

Kodachrome has been in use for several years by amateur camera fans, in the form of 16 mm. films. The amateurs have been willing to overlook slight faults in quality of color as long as they can turn out tints for their own amusement at a low cost. Eastman's income from amateur sales was turned into improvements. Technicolor moved in the process through its patents needed for the development of the Eastman process.

Another type of film, designed to overcome difficulties of low-key lighting in still photography, has been tested successfully at Paramount under direction of Harry Cottrill, chief of the still department. Developed by Eastman, the film works several degrees faster than formerly used on dimly lighted sets.

Theatre Wins Important

Test Suit vs. Landlord

Three-judge court in the N. Y. Appellate Division last week handed down a ruling which holds substantial interest for all exhibitors because establishing certain property rights when an exhibitor disagrees with his landlord. Appellate division reversed the decision of the lower court, which previously had upheld the plaintiff landlord in the action of the Avanti Realty Corp. against the Court Theatre Corp., in Brooklyn.

Defendant claimed that the realty company had rented a dance hall above the theatre, resulting in so much noise that patrons could not enjoy the theatre screen performance. Court group moved out and reopened their theatre in another house across the street. The landlord obtained an injunction against removing the letters in the marquee of the former cinema site; two intermitants in the projection booth and 150 seats. Original court punished the tenant for removing this property, with an appeal being taken by the Court Theatre group.

In arguing before the Appellate term, attorney Louis Nizer, for the tenant, claimed that the property removed could not be considered the landlord's, because not attached to the real estate as so designated. He contended that the letters on the marquee only were hung on a rod, that the intermitants used in projection could be removed, and that the theatre seats were removable without defacing the property, besides which the last belonged to the exhibitor group. Appellate term held that the exhibitors had a right to take the property and should not be punished.

Anticipate Stickups

Detroit, Nov. 26. Police are getting so efficient they now anticipate theatre robberies. Fred Makin, 21, and Ed Baker, 22, were arrested by Flint, Mich., police after William Jay, 21, arrested here, gave the tipoff that a series of picture house robberies had been plotted by them.

New Houston Nabe

Houston, Nov. 26. The Plaza, Houston's newest independent suburban theatre, opened under management of Lou Baxley. Seats 1,000.

Nazi Pix Putsch

Continued from page 3

America, are getting special attention from the heeling loudmouths.

Using the general track of appearing as super-patriots, Nazi 'news' sheets have come out with variations on the theme that the national industry, particularly in Argentina, must be developed to the hilt—but that attempts were being made to wreck the South American films by 'foreigners'.

'Foreigners'

These 'foreigners' aren't left in doubt. They are identified in such Nazi sheets as El Pampero, leading Hitlerite newspaper in S. A., as 'international capitalists with a seat in Yankee land.'

Idea of a U. S.-S. A. combine for manufacturing or distribution of pix, which has been spoken of with increasing interest by forward-looking in the industry here, is looked upon with horror by the Nazi propagandists.

Nazi sheets contain warnings that the U. S. is here now, working discreetly, but that tomorrow they will collar our thriving industry. Thousands, the tirade continues, will lose their jobs.

Program advocated by Nazis included:

Setting up of a strict censorship board to protect our country from being insulted or becoming involved in foreign affairs. Although not mentioned by name, film men here assert this is meant to support the Nazi protests against such anti-German films as 'Four Sons and a Mother' and 'The Storm' which were unofficially protested by German sources.

Law limiting the percentage of foreign films admitted to any South American country. Since U. S. pix dominate the market and the number of German films is limited, both from production and popularity points of view, this is intended mainly to hit at Hollywood reels.

Increase on Taxes

Increase taxes. Nazis insist that the tax on imported finished pictures (now taxed by weight only in most South American countries) should be sharply upped. Point out that the tax on unexposed film is greater than that on exposed. Before the war Germany shipped much film here, but since the blitz began, it's all used up and U. S. companies are the only ones able to take any orders.

General patriotic track is an old stunt of the Nazis, especially in S. A. sheets like Pampero, Deutsches La Plata Zeitung, Clarinada and others, each attacking different aspects. Reviews of U. S. product vary in different papers. Some, like Pampero, dislike almost everything. Others, like Zeitung, which is a German language, old-established newspaper, is more objective, usually hitting only if it gets half a chance. Pampero doesn't need any basis—like other similar Nazi sheets it hits just because it insists anything U. S. is anti-South America, and therefore must be stopped.

HARMON WEST ON PIX'S U. S. DEFENSE PLANS

Francis Harmon, executive assistant to Will Hays and industry coordinator on national defense, planned to the Coast Monday (25) night for confabs with Y. Frank Freeman, chairman of the Studio Production committee on U. S. defense program. Harmon is acting as Coordinator for the industry's eastern committee on the defense. National defense agencies have made numerous suggestions to him and these will be transmitted to the Coast group. Harmon also will talk with John Hay 'Rock' Whitney regarding the good will film program in the Latin Americas.

Before returning to N. Y. Harmon will confer with Cecil B. DeMille on the few remaining changes to be made in 'Land of Liberty,' industry film that ran two years at the N. Y. World's Fair before the picture goes out on general release. Metro, which is distributing, has shown the film in one spot and will test preview it at a couple of other communities before the picture gets general distribution.

Germans Not Faves

Chicago, Nov. 26. Indicative of the public feeling about anything Teutonic is this important program correction sent by WIND: 'Eliminate immediately: Please eliminate 'Herr' from Old Heidelberg's 'Louie & Weazel listings.'

Herr Louie and the Weazel have been popular around this territory for many years and are now doing a regular act in the Heidelberg cafe.

WB NET PROFIT AT \$2,747,472

Warner Bros. operating profit for the fiscal year ending Aug. 31 last totaled \$2,747,472, after all charges and provision for Federal income taxes, or an improvement of more than \$1,000,000 over the previous year, ending in August 1939, when the company showed \$1,740,907 operating profit. Earnings are equal to 63c on the common as against 36c last year.

Vast pickup in earnings was made possible even in the face of a dip in gross income from \$102,083,131 for the fiscal year ending Aug. 26, 1939, to \$100,337,082 for the recently completed fiscal year. Earned surplus of the corporation of Aug. 31, this year, totaled \$4,445,330.

Warner statement noted that the company has revised its amortization rates on the basis of 80% for domestic income and 20% for foreign income. Prior to the year ended Aug. 26, 1939, the company used 30% as the ratio of foreign income to total income. New revision makes the second change from the old 30% setup, having been slashed to 25% to cover the fiscal year ending August, 1939. Application of new 80-20 rates resulted in additional amortization charges in past fiscal year of \$727,724.

Harry M. Warner, president, a statement to stockholders accompanying the financial report, pointed out that the European war not only affected the gross income but also served to reduce the film rental income in later periods of release which necessitated the acceleration of the writeoff of film production costs in the earlier periods. Even in the preceding year, he stated, that outbreak of the war in Europe had resulted in a reduction in income through a decline in film rentals and foreign exchange rates. He also stated: 'With the invasion of Norway, Denmark, Holland and Belgium, the military collapse of France and the intensified attack on Great Britain, the available foreign market for our films was further curtailed.'

Company noted that prior to the close of the fiscal year, the company retired \$600,000 principal amount of 6% debentures, Series due 1948, in satisfaction of the Sinking Fund due on or before Dec. 15, 1940. At the present, \$2,178,000 principal amount of these debentures is held in the company's treasury, which is sufficient to meet the sinking fund requirements through Dec. 15, 1943.

Statement showed that no dividends have been paid on the preferred stock since March, 1932, with unpaid dividends amounting to \$3,259,966 or \$22.72 per share of \$100. Last on 99.617 share of the preference issue.

Benz Bros. in Dicker For Minnesota, Mpls.

Minneapolis, Nov. 26. Benz brothers, millionaire realty and liquor dealers, are reported dickering with trustees for the 4,000-seat Minnesota theatre, now in bankruptcy. The \$2,000,000 de luxe showhouse has been dark most of the time during recent years. The Benz brothers are for several months last year, for the owners, with a vaudeville policy which proved a losing venture. After this venture the owners' unable to find a tenant, tossed the theatre into bankruptcy.

TITLE CHANGES

Hollywood, Nov. 26. 'Father and Son' became 'Father's Son' at Warners. Loew-Lewin Productions switched from 'Flossam' to 'So Ends Our Night'. 'Tonight Is Ours' is release tag on 'Ballarina' at Paramount. The Hardboiled Canary is released here and at Paramount's 'There's Magic in Music'.

Indict 4 in St. Louis Illicit Film Ring; Probe Extends Nationally

Nazi Mex. Ads

Continued from page 1

Nazi troops behaved better in that country than did some invaders in other times.

Toller is scored for gross exaggerations and German-hatred, provoked by his Jewish origin, in the ad which comments:

'It may seem strange to you that this poisonous defamation and calumny issues forth from Hollywood week by week. But it is no secret that the gentlemen who own United Artists, Metro-Goldwyn-Mayer, 20th Century-Fox, etc., and the directors who make their pictures are Jews. Have these exponents of culture forgotten that Germany expelled their 'brothers' when she found out that it was certain that they would definitely control German economy, industry, newspapers and theatres?'

The hottest time local film circles have known of late has been stirred up by 'The Martyr.' The Cine China Palace, a new swanky cinema here where the pic is on exhibition, is being guarded by a corps of cops—uniformed, plain clothes and tear-gassers. This guard was provided when the exhibitor told police that he had received numerous telephone threats from folk who speak with a strong Teutonic accent and even from some who are obviously Mexicans that the cinema would be bombed if the pic is continued.

There have been various disturbances during exhibitions, including the bursting of stink bombs, but no arrests have been made thus far, and the Nazi legation has not complained. The cops have orders to spray tear gas at all points where the stink bombs burst.

This is the first time in years here that a cinema has had to have a police guard because of a picture.

Mystery Veils Importing Of Nazi Reels in Mexico

Mystery cloaks the arrival here of 10 UFA newsies, painting the Reich side of the war. How these pix, the first of the kind to reach here in moons, got into Mexico is not quite clear. More mystery surrounds what the importer intends to do with them, in view of the ban the Confederation of Mexican Workers, arch-Nazi and fascist foe, started before the war and made ironclad when the conflict started.

Though there is no official government prohibition of Nazi or fascist pix, the administration's trend towards anti-Hitlerism and the Confederation's stand make public screening of these films next to impossible. And exhibitors know their public and their tastes. In Mexico Nazism and Fascism are highly unpopular, despite the above-detailed pro-German incident.

SOEG OKAYED BY NLRB TO REP 7 PIX STUDIOS

Washington, Nov. 26. Exclusive bargaining rights at seven Hollywood studios have been won by the Independent Screen Office Employees Guild, which shouldered aside before the balotting the rival American Federation of Labor white-collar crowd, while the 20th Century-Fox Studio Office Employees Guild, also unconnected with any national outfit, scored in recent elections ordered by the National Labor Relations Board.

Official results certified Monday (25) showed the SOEG mopped up 95.6% of all votes cast at Columbia, RKO, Universal, Republic, Metro, Wanger and Roach plants, but tallied only 38.8% at the 20th-Fox establishment. Former won unanimously at Roach and Republic lots.

Out of 1,212 front office workers eligible, 83% or 1,016 voted at the seven studios where only one choice was presented, but only 950 of the ballots were counted as all those challenged were thrown out and the one-sidedness of the tally made it unnecessary to rule on the challenges. At 20th-Fox, 418 of 459 eligibles were recorded, with the SOEG polling only 156, four voting for neither outfit, and remaining 242 ballots favoring the separate 20th-Fox union.

St. Louis, Nov. 26. Indictments charging four St. Louisians with violations of the postal laws by shipping and receiving indecent films and using the mails to further such transactions were returned last week by the local U. S. grand jury. Post office Inspector O. C. H. Willard, who is in charge of the investigation, said several persons in Chicago, Peoria and Evansville, Ind., are soon to be indicted on similar charges. The trail of uncovering the traffic of these outlawed films is leading to many points in the U. S. Willard confirmed local rumors that many persons, outside of Missouri, are in charge of the three cities mentioned, also will be arrested before the case is closed.

Willard said his investigation thus far has disclosed that at least one of the lascivious pix was made in St. Louis and he has reasons to believe many others also were filmed here. He also unearthed plans to add sound tracks for some of the films. The Government is tracking down the makers of the films in addition to the distributors and exhibitors.

Lloyd C. Hutton, a shoemaker by day and operator of a miniature theatre where indecent films were shown in the basement of his home at night, is charged on two counts and the others indicted are Carroll C. Vail, Thomas J. Brown and William McKinnon. Willard declares that Carroll has been engaged in the illegal traffic for more than five years and that films have been sent from St. Louis to many points in the country. In addition to the seizure of 51 reels of films, pronounced by postal inspectors to come under the category of indecency, bundles of correspondence have been grabbed that involve persons in other cities.

Produced Strip Acts

Willard asserted the four under indictment constitute the local ring and he has learned that in addition to exhibiting the 16 mm. celluloid they also produced strip-tease acts. One of the men under arrest has told Willard he made copies of films received from points outside of Missouri and this enabled Hutton to build up a library of 173 reels. Further info obtained by Willard revealed that the rental asked for several 'select' reels ranged from \$75 to \$125 per day while others brought only \$2.50 per reel.

Postal authorities have been working on the situation for several years but the 'break' did not come until last September when a local gardener received a tip that 'something funny' was going on at Hutton's home in North St. Louis as he was receiving numerous express packages. The nosey cop called in the postal inspectors, who, after making a survey of express shipments here, obtained a search warrant, raided Hutton's home, seized his mail and seized films and correspondence.

Hutton has been in the local calaboose since Sept. 26 in default of \$15,000 bonds. McKinnon likewise is in the jug. Vail is at liberty on \$15,000 bonds while Brown has been able to furnish \$10,000 bonds. The penalty for taking in indecent films via common carrier, is five years in a federal hoosegow or a \$5,000 fine or both, on each count.

IATSE, Local No. 143, has taken cognizance of the situation by issuing an edict that any member caught aiding or abetting in the display, etc., of indecent films will be heavily fined or expelled from the organization.

Receivership for Miami Theatre, N. Y., Is Denied

Denial of an application of Joseph Balaban for the appointment of a receiver for Ben-Mit Amusement Corp., by N. Y. supreme court Justice William T. Collins, revealed the suit against the corporation, which owns the lease on the Miami theatre, N. Y., and Lou Klein. The court ruled that no adequate reason had been advanced for the drastic remedy sought, nor had any proof been advanced to prove that the defendants would dissipate the funds pending trial. The Miami is on 6th avenue and 46th street.

Action claims the plaintiff and defendants were partners in the theatre venture which revived old silent pictures. Since May of this year the defendants have refused to pay him any money, hidden the accounts, and won't give him the list of 5,400 subscribers, plaintiff claims, in seeking to break the partnership agreement.

"First class entertainment...loaded with suspense, dramatic vitality and skillful performances!"

—BOXOFFICE

TODAY YOU CAN SEE
THE BIG SCREEN THRILL THAT
IS AS TIMELY AS TODAY!

THE WORLD'S LARGEST CITY...
EIGHT MILLION SOULS SHROUDED
IN BLACKOUT...
IN THE BLACKNESS OF THIS
LONDON NIGHT, TWO PEOPLE MEET...
ONE, A MAN OF THE SEA, SILENT, MYSTERIOUS...
THE OTHER A WOMAN OF GLAMOR...A DEVIL-MAY-CARE
ADVENTRESS THRILLING TO THE DANGERS OF
INTERNATIONAL INTRIGUE...
FATE BROUGHT THESE TWO TOGETHER, THE UNSEEN
HAND OF DESTINY WAS TO WRITE A STRANGE
ADVENTURE FOR THEM. DRAMA STRIKES...
ROMANCE BEGINS FOR TWO PEOPLE TO WHOM
A SINGLE NIGHT MEANT A LIFETIME OF ADVENTURE.

BLACKOUT

Starring
CONRAD VEIDT • VALERIE HOBSON

sensation of "ESCAPE" heroine of "DRUMS"

Presented by UNITED ARTISTS

This is one of the
exciting ads in U. A.'s
packed-with-action
campaign!

Decree Crimps Prod. Coin

Continued from page 7

they come west for semi-yearly powwows with their respective studio commanders during the next six weeks. Herman Wobber, 20th-Fox sales chief, tipped the Westwood crowd as to what waits ahead during his stay here last week, while George J. Schaefer, RKO prexy, is right now spreading the news around his Gower street plant. Metro's Nicholas M. Schenck is due here late in December. The Warners group will get together at Burbank about the same time.

While United Artists, Universal and Columbia are unaffected right now by the provisions of the decree, due to their decision to go through with a court battle, they are taking no chances on lagging behind in the race to improve their output. Murray Silverstone, UA attorney, is now in Hollywood to attune his producers to the new deal; Universal's easterners will be here about mid-December to do likewise, while the Columbia east-west bigs have already discussed tentative plans for the change-over and have slated additional confabs for late December.

One thing is certain to come out of the meetings still to be held, it is that the B picture is with us to stay, despite all talk to the contrary a year ago. Par set the pace when it voted to split its next season's docket into three classifications comprising 24 A's to be allotted appropriations of \$500,000 cash each. B's to be filmed for between \$125,000 and \$150,000, and eight Harry Sherman-produced westerns to be brought in for around \$1,000,000 for the batch.

There remains outside the group classifications half a dozen super-films, cost of which will be limited only to the requirements of best quality and showmanship. Included in this list are two Cecil De Mille productions, comparable to "North West Mounted Police" and the Ernest Hemingway story, "For Whom the Bell Tolls." Film rights of the latter were \$100,000, with additional royalties predicated on the number of book copies sold. Gary Cooper (\$125,000 per pic) may star in it.

Yet, although the Par cost bounds on B's are considerably below what it has spent on the majority of that type of film in the past, studio czars are expected to make them bigger and better in the months to come. To accomplish this they must have more intriguing plots, more competent directors and more experienced thespians.

Bring In Those Who Can

Y. Frank Freeman, Par studio topper, believes it can be accomplished, and has instructed his aide, Henry Ginsberg, to remould the Par organization to fit the situation. 20th-Fox's executive personnel, which has already undergone many changes in recent months, is understood to be facing still further realignment. Schaefer is said to plan a far-reaching shakeup at RKO before he again returns to his home office desk.

In other words, nothing is to be left undone in Big Five's drive to increase present earnings, while living up to the fullest meaning of both the letter and spirit of the decree. The present crop of producers, directors and writers has been informed that it must come through with saleable fare or make room for those who can.

While there will be plenty of conversation about \$1,000,000 productions between now and the advent of the next selling stanza, exhibitors must take it with a grain of salt. Even Metro, where overhead is stiffest, is moving capily in considering 1941-42 feature appropriations. Like Par, the Culver City plant will resort to a number of ways it can send out on a flat rental basis with a certainty of getting its investment back.

Meanwhile, all lots, whether major or indie, will switch over to the flexible program idea as the kind of stories to be used. There will be no complete listing of product by the separate lots at their sales conventions, which get under way in March and April, for both distribution and production leaders are aware of the importance of being able to quickly switch not only stories but the formulas for their treatment on short notice. They'll make the kind of vehicles in demand at the moment, and steer clear of any attempts to pile up heavy product backlogs.

In fact, every indication points toward better things to come, from

the entertainment standpoint. Production chiefs have made high promises to the boys back east, promises on which they've got to make good or else.

Kidding the home office has suddenly become a perilous pastime for the West Coast stars.

FP - CANADIAN MGRS.' PAR PLOTS

Toronto, Nov. 26.

J. J. Fitzgibbons, vice-president in charge of theatre operations for Famous Players (Canadian) is in Hollywood for a series of story conferences with Paramount heads as an outcome of a novel film-ideas contest in which all FP-Can. employees participated. Fitzgibbons' idea was to get ideas from his staff on what film subjects would make better boxoffice attractions. Cash-winners ranged from theatre managers to ushers to cleaners.

Not all details are being disclosed but first prize went to Slingsby Norman, manager of the Broadway, Vancouver, who suggested a film using such Paramount musical talent as Bing Crosby, Dorothy Lamour, Allan Jones, Bob Hope, etc., and have them enact a screwball musical household (a la "The Royal Family") with one member in opera, another on the radio, one in musical comedy, etc. Jimmy Lynch, manager of the Runnymede, Toronto, came in second with the suggestion of making Bob Hope a foreign correspondent and tying him in with current headlines, but in a breezy manner (if such is possible in these times). George Forham of the Bell theatre, Belleville, Ontario, came in third with an idea for a series of railroad-background films on the premise that men would go for this type of picture. Several other ideas cropped up and will come in for further discussion.

Griffie's Talk

Under the educational program instituted by Paramount at its home office for the purpose of acquainting all employees with the mechanics of the business, background, etc. Stanton Griffie appeared last night (Tues.) in the third of a series of gatherings to discuss banking in show business. He outlined the building of the financial structure of a large corporation in his address.

Richard Mealand, also on the program, is eastern story editor of Par and discussed how a story is conceived and formulated, plus procedure in writing a play or script. His talk was billed as "How Stories Become Films."

Walter B. Cokell, treasurer of the company, presided at last night's session.

Pitt Theatre's Collapse Resulted From Dry Rot; New Structure Sought

Pittsburgh, Nov. 26.

Dry rot caused collapse of Alvin theatre roof Nov. 14. E. U. Snaman, agent for Harvard University, which owns the 50-year-old building, claimed last week after examining the debris. More than 100 patrons in the house at time miraculously escaped death when the top of the house caved in, resulting in only slight injuries to four.

Although Snaman said Alvin would be re-roofed and in operation again in 60 days, Harris Amus Co., which leases Alvin, was understood to be holding out for an entirely new structure, claiming public might lose confidence if house was only repaired. Pending official action by Harvard trustees, Harris will re-route A product into their other downtown first-run house, the Senator.

Conclusion that dry rot caused collapse was supported by fact that several pieces of shattered white pine boards, although outwardly sound, were soft and powdery inside, according to Snaman.

EDWARDS' \$6,200 SUIT VERSUS FILM ALLIANCE

An application by Sol Edwards to examine Nat Wachsberger, vice-president of the Film Alliance of the U. S., Inc., revealed a \$6,200 action against the corporation in N. Y. supreme court. Suit charges breach of contract entered into July 29, 1940, whereby Edwards was hired as eastern sales manager of Film Alliance for four months at \$125 weekly plus 2 1/2% of the gross after deducting \$17,000 from the gross of each picture released by Film Alliance during the 1940-41 season.

Edwards claims he was discharged without cause on Sept. 21, and seeks \$1,200 additional salary plus \$5,000, which is claimed to be the percentage due under an estimated gross of \$200,000. The defendant claims as a defense that Edwards violated his employment contract by failure to devote the major part of his time to visiting exchanges, in failing to secure exhibition contracts and contacts with theatres, and refusal to obey orders in soliciting exhibition contracts. A dismissal of the suit is asked.

\$35,000 Damage by Fire

Oakland, Cal., Nov. 26.

Another balcony fire caused by a cigarette damaged the Enean theatre in Pittsburgh, a suburb of Oakland, to the extent of \$35,000 this week. The fire broke out after the final screening.

The Enean, managed by Frank Lucido, was built five years ago at a cost of \$150,000. It will be closed a month for reconstruction.

Indies' Suits

Continued from page 6

Judge Goddard's ruling before the higher court.

William E. Sims, representing the Motion Picture Theatre Owners of America, also feels as does Weisman that the independents' cause is a lost one as far as actual relief from the court at the moment is concerned. Sims has a novel view in that he feels independents may be able to bring actions against the five major film companies which signed the decree, under the Sherman act, to do two things:

First, Sims says he will charge violation of the Sherman laws against the five signers; and secondly he will charge that the Government has not gone sufficiently far in the decree to stop violations of the Sherman act, but by the decree itself, has strengthened unwittingly the position of the major film company "violators," thereby creating and continuing a monopoly.

Such an action would in effect ask that the decree be dismissed as unconstitutional, as furthering a monopoly.

Columbia, UA and U

Such possible suits make interesting reading from an attorney's viewpoint, but their practicability from the standpoint of effecting relief for independents would seem vague. The only possible blockage to the decree at the moment would probably have to come from any of the three non-signers of the document, Columbia, United Artists and Universal. These companies were defendants in the original suit and the decree specifically provides that a further decree must be secured against them by June 1, 1942, or the five producer-exhibitors may take advantage of the escape clause. Hence the three smaller companies are vitally affected by the decree. Attorneys for United Artists and Universal some time ago announced they would not make any attempt to block the signing of the decree or appeal its signing.

Columbia's position is not so well known. This company opposed the signing as vigorously, if not more so, than the independents at the formal hearing before Judge Goddard, and it is rumored may do something drastic to prevent consummation. Attorneys for the company refused to disclose what the next move will be, but it is believed it will hinge on the next session before the court on Dec. 5.

In the meantime, the Department of Justice, well satisfied with the results of its efforts, is preparing its case against Columbia, Universal and United Artists, and Department men declare that they are ready at a moment's notice to start trial. The necessary legal steps for the commencement of the trial will probably delay its start before the spring or early summer of 1941.

Schines Drop \$1,900 Into Rochester Bingo Pot; Public Reaction Feared

Rochester, N. Y., Nov. 26.

Schines dropped a \$1,900 bomb into the local bingo pot last week and theatre men are wondering if public reaction will force D. A. to clamp down. All agree that bingo halls, breaking out like a rash in all parts of the city, are socking theatre business.

Beginning today (26) Schines offering \$250 or more in prizes in each of six houses and a film at 55c, twice the usual film tariff. Three largest Schine houses, Madison, Monroe and Riviera put up \$300 each. Schines started the fall season without bingo, aiming to sell mainly entertainment, so current shift ranks as dramatic.

Most small nabes have been offering bingo at small stakes and one theatre man is operating two bingo halls as well as the money game in his theatre. Howard G. Carroll, Strand, offers \$1,000 in prizes Friday nights, advertising "free" bingo at 9c.

District Attorney Daniel J. O'Mara banned bingo two years ago, but the largest outfit in county used the "free" dodge and got away with it, so the games gradually returned until more than a score of halls are operating, some several nights a week.

Schines announced their games with full-page ad in the Sun, as the word bingo is banned in the Ganett papers. Expression "Big Party"

gets by, however, and carried same meaning to the players.

Banko Pinch

Akron, O., Nov. 26.

Larry O'Neill, manager of the Schine, Bellefontaine, has been bound over to the Logan county grand jury after entering a not guilty plea to a charge of operating a bank night. Bond of \$300 was charged.

A similar banko case is now pending in Miami county involving the Mayflower, Troy, and is now before the Ohio supreme court.

Det. 'Smellies'

Continued from page 1

with prairie smells and then turning to the oil odors when the gushers in the fields were tapped. For more variety they scented up such scenes as those at the races, in the tropics, Hedy Lamarr's boudoir, oil refineries and business offices.

The company boasts that the mingling of odor with action lends a "new dimension to the screen" and comment cards handed out by the theatres found better than 80% of audiences okaying the innovation which led to the first run of a full week and a hookup with a major picture. Wisecrackers still come through with their comments, one being, "Next time have Hedy in peppermint."

To the following distinguished artists who have generously volunteered their services for

'NIGHT OF STARS'

WEDNESDAY EVE., NOV. 27th
AT MADISON SQ. GARDEN

We extend our deepest gratitude

ANDREW SISTERS	GEORGE and JALNA	LYN MURRAY'S SINGERS
ANTONIO and ROSARIO	OLEN GRAY and CABA	MUSIO HALL
DESI ARNEZ	LOMA ORCHESTRA	ROCKETTES
DAVE APOLLON	HANK GREENBERG	OLSEN and JOHNSON
MAX BAER	JACK HALEY	ACE PARKER
BALLET RUSSE	HARRY HERBFIELD	FRANK PARKER
JAMES BARTON	HARRISON and FISHER	JAN PEECE
ANDRE BARUCH	THE HARTMANS	JANE PICKENS
IRVING BERLIN	MEL HEIN	HARRY RICHMAN
BERRY BROTHERS	ELEANOR HOLM	BILLY ROSE
BLOCK and SULLY	WILLIE and EUGENE	LANNY ROSS
BOOGIE-WOOGIE BOYS	HOWARD	ARTUR RUBINSTEIN
CAROL BRUCE	GEORGE JESSEL	CONNIE RUSSELL
BRUCE CABOT	AL JOLSON	DINAH SHORE
EDDIE CANTOR	DAVID KERR	AL SIEGEL
BILLY CONN	TUFFY LEGANES	RED SILVERS
GEORGE HAMILTON	LEWARR BROTHERS	BOB SKELTON
COOMBS, JR.	ELLA LOGAN	MARY SMALL
CROSS and DUNN	GUY LOMBARD and	RAYMOND GRAMSWING
JAMES CROWLEY	ORCHESTRA	JOHANNES STEEL
ELMER DAVIS	LUCKY STRIKE ORCH.	LYLE TALBOT
ALAN DINEHART	ABE LYMAN and ORCH.	LOWELL THOMAS
EDDY DUCHIN	MARIO and FLORIO	ARTHUR TREACHER
KATHERINE DUNHAM	EVERETT MARSHALL	ROMO VINCENT
and HER DANCERS	FRANK MCCORMACK	BEA WAIN
BENNY FIELDS	MERRY MACS	MARK WARNOB
DICK FISHELL	JOAN MERRILL	ETHEL WATERS
COL. JAY O. FLIPPEN	MILOS BROTHERS	ED WYNN
GAE FOSTER GIRLS	GLENN MILLER and	HENRY YOUNGMAN
JANE FROMAN	ORCHESTRA	YVETTE
WILLIAM GAXTON	LUCY MONROE	VERA ZORINA
	VICTOR MOORE	

NATHAN STRAUS, Chairman
MARVIN H. SCHENCK, LOUIS K. SIDNEY,
Chairmen, Producing Committee
SAMUEL BLITZ, Executive Director.

Lefty Still Gets Those Fire-Drill Pix; the Kind That Empty the House

By Joe Laurie, Jr.

Coolacres, Cal., Nov. 26.

Dear Aggie:

I wish you'd stop your long distance worrying about things here at home and let me take care of all the local worrying. Business is semi-lousy. They've been sending me fire-drill pictures, the kind that empty houses in five minutes—if they had anybody in 'em. It seems these days the word guaranteed when given by a picture producer means certain loss. What the picture people need more customers that can't hear; the photography is usually good. It's nothing nowadays to see five stars in one picture and most of the times it means the same thing. But like my Uncle Mike used to say, 'When you've had real cream and get condensed milk you know the difference, but when there's no cream to get you're glad to take condensed milk.' That goes for the pic business too.

I'm sure glad the election is over. I won a few bucks but had to spend it on the guys I won it from to get back their friendship. The day after election Flint, the banker, looked like an eagle that slept in a swamp. I couldn't kid him much because one of my notes is due next month. It's tough when a guy takes his politics. My Uncle Mike had the right idea; he was a Democrat in the summertime and a Republican in the wintertime... the Republicans had a stove. As for me I'd rather be a riot than President.

Fan Mail

I got a lotta mail I gotta answer. Received a letter from Jimmy Conlin (Conlin, Steele & Carr) who has a walnut ranch in Hollywood and also is making faces for the pictures; be sure and drop in to see him and Myrtle, they're regulars. Fred Hillebrand sent me a copy of his new song, 'Window Wishing on Fifth Ave.', it sounds great even the way Flo plays it. Jake Bernstein, who used to be props at the Temple, Rochester, sent me some swell old pictures of Hoey & Evans and Billy Barry for my collection. He writes me that Frank Powderly, who very few people know, was the first and only partner of W. C. Fields when he first started, is now living in Rochester. Happy Benway, who gives me all the news about the boys and gals at Sarsaparilla, wrote me a funny letter on a funny letterhead of his. He tells me that Tudor Cameron (Cameron & Flanagan) is all set for a comeback to show biz. Well, Tudor was always a topnotch guy and plenty clever; he would be a cinch for a show now. I also received a letter from Jack Norworth on stationery from a Cincinnati hotel, in an envelope from a Chicago department store and postmarked Denver. Some route. Henry Bergman (Clark & Bergman) wrote me that he is very happy now managing the Texas theatre in San Antonio for Interstate Circuit. Of course a manager of a circuit house only uses half the bicarbonate that an indie owner like myself has to use. Tom Waters owns a bar and grill in Shamokin, Pa., and still tickles the ivories for the customers. Harry Herschfeld, the swell columnist and cartoonist, writes me that Henry Youngman is putting putty on his nose so nobody will take him for Milton Berle.

That's about all I can tell you. Take care of Junior and don't worry about him hanging around Mr. B. the producer. Anything he can't learn about him and what's going on in his office will come in handy when option time comes around. In Hollywood it isn't what you do, it's what you know about the big guy that he shouldn't do. I don't believe anything anyone writes me about you and in case anybody should write you from this end about me don't believe it either. You know I gotta be nice to the lady customers, it's just a case of business. Love and kisses to you and Junior. I sure miss the kid. Sez,

Yours until vaudeville comes back,

Lefty.

Roger Brower sez: 'Rerunme will never replace the old-fashioned bathtub.'

Kennedy Vice Morris

Hollywood, Nov. 26.

Arthur Kennedy replaced Vice Morris in the male lead in 'Knockout' at Warners, opposite Olympe Bradna.

Filming started yesterday with William Clemens directing.

MIKE MARCHES ON

Hollywood, Nov. 26.

20th-Fox is continuing the character of Michael Shayne in its current production, 'Sleepers West', with a new series in view.

Role was created by Lloyd Nolan in 'Michael Shayne, Private Detective'.

New York Theatres

PARAMOUNT 4TH WEEK
"NORTHWEST MOON" In Person
GLEN GRAY
with GARY COOPER
MADEIRA CARROLL
Middle Screen Shows

RKO PALACE 8WAY & 4TH ST.
Week Beginning Tues., Nov. 26
TYRONE POWER
Linda Darnell-Basil Rathbone
"MARK OF ZORRO"
—AND—
"Tugboat Annie Sails Again"
Marjorie Rambeau-Alan Hale

"7 SINNERS"
with MARLENE DIETRICH
and JOHN WAYNE
UNITED ARTISTS Broadway
Starts Open 9:30 A.M. MIDNITE SHOWS

2ND WEEK
BETTE DAVIS
in "THE LETTER"
A Warner Bros. Picture
In Person
OZZIE NELSON
and his orchestra, with
HARRIET HILLIARD
STRAND B'way & 47 St.

RADIO CITY HELD OVER
"BITTER SWEET"
Spectacular Stage Productions

The DISNEY-STOKOWSKI Triumph
FANTASIA
In Technicolor-A RCA FANTASOUND
Twice Daily—All Seats Reserved
BROADWAY THEATRE
53rd & B'way—CI 6-5353
THIS PICTURE WILL NOT BE SHOWN IN ANY OTHER THEATRE WITHIN 100 MILES OF N. Y.

LOEW'S (HIM) Starts Thurs., Nov. 28
Last Time Wed.
Ray Milland
"ARISE MY LOVE"
In Person
Jack Tatum
Frances Faye
Paul GERRITS
In Person
CROSS & DUNN
THE HARTMANS
VAN ALEXANDER
and ORCHESTRA

MINNEAPOLIS

(Continued from page 11)

good \$3,200. Last week 'Third Finger' (M-G) (2d wk), \$4,000 for six days good, after big \$7,800 in eight days at State.

Esquire (Gillman) (290; 28)—'Queen Yukon' (Mono). Satisfactory \$900 indicated. Last week 'Bad Wipers' (Indie), 1st day, mild \$400 and 'Secrets of Model' (Indie) (2d wk), fair \$500 in four days.

Gopher (Par-Singer) (998; 28)—'Too Many Girls' (RKO). Shabby picture, 1st day, mild \$400. Thanksgiving day takings. Last week 'Men Against Sky' (RKO), \$2,100, light.

Orpheum (RKO-Singer) (2,800; 39-44-55)—'Blitz of Heat' (U) and stage show, including Harry James' band and 'Four Ink Spots', etc., for full week, and Gloria Jean in person first three days. Tremendous box-office here. On opening day, Friday, with no school, sold 3,600 tickets before start of first show, 12:50 p.m., house being packed to capacity and 'Blitz of Heat' big lobby and extending lobby and half outside. Picture also favorably received. In number of people played to, house broke record Friday to Sunday, inclusive. May reach very big \$16,000. Last week 'Spring Parade' (U), \$6,500, pretty good.

State (Par-Singer) (2,300; 35-44-55)—'North West Mounted' (Par) (2d wk). This one got very good guns. Far above original estimate and meeting all expectations, initial fast pace having been exceeded as first week progressed. Original momentum should keep it rolling to big \$9,000. First week, stupendous \$15,500 for seven and half days. Boosted admissions no deterrent.

Uptown (Par) (2,200; 28-39)—'Howards' (Col). First neighborhood showing. En route to pretty good \$2,200. Last week 'Strike Up Band' (M-G), \$2,800, fine.

World (Par-Singer-Steffes) (350; 28-39-44-55)—'Parade' (4th wk), (2d wk). Well spotted at this house. Should click to good \$2,000. Last week 'City Conquest' (WB) (2d wk), \$1,800, pretty good.

MONTREAL

(Continued from page 11)

\$6,500. Last week, 'Too Many Girls' (RKO) and 'Men Against Sky' (RKO), week \$5,000.

Loews (CT) (2,300; 30-40-60)—'Escape' (M-G). High spot of week with fine \$10,000. Last week, 'North West Mounted' (Par) (4th wk), faded good \$4,500.

Princess (CT) (2,300; 25-34-50)—'Ramparts' (RKO) and 'Spitfire' (RKO) (2d wk). Pacing for fair \$4,000 after smash \$6,800 last week.

Orpheum (Ind) (1,100; 75-110)—'Dictator' (UA) (3d wk). Price killing it after first week and \$6,000 net in sight after good \$8,000 last week.

Cinema de Paris (France-Film) (600; 25-30)—'Les Femmes de Paris' (5th wk). Likely \$300, good enough after fair \$1,200 last week.

St. Denis (France-Film) (2,300; 25-34)—'Teggs' and 'Coup de Bourse'. Good \$6,000. Last week, 'Maitre de Forges' and 'M'sieu Sans Gene', good \$5,600.

MEMPHIS

(Continued from page 9)

rich never great draw here, but good notices plus Milton Slosser's swing organ session with Jack Morgan and Berl Olschwanger might edge it up to modest \$4,500. Last week 'Arise Love' (Par) \$6,700, very good.

Loew's Palace (Loew) (2,200; 10-33-44)—'Little Nellie Kelly' (M-G). Garland draw producing Irish musical in the \$4,500. Last week 'Escape' (M-G) (2d wk), mild \$5,000, ok.

Strand (Lightman) (1,000; 10-22-33)—'Rangers Fortune' (Par) (2d wk), three days; 'Quarterback' (Par) (2d wk), 'Nobody's Sweetheart' (U), two days. Normal week for about \$1,700. Last week 'Grand Ole Opry' (Rep), three days; 'Before Hang' (Col), two days; 'So Won't Talk' (Col), two days; \$1,700, all right.

DENVER

(Continued from page 10)

swell \$8,000 and holds. Last week, 'North West Mounted' (Par), fourth week, fine \$9,000.

Denver (Fox) (2,525; 25-35-40)—'Mark Zorro' (20th) and 'Sandy Man' (U). Excellent \$12,000. Last week, 'City Conquest' (WB) and 'Blonde Cupid' (Col), good \$9,500.

Orpheum (RKO) (2,600; 25-35-40)—'You'll Find Out' (RKO) and 'Smedley Riches' (RKO). Nice \$11,000. Last week, 'Night of the Sea' (M-G) and 'Stranger Third Floor' (RKO), strong \$10,200.

Paramount (Fox) (2,200; 25-40)—'Tugboat Annie' (WB) and 'Melody Moonlight' (Rep). Good \$9,500. Last week, 'Dispatch Reuter' (WB) and 'Father Prince' (WB), nice \$4,500.

Rialto (Fox) (878; 25-40)—'Spring Parade' (U), after week at each the Denver and Aladdin, and 'Fugitive Prison Camp' (U). Okay \$300.

Last week, 'Knute Rockne' (WB), after week at each the Denver and Aladdin, and 'Five Peppers' (Col), good \$2,250.

Censorship's Vagaries

(Continued from page 21)

threat to profitable operations, film officials aver.

Exhibitors would be forced to display a sign some place prominently in the theatre lobby reading 'The motion picture herein being shown is not licensed for exhibition to persons under 21 years of age.' Industry spokesmen expressed themselves as opposed to this meddling in distribution, pointing out that some similar system is used in England, where a general distribution certificate is given on some subjects while on others a different certificate bars the exhibition of a picture to minors.

But in England, the film industry has some say in the makeup of the censoring board.

Idea of safeguarding the morals of minors and looking after their mental welfare is viewed.

trade as further extension of community censorship. Change in the Chicago ordinance, in use for about 26 years, would place censorship in the hands of a board picked by the mayor and approved by the city council.

If the change is made, this would mean that the Chicago censors would be able to tell any soldier or sailor, under 21, just what type of screen fare he should see or not view.

OK After 6 Years in Chl

Chicago, Nov. 26.

After six years the censor board has finally okayed 'Scarface' for Chicago. United Artists tried for years to put this picture on local screens, but the censors wouldn't consider it, even refusing to okay it with deletions.

Picture is now states-righted, with the Illinois rights having been obtained by Henri Elman, of the Capital Film Exchange.

\$311,800 Collected

By N.Y. Film Censors

Albany, Nov. 26.

An increase in net revenue of more than \$17,000, giving the State of New York a profit of \$247,822.24 for the fiscal year ending June 30, from licensing of films, is reported by Irwin Esmond, director of motion picture division, State Education Department, in his annual summary filed with Commissioner of Education Ernest E. Cole.

Esmond's figures show receipts were greater and expenditures less than in the preceding year. Total income was \$311,800 and outgo was \$63,877; the previous year they were \$298,023 and \$67,296, respectively. Incidentally, the fact licensing of films has been a source of revenue to the State for many years is one, though not the only reason, why attempts to repeal so-called censorship law failed.

The mpd during the last fiscal year reviewed 1,762 motion pictures, of which nine were rejected in toto. However, of the latter three were revised to the point where subsequent official approval was granted. The division made eliminations of 111 films, upon statutory grounds.

Despite the war, there was an increase of three, to 488, in number of foreign-made films submitted for inspection (curtailment of production overseas is expected to be reflected in the present fiscal year).

Esmond calls attention to 'a considerable increase in the use of 16 mm films. He emphasizes that these pictures, except sawed, must be licensed before they may be lawfully exhibited at any place of amusement for pay or in connection with any business in the State of New York.'

Of the 926 eliminations, 245 were ordered because they were indecent; 501, 'immoral or tending to corrupt morals'; 89, 'sacrilegious'; 60, 'tending to incite to crime'; and 31, 'inhuman.'

The mpd, in addition to reviewing pictures for licensing, inspects picture theatres or any place where films are exhibited, stored, etc., to determine whether they have been licensed, also, whether the license leader is displayed on the screen according to law, and whether eliminations have been made pursuant to division instructions.

Cleaning Up the Duce Bogota, Colombia, Nov. 26.

While Paramount's 'World in Flames' is creating a sensational impression here and other South American countries, it is running into censorship difficulties despite the fact that virtually all material was gleaned from newsreel footage. Cen-

sors here removed the scene where Mussolini is seen doing a serio-comic strut before the assembled Italian people.

Feature was re-edited and additional Latin-American material added for the South American market. Narrator speaking in Spanish and another talking Portuguese was added to the sound track.

Rio de Janeiro (Brazil) censors rejected the film but reported here that it may be passed after suggested changes are made.

Theatres' Taxes

(Continued from page 7)

to tax based on the price of the seats given away.

In the event new taxation under consideration by Washington makes all theatre tickets taxable, regardless of price, tax on a 35c ducat would still have to be paid by the exhibitor even if a student or soldier was admitted to a 35c seat for 10c.

No 20c Ceiling

It is believed within the film industry that new taxation required by the Government will remove the present ceiling of 20c and also the rate of tax on all admissions may be stepped up in treasury hopes of a much higher yield of revenue from theatres as well as other amusements, including sports, night clubs, etc. Tax rate is now 10%.

Up to last July a ceiling of 40c existed, with the tax starting at 4c. Only between 600 and 700 theatres were charging more than 40c, thus paying a tax, whereas when the exemption on July 1 was dropped to 20c many times this number were added to the taxation rolls. However, the number of admissions now ranging up to 20c are believed to be in the majority. This includes theatres whose top price is not over 20c as well as those that have morning, matinee or kid scales that do not go over, though at night or on holidays taxable admissions may be charged.

Added defense costs for the Government are placed at between \$13,000,000,000 and \$14,000,000,000, while the proposal on increasing the national limit is to jump it from \$49,000,000,000 to \$65,000,000,000.

Not only will the exhibitor or the theatre controlled by a producer distributor have to face the added taxation expected through collecting it at the boxoffice from patrons, if the burden isn't carried by the theatre, but additional inroads on profits will be made through income tax, excess profits taxes, etc.

The probability is that the major part of the load will be passed on to the public. In the event all tickets become taxable, down to the 10c admissions, it is also likely that there may be a general lifting of scales.

This would be especially true of theatres which dropped to 20c from higher b.o. levies when the ceiling was lowered to that figure on July 1 in order to escape collection of tax.

Should exhibitors now getting 15c or 20c decide to raise to 25c this, in turn, would automatically carry 25c and 30c houses higher, others up the scale also pushing upward. Else the whole structure of clearances would be an interfering factor, not to mention runs and the standard of rentals established in conformance with price and run classification.

Under distributor contracts no exhibitor may charge less than 10c. This has been a part of licensing agreements for many years but now and then some accounts got around that through cut-rate schemes which make the net admission only 5c.

NEW YORK'S Most Convenient Address Central Park, with its many opportunities for recreation, is at your doorstep... and all midtown is within easy walking distance. Rates from \$3.00.

The Mayflower CENTRAL PARK WEST AT 61ST STREET

RADIO AUDIENCE ENLARGES

'By Kathleen Norris' to CBS Alone

Under Present Two Network (And Repeats) Setup
Radio Actors Earn \$57 a Day Each

'By Kathleen Norris' has been renewed by General Mills to continue after Jan. 1 on 41 Columbia stations. It will drop off the NBC red hookup at that time. Plugging different products at different hours and without coverage duplication, the two-network arrangement of the present time is notable in that the C. A. B. rating in both cases is practically identical.

Under the new CBS arrangement, strip will be heard at 10 a.m. with a 11:45 a.m. repeat. Under the present arrangement, whereby the actors do broadcasts on CBS and also the Red, plus a repeat, the AFRA scale works out as \$57 daily per performer. And for the organist supplying the musical bridges its delicious.

General Mills is reported to have bluntly said that whichever network first cleared the most desirable time slot would get the program. According to this account, CBS moved with greater swiftness.

NBC'S \$900,000 BEECHNUT DEAL

Beechnut is returning to network radio with a schedule of three quarter-hours a week on the NBC-red. Starts Jan. 1. Deal involves around \$900,000 for the program. Contracts not closed for the program. J. Walter Thompson, is also priming a series for the NBC-red.

ALL N. W. AYER RADIO IN N. Y.

N. W. Ayer is moving its time buying staff from Philadelphia to the New York office, which means that its radio division will be exclusively headquartered in this city.

Station reps are greeting the slated shift as a boon to their operations. Availabilities and orders will now be cleared with considerably more convenience and dispatch.

225 WBS Stations Get Xmas Program (Free), Charles Gaines Produces

Two special Christmas programs, one a 45-minute dramatic piece by Merrill Dennison and the other a 15-minute stanza of carols by a mixed chorus, have been waxed by World Broadcasting as its annual Christmas present to the 225 stations subscribing to its platter library service. Dramatic portion is called 'A New Wish for Santa Claus' and is directed by Martha Atwell, under the supervision of Charles Gaines. Musical part is tabbed 'The Spirit of Christmas' and has Bill Adams as narrator.

Stations receiving the platters will presumably air them as special Christmas Eve or Christmas day shows.

Regina, Sask. — New announcer with CKCK, Regina, is Howard Thompson, who handled remote control broadcasts from North Battleford for CFQC, Saskatoon. He replaces George Lawrence who has gone to CJAT, Trail.

Harry McWilliams Tours For Ted Bates Agency

Harry K. McWilliams has been assigned by the new Ted Bates agency and Continental Baking as the traveling manager of the Haven MacQuarrie show, 'The Marriage Club'. While the program tours the country McWilliams will handle the district distributor contacts, arrange for the broadcasting auditorium, co-operate on local exploitation, etc.

McWilliams was formerly with Major Bowes.

WCSH Hillbillies Yanked From 'Old Homestead' (Stage) by J. C. Petrillo

Portland, Me., Nov. 26. Area's non-union hillbilly troupes, which have enjoyed charmed lives while garnering most of what there is of Maine radio and dance-hall money, were dealt a resounding setback last week by AFM and IATSE locals, aided by James C. Petrillo, national head of former, who personally intervened to shoo them off stage of Civic theatre here.

Guy Palmerton, manager-director of legit stock outfit occupying Civic, engaged Downeasters, WCSH sod-busters, to freight with additional hoke his company's production of 'The Old Homestead'. Billies had rehearsed a week and appeared in two evening performances before combined wrath of dues-paying musicians and stagehands, mouth-pieced by Petrillo via a long-distance phone, effected a yanking.

Palmerton afterwards asserted that he engaged Downeasters with understanding that they weren't musicians but 'entertainers'. An offer to hire their weight in union 'standbys' was rejected by the unions concerned, he further stated.

'Homestead' finished out the week hoked only as written.

Wilfred King a V.P.

Wilfred S. King, in charge of the radio and motion picture department of the J. M. Mathes agency, has been appointed a v.p.

Charles R. Marshall, a v.p., was elected to the board of directors.

SET SALES 25% AHEAD OF 1939

Caldwell Figures Suggest
Big Increase in Total Size
of Audience — Estimates
See Nearly 50,000,000 Sets
in United States

CBS' CONCLUSIONS

If the present rate of set sales continues for the balance of 1940 the year will be 25% ahead of 1939. This is all part of the amazing story of the most amazing industrial development since World War I. Like the horizon which is never reached the dimensions of radio's audience seems to expand constantly in the direction of previously incredible totals. Each year the gross figures of total advertising income shoot upward. Each year similarly the manufacturing end of radio presents equally bullish statistics. Thus sales of sets produce an ever-widening audience which in turn attracts a seemingly illimitable prosperity to the medium. These telltale comparative figures are supplied by Orestes Caldwell, editor of Radio Today:

Radio Sets Sold at Retail

1939—9,000,000
1940—11,200,000*

Total Sets in Use

1939—45,200,000
1940—50,000,000*

Auto Radios in Use

1939—6,500,000
1940—7,500,000*

Battery Portables

1939—900,000
1940—1,800,000*

Sale of Radio Time

1939—\$170,000,000
1940—\$212,500,000*

* Estimated.
Proceeding from these formidable figures the slide-rule experts at the Columbia Broadcasting System in New York have arrived at these provocative conclusions:

Today the cost of reaching a radio listener is:

Smaller because radio sales are now running 25% ahead of a year ago, which was then an all-time high. (Sale of time by broadcasters in 1939 was \$170,000,000.)

Smaller because during 1940, 11-,

Motor-Makers on Air in Person, Employe Talent A La Wheeling Steel Show, R. H. Grant's Idea

Kenny Baker's 'Ave Maria' With Rochester Symphony

Kenny Baker, now singing with Fred Allen's Texaco program, has been booked for a night of vocalling with the Rochester Symphony Orchestra Dec. 8. He'll sing several numbers only which one, 'Ave Maria' has been settled on.

Baker has been making a series of concert appearances this year between broadcasts. He uses only piano accompaniment as a rule.

Dr. Charles Courboin On NBC Red Web Sundays From Exclusive Academy

A prestige organist, Dr. Charles M. Courboin, began last Sunday (24) broadcasting over the NBC red network. He is the first concert organist to be regularly heard in some time. The programs, a half hour in length, are picked up at 10:30 p.m. in New York from the Academy of Arts and Letters, than which nothing is more culturally exclusive. Its organ is one of the finest in America and the concert organist has the privilege of playing it.

Courboin, a much-decorated Belgian, has recently been prominent in the albums of the Victor classics in which he sells well. This Victor tie-up was one of the points of appeal to NBC.

Courboin was on Mutual for some five years.

200,000 radio sets will be sold, (double the sales of 1929)—in 1939, 9,000,000 sets were sold.)

Smaller because right now the number of radios in use in the U.S. is at least 50,000,000. (In 1939, 45,200,000 sets were in use.)

Smaller because 7,500,000 auto radios will be in use by the end of this year. (In 1939, 6,500,000 auto radios were in use.)

Smaller because 1,800,000 battery portables are now keeping listeners in constant touch with radio 'wherever they are'. (In 1939, 900,000 battery portables were in use.)

Though the network is yet to be set, General Motors has accepted for institutional purposes a half hour program which would recruit its entertainers from among the motor combine's personnel. The show was sold directly to R. H. Grant, v.p. in charge of sales for General Motors, by H. T. Ewald, president of Campbell-Ewald agency.

Idea of this program is closely related to the one contained in the Wheeling Steelmakers' stanza, which has been aired over Mutual hook-up for the past three seasons. Talent in the Wheeling show comes exclusively from the employees in the Wheeling Steel Co.'s factory and office.

General Motors is also considering shows submitted by the Arthur Kuder agency and Henry Souvain, but these are intended for particular auto brands.

BENNY THINKS RE-BROADCAST SUFFERS

Jack Benny is coming into New York to try to sell Young & Rubicam agency on advantage of doing the repeat (west coast) Jello program via transcription. In other words, Benny wants the Pacific to hear his first broadcast as the rest of the country does. 'Information, Please' is his precedent.

Benny is irked at what he considers a sloppy performance by his company on the re-broadcast. The better the early broadcast the more self-satisfied everybody seems to be, he finds.

Whole Jello gang will be east for three broadcasts and to give writers and Benny a chance to recharge the batteries of inspiration.

THREE-IN-BUNCH COMING UP

NBC-blue will announce three more new affiliates in the southern area as soon as it has cleared up certain angles in the contracts. For one thing the network wants to be in a position to offer the threesome at a package rate.

Addition of the above will make it 13 southern newcomers for the blue, 10 having been announced the previous week.

New Network Links

Spartanburg, S. C., Nov. 28.

With WSPA, Spartanburg, slated for early network connection, and WORD here already signed with CBS, 10 Georgia, Carolinas, Tennessee and West Virginia stations will join NBC December 15, W. S. Hedges, vice-president in charge of stations, has announced.

The new affiliates are WJHL, Johnson City, Tenn.; WHIS, Bluefield, W. Va.; WGAC, Augusta, Ga.; WCBT, Roanoke Rapids, N. C.; WEED, Rocky Mount, N. C.; WMFD, Wilmington, N. C.; WMFR, High Point, N. C.; WGNV, Gastonia, N. C.; WCOB, Columbia, S. C.; and WHKY, Hickory, N. C. These go on southeastern group blue network.

WIS, Columbia, S. C., joins NBC red network in December. WIS also starts 5,000 watts night scheduled soon.

35th ANNIVERSARY NUMBER

of
VARIETY

To Be Published Late in December

Special Exploitation Advantages

USUAL ADVERTISING RATES PREVAIL

Reservations and Copy May Be Sent to Any
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HOLLYWOOD
1708 No. Vine St.

CHICAGO
54 W. Randolph St.

LONDON
8 St. Martin's Pl.

Supreme Court Decision Hampers Aggrieved Party in Appeals From FCC 'No Sale' Verdicts

Washington, Nov. 26. Vital legal point that has blocked final action on a host of station sales and leases because of contrary views of what Congress meant in the Federal Communications Act was clarified Monday (25) by United States Supreme Court opinion holding that refusal of the Federal Communications Commission to approve license transfers cannot be reviewed by the District of Columbia Court of Appeals.

The effect of the long-awaited ruling, handed down in the case involving Columbia Broadcasting System's attempt to lease KSFO, San Francisco, is to tell disappointed parties to sale or lease transactions they can get relief from Commission hard-heartedness only through round-about methods tinged with uncertainty. Judicial review of such orders may be obtained only through special three-judge federal courts having jurisdiction where aggrieved individuals reside or conduct business.

The implication of the opinion, read by Associate Justice Felix Frankfurter, also is that any FCC license revocation cannot be appealed to the D. C. tribunal but must be handled in the same way as refusal to consent to a transfer of control or assignment of license.

Decision was a victory for the Dempsey-Koplowitz, clique which had insisted the District of Columbia jurists had no right to entertain an appeal in such matters. Their appeal was upheld, on the ground that only the orders specifically listed in the Communications Act (application for construction permit, station license, license renewal, modification of license, or suspension of operator's ticket) can be carried to the D. C. Appeals Court.

The KSFO case is a cause celebre among the radio baristas, for it presented the issue whether the FCC can rule that the vague public interest clause of the act enables the regulatory body to compel an existing station owner to either continue operating or to surrender his license. In other words, the crucial matter is the authority of the Commission to hold that even though a buyer and seller or an owner and lessee reach an agreement which involves shifting of operating control, the Government body is potent enough to forbid consummation of the deal because it fears that public interest might be sacrificed.

Merits of the denial of consent for the KSFO-CBS deal were not at stake in the proceeding terminated by the Supreme Court decision. Although two years have been consumed in getting an answer to the question of how a dissatisfied applicant goes about obtaining judicial review, the parties are as far away as ever from finding out whether the Commission judged the evidence rightly and had ample legal backing for its refusal to approve the San Francisco station lease.

Importance of the case results from the number of subsequent actions which generally were based on the KSFO concept of 'public interest, convenience, and necessity.' In this matter, the Commission held the public would suffer primarily because the agreement carried a recapture clause. Minor objections behind the denial were the avowed intention of the chain to virtually make over the entire business of the San Francisco transmitter and the fact that the transaction covered a period of time far longer than the license term. Instead of leasing or buying a going concern in this way, CBS sought to have come in with an application for a new outlet, the Commission implied. Disapproval of the KSFO transaction was voiced at the height of furor over alleged profiteering in the disposal of station properties and of complaints that frequencies belonging specifically to the public were being traded through private negotiations.

Legal Points

The Supreme Court acknowledged there is some room for debate whether FCC actions of this sort should be reviewed by the D. C. Court of Appeals but Justice Frankfurter concluded that "a sensible reading of the jurisdictional provisions (of the Communications Act) gives no warrant for denying sig-

nificance to the classification made by Congress between those orders for which review can only come before the local district courts and those five types of orders, explicitly characterized, which alone can come before the Court of Appeals for the District.

Whether KSFO or CBS will make further attempts to carry out the transaction originally submitted to the Commission in 1936 remains unsettled. Long time consumed so far in settling only one technical point—no matter how vital that issue is—may have thrown cold water on the entire idea. As it is, nearly four years of the original five-year period covered by the proposed agreement have expired, with the Commission Oct. 18, 1936, and two years being needed to dispose of the controversy about the appropriate way to seek relief from the regulators' turnaround.

The KSFO-CBS pact called for rental of \$25,000 annually plus one-seventh of the gross exceeding \$175,000 and carried options permitting the chain to renew the lease up to 10 years after the original expiration date, Jan. 1, 1942.

NBC DESIRES TOSCANINI RENEW

Niles Trammell of NBC yesterday (Tuesday) denied there was any disagreement between Arturo Toscanini and the network. This report spread around New York when the maestro's concert this Saturday (30) passed to the baton of Hans Steinberg. Illness and illness alone was ascribed as the cause for a one-week absence by Toscanini.

NBC is delighted and honored to have Toscanini and hopes to negotiate a renewal of contract with him after the present season, Trammell declared.

Vic Ratner Exhausted

A combined attack of exhaustion and an infected throat has Vic Ratner, CBS sales promotion director, in the hospital this week.

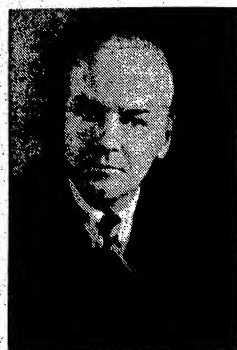
Hospital rather than home because latter is in throes of redecoration.

Too Many People Afraid of the Public Says Mrs. F.D.R. on Show Biz Forum

The theatre, entertainers, motion pictures, radio and music were among the things discussed, and in varying degrees championed, by Mrs. Franklin D. Roosevelt, Clifton Fadiman and Archibald MacLeish on a University of Chicago Round Table on the NBC red network marking opening of National Art Week. Mrs. Roosevelt, early in the half hour, interjected 'the theatre' among the art forms which have contributed materially to American life in recent years.

Fadiman took up the cue. He mentioned Federal Theatre Project, which he said had given 'millions' an opportunity which they probably never otherwise have enjoyed to attend theatrical performances. A little later, however, The New Yorker literary critic in speaking of entertainers referred to a 'curious sort of art.' Mrs. Roosevelt laughingly 'reproved' him. First Lady said she emphatically dissented from opinion 'entertainers are an inferior kind of art...they supply a want we need more than anything else at this time.' Fadiman accepted 'correction.'

MacLeish made the point that 'Motion pictures are a native American art that has really encircled the globe.' Which, Fadiman observed,



Herman Steinbruch

Manager of WKNE, Keene, N. H. Formerly WNBX, Springfield, Vt. WKNE makes its Keene debut this week with power boosted to 5,000 watts in a brand new colonial style building.

WKNE now makes complete New England coverage easy for all advertisers — Steinbruch and staff make programs that pull.

GRABHORN TO PHILCO RADIO

Murray Grabhorn has resigned from the station representation division of Transamerican Broadcasting & Television Corp. to become assistant advertising manager of the Philco Radio & Television Corp. in charge of radio. Grabhorn has been with Transamerican for the past two years and before that he was national sales manager of WFIL, Philadelphia, and New York v.p. of John Blair & Co.

Grabhorn will on his new job do much traveling so as to line up local programs that can be tied in on special campaigns by local Philco dealers.

Bowling Fatal to Bohn

St. Louis, Nov. 26. John W. Bohn, St. Louis representative for Radio Sales, a division of CBS, collapsed and died Friday (22) after he suffered a heart attack while bowling on downtown alleys with Joel W. Stovall, musical arranger for KMOX, and Arthur J. Casey, head of the public relations department of the same station. Bohn, who maintained offices in KMOX, complained of illness and asked his companions to drive him to the Deaconess Hospital. Enroute he again complained of being ill and by the time the hospital was reached he had died.

Bohn was 52.

'Is also true of radio. It is not indigenous to this country but we have developed it to a point beyond that in any other country.' One of round-tables—apparently MacLeish—then advanced the idea artists in motion pictures are held back; that they cannot break new ground. Fadiman retorted this was the fault of the 'entrepreneurs.' Mrs. Roosevelt joined in to say too many people—apparently she meant in filmdom too—and even artists—are afraid of the public. The public, she insisted, is much further advanced than it is given credit for being; intelligence of public is not lower than that of other groups. Fadiman agreeing declared the '12-year-old' level theory is advanced by those with a '13-year-old mentality.' 'The public is more advanced than the entrepreneurs.'

Critic also underlined the unifying force of music, even of a simple song. He and Mrs. Roosevelt mentioned that songs, such as 'The Ballads of an American about which MacLeish had much to say as a Federal Arts Project would be very apropos for the boys in army camps.' MacLeish spoke, too, about the Negro Version of 'Macbeth' (Federal Theatre Project).

Repeatedly, Fadiman used the phrase 'the democratization of art.'

Gag-Topping Novelty at WOR Halts For a Week to Satisfy Cal Tinney

Maury Lowell on Own

Maury Lowell, program producer for Benton & Bowles, has resigned to set up an independent production office to handle package shows. Already putting together a 30-minute evening series for agency audition. While with Benton & Bowles, Lowell directed 'When a Girl Marries,' 'Strange As It Seems' and 'Lincoln Highway.'

Supreme Court Declines To Hear Union of NAPA On Disc Broadcasting

Washington, Nov. 26. Name-band leaders and rank-and-file tuners failed to get into the controversy over broadcasting of ordinary phonograph records when the United States Supreme Court Monday (25) refused to receive additional briefs in connection with review petitions filed by Paul Whiteman and RCA Manufacturing Co. Both parties to the significant argument have requested the highest tribunal to clear up uncertainties about proprietary rights in waxed music and the effectiveness of restricted use notices attached to discs.

Requests for leave to intervene as friend of the court were filed—and promptly denied—on behalf of American Federation of Musicians and National Association of Performing Artists. Both want to see restrictions against broadcasting of run-of-mine records upheld, but for different reasons and to varying degrees, with NAPA taking the same view as Whiteman concerning the right of the interpreter to collect a royalty from any stations licensed to play canned music.

Following Whiteman's petition on the ground he has a stake in the discs, RCA also begged for a decisive ruling, differing with Whiteman and maintaining that restrictions on stations' use of recordings are definitely in the public interest.

RADIO RUNS UP THE GROSS FOR FADIMAN

Portland, Me., Nov. 26. Clifton Fadiman paid his third lecture-call here in five years last week, but his first since employment on 'Information, Please.' Former appearances were at 300-seater Frye Hall, but this time it was the Municipal Auditorium, with tickets proving hard to procure at \$1.25 per. And whereas previous topics were out of literary top-drawer, this year it was a gagged-up routine called 'Inside Radio.'

Discourse listened unsensationally, and aside from passing deprecation of fact that bulk of web broadcasting originates in New York and Hollywood, reflected a complacent uncritical attitude toward industry. Wilkie maunders in attendance were interested to hear that their candidate was at the height of his powers and talents the night of his going to bat for Canada Dry, and that his subsequent slump could be attributed to a loss in naturalness effected by campaign pressure and inept tutelage of advisers who either ignored or misinterpreted lesson of aspirant's IP click.

Women in audience—and they constituted 75% of the payees—were told that their sex provides not dubious talent for serious quiz shows. 'The ladies don't play the game,' Fadiman remarked.

CLEVELAND'S BIG FUND SHOW

Cleveland, Nov. 26. WGAR broadcast Saturday night (23) a three-hour show plugging the Cleveland Community Fund. Program included WGAR's orchestra with Walberg Brown directing, Jose Morand's band, Dick Stabile's, Paul Pendarvis' band, song team of Duke and Sloan, Yost Varsity Octet, Emerson Gill's band, 'Cambrian Choir,' Walkiki Hawaiians, Gene Austin's band and the entire troupe from the Alpine Village.

Sid Andorn, WGAR special events director, emceed the show.

WOR, Newark, put off the debut of its gaster program, 'Can You Top This?' until the coming Monday (2) because of the interruption in the show's preparation which had been caused by a mistaken claim of Cal Tinney. The original starting date for the stanza, with Senator Ford, Harry Hershfield and Joe Laurie, Jr., was due the past Monday (25).

When Tinney read about WOR's proposed comedy session he had his lawyer register a warning to desist with the station. Tinney contended that on paper the WOR show looked like a take-off of one he had running on NBC last season under the Quaker Oats tag. Latter was titled, 'Stop Me If You've Heard This One,' and used the services of Milton Berle, Hershfield and Ford. It also depended on gag contributions from listeners.

On later examination Tinney found that the WOR gagfest was nothing like his, and by the time he had made the admission WOR had decided to substitute another program in the Monday night slot.

Basic idea of Senator Ford's offering makes it strictly an inside affair. Pete Donald reads off a gag and then puts it up to the Ford-Hershfield-Laurie combination to recall stories predicated on the same theme. Alois Havrilla will also be on the show in the role of arbiter.

WCKY AGREES ON MUSICIANS

Cincinnati, Nov. 26. Squabble between L. B. Wilson and Local No. 1, A.F.M., over the number of musicians to be employed by WCKY, ended last week in a compromise settlement. The CBS affiliate agreed to engage 13 musicians, three under the local's original demand and eight more than had been working last spring, when the difference arose.

A novelty quintet headed by Bob Baker resumed work on the station and three more Cincinnati musicians will soon be added to the staff. Wilson also imported Al Clauser and his Oklahoma Outlaws, five-man combo, to start on the station Monday (25). The Outlaws have appeared in pictures with Gene Autry.

WCKY has renewed orchestra remotes from the sidewalk cafe and rathskeller of the Hotel Gibson, in which its offices and studios are located, for solo airings. The station's men also are handling pick-ups of the Saturday morning 55-minute broadcasts by CBS of programs by the Cincinnati Conservatory of Music Symphony Orchestra. During the period of disagreement between the station and Local No. 1 the network sent down engineers and an announcer from Chicago to handle this series.

After the settlement, Wilson and his wife entrained for Miami for a breather at their winter home.

GEORGE OLSEN PRESIDES OVER HOUSTON SHOW

Houston, Nov. 26. 'Sing for Dough,' a new radio show sponsored by the Houston Milling Co., will make its debut over KTRH Friday night from the stage of the Metropolitan theatre. George Olsen, who is managing the floor shows at the Rice Hotel Empire Room for the season, will act as master of ceremonies. Members of the theatre audience will be given an opportunity to 'sing for dough.' Prizes in cash and merchandise will be awarded by the sponsors. Ten microphones will be used to keep the show going at quick tempo, and in between audience try-outs, Olsen will present specialties on the stage.

DEFENDERFER JOINS NBC

Chicago, Nov. 26. George Defenderfer comes into the NBC Red network sales organization here starting next week. Defenderfer moves over from the Paul Raymer station rep outfit with which he has been associated for several years.

PACIFIC'S CHEAP COST BOAST

From the Production Centres

IN NEW YORK CITY

Abe Lyman made his debut as a singer Friday (22) on Harry Kramer's 'Notes to You' program over WINS. Dr. A. S. W. Rosenbach, the art dealer, to guest on Isabel Manning Hewson's housewife program over NBC red (WEAF) within next couple of weeks. Jay Bennett author of a coming script on 'Grand Central Station'... Mutual already trying to clear network time for 'Where Are You From?' now that General Electric is the sponsor. Nat Abramson, WOR artist bureau head, given dinner Saturday night (23) at the Biltmore on his 25th anniversary as a Mason.

Sally Lind, interviewer on Gallup polls, started a new series of programs, 'Town Trotter,' over WBKN, N. Y., last Monday (25). Spencer Bentley playing the new 'heavy' role in 'Our Gal Sunday,' daytime serial.

Gloria Jean to guest on 'Musical Americans' Dec. 19... deal set by Sam Weisbord, of William Morris office. Stan Shaw now starts his 'Milkman's Matinee' at 1 a.m., instead of an hour later. WOR-Mutual to air races from Hialeah Park this winter, with Bryan Fields spelling. Capt. Walt Willis, off the air briefly, is back on WHN with a new spot. Alfred Eisner, newcomer to the CBS program-production staff, has written an original script, 'A Child Is Born,' to be produced on the Columbia Workshop program Dec. 15. Author was brought from the Coast just a few days ago. He resigned from a writing job at Metro to take the CBS spot. He's adapting stories for future Workshop shows. Nate Tufts of Ruthrauff & Ryan getting a jogging about in charge of the 'Vox Pop' show... near Tucson one week—then Hollywood—then Toronto.

Bernice Judis, managing director of WNEW, N. Y., to Chicago Monday (25). Wally Duncan, WNEW vice-president in charge of sales, is tickled over the showing made by his 11-year-old daughter, Ann... she won first prize given by the 4-H Clubs for outstanding dairy work at a Dutchess County public school.

Robert Casadesu, French concert pianist, will be commentator for a program of his own recordings next Wednesday (4) over WQXR. Frank P. Schreiber, general manager of WGN, Chicago, in town for brief visit early this week. Ray Jones, of Compton agency radio department, spending his vacation at his Montclair (N. J.) home, just getting a rest from commuting. Henry W. Lowe, executive on the Wheatena account for Compton, on a trip to Chicago, Milwaukee, Grand Rapids, Detroit and Cleveland. The Munros to make their first New York radio appearance Jan. 26 on 'Show of the Week' after five years on a local program in Kansas City.

Hugh Martin doing the vocal arrangements for 'Hi-Ya, Gentlemen'... now that his quartet is a regular on the Fred Allen program it has withdrawn from 'Louisiana Purchase'... 'Honest Abe,' Saturday morning sustainer over CBS, may be shifted to an evening spot after Jan. 1, when the ASCAP situation removes a few commercials from the board. Bob Convey of KWK, St. Louis, in town for short stay this week on way home from Washington. Mutual will broadcast the East-West football game Jan. 1 from San Francisco.

IN HOLLYWOOD

Richard Brooks, recently of WNEW, New York, joined NBC's staff of commentators. At testimonial lunch tossed for Kate Smith and Ted Collins by 20th-Fox to plug 'Tin Pan Alley,' singer accoladed songwriters present by niffing 'without you there would be no me.' Tony Stanford back from six-week tour with Gene Autry's 'Melody Ranch'... Charlie Vanda went for a soapbox and lectured Pasadena collegians on radio production. Jack Sayers got in the way of Bob Garred's golf swing and had several stitches taken in his smeller. Don Gilman on to New York after stopover in Phoenix. Fulton Lewis, Jr., around on a lecture tour. After two weeks' training NBC's Marvin Young was raised from a captain to a major in the reserve. Arthur Q. Bryan now a regular on 'Blondie'... Halsey Barrett, WNEW sales promotion chief, gave the town a quickie before hiking east after an Arizona siesta. Parks Johnson, Wally Buterworth and Producer Nate Tufts headed for Camp Borden, Toronto, after solo broadcast here. Renewal came through for Burns and Allen. Ditto Gene Autry and 'Blondie'... Bill Robson tangled with NBC monitors but came off second best when chain made him substitute for 'Burma Road' on Woodbury Playhouse. Too much war stuff, ruled the chain's blue-pencillers. Jimmie Fidler says his radio deal is blowing hot again. Jimmy Saphier is doing the selling.

IN CHICAGO

J. M. Greene, circulation manager of NBC, comes to Chi next week to address the Chi chapter of the American Marketing Ass'n on 'Radio Network Circulation and How to Market It'... Roy Witmer and Keith Kiggins of NBC were in for confabs. Charles Urquhart, NBC production director, in hsp for check-up. Frank Behrens added to 'Jack Armstrong's' cast, Norman Gottschalk, Jane Green and Henry Hunter to 'Bud Barton,' Mary Patton to 'Arnold Grimm's Daughter'... Pat O'Malley readying a new book of stories. Mary Tolen with 'Right to Happiness' show, June Juvelier to 'Romance of Helen Trent,' Dorothy Francis and Donelda Currie to 'Stepmother's' cast. Radio players in Radio-Theatre production of 'Protective Custody,' legit play, at the Civic on Dec. 13-14 include Ilka Diehl Keegan, Arthur Peterson, William Green, Grace Lockwood, Karl Weber, Muriel Brenner, Norma Ranson, James Brenner, Glenn Ranson, Dolph Nelson, Eddie Armstrong, Al Tiffany.

Mel Gallart, formerly of WKHB, Dubuque, has joined WLS here for general announcing and production work. Will O'Neil added to WGN Talent Division staff by chief Noel Gerson. Julian Bentley, WLS news editor, lectured at University of Illinois on 'Journalism for the Ear'... WIND, the Ralph Atlass station, will be the early evening outlet for bands in the swank Camellia House of the Drake Hotel and the Balinese Room of the Blackstone Hotel in a deal set last week, which will give WIND one of the top remote set-ups in the country.

IN SAN FRANCISCO

Charles Morin, CBS sales exec, in a cast as a result of a sprained back incurred while duck hunting... accident happened day after his wife sprained an ankle. Dave Sutton of Chicago Radio Sales office a Frisco visitor. Marie Houlihan has received two more pipes since word got round she's learning to puff one.

KFRC sales staff going outdoors in big way, despite approach of what California calls winter. Ward Ingram is golf mad, Merwyn McCabe can hardly wait to get on a horse, Fred Crawshaw scoots around in his own plane, Jack Hall is a gentleman farmer and Ray Baker climbs mountains. boss-man William Babst also has a h-e-m-a-n-y-e-n-for-skiis... Reland Quinn, deposed as manager of KYA by Harold Meyer, has been named program director of the Hearst outlet. Lillian Holmes, formerly with agencies, has joined KFRC as commercial staff, while off the payroll are Richard Eilers, former program director, Frances Pike, traffic manager, and Louise Clark, night receptionist. Al Nelson host to 'Dainty Dozen,' NBC gals who acted as hostesses at NBC's ground-breaking.

BIG RATINGS ON NOMINAL BUDGET

Tenth Most Popular Show On Coast Said to Have Only \$250 Talent Charge—Kemp, McCabe, Rhodes Bombard Advertising Men With Success Stories

HOOPER RATINGS

San Francisco, Nov. 26.

How a regional commercial with a total talent charge of \$250 against high-priced network shows earned a Hooper summer rating of 10 and became the 10th most popular show on the Western air was one of the case-history success-stories churned out for benefit of advertising agency men and others attending a radio departmental here last week on subject of whether or not Coast programming means anything. Speakers included Arthur Kemp, CBS Pacific Division sales manager; Merwyn McCabe, KFRC account executive and Ray Rhodes of NBC sales staff. Chairman was Ralph Brunton, KJBS-KQW.

Session was geared to prove that the area west of the Rockies is the 'new horizon' rather than the 'lost horizon' of broadcasting, with the boys producing names, dates and figures to back claims. Kemp led off by handing all attendees a bulky sheaf of mimeographed statistics gathered from many sources to show that the five western states are 47% wealthier per capita than the rest of the country, eating 33% more food, buying 66% more cars, 60% more furniture and 56% more drugs.

They argued that radio is now the nation's No. 1 media for reaching this potential market, citing figures to effect that in 1929 leading food manufacturers allotted 46.8% of budgets to network radio while newspapers got 28.6% and magazines 23%. Similar ratio for drug advertisers was listed by Kemp as 42% for radio, 37.2% for magazines, 19.1% for newspapers.

Case of National Lead

CBS exec then turned rostrum over to McCabe and Rhodes to show what Coast radio is doing in the light of above media. Typical example used was the National Lead Co.'s 'Answer Auction' on the CBS coast loop, which is the show which had a \$250 talent charge and a summer rating of 10. Another was the Mennen Co.'s two-year-old tri-weekly newscast which sets them back about \$150 a week for talent and is doing such a job on the Coast that the first time it is extended of extending its Eastern Quikliddoodle show west of Salt Lake.

McCabe led into subject by posing the question, 'What can the regional advertiser do?' and gave four answers:

- (1) Use spots; as far as costs are concerned, the regional is on equal footing with national advertisers.
- (2) Sponsor sports or special events, but that field is limited.
- (3) Buy participations, as Tea Garden underwrites 'I Want a Divorce' on the Coast, but there aren't enough of these syndicated shows to go around.
- (4) Use regionally built programs.

McCabe cited the ratings of the Mennen Company's 7:30 a.m. news and the Richfield Reporter's 10 p.m. news (9.1) to show what can be done at hours when there is no national network competition. 'But now,' he continued, 'let's see what happens when a Coast regional advertiser fights the national programs for listening audience. Here are some case histories:

(1)—The Cardinet Candy Co. has for some years used the NBC Red Coast link for 'Night Editor,' a 15-minute narrative dramatic broadcast Sunday nights. The company recently introduced a new bar and this program practically forced immediate recognition and distribution. This feature has a program rating of 8.9.

(Continued on page 36)

'Should Newspapers Print News?' Is Question on WCCO's Local Show

We Always Smoke—

First thing that makes itself evident when an agency acquires a cigaret account is the wave of change in tastes that sweeps through the organization. Overnight the various brands that have been the personnel's favorites are dropped and conspicuously displayed by the collective smokers are packages of the brand that has just come into the house.

The honeymoon may wear thin as time goes on, with the boys slipping back to the old preference, but during the first month or two the boys act as though they've suddenly discovered the nirvana of smoking pleasures.

WOOLWORTH TO USE ED EAST DISCS

F. W. Woolworth will use a special Christmas campaign on around 75 stations in the east and middle-west. It will be minute announcements as transcribed from plugs delivered for the same account on WJZ, N. Y., by Ed East on his 'Breakfast in Bedlam' program. Lynn Baker Co. is the agency.

Typical Family Arrives, All Expenses Paid, To Speak on WSM, Nashville

Nashville, Tenn., Nov. 26.

Radio Station WSM is presenting a new type program bankrolled by its parent, the National Life & Accident Insurance Co. Broadcast each Friday night at 9:30. Called 'The Family Forum,' the sponsor brings to the Nashville studios of WSM each week some 'typical American family' from one of the cities in the 22 states where the insurance company operates.

The selected family is given an all-expense trip and some fancy entertaining on the side in return for their appearance as guest artists on the show.

On the show they ask questions of WSM's foreign analysts, D. F. Fleming and Will R. Manier, Jr. Typical family asks questions which puzzle them—and by inference other typical American families. Thus, the experts do not make speeches but give answers.

To date, families have come to Nashville from New Orleans, St. Louis, Akron and Evansville.

PRIVATELY SETTLE ELMAN LIBEL ACTION

A \$10,000 libel action by Chiquita Corrales, professional dancer, against Dave Elman and Macfadden Publications, Inc., was discontinued and settled out of the N. Y. supreme court Monday (25).

Plaintiff charged that an article by Elman in the April, 1940, issue of True Story, claimed that after serious injuries the plaintiff contemplated suicide, etc. She charged loss of engagements through the printing of the story.

Mary Cecil, whose last radio chore was in 'The Life and Loves of Dr. Susan,' is back in New York after a spell in Hollywood making pictures.

Minneapolis, Nov. 26.

The St. Paul Pioneer Press-Dispatch is launching a new, unique program, 'Stop That Story,' over WCCO, built around stories which the newspaper, for some reason or other, was asked not to print. Circumstances behind the story are dramatized.

Following the dramatization there's a round-table discussion by three or four average citizens as to whether or not the story should be published. Each week three local civic leaders from various towns in the Northwest will comprise the 'laymen's jury,' helping to build interest outside of the Twir Cities.

Idea for the program was that of Russell Wiggins, editor of the daily. Payoff on the show is an explanation by Bernard Ridder, the publisher, as to why the papers did not publish the story. Broadcasts will deal with stories of drunken driving, common law and secret marriages, unmarried mothers, prominent citizens involved in scandals, business failures, thefts in banks, etc., suicides and accidents.

Programs go over WCCO every Friday at 9:15 p.m. for 15 minutes. It's an exchange deal, with WCCO, a CBS station, getting in return three nine-inch by two column ads a week in the newspapers.

Radio Services Dailies

Omaha, Nov. 26.

It's news when the radio starts feeding the newspapers the stuff they print, thereby reversing the play. During the storm emergency in the midwest area, KOWH, the World-Herald's station, Omaha, broadcast news for use by newspapers and other radio stations which were cut off. Manager V. H. 'Bing' Smith of KOWH made an early morning announcement that all newspapers and radio stations were free to use the facilities of KOWH which broadcasts United Press bulletins.

Stenographers at a number of places took down the flashes and printed or reprinted them. At 12:15 p.m. a special broadcast of Associated Press dispatches was made for member A.P. sheets outstate. Among the newspapers benefited was the Norfolk (Neb.) Daily News while radio stations picking up the broadcast included WJAG, Norfolk; KORN, Fremont; and KHAS, Hastings. Because of the emergency, there was a period of intercommunication between radio stations.

RADIO HISTORY IN CAPSULE

O. H. Caldwell, radio historian and editor of the manufacturers' trade publication, Radio Today, has itemized what he considers the important technical milestones in the 20-year history of the broadcasting industry.

- 1901—Broadcasting begins.
- 1921—Six stations operating.
- 1922—First commercial program.
- 1923—Superhets, neotrydnes.
- 1924—First shortwave broadcast.
- 1925—Socket power units.
- 1926—Year of wave-jumping and chaos.
- 1927—Federal Radio Commission clears air.
- 1928—Broadcast re-allocation.
- 1929—Screen grid tubes. Dynamle speakers.
- 1930—Midget and table models.
- 1931—Automatic volume controls. Auto sets.
- 1932—Shortwave receivers popularized.
- 1933—Television iconoscope.
- 1934—FCC replaces FRC.
- 1935—Metal tubes. Noise-reducing antennas.
- 1936—Record radio grosses.
- 1937—Push-button tuning.
- 1938—Wireless controls and players.
- 1939—FM, Portables.
- 1940—Camera portables.

Weber's Wire to Mutual Stations Following IRNA Communication

Fred Weber, general manager of the Mutual Network, sent the following wire Wednesday (20) to Mutual affiliates in connection with the report filed by the executive committee of the Independent Radio Network Affiliates with the Federal Communications Commission in connection with its forthcoming monopoly hearing.

"Assume you have received telegram sent by Rosenbaum to all network affiliates. We urge you read Segal brief carefully in light of your own best interests before placing yourself on record as endorsing it, either with FCC or IRNA. IRNA action at San Francisco was not unanimous and cannot be construed as blanket authorization to IRNA officers and attorney to file brief favoring NBC and CBS on all issues regardless of affiliates' best interests, not to mention intemperate language and references to Commission's Monopoly Committee."

"In many important respects Segal's brief is contrary to or ignores testimony introduced at hearing by IRNA's own representatives, particularly its chairman, for example, with reference to Blue Network situation and his Network contract arrangements as well as his second appearance before Committee. Wire from Commission Secretary obviously intended to secure more information than Rosenbaum states. Among other things it asks 'whether brief reflects position your station'."

HIRE JACK LATHAM FOR F-M LOOK-INTO

Jack Latham has been retained by a group calling itself the F-M Program Research Committee to make a survey on the outlook of simultaneous, or network, broadcasting for this medium and submit a report. Latham will also inquire into co-operative programming possibilities and the commercial directions that the medium might take.

The committee includes John Shepard, 3rd, Walter Damm and Ezy Roberts, of KCMO, Kansas City.

Sues Pictorial Review, Inc., For Incomplete Series

Broadcast Producers of N. Y., Inc., has applied to the N. Y. supreme court for permission to examine Daniel Henderson, R. Davidson, and Fred Lewis, officers of Pictorial Review Co., Inc. Suit for \$8,290 breach of contract pending against Pictorial.

Suit claims that in June, 1936, a contract was made whereby the plaintiff agreed to make 25 15-minute radio transcriptions for the defendant for a program called, "Your Child's Welfare Court." The defendant paid for the first eight and has refused to pay for any more, plaintiff claims. Other parts of the action claim the defendant failed to pay for the scripts at \$50 each, and the last charge seeks \$1,000 for literary material given the defendant for publication in its magazine.

LIKELY PLACES FEW

**Hard to Find Town Without a Radio
And Station Worth One**

Detroit, Nov. 26. Five Detroiters, after diligent research, finally found a likely town for a 250-watt station. It's Kokomo, Ind.

The Detroiters, who wanted a station and just obtained their license from the FCC, are Dr. Charles K. Boyajian, his son, Charles, Jr., announcer, formerly of WJEX, Detroit, and WSAM, Saginaw; Dr. R. S. Taylor, Albert Kaufman and David Potter, Jr.

"After our general survey," the Senior Boyajian said, "we found that Kokomo is the only up and coming town in the entire Middle West without a local station."

The group has capitalized for \$25,000 and acquired acreage for its station near the town and offices in Kokomo.

SAM BALTER IN PHILLY

Philadelphia, Nov. 26. Sam Balter began airing his "Inside of Sports" program from WFIL yesterday after a sojourn on the Coast for the past year.

The program, heard on the Mutual chain, is bankrolled by Bayuk-Phillips cigars.

34 Days Until—

It is 34 days before the end of the present licensing agreement between the American Society of Composers, Authors and Publishers, and the broadcasting industry.

Only 28 Days Until Christmas.

ASCAP 'ESCAPE' CLAUSE IN NEW CONTRACT

Hollywood, Nov. 26. Tony Martin and his band have been signed as replacement talent for the Woodbury half-hour on the NBC-red Wednesday nights, when the dramatic show with Jim Ameche and Gale Page wind up around the first of the year.

There is a reported clause inserted in the contract to cancel in the event there is no deal between NBC and ASCAP.

Fred Temple OF WFIL

Philadelphia, Nov. 26. Fred Temple, WFIL speller, resigned last week, because of ill health.

He came to the station early last year from WBAL, Baltimore.

Caesar, ASCAP Director, Gets Notice from WOR

WOR, Newark, has taken another step toward the anticipation of a break with ASCAP by giving Irving Caesar notice that his program, "Songs of Safety," is to wash up on the station Dec. 8.

Caesar is not only an ASCAP director, but is a member of the committee delegated to deal with radio on the new licensing agreement.

MARTIN GANG IN N.Y. FOR AFRA-ANG TALKS

With Martin Gang, attorney for the Artists Managers Guild, in from Hollywood to participate in the huddles, final details of the American Federation of Radio Artists agency code are being settled. Completed contract will probably be signed tomorrow (Thursday). Signatories will include the networks and station WOR, which had already applied for licenses under the proposed AFRA-code and therefore had to agree to the revisions.

Coast agents, represented by the AMG, and the New York percenters, including members of the Artists Representatives Assn., will likewise sign the code and apply for franchises.

Santa Weis Returns

St. Louis, Nov. 26. Matthias 'Jack' Weis has begun his stint as Santa Claus for WIL for the sixth consecutive year. Starting Thanksgiving evening Weis will be on the air every p.m. until Xmas eve. He has received an average of 12,000 letters from moppets each year.

The program is presented as a station service feature on a sustaining basis with commercial spots before and after.

Never Before On the Air—

(A Department for Recording the Unusual, the Remarkable and the Bizarre)

Hat Check Girl As National Personage

Renee Carroll, hat checker at Sardi's restaurant, N. Y., is to be hostess-m.c. of a new recorded series being readied by Kermit-Raymond Corp. program production agency. It's called "Hat Check Girl" and will offer dramatized stories of events in the lives of show business names. Idea is to have the actual characters play themselves where possible. Miss Carroll, who in her chapeau-parking activity is acquainted with many of the top names of show business, will line up the guests.

Julie Burns and Walter Hart will script the series, which is to be sold for co-operative sponsorship and placed on stations on a spot basis. Kermit-Raymond agency handles the "Famous American Fathers" series, with Howard Lindsay (co-author and co-star of "Life with Father") on a similar policy.

Mobile Unit Calls For Breakfast

Beaumont, Tex. KRIC now takes its audience participation right into the home even before the family has had a chance to get rid of the early morn cobwebs. An announcer traveling with a mobile unit has coffee with listeners at their breakfast tables.

It's part of a daily program, "Morning Papers and Coffee," and the paper read and discussed is the one connected with the station, the Beaumont Enterprise and Journal.

SUES CBS ON TITLE

Epoch Producing Says It Used 'Birth of Nation' Illegally

Suit of Epoch Producing Corp., against Columbia Broadcasting System, Inc., was revealed in the N. Y. supreme court yesterday (Tues.) when the plaintiff filed a note of issue seeking trial. Action involves alleged unauthorized use by the defendant of the title "The Birth of a Nation."

Plaintiff owns both the rights to the title and the picture and claims on Sept. 2, 1940, over WABC, CBS started a series of historical programs using the title of "Birth of a Nation." An accounting of profits, an injunction, and damages are sought.

CROWN READY TO SCRAM PRONTO

Crown Cola may turn exclusively to spot broadcasting pending a decision or settlement on the litigation brought by Coca Cola against all beverage companies using the "Cola" tag. The campaign might be a chain-break announcement package. Impression gathered by the trade is that Crown doesn't want to be trapped with heavy network time and program commitments in the event the decision should go against it.

Robert Ripley's "Believe-It-Or-Not" show washes up for Crown Dec. 6.

BILLY JONES DIES AT 51 WALKING ON BROADWAY

Billy Jones, 51, of the pioneer radio comedy team of Jones and (Ernie) Hare, died of a heart attack Saturday (23) while walking on Broadway near WMCA where for the past several years he had a Sunday matinee stanza. A script for the Three Little Sacks program in his pocket helped reveal his identity. Moved to a nearby restaurant, he was pronounced dead upon the arrival of an ambulance interne.

With his partner Hare, who died on March 9, 1939, the pair were generally recognized as the first singing and patter act to achieve national radio fame. They dated from 1921. Born in New York, Jones was successively in the banking, mining, communication and blacksmithing trades before Lew Fields discovered his tenor voice and cast him for a 39-week run in the musical comedy "Midnight Sons."

Jones and Hare asserted they were the first entertaining combination to be sponsored by an advertiser and were also the first to incorporate the sponsor's product into their mike billing. The tieup was the Happiness Candy Stores of New York and the tag was the "Happiness Boys." Starting on WEA, now the NBC red key station, for five weeks, their contract expanded into a five and a half year run. Later they were known as the Intervenor Pair for the hosiery company and also did a stint for Standard Oil as the Flit Soldiers. Among their other sponsors were Taystee Bread, Gillette Razor and for a time they led a community sing on CBS.

Marilyn Hare, the comedian's 16-year-old daughter, replaced her father on the Sachs Furniture program. Teaming with Jones in the same routine her father was famous for, she won a contract with Republic Pictures on the basis of her radio work. When joining Jones she had no previous radio experience.

Jones leaves a widow, a sister-in-law. Funeral services were held in New York yesterday (Tuesday) and burial will take place today at Woodlawn Cemetery, N. Y.

Ron Gamble, WJR, Detroit, announcer who handled Ford Symphony shows, just got his pilot's license. He has been flying for more than a year.

Showmanagement Plaques Will Be Announced Next Week

RADIO SCREEN MUSIC STAGE

VARIETY

NEW YORK CITY

ADVANCING ART OF RADIO

**Showmanagement Awards Mark
Of Distinguished Local Operation**

NOT ON CARD RATES
ADVANCEMENT PLACEMENT
PLAQUES GO TO
1940 LEADERS

**PLAQUES GO TO
1940 LEADERS**

Special Recognition Via Plaques To
The Exceptional Wherever Noted

**Special Recognition Via Plaques To
The Exceptional Wherever Noted**

THESE AWARDS ARE TO BE GIVEN TO THE MOST DISTINGUISHED LOCAL OPERATIONS IN THE FIELD OF RADIO, SCREEN, MUSIC AND STAGE. THE AWARDS ARE TO BE GIVEN TO THE MOST DISTINGUISHED LOCAL OPERATIONS IN THE FIELD OF RADIO, SCREEN, MUSIC AND STAGE. THE AWARDS ARE TO BE GIVEN TO THE MOST DISTINGUISHED LOCAL OPERATIONS IN THE FIELD OF RADIO, SCREEN, MUSIC AND STAGE.

**THIS IS MINIATURE
REPLICA OF PLAQUES
TO BE AWARDED
NEXT WEEK**

ROYAL'S PAN-AMERICA IDEA

Banning of Transradio in Canada Possible Reaction to Dies' Charges

Toronto, Nov. 26. Sequel to charges of the Dies Committee that Transradio News received and transmitted news from Trans-Ocean News Service, which handled German propaganda, board of governors of the Canadian Broadcasting Corp. will meet with Canadian Cabinet members this week to consider a ban on Transradio. Until the decision of the meeting is made, the 40-odd stations in this country using the service will face the difficult problem in deciding whether or not to continue using such a news source. When the Federal Government banned Transradio here in the summer, the Canadian stations using this service made a concerted protest.

At that time, the ban effective June 1 was lifted by the Government which, behind the scenes, was completing plans via the CBC facilities for its own news service for Canadian stations. This will be available to all outlets in Canada, whether on CBC network or independents. Meanwhile, according to R. P. Landry, chief radio press censor, a close watch has been kept on all news broadcasts and there has been no reason for any complaint.

Gladstone Murray, CBC g.m., believes that the Dies Committee disclosures of German propaganda outlets in this country are particularly serious and is assembling all documents in the matter in preparation for the forthcoming meeting between CBC officials and Government heads. Copies of the Dies Committee report are being rushed up from Washington. Murray, it is learned, will recommend that Transradio Press be banned in Canada. Meanwhile, as mentioned, action to exclude Transradio from Canada has been contemplated for some months by means of that squeeze-play whereby, when the CBC sends out all radio-news releases commencing Jan. 1, this service will be accepted by all stations in Canada.

Moore's Actions

Montreal, Nov. 26. Herbert Moore, head of Transradio, has sent a complete, categorical denial of any association with Trans-Ocean News for subversive propaganda purposes. This communication is now being carefully studied. Moore, following the blast by the Dies Committee, immediately wired all Canadian stations using Transradio not to be rushed into any hasty decision leading to cancellation of contracts pending clarification of the entire affair. He also asked station men to report instances where opposition services or others might seek to take advantage of temporary confusion and unfavorable publicity to prevail upon broadcasters to cancel Transradio service.

2D CBC LINK FOR TORONTO

Montreal, Nov. 26. Canadian Broadcasting Corp. is planning to increase power of station CBY, Toronto, and otherwise extend service on this transmitter in order to have a secondary outlet in the Toronto area.

CBY, the 50,000-watt CBC station, now blankets the Toronto area, but corporation executives have decided to have a supplementary station available. CBY, a basic CBC station, is currently a 100-watter. Understanding is that a CBC transmitter of greater power, formerly used in Windsor, Ont., will be sent to Toronto to be installed at the CBY premises.

STEBENVILLE ON MUTUAL

Station WSTV, Steubenville, O., joined the Mutual network last week, bringing the number of affiliates to 162.

Station began operation Nov. 4.

GIVE STREET SHOWS

Ark Valley Boys Brought in By Local Merchants

Wichita, Kas., Nov. 26. Ark Valley Boys, barn dance band of radio station KFJ, will be in Arkansas City, Kas., Dec. 5, 6, and 7 to give street programs both mornings and afternoons.

Entertainment sponsored by Retail Merchants' Association to bring citizens to stores for early Christmas shopping.

WAR FREEZES RADIO SETS IN CANADA

Toronto, Nov. 26.

Government decision to 'freeze' present radio-set designs for the duration of the war in order to conserve machinery and energies of skilled craftsmen has met with the commendation of makers and users alike, according to joint statement of Hon. C. D. Howe, Minister of Munitions and Supplies, and Thomas Arnold, Machine Tool Controller. Arnold said that the new governmental measure will effect savings for the Canadian consumer who, in a time of crisis, should not be called on to bear substantial costs arising from constant changes in design, particularly when these are caused solely by fashion trends.

Government 'freeze' on designs will tremendously expand the capacity of Canada to produce machine tools and dies for war purposes, according to Hon. C. D. Howe, and the Dominion will thus avoid that 'economic wastage of machines and men which mere whims, fads and fancies of fashion often produce.'

Crosley DXer Seeks A One-Sided File Disc For Hour Programs

Cincinnati, Nov. 26. Crosley's international station WLWO, which recently received FCC authority for temporary upping of power from 50,000 to 75,000 watts, has a series of exclusive airings of the Cincinnati Symphony Orchestra's concerts. Wilfred Guenther, general manager, assigned Henley Hill, Portuguese and Spanish announcer, to announce the numbers and Concha Gandia to do the comment in those languages.

Complying with the FCC ruling which requires international stations to make transcriptions of each program for the next two years, Crosley engineers, under Robert J. Rockwell, are experimenting with a platter that will carry an hour's broadcasting on a single side. Revolutions are slowed down from 33 1/3 to 10 per minute.

FRED BATE HERE FOR THE HOLIDAYS

Fred Bate, who is in charge of NBC's London office and who has carried the brunt of the network's war coverage from England, is coming over for a vacation shortly before Christmas. He hasn't been in the States for over four years.

Bate would prefer to stay on the job, but his homeoffice figures that he's more than entitled to the vacation and that the change in scene will do him lots of good.

SEEKS SUPPORT OF AZCARRAGA OF XEW

On Present Trip to Mexico
NBC Vice-President Will
Seek to Stir Interest for
Eventual Formation of
Hemisphere Broadcast
Union Similar to Switzer-
land Organization

FRANCISCO TO S. A.

Organization of a Pan-American Broadcast Union will be proposed by John F. Royal, NBC v.p. in charge of shortwave and television, during his coming week's visit to Mexico City. The project will be suggested to Emilio Azcarraga, of XEW, Mexico City, and other leading Mexican broadcasters. Royal leaves today (Wednesday) to attend the inauguration of Mexico's new president.

For years there has been in existence an International Broadcasting Union, with headquarters in Geneva, Switzerland. Royal believes that the time is ripe for the setting up of a similar bureau which would be confined to the exchange of information, etc., on North American and South American broadcasting activities. Havana is figured as the logical spot for the headquarters of the Pan-American version.

Sudden surge of interest in South America has produced some humorous sidelights. Persons whose knowledge of Spanish is limited to the words, 'Si, Si, Senor,' have suddenly got the idea that they are experts on South America, and they are besieging the American networks with suggestions on how the inter-hemisphere broadcast alliance should be conducted. With the suggestions are corollary suggestions as to how these 'experts' can fit into such propositions.

Don Francisco, who recently quit the presidency of the Lord & Thomas agency to become head of the communications division of Nelson A. Rockefeller's Latin-American cultural setup, will leave shortly for a tour of South America. Indications are that he will make the trip, exclusively by plane, accompanied by Jock Whitney, who is director of the project's film division.

Pan-America's XEHR Plug

Mexico City, Nov. 26. XEHR, newest local radio station, owned and operated by the mag. Hoy, has a Pan-American Hour every Tuesday night. Programs include music, songs, talks on all-American get-together in these times and plugs for American trippers to visit Mexico and other Latin-American countries.

These programs are conducted by the federal tourist department and Roland Waterman, an exec of the local YMCA.

Washington Reactions

Washington, Nov. 26. Realistic approach is being made to the idea of improving inter-American relations via radio. Idealistic, impractical schemes proposed three or more years ago have been put on the shelf, while hard-headed broadcasters are turning their attention to the formulation of arrangements by which the airwaves can be exploited to bring the Western Hemisphere republics closer together.

Some scheme of exchange programs—just as educational institutions swap professors and students—looks like the first move in this direction. The idea definitely has aroused interest, and concrete steps already are being taken to perfect a system that will be built around recordings.

With the Federal authorities' at last getting serious and practical, enterprising industry people have started moving on their own. The National Association of Broadcasters is receiving inquiries and hearing

Since U.S.A. Became Pro-British, Nazi Shortwave Abuse of Americans Has Increased, Princeton Post Finds

Sponsor Identification

Regina, Sask., Nov. 26. It actually happened the other day on Don MacMillan's 'Man on the Street' broadcast for CKCK. Queried as to who John Bull was a woman said she 'thought he was English.' She had never heard of Jack Canuck. Then she was asked about Uncle Sam. 'He's a prominent American,' was the reply.

XEW-XEQ DISCS FOR MEXICAN SMALLIES

Mexico City, Nov. 26.

What looks likely to become a profitable by-product, discs of the best songs of the best singers at radio stations XEW and XEQ is in process of organization. Idea is to market these discs to small Mexican stations in the provinces that have become program conscious yet cannot afford flesh for full programs.

The XEW-XEQ plan, first of the kind down here, involves the establishment in or about this city of a recording plant. The start of the proposition is looked for early in 1941.

Local Citizens See Hand Of Ottawa Domination In University Situation

Edmonton, Alta., Nov. 26.

Independent members of the Alberta legislature have passed a resolution declaring the reported provincial government loan of \$30,000 to the University of Alberta for extension of its radio facilities was intended to provide the government 'with a means of disseminating political propaganda.' The resolution said in part: 'We are of the opinion that at this time when the nation is faced with the problem of financing the war and trying by every means in its power to secure funds to prosecute its war effort more effectively, the government should not spend such a large sum of money on something which may very well be dispensed with.'

'We are also of the opinion the purpose behind the government's action is for no other reason than to provide the government with a means for disseminating political propaganda at no cost to itself under cover of giving departmental information to the public.'

'It is reported that the government has already pre-empted all unused time on the radio. This is obviously an attempt to introduce Hitler methods into Alberta. We are strongly of the opinion that the government should be prevented from inaugurating any such tactics in this province.'

'Only widespread publicity can forestall the government's action, and the members of the Independent group are therefore determined to give this matter the publicity it deserves in the hope that public opinion will be aroused to such a degree as may strengthen the hands of the board of governors of the university in refusing the facilities of the university radio station to the Alberta government for the purpose of political propaganda.'

Acting Premier Manning issued a statement denying the charge that the radio station was being improved to provide a medium for Social Credit propaganda.

Princeton, Nov. 26.

Anti-American propaganda as directed at the United States by German shortwave sending stations is growing more intense daily, it is reported by the Princeton Listening Center, now completing its first year of activity under direction of the School of Public and International Affairs. A comparison of broadcasts of August and September with those early in the year shows that the average number of anti-American statements, which bears a close relationship to political events, has jumped from 25 or 30 a day to 175. Condemnation of American life and policy by the German radio has reached the highest point in the history of these broadcasts and is still going up, the report adds. When pro-British sentiment in the United States was latent, early in the year, Nazi speakers spent little time attacking this country.

But when Anglophile sentiment received great impetus in April, May and June, due to the German invasion of Scandinavia and the low countries and finally France, anti-American talks began to dominate the broadcasts to America. Since that time the short waves have been loaded with bitter attacks on wide sections of American life.

Study Propaganda

The chief purpose of the listening center, established last year under the direction of the School of Public and International Affairs, is to study the technique of propaganda, in which the Germans are hard workers. Nine definite rules of German speakers have been formulated by the center.

The basic principles of German broadcasts have been to paralyze any action unfavorable to Germany and to promote those attitudes which might be put to use by the Nazis. In their broadcasts to this country, German commentators have praised Henry Ford, Colonel Lawbergh and ex-President Hoover, all of whom have expressed isolationist feelings.

Another technique of the Nazi radio has been to direct broadcasts principally by the masses. Programs which deal with history or literature have been relegated to unfavorable hours, and in this appeal to the workers, even faulty grammar is part of the technique.

The effectiveness, if any, of Nazi hokum is supposedly based on making audiences feel at home and in a receptive mood. For this purpose speakers who have lived in the U.S.A. are used to exploit customs and hates.

'Feeling at Home'

Fred W. Kaltenback, reputedly in charge of broadcasts to this country, is a native of Iowa, and served in the first world war as a lieutenant in the United States Coast Artillery. E. D. Ward, whose real name is Edward Leopold Delaney, was an Irish-American actor and author of cheap fiction before he went to Germany to work for the Nazis. Dr. Otto Koischwitz, alias 'Dr. Anders' or 'Dr. Otherwise' or 'okay,' is a former member of the faculty of Hunter college in New York City. The feminine roles in broadcasts to the United States are handled by Gertrude Hahn and Constance Drexel, both of whom speak English perfectly.

In almost every case, German appeals are based on the self-interest of each audience and attempts to create an illusion of reason and logic. Motives which were known to be close to the American heart, such as the economic motive, are played on to a great extent. For example, listeners are told that neutrality would mean post-war German friendship and a consequent increase in U. S. trade and profits.

Nazis attempt to concentrate the eyes of Americans on domestic problems. Attacks on the Jews and numerous references to the unemployed are examples of their technique.

Students as Fill-In Announcers Must Be Paid Government Scale

College students working as 'fill-in' must be paid for their time, regardless of whether they intend to follow it as a vocation, according to an interpretation on the question which has been obtained by the National Association of Broadcasters from the Wage and Hour Administration. Joe Miller, the N.A.B.'s labor relations man, had asked for the information:

Following is a copy of correspondence exchange on the subject which the N.A.B. has relayed to its membership:

(Copy)

Mr. Joseph L. Miller,
Director of Labor Relations
National Association of Broadcasters
Washington, D. C.
Dear Mr. Miller:

During the summer vacation period we employed a college student as a fill-in announcer, paying him in accordance with the wage and hour schedule. This young man plans to return to college this fall, but during his off hours would like to further benefit his announcing technique by filling in at odd times. We do not plan to pay him for his time on duty, although we will from time to time give him small gratuities in the way of cigar money and pocket change. This boy might occasionally take a shift, but only very occasionally. He is anxious to continue in the announcing field in the hope that after graduation he may find permanent employment, either here or at some other radio station.

We cannot afford to pay him the minimum wage because we have a full staff. Actually his employment is to the advantage, although it gives us a change of voice at various intervals, which is desirable. So far as the boy is concerned he is delighted with the arrangement that we contemplate. On the other hand, some of these days he may be un-

happy with it. Naturally we do not want a claim for back wages.

I'd like to have your opinion, and if you think it advisable, I would appreciate your submitting the case to the Wage and Hour Administration for ruling.

Very truly yours,

RADIO STATION.....

Reply

This letter was forwarded to the Wage and Hour Division. The following opinion was received:

(Copy)

DEPARTMENT OF LABOR
Office of the Solicitor
Washington

Nov. 2, 1940.

Dear Mr. Miller:

Colonel Fleming has asked me to reply to your letter of Sept. 18, 1940, enclosing a communication from a broadcaster member of your association inquiring if a student of a southern college may perform work as "fill-in announcer" without being subject to the Fair Labor Standards Act. I regret that an earlier reply was not possible. You refer to a letter quoted in the Wage and Hour Reporter, Volume 3, Page 385, of Sept. 9, 1940, to the effect that certain students of schools of journalism are not, under certain conditions, considered to be employees of the newspapers which are cooperating with the schools of journalism in giving practical experience to the students.

It appears from the information contained in the communication attached to your letter that the "fill-in announcer" taking general academic training at the southern college and is not a member of a school which is preparing him to be a radio announcer. It is therefore our opinion that the letter quoted in the Wage and Hour Reporter to which you refer would not be applicable in the situation presented to you. If the "fill-in announcer" engages in performing actual work for the

broadcasting company, it is our opinion that he is an employee under the broad definition of the employer-employee relationship in section 3 (d), (e) and (g) of the act.

Very truly yours,

For the Solicitor,
Assistant Solicitor,
In Charge of Opinions and Review.

CBS' Soldier Policy

The Columbia Broadcasting System last week issued a statement of its policy governing employees who may be called up for compulsory military training. Statement reads, part, as follows:

"The CBS plan provides for the payment of from one month's to six months' salary for all regular full-time employees, based upon the term of their employment by the company prior to the date of entering the armed services of the United States, according to the following scale:

Less than one year's employment—
one month's salary.

One-three years—two month's salary.

Three-four years—three month's salary.

Four-five years—four month's salary.

Five-six years—five month's salary.

More than six years' employment—
six month's salary.

In addition to these salary payments, the company will assume the cost of premiums payable by employees under its cooperative insurance program during the required year of military training.

The benefits of the entire plan will apply not only to employees of the Columbia Broadcasting System itself, but likewise to its wholly owned subsidiary companies, Columbia Artists, Inc., and the Columbia Recording Corp.

WTIC STRINGS ON NBC

Hartford, Nov. 26.

The Travelers String Ensemble of WTIC will be on Red network starting Saturday, Dec. 7. A half hour show. Will be directed by Moshe Paronov. Larry Huard will vocal. Series will continue for winter.

Ensemble has been a regular WTIC feature for three years. Consists of 13 pieces. Show will be tagged 'Music For Everyone.'

Inside Stuff—Radio

Indications have already been given of a realignment of authority in the NBC Artists Service. George Engles will continue to run the concerts division but the staff in the popular end of the bureau will report to Sidney Strotz, who recently came on from Chicago to head the program department.

Engles has in recent years been in bad health and the move will relieve him of no little burden. Engles has also been handicapped by the circumstances that his right hand man on concerts, Marks Levine, has himself been ailing for some time.

Martin Gosch has an account interested in his latest program, 'Uncle Sam Gets Around,' and what's holding up the deal is the current tangle between the networks and the American Society of Composers, Authors and Publishers. The show proposes to use as its theme the song of the same title by Leo Robin and Ralph Rainger, and the two are members of ASCAP.

Tune was introduced on the 'Hollywood Salutes Roosevelt' program during the recent presidential campaign.

Exclusive deal for five years between NBC and the Pasadena Rose Bowl for the broadcasting of the annual football game is causing a lot of grief among the Southern California air stations, with threats of boycotting the New Year's day events, including the Tournament of Roses. Original report was that the deal called for one year, but when it turned out to be five, the NBC rivals developed a real peeve. Understood some forms of concerted action will be taken to snub the social festivities preceding the gridiron battle.

Procter & Gamble (and NBC) which were jumpy over the Arch Oboler 'This Precious Freedom' broadcast some weeks ago on the Everyman's Theatre program have been pleasantly surprised by the public approval of the anti-Nazi script. Topped mail for the series, with the result that P. & G. is now reconciled to 'red meat' in future scripts. This is pointed particularly in scripts set for near-future production, including 'American Is Born,' which will star Elisabeth Bergner and a script tagged 'Mr. Whiskers.'

Walter Rosemont has settled his contract with Manfred B. Lee and Frederick Dannay, radio writers, for \$1,100 at the advice of his lawyer. Rosemont, who claimed that he got the twosome the assignment of scripting 'The Adventures of Ellery Queen' series on CBS, sued them for \$20,000 in commissions, while Lee and Dannay also brought an action, seeking the court's approval for breaking of their contract.

George Storer has advised Mutual that he was in process of closing a contract for WVVV, Wheeling, with the NBC-blue but that provision had been made in the agreement for the station to handle Mutual programs if the latter network wanted to do business with it.

George Henry Payne, FCC member, included in his address at formal opening of GE's new FM station, W2XOY, this sentence: 'Incidentally, may I congratulate the General Electric Company for once again resuming independent control over this pioneering station, WGY.'

CBS' gross billings for October was \$4,010,080 instead of \$4,023,617 as previously given by the network. This makes the accumulative total for 1940 \$33,524,370.

KRLD
DALLAS, TEXAS
50,000 WATTS
CBS

**The Columbia 50,000
watt station in Texas**



For more information about KRLD, one of the sixteen CBS 50,000 watt stations, inquire of The Branham Company.

THE SOUTHWEST'S PIONEER CBS STATION

WCAU's 'Correction' A La Cornell Is Not Enough, Says WFIL, Philadelphia

Philadelphia, Nov. 26. A feud, hot and heavy, is being waged here between WCAU and WFIL. Bone of contention is a promotion mail piece sent out after election by WCAU in which the station made claims of being 'the people's choice' as a listening medium. Authority for the claim was a survey made by the Reuben H. Donnelly Corporation, a distributing outfit here. The checkup was made in the metropolitan Philly area, including towns within a 30-mile area. Among the questions asked were:

1. What Philadelphia stations do you listen to regularly?
2. What stations do you listen to between 7 a.m. and 9 a.m.?

Answers to both questions, according to the Donnelly report, showed an overwhelming majority for WCAU. Copies of the report were sent to advertising agencies and potential sponsors.

But an eagle-eyed member of the WFIL staff spotted a suspected error. The report said that 9,462 votes were cast, but addition of the votes tabulated showed only 2,493 were counted. William B. Caskey, promotion manager of WFIL, sent a letter to the Donnelly outfit demanding a recount.

'As I understand it,' wrote Caskey, 'ballot-stuffing and voting of dead man is taboo. If that is so, what happened to 73.6% or nearly three-fourths of the votes cast. Were the other three-fourths of the electorate disfranchised because they didn't vote "Ja"?'

Another discrepancy noted by Caskey was a notation that seven persons voted that WHAT their favorite station between the hours of 7 and 9 a.m.

'Perhaps you have some explanation for this,' wrote Caskey. 'I'd like to point out that WHAT doesn't broadcast between 7 and 9 o'clock in the morning.'

WCAU and Cornell. Caskey said he received no answer from Donnelly. But a few days later WCAU sent a circular to its advertisers, ad agencies, etc., slugged 'Move Over Cornell,' admitting that its mail piece was slightly 'wacky.' Referring to Cornell's recent fifth down 'recount' that gave Dartmouth the game after Cornell had ostensibly won, WCAU said:

'We, too, know how it feels to wake up and find the score isn't what it was. We haven't the slightest idea how it all happened. The mistakes might have been mechanical, typographical or just plain human.'

'We'd like to apologize. After Cornell's superb example of sportsmanship it becomes rather easy to take the initiative, swallow and say: 'we were wrong.'

Then the circular proceeded to give the alleged corrected claims comparing them with that printed originally. The 'corrected' report shows only a slight variation. The apology and correction hasn't satisfied WFIL officials. They claimed that the basic error wasn't corrected and still charged 'ballot-stuffing.' Copies of the letter sent to Donnelly and the fact their protests were ignored were sent out Saturday (23) by Caskey to ad agencies and advertisers.

Now radio row is waiting for WCAU's next move.

WTIC HAS SIX STAFF CHECKERS OF MUSIC

Hartford, Nov. 26. In an endeavor to keep itself free of any legal entanglements with ASCAP, WTIC has set up a six-man Music Clearance Department. All music must be checked through this department and oked by same before it will be allowed on air. Applies to e. l.'s as well as sheet music. Within its program department, station has always had a music clearance set-up.

Lyn Murray Occupied

Lyn Murray composing original background music and bridges and conducting the orchestra on 'Campbell Playhouse' series starting Friday night (29). Also doing a series of one-minute recorded jingles with his chorus, for Kelvinator.

Chorus likewise continues on the Lucky Strike 'Hit Parade' and his 'Four Clubmen' remain as a CBS sustainer.

A Frisco Welcome

San Francisco, Nov. 26. Thomas H. Phelan, NBC audio engineer, got a surprise when he stepped off the train at the Oakland mole at 7:45 a.m. and found a mike, Al Nelson and songs of greeting led by Will Aubrey.

With the gear mounted on a baggage truck and engines puffing back and forth a few feet away, quarter-hour interview show for evening playback on KFO and KGO was waxed before engineer was whisked to Frisco for breakfast. Phelan arrived Wednesday (20) to supervise electrical installations in new NBC headquarters here.

FRASETTO STAYS AT WIP

Philadelphia, Nov. 26. Joe Frassetto's WIP studio house band signed for an additional two year's contract last week scotching rumors that the crew was leaving for a spot at another station. Frassetto first came to WIP ten months ago after a six month journey at Jack Lynch's niter.

General Electric Spurns 'Info. Please'; Local Farm-Science Shows Prevent

Palmolive Soap Prize; McCann, Kudner, Maxon, Wheelock, Getchell Pitch

Pitching for the Palmolive Soap account has become more intense than ever. Competition has swelled to five agencies. They are McCann-Erickson, F. Ward Wheelock, J. Sterling Getchell, Arthur Kudner and Maxon, Inc.

Product is now with Benton & Bowles but like the other Palmolive and Colgate brands it is due to leave that agency at the end of this year. All the other Colgate-Palmolive-Peet products have been split between Ted Bates and the Sherman & Marquette agency of Chicago.

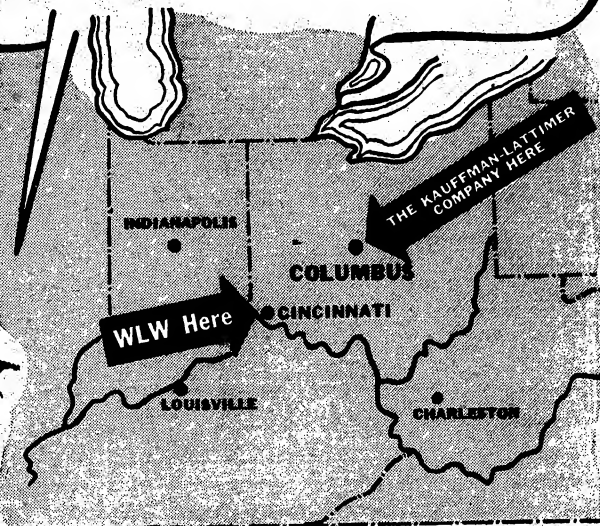
Schenectady, N. Y., Nov. 26. 'Information Please,' originating on WEAF rather than WJZ under its new sponsor, Lucky Strikes, is not outlived by 50,000-watt WGY, Schenectady. Reason: The particular half hour (Friday, 8:30-9) is one of two evening blocks which General Electric has for years reserved for farm or science programs. Over a long stretch, the second half of the Cities Service Hour on Friday via NBC red was dropped, to permit airing by WGY of GE Farm Forum, 'Science Forum' also has time reserved: Now 7:30-8 p.m. Tuesday, and for several years same period on Thursday. 'Information Please' is being broadcast in this district by WABY, Albany, which has 100-watt power after dark.

WLW is a most powerful sales-stimulator in our territory. We have noticed that the demand for a product will increase very substantially as soon as it is broadcast over WLW. Consequently, whenever we receive notice that a product will be advertised over WLW, we make it a point to increase our supply of it and notify our salesmen to see that the retailer is well-stocked.

Geo. H. Kauffman, Pres. & Sales Manager,

The Kauffman-Lattimer Co. travels nine salesmen in 55 counties.

Kauffman-Lattimer Co., Wholesale Druggists, Columbus, Ohio



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

TIP-SMOKING TIME

With Arthur Fields, Fred Hall, Woody Guthrie, Edward C. Roecker, Ray Bloch Orchestra
Music, Song, Jokes
25 Mins.
Monday, 8:30 p.m.
WABC-CBS, New York
(Rudner)

It may seem old-fashioned, but this program is a real treat. It does not make anybody rich over the telephone. It does not compel anybody but its hired talent to do any work. The program simply under-takes by the use of Ray Bloch-directed music, Fields and Hall humor, a hot, moaning guitar twanged by Woody Guthrie and the nostalgic baritone of Edward Roecker to entertain people. It's not a return to entertainment, but a continuing loyalty to it on the part of producer, Frank McMahon, impresario of a series of radio shows for Model tobacco. All of them were in the minstrel—small time vaude tradition, but none of them ever ran away from showmanship and took refuge in the corrugated bomb shelter of giveaways and spinning wheels. And so, the top of the morning (press day morning) to Mr. McMahon. Sure and he has the heart of a showman. Bad cess to the you-too-can-win crowd.

The program invites men listeners to light up and lean back and just lend an ear. They don't need a pad and pencil to listen. No addresses to remember, no rules. Just lend an ear. If they turn their head they won't miss any clues. Maybe one of Fields and Hall's gags, but you can miss one because it's all in a jovial spirit, not intended to be in rivalry to Bob Hope or Jack Benny, and frankly satisfied to be, as it is, a nice, enjoyable, small-time family diversion.

It all moves pleasantly and unpretentiously forward. But always in these pitching. The fun is simple, but not without its brightness. There is a touch or two of ballad recitation; familiar tunes are bartoned. One chanson in the vernacular of the share croppers even packed with native realism tinged with native wit.

They have to apologize for some of the quiz shows. Everybody, connected with them is a little ashamed. But the personnel of this troupe can retain its professional self-respect. They haven't admitted failure as entertainers by resort to gimmicks and carnival stunts. They have stuck to their jobs and they discharge them with considerable spirit and success.

Land.

C.I.O. WINS OVER WOV

Court Sustains Order That Four Return to Payroll

The American Communications Association, affiliate of the CIO, was returned a complete victor in the N. Y. supreme court over the Greater N. Y. Broadcasting Corp., operators of WOV, Wed. (20), when Justice Aron Steuer confirmed an arbitration award by the American Arbitration Association ordering WOV to put four employees back to work.

Plaintiff had signed an agreement with WOV in 1939 which it alleged was breached in May 1940, when the station fired two announcers and two technicians. George H. Englehard of the AAA ruled for the plaintiff following hearings, and the supreme court has now confirmed the ruling granting costs to the plaintiff.

DR. CHARLES COURBOIN
Concert Organist
American Academy of Arts and Letters
30 Mins.

Sunday, 10:30 p.m.
WEAF-NBC, New York

Playing in the hall of the American Academy of Arts and Letters, one of the general headquarters of culture in this country, the Belgian concert organist, Charles Courboin, began last Sunday (24) a series for the NBC red network. The artist and his point of origin are both matters of prestige to the network, the series certain to delight that considerable army of those who love organ music in particular as well as those who mark the daily radio schedules eagerly for good music of any sort. And Courboin gives the NBC red good music of the distinguished kind.

Courboin's appearance on the NBC red makes particular sense just now because in the past year his albums of Franck, Bach, etc., have been prominent items on the lists of NBC's cousin, RCA Victor. Charles O'Connell of Victor has also used the Belgian for combinations with various symphonies and singers.

Bach, Schubert, Franck and Mozart were on the first program. Good names, too. Schubert's Ave Maria (in the player's own arrangement) was the most familiar to the average ear. After that was Franck's "Pastorale." The virtuosity of the organist and the organ were well suggested in the "Fugue in D Minor" by Bach, and the sign-off by Mozart was culled from Catholic musical literature.

Courboin's presence restores organ music to the NBC red, adds another prestige item to the public interest catalog. A strange neglect of an important phase of fine music by the radio industry, as such, is rectified.

Gilbert Martin handles the announcements. Land.

'GOLDEN WEST COWBOYS'
With Milton Estes, Eddie Arnold, Texas Daisy, Speedy McKay, Cowboy Joe, Zinkas, Harry Adams
Hillbilly Songs
15 Mins.—Local
DR. CALDWELL
M-W-F, 9 a.m.

WHAS, Louisville
(Sherman F. Marquetts)

Hillbilly aggregation which boasts of having had Gene Autry as a member some years back. In fact, Autry is partially responsible for the whole idea of the Golden West Cowboys, and they appeared in "Gold Mine in the Sky" with him. J. L. Frank, who has been piloting the troupe since the Autry days, is at the helm now, and he's corralled a talented bunch of hoe-down performers. Outfit carries one girl, Texas Daisy, who sings, yodels and plays guitar.

Group has a smooth arrangement of numbers, backgrounded by some hot accordion playing by Pewee Kirk. Milton Estes paces the show as m.c., as well as plays the guitar and sings. Outfit plays in a sweet groove, but on occasion swing out with some real hot stuff, sparked by the hot guitar of Harry Adams, new member.

Commercialists are handled in a breezy style by Milton Estes, and the homey, plain talking stuff is made to order for the product plugged. Of laxative to anyone writing in, and from reports mail response is plenty heavy. A good example of the hillbilly type of program. Hold.

KFBL, oldest radio station in Kansas, plans to go on unlimited time for the first time in its 17-year existence about Dec. 15.

'YOUR HAPPY BIRTHDAY'
With Frank Parker, Mary Small, Four Modernaires, Harry Salter, Pie and Pat
Lullery, Songs, Band
25 Mins.

Sustaining
Friday, 9:35 p.m.
WJZ-NBC, New York

Twenty Grand cigarettes has bought this package, but it doesn't have to take over until the first week in January. Meanwhile the NBC-blue is giving the package a good time and a cuff. Ed Wolf, indie producer, who did the selling through the Weiss & Geller agency, had originally tagged this "Happy Birthday to You," but being what they are between the networks and ASCAP the program was barred by NBC from using the song of the same name, and since it would sound silly, the tenetters if the song didn't go with the program title, Wolf's package became "Your Happy Birthday."

Thing that will need fixing on "Your Happy Birthday" is the inaugural complexity of its lottery machinery. With the "Pot o' Gold" there's a lot of juggling of telephone books in the studio and then a telephone call is made to the subscriber is home he gets the pot, and if he doesn't answer the call he gets \$100 anyway. In the case of "Happy Birthday" the studio must find out or know in which Congressional district he or she was born. In this lottery anybody living within the Congressional district who is born on the stated date becomes eligible for all or a piece of the \$500 weekly giveaway.

Three different dates are mentioned on each program, and much historical and fashion data is dramatized. All this well before the actual drawing of the lucky date in the end, in which a birthday cake in the radio studio is drawn and played up. On the initial show Jean Muir functioned as the drawer of the lucky date and the lucky Congressional district.

As for the entertainment content of the program, the talent for the most part was good. Frank Parker and Mary Small, with the Four Modernaires backing her up, all made swell vocal interludes. Pie and Pat, blackface comedians, were brought in for a hot harmonica bit. Harry Salter covered the orchestral moments with top expert treatment.

The radio is the radio as the m.c. of this stanza. His sole device for hyping enthusiasm in the proceedings is to keep that ready tenor of his at a high pitch and plenty forte.

Follow-Up Comment

Dick Fishell, who, with Bert Lee (Lebar), winds up the N.Y. Giants pro football broadcasts, pulled a self-apology Sunday (24) for getting "too excited" during the Washington Redskins broadcast. Whereupon, Lee, who is Lebar when v.p., and general sales manager of WHN, told Fishell not to apologize for a natural enthusiasm.

Incidentally, broadcasting only locally for the N.Y. Giants, both have been not as studiously dispassionate as is the college custom of strict neutrality. Sponsored by Schieffelin Razor for strictly metropolitan N.Y. consumption, the station and the bankroller both don't object to a little natural partiality. One of the home team, especially if they're the underdog as was the case in the Giants-Redskins game, where the D.C. gridgers were 3-1 faves.

'Fibber McGee and Molly,' as well as the 'characters' in their show, did a 'Vox Pop' from their Hollywood home, Westfield Vista, over CBS. Topping the gagging and giggling (part of it prepared) was failure of Announcer Harlow Wilcox to identify the letters which stand for the Glo-Coat-product his sponsor (Johnson's Wax) sells. He had 'solved' the meaning of ASPCA—American Society for Prevention of Cruelty to Animals.

David Ross' commercials for Ever-sharp on the Sunday night Take-It-or-Leave-It are among the record length contemporary blah-blah. Erudite and polished in phrasology to the point of boredom, even Ross' velvet-smooth diction can offset it. Coming on the heels, and in between a show that's essentially a gabfest, being a quiz proposition, the commercials by undependable comedy of emcee Bob Hawk, it's too much.

Helen Hayes was a lifeline Elizabeth in "Frieda" (see review) on Lipton's program Sunday night (24), but the story itself proved ill suited to radio. Adaptation omitted so much of the original novel to crowd it into the half-hour available that the what remained must have been virtually incomprehensible to many not familiar with the original—and unsatisfactory to those who remember the novel, play, or even the picture. Script was so sketchy that the characters were vague outlines and the situations therefore meaningless. Most of the reported performances were overdrawn. Novel itself is satire on early Victorian manners and, to be effective, must be finely drawn. Given exaggerated performance, the yarn loses its edge in broad burlesque.

Having Fun on the Forums

By ROBERT J. LANDRY

Radio forums attracted attention last week. The NBC Blue's "Town Hall of the Air," which will make various experimental changes this season in the direction of seeking an improved production formula, injected V. V. Kaltenborn into a discussion of Pan-Americanism. (This was Thursday night. Wednesday's VARIETY had editorially suggested either Kaltenborn or Elmer Davis or some equally glib person be included.) The Town Hall session was veering toward dullness as in the previous week's session, which was marked by shadow-boxing and by a couple of lightweight shadowists at that. For the second week of the new season, Kaltenborn, in the middle of the question period, was invited by George Denny to "sum up" what the two Pan-American speakers had said. And he did this with refreshing, single-producing, fog-clearing directness. He seemed to justify the value of a "summer-upper" as such, in holding the program to the rails of realism.

Kaltenborn may have irritated A. A. Berle, assistant secretary of State, but to Berle's advantage for it inspired him to his best—and final—definition of attitude. However fine a person and speaker he is (Berle is obviously both) anybody from the State Department is quite handicapped on a public forum since policy, diplomacy, tact, caution are his necessary first thoughts. Forums thrive best on maximum candor.

Maximum candor was what the public got on Mutual Sunday night when Ted Granik's little rally from WOL, Washington, took the ozone. Ralph Ingersoll and Rex Stout, an editor and a novelist, were pitted against Senator Rush Holt and Congressman Maas. Maas held his own, but Holt took a bad kicking around, particularly from Editor Ingersoll. The subject was more apt to Britain and the forum was notable for the harpooning of Holt, who kept giving oratorically evasive replies to direct questions. Ingersoll repeatedly swept aside Holt's evasions to repeat the question, finally accusing the Senator of refusal to answer. The excitement in Washington could be felt through the loudspeaker. It was a spikely occasion and it must have been a tough experience for Holt, who palpably was well aware of the microphones and squirmed too ardently to extricate himself. But he used political platform methods that radio always makes seem pretty vivid.

'WHAT'S THE ANSWER?'

With Ken O'Neal
Give-away Program
15 Mins.—Local
McCREERY'S DEPT. STORE
Daily, 10:45 a.m.
WINS, New York

This stanza is one of those rare instances where a New York department store has taken to the ether for general plugging. Convenience and smartness of the store are emphasized (that is, there is quite an attempt to "personalize" the store), and a few extra blubs are tossed in for the usual Xmas circus. So far so good. The sales plan, at least, has been formulated on thoroughly sensible and reasonable grounds.

Content of the program is also in keeping with the latest department store radio efforts. Which, means something is given away free. In this instance Ken O'Neal dials a number and asks the person on the other end of the phone to answer a question just asked over the ether. If the person was listening, and has the right answer, he or she gets about \$40 in McCreery merchandise. If the interviewee was not listening, but knows the answer anyhow, he gets a dollar consolation prize with an admonition to tune in the program in the future. Necessarily (radio regulations) only O'Neal's end of the phone conversation is etherized.

On the whole, this setup is fairly interesting and handled in a similar caliber. O'Neal has blackface stooge (a la Stepin Fetchit) who helps him essay some comedy relief. It comes off without much distinction, but also without any irritation. Here and there recordings are tossed in to fill up the time. The questions themselves are so easy that the show is almost an outright Pot o' Gold Samples: "Who is the national bird of the U. S.?" "Who is the proud uncle of 130,000,000 nieces and nephews?"

Main criticism which can be directed against this program is that it lacks subsidiary build-up. After all, New York has over 20 stations, of which four command the bulk of the newspaper radio comments. Hence, either McCreery's or WINS, or both, could well give this series some kind of outside boost-to-pyramid listening. Otherwise, "What's the Answer?" has enough on the ball—and in the cash box—to hold its own and produce results. Edga.

'BOOK OF THE WEEK'

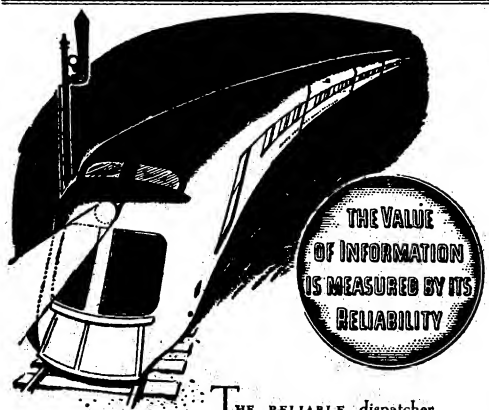
With Green Rand, Dick Lewis
Roundtable
30 Mins.—Local
Sustaining
Tuesday, 8:30 P.M.
WABY, Albany

New educational rates credit for ploughing ground heretofore untouched in local radio field. Still groping for most effective format, it is questionable whether show, even with changes and improvements will ever have general appeal. However, for book readers half hour ought to carry interest. And might be exploited.

Rand, former school teacher and present announcer-quizzier-ballerast, undertakes to read something like that of Lyman Bryson on "The People's Platform."

He has two regulars: "R. J. L." (Dick Lewis), literary critic of "Kearns's Times Union" and ex-reporter now on staff of Court of Appeals, and Marty Goldsmith, erstwhile book reviewer for Yale Law Journal. Goldsmith is "the constant reader." Two guests join them weekly. First shot had a veteran Court of Appeals attache and a young Fordham graduate. Second stronger on names and with a more topical approach under discussion was to bring Walter T. Brown, secretary to Governor Lehman and one-time AP chief here, and Henry Epstein solicitor general of N. Y. State. Claire Booth's "Europe in the Spring" was slated for analysis-comment. Surprising that a woman is not included in panel.

Choice of book for inaugural, "How Green Was My Valley," was probably not the best. Difficult even to outline. Broadcast dragged in spots; integration, voice differentiation and technical side all left something to be desired. Rand, who has a fine command of English, even if a bit on the polysyllabic for ordinary aircasting, should have taken a firmer hold early in the proceedings. Goldsmith is a fluent talker, although too loud as he came through. Lewis, who should drop the whiskers, also knows books and writers. Two copies of Miss Booth's were offered for best review of "How Green" or a letter on whether broadcast encouraged listeners to read Lewis's best seller, and on program suggestions. Jaco.



THE RELIABLE dispatcher never signals "all clear" until the track is open. When we flash the green light for action in any of our markets, we feel certain that conditions justify the advertiser in following our recommendations.

JOHN BLAIR & COMPANY

National Representatives of Radio Stations

NEW YORK • CHICAGO • DETROIT • ST. LOUIS • LOS ANGELES • SAN FRANCISCO

Lively Showmanship

WINS LARGER AUDIENCES

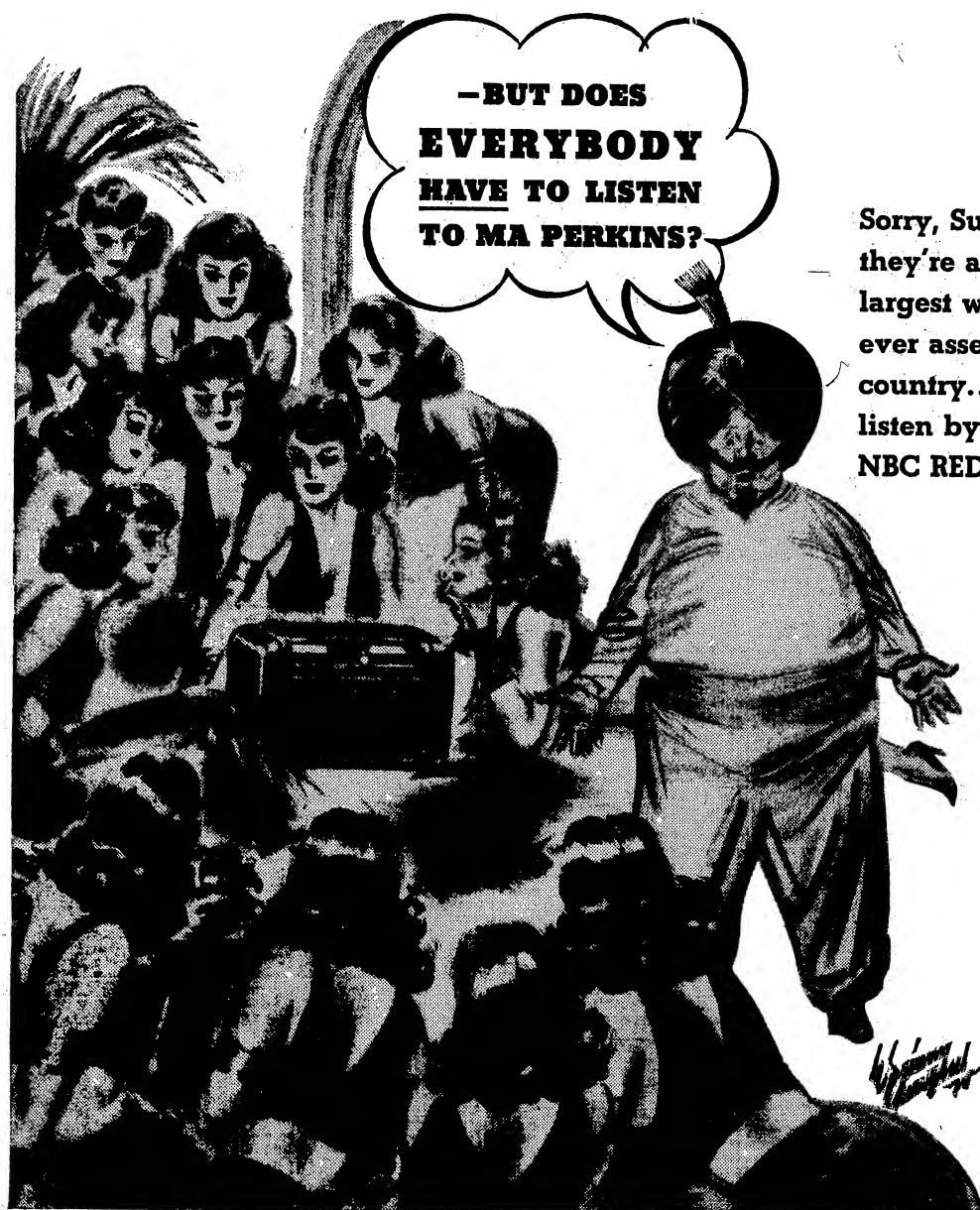
in the

INTERMOUNTAIN MARKET

FOR

W

Representative
JOHN BLAIR
& COMPANYThe POPULAR Station
Salt Lake CityNBC
RED
NETWORK



Sorry, Sultan... Today, they're all part of the largest woman audience ever assembled in this country... the women who listen by preference to NBC RED Network!

What man doesn't love a female audience? But when that man is a Time-Buyer, it's more than a matter of ego to him; it's a matter of Repeat Business. And when that man is the Client, it's the Life-Blood in the sales and success of his industry.

For women, as provable research shows, control 80 to 90 percent of all the purchases made in America... either untie the purse-strings themselves, or control the choice of the product. Under their madcap hats lies a brain so shrewd and practical it's the calculating machine of the

nation... as exact as any streamlined cash register.


Tell your story to more women... and up, up go your sales... NBC RED gives you more women listeners than any other network... More women... more sales. Just take a look at the figures. NBC RED has the first seven peak-popular daytime programs... the programs women all across the country listen to most. And women don't forget the network that brings them such pleasing programs. They keep listening right on through the day...

keep turning back to RED stations.

Yes, it's a fact... for the recent "All County Census of Radio Listening Habits" reveals that during the day the RED Network is listened to most by 36.9% more families than any other network. What's more, at night 41.7% more families "listen most" to the RED... and that shows an overwhelming preference.

So, it's easy to see that anytime—morning, noon or night—is profitable time... on the RED! National Broadcasting Company. A Radio Corporation of America Service.



 Here is a find for any business sultan! MORE women... MORE sales... MORE profits for the man who puts his radio dollars on NBC RED!

Payroll Traffic

Washington.—Changes in personnel at WOL include Harold Reed, former chief control operator, boosted to the post of assistant chief engineer, with Larry Geraghty, former announcer, becoming assistant music librarian.

Newcomers: Robert Diehl, announcer, formerly with WHP, Harrisburg, Pa.; Robert Brooks, announcer, from WKRC, Cincinnati; Ray Kaplan, control operator, of WNBF, Binghamton, N. Y.; Robert Dalton, control operator, formerly in New York and Chicago; Carl Hess, assistant to Walter Compton; David Stick and Bernard Johnson, page boys.

Ann Campbell, secretary to commercial manager James Fishback, who quits to marry Henry Seay of the commercial department late this month, is replaced by Margaret Wyman.

Saskatoon, Sask.—Allan Young, for 14 years a radio operator at CFQC, Saskatoon, has joined the Royal Canadian Air Force as a radio man.

Schenectady.—Mrs. Betty Donahue retired for time from handling traffic at WGY, Schenectady, and Jimmy Connelly took over her duties.

San Antonio.—Wayman Whitley has been added to the announcers' staff at KABC. Other additions include Barney Wedock and Dave Young on the sales staff.

New York.—Bill Harding appointed assistant production manager of WINS, New York. Formerly chief announcer.

Spartanburg, S. C.—Richard Pattison, former WSPA newscaster, has joined Indianapolis aviation appliances plant, Cliff Gray handling WSPA-WORD spotcast.

Fort Worth.—Hal Thompson appointed director of special events at WFAA, Dallas, and KGKO here. Cecil Hale appointed educational director of both stations.

New York.—John Cole, formerly with Garner agency, St. Louis, has joined the Compton agency, New York, as a radio copy writer.

St. Louis.—Lloyd Anderson has joined gabbing staff of KMOX. Comes from WHIO, Dayton, O. Succeeds Sid Saunders who resigned to go to Chicago.

Bob Hite, a gabber formerly with WKYZ, Detroit, and WEXL, Royal Oak, Mich., newest addition to gabbing staff at KWK.

Louisville.—Jim Lewis, who has done some free-lance work with local stations, left Friday (8) to join WGOV, Valdosta, Georgia, in an announcing post.

Dick Noble, formerly with WIBC, Indianapolis, is a new addition to the WAVE announcing staff. Russell Pitkey, WAVE continuity, has been added to post of news department head, and Bill Sherman has been named his assistant.

New to the WCRB announcing staff are Jack Sheldon, from WCHS, Charleston, W. Va. and Roy Vogelman, lately of WIBA, Madison and WRJN, Racine, Wisc., respectively.

Columbus.—Al Manning, assistant manager WHKC, has resigned to enter another field. His duties taken over by Edna Morland.

Regina, Sask.—Jack Hill, announcer with CJRM, Regina, has joined the Royal Canadian Air Force. He is in training in eastern Canada.

Des Moines.—Mary Ingram has been named head of KINT-KSO traffic department. Eddie Truman has been named head of the music and transcription departments of the two Des Moines stations.

Spartanburg, S. C.—Will H. Clews, Greenville (S. C.) News-Piedmont classified advertising manager, has joined WFBC, Greenville, as commercial manager.

Kansas City.—New member of the continuity department at KCKN is Philip Hannum. Comes from WMBH, Joplin, Mo., and will work in local department under Ruth Kendall.

Denver.—James Bevington is the new transmitter engineer at KFEL. Bill Kilmer, announcer, moved in from KLO, Ogden, Utah, to KFEL. Edward Sproul upped from mail desk to assistant traffic manager at KOA.

Longview, Texas.—Lynn Williams, former announcer and program director of the Marshall (Texas) studios of KFRO here, has resigned to go with KELD, El Dorado, Arkansas. J. G. Turner, formerly of KFYO at Lubbock, Texas, will replace him.

Greenville, S. C.—Dan Crosland joins WMRC, Greenville, S. C., as manager. W. H. Clews, classified advertising manager, News-Piedmont newspapers, replaces him as commercial manager of WFBC, Greenville.

Network Premieres

Friday, Nov. 29

Campbell Soup Co., WABC-CBS, 9:30-10 p.m. 'Campbell Playhouse' with Miriam Hopkins and Humphrey Bogart. Ward Wheelock agency. Director, Diana Bourbon. Script writers, John Houseman and Red Cooper. Originates from New York. Hookup, 63 stations.

Sunday, Dec. 1

Coca-Cola Co., WABC-CBS, 4:30-5 p.m. 'Music that Refreshes' with Andre Kostelanetz and his Orchestra, Albert Spalding, and guest soloist, John Charles Thomas. D'Arcy Advertising. Producer, George Zachary. Announcer, John Allen Wolf. Originates from New York. Hookup, 85 stations.

AIR ENGINEERS MEET AT FCC DEC. 9

Washington, Nov. 26:

Technical standards for high frequency station equipment will be tackled at an informal engineering conference scheduled by the Federal Communications Commission for Dec. 9. Manufacturers have been invited to discuss performance requirements as means of expediting development of frequency modulation.

Two principal subjects are down for consideration. Maximum power rating and operating power range; and performance characteristics of audio amplifying equipment. Commish in asking equipment makers to huddle with its experts explained the desirability of standardizing power ratings even though this is not strictly within its jurisdiction, feeling agreement will expedite manufacture.

This matter is of expedite importance in FM because the upper bracket plants are not rated by the regulators on basis of power output, as are the standard transmitters. Service area and coverage are the yardstick in determining the wattage needed by FM operators.

Royal's Pan-America Idea

Continued from page 31

comments that demonstrate some of the station managers want to live in. Part of the interest is due to a self-defense motive, it seems, with the feelers prompted by a fear that unless private enterprise tackles the job voluntarily the Federal Government may revive those dusty thoughts about a publicly-owned transmitter or apply compulsion to the commercial operators.

One specific attempt to bridge the gap is being made by WGAR, Cleveland. As a starter, an announcer for the Ohio plant is to ramble around South America making recordings that will reflect the culture and civilization, sending them back to the U. S. for reproduction as part of a series of goodwill programs. Sort of aural travelog that will fill the same spot in radio program-building as film shorts do in motion picture exhibition.

The South American look-see of

William S. Paley, president of Columbia Broadcasting System, may be only the fore-runner of a radio industry pilgrimage. Don Francisco, resigned head of Lord & Thomas and director of the Roosevelt Administration's international radio activity, will trail him, spending three months, budding with South and Central American broadcasters, U. S. diplomatic representatives, and foreign government officials. He's interested in finding out what kind of cooperation can be given the Latin Americans.

While it of course will take a generation or two, the suggestion made recently by the Chilean Ambassador on the Town Hall program—that the Western Hemisphere countries should place more educational emphasis on the desirability of knowing all the principal languages used in this part of the world—is attracting attention from some leaders in the radio field. His observation that tri-lingual people would have more intimate relations and better understanding is intriguing, and may have some immediate effect in the way of encouraging stations to experiment with radio instruction in Spanish and Portuguese, it has been noted. This is a field in which the educators definitely could render service.

No visible arrangements have been attempted by which U. S. broadcasters would expand their program service to Latin America. For the present, the international DX plants will carry the burden, but thought is being given the possibility of waxing programs in Spanish and Portuguese. Similar to the film industry practice of dubbing English-language screen entertainment for the export trade. Probably the first moves in this direction in radio would be a government project, but persons toying with the idea think commercial advertisers could be enlisted once practical matters such as distribution were worked out.

Pacific's Cheap Cost Boost

Continued from page 29

topping such expensive national shows as Ivory's 'Truth or Consequences,' Palmolive's 'Strange As It Seems,' Camel's 'Al Pearce Gang,' Phillip Morris' 'Johnny Presents' and Chesterfield's Glenn Miller. (Talent cost, about \$150).

(2)—Gallenkamp Shoes has been sponsoring 'Foot, Puzzlewit for the past four years on the Coast Red Sunday afternoons. In the last three months this program has ranked third, fourth or fifth on Sunday afternoons and in the last Hooper survey, it was fourth in S.F., falling only behind Charlie McCarthy, 'One Man's Family' and Fitch Band Wagon.

(3)—Four months ago, Langendorf Bakeries introduced 'News by John B. Hughes' at 10 a.m. on the Don Lee Coast network. Its Hooper rating is 4.1, and it is tied with 'The Goldbergs' and is ahead of such daytime strips as 'Against the Storm' (2.7), 'When a Girl Marries' (3.4), 'Women in White' (3.4), 'By Kathleen Norris' (3.2), 'Arnold Grimm's Daughter' (3.7), 'Stella Dallas' (4.), 'Guiding Light' (3.9) and 'Scattergood Baines' (3.7).

(4)—Here is an instance of a program used only in the California market—'Pull Over Neighbor' sponsored Monday evenings by Wilshire Oil until recently. The talent cost was less than the time cost but it rated 9.3, higher than Kraft Music Hall, Goodwill Hour, Prof. Quiz, Ford, Ripley, etc.

These are not exceptions to the rule. The Standard Symphony at 4.9 is above Ford Symphony Hour at 4.4. The Union Oil Co., with a rating of 5.7, Associated Oil, Hughes, Roma Wine, all have ratings which on the whole will be above the national average.

What They Pay—And Get

NBC's Rhodes, delving into the strictly local field, itemized choice examples of what sponsors are paying and receiving. Among cases analyzed were:

Marin Dell Milk. With Saturday night an hour against Prof. Quiz, National Barn Dance and Hit Parade, it holds top rating for all Frisco programs at 13.3, compared to 7.4 for Major Bowes. Cost to sponsor, \$2,000 month, on KFRC.

Regal Amber Beer. Using Herb Caen, local columnist, on KPO Monday nights at approximate cost of \$300, it rates 12.9, with agency crediting show for 80 per cent increase in sales for 1940.

Langendorf Bakeries. Using Monday night amateur show by KGO at cost of \$2,000 month for 8.1 rating, this opposes Carnation Contented hour (5.7), Lady Esther (8) and Major Bowes (7.4). Show pulled 90,000 votes in one month and on personal trip to Napa sold every loaf of Homestead bread in the city.

Folger's Coffee. Using news and Alarm Klock Klub participation on KJBS costing \$700, sold 8,808 pounds of coffee in three months and collected \$890 in dimes.

Borden's Dairy. Spending \$3,000 month on KFRC for three 10-minute news periods daily, increased Chocolate milk sales 18%, buttermilk sales 39%, and all sales 10%.

Pacific Gas & Electric. Using two-hour evening concert seven days weekly on KYA with a Facts Consolidated rating of 12.3, disposed of 12,000 booklets listing month's program in first 12 days of October.

Cook Products. Plugging Girard's Salad Dressing on Ann Holden's KGO Home Forum at \$38 a week, checked number of cases removed from warehouse of large grocery chain; in five weeks, chain had doubled its orders and Cook renewed its air contract.

John G. Rapp. Plugging motor boots with Saturday morning news on KPO at cost of \$70 reported sales following initial broadcast.

Columbia Outfitting. Small depart-

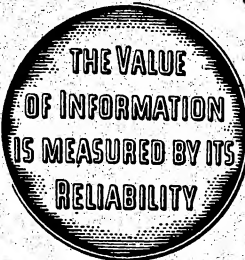
ment store using two quarter-hour Sunday newscasts on KJBS, peddled \$2,700 in radios in three weeks at radio advertising cost of \$135; \$900 in towels and linen in 10 days at \$70 for radio; \$600 blankets in 8 days for \$56 worth of air.

WHEELING

A Fort Industry Market

Here's Our OK

—on a Seal of Service that counts when you want to know!



Above is the Seal of Service of John Blair & Co., our National Representatives in all markets. It is a selling code without which the salesman eventually dies a lumpy lump of fat.

Standard WWVA facts of service on file in all Blair offices are RELIABLE and true to performance. When special information for a special job is requested it goes to Blair, or advertiser, void of all artificial glitter. Not just anything to get the order but RELIABLE information that must stand or fall on its true merit.

Thus have we grown to stand alongside of those who say what they mean and mean what they say.

BLAIR Represents Us



WWVA

KSCG SIOUX CITY IOWA
The JOURNAL
5000 WATTS
The ONLY Radio Transmitter of this or greater power within 75 miles of Sioux City

'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
WABC-5:15-5:30-CBS
COAST TO COAST
DR. COMPTON ADVERTISING AGENCY
MGT. ED WOLF-RKO BLDG., NEW YORK CITY

THE MARTINS
HUGH — PHYLIS — RALPH — JO-JEAN
Featured on "TEXACO STAR THEATRE"
CBS, Wednesdays — 9 to 10 P.M., EST
Vocal Arrangements and Direction by HUGH MARTIN
Personal Management: FRED STEELE
3 Rockefeller Plaza, New York City Suite 604 Columbus 5-2148

• Radio Daffodils •

Minneapolis—When George Jacobson and Alfred Lennox, engineers, were cold and hungry at the WGDY transmitter, snowed in during the worst blizzard to date, the parts in years, WCCO, an opposition station, was asked to broadcast a plea for help. In response to the WCCO appeal, Jay Carroll of St. Louis Park rushed to the rescue, fighting his way through snowdrifts to take coffee, food and "winter underwear to the pair. The next day a letter arrived at WCCO addressed 'WDGY, care of WCCO, Minneapolis, Minn.'

June Hynd joins the NBC delegation attending the network affiliate educational meeting Friday (29) in New Orleans.

WANTED... in "America's Money Belt"

\$249,187.00 worth of tobacco

Every day for 365 days!

WILL YOU SELL IT?

TO MEN who know tobacco, best, it's a pipe that where there's smoke, there's sales.

Here in America's Money Belt, where each year folks spend more than ninety million dollars to turn tobacco into smoke, the air is fairly blue with this money-making haze.

We'll blow some *your* way with a few puffs from The Cowles Stations... four voices in the middlewest that cover America's Money Belt like a smoke screen from

the rolling Mississippi to the rangy Black Hills.

This broad, fertile land is also a rich, ripe market for you who sell drugs, foods, beverages, cosmetics, soaps and dozens of other things. And, now, with business and agricultural conditions better than ever, Money Belt people will be buying more than ever.

Use The Cowles Stations, in America's Money Belt, where sales are smoking hot.

WHICH OF THESE DO YOU SELL?

*Estimated Annual
Retail Tobacco Sales
in America's Money Belt*

Cigars	\$13,738,148.93
Cigarettes	59,219,534.00
Chewing & Snuff	5,324,353.37
Smoking Tob.	12,691,425.38
Total	\$90,973,461.68

Affiliated with THE REGISTER AND TRIBUNE, Des Moines, Iowa
Represented Nationally by THE KATZ AGENCY

Frisco Renewals Bullish; Plenty Plugs for KYA's 'Superman', NBC

San Francisco, Nov. 26.

Radio's major job in Frisco at the moment seems concentrated on re-awakening the general public's interest in the subject of NBC particularly, seizing every opportunity to exploit its new building via press and other. Stunts this week included induction of Frisco's exclusive 'Feathermerchant's Club' members as a unit of the Sidewalk Superintendent's Club and playbacks of two on-the-spot welcomes for NBC engineers, Thomas Phelan and O. B. Hain, recorded at Oakland mole on different days.

KYA is making its major merchandising effort in behalf of 'Superman', placed by Botsford, Constantine & Gardner for Skippy Peanut Butter, with slides in 15 theatres, display ads in the papers, stuffing of 40,000 copies of Superman and Action Comic mags, delivery truck banners, market teips, etc.

Renewals were bullish, Sunnyvale Packing taking another year of 'Bess' Buy' on KFRC for Rancho Sours. Standard Oil extending its daily NBC time-spots 52 weeks, and Pacific Gas & Electric okaying its nightly two-hour concert on KYA through 1942.

Same station hyping kid interest by offering a live silver fox pup in a letter-writing contest closing Saturday (30). KROW has cornered one portion of the sport-fan audience with exclusive airings of ice hockey for this area.

KFRC: Pocket Books, Inc., through Schwab & Beatty, 30 one-minute spots; Sunnyvale Packing (Rancho Sours), through Lord & Thomas, 112 five-minute 'Bess Buy' programs (live), five days weekly; Transport Motor (autos), through Stack-Goble, 14 spots; Denalan (dental cleaners), through Rufus Rhodes, six spots.

KSFQ: Compagnie Parisienne (perfume), through Northwest Radio, Seattle, six five-minute spots; Par Soap, through Tomack & Elliott, Oakland, six participations; 'Housewives League', Day-Night Water Heater Co., through Hixson-O'Donnell, L. A., six spots, weekly, 52 weeks; Bekins Van & Storage, through Brooks, L. A., six spots weekly, 52 weeks; Moore's Clothing, through Long Advertising, two 100-word spots; J. A. Folger (cocoa), through Raymond Morgan, Hollywood, quarter-hour weekly, 52 weeks; 'Today's Best Buys' (renewal).

KPO: Standard Oil of California, through McCann-Erickson, two spots daily, 52 weeks (renewal); Mission Packing (candied fruits), through Dana Jones, L. A., 14 spots; Pacquin, Inc. (hand cream), through William Ely, N. Y., 190 spots; Potter Drug & Chemical (Cuticura), through Atherton & Currier, N. Y., 64 spots through October, 1941; Wood Briquets, Inc. (Presto Logs), through Emil Reinhardt, Oakland, 156 spots; John Browning & Co. (jams, jellies), through Emil Reinhardt, 25 spots; Purex Corp. (bleacher), through Lord & Thomas, L. A., four participations; 'International Kitchen'.

KGO: Austin Studios (photos), through Marwood, L. A., six spots; Washington Co-on Egg & Poultry Assn., through Birchard, Seattle, 26 participations; 'An Olden Home Forum', Cook Products Corn (salad dressing), through Rufus Rhodes, four participations; 'Home Forum'.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
11,225	3,876	2,347	17,448	
1,235	3,883	2,391	17,499	
	-0.2%	+2.4%	+0.2%	

* No change.
(Included: KPHC, KGO, KFBS, KPO, KSFQ)

Pittsburgh Reports

Pittsburgh, Nov. 26.

New biz reported last week at WCBE follows:

Pacquin Co., 100-word announcements, twice a day five times weekly for 13 weeks, through Wm. Ely.

Bell Telephone Co., 10 announcements, direct.

Cluett-Peabody, Morning Express participation six times weekly for 52 weeks, through Young-Rubican.

Reid Murdock Co., two morning Express announcements, daily six times weekly for 52 weeks, through Rogers-Smith.

Chrysler Pgh. Co., Thursday station break for four weeks, direct.

AUTO DEALERS BOOST K. C. LOCAL UNITS

Kansas City, Nov. 26.

Biz on the decline this week emphatically, continuing what has more or less been the trend since early fall. Besides the regular trend, Christmas season is beginning to make itself felt, though not like it will in a fortnight.

Week of intensive demonstration and plugging by automobile dealers, in lieu of the regular annual auto show, has meant considerable to the radio stations as the air come in for its share of the ad budgets.

In Kansas City, Kansas, outbreak of a price war between cleaning and dyeing companies has brought a batch of business directly to KCKN.

KCKN: Summit Cleaner, five-minute news periods seven times per week and a daily announcement for one year, placed direct; Crothers Cleaners, daily announcement for one year, placed direct; Daniels Cleaners, two announcements daily for one year, placed direct; Armacost Motor Co., 52 announcements during the week, placed direct.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
6,417	6,046	6,210	18,673	
6,302	5,800	6,105	18,407	
	-1.3%	+4.2%	+1.7%	+1.4%

(Included: KCKN, KCMO, KTF, KMB, WIBC, WDB)

WWL, N. O., New Biz

New Orleans, Nov. 26.

'Jingle Jambores', sponsored by Elmer's Candy Co. of this city, has been renewed for 13 weeks over WWL. New contract calls for half hour on Sunday evenings to replace early afternoon show. Ed Hoerner replaces Henry Dupre, recently upped to program director, as master of ceremonies, with Don Lewis handling commercials.

Falstaff Brewing Co. will sponsor zingside broadcasts of boxing shows at Coliseum arena over WWL on Monday nights.

Roosevelt hotel has signed for six shows a week at 10:45 p. m. over WWL show, entitled 'Take a Letter', will include George Riley, manager of hotel.

L. A. Local Comes a Cropper— Falls Off 22%; Web Rises 4%

Los Angeles, Nov. 26.

Although the five important stations in the Los Angeles area enjoyed a boost in network units during the week just closed, local and national spot units showed a decided drop. Hardest hit were local units, which declined 22%.

Not from departments of missing business, but from departments of probable business came \$12,000 worth of traffic for Columbia's KNX. Figuring heavily in the amount was the Benson Shops, practically non-advertising chain of women's specialty shops, which makes its initial break into radio with the purchase of 52 weeks' participations in the 11 p. m. news broadcast. KFWE made a good haul, too, when it landed Di-Mon-Glo Co. for 208 quarter-hours with 'Enemy Within'.

KNX: Good Humor Co., 10 five-minute newscasts, through Western Advertising Agency; Security-First National Bank, 11 time signals, through Dana Jones Co.; Washington State Apple Advertising Commission, 24 participations; the Fletcher Wiley combination, through J. Walter Thompson; Sear, Roebuck & Co., 52 100-word announcements, through The Mayers Co.; C. H. Baker Shoes, 18 participations in Fletcher Wiley; through Sidney Garfinkel; Adv. Agency; California Grown Sugar Group, 156 participations in Fletcher Wiley combination, through Botsford, Constantine & Gardner; Benson Shops, 156 participations in 11 p. m. news, through Sidney Garfinkel.

KFWB: Firmbult Clothing Co., 13 spots, through The Mayers Co.; Di-Mon-Glo Co., 208 quarter-hours through Ted Dahl Agency; Central Chevrolet Co., 15 one-minute ET's,

Station Clients Get Free WFBR Sustainer Credits

Baltimore, Nov. 26.

Purnell Gould, sales director of WFBR, inaugurated a new twist for audience participation programs this week by turning over all studio tickets for sustaining Sports Quiz half hour to personnel of accounts using station.

One client a week allotted admission tickets for studio show which includes quiz, entertainment and opportunity to win cash and merchandise prizes.

Detroit Drifts In Pre-Holiday Lull; Total Gains 0.4%

Detroit, Nov. 26.

Having struggled back to normal last week following the political inflation, this week found Detroit still continuing on a level keel. Figures here showed no perceptible change, with network making a slight increase and local and national spot business practically standing still. The total unit change here for the entire week stood at only 97.

With the Christmas buying season launched officially here with the J. L. Hudson Company sponsored Santa Claus parade on Thanksgiving, and Michigan observing the earlier date, it will mean an extra week of shopping buying on the air waves. Next week should start showing the seasonal push from the department stores.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
9,318	11,791	4,044	25,753	
9,213	11,810	4,633	25,656	
	-0.2%	+0.2%	+0.4%	

(Included: CKLW, WKBC, WJR, WABC, WWJ, WXYZ)

Web Overflow Boon For Seattle Indies

Seattle, Nov. 26.

The picture here is generally healthy, with the local figure gradually climbing as new accounts board the band wagon. Independent stations are cashing in on turndowns of majors because of commitments.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
5,635	10,823	746	17,194	
5,580	10,754	748	17,082	
	+0.6%	+0.6%	-0.3%	+0.6%

(Included: KIRO, KOL, KRSC)

through Stodel Adv. Agency; Ninth Church of Christ, Scientist, one-hour program.

KHJ: Fels & Co., 78 quarter-hour programs, through S. E. Roberts Adv. Agency; Midnight Mission, eight quarter-hour programs, through Glasser Adv. Agency; Radio Bible School, 52 half-hour programs, through Myrl M. Cole Adv. Agency; Broadway Department Store, six spot announcements, through Advertising Arts Agency; John Morrell & Co., 39 participations in Norma Young's 'Happy Homes', through Henri, Hurst & McDonald, Inc.; Good Humor Co., 10 participations, through Western Advertising Company.

KFI: Mission Packing Co., 14 one-minute transmissions, through Dana Jones Co.; Serutan Co., 156 quarter-hour newscasts, through Raymond Spector Agency; Swift & Co., 150-word participation. Agnes White and four Art Baker Notebook books, through J. Walter Thompson Co.

KECA: Mission Packing Co., 25 one-minute transmissions, through Dana Jones Co.; United States Playing Card Co., 76 one-minute transmissions, through J. Walter Thompson Co.; Bimini Baths, 52 50-word announcements, through Western Advertising Agency; Hammond Instrument Co., 27 one-minute transmissions, through George H. Hartman Co.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
12,137	8,882	1,995	23,014	
11,672	11,414	2,182	25,268	
	+4%	-22.2%	-8.6%	-8.9%

(Included: KBCA, KFL, KFWB, KILJ, KNX)

Active National Spot Accounts (According to Reports from VARIETY'S 'Radio Market Cities')

Account	Agency	Time Purchases
American Dairy Assn.	Lord & Thomas	Station Breaks
American Fruit Growers	Walker & Downing	Announcements
Barbasol & Bost Toothpaste	Erwin, Wasey	Announcements
Beaumont/Labs. (Four Way Cold Tablets)	H. W. Kastor	Announcements
Bulova Watch Co.	Blow Co.	Announcements
Campana Sales	Aubrey, Moore & Wallace	Announcements
Cudahy Packing	Erwin, Wasey	Participations
Dill Co. (Esopots)	Herbert Slifer	Announcements
J. H. Filbert (Vegetable Margarine)	Courtland Ferguson	Announcements
Fleer's Double Bubble Gum	N. W. Ayer	Announcements, Spots
French Lick Springs Hotel	Ruthrauff & Ryan	Announcements
W. T. Grant Co.	Max Goldberg	14 Hours
H-B Cough Syrup	Horton-Noyes	Temperature Reports
Houshold Magazines	Presba, Fellers & Presba	14 Hours
Little Crow Milling (Coco-Wheats)	Rogers & Smith	14 Hours
Morton Sale Co.	Klaus-Van Pietersum-Dunlap	5-Min.
National Brewing	D. Stuart Webb	Boxing Shows
North Am. Accident Insurance	Franklin Bruck	5-Min.
Pacquins Hand Cream	Wm. Ely	Announcements
Pur Soap	Tomaschke-Elliott	Announcement
Postal Telegraph	Blow Co.	Time Signals, Spots
Reid, Murdoch (Monarch Foods)	Rogers & Smith	Announcements
Rum & Maple Tobacco Corp.	Arthur Rosenberg	Hourly
Safeway Stores	J. Walter Thompson	Participations, Announcements
Sears, Roebuck	Frederic W. Ziv	Announcements
Seven-Up Bottling Co.	Hamblett Agency	Hours
Smith Bros.	J. D. Tereher	Time Signals, Temperature Reports, Participations
Southern Pacific Railroad	Lord & Thomas	Announcements
Stanbak Co.	Klinger Adv.	Announcements
Sweetheart Soap	Franklin Bruck	14 Hours
U. S. Playing Card Co.	J. Walter Thompson	Announcements
Vick's Cough Drops	Morse International	Announcements
Wesson Oil & Snowdrift	Fitzgerald Adv.	Announcements

DEPARTMENT STORES BUYING RADIO TIME LAST WEEK

Store	City	Time Purchases
Bonmarche Dept. Store	Seattle	14 Hours
Broadway Dept. Store	Los Angeles	Announcements, 14 Hours
Carson, Pirie, Scott	Chicago	Announcements
Rhodes Dept. Store	Seattle	14 Hours
Wolf-Max Dept. Store	San Antonio	Announcements

Civic Assn. Plugs S. Denver Shopping Center Via KFEL

Denver, Nov. 26.

KLZ topped the list of sales this week with 196 quarter-hours to a furniture store; KOA renewed for 135 quarter-hours with a department store, and KFEL signed the South Denver Civic Association for 28 quarter-hours to be used in a month, and boosting the South Denver shopping section. It's the first time such an amount of time has been bought by a shopping center here.

KOA: Joslin Dry Goods Co., through Raymond Keane, 135 quarter-hours, 'Inquiring Reporter' remoted from the store; Red Dot Oil Co., through Ted Levy, 25 announcements; Standard Motor Co., through Max Goldberg, 26 announcements.

KFEL: South Denver Civic Association, through Ted Levy, 26 quarter-hours remoted from South Denver shopping section, using 'Wheel-O-Kwiz'; Kendrick & Bellamy, through Walter Eha, 12 announcements; Anchor Garage, six announcements; Broadmoor Country Club, two announcements daily, one month; Compagnie Parisienne, through Northwest Radio, five minutes daily except Sunday, two weeks; Interstate Radio & Supply, daily announcements on month; Silver Auto & Radio Supply Co., through Max Goldberg, two spots daily, one month; Rocky Mountain Shopping Guide, 50 announcements; and participating announcements to Pratt's Boulevard Stables. It's Eddy's, I. J. Durbin Surgical Supply, Busch Jewelry Co., Crystal Laundry, Empire Cleaners and Dyers, Elk Coal Co., Hoskins-Beatty Oldsmobile Co., Automatic Coal Burner Co., B. & E. Market, Crystal Coal Co., Hotel Lancaster, Last Dollar Inn, Central Filling Station, Gross Finance Co., W. T. Grant Co., Krls Upholstery Co., My Blue Heaven, Brown Battery & Electrical Co., Auditorium Book Store, Bennett's Coffee Shop, and Conroy Realtor.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
8,240	4,512	1,618	14,370	
8,145	4,517	1,529	14,191	
	-0.1%	+3.8%	+1.3%	

(Included: KFEL, KLZ, KOA, KVOD)

CHI PLODDING, BUT SKEDS OK

Chicago, Nov. 26.

Business is slowing down on new accounts, but the time schedules of all the stations are in excellent shape as the peak of radio billings continues to remain in the future.

WGN: Jests, one-minute announcements, six times weekly, through Joseph Katz; Chicago Printed String Co., 15 minutes three times weekly for weeks, through Burton Browne agency; Bond Clothes, 15 minutes twice weekly, through Neff-Rorow; Williamson Candy Co., one station break announcement daily Monday through Friday, through Aubrey, Moore & Wallace; Tunis Johnson Cigar Co., daily announcement six times weekly, through Spector-Goodman agency.

WMAQ: Olson Rug Co., 15-minute news periods three times weekly, through Presba, Fellers & Presba.

WIND: Kass Clothier, 15-minute news period on Sundays, through Weiss agency; National Reimedy Co., five one-minute announcements weekly, through the Klopner agency; Gruen Watch Co., 21 station break announcements weekly, through McCann-Erickson; America Laundry Co., 312 announcements, through Kahn Associates.

Service Drug Stores has boosted its time on WCFL an additional 15-20-minute periods weekly, through the acquisition of a portion of the 'Make Believe Danceland' program. This makes a total of eight and one-half hours weekly on the station through Service Drugs.

Entire deal is through the Gaskin, Joice & Morgan agency here, which previously signed a nightly full-hour program on this station for Service Drugs. This is the 'Music Lovers' Program' consisting of classical recordings from 10:30 to 11:30 each night.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
9,825	6,050	1,102	26,897	
9,800	6,009	1,124	27,043	
	-0.3%	+0.7%	-1.9%	-0.5%

(Included: WHIM, WGNR, WG, WGN, WJL, WLS, WMAQ)

Won't Divulge Product's Name

Time buyer for an agency, which makes a practice of shrouding the account involved in deep secrecy, had asked a station rep to inquire of a station on his list as to what spots it had available for a chain-break announcement campaign. The rep explained that his station would prefer to know what the product was so that it could make sure there wouldn't be any conflict on this angle.

The time buyer went into a telephone huddle with the head of the agency's radio department, and then advised the rep that the product would not be revealed. When the rep persisted in his inquiry, the buyer remarked, "Well, all I can tell you is that it is sold in grocery stores; it's not a breakfast food and it's not soap."

"I rejoined the rep, 'ask you for information and you ask me to play characters.'"

P. S.: The rep didn't get the name of the product.

NATIONAL SPOT SAN ANTONIO HIGHLIGHT

San Antonio, Nov. 26.

With additional football games carried over the Thanksgiving weekend, together with spot announcements, campaigns started by several local stores, biz continues to rise here. National spot made best strides, for a gain of 8.3%.

Walter Zahrt, merchandise manager of WOAI, spent the week in Houston on station biz.

WOAI, Ed Auge Packing Co., through Coulter-Mueller-Grinstead; 13 100-word announcements; Griffin Manufacturing Co., through Birmingham, Castleman & Pierce, one year's renewal of quarter-hour newscast on Mon., Wed. and Fri.; Pig Stands, Inc., one additional spot for 13 weeks; Mangels Dress Shop, two additional spots per day; Rev. B. P. Hill, one half-hour each Sunday for "Religious Service."

KABC: "The Voice of Liberty" with Gabriel Heatter for Macfadden Publications, Inc., twice weekly commentary through Mutual network; the Beyer Co., 190 announcements for their radio sale; Home Supply Corp., renewal of spot campaign; San Antonio Florists Association, 50 spot announcements used on Mon., Tues. and Wed.; Singer Sewing Machine Co., one year's spot campaign; General Oldsmobile Co., 18 spot announcements heralding the appearance here of the Death Drivers; Bob Clay's Death Drivers, 50 spot announcements for their appearance here; Terpenese Institute, two spot announcements daily for 15 weeks; Mangels Department Store, 15 spot announcements during the week; Owl Radiator Co., one spot on the newscasts, daily for 30 days; Seakatz Drive-in, 10 announcements; San Pedro Iceland, 30 spot announcements; Foudouze Furniture Co., one spot announcement per day for one month; Joske Bros. Store, 30 additional announcements; La Da Meer Beauty Salon, quarter-hour studio program for 17 weeks with Juanita Goff, Society Editors of the Air.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
7,775	9,292	1,195	18,262	
7,635	9,109	1,103	17,847	
+1.8%	+2.2%	+8.3%	+2.3%	

Included: KABC, KMCC, KONO, KTRSA, WOAI.

MILWAUKEE PURRS AS MARKET PRESTIGE UP

Milwaukee, Nov. 26.

With WISN granted a power increase by the Federal Communications Commission to 5,000 watts day and night (it previously was allowed 1,000 watts by day and 250 at night), WTMJ increasing its plant facilities to the extent that its claimed investment in radio exceeds \$500,000, and WEMP signed up as an outlet for the NBC Blue network; excess of all three local kilocycle cabins are in jubilant mood. All three agree 1940 has been the biggest year they ever had and look forward optimistically to 1941.

After waiting a year and a half, WISN this past week received the FCC go-ahead on its plans for stronger coverage of its area, and is proceeding at once with a big expansion plan embracing the construction of four huge towers for a directional antenna system and buildings to house a transmission equipment on a 40-acre site just acquired. Operation on a frequency of 1150 instead of 1120 is expected to start by early spring.

DES MOINES RALLIES

Local in Strong Comeback After 26% Drop—Others Dillo

Des Moines, Nov. 26.

Des Moines made a comeback this week, punching out gains in all categories. Most spectacular recovery was local biz, which after skidding to a 26% loss last time, rallied strongly and hopped the hurdle for a 6.8% gain.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
7,910	3,256	3,410	14,576	
7,950	3,047	3,324	14,321	
+0.5%	+6.8%	+2.6%	+1.8%	

Included: KRNT, KSO, WJIO

50,000 FOR WBAL DUE IN MARCH; UNITS OFF

Baltimore, Nov. 26.

Figures are down here, but indications of better doings by all stations. National spot contracts coming in for subsequent airings, and healthy rise looked for in that classification. Some effort being made also to line up department store business for holiday trade, with deals figured to be closed during coming week.

WBAL, plugging away at new 50,000 watt setup due to be ready in March. Sales department already negotiating contracts for added power. WFBR, acting for stations in Frederick, Hagerstown and Salisbury, as the Maryland Coverage Network, sold a solid hour on Christmas Day for carol singing to Sherwood Bros. (Richfield Gas), through Van Sant-Dugdale Agency.

WFBR: Smith Bros. (cough drops and cough syrup), through J. D. Tarcher, day and night chain breaks; Lever Bros. (Spry) took some added announcements through Ruthrauff & Ryan; Fels Naptha renewed strips of quarter-hour programs via S. E. Roberts; Stewart's Department Store bought four half-hour shows; Metro-Goldwyn-Mayer, "Escape", 13 spots via Donahue & Coe.

WCMB: Stewart's Department Store, bought participation on Jean Abbey (Crowell-Collier) a.m. show. (WBAL: Trimont Clothing Co., Clippard Clasp Clothing), through Emil Mogul Co., 60 one-minute announcements; Bulova Watch, through Biow, 1,248 five-word spots; D. L. Clark (candy bars), through Albert P. Hill, 10 one-minute announcements; Penick & Ford (My-T-Fine Desserts), via BBD&O, 101 spots; Peter Paul, Inc. (Ten Crown Gum and Mounds), through Platt-Forbes, 301 transcribed spots; Lydia Pinkham, through Erwin, Wasey, 500 transcribed spots; Vick's, through Morse International, 60 thirty-five-word spots; Metro-Goldwyn-Mayer, "Escape", through Donahue & Coe, 13 spots; Arrow Beer lined up 217 half-hour shows through Jos. Katz to start in March, 1941; Kirkman & Sons (soap), through N. W. Ayer, 101 spots.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
8,860	4,835	1,767	15,461	
8,910	4,841	1,903	15,654	
+0.6%	+0.1%	+7.1%	+1.2%	

Included: WBAL, WCAO, WCMB, WFBR

Butter for the Bread

Sunshine Girls, singing duo on WBXN, Bronx, New York, have been airing once a week for past several months. Metroland, old wry-Mayer (Chevrolet Bread Co.) Last week, they were bought for two spots a week by the Fairmount Butter Co.

SALT LAKE COASTS

Small Web and Local Gains—Nat'l Spot Drops

Salt Lake City, Nov. 26.

Nothing much new here this week, but indications are that expected Christmas biz will up totals next time.

KDYL: Hi-Land Dairy, 16 quarter-hour programs; Shapiro Travel Goods, 13 five-minute programs; Hall Rogers Restaurant, 13 fifty-word announcements; Sherwin-Williams Paint Store, four 25-word tie-in announcements; Wolfe's Dept. Store, 17 Gift Selector participations; Peterson's Appliance Store, 26 one-minute announcements; Radio Studios, 16 Gift Selector participations; Ecker Studios, eight Gift Selector participations; J. Rex Hamilton Inc., 26 tie-in announcements to Murray City program; Road Service Garage, 13 Inquiring Reporter participations; Pingrees, twenty-six 25-word announcements; Peter Pan Cafe, twenty-six 25-word announcements.

KSL: Arthur Frank Company (men's clothes), series of 100 fifty-word announcements; W. H. Bantz Company, series of 13 fifty-word spots; Auerbach Dept. Store, series of 50 word spots, five per day; J. D. Tarcher Co., series of 26 fifty-word spots; Smith Bros. Cough Drops, through J. D. Tarcher Co., series of 76 twenty-five word spots; Philadelphia News, through Albert Kercher Company, series of five five-minute spots; Metro-Goldwyn-Mayer, five day and two nighttime spots for film, "Escape"; Railway Express, through Caples Co., series of 35 one-minute spots.

KUTA: Peoples Finance, through Gillham Advertising Agency, 300 Class A spot contract; Colonial Flower Company, direct, 26 announcements; All-Appliance Company, direct, 52 spots; The Nut House, direct, 13 announcements; Thompson Shoe Company, direct, 52 spots; The Fred Nye China Store, direct, 26 announcements; J. B. Burnham Company (Jewelers), State High School Championship Football game.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
6,897	2,448	628	10,774	
7,571	2,401	651	11,323	
+1.7%	+2.2%	+3.5%	+1.4%	

Included: KDYL, KSL, KUTA

KVOD Carries for KOA

Denver, Nov. 26.

Because of other commercial commitments, KOA arranged for KVOD to carry the broadcast of the Denver University-Colorado University game last Thursday (26). KOA had sold the event to the local Ford-Mercury dealers. It was the first time that a switch of this sort has occurred locally.

Broadcast was handled by KOA announcers.

KFBI Full 'Dinner Bell'

Wichita, Kan., Nov. 26.

"Dinner Bell" program, an hour's audience participating jamboree held each noon at radio station KFBI, now has all time sold. Les Jarvis, formerly of WHB, Kansas City, was brought here to organize show May 1.

Noon plays to minimum of 1,500 in studio audience each week with third of audience from outside of Wichita.

Seattle Recalls Last War's Silk Shirts

Town Booming Under War Order Hypo—Radio Salesmen Reap a Harvest With Little Effort

By HARRY T. SMITH

Seattle, Nov. 26.

If Seattle don't get off balance with too much optimism account of present heavy payroll and assured increase, which is bringing to radio media an abundance of dollars it never got before or expected to get, outlets books for this year will show an increase in billing of not less than 20%. Most of this increase was grabbed without effort—if the stations had the open time, the merchants merely called up and asked when and how much. There was little selling.

Most of the new accounts were turned over to the salesmen handling the particular kind of account and duly credited to their string for their monthly bonus. One of the top salesmen mentioned the past 30 days was the easiest going for him in his

WHN Lands 12 Weekly Newscasts For Plough; All N. Y. Units Good

Blackstone Aspirin

Sponsors KMBC Follies

Kansas City, Nov. 26.

KMBC resumed its annual series of visual broadcasts of its Brush Creek Follies recently. The show, which is a year round, CBS Saturday afternoon sustainer is staged at night during the winter for local audiences. Admission this year will be straight 30c, including taxes, for adults with the usual time for kids, against last year's scale of 10-25-40. Staged in the 1,800-seat Ivanhoe Temple, as in previous years.

Show is produced by Felix Adams, program director, using almost entire roster of artist's bureau. New acts recently added to the bureau roster made their initial appearance on the Follies. These included Judy Allen, songstress; Rocky and Rusty, harmony team; Lou Black and His Harvest Hands, hillbilly band; Oklahoma Wranglers, western 4-piece band; and Kenneth Carlson, ventriloquist with his dummy Scrapy O'Brien.

For the first time Brush Creek has gone commercial with Blackstone Aspirin and Aspirin backing the first half of the hourly broadcast.

SANTA'S ADVENT BOOSTS BIZ IN CINC

Cincinnati, Nov. 26.

Santa's approach is jingling spot and local time sales agency. Network accounts also leaped last week.

WSAI's spot announcement additions: Dunlap Clothes Shop, five weekly; and Stille and Duhrmeier Furniture Co., same, both through William Holland; Pepsi-Cola, nine weekly; via Walter Haehnle; Peter Paul candy bars, five weekly placed by International Radio Sales, NYC; Sloan Furrier, four weekly.

WKRC initiated a series of week-day 15-minute Johnson Family stints by Jimmy Scribner for the Luegers Furniture Co. Scribner originates the same stanzas here for Mutual webbing at an earlier time. Same station is doing two quarter-hour musical programs weekly for Loring Andrews Co., local jewels; account through Strauchen and McKim. Also these new spots accounts: Cincy Dodge Dealers; seven weekly; Burkhardt's, men's clothes, eight weekly; Sears, Roebuck, three weekly; through Frederic W. Ziv; Roy Tailors, two weekly, through Walter Haehnle; Hosack Gift Shop, Oxford, O., three weekly; Heidelberg Brewing Co., two weekly, placed by Robert Acomb.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
6,720	10,086	6,996	23,802	
6,535	9,828	6,898	23,261	
+2.8%	+2.4%	+1.1%	+2.3%	

Included: WCFO, WKRC, WLW, WSAI

Biz about Gotham was generally healthy the past week, with local units on the right side of the ledger and network continuing its run of 'no change'. National spot pulled itself out of the hole it dropped into last week and made an advance of three per cent.

Plough, Inc., signed up to sponsor U. N. S. 12 times weekly via WHN. Penetro Inhaler gets the Spiels Monday through Saturday, 2:15 to 2:30 p.m.; Penetro Nose Drops, Monday, Wednesday and Friday, 5:45 to 6 p.m.; and St. Joseph Aspirin, Tuesday and Thursday, 5:45 to 6 p.m.

Complete merchandising has been worked out with New York retailers and 'flash type' window banners give times of the various broadcasts.

WHN: Plough, Inc. (Penetro Inhaler, Penetro Nose Drops, St. Joseph Aspirin), vi Lake-Spiro-Shurman, 12 quarter-hour newscasts weekly at various times; Restland Memorial Park and Graceland Memorial Park, through Graceland Memorial Park, through Green-Gracie, Inc., "Bowery Mission", one week contract, half-hour weekly program; and series of Biblical plays, 39 weeks; Local Loan Company of Chicago, through George H. Hartman, quarter-hour program, Monday through Saturday; The Newspaper PM, through Compton Advertising, spot announcements for four days; King David Memorial Park, through Compton Spectator, four 15-minute news periods weekly, 52-week contract; Morris Plan Industrial Bank of New York, through Gotham Advertising Agency, daily station-break announcements, 10-week contract; F. H. Vahlsing (Pink Grapefruit), six quarter-hour UP News periods weekly, 13-week contract; Bond Stores, Inc., through Neff-Rogov, Inc., three station-break announcements weekly; Chain Furniture Shops, Inc., eight spots during week of November 25.

WMCA: Foster-Milburn (Doan's Pills), through Spot Broadcasting, 52-week contract; Morris Plan Industrial Bank of New York, through Gotham Advertising Agency, contract for 50 announcements; Roky theatre, through Kayton-Spiro Co., for the picture "Tin Pan Alley", 12 announcements.

WNEW: Weiss Store, through Scheck Advertising Agency, half-minute announcements, five weeks; The Newspaper PM, through Compton Advertising, 18 announcements, three days.

WQXR: Morris Plan Industrial Bank, through Gotham Advertising Agency, six spot announcements weekly, 10 weeks.

Nov. 23 Compared to Nov. 16				
Network	Local	National	Total	
Units	Units	Spot Units	Units	
195	11,491	7,914	19,600	
195	11,431	7,884	19,510	
+	+0.5%	+3%	+1.5%	

* No change.
(Included: WHN, WMCA, WNEW, WQXR)

'IN ST. LOUIS THIS WEEK' FORMULA FOR BEER

St. Louis, Nov. 26.

Ruthrauff & Ryan's local agency, for its suds concocter, the Hyde Park Breweries, has cooked up new weekly 30-minute program that was premiered over KSD Sunday (24). The program, tagged "In St. Louis This Week," uses entertainers from nite clubs, theatres, sports arenas, hotels, etc., bringing them together in a midcity office building where the sponsor has installed own radio theatre.

On the initiator the headlines were Eliot Nugent and Julie Stevens, the latter a localite, from "The Male Animal" current; the American theatre; Alan Carney, impersonator and dialectician from the Crystal Terrace, and Christina Carroll, songbird from Edward Bowers talent unit current at the Fox theatre. In addition to the specialties of the guesters the program dishes out dope on what may be seen in the deluxer talker houses, nite clubs, hotels, sports arenas, etc., and is designed as a guidance for visitors in the city and those contemplating a trek to this Missouri metropolis.

Regina, Sask.—New control room operator at CJRM, Regina, is Clifford Mann. He replaces Harry Dane, who has taken over the job of traffic manager.

BMI's Assist to Southern

Southern Music (Ralph Peer), like the Greeks, had outside aid this week when their Spanish number, 'Frenesi', leaped into second place in VARIETY's listing of the network plugs. Tune, with 31 performances, was but three below BMI's perennial leader, 'There I Go'.

As a result of splitting its catalog—the Spanish and Mexican holdings going to BMI—Southern has been in a favored position as far as network time for its songs has been concerned. Sale of the Latin numbers does not become effective until the first of the year. However, this hasn't prevented show of partiality on BMI's part to 'Frenesi' and another Southern tune, 'Tonight' ('Perfidia').

Southern minimizes the cooperation and characterizes the situation as merely 'a working agreement' between itself and BMI. Firm added the clearance regulation still applied to them, as its staff had to get out and hustle like anybody else.

As far as the balance of the list goes BMI is exercising a bigger monopoly than ever. Out of its 10 tunes in the whole tabulation they placed three among the first four. Last week was even more with 11 tunes and a copyrighted arrangement of the public-domainer, 'Turkey in the Straw'. Also noticeable is an apparent lack of air time for music. This reduces the amount of plugs and forced VARIETY to drop its tabulation downwards, to include all songs with eight or more plugs instead of the former 10, in order to insure a better picture of what's on the air.

Band Reviews

MAL HALLETT ORCH (12)

With Madeleine Gray, Jerry Perkins Hotel Edison, N. Y.

Mal Hallett, veteran of the wars, now in a key Broadway hotel spot, with three and soon to be four radio spots on the air, should have plenty to his stature. Competitor in many a battle-of-music, as they like to call 'em in the New England and Pennsylvania ballroom belt, it's w.k. known in the trade that the 'Hallett' name attraction, when opposed to the Halletts, have had to take place money these dancation battles. Which about sums up his performance for the hoof.

Away from the one-nighters, and in a metropolitan hotel spot, Hallett is taking advantage of the situation by having changed his style into a moderated rhythmic combination, equally divided among reeds, brass and rhythm, plus the personable Madeleine Gray and Jerry Perkins on solo and duet work.

The stylization includes some expert rhythmic arrangements of classics, which is now a bit of a vogue, with an eye to a possible shift-away from ASCAP material, and the need to mix up BMI tunes with sundry other efforts to keynote the band's individual flair. But dominantly Hallett is more melodic in his rhythmication, although for the upper session he's back into the git-off groove when the kids favor the more heated variety. Abel.

WILL BRADLEY ORCHESTRA (13)

With Ray McKinley, Freddy Slack, Jimmy Valentine, Phyllis Myles Hotel Biltmore, N. Y.

Will Bradley has been on his own a little over a year and making good progress with a strong bounce band that's not too heated, although for the Hotel Biltmore's Bowman Room it's a bit of a departure. It's more brisk than is usually the Biltmore's penchant, but Bradley keeps his team under proper wraps for the dinner sessions, and seemingly is getting better than the usual run of business.

He's an alumnus of Jimmy Dorsey's organization, and are the featured Ray McKinley, whom the hostelry bills as 'America's greatest musical drummer', and Freddy Slack at the black-and-white McKinley is quite a kid with the brushes, and in a rhythm trio specialty up front (with Slack and Doc Goldberg on bass) they generally are forced to an extra session.

Bradley, prominently himself with the trombone, has five other brassy to back him up, along with four reeds and a rhythm section of four. Jimmy Valentine sympathetically voiced young tenor, and Phyllis Myles, personable rhythm s'gness, specialize on the interludes exclusively.

For dinner Bradley goes in for such special arrangements as Schubert's Serenade, but also eels off with their crack version of 'Beat Me Daddy Eight to the Bar' each the best interpretation of it number.

The McKinley-Goldberg-Slack trio is partial to Youmans' 'Tea for Two' and the old standby, 'Honey-suckle Rose' for their gypsy-type music.

The Biltmore is making a bid for the kids with his band, and a \$150 covert basis (cover charge waived to diners staying late) and has been doing quite well on Bradley's first two laps. He's in for six weeks with the usual options. Abel.

JIMMY JOY ORCHESTRA (13)

King's Ballroom, Lincoln, Neb.

Jimmy Joy present group is good enough for the job, whether it's the room, hotel, ballroom, or private party. It's a well rounded assembly of talent, and besides the playing crew, has a pair of good vocalists.

With a football player stature, Art London puts emphasis on his romantic vocals. He appears as a chal-

lenge to the listeners, it being rather odd to see such a big guy singing. The girl is Peggy Burns, on the voluptuous, finger-snapping side, and she has a credible voice.

Joy depends on two of his brass men for all the arrangements, and Raynor and Bob McRae. They've stuffed his library with pleasant, danceable tunes, and the bunch treatment of each number, whether suave or violent, is always with instrumental finesse.

Manpower is split up with Larry Brooks, the other brass; Bunnie Peterson, Ernie Gollner, Al Ferguson, and Norman Schroeder, saxes; Gene O'Brien, bass; Tom Summers, drums; and Fred Gollner, piano. Art.

CHARLEY SPIVAK'S ORCH (14)

Glen Island Casino, New York

In here for 13 weeks for the benefit of the air shots it gets on NBC and local WNEW, Charley Spivak's band rates attention as a prospect for a prominent spot in the band list, although not quite settled in complement and with a few minor faults that can easily be corrected. Spivak's young outfit makes a strong impression. It's seemingly well liked by the frequenters of this waterside Western land.

Band has no immediate style except for the distinction lent by Spivak's always sock trumpet, but the group stacks up as a clean playing smooth toned set of three trumpets, two trombones, four saxes, four rhythm. Spivak's trumpet work is something which no listener, hep or not, could never tire of yet his apparent intention is to avoid dishing up too much of it at a time. He plays often, but most of the time with the three other trumpets. That makes them four, of course, but they tone down when he's along and instead of hitting an uncomfortable patch, are rounded out to a full tone that makes live stuff listenable without ear muffs.

Spivak's effortless horn work, muted, leads the fine sax section on top of the sweet tunes. Melodic stuff is a real satisfying. In that style the rhythm's surer than in the hot stuff where the drumming occasionally becomes erratic. Arrangements of both styles at the moment are good, but minus the necessary tingling touch that sparks a band to favor.

Frank Howard vocals ballads and semi-hop stuff in clear, likeable manner.

FREDDIE EBENER'S ORCH (12)

King's Ballroom, Lincoln, Neb.

Strictly territorial is Freddie Ebener's outfit made up by every day calls for duty at WOW, the Omaha 5,000-watter, where the 12-man group is a studio fixture and has been for several years.

Couple of sax men, Harold Black and Jimmy Turner; a pair of brasses, George Strobel and Billy Hill; and a string swap of Jimmy Brown, from his regular guitar berth are examples of the doubling indulged in.

Orchestra is no terapist's treat, musical stock having been bent to the demands of radio. Ebener feels uncomfortable when playing the more clearly rhythmic beat of the ballrooms, and is at his best with straight melody and the ballad types. His rhythm section is populated by Marvin Wright, piano; Ernest Bergman, bass; Ebener, on drums; and Burson, guitar. Third man in the sax group is Ken Gamet, and the other two brasses, besides the doubler, are Jerry Frame and Don Larson.

For words to the music, Jimmy Bunn, a slender redhead gets the call.

Not much for the feet, but nice listening. Art.

On the Upbeat

Claire Tupper Nunn, who just recently left the Ship Fields orchestra, returned as pianist and singer at 500 Club, New Orleans, where she first attracted attention. Didi Woolfolk, New Orleans localite, has joined the Hal Kemp orchestra as vocalist.

Don Pablo's crew, which played a month earlier this season at Monaco's Cafe, Cleveland, returning to it Dec. 12 for longer stay. Replacing King's Jesters, who, go, back to Chicago's LaSalle Hotel about Dec. 13.

Gene Erwin's new rhumba outfit now doing a break-in job and also baptizing Fenway Hall's Hawaiian Coral Room, Cleveland.

Harry James may swing it for coming-out party of Doreen Augustus, daughter of early Willoughby nabob, Cleveland, if MCA deal goes through. James asking for \$2,750, making it the costliest debutants shindig for music heard in those parts since pre-depression days.

Herbie Kay's band playing for the annual Kansas City charity ball of the Variety Club at the Plu-Mor ballroom last Friday (22) night drew some 2,000 customers at \$1 per head. This crowd surpasses anything the Variety club has ever played to in recent years. First time Club has gone in for a name band, but likely to be the policy henceforth as gate take was about four times the usual receipts.

Richard Himber and orchestra close tonight (Wed.) at the Chatterbox, Plainfield, N. J., and open at the New Kenmore hotel, Albany, Friday (29) for 10 days, to be followed by a week at Loew's State, on Broadway.

Band then is set for four weeks at the Edgewater Beach hotel, Chicago. CRA did most of the bookings. George Hall succeeds him into the Chatterbox.

June Gardner and her Gentlemen of Swing opened indefinite engagement Monday (25) at New Penn, Pittsburgh, replacing Herbert Fritschie outfit.

Al Kavelin band booked to play swank Cinderella Ball, annual event, at William Penn Hotel, Pittsburgh, tonight (27).

Milt Herth Trio goes into the Neptune Rooms, Washington, D. C. Dec. 7, for 13 weeks with network wires. Group is set until late next summer, already having been booked for a stretch at the Syracuse Hotel, Syracuse, N. Y., beginning June 4.

Gray Gordon plays the General Motors annual ball at Detroit Dec. 4.

Red Allen, ex-trumpeter, took a new band of all-stars into the downtown Cafe Society, New York, last night (Tuesday). Six-piece outfit consists of Allen, J. C. Higgenbotham, ex-trombone; Sidney Callett, drums; Billy Taylor, bass; Edmund Hall, clarinet, and Ken Kersey, piano. Floor show consists of Willie Bryant, m.c.; Ida Cox, blues singer, and the boogie woogie pianists.

Four Inkspots go into the Paramount theatre, N. Y., Dec. 4.

Glenn Miller Fan Club of 175 ran an annual hop at Glen Island Casino, N. Y., last week to Charley Spivak's band. Miller is at the Pennsylvania Hotel, N. Y.

Ben Pollack moves into the Casa Manana, Culver City, Thursday (28) for four weeks, to be followed by Duke Ellington and his Ink Spots for six weeks.

George Hall band and Dolly Dawn follow Richard Himber into the Chatterbox, Mountaineer, N. J., tomorrow night (28).

Buddy Brennan, pianist with Bob Chester, operated on Saturday (23) in New York for appendix removal. At Murray Hill hospital. Milt Coen replaces.

Sam Donahue band (ex-Sonny Burke) began life under its new leader with a week at the New Kenmore hotel, Albany, Friday (22).

Mitchell Ayres follows the current Johnny McGee into the St. George hotel, Brooklyn, N. Y., Dec. 4.

Jack Hartigan, formerly with Dick Barrie, has joined Leighton Noble

15 Best Sheet Music Sellers

(Week ending Nov. 23, 1940)

*Only Forever ('Rhythm on the River').....	Santly
God Bless America.....	Berlin
We Three.....	M-M
Ferryboat Serenade.....	Robbins
Maybe.....	Robbins
Blueberry Hill.....	Chappell
He's My Uncle.....	BVC
*Our Love Affair ('Strike Up the Band').....	Felst
Trade Winds.....	Harms
*Two Dreams Met ('Down Argentine Way').....	Miller
*Down Argentine Way ('Down Argentine Way').....	Miller
Shout, I Am.....	M-M
There I Go.....	BMI
Dream Valley.....	Felst
Nightingale Sang In Berkeley Sq.....	S-B

* Filmmusical.

Inside Stuff—Music

Unusual title credits by 20th-Fox to the authors of the song excerpts in 'Tin Pan Alley' are a departure from the ordinary, in that the songsmith screen characters played by Jack Oakie and John Payne, are so named to have authored 'You Say the Sweetest Things' ('Baby') by Mack Gordon and Harry Warren; 'America I Love You' by Edgar Leslie and Archie Gottler; 'Goodbye Broadway, Hello France' by C. Francis (better known as Chuck) Reisner, Benny Davis and Billy Baskette; 'K-K-K-Katy' by Geoffrey O'Hara; 'Moonlight Bay' by Edward Madden and Percy Wenrich; 'Honey-suckle Rose' by Thomas 'Fats' Waller and Andy Razaf; 'The Sheik of Araby' by Ted Snyder, Harry B. Smith and Francis Wheller, is also part of the plot. Billed, but on the cutting room floor apparently, is 'When You Wore a Tulip and I Wore a Big Red Rose' written by Jack Mahoney and Percy Wenrich.

Several of the writers balked at the idea of a screen plot giving the misimpression—fictitious as it may apparently be to some—that the songs were the works of the film characters. There was a fine legal point technically involved, hence the concluding credits elaborately bill each song by title, authors and copyright owner (publisher), plus a footnote that for purpose of the plot only was it made to appear that the Oakie-Payne characters created the songs in question.

Irving Berlin, Inc., remains the only publishing firm that has failed to come to a settlement with the old American Record Co. regime over faulty royalty copies, played by Bornstein, Berlin v.p., has refused to accept the settlement amount submitted by the Herbert Yates interests through Harry Fox, agent and trustee, on the ground that he hadn't authorized the representation, and that anyway he should have been paid off on the basis of 2c per number instead of 14c because ARC had been recording the Berlin numbers under the compulsory provisions of the copyright law.

Nothing legally is being done about the matter for the present by the Berlin firm. After the settlement deal had been set it was found that Bornstein had not signed the authorization Fox had sent him.

Latest recording of a revival which has stimulated a marked call for sheet music copies and dance arrangements is Tiny Hill's Columbia version of 'Two-Ton Tessa From Tennessee'. Mills Music, Inc., is the publisher. The late Roy Turk place the tune with Mills 18 years ago.

San Francisco Bookings

San Francisco, Nov. 26.

With Artie Shaw bowing out and Russ Morgan bowing in, Palace hotel will have two name bands big-game night, Nov. 30. Morgan is in for six weeks with options, with Leo Reisman following. Either Casa Loma or Horace Heidt trumps Reisman.

Bob Crosby winds up at the Mark Hopkins Dec. 5, with Hal Kemp in Dec. 20. Gap will be bridged by Ernie Hecker's band.

St. Francis hotel gets Bernie Cummins Dec. 10. Freddie Martin, current, terminates a three-month stay at the hostelry to open at the Coca-Cola Grove in L. A. Dec. 16. St. Francis wanted him for a fourth month, but other date interfered.

Don Murdock's band dated into the Fairmount for big-game dinner dance night of Nov. 30.

Morgan, Kemp and Cummins handled by MCA. Another MCA band, Orrin Tucker, on Golden Gate stage this week, drawing \$10,000 and split.

DeLange Heads Band

Eddie DeLange has formed a new band after a year's layoff during which he collaborated in song writing with Carmen Lombardo. Hearsayed by Hank Baglini, the new group plays a one-nighter at Yale in New Haven, Friday (29). His bookings are being arranged by a new date-setting outfit tagged Amusement Booking Corp.

Outfit is supposed to be using a style different from the ordinary. It plays most of its stuff in two beat ragtime. It's manned by 14 men and DeLange, Elissa Cooper, who shealed with DeLanges last band, handles the lyrics. Group is negotiating for a long build-up stay at a Connecticut roadside spot beginning Jan. 7.

band at William Penn Hotel, Pittsburgh, replacing drummer Johnny Moore, who is quitting music to go into ice cream biz with his father in New Jersey.

BON BON, MALE SINGER, MAY LEAD DUNHAMITES

Bon Bon, colored singer who was much in demand while a member of Jan Savitt's orchestra, is currently negotiating to take over leadership of the Eddie Dunham band. Dunham is a colored arranger for many of the present big-time outfits and for the last half year or so has been leading his own bunch in the New York area. If the two can get together his band will be called Bon Bon and his Orchestra featuring Eddie Dunham.

Complications that have to be ironed before the merger are all on Bon Bon's side amounting to legal tangles he had got himself into via incorporating himself.

ORMANDY'S VOTE

Confidence in Phyllis Leader by Orchestra Directorate

Philadelphia, Nov. 26. Eugene Ormandy has been given a five-year contract as No. 1 conductor of the Philadelphia orchestra. For the past three years he was second in line to Leopold Stokowski. Latter now rates as guest batonist.

Ormandy's new contract is construed as a vote of confidence in him by the symph's directorate, following last spring's rumpus when eight members of the orchestra were fired and the union's protest resulted in four of them being rehired.

Ellington to Culver City

Duke Ellington heads for the Coast the first of the year to begin a six-week stand at the Casa Manana, Culver City, Calif. Jan. 2. Band is working the Midwest at the moment, this week playing the Regal theatre, Chicago.

Before working westward the group fills theatre dates at the Flat-bush, Brooklyn, week Nov. 26. Windsor stanza following and the Apollo the third week, both of the latter being in N. Y.

ASCAP STILL EXPECTS PEACE

'Jeannie' Is Much Loved

Current tangle between the broadcasting industry and the American Society of Composers, Authors and Publishers has produced at least one gag for air comics, and the networks so far haven't been disposed to censor it. It's the reference to the tune, 'Jeannie With the Light Brown Hair'.

Number is in the public domain and band leaders to conform with the networks' requirements that they play so many non-ASCAP tunes have been inclined to favor this revival from Stephen C. Foster's repertoire.

Frequency with which band leader and singers are performing Foster tunes on the air has its ironical side also. ASCAP in defending its function has for many years cited the life-story of Foster, who, as the writer of America's earlier folksongs, was deprived of just returns from his works and whose family, after his death, was unable to protect his works from piracy and thereby gain a livelihood.

No Trial of Oberstein-RCA Charges

Each Side Withdraws Allegations in General Erasure of Whole Glenn Miller Situation

Three separate suits involving Glenn Miller, RCA Manufacturing Co., and Eli Oberstein, head of U. S. Records, were discontinued last week after attorneys for both sides had filed stipulations of discontinuance. The trio of actions apparently were erased by agreement between the parties that both sides, firing, Actions had been pending since last summer and were supposed to have come to trial a week ago Monday (18), but a postponement was granted when attorneys for each, explained a settlement was imminent.

Oberstein's suit against Miller was for \$150,000 claiming that Miller refused to honor a contract made between them calling for Miller's band to leave RCA (Victor) and record for U. S. Records. Another for \$250,000 against RCA by Oberstein claimed that RCA interfered with the completion of the Miller-U.S. pact by persuading him (Miller) to disregard it. Third, a motion picture by RCA against Oberstein accusing Oberstein of fraud and asked \$173,172 of which \$50,000 was damages and the rest monies Oberstein paid out for music while he was with Victor. Latter alleged Oberstein bought rights to music from firms he controlled, with its money, then collected royalties on it under assumed names.

When the settlement of all three suits was arrived at parties concerned agreed that a short formal statement and no more was to be issued. It indicates that both suits were discontinued at the same time but refers to neither specifically. It follows:

'David McKay as attorney for RCA Manufacturing Co., Inc., and Glenn Miller, and Wm. R. Berkson as attorney for Eli Oberstein today announced that the litigation pending in the Supreme Court, New York County, between these parties has been settled and a stipulation of discontinuance has been filed.'

NO PETRILLO ACTION ON JASCHA HEIFETZ

Detroit, Nov. 26.

Trouble expected to flare up here in the budding row between the American Guild of Musical Artists and American Federation of Musicians failed to materialize during the appearance of Jascha Heifetz on Nov. 20 with the Detroit Symphony Orchestra in the Masonic Temple. Word had got around that James Petrillo, who had singled out Heifetz in particular for his attack, 'who is that guy anyway, he's just another fiddle player' would order the Detroit orchestra to walk out on the appearance. However, while the musicians may have been expecting it, no word came through and they played the engagement.

While the action didn't come here the musicians say that it won't be long before the Federation musicians get flagged down on providing the accompaniment to concert artists who belong to the A.G.M.A.

Miklos Rozsa doing the musical score for the Dr. William Sekely production, 'New Wine.'

'NATIONAL UNITY' MAY PLAY PART

Advertising Agencies Stick With Network Unless and Until It Looks Like They (Agencies) May Suffer Financial Losses — Many-Sided Issue Up Next Week at N.A.B. Board

TACT NEEDED

By BEN BODEC

Confidence apparently prevails within the American Society of Composers, Authors and Publishers that even should the networks go over into Jan. 1 without signing new licensing agreements the break will be a short-lived one. The feeling in ASCAP that, despite the hectic goings of Broadcast Music, Inc., the networks are beginning to wonder how they can get around to the negotiating stage without seeming to have backed down from the militant stand that they have been voicing among their station affiliates for the past six months.

Intimations have already been given as to the direction from which the bearer of the palm branch will come. The current drive to achieve national unity will play no small part in peace machinery. This is no time, it will be pointed out, for the American people to be deprived of their folk-music and masterworks, and into the spotlight, it is expected, will step a mediator with a national reputation.

Meanwhile the most important advertising agencies using music in their programs are still optimistic of an 11th-hour rush to settlement of the controversy. General impression given by these agencies is that they will refrain from doing anything to weaken the networks' position until they become convinced that the webs will not make a last-minute move toward negotiations. Several agencies, while expressing themselves as anxious not to make any move that would take control of the music situation away from the networks, have already felt out ASCAP about the possibility of obtaining rights direct. The networks have also advised these

(Continued on page 42)

Wholesale Substitution at NBC, Chi, Of Programs' ASCAP Theme Songs

Retaliations

As the licensing deadline approaches, the inclination to engage in petty antics and retaliations becomes more intensified. ASCAP publishers charge the networks with co-operating with BMI to keep ASCAP tunes from reaching top place on the 'most played' list, while BMI cites the treatment given one of its numbers while Teddy Powell played Warner Bros. Strand theatre, N. Y., the week before last.

Powell included a BMI number in his initial performance, but at the next show the tune was out of his books at the express orders of the house booker.

Chicago, Nov. 26. Theme songs of 20 NBC programs originating in Chicago have been made non-ASCAP. Changes bring in the following new themes on these shows:

Cadets will use 'Bendemeer's Stream' to replace 'Something About a Soldier'. Edward Davies will dispense with 'Sing My Heart' and use the first program number as the opening. Doug Craig has written an original for the Escorts & Betty to replace 'Mindin' My Business'. Joe Gallicchio's orchestra replaces 'Intempezo' by Provost with new 'Requero'. Harry Kogon's orchestra gets an original by Roy Shield to replace 'Romance in the Air'. Larry Larsen kills 'Waters of Perkiomen' and will use the first program number as the opener, and Ruth Lyons will do likewise when she eliminates 'You Are Love' as her program theme. 'Stars and Stripes Forever' goes off as theme for the National Farm and Home Hour, with Roy Shield having written a new theme tagged 'Farm and Home March', 'Arrangement of the closing 'Star Spangled Banner' has been revised.

Morin Sisters eliminate 'Blue Skies' and will use their first program number as opening. Dining Sisters kill their 'One, Two, Three' theme and will use a new theme tagged 'So Long Ago' which has been written especially for them by their arranger and accompanist, Jack Fascinato. Happy Jack Turner has written his own new theme, 'Happy Good Morning' to replace 'Plant the Little Smile'. Vagabonds kill 'St. Louis Blues' and replace with original 'Vagabond Drag'. Wayne Van Dyne has written 'Let's Build a Dream' to replace his former 'My Humble Serenade'.

FRISCO'S BAL TABARIN SKEDS TED LEWIS ORCH

San Francisco, Nov. 26.

Ted Lewis is skedded to open at the Bal Tabarin here Jan. 3. Current long-run clicko at the Bal, 'Grandfather's Follies', will close soon, though Gary Nottingham's orch will stay on until Lewis comes in. Niteroy will use variety show during interval.

'Grandfather's Follies' will play four days at the Downtown in Oakland, house now being fed acts by Music Corp. of America, chore until recently handled by Bert Levey.

NO REPLY FROM BMI

Bob Miller Awaits Response on Contact Union Chagge

Bob Miller, president of the music publishers' contactmen's union, had not up to yesterday (Tuesday 3) received a reply from Broadcast Music, Inc., to his letter asking it to state its position on a complaint of unfair trade practices. When Miller gets his answer he will turn over this letter along with his evidence to the union's council and executive board for disposition. The complaint charges that BMI violated its agreement with the union by paying for the diskings of recordings containing BMI plug tunes.

It is also alleged that BMI paid for the special arrangements and the musicians used for these recordings.

ASCAP Board Meets

Board of directors of the American Society of Composers, Authors and Publishers held its regular meeting yesterday (Tuesday) instead of the usual Thursday because some of these boardmen live in Connecticut and that state celebrates Thanksgiving tomorrow (28).

Meeting will be devoted mostly to routine matters.

ASCAP Wins in Maine

Maine has been added to the states in which the American Society of Composers, Authors and Publishers has scored litigation victories. The State supreme court of Maine last week dismissed a monopoly suit brought against ASCAP in 1937.

Action was based on the state's anti-monopoly statute.

SEATTLE GETS A.F.M. ANNUAL

Seattle, Nov. 26.

The first time in Seattle's history and on the Pacific Coast, the 46th annual convention of the American Federation of Musicians, will be held here for the week beginning June 8 next. Carbon Weber is secretary of Local 76.

Some 600 delegates are expected with a total of 1,200 visitors. Already Weber and his membership lining up arrangements for the conclave. Cooler summer weather in Seattle is responsible for selection of city. Weber said, explaining the last four or five meetings of the swing and symphony men were in 'hot' cities.

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Night Club Reviews

Book Casino, Detroit (HOTEL BOOK-CADILLAC)

Detroit, Nov. 23.
Faith Hope and Zingo, Mickey King, Richards, Adrienne Dancers (3), Casinotes (6), Carl Bonner Orch (10), Dick Rock Esquires (4).

Under the catchy title of 'Book Revues', the Hotel Book-Cadillac has run off a series of floor shows around a theme idea. The current offering is 'Circus Days' in a series of productions which has already seen 'Indian Summer', 'Show Boat' and 'Night in Spain'. While the peg for each revue may be thin enough, the continuity of the production idea is helping to create a steady following for this neat downtown hotel spot.

With a circus set behind the Carl Bonner orchestra, this floor show has a genuine circus act, Mickey King, and an amusing approximation of sawdust entertainment. The earlier editions had a commentary threaded through the show, and one moves briskly and blithely without asides and explanations. The Casinotes, tastefully dressed in accordion pleats which give them a clown quality, aided by trick lighting, convey the idea of acrobats in a number full of pinwheels, hand-turns, etc.

To 'Intermezzo', the Richards Adrienne trio comes on and the idea of the flying trapeze is given in their adagio turn. Their turn keeps Adrienne sailing through the air in an act inconsistent with the circus idea but helped by the show's entire mood.

For an animal act, there's Faith Hope and Zingo. This, too, is circusy, with the gal as the trainer and Zingo, a gorgeous, feisty, plush 'horse', full of comic antics. This is carried right into the audience at the supper show where youngsters in the room—yes, they're bringing the kids out to the show—get out for a ride on the 'horse'. 'Pony Boy' is a handy music theme.

The Richards trio comes back with another 'animal' turn, the girl in leopard skin, the males as animal trainers. There's versatility in their work. While it may not be in strict keeping with the main theme, the Casinotes give plenty of attention with a 'Whisper and Dog' number, the dog being a black Scottie sewed on their white costumes, leading to amusing dance devices, and winding up with costume changes and the trick lighting again in play.

The real circus flourish comes with Miss King's work on the rope. She does variety of muscle stunts. Orchestra plays by the numbers, unobtrusive show style. The Jivier Esquires take care of the intermission music.

George Snyder, hotel executive, is in charge of the show, and the earlier ones were contrived around a central idea, he's now taking a group of acts and working out the production idea around them. Gertrude Warner handles dancing for the revues. Pool.

Crystal Terrace, St. L. (PARK PLAZA HOTEL)

St. Louis, Nov. 22.
Alan Carney, Beverly Clark, Earl and Josephine Leach, Nancy Evans, J. W. McDonald, Baltimore Boys (6).

With stiff opposition offered by the Chase Club, less than 100 yards away, management of this swank room, which boasts the only mirrored ceiling in this burg, currently is countering with one of the best shows of the season and one which boasts all new faces. Alan Carney, who served a seven-month stint with Rudy Vallee on the air and has had roles in several talkers, tops the 40-minute bill. Carney appears to

have about everything, his dialectic and mimicry routines clicking solidly with a mature and sedate mob that was pretty tough to thaw.

Doubling as m.c., he also dishes out showmanship and personality, giving each act a strong build-up. The 800-capacity room almost filled at show caught. Carney starts session by bringing on Beverly Clark, petite brunet wearing a shimmering white gown liberally plastered with sequins, who socks over 'Donkey Serenade', 'Why Do I Love You', 'I Am An American' and for an encore 'Nightingale Song'. Beverly Square. For one so tiny the Clark gal possesses not only quality but power in her pipes.

Carney starts his act with an impersonation of Charles Laughton and follows with those of Lionel Barrymore, Wallace Beery and Edward G. Robinson. Tops these with a comedy skit, 'A Night at Union Square', in which he clicks with his imitation of a Russian, Italian, Irishman and a male social worker making soapbox orations. For an encore he does a conversation between a stuttering boy and girl in a golf course. The Leaches, both redheads, exponents of ballroomology, are a very agile pair and one of the best of their four routines is a Hawaiian one in which Nancy Evans warbles. 'Hawaiian Chant' as a background. The pair also scores with a swing-ballroom number for a finale. The Evans songbird puts over a couple of pops with ecclat. J. W. McDonald, a Canadian, works in an adjoining room before and after the floor shows and displays some novel tricks. Sahu.

Nitery Followup

Joe Reichman has a brisk melody dance team at the Essex House, N. Y., his combo comprising four reeds, three brass and five rhythm (accordion, piano, bass, guitar and himself at the piano). It's sprightly and brisk without being longhair nor 'dirty', an ideal combo for an intimate hotel room like the Casino on-the-Park of the Essex. Reichman breaks it up with plenty of Latin flavor these days, in keeping with the growing congarhumba vogue, but dominantly he keynotes the band from his Steinway. Imogen Carpenter is relief pianologist in between dance sessions.

Sonny Kendis is back at the Stork Club, ever a strong home-base, considering his long past associations with the Sherman Billingsley high spot in New York. Kendis had been farmed out to Monte Prosser's N. Y. Beaneate hotel for quite a spell until summoned back to blighty by the Stork's boniface, who has him under long-term contract, presumably to coincide with the soon-to-be-opened annex, a sizable overflow room. Also vivid on the dais is Frank Ramoni's expert congarhumba combo, notable for a personality maracas songstress, Juanita Rios. Universal filmstepped a previous Latin catootsie here, and Miss Rios suggests similar photogenic future, especially if the films continue their South American way. Abel.

Auburndale Dance Date

Autumn Pole ballroom, Auburndale, Mass., is scheduling its first winter season operation this year. Spot has installed a heating system and will continue doing business as long as reaction is good.

Spot is currently running only Friday and Saturdays, but expects to stretch that to four days a week.

Bill Darnel, last with Al Kavelin, added as vocalist to the Bob Chester band.

Band Bookings

Jimmie Lunceford, Dec. 1, Renaissance Casino, New York; 2, Aud., Springfield, Mass.; 3, Army, Boston; 5, week, Loew's State, New York; 12-15, Boston theatre, Boston; 20-22, Met theatre, Providence; 24, Renaissance Casino, New York; 25, Mercantile Hall, Philadelphia; 26, People's Centre, Jersey City; 27, week, Royal theatre, Baltimore; Jan. 3, week, Howard theatre, Washington, D. C.

Henry Busse, Jan. 23, Capitol theatre, Washington, D. C.
Del Courtney, Dec. 20, Capitol B., Austin Tex.; 21, fortnight, Shadowland, San Antonio; Feb. 1, U. of Iowa, Ames, Ia.

Ellie Fitzgerald, Nov. 30-Dec. 1, New Casino theatre, Bronx, N. Y.

Tiny Bradshaw, Nov. 29, Apollo theatre, New York.

Blue Barron, Jan. 1, Adams theatre, Newark; Jan. 9-12, State theatre, Hartford, Conn.

Don Bestor, Dec. 10, indef., Tune Town B. St. Louis.

Will Hudson, Dec. 14, indef., Syracuse hotel, Syracuse, N. Y.

Richard Humber, Dec. 12, Loew's State, New York.

Gray Gordon, Dec. 20, week, Palace theatre, Cleveland.

Nicholas on Leave From
Tucker-Baker Combo

Indianapolis, Nov. 28.
Ted Nicholas, personal manager of Orrin Tucker's orch, will return here in December on a leave of absence from his management duties in order to open up his own advertising agency in this city. Nicholas, former manager of the vaudeville Lyric here, left last year in order to take over the business reins of the Tucker-Bonnie Baker combo. He was a dramatic actor and later an advertising man, before managing the Lyric's vaude policy for seven years.

He will be in this city for several weeks to get his ad agency established before rejoining Tucker's band in Chicago.

Ray Paige's Records

Victor Records will shortly issue an album of records cut by Raymond Paige and his 61-piece radio orchestra, the first records made by that conductor in about 10 years. Album is to be issued under the title 'Musical Americana' and consist of cuttings of popular and light classical tunes that have become standard.

He has waxed 12 ideas ranging from George Gershwin's 'Rhapsody in Blue' through 'Moon Indigo', 'Beautiful Ohio', 'La Camparita' to 'Night and Day'.

ASCAP Peace

Continued from page 41

agencies that any such direct licenses would not be recognized. The agencies concerned point out that both approaches were of an unofficial cable and that there will not be any attempt to get official expressions of policy on these points from ASCAP or the networks until December has long been under way.

Full board of directors of the National Association of Broadcasters meets in New York Monday (2), and is due to stay in sessions for three days. The ASCAP situation will figure importantly in these proceedings. The committee of band leaders, which has been laboring to bring the radio and music factions to a negotiating table, will meet today (Wednesday) to review the progress, if any, made to date and consider the latest message from Neville Miller, NAB prez. In answer to the committee's bid that he go through with an alleged promise to meet ASCAP spokesmen if the latter agreed to discuss a contract on a per-program basis.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ) and CBS (WABC) computed for the week from Monday through Sunday (Nov. 18-24). 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 (17).....	BMI	34
Enes (5).....	Southern	31
So You're the One (5).....	BMI	28
I Give You My Word (9).....	BMI	24
Nightingale Sang in Berkeley Square (6).....	S-B	24
We Three (10).....	M-M	22
Practice Makes Perfect (17).....	BMI	19
Ferryboat Serenade (12).....	Witmark	18
Do You Know Why (1).....	Famous	17
Let's Be Buddies (3).....	Chappell	17
Same Old Story (17).....	BMI	17
You've Got Me This Way (4).....	BYC	16
Dream Valley (5).....	Foist	15
I'd Know You Anywhere (3).....	ABC	14
A Million Dreams Ago (12).....	BVC	13
Along the Santa Fe Trail (3).....	Witmark	13
Maybe (16).....	Robbins	13
Yesterday (12).....	BMI	13
You Walk By (2).....	BMI	13
Down Argentine Way (2).....	Miller	12
Only Forever (13).....	Santly	12
Trade Winds (16).....	Harms	12
Turkey in the Straw (2).....	Paramount	11
Moon Over Burma (4).....	Remick	11
Now I Lay Me Down to Dream (11).....	Southern	11
Tonight (18).....	Remick	10
Shadows on the Sand (1).....	Remick	10
Old Castle Scotland (3).....	BMI	9
Bad Humor Man (2).....	BVC	9
Rhumboogie (12).....	Leeds	9
I Hear a Rhapsody (4).....	BMI	8
May I Never Love Again (4).....	BMI	8
Two Dreams (12).....	BMI	8
We Could Make Such Beautiful Music (18).....	BMI	8

BAND ROUTES

Week of Nov. 22

Present whereabouts, or fixed addresses, of dance orchestras are given below, alphabetically arranged. Every effort will be made to keep the list as complete and correct as possible. Band leaders and their managers are invited to cooperate by notifying VARIETY of changes and corrections. There is no charge for listing.

Abbreviations used are as follows: B—ballroom; C—cafe; CC—country club; R—hotel; NC—night club; R—restaurant; T—theatre. Booking office abbreviations are: MCA, Music Corp. of America; GAC, General Amusement Corp.; CRA, Consolidated Radio Artists; F. B., Frederick Bros. Wm. Morris is spelled out.

<p>A</p> <p>Aguilar, Edward, Earl Carroll's, H'wood. Alexander, Van, Low's State T. NYC. Andrews, George, Club B. N. NYC. Armstrong, Louis, Joe Glaser, RCA Bldg. Arneson, Gus, Wilshire Bowl, L. A. Ash, Paul, F. B. NYC. Ayres, Mitchell, MCA, NYC.</p>	<p>B</p> <p>Bammell, Earl, Club Morocco, N. Detroit. Bardot, Bill, Flatbush T. NYC. Barnett, Charlie, MCA, NYC. Barrie, Dick, MCA, NYC. Barron, Hula, CRA, Chicago. Barial, Jeno, MCA, NYC. Barucha, Isaac, MCA, NYC. Basile, Conant, MCA, NYC. Basile, Charles, Hotel, Buffalo. Becker, Howard, Delwood Gardens, Buff. Beloff, Malcolm, MCA, NYC. Bern, Ben, RCA Bldg. NYC. Bestor, Don, Joe Glaser, RCA Bldg. NYC. Bradley, Will, Biltmore H. NYC. Bolongini, Ennio, L'Aiglon, R. Chicago. Bor, Minna, Waldorf Hotel, N. Y. Brandley, Will, Biltmore H. NYC. Brandt, Eddy, RCA, NYC. Brandwynne, Nat, MCA, NYC. Brando, Irving, Outlook, Rathskeller, Phila. Brasse, Lou, GAC, NYC. Brigode, Ace, Margold B. Chl. Brown, Les, Arcadia B. NYC. Bundy, Dick, MCA, NYC. Bush, Eddie, Hurricane, N. Y. Buses, Henry, Casa Manana, Culver City. Byrns, Bobby, GAC, NYC.</p>	<p>C</p> <p>Calloway, Cab, Apollo T. NYC. Carlsen, Bill, Wm. Morris, NYC. Cherniavsky, Josef, W'lv, Cincinnati. Child, William, F. B. NYC. Childs, Reggie, Windsor T. Bronx, N. Y. Clinton, Baggie, Park Central Hotel, NYC. Clinton, Larry, C. NYC. Coffey, Jack, Leighton's Halfway House, Buffalo. Coleman, Emil, Che Paree, Chl. Courtney, Del, Baker H. Dallas. Cragg, Francis, Huntington, Nashville. Crosby, Bob, MCA, NYC. Cusack, George, Chicago T. Chl. Cummins, Bernie, MCA, NYC. Curbello, Fausto, MCA, NYC. Cutler, Ben, Edgewater Beach C. Chl.</p>	<p>D</p> <p>Daily, Duke, Providence-Biltmore H. Dancy, Duke, RCA, NYC. Damaral, George, Casa Loma, Charleston, W. Va. Danders, Jay, Bob, Gay 90s, Chicago. Davidson, Mitchell, Cinderella, N. Y. Davis, Eddie, LaRue, R. NYC. Denny, George, RCA, NYC. Deutsch, Emory, Wm. Morris, NYC. Dixon, Les, F. B. NYC. Donahue, Al, Wm. Morris, NYC. Donahue, Sam, New Kenmore H., Albany. Dorsey, Jimmy, Meadowbrook, Cedar Grove, N. Y. Dorsey, Tommy, Palladium B. H'wood. Dowell, Sazie, MCA, NYC. Duchs, Eddie, Waldorf Hotel, N. Y. Dugan, George, F. B. Huntington, O. D.</p>	<p>E</p> <p>Eldridge, Roy, Joe Glaser, RCA Bldg. NYC.</p>	<p>F</p> <p>Fulton, Happy, MCA, NYC. Fulton, Rupp, Riverside T. Milwaukee. Flo, Rita, Ted, Augustus, N. Dallas. Fisher, Freddie, GAC, NYC. Fish, Fred, Ella, Mos. Club, 48 W. 48th St., NYC. Foster, Chuck, GAC, NYC. Fraetto, Joe, Wm. Morris, NYC. Fredrick, Jan, Boulevard Tavern, Elmhurst, N. Y. Freeman, Jay, Gay New Orleans, World's Fair, NYC. Fulton, Chuck, c/o MCA, NYC. Fulk, Larry, F. B. NYC.</p>	<p>G</p> <p>Gagen, Frank, Bordewick's, Tuckahoe, N. Y. Garber, Jan, State-Lake T. Chicago. Gardner, June, New Penn, Pitt. Garr, Glen, Joe Glaser, RCA Bldg. NYC. Gasparino, Tony, RCA, NYC. Golly, Cecil, F. B. NYC. Goodman, Benny, MCA, NYC. Gordon, Gray, Adelphi T., Newark. Gott, Ray, Savoy-Plaza H. NYC. Gray, Glen, Paramount T. NYC. Green, Johnny, MCA, NYC.</p>	<p>H</p> <p>Hamilton, George, MCA, NYC. Hall, Gene, Chatterbox, Mountaineers, N. Y. Hall, Sleepy, Homestead, New Gardens, L. I. N. Y. Hallett, Mal, Edison H. NYC. Harris, Harry, RCA, NYC. Harris, Phil, Wilshire Bowl, L. A. Hart, Joe, F. B. NYC. Hawkins, Coleman, Kelly's Stables, NYC. Heatherton, Ray, MCA, NYC. Heidt, Horace, MCA, NYC. Henry, Chuck, GAC, NYC. Herbeck, Ray, F. B. NYC. Herman, Woody, Chatterbox, T. Chicago. Hines, Earl, RCA, NYC. Hoagland, Everett, Statler H. Boston. Horn, Fred, Mountaineers, N. Y. J. N. Hartman, Carl, CBS, Chicago. Holmes, Herbie, Lou Cabin, Armok, N. Y. Holst, Ernie, Beauchemer, NYC. Houston, Dean, Blue Gardens, Armonk, N. Y. Hutton, Ina, Ray, MCA, NYC.</p>	<p>J</p> <p>Jacobs, Howard, c/o Wm. Morris Agency, NYC. Jahn, Al, F. B. NYC. James, Harry, Orpheum T., Minneapolis. Janice, George, Park H. Wash. D. C. Jarrett, Art, GAC, NYC. Jones, John, McAlpin H. NYC. Joy, Jimmy, Casino Gardine, Los A. Jurgens, Dick, Arkon B. Chl.</p>	<p>K</p> <p>Kawed, Art, Blumark H. Chicago. Kaye, Sammy, Commodore H. NYC. Kavelin, Al, MCA, NYC. Keane, George, Wm. Morris, NYC. Keller, Leonard, Book-Cadillac Hl. D. C. troll. Kemp, Hal, Ambassador H. Los A. Kendra, Sanny, Stork, NYC. Kent, Larry, Biltmore H. NYC. King, Geo., Monte, Townsdown, Ohio. King, Henry, Peabody H., Memphis. Kinyan, Sam, RCA, NYC. Kirby, John, MCA, NYC. Kinney, Ray, Lexington H. NYC. Kirk, Ray, F. B. NYC.</p>
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(Continued on page 55)

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(Continued on page 55)

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, is the estimated cover charge business being done by name bands in various New York hotels. Dinner business (7-10 P.M.) not rated. Figures after name of hotel give room capacity and cover charge. Larger amount designates weekend and holiday price.)

Band	Hotel	Covers	Total
		Weeks	Covers
		Played	On Date
Will Bradley	Biltmore (300; \$1-\$1.50)	2	900 1,600
Eddy Duchin	Waldorf (500; \$1-\$1.50)	11	700 11,420
Sammy Kaye	Commodore (650; 75c-\$1.50)	5	1,275 8,650
Ray Kinney	Lexington (300; 75c-\$1.50)	28	1,350 36,550
Kay Kyser	Waldorf (400; \$1-\$1.50)	4	625 4,025
Guy Lombardo	Roosevelt (500; \$1-\$1.50)	7	1,250 8,250
Ab. Lyman	New Yorker (400; 75c-\$1.50)	6	1,250 9,924
Glenn Miller	Pennsylvania (500; 75c-\$1.50)	1	1,375 11,375
Tony Pastor	Lincoln (225; 75c-\$1.50)	8	250 3,425

* Asterisks indicate a supporting floor show, although the band is the major draw.

London Radio (BBC) Plugs

(Monday through Sunday, 8 a. m. to 12 p. m. Parenthetical numeral after title indicates number of months song has appeared in the listing.)

'Can't Love You Any More' (2)	FDH	10
'Breeze and I' (2)	FDH	10
'Until You Fall in Love' (1)	Maurice	10
'Begin the Beguine' (2)	Chappell	9
'Imagination' (2)	Chappell	9
'Love Is All' (2)	Sun	7
'Too Romantic' (2)	Victoria	6
'All Over the Place' (1)	Gay	6
'Nobody's Baby' (1)	FDH	6
'Riding on a Rainbow' (1)	FDH	6
'Six Lessons From Madame La Zonga' (2)	Lafleur	5
'I'll Never Smile Again' (2)	CC	5
'Remember September' (2)	Cinephonie	5
'Sleepy Lagoon' (2)	Chappell	5
'Save a Little Sunshine' (1)	Lafleur	5
'Don't You Ever Cry' (2)	Wood	4
'Devil May Care' (1)	Feldman	4
'Go Smiling Along' (2)	Chappell	4
'In a Moonboat' (1)	Victoria	4
'Make Love With a Guitar' (2)	Feldman	4
'Tuxedo Junction' (2)	Lafleur	4
'Tiggy Boo' (2)	Maurice	4
'Watching a Man Paint a Fence' (2)	Keith	4
'Blackbird Says Bye-Bye' (1)	Gay	3
'Indian Summer' (2)	Chappell	3
'Meet Sun Halfway' (2)	CC	3
'Memories Live Longer Than Dreams' (2)	Gay	3
'Makobebe Island' (2)	Sun	3
'Rhuboogie' (1)	Maurice	3
'Turn Your Money' (2)	Keith	3
'Who's Little Whatsit' (2)	Gay	2
'All the Things You Are' (1)	Chappell	2

FORMALITY POLICY CAN'T SUPPORT NAME

Because there wasn't enough dancipation business the entire week for both rooms, and also because of a trend away from 'formal' dancing, Eddy Duchin is shifting into the Empire Room of the Waldorf-Astoria, N. Y., leaving the Sert Room to its dress-obligatory policy, but with no name band officiating. Instead, Mischa Borr's string combo will give out.

Kay Kyser closes tonight (Wed.) at the Empire, and Duchin takes over the next day, along with his regular support, Rosario and Antonio, dancers.

Retakes on the picture Orrin Tucker and Bonnie Baker are currently making for Universal is keeping Tucker's band on the Coast longer than expected and is the major reason why Tucker's replacing Kay Kyser at the Empire Room of the Waldorf hotel, New York, was called off.

Billy Stein Rallies

Billy Stein is very much on the mend again, after what looked like a dark spell.

The MCA v.p., confined to a New York hospital for weeks following a leg amputation, induced by a heart condition, may be able to leave in three weeks.

Tony Almerico Overcomes Jinx on New Orleans Spots

New Orleans, Nov. 26.

Casino ballroom, heretofore a white elephant for its operators, has been turned into a paying proposition since Tony Almerico and his 10-piece band took over the music chore. Spot is city's only fixed admission dance hall and Almerico and his boys have done what several previous bands have failed to accomplish.

Almerico is veteran Orleans trumpeter who plays and sings in the Armstrong tradition. He recently altered his ensemble to include some veteran local jazz men. Julian Laine, who was formerly leader of band at Marty Burk's niter, is on trombone; Shorty Reese, Roy Posey, Irving Fazzola and Johnny Gregory, reeds; Freddie Loyacano, guitar; Frank Netto, bass; Charles Duke, drums, and Armand Hugg, piano.

Casino is swank spot with huge dance floor and operates five nights a week. Band leans to swing style as clientele is more or less given to more energetic style of terping.

Fazzola, who left Bob Crosby band some time ago, joined Almerico outfit Wednesday (20). He had been working with Jimmy McPartland crew in Chicago since leaving Crosby and came here for a visit with relatives and decided to stay.

Rod Ogle, former Gene Krupa trombonist, and his orchestra have gone into Club Ball, new French Quarter niter in New Orleans.

Too Smart?

Name maestro who demands that he record all the hits, because he wants to maintain his batting average with the coin machines, now has the jukebox operators squawking that there are too many waxings by that particular bandman, a conclusion born of the fact that the machines also load up on the hit tunes, as well as being influenced by who interprets them.

Thus, it's proving a boomerang, and is chasing the jukebox into easing off on this maestro and stocking the same hit tunes, but waxed by another maestro.

Yale Hop Mixes Dance Dates, Forfeits \$250

Mitchell Ayres benefited to the extent of \$250 for a date he didn't play last week because the people that hired his band forgot what night they wanted him when the contract was written. According to his agreement Ayres was due at Vernon Hall, Yale University, New Haven, Conn., Saturday night (23), for a house party following the Yale-Harvard football game. Hop was actually scheduled for Friday, the night before, but in buying the band the committee stipulated Saturday the date.

Mistake cost the buyers of the band the \$250 deposit they had placed with Harry Moss, Music Corp. of America one-night boss. Its return was waived and it was accepted by the band because the mistake forced them into taking a night off and Saturday night at that. Committee in addition was forced to round up a small combination of local New Haven musicians at the last minute to play the job.

Ayres flies to Pittsburgh Saturday (30) morning to lead the college outfit of Duquesne U. drum major during the Duquesne-Carnegie Tech football game. His band trains out to arrive in time to play a post-game hop that night. It plays a party at the Waldorf hotel, New York, the night before (29).

P.A. Turns Lyrical

San Francisco, Nov. 26. Jim Pool of KGO-KPO press department has turned lyrical with result that Paul Martin's orchestra will give a network ride to 'Blue Sea, Blue Sky' with words and music by Pool. Debut takes place on the Red

Arcadia Ballroom Takes Brooklyn For Granted; Ads Help Manhattan Dancery

DANCE ENRICHES 802

\$6,950 in Medical Fund Thanks To New York Affair

Medical Fund of the New York local 802 of the American Federation of Musicians benefited to the extent of \$6,950 last week after the smoke of its annual all-night hop at Manhattan Center, N. Y., Monday (18) had cleared away. About 8,900 paid a \$1 a head to listen or dance to the bands that happened to be in the N. Y. area, in two separate ballrooms. The take was approximately \$6,000 less than the result of the previous annual shindig at Madison Square Garden, but no journal was gotten up this year.

Hop lasted from 9 p.m. to 4:30 a.m. the next morning and was broadcast most of the time by WNEW, m. 'd by the station's Martin Block. In one room bands changed places every 15 minutes and in the other every half hour. Thirty-four bands in all showed up.

Jimmie Lunceford Shifts To Decca Despite Sale Of 448,000 Discs by CR

Jimmie Lunceford's band shifts from its present recording spot to the 50c Columbia sides to Decca Records after Jan. 1. New agreement with Decca is for three years and calls for 48 sides per. He was with Decca before shifting to his current Columbia spot two years ago.

Reason for changing back to Decca is unusual. Columbia admits that Lunceford did a good job in selling sides for them, but explains that the price he was getting wasn't compensated for by the sales. Harcourt Oxley, Lunceford's manager, says that the band sold 448,000 platters for Columbia during its two-year tenure at that company. Lunceford plays his eighth straight Xmas Eve dance at Renaissance Casino, N.Y., this year. Leader always reserves that evening for that spot as a token of appreciation for having been given dates there in the band's early days. Outfit plays 3 a.m. to 6 a.m.

John Kirby small combo booked for Brunswick hotel, Boston, starting Dec. 9. Stay for week then go into Loew's State, N. Y., Dec. 16, then go back to the Brunswick for two more stanzas. He's now on 50c label for Columbia.

Benny Goodman's one-night stand a week ago Saturday (18) at Arcadia Hall, Brooklyn, gave the Arcadia Ballroom, New York, a push that resulted in the latter's registering the largest single night's crowd in its existence. All due to the fact that the sponsors of Goodman's date in Brooklyn ran large adds in daily papers spelling out the name of the ballroom in large letters and its location in small type.

New York spot drew approximately 3,000 people the same evening, many of whom asked for and received their money back when they found out that Goodman was not playing there, but was roosting across the river. Others expressed surprise at the mistake they had made, but remained. Goodman had a crowd of 4,800 to play to.

SHADOW OF PETRILLO

It Brings Basic-MCA Pact on Commission Arrangement

'Count Basic and Music Corp. of America have temporarily settled the differences between them which almost carried Basic's complaint to the American Federation of Musicians. Basic has been seeking, for the past month or so, a rearrangement of the commission amounts MCA has been exacting from his dates, claiming that his high operating out and MCA's commission since have been showing his band into the red. It was settled by MCA's agreeing to a 30-day trial of a sliding scale of commissions based on the band's earnings.

Arrangement unusual. Accepted take of agency's on one-nighters is 20%, but all make concessions which bring the average out to perhaps 12%. Basic's arrangement calls for 10% on a gross up to \$500, 15% up to \$750 and 20% beyond that figure.

Before the confabs which brought about the settlement, however, meetings with James C. Petrillo, AFM chief, had been scheduled and called off for various reasons by both sides. Last had been set for Friday (22), but cancelled when both sides got together and ironed things out. MCA had been taking a straight 20% on one-nighters, the usual amount on those dates, but Basic claimed that long jumps between stops and other necessary expenses were eating into his end too heavily.

Basic has been working one-nighters and record dates as a temporary member of Benny Goodman's new band while his band laid off. The Basic outfit now may go into the new uptown Cafe Society, N. Y.

Restore Charlie Barnet's Union Card


Leader Resumes Next Monday — Johnny O'Connor Now Advises Him—Free to Go With MCA

American Federation of Musicians will hand back to Charlie Barnet his right to work as a union member next week. Leader will rejoin his band officially in New York at the Famous Door Monday (2) on a one-nighter, and starts a week at the Apollo theatre, N. Y., Dec. 6. Barnet is vacationing in Florida at the moment, having left Sunday (24). He'll be gone a week.

Free to negotiate with any other agency since his troublesome contract with Consolidated Radio Art-nist was bought up last week, Barnet has been negotiating through his new personal manager, Johnny O'Connor, manager of Fred Waring,

for a deal with Music Corp. of America. It's expected to be closed some time this week. Barnet is supposed to have paid \$17,500 for his release from CRA, which included the \$8,500 odd he owed the agency in back commissions. However, that figure is unconfirmed.

O'Connor denies that he has assumed a personal manager relationship with Barnet, but admits that in the future he will advise and direct him, which is the usual duty of a p.m. Position of Charlie Weinraub, who has guided Barnet through the past year or more, is not clear in view of O'Connor's interest.



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ANOTHER MPLS. VAUDE TRY FAILS

Minneapolis, Nov. 26.

Closing of Alvin marked second unsuccessful attempt here in two years to put over vaudeville plus independent first-run films, the 4,000-seat Minnesota previously having flopped with similar policy. Harry Hirsch and Harry Katz, long associated with burlesque locally, quit at Alvin after a try of 10 weeks, not one of which was profitable.

Conclusion among trade here is that local public just doesn't want vaudeville, especially when screen constitutes non-major product. Judging by Orpheum's experience, only stage policy having chance in Minneapolis is occasional name personality.

Alvin was handicapped by small 1,400-seat capacity, stopping it from going after important names. It began with modified burlesque, but after three weeks switched to vaudeville booked out of the William Morris Chicago office, house retaining line of girls for fast production numbers. Unlike Minnesota, Alvin didn't use band on stage. Another obstacle was stiff 55c admission scale required under lease terms and probably necessitated, too, by small seating capacity.

Present plans call for Bill Elson to move his 15c subsequent-run film policy from the Palace in lower loop to Alvin, which is only short distance from the former Seventh Street theatre, where Elson found the going good. Both Alvin and Palace are under Minnesota Amus. Co. (Paramount) control.

Dope has it that Irving Gillman is about to relinquish his 290-seat Esquire in heart of loop. He has had difficulty in obtaining product and now is suing eight major film distributors and the Minnesota Amus. Co. for \$25,000 damages, alleging that they're responsible for his inability to get pictures and that the value of his lease has been injured accordingly.

Whether Hirsch and Katz will return to burlesque is not certain. The Gaiety, where they held forth for around 20 years, has been taken over by Gillman for 15c subsequent-run double features.

McCall Nixes 'Abnormal' Demands of Chi Agency

Agents' abnormal demands is the reason given by George McCall, ex-Vauxhall muggs now heading his own film-radio unit, 'Man About Hollywood,' for a possible breakaway from Al Borde-Max Halperin representation.

McCall is currently talking to the William Morris agency, although he has some midwest dates lined up in the interim.

WEST END, HARLEM, FOLDS 10G IN THE RED

West End theatre, Harlem, N. Y., opposition to the Apollo theatre, has folded after six weeks of operation. It is estimated to have dropped \$10,000 during that stretch. Harry Brock, owner of the property and once associated with the operation of the Triboro burlesquery in the same area, backed the venture.

Bucking the Apollo, which is nearby and solidly established as a colored name stand, proved too tough for the West End. It couldn't obtain the talent that the Apollo could call on because of a smaller budget and talent managers were reportedly afraid to deal with it for fear of antagonizing the Apollo operators and jeopardizing future bookings at the latter house.

West End folded after completing its sixth week with Teddy Hill's band and a long show. All talent was paid off.

• 15 YEARS AGO •

(From VARIETY)

Famous Players-Lasky was raiding the vaudeville theatres in adding to their theatre operations. Now negotiating for the Jake Wells circuit, among other deals.

Gertrude Lawrence, who came to New York with 'Charlot's Revue' from London, was remaining in Gotham. The British actress signed with Charles D. Billingham for a starring vehicle.

Radio broadcasting was too poor to be self-supporting. Its future was uncertain.

Charlie Chaplin was blocking the merger between United Artists and Metro. The UA stockholder was opposed to what he called a "trust."

Queenie Mario, the Met opera soprano, and Wilfred Pelletier, the Met conductor, were married.

The Theatre Guild revived Shaw's 'Androcles and the Lion' at the Klaw theatre on Broadway. In the cast were Romney Brent, Edward Robinson (as Caesar), Henry Travers and Tom Powers, among others.

Grantland Rice, the sports writer, and Frank Craven collaborated on a stage football comedy which had its Pittsburgh debut. A couple of funbales had to be ironed out, but after that the show looked like a touchdown by the time it reached Broadway.

\$1,800 NITERY STICKUP

San Francisco, Nov. 26. Police searching for safe crackers who lifted \$1,800 in weekend receipts from Royal Hawaiian Club, local nitery.

Bob Chester gets four weeks at the Raymor Ballroom, Boston, opening Christmas Eve.

New Acts

JACK NORWORTH

Miniature Collection

All Day in Full Stage, N. Y. Some actors saved their money, some saved their programs, some saved their witeups, but this guy saved a load of tiny miniatures that looks like it will add a lot of Jack to this Norworth guy.

His dad started the hobby of collecting miniatures over 50 years ago and handed it over to Norworth, who has kept on adding to the collection until now he has over 50,000 items in this Tom Thumb knick-knack aggregation. Portraits of noted actors, painted with a hair on the heads of pins, a two-inch canon that really shoots, 100 novels and biographies bound in real leather the size of a fingertip, the smallest practical typewriter in the world, the smallest set of firearms and swords, smallest practical electric razor, an electric bulb that you have to use a magnifying glass to see, besides a complete set of sheet music of all the songs Jack has written, including 'Shine On Harvest Moon' and 'Take Me Out to the Ball Game,' words and music on sheets less than a quarter an inch long. Thousands of other interesting trivia. This reviewer would suggest he add two items to make this collection of 'Tiniest Things in the World' complete—a 'Vaudevillian's Salary' and 'An Agent's Heart.'

Norworth is 'showing' at Sachs' Furniture Co. on 8th avenue and 35th street. Admission free and getting a terrific play from oldsters as well as youngsters. He makes a nice appearance in a blue serge suit, newly shined, and a heavy crop of white hair. During the Christmas holidays he has to do is add a white beard and he can double as Santa. He stands around giving lecture and his autograph to anybody that asks for them. On the 'super show' he gets to the bacco. He expects to get a route of department and furniture stores. I guess he is booked by a floor-walker.

By the looks of his showing at Sachs' Norworth is in for the Big Time. With his background of nearly half a century in show business covering vaudeville, musical comedy, pictures and radio he will nail 'em in any place he shows his tines. And that's the gimmick. He draws crowds—either on the way out or in to see the store's bargains and buy, or at least look. That's the payoff for any storekeeper.

If Jack Norworth would add a tiny piano and his not-so-big wife Emma to play it while he sings some songs as he alone can sing 'em, he would have the crowds standing on the beds in every furniture store in the country. It's a great act put on by a great showman. The people like it. I like it and even he likes it. The only thing I ever saw that was smaller than anything in his collection was the audience at a matinee of 'On Location,' a show Jack Norworth wishes to forget.

Joe Laurie, Jr.

GENE and GLENN

Comedy

33 Mins.

State, Hartford

Radio pair, known to ether tuners (currently on WTIC and the Red net), have plenty of corn to offer and the customers eat it up. It's all cross-fire patter between the two, with one of them (Glenn) seated at a piano. Gene takes the role of a couple of hick characters, Jake and Lena, which have been their trademark.

Rapid-fire changes of character and attire good for strong doses of laughter. Piano thumping by Glenn and duo vocaling by both intersperse the patter.

Act runs much too long and should be heavily planned down for theatre dates. Boys have tendency to milk. Eck.

TA, TALENT UNIONS NIX CHI M. P. XMAS FUND

Chicago, Nov. 26.

Theatre Authority and the various talent unions and guilds here have refused to give any assistance to the motion picture industry's annual Christmas Basket Fund show this year. This is due to complaint by these unions and TA that last year they supplied the Fund officials with a list of some 20 needy theatrical families, but were unable to obtain baskets for these persons.

In order to get food baskets for these families TA and the unions were forced to go to the Mayor's Christmas Party fund and the Good-fellows group.

ANN CORIO STRIPS OWN PITT RECORD AT 11G

Pittsburgh, Nov. 26.

Ann Corio in Casino engagement last week broke all house records for town's only burlesk site, running up a gross of over \$11,000 at four-bit top in 1,400 seater. Figure includes Sunday midnight show. There hasn't been a gross like that around here on the peel wheel since the old Columbia days at the Gaiety. Stripper broke her own mark at Casino, which she established last year with close to \$8,000.

Burlesque Review

CASINO, PITT

Pittsburgh, Nov. 14.

'Girls In Blue' with Ann Corio, Charlie (Kewpie) Kemper, George Haggerty, Harry (Shuffles) LeVan, Dawn DeLee, Kay Austin, Beth Calvert, Charlie Kay, Ann Smith, Jack Curtis, Line (14).

Class begets class, so it's only natural to find the No. 1 stripper on the peel wheel, Ann Corio, heading one of the best shows making the 123y First rounds this season. 'Girls In Blue' has first-rate comedy, a moderately good production, a line that can actually dance and, of course, in La 'I Was A Hit In Legit' Corio a peeler who lends distinction to the craft. And a box-office wown to boot.

Casino turned 600 away at the opening Sunday midnight show, and it was SRO at every performance during the week. That's strictly Corio, not because she is really something to look at up there almost la natural, but also because she's one of the best-publicized gals in show biz today, and that includes the flicker and legit top-fighters, too.

This season's preceeding her undressing with a little ditty called 'I Was A Hit In Legit,' referring to summer stock last season and to her Cornell-Fontaine ambitions. Like-wise kids her piece de resistance, explaining when the audience sagged, the clothes came off and she was over. Then gal goes into the pre-deshable parade and she has that down to an artistic science, with body to match, and leaves 'em cutely and coyly with 'I can't take that off, I'll catch cold' when an offstage voice clamors for the C-string to disappear, too. She's burlesk's one remaining natural today.

Comedy's unusually good for a touring wheel attraction. That's chiefly because of Charlie (Kewpie) Kemper, who was last here a few seasons ago with Lupe Velez. Clifton Webb and Libby Holman (at Nixon) in 'You Never Know.' Big fellow is funny and, believe it or not, clean and waxy he gets a dose here demonstrates pretty conclusively that the sewer isn't necessary for the strip clientele. Kemper's assisted by George Haggerty and difference in their sizes helps a lot. Harry LeVan is around, too, for the typical wheel stuff but doesn't overdo it and clicks securely for himself with his slide-shuffle dance.

Line for a change looks like a line and gals have a flock of nicely-routined numbers. 'Girls In Blue' also has a couple of pretty good voices in Jack Curtis and Beth Calvert, who work individually and together; Dawn DeLee is a secondary stripper who looks okay, but will do better when she gets the idea that parading isn't walking on eggs; Charlie Kaye's an okay straight man and Kay Austin does some fair hoofing in production spots. Show carries another stripper, Ann Smith, but Casino's gone semi-pure and, in addition, expected big femme trade of Corio, so Smith gal's number, a grinder, was cut after opening. Cohen.

MISHAPS, ETC., SNARL N. Y. ICE SHOW

Accidents and switches in cast and routines give 'It Happens On Ice,' blades show at the Center, N. Y., the unique distinction of never having given identical performances in the first seven weeks, ended last Wednesday. Three performers have suffered serious injuries, two others have been replaced, three have been added and virtually the entire show has been revamped since opening night. With departure from the payroll on Saturday (23) of ballet director Catherine Littlefield, show is expected to remain in its current form—barring further accidents.

Most serious casualty was Hazel Caley, who does several trick routines with her sister Dorothy. She suffered a concussion of the brain that kept her in Roosevelt hospital for a week, returning to the show 10 days ago. Accident left here flattened on the ice at the finale after her skate caught on her sister's dress as she swung between her legs. Joe Cook, star of the show, did a quick cover-up and curtain was brought down with the house scarcely aware that anything happened.

Couple days later, LeVerne, who does a jitterbug routine on runners, slashed herself so severely with her skates she was out for a week. She sliced a vein, causing her to lose so much blood she was too weak to continue in the show. Less serious casualty was Marty Stott, one of the Four Bruises act, who sprained knee, keeping him out four days.

Newcomers to the production are Phyllis Colt and Gilbert Russell, vocalists, who replace Joan Edwards and Felix Knight. Also added were Ronnie Roberts and Jerry Farley, skating acrobats. Joe Cook has taken on a new foil, Lillian Oldham. Enough show, despite the additions and two appearances instead of the former one for the Bruises, has been cut 20 minutes, mainly by slicing the long ballets and spec numbers.

Biz consists mainly of family trade, accounting for big weekends. Tuesdays and Wednesdays have been a series of benefits. Two extra mats will be given Christmas week and a midnight performance New Year's eve.

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Philly Nitery Ops Throwing Selves A Dinner In Battle Against Curfew

Philadelphia, Nov. 26. Philly nitery operators will hold their first annual banquet at the Broadwood hotel Dec. 15—but it won't be just another dinner. An ad book being gotten up for the occasion is expected to raise the first chest of jack toward a \$50,000 war chest to fight legislation that is stifling the nitery biz all over the state.

Main objection to repeal of the Saturday night curfew, now being stringently enforced and killing what used to be the only lucrative night in the week. The damage done by this law was highlighted over the weekend, when thousands of visitors came here for the annual Penn-Cornell football game and later went into the nitery sector. But their celebration had hardly begun when the flatfoot boys with the badges came in at midnight sharp and declared that school was out.

The early closing dose will be doubly hard to swallow next Saturday (30), when the town will be overrun with football fanatics for the annual Army-Navy game. The service grid classic brings the free-spending crowd of all—but the powers-that-be at City Hall say it will be just another Saturday night and the lid will be on at midnight as usual.

Another law that the nitery boys will try to break is the regular curfew of 2 a.m. on weekdays. They seek to extend this at least one hour. To add to their headaches, the cabaret nabobs have what looks like the beginning of a restaurant strong arm racket brewing here. It first came to light two weeks ago when two guys were arrested for throwing stench bombs at Jack Lynch's. Last week someone threw a bomb into Stouffer's, midtown eatery.

Detectives say there have been rumors of an influx of New York and midwest baddies in the past few weeks and blame the dirty work on them. There are reports that other restaurant and cabaret owners have been threatened with trouble unless they joined a protective association.

EX-VAUDE ACTRESS' DEATH A MYSTERY

Charlotte, N. C., Nov. 26. A note of mystery was injected into the death of Mrs. Jennie P. Whippler, retired vaude actress, found dead at her home on the Carolina Beach road near Wilmington on Nov. 4, as a coroner's jury probed the cause of her death.

At the conclusion of the inquest, the jury found that the woman came to her death from a cause or causes unknown under what appear to be suspicious circumstances.

She was found dead on the floor of her home, clothed only in her nightgown, by sheriff's deputies after they had been notified by neighbors that they had not seen the elderly woman for more than 72 hours. At the time, according to Sheriff C. David Jones, all of the doors of the house were locked from the inside and nothing in the house appeared to have been disturbed.

Pitt's Stanley Due For Straight Films

Pittsburgh, Nov. 26. Looks as if Stanley, WB deluxer, which has been shuttling in and out of a vaude policy since late summer, is due for a stretch of straight pix. No vaude bookings following Louella Parsons' unit, which opens Friday (29), and with holidays approaching, it's doubtful if management will make an effort to grab off additional name bookings until Xmas at least.

Stanley had Laurel-Hardy last week, is playing Bette Davis picture, 'The Letter', on its own and will follow Parsons troupe with another straight pix session, world premiere of Hal Roach's 'Road Show'. Nothing definitely set to follow, and although contracts have been inked with Kay Kyser, Glenn Miller, Gene Krupa and couple of other bands, dates haven't been filled in yet and won't be until start of year.

Nitery Op in Clink

New Orleans, Nov. 26. Felix Maggioro, co-owner of the 'Frank and Bob' nitery of Lake Charles, La., who was convicted Nov. 15 on two counts of an indictment charging conspiracy to violate the income tax laws, was sentenced Friday (22) in federal court here to serve 18 months in the federal penitentiary and pay a fine of \$1,000 and costs. Also charged in the alleged conspiracy, but acquitted, were Robert Dalovisio, the other partner in the night club, and George W. Woodward, Lake Charles tax consultant.

Maggioro was charged with evasion of \$6,432.68 in taxes on the income of himself and his wife in 1937. Sentence was imposed on the first of two counts, Judge Borah suspending sentence on the second count and placing Maggioro on probation for five years to begin at the expiration of his sentence.

SETTLE STRIKE VS. HENIE SHOW

Hollywood, Nov. 26. Rehearsals of Sonja Henie's ice troupe resumed following settlement of a strike over the past weekend and skaters leave next Tuesday (3) for Houston, Texas. Eight line girls who do specialty bits were awarded salary increase from \$60 to \$75 weekly.

Others returned at basic agreement wage of \$80 weekly, but receive adjustment in rehearsal pay and transportation in lieu their demand for pay hike to \$75. Scale for rehearsals was fixed at \$30 weekly.

Settlement was engineered by Kenneth Howard, of the American Guild of Variety Artists International rep, and Arthur Wirtz, promoter of the ice show.

Sims, Bailey to S. A.

St. Louis, Nov. 26. Lee Sims and Ilomay Bailey, currently at the Chase Club, west end nitery, are preparing for a South American tour that will begin in Rio de Janeiro next month. As soon as they finish the local engagement, the second two-week stand this season, they will return to New York and then sail for below the equator.

The preem of Sims' first symphonic composition, tagged 'Blythe-wood', skedded for February in N. Y., will be postponed unless Sims is back in this country by that time.

Woolfolk Quits Sun

Chicago, Nov. 26. Boyle Woolfolk has severed his connection and partnership with the Gus Sun office here. Woolfolk, however, will continue to operate a fair booking office on his own.

He will also continue as booking representative for the Butterfield circuit and other theatres.

DETROIT AGVA WINS 1ST STRIKE

Detroit, Nov. 26. It didn't take the newly formed American Guild of Variety Artists local here long to win its first strike and to sign up its first contract. It was just 45 minutes from the time pickets swung in line in front of Ted Cox's Cafe until the ink was drying on the dotted line and the new union was ready to start moving in on the other estimated 1,200 spots in the state using entertainers.

The first strike and contract materialized unexpectedly. Cox's Cafe signed up Ted LaRue, a one-man band who is accused by the union of doing cut-rate work. Golden instructed Al Frazer, m.c. of the show, not to introduce LaRue. An argument developed and Cox discharged Frazer. With the exception of LaRue, the other two acts in the show, Halaine Ricard, dancer, and Mark Evans, comedy skater, hit the street with him. The picket line was swelled by a pair of lookers, Elaine Marko and Joy S. Clair, dancers.

Auto workers here, whose union numbers well over 200,000, refused to cross the line and Cox said he was willing to come to terms. It was 45 minutes from the time Frazer went out until the contract was made. Everything ended peacefully enough, although Frazer didn't go back in the union booking him elsewhere and assuring him his wage. Neither did LaRue continue in the show and he was ordered to face hearings on the cut rate charges.

Edwards Radio Show Part of Palace, Cleve.; Merry Macs Also on Bill

Ralph Edwards will do his 'Truth or Consequence' program from the stage of the Palace, Cleveland, as part of the stage show for the week beginning Friday (29). He'll also do his regular Procter & Gamble broadcast from there Saturday night (30), with Mel Allen making the trip from New York for the single day. Program will be the same for all shows as that done over the air, with people from the audience participating and the usual prizes every performance.

Gloria Jean and the Merry Macs are also on the vaude bill.

Trail of Rubber Checks Behind Fold Of Majestic, B'klyn; May Go to D.A.

Connors 'Surprised'

San Francisco, Nov. 26. Reports that he is angling for post of national executive secretary of the American Guild Variety Artists came as a 'complete surprise' to Vic Connors, local executive secretary. First he had heard of such a move was when he read it in VARIETY, Connors said. He declined to comment further.

Connors is believed to have support of Kenneth Thomson, Screen Actors Guild executive secretary, and I. B. Kornblum, L. A. counsel and executive secretary of American Federation of Radio Artists.

Connors has spent considerable time of late at sessions in Los Angeles.

AGVA'S NEW BD. PLANS MORE CHANGES

First meeting of the new executive board of the American Guild of Variety Artists reached no definite conclusions Monday (25) and was adjourned till today (Wednesday). Several more changes are expected to be made by this all-powerful board in the union's setup, with possibly further shifts in national personnel eventuating.

Further meetings were held last week by Hoyt Haddock, executive secretary, and Dewey Barto, president of AGVA, with Major L. E. Thompson, of RKO, regarding the AGVA agreement with all vaudeville theatres in N. Y. Thompson's recent illness held up the signing of this pact, later further postponed until AGVA cleaned house, but now the contract is said to be in accord with all the views of both sides. It will run for five years and should be signed this week.

In view of the theatre deal, AGVA met late last week with an official committee of the Artists Representatives Assn., franchised by AGVA, with the view of getting closer cooperation between the agents' and actors' groups.

New Meller Spot

Houston, Nov. 26. The Old Opry House, nitery featuring burlesque melodrama, opened Thursday night (21). 'Ten Nights in a Barroom' is the opening show.

Bert Sloan, Houston musician, is operating the club. A chorus of Houston girls trained by Margie Sloan, and Houston Little Theatre players provide the talent.

Bouncing checks are leaving a trail behind the folderol early last week (17) of the abortive vaudeville attempt at the Majestic, Brooklyn. Meanwhile, nobody has been able to reach Evans & Lee, Strand Theatre building agents, who booked the house, and there's a movement under way to take the matter to the district attorney's office.

Checks for \$250 and \$350, given the Three Sailors and Henry Youngman, respectively, who worked the first week's show, made as quick trips coming back as they did going to the banks. The paper was signed by William Levine, president, and Henry Schwab, treasurer, of the Dell Corp., which had leased the theatre for five years but only operated it nine days.

There's also a claim on file with the American Guild of Variety Artists for \$2,000 due The Three Stooges, who headlined the second week's show. Latter played only two days when the musicians' union yanked Jack Denny's orchestra and the house closed. Musicians were supposed to have been paid nightly, but weren't and the union cracked down.

All efforts by AGVA, actors and their agents to reach Evans & Lee have thus far failed. They just ain't answering the telephone nor has anybody detected them coming to their office in the building. Harry Bestry was also concerned in the booking of the house, but nobody has held him accountable. He was supposedly in the position of a consultant. Arthur Lee signed the contracts for the acts.

AGVA measurely denies that it had given anybody the impression that the house had put up a full bond in escrow before the theatre opened. Mildred Roth, counsel for AGVA, states that only sufficient money to guarantee part of Henry Youngman's salary, plus an additional \$400, was banked with the union. However, she states the bookers gave agents to understand that one-third security had been filed with the union, with this even included in the Three Stooges contract, but none of the agents bothered to check up whether that was true.

AGVA, WHITEHEAD BOTH SEEK OUTDOOR DEALS

Chicago, Nov. 26. American Guild of Variety Artists and the Ralph Whitehead union will both be represented at the annual convention of the International Fair Secretaries here next month. Whitehead is sending Guy Magley, who was head of the American Federation of Actors here.

AGVA particularly is readying for a drive to obtain 100% contracts with carnivals and fairs in line with its recent campaign to organize all performers in the outdoors field.

Two Army Officers Beaten, Nitery Closed

San Antonio, Nov. 26. Two local Army officers were found slashed and both badly beaten in front of the Nite Spot here Saturday morning (23) by local police officers. Ten of the Nite Spot customers and employees were held for questioning, but were released later on in the day.

The night club was ordered closed by local police. Army officials are also investigating.

Treasure Island, New N.Y.

Nitery, Files to Reorganize

A voluntary petition for reorganization under Chapter X of the bankruptcy act was filed by the Treasure Island Restaurant Corp. in N. Y. federal court yesterday (Tuesday). Assets are approximately \$8,000, and 106 creditors are listed, but not the amounts owed.

The bankrupt filed through its president, Walti Walti, and is engaged in conducting a cabaret and restaurant at Broadway and 53d street. It opened about three weeks ago. It proposes to pay 50% to unsecured creditors whose claims are \$50 or less, and 15% to other unsecured creditors. The weekly payroll is \$1,000, and \$10,000 will be needed to continue operations for an additional month.

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MUSIC HALL, N. Y.

Rosemarie Brancato, Jack Powell, Neal Kennedy, Andrew Griepke, Mauricette Melbourne, Katherine Harris, Rockettes, Music Hall Glee Club, Music Hall Corps de Ballet, Music Hall Symphony Orchestra, direction of Eric Rode, Richard Leibert at the organ; "Bitter Sweet" (M-G), reviewed in VARIETY, Nov. 20.

Relieving Russell Markert, who has put on several recent shows in a row here, the house's ballet mistress, Florence Rogge, steps forth to try her hand once again at being a producer. She has turned out a few shows in the past and usually she seems to it that her ballet babies are not as overlooked as they sometimes are at the hands of producing brethren over here.

Miss Rogge is in five parts and reflects a daintiness, or what might be regarded as a woman's touch, in the settings, background and performance. Her costumes, lighting and light effects are excellent, while Bruno Maine's sets are highly colorful. Since the show is billed "In the Blue" that tint dominates throughout, leading up to "The Blue Danube" which is somewhat in the nature of establishing a flavor in keeping with the picture that follows, also in the Viennese mood.

Miss Rogge's "Danube" number, her most ambitious program, is also the outstanding. The full stage is used and featured are the ballet girls who do an ingeniously conceived number, manipulating large, blue-silk sheets to simulate Danubian waves in a general sort of way.

The glee club and Rosemarie Brancato, latter making her first appearance here, provide the vocal background, and along the sides of the auditorium are supernumeraries seated in chairs as though in theatre boxes watching the show. The whole effect is impressive. Toward the close of the number, a scrim reveals couples waltzing on a raised platform upstage. Miss Brancato leads off in later on. She has a voice of particularly ingratiating qualities.

Ballet group also opens the show in "Blue China," a brittle portion in which the two lead dancers, sugar bowl, cream pitcher, etc. Behind them, its face toward the audience, is a blue plate centered by two living figures, one of whom, Katherine Harris, sings downstage to do a very clever tap specialty including some fine work on a set of stairs.

The composition, "Intermezzo," which was heard on the screen here last season in the picture of the same name, is employed for the glee club and Mauricette Melbourne, whistler. An okay interlude.

The Rockettes, who kill this week, performing a fast and slick routine. A very impressive Scottish landscape set, a backdrop for which gives remarkable semblance of depth, lends a scenic touch to the show. Girls are led on by two bagpipe players, Neal Kennedy and Andrew Griepke.

Here before, Jack Powell is given a kitchen set in blue and his chair has been dabbed in part by that same color. The lad with the drumsticks, whose timing and rhythm are perfect, is doing substantially the same routine as in the past. He might develop some new variations to advantage. Also, Powell was on pretty long Friday evening, when he sang "The Merry Widow" and "The Merry Widow."

KEITH'S BOSTON

Boston, Nov. 21.
Balabanow Five, Paul Nolan, Toy and Wing, Sibyl Bowman, Mill Herth Trio, Larry Flat House Orchestra, "Still Alive" (GEO) and "Old Swinmin Hole" (Mona).

A good all around variety bill improves steadily as it moves through the hour's run. The band is a swell novelty, and the boys know how to send it. Act is nicely staged, with Herth at the organ and Jack Conner, drums, both perched on a portable platform. Wilson McGrath, piano, is set close to the platform so they can huddle for their stirring live. At show caught, they turned out. After "You're Gone," with Conner taking a solo on the harmonica. "Whispering and His Dog," a slick swing stunt; "Sheik of Araby" and "Loch Lomond." Just a matter of opinion as to which number is stand-out. They're all good and hot.

Sibyl Bowman, comic impersonator, is a perennial here, but always welcome. Hard-working and projecting vitality all the way, she gives out plenty of laughs. Her few cleverly conceived impressions. The caricature of Eleanor Roosevelt is still the highlight, and the hokum version of Gloria Swanson is, as usual, a laugh-producer because of the ridiculous burlesque of a vampy dance solo which she features. Miss Bowman opens with a Carmen Miranda impersonation that got light attention, because this type of audience has never seen the original. Same might go for her Beatrice Lillie number which follows, but the material is so breezy that this one clicks.

Toy and Wing, in the troy, were well received in their exciting ballroom routines, and when caught had to beg off. Oriental couple are young, fresh and swingy, and their dancing is refreshingly varied and tricky throughout. Girl clicks in a short toe solo, in fast tempo, and the boy got applause for his fast splits.

Paul Nolan, juggler, shows off some smart stuff in the device. He's a clever tosser of hats and balls, but his manner of presenting is somewhat corny in spots. But he gets good laughs through the comedy biz. Encore is of the type to make the customers remember him: tossing a ball and a sugar cube, and a spoon, in that order.

The Balabanow Five, mixed, offer ensemble accordion playing and some incidental dancing as a satisfactory opening act. For.

ORPHEUM, MPLS.

Minneapolis, Nov. 23.
Harry James Orchestra (15), Dick Haymes, Rita and Ed Oehman, Dick Don and Dinah, Gloria Jean, Four Ink Spots (5); "Little Bit of Heaven" (U).

With Gloria Jean in person for three days along with her newest picture, "Little Bit of Heaven," and with the rest of the show spotted for the first time, it's a pretty fair bet that to pull the biggest three days' attendance in the theatre's history.

Entertainment itself comprises almost entirely swing music, singing and dancing, with here and there a comedy and variety. While show itself is far from being among the best at this house, it likely affords full satisfaction for the younger element including the jitterbugs, of course. James, the former Benny Goodman trumpeter, has a first-rate hot band calculated to send the swinegrooves into seventh heaven. And the Ink Spots fans—they appear to be legion—delivered a full measure of what's expected of them. As for Gloria Jean, the young singing star did nothing the way of performance, but her followers a peek at her in the flesh.

The James outfit's arrangements and tempo leave the hep cats nothing to be desired. Same goes for selection numbers. James himself, the emcee, very much in evidence with his trumpet, soloing frequently to the customers' delight. There's a trio of trumpeters and it joins up with James, for one occasion for a session in front of the mike.

James doesn't wait long to introduce his only vocalist, Dick Haymes, personable, pleasing baritone, who's featured in the initial number, "Only Forever." Rita and Ed Oehman, one of the three acts (not counting Gloria Jean), are at their best in rhythmic, jazzy, precision taps. The girls' screamy comedy introductions to her vocals, including "When Irish Eyes Are Smiling," "The Little Red Fox" and "Freddie the Freshman," are done with considerable gusto. More dancing and less comedy and singing might improve the act, but "Freddie the Freshman" is o.k. and the male's tapping on one foot while the girls' gyrations are even more so.

The band lands solidly with "Oh, for Nothing at All." Haymes' vocalizing in solo in this number and in a swing arrangement of "Old Man River." James and his trumpet are in the spotlight for "My Last Good-bye." which precedes another of the acts, Dick Don and Dinah, who are acrobats and balancers, who include some difficult feats. For novelty they bounce around on a two-foot rubber ball which also is used in a number of stunts, helping to provide unusual angles for the latter.

A concerto for the trumpet section, including James, is flashy and showy but musical stuff, with the leader himself demonstrating exceptional skill and proficiency in his instrumental work. The "Two O'clock Mike" by the band also is terrific, with the musicians' "Pavement" and the audience, clapping hands in rhythm with the music.

Miss Jean was interviewed by James, who, she says, she appeared to be ill at ease in his radio, repertorial role, and had to refer to a paper for his questions. At times he was almost inaudible, even over the mike. She tells of herself, her work and Hollywood in response to James' queries, and that's all. The audience insisted on her coming back until James informed that a sore throat which she has is preventing her from working and performing.

The Four Ink Spots, overflowing with energy, wow 'em with their distinctive singing, humming and instrumentalizing, and add a bit of clowning and ribbing to their act. They do the numbers which have won them popularity on the discs, and they go overboard plugging these records. Selections include "We Three," "Who's," "Maybe" and "I Didn't Care." They make the day complete for the jitterbugs.

Capacity and many outside waiting for the first performance at 12:50 p.m. Friday (22). Rea.

STATE, N. Y.

Frances Faye, Paul Gerrits, The Herzogs (5), Jack Teagarden's Orchestra with Burton Pierce, David Allen and Butch Stone; "Arise My Love" (Par).

All of the strength at the State this week is on the screen, the stage and being delivered featherweight. Business depends on just how much "Arise My Love" milked the Broadway trade in its socko three-week run at the nearby Paramount.

One turn currently is sorely disappointed in Paul Gerrits a couple of years ago looked like a coming Edgar Bergen on skates. He had a swell comedy style and a refreshing manner of telling pointless gags and yet make them very laughable. But it seems as though he either can't think of new jokes, or else hasn't taken the trouble to buy any. Also, a couple of his gags are too close to the borderline, especially that regarding the fat lady and the talcum powder. On his skating ability, however, he's plenty chock, but skating acts aren't topnotch next-to-closers.

Frances Faye, preceding him, likewise shows diminishing strength. At the last show Thursday night (opening), she missed by a mile previous, in her "Arise My Love" the live, seat-singing deal is dying off, or she should switch her material. That long routine about the numbers she wrote with Ruby Swearingin, though strictly a gag, makes the paid audience feel awfully lonesome.

Closing the show is Jack Teagarden's band, which is distinguished via having the three-rhythm section on the audience's right hand, with the reeds and rasps on the left. This makes it a little tough for those who, through years of witnessing popular bands, have become strictly left-handed. The Teagardens, however, also follow the modern idiom of playing arrangements that only a Sigmund Spaeth can associate with the original melody. For instance, he wrote a special arrangement of "Dark Eyes" and it comes out like "Bei Mir Bist du Schoen."

There are two vocalists with the band, David Allen, who actually looks as though he's got a head with two tones, and Butch Stone, one of the sax players, who gets a little tiresome with "My Feet Too Big" and an over and over-again reprise of "The Teagarden Shuffle." The punchier side is Burton Pierce, familiar young hooper, along Fred Astaire lines.

Show's lone socko act is the opening Herzogs, who, in aerials, the one of the girls comes up as an audience stooge for the finale and delivers some swell tricks on the trapeze, which she swings high over the pit. Most of the joking and nicely routine novelty.

Business was fair and the layout ran 63 minutes when caught, but it appeared as though the clock had stopped for at least a half hour.

LYRIC, INDPLS.

Indianapolis, Nov. 22.
Adrian Rollini Trio, Six Grays, Timmy and Freddy, The Fredsons (7), Adriana and Charley, Burton Pierce; "Dispatch from Reuter's" (WB).

It looks like somebody got crossed up in the booking of this week's bill at the Lyric for the showing of two dancing acts, two acrobatic acts, and the Rollini Trio is proving that it isn't golden at the boxoffice. Five acts in this number and in a Talent Parade Contest, are billed as "1941's New Era Revue," a certain misnomer as the customer learns last month at the Flatbush, Brooklyn. Make any way, a snappy tap and eccentric-stepping male team, are spotted in place of the Three Chocolateaters.

Also, the band is using more live tunes. "Come in With the Corn." "Are You Hip to the Jive" and "St. James Infirmary" are those in this category, last being done up plenty grown. Organization also is using "The Music in Bern." "Hour of Parting" for contrast. Calloway contributes a vocal to nearly every tune, the aud he warbled apparently not caring if he warbled or not.

Cozy Cole, drummer with the crew, continues to be spotlighted with the continues to solo while the conga dandy stuff sends 'em away in happy. Avis Anderson, topflight soprano, is a cleanup with "Handful of Stars" and "Night and Day." Moke and Poke offer the comedy lift with their crazy tapping and acrobatics. Boy, imitation of a Harlem jitterbug dancing couple is neat clowning. Anise and Aland, fast-stepping dance combo, contribute three tap conceits with grace.

Clarence Robinson, house stager, employs the house line in a military drill to open and segue into the act. The music in Bern, a tap. Chorines sport party dresses for soft shoe production number and Latinexes garb for the finale. They have little enough to do in this show, but they make excuse for some chosen because she had two evening

dress. Her vocalizing of "There I Go" is below par.

Adrian Rollini Trio close bill with swing style on guitar, bass and vibraphone. Rollini is the kingpin, of course, and his handling of the hammers is plenty dextrous. Evidently had a following for enthusiastic multi-slaps demanded an encore and big off. Act probably costs plenty but isn't strong enough to carry rest of bill. A couple of comedy acts to replace two of the dancing and acrobatic acts would have routed out the bill into more acceptable fare.

Biz light at third show Friday (28), opening day.

ADAMS, NEWARK

Newark, Nov. 23.
Gray Gordon Orchestra with Art Perry and Meredith Blake; Tommy Wonder and Betty, Emerald Sisters (2), Charles "Slim" Timblin Co. (3), Joe Feccher's House Orchestra; "Melody Ranch" (Rep.).

The usual Adams entertainment formula of an onstage band, plus some hoofing and comedy, doesn't seem to jell this week, although acts in individual acts o.k.

Gray Gordon's band shoulders most of burden, swinging out with its plentiful brass to good account. Novelties include a brass choir arrangement of "When the Swallows Come Back to Capistrano," one of the longest and dizziest drum solos on record, and a medley of "sign-offs" used by various vocalists. Art Perry, heavy-voiced and assured, does most of the work, and Meredith Blake apparently goes along for the ride.

Miss Blake is long on looks, but her voice is on the crotchety side. After singing through show, pair combine efforts on "I Am An American" finish, song introduced by this duo. Number turns out to be super flag-waver with film shots of soldiers marching. Red Cross nurses, White House, Statue of Liberty, etc., thrown on opaque screen dropped in front of orchestra.

Tommy Wonder and Betty do all right selling some free and easy dance routines, and Betty helps out with a bit of comic chirping. Male partner is a little top-heavy, struts, and also, hoofing it with life-size dummy.

The Emerald Sisters (2) pick up several laughs and a decent hand with their knock-out comedy act. Variegated pratfalls seem to be their specialty.

Charles "Slim" Timblin, in blackface, delivers his standard hokum song, "There's a Little Bit of Me in You," but not much more raw. Then he brings on blackface couple for money wedding ceremony and some run-of-the-mill gags about matrimony. Act got solidly hokey, but no encore encouragement.

B.o. fairly good at noon show Saturday (23). Kent.

APOLLO, N. Y.

Cab Calloway Orchestra (18), Avis Andrews, Cotton Club Boys (6), Moke and Poke, Anise and Aland, Cozy Cole, How Two Line (16); "Mystery Raider" (Par).

Cab Calloway, his band and specialty artists, plus Moke and Poke and Fred, are giving in this house the slickest assortment of entertainment on tap in weeks. May be a bit topheavy on dancing, but makes up for that through yeoman work of veteran Moke and Poke, who eliminate usual shticks at this house.

Despite superlative stage show value for the Apollo, audience seldom warmed up to Calloway's crew when caught Monday night. Lineup and routing of Calloway aggregation very little from its show given last month at the Flatbush, Brooklyn. Moke and Poke, snappy tap and eccentric-stepping male team, are spotted in place of the Three Chocolateaters.

Also, the band is using more live tunes. "Come in With the Corn." "Are You Hip to the Jive" and "St. James Infirmary" are those in this category, last being done up plenty grown. Organization also is using "The Music in Bern." "Hour of Parting" for contrast. Calloway contributes a vocal to nearly every tune, the aud he warbled apparently not caring if he warbled or not.

Cozy Cole, drummer with the crew, continues to be spotlighted with the continues to solo while the conga dandy stuff sends 'em away in happy. Avis Anderson, topflight soprano, is a cleanup with "Handful of Stars" and "Night and Day." Moke and Poke offer the comedy lift with their crazy tapping and acrobatics. Boy, imitation of a Harlem jitterbug dancing couple is neat clowning. Anise and Aland, fast-stepping dance combo, contribute three tap conceits with grace.

Clarence Robinson, house stager, employs the house line in a military drill to open and segue into the act. The music in Bern, a tap. Chorines sport party dresses for soft shoe production number and Latinexes garb for the finale. They have little enough to do in this show, but they make excuse for some chosen because she had two evening

STRAND, N. Y.

Ray and Trent, Roy Davis, Harris and Sore, Roseanne Stevens, Harris Hillier, Ozzie Nelson's Orchestra; "The Letter" (WB), reviewed in VARIETY, Nov. 20.

Bette Davis and "The Letter" are on the screen to guarantee solid boxoffice, to the Strand is short-changing style. The current stage show, Ozzie Nelson's band and Harris Hillier and several acts, are reasonably diverting, but hardly a potent draw.

Entire stagershow is familiar. Nelson's band is agreeable, if unremarkable. His style is a compromise between sweet and hot, while the arrangements are pretty much standard. Leader himself has a pleasant, rather suave personality, with an unobtrusively modest manner. As always, he uses the Mr. and Mrs. domesticity formula for one number with Miss Hillier. She's tagged to enhance her, but she makes the most of her slim voice and somewhat chilly personality. Does three numbers, clicking emphatically with a flock of special choruses of "I Ain't Got Nobody" divide that last word in two and she visibly isn't telling the truth.

Of the other acts, Ray and Trent score as always with their stunning hand-balancing acrobatics. Roy Davis, another familiar turn, does a jaunty pantomime accompaniment of recordings played on a special amplifying photographic gadget onstage. It's uncannily skilful and suggests he may expand his pantomime to include various other kinds of comedy.

Harris and Sore, dance buffoons, offer several routines burlesquing temp terms. It's obvious, but fairly good. Roseanne Stevens, apparently allied with Calloway's band, works the "cute personality" angle. She's a pert youngster of the sort who may presently acquire skill and poise with experience, or may hop about in a few years, a real couple of seasons and then disappear from notice. Hobe.

STATE-LAKE, CHI

Chicago, Nov. 24.

Jan Garber Orchestra with Lee Bennett, Fritz Heitbrun, Dorothy Cordray, Billy Gilbert and Charley, "The Music in Bern" (WB); "Angels Over Broadway" (Col).

Snappy show, full of entertainment and topped by boxoffice items that indicate one of the best money sessions this house has had. It's a good show, with a lot of variety, without a jettison and with a continuous parade of variety entertainment.

Jan Garber orchestra is a Chicago favorite. Started here on its way to big-time, the Garber band comes back after a lapse of a year, and it's strong following. Garber himself makes a smooth and easy m.c. for the show, calling the acts pleasantly and handling some coarse with Billy Gilbert in excellent style. His band remains a sweet-sounding outfit and built of all-around popular appeal.

Lee Bennett is the specialty crooner who he turns in a capable job on three numbers. Could do more, but business demands that the show length be kept down in order to get the turnover. Fritz Heitbrun, who delivers a good baritone number and then surprise with some excellent falsetto mimicking of Bonnie Baker and Mary Martin.

Charley, who comes on the show is Dorothy Cordray, who manages to put over a genuine click despite the confiction of singing by Bennett and Heitbrun. Miss Cordray has a voice that's a real gem with her smooth sweet warbling and pleasing handling of pop tunes.

Carter and Holmes are a standard knockabout team that has been around for some time. Have a mixture of clowning and knockabout acrobatics which add up to entertainment anywhere. Bright dancing spot is Marjorie Day, who has an outstanding comedy routine. Backed with great appearance on figure and youth, Miss Day unlimbers a highly skilled turn of control acrobatics which must score anywhere, any time. She is a clutch for the best there is in musical shows or the top nite spots.

It's a pleasure to watch Billy Gilbert make a person's acquaintance. With his vocal background, Gilbert returns from pictures with a name and a sure sense of showmanship that comes from years of vaudeville. He's a real find. He does his femme partner in which he does a chief and the other, Gilbert, which is a tailor. Two comedy sessions which are played to the hilt for howls by Gilbert. A comedian who can handle any audience. He has a real sense of humor. He has a sneezing routine to good effect, and wisely keeps it down to a short sequence merely to establish his film specialty. Business fine at the first show Saturday (23). Gold.

ROXY, N. Y.

Desi Arnaz, Walter "Dare" Wahl, Vincente Gomez, Ben Yost's Singing Gauchos (8), The Dancers of the South, and Girls (20th), Paul Ash Orch.; "Tin Pan Alley" (20th), reviewed in this issue of VARIETY.

The Roxy again recourses to the South American way for its stage presentation motif and, per usual, under the skillful Jack Partington-Gae Foster mounting, it's a gay and comely paced in 40 minutes; which is a marked contrast, incidentally, to Kay Kyser's overly generous, more-than-an-hour stage frolic the week before. With "Tin Pan Alley" on the screen, the Latin-motif stage show is good contrast, although uniformly the general tempo with emphasis on song.

Desi Arnaz's booking this week was smart. It coincides with his first picture showing at the competitive Criterion on Broadway. RKO's filming of "Tin Pan Alley" shows the stage musical wherein the Cuban niteri-star first came to important stage-screen attention, on the heels of a signal click at La Conga, N. Y. (2), to come away with the hit of the show. The act comedians are still among the best in this sphere of nonsense hand-to-hand routine, topped by some legit gymnastics just to name the way they can really do it. It's like The Hartmans who, for all their ballroom-classical hoke, give the impression they could get off a legit leg routine, and Wahl and his partner, who manage to underplay their nonsense with sufficient conviction to impress.

Ben Yost's Singing Gauchos, male octet, are wisely geared for comedy and novelty in addition to the conventional "Flying Down to Rio," "Amapola" and "Ay, Ay, Ay" ensemble harmony. However, they overdo on some of their fake comedy such as that pseudo-bugle, which, basically, is of familiar pattern and doesn't quite come off.

The Gae Fosteries are quite carcosa and flamboyant, with mild Havana flavoring of their terpsichorean bumps. The costuming is neat and permits an eye-ful of the shapely kids. Galvan and his San Souci Dancers, who are the main attraction, are principally a conga line ensemble, and good flash filler. Vincente Gomez, long given an NBC buildup, is a classical guitarist, obviously studious and skillful fair.

Desi Arnaz, for his part, is given a glamor-boy presentation, all the female stage pictures focusing on the juvenile, in addition to the engaging Latin personality, although after a bit he borders a shade on emulating that Chinese philosopher.

On "Too Long" However, in impeccable white suit, he runs the gamut from "Spice and Spanish" (out of "Too Many Girls") to "Tabu" and, after a costume change, into the conga-banging finale, where he notes the elongated, aboriginal drum around the rostrum for the Cuban rhythm. Arnaz, of course, in the book musical had the advantage of plot and continuity. At La Conga he always has Diosa (a girl) as a paprika vis-a-vis. As a soloist he has a bit of a rep now, particularly in the metropolitan New York sector, plus an undeniable personal charm and quite a bit of talent. It's merely that he'll have to extend his scope if he's to assume substance and stature for rostrum work where the variety chore folks are anything beyond an eight or nine minutes.

Business big opening day. Abel.

GOLDEN GATE, S.F.

San Francisco, Nov. 20. Rich and Adair, Maxine Brothers (2) and Bobby, Frank Payne, Pops and Louie, Uls and Clark, Cressonians (6), Peggy O'Neill House Line (12), Charley Kaley's House Orch (12); "You'll Find Out" (RKO).

Six Cressonians, closers on the Gate bill, gave first-show attendees unexpected acrobatic jolt when one of the tumblers missed a barrel and hit the floor. Clio to the rescue! Members of troupe gave him a quick work-over and he completed the performance, drawing big ovation from crowd. Working twin taster-boards, doing doo-doo, and relay tosses, act keeps customers on edge throughout.

Opening act this week is a pooch named Bobby, foot-mounter in three-ighs with the Maxine Brothers. Gets over nicely. Deucer is Frank Payne, who uses little else besides a "flexible" larynx. There are imitators and imitators, but Payne is the best, dubbing 11 familiar voices plus sound effects with the accuracy of a top-of-the-art transcription. Mimics Uncle Ezra, Second Allen, Joe E. Brown, Bob Hope, and even the Charlie McCarthy, Edgar Bergen and Mortimer Snerd. Donald Duck, new Lehr and F.D.R. in a manner

topping anything this town has seen in months. All he needs is a mike and he can work anywhere.

Smacking of the bygone two-a-day are Uls and Clark, see the laughing lady, he's Irish, then, in an old-time crossfire act with a song billed as from the days of vaudeville is Phil Rich, with his old-school getup, cane, rhumatiz and whiskers who, over the past few weeks with his ditty "60 But Feel Like 16," Adair (Mrs. Rich) works in and out as foil for his humorous philosophy and he walks off with a patriotic march, in an imaginary parade.

Rounding out the contingent are Pops and Louie, sepiu steppers who mix neat control taps with spins, flops and trick steps to land solidly. Linegirls are featured in a "Thanks," giving production number, garbed as pumpkins. The pumpkin heads are meant to become full circles, effecting complete and instantaneous change of costume that drew a big response. Wern.

STATE, HARTFORD

Hartford, Nov. 21. Dave Schooler and 21 Swinghearts, Edmund Lowe and Ann Dvorak, Fredericks and Lane, Midge Feltus, Gene and Glenn, Sam Kaplan pit band; "Friendly Neighbors" (Rep.).

Current show has an all-around appeal. Result is steady clicking of the turntable. Pair of prominent radio names, two film names, a duo of hoofers, an all-girl's band and a vocalist comprise a fair entertainment package.

Date marks the fourth theatre appearance for Dave Schooler's new gal band (recently organized). Outfit, consisting of four fiddles, five sax, three trumpets, three trombones, harp, bass, guitar, piano and drums, means polishing. Majority of members are new to theatre work, having recently become graduates of schools of music. All young, too. Band leans to semi-classical music, which it plays with distinction. One number, which has three of the girls stepping down to the mike for some vocalizing, "I Love You Truly" while the rest back them up with choral effects, is ineffective. Group of six girls steps down from some jamming. Several of the instrumentalists get a chance to solo. At one point, the maestro, who is an accomplished pianist, leaves baton-waving for finger-weaving on the ivories of Second Avenue.

Fredericks and Lane, boy and gal hoofing team, are spotted briefly for some okay interbugging. Midge Feltus, with plenty of energy behind her, does neatly with "Old Man River" and "Maybe," although arrangements aren't quite suited to her style. Gal is a last-minute attachment to the band.

Edmund Lowe and Ann Dvorak work together in a skit on the technique of "How to Make Love and Influence Men (Women)." Effect is about the proper approach to the other sex. Bit is effective but should have been cleaned up for this house, which has its appeal strictly directed at the family.

Pair of radio comedians, Gene and Glenn (New Acts), are in the last slot with some corny but effective crossfire patter. The guys show up on the boards 35 minutes, stretching the show into an hour and 45 minutes. Biz okay. Eck.

EMBASSY, N. Y.

(NEWSREELS)

The United States in the preparedness swing, with the draft as the focal point, is the new theme here this week in a generally motley collection of clips that for the most part are pretty run-of-the-mill.

Fox, Metro, Pathe and Paramount set the pace on clips of the doughboys, enrollees or draftees, and the reels are all the more significant in their run-off on the same bill that includes scenes of England reduced to state of ruins. New sleek bombers shown being turned out in Santa Monica, Cal. (Universal) are among other defense clips.

Rest of the bill is routine. For somewhat of a change there are scenes of the Far Eastern situation, with Japanese bombers dropping "eggs" on the Burma road in order to frustrate the British shipment of supplies to the Chinese (Pathe). Tanks scouting along the sand dunes of Egypt, where once only a camel trod (Fox), give a dull picture.

Again the question of a lack of actual newsworthy reels is apparent, with the result that no less than 10 football games have been caught for this week's program. And they're given quite prominent are the five downs, caught by Par in slow motion of the Cornell-Dartmouth contest in Hanover, N. H. The reels show so too clearly that the game is being awarded the Indians that extra down. Par also had the good fortune of being present at the game of the week, that between Boston College and Harvard in Boston, Mass., in which the former emerged on the long end of a 19-18 score. Pathe and Fox also contributed to the football layout. Kan.

EARLE, WASH.

Washington, Nov. 22. Park and Clifford, Wynn Murray, Betty Atkinson, Ken Murray, Six Gae Foster Girls; The Letter (WB).

Three line numbers, three acts and Ken Murray mixing mightily into all six is the formula for this one. It's not quite the type to "wow" the crowd, but it's a type that, in this case, is a drag being drawn by the Bette Davis film.

House pit band is on stage, wheeling back and forth on platform for down and full stage going-on. Line opens in fast strut in white satin pajamas and top hats, led by Roxette Eileen Ritter, who warbles "Tuxedo Junction," and by pianist and vocalist, guitarist from the orch, and center spot with one solo hoofing. Ken Murray busts through gals' finale to chat about his aunt's chicken art, and lead the band through "Tiger Rag" in an imitation of all the best known orchestra leaders at once. Park and Clifford follow for straight muscle workout. Registers solidly. Murray interrupts acts of gay bathing trunks and cigar, really holding one of pair aloft as couple of friends, who are in foolery. He gets more laughs than most emcees who think such an idea ought to be riotous.

Next is Wynn Murray (not related to the comedian) attractive platinum blonde in black skirt and red jacket, who drops cleverly into a low register now and then to put "Million Dreams" and "Night and Day" and "Great Day" across effectively. Line reappears in gowns with sequin arms and rope scarfs for pretty formation and rhythm swaying. Murray takes it again to introduce Betty Atkinson as "world's champion drum major." Cute blonde in abbreviated drum major costume does neat bit of patter, red skirt and top hat, and women, and then wins top hand of show with her baton twirling, especially the biz of keeping stick spinning while doing one-handed walking and finishing with a heavy lifting of five-foot, 12-pound baton.

Murray gets final spot, centering attention on stooge Milton Christen, who comes up from audience to do a bit of patter. Everybody is on for the finale. Miss Murray leading with vocalizing of "Sweethearts on Parade" as line stands around holding red velvet hearts. Female soloist, who is an embarrassment of light at this clutching. Biz good. Craig.

FLATBUSH, B'KLYN

George Jessel, with Lois Andrews, Isabel Jewell, and Liza Lys, Gary Mary Joyce Walsh, Freda Sultan; Bill Bardo Orch (13) with Ester Todd; Shorts and Newsreels.

George Jessel and his bunch of lookers, some of whom have been changed in the past several weeks, make the Flatbush week a pleasant one, though the director, who depends mostly on Jessel himself. His string of s. a. dispensers contributes little outside of an unheralded fashion show for the local housewives.

The soteria line, which is the way after next week's stand at the Brandt's Windsor, Bronx, sister spot to the Flatbush.

Most surprising innings on the bill is the work turned in by the comparatively unknown Bill Bardo band, which comes up with entertainment qualities and musically that ranks as even in value with the best. Bardo's crew earned genuine response to its various straight and gagged-up innings. It rates the opening half-hour alone, preceding Jessel's act, and the rest of the show leader to conduct for the unit's staff.

Jessel starts the second half talking about anything and everything; namely, the audience. He makes time and present-day vaudeville, his wife (Lois Andrews) and himself, then starts bringing on the gals, each Intro linked with a running gag about the girls' love male flime.

Clark Gable. First on is Liza Lys. She gives a short biography of herself, with Jessel's helping queries, and does little but dress. Gary Mary Joyce Walsh, the sister of the "Madame Liza Lys" and "Ferryboat Serenade" get her attention. Mary Joyce Walsh, billed as on loan from 20th-Fox for stage experience, does a bit with Jessel that is a real crowd-pleaser. Jean Parker before latter left the cast. Skit consists of troubles of a couple of their wedding anniversary. It's unstable. Freda Sultan, a dancer, is on loan for the Flatbush. She runs through a series of ad libbed steps, so it seems. It's hard to label being a mixture of familiar steps and unfamiliar ones, and she does it with her telephone bit, an expected entry.

Bardo's band would avoid retiring the crowd, but were it to do so.

card the opening musical monstrosity it bills as "Stomping at the Flatbush." Shifting its latest arrangement of "Blue Skies" to the front would see the group off quickly. The stuff that follows is easily capable of keeping things humming, but the latter is a stumble that takes the next couple of offerings to overcome.

Made up of three trumpets, one trombone, four sax and four rhythm, the band sums up as an exceptionally good stage outfit, geared for both musical and laugh sequences that stack up on the right side of the ledger. "Nobody's Baby" and "WPA" give the band members (one of the saxes, trumpets and the guitarist) an opportunity to work for laughs, each try getting over with little trouble. On the first the guitarist is the butt of the proceedings as a "baby face" second uses the trio with toy shovels. Another production bit is a glee cub arrangement of "Sylvia." It's well done but overdone. The simpler and more along straight ensemble lines would help immensely. It was strong with this audience, however.

Bardo handles the intros, a violin in solo and a song or two. He works best in a medley of George Gershwin's "Summertime" and "I Got Plenty of Nuthin'," a pair of crack arrangements. Ester Todd is a femme vocalist. She gets in one unrevealing solo innings on a Latin tempo. Wood.

HIPP, BALTO

Baltimore, Nov. 24. Betty Bruce, Mary O'Brien, Bob Evans, Gaudsmith Bros. (2), Leni Lynn, Helene Denison, Roxettes (8), Phil Lampkin, Bardo Orch (12); "You'll Find Out" (RKO).

All hands have combined to round out a very fulsome and entertaining good stage outfit, geared for both musical and laugh sequences that stack up on the right side of the ledger. "Nobody's Baby" and "WPA" give the band members (one of the saxes, trumpets and the guitarist) an opportunity to work for laughs, each try getting over with little trouble. On the first the guitarist is the butt of the proceedings as a "baby face" second uses the trio with toy shovels. Another production bit is a glee cub arrangement of "Sylvia." It's well done but overdone. The simpler and more along straight ensemble lines would help immensely. It was strong with this audience, however.

Colorful opening to offstage vocal of "Lady of the Evening," by Mary O'Brien, has line in flashy Spanish costumes setting an intricate routine, nicely pointed up by precision work of large shawls. Girls look well and sell number to the hit. Serves to bring on Betty Bruce for brace of slick tap sessions, the first of which is a special and the closer, a rhythm hok, solid from start to finish and a rousing hand-getter.

Bob Evans follows with some good ventriloquism. Material is just fair, but closing vocal and act are adroitly handled, especially the business of the dummy talking in spite of hand clasped over its puss. Makes good spot. Line to follow with radium-lit hoops in blackout for swell flash.

Leni Lynn, youthful coloratura from pix, handles a session of legit vocalizing to good effect. Does the work "Voices of Spring" and a lyric wrapped around "You Made Me Love You" (meaning Clark Gable) which includes rather questionable tag about "Tracy and Taylors" should stick to making trails and not very smart considering M-G tieup of moppet. Closes with aria from "La Traviata," which utilizes all the vocal tricks and upper notes typical to the craft, but a superb clincher.

Perfect spot here for the standard Gaudsmith Bros. and their socko French poodles, a smash on any lay-out and made to order for the holiday trade on tap currently. Eke out a barrel of laughs and ear a beg off with the two-high stuff which brings one of the bounds on top for a neat finishing stand.

Robin Hood number, with line utilizing bows and arrows to point up nifty costumes, serves to bring on Helene Denison, for smart toe stuff. Billed as the "Fire Bird Dance," number closes with colorful maneuvering of folds of silk on vari-colored, floor-it platform, good for a series of highly audible curtains. Biz okay. Burn.

Milw. Daily Raps

Strippers, Niteries

Milwaukee, Nov. 26. Putting law enforcement officials on the pan for giving official approval to the art of undressing before the public and giving up their guardianship of the code of public decency, The Milwaukee Evening Post is crusading against the lone local burly house and the nite spots in both city and county.

Rapping the Empress for advertising a "cost of 25" and showing three strippers, a seven-girl line, a heavy, straight, comic and a crooner, The Post says:

"The strip teasers are ordinary. They don't go all the way but far enough. They are neither pretty nor alluring, but fat, flabby and apathetic."

STRAND, SYRACUSE

Syracuse, Nov. 23. Phil Spitalny "Hour of Charm" Orch with John Coye, Three Little Words, Maxine, Vivian, Glee Club, June Lorraine, Evelyn, Mary McLennahan; "You'll Find Out" (20th).

For sheer class, Phil Spitalny and his all-girl orchestra move to the head of the class, with Syracuse audiences this week on the strength of his offering at the Strand. Other name bands that have played this house recently may have more verve, may register better in their specialized style, but the Spitalny unit definitely offers a well-rounded program by unusually talented musicians who wisely avoid imitation of other units and capitalize charmingly on their femininity.

A live version of "In the Mood" sets the stage for the unit, but just as the curtains close, the program after hearing drummer Mary McLennahan pound out a blistering concerto on the tom-toms, the tender brings on Maxine, her hunting version of "Old Oaken Bucket," assisted by the Three Little Words, vocal trio, and the Spitalny Glee Club completely changes the mood of the program.

The same combination offers an impressive choral of Schubert's "Ave Maria" with Maxine sharing the limelight with Evelyn and her violin. The latter returns later to score with "The Breeze and I" and a string ensemble rendition of "I'll Never Smile Again."

Comedy is provided by the Three Little Words, who offer "Tavern in the Town" and "Old Oaken Bucket," both solid deliveries. June Lorraine, pianist, does a neat bit of mimicry of Edward G. Robinson, Gracie Allen, Charles Laughton, Katharine Hepburn and Schmoe and Dede.

It remains for Vivian, a newcomer to the troupe, to provide the top note of the program. A nifty-looking blonde, she has a neat coloratura with which she does the bell song from "Lakme" and then leads the choral finale in "God Bless America."

As an interlude in the parade of girl talents, John Coye demonstrates a capable tap routine.

All in all, it's far above the dance band efforts of offering a stage show. And despite its class-ging, the program is well rounded solidly with a varied audience. Sof.

TOWER, K. C.

Kansas City, Nov. 23. Lum and Abner, Four Sydneys, Gregory and Ray, Lester Harding, House Line, Herb Six House Orch; "Sandy Gets Her Man" (U).

The vaude bill this week has a name act in Lum and Abner, considerably more prominent than the usual run of acts here, and the efforts of the producer and the house force were extended to step up a show in keeping with them. Result is a unit well packed into 30 minutes.

Turn by Lum and Abner has to be chalked up strictly as a personal appearance for the team doesn't maintain a vaudeville pace. Pair take up some 23 minutes showing the customers how to step up the show in keeping with them. Result is a unit well packed into 30 minutes.

A speech by the manager of the team, while they are changing from "store clothes" to civies, is poorly handled and out of place with plugging of Lester Harding's act, and a near-fiasco (though indefinite) return to the air.

The imported supporting acts of the Four Sydneys and Gregory and Raymond keep the pace up on the first half of the show. The former group of three gals and an anchor man execute a stiff routine of acrobatics and juggling on a single bicycle and a turn on a second story monocycles. The other pair with femme partner, Cherie, get tunes out of harmonicas, vacuum sweepers, saws, bicycle pump, rubber glove and a harp, in a more comical dancing, patter and other antics.

The house force is on with some extra team, the line takes a unusual, but not modernistic routine on opening, a terp to "Second Hungarian Rhapsody" midway, and a fast modern tap on closing. Besides his main act, Lester Harding takes an ingenu, ending halfway to warble "Trade Winds" and "A Million Dreams Ago" to his regular ready applause.

Although the biz is considerably stronger this week the house budget is also up, calling for no more pink ink than usual. It's a good move by the management, however, as it is not only bringing in more people, but also many who don't usually make the Tower. A show with both name value and entertainment, such as this one, is also a shot in the arm to the house policy. O'm.

Martin Beck's Interests to Be Left In Present Status by His Estate

Theatrical interests of Martin Beck, who died in New York Nov. 15, will be maintained without change by his estate, principal beneficiaries being the widow and two married daughters by a first wife. Mrs. Beck will be more active in handling the showman's affairs, particularly the operation of the Martin Beck theatre, N. Y. Deceased showman made a fortune in vaudeville, but for the past 15 years confined himself to legit.

Some years ago Beck set up trust funds for the widow and daughters, amount of money involved not being revealed. Most valuable property he had was the theatre, which he sited cost more than \$1,000,000. Its market value at this time is indefinite since theatres rarely change hands, except when reverting to banks which hold first mortgages. Beck also owned a home on East 63rd street. He disposed of a summer home at Elberon, N. J., some time ago.

At various times Beck invested in productions which played his theatre. Such interests included a percentage of 'Cabin in the Sky', currently playing the house. Colored cast musical was produced by Al Lewis and Vinton Freedley. Beck was also a participant in 'Lady in Waiting', produced by Brock Pemberton, which played the Beck last spring and is now on tour.

Mrs. Beck and Marcus Heiman, latter also a former vaude magnate now in legit (Erlander interests), are said to be the executors of the estate. Not stated whether the showman's will provides for charity bequests. Louis Lotito, who manages the Beck, will continue in that post, also acting as general manager.

Indications are that the Beck estate will come to a considerable amount. Reported that at the time his secretary Lillian Saxon Schrein was tried and convicted of forgery that Beck was somewhat short of ready cash, which may explain the reason he caused her arrest. Never verified was a report that because of the forgery conviction Beck secured restitution of a considerable portion of the coin embezzled.

WOOLLCOTT PLANS TO RESUME 'DINNER' TOUR

Alexander Woolcott, whose activities include authoring, lecturing, radio and acting, may return to the footlights. He plans to reappear in 'The Man Who Came to Dinner' on tour. Play by George S. Kaufman and Moss Hart is based on Woolcott's personality and acid witicism.

Last winter the former critic played himself in the Coast company which drew big money in Los Angeles and during the first weeks in San Francisco. He was forced to leave the stage because of a heart attack and the company was withdrawn. Number three 'Dinner' show was reformed this season with Taylor Holmes playing the lead. Holmes show closes in St. Paul Saturday (30), but with Woolcott again in the lead is scheduled to resume early in February. Tentative bookings start in Philadelphia, with other eastern week stands to follow, dependent upon the run of 'Dinner' on Broadway. Latter show, headed by Monty Woolley was slated out early in the fall, but has been faring so well that it may span a second winter. Clifton Webb heads the touring 'Chicago' company.

Frohman's Condition

Daniel Frohman, 91-year-old head of the Actors Fund, who fractured his hip recently, was reported doing 'as well as could be expected' at the Leroy Sanitarium, N. Y., early this week.

Robert Campbell, fund's secretary, who had a similar accident, visits his office daily on crutches.

Equity Meets Dec. 20

Next quarterly membership meeting of Actors Equity will be held Dec. 20, probably at the Astor hotel, N. Y.

Date was set yesterday (Tuesday) by the association's council.

Actor Pinched

London, Ont., Nov. 26. Joseph O'Sullivan, 25, actor of Toronto, was given a suspended sentence in city police court here when he pleaded guilty to the theft of play manuscripts and \$26 in cash from Mrs. Richard Smith, of this city.

O'Sullivan was associated with Mrs. Smith in the organization of the London Repertory Theatre, which did not reach the production stage. He was arrested in Toronto and brought back to this city.

Ballets Giving WB's Hollywood, Seldom in Black, Trim Profits

First consistent big money draws that have been housed in Warners Hollywood, N. Y., renamed the 51st Street, have been registered by two ballet outfits. Currently playing is Col. W. de Basil's Original Ballet Russe, which has been ranging from \$32,000 to \$32,000 weekly at \$3.85 top. Another troupe, the Ballet Russe de Monte Carlo, out under the direction of Massine, which immediately preceded the present outfit, was credited with similar business before going on tour. Theatre originally built for films has been a white elephant.

Both the Massine and de Basil outfits are presented by S. Huruk. Booking for the present troupe was more or less limited, but the Broadway date has been tentatively extended beyond the first of the year. Another dance group during the winter is the Ballet Theatre, originally billed as Mordkin's Ballet. It attracted attention at the Center, Radio City, last season, but was geared too high to operate successfully. Outfit is presently tied up with the Civic Opera Association in Chicago.

Maibaum's 'Mural' Will Preem in Cleve. House

Cleveland, Nov. 26. Frederic McConnell's Play House, the No. 1 community theatre here, is doing another new play Friday (29) when Richard Maibaum's 'Middle-town Mural' replaces the recently premed 'Voskovec-Werich' farce, 'The Ass and the Shadow'. Maibaum, whose 'See My Lawyer' was done here earlier this season, may fly in if he can get away from his duties as a Hollywood scenarist. He gave play manuscript to McConnell when latter lectured last summer at University of Iowa, the author's alma mater.

Making It Clear

The action of Elmer Rice's 'Flight to the West' takes place in the five-compartment cabin of a Transatlantic Clipper.

Jo Mielziner, who designed the setting, calls the play 'Five Cabins in the Sky, with an All-White Cast.'

JUDGE CRANE MAY REP AGMA ON ITS APPEAL

Former Circuit Court of Appeals Judge Frederick R. Crane may be called in by the American Guild of Musical Artists to argue its case against the American Federation of Musicians at the hearing Friday (29) in the Appellate Division. Three sitting judges are then expected to take anywhere from two weeks to several months to hand down a decision.

Case involves the threat by James C. Petrillo, AFM president, to bar from the concert stage, radio, films and phonograph recordings any AGMA artist refusing to join the musicians' union. AGMA obtained a temporary restraining order, but its application for a temporary injunction pending trial was refused last week by Justice Aron Steuer in New York supreme court. Attorneys for AGMA and AFM then agreed to allow the situation to remain in abeyance until decision on AGMA's appeal to the Appellate Court to overrule Steuer's decision.

Princeton Will Get Three B'way Tryouts

Princeton, N. J., Nov. 26.

With Princeton's tryout season in full swing, three new shows will preem here on successive Saturdays, starting Nov. 30. On that date John Shubert brings in as his first solo producing venture the new comedy by Parks Levy and Alan Lipscott called 'Off The Record', with Bruce Cabot, Betty Furness, Hugh O'Connell, Mary Brian and Dennis Moore. Anton Bundsmann is directing.

On Dec. 7, McCarter Theatre will get Max Gordon's 'Out West, It's Different', the Sam and Bella Spewack comedy featuring Sam Levene, who also directs; Claire Trevor, Keenan Wynn, Charles DeSheim, Martin Blaine and Katherine Board. 'The Playwrights' Co. unfolds Elmer Rice's 'Flight to the West' on Dec. 14. Scene is laid aboard an Atlantic Clipper. Heading cast are Betty Field, Arnold Moss, Hugh Marlowe, Paul Henreid, Eleanor Mendelssohn, James Seeley, Constance May, Grandon Rhodes, Arvid Paulson, Karl Malden, Elmer Brown and John Triggs.

Two Plays With Hollywood Locale Fold; 21 Shows Playing on B'way

Doctoring 'Fun'

New Haven, Nov. 26. Internal strife beset the new Leonard Sillman revue, 'All in Fun', in its four-performance break-in in New Haven last week. Several principals expressed the opinion that Sillman should step down as head man and turn the final say over to someone more experienced in this type of production. Sillman couldn't see the suggestion, but compromised by arranging to bring in a couple of play doctors, names undivulged. Show opened in Boston last night (Monday).

Show represents an approximate investment of \$90,000, with Phil Baker co-starring, said to have put up major part of this.

Rose Makes Accusations Of His Own In Answer To Suit on 'Floradora'

Billy Rose filed an answer Saturday (23) in the N. Y. federal court to the suit of Francis, Day & Hunter, Ltd., British music publishers, against him, Billy Rose Diamond Horseshoe, Inc., Jack Kirkland, Select Theatres Corp., and April Productions, Inc., in which the plaintiff is seeking a court ruling on the ownership of 'Floradora'. Rose denies all plaintiff's charges and declares that the operetta 'Floradora' is in the public domain.

Rose declares that Owen Hall composed the book, Ernest Boyd-Jones and Paul Rubens, the lyrics, and Leslie Stuart the music, to 'Floradora', and copyrighted it in England, Dec. 2, 1899. The plaintiff, Rose (Continued on page 52)

Sam Harris, Et Al., Deny 'Stage Door' Plagiarism

Sam Harris filed a general denial in N. Y. federal court last week to the suit of Madge Christie against him, George S. Kaufman, Edna Ferber, Doubleday, Doran & Co., and the Dramatists Play Service, Inc. Harris also applied to examine the plaintiff before trial on Dec. 3.

Suit claims the plaintiff submitted her play, 'Thru the Looking Glass', to Harris, who rejected it, and allegedly subsequently plagiarized it in 'Stage Door'. An accounting of profits, an injunction and damages are sought as well as the profits from the motion picture sale of the play.

Kaufman and Miss Ferber wrote 'Stage Door', Harris presented it and Doubleday published the play.

With the abrupt closing of 'Glamour Preferred' at the Booth, New York, Saturday (23), two days after the exit of 'Quiet Please', Guild, two of the three plays about Hollywood are off the boards. Remaining is 'Beverly Hills', Fulton, which also drew thumbs down. Provisional notice was posted Monday.

Folding of 'Glamour', 'DuBarry Was a Lady', Royale, and 'Suzanna and the Elders', Morosco, latter two having also dropped off the last Saturday, leaves 45th street curiously bare of shows at this time of the season. Block between Broadway and Eighth avenue, which was once referred to as the 'street of hits', now has but three houses out of seven lighted, shows being 'Louisiana Purchase', Imperial, 'The Man Who Came to Dinner', Music Box, and 'Separate Rooms', Plymouth. Morosco was to have housed 'Conquest in April', but that folded out of town.

Bareness was accented Monday (25) when the block was virtually dark, only 'Purchase' operating. As 'Dinner' and 'Rooms' played Sunday night, both shows laid off as required. Only other shows on the thoroughfare are 'George Washington Slept Here', east of Broadway at the Lyceum, also dark Monday for the same reason, and 'Cabin in the Sky', west of Eighth Avenue. Currently, 44th street is busier, having the strong grossers—'Hold on to Your Hats', Shubert, 'Boys and Girls Together', Broadhurst, and 'Twelfth Night', St. James.

Season still lags. Season continues to run behind last autumn in the matter of straight show successes, also some difference in the number of shows. Currently the list has 21 productions as against 24 the same time last November. There are, however, four revivals now playing, none being on last fall. Two shows arrive this week and three more will debut starting next Monday (2).

Two for ones are in evidence more this fall than usual. At least four attractions are using the bargain type of ticket, they being 'Johnny Belinda', Belasco, 'Separate Rooms', Plymouth, 'Blind Alley', Windsor, and 'Horse Fever', Mansfield, cut-raters for the latter being distributed before it opened Saturday (23). 'Glamour' and 'Suzanna' also tried two for ones. Recent rodeo at Madison Square Garden did likewise for specified evenings.

Due next week: 'Romantic Mr. Dickens', Playhouse; 'Delicate Story', Miller, and 'Mum's the Word' (Jimmy Savo, solo), Belmont. Definite closing this week is 'Kind Lady', which tours from the Playhouse.

'QUIET' LOSS OVER 50G, SEASON'S TOP FLOP

'Quiet Please' which folded at the Guild, N. Y., last Thursday (21) deep in the red, was the costliest straight show flop of the season. Mounting outlays are said to have boosted the loss well over the estimated \$50,000 mark. Play was rushed in from the Coast by Jesse L. Lasky and Henry Duffy despite the light grosses drawn there.

After 'Quiet' was given a bad press, Lasky returned to the Coast. Duffy remained in New York, although also reported going west. Back stage was not without its excitements, actors reporting that there were arguments in which Duffy figured, plus one or two instances of fistfights. However, the cast was paid off and each player was in possession of return transportation. Understood that some will remain east, one or two being slated for other plays.

Money to pay off was handled by an accountancy firm and the coin on deposit with Equity to guarantee salaries was not disturbed, being refunded to the management. Salary guarantee originally given Equity's Coast office was transferred to the association's headquarters, amount being \$6,000. Studio equipment used in the performance was shipped to Hollywood, also some electrical equipment, said to have been bought outright. Settings are slated to be destroyed.

John Koenig is designing the costumes for 'Pal Joey'. Jo Mielziner doing the sets.

35th ANNIVERSARY NUMBER

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Plays Out of Town

ALL IN FUN

New Haven, Nov. 21.

Revue in two acts (30 scenes). Book by Virginia Faulkner and Everett Skaife; music and lyrics by Joe Raposo; lyrics by Virginia Faulkner, Skaife, Raposo, W. K. Russell, and others. Cast: Virginia Faulkner, Skaife, Raposo, W. K. Russell, Syd Kallen, Ray Gandy, Albert Lewis, John Bacon, Blanche Lyle, etc. Dances and ensembles: Skaife, Raposo, Lyle, etc. Staged and presented by Leonard Silman at the Shubert, New Haven, Nov. 21, 40, \$2.50 top.

It ever was a case of too many cooks spoiling the broth, this is it. There are more fingers in the pie of this production than there are on the hands of a gross of sidewalk freaks. With a score of songs, sketches, ensembles, blackouts and bits, there's enough material here for two shows—one possibly for Broadway, one definite for the ash-

Show ran four hours at preem, with about eight scenes still unplayed, and the performance turned out to be a nightmare. Poorly rehearsed, badly rehearsed and displaying a lack of control in selection of material, opening drew lukewarm response that improved only slightly with subsequent performances. Despite numerous setbacks, however, show has many possibilities for a good, but not sensational, revue. It's entirely a matter of editorial skill, or a potentially valuable piece of property will find itself crumpled in the trash.

Apparently Silman has bitten off more than he can masticate in his first really big effort. Surrounding himself with a horde of scripters, composers, writers, directors, technicians and backers, Silman finds himself in the position of catering to this horde rather than to his audience. Much inferior material is said to be in this production simply because the creators have been in a piece of the angling. That may be good financing, but it's poor showmanship from the audience appeal angle. Numerous scenes of this show should never have gone beyond the rehearsal stage, not being comparable with even a good amateur performance. One pointless sketch after another is merely suggestive of the sissies in lethargic silence; comedy lines have all the effectiveness of a dirge; and cast members, whose last four correspondence school acting lessons apparently have been their only ones, are given prominent places in the setup. Among these is Betzi Beaton, given a special spot in the billing for some unexplained reason. Theologists are looking for a dinosaur egg, they need hunt no further.

Major fault of the show in present status is in the laugh department. It's announced early in the proceedings that no more suggestive or risqué color would be presented. But they used a sleeping potion instead of just a dry cleaner. Belly laughs are few and far between, and belly laughs are what the needs are. They've had to fall back on an ancient burlesque script for one of their funniest skits, a pulman sketch called "Red Rags and Sunset." Another survivor of the necessary slash-and-burn should be "Slowly I Turn," with Imogene Coca leading the way. Additional comedy possibilities include "Manhattan Town," a hotel bedroom skit that can be built into substantial chuckles, and "Welles of Orson," murder mystery satire that offers a chance for a good laugh. "L'Heure Bleu" also should score adequately, when trimmed down. As is, it uses up too much time leading into "The Macumba," Brazilian production number that should be cut. Some of the sketches that are too weak for the time allotted them are "After Pines and Needles," "Roll Out the Record," a poke at Dorothy Thompson; "My Heart's Office," a satire on the satire on "Time of Your Life"; "Your Town," a travesty on "Our Town."

On top, the show is in the best shape of any department. Several ensembles are standouts, combining clever footwork with colorful backgrounds of lavish costumes and rich sets. High on the hoofing list is a peppy opening, "All in Fun," where Cani Go from Yon." How Did It Get So Late So Early? and "I've Been Here Before with Love." Suggested for elimination are "I've Grown Up" (cute, but lightweight), "Want to Be a Lady," "Lion Tamer," "Man in the White House" and "Prettiest Place in Greece." Last is given extravagant production, but appeal is only visual and number doesn't warrant prominence. It's given.

Jack Whitney. Other dance specialists are Flower Huger and Henry Dick.

Score as a whole is tenuous and rates better appreciation than it got due to many of the numbers having to be built entirely from scratch, following some comedy duo. Ditties that stick in the mind are "Wonderful World," "Love and I," "My Memories Started with You," "Where Can I Go from You?" "How Did It Get So Late So Early?" and "I've Been Here Before with Love." Suggested for elimination are "I've Grown Up" (cute, but lightweight), "Want to Be a Lady," "Lion Tamer," "Man in the White House" and "Prettiest Place in Greece." Last is given extravagant production, but appeal is only visual and number doesn't warrant prominence. It's given.

Phil Baker and Bill Robinson, cast members, are both disappointing. Former because of a pitiful dearth of material; latter because he is held under wraps throughout most of the show. Baker is essaying a stage comeback after six years away from footlights. As co-producer, also, he has taken on an angle that has pressed him from giving his best efforts to the entertainment tangent. Result is a paucity of material that will be a serious drawback in attempting to re-establish himself with theatre audiences. It is somewhat surprising that Baker left himself so wide open to criticism by stepping onstage with so little to offer. A hurry call to a competent gag man can remedy that, but it is a pity to have to come quickly. As for Robinson, he wows 'em when he's on, but they just don't give him time to go to town. In solo hoofing and in leading the ensemble he's tops. A dream sequence titled "Young Man with a Reeler," danced with Theresa Mason, offers a lazy novelty that is not a bad thing. It is an opportunity for some typical Robinson stepping in one, as also does an ad-libbing scene next to play's finale.

Somebody misses a vital trick in a turn that presents Baker and Robinson as a team, with Baker in blackface. There is a duo that would have been worth a fortune as a vaude attraction, but as presented in this particular scene the act is worth only ciphers. Poor dialog kills its chances.

Others starred in this show are Imogene Coca, Jerry Lester and Pert Kelton. Lester is a comedian, and being responsible for welding the show on several occasions when it is in danger of disintegrating. Her big numbers include "Niagara Falls," "The Machine Age" and "Macumba" dances and her familiar strip tease burlesque. Lester was pretty much at sea opening night, but in subsequent performances he has produced a few of his own material that registered well. Miss Kelton is another victim of the material shortage situation. A competent comedienne, she pulls herself up by the bootstraps in a piano-vocalizing and travesty which she has carried over from her last season's effort in "Nice Gals."

Red Marshall registers solidly for laughs practically every time he's on, his ace being the pulman scene. David Morris makes a competent straight man and Ben (Oshins) and Lewy register a few laughs of their own. Hope Manning looks attractive and sings melodiously, but with no power. Nancy Noel impresses best as a thespian, as a singer, Walter Cassel, Bill Robinson and Candido Bothello uphold the male vocalizing end and Lyn Logan and Puk Paaris are in for several big numbers. Production is beautifully mounted, with costumes blending flash with originality of conception. Same goes for sets which, however, require lighting revisions to bring out several scenes. Bone.

Romantic Mr. Dickens

Comedy drama in three acts, five scenes. By H. H. and Margarette Harper, presented by J. H. H. and Margarette Harper, with settings by Watson Barratt and Robert Keith. Cast: Watson Barratt, Robert Keith, etc. Staged and presented by Leonard Silman at the Shubert, New Haven, Nov. 21, 40, \$2.50 top.

Despite the title, "Dickens" is entertaining and thoroughly enjoyable. It is not just another period-costume piece nor a dull biographical sketch of the famous novelist, but rather a constantly interesting dramatization of the lighter, amorous elements that he encountered, exploited and enjoyed in his years of prosperity. The humble garret angle is brushed off quickly in an opening scene, and the balance of the play carries on in an environment of comfortable ease. The Harpers present a peep at the

Shows in Rehearsal

"Battle of Angels"—Theatre Guild.
"Retreat to Pleasure"—Group Theatre.
"Crazy With the Heat"—Kurt Kaszner.
"Flight to the West"—Playwrights Company.
"The Old Foolishness"—John Golden.
"Out West It's Different"—Max Gordon.
"Cue for Passion"—Aldrich and Myers.
"Here Today" (road)—Everett Wilde.

life of Dickens heretofore kept veiled except to those who (like Harpers) have read some of his love letters. Result is that one becomes pretty well acquainted with a likeable guy whose success never overcame his natural instinct to help the less fortunate. This Dickens has spirit and a likeable freedom, but is a little too much on opposition. He has a good sense of humor.

It all rings as true as a bell. Robert Keith attacks the role of Dickens with verve and dash, but doing it with the character to something more than he is in the script. The play would be a mess in the uncertain hands of a second-rate director and cast, but this production gives it the production of a first-rate director. Sircom apparently knew what he wanted, and then worked it out; and a very good cast on opening night gave a performance that made it appear that he had been doing it for months. The laugh lines had not been audience-tested and the ready response overlapped the ensuing lines in a few instances, but only such minor details need fixing.

Practical and, for the most part, commendable piece of stage craftsmanship, and the bouquets could be tossed here and there all night, but the estimate of its commercial value is that it is a failure. Either the war-like times will nullify its potentialities because the public is attuned to more ribald or rugged stuff—or it will click because it is so far removed from the economic problems and hard-boiled strife. Also, there is no smash scene in the play that will make for after-theatre talk; but there is the performance of Robert Keith that certainly will. Diana Barrymore is more than satisfying in the role of an actress who entralls the middle-aged Dickens, and no doubt there is considerable interest in her because of publicity. She is a good actress, and in the supporting cast for acting honors is rather unfair because each and every player deserves a nod, but those who are most vivid in retrospect are the roles of: Gertrude Flynn, as Dickens' first love; Mary Heberden, as a trouble-maker; Zolya Talma in the characterization of a distraught mother; and Elwynne Harvey playing a sweet, understanding sister-in-law.

Watson Barratt turns out two good minor sets and a wisp of a library that excludes the opulence of the Victorian period. Ernest Schrappe compliments the scenic designer's work with costumes that cleverly underline the characters of the players. The costumes are a mix of old and new, and a man in lavender, corn yellow or vivid blue without making him look like a sissy. Fox.

College Show

HIGH AS A KITE

(MASK AND WIG)

Trenton, N. J., Nov. 22.

U. of Pa. Mask and Wig Club presents 1940 annual production by Louis Day, Jr., "The Mask and Wig Club." Cast: John C. Perry, Jr., and Sidney Wertman, Jr. Music and lyrics: Clay Boland, Jr., and S. Buckley. Rehearsal: 42; dancing directed by Walter F. Keenan; entire production under supervision of Boland, Jr. and Wertman, Jr. Trenton, N. J., Nov. 22, 40, \$2.50 top.

With the U. of Pa. in the throes of a bi-centennial celebration, the university's Mask and Wig thespian organization has taken a bite out of the Red and Blue's powerful football squad and is treating the public to one of those bigger and better than ever spectacles. Everything about the show is taken on a high scale, which is put on parade by this year's Mask and Wiggers.

In keeping with the 200th anniversary celebration, Ben Franklin, founder of the show, entitled "High as a Kite," is on a lavish, generous scale indicative of a heavy output in production cost and effort. Few collegiate musicals could match in sumptuousness the production of "High as a Kite," which is put on parade by this year's Mask and Wiggers.

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Plays on Broadway

TWELFTH NIGHT

Revival of William Shakespeare's comedy (in 2 acts, 15 scenes) by The Theatre Guild and Gilbert Miller at the St. James, N. Y., Nov. 21, 40. Cast: Helen Hayes, Maurice Evans, features June Walker, Mark Smith, Sophie Stewart and Wesley Addy. Music and lyrics: Margaret Webster, settings and costumes: Stewart Chaney. Music: Paul Bowles; production supervised by Theresa Helburn and Lawrence Langner. \$3.50 top.

Under auspices of outstanding prestige William Shakespeare's comedy, "Twelfth Night," is revived as the first production of the 23rd season of The Theatre Guild. Gilbert Miller is associate producer, the stars are Helen Hayes and Maurice Evans, the director is Margaret Webster, the settings and costumes are by Stewart Chaney, music by Paul Bowles, and the production is supervised by Theresa Helburn and Lawrence Langner. Such a combination would seem good for about 10 touchdowns.

As a matter of fact it never gets near the goal, but it is a good thing. There is a tumbling, the stars and the supporting players are letter perfect. So the fault must be with the author. It is somewhat late in the day to discover that "Twelfth Night" is a comedy, but it is a comedy that is exactly what it is. It is replete with familiar lines and couplets, has some nimble witticisms and is brightened by a few spots of low comedy. But the plot is one of those mistaken identity yarns, with a girl impersonating a boy. There's a group of lesser characters who play pranks and practical jokes on the main characters. Maybe it is not as funny in Shakespeare's day, but it is tough going now.

Nearly every woman star in the past 100 years has felt the urge at some time to play Viola, and it was only a matter of time before Miss Hayes would take a whirl at the part. It's a cinch role, demanding less from an actress than any lead in Shakespeare. Miss Hayes gets everything right to be had from her lines and business. Her diction is a delight, and she is an attractive figure dressed as a page boy in a cute pantaloons suit, a gay feathered cap and a pair of breeches. She is not a moment in the play that demands any depth of feeling or any honest sparkle of spontaneity. Each scene is tipped off in previous dialogue. The only surprise is that the acting is not up to better purpose.

By reason of his extraordinarily fine Hamlet and Richard II, not to mention roles from other of the Bard's works, Miss Hayes is way out front as a Shakespearean player. In contrast to previous contributions Malvolio is like a vacation. He does get some fun from the part by playing the old fellow with a Cockney accent. The teaming of his and Miss Hayes' name on the marquee at the St. James will induce heavy ticket buying. The audiences are to be disappointed that the script is not as good as the two stars in only a couple of brief scenes.

Stage decorations and costumes are very pleasing, and the musical setting by Paul Bowles has distinct charm and interest. In the supporting cast: Sophie Stewart as Olivia shines brightly. She is beautiful and succeeds better than the others in making some reality to an artificial role. June Walker is a lusty Maria, and Donald Burr, from musical comedy, is amusing as the clownish Feste.

As he works on the custom with Shakespearean revivals on Broadway, Margaret Webster handled the stage direction. The play is in two acts, 15 scenes. It is choppy but the device of moving players from the larger scenes to the apron aids in smoothing over the rough places. A handicap is that Miss Webster places the actors in many scenes too far up stage for their lines to be distinctly heard in all parts of the theatre. Since the action in "Twelfth Night" means very little the play needs the benefit of all the values of the verse.

Legit Cues

Bernard Hart will stage-manage "Lady in the Dark." Gave up a similar job with "Man Who Came to Dinner" to take the new show.

Frank Fraser, specialty dancer in George Abbott's forthcoming "Pal Joey," has always had a phobia about birds, the way some people have

HORSE FEVER

Comedy in three acts presented at Manhattan, N. Y., Nov. 21, 40. Written by Eugene O'Neill, Zee and Rudi; music and lyrics: Rudi; directed by Milton Stiefel; settings by Louis Kessel. \$3.50 top.

Mrs. Drum.....Zannah Cunningham
Horatio Drum.....Joseph P. Canty
Milton Stiefel.....Mildred Mitchell
Julia Parrish.....Julia Parrish
Arthur Allen.....Arthur Allen
Ezra Stone.....Ezra Stone
Clancy Cooper.....Clancy Cooper
Nell Moore.....Nell Moore
Lillian Haydon.....Lillian Haydon
Harriet Field.....Harriet Field
Lou Lubin.....Lou Lubin
Daniel O'Connell.....Daniel O'Connell
John J. Kearney.....John J. Kearney
Jack Arnold.....Jack Arnold
Peter Dinklage.....Peter Dinklage
Leslie Barrett.....Leslie Barrett
Mitchell Koval.....Mitchell Koval

Broadway has had its fingers crossed hoping for a new laugh. After lamping "Horse Fever," first-nighters are still hoping. A screwball type of comedy, it isn't funny enough.

Alex Yokel brought in "Three Men on a Horse" several years ago for a bull's-eye. Evidently he thought another horse play was about due, and while the newest one has unusual ideas and nifty characters, the laughs don't register.

There was a reported argument about Trilby, a black horse used in the show. Nag is direct from the Ben Hur stables, which has supplied animals for some of the comedies of "Ben Hur." According to the authors, Trilby is a filly, entered in the Belmont stakes. Anyhow she looks like one of the stiffs so often quoted in Times Square as good things, but really are bookies' tins that invariably run out of the money.

Orville, from Wilkes-Barre, nephew of Horatio and Mrs. Drum, is a character of the comedy in "Fever." He has a fair for inventing gadgets on the side, but his real racket is psychiatry, he thinks. One of Orville's ideas is favoring ham-burgers and nuts, and the Orville roadside stands do very well until John Law steps in. So papa Drum goes to the clinic, but is bailed out, now and then.

An uncle bumps off and leaves the reins and the reins to Trilby, which can run, but has an aversion to breaking from the stall gate with the other entrants. Orville gets the idea that he can cure Trilby through psychology and the Orville, a psychoanalyst, agrees that's not a bad idea, even though Trilby is quartered in a hotel bathroom to duck attachments on an unpaid feed bill. Orville has his hand out to all questions except that he'll break from the barrier. It is a comic trick.

Comes the day of the contest, scene being outside the stable, and Trilby, which is announced leading into the stretch, but is fourth under the wire. Things look bad for all hands, but Joe, son-in-law of the Orville, has a necktie and a bottle of it on the long-shot winner, a mudder.

Some of the players have been in click laugh shows, including "Three Men on a Horse" and "What a Life." His Orville is the top character that "Fever" offers, but there are others with better lines. Millard Mitchell, of "Three Men on a Horse," has a good part now. Sara Seegar, comeliest of the cast, has stage wife, should attract attention.

Lou Lubin is okay playing a tout, Daniel O'Connell, as Doc Terpanoff, sports a dialect, and a Mrs. Dyke, mind of what Jed Harris would look like if he let his chin place blossom. Judy Parrish, as ingenue, and Joseph Peveny, also with a small part, deliver. There are two colored players for luck, Marietta Canty and a lad billed as "Labor Day Green."

Warners cleaned up with "Three Men on a Horse" and a Mrs. Dyke, mind of what Jed Harris would look like if he let his chin place blossom. Judy Parrish, as ingenue, and Joseph Peveny, also with a small part, deliver. There are two colored players for luck, Marietta Canty and a lad billed as "Labor Day Green."

about snakes or insects. Now it turns out her bit in the show will be a bird dance, with her costume made of feathers.

Donald Drum, the Clown in the Helen Hayes-Maurice Evans "Twelfth Night," was formerly nitery singer and m.c. Played last summer at Leon & Eddie's.

Raoul Pene DuBois, resting in Atlantic City, may do the sets and costumes for a dramatic show for the Theatre Guild. It would be his first straight show.

Walter Wagner will stage-manage "Arsenic and Old Lace" for Howard Lindsay-Russell Crouse.

Strictly Weekend B.O. Trend for Chi; 'Father' Nifty \$16,200, 'Time Life' 14G

Chicago, Nov. 26. There has been a considerable trend towards strictly week end business in Chicago, which is pretty discouraging to the legitimate situation generally. Friday and Saturday performances are powerful and a pinch sell out for the better shows, but the midweek sessions find only the really strong ones able to muster a congregation.

Two shows will call it quits Saturday (30). 'Lady in Waiting' leaves after three fairish weeks in the Harris, while 'Time of Your Life' leaves the Erlanger after five excellent sessions. The Harris re-opens on Monday (2) with 'Night of Love' musical. The Erlanger will be dark, according to present plans, until Dec. 22, when 'Dubarry Was a Lady' arrives for the Christmas season. However, there is a chance that the house will get three weeks of 'Here Today,' with Ruth Gordon.

On Monday (25) Ruth Chatterton in 'Pygmalion' came into the Selwyn, replacing 'The Male Animal' which had struggled through 11 weeks in town. Never got into the big money but skimmed along the rim between profit and loss.

Studebaker, which has been dark for years, may relight for a Christmas set of 'Pins and Needles.'

Estimates for Last Week

'Lady in Waiting,' Harris (2nd week) (1,000; \$2.75). Held to fair sort of coin on second week, but deciding not to try to force the run here and will quit town Saturday (30). Took \$8,500.

'Life With Father,' Blackstone (38th week) (1,200; \$2.75). Continues to streak along at remarkable near-capacity pace. Much of the continued stride of this show is due to excellent publicity through Harry Fordwood and the cooperation of Lillian Gish. Great \$16,200.

'Male Animal,' Selwyn (11th and final week) (1,000; \$2.75). Held its own on last-week notice and got \$10,000. Play here until St. Louis for additional road time. 'Pygmalion' replaced in the house yesterday (Monday).

'Meet the People,' Grand (8th week) (1,200; \$2.75). Tough way to sufficient public approval after a weak start and will have had a profitable run when show leaves town in two more weeks. Managed another healthy nick of \$12,000 last week.

'Time of Your Life,' Erlanger (4th week) (1,300; \$2.75). Has been doing well in town, but will scam Nov. 30. Week ends have been particularly fine here. Last week snagged \$14,000.

'COLUMBUS,' \$2,500, FLOPS BADLY IN L.A.

Hollywood, Nov. 26. 'Folies Bergere' is in final week at El Capitan theatre, after attracting favorable grosses during local run. Newcomer of last week, 'Thank You, Columbus,' flopped badly at the Hollywood Playhouse, despite lavish production. 'Folies,' aided by the company, ground out profit to \$16,000, while 'Columbus' played to miserable \$2,500 in eight days.

Angelo 'Columbus' folded yesterday (Monday). C. V. Gontard, representative of the Anheuser-Busch family, poured \$35,000 into the Hollywood Playhouse venture.

Another closing was 'Zero Hour,' Theatre Alliance production, which opened short time ago at the Music Box theatre. 'Communist' lines failed to intrigue the locals.

'Dinner' (Webb) Gets OK \$14,000 In Milw.

Milwaukee, Nov. 26. With Thanksgiving Day helping the take, Clifton Webb in 'The Man Who Came to Dinner' finished a nice week at the Davidson Saturday (23) with an estimated gross of \$14,000 at \$2.75 top in price fact that critics were none too kind. House is now dark until Jan. 6, when 'Ladies in Retirement' (Flora Robson) comes in for a full week.

In the meantime, the field is left clear for the Babst, with Katharine Hepburn in 'Philadelphia Story' current; Eddie Dowling in 'Time of Your Life,' week of Dec. 2; the Lunts in 'There Shall Be No Night,' Dec. 16-18; and 'Mornings at Seven,' Dec. 26-28, for two of which there is a heavy advance subscription plugged by the Society of Allied Arts.

'Fun' 10G in N. H.

New Haven, Nov. 26. Despite mixed response, preem of 'All in Fun,' Leonard Sillman revue in for four performances last week-end, drew an approximate \$10,000, which added up to nice money, Yale-Harvard weekend helped.

Shubert has break-in of the Gilbert Miller-Vinton Freedley production of Ferenc Molnar's 'Delicate Story,' featuring Edna Best, set for Nov. 28-30. Following week sees present of Dwight Deere Wiman's 'Old Acquaintance' starring Jane Cowl and Peggy Wood (Dec. 6-7).

LUNTS SMASH \$24,500, CLEVE.

Cleveland, Nov. 26. Alfred Lunt and Lynn Fontanne out-grossed anything the Hanna has offered in the last year with their 'There Shall Be No Night,' which also came within four degrees of the legit house's record last week. Eight performances at \$3 top, with extra seats set up in aisles at most shows, racked in estimated smash \$24,500.

Figure was \$3,500 better than Katharine Cornell did in 'No Time For Comedy' here and 'No Time for Raymond,' Massey's 'Abe Lincoln,' which was held down last year by a five-day run.

Legit pickings have been rather slim for Hanna up to now, but bookings are rapidly filling up. 'Mornings at Seven' is in currently, and Elliott Nugent, an Ohioan, is finally bringing in his 'Male Animal' Dec. 8. Ruth Chatterton's 'Pygmalion' tentatively underlined for latter part of holidays.

'HELLZ' GETS \$24,500 IN TORONTO SELLOUT

Toronto, Nov. 26. Playing to capacity biz, a complete sellout in advance, 'Hellzapoppin' grossed estimated \$24,500 at the Royal Alexandra, with 1,461-seater scaled at \$3 top. It was the biggest gross of the season here, topping the smash weeks of 'Philadelphia Story' and 'There Shall Be No Night.'

In view of current conditions, fact that Royal Alexandra is dark until Xmas is drawing concerted squawks from theatre-goers.

Lee Tracy Picks Up In Frisco to \$7,000

San Francisco, Nov. 26. Lee Tracy's 'Every Man For Himself' at the Geary got estimated \$7,000 in its second week, improved over first week's \$6,500 mild. Stays for a third; then jumps to New York. Producer Arthur Hutchinson left for Gotham last week.

Comedian Otis Skinner picked up approximately \$10,000 in her week ending (23) at the neighboring Curran.

'Every Man for Himself,' by Milton Lazarus, which is holding over in San Francisco this week-although reported business has been mild; is due on Broadway about the middle of December. Comedy, which attracted Lee Tracy back to the boards, provoked excitement around Hollywood studios when it was highly touted after the premiere at Santa Barbara. Presenters are Arthur Hutchinson and Arthur Ripley, who secured the Coast rights to 'Oscar Wilde' last year and did well with it, their first managerial venture. Former is a scenic artist and the latter a stager.

'Himself' was not immediately recognized on Broadway when reports from the Coast were received. It was originally called 'Once Upon a Night.' Under that title the play was tried out in the fall of 1938 by Laurence Schwab at Wilmington, Del., show being yanked after three days. Main defect then was the casting, it was reported. When the play was originally done, Schwab was credited with collaborating in the writing, but is not mentioned in the Coast billing. He has a 40% interest in the royalties.

Subscription season of the Theatre Guild is taking form, with at least three shows already earmarked. First for subscribers 'Twelfth Night,' which opened at the St. James last week. Second is 'Delicate Story,' which Gilbert Miller and Vinton Freedley will open at the Miller next week. Third will be 'Battle of Angels,' which the Guild puts into rehearsal this week. Latter play may be spotted a theatre other than the Guild, which is mentioned to get 'Every Man for Himself,' due in from the Coast.

Deal for 'Story' is not the first production by another management which the Guild placed among its subscription shows. Similar arrangement applied to 'Mornings at Seven,' which was produced by Dwight Deere Wiman.

Hepburn 15G in Indpls.

Indianapolis, Nov. 26. Katharine Hepburn here at the 1,500-seat English last week for three night performances and Saturday matinee of 'Philadelphia Story' at \$3.30 top, played one of the nicest tunes heard in the house's cash register in several years. Starting with heavy advance sale from mail orders, biz continued lush when box office opened, and few seats were left when performances started to account for estimated socko \$14,800 in four performances.

3 PHILLY LEGITS OPEN; 'LOVE' N.G. 17G

Philadelphia, Nov. 26. For the first time this season, Philly has three legit houses open simultaneously. With the State Thanksgiving being celebrated Thursday (26) and the usual mobs expected in Friday preparatory to the Army-Navy game Saturday, it would seem that there would be enough patronage to take care of all three houses, but on the disappointing biz last week which also had a Thanksgiving Day and the Penn-Cornell game, optimism isn't running high.

The three claimants for the holiday and ball fans this week are 'Night of Love' (second week) at the Forrest, 'Ladies in Retirement' (first week) at the Locust, and 'High as a Kite,' the 53rd production of the Mask and Wig Club of the University of Pennsylvania, which is playing its annual week's engagement at the Erlanger.

'Ladies in Retirement,' which opened last night (Monday) is the second subscription offering of the ATS. The advance, outside the subscription, wasn't any too big, but favorable word-of-mouth is expected to help a lot. 'High as a Kite,' which has a \$3 top, was very well received in two out-of-town break-ins at Atlantic City and St. Louis.

Estimates for Last Week 'Night of Love,' Forrest (1st week) (1,800; \$3). Musical got adverse notices and generally disappointing response; \$17,000. 'Conquest in April,' Locust (2nd week) (1,500; \$2). Never got started here. Closed Saturday (23) for revision. Around \$5,500 with aid of Thursday and Saturday influx. 'Ladies in Retirement' in this week for fortnight on ATS subscription.

'CORN' 13½G, 1ST WASH. HIT IN FIVE TRYOUTS

Washington, Nov. 26. It remained for Ethel Barrymore, in 'The Corn Is Green,' to give Capital its first hit in five tryouts so far this season. Critics, who had run out of deprecatory adjectives after four successive broadsides, went to town on both the star and the show as first glimpse of real theatre (except the post-Broadway stuff) town had seen since spring. B.O. clicked at \$2.75 top for approximately \$13,500.

Current is 'DuBarry Was a Lady,' beginning its road tour with Bert Lahr and Frances Williams. Next week brings John Shubert's first indie production, 'Off the Record,' with Bruce Cabot, Mary Brian, Betty Furness and Hugh O'Connell.

Inside Stuff—Legit

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B'way on Even Keel; '12th Night,' \$20,000, Newest Hit; 'Hattie' Great \$36,000, 'Charley's Aunt' Up, \$13,500

'Pyg' \$10,000 In St. L.

St. Louis, Nov. 26. One week of darkness at the American theatre here, the second of the current season, whetted the appetite of natives for 'Pygmalion,' with Ruth Chatterton. Piece, scaled at \$2.50, opened estimated foot \$10,000 for eight performances. Crits dished out 100% raves and all local raves helped the cause by doling out swell cuff space via feature stories, pix, etc.

House is booked solidly for the next six weeks, with 'The Male Animal' opening one-week engagement last night (Monday).

DET. LEGIT DOES OFF-TO-BUFFALO

Detroit, Nov. 19. First there were three; then two and now one theatre and Detroit's extensive drama season has shrunk considerably. A week ago the Messrs. Shubert shuttered the Wilson and ended their venture here. Last week saw the Wee & Leventhal experiment in pop-priced drama fold its tent and quietly slink away.

W & L's final week was with 'Rocket to the Moon,' but it got off on the wrong foot opening night when the cast blew lines all over the stage and finally tossed the third act right into the alley. The critics had nothing left to do but wistfully hope it might get organized and the show wound up with the poorest week of the four-week season, even dropping below the third week of 'See My Lawyer.' Where the latter finished up a too-long run with \$3,200, 'Rocket to the Moon' dipped to a greater low getting only estimated \$2,900 for 10 performances.

However, it doesn't spell fins for the Lafayette. The house will close for a month, reopening around Christmas, it was said, probably with Ann Corio in 'White Cargo.'

The Cass is still rolling along with the road show, and last week the house resumed Sunday night (24) with 'Pins and Needles,' at \$2.20 tops.

FATHER'S 8TH WEEK FINE \$15,200 IN BOSTON

Boston, Nov. 16. Two shows, 'Ladies in Retirement' and 'Sim Sala Bim,' left Saturday (23) and two entered. 'Romantic Mr. Dickens,' opened Saturday, and 'All in Fun,' musical with Phil Baker and Bill Robinson, opened Monday (25). 'Life With Father' continues in its fifth week and at a hot pace.

Estimates for Last Week 'Life With Father,' Repertory (8th week) (\$85; \$2.75). Pacing strong with good advance sale. Rated \$15,200, very good.

'Ladies in Retirement,' Wilbur (3d wk) (1,227; \$2.75). Had pleasing run here, tallying about \$10,000 for third and final frame.

'Sim Sala Bim,' Shubert (2d wk) (1,590; \$1.65). Improved slightly second stanza, taking time \$6,500.

Block-Sully's 'Lawyer' \$3,000, Cincinnati in Cincy

Cincinnati, Nov. 26. 'See My Lawyer,' with Block and Sully, brooded at around \$3,000 last week in the 1,400-seat Cox at \$1.65 top. Most of that coin came over on night, Sunday (17) and Thanksgiving matinee and night. Critics were a bit vicious in their reviews.

Burr has one of its infrequent dolchebros in road show week currently. 'Rocket to the Moon' has the full week at the Cox at \$1.65 top and \$2.75 top in the 2,500-seat Taft during the last half of \$7.50 top.

'Dinner' 10G in Mpls.

Minneapolis, Nov. 26. 'Man Who Came to Dinner' with Taylor Holmes, grossed approximately fair \$10,000 in nine performances, including two matinees, at the 2,200-seat Lyceum. Show was scaled at \$2.75 top and balcony held major portion of audiences throughout week.

Underlined is Katharine Hepburn in 'Philadelphia Story,' Dec. 5-7.

Estimates for Last Week

'Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Operetta).

'Boys and Girls Together,' Broadhurst (8th week) (\$21,160; \$3.30). Turned in another good gross, with capacity business for performances late in week; rated over \$25,000.

'Beverly Hills,' Fulton (3d week) (C-178; \$3.30). Some improvement in gross, but primarily because of theatre party sell-outs; approached \$6,500; provisional notice posted.

'Cabin in the Sky,' Martin Beck (5th week) (M-1,214; \$3.30). Colored musical faring very well, with takings quoted over \$17,000; managed to stick through winter period.

'Fledgling,' Hudson (D-1,094; \$3.30). Presented by Otis Chaffetz-Taylor; written by Eleanor Carroll Chilton and Philip Lewis; opens tonight (27).

'George Washington Slept Here,' Lyceum (5th week) (C-1,004; \$3.30). Went upward and now figured to make a stay of it; went to better than \$12,700; goodly profit at that level.

'Glamour Preferred,' Booth. Taken off Saturday (23) and Monday (25) and two days (11 performances); management decided it could not survive bad press.

'Hellsapoppin,' Winter Garden (17th week) (R-1,671; \$3.30). Still figured to span new season; long stayer always gets benefit of visitor influx; one of biggest money makers in years approximated \$25,000.

'Hold On to Your Hat,' Shubert (11th week) (M-1,405; \$4.40). Getting goodly share of attendance among the high-scaled musicals, and looks set through winter; rated around the \$25,000 mark.

'Horse Fever,' Mansfield (C-1,000; \$3.30). Opened Saturday (23); drew mixed notices; chances better indicated at this week.

'It Happens On Ice,' Center (7th week) (H-3,300; \$2.75). Novelty among attractions; revue on ice said to be turning profit both ways; last week improved to \$35,000; big Saturday and Sunday.

'Johnny Belinda,' Belasco (10th week) (H-3,300; \$3.30). Held longer than indicated; helped somewhat by cut rates, but still in money division; around \$6,000; Sunday nights may count; due to move to Longacre with 'Retreat to Pleasure' coming here.

'Life With Father,' Embury (54th week) (C-1,005; \$3.30). Looks like no limit to capacity pace; standees accounted for takings reaching \$18,700 last week.

'Louisiana Purchase,' Imperial (26th week) (M-1,450; \$4.40). Remarkable business for musical, which has passed half year's run mark; topped \$33,000.

'Man Who Came to Dinner,' Music Box (58th week) (C-1,013; \$3.30). Business slumped again last week, with capacity prices; Saturday evening the gross over \$14,600.

'Panama Hattie,' 46th St. (4th week) (M-1,347; \$4.40). Extra Matinees ('Armistice Day'), sold out and in nine runs; business good; gross went close to \$36,000 mark; best gross in town again.

'Quiet, Please,' Guild. Yanked last Thursday (21); played two light weeks at Music Box.

'Separate Rooms,' Plymouth (35th week) (C-1,107; \$3.30). Mentioned to tour after holidays, but still making money; one of Sunday night attractions which betted normal Monday business; \$6,500.

'Suzanna and Elders,' Morosco. Withdrawn Saturday after playing three weeks in takings around \$5,000 averaged per show.

'The Corn Is Green,' National (D-1,162; \$3.30). Presented by Herman Shumlin; written by Emlin Williams, with Ethel Barrymore topping well earned in out-of-town tryout; closed Saturday (Thursday); closed.

'Whispering Reeds,' Forrest (29th week) (C-1,107; \$1.10). Reported drawing capacity Sunday night; still announces final gross over \$5,000, low admission counting.

Restivals 'Blind Alibi,' Windsor (6th week) (C-1,064; \$2.20). Among shows using house for once; staying because of low cut and limited number of bookings in sight; \$3,500 estimated.

'Charles Aunt,' Windsor (6th week) (C-1,064; \$3.30). Steadily improving and should be winter favorite; closed in January; \$13,500 last week puts old force in success division.

'Wind Lady,' Playhouse (CD-865; \$3.30). Final and 13th week; fared very well for musical; showed more money every week; recent takings around \$8,000. 'Romantic Mr. Dickens,' N.Y. St. James (D-1,526; \$3.30). Final and 13th week; fared very well for musical; showed more money every week; recent takings around \$20,000 in last seven times, aided by \$5.50 first week.

Broadway's Sunday Test

Continued from page 3

asco), 'Separate Rooms' (Plymouth), 'The Man Who Came to Dinner' (Music Box, holdover hit) and 'To-bacco Road' (Forrest).

Few Grosses Topped Mondays

Managers through the League expressed satisfaction over the first Sunday performances. It was claimed that some shows considerably bettered the average Monday night takings, actual figures being too low for comparison, but it is known that other theatres the business was disappointing. Stated that seven shows would go on at Sunday (Dec. 1), two others which played the first Sabbath ducking the parade for a two-week interlude for some reason, possibly because receipts were under expectations.

Patronage at the boxoffices principally sought tickets in the balcony, such admissions ranging from \$1.10 to \$2.20, indicating that measure of picture house trade was being drawn. Agencies remained open, but made few sales, inquiries there also being for cheap tickets. A leading agency failed to sell single ticket for one of the few favored shows on the Sunday list.

Dissatisfied

'Hellzapoppin' got best money. During the afternoon, the Winter Garden disposed of all upper floor tickets, but was reported chopping the price in all parts of the house, same going for other spots. Best money among straight shows was drawn by 'The Man Who Came to Dinner' and 'George Washington Slept Here,' takings being over \$1,300 for both, but neither are to play next Sunday. Sam H. Harris produced both shows. H. office stated that the interval was decided on because of tickets sold for the next two Monday nights. Why that didn't apply for Monday (25) this week, not explained.

Pertinent that none of the \$4.40 musicals was played, managements being wary of interfering with the draw as is and unwilling to inconvenience patrons who bought tickets for Monday (25) night, not played by shows which gave Sunday performances. Both 'Hello' and 'Ice' are \$3.70 too. Latter show and 'Road' had played Sundays before. Latter was particularly favored, its low top of \$1.10 being indicative that patronage on Sunday wants pop admissions.

His Missing

Actual possibilities of Sundays will probably not be determined until more favored shows are presented. One test of whether Sunday could figure in extending the engagement of moderate draws was unfavorable last week, when 'Suzanna and the Elders' got little at the Morocco. Had that performance been patronized it would have been a life saver for the show which closed Saturday (23). 'Suzanna' and two other shows which

stopped had been expected to play on the 24th.

There was some question whether the first Sunday was promoted commercially. Three times moderate-sized block ads were used in dailies, there were four or five announcements on local radio stations and several inserted in programs of Broadway leaguers during the week, but the most important factor is that the hits were not offered. Cost of the advertising was pro-rated, each show playing Sunday being billed for about \$70.

Original idea was that all shows would play Sundays, but the general association (League of New York Theatres) could not obtain acceptance by the better shows. Suggestion that late afternoon performances instead of evenings might be the right idea was set aside, but may be reconsidered. At least one show which is faring well plans a 4 p.m. curtain for next Sunday's showing. League's idea, however, is for uniformity of Sunday performances.

Some managers feel a matinee curtain of 3 or 3:30 in the afternoon would be the best test of the possibilities to attract picture house patronage of the type that only visits Broadway on Sunday afternoon.

HIGH AS A KITE

(Continued from page 30)

prominent figure in 'Kite' with costumes and settings harking back to the 1740's. However, the dialog and many of the characters are more pertinent to 1940 than to the Franklin era.

As was to be expected, Clay A. Boland, 26, Philly dentist, has contributed a score that stands out. Although assuming the additional burden of supervising the entire production, Boland has found time to turn out some of his best tunes, among them 'My Gal,' 'Not So Long Ago,' 'I'll Sing Your Praises' and 'High as a Kite.' Like many another Boland number of past years, several of these look set for a run in popularity. No small credit for this will also go to his lyric collaborator, S. Bickley Reichner, Philly newspaperman, who has turned in a brilliant job. His Cole Porter-ish 'Let's Get Back to Bach' is as nifty as they come.

Although the wardrobe of pre-revolutionary finery, along with Boland's score, characterizes aspects of this 53d annual production, the dance routines and comedy measure up to other recent Mask and Wig efforts. Dismissed it is the stock-in-trade of the cagey musical, the hairy and muscular chorine, and it isn't missed. The 26-man chorus handles difficult assignments with finish and a spontaneity that is infectious. The biggest laughs come from a minuet-to-jitterbugging, all in powdered wigs and hoop skirts.

The costuming is eye-filling, as is the scenery. There's some professional specialty dancing by R. W. Troup, Jr., and an octet that's also strong. Robert F. Dawson handles the sweet stuff in an appealing tenor, and there are several other fair voices. Louis DeV. Day, Jr., a vet hand, and Sidney Wertimer, Jr., as Franklin, are adequate comics. Fortunately there is no overdone of the dailies, although there are too many others that were probably old in Franklin's day.

The illustrious Franklin's principal business in 'Kite' turns out to be the sale of 'Franklin's Famous Pharmaceutical Fluid,' and the show takes its tone from that note. With a lot of farle, Antoinette brings about the happy union of the juvenile leads and of Abigail Dinglebender and Major-General Beamish. There's the plot. But plot would be out of place in a rah-rah-rah extravaganza of this kind.

Plenty of rough spots at preem here Friday night (22), but these were no more overdone of the dailies before entourage embarked on its longest road tour in history after playing this week at Erlanger, Philly. New York will see 'Kite' at a matinee and evening performance Dec. 14 at the Alvin.

Engagements

Leila Ernst, 'Pal Joey'.
Isabel Jewell, 'The Hard Way'.
Owen Martin, Joe Kirk, 'Hi-Ya Gentlemen'.
Edward Forbes, Theodore Newton, 'Cue for Passion'.
Milton Neil, Alfred Etcheverry, Florence Fair, Leslie King, May Collins, Natalie Thompson, Jacqueline Clark, 'Delicate Story'.

Paul Bowles to collab with Jose Martinez on a ballet for the Ballet Caravan. He composed music for the Helen Hayes-Maurice Evans Twelfth Night.

Current Road Shows

(Week of Nov. 25)

'A Night of Love'—Forrest, Philadelphia.

'About Tomorrow' (Frank Craven, Sally Eilers, J. M. Kerrigan)—Curran, San Francisco.

'All in Fun' (Phil Baker, Bill Robinson)—Shubert, Boston.

'Ballet Russe de Monte Carlo'—Central High School, Kalamazoo (26); College Auditorium, Mt. Pleasant, Mich. (27); Masonic Temple, Detroit (28-30).

'Delicate Story' (Edna Best)—Shubert, New Haven (28-30).

'DuBarry Was a Lady' (Bert Lahr)—National, Washington.

'Folies Bergere'—El Capitan, Hollywood.

'Hellzapoppin'—Erlanger, Buffalo.

'Hi-Ya, Gentlemen' (Max Baer)—E. Shnell Auditorium, Hartford, Conn. (29-30).

'Ladies in Retirement' (Flora Robson)—Locust, Philadelphia.

'Lady in Waiting' (Gladys George)—Harris, Chicago.

'Life with Father' (William Gish)—Blackstone, Chicago.

'Life with Father' (Dorothy Gish)—Civic Repertory, Boston.

'Little Foxes' (Tabulah Bankhead)—Arcadia, Wichita (25); Auditorium, Denver (27-28); Capitol, Salt Lake City (30).

'Male Animal'—American, St. Louis.

'Man Who Came to Dinner' (Clifton Webb)—Chateau, Rochester, Minn. (25); Cecil, Mason City (26); Auditorium, St. Paul (27-30).

'Meet the People'—Grand Opera House, Chicago.

'Middletown Mural'—Playhouse, Cleveland (29-31).

'Morning' at Seven'—Hanna, Cleveland.

'Off the Record' (Hugh O'Connell, Bruce Cabot, Mary Brian, Betty Furness)—McCart, Princeton (30).

'Philadelphia Story' (Katharine Hepburn)—Pabst, Milwaukee (29).

'Pins and Needles'—Cass, Detroit.

'Pygmalion' (Ruth Chatterton)—Selwyn, Chicago.

'Romantic Mr. Dickens'—Plymouth, Boston.

'Thank You, Columbus'—Playhouse, Hollywood.

'There Shall Be No Night' (Alfred Lunt, Lynn Fontaine)—Hartman, Columbus, O. (25-27); Taft Auditorium, Cincinnati (28-30).

'Time of Your Life' (Eddie Dowling)—Erlanger, Chicago.

'Tobacco Road' (John Bainton)—Shrine Auditorium, Des Moines (24); Orpheum, Waterloo, Ia. (25); Grand, Davenport (26-27); Municipal Auditorium, Kansas City (28-30).

PITT IN A BURN OVER LEGIT LAG

Pittsburgh, Nov. 26.

It's Thanksgiving Week in Pennsylvania and Nixon, town's only legit site, is gnashing its teeth because of enforced darkness. Turkey holiday session has traditionally been one of the biggest of any season for this town, dating back to the days when Ziegfeld 'Follies' would always play here at this time and take anywhere from \$40,000 to \$50,000 out of town.

Drama critics have been pointing out that there's never been a legit year like this in Pittsburgh's history and aren't very hopeful for things to come, what with Nixon having had only three attractions since house reopened. 'Ladies in Retirement' started on Oct. 16, was followed by 'Time of Your Life' and went dark for two weeks until Lunts arrived in 'There Shall Be No Night' Nov. 11. Theatre had nothing last week, had no new letters to drama editors, has assured them that things will definitely look up after Jan. 1, but most of the boys are laying that to wishful thinking.

All the more pathetic since the three shows have done smash biz here. 'Ladies' getting \$13,000, 'Time' \$16,500 and 'Night' a record-breaking \$27,120. Harry Brown, manager of Nixon, in open letters to drama editors, has assured them that things will definitely look up after Jan. 1, but most of the boys are laying that to wishful thinking.

John Houseman to stage Philip Barry's 'Liberty Jones,' which the Theatre Guild will put into rehearsal in about three weeks. Director has been a production associate of Orson Welles on the Mercury Theatre.

Literati

23 Papers Use Ingersoll Series

Syndication by PM, New York tab, of the series on London written by editor-publisher Ralph Ingersoll is more than paying for his trip abroad by clipper for the series, plus an extensive ad campaign put on by the sheet. Twenty-three papers are using the series, including the London Daily Express, to which the pieces are cabled each day.

Ingersoll is still writing the yarns, which will probably number about 25. First four days after his return to the U. S. he spent dictating at his Lakeville, N. Y., farm, getting 60,000 words down in that time.

Harry Baker, formerly with International News Photos and now picture manager of PM, handled the job of selling the articles. Papers using them include Philadelphia Bulletin, Kansas City Star, Detroit Free Press, Boston Globe, Washington Star, St. Louis Post-Dispatch, Des Moines Register and Tribune, Dallas News, Toronto Globe and Mail, Halifax Herald and Vancouver Province.

Detroit Press Cares for Its Own

Families of employees called to arms will be cared for by the Detroit Free Press. In a statement from Publisher John S. Knight, who took over the newspaper last spring, it was said a study of Selective Service and National Guard Acts had been made and it was the intent to provide economic stability for our employees called into service and to assist them in the transition from civilian to military and back to civilian life again.

Under the provisions, full-time employees joining up with Uncle Sam and having dependents will receive from the newspaper 50% of the difference between their salaries from the Free Press and their Army pay. The rule applies to both draftees and volunteers with a top of \$100 monthly from the newspaper set. Men also will be considered as on leaves of absence.

\$300,000 Libel Suit

A \$300,000 suit against Macfadden Publications, Inc., Fulton Oursler and Joachim F. Paffrath was revealed Friday (22) in N. Y. supreme court when the defendants applied to dismiss the action. Suit was filed by Richard Rollins, who claims to be an authority on Nazi and subversive investigation work, and formerly investigator for the McCormack-Dickstein Congressional Committee for the U. S. Congress.

Plaintiff claims libel in an issue of Liberty, published by Macfadden, and written by Paffrath. Oursler is editor of Liberty. The article in question was called 'I Was a Hitler Agent in the U. S.' and, claimed, according to the complaint, that Rollins was duped by Paffrath, who secured information for the Nazi government from him. Other charges are along the same lines. The plaintiff claims as a result of the article he lost employment, a lecture tour, and a book to be published based on plaintiff's life. Damages of \$100,000 against each of the defendants are sought.

L. A. Times Drops Mag

Los Angeles Times eliminated its Sunday Times Magazine, to be replaced this week by Home, a new mag-sized supplement devoted to home, garden, kitchen and other articles aimed at women readers, without fiction. Times continues to carry This Week, published in New York and serviced about the country.

Home will be written and edited by the Times editorial crew that handled the former Sunday magazine.

To Take Over Alabama Journal—Montgomery (Ala.) Advertiser, one of Dixie's oldest, largest dailies, has announced agreement to purchase Alabama Daily Journal, assuming control Dec. 1.

Journal, 52-year-old, afternoon sheet, will retain its identity, and C. M. Stanley, editor-in-chief since 1927, remains in charge. President Nicholas Peay of Journal company, remains until Jan. 1. Advertiser is 112 years old. Price not divulged.

Editor's Widow Sues Block

Mrs. Ethel Liebman has started suit in Milwaukee circuit court against Paul Block, the publisher, Sentinel Publishing Co. and the Milwaukee Publishing Co. for \$13,500 for 'earnings which her husband, Jules, should have received while editor and general manager of The

Milwaukee Sentinel.' Liebman was killed by a fall Jan. 31, 1937.

Mrs. Liebman alleges that Block promised her that he would pay her \$100 a week as long as she lived, that he kept this promise for only one year, and that after Jan. 21, 1938, all payments ceased.

Block owns the above companies and the Milwaukee daily.

Army Pages Oldfield

Quickie call to active duty was served up to Barney Oldfield, Journal's film scribe in Lincoln, Neb., who was ordered to Ft. Crook, Neb., an infantry reception center, Monday (25). He's a reserve captain. Move was fast, notification coming to him at noon Thursday (21).

Journal is making arrangements for him to continue his Sunday pie column, to be knocked out after taps. His nightly radio broadcast, 819 times old Saturday (23), will be done by Henrietta Dirks for the sponsor, Lincoln Theatres Corp. His name will be kept on it, too.

LITERATI OBITS

Sir Hugh Denison, 75, Australian newspaper publisher and former Australian Commissioner to the United States, died in Sydney, Nov. 23.

Howard C. Cox, 42, author and one-time staff member of the New York Tribune, died in Snedens Landing, N. Y., Nov. 23. Surviving are a brother, Judge Alfred C. Cox, of the New York Federal Court; other brother and two sisters.

Manuel Lanz Duret, 62, publisher of the Mexico City dailies, El Universal and El Universal Grafico, died in Mexico City Nov. 21. He was also a lawyer and writer.

George D. Perry, 53, editor of the Saginaw News, died Nov. 20 in Saginaw, Mich., after an eight-month illness.

W. E. Yerby, 76, editor of Greensboro (Ala.) Watchman for 55 years and former Alabama legislator, died Nov. 15. Was Alabama's oldest editor in point of continuous service.

CHATTER

Wessell Smither wound up his novel, 'Another Morning,' for Harpers publication.

Alexander Knox finished his new book, 'Bride of Cockburn,' to be published by Macmillan.

'Murder Under Glass,' mystery yarn by Frances Hyland, being edited for spring publication.

'Lord Broadway' is the title of Dayton Stoddard's biography on Sime Silverman which Wilbur Funk is bringing out the end of January.

Publisher of Cinema Comics is planning to launch a new magazine, TNT, sometime in January. Will be a national publication, issued monthly; using cartoon characters.

'Floradora'

Continued from page 49

claims, on Dec. 8, 1899, applied for a copyright in the U. S. and received one on Dec. 9, 1899, but failed to tell the U. S. that 'Floradora' had been copyrighted a week previous in England. This constituted a fraud and rendered null and void the copyright for the plaintiff, who thus comes into court with clean hands, Rose asserts.

Furthermore, Rose says, none of the authors secured a renewal on the copyright when it ran out in 1927, placing 'Floradora' in the public domain. While it is true that Stuart in 1927 secured a renewal, that was for his music only and not for the book or lyrics, Rose claims, and Stuart's renewal was for a revised version, not the original. Rose concludes by stating that the plaintiff thus never had any rights to the work and asks a dismissal of the action.

Suit seeks an injunction, accounting of profits and damages for alleged infringement through performance of all or parts of 'Floradora' by the defendants in different situations.

Monday (25), Select Theatres Corp. and April Productions, Inc., filed answers in which it is claimed that Tom B. Davis, acting as agent for Hill and Stuart, sold Lee Shubert the rights to produce the operetta in the U. S. for \$30,000. The sale was for eternity, and was made Feb. 10, 1919. Other defenses are the same as Rose's, claiming that 'Floradora' is now in the public domain, that the copyright of the plaintiff was not secured correctly, etc.



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Broadway

Ed Finney, western producer, east for a brief spell, and Lou McGinnis tossed a cocktail last week.

Sam Dembow, Jr., flew in from the Coast for Thanksgiving.

Nick Weiss, singing Pan & Bill's new West 48th street restaurant.

Pat Finn, cafe man, in Lennox Hill hospital for two-stage operation.

Jerry Whyte to stage-manage "Joe," newest Rodgers and Hart musical.

Paul Raibourn, Par executive associated with Dumont Television, returned from L. A.

Mother for Arthur Israel, Jr., exec assistant to Barney Balaban, up from South Carolina for a visit.

Al Jolson took his entire cast and all backstage employees to Sardi's for Thanksgiving.

Yule Goldstein, Par's Massachusetts theatre partner, due in today (Wed.) for h.o. discussions.

Eddie Ruff, Par's New Haven branch manager, scheduled on home office sales executives last week.

Macy's Thanksgiving Day parade passed Times Square on schedule, an hour before matinee curtains.

Ross Hertz, appearing in "Lamb's Club" show "ballet" Sunday (24), was monickered "half pint of milk."

Meyer P. Beck, Russell Birdwell rose in New York, going into Mt. Sinai hosp this week for a schnoz operation.

Bob Weisman got back to N. Y. before some gifts he bought for friends in California reached their destination.

Paul Orange, cutter of costumes employed by April Productions (Shuberts) in voluntary bankruptcy; owed \$14,237.

Testimonial dinner-show to Bill Robinson, honorary prez of Negro Actors Guild of America, at Mecca Temple Dec. 8.

Dorothy Hammerstein, the interior decorator and wife of Oscar the ASCAPer, must undergo an operation this week.

Nicholas Naylack, nephew of Joe Nichols, Schenck, and member of Metro's Coast legal staff, in New York for a short visit.

Ordway Teed, chairman of the Higher Education Committee of the York City, sent buying a copy of "Vanity at Newstead."

Ruth Scherwin, who handled press in New York for Sol Lesser on "Our Town," has returned home to work on "That Uncertain Feeling."

Jeanette MacDonald makes her only concert appearance in the New York area Dec. 4 at the Westchester Community Center.

Alfred Reichenbach, secretary to Barney Balaban, who suffered injuries in an automobile accident two weeks ago, returned to her office Monday (25).

Harry Weinstein, Abe Lyman's manager, left for Miami Monday (25) to handle details in connection with the maestro's Jan. 15 opening at the Royal Palms there.

Publicity-ad-off of 20th-Fox home office officing farewell party for Arch Reeve, retiring advertising chief, next Friday (29) at Park Central.

Reeve leaves for California.

Series of three feature stories with art on Barney Balaban, president of Paramount, running in the Chicago Herald-Examiner, captioned "Mr. Barney of the Balabans."

Third annual "National Follies," given by the N. Y. Financial Writers Assn., next Friday (29) at Hotel Astor, produced by George Price, ex-actor, now on the New York stock exchange.

Par's maintenance - construction chief, Charlie Burton, left Monday (26) for Cincinnati to huddle with Tracy Barham on some new theatres in that territory and later on to Kansas City.

Ed Kuykendall, in Atlanta attending a local exhibitor meeting, will be in Charlotte Dec. 1-2 for the MPTO convention, covering Carolinas. He will spend Christmas in Columbus, Miss.

Jack McInerney planning to take his wife, who has been ill with rheumatic fever, to Miami around Christmas time, spending a couple weeks there. Mrs. McInerney will remain for the winter.

Broadway, which has seen many strange joints, is getting something new—a spaghetti bar—opened above 46th street by Butoni's, spaghetti manufacturers, who had a similar layout at the Fair.

Harry Sherman, Par executive in charge of labor matters and subsequently president of Local 306, is now chief of projection for the Walt Disney picture, "Fantasia," which requires special equipment.

Lee Churchill of RKO's transportation department on the Coast was in town the middle of last week before returning west after having had a checkup at Johns Hopkins hospital, Baltimore, as result of having been gassed in the first World War.

Julian Soler, legit actor, laid up with typhoid.

Actor Pedro Armendariz working in two pux here simultaneously.

Bobby Jones to be feted by the Mexico City Country Club when he arrives here Dec. 7.

Circo Argentino, one of the chief circuses playing Mexico, has opened its season here to good biz.

Linda Darnell enjoying a round of fiestas, including one by the National Arts and Science Academy.

Tullio Carminati granted a Mexican government order to visit this country for six months as a tourist.

Lupe Velez's p.a., Col. A. Villalobos has been promoted to garrison commander at Ciudad Anahuac, on the U.S. border.

Virginia Zuri, on the strength of her dramatic work at the Palace of Fine Arts (National Theatre), has been named for Mexican piz.

Maria Corraza, Mexican Spanish comedienne, recovered from an operation and to Los Angeles to play for Frank Fauce at the California theatre.

Cartoonist Chucho Martinez Gil featuring Picot Fruit Sals programs from his station, XEW, with fresh presentations of his best pen and ink characters.

American tourist biz, which should be in full swing now, far below par. However, a pickup is looked for during Yuletide.

Political situation should be definitely settled.

Chicago

Doris Robbins is returning to show business and being handled by Tom Kettering.

Noel Gerson, WGN Talent Division chief, east for further confabs on new office setup.

Raymond Scott has written a Christmas carol for the December issue of Coronet.

Thoda Cocroft aiding 'Pygmalion' galaxy here though show is not under her American Theatre Society wing, but because of Theatre Guild rights on the play.

Lloyd Lewis, Daily News drama and sports editor, and wife were taken for some \$5,000 in furs and jewelry last week as they left home of Robert Hutchins, U of Chi prexy.

Baltimore

Variety Club to sponsor Preakness Ball this year.

George Browning handling publicity for Albaugh Concert series.

Bill Saxton hosting annual Ad Club Christmas party at Loew's Century.

Ted Rounton reading new local talent revue for Hipp in tieup with News-Post.

Eugene Martinet working on production of "Pinafore," with John Charles Thomas slated for guest star appearance.

Foxes' legit Auditorium being remodeled into one floor, subsequent run film house by Bill Hicks and planning Christmas week opening.

'Little Egypt'

Continued from page 6

Long Island, will be heard at offices to be established at the building in which the AAA is located. There will be a manager for each, plus clerks, etc.

For the appeals board there will be three arbiters, a chairman at \$20,000 yearly and two others at \$17,500 each, all other costs to be born by those appealing cases from local boards.

During the past week ex-Judge Van Vechten, Veeder, widely known jurist and attorney, was appointed to serve as chairman for three years.

Aged 73, he is a member of the law firm of Burlingham, Veeder, Clark & Hupper, and from 1911 to 1917 was a Federal judge, sitting in Brooklyn.

He was appointed to the justiceship by former President Taft.

Veeder is a member of the New York and Illinois bars; is prominent in the American Bar Assn. and was a former president of the U. S. Maritime Law Assn. He is the author of "Legal Masterpieces," published in 1923, and is a collector of rare first editions.

The two members to serve with Veeder on the appeals board will not be appointed until January, it is said.

Bob Hope

Continued from page 1

hours of pictures and stage show before the Hope turn came on. Figured by then they were in no mood to let go from the waistline.

The theatre it proved bonanza, with the house grossing better than \$1,500 over normal Sunday biz. Hope may take his troupe to the hope of luxers around town in the hope of attaining a barometer of general audience appeal. Also he would insist that a percentage of the coin taken in above normal trade be earmarked for local charities.

London

John Argyle finally get to resume productions for Associated British at Welwyn.

John Payne, head of Bramlin's film agency, one of the oldest in the biz, died after operation for hernia.

Gow's eatery, which has been established over 100 years, has been taken over by the London Coliseum Syndicate.

Chesney Allen (Flanagan and Allen) in hospital with nervous breakdown, team having to cancel several weeks' work.

Robert Morley now reconsidering offer to play lead in Dr. A. J. Cronin's "Hatter's Castle," which I. Goldsmith is filming for Paramount Pictures.

Carole Lynne, who made hit in "Black Velvet," revue at the London Hippodrome, given feature role by Maurice (Bill) Ostrer in "Ghost Train," which he is making for Charles M. Woolf.

"Spring Meeting," which Associated British Picture Corp. is doing at Welwyn, has Walter Mieroff, production manager of A.B.C., as director, with Margaret Rutherford playing her original stage role.

"Diversion," new revue by Herbert Farjeon, music by Walter Leigh, made auspicious bow at Wyndham's for matinee only. Show gives dramatic star, Edith Evans, first appearance in this form of entertainment.

Australia

By Eric Gorrick

Alf Goulding visiting here. Aubrey Scotto returned to Hollywood.

Way George Wood set for Tivoli loon in vaude and panto.

With merged timer for January 1, '41, stocks in Greater Union theatres and hotels are rising.

Jack Lester, formerly producer with the A. B. Marcus unit, is now stage-manager at Tivoli, Melbourne.

Charles Munro's scheme for the evacuation of children of members of the British film industry is proceeding apace.

National and commercial radio stations have banned "The Grindin' Grinds All Day." Managements say certain lines are "rather suggestive."

B.B.C. London, is now transmitting daily a special edition of radio news from this center on a 30 mins. span over national and commercial units.

Levante, illusionist, has been played for a season in Melbourne.

A Williams-Tait, Goglia Pasha, Indian magician, has been booked by Fullers for a local runaround.

Twentieth-Fox will move to release "Blue Bird" in Sydney, this Yuletide. Film has been on the ice for an extended time, with exhibs still fighting shy of this Temple opus.

Anticipated that a move will be made by indie exhibs to import new picture machines from U. S. Inside, however, has it that the government will be approached by industry leaders to nix any importation bid.

Stillywoodian, here on important pic biz, recently got in touch with U. S. studio officials per radiophone and was told to get back home as quickly as possible.

Following the Pacific, Hollywood dropped all future plans and boated back to the U. S.

St. Louis

By Sam X. Hurst

Harold Koplar, manager of the Chase Club, to become a banded 2.

Larry Cline, orchestra and the Three Stooges skedded for one week at the Fox, starting Friday (29).

For the third consecutive year Fanchon & Marco will produce the annual circus for the local police relief assn.

Johnny Perkins has dropped 42 lbs. in 19 weeks, or since he opened his Playdium, across the Mississippi.

Rudolph Ganz, former conductor of the St. Louis symph orch, will make a two-day personal at Webster College, St. Louis County, Dec. 2-3.

W. K. Minny, maestro of the Grand downtown burlesk house, has added wrestling bouts every Thursday night after the regular performance.

Johnny Viroval, violinist, drew capacity crowd to opera house in the Municipal Auditorium, recital sponsored by the Civic Music League of St. Louis.

Betty Pentland, localite and member of the St. Louis Little Theatre, has joined the Playhouse company for a role in "The Guardsman," now in rehearsal at Erie, Pa.

for preem of his \$1,000 prize-winning symphony played last week by local symph orch under baton of Vladimir Golschmann.

A \$22,000 auto trailer left here by the late Tom Mix when he appeared in the St. Louis Cavalcade recently in the temporary custody of Fire Chief Conroyer. Mix's sec, Elizabeth Eason, wrote the Chief, asking him to hold the trailer upon further instructions.

Minneapolis

By Les Rees

Katharine Hepburn in "Philadelphia Story" underlined by Lyceum.

Theodore Hays, vet Minnesota Amus. Co. executive, back on job after long illness.

"Man Who Came to Dinner" company at Lyceum last week playing on week-to-week basis.

Taylor Holmes host at Thanksgiving dinner and party for "Man Who Came to Dinner" company here.

Charlie Weiner, indie film distributor, back from New York where he connected with additional new product.

With closing of house, entire 12-girl Alvin line and Bobbie Pegrim, dance director, left here for Mexico City engagement for N. S. Barger, Chicago impresario.

Carl Ravazza orchestra, with Pedro De Leon's Pan-Americans and Crawford and Caskey dance team, into Hotel Nicollet Minnesota Terrace, replacing Will Osborne.

Bob Fried, son of Minnesota Amus. Co. president, John J. Fried, starring at halfback for third successive year at Pembroke Country Day School, Kansas City, Mo., having scored 15 of team's 27 touchdowns during past undefeated season.

Pittsburgh

By Hal Cohen

Pitt Players' pre-Xmas show will be Maxwell Anderson's "High Tor."

Dennis King musical has been booked into Nixon for week of Jan. 13.

Fran Eichler's band pulls out Dec. 10 for flock of southern college dance dates.

Dale Harkness is back at Nut Club again keyboarding for the screwball brigade.

Dave Parry in town for a couple of days from east for UA drum-beating. Here today.

Mannie Greenwald is dressing up the Barry theatre with a brand new marquee.

Shirley Heller, Jackie's sister, has checked in at 7th Ave. Hotel Lounge for a run.

Leighton Noble looking for a femme vocalist and auditioning the local crop.

Larry Scrima, Joe Villella's trumpet player, a brother of Mike Scrima, Harry James' drummer.

Mary McLaughlin making Playhouse debut in community theatre's new show, "Here Today."

G. M. Rose has opened his own publicity office since leaving the Walker-Downing agency.

Herb Magidson back to New York to finish George White score after attending father's funeral.

Nixon Cafe let Harris and Shore out of their contract, they could not take Grand theatre (N. Y.) date.

Mrs. Joe E. Brown due in town shortly to look over Variety Club's new orphan, with an eye on adoption.

Father of Art and Mont England, local exhibs and Bank Night distributors, died last week in Cleveland.

Hollywood

Onslow Stevens sued for divorce. J. P. McEvoy back from Manhattan.

Adolph Zukor vacationing in Tucson, Ariz.

Betty Grable got her final from Jackie Coogan.

Nate Krevitiz new publicity man for Victor Hugo's.

Richard Green handling radio for Nat Goldstone agency.

Patterson McNutt on the mend from minor operation.

Mischa Auer opens a stage tour in Milwaukee Friday, (29).

Dalton Trumbo finished renovations on his valley hacienda.

The George Wagners celebrated their 17th wedding anniversary.

Frank Fay has an addition to his household—eight little sheepsheads.

Norman Moray in town for studio huddles on Warners shorts releases.

Edward Finney to Little Rock, Ark., to attend an exhibitors convention.

Alfred N. Sack in from Dallas to look over product for his Texas circuit.

Hally Sang just signed for a series of broadcasts called "Sat. Morning Party."

Babe DeForest screen cowgirl, divorced from Kendall Douglas Yorba.

Chester Morris and Lillian Kenton Barker obtained marriage license.

Spencer Tracy makes a meal of mazos at lunch time at M-G commissary.

Alfred A. Cohn back from Washington where he conferred on national defense.

John LeRoy Johnston on his fifth cross-country air trip in 14 weeks, a total of 45,000 miles.

Mickey Rooney and Phil Silvers pal around town—called the Cohen and Kelly of M-G.

Charles A. Bond, Jr., v.p. of Biblical Photo plays, here from Washington and talking business with Ed Grigby, of Cine-Color, Inc.

George Givot and wife have made property settlement and she is applying for her divorce next week. Givot will sell his ranch and continue with engagements in middle-west.

Tex Feldman, the Texas oil millionaire, has a hobby of making people who are his guests make records at his home, and the more sophisticated they are the better he likes it. He has over 1,000 and includes many from Hollywood's select people.

Reno

by Leola McDonald

Jimmy Walsh and orchestra at El Patio ballroom, which has been featuring traveling bands.

D. W. Griffith and wife vacationing in Reno. Griffith addressed Reno Little Theatre group.

"Two on an Island," by Elmer Rice, will be next attraction to be presented by Reno Little Theatre group Dec. 5.

"Values in the Rough," story of the Nevada prospector, is title of new book by Rev. Brewster Adams of Reno.

Merle Snider, program director of KOH, Nevada's only broadcasting station, married to Glenda Talcott, local nurse.

Ted Taverner, Reno night club, now headlining Rosita and Dino, dancers, and Patricia Murray, tapster. Taverner just reopened under management of Victor Vitke, formerly of Staircase Country Club at Lake Tahoe.

Constance Bennett came on to New York following the granting of her divorce from Marquis Henry de la Falaise de la Coudraye. The \$1,500 fur coat she gave away at her amateur show for British Relief was won by a farmer's wife.

Rex Bell, husband of Clara Bow, who quit a career as a film cowgirl to become a real one on his ranch near Las Vegas, lost in his first attempt to rope a political job in recent election. He wanted to be Clark County commissioner. He's a Republican.

Cleveland

By Glenn C. Pallen

Austin Wylie reorganized band and doing wonders at Aragon.

Dave Lowrey and Sammy Birt collaborating on new Hawaiian niter.

Merle Jacobs taking over personal business management of Eddie LeBaron's career.

Marilyn Maynard-Grant Wilson team breaking up; gal singer's off to Miami to reform her husband.

Paul Pendarvis, Bronze Room's maestro, got Thanksgiving Day present—a baby boy presented by his wife.

Louella O. Parsons and Sabu Hindu film actor, guests of Bert Stearns at Variety Club's Saturday night (23) shindig.

Mexico City

By Douglas L. Grahame

Julian Soler, legit actor, laid up with typhoid.

Actor Pedro Armendariz working in two pux here simultaneously.

Bobby Jones to be feted by the Mexico City Country Club when he arrives here Dec. 7.

Circo Argentino, one of the chief

OBITUARIES

ADRIENNE MORRISON

Adrienne Morrison, 57, former wife of Richard Bennett and mother of Constance, Joan and Barbara Bennett, died of a heart attack Nov. 20 at her home in New York. The one-time actress and partner in the literary agency firm of Pritchett & Morrison had been under doctor's care for some time because of high blood pressure.

Her three daughters flew from Hollywood to attend services, held in Old Lyme, Conn., Saturday (23). Accompanying them were Joan's husband, Walter Wanger, and the former Lady Ashley, widow of Douglas Fairbanks. Morton Downey, husband of Barbara Bennett, was also present, among many others prominent in show biz. Richard Bennett could not attend, being ill in Hollywood.

The daughter of Lewis Morrison and Rose Wood, Miss Morrison was the seventh generation of her family to assume a stage career. Making her debut at the age of six months as a babe in her mother's arms in "The Cricket and the Hearth," she completed her schooling and returned to the theatre at 13 as Juliet. Miss Morrison subsequently appeared in "The Squall," "The Sign of the Cross" and in 1926 was seen as the queen in Basil Sydney's modern-dress version of "Hamlet." Thereafter she devoted more time to her literary work and did not take a part again until last May, when she appeared at the Hudson theatre, N. Y., in "Grey Farm," her last play.

In 1925 she divorced Richard Bennett, whom she had married in 1903, and two years later wed the literary agent and her former partner, Eric S. Pinker. The firm of Pinker & Morrison was dissolved in 1939 after Pinker pleaded guilty to first degree larceny on June 1 of that year in the theft of \$20,637 in royalties from novelist E. Phillips Oppenheim, one of his clients. He's at present serving two and a half to five years in prison. Pinker absolved his wife of any complicity.

HARRY LUD HAMILTON

Harry Lud Hamilton, 65, in various branches of show business for the past 43 years, ended his life by drowning in a Cincinnati reservoir Nov. 18. His effects included four pennies, a suicide note and insurance policies addressed to Mrs. Edith Beery Jones, Maysville, Ky.

In the late '90's Hamilton managed the Washington Opera House in his native Maysville. He took to the road as manager of the Theatre Stock Company and later became business manager for fighting Bob Fitzsimmons. He also did advance and business agenting for Howard Thurston and Harry Blackstone, magicians, managed theatres in Canton, Newark and Portsmouth, O., that played Gus Sun vaude with Nancy Boyer. His last job was as checker for WB picts in the Cincy territory.

Body was shipped to Maysville where services were held Nov. 20.

GEORGE WILLIAMS

George Williams, 49, prominent band leader in the midwest during the '20's, died Nov. 18 at his home in Sharon, Pa. In recent years he had retired from music business, operating a cafe, and was in ill health for the last year.

Williams was first sax in Jean Goldkette's Detroit orchestra when Jimmy and Tommy Dorsey were in it. Moving to Cleveland, he organized his own dance band there in 1924 and for a number of years was a standby at such Cleveland spots as the Music Box, New China and Hotel Winton's Rainbow Room. One of his musicians was Sammy Kaye. During the World War Williams led an 80-piece band which entertained the A.E.F. in France.

Survived by widow and a daughter.

GEORGE SLATER, JR.

George Slater, Jr., 79, who for some years served as president of Troy, N. Y., musicians' union, and who had played with bands for more than a half century, was stricken on a downtown street Nov. 22 and upon arrival at Troy hospital in a police car, was pronounced dead. Coroner said after an autopsy that acute heart disease was the cause.

Slater had been in poor health. In his youth, before becoming a musician, he held two track and field records.

A son, two brothers, and two sisters are among immediate survivors.

ALFRED WEISS

Alfred Weiss, 67, pioneer New York exhibitor and one of the founders of the one-reel Goldwyn Pictures Corp., died Nov. 20 at his home in New York. In the early days of the industry he operated several houses in Gotham's Yorkville section.

Weiss was president of the Consolidated Theatre Supply Corp. and the Film Circulation Corp. at the time of his death. At one time he served as president and general manager of Artclass Pictures Corp. Leaves widow, Helene; two daughters and two grandchildren.

FRANK (RAGS) MURPHY

Frank (Rags) Murphy, 54 former burlesque comedian on the old Columbia and Mutual wheels, died Thursday (21) at the J. N. Adam Memorial hospital, Poughkeepsie, N. Y. Born in Chicago, Murphy became an acrobatic dancer, working the old Western burlesque wheel and later became featured comic for many seasons with Tom Sullivan's Monte Carlo Girls. He retired about 10 years ago, opening a booking agency in Buffalo.

IDALENE COTTON

Idalene Cotton, who for years was part of the vaude and musical comedy team of Long and Cotton, died suddenly of a heart attack in New York Monday (25). She was in her 60s.

Miss Cotton's partner was Nick Long, Sr., her husband, and father of their son, Nick Long, Jr., musical comedy dancer. Long, Sr., died some years ago. A daughter, Mrs. Gladys Davis, non-pro, also survives.

Further details in the radio section.

WALTER WILLIAMS

Walter Williams, 53, former London musical comedy star, was killed during a daylight air raid in London Oct. 29.

Williams appeared for years in revues and vaudeville and popularized the chorus song "K-K-Katie" in 1917. He was also in many musical comedy successes. Of later years he had managed the new Imperial theatre, Brighton, for Jack Buchanan, and at the time of his death was assistant manager for Queen's Cinema, Bayswater.

FRANK WORKMAN

Frank (Huck) Workman, 64, former technical and construction supervisor for D. W. Griffith's films, died Nov. 19 in Hollywood after being struck by an automobile. Deceased designed and built the sets for "Intolerance," "Birth of a Nation," "Orphans of the Storm," "Way Down East" and other Griffith productions. He shifted from films to real estate in 1925. Surviving are his widow and son.

JEAN MARKS

Jean Marks, 61, Indianapolis theatre operator, died Nov. 18 in Indianapolis of a heart ailment. He had been ill several years.

Marks was associated with Charles M. Olsen, operator of the Lyric theatre, Indianapolis, for 20 years. They had been co-owners of the Apollo theatre building, and also partners in Olsen Enterprises which operates five neighborhood houses. Marks is survived by widow.

FRANK LEO

Frank Leo, 66, writer of 1,400 comic songs for the past variety generation, died at his home at Twickenham, England, Oct. 30. He was one of the most successful of all contemporary songwriters, and regularly supplied such stars as Wilkie Bard, Sam Mayo, etc., with material.

"Where Do Flies Go in the Winter-time?" was one of his latest and best known numbers.

EDWARD SHALE

Edward Shale, 80, London theatrical manager, died after being knocked down by a motorcycle near Arundel, Sussex, Oct. 26.

For 20 years Shale was stage manager in the West End, for 14 of which he was associated with Frank Curzon. In his earlier days he was with Sir Henry Irving, and accompanied him on two of his American tours. Survived by daughter, Dorothy.

HILLARY T. HUDSON

Hillary T. Hudson, 48, A.E.F. sergeant-major, Actors Guild member and on the stage in minor roles for several years, died suddenly Nov. 16 in New York following heart attack. Funeral at Shelby, N. C., his

native city, rites being conducted from home of his mother, Mrs. H. T. Hudson.

Hudson toured with Al Jolson in "Sinbad, the Sailor" and "Irene."

L. D. YATES

L. D. Yates, 29, advertising manager, WKFC, Hot Springs, Ark., suicided Nov. 19 by shooting. Note found in his coat stated he was suffering from an incurable brain disease, directed disposal of his possessions, and requested burial in a plain pine box.

His widow, parents and a brother reside in Fort Scott, Kans.

JOHN OSCAR KING

John Oscar King, pioneer California exhibitor in the nickelodeon days, and owner of three silent-film houses in Los Angeles until his retirement 20 years ago, died in Syracuse Friday (22).

Body shipped to Los Angeles for burial.

CARLOS RIVAS LARRAURI

Carlos Rivas Larrauri, 44, poet, song and revue writer, whose works were featured on radio, died Nov. 19 in Mexico City. Burial in Mexico City.

Station XEQ presented a memorial program in his honor.

HEINZ REICHERT

Heinz Reichert, 62, playwright, songwriter, died Nov. 16 in Hollywood. A German refugee, he arrived in California two years ago. He was a member of the American Society of Composers, Authors and Publishers.

His widow survives.

BILLY JONES

Billy Jones, 51, of radio's pioneering comedy team of Jones and Hare, died of a heart attack while walking on Broadway Nov. 23.

Further details in the radio section.

JOHN H. KEENAN

John H. Keenan, 47, concessions constructor and operator at numerous southern fairs, died recently in Oklahoma City.

Two sisters and two brothers survive.

PRINCE RAJAH

Prince Rajah, 54, native of Bombay, India, and magician on Dixie vaude circuits for years, died recently of heart attack in Meridan, Miss.

Charles Fullen, 30, Roncerverte, W. Va., died Nov. 17 in a Spartanburg, S. C. hospital from injuries received while caught in a riding device while working at Spartanburg fairgrounds last Oct. 9 as employee of Dodson World Fair Shows.

Ray A. Moore, 34, bass fiddle player with leading Cincinnati dance, theatre and radio orchestras in recent years, died Nov. 17 in Good Samaritan hospital, that city, following a brief illness from a stomach ailment. Survived by mother.

George (Abe) Martin, 60, carnival worker, died of injuries sustained Nov. 18 when two lions clawed and bit him through the bars of their cage at winter quarters of the World of Mirth Shows, Richmond, Va.

Mother, 65, of Lila Lee, silent screen star, who is currently playing in a revival of "Blind Alley" at the Windsor theatre, N. Y., died of a heart attack Nov. 23, in their New York apartment.

Maude Humphrey Bogart, 75, illustrator, and mother of Humphrey Bogart, screen actor, died Nov. 22 in Hollywood. Surviving, in addition to her son, are a sister and a daughter.

Kathryne H. Burnside, 59, wife of Robert H. Burnside, theatrical producer and director, died Nov. 23 at her home in Ridgewood, N. J. Her husband survives.

Joseph B. Hay, 61, director of publicity for the Canadian National Exhibition for 15 years, died in Toronto Saturday (23) when he collapsed on the street after leaving his office.

Mollie B. Shaffer, 68, former film actress and later wardrobe mistress, at 20th-Fox, died Nov. 19 in Hollywood. Surviving are two daughters.

Joseph J. Dickman, 31, radio singer and member of Buffalo Light Opera Co., died Nov. 17 in Buffalo.

William D. Philpott, 79, father of Madge Bellamy, silent-screen actress, died Nov. 19, in Hollywood.

B'way Films' Sun. Tricks

Continued from page 1

linda, "Separate Rooms," "Tobacco Road," "Kind Lady," "Beverly Hills," and "Man Who Came to Dinner."

Business done by the 11 legit Sunday night (24) was not especially strong but reported that balconies in most cases were well filled, and by a film type of audience. Opinion in the film field is that a lot of people who come into town for weekends or just Sunday from Westchester, Long Island, Connecticut, etc., may favor the legit Sunday nights and would rather spend \$1 for a reserved seat at one of the shows than at a picture house.

Not many people were drawn to N. Y. over the past weekend, however, with the gloomy weather probably a deterrent. It is believed also in some quarters that the Sunday night legit might have a tendency to bring more of the natives to the downtown area and into the film emporiums when they find difficulty getting seats for shows they want to see.

Comparison of gross figures for Sunday (25) with those for Saturday would indicate that the take was down a little generally but factors that must be taken into account, in considering whether the teoff legitis hurt or not, include a change in weather, holdovers on various shows, and difference in the draught of pictures that were displayed Sunday (17) and the past Sunday.

Matinee business Sunday (24) was strong, but the night take in some instances was 50% less. The Par got \$1,000 more on the mat than in the evening; Riv did a little better at night; Strand was close to \$2,000 better on the mat; Capitol's afternoon business doubled that at night; Romy was ahead on the mat also but by less than \$2,000; Hall's afternoon take was very strong, while after sundown the drop was around 50%.

State was about \$1,000 stronger during daylight than after 6 p.m.

While this would indicate an inroad into night business Sunday (24), similar experiences in a drop after 6 p.m., as compared with the matinee, have been encountered in the past and until Sunday legitis have progressed further, no positive conclusions can be drawn.

While the initial group of 10 teoff on Sunday evening shows, others may attempt matinees instead, the first bunch also possibly switching, but there is no intention to give two performances on any Sunday. Mondays in most cases will be the off-day, though Tuesday has also been selected by some.

Matinees Would Be Tougher
The picture theatres are less concerned with Sunday night legitis than if the shows were given during the afternoon, since very often the film theatres taper off after 8:30 or so on Sunday evenings. With the legitis now not going on until that time or a little later, patrons may still see a film show and make the legit, as occurs on other days of the week.

Matinee business is almost always very heavy for the film emporiums which have draughty shows. Very often the mat biz is 25 to 50% larger than the night take. No appreciable kid dent is anticipated by the invasion of Sundays by the legitis but there is always the angle that the folks who want to see one of the current stage plays or musicals on Sunday evening will knock out kid admissions because the kids will be left at home or to do something else themselves. Matrons are maintained for children under 16, however, by virtually all of the picture houses and they may not lose that part of the kid trade because of the parental angle.

Picture theatres are not permitted to open until noon on Sunday but sometimes the business has been so heavy on that day that it has exceeded the Saturday take despite shorter turnover. This is very often due to less opposition on Sundays from other sources than on the day ahead, when at various times of the year there are football games, baseball, racing, golf, beaches and other things to consider.

Film houses have the same scales for Saturdays and Sundays, except that in opening at 12 noon on the latter, the teoff prices are higher. Most of the larger downtown theatres hang out an opening price which remains only until 1 o'clock after which the regular weekend matinee figures are in force.

It is impossible to estimate in advance of studying the situation until all legitis have gotten into Sunday performances but doubted that the interference will mean more than 5 to 10% in loss. The price of the legitis of course, are higher than the picture

houses, except that the lower-rated seats for the legitis down to 55c are in competition with the better locations in the larger film theatres which get from 99c to a top of \$1.45 (latter Music Hall) for loges. So far as roadshow pictures are concerned, there being two at present on Broadway, they are in closer competition on price and may feel the Sunday pinch more heavily. On Mondays and Tuesday nights when there are no legitis under the plan, that should act as a slight offset.

Brit. Benefit Coin

Continued from page 1

nounced \$14,260 for the night at \$4 top. Among those participating were Sheila Barrett, Everett Marshall, Kitty Carlisle, Eddie Davis, Muriel Angelus, Grace McDonald, Ralph Forbes, Ella Shields, Tom Terriss, Dolly Haas, Aileen Stanley, John Dudley, Hiram Sherman.

Show was originally skeddled for the season, 1,250 seats, but advanced sale overflow necessitated taking over of Shea's Victoria, this 1,904-seater being donated rent-free by Famous Players (Canadian). Former was also donated by the Eaton. In heart-warming performances at both houses, stars played first and second halves alternately, with each audience getting the complete show, but in reverse. Conductor alternating with Joe de Courcy was Ferde Grofe, whose "On the Trail" from his "Grand Canyon" suite got an ovation at both theatres. Davis and Sherman switched halves as m.c.'s.

All donated their services except for the musicians' and stagehands' pay-off of over \$2,000. Tagged "Night of Stars," show was arranged and staged by Eric Greenwood, former assistant to George Koppin of the Empire here, and Radio Harris acting for the British War Relief Society of New York.

Considerable local resentment because Norma Shearer, holidaying in New York, refused to come to Toronto on plea that she was tired; that if she did it for one, she'd have to do it for all. She was born in Montreal.

MARRIAGES

Hazel Rodine to David Innes, in Regina, Sask., Nov. 16. Bride is with CJRM, Regina.

Peggy Kent to Don Wilson, Nov. 19, in Van Nuys, Cal. Bride is daughter of Sidney R. Kent, 20th-Fox proxy; he's the radio announcer.

Lucille C. Wisk, Nashville, staff member to Edwin G. Mullinn, program director of WILH, Annapolis, Md., in Nashville Nov. 23.

Helen Frank, commentator known as Jerry Lane on KDYL, Salt Lake City, to Wally Sandack, KSL (Salt Lake City) announcer.

Kay Griffith to Broderick Crawford, in Van Nuys, Cal., Nov. 21. Both are screen players.

Mary Barry McCormick to Richard Halstead Best, in Wauwatosa, Wis., Nov. 21. Bride is stage, screen and radio actress.

LaVita Anderson to Eddie Wade, in Wichita, Kan., Nov. 30. Bride, singer on station KFBI, Wichita; he's a musician with same station.

Betty Ann Paynter, freelance actress, to James Coy, program director of KCMO, Kansas City.

Martha Geason to Ernest Hemingway, in Cheyenne, Wyo., last week. Both are writers.

Alma Wilby, daughter of Robert Wilby, Wilby-Kinney theatres chain proxy, married in Atlanta, Ga., to J. T. Reid, Kansas City, Mo.

Dorothy Krog to Richard Lape, in Buffalo, Nov. 21. He's WEBR (Buffalo) actor.

BIRTHS

Mr. and Mrs. Bret Black, son, in Los Angeles, Nov. 20. Father is still photographer at Columbia.

Mr. and Mrs. Peter Ermatinger, daughter, Nov. 17 in Los Angeles. Father is manager of the Biltmore theatre, L. A.

Mr. and Mrs. Russell Stewart, son, in Salt Lake City. Father is chief announcer for KSL, Salt Lake City. Mother is Mrs. Wayne Griffin, daughter, in Hollywood, Nov. 22. Father is a radio director and producer.

Mr. and Mrs. Lloyd Nolan, son, in Hollywood, Nov. 22. Father is screen player; mother is Mel Elfrid, formerly of New York stage.

Mr. and Mrs. Robert Baldwin, daughter, Nov. 25, in Hollywood. He's film actor; mother the former Cecelia Parker, screen actress.

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