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VARIETY

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MUSIC FIGHT JARS ADMEN

Harry Pilcer, Just Over From Paris, Paints Sad Picture of Once Gay City

By ABEL GREEN

'The last time I saw Paris' (not the Jerome Kern-Oscar Hammerstein II song), in the words of Harry Pilcer, American juvenile long-domiciled in the French capital, was Nov. 13. He sailed from Lisbon Nov. 17 on the S. S. Excmambria, arriving this past weekend, with perhaps the most up-to-the-minute closeup of Paris show business as it is now.

It's keynoted, in brief, by a seething pro-General Charles de Gaulle 'tres Frenchmen' spirit that must erupt. It's manifested in the cinemas when the 'actualities' (newsreels) are flashed and the auditors whistle, stomp and jeer the UFA (Nazi) reels, which invariably result in 'official punishment' by the authorities in occupied France closing down the cinema for a week or two. As a result, now all newsreels are preceded by a managerial request from the stage that any 'demonstration' must result in being shuttered for a spell, and that this in

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Gossip Columns Hurt U. S. Repute for Press Accuracy, Says Swope

Herbert Bayard Swope, on a recent 'People's Platform' (CBS) program on 'Influence of the Press Today,' declared if he owned or operated a paper today, he would have money spent for a poll to determine the 'dominant' reasons in readers' and public's minds for their hostility or suspicion of newspapers. Swope agreed with Raymond Clapper that for years antagonism on part of public toward the press had existed. Also that 'politicians' attacking newspapers almost invariably drew a favorable response from many people.

Swope, in a comment upon columnists, severely criticized the 'gossip' type. Conceding they made dailies more 'entertaining,' he questioned whether they did not harm newspapers much more. Former World Man declared that gossip columnists are 'destroying' what the press has spent many years and countless sums of money to attain: 'accuracy.' Gossip by-liners, by the very nature of their output, cannot and do not give great heed to accuracy, Swope asserted.

Church's 'Date Nights' Too Tough for Showmen

Buffalo, Dec. 3. New headache for nabe showmen here is 'date nights' set up by St. Mary's Evangelical Reformed Church. Offers indoor games, shuffleboard and a jukebox each Saturday night. Drawing well.

Reverse Strip

Joe Laurie, Jr., notes the trend of the times around the old International Casino on Broadway, which formerly featured beautiful dolls and 'no clothes'.

Now it's Bond's clothing store and 'two pairs of pants'.

FILMUSICALS' RADIO PLUG WORRY

Report from Hollywood that film-musical producers will resort to the 'grand rights' device for the exploitation of their wares in the event of a break between the networks and ASCAP Jan. 1 has occasioned no surprise among New York copyright lawyers. There is nothing in the contract that ASCAP has with its members, these lawyers hold, which prevents the broadcasting in entirety of a musico-dramatic work as long as the film producer or any one else controls the grand rights. Under such circumstances no performing rights licenses are necessary from ASCAP, even if the writers are ASCAP members.

Hollywood is faced with the heavy output of musical productions in

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100% BMI DANCE BAND PROGRAM SET FOR WJZ

The first 100% BMI music radio commercial and, incidentally, also maestro Bobby Byrne's first sponsorship, was set by Herman Bernie to start Jan. 3 over WJZ, New York, for 13 weeks locally, after which it goes network. Brown & Williamson's Raleigh is the sponsor, and the theme of the show is 'Discoveries of 1941' (Connie Russell, Carol Bruce and others as guests) plus an audience-gag, 'Name the Tune.'

Fans submitting a title to an unpublished BMI tune may win a royalty and a copyright interest in a song 'for 50 years, the life of the copyright.'

AGENCIES FIND SELVES ON SPOT

Near Zero Hour on ASCAP Vs. Broadcasters Impasse — Bitter Words to the Music Situation Inevitable

SEEK SOLUTION

ASCAP-radio fight has begun to take on the momentum of a head-on collision and, unless intervention looms up meanwhile from one of three sources—Washington, network advertisers, or a mediator—the outlook is for a nasty, bitter fight as of Jan. 1. Indications have already been given that this battle in viciousness may dwarf the recent presidential campaign.

Once the break occurs there will be no pulling of punches or pleas for quarter. The ASCAP leaders have so far prevailed upon its rank and

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Lawrence Tibbett May Risk Musical Future On His Ford Broadcast

Lawrence Tibbett will take his vocal life in his hands Dec. 29, when he will make his first public appearance on the Ford Sunday Evening hour since he lost his voice several months ago. The baritone is reported angered at the reports that his voice is completely gone and that he will never sing again, which have been spread recently in musical circles, and is determined to prove his pall bearers wrong by appearing before as large

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Culture Doesn't Come To Hollywood Guilds

Hollywood, Dec. 3. Efforts of the Academy to draw the three talent Guilds into participation in its affairs, to create a 'united cultural' and 'educational front' came a cropper when the Screen Actors Guild voted against it. Writers and Directors Guilds also tabled action on proposal.

First Soldier Show at Fort Dix, N. J., Cues a Potential Army Camp Route

Wild Life Trailers

Trenton, Dec. 3.

Fort Dix and civilian authorities of nearby towns are constantly on the alert against disorderly houses and professional gamblers, but modern times has given the army a new headache. It's been discovered that some of the trailers attached to autos of visitors to the camp, or parked nearby, are not as innocent as they look. They are floating 'conveniences'.

8 LEGITS WITH NAMES IN MIAMI

Miami, Dec. 3.

Plans for a season of eight stock productions with visiting names starting Jan. 13 is announced this week by Gant Gaither, operator of the Miami Beach Playhouse. Built last year at a cost of \$50,000, it will be known this season as the Gant Gaither Theatre.

Shows Gaither has tentatively scheduled include Joe E. Brown in 'Western Union, Please'; Frances Lederer in 'No Time for Comedy'; John Beal and Madge Evans in 'Wind and the Rain'; Sinclair Lewis in 'Angela Is 22'; Eve Le Gallienne in a

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VARIETY CLUBS' WORK MAY BE PICTURIZED

Pittsburgh, Dec. 3.

One of the major film companies has asked the Variety Club for permission to make a picture of its activities. John H. Harris, founder of organization and national president of Variety Clubs of America, has divulged. Harris refuses to disclose which company it was, saying producer wished to file prior claims on club's different mottos, 'Heart of Show Business,' 'Little Child Shall Lead Them,' etc.

Club got its start here 13 years ago by a group of local showmen headed by Harris.

A troupe of vaude and nitery performers, on the guff all around, Sunday (1) christened a new channel of employment that should expand within the next five years. Rounded up by Phil Morris, the vaude producer and agent, and with a VARIETY mugg tagging along to see what his living conditions may be if his number comes up, the free show was the first entertainment in the first recreation hall in the draftees' induction center at Fort Dix, New Jersey, some 85 miles from Broadway. The hall's capacity is only 400, so the audience was picked out of some 1,800 draftees in the induction center prior to being distributed among the various corps in the camp according to their adaptability, established by an I. Q. rating. A number of them didn't even have uniforms and most looked sad and homesick. This might have been the reason why they were such a great audience. But the show also was good.

It was the type of audience that actors would like to wrap up and

(Continued on page 20)

Nice Cheerful Radio Sponsor: Undertaker's Army Post Show Pickup

Seattle, Dec. 3.

KIRO on Sundays at 4:45 to 5 p.m. is carrying news and entertainment from Camp Murray and Fort Lewis, nearby army cantonments. Each program gives information of events taking place at the army posts, using talent from the ranks. Firm sponsoring 'News of Camp Murray and Fort Lewis' is a mortuary concern, E. R. Butterworth & Sons. Strang & Prosser agency placed the account.

When the sponsor and agency signed for the quarter-hour, there were a number of hypes as to possible effect the commercials might have on the relatives of the soldier boys. Some thinking pa, ma and sister might get to 'missing their sleep after spiel from the undertaker. Sponsor and agency agreed to tone down commercials.

Copacabana's \$14,000, N. Y.'s Top Nitery Gross

Monte Proser's Copacabana, new East 60th street nitery, was the No. 1 case grosser last week in Manhattan, taking in \$14,000. Billy Rose's Diamond Horseshoe, with its greater capacity, has been averaging \$10,000 to \$11,000 of late; No. 3 is Leon & Eddie's, with under \$10,000, and the Stork continues its \$7,000-to-\$10,000 average and rates as still the most successful case in America.

The other class rooms with lesser capacity, but also lesser overhead, might net more than some of the big grossers, however.

8th ANNUAL Radio Showmanship Survey

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Of Thee They Sing

By ALBERT STILLMAN

The time has come to write, so I thought I'd write it, A piece about songs on these great United Forty-eight perfectly marvelous States That everyone loves and no American hates. First, let me say, so there's no misunderstanding: My ancestors landed on Plymouth Landing, My great-grandfather fought under Sherman, So I gotta right to deliver this sermon. I went to school in New York City, Long before the Dies Committee, And I pledged allegiance to my flag, And to the republic for which it stands— One nation indivisible, With liberty and justice for all. And I thought then—I was still a pup— That those words just about summed it up. Those words and The Star Spangled Banner. What more did you have to sing, to say How much you loved the U. S. A.? Well, the S. S. B. was still the dough Until about six months ago, At which time every songwriter in the country simultaneously got the brilliant notion That this was the Land of his Devotion, From ocean to ocean; That this country was really terrific, From the Atlantic to the Pacific; Or, to make it plain, From California to Maine; And that he, the songwriter, offered his Undivided Loyalty, And in return received the usual royalty— So much per record, so much per sheet— And some of the take was pretty sweet. (This is no reflection on Irving Berlin who nobody doubts Donated his entire royalty to the Boy Scouts.) So now you get that well-known statue Thrown right at you, And the Liberty Bell Is starting to sell; And Washington and Lincoln whose utterances the boys begin on, Are getting a lot of valuable publicity which others are cashing in on. Now I hate Hitler, and when they flash him on the screen, I'm the loudest hisser, But I object to having the American Flag waved right in my kisser By Buddy Davis, Toots Napoleon and I-don't-know-who, And I should think the American Flag would object, too. This is my country and I love it, And I don't have to be reminded of it On the red, white and blue networks, night and day, By Gray Gordon and Sammy Kaye. Mine ears have heard and have been badly bent By patriotic compositions of indubitably meritorious intent, Such as: America, I Love You, God Bless America, Wake Up, Amrica, Speak Up, America, Shout, I Am an American, I Hear America Singing, and Keep the Light Burning, America; And I still like—so help me Hannah— America and The Star Spangled Banner.

Irving Berlin, Inducted Into B'way Club, Becomes Truly a 'Fall Guy'

By HERB GOLDEN

Irving Berlin last week was 'Fall Guy' for Circus Saints and Sinners. Which means, liberally translated, he was initiated into the organization of show biz people, doctors, lawyers, businessmen, congressmen and anyone else to whom the smell of a tan-bark ring, the sight of canvas and the baying of 40 different kinds of animals transcends in the spring and thoughts of family, home or business.

Shindig to induct the songwriter made stupendous, colossal and overwhelming seem as nothing. It was the most tremendous luncheon—or any other affair—ever tossed by the Saints and Sinners, with more than 1,200 members and guests filling the Hotel Astor's (N. Y.) ballroom from 12:30 to 4:30 in the afternoon as a tribute to the little guy with horn-rimmed specs who smiled through it all.

Corridors outside the ballroom were billed with 24-sheets of many a past circus, and the ceiling of the gigantic dining room was covered with a tent, as is usual for the monthly meetings. Stage was something of a surprise, however. It was a replica of Nigger Mike's, on the

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Kurt Eisefeldt Left Estate of \$77,804

Syracuse, Dec. 3. Kurt Eisefeldt, husband of the late May Irwin, famed actress of the mauve decade, who died May 30, left an estate of \$77,804, according to an appraisal filed in Jefferson county. Principal beneficiary is a brother, Gustave Eisefeldt, of St. Louis, who receives the residuary estate and two farms at Clayton, N. Y., where Miss Irwin resided with her husband, a former agent, on her retirement.

A sister, Margaret E. Perley of Clayton, receives \$10. Other beneficiaries are Frances Campbell and Georgina Truax, of N. Y., Grace Revel and John Seaman of Clayton, N. Y.

Carbo Laughs Again

Hollywood, Dec. 3.

Next picture for Greta Garbo at Mejro is a comedy, her second successive role in a light vein, slated to start about March 1.

George Cukor is supervising the development of the yarn, still untitled.

Melodramatic Trial Of Miss Goddard's Dad's Suit Ends, Settled

Syracuse, Dec. 3.

After a brief trial which packed more melodrama than any of the films he used to sell, or in which his daughter takes leading roles, Joseph R. Levy's \$150,000 libel action against Crowell-Collier Publishing Co. reached a sudden settlement in Onondaga County supreme court Thursday (28).

Interrupted for a day when Levy suddenly collapsed the stand, shortly after the entrance into the courtroom of an unidentified woman whom reporters at the trial promptly dubbed 'Madame X', the trail was about to resume on Thursday when the lawyers went into a huddle.

Levy had brought the action based on a story in Collier's by Kyle Crichton in which it was stated that Levy was not the father of Paulette Goddard. Besides mental anguish, etc., Levy contended that publication had cost him his job.

After the conference of attorneys with Justice Abram Zoller, Donald (Continued on page 57)

Brenda Joyce in Pitt Hosp; Clot on Her Arm

Pittsburgh, Dec. 3.

Brenda Joyce, with the Louella Parsons' stage unit, currently appearing at the Stanley here, was taken to Mercy hospital today (Tues.) for treatment for a blood clot on her arm that has caused a semi-paralyzed condition.

Injured several weeks ago when the Parsons' troupe was playing Detroit, the bruise then suffered was aggravated last week when bumped backstage while playing Steubenville, O.

Miss Joyce will be out of the show for the rest of this week and may have to remain here for a while. Miss Parsons and her gang return to Hollywood Thursday (5).

Lewisohn's Play

Dramatization of Ludwig Lewisohn's book, 'Last Days of Shylock', has been made by Elihu Winer, assistant eastern story editor of Universal. It is under consideration for spring presentation on Broadway.

Lewisohn took no active part in the dramatization except to approve the final draft.

L. A. to N. Y.

Henry Blankfort.
H. N. (Jack) Brower.
A. Ronald Button.
Harry Cohen.
Linda Darnell.
Owen Davis, Jr.
Kay English.
Errol Flynn.
Henry Fonda.
Jimmy Fonda.
Monroe Greenhal.
Edmund Gwenn.
Sir Cedric Hardwicke.
Hedda Hopper.
Morey Marcus.
Groucho Marx.
James Mulvey.
Maureen O'Sullivan.
Gene Raymond.
Budd Schulberg.
Murray Silverstone.

N. Y. to L. A.

Joe Bigelow.
Nat J. Blumberg.
Munroe Brown.
J. A. McFadden.
Abe Montague.
Hugh Prince.
Don Raye.
Arch Reeve.
David Rose.
Marvin Schenck.
Bill Scully.
Jack Weiner.
Jane Wyatt.

ARRIVALS

Mr. and Mrs. Oscar Straus, David Rose, Harry Piller.

THE BERLE-ING POINT

By Milton Berle

Hollywood, Dec. 3.

Had Republican Thanksgiving dinner at Jack Benny's home. Dinner was excellent and Jack's prices were very reasonable.

Met Sidney Skolsky there. Told him I was getting plenty of mail from readers telling me what they think of my column. Sidney replied, 'I didn't think the postal inspectors permitted that kind of language to go through the mails.' I wonder what he means? (But don't get me wrong, I love Skolsky.)

There's a new traffic law out here. Every car going along Hollywood Blvd. over 60 miles an hour must have a driver.

A Hollywood restaurant has a sign, 'Special Today—What We Couldn't Get Rid of Yesterday.'

All you have to do in Hollywood to get credit in a grocery store is to walk in with makeup on.

Broadway Dept.

Leon & Eddie have been in business so long they are beginning to trust each other.

Prince Mike Romanoff is vacationing in New York and is still traveling with the upper set. His dentist is keeping the lower until he pays up.

Since I've been in Hollywood I'm continually singing a song dedicated to the boys at Lindy's titled, 'Please Don't Talk About Me When I'm Gone.' My brother in New York is so lazy that he won't work any week that has a Friday in it.

Hollywoodiana

Met an absent-minded producer at Central Casting who was looking for a couple of extras to use as bookends.

Barney Dean was telling me about the new horse he bought. He said, 'If my horse behaves himself I'll give him food that human beings eat—if he's bad he'll have to eat what I eat.'

Finally found out why so many movie stars wear dark glasses. It's to protect them from the glare of the other stars.

George Raft goes to Florida next week for his health—he left it there last year.

Radio Dept.

Told my uncle he'd never get a job if he sat around the house talking to himself. He said, 'That Edgar Bergen does bad, I suppose?'

Heard Horace Heidt's brother, Gezuntheit, on the air the other night. He's nothing to sneeze at.

It's not true that Nick Kenny is going to sing in the Metropolitan Auditions of the Air.

A high priced radio comedian was speaking to Fibber McGee. Said radio comedian, McGee, if I had a face like yours I'd be ashamed to show it.' McGee replied, 'Listen, Low Crossley, if I had a show like yours I'd be ashamed to face it.'

Music Dept.

Hollywood trade unions are all-powerful. In my picture, 'Tall, Dark and Handsome', I say, 'I feel as fit as a fiddle.' That same afternoon I was told I had to join the musicians' union.

All bandleaders are singing the sequel to 'You've Got Me In Between the Devil and the Deep Blue Sea' titled 'You've Got Me In Between the ASCAP and the BMI.'

Harry Link, the music man, is trying to arrange to give all prisoners paroled from Sing Sing copies of Peist tunes. Link's slogan, 'You Can't Go Wrong With a Peist Song.'

Hangnail Descriptions

Tommy Manville: Bringham Young. Sam Goldwyn: Pardon My Sudden Accent. William Saroyan: Gertrude Stein with a hangover.

Observation Dept.

Out here the pedestrian only has the right of way when he's in an ambulance.

Everybody here gives you cigars. I usually carry so many my vest looks like a pipe organ.

Everybody out here is so prosperous the loan companies are putting in floor shows to attract business.

Wish I were a jitterbug—so I could wear my white shoes in the winter-time.

Eavesdropped at Casa Manana. He's the kind of a guy who whistles off-color songs.

Found out why they call it Palm Springs—everywhere you go a palm springs out at you.

Whatever Became Of — ? ? ?

Cole & Snyder
Miss Vanessa
Weber & Ridnor
Dainty Marie
Hurt & Vogt
Long Tack Sam

Afterpiece

Met John Barrymore on Hollywood Blvd. He was very polite—I tipped my hat, and he tipped his ice-pack.

Finally Caught Up With

Hollywood, Dec. 3.

Warners loaned Earl Baldwin to Columbia for an eight-week stretch to write an untitled musical for production by Sam Bischoff.

In his 11 years on the Burbank lot, it is Baldwin's first loanout.

Chico Assembling Orch, But Marxes Still Have M-G Pic's Commitment

Although Chico Marx, upon his arrival in New York, stated the Marx Bros. were splitting up, he to form his own band, the trio have another Metro film commitment. Since Zeppo Marx went into the agency business, the other three have been casual about their professional chores, doing one picture every year or so. Their 'Go West' for M-G is awaiting release.

It's no secret Groucho Marx would prefer to continue gentleman-farming in California, and Harpo Marx has some sort of a concert tour awaiting him whenever he wants to try it. Meantime Groucho is driving east on a holiday.

Pianist Chico is assembling his band and auditioning a femme vocalist. William Morris will back. In laying out a stage routine Chico will include bits of business which are more or less standard with himself, Groucho and Harpo, using men from the band made up to look like the other two.

Carol Bruce Continues On Radio, But 50% Of Pay Goes to Charity

Carol Bruce, songstress in 'Louisiana Purchase', Imperial, N. Y., whose outside night spot and radio appearances without the consent of Buddy DeSylva, show's producer, caused her to be fined by Equity, has continued the microphone stint on the Ben Bernie program but under an unusual arrangement. After the Equity action, DeSylva assented to further radio engagements by Miss Bruce provided she turn over half such earnings to the Actors Fund.

Since then a check for \$212 has been tendered weekly to A. L. Ber-

man, general representative for De-

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Ex-Mrs. Tom Mix Sues

Los Angeles, Dec. 3. Suit for \$50,000, demanding payment of a promissory note, was filed against the Tom Mix estate by Victoria de Olazabel, one of the western star's former wives.

Estate is estimated at \$115,000.

Lyons Bros. Swap

Sam Lyons is exchanging offices with his brother, Arthur, for a month.

Arthur got into New York Saturday (30) and Sam, who flew out to the Coast the week before last, will remain there until New Year's.

YANK SINGERS ALWAYS OK

H'wood Shying Away From B'way Play Backing, Gotta Be Good for Stage, Pix

Hollywood, Dec. 3. Film companies are not tossing any reckless bankrolls into Broadway if they follow the example of Metro, where the execs have adopted a policy of studying the form sheet before laying a bet on the nose. There will be huddles in high offices whenever a play is submitted, to determine two factors. First, its stage potentiality, and second is its adaptability to the screen.

Purchase or rejection of scripts rests finally with J. Robert Rubin, vice prez and legal chief of Metro's in New York, with recommendations on the screen possibilities by Kenneth McKenna, story editor at the Culver City studio, who recently returned from a series of stage-screen negotiations with the Dramatists Guild. One of the many scripts McKenna brought back is "Mr. and Mrs. North," which will be the first of Metro's Broadway investments under the new pact. Play is authored by Owen Davis and Mr. and Mrs. Richard Lockridge.

Metro's "Mr. and Mrs. North" Metro is the first picture company to announce backing of legit shows (Continued on page 46)

Claims Film Closely Follows Real Life, Helen Twelvetrees Sues

A suit by Helen Twelvetrees against RKO Radio Pictures, Inc. for alleged libel and unauthorized use of her name in connection with the picture, "I'm Still Alive," was revealed Friday (29) in N. Y. supreme court, when the actress applied to the court for a temporary injunction against the picture, and against the use of her name in advertising and publicity connected with the film.

The unique action claims that on Aug. 1, 1940, RKO produced the picture portraying the romance of a Hollywood stunt man and his actress wife, a Hollywood star. Miss Twelvetrees declares, "This picture with certain libelous and fictionalized exceptions, describes plaintiff's life with her former husband, Jack Woody, a stunt man."

RKO is accused of having used her picture and name for advertising purposes, and of having announced that the picture describes her life.

DAVE (OF BLUE ROOM) FILES BANKRUPTCY

David Kleckner, manager of the Restaurant Bleu, Inc., new eatery at 128 West 58th street, N. Y., filed a voluntary petition of bankruptcy in N. Y. federal court last week, listing assets of \$100 and liabilities of \$34,024. Kleckner, from 1926-1940, was president, treasurer, and sole stockholder of Dave's Blue Room, Inc., at 7th Avenue and 50th street, which went out of business.

During 1938-39 Kleckner earned \$1,800 and in 1939-40 he earned \$150. Among creditors are Thomas J. Manville, Jr., \$10,000 on a loan; Regal Music, Inc., \$180, on a breach of contract, and the 799 7th Ave. Corp., \$10,000 for breach of a lease.

Films' \$440,000 For L.A. Community Chest

Hollywood, Dec. 3. Film industry at the Community Chest rally Tuesday (3) attended by studio biggies, actors and directors announced collection of \$440,000 for local charity, tops for all time. Last year the picture business contributed \$311,000.

Motion Picture Relief Fund was awarded \$58,000, or 10% of the first \$300,000, and 20% above that amount. Louis B. Mayer headed drive.

So He's 39 Again

Los Angeles, Dec. 3. Patrick Francis Shanley, former hotel man, widely known among Broadway performers of the vaude and legit stage, celebrated his '39th birthday' again last week. Some years ago Shanley, like his late friend Dick Ferris, also with a wide showfolk following, decided to limit his age to 39 and since then each recurring birth anniversary has been one year shy of 40. Shanley is now on the Arizona desert, convalescing after a 16 months' illness.

BMI TUNES FOR RKO MUSICAL

Hollywood, Dec. 3. Broadcast Music, Inc., made its first dent in the armor of American Society of Composers, Authors and Publishers by tying up RKO's "Hang Out the Moon" with the title number and three or four others to be used in the musical.

Harry Engel, BMI Coast rep, negotiated the deal, the first of its kind ever made with an independent outfit.

BMI-Columbia Deal

Broadcast Music Inc. has set a deal with Columbia Pictures for the film synchronization rights to its songs. Columbia has agreed to turn out 10 short subjects within the next six months based on tunes under BMI's control.

Briefies are to be made on the "bouncing ball" idea; a type of community sing short. There have been few of the latter in the last few years.

DRAFT RULING ON ACTOR MAY SET PRECEDENT

Few actors engaged in the Broadway sector are known to have been called for military training under the federal draft law and in only one instance was a ruling made on the matter of immediate service. That case may set a precedent for others, however, for the actor reported to the draft board that he was appearing in a show which is unlikely to be on the boards in town or out at (Continued on page 63)

DID WELL FROM 1850 TO 1920

Research Into the Files of Yesteryear Exposes As Opera Press Agent Hokum Idea That American Singers Are Only Just Now Coming Into Their Own

MANY EXAMPLES

By EDWARD SMITH

With the opening of its 57th annual season in New York on Monday (2), the Metropolitan Opera Co. points to the fact that now two-thirds of the entire company are either native-born or naturalized American singers. This is the highest percentage in the Met's history, and from the ratio of increase, the Met estimates that within a decade 90% of the company's roster will be Americans.

Press agents have jumped on this bandwagon, and continually during the past few years the Met has received oodles of publicity to the effect that for the first time in the history of opera in America, American singers are receiving a break. However, these statements hardly reflect the true situation, and decidedly misrepresents American concert and operatic history.

An examination of available records from 1850 to 1920 discloses that not only has the American singer played a tremendous part in operatic music in his own country, but has quite frequently won plaudits abroad, against European talent and strange conditions. All this in the (Continued on page 60)

Forrester-Parant Pix's (France) Attachment Vs. Dietrich for 98G

A novel action against Marlene Dietrich in N. Y. supreme court, by Forrester-Parant Productions, a French film company, charging breach of contract, and asking damages of \$98,450, resulted in Justice Isidor Wasservasser granting the plaintiff attachment on the actress' property in N. Y. Papers were served on Universal, to whom Miss Dietrich is under contract. Attachment papers were also served Monday (2) on Gulf Oil for whom the star did a radio commercial Sunday night (1).

Action takes in everything including World War No. 2, the fall of France, etc. According to the company (Continued on page 15)

German Railways Tries to Slip a Li'l Pro-Nazi Film Propaganda Over And Starts a Riot; Niteries' 'Aryan' Burn

Block That Bull

Hollywood, Dec. 3. Tyrone Power is learning how to be a toreador from Oscar Boetticher, Jr., who used to handle the pigskin as a member of the Ohio State football team and later manhandled bulls in Mexico.

Lessons are in preparation for "Blood and Sand" at 20th-Fox.

KATE SMITH TO HONOLULU

Kate Smith, who has generally originated most of her broadcasts from New York, with occasional programs from the Coast or elsewhere, will greatly increase the number of shows originating outside New York. Returning last week from a two-weeks jump to the Coast, the singer began a string of five programs from New York, after which she will air one from Texas, a couple from Hollywood and at least one from Honolulu. It will be her first trip to Hawaii. She will continue to travel more extensively thereafter.

This Friday's (6) stanza from New York will include an excerpt from the legit musical, "Cabin in the Sky," currently at the Beck theatre, N. Y., with Ethel Waters, Rex Ingram and Todd Duncan of the original cast. Following week (13) will be a bit from the 20th-Fox picture "Chad Hanna," with Henry Fonda and Linda Darnell appearing. Dec. 20 will be a special Christmas program, with Miss Smith herself doing the dramatic piece, "Small One." Dec. 27 show will have Anna Neagle in "No, No, Nanette." That will be the last broadcast from New York for some time.

OSCAR STRAUS HERE AFTER MANY DELAYS

Oscar Straus and his wife, Clara, arrive from Lisbon today (Wednesday) after being held up for months, both in France and on the French-Spanish border before being permitted to get into Portugal. There, after buying clipper accommodations, they also were stalled and decided to take a boat instead.

Their son, Walter, preceded them to the States by months.

Milwaukee, Dec. 3. Nazi propaganda agents sure pulled a boner here when they spliced some film footage glorifying Hitler into an educational picture and sent it into Polish public school for exhibition. Not only did the young Poles greet Der Fuehrer's likeness and the flying swastikas with hisses, boos and catcalls, but school authorities stopped the showing immediately in the middle of a reel and barred all future pictures from the same source. Alderman Clemens F. Michalski, just to make things a little tougher for the Nazis from now on, at once drafted a resolution for presentation in the common council under which all motion pictures shown in the public schools in the future must first be passed upon by the municipal motion picture commission, the city's official censoring body. Warning also went out from Harry Perlewitz, business manager of the Independent Theatre Protective Association of Wisconsin and Upper Michigan, for exhibitors throughout the territory to watch out for similar subversive films in their communities.

"Bayreuth, the City of Richard Wagner," was the picture of Ger-

(Continued on page 51)

SKOURAS' TRIPS FOR GREEK WAR RELIEF

Seattle, Dec. 3. Spyros Skouras paid a flying visit here, from Denver, to plug for the Greek relief fund, of which he is national chairman. He told local Greek societies that the quota for Washington state is \$125,000, with the total from America being sought, placed at \$10,000,000. This sum is needed for civilian relief in Greece. The allotment is so large that others than Greeks will have to help, he stated.

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Met Opera Begins Season Under Improved Seat Sale, Radio Finances

FLORIDA BAGS TWO HOLLYWOOD NITERIES

Hollywood, Dec. 3. Florida's winter moonlight is more appealing than California's winter sunlight to two Hollywood niteries, which shuttered Saturday night and moved their entire shows to Miami. Bill Jordan, a veteran of Florida winters, closed his Bar of Music here and shifted his crew back to the old stand at Miami Beach, near the Boney Plaza, where he had been operating for three years. Maxie Rosenbloom trekked to Miami proper for his first fling at nightclubbing in alligator land. Both outfits plan to run their tropical salons until April 15, and reopen in Hollywood about May 1.

The Metropolitan Opera Co. of N. Y. opened its 57th annual season Monday (2) in perhaps the soundest financial shape of the past decade. Ever since 1929, when the \$1,000,000 reserve slowly built up by the company's former manager, Giulio Gatti-Casazza, dwindled and appeals to the public had to be made, the Met has been tottering on the brink of financial disaster.

The success of the \$1,000,000 drive for public support last spring assured the company of \$500,000 to purchase the site upon which the building rests and to pay off stockholders and make repairs. Due to the building code of N. Y., it was found necessary to spend far more money than had been thought essential in the remodeling, and the entire fund was practically gone at the start (Continued on page 59)

JAN PEECE IN OPERA OPPOSITE LILY PONS

Jan Peerce, tenor of the Radio City Music Hall, who for the past two seasons has been branching out into opera, singing with such companies as the Cincinnati and St. Louis companies, will reach the peak of his operatic achievement; to date on Dec. 6 when he will sing the Duke in "Rigoletto" opposite Lily Pons with the Chicago Opera Co.

The tenor is also booked for appearances in Philadelphia in "Rigoletto" and "Traviata" and is negotiating with Victor for a series of operatic recordings. He appeared on the "Your Happy Birthday" program as Enrico Caruso, Friday (29) singing "Vesti la Giubba" from "Pagliacci."

3.1% Increase in Normal U.S. Tax Cuts Deeply Into the Net Profits; Breakdown of Recent 9-Mo. Reports

Just what the 3.1% tilt in the normal Federal income tax rate and excess profits taxation, passed by Congress a short time ago, means to picture companies and radio corporations is revealed in recent three-quarter reports. Several companies have come down the stretch with a fairly decent profit until overtaken by the new tax bite. This has invariable cut deeply into the net profit shown.

The increased income tax rate, plus the excess profits tax (originally intended to apply only to companies benefiting from national defense orders), is proving a bitter dose to take for most film corporations because foreign business is off badly. Film companies have been forced to write off special amortization—serves or drastically alter their amortization tables because of foreign losses.

Just how hard picture corporations are hit by the new taxation was shown by Paramount's report for the third quarter. Company's total \$1,944,000 after all charges and income tax but before retroactive adjustment based on the increased income tax rates and excess profits taxes. This called for an additional write-off of \$218,000, leaving \$1,726,000 net profit for the quarter. If Par earnings average \$1,500,000 per quarter, the new taxes figure to trim around \$800,000 from the net for the present year.

RKO showed \$1,865,142 net earnings, but wound up with only \$317,186 net profit, for the first three quarters this year after deducting \$1,328,374 for Federal taxes and depreciation.

CBS Breakdown

Columbia Broadcasting broke down its financial statement for the first three quarters of 1940. \$169,650 was deducted because of the 3.1% increase in the normal income tax rate and \$467,237 deducted because of the excess profits tax. Where \$791,354 was deducted for Federal income taxes last year for the same period, CBS deducted \$961,818 more this year or \$1,763,172.

Radio Corp. of America slashed off \$2,019,000 for Federal normal income taxes in the first three quarters this year, as compared with \$881,300 in the first nine months of 1939.

B. F. Keith earnings for the first 39 weeks this year were nearly \$280,000 lower than in 1939, but the company set aside \$66,835 as provision for income taxes this year, as against \$33,960 in the preceding year. Keith-Albee-Orpheum report showed similar results, provision for income taxes increasing about \$25,000, although earnings, before charges, were \$400,000 below 1939.

Although 20th-Fox showed an operating loss of \$1,035,111 before all charges were deducted, the company allowed \$40,500 for Federal income taxes. Company took care of amortization changes and foreign losses by deducting \$2,200,000 outright as special provision for foreign assets in its 39-week report. It was explained that the purpose of this deduction (since the inclusion of this figure in current earnings would have given the company a profit of around \$1,000,000) is to exclude from current profits those earned during the period in foreign currencies because not realizable in U. S. dollars, and consequently not available for use in company operations in this country.

Warner Bros. statement for fiscal year ended Aug. 31 showed \$938,000 laid out for Federal income taxes as compared with \$887,000 in previous year. However, new tilted regular income and defense taxes do not apply on income in 12-month period just ended because fiscal year began in 1939. Warners also shifted amortization of films costs so that this now is on a basis of 80% for domestic income and 20% for foreign income. Company had changed from 70-30% ratio to 75-25% in previous fiscal year. Estimated that application of new 80-20% ratio resulted in \$127,724 additional amortization charges for recently completed company year.

U's System

Universal's last financial statement, covering the first three quarters of the company's fiscal year, came before the Second Revenue Act was passed. Consequently, earnings do

(Continued on page 50)

Frankensteined

Hollywood, Dec. 3. One of the town's top producers recently offered the suggestion that studio publicity heads band together to pass on material spouted on the radio and at dinners by spokesmen for the industry. Main idea was to censor copy that might put the film biz in bad light through wrong utterance, or interpretation thereof. His thought was not only carried out, but he was the first to feel the sting of committee's first decision. The head flacks ruled him off the air as not the one to speak for the industry in a cent charity drive. And it stuck.

Barrymore On Loose Again, Keeps Press Lads, Photogs Hopping

Hollywood, Dec. 3. John Barrymore, the Ancient Mariner of Matrimonial Seas, is ashore again, ready to shove off on another cruise if he can find a perfect woman as a shipmate. The skipper was a stormy tour with Elaine Barrie Barrymore, who was granted a divorce and plenty of salvage, which is complicated by various tides and eddies in the bankruptcy court.

There was no tragedy in the wreck of the latest Barrymore romance. It looked more like a happy ending on the final night when the lovelorn husband sat at a front table in Earl Carroll's and exposed his great profile to the glances of the glamour girls, even climbing on the stage and daring Cupid to shoot him at close range.

Ever since the parting of Caliban and Ariel it has been a field-day for newspaper reporters and cameramen. Caliban has become the most accommodating interviewee in the history of Hollywood publicity. His motto is 'anything for a laugh.'

ALBERT J. COHEN MADE PRODUCER AT REPUBLIC

Hollywood, Dec. 3. Republic upped Albert J. Cohen, story chief, to a producer berth to fill the vacancy left by Sol C. Siegel, who shifted to a production post at Paramount. Maurice Hanline, Cohen's aide, moves up as story head. Cohen played a double-header recently by producing 'Who Killed Aunt Maggie?' while filling his story job. On his schedule under the new arrangement are three features, 'Puddin' Head,' 'Babes on Broadway' and 'Alibi at Midnight.'

'Two Bad Angels' is the first picture to be produced by Siegel under his new contract with Par. Film is based on a story by William A. Ullman, Jr., and Arthur Landau.

Ostrow at 20th

Hollywood, Dec. 3. Lou Ostrow checked in at 20th-Fox Monday for a producer berth. He recently completed Vogue's 'L'I Abner' for RKO release and previously was at Metro for eight years.

The Champ Comes Home

By BILL HALLIGAN

Hollywood, Dec. 3.

Funny thing about war news, it's the little things that make the biggest impression. Last night I read a piece in London. As I write these lines a huge lemon tree throws its shadow across the portable and if any one has ever picked a lemon off of it, it's news to me. Plenty of fruit laying on the ground, rotting.

There is a lot of talent out here in the same predicament. Writers, actors, directors and kids trying to bust into the most fascinating racket in the world. It all seems to be terribly mixed up. Reminds me of a crack Nick Dandolas made, Nick says 'All the gamblers think I'm a sucker and all the suckers think I'm a gambler.' That's me. All the writers think I'm an actor and all the actors think I'm a writer. Archie Mayo says I'm neither.

We were all sitting around the Derby bar the other evening. William Harrison Dempsey, the champ, was playing a one-night stand at the American Legion and the place looked like old home week. Dempsey was the host and Arline Judge was standing in as the hostess. Jack said the first time his paw came to New York was just before the Firpo fight. The old man got off a train from Utah and looked around for prospective purchasers of the Brooklyn Bridge. Some-wise guy saw him in the depot and cracked, 'Hello Si,' and the old man said, 'I knew Harry would send some one down to meet me.' That was what Dempsey's paw called him, Harry, short for Harrison.

The champ told about the time he and Kearns bought the Barbara hotel in downtown Los Angeles. Kearns wanted the press to think the opening was plenty important so he wrote on the register Douglas Fairbanks, Mary Pickford, Gloria Swanson, Rudolph Valentino. He put Rudy and Gloria in the same room. A sharp-eyed reporter spotted the names and took his photographer upstairs and knocked on the door. Sid told the time he went to Chicago to see Dempsey fight Tunney. He had a suite at a big downtown hotel. Two hoodlums busted in and tied him up and gagged him. Sid thought it was Joe Schenck's idea of a joke and refused to be frightened. The gangsters couldn't understand why Grauman wasn't impressed and left disgusted. They took all of Sid's Charvet ties though and Sid never did get them back.

Joe Benjamin sat in and told about the trip he and Dempsey took to Europe back in 1923. Jack had never tasted caviar and when the waiter put a large glass bowl packed with Beluga on the table Dempsey finished it in no time and ducked out leaving Benjamin with a \$50 check. Joe paid but practiced up on his foot work from then on.

Dempsey is a great guy and still as nervous as ever. He can't sit still a minute and is always giving some one the hot foot. He says he is coming back to L. A. some day to live. He will be a welcome addition out here.

Power Signed Off

Hollywood, Dec. 3. Tyrone Power was withdrawn from the cast of 'The Great American Broadcast' and shifted to 'Blood and Sand,' which rolls Jan. 16 at 20th-Fox. Rouben Mamoulian directs 'Po' in the old Valentino star.

F.D.R. No. 1 Cinema Star (Newsreels) In England, Says Par's David Rose

Khaki Huddling

Hollywood, Dec. 3.

Murray Silverstone, operating head of United Artists, and Henry Henington, general manager of Globe Productions, spent a day in San Diego huddling with James Roosevelt, Globe president, now doing Marine duty, about the development of the company's picture, 'Pot Gold.'

Silverstone and James Mulvey, representative of Sam Wyon on the U. A. board, trained later for New York.

Film Cowboys, Yodelers To Air Four-Hour Show For British War Kids

Hollywood, Dec. 3.

This sector will go sagebrush in a big way Saturday night, Dec. 14, when cowboy and hillbilly thespians unite in a jamboree to raise coin for Britain's child victims of Nazi bombing raids and, at the same time, provide an evening's entertainment for the young war sufferers. Affair will be broadcast around the world via live and transcribed programs.

Back of the move is the Cowboy Association for British War Children's Relief, which is headed by Ben Roscoe, manager of Roy Rogers, and which has the endorsement of the British Ambassador to Washington. The show, which will originate from a Republic studio stage with more than 200 riding actors and Ozark entertainers participating, goes out as a live broadcast over KFWB and the Canadian Broadcasting System. Because it does not get under way until 8 p.m. (PST), continuing until midnight, the U. S., outside of the Coast area, will be covered following day by discs, which will also be used for a rebroadcast Sunday to the British Isles, South America, Australia and South Africa.

Rogers, Gene Autry, Tex Ritter, Jack and Tim Holt, Buck Jones, Bill Boyd and a dozen other top sagebrush names will lead bevy of screen beauties in 'holdups' of Hollywood and Los Angeles niteries, which will be cut in on the radio program.

M-G P.A. MINIMIZES GALLUP POLL ON B.O.

Boston, Dec. 3.

Art Schmidt, Metro publicity manager, in a talk to the Advertising Club of Boston declares that the Gallup poll on film house attendance had been 'carelessly and inaccurately interpreted.' This misinterpretation has caused undue concern in the trade and in the public mind, he said.

'An advertising publication recently attributed the supposed drop in average weekly attendance from 80,000,000 to 55,000,000 to the character of motion picture advertising. Actually, there is no basis for comparison of these two figures. The Gallup figure never pretended to be average attendance. It was a one week report on a specific week in July. Based on season, one variation in business and pictures available at that time, this figure is approximately what the industry would expect. The accuracy of the Gallup survey is not questioned, but in the light of the business variation these figures would indicate an average weekly attendance over the year of approximately the same as 1930—and quite possibly in excess.'

Despite repeated air-raids by Nazi bombers, picture shows are continuing operations, though with greatly diminished attendance in London and in most of England, according to David Rose, Paramount's managing director in Great Britain. Rose arrived in N.Y. Friday (29) afternoon by boat which took 10 days in crossing. It is his annual visit to the home office. He planned out to the Coast last night (Tuesday) to spend the holidays with his family which he transferred from London when the German blitz started earnest.

Although 200 cinemas are shuttered in the London area, there are around 1,600 still operating in Greater London, he said. Also, numbers have been closed in cities along the Channel coast. The London area has been badly hit recently, resulting in revenue dropping down to 20-25% of normal there. Black-out now goes into effect around 5 p.m., with few people going to the film houses after 5:30 although they remain open until 9 o'clock. Because part of the business decline in London has been overcome by an improvement in the provinces, Rose said recent Paramount revenue in England was running 10% ahead of last year (more than half of this is frozen in Great Britain under government regulations).

Virtually all legit theatres are closed, two still open now giving afternoon performances only. Restaurants and cafes are packed nightly because nearly all have undamaged rooms as protection against night raids.

Govt. Gets the Bomb Bills
Typical of how the British are carrying on was his statement that the ABC and Odeon circuits are running nearly all their theatres with only Gaumont-British closing down a number. The Astoria, Paramount house at Brixton, suffered about \$6,000 damage when hit by a bomb, but a bill for damages already has gone in to the government. The British government promises to foot the bill on damages done by bombers, Rose explained. Paramount owns its own exchange properties and several theatres though seven presently are operated by Odeon circuit.

President Roosevelt (appearing in the newsreels) is the greatest American star England's screen today, Rose pointed out. Chief executive is loudly applauded and cheered on every appearance.

The manner in which attendance has held up at the picture theatres is astounding, he explained, saying that the morale of the British people is terrific. In his mind, he said, there is no chance of the British losing. Citing how the calm of the populace dispelled fears of bombing attacks, Rose said he had never been in an air-raid shelter during the year he's been serving Par in Great Britain.

Picture shows continue despite the air raids. The intensified attack on London hurt at one time but in the cities and smaller spots outside the greater metropolitan operations are close to normal despite the outbreaks or nearby raids, and blackouts.

'I visited a town in Hampshire at night when you could hear the distant roar of anti-aircraft guns and bomb blasts. Despite the complete blackout, I found the theatre which I attended packed. In other communities outside London I learned that they still go to picture shows despite the raids.'

He explained that the personnel of Paramount on the British Isles is still active. Few have been called to the colors and there have been no casualties. The company started to decentralize at the war's outset, but shortly thereafter moved back to London, with only the accounting, sales and bookkeeping divisions in the suburbs after the Nazi blitz started. Paramount maintains offices in Wardour Street, London, despite all air attacks.

Morale Continues Grand
Indicative of the calmness which prevails in London presently, Rose said he was reading a newspaper at Claridges—about 9:30 p.m. one night when a bomb landed outside. He smashed the glass windows and left the place even stopped dining but not to report for duty in the U. S. Army air service. During the first World War he was a major in the flying corps. Plans call for an advisory capacity in Washington.

Ted Curtis Gets Year's Leave for Air Duties

Hollywood, Dec. 3.

Ted Curtis left for Washington on a year's leave of absence from his post as vice-president of Eastman Kodak Co., motion picture division, to report for duty in the U. S. Army air service. During the first World War he was a major in the flying corps.

Plans call for an advisory capacity in Washington.

Other News Pertaining to Pictures

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FORECAST EARLY '41 BOOM

Mich. Catholics Urged to Hit Film Biz's 'Pocket Nerve, the Boxoffice' As Means to Combat 'Pernicious' Pix

Detroit, Dec. 3. Greater pressure by the Legion of Decency, which is now urging its extensive membership to stay away from all 'Class B' pictures, is rapidly springing up around the country. The powerful Michigan Catholic, weekly which circulates among the more than 500,000 of that faith here, charges that Hollywood is up to its old tricks and unless curbed, more objectionable material and 'worse pictures' will follow.

The action here, symptomatic of a widespread national action, closely follows on the strong protest registered Nov. 16 by the Bishops' Committee on Motion Pictures. Archbishops and bishops urged all Catholics, particularly parents, to 'renew their vigilance against the pernicious influence of films which disregard the moral law and subvert the foundations of Christian society.'

The high ecclesiastics added that while much ground had been gained earlier, 'it now becomes our duty to warn our people that some of the good ground gained has been lost. Evidence is accumulating that there is a partial return to the practices against which the voice and authority of the Catholic Church in the United States vigorously protested in 1934.'

The statement called upon priests and the people to maintain and strengthen their diocesan organizations of the Legion and to coordinate them so that 'a united front may stand firmly against films morally objectionable.'

Calling attention to the bishops' statement, the magazine added that (Continued on page 63)

Doubted If Schenck, Skouras Cases Will Be Tried Before 1941

Trial of Joseph M. Schenck, chairman of the board of 20th-Fox, and Joe Moskowitz, his eastern representative, income tax charges was again postponed Monday (2) to Dec. 9. Postponement was on agreement of both government and defense counsel.

Government attorneys declare that it is doubtful that Schenck can be tried before late January or early February, as Harold H. Corbin, attorney for the film executive, is tied up in the Howard C. Hopson mail fraud trial, which is not expected to end until January. Schenck will be tried before George Skouras, whose trial is now tentatively set for Dec. 16. The Skouras case will be postponed a week, as will Schenck's, until both sides are ready. Skouras is accused of having bribed former Judge Martin T. Manton by paying him \$30,000, thereby securing \$1,500,000 of assets of Fox Theatres Corp.

Despite rumors of settlement in each case, government attorneys insist both suits will be tried, and point out that since both are criminal indictments, the U. S. could not accept a settlement in either, even if it wanted to, but could recommend leniency to the judge. After that it would depend on whatever the court decides to do. Both maintain innocence of any 'willful' wrong doing.

BLUMBERG, SCULLY'S COAST U. POWWOWS

Hollywood, Dec. 3. Nate Blumberg, Universal president, has arrived for three weeks of studio confabs.

With the arrival of William Scully, sales manager, the end of the week they will huddle with Cliff Work and Matty Fox, studio execs, on the new lineup of pictures.

'Tonight' Is Hecht's

Hollywood, Dec. 3. Ben Hecht, who sometimes produces and directs pictures, was signed to script 'Tonight Is Ours,' nee 'Ballarina,' to be produced by Gregory Ratoff for Columbia release.

Loretta Young is slated for the top spot.

Will Hays' New Contract May Come Up Dec. 11

Will Hays has not signed any long-term pact to continue as head of the Motion Picture Producers & Distributors Assn. Action on his present five-year contract expiring March 15, 1941 may be taken when MPPDA directors meet in New York Dec. 11.

There has been no regular full session of Hays office directors since September, and no place in the minutes of any meetings has any reference been made to a new Hays contract. Directors' consideration of a new three or five-year pact for the present head, if done, has been strictly on an informal basis.

Also there has been no inkling that Hays is willing to take any further salary cut, in view of what was reported to be a 20% slash of his annual stipend in October, 1939. This reported to have brought his salary and expenses down to about \$160,000 per year. Hays is independently wealthy, is more than 60 years old, and his associates claim he feels he has earned the right to retire after 19 consecutive years heading the MPPDA. He owns property and a home in Indiana and has expressed a desire to rest for several years.

Hays East

Hollywood, Dec. 3. Will Hays pulls out tomorrow (Wednesday) for New York after spending three weeks here on picture cleanup and enforcement of the purity code. Due back early in February.

Jock Whitney's S.A. Talk

Hollywood, Dec. 3. Hays office today (Tuesday) called a special meeting for Thursday, inviting all members and heads of Guilds to hear a talk by John Hay (Jock) Whitney on the South American situation as it pertains to films.

Whitney, good will ambassador for the United States Latin America.

Max Arnow at Col.

Hollywood, Dec. 3. Max Arnow is joining the Columbia executive staff as aide to Harry Cohn and Sam Briskin, taking over the duties of Rufus LeMaire, resigned.

He has been talking talent on the Screen Guild Actors' airshow.

FARROW'S DUTIES

Montreal, Dec. 3. Reported that Lt. John Farrow, former Hollywood film director, who has held down desk job in Ottawa as Comptroller of Naval Information, may be leaving for a naval training station on the Eastern Canadian seaboard.

Farrow may also assume sea-going duty.

REVERSAL OF USUAL B.O. DIP

First Full Effect of National Defense Coin Spending Will Be Felt—Production Economy Another Factor

STEADIER WAGES

Reversing the usual early in the year dip when theatre business lags, the picture industry during the first half of 1941 anticipates the most prosperous period enjoyed since the 1937 upbeat. Part of this improvement is being reflected in final quarter statements for the present year but customary year-end writeoffs will curtail any big spurt until the first two months of 1941.

Two factors are being counted on to produce this first-half year prosperity:

(1) The first actual, full effect of national defense coin spending, being felt not only in areas directly related to defense and military orders but elsewhere, and

(2) Benefits of trims at various picture studios, installed early this year or late in 1939, are expected to be mirrored in company revenues of the initial 1941 quarter and in the following three or four months.

Although contracts for munitions and other material needed in developing a vast U. S. defense machine have been let over the last few months, the result of the upped expenditures is not expected to show up at theatre boxoffices until the initial months of next year. Just how extensive the import of this additional spending amounts to is indicated by what earlier Allied war buying meant to such areas as Brooklyn and Detroit since early this summer. This is figured a drop in the bucket compared with the billions going into the U. S. defense program and outfitting the conscription army.

While a great amount of re-employment is counted on immediately from this defense spending, it will show up later. In the immediate future, steadier employment, replacement for draftees, overtime and higher wages are counted on to bulge the boxoffice take.

On the past-established economy score, it will be recalled that virtually every film company set its operating production household in order in line with reduced foreign returns about a year ago. In some cases, actual production trims were delayed until near spring of the present year. But in either case, these economics are not showing up until the present time or won't to (Continued on page 18)

UA Cutting Down to 15 'Quality Pix' For '41-42; Silverstone Stresses New Sales Setup, Goldwyn Peace, Etc.

Not So 'Lousy' B.O.

Minneapolis, Dec. 3. Ray S. Hanson, owner of the Fox, Fertile, Minn., near here, says he broke the house record on Bank Night last week when he advertised on his marquee: 'See a Lousy Show and Win \$70.' Film was 'Windjammer'.

Asserts he's now convinced that candor and honesty are the best policy.

United Artists will cut down to about 15 the number of pictures it will distribute in 1941-42, despite the fact negotiations are currently in progress with at least four additional producers, chieftain Murray Silverstone declared yesterday (Tuesday). He also stated at a press conference marking his return from three weeks on the Coast:

1. Relations between UA and Samuel Goldwyn are 'improving' and that peace very soon is not likely.

2. Terms on 'The Great Dictator' after present contracts have played out will be 50% and raised admissions will be 'discouraged.'

3. UA sales policy under the consent decree will be worked out at a confab on the Coast shortly after the first of the year among Silverstone, salesmanager Arthur Kelly and UA's producers. Choice hangs between selling the pictures individually after they have been traded shown or continuing to sell in advance as at present.

4. United Artists is not a party to the decree 'and never will be,' although it probably will be a 'great thing for the industry.'

In reducing pictures it will distribute to 15, UA will be cutting by at least seven the number on its slate for this season. Reason, Silverstone said, is that he feels that under the consent decree producers and the company—as well as all other companies—will profit more by (Continued on page 63)

Posen Scores in His Plaint vs. Universal Setup; Exam. Officers

Samuel I. Posen, Universal director, scored almost a complete success in his first major battle against Universal Pictures Co., in connection with his stockholder suit against the company. Justice Charles B. McLaughlin in the N.Y. supreme court Thursday (28) ordered the examination before trial of George V. Armsby, Daniel C. Collins, J. Cheever Cowdin, Preston Davis, Paul C. Brown, Ottavio Frochet, Budd (Continued on page 58)

PALM SPRINGS GETS THE PIX EXEC'S NOD

Florida will be given the go-by by many film executives this winter, according to present indications. Some claim that it is the Atlantic City influence plus too many crowds which is back of the exodus to California, but actually an added incentive to ditch Palm Beach for Palm Springs is the urge to be near the production centre this season. Desert resort is only a few hours by auto or train to Hollywood.

Among those planning to spend the early winter vacation (January or February) at Palm Springs are Barney Balaban, Leo Spitz, the Warner brothers, Stanton Griffis, Nick Schenck and N. L. Nathanson. Others likely will join the list because they want to be nearby if anything goes askew on the producing end, rated more important than usual with foreign market returns dwindling.

Moore 20th Story Aide

Hollywood, Dec. 3. Louis Moore moved in as associate story editor under Julian Johnson at 20th-Fox, shifting over from his old job as assistant to associate producer Kenneth Macgowan. Len Hammond fell heir to Moore's former chore.

20TH HAS OVER 50% FOR '40-41 FINISHED

Hollywood, Dec. 3.

Twentieth-Fox is well ahead of its 1940-41 production schedule, with 28 of its 52 promised features completed, seven in work here and four others being turned out in England. Only 13 pictures remain to be made.

Metro has four top-budgeters on the shooting program for the next five weeks: 'Blossoms,' 'The Dust,' 'Billy the Kid,' 'A Woman's Face' and 'Dr. Jekyll and Mr. Hyde.' Now in work are 'Mr. Co-Ed,' 'Ziegfeld Girl,' 'Men of Boys Town,' 'Bad Man' and 'Four Cents a Word.'

Universal rolls three new pictures within seven days, beginning today (Tues.) with 'Mysterious Dr. H.' Others are 'Six Lessons From Madame LaZonga,' Dec. 5, and 'Buck Privates,' Dec. 9.

RATHVON, PARSONS' RKO STUDIO LOOK-IN

Hollywood, Dec. 3.

N. Peter Rathvon and John E. Parsons, of the RKO directorate, are here to confer with president George J. Schaefer and get a first-hand slant on what goes on at the studio.

Rathvon represents the Floyd Odlum interest on the board and is chairman of the finance committee. Parsons handles the Rockefeller interests on the board.

Warner Bros. Taking Another Flier In Musicals, Swept Along With Tide

Hollywood, Dec. 3.

That the tuncfilm craze now sweeping the Hollywood studios is here to stay for while is driven home by the fact that Warners is about to take another dip into the musical sea. 'With Sally' now being readied in the lot's writing mill for another remake, the Burbank crew is scanning its story files for additional vehicles suitable for a spin in the song groove.

Outfit, which became the No. 1 manufacturer of clefters in the early days of the talker era, and which continued to grind them out long after other major companies had abandoned them as b.o. poison, finally gave up the ghost on things musical after its rather sad experience with 'Gold Diggers in Paris' in the Spring of 1938. They relented a bit for 'On Your Toes' but its poor showing at the wickets convinced

the powers that tuners were to be mothballed for a spell.

When Warners' toppers drafted the 1940-41 production announcement, they were unanimous in their verdict against musicals, even though other plants were confidently spotting a considerable number of them on their respective skeeds. Reason for the sudden change is understood to be an exhibitor demand that the Burbankers take heed of the new uptrend of the songies.

Joan Leslie, Priscilla Lane, William Orr and Dennis Morgan will head the cast for 'Sally,' which is slated to reach the cameras in January. Meanwhile, a stop order is said to have gone out from Warners' front office blocking any further sales of musical properties until the production chiefs have had a chance to study the list. Company has been selling this brand of yarns of late, Herbert Wilcox and RKO having taken over rights to both 'Irene' and 'No, No, Nanette.'

FINES LEVIED AGAINST DISTRIBUTORS TO APPLY TO COST OF ARBITRATION

On Consent Decree Violations, Distributors May Be Penalized Up to \$500 Per Case—Joseph H. Hazen on Budget Committee

With arbitration boards under the consent decrees having the power to fine distributors up to \$500 for abuses which, in its discretion, warrant a penalty, the cost of maintaining the system to be borne by five of the distributors may fluctuate considerably, depending on where the fines are levied. According to American Arbitration Association sources, the budget of \$545,000 set up to handle the machinery will be the beneficiary of any penalties imposed, with the money to be applied to the budget.

If it is felt by a local arbitration board, of which there will be 31, that a distributor has flagrantly violated any of the provisions of the consent decree or engaged in pressure methods over a period of time which in the judgment of the arbitrators calls for penalizing those guilty, the fines may be set and immediately collectible. This concerns collusion as well as other practices, including forcing of shorts or other side deals contingent upon continuance of business relations with a customer, any violations on the sale of films in blocks of five, etc.

Relief in no cases monetarily will go to exhibitors. The money collected on the fines from the distributors who are party to the consent decrees—Metro, Paramount, RKO, 20th-Fox and Warner Bros.—also will in no way lessen the burden of the exhibitor in latter's use of the arbitration boards.

Strictly For Overhead

Budget of \$490,000 for the 31 local boards and \$55,000 for the appeals council, is strictly for the upkeep of the various offices, rent, salaries of managers, clerks, etc. When a complaint is filed, the fee covering that of \$10 is borne by the loser, whether distributor or exhibitor, but the full cost of the hearing, with arbitrators at up to \$50 a day, is to be paid 50-50 by the two parties and pro-rata if more than two are involved. All filing fees will go toward maintenance of the offices.

It is believed that if many fines are levied during the first year of the consent decree, the budget for the second, now standing at \$465,000, plus the \$55,000 for the appeals group of three, may be substantially reduced. The first year's budget, which is larger, may also be credited with a substantial amount, this depending entirely, of course, on whether there are many violations and just how tough the arbitrators are in imposing fines.

Pending any penalties, however, figures are being gathered from Metro, Par, 20th, RKO and WB to determine what percentage of the \$545,000 each is to pay. When this is determined in relation to the gross rentals business of each for the year Aug. 1, 1939, to Aug. 1 last, the sum will be payable, any fines going into the fund later on to act as a credit on the whole amount.

Budget Committee

A budget committee of three men has been set up, which will have authority over this phase of the operation of arbitration under the decree. It is to consist of Joseph H. Hazen, Warner Bros. attorney, who will represent the distributors; P. M. Haight, secretary-treasurer of the International General Electric Co., who is a member of the administrative committee organized under the consent for the film industry, and Judge Van Vechten Veeder, chairman of the film appeals board.

Lucius R. Eastman, chairman of the board of directors of the AAA, will serve as alternate member of the budget committee. The gross rentals of the distributors for the 1939-40 year ended last Aug. 1 will be turned over to Federal Judge Henry W. Goddard, but under an agreement with the distributors will not be made public. Percentage of cost to the whole of the \$545,000 each will bear will be divided, however, when set.

Two offers of exhibitor organizations to cooperate in connection with arbitration machinery and functioning of the system, have been received by the AAA. One is from the Allied States Assn., in a letter signed by Abram F. Myers, general counsel, while the other is from Lee

Newbury, president of the Allied Theatre Owners of New Jersey. In assuring the AAA that it will "assist in any way possible," Myers, however, pointed out that this did not imply approval of all the provisions of the decree.

AAA Setup for Film Biz

At a meeting last week called by Lucius R. Eastman, chairman of the board of the American Arbitration Assn., a committee was set up to act in an administrative capacity under the arbitration system that will prevail for the picture industry. Similar committees are in existence in the AAA over other industries which handle their disputes through the association.

Paul Felix Warburg, banker and partner in the large brokerage firm of J. S. Bache & Co., was named chairman of the administrative group for films. He is the son of the late Felix Warburg, a senior partner for many years in Kuhn, Loeb & Co., which was actively connected with Paramount through financing.

Hermann Irion, general manager of Steinway & Sons, piano manufacturers, and Evan E. Young, v.p. of Pan-American Airways, were chosen as vice-chairmen of the administration committee. Others appointed include Sylvan Gotschal of the law firm of Weil, Gotschal & Manges; P. M. Haight, secretary-treasurer of the International General Electric Co.; S. D. Leidesdorf, treasurer for the Merchants Assn. of New York City and Wesley A. Sturges, professor of law at Yale University and former head of the Distilled Spirits Institute. Frances Kellor, first vice-president of the AAA, was chosen as executive member representing the AAA.

The administrative body will first direct the organization of the arbitration system that will be set up for the picture industry, also having full powers over regulations, maintenance and administration for the system. Operation of the arbitration tribunals themselves will be supervised by J. Noble Braden, now on a tour of the country opening local offices, hiring managers, other help, etc.

At the same meeting last week when appointments under arbitration were made, C. V. Whitney, sportsman and chairman of the board of Pan-American Airways, was elected president of the AAA. He succeeds Franklin E. Parker, former prominent attorney, who remains with the AAA, however, as chairman of the arbitration committee which will have the deciding voice in selection of panels of arbitrators for the film boards.

JULES LEVEY'S 'BUTCH' TO PRECEDE 'HELLZ'

Jules Levey, whose maiden effort for Universal release was 'Boys From Syracuse', will leave for the Coast shortly after the first of the year to start production on 'Butch Minds the Baby', a Damon Runyon story. Leonard Spiegelglass, who did the adaptation on 'Syracuse', was in New York two weeks ago conferring with Levey and Runyon on the yarn. He has already completed the adaptation but Levey states he has not lined up any members of the cast as yet.

'Hellzapoppin' will probably go into production next summer, according to Levey, to follow 'Butch'.

Former general sales manager for RKO, Levey's 'Boys From Syracuse' has played more than 6,500 engagements so far, with an ultimate total of 10,000 contracts or close to that estimated for it. Levey has made most of the deals himself.

Platters Go Boom

Hollywood, Dec. 3. Illness of Allan Jones and the consequent substitution of Phil Regan as the singing lead in 'Las Vegas Nights' caused Paramount to scrap all the songs recorded by Jones before he retired from the cast.

Recordings are said to be covered by insurance.

U. Directors Meet Thurs.; Statement Due Later

Although Universal directors will meet in regular session tomorrow (Thursday), it seems doubtful if the annual earnings statement will be ready for release after the meeting. Statement covers the fiscal year ending last October, but delay in getting reports from foreign accounts is holding up completion of year's financial summary. U. showed around \$1,771,800 for the first three quarters after substantial writeoffs for foreign. Residuals less than \$2,000,000 for the full year because of heavier than usual year-end writeoffs.

During a Washington hearing on the defense tax bill several months ago, J. Cheever Cowdin, chairman, estimated the full year earnings at \$2,000,000, but it's understood this figure has been revised downward since then.

Universal's recapitalization plan, which has been under consideration for some time, will not be acted on at this session tomorrow because executives do not believe world market conditions justify any shifts at the present time. Biggest problem up for consideration in the corporate simplification is that of taking care of the presently listed preferred, on which large amounts are due in back dividends.

WB'S DISRAELI PIC SET FOR WORLD DISTRIB

'An Empire Was Built', which promises to be the most expensive feature Warner Bros. ever made in England for the British quota, has gone into its final phase of production. Picture should be ready for distribution sometime this month, and appears assured of world-wide circulation. Present indications are that the film, made as a triple-credit feature, will have cost nearly \$750,000.

Picture deals with Benjamin Disraeli as British prime minister. John Gielgud is playing the Disraeli role. Diana Wyndward, Will Fyffe and Pamela Stanward also are featured.

Says U Swiped His Air Bit for Pic, Wants 75G

Los Angeles, Dec. 3. Norman Archambault Rose, radio writer, filed a plagiarism suit with a new angle in U. S. District court, asking damages of \$75,000. Action involves the Universal film, 'Zanibar', and a commentary written by Rose for a radio series, the Globe Trotter, over KECA.

Complainant charges the film studio made use of an original and fictional twist of an historical fact which he had developed for the air program.

DeMille's 'Reap' in Tint

Hollywood, Dec. 3. Cecil B. DeMille's next Paramount production, 'Reap the Wild Wind', a tale of tropical seas, will be filmed in Technicolor.

Shooting schedule calls for several under-water sequences off the Florida coast.

Studio Contracts

Hollywood, Dec. 3. Eleanor Stewart inked player contract at Paramount.

20th-Fox signed John Loder.

Edmund O'Brien signed to an acting ticket at RKO.

Universal renewed Lewis Howard's player contract.

Hugh Herbert signed five-year pact with Universal.

Metro handed a minor contract to Dolly Leach, pianist.

Horace McNair inked a player deal with Metro.

Red Skelton drew a player ticket at Metro.

20th-Fox signed the Nicholas Bros. as a dancing team.

Of People and Places

By THE SKIRT

Best dressed woman of the week:

GRACE HARTMAN
Loew's State

Having and Providing Fun

Loew's State has Van Alexander and his boys on stage this week. The boys are in the regulation tux while Alexander is sporting dark blue trousers and beige tux. The Hartmans are, as ever, tops. They do a Conga different from anything seen up to the present. The nice thing about this act is the tremendous fun they seem to be having themselves. Grace Hartman is wearing a very good-looking frock consisting of a full skirt of white chiffon with the bodice of lame. The bodice of the bodice is cut round in front and square in back. The hair has a small bunch of purple flowers on the slight pompadour. Edna Janis does her taps in a long divided skirt of white with blue lace panels. A wide belt is also of the blue lace. She wears also silver slippers. Cross and Dunn are their amusing selves, and Bobbie Preston, a very young blond boy, has an unusually deep baritone voice.

New Seats and Play at Hudson

'Fledgling', a play by Eleanor Chilton and Philip Lewis at the Hudson Theatre, deals with religion, non-believers, and mercy killings and makes for a gloomy evening in spite of the glittering performance of a young actress named Sylvia Weld, who shows much promise. In mannerisms she is not unlike Katharine Hepburn. In the first act Miss Weld wears a bright green, one-piece dress, having a black belt. A large burnt hat is of the same coloring, also a small bonnet affair. Second act finds her in a pink garden frock covered by a blue and white checkered apron. She is fully dressed in the finale in a tan raincoat over a black dress. Norma Chambers, the wife, wears a russet-colored frock and her next appearance in a wheel chair has her in white bed jacket. Lora Baxter doesn't look so well in a bad first-act costume. A black tailored suit and off-the-face hat are badly made. Miss Baxter looks better in the last act wearing a chiffon dinner dress of a bluish grey with coral revers and wide back panel of the same shade.

Hudson has been dressed up with new bouncing seats of reddish shade with draperies matching. The audience was very ultra to welcome Ralph Morgan back from Hollywood. Too bad he has such a disagreeable role.

Out-Dreams Elsa Maxwell

Maurice Chevalier in a French picture at the 55th Street theatre called 'The Man of the Hour' ('L'Homme Du Jour'), directed by Julien Duvivier. It is a clickeroo for Chevalier. Looking younger and in very good voice this attractive Frenchman stars in an interesting story in which much pains are taken in scenes. Elvire Popesco, a good looking blonde, shows a beautiful wardrobe, and gives a dinner party beyond even Elsa Maxwell's imagination. Her guests are sitting around in a wide circle when up from the floor comes a perfectly appointed dinner service. In the background is a curtain of falling rain. Special attention should be given to a middle-aged actress named Marcelle Geniat. Here is talent.

Ice Water on 'Kiss of Fire'

The Little Carnegie theatre is showing a film called 'The Kiss of Fire' although the language is French, the locale is Naples. It is a simple tale that tries to be very naughty but succeeds in being dull.

Viviane Romance, a brunette, is a poor imitation of Merle Oberon. She floats through the film badly dressed and shows a figure pretty heavy for a film star. For the most part she is shabby in a tailored suit and one negligee and a sleeveless white dress. Murielle Balin, a young girl with an almost expressionless face, the head waitress in a restaurant and wears simple print dresses, and one wedding gown trimmed profusely with gardenias with net-veil.

Tino Rossi, with a fair voice, is the hero. Michel Simon is ugly enough to do character parts but he been in a film worth while. Hakim Brok are credited with this opus but they will have to do better if they want an American audience.

'Dulcy' Is Lukewarmish

'Dulcy' at the Criterion theatre fails to please. Studio tried to bring the story up to date, but it fails. Ann Sothern does Dulcy with her tongue in her cheek. Teaming Miss Sothern and Billie Burke in this film has Miss Burke playing straight. Miss Burke could have played Dulcy herself, as it is this type of role she has played all her picture career. If you like motorboating the shots of the fast boat will be the high light of the picture.

As for dressing pic seems to be a little over-dressed. Miss Sothern, for a barbecue in which she does the cooking, is fussily dressed in a fluffy sweater frock, long and frilly trimmed. A bedgote of a plain material is made over a striped dress. A white suit has square yoke of black velvet. Three huge rings decorated the front. Hats are all small and becoming. Miss Burke is mostly in cloth shirtwaist dresses.

Bridge Players, Attention!

A hand in bridge held by the Skirt the other night: Ace, king, queen of spades; ace, king, queen of hearts; ace, king, five of clubs; ace, queen, jack, five of diamonds. Partner held king five times diamonds. Made grand slam in no trump, then fainted.

Their Favorite Recipes:

(Abé Lyman's Tapioca Pudding)

This makes six portions: One quart milk, five ounces tapioca, pinch salt, yolks of three eggs, six ounces sugar, two cups whipped cream... Boll the milk with pinch of salt and tapioca. Do not cook more than three minutes. Remove from fire. Mix yolks of eggs with sugar and add to tapioca. Let cool. When cold add whipped cream and add vanilla and a little nutmeg.

Sisk's 'Those 3 Boys'

Hollywood, Dec. 3. Robert Sisk is slated as producer of the next Ginger Rogers feature, 'Tom, Dick and Harry', at RKO, starting Jan. 2.

Garson Kanin directs, from script by Paul Jarico.

LUM AND ABNER'S 2ND PIC

Kansas City, Dec. 3.

Following a week as headlines of the Tower, Lum and Abner, the radio team, folded their vaude-pa.

tour to return to Hollywood. They begin work Dec. 15 on their second picture for Voco Productions, the producing company of Jack Votion.

Like their current release, 'Dreaming Out Loud', the second film will be released through RKO.

While here the team (Chester Lauck and Norris Goff) put the finishing touches on script for the film.

HEYMANN MUST STAND EXAMINATION IN SUIT

Andre R. Heymann and his wife, Gerry Heymann, were ordered to submit to an examination before trial in N. Y. supreme court by Judge Isidor Wasservogel, connection with Harry Silverstein's suit against them. French Cinema Centre, Inc., and French Film Import Co., Inc., of which Heymann is president.

Silverstein claims to have lent French Cinema \$1,500 in February, 1939, and was to have received 40% of the net or 'Harvest'.

In the action he claims that Heymann wasted money, drew excessive salaries, formed French Import in December, 1939, and transferred the assets of French Cinema to it, and that French Cinema is now insolvent. Relief sought is appointment of a receiver, damages, and the return of plaintiff's investment.

H'WOOD'S 'KEEP IT CLEAN'

Wehrenberg's Anti-Trust Threats Vs. F.&M., St. Loo, Over Clearance

St. Louis, Dec. 3. Threats of instituting anti-trust suits against Fanchon & Marco's interests in St. Louis, the St. Louis Amusement Co., motion picture producers, distributors and individuals were made yesterday by Fred H. Wehrenberg, president of MPTOA of Eastern Missouri and Southern Illinois and owner of a chain of nabes in St. Louis and St. Louis County. Wehrenberg is boiling over because he asserts producers and distributors have granted the Granada, one of the St. Louis Amusement Co. nabes, an extension of their clearance from 14-21 days over indie houses in south St. Louis. He said the extension does not apply to other St. Louis Amusement Co. theatres.

He charges that while his Melba, Cinderella and Michigan may not screen a picture until 21 days after it has been shown at the Granada, the same rule is not applied to other St. Louis Amusement nabes.

Wehrenberg said he and his attorneys have twice called on local film exchange managers to voice his complaints and he has also written heads of film companies. He said he has discussed the situation with Harry C. Arthur, v.-p. and g.m. of F. & M.'s interests here and was told that Arthur was unaware that any (Continued on page 17)

POLICING THE DECREE; D. J. SETUP

Washington, Dec. 3. Very simple machinery will be set up in the Justice Department to ride herd on the majors who accepted the consent decree, but nothing of importance in the way of keeping an eye on the defendants is likely to be done for several months.

Because of the shortage of manpower and the belief the clerical work will be slim, the Anti-Trust Division probably will turn over to one lawyer the job of acting on complaints and checking the monthly reports required concerning theatre ownership. Individual has not been picked, but best guess is it will be Robert L. Wright, who did considerable pick-and-shovel work in preparing the complaint and working out the compromise.

In time, it is probable the D. of J. will attempt to obtain independent information concerning the effect of the five-picture-package distribution scheme on both exhibitors and distributors, but in view of the decree provisions this is far in the future. Even that activity is not expected to require any additional personnel, since economists and investigators already assigned to the trust-busting force should be able to handle such chores along with their routine work. The Feds, of course, want to be in a position to measure the representations made by defendants in the event the escape clause should be invoked but with the data already on file believe it will be relatively simple to make the necessary checks.

The handling of complaints will be a mechanical operation. Each beef will be scrutinized to see if, on its face, it is entitled to consideration. But there will be no attempt to run down the squawk to find out the other side of the story before turning it over to the appropriate arbitration office. And checking the monthly ownership forms does not look like a heavy assignment, since the Anti-Trust Division expects to keep its present records up to date and contemplates any misrepresentation will be quickly brought to their attention.

Universal Term-Pacts

Leonard Elliott, Legiter

Leonard Elliott, legit and nitery performer, has been signed by Universal to a standard six month term pact with the usual renewable options. He trains to the Coast Friday (6) and will probably make his initial film appearance in the next picture directed by Henry Koster.

Long plugged to production execs by eastern talent chief Larney Goodkind as a picture possibility, Elliott was signed by Koster and Dan Kelley, U talent head, during their recent visit to New York after Goodkind took Koster to a private party at which Elliott entertained.

Elliott was in 'Family Portrait' last season and has been in a number of other shows during the past 10 years. He also was recently at Cafe Society, N. Y., and before that at the Versailles and Coconut Grove, as well as at niteries in Chicago.

U AND UA TO SUPPORT COL.'S DISMISSAL PLEA

It has been learned that either Universal or United Artists, and quite possibly both, will actively support Columbia tomorrow (Thurs.) when the film company will ask Federal Judge Henry Warren Goddard in N. Y. to dismiss the newly amended complaint against it by the Department of Justice.

Columbia had been playing a lone wolf in its battle, with the balance of the little three remaining aloof, but recently these companies have been reconsidering their stand, and are preparing to fight with Columbia.

Spyros Skouras Thinks

Decree of Great Value

Hollywood, Dec. 3. Spyros Skouras, National Theatres head, on arrival here for district managers meeting, announced he is in full agreement with consent decree and believes it will prove of 'inestimable value to the industry.' Better pictures will result, with exhibs profiting, he said. Skouras returns east later in the week.

CONSENT'S MORAL CLAUSE JITTERS

Doubted Exhibs Will Cancel
Pix 'with Wallop' If Good
—Producers Not So Worried— \$40,000 Pix in
'Blocks of Five' Planned
By Indie Group

DECREE'S JOKER

Hollywood, Dec. 3. It sex, vulgarity and other film elements to which religious and social groups have long been voicing objections are to be wiped off the screen, the job will be accomplished by Will Hays rather than by the consent decree. This became apparent when Hollywood producers, having finally found time to read and digest the terms of the document that ended the Government's anti-trust suit against the 'Big Five', sat down to enjoy a laugh over what they consider the document's only humorous clause.

They are referring to those lines that provide for the rejection by the exhibitor of any feature on 'moral, religious and racial' grounds.

No theatre operator, the majority of the Coast crowd insist, is going to toss out a hit attraction just because it leans toward the sexy side or contains 'spoken lines that pack a wallop', which is the verbiage Hollywood prefers when on the subject of what certain groups so bluntly call 'vulgarity.' It just isn't in the cards, the studio gents argue, for an exhibitor to decline an opportunity to grab an honest dollar in profit even if he has to go out and square himself with religious leaders after it is all over.

Inclusion of the word 'moral' in the decree really had the producers worried during that period when counsel for Uncle Sam and the five distributor-defendants were drafting the measure, but now that they've had a chance to glimpse the finished essay, their frowns have given way to smiles.

Come Up and Get Cleansed

Meanwhile, Hays, currently in town, is doing his utmost to induce studio heads to repudiate their support to the 'purity code', at the same time seeking to draw from them an additional promise that they will (Continued on page 20)

NW Allied Calls Consent Decree's Signing 'Another Munich' in Letter To Prez Barney Balaban of Par

Meehan R. I. Gov.'s Sec'y

Providence, Dec. 3. Thomas J. Meehan, formerly connected with the Poli chain, Fox-Poli circuit and then RKO theatres in a managerial capacity, was this week named executive secretary by Governor-elect J. Howard McGrath of Rhode Island. Meehan was more recently associated with the Narragansett Electric Co. in Providence as assistant to the company's president. He first came to Providence in 1932 as city manager for RKO, went to Boston a similar capacity in 1933 and returned again to Providence in 1934.

LOEW'S 2,000-SEATER IN NEW DEVELOPMENT

Loew's new American theatre in the giant Parkchester housing development, erected by the Metropolitan Life Insurance Co. in the Bronx, N. Y., will open around Jan. 1. House is a 2,000-seater. Another theatre is available in the development but no deal has been set for it.

Parkchester contains 12,000 apartments which will house 45,000 people. It occupies an area of 55 blocks and is a complete city in itself. Macy's, among other stores, has taken 120,000 square feet of space. About 1,000 families have moved in to date, with completion of the remainder of the apartments expected within the next month or so.

Opera Sequence For Thomas in 'Kingdom'

Hollywood, Dec. 3. Chicago Civic Opera was filmed for the first time in its home town for a sequence to be used in 'Kingdom Come', the first John Charles Thomas starrer for Producers Corp. of America, to be completed this month at the RKO-Pathé studio. Shooting in Chicago covered the English version of the opera, 'Falstaff', with Thomas singing the lead. It will be cut into the opening footage of 'Kingdom Come'.

Minneapolis, Dec. 3. In an open letter from Northwest Allied, president Barney Balaban, of Paramount, is taken severely to task for announcing that his company will not offer for licensing any block of five pictures in a given territory under consent decree provisions until previous groups have been bought and booked.

If Balaban is correctly quoted, the letter declares, Paramount 'at the very outset intends to violate both the letter and spirit of the consent decree.'

The proposed policy is directly contrary to the consent decree's language, it is charged. 'Since you state that you will have several features and groups of features available at the time the consent decree goes into effect, it is very clear that you are making the buying of one feature, or group of features, conditioned upon the buying and booking of another feature or group of features,' the letter to Balaban declares.

'If your statement reflects Paramount's true position, it becomes apparent that exhibitors' worst fears (Continued on page 17)

UP SCALE ONLY ON PIX THAT MERIT IT

Although pleased with results of upping admissions on 'Boom Town' and 'Northwest Passage', Metro is proceeding cautiously on trying the same technique on other pictures, a top exec declared this week. Company is fearsome it may attempt the tilt on a picture which doesn't have the draw to merit it and cause a bad reaction from exhibs and public.

As result, the policy will be tried in only four cities on 'The Philadelphia Story'. Pre-release engagements opening Dec. 13, are Loew's State, Providence; Loew's, Reading; Loew's, Indianapolis and Loew's, Louisville. Advance will be the same as 'Boom Town', 25% for matinees and 30% in the evenings. If it doesn't work out in the four spots, the policy will be immediately dropped.

Elevated scale idea is also being tested for Paramount's 'North West Mounted' in Loew houses in Akron, Canton, Washington and Pittsburgh, and on Calumet's 'Arizona' at Loew's Midland, Kansas City. Latter opened strong, but tapered off and continuation of the policy is in doubt.

Price tilts aid materially in offsetting loss to producers of European income, it is said, although it is admitted that number of customers to pass through the wickets is cut when the prices go up. Many of these are picked up, however, at later runs than they ordinarily patronize as they wait for the film to get around to a house which charges the price to which they are accustomed.

Oppose Price Tilts

Minneapolis, Dec. 3. Northwest Allied has gone on record in opposition to the announced sales' policies of distributors, calling for boosted admissions and percentage terms, for 'such pictures' as 'Northwest Mounted Police', 'The Great Dictator', 'Arizona' and 'Gone With the Wind'. It demands that 'Arizona' be released on the 1939-40 contract and that rental terms for 'The Great Dictator' be lowered. The resolution adopted states that the opposition is based 'largely on exhibitors' experiences in showing the original release of 'Gone With the Wind', and, subsequently, experiences in raising boxoffice admissions on 'Boom Town'.

35th ANNIVERSARY NUMBER

of

VARIETY

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Paul Short Prez of Dallas Variety; Key City Tents Elect Officers

Dallas, Dec. 3. Paul Short of the National Screen Service was named chief barker of the Dallas Variety at the club's annual election of officers held recently at the Hotel Adolphus. He replaces R. J. O'Donnell of Interstate Theatres, Inc., who retired from his post after five years' service.

The club directorate, including R. E. Griffith, Short, Lynn Stocker, B. C. Gibson, Ted de Boer, James O. Cherry, William O'Donnell, Bert King, W. G. Underwood, Don Douglas and Jake Lutzer, was named by 150 resident members who took part in the election. The crew, in turn, selected Short as their new officers, who will be inducted at the annual New Year's Eve party at the group's clubrooms, the Hotel Adolphus on Dec. 31. O'Donnell will serve as ex-officio member of the crew.

Bert King was elected first assistant barker; James O. Cherry, second assistant barker; Ted de Boer, "dough guy" (treasurer); and Don Douglas, property master, (secretary).

Retiring Chief Barker O'Donnell is first assistant barker of the national organization and district supervisor of the club in 11 Southern states and California.

Delegates, known in Variety club jargon as clowns, who were named to the national convention at Atlantic City in April were Duke Evans and Clyde Hoover. Alternates selected were Wallace Walthall and Fred Hoenschmidt.

Charitable and philanthropic work of the club, including support of the Freeman Memorial Clinic, Variety Club Boys Camp at Belton, Texas; Hope Cottage and the Sullivan Park swimming pool, will be continued under the new administration.

Boris Morris' Commitment

Memphis, Dec. 3. Boris Morris will produce a gala stage revue annually for benefit of the Memphis Variety Club.

Indie producer whose Americanization began with a year as pit conductor here at the Palace in 1924 pledged publicly here last week that he will return each year to present a complete and original musical show, "Affair big Variety Club shindig of every season."

Proceeds will go to the Club's charity, a Mother's Milk Bank, preserving mothers' milk indefinitely for infants who need it quickly.

Morris spent a day here ballyhooing his "Second Chorus." Group of prominent citizens attended a luncheon in his honor. It was announced there that the Variety Club show will take place in the spring.

Oscar Olson Probably Retiring

Milwaukee, Dec. 3. When the Variety Club holds its annual banquet and election of officers next Tuesday (10) at the Hotel Schroder, it is expected that Oscar E. Olson will be elected out as Chief Barker, although it is still doubtful as to who his successor will be. Olson is business manager of the Motion Picture Projectionists union, Local No. 164 (AFL) and has been under fire in his own organization for consorting too much with the theatre owners and managers in his social and club life.

Blotchy Prez of NW Variety

Minneapolis, Dec. 3. The Twin City Variety club has reelected Ben Blotchy, Paramount branch manager, as Chief Barker. Other officers chosen are Frank McCormick, first assistant; Hy Chapman, second assistant, and Maitland Froesch, secretary.

Directors elected in addition to the officers were Bill Elson, Harry Dryer, Eddie Ruben, LeRoy J. Miller, Gilbert Nathanson and Max Torlor. Blotchy and Podoloff were selected as delegates to W. A. S. and A. A. Kaplan alternates to the national convention at Atlantic City next year.

Bert Stearn Heads Clevel. Club

Cleveland, Dec. 3. Seven exhibitors and their wives appointed by Bert Stearn, new Variety Club chief barker, are combing schools and institutions to find 500 underprivileged kids who will be treated to a Christmas party Dec. 23 at Hotel Allerton headquarters. Committee includes Moe Horwitz, Nat Wolf, Frank Miller, Jack Schulman, Eddie Miller, Stearn and his wife Patsy, Mrs. Frank Drew and Dave Hyman, who are arranging a turkey feast with all the trimmings, plus wearing apparel, for youngsters.

Flynn's Farewell Feat

Detroit, Dec. 3. More than 200 Michigan film leaders as well as Metro executives attended the farewell dinner to John E. Flynn, Metro district manager

transferring to Chicago, sponsored by the Variety Club in the Hotel Book-Cadillac. With Circuit Judge Ira W. Jayne as co-master, the speakers included William F. Rodgers, general sales manager; E. M. Saunders, western sales manager; T. J. Connors, eastern sales manager; and Henderson M. Richey, assistant to Rodgers.

Flynn, long attached here and founder of the club which tossed the testimonial party, was presented with a plaque with verses specially written by Edgar A. Guest.

N.Y.'S FOREIGN PIX MEN ASK LOWER AD RATES

Foreign language picture distributors and exhibitors banded together to seek reduced rates for advertising in New York dailies. Distributors are in on the fight because often they pay part of the freight and always are affected if ad expenditures are so heavy their pictures are unable to continue showing. Main basis for a lower rate plea is that they are unable to pay the same scale as large Broadway houses, some of which actually obtain a lower rate because using greater leverage.

At several informal sessions, held thus far, it's reported that 300-seat and 400-seat houses playing foreign productions use up 20-25% of their receipts for this type of advertising. As a result of an old fight, the Daily News presently has a special foreign language rate, exhibitors claim. Main battle is to secure a rate somewhat in line with what business the small-theaters enjoy.

'Monte Cristo' Gets 12G Campaign at N.Y. Cap

First United Artists picture, aside from "The Great Dictator," to go into Loew's Capitol, N.Y., this year, "Monte Cristo" is being given an extra-budget ad campaign by UA and producer Edward Small. Distrib claims \$12,000 will be spent in N.Y. dailies for opening today (Wednesday).

'Cristo' engagement at Capitol is pre-release, national dates coming around Christmas. Campaign in New York will form basis for similar exploitation nationally.

Frank Salesmanship

Unique idea of announcing a picture to the trade, which won common last week, was employed by RKO on "Convoy." Pic is a British-made which RKO and Edward Small bought in partnership to salvage coin frozen in England. RKO is distributing.

Announcement came in the form of a file folder with a memo from the desk of sales chief Ned E. Depinet on which was written: "Thought you'd like to read this." In the folder were purportedly copies of RKO inter-office communications leading up to and including purchase of American rights to the pic. English press book was included as part of material sent over to influence RKO while negotiations were in progress.

Kleinerman to Be Examined In Suit Over 10 Westerns

Morris Kleinerman, president of Screen Attractions Corp., and a defendant in the suit of Guaranteed Pictures Co., Inc., against Screen Attractions, has been ordered to appear for examination before trial in N.Y. supreme court Dec. 11 by Justice William T. Collins.

Plaintiffs action charges the defendant corporation with having secured the prints of 10 westerns belonging to it, and having distributed the pictures in New York and New Jersey without permission, and at low rentals. An injunction, accounting of profits and damages are sought.

'MISS CORKTOWN, 1941'

Detroit, Dec. 3. After being invited to a showing of "Little Nell Kelly," Detroit's Irish named Judy Garland "Miss Corktown, 1941."

The Old Corktown Club consists of lads and colleens who grew up in the thick Irish settlement of that name here in bygone years.

Film Cos. Discuss Latin-American DX

Major company foreign-ad-publicity directors took up the proposed new disc plan of Latin-American radio broadcasts at a meeting held at the Hays office Monday (2), with action deferred until later and checkup on the costs of such project. This is the proposal originally advanced by David Blum, Metro official, as a means of securing adequate coverage of the Latin-Americans. Basic idea is an industry good-will series of programs made on disc and then spotted on local stations in Latin-America.

Foreign publicity heads also outlined a future plan of action whereby new publicity and ad projects (not necessarily the radio broadcasts) would be treated jointly. In this way, the foreign departments hope to circumvent scattered acceptance of dubious new publicity projects.

OBLIQUE CAMPAIGN ON 'ROAD SHOW' IN PITT

Pittsburgh, Dec. 3. Oblique campaign Frank Seltzer, publicity director for Hal Roach, is using here to sell "Road Show," which will premiere at Stanley on Friday (6), is causing "lot of talk in trade circles and getting a lot of word of mouth among the public too. Until tomorrow (4), however, public won't know what it's word-of-mouth."

Started week ago when 24-sheets appeared on billboards all over town. The simply stated "Be Humor Analyzed." Then on Saturday (30) newspapers broke with big ads, outside amusement pages, announcing the opening of World's First Institute of Humor Analysis "to help you determine which type of comedy fits your personality." At same time, it was announced that "Psychic" tests would be made at established clinics where machines to measure humor quotient had been established. They're now in the Stanley lobby and in Gimbels, another will be located at the different colleges and a fourth is to be routed over the town on a truck.

Ads carry no mention whatsoever of "Road Show" and won't until the fourth in a series of six breaks. Campaign is costing \$7,000.

2 Band Contests

Detroit, Dec. 3. The Fox here is using two contests in conjunction with the stage appearance of Woody Herman's orchestra. In addition to one of those conventional contests to pick the city's outstanding swing vocalist, who gets a week's engagement with the band, there's another contest making an appeal to high school kids in the town.

This contest is to determine the best high school drum major and majorette. With 18 public high schools here, not counting almost the same number of parochial ones, the theatre has assigned nights to three or four at a time. Each night the winners will be determined by audience applause, after they are originally selected by their school representatives in elections.

Pete Dailey to Col.

New Orleans, Dec. 3. J. W. "Pete" Dailey, after 11 years with The Item-Tribune as drama and rotogravure editor, pulls stakes after Christmas for Hollywood where he goes to work for Columbia studio as press agent. Before coming to New Orleans, Dailey was city editor of papers in St. Louis and Jefferson City, Mo.

His duties will be divided between Ted R. Lizza, VARIETY mugg in N. O., and Ken Gormin, columnist on The Morning Tribune.

'BISHOP' FREEM IN LINCOLN

Lincoln, Dec. 3. Richard A. Rowland's production, "Cheers For Miss Bishop" (UA), originally scheduled for preem here Feb. 15, has been moved up to Jan. 7. Arrangements were set with the chamber of commerce by Murph McHenry, who made a trip in here and stayed a couple of days.

It's from Bess Streeter Aldrich's book, and much of the backgrounds were shot at the University of Nebraska.

Kincey-Wilby's Dual Conventions; Other Theatres-Exchange Briefs

Entire Staff Drafted

Minneapolis, Dec. 3. The entire six-man staff of the Hollywood theatre, an Eddie Ruben house, at Sioux Falls, S. D., has been caught in the draft or war department orders. Two are in the National Guards and have been called.

The rest will be called up early in the draft.

ARCH REEVE, FETED, DEPARTS FOR CALIF.

Arch Reeve, who resigned recently as advertising manager of Twentieth-Fox, left yesterday afternoon (Tues.) for the Coast where he owns a small farm on which he plans settling down. He has no immediate plans so far as the picture industry is concerned.

Maurice Bergman, successor to Reeve, took up his new duties at 20th Monday (2), at which time also Dave Lipton stepped into Bergman's former post at Columbia in N.Y.

More than 100 friends of Reeve hosted him at a farewell dinner party Friday night (29).

John Hertz, Jr., Buys Out Dillenbeck in Buchanan

John D. Hertz, Jr., son of the member of the banking firm of Lehman Bros., N. Y., and on the directorate of Paramount, in association with Thomas S. Buchanan, has purchased the stock interest of A. O. Dillenbeck, vice-president of Buchanan & Co., advertising agency. It amounts to 28% of the capital stock of the company.

The transfer becomes effective Jan. 1, with young Hertz assuming the title of v.p. held by Dillenbeck. It is understood that Hertz, formerly with Lord & Thomas, has held an option for purchase of Dillenbeck's stock for two years. He joined the agency about that time.

In succeeding Dillenbeck, Hertz will have personal supervision of the entire Paramount account over which Dillenbeck has had top authority for close to 20 years, including previously when the agency was known as Hanft-Metzger. H-M lost the account nearly 10 years ago when Par shifted to Lord & Thomas. This followed close on the heels of financing obtained for Paramount by Albert Lasker, then head of L. & T. John D. Hertz, Sr., and William Wrigley, Jr.

Hertz, Jr., went into Lord & Thomas, subsequently shifting to Buchanan, at which time Par transferred its account to the latter.

Among other accounts Buchanan has is the Texas Co., Buchanan, president of the agency, personally supervises the direction of the work in connection with this Company.

Three Cheers and a Husk

Hollywood, Dec. 3. "Cheers For Miss Bishop" is slated for its world premiere Jan. 7 in Lincoln, home of University of Nebraska, where much of the picture is located.

Film was produced by Richard Rowland and directed by Tay Garnett for United Artists release.

Sounds Like Hopi

Hollywood, Dec. 3. Hopi Indians put on a tribal chant to assure good weather for the start of the Howard Hughes production, "The Outlaw," at Moenocopi, Ariz., and it came up snow.

Shooting was resumed, after a delayed start, without any chanting.

Lewellen to Oklahoma City

Lincoln, Dec. 3. W. C. Lew' Lewellen, former publicist for the J. H. Cooper-Paramount houses here, moved to the Cooper-Warner theatres in Oklahoma City after having been here only five weeks.

He'll work as assistant to Walter B. Shute, city manager in Okla. City. E. W. Huffman, city boss here, dividing the abandoned work between himself and Harvey T aylor, manager of the Lincoln, at present.

The Kincey-Wilby circuit, headed by Bob Wilby and Harold F. (Mike) Kincey, is holding two annual conventions for its theatre operating personnel from district managers down, one in Knoxville, Tenn., the other in Knoxville, S. C. The first for the Alabama-Theatres operation will be in Knoxville Dec. 10, while for the Carolinas, in which the K-W circuit, is firmly entrenched, the annual get-together will be held on Dec. 11.

Leon Netter, home-office theatre department executive of the Paramount company, will attend both as representative of the parent organization. He will make a number of stopovers, having left Monday (2) for Atlanta to confer with Wilby on business matters as well as to discuss operating matters with Bill Jenkins and Arthur Lucas, who head the Georgia circuit.

Prior to attending the K-W Knoxville meeting, Netter also will go to Miami to huddle with S. A. Lynch, on the way to Jacksonville to see E. J. Sparks, head of one of Par's most important 50-50 partnerships.

Sandwiched in between also will be the Variety Club affair in Philadelphia Dec. 12, given in honor of Frank C. Walker, which will be attended by many leading New York film executives.

Al Hoffman Back to Old Job

Denver, Dec. 3. Earl Collins, manager of the local United Artist exchange for 16 months promoted to manager of the Los Angeles branch, left Saturday (30) to assume his new post. He is succeeded by Al Hoffman, former manager, who became a salesman when Collins was boosted from salesman to manager.

"Little Men" is world-premiering at the Orpheum—one of a number of test showings—but Denver beats any others by a day. A milking contest on the stage will be run for three days, with \$110 to be given as prizes. Terry Turner, N.Y., and T. Bidwell McCormick, of RKO publicity, doing the building.

Two hundred passes and \$10 was the loot at the Cameron theatre robbery last week. Yeggs were unsuccessful in an attempt to crack the safe at the theatre.

Fire in the Victory booth did \$100 damage, but the 800 in the house were calmed when B. A. Hendrix, manager, told them from the stage fire the year's first fireproof booth. Fire starting in jammed film, burned nothing else.

Fox Intermountain Theatres is installing candy counters in about 50 houses in this district. The counters, formerly assistant manager of the Denver is back from month's training at Los Angeles in candy display and selling, and will supervise installation and operation. Chuck Norton, chief of service at the Denver, made assistant manager.

Fox Intermountain opened the Fox, La Junta, Colo., last week. The new theatre, built on the old Rourke, using only the four walls of the old building.

John W. Drake building new 340-seater at Ft. Sumner, N.M., and Harry S. Drake building new 340-seater at Aztec, N.M.

Draft Gets 2 in Memphis

Memphis, Dec. 3. The trade knows less of first six draftees sent to Fort Oglethorpe from here.

They are Earl Hartzog, chief booker at the Warner film exchange and Joseph C. Cortes, Jr., who runs the Memphis Open Air Theatre's business manager.

Schrodt Vice Day

Des Moines, Dec. 3. H. N. Schrodt, manager of the Grand, Esterville, Ia., since 1935, appointed by the Central States as resident manager of the Rialto, Fort Dodge, succeeded by Fred Day, who will be a district manager.

Remodeling of the Robt. M. Johnson Bldg., Newton, Ia., is under way to be used as a theatre in connection with the abandoned Rialto, operated by Johnson. Work completed in February.

Insurance covered loss of between \$2,500 and \$3,000 at the Rialto, Boone, Ia., Nov. 24.

WB Pitt Realignments

Pittsburgh, Dec. 3. With upping of Jules Green, from manager of Balaban, to spot in WB theatre booking department and addition of Marty Seed, son of Harry Seed, WB-FN exchange manager, to handle the booking of realignments have been made in circuit houses. Lige Brien goes from Prince in Ambridge, Pa., to Belmont; Nat Mervin switches from Capitol in Steubenville, O., to Prince; Decker from Campbell in Johnstown, Pa., to Capitol; and Jim Clark, formerly at Ritz in Clarksburg, W. Va., goes to Cambria. Eddie Hungenberger, upped from asst. at Warner to manager of the Lincoln, at present.

(Continued on page 10)

Sleet Bogs Down Chi Grosses; 'Arise'-Vaude \$36,000, 'Escape' \$10,000, 'Reuters' 9G, Rest So-So

Chicago, Dec. 3. Weather has been clipping the grosses at most of the loop theatres, with all the elements of cold, snow, rain, sleet and ice combining to make travel discouraging and the fireside and radio much more appealing. This weather, which must be accepted as the real reason why the expected click pictures have been able to last only a single session instead of two, three and more weeks.

Looking to top the town currently is 'Arise My Love' in the Chicago. Roosevelt and Garrick have holdovers. Unlike Artists has factory as a follow-up for the extremely disappointing 'Third Finger', which failed to get anywhere near the coin that had been predicted for it. 'Mark of Zorro' moved to the Roosevelt. 'Howards of Virginia' shifted to the Garrick after a mild stay in the Roosevelt, and finally displaced 'Northwest Mounted Police', which had a fifty five-week romp in the loop.

Apollo has Dispatch from Reuters, which figures for at least a solid single session in this spot.

Estimates for This Week
 Apollo (B&K) (1,200; 35-55-65-75) — Reuters (WB). Foreign correspondent theme settling a goodly gross for the initial stanza here at \$9,000. Last week, 'Voyage Home' (UA) came through with satisfactory \$9,000 for final stanza of a fortnight.
 Chicago (B&K) (4,000; 35-55-75) — 'Arise Love' (Par) and stage show with Frances Langford and Roy Hall, plus the Carl wein Hollywood Day. Headed to happy \$36,000. Last week, 'Zorro' (20th) died under stress of the weather man and had to be content with \$30,100, under expectations.

Garrick (B&K) (900; 35-55-65-75) — 'Howards' (Col). Second week in loop and going to fair \$4,500. Last week, 'Northwest Mounted' (Par) completed bang-up five-week loop gallop to \$5,000.
 Oriental (Jones) (3,200; 28-44) — 'Public Deb' (20th) and 'Hollywood Hotel' unit on stage. 'Dance' hit \$13,000. Last week, 'Dance Girl' (RKO) and Woody Herman orchestra on stage tagged okay \$15,500.
 Palace (RKO) (2,500; 33-44-66) — 'You'll Find Out' (RKO) and 'Destiny' (RKO). 'You'll Find Out' feature goes off today (Tuesday) to be replaced by twinner headed by 'Seven Sinners' (U). Kay Kyser band combo finish first week to near \$12,000, and looks to have gathered satisfactory \$16,000 for the 10-day wait.

Roosevelt (B&K) (1,500; 35-55-65-75) — 'Zorro' (20th). Switched here from the Chicago and going for mild \$6,500 on the holdover session. Last week, 'Howards' (Col) failed under stress of the elements and lagged at \$8,200.
 State-Lake (B&K) (2,700; 28-44) — 'Haunted Honeymoon' (M-G) and vaude, Harry James orchestra headlining. Satisfactory at \$15,000. Last week, despite the fair, Billy Gilbert and the Jan Garber orchestra on the stage managed to swat the ball for \$17,600 with 'Angels Over Broadway' (Col).

United Artists (B&K-M-G) (1,700; 35-55-65-75) — 'Escape' (M-G). Opened Friday night (29) and looks for good \$10,000 on first week. Last week, 'Third Finger' (M-G) finished a fortnight to \$9,300, falling off sharply in second session.

'Escape' 10G, 'Alley' \$9,800; Indpls. Buys Ads to Buck Yule

Indianapolis, Dec. 3. Coin is still going to the merchants who peddle Christmas gifts in the downtown section, while theatre managers are picking up the leftover change. Extra efforts are being put forth by all houses in exploitation and added coin for advertisement which accounts for the fair showing being made against the tough mercantile opposition. Loew's took to the air with a lot of radio plugs to ring up a few extra bucks with 'Escape' and 'Dulcy' leading the downtown parade. Circle is close behind with 'Tin Pan Alley' and 'Murder Over New York'. Indiana limps slightly, dualling 'Arise My Love' and 'Dancing on a Dime'.

Estimates for This Week
 Circle (Katz-Dolle) (2,800; 25-30-40) — 'Tin Pan Alley' (20th) and 'Murder Over New York' (20th). Good \$9,800. Last week, 'Northwest Mounted' (Par) (3d wk), fair \$5,500.
 Indiana (Katz-Dolle) (3,100; 25-30-40) — 'Arise Love' (Par) and 'Danc-

ing Dime' (Par). Not-so-good \$7,000. Last week, 'You'll Find Out' (RKO) and 'Charter Pilot' (20th), okay \$9,000.
 Loew's (Loew's) (2,400; 25-30-40) — 'Escape' (M-G) and 'Dulcy' (Col). Helped by heavy national assist ads and radio plugs to okay \$10,000. Last week, 'Bitter Sweet' (M-G) and 'Blondie Cupid' (Col), \$9,900.
 Lyric (Lyric) (2,000; 25-30-40) — 'East River' (WB), and Welk's orchestra with Edmund Lowe and Ann Dvorak on stage. Weak \$9,000. Last week, 'Reuters' (WB) and vaude headed by Rollin T. Pany, \$8,200.

'ARISE'-KRUPA 15G, BUFF. STORMY

Buffalo, Dec. 3. Blizzard which booted Buff. b.o.'s at the end of last session is still blowing great guns and whacking the tallies for the present frame.
 On holdover, 'North West Mounted' is standing up okay at the Lakes while 'Arise' with Gene Krupa on stage at the Buffalo is about average. Other wickets are chalking up just so-so markers.

Estimates for This Week
 Buffalo (Shea) (3,500; 35-40-60) — 'Arise, My Love' (Par) and Gene Krupa band on stage. About average drawing power, around \$15,000. Last week, 'Tin Pan Alley' (20th) and 'Gallant Sons' (M-G), straight dual, showed plenty of velocity at \$14,500.
 Great Lakes (Shea) (3,000; 35-55) — 'North West Mounted' (Par) (2d wk). Continues to exhibit fair back-bone. May go \$7,500. Last week, ruled the room with \$20,000.
 Hipp (Shea) (2,100; 30-45) — 'Tin Pan Alley' (20th) and 'Gallant Sons' (M-G). (2d run). Move-over card will do around \$6,000.
 Lafayette (Hayman) (3,300; 30-40) — 'Night Tropics' (U) and 'Wildcat' (Col) traded to lower brackets, \$5,500. Last week, 'Escape to Glory' (Col) and 'Won't Talk' (Col), slowed down to \$5,300.
 20th Century (Dipson) (3,000; 30-40) — 'Charter Pilot' (20th) and 'God's Country' (Rep). Only fair, probably \$5,000. Last week, 'You'll Find Out' (RKO) and 'Christian Meets Women' (RKO) on the black side, with over \$7,500.

'Arizona' \$8,500, Bette, \$8,200, Big in Memphis

Memphis, Dec. 3. Thanksgiving (28) stuffed the show-houses in this man's town. Business is swelling everywhere on wave of holiday trade and boom pictures.
 Four top films are fighting it out for first money on Main Street. Warner's 'The Letter' and the Malco's 'Arizona' look best. Kay Kyser draw is pulling heavily at Loew's Palace, with the Eddy-MacDonald 'Bitter Sweet' lagging just behind at Loew's State.

Estimates for This Week
 Loew's State (Loew) (2,600; 10-33-44) — 'Bitter Sweet' (M-G). Mabbie \$10,000. Fair \$10,000. Last week, 'Gallant Sons' (M-G), four days, and 'Yesterday's Heroes' (20th), three days, \$21,000, fruitful.
 Warner (Warner) (2,300; 10-33-44) — 'The Letter' (WB). Kay Kyser draw is finally beginning to tell at ticket windows here in big way for possible \$8,200. Last week, 'South Suez' (WB), \$5,000, much better than expected.
 New Malco (Lightman) (2,800; 10-33-44) — 'Arizona' (Col). Outdoor stuff gets 'em here if big enough; this one pushing for could-be \$8,500. Last week, 'Seven Sinners' (U), \$6,000.
 Loew's Palace (Loew) (10-33-44) — 'You'll Find Out' (RKO). Kyser clicker to \$7,500. Last week, 'Neenie Kelly' (M-G), \$5,300, fairish.
 Strand (Lightman) (10-22-33) — 'Moon Burma' (Par) (2nd run), 'Sandy Man' (U), split. Rating average \$1,600. Last week, 'Rangers' (Fortune) (Par) (2d run), three days; 'Quarterback' (Par), two days; 'No body's Sweetheart' (U), two days; \$1,700, good.

First Runs on Broadway (Subject to Change)

Week of Dec. 5
 Astor — 'Great Dictator' (UA) (8th wk.).
 Broadway — 'Fantasia' (Disney) (4th wk.).
 Capitol — 'Son of Monte Cristo' (UA) (4).
 (Reviewed in Current Issue)
 Criterion — 'Hit Parade of 1941' (Rep) (4).
 (Reviewed in VARIETY, Oct. 23)
 Globe — 'Blackout' (UA) (2d wk.).
 Music Hall — 'Thief of Bagdad' (UA).
 (Reviewed in VARIETY, Oct. 16)
 Paramount — 'North West Mounted Police' (Par) (5th wk.).
 Rialto — 'Trail of the Vigilantes' (U) (6).
 Rivoli — 'Little Men' (RKO) (7).
 (Reviewed in Current Issue)
 Roxy — 'Tin Pan Alley' (20th) (3d wk.).
 Strand — 'The Letter' (WB) (3d wk.).

Week of Dec. 12
 Astor — 'Great Dictator' (UA) (9th wk.).
 Broadway — 'Fantasia' (Disney) (5th wk.).
 Capitol — 'Son of Monte Cristo' (UA) (2d wk.).
 Criterion — 'Gallant Sons' (M-G) (11).
 (Reviewed in VARIETY, Nov. 13)
 Music Hall — 'Thief of Bagdad' (UA) (2d wk.).
 Paramount — 'Moon Over Burma' (Par) (11).
 (Reviewed in VARIETY, Oct. 16)
 Rivoli — 'Little Men' (RKO) (2d wk.).
 Roxy — 'One Night in the Tropics' (U).
 (Reviewed in VARIETY, Nov. 6)
 Strand — 'The Letter' (WB) (4th wk.).

'BITTER SWEET' \$38,000, TWO HUB SPOTS

Boston, Dec. 3. Good product and good business all over town this week, topped by holiday (Thanksgiving) on the opening day, and no-school last Friday. 'Northwest Mounted' and 'Bitter Sweet' are tops, with 'You'll Find Out' a close third. 'The Letter' is strong at the Par and Fenway, continuing a big week from the Met.

Estimates for This Week
 Boston (RKO) (3,200; 33-44-55-65) — 'Charter Pilot' (20th) and stage show, four days; and 'Howards Virginia' (Col) and 'Bit Heaven' (U) (both 2d run), three days, three days. Aiming at very good \$12,000. Last week, 'Swimmin' Hole' (Mono) and 'Still Alive' (RKO), with stage show, four days; and 'Glamour Sale' (Col) and 'Sandy Gets Married' (U) (both 2d run), three days, \$7,800.
 Fenway (M&P) (1,332; 28-39-44-55) — 'Letter' (WB) and 'Tugboat Annie' (WB) (both continued run from Met). Headed for dandy \$7,500.
 Loew's (Loew) (2,400; 25-30-40) — 'Arise Love' (Par) and 'Dancing Dime' (Par) (both 2d run), \$7,000.
 Keith Memorial (RKO) (2,907; 28-39-44-55) — 'You'll Find Out' (RKO) and 'Pastor Hall' (UA). An odd but money-making combo, tallying about \$17,000. Last week (five days), 'Zorro' (20th) and 'Laddie' (RKO) (both held over), \$11,400.
 Metropolitan (M&P) (4,367; 35-44-65) — 'Northwest Mounted' (Par) and 'Youth Served' (20th). With prices slightly upped and trade better, the total count will be around \$23,000. Last week, 'Letter' (WB) and 'Tugboat Annie' (WB), \$20,000.
 Orpheum (Loew) (2,800; 28-39-44-55) — 'Bitter Sweet' (M-G) and 'Kit Carson' (U). Handling 'em up at the peak hours, despite brush-off by the local reviewers. Should garner very big \$21,500. Last week, 'Escape' (M-G) and 'Hullabaloo' (M-G) (2d wk), \$17,000.

Paramount (M&P) (1,797; 28-39-44-55) — 'Letter' (WB) and 'Tugboat Annie' (WB) (both continued run from Met). Should hit \$9,500, very good. Last week, 'Arise Love' (Par) and 'Dancing Dime' (Par) (both 2d run), \$8,000.
 Seollay (M&P) (2,538; 28-39-44-55) — 'Melody Ranch' (Rep) (1st run) and 'Arise Love' (Par) (3d run). Okay for around \$5,500. Last week, 'No Comedy' (WB) and 'Westerner' (UA) (both 2d run), \$4,500.
 State (Loew) (3,600; 28-39-44-55) — 'Bitter Sweet' (M-G) and 'Kit Carson' (U). Headed for the big coin, about \$16,500. Last week, 'Escape' (M-G) and 'Hullabaloo' (M-G) (both holdovers), \$14,500.
 Georgetown football pix, came through with very good \$14,700.

Holdovers Rule B'way; 'Tin Pan' 2d And 'Letter'-Ozzie Nelson's 2d, Each Big \$45,000; 'NW' 4th Week, \$32,000

This week's Broadway take will not total much as for the prior semester, due to holdovers in all major first runs, but a firmness in draw exists about which there is no complaint except a couple spots. Much colder weather has set in but that is causing no apparent interference, nor does it appear that budget-planning is hurting. Shows are being set up, however, so that the better pictures available during December are being scheduled for the Christmas-New Year holidays.

Very strong is 'The Letter', now in its second week at the Strand with Ozzie Nelson on the stage. Hitting excellent \$45,000. It is bringing in Humphrey Bogart Friday (6) for the final two as an added pre-Xmas strengthening.

The Paramount has juggled its bookings so that the Jack Benny picture, 'Love Thy Neighbor', will be brought in a week before Christmas, with Tommy Dorsey in person. Plan now is to have a special opening the night of Dec. 14 with Benny and members of his radio troupe making appearances. Theatre today (Wed.) begins its fifth week of 'North West Mounted', with Ray Herbeck's band, Red Skelton and Rosemary Lane on the stage. Herbeck and Miss Lane remain for an additional week with 'Road to Burma' but Skelton can't because he has to go to the Coast. Henny Youngman may be brought in for the 'Burma' picture. 'Mounted', Glen Gray, Skelton and Connie Russell, hit \$32,000 on the fourth week ending last night (Tuesday). Profit.

Also continuing in high is 'Tin Pan Alley', now in its second week at the Roxy and likely to hit around \$45,000. This past Sunday (1) beat first in gross, something that's unusual. A powerful test of Thanksgiving (21) brought the first stanza's gate to a smash \$55,000, best for any 20th-Fox film here in about twenty years. 'Universal's' 'Song Parade', however, topped it in October. 'Tin Pan' begins its third week tomorrow (Thurs.).

'Fantasia', currently in its third capacity week, hit close to \$29,000 last week (2d) with a seat added. On the first five days this week (3d) it has another \$21,700 in the till and the advance sale is reported very heavy. Seats are now being sold four weeks in advance. 'The Letter' went out of the Capitol last night (Tues.) after a very profitable run of seven weeks. The final round was down considerably, however, \$32,000. 'The Letter' remains in the Astor where it is doing all right though now a long distance from capacity.

'Bitter Sweet' closes a 14-day engagement at the Music Hall tonight (Wed.). It got \$88,000 the first week, good, but is off disappointingly on the holdover at \$65,000. 'Thief of Bagdad' opens tomorrow (Thurs.).

Estimates for This Week
 Astor (1,012; 75-85-110-165-220) — 'Dictator' (UA) (8th wk.). Sixth week was \$14,500, while for the six days on the seventh through Monday (2) the take slid to \$9,000, a thinning profit.
 Capitol (4,320; 28-35-55-110-165-220) — 'Son of Monte Cristo' (UA) (2d wk.). Opened today (Wed.) after seven weeks of 'The Dictator' (UA), final stanza being \$32,000. This was a rather sharp drop from the sixth lap's \$47,000, though okay. On the full engagement, fine profit for both UA and Metro.

Broadway (1,895; 55-75-110-165-220) — 'Fantasia' (Disney) (3d wk.). Still a sellout, with the advance sale clearing hefty. The full second week was near to \$29,000, capacity, while the same is seen for this week (3d), first five days being \$21,700.
 Criterion (1,602; 28-44-55-85) — 'Hit Parade' (Rep) opens today (Wed.). After a week of 'Dulcy' (M-G) at \$7,500, fairish. In ahead 'Too Many Girls' (RKO) swell \$12,000 warranting holdover, but not related.
 Globe (1,180; 25-35-55) — 'Blackout' (UA). Indications point to good \$9,000 and holds. Last week, second for 'Angels Over Broadway' (Col), \$6,700, o.k.
 Palace (1,700; 28-35-55) — 'Zorro' (20th) and 'Tugboat Annie' (WB), both 2d run, \$10,000 (Wed.). After eight-day run on which the grosses will be about \$8,500, suitable. 'Rockne' (WB) (2d run) and 'Always Bride' (WB) (1st run), on six days, only \$5,500.
 Paramount (3,664; 35-55-85-99) — 'North West' (Par) (5th week), Red Skelton also 5th week, and opening today (Wed.) Ray Herbeck and

Rosemary Lane. The fourth leg for 'Northwest', plus Skelton, Glen Gray, Connie Russell, concluded last night (Tues.), good \$28,000, third very stout \$46,000. 'Road Over Burma' (Par) will come in Wednesday (11), with Herbeck and Miss Lane held over for Hal.

Radio City Music Hall (5,960; 44-55-85-99-165) — 'Bitter Sweet' (M-G) and stage show (2d-fal week). Down quite a bit at \$65,000 on the holdover, but with \$88,000 the till for the first, a good profit is shown on the 14 days. 'Thief of Bagdad' (UA) moves in tomorrow morning (Thurs.).

Rialto (750; 28-44-55) — 'Dark Streets of Cairo' (U). Opened Saturday (30) and will probably eke out \$5,000 or a bit better, mildish. 'The Apes' (Mono) only five days, weak \$4,000.

Rivoli (2,092; 35-55-75-99) — 'Seven Sinners' (U) (3d-fal wk.). Not doing well and lucky if hitting \$11,000. Last week, \$12,000. 'Little Men' (RKO) open \$17,000. 'Tin Pan Alley' (20th) and stage show (2d wk.). A bountiful business-getter, \$45,000, more than the majority of pictures have done here over the past two years on first week. Initial seven days, including Thanksgiving, took \$55,000. Holds third stanza.

State (3,400; 35-55-75-99-110) — 'Westerner' (UA) (2d run) on, on vaude bill. Cross and Dunn, Hartmans, Van Alexander order. Show doing all right at \$21,000 or better. Last week, 'Arise My Love' (Par) (2d run), plus Jack Teagarden, Frances Faye and Paul Gerrits, close to \$25,000, good.
 Strand (2,787; 35-55-75-85-99) — 'Letter' (WB) and Ozzie Nelson, plus Harriet Harlow, others (2d wk.). Maintaining very potent pace and may hit \$45,000 or near this week (2d), close to the first seven days' \$48,500. Holds four weeks, with Humphrey Bogart's 2d stage show Friday (6) for balance of engagement.

'DULCY'-VAUDE \$17,000, BETTE FINE 8G, OMAHA

Omaha, Dec. 3. 'The Letter' is Omaha's standout this week and will take more than \$8,000, topping all Brandeis shows for the past three months. At the end of the second day of the run a second week was already indicated. The Orpheum continues its highly successful stage-film combo policy, will step out with another high mark, \$17,000 at least, for the Jan Garber-Billy Gilbert in person revue, plus 'Dulcy' on the screen. 'Northwest Mounted Police', in its second solo week at the Omaha, will do around \$6,800, a very nice figure.

Estimates for This Week
 Brandeis (Will Singer) (1,500; 10-25-35-40) — 'Letter' (WB) and 'Split' (WB). \$8,000, big. Last week, 'You'll Find Out' (RKO) and 'Still Alive' (RKO), good \$7,800.
 Orpheum (Tristates) (3,000; 15-40-55) — 'Dulcy' (M-G) and Jan Garber orchestra plus Billy Gilbert and vaude. Swell \$17,000. Last week, 'Dulcy' (WB), 'Kid Texas' (M-G), 'Quarterback' (20th), good \$11,700.
 Omaha (Tristates) (2,000; 10-40-55) — 'North West Mounted' (Par) (2d wk.). Fair \$6,800. Last week, big \$14,500.

State (Goldberg) (900; 10-20-25) — 'Flowing Gold' (WB). 'Kidare Home' (M-G), split with 'Glamour Sale' (Col). 'Crowded Night' (RKO) and 'Men Against Sky' (RKO). Look like about \$900.
 'Married Adventure' (Col), 'Wymond' (M-G), split with 'Peppers Trouble' (Col). 'Devil's Pine Line' (U). 'Lion Has Wings' (UA), fair \$700.
 Town (Goldberg) (2,500; 10-20-25) — 'Trail Blazers' (Rep), 'Daltons Ride' (U), 'Before I Hang' (RKO), triple, split with 'Montana Skies' (Rep). 'Flying Deuces' (RKO), and 'Joe Palooka' (WB). 'Married Adventure' (Col), 'Wymond' (M-G), 'Light \$600. Last week, 'Law and Order' (U), 'Girl God's Country' (Midwest), 'Not So Tough' (U), triple, split with 'Stranger 3d Film' (RKO). 'Kid Texas' (M-G), 'Young America Files' (WB), and 'Dodge City' (WB). 'Golden Fleeing' (M-G), fair \$700.

Avenue — Military — Dundee (Goldberg) (2,300; 30-40-55) — 'Flowing Gold' (WB). 'Kidare Home' (M-G), split with 'Glamour Sale' (Col). 'Crowded Night' (RKO) and 'Men Against Sky' (RKO). Rather light \$900. Last week, 'Married Adventure' (Col), 'Wymond' (M-G), split with 'Golden Fleeing' (M-G). 'Not Tough' (U), 'Ride Tenderfoot' (Rep), fair \$1,000.

Philly Awakes; 'Letter' and 'Alley'

Each \$22,000, 'Arizona' Okay 16G

Philadelphia, Dec. 3. Republican Thanksgiving on Thursday (28), plus the huge influx of out-of-towners over the week-end for the Army-Navy game is giving a lift to biz in mid-city deluxers, and for the first time since a couple of weeks before election are the b.o.'s getting a new lease on life.

Also helping is the introduction of new product, much of it on the top-notch side. Tied for top honors at the cash register are 'Letter', at the Boyd, and 'Tin Pan Alley', at the Fox, both heading for \$22,000.

'Great Dictator' bows out this sesh at the Aldine after a six weeks spin. Other newcomers to the 'Philly scene are 'Arizona' and 'Too Many Girls'—both on the okay side.

Estimates for This Week

Aldine (WB) (1,303; 74-115)—'Dictator' (UA) (6th wk.). Gradual downward trend, with \$9,000 for final stand at upped prices. Last week, \$10,300. Chaplin's opus grabbed just about \$85,000 during its six week stay here.

Arcadia (Saboteur) (600; 35-46-57)—'Arise Love' (Par) (3d run). Still plenty of spark with a nice \$3,500 in the till. Last week, 'Rhythm River' (Par), fair \$3,000 for second run.

Boyd (WB) (1,800; 35-46-57-68)—'Letter' (WB). Bullish \$22,000. Last week, 'Bitter Sweet' (M-G), mediocre \$11,600 for second week.

Earle (2,758; 35-46-57-68)—'Night Tropics' (U) (4th wk.). Good orchestra and stage show. So-so \$19,500. At that it's outpointing last week's poor \$19,000 for 'Chartered Pilot' (20th) with Laurel-Hardy unit.

Fox (WB) (2,423; 35-46-57-68)—'Tin Pan Alley' (20th). Zingy \$22,000 for initial ride. Last week, 'Zorro' (20th), finished strong to wind up with good \$13,000 for 3d run.

Karlton (WB) (1,068; 35-46-57-68)—'Escape' (M-G) (2d run) (2d wk.). Long run isn't hurting any. Will clear a neat \$5,000 for this inning. First week of second run, \$6,800, forte.

Keith's (WB) (1,970; 35-46-68)—'Zorro' (20th) (2d run). Still getting fair coin after moveover with \$4,500. Last week, 'Arise Love' (Par) bogged down in mid-range and brought a poor \$2,900 for six days of second run's second week.

Stanley (WB) (2,916; 35-46-57-68)—'Arizona' (Par). Nice \$16,000. Last week, 'Nellie Kelly' (Par) crawled up at the stretch to finish with okay \$15,000 after miserable opening.

Stanton (WB) (1,457; 35-46-57)—'Too Many Girls' (RKO). Just topped par with \$4,700. Last week, 'Ramparts' (RKO), pulled after netting only \$3,600 for six days of second round.

ESCAPE FINE \$7,200

IN STRONG SEATTLE

Seattle, Dec. 3. 'Escape' and 'South of Suez' are being heavily pushed in the city as they open at Fifth and Orpheum respectively. Liberty ends oke run of 'The Westerner' and is back to duals. 'Arise' wins move to Music Box while 'Northwest Mounted' holds at Paramount after great first session. 'Bitter Sweet' doing five days of third week at Blue Mouse.

Estimates for This Week

Blue Mouse (Hamrick-Evergreen) (600; 30-40-50)—'Arise' (Par) and 'Christmas in July' (Par). Shifted from Fifth Avenue, doing \$2,800, excellent. Last week, 'Zorro' (20th) and 'Young People' (20th) (nine days), \$2,900, okay.

Coliseum (Hamrick-Evergreen) (1,900; 21-36)—'Foreign Correspondent' (UA) and 'Rangers of Fortune' (Par) (2d run). Stressing former helps for very big \$4,700. Last week, 'Strike Up Band' (M-G) and 'Golden Fleeing' (M-G) (2d run), great \$4,600.

Fifth Avenue (Hamrick-Evergreen) (2,349; 30-40-50)—'Escape' (M-G) and 'Hullabaloo' (M-G). Nifty ad campaign ups to around fine \$7,200. Last week, 'Arise' (Par) and 'Christmas in July' (Par), \$7,300, big \$3,100.

Liberty (J-VH) (1,650; 30-40-50)—'Angels Over Broadway' (Col) and 'Blackout' (UA). Indicating fine \$6,000 and debating holdover. Last week, 'Westerner' (UA), smart \$4,000.

Music Box (Hamrick-Evergreen) (650; 30-40-50)—'Bitter Sweet' (M-G) and 'Memories' (20th) (3d wk, five days). Expect okay \$1,700, making way for 'Mounted'. Last week, big \$3,100.

Orpheum (Hamrick-Evergreen) (2,600; 30-40-50)—'South of Suez' (WB) and 'Bit of Heaven' (U). Anticipate \$4,600. Last week, 'Letter' (WB) and 'Calline Husbands' (WB) (2d wk), held only four days to

move over to Roosevelt (Sterling), nice \$3,000.

Palomar (Sterling) (1,350; 20-50)—'Girl from Havana' (Rep) and 'Sandy Gets Man' (U) plus vaude, 'Ice Follies'. Looking to strong \$6,000. Last week, 'Hit Parade' (Rep) and 'Always Bride' (WB) plus vaude, \$700, good out with Government pay-day.

Paramount (Hamrick-Evergreen) (3,039; 40-60-65)—'Northwest Mounted' (Par) (2d wk). Eyeing neat \$8,000. Last week, great \$16,400.

Roosevelt (Sterling) (800; 30-40-50)—'WB' Released from Orpheum, where it did four days. Expects big \$3,500. Last week (21-25), 'Rockne' (WB) and 'Kildare Home' (M-G) (2d run), big \$2,500.

Waterbury (Sterling) (800; 16-32)—'Boon Town' (U) and 'One Crowded Night' (RKO) (3d run). Anticipate fine \$2,800. Last week, 'Drive by Night' (WB) and 'Dance Girl' (RKO) (2d run) good \$2,200.

DIETRICH 8½G

D. C. LACKS STRENGTH

Washington, Dec. 3. First test of Thursday openings as a city-wide policy took a licking first two days with Government pay-day falling on Saturday big spurred sharply. Even so, the stores appear to be taking over for their annual holiday and the b.o. is nothing to rave about.

Capitol, big Loew's vaudeur, is out in front with 'Rangers of Fortune' and Earle, WB vaude spot, is second with 'Lady With Red Hair', neither above passable. Real profit this stanza lies in 'Seven Sinners' at Keith's and 'Angels Over Broadway', being pushed by the critics at Met. Surprise still is way 'Great Dictator', now in its fourth week on the main stem, is holding up at \$1.10 top.

Estimates for This Week
Capitol (Loew) (4,334; 28-39-44-66)—'Rangers of Fortune' (Par) and vaude. Some help via pit maestro Sam Jack Kaufman and organist Art Brown feeding in stage show. Leading the way, 'Lady With Red Hair', \$14,500. Last week, 'Bitter Sweet' (M-G), strong \$21,500.

Columbia (Loew) (1,234; 75-11.10)—'Dictator' (UA) (2d run) (2d wk.). Fourth week downtown holding for above-average \$6,000. Last week, same pic took big \$5,500.

Earle (WB) (2,216; 28-39-44-66)—'Red Hair' (WB) and vaude. Good word of mouth on stage bill, head by Davidson and Forgie's badminton playing. Even so, won't better fair \$12,500. Last week, 'Letter' (WB) big \$20,000.

Keith's (RKO) (1,830; 39-55)—'Seven Sinners' (U). Dietrich getting 'em for okay \$8,500. Last week, 'You'll Find Out' (RKO), adequate \$7,500.

Met (WB) (1,600; 28-44)—'Angels Broadway' (Col). Can thank critics for showing this one to good \$6,000. Last week, 'Tugboat Annie' (WB), average \$5,000.

Palace (Loew) (2,242; 39-55)—'Escape' (M-G) (2d wk.). Holding for good \$10,000. Last week, nice \$17,000.

Bette Sweet \$3,700

'Arise' 3½G, Lincoln

Lincoln, Neb., Dec. 3. Combo of the early Xmas pinch and light pix is keeping most of the local houses from startling anybody, but grosses are basically healthy and better than usual for this season.

It's the 'Letter' which is rattling the change most merrily, while 'Arise My Love' is doing all right. 'Seven Sinners' is on the weak side. Sure the week was yanked right on the heels of big ads announcing the h.o., and no explanation given.

Estimates for This Week
Colonial (Monroe-Noble-Federer) (750; 15-30)—'Man From Emeba' (RKO) and 'Texas Sings' (Rep) split with 'Dark Command' (Rep) and 'Pinto Basin' (U). Fair \$700. Last week, 'Ride, Tenderfoot' (Rep) and 'Career' (RKO) split with 'Beauty Asks' (RKO) and 'West Abilene' (Col), light last half, but first pair carried to good \$900.

Lincoln (J. H. Cooper-Paramount) (1,503; 15-30)—'Arise Love' (Par). All right \$3,500. Last week, 'Nellie Kelly' (M-G), only so-so, \$3,200.

Nebraska (J. H. Cooper-Paramount) (1,238; 10-20-25)—'Round Mountain' (Par) and 'Charter Pilot' (20th). Not doing bad, maybe \$2,000. Last week, 'Cherokee' (Par), \$1,700, not so bad for five days.

Stuart (J. H. Cooper-Paramount) (1,884; 10-20-25-40-50)—'Seven Sinners' (U). Very light \$3,000. Home returned to regular 40c top for this one after jump in prices last nine days. Last week, 'Northwest Mounted' (Par), nine days, swept \$9,000, best money hereabouts in years.

Variety (Noble-Federer) (1,100; 10-20-30)—'Dreams' (Loew) (RKO) and 'Splitfire' (RKO). Average \$1,400. Last week, 'Gang of Mine' (Mono) and 'Tugboat Annie' (WB), okay \$1,900.

Variety (Noble-Federer) (1,100; 10-20-40)—'Letter' (WB). It's a money humdinger thus far, and appears to have the stuff to stay high all week. About \$3,700 likely. Last week, 'You'll Find Out' (RKO), good \$3,500.

'ALLEY' CINCYS

SOLE DRAW, 13G

Cincinnati, Dec. 3. Natives are giving major pic parlor the go-by this week and exhibs are blaming so-so product and early Uly shopping for the b.o. letdown.

Of the four fresh releases currently, 'Tin Pan Alley' is the only winner. It is stirring up merry cage music for the Albee, Palace has a sad disappointment in 'Arise Love'. Same is true of the Grand for 'Lady With Red Hair'. Lyric has a miss-out in 'Kit Carson'.

Estimates for This Week
Albee (RKO) (3,300; 33-40-50)—'Tin Pan Alley' (20th). Excellent \$13,000. Last week, 'Letter' (WB), swell \$12,000. Last week, 'Dr. I. Q.' Monday night quiz series on NBC originated a five-week run here Nov. 25.

Capitol (RKO) (2,000; 42-60)—'Northwest Mounted' (Par) (3d wk.). Very good \$5,500 after last week's (2d) big \$8,500. Pic pulled a wham \$14,500 on first round.

Family (RKO) (1,000; 15-28)—'Slightly Tempted' (U) and 'Laddie' (RKO), split with 'Trail Lonesome' (Par) and 'Murder Night' (Ind.). Average \$2,000. Same last week on 'Phantom Chinatown' (Mono) and 'Ride Tenderfoot' (Rep), divided with 'Girl Havana' (Rep) and 'Round Mountain' (Par).

Grand (RKO) (1,430; 35-40-50)—'Red Hair' (WB). Poor \$2,500 for six days. Last week, 'Night Tropics' (U), fair \$6,000.

Keith's (Libson) (1,500; 33-40-50)—'Letter' (WB). Moveover from Albee for second round. Fair \$4,500. Ditto last week for 'Escape' (M-G) (2d run).

Kit Carson (U-A). No dice at \$3,000. Same last week on 'Dreaming Loud' (RKO).

Palace (RKO) (2,600; 33-40-50)—'Seven Sinners' (U). Awful \$5,000. Last week, 'You'll Find Out' (RKO), dandy \$12,000.

Shubert (RKO) (2,150; 33-40-50)—'You'll Find Out' (RKO). Transferred from Palace for second week. Fair \$3,000. Last week, 'Bitter Sweet' (M-G) (2d run), fairly good \$3,500.

'VOYAGE' 20G, B'KLYN

'Mounties' H.O. Swell \$19,000—'Girls' and 'Annie' Each 16G

Brooklyn, Dec. 3. Loew's Metropolitan with 'Long Voyage Home' and 'Wyoming', and Fabian Paramount with 'North West Mounted Police' and 'Father Is a Prince' are major money makers.

RKO Albee displaying 'Too Many Girls' and 'Give Us Wings' and Fabian Fox's 'Tugboat Annie' and 'Cherokee Strip' doing neck-and-neck biz.

Estimates for This Week
Albee (RKO) (3,274; 25-35-50)—'Too Many Girls' (RKO) and 'Give Us Wings' (U). Bright \$16,000. Last week, 'You'll Find Out' (RKO) and 'Laddie' (RKO), so-so \$15,000.

Fox (Fabian) (4,089; 25-35-50)—'Tugboat Annie' (WB) and 'Cherokee' (Par). Nice \$16,000. Last week, 'Christmas Judy' (Par) and 'Girls 21' (Col), good \$16,000.

Met (Loew's) (3,618; 25-35-50)—'Voyage Home' (UA) and 'Wyoming' (M-G). First rate \$20,000. Last week, 'Westerner' (UA) and 'Golden Fleeing' (MG), swell \$19,000.

Paramount (Fabian) (4,126; 25-35-50)—'North West Mounted' (Par) and 'Father Prince' (WB) (2d week). Healthy \$22,000. Last week, magnificent \$32,000.

Strand (WB) (2,870; 25-35-40)—'Nobody's Sweetheart' (U) and 'Street Memories' (20th). Quiet \$4,000. Last week, 'Queen Yukon' (Mono) and 'Won't Talk' (Col), passable \$4,500.

Frisco Hobbling with Five H.O.s;

'Red Hair' \$10,000, 'Tropics' 8½G

Tin Pan Alley' Tuneful

\$5,800 As Port. Leader

Portland, Ore., Dec. 3. 'Tin Pan Alley' at the Orpheum after extensive pre-bally, looks like a winner.

Two good h.o.s are 'Bitter Sweet', in second stanza at the UA, and 'No Time for Comedy', holding up well at the Broadway for a few extra days.

Estimates for This Week
Broadway (Parker) (2,000; 35-40-50)—'No Time Comedy' (WB) and 'Flowing Gold' (WB). Holding ten days to good \$7,800 total. First week hit high \$4,400.

Mayfair (Parker-Evergreen) (1,500; 35-40-50)—'You'll Find Out' (RKO). Fair \$2,400. Last week, third of 'Escape' (M-G) and 'Slightly Tempted' (U), average \$2,800.

Orpheum (Hamrick-Evergreen) (1,800; 35-40-50)—'Tin Pan Alley' (20th) and 'Married Adventure' (Col). Answering to extensive bally and looks like great \$5,800. Last week, 'Arise Love' (Par), and 'Mexican Spitfire' (RKO), closed a second week for nice \$3,800.

Paramount (Hamrick-Evergreen) (3,000; 35-40-50)—'South Suez' (WB) and 'Christmas Judy' (Par). Good \$5,200. Last week, 'You'll Find Out' (RKO) and 'Lady in Question' (Col), disappointing \$4,000.

United Artists (Parker) (1,000; 35-40-50)—'Bitter Sweet' (M-G) (2d wk.). Satisfactory \$4,300. First week, strong \$6,000.

'Arise' OK \$8,000,

'Escape' Ditto 7G,

Pre-Xmas L'ville

Louisville, Dec. 3.

Biz in downtown houses is just beginning to feel the inroads of the Christmas shopping season, and while streets are awarming with women and children, it's pretty evident that they are more interested in the department stores than they are in the cinema shops. Most of the heavy turnout of shoppers is confined to week-ends, Saturday being particularly busy on the main stem. Still, downtown film houses are making no complaints, as biz is showing no more slump than is normal for this time of year.

Leaders on current week are Loew's with 'Escape' on a dual, and Rialto with 'Arise My Love', coupled with 'Night on the Great Wall'. Both are pacing for about average returns, with the Rialto having a slight edge. Otherwise, biz is on the average order in the other houses.

Met is pretty busy this week, with the Lunts in 'There Shall Be No Night' Tuesday (3); Ballet Russe Wednesday (4).

Estimates for This Week

Brown (Loew's-Fourth Avenue)—(1,400; 15-28-35-44-55-66)—'Escape to Glory' (Col) plus vaude. Not faring so well with rather mild \$10,500 possible. Last week, 'You'll Find Out' (RKO) and vaude, held nicely at \$12,800.

Keith's (Schanberger) (2,406; 15-28-39-44)—'Flowing Gold' (WB). Opens tomorrow (Wed.) after one week of 'Rangers of Fortune' (Par) at mild \$5,500.

New (Mechanic) (1,581; 15-28-35-44)—'Tin Pan Alley' (20th) (2d wk.). Maintaining very healthy pace to possible \$6,000, after extra good \$3,900 on opening round.

Stanley (WB) (3,280; 15-28-39-44-55)—'Letter' (WB) (2d wk.). Swell \$8,500, after banging out a very big \$16,300 in initial sesh.

LaCrosse Resumes Jan. 6

Madison, Wis., Dec. 3. With the oft delayed LaCrosse Theatre Co. anti-trust suit against Paramount Distributing Corp. and various co-defendants for \$1,476,800 damages expected to occupy Judge Patrick T. Stone and a mixed jury of six weeks, counsel for both sides conference with the court agreed, in order to avoid another probable interruption by the Yuletide holidays, that the present recess would continue until Jan. 6.

When trial is resumed on that date it is expected it will be carried right through to its conclusion.

San Francisco, Dec. 3.

With five holdovers on Market street this week, things are quiet. Only new pictures are 'Lady with Red Hair' and 'East of the River' at the Warfield, and 'Night in Tropics' plus 'Lone Wolf Keeps a Date' at the Orpheum, with Abbott & Costello fans the major asset.

'Great Dictator' stays on at the United Artists and will remain fourth week, but it's beginning to look slightly like a forced run, although house has done a nifty selling job all around.

Estimates for This Week
Fox (F-WC) (5,000; 35-40-50)—'Tin Pan Alley' (20th) and 'Haunted Honeymoon' (M-G) (2d wk.). Tune-storing great guns for \$12,000 on holdover. First week, fine \$20,000.

Golden Gate (RKO) (2,850; 39-44-55)—'You'll Find Out' (RKO) and vaude (2d wk.). Only fair \$9,200. First week, very good \$16,000.

Orpheum (F&M) (2,440; 35-40-50)—'Night Tropics' (U) and 'Lone Wolf and Kate' (Col). Heavy selling of Abbott & Costello moving this along to \$5,500. Last week, 'Bit of Heaven' (U) and 'Angels Broadway' (Col), \$7,800.

Paramount (F-WC) (2,740; 35-40-50)—'Bitter Sweet' (M-G) and 'Charter Pilot' (20th) (2d wk.). Will get \$8,000 on second frame, after collecting \$14,000 first week.

St. Francis (F-WC) (1,475; 35-40-50)—'Letter' (WB) and 'Hit Parade' (Rep) (3d wk.). Second move-over week looks like nice \$5,500 after healthy \$6,800 last week.

United Artists (Cohen) (1,200; 75-110-135)—'Dictator' (UA) (3d wk.). Looks like \$12,000. Will stay fourth week. Last (2d) week, \$15,000.

Warfield (F-WC) (2,680; 35-40-50)—'Red Hair' (WB) and 'East River' (WB). Will do well to pile up average \$10,000. Last (2d) week, \$15,000.

'Northwest Mounted' (Par) and 'Eyes Navy' (M-G), did almost as well at \$9,000.

'ESCAPE' ROSY \$15,000,

BALTO PRETTY GOOD

Baltimore, Dec. 3.

It's all 'Escape', here this week with Loew's Century, mopping up from the tee-off. Strongly sold via newspaper ads and radio spots, Shearer-Taylor opus is cashing in on rave reviews and laudatory word of mouth.

Rest of town just fair with h.o.s of 'The Letter', at the Stanley, and 'Tin Pan Alley', at the New, both holding for continued good response.

Estimates for This Week

Century (Loew's-UA) (3,000; 15-28-44)—'Escape' (M-G). Leading town in socko style with extra rosy \$15,000. Last week, 'Bitter Sweet' (M-G), quite steady at \$11,800.

Hippodrome (Rappaport) (2,205; 15-28-39-44-55-66)—'Escape to Glory' (Col) plus vaude. Not faring so well with rather mild \$10,500 possible. Last week, 'You'll Find Out' (RKO) and vaude, held nicely at \$12,800.

Keith's (Schanberger) (2,406; 15-28-39-44)—'Flowing Gold' (WB). Opens tomorrow (Wed.) after one week of 'Rangers of Fortune' (Par) at mild \$5,500.

New (Mechanic) (1,581; 15-28-35-44)—'Tin Pan Alley' (20th) (2d wk.). Maintaining very healthy pace to possible \$6,000, after extra good \$3,900 on opening round.

Stanley (WB) (3,280; 15-28-39-44-55)—'Letter' (WB) (2d wk.). Swell \$8,500, after banging out a very big \$16,300 in initial sesh.

Mpls. Has Relapse; 'Arise' \$6,500, Kyser \$4,500, 'Profile' Fair \$1,900

Minneapolis, Dec. 3. Usual pre-Christmas boxoffice damper, coming earlier than usual, is casting its shadow over the local loop which would be plenty gloomy even without this adverse factor. Abnormally bad weather and generally unsatisfactory business conditions are the big flies in the ointment, and a brief upward surge, in evidence the past fortnight, has been quickly arrested. Twenty below zero cold yesterday (Monday) and today is certainly no b.o. stimulant.

Current lineup of attractions won't stem the downward flow.

After two tremendous weeks at the State at advanced prices, 'Northwest Mounted Police' has moved over to the Century for an extension of its loop first-run. It continues to click.

Estimates for This Week

Aster (Par-Singer) (900; 15-28)—'Wildcat' (U) and 'World in Flames' (Par), first-runs. Looks like satisfactory \$1,600 for five days. 'Pastor Hall' (UA) and 'Sandy Gets Man' (U), also dual first-runs, come Wednesday (11). Last week, 'Devil's Pipe Line' (U) and 'Spitfire' (RKO), first-runs, split with Fargo Kid (RKO) and 'Still Alive' (RKO), also first-runs, first combo in for six days and latter for four, okay \$2,100.

Century (Par-Singer) (1,600; 35-44)—'Northwest Mounted Police' (2d wk). Following two big weeks at the State, this one now is quartered here and should cop eminently satisfactory \$4,000, plus at least one more week. Last week, 'Seven Sinners' (U), \$4,200, good.

Esquire (Gillman) (280; 28)—'Angels Wings' (Col) (re-issue). Hitting pretty fair \$800. Last week, 'Queen Yukon' (Mono), four days, night \$300.

Gopher (Par-Singer) (998; 28)—'Christmas July' (Par). Best bet this house has had in many a week. Headed for fair \$2,500. Last week, 'Too Many Girls' (RKO), \$2,200, fair.

Orpheum (Par-Singer) (2,800; 28-39-44)—'You'll Find Out' (RKO). Only light \$4,500 for Kay Kyser pic. Last week, 'Bit of Heaven' (U) and stage show, including Gloria Jean, 'Tik Tots' and Harry James' orchestra, tra. big \$16,000.

State (Par-Singer) (2,300; 28-39-44)—'Arise Love' (Par). Weather crimping this to fairly \$6,500. Last week, 'Northwest Mounted' (Par) (2d wk), \$9,200, very big after gigantic \$15,500 first week.

Uptown (Par) (1,200; 28-39)—'Knute Rockne' (WB) split with 'Argentine Way' (20th). First neighborhood showings fair \$2,300, indicated. Last week, 'Howards' (Col), first nabe showing, fair \$2,200.

World (Par-Singer-Steiffes) (350; 28-39-44-55)—'Great Profile' (20th). Not getting better than \$1,900, fair. Last week, 'Spring Parade' (U) (2d wk), okay \$2,000 after pretty good \$6,500 first week at Orpheum.

'ALLEY' COPS DENVER HONORS WITH \$12,500

Denver, Dec. 3.

'Tin Pan Alley,' coupled with 'Charter Pilot,' at the Denver are easy winners in this week's b.o. race.

Estimates for This Week

Aladdin (Fox) (1,400; 25-40)—'Zorro' (20th), after a week at the Denver. Nice \$4,000. Last week 'City Conquest' (WB), also \$4,500 after a week at the Denver.

Broadway (Fox) (1,040; 25-35-40)—'You'll Find Out' (RKO) and 'Remedy Riches' (RKO), after a week at the Orpheum. Poor \$2,000. Last week, 'Bitter Sweet' (M-G), after a week at the Orpheum, strong \$4,000.

Denham (Cocktail) (1,750; 25-35-40)—'Arise Love' (Par) (2d wk). Fine \$5,000 on the h.o. Last week, fine at \$8,000.

Denver (Fox) (5,525; 25-35-40)—'Tin Pan Alley' (20th) and 'Charter Pilot' (20th). Strong \$12,500. Last week, 'Zorro' (20th) and 'Sandy Man' (U), \$14,000.

Orpheum (RKO) (2,600; 25-35-40)—'Nellie Kelly' (M-G) and 'Sky Murder' (M-G). Good \$8,000. Last week, 'You'll Find Out' (RKO) and 'Remedy Riches' (RKO), nice \$11,000.

Paramount (Fox) (2,200; 25-40)—'Suez' (WB) and 'Youth Served' (20th). Okay \$5,000. Last week, 'Tugboat Annie' (WB) and 'Melody Moonlight' (Rep.), very nice \$5,500.

Rialto (WB) (878; 25-40)—'City Conquest' (WB), after a week at each the Denver and 'Arise Love' and 'Nobody's Children' (Col). At around \$2,300, fine. Last week, 'Spring Parade' (U), after a week at each the Denver and Aladdin, and 'Fugitive Prison Camp' (Col), nice \$2,300.

Key City Grosses

Estimated Total Gross
This Week.....\$1,580,800
(Based on 26 cities, 170 theatres, chiefly first-runs, including N. Y.)
Total Gross Same Week
Last Year.....\$1,376,200
(Based on 26 cities, 167 theatres)

'MOUNTIES' 27C SIGHTING PITT. RECORD

Pittsburgh, Dec. 3.

'Northwest Mounted Police' at Penn. making it pretty tough for everything else in town this week. DeMille opus is chalking up a sensational gross, and may even top \$27,000, best showing is 'Tin Pan Alley' at Senator, where musical got away fast and is maintaining excellent pace for highly profitable season. Gets a second week and management is looking for a third.

'Lady with Red Hair' and Louella Parsons troupe only faring so bad at Stanley, while 'Seven Sinners' isn't getting much attention at Fulton.

For 'Tin Pan Alley,' Senator tied in with radio on amateur songwriting contests, had a travelling truck made up to look like interior of old-fashioned song shop, with a guy singing and playing, and herded to gether flock of veteran song-pluggers for reactions and subsequent enthusiasms.

Estimates for This Week

Fulton (Shea) (1,700; 25-40)—'Seven Sinners' (U). Finding the going pretty tough. Notices were mixed and film will be lucky to get \$4,700, pretty bad considering fact it had a legal holiday and a couple of the school variety. Sucks two extra days with talking off with 'Hit Parade' (Rep) on Friday (6). Last week, 'Zorro' (20th), wound up strong, doing around \$2,000 four days over a week.

Northwest Mounted (Par) (3,300; 30-40-60)—'Northwest Mounted' (Par). House getting advanced prices and film is blazing along for what may mount to a fancy \$27,000 or over. Six day second week, and then probably move to Warner for fortnight more. Last week, 'Bitter Sweet' (M-G), pretty ordinary \$14,000.

Ritz (WB) (800; 25-35-50)—'Bitter Sweet' (M-G). Moved here to cash in, on post-holiday influx and doing enough to get into the black. Around \$2,800. Last week, 'World in Flames' (Par) and 'Always Bride' (WB), in the dog-house at \$1,700.

Senator (Harris) (1,750; 25-35-50)—'Tin Pan Alley' (20th). Musical well-liked and kicking a merry tune at the box. Looks like \$10,000 at least, which is a new record for this product. Senator now getting all product, previously being up for Alvin.

Stanley (WB) (3,600; 25-40-60)—'Red Hair' (WB) and Louella Parsons' unit. Picture well-received and columnist's unit has a lot of marquee pull, but combo doesn't seem to be clicking. For one thing, competition is awfully tough. Doesn't look like more than \$15,500, which is the color of crimson here. Last week, 'Letter' (WB), \$17,000, under expectations but excellent.

Warner (WB) (2,500; 25-35-50)—'Letter' (WB). Moved here to continue downtown first-run and doing very well. Should better \$6,000, which is good, if it keeps up. Last week, 'Dancing Dime' (Par) and 'Tugboat Annie' (WB), depressing \$3,500.

World (Par) (3,600; 25-40-60)—'Tin Pan Alley' (20th). Musical well-liked and kicking a merry tune at the box. Looks like \$10,000 at least, which is a new record for this product. Senator now getting all product, previously being up for Alvin.

Uptown (Par) (1,200; 28-39)—'Knute Rockne' (WB) split with 'Argentine Way' (20th). First neighborhood showings fair \$2,300, indicated. Last week, 'Howards' (Col), first nabe showing, fair \$2,200.

World (Par-Singer-Steiffes) (350; 28-39-44-55)—'Great Profile' (20th). Not getting better than \$1,900, fair. Last week, 'Spring Parade' (U) (2d wk), okay \$2,000 after pretty good \$6,500 first week at Orpheum.

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which started with a bang up Thanksgiving and Saturday-Sunday trade. Other managers claimed same trouble, couple attributing it to early shopping cut-in and others to cold and wet weather. Although likewise expecting the drop-off, 'Tin Pan Alley' made the grade as a holdover in the Fox-Midwest houses, Esquire and Uptown.

Estimates for This Week
'Escape' (M-G) and 'Wont Talk' (Col). Fine \$10,800. Last week, 'Arizona' (Col) and 'Nobody's Children' (Col), at raised prices, had a good start, but slacked up after Sunday and Monday, good, but not what was expected.

Newman (Paramount) (1,900; 10-28-44)—'Arise Love' (Par). Getting a better than average play to \$6,800. Last week, 'City Conquest' (WB), \$6,400, satisfactory.

Orpheum (RKO) (1,500; 10-28-44)—'Voyage Home' (UA) and 'Always Bride' (WB). Average \$5,800. Last week, 'You'll Find Out' (RKO) and 'Still Alive' (RKO), \$8,800, very good, but not expectations.

Tower (Joffe) (2,110; 10-30)—'Challenger' (20th), with Will Rocco's Thurston mag. show on stage. Second appearance of mystic here in year, but drawing power seems unimpaired. Getting nice \$7,200. Last week, 'You'll Find Out' (RKO) and 'Lum and Abner' heading stage bill, brought them in for one of better weeks of season, \$7,800.

Uptown (Par-Singer) (1,200; 28-39)—'Knute Rockne' (WB) split with 'Argentine Way' (20th). First neighborhood showings fair \$2,300, indicated. Last week, 'Howards' (Col), first nabe showing, fair \$2,200.

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Pre-Holiday Gloom Settles Over L.A., Nellie Kelly' N.G. 15G, 'Angels' 12G; 'Escape' \$6,000; 'Dictator' Tapers Off

Broadway Grosses

Estimated Total Gross
This Week.....\$311,700
(Based on 13 theatres)
Total Gross Same Week
Last Year.....\$298,000
(Based on 12 theatres)

'GIRLS'-HERMAN \$20,000, DET. SNAPPY

Detroit, Dec. 3.

Although December has come in and Detroit is on one of the biggest shopping sprees in its history, there is no evidence here yet of the seasonal falling off in biz. Last week the Michigan cracked all its records for a double feature bill with 'Northwest Mounted' and 'A Night at Earl Carroll's' and for the first time in nearly two years held over a show.

Price had been upped to a holiday schedule for the run. House isn't looking for anything like its terrific first week since two weeks usually is too much, but the gross still will be up to what some of the weak combinations have pulled.

Fox, with a stage show headed by Woody Herman's orchestra, and 'Too Many Girls' is moving along briskly and looks to head the town.

That set-up meant a windfall to two of the houses which usually continue the runs of major pictures downtown. In the case of the Adams the Fox booking in of a band, gave them a whack at last week's Fox picture, 'Tin Pan Alley' while it was still going strong. In the case of the Palms State, while it didn't get the usual picture from the Michigan, the bookings landed it 'City for Conquest' and 'Haunted Honeymoon,' which are pushing it to five figures.

United Artists, while not exciting, will do all right with 'Nellie Kelly' and 'Gallant Sons' which gives the downtown belt its customary three houses with new bills.

Estimates for This Week
Adams (Balaban) (1,700; 30-40-55)—'Tin Pan Alley' (20th) and 'Plan Robbery' (Col). Moving over the former pic from the Fox, where it was going big, will help this one to a swell \$8,500. Last week, 'Zorro' (20th) and 'Young People' (20th), with 'Zorro' in its second week after starting at the Fox, okay \$6,000.

Fox (Fox-Michigan) (5,000; 30-40-55)—'Too Many Girls' (RKO) and 'Woody Herman band on stage. Looks for a choice \$20,000. Last week, 'Tin Pan Alley' (20th) and 'Blondie Cupid' (Col), showed plenty of strength and finished with a big \$19,000.

Michigan (United Detroit) (4,000; 40-50-55)—'Northwest Mounted' (Par) and 'Night Earl Carroll's' (Par) (2d wk). Looks like \$15,000 after last week's walloping \$27,000.

Palms State (United Detroit) (3,000; 30-40-55)—'City Conquest' (WB) and 'Haunted Honeymoon' (M-G). Nice \$11,000. Last week, 'Arise Love' (Par) and 'Flowing Gold' (WB), on move-over from Michigan, good \$8,000.

United Artists (United Detroit) (2,000; 30-40-55)—'Nellie Kelly' (M-G) and 'Gallant Sons' (M-G). Just fair \$9,000. Last week, 'Bitter Sweet' (M-G) and 'Sky Murder' (WB) (2d wk), came out with o.k. \$9,000 after \$12,000.

'Angels Broadway' (Col) and 'Nobody's Children' (Col). Should be around \$3,500, n.g.s. Last week, 'Tampara' (M-G), fair \$3,500.

Orpheum (Ind) (1,100; 25-40-50)—'Bit of Heaven' (U) and 'Love, Honor' (U). Not above \$3,500, good enough. Last week, 'You'll Find Out' (RKO) (U), faded to \$5,000.

Cinema de Paris (France-Film) (600; 25-50)—'Cavalcade d'Amour'. Good \$2,000 in sight. Last week, 'Battlement de la Cœur' (5th wk), good enough \$1,000.

St. Denis (France-Film) (2,300; 25-34)—'Paradis Perdu' and 'La Maniere de...'. Pointing to good \$5,000. Last week, 'Pieges' and 'Coup de Bourse', good \$5,200.

Los Angeles, Dec. 3. Although week-end biz perked up somewhat for regular change houses, holiday blues have descended on bulk of first run in town. Biggest disappointment is failure of 'Nellie Kelly' to click, and week at the State and Chinese is hitting a very low level. Several holdovers are doing as well as could be expected, although takes have fallen off materially over last week.

'Great Dictator' winds up its grind run at the United Artists (7) after three weeks and three days, but continues to indicate a big take on basis at the Carthy Circle. Only other new shows are 'Angels Over Broadway' and 'Night in Tropics' at the Pantages and RKO and 'Wildcat' Bus and 'Drums Over Desert' at the Orpheum.

Estimates for This Week
Carthy Circle (F-WC) (1,516; 83-110-165)—'Dictator' (UA) (3d wk). Fell short of anticipations on second stanza, and will likely get a very weak \$7,500 this time. Last week, so-so \$11,500.

Chinese (Grauman-F-WC) (2,034; 30-44-55-75)—'Nellie Kelly' (M-G) and 'Hullabaloo' (M-G). Just a tiny interest in this pair and house will be lucky if it garners \$6,000. Last week 'Tin Pan Alley' (20th) and 'Caballero' (20th), big \$12,500.

Downtown (WB) (1,800; 30-44-55)—'Letter' (WB) (2d wk). After big first week Bette Davis opus is garnering good \$6,700. First week brought excellent \$11,900.

Four Star (F-WC) (900; 44-55)—'Escape' (M-G). Started fairly good, and looks like \$6,000 on the week. Last week, (3d-final) 'Voyage Home' (UA), good \$5,000.

Hawaii (G&S) (1,100; 30-44-55-75)—'Spring Parade' (U) (second week on continued first run). Should add \$4,000 on holdover after first week, following 16 days at the Pantages and RKO, which brought in just under \$7,000. Remains a third week.

Hollywood (WB) (2,756; 30-44-55)—'Letter' (WB) (2d wk). Good \$6,300 in first week. Last week, \$6,000.

Orpheum (B'way) (2,200; 30-44-55)—'Wildcat' Bus (RKO) and 'Drums Over Desert

FIGHT ANTIPRODUCT TEUP

Argentine-Spanish Film Firms in Pact To Extend Latin-American Distribution

Buenos Aires, Dec. 3. First tieup in many years between Argentine and Spanish film combines was disclosed here this week, arousing interest of industry observers who believe such deals may enlarge field for productions of both countries. Deal involves General Cine, a Madrid-producing and distributing outfit, and S.I.D.E., a Buenos Aires organization. Latter, while small, expects to expand with coin provided by General Cine under arrangement whereby General may contribute up to 50% of production costs.

General, it's understood, wants to extend showing of its pix to a good share of the 5,400 film houses in Latin America currently getting very little Madrid product. Immediate plans call for S.I.D.E. to do as many as eight features which would be slanted to attract both the South American and Spanish markets.

Joint organization will also try to pick up U. S. indies, French, British and Italian features. Latter, action operates with which it hopes to be able to present a full schedule to sell exhibits in the interior both here and in Chile, Colombia, Peru, Venezuela, Bolivia and Uruguay.

Dr. Alfredo P. Murua will continue as director of S.I.D.E. and represent it in the new setup. D. Alberto Borea, Luis A. Bloch and D. Ubaldo Marinellana are handling General Cine here. Joint offices will be located in B. A.

Lack of really strong tieup between Spanish-speaking South America and the old country has always kept Madrid films from getting much play here. In the first seven months of 1940 only one was displayed in Argentina, compared to 204 U. S., 22 French, four Mexican and two Italian. In same period of '39 there were five from Spain and in '38, six.

British Exhibs Fight 'Erroneous' Reports On Theatre Bombing

London, Nov. 19. Exhibs continue their blast at harmful, frequently erroneous reports of cinema bombings. Cinematograph Exhibitors Assn. has been petitioned by many local branches to wage instant war on false headlining, backed by legal affidavits from managers of houses allegedly victims of catastrophes.

Getting real facts into print and over the air means obviating immediate drop in receipts which automatically follows each report on a hit cinema. In one case, where newsflash had it that patrons were caught by the bombing while seeking outside shelter, CEA branch member swears not a patron left any of the cinemas in the area concerned harmed.

British Stage Stars Now Glad to Play Panto Shows

London, Nov. 19. London's blitzkrieg is giving provincial pantomime producers a chance to introduce new faces into this traditional form of entertainment. Stars who under normal conditions would neither be available nor interested to play in these seasonal shows are lending a listening ear to this mode of entertainment.

Harry Foster is busy lining up such a galaxy of stars as have never before played pantomime, including Jack Buchanan, Leslie Henson, Bobby Howes, Fred Emney, Flanagan and Allen, Evelyn Laye and Adele Dixon, with Miss Laye being only one who's played panto, two seasons ago at Birmingham.

Towns fighting for these attractions are Glasgow, Leeds, Birmingham, Manchester, Edinburgh, Sheffield, Blackpool and Newcastle.

Del Rio's Nix Shelves Filming of Noted Novel

Mexico City, Dec. 3. Nixing of the lead by Dolores del Rio, after negotiations that had lasted for several weeks, has shelved indefinitely plans for a revival of 'Santa' ('Saintess'), based upon the novel of the same name that has made three generations of Mexicans weep. 'Santa' was the substance of Mexico's first talkie, produced in 1930 by Antonio Moreno. Chano Urueta, local producer-director, had been trying to get Miss del Rio for this pic. She had the matter under advisement when she returned to Hollywood after a visit here. But when she got there, the actress cabled Urueta that she was so busy that signing with him was out of the question.

Argentine Films Seek to Iron Out 3-Issue Problem

Buenos Aires, Dec. 3. Huddles by reps of U. S. distributors, local exhibitors and producers are seeking a working formula whereby three problems affecting the Argentine film business may be ironed out. Essentially, these issues are:

(1) Some sort of percentage arrangement which would require exhibitors to show a specified number of native-made pictures. Never found to work satisfactorily where tried, it may be scuttled.

(2) Larger exhibitors' demand for protection clauses and change from the current system which allows neighborhood theatre to show four or more features at a small admission price. Understood that big American distributors also oppose this multiple picture booking system.

(3) Standard contract idea. It may be sought by U. S. distributors as a means of overcoming the headache of 'protection' for exhibs. Big exhibs here claim they will sign no more contracts without some form of protection. Standard contract form is being advanced as a means of appeasing these exhibitors without tangling with anti-trust statutes.

Producers here, besides seeking some means of protecting their field activity, also have been asking customs preference, restriction of imported product and an extension of credits.

The old bugaboo of multiple picture bookings by subsequent-run theatres has been considered by several American distributors for a year or more. Every time U. S. distribs have sought to curb the use of so many films on one program, however, the old anti-trust headache has cropped up.

London in Wartime

London, Nov. 19. Harry Foster has taken a cottage at Ascot to get some sleep.

The entire Odson outfit has moved back to Bourne-End.

Anglo-American Films moving its offices to Salisbury, but execs will commute between London and the provincial spot.

Leo Genn, a lieutenant in the Tanks Corps, in motorcycle accident, suffering a smashed cheek bone, while on duty.

Dr. John Pratt, nephew of Boris Karloff, is police surgeon, and having had his home bombed, is compelled to stay at police headquarters.

INDIES WARY OF BOOKING MERGER

Hoyts-Greater Union Setup for Centralized Buying Feared Leading to Possible Monopoly—Exhibitors Watch Closely

FULLER INTO EXHIB

Melbourne, Nov. 14. With the merger of Hoyts and Greater Union Theatres interests into single booking corporation (General Theatres) now timed for final consummation Jan. 1, certain independent interests are setting plans to offset any resulting complete tieup of ace product.

Various independent exhibitors scattered throughout the Anzac territory are watching closely to see that the Hoyts-Greater Union booking arrangement does not result in any product shutout. Metro operates its own small chain of cinemas in key spots and also is hooked up with Paramount in spotting product into Melbourne nabes-houses. It's assumed here that neither Par nor Metro will give General Theatres (the Hoyts-Greater Union booking corporation) much product, preferring to take care of indies after providing pictures to its own operations.

Sir Ben Fuller intends to bring in pictures to His Majesty's, Perth, on a re-takeover of the house from Snider-Dean interests. Fuller is going into the local exhibitor field, also obtaining the Apollo, to be returned to him by Snider-Dean when the lease expires. He originally planned stage attractions but has switched to a film policy for the takeover. Snider-Dean leased former vaudeville theatres from Fuller when first breaking into ace picture spots. S-D interests will be covered in the Hoyts-Greater Union get-together following a threat to get out an injunction against Hoyts.

Fuller states he's returning to film exhibition primarily to fight any 'monopoly.' By that it's assumed, means the Greater Union and Hoyts merger.

The Hoyts-Greater Union combine, with General Theatres set up as the booking and operating corporation, is reported here to be on a 75-25 basis, Hoyts taking the major interest because it throws in neighborhood theatres as well as ace city houses. Munro emphatically denied to VARIETY rumors that he intended buying out of Hoyts when the unit went in with Greater Union by accepting payment of four years' salary. He also denied he had no intention of seeking the co-directorship of General Theatres. It's known here that 20th-Fox interests, which have a heavy stake in National Theatres, which, in turn, holds a large interest in Hoyts, are putting on the pressure to bring about this long-mooted merger.

Par Quits Capitol

Paramount shortly will move out of the Capitol, used as its show-window here for years, with the house taken over by Hoyts. With the Apollo going over to Fuller, Par may put its ace product in this theatre to offset losing the Capitol. Paramount's show-window in Sydney is the Prince Edward, controlled by the Carroll-Musgrave indie interests.

U. S. Navy Booms Honolulu Show Biz

Honolulu, Dec. 3. With the U. S. navy remaining here indefinitely, show business in Honolulu is booming.

Pearl Harbor, naval base, is 12 miles from the city, but with the fleet's arrival about 65,000 men from the battle wagons have been coming to Honolulu to spend their coin.

Jap Gov't Frowns on Yank Pictures, Calling Them Distasteful Foreignisms

Krimsky Would Examine Pascal in 'Pyg' Film Suit

Application was made to N. Y. supreme court Saturday (30) to examine Gabriel Pascal before trial in connection with a suit by Joseph Krimsky, who seeks \$100,000 damages for breach of contract.

Complaint declares that in January, 1933, Krimsky loaned Pascal \$5,000, and in return the producer promised to give plaintiff a 50% interest in any film he produced in the future, including exclusive distribution rights in the U. S., Canada, Mexico and Cuba. Breach occurred when 'Pygmalion' was not turned over to Krimsky.

Pascal denies all charges, and claims that in May, 1933, the deal was called off by mutual consent.

N. Z. Conscripts Revenue of U.S. Film Companies

Wellington, N. Z., Nov. 14. New Zealand government, under new wartime ruling, is now enabled to utilize two-thirds of any income derived by traders operating throughout the Dominion without payment of interest for three years. It's presumed that major exhib units, as well as distribs, will come under the new monetary ruling, quite apart, of course, from the regular tax slugs presently in force. There are strong indications that the amusement biz in general will be called upon to make still heavier contributions, in common with commercial interests, to the war effort. American film distribs are naturally inclined to a great extent in the conscription ruling because of their big biz here.

While pic biz is maintaining pretty good level, brought about through upbeat in wartime industries and drop in unemployment, stage shows have dropped away to almost nothing, with the concert field in a similar position. New Zealand does not buy its talent from abroad, relying upon Australia to send vaude-revue and legit shows across from time to time. Some time ago, however, with the introduction of monetary restrictions, Aussie loops steered clear of N. Z. when routing shows; preferring to stick to the home field rather than take a chance with monetary holdups.

It's unknown as yet what move U. S. distribs intend taking regarding any further slugs. A move away from the territory would see local exhibs in a sorry plight covering product, which presently comes from the U. S., although the territory is strongly pro-British and goes for British-made more so than do Australians. Presently, however, it would be quite impossible for British producers to fill the needs of all exhibs in New Zealand.

Aussie's Disney Fete

Sydney, Nov. 14. Greater Union Theatres will spot a 'Walt Disney Festival' this Yuletide at its Lyceum here, showing past Disney cartoons, including 'Snow White.'

Will be spotted later in Adelaide, Brisbane and Hobart, with Melbourne set for the Lenten season.

Mex Profitteering Flayed

Mexico City, Dec. 3. Probes of complaints of profiteering by nabes cinemas here are being conducted by the civic fathers.

Exhibitors are accused by many customers of boosting prices without justification.

Tokyo, Nov. 10. Despite Japan's alliance with Germany and Italy, and America's embargo on all scrap iron and gasoline exports to Japan as well as advice to nationals to evacuate from the Far East, there is no appreciable antagonistic sentiment of the people here to American films. On the contrary, people still go big for the U. S. pix, all of which reflects the popular attitude here for entertainment.

On the other hand, official quarters are frowning on this 'outrageous frivolity' by some of the people (sic), and are striving every way to eliminate all distasteful foreignisms, of which U. S. films are a part. All railways are removing English signs from stations, while smokers will shortly no longer be able to purchase cigarettes of popular British brands. Even radio English lessons have been abandoned temporarily in favor of German and sometimes French. Jazz music is being discouraged, while new patriotic marches are being introduced daily.

After a lapse of six months, new American pics are to be imported. However, big productions such as 'Ninotchka' (M-G), 'Hotel Imperial' (Par), and 'Love Affair' (RKO), voluntarily have been withdrawn by local distribs to meet the new situation, in which strict selection of imported films is to be made to contribute to the 'development of Japanese culture.'

Pictures barred are 'Boom Town' (M-G), 'Mr. Smith Goes to Washington' (Col), 'Destry Rides Again' (U), 'Dawn Patrol' (WB), 'The Real Glory' and 'Rebecca' (UA), 'The Rains Came' (20th).

Meanwhile, Paramount's 'Union Pacific' is proving a smash hit here.

Par Wins 11-Yr.-Old Suit Charging Infringement From Mex Sound Co.

Mexico City, Dec. 3. De Forest Phonofilm of Mexico lost an 11-year legal battle to Paramount of Mexico when the federal supreme court unanimously nixed the sound company's suit for an injunction to restrain the pic enterprise from using sound apparatus other than De Forest. The case was the longest and most involved of its kind to come before Mexican courts.

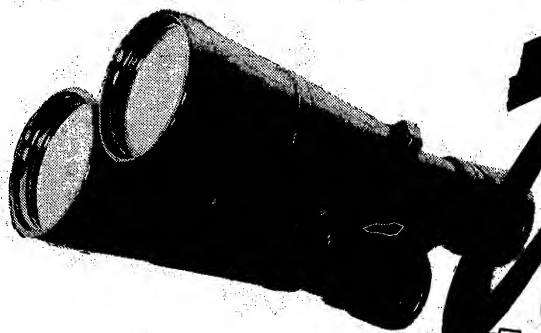
The fight began in 1929 when the Cine Olimpia here, then Par's show window, imported from the U. S. to introduce talkers in Mexico an apparatus which Phonofilm asserted infringed the patent Lee De Forest had obtained in this country Dec. 8, 1926. The Mexican patents department held that Par had acted illegally and that the pic firm's apparatus was so different from De Forest's that there was no infringement.

Contending that its patent gave it exclusive rights in Mexico to pic sound devices, Phonofilm began litigation which was carried to the supreme court.

See Exit of Duals In England as B. O. Aid

London, Nov. 19. Unexpected result of current going-over of b.o. troubles by Cinematograph Exhibitors Assn. is a finding which may prove death-knell of the double bill. Air blitz and curfew impositions restrict attendance, as uncovered by CEA, to a period of five hours in a screen day. To milk this of its ultimate coin worth, program schedules will have to be lightened. Single feature runs would mean doubling that take.

London County Council's licensing chief, Reginald Stamp, aid to cinema trade in present troubles, has also recommended a program slash, rising out of checkup launched by his own department in connection with new opening hours just made available to exhibs in London area.



Watch!

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Original Screen Play by **Robert Buckner** • Music by **Max Sheline**



KEYS' SCREENING PROBLEM

N.Y. Indies Lose Test Case On 10% Increase Granted Local 306

Independent theatres in the Greater New York area, which sought to evade the 10% increase granted Local 306, Moving Picture Machine Operators (N. Y.), last year under a contract with the Independent Theatre Owners Assn., have lost a test case in the courts which was brought by the Taft, Flushing, L. I. Result is that the 306 local will make immediate demands on seven other indie houses that have not met the boost because they gave as the reason that they had withdrawn from the ITOA.

A little over a year ago 306 negotiated a two-year contract with the ITOA, headed by Harry Brandt, under which a 10% increase and two weeks' vacation was granted. At that time eight theatres informed the operators that they would not meet the demands since they were quitting the ITOA.

The group of diehards, on a test case, brought an action in the courts in the name of the Taft, Flushing, operated by the Kissena Amus. Corp. Justice Mario G. DiPietro handed down a ruling Thursday (28) in which he awarded \$729 back pay to operators of that theatre, plus interest, and ruled, "The answer interposed is sham and frivolous." The court at the same time held that the contract with the ITOA was binding, granting a motion for summary judgment.

The decision is important in that the other seven theatres which sought to evade payment of increases in the operation of their booths, now will probably have to do so. Local 306 will immediately demand the back pay, based on the Flushing decision, together with the maintenance of the set scale under the ITOA contract.

Want Booth Scale Cut

Minneapolis, Dec. 3. Northwest Allied is demanding a reduction of 10-15% in booth operators' scale. It's claimed that box-office results for the past two years and prospective theatre conditions do not justify the present rate of pay. Alleging that many booth operators are "earning considerably more than the exhibitors employing them," the organization asserts that unless operating costs are drastically cut, a considerable number of theatres will be forced out of business. The reduced level of theatre patronage "apparently is permanent," it's declared.

AL ALTMAN'S (M-G) EXAMINATION TODAY

Examination before trial of Al Altman, Metro's eastern talent chief, in suit brought in N. Y. city court by Conrad Niles was postponed from Monday until today (Wednesday) at Metro's request.

Niles, legit player, claims Altman optioned him pending results of a screen test, but failed to make the test. Suit is regarded in the industry as laying down a precedent for actions of this kind.

K-A-O \$3.50 Divvy on Pfd.

Keith-Albee-Orpheum dividend of \$3.50 on the preferred, declared by the directors Monday (2), clears up all back dividends excepting \$15.75, which would include the final quarterly dividend. Divvy declared covers the quarters ended June 30 and September 30, 1939, and was paid out of operating surplus.

The distribution will be made Dec. 19 to stockholders on record Dec. 13.

Disney's 37½c Divvy

Hollywood, Dec. 3. Walt Disney Productions, Inc. declared a regular quarterly dividend of 37½c a share on 6% convertible preferred. Payment Jan. 1 to stockholders on record Dec. 16.

Dietrich Loses

Continued from page 3

plaint, on Oct. 15, 1938, Miss Dietrich was engaged to make a picture in French, which also might be re-made in English. She was to approve the story, scenario, director, adapter, dialogist, cameraman, male star to appear opposite her and that her husband, Rudolph Sieber, was to supervise production. Starting date was to be fixed by the actress between May 15 and Sept. 15, 1939. Miss Dietrich was to receive \$82,000 for the film, of which \$13,750 was an advance, the balance coming out, during and after production. The actress also was to get 50% of the receipts after certain deductions.

The \$13,750 was paid, a story and scenario were secured at a cost of 200,000 francs, and after countless rejections of stories, the complaint details, the actress finally accepted a story on May 20, 1939, entitled "Dedee D'Anvers," which cost plaintiff 350,000 francs. An additional \$2,000 was advanced for traveling expenses, and Miss Dietrich arrived in June, 1939. Almost immediately another dispute arose, and it was decided to arbitrate. Pursuant to the arbitration decision, 1,800,000 francs, her prospective total salary, was deposited for her. Miss Dietrich, however, refused to budge and rejected the heretofore accepted story, and suggested another, "Bruges La Morte," which the plaintiff sought for 120,000 francs. Plaintiff then spent thousands of dollars in securing the balance of the cast, which met with the actress' approval, and over 1,000,000 francs in maintaining an organization.

Then—the war broke out. Immediately the director agreed upon was drafted and unavailable, the cameraman placed in a concentration camp, most of the employees of the plaintiff were drafted, the Paramount studio in Paris which was going to be used for the production was requisitioned by the French government. And to cap the climax, Sieber, Miss Dietrich's husband, was warned if he came to France he would be placed in a concentration camp as an alien, being technically German. At this point plaintiff asked for the return of the \$13,750 advanced, but Miss Dietrich refused.

Shoot in Italy?

Plaintiff then decided to shoot in Italy, and made the necessary arrangements after securing the approval of the actress. Again 50,000 francs was expended in making plans, and when all was set, again the defendant balked.

Under the laws of France, plaintiff claims to be entitled to all expenditures, or a total of 3,000,000 francs. This, plus the monies advanced, equals the sued for amount, \$98,450.

An affidavit of Jack Forrester, American partner in F-P Films, and now in New York, repeats much of the complaint, and then charges that in 1938 Miss Dietrich had lost a great deal of her popularity, and had no Hollywood commitments. When she returned to Hollywood she had no intentions of making the French picture if she could secure a Coast engagement, and kept rejecting stories to avoid breach of contract until she reached where she stood in Hollywood. U's "Destry Rides Again" reestablished her in the U. S. market.

Another affidavit of Suzanne Blum, attorney for over a dozen years for some major film companies in France, also accompanies the complaint, and declares that under French law, the actress is guilty of breach of contract and liable for the full amount sued for.

GARY AS 'YORK'

Hollywood, Dec. 3. Under the Warner Bros.-Sam Goldwyn swap deal, Gary Cooper reports to the Burbank studio Jan. 2 for name role in Jesse Lasky's "Sergeant York."

Betty Davis is made available to Goldwyn as lead in "The Little Foxes."

CAN'T SIT OUT 10 HOURS OF PIX

Where to Show 'Em, Under the Decree, Another Headache—Exchanges' Projection Rooms Inadequate Right Now

COMMON THEATRE IDEA

The problem of providing sufficient space for the screening of pictures when they must be shown to buyers before offered for sale and then to be contracted for at no more than five in a block, is creating considerable discussion, together with theories as to how to handle the private showings. It becomes a problem at the first because it is believed every exhibitor and chain buyer will want to see the film, though later on some may get tired of seeing them all.

The average exchange does not have screening rooms large enough to accommodate more than their own people—branch managers, salesmen, bookers, etc. This includes New York where even the larger branches of the major distributors maintain small rooms. The Paramount exchange, which has not been operating a screening room but still has the space one formerly occupied is planning to put it back into operation. Par branch has always seen its pictures at the home office where three screening cubicles are maintained, other home offices also having their own rooms.

Masterminding

Probability advanced in the sales field is that the five distributors who, under the consent decree must screen all their pictures, if desired by the exhibitor before selling them, will all get together and rent a theatre for the purpose. This is contingent, of course, on the availability of a theatre in each of the keys or in those in which such a plan is proposed; the cost of the theatre, etc. One might be obtained in various exchange centers for screenings to be held in the mornings or late at night, though hours available might cause inconvenience.

If the cost is not too great, a theatre possibly would be rented outright to be used for no other purpose than to screen pictures of the five majors (Paramount, Warner Bros., Metro, 20th-Fox and RKO), with the showings arranged so that there would not be any conflict.

Another possibility is the building of large screening quarters for the use of all, either by the distributors themselves or by independent interests who would rent time in the rooms to each distributor at so much per hour or day. Screening rooms owned by outsiders and rented as desired are now maintained in various cities, including New York. They are small, however.

Until getting closer to the selling of pictures in blocks of five, distributors do not know just how the films will be shown; in other words whether a whole group will be screened at one time or each picture singly or perhaps in twos, as they come in from the Coast. Another angle in this connection is the likelihood that pictures will not be sold only in complete blocks of five. Certain films may be sold singly and this may vary according to territories. Also, a group of two or three may be merchandised throughout the country, or in some sections (single-bill and double-feature territories making differences) in that manner, but grouped with two others for a total of five in still other exchange districts.

Buyers are of the opinion that no one can sit through five pictures at a time and judge any of them intelligently. Such a sitting could range anywhere from five to 10 hours, which multiplied by five companies sells up a lot of time to say nothing of energy. The screenings must be held in each of the key centers, numbering 31 under the provisions of the decree, with the pic-

Producers and SAG Meet Next Week to Work Out Reclassified Pay Scales for Day Pix Players

N.Y. Screen Readers Guild Asks NLRB Certification

New York unit of the Screen Readers Guild filed a request last week with the National Labor Relations Board for certification as bargaining unit for both staff and outside story ganderers for major studios. They had previously sent a letter to film companies themselves asking a meeting for recognition and bargaining purposes, but received no reply.

NLRB request was filed by SRG attorneys, Boudin, Cohn & Glickstein, who act in same capacity for newly-organized eastern branch of the Screen Publicists Guild.

FILMS ONLY INDUSTRY IN SLUMP ON COAST

Los Angeles, Dec. 3. Wages in the film industry took a slump in October, according to California labor statistics. Exclusive of talent and executives, the studio payrolls dropped from \$590,571 in September to \$549,321 the following month, a decrease of \$41,250. There were 12,295 workers in October, a drop of 894.

Most of the other industries of the state showed payroll increases, particularly in Los Angeles county.

Fascistic Theatre Mgr. Due for Deportation

Pietro Garofalo, manager of Cine Roma, Italian-language film theatre on Broadway near 51st street, N. Y., is due for deportation on completion of two-month sentence which he is serving on a tax defrauding charge. He pleaded guilty to the charge that he diverted U. S. taxes to his own use and this week was sentenced and fined \$200. Theatre operating company was fined \$500.

Although Garofalo came to U. S. 15 years ago, it is reported that he never took out citizenship papers. He is of Fascistic tendencies.

PAR'S ADDITIONAL 15c DIVIDEND ON COMMON

Paramount board of directors last Friday (29) declared another 15c dividend on the common stock in addition to the regular quarterly payments on the first and second preferred shares. This makes 45c paid or declared so far this year by Par on the common.

All three divvy distributions will be made Dec. 24 next, but it will be to common stockholders on record Dec. 9 and preferred shareholders on record, Dec. 10. The dividend on the first preferred is \$1.50 and on the second 15c.

20th-Fox's Regular Pfd.

Regular \$1.50 dividend rate on the preferred stock was maintained by 20th-Fox last week when directors declared quarterly divvy of 37½c outstanding preferred shares. Covers fourth quarter this year.

Distribution will be made Dec. 27 to stockholders on record Dec. 13.

tures and the dates to be advertised in the film trade.

In addition to the cost of the screening room space and the amount of use which figures, the cost of juice and projectionists also figure. Another item, though comparatively insignificant, is the wear and tear on the film itself.

Hollywood, Dec. 3. Negotiations between Producers and the Screen Actors Guild get under way next week, with the Actors seeking reclassification of extra brackets and adjusted pay scales for free-lance and day players. The actors hope through reclassification to create more \$11 and \$8.25 jobs and fewer \$5.50 calls. The latter would be used only for mob scenes.

The SAG also will urge immediate action on the Producer-Guild Standing Committee report which recommended elimination of extras who worked 10 days or less in 1939. It is estimated this move would result in spreading approximately \$200,000 additional among the remaining regular atmosphere players.

Negotiations will be handled for the actors by Edward Arnold, Kenneth Thomson, Walter Abel, Edward Stanley, John Dales, Jr. and Attorney Laurence W. Benenson. The Producers will be represented by Y. Frank Freeman, E. J. Mannix, Herbert Freston and Mendel B. Silberberg.

Class B members of SAG have voted overwhelmingly to abolish their Council, to approve the Standing Committee report, and to designate the SAG's board of directors to handle all affairs of extras. The vote to abolish the Council was 2,666 to 507. The count to designate the board as official representative of the extras was 1,616 to 1,083, and 2,740 voted to approve the Standing Committee report, with only 434 voting to reject it.

Following tabulation of the votes by a firm of certified public accountants, Kenneth Thomson, SAG executive secretary, notified Council members of the action, stating that all Council committees would be disbanded. Harry May, Council chairman, announced, however, that majority members of the Council would continue to meet unofficially and would keep a close check on Guild activities pertaining to Class B membership.

The Producers have agreed to furnish the Screen Writers' Guild with official lists of all screenwriters currently employed at individual studios, as well as those employed off the lot in writing capacities. SWG demanded lists to determine whether individual studios are employing percentage of Guild members set down in their basic agreement with the major companies.

A close check on the lot percentages will be kept by the SWG as a means of providing employment for members. A preliminary survey last month indicated those percentages would range from 80% at Columbia to 100% at Samuel Goldwyn. The Guilders seek for a straight 80% industry-wide percentage, but the Producers insisted on fixing the percentage according to the number of Guilders employed on the individual lots when the contract became effective Oct. 10. As result the Guild received much higher percentages. Approximate percentages at studios other than Columbia and Goldwyn are Metro, 96%; RKO, 93%; 20th-Fox, 93%; Warners, 86%; Paramount, 85%; Universal, 84%.

Gus Peterson is the new president of International Photographers Local 659 of International Alliance Theatrical Stage Employes. He succeeds Hal Mohr, who declined reelection.

The following cameramen have been elected to the board of directors of Local 659 to represent directors of photography: Jerome Ash, Leon Shamroy, William Skall and Harry Jackson. Second cameramen will be represented by Len Powers, Joseph Biroc, Burnette Guffey, Irving Glassberg, William Crothier.

Board members elected by other classifications in Local 659 are: Still Photographers: Ed Estabrook, Robert Coburn, Ira Hoke, Ernest Bachrach, Roman Freulich; Assistant Cameramen: James King, William Reinhold, Lester Shorr; Freddy Weller, James Higgins; Film Loaders, James Brooks; Newsreel Cameramen, Sam Greenwalt.

United Artists
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Attraction for
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ROMANTIC INTRIGUE

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BREATHLESS ACTION

TORRID LOVE SCENES

Metro's New Central Division Under Ted O'Shea; Decree Did It

Solidifying its distribution strength for closer coverage of the field in line with the new selling conditions that will prevail under the consent decree, Metro has created a new sales division and four additional districts which narrow the control of the territories. At the same time several branch managers and salesmen have been promoted. Changes decided upon at a meeting in Chicago during the past weekend called by William F. Rodgers, become effective Jan. 1.

E. K. (Ted) O'Shea, who has moved up rapidly in the Metro sales organization and is now district manager over a wide area out of New York, takes charge of the newly created central division. He will headquarter at Chicago. The new district managers are John P. Byrne, Rudolph Berger, Burtus Bishop, Jr. and John J. Bowen. Last mentioned, branch manager at New York, takes over the New York-New Jersey district. Byrne, who is branch manager at Boston, acquires a district embracing the Des Moines, Omaha, Denver and Salt Lake City offices.

Berger, Washington branch manager, assumes charge of a district taking in the Washington and Charlotte territories, while Bishop, Pittsburgh exchange manager, will have the Kansas City, Memphis and Oklahoma City branches.

Four Salesmen Upped
Two branch managers are promoted to larger exchanges and four salesmen move up to branch posts. Thomas J. Donaldson, now at New Haven, shifts to the Boston exchange as its head and Ralph Pielow, Albany, comes into New York to head that branch. John S. Allen, former Cincinnati salesman, will head Washington office and Bryn D. Stoner, Cleveland seller, takes charge of Pittsburgh office. Maurice Goldstein, selling out of the Boston office, takes over New Haven branch, while Herman Ripps, salesman in N.Y. exchange, will succeed Pielow as Albany branch manager. Ripps for several years was salesman in the Albany office.

Two weeks ago Warner Bros. created another district, covering the southeast, with the company now having a total of eight as against six only a year ago. Grad Sears, WB distribution head, made it clear at the time that the new district was created in line with the consent decree.

Twentieth-Fox is holding a meeting on the Coast this month to discuss the consent decree and distribution realignment in that company may also result. Twentieth, however, has three division managers now, Bill Susman, William C. Gehring and Bill Kupper.

Technicolor Turns Out Record 1940 Footage

Hollywood, Dec. 3. Biggest business in the history of Technicolor is reported for 1940, with an estimated total of 80,000,000 feet during the 12 months ending Dec. 31, an increase of 10,000,000 feet over 1939. Spurt in the last quarter indicates a still higher record for 1941. Company's British subsidiary continues to do business on a profitable basis in England in spite of bombings. Its plant averages 1,250,000 a month, more than enough to cover expenses. Before the war started, the average was 2,000,000 feet monthly.

Contempt Charges Against Fox-WC Dropped by U. S.

Los Angeles, Dec. 3. Charges of contempt of court, filed against Fox-West Coast Theatres in connection with the Government's consent decree more than a year ago, were dismissed in the U. S. District Court, as result of new decrees suspending the former litigation. Harold Collins, special assistant to the U. S. attorney general and one of the investigators into alleged violations of the 1938 and 1939 decrees, moved to dismiss the contempt charges before Judge Campbell Beaumont. Contempt charges had been filed on Aug. 31, 1939, but action on the case was held off pending a decision in the New York conspiracy cases which parallel the complaint in Los Angeles.

Ralph Kinsler Goes Exhib

Cincinnati, Dec. 3. Ralph Kinsler, WB-FN exchange manager for the past two years, turned exhibit Monday (2), taking over managementship of the Monte Vista and Emery, nabes, in which he bought an interest from the Elmer Shard estate. Bob Dunbar, transferred from Pittsburgh, where he was office manager for WB-FN, replaces Kinsler in that organization.

BANKO BETTER B.O. THAN RKO BANDS

Hope of RKO in eliminating bank night through substitution of stage shows two nights a week, experimented with at the Hamilton and Coliseum, New York, has hit a reef with an official of the company reporting that giveaways have won out.

Plan in trying a vaude bill two nights weekly (Tuesdays-Wednesdays) at the Hamilton and bands at the Coliseum on the same days, was to test the relative boxoffice value, with a view to using a similar policy in other theatres.

Vaude went out of the Hamilton last week and bands drop out of the Coliseum tonight (Wed.) with the amount of business not sufficient, as the exhibitors sought to offset the cost. Unions are said to have been somewhat uncooperative in connection with the in-person entertainment.

Charlie McCarthy A Full-Fledged Producer Of 16 MM. Slotties

Hollywood, Dec. 3. Charlie McCarthy has become a film producer in a small way, as he is not only producing but starring in his own 16mm. slotties, with the advice and counsel of his stooge, Edgar Bergen.

Without any ballyhoo, the pair has completed five coin dramas, with 11 more subjects on the schedule. They were keeping it a secret until they had closed a distribution deal, now on the fire, with Bergen doing the dealing. McCarthy does not like fire.

Deal is said to be with the Roosevelt-Mills Soundies company, but in case it falls through, McCarthy and Bergen will produce for the open market. Filmies are being shot at Scientific studios. Bergen and his partner are the first high-priced actors to go in for slot pictures.

No Free Blurring

New Orleans, Dec. 3. Representatives of Frank Orsatti, Hollywood, here to demonstrate Phonovision jukebox soundies, were plainly burned last week. Boys winned and dined members of local press at preview, expecting them to come across with free blurs. But business managers of all but one of four papers turned thumbs down on free stuff. Only mentioned was brief one in Ken Gorman's column in The Morning Tribune.

Loew's Meeting Dec. 11

Loew's regular monthly meeting of directors, scheduled for today (Wednesday) has been postponed until Dec. 11 because many officers are absent from the city.

Action on the common stock dividend probably will be taken at this coming meeting, with possible extra melon cutting reportedly up for consideration. Loew's already has paid \$1.50 on the common so far this year, besides maintaining the usual \$6.50 divvy on the preferred shares.

Wehrenberg

Continued from page 7

St. Louis Amuse, house was being favored under the 21-day rule.

Until this season the Granada had only a 14-day clearance over indie houses in south St. Louis. The Ritz, also in south St. Louis, one of the Ansell Bros. chain, has a 21-day clearance over all subsequent run houses in the southern part of the city but the Avalon. The indies have never beefed at the Ritz playing Metro, UA and Columbia screen fodder day-and-date with the Nor-side and the Esquire, de luxe nabes owned by the Schubart Investment Co. on the 21-day clearance basis. Wehrenberg, said no yelps against this arrangement had been made because there had never been any discrimination shown in favor of any house.

Wehrenberg declared 'We are opposed to the extension for the Granada this season, but the rule is enforced against us, but not against our competitors in the Amusement Co. It is discrimination not justified and has caused us considerable damage. We believe it is part of a conspiracy to restrain and restrict our business and we do not propose to stand for it. I had signed for Universal Pictures, but cancelled when they refused to enforce the 21-day clearance without discrimination.'

Paramount OK

Paramount is said to be the only major distributor that has refused to raise the Granada's clearance to 21 days this season. The indies are flocking to take Paramount's product because of this stand. Fox execs in New York are alleged to have advised their local office that there must be no further discrimination under the 21-day clearance.

Wehrenberg also pointed out instances where the Gravois, a St. Louis Amus. house, played a screen feature three days at the Granada and the Columbia as early as 10 days. Recently a flock of indies proclaimed they would go on a buying strike against the 1940-41 product if the 21-day clearance was enforced against them and also declared they would slash prices when reissues or old product was shown. Currently eight houses in south St. Louis are carrying out this threat. They have slashed the admiss scale from 28c to 15c on two or three nights. With only Columbia, UA, Paramount and M-G product available on a basis satisfactory to them, the indies haven't enough pictures available to maintain their standards every night in the week.

Wehrenberg admitted he had not carried his beef to the Department of Justice asserting that he is 'a strong organization man' and will use every possible means to obtain relief through the regular trade channels, but if these fail he is going to make someone pay for the losses he is suffering.

Wehrenberg stated that the stand of St. Louis Amus. Co. executives that the discrimination against indies was justified because such conditions have existed for many years did not, in his opinion, constitute a legal defense. 'The fact that a crime has gone on for years doesn't make it less a crime when brought to the attention of the courts,' Wehrenberg declared.

Clarence Kaimann, a north St. Louis indie exhib, recently yelled against discriminatory tactics employed against his chain of nabes and in favor of the Rio, the newest house operated by the Amusement Co. Film row is stirred up over the latest developments and unless some compromise is made Wehrenberg is expected to crack down.

Clearance Beef

Minneapolis, Dec. 3. Charging that some distributors here arbitrarily have moved up the clearance between 20c and 25c houses from two weeks to three weeks without notifying the affected exhibitors, Northwest Allied has asked a 30 days' postponement to give it an opportunity to have a committee go into the matter of all Twin City clearance.

The organization is requesting every exchange manager to 'sit down with an Allied committee' to thresh out 'the many clearance grievances.'

Rapper Moves Up at WB

Hollywood, Dec. 3. Warners raised Irving Rapper from dialog director on 'The Sea Wolf' to director on 'Winged Victory.' The dialog on 'Wolf' was taken over by Graham. Rapper has been on the Burbank lot for five years.

Sight and Sound Jukeboxes Expected To Appeal Most to Hinterlanders Where Bands in Person Are a Rarity

Clipping Competish

Hollywood, Dec. 3. Dime slotfilms may be sold at three-for-a-quarter with the aid of an auxiliary slot capable of taking in a two-bit piece, by which the dropper-inner will get 30c worth of subjects at a discount of 16 2/3%. Dime soundie companies are taking the step to meet the competition of the nickel movements, three of which are being readied for the markets.

SEE NO ACTION ON WB DIVVY ARREARS

Despite excellent earnings shown by Warner Bros. for the fiscal year ended last August when \$2,747,472 net profit was reported, there appears little chance of any action being taken soon in clearing up divided arrears on the preferred stock. Matter may come up for discussion, however, at the annual stockholders' meeting next Monday (9) at Wilmington, Del., following election of officers and routine business.

Warner Bros. has not paid a preferred dividend since 1932, when 96 1/4c was distributed and owes \$32.72 or \$3,259,966 on 99,617 shares as of last Sept. 1. No common divvy ever has been paid on the present \$5 par common, although substantial distributions were made in 1929 and 1930 on the old common shares. Payment of common dividends is subject to certain restrictions under the indenture relating to the 1948 debentures.

Clearing up of back dividends on the preferred doubtlessly will be deferred until after part of new bank loans are taken care of. It will be recalled that the company secured bank loans totaling \$6,000,000 last year in redeeming part of the bonds which came due in 1939. These loans mature in amounts of not less than \$500,000 semi-annually, beginning last April 1 and ending April 1, 1944. While Warner Bros. earned surplus increased nearly \$3,000,000 to \$4,445,330 during the past fiscal year, company's conservative policy likely would preclude any action on preferred past-due dividends until after the bank loans are nearly out of the way.

SCHINES DROP BINGO AFTER ABORTIVE TRY

Rochester, N. Y., Dec. 3. Schines dropped bingo in three houses after a single try. Business was so bad at the Lake that admissions were refunded rather than put on the game. Take at the Madison Monroe and Riviera was nsg, but bingo operators figure five weeks to get on paying basis. Games will continue in these, largest of local Schine houses.

Officials indicate they will not take action against money games in the theatres and halls unless public howls, and so far there's not even a whisper.

Fox-W. C. and Universal Patch Their Differences

Hollywood, Dec. 3. Fox-West Coast and Universal composed differences that threatened to cancel contract for subsequent runs of 'Spring Parade' in the chain's houses. Circuit protested against making 'continued first run' of picture at the Hawaii after 10-day run at Pantages, Hollywood, and RKO Hill Street, Los Angeles.

WINS HER SPURS

Hollywood, Dec. 3. Carol Adams climbed aboard a horse as the femme lead in the Gene Autry picture 'Ridin' on a Rainbow' at Republic. She was recruited from a stage show here.

The makers of the latest thing in jukeboxes, sight-and-sound dispensers which for a dime bring a gander at a name band in action on film as well as hearing it play, don't expect their product to revolutionize the jukebox industry. Conversation with an official of one of the largest manufacturers in that field revealed that little reaction to their product and its novelty is expected in metropolitan centres. Where they figure to cash in most is in rural districts whose inhabitants rarely get an opportunity to gander the phiz of a name bandleader and his men behind their instruments.

There are any number of small towns all over the country, even in the east and midwest where bands are most active on one-nighters, which never get to see a name band play because of being situated off the beaten single-date track. These are the spots where the new jukeboxes are expected to have appeal enough to gather local jitters around when they light up. In Inland New York, for instance, bandleaders who have mulled over the subject think that after one or two looks at the machines in operation few people will bother to divert their attention to concentrate on watching a band they most likely have seen in person many times. That's the same attitude taken by the jukebox maker.

Each of the two companies which have entered the sight-and-sound field are supposed to be active in signing bands to turn out films for them. Pay scale for making the films is not worrying the American Federation of Musicians. Same scale as applied to the making of regular short subjects, such as those turned out by Vitaphone, will apply until the AFM gets a line on what the new work will do.

N. W. Allied

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will be realized in the block-of-five sales plan—namely, that there will be no selectivity and the permission granted the distributor to change the combinations of features in groups as it from time to time may determine, is just so many words in the decree without any value.

Will Be Forced to Sue

Since the decree makes a complete recession on the Government's part from the original goal to outlaw producer-distributor theatre ownership, monopoly and restraint of trade, block buying and booking of pictures, etc., Northwest Allied announced to Babylon, the organization will be forced to turn to both state and national legislative relief (contrary to its previous resolves and determination) 'in an endeavor to ameliorate and mitigate the crushing burdens which will be imposed upon independent exhibitors.' Occasional also is taken to advise Babylon that Northwest Allied, 'as early as last August reached the studied conclusion that the imposing of the decree 'could result in nothing but ruin and chaos for Northwest exhibitors, many of them several hundred miles removed from the Minneapolis exchange center.'

It is declared that 'the Government's appeasement in consenting to the consent decree agreement, merely another Munich, the forerunner of a devastating battle in which both distributors and exhibitors are going to emerge, scarred and battle-torn, if the letter and not the spirit of this decree is going to apply to the industry.'

'An all-time high for something in American jurisprudence history, involving the Justice Department and our Federal courts is the description given to Thurman Arnold's abrupt surrender of the position outlined in his original complaint, his statements to the trade press on the code, his testimony before the Senate subcommittee considering the Neely divorcement bill, his verbal statements to Allied leaders and the Federal courts' signing of the decree in the face of the overwhelming and unanimous opposition of every exhibitor association in the industry.'

Theatres—Exchanges

Continued from page 8

agership of Ritz in N. K. Seed gets Regal in Wilkesburg. Bob Brown from Ritz replaces Frank Barry, resigned, at State in Wilkesburg, and Edward Salomon, from Regal, succeeds Hungerman as asst. at Warner. Gene Newitt, asst. at Fulton, promoted to managership of Sheas's Orpheum, McKees Rocks. He succeeds Vincent Choate, recently elevated to city managership of Sheas houses in Bradford, Pa.

WB has taken over Princess, Donora, Pa., from indie interests and extensive remodeling will be started soon.

Mike Manos, head of indie circuit bearing his name, will build 1,200-seater in Uniontown, Pa. Construction will begin this week and house will be open, Manos says, by middle of February.

Bob Dunbar will be honored at testimonial dinner in the William Penn hotel Monday (9) prior to his departure for Cincinnati. Dunbar, office manager at local WB-FN exchange, has been made head of Ciney branch, replacing Ralph Kinsler, who is going into exhibition.

Briefs: Al Glazer, who recently sold his two West P.K. houses to M. A. Rosenberg, and his family have gone to Los Angeles to make their home. Louis Stuler, booking manager for Matteo Pienza's theatres, resigned to join the John and Werner Lund circuit as an assistant. Jerry Roth, son of the indie theatre owner and an army reserve officer, has left for Philadelphia and his Quartermaster's School. Marjorie Brown, bookkeeper for Exhibitor's Service for 25 years, ailing in Allegheny General hospital.

Murray Vice Panzer

Albany, N. Y., Dec. 3. "Mitch" Panzer has resigned as booker-salesman for Monogram, succeeded by William Murray, former office manager-booker for the old Grand National Exchange here and later with Grand National in Buffalo. Panzer came to Albany in 1938 when Mono opened local office. Nate Sodikman, transferred to Albany

with Panzer, is Mono manager. Sodikman advanced from salesman. Lee Beecher, for some years in charge of advertising accessories at Paramount's local exchange and a transferee to Natick Screen's subsidiary when the latter took over the job from Paramount, went to New York to accept a position as booker under Thomas H. Martell, director of U. S. Army film service. Martell was here recently on a booking trip for the army house in Plattsburg. Sacketts Harbor and Pine Plains are also campment spots booked out of Albany by Martell.

Rensselaer's Sunday Pix

Rensselaer, N. Y., Dec. 3. The Upturn Rensselaer, only theatre, is playing Sunday-pix for the first time, now that the city fathers have okayed them. Cliff Swick, owner, and Small, city manager in Dolgeville and Norwich, conducting the theatre.

3 in A. C. Close for Winter

Two boardwalk film houses, Strand and Virginia, shuttered Monday (2) until Spring. With closing of Strand, Wielland-Lewis chain now has only Apollo going 'walk and WB, which conducts Virginia, now has only Stanley. Margate, nabe house in that residential section, also closed Monday. Work progressing rapidly on new theatre being erected by Wielland-Lewis on Atlantic avenue (main stem) to house legit productions and pix next summer.

Dick Pritchard's Dual Job

Los Angeles, Dec. 3. Dick Pritchard, manager of the Ambassador theatre, made new director of entertainment at the Coconut Grove, niteroy located along with the Ambassador theatre in the Ambassador hotel here.

Lou Rosenberg, in partnership with Fox West-Coast, broke ground for 1,000-seat theatre at the San Luis Obispo to cash in on the military training camps nearby. Land, building and equipment will cost about \$150,000.

Leo Miller, with Fox-West Coast for five years, named head booker for Warner Bros. western theatres, succeeding E. Port Major, deceased.

Robert C. Rothafel shifted from Fox Van Nuys theatre in Van Nuys to the El Rey. L. A. Hamilton Davis took over the Van Nuys job. Carl Melton replaced L. O. Heinonen as manager of the Fox-W.C. State in Stockton.

Rochester Embassy Reopens

Rochester, N.Y., Dec. 3. Embassy takes off shutters to show "Ecstasy" for two weeks at 55c top, against 40c of first-run houses. "Orange" in as second feature.

Gannett papers are carrying the ads on manager A. H. Gallacher's promise not to sensationalize other promotion. Theatre has been under

a cloud with the newspapers since officials closed burlesque there last spring.

E. M. Loew of Boston, operator of the Embassy, may try straight film policy after "Ecstasy" run.

Loew's N. Y. Realignments

S. H. Meinhold of Loew's announced transfer of Clyde Fuller, assistant at Loew's Valencia, to manager of the Oriental, replacing Joseph Rubinfeld, deceased. Harvey Everett, Astoria, moves to Loew's Palace, all in N. Y.

Cleve, Newsreel Stalled

Cleveland, Dec. 3. Construction work may hold up planned pre-Christmas preem of new newsreel house, being built by same syndicate that operates two in New York, one in Chicago and another in Frisco, but early January opening is pretty definite.

Jimmy Ewing's House

Spokane, Dec. 3. Jimmy Ewing, formerly with the Evergreen, has taken over the Theatre, Auburn, Wash., after the first of the year.

Almost an entire week of snow, rain and slush, with fog thrown in, has put a damper on business here.

Shay's House

Schenectady, N. Y., Dec. 3. Frank X. Shay, former manager of Fabian theatres in Cohoes and previously a Schenectady exhibitor, now conducting local nabe formerly called the Mount Pleasant and later the Mount Pleasant, has taken over the Shay. Shay was at one time president of the City Council and acting mayor of Schenectady.

Fred Gray Uppe

Regina, Sask., Dec. 3. Jack Zaitzow, manager of the Princess, Melville, Sask., for the past year, has resigned to make over his duties over to Fred Gray, theatre's projectionist. Zaitzow has moved to Winnipeg, where he will handle the bookings for the theatre.

\$50,000 Theatre Fire

San Francisco, Dec. 3. Fire which gutted the Enean theatre, Pittsburgh, Pa., here, will keep the house dark until Christmas. Operated by Ena Bros., damage placed at \$50,000.

Paramount exchange celebrates its annual Christmas party Dec. 20 with manager H. Neal East presiding. Affair has been a film-row highlight ever since it was inaugurated 20 years ago by Herman Wobber.

Dixie Building Boom

Spartanburg, S. C., Dec. 3. Dixie theatre construction and modernization boom continues.

Palmetto Theatres, Inc., has broken ground for new Columbia, S. C., 1,200-seat house. Chain's fifth Columbia unit, other houses being Palmetto, Strand, Ritz and the Point. Warren Irvin, district manager, Columbia in charge. Strand, razed in \$10,000 fire, reopened, after being repaired, modernized. New ventilating system added, new A. C. and four new installed and entire layout redecorated. Curtis Mees manager.

Palmetto Theatres is Wilby-Kinney subsidiary. W-K also owns-operates North Carolina theatres. Bids for chain's fourth Spartanburg house, costing upwards of \$60,000, being received at office of R. B. Talbert, city manager. New house will seat 900 and will be air-conditioned. Other W-K houses here are Carolina, State and Strand. State, now playing B pix, will become second-run house. Strand is already second-run. New house will be one of four without a stage. Talbert says stage shows will all be routed to State with only occasional big time unit for Carolina and none at other theatres.

Robert Rogers, former staff chief, Keith's Albee, Cincinnati, named assistant manager new Charles, Montgomery, Ala. Frank C. Smith, Jr., becomes general utility manager.

W. K. Jenkins, vice prexy-secretary, Lucas-Jenkins circuit, reelected prexy Atlanta Variety Club. Other officers are Harry G. Ballance, first assistant; C. E. Kesslich, second assistant; R. B. Wilby of Wilby-Kinney chain, treasurer; E. E. Whitaker, property man. Directors are W. J. Davis, John W. Ezell, J. F. Kirby, R. L. McCoy, David Prince and Paul S. Wilson.

New Levy, Ga., house planned, due to increased patronage, plus excise increase, take from soldiers quartered at Camp for T. Robinson, New East Bernstadt, Ky. house to be operated by R. C. Miller. Dr. E. M. McDaniel has obtained local permit for \$15,000. Martinsville, Va. unit, Herman Abrahamson, owner, four Lumpkin (Ga.) house from Cowart & Shingler, J. M. Wentzel installed new equipment in Norman Theatre, Louisville, Ky.

Independent Theatres, Inc., has acquired and will remodel, reopen Station WOOD, (Chattanooga) Playhouse as Capitol theatre. House will play first runs and return engagements big time to the Siskits to manager. New Clark Winchester, Ky. opened by G. B. Meyers and Harry Schwartz.

R. S. Rogers, signed deal to service Newark, N. J. Agreement to service Hanters theatre, Gaffney, S. C., signed with Altec by Hamrick Enterprises, Inc.

Forecast Early '41 Boom

Continued from page 5

any great extent until early in 1941 because many of the pictures made under the reduced production setup are just going into distribution.

Northwest Up, but Not B.O.

Minneapolis, Dec. 3. Although theatre grosses have been far off, Northwestern business generally in October established 'new post-depression highs for that month,' according to the Minneapolis Federal Reserve bank report just issued. The statement makes the boxoffice results all the more disturbing.

The report asserts that city and country department store sales in the territory were the highest for any October since 1935, that carloadings hit their greatest October level since 1929, that employment was the best for any October in the seven years that the records have been kept and that lumber sales set a new 20-year high.

While farmers' cash income from seven important products decline seasonally in October, it was nevertheless 8% larger than for the same month a year ago, according to the report.

Storms Hurt

Storms and unseasonably cold weather throughout the country have seriously affected business at the box-offices, with reports indicating a drop of close to 50% in some cases. Because of freezing weather in the south, grosses have gone off severely in Georgia and Alabama but in Louisiana the theatres have not been hurt so much except for floods in the western part of the state which also made bad inroads on business in the Panhandle and southern Oklahoma.

The middle west is down as is the northwest which was gripped by snowstorms, while in other portions of the northern tier of states, such as Michigan and Ohio, the early freeze caused trouble at the box office.

In many cases this had the effect of lessening the usual Thanksgiving take in some states on Nov. 21, in others the 28th. All of New England celebrated turkey-carving last Thursday (28) but in spite of the snow and sub-zero temperatures in some sections, business held up well this territory.

S. C. Booms Via War Training; Costly Labor

Spartanburg, S. C., Dec. 3.

Huge war department building-training program in South Carolina both a boon and headache to theatre operators.

Scarcity of labor and skyrocketing of wages for carpenters, painters, bricklayers is headache, due to extensive construction program under way. In Columbia, state cap, where expanded Fort Jackson camp will house 40,000 soldiers, workmen in large numbers cannot be had at any price. They're all employed in the fort where 500 buildings are being erected. Wilby-Kinney's Palmetto Amusements, Inc., is rushing work on its building program there before materials and labor go any higher. Remodeling of Strand at around 10 grand completed and work is being rushed on fifth new unit.

In Spartanburg, where surveying has started on a \$7,000,000 camp for 16,500 men, city manager Bob Talbert reports taking of bids moved up for fourth W-K unit, in order to get contractors on the dotted line before wages and materials soar, as they are expected to do before first of year.

Good news is that no arrangements have been announced here for theatres on reservation, so expected that most of 16,500 men, plus many visitors, will jam houses, already doing nicely at boxoffice, due to better biz generally.

Thousands of men already at Fort Jackson are booming biz, with thousands more scheduled to report for training as fast as barracks are built. Spartanburg camp scheduled for completion by March 15.

20c Top Regardless For All Soldiers in Trenton

Trenton, Dec. 3.

Trenton picture houses have placed into effect a scale of reduced prices for men in military or naval service. Fort Dix boys, who come to Trenton by the hundreds nightly, will be charged 20c in those theatres where the price of admission is usually higher.

The move was made by the various theatrical interests of the city after a request for cooperation had been

made by Trenton Post, No. 83, American Legion.

Theatres included in the patriotic gesture include the RKO interests, which control the Lincoln, Capitol, Palace, Broad and State; the Stacy interests, which include the Stacy, Strand and Bijou. The Greenwood theatre is also included, and cooperation of the Hunt interests has also been made.

In accordance with desire of Trenton legion post to take an active part in seeing to the well-being and proper recreation facilities for the newly-enrolled service men, particularly at Dix, Commander Edward G. Dolton appointed a committee consisting of C. E. Messerschmidt and William N. Gilbert to confer with James M. Brennan, RKO divisional manager, and the other theatres.

It was pointed out that at the present time there are 17,000 soldiers at Dix, while in a few months that figure is expected to be more than doubled.

2 War-Boom Theatres

Palacios, Texas, Dec. 3. This city of a normal population of 1,500 were onlookers for the opening here last week of two new 1,000-seat theatres. Granada, owned and operated by Phil Leley, opened Nov. 26 and two days later J. G. Long opened his new house here.

This city will be the home of the National Guard encampment and the two houses are expected to take care of the increase in the population. Guardsmen are allowed to take their families with them to the place where they are trained according to bulletins issued by the War Dept. and according to early arrivals, each guardsman is bringing his family. The family is not allowed to live on the reservation but in the neighboring city, which finds this small town in the midst of a boom.

Istey, it is understood, plans to use stage shows in conjunction with his motion picture presentations.

Hawaii's Upbeat

Honolulu, T. H., Nov. 25.

Editor, VARIETY:

To put it mildly, Honolulu is bedlam with the thousands of Navy men suddenly ashore in this quiet spot, and no entertainment for them except picture shows and cheap dance halls. And here we are verily in the minority here for them to dance with. The situation is so serious the Government began building recreation centers for them near their bases and, from the present outlook, it's going to be a city of Government tents if there are many more troops rushed in here.

Skilled mechanics had to be imported here. One ship, the S.S. Washington, alone brought in 1,000 men and they are compelled to reside in a deserted school house, as apartments, houses and even rooms are unobtainable. It is beyond human thinking, the prices that some are asking for termite shacks.

The Japanese situation, I am sure, seems serious to you all there on the mainland but we here pay no attention to any of them, as they are very quiet, polite and really agreeable. We sit next to them in the theatres; taurants and of various gatherings and find no fault with them, other than they just cannot, or will not, let their parents be blamed for the so-called "dual business." That's the expression used here. If all of the older Japanese generation would suddenly pass on, I assure you we at no time would have one second's cause for distrust in any of the younger generation. They idolize the American games, baseball, football—any game you can mention—anything where their alert minds could be fitted against honest chance. This is where they shine.

For the next eight years Honolulu, and all of Hawaii, will be receiving tremendous benefits from all this huge wealth that's pouring in here. Show business, pictures, niteries, etc., will be in the upper five business brackets.

Mabel Thomas.

DIRECTS ARMETTA SERIES

Hollywood, Dec. 3. Gene Yarbrough was signed by Richmond Productions to direct four Henry Armetta comedies, first of which is "You Betcha My Life," starting Dec. 9.

Company moved from the I. E. Chadwick studio to Like's International lot. Chadwick plant is being used by Columbia to take care of overflow production.

Overlooking Central Park
NEW YORK
An imposing address that's no imposition on your budget.
From \$3.50, single; \$5 double.
Also by the month.

The Mayflower
CENTRAL PARK WEST AT 61ST STREET
SINCE 1904

New York Theatres

"SIMPLY TERRIFIC"—N. Y. Times

THE DISNEY-
STOKOWSKI Triumph
FANTASIA
In Technicolor & 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.

RADIO CITY
MUSIC HALL
"THIEF OF BAGDAD"
Spectacular Stage Productions

HELD OVER
"7 SINNERS"
with MARLENE DIETRICH
and JOHN WAYNE
UNITED RIVOLI Broadway
ARTISTS at 49th St.
Opens 9:30 A.M. MIDNITE SHOW

Starts Wednesday
The thrilling success
of "Count of Monte Cristo"
Broadway at 42nd Street
Capitol
"The Son of Monte Cristo"
Louis HAYWARD JOAN BENNETT
Released thru United Artists

Week Beginning Thurs., Dec. 5th

KYSER **MIRIAM HOPKINS**
and His Band **"LADY With RED HAIR"**
"YOU'LL FIND OUT"
with Claude Rains

3RD 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.

Loew's State **THE LONG VOYAGE HOME**
Last Time Wed. "THE WESTERNER"
John Wayne
Thurs. Mikehell
Ann Hunter
in Person
Jimmy Lane and Orchestra

5TH WEEK
"NORTHWEST MOUNTED"
in Person
ROSEMARY LANE
RED SKELTON
with GARY COOPER
HERBERT MARLENE
and His Band
CAROL
Midnite Screen Shows

PARAMOUNT'S "SECOND CHORUS" PARAMOUNT'S "SECOND CHORUS"

IT'S A HIT!

IN THE EYES OF TEXAS!

Thirty-two theatre exhibitors in the Southwest wildly acclaimed the new Fred Astaire-Paulette Goddard film, **"SECOND CHORUS"** at Dallas screening.

"The very best picture for the times. Just what the public wants today," says R. J. O'Donnell, Vice-President and General Manager of Interstate Theatres.

"Perfect entertainment and Fred Astaire's best picture," says Karl Hoblitzelle, President of Interstate Theatres representing 127 theatres in Texas.

FRED ASTAIRE PAULETTE GODDARD

"SECOND CHORUS"

A Paramount Picture with

Artie Shaw and his Band • Charles Butterworth
Burgess Meredith • Produced by Boris Morros

Directed by N. C. Potter • Original Story by Frank Cavett • Screen Play by Elaine Ryan and Ian Mcellan Hunter



... and the Texas Boys are booking it for New Years!

PARAMOUNT'S "SECOND CHORUS" PARAMOUNT'S "SECOND CHORUS"

When that comes to pass, and shouldn't be long, lots of performers will be busy playing a route Army camps from Coast to Coast.

SHOWMANSHIP SURVEY

Inaugurated In 1933

FOREWORD



ADVANCING THE ART OF RADIO

By ROBERT J. LANDRY

For eight years now, man and boy—these present parties have put binoculars to the horizon and shouted 'thar she blows.' Meaning, figuratively speaking, the radio stations of the U. S. A. (with a special prism now and again for Canada, the good neighbor to the north).

It all started back in 1933 when in the midst of a typical *VARIETY* harangue about showmanship and how much radio needed it, and how little radio had it, somebody, maybe it was, a still small voice, cried out in the back of the crowd 'just what is this here radio showmanship?'

Quick as a flash *VARIETY* began a nation-wide survey to get the facts on just what radio showmanship was, and precisely what radio stations did by day and by night to operate in the public interest, convenience and necessity. The data was fairly vast, tremendously interesting, partly undigested and when printed in these columns it brought a wave of Stukkers that dropped bombs intended to blast impertinent *VARIETY* off the radio map. Shrapnel marks are still pointed out to callers and *VARIETY* cherishes the four-page letter from one very, very prominent, and equally confused, gentleman who thought radio showmanship was the same as radio circulation. Which gives you an idea of 1933.

Anything that could cause that much commotion seemed likely to be either a new sure-cure for baldness or the journalistic faux pas of the century. It turned out to be the beginning of an annual habit. And so here we are again, still impertinent, still carrying a torch for the radio industry, getting the light in people's eyes.

Little by little the radio industry has gotten reconciled—we think—to *VARIETY* riding a motor-cycle out ahead of the army, a sort of balmy, self-delegated scout. Some of the merchandisers wrinkle up their brows and register disquiet once in a while when this publication hints that American radio broadcasting has a destiny greater than selling soap. It sells soap, but only incidentally. Some of the merchandisers call this double talk. Others say it's just the dream boys of the west side and don't look now, but they're crazy.

Radio is currently celebrating its 20th anniversary. Actually it is much younger in terms of its present day organization. NBC did not come until 1926, CBS a year later. Respectability had hardly come by 1933 when these annual showmanship surveys were initiated. So eight years is more than eight years in the ordinary sense—it is very nearly the span of broadcasting's maturity. Before 1933 there is the open country of the covered wagons and the Indians selling what's good for what ails you. Since 1933 there is an industry, a business, an advertising medium and the greatest politico-social

force of the modern world. Yes, these surveys have watched broadcasting grow, man and boy.

And what does it all count up to today? Only the most naive person in the trade can suppose for a moment that a radio license is a blue sky franchise to squeeze the advertising and by-product possibilities dry with no thought for anything else. Whether locally in terms of individual stations or nationally in terms of huge, successful, powerful networks the radio industry is now and will continue to be under the responsibility of being more, much more, than business men. They are the keepers of the gates of democracy—and that's no mere flowery phrase culled from a pompous speech.

The debate goes on. Two young men about town and about radio are in a bull session over two tall ones at the Stork Club. (*Fade in on dialog.*)

Pessimist—'The crisis in Europe saved radio in America from facing a crisis in programs.'

Optimist—'Fiddiesticks. All the popularity charts show more listening than ever before.'

Pessimist—'That's because of the war making radio news so important. The bulletins, the trans-oceanics, the commentators give radio a false flush of excitement that hides the fact that radio is standing still as an entertainment.'

Optimist—'You can't stand still and throw a shot-put as hard and as far as radio does.'

Pessimist—'Take away Jack Benny, and Bob Hope, and Kate Smith, and Eddie Cantor, and Bing Crosby and what have you got left?'

Optimist—'The Easy Aces.'

Pessimist—'Suppose conditions suddenly became normal again?'

Optimist—'Say, who's the optimist around here, me or you?'

Pessimist—'I tell you, if there wasn't this false excitement of the war, there would be a big falling off. Radio programs are dull, they haven't changed for years. Same formulae, same people, same gags.'

Optimist—'Are you suggesting that Lever Brothers isn't cold-blooded, that Procter & Gamble isn't hard-boiled, that Sterling Products isn't calculating?'

Pessimist—'Keep Sterling Products out of this, they were in the introductory remarks to last year's showmanship survey.'

Optimist—'The trouble with you, pessimist, is that you're really an idealist.'

Pessimist—'I'll bet you say that to all the agency boys.'

Optimist—'This is the radio business. When in doubt, collect your 15% and keep your mouth shut. Radio is the greatest sure thing in the history of the human race's quest of easy pickings. How can you go wrong in radio? You got two aces to start with in five-card stud—ace number one—radio is free en-

tertainment; ace number two—radio has 40,000,000 dials.

Pessimist—'You mean to say it doesn't matter whether the art of radio advances or stands still? Do you suggest it doesn't matter that everybody carbon-copies the other fellow's show?'

Optimist—'Nothing can stop radio. It's the greatest darn thing anybody ever stumbled into.'

Pessimist—'Then I suppose your idea of a swell program is an audience quiz that gives away an airplane every week?'

Optimist—'What's the matter with giving away an airplane every week? People like airplanes. They also like diamond rings and sapphire brooches and badges.'

Pessimist—'Phooey on badges, down with sapphire brooches.'

Optimist—'Oh, a Communist, eh?'

Pessimist—'If it wasn't for Lynn Fontanne and Alfred Lunt and Katharine Cornell and George Fielding Eliot and Winston Churchill, what would there be to remember about radio in 1940?'

Optimist—'How about Cobina and Brenda?'

Pessimist—'Radio studios are full of phoney contestants who go from show to show winning prizes. What's going to happen to radio's integrity if people start getting wise to the fake set-ups, the doctored life stories, the fiction peddled as fact?'

Optimist—'Sometimes you don't seem to trust your fellow men? You don't think the public has a low, suspicious nature like yours, do you?'

Pessimist—'Do you mean to say radio is excused from every rule that applies in any other amusement? If you're bad in vaudeville you land in the alley. If you blunder in the legitimate John Mason Brown skins you and wears your pelt at his next Town Hall lecture. If you flat the bassoon in the Philharmonic they make you hang your head. If you ain't got rhythm at the Paramount jitter-bugs boo you. Anywhere but in radio when you're rotten, they get rid of you. Why should radio be an exception?'

Optimist—'That's what's so wonderful. If your program is from hunger, you give away a cow every broadcast and the C. A. B. zooms.'

Pessimist—'Your attitude is sloppy and unconstructive. Don't you want to see radio advance as an art?'

Optimist—'With me, it's like this: so long as there are actors to give a good, quick reading why bother about art?'

Pessimist—'Sponsors are buying more stations and fewer ideas. Comedians are buying more real estate and fewer jokes. Where's the progress?'

Optimist—'Didn't Dorothy Lewis tour the country from input to output on behalf of better programs? Didn't 'Cavalcade of America' win an award at Ohio State? Didn't Jack Armstrong reform?'

SPECIAL AWARDS



JAMES R. ANGELL
NBC



WALTER G. PRESTON, JR.
NBC



NEVILLE MILLER
N.A.B.



EDWARD KIRBY
N.A.B.



CHESTER LaROCHE
Young & Rubicam



JOSEPH MORAN
Young & Rubicam



ALFRED J. McCOSKER
WOR



OTHON VELEZ
XEW, Mexico City



THEODORE STEIBERT
WOR

On this page and the following pages there appears the report of the eighth annual **VARIETY** Radio Showmanship Survey. It is a report written against the background of a world in turmoil and of an industry that is more than an industry. These **VARIETY** surveys are designed to recognize, and are intended to stimulate, advancements in the art of radio. To that end a number of plaques are annually awarded in connection with the surveys to those organizations, including radio stations, that have made noteworthy contributions to the art of radio and of radio showmanagement.

Since the 1939 Radio Showmanship Survey not one year but, figuratively, a generation has passed. We live in a democratic world that has re-evaluated its blessings in the light of the threat to our ways represented in the grim events of Europe and Asia. At the end of the year in which the classic edifice of liberty, France, fell, Americans realized anew the importance of an unfettered, unclogged, intelligently planned and operated American radio industry. This 1940 was a time ideally suited to the resolution that radio shall become neither the blue sky selling franchise of short-sighted merchandisers on the one hand nor the sounding board of saboteurs, bigots or mischiefmakers on the other hand.

VARIETY has, in addition to a number of awards to radio stations, singled out four particular activities of four organizations which, during 1940, seemed to contribute to the advancement of the art of radio by specific application and by example and production which, therefore, seem worthy of public spotlighting and commendation.

First, citation is herewith made of the extensive, many-sided-integrated policy of public interest programs developed by the National Broadcasting Company, largely through its Blue Network. In this connection the personages deemed most responsible are James Rowland Angell and Walter Preston, Jr.

Second, citation is made of the fair play work of the National Association of Broadcasters. Through its code and by its persistent holding aloft of the torch of tolerance the N. A. B. has done much to clear the American air of bigotry. Neville Miller as president and Edward Kirby as director of public relations have led this campaign which required much tact and courage.

Third, citation is made of the intelligent guidance in general showmanagement given by the Columbia Broadcasting System to its own and its affiliated stations, an influence of undoubted value in raising radio operating standards.

Fourth, citation is made of the advertising agency, Young & Rubicam, for applying showmanship, taste and research to improve commercial copy standards in radio advertising, a type of specialization in which Y&R has too few emulators. Joseph Moran is head of the radio continuity department.

And a final recognition: In the past **VARIETY** has on several occasions awarded plaques to Canadian stations. This year XEW of Mexico City is recognized as a non-Yankee station on this continent that displays consistent and well-balanced showmanagement. Othon Velez is the general manager of the station, one of the Azcarraga syndicate properties.

ADVANCING THE ART OF RADIO

WOR, NEW YORK CITY

(High-Power Network Affiliate)

WOR has demonstrated that it not only can make money in seven-figure denominations, but can also produce a continued, recognizable level of quality uniformly throughout its organization. Specifically, WOR gets a Showmanagement Plaque because:

1. Its sales, research, and promotion departments have been tuned to such a pitch that WOR not infrequently is raided by the networks for personnel.

2. Conceivably cursed with bigness, WOR has un-hexed itself by such a flurry of special events that it manages—almost in the face of the impossible—to annex a 'local' flavor.

3. While unloading the curse of bigness, WOR has—with the diaphanous hide-and-seek of an evening gown—contrived to garner reams of publicity on a nationwide basis. This juggling act, while defying formula, nonetheless is an immense prestige-getter.

4. Its women's programs truly reflect the intimacies of the kitchen or the boudoir, while its classical programs are genuine classics. This transition from the corny to the sublime is another of those WOR hallmarks.

5. A keen eye is reported this year by WOR toward employee relations. Bonuses and a house organ are cited as evidences of this tendency. It is further stated that a policy to 'promote from within,' rather than hiring from without, is in force. And this much is true—by and large the station has a staff which radiates determination, youth and goodwill.

6. WOR has a big coverage area in a densely populated sector. It has alertly been 'many things to many people' without falling too far into the error of being wishy-washy or banal.

No other station in WOR's class so intelligently reported on its problems, so alertly unfolded solutions, or so agilely shifted 50,000-watt bulk around the manifold corridors of operation. WOR is first and foremost a solid winner—and, secondarily, the victim of a notion (perhaps not entirely justified) that, like England, it somehow lacks complete formula, but nonetheless manages to barge through. Yet, this notion suggests all-around sturdiness, and remains a compliment (though left-handed) until WOR's barging becomes stereotyped. To date that has emphatically not been the case.

WGAR, CLEVELAND

(Network-Affiliated Regional Station)

Few times in the history of these awards has it been so easy to pick a winner. WGAR turned in a 23-page report, a lot of which was (frankly) boilerplate. But on page 22 was an item which, coupled with VARIETY's intimate knowledge of the station, brings home the blue ribbon in no uncertain fashion. That item (and its corollary) is this:

1. WGAR's employee relations are miles in advance of the general industry level.

2. Because in this ephemeral business of broadcasting no station is better than its personnel, WGAR has forged a morale, which, while not suitable for promotion, is nonetheless the clincher that makes the station really great.

VARIETY does not wish to be mistaken as a soap box for union oratory, nor a social reformer. Neither does WGAR. VARIETY does wish to point

out, however, that second-rate personnel, over-worked underlings, and bargain-basement operators obviously drag a station down to their own helpless level. If this statement is cold and inhumane, it should at least indicate that even in the coldest and most inhumane system of operation the need for quality in personnel is still an economic, if not social, necessity.

WGAR's stockholders (G. A. Richards, Leo Fitzpatrick, P. M. Thomas, and John F. Patt) are wealthy persons. WGAR itself is a very wealthy enterprise. Yet (until quite recently) the station

to every employee; two-week vacation with regular pay to every employee; children's Christmas party for all employees' children; Christmas party for all employees; stag Transmitter Party for all male employees; summer picnic for entire family of each employee; sick leave with pay; hospitalization insurance for every employee, entire premium paid by company; life insurance policy for every employee, family beneficiary, entire premium paid by company; bank account opened for each newly-married couple in the organization; bank account opened for each new child born

in the organization; the 42-hour, five-day work week in effect previous to the Wage-Hour Law.

Since VARIETY cannot examine WGAR's financial transactions, it may even be possible that the station is saving money by giving it directly to the employees instead of letting the government handle it first. That makes no difference. WGAR has proved itself a psychological wizard and deserves the Showmanagement Award without qualification.

WSB, ATLANTA

(Station Showing Most Improvement)

The award of a Plaque for 'improvement' or 'revitalization' implies that such levers were necessary in view of the prior performance of a station. That most certainly applies to WSB. The history of this 50,000-watt is spotty. Its cultivation of a big market was never virile, and its programming remained obscure to the trade. It will best be remembered (and then only in encyclopaedias and history books) as the incubator of radio's first hillbillies.

All that has now passed away—and within the remarkably short period of about a year. In January, 1940, the Cox interests (Atlanta Journal, etc.) took over, and Leonard Reinsch became boss in the regime. He has done a thorough—if standardized—job. His choice of tools fell on the familiar, standby kind; but any other sort would have cut too closely to the surface. What WSB needed—and is getting—is a polishing from the bottom up. Reinsch's toolkit contains the following paraphernalia, for all of which he and WSB get the VARIETY laurel:

1. Chopping of network feeds (particularly late at night) in order to localize and personalize the big 50,000-watt.

2. Improving the station's all-around usefulness to its coverage area via the acquisition of a farm director and the inauguration of many farm programs.

3. Radiation of an 'alert' quality by means of special events, tagging of celebrities as they visit in Atlanta, and other stunt broadcasts.

4. Public service broadcasts, with particular emphasis on such healthy types as job clinics and safe-driving campaigns. Into this category might also fall a renewed emphasis on sports, news, and weather.

5. Educational features, in the up-to-date quiz and/or musical vein.

6. Last—and perhaps most important—a drive to promote the station and its market, coupled with individual product promotion via merchandising. Here, the full arsenal has as yet not been brought to bear, but the first volleys are already landing near the target.

All in all, Reinsch has surveyed the terrain very well. Atlanta has numerous stations, but all of (Continued on next page)

VARIETY

Plaques Awarded for 1940

SPECIAL AWARDS FOR ADVANCING THE ART OF RADIO

TO THE NATIONAL BROADCASTING COMPANY—
FOR PROGRAMS IN THE PUBLIC INTEREST

TO THE NATIONAL ASSOCIATION OF BROADCASTERS
FOR ITS CODE DEFENDING TOLERANCE

TO THE COLUMBIA BROADCASTING SYSTEM
FOR STIMULATING LOCAL SHOWMANAGEMENT

TO YOUNG & RUBICAM AGENCY
FOR LEADERSHIP AND RESEARCH IN RADIO ADVERTISING COPY

TO XEW, MEXICO CITY
FOR LEADERSHIP IN SHOWMANAGEMENT

STATION AWARDS FOR 'SHOWMANAGEMENT'

WOR, NEW YORK CITY
(HIGH-POWER NETWORK AFFILIATE)

WGAR, CLEVELAND
(NETWORK-AFFILIATED REGIONAL STATION)

WSB, ATLANTA
(STATION SHOWING MOST IMPROVEMENT)

WNEW, NEW YORK CITY
(NON-NETWORK STATION)

WJLS, BECKLEY, WEST VIRGINIA
(NEW STATION)

WSKB, McCOMB, MISSISSIPPI
(NEW STATION)

operated in rather dowdy studios while its competitors lived in virtual palaces. However, despite its erstwhile tacky exterior, WGAR chose to put its money into personnel instead of external finery. John Patt, et al., are not crazy. Nor are they among the world's great philanthropists. They are simply smart enough to know that a peppy staff is as essential to radio as a peppy backfield is to Minnesota. Ask Minnesota. Or look at WGAR's ledgers.

In short, WGAR has managed to accomplish that intangible spark which is the basis of success—namely, an *esprit de corps*. Here in WGAR's own words is the way the employee goodwill was fostered:

'Ten percent bonus at Christmas time to every employee; 5% salary bonus for summer vacation

CITATIONS FOR 1940 IN RADIO SHOWMANAGEMENT

(Continued from preceding page)

them are smaller than WSB. It would thus have been a mistake to start out on some odd or picturesque slant more befitting to one of the little fellows. The job was to gain distinction in a wide area, while at the same time not catering too loosely to any segment of it. Furthermore, the job required publicizing a city upwards of 300,000 population (and the South's leader in retail sales) plus a huge surrounding

For setting his sights correctly, and firing on a straight trajectory, Reinisch and WSB win the 1940 honors.

WNEW, NEW YORK CITY (Non-Network Station)

Stop, for a moment, and think about the following totally unrelated propositions:

1. In a city of 7,000,000 metropolitan population, covered by over 20 radio stations, the best chances of success are a monopoly of some unique slant—some air—some distinguishing flavor.
2. The aging population of the U. S. often hankers after its lost youth.
3. A musical comedy is an odds-on favorite to succeed during serious (or war) times, because a musical comedy is happy.

Having thought about these unrelated propositions, relate them into something cogent. The probable answer will be a fair description of WNEW.

Here is a station—once admittedly almost a dud—which has evolved a formula for entertainment on a consistent level that has driven a wedge of appeal deep through the New York area. The formula is built on nostalgia, coupled with plenty of intimacy, but never with the ultra-inbred. WNEW specializes in etherizing the harmless get-together of the corner drugstore, the pleasant grumblings of the jukebox, and the solicitous verbal back-slapping of personalities patterned after cruise-directors on the old Havana run.

It suffices to say that this formula escapes the confines of age groups (as WNEW box-tops will show by the thousands). It also suffices to say that once this formula is working, why bother about kid shows, or this-or-that kind of special stuff? The formula ranges from zero to infinity. Of course, it will most likely only work in a setup calling for numerous radio stations in the same city. But this is precisely where WNEW has hit the nail on the head. It has gauged a certain situation with well-adjusted range-finders, and the results are such that the checkbook is now bulging.

WNEW thus wins a Showmanagement Plaque because it has solved the problem of how a second or third (or even fourth or fifth) station in a market can acquire a true personality and stick to it. This is not to suggest that it would be wise to flood the U. S. with platterized music presided over by carbon-copy Stan Shaws or Martin Blocks. But a distinguishing characteristic is one necessary in competitive radio as it is in an automobile, and therein—lies WNEW's success.

There are several subsidiary reasons for this award:

1. Having been smart enough to evolve a formula, WNEW has been smart enough to battyhoop it to the trade and the public.
2. Program monotony has been avoided via some speeches, some news, some sports, and some similar fodder. On the whole, however, these other items are so wangled into the scheme of things that they accomplish their respective jobs while still stooging for the form.
3. WNEW has managed to take the bell off the cash register. As each juicy contract is banked, the clatter of fiscal evolution has been doused. The red tape and the plush of success are still missing. The

salesmen are working as hard as of yore.

This award is unique. It is nonetheless fitting. But VARIETY goes on record right now as not disposed to issue any awards in the future for simple carbon copies of a formula based on platitudes, personalities, plus the bullheaded determination to grind this crop into grist. One is enough.

WJLS, BECKLEY, WEST VIRGINIA (New Station)

This newcomer is but 20 months old, and like many a fledgling is burrowing somewhat less profitably pay dirt. The population is oddly scattered in West Virginia's coal belt, so that within a 40-mile radius of WJLS there are no fewer than 400 postoffices, each representing a village, hamlet, or coal digging. VARIETY does not award plaques primarily on the sympathetic consideration that one station has a bigger handicap than another, but in this instance the mention of the handicap will serve to clarify still more the soundness of WJLS's basic operations. This neophyte carries off the honors because:

1. Its overall operating concept is unusually sturdy. The station describes its philosophy thus: 'If a station is to serve the population that actually looks to the city as a buying, religious, cultural and entertainment center, it must cover the localities in which they reside.' No theorem could be simpler or clearer. And WJLS lived up to it by acquiring a mobile unit to blanket the field (phone lines are often impossible here). Similarly, other community schemes, salutes, etc., were devised to integrate an area which nature had disintegrated. In further realization of its problems, WJLS has paid more than passing attention to Frequency Modulation which would be a possible help in the Beckley area.
2. To improve its worth to advertisers, WJLS has offered a certain amount of merchandising and some self-promotion (the latter is better as a step in the right direction than as a finished product). Similarly, the station attempted to plow a new field by cooperating with local builders in the construction and exhibition of a model home. In passing, it may be remarked that one 50,000-watt thought this scheme good

enough to use in the 1940 Showmanagement reports.

3. Programming was alert without being spectacular. Hillbilles got their just desserts. Transcriptions were limited to 40% of the 16-hour broadcasting day. News was liberally used.

4. The station had the good sense to imbue its community with self-respect, the reflection of better cultural standards, and an awareness of the world around. It is vital that self-respect is deeply engraved in a station's charter. WJLS has more than met this qualification.

5. Like several other newcomers, WJLS draws no racial lines. It is very proud of a Negro swing quartette. And—now that this discussion has bridged from racial to talent phases—WJLS has a good regard for the fostering and developing of its local performers. WJLS, along with WSKB, McComb, Mississippi, give evidence that a high standard of radio will continue so long as radio's new blood is as healthy as it is in these newcomers.

WSKB, McCOMB, MISSISSIPPI (New Station)

WSKB is 14 months old, operates on a local channel, and has no network affiliation. McComb, the parent city of WSKB, has less than 15,000 population; the 16 satellite cities claimed in WSKB's area aggregate under 50,000 population; and Mississippi itself has less per capita radio ownership than any other State in the Union. VARIETY is awarding this station a Showmanagement Plaque because:

1. WSKB, under admittedly limited opportunities, adopted operating policies far in advance of most similar stations, and often far in advance of regional channel stations. In the field of foreign news, WSKB obtained permission to rebroadcast BBC news reports from London. In the category of clean operation, the station ruled that only engineers can handle electrical transcriptions, thus leaving announcers free to concentrate on their scripts. In the field of programming, WSKB banned all phonograph records as inferior to genuine transcriptions. And in the field of merchandising, WSKB evidenced a brightness—as witness a contest involving the display of radio-advertised merchandise in show windows—which is indicative of a realistic knowledge of present-day selling.

2. WSKB's numerous community tie-ups were sane in two major respects: (a) they cut programming costs—which could have killed this hinterland broadcaster—while simultaneously enhancing prestige; and (b) they were representative of every phase of community life, including Negro life, and not merely a sounding board for the ruling

HOW SHOWMANAGEMENT PLAQUES ARE AWARDED

MODUS OPERANDI

All radio stations were notified in October of the procedure VARIETY would follow for the 1940 awards. The formal announcement at that time read in part:

File your own report with VARIETY in your own words!

There is no official questionnaire form this year. We have perhaps too much insisted in the past that stations answer according to our ideas of showmanagement; now stations may answer according to their ideas and in their own terms. They are free to cite the things they think important. Any radio station may file a report. All will be judged in their natural classification. Basic break-downs are:

- Network Affiliated Stations.
- Network-Managed Stations.
- Unaffiliated Stations.
- New Stations (less than two years old).

DEFINITION

'Showmanagement'—The art of shrewdly blending the best practices of modern business 'management' and 'showmanship' in terms of (1) the Public, (2) the Government, (3) the Advertiser.

GENERAL PRINCIPLES

A station report should explain what the station did during 1940:

- (a) To become a more interesting station to listen to.
- (b) To become a better public service medium.
- (c) To become a better advertising buy.

SOURCES OF INFORMATION

The information on which Showmanagement plaques are awarded by VARIETY through three general sources:

1. Formal statements of their own activities made by radio stations toward the end of each year.
2. Intimate knowledge of stations and markets possessed by advertising agency time buyers and other experts.
3. VARIETY's own week-in-week-out news-gathering familiarity with station operation.

fringe or the loud-mouthed club ladies.

3. WSKB engaged in no nitwit stunts, no scatterbrain inanities, and no press agent's nightmares. It stayed down-to-earth. It had the courage to submit in its report a copy of its daily program schedule. No piece of evidence could have been more telling than this simple, efficient token of sane daily operation.

4. WSKB convinced VARIETY that from the standpoint of economics, programming, and prestige, the management knows what the shooting is about. A youngster with such a precocious cranium deserves the stick of candy.

THEY SAID IT

(Some Footnotes Extracted From Reports, Letters and Memoranda Received by VARIETY in Connection With the 1940 Showmanship Survey.)

Likes New Term

'Last year when VARIETY handed a plaque to station _____ here an opposition manager said to me: 'Why showmanship? Now if it had been an award for good management I could agree with VARIETY that _____ a well-managed station.'

To which I replied: 'Good showmanship—good management—they add up to the same thing.'

I notice that this year you're calling them **SHOWMANAGEMENT** plaques.... I think this is smart. M. K.

Spurred On

'We might say that here we were so elated over receiving the number one community exploitation award for 1939 that it spurred us on to even greater improvements during this current year.'

G. W. Johnson,
KTSA, San Antonio.

With Neon Lights

'We had a perfectly peachy presentation all planned—a very tasteful little thing in neon lights and hot and cold running water. And you say 'ordinary business stationery—no novelties....'

Frank Barhydt,
KMBC, Kanda City.

Aiming High

'Our goal is to become the greatest radio station in the country.'

Frank Schreiber,
WGN, Chicago.

Cash—An Innovation

'Talent used on all sustaining shows is paid for...is an innovation in Southeastern radio circles.'

J. Leonard Reinisch,
WSB, Atlanta.

More Local Talent

'We now produce more local live (Continued on page 27)

The Defense Rests

'Editor, VARIETY:

If WBIG was on trial to give reasons for its existence and to prove that it was operated for the public interest, convenience and necessity, and was permitted to introduce a single piece of evidence, we would submit the following letter:

(COPY)

'Major Edney Ridge,
'Manager, WBIG,
'Greensboro, N. C.
'Dear Sir:

'About three weeks ago a two-year-old boy was brought to the Sternberger Hospital on the charity service late one evening. He was extremely ill with abscessed ears, and apparently, blood poisoning; in addition, he was profoundly anemic—so much so that a transfusion of blood was considered absolutely necessary that night in order to preserve his life.

'Through an almost unprecedented combination of unfortunate circumstances, only his father could be gotten hold of, and he proved to be the wrong type of blood. Mr. V. P. Joe, the technician who does the blood-matching at Sternberger, suggested that WBIG might be kind enough to broadcast an appeal for a type two donor and that someone of that type might be tuned in and might come around. Privately, I was quite pessimistic over anyone's hearing or coming, as it was then after 11:30. To our great astonishment, seven type-two donors came to the hospital and 23 more called within 30 minutes. The volunteers varied from high-school boys to Assyrian bakers (two of whom came in covered with flour from their baking), from well-known attorneys to nurses and housewives. Mr. Stephen Douglas was the first volunteer, and his blood proving compatible by careful cross-matching, two-thirds of a pint of the patrician Douglas blood was given to the unwashed, underprivileged and comatose offspring of a local millhand.

'Incidentally, it would appear that there are in our city many people who answer very strongly in the affirmative that old-age query, 'Am I my brother's keeper?'

'Sincerely yours,

'(Signed) Samuel F. Ravenel, M.D.'

THIS WAS AMERICAN RADIO IN 1940

These net impressions were left by the mountain of data that VARIETY has just sifted concerning individual showmanship in the United States.

That Chicago is about the worst radio city in terms of showmanship, with WGN nearly the only exception to a general rule of complacent prosperity among the stations. Compared to the wide-awake, snappy, competitive situation in New York City the Windy City is completely becalmed, enjoying a permanent siesta.

That such well-established leaders as WLW, KMBC, KMOX, WJR, WHAS, KRNT, KOIN, KEX, KJR, WCAU, WFBR continue as pace setters, that in general the best stations in terms of smart operation and enterprise are north of Tennessee, east of Colorado and south of WTIC, Hartford.

That the South is still backward in broadcasting, that New England in its own parochial insularity and parts of the Pacific coast, are, after Chicago, the least heard from, least leadership-providing of all radio stations.

This eighth annual investigation of what's what and who's who in local radio station community showmanship has developed quite a number of fine examples—in VARIETY's opinion—of operation in the public interest and in the clear light of smart, alert, self-aware management. While it is easy to spot the distinguished operations of 1940 it is less easy to say flatly that this or that was the trend in station policies. One of the most intelligent adjustments to the problems peculiar to 1940 was made by WSM, Nashville, twice a winner of VARIETY plaques. This station declared: "There are two major trends in programming (at WSM) during the year just past: (1) War News, (2) Sports Broadcasts."

WSM has been a sparkplug of many 'stunts' in previous years, so the renunciation of the spectacular, for the time being, reveals a showman's sensitivity to the fact that the war bulletins have been too competitive for ordinary local station shenanigans. Or to quote further from WSM's own report:

"There is simply no other way wherein people can find means of escape from the awful reality of the present as in fast-moving, exciting, competitive sports. . . . That is proved every day in the newspapers. . . . Where else but the sports pages can one find absolutely nothing that deals with Europe's war and America's feverish efforts for preparedness. . . . In Radio it is the same, only more. . . . Almost every program mentions the awful reality of the present world situation, either in program or commercials."

This shows acute 'awareness' and awareness is always a first essential of showmanship. No station can have a high order of 'showmanship' that isn't tuned into its environment and its times as well as its network. Perspective thinking of the kind WSM expresses is by no means common in radio in 1940 any more than it was in 1933 when these annual surveys began.

Another organization with a conscious policy is KWK, St. Louis, which sought to picture in a sort of philosophic foreword to its report how it feels about running a radio station. It begins by looking at 'few externals right in the eye. Says KWK:

"A GENERAL AIM in programming cannot be formulated without a sound conception of existing circumstances which for all practicable purposes are unalterable. The first of these is that a radio station today does not control its commercial programs. Whether this is desirable or not is beside the point. It is a reality which must be granted. The sponsor controls the commercial program. Some broadcasters will momentarily deny this with evidence of studio conceived programs which were sold and became successful commercial entities. This is a case of indirect sponsor control since the studio produced these programs with commercial sponsorship in mind it follows then that station management as a single influence toward fulfilling its obligation to the public can only effectively manifest itself through the exercise of

Combats Democracy's Enemies

'KSAN inaugurated a sensational new policy, aiming its entire program output to the women of the radio audience. The complete ramifications of this policy are expressed in the new slogan—'Exclusively for women.'

'Because the station's programs are now directed exclusively to women, all programs of this nature are designed on the basis of their appeal to women. For example, our National Defense Programs are directed to the women, telling them of the need for adequate defense, and giving details as to where and how the men of their family can aid in this important matter.

'Since it is well known that women buy approximately 90% of all merchandise sold, it follows that a station which women recognize as their own will make it good advertising value for those who wish to reach this group who control the nation's purse-strings.'

—KSAN, San Francisco.

Community Charity Drives

'Last year, after several tragic drownings because of inadequate swimming facilities in the community, the station launched a drive to raise funds for the construction of a community swimming pool, raising more than \$3,000 within two weeks and giving the movement sufficient impetus to enlist the support of the entire community. The swimming pool was opened to the public last spring.'

—KGVO, Missoula, Montana.

Valued British Programs

'KOCY broadcasts news every hour, on the hour, which is one to five hours faster than any other news outlet. KOCY was first to recognize the value of British Broadcasting Corp. programs, and maintains a nightly schedule of three broadcasts from England picked up by our own short wave.'

—KOCY, Oklahoma City.

'We made a conscious and real effort to develop local radio drama for two reasons:—
'1. Because dramatic production in Philadelphia has been virtually nil in the past, and we feel that there is a very real place for it.
'2. Dramatic programs for local sponsorship can be built at a much smaller cost than musical programs of comparable quality.'

—WTIL, Philadelphia.

\$65,000 Worth of Billies

'The 'Ark Valley Boys' group under our Artists' Bureau management has made more than 150 public appearances in towns throughout our territory in a radius as far as 100 miles from Wichita. 'This group is the nucleus of the 'KFH Barn Dance Frolic' held in the Wichita Forum, the largest building in the state of Kansas, each Saturday night with a 45-minute broadcast. More than 250,000 people have paid over \$65,000 to see these shows.'

—Clark Luther, KFH, Wichita.

Station For Women Only

'We have our own auditorium, seating 700, with complete stage equipment, and in addition to producing at this time one big all-talent program each week, using both local and outside talent, bringing in specialty acts from WLS and other features from Chicago and Detroit, we rent the building to two or three organizations each week for other activities, including puppet shows, cooking schools, individual dealer automobile shows, veterans' rallies, etc.

'We are gradually taking over the money-raising activities of local organizations in cooperation with them in producing special benefit performances whereby we furnish the building, the talent, advertising, etc., and they sell the tickets, working with them on a percentage basis.

—WKBZ, Muskegon, Mich.

Helped Build Swimming Pool

Local Philly Drama

'Say It in Your Own Words' Variety Sez For 1940 and WFAA, Dallas, Does

(The following is verbatim reprint of report filed with the VARIETY showmanship survey for 1940 by Station WFAA, Dallas.)

Dallas, Texas.

Hi, neighbor!

So you're yellin' for a showmanship report. All we know is what our listeners tell us, and it's plenty. We (the staff) go on the idea that it's the sizzle that sells the steak and not the cow, and from our chuck wagon on the radio range, mister, there's been many a steak dished out—our radio range, incidentally, covers quite a hunk of acreage, and when you consider that they keep a 'standin' line at our wagon, then you've gotta figger that our sizzles are purty good.

But you wanted a showmanship

story—we could blab this affair up, but th' chances are you're sick of that—so, we'll begin by sayin' that this year, as every year, we've managed to slap our WFAA brand on the flanks of many a radio maverick. We got a bronze plate from that VARIETY mail-order house once, and we sort of keep it polished on the bunk house wall—just to remind the hands that they might as well dig for mate for it—if they do this, you see, it keeps the folks from willin' the same old chuck every day—people do get tired of beans (they haven't griped about our sizzlin' steaks yet!)

Take music—we've a fourteen man horn-staff, five quartets, soloists of all voice and range, hep conductors, (Continued on page 26)

WGN Only Station Likely to Offset Latter Day Lethargy of Chicago

Comparison of the Showmanagement received from stations in New York and Chicago (two big cities in the U. S.) reveals that Gotham has it all over the Windy City when it comes to smartness, alertness and self-plugging. This is something of a reversal. For prior years. In days gone by, Chicago's sheer bluster kept it out in front, while its proximity to the corn and hog belt was one of those accepted truisms that resulted in a lot of time sales. New York meanwhile had trouble getting all of its stations fitted into the jig-saw puzzle of audience loyalty, say nothing of the bi-monthly headache of getting new managers, new staffs, and new program policies.

This year Gotham has stolen the march on its biggest colleague, while Chicago (with some exceptions noted later) has fallen into a bad rut. The Windy City is getting bags under its eyes since the glamour of wattage is aging, and the corn and hogs need some Disney touches to get them back into the spotlight.

New York currently has three stations and network affiliation raking in more (perhaps far more) than \$1,000,000 apiece, each and every 12 months. Not so long ago, two of these three were worth about as much as a 1929 stock certificate. Today they are seven-figure bread and butter earners because (1) they pulled themselves out of the mire of anonymity via new and distinct programs; and (2) because they started promoting the New York market as a huge entity coverable only through multiple-station plugging. Additionally, New York has a couple of ultra-specialist stations in WBXN (foreign languages) and WQXR (high-toned programs).

Adding up the score thus far shows the following results:

WEAF, WJZ and WABC—network key stations.

WOR—multi-sided 50,000 wattage.

WJW—music, news, sports, some drama, and some Broadway.

WMCA—commentators, news of the special or "coop" variety, plus a good balance of general features.

WNEW—lots of popular music presided over by well-paid, well-publicized personalities.

WBXN—foreign languages plus programs recognizing the problems of the C and D income groups.

WQXR—classical music, more news than formerly, and technical prestige coupled with tinkering in new mechanical wonders.

Nine Different Tales

That makes nine stations, each with its own job to do, each with a different sales story, and each with a different audience appeal. Additionally, most of these stations have alert publicity and promotion departments and are forever throwing out a barrage of ballyhoo, research, and self-praise. WOR and WQXR have even gone in for such high-faluting stunts as qualitative audience studies (something so far in the future of general radio research that there isn't even a specialist in the field).

Too little cannot be said about the New York stations' acquisition of such tools as research. It has not become uncommon for a station like WOR to make wholesale changes in the fine points of its programs simply because it knows—black and white—that the audience values these changes. WQXR, meantime, has kept its finger on the audience pulse—both buying pulse and entertainment pulse—in an ingenious fashion which rates a laurel for thoughtfulness, if nothing else.

As an example of the operating clarity pervading the heads of New York station managers, witness the following statement of W. C. Alcorn, manager of WBXN: "WBXN follows the plan that a foreign language station's main concern is to promote citizenship among listeners, reassure its staff of workers that WBXN is 100% for labor, present opportunities to people of the community to air their views, install more modern equipment in order to continue the station's progressiveness, and aid the advertiser." That covers nearly everything, and covers it clearly and succinctly.

Now as regards Chicago, VARIETY

is distinctly under the impression that very few of the stations know whether they are operating in the Midwest or in the Philippines. As noted before (and will be noted later), there are exceptions to this rule. But on the whole Chicago is relying on a brand of Showmanagement which is about as timely as a moustache cup.

In the first place, if there is any differentiation between the stations on the basis of policies, programs, and audience, only WLS and Gene Dyer (WGES, WSCB, WCBF) have been aware of it. WLS has wooed the farmers over a long stretch, and latterly has bolstered its setup with contact work and promotion. Gene Dyer (foreign languages) has an easier time in discerning his market, but the acquisition of Arnold Hartley "as side-kick has meant better sales policies, and a far better gift of gab in the field of research.

WMAQ, WENR and WBBM, of course, are network keys. They have that varnish which is distilled in Radio City or Madison Ave., and slapped over the M & O wood. WBBM has some faint colors of its own mixed into the pigment. WGN is operating under a new setup, meaning Frank Schreiber and Bill Beach sitting at the right hand of Col. McCormick—and shows more pep than at any time since it was one of the great Midwest pioneers. But WGN needs a little time to get the details fitted into the new mechanism, and therefore is somewhat outside the range of this discussion.

And yet, barring only the most obvious differentiations, Chicago is no greener shakes as a salesman or a researcher (certainly not the latter). Its story is poorly told, if at all, and its audience is an X in a quadratic equation.

This trend toward poor discernment marks a wise and program-wise is only too well reflected, week by week, in VARIETY's Radio Market reports. It would indeed take some fine juggling of the figures to make Chicago show up anywhere near as well as Gotham. And Chicago—so

Radio's 'Intellectual Idea Man'

Maurice Dreicer Is Little Brother of Small Stations' Public Service Programs

Maurice C. Dreicer of New York City is probably the only 'Intellectual Idea' man in radio, in contradistinction to the numerous tribe of 'commercial idea' men. While one of his educational stunts, the Pygmalion-like 'Where Are You From?' is now sponsored on Mutual, Dreicer is primarily the little brother of the sustainer. He combines energy of the bursting neocortex type with a private income that keeps him from, like so many sustainers on small stations, going hungry. Hence he pursues his career-hobby with no need for thinking about his stomach.

While NBC in particular, and CBS in lesser degree due to having less open time, maintain departments devoted to digging up intellectual programs, Dreicer is the roving Rover Boy of the public service field who voluntarily services small stations around New York City.

Programs Dreicer now has on the air include the following:

'Youth Forum,' 11:30 a.m. Sundays, WINS, with voters under 25 discussing current issues.

'Army of the Air,' 3 p.m. Sundays, WINS, quiz with Col. Richard Stockton, U.S.A. reserve, about army life.

'PM Readers Forum,' 9:15 p.m. Sundays, WMCA, readers of PM have round-table discussions with the paper's editors.

'News Commentator Series,' 8:45 p.m., WINS, with 15 minutes of straight news and 15 minutes of comments on topics phoned in by listeners.

'Servants of the City,' 2 p.m. Tuesdays, WBXN, talks about New York City Service Jobs and activities.

far as outward evidences are concerned—doesn't m to care.

WGN the White Hope

Undoubtedly much of the city's future—as a salesworthy entity—rests on WGN. If this giant can command its full and natural strength, and begin whacking the daylight out of the opposition, Chicago may wake up again. Schreiber and Bacher are off on the right foot. He is preserving the station's status in sports (a pet field of his), and he is keeping an eye on the improvement of two of WGN's traditional strong points: serials and live-talent music. If he succeeds in begging, borrowing, or stealing some of the Chicago Tribune's mammoth market promotion, and converting it into a WGN byproduct, his job will be truly all-inclusive.

Chicago is a nag that needs spurs. WLS won't provide them for the simple and logical reason that WLS already is in a special field, more or less without competition. WGN is the white hope.

MAX WYLIE'S '39-40 BESTS'

Max Wylie's second annual volume of 'Best Broadcasts' has just been published by Whitteley House. The 1939-40 selections are worthy of note here, as bearing upon the general theme of distinction and excellence which these VARIETY surveys underscore. Wylie singled out, among others, the following:

Best Scripts

'My Client Curley,' by Norman Corwin and Lucille Fletcher.

'In the Fog,' by Milton Geiger.

'The Dark Valley,' by W. H. Auden.

'For Richer—For Richer,' by True Boardman.

'This Lonely Heart,' by Arch Oboler.

'The Clinic,' by Ted Key.

Best Educational Programs

'Meet Mr. Weeks.'

'The Human Adventure.'

Best Western

'The Lone Ranger.'

Best Daytime Serial

'Pepper Young's Family.'

'Where Are You From?,' 8 p.m. Wednesdays, WOR-Mutual, with Dr. Henry Lee Smith guessing where studio participants were raised. Dreicer's only commercial, sponsored by Mission Dry.

'Reviewing the War,' 9:30 p.m. Wednesdays, WEVD, discussion about the war, with Col. Stockton.

'Speechmaster,' 2 p.m. Thursdays, WBXN, discussion of speech and its use and improvement.

'Problem Forum,' 7:30 p.m. Thursdays, WCNW, young people discussing their problems.

'Added Up,' 7:45 p.m. Thursdays, WCNW, listener quiz.

'Intercolligate Debate,' alternate Thursday nights, WEVD.

Other shows of Dreicer, not now on the air, but slated to resume now that elections are over, include the following:

'On with the Argument,' 9 p.m. Mondays, WHN, forum discussion and argument with well-known guests.

'Making Money for Women,' with Janet Ware.

'The Merchant of Venus,' Walter Thornton and his models discussing beauty hints, with occasional name guests.

'Dress Up, Mister,' with Henry L. Jackson, fashion editor of Colliers mag.

'School Problems,' with H. Stephen Sackmeyer, discussion of problems with school children.

Until the election Dreicer conducted 'Undecided Voters Forum.' And in addition to his other activities, he is educational director for WCNW. He reserves Saturdays for interviews and auditions.

The Educational Stations (AND WHAT THEY DO)

(It seems appropriate to add this quick-glance of some of the two dozen-plus educational radio stations in the United States. Theirs, of course, is a specialized approach. For that very reason their practices are a useful contrast to the commercial norm.)

WHA (University of Wisconsin)—The Wisconsin School of the Air is now in its ninth year. As of 1939, 290,000 course registrations were recorded for children listening in schools. Courses in agriculture in addition to general educational and cultural features (folder attached).

WRUL (Worldwide Broadcasting Foundation, Boston, Mass.)—Non-profit, non-commercial station broadcasting college study courses and general information of current interest; also programs to England, South America.

WOI (Iowa State College)—Farmer service reports and farm facts. Book programs covering field of contemporary literature, both fiction and non-fiction.

WNYC (Municipal Broadcasting System, New York City)—Only municipally owned and operated station, non-commercial. Pioneered in classical musical recordings, Masterwork Hour is now in 15th year. For last three years operated as special city department under direct supervision of Mayor F. H. LaGuardia, with M. S. Novik director. Specializes in civic and municipal department programs such as: Junior Inspectors Club, Missing Persons Alarms, Conservation of Water Supply, direct school programs broadcast in cooperation with Board of Education, dramatic programs in cooperation with Bureau of Juvenile Delinquency. Pioneered in broadcasting meetings of City Council; extensive coverage of election returns, and in recent months instructions to Selective Service Boards (special programs on Registration Day, and since then daily programs directed towards Service Boards).

University of Kentucky—Utilizes high frequency and through local radio stations has pioneered in creation of 'Listening Posts,' now numbering 40, throughout the mountain regions of Kentucky, where people without radios gather to listen to special educational programs and programs on current topics of interest.

WBOE (Cleveland, Ohio)—Owned and operated by Board of Education, utilizes high frequency, programs of educational nature only directed to classrooms.

WOSU (Ohio State University)—Radio Junior College programs bring higher education within reach of those who cannot attend university; agricultural programs; 'School of the Air' broadcasts for students in elementary and secondary schools; experimentation of various techniques in presentation of programs and recently opened new studio, new transmitter and enlarged power.

WRUF (University of Florida)—Sited on coast of Florida, specializes in weather forecasts, time signals, storm warnings in addition to sheriff and police reports, general educational features and programs presenting university student talent.

WILL (University of Illinois)—Educational programs on all subjects, musical features and programs of straight entertainment.

WFAA, Dallas' Own Words

Continued from page 25

ingenious arrangers. We'll skip names, 'cause that wouldn't boot you any, but you can find one that was a Juillard honor man, and he's plumb out of this world—we took him, broke down the staff band into twenty-five or so small units, and, believe me, we really corral the dogies with these locally produced sessions of sweet and/or hot—I mean, the folks tune 'em in with a rush (so would you to escape daytime serials). People not only get excited, but they also listen and, what's more important, they buy! Add to this our uptown hill billy gangs, then figger it out for yourself that, when local production reared its ugly head, we slapped our saddle on it, rode it and broke it—now it's in our trolly with the biggest brand in the territory on it—WFAA... In addition, consider our constant cooperation, with subsequent airings, with music in public schools, local music seasons, collegiate and special musical events and you can see we give a thorough balanced diet on this score.

Now News is either good and score's a bull's-eye, or it's awful and couldn't hit a bull in the rump with two bull-fiddles—we've got 35 news broadcasts a week, prepped by a couple of wizards on the type-machines, smooth-throated laddies to pass the stuff along—honestly, the folks'd start neck-tie parties if we tried to take 'em off—Two special commentators, blue-blood, swell this staff, one Managing Editor of the Dallas News, one Editor of the Texas Weekly—the News Bureau isn't above a little snooping and fact-finding on its own either, from fire, flood and the like to election results, transcription, draft and the like. Special events, too many to like. Special events, too many to like. Don't write, also saw the following the khaki-clads around in their War Maneuvers, another of a long list of exclusives.

You'd think we wouldn't bother with nighttime dramatics, but truth is that two big jobs have got a private feed-in (angel). From the Pages of Time, and the Mahdeen Mystery Theatre. Since something has got to be sustaining, we devote a little time to talent build-up (little time)—three shows per.

Talent? Brother, if those networks and eastern big-shots don't quit raiding our pens, we've gotta have to take to rustling ourselves—but, if you pinned us down, we'd admit that we do give our budding ones loads of instruction, polish, and just when we get 'em set for our

own rodeo, here comes the grab bag. We'd be proud of the fattening job we did on one herd for they always were top prizes.

"Would you care to take a gander at our public service features? You would? If we keep this brief, you'll have to drop around and take a look because the list is too long—but, just for a clue, with local county and state we're just like that, helpin' 'em on traffic safety, Dallas has 144 deathless days, Red Cross, Variety Club Turtle Derby to help 'em buy a swimmin' pool for the not-so-lucky youngsters and the like. We've got files full of dope on these—more educational matter than ever, and the educators are on our side in even bigger numbers—if we keep on on the same course, we've gonna reach the saturation point in education by Thanksgiving, 1945!

The State Fair of Texas! So, you never heard of it. Course, if you ever got this far from 46th Street you'd know it's the biggest durned thing of its kind in the world—1,116,000 people visited it this year, and since we had 125 programs from our special studios on the grounds, and, since most of us are still arm-slung from autographin' and hand-shakin' you can figger that most of this pack of radio listeners came by our booth.

(Before we get away from local production, 15 of our 85 live talent shows per week go to the Texas Quality Network, the only regional chain coverin' the state....)

The farmer gets a break by tunin' us in, too—farm program every day, recognition to F.F.A. and 4-H, and we branded the local weather bureau with exclusive to broadcast twelve five-minute weather reports per week from the Bureau—this is money in the farmer's pocket, and it's additional to our long-established regular weather info.

If you don't think we're folksy, and I mean kosher, the foremen called a gatherin' of our gabby boys and said, look waddies, some of you are new and the old hands know it, but what we want is for you to talk with people—not at 'em, or up or down to 'em, but with 'em... you'd be surprised the kick we get out of that, and the way the folks like it—and, if you don't believe it, you're fresh from a skull dunking in a bowl of borscht.

Yours sincerely,
THE STAFF.
The Top-hands of the radio-rodeo,
THE STAFF OF WFAA.

THEY SAID IT

(Continued from page 24)
talen shows than all other Baltimore stations combined.

Purnell Gould,
WBFR, Baltimore.

Plural All the Way

'Over 1,000 public service broadcasts in 1940.
KUJ, Walla-Walla, Wash.

A Letter Every 28 Seconds

'One of every 140 persons in the nation has attended the National Barn Dance. Every 28 seconds somebody writes us a letter.'
Glenn Snyder,
WLS, Chicago.

WOW's Operation

'The Woodmen of the World employ 72 persons, spend \$148,000 annually to keep its radio station operating.'
John J. Gillin, Jr.,
WOW, Omaha.

WNOX's Educational Director

'Our most important step in 1940 was formation of an educational department under the supervision of a qualified full-time director.'
WNOX, Knoxville.

No Dry Talks

'Naturally, we supply time to all local fraternal, charitable and religious organizations of good character. However, during 1940 we established a policy that no group can have time to just talk. Every program presented for such organizations as the P. T. A., Community Chest, Veterans of Foreign Wars, etc., must be produced in a showmanlike manner.'

'We maintain a production department for this purpose and we use such established methods as dramatizations, planned interviews, questions and answers, etc., to make the usual 'dry' talk interesting to our entire audience.'
WOC, Davenport, Iowa.

From Anniston, Alabama

'To become a better advertising buy, WHMA, The Showmanship Station, has made available to all advertisers unlimited newspaper space, without, of course, direct mention of sponsor. All programs are given as much as a two-weeks advance build-up in publications in the Anniston territory. This includes publicity stories and use of newspaper mats. Our program schedule is carried by four newspapers in northeast Alabama. We present as complete a merchandising service as will be found offered by a small station. WHMA was awarded first prize in the recent Purina Mills (Checkerboard Time) promotion campaign in which some 54 stations (30,000 watters, included) were entered.'

Edwin Mullinar,
WHMA, Anniston, Ala.

Sports and Religion

'All sports are handled by one announcer whose schedule is arranged so that he can spend his afternoons visiting the local teams. He carries three sportscasts each day as well as play-by-play broadcasts of all sporting events. Interviews with local sport celebrities are featured on sportscasts on otherwise dull sport days.'

'The local ministerial association is given a 25 minute daily period and each minister takes a week at a time. The program is highlighted as an opportunity to get acquainted with our local ministers and each is given a build-up.'
WJBC, Bloomington, Ill.

A Florida Audience

'Due to the cosmopolitan nature of WWSN's listeners (composed of more out-of-staters than natives), programs are designed to fill a peculiar need. Programs of necessity are rather regional in nature—and built to hold the interest of Canadians, the retired Indiana farmer, the Florida fisherman or citrus-grower.'
WWSN, St. Petersburg, Fla.

Status of Director

'Although technically a "small" station (5,000 watts in a town of 50,000), WIS has a Program Director in fact as well as in name. He, personally, does no announcing. His only broadcasting on the station are three five-minute newscasts a day. For the rest, he directs the activities of four announcers and a continuity-clerical staff of four girls. Program ideas

FREE TIME

All American radio stations of necessity, and by custom, liberally donate announcements to civic groups. The following is the actual tabulation of KPZY, Spokane, for Jan. 1-Oct. 26, 1940 inclusive:

Recruiting Service.....	10
President's Birthday Ball.....	5
U. S. Navy.....	23
U. S. Army.....	59
U. S. Marines.....	21
Boy Scouts.....	1
Chamber of Commerce.....	18
Red Cross.....	2
Civilian Mobilization.....	3
Flag Week.....	4
Defense of America Committee.....	6
Register to Vote.....	27
Voting.....	14
Church Service.....	22
Drive Carefully.....	69
Surplus Food.....	20
Fourth of July.....	1
Fire Prevention.....	54
Treasury Department.....	3
National Guard.....	5
Spokane Parks.....	2
Safety.....	3
Forest Service.....	10
National Defense.....	38
Allen Registration.....	5
Wash. State Emp. Service.....	2
Forget-Me-Not-Day.....	1
Selective Service.....	27
Community Chest.....	35
State Patrol.....	4

and auditions funnel through him. Boiled down, the Program Director at WIS has as one of his most important jobs the discovery and sale of new programs. He culls the hundreds of additions that come his way . . . develops the best talent discovered . . . and then convinces the Sales Staff that he has just the thing for one or more of their clients.

Just going on the air at WIS are two programs handled just this way. 'Design for Happiness' featuring interior decorating chais by Margaret Rhett Bentley, has just been sold . . . two quarter-hours a week to Binswanger Glass Co. . . also 'Woman's World,' a local three-time-a-week program, written, produced, aired and sold by WIS.

Loren Watson, Jr.,
WIS, Columbia, S. C.

WKCY's Publicity

'In addition to some 305 newspapers with whom we have regular contacts, the L. B. Wilson station sends releases to 410 other papers in 12 states. This list receives only Special Releases of particular interest. Our program schedule is carried by four newspapers in northeast Alabama. We present as complete a merchandising service as will be found offered by a small station. WHMA was awarded first prize in the recent Purina Mills (Checkerboard Time) promotion campaign in which some 54 stations (30,000 watters, included) were entered.'

'A definite policy of sending publicity Only When the Station has a Story to Tell, rather than dumping into the mail great masses of inconsequential items, has paid dividends. Editors know that WKCY's releases are honest news, and therefore are inclined to give WKCY material better consideration.'

Elmer Dressman,
WKCY, Cincinnati.

Eliminated 'Clutter'

'... We eliminated special "clutter" periods of music and announcements interspersed. Instituted our first regular daily program for women—'The Party Line' conducted by Anna S. Parkman. . . Improved speech input and studio facilities and equipment for quality reproduction. Added transcription equipment. . . Added State of Maine News Service, produced in conjunction with WLBZ and WRDO, to daily schedule of news periods. . . Completely replaced announcing staff with new, trained men. . . Arranged to carry whenever possible all service features, special events and special news broadcasts from NBC network.'

Linwood Pittman,
WCSH, Portland, Me.

One for Free

'Of importance to the national advertiser is the fact that WIZE, the new station: Springfield will become a bonus station. Any NBC sponsor, buying time on WING may have the same time on WIZE—gratis—if he so requests it. WIZE will carry NBC programs of both the red and blue networks, fed to it from WING.'

76 a Month

'Between New Year's Day and Nov. 1, 1940, KSFO originated 766 public-service programs! That's an average of 76 times a month!'

KSFO, San Francisco.
WING, Dayton, O.

Columbia Managed and Owned Stations
Brilliant Examples of Showmanship

But NBC Now Giving Local Managers More Authority and Better, More Energetic Showmanagement Is Noted—M & O's Are Highly Significant Clue to the Best Thinking by Broadcasting Industry in Translating 'Public Interest' into Everyday Operation.

Since the managed-operated stations of the major networks get around 12% of the radio industry's entire gross revenue, the M & O viewpoint on showmanagement looms large. During the past year there have been some significant changes in this viewpoint, especially when NBC's string of M & O's is contrasted, or compared, with the CBS stable.

Both VARIETY and the trade have, in years past, customarily called the NBC stations 'swivel-chair operators,' whereas the CBS contingent drew such laudatory adjectives as 'smart,' 'individual,' etc. It was an accepted dictum that NBC plugged its stations with quiet, gentlemanly managers: who confined their genuinity to giving free time to garden clubs and making dull speeches at Rotary gatherings. By the same token, CBS supposedly hired glamour boys for managers, and let these male Hedy Lamarrs do anything they wanted to do, so long as the results looked good on the ledgers.

This situation apparently has been drastically changed during the past year.

CBS' Glamour Boys

Still Carrying On

CBS still has the same glamour boys doing the same sensational feats of individuality. But meantime CBS appears to have assembled a brain trust in New York which reduces certain phases of showmanship to formulas, and then advises the M & O managers to add these formulas to their already sizable list of local developments. In short, CBS is making a 'goo' thing better.

Just as emphatic have been the developments in the NBC household. Here certain of the managers, who for years were as quiet as a trout under a rock, have suddenly become intitled with a showmanly vitality which decidedly indicates that the 'swivel-chair' days are now bygone.

Rating tops in this NBC break-away from the dull and the stodgy are Kenneth Berkeley (WRC-WMAL, Washington, D. C.) and Lloyd Yoder (KOA, Denver). The reports sent to VARIETY by these two men were no glowing examples of fine English prose, but as memoranda of alert, up-to-date operation they were nicked by nobody or nothing. KOA, for instance, is one of the few stations which apparently is aware of the fact that employee relationships are important phases of operation. WRC-WMAL, likewise, was one of the few stations which really did a good job with department stores.

Employee Relations Is Stressed by Yoder

KOA further instituted group insurance and hospitalization. It started an athletic association among its employees, and installed vending machines throughout its plant, the profits from the said machines going to the employee association (a clever scheme which probably originated first of all at KWK, St. Louis). Additionally, KOA making its own transcribed shows on the grounds that it's from libraries free too dull. Merchandising and news were boosted heavily. And local production was pepped up to the point where KOA became good enough to originate two web commercials.

WRC-WMAL again put more emphasis on production (which always was forte, even in the past). New singers were developed, the house orchestra was brushed up still more. Meantime a sales promotion department was inaugurated (although Jess Willard of CBS' WJSV had the jump on NBC here by more than a year). Baukhage, the news commentator, was sold to the Hecht Co. (department store), and the other department stores were signed for announcements. Apparently WRC-

WMAL have at last cracked the ice in Washington department store circles. This multitude of WRC-WMAL activities tallied up as thoroughly impressive—and alert.

Vernon Pribble Forgot

To Cite WTAM Points

WTAM, Cleveland, sent in a report, but characteristically Vernon Pribble was too modest. He emphasized a list of civic and educational activities, which are fine for Cleveland. But he neglected to say that WTAM has just about the best and neatest plant in the U. S.; that employees are pampered with lockers, clubrooms, showers, offices decorated in colors of their own (the employees' choosing); that the station stages art exhibits in corridors especially constructed for this purpose; and that WTAM's version of certain cultural shows is on the grand scale. Pribble is one of NBC's oldest individualists. He knows what he is doing; but his ability to put it into English is such that he could stand a good ghost writer.

On the whole, the NBC stations gave ample evidence that the red tape of yore is being ripped up, and that the swivel chairs are being supplanted by bicycles. Nobody should be sorry.

Pages of Fine Prose In Woolcott Tradition

The CBS glamour boys flooded VARIETY with a freight train-full of cellophone books, Steichen photos, and pages of prose in the best Woolcott tradition. VARIETY had put certain restrictions on the physical format of exhibits, but the CBS boys somehow managed to get around the whole thing by living up to the letter of the law, while violating the spirit of it. There is no doubt but that this was calculated to impress VARIETY with CBS' all-around shrewdness. All right, VARIETY is impressed. Now let's get down to cases.

One of the noteworthy things about the CBS station reports is that so many stations were using the same ideas. This leads to the inescapable conclusion that the CBS brain trust on Madison avenue manufactured these ideas, and issued them broadcast to the M & O stations. Either that, or the CBS managers are telepathic. Whatever the case (and this paper is betting on Madison avenue rather than on telepathy), the ideas are generally sound and well thought out.

For instance, both KMOX (St. Louis) and WJSV (Washington, D. C.) put restrictions on certain kinds of business. Merle Jones cut out all Sunday beer ads in St. Louis in the face of the fact that St. Louis is almost as great a beer-guzzling community as Milwaukee. Jones similarly doused all political announcements. Jess Willard dropped beer advertising in Washington, and banned personal-loan plugging.

Also in the unique coincidence department is the establishment of 'Radio Guilds' by numerous CBS stations. These 'Guilds' are more or less listening posts in school systems, and thus fall into the classification of educational radio.

Merchandising Newly

To Fore at CBS M&O's

Practically all of CBS' M & O group added lots and lots of merchandising. Merchandising is something the networks usually frown on. Therefore the universal birth of it among CBS's own station again speaks the fact that the fountainhead of such a move was in New York. Certainly the local managers would not have the authority to say across the grain of an old tradition without first getting the green light from headquarters.

Station-by-station descriptions of

locally unique showmanagement is harder in the case of CBS than in the case of NBC. As noted before, CBS has specialized in managers for a long time, and therefore many of the managers' gyrations have been recounted in past surveys. Granting that the managers are awfully good at getting new ideas, it must still be admitted that a day comes when the law of diminishing returns begins to operate. On the other hand, VARIETY does not wish to imply that its judgment of showmanship is founded solely on a station's ability to think up countless schemes, ideas, and intrigues. Soundness of operation is most important. And in this category the CBS contingent is very, very strong.

The Dollar Sign As A

Station Coat-of-Arms

KNX, Los Angeles, the whole made the most impressive showing in the CBS stable. It also was guilty of one of the fustiest exhibits that ever bedeviled the judges. It finally developed (after 10 yards of cellophane and dozens of modernistic photos) that KNX has forged one of the hottest sales and promotion departments ever assembled anywhere. Reports missing business—merchandising—trade meetings—bulletins—to the trade—portfolios for clients' salesmen—contest promotion—store posters—these and countless other volleys were fired by KNX in a mammoth attempt to put the Pacific Coast on the radio map. And while VARIETY does not advocate the dollar sign as the best coat-of-arms for a radio station, it must be granted that KNX has tackled an important problem, and tackled it well.

WBT, Charlotte, Changes

Into a Farm Station

WBT, Charlotte, now under O. E. Joscelyn also fixed an idea firmly in its mind and carried it out to a stubbornly successful conclusion. WBT's idea is wooing the farmers, and the station went to such lengths as sending a man to Washington to get dope on crops, etc., as a tip-off for listeners. It all added up to plenty of sense.

WEEI, Boston, also was most reasonable in describing a program for farmers, even if the station's campaign against cattle rustling superficially sounds as though WEEI is confusing Massachusetts with Texas. (Speaking of Boston, by the way, this paper still feels that the city is terrifically under-promoted as a radio market, and that the time-buyer's conception of the Hub is one of utter confusion.)

WJSV rates a nod for a slick scheme to sell housing and real estate; and WBBM (also guilty of ribbons, cellophane, and super-super art work in its exhibit) distinguished itself by establishing a foreign listening post and adding a color photography department. KMOX and WCCO depicted themselves as sturdy in all departments, and in a class with the U. S. mint when it comes to coining money.

Summary

To sum up the whole thing:

NBC is giving its managers more leeway and they are responding wonderfully. Nonetheless this development—pretty new (Rome wasn't built in a day), and the CBS M & O stations still have the jump, especially where subtleties are involved.

CBS meantime (perhaps with an eye on the Capital) is cutting down on certain kinds of business, appearing in advertisers with more merchandising, and priming the idea pump via some Madison avenue watter.

THE PLAQUE THAT NOBODY WON OR, THE SAD STATE OF RADIO CRITICISM

This is the anti-climax of the 1940 radio showmanship survey, the story of a search that failed, of a hope that was frustrated. It is the story of an 'advancing the art of radio' plaque that was not awarded because VARIETY could find no daily newspaper to which it could give it.

Hoping to stimulate newspaper publisher interest in setting up radio program criticism, VARIETY set out to discover one radio column which regularly indulged in serious, professional, responsible radio program criticism. Had such a column been found, it was intended to beam the spotlight of this survey upon the newspaper carrying the service and to present one of these plaques to its publisher.

As the result of the failure to find a candidate, VARIETY is convinced that for all practical purposes there is no such thing in the United States as serious radio criticism except in this and one or two other business publications. This seems a pity to VARIETY. Radio is the greatest audience of all time, and its ability to influence public opinion, education, democracy, culture and foreign affairs is almost beyond the power of the ordinary imagination to comprehend. That these tens of thousands of broadcast programs annually receive only the most frivolous, casual and press agent-influenced newspaper comment seems a social lack of real importance—taking 'public interest' as the consideration.

Using basic data supplied to the Showmanship Survey by Edgar Grunwald, editor of the VARIETY Radio Directory, it appeared that, to start with, some 306 listed newspapers in cities having a carrier population of 50,000 or over reported 275 (or 90%) 'radio editors.'

Here is the first hint of why nobody could be found to receive the plaque: 203 of these radio columnists, or 74%, also handled other jobs on their papers including: reporting, editing amusement section, wire editing, copyreading, makeup. Several radio editors are librarians. One is chief linotype setter for his paper!

In view of the extremely high percentage of 'other jobs' also held by radio editors, it may be safely assumed that these editors, or columnists, do not—on the whole—devote very much time to radio.

News is the essential ingredient of the radio columns, according to the basic data. Gossip and chatter—to make a distinction from 'news'—is the second item. Although 144 radio columnists supposedly 'review' radio programs, it is fairly clear that their definition of a 'review' is not VARIETY's or the trade's. Some 53% have frankly expressed the view that reviews were last in importance.

It seems probable that many radio editors consider a listing in the 'best bet' boxes as a form of criticism—i.e., an endorsement and recommendation. This, however, is a pretty far-fetched and excessively lean concept of a critique.

Perhaps the most intelligent communication directed to the Showmanship Survey itself comes from a far western radio columnist, one who brings intelligence to his task. He makes it pretty clear—from the inside looking out—just why there is no radio criticism in the United States. To quote this realist:

'Many thanks for including me in your survey. By asking for samples you got me to look over my own work. I don't care much for the stuff and so have resolved to mend

my columning ways. So you see you have already done a good service.

'As for policy, etc., this is a full-time job. The column runs seven days a week. News of programs to come generally runs 10 to 20% or 80 to 90% of boloney. Before the campaign began we were running about four columns of readers' letters each week, set in agate.

'No workmanlike criticism of radio programs is attempted. Mostly good-natured kidding after the manner of some sports columns. By this method, however, we manage to hit the nail on the head quite often and the ideas expressed check fairly well with reviews that appear later in VARIETY's columns.

'I'll be looking forward with interest to your survey and would like to say confidentially in a burn-this-letter tone of voice that if you get to speculating on why radio columns are not up to the standard of some other columns, I hope you will consider this fact: on most sheets the radio man is the only one on the staff who is supposed to, put in a full day at the office, then go home and cover his beat, the loudspeaker, on his own time, the time he is tired.

'Here at the The ——— I have facilities for listening during the day, but I know most radio scribblers have no loudspeaker at the office. Before they stopped radio columns in San Francisco, I visited a certain newspaper office and found their widely advertised radio columnist sitting in an overcrowded city news room trying to listen on a pair of headphones with a bedlam of distraction going on about him. My point is this: all kinds of reporters are permitted to come into con-

tact with the subjects they cover except the radio man. Until papers recognize radio columning as a legitimate job you are not going to have first-class radio columns.'

One midwestern radio columnist seemed to have the ideal of criticism, but he did not carry it out in the dozen or more samples of his run-of-mill column seen by VARIETY. This newspaperman stated that his 'aim is to bring radio reviewing up to the dignity and high standards of treating the legitimate theatre and away from the low gush which has been the fate of film comment.'

He continued, in this vein:

'News is given almost equal space with criticism. Idle gossip, having little or nothing to do with the way the program sounds on the loudspeaker is shunned like poison. If Alice Frost wears dubonnet girdles, we assume it has no effect on her acting ability and thus has no place outside a strictly fashion-dope column.

'Unusual in the conduct of my column is fact that sponsors are sometimes referred to by name, when the identification is difficult otherwise or when variety in prose is desired.'

Leonard Carlton of the N. Y. Post and Ben Gross of the N. Y. News come closest to operating as full-fledged radio critics. Certainly, too, it is true that Gross works hard, listens in person or through his associate, longer hours than anybody in the business, more hours perhaps in the aggregate than VARIETY itself (the members of whose staff have long had their social life extinguished for the greater glory of radio reviewing). In the past the program comment of daily newspaper radio columnists has customarily been confined to what

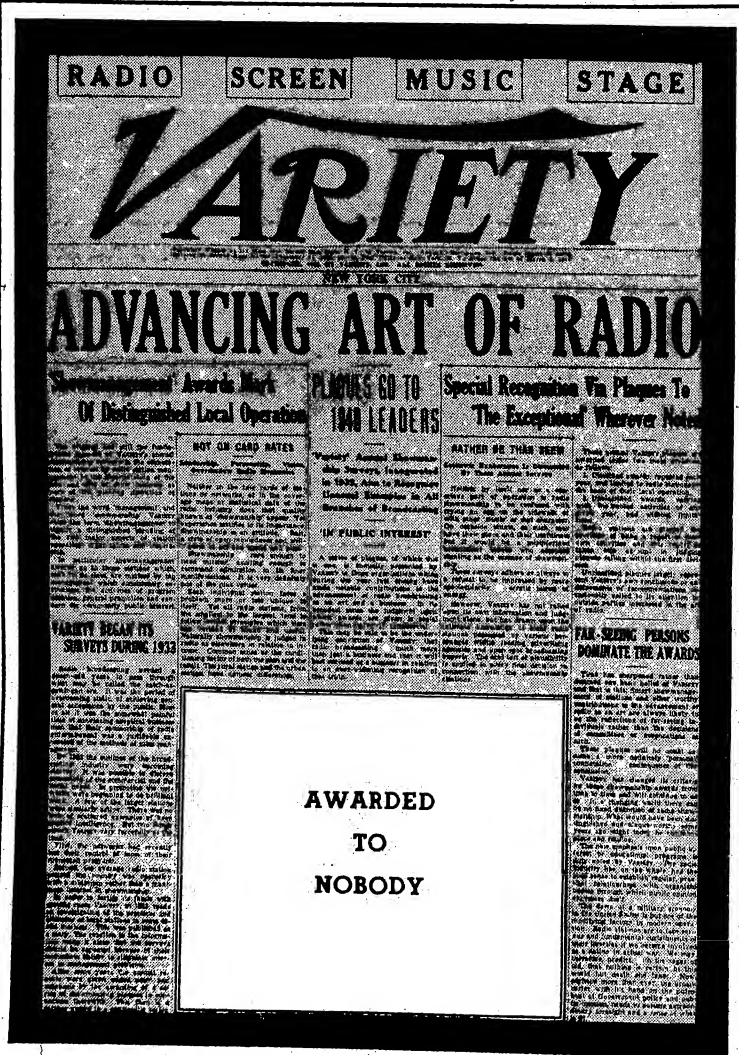
the individual columnist liked personally. Thus one ex-columnist some years back filled his space with learned notes on symphonic and chamber music. He was a high brow and that was his dish.

Of course there is no secret as to why radio criticism does not exist in the United States. Frankly no publisher thus far sees any adequate reason of self-interest for setting up the machinery or giving the necessary space. They do not see that radio criticism could be a commercial, exploitable commodity for the daily carrying it. Significant are the comments so often heard, especially on a Monday morning, concerning the shows of yesterday. The public takes its radio seriously and would possibly welcome a newspaper that did also.

Meantime there are some comments from the Michigan University Daily of which David Lachenbruch is radio editor. On Nov. 19 the college paper editorialized:

'When is radio going to act its age? For the last three years, the intelligent radio listener has been forced to listen to programs suited to the mentality of an 11-year-old child. He has been compelled to sit back by his radio and hear a sugar-tongued bandleader spend a half hour drawing a lucky name from a pile of telephone directories. He has had to listen to Mrs. Hansen of Peoria explain in a quavering voice how she actually heard her dead brother prophesy an airplane disaster.

The intelligent consumer has been humiliated into listening to a cheery interrogator pose questions to 'thrilled' White Plains housewives. He submitted—not without boredom—to hearing Mrs. Bolger's prize-winning letter on 'How I Won My Love.'



(Actual Size of a Showmanship Plaque Is 19½ x 26 Inches)

7 RULES THAT SHAKE RADIO

Shall-Not for Networks

Washington, Dec. 3. Sweeping new concepts of public interest, convenience, and necessity are embodied in the trial balloons sent up by the Federal Communications Commission last week as a move to bring to a head the controversy over the chain-monopoly report. Under the authority conferred by Section 303—giving authority to make "special regulations applicable to stations engaged in chain broadcasting"—the commission suggested a set of 12 possible rules dealing with seven of the most important aspects of network operation.

Several of the potential shall-nots were put up as alternatives but even the mildest would force drastic changes on the industry and have a serious effect on current business habits. The gist of the suggestions was:

1. **Exclusivity**—An absolute ban on such contract provisions; or a statutory yardstick preventing such arrangements in cities with fewer than five full-time stations.

2. **Option Time**—Limiting the hours when a network has first call on the transmitter to 30% of the converted hours in any city served by three full-time plants 'with comparable facilities'; 20% of the converted hours where there are two rival outlets, or 10% when there is only one full-timer, and involving more than 25% of the converted hours during which the station carried network commercials in the prior six months.

3. **Length of Web-outlet Contracts**—Forbidding any contract exceeding the license period; or running more than two years; or not allowing both parties the same opportunity to cancel or renew the agreement.

4. **Rate-fixing**—No contract can give the network power to interfere with freedom of the affiliate to fix his own rates for time sold other clients.

5. **Dual Coverage**—No licensee can tie up with a web maintaining two chains or sign a contract that will result in airing of programs of one company by two or more stations serving the same city.

6. **Chain Ownership**—No network shall own any station and no station shall own a network; or no web shall operate more than two 1-A outlets or more than three stations of all types; or no web shall operate a transmitter in a city receiving primary service from less than five full-time stations.

7. **Rejection of Programs**—No contract shall prevent the station from canceling any program "for reasonable cause" and the chain cannot question the judgment of the affiliate.

New FCC Rules (Proposed) Rapped

Neville Miller and Senator Cham Gurney First to Speak Out—Miller's Difficult Position

Washington, Dec. 3. Almost as soon as the trial balloon was sent up, proposed new regulations of the Federal Communications Commission were under attack last week. Without waiting for the oral argument, Neville Miller, president of the National Association of Broadcasters, and Senator Cham Gurney of South Dakota, screamed that any ideas such as those reflected in the regulators' targets would seriously injure American broadcasting.

The N.A.B. prexy, in an awkward position because of the split between the networks and divided sentiment within his own membership, made a careful comment dealing with the legal power of the Commission to impose any rules along the lines mapped out. He remarked "it would be most unfortunate if the high standard of radio entertainment and information now enjoyed by the American public was jeopardized by restrictions sought to be imposed without warrant of law or need."

The Republican solon, whose family formerly owned WNAX, Yankton, was not pulling punches. Acquainted with the subject from several angles, Gurney declared Friday (29) in the Senate that policies urged by implication in the chain-monopoly report and embodied in the tentative rules would either "strangle" the industry or "impose a death sentence upon established networks." The South Dakotan recalled that the committee report, during the Senate Interstate Commerce Committee hearings on the Thad Brown nomination last summer, "was severely criticized and generally discredited because of its inaccuracy and demonstrable bias."

Whether the Federal Communications Act gives the regulators power to lay down such principles was challenged by both Miller and Gurney. The trade body executive, citing the Supreme Court decision in the significant Sanders case, said "it is my firm conviction that the present Communications Act gives the Commission but limited power." Gurney declared flatly that the proposed rules would exceed the Commission's statutory authority and remarked that so far the regulatory body has not made any concrete findings of abuse that would justify such stringent controls. If the suggestions are written into the regulations, Gurney said there will be little doubt the Commission has "gone loco." There may be differences of

opinion within the industry about fundamental policies, Miller agreed, but even these do not justify arbitrary action by the Commission. He was hopeful that there is enough "good judgment and restraint" to make sure no dictatorial attitude will be adopted.

LORILLARD LONG SMOKE TRY'S BUFF., ROCHESTER

Lorillard will soon start a test campaign for its new long cigarette, Beech-Nut. The initial spot will be Buffalo, though the station and program are yet to be set.

Next town will be Rochester, N. Y.

INDUSTRY SPLITS ON 'MONOPOLY'

NBC, CBS, IRNA Lawyers Fence with FCC—Mutual Says Rules, in Modified Form Help 'Competition'

HEARINGS GO ON

Washington, Dec. 3. The Federal Communications Commission reopened hearings yesterday (Monday) on the 'chain monopoly' issues which have been argued at great length in previous hearings and in recent legal briefs. A series of proposed new rules to carry out the recommendations of the FCC committee were issued last Thursday and these form a concrete point of attack by the industry. Monday's hearings ran from 10:30 to 5:20 with Attorney Segal, Burns and Hennessy for IRNA, CBS and NBC paraphrasing, repeating, echoing points in their own briefs and Chairman Fly and Commissioners Thompson and Walker laying down a barrage of questions and demands for clarification.

Although the Commission sought to crystallize the heated debate about monopolistic conditions, asserted abuses of economic power, and domination of the entire industry by the chains, the proceeding disintegrated quickly into exchanges of "is so and isn't, with apparently little likelihood of any converts being made by counsel for conflicting interests."

The whole argument seems to boil down to one fundamental proposition. That is whether the Federal Government, in the person of the FCC, should exercise strict supervision over the business dealings of chains and their outlets in order to protect the "public interest." Decidedly secondary importance attaches to the related questions of whether the Commission has the legal authority to undertake such functions and what regulatory policies should be followed. In the event the body decides it must move into this new field. Essentially, the conflict is between persons with the New Deal viewpoint and those who maintain private enterprise will be destroyed by

(Continued on page 30)

Government Not Being Brought Into Broadcasting's Internal Problems Save on 'Abuse' Basis—Weber

New Web Maybes

Four accounts loomed up last week as network possibilities. They were: Absorbine, Jr., (J. Walter Thompson). Corn Products (C. L. Miller agency). American Chicle. Socony (J. Stirling Getchell).

IT IS YOUR BIZ, STATIONS TOLD

Philadelphia, Dec. 3.

Samuel R. Rosenbaum, chairman of the board of directors of the Independent Radio Network Affiliates, warned owners of indie stations that they faced government regulation unless they kept a united front within the organization. In a letter to IRNA members last Wed. (7) Rosenbaum wrote:

"It is no solution for any affiliate to turn his back and say he has nothing to do with it (IRNA's fight against FCC control). On the contrary, your own long-range best interest lies in being a member of IRNA and expressing your views and trying to convince others that you are right, so that in the end IRNA will be able fairly and properly to present the views which reflect the best thought of the industry. Otherwise you will get regulation and meet accomplished facts without even having tried to have a hand in shaping them."

Betty Armstrong, former advertising executive with Shillito's, local department store joined WLW, Cincinnati, as assistant to Chick Allison, sales promotion manager.

Fred Weber, Mutual general manager, in a wire sent to affiliated stations Saturday (30) took exception to a statement of Samuel R. Rosenbaum, Independent Radio Networks Affiliates chairman, that "most of the objection which has been expressed to the IRNA brief had been stirred up by officers of Mutual." Weber scored Rosenbaum's claim that if the FCC has its way network broadcasting would be destroyed and urged that the stations do not allow the construction placed upon the FCC's latest proposed rules for network broadcasting by IRNA's executive committee to influence them one way or the other with respect to their position on the IRNA brief.

Weber also took a crack at Rosenbaum for charging Mutual of trying to bring upon the entire industry detailed government regulation of network operation. The Mutual g.m. pointed out that Mutual has repeatedly argued that there shouldn't be regulation except where there are abuses, and that the FCC is acting under the very powers invested it through section 303 of the Communications Act of 1934. This provision grants the commission authority to intervene when abuses in network broadcasting develop.

In his latest circular letter to IRNA members Rosenbaum stated that what the IRNA brief on the monopoly investigation primarily contended was that IRNA was opposed to government regulation of our business and contracts. Also that regulation of station licenses did not involve regulation of the station's business and contracts, and that while network-affiliate relationships can be considerably corrected and improved, "we are equally sure that government intervention is the wrong way to accomplish it."

No Studio Audience For Coca-Cola Inaugural; Kostelanetz at Liederkranz

Coca Cola passed up the use of a CBS studio which accommodates an audience for the debut of its new series Sunday (1) because Andre Kostelanetz preferred to originate the show from his favorite recording spot, the Liederkranz Club hall in 58th street. The account could have had any one of the network's New York studios, since it hasn't a booking in any one of them from 2 to 5:30 p. m. The beverage show is on between 4:30 and 5 p. m.

Fresh agents for Coca Cola used the account's inability to invite attendance at the broadcast as the springboard for a stunt. They distributed in advance to radio eds phonograph recordings of numbers by Kostelanetz and John Charles Thomas which were to be played on the initial broadcast. The Kostelanetz platter carried the Columbia Phonograph label, whereas the Thomas disc was a Victor release.

Frank Jaffe at WIOD

Des Moines, Dec. 3. Frank Jaffe, former news commentator for KSO-KINT, Des Moines, Iowa, and promotion manager of KMA, Shenandoah, Iowa, has been named promotion manager of station WIOD, Miami, Fla. The station is affiliated with the Miami Daily News.

SPONSORS GRACE FLANDRAU

Minneapolis, Dec. 3. Grace Flandrau, Twin City author, goes on the air over KSTP in a new weekly series peddling Nash coffee. Among Mrs. Flandrau's works are "Then I Saw the Congo" and "Indeed This Flesh."

35th ANNIVERSARY NUMBER

of
VARIETY

To Be Published Late This Month

USUAL ADVERTISING RATES PREVAIL

Special Exploitation Advantages

Reservations and Copy May Be Sent to Any Variety Office

NEW YORK
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CHICAGO
54 W. Randolph St.

LONDON
8 St. Martin's Pl.

HOLLYW'D LAWYER ENTERS FCC PROBE; CALLS WEBS' ARTISTS BUREAUS AN EVIL

Rule Urged That Would Throttle NBC, CBS Talent Divisions—Craven, Case Doubt Legality of Such a Prohibition

Washington, Dec. 3. In connection with the monopoly hearings now being held before the Federal Communications Commission it was disclosed today (Tuesday) that a group of Hollywood talent agents has complained against the operations of NBC and Columbia in the talent booking field. Martin Gang speaking for this group today, urged the commission to revise the rules so that the networks would be compelled to discontinue their artists bureaus.

Gang submitted two rules which he contended would practically wipe out such network subsidies. One provided that no network licensee or any person serving as its agent shall make a contract with an actor, singer, musician, announcer, commentator or other talent which would give the network exclusive control over such talent's commercial services. Second rule suggested by Gang would outlaw contracts by which the network or its agent serves as agent, manager, personal representative or employment representative or in any other similar capacity for talent.

Doubt that any such regulation would stand a court test was expressed by Commissioners Norman Case and T. A. M. Craven, who have from time to time questioned how far the FCC can go in supervising the business conduct of the broadcasting industry. To Gang's argument that rules of this sort are authorized by the requirements that licensees must serve public interest, convenience and necessity, Case pointed out that the U.S. supreme court has limited the phrase. Independent agents, Case said, should go to another forum for meeting Congress, the Department of Justice or the Federal Trade Commission.

Gang complained that the web-angled bureaus are in a position to put the independent agents out of business because the networks can use their economic powers to corral performers. Having licenses to render radio service, the networks, stated Gang, misuse their advantage by entering fields that are only incidental to broadcasting. The chains, he added, tie up artists without paying them salaries and NBC and CBS 'absolutely control the concert situation in the United States.' Gang also advised the Commission that the networks' talent bureaus are in a dual role and have conflicting interests so that performers under contract to them are hurt and the public suffers.

ZENITH'S FISCAL AFFAIRS GOOD

Zenith Radio Corp. profit for the six months ended Oct. 31 last totaled \$1,158,872 as compared with only \$377,696 for the six-month period in the company's fiscal year ended Oct. 31, 1939.

Unit shipments, which were the largest for any similar period in the company's history, and the continued popularity of the Wavemagnet Portable radio, are credited with being responsible for the huge increase in earnings. Deliveries of auto radios to motor car manufacturers are greater this year by a substantial margin than in any previous year.

Accounts receivable are in excellent condition with collections continuing unusually satisfactory. Company has no bank loans while cash balances in banks are about \$2,500,000.

NBC Chi Staff Shifts

Chicago, Dec. 3. Couple of internal shifts in the NBC sales staff here. Harry Kopf, NBC division head here, has moved Carl McAssey from the Spot Sales Department to the Blue network sales staff headed by E. R. Boroff. Kopf has taken cashier Rudi Neubauer and turned him into a sales man in the Spot Sales division.

Looking for General

Philadelphia, Dec. 3. Joseph Connelly, WCAU promotion boss, came within an ace of being forcibly inducted into Uncle Sam's Army last week. Arriving at the Armory to make last minute arrangements for the airing of induction ceremonies, Connelly made the mistake of wandering out the wrong door. A hard-boiled sergeant stopped him and asked where in (one word censored here) Connelly thought he was going.

"I'm looking for the general," said Joe.

"A wise guy," sneered the non-com, grabbing Connelly by the scruff of the neck. "We know how to fix fresh rookies like you."

It took two newspapermen and a major to convince the sergeant that Joe was not one of the draftees—yet.

WCOP Gets Full Time

Boston, Dec. 3. WCOP, operating on part-time basis since opening five years ago, has been granted a full-time license by the FCC. As soon as new equipment is installed, WCOP will go on a 19-hour schedule (6 a.m. to 1 a.m.) according to tentative plans. New 320-foot antenna will be set up alongside similar tower at Brighton, Mass., where the transmitter is located.

A new ground system and additional technical equipment will go in before the full-time schedule is inaugurated. Ashley L. Robinson is acting manager of WCOP, replacing Gerard H. Slatery who resigned recently.

7 Rules that Shake Radio

Continued from page 25

further exercise of regulatory powers.

The argument got off with an exposition of the New Deal concept by Telford Taylor, FCC general counsel, and his chief assistant, Joseph Rauh, who contended the question of jurisdiction to impose special rules on chains is academic. Following the course mapped out in their briefs, counsel for NBC, CBS and IRNA shot back verbal barrages at the 'suggested' regulations issued Thursday (28).

Division on FCC
Expected clash of personalities did not occur Monday (2), the opening day, although the atmosphere was distinctly hostile with the industry split over the issue whether the pie is divided evenly, and everybody has a fair chance to get his slice.

Three members of the Commish indicated plainly they feel some reforms must be ordered and that there is no chance of improvement in the industry through voluntary action. With Commissioners Norman S. Case and George Henry Payne saying nothing, Commissioner T. A. M. Craven displayed by significant inquires fundamental disagreement with the position taken by the chain-monopoly proponents.

Difference of opinion between the two schools was dramatized at the outset when Rauh, maintaining the whole matter is a 'simple proposition,' took the stand that the FCC is charged with preventing monopoly in the broadcasting business and acknowledged that, even though stations and networks are not public utilities or common carriers, the Commish would have ample authority to pass judgment on rate schedules in safeguarding the public interest and policing the kilocycles.

Rauh's Contentions
Remarking that the chief dispute is whether 'restrictions' in chain-affiliate contracts affect the ability of licensees to serve the public satisfactorily, Rauh said if the Commission concludes that remedial action is necessary there is no question about its jurisdiction. He argued it would be no answer to say the webs and their outlets are delivering better service than unaffiliated plants; this fact would not prevent the Commish from using its licensing power to correct undesirable situations, he replied.

The Commission is not restricted to considering the public interest that would be served by any particular applicant, Rauh declared. Therefore, it can consider the effect of contracts. The noted Sanders case, cited by opponents of special regulation, referred to 'free competition,' he observed, something that is not involved in the present controversy. He doubted that Congress would deprive the Commish of dealing with such vital problems as monopoly and restricted competition if there is need for remedial action. All the Supreme Court meant in the Sanders decision, in Rauh's estimation, is that the Commission has no power to regulate the broadcasting business for the sake of regulating it.

The opening statement by Taylor, who became general counsel only a short time before the controversial report saw daylight and who had no

part in the six-month investigation, was merely a historical recital prefacing an explanation of the 'suggestions' for regulations. He emphasized that no decisions have been reached, adding that the chain-monopoly report is a product of 'orderly procedure and lengthy consideration.'

The Proposed Rules
The proposed rules, which, in brief, would outlaw exclusive contracts, limit the amount of network option time, provide mutual cancellation privileges, specify how many plants a network could own or operate, fix the length of contracts, ban operation of two chains by a single company, and deny networks the right to influence affiliates' rate schedules—were unanimously condemned by CBS, NBC and IRNA. Attorneys for the two webs and the independently-owned outlets vigorously contested the investigators' conclusions that there is plenty wrong in Denmark the only way of curing the trouble is through government policing.

Spending nearly an hour in exchanges with the three New Dealers, Philip J. Hennessey, of NBC, drew a reprimand at the outset of his argument when he termed the report 'inaccurate and distorted.' He was immediately chided by Fly, with instructions to quit generalizing and 'get to the issue.' Shortly he aroused the ire of Commissioner Walker by complaining that in compiling the digest of testimony 'editorial liberties' were taken with the original evidence.

The NBC barrister gave several illustrations of his criticism—pointing to paragraphs which are 'statistical monstrosities'—and told the regulators 'there are dozens and hundreds of these illustrations scattered throughout the report; there are many misstatements and many statements designed to mislead.'

The Mutual Issue
The tiff between NBC-CBS and Mutual Broadcasting System, which has been spotlighted by the chain-monopoly report, occupied Hennessey so long that Chairman Fly directed him to stop arguing along that line. Before being checked, the NBC spokesman commented that the Mutual does but what it does not do, the record is 'strangely silent' concerning ownership of Mutual, that the newcomer wants a 50 kw outlet in every major market, though in several such spots either NBC or CBS is without such facilities; that Louis G. Caldwell, the Mutual attorney, has taken stands in direct contradiction to his traditional ideas, and that Mutual is not the victim of a conspiracy to retard its growth.

The Commission's responsibility for enforcing the anti-trust laws was a subject of wide disagreement between Hennessey and Fly. When the chairman conceded Congress has not given the FCC full authority to prevent monopoly, the radio field, Hennessey retorted that Congress said the Commission should issue licenses in a way that would best serve the public interest, even if that involves allowing only one individual to own every outlet in the nation. Once the Commish has decided the best way of reaching the primary goal, it has no concern

Inside Stuff—Radio

CBS has not protested the continued operation of WNYC, New York City-owned station, which is staying on the air until 6:45 p.m. nightly to broadcast instructions to 750 selective service boards. Under the dominant position of WCCO, Minneapolis, on the wavelength WNYC is due to go off at sunset in Minnesota, which in November meant 5:30 (in summer station stays on air as late as 10 p.m.), but the network has chosen to ignore the issue of consent on behalf of its managed-owned outlet. In the absence of a formal protest, LaGuardia's voice has the okay of the Federal Communications Commission.

Each evening at 6:30 Col. Arthur McDermott speaks from his office via WNYC giving instructions, information and replies to questions concerning the military draft. All the 750 draft boards of greater New York are thus simultaneously contacted by the municipal station on behalf of the defense bureau.

All relationship (previously cordial) between WNYC and CBS ceased abruptly at the time Mayor LaGuardia reacted unsympathetically to a call made by Mefford Runyan of CBS, who sought to propose a working out of the wavelength dilemma which put the clear channel principle vital to networks, squarely in the middle between economics and politics. LaGuardia ordered WNYC to desist from all contacts with the network. The network in turn answered the mayor in a public statement.

Toscanini's absence from the podium of the NBC concert series inspired many reports. One concerned his reported peeve when, before he was ready to dismiss them recently, the musicians got up and started to leave the rehearsal studio for another radio event. Toscanini blew up at that. On or small irritations and points of dissatisfaction have been reported. It is still not clear if Toscanini stays with NBC after the present season, although the network states it hopes he will. Meantime Toscanini has been approached by Ravinia Park auspices for a summer series out-of-doors, and he also has a bid to conduct opera at the Colon in Buenos Aires.

Theatre Authority moved in on Bob Hope's Sunday night theatre rehearsal of his Pepsodent show, demanding that all actors receive compensation for their appearance before a paid audience, with the result that the live-audience rehearsal plan was called off and Hope and his crew are back at NBC studios in Hollywood for their usual rehearsals. Hope tried out a single rehearsal at the Paramount theatre in Los Angeles couple of weeks ago, feeling that the usual radio studio rehearsal audience was not giving his material the breaks anticipated. Following the single tryout under the new plan TA moved in and innovation was called off.

Sherwin-Williams is paying the traveling expenses from Cleveland to New York and return of this Sunday's (8) two contestants on its 'Metropolitan Auditions of the Air' program. It is the first time the sponsor (Cleveland firm) has paid such costs.

Wilfred Pelletier, conductor of the series, went to Cleveland to hear three local aspirants for appearances on the show.

Recommendations have been made by Sidney Strotz, new NBC v. p. in charge of the program department, for the realignment of that department's personnel but so far nothing has been set in that direction. Proposed changes, it is said, will also affect the NBC Artists Service. Everything seems to be still in the process of study.

Sam Fink now in charge of sales at Station WARM in Scranton, Pa., came up from the vaudeville field. At one time he was in the producing end of variety with Sammy Timberg, who is now head music man in the Max Fleischer cartoon studios.

about laws which other Federal officials administer, Hennessey declared.

Chance For Newcomers

The chairman insisted the NBC spokesman justify his claims that there is plenty of opportunity for newcomers without special regulation of existing chains. Agreeing competition may be a 'useful instrument,' Hennessey replied any novice who provides better service and makes better deals with outlets can crash the gate. An alternative way of providing more competition, he pointed out, is within the Commission's command and involves only breaking down clear channels so that more key outlets will exist.

None of the suggested regulations is necessary, desirable, or within FCC authority, Hennessey protested. He said service now provided is so superior to that available anywhere else the kilocycle cops should not play with such ideas. The phraseology used is confusing and many terms are almost impossible to define, he added. Freer competition, in his view, would reduce the webs to the status of 'time brokers,' would emphasize existing inequalities between transmitters, and would discourage production of high-grade sustaining programs.

Bulk of CBS argument, presented by John J. Burns, was on the subject of jurisdiction. The chain attorney, former counsel for the Securities & Exchange Commission, also wrangled with Fly about the Commission's duty to carry out the anti-trust laws and had a few brushes with Thompson, who took offense at his complaint about the way the committee criticized the CBS-Paramount stock swap.

Reviewing the history of radio control legislation, Burns contended that even if the Commission has the power to consider monopolistic practices in its licensing activity, there is no justification for enacting its judicial views into administrative regulations. The FCC cannot under the guise of licensing make regulations of general application, he warned, and it is significant that Congress in both 1927 and 1934 specified an individual must be 'finally adjudged' guilty before a license can be denied on the ground of monopoly.

The World Series incident was brought up by Thompson, who asked Burns to comment on charges CBS instructed its affiliates to refuse the offers made by Mutual. Denying

there was any attempt to injure the public, the CBS attorney said it was natural and legal to insist that the outlets maintain their own identity and spurn the opportunity if it required them to carry Mutual plugs.

Fireworks expected when Paul M. Segal presented the IRNA argument did not materialize. The commish, which two weeks ago caused a sensation by challenging his authority to attack the report, gave him cold shoulder treatment, listening with obvious detachment as he declared the industry should be let alone and given a chance to work out its own salvation.

Mutual's Compromise

Proposed set of regulations that would limit but not prevent use of exclusivity and time option clauses was submitted by Louis G. Caldwell on behalf of Mutual. Plan involves fixing the number of outlets a network may own or operate and would virtually outlaw maintenance of two chains by single company but still would not break down clear channels or cause violent upset. Agreeing with Commish attorneys that the law provides sufficient authority for such regulation, Caldwell termed quasi-judicial agencies similar to physicians. They are supposed to prevent illness as much as possible in various lines of business, dealing with trouble before it becomes serious. Such governmental technique, would be of little value, he remarked, if it is necessary to wait for court decisions or legislative action before admitted evils can be checked. Only reason Mutual has enjoyed success and grown, Caldwell argued, is because of the type of corporate enterprise. If it had been launched on the same pattern as CBS and NBC and tried to use same practices, it could not have overcome barriers. Profit-sharing arrangement, giving affiliates incentive to produce programs instead of acting as mere conduits and inuring wider geographical distribution of entertainment were listed as major contributions to business progress.

Rosenbaum's Change

Remarkable change in philosophy of Sam Rosenbaum was mentioned by Caldwell, stirring Chairman Fly. When he testified at the hearings 20 months ago, the WFIL proprietor took a position almost entirely opposed to his stand now, attorney said, reading at length from the record.

WORLD SALE GOES COLD

Cham 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	3,513,170	2,925,684	3,034,317	2,559,716
April	3,332,689	2,854,028	2,424,180	2,563,478
May	3,570,727	3,097,484	2,442,283	2,560,558
June	3,144,213	2,860,180	1,121,495	2,476,567
July	3,067,870	2,331,953	1,317,357	1,988,412
August	2,875,657	2,341,636	1,423,865	1,955,200
September	3,109,683	2,563,132	1,601,755	2,029,585
October	4,001,492	3,386,654	2,453,410	2,505,485
November	3,689,778	3,474,163	2,453,410	2,654,473
Total	\$37,204,145	\$31,030,511	\$23,832,351	\$25,935,491

MUTUAL				
	1940	1939	1938	1937
January	\$317,729	\$315,078	\$269,894	\$213,748
February	337,649	276,605	255,250	231,286
March	300,813	306,976	232,877	247,421
April	363,468	262,628	189,545	200,134
May	322,186	234,764	194,201	154,633
June	299,478	228,186	202,412	117,388
July	235,182	216,583	167,108	101,458
August	227,865	205,410	164,626	96,629
September	283,463	210,589	200,342	132,866
October	784,676	428,221	347,771	238,683
November	627,562	327,045	360,929	258,357
Total	\$4,190,071	\$3,012,083	\$2,580,955	\$1,993,613

NBC-RED				
	1940	1939	*1938	*1937
January	\$3,496,393	\$3,211,161	\$2,634,763	\$2,374,633
February	3,226,983	2,975,258	2,507,123	2,273,973
March	3,338,440	3,297,992	2,736,494	2,531,322
April	3,128,685	2,879,571	2,458,487	2,304,035
May	3,216,940	2,886,517	2,627,721	2,261,344
June	2,919,405	2,759,917	2,550,040	2,209,304
July	3,141,902	2,737,798	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
November	3,653,131	3,402,730	2,878,261	2,298,966
Total	\$36,168,421	\$33,059,337	\$28,334,187	\$24,636,919

NBC-BLUE				
	1940	1939	*1938	*1937
January	\$908,815	\$822,739	\$1,158,753	\$1,167,366
February	905,101	775,437	990,930	1,021,809
March	965,904	872,860	1,070,335	1,082,961
April	912,833	681,412	852,018	973,475
May	817,682	815,585	786,479	953,475
June	722,695	622,487	650,529	794,088
July	688,536	569,757	581,645	686,530
August	665,924	574,644	572,938	690,871
September	747,774	564,619	581,908	793,068
October	1,203,499	773,119	975,225	1,116,936
November	1,045,943	832,614	1,020,658	1,092,480
Total	\$9,584,706	\$7,903,273	\$9,241,418	\$10,375,154

*Different system for allocating billings to the red and blue networks prevailed these years.

Columbia \$36,000 Ahead of Red; Blue, in November, \$1,045,943

Columbia's monthly percentage of increase for November was the smallest that it has been for that network in two years. It was but 6.2% and yet \$36,000 greater than the gross turned in by the NBC-red for the same month. Billings for NBC's two links were 11% over the tally for November, 1939. The red's boost this time was 7.4% and the blue's 25.6%.

On the CBS books it was a gross of \$3,689,778, as compared to \$3,474,163 for the parallel month of 1939. NBC's gross for last month was \$4,234,984, and broken down by network the red figured for \$3,653,135 and the blue, \$1,045,943.

Cumulative billings for the first 11 months of this year put Columbia ahead of last year's by 20%. The red's edge on a like basis is 8.9% and the blue, 23.4%.

Fineshriber New Head Of CBS Music Dept.

William Fineshriber, former chief continuity writer of music for CBS, has been tapped to head of the network's music department. Job has not been officially filled since George Zachary was boosted more than a year ago to the producer-director staff.

CROSBY SIGNS UP

All Difference with Thompson Agency Now Adjusted

Bing Crosby and the J. Walter Thompson agency have straightened out their differences and everything between them again hotsy-totsy. Crosby has reconciled himself to doing all the Kraft Music Hall shows from Hollywood.

The crooner had been insisting on being granted the privilege of traveling and doing his broadcasts from places other than the Coast when not tied down by picture work. Crosby wanted to be free to spend some weeks in New York outside of his summer vacation period, but the agency has held to the opinion that it was Hollywood where the show's production belonged.

Ward Dorrell With Raymer Chicago, Dec. 3.

Ward Dorrell has joined the sales staff of the Raymer station rep firm here. Dorrell was formerly manager of WOWO, the Westinghouse station in Ft. Wayne, (Ind.). He fills vacancy left in the Raymer office by the departure of George Defenderfer who joined NBC sales staff.

DECCA-WARNERS' JOINT OFFER

Percy Deutsch Decides to Retain Transcription Company Ownership—Second Time Transfer of Company Has Fallen Flat

STUDIOS VALUED

Dicker by Warner Bros. and Decca Records, Inc., for the purchase of the World Broadcasting System has been shelved. Percy Deutsch, owner of the transcription company, has decided to hold on to his interests. Understood that the takeover was to be a partnership setup, with Warners putting up half of the purchase coin, but leaving the operations entirely to Decca. The acquisition would give Decca plenty of recording space and bring it into the transcription business on a top scale.

Two years ago CBS negotiated for the purchase of World, but the deal was buried because of the contractual demands made by Western Electric, whose equipment is used by World.

CBS LINES UP 30 FOR XMAS

CBS will air more than 30 special Christmas programs this year, including assorted types from carol singing, symphonic concerts and dramatic shows. Schedule is under the supervision of Davidson Taylor.

Among the programs set are the following: Dec. 24, carol service with Howard Barlow, symphony orchestra, and soloist Rise Stevens. 'Night Before Christmas,' dramatization of Clement C. Moore's poem.

Dec. 28, concert by Indianapolis symphony orchestra.

Dec. 20, 'Exploring Space,' educational talk about the Star of Bethlehem.

Dec. 22, concert by the Stone Church and Kansas City symphony orchestra. 'Plot to Overthrow Christmas,' revival of Norman Corwin's play, on Columbia Workshop. Bach chorales by Bach Choir, of Bethlehem, Pa. Hymns by Sistine Choir, St. Peter's, Rome. Service from Salt Lake City tabernacle.

John Donahue Salesman For Blue in Detroit

NBC has for the first time named a salesman to serve the blue network exclusively in the Detroit area. He's John Donahue.

Donahue was with Transamerican Broadcasting & Television Corp. for two years.

Local Pot o' Gold With \$500 Bait To Offset N.Y. No-Winner Squawk

STANDING HEADLINE: ANOTHER 'POT O' GOLD'

Philadelphia, Dec. 3. The latest in 'Pot-o'-Gold' programs will be pushed up by WFEN next week. Involves use of city directory. Winner will get a pair of shoes.

Sponsor is Dunn Shoe Co.

Ray Reese, WBNS, Columbus tenor, spotted for Al Pearce CBS program Dec. 13 from Hollywood.

Station Eyebrows Up at Bond Store (A Block on Broadway) Request For 'Contributions' to Inaugural

RENEWALS ON BLUE

Williams, Brazil, Better Speech Accounts Pick Up Another 13

NBC-blue last week got contract renewals on the Williams Shaving Cream, Brazilian government and Better Speech Institute accounts.

Shows represented and in that order are 'True or False,' Bob Allen and Drew Pearson and 'Speak Up America.'

Increases The Sad Smile File of FCC

Washington, Dec. 3.

Add to the Federal Communications Commission's closed files on 'nothing-can-be-done-at-out-it' complaints the squawks of a Detroit firm who had a bone to pick with an express company because of tardy delivery. Commish authority, it was explained, is 'confined to communication by means of electrical energy' and nothing can be done about packages.

Also, 'while sympathetic,' Uncle Sam's air cops can do nothing about the 'termination of the services of some employees of a foreign cable company by reason of the closing of a certain circuit due to the war,' it was patiently explained.

'By the same token,' the FCC pointed out, 'it is impossible for the Federal body to help a wife get her husband reinstated as an announcer at a particular radio station.'

'Or make a radio station award a prize to a woman who claims to be entitled to one by reason of a program offer. Or require a radio station to supply an advance copy of a scheduled address to anyone who might ask for it.'

Syd Leipzig Bankrupt

Sydney Leipzig, booking agent, employed by WOV Artists, Inc., filed a voluntary petition in bankruptcy in N.Y. federal court Monday (2) listing assets of \$100 and liabilities of \$29,084. During the past two years Leipzig has earned \$3,100 yearly.

There are no theatrical creditors, the largest liability being \$10,000 owed to the 145 West 30th St. Corp., one a debt incurred in 1923, and the next, \$7,000 to Maybrum, Inc., 113 West 57th St., for merchandise purchased.

Neff-Rogow, Inc., radio agency for the Bond Clothes account, ran into a flurry of opposition last week as it sought to get contribution from stations throughout the country to pay for an hour's broadcast on WOR, Newark, celebrating the opening of the chain's newest \$500,000 store on Broadway from 44th to 45th St.

N.Y. Neff-Rogow explained in its circular letter to the stations that WOR had agreed to furnish the talent gratis for the dedicatory show and that these outlets could now express appreciation for the business Bond has given them by helping underwrite the \$1,100 time bill on WOR.

What some of the stations that Neff-Rogow solicited objected to mostly was the agency's stipulation that each one's share of the bill would be. Most of those that did chip in let it be known that though they didn't like the angle introduced by this project the contribution asked wasn't big enough (\$15 or so per station) to raise a fuss about and that it might be wise to let it ride as a goodwill offering.

The stations were told that a practice similar to this one was common among newspapers. When a chain opened a new store papers in other cities frequently bought congratulatory space in newspapers of the town where the event was taking place.

Bond's New York opening also introduced another angle for broadcasters. They received letters from a N.Y. florist soliciting floral tributes to the store. The dedicatory broadcast was held Tuesday (3), with the opening taking place today (Wednesday).

THE SPONSOR LOSES \$800

Cleveland, Dec. 3.

Lyon Tailoring Co., local clothing outfit, received a financial wallop last week when local listeners suddenly became hot pickers on the firm's weekly football results guessing program over WCLE. Correct predictions on the winners of 10 major college games were made by 32 listeners, thereby entitling them to free suits and involving a cost of approximately \$800. There were 588 entries.

Previously the average was only three winners a week.

113 STATION HOOKUP

First Time Professional Football Goes Coast-to-Coast

Gillette razor will sponsor the Chicago Bears-Washington Redskins pro football playoff Sunday (8) at Washington, over a 113-station Mutual hookup. Red Barber probably will describe the tilt, which will be the first pro football contest to be sponsored over a coast-to-coast network.

Maxon is the agency.

San Francisco, Dec. 3. Gillette Safety Razor Co. is understood dickering for sponsorship of the annual East-West all-star collegiate football game to be played here New Year's Day. Mutual will carry it.

WOV Readies Studios

Readying for the opening of its new studios at 10,000-W. Redding Street about Jan. 1, WOV, New York, is replacing its recorded programs with live shows.

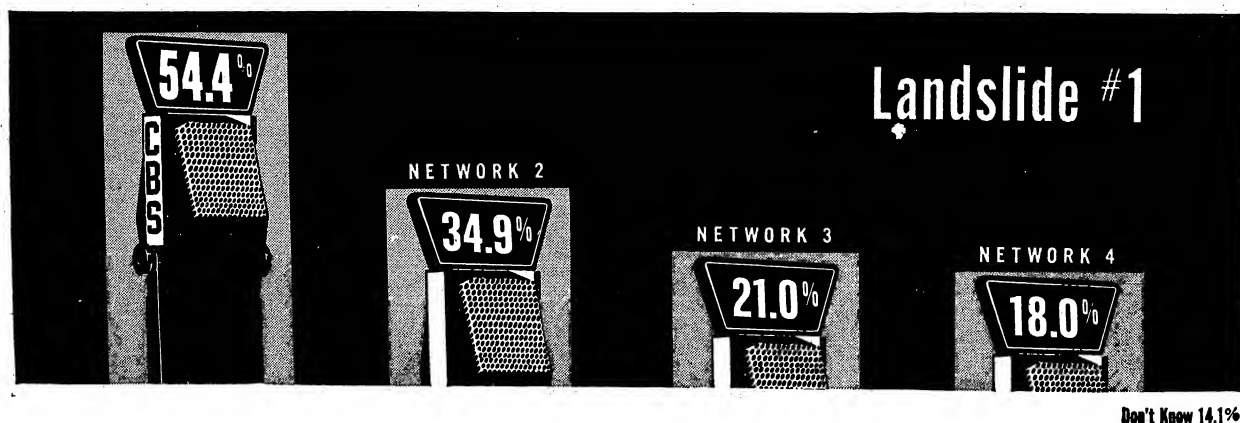
During the last few weeks 23 programs have been switched from wax to live talent. Others are being added.

Landslide for CBS

How they voted the morning after...

The morning after Election, independent researchers checked radio listeners in 18 cities from coast to coast. By telephone interviews, they found out from those people who had listened to Election Returns the night before (and 75.3% of them had)

What radio stations they listened to for the returns:

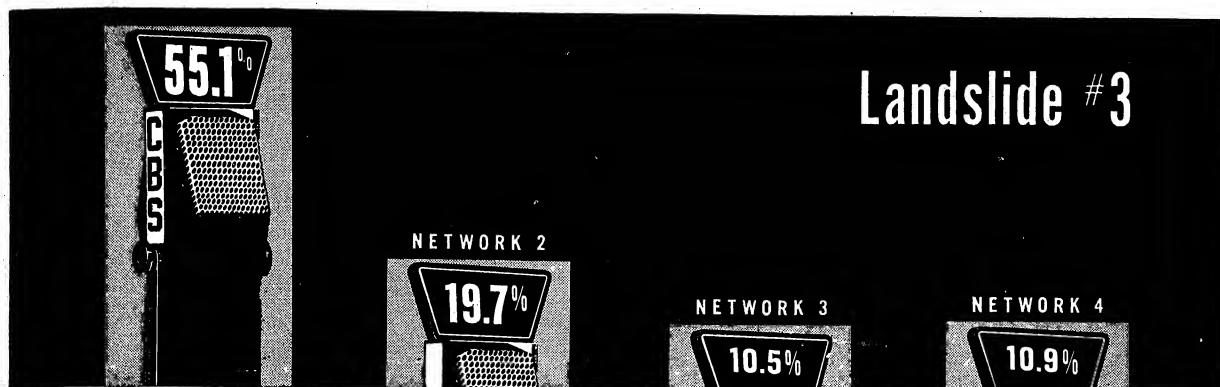


A simultaneous post-card check asked the same question:



The post-cards went one step further and asked:

"Which radio station did you think did the best reporting of the election?"



Radio's word for such landslides is: **COVERAGE**

CBS got 55.9% more votes in the telephone study
 CBS got 33.4% more votes in the post-card study...
 CBS got 179.7% more votes (though this vote is incidental here) in the "best job" question—

And that, if you please, is **COVERAGE**.

Coverage—the kind that stands up and speaks right out, plain and clear. The kind that brushes off all argument.

On Election Night, over 20,000,000 American families turned to radio for the returns. They had the whole world of radio to choose from. And millions more of them turned to CBS than to the runner-up network.

In a way, it's almost unimportant, right here, that CBS turned in a fine reporting job that night. For CBS's bigger coverage, CBS's reaching more millions, was established at the instant those millions flipped their dials around to their CBS station.

That's why the 179.7% preference for the job they then found CBS doing is incidental—though pleasing. Naturally CBS didn't let those listeners down. With CBS staffmen Elmer Davis, Bob Trout and Albert

Warner doing their speedy and expert job, CBS listeners were millions of votes ahead of other listeners right through the night. It's gratifying that they liked what CBS did, but that is still not the main point here.

The thing that does count is the fact that radio listeners chose CBS to listen to... by the millions chose CBS rather than anybody else.

That's coverage. And that's confidence. It comes from years of their knowing CBS programs, years of sureness that the surest spot on the dial is the CBS spot—whether for fun, for news, or public service broadcasting of any kind.

So, too, on Election Night. They turned to CBS in expectancy and confidence. And the morning after they voted for CBS—by a landslide.

CBS

PACE-SETTER OF THE NETWORKS

The telephone studies were done by the research organization of Samuel E. Gill, former Research Director of Crossley, Inc. Full details on technique are available. The telephone and postcard studies were conducted in these 18 cities:

New York
 Chicago
 Los Angeles

St. Louis
 Boston
 Charlotte

Washington
 Minneapolis
 Philadelphia

Detroit
 Pittsburgh
 Milwaukee

Indianapolis
 Denver
 Columbus, O.

Syracuse
 Hartford
 Cedar Rapids

WOR Reacts to Press Comment On Irving Caesar Cancellation; Gould, Bennett Cases Irsome

WOR, Newark, has rescinded the cancellation it gave Irving Caesar, conductor of the 'Songs of Safety' program, and the latter will be permitted to continue the series until his present contract expires which is Dec. 29. Station has previously advised Caesar, who is an ASCAP director and a member of its radio negotiating committee, that he was through Dec. 8. The cancellation was followed by some newspaper columnar comment and the station's management agreed that the incident could be interpreted as petty and spiteful.

Caesar will be asked that for the balance of his run be cut off the singing of ASCAP-controlled pop tunes and confine himself to the educational phase of his program.

WOR has also changed tack in its handling of the Morton Gould and Robert Russell Bennett situations. Gould and Russell, who conduct their own programs on the station, are members of ASCAP. When the outlet discovered that the arrangements made by Gould and Bennett automatically become part of the ASCAP repertoire it decided to drop the two some's programs. Later WOR's management reversed itself and informed Gould and Bennett that they were to continue on their shows until the end of this month.

ASCAP Claims All

Outstanding feature of the duo's programs is that they use their own compositions. Station's initial inquiry of them last week was whether they could confine their programs to public domain music with the arrangements turned out by themselves. They passed the inquiry along to their publishers and the latter on questioning ASCAP adduced a written opinion by ASCAP's general counsel, Schwartz & Frolich, which held that everything written by a member, regardless of whether it was an original composition or an arrangement, fell within the agency rights of the Society.

FLAMM SELLS WMCA, N.Y., TO NOBLE

Deal has been closed for the purchase of WMCA, N. Y., from Donald Flamm. Group that is financing the buy is headed by Edward J. Noble, one of Wendell Wilkie's leading backers in Connecticut and himself a recent candidate for the U. S. senate in that state. Flamm asked for over \$1,000,000 for the outlet in the past. Flamm declared yesterday afternoon (Tuesday) that he wouldn't issue any statement while the approval petition is pending before the Federal Communications Commission.

Agricultural College

Station Up to 1,000 W.

College Station, Tex., Dec. 3. Station WTAW here, owned and operated by the Agricultural & Mechanical College of Texas, was granted an increase in power by the Federal Communications Commission. Station heretofore operated on 1,120 kilocycles with a power of 500 watts.

Increase is for 1,000 watts a day.

Robert Kaplan With Murray

Providence, Dec. 3.

Robert Kaplan, son of Ben Kaplan who writes 'For the Love of Mike' Evening Bulletin syndicated radio column, has been named assistant to Lyn Murray, a musical director of WJZ-Columbia Broadcasting System. Young Kaplan, a pianist, first came to the attention of Murray when the latter conducted the Community Fund presentation of 'Ballad for Americans' here, and at which Kaplan played piano at rehearsals.

Music Fight

Continued from page 1

file to refrain from any retaliatory tactics. Publishers claim that the dance music output of Broadcast Music, Inc., to date contains manifold cases of infringements. Works in their catalogs but which lawyers have urged them to withhold action until there is no longer any hope of a settlement.

The controversy is bound to be dragged into the courts. ASCAP leaders assert that thus far they have been inclined to resist the Department of Justice's request for cooperation in the latter's current probe of network broadcasting, but as soon as their members find themselves barred from the networks and the major radio interests cease to be an ASCAP customer there will be no choice but to cut loose with a bombardment of litigation charging conspiracy and combination in restraint of trade. Evidence along this line, state ASCAP pubs, has been diligently gathered for the past six months.

Newspaper columnists, some of them already showing a strong predilection for ASCAP's side of the case, are expected to have a field day. It is anticipated that newspaper publishers, excepting those who operate stations, may again yield to their competitive antagonism toward radio and pour tons of corrosive ink into the latter's camp.

In a Spot

In between radio and ASCAP are not only the band leaders but the national advertisers and their agencies. The latter are still reluctant to take an overt stand on the situation for fear that any such interference may be used to justify a substantial increase in time rates after settlement of the ASCAP imbroglio. While the agencies feel that the commercial fees for networks set by ASCAP is unreasonable and want to do everything they can to aid the webs in shaving down this demand considerably, they declare themselves as determined to protect the entertainment standards of their programs. As one put it, he had no intention of counselling client to spend \$3,000 on a singer and then have the latter sing 'The Old Oaken Bucket'.

This same agency official, whose program interests rates his organization among the first two agencies in radio, declared Monday (2) that as he and his associates saw it the only issue between the networks and ASCAP was that of money and that 'everything else was just so much bunk'. At a recent conference in his office, he said, an attempt was made to sift the whole controversy down to its essential or basic philosophy and the following are the conclusions that he and his colleagues arrived at: ASCAP has based its contract on the assumption that it should collect in the gross radio audience and that each program unit merely is part of an integrated mass of daily entertainment, and that since music serves as the backbone and welding force of this integrated mass, ASCAP argues, it should be paid on an overall, or availability, basis.

The radio interests contend that this is not so. That a day's schedule is composed of little units which are independent of one another, and that they should be treated as such by ASCAP in exercising its fee collecting operations. In other words, the commercial fee should be paid only on programs using ASCAP music.

Each of these arguments, added the agency official, have virtues of their own. He cited the circumstance of the spread in popularity among advertisers of the chainbreak announcement and the premium value given them. The latter, he pointed out, would not prevail were it not for the audience created by the network commercials on either side of the chainbreak announcement. It would be appropriate to apply the same line of reasoning to the question of music values. The networks, he figured, had weakened their own case by letting the chainbreak announcement get out of hand. Also by ironically agreeing to let an organization, in which they themselves have a joint 40% interest, to apply a flat fee of 1 1/2% on all network commercial business.

On the other hand the ASCAP

NOBLE CANCELS WIRE

Unable to Meet WCAE's BMI Stipulations on Time

Pittsburgh, Dec. 3.

At his own request, Leighton Noble's band, playing from the William Penn Hotel's Chatterbox, went off the air at WCAE last week and will stay off until its BMI catalog is more complete. Unable to meet station's BMI requirements without resorting to flock of hastily-made arrangements, Noble asked Hearst station management to drop his wire, claiming he didn't want to endanger his radio rep with a patchwork repertoire.

WCAE said Noble knew several weeks ago what the music would be as result of ASCAP-BMI battle and that he had done little to prepare himself for that contingency. Noble claimed very few of the BMI numbers fitted in with his style of music and that it would require services of several arrangers on his part to get together a varied enough catalog for steady air time. Doubtful if he'll go back on WCAE since he wound up local run Xmas night, Lang Thompson following him on Dec. 26.

Croot Agency Encounters ASCAP Question; NBC Discs May Go Into Junkpile

Threatened break between the radio industry and the American Society of Composers, Authors and Publishers has developed an embarrassing situation within the Samuel C. Croot agency in connection with a transcription campaign for Thorens Harmonies, which has been made by NBC's transcription division and the agency now finds that the discs which are loaded with ASCAP numbers may have to be shelved in the middle of the campaign.

The transcriptions have been booked on seven stations. Some of these have informed the agency that they will clear the platters after Jan. 1, while others have stated that they do not propose to renew with ASCAP as of that date. NBC, the agency declared Monday (2), has agreed to straighten out the dilemma as far as the transcriptions are concerned.

ASCAP BAN INVOLVES YALE CHAPEL REMOTES

New Haven, Dec. 3.

WICC ban on ASCAP product on sustainer hit Sunday service broadcast from Battell Chapel, Yale University.

Most of religious music of service, a WICC feature for several years, is controlled by ASCAP and chapel staff hasn't time to prepare public domain compositions.

WICC's substituting pickup from NBC blue.

publishers themselves are pretty much concerned by the outlook of things and are not anxious for a knockdown, drag-'em-out fight with the networks. They are not so disturbed by a depreciation of income from ASCAP as the disruption of the break would cause in the exploitation of their sheet music. A schism with the networks would require a complete overhauling of their plugging system and general operating economy. The change might result in a substantial loss of income, or it might work the other way and produce a potent renaissance in the business of sheet music selling. The pubs in general would prefer not to take the chance. They hold no conflict between business interests has ever ended in any immediate material good, but recognition of this hasn't prevented them from reconciling themselves to a tough fight and period of economic readjustment.

Committee of name band leaders that has been trying to bring about mediation for the past two months will meet this Monday (9) and decide on the statement which will be issued to the public summarizing their efforts. Nothing tangible has come out of their conference with spokesmen for ASCAP and the National Association of Broadcasters. ASCAP has expressed a willingness to sit down with radio and talk contract on any basis suggested by it, while Neville Miller, NAB prez, in his latest communication to the committee stated that the ASCAP attitude didn't provide a satisfactory basis for negotiation.

San Francisco Stations Reveal Details Of Preparations to Eliminate ASCAP

San Francisco, Dec. 3. Frisco's radio stations already programmed 30% with non-ASCAP music, were patching up final schedule chunks in readiness for the ASCAP blackout which goes into effect Dec. 15 on web and Jan. 1 on indie outlets. A survey by VARIETY revealed that few existing local shows will require radical alteration although one at least will be completely eliminated through withdrawal of the Society's melodies. No commercial shows are affected, however.

Representative samples of policies being followed are as follows:

KSAN, 24-hour juicer: 'We have almost completely eliminated ASCAP music from sustainers,' comments Lou Keplinger, manager. 'During the past month, we have used 25% non-ASCAP tunes; this week the average will be increased to 50% and within two weeks it will be boosted to 75% in preparation for Jan. 1. A new library service recently added, plus non-ASCAP discs now being recorded by Victor, Bluebird and others, assures us of an ample music supply. We receive 125 to 150 requests daily on our 'Requests by Wire' program and a check of titles shows 30 to 35% of the tunes asked for are non-ASCAP.'

KFRC, Mutual-Don Lee outlet: 'We are 25% non-ASCAP now and will be 100% by Dec. 15. We are switching over gradually to give our music library time to catch up on book-keeping. We have amateur programs and the like where tunes have been set weeks ahead of time and that makes an overnight switch inconvenient,' states manager, William Palst. 'This really isn't much different from the time the Warner catalog was pulled. We lost 40% of our popular music then and never missed it. This time we lose 80% so the problem is twice as great, but we won't have much trouble handling this one, either. We have only one local band remote (Leon Mofina from El Patio ballroom) at present and if any ASCAP music slips through, our engineer will flip the switch and play a record.'

KYA, Hearst outlet: 'We anticipate no difficulty at all, although one program will have to be discontinued, a sustaining Gilbert & Sullivan hour Sunday afternoon,' reports manager Harold H. Meyer. 'A midnight swing session will require revision but our major musical show, the nightly two-hour, Evening Concert, will be virtually unaffected, using as it does operas and symphonies.'

KSFO, CBS outlet: 'I set Dec. 1 as my deadline for elimination of all ASCAP music from sustainers,' explains program director Cliff Howell. 'By Dec. 15 we hope to have the purge complete. I don't anticipate any trouble. We have one or two small problems, such as one concert program which will require considerable checking to make sure none of the arrangements is owned by ASCAP. Our only local band remote at present is Bob Crosby's orchestra from the Mark Hopkins. Crosby, of course, will have to scrap his 'Summertime' theme song for air purposes.'

KJBS, Ralph Brunton's indie: 'We have been using 25% BMI or a total of 30% non-ASCAP and will be 100% or close to it, by Dec. 15,' sums up Ed Franklin, program boss. 'We use Langworth, McGregor and Standard transcription libraries which gives us right now 4,500 tax-free tunes and by the first of the year we'll have 10,000 more. It is amazing how little difference there is between some of the ASCAP top tunes and the tax-free arrangements, which shows that radio has learned something by digging into this copyright situation at last. I think the situation this time is simpler than it was when Warner tunes were pulled because we have learned a lot since then and know our way around now.'

KPO-KGO (NBC outlets): 'Our sustaining shows have been 100% non-ASCAP since Nov. 15, with the exception of dance band remotes, which have been about 50%,' summarizes Glenn Dollberg, musical director. 'Our commercials are operating nicely also and we are in good shape. We do not have to discontinue any programs and changes have been minor. 'Good Old Days' has been changed to 'Harmony Inn' to permit a wider choice among available tunes and a few themes have been changed. Judy Deane dropping 'Good Man Is Hard to Find' for 'A Good Man Is What I Need,'

by Glen Hurlbert of our staff.' NBC remotes include dance band pickups from the Palace, St. Francis, Sir Francis Drake hotels and Bal Tabarin niterly.

Portion of the band which will hit the boys the hardest, the summary indicates, is loss of operetta show tunes.

Carl E. Wieninger is new superintendent of the KGO-KFO Thesaurus and record department.

Previously held NBC berths in Chicago and Denver.

WOL's All-BMI Programs

Washington, Dec. 3.

Innovation of a new 'all-BMI' musical program took place Sunday (1) when WOL, in cooperation with Broadcast Music, Inc., presented the first of a three-week quarter-hour series which will be devoted exclusively to Gilbert and Sullivan music. Another series of programs, entitled 'The Shining Hour,' was launched Monday (2) through which Stephen Foster tunes... and other familiar music of the 19th Century will be broadcast from the files of BMI.

Announcement, that WOL's music division, under Frank Blair, is working overtime in an effort to clear its schedule of all music other than BMI controlled selections after January 1, the Mutual outlet praised BMI as 'radio's own music publishing firm.'

As the Washington transmitter swung completely to BMI, the National Association of Broadcasters issued a 14-page blast against the rival copyright pool. ASCAP under the title 'Portrait of a Protector' booklet gave the history of ASCAP's efforts to gain control over the music industry and was profusely illustrated with cartoons showing ASCAP as typical business fat-cat in a boiled shirt demanding more and more dollars from the radio industry.

KTSA Sets Up Checking

San Antonio, Dec. 3.

Station KTSA has completed plans for its music clearance after next week. Low Lacey assisted by a secretary will be in charge of the new setup and in charge of the musical library. Station has added to its present World library that of the Langworth library. Each program that is local or regional will clear all music on a special blank prepared for that purpose.

Besides clearance for KTSA, Lacey will also give the nod on musical programs to be aired by station KRGV in Weslaco, which is a member of the Lone Star Chain and operated by the same owners as KTSA. Station will be with BMI after the changeover.

Kate Smith Cancelled From Four-H Sustainer; Can't Sing 'God Bless U. S. A.'

Rather than permit Irving Berlin's 'God Bless America' to be sung over the network as an exception to its boycott of ASCAP tunes on sustaining shows, NBC cancelled Kate Smith off a special Four-H Clubs broadcast Monday afternoon (2). Program originated at the club's annual meeting in Chicago and Miss Smith was to have been plugged-in from New York.

Her appearance, together with those of Mickey Rooney and Judy Garland from Hollywood, had been at the invitation of the Four-H organizations. She had been requested to make a brief talk and then sing the Berlin anthem.

WCFL Signs With ASCAP

WCFL, which is owned and operated by the Chicago Federation of Labor, signed last week a new five-year licensing agreement with the American Society of Composers, Authors and Publishers. Makes the first Chicago outlet to renew with ASCAP.

Maurice Lynch, financial secretary of the Federation, and Maynard Margard, came to New York to close the contract. They were accompanied by John Paine, president and general manager, respectively, of the Society.

Gordon Sommers, free lance radio artist, plays Santa Claus at KWK, St. Louis, this year, the 13th year of program.

N.A.B. Board Postpones Meeting

Because the oral arguments of the FCC's monopoly investigation in Washington fell on the same day, the semi-annual meeting of the entire board of directors of the National Association of Broadcasters was postponed from Monday (2) to tomorrow (Thursday). The meeting will extend through Friday (6).

Hummert's Letter to FCC on ASCAP

After Considerable Delay by Attorneys the Radio Producer's Protest Officially Filed Last Week

Nov. 27, 1940.
Federal Communications Commission, Washington, D. C.
Gentlemen:

On Dec. 31, 1940, the existing license agreements between ASCAP (The American Society of Composers, Authors and Publishers) and radio broadcasters will terminate. The broadcasting chains (National Broadcasting Co., Inc., and Columbia Broadcasting System, Inc.) have publicly announced that neither they nor their owned or operated broadcasting stations will enter into new license agreements that have been offered by ASCAP because the terms of the proffered license agreements are deemed unreasonable.

Since the new license agreements were tendered by ASCAP, no negotiations whatsoever have taken place between ASCAP and the broadcasting chains for new license agreements. Ascertaining from officials of ASCAP, NBC and CBS that no such negotiations were presently contemplated, I recently suggested to them that ASCAP and the broadcasting chains enter into negotiations through a mediator. Such suggestion was acceptable to ASCAP, but the broadcasting chains have not assented to such proposal. As a result, after Dec. 31, 1940, neither of these networks, nor any of their owned or operated stations, will broadcast any music, copyrights of which are controlled by ASCAP.

ASCAP is a cooperative association of the leading American composers and publishers, which controls the copyrights of the great body of familiar music to which the American public is accustomed. Included in this copyright control are all of the musical works of such representative composers as Victor Herbert, John Philip Sousa, Ethelbert Nevin, George Gershwin, George M. Cohan, Carrie Jacobs Bond, Cole Porter, Irving Berlin, Sigmund Romberg, Jerome Kern, Rudolf Friml, Fritz Kreisler and Sergei Rachmaninoff.

Public Interest

I am not a proponent of either party to the controversy and I am not sufficiently informed to judge the merits of their conflicting claims. That the resultant situation affects me personally as a producer of long established radio musical programs is of relatively minor significance. That millions of the radio audience will be deprived of most of the best American music is of paramount public interest. One aspect of such public interest is evidenced by the attached editorial from Editor & Publisher, the trade publication of the American press.

Motivated solely by personal pecuniary considerations and without regard whatsoever to the interests of the radio public, the broadcasting chains, virtually controlling the major part of our radio facilities, have evidently determined that they will not deal with the organization that controls the bulk of American music.

The situation that will result after Jan. 1, 1941, is that the radio public will be deprived of the greater part of its usual familiar American music until one or the other of the powerful forces to the controversy submits, or until in their own interests—and not in the interest of the radio public—they reach a compromise. It is inconceivable to me that the controlling broadcasting interests, presumed to operate in the public interest, should be permitted to deprive the American radio public of

its accustomed music by a mere fight for dollars.

In view of the great public interest which involved, I respectfully suggest that the Commission undertake such action as may be appropriate to mediate between the broadcasters and ASCAP to the end that the nation's great radio audience may continue, without interruption, to enjoy all of its own American music.

E. Frank Hummert.

ADVERTISERS SEEK TO EMBODY 8 BARS OF OLD THEME SONGS, GET WARNING

Infringement Dangers Are Present in Any Attempt to Retain a 'Suggestion' of Copyrighted Music in Substitute Themers

Despite rejections made by NBC and Columbia, the advertising agency producers of commercial programs using theme music are continuing to turn in replacement composition which contain the opening bars of the melodies they have been asked to abandon. All are doing this under the impression that the law on copyright infringement permits a similarity of eight bars and no more. Network lawyers have advised the program producers that this construction is erroneous and that any form of similarity must be avoided.

Average freelance producer of a network commercial as well as the agencies are loath to give up their musical themes, practically all of

which are controlled by ASCAP, on the score that a change in the music introducing a program, especially dramatic pieces, might cause considerable confusion among listeners. They reason that listener hearing unfamiliar music may come to the quick conclusion that her or his favorite program in this spot is no longer there and either twirl the dial elsewhere or tune out altogether.

After the webs had ordered them to rid themselves of ASCAP theme music, many such producers engaged composers to write a piece retaining the first eight bars of the old compositions. For these it has had to be a rewrite job. The net-

works are pressuring their commercials to get in the latter's new theme music as quickly as possible so as to avoid lots of confusion toward the end of December, in the event the networks go through with their plan to have their facilities cleared of all ASCAP music Jan. 1.

Doolittle Gang of WJR Plays for Butterfield

Detroit, Dec. 3.

Tim Doolittle and his Pine Center gang, currently with Fels Naptha on WJR, will open at the Orpheum theater, Pontiac, Mich., on Dec. 7. It is a first stop on a tour which will take them over part of Butterfield circuit which operates 112 theatres throughout the State.

Doolittle's gang has been heard daily over the radio station for 10 years on various accounts.

"We feel that WLW is the most powerful influence for the quick turn-over of Nationally Advertised Brands through our warehouses.

Through WLW's resources and the constant flow of advance information, we are able to keep our sales force informed of expected increases in sales ahead of the listening public's demand."

(Signed) D. Sayre, President

Hagen-Ratcliff's 8 salesmen cover 9 counties in 2 states.

Hagen-Ratcliff and Co.
Wholesale Grocers
Huntington, West Virginia



REPRESENTATIVES: New York — Transamerican Broadcasting & Television Corp. Chicago — WLW, 210 N. Michigan Avenue. San Francisco — International Radio Sales.

R&R Shows Stay As Is

Ruthrauff & Ryan will continue as is with all its network shows after Jan. 1. Three shows came up for renewal this week and each got the nod.

They were Vox Pop (Penn Tobacco), 'Court of Missing Heirs' (Ironized Yeast) and 'Uncle Jim's Question Bee' (Spry-Lever Bros.).

WLW THE NATION'S
most Merchandise-able
STATION

Transamerican Assumes Defense Load If Grombach Sues Stations on Discs

Southern stations firing the Chilian Nitrate transcriptions found themselves last week to be the legal targets of a business squabble involving the O'Dea, Sheldon & Canadian agency, Jean V. Grombach, Inc., and Transamerican Broadcasting & Television Corp. The outlets that ran the initial disc in the Chilian Nitrate Co's current campaign, despite an advance warning wired them by Grombach, are now faced with injunction proceedings. Transamerican has assumed the obligation of defending the injunction cases in various southern courts.

The Grombach outfit in its telegrams of warning advised the stations that the transcriptions were being used without proper authorization and that any station broadcasting them would be held responsible. Transamerican followed up this warning with a wire of its own assuring the stations that it guarantee them against any damages or defense costs. All but one station, WWL, New Orleans, ran the initial transcription in the series anyway.

Grombach claims that it originated the show, 'Uncle Natchel,' and that when the agency on the account transferred the recording job to Transamerican it violated Grombach's property rights. Grombach also claims that it had the account in the house for four years and that the campaign ran from 22 to 26 weeks each season.

Jewelry Chain Places Landt Trio on 12 Stations In New York State Area

Schenectady, N. Y., Dec. 3. Rudolph's jewelry chain, headquartered in Syracuse, is sponsoring a heavy pre-Christmas radio promotion, via series of 16 five-minute transcriptions with Landt Trio and Mahr, over 12 stations. Platters are whirling several times weekly: WGY, Schenectady; WOKO, Albany; WTRY, Troy; WSZR, Syracuse; WHAM, Rochester; WJTN, Jamestown; WNEB, Binghamton; WMBO, Auburn; WIB, Utica; WKIP and WHCU, Poughkeepsie; WAAT, Jersey City.

Leighton & Nelson is the agency.

NBC RENEWALS

Quaker, Fitch, Skelly Extend Via Routine Options

Chicago, Dec. 3. NBC here received a trio of renewals last week. Ruthrauff & Ryan agency for Quaker Oats picked up its time option for 'Girl Alone' daytime strip script, calling for an additional 13-week period starting Dec. 23 over 41 outlets.

Fitch Bandwagon show will go for a full additional year over 111 NBC red stations starting Jan. 5; set through the Ramsey agency of Davenport (Ia.).

Skelly Oil is continuing with the Capt. E. D. C. Herne news broadcasts over 16 NBC-Red stations starting on Dec. 16, through the Henri, Hurst & McDonald agency.

Dick Fishell's 725%

Dick Fishell, Variety's pigskin doper-outter, wound up with tidy 725 percentage on his season's pickings.

Ties, of course, weren't counted since no provision is made under the Variety odds-given method for the selection of the games. Fishell, who's also sports commentator for station WHN, New York, had as his seasonal record 174 wins, 62 losses and 13 ties.

MATCHING KID MENTAL GIANTS

Milwaukee, Dec. 3.

The Chicago-produced Alka-Seltzer-sponsored 'Quiz Kids' network show adds new slant Jan. 22 when its competition will be conducted on a national basis, youngsters from many of the larger cities matching wits against those of the Chicago juvenile mental giants. Milwaukee will be the first city to supply one of such contestants. Auditions start Dec. 30 with a field of 125 children from which the local winner will be selected. He will receive a \$100 Government bond plus expenses for the trip to Chicago, and if his work places him among the first three of the five young experts on the program he will make a second trip at similar remuneration.

If he is smart enough, the recall appearance will be continued indefinitely, with like pay.

TOWN HALL FROM MIAMI AND SEATTLE

Seattle, Dec. 3.

Washington Athletic Club will guarantee 'American Town Meeting of the Air' program over NBC blue for special appearance origination here on March 13. Seattle is one of six cities picked for originations this season. Forum will be heard from Miami Christmas week.

KJR, local blue, will originate forum now carried over 82 NBC stations with an estimated audience of 5,000,000.

Dr. Paul Sieg, president of University of Washington, is assisting George Denny of New York in ranging details.

Anna Erskine May Write Texaco Intermission Spots

Anna Erskine may write the Metropolitan Opera Guild intermission spot on the Texaco-sponsored Metropolitan Opera performance Dec. 14 and on several subsequent dates. Mrs. August Belmont, the Guild head, usually appears in the brief intermission program.

Miss Erskine scripts the 'Metropolitan Auditions of the Air' series for Sherwin-Williams.

Renew Shouse Contract

Cincinnati, Dec. 3.

One of the signatures appended last week by James D. Shouse was to a contract for his renewal as general manager of the Crosley Corporation's broadcasting division. It's for 1941.

A sequence will be his reelection by the firm's directors as a president.

DON BECKER IN COLLAPSE

Don Becker, co-writer of 'Life Can Be Beautiful' and other commercial serials, is on an extended cruise because of ill health. It was brought on by pressure of work, the usual seven-day treadmill of developing scores of plots, situations and characterizations and then pounding them out hour after hour on the typewriter.

Becker was having lunch with his boss, John L. Clark, head of Transamerican, when he (Becker) keeled over and the incident wound up by Clark insisting that Becker go off for a complete vacation. Becker's writing associate, Carl Bixby, is handling the assignments.

Pittsburgh Brewer Buys Bernie Armstrong Orch, Kinder Sisters via KDKA

Pittsburgh, Dec. 3. Bernje Armstrong, musical director and organist at KDKA, has just sold commercial musical show contract calling for a 21-piece orchestra and Kinder Sisters, harmony trio. Will be bankrolled by Duquesne Brewing Co.

Heaviest sugar ever laid on the line by a Pittsburgh sponsor is involved in the deal. Show shoves off this week, quarter hour each Friday night. Announcements will be limited to few words at beginning and end, with continuous music. Kinder Sisters bridging the breaks with song titles. Flock of other bands auditioned for the show, too, with Armstrong copping the plum in a close race.

Quincy Howe's Sponsors

Quincy Howe, news commentator over WQXR, New York, will be sponsored Monday and Friday nights during December by Joseph Martinson & Co., coffee firm. During January, he will be bankrolled Monday nights by Martinson and Wednesday and Friday nights by Witty Bros. men's clothiers.

Al Paul Lefton is the agency for Martinson, and Norman D. Waters for Witty.

JACK BROOKS AT WHAS

Louisville, Dec. 3. Robert Kennett, WHAS program director, has signed Jack Brooks of WBBM, formerly teamed on CBS with Don Ross as Brooks and Ross, singing duo, for a of sustainer.

Brooks will also script several shows, and produce several programs of a musical nature with Robert Huttsell's orchestra.

For the First Time on the Air

(The Department for Recording the Unique, the Fanciful, the Amazing in the Business of the Same Description)

Saw a Horse About a Man

New alibi aired by Fred Briggs, producer-announcer of KYA's daily Pop Concert, pulled surprising fax mail. Late for his show the other day, staff announcer carried on until Briggs arrived. M.C. explained he had stopped to pet a policeman's horse. Flood of dialers penned sympathetic notes expressing understanding.

Invents Cough Choker

J. R. Poppel, chief engineer of WOR, New York, has a new gadget, a 'cough button,' connected to the microphone. Enables an announcer or other broadcaster to cut off the mike momentarily if he has to cough.

Nothing Like Knowing Your Public

Bessie Beatty, who conducts the Martha Deane program over WOR, New York, accepted a written invitation to spend a weekend as guests of two listeners, William and Mrs. Von Riper, of Beaver Valley, Del. Broadcaster had never heard of her host and hostess until she received the invite, and she accepted it solely on the basis of their letter. She was accompanied by her husband.

Assistants Get Whack at Mike

CBS Workshop's New Policy—Betsy Tuthill Directs Ring Lardner Piece

Columbia will try a new policy for its Workshop series Sunday nights, giving its assistant producer-directors a chance to handle the assignment, wherever possible letting them produce their own scripts. Davidson Taylor, in charge of sustaining entertainment programs under W. B. Lewis, will supervise on any shows handled by the apprentice group, but will give them free hand in the studio once the stanza actually hits the air. He will not go into the control booth at any time.

First program under the new policy will be Dec. 15, when Betsy Tuthill will direct Vera Vikel's adaptation of Ring Lardner's magazine

yarn, 'Symptoms of Being 35.' It will take half of the 30-minute stanza, with the balance of the show still unsettled.

Dec. 29 program will probably be an untitled drama scripted and directed by announcer James Fleming, dealing with Dr. Johnson and Boswell in Scotland. Jan. 5 edition will be 'Love in 32 Bars,' a comedy about pop music, directed by Perry Lafferty, from his own book and score.

Coming Sunday night's (8) chapter will be 'The Trojan Woman,' directed by John Houseman from his own adaptation of an Edith Hamilton translation of Euripides. It will have an original score by Virgil Thomson. Norman Corwin, formerly CBS staff writer-producer, will direct a revival of his own 'Plot to Overthrow Christmas' for the Dec. 22 program of the Workshop series.

CARTER'S PILLS ON NBC BLUE

Carter's Little Liver Pills becomes for the first time a network account when it debuts a show on the NBC blue Jan. 2. In the past Carter's had confined itself to spot broadcasting. NBC is helping Street & Finney, agency on the account, to find a program, and NBC will supervise the advertising very stringently. Spot is Tuesday, 9:35 to 10 p.m.

SWING TO MEXICO

Three Week Vacation—Schubert, Caldwell, Nason Fill In

Raymond Gram Swing leaves after his Dec. 23 broadcast over WOR-Mutual for a three-weeks' vacation, his first since July, 1939. White Owl cigar has signed Hendrik William Van Loon as fill-in for the Monday and Friday sponsored shows and his sustaining spots Tuesdays, Wednesdays and Thursdays will be filled by Paul Schubert, WOR naval expert; Cy Caldwell, aviation authority, and Maj. Leonard Nason, military strategist. Swing intends going to Mexico for his vacation, but will be ready to fly back to New York in case the war in Europe becomes too violent. Dorothy Thompson will continue her locally-sponsored series Sunday nights over WOR-Mutual at least 13 more weeks from Jan. 5, when the current option period runs out.

Call Up Myron Fox

Salt Lake City, Dec. 3. Captain Myron Fox of KDXL has been called to report for a year's service in the 413th Infantry Reserve at Fort McArthur at San Diego. He will report for duty Dec. 5. To date, no one has been named to fill the vacated post at KDXL.

George Bryan's 5 Mins.

George Bryan will do a five-minute news spot over WABC, New York, at 3:55 p.m. beginning Monday (9) for Alka-Seltzer. Until then, Woolworth will bankroll the show to plug its Christmas sales.

BY
POPULAR
DEMAND

RADIO STATION

WMMN

890

KILOCYCLES COVERING

THIS WIDE AWAKE

MARKET



A
community station
serving a community's needs.



WMMN

Lively
Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN
MARKET
FOR
KDXL

Representative
JOHN BLAIR
& COMPANY

The POPULAR Station
Salt Lake City

NBC
RED
NETWORK

Thompson To Revamp Old Gold Radio Shows

Old Gold's radio slate is being washed clean so that the new agency on the account, J. Walter Thompson, can have a fresh start in that direction immediately after the first of the year. Cancellation notices on the big brand's Texas Rangers regional and transcription campaign went out last week through Lennen & Mitchell, which placed the business, with Jan. 3 the termination date. Texas Rangers has been getting a live release over the CBS Pacific link and transcribed versions of it have been running on some 20-odd other stations.

Sensation, another Lorillard cig. is taking over the two quarter-hour spots on the CBS regional affected by the Old Gold cancellation. The placements will be two quiz shows now running on the Don Lee Network, namely, 'Don't Be Personal' and 'Talk Your Way Out of This One.' Switch becomes effective Jan. 8.

Report on Ted Cott

Ted Cott, whose 'So You Think You Know Music' is a part of the Schaefer beer show, has produced and directed a new five-a-week serial called 'Live for Tomorrow,' which has been recorded for agency audition. Cast includes Morris Carnovsky, Bernard Zandville and Frances Oliver.

Producer-director has also been appointed managing director of the newly-opened children's record department of Musicraft Records, Inc.

Amateur Thespians Play RKO

Rochester, N. Y., Dec. 3. Playcrafters, winners in WHEC-Lauers amateur dramatic contest, staged one-act play, 'The New Bride,' at RKO Palace on publicity strength of victory.

Store used picture of group in large ad to plug the single performance.

NEW SCRIPPS-HOWARD U.P.

Hanrahan, Walters, Westergaard Get Titles In Reorg.

Scripps-Howard Radio, Inc., now has an executive vice-president and two v.p.'s under the organization's president, Jack Howard. James Hanrahan was moved up from v.p. to executive v.p. and the titles of v.p. went to Mortimer Walters, general manager of WCPO, Cincinnati, and Dick Westergaard, of WNOX, Knoxville.

In naming Walters and Westergaard officers of the company the directors figured that much time would be saved when it came to signifying FCC reports and corporation papers. Instead of sending documents to the home office for such signatures the stations' heads can now conveniently do it themselves.

Raymond Paige Directs

In Pittsburgh Dec. 12

Raymond Paige will baton the Pittsburgh Symphony orchestra instead of his regular group for the Dec. 12 broadcast of the 'Musical Americana' program, which will originate in the Syrian Mosque, Pittsburgh. John Charles Thomas and Helen Jepson will be guest soloists for the show.

Visual audience will be charged an admission seating to \$8, proceeds of which will go to pay off the deficit of the Pittsburgh symph. There will be a studio show to follow the broadcast. Westinghouse is bankrolling the entire works.

A June Battle

Los Angeles, Dec. 3.

Who's who in the June Knight club will be decided by superior court, where a \$25,000 damage suit has been filed by June Cameron, actress, against June Packard, actress, for the right to use the professional name, 'June Knight.'

In addition to damages, Miss Cameron asks an injunction to restrain Miss Packard from using the Knight appellation.

Tom Moore, who has been working on Black Horse Ale copy and general contacts in Montreal, back in New York office of J. Walter Thompson.

THEATRE TELEVISION EXPERIMENTS NEXT, RCA WORKS TOWARD NETWORKS

Kaufman Goes Radio

George S. Kaufman 'spotted' in at CBS, N. Y., by Lanny Ross during his Franco spaghetti show last week was called to the microphone and accorded a flossy reception but remained mum until asked why. Satirist answered: 'I was waiting for a quiz question, so I could win some money.'

After the program Kaufman was tendered a check for \$150 for 'expenses' which he refused, saying he thought he could taxi to the Lyceum theatre for less. House has his and Moss Hart's 'George Washington Slept Here.' To 'further' plug the show Kaufman went on CBS with Col. Stoopnagle Sunday (1), making frequent mention of the 'George Washington' show. Author was egged on by the press department.

Mullen and Morton Discuss Status With New York Press—Still Same Number of Employees as Before FCC Crackdown

By HOBE MORRISON

Regardless of whether the National Television Systems Committee issues a go-ahead in its report due next month, the primary problem in television is still a technical rather than a programming one. That view was expressed by Frank E. Mullen, NBC vice-president and general manager, and A. H. Morton, vice-president in charge of television, in a press conference luncheon last Thursday (28) at the Waldorf-Astoria, N. Y.

Asserting that NBC is spending about \$500,000 a year on television research and that its number of employees working on television is as large as before the FCC handed down its decision some months ago holding up commercial television, Mullen announced that the company will begin testing theatre television with 9-by-12 screen within four weeks. New Yorker theatre, in 53d street near Broadway, N. Y., will be used for the tests and an enlarged screen 15-by-20 feet may soon be used, the network exec asserted.

Explaining that the programming problems would await solution of many remaining technical difficulties, the two NBC officials listed the matter of FM broadcasting in conjunction with video, use of color, synchronization and various other points for experimenting. It was stated that NBC is definitely planning on a television network, with New York, Philadelphia and Washington as the first key points, so as to make possible a wider distribution of overhead for the more expensive medium. Coaxial cable already connects New York and Philly, but will have to be extended to Washington. Sites in the two other cities will have to be

chosen and transmitters constructed, it was added.

Question of the possible effect of the international situation on television came in for extensive discussion by Mullen and Morton. It was pointed out that with radio expected to play a vital part in any national emergency in the U. S., it would be out of the question to launch a new industry such as television if a war crisis were to develop. On the other hand, it was explained, all new industries, television included, would help take up the slack in the inevitable post-war economic and production letdown.

Morton estimated that there are some 4,000 television receivers in the New York area, basing his figure on the assumption that NBC's mailing list covers about 75% of the total. Predicting that when NBC resumes regular television transmission it will be on a schedule of about three to five hours a day, Morton indicated his belief that programs for the most part would tend to be the general nature of spot news coverage and the like.

Speculating on the future of commercial television, Morton predicted that such establishments as department stores, which have always depended on visual appeal in merchandising and advertising, might find the new medium profitable. He said he believes that various kinds of sponsors 'will go for it.'

MBS' Grand Junction

Station KXFX, Grand Junction, Col., joined the Mutual network effective Sunday (1). It has 250 watts power and airs on 1200 kc. Brings the number of Mutual affiliates to 163.

TUCKER-BAKER ON NBC BLUE

Stack-Goble agency had added still another band to its list. It's Orrin Tucker plus Bonnie Baker for Yeast-foam (Consolidated Chemical Co.) Time contract calls for Sunday 5:30-6 p.m. on the NBC blue. Series will start either Jan. 5 or 12.

Same agency also has Horace Heidt, Tommy Dorsey and Tommy Tucker for Tum's and N-C. (Lewis Howe).

Hike for WISN, Milw'kee

WISN, Milwaukee, has obtained a construction permit for 5,000 watts day and night on 1120 k.c.

It now operates at 1,000 watts days and 250 watts at night.

WBT
CHARLOTTE, N. C.
50,000 WATTS
CBS

Blanketing sixty-five counties—one of the Southeast's top markets



For more information about WBT, one of the sixteen CBS 50,000 watt stations, inquire of Radio Sales: New York, Chicago, Detroit, St. Louis, San Francisco, Los Angeles

COLUMBIA'S STATION FOR THE CAROLINAS

Payroll Traffic

Spartanburg, S. C.—Hills Bell, formerly with KHBG, Okmulgee, Okla.; KOME, Tulsa, and other stations, has joined WSPA-WORF commercial department here.

Montreal.—Jimmy Godbehere, salesman of CFCF, Montreal, has joined the Royal Canadian Air Force.

Schenectady, N. Y.—Tommy Martin, announcer and script writer at WGY, since March, 1938, joins WIS, Columbus, S. C.

San Francisco—Lee McLendon, formerly of KFOL, KLUF, KTBZ, KWKH and KOL has joined KROW production staff, replacing John Moore.

Fort Worth—Tom Hudson formerly chief announcer for the Texas State Network here has left to join staff of WMCA, New York.

Kansas City.—James Monroe is head of the news bureau of station KOMO. Monroe joined the staff as announcer early last summer, and previously was connected with KCKN, Kansas City, Kansas.

Chicago—Ed Roach joins the local sales staff of WBBM. For four years he was radio director of the Chicago office of the Bozell & Jacobs agency.

Gastonia, N. C.—Pat McSwain, formerly with Wilby-Kinney theatres in North and South Carolina, has joined WGNC, Gastonia, N. C., as manager.

Nashville—William Round, Jr., has joined the staff of WSIX as newscaster, replacing James McMurray, who has gone to Jacksonville, Fla., as commentator for WMBR. Round was formerly connected with WSM as a dramatic artist.

Lynchburg, Va.—Homer Korman has joined staff of WSL, Roanoke, as an engineer.

Salt Lake City.—Soes N. Vratits, recently national advertising manager for the Internetwork network, moves across the street to KUTA where he will take over duties as account executive.

Findlay, O.—A. J. Odgers, operator in charge of WPGG of the Ohio Highway Patrol, will be a radio engineer at WENA, Detroit, which begins operations about Dec. 1.

Toledo.—Frank McIntosh, former sales manager for Western Electric in San Francisco, is coming to Toledo as assistant to George Storer and J. Harold Ryan, president and vice president, respectively, of the Fort Industry Co., radio station operators.

Jim Cochran, script writer and assistant on production at WSPD, Toledo, has left to take a nine months' training course under an Army flying cadet scholarship, reporting at Parks Air College, East St. Louis, Ill.

Buffalo—Roy Black, of WEBR copy staff, is away training as reserve with U. S. S. Tuscaloosa. Station moved up Peter Krug, chief an-

nouncer, into charge of production and copy departments and hired back Ed Wegman from WBN as head speaker.

San Antonio—Jerry Pecht, formerly with WBAL, Baltimore, now program director of KABC here. Russel De Bees, of Dallas, will take over a microphone shift.

El Paso, Texas—David Vaile, former production manager and chief announcer here for KROD, has resigned to join the announcing staff at KOA, Denver.

Fort Worth—John Hopkins, Texas State Network announcer, called to active duty with the Headquarters Company, 144th Infantry, United States Army and reported for duty on Friday 22.

San Francisco—J. E. Morgan, until recently production manager of KSFO, is new head of the radio department at the Samuel Gompers Trade School here. Giving instruction in FM, using the school's new FM transmitter, KALW, as exhibit A.

Birmingham—Latest addition to WAPI announcing staff is Bob Mann, specialist in sports and college events.

Mel Venter has been named new production manager of KFRC. Jim McCordie has been appointed chief engineer replacing Ernest Underwood, naval reservist called to active duty in Washington, D. C.

New York—Marjorie Souder, formerly with McCann-Erickson, and Jameson Campaigne, previously in the sales department of Yardley & Co., have joined the Compton agency as radio commercial writers.

WGN's Lecture Bookings

Chicago, Dec. 3. Since its inception a few months ago the WGN Talent Division headed by Noel Gerson has jumped from a list of zero to some 100 performers, speakers and entertainers.

On the list lined up by Gerson are Bob Elson, Virginia Clark, Elmer Layden, Capt. E. D. C. Herne, Mrs. Ruth DeYoung Kohler, Quin Ryan, Harry Stuhldreher, Arch Ward, Eleanor Nangle, Rea Seeger, Bob Becker, Cecil Smith, Clifton Utley, Margaret Ayer Barnes, Harley McNair and Maude Sly, the last two being famed in the scientific and medical lecture world.

WGN Talent Division has been booking lecture dates for these people, particularly sportscaster Bob Elson, for whom the WGN bureau has been getting as many as 20 speaking engagements a month. Has had Elson jumping all over the Midwest, with some of the towns even too small to be on the map.

KGKO's Drafted Salute

Fort Worth, Dec. 3. KGKO here held a going-away party for 56 local draftees recently with a half-hour broadcast direct from this city's busiest street intersection. Frank Mills, KGKO chief announcer, handled the show and interviewed the soon-to-be soldiers.

Local press made much ado over the affair and included radio credits.

Murry Brophy Resting

Hollywood, Dec. 3. Ill health has forced Murry Brophy to quit his post as exec. vice prez and general manager of Columbia Management of California. Duties will be taken over by Donald Thornburgh, CBS coast head. Brophy headed the outfit here for year and a half, succeeding Art Rush.

Several weeks ago Brophy took a header down the stairs in the Management building and spent some time in a hospital. He will pass several months on a ranch in Arizona.

CBS GESTURE TO C.I.O. PREZ PLEASES

Atlantic City, Dec. 3. Leaders of the Congress of Industrial Organizations which closed its convention here last week were gratified at the action of the Columbia Broadcasting System in granting its new president, Philip Murray, free time on a coast-to-coast hookup for his inaugural address the same night he was elected. Whether the offer came because of John L. Lewis' blast against radio's "unfair discrimination against labor" was not known here. But at any rate—CIO officials believe that at last radio has begun to realize the importance of the labor movement.

The hookup, which included 78 stations, was arranged by Joseph Miller, labor representative of the National Association of Broadcasters and originated from WBAB, Atlantic City. Murray's speech was aired 9:45 to 10 p.m. on a 15-minute period sliced from a Kay Kyser sustainer. Miller pointed out that by cutting into the Kyser program the broadcasters had built up a tremendous audience before Murray started to speak.

It is the first time in radio history that a labor leader has been granted free time on a network on the valuable period preceding 10 p.m., according to Miller.

Lewis' attack on the broadcasters was hung on the N.A.B. Code cancellation of a CIO broadcast by KYA, San Francisco. He urged that the Federal Communications law be amended to prevent such "discrimination."

Summer Quarton's Gala Event for Daughter

Cedar Rapids, Ia., Dec. 3. Summer Quarton, general manager of WMT, made the marriage of his daughter, Elizabeth, Nov. 23 the big local social event of the season. He tossed a reception at the Cedar Rapids Country Club for 600 persons and brought in Gus Arnheim's band at a reputed cost of \$800 to furnish the dance music. Arnheim was on his way to a niter stand in Milwaukee.

The groom was William Sandoe Jordan, a local lawyer.

Okay San Diego Station

Washington, Dec. 3. Final green light for construction of a transmitter at San Diego, Calif., was given the Worcester Broadcasting Corp. Wednesday (27) by the Federal Communications Commission.

Adequate proof of authority to issue its capital stock must be given by the company, however, before the papers are delivered. Station will be operated on 1420 kc. with 250 watts.

Hugh Feeley at KEPY

Spokane, Dec. 3. Hugh M. Feeley, formerly with Free & Peters, in Chicago, and more recently in his own radio representative business in Seattle, representing Mutual stations in the Pacific Northwest, is now with KEPY commercial staff in Spokane.

Lowell S. Hawley, who formerly headed the KEPY continuity department, has gone to Los Angeles to join staff of Art Baker, producer.

Hal Thomas, who has been affiliated with numerous stations in the Northwest, including KPQ, Wenatchee, and KGIR, Butte, Montana, has been added to the announcing staff of KEPY.

Lee Bristol Is Interviewed

(Rarest of radio phenomena is the radio sponsor who will publicly discuss radio program. They lock the doors and put sealing wax in the keyholes ordinarily. It's not so much that they're afraid of newspapermen. It's other business men that radio sponsors don't trust. Because it is fairly unique VARIETY reprints herewith the text of Graham McNamee interviewed Lee Bristol on Mort Lewis' "Behind the News" over NBC, Sunday (1).)

Graham McNamee

No program could pretend to give you the behind the mike picture of radio without devoting some attention to the man who pays and pays and pays for the radio program you listen to—the sponsor, Heaven bless him. So this afternoon we have as our guest, a real live sponsor. His outfit sponsors the "Mr. District Attorney" program among others. He is going to tell us just how and why the sponsors buy the programs you listen to. Introducing the vice-president in charge of advertising of the Bristol-Meyers Company, a regular fellow, a swell guy and a grand talker—Lee Bristol. . . . Lee, after that build-up, the least you can do is buy our programs—but we'll skip that. Seriously, what does a sponsor look for buying a program.

Lee Bristol

Graham, he buys a program for two purposes and they go hand in hand; to put his sales message across and sell his product and to please the public—because if he doesn't please the public he'll never sell his product.

Graham McNamee

In other words, he can't buy a program just to please himself?

Lee Bristol

He certainly can't. He's got to look at the whole thing from the public's viewpoint.

Graham McNamee

Exactly how do you go about buying a show.

Lee Bristol

Well, the first thing we do is to see what programs are available. We know what programs are available for resale, that is, programs which have been sponsored and are of proven popularity but which now can be bought. We also consider new programs which are being offered for sale by the networks and by private radio producers, and by our advertising agency.

Graham McNamee

Once you have a list of the programs you can buy what else do you have to consider?

Lee Bristol

Well, Graham, you have to consider the time available on the networks, because that would influence the type of show you'd have. The hour at which people tune in influences the type of entertainment they're willing to hear—daytime serials, spot news, comedy shows, dance bands or what have you.

Graham McNamee

Well, let's say that any time is available to you. What do you consider next?

Lee Bristol

Well, there are two types of program that you might decide upon—one is the program with a close connection between the show and the product by which I mean that the Encyclopedia Britannica might sponsor a program such as "Information Please" or if you had an airplane for popular consumption you might sponsor a program about airplane pioneers. This is so that when people thought of the title of your program they would think of your product. But on the other hand, Graham, you might have a program of entirely loose construction, which can fit any product and which you might use if you're advertising two dissimilar products on the same show.

Graham McNamee

Is there any way to guarantee that the program you buy will be a popular one?

Lee Bristol

No. Of course, if the star of your show or the program itself is an established one then you have a pretty good idea that what you buy will meet with favor. You also have to consider popular trends and you follow those trends as much as possible. By which I mean, Graham, that if quiz shows are the trend, you might buy a quiz show. And if people are showing a marked preference for dramatic shows you might buy one of those.

Graham McNamee

Does your organization buy only established talent?

Lee Bristol

No, Graham. We might buy a program on some small station which is making a local sensation because we could get it for little money and the question of price must always be considered. If a sponsor can buy a program for less money, and he thinks the program will do a good job, he'll sometimes take a chance even though the program has not been tried out on a big network.

Graham McNamee

How do you buy a program that has never appeared on the radio, but has just been put together on the chance that you'll buy it?

Lee Bristol

In a case like that, if we like the show and by 'we,' I mean those in charge of buying radio programs for Bristol-Meyers, we try it out on a typical audience which might be made up of our employees to see if they like it. If they do like it, we might give the program a trial by putting it on a large local station to see how it goes. If it clicks, we might buy it for a network.

Graham McNamee

Well, all I can say, Lee, is that if you're looking for a darn good radio program, for one of your products, I heard a terrific one last Sunday, called "Behind the Mike." Have you ever heard it?

Lee Bristol

No.

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.

We Boost Nodding Sales

WBNS

MAKES
BUSINESS SNAP
OUT OF IT!

Central Ohio
Only CBS Outlet

JOHN BLAIR & CO.
Representatives

FM-Men See Fly, Then Memo Him

Discussion Put Into Form of General Outline—
Becomes Public Document

(The following is a copy of letter sent by John Sheppard, 3rd to James L. Fly, Chairman of the Federal Communications Commission on Nov. 27. It is reprinted by Fly's permission.)

My dear Mr. Chairman:

At the conclusion of our conference today, Mr. Jett suggested that we address this memorandum to you, outlining in a general way, the subjects which were considered. Before proceeding to do so, I want to express the thanks of FM Broadcasters, Incorporated, as well as my personal thanks for the courtesies which were shown us by yourself, Mr. Jett and Mr. Gross, and for the interest which you indicated in our problems.

The suggestions which were discussed were, as you know, based on various factors which members of the Board of Directors of FM Broadcasters, Incorporated, felt were having a tendency to slow up the filing of applications for FM stations, and, of course, our purpose in bringing them to your attention was to make suggestions toward speeding up the whole situation.

1. The first suggestions which were presented related to changing over the present experimental FM stations to their new frequency assignments, assigning to them permanent call letters, and permitting them to

operate after January 1st on a regular commercial basis. We feel that such action on the part of the Commission would prevent curtailment of existing FM service during the period required for completing construction in accordance with the new construction permits. In making this suggestion, we do not want to be understood as indicating in any way that our group is encouraging delay. All of the efforts of the FM group are directed towards encouraging the rapid and sound development of FM broadcasting.

2. The second subject which we discussed dealt with the question of permitting new FM stations to commence operation on a regular commercial basis without requiring, at the beginning, that the ultimate service area be covered. For example, we explained that it was the feeling of our group that, if the Commission were to authorize the construction and operation of smaller stations than those contemplated by regulations in a given area, construction would be expedited in many areas, and a very substantial portion of the ultimate area would benefit from service which otherwise might be long delayed. In making this suggestion, we were not criticizing the Commission's regulations with respect to service areas, but rather, suggesting that in some cases the service areas be made the ultimate, rather than the present or immediate objective.

3. The third matter which we discussed related to the necessity for filing a large volume of technical data which, in many cases, serves no very useful purpose in the Commission's consideration of FM applications. It was our suggestion that the Commission dispense with the necessity for supplying this great volume of technical data at the time of the filing of the application, and that the Commission proceed with the consideration of the financial, legal, and public service qualifications of the applicant, and in cases where applicants are found to be qualified to construct and operate FM stations, that the Commission grant such applications subject to conditions under which they would be required to supply completely detailed engineering plan which would meet with the approval of the Commission. We recognize that this is a departure from the custom which has heretofore been followed at the Commission in connection with its consideration of amplitude applications, but some recognition of this plan has been given by the Commission in its recent actions upon FM applications. We feel that this would stimulate interest in FM applications among smaller investors, and at the same time would not require the outlay of large sums for the preparation of technical data which may become useless in the light of a grant with revised coverage area, or would become a totally useless expense if the applications were denied.

4. The next suggestion made was that provision be made for control stations to feed programs from studio to FM transmitter, and from FM transmitter to FM transmitter. This was discussed further with Mr. Jett and Mr. Gross after you found it necessary to leave. Mr. Jett and Mr. Gross pointed out the allocation difficulties which were involved, and we are studying the question with a view to making further suggestions. In the meantime, we request permission to use the present bands above 100 megacycles assigned to relay stations for this purpose, in order to expedite development of FM broadcasting, and improved service to the public. In this connection, we explained to Mr. Jett and Mr. Gross the difficulties which have been encountered in several instances due to the non-availability of telephone lines of an adequate

Slightly Tired

Buffalo, Dec. 3. Belated gag going local rounds concerns announcer who signed up for draft. "Where do you work," he was asked. "WBEN," replied he. "How do you spell it?" was next query.

fidelity, except at excessive cost.

5. We next discussed the notice to manufacturers of high-frequency broadcasting equipment dated Nov. 23, in regard to an informal engineering conference to be held Dec. 8. In this notice it states: "High-frequency broadcast stations are required to submit proof of audio performance during tests as a complete station, before a license will be issued by the Commission." We suggested that to require this proof before a license is issued will greatly delay the issuing of licenses, and inasmuch as the Commission is giving licenses of FM stations one year to submit the results of field surveys, we suggest that permittees be given the same length of time to submit their proof of audio performance. This matter was further discussed with Mr. Jett and Mr. Gross, who pointed out that this matter would receive consideration at the time of the Dec. 9 conference.

6. With respect to the assignment of special call signs for FM stations embodying numerical reference to specific channels, Mr. Jett and Mr. Gross explained that the number of appropriate four-letter call signs is definitely limited, and this limitation is increasing with the growing requirements of ship licensing. This, it was explained, was due to the fact that ship licensing takes priority over all other licensing in the matter of four-letter call signs. We discussed this matter at some length, and it is still our opinion that four-letter call signs for FM stations are preferable to call signs embodying numerals, because of the familiarity and acceptability to the listening public.

In the light of existing conditions as explained to us by Mr. Jett and Mr. Gross, however, we made the following alternate suggestion: That the calls be, for example, W5R, K3C, etc. In other words, the second letter should be at the end of the call and after the numerals. It was felt that this would sound better and be a more easily remembered call. It was also requested that instead of assigning as the second letter 'A' to the first station on each frequency, the stations be allowed to request any second letter available. The first letter and the numerals, of course, would be automatic. This would not put on the air at the start such a large number of stations all ending in the same letter, and would be a means of establishing, in many cases, an identity where the letter might have a certain significance tying it up with the station ownership or the locality.

WMC Helps Recondition Radio for Hospitals

Memphis, Dec. 3. MidSouth Amateur Radio Association has tied up with WMC in a movement to distribute reconditioned radio sets among hospitals, charitable institutions and private shut-ins. Station asks for the "worthless" sets over the air, and the members of the association repair them. They will be distributed before Christmas.

Parts are being supplied through an arrangement worked out between WMC and the local RCA distrib. To date over 200 sets have already been picked up. Memphis Light, Gas and Water Division has provided space for the repair work and storing of sets.

Farnsworth Biz Boomish

Fort Wayne, Ind., Dec. 3. Sales increase of 48.5% for the first half of its fiscal year was reported recently by the Farnsworth Television & Radio Corp., Fort Wayne, Ind., through its president, E. A. Nicholas. Sales for the six months ended Oct. 31 were \$2,234,783, as compared with \$1,211,220 for the corresponding period of last year. Unfilled orders total \$2,500,000, an increase of more than 300% over the same time a year ago.

Firm has received contracts for the production of special radio equipment for the Civil Aeronautics Board and the U. S. Signal Corps, and has negotiations under way for additional contracts in connection with the National Defense program.

Delicate Protocol Again Involves NBC's Diplomats' Kids Show

Washington, Dec. 3.

Annual problem in protocol—becoming increasingly difficult as the war abroad expands itself—is being faced once more by NBC, with preparations for its 9th Annual International Children's Christmas Party.

With arrangements for the colorful broadcast still in an embryonic stage, station representatives of WRC-WMAL are scratching their heads over whether moppets from the German and Russian Embassies shall be invited to participate in the "round-the-world" broadcast. This embarrassing dilemma was averted last year because there were no children living at either Embassy. This year, however, the son and daughter of Wilhelm Tannenbergh, First Secretary of the German Embassy, must be considered, together with the son of Ambassador Oumhansky, who recently took over the Soviet Embassy.

Considerable tongue-clucking was heard last year, when youngsters representing various lands involved in the European war were brought together on a single stage to broadcast Christmas greetings in their native languages. Many of the kids who then were looked upon with suspicion by a pro-Finland, pro-Ally audience now are definitely identified with the totalitarian powers.

While not all of the invitations

have gone out and few answers have yet been received, NBC party-givers already are feeling a bit jittery over a prompt acceptance from the Italian Embassy. Moppets who have been present on other occasions and who are expected to accept this year include young sons and daughters of high diplomatic officials from the following countries:

Canada, Australia, Czechoslovakia, Denmark, Egypt, Finland, France, Ireland, Italy, Japan, China, The Netherlands, Norway, Sweden, Spain, Switzerland, Thailand (Siam), and Union of South Africa.

Large delegation of youngsters from the 21 American republics is expected, plus children from European nations which, so far, are staying fairly remote from the fracas. The United States will be represented by Martha Josephine Black, 7-year-old daughter of Supreme Court Justice Hugo L. Black.

WCAU Band Leads Parade

Philadelphia, Dec. 3.

WCAU snatched loads of free publicity when the studio band, led by Joey Kearns, accompanied the column of first draftees in a parade through mid-city en route to the Liberty Bell, where they were sworn in last Monday (25).

In a Nutshell...

KNX DOUBLED PLANTERS PEANUT SALES IN SOUTHERN CALIFORNIA in only nine months!



It didn't take Planters long to find out why KNX is "first buy" in Los Angeles.

Nine months ago adagent Raymond Morgan created "What's On Your Mind?" a smart half-hour program. He placed it on KNX once weekly for Planters Peanuts.

Here's what happened:

Sales in Southern California up 97%.

Sales in San Diego up 181%!

An entire warehouse stock sold out.

Forty more carloads of Planters Peanuts (slide rule hounds can figure out how many nuts that is!) are now rolling Westward to relieve the shortage.

P.S. The program is now on the Columbia Pacific Network!

What have you to sell?

KNX — LOS ANGELES 50,000 WATTS
COLUMBIA'S STATION FOR SOUTHERN CALIFORNIA
OWNED AND OPERATED BY THE COLUMBIA BROADCASTING SYSTEM
Represented by RADIO SALES in New York, Chicago, Detroit, Charlotte, San Francisco

WBAL
means business
in Baltimore

**SOON—
FULL
TIME
and
50,000
WATTS**

IN 1941 MORE THAN
EVER BEFORE...

WBAL
means business
in Baltimore



WBNX

Now!
**5000
WATTS**
DAY and NIGHT

YOUR BEST NATIONAL SPOT BUY
A NEW APPROACH TO THE NEW YORK MARKET

Camacho Induction Keynotes New Radio Collaboration in Mexico; Royal, Severeid, Allen Present

By DOUGLAS L. GRAHAM

Mexico City, Dec. 3.

Radio got going a big scale in advancing the U.S. and Latin American get together program with the big hook-up broadcast of the inauguration of Gen. Manuel Avila Camacho as President of Mexico (1). This was the first hook-up of all the principal U. S. and Latin American stations for the coverage of any individual event in Mexico. It enabled millions to hear on-the-ground accounts, in both English and Spanish, direct from the congressional chamber here.

This air coverage was an example of the new coordination between U. S. and Mexican and other Spanish-American radio stations. Radio men here see it as initiating bigger and better things in ether and other relations between the Nordic and Latin Americans.

The inaugural was reported here by top American and Mexican newscasters. Eric Severeid, veteran European commentator, worked for CBC. Bob Allen covered for NBC, while Jack Starr-Hunt, local foreign correspondent, aired the story for Mutual. John F. Royal, NBC v.p., was here for the inaugural.

Local station XEW (100,000 watts) which with its sister station, XEQ (50,000 watts), both owned and operated by the Azcarraga syndicate are in the vanguard of radio in Mexico, cooperated in the handling of all the English transmissions that NBC broadcast.

GE had direct charge of the Spanish transmissions, spoken by Alonso Sordo Noriega, star Mexican announcer. Noriega talked by direct telephone from the congress chamber to San Francisco. His voice was transmitted from here by GE to Central and South American stations.

Town Hall Luncheon With Wells on WOR, WQXR

Stations WOR and WQXR, New York, will broadcast the luncheon given at the Astor hotel, N. Y., today (Wednesday) by Town Hall for H. G. Wells. Besides the English novelist, the speakers will include Anne O'Hare McCormick, Maurice Hindus and Kingman Brewster, Jr., editor of the Yale News. Subject will be "Will Freedom Prevail?"

Luncheon is being given by the board of trustees of Town Hall, N. Y.

Johnny O'Hara, sportscaster at WKW, St. Louis, signed another contract and celebrated by departing on a Caribbean cruise.

Jerry Lester Ringmasters Army Camp Unit For Lucky Strike Touring

Jerry Lester will m.c. the show which Lucky Strike (American Tobacco) plans to tour around the soldier camps, and cut in for a couple numbers on its Saturday night Hit Parade (CBS). Lord & Thomas denies the report that this same show might in the event of a break between the networks and ASCAP Dec. 31 become the placement for the Hit Parade itself.

Touring setup will comprise also of a name dance band playing the particular area at the time and two or three acts. The bands will all be booked out of the offices of the Music Corp. of America. Session at the camp will consist of about an hour of presentation, entertainment and an hour or two of straight dance music.

GREECE STATION UP TO 75,000 WATTS

Washington, Dec. 3.

Boost from 15 to 75 kw for the radio-broadcasting station at Athens, Greece, was reported Monday by the office of the American Commercial Attache at the Greek capital.

New buildings have been constructed at the proposed site, the U. S. Department of Commerce was informed, but the entire installation will not be ready until approximately March, 1941. The frequency used by the Greek transmitter 'WV' will remain unchanged at 601 kilocycles, the Commerce Department was informed.

No indication was given in the official dispatch as to whether hostilities with the Italians had begun.

R. V. Howard, KSFO San Francisco engineering chief, goes to NAB 15th district engineering committee.

How News Is Organized, Dispensed On Canadian Radio in New Plan

Montreal, Dec. 3.

Board of Governors of the Canadian Broadcasting Corp. Thursday (28) announced ratification of new arrangements with Canadian Press and British United Press for news broadcasting on government stations in the Dominion. Private stations may, until further notice, continue using Transradio News.

Under the new setup for the CBC, the government radio net will have the entire news-gathering organization of the Canadian Press and BUP at its disposal effective Jan. 1. CBC will have its own staff of news editors and rewrite men to handle Can-

Those Mexican Names

Mexico City, Dec. 3.

Even Mexican radio announcers have difficulty in correctly pronouncing some Mexican names. None of them agree, for instance, on the pronunciation of 'Tequesquite', dulcet ancient Indian name for the lagoon where Maria Rivera, the looker who is Mexico's champ girl long distance swimmer, practiced before going to the U. S. in quest of fresh laurels. Stations are getting plenty kidding from fans. But no two of the guys who phone the studios pronounce 'Tequesquite' the same way.

New Stress In Canada Upon Shortwaving

Montreal, Dec. 3.

Parliament is again being urged to vote funds for the construction of a 50 kilowatt shortwave transmitter in Canada as a means of countering Nazi radio propaganda. Last week saw members of the House of Commons advocating immediate building of the shortwave station to supplement the services of the British Broadcasting Corp.

The CBC is already building a 7½ kilowatt shortwave station at Vercheres, Quebec, which is scheduled to begin operations next month. Main purpose of this station, however, to reach outlying French language areas in this province which are not now serviced by existing CBC stations.

The 7½ kw. transmitter, from accounts, will be able to reach Europe only under favorable meteorological conditions. Listeners in the U. S. A., Central America and the West Indies will be reached almost under any conditions. It was originally planned to gradually increase power of this station in due course but Parliamentary opinion is now veering towards view that a new 50 kilowatt transmitter will be necessary when it is time to embark upon complete international coverage.

Eldon Campbell, special events director for WOW-WGL, Fort Wayne, has returned to work following an appendectomy.

Mexican Announcers Do Traditional 'Don Juan' for \$60,000 Gross Biz

Mexico City, Dec. 3.

The 15 announcers of local radio station XEW (100,000 watts) copped some juicy extra coin by turning dramatic players for a novelty air and visual presentation from their station, and flesh presentations in various theatres here. They put on, for the first time so elaborately, a rendition of 'Don Juan Tenorio,' classic Spanish 16th century tragedy, which originated the term Don Juan. This tragedy is a traditional show for Mexican theatres in November. The announcers drew capacity galleries. Their gross was \$60,000 (Mex.), the announcers receiving a pro rata split.

Shirer Due in U.S.A., Severeid Stays Here; Hartridge on Lectures

William Shirer, CBS correspondent in Berlin, leaves there tomorrow (Thursday) to catch the Clipper from Lisbon, and is due in New York probably Sunday (9). He will remain here about four to six weeks for a rest, the exact time being up to him. Harry W. Flannery, who recently went to Berlin from station KMOX, St. Louis, will remain there indefinitely. Shirer will probably go back to Berlin.

CBS will send another man to London in place of Eric Severeid, to help Ed Murrow and Larry Le Sueur. Severeid, who went to Mexico City to cover the inauguration of the Mexican president, started back Monday night (2). He will remain in New York as a regular member of the home staff indefinitely.

Edwin Hartridge, currently in the U. S. on leave, will fill lecture dates until June or July, when he may return to duty in Berlin. However, that depends on future developments. Paul White, head of the bureau for CBS, is due back shortly before Christmas from his South American trip with William S. Paley, the network's president.

AUSSIE REFUGEES FROM ENG. CROWD HOMELAND

Melbourne, Nov. 14.

Some 52 Australian entertainers who were performing in Europe or England, including over the British Broadcasting Corp. system, are now in Australia, driven home by hostilities. They congest the already unhappy talent market here.

Wilfred Thomas, one of the London radio entertainers of pre-war days, has been conducting a Celebrity Tour since last February for the Australian Broadcasting Commission.

Crosley DX Pickup Of Chicago Livestock Show

Cincinnati, Dec. 3.

WLW and its international affiliate, WLWO, are originating special programs this week from the International Livestock Exposition in Chicago. Ed Mason, farm program director of the Crosley stations, is in charge of the airings at noon on WLW.

Proceedings of the exposition are being done in Spanish on WLWO by Tony Vargas, assistant foreign advertising manager of the International Cellulose Corp.

SHORTWAVE COMMERCIALS

Export Airlines, Esterbrook Pen Use NBC DXers

American Export Airlines, Inc., started a series of programs with the NBC shortwave division Sunday (24). It's three quarter-hour programs a week in Portuguese, Spanish and English. All programs will deal with American aviation.

Esterbrook Pen Co., has also joined NBC's roster of shortwave customers. It will underwrite 15-minutes of opera commentary following the Saturday broadcasts of the Metropolitan Opera, starting Dec. 7.

Yank Swing on XEBZ

Mexico City, Dec. 3.

The pro-U.S.A. trend in Mexico has lined up yet another radio station, XEBZ, 100 watts, which calls itself the 'Mexican Mouthpiece.' This station has American Hour as a regular evening feature.


Program is mostly swing numbers and typically American songs, in English.

Readies WIND Transmitter

Chicago, Dec. 3.

Following okay for 5,000 watts for WIND Ralph Atlas last week let contracts for the immediate construction of a new transmitter outfit which will give WIND one of the finest technical plants in the country.

Additional land has already been purchased for the construction of the new towers, with work expected to be completed by Feb. 1.



ANDRE KOSTELANETZ
AND ORCHESTRA

ALBERT SPALDING
NOTED VIOLINIST

in
THE PAUSE THAT REFRESHES
on the air

GUEST ARTIST EACH SUNDAY

PRESENTED BY
Coca-Cola
TRADE-MARK

Every Sunday
Columbia Network
4:30 P.M. E.S.T.

COPYRIGHT 1940, THE COCA-COLA COMPANY

THE MARTINS

HUGH-PHYLLIS-IO-JEAN-RALPH

Featured on
"TEXACO STAR THEATRE"
CBS-WEDNESDAYS
8 to 10 P.M., EST

Vocal Arrangements and Direction
by HUGH MARTIN

Personal Management: FRED STEELE
9 Rockefeller Plaza, New York City
Suite 601 Columbus 5-2142

DON'T MISS PALMOLIVE'S

"HILLTOP HOUSE"

STARRING
BESS STARRSON
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-4:30-4:45 A.M., EST
78 Stations Coast-to-Coast

Direction **BENTON & BOWLES, Inc.**
Management **ED WOLF, RKO BUILDING, New York**

'THE PAUSE THAT REFRESHES ON THE AIR'
With Albert Spalding, Andre Kostelanetz, John Charles Thomas
Songs, Orchestra
30 Mins.
COCA COLA
Sunday, 4:30 p.m.
WABC-CBS, New York
(D'Arcy)

Despite the awkwardly contrived title, this Sunday afternoon package represents a production of smoothness and musical delight. Another stand-out quality is its sustained charm and finely pitched mood. Though coming on the heels of the N.Y. Philharmonic symphony orchestra, Coca Cola's latest entry has what it takes to appeal strongly to the former's following as well as to attract a mass audience.

As far as the orchestral phase of the program is concerned it may be the best that Andre Kostelanetz has delivered to date. He has passed up his contrapuntal acrobatics and gone in more than ever for sheer melody. His treatment of a Victor Herbert medley was an ear tickler of the first order.

Neatly fitted into the mosaic of this show is the speaking personality of Albert Spalding, introduced as a speaker on Ray Paige's 'Forecast' effort last summer. While he does contribute a violin solo (very simple stuff for him), Spalding's main assignment for Coca Cola is that of m.c. The casting is all to the program's favor. His a deep and heavily Oxford-accented baritone and the output at the loudspeaker is a pleasant blend of dignity, authority and amiability.

Guesting for the occasion was John Charles Thomas. His choice of numbers was okay for the program's objective but the producer seemed to have erred in the matter of pace by having Thomas close the event with the slow-moving strains of the Cross-byesque 'Home on the Range'. The producer may have pointed for just that sort of a letdown, and if so the actual results in this instance didn't turn out so forte.

Included in the program's personnel is a chorus. It was used on the initial stanza for a number with the orchestra, as a backer-up to Thomas' other item, 'Sylvia'. The plugs were skillfully matched to the program's mood and tone.

Ode,

DE WITT SHAW ORCHESTRA
30 min. - Local
UTOPIA CLEANERS & DYERS
WSGN, Birmingham

This half hour of song and dance music started its sixth season over WSGN under a new sponsor. Line-up of entertainment is similar to past years, the entire program being built around DeWitt Shaw and his Royal Masters Orchestra. Bob McManey serves as master of ceremonies. On the program caught were Chuck Payne, tenor; Pat Third, variety comedian and six tap dancers. Program originates from the stage of the Lyric Theatre.

Payne is a warbler of ability and clicked with the show audience as well as fan mail writers. Third's routine was a bit stale but got laughs. Tap dancers sounded good over air and elicited big audience response.

Music used on the program was 50% BMI and McManey says this will be increased to 75% within few weeks and by Winter all music on the program will be BMI stuff.

Wind.

'UNIVERSITY OF THE AIR'
With Herbert Bayard Swope, Herbert Bayard Swope, Jr., Howard Dietz, Arthur Schwartz, Hendrik Wilheim Van Loon, Dr. Frank Kingdom, Irving Berlin, Frank Parker, Arnold and Sonia Eitls, Elmer Davis, Sigmund Spaeth, Aubrey Pankey, Dorothy Thompson, George Shuster, Fannie Hurst, Lieut. Gov. Poletti, Edward W. Edwards, Harold J. Rome, Gertrude Lawrence, Louise Rainer, National Youth Assn. Chorus
Speeches, Music, Propaganda
Two Hours - Local
Sunday, 9-11 p.m.
WEVD, New York

Radio, unlike motion pictures, has not solved the problem of a two-hour program, even though that program may be laden with star names. Lack of the visual to compensate for the inevitable slowing up of pace in a program of this duration, makes for boredom, despite an acceleration of pace at intervals throughout the presentation.

WEVD's 'University of the Air' in celebrating its eighth anniversary proved no exception to the rule, and despite the prominence of its speakers the program dragged in minutes, due in the main to continual repetition of its theme, Americanism, which was so well expressed by the fortunate first few speakers, that those who followed suffered through sameness.

The professional speakers, college presidents or politicians, suffered much in comparison to the brilliance of addresses by Gertrude Lawrence, whose short speech on British relief was a classic of its kind, and Louise Rainer, whose impassioned utterances on what Americanism means to a foreigner, was of a type to thrill.

Spotted throughout the program were various musical renditions, such as a classic of its kind, and most important was a new song, written for the occasion by Howard Dietz and Arthur Schwartz, and sung by Frank Parker. Title is 'Au Revoir, France' with the song being spirited and much in the fashion of George M. Cohan's 'Over There'. Parker sang it well, and it should catch public fancy, but unless lowered to another key, will prove unsuitable for average voices, as the excessive number of notes would be prohibitive to an untrained vocalist.

Arnold Eitls, accompanied by Sonia Eitls, played Sir Edward Elgar's 'Caprice' with a maximum of scratching and a minimum of good tone, and Irving Berlin, no singer, accompanied by the National Youth Assn. Chorus did a bit that was patriotic anyhow. Sigmund Spaeth contributed a pick me up to the program at this point, with an amusing version of how to play the piano in no easy lessons, and then introduced Aubrey Pankey, American Negro baritone, who sang two spirituals very well. Pankey disclosed excellent diction, and a well rounded voice of pleasing quality, but somewhat short in the upper register, where the tone became tenorish and lacked quality.

The National Youth Assn. Chorus then sang a Christmas carol and a Yodel song on its own, doing both in a capable fashion, and the musical portion concluded with Harold J. Rome singing bits of 'Pins and Needles.'

'REPORT TO THE NATION'
Documentary
30 Mins.
Sustained
Saturday, 6 p.m.
WABC-CBS, New York
To the extent that this new sustainer purported to be a dramatization of a Government report, it shared one quality in common with many Government reports—it was anything but entertainment. But if that were all it might be shrugged off in a pinch as a subject for more six-week flattery with democracy. However, at one point in the program an American mother was pictured as calling upon an army colonel at the war department in Washington. Whereupon the program came crashing into the delicate problem of morale with all the sprawling impact of a hockey player.

The program succeeded in making this American mother a prize lady, a boob, a caricature of sentimentality, a mush and arrested mentality. An overdrawn, offensive, silly woman, she was held up as a subject for an army colonel to lecture about the draft. It was a setup for the army. That was what was wrong with the stunt. It made the motherhood of America a subject for scorn from as far as foolishness incarnate. This kind of radio 'showmanship' in the service of morale should also be avoided as foolishness incarnate. It may be held up as a subject for a decision right off whether this is a nation of morons to be treated on an intellectual level that daytime serials abandoned seven years ago.

Another reason the program did convey some interesting information concerning army conscript policies, did answer questions about which natural curiosity now exists, did get over some desirable propaganda ament the humanity of sergeants, new style, and the housing and diet of draftees. But that a good loudspeaker, military or lay, could do these things just as well, or better, with the orchestra left out, the filter mikes left out, the flashy rappings left out, seems a legitimate criticism.

Finally, it may be suggested that democracy can be served without condescension. The people of the United States are adults.

Follow-Up Comment

Richfield Reporter's (Pacific) 3,000th successive newscast prompted an NBC special called '3,000,000 words.' With John Wald, Don Forbes, Wayne Miller, Don Gilman, Fred Bate, John B. Kennedy, Baukhage, Earl Johnson, Charles Dan's orchestra, long-run Coast account (since April 20, 1931) got a gala air tribute. Fred Bate from London, Baukhage from Washington and John B. Kennedy from New York who took over Earl Johnson's general news manager of United Press. Don Gilman, NBC western division boss, added his felicitations.

Tommy Harmon, star back on Michigan U's football team this year, appeared last Wednesday (27) night on Eddie Cantor's show for Bristol-Myers. Harmon was brought on right at the start after a single Cantor gag and played straight to the comic's clowning throughout. Handled himself well. Harmon would do as announcer or sports speller with more seasoning. Radio sports splicing is his chosen proffess, though having received many lucrative pro football offers. He vocalized a few bars of 'You're the One for Me' near the finale to show his versatility. He should stick to reading lines.

Fred Allen was in fettle last Wednesday, not only with a new take-off on the Allen-Benny feud, but with his satire on so-called 'Workshop' programs. Musical background and sound effects worked in on this to pave the way for a well-knit sketch about department store efficiency was strictly better radio, but possibly a bit subtle for many listeners. Buildup on the irate customer demanding satisfaction or 13c was in the finest Allen dramatic troupe tradition.

Irene Beasley returned to network radio, after an absence of a year and a half, as guest on Westinghouse's 'Musical Americans' Thanksgiving night (21). What made the occasion unusual as far as she was concerned was her choice of song. The 'Songbird from the South' passed up something into which she could bite her Dixie dialect and gave an era-ticking interpretation to a romantic ditty that the Londoners are favoring much between and during raids, namely, 'A Nightingale Sang in Berkeley Square.' James Melton also guested on this particular installment, while Maestro Raymond Paige contributed his customary quota of orchestra fare this both rich in melody and dressed in fine instrumental byplay.

Dick Humber with a new band style, but smooth and suave as ever, clicked last week over WOR-Mutual from the Chatterbox, New Jersey roadhouse. His needs come through particularly well, and that goes also for two new vocalizers with his band, Dick Judge and Ruth Vale.

JUNE BAKER
(Catherine Roche)
Talk
45 Mins. - Local
Participation
Friday, 11:15 a.m.
WOR, New York

June Baker of WGN, Chicago (privately Catherine Roche), was broadcasting at WOR, New York, two days last week with Bessie Beatty of WOR, took over at WGN. The Chi-N.Y. exchange was to introduce each lady to the radio agency fraternity of the other city and the profits-incurring end that each might pick up some additional participation advertising.

Years of professional gabbling were implicit in Miss Baker's easy-going style. She was more jovial, more fun-seeing than most of the eastern ladies of the extended ad lib. The growl of events in her talks is vast. She had some recollections of Amos 'n' Andy when they were a WGN act as Sam and Henry; she spoke of Pat Barnes and Victor Young and other radio vets from Chicago. There was talk of recipes and charm, shortness of breath caused by 'mike fright,' the social life in centuries past at Bath, England.

The speaking tempo is fairly fast, but always clear, never heavy. She kibitzed freely with the announcer and the charm lady who came on for a few moments, and gladly allowed others to be heard at all times. A pleasant-seeming person with more to say than she has time, even when it's 45 minutes.

'ALL NIGHT LONG'
With Alan Courtney, Guests
Marathon Show
WMCA, New York

Donald Flamm's station, WMCA, is adopting an all-night-long program of disks and chatter at a not too propitious time if the ASCAP situation should see this station in the same position as the networks. For without the work of all types, it's gonna be tough on the Milkman's Matinees, Make-Believe Ballrooms and kindred-type platter discourses.

For the Dec. 1, actually Dec. 2, bow-in of WMCA's 1-7 a.m. frolic, the station roundrobin the Broadway talent for bows, all congratulating Flamm and the outlet for its enterprise and all seemingly inveterate stayer-uppers for late-hour dialing, because all stated that after they get through with their regular performances they like to tune in.

A theme song, 'All Night Long,' waxed by Sammy Kaye for Bluebird, will be ready Wednesday (4) for constant use. Odette Athes vocalized 'There I Go' as her contribution, as she's to be m.c. Alan Courtney's nocturnal assistant. Miss Athes, heralded as from the Continent, is actually British, the daughter of Percy Athes.

Kaye, Irving Caesar, Lyle Talbot, Nedda Harrington, Roy Hargrove and Bernard Heyes, Jerry Baker, Al Schack, Tony Canzonari and others took bows on the session heard. The name guests due to appear (and may have, although not heard) included Johnson, Wynn, Olsen and Johnson, et al.

'AIR MAIL TO RED RIDING HOOD'
With Miriam Hopkins, Humphrey Bogart
Drama
30 Mins.
CAMPBELL'S SOUP
Friday, 9:30 p.m.
WABC-CBS, New York
(Ward Wheelock)

Another in the growing number of radio half hours devoted to dramas, this series for Campbell's Soup is directly against Proctor & Gamble's Arch Oboler playlets on the NBC blue. Delayed a week because of CBS' objection to the fifth column theme for Walter Huston originally selected for the opener by the agency, the series took off Friday (29) on the slightly moutly wings of a bit of aerial tripe—flashy but still tripe—called 'Air Mail to Red Riding Hood.'

The story was wrenched from the pages of Cosmopolitan magazine to receive more loving care from adaptor and director and star performers than it deserved. Because of the skilled handling it unfolded its pointless chum with considerable eclat. But it was a case of a rhinestone in a Tiffany setting. In other words, it was phoney.

Miriam Hopkins was a cabaret singer, Humphrey Bogart her man, a run-runner. Between time she married a nice millionaire, but couldn't stand his family's refinement. While with child she ran away, got a divorce, married the run-runner, a good guy who brought up the step-daughter with the best. The run-runner dies in the pen, the daughter must at last be sent to her wealthy grandmother. The whole tale unfolds in the flashback technique as Miss Hopkins reads aloud the letter she is writing the kid (little Red Riding Hood) telling her how it all happened. It all happened in Vina Delmar's typewriter and on the pages of the slick paper mag.

Agencies and quibblers and people in their homes all disagree on material of this nature. It is necessarily an arbitrary opinion to say it just didn't stand up; it just wasn't convincing. Others may gurgie that it was enough to break their hearts. Some people start crying as soon as the announcer says 'this is a sad story.' Change the 's' in sad to a 'b.' But it was expertly dished out.

Land.

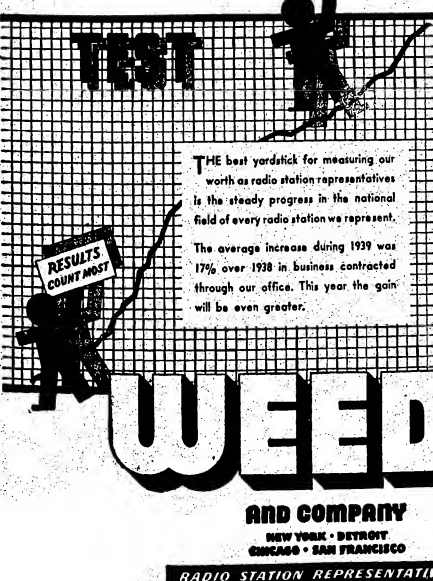
ED AND POLLY EAST
'Kitchen Quiz'
10 Mins. - Local
WHITE ROSE
Daily, 8:50 a.m.
WJZ, New York
(Tarcher)

The missus joins quizmaster Ed East for this fast local 10-minute session of easy questions every morning before breakfast. It's simple direct, plug-heavy for White Rose groceries (which are the prizes) and the Easts jointly and separately keep everybody amused.

Land.

Paul Glynn, of WJW, Washington, due back this week from Miami vacation.

The BASIC



When you think of
NEW ORLEANS
you think of:

America's new oil empire



and

WWL
NEW ORLEANS

50,000 WATTS

The greatest selling POWER in the South's greatest city
CBS AFFILIATE... NATIONAL REPRESENTATIVE... THE KATZ AGENCY, INC.

H. C. Alber, who installed the air conditioning in Radio City, in town for conferences on Frisco's first air-conditioned construction, the new NBC building. ... Art Linkletter, on the radio show, "What Do You Think?" now aired on Mutual Monday-Wednesday-Friday. ... "Red" ... two shots but gets benefit of third (which ride sustaining) by buying spots on KFRC just before and after. ... Fulton Lewis, Jr., pulled record phone calls to KFRC during his shot from Frisco-Wednesday (27) ... everybody wanted to come down and see him in person. ... despite instructions to announce studio would be closed to public, place was nearly full when Lewis hit the mike at 4 p.m. (although he isn't heard locally until 9:15 via ET) ... lecture at Berkeley same evening drew double the capacity of the auditorium. ... Adrian Gendot now scripting KFRC's "Breakfast" ... daily live 8 a.m. variety show. ... Jack Mulhall now playing "Carcer" ... Alvin Karp on CBS. ... KFSO's "Cargoes" show took over the Belt Line railroad this week, special train hauling recording unit about waterfront for a panoramic picture of San Francisco, Spain, and Italy, since departure of web prexy William Paley for Spain. ... KFSO, results in discovery that praiser Marie Houlahan spouts the stuff like a native, for many years having handled Latin correspondence for an export firm.

Last Week in New York

In the spot broadcasting field last week the activity was mostly devoted to renewing accounts already on the air. As for possible newcomers availability feelers were put out by Congress Cigar (Marschall & Pratt) and American Razor (Federal). Latter talked about news and sports periods.

Old Gold Sponsors Sportscasts Via WHN, Gotham Units Drop

New York units were droopy the past week, with local and national spot, registering almost identical losses to pare the total figure to minus 0.6%.

WHN: Jacob Ruppert Brewery, through Ruthrauff & Ryan, daily spot announcements, four weeks; National Prayer and Prophecy Conference, half-hour religious broadcast by Rev. Howard Springer; Romy theatre, through Kayton-Spiro, 18 announcements for "Tin Pan Alley"; F. W. Woolworth Co., through Lynn Baker, 18 spots; P. Lorillard Co. (Old Gold); Dick Fishell's nightly sports; Adam Hat Stores, 17 station break announcements weekly for five weeks.

WMCA: F. W. Woolworth Co., through Lynn Baker, 18 announcements; Jests, Inc., through Joseph Katz, renewal for 22 broadcasts; St. George Hotel, through E. T. Howard, renewal for one month of participation in "Rise and Shine"; Bond Clothing, through Neff-Rogow, 16 announcements; Sachs Quality Furniture, 24 quarter-hour programs weekly for 52 weeks; Flag Pet Food Corp., through Sternfeld-Godley, one 15-minute program weekly, 52-week contract; The Newspaper PM, Inc., through Compton Advertising, 113 announcements.

WNEW: Romy theatre and/or Twentieth Century-Fox Film Corp., through Kayton-Spiro, "Make Believe Ballroom", three 15-minute broadcasts weekly; Aladdin Home Appliance Corp., through Scheer Advertising Agency, ten-minute broadcasts, six times weekly, 13-week contract; Philco Distributors, Inc., through Frank Quinn Advertising, 100-word announcements, four weeks; F. W. Woolworth Co., through Lynn Baker, 18 announcements for one week; Brenner Bros., through Lester Harrison Associates, 50 announcements, four weeks; Compagnie Parisienne, through Northwest Radio Advertising, five minutes, Tuesday through Saturday for one week.

WQXR: Joseph Marlinton & Company, through Al Paul Lefton, "Quincy Howe—news commentator", quarter-hour program twice weekly; Schrafft's Stores, increased schedule for "Dinner Concerts" and daily spot announcements; The Newspaper PM, through Compton Adv., 186 spot announcements over the course of two weeks to promote articles by Ralph Ingersoll.

Nov. 30 Compared to Nov. 23				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
106	11,411	7,870	19,481	19,481
185	11,491	7,914	19,600	19,600
..	-0.7%	-0.6%	-0.6%	-0.6%

*No change.
(Included: WHN, WMCA, WNEW, WQXR)

DETROIT UNIT GAINS IN LIGHTWEIGHT DIV.

Detroit, Dec. 3. Almost imperceptible, but on the healthy side, were the changes recorded last week in Detroit. While there were only fractional changes, they were upward in all categories.

The slight change in figures reflects no letup in sales campaigning, for business is on a high level and maintaining an even keel is quite a trick. Network, local and national spot all continued in the same proportion in making their slight gains, even if this is the normally heavy season for spot buying. No appreciable change in figures is anticipated here before February, since January store sales will compensate the present lull in the Christmas season.

Nov. 30 Compared to Nov. 23				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
9,375	11,873	4,661	25,009	25,009
9,318	11,781	4,444	25,753	25,753
..	+0.7%	+0.4%	+0.6%	+0.6%

(Included: CKLW, WJLB, WJR, WMCB, WWJ, WXYZ)

SEATTLE STEADY

Local Biz Continues Climb—Nat'l Spot Unchanged

Seattle, Dec. 3. Local biz continues to gain here, with the outlook good for steady holiday increase. The slight drop in web figures was not enough to cut down total units appreciably.

Nov. 30 Compared to Nov. 23				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
5,610	10,922	746	17,278	17,278
5,625	10,823	746	17,194	17,194
..	-0.3%	+0.2%	..	+0.5%

*No change.
(Included: KIRO, KOL, KRSC)

UNITS OFF, BUT SAN ANTON'S YEAR BIG

San Antonio, Dec. 3.

Though web and national spot took a tumble this week, many old-timers repeat the prediction that this will be the best year for San Antonio radio sales since way back when.

WOAI: B. C. Headache Powders, through Harvey Messengale, renewal for a total of 364 announcements; Calavo Growers of America, special program of Leona Bender's "Women's Page of the Air" each Tuesday and Saturday from Nov. 30 to Jan. 21; Chrysler Corp. (Plymouth cars), through J. Stirling Getchell, 13 one-hour word announcements; Texas Shade and Blind Co., one announcement per day for one year, direct, renewal; San Antonio Brewing Association, through Pitluk Adv., Corwin Riddle's 10 p.m. newscasts to Nov. 29, 1941; Wesson Oil & Snowdrift Sales Co., through Fitzgerald Adv. Co., six daily time signals, alternately for the two products, Dec. 2 to March 1, 1941; Mrs. Bohner's Bakery, quarter-hour studio program through Thomas Conroy Co., titled "This Is America"; Humble Oil & Refining, through Texas Quality Network, two football games.

KABC: Liberty Mills for Heart's Delight Flour, sponsorship of the Kerrville-Austin regional football game; Mutual Finance Co., one spot per day; Dr. John Golly, 104 five-minute programs; Magnolia Finance Co., one announcement per day; Midget Auto Races, one per day; Drive-In Theatre, four extra announcements this weekend; Wolf & Marx Department Store, seven additional announcements; Mangels Dress Shop, 10 additional announcements; Interstate Theatres, quarter-hour preview of "Bittersweet" which opens here at the Majestic Saturday (Dec. 7); Anti-City Manager Plan Group, quarter-hour; Solo-Serve Department Store, four announcements.

Nov. 30 Compared to Nov. 23				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
7,008	9,518	1,185	17,711	17,711
7,775	9,292	1,195	18,262	18,262
..	+9.9%	+2.4%	-0.8%	-3%

(Included: KABC, KMAC, KONO, KRTA, WOAI)

Bank Sponsors Basketball

Fl. Wayne, Dec. 3.

For the third consecutive season, the Lincoln National Bank & Trust Co. here has bought the complete WGL basketball schedule—a total of 30 games, played from Nov. 22 to Feb. 22.

John Hackett and Hillard Gates will again handle the mike assignment for the series.

SALT LAKE PEPPY

Local Climbs Fast—Total Figure Up 3%

Salt Lake City, Dec. 3. Local biz did some fancy climbing here, attaining a neat 11.8%. Though national spot didn't quite get over the line, it inched close enough to help boost the total several steps above the previous week.

KDYL: Coca-Cola, through D'Arcy Adv., 260 quarter-hour, seven one-year contracts; General Cigar, through Federal Advertising Co., 26 quarter-hour programs; Carter's Pills, through Spot Broadcasting Co., renewal 260 one-minute announcements; Shapiro's Pay & Take Market, 52 fifty-word announcements; Miller & Ellison, seven five-word announcements; DeLuna Glass, seven Xmas-Tree participations; Lee Taylor Motor, eight tie-ins to Kaltenborn; Bowser's Home Furnishings, eight Gift Selector participations; Stokermatic, 12 hundred-word announcements weekly; Scott Hardware, 13 fifty-word announcements; Leonard Circle Inn, 52 tie-ins on Teleguest; Burbridge Coal, 52 five-minute programs; O. C. Tanner Jewelry, eight Gift Selector participations; Hanco Furniture Store, 165 fifty-word announcements and 31 one-minute spots.

KSL: Morton Salt Company, through Klu-Van Peterson-Dunlap, 30 five-minute announcements; Calavo Growers of California, through Lord & Thomas, 16 hundred-word announcements on "Linda Lee" program; Railway Express, through Caples Co., increased schedule; Hudson Bay Fur Co., two quarter-hours per week; Arthur Frank, increased schedule of present daytime spots.

KUTA: Ed Lewis Realty Company, 10-minute weekly programs, 52 times; Brant's Photographic Studio, 13 spots; Elder Electric, 26 spots; Cruser Jewelry, 26 spots; Arden Dairy, five additional spots per week; Southeast Furniture, three announcements daily; Hotel Utah, through Ad-Craftsmen, daily spot; Furnishit Rosen, 52 Class A spots; Mrs. J. G. McDonald-Candy Co., 26 five-minute Class A programs; Utah Power & Light, renewal daily spots; Warren Radio, direct, 26 spot announcements; Zinick Sporting Goods, four weather reports per week.

Nov. 30 Compared to Nov. 23				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
7,738	2,738	622	11,098	11,098
7,697	2,449	628	10,774	10,774
..	+0.5%	+11.8%	-0.9%	+3%

(Included: KDLX, KSL, KUTA)

CHI INACTIVE; TOTAL STATIC

Chicago, Dec. 3. There was a dearth of activity here the past week, which resulted in "no gain, no loss" for both web and total figures. Local biz managed a slight step upwards, while national spot slipped back several notches.

WGN: Coca-Cola Co., two station-break announcements daily six days a week, through William Wisdom agency; Santa Cigar Co., station-break announcements twice weekly, through Spectro-Goodman; Salerno Megawen Biscuit Co., four station-break announcements daily, through Schwimmer & Scott; Stevens Co., renewed weekly 15-minute news program.

WJJD: Rubins, 15-minute daily strip of "Laugh Music Hall", through Malcolm-Howard; Joy Candy Shops, 50-word announcements daily till further notice, through Malcolm-Howard; Household Magazine, 30 minutes daily on "Sunshine Jubilee", through Presba, Fellers & Presba; Billy Stone Co., quarter-hours Sundays, through the Julian Frank agency; Willys Illinois Co., 10 announcements weekly.

Nov. 30 Compared to Nov. 23				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
8,825	6,066	11,010	26,901	26,901
8,825	6,050	11,022	26,897	26,897
..	+0.3%	-0.1%

*No change.
(Included: WBBM, WENR, WGN, WIND, WJJD, WLS, WMAQ)

Men Store Uses WEBR

Buffalo, Dec. 3. Posmantur's men's store going in heavy for either spots.

Takes two 15-minute spots of pop record-spinning on WEBR each day, plus a daily half-hour of WGR's "Musical Clock."

KGO-KPO Co-op Stunt Snares Radio-Shy Accts.; Frisco Spotty

CINCY TOTAL RISES

Santa Jogs Local Biz—Coca-Cola Buys WKRC

Cincinnati, Dec. 3. Yule blurring marked up another advance last week for total biz. Jump in local units exceeded drops on network and spot accounts.

New Santa sponsor on WKRC is the Coca-Cola Bottling Co. of Cincinnati, which started a series of week-day 30-minute programs in addition to its Monday through Friday run of quarter-hour e.t. sessions by Singin' Sam. Account placed through Chester C. Moreland agency.

Nov. 30 Compared to Nov. 23				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
6,590	10,300	6,989	23,879	23,879
6,720	10,086	6,996	23,802	23,802
..	-1.9%	+2.1%	-0.1%	+0.3%

(Included: WCFO, WKRC, WLW, WSAI)

BALTO BRIGHT; NEW STATION READIED

Baltimore, Dec. 3.

Local and national spot carries the ball here, upping total take 2.4%. Some added department store activity reported by WCAO, with the Hub and Benesch stores continuing spot usage.

Tom Tinsley's new 250-watt station being readied with call letters set as WITI. Transmitter site already selected and studio space in the downtown sector being negotiated. Will strive for strictly local program and ad appeal at low rates. Staff now in the making.

WFBR: Remington-Rand, through Leerford Adv. Agency, three a.m. and two nighttime spots a week; Dodge Motors, via Rudenstiff & Ryan, nightly transcribed spots.

WCAO: Isaac Benesch Department Store, through David Lampe, 54 spots; Hub Department Store, 12 spots.

WBAL: S. W. Woolworth Co., through Lynn Baker Co., 18 one-minute announcements; Maryland Trust Co., via Emory Adv. Agency, 12 seventy-five-word announcements; Chesapeake Cadillac Co., through Brown-Alexander, 56 spots.

Nov. 30 Compared to Nov. 23				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
8,820	5,102	1,908	15,830	15,830
8,860	4,835	1,767	15,461	15,461
..	-0.5%	+5.5%	+8%	+2.4%

(Included: WBAL, WCAO, WCBM, WFBR)

Montreal Air Contracts

Montreal, Dec. 3.

Ronalds Advertising Agency spotting "Story Time Lady" (transcription) series over Canadian Marconi station CFCF for Reliable Toy, for period of 13 weeks. Ronalds has also booked the football games over CFCF for Canadian Industrial Alcohol (Maple Leaf anti-Freeze).

New commercials Canadian Marconi station CFCF include "Public Opinion," from stage of the Seville theatre for Alka-Seltzer (Cookfield-Brown Agency); "World of Today" (transcriptions) for Liberty (Cockfield-Brown Agency); Benson Lighters, spots, (Cecil & Freshman, N.Y.); National Drug & Chemicals (A. McKim Agency); Father John's, spots, (McConnell, Eastman); Listerine, "Green Hornet" transcriptions (Lambert & Feasley, N.Y.); Imperial Tobacco Co., hockey broadcasts, (Whitehall).

Christmas Special

Des Moines, Dec. 3.

A dozen or so merchants are sponsoring a musical show over KSO, Des Moines, Iowa, to run from Thanksgiving until Christmas, with the last two weeks given over to contests. This is the sixth year the program has been used. The broadcasts are tagged "The Christmas Tree."

Marion Schissel, the director of women's affairs for KSO-KRNT, is in charge.

San Francisco, Dec. 3.

Highlight of the week is NBC's unique promotional stunt which reportedly has netted four new commercials for KGO-KPO. Dreamed up by v.p. Al Nelson, gag had entire cast and technical crew of "The Entertainer" West stage a pre-broadcast preview of the latest chapter before 600 members of the Commercial Club, Senior and Junior Chambers of Commerce and the Stock Exchange, representing the cream of Frisco's bank and money crowd. Show, arranged originally through the Stock Exchange, has a different sponsor each week, and the chapter preview was underwritten by the Emporium (huge Frisco department store), the half-hour skit dramatizing firm's history. Boys were so impressed that after the preview the Emporium bought another show, the Crocker bank, which never uses radio, opened negotiations, and two other firms also are mulling new programs. All of which isn't a bad day's work.

KFRC is quoting figures from Erwin, Wasey on Carnation Ice Cream's local sponsorship of "The Shadow," data revealing that special plugging of a special flavor pulled 50% greater sales than anything ever before offered by the company. Plugging of a mystery special in September topped August returns by 90%.

Don Lee outlet also carries what's claimed to be the largest local account west of Chicago, three 10-minute news periods daily for Borden's, a total of three hours a week. Now in its fourth year, show has burned up 590 hours to date for the present sponsor, with a total of 3,543 broadcasts. McCann-Erickson is the agency.

KFO: California Grown Sugar Group, through Botsford, Constantine & Gardner, 78 participations, "Home Forum"; Campbell Cereal Co. (for Malto Meal), through H. W. Kastor & Co., Chicago, five spots; Southern Pacific Co. (railroad), through Lord & Thomas, four quarter-hour transcriptions.

KGO: California Grown Sugar Group, through Botsford, Constantine & Gardner, 78 participations, "Ann Holden's Forum"; Health Foods, Inc. (for restaurant), direct, 13 participations, "Ann Holden's Forum"; Reich Kaye Opticians, through Long Advertising, 17 spots.

KSFO: Dr. Campbell (dentist), through Rufus Rhoades, 21 spots weekly, 52 weeks; National Funding Corp., L. A. (loans), two 10-minute newscasts daily, 52 weeks; Par Soap, through Tomaschke-Elliott, six participations weekly, "Housewives League," 26 weeks.

KFRC: Roma Wine, through Cans & Associates, 30 spots; also extension for 52 broadcasts of twice-weekly "What Do You Think" quarter-hour to include Utah network, KOVO, KLO, KEUB; San Francisco Bank, direct, three quarter-hours for own choral group; North American Accident Co. (insurance), through Franklin Bruck, N. Y., five five-minute spots.

Nov. 30 Compared to Nov. 23				
Network	Local	National	Spot	Total
Units	Units	Units	Units	Units
11,225	3,876	2,347	17,448	17,448
11,225	3,876	2,347	17,448	17,448
..	-8.2%	+13.2%

*No change.
(Included: KFRC, KGO, KJBS, KPO, KSFO)

WILLYS-OVERLAND CUTS DISCS AT NBC, CHICAGO

Chicago, Dec. 3.

Willys-Overland Co. cutting a series of one-minute spots for the new "American" auto. Handled through the U. S. Advertising agency of Toledo.

Records are being sliced at the NBC recording studios here.

Peach Growers' Budget

Spartanburg, S. C., Dec. 3.

Radio expected to get a slice of South Carolina Peach Growers Association's huge 1941 advertising outlay. Bulk of coin is spent in northern and eastern marketing areas. Crop annually nets several million dollars.

Advertising plans will be worked out at series of meetings starting in December.

Inside Stuff—Music

Damon Runyon, syndicated columnist, has become one of the most vigorous advocates of ASCAP's case in the current battle with radio. Recently Neville Miller, president of the National Association, wired Runyon, in answer to a previous column on the subject, that the prime issue in the present battle concerned the broadcasters' refusal to pay ASCAP for music on all commercial programs regardless of whether they contained music. In reply to this Runyon wrote that Broadcast Music itself has established a system of payment exactly like ASCAP's and that with radio now owning its own music material through BMI it assumes the position becoming both the seller and the buyer.

"Assuming," stated Runyon, "that radio will tax the air advertisers for the use of BMI material, even though at a lesser rate than ASCAP still calls for, while at the same time charging the advertiser for the air, we have to admire the ingenuity of an arrangement that puts radio in a position of getting it coming and going."

Pathe last week sought to obtain gratis a license for the use in the song, "There Will Always Be an England," for a special subject in which it features the *Diogene Quints* on the ground that a portion of the profits on the short would be contributed to the British War Relief Fund. Irwin Dashi, who owns the tune, couldn't see this angle as justifying a cello permission since the Quints were to get half the profits. Dashi set \$250 as the fee and took the position that if the tune were used and paid for he himself could do the contributing to the B.W.R.F. Until a year ago Dashi was actively in the publishing business in England, but is now operating from his New York office with Reg Connelly.

Both Max Dreyfus, of Chappell & Co., and Herman Starr, of the Warner Bros. publishing group, express themselves as puzzled over Metro's announcement that it has bought the film rights to the current tune, "The Last Time I Saw Paris," for the "Lady Be Good" production. The song, by Jetteon Kern and Oscar Hammerstein, II, is owned by the Dreyfus firm.

The rights to "Lady Be Good" were bought by Metro from Harms, Inc., one of the WB firms, and under the contract for the rights Harms must control any tune interpolated into the film's score which is not less than three years old. Through this provision "The Last Time" is barred from becoming part of the film unless Chappell assigns the rights to Harms, Inc.

Nick and Charlie Kenny have signed another year's contract with Leo Feist, Inc. Becomes effective Jan. 6, 1941. It had been rumored that the duo might go with either Shapiro, Bernstein & Co., back to Irving Berlin, Inc.

Widow of Inventor Sues Capehart on Automatic Record Changing Gadget

Fort Wayne, Ind., Dec. 3. Trial of the royalty suit of heirs of Ralph R. Erbe, automatic phonograph record changing device inventor, against the Capehart Company, Fort Wayne, which has been in progress in Circuit Court here for several weeks, was resumed Monday (2), before Judge Harry H. Hilgemann. The heirs seek to collect \$5 royalty for each Capehart automatic phonograph manufactured, in which they claim Erbe's invention is being substantially used.

Chief plaintiff is widow as guardian of their children under the provisions of the husband's will.

Anna M. Small, widow of the late Thomas W. Small, automatic phonograph record changing device inventor, as executrix of his will and administratrix of his estate, meantime has filed suit for \$6,000 judgment for royalties allegedly due her against the Farnsworth Corp. in Circuit Court at Fort Wayne. Mrs. Small claims her husband some time prior to Aug. 14, 1939, designed an improvement on a record changing mechanism for disk phonograph records and applied for a patent for it Oct. 5, 1939. She declares that on Aug. 14, 1939, the Farnsworth Corp. entered into a written contract with her husband, to use his record changing device improvement on their automatic phonograph. She claims the Farnsworth company made full settlement with Small for all devices manufactured up to Dec. 31, 1939. She says she believes the company manufactured 20,000 of the devices from Dec. 31, 1939, to Aug. 14, 1940, on which royalties amounting to \$7,000 would be due. She claims they have only paid \$1,663.60, leaving \$5,336.40 due, and asks judgment for this amount plus interest.

PAN-AMERICAN MUSIC A LAWYER'S SECRET

Albany, Dec. 3. Pan-American Music Corp. has been chartered to conduct a music publishing business with principal offices in New York. Capital stock is 200 shares, no par value.

Gilbert & Gilbert, of N.Y., were the filing attorneys.

Benjamin Gilbert, of the above firm, declined to disclose the identity of the client involved. Among G & G's clients in the music business are Carl Fischer, Inc., Irving Berlin, Inc., G. Schirmer and Bréman, Vocco & Conn.

TOMMY DORSEY EAST

Goes Into Paramount, N. Y., with "Love Thy Neighbor"

Tommy Dorsey finishes his current stand at the Palladium, Los Angeles, Dec. 11 and flies his entire band into New York on the 18th. Outfit will lay off until the 18th when it starts at the Paramount theatre, N. Y., with Fred Allen-Jack Benny picture "Love Thy Neighbor." Nicholas Bros. dancing act in on the same bill.

Though the Par's present film, "Northwest Mounted Police" holds over for five weeks overall the stage show it started with replaced today (Wednesday) by Ray Herbeck's band, Rosemary Lane, and the Inkspots. Dorsey's place at the Palladium is taken by Artie Shaw who in turn is followed by Glen Gray, Jan. 22.

JUKEBOXES BACK; FORGET OLD LAW

Chicago, Dec. 3. City council last week legalized jukeboxes, after the coin machines had been silenced for a number of days following the discovery of a statute prohibiting entertainment slot machines.

Mayor and Council concurred on the notion of the general public wanted the music-box entertainment, and they were in no mind to thwart the desires of the spending public.

Buffalo Police Checking At the Turnstile

Buffalo, Dec. 3. Blue Barron, playing police ball here, tossed hefty hunk of change into policeman's fund but the blue-coats aren't sure yet how much.

Tap was one dollar per bar and Barron drew somewhere between 10,000 and 12,000 persons. Cops had their own men at the turnstiles and mechanism got jammed, so they're making a recount to see how many passed the wickets.

Omaha Union Elects

Omaha, Dec. 3. Pete Christman, veteran local musician, has been re-elected president of Local 70, Omaha Musicians Association (A.F.M.). Ernest Nordin, old-time vaudeville theatre leader, was re-elected vice-president.

Other re-elections were Harold Pace as recording secretary, and Mike M. Chaloupka, financial secretary and treasurer.

Letter From Jack Hylton

London, Nov. 10.

Editor, VARIETY:—Music business here is very quiet and they are getting very little help from the radio because the people are in shelters, etc., from dusk until dawn, therefore there is not much of the listening public for the popular stuff.

We were all surprised to know that Jimmy Campbell had left. I was with him and a lot of other people in the music business at a big theatrical event one night, until the early hours of the morning. The next day we heard he had gone without saying a word to anybody.

I very much miss my trips to the States, but Munich interfered with it a couple of years ago, and of course the war the last 12 months. Must say that I had a definite year to be over there, particularly did I want to see the World's Fair.

But really I am doing very well here, running as many as 15 shows, covering the London Philharmonic Orchestra, B. B. C. Productions, the last Palladium show, many bands, straight plays including Marie Toupst in "Dear Octopus" etc., but in any event I would not like to leave here until this job is done. I am also Director of Bands for the Troops.

I am glad to read from time to time of Alec Templeton's success, and Pat O'Malley, although I have not had a line from them since I left the States, when they left my band. Jack Hylton.

PEER SCORES POINT IN BRADFORD'S SUIT

Southern Music Publishing Co. won the first skirmish of a court battle last week, when N. Y. supreme court Justice Isidor Wasservogel denied an application of Perry Bradford to examine Southern Music's president, Ralph S. Peer, before trial. Suit seeks \$30,000 damages and is directed against Gene Buck, as president of the American Society of Composers, Authors and Publishers, as well.

Bradford is suing as surviving director and stockholder of Perry Bradford, Inc., and assignee of Perry Bradford Music Publishing Corp., Acme Music Publishing Co. and of Blues Music Co. Plaintiff claims that Southern Music lent him \$100, and took 39 songs of the plaintiff's corporation, and took. According to Bradford, the money was to be returned in 60 days as were the rights to the songs, and royalties were to be credited against the \$100, with extras excess of the amount, given to him. Despite the fact that he offered the \$100 to the defendant, Southern, it refused to turn over the songs, and ASCAP as well as Southern have realized large profits in royalties from them, plaintiff claims. Defense asserts songs had no value.

100 Berlin Songs In Book Next Year

Random House will publish 100 of Irving Berlin's songs, with footnotes debunking some of them, plus other heretofore unpublished memoranda. It will be printed for Xmas 1941 release.

Meantime Simon & Schuster is issuing a "Famous Songs" cavalcade by almost every name songsmith, with Berlin alone holding out on his own. Irving Berlin will defend exploitation on several new songs he wrote while on his West Indies cruise until after the ASCAP situation is settled. Not wanting back "This Is a Grand Country" which he feels is on a par with or better than "God Bless America," along with "In Old San Juan" and "Everybody Knows But Me."

Hocker Runs Dell Series

Philadelphia, Dec. 3. C. David Hocker, 29-year-old president and general manager of the Philadelphia Opera Company, has been named manager of the Robin Hood Dell summer concert series. The country was approved by unanimous vote of the Robin Hood Dell board.

Next year's series has been assured, with much of the \$10,000 deficit, incurred during the 1940 season, wiped out by the sale of symphonic records by the Philadelphia Music Appreciation association.

Drop 'Most Played' Box Pro Tem

Starting with this issue, and until the music situation is settled one way or the other, as between ASCAP and BMI, the usual boxed recapitulation of 'most played tunes' is omitted from VARIETY. Under existing conditions the news value to the trade seems to be lost, the net effect of tabulations under the confusion of the next weeks probably being negligible.

VARIETY will resume publication of 'Most Played' recaps as soon as something like comparative focus is possible.

10 Best Sellers on Coin-Machines

(Tunes below are grabbing most nickels this week in jukeboxes throughout the country, as reported by operators to VARIETY. Names of more than one band or vocalist after the title indicates, in order of popularity, whose recordings are being played.)

1. Trade Winds	Bing Crosby	Decca
2. Maybe	Ink Spots	Decca
3. Practice Makes Perfect	Bob Chester	Bluebird
4. Only Forever	Bing Crosby	Decca
5. Ferryboat Serenade	Andrews Sisters	Decca
6. We Three	Ink Spots	Decca
	Tommy Dorsey	Victor
7. Beat Me Daddy	Will Bradley	Columbia
	Andrew Sisters	Decca
8. Down Argentine Way	Bob Crosby	Decca
	Leo Reisman	Victor
	Punchio	Decca
9. Rhumbogie	Andrew Sisters	Decca
	Woody Herman	Decca
	Tommy Tucker	Okeh
10. There I Go	Will Bradley	Columbia
	Woody Herman	Decca

TUNES GAINING FAVOR

(These tunes are directly below the first 10 in popularity but growing demand on the coin machines, and appear to be on their way to the top.)

1. Five o'Clock Whistle	Ella Fitzgerald	Decca
	Glenn Miller	Bluebird
2. Yesterthoughts	Glenn Miller	Bluebird
	Jimmy Dorsey	Decca
3. Two Dreams Met	Tommy Dorsey	Victor
	Eddy Duchin	Columbia
4. Falling Leaves	Jimmy Dorsey	Decca
	Wayne King	Victor
5. I Give You My Word	Al Kavelin	Victor
	Eddy Duchin	Columbia
6. Lay Me Down to Dream	Jack Leonard	Okeh
	Andy Kirk	Decca
	Guy Lombardo	Decca
7. Dream Valley	Sammy Kaye	Victor
	Frankie Masters	Okeh
8. One I Love	Tommy Dorsey	Victor

Music Notes

Bronislaw Kaper gets the scoring job on "Four Cents a Word" at Metro.

Larry Yoell, who wrote "Mother Nature's Lullaby," is out as San Francisco rep for Santly-Joy-Select and the district will henceforth be covered from the firm's Los Angeles office.

"Till the Lights of London" (Chappell), new song by Eddie Pola and Tommy Connor, Britishers, being dedicated to Quentin Reynolds as the symbol of American war correspondents covering the English capital.

Herb Nacio Brown and Gus Kahn turned in three musical numbers for Metro's "Ziegfeld Girl." Songs are "She Stepped Out of a Dream," "Minnie from Trinidad" and "We've Got to Have Music."

Fred Stryker and Dave Oppenheim are doing tunes and lyrics for the next N.T.G. show at the Florentine Gardens in Hollywood, titled "Broadway to Hollywood."

Jean Herbert, Don George and Teddy Hall have clefted "Ridin' on a Rainbow," title tune for Gene Autry's next musical western at Republic.

Frank Loesser, on loan from Paramount, moved over to Republic to team with Jule Styne on songs for "Sis Hopkins."

Mischa Violin scoring "Little Men" for Towne and Baker at RKO.

Heinz Roemheld composing background music for "Invitation to Murder" at Warners.

Al Newman finished score for "Hudson's Bay Co." at 20th-Fox and is recording background music.

Constantin Bakaleinikoff signed to write the musical score for "Scattergood Baines" at RKO.

Harry Peale and Allen Lair clefted "You're Goner" for Manny Strand's band.

CAHN-CHAPLIN SUE TO RECOVER THEIR SONG

Examination of Robert Gilmore, president of Schuster & Miller, Inc., on Monday (2), in the N. Y. supreme court, as result of an order of Justice William T. Collins, revealed an action by Sammy Cahn and Saul Chaplin against the corporate defendant. Action seeks a court ruling on the ownership of the song, "Taint a Fit Night Out for Man or Beast."

Plaintiffs wrote the song in 1936 and assigned it to the defendant with the alleged proviso that, if the song was not published in saleable form within 90 days, it was to revert back to the writers.

Claim is song was not published, and after demanding its return which was not granted, plaintiffs started the suit. Defendants in a short answer claim to have fulfilled all the terms of the agreement.

UNTANGLE 'IN THE MOOD'

Joe Garland, Also Wingy Mannone, Collect in Settlement

Mixup over the song "In the Mood" was settled last week when its writer, Joe Garland, was paid approximately \$3,500 in back royalties and Wingy Mannone, bandleader, received about \$500 to settle his claim of infringement. Garland is sax player and sub-leader of the Louis Armstrong band. "In the Mood," as recorded by Glenn Miller, is one of the records generally credited with helping to shove that band to the top last year.

Argument and subsequent legal troubles came about when Mannone filed a claim against Garland and the Lewis Music Co., claiming that "Mood" infringed on his "Tar Paper Stomp." Lewis transferred its rights to the song to Shapiro-Bernstein supposedly because it wasn't possible to cope with Mannone's claim. Transferring the rights, however, somehow confused the respective companies on how much was owed Garland in royalties on the tune. He enlisted legal aid. Goldfarb, Mirenberg & Vallon represented him.

ABELES BARTERS WITH BMI

ASCAP and Serious Music

Aaron Copland wired Gene Buck, ASCAP prez, Monday (2) that he would not accept membership in ASCAP because the move served to "obscure the real attitude of ASCAP toward the serious musicians and the serious music of America. The American Composers Alliance, which I head," continued the telegram, "has tried in vain for over two years to obtain from you or your organization a genuine consideration of the needs and problems of composers of serious music. Neither you nor the ASCAP committee, which is nominally supposed to be considering this problem has been interested enough even to respond to our telegrams, no less to arrange an appointment for discussion."

Copland's complaint has for its basis the disinclination of ASCAP to introduce a licensing plan for concert halls. The reluctance has been due largely to the anticipation of a severe kickback from women's clubs and musical organizations which, it was feared, might charge that ASCAP by imposing a fee tended to stifle the development of audiences for serious music in America.

1,166 Songwriters, 140 Publishers

That's the Latest Census Count of ASCAP Membership

Joe Davis, who sold out the firm bearing his name but subsequently formed Georgia Music Corp has been admitted to ASCAP membership. New writer-members in the Society bring the roster to 1,306, of which 1,166 are songwriters and 140 music pubs.

New members include Eugene Ormandy, Aaron Copland, Mona Macini Bonelli, Jessie Moore Wise, Ida Bostelmann, Carl John Bostelmann, Clarence Kohlmann, Karl Flaster, Randall Thompson, Jimmy Dorsey, Benny Meroff, Walter O'Keefe, Buddy Kaye, Richard S. Kuhn, Cornelius C. Lawrence, Mort Greene, Walter Bide Dudley, John H. Densmore, George Ronald Brown, Edward Clark, William A. Schroeder, Helen Trix, Oliver G. Wallace, Walter Bishop, W. Edward Breuder, Nelson Cogane, Adolph Deutsch, Jimmie Franklin, Kim Gannon, Francis Lufan, Enric Madriguera, Alice Remsen, Paul Rusincky, Bert Sheffer, Gladys Shelley, Hugo Rubens, Kay and Sue Werner, Fred Waring, Hugh D. Prince, Jerry Kanner, Paul Green, Ella Fitzgerald. [Copland's repudiation is detailed above.]

These 44 make 139 new additions in 1940 to the ASCAP membership.

Edgar Leslie, Jack Mills Not in Harmony As Film Hypos Revivals

Mills Music, Inc., has already felt the effect on sheet sales of the use of 'America I Love' in the 20th Century-Fox production, 'Tin Pan Alley.' The orders poured in last week and the only version that the publisher could furnish was his regular black-and-white. Another edition with a new title page, but not associated with the film, was at the same time put into print.

Edgar Leslie, who wrote the words of 'America I Love,' has since the picture's release talked around the trade about starting suit against the producer for not consulting him about its use. Jack Mills last week pointed out that there was nothing in the contract between Leslie and the original publisher, Waterson, Snyder & Berlin, from whom Mills acquired the rights in a bankruptcy sale, that called for such consultation or permission. It was also disclosed that because Leslie would not consent to the producer's picturing one of the cast's characters as writing the song, 'Get Out and Get Under' the bit surrounding this number was eliminated from the film. Similar consent had been asked of Leslie in the case of 'America' and this also the lyricist turned down. Awkward angle about this situation is that a group of stills from the picture as carried in Life magazine included one of the scenes framed around 'Get Out.'

Don Raye and Hughie Prince shoved off for Coast from New York Sunday (1) to work on score of new Andrews Sisters' film for Universal. They're writers of 'Beat Me Daddy.'

E. B. MARKS MAY SELL ITS CATALOG

That Might Also Cue Metro Group Sale Which Abeles Also Handled and Nearly Put Over Once Before

CASH NEEDED

Edward B. Marks Music Corp. will probably close with Broadcast Music, Inc., on a deal whereby it will realize more than Marks has been averaging from the American Society of Composers, Authors and Publishers per annum. If this deal goes through, as seems likely, it will be the first big breakaway from ASCAP and may yet bring about a performing rights licensing deal between the broadcasters and the Metro group of publishers (Robbins, Feist and Miller). Latter was the first big negotiation, embracing a \$435,000 outright buy, with papers all drawn and ready for signing until the radio people balked at putting up so much coin.

The broadcasters are strong for the Marks deal because of its catalog of some 15,000 copyrights of standard and popular music that runs the gamut from Lehar and Lincke to Eliseo Grenet and Ernesto Lecuana.

Abeles' Clients

Attorney J. T. Abeles, copyright counsel for the Metro music interests, who started that deal is also handling the Marks negotiations. He is said to have a couple of other ASCAP holdouts in line for possible BMI alignment.

There was talk of a Mills Music breakaway to BMI, under some special hookup, despite Mills' renewal with ASCAP some five months ago. The Low-Metro people, viewing their music adjunct as an exploitation medium essentially, although they have realized plenty of profit since going into the music business, are known to be critical of ASCAP's attitude which forced the broadcasters into the music publishing business—a business in which, once they're in, they'll probably continue, and thus to the detriment of the established Tin Pan Alleyites. Metro also wants that radio plug for its films and doesn't care if it comes through ASCAP or BMI channels, so long as it's not throttled at the mike source.

All Treasury Decisions Pin It On Orchestra Leader So A.F.M. Calls Huddle on Security Tax

Car Hits Bernie Pollack

Bernie Pollack, professional manager of Mills Music, is in Bellevue hospital, New York, recovering from head injuries he sustained when hit by a car Friday (29) afternoon. He's brother of songwriter Lew Pollack. Accident occurred at 50th street and Broadway, N. Y.

Heads of the leading band booking offices have been invited to meet with the executive board of the American Federation of Musicians in Chicago tomorrow (Thursday) to discuss ways and means of protecting the membership on social security and unemployment insurance. Also the adoption of a standard form of contract for extended and one-night engagements.

Copyright Owners Get First Cut On Bkpt. Discs Sale

Through an order issued by the Federal courts in N.Y. and Scranton, copyright owners will have first call for their royalties on the money derived from sale of some 200,000 records by the Scranton Record Manufacturing Co. and the U. S. Record Corp., currently involved in bankruptcy proceedings. The order was obtained by Sidney William Wattenberg, counsel for Harry Fox, agent and trustee, who had issued the licenses for the music in these records.

In acting to protect the publishers concerned Fox contended that the copyright owners' royalties constitute a No. 1 lien or claim; and that in the event the record surplus was disposed of in a quick turnover at reduced prices the royalties should come off the top of the proceeds. Under the court order the copyright owner can insist upon being paid at the full contract rate. Royalties involved are estimated at \$4,000.

Irwin Dash publishes 'Save a Little Sunshine' and 'Memories Live Longer Than Dreams,' inadvertently listed last week in the London Radio (BBC) plugs as being respectively published by Lafleur and Noel Gay.

Problem of bringing the members of name bands under the Social Security Act and state unemployment insurance laws has been the toughest one that the Federation has had to face in years. Rules handed down by Government officials have negated all attempts to make the employer responsible for the payment of social security. Each ruling has held that in the case of name bands the leader is the direct employer and since it is to him that the men in the band look for their salaries and tenure of employment the leader has no other recourse but to pay the employer's share of social security.

One way suggested for getting out of this legal dilemma involves making the contractor, the booking agent, the band's employer and providing for the employer's share of the tax by increasing each musician's scale sufficiently to cover it. This extra money would be turned over to the contractor, and he, in turn, would pay it to the Government.

As for the standard form of booking contract, one was made up by the New York local (802) earlier this year and put in the hands of the bookers for use. Before the deadline of its effectiveness arrived the local advised bookers that the rule had been rescinded. The report at the time was that the international office had heard of the project and intervened on the ground that the introduction of any such form was the function of the AFM.

Ina Ray Hutton Draws A Cancellation for Not Being Cooperative Enough

Ina Ray Hutton is in the doghouse over her abruptly completed date at the Syracuse hotel, New York. Scheduled for five weeks, beginning Nov. 9, her outfit lasted at the spot 10 days and was hurriedly replaced by Terry Shand's crew, which was rushed over to Syracuse following a stand at the New Kenmore hotel, Albany.

Leader and her band were lifted following complaints made by the hotel's manager to the head of the Syracuse local of the American Federation of Musicians. Objections were relayed to James C. Petrillo, boss of the AFM in N.Y., who, in turn, requested Music Corp. of America, the band's booker, to remove it from the date. MCA has let it be known that they intend dropping the band from its booking roster, but meanwhile is allowing it to fill scheduled one-nighters.

According to Walter Kaiser, boss of the Syracuse's Persian Room, 'Miss Hutton displayed a strange lack of cooperation not only toward the hotel management, but toward patrons. We could stomach the former, but we wouldn't stand for the latter. When we couldn't correct the situation amicably, we took steps to contact Mr. Petrillo.' Carl Bly, Syracuse local AFM chief, took no other action but to relay the complaints.

Argument allegedly is based on the fact the hotel's operator asked the leader to tone down her s. act. They were told off and so were kidding and wisecracking patrons.

35th ANNIVERSARY NUMBER

of VARIETY

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On the Upbeat

Manny Landers orchestra in Neil House Century Room, Columbus, indefinite, replacing George Duffy.

Dick Sheldon orchestra in Ionian Room of Deshler Wallick hotel, Columbus, for limited engagement, replacing Don McGrane.

Red Nichols back in New York after long vacation. Expects to form a new band.

Sammy Kaye is to do the theme recording, "All Night Long," for the new 24-hour policy at WMCA, New York.

Harry James signed for Columbia Records 50c sides.

Hughie Kelleher again forced out of drumming with the Johnny Long band by illness which has temporarily retired him at home in Boston. George Wettling taking his place. Long is at Roseland Ballroom, New York.

Ella Fitzgerald tentatively scheduled for another four weeks at Brunswick hotel, Boston, starting Jan. 20. Recently completed two weeks and clicked.

Joe Glaser has assumed personal management of the new Del Casino band now in rehearsal. Band is composed of nine of the men who exited Russ Morgan's band couple weeks ago. Casino will be booked by General Amusement Corp.

Wingy Mannone gets six straight months at the Brass Rail, Chicago, starting Dec. 10.

Don Bestor band down for 10 weeks at the Belvedere hotel, Baltimore, beginning Dec. 14.

Don Raye-Bob Mersey have written another boogie-woogie tune, exclusively for Woody Herman band. Call it "Gone With the Draft." Raye collaborated on "Beat Me Daddy."

Bernie Cummins took on the new Art Weems, Chicago, office as personal manager. Weems and brother Bob recently left General Amuse-

ment Corp. and set up an office of their own. Cummins is booked by MCA and is headed for the St. Francis hotel, San Francisco, opening Dec. 10.

Gene Ferraro, trumpet, into the Gray Gordon band.

Jack Teagarden pulls out of Arcadia Ballroom, New York, for one-night Dec. 20 to play a private party in New York. Follows with other society hops Dec. 23 in Utica, Dec. 27 in Cleveland and 28 in Cincinnati.

Dave Cheskin, WGR-WKBW, Buffalo, musical director, underwent nasal operation last week.

Michigan State College band has been inked to play the Tulip Time Festival at Holland, Mich., next year when the tulips come up.

Ralph Barlow into Dellwood Ballroom, Buffalo (29) following Manny Prager.

Joe Gustafiero, ex-Al Donahue trumpet, back with Harold Austin's crew, Buffalo.

Roger Kortland, Philly bandleader, is now a first lieutenant attached to Fort Meade, Md. He is scheduled to form a camp band in addition to duties of teaching rookie buglers.

Ernie Holst, instead of Sonny Kendis, will open at Monte Proser's Beachcomber in Miami on Dec. 20. Chavez will baton alternate crew.

Teddy Powell band does first recording date under new Bluebird contract today (Wednesday).

Al Jordan replaces Nat Lebovsky in Jimmy Dorsey's trombone section Friday (6).

Woody Herman and Raymon Scott bands exchanged trumpeters. Bob Price went from Herman to Scott. Johnny Owens vice versa.

Lincoln hotel, New York, is installing a relief band of five pieces in its Blue Room next week called the Top Hatters. That's same name Jan Savitt uses for his band and the

small combo has three ex-Savitt men in it. Composed of Johnny Austin, trumpet; Gabe Galinas, sax; Morris Rayman, base; Sanford Gold, piano; Dave Barber, guitar.

Benny Carter cut "All of Me," "Very Thought of You," "Cocktails for Two" and "Rock-a-bye-bye" as first sides on year's Bluebird Contract.

Eddie Durham is the one that will have to extricate himself from legal complications before he can get together with his band with Bon Bon, ex-Jan Savitt vocalist. When things straighten out Bon Bon will assume leadership of the group, featuring Durham.

Spud Murphy quit the band-leading business to go to Hollywood for studio work.

Bob Cutshall took Red Gingler's place in Benny Goodman trombones.

Henry Busse moves his orchestra into the Baker hotel, Dallas, Dec. 20.

Maurie Sherman's band in its second month at Hotel Miramar, Santa Monica, Cal.

Richard Bono, out of batoning for a while, forming new crew in Buffalo from nucleus of Shena's Buffalo former pit band.

Larry Clinton and troupe are set to play the Katz Drug Co. frolic in the municipal auditorium, Kansas City, next Saturday (7). Affair is an annual by the drug company to promote its holiday sales which are accomplished by giving a free ticket to the shindig with purchase of merchandise.

Orrin Tucker band will play a one-nighter in the Pla-Mor ballroom, Kansas City, Saturday (7). Outfit in a one-night stand in spot last year played to over 4,000, a record that has stood unchallenged since then. Scale for this will be \$1.10 in advance and \$1.25 at the gate.

Nita Norman, formerly with George Duffy orch, has formed own cocktail combo for four of Dewitt hotels. Currently at Neil House, Columbus. Has Gail Snyder, guitar, Frank LaRue, fiddle, and Freddie Howard, piano.

Margie Warren, formerly vocalist with campus bands at Indiana University, a la Helen Carroll, and with Pierson Thall's orchestra in Chicago, has been set in a series of evening programs on WGL, Ft. Wayne.

Harker Thomas and his band are now in the Nassau Room, Hillcrest Hotel, Toledo.

Judy Gale, who sang with Jimmy Richards' orchestra under her real name, Blanche Berndt, is now vocalist with Paul Spor's orchestra in Toledo.

Band Bookings

Count Basie, Dec. 25, Madrid B. Harrisburg, Pa.

Vaughn Monroe, Dec. 8, Ritz B., Bridgeport, Conn.

Jimmie Lunceford, Jan. 10, Strand B., Baltimore, Md.; 11, Keith's Roof, Baltimore; 12, Murray Casino, Washington, D. C.; 13, Fannis Royal, Norfolk, Va.; 14, Armory, Charlotte, N. C.; 15, Aud. Winston-Salem, N. C.; 16, Mosque, Richmond, Va.; 17, Aud. Columbia, S. C.; 20, Aud. Raleigh, N. C.; 21, Armory, Florence, S. C.; 22, New York Club, Jacksonville, Fla.

Jack Teagarden, Dec. 20, St. Regis hotel, New York; Dec. 23, private party, Utica, N. Y.; 27, party, Cleveland; 28, party, Cincinnati.

Bernie Cummins, Dec. 10, indef., St. Francis hotel, San Francisco.

Don Bestor, Dec. 14, 10 weeks, Belvedere hotel, Baltimore.

Wingy Mannone, Dec. 10, six months, Brass Rail, Chicago.

Jan Savitt, Dec. 9, Nite Owl's C. C., Montgomery, Ala.; 10, Chattanooga C. C., Tenn.

Ina Ray Hutton, Dec. 14, Temple Hall, Staten Island, N. Y.

Tommy Dorsey, Feb. 3, Syracuse U., Syracuse hotel, Syracuse, N. Y.

Van Alexander, Dec. 10-11, Academy of Music, New York.

Newt Perry, Dec. 28, Berkshire C. C., Reading, Pa.

Johnny Messner, Dec. 14, Columbia U., New York City; Dec. 26, Cleveland hotel, Spartanburg, So. Car.

Dick Starkey, Dec. 18, Baltimore hotel, Dayton, O.

Dick Messner, Dec. 28, Princeton, N. J.; 30, Sherry's, New York City.

Charles Barnett, Dec. 13, U. of Maryland; 16, Washington, D. C.; 17, Baltimore.

Irving Berlin

Continued from page 2

Bowery in New York's Chinatown, where Berlin debuted as a singing waiter some 30 years ago.

At Nigger Mike's table, quaffing beer poured by mustachioed waiters, was virtually an ASCAP concert. Two dozen writers and many an old song hit were there, plus Gene Buck. And in front of the stage marched two pickets. One's sign read: "Unfair to ASCAP." The other: "Unfair to BMI." It wasn't long, though, before the ASCAP picket smashed BMI on the bean, yanked off his coat, took his shirt and left him covered with nothing but a few charcoal bars of music on his back.

Ex-Gov. Hoffman Presides
Harold Hoffman, former governor of New Jersey and head man of Dexter Fellows Tent of Circus S & S, presided behind the bar on the stage as Nigger Mike himself. Tex O'Rourke, commentator, lecturer and soldier of fortune, and Tony Sarg were his assistants, while Joe Laurie, Jr., handled the introductions as Chuck Connors, once notorious Mayor of Chinatown. Jolly Bill Steinke, N. Y. Mirror cartoonist, was in the pitbox to keep things active and Chaz Chase wandered around eating every cigar, menu and electric light bulb he could lay hands on. Leslie Kramer, the organization's ball-shaped "cop," preserved what order was possible.

A miniature brewery wagon pulled by a mecoy horse came onto the stage to start things. Off of it was rolled a keg and out of the keg Irving Berlin. He was quickly deprived of his coat, wrapped in an apron and became one of Nigger Mike's bartenders. At the finale he was presented with a white morning coat bearing titles of some hundred or so of his tunes, a white clef-signed topper and a cane headed by a miniature piano which, henceforth is his official regalia as a member of Saints and Sinners. He wound up playing and singing scores of his old tunes on his own gear-shift piano, imported into the Astor for the occasion. Berlin plays only in one key, but the piano, by pushing a lever, automatically transposes, a feat demonstrated by the composer.

Among the ASCAPers who played and vocalized a chorus of the tune for which each is best known were Harry Armstrong, who sang "Sweet Adeline"; Peter de Rose, "Deep Purple"; Ernie Burnett, "Melancholy Baby"; Bill McKenna, "Anybody Here Seen Kelly"; and "Mandy Patinkin"; Harry Tierney, "Alice Blue Gown"; Abel Baer, "June Night"; J. Fred Coots, "Santa Claus Is Coming to Town"; Jack Norworth, "Shine on Harvest Moon" and "Take Me Out to the Ball Game"; Arthur Schwartz, "Dancing in the Dark"; Capt. Giltz-Rice, "Mademoiselle from Armentiers" and "Old Pal of Mine"; Nick Kenny, "Gold Mine in the Sky" and Jean Schwartz, "Bedelia" and "Chinatown."

Meanings Berlin had never thought of when he titled his songs were gotten out of them in flash tableaux put on a small slide stage. Among those which he mentioned (VARIETY, after all, is a family sheet) are "Cheek to Cheek," depicted by Siamese twins; "Let Yourself Go," which found Hitler with a noose around his neck but holding himself up to prevent it tightening; and "Always Treat Her Like a Baby," in which Dr. Allan (Quintuplets) Da-Joe, last year's Fall Guy, held a wench across his knee using a slipper on her bottom.

Joe Laurie's Whimsy
Recording of an air interview with Berlin by Mrs. Ogden Reid at the recent New York Herald-Tribune Forum was a feature of the show—especially when it developed that the songwriter began giving answers that a gent hadn't ought to a lady on the radio or off. It started out on the square, but oh how it finale. Joe Laurie, it seems, had done a little dubbing of the disc.

Number of old-timers, mostly from Billy Rose's Diamond Horseshoe show, added bits to the four-hour doin's. They included Julian Eltinge singing "Grinoline" (Dave Harland (Doyle) and Dixon, Fat Rooney, Dave Mallen, out-Cohaning Geo. M. and George Tenak, who burlesqued "tune-detecting" by picking "Alexander's Ragtime Band" apart to "illustrate" that Berlin "stole" bits of it from numbers written almost 30 years later. Al Trahan also did a bit, as did a quartet from the Lambs, Don Tomkins, Bruce Evans, Jack Cherry and Don Gautier.

Billy Hinds orch at Hotel Schenley, Pittsburgh, has added "Patty Dixon" as featured vocalist.

ANDY KIRK GETS TWO JOBS FOR CHRISTMAS

Andy Kirk band plays two dates the same day in Cleveland Xmas Day. Outfit is down for an afternoon hop at the new Cleveland Coliseum and an evening dance at the Trianon ballroom, same city. Band is bought for its third straight Xmas Eve date the night before, at the Graystone ballroom, Detroit.

Kirk is doubling this week, too. Friday (6) his outfit starts a week at the Regal theatre, Chicago. That night it shifts to U. of Chicago prom. Following evening (7) it hops from the theatre to an affair at the Chicago Urban League headquarters.

Pic-Legit Coin

Continued from page 3

under the amended pact with the Dramatists Guild. Firm will finance "Mr. and Mrs. North," melodrama, rights to which were relinquished by William Harris, Jr. Alfred de Liagre, Jr., will stage and present the show, he being selected by Metro. Over the weekend Carl Laemmle, Jr., was named as backing "Retreat to Pleasure," which the Group Theatre will present at the Belasco, N. Y.

Paramount's re-entry into legit will be marked by it being interested in "Lady in the Dark," the Moss Hart-Kurt Weill musical drama which Sam H. Harris placed into rehearsal this week. Par will have a participating interest, deal not being under the terms of the Guild's amended contract. Understood the arrangement with Harris has not been finally sealed.

A three-man committee is being formed to function when quick decisions are sought on the authors new regulations. Warren Munsell will act for the managers with Brock Pemberton the alternate. Picture end will name either John Byram, Par; Jake Wilk, Warners; or Sidney Phillips, Metro, while Edward Childs Carpenter will probably be the authors' representative.

Freda Lazear, who has been doing a night club single for couple of years, backs Pittsburgh from Detroit engagements and has joined Marty Schramm at Riviera as vocalist.

ANDY KIRK

and his "Clouds of Joy" featuring MARY LOU WILLIAMS at the piano

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HENRY WELLS
Vocals

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from the M-G-M film "Strike Up The Band"

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DOWN ARGENTINA WAY

TWO DREAMS MET

both songs by Mack Gordon and Harry Warren
from the 20th Century-Fox film "Down Argentine Way"

15 Best Sheet Music Sellers

(Week ending Nov. 30, 1940)

Ferryboat Serenade	Robbins
We Three	M-M
Only Forever (Rhythm on the River)	Santy
God Bless America	Berlin
Down Argentina Way (Down Argentine Way)	Miller
He's My Uncle	BVC
Blueberry Hill	Chappell
Trade Winds	Harms
Dream Valley	Feist
Shout, I Am an American	M-M
Maybe	Robbins
There I Go	BMI
Nightingale Sang in Berkeley Sq.	S-B
Our Love Affair (Strike Up the Band)	Feist
Two Dreams Met (Down Argentine Way)	Miller

• Filmusical.

Weekly Change Policy Clicks In Albany

Albany, Dec. 3. Name week-run policy tried by New Kenmore Hotel, Albany, with Vincent Lopez's orchestra proved so successful that the management brought in Dick Stabile for an engagement ending December 3, to be followed by Ben Bernie.

New Kenmore's Rainbo Room had long booked bands for extended, and sometimes repeat, engagements.

ELLINGTON MUSIC PART OF COLGATE CULTURE

Syracuse, Dec. 3. Swing reaches the classical stage again Dec. 12 when Colgate University of Hamilton, N. Y., presents Duke Ellington band as part of the university's cultural concert and lecture series. Ellington's concert will be followed in subsequent programs by such units as the Philadelphia Symphony and Paul Robeson.

Dr. C. R. Wilson, chairman of the university's concert and lecture series, revealed that the Ellington booking was no mere sideshow attraction. "Most patrons of cultural music shudder at the thought of jazz," Dr. Wilson said, "his announcement, but the day may come when this music will be given equal place with that of men we now regard as masters. We cannot forget that the musicians of the 19th century were critical of the compositions of Wagner."

Middleman, Harrison Start Booking Office

Pittsburgh, Dec. 3. Couple of local band leaders, Ralph Harrison and Herman Middleman, have organized booking office here under the name of Music Service, Inc., with headquarters in Hotel Henry. Harrison has been on his own as an agent for couple of years now, Middleman joining him as a partner, short time ago.

"Latter is continuing with his own band, which he reorganized, recently following end of 18-month run at local Yacht Club, and Harrison is also available for outside dates with small combo. Most of Middleman's former men have hooked on with Nelson Maples, who replaced Middleman at Yacht Club recently.

Victor Discing Four Separate Combos Under Men From Ellington Bd.

Victor Records is currently recording four different small combinations of musicians composed of men from within the Duke Ellington band, beside the band itself. Each combo issues platters under the name of a different star man and except in one or two positions uses the same men. Full band is on the Victor label. Also on the 50c sides will be recordings of a new duo composed of Ellington on piano and Jimmy Blanton, base.

On the 35c Bluebird label the company will issue sides cut by combos under also saxist Johnny Hodges, trumpeter Rex Stewart and clarinet rider Barney Bigard. Latter made his first four sides last week with seven pieces including himself. Stewart's first platters are to be issued this week. Hodges' initial cuttings are down for release within the next few weeks.

BATTLING BARNET, AT PEACE, MARRIES

Charlie Barnet capped his long battle with his booking agency and the American Federation of Musicians by getting married. Leader was tied last Wednesday (27) to Harriet Clarke, vocalist with his band. Knot was tied in Miami, where Barnet had gone for a vacation while awaiting the expected return of his lifted membership card in the AFM.

He returned Sunday (1) and the following night played the first date with his band in several weeks at the Famous Door, New York. Outfit goes into the Apollo theatre, N. Y., Friday (6). Barnet's is the only white band to regularly play that colored section house.

Barnet has gone under MCA's management and Charlie Weintraub, who was his personal manager, will now run Barnet Publications, Inc., spot outfit.

Toledo Band Bookers

Toledo, O., Dec. 3. Spot-White Co. has been organized as a full time booking agency for bands, orchestras, and other attractions, by Paul Spor, local band leader who also operates a professional studio, and Howard White, who operates an agency of his own in Omaha, Neb.

Henry Durst, an associate of White, will manage the new company, coming here from Omaha with his wife, Nancy Law Durst.

802 REVERSES DENNY

General Amusement Wins as Theatre Date Case is Reopened

Trial board of the New York musicians union last week reopened the case of Jack Denny against General Amusement Corp. in connection with a date at the Majestic theatre, Newark, and reversed its original ruling holding the booking office responsible for Denny's uncollected salary. Denny played two days of a week's engagement but collected for only one day.

Majestic's management had entered into an arrangement with the union, whereby it had to pay off at the end of each day. When the house failed to put up the second day's share of the band's money Denny was ordered not to continue his engagement and the house shut down.

Local 802's trial board at its first hearing ruled that General Amusement should have looked into the theatre's status with the union before booking the date. At the reopening of the case GAC's representation cited a rule from the union's book which makes it an obligation for the union to convey this information to a booker, when the latter submits a contract for approval. The union had okayed the Majestic date without saying anything about the Majestic's unfavorable standing.

Jimmy Dorsey Gets Peak Terms On Decca Pact

Jimmy Dorsey last week tore up his recording contract with Decca Records, which still had a year and a half to run, and substituted a new one for three years dated Nov. 28. Leader resumed with the company at the highest figure that cutting outfit ever paid a band, approximately double per side what it had been drawing. Beside the guarantee the band will pull a royalty based on each individual record sold.

Contract calls for the outfit to cut 48 sides a year. Of that total 36 will be made under the high guarantee and the additional 12 at a lower price. The 36 will be pops mutually agreed upon as recording fare, and the 12 Dorsey originals and super arrangements. Most recording companies now frown on the latter type.

Dorsey's band is currently at Meadowbrook, Cedar Grove, N. J., where it set an attendance and gross figure in its second week, ending a week ago Tuesday (26), that surpassed anything that had been written into the spot's books since it opened. In six days Dorsey accounted for 11,000 checks and, in under a percentage agreement, walked out with more money for his end than any band has ever taken from there. He accounted for \$1,200 in percentage cash, which combined with his \$1,800 salary, made his end \$3,000.

Mrs. Pauley Retires

Lincoln, Neb., Dec. 3. R. H. Pauley will have a new cashier in the cage at the Turnpike Casino, class dance spot here, come next weekend (6). His wife, Helen, has sold every ticket through the wicket since he started in the dance biz four years ago.

But she's getting ready for motherhood.

Moe Gale Envisages Own Circuit, N. Y. to Chicago, for Negro Bands

Dick Stabile's Hurts

Dick Stabile is playing with his band at the New Kenmore hotel, N. Y., despite two fractured ribs and a sprained wrist. Leader was banged up in an auto crash the early part of last week outside of Marion, Ohio. Louis Zito, band's drummer, was also injured. Car they were riding in, owned by Bert Block, Stabile's manager, was demolished.

Accident was the seventh car crash in which members of Stabile's band have been involved since September.

MCA Includes Prepared Radio Interview Script About Benny Goodman

Music Corp. of America is inserting a new idea in its usual exploitation and publicity books on the new Benny Goodman band. As do all booking agencies, MCA sends out publicity brochures on all talent it represents when it books a date. Goodman's new one will include detailed radio shows, ready for interpretation, built around his history, past performances of the outfit and its personnel.

One-night operator or theatre manager who buys Goodman's group can take the formulated dope to any radio outlet in his area and, in exchange for supplying 'em, get valuable plugs on the date coming up. Shows are set up in six half-hour installments calling for illustrative records. Latter have to be supplied by the station or booker.

SACKS TOP MAN AT COLUMBIA STUDIOS

Manie Sacks, who recently shifted from Music Corp. of America to Columbia Records, has been named sole boss of the latter company's New York offices and studios. Appointment is effective immediately.

New chore is in addition to being head of the company's popular record department. He is in charge of talent and tunes on the 35c Okeh and 50c Columbia sides.

Mitchell Ayres Protects Self Against ASCAP End

Mitchell Ayres changes his theme tune coincident with his opening to night (Wednesday) at the St. George hotel, Brooklyn. In making the shift he's pulling a switch on the idea of songwriters using the classics as the base of popular melodies. His new signal're will air as 'Isle of May.' However, that tune, as adapted by Andre Kostelanetz from Tschalkowsky' 'Andante Contabile,' is under American Society of Composers, Authors and Publishers control, published by Famous Music.

After Jan. 1 it will be useless on the air if the radio-ASCAP argument continues.

To avoid that dead end Ayres has had made an arrangement of the original Tschalkowsky melody from which 'Isle' was taken. Latter only recently ran its course as pop. Leader had been using 'You Go to My Head' as a theme.

Moe Gale, manager of a string of colored bands, expects to set up a series of nine spots between New York and Chicago as work outlets for the talent he manages. His idea is to provide places under his control in which he can rotate his properties, with network wires, thereby eliminating the necessity of depending on chance bookings for location stands.

First such spot is scheduled to get going before Christmas. Gale is closing for lease on the site of the old Cotton Club in Harlem, N. Y., more recently the Plantation Club, but closed for some time. In order operations will be opened in Philadelphia, Pittsburgh, Detroit and Chicago. Each will use one of his name bands such as Ella Fitzgerald, Erskine Hawkins, for four weeks or so at a time. There will be additional entertainment, but no scheduled girl shows and the orchestras will be the main pull. Each spot will have a 450-500 capacity and serve drinks at slightly lower than average prices. Food is to be confined to half dozen specialties.

Beside Miss Fitzgerald and Hawkins, Gale manages the Four Ink-spots, and the Lucky Millinder, Savoy Sultans, and Tiny Bradshaw orchestras, all booked for theatres, locations and one-nighters by his office. Terry Shand, white, is also under his management, but is booked by Music Corp. of America.

JUDY TALBOT HEADS STRAIGHT'S EX-COMBO

Chicago, Dec. 3. Judy Talbot, radio and stage warbler, has taken over the band of the late Charley Straight and is now working the orchestra under the title of Judy Talbot and her Rhythm Boys.

Has been working jobbing dates around town to get the band into final shape before hitting for a hotel or nitery stand.

Nebraska Hall Stunty

Lincoln, Neb., Dec. 3. Ballroom operators are trying to outdo each other here for Sunday night biz, and patronage can almost take its pick of three audience participation gags. It all started when J. Clair Lanning tied up with local radio station KFAB and some of the ether advertisers, issuing ad coupons on which there was only a 3c service charge at the door for admission. This has now been upped to 10c, the 3c nick not being enough to float the idea. Lanning runs King's ballroom.

R. H. Pauley, head man at the Turnpike Casino, the class dancery, took his venture with bit more dignity. He has quiz he calls 'Sing for Your Money,' which uses five kids each night in a melange of identifying song titles, leading the band, and other ad lib stuff with the highest payoff to each person being \$2.

Latest to join the frolic on the Sabbath is Mrs. Matt Koballer, who has the Pla-Mor. She calls Sunday 'Audition Night' and all those who see fit to give their tonsils air with a band can do so. It's also a prize deal.

THE SONG OF THE YEAR
The Last Time I Saw Paris
By JEROME KERN and OSCAR HAMMERSTEIN II

THE SCORE OF THE YEAR, From "Panama Hattie"
Let's Be Buddies
My Mother Would Love You
By Cole Porter

In Preparation—Two Smash Musical Comedies
"Pal Joey"
By Richard Rodgers and Lorenz Hart

"Hi-Ya Gentlemen"
By Johnny Green and Harold Adamson

CHAPPELL & CO., INC. 1270 Sixth Ave., N. Y., N. Y.

England's Outstanding Love Ballad
Till the Lights of London Shine Again
By Tommy Connor and Eddie Pola

The Ever Popular
Mean to Me
The Rhythmical Foxtrot Ballad
Or Have I
The Hit Song From Ed Wynn's "Boys and Girls Together"
I Want to Live
By Jack Yellen and Sammy Fain

CRAWFORD MUSIC CORP. 1619 Broadway, New York

Now Ready
An Outstanding Score From Universal Picture
"ONE NIGHT IN THE TROPICS"
Music by Jerome Kern, Lyrics by Dorothy Fields

You and Your Kiss
Your Dream
(Is the Same As My Dream)
Remind Me
Back In My Shell

T. B. HARMS CO. 1270 Sixth Avenue, New York

Night Club Reviews

BEACHCOMBER, N. Y.

Ernie Holst Orch. (8); Fred and Elaine Barry, Annette, Gloria Blake; no minimum, no cover.

Everything about the Beachcomber the past week or so is key-noted. "We're leaving for Miami Beach in two weeks," and maybe that's where business has gone to as well. Monte Proser, who started a cycle of South Seas atmospheric joints in New York with the quick click of his zombie par on Broadway, has been expanding in other key cities, where apparently he's doing well, as he is also with his new Copacabana, class East 60th street spot with a Brazilian flair.

But the home-plate cafe seems to be slipping for no apparent reason unless it's because of too much self-same competition from the nearby Hurricane. Beachcomber still does all right supper biz but, where for a time, it was a smart chowmeiny for dinner, it's now quite static before theatre time. Or maybe, having too many theatre-baiting Proser would just as lief concentrate where there's a better division of the profits for him. This room, dominantly patterned by him and his associates, Walter Batchelor and Jack Goddard, his attorney, is said to have almost a score of shareholders, including the Shuberts who, however, got their \$20,000 maxed out before the end of around May of this year. That was the "ceiling" on Proser's deal for the room.

All of which is prelude to the fact that the Beachcomber is still worthy of boxoffice if given some extra values to pull 'em. The Hurricane, besides the hoopla that George Frazee is chief angel and makes it his N. Y. headquarters, sports a better show. The Beachcomber, while not exactly cheating, has been content to get by with Chavez's crack conga-rumba band and one other dance combination, and then a little else. Now all Proser has is Ernie Holst, who knows his cafe dancemusic rhythms all the way from El Morocco (N. Y.) to the Pump Room of the Hotel Ambador, Chicago. He's been here the past eight months. But he goes to Miami Beachcomber soon, as do Joe Gardner, the greeter at the door, Chavez and others.

The acts are pleasant hors d'ouevres but nothing strong beyond that. Fred and Elaine Barry are a personable dance pair with a waltz and fast Spanish one-step routine. Annette reminds of Yvonne, the songstress, in more than her own name. She sings 'Perfidia' and 'Negri Consentina' in okay manner, and it's in the somewhat exaggerated graceful usque of her hair that she brings up the Yvette comparison. This act is Gloria Blake, comely and very youthful soprano who bespeaks of much promise. She does 'Blue Danube Waltz' and an Italian ballad in fine voice. But they're no nitery puller-inners.

However, new show slated for next week will be Art Kassel, the Mexican dancer, heading her own band; also Carol Gould, songstress, batoning the 'society' combo. The Barrys and Gloria Blake hold over. A line of six Beachcomber B's will be added.

WALNUT ROOM, CHI (BISMARCK HOTEL)

Chicago, Nov. 29.
Art Kassel Orch. (12); Marion Holmes, Harvey Crawford, Collette and Barry, Martin Barnett, Jane Hadley Dancers (5).

For years now this room has relied on a trio of bands—Art Kassel, Phil Levant and Leonard Keller—rotating them pretty regularly throughout the year. This is a simple dining and supper room with no pretense of a mammoth show or Broadway atmosphere, reserved almost exclusively for the family trade, and as such goes along very year with a loyal enough following in a medium-sized room. The food is excellent, the service and surroundings restful, and the nip is down within reach of the average wrist.

Shows generally are held down to a pleasant little dance team and a single.

Much of the entertainment burden falls on the shoulders of the band itself. Kassel is current. He has been a standby here for years and in his time has built a personal following. Orchestra must please any audience, being without presumption. Kassel himself has a warm personality that fits into this room. He handles himself, orchestra and show with genuine skill. They turn in a fine dancipation job and work the show excellently.

Femme warbler with the band is Marion Holmes, with Kassel for some time. She has a rich voice and sells pop tunes nicely. Stepping down from the drums is Harvey Crawford, who unwraps a good baritone. Martin Barnett heads the floor show with his topnotch prestidigitation.

A clean-cut magic worker, he handles cards and cigarettes with skill and is a distinct class asset here. Dance team Collette and Barry, perfect for this type of room. Graceful in their work and precise in appearance, they scored neatly with this audience. It's the type of ball room turn that satisfy almost any audience because of their fine appearance and likeable style.

Five Jane Hadley dancers make up in their colorful work for the lack of volume. Dance numbers are cheerful and in good taste. Gold.

BLUE ROOM, N. O. (HOTEL ROOSEVELT)

New Orleans, Nov. 30.
Bobby Byrne Orch., Harry Stevens, Estelle and Leroy, Vera Fern, Three Nonchalants, Dorothy Claire.

Accent is youth in both band and acts in new show at this swank spot, which continues to play to nice biz. The youthful Bobby Byrne and his band more than live up to their advance billing. Crew plays with skill some musicians never achieve until they are ready for their old-age pensions. Band ranks with the best it has ever played spot, their music being a blend of sweet and swing. Byrnes proves himself to be more than just a baton-wielder by pacing a difficult floor show through a long series of smooth dances that belied the few hours rehearsal the units had together.

The personnel of the Byrnes outfit is on a par with the leader in both age and ability, and it they show a trifle too much enthusiasm for the brass instruments at times, this failing can be excused by lack of familiarity with the acoustics of the Blue Room and by the fact that all other bands have erred in the same direction until they became accustomed to the spot. Byrnes himself does nicely by a trombone which he keeps muted while fronting the band.

As refreshing as the youthfulness of the band is the spark of the floor show. Besides its swell dancipation, Byrnes crew can boast of another outstanding attraction. A blonde singer, Dorothy Claire, who is easy on the eyes with a soft, rich voice. She probably would do much better if she eliminated the boogie-woogie type of songs. The fact that she can sing is purely coincidental; she does a sock job of decorating a bandstand.

A light and humorous element is supplied by the Three Nonchalants, a trio of acrobats who burlesque their routine, mixing a line of fast patter with their gyrations. They wowed first nighters.

Estelle and Leroy, dance team, run the gamut of dance routines from the waltz to the Latin. Pair's work is smooth and clever. Gal is looker with nifty chassis. Act drew plenty of palm pounding.

To complement the ballroom duo, show has single turn in Vera Fern, neat-looking blonde who makes the most difficult acrobatics look easy. Her spins and turns get nice response.

Harry Stevens, banjo strumming, happy-go-lucky lad, emcees and does an okay job. He has a fine knack of getting the customers into a community sing. First-night audience refused to let him go.

While the show is well paced and highly entertaining, the important thing is that preceding and following it, and what all around it, is the music of Byrnes. His dance music kept the tables empty during this dinner show.

JIMMIE'S, MIAMI

Miami, Nov. 29.
The Golden Pair, Mike Peyton, Barrett and Smith, Genee, Wanda and Collins, Ione Carroll Dancers (5), Buddy Sawyer Orch.; \$1 minimum.

Jimmie's occupies unique niche in local life in that it's only nitery patronized to any extent by year-round residents. Of course, it draws share of tourists during the season, but essentially it's Miami's own, the spot where the locals sip and sup. So far, diversification policy has sheared off top-bracket names, rotating bills usually offering fine stand-in for dancing and house line. Coupled with this is okay cuisine and a pleasant informal atmosphere that keeps spot in black summer or season. Evidently it's formula for successful year-round operation here, for this week marks owner Jimmie Cornick's sixth anniversary as a boniface, and gauged by way spots open and shutter in these parts, it's something of a record.

In packaging this revue booker got off on a tangent, with result lay-out is heavy on the hoof, all acts with exception of Mike Peyton go for a year-round operation. Barrett and Smith are introduced as singing comics, but evidently the dancing mood is contagious for no

sooner do they wind up burlesquing Carmen Miranda's 'Down Argentine Way' goings-on, than they veer off into an assortment of pratfalls, and so the romp is on. From then on it's just a question of the type of hoofology preferred.

In the acrobatic division it's a toss-up between the Golden Pair and Genee. Latter is a fugitive from reality whose ability to tie herself into knots is little short of amazing. The Golden Pair, so tabbed because both are blondes and decked in gold trappings, accomplish number of breath-taking holds and lifts with consummate ease.

Wanda and Collins are pair of slick ballroomologists, offering several novel routines, one of which, an impression of dances favored in number of Manhattan clubs, is socko. On a bill like this, almost any singer could score, and Mike Peyton takes full advantage of the opening. He has a well-chosen collection of past and present pops which he delivers pleasantly in a lusty baritone. He's well liked here and response would indicate long stay.

Snappy-costumed house line trained by Ione Carroll is well drilled group of lookers whose nifty routines are invariably cliky. Gals display plenty of talent in steps, an arrangement of dances, a "Peanut Market" and "Indian Love Call."

Buddy Sawyer's combo dishes out a brisk brand of dancipation, and handles show in fine style. Les.

Nitery Followup

Greta Keller celebrated the first anniversary of the Algonquin Hotel Supper Club (N.Y.) last week, having put it over when first opened much to boniface Frank Case's surprise with its Continental policy of intimate diversification. On a 75c-per-drink basis (whether champagne cocktail or milk), she has made what is the daytime grillroom a very successful boite. The Viennese chanteuse, whose rep preceded her to America via disks and radio, until the Hiller offensive brought her to these shores, has an excellent gypsy violinist assistant in Ben Bizony, a rather shy guitar virtuoso, Renato Giuseppini, whose chief personal charm is his seeming reticence, although there's nothing backward about his skillful tune-plucking and pianists Oscar Andree and Cy Walter; concert and swingo pair. But mostly it's Miss Keller. It was here at supper club that she launched John Buckmaster into big league cafe attention with his mimicry.

On the night caught Miss Keller was handicapped by an unfortunate "No Leave Behind" request by one of her fans—a Hollywoodian, no less, who should have shown more realized the awkwardness of a "No Leave Behind" request. On the other hand, despite Miss Keller's hark-back to yesteryear Tyrolean gemütlichkeit, anything sung in German doesn't rest well these days. The act was a good one. Hildegard discovered that months ago, even dispensing the French chansons for the same cockeyed-world-affairs reason. A sudden South American booking for Miss Keller switched Olga Bacanova in here early this week.

Dick Kuhn's sprightly sextet at the Hotel Astor (N.Y.) has made the Broadway Cocktail Lounge a clik spot with a smooth style of dancipation plus a "Request" table. The idea, whereby patrons cue their desired selections from a printed schedule of tunes, old and new, alphabetically arranged. The Tune Table also indicates the original year of song publication, many being surprised that some of the 1940 dance faves are as much as 30 years old. Kuhn also knows how to gauge his dancipation for the crowd, particularly for so cosmopolitan a meeting place as the midtown Astor, where conventions might bring in whoopee middle-agers and on the other nights it might run the extreme of being exceptionally youthful. He has a neat vocalist in a gal simply billed as Roberta.

Hazel Franklin, extraordinary 16-year-old ice skater, who has won the floor, is a new and attractive addition to the Gustave Lussi revue at the Hotel St. Regis Iridium Room (N.Y.). An expert ballerina and trick dancer in the numbers, she is a neat blend with the compact 20-minute ice revuette wherein the photogenic Dorothy Lewis is still the outstanding. Latter is a symphony in ice with a strong personality. In front, it's long been a question why if the ice vogue continues, on stage, screen and in arenas as big, b.o., she hasn't been snared for important company. The icy Twins—Jack and Bob—also very personable jangle niles on skates, likewise suggest themselves strongly for Hollywood potentialities. Other than that, Hal Saunders, with his smooth dancipation, continues cliky both for the customers and show accompaniment.

Vladimir Salinsky signed for new set of Muzak transcriptions to be cut with 12-piece band. Leader just completed album of serenade melodies for Columbia Records.

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 amounts designate weekend and holiday price.)

Band	Hotel	Weeks Played	Covers Per Week	Total Covers
Will Bradley	Biltmore (\$30; \$1-\$1.50)	3	925	2,525
Eddy Duchin	Waldorf (\$50; \$1-\$1.50)	12	775	12,125
Sammy Kaye	Commodore (\$50; 75c-\$1.50)	6	1,200	9,850
Ray Kinney	Lexington (\$30; 75c-\$1.50)	29	1,425	37,975
Guy Lombardo	Roosevelt (\$50; \$1-\$1.50)	8	1,225	9,475
Abe Lyman	New Yorker (\$400; 75c-\$1.50)	7	1,400	11,325
Glenn Miller	Pennsylvania (\$50; 75c-\$1.50)	8	2,525	15,400
Tony Pastor	Lincoln (225; 75c-\$1.50)	9	350	3,775

* Asterisks indicate a supporting floor show, although the band is the major draw.

Disc Reviews

Jimmy Dorsey 'Falling Leaves'—'Handful of Stars' (Decca 3446)
Dorsey turns in a bright job on 'Leaves' under and extremely well-tailored arrangement. It shines all the way through the band doing sock work behind a strong early clarinet break and Bob Eberle's top vocaling. Reverse shows up well, too, a tasty sax break kicking it off. Eberle's lyrining, however, seems restricted by the tune. Both are at average tempo.

Larry Clinton 'Dance of Reed Flutes'—'Arab Dance' (Bluebird 10927)
Clinton arrangements of melodies from Tschalkowsky's 'Nutcracker Suite,' both these sides rate strong nods. Both are tough tracks to follow musically. First gets light and well played treatment from a good band. It's sock stuff all through ensemble and sax and clarinet breaks. 'Arab' coupling is in same groove, a cliko piece immensely satisfying. Band deserves a fistful of credit for both.

Duke Ellington 'Flaming Sword'—'Warm Valley' (Victor 26796)
Ellington steps out of the 'commercial swing groove' he's been in on most recent issues on the first side. It's a fast, wild thing that can rouse little reaction in the average listener. An Ellington original, it stacks up as confused swing, attractive only to the deeper students of that style. 'Valley' goes to the other extreme in pace. It tends to lag, but the breaks, particularly one on sax and excellence of the arrangement offsets that impression.

Andrews Sisters 'Mean to Me'—'Sweet Molly Malone' (Decca 3440)
Both sides are far off the Andrews Trio's beaten track and stack up as good stuff. At slow tempos they're in wide contrast to the usual jive arrangements of the team. 'Mean' is easily handled and stamped with Andrews vocal twists, but in a blues style. Accompaniment is strong. 'Molly Malone' is along same lines and also a clik. It's almost all solo by one the other two coming in late.

Dinah Shore 'Yes, Darling Daughter'—'Argentine Way' (Bluebird 10920)
'Daughter' ranks with the best of consistently good sides by this warm-voiced, smooth-working singer. Her interpretation of the first unfamiliar novelty is a crack job. Reverse film tune, in Latin tempo, maintains the strong pace. It's delivered without apparent effort, seeming to flow over range hurdles and taking momentary tempo shifts with ease.

Bob Crosby 'Just Like Love'—'Do You Know Why' (Decca 3445)
Bob Crosby's vocal of the first side rips an otherwise okay melody wide open for nasty cracks. It would have been better done as a straight instrumental, but even then not have amounted to much. Little effort was expended on the arrangement. 'Is only points are several good solos. Coupling rates no more attention. Bonnie King vocals the second.

Eddie Howard 'Stardust'—'Old Fashioned Love' (Columbia 35771)
Two diversified tries here rate better than anything Howard has recently done. His work on the Hoagy Carmichael standard puts it in a stock groove. Slow tempoed arrangement fits his style like a glove and he handles the lyric for all it's worth. Reverse is different. It's a rhythm piece, at easy lifting tempo. Accompaniment by a bunch of mixed axes figures importantly in both sides with breaks and background work that help plenty.

Jimmie Lunceford 'You Ain't Nowhere'—'Red Wagon' (Columbia 35782)
Lunceford's band and the Dandridge Sisters give the first rhythmic original a crisp treatment. It's satisfyingly fast stamped with tasty ensemble and background work by the band. Arrangement is neatly worked out. Sax is only solo. 'Wagon' is similar, at a faster tempo. Sax section work stands out best.

Xavier Cugat 'Mama Iner'—'Peanut Vendor' (Columbia 35799)
Among the first set of tunes cut by Cugat since shifting to Columbia, these two are fresh and clean approaches to established material. In rhumba tempo, the first is brisk job which puts the band in a strong light. Reverse is due another pat for a smart arrangement. Blending of strings, flutes, etc., makes it shine. Bandmen chorus lyrics on both sides.

Will Bradley 'Or Have It'—'Blue September' (Columbia 35800)
Bradley has gained a foothold in the record buying trade with boogie woogie stuff. Now the idea is to consolidate those gains and try to hit with a pop. 'Or Have It' will carry him far toward that goal. Band has never sounded better on sweet stuff. Slow, staid away by a smooth trombone solo, the fine melody is given clean, easy tempoed and smooth play, studded with a strong Jimmy Valentine vocal. There's a short sax solo. Reverse is not as strong a tune. It's adequately done, however. Valentine again vocals.

Walter Gross 'Improvisation in Keys'—'Creepy Weepy' (Bluebird 10937)
Gross is rated a top man on the keys. He's wasting his time on such sides as these two. No fault can be found with the execution, but the material isn't worth his attention. Except for occasional bursts it's dry as a bone and extremely monotonous, except maybe to students. Though they're two different tunes the flipper sounds like a continuation of the first.

Tony Pastor 'Let's Dream This One'—'Love of Life' (Bluebird 10938)
Pastor has been moving along steadily. At good tempo the first side, a ballad, is among his best to date. It rolls smoothly, picking up appeal with each spin. Dorsey Anderson's vocal and leader's sax stand out. Reverse is in same groove, vocalled by Kay Little. Band sounds good, but needs a distinguishing mark.

Glenn Miller 'Isn't That Love'—'Do You Know Why' (Bluebird 10936)
Miller's arrangement of this rhythm tempoed ballad is a neat job, but he deserves a boot for building such a likable writing then allowing an extremely unattractive Jack Lathrop vocal to ruin it. It's like painting a colorful landscape with an ugly scar of some kind. Reverse is typically Miller ballad, well done and studded with a smooth Ray Eberle vocal.

Chief Mpls. Bluenose Runs Into Grief When Extortion Raps Rap His Agents

Minneapolis, Dec. 3.

Troubles are piling up for the Rev. Henry J. Soltau, local vice crusader and head of the Minnesota State Law Enforcement League, which has been reported for the clamping of the lid down on night clubs' after-hour activities, non-licensed after-night establishments, gambling, etc. As the result of some of his agents' involvement in extortion attempts, the Hennepin county grand jury this week is initiating an investigation of the reverend himself to try to ascertain if he has any knowledge of the money collections allegedly made by his aides.

E. T. Wolfe, who pleaded guilty to a \$3,000 shakedown attempt in connection with the investigation of gambling in Shakopee, near here, already has been sentenced to two years' imprisonment. George E. Wallace, attorney for one of the directors of Soltau's league, pleaded guilty to a charge of trying to shake down the gambling interests when the state at his trial sprang a dictaphone transcription of his conversations. The court fined him \$250, but suspended a prison term.

Another Soltau investigator, David Winchester, has been indicted for extortion and compounding a felony, William Peters, a tavern keeper, claiming he paid Winchester \$75 to 'fix' a charge lodged by the latter during his investigations.

The recorded conversations made in connection with the Wallace-Wolfe transactions at Shakopee disclosed that the pair had promised to keep Soltau away from Shakopee if they were paid \$6,500 at once and \$400 a week indefinitely, permitting the reopening of the gambling houses and the operation of slot machines in the town. A \$3,000 payment was made to Wolfe, but he was nabbed immediately with the money in his possession.

In a lengthy statement to the press and public, Soltau says developments have been 'a great surprise and disappointment' to him and to the league that he and the league have been ignorant at all times of any unlawful activities on the part of some of the agents and investigators, and that it will not be deterred from continuing its work to stamp out vice and lawbreaking. The statement took to task the district court judge who, in sentencing Wallace and Wolfe, attacked the law enforcement league and praised a grand jury which upheld county and local officials, although a number of those arrested on gambling charges at the league's instigation pleaded guilty.

S. F. AGVA LOCAL'S 1ST BENEFIT GROSSES \$2,837

San Francisco, Dec. 3.

First benefit attempted here by local of the American Guild of Variety Artists, grossed \$2,837 for the sick relief fund and held the customers in their pews until four o'clock last Saturday morning (30). Affair, which ran nearly four hours, probably will become annual event as a result of reception accorded initialer.

Edward Arnold, Screen Actors Guild proxy, topped names appearing at Golden Gate.

A.C.'s Dual-Turkey Windfall

Atlantic City, Dec. 3.

Two Thanksgivings, officially proclaimed by Mayor Taggart, proved profitable to this resort. While Nov. 21 was New Jersey's holiday, the following week was observed by Pennsylvania and this led A. C.'s mayor to proclaim second holiday here.

Beachfront hotels reported moderately full houses, especially the latter Thursday when Philadelphians came here. Nite spots, restaurants and hotels provided special entertainment both times.

Cynda Glenn Returning

Cynda Glenn has been set by Miles Ingalls for Loew's State, N. Y., Dec. 19, a deferred commitment due to her bookings in South America, starting at the Copacabana, Rio de Janeiro, plus other spots. Comedienne is en route from Rio, having sailed Nov. 27.

'Smart' Suckers

San Francisco, Dec. 3.

Town is getting a big laugh at the expense of sophisticated Frisco nite-spotters who, it seems, really don't know the difference between one drink and another. Bombshell was exploded by Milton Duffy, chief of the food and drug section of the state health department, who this week end stated that many swank joints are handing out the cheapest grades of whiskey under the guise of deluxe blends—and at \$2 a drink, too.

Not so funny is fact that with 30 cases of adulteration already discovered here, bottle refillers face fines of \$1,000 and one-year jail terms if convicted.

GOVERNING BD. NAMED BY AGENTS

General membership meeting of the Artists Representatives Assn. at the Edison hotel, New York, Monday night (2) elected a new board of governors for the one-year-old 10-percenter's organization. Board will meet probably late this week and elect a new slate of officers.

Aside from the election of the board, only other business transacted at the meeting was the reading of a 10-page report by Bill Kent, president, on ARA's progress in the past year. This included setting deals with the American Guild of Variety Artists, Screen Actors Guild and most recently the American Federation of Radio Artists.

New ARA board, half of whom are incumbents, includes Milton W. Krasny, general manager of General Amusement (Rockwell); Jesse Kaye, of Fanchon & Marco; Lester Laden, of Rudy Vallee Orchestras; Charles Miller, general manager of Music Corp. of America; William Morris, Jr., Sam Lyons, Jack Davies, Miles Ingalls, Herman Citron, Phil Coccia, William Shilling and George Wood. Additions to the board will be the new slate of officers and it's likely that Kent will be continued in the presidency.

Castain and Barry, dance team, will be in the group appearing with Ben Bernie at week's engagement in Rainbow Room of New Kenmore Hotel, Albany, starting Dec. 4.

Harkinses' 30th Anni

Jim and Marion Harkins celebrate their 30th wedding anniversary tomorrow (Thursday), which is unusual for both show business and an actor who once thought he was a chiropractor.

'Uncle Jim' Harkins has been chief aide to Fred Allen for the past several years.

Hollywood, Dec. 3.

The Gus Edwards are celebrating their 35th annil this week.

AGVA MULLS 4 DISMISSALS

New executive committee of the American Guild of Variety Artists has been meeting twice weekly in New York in its effort to completely reorganize the variety actors' union. Several more changes, especially in personnel, are planned but it's not definite as yet.

Due to be replaced are John Velasco and Joseph Ehrlich, N. Y. organizers, and Lee Traver, national rep now situated in Chicago and who figured in the rumpus of the Philly local a couple of months ago. Another change will probably be in AGVA's counsel, Mildred Roth, who came over from Paul Turner's office at Equity, presently holding that post. It's felt that Miss Roth is not sufficiently familiar with vaude and niterity artist and agent problems.

Only holdout in the deal between AGVA and theatres playing vaude in New York Warner Bros., but the latter asks only a couple of minor changes that should be quickly adjusted. All of the other theatres have signed the agreement and the contracts are being held at Loew's until WB's also comes over, it having been agreed that the five-year contract would be signed in concert. If any changes are made in the WB contract, they naturally will be included in the deals with the other circuits and indie operators and bookers such as the Brandts, Fanchon & Marco and Eddie Sherman.

Vernon Hearing Set On Bouncing Check

Wally Vernon, the comic, comes to Federal court, New York, tomorrow (Thursday) for a further hearing on the charge of passing a worthless check for \$450 in White Pine, Nev. He was picked up while appearing at Loew's State on Broadway a couple of weeks ago at the behest of Denver authorities and has been out under \$500 bond since.

According to the district attorney's office in N. Y., Vernon passed the bounce after being taken to the cleaners in a stud poker game in White Pine.

Free Talent Gimmicks for Niteries Ruled Out by Actor Unions and TA

Beauty and Beast

Baltimore, Dec. 3.

Oasis, 16-year-old slum spot bonanza here, applied some reverse English in its advertising last week by mentioning town's other niteries and cocktail lounges by name and urging patronage for them.

Suggested that a followup gander at the contrastingly terrible doings on tap at its own basement would be a perfect chaser to a night out.

PHILLY RELAXED CURFEW FOR ARMY-NAVY

Philadelphia, Dec. 3.

Philly niterity ops are wondering whether the city fathers are softening up aenent the Sabbath curfew in view of the hands-off policy the past weekend, when the joy spots were jammed with celebrants from the Army-Navy football game. Although police officials refused to comment either publicly or privately, those in the know say that come next Saturday night the flat-foot will again make the rounds at midnight sharp with their 'that's all' signal.

'Army-Navy game is something special,' is the consensus around City Hall. The biz interests, hotels, etc., had put pressure on the powers-that-be to be lenient in view of the thousands of visitors in town.

Best estimates show that the grid fans left \$1,000,000 in the tills of the hotels, restaurants, niteries, theatres, etc., over the week-end, not tin in view of the long stretch of punk biz since pre-election. More than \$150,000 found its way in the jeans of cafe operators and an equal amount in the b.o.s of film palaces and legit houses.

With the city administration adamant in its stand against relaxing the curfew, only hope for niterity biz lies in the forthcoming session of the State Legislature, which convenes after Jan. 1. Members of the body have been approached by the Cafe Owners Assn. and a bill to extend the Saturday night closing hour will certainly be introduced. Whether it will pass will depend on the pressure of the bluenose groups, which are keeping close tabs on the situation.

Celebrity nights or afternoons, or any other niterity gimmick to get free talent, were definitely ruled out by the talent unions and Theatre Authority late last week. Henceforth acts must be paid one-seventh of their established week's salary, or else the niterity must contribute half the gross on its cover or minimum charges to the TA, which is the clearing agency for funds going to the various theatrical charities.

In making the ruling, TA and the unions were cognizant that the niterities might try the dodge of paying all vaude and niterity guests the \$10 'one-night' minimum salary. Hence, it was clearly stated that only such performers whose salary was below \$75 minimum would get the \$10 minimum for appearing on a 'Celebrity Night' show, while those above must get one-seventh. If it's okay with the acts, however, the niterity can turn over half the cover or minimum charges to TA. In such spots where there are no covers or minimums, one could be put on.

One of the most important steps, however, was inclusion in the ruling that no niterity that has failed to sign a closed shop agreement with AGVA can hold a 'Celebrity Night.' This will probably bring Leon & Eddie's, New York, quickly into an agreement with AGVA, as L. & E.'s run such a party every Sunday night. Other spots that will be affected are the Miami Beach niteries, where 'Cocktail Hours,' a similar celebrity gag, is habitual on Sundays. In fact, Max Halperin, TA head in Chicago, leaves for Miami today (Wednesday) to assist TA's rep there, Bert Green, in lining up the niteries.

Also recently decided upon is the attachment of a printed slip to all engagement contracts that the artist's representative and the booker must both sign, and which makes them cognizant that no actor can play a free show or benefit without approval of Theatre Authority. The rider reminds the agents and bookers that performers are subject to fines of as high as \$1,000 if they appear at unauthorized benefits.

A proposal for the setting up of a central relief committee, which would supplant the present policy of TA dividing coin among all the theatrical charities and actor unions, is presently under consideration. It was submitted by Ashley Miller, but such an idea has been broached before. It's unlikely that one of the actor charity groups will want to give up the authority they presently wield.

GEO. PRICE COMEBACK DEPENDS ON MARKET

If the stock market continues as dull as it is, Georgie Price will do a vaude comeback but still retain his seat on the exchange. Partnered in George E. Price & Co. are Richard Davis, and Ray Sandler is another associate, clearing through H. Hentz & Co., so the former musical comedy player can still service his clients.

Price staged all three of the 'Financial Follies,' which the Financial Writers Assn. of N.Y. produces annually, and he had an idea of combining the best elements from the three editions into a revue, housed in such a spot as the American Music Hall on East 55th street, N.Y. However, he's given up the idea. The American also has the Pago-Pago club as an adjunct, which gave rise to a report Price was going into the niterity, which isn't so, however, as he has an NBC sustaining bid, plus other channels.

New Memphis Nitery

Memphis, Dec. 3.

The Claridge has greened its new Balinese Room with the music of Eddy Rogers last week. Tropical motif predominates in spot designed by Oscar Nordstrom, of Chicago.

Rendezvous returns to a floor show policy after year's abandonment. First unit will include the Kurits Brothers Marionettes, Dolly Arden, Burns and Wise, and Irene Janis, Rogers' band singer. Bob Miller's orch follows for a fortnight commencing Dec. 6. Then Nick Stuart's band with Paul Rosini's magic included.

35th ANNIVERSARY NUMBER of VARIETY To Be Published Late This Month

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Unit Reviews

PAN-AMER. REVUE
(PANTAGES, BIRMINGHAM)

Birmingham, Ala., Nov. 30.
Three Taketas, Bob Hopkins, Van and Arvola, Spay, Prosper, Francheta, Carlos and his South Americans (10); House Line (10); "Opened By Mistake" (Par).

"Pan-American Revue" is okay variety, with the Latins interspersed freely with the Manhattans for 70 minutes running time.

Show opens on background of Carlos and his South American orchestra with Bert Van handling m.c. role. The Three Taketas are oldtimers in vaudeville who work atop a high pole with grace and sureness. The foot juggling and flash wind-up acts as precise as if cut from a pattern.

Bob Hopkins offers imitations of Winchell, Fred Allen, Bergen and McCarthy, etc. His singing was better received than the mimicry, which is a bit stale. Van and Arvola prove to be xylophone experts as well as dancers. They are okay in bits between dance numbers by line. Comedy acrobats bring a lot of Spay and Prosper. Much of their material is pretty ancient, but the acrobatics invoked much laughter. Francheta is a singer and dancer. Songs on the order of Carmen Miranda, but the difference is obvious.

Line of 10 girls boasts looks and ability in rhumba, conga and tango. Capacity crowd, seated and standing, encores at both matinee and night shows on day caught. Wind.

WATER FOLLIES
(AUDITORIUM, MPLS.)

Minneapolis, Nov. 30.

Arthur W. Spaulding, Charlie Diehl, Cornelia Gilissen, Jean Smith, Madeline Karson, Frank Foster, Tommy McKee, Aquafumes Ballet (12); Buster Brown, Joe Peterson, Jimmy Rice, Peggy Lee, Betty Wilson Orch. (12).

Brought from New York by Sam Snyder, this show represents an attempt to capitalize on the prestige attained by Billy Rose's Aquacades, the billing being "Stars of (in small type) Billy Rose's Aquacade," with the last three words played up heavily. It's in a very small scale, the entire performers' entourage comprising only 23, and it's sans names, excepting Buster Crabbe, reported as being on a leave of absence from his Hollywood studio at \$650 per week. It apparently is economically budgeted throughout.

Minus flash, elaborate production, effective lighting, first-rate staging, impressive numbers of performers and the galaxy of singing and variety stars and names and, which, along with the performers, made the Rose show the New York World's Fair ace attraction, it resolves itself simply into an exhibition of high-quality swimmer, diving and group water formations dragged out over two hours, including an intermission, and reminiscent of the Lottie Payer vaude offerings. Show suffers from lack of variety, slowness and the absence of the Rose or almost any other showmanship. The performers are extremely profusely and over-the-top, and diving skills are concerned, and for anyone interested in aquatic sports the show would be interesting enough, although probably not sufficiently outstanding to draw them, to generate a large amount of enthusiasm conducive to substantial word-of-mouth boosting necessary to fill the Auditorium for five nights. Because of the publicity which accrued to the Rose Aquacades and the use of the Billy Rose and Aquacade names, it might be good for a once-around. But it will not attain anywhere near the vogue of the ice shows or repeat like them because it hasn't the color, costuming, diversity, elaborate spectacle, size, speed, liveliness and actual entertainment.

In this instance, management was in hands of local promoters, one of them a very notable former newspaperman, and the newspapers went overboard in the matter of gratis publicity. Unfortunately, the enterprise got off to an unfortunate start, with the water in the tank could not be properly heated in time on account of a late start and the first-night audience, after being seated, had to be dismissed. On the third night, when caught, audience numbered approximately 2,200, takings being around \$1,500. Gross for the four nights and two matinees is estimated at \$3,000, which probably would mean a small deficit or, at best, no profit for anyone concerned.

A 40 x 90 tank in which the performers dip is set up on the Auditorium floor, seating of customers being confined to the balconies. Banked by imitation grass, the tank has the appearance of a large pool in the garden setting. A 12-piece local band, featuring fine singer, Peggy Lee, recruited here are stationed opposite one end of the tank. Performers have a considerable distance to swim from the stage to the diving platform, and tank, contributing to the amateurish-

ness and crudeness of much of the proceedings.

Arthur W. Spaulding, emceeing, refrains from much gagging and, for the most part, confines himself to play the music and announcements of the various stunts. He is a smooth, convincing talker, but he does nothing to pep up the action. After an opening parade there's a 75-yard medley swim with husky Charlie Diehl pitted against a six-girl team. Cornelia Gilissen, Jean Smith and Madeline Karson are next, offering various dives.

Frank Foster, comic, who pops in at occasional intervals, combines with Tommy McKee to illustrate the world-famous strokes. For his initial effort Crabbe shows the evolution of swimming, showing how man took his cue from the animals. The 12 aquafumes then contribute rhythmic routines and a number of formations. Miss Lee warbles through the Mike and Crabbe comes on again to demonstrate famous swimming strokes. The first part pairs with his best feature. Women's night shirt relay race between two teams of girls, each led by a man. Racers must come out of the water and soft, red night shirt. This is put on by another team member before she can jump into the water. Good for laughs and exciting, too.

Diehl, diving by Diehl and Jimmy Rice is productive of several funny stunts. Introduced as Eleanor Holm's "understudy," shapely Miss Lee joins Crabbe for some rhythmic swimming. Freestyle formation by the water ballet is similar to those performed in the first part, the lack of variation in the routines and performance being one of the show's major faults. Joe Peterson, a trick diver, is easily the company's star, his work meriting the adjective "extraordinary." He first performs with Rice and then with Diehl. The sock part of the entire show, however, is the neat trick comedy diving of Peterson and Foster. The finale brings out the entire cast. Res.

Broadway Passing Show
(BROADWAY, CHARLOTTE)

Charlotte, N. C., Nov. 30.

Mickey Gerard, Charley Tate, Ed West, Jimmy Gerard and Tillie Marco, Patricia Lane, May Wynn, Nat Draynor, Wally Wynn, Johnny Vance's Broadway Swingsters, (8); Line (8); "Calling All Husbands," Warner Bros.

Getting away from the standard way of presenting vaude acts, "Broadway Passing Show" is presented effectively in two scenes—a magistrate's court and a night club. The first scene, performed by the halled before "Judge" Charley Tate for indecent exposure with result Tate and policeman Ed West go to club to pass on decency of acts.

Tate tells himself as above the average comic in the role of the sawed-off judge who is not immune to the appeal of a shapely thigh. He gets off some fast lines with the aid of his judicial props in the opening scenes and contributes a comic dance to the night club performance that is near-socko. Ed West feeds him the lines.

Jimmy Gerard and Tillie Marco, with emcee Mickey Gerard playing straight, contribute an average comic turn. This trio then sings "Looks Like Rain On Cherry Blossom Lane" in a fashion that pulls plaudits.

Featured is Juno, mind reader, who gives one performance from stage and one appearance in lobby for mind-reading sittings with customers. Act went over so-so.

Pert Patricia Lane, featured vocalist, makes two appearances, one in acrobatic-tan specialty and once with the May Wynn Foursome in tap routines. Although she tries hard and injects a lot of personality into delivery, Miss Lane's vocaling is slightly better than mediocrity. Her dancing is more cliky. The Wynn Foursome, which also contains Nat Draynor and Wally Wynn, is better than average with each taking a spot for a tap specialty. Gerard is pleasing as emcee, although style of show doesn't give him much to do. One of the best turns is by Wiley Potcher, bass player in band, who he solos with bass and whangs it from all angles. He has strong comic possibilities. Johnny Vance's orch plays a good stage bit, which is highlighted by bass-thumping of Potcher.

Line gives better than average performance in three standard appearances, coming out once in fifty orator costumes in a topical scene, once for a conga number, and finally for a Hawaiian shake. Various acts take part in musical, patriotic finale. Show did fair biz. Just.

Vaude in Cincy

Cincinnati, Dec. 3.
RKO Shubert's sole vaudeville show, will add stage shows Dec. 27 for a run of from 12 to 14 weeks, which is shorter than last season. Opening week's show not set as yet.

New S. F. Vaude Try

San Francisco, Dec. 3.

Frisco will get another vaude try Christmas Day, according to Joe Meyer, who has leased the downtown Tivoli. Plans a weekly change of around five acts plus a single feature on Saturday.

Only regularly operating vaude house in town is RKO's Golden Gate.

INDICT 4 ST. L. CAFES
FOR BOOZE VIOLATIONS

St. Louis, Dec. 3.

Operators of four niteries, three in the downtown district and the other in midtown, were among 104 persons indicted last week by the local grand jury on liquor violation charges. All but one of the true bills charges misdemeanors in the sale of liquor after closing hours or on Sunday, and these violations are punishable by fines ranging from \$50 to \$1,000 and imprisonment in the local housegown up to one year, or both. The one felony indictment charges sale of intoxicating liquor in a 3.2 beer establishment.

The nitery operators named are Steve Cady, of the Steve Cady Club; Ray Gorris, of the Circle Club; Garmia Fariana, of the Coconut Grove Club, and William Selim, of the Golden Dragon Club.

Det. Vaude Spots Switch
Shows for Xmas Charity

Detroit, Dec. 3.

The first week in many moons that the Michigan and Fox, first-run houses, both come up with stage shows will find the two houses trading talent. What happened is that the annual Old Newsboys' campaign for Christmas funds, which the needy kids falls the same week that the two houses had shows booked.

So for the Dec. 7 midnight charity performance, the Fox's "Streets of Paris" will play the Michigan, while the Michigan show, headed by Bob Chester's band, will visit the Fox stage. Both stage shows will be enhanced by the top acts from the night clubs.

Detroit's New Vaudfilmer

Detroit, Dec. 3.

Having gotten away to a fair start with its showing of "Pastor Hall," the Town Hall here, which for many years was Orchestra Hall, home of the city's symphony orchestra, closed for a few days to remodel the front room in keeping with theatre architecture. A new electric sign and large marquee will be installed.

The house resumes on Dec. 6 with a combination of first runs with vaudeville.

On Miami Front

Miami, Dec. 3.

Bert Lown is in town for a rest, after filling year's engagement at Copacabana Palace in Rio de Janeiro. May grab spot here for season, returning to Rio in May.

Ben Brooks has signed his Ray Hutton's band and the Valero Siro for formal opening of his Carroussel bar, late in December.

New Act

KAREN COOPER

Songs

8 Mins.

Rainbow Grill, N. Y.

Karen Cooper effects a semi-exotic turbaned head-dress with her simple white dinner gown, while giving out rhythm songs at the mike in standard manner. A nice looking girl, she's partial to Cole Porterisms like "Got You Thinking" and "Get a Kick Out of You," along with "Great Day Coming Manana" and the like. Of strong vocal range, she should tone down her mike approach as it's inclined to eat a bit. In a measure she reminds of the Ethel Merman school of vocalizing, doing one of those Al Siegle-esque high-pitched crescendos to cap one of her tunes.

The turban, etc. is a question sartorially, as she is personable and can stand more orthodox attire for cafe valets.

Barry Winton's expert band gives her a good orchestral assist for the backup, and incidentally he has a good vocalist in Jean Murray on the podium. Holding over are Don Julian and Marjori with their better-than-average balladology. Marjori is especially photogenic, and their new routine eclipses what they've shown in the past, opening with a waltz, then a very cute flirtation conceit, and finally a yesterday can-can. Abel.

Harry Pilcer On Paris

Continued from page 1.

turn only creates unemployment, therefore would the public 'restrain' itself.

At the same time, lights remain up for the newsreel projection, and are only closed when some yesterday French film (usually one with bi-lingual Lillian Harvey) is projected. Just to make sure, further, ushers, managerial attaches and, it is suspected, Gestapo representatives march up and down the aisles, to see who does make any demonstration while the newsteels are on. For the features, lights are doused.

Georges Carpentier is back in Paris, but has refused to reopen his popular bistro in the Champs-Elysees sector because of his objection to 'greeting' German patronage.

Cafes are doing landoffice business because of escapology and it's the only place where pre-Nazified Paris can still dine out with a semblance of yesterday's gaiety, but food cards are being more sharply adhered to.

Revue Houses Bullish

Revue theatres, despite the 6 p.m. curtains, likewise are bullish, but Sascha Guitry couldn't make a box-office success of it with legit at a 6 p.m. curtain. The 10 p.m. curfew obtains for Parisians; after 11 p.m. Paris is almost its old self, but it's strictly for Nazi males and the French demi-mondaines. But cabaret dinner business (somewhat barbaric to yesterday's Paris, where fashionable dining only commenced at 9-10 p.m.) is the paradoxical success.

Henry Lartigue, the Paris agent and restaurateur, w.k. to Americans through the Clifford C. Fischer-Lartigue representation of William Morris (U. S.) and Foster agency (London) acts, has been mustered out of the French medical corps and has reopened Ciro's. Formerly he and Fischer operated Les Ambassadeurs as well. Maxim's is still the fashionable restaurant for whatever moneyed natives there are, plus of course the Nazi officials, military, diplomatique, etc.

Pilcer saw Sandra Rameau, American showgirl, regularly in Maxim's, and denigrates the published reports of a romance or marriage to a Nazi General Von Eppé. Also states he thinks that could hardly happen with any American showgirl.

Lartigue's whereabouts will be news to Clifford Fischer, whose "Folies Bergeres" unit has been touring America. Fischer is at present in Beverly Hills and, as such, also will be the fact that his home in Bougival, Paris suburb, likewise w.k. to Americans visiting Paris, is a complete shambles, along with other fine residences in that sector.

Furthermore, somehow Fischer's home was singled out for raiding on his wife's car and a swastika made of emptied vintage bottles now decorates his lawn.

Albert, Trenet Alive

Albert, famed maitre d'hotel at Maxim's, is very much alive despite contrary reports; ditto Charles Trenet, songwriter and cafe star, likewise reported killed in service. They want Maurice Chevalier back into Paris music halls from his Cannes retreat, where, presently, most French showfolk have sought refuge. His manager, Max Ruppini, has communicated with the Nazi fuhrer of the French theatre, one Herr Reidmacher, but the Nazis don't want Marie Raye, Polish showgirl friend of Chevalier, to return with him.

Guitry, despite a legend about a Jewish grandmother, seems a special character with the Nazis and is one of the very few non-officials who has been given a motor car and petrol rations. Others, of course, travel by bicycle, and taxicycles, with an enclosed miniature caboose on a tandem effect, are now the popular means of transportation.

Furthermore, all vehicles must travel set main boulevard routes; no detours.

Scaring Students

Sorbonne University demonstrators against the invaders were given a 'lesson' by having certain youths lined up against the wall before a Nazi firing squad, but they shot up in the air, just to scare 'em.

Paul Derail, of Folies Bergere, returned to Paris to find somebody had 'bought' his famed theatre and he had to 'buy' it back for \$50,000 francs. That, like the Casino de Paris, is doing good music-hall business. Latter, instead of Henri Varna management, has a cooperative show headed by Spafol Spadolini, the dancer.

The Leon and Samy Sirtitzky circuit of cinemas (largest in France)

has just been taken over. The Sirtitzkys' whereabouts are still a mystery. Mitty Goldin, of Rottembourg & Goldin, is very persona non grata with the Nazis and he's hiding out in Vichy. His ABC variety theatre runs 'approved' vaudeville. Odette, famed cafe satirist, whose takeoffs on Hitler before the invasion were very popular, is also 'wanted.' Lucienne Boyer, Cheze Elle is doing turnaway smart cafe trade.

Pilcer, who was in "Honeymoon Express" (Shuberts) in 1911 with the late French star, Gaby Delays, was brought by her to Paris in 1912 for a Palace (Paris revue theatre) show. Pilcer has been there ever since. He has only made a few trips back to the States, and has been away from New York the past 14 years consecutively. To American and international showfolk he's known as 'the perennial juvenile,' looking considerably under his 52 years of age.

Finds Gaby Delays' Shrine

His deep regard for Mlle. Delays' memory endeared him to the sentimental French, who got to know of the permanent shrine burning in front of her rare portrait at Pilcer's Left Bank house. When in June he walked to Vichy (took him six days) and was succored by friends at a chateau, he figured none would desecrate the shrine. When he returned in October, going from the occupied to the unoccupied zone, he found his belongings stored in his cellar, his house occupied, the shrine dismantled and the painting gone. The Nazi authorities have promised to search for the Delays portrait and return it. His personal belongings weren't molested much save for the locks of his trunks being shot off, but otherwise little was taken.

The Folies Bergeres' spacious foyer is the site of a cafe entertainment, the major auditorium is closed. The Empire, best known 'bigtime' vaudeville theatre on Avenue Wagram, near the Etoile, is 100% for Germans only. The Cafe de la Paix, Weber's, Vatel, Fuguet's, Le Select, Le Dome, La Coupoule and khidred famed sidewalk cafes are as is. Le Tremolo, and denigrates the published reports of a romance or marriage to a Nazi General Von Eppé. Also states he thinks that could hardly happen with any American showgirl.

The Nazi soldiers' excellent discipline, however, is maintained in their 'very correct' deportment, excepting when native Paris goes to bed and they cut up in the nite life.

Bomb Scars in Paris

'Alerts' (bomb alarms) still go on, with musical comedy manifestations also. British bombers still fly over Paris, more or less at will, do no damage. Pilcer, who alerted frequently when he heard the whirr of an ambulance or police siren on New York streets, because they sound so much like the 'alert,' recalls a Thursday 'alert' drill. It was scheduled a week in advance and everybody was warned not to be scared, for it was to test out the new sirens to the U. S. dollars. British bombers flew over Paris three times, morning and evening, evidently en route to Italian objectives. The alarms worked very efficiently. But just the same, the next day, Thursday, per schedule, for purposes of the drill, they were sounded again.

Blackouts must then be strictly enforced. If a light's showing, the soldiers' eyes at the window. Short-wave radio listening is taboo, whether to U. S. or British kilocycles. News of course, is scarce. Anti-Semitic campaigns are unsuitable, but don't rest well with the populace.

Many Harlem Americans, to whom Paris was truly a Negro paradise, there formerly being no color line because of the French Senegalese and Martinique citizens, are among the more pathetic stragglers in Paris. There are many impetuous ofay Americans also stuck, unable to whangle the proper credentials and wherewithal to get out. Reported one boat may shortly evacuate them.

Getting out of France into Spain, en route to Lisbon, is another experience. At nday, the Nazi authorities, ever at lookout between Pilcer's toes to see if he was smuggling anything out.

Selling clipper reservations from Lisbon to America, when no seats are available, is another racket that has burned up many an evacuee, but once they hit U. S. shores it seems all's forgiven and forgotten—gladly.

Father Leonard of St. Malachy's, (Actors' Church) Dies in N. Y. at 70

Msgr. Edward F. Leonard, considered one of the actors' most faithful and unselfish friends as pastor for 20 years of St. Malachy's Roman Catholic Church on West 47th street, New York, died last Wednesday night (27) in French hospital of heart disease. He had been ill for nearly a year and was 70 when the end came.

St. Malachy's was known as 'the actors' church' and Father Leonard was a pillar of Broadway as he was of the church. He loved show people and didn't want to leave them, once saying:

'I want to live and die right here. I have come to understand and sympathize with my people, and I wouldn't be happy anywhere else. My heart is with the actors.' That the actors returned this affection was clearly shown in 1937 when more than 600 theatre people attended a testimonial dinner to the pastor at the Hotel Astor, N. Y. George M. Cohan, one of the speakers, stated:

'I never met any priest who was so loved, so revered and so admired as Father Leonard.' Gene Buck was toastmaster of this dinner and, introducing Msgr. Leonard, said:

'I don't know any priest, clergyman or human being who has done more to bring ease and comfort and solace to members of my profession.'

This probably best explains why Father Leonard was known to all actors, of all creeds and why Catholic, Jewish and Protestant performers alike attended his services and readily contributed in talent and money towards building a new Actor's Chapel wing, which was dedicated late in 1930, to St. Malachy's. Benefit performances figured in raising this coin and the wing increased the church's capacity by 30%. The original Actor's Chapel opened in 1921, a year after Father Leonard came to the parish.

Special Thought to the Actor
It was Father Leonard who arranged a special 11:45 a.m. Sunday mass for actors so that the performers could get sufficient sleep after the previous night's work. Notices regarding this were posted backstage at all theatres. In 1936, Msgr. Leonard received permission from the late Cardinal Hayes to institute a weekly church at four o'clock Sunday mornings so that performers could go to church right from work and not break their Sunday rest.

But all of Father Leonard's work was not spiritual. He befriended actors in many other ways; advised them in their business and domestic problems and frequently called booking offices and arranged work for performers who were broke. The actors, however, never knew that it was Father Leonard who agented them. His door was always open and this was best exemplified by the performers who awoke him at 1 a.m. one morning to take his pledge against drinking. The actor had a bad case of d.t.s and begged Father Leonard for a drink of sacramental wine before he took the pledge. Instead, Father Leonard brought out a bottle of brandy. The actor took one drink, then a second, a third and finally had so fortified himself he decided against taking the pledge. This also was okay with Father Leonard.

1,500 of all Creeds at Services
The solemn requiem mass for Father Leonard at St. Malachy's, Saturday morning (30) was attended

by more than 1,500 and the attendance was a cross-section of the show business. All creeds were represented, the Catholic, Jewish, Episcopal, Actor's Guild, joining in mourning the priest's passing. Gene Buck, president of the American Society of Authors, Composers and Publishers, members of the Lambs and the Friars heard the Very Rev. Dr. Philip J. Furlong, president of Cathedral College, review the work of Father Leonard. The mass was celebrated by the Right Rev. Joseph P. Donahue, Vicar General of the New York Archdiocese, while the Most Rev. Stephen J. Donahue, Auxiliary Bishop of New York, presided and gave the absolution at the end of the service. Burial was in Calvary Cemetery, Queens, where in 1938, Father Leonard dedicated a shaft to the memory of 141 performers buried there.

Saranac Lake

By Happy Benway

Saranac N. Y., Dec. 3.
Paul Welch who did the trick up here, is now working in Chicago. Thanks to Arthur and Tootsie Holmes for their cheer to this Colony.

Max Steiner reports that he is doing okay in Big Town.

Arthur Laszky, of Pittsburgh, squibs: 'Via VARIETY and your column, I had luck and under the microscope I haven't seen for over 15 years, William Headley, formerly of Wilmington, Del.'

Dr. Charles Trembley shot a buck scaling 196 pounds. He was one of the first medico to o.b. the old N.V.A. patients over 20 years ago.

Dorothy Maynard, former dancer, here for a weekend checkup. Medico reported she is absolutely okay. Mickey Vernon, first baseman of the Washington Senators, wintering here at the Foster Greenwood estate and helling the gang.

To Uncle Will Rostetter, Chicago music publisher, thanks for sending his entire music catalog to the Will Rogers.

Some time ago it was mentioned that it would be swell to have a likeness of Will Rogers, a postage stamp. Since then we have been flooded with letters that have all been forwarded to the Postmaster General.

Rudy Gales minus her appendix. James Young, a Warner Bros. producer, from Newark, N. J., is a newcomer at the Rogers; ditto Stan Laurel, from Paramount in New York.

Jack Goodwin took time out to visit Hazel Smith, while Seymour Grill and Charles DiDeGo were greeted by relatives and friends. Dr. Harro Lock (Will Rogers) Ehrenkranz, married Catherine Russo, a technician at the Trudeau Sanatorium.

Carlene Knight, ex-Will Rogers, visited the gang during the turkey holiday.

Fred White, of the Will Rogers staff, knocked off a 200-pound buck. If history repeats itself, the gang will get a mess of venison stew.

Bill Holly, Portland, Me. product who nite-clubbed it as a comic and m.c., here for that checkup.

Tudor Cameron downtown sporting a mess of below-zero winter clothes sent to him via Joe E. Brown. Tommy Kane, who did his bit in burlesque for years and ozoned here for seven more, leaves for Deming, N. M., where he will continue his change-of-air routine.

Iris Gabrielle now downtown shopping for the bed patients of the Rogers.

Eddie Vogt working as technician in the Rogers X-ray department.

Hazel Smith relieving tempting offers for her poems.

John Loudon's broken arm is now o.k.

Bearice Lee continuing fight for that get-out-of-bed routine.

Seymour Grill and Oscar Price rated as aces as the lodge's good-cheer boys. Ditto Will Chase, Vic Rockiter, Vera Harff, Alice Carman, James Weeks and Ben Schaffer.

Time heals everything you can now get 10 Willie buttons for one Roosevelt button at the Will Rogers. Ben Schaffer is 'managing' the exchange with a '10% cut.'

Arthur Connors, who took his third stage of that rib operation, is now window-shopping downtown and expects to be in hometown (Boston) soon.

Write to those who are ill.

Nazi Propaganda

Continued from page 3

man origin thrown upon the screen at the Kosciuszko junior trade school in connection with the study of Wagnerian music, and owing to its late arrival it had not been previewed by school authorities, who never suspected anything might possibly be amiss. First scenes showed the old city of Bayreuth, nice scenery and the Wagnerian theatre. Then it suddenly switched to modern dress, present-day street scenes and then the display of swastikas and Hitler as he stepped out of a motor car, turned toward the camera, gave the Nazi salute, then strode into the Wagner theatre. Here the protest from the students, 75% of them Polish, became so noisy that further showing was stopped.

FBI Called In

Keith De Swarte, head of the Kosciuszko school's music department, at the instruction of Principal Burl Lee Dougherty, notified the Federal Bureau of Investigation, and the FBI agents, following a private showing of the film in its entirety, made a lengthy report to their superiors.

Bayreuth, the City of Richard Wagner' was sent to the school from the German Railways Information office, which the Dies congressional investigating committee has listed as the No. 4 Nazi propaganda agency in the United States—a fact previously unknown to the school officials, and it was returned with advices that no more GRIO films would be accepted, even though they were offered gratis.

Arthur T. Spence, school board president, instructed all principals to keep posted henceforth on all propaganda agencies, and to preview all film shown, while Peter T. Schoemann, school director, took steps via resolution to bar all films not passed by the censor board.

Cafes Riled by Agents' 'Aryan' Talent Propaganda

On the other hand, Milwaukee cafe operators are all riled up over reports widely circulated to the effect that, due to Nazi pressure, they are insisting to the bookers that only 'Aryan' talent be employed. Spots involved deny the truth, and point to the current employment of Jewish performers as eloquent refutation of the rumors.

Sam Pick, the best known veteran niteri on in this area, proprietor of the swanky Club Madrid on the Blue Mound road, is incensed at the reports, which included his resort as one of those involved. 'Nothing could be further from the truth,' said Pick. 'I know myself, and anybody putting out stories like that is crazy. I have never discriminated against anyone because of race or religion, and never will. Nazi pressure—bah! Where do I get my business from—the Nazis? Not on your life! Discriminate against my people? I'm not foolish!'

Al Tusa, proprietor of the Tic Toc Tab, a popular night spot, said that also has been included in the rumors, was just as volatile as Sam Pick. 'My denial of the truth of such reports.

'That's utterly ridiculous,' said Tusa. 'We put in the best shows we can get regardless of the racial background of the performers. We have Jewish artists working here right now; fact, where would we get a show if we were so dumb as to even think of barring Jewish acts?'

How It Started

Apparently the yarns in circulation started in a certain small time agent's failure to get an act booked at Jerry Klein's Town and Country club. A report got around that the spot was anti-Semitic, and Robert A. Hess, a prominent Jewish attorney, was asked by people interested in the alleged situation to investigate and find out what basis of truth there was in it. Hess and Morris Stern, the Town and Country club's legal rep, went into the probe together, and tracing reports down, found that the whole anti-Semitic story originated in the mind of an act's representative, who, balked in his effort to book the act, put out the story that Milwaukee niteries, due to German population and Nazi influence, had put up the bars against non-'Aryans.'

Another observer of the local situation terms the 'tempest in teapot' affair greatly magnified; that while there is admittedly a Nazi and bund element here, as in many other large cities, it is a comparatively ineffective minority working under cover afraid to come out if the open to threaten anybody and not of sufficient influence to affect any niteries' business, even if it wanted to.

Leon Kimberley (and Page) Writes About British Theatre Conditions

Blackpool, England.

Editor, VARIETY:

Yes, this country is passing through a time that, for sheer bravery in war as we know it, and have known it in the past, cannot be surpassed. The people, the man in the street, the woman in the street or in the household are taking it on the chin and coming back for more. I cannot begin to advise you of what is happening or has happened; you read and listen as we do here; as a matter of fact I think you see pictures of what goes on here far more than we do, not because the 'powers that be' here want to keep it from us, for we can see without pictures, but because we on the spot have become used to taking it on our stride.

When all is said and done we are not sorry that we came back since the big trouble started. That may sound rather strange when one is cognizant that almost the whole world is mixed up in this fracas. We are on the spot seeing history being made; or unmade. A part of the universe being destroyed. A part of its population living, like moles underground. It is all so vast... death so near... happening every day, every night, that one just must get used to it all.

At the moment we are not in London. Your office there is still functioning, as you know. Hanne Swaffer is now living down in his hotel. He, like most of others, evidently has become a fatalist, for he tells me that now he does not go down into the shelter even when the roof-watcher tells all to 'get out and go under.'

Vaude All Shot

Our business is all shot, even the houses that are open are not doing too much business. There are spots that are doing pretty good, but in the real danger-zones if theatres are open at all they are doing matinees, not as we in America know them, but mostly first show is at 3:30 and the next is 5:45 or 6 o'clock.

London theatres have been hit rather badly. The vaudeville houses there are all closed. Most of the agents have or are moving away some to the outskirts and others up north here. We have three or four here in Blackpool and they are booking from here. Wish I could tell you more but I do not want this letter to be returned to me, which it would be if there was something in it that the examiners would not pass.

I do want to take this opportunity to tell you that some of the tripe that I have read about performers returning to America because they were too restricted here as to movements, being held up by the police, not being able to get to places they wanted to go to, can't get enough to eat, having to report to the police every morning in towns where they were allowed to enter, etc., is a lotta boloney! As you know, we are Americans and we have travelled over here from one end of the country to the other and have never once

been restricted as to movements. If we were on late on a bill we were allowed out until all hours in order to get back to our living quarters. We have not one had to report to the police every day.

Report to Police

We go to a town and report to the police on arrival. If we know where we are going the following week, we are immediately given our exit permits so that we do not even have to return to them on Saturday nights. If our future dates have been changed, we simply report to the police that such has happened and they simply change it in our police books. What the aitch! There is a war on, and the British are darn lenient—too much so in many cases. I am not mentioning names but have read of several people's stories, after leaving here, chewing at the hand that has fed them.

I understand the U. S. is sending another tug over to remove the Americans who wish now to return. Are we coming? At the moment I am unable to inform you. Events happen so swiftly these days that one does not dare as 'I am going to do so and so tomorrow,' for the simple reason that 'tonight' the world has changed.

Now as to living, food, etc. We get all we want of food; butter, sugar, meat, etc. Living has not advanced more than a very small percent and surely not enough to make it pinch. The shop windows are full of all the good things one wants. Vegetables, fruit, meats and everything is as far as we can see, plentiful. You can walk into first-class restaurants and get as good a feed as you wish to sit down to for 60c to \$1, or in some cases, \$1.25.

When you consider that this country is passing through the most vital period in her history, fighting for her very existence, yes, and America's too, for believe me if that Beast from Berlin should win (and he hasn't got a chance!) you over there will be sold into slavery for the next hundred years as sure as you are reading this letter.

Leon Kimberley.

(Kimberley & Page).

P.S.—There goes the 'banchee' again.

Sloppy Joe's for L. A.

Los Angeles, Dec. 3.

Sloppy Joe's, familiar hangout for American tourists to Havana, is about to have a replica here in the Cuban village facing the new Union station. Armand Kaliz, in charge of the bar, is importing one of the 'original' Sloppy Joe's for atmosphere, opening Dec. 28.

General project, bankrolled by the L.A. Times and the Hackett estate, is known as 'Habanita,' meaning Little Havana, and is laid out for various fiestas and other Latin-American amusements.

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LONDON, WEST-END

'Ice Follies' Clicks in Mad, Sq. Garden Though Met Op Bow Clashes at B.O.

By JACK PULASKI

'Ice Follies' toured 48 weeks last season, and with good reason, for it is the top rink show. It hasn't the sparkling Sonja Henie and does not go heavy on spectacle, but is loaded with crack performers on steel runners and presents America's star girl skaters—Evelyn Chandler, of Brooklyn and Bess Ehrhardt of Superior, Wis. Show opened Monday night (2) at New York's Madison Square Garden, and with Sunday out because of hockey, will play until next Wednesday (11). During that period 'It Happens on Ice,' at the Center, will surely have real competition.

Debut performance was something of a social event, with box occupants all dolled up. But the Metropolitan opera season started on the same night, which explains why some of the front pews were unoccupied. Opening did not draw a particularly upper shelf but, particularly light. It took the initial audience quite a while to warm up, but the class of performance was so excellent during the show's second part that there was real enthusiasm.

Like the 'Hollywood Revue,' which boasts Miss Henie, the 'Follies' originates in Hollywood. Most of the performers are American or Canadian, only one or two specialties coming from abroad. The show is promoted by skaters, but they are important participants in the show. Edwin H. Shipstad, Oscar F. Johnson and Roy L. Shipstad comprise the managerial end. Miss Chandler, billed as the star, with Mary Jane Lewis credited with the dances. Fran Claudet of Canada is announced as having conceived the 'skating figures'; she also is a featured performer.

While the 1941 edition of the 'Ice Follies' has most of last season's favorites in the lineup, it is brilliantly re-costumed and nearly all the numbers are new. There is much crack figure skating, but the exhibitors are varied, which is one secret of the show's popularity. Another is the comedy punches. The ensembles are strengthened by the inclusion of specialists.

The latter is demonstrated in the final act, which features the skating of a retained number, with the others. Audience quickly spotted them, however, and after seeing them, they cheered. Number is 'Join the Navy,' with Miss Chandler and Bruce Mapes highlighting as a duo and the acrobatic McKellen brothers turning in a new act, too.

If Miss Chandler has the first part, it is Miss Chandler who tops the field after intermission. She is a fine skater, but seems even more effective with acrobatic stunts, her Arab-like cartwheel being a merry accomplishment. Number introducing Miss Chandler's specialty is 'Old Southland,' ensemble comparing in attractiveness with the opening number, 'Moonlight Vision,' in which a girl team, Valerie and Jenna, are featured. The Maxons then follow in a doll number, 'Toy Antics,' which includes a perky, Frick and Frae, Nickolas, George Hadle and Gordon McKellen. Phyllis and Harris, said to be the only still-skating team, and Osborne Colson, who is a whiz, and his one-leg jumps are eye-openers. Another new act is the Vogue Trio, who give an approximation of adagio on blades. Opening second part, Miss Claudet and Colson score in 'Pirate Gold,' Roy Shipstad stands out as the show's most graceful male soloist, while Papez and Zwack are excellent in 'The Moth and the Flame.'

First of the comedy numbers comes from Les Hamilton, a cinch hit. Later, Harris and Frae, who can, won the house. As much, or more, so do the crack comics Oscar Johnson and Ed Shipstad, go over, while next to closing is the Swiss team. Frick and Frae, who achieve seemingly impossible angle postures, which they call cantilever spread eagles. Ice Follies, in gold-cloth uniforms, provide a patriotic finale. Precision skating there is splendid. Phyllis Rebholz is quite a drum-majorette.

'Follies' opened the season Sept. 7 and is booked until the first of May. After a two-week layoff, the troupe is slated to form again. Original songs are 'Walking on a Moonbeam,' 'Pretty Little Pirate' and 'Learn to Skate' all by Stanley Cowan and Bobby Worth. M.C. and vocalist is Paul Gannon, while the orchestra is under the direction of Ernest Kratzinger. Most of the girls in the ensemble received their early training in the northwest.

ADAMS, NEWARK

Newark, Dec. 2

Stan Laurel and Oliver Hardy, Lew Parker, Sid Gold, Cass, Owen and Topsy, Maxine Conrad, Darlene Garner, Danny Dare, Glamor Girls (10), Joe Fecher's house orchestra, 'Meet the Missus' (Rep.).

The jackpot has been hit with the importation of Laurel and Hardy's streamlined unit into Adams this week. Lobby ropes are up for first time this far.

Lew Parker handles the steering wheel as m. He gags and vocalizes as a single, uses Sid Gold for a stooge elsewhere, and then, from the line into the audience for some hokum mind-reading, and generally makes himself useful throughout. Maxine Conrad, blonde looker, exchanges reported of the dumb-dora type with him before acting a song or two, and Gold and Parker stage a pantomime conversation that keeps customers chuckling several minutes.

The Danny Dare Glamor Girls (10) deserve much of the credit for keeping those out front interested. They not only appear to have stage and their cues in dancing school, but manage to get across idea that they have brains as well as looks.

They talk-sing three or four numbers, and are one of the 'Three Musketiers,' to the accompaniment of swordplay. Good costuming also helps. Darlene Garner steps out of line couple of times for solo work to okay.

Cass, Owen and Topsy, two gals and a guy, register solidly with their patterned comedy acrobatics. Slow motion stuff closing act looks difficult and got most applause.

Show belongs to Laurel and Hardy, however, and they have wisely reserved final spot for their act. Unlike some other big-name comics who have played this house, they do not rely on their reputation, but get out there and work for their plentiful laughs.

Philly, who helped out as straight, gives Laurel chance to display his familiar set of frustrations and Hardy opportunity to demonstrate his sly, sly technique. Act is foolproof, even for non-fans, and is just the right length to sell effectively.

S. R. O., and then some, Sunday afternoon (1).

EARLE, PHILLY

Philadelphia, Nov. 29

Gray Gordon Orch with Meredith Blake and Art Perry; Condos Bros., Beverly Roberts, Fred Sanborn, 'One Night in Tropics' (U).

Gray Gordon and his tic-toc rhythm hold the center of the Earle stage this week and although his reception when caught was not as enthusiastic as that accorded the Dorsey and the Glenn Millers, the Gordon crew does an adequate if not spectacular job of dishing out the live.

Duff is heavy on brass with spotlighting allowed drummer Lee Arnold. Feature of the band's repertoire is its brass choir rendition of 'Swallows Back to Capistrano' played amid doused lights with phosphorescent effects.

Another novelty is a roundup of sign-offs of different bands. The Gordon crew's own first act, 'I Am an American,' sung from behind a screen upon which is projected newsreel shots of defense plants, soldiers marching, battleships on parade, etc. Done amidst an audience jammed with partisans for the local Army-Navy football match on Saturday (30), it tickled with a bang.

Miss Blake, quite a looker but a little light on song-selling, gives out with two solos, 'Rumbeogie' and 'Ferryboat Serenade.' She should develop a little more individuality in her style. Her throaty pipes have definite possibilities. Perry, on the other hand, has an excellent voice, deep and resonant, getting across nicely with 'Only Forever' and 'Si-boney' plus an encore on 'We Three.'

Beverly Roberts makes her first appearance here. Baritone, a star of the screen, she tries harder than most of the Hollywood starlets who make p.a.s. in these parts. Pretty in an ash-blond sort of way, Miss Roberts' stilt consists of recitation on the glories of the U. S., which ends with a flag-waving rendition of 'America the Beautiful,' the patriotic 'We're of You,' and a hotch hit-waving version of 'Argentina.'

The Condos brothers give another of their smooth tap routines to bring out the palms. The big hit is Fred Sanborn and his familiar comic xylophone act. Though he's appeared here time and time again, his act still brings the guffaws. Big at this catching (Friday night) okay.

STATE, N. Y.

Van Alexander's Orch with Edna Janas and Bobby Preston, Alan Cross & Henry Dunn, The Hartmans (2), Three Trojans, 'The Westerner' (U.A.).

With Cross and Dunn and The Hartmans', two act acts, as a base, the State's stage layout can hardly miss. Regardless of what precedes or follows, the dance satirists and the singing line-up make another give the entertainment definite substance and almost make it easy to forget some other faults in the show.

Either bookers are getting careless, or they don't care, do they think that the public doesn't care? But stage shows at the Strand, Paramount and State, on Broadway, appear to be playing one long continuous copy act. The same bands, names and semi-names, and virtually every band features a percussion trap man. And, worse yet, every number has a tap interlude. The best like and the worst work or their jaws in imitation of Gene Krupa, and that's supposed to be a novelty. It's no more than a band of axibacs with different company names.

As for providing entertainment, this they do about the same degree of satisfaction as a riveting machine. The big question is, who's going to be the vaude when vaude was prosperous, what are they today when vaude must exist even in its depleted state?

To add to the unmusical drum specialty, Van Alexander also gives his colored bass player, Slam Stuart, who authored 'Flat Foot Floogie,' a long session at the mike. The bass, especially when played with a bow, is about as musical for solo as the cymbals or the cowbells. It's an unpleasant-on-the-ears stage wait.

Van Alexander's music, otherwise, is satisfactory and the young maestro, Edna Janas, one of the two other specialties, Bobby Preston, 17-year-old baritone, acquires himself very nicely with two songs, but sooper Edna Janas does an interpretative tap badly to a very good tune, 'Begin the Beguine.' A followup rhythm dance isn't much better, but her costuming is excellent.

This is the forepart of the show, with vaudeville, saving the rest. First come the Three Trojans, men 'humbled in neat dress. Boys do easily some very difficult tricks, such as complete somersaults with full twists without the use of their hands.

The Hartmans' satirical ballroom-ology follows and tied up the last show, closing night (Thursday). Their songs, too, are now practically a lesser come act in itself, so two other routines can be considered by the customers as velvet additional value.

Cross and Dunn hold up as well as carry the pace. They've injected a new special, 'The Last Time We Saw Paris,' which is plenty nostalgic in light of the past year's events abroad. The number, scored in its expert delivery. Boys got their best results, however, with the old, old 'McCarthy' number, which precedes 'Paris.'

Van Alexander's orch gives out with a little swing before the traveling closer, but it sounded like nothing more than a person in a well-filled house that there was something else besides good vaudeville on the stage.

CHICAGO, CHI

Chicago, Nov. 30

Carl Spitz's Hollywood Dogs, Bob Evans, Connelo and Melba, Chick and Lee, Frances Langford, 'The Man in the Hat,' Adrian House Orch, 'Arise My Love' (Par).

Everybody in show business must recognize the value of a name, if they want to attract the public. Yet this house persists in letting the acts play this house without having their names announced. Acts which submit to this practice are cooling themselves and doing themselves real financial injury. And the house also must realize that only through the repeated consciousness of the public can a person's name do that personality become box office.

Only names announced on this show are the names of Frances Langford and Jon Hall, who, ironically enough, don't need to have their names announced to be recognized, and Carl Spitz, who has his own name.

Spitz and his Hollywood Dogs make one of the best novelty attractions seen around the vaude routes in a long time. Some of the canines have been trained to act in many pictures. It is really a person's appearance act, and the audience unquestionably got a genuine delight in seeing the animals that they had glimpsed in the pictures. 'Wizard of Oz,' 'Light That Failed,' 'Call of the Wild,' etc. Of special interest is the appearance of Promise, which headed the canine cast of 'The Biscuit Eater.' Promise does a

straight pointing routine. The other dogs demonstrate how they follow hand rather than vocal instructions for the sound careers. All in all, it is interesting stuff and lets a wide open for plenty of bang-up exploitation by any theatre.

In this day of the ventriloquist and the ventriloquist's dog, a click. He was surprisingly well received by this audience, which insisted on several encores. This was strange since Evans has an unhappy faculty for bad taste and his routine and his occasional adlibs.

Smacking them also were Chick and Lee with some solid comedy, based largely on radio impersonations. Starting from that basis they branch out into various tonsil clowning, which is extremely effective, with the hillbilly stuff getting some great laughs for the starter and the Yugoslav double-talk speech finishing it up to a howl. Connelo and Melba are a fine-appearing ballroom team with some highly satisfying stage routines. They are especially neat in all departments. The men impresses as an inhibited jitterbug who would prefer to cut loose with some capering. As a ballroom couple they are free and easy and indicate a happy departure from the stiff and affected stances of most ballroom dance teams that try to be neat too.

Frances Langford makes good easily with her pip pop vocalizing and then brings on her mate, Jon Hall, who gets away with doing nothing. With a few adlibs and a frank apology for being only an actor and not a dancer or singer, he tries both and waves the baton for the orchestra. He can do none of these things, but the audience was in a mood to forgive him his trespasses. He at least tried, and at that probably gave the fennies a chance to sigh over him. In the middle of they peeked at in some South Seas flickers.

Business good at last show Friday (29).

EARLE, WASH.

Washington, Dec. 1

Evelyn Farney, Jean Travers, The Brant, Ken Davidson and Hugh Forgie, Shasta Gies, Foster Girls, 'Lady with Red Hair' (WB).

This one may not pack a sock name, but it's as smooth and bright a revue as spot has cooked up in weeks. Every number is an excellent in his or her line and Davidson and Forgie, badminton demonstrators, give bill a novelty climax that sends 'em away talking plenty.

Princess and Prince, a change of Roxette Eileen Ritter, who coaxes soloist from audience to lead community warbling this week of baby tunes, such as 'Pretty Baby,' 'My Baby Smiles at Me,' 'Melancholy Baby,' etc. giving their recordings of tunes to volunteers after the hilarious playbacks. Miss Ritter then scurries backstage to do vocal via the p.a. system while rest of line works out effectively formation stuff to 'All This and Heaven, Too' under changing lights. Line falls back as Evelyn Farney, pretty young girl in short split skirt and sequin jacket, takes center spot for infectious tap routine, highlighted by neat spins and kicks. She makes it seem fun, not work, and audience accepts in same spirit.

The Ritter gal, who has become spot's m.c. in fact if not in name, launches Jean Travers as 'Rockefeller Center comes to Washington.' Neat-looking number, silver evening gown packs a strong, strong, supranano and makes it count in interesting arrangements of 'Tomorrow Is a Lovely Day,' 'Rumba Tonight,' party in English and party in Spanish; 'Will You Remember 'Zing Zing.' Gal sells somewhat heavy program with clever explanations, i.e., presenting last-named ditty as 'participating in the Herbert must have written one night when he was particularly silly.' The Brants, veterans on local boards, are pointed up this time via opening on a tenement set, gals playing in street and leaning out of windows. 'Who are those guys,' says one, looking at Brants asleep on bench. 'Oh, they've been there for hours like that,' says another. Gals kick off and pair goes into its moving act, including the removable head big larger tramp heaving the smaller all over stage a laummy. It's never missed yet and it doesn't this trip.

Line bounces into a rhythmic routine with ping pong paddles, leading to rear of full stage and NBC Sports Announcer John Gaunt takes center mike to explain rising popularity of badminton and introduce Davidson and Forgie. By this time net has been strung and Gaunt mounts small platform at far end of net, facing audience, to analyze shots, and then, through two changes, they start an actual game. Gaunt keeping up fast descriptive chatter throughout. Roxettes manipulate large it's nip and tuck through a series of shots. Gag squawks, such as 'Forgie's complaint that 'net is higher on my side,' all help, including clever stunt ending with at least one into the audience with the crack, 'Best of a souvenir.' It adds up to a perfect vaude act, just enough showmanship without ever seeming obvious.

Big oke at show caught. Craig, Kiley.

LYRIC, INDPLS.

Indianapolis, Nov. 29

Lawrence Welk Orch, Ann Dvorak, Louie and Ann Dvorak, Johnny Sweet, Betty Ann White, Jane Walton, Bob Freeman, 'East of the River' (WB).

Moving his band from the dance platform and the radio studios, Lawrence Welk displays to the public here for the first time a versatile and entertainingly engaging show. The four-rhythm, three-trombone, four- and single-trombone sections are well versed in jive, popular and classical music. They cover both ends of the scale, ranging from Jim Town Blues to open to a concert arrangement of 'Blue Danube Waltz.'

Terry Burke at the electric organ takes a spot on 'Dancing Tambourine' and is joined by Tommy Sheridan at the piano in 'Somewhere Over the Rainbow.' The boys in the orch have also worked up many specialties of their own. Pee-Wee Lewis scores heavily when he sings a many-voiced version of 'Only Forever.' Maybelle 'Anybody Seen My Kitty?' The bass player comes down front to sing 'More,' joined on the vocal by the band.

Everett Olson trades his sax for a fiddle and steps upstage to play Drigo's 'Serenade,' and the entire group go haywire on 'Ragtime Cowboy Joe' for a closer. Band vocalist Jane Walton does nicely by 'My Si' and 'A Nightingale Sang Berkeley Square.' Welk brings along a recent 'find' in a vocal contest, Bob Freeman, who scored heavily with 'Only Forever.' Maybelle 'Our Love Affair.' Freeman will have to dress up, however, as his attire at show caught made him look awkward. Welk himself goes to work with the orchestra in the middle of the bill to prove his mastery of the keys on 'Canadian Capers.'

Other guests on the band part of the show are Johnny Sweet, added since show opened, followed by a couple of tap numbers acceptably. Betty Ann White, current winner of the WFBM Talent Parade, looks good and sings well when spotted briefly with the orchestra. In the middle of the show, she takes over the first 50 minutes of the bill's running time.

Edmund Lowe and Ann Dvorak work in one to fill 15 minutes with a skit, called 'How To Make Love.' It's purely piffle, but it's entertaining, and a welcome relief from the Hollywood names who feel they must go in for something heavy from one of their screen efforts. Lowe and Dvorak are excellent dancers, and even the piece with his ad libbing. Credit must be given for the pic names as a stimulant at the boxoffice as Welk band has been airing out WGN, which has seldom dialed in around these parts.

Big air at third show Friday (29).

Kiley.

COLONIAL, DAYTON

Dayton, O. Nov. 30

Sally Rand revue, including Benny Ross and Maxine Stone, Mabel Nelson and Highland Scotties, Bert Harger and Charlotte Maye, Valya, Three Freshmen, Irma Dell, 'Dance, Girl, Dance' (RKO).

Though Sally Rand hasn't changed her routine, offering dances with large fans and a huge bubble as the climax, she has changed the show over to a group of excellent entertainers, making the bill as a whole the best of the current local season.

Opening is nicely staged with 10 showgirls parading with as many beautiful dogs of varied sizes and breeds, the girls all neatly clad to match the dogs. Costumes throughout the show are of a high standard. Introduction of dogs serves to herald Mabel Nelson and her 10 performing Scotties. Miss Nelson puts the canines through some interesting paces.

Show is long on terpsichorean efforts, but the extensive variety saves the program from monotony. Bert Harger and Charlotte Kaye are excellent dancers; they open with a ballroom tango with adagio trimmings and a waltz number with fancy flourishes. They form a nice looking couple. Late appear soloists in a full-length number, 'In Old Vienna,' pair stepping to Strauss waltz. Chorines form a tasteful background.

Another full-stage number gives the chorines a chance to do some energetic dancing in their interpretation of a long, with Valya interpolating a solo. Colorfully clad, the girls make a pretty stage picture. Irma Dell, touted as a recent find, does nicely in a tap routine. In looks and method she could double for Eleanor Powell.

A knockabout act that goes over is offered by the Three Freshmen, who do some neat legitimate work on handstands and a three-high stand.

Benny Ross encores off and on and also takes a chance with Maxine Stone for some comedy. The two have winning personalities and go over big.

A shimmering, silver waterfall ballet proceeds Miss Rand's appearance. Dancer later appears in street dress to thank the audience for their 'appreciative attention.' Kiley.

Charlotte Arren, and Johnny Broderick got a very good reception to their burlesque song-soiree and hokum. Broderick's familiar piano number is still okay, with a harp-like clatter from the piano, plunking the wires behind the keyboard.

Miss Dunbar, playing deuce, delivers a smartly routine dance turn, assisted by smooth male quartet, handy with their taps. Act has the nice musical comedy touch, with the quartet singing "The Taps We Tap" and a conga number. Miss Dunbar finishes with solo taps, themed to "Come Love" and "Yokel Boy," in which she was featured last season.

Miss Ellis avoids all blab about Hollywood and the common p.a. plunk.

(Continued on page 63)

Numerals connection with bills below indicate opening day of show, whether full or split week

Cabaret Bills

NEW YORK CITY

RKO

Warner

Independent

LOS ANGELES

PHILADELPHIA

PITTSBURGH

CHICAGO

Or
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Or
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N. Y. Commissioner Paul Moss Begins Licensing Ticket Brokers Jan. 1, When All Must Have Permits

Although New York's Mitchell law, limiting agencies from selling tickets for all places of admission at not more than 75c over the boxoffice rate, has been technically in effect since signature by Governor Lehman, N. Y. Commissioner of Licenses Paul Moss will actually take over supervision of agencies on Jan. 1. Before that date all brokers will be required to apply for licenses from Moss, fee being \$200, same amount as heretofore paid the state.

With the Mitchell law becoming operative, ticket brokers will be under two sets of rules, the other being the ticket code which the League of New York Theatres and Equity imposed for the past two seasons, with the principal intent of holding down pygmying. Code applies only to legit theatres, while the state law applies to all types of amusements and sports events.

Rules announced by Commissioner Moss have lashed the agency people particularly the requirement that all brokers and employees be fingerprinted. Where agencies are incorporated, all stockholders are to be similarly registered, whether actively engaged in selling tickets or not. Understood that Mayor LaGuardia backed up the fingerprinting law to boot, but if there are crooks in the business.

No Doubling Up
Newest headache for the smaller agencies is a provision in the Mitchell law that all brokers shall have their own place of business. Quite a bunch of brokers share offices or stores with others of a different business to hold down expenses, and for the new law, this will be a hardship. Stated that that provision in the law was included at the suggestion of Madison Square Garden, near which a flock of speculators rent space in stores and bars for the sale of tickets to fights, hockey and other events in the Garden.

While the leading agencies are said to be complying strictly with the 75c limitation, known that smaller brokers are getting high prices. Some managers are using various devices to prevent tickets from reaching the hands of specs. Complaints are that \$8.80 is charged for shows with a \$4.40 top. Yet when a showman offered to refund the amount paid by the patron in one instance, if the agency was named, he refused saying he wouldn't be able to get tickets when I want them.

Court action by a group of brokers who sought an injunction to restrain officials from enforcing the Mitchell law failed in its second stage, when the Appellate Division of the N. Y. supreme court last week upheld Justice Sidney Bernstein, who declined to issue such a writ last spring. Decision was unanimous, but counsel for the ticket men claimed the right to take the case to the Court of Appeals and the Supreme Court of the U. S.

Although the injunctive proceedings may not succeed, the ticket men have the right of trial, brokers contending the law is not constitutional.

Dayton's Big Year

Dayton, Dec. 3.
Never since the good old days has this city enjoyed such a run of legitimate attractions. Already The Victory has presented Tallulah Bankhead in 'The Little Foxes', Katharine Hepburn in 'Philadelphia Story', Gertrude Lawrence in 'Skylark' and the Lunts in 'There Shall Be No Night'. Also booked are Clifton Webb in 'The Man Who Came to Dinner', Dec. 11-12, and Eddie Dowling in 'The Time of Your Life', Dec. 17.

Although not definitely set, the theatre promises 'The Male Animal' and 'Life With Father' at early dates.

Lily Pons' Understudy

Josephine Tumina, American coloratura soprano, has been signed to a Metropolitan opera contract. The soprano will act as understudy for Lily Pons, while singing in principal roles herself.

She has appeared with the San Francisco and Chicago opera companies during the past few years and has guested on the Kraft hour. She is 25 years old.

Immediate Showdown Improbable on Communist Beefs Against Equityites

Equity officials are skeptical that Communist charges against half a dozen people on its council will be soon clarified. Only chance of the issue being settled is if Congressman William P. Lambertson produces satisfactory proof of his allegations, which were printed in the Congressional Record, or if the Dies Committee investigates. Action by the latter is now believed improbable, because it is immersed in revealing alleged Fifth Column activities in key industries and defense plants.

No discussion of the Communist charges is permitted in the council until there are further developments from either Lambertson or Dies. A resolution to that effect was adopted some time ago for the purpose of preventing councillors from further airing their views.

At the time, Philip Loeb, one of those named by the Congressman, demanded that an impartial board be formed to hear the charges. Actor submitted the name of a Catholic priest to act as chairman, indicating his confidence of being accepted, since that church is known to be opposed to Communism.

'Yokel Boy' Tour Sees Tune 3 Back in Show Biz

With 'Yokel Boy' being readied for the road, the former pop-song writing and publishing trio of De Sylva, Brown and Henderson will be back in show business, along with Bobby Crawford, who was their general manager. Brown, Henderson and Crawford will present the musical, originally produced by the first named, 'Boy' made a good showing at the Majestic, N. Y., after a slow start but because the production was costly to cut down for the road, it did not tour. Understood it meant an outlay of \$30,000 to place 'Boy' back on the boards. Joe Penner will be starred.

Money guaranteeing salaries was posted with Equity by Henderson. Reported, however, that Sam Rosoff, subway builder, is a silent partner with Marcus Heiman also interested. Brown, who wrote the score, has entered into a new deal regarding royalties, new numbers by him and Henderson being interpolated. Crawford is currently presenting 'Separate Rooms', Plymouth, N. Y.

Shows in Rehearsal

'The Talley Method'—Playwrights.
'My Sister Eileen'—Max Gordon.
'Battle of Angels'—Theatre Guild.
'Let Her Go'—Dennis King.
'Eight O'Clock Tuesday'—Luther Green, Van Struthers.
'The Hard Way'—Allen Boratz, Morris Helprin.
'Yokel Boy' (road)—Lew Brown, Ray Henderson, Bobby Crawford.
'Flight to the West'—Playwrights.
'The Old Foolishness'—John Golden.
'Out West It's Different'—Max Gordon.
'Retreat to Pleasure'—Group Theatre.
'Crazy With the Heat'—Kurt Kraszner.
'Cue for Passion'—Aldrich, & Myers.
'Here Today' (road)—Everett Wile.

EQUITY INITIATION HIKE TO \$100 WITH PAY RISE

Deadline for initiation into Equity membership at the old fee of \$50 expired Saturday (30). Fee for entrance is now \$100 and the minimum pay for legit actors, whether senior or junior, is now \$50 weekly. A number of last-minute applications were filed, some going by mail on the final day, but new members are not eligible to join unless able to prove that they have secured an engagement.

Approximation of the number of actors without jobs was indicated recently, when calls for new shows were issued. Crowds of players applied and it was estimated that there were 300 persons for every available part. That abnormal proportion was even bigger last spring, when it was stated that there were 600 players for every engagement in sight. That, however, did not include summer stocks.

A number of former members took advantage of the old initiation fee to rejoin Equity. Most of those have been off the boards from six to eight years, chiefly because of the decrease in production. That they have any better chance to secure engagements is doubtful, but they took a chance to regain good standing by posting initiation of \$50. Understood that most of them are back in dues, owing from \$100 to more than \$200, but by rejoining those items have been wiped off the books.

Delay Tomorrow

San Francisco, Dec. 3.
Last night's Monday opening of Frank Craven in 'About Tomorrow' at the Curran was postponed until Wednesday.
Illness of Sally Eilers claimed as the reason.

Broadway's Non-Sunday Legits Do Better Biz Than Usual on Monday; 2d Sabbath Try Improves at B.O.

N. Y. Ice Show Tiffs With 'Hellz' on Ads Definition of Musical

Broadway and Radio City are a-feudin' over the definition of a musical show. Battle—being carried on in ads in the dailies—is specifically between 'Hellzapoppin', at the Winter Garden, N. Y., and 'It Happens'—Ice's blades show at the Center, N. Y.

It started Nov. 22 with 'Hellz' first Sunday performance, when its ads carried the line: 'Only Musical Show in Town.' Glenn Alvine, Center p.a., noted it in the N. Y. Times drama section the Saturday afternoon before publication and squawked to all the papers. Inasmuch as sections carrying the ads were already printed, Times and Herald-Trib both carried boxes in the news sections that the ad carried and 'Ice' was also a musical.

N. Y. News, which hadn't its papers printed yet, called C. P. Greneker, Shubert press chief, but he refused to delete the line. Sheet thereupon cancelled the ad. Center, until Nov. 13, had been using 'Only Musical in Town' line Sundays, as it doesn't operate under Equity.

Past Sunday, Greneker compromised with a technically, 'Hellz' ad announcing it was 'The Only Musical Show on Broadway.' Inasmuch as Center is on 6th avenue, management, rather amused by the whole thing could make no complaint, but promised next week to insert in its copy the line: 'Only Musical Show on Skates.'

Tallulah In 'Foxes' May Set New 1-Nite Record

A modern record for a road show with a name star playing one night—will probably be established by 'The Little Foxes', starring Tallulah Bankhead. Drama has already played around 40 one-night stands and the total may reach the century mark as 'Foxes' has approximately 50 similar bookings through the south during the winter.

'Foxes' went on tour last season after playing nearly a solid year on Broadway (National) and fared very well until it reached Chicago, where summer heat caused a layoff. Since going to the road early in the fall, show has been drawing consistently profitable business.

Second Sunday (1) of legit performances on Broadway was a virtual replica of the initial Sabbath, but it was stated that boxoffice returns were materially better for the nine shows which played. Again the major new musicals were absent, also most of the top straight play grossers. The other half of the list has not indicated if and when they will join the Sabbath entertainment.

Unlooked-for angle for Sundays appears to be developing. Attendance for shows which did not play Sunday was better than usual on Monday, that going for some of the \$4.40 musicals which have declined to play Sundays on the theory that their type of patron does not come to Broadway on that day. The betterment was mostly in the balcony. Interpretation of the Monday increase is that by staggering the list, business will be better on both evenings. Attendance drops as Christmas approaches and that is to be considered for the balance of this month. First test of a Sunday matinee was had with 'Fever' new comedy at the Mansfield. Show did not win a favorable press, but the afternoon scale at \$1.10 drew about 50% of capacity. As the show only announced the matinee three days in advance the management regarded business as quite satisfactory. 'Fever' also played at night, and dropped Wednesday afternoon, thereby keeping within the eight performance limit.

'Rooms' Tops
Top increase—was credited to 'Separate Rooms', Plymouth, where it was claimed that the increase the second Sunday was 50% more than the first. Claimed, too, that 'In drawing \$1,200 last Sunday (1) business alone doubled the usual Monday. In the case of 'Rooms', however, the Sabbath attendance depended on the number of two-for-one coupons which materialized, and that applied to some other Sundays of an intermediate nature, which are using bargain admissions.

Again 'Hellzapoppin', Winter Garden, drew top Sunday coin, with 'It Happens on Ice', Center, also getting excellent support. Improvement also was noted for 'Johnny Belinda', Belasco, but 'Charley's Aunt', City, which had a better performance the first Sunday, did well but not equal to Monday and has declared off Sundays. 'Tobacco Road', among the first to play Sundays, which have been a lifesaver for the long-stayer, again was popular with its low admission, but 'Blind Alley', Windsor, and the new 'Fiddling', which was panned, got very little business.

Another show which has been faring well on the Sabbath is the Russian 'Ballet Rusee' at Warners, 51st street, which has been playing afternoon and night on both Saturdays and Sundays. It is not counted among the legit list, but has a similar appeal. Ballet's best attendance is at the weekend and grosses on the week have been topping \$30,000 right along.

Next Sunday (8) there are to be two re-entered performances, they being 'The Man Who Came to Dinner' (Continued on page 59)

New Det. Civic Op Try

Detroit, Dec. 3.
An attempt will be made to revive civic opera in Detroit—where two theatrical ventures died recently—under the direction of D. Caesar Cordon, conductor of the Cirobrook orchestra. Auditions are being held, with all members of the company to be drawn from this vicinity.

Carl F. Cox, who made a success two years ago in the Negro opera production of 'Aida', is business representative for the venture. Stage properties and costumes of the defunct Detroit Civic Opera Co. are available for the new attempt.

Prexy Paul Green

Charlotte, N. C., Dec. 3.
Paul Green, playwright, is the newly-elected president of the National Theatre Conference, which represents 300 non-professional theatre groups in colleges and communities.

The conference is working on a plan for camp theatricals in army training centers.

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Frank Tinney Dies at 62; Show Biz Rated Him Most Underpaid Comic Star

By JACK PULASKI

Frank Tinney, one of the funniest men in the annals of the stage, passed away last night (3) at the U. S. Veterans hospital, Northport, L. I., where he was under treatment for about one year. Announced cause was a tumor of the lung, but the hospital is an institution for mental cases. He was 62.

Tinney had been away from the boards since 1926 when he was stricken, diagnosis being paresis. He collapsed on the stage at Detroit appearing there in "Varieties" and was removed to the Naval Hospital, Philadelphia, where he was born. His mind was a virtual blank but he partially recovered although never regained health.

Although his fame was wide, Tinney was the most underpaid musical comedy star and headliner on Broadway. His top salary in vaudeville was \$350 weekly, while in musical comedies he received \$750. Highest amount he earned was in England where he drew \$1,000. Tinney became a favorite in London and could have remained indefinitely. Had he not become ill, the blackface comic might have climbed into the theatre's high bracket entertainers.

One reason why Tinney's vaudeville salary was comparatively low was a booking agent's setup over representing him with the B. F. Keith booking office a factor. But he was always handled by Max Hart, then a leading actors' representative, who discovered him in a Milwaukee theatre. After a Chicago showing his first stage date was at Polk's New Haven. Appearances for Percy Williams followed, and then came Hammerstein's. Following disputes with the booking office, he returned to the latter theatre in 1913, there creating a sensation. A review of his act by *Sime* appears adjacent. His first connection with theatricals was as a musician with Barlow's Minstrels, Philadelphia.

That early beginning was the background for an act which he used in the midwest, Tinney playing a number of instruments. It was his idea to converse with the orchestra leader, one of the comic's standard stunts thereafter. Once at the Palace, N. Y., Julius Lenzberg, the conductor, walked out, refusing to play straight to Tinney.

Actual start in blackface comic was in the minstrel show that was the annual summer fixture at the Steel Pier, Atlantic City. He recognized that beginning in his own way, returning to the pier show for a number of seasons after he had climbed to headline rating in vaudeville.

Many Musicals

Tinney's career included a number of musical comedies, the first being the "Follies" in 1910. Two years later he appeared in "A Winsome Widow," then the 1913 "Follies." Returning to London he was in "Hello Tango," his first hit over there having been in vaude at the Palace. Back in America he was in "Watch Your Step" (1916) and "The Century Girl" the following season. His final appearance in a F. O. Ziegfeld musical was "The Red Widow." Ziegfeld often stood in the wings when Tinney was onstage, the comic ribbing him every occasion.

Comedian was two musicals produced by Arthur Hammerstein, "Some Time" and "Tickle Me." Manager likes to talk of experiences with Tinney when the comic had wined too well. On one occasion the curtain was rung down and the performance terminated, Tinney having opened his mouth widely but was unable to close it or utter a sound. One of his final Broadway shows was "Music Box Revue."

Imogene Wilson Mess

An unfortunate, notorious affair came near the close of his stage career, it being an alleged fight with Imogene Wilson, a "Follies" girl. Both had been drinking and the squabble occurred at a West 72nd street (N. Y.) rooming house. Miss Wilson, who was later known as Mary Nolan, charged that he had beaten her. Case came before a magistrate but there were no further proceedings.

Insiders say that the tiff with Miss Wilson would never have reached the press had it not been tipped off by the late Will Page, rotund press agent for Ziegfeld and also C. B. Dillingham. Alleged that Page, after touring the Times Square speakeasies with the comedian, telephoned the desk of a gossip sheet and reporters were on hand when the

couple emerged from the rooming house. Publicity resulted in her dismissal by Ziegfeld and also divorce by Tinney's wife, Eva Davenport, too a professional. The Tinneys had a home at Baldwin, L. I., where Mrs. Tinney retired after remarking that "one in the theatre is enough for any family." She resides on the Coast with her son, Frank, Jr.

Captain in the Service

Frank Tinney was as funny off stage as on. He had a flair for practical jokes of a harmless kind. During the war he was a captain in the quartermaster's department, his assignment being described as a swivel chair job which held him on this side. Fellow professionals used to crack jokes about Tinney's time in the service. One was that after a spree with Jimmy Duff ("Mr. Duff and Mr. Sweeney"), they came to wearing soldiers' uniforms, an actor claiming that somebody put on the duds while they were out.

Always Clowning

When in the "Music Box Revue," Tinney spent \$35 rigging up a chair with batteries, so that chorines would be given an electric shock. There were backstage dice games and once Tinney was in the red for \$3,000. He blandly gave John Steel, tinny in the show, a check for that amount but it bounced back so hard that it almost knocked Steel's eye out, according to stagehands.

Macabre Zany

As a youngster he was apprenticed to a Philadelphia undertaker, which later inspired him to pull a somewhat grisly joke in Chicago. Tinney invited a bunch of chorus girls for a party but he took them to the morgue. Girls had the jitters anyhow, then suddenly Tinney sat up on a marble slab, used for unidentified dead. He had covertly hidden under a white sheet. The chorines screamed and fled. Some fainted.

Expensive Corkage

During a London engagement men from the tax department queried Tinney about charging off \$500 for makeup. They asked whether he didn't use burnt cork for that purpose. He answered that was correct, but I use champagne corks.

Frankster

In addition to being a frankster, Tinney was something of a daredevil. For a time he took chances when making jumps on express trains. Liked to go the observation car and hang on to the handrail as it whizzed through towns. His body would be parallel to the roadbed.

Jolson-Tinney Feud

Joe Flynn, who presaged shows in which Tinney appeared for years referred to the comedian as the "Peck's Bad Boy of the Prohibition Twenties." He recalls a feud between Jolson and Tinney in Chicago, where both burnt cork artists were appearing. One night a passing fire engine proved a point killer but Tinney got a bigger laugh by cracking: "I'll bet Al Jolson's driving it." Flynn possesses a gold watch given him by the comic, inscribed: "To Joe Flynn, press agent for Joe Flynn, from his pal Frank Tinney."

Frisking Stagehands for Booze

Arthur Hammerstein passed around nips of whiskey during a "Tickle Me" performance, little bottles being labeled: "A tickle from 'Tickle Me' with compliments from Frank Tinney." It was palpably a press stunt but proved a hit while Company was called before a Federal grand jury but the moment Tinney appeared before that body he had the jurors laughing with the final result all hands were dismissed.

Tinney was forbidden to drink during performances and there were times when the entire company and crew were frisked at the stage door so that bottles did not reach him, but he managed to get a supply in devious ways.

Put It All on Two Checks

When in cafes he usually told the waiter to "put it all on two checks" indicating his Dutch treat ideas. Leon Errol told a story at the Friars about a Scotchman who trimmed his nails very short, so he couldn't pick up the dinner check, gag being directed at Tinney. However, when a clerk at the Lights Cafe reported on a check with \$400, Tinney made restitution because he had recommended the fellow.

(Sime's New Act Review, Jan. 10, 1913)

FRANK TINNEY

Monolog

21 Mins; One

Hammerstein's

First reappearance vaudeville of Frank Tinney's divorce Hammerstein's program. How foolish vaudeville has been to allow Mr. Tinney and many other comedy acts to leave it. But, of course, that is another story. Mr. Tinney did reappear at Hammerstein's Monday, Tuesday, afternoon and night. He virtually gave a different performance each time, and both somewhat changed from the former routine. Tinney had with the orchestra leader, stories, talk and the bagpipes. Now the blackface funny fellow is telling about a couple of songs he composed, also some new gags, one of singing for the prisoners on hold days, and another about deaf and dumb people conversing. Besides the nearly new act Tinney is putting out, he has a new uniform, including a striped coat and spaulders while his wig and cork also seem freshly made. It's Frank Tinney, all dressed up.

Perhaps "Ziegfeld" did that for him, but he's a funny fellow and when Tinney is funny, he's very funny—and he's always funny.

Henry Marshall is orchestra leader for him this week, doing the straight for the comedian very well. Toward the finish of the turn Mr. Tinney went back to his old matter that is familiar around Broadway through having been heard from him in all the vaudeville and night clubs of Winter Garden and Moulin Rouge since he became a rave on the Main Alley.

After seeing Tinney's two performances Monday, he doesn't require a routine when carrying a leader, with the aptitude for the special work Mr. Marshall displayed. Tinney at the matinee kidded "The System" very nicely, and at night, following Ching Ling Foo, he led "The System" alone to go after the Chinaman.

From the plains of the west to a headline spot at Hammerstein's is Tinney's record. He deserves it, for if there are natural comedians on earth, Tinney is one of them. And big time vaudeville believes it can tell managers what an act like this is worth. Might as well try to regulate the prices on Wall Street. An act like Tinney's is worth what he can get. No one in the world can set a price on Tinney, because his talent will be bid for—and go to the highest offer.

HACKETT-GOODRICH PLAY FOR JOE BROWN

Pittsburgh, Dec. 3.

Joe E. Brown, stopping off here last week to visit his son, Joe L. Brown, biz manager of Pittsburgh Hornets, hockey club, arrived Saturday (30) on coast to see UCLA Southern Cal. football game and also to begin rehearsals for coast revival of "Show Off." Play, which he did with "Elmer" the Great in Los Angeles under Henry Duff's banner Xmas night for a three-week engagement. Goes from there to San Francisco for a similar run.

Brown said he's going to lay off the pix for at least a year and expects to return east around middle of February to see how "Western Union, Please" Al Hackett-Francis Goodrich comedy which authors are rewriting for him, shapes up. If it looks okay, he'll do it on Broadway in the spring. Otherwise, he'll wait until the right vehicle shows up. Comedian said he was afraid to take his "Elmer" to New York because the vehicle cracked too much. This, despite excellent out-of-town notices. Mrs. Brown accompanied comedian but remained in the East more days as house-guest of John Hargrave and also to see newlyweds Mike Francovich and Binnie Barnes, here with Louella Parsons unit.

Pics' Radio Worry

Continued from page 4

years and it states that it needs radio to plug these releases. It figures that it can get around the ASCAP matter by arranging with the networks to put on the entire score and dramatic story of these musical films, since ASCAP members in their membership contracts have reserved the grand rights. On the other hand, unlicensed radio would face infringement charges were it to air the individual tunes from such scores if the authors are allied with ASCAP. The important angle about the "grand right" reservation is that the entire story of the play or operetta must be included, otherwise the right loses its "grand" character.

'Corn' Success on B'way Held Unusual Due to Frequent Failure of Imports

Coincidental Shumlin

Herman Shumlin has scored three dramatic hits at the same theatre, National, N. Y., and the weather was inclement, snow falling on the premiere evening in all three instances. Manager's latest success is "The Corn Is Green," which bowed in last Tuesday (28).

His earlier hits there were "Grand Hotel," which opened in November, 1930, and was Shumlin's maiden success, then "The Little Foxes," which debuted in February last year.

That an imported play should be Broadway's first straight show click of the season stamps "The Corn Is Green," National, N. Y., as unusual. Arranged at Emyln Williams' drama steadily developed and by Saturday (30), was playing to standees. "Corn" was a big success in London, but English successes which score over here are rare. Author was previously represented on Broadway with "Night Must Fall," done in 1936 with Williams in the lead. It lasted eight weeks despite considerable attention accorded the play and did not make money, although since then has been something of a favorite in stock.

Known that a dozen American managers angled for "Corn," plunk falling to Herman Shumlin who complied with rather rigorous financial terms, which included an advance royalty of \$2,500 and a share of the profits. Stephen Mitchell, who produced the show originally, now, in the British army, said to have the favored Shumlin because of the latter's directional skill with dramas. Author's wife was present during rehearsals with suggestions from Williams. Others said to have sought "Corn" were Sam H. Harris, who produced "Night" here, John Golde, the Shuberts and Gilbert Miller. Victor Payne-Jennings, who was interested in the English production, participates in the Shumlin show.

Revels continue to figure importantly, with the newest success in that field, "Twelfth Night," drawing big business at the St. James, and "Charley's Aunt" an indicated sticker at the Cort. One successful revival, "Kind Lady," went to the road from the Playhouse Saturday (30), while "Blind Alley," the weakest, will fold at the Windmill this week.

"Fledgling," which showed as "Follow the Fleet" in a straight speed at the Hudson last midweek and was given thumbs down. Two more strawhitters arrive this week, "Romantic Mr. Dickens," Playhouse, and "Mum's the Word" (Jimmy Savo, solo), Belmont. "Crazy With the Heat," a revue also seen in the sticks, is rehearsing. Listed for the Broadway boards, too, are "White Pony" and "Most Likely to Succeed" ("The Bo Tree").

"Beverly Hills" closed at the Fulton Saturday (30), so now all three Hollywood plays are among closed failures, others being "Quiet Please" and "Glamour Preferred." Next play with film-studio background "Every Man for Himself," due into the Guild next Monday (9).

Coast Amateur 'Desire' Up for Court Ruling

Los Angeles, Dec. 3.

Superior court hearing is set for Dec. 9 on application of H. H. Barsky, representing Los Angeles Civic Theatre, for injunction to restrain Local 33, International Alliance of Theatrical Stage Employees, and Actors Equity from picketing the Mayan theatre where so-called "amateur" production of "Desire Under the Elms" is being given.

In addition to restraining order, Barsky asks \$15,000 damages.

Engagements

Margaret Tallichet, "Every Man for Himself."

Lorraine MacMartin, Nancy Coleman, "Liberty Jones."

Victor Sutherland, John Alexander, "Arsenic and Old Lace."

Sanford Meisner, Kirk Brown, Richard Bengal, Robert J. Mulligan, James Lane, Vincent York, Shirley Paige, Jane Fraser, Averell Harris, Jean Casto, John Clarke, "Pal Joey."

Isabel Jewell, Eleanor Lynn, Barbara Reed, Florenz Ames, "The Hard Way."

Bruce MacFarlane, Morris Carovsky, Joan Tompkins, Eda Heinemann, Tom Dillon, Charles Martin, Joseph Kallini, Robert Morrow, "My Sister Eileen."

Sally O'Neill, Roy Roberts, Edwin Gramercy, "The Corn Is Green."

Donahue, Laurence C. O'Brien, Guertta, Donnelly, Earle Mitchell, Grace Frances Findley, Sean Dillon, "The Old Foolishness" (complete cast).

Legit Cues

Virginia Dunning went into the part of the first maid in "Life With Father" last week. She's the daughter of Phil and Frances Dunning.

Alfred Paschall, with the Maurice Evans company the last two seasons, is currently a radio actor in San Francisco, but expects to return east by Christmas.

Maurice Evans doing a series of Sunday lectures on "Shakespeare in the News" for the benefit of British War Relief.

Sir Cedric Hardwicke east last week, then to Canada for a few days before returning to New York for the rest of the winter.

Shirley Booth, whose new fur coat was stolen from the Roosevelt hotel, N. Y., checkroom last winter, was awarded \$2,700 damages, plus costs, in court last week.

Dave Tebet, formerly in the front office at the Forrest, Philadelphia, now handling special advertising for "Johnny Belinda," at the Belasco, N. Y.

Mrs. Mollie Williams, wife of actor-author Emyln Williams, who was in the U. S. to arrange a Broadway production of his "The Corn Is Green," will sail for London as soon as she can obtain passage, probably in about two weeks. She will leave their two children with the Robert Montgomerys, at Patterson, N. Y., for the duration.

Plenty Chicago Legit and B. O. Despite Weather; 'Pyg' OK 8 1/2 'G' Life' 13G, Quits

Chicago, Dec. 3. Despite some tough weather, the legit situation managed to hold up last week, and the town now has plenty of drama.

Two shows ended their Chicago runs Saturday (30). 'Time of Your Life' vacated the Erlanger after five bang-up sessions. Ditto 'Lady in Waiting', with Gladys George, after three so-so stanzas. 'Pygmalion' was snapped up immediately last night (Monday) with 'Night of Love' moving in as replacement for 'Lady in Waiting'. 'Erlanger' is due to go well 'Pygmalion' next week, the Ruth Chatterton show moving over from the Selwyn. 'Pygmalion' opened last Monday (25) and came through with a satisfactory week bolstered considerably by student parties and a bang-up exploitation job by Thoda Corcoran. Show moves out of the Selwyn due to the UBO insistence of the house, but Ruth Gordon 'Here Today' show, which opens on Dec. 8.

Estimates for Last Week
'Lady in Waiting', Harris (3d and final week) (1,000; \$2.75). Arrived, stayed and left in mild manner. Finished to \$8,500.

'Life With Father', Blackstone (39th week) (1,200; \$2.75). And still they come. Capacity or near-capacity at all times. Again brilliant at better than \$14,000.

'Meet the People', Grand (8th week) (1,200; \$2.75). Here is a show which really battled its way to profits. Hit \$12,000 again last week.

'Pygmalion', Selwyn (1st week) (1,000; \$2.75). Revival drew good notices, with Ruth Chatterton particularly satisfying the critics. Got fine student response and turned in \$8,500 for initial session.

'Time of Your Life', Erlanger (5th and final week) (1,300; \$2.75). Despite acknowledged confusion by the customers as to its meaning, play indicated real money-making opportunity here, but decided to cut it short. Would have brought in at \$13,000. House goes dark for week.

PUPPETS L. A.'S SOLO; 'FOLIES' FINAL \$13,000

Hollywood, Dec. 3. Salic's 'Puppets' have been long run at the San Francisco Fair, moved into El Capitan theatre (1), playing twice nightly and three mats on the week at 75c top. 'Folies Bergere' checked out of house (30), after five healthy weeks, garnering near \$13,000 on final stanza.

Town is barren of legit shows this week, and only plays running are an amateur show at the Mayan and a few others which are being kept alive by service charge passes.

'Male Animal' Gets OK \$15,000 in St. Louis

St. Louis, Dec. 3. 'The Male Animal', with Elliott Nugent and Julie Stevens, the latter a localite and a grad of the St. Louis Little Theatre, closed a one-week stand at the American theatre, sole legiter here, Saturday (30), with a good b.o. record. Piece was presented nine times and, with the house scaled to \$2.80, copped an estimated \$15,000.

'Lady in Waiting', with Grace George and Alan Napier heading the cast, began a one-week engagement Sunday (1). House is scaled to \$2.80.

Goddard

Continued from page 2

Mawhinney, Onondaga County district attorney, who headed counsel for the publishing concern, addressed the court and said that the defendant had erred in its statement, declaring that the statement had been made by Crichton after two interviews with Paulette Goddard.

He then said that Levy had stipulated to discontinue the action, apparently being satisfied with this statement—and with the opportunity to escape further close-examination, which was directed largely into his marital affairs.

William L. Cheney, editor of Colliers, was on hand for the trial and tossed a 'victory' party for counsel and other friends, after the case ended.

Neither Miss Goddard nor her husband, Charlie Chaplin, expected for the trial, appeared.

Status of Levy's California suit against his daughter for support is undecided.

'Hellz' 18G in Buff.

Buffalo, Dec. 3. 'Hellzapoppin' (No. 2), in for seven days at the Erlanger last week at \$3.00, chalked up estimated snug \$18,000 for the frame.

'Take was wide of capacity, but okay for this burg, which is perennially allergic to a \$3 scale.

MASK 'N' WIG BIG \$30,000 IN PHILLY

Philadelphia, Dec. 3. The State's celebration of Thanksgiving plus the Army-Navy game crowds Friday and Saturday spelled good biz for Philly's legit last week, although no sensational grosses were turned in.

For the first time this season, there were three legit houses open—Forest, Locust and Erlanger.

Estimates for Last Week
'High as a Kite', Erlanger (one week only) (2,000; \$3). Masked and Wig Show got fine \$30,000, two grand better than last year. Virtual capacity throughout.

'Night of Love', Forrest (2d week) (1,000; \$2). Only pro musical naturally much helped by holiday and Army-Navy crowd. That meant three capacity evenings, with tilted scale (\$3.50) Saturday. Didn't hit \$26,000, and that was long way under capacity.

'Ladies in Retirement', Locust (1st week) (1,500; \$2.50)—First ATS subscription show well liked; \$12,000 and expected to go up this week.

Current Road Shows

(Week of Dec. 2)

'A Night of Love'—Harris, Chicago. 'About Tomorrow' (Frank Craven, Sally Ailers)—Curran, San Francisco (4-7).

'All in Fun' (Bill Robinson)—Shubert, Boston.

'Ballet Russe de Monte Carlo'—N. C. R. auditorium, Dayton, O. (2); Coliseum, Evansville, Ind. (3); Memorial auditorium, Louisville (4); Withrow court, Oxford, O. (5); Music Hall, Cincinnati (6-8).

'DuBarry Was a Lady' (Bert Lahr)—Philadelphia.

'Hellzapoppin'—Auditorium, Worcester, Mass. (2); Stanley, Utica, N. Y. (3); Erie, Schenectady (4-5); Masonic auditorium, Rochester, N. Y. (6-7).

'Hi-Ya, Gentlemen'—Colonial, Boston (3-7).

'Ladies in Retirement' (Flora Robson)—Locust, Philadelphia.

'Lady in Waiting' (Gladys George)—American, St. Louis.

'Life with Father' (Lillian Gish)—Blackstone, Chicago.

'Life with Father' (Dorothy Gish)—Civic Repertory, Boston.

'Little Foxes' (Tallulah Bankhead)—Fox, Butte, Mont. (2); Liberty, Helena, Mont. (3); Wilma, Missoula, Mont. (4); Fox, Spokane (5); Capitol, Yakima, Wash. (6); Metropolitan, Seattle (7).

'Male Animal' (Elliott Nugent)—Cass, Detroit.

'Man Who Came to Dinner' (Clifton Webb)—Lincoln, Decatur, Ill. (2); Virginia, Champaign, Ill. (3); Palace, South Bend (4); State, Kalamazoo (5); Bijou, Battle Creek (6); Michigan, Jackson, Mich. (7).

'Meet the People'—Grand, Chicago.

'Middletown'—Mural—Playhouse, Cleveland.

'Mornin's at Seven'—Shrine, Ft. Wayne (2); Majestic, Peoria (3); Civic auditorium, Burlington, Ia. (4); Pantheon, Vincennes, Ind. (5); Stephens college, Columbia, Mo. (6); Municipal auditorium, Moberly, Missouri (7).

'Off the Record' (Hugh O'Connell, Bruce Cabot, Mary Brian, Betty Furness)—National, Washington.

'Old Acquaintance' (Jane Cowl, Percy Wood)—Shubert, New Haven (6-7).

'Out West It's Different'—McCarter, Princeton (7).

'Philadelphia Story' (Katharine Hepburn)—Parkway, Madison, Wis. (2); Auditorium, St. Paul (3-4); Lyceum, Minneapolis (5-7).

'Pins and Needles'—Hanna, Cleveland.

'Pygmalion' (Ruth Chatterton)—Selwyn, Chicago.

'There Shall Be No Night' (Alfred Lunt, Lynn Fontanne)—Victory, Dayton, O. (2); Memorial auditorium,

LUNTS' 'NIGHT' SMASH \$27,600 in 2 Ohio Spots

Cincinnati, Dec. 3. The Lunts in 'There Shall Be No Night' pulled whom \$16,500 in four performances the last half of last week at the 2,500-seat Taft at \$3.30 top. Tug is remarkable in view of opposit Friday (29) night and Saturday (30) matinee from the Cincinnati Symphony orchestra's concerts in Music Hall. Previous half of week Lunts got big \$11,000 in Columbus.

While the Lunts were magnetizing great in the Taft, Rocket to the Moon, with Guy Robertson and Eleanor Lynn, was flourishing in the 1,400-seat Cox at \$1.65 scale, grossing under \$2,000 on seven night performances and two matinees. 'Gross' folded here, as did 'See My Lawyer' after playing the Cox the week before at same scale and fetching around \$3,000.

Cincy has no legit this week.

'FUN' \$17,000 IN HUB; BAKER OUT

Boston, Dec. 3. Everybody benefited from the holiday (Thanksgiving) here last week, with 'Life With Father' in its ninth week crowding 'All in Fun' in its first tryout frame. 'Romantic Mr. Dickens' was definitely out of the market.

Phil Baker left the cast of 'Fun' mid-way through the week, with illness given as the official reason, but the inside trade version is that sick material and backstage tiffs, carried the comic's decision to withdraw. Much work was done on the musical last week and by the week's end it was vastly improved. Red Marshall is taking over some of Baker's chores. New sketches and ne wimusic are being readied for tryout this week, and other cast changes are expected. 'Fun' will probably remain for three weeks, instead of two, as first advertised.

Lee Shubert looked the revue over last night and it is reported he may take it over.

'Hi-Ya, Gentlemen', with Max Baer, Audrey Christie, Ella Logan and Sid Silvers, comes into the Colonial tonight (Wed.) for two weeks. 'Old Acquaintance', with Peggy Wood and Jane Cowl, is due in Dec. 3; 'Crazy With the Heat', with Willie Howard and Luella Gear, Dec. 25, and 'Lady in Waiting', new play by Moss Hart, with music by Kurt Weill, opens here Dec. 30 with Gertrude Lawrence starred.

Estimates for Last Week

'All in Fun' (1st week) (1,500; \$3.30)—Greeted by lukewarm-to-cold press and opened at only fair trade, but holiday perked up trade nicely. Ended first stanza with okay \$17,000.

'Life With Father', Repertory (9th wk) (985; \$2.75)—Still filling most seats to tune of \$14,500.

'Romantic Mr. Dickens', Plymouth.

—Had divided press and tame word-of-mouth. Biz around \$4,000.

'Delicate Story' Weak

\$3,000 in New Haven

New Haven, Dec. 3. Good notices were of little help to 'Delicate Story' in its preem at Shubert here. Despite favorable press and word of mouth, gross had to struggle to reach an approximate \$2,750 light, in four performances at \$2.75 top.

Town continues its most active season in some time, with another break-in this week. It's 'Old Acquaintance', co-starring Jane Cowl and Peggy Wood, and it comes in for two days (6-7).

'Road' \$6,900 in K. C.

Kansas City, Dec. 3. 'Tobacco Road', playing its fifth time here, made a three-day stand in the Music Hall and rang up estimated total of \$6,900 in four performances. Figure is near that of previous appearances of the play here and counted more notable since it went at popular prices—\$1.50 top evenings and \$1 on matinees.

Week previous Tallulah Bankhead in 'The Little Foxes' played four formances at same scale (23) to a gross of \$6,300 at a \$2.50 top scale. This is the best of the season and ranks with better takes on the house record.

Louisville (3); English, Indianapolis, Ind. (4-7).

'Time of Your Life' (Eddie Dowling)—Fabel, Milwaukee.

'Tobacco Road' (John Barton)—Shrine Mosque, Springfield, Mo. (2); Fox, Joplin, Mo. (3); Arcadia, Wichita (4); Convention Hall, Tulsa (5); Little, Little Rock (6-8).

Ethel Barrymore's 'Corn,' \$17,500, B'way's Newest Click; Jolson, 26G, Wynn, 25G, 'Hattie', 32G Hold Up

Estimates for Last Week
Keys C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Operaetta).

'Beverly Hills', Fulton. Withdrawn last Saturday after playing three and one half mid-weeks; house gets 'Arsenic and Old Lace' next month.

'Boys and Girls Together', Broad-

HEPBURN VS. BLIZZARD IN MILW.; BIG \$20,000

Milwaukee, Dec. 3.

Although near zero temperatures with snow and wind of almost blizzard proportions prevented business from attaining advance expectations, 'The Philadelphia Story', with Katharine Hepburn, opened the legit season at the Pabst last week with an estimated gross of \$20,000 in eight performances at \$3.30 top. Opening last night (Monday) as the second show under the auspices of the Society for Allied Arts was 'The Time of Your Life', with Eddie Dowling.

Not overlooking the opportunity, Metro carried bigger space than the Pabst, and directly below the Hepburn ad in Sunday's papers, to announce 'Philadelphia Story', with Hepburn 'coming soon' on the screen.

\$7,500 in L'ville

Louisville, Dec. 3.

Legit shows are a little more numerous in this town this season and all have fared better than the b.o. than in previous season. 'Old Acquaintance' and 'Jumble' theatre have had a good share of traveling shows.

'Philadelphia Story', with Katharine Hepburn, grossed excellent estimated \$7,500 on two days (25-26), with an excellent advance sale for the Lunts in 'There Shall Be No Night' (3).

'DuBarry' Big \$27,500 On Wash. Advance Sale

Washington, Dec. 3.

Season which has been tepid with tryouts, and only one out of five a hit, swung into high gear with 'DuBarry Was a Lady', launching its belated road tour last week at the National. Shows were practically sold out before it arrived and ads didn't even bother to carry prices after opening day. Approximately \$27,500 at \$3.20 top, best gross of the season thus far.

Current is John Shubert's first indie production, 'Off the Record', getting plenty feature space on its cast of Hollywood names, including Bruce Cabot, Betty Furness, Hugh O'Connell, Mary Brian and Dennis Moore. Next week it's another new one, Max Gordon's 'Out West It's Different', with Clara Trevor and Sam Levene. Week after that comes still another tryout, Playwrights' production of Elmer Rice's 'Flight to the West', with Betty Field.

'Tonight at 8:30' Plus Film Names Big, S. F.

San Francisco, Dec. 3.

'Tonight at 8:30', with Hollywood film names, did approximately \$20,000 at the Curran here, closing Saturday (30). Proceeds, after expenses, including Equity minimums for the talent, are deducted, go to British War Relief. Relief angle was spotlighted at first.

Lee Tracy's 'Every Man for Himself', which wound up its third week at the Geary Saturday (30), opens its New York stand Monday (9) at the Guild theatre. Opus got estimated \$6,000 on third week.

Toward end of run, producer Arthur Hutchinson did his bit for national defense by extending invites to soldiers, who were allowed to use any unoccupied seats left after 8:30 p. m.

'Pins' 11G in Det.

Detroit, Dec. 3.

Having settled down to a one-house town, Detroit was reasonably responsive last week to the new edition of 'Pins and Needles'. Cass picked up nice estimated \$11,000 with nine performances of the garment workers' show. Top was \$2.50. Dark for one night, the Cass resumed Monday (2) with 'The Male Animal'.

hurst (6th week) (R-1,160; \$4.40). Draw of star (Ed Wynn) keeping grosses up in big brackets and show should span season; \$25,000.

'Cabin in the Sky', Martin Beck (6th week) (M-1,214; \$3.30). Looks definitely in for stay; colored musical's draw is Ethel Waters; has been approximately capacity last halves; \$17,000.

'Delicate Story', Miller (CD-940; \$3.30). Presented by Gilbert Miller and Vinton Freedley; Theatre Guild subscription show; written by Ferenc Molnar; opens tonight.

'Fledgling', Hudson (1st week) (D-1,094; \$3.30). Bowed last mid-week; drew weak press and chances quite doubtful.

'George Washington Slept Here', Lyceum (6th week) (C-1,004; \$3.30). Figured to play through winter; although not among leaders getting substantial grosses; up again last week; around \$13,000.

'Hellzapoppin', Winter Garden (11th week) (R-1,671; \$3.30). With song and company doing plenty okay, original cast tending to draw real coin and some performances are sellouts; approximately \$25,000.

'Hold On to Your Hats', Shubert (12th week) (M-1,405; \$4.40). Al Jolson is the draw here; another musical inclined to draw real coin new season; quoted around \$26,000 last week.

'Horse Fever', Mansfield (1st week) (C-1,000; \$3.30). Handicapped by weak press new comedy had light initial week; but takings around \$3,000; may improve.

'It Happens On Ice' (8th week) (R-3,087; \$2.75). Both house and show making money with rink revenue weekend business big especially during last week; sagged last midweek; \$30,000.

'Johnny Belinda', Belasco (11th week) (D-1,000; \$3.30). With bargain tickets attendance looks good, but grosses mild; around \$6,000; however, takings after the week's next attraction here 'Retreat to Pleasure'.

'Life With Father', Empire (55th week) (C-1,005; \$3.30). Holdover comedy smash should easily go through another season with little laugh show competition; over \$18,500; capacity.

'Louisiana Purchase', Imperial (27th week) (M-1,450; \$4.40). Actual gross leader; little affected by newer music variety with takings claimed over \$33,000 again.

'Man Who Came to Dinner', Music Box (59th week) (C-1,013; \$3.30). Another of last season's comedies turning weekly profits aided by performance last week when takings were \$32,500.

'Panama Hattie', 46th St. (5th week) (M-1,347; \$4.40). Tops all in ticket demand and grosses only limited by house capacity; back eight performances last week when takings were \$32,500.

'Romantic Mr. Dickens', Playhouse (CD-865; \$3.30). Presented by John Turk; written by Henry H. and Marguerite Haper; opened Monday; drew adverse press.

'Separate Rooms', Plymouth (38th week) (C-1,107; \$3.30). Sunday nights have been a run comedy average grosses not large, but consistently profitable; claimed over \$8,000.

'The Corn in Green', National (1st week) (D-1,182; \$3.30). English drama first straight show click of season; following excellent press quickly jumped to capacity; quoted at \$17,500 including paid preview.

'Sunset Boulevard', 29th St. (29th week) (C-1,107; \$1.10). Sunday's have helped record stay still playing 'last weeks'; passes seven year mark today (4); around \$4,000, which means good profit.

Revs

'Twelfth Night', St. James (1st week) (D-1,526; \$3.30). Not an agency draw, but steady line at box office with receipts going to big total for Shakespeare; \$25,000.

'Blind Alley', Windsor (C-1,064; \$2.20). Final and eighth week; weakest of the fall revival crop; around \$2,000; Sunday no help here.

'Barbery's', 4th St. (10th week) (C-1,064; \$3.30). Earned off somewhat last week; but edged goodly profit with slightly better than \$12,000 last week; first show to declare off of Sundays.

Added

'Mum's the Word', Belmont (400; \$3.30). Jimmy Savo's one man show which was tried out in summer spots; Hiram Sherman m.c.; opens Thursday (5).

'Ballet Russe', 51st Street (Warner's Hollywood). Livest attraction house has had to date; excellent business for dance presentations; around \$30,000 last week; had been topping that mark.

Inside Stuff—Legit

Princeton, No. 30.

[illegible]

Death takes a gentle ribbing in George Seaton's family farce, which if it accomplishes no other purpose brings the smiling Irishman, Frank Craven, back to the stage after a long time hibernating in Hollywood.

Sam Griggs is called, but he's not one to go and leave the family in such a state of unhappiness. His mother's tears flow over her the family dilemma. Back to the States he lead his son across the border is the reincarnate of Ben Griggs (J. M. Kerrigan). The repartee between the two, wrestling with Celtic wit, is the plot's highlight. Mother is waiting, he tells Craven, and despite all prodding Craven decides to remain in this vale of tears until happiness has settled over the Griggs' household.

Continued from page 5

life has departed. Miss Eilers, as the love-smitten daughter, gives a well-timed performance, isolated, free of smugging or an intricate trick which she has smartly discarded. The mother role of Miss Roberts and Elisha Cook's delineation of the strong-willed young artist are stand-outs. The kid, who you love him and hate him by turns.

"Tomorrow" is subtitled "a play of today" and the apparent paradox isn't as confusing as it might sound. It's a play about a play. The main characters are Amy Griggs (Craven and Miss Roberts) and their brood, daughter Jennifer (Miss Eilers) and sons David (Vogan) and Jimmy (Cook). What happens is that Jennifer is in love with a fellow actor, and the trouble happens to the Griggs'. There's youthful Jimmy, who has won an award to paint a mural in South America; Jennifer, a librarian, who's been studying to be a nurse; and David, the practical one. All have ambitions of a sort, which crash to earth when Sam Griggs gets his summons to the Elysian fields beyond. The big problem is, "What's going to happen to mother?" Jennifer is the probable inheritor, but she's dabbling in painting for a more remunerative vocation; Jennifer chucks her romance to stick to her library job; David is planning to forego the new home he planned to build.

Sam Griggs is called, but he's not one to go and leave the family in such a state of unhappiness. His wife, who is a high-spirited, lively family dynamo, moves over to lead his son across the border is the reincarnation of Ben Griggs (J. M. Kerrigan). The reprieve between the two, bristling with Celtic wit, is a little high, but it's well-timed, as he tells Craven, and despite the prodding Craven decides to remain in this vale of-tears until happiness has settled over the Griggs' household.

Rogers, Samuel Spring, Willie H. Taylor, Jr., R. H. Cochrane and Universal Pictures Co., Inc. are the producers. Bi-
U Film Exchange, Inc., Standard Capital Corp. and Universal Pictures Co., by their appropriate officers and directors.

The court denied only those items which it found had already been answered by Universal in its answer. Questions to be answered by the defendants cover Universal's history from 1930 to date. Some of the important ones are the knowledge of the defendants as to Universal's losses from 1930-1935, the inability of some of the individual defendants to pay the \$4,600,000 purchase price for Universal, the attempt to raise the necessary money through Eastman Kodak and Western Electric, the issuance of common stock by Universal April 2, 1936, the present financial interests of the defendants in Universal, the monies advanced and disbursements made by Universal since its formation, monies advanced to Bi-U by the parent company, all settlements of personal obligations by the defendants, Capital, Cowdin, Charles R. Rogers, Arthur Rank, which were paid out of Universal funds or by employment of Universal with Universal. Also the terms of the contract settlements between Cochrane and Rogers, and the defendants' knowledge of the alleged conspiracy and the domination of Universal by Cowdin.

Posen claims waste and mismanagement in his action, which charges a loss of millions to stockholders. He seeks the removal of Cowdin, whom he blames for most of the company's

Met Opera Preems

of rehearsals. This gave rise to reports which have since been discredited that the company again was in financial difficulties.

are completely overshadowed by a number of enormously effective scenes. For instance, the close of the first act, when the quixotic London spinster perceives a spark of talent in the crude young coal miner, is theatrically exciting. And, at the end of the third act, when she persuades her protegee to turn his back on his origin, accept his Oxford scholarship and go on toward realizing his destiny, it is irresistibly moving. The author's obvious gratitude for the inspiration his own rise from his surroundings with all its ups and downs comes eloquently to life in those moments.

Shumlin has clearly had a sympathetic appreciation of the play and has staged it with an admirable feeling for situation, mood and pace. This is particularly noticeable in the emotional climax in the second act, the spinster's dextrous handling of the pompous squire (whose colossal stupidity 'sits on him like a halo'), and through the mounting third act

This is a wholly unsuccessful attempt to make a play of the revolt of middle-age against the passing of the romantic years. For the purpose of their theme the authors have dragged forth Charles Dickens as the philanderer, declaring that unpublished love letters of the British novelist supply the basis of their story. 'Romantic Mr. Dickens' is a very uneven piece of writing, suffering chiefly from lack of any skillful invention or refreshing treatment of a theme that is as old as a backdrop.

Poverty, loneliness and hard struggle in his youth are the reasons set forth why Dickens never thrilled to youth love when his heart was best attuned to it all. So in middle-age, after the success of 'David Copperfield,' he takes time off to do a bit of sparking. H. H. and Marguerite Harper, the authors, have handled the situation with great seriousness. Fact is, the theme is comedy, and demands treatment that is light and rich in understanding. After a fling to recapture his lost youth, Dickens resigns from the race and returns to his pen.

Robert Keith strives through three acts and five scenes to make the Dickens character sympathetic and human. The dramatists have made it too tough an assignment. Dickens' wife is a shrew of the worst kind; his sister-in-law is just too sweet and cloying, and the other women characters are enough to drive any man to drink.

The exception is a young actress whom Dickens sponsors and presents in one of his plays. In her he finds a fleeting glimpse of the lost cause. In this part Diana Barrymore, 19-year-old daughter of John Barrymore, makes her Broadway stage debut. She is a very attractive, dark-complexioned young woman, possessed of a fine speaking voice, poise and plenty of self-assurance. In her Victorian costumes she is beautiful, moves around the stage with easy grace, and, as a young person, thoroughly at home in the theatre, where three generations of kinfolk have preceded her.

Other lead players are Gertrude Flynn, Mary Heberden, Lawrence Fletcher and Elwyne Harvey. Play was staged by Arthur Sircom in settings by Watson Barratt.

Drama. Three acts (five scenes) by
Emlyn Williams. Directed by Herman
Shumlin, with settings by Howard Bay,
costumes by Evelyn S. Packer and
Harrizmore. Presented by Herman Shumlin,
at National, N. Y. Nov. 20, 24; \$3.30
and \$2.00.

John Gorowyn Jones. Rhys Williams
Miss Ronberry. Mildred Dunneke
Mrs. Jones. Gladys E. Packer
Sarah Fugh. Gwyneth Hughes
Groom. George Blensidine
Mrs. Jones. Evelyn S. Packer
Mrs. Watty. Rosalind Iron
Hessie Watty. Thelma Schee
John Jones. Richard Waring
Robert Robbuck. Thomas Lyons
Morgan Evans. Richard Waring
Mrs. Jones. Gladys E. Packer
John Owen. Kenneth O'Neil
Will Hughes. Terence Morgan
John Jones. Evelyn S. Packer
Boys. Bayle Crawford
Amelia Williams. Betty Joseph. Rosalind
Iron. Gladys E. Packer. John Owen.
Marcel Didi. Gwyneth Hughes. Kenneth
O'Neil. Richard Waring.

With only musicals and a couple of revivals successful on Broadway this season, it had begun to seem as if all the good new straight shows had gone into hiding. But the arrival of 'The Corn Is Green' last week adds real distinction to the Broadway season—at last, The Emlyn Williams drama ran and ran in London until the blitzkrieg blacked it out and now repeats its click in New York, stirring the first-nighters to a rousing ovation. It is a solid smash.

The play is a good credit for everyone involved. Basing his play on his own Welsh coal-mining background, actor-author Williams has written a sincere, meaty and skillful script. Herman Shumlin has given it a meritorious production and directed it sensitively and deftly. And the cast, headed by Ethel Barrymore, plays it with genuine feeling, perception and expressive simplicity.

The play is excellently constructed, with a mettlesome first act, a workmanlike second and an uplifting third. A few inferior moments

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ter, Mabel Box and George Washington Slept Here, Lyceum. Both played on the 'Sabbath debut,' but skipped last Sunday. Explanation given was that no tickets had been ordered and that there was confusion making exchanges on the day Monday. The Lyceum missed four successive Sundays for both shows, rated the best among the straight plays offered on the Sabbath, are now scheduled. Indicated that the producer of the duo, Sam H. Harris, was prevailed upon to give the Lyceum a week's respite, though the manager, officer, asserted that the first Sunday takings were slightly better than normal Monday nights.

It is assumed that some of the shows which are passing up Sundays at this time will be among those given when reaching a period of their runs where more money is needed to keep lighted. That was the principal argument presented to Equity which resulted in the actors' association dropping the double pay requirement which had stymied Sundays. Some name players, said to prefer resting on Sundays, are expected to work then if it means prolonging the engagement.

Drama in three acts presented at the
Hudson, N. Y., Nov. 27, '40, by Otis
Chaffin Hall. Written by Eleanor Cay-
rol Chilton and Philip Lewis; staged by
Helmrich Schnitzler; setting by Richard
Whorf; \$3.50 top.

Grace Linton.....	Norma Chambers
Andrew Linton.....	Frederick Brandle
Barbara Linton.....	Sylvia Weldon
Hugh Linton.....	Ralph Morgan
John Forbes.....	Walter Cox
Stella Berrick.....	Lora Baxter
Kenneth Brede.....	John Hoyasard
Blithemew.....	Harry Hamilton
Bliss.....	Margaret Clifford
Richard Dennis.....	Toin Powers

Divergent religious concepts and a mercy murder are not successfully distilled in this new play, whose characters are uninteresting and unattractive. In essence, 'Fledgling' is a trouble play ending in tragedy, a type of show with small chance to

'Follow the Furies,' the novel by Eleanor Carroll Chilton upon which the drama is based, may present some argument supporting contentions of characters who are supposed to be Godless, but in the stage version that is not at all convincing. Whatever edge there is on the religious and clearly goes to the church. Book, too, may supply a more logical, if bitter, reason for a daughter slaying her mother by placing lethal drops in the ailing woman's medicine.

In performance it seems cold-blooded. When the girl, Barbara Linton, later expresses horror at the thought of sleeping in the mother's bedroom, it hardly jibes with her precepts, for the Lintons are assertedly infidels. Side issue of the novelist father, Hugh, having carried on an affair with his woman publisher for 15 years, seems strange amid the compact little Linton home.

Grace, the mother, is first seen with her arm in a sling. In the second act she is a wheelchair case, permitted 10 minutes a day in the drawing room. Her condition is described as growing worse, an expanding paralysis that may possibly result in imbecility. Barbara puts liquid nicotine, used for rose culture, in her mother's prescription, resulting in quick death.

Richard Dennis, a Jesuit cousin, when summoned by the ailing

Hollywood, Dec. 3.
'Americana Preferred', a new musical, sponsored by the Hollywood Theatre Alliance, opens Christmas night at the Assistance League Playhouse.
Show was written by Arthur V. Jones and Dorcas Cochran, with music by Frank Churchill.

New York's most impressive musical event of the year, the opening of the Metropolitan Opera Co.'s annual season got under way Monday.

(2) with the first presentation since 1914 of Giuseppe Verdi's 'Un Ball in Maschera,' ('The Masked Ball'). From a boxoffice standpoint, from a scenic standpoint, from a social standpoint—in fact, from every standpoint but a vocal standpoint, the opening was a huge success.

Boxoffice receipts, with a \$10 top, ran over \$18,300, highest in Met history for an opening. Society was present from every page of the social register, and the new scenery and costumes designed for the occasion glittered with regal splendor, but since all good things must come to an end, the singers, generally supposed to be the most important part of the proceedings, fell down on their jobs.

Jussi Bjoerling, considered the best tenor possessed by the Met, was suffering from a severe cold. Much of his singing was forced and brittle, with top notes spreading, and his lovely lyric quality marred by a brassy tone. In none of his three principal arias did he click, and his singing was most disappointing in the famous quintet, "Escherzo od e follia."

Zinka Milanov was miscast as Amelia, singing with a ponderous tone, far too weighty for the part. The soprano's top 'C' in 'Ma dall' arido,' was more of a shriek than a pure tone. Both she and Bjorling redeemed themselves somewhat in the second act duet, 'Ah qual soave,' but lapsed again in the subsequent scenes.

Tibbett's Substitute

Much interest was prevalent concerning the debut of Alexander Sved, Hungarian baritone, secured by the Met to replace the indisposed Lawrence Tibbett. Sved exhibited a powerful voice, sans quality, and marred by an excessive vibrato. He received a terrific hand after singing the best known of the opera's arias, 'Eri tu,' but while he should prove an asset to the company, he hardly merits the advance notices he has received.

Kirstin Thorborg sang her one aria, 'Re dell' Abisso,' creditably without much life or feeling. The entire performance lacked legato, being spasmodic and jerky in presentation, and tending to bog down badly in spots.

Best of the singers was Stella Andrevia, returning to the Met after three years absence, to sing the Page. The coloratura sparked the entire action, and her presence alone lent life to a dull presentation. Her two arias, "Volta la terra" and "Sappi vorreste," had a sparkle and a lift to them that was lacking in the singing of the more important parts. Both Norman Gordon and Nicholas Moscona did well with their respective bits as Samuel and Tom, respectively, while Ettore Panizza struggled manfully with a dead orchestra and

Continued from page 4

not reflect upon normal tax rate deductions or excess profits writeoffs, will not be because fiscal year began in 1939. However, U is maintaining a realistic attitude on foreign business. Without attempting to revise its amortization tables for the present, the company currently is deducting \$10,000 weekly as special amortization reserve set up because of unsettled world markets. Originally, Universal deducted \$5,000 per week, then \$8,000, and more recently \$10,000, which weekly writeoff is retroactive to the start of the recently completed fiscal year.

Loew's, only last month revised its amortization table of film costs for the second time since the European war started, reallocating such costs in the ratio of 75% to the domestic and 25% to foreign distribution. Company has been considering some changes in its amortization schedule several weeks because thought deemed essential to reflect its earnings for the fiscal year ended Aug. 31 last. With this decision, Loew's will show amortization as being only 25% in the foreign distribution field for the fiscal year ending Sept. 30, 1939, and 75% applicable to all Metro films released after Sept. 1, 1939, start of new fiscal year.

Alex Yokel had plenty of headaches while preparing 'Horse Fever,' which recently opened at the Mansfield, N. Y. He planned playing the comedy away from Broadway before premiere, but the Shuberts, principal backers of 'Fever,' nixed the idea. On several occasions he was unable to attend rehearsals because of summons to Equity and the Dramatists Guild. Latter called the manager over disputes with two of the three authors.

Equity wanted to know why the show did not go outside the city for a tryout date, acting on complaint of an actor in the show, but Equity was clearly out of bounds in the matter.

Cast filed claims for rehearsal pay with Equity. Several players alleged contract irregularities, others that they did not receive full pay from the opening date.



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Yank Singers Always OK

Continued from page 1

days of the fabulous foreign vocal giants. American singers who had to pit themselves against the type of competition that then existed had to be good.

In those days there was no Sherwin-Williams' Met auditions of the air, sponsoring of inferior local or radio talent by impresarios to gain publicity. Singers were apparently too abundant and too great vocally for managers to be bothered with second raters, many of whom now clutter up the rosters of American opera companies.

It might be safe to say that some of the singers appearing today in leading roles at the Met and other opera companies throughout the country, could not have sung in the chorus of the same house 50 years ago.

Vocal standards have declined so greatly since the world war. I, it perhaps will be better to confine this memorandum to the 70-year period prior to that time, ending with the death of the war-time male singer of the 20th century, Enrico Caruso, in 1921.

Patit An American?

In listing the various American singers of the past, certain artists will be omitted and certain others brought in as Americans, although some of the first named were born here, and others in the second class did not arrive until infancy. It would be manifestly unfair to include Alfred Picaver as an American singer for example, as he left these shores at an early age and his entire career from 1907 to date has been spent in Europe. On the other hand it would be just as unfair to exclude Adelina Patit from the ranks of American singers, since considerable doubt exists as to whether this singer was born here or in Italy. Some records show New Orleans as the birthplace of the prima donna, others Italy. Certainly it is true that if she was born in Italy, she arrived here no older than two years of age, made her first public appearance at seven and her official N. Y. debut in "Lucia di Lammermoor" in 1859 at the Academy of Music at 18. Patit most certainly was an American. Others in the same category are thus included.

(The first opera to be produced in the U. S. was "The Beggar's Opera," performed by a company of English singers in 1750 in N. Y. and for 75 years thereafter, all opera given in the 13 colonies were in English, Italian opera not making an appearance until 1825.)

First American singer to appear before the public here apparently was Charlotte Cushman, who made her historic debut in 1835, as the Countess in "Le Nozze di Figaro," in an English company presentation in Boston. In this same period came several others, well known in their day, but just unknown names to the present generation, their fame already covered by the eons of dust of time. Among these were Julia Wheatley, whose debut occurred also in 1835 in Rossini's "Edoardo e Cristina," Eliza Biscacianti, whose debut was in 1847 as Adina in "Sonnambula" at the Astor Place Opera House, N. Y. Juliana May, Lucy Estcott, Adelaide Phillips, Matilde Phillips, Elise Hensler, Cora de Wilhoist, Isabella Hinckley, Jennie Van Zandt, Genevieve Ware, Virginia Whiting, Kate Duckworth, and Carolina Richings. Many others less famous in their day made debuts, but apparently from available records, failed to gain much of a foothold.

Early Recognition

Then for the first time a great American prima donna appeared. This was Clara Louise Kellogg, born in South Carolina in July, 1842. Miss Kellogg's debut was as Gilda in "Rigoletto" in 1861 in N. Y. The soprano created the role of Marguerite in Faust for the U. S. appearing in the role in 1863 in N. Y. To the end of her career in 1887 she continued to rank with the topnotch stars of the day, being one of the few real rivals that Patit encountered. Throughout Europe she was recognized as a great songstress. Her death occurred in 1916.

Annie Louise Cary, America's first great mezzo soprano, was born in Maine, in 1842 and sang first in Copenhagen in 1867 as Azucena in "Trovatore." Her most notable achievement was the creation for America of Amneris in Verdi's "Aida" in its first performance in the U. S. in 1873 with Campanini as Radames and Maurel as Amonasro. Anton Rubenstein who attended one of her concerts is declared to have stated

that Miss Cary's voice 'is the most beautiful voice I have heard in the whole world.'

Two tenors of this period, Charles Adams and William Candidus, had varied careers with the first named having a repertoire of some 40 operas, and one of the first to introduce Wagner to the U. S. The year 1885 saw his farewell to opera, when he sang in "Tannhauser" under the baton of Dr. Leopold Damrosch, father of Walter, in 1900 at the age of 66, he died. Candidus' career was mostly in Europe, he having been born in Philadelphia. He was a dramatic tenor, whose forte lay in the German roles.

Minnie Hauk, one of America's foremost singers, was born in N. Y. in 1852. She was considered the greatest Carmen of her time and created the role of Juliet in Gounod's "Romeo et Juliet" for America at the age of 15, already a veteran of a year's public appearances. Miss Hauk became internationally famous within a short time, appearing in the company of Mario, Christina Nilsson, Patti, etc., and more than holding her own against her contemporaries. She created Carmen for the Americans in 1878. Her repertoire was large, her dramatic ability standout, and her temperament as violent as that of any Italian singer. Her only appearances at the Met occurred in 1890-91 when she sang in "Carmen" and "Africana" at the close of her career, even though in full possession of her voice, and barely 40 years of age. Death did not occur until 1928.

Great Versatility

Emma Juch is the first of our American singers to have been born abroad. She was born in Vienna in 1863 but arrived here in 1865. The soprano's debut was in 1881 as Filina in "Mignon" in London. She, like her contemporaries, sang everything from dramatic to coloratura roles with no difficulty. Her voice was recorded in 1904 by Victor, she being the first of the singers in this list to have left a permanent impression in available wax. Others were recorded in the late 1880's and 1890's but recordings are not available.

Patti sang everything from "Carmen" to "Lucia," and her figure of \$5,000 plus per performance would equal \$10,000 and up today. It is unfortunate that the only available records of her voice were recorded in 1906 when she was already 63 years of age, but even then the smoothness of line and ease of singing, as well as the matchless trill still confound present-day vocalists, 40 years her junior. Patti's death was in 1919.

Other first-rate American singers in the 1870-1880 period were Helene Hastreiter, Maria Litta, Julia Gaylord, Josephine York, Fredrick Packard, Louise Dotti, Kate Rolla, Laura Harris-Zagury, Lellie Lauri, and Marie Engel.

The next of the standout singers was Emma Abbott, born in 1850 in Chicago, and making her operatic debut in 1877 in "Daughter of the Regiment." Miss Abbott like her contemporaries sang virtually everything, but her career was cut short at its zenith as the result of pneumonia contracted in Salt Lake City in 1891. Among some of the others whose careers were scattered throughout this period were Harriett Holman, Annie Montague, Charlotte Walker, Kate Bensberg, Helen Campbell, Jessie Bartlett Davis, Clara Poole, Laura Moore, Bertha Pierson, Pauline L'Allemand, Lizzie Macnicol, and Amanda Fabris.

It is fitting to note at this point that American singers, for reasons of snobbery and politics, have always found it advisable to Italianize their names, occasionally. The practice has continued to this day, although of late, with opportunities for appearances abroad less and less, most Americans have kept their home-town names. Some of the better-known ones of the present day are Riccardo Martin (Richard Martin), Lillian Nordica (Lillian Norton), Edoardo di Giovanni (Edward Johnson), Carlo Hackett (Charles Hackett), Richard Bonelli (Richard Bonn), Franca Somigli (Marion Clarke), etc.

Early Yanks at Met

The Metropolitan Opera Co. erected its house and opened its doors in 1883. First American to sing at America's operatic citadel was Alvinia Valleria, who appeared in the Met's first presentations of "Trovatore," "Mignon," and "Carmen." The singer was born in Baltimore in 1848,

making her debut at 19 in "Lind di Chamounix." She was a lyric coloratura, and vied for favoritism with such international favorites as Campanini, Del Puente, Kaschman, Trebelli, Nilsson, Scialchi, Copaul, etc. Miss Valleria retired in 1886, dying at Nice in 1925.

Zelie De Lussan is Brooklyn's first great entry to the hall of fame, having been born there in 1863. She probably sang in "Carmen" more often than any other. At any time, and as ranked among the greatest ever heard here in the role. Incidentally, Jean De Reszke sang his first Don Jose opposite De Lussan. The singer recorded for Victor in 1903, and her records have seldom been matched for brilliance. (Miss De Lussan was equally great in other roles, and from 1885, the year of her debut, to 1910, when she retired, she continued among the top-notch vocalists of her period. She still living.)

Emma Albani, who introduced Desdemona Verdi's "Otello" to America, considered by the English to be the greatest dramatic soprano of her generation. Born in 1852 the soprano, another of those miracles with a three-octave range and limpid flexibility, sang everything from contralto to coloratura roles with the same effortless ease. For 14 years from her debut at Covent Garden, London, in 1872 to 1886, she was tops in Londoners. Her farewell was as "Huguenots" in 1896. She died in 1930.

The first of our singers to be active as short a time as a quarter of a century ago, was Lillian Nordica, or Norton, born in Maine in 1857. The American soprano's career stretched from the continents of the world from 1877 to the year of her death in 1914, at which time she was still singing as well as ever, as her Columbia recordings prove. Miss Nordica was one of the hardest working singers ever to appear before the public, being satisfied with nothing but perfection, and working days on a single phrase until it satisfied her. She also would sing coloratura roles, and night and Wagnerian the next. Nordica joined the Met in 1890 after a sensational career abroad and was the isle in the first Wagnerian performance of Tristan ever given in the U. S. to be sung in German.

Following this period the more modern and better known Americans begin to appear. The following singers of merit were known from 1895 to 1920:

Emma Eames, Marie Van Zandt, Frances Saville, Edvyn Walker, Marion West, Suzanne Strug, the same Adams, Susie Abbott, David Bispham, Louise Homer, Olive Fremstad, Maurice and Herman Devries, Robert Blass, Putnam Griswold, Clarence Whitehill, Allen Hinckley, Basil Ruysdaal, William Hinshaw, Thomas Chambers, Reinhold Wernherath, Henri Scott, Arthur Middleton, Edward Lankow, William Gustafson, Louis D'Angelo, Geroldine Farrar, Mary Garden, Riccardo Martin, Paul Althaus, Orville Harold, Charles Hackett, Marie Chamlee, Lambert Murphy, Rafael Diaz, George Meader, Ralph Errolle, George Hamont, Francis MacLennan, Forrest LaMont, Charles Marshall, Herbert Witherspoon, Eleonora de Cisneros, Florence Wickham, Alice Gentile, Kathleen Howard, Marion Telva, Jeane Gordon, Sophie Braslau, Cyrena Van Gordon, Josephine Jacoby, Zoe Fulton, Jeska Schwartz, Henrietta Wakefield, Sybil Sanderson, Maude Fay, Marcelle Carter, Mrs. Charles Cahier, Lucille Marcel, Minnie Saltzman-Stevens, Marcia Van Dresser, Felice Lynne, Edith de Lys, Pauline Donald, Harriet Henders, Yvonne de Treville, Alice Nielsen, Luisa Villani, Marie Rappold, Louise Edvina, Bernice Di Pasquale, Mabel Garrison, Edith Mason, Frances Peralt, Queensa Mario, Florence Macbeth, Jane Osborn, Hannah Lucy Gates, Lillian Blauvelt, Alma Gluck, Anna Filiz, Anne Case, May Peterson, Florence Easton, and Rosa Ponselle.

Tibbett

Continued from page 1

an audience as he can get for his 'comeback.'

Tibbett became vocally ill in May, after a terrific concert and opera season and was warned by his physicians not to sing for months. He was reported to be able to sing vowels the same as ever, but was having difficulty with consonants. Tibbett has been a member of the Met since 1923, and is 44 years old. He is generally considered the greatest male singer America has produced in this century.

3d Annual 'Financial Follies'

Attended by nearly 1,000 financiers, government officials, industrialists, film and radio executives, including Wendell L. Willkie, the third annual "Financial Follies" of the N. Y. Financial Writers' Assn. as usual packed the Astor hotel main ballroom last Friday (29) night. List of guests read like a Who's Who in the American business world, attendance topping any previous year's show.

Lampooning of Wall Street and the nation's politico leaders was done in a series of skits and musical farces, enacted by members of the Financial Writers' association. Whole show was staged and directed by George E. Price, ex-musical comedy and vaudeville headliner, now a stock broker. He also put on the previous two annual shows, and he's now a fixture as producer of the "Financial Follies." Burton Crane, ex-Vauxhall mugg in Japan, now with the N. Y. Times, was stage manager. Lyrics and sketches were by association members.

As last year, one of the funnier satires was by Wally Winnill (Gilbert Busch) as news gossip, aided by the commercial spelling of announcer George Wanders. "Calling All Partners," takeoff on "calling all cars," was a dig at the surplus of partners in brokerage houses present, with Tom Wright and Edward J. Condon delivering the punch line like wet trousers, which they are not. "Cobina and Brenda" offstage voices were by William Orcutt and Thomas J. A. Keller. Election polls were lambasted for laughs in "Let's Take a Poll" while the football game finale was dubbed a resume of the Nov. 5 (election) contest, bringing in almost the full association membership. Mayor F. H. LaGuardia, Steve Early, Secretary Perkins and Flynn came in for ribbing in the latter.

Among the guests best known to show business were Stanton Griffis, Bertrand H. Snell, Bruce Barton, Kent Cooper, Marriner S. Eccles, Floyd B. Odium, Gene Tunney, C. V. Whitney, Niles Trammell, T. J. Mullen, E. V. Rickenbacker, Paul G. Arnett, Carl Byoir, Robert H. Christensen, William Freiday, George B. Wellbaum, Robert Lehman, Ogden Reid, John H. Whitney and Eugene R. Black.

Price had hopes of making the "Financial Follies" a commercial revue, with refurbishing. It needs plenty more to hit that groove.

Speck May Square Turk Beef

Possible rescinding of the police order to Hugo Speck, United Press and Associated Press correspondent in Istanbul, Turkey, that he leave the country by this week, was indicated by the UP office in New York yesterday (Tuesday). Speck, in communication with his home office, suggested the possibility that he might be able to adjust the matter.

Speck, along with Betty Hodgson, also an American, a correspondent in Istanbul for the London News-Chronicle, were ordered last week to leave Turkey within seven days due to articles they had written which the Turkish government considered objectionable. In the event that Speck was unable to adjust the situation, it was indicated he would go possibly to Bulgaria, or one of the other countries adjacent to Turkey.

N. Y. Trib's \$100,000 Liber Suit

The N. Y. Herald Tribune filed a \$100,000 suit in N. Y. federal court Monday (2) against Otis & Co. dealers in investments and securities, seeking damages for alleged infringement of its editorial masthead and an editorial.

The defendant is accused of having reproduced the masthead of the Sept. 7 issue with the editorial called "Saying It With Smeas," and mailed it to numerous people.

Vreeland's New Idea

First four Hollywood pictures to be coerced into the play for amateur theatre use under a new setup established by Frank Vreeland came off the press last week. They are "Joy of Living" and "She's Got Everything," both RKO, and "June 13" and "Easy Living," both Paramount. Scheduled to roll shortly are "Think Fast, Mr. Moto" (20th) and "The Young in Heart" (Selznick). Dramatizations were prepared by Vreeland, associate producer for films and legit in various capacities over a long number of years. They are published by Longmans Green & Co. N. Y., which has established for the purpose a new department tabbed "Longmans Four Star Hollywood

Literati

Plays. Future dramatizations all will be under supervision of Vreeland, although he may not do them himself.

Copies of the dramatizations sell for 75c and royalty charge for producing them is a flat \$25 per performance. Film studios, author, Vreeland and the publishers share the proceeds. Original screen stories are being used for conversion to plays as far as possible, although novels and short stories made into pictures also may be used later.

Start of the new scheme by Vreeland and Longmans has caused a scurrying around by opposition publishers to duplicate it. Samuel French, leading pubs, in making available plays for amateurs, is attempting to line up pictures now, although Vreeland has succeeded in getting exclusive deals with several studios.

Boswellian Virility (?)

U. S. travelers to South America, anxious to lay hands on a paper they can read, never fail to get a surprise or a laugh out of the headlines in the Buenos Aires Herald, largest English-language daily in the southern hemisphere. With a big British population to cater to, daily's tendency leans toward what it thinks is typical American slang.

Topper recently was "Wop Rodeo" on a story of a roundup of Italians in Britain. "Costly Fluff" captioned a page one yarn about a fur show. "Imperial Virility" told of the sinking of an Italian ship. "Nazis Drop in for Tea" was about a Nazi parachutist landing in England. Instance of what the copydesk thinks is U. S. slang was "Nazis Do Dirty on Franco."

Vote Guild Bargaining Agent

Editorial department workers of the St. Louis Globe-Democrat, only a.m. rag in the burg, has voted 52 to 46 to have the American Newspaper Guild as their bargaining agent in relations with the management of the paper. There were 102 votes cast of an eligible 105.

In an NLRB election May 19, 1939, the Guild failed to win a majority, the election resulting in a tie, 34 to 34.

Misses 1st Edition in 101 Years

A printer's strike forced the 101-year-old Memphis Commercial Appeal to make its first edition since the Civil War.

Printers walked last Tuesday night (28) after failure to agree with management over shift in composing room setup eliminating several jobs. Early editions of paper failed to hit the streets.

International Typographical Union headquarters at Indianapolis, declared strike illegal because of no contract violation and improper election, ordered strikers back to machines. At first voting against resumption of work, typos finally decided to return under protest, disputed point to be submitted to Federal Judge John D. Martin for settlement.

Men were back at work by 2 a.m. Reduced 16-page sheet finally came off around 4. Late paper trucked to all distant points missed by strikers.

Printers had only recently signed a new contract with slight wage improvement after arbitration proceedings by Judge Martin.

LITERATI OBITS

Herbert S. Saxton, 61, former business manager of the Canton, (O.) Repository, founded by his grandfather, and onetime business manager for the Akron Beacon and Republican, died Nov. 15.

Wayne G. Lee, 60, news editor of the Defiance (O.) Crescent News from 1900 to 1907, and former managing director of the Dayton Chamber of Commerce until ill health forced his retirement a year ago, died Nov. 12.

A. P. Mahns, 70, retired Wakarusa, O. newspaper publisher, died Nov. 12.

John T. Millar, 53, bureau chief of Associated Press in New Haven, and veteran of 20 years with the organization, died at his home in that city Nov. 28 after a short illness.

Owen A. Gchner, 61, former night editor of the Journal of Commerce and financial editor of the old Philadelphia Public Ledger, died at his home in Mahwah, N. J., Nov. 27.

Joel H. Bixby, 51, general manager and editor of the Springfield (Mo.) Newspapers, Inc., died Dec. 1 in that city.

Broadway

Errol Flynn due east this week.

Edmund Gwenn back from the Coast.

Dorothy Kay back at the Beachcomber.

Fred Astaire is taking it easy, at Alken, S. C.

Fred Spooner bought 60-acre farm in Massachusetts.

Monte Prosser out of Medical Arts hosp after a checkup.

Harry Essex company manager of 'Twelfth Night' (St. James).

Max Hart out of hospital, but must re-enter for second step operation.

Myer Zentner, manager of St. James, abed, but ailment not diagnosed.

Earl Larimore illustrating works of Irish stories by Charles O'Brien Kennedy.

Barney Balaban, hosting party of eight, attended the Army-Navy football tussle.

Dorothy Peterson, in from Hollywood, negotiating for a role in forthcoming lighter.

Elaborate signs outside new Bond clothes shop, which was the International Casino.

Santos-Artigas winter circus opened last week in Havana, with Fred Bradina in charge.

Harry Goldstein, Grand Bros., returned to his desk Monday (2) from his honeymoon.

Dorothy Kilgallen has sold a novellette to Cosmopolitan about a fictitious New York night club.

Munro Brown, legit player, leaves for Coast tomorrow (Thursday) on negotiations for screen part.

Laurence Olivier reported returning to England, but duty, after several erroneous predictions.

Harry Nemes, Arthur Wright, Richard Moon and Clarence Jacobson are in the 51st St. boxoffice.

C. L. Connelley due back the middle of the month after a lengthy tour of Paramount theatre territory.

Willie Harris switched from Empire boxoffice to be treasurer of the National (The Corn Is Green).

Marvin Schenck trained to the Coast Friday (20) for a week of confabbing with Metro studio execs.

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tion head, Henry Henigson, to New York last week was a matter of a couple hours after a storm forced his plane down and delayed him about a day.

Mary McCall, Jr., Metro writer, and her husband, Dwight Franklin, of the Metro research staff, left for the Coast last week after a short visit east. Franklin understood negotiating for a post with a N. Y. museum.

Angela Enters' annual exhibition of paintings opens Monday (9) at Newhouse galleries. This year's show features scenes from the Ringling-Barnum-Bailey circuses, with which she traveled for a couple of weeks last season.

A fire in the sub-basement of the Paramount hotel, early Sunday morning (1) destroyed number of instruments and costumes of Billy Rose's Diamond Horseshoe, niterly quartered in the hostelry. Firemen quickly put out the blaze.

Agnes Mengel, purchasing executive of the show dogs at its home office, has a broken finger as a result of a taxi accident, her second within the month. Previously she was Althy Reichenbach, secretary of Barney Balaban, were both injured in a taxi crash.

Beside his band managing Joe Glaser is an ardent breeder and exporter of show dogs. He owns some 25 Boston bull terriers and Pekingeses contenders, among them a rare pair of white Pekes. One of his toy Boston took three first prizes in a week's period late last month, getting best of breed designation at shows at Harrisburg, Pa., Philadelphia and Camden, N. J.

St. Louis

By Sam X. Hurst

Dick Barrie and band opened stand in Club Continental, Hotel Jefferson, Friday (29).

Romo Vincent is being featured with George Hamilton's band at the Chase Club, west end niterly.

Harry G. Arnold, operator of Arnold's Beach, amusement resort in St. Louis county, died at Point Loma, Cal. He was 72.

Rudolph Ganz, pianist, composer and former conductor of the St. Louis symphony, will conduct classes at Webster College in St. Louis county. Members of the Zoological Board of Charities offer the Ringling circus to hire the chimpanzee dog act for six weeks next spring.

Sonia Henie and her 1941 'Hollywood Ice' skedded for a five-night stand at the Arena starting Tuesday (10). It will be third visit to this burg.

The New York Theatre Guild will produce 'Battle of Angels,' written by Thomas Lanier Williams, localite. Williams writes under the name of Tennessee Williams.

Spyros P. Skouras addressed 150 persons of Greek descent here in connection with the new law to raise \$10,000,000 to aid Greece. The St. Louis quota is \$436,000.

Lucius Beebe, New York Herald-Tribune columnist and railroad enthusiast, participated in the dedication ceremonies of the \$35,000 control tower in the Union Station yards.

William Berberich, owner of the Meadowbrook Club, summer niterly in St. Louis county, will build a \$650,000 hotel in Jefferson City, Mo. It will be the third in his chain in Missouri.

Bill Corum, sports columnist for Hearst, will be the principal orator at joint St. Louis dinner of Kemper Military School and the Boonville Mo., High School, Thursday (5). Corum is a former Boonville resident.

Elliot Nugent, Julie Stevens, Nat Briggs, Leon Ames, Elizabeth Love and Ivan Simpson of 'The Male Animal' cast were guests of honor at a luncheon tossed by the Players of St. Louis. Miss Stevens and Briggs are localites.

Memphis

By Harry Martin

Doris Bowdon building a home here for her mother.

Allan Jones and Irene Hervey here briefly at the Elms.

Bob Millard orch set to trail Eddy Rogers at Claridge Friday (6).

Talbot Pearson flew back from National Theatre Conference in New York.

Howard Waugh and spouse to New York for Warner zone manager conference.

M. A. Lightman in from Paramount, partner huddles at studio in Hollywood.

Mischa Auer in for visit with Bandleader Henry King at Peabody hotel. Here five days.

Black Hills Passion Play doing nicely for its own sponsorship of The Commercial Appeal.

Civic Theatre doing 'Cradle Song' next week. Little Theatre follows week after with 'What a Life.'

Bob Crump wearing shirt loud as his own at luncheon in producer's honor.

Oscar Nordstrom and Virgil Quadri of Chicago here for premeing of new Balinese Room at Claridge hotel. Nordstrom designed, Quadri

muralled.

Paris

(Via Madrid)

By Joseph D. Ravetto

Louvre Museum again open to art lovers.

Famed French cyclist Roger Lapie retired.

Newspaper Mot d'Ordre suspended for eight days.

Thirteen new subway stations opened in Paris.

Ration cards required in Paris restaurants.

French newsmen being shown for first time since June 1939.

Actor Andre Brule married to Madeleine Lely at Coreno.

Steeplechase racing at Auteuil bringing back fond memories.

Book, 'The Boys', required in Paris shops.

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sked to exhibs. Were guests of local boss, Louis Goldstein.

Director Francisco Mujica announces he's to make 'El Mejor Paga del Mundo' ('The Best Father in the World'), based on an original by Sixto Foulad Rios and Carlos Oliveri.

June Marlowe, only U. S.-born actress to reach top rank in Argentine films, anticipating. Her husband, Tito Davison, Chilean-born, is a local director. She's with Lumiton Studios.

Top local cast, headed by Tito Lusiardo, Palitos, Amelia Bence, Paquita Vehil and Felisa Mary announced for new high-budget feature, 'Novios Para Los Muchachos' ('Fiances for the Boys').

Mutual Aid Society of the film industry (Association Mutual Cinematografica) reading new collective insurance scheme, opening a new committee to run official movie.

Argentine Association of Composers celebrated silver anniversary with special concert. Constantino Gallo, president of the organization, announced total of 194 events bringing many leading foreign artists here.

Argentina Film plans 'Pajaros Sin Nido' ('Birds Without Nests') to be distributed under new setup with La Sudamericana. Juve Roberto Escalada and tango cantor, Elena Locandini, head cast, which includes Nini Gaudin.

Led by local press, actors, directors and technical men—plus a goodly number of exhibs—an asado criollo (Argentine barbecue) was tossed for Olegario F. Ferrando, director-proprietor of Pampa Films, one of the Big Five producers here. Held in studios at suburban Martinez.

Pittsburgh

By Hal Cohen

Maynard Deane couldn't stand the kidding, so his new mustache is no more.

Tony Conforti one of the first in the field at the start of deer-hunting season.

It's a gal at the Ellwood Kanphans. Mother's former Thelma Pyle, concert singer.

Patty Dixon, Billy Hinds' new vocalist, wife of Doc Dixon, of KDKA staff.

'New Pins and Needles' will re-light Nixon Monday (9) after three-week shutdown.

The John Harries went to New York and brought the Joe E. Brown back with them.

Joe Belford, manager of Roseland Ballroom in New York, in town for a couple of days.

OBITUARIES

FRANK TINNEY

Frank Tinney, 62, died in the U. S. Veterans' Hospital, Northport, L. I., Thursday (28). Comedian had been away from the stage 14 years through illness. Details in the legit section.

CHARLES RICHMAN

Charles Richman, 70, stage and screen actor whose stirring performance as the wealthy husband in George Broadhurst's "Bought and Paid For" nearly 30 years ago more or less typed him for banker, broker and big business men roles in later years, died Dec. 1 at a nursing institution in the Bronx, N. Y., where he had been ill for several weeks. Rich in theatre tradition, he was a native Chicagoan and eschewed a law career for an opportunity to act with an amateur dramatic company. His talent won him a role in a Broadway meller, "Hands Across the Sea." After appearing as the lead in "Margaret Fleming" at Miner's Fifth Avenue theatre, N. Y., in 1894, his first big part, he was cast for a season with Lily Langtry as her leading man.

Later, he starred for four years with the old Augustin Daly company both in New York and London. After Daly died in 1899, Richman joined Charles Frohman's organization, and as his first assignment with Frohman replaced William Faversham as leading man in the Empire Stock Co. in December, 1900. Richman also appeared in David Belasco's "Rose of the Rancho," Oscar Wilde's "The Importance of Being Earnest," "Hands Across the Sea," and "The Importance of Being Earnest," and as several years, was Annie Russell's leading man. In recent years he won much critical acclaim for his performances in "Strictly Dishonorable," 1930; with Ina Claire in "Biography," 1932; and the Theatre Guild's "And Stars Remain," in 1936, his last Broadway legitimate role.

Richman entered pictures six years ago and worked for practically all the major studios. Among his many films were "Par's His Double Life," Metro's "After Office Hours," Warner's "Dark Victory," "Emile Zola," and "Torchy Turns for Mayor."

He leaves his widow, Jane; a son, Grey Richman of Forest Hills, N. Y., and a daughter, Jane Grey Richman of Hollywood. Funeral services held yesterday (Tuesday) in New York.

ARTHUR J. KELLAR

Arthur J. Kellar, 58, husband of Nellie Revell, died Monday (2) at the Memorial hospital, Newton, N. J., near his home in Branchville. He had been doing magazine writing for several years, but previously was among the top press agents and company managers on Broadway.

Kellar started as a newspaperman in Scranton, Pa., where he met Peter Tooney and Tom Kane. First show job was with the Shuberts as a press agent. He then handled Arthur Hopkins attractions, was general manager for George Broadhurst and then headed the press department of Charles B. Dillingham, being publicist for Fred Stone shows for a considerable period. For a time he was also on the staff of the American, N. Y. In addition to Miss Revell, who was at his bedside, he is survived by a mother and sister.

'JOLLY IRENE'

'Jolly Irene,' 60, long a noted stage show and circus act lady who retired due to illness some five years ago, died Nov. 27 at her home in Brooklyn from a heart ailment. While on tour she tipped the scales at 650 pounds, but shortly before her death weighed 500.

Privately, 'Jolly Irene' was Mrs. Amanda Siebert. She won her sobriquet from her happy disposition and pleasant way of bantering with the thousands who ogled her. Born in Jersey City, she had appeared with the Ringling Bros. Circus, various vaudeville circuits and Coney Island sidestages.

Her husband, who survives, met 'Jolly Irene' when traveling with her as a lecturer. A daughter, Mrs. Mary Florio, two grandchildren and one great-grandchild also survive.

CLARENCE W. STOWELL

Clarence W. Stowell, 62, who without previous acting experience had a leading part in the March of Time's first full-length feature, "The Ramparts We Watch," died Nov. 28 at the Paterson General hospital, Paterson, N. J., after a brief illness. A lecturer and sales executive by occupation, he was seen in "Ram-

parts" as the Hon. John Lawton, a congressman. Since 1916 he was a resident of Ridgewood, N. J., and in a personal appearance in a local theatre there shortly before his death he commented: 'I am nearing the end of the trail.' The following day he was taken ill and never recovered.

Surviving are his widow, Helen; five sons and a daughter.

DICK ANDERSON

Dick Anderson, 53, in the RKO-Pathe newsreel distribution department since February, 1939, died at his home in New York, Nov. 28, after an illness of several months.

An industry veteran, Anderson served as a booker, branch manager and district manager, then sales manager of the old International newsreel, later he headed Universal's newsreel and at one time was with Pathe News. At the time of his death, Anderson was concerned with physical distribution of RKO-Pathe News and worked in conjunction with Short Subjects Sales Manager Harry Michelson and Sid Kramer, manager of the print and negative department.

Leaves widow, Ruth.

JAMES HOTCHKISS ROGERS

James Hotchkiss Rogers, 83, composer, pianist, organist, music critic and member of ASCAP, died Nov. 28 at his home in Altadena, Cal. Before his retirement to California eight years ago he had served as organist and musical director of the Euclid Avenue Temple, Cleveland, for 50 years and music critic of The Cleveland Plain Dealer for 17 years.

Among Rogers' 300 compositions were many anthems sung in synagogues throughout America and also an entire service for the Jewish New Year. "The Star," "At Parting," "A Prayer," "The Man of Nazareth" and "The New Life" are among his better-known works. Widow, son and daughter survive.

VIRGINIA KNIGHT LOGAN

Virginia Knight Logan, 92, mother of the late Frederic Knight Logan, composer of the "Missouri Waltz," and many other widely known compositions which gained for him the title, "Waltz King of America," and herself a widely known coloratura soprano in opera and concert and a composer of song lyrics, died at her home in Oskaloosa, Ia., Nov. 27. She had been an invalid since a fall nearly two years ago.

EMILIO PIZZI

Emilio Pizzi, Italian operatic composer and musical director, died Nov. 28 in Milan, Italy. He wrote several prize-winning operas, including the four-act "Guglielmo Ratcliff," produced in Bologna in 1889. In recent years Pizzi had been a guest of the Giuseppe Verdi home for aged musicians in Milan. He also composed the operas, "Lina," "Eddia," "Gabriella" and "Rosalia."

CLARK ALEXANDER

Clark Alexander, 33, sales manager of WNOB, died Nov. 26 in New Orleans following an operation. He was organizer of Milken's Matinee and had been connected with station for past 18 months. He was a master musician and before going into radio played with numerous name orchestras.

His home was in Pawhuska, Okla., where the body was sent for burial.

JACK LAMONT

John W. Reynolds, 70, veteran circusman under the name Jack Lamont, died in Jersey City Medical Center, Nov. 22 of cardiac asthma. Widow and brother, Eddie Reynolds, former trouper, also survive. Interment in Poughkeepsie Nov. 25.

MSGR. EDWARD F. LEONARD

Msgr. Edward F. Leonard, 70, pastor of St. Malachy's (Actors Church) in New York, died Nov. 25 at French hospital, N. Y., of heart disease after a year's illness.

Details in the Vaudeville section of this issue.

FRED WAGNER

Fred Wagner, 65, film salesman, died Nov. 28 in Veterans Hospital, Sausalito, Cal. For years he had been identified with picture distribution on the Coast.

Surviving are his widow and two sons in Salt Lake City.

WALTER E. ROBINSON

Walter E. Robinson, 60, who appeared on the stage with the late Dan Dully, William Farnum in "The

Virginian," and others in the early 1900s, died Friday (29) at City hospital, St. Louis, from a heart attack.

GUSTAV KOEHLER

Gustav Koehler, 78, Toledo bandmaster died Nov. 16 after a long illness.

At one time he had nine musical organizations under his tutelage.

CLARENCE J. JACKSON

Clarence J. Jackson, 75, who toured in stock and tent companies for 45 years as Simon Legree in "Uncle Tom's Cabin," died at Franklin Ind., Nov. 14.

T. ARTHUR BAKER

T. Arthur Baker, 70, booking agent and onetime vaudeville singer, died in New York last week.

Mrs. Allison Ross Cuthbert, 76, mother of Margaret Cuthbert, director of women's and children's programs at NBC, died Nov. 28 in New York after a short illness. A descendant of Gen. Sam Houston, she had lived much of her life on the Canadian frontier, where her late husband was assistant commissioner of Royal Northwest Mounted Police.

John Lewis Day, 90, father of John Day, Paramount's general manager in South America, died last week in Melbourne, Fla. He formerly was v.p. of the Chicago Title & Trust Co.

Maurice Tipton, 35, radio singer, died suddenly of a heart attack, Nov. 8, at Metamora, O., leaving widow and a son.

Mrs. Angela Barry, mother of agent Jack Barry, died Saturday (30) of a heart ailment in Wilkes-Barre, Pa.

Mother, 75, of Harry Sugarman, former theatre manager, died Nov. 27 in Los Angeles.

John Olson, father of Mrs. Jimmy Durante, died Nov. 14 in Pasadena, Calif.

W. T. Dugan, with Dailey Brothers circus, died recently in a New Orleans hospital.

Father of Guy Trospier, screen writer, died Nov. 27 in Lander, Wyo.

MARRIAGES

Eleanor Miles to Al Hayward, in Toledo, Nov. 17. Bride is staff pianist and groom is staff engineer at WSPD, Toledo.

Harriet Clark to Charlie Barnett, in Miami, Nov. 27. He's the band leader; bride's his vocalist.

Doris Leak to Ezio Pinza, in Larchmont, N. Y., Nov. 28. He's the Metropolitan Opera basso.

Theresa Lewis to Hubbell Robinson, Jr., in New York, Dec. 4. Groom is head of Young & Rubicam's talent department; bride is freelance radio scriptist.

Patricia Sharkey to Dick Bray, in Cincinnati, Nov. 30. He's a sportscaster on WLW-WSAI, Cin.

Lucille Ball to Desi Arnaz, in Greenwich, Conn., Nov. 30. Bride's RKO contract actress; he's film, legit and vaude player.

BIRTHS

Mr. and Mrs. Roy Meadows, son, in Hollywood, Nov. 22. Father is sound technician at RKO.

Mr. and Mrs. Robert Golden, daughter, in Hollywood, Nov. 23. Father is film cutter.

Mr. and Mrs. Clarence Noyes, son, in Hollywood, Nov. 25. Father is head grip at Warner.

Mr. and Mrs. Sheridan Gibney, daughter, in Hollywood, Nov. 26. Father is screen writer.

Mr. and Mrs. Roy Ricotta, daughter, in Buffalo, Nov. 29. Mother is WHEN singer, known professionally as Gertrude Lutzi.

Mr. and Mrs. David Garrison Berger, daughter, in Brooklyn, N. Y., Nov. 30. Father's a show-biz attorney; mother's a former concert pianist under the name Sade Barger.

Mr. and Mrs. Larry Kent, son, in Mt. Vernon, N. Y., Nov. 28. Father is younger brother of Sidney R. Kent, president of 20th-Fox.

Mr. and Mrs. James Crow, son, Dec. 1, Hollywood. Father is Hollywood Citizen News film critic.

Mr. and Mrs. Pandro Berman, daughter, Dec. 2, in Hollywood. Father is Metro producer.

Chatter

Continued from page 61

flag-waving presentations in picture theatres. Managements are steering patrons away from war material as much as possible.

Biggest flesh-blood show on the air is presented by 3 A.R. Melbourne, with Paul Jacklin in charge. Tivoli acts, as well as local talent, are featured on weekly schedule.

No further tries to introduce betting with night trotting will be made in New South Wales until after the war. Needless to say, pic men are highly pleased with the betting fix.

Some major British bands would like to visit Australia and New Zealand to raise funds for the war effort. Only men exempt from military service would be permitted to make the trip.

Robert Donat aired a message from London via BBC telling of the people's heroism under Nazi raids. Donat's message was given a national relay by the Australian Broadcasting Commission.

George Schneevogt, Finnish conductor, is heading for New York after an extended visit with the Australian Broadcasting Commission. Eventually, Schneevogt hopes to reach his homeland.

Tries will be made to induce Richard Crooks and Lawrence Tibbett to re-visit here during next winter. Top concerters may come if the monetary problem can be solved. Both were socko hits on prior visits.

There's a possibility that advertising rates for pic announcements will be greatly increased by newspaper moguls with the commencement of '41. Newspaper has been upped tremendously in recent weeks owing to lack of transportation and the exchange problem.

Minneapolis

By Les Rees

Gene Austin dated for Hotel St. Paul. Twin City variety club holding turkey raffle this week.

LeRoy J. Miller, Universal branch manager, off to Chicago for sales meeting.

Charlie Reagan, Paramount western division sales manager, in town with R. C. Liebau, district manager. Jerry Johnson, head of the ad office checking department head, recovering from major operation at Mayo clinic.

W. H. Workman, back on job after illness, attended Jack Flynn convention in Detroit and Chicago sales conference.

Moe Levy and W. C. Gehring, S. R. Kent drive leader and 20th-Fox central division manager, here to wind up campaign.

Honolulu

By Mabel Thomas

Rouben Mamoulian getting tanned at Waikiki.

Sonja Chernus, of Warner's, now residing in Honolulu.

Noel Coward to Honolulu from Australia tour for rest.

Kay Francis at the Royal for 16 days, her second visit here.

Few tourists—that's the reason for poor nitery here generally.

Honey-mooning here were the Broderick Crawford's. She is Kay Griffiths; also of films.

Dan F. Greenhouse, RKO foreign rep from Manila, held over three days by Clipper delay.

Edwin Sawtelle, organist at the Waikiki theatre, celebrated with a party at his 1,000th broadcast for KOMB.

Kansas City

By John Quinn

John Schilling, of WHB, and wife in Miami on fortnight's vacation.

Lester Harding, m.c. of the Tower, resting up a week after a run of 32 weeks.

Lum and Abner guested by the DeMolay Legion of Honor at luncheon by the Kansas City club.

Spyros Skouras spending a day in town organizing the Greek relief campaign and talking shop with Elmer Rhoden, the Fox-Midwest chief.

Martin Finkelstein, of the M. B. Shenberg interest, looking over real estate here and chinning with Barney Joffe and Tom Drake at the Tower.

Madrid

Louis Chalais, M-G, in from Lisbon.

Italo-Spanish pic, 'Siege of Alcazar,' premiered at Avenida.

Gerard Hauser, head of the German Cinema Chamber, in from Germany.

John Lloyd, ex-Paris AP chief, in from Vichy to take over Madrid bureau.

Maurice English, Chicago Trib correspondent, back after a swing through the south, including Gibraltar.

Actual bullfight season over until

springtime, although crowds continue to pack Madrid arena every Sunday, notwithstanding appearance of relatively unknown matadors against uninspired bulls.

Spanish paintings seized by French during Napoleonic wars to be returned to Spain through agreement reached at Vichy between French and Spanish political figures (nationally pushed along with some German pressure).

New Haven

By Harold M. Bone

John Craven and his frau in town briefly.

Shubert gets a week of Dante's 'Sim' Sals' Dec. 9.

'Ice Capades of 1941' did healthy biz on week's stand at Arena.

Warner Bros. staff threw a get-together party at Seven Cables Inn.

New Westville 600-seater opened with special vaude-pie premiere.

Burt Shavelove directed Yale Dramat production of 'Merton of the Movies.'

They're talking of stretching Bijou Saturday vaude into two days weekly.

Premiere of 'Old Acquaintance' with Jane Cowl and Peggy Wood, due at Shubert Friday (6).

In for break-in of 'Delicate Story' at Shubert (28) were Theresa Helburn, Armine Marshall, Franklin P. Adams.

Miami Shows

Continued from page 1

revival; Sylvia Sydney and Luther Adler in vehicle yet to be selected, and Walter Hampden in 'A Successful Calamity.'

Gaither returns to New York this week to cast the supporting company.

Culture Hits Florida

Hollywood, Fla., Dec. 3.

Florida's donning a topper this season, with Hollywood Beach hotel here bringing in more than half-a-dozen big concert names for Sunday night recitals. Since the local hostelry draws guests largely from the New York area, manager Oscar T. Johnson, figures on catering to Carnegie Hall tastes.

Jan Peerce opens the series on Jan. 19, followed by Robert Vroval, Jan. 26; Jose Iturbi, Feb. 2; Helen Jepson, Feb. 9; Lawrence Tibbett, Feb. 16; Fray and Braggiotto, March 2, and Abram Chassins, accompanied by the University of Miami Symph., March 9. Linton Wells and W. L. White will debate on a subject not yet selected on Feb. 23.

Milton Douglas has been inked to m.c. hotel's Bamboo room show, with Eddie Oliver and orch providing tunes.

Carol Bruce

Continued from page 2

Sylvia, who in turn has forwarded the coin to the Fund. Money which is half the radio pay less commission has been remitted through Martin Spector, her attorney. After winning the Equity point, DeSylvia also stipulated that she must not appear in night club shows, on the ground that late hours required might affect her performance in 'Purchase.'

As the result of the extraneous showings the Lyons & Lyons agency and Louis Shurr were summoned by Equity to explain why they violated their permits in booking Miss Bruce at the Sert Room, Waldorf-Astoria, and the Bernie hour. Shurr, who figured in the hotel appearance, was virtually cleared. He stated that he had named Miss Bruce that permission from DeSylvia was necessary, but alleged that Spector advised her to take the job and settle with the manager later. Shurr added that his agency received no commission for the Waldorf date.

Sam Lyons, who handled the radio engagement, is still out of town. Music Corp. of America is also said to have been concerned with the other stint.

Ben Bernie may not after all take that date at Victor Hugo, Hollywood night spot, at the end of this month. Empson Drug Co. (Bromo Seltzer) has demurred against the exit of Carol Bruce from the program and the agency on the account, Ruthrauff & Ryan, stated Monday (2) that the question of Bernie going to the Coast was again unsettled.

MR. & MRS. LEO

They get Great News!

"PAPA, SEE WHAT
THEY'RE SAYING
ABOUT
'COMRADE X!'"



(Reprinted from the nationally syndicated column
JIMMIE FIDLER IN HOLLYWOOD)

HOLLYWOOD, Nov. 25.—I'm looking forward eagerly to "Comrade X," co-starring Clark Gable and Hedy Lamarr, remembering their appearance together in "Boom Town." Hedy had no lion's share of that picture, but her love scenes with Gable made the hair on the back of my neck bristle.

They should be the perfect appeal—if less acting ability—foils for each other. Both have should bring out the maximum sex appeal, and Hedy, in full of Clark's masculine magnetism. display of her charms, should be The ladies will be dreaming themselves into Lamarr's slip-

Gable needs beauty against pers in "Comrade X" and suffer- his brawn. He is best when con- ing (?) the embraces of Gable— quering a gorgeous creature. and the men, fancying them- Gable and Loy, Gable and Col- selves in Clark's shoes, will be bert — intriguing combinations. wooing Hedy! Lamarr, having more beauty and

"MAMA, WAIT
TILL YOU
READ THIS
WIRE ON
'FLIGHT
COMMAND!'"

TELEGRAM

CULVER CITY, CAL. PREVIEW OF
'FLIGHT COMMAND' SENSATIONAL.
ROBERT TAYLOR NEVER BETTER.
ALL SET FOR THE HEMISPHERIC
PREMIERE DEC. 17th, WASHINGTON,
HAVANA, MEXICO, TORONTO. TELL
THE WORLD THAT THE HELL CATS
OF AMERICA'S ARMADA OF THE
AIR ARE COMING IN THE BIGGEST
THRILL SHOW OF THE YEAR!

M-G-M



SCREEN

RADIO

MUSIC

STAGE

VARIETY

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CBS FORMING MEXICAN WEB

Gert Lawrence Expects to Do a Play For C. B. Cochran in London Next June

London, Nov. 20.

Editor, VARIETY: My first intimation that my letter to you about George Black's premiere had been published was a charming 10-page letter with photos from dear Gertrude Lawrence, England's most glamorous legitimate star. If there were more like her, what a job a producer's life would be. She has 'pull' too that girl; she's fixed the finishing date of the War because she says she is coming home in June and is going to play for me.

As a matter of fact, I believe she is right. I have a hunch that London theatres will be booming next June and I am working on three productions for the spring with as much enthusiasm and optimism as I've ever had when preparing for a new autumn season. They are an opera, a modern comedy, and a grand revival of a classic.

Remarkable thing—I've got a good musical show book. Aussi (that's French) I have written one myself—based on the life of Marie Lloyd.

The interesting thing about writing (Continued on page 23)

Ramirez's 'Clobber' Date

When Carlos Ramirez, Argentine tenor, was booked into La Martinique, N. Y., he apologized to owner Dario that a prior one-night booking would interrupt his stay at the nitery. 'It's a clobber date,' as you Americans call it.

'Clobber' date is the Philadelphia Opera company, with which Ramirez will sing the lead tomorrow night (Thursday) in 'Lucia di Lammermoor.'

THAT FLA. BOOM LOOKS McCOY THIS YEAR

Miami, Dec. 10. Barring a national crisis, the State of Florida and the Miami area particularly, will this year hit a seasonal jackpot eclipsing even the most optimistic advance ballyhoo. While every December season Florida suddenly discovers it's about to experience 'the biggest season in history,' this year it looks like the McCoy. (Continued on page 25)

PLUG BMI TUNES FOR PIX TO GET ON AIR

Hollywood, Dec. 10. Network execs and Harry Engel, Coast rep. of Broadcast Music, Inc., are making the studio rounds to sell the front offices on the advantages of incorporating at least one BMI tune in their filmscripts. First to fall in line is RKO, which will use BMI's 'Hang Out the Moon' as the title song of a picture.

It is patent to the studios that at least one BMI ditty on the networks at least assures them a direct plug by mentioning title of the picture from which the song is taken.

Hottest controversy—and hence the hottest story—in show business just now is the fight between ASCAP and the broadcasters. VARIETY, continuing its full coverage of this vital, complicated, many-sided issue, this week covers, among other aspects, the following:

—An 'If' Audit—Original with VARIETY—which estimates what proposed ASCAP terms would have meant, income-wise, if applied to 1939 and 1940 (page 31).

—The sale of E. B. Marks Catalog to BMI (page 41).

OFFERS PACT FOR SEPT., 1941

Herbert V. Akerberg Now in Mexico Doing Preliminary Organizational Work—Would Provide 50 Hours of Programs Weekly—If Commercial, It Collects 50%

GUATEMALA, TOO?

Mexico City, Dec. 10.

The Columbia Broadcasting System of the United States has offered various Mexican radio stations a five-year contract starting Sept. 1, 1941, and a number are reported to have already signed up. Herbert V. Akerberg, CBS stations relations vice president, is in this country at present, coming in from Guatemala and Nicaragua, where he also negotiated with radio stations on behalf of the American network. He has been accompanied in his calls upon broadcasters here by a Mexican who (Continued on page 37)

Dance Band Composed Of Composers; Switch On Songwriters' Acts

A brand new idea in bands, with every instrumentalist a hit song-writer, is in rehearsal in New York and starts touring Friday (13) under the tag of Hits, Inc. First date is at the Astor, Reading, Pa., for two days, with succeeding engagements still in the tentative stage under Johnny O'Connor's management. Virtually all are ASCAP writer-members.

Al Lewis and Larry Stock, who collaborated on 'Blueberry Hill,' and Al Hoffman, who wrote 'Fit As a Fiddle' and 'I Saw Stars,' among others, are credited with the idea of the band and are carrying through. All three are in the orchestra, Lewis strictly singing, while Hoffman will play a sax and Stock will be at a piano.

Other composer-musicians are (Continued on page 23)

Metro's 3 Music Firms Stay ASCAP; Offset to Marks' Breakaway to BMI

Typed

Hollywood, Dec. 10.

For years Tommy Jackson played flatfoot roles on the Broadway stage and in pictures. Now he is a real copper, investigating crime for Los Angeles' new district attorney.

CHAPLIN WILL BEARD NAZIS IN BRAZIL

Charlie Chaplin is going to Brazil and other pro-Nazi countries in South America where he feels his 'The Dictator' is getting unnecessary political pressure from Fascistic groups. The idea is to 'beard the lion in his den,' so to speak, says the comedian, who has been having jolly moments around Manhattan for the past few weeks and is slated for a Palm Beach stopover later this month, prior to the South American trek.

'I think I can do more here in America for England,' is Chaplin's answer also to reports he might go (Continued on page 54)

JOAN CRAWFORD MAY DO BROADWAY PLAY

Joan Crawford is a possibility for Broadway this season. Understood she has expressed liking 'Theatre,' by Somerset Maugham, which Guy Bolton is dramatizing. John Golden has the stage rights, and while Miss Crawford is committed for a Metro picture soon, stage production might be held back if the Coast star is available some time during the winter.

Laurel and Hardy are mentioned for 'The Follies,' which J. J. Shubert plans to present.

Loew's, Inc.-Metro's decision to renew their Robbins, Feist and Miller Music catalogs with the American Society of Composers, Authors and Publishers may prove the salvation of ASCAP. This, despite the serious setback to the Society through Edward B. Marks Music Corp.'s \$1,250,000 five-year deal just consummated with Broadcast Music, Inc., as was exclusively keynoted in last week's VARIETY. (Details of the Marks-broadcasters deal in the Music section.)

It's no Tin Pan Alley secret that disaffection by the Loew-Metro group of music firms could well prove the undoing of the 28-year-old American Society of Composers, Authors and Publishers, and it's for that reason that the decision to renew with ASCAP takes on extra value.

Special consideration is reported to have been given Loew-Metro by the Society to keep the Robbins, Feist and Miller catalogs in line. This is said to hinge on Loew's vast chain of theatres and its affiliated cinematic production interests. Details of this are belauded, but it's confirmed (Continued on page 42)

Adv. Brochure Plan To Raise Funds For Filming 'American Way'

Financing of the film version of 'The American Way'—if present efforts are successful—will be the most unusual of any picture in the history of the industry. Large national corporations are being offered advertising in a patriotic booklet woven around the picture, the coin they pay for the ads being credited as their financial investment in the film.

Harry M. Goetz, who with Max Gordon owns screen rights and has a release through RKO, is raising the money. He's had considerable success in obtaining subscriptions from some of the nation's largest firms, but still needs more to underwrite the cost. He figures that including production, advertising, publicity and cost of getting out the ad books, he'll need about \$1,800,000.

Concert Names' Bull Market on the Radio

Radio salaries of concert names have taken a tilt the past few weeks because of the circumstance that there are four weekly commercial programs bidding for their services. Three of these programs happen to fall the same day (Sunday) and on the same network (CBS). It's the first season since 1937 that this competitive situation has prevailed.

Sunday shows which use guest concert names are Coca-Cola, Liberty-Owens-Ford and Ford Motor Co. Fourth commercial is Westinghouse on NBC-red Thursday nights

Shipstads, Johnson Key Ice Shows' Big Profits; Split \$500,000 in 1939

Profit possibilities of ice rink revues is indicated by the 'Ice Follies,' which concludes a nine-day date at Madison Square Garden, New York tonight (11). Reported that Edwin H. and Roy Shipstads and Oscar F. Johnson, who operate and appear in the show, split up \$500,000 last season.

It was expected that the Garden opposition would materialize after 'It Happens on Ice' (Center), Radio City. Latter's takings were off slightly last week, but this may be accounted for by the seasonal dip after Thanksgiving. Reported that 'Follies' drew 15% less during its first six days at the Garden, but longer date is a cinch to show a goodly profit and has been accorded liberal attention in the sports sections of the N. Y. dailies.

Outfit is something of a family affair. Roy Shipstad being married to Bess Ehrhardt, while Evelyn Chandler is wed to Bruce Mages, who skates with her. Girls are the femme stars of 'Follies.'

Chaney Emulates Dad With Gruesome Makeup

Hollywood, Dec. 10.

Lon Chaney, Jr., follows his father's footsteps for the first time in his screen career, wearing gruesome makeup in 'Mysterious Dr. R.' at Universal.

Young Chaney plays the victim of a mad physician.

Covering ASCAP vs. Radio

—May force court test to determine lawful copyright ownership (page 29).

—The expected boom in phonograph records if ASCAP music is withdrawn from radio (page 3).

—The part NBC's Music Division plays in the legal defense and organizational morale side of ASCAP fight (page 30).

—Metro's music firms agree to renew with ASCAP (page 11).

—Chester La Roche of Young & Rubicam comments on ASCAP (page 29).

Vaude Cavalcade Pic

OSCAR STRAUS'
BMI FLOWERS

Straus is the Viennese composer who became a French citizen only two years ago and still proudly wears the ribbon of the Legion of Honor, reluctantly observes now, on his fifth return to America, that "perhaps I made the same mistake four times in the past; that is, I left the United States." With his wife, Clara, the more-than-70-year-

(Continued on page 53)

Tito Coral, Ellen Richter, Willy
Wolf, Cynda Glenn, Oscar Straus.

RECORDERS' BEST BREAK

Phonograph Records Hope for Boom If ASCAP Breaks With Radio Jan. 1

The recording companies are priming themselves for a hefty hop in record sales after Jan. 1, 1941. If the radio networks and the American Society of Authors, Composers and Publishers don't come to an agreement before then, records will be the best means the public will have for hearing established favorite tunes. And the latter type of melody, not the pop numbers, is what the record manufacturers expect to devote most of their time to.

Most of the tunes that have attained by long popularity a standard rating have been recorded many times over, but they'll be refurbished by new arrangements and recorded anew by the bands of the moment. Indication of the expectant boom in sales is the fact that Bing Crosby, one of Decca Records' best sellers, is at the moment cutting the greatest number of sides at one sitting he has ever made.

Singer is cutting 20 tunes during the current visit of Jack Kapp, Decca head, to the Coast. Filing that many for future release gives some insurance at least against getting caught short of stuff for regular issue. Crosby's sales quota of sides per sitting has been about six.

The expected push in sales, too, will probably result in sharpening the current battle between ASCAP publishers and radio-owned Broadcast Music. ASCAP is currently partially barred from the air, but after Jan. 1 will be barred entirely, leaving no outlet for its songs except records, the theatres, dancehalls and the comparatively few independent radio outlets that will sign ASCAP contracts. It will mean that the ASCAP pubs will be fighting tooth and nail to have their stuff recorded, with BMI always in opposition. And the networks own two of the recording companies—Columbia and Victor.

Brenda Joyce OK To Return to Hollywood But Ordered to Rest

Pittsburgh, Dec. 10. While not entirely recovered from blood clot which formed on her arm, result of a fall, and caused partial paralysis, Brenda Joyce was well enough to leave the Mercy hospital here Thursday night (5) and accompany Mrs. Louella Parsons' troupe back to Hollywood. Physicians ordered complete rest for injured member for some time after return to Coast, which will probably delay start of her next picture, "Private Nurse". 20th-Fox actress was out of the Parsons' show at Stanley for four days.

Only member of unit who didn't head west again was June Egan, who, accompanied by her mother, went to New York to visit the David Hopkins. Mrs. Hopkins is the former Cherry Preisser, who was with her twin sister in variety and musical comedy years. Her husband is the son of Harry L. Hopkins.

Unit, which was out only six weeks, closed here, and principals returned to Hollywood Monday morning (9).

20th Shifts Leads, Writers on Broadcast

Hollywood, Dec. 10. Revamping of the cast of "The Great American Broadcast" at 20th-Fox shifted Alice Faye and Jack Oakie into top roles formerly assigned to Betty Grable and Henry Fonda. Cesar Romero and John Payne were retained in featured parts. Starting date was set back to Jan. 20.

Jack Gordon and Harry Warren are doing the music, replacing Ralph Rainger and Leo Robin, who are tuning "Tall, Dark and Handsome." Tex.

The Indian Sign

Hollywood, Dec. 10. Howard Hill, champion archer of the film colony, sent a challenge to the Indians of New Mexico, offering to meet their bow-and-arrow champ as a bally stunt for "Santa Fe Trail". Indians held a powwow and sent back a retort courteous: "Nix on bow-and-arrow. If you want to shoot it out with gun, okay!" Challenge is on.

Crosby Vox Pops Back at Philly Daily's F.D.R. Rap

Philadelphia, Dec. 10. Bing Crosby, in a letter to the Philly Record last week, answered an attack in a pre-election editorial in the daily taking him to task for his endorsement of Wendell Willkie while being enriched under the Roosevelt administration.

Wrote Crosby: "I would seem that all the differences of opinion concerning the two presidential candidates are pretty conclusively settled on Nov. 5. I feel if 26,000,000 voters esteem Mr. Roosevelt as the man for the job, it's surely good enough for me."

"I do think, though, that whether the two Roosevelt administrations played an important part in the remarkably good fortune which has attended my career seems trivial in consideration of the traditional issues that were involved."

The crooner then set into a defense of the use of WPA money on his Santa Anita racing plant, which the Record said "raised an unhappy odor in Congress."

Four years ago I contracted to lease a racing plant from the county of San Diego in California, for 25 days a year for 10 years at a total rental of \$100,000 plus a percentage of the gross business. These grounds were to be leased by the funds of the (Continued on page 33)

SHOW BIZ NAMES ON 6 LONDON AMBULANCES

London, Nov. 26. Show business is well represented by the ambulances that clang through London streets, giving air raids to give succor to the injured. First six of them bought by contributions to the American Artists Ambulance Association are now on the street and have been christened with the names of show biz personalities. They are Fred Astaire, Laura and Irving Asher, Gilbert Miller, Phoebe Foster, Sam Eckman, Jr., and Lou and Bernie Hyman. W. V. Community theatre, Catskill, N. Y.; Michigan theatre, Flint, Mich.; Gem theatre, Oscola, Ark.; Kirby theatre, Houston; Oakka and Farman theatres, Warsaw, N. Y.; and Paramount and Palace theatres, Marshall.

Among contributors to the full medically-equipped ambulances, in addition to those after whom they are named, are Moss Hart, George S. Kaufman, Jerry Lester, Robert Lynch, Marc Cross, Ray Noble, Hal Ray, Pete Smith, Bill Stern, Dwight Wiman; Lambs Club members Hugh O'Connell, Jean Paul King, Harry Von Zell, Jack Clement and Don Randolph, and personnel of the Cinderella theatre, Williamson, W. Va.; Community theatre, Catskill, N. Y.; Michigan theatre, Flint, Mich.; Gem theatre, Oscola, Ark.; Kirby theatre, Houston; Oakka and Farman theatres, Warsaw, N. Y.; and Paramount and Palace theatres, Marshall.

CONSENT DECREE MEANS NEW DEAL

Directors Now Will Get Greater Say in Production — Hereafter Only a Chosen Few Enjoyed Such Front-Office Privileges

COLLAB ON SCRIPTS

By BOB MOAK
Hollywood, Dec. 10. While the consent decree ending Uncle Sam's anti-trust war on the "big five" may be sour music to distributors and exhibitors alike, it is being hailed as the perfect symphony by Hollywood film directors. Pilots, who for years have been decrying a practice under which they were handed a script at night and told to put cameras rolling in the morning, are convinced that the Federal court document indirectly has brought them victory.

Handwriting presaging the dawn of a new deal for the fellows who put the players through their camera paces is already visible, with 20th-Fox blazing the trail and the other major companies getting set to hop the bandwagon as soon as work schedules can be re-arranged. It's all a part of Hollywood's push toward improved product to meet the stiff sales competition that gets underway once the decree terms are put into effect.

Directors have been leading with (Continued on page 35)

Defense of England Is New Drama Trouned By British Headliners

London, Nov. 26. List of those from the profess now serving with the forces or in defense units continues to grow. Names head a hefty list.

Jack Hulbert is a full-time cop holding down a beat in the West End—a straight beat with no trimmings. Others doing duty from old-line legit are Frank Lawton, Hugh Williams, Francis Lister, Nigel Patrick, Peter Mathur, Guy Middleton, all with Army commissions. Robert Douglas and Ralph Richardson are top-line pilots, latter with the Navy fliers. From picture ranks are John Mills, Basil Radford, Robert Holmes and Archibald Batty.

Hollywoodites David Niven and Richard Greene are well attached, latter as a private in the Tank Corps. Greene recently announced his engagement to a prominent society deb.

SCHNOZ TOPS CARROLL NITERY SHOW ON COAST

Hollywood, Dec. 10. Jimmy Dunne, head of the new show at the Earl Carroll nitery opening Dec. 28. Comedian's contract calls for a minimum of three weeks and top coin for any single attraction at the spot.

Carroll is staging an entirely new revue.

Arnaz Cancels Roxy, N.Y., To Accomp Bride West

Desi Arnaz has cancelled the fourth week of his engagement at the Roxy, N.Y., starting tomorrow (Thursday), to return to the Coast with Lucille Ball. Pair were married a couple weeks ago.

Miss Ball is required on the RKO lot for added scenes in Harold Lloyd's "A Girl, a Guy and a Gob." She and Arnaz leave New York tomorrow.

Metropolitan Opera's \$108,800 On First Week, Just About Breaks Even

Fresh Fright

Hollywood, Dec. 10. Topical remark, fresh from the daily newspapers, is the new trend among chill producers in Hollywood. Old-fashioned goose-flesh-pictures have lost their potency, and film makers are turning to in-the-news laboratory developments to lure the fright fans.

Wallace MacDonald, Columbia producer is lining up four yarns for Boris Karloff, based on the horrifying effects that might be achieved by the misuse of modern scientific discoveries.

Welles, His Hands Full, Shifts All Activities West

Hollywood, Dec. 10. Orson Welles has gone native. From now on, all activities of Mercury Productions, Inc., his operating company, dealing in films, legit, radio and the written word, will be controlled from his diggings in Hollywood.

Total shift to the Pacific Coast is the result of Welles' four-way contract with RKO, calling for his services as producer, director, actor and writer for three pictures. First of the trio is "Citizen Kane," now in its last editing stage and due for February release.

Welles announced that his second feature will be a Mexican yarn, to be shot below the border, starting in March. He is now at work on the story, between lectures and other activities, including the Mercury theatre, the Mercury Press, the Mercury Text Records and United Productions.

BINNIE BARNES PLAY AND PAR PIC BIDS

Pittsburgh, Dec. 10. Before leaving Pittsburgh with Louella Parsons unit last week, Binnie Barnes received a wire from Paramount offering her role of "the other woman" in "Skylark" with Claudette Colbert. It's the part Vivian Vance created in the original production with Gertrude Lawrence. Said she was reserving decision until she got back to the Coast and read the script.

At same time, Vinton Freedley was paying Miss Barnes to take the lead in a new play, he has just bought, "The French They Are," by Robert Walstein. There's another spot in it offered actress' husband, Mike Frankovich, who has solo been out with Miss Parsons. Understand she was favorably impressed with play and will do it on Broadway if Freedley will wait for her to fill a couple of picture commitments.

'Glory' for Crawford

Hollywood, Dec. 10. Metro bought George Kelly's old Broadway play, "Reluctant Glory," as a possible screen starter for Joan Crawford.

Understood for Kelly to write the script, to be filmed under J. Walter Ruben's production guidance.

Jeanette MacDonald West

Jeanette MacDonald has returned to the Coast for a new Metro assignment following her final concert in Westchester, N. Y., last week.

Her husband, Gene Raymond, accompanied her west.

The Metropolitan Opera Co. of N. Y. closed the first week of its 16-week season Monday (9), with an estimated gross of \$99,300 out of a capacity \$108,800 and yet just about broke even.


Opening night's "Un Ballo in Maschera" drew the largest audience ever to attend a Met performance, and at advanced prices collected \$18,300 at the boxoffice. Tuesday (3) the Met played to a sell-out in Philadelphia, with "Nozze di Figaro" presented. Wednesday (4) the opera was "Walkure," with the first appearance of the year of Kirsten Flagstad, Helen Traubel, Lauritz Melchior, Julius Hühner, with Erich Leinsdorf conducting. Gross was \$13,500, or just a little under breaking even, a surprising thing for a Flagstad performance. The Norwegian soprano, despite the fact that she apparently is singing as well as when she was 20, to Ho ringing to clarify high C's, is not the flower she once was, due, probably to a limited repertoire of less than 10 operas. Melchior, criticized last season for failure to hold on to top notes, stretched them beyond musical limits to prove that at 50 he is vocally as good as ever, and Helen Traubel again proved her claim to the reputation of America's greatest voiced soprano by a superb characterization of Sieglinde.

Thursday (5) the Met lost on its (Continued on page 25)

BENNY GOODMAN BAND FOR COLUMBIA FILM?

Deal is being worked out for Benny Goodman and his crew in a film to be made shortly after the first of the New Year. If negotiations are completed, film will be produced by Irving Starr for Columbia release.

There's a possibility, as the yarn stands now, that there will be other band in it in addition to Goodman's. Latter's participation would be limited to about two weeks by other bookings.



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Daily Variety, 146.)

'Knut Rockne's' Big B.O. Signals Hollywood on Sports Films Anew

Hollywood, Dec. 10. Hollywood, which three months ago was shuddering at the mere thought of any further gambles of important coin on sports pictures, is now, in the face of athletic prowess, human or equine, has done about-face. Right now the major studios are ready to push forward a new cycle of background sports world figures and events, each entry in which will be lensed on top-budget specifications.

Greatly responsible for the change on the part of the production industry is the fact that, by Warner's on 'Knut Rockne, All-American,' Success of the Burbank lot's gridiron feature knocks into a cocked hat Hollywood's sports picture, developed after long and costly experimentation, that cinema addicts are not interested in screen fare carrying sports themes.

Production chiefs, prodded by home office execs, have been giving 'Rockne' close scrutiny in their private projection rooms to ascertain what makes the offering click, and they admit they've made some startling discoveries. The lightening test is their new-born theory that they've been using the wrong method of approach in handling this type of vehicle.

Sports background-talkers can be made attractive not only to the dyed-in-the-wool flinger, but to hundreds of thousands of sports fans who are not normally theatre patrons. They are now agreed that, in weaving the plot around a centrally known character, man or horse, whose name holds intrigue for the masses. In other words, it is the name figure in the picture rather than the personality portraying that role, that either draws the mobs through the turnstiles or causes them to steer clear of the wickets.

And therein lies the picture makers' mistake of the past, they point out. Heretofore, sports background pictures have been done in generalities, instead of featuring some definite sports personality whose monicker, like that of Rockne, has become a part of American tradition, and, as such, is established as a household word.

New order of things means the doom of football, baseball, prizefight and horse-racing films which are that and nothing more, and the launching of the sports biography type of screen drama, which has been unveiled in 'Rockne.' Most startlingly being prepped for the cameras is the first of such material, with story editors following through in search for additional starters.

Metro, which two years ago decided 'Hands Across the Border,' a tale based on hockey rivalry between U. S. and Canada, reneged at that time in view of the ticketbuyers' seeming disdain for sports fare, but has now lifted the piece off the shelf and put it back into the writing mill. Originally slated as a Clint C. Gable-Robert Taylor costar, 'Border' may still come through with those two topined. Hockey greals of both this country and the Dominion will be featured in the puck-driving sequences, with the annual clash between West Point and Canada's McGill University teams providing much of the picture's footage.

Other films with sports themes contemplated for production: RKO's 'True to Form,' formerly tagged 'Blood Will Tell,' dealing with the racehorse Seabiscuit; 20th-Fox's 'Run for the Money,' about harness racing; 'Sun Valley Summer,' a tentative skating star for 20th-Fox; 'Through,' rewrite of stage musical to include golf theme with Bing Crosby and Bob Hope co-starred (Par), and Warner big of Connie Mack, Philadelphia Athletics manager.

It has been several years since sports background pictures earned their salt in the way of profits, but what really put the chill there in the eyes of Hollywood, was the poor showing made by Columbia's 'Golden Boy,' a number that cost the Harry Cohn organization plenty in production-outlay, but which barely squeezed through in paying off.

Swamps for Henry

Hollywood, Dec. 10. Twentieth-Fox has set Henry Fonda for the top male role in 'Swamp Water,' a Verreen Bell novel, for spring filming.

Nunnally Johnson gets the production assignment.

Warners' Sequels To 'Knut Rockne,' '69th'

'Success of 'Knut Rockne' at the boxoffice has given Warner Bros. the urge for a follow-up to be released during the football season of 1941. Currently in the thought stage is a sequel to be tagged 'The Four Horsemen of Notre Dame.'

Warners is also mulling a sequel to 'The Fighting 69th,' among the leading characters of which was Father Francis P. Duffy. WB laid claim to the title last week of a yarn by Duffy giving further adventures of the regiment of New Yorkers. It's called 'Father Duffy's Story: A Tale of Humor, Heroism, Life, and Death with the Fighting 69th.' Twentieth-Fox stated out the same label in July, 1939, but is presumed would release it to Warners, as Fox doesn't own the story and WB made the original 'Fighting 69th' film.

Use of 16 mm. Color Film in Tests Nets 250G Saving Yearly

Hollywood, Dec. 10. Major studios are saving about \$250,000 a year by the use of 16 mm. Kodachrome film in preliminary tests for Technicolor productions. The smaller film, widely utilized in industrial pictures and amateur photography, cuts down pre-production costs by about \$10,000 a picture.

Heretofore, color tests of costumes, sets, locations, lighting and other details have been made with regular Technicolor negative and equipment at high cost. The 16 mm. Kodachrome setup, shot without sound, means a big saving.

Major and 20th-Fox were the first to use the smaller color film in tests, and were closely followed by Paramount, Warners and RKO, offering favorable reports made available to the studios through the Academy Research Council. Reports were that 16 mm. Kodachrome made satisfactory pre-production color comparisons, although Technicolor is necessary for makeup tests requiring exacting in lighting and other timing factors not yet possible on the Kodachrome negative.

Although it is generally understood that prints cannot be made from the original 16 mm. Kodachrome negative, it is reported that commercial film producers have obtained as many as 100 prints during the last year and a half. Dunning has developed new printing equipment to develop reproductions comparable to the original.

Eastman plant in Rochester, N. Y., has devised a process to make duplicate prints and Technicolor has been conducting similar experiments in its own special 16 mm. processing laboratory.

Fingerprint Pix Actors On U.S. Service Locations

Hollywood, Dec. 10. New defense restrictions require fingerprinting and proof of American citizenship for all motion picture industry workers using Government property for location shooting. Warners learned about the new rules when applying for an Army okay to lens exteriors for 'Winged Victory' of March Field. Execs of other studios have been so notified by the Army and Navy.

Film troops assigned to work on Army or Navy bases, forts, air fields or vessels must undergo fingerprinting at the entrance.

Other News Pertaining to Pictures

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Potter Pact Voided

Hollywood, Dec. 10. H. C. Potter withdrew from his director contract with the Boris Morros-Robert Sulliman company, owing to the postponement of 'The American Vagabond,' which was to have been the second on his two-picture pact.

Director agreed to return later for another picture. He asked cancellation of the free to accept an immediate deal with another studio.

NEW STYMIE IN H'WOOD-B'WAY LEGIT PACT

Again there is a hitch in the final welding of the Hollywood-Broadway tieup. Film companies and the Dramatists Guild are agreed on the principles of the amended pact, but there are a number of details in the new contract as printed that the picture people have taken exception to. Points which were supposed to have been clarified are still vague.

It appears that the differences are over the phraseology, lawyers of the various film companies, however, were not consulted before the pact was sent to the printer. Stated that Sidney Fleischer, film arbiter, wrote the final draft with the evident assent of the authors end.

Among the points to be clarified is the time limit for the presentation of plays and the period during which the film-baker may withdraw from the production. Manner in which the tribunal, which is to handle differences between the packer and author, is to be named is not clear. New form has it that a majority of film companies is to name the members, whereas the clause should read 'major film companies.' There are perhaps 150 outfits which make pictures now and then, here and abroad. Another detail pertains to 'ice,' coin which the manager or his employees might receive from ticket brokers. Contract would hold the film companies responsible for the author's share and they want that provision eliminated. Ticket gratuities are supposed to be non-existent.

Picture people are interested in at least three productions now in work, but are operating under the old regulations until such time as the stop and go amended pact is in final form. Warners insist even more important changes must be made before it can finance shows this season.

Looks Like Pathe Will Not Sell Out in DuPont

Long contemplated deal of Pathe Film Co. to sell all or part of its 3,500 shares of Du Pont Film Mfg. stock apparently is indefinitely stymied, with Pathe reportedly satisfied with its share of earnings from the Du Pont company. This coin, received in the form of liberal dividend distributions, has been running so strong in recent years that Pathe was able to declare a 50c divy on its common this month. Prospect of such dividend loomed ever since Pathe Film was set up as a holding corporation, and Pathe Laboratories as the operating firm.

Besides the favorable income Pathe has been getting from its Du Pont Film Mfg. holdings, further hitch to any sale of the Du Pont share, and Pathe has shown little inclination to pay the share set on the block of stock by Pathe.

2d Generation Musical Offspring Seem More Partial to the Legit

Lasky Touches Off New Film Interest in 'Twin'

Mark Twain, long talked of as subject for a film biog, is getting renewed attention. Jesse Lasky last week, hopped west from New York with a radio script which he has optioned as possible basis for a film.

In Manhattan it was said, however, that all rights to dramatizing the writer's life have been given to Harold Sherman, who recently wrote a play about him. It's tagged 'Mark Twain.' Sherman's agent denied that any rights have been granted Lasky.

Interest in Twain has been kindled recently with publication of two books of his writings hitherto unpublished. One is 'Mark Twain's Doubles With Mr. Brown' and the other 'Mark Twain in Eruption.'

50 Yarns on Active List at 20th-Fox Insures Spring Rush

Hollywood, Dec. 10. Rush of production during the spring and summer at 20th-Fox is indicated by the number of stories in preparation, the highest in several seasons. Fifty yarns are on the active list, and the writers assigned to them set a new high for the Westwood plant. With the studio half-way through its 1940-41 producing program, the current activity means that 20th-Fox is intent on storing up a heavy backlog for next season.

Within the past few months Darryl F. Zanuck has increased his associate producer staff from six to 10, with Sol M. Wurtzel as executive producer. Associates are Kenneth Macgowan, Harry Joe Brown, Nunnally Johnson, Lou Ostrow, Robert T. Kane, Milton Sperling, Lou Edelman, Fred Kohman, Walter Morasco, Ralph Dietrich and William Perlberg.

'REUTERS' BIRD MAKES BUCK A VEGETARIAN

By BILL HALLIGAN
Hollywood, Dec. 10. Mr. Happy Hemmingway, Palace Beach Cabanas, N. Y.

Dear Happy:

I got your letter and don't worry about me as I is all set as soon as the holidays is over. I went out last night with a old pal who likes a nip once in a while, and a while is every five minutes. He reminded me of 'Breach Takes a Holiday' but I had to stick as he was into me for a double-saw and he took till 2 a.m. before he laid me out on the line.

He used to be a big director but sound caught up to him and now he is living in Glendale and the past. I have been living in Gorky's lower orbits and have met a lot of Fuller brushoff men out here.

Have been to all the studios and all I see is casting office full of unhappy chairs. I got to get a job soon as I am like a pair of debutante's stockings with runs in them—I am on my last legs. I sit around all day and watch a dumb television as I is as nervous as a rabbit nose. One little buzz and it may mean Merry Xmas. I ain't springing children any more and I just had a experience last night. The lads were calling the Pop out here, but last night a taxi driver called me Gramp, so I am going to put some Bixby on my gray locks before the wheelchair gets me.

I was over to Dave Chasen's cafe for dinner last night with a rich assistant director and we ordered squabs. You know, Happy, how I love home cooking. Well, by the water brings the food and as he takes off the top of the casserole I look down and there is the fattest little squab you ever saw. I thought he looked familiar. The little bird looked up at me with tears in his eyes. He says, 'Don't you remember me pal? I was with Eddie Robinson in 'A Dispatch From Reuters.' I is now a vegetarian. Buck.

Unusual number of children of musical and concert names are currently active in legit business, particularly legit. Among them are the following:

Martha Erroll, daughter of the former Met tenor Ralph Erroll; replaced Marjorie Gainsworth; the Shubert 'A Night of Love,' currently trying out on the road.

Sonya Stokowski, ingenue in George Abbott's 'White Haired Boy,' which closed a tryout week in Boston last Saturday (2), is the daughter of Leopold Stokowski and his former wife Olga Samoff-Stokowski.

Lawrence Tibbett, Jr., is in the cast of 'The Man Who Came to Dinner.'

Nancy Montoux, daughter of the conductor Pierre Montoux of the San Francisco symphony orchestra, made her noise recently at the Pierre hotel, N. Y.

Jacquel Salter, daughter of Jack Salter (concert management Evans & Salter), is a legit actress.

Eleanor and Peggy French, the latter in 'Washington, Slept Here,' are actress-daughters of Ward French, head of Community Centers.

Daphne and Marita Sylva, daughters of former opera star Marguerita Sylva, are legit players.

Nina Gabrieliowitch, daughter of the pianist conductor Ossip Gabrieliowitch, and his granddaughter, Mark Twain, is a recent dramatic school graduate and currently looking for a Broadway chance.

Don Beddoe, son of the late Welsh star tenor Daniel Beddoe, is a legit actor.

Janet Riesenfeld, dancer in pictures, legit and ballet, is the daughter of Hugo Riesenfeld, formerly an orchestra conductor at the Metropolitan opera and in various Broadway theatres.

Walter Slezak, legit comedian, is the son of the Austrian tenor, Leo Slezak.

Anna Erskine, daughter of novelist John Erskine, former president of the Juilliard School of Music, Met opera director and now head of the National Committee for Music Appreciation, is production assistant to Jorge director Joshua Logan and also scripts the 'Metropolitan Auditions of the Air' program.

Marcel Journet, Jr., son of the noted French basso, is an established legit actor.

Gerald Keane and Yvonne Bergere, son and daughter of concert pianist Germaine Schmitzer, are stage players.

Sons of the late bandleader Arthur Pryor are Arthur Pryor, film and radio actor, and Arthur Pryor, Jr. B.B.D. & O. radio executive. There have always been dozens of children, of stage people who followed their parents into the theatre—such as the Barrymores, Bennetts, Costellos, Truxes, the Stones, etc. However, children of musical people have until recently been more likely to follow other careers rather than theatrical.

U'S MEETING ROUTINE Stress On Maintaining Rigid Economy Was One Keynote

Only routine business was listed as being transacted at the regular meeting of the U. S. House of Representatives last Thursday (5). Discussions on next season's product took part of time, with stress laid on the necessity of keeping production costs pared to present levels. Universal Studios, however, have cautioned against going overboard on outlays for future pictures simply because the company presently in the black and likely to show a healthy profit for the fiscal year ending last October.

Annual financial statement, which recently has been coming out late in January, may even be later this year because of delay in getting in statements from foreign accounts.

Blows Hot and Cold

Hollywood, Dec. 10. Studios in Hollywood are complaining about the winter heat while Howard Hughes' 'The Outlaw' (traipse is snowbound 60 miles north of Flagstaff, Ariz.). Film directed by Howard Hawks is 10 days late fighting the elements.

BIZ SINKS FURTHER IN U. K.

Two Cities' Indies Talk Mass Drive on Minn. Legislature For 'Relief' from 'Intolerable' Decree

Minneapolis, Dec. 10.

Northwest independent exhibitors plan to descend en masse on the state legislature at the outset of the session in early January to demand enactment of a code of fair trade practices to give them 'relief' from present 'intolerable' conditions which, contrary to promises, have not been corrected or eliminated in the Consent Decree.

Fred Strom, Northwest Allied executive secretary, announces that a proposed bill, covering the fair trade practices 'necessary for the independent exhibitors' existence, now is in preparation. Moreover, he admits, it's designed to nullify and circumvent many of the Consent Decree provisions and to take care of exhibitor grievances ignored in the Decree.

The Northwest Allied measure 'will cover practically every item of everything in the code of fair trade practices submitted to the Northwest Allied convention here a year ago by William Rodgers, M-G-M general sales manager,' according to Strom. He says the independents in this territory now are willing to settle on the Rodgers' concessions 'which are infinitely to be preferred to the Consent Decree terms.'

Under the bill's measures, Strom explains, expansion and building of new theatres would be halted and there would be the 20% cancellation privilege, etc., which was offered by Rodgers, acting in behalf of major distributors.

'Our position is to take what the distributors already offered us and what's rightfully ours and embody such practices in a state law,' explains Strom. 'The second paragraph of Section E, Clause 23, in the Consent Decree, according to our construction, permits independent exhibitors to circumvent undesirable features and to obtain state legislation to cover absent points.'

Convene Jan. 5-6
Present plans call for a convention of all Minnesota, North and South Dakota and western Wisconsin exhibitors here Jan. 5-6 to grid them selves for a battle against the Consent Decree. The Minnesota exhibitors would go directly from one of the convention meetings to the capital in St. Paul to buttonhole their representatives and senators in the state legislature, which then would be in session, to demand passage of the bill in order to 'avert wholesale bankruptcies among independent theatre owners.' Also included in the proposed law would be a provision prohibiting the showing of 16 mm. films in night clubs, taverns, store buildings, etc., in opposition to pix theatres.

Minnesota exhibitors are threatened with considerable adverse legislation at the state legislative session starting next month and steps already are being taken to combat it. Among the provisions which have already been announced, will be introduced, are a 10% admission tax, state censorship, prohibition on theatre giveaways and stringent bond laws.

A powerful association of school teachers is urging the state theatre admission tax in order to provide funds for a teachers' retirement fund.

Shearer's Pair

Hollywood, Dec. 10.
Norma Shearer will star in Noel Coward's 'Tonight at 8:30' at Metro, Sidney Franklin directing.

Also on her slate is 'The World We Make,' based on the Theatre Guild play. Not yet decided which will be made first.

Flynn's 'Boots' for WB

Hollywood, Dec. 10.
'Died with Their Boots On' will be next for Errol Flynn at Warners. Robert Curtiss, producer, and Michael Curtiz, director, will continue their third straight Flynn picture.

Sam Dombow, Jr., in Hosp Following Auto Spill

A bad fracture of the knee, plus minor injuries, will keep Sam Dombow, Jr., Paramount theatre executive, in the hospital for six to eight weeks or longer.

He was struck by a taxi Tuesday night (3) in N. Y., when he was preparing to go to Detroit to huddle with Earl J. Hudson on matters concerning Par theatres there. In addition to a broken knee, the Par exec suffered a battered hand and bruises about the face, plus shock.

PINE, THOMAS, SIEGEL'S PAR PIX UNITS

Hollywood, Dec. 10.

William H. Pine and William C. Thomas formed a new producing outfit, Picture Corp. of America, to produce at Fine Arts studio for Paramount release. Thomas, v.p., will handle production and Pine will act in an advisory capacity while continuing to work as associate director to Cecil B. DeMille at Paramount.

Program for 1941-42 calls for three features with aviation backgrounds. First is 'Power Dive,' starring Richard Arlen.

Sol C. Siegel, who moved to Paramount as a producer last month, has been handed executive authority over the production of eight to 12 features for the 1941-42 season. Associated with him in the new unit are Eugene Zukor, Joseph Sistrom and Jules Schermer.

Slated to start during the next few months are 'The Virginian,' to be made in Technicolor; 'The Paramount Parade,' a musical; 'Two Bad Angels' and the Aldrich Family series.

ROBT. W. SERVICE IN FOR ANOTHER REVIVAL

'The Lady Known as Lou' is apparently being groomed for another workout. Both Warner Bros. and Columbia have laid official claim to the tag during the past month, WB winning priority by 23 days.

Col has protected itself, however, by also staking out 'The Shooting of Dan McGrew,' which is the title of the Robert W. Service poem which introduced 'Lou.' Col likewise seeks rights to 'The Face on the Barroom Floor' as a title.

Picture called 'The Shooting of Dan McGrew' was released in 1924 by Metro, which claims permanent ownership and disputes Col's right to use the label. 'Face on the Barroom Floor' has twice before been used as a title, once by Fox in 1923 and once by Ince in 1932.

RKO Tickets Hempstead

Hollywood, Dec. 10.
RKO signed David Hempstead to a new producer pact on the strength of his work in 'Kitty Foyle,' produced under a one-picture deal. Hempstead's next job will be to find pictures suitable to Michele Morgan, French actress, and Signe Hasso, Swedish player, RKO contractees.

U. S. COS. 45-47% BELOW NORMAL

World Foreign Revenue for Americans Is 40-44% Under Parity, Including British and Other Markets

ENGLAND OFF 25-40%

Revenue of U. S. distributors from the United Kingdom (exclusive of Canada), collectible in American currency, has slid still further to 45-47% below normal. This is about two-thirds of the total foreign revenue presently realized by U. S. pic firms. Including the total loss of income in Belgium, Holland, occupied France, Norway and a few other central European countries, via Hitler decree, it's estimated by American company statisticians that foreign revenue, including markets other than those in the Kingdom, has now sunk to 40-44% below normal.

Instead of getting the customary 40% of the total English business from London, several major companies claim that it is now running at about 15% of the total. While hinterlands and smaller cities showed gains at first, the spread of bombing raids has hit them badly in the last few weeks. For instance, few theatres are opening regularly in channel port communities, there being approximately 200 houses now shuttered in those sectors.

One U. S. foreign department official estimated this week that the total American revenue in Great Britain presently is running 35-40% below what it was before the war began. With 50% of net profits frozen in England for the duration, the actual loss is slightly higher even though film companies have the advantage of deducting operating costs and transferring funds in dollars rather than pounds.

Operation More Difficult

Problem of British Isles operation becomes increasingly difficult and costly each week. Nearly all companies either have or will pay bonuses to lower-bracket employees to compensate for added living costs caused by the war. Also all U. S. distributors have taken out insurance for employees in the danger zone.

With the average U. S. major distributor figuring its foreign business before the war as 30% of the world total, latest indication is that there has been a 12% bite into the annual income of the average film company. Boosting domestic income sufficiently to overcome this loss is the principal industry headache.

GRIFFIS PICKS UP 2,500 OF PAR COMMON

Washington, Dec. 10.
Consistently wobbly film market was bolstered slightly during October by purchase of 2,500 shares of Paramount Pictures, Inc., \$1 par common stock by Stanton Griffiths, New York director.

According to the Security and Exchange Commission's summary of stock transactions, Griffiths—with 6,500 shares of the Par stock in the month's end—was the only purchaser of film stocks during October.

Radio Corp. of America dumped 928 shares of \$1 par common Radio-Keith-Orpheum stock during the month, to wind up with 316,328 shares of common; 555,254 warrants for common and 44,757 shares of 6% convertible preferred RKO stock at the month's end.

Robert D. Daine, New York officer and director, sold 200 shares Trans Lux Corp. \$1 par common, retaining 2,500 ducaats of the same.

Present UA Producers Insist That Any New Additions to Unit Film Makers Must Have Plenty 'Prestige'

Par Intent on Recalling 134,000 1st Pfd. Shares

Paramount still is working on a plan with several banking houses whereby the first preferred stock will be called in or part of it redeemed. Company has in mind a proposition whereby some 134,000 shares now outstanding will be redeemed, saving possibly more than \$500,000 annually in dividend and interest charges.

Retirement would be provided principally through a bank loan, with terms of 3-3 1/2% likely on this loan.

BRITISH MONEY PACT UP TO HAYS ORG.

Although major company foreign chiefs huddled Monday (9) at the Hays office in New York concerning the English frozen-coin pact without finalizing the agreement for year ending next Oct. 31, it now seems likely that the whole proposition will be left for Motion Picture Producers & Distributors Assn. directors to decide. Decision may be made at next meeting, originally scheduled for today (Wednesday) but postponed.

Foreign sales chiefs have been studying the British coin pact now for about two weeks but a few clauses have yet to be ironed out. British government document covering 25-written pages and whole setup is involved because Universal is in on the new agreement where it had a separate deal for the period ended last Oct. 31. With the eight majors in on the proposed new pact, it's estimated that the amount of coin allowed out of the British Isles may reach \$12,900,000 for the ensuing year. At least that is what U. S. distributors are seeking.

Australia's frozen coin arrangement, calling for the remittance of \$31,000,000 (50% frozen in Aussie) to the major companies in one year became effective last May 9.

TO EXAMINE W. C. MICHEL INSTEAD OF S. R. KENT

William C. Michel, v.p. of 20th Century-Fox Film, was ordered to appear for examination before trial in N. Y. supreme court Dec. 12, by Justice William T. Collins, in connection with Isola Forrester and Mann Page's suit against the film company. Plaintiffs had sought annulment of Sidney R. Kent, president of 20th Fox, but got Michel instead.

Suit claims plagiarism of plaintiffs' play 'Joyous,' in the Shirley Temple starlet, 'The Fox and the Little Girl.' An injunction, accounting of profits and damages are sought.

Outgrow Their Shorts

Hollywood, Dec. 10.
Upping for Jean Negulesco from shorts to feature direction is in line with Warners' policy of developing pilots on the lot. Irving Rapper and Vincent Sherman were recently elevated from dialog directorships.

Prime squawk emanating from the recently-formed United Artists producers committee, it was learned this week, is against the company adding any more film-makers who will not lend plenty of prestige to the organization. Their anomalous demand is, in effect, 'Make sure any new producers are better than we are.'

Behind the seeming modesty of the UA producers is good business sense. Added units headed by the common variety of Hollywood filmmaker give the UA sales department something more to peddle, don't add to the status of the company in the exhibitor mind, and make it tougher to dispose of the prod. of producers already working for the outfit.

On the other hand, addition of prestige producers like David O. Selznick and Frank Capra makes it easier all around. Exhibits are anxious to get the films of the prestige producers and, when deals are in the process for their films, the salesmen have a lot easier time convincing the theatres they really must get to buy the output of Joe Zilch, too.

Walter Wanger is chairman of the new producers committee, whose first meeting was attended by Edward Smith, Sol Lesser, Hal Roach, David Loew, Richard Rowland and Henry Henigson, representing James Roosevelt. Purpose of forming the producers organizations was to give more clout and comeliness to squawks, as well as to attain greater cooperation on release dates and type of product among the various UA film-makers.

4 More Producers?
Murray Silverstone, UA chief, announced last week that he is negotiating with at least four, and perhaps more, additional producers. Assuming four, that will give UA a minimum of 12 active producers. Silverstone declared that as far as possible he'd like to hold the producers down to one picture each for 1941-42, with each producer already laying plans for two, Wanger for two or three, and Roach for three, which will mean a minimum of 17 pictures. Silverstone said he'd like to have 15.

UA producers who will be inactive or may well be during 1941-42 are Selznick, Charles Chaplin, Mary Pickford, Gabriel Pascal, Douglas Fairbanks, Jr., Richard Rowland and Samuel Goldwyn.

Producers certain to be active and their output this season are Alexander Korda ('Thief of Bagdad,' 'New Wine' and 'Love Don't Live Here') Sam Katzman ('Kitt Carson,' 'Pago Pago,' 'Monte Cristo'); Wanger ('Foreign Correspondent,' 'Long Voyage Home'); Roach ('Capt. Courageous,' 'Road Show,' 'Broadway Limited,' 'Topper Returns'); Loew-Lewin ('So Ends Our Night,' 'Night Mystery'); Lesser-Lubitsch ('Uncertain Feeling'); and Roosevelt ('Pot o' Gold,' 'Pastor Harry').

Other releases this season bring the total to 21 are Rowland's 'Cheers for Miss Bishop,' Goldwyn's 'The Westerner,' Pascals' 'Major Barbara,' and the English-made 'Black-out,' even though none have been released or are in pre-release engagements.

Propose Mix Cottage

Hollywood-Dec. 10.
Establishment of a Tom Mix Cottage is suggested by the Motion Picture Relief Fund executive committee to the sponsors of a Tom Mix Memorial, for which plans are under way to raise money.

Cottage would be built on the home grounds to be acquired next year by the MPRF.

HAWKS READIES HIS FIRST

Hollywood, Dec. 10.
'Palm Beach Limited,' first production of United Producers Corp., headed by William Hawks, goes into work Jan. 6 at RKO. Lewis Milestone directs.

Film Industry Draftees Will Be Utilized for Special Talents

Hollywood, Dec. 10. Defense soldiers called from the motion picture industry for military training will be detailed in a way to utilize their specialized talents to the fullest extent, according to Major Nathan Levinson, head of Warner's sound department and an officer in the U. S. Signal Corps Reserve. Notices have been posted in all the studios, advising employees of draft age to send reports of their mechanical and other qualifications. Uncle Sam wants to know how he can best use the film industry in case of war. This is consistent, of course, with the Government's attempt to categorically taking in new types of work requiring specialized talents.

Included in the requests for detailed information are producers, directors, writers, actors and all technical workers, taking in cameramen, film lab employees, sound recorders, cutters, electricians, grips, precision mechanics, prop men and other engaged in fine work in the processing industries.

Major Levinson's contact with the film industry is only one of the many steps being taken by the War Department to make the best use of American technical skill in the general plan of national defense.

Films to Aid Training

Washington, Dec. 10. Value of motion pictures as a medium for training Uncle Sam's rookies will be tried out in new draftees are given their first glimpse of war-time conditions via the silver screen. War Dept. announced Saturday (7) that films would be shown of soldiers in the field during war games, diagrams, charts and detailed drawings of war maneuvers, and other subjects that every young rookie should know. Flicks will be displayed to both officers and enlisted men, accompanied by a sound track to help the lecturers delivering the necessary part.

Decision to impress the motion picture industry into the national defense program has revived reports that plenty of financial backing will be forthcoming from the Government, to glamorize army life and instruct novices into the intricacies of war training.

Voice From the Grave

Hollywood, Dec. 10. 20th-Fox assigned Harry Leachman to direct "Dead Man Tell" to be co-produced by Oliver Morosco and Ralph Dietrich.

John Larkin wrote the screen play.

LEDERMAN'S WHODUNIT

Hollywood, Dec. 10. D. Ross Lederman gets the directing chore on the Warner's whodunit, "Murder On the Seventh Floor." Completed script has been turned in by Anthony Coloway.

Studio Contracts

Hollywood, Dec. 10. Metro handed Ruth Hussey a new contract.

Warners picked up Joan Leslie's player option.

George Rueves inked an acting part at 20th-Fox.

George Murphy signed a three-year ticket at Metro.

Warners hosted Julia Carroll's acting option.

Constance Moore drew player ticket at Paramount.

Frederick Hollander handed composer contract by Warners.

Metro handed Daria Hood a player ticket.

Universal signed Jane Frazee, radio singer.

Johnny Mack drew a Metro acting part.

Edmund C. Reed, Jean Rouvarel and David Sheppard signed to junior writing contracts at Metro.

Herbert Gunn penned a stock contract at 20th-Fox.

RKO picked up Jane Patten's player option.

Fred Zinnemann inked a new shorts director part at Metro.

Maureen O'Hara drew a new part at RKO.

Warners lifted George Campeau's option.

STYMIE REP. ON BUY AS M-G OWNS TITLE

Hollywood, Dec. 10. Republic's purchase of the story, "Babes On Broadway," hit a snag when it was learned that the title is the property of Metro.

Their link with the problem is that Joseph Santley, currently under contract to Republic, once produced "Babes On Broadway" on the stage and sold the title to Metro before he joined the valley outfit.

NEITHER STORM NOR SLEET, ETC.

Minneapolis, Dec. 10.

With winter getting its earliest and every indication that it will be one of the longest and most severe that the territory ever has encountered, film salesmen working out of Minneapolis claim they're engaged in one of the most desperate of all occupations. The boys are planning a joint conference to figure out ways and means of lessening their dangers.

Probable is the nature of the territory makes it essential for film salesmen to travel about in their own motor cars for the most part. Ordinarily the bad winter weather conditions don't start until January and usually they last not more than two months at the most. This year, however, there already have been one severe blizzard, several near-blizzards and other just plain snowstorms.

There also have been sub-zero temperatures. It's regarded as a certainty that the snow will remain and that highways and roads will be icy and slippery for the next four months.

During the worst of the blizzards a fortnight ago several of the film salesmen, bucking the snowdrifts, almost lost their lives. The group, at that time, consisted of four men.

Other lines, four of whom were snowbound in their automobiles and froze to death.

STUDIOS RAISE 466¢ FOR COAST CHARITIES

Hollywood, Dec. 10.

Motion picture industry pledged \$465,718 to the War Relocation Authority, an increase of 47% over last season's collections. Louis B. Mayer, chairman of the industry drive, disclosed that \$10,000 more may be raised before final reports are made.

Metro led the list with \$115,428. Other contributions were, 20th-Fox, \$85,536; Warners, \$63,671; Universal, \$39,500; Paramount, \$26,668; General Service, \$1,187; Edward Small, \$1,495; Principal, \$2,589; Walter Wanger, \$1,822; Samuel Goldwyn, \$8,844; Hal Roach, \$3,293; Alexander Korda, \$3,282; Republic, \$6,421; Walt Disney, \$6,038; Allied Industries, \$18,816; Agents, \$26,018; RKO, \$25,353; Columbia, \$25,128.

FILM ACTOR FINDINGS

Dr. Leo Rosten's Research Among H'wood Players

Hollywood, Dec. 10. Report of Dr. Leo Rosten's motion picture research project, based on interviews with 251 Class A players representing a cross-section, reveals that 84.7% had some theatrical experience before working in pictures. Those without stage experience hit 13%, having confined their pre-film activity to radio as actors or directors.

Report submitted to the Screen Actors Guild also disclosed that actors last longer than actresses in films. Of males, 14.7% remain in Hollywood 20 years or more, while only 4.5% of females achieve that span. Survey shows that a relatively small percentage of filmlets return to the stage and most players come from middle-class families.

Paramount is credited with bringing 17% of players into the industry, with Metro second with 15.7%. Only 1.9% came into pictures from extra ranks, with 94.2% starting careers as actors. Collegiate in films rare 49.8%. Under 30 years old are 15.8%, in their 30's are 31%, between 40 and 50 are 18% and over 70 are 2.2%.

NW Allied Again Loses In Fight To Kayo Metro %

Minneapolis, Dec. 10.

Northwest Allied again has failed in its efforts to knock percentage from the Metro 1940-41 deals for Twin City independents. The present M-G contract calls for four percentage pictures, the same as in previous years, and the Minneapolis and St. Paul indies, including the Northwest Allied leaders, already have bought the M-G deal or are about to. The company's sales are running ahead of the corresponding period last year.

Every year, well in advance of the new selling season, a demand is made that Metro follow the same course as other major distributors and give Twin City independents the privilege of buying flat, the threat being made that the boys will "lay off" unless the company falls in line. This time the demand was particularly emphatic and threw the gauntlet down harder than ever before, declaring "positively no further exception would be made for M-G." The decision of the new capulation, Northwest Allied leaders now are saying they "waited too long" in laying their battle lines and it finally was too late to accomplish their purpose. Next year, they said, it will be a different story and they'll finally "win their fight."

In its latest bulletin, Northwest Allied asserts that "early returns from our product survey indicate that RKO, Columbia and Universal are still leading in volume of contracts negotiated." It's asserted: "The standing in volume of sales is due to the fact that these companies have made deals for less, or the same money, as the previous season in approximately 50% of their deals."

Exhib Sues His Landlord, Who's Also A Rival Operator, for Overbuying

Spiegelglass Polishing Runyon Story for U

Leohard Spiegelglass, Universal writer, arrived in New York Saturday (7) for a week of final polishing with Damon Runyon on the screen play of Runyon's story, "Butch Minds the Baby." It will be produced by Jules Levey.

Spiegelglass, on his return to the Coast, will start scripting another Runyon yarn owned by Levey, "Tight Shoes." He'll bring this into New York in a couple months or so for another polishing session with the author.

Spiegelglass declared that nothing more than the preliminary work of some months ago on a screenplay of "Hollanoplin" has been done.

Minneapolis, Dec. 10. Dave Ratner, exhibitor at White Bear, Minn., near here, wants \$60,000 damages from his landlord, Mrs. J. L. Jensen, who operates an opposition showhouse and who, it is alleged, overbought to prevent him from obtaining sufficient product for his needs.

In the suit filed for Ratner by L. B. Schwartz, local attorney in U. S. district court, it's alleged that the defendant "bought pictures in excess of her needs to deprive the plaintiff of the use of the building." The amount is \$60,000.

Mrs. Jensen had the only theatre until Ratner came in and built an opposition house. The Ratner house recently was bought by Mrs. Jensen at a sheriff's sale, but the plaintiff is still tenning.

Of People and Places

By THE SKIRT

Best dressed woman of the week: JEANETTE McDONALD White Plains Concert

Jeanette McDonald's Concert

Jeanette McDonald, at Westchester County Center in White Plains, enchanted a huge audience Wednesday night in snowy, cold weather that didn't matter. Even New York City was appreciative. A well balanced program, with numerous encores, was expertly handled by this soprano. Songs by Mozart, Schumann, Hugo Wolf, Liszt and Debussy, and one by hubby Gene Raymond.

A pink chiffon gown was gracefully made in long straight lines with long scarves crossing the neck in front hanging in long ends from both shoulders. All in all, Miss McDonald looked ravishing. Her jewels comprised a flowered brooch in front center and one ring glistened on one finger. Noticeable was the pale pink nail polish.

The 'Ice Follies' Very Lovely

The 'Ice Follies' is always an important event and the 1941 edition now showing at Madison Square Garden is excellent. The opening ballet, is called 'Moonlight Vision,' the skaters in three tier dresses stiffly wired at each hem giving the effect of lampshades. The white material is sequined in black and silver. Hats are of the stove pipe shape and each skater carries a huge hallow. Valerie and Jenna, the soloists are in white, one in tights and silver tunic and the other in short skirt. Rudy Dolls are in yellow frocks spotted in red with white pinafores. Noble and Bobby Maxson are the soloists in corresponding costumes. It is this Maxson boy who is the hit of the show. Phyllis and Harris do the Wooden Soldier number, the feminine costumes, red and white. Down Rio Way, has the chorus in long black gowns with orange shawls. Bess Erhardt leads the number in short silver sequins lines in rose.

A nautical number has Evelyn Chandler in white with an elaborate silver trim. Pale blue ruffled dresses are worn by the girls at an officers' ball. As pirates the costumes are really lovely. The short skirts are of green and red and white. The hats, red like the dress green. A fashion parade of jewels has eight girls dressed in beautiful costumes made long and elaborate. Magnolia Time is eye-filling, with the girls in silk plaid dresses made with the long white panties showing. Parasols are of the plaid as were the men's waistcoats.

Paper and Zwick did the Moth and the Flame in the usual abundance of flowing chiffon.

The costumes were designed by Helen Rose and the production was staged by Fanchon & Marco and they deserve a deal of credit. It is truly a great show, but more of that Maxson kid.

Hollywood's Anachronisms

From a man who prefers to remain anonymous comes the following: 'From hundreds of photos in my collection, you were right in your contention that "Bitter Sweet" is wrong in its period of bustles and polonaise. The bustle and polonaise period was in the early '80s and had vanished in 1891. I greatly enjoyed "Tin Pan Alley," but again I found inaccuracies in details the feminine costumes. Some of the hats with band at the back to hold them on to the head were generations early, though the chapeau worn by Nora Bayes may have been adapted from one she wore. At any rate Alice Faye is not given such fantastic costumes as were assigned her in "Lillian Russell," capping the climax with a typically 1940 strapless evening gown, a mode undreamed of in Lillian Russell's time. I am waiting to see Miriam Hopkins in "The Lady with the Red Hair," to discover what frocks the studio has given her as Mrs. Leslie Carter. For my files include many photos of Lillian Russell and Mrs. Carter.'

Ethel Barrymore Sitting Pretty

"The Corn Is Green," at the National theatre, has Ethel Barrymore sitting pretty. It is one of those shows people love and revisit. Emily Williams wrote the play and only one of the brilliant lines is "That man is so stupid it sits upon his head like a halo."

The skirt would be surprised if Miss Barrymore starts a shirtwaist, for this type of costume is worn during the whole play. All sounds rather drab but it mattered not what this actress wore. Her figure has gone mantronic but the famous Barrymore face is still beautiful. Mildred Dumnick as a dutiful spinster wears several dresses of that era long full skirts and puffed sleeves. Thelma Schnee, as an erotic brat with not too pleasant a face, looked well only in the last act when she came in overdressed, in a shot silk of blue and red, and plumed hat.

'Blackout' Full of Spies

There is a picture at the Globe theatre that is doing a whale of a business. It is an English picture called "Blackout," dealing with Norwegian boats, spies and the like. It shows London in a blackout and is somewhat confused as to plot. Conrad Veidt is the star and does a fine job but it is Valerie Hobson who holds the interest. A very good looking brunette is this young woman, and underhand she has been doing her best to force. In this film she is the romantic and romantically so. No dressing just one tailored suit with a mink coat and an off the face hat large as to brim is the only costume shown.

In the Monte Cristo Epoch

At the Capitol Theatre there is an Edward Small production called "The Son of Monte Cristo." Starred are Louis Hayward and Joan Bennett. Latter wears many costumes, all the last word in Monte Cristo period. The jewelry, for the most part antiques, is lovely. A satin gown has a lace yoke and puffed sleeves. A dinner gown is buffante. An accordion pleated skirt has a metal forming the back of the bodice with bands coming to the front in bolero fashion. The dress is a wedding scene, of course, with Miss Bennett a glorious bride. The dress of brocade was form fitting and the veil was backed by a diamond tiara.

Their Favorite Recipes:

- (Kate Smith's Almond Butter Christmas Cake)
 3 cups sifted Sugar
 3 teaspoons Calumet Baking powder
 1/2 teaspoon salt
 1/2 cup butter or other shortening
 1 1/2 cups sugar
 2 eggs, unbeaten
 1/2 cup finely chopped almonds
 1/2 cup finely cut raisins
 1 cup milk
 1 teaspoon vanilla

Sift flour once, measure, add baking powder and salt, and sift together three times. Cream butter, thoroughly, add sugar gradually, and cream together until light and fluffy. Add eggs one at a time, beating thoroughly after each. Add nuts and raisins and beat well. Add flour, alternately with milk, a small amount at a time, beating after each addition until smooth. Add almonds. Bake in two greased 9-inch layer pans in moderate oven (375 F.) 25 minutes or until done.

Spread boiled frosting between layers and top and sides of cake. Decorate top of cake with wreath of holly, using pieces of maraschino cherries or red cinnamon candies for berries, and slices of angelica or citron for leaves and stems. Or decorate with poinsettias made of candied cherries. Slice cherries in rings, cut rings in half, and arrange to form petals of poinsettias. If desired, lemon pulp, raspings may be used.

BUYING FOR '41-42 A WORKY

Delay in Merchandizing Jukeboxes A Puzzle to All; May Get Rolling In Jan.; Fancy Franchising Charges

'What's holding up film jukeboxes?' That's the question that's been ringing recently from Hollywood to Podunk, Maine. Although the see-box idea is more than a year old, the machines have been perfected (except for a selector device) for more than eight months, not a single box is now operating on a regular commercial basis.

Back of the delay appears to be the old story of 'let George take the chance.' Manufacturers and financial backers, despite their gloom optimism, are virtually all waiting for somebody else to go into large scale production of machines and film. They want to see the juke devices operating under actual commercial conditions before they sink heavy coin.

The one manufacturer they are all looking to as the pioneer is Mills Novelty Co. of Chicago. Mills, long a leader in standard juke box manufacture, and with the help of James Roosevelt's name on the film-making end, is being faced with practically no competition to get machines out first.

Break is expected to come early next year, after the annual coin machine exposition at the Hotel Sherman in Chicago, Jan. 13-16. Mills, soon after that, will put the see-boxes in locations and everyone will get a chance to learn whether he has a large-size bonanza on his hands or the decade's biggest flop.

What has actually held up production of boxes and film is manufacturers' demand that anyone who wants a franchise, in addition to buying machines, must make an advance payment on film. There's apparently no quawk on passing over a down-payment on the boxes, but the boys are reticent about that advance on (Continued on page 15)

CATHEDRAL WILL MAKE 16MM. CHURCH FILMS

Hollywood, Dec. 10. Cathedral Pictures, headed by the Rev. James Friedrich, is giving up the general production field to devote itself exclusively to 16 mm. religious films for use in Sunday schools. Outfit, organized last year, produced one 35 mm. picture, which was sold to 20th-Fox.

Program calls for 24 shorts, to be screened in churches next year. Three subjects, 'The Prodigal Son,' 'A Certain Noblemen' and 'A Child of Bethlehem,' have been completed. Dr. Friedrich, an Episcopal pastor, figures on a potential field of 200,000 churches in this country alone.

Eddie Clarke, Theatrical

Lawyer, Killed in Crash

Edward J. Clarke, 38, attorney connected with O'Brien, Driscoll & Rattery since his Fordham Law School days in 1923, was killed Wednesday (4) when the car he was driving crashed into a pillar at Broadway and 219th street, N. Y. Funeral was held in Farrington, Conn., on Monday (8). Clarke graduated from Holy Cross in 1923, and joined O'Brien, Driscoll & Rattery the same year while attending law school. He was admitted to the bar in 1928 and handled much of his firm's theatrical business. Mother, widow and two sisters survive.

Hall's 'Bedtime Story'

Hollywood, Dec. 10. Alexander Hall gets the director job on 'Bedtime Story,' a B. P. Schulberg production at Columbia. William Perlberg was originally assigned to the chore but moved to 20th-Fox as associate producer.

34th Hop for 'Cassidy'

Hollywood, Dec. 10. Harry Sherman sent his 34th Hop-along Cassidy feature into production on location at Lone Pine. William Boyd heads a troupe of 100. Eleanor Stewart new femme lead. Lesley Selander directing.

Harmon's Script May Include His Services to Col.

Columbia on Friday (6) purchased Mr. Twilight, original screenplay by Sidney Harmon, Broadway legit production. Price was \$8,000. Deal had been in negotiating stage for weeks, Harmon desiring a sale which would include his services as producer or associate. This place is still being worked on, although the linked pact includes no such provision.

Story is somewhat in the nature of a followup to Col's 'Mr. Smith Goes to Washington' and 'Senate Page Boys.' It's a satirical treatment of the supreme court, telling of a young new justice who realizes he knows the law but not the feelings of the people and sets out to learn.

Hively's 'Hang Out'

Hollywood, Dec. 10. RKO picked up Jack Hively's director option and assigned 'Hang Out the Moon' as his next picture under Frederick Ullman's producer guidance. Hively's last piloting job was 'The Saint in Palm Springs.'

Kohlmar's 'Relations'

Hollywood, Dec. 10. Fred Kohlmar gets the associate producer assignment on 'Improper Relations,' slated for a January start at 20th-Fox. Victor Heerman and Sara Mason wrote the story.

DIRECT RESULT OF THE DECREE

Film Buying Services Deemed Inevitable as Matter of Physical Expediency—Widespread Chains Would Be on the Bicycle All the Time, Otherwise

MAJORS AND INDIES

Buying combinations and services are expected to spring up next summer when full-line forcing and blind-selling come to an end, with exploratory consideration already being given to the demands that will be made upon the exhibition side of the fence in lining up film under the new scheme of things. It is causing not a little worry.

In looking forward to the buying of pictures in groups of not more than five, with all features to be screened before offered for another exhibitors are afraid buying will not only cause severe strain but also run into heavy overhead. This will be true not only for the larger chains but also for the little indie who may be several hundred miles from the nearest exchange.

Firstly, the pictures will have to be seen. Then, it is pointed out, some time may be required in negotiating the flock of separate deals that will have to be made for anywhere from one to five features. While it may be that after the first year of the decree, exhibitors will not look at all pictures before buying them, for the 1941-42 season it is expected buyers will want to cover as many films as possible to establish bargaining powers, clearance, etc. The matter of getting cancellation clauses into contracts, not forbidden by the decree, is another very important angle. Certain deals may be made for a group of five, with the exhib having the right to reject one. Such deals might be made without the buyer looking at the pictures.

Later on the attendance at screenings might be substantially reduced except where advance tips would indicate a specific picture as being sour or where the exhib is dubious over the quality in the flow of product from a given distributor.

At the outset and dependent on (Continued on page 23)

Columbia, UA and Universal Set Back in Bitter Legal Wrangling To Dodge Amended U. S. Complaint

Antidote to Agents

Janet Wood, assistant eastern story editor of Metro, claims to have found the real solution for serving agents. She appeared in the office last week wearing a badge ('Bradford, Pa., Special Police—It's genuine'), a fancy cartridge belt and a cap pistol hanging from her side.

'Presentation' Stalls 'Stars' Look' at M-G

Problem of handling exhibition of 'The Stars Look Down' is now contributing to Metro delay, after several false starts, in releasing the film. M-G acquired the English-made pic for distribution last spring. It stars Emlyn Williams and Margaret Lockwood.

Metro execs feel the film must be 'presented' in the proper way, and have been discussing plans to give it importance by preming it in a few towns at a time instead of releasing nationally on a single date. Delaying the process now are the campaigns on 'Gone with the Wind' and 'Philadelphia Story.'

If Metro continues to hold 'Stars,' it will conflict with 20th-Fox's 'How Green Was My Valley.' Both are about Welsh coal mining areas. 'Stars' story is by A. J. Cronin.

Mills Grind at Rep.

Hollywood, Dec. 10. Six writers were signed by Republic to do screenplays and treatments on product for the next quarter.

Scribes are Dorrell and Stuart McGowan, Bennett Cohen, Jesse Laskey, Jr., Richard Murphy and Milt Gross.

A drawnout verbal battle between attorneys for Columbia, United Artists and Universal and the Department of Justice on Thursday (5) resulted in a complete victory for the Government in N. Y. federal court, and left attorneys for the majors with the empty satisfaction of having said the most and being the most vehement, but losing the battle. Occasion was an attempt on the part of the 'little three' to prevent the Government from filing an amended complaint against them.

Judge Henry Warren Goddard, trial judge of the suit, after listening to arguments pro and con, declared that despite the pleas of major film company counsel; they had failed to show that the U. S. was not entitled to refile its suit; and that after that had been done, the arguments could be renewed in an application to dismiss. Thereupon the judge signed the formal order, allowing the suit to be filed.

At the outset of the proceedings, Robert L. Wright, special assistant to the attorney general speaking for the Government, outlined the new action and urged that the case be new points included, the most important were the remarks addressed to charges that the defendants had favored affiliates, as well as affiliated theatres.

Louis D. Frohlich was the first speaker for the defense, the Columbia attorney first seeking a dismissal of the old suit, brought in July, 1938. This the court denied immediately, whereupon Frohlich, shifting gears, attacked the right of the Department of Justice to file an amended complaint.

'Not in Good Faith'

This application to the court by the Government is not made in good faith, and the Government has no right to present this petition to the court in view of the consent decree, remarked the attorney. 'The original consent decree recognized one basic evil in the industry, that of control of theatres, and as a specific remedy sought divorcement. The five theatrical companies have been dropped, and the Government with no case,' said Frohlich, warming to his task. He then referred to (Continued on page 25)

120G DAMAGE CLAIM VS. MAJORS IN MPLS.

Minneapolis, Dec. 10.

Claiming that he has had to abandon the Esquire, loop sure-seater, after sustaining heavy losses, Irving Gillman will amend his complaint in his suit against eight major distributors and the Minnesota Amus. Co. (Pac), whom he blames for his inability to obtain the product which would have permitted him to operate profitably. He now wants \$120,000 damages in place of the much smaller amount sought before he 'lost' the showhouse, according to announcement by L. B. Schwartz, his counsel.

Gillman bought the Esquire from Bennie Berger, who, however, remained on the lease obligating to the purchaser. When Gillman abandoned the house it went back to Berger, who now is operating it again. Before quitting, Gillman darkened the Esquire and it was shuttered for several days with an announcement in front to the effect that it would remain closed until suitable pictures are available.

Burton's Double Duty

Hollywood, Dec. 10. David Burton, currently working on a story treatment of 'Private Nurse,' was assigned to direct the picture as a Sol M. Wurtzel production at 20th-Fox. Brenda Joyce is slated to play the nurse.

35th ANNIVERSARY NUMBER



To Be Published Late This Month

USUAL ADVERTISING RATES PREVAIL

Special Exploitation Advantages

Reservations and Copy May Be Sent to Any
Variety Office

NEW YORK
154 W. 46th St.

HOLLYWOOD
1708 No. Vine St.

CHICAGO
54 W. Randolph St.

LONDON
8 St. Martin's Pl.

Show Biz Moves to Philly This Week

For Variety Club Party; Pix Briefs

Successor to Monroe Greenthal, exploitation director of United Artists will be drawn from one of the other major companies. Greenthal, upped to pub-ad head, is currently interviewing prospects.

Mpls. in Trouble; 'Bitter Sweet' Mild
\$6,000, 'Burma' -Garber -Gilbert 12G

right. Won't top \$2,100. bid. La
st week. 'Letter' (WB), came in wi

(2d 1011), fall \$2,000.

RKO RADIO'S GREAT CHRISTMAS ATTRACTION IN FIRST RUNS EVERYWHERE...



No. No, Nanette

OPENING
BOYD THEATRE, PHILA.
THIS WEEK
RADIO CITY MUSIC HALL
DEC. 19

Anna **NEAGLE**

THE 'IRENE' GIRL IN THE 'TEA FOR TWO' MUSICAL ROMANCE

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Richard Victor Roland
CARLSON • MATURE • YOUNG

HELEN BRODERICK • ZASU PITTS • EVE ARDEN • BILLY GILBERT

TAMARA • STUART ROBERTSON

Produced and directed by
HERBERT WILCOX

R K O
RADIO
PICTURES

French Film Biz's Regimentation

Closure regimentation of the French film industry, announced from Vichy last week, cuts the domination by the Paris government of film methods in use presently by the Fascist and Nazi governments. The appointment of Vice-Premier Pierre Laval as head of the setup, wherein the local film field will be divided into five branches, further encourages that belief since Laval, even before the French capitulation last summer to the Nazis, was often reported as favoring a totalitarian rule, particularly that in use in the Reich.

British Gov't Blamed for Letdown In Pic Prod. Via Denial of Supplies

London, Nov. 26. Despite existence of creative effort and even some available finance, opinion is growing British production is headed for the doldrums as an industry pace-maker. Pessimism is directly attributed to Government "hindrance" in vital matters of supplies and permits without which essential aid producers' spare-work is breaking barren ground. Recent election of Michael Balcon to the Films Council, on which indie picture makers had placed much faith for action, has failed to bear needed and anxiously awaited fruit. Producer has not had the chance of speaking for his trade; no meeting of the body has been scheduled. Balcon's statement in his own personal production outfit is that it gets along but it's tough going in the age of the troubles indicated.

HEYMANN FILES TO REORG HIS 2 PIX COS.

Andre Heymann's two companies came tumbling down about his ears when, on Friday, (6), the French Film Import Co., Inc. and the French Cinema Centre Corp. filed petitions for reorganization in N. Y. federal court. Assets of the first company are listed at \$12,008 and liabilities at \$10,394, while French Cinema has assets of \$30,198 and liabilities of \$15,199.

Petitions were filed by Heymann, who requests both companies remain in business and under his supervision. He claims he can pay off creditors in full.

Among liabilities of French Film Import are \$142 owed in taxes, \$7,507 to French Cinema Centre, for advances, \$398 to H. E. R. Labs. for film developing, \$440 to the Smad of Brooklyn for music, \$50 to the Motion Picture Producers Association for a code seal, \$50 to the National Board of Review, \$75 to Music Sound Track for music, \$43 to Joe Hornstein for tickets \$93 to Preview Theatre, \$744 to Pathe Labs for developing, \$147 to Reeves Sound Studios, and \$565 to the Belmont Theatre, N. Y.

Assets are figured to be a gross of \$10,000 on the pictures 'Heritage' and 'Gold in the Mountain,' which the bankrupt has for five years.

French Cinema Centre has assets of \$3,768 for loans, \$100,000 of France, \$8,564, and Pathe Labs, Inc., \$212. It values its picture 'Harvest' at \$20,000, and suits against creditors at \$6,534. 'Harvest' has yielded \$49,000 so far, and it is estimated will gross \$20,000 more this year, based on advance contracts. It is proposed to pay creditors by laying aside 45% of the gross.

Weekend Cinema Test Goes Over in London

London, Nov. 26. Move undertaken by the Hyams film theatre circuit in opening two of its London houses for testing of weekend biz has proved itself payable, and similar move will now be made by others in the city. It had shuttered with the improvident curfew hours.

Snag in the way of a widespread grab this weekend patronage is shortage of personnel, many of which to staff the houses. Booking situation is another item difficult to overcome, with its short-term application.

WIN PAY INCREASES

London, Nov. 26. Assn. of Cine Technicians, under George Elvin, sewed up deal with two production companies, Strand and Realist Films, in drive for upping of labor wage. Increases were \$10 for adult workers and \$1.30 for juvenes.

Old Chinese Custom

San Francisco, Dec. 10. Joseph Sunin, operating Chinatown's new Grand View deluxer, has imported an old Chinese custom to lure Americans into his Oriental flickery. Now projects typewritten English subtitles on a special screen just below the main picture sheet to explain what goes on. System means the Chinese operator must learn the picture and flash the right dialog slide at the right moment each time around. Long used system to translate U. S. pictures across the water, this is believed to be the first U. S. application thereof.

Flick on which method is being introduced to Friscoans is a Chinese version of 'Madame Butterfly.' The Japanese girl of the original is an Indo-Chinese here, with the American naval officer replaced by the radio op. from a Chinese gunboat.

Sunn writes his own titles and will use the system whenever he has a flick which might interest Americans.

BANK PLAN SEEN FOR FILMS IN ARGENTINE

Buenos Aires, Dec. 10. Possibility that Argentina's 'New Deal' financial setup suggested by Minister of Finance Dr. Frederico Pinedo may result in additional coin for local film industry is currently getting lots of attention here.

Industry believes it might get money under long term (15 years) low-interest rates if the Pinedo plan goes through. Dough would go for more and bigger studio buildings, enlarging already established outfits which have long sought additional funds from the banks.

Pinedo setup would cut down on U. S. imports generally, although not affecting indispensibles. Pix not included in this class. Another worry to U. S. managers is the fact that difficulties in transferring funds are not considered in the plan. Pinedo hopes to have bank deposits used for certain aims, including buying up of unsold surpluses, cheap housing and fostering of industry.

Argentine film industry which is the largest in South America would like to cash in on the latter phase. Since such loans to industry will be handled through the Argentine Industrial Union—an organization of manufacturers in all lines—the film people who generally work independently are likely to get together for mutual benefit.

BRITAIN'S SUNDAY TAX HAS NETTED \$6,000,000

London, Nov. 26. Collected as part of the data supporting their drive for Sunday opening bans drain of the charity tax, Cinematograph Exhibitors Assn. releases figures showing this latter has lifted \$6,000,000 from the b.o. since inception. The CEA bases its figures on the 5% nick which Privy Council takes as its share of the charity collections for Sunday openings.

Exhibits point out 'greater' use of this coin in way of better entertainment against whatever it is that charities do with it.

'Gone' Gets 2-Theatre Opening in Mex City

Mexico City, Dec. 10. 'Gone With the Wind' (M-G) is to get novelty exhibition here when at long last it opens early in January. A public price test is also to be made with this pic, to ascertain whether or not the local film fans, some \$50,000 a population of 1,700,000, will pay \$2.50 (Mex) (\$60-75c U. S.), for a smash pic. 'Wind' is to be exhibited simultaneously in two cinemas. That has happened here for some Mexican pix in the first runs and occasions in the nabes for home and American pix, but never before in the frontliners for a stellar American.

'Wind' is to inaugurate the reopening of the Cine Olimpia, only local cinema that Americans directly own and operate, manager of which is Edward B. Noonan, brother of filmster Sally O'Neill. The Olimpia, after running steadily for 20 years, closed in October to undergo streamlining. 'Wind' is scheduled to play the Olimpia for six weeks. Pic has been booked for 12 weeks by the 'Ritz' here, and is to run at the same time at both houses.

There have never been such long bookings at any cinema for any pic in Mexico. 'Rebecca' (UA) holds the record, four weeks, at the select Cine Alameda, playing there to \$2.50 to \$1.50 (Mex) 50-30c U. S.).

Exhibs Squawk To Camacho On Film Censoring

Mexico City, Dec. 10. Pic exhibitors here have at last squawked about the arbitrary manner in which the Confederation of Mexican Workers and Artists, the Stalinist Vicente Lombardo Toledano, censor pix, even those that the government's censors okay. A group of representative exhibitors has made formal protest to President Manuel Avila Camacho against the Confederation's ban on 'He Stayed for Breakfast' (Col), which had to be expensively yanked at the last minute at the select Cine Teatro Alameda here.

The new government assured the exhibitors that it will carefully investigate this case and that of 'Ninotchka' (M-G) which the Confederation tabooed some time ago because it kids Communism.

An executive of the Alameda went to see Toledano to ask him point blank why he had banned 'Rebecca.' The labor chief declared that he couldn't answer that question on the spot because he must consult with his colleagues before saying anything.

The exhibitors are plenty sore. The Confederation has banned the two American pix because they spoof Communism; two Europeans were banned for depicting Hitler as a Nazi or Fascist. The Confederation recently lifted its ban on one of the Europeans, 'Carmen,' which though made in Germany, has an all-Spanish cast.

London in Wartime

London, Nov. 26. Motorists giving people lifts are now entitled to an extra allowance of gasoline. They are placed on their honor to use it to assist people going to and from business.

The Navy, Army and Air Force Institute (NAAFI) is to send out a new company of The Co-Optimists, famous concert aggregation of the last war, to garrison theatres and camps. Archie de Bear, one of the founders of original show will produce and another original premier in the cast will be Phyllis Monkman.

When the Green Room Club and Thurston's Billiard Hall were blasted by a bomb in Lettistree Square, priceless exhibition tables were destroyed, including a \$30,000 table presented to the Czar of Russia by Napoleon III, and one made for Queen Victoria for Windsor Castle in 1838.

Carlton theatre reopened in Haymarket, giving only one show daily

Venezuelan Law Seeks to Shelter Kid Morals From American Films

Interpreter Wanted

Sydney, Nov. 21. Bunch of pic execs, attending a film probe, went along armed with copies of VARIETY to press home some points on overseas affairs to the Chief Prober. Before entering the Prober's headquarters, however, the execs decided to toss a coin to see who would act as interpreter of the VARIETY trade lingo.

U. S.-PREFERRED FILMS KEY TO ANTIP ROW

Sydney, Nov. 21. Trouble is looming between certain British distrib interests and Aussie exhibs over British preference. There's a 15% British preference operating here, but, according to distros, many Aussie exhibs have not carried out their quota of playdates in keeping with governmental regulations, playing considerable U. S.-made product.

Exhibs, under existing regulations, are required to screen about 30 Britishers yearly. Some exhibs, so distros aver, have not screened a single British pic, despite the fact that there's ample product on tap to cover the percentage required. One distrib has had British product on the ice for over a year awaiting release dates, although U. S. pix have flowed onto the screens in a constant stream.

Practice here is that when an exhib fails to screen his quota, he applies to the government for an exemption, and this in the past has generally been granted, especially regarding quota covering locally-mades, which are scaled at 2%. However, the exhib has evaded the latter by declaring, and rightly so, that there have not been enough locally-mades released to cover the quota percentage.

Data is being collected covering the position for governmental study, with pressure expected to result compelling exhibs to live up to the regulations.

343 OF 5,000 BRITISH EQUITYTES WORKING

London, Nov. 26. British Equity shows a working list of 343 out of 5,000 membership. Nearly all of the employed are working in the provinces at drastically reduced salaries. That includes the stars.

London in Wartime

back with reserved seats. Other cinemas black in circulation are Astoria, Charing Cross Road, Mark's Arch Pavilion, London Pavilion and Odeon (slightly blasted in Leicester Square bombing) among others.

Cockosters hotel, near Guildford, is now the Green Room club for show folks. Among those permanently located there are John Gielgud, Marie Tempest and Robert Morley.

Robert Jorgensen was to have been press officer with the British army in Norway, but is now with the British Broadcasting Corp.'s Scandinavian news service.

Ike Hatch and Don Marino Barco with his Cuban band starting a day club with a cabaret, band, cook and other employees, all colored.

Sadler's Wells and the Old Vic are transferring their headquarters north. They will make Burnley, Lancashire, their wartime centre, and will send touring companies from there.

Caracas, Venezuela, Dec. 3. Minors—anyone under 18 years old—can no longer attend theatres here unless pictures have a top-hat effect. Legislation to that effect was recently passed, applying to the Federal district, which includes Caracas and surroundings, and is similar to the District of Columbia.

All films rated in Venezuela are 'A,' 'B' or 'C,' depending on what is felt to be their likelihood of affecting morals. Classification is done by a board of three persons to whom distros must pay 30 Bolivares (25c to the Bolivar dollar) per picture. Only ones minors can go to are the 'A' pictures.

This rule is tough on the U. S. film industry, in that it supplies a lot of the local films—because recent pictures which have done the best biz here are those with a true-to-life sex angle—'Waterloo Bridge,' for instance. They are not getting type in the French pictures. What Hollywood needs for better adult b.o. here, it is generally agreed, is less restriction by the Hays office.

Distributors are up against another problem in Venezuela because of the lack of dollar exchange. Twentieth-Fox, particularly, is understood to have a great accumulation of Bolivares and cannot get dollars to ship to the U. S. at higher exchange rates than the law allows. It's tough on them as, under the new Import Control Exchange act, the only way to get dollars is by special permit.

On the exhibition situation, the new Boyaca theatre appears to be getting best grosses. It's the leading house in Caracas and has a great advantage over others in parking facilities. It plays Universal pics.

Studio Worker Void Via Draft Averted By British Gov't Talks

London, Nov. 26. Formation of advisory committee from film studio operatives to sit in with Minister of Labor on problems of personnel direct result of conversations undertaken by producers and union tops to wise up Government department on danger of a worker void due to military draft.

Maurice Ostrer and R. P. Baker sit at respective desks in the E. Elton for brief-makes: George Elvin and T. O'Brien looking after their respective union groups: A. M. Crickett for musicians. Newsweek group has vote to select its representative. Committee assumes immediate duty. Loss of key men in the industry was a matter of growing concern.

Hicks Off on 2-Mo. Par Tour of Central Amer.

John W. Hicks Jr., Paramount's foreign sales chief, leaves New York early in January on a two-month inspection tour of Central American countries and Mexico. Climax of trip will be when he presides at a Latin-American sales convention on Feb. 5 of all Latin-American countries, including Argentina and Brazil, in Panama City.

Hicks' first stop will be in Mexico City.

Del Villar, Due In N. Y.

Santiago, Dec. 10. Benito Del Villar, Paramount general manager for Chile, is leaving here Dec. 14 for New York on a business trip. It is his first visit to U. S. in six or seven years. Villar plans to attend the Par Latin-American convention in Panama next February.

Besides reporting, Paramount's Villar is one of the biggest exhibitors in Chile.

British GN Windup?

London, Dec. 10. William Butlin, who financed Grand National Pictures, Ltd., has applied for a receiver for his company.

This is taken to mean that GN here is winding up its operations.

J. D. Davidson, long active in London, briefly field here, has received a bid to join John Grierson as head of the new Government documentary film branch.

ANNOUNCING
4
HOLIDAY
HITS!

MARX
BROS.
"GO WEST"
•
ROBERT
TAYLOR
"FLIGHT COMMAND"
•
CARY GRANT
Katharine HEPBURN
JAMES STEWART
"THE PHILADELPHIA
STORY"
•
CLARK GABLE
HEDY LAMARR
"COMRADE X"

WHILE most film companies

ARE currently advertising

ONE holiday show!

M-G-M has **FOUR** of them—

PREVIEWED! ACCLAIMED! SURE-FIRE!

WE have just screened

MARX BROS. "GO WEST" and we're still roaring!

POSITIVELY the fastest-paced laugh-getter in

ALL the history of the Marxmen.

WE told you about the cheering audience at

"FLIGHT COMMAND" (*Robert Taylor*)

IT'S the biggest thing since "Hell Divers"—

THE trade press is still raving about

***"PHILADELPHIA STORY"** (*Cary Grant, K. Hepburn, James Stewart*)

THE preview of **"COMRADE X"** (*Clark Gable, Hedy Lamarr*)

IS still the howl of Hollywood!

FOUR great holiday attractions in a row!

EACH one certain for extended runs!

WHO'S your Santa Claus, folks?



Co-op Theatres of Mich. in Move To Shutter All Houses Xmas Eve

Detroit, Dec. 10. — Since it is just about the poorest day in the year for business anyhow, Co-operative Theatres of Michigan has launched a movement to shut all houses on Christmas Eve. It was felt that since few came out it would be a good time for everybody to have a night off.

More than 200 theatres in Detroit, both members and non-members, were polled with approximately 95% of the operators responding in favor of closing. More than half of the houses wrote back that regardless of what course the others took they were willing to take the day off and not hang up a loss.

In this community, the day before Christmas has been brutal on the picture business, and the folks who aren't caught up with decorating the trees are caught up in the series of office and other parties. Neighborhoods don't catch at all, and what slight business there is tends to be down. However, the move came back strong on the Christmas Day matinees and nights.

Huey Long-Inspired N.O. Censorship Law Kayeod

New Orleans, Dec. 10. — The voters of this city and the rest of the State have one, and for all time voted the threat of censorship that has hung over its motion picture and stage shows since the late Kingfish Huey P. Long passed a law which he threatened to invoke unless the theatres restored vaudeville.

Passage of the State "reorganization" amendment has removed the threat forever, since the repeal of the State offices by the Jones regime no provisions are made for a board of censors, it was revealed Thursday (5).

A number of offices and departments were combined in the new setup and a number of them abandoned, one of them the board of censorship.

Jukebox Delay

Continued from page 1

pictures. Mills is asking \$200 advance per machine in cash, while some of the lesser outfits seek \$100 in escrow.

Advance is demanded because of the heavy cost per reel. Each one runs about \$20,000 and, inasmuch as it isn't practical to start the machines into operation without at least 10 reels on hand, that means an investment including prints of almost \$250,000. Rentals average \$10 a week, which means reels must get more than 2,000 different dates for the producer to break even.

The advance on film rentals will be dropped if and when the machines prove successful. Now, however, manufacturers feel that franchise-holders should share some of the game. Machines, which cost for about \$60 (one-third down and the rest within a year), hold out promises of profits of \$1,000 a year—which must be divided with the location owner—if they take the \$50 a week.

Briskins' Setup

Revealed during the past week as financing a see-box outfit were Samuel J. and Irving Briskin. Former is a top Columbia Pictures studio executive and latter is a Col. producer. They're partners in Show-Box, Inc., with a brother, Murray Briskin, who owns three theatres in upstate New York; Mitchell, Hamilton, Hollywood agent, and Irving Starr, indie producer. Bell & Howell is making their equipment. They opened an office last week in Columbia Pictures' building in New York.

Another company, Techni-Process Corp., originally formed for processing film, is understood to be experimenting with a new projector box to run its own reels.

First Eastern-Trade Soundies

First Eastern-made films for commercial operation in see-boxes go into production at Fox-Movietone studios in Manhattan next Monday (18). They are to be made by the Mills-Roosevelt Soundies by outfit's recently-named production unit headed by Dick Hyland and Arthur Leonard.

Present Lopez orch will be featured in the briefs. Tunes will be originals by Sonny Skyler and LeRoy Homes. They'll include "Don't Cry," "Turn Out the Lights" and "Hot Senorita From Union Square."

Virginia Vale Leads

Hollywood, Dec. 10. — Tim Holt's new femme lead in his next western at RKO is Virginia Vale, who played opposite George O'Brien in his last six cactus dramas of the same title.

Picture is the fourth in the Holt starring series.

THIS DETROIT HOUSE SOLVES PARKING

Detroit, Dec. 10. — No small project is the Forum theatre for which the plans have been drawn and on which, construction bids are now being accepted. The new house for the northwest section of Detroit is being constructed by the Circle-Midway Theatre Company, headed by Joseph Stois, owner of two other theatres here.

The 1,200-seater, comparable to many first-flight houses, is only a small part of the project which will cost \$300,000. Included in the theatre building will be 10 stores. Probably the most unique feature of the entire development is more than ample provision of parking space. With a site covering nearly seven acres, the project provides parking space for 1,000 cars, which figures out nearly one car for every two seats in the house.

Now numbering 112 houses, the Butterfield circuit will build its first house in the university town of Ann Arbor. The 1,900-seater, with 1,200 seats on the first floor, will take the place of the present Majestic theatre.

House will be ready to start biz in August, 1941.

United Detroit Theatres, major chain here, will put two new houses into operation with the year's end. First is the Royal, which will be operated jointly with the Wisper & Westman circuit, in the northwest section of the city. A 2,500-seater, the house will handle second runs, opening Xmas.

The other addition to the U-D chain is the Bloomfield, in suburban Bloomfield. The 1,000-seater, will be put into operation shortly after New Year's.

Wilby-Kliney's 4th Link

Spartanburg, S. C., Dec. 10. — Contrary to the Palmetto, Wilby-Kliney's fourth local house, let to J. R. Holcombe, Columbia, S. C., and owned by William. Will seat 850 and scheduled for April 30 opening.

H. Arrington, Rocky Mount, N. C., elected president of North Carolina Theatre Owners' Ass'n. Succeeds H. A. Berry, Hartsfield, S. C., who becomes v.p. Roy Rowe, Burgett, second v.p., and Mrs. Pauline Griffith, Charlotte, re-elected sec-treas.

Harry Schwartz of Lexington, has opened new Winchester, Ky., house. Winchester Amusement Co., building another. A third house to two Winchester units. Plans a fourth. War Investment Co. has asked permit for \$30,000 Fort Lauderdale, Fla., house. E. B. Gore will open new State, Tampa, Dec. 15.

Clemmons' Own Chain

Orange, Texas, Dec. 10. — Tom R. Clemmons opened his new Royal here as his first unit in a group of houses he expects to build and operate throughout the state. Clemmons recently resigned from the Jefferson Amus. Co. to exhibit on his own.

This city is one throughout the state which is seeing a boom due to the Government spending for its national defense expansion program. Some \$105,000,000 will be spent here on building of destroyers.

New F.P. Canadian Link

Victoria, B. C., Dec. 10. — Famous Players Canadian, with the Capitol, Dominion and Atlas theatres here, will build a new house in the heart of the business district, to start end of the year.

John Lee's Addition

Spokane, Dec. 10. — John Lee opened his new Marjorie, Ephrata, Wash., Dec. 6.

Marvin Schenck to Rep Metro in N.Y. on Talent

Marvin H. Schenck, who trained from the Coast for New York Monday (8) after 10 days of confabs with Metro production execs, it is understood will assume the post of studio's eastern representative in charge of talent. He has up to now been assistant to Charles C. Moskowitz, general manager of Loew's theatre circuit.

There will be no change, it is said, in the status of Sidney Phillips and Al Altman, who have previously handled scouting and other phases of talent work under the supervision of vice-president J. Robert Rubin. Schenck will apparently act in between them and Rubin.

Moskowitz declared yesterday (Tuesday) he could say nothing of any change in his assistant's status. Schenck returned from his trip to Altman, who has been on the Coast since last week, left for New York last night.

Theatre Mgrs. Union Starts Drive in Det.

Detroit, Dec. 10.

This week the new Theatre Managers & Assistants Union, Local 22312, AFL, will close in on Detroit's chain and indie houses for the negotiation of contracts, according to Clayton Bordner, legal counsel for the local. Organization has been proceeding quietly here and at the present time the local boasts that its membership covers a majority of the city's estimated 350 houses. Members are making push of being complete the inquiry themselves instead of having the Government make it.

One of the big gripes is that small houses are paying their managers extremely low in comparison to the booth operator. The projectionists are getting \$90 while some of the small houses pay managers, the union declares, \$20 to \$25 for weeks running over 70 hours. Operators are on the 10-hour shift here, it was pointed out, and don't have to take the rap when biz is bad.

The chains also are cited among those accused of having chiseled wages down with the switchboard device. Where salaries of \$125 were paid managers in some of the big houses, switches have gradually brought in men who would work for \$100, then \$80, etc., until now some managers in important houses were said to be under \$75 a week. All of the chains are not guilty, it was added, several of them keeping their pay at a high level despite decreased business.

About 75 houses here are being ignored entirely in the organizing, it was added, since, technically, they do not have the switchboard merely designating some usher on the floor to run the works while they are out.

Contracts here will be negotiated, union officials said, on the basis of seating capacity of the houses with the individual capacities of managers also taken into consideration. But, at least, size of the houses will be a factor in while the bigger chains with pay, is sought but the working hours will be negotiable.

Contracts will be sought with such extensive bodies as both Allied and Universal while the bigger chains such as United-Detroit and Wisper & Wetman will be contacted directly.

Louis Weiss, Indie, On SAG 'Unfair' List

Hollywood, Dec. 10.

Louis Weiss, indie producer, was given a 30-days' notice of cancellation of his last agreement with the Screen Actors Guild for refusing to permit Guild checkers on sets of a picture.

Guild members are not permitted to work in his pictures, while he's on the unfair list.

Guilds, Unions Unite in Plea For Probe of Wage-Hr. Law 'Violations' in Coast Studios

Hollywood, Dec. 10.

A Government investigation of asserted Wage-Hour Law violations is being sought by several studio Guilds and unions. Both the Producers and union representatives discussed the situation with Col. Philip B. Fleming, Wage-Hour Administrator, on his visit here over the weekend. Following conferences with the Guilds, Col. Fleming was guest of Col. Frank Freeman at Paramount luncheon, where he was introduced to other industry leaders.

George E. Bodie, attorney for some 3,000 members of independent film Guilds, told the administrator there had been numerous complaints of violations relative to employment of set designers and clerical workers. He is said to have suggested that a crew of Government investigators be sent here to make a survey at one major studio. This information would then be turned over to the Producers to be used as a guide at other studios in the area, they decided to complete the inquiry themselves instead of having the Government make it.

The threatened fight over control of the studios has been going on temporarily by George E. Browne, prexy of the International Alliance of Theatrical Stage Employees, that all members of International Brotherhood of Local 659 must immediately resign from the American Society of Cinematographers was broadcast by Herbert Aller, business representative of Local 659. The move, however, was stymied when prexy Browne longidistant that any such moves would be handled by the International executive board and not by Aller.

In the meantime, several of the 10 IATSE studio locals have opened

SCREEN-CREDIT 'JOKER' IRKS SCRIBES

Hollywood, Dec. 10.

An indignation meeting was held by the Screen Writers' Guild for Wednesday (11) to consider a contract rider known as "clause X" which the majors want to attach to the writers' contracts. Under this clause gives the studios the right to allocate screen credits on expiration of the current pact with SWG April 10 and is interpreted as the producers' right to demand the present agreement whereby the Guild has exclusive right to adjudicate credit disputes.

Writers for the past two years settled all disputes within its own organization and will demand elimination of this clause, under orders not to sign a contract carrying such rider.

Flu Epidemic

Continued from page 2

colonists acting as fifth columnists. The germ is identified by a lei, grass skirt and a ukulele. When it stings the victim it sings "Aloha," which means that you are going to be stung with a hospital bill.

That is, if you are lucky enough to get into a hospital in Los Angeles or vicinity. Every hospital in these parts is as busy as a hotel during an American Legion convention. If it keeps up the epidemic will have to be registered for the Flu Furture.

A list of casualties reads like Who's Who and Who Ain't in Hollywood. The week was reached on Saturday afternoon when Notre Dame played U. S. C., which brought the germ-sprayers in droves. Judy Canova among the Coasties caught up in the epidemic. She has been bodded ever since her return from an eastern p.a. tour two weeks ago. Work at Republic not held up, as next two stories for her are still in the pipeline. The epidemic's "Sis Hopkins" and "Puddin' Head."

negotiations with Pat Casey, producer labor contact, but it is understood the talks have been confined to Wage-Hour provisions. Harold V. Smith, business representative of Sound Technicians Local 695 and chairman of the IATSE Business Representatives Committee, insisted the negotiations be started. The International is maintaining a hands off policy, but it is believed Browne after the situation becomes muddled or the locals find it difficult to make a new deal with the companies.

Attorney John W. Lehnner has been played a business representative of the Society of Motion Picture Film Editors. He succeeds Walter Sharpe, who resigned to become business agent for the downtown retail clerks.

The Screen Office Employees Guild, which has been certified as collective bargaining representative for White Collarites at seven studios, is planning to open negotiations. Request for a meeting has been filed with Metro, Columbia, Universal, Republic, RKO, Walter Wanger and Hal Roach.

The SAG has nominated the following slate from which officers will be elected at a general membership meeting of the 1,800 workers on Jan. 7: Glenn Platt, Min Selvin, Levey, Vaughn, Laura Savard, Hilda Lehman, Pat Hearn, Pauline Cole, Lee Gold, Wylie Foster, Isabel Allinson, Floyd Joyner, Eunice Mindlin, George Macdon, Barbara Alexander, Claire Morgan, Herta Uerkwitz, Bernadette, Josephine, Wriggle Cole, Batcher, Margaret Bennett, Betty Phillips, Bob Kingery and P. Traxler.

Art Directors Elect

Albert D'Agostino is the new president of the Society of Motion Picture Art Directors, which is now trying to negotiate a basic agreement with the major companies. Carl Jules Weyl is v.p. of the society, and Urie McCleary, secretary-treasurer. The board of directors is composed of Stanley Rogers, Urie McCleary, Albert D'Agostino, Carroll Clark, Carl Jules Weyl, Robert Haas, Earl Hedrick, Robert Usher, Jerome Prych, Harry Smith, Ralph Delacy, Bill Innes, Joseph Wriggle, Maurice Rachin, Alexander Goldstein, Maurice Raustford and McCleary Capps.

Motion Picture Studio Grips Local 80 of the IATSE is mulling a proposal to increase its dues from \$200 to \$500. Groups sponsoring move believe action would close the membership and provide more work for those already affiliated.

Petition for affiliation of the Screen Cartoonists Guild as collective bargaining representative for 1,000 workers at Walt Disney, Screen Gems, Leo Schlesinger and Wally Paster. The latter is being filed with the National Labor Board. The Guild for several weeks has been secretly signing up employees on these lots.

Brigham Heads Projectionists

James Brigham has been elected president of Motion Picture Projectionists' Guild, Local 1475. Other officers are Richard Silvey, vice-prexy; Jack T. Payne, treasurer, and John Swartz, business rep.

The American Arbitration Association is opening its new office here Feb. 1 to arbitrate disputes arising out of the new methods of selling films. The AAA also is considering a proposal to enter the general commercial field and may even handle union-compulsory arbitration.

Ballots will be mailed out Thursday (12) for election of a new board of governors for the Academy of Motion Picture Arts and Sciences. Polls closed Friday (13). The following nominations have been made: Edward Arnold, Fay Bainter, Donald Crisp, Betty Davis, Greer Garson, Gene Lockhart, Tyrone Power, Rosalind Russell, James Stewart, Frank Conroy, Michael Curtiz, Cecil B. DeMille, Garson Kanin, Frank T. Vand, Mervyn LeRoy, Ernst Lubitsch, Tim Wood, William Wyler, Henry Blanke, Y. Frank Freeman, Jesse L. Lasky, Sol Lesser, Kenneth MacGregor, Joe Pasternak, David O. Selznick, Richard Wanger, Darryl F. Zanuck, Jane Murnin, Norman Reilly Raine, Robert Riskin, Allan Scott, Carey Wilson, Bernard Herzhorn, Nathan Levinson, Thompson T. Mackenzie, Anne Bauchens, Harold J. McCord.

MAMMOTH "ARIZONA" LEADS THE PARADE OF COLUMBIA HITS!



The stirring saga of a fascinating family's loves, feuds and valiant destiny.

INGRID BERGMAN • WARNER BAXTER
LEGACY

with Fay Wray Susan Hayward Richard Denning
Robert Shaw Helen Westley

Screen play by William Hurlbutt, Michael Blankfort
A ROBERT SHERWOOD PRODUCTION
Directed by GREGORY RATOFF

Based upon the best-selling novel by CHARLES BONNER



Gloriously Gay Comedy

FROM THE GREATEST COMEDY STUDIO OF THEM ALL!

FRANCHOT TONE • JOAN BENNETT
A Girl's Best Friend Is Wall Street

Based upon the 'Cosmopolitan Magazine' story by Jane Allen
Directed by RICHARD WALLACE • Produced by CHARLES R. ROGERS



RALPH BELLAMY, Ellery Queen
with MARGARET LINDSAY as Nikki Porter

ELLERY QUEEN
Master Detective

with Charley Grapewin
James Burke • Michael Whalen
Screen play by Eric Taylor • Story by ELLERY QUEEN
Directed by Kurt Neumann

AWAITED BY MILLIONS OF RADIO AND BOOK FANS!

MIGHTY ACTION DRAMA
...TENSE, FAST AND
SUSPENSE-PACKED!

PAT O'BRIEN • CONSTANCE BENNETT

Escape to Glory

with JOHN HALLIDAY • MELVILLE COOPER • ALAN BAXTER
Screen play by P.J. Wolfson • Directed by John Brahm
Produced by Samuel Bischoff



THE STAR OF
'NO TIME FOR COMEDY'



AND THE MAN WHO
'STAYED FOR BREAKFAST'



TOGETHER FOR THE FIRST TIME!

Rosalind RUSSELL • Melvyn DOUGLAS

This Thing Called Love

with Binnie Barnes • ALlyn GLORIA • LEE J. GLORIA
DANIEL • HOLLYN • DICKSON • COBB • HOLDEN
Based upon the play by Edwin Burke, as produced by Patterson McNutt • Screen play by George Seaton, Ken England, P.J. Wolfson
Produced by William Perleberg
Directed by ALEXANDER HALL

A GREAT 'HEART' DRAMA
STARRING THE 'AWFUL
TRUTH' COMBINATION!

GEORGE STEVENS' Production
IRENE DUNNE • CARY GRANT

Penny Serenade

with BEULAH BONDI • EDGAR BUCHANAN • ANN DORAN
Based on the McCall's Magazine serial novel by Martha Cheavens
Screen play by MORRIS RYSKIND • Directed by GEORGE STEVENS



PARAMOUNT, N. Y.

infrequently even the composers numbers hardly recognize the melodies as given out by the out that captivate jitterbugs. That exemplified when Lunceford's band toys with 'In The Shade of The C

Great News

... . FOR THE 300
THEATRES PLAYING
ALEXANDER KORDA'S
**"THE THIEF OF
BAGDAD"** AS THEIR
CHRISTMAS ATTRACTION!

Held Over for second big week at RADIO CITY
MUSIC HALL as first week-end hits one of the highest
grosses in the last four months! Both Saturday and
Sunday from 12 noon on, a full hour's wait for seats!

"The most wondrous film of
this season." — *New York Times*
"One of the picture landmarks
of the decade!" — *Daily Mirror*
"Resplendent and captivating.
A solid show with magnifi-
cent settings." — *Herald Tribune*

"Lavish and colorful produc-
tion...a thrilling sight."
— *New York Daily News*
"Magnificence of sets, latest
advances of Technicolor,
become sources of awe and
wonderment." — *Evening Post*
"Fun and delight in its adven-
tures!" — *World-Telegram*



in Magic Technicolor * Released thru UNITED ARTISTS

STRAND, N. Y.

Ozzie Nelson Orch with Harriet Hilliard, Humphrey Bogart, Gail Gali, Jack Seymour and Kay Picture, Roseanne Stevens, Mayo Methot; 'The Letter' (WB), reviewed in VARIETY, Nov. 20.

licking, big, white, handkerchiefs which they line up at finish to speed out Shea and Raymond. Tall, lanky, dope type and the hefty partner have been around once this year, so the shoot their repertoire fast and sweet this time, cutting everything just before the customers get a chance to say, 'hey, I seen that last time.' The 'Gotta Be a Football Hero' parody, the silly soft-shoe hoofing, the tango, the asp pantomime, a flash of the stringy red-wig biz and a wiggly jitterbug finish with the lanky guy winding up in the orch pit are surficial as ever.

Deciding to hold 'The Letter' and Ozzie Nelson for four weeks, which takes the Strand up to Christmas week, a departure from policy was to bring in Humphrey Bogart, his wife, Mayo Methot (both under New Acts), and two other turns for the final 14 days of the run starting Friday (6). This added shot in the arm for the boxoffice had an instant effect opening day, with the house the only one on Broadway doing any real business Friday evenings (6). There was standing room at 9:30 on the last show.

Barnet's band has power to burn. It's composed of 17 playing pieces: four trumpets, four trombones, five saxes including the leader's, and four rhythm. Driving through suc-

Gals take over again, all on roller skates, for simple formation skating, whipping up surprising speed of mass wheeling to earn strong hammer Line falls back to give the three Walkmirs full stage. Hefty man and two women, one blonde and one brunet, waste almost no time on elaborate bowing, bane of most circus acrobats in vaude; working ju-

Idea of routing in Bogart for the second half of the four-week engagement of 'Letter' and Nelson, both also b.o., is exceedingly good showmanship. Draught of the Bogart name cannot be disputed, and although the house would probably still do a nice business had it carried the opening show all the way through, with the screen heavy in there as bait, the difference in the gross will no doubt be highly compensatory.

...as 'Rockin' Rhythm,' 'Pompton Turnpike' and other sizzling arrangements, the crew stacks up solidly with only one fault, and that probably will remedy itself in time. Weakness is in the rhythm, specifically the drums. They're played by a new man, and he's inclined to rush tempos on faster stuff. On medium speeds he's okay. Beat solid.

enough showmanship into their stunts to hypo it effectively. First it's the brunet doing ladder and bar work atop a 30-foot pole, balanced on guy's shoulder. Finish is both gals spinning in opposite directions on horizontal bars atop pole, balanced on strong-man's head, no hands. Little finishes with lantern parade with Walkmirs in center doing strong-arm groundwork.

Biz fair at show caught. Craig.

Bogart comes in with a nice little act, written for him by Harry Gurfain, who stages the shows here, and Sidney Fields. He and Miss Methot close the show, with both Nelson and Miss Hilliard worked into the routine.

Bang-up show, and one that must cause excellent word-of-mouth for the house.

Hefty brass and sax sections come up with clean and full work that's a pleasure for listening. One of the few tries at staging a number (patrons don't as a rule go much for

The Warner contractee is brought on by a specially-made trailer combining highlights of gangster and other roles he has played, with Cagney, Robinson and others included. Bogart's talk is crisp and the bits worked are effective audience-pabulum, including the gag built around organizing a new mob

"Only Forever" and furthers that impression on "That's for Me." Lear, formerly with Larry Clinton, is click with "Rhumboogie," his standard "Shadrack," a fast "Old Man River" and a short original.

Boston, Dec. 6.
'Funzafire' with Benny Merce
Orch (10), Five Sailorettes, B.
Morosco, Joe Bonell, Louise Sha-
non, Ginger Manners, Ken and Ray
Paige, Dianne Abbey, Al Spiro,
Daughters of Satan (line); 'The
Fargo Kid' (RKO) and '5 Little Pe-
pers in Trouble' (Col).

among Nelson's bandsmen, plus the quartet stunt of 'Down By the Old Mill Stream.' Nelson, Miss Hiliard and Miss Methot work in this brief sequence with Bogart, each in turn being taken to the wings and 'shot' by the manager for their 'poor' performance, Bogart winding it up by bumping off the said manager.

Miss Methot, making a nice appearance, sings 'More Than You Know,' scoring. She was formerly in legit.

Among the new young singers, Leni Lynn rates with the best. A warm little personality that suits her youth and size helps much in putting her songs over. She sings a couple of operatic arias and adds the 'Movie Fan Letter' song that Judy Garland introduced. She does all three well, and had a real click a

Edith Wilson, apparently a Harlequin, proves, a likeable turn, having only originals. First tells her 'I'm Just a Fat Gal,' second admonishes 'Don't Advertise Your Weight,' which gets an encore. Voice isn't the best, but it has personality and it's sold in ingratiating style. Well liked.

Produced in the Heinz poppy vein, this unit is one hour of pep and variety. There is not a sensation act in the show, but no act has time to wear out his or her welcome; and there are so many screwy bits and interruptions that the next turn is on before one gets acquainted with the preceding one.

In addition to Bogart and his missus, the new show includes Gali Gali, Egyptian sleight-of-hand artist with a smooth line of gab, who has worked in various night clubs, and the dance team of Jack Seymour and Kay Picture. Youthful double of Seymour and Miss Picture does a rhythm tap and a novelty tap, getting across solidly. Seymour has been around for sometime and a few years ago headed a flash act. Char,

Solid from start to finish are the three Shyrettos in a topnotch bicycle and unicycle turn. A great flash, they top their appearance with dynamite cycling. Fast action at all times, with the stunts hitting the bull's-eye throughout.

Billy and Vivian, tap duo, work up front. Band behind them is too loud, ruining their opening tap duo and cutting heavily into the male half-trick tapping. Using a chair, clicks off terms in various positions.

Personality most likely to be remembered is Benny Mericroff's. He was on most of the time as band leader and m.c. and doing a pretty good job of it. His own act, cut down like the others, the same old line of jugglers and instrumentalists who were here several years ago, but now he's not taking himself seriously. Result is injecting hokum into his work very okay, and in so working Mericroff adds to his quota of the laugh. When he juggles the stooges go high and he gets a big laugh. He tries to do a little more, but he trips and when he plays the cells he's gummied up by a deaf hoofer for a prop tree, and a comic sleight-of-hand bit on the sidelines.

FOX, ST. LOUIS

St. Louis, Dec. 6.
Carty and Bradford, Stubby Kaye,
Connie Dowling, Three Rhythm
Kings, Johnny McGuire, Jerry Berg-
man, Bank Sisters, Porky and His
Rooters, Ben Rader Orch (20).
'South of Suez' (WB) and 'Escape
to Glory' (Col).

Ross Sisters (3), Wally Rane
Charles Moore and Susie, Leste
Harding, Phyllis Arbuthnot, Hous
Line, Herb Six House Orch; 'Little
Bit of Heaven' (U).

arms or reclining and kicking legs separately or in twos and threes. It pulls a melody from the varied tones of the bells. It's nicely carried out. Otherwise, the group is composed of rugged individualists. Wood.

Regular formula of mixing three standard acts with the house talent is reverted to, and the result somewhat tops the usual run of stag shows here. The 43 minutes are neatly packed and every act well

Willard Gary, Patricia Norma
Shea and Raymond, Walkmire,
Gae Foster Girls; 'One Night in the
Tropics' (U).

Meroff's band is not featured in an act, except for a comedy turn by Al deVito, drummer, who garners a nice hand when caught for his clowning as a tympani artist. One of his gags that won't be copied at Symphony Hall comes in the dizzy finale: he bounces a slice of bread off the drum head and then bats it out front. Goes through a half loaf of bread and hardly misses a beat. Screwy, but novel.

Unearthing local talent, groups of seven of the tyros being given their big chance each night for one week, for the best of each set to be selected for a one-week local radio show. With the same format, the same weeks hence, is the manner in which Fanchon & Marco is currently continuing the combo talker-stage policy in its 5,000 share Fox in midtown Manhattan. The show is shared between the theatre and KMOX, local CBS outlet, and talent judges of both organizations gave the critical o.o. to the hundred who Rocked for a song. And with the show, the studio is turned to a double feature talker policy after ditching it for a single last week. Ben Rader's tooters, after a one-week vacation (Larry Clinton's a month), are back. Also are back at the old stand.

Title of 'Cocktails of 1940' is carried out by the line in a sprightly opening number. Wally Rand follows. Main strength of his act is juggling, with comedy patter, based on the English with which he makes a pair of tennis balls do tricks. Closing terp and deceptive stunt made possible by a ragland sleeve topcoat leaves customers in jovial mood.

If any of the youngsters wonder why the vets still call it variety, the one should straighten them out. It opens with a tap transplanted from ballet and finishes with the line of roller skates and a circus balancing act, with a swing songstress and an eccentric hoofing duo bridging the gap. It's one of those bills that doesn't have to make sense as a unit because each portion stands solid on its own feet.

Louise Shannon is the featured dancer, tapping out two numbers. The first is conventional except that Miss Shannon makes it seem better by her gestures and mannerisms which were apparently as well routinized as the hoof beats. Her second session is enhanced, not only by more flashy steps, but by the use of rather unusual musical background, which includes 'Grand Canyon Suite.'

F & M's excels will have to admit that the search to date hasn't been such a howling success. The first was a "night, when caught, was opening about which to write to the William Morris Agency or others. Session started down and couldn't get back on its feet. Before the curtains parted an onstage voice introduced the band and the band led out into the "Lap" with a "Lap" trombone featured. Then Stubby Kaye, a portly young guy fetched from New York, assumed the m.c. role. He is personable and a good singer. He sang "Lap" and the first act was Carty and Bradford, tapsters, and the lads should have saved some of their better steps in the first part of the show. The second act was the female Connie Dowling, a striking platinum blonde, trilled "Maybe" and "I Go," but the band's inclination to sing through the

The Three Ross Sisters (New Acts) are on next to draw their grapes over their acrobatic contentment. The youngsters range from 10 years old to 16, and their eight-minute turn ranks high. Routine is based on some incredible backbends. Lester Harding steps to the mike to sing "I'm a Fool for You," a "Garden of Eden" and encore with a mellow "Girl of My Dreams." He harpingtons "Champagne Waltz," the cue for the first of the evening's musical numbers.

Weekly amateur contribution offered by Phyllis Arbutnot: A little though handicapped by a paralyzed right arm, she plays a piano with an armoured, trick of playing the piano with a blanket over the keyboard and gloves on her hands. Closing the evening with a song, "Close to You," a comedy trick and knockabout with a guitar, Susie, as his stooge and foil.

Final is a dance combination of a man and swing steps to "Rhumba Boogie." The duo is a fine example of

Show is launched, as usual, with Roxette. Eileen Ritter's singing "Song-With Me community song, getting extra interest with recorded playbacks of volunteers. This week it's Irish tunes and they really howl. I'm at performance caught Curtains' first line, "Oh, jitters." The routine, gals falling back, Billard Gary pop out in striking black pants and close-fitting jacket for tap solo. Kid maintains effective rap rhythms while utilizing the gals' "I'm a bawling head" and "I'm a spinning. His mood is a bit much, but the airy side for the boys in the band especially, especially the unnecessary head-throwing biz, but over-all a

anybody else are the principal comedians. They are the only ones who are not in a rough-house with himself apart in a rough-house with his straight partner, pratfalling and a dive into the orchard. Joe Bonelli toots a saxophone while hooting and registers well in his fast-tapping and playing. Billy Moros does the accentric dancing on rolled-up skates and embellishes with funny falls.

Ginger Manners, Impersonator, has two fairly good offerings. One is an impression of a cuffed soldier and another of a plane pilot. The former is a little better than the latter. Out 'till the Barre while Mr. Manners' mouths the words and gestures in a burly mood. FIVE Salicettes are okay in a fast turn-bling turn early in the show, some

The Rhythm Kings, mandolin, guitar and bull fiddle, did o.k. with a couple of pop numbers. Two of 'em warbled 'My Shadow and Me.' The lack of stage experience was very evident. Johnny McGuire, an older, does bird imitations. The

PARAMOUNT'S "SECOND CHORUS" PARAMOUNT'S "SECOND CHORUS"



**Paulette gets hep to that smooth Astaire step...
and the critics are giving their picture some rep!**

Listen to the Boys swing those adjectives...

"One of the gayest, freshest and most exhilarating gems of entertainment filmed this year. In the box office bag—a show for Paramount to thunder from the roof-tops!"
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—Daily Variety

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"The fans of Astaire will be pleased with the latest efforts of their favorite!"
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—Variety



FRED ASTAIRE PAULETTE GODDARD
"SECOND CHORUS"

A Paramount Picture with

Artie Shaw and his Band • Charles Butterworth
Burgess Meredith • Produced by Boris Morros

Directed by H. C. Potter • Original Story by Frank Cavett • Screen Play by Elaine Ryan and Ian McLellan Hunter



**Help yourself to a Happy New Year
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PARAMOUNT'S "SECOND CHORUS" PARAMOUNT'S "SECOND CHORUS"

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SANTA FE JUBILEE

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IRENE HERVEY • JOHN BARRYMORE • ANN SOTHERN
DONALD CRISP • VIRGINIA FIELD • CHARLIE RUGGLES
ARLINE JUDGE • OLYMPE BRADNA • JEAN PARKER • MARY HEALY
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**A BIGGER SEND-OFF THAN 'DODGE CITY'
AND 'VIRGINIA CITY'—BECAUSE IT'S A STORY
MILES BIGGER THAN BOTH!**

IT ALL GOES TO SHOW THE WORLD
THAT WARNERS WILL RELEASE

Santa Fe Trail

For Xmas!

ERROL FLYNN and OLIVIA De HAVILLAND in 'SANTA FE TRAIL' with **RAYMOND MASSEY**
RONALD REAGAN • ALAN HALE • Wm. Lundigan • Van Heflin • Garie Reynolds • Henry O'Neill • 'Big Boy' Williams • Directed by **MICHAEL CURTIZ**

Original Screen Play by Robert Buckner • Music by Max Steiner • A Warner Bros. - Int National Picture

Pre-Releases to Army Camp Theatres Deemed Unfair by Regular Exhibs

Detroit, Dec. 10.

Pointing out injustices to theatre men, who have big investments in houses and hand over good taxes to Uncle Sam, Michigan's exhibitors are getting ready to gang up on the demands to give Army Camp theatres the priority run on pictures instead of to the local houses. The agitation here stems out of Camp Custer, ready to house 30,000 men and growing up fast, which is close to both Battle Creek and Kalamazoo. Exhibitors there feel that to give the Army first crack at good pictures wouldn't do them any good on their supposed first-run in the area.

Expecting a boom from the nearby concentration of men, Battle Creek had announced the building of two new houses, one by the extension of Butterfield Circuit. The proposed granting of priority rights to films to the camps seriously threatens the projects which had expected to gain rather than lose through the population boost in the camp.

PAR'S FOUR NEW MIAMI HOUSES

Miami, Dec. 10.

Opening of Paramounts new Lincoln Road theatre Dec. 28 and new units in Miami and Coral Gables on the 15th will give chain four additional houses in this locality. The Boulevard, Miami, debuted last week.

With exception of the Beach all will follow regular film policy. De Luxer will offer stage shows throughout the season, splitting bills with the Olympia.

Composer-Orch

Continued from page 1

Slam Stuart ("Flat Foot Floogie"), colored bass player; Eddie Edwards of the original Dixieland Jazz Band ("Tiger Rag"), trombone; Irving Gordon ("What'll I Tell My Heart"), violin; Arthur Attila ("The Merry Play"), violin; Jimmy Mundy ("Springtime in the Rockies"), sax; Eddie Farley ("Music Goes Round and Round"), trumpet; Vincent Rose ("Ain't a Wink in My Eye"), clarinet; ("Avalon"), piano; Walter Kent ("Mamma, I Want to Make Rhythm"), piano, violin and sax; Guy Wood ("After All"), and Buddy Kaye, sax. Many thanks to Sam Ruck Scott, trombone, Don Jacoby, trumpet, and Irving Cutler, drums, who will be in the band but whose compositions aren't work enough to be included in the stage presentation. Michael Loring, radio singer, will have the baton and m.c.

While there have been several songwriter acts that have played the streets, this is the first time a band setup such as this has been devised. It's admitted that the songwriter-musicians for the most part were pretty rusty on their instruments, but a couple of weeks of concentrated rehearsals has ironed most of them out.

LOS ANGELES

hit (early pace expected and will wind up with around \$13,500, very good for house but not too hot considering cost of show. Last week: "Ain't Love" (Par), 2nd wk, and "Give Us Wings" (KO), okay \$11,500. **RKO** (KO), (2,872; 30-44-55) "You'll Find Out" (RKO) and "Five Pennies" (Col). **Param** (Col), last week, "Angels Broadway" (Col) and "Night Tropics" (U), satisfactory \$8,600. **State** (Loew-F-W-C) (2,414; 30-44-55-75) "Comrade X" (M-G) and "Charlie Pilot" (20th), Heading for excellent \$14,800. **United** (M-G) and "Hullabaloo" (M-G), just so \$9,200. **United Artists** (Loew-F-W-C) (2,100; 32-41-101-165) "Dictator" (UA). **Winding up** three and a half weeks "Prison Policy" (Final). **Wishare** (F-W-C) (2,414; 30-44-55) "Stan Allen" (20th) (2d wk) and "Nellie Kelly" (M-G). Good \$5,000. Last week, "Alvin" (20th) with "Challenger" (20th), very good \$7,400.

Mich. Likes Dualing

Detroit, Dec. 10.

With all Detroit now dualing except when stage shows come along to Michigan or Fox, Grand Rapids is tending in the same direction.

Butterfield Circuit has switched its Majestic there on a dual-bill policy and, according to Walter Norris, city manager, with an OK lift to the boxoffice.

PROBE ALVIN, PITT, ROOF CAVE-IN

Pittsburgh, Dec. 10.

City Councilman Edward J. Leonard, chairman of the councilman public safety committee, last week charged that Safety Director George E. A. Farley's report of the Alvin theatre investigation was "only half truthful and demanded that a full report be turned over to him. Collapse of Alvin's roof took place on Nov. 14, and more than 400 people miraculously escaped death, only four being slightly injured.

Leonard recalled to council that hardly more than a week before the crash he had predicted trouble at the Alvin, which was remodelled in 1934. At that time, he had visited it several times on behalf of members of the plasterers union, who were working there then.

The plasterers had trouble getting even a substantial scaffold upon which to work," Leonard said. "However, I wasn't thinking of a roof collapse when I forecast trouble. I was thinking of fire. The theatre had a false ceiling, which in places was 20 feet below the real ceiling—a perfect place for a fire to gain headway before it was discovered."

The councilman charged that the report of Kinsley, in which the cause was attributed to dry rot, was a disgrace and did not tell the whole truth about the thing. I intend to get at the bottom of it."

Alvin was operated by Harris interests and Leonard added that "he says if somebody else had been remodeling a building, they would not have been permitted to keep in old wooden beams. I have seen too many instances in which owners of private buildings have had to strip their entire places to remodel, and I certainly believe that a structure to be used for public functions, such as theatres, should adhere to meet building specifications rigidly."

Over the weekend, nothing definite had been decided upon about the future of the Alvin. Building is owned by Harvard University, and trustees hadn't reached a decision. In meantime, Harris circuit is operating only one downtown first-run house, the Senator, to which all A product previously pencilled into Alvin has been switched.

Buying Worry

Continued from page 7

how much of a problem buying becomes, exhibitors are likely to be in regular attendance themselves or represented by someone else. And for a steady flow of product and the cost, plus time, in catching screenings are factors that may gradually lessen attendance at trade showings under the consent, but buying, service or screening specialists are believed likely to come into existence because exhibitors will want to be careful they are getting what they're paying for in the way of film. Many other phases under the consent decree, such as clearance, etc., will also figure.

For the circuit, either major independent, which stretches several exchange territories, a real problem exists. Where now a circuit buyer makes all his deals for a year and from one spot, very often New York, under the provisions of the decree, all deals must be made in the screening territory, in which the film is to be played.

Thus a large circuit buyer may

have to make deals in as many as three or four different exchange points. That is physically an impossibility, both as to viewing the films and as to the necessary contractual negotiations. A buyer, in such cases, may have to be maintained in each branch city. Because of the importance of buying, he also will have to be a man of experience and under the consent commanding worthwhile money.

There are hundreds of Indies requiring a lot of film who are not conveniently located to exchanges. They may set up buying services or reviewers at exchange points similar to various 'booking' combines which now exist. Another angle that places the buyer in the middle of a spot is that under the decree the exhib can't stall for months but must keep buying rolling continuously in order to be assured of a flow of product.

It is believed in industry quarters on both the selling and purchasing sides that exhibs may depend more on reliable trade paper reviews of pictures in the future as they are now in reaching decisions on cancellations, dating, etc.

COL. NET FOR FIRST QUARTER, \$153,878

Columbia Pictures reported an improvement of \$258,629 in the first quarter ended last Sept. 28 as compared with corresponding period last year. The company's fiscal year ended Sept. 28, 1940, showed net profit of \$1,875,878 after all charges and taxes, as against a loss of \$104,751 in comparable period in 1939.

Columbia reported working capital of \$11,198,979 with current liabilities of \$1,885,831. Current assets were listed at \$13,082,811.

Gert. Lawrence to London?

Continued from page 1

ing to America is that one always wonders what will happen between the mailing of the letter and its arrival. Anything possible, and yet nothing much does happen.

London is bombed; so are most of the provincial towns and the R. A. F. returns the compliment to Germany. "An angel by somebody who has seen Hamburg and there's no damage in England to compare with what the R. A. F. has done to this lovely city, where I once ran a skating rink."

The Italians started on us two nights ago and lost 80% of the machines they sent over. I think Adolf told the 1940 road company Caesar that his boys must have a 'go' to share in the glory!

David Niven's Popularity

The most popular and most respected Englishman in show business is David Niven. How right! But then the public is always right.

The jubilation here over Roosevelt's election made me think I was in Times Square. Winston Churchill and F. D. R. are bracketed together in popular esteem in this country and Willie has come high up in favor on account of his 'good loser' attitude.

When the war is over, and I believe it will be early—next summer—there will be tremendous boom in show business. We shall want the best of everything here. If the war kills our invertebrate theatre and brings back adventure, beauty and guts to the English playhouse, it will have done something worthwhile. Our stage has been a good loser.

Although I read that Swing is finished we've not had it in excess here, and I should like to bring over Benny Goodman and his band for a lightning concert. Our one over at the Royal Albert Hall is standing and two weeks of night stands in the big cities.

News has just come of the great Naval victory of the British Fleet at Taranto. As yet, the news has not reached into everybody, although there is no shouting. Only a few days ago I said in a letter to Gertie Lawrence that our sailors were crazy to get pop at the Royal Albert Hall. They were all primed for it. Well, the chance has come and it has been taken.

Molotov has had his bread baked well filled at banquets in Berlin, and the Royal Albert Hall reaches New York you will know what it has all been about. Certainly the Nazi boys have buried all their unkind feelings about the Naughty Reds.

There were at that time those who have played at Drury Lane, who will be sorry to hear of the death of Jack Joel. He was a first-rate friend, and I am indebted to him for great kindness.

Since I started this letter, the big

Judge Plays 'Cash Quiz' to Test Theatre Game; Prosecuting Att'y Wins in Chambers, Loses in Ct

Philadelphia, Dec. 10.

Common Pleas court here today (Tuesday) ruled the playing of 'Zingo' and 'Cash Quiz' in theatres was legal and ordered the return to exhibs of paraphernalia that had been confiscated by the police. Games were being used to replace outlawed 'Bingo' and 'Bank Nite' in Philly theatres.

The action was taken on petitions filed by Charles Goldstein, Charles and David S. Molliver, Viola, indie exhibs, asking that the Supt. of Police be forced to return paraphernalia of both games seized in raids at the two theatres last month. The raids were staged by the two exhibs and the City Solicitor's office as a means of determining one of questions as to whether the games were legal. Paraphernalia taken included films, cards, electrical transmissions, etc.

In a short argument on the petition David W. Wolfe, counsel for the exhibs, declared the games were legal because the element of chance was absent. The games, he argued, were contests of skill. To test this, Judge Howard A. Davis adjourned the proceedings to his private chambers.

The apparatus for 'Cash Quiz' was set up in this game a number of questions are framed on the screen while the players hold cards with 'Yes' or 'No' answers which are

punched. Judge Davis offered to buy the lunch for any of the players in the test contest. Winner was the prosecutor, Assistant City Solicitor, James F. Ryan, who had 100% of the answers. Players included detectives, newspapermen and court attaches.

The 'Zingo' game was also staged. This consisted of identifying sound effects played from the screen by electrical transcription. It is similar to a game broadcast recently over the radio in a program sponsored by the Philly Daily News.

Rule 'Bank Nite' Illegal

Newark, Dec. 10.

U. S. Circuit Court of Appeals here has refused the claim of Affiliated U. S. N. J. theatre from using the term 'Bank Nite' despite its refusal to pay the fee demanded by the owners of the copyright and trademark. The court considered the claim that 'Bank Nite' is a lotter and that a contract based on gambling is contrary to public policy and thus not enforceable.

The case was handed down in a suit for \$1,140 against the A. & G. Amusement Co., operators of the Majestic, Paterson. It was brought by William Fort, Newark attorney, and considered by the Federal Enterprises, owners of the banko registration and under whose sponsorship the gimmick was introduced to the public.

In dismissing the suit, Judge Smith labeled the plan of having names of winners in the drawing announced in the lobby "merely a subterfuge. This was merely a test of the drawing of names of winners of the drawing for participation in the drawing was open both to theatre patrons and the public at large, removing the element of chance from the drawing, required to establish a lottery."

A. Louis Ginsberg, prez of A. & G., testified that a salesman for Affiliated told him that names of the winners should be merely "mumbled" in the lobby so that they would be difficult to hear. He said the time allowed for the public to come to the stage from the lobby was so limited, it was impossible for a winner to get there in time.

Theatre corporation entered into a contract with Affiliated to start Nov. 23, 1936. It was to pay \$15 a night. Payment was made for three months, but banko was played 76 nights after that without fee being turned over. Ginsberg said patronage stimulation was negligible despite claims of sponsors it would up bid 25%.

JOE HAZEN ADDED TO WARNER DIRECTORATE

Four directors were reelected and one new one. Joseph H. Hazen, was named at the annual stockholders' meeting of Warner Bros. Pictures, Inc., Monday (9). Edwin D. Steel, Wilmington attorney, who presided, told the meeting that revenue in first quarter of the new fiscal year, ended Nov. 30, was running 50% higher than in the corresponding period of 1939. He pointed out that some changes in method of distributing pictures would be used next year to comply with the consent decree.

Milton R. Weinberger, N. Y. shareholder, asked about the deferment of preferred dividends. He was told that such divy distributions had been deferred because of uncertainty in the foreign market. Weinberger suggested retrenchment of salaries and fees paid directors and officers and suggested divy distributions had been deferred because of uncertainty in the foreign market. Weinberger suggested retrenchment of salaries and fees paid directors and officers and suggested divy distributions had been deferred because of uncertainty in the foreign market.

Directors reelected were Samuel Carlisle, Stanleigh P. Friedman, Charles S. Guggenheimer and Morris Wolf.

1,700 POP. TOWN'S 2 CINEMAS

Wheaton, Minn., Dec. 10. Wheaton, Minn., near here, is believed to afford one of the prize cases of overeating. Although the population is only 1,700 there are two competing theatres, one seating 443 and the other 320.

Charles B. Cochran

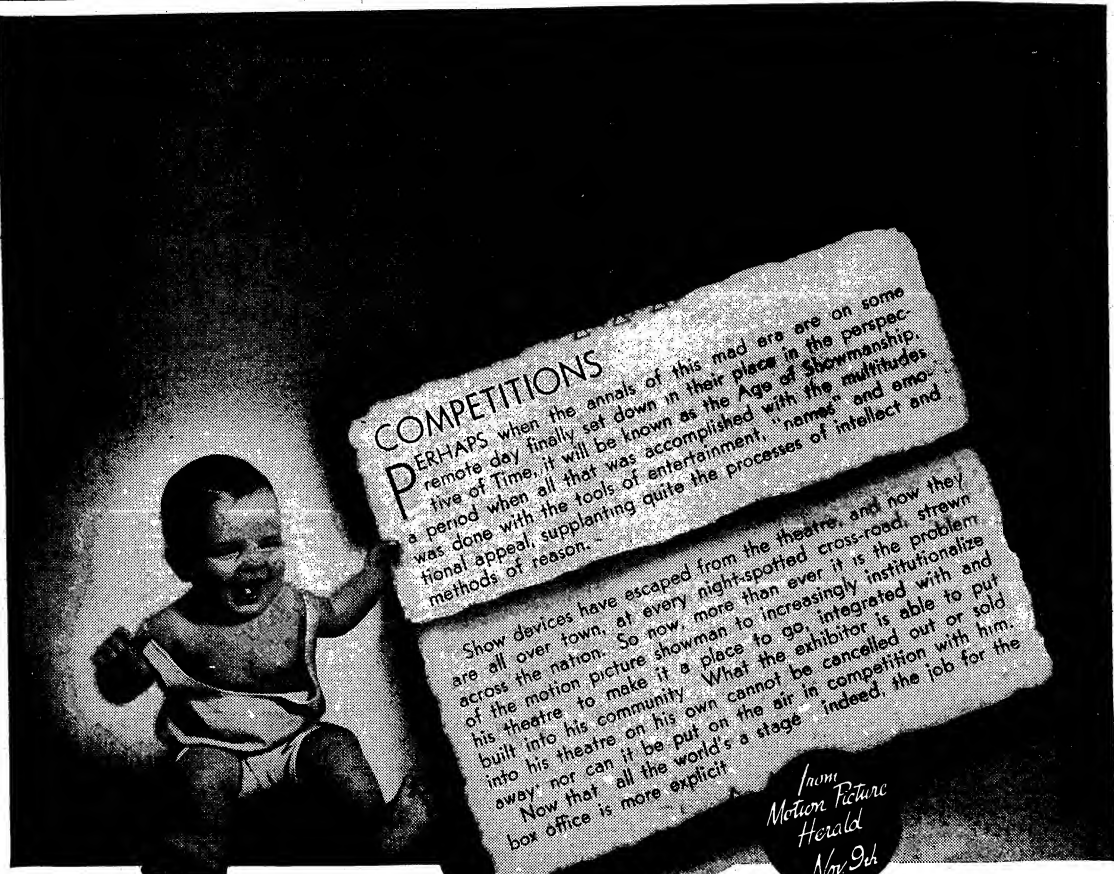


WE SNEAKED A LOOK... AND WHAT A CHRISTMAS PACKAGE YOU'VE GOT IN "CHAD HANNA"!

IN TECHNICOLOR!
The Story of "Red Wheels Rolling"
by **WALTER D. EDMONDS**
HENRY DOROTHY LINDA
FONDA · LAMOUR · DARNELL
featuring
GUY KIBBEE JANE DARWELL
JOHN CARRADINE · TED NORTH
ROScoe ATEs BEN CARTER
Directed by **HENRY KING**
Associate Producer and Screen Play by **Hunnally Johnson**



And this big
holiday show is tagged
with 20th showmanship!
Listen in Friday, Dec. 13, 8 to
9 P. M., EST... Henry Fonda
and Linda Darnell starring
on the Kate Smith Hour
over CBS stations from
coast-to-coast!



***This Calls for ADVERTISING,
ADVERTISING,
and More ADVERTISING!***

Read this clipping. Its meaning is plain... potent... TRUE!

Competition outside your business **IS** keen...and growing keener. Men with ideas and money to spend developing those ideas are sitting up nights trying to charm your customers away.

You've got to make movie-going a habit again.

This calls for advertising... advertising and more advertising.

Dress up your theatre... brighten up your lobby... Institutionalize. Sell your

local drawing population this **big idea:**
**THE BEST PLACE TO SPEND AN EVENING
or A MATINEE IS YOUR THEATRE...** from
an entertainment standpoint... from
any standpoint.

And there is no better place to get that full-dress advertising you need than the place where advertising is a business... an art... a profession... a life-work... where you can RENT everything you need to sell your pictures and your theatre... Trailers... Lobby Displays... Standard Accessories.

**NATIONAL *Screen* SERVICE • NATIONAL *Screen* ACCESSORIES
ADVERTISING ACCESSORIES, INC.**

Columbia Assigns Jerry Sill To Rotate Among Its Affiliates In New Special Station Service

Jerry Sill is stepping from the sales promotion department of the Columbia Broadcasting System into station operations under Melford Runyan. Sill will have a new function, that of traveling and contracting affiliates, as distinct from the CBS-owned and -operated stations. And as distinct from the customary functions of station relations.

As a trained sales promotionist, Sill will undertake to cooperate with local stations in helping them become better stations and better able to get their story across to advertisers.

Sill has been with CBS three years.

Health (Their Own) Behind Doctors' Paid Air Bally for Daylight Saving

Milwaukee, Dec. 10. Ethics bar members of the Wisconsin State Medical Society from advertising, but the association itself has just entered into a contract with WTMJ for a 15-minute program for 13 consecutive Sundays as part of its program to again bring about daylight saving in the state during the summer as a health measure. Questions regarding daylight saving will be answered over the air by "The Friendly Doctor," who will be unnamed and not peddling any nostrums.

Wisconsin some years ago had daylight saving, but it was voted out by referendum. Fight to restore it will be made when the 1941 legislature convenes, with theatre interests leading the strong opposition to it. Medicos' devotion to golf is already cited as incentive to enthusiasm they display in their effort to set the clocks back.

SUFS MCA ON ALLEGED LIFT OF RADIO IDEA

James Lyons filed suit Monday (9) in the N. Y. supreme court against the Music Corp. of America, seeking \$13,000 damages for alleged failure to pay him for an idea for a radio program. Suit was revealed by a plea to examine Harold L. Hackett, vice president of the defendant before trial.

Plaintiff claims in October, 1937, he devised a new program calling for a mock courtroom scene, with a band, and a jury to be selected from the audience, and paid \$3 for their services. Best answers to knotty questions would receive additional prizes. At the request of the defendants, plaintiff claims, he submitted the idea, and was promised \$13,000 if it was used. One of the defendants' bands (unnamed) used the program from April 10-July 3, 1940, over a national hook-up on WABC, complaint claims. Defense interposed is a general denial.

Ramona Gerhard Appears With Minneapolis Symph

Minneapolis, Dec. 10. Ramona Gerhard, WCCO staff pianist and organist, was guest artist with the Minneapolis Symphony orchestra at its Dec. 9 twilight concert in the University Auditorium here.

She played the Gershwin piano concerto in F—the first time that number has been used by the orchestra under Dimitri Mitropoulos' direction.

H. B. Summers to NBC

Dr. Harry B. Summers, of the Kansas State College, joins NBC early in January to work in the public service division. Appointment was announced at the recent educational regional conference in Chicago of officials of affiliated stations.

Number of NBC executives from New York attending the sessions Chicago confab was held Dec. 3 and another took place Nov. 29 in New Orleans.

Carter's True to Wax

Besides having a program on the NBC-blue Carter's Little Liver Pills, the comedian is putting out another transcription campaign.

Latter would again be centered around popular music.

Al Frank-Guenther Law Becomes Active in Air Advertising Through Spots

Albert Frank-Guenther Law, agency, which established a radio department under Henry T. Rockwell's direction, has become especially active in the spot field. It now has programs running in New York, Philadelphia, and various New England cities.

Agency's Chase National Bank account has just renewed its TomPow series on WJZ, N.Y., for another 13 weeks, effective Dec. 26. It also has a program on WINS, N.Y., for the Accordion Center, using the accordionist, Sviatoslav.

In New England it's 13 stations with spot announcements for Cynthia Sweets.

RCA DOUBLES DIVVY TO 40C; 6 NEW V. P.'S

Radio Corp. of America has lifted the dividend declared on the common stock this year to 40c, although the 20c declared last week is not payable until Jan. 27, 1941. New common distribution is to stock on record Dec. 20. Company had voted and paid 20c previously on the common this year.

RCA also voted the regular 7½c on the first preferred and \$1.25 on the 'B' preferred shares, both being payable Jan. 1 to stock on record Dec. 13. Both preferred divvys cover the quarter ending next Dec. 31.

Six executives of RCA Communications, Inc., part of the RCA corporate setup, were named vice-presidents at a meeting of the RCA directors the same day. New appointments, which were announced by W. A. Winterbottom, general manager of company, follow:

John B. Rosenbaum, general manager; C. W. Latimer, chief operations engineer; H. H. Beverage, in charge of research and development; F. W. Wozencraft, general counsel; L. G. Hills, controller; and A. B. Tuttle, treasurer.

Persuasive Is More Prevailing Than Violence

Washington, Dec. 10. Proving Plutarch's dictum that persuasion is more prevailing than violence, a little old lady last week walked up to Bryson Rash, emcee of NBC's "Quiz of Two Cities," to ask whether she could be included in the program. Didn't have a "time for car-fare," she said.

Forced to point out that he couldn't arbitrarily select a contestant from the street—all were drawn by lot—Rash later was surprised to see the needy woman squeezed into back-seat in the audience.

First-drawn among the contestants was the little old lady who answered the bonus question—winning the sum of \$82 as the price of her willingness to be last. She had "crashed" the party as the last ticket-holder fled into the studios.

Don Becker, writer-producer at Transamerica, returned this week after a much improved in health.

Press Agency Backfires

Tom Fizdale publicity office pulled a stunt that proved quite embarrassing to Fred Allen. Out of this incident has come a decision on the part of the Texas Co., by whom Fizdale is retained, to maintain a closer scrutiny on the latter's releases about the show.

Fizdale's office had sent out a story about Allen's wife and program partner, Portland Hoffa, accidentally disposing of one of her husband's valuable coins. It was a penny dated 1887, which the story said was valued at \$20.

Upshot was a stream of pennies from fans of the same date, with the latter evidently expecting Allen to send them each a penny. Allen returned the coins. Fizdale expresses regret; says only episode of kind in years of operation.

Dinty Doyle Claims Fizdale Is Out, But Philco Awards Not Easily Put Over With Some Radio Eds

Dinty Doyle, former radio editor and now paid secretary of the so-called "Radio Editors of America," took steps last week to win friends and influence people in favor of the Philco Awards which were originally organized by private press agent Tom Fizdale out of a budget of \$30,000 provided by the radio set manufacturer. This project is to culminate in a banquet on Feb. 15 next in New York. In the meantime Doyle has an office and is open for business.

IRNA NETWORK GROUP MEETS

Network negotiating committees of the Independent Radio Network Affiliates held their quarter meeting in New York last Wednesday (4) and unanimously approved the brief arguments which had been presented in IRNA's behalf during the recent hearing on the Federal Communications Commission's monopoly report. Meanwhile the committees continuing discussions with NBC and Columbia regarding various network practices, such as hitchhiker announcements, etc.

Reports on what happened before the FCC as far as IRNA was concerned were made by Paul Ehrhard, of WHAS, Louisville, and Samuel R. Rosenbaum, of WFIL, Philadelphia. Also present at this IRNA meeting Wednesday were Edwin W. Craig, of WSM, Nashville; Paul W. Morency, WTIC, Hartford; Don S. Elias, WNNC, Asheville, N. C.; Ike Lounsbury, WGR, Buffalo; George W. Norton, Jr., WAVE, Louisville, and Martin B. Campbell, WFVA, Dallas.

GOODRICH AT B.B.D. & MAY REVISE POLICIES

Phase of the Goodrich Tire account which had been with the Rutshoff & Ryan agency for years, is now with B.B.D. & O.

Report in the advertising field is that Goodrich is considering a change of manufacturing policy, which would reduce its tire-making operations and turn over most of its facilities to the production of other rubber goods.

Regina, Sask.—New transmitter operator for CKCK, Regina, is Vern Parmenter, who replaces Will Collier, moved to studios as control operator.

the business of, as he terms it, "answering any questions." He also sent out last week a list of the subjects to be recognized by his office. He is forming a "jury" and the jury, and Fizdale echoes, that the latter is entirely divorced from the awards.

New York radio editors, regarded as the smartest in the business, are not joining in the Philco promotion stunt as far as is known with the exception of Jack McManus, of PM, of which newspaper Fizdale is press agent. Slant of the New York radio editors, as they divulge to Variety, is that they would not run the risks they consider implicit in this development. It may be understandable for out-of-town radio editors, who receive small salaries and no expense accounts, to like to come into N. Y. on the cuff, but they, the New Yorkers, have no taste for this sort of thing. They ask, too, how any Fizdale edit could be eligible for an award on Feb. 15 next, at which time Philco is to finance a banquet at the Waldorf-Astoria hotel in New York.

Editors to 'Nominate,' Not 'Elect'

Although operating under the title of the 'Radio Editors of America,' and claiming a membership of 168, the Fizdale setup does not propose to award its prize money on a basis of a general vote of the editors. The editors' function, the Doyle statement last week made clear, is to "nominate" but not to "elect" winners.

Fact that Philco itself is refusing to take responsibility for the awards or the methods of arriving at them has not made a good impression. It is pointed out by radio editors that the reputation and integrity of Philco would be an asset and its absence is a fault in the whole undertaking. The trade would feel the utmost confidence if Philco did this thing in its own name, assuming all the credit or blame. But to pass it to a dummy association organized by a press agent who has been identified with exploitation set in the industry is not inspiring confidence.

This Philco award is experiencing nothing but trouble in getting started in contradistinction to the new awards of the School of Journalism at the University of Chicago, which has already acquired prestige and which is being eagerly anticipated as a splendid thing for broadcasting. There have been many awards in radio history since the trade was young, but none, outside of the American Academy of Arts and Letters. Similarly, Ohio State University's college educational programs is highly esteemed and has prompted several others.

The Philco setup has been adversely commented upon because it has steadfastly involved the exploitation of radio editors by private press agent "whys" makes his living by alleged "influence." A facade of important names covers the tracks of a self-seeker. This, the trade believes, is a considerable handicap. The trade sympathizes with Dinty Doyle, who is personally popular, but wonders about that Waldorf-Astoria banquet, remembering the that a one-woman organization once held to present awards.

Elmer Andrews on WMCA Show Elmer F. Andrews, former Federal Wage and Hours Administrator, becomes a permanent member of the impartial board for the "Labor Arbitration" series over WMCA, New York, starting next Tuesday (17). He will alternate as chairman of the broadcast weekly with Samuel R. Zack, director of the program.

BILL STERN, THE TOURIST

He's On a Transcontinental Commuting Schedule

Bill Stern is running up a mileage record in the next few weeks with his sports broadcasts from various points. Having covered the Notre Dame-Southern Cal football game last Saturday (7) from the Coast, he immediately started back east to handle three fights for Adam hats. Bouts are the Overlin-Belois in Madison Square Garden, Friday (13); Louis-McCoy heavyweight championship in Boston, Dec. 15, and Jenkins-Zivic back in the Garden, Dec. 20.

Broadcaster then flies to the Coast for the Rose Bowl game New Year's Eve and immediately planes back for the Soos-Maurilio fight at the Garden, Jan. 3. He'll do as many of his regular evening sports shows for Colgate as possible, but will be replaced by Charles Noble on any he can't handle because of travel.

NBC, which is airing all the above broadcasts, also has the Sugar Bowl football game Jan. 1, for Gillette and the usual pre-Rose Bowl festivities from Los Angeles, including a "Kickoff Lunch" on Dec. 30 for coaches, players and writers, as well as the annual Rose Festival parade. Latter shows are sustainers.

LONGINE TRYS FM SIGNALS

First contract for FM sponsorship was signed Monday (9) by Bamberger Broadcasting System and Longine-Wittenauer watch. Deal is for a year's time signals to be aired over the FM station to be operated commercially by the Bamberger outfit after Jan. 1. The FM transmitter is currently operating on an experimental basis with the call letters W2XOR. Parent station operated by the Bamberger firm is WOR, New York.

New contract was set by the Arthur S. Rosenberg agency for Longine. Officials of WOR and Longine had a formal signing ceremony Monday afternoon at the new W2XOR studios, for the benefit of photographers and posterity.

IF HE CAN, HE'S GOOD

Harold Fleming Will Make Finance and Economics Clear to Masses

'Profit and Loss,' sustainer series by Harold Fleming over WOR-Mutual at 9:15 Saturday nights starting this week (14), is an attempt to do something new in financial and economic comment. Idea is not only to popularize the 'dismal science,' but also to explain how it affects the public's everyday life. As an instance, the first program's subject will be why inflation of prices, which has occurred during all previous wars, hasn't yet and probably won't take place during this. It's pointed out that Fleming will try to explain finance and economics somewhat in the manner in which Raymond Gram Swing handles international news.

Fleming, the Wall Street reporter for the Christian Science Monitor, has never before had a regular radio spot.

WBBM Drops \$125,000 General Mills Deal, Clears Out Afternoon Schedule

Chicago, Dec. 10. Breaking a long continuous policy, WBBM, the Columbia station here, will not carry baseball play-by-play this season. Leslie Atlas, head WBBM and CBS, for some time now has been mulling the block time sales situation and has arrived at the decision that the sale of block time on WBBM is inimical to the best interests of the outlet.

Not only does this block base-

ball time jam-up the Columbia web schedules but Atlas, with pencil and paper, has figured that it would be more profitable to break up the base-

ball time to take care of a larger number of advertisers. On WBBM the baseball price to General Mills was \$125,000 without rights of talent, General Mills is now scouting for another outlet. May fall to WJJD, brother Ralph Atlas station, although WENR, the

NBC-blue outlet, which has not carried baseball heretofore, is also a possibility.

It is also likely that Pat Flanagan, veteran WBBM baseball announcer, along with associate John Harrington, will be shifted to WJJD for the baseball play-by-play. Charlie Grimm, who was one of the sports-casters on WJJD for the past two seasons, is returning to active baseball as coach for the Chicago Cubs.

SPONSORS' RIGHTS VALE

Radio Prepares Its Defenses

In preparing for the contemplated break with the American Society of Composers, Authors and Publishers the networks find themselves faced with many ticklish possibilities as far as infringements are concerned and they are trying to anticipate any such contingency. Lists of taboos are being compiled by the networks' musical divisions and copies of these will soon be distributed among not only the headquarters staffs but managed-owned and affiliated stations.

For one thing no medleys will be permitted for fear of infringements creeping into the bridgings and segues between numbers. It will also be necessary for sustaining name bands and agency producers to submit their musical lists 48 hours in advance from Monday through Friday and 72 hours in advance if the program is to be broadcast Monday. Columbia will keep its copyright department open 18 hours a day seven days a week.

Precautions are also being taken with harmonica players, hillbillies and any other acts that make a practice of extemporizing, or play entirely by ear. CBS claims that it has worked out a solution for this sort of problem, but states that it is not ready to divulge it.

Irving Caesar Says Songwriters Will Picket Radio With Pianos, Take Air Fight to the Masses

As president of the Songwriters Protective Association, Irving Caesar issued another broadside against the networks yesterday (Tuesday) for their threatened 'boycott' of ASCAP music and disclosed plans for a picketing campaign which the members of his organization would undertake after Jan. 1. Songwriting teams equipped with pianos will be driven around on trucks through the streets of such cities as New York, Chicago, Philadelphia, Boston, Washington, Hollywood and Detroit, singing their own tunes and retelling their side of the fight with radio. Banners with legends on the subject will be strung across the sides of these trucks.

In his statement Caesar also told of the SPA's plans for an extended drive for membership in his organization and declared that Broadcast Music, Inc. is unfair to songwriters. Among the reasons he cited was BMI failure to issue the same contract which SPA has with regular publishing firms, give writers a voice in the disposition and income from all the rights deriving from their works and to consider the writer as a co-administrator of such rights during the life of a copyright.

NBC Stimulates Rivalry Of Pacific Red, Blue In Attracting Mail

Something of an innovation is the rivalry that NBC has undertaken to stimulate between stations on the Pacific red and outlets on the Pacific blue in the matter of mail-pulling. The mail return of De Lyne's serial, 'Orphans of Divorce', on the blue, has been outrunning that from the same account's 'Backstage Wife', on the red, and the network has asked the blue stations on the Coast to be behind 'Backstage Wife's' bid for box-tops, so that the red can overcome the blue's lead.

In its drive to build up advertiser confidence the blue in that region has co-operated with newspaper ads, store window display strips, etc. These efforts have panned out exceptionally well.

One way that an affiliated station has of getting behind a drive for mail is to slip in occasional announcements or calling attention to the particular network program.

Loren Watson in Plaster Cast From Ice Fall

Loren L. Watson, general manager of International Radio Sales, fractured his left leg while on his way to the Bronxville, N. Y., railroad station from his home last Thursday morning (5). The mishap occurred on an icy sidewalk. The fracture had to be set twice. Plans to return to his office next week with plaster cast and all.

LA ROCHE STUDIES JAN 1 PROBLEM

Meantime FCC Implies Frank Hummert Is Not 'Party of Interest' In ASCAP Struggle

JUST ONLOOKERS

Ad agency field as a whole is still standing aloof from the radio-ASCAP wrangle and so far has given no indication of doing anything that might be construed as a suggestion to the networks that perhaps the matter could be compromised. General attitude among the agencies is that even though they are doubtful about the comparative quality of the music that will be available to them after Dec. 31 they don't propose to get themselves in a spot where the networks later may charge them with forcing an expensive peace and thereby justifying an increase in facility rates.

Chester LaRoche, president of Young & Rubicam, and whose network programs rate as among the top users of music, declared yesterday (Tuesday) that he had talked the situation over with his clients and that it had been agreed not to show any discrimination against ASCAP or any other catalogs available; that they would go on playing whatever music was available to them up to the expiration of ASCAP contract; and that the problem now facing them was to get ready for a position when they can no longer play ASCAP music. It is their intention also to observe as closely as possible the advance reaction of the public to the threatened elimination of ASCAP music from the networks.

In the meantime, LaRoche said, his agency would likewise try to understand the underlying issues of the controversy and to find out what the Broadcast Music library actually consists of. LaRoche pointed out that he had had discussions with representatives of ASCAP and he said Raymond Rubicam, chairman of the Y&R board, expected to meet with Edward Klauber, CBS executive v.p., and Niles Trammel, NBC prez. in that order during the current

(Continued on page 31)

Marks' Desertion of ASCAP May Push Untested Publisher Status On Copyrights to Adjudication

By BEN BODEC

E. B. Marks' desertion from the ASCAP ranks (see story in this week's music section) may bring about the litigation of a principle that publishers have always shied away from testing the courts. This is the question as to just which party, the publisher or the writer, is the lawful owner of the copyright packages and other activities.

Reason that the publishers have always sought to avoid a showdown on this issue is due to their uncertainty over the rights that lawfully become theirs, outside of the

publishing rights, when a writer assigns a copyright to them. Some copyright lawyers have held that if the law intended the publisher to become the actual owner of a copyright that ownership would extend into the renewal period and it would not be necessary for the publisher to look to the writer to do the renewing with the Register of Copyrights.

These same legal quarters have contended that the publisher in contesting this issue of actual ownership and administration has nothing to gain but everything to lose. As it is the publisher derives 50% of the income from performing rights, and since the chances of court victory are nebulous the publisher has preferred to maintain the entente of equal partnership in small rights as established through the American Society of Composers, Authors and Publishers and to let the question of his status or such rights remain a thing of mental speculation in his idle moments.

Marks' Position

Marks' defection threatens to kick over still another hot apple. His deal with BMI is partly predicated on the thesis that the writer is not entitled to performance income from any work he had copyrighted prior to his joining ASCAP. To this ASCAP makes the rejoinder that for 18 years as a member of ASCAP Marks himself had never raised a voice in protest against this practice and had readily permitted his writers to enjoy half the performing income of their works in his catalog regardless of the term of their membership in the Society. Writers, it is further argued by ASCAP, could be said to have been influenced in their future dealings with Marks by this consent to split 50-50 on all their works, and Marks by unilaterally rescinding this old partnership has deprived himself of the benefits of the performing rights in their latter copyrights.

In a statement issued by John G. Paine, ASCAP general manager, Monday (8) broadcasters were warned that all the works in the Marks catalog written by writers who were not members of ASCAP would be controlled and that such may not be performed over the air without an ASCAP license. It was further pointed out by Paine that the works of foreign writers in the Marks catalog their rights were vested in ASCAP through the latter's affiliation with these writers' native performing rights societies.

ASCAP also made the disclosure that there is in its files much collected data on the validity or invalidity of the copyrights in the Marks catalog that will help expedite the filing of any infringement suits it sees as unwarranted stations start using Marks numbers.

Abeles' Interpretation

Julian T. Abeles, who arranged the E. B. Marks-BMI deal, does not dispute that songwriters have certain proprietary rights in the monetary yield from their songs, but contends that the writers are not 'tenants in common' with the copyright owner (i. e. the music publisher). It's for that reason that contracts must be renewed every five years, as has been trade custom.

Tin Pan Alley argument from the songsmith stance is that BMI might have bought a flock of lawyers and argues that if the writer did not literally and actually own the copyright, why is it that the law specifies that renewal rights rest with the writer—and not the publisher—after the expiration of the original 28-year term?

Attorney Abeles, of course, concedes that 10-to-15% of the Marks catalog may be recouped but the other 85-90%, he contends, is free-and-clear for transference by Marks to BMI. To this, ASCAPites rebuttal, then why did Marks pay the writers from ASCAP income over that period of years, if he weren't obligated?

3 Quit Ferris for New Office With Assorted Radio Service Ends

Three members of the publicity staff of Earl Ferris walked out last week to join a new firm, Robert Donald, Inc., which will handle publicity, transcriptions, radio program packages and other activities. Pat Colahan, Steve Leifert and Miss Pat Patriotic are the walkers. They join with Dick Dellisser, formerly with Lady Esther cosmetics, and Bob Durham, formerly with Benton & Bowles and more recently with the Livermore & Dillingham advertising agency.

New setup will have a working collaboration with another just-starting organization, Radio House, of which Walter Royal, a relative of NBC's John Royal, and Martha Roundtree are the guiding spirits in a group of five stockholders.

TENNESSEE PAIR JOIN MUTUAL WEB

WBIR, Knoxville, and WDEF, Chattanooga, join the Mutual Network as of Jan. 1.

NBC is reported to have recently also put in a bid for the Knoxville outlet's affiliation.

35th ANNIVERSARY NUMBER



To Be Published Late This Month

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MUSIC DIVISION UNDER BELVISO NOW 'HEADACHE DEPARTMENT' OF NBC

Copyright Clearance Is the Technical Backstopping of Network in Its Fight With ASCAP—Present Fight Throws Spotlight on Its 'Non-ASCAP' Files

By ROBERT J. LANDRY

Whatever may or may not be the prospects for 11th hour mediation in the music fight, the networks and the radio stations are acting as if ASCAP was out of their lives forever. At least this is the underscored part of the orchestration around NBC's Music Division at Radio City these days. It is the clear connotation of the rows of files, segregated out of the total library of 500,000 titles, which are labelled 'non-ASCAP'.

Leaving to the music experts the quibbling over what's in those files and what it amounts to as ammunition in a music fight, those available at Radio City are labelled 'non-ASCAP' and 'ASCAP'. The latter's apparent willingness to have a complete break with ASCAP and its presumed confidence that the fight can be fought and won from the public domain and other sources. They are especially confident that the exhaustive, detailed research and careful checking of copyright and availability protects NBC from infringement litigation. This confidence has a precedent in the Warner situation when, during the eight months divorce of the Warner group from ASCAP, the network's meticulous, ever-alert detectors prevented those copyright infringements which so numerously trapped many local stations.

Source of Confidence

The network points of view toward ASCAP and toward music performance is now being expressed with quantities of skepticism concerning the point that music is as mysterious, as dependent or as unpredictable as ASCAP as tin can alley represents it. Moreover, the networks believe that if they can chart radio circulation, can analyze ownership of sets, distribution of income and sales and other statistical research work of a highly technical nature, they are qualified to guide themselves through the fogs and bogs of copyright ownership.

This present emphasis upon 'millions for defense, not one cent for tribute' throws the spotlight of the moment squarely into the second floor corner at Radio City where some 70-odd employees carry on the growing burdens of the NBC Music Division. The head of this section is Thomas Belviso, who has been with the network since 1930. He worked out the whole system, he guided the ship through the Warner shallows. His assistants are, each in their special realm, among that small group of persons who are home in the mumbo-jumbo of titles, songwriters, arrangements, copyrighted fragments, public domain, tune similarities and so on.

The sheer dimensions of the NBC music division take the breath away in terms of inspiring both NBC and NBC affiliates with confidence on the ASCAP matter. The division undoubtedly has played its part in producing in many broadcasters a state of mind which prompts some to declare, like Stanley Hubbard, to declare 'we've already won' and to profess to be disinterested in the blasts that the ASCAP strategists keep sending out.

Infringements

As is true of all broadcasters, however, NBC wants above all to protect itself against infringements, to pay off anything and everything concerning which there is any doubt. The thought is, just now, the keynote of the broadcasting industry's defensive measures. The struggle in terms of applied tactics may be said to have two main points:

1. Immediate avoidance of lawsuits based upon unwitting infringement of ASCAP copyrights.
 2. Accumulative increase in the volume of compositions or arrangements of BMI.
- Just how many titles the 'non-ASCAP' files at NBC contain is not divulged. But statistics of the division's activities indicate that more than 100,000 items have been put through the machinery for checking every month. Belviso states that radio has existed musically in the past by playing back-replaying a catalog of some 25,000 titles. The copyright status of any title may change, the number of arrangements or variations may be considerable

D. of J. Holds Off

Washington, Dec. 10.

Indications are that the fight between radio and the American Society of Composers, Authors and Publishers will, unless there's some form of voluntary mediation, meanwhile come to a showdown Jan. 1 without the U. S. department of Justice making any overt move. The department doesn't figure that it will complete the spade-work it has been doing with regard to ASCAP. Broadcast Music, Inc., the National Association of Broadcasters and the networks on Monday, Dec. 10, will restrain trade angles until after the turn of the year.

Intimations have been given that if a litigious break does occur, it will be probably through the U. S. district attorney's office in New York, with the first step being the impounding of a grand jury to listen to prospective incriminating evidence.

under any one title, some of them in, some of them out, of copyright.

Sharp-eyed, Alert

That is why the rows of sharp-eyed, alert girls and men are incessantly keeping millions of cards, cross-file indexes and other data up to date. In little rooms off the main workshop, groups of NBC musical program advisors like Ernie Watson, Earl Kubik and Tom Bennett constantly bend an ear to manuscripts, gathering around a piano leadsheet to debate actual or suspected resemblances to copyrighted material. Again the NBC Recording Division brings in its transcriptions, especially medleys, for hints of things to avoid.

Under Belviso are, among others, eight staff writers, eight copyists, four music rights officers. The supervision of 38 Steinway concert pianos, nine studio organs, two Hammonds is one routine responsibility. The compilation of new theme songs for commercials has been one recent activity that's been slightly increased due to the ASCAP situation. The division, which is under the NBC program department, concerns itself with everything musical. It has charge of the valuable books of the symphony itself. It provides original musical background and bridges for various NBC sustaining series such as 'Bishop and the Gargoyles', 'Great Plays', 'Behind the Mike', 'The World is Yours' and 'Star Spangled Theatre'.

Television rights, international copyright, the special circumstances prevailing for certain delayed transmissions, the constant knowledge of restrictions and litigation that alter previous status must all be borne in mind by Belviso and company. The division operates nationally and does the musical thinking for not only the network, its short wave, recording and other divisions, but for all the owned and operated stations. It is not responsible for, but upon application will provide the answers to, the affiliates.

Belviso's Versatility

Belviso spent nine years with Paramount-Public theatres before coming to NBC. He began

musically while at Yale by organizing a student military band during the last war. As both a musician and a business executive he is the type of person to whom broadcasting must naturally turn for expert technical backing of its quarrel with, and separation from, ASCAP. In the meantime he has neither the time nor the mental freedom to do any conducting or composing of his own, but one of the considerable assembly of steel containers is an all-Belviso repository.

This division is, in its way, a duplicate of the file rooms of ASCAP itself, but with the exact opposite motivation behind its busy bees. Whereas ASCAP organizes data for the purposes of collections, NBC now organizes data for the purpose of avoiding these ASCAP collections. The magnitude of the job, and the dangers, are fully appreciated by Belviso even though it may not be certain that every broadcaster so understands.

Belviso is responsible for the estimate that this world contains approximately 16,000,000 musical items that grand total including everything from Rumanian gallops for the Pipes of Pan to the gutbucket jive of John Hammond's proteges. Belviso has sent to the Library of Congress to find out the statistics on American copyrights. A breakdown of published and unpublished manuscripts on file with Uncle Sam appears in the adjoining column. Some 500,000 titles are registered in the U. S. A. title.

Some of the principal assets of the network are:
Sylvia Fardel, Administrative Assistant; William Paisley, Director of Music Library; Richard Banner, Music Rights; Julius W. Bickel, Program Supervisor; Norman Cloutier, William Marshall, Wallace Magill, Musical Program Advisors.

Meantime, as a sparkplug and a backstop, the NBC music division carries a slightly frightening responsibility. It is well named 'The Headache Department.'

'No Settlement' Miller Tells Philly N.A.B.

Philadelphia, Dec. 10.

Neville Miller, president of the National Association of Broadcasters, yesterday (Mon.) told a district N.A.B. meeting that there was no intention on the part of broadcasters to effect a settlement with the American Society of Composers, Authors and Publishers. Miller and representatives of BMI outlined the plan of copyright to eradicate ASCAP music from the air and substitute the broadcasters' own tunes. An official of the Lang-Worth library enumerated the number of tunes available to stations from that source. The consensus of the broadcasters attending the huddle was that 'ASCAP was on the run'.

An added note of encouragement was sounded when it was announced at the meeting that Broadcast Music, Inc. had purchased the huge catalogue of the Edward B. Marks Music Corporation.

'satisfaction with the progress being made in the industry's fight against the demand of the music monopoly that it be allowed to levy tribute on all radio programs, including those which do not use any music whatsoever.'

This statement also declared that the 'board drew attention to the fact that this fight was begun only after the broadcasters had struggled vainly for years to induce the American Society of Composers, Authors and Publishers to cease taxing such

Year.	Published.*	Unpublished.	Total.	Renewals.
1909.....	1,449	1,251	2,700	157
1910.....	25,938	1,366	27,304	547
1911.....	29,113	1,465	30,578	666
1912.....	25,729	932	26,661	658
1913.....	25,894	1,395	27,289	586
1914.....	24,720	1,532	26,252	624
1915.....	18,684	2,382	21,066	686
1916.....	18,315	3,658	19,973	877
1917.....	15,612	5,716	20,955	920
1918.....	18,438	6,352	24,800	1,031
1919.....	19,333	7,959	27,292	857
1920.....	22,849	8,765	31,614	1,005
1921.....	21,459	7,472	28,931	1,244
1922.....	20,984	7,104	27,188	1,447
1923.....	18,133	7,339	25,472	1,769
1924.....	18,639	8,270	26,909	1,979
1925.....	18,407	7,746	26,153	2,235
1926.....	15,829	8,816	24,645	2,483
1927.....	18,425	8,022	26,447	3,185
1928.....	18,407	8,805	27,212	3,100
1929.....	16,778	12,942	29,720	3,554
1930.....	17,272	16,148	33,420	4,286
1931.....	14,311	16,596	30,907	3,453
1932.....	12,411	15,992	28,403	3,827
1933.....	11,196	14,796	25,992	3,958
1934.....	11,196	17,653	28,849	5,047
1935.....	11,490	18,192	29,682	4,933
1936.....	12,317	21,587	33,904	5,949
Totals.....	508,425	237,686	746,112	60,682

* Includes an indeterminate number of published musical compositions also registered as unpublished under Section 11 of the Copyright Act, as well as new arrangements of copyrighted works.
† Not recorded separately.

COLUMBIA ALL SET

Expect Web to Enter Subs Before Jan. 1 Deadline

Columbia, it is understood, will introduce its new schedule of late evening non-ASCAP programs at least a week before the end of the current month, when the network's licensing contract with ASCAP expires. These are the shows that are to go over the network in place of dance orchestras between 11 p.m. and midnight.

CBS' program department has been lining up writing and mike talent for this series during the past six weeks.

KYW 100% Non-ASCAP

Philadelphia, Dec. 10.

Beginning next Monday (16) all ASCAP music will be barred from KYW, NBC-Red outlet here, according to an order issued yesterday (9) by James P. Begley, program manager.

Since Dec. 1 all music on sustaining shows and 50% of commercials has been non-ASCAP.

KDYL Man's New Theme

Salt Lake City, Dec. 10.

'By Woodbury, musical director of KDYL, faced with the loss of his ASCAP theme song, 'By the By,' has written a new theme, 'By, Little Dream.' New theme song has been accepted for publication by Broadcast Music, Inc.

Lyrics were furnished by Don McRay.

KFRO's Precautions

Longview, Texas, Dec. 10.

In an effort to acquit all artists appearing on local programs of KFRO with ASCAP situation, station is issuing instruction sheets on the playing of music and laying out of program lists.
Each artist is given a list of the most popular public domain music and the latest release of Broadcast Music. A similar list is being made of the most popular music in the SESAC catalog.

Harry Stone and Winston Dustin, of WSM, Nashville, in New York.

Journal Chides Nick Kenny's 'Fascist Ring'

Milwaukee, Dec. 10.

That the battle between the American Society of Composers, Authors and Publishers and Broadcast Music, Inc., is by no means confined to New York City, but is being waged vigorously in the hinterlands is evidenced from an article written by Edgar A. Thompson, radio editor of The Milwaukee Journal, who takes Nick Kenny to task for his attack in the New York Mirror on BMI for offering the music of Ricordi, which publishes and holds rights on many Italian operas.

'Mr. Kenny's item has a Fascist ring,' writes Thompson, 'for he would ban the music of Italian and German composers from the United States, even the music which has been written by Mendelssohn, Meyerbeer, Offenbach and others. But that isn't all.'

'If Mr. Kenny wants to ban German and Italian music from the United States he should not only attack BMI—but his own ASCAP! If he would check the ASCAP catalog he'd find that his society has an agreement with the one in Italy—STAGMA! And, as for the dictators bossing contracts, Mr. Kenny ought to know that STAGMA's address is 7911 Adolph Hitler Plaza.

'Of course, the whole thing is stupidly ridiculous! Music is an international language and, war or no war abroad, there is no reason why American listeners should be 'deprived' of the classical music written by German, Italian or any other foreign composers! Mr. Kenny's low blow undoubtedly will boomerang.'

WFMD, Frederick, Md., And ASCAP Toss a Fed

Frederick, Md., Dec. 10.

WFMD and the American Society of Composers, Authors and Publishers will celebrate the signing of a new licensing contract by becoming joint hosts at a dinner and special broadcast in the ballroom of the Francis Scott Key hotel tomorrow (Wednesday).

Several radio personalities are expected to come from New York and take part in both events.

FLAMM WORKS AGAIN

Donald Flamm, retiring owner-president of WMCA, New York, will interview Ralph Abner, editor of PM, on the station tonight (Wednesday) at 9:45. Subject will be Ingerson's recent trip to England. Flamm hasn't had a regular spot on the air since 1932, when he was drama critic for WMCA.

N.A.B. Directors Debate What Publicity Policy to Follow in ASCAP Fight

Board of directors of the National Association of Broadcasters, meeting in New York last week, spent practically all of its two-day session trying to decide on whether the broadcasters ought to take a public position on their controversy with the American Society of Composers, Authors and Publishers or what this public relation position should be. The meeting wound up with the group agreeing to the issuance of a statement to the press expressing

'satisfaction with the progress being made in the industry's fight against the demand of the music monopoly that it be allowed to levy tribute on all radio programs, including those which do not use any music whatsoever.'

This statement also declared that the 'board drew attention to the fact that this fight was begun only after the broadcasters had struggled vainly for years to induce the American Society of Composers, Authors and Publishers to cease taxing such

non-music programs and also to consent to some form of payment which would enable broadcasters to use music not controlled by the monopoly without paying a double tax for doing so.'

Before debating the question as to the position it was necessary for the broadcasters to take toward the public on the ASCAP issue, the board heard a detailed report on what Broadcast Music, Inc. has done so far in providing the industry with a substitute repertoire.

WEBS' ASCAP ARITHMETIC

Revised 'If' Audit of Fees

How New ASCAP Scale of Terms Would Have Applied to Broadcasters If It Were in Force in '39

(All calculations based on actual FCC and ASCAP data)

	Actual Old System Payments	Proposed New System Payments (705 Stations)
Group 1 Stations (grossing up to \$50,000):		
Advertising fee	\$280,000*	\$230,000
Sustaining fee	60,000*	4,000
Group 2 Stations (grossing \$50,000-\$150,000):		
Advertising fee	\$800,000*	\$588,000
Sustaining fee	210,000*	158,000
Group 3 Stations (grossing over \$150,000):		
Advertising fee	\$2,200,000*	\$1,837,000
Sustaining fee	592,000*	592,000*
	\$4,142,000	\$3,409,000*
Add for Mutual Broadcasting System		100,000
Total Station Payments	\$4,142,000	\$3,509,000
NBC-CBS Payments (7 1/2%)	None	\$3,825,000
Grand Total: Networks and Stations, \$4,142,000		\$7,334,000

* Breakdowns of ASCAP 1939 fees are estimates; the total of the estimates, however, is an exact figure.

** Based on the assumption that all 705 stations had ASCAP contracts; recouped sustaining fees are not subtracted.

Lou Silvers' Bizarre Predicament

Has to Pay Non-ASCAP Arranger Although He's a Non-Collecting Member of Society

Hollywood, Dec. 10.

Lou Silvers, conductor and composer of music for the Lux radio hour, under himself in a unique spot as a member of the American Society of Composers, Authors & Publishers affected by the fight with the broadcasters. Although his incidental music for the dramatic program is doubly copyrighted, and therefore removed from the category of public performance, he is forced to discontinue that phase of his dual capacity and pay a non-ASCAP writer out of his own pocket to score the show. Silvers insists such a penalty is unfair as he has never been compensated by the Society for such music and takes the stand that he is being made to pay for something he has never been paid for.

Situation was called to the attention of Herman Greenberg, assistant general manager of ASCAP and "trouble shooter" for the Society, here for a couple of days on a tour of "entertainment" and with his sympathetic station owners. He also set down the procedure at a meeting with Richard Powers, western rep of ASCAP, to be followed after Dec. 31 in that district. Greenberg could offer no encouragement to Silvers, contending that inasmuch as the rights of all his creations have been assigned to the Society, there could be no alternative but to hold him accountable to the organization's policy. Silvers' compositions of background, bridge, atmosphere and motif music for the soap opera, and also copyrighted by Lever Bros., to which he is under exclusive contract.

Silvers' D rating with ASCAP also was discussed, the writer-conductor claiming that his scoring of pictures for several years also had gone unrewarded by the Society. He composed the music score for the first talking picture, "The Jazz Singer," and he had been identified with major studio musicals up to a year ago. Greenberg said that was a matter for the writers' committee of ASCAP to adjudicate.

Silvers threatens to make an issue of his predicament if he is stripped of all duties on the Lux show except conducting. He insists that the Society either take due recognition of his Lux compositions as contributions to the ASCAP library or make an exception in his case and classify the work as not available to licensees for public performance. J. Walter Thompson agency, which employs Silvers for the sponsor, says that he is more important to the program for

his incidental music than as a mere stage writer. Greenberg showed off for Dallas last Saturday (7) and there awaits orders from New York for the remainder of his itinerary before returning home.

Wm. Krieger of Croot Agency Is Prepared For BMI Contingency

William Krieger, of the Samuel C. Croot agency, declared yesterday (Tuesday) that the interpretation which had been given in the trade of the cancellation of two stations in the Thorns harmonica campaign was totally without foundation. Move had nothing to do with the threatened break between ASCAP and the radio industry, and the reported circumstance that the agency had transcriptions with ASCAP numbers which might seriously affect the campaign.

Krieger stated that the agency had anticipated the music impasse by having both ASCAP and BMI records made and that it was in a position to carry on with stations holding ASCAP licenses after Jan. 1 or otherwise. He explained that the station list on the account was being revised merely for merchandising and higher power reasons and that the reduction of the number of programs aired per week was being determined by the same causes.

Lee Kirby, veteran WBT Charlotte announcer is seriously ill in a local hospital. Kirby entered hospital this week after suffering stomach hemorrhage and condition has failed to improve.

HOW MUSIC FEES WOULD WORK OUT

'If' Audit (Applied to 1939) Made in April, 1940, by 'Variety' Proves to Have Been Off Only \$200,000 on Basis of Recapitulation by Same Method.

OFFICIAL DATA

By EDGAR A. GRUNWALD

On April 3, 1940 VARIETY made an audit of the differences in ASCAP payments under the current contract as against the proposed new contract. The year 1939 was used as the base of comparison, although VARIETY at that time had neither FCC revenue figures, an exact ASCAP contract. The whole audit was worked out by mathematical projection—and with great good luck. For now that it is possible to re-work the audit with actual figures, it develops that VARIETY's April estimate was off only \$200,000 in a figure running upward of \$7,000,000. At any rate, in adjoining columns the new and improved audit is presented.

It will be seen that if the new ASCAP contract had been in effect during 1939, the 705 U. S. radio stations would have paid around \$650,000 less than they actually did pay. On the other hand, NBC and CBS (which paid nothing at all) would have taken it on the chin for \$3,825,000. Meanwhile, ASCAP would have been able to deposit at least \$3,000,000 more into the lap of its members, as against what actually was raked in.

On the basis of the audit in adjoining columns, it becomes possible to view the whole ASCAP-industry struggle purely on the basis of economics. Such a view necessarily excludes psychological fires smoldering deep in the contestants' innards, but using a purely black-and-white visualization, the following picture results:

Economic Picture

1. The ASCAP proposed contract would sock the networks very hard. In 1939, for instance, NBC and CBS would have added almost \$4,000,000 to operating expenses already amounting to nearly \$28,000,000 (including technical, program, sales promotion, and general administrative layouts). ASCAP's contract would have taken 7 1/2% by the networks on their gross business, with agency commissions and frequency discounts allowed as deductions.

Under the old (current) ASCAP contract, the networks themselves paid nothing on their chain business, though the stations on the hookups were taxed 5% of what the networks reimbursed them for carrying such chain fare. In short, the only taxable chain money was that which found its way into the individual station's coffers. And even here, argues ASCAP, some revenue was recouped, inasmuch as the networks demand a certain amount of gratis time from stations in return for chain service. This "gratis" time (about 200 hours annually) is then filled with network commercial fare, on which neither the station nor ASCAP derive revenue. That, at least, is the picture painted by ASCAP.

CBS' Elaborate Precautions

Anticipating possible tangle with ASCAP over music played by college bands during broadcast of the Orange Bowl game on January 1, CBS has sent a crew of technicians here to completely soundproof Ted Husing's booth.

Only music which will be aired during the game will be played by a tent to be selected band, whose numbers will be played in advance. Although this will mean barring some 40 bands, net feels it is only way to avoid having any unlicensed ASCAP airs leak into Husing's description.

Radio and Phonograph Runs Music, Declares Sir Thomas Beecham

Montreal, Dec. 10.

Sir Thomas Beecham, British composer and orchestra leader, here last week to address the People's Forum and the Canadian Club, remarked in passing that music is dying and that it's being murdered by radio and gramophone; that the English language is being undermined by that awful thing called the American cinema; that nothing has shaken the prestige of the white people among the yellow and colored races in the Far East, the Near East or India as

Hence, under the new contract the individual stations will pay nothing on network business, and the networks are to pay everything.

2. The big stations—those getting better than \$150,000 in revenue—would derive some kind of saving under the new contract. But since the networks own some of these stations, they are less interested in this saving than they are in their own increased costs. Only 22% of U. S. stations earn over \$150,000 annually. But these 22% control 70% of station revenue. ASCAP's proposed new contract for this group calls for a 5% payment on the gross, less agency and frequency commissions, less payments by networks. The sustaining fee remains unchanged, although much of it can be recouped.

3. The medium-sized stations—those grossing between \$50,000 and \$150,000—would also get a saving. Numerically, around 29% of U. S. stations fall into this category. They control 20 1/2% of total station revenue. ASCAP's new contract promises them a 25% reduction in sustaining fee, and a 4% license fee as against the current 5% dunning. In computing their gross, they may subtract agency and frequency commissions, plus payments by networks. There is also a provision for recouping of the sustaining fees.

4. The little stations—grossing under \$50,000—likewise are promised smaller payments under the new contract. Numerically, the little stations are in the vast majority, since some 49% of all U. S. stations fall into this class. However, they only do 9 1/2% of all station business. ASCAP has promised them that their license fee will come down to 3% from the current 5%. Agency and frequency discounts are deductions from their sustaining payments. Additionally, the sustaining fee is entirely wiped out, save for a token payment of \$12 annually.

In order that all interested parties can continue the mathematical calculations, Variety leaves off the additional table (from FCC records) is appended as base material. This table has been properly adjusted for the purpose at hand after consultation with the FCC Accounting Dept.

much as the American motion picture.

Beecham warned the Canadian Club that the English language would deteriorate quickly because of the neglect of English drama, though conceding that the living theatre was dead and buried in all the British Dominions. He pointed out that the drama was one of the greatest contributions of culture and civilization in thousands of years, and that while this great art was being neglected, the vulgar 'awful substitute' for art, the motion picture, was the only thing that you could show your children have to see or listen to.

Mechanicals
On the subject of music Sir Thomas contended himself with blasting business and overmechanization for killing art. Beecham said that there is not one creative musician nor one first-class bass or baritone alive today. He allowed there might be a soprano or a tenor with some justification for living.

Contemporary composers and performers were compared unfavorably with those of 40 or 50 years ago. But Beecham said there are still a few fine instrumental players today. He added that orchestral playing, which had advanced in the past 40 years, is now at its peak and beginning to decline. The same, he believed, was true of choral singing. He found that good voices are scarcer and that training of voice is no longer as good as it might be.

La Roche

Continued from page 29

week. The meeting with Klauer ended at lunch today, Monday or tomorrow (Thursday). These meetings are all in quest of enlightenment.

Producers of commercials now have until Dec. 23 to submit the manuscript of their ads, which are to take the place of ASCAP melodies after Dec. 31. The deadline had been Dec. 15.

NBC and Columbia have rejected many new themes because they sound too much to those being abandoned, even though the source of most of them has been a melody in the public domain.

FCC Won't Intercede

Washington, Dec. 9.

The Federal Communications Commission wants no part of the present performing rights controversy and Saturday (7) declined to step into the ring as third man for the bout between broadcasters and American Society of Composers, Authors & Publishers. Regulators took a powder when Frank Hummert (Blackett + Sample + Hummert) tried to get them to arbitrate a settlement of the controversy over license terms. Chairman James L. Fly declined to interest himself in cause neither of the participants has asked the Commission to use good offices to produce an armistice.

The existing controversy between ASCAP and the radiobroadcast industry has not been presented to the Commission by any of the interested parties and consequently no position has been taken in that regard. It is accordingly suggested that any proposal for mediation should be made to the parties. Fly responded, adding the idea received "thoughtful consideration."

Basic Station and Network Revenue Data

(From FCC Document No. 42835)

	No. Stations	Natl. Spot Revenue	Local Revenue	Revenue From Networks	Deductible Commissions
Grossing under \$50,000	343	\$851,578	\$7,027,631	\$172,783	\$140,958
Grossing \$50-\$150,000	141	\$2,928,854	\$21,821,899	\$1,121,899	\$1,164,739
Grossing over \$150,000	154	\$25,111,821	\$17,855,244	\$21,075,527	\$6,217,758
Total	705	\$30,472,053	\$36,815,774	\$23,370,560	\$8,127,455

Sale of network time to advertisers... \$62,621,689
Deductible commissions... 9,277,959

(Note: All FCC data is "net" data in the sense that frequency discounts have already been subtracted.)

But, Joe—

What makes you so *sure* NBC RED is the *best* network buy?



"T. W., for years I've been telling you that because NBC RED has the best programs . . . the best stations . . . it offers us the biggest audience of any advertising medium. Well, now I can prove it! I've just been checking the first all-county census of radio listening habits to stations and networks, ever taken over this whole country. NBC's RED Network man is here now . . ."

Smash-Hit Programs Clear Reception ..Give NBC Red 41.7% Preference

NEW YORK, N. Y.—Latest refrain among advertisers, and through offices of their agencies, too, is: "Have you seen the results of the first All-County Census of network listening habits ever made?"

First Nation-wide Survey

This Census recently completed by NBC constitutes an unparalleled job in radio research. Never before has every county, in every state, been surveyed. NBC sent out 1,425,000 questionnaires . . . but for simplicity's sake, asked only two questions: (1) What stations do you listen to *regularly*? (2) What one station do you listen to *most*?

Sweeping Victory for RED

To avoid any claim of prejudice, NBC had the replies sent to C. E. Hooper, Inc., for tabulation. 166,000 families (one out of every 168) sent in more than 1,000,000 station call-letter votes.

Results brought out some surprising figures. (1) Over the entire country, 89.1% of the listening families tune regularly to NBC RED during the evening; 74.7% during the daytime. (2) The network most people listen to most is NBC RED . . . with a preference of 41.7% over any other network.

Such a preference will not astonish the person who realizes there are only two reasons why listeners choose any given station. The first lies in the programs they get. The second in the clarity with which that station comes in on their set. Neither factor, alone, is ever sufficient. But *both together* create an appeal that becomes irresistible in any section.

RED Better than Ever Today

NBC RED, from the very start of radio, has been known, as the network with the world's greatest parade of guest stars and talent. Today, their "parade" is bigger than ever. And the millions who tune in find NBC RED comes in clear-voiced and full-throated . . . thanks to strategic stations . . . expertly built for dependable performance.

Radio time-buyers have long been saying that with such five-star programs and station facilities, NBC RED was bound to hold the "network preference." Now NBC's All-County Census figures prove NBC RED the most deeply entrenched in the listening habits of America's 28,000,000 radio families.

KYW GOES 50,000

Flash! KYW . . . RED NETWORK Station in Philadelphia enters the big-time advertising arena in January as a 50,000 watt station! Former strength was 10,000 watts. KYW serves nearly 10,000,000 listeners in and around the nation's third largest market.

WEAF's New Giant-Size Vocal Chords Startle Metropolis

New Signal on NBC RED's Key Station Wakes City with Voice Two to Ten Times as Strong

ON THE MORNING of November 8th, numerous astonished metropolitan families—many of whom leave their radios tuned at night, ready to catch the early-morning broadcasts—woke with a start to hear a giant-size voice booming through their apartments.

These families had not known that, during the night, WEAF's "voice had changed" . . . become twice as strong in Brooklyn . . . four times as strong in Queens . . . ten times as strong in the heart of Manhattan and throughout Northern New Jersey.

Naturally, they were amazed. That morning, and practically every day since, NBC has heard constant delighted comments from radio fans, tired of struggling with static, that WEAF now comes in so clear and strong it

fairly knocks people out of their chairs . . . stronger than any metropolitan station.

Typical of NBC's science and service is the research that went into this powerful improvement.

First—the distance between the WEAF transmitter site and the center of New York City has been cut almost in half.

Second—WEAF's new signal is now conducted in over the "salt water way" of Long Island Sound . . . and salt water is acknowledged the finest conductor for radio signals in the world.

Third—every latest technical improvement developed by RCA and NBC engineers has been incorporated in WEAF's new equipment, giving this 50,000-watt, Class 1A, clear-channel station an efficiency . . . and a reception-appeal . . . unparalleled in radio history.

Again, NBC RED gives to all advertisers the clearest, most vital, most forceful voice for telling the public their sales story.

NBC RED NETWORK

The Network Most People Listen to Most

A Radio Corporation of America Service



"Well, Joe... why get excited about another survey? What's so unusual about this one?"



"T. W., this is the first all-county survey ever made! NBC sent 1,425,000 questionnaires... to every county, in every state. They asked two questions: *What stations do you listen to regularly?*... *What one station do you listen to most?* Results were tabulated by Hooper."



"Okay, what *were* the results? Maybe *this* census does really prove something about relative network values."



"You're right! This census proved that NBC RED is tuned in regularly by 89.1% of all listening families during the evening... by 74.7% during the day. What's even more important... it proved that NBC RED is the network listened to most by 41.7% more U. S. radio families than any other network."



IF YOU HAVEN'T SEEN THE RESULTS OF THE NBC ALL-COUNTY CENSUS OF NETWORK LISTENING HABITS—YOU'RE NOT UP-TO-DATE ON RADIO VALUES!



"41.7%! Did I get that figure right, Joe? Say... it sounds as if you'd been right, from the start! I want to study *that* survey carefully..."

"NBC's man is on his way now, to see you. Look over the figures, T. W. When you see them, you'll have to admit that NBC RED is the network *most* people listen to most."

New 50,000 Watters May Be Pushed Out of Price Range of Own Local Advertisers, An Economic Oddity

Tendency of the Federal Communications Commission to grant 50,000-watt permits to stations which exclusively serve their own towns has caused advertising men to raise a pertinent question. It is not prompted by curiosity and not because they have any personal axes to grind. Point they raise is whether circumstances created by top power boosts in such cases won't result in the freezing out of local advertisers from radio in that particular community.

If station owner is to operate at 50,000 watts he must out of necessity obtain a rate commensurate with the increase in overhead that the boost has entailed. When the said station operated at 5,000 watts it served as an economic buy for the local advertiser, but when the rate is jacked up to meet the new expense the local advertiser may find that he cannot afford to compete with the time buying power of national advertiser. If there is but one station in the community and that outlet is a 50-kilowatt, the transmitter will naturally become an important medium for the national and regional advertiser. Even though the station's rate card grants it a preferential rate, local enterprise may find that this rate, though reasonable for the power available, is too expensive for the requirements, which are strictly local.

Source raising the question realizes that the FCC's chief concern is seeing that every community in the country no matter how small is amply serviced, but at the same time it wonders whether the trend in such instances isn't contrary to the American principle of free and open competition.

ED LONGSTRETH NEW COLGATE RADIO HEAD

Edward Longstreth becomes director of radio of Colgate-Palmolive-Peet, a new job. Sponsor now has nine network programs. He's under advertising director Hugh McKay. Longstreth is primarily a writer. Dates back in radio to the old Eno Crime Club series.

Railroad Showmanship

Nashville, Dec. 10. Louisville and Nashville railroad has bought a 15-minute program on WSM to advertise the arrival of the Dixie Flyer, first Chicago to Miami streamlined train, in Nashville, on Dec. 17.

Jack Harris and Trudy Brown will board train at Evansville and ride to Nashville.

Network Premieres

Friday, Dec. 13

Campbell Soup Co. (Tomato Juice), WABC-CBS, Monday, Wednesday, Friday, 11-11:15 a.m. 'Charlie and Jessie' with Donald Cook and Florence Lake. Ward Wheelock Co. Script writer, Willis Cooper. Originates from New York. Hookup, 53 stations.

Sunday, Dec. 15

Consolidated Royal Chem. Corp. (Vitamiz Yeast Food Tablets), WJZ-NBC Blue, 5:30-6 p.m. 'Hidden Stars' with Orrin Tucker's Orchestra, Bonnie Baker and guests. Stack-Coble. Originates from Chicago. Hookup, 50 stations.

L. A. Gifford Manages Intermountain's Office

Salt Lake City, Dec. 10.

Following shift of Socs N. Vratits from Intermountain Radio payroll to that of KUTA, L. A. Gifford takes over the job of managing the network's Salt Lake City office. Gifford comes from KGVO, Missoula, Montana.

New policy of the network is to stress programs originating in the Salt Lake studios. Previously, programs were originated there only on Sundays.

Experts Decline to Predict Next Radio Program Trend, If Any

Chicago, Dec. 10.

Radio group meeting at the Central Council convention of the American Association of Advertising Agencies last week turned out to the high spot of the confab, with the radio gathering pulling the largest individual attendance to hear addresses by A. W. Lehmann of the Cooperative Analysis of Broadcast, and John Howland of Zenith Radio and R. J. Scott of the Schwimmer & Scott agency.

Scott was the group leader of the radio group gathering and led off the discussions with a short report on what has been accomplished in radio labor relations, particularly as to the contract recently negotiated by the American Federation of Radio Artists.

Of particular interest was the talk by Lehmann on 'how to anticipate

radio program trends,' but the meeting failed to dig up anybody, even including Lehmann, who was willing to stick his neck out and make a prophecy on the next radio program cycle. It was generally agreed that the present big role in radio programming is the news periods. Quiz programs are still hot, which is considered unusual, with the experts insisting that quiz programs, by all rights and rules should have been dead at least two years ago.

Drama's Upbeat?

About the closest that the experts got to a prediction is that dramatic programs look to be coming in, and most of 'em said that with a weather eye cocked for the current ASCAP-radio battle on tunes. Pointed out that there is more drama than ever on the air today, with even the so-called musical shows inserting short drama interludes. Lehmann also pointed out that the daytime strip, after all these years, continues to move the merchandise and he stated that a night-time dramatic strip would also likely meet with public approval.

Howland, assistant to Eugene MacDonald, Jr., of Zenith, gave the group a brief picture of the frequency modulation situation. He was particularly impressive with an actual demonstration of the clarity of FM reception, bringing out this point with some sound effects. FM is moving forward slowly but it is moving to a public acceptance which needs only a lower price to reach boom proportions. The change-over cost is what is really holding back FM at this time, but that in time this cost objection will be met. According to Howland there are some 400 FM sets in operation in Chicago at present.

Attending this meeting were about 150 key agency men, including executives, radio directors, producers, and copy writers.

Other groups at the AAAA Central Council conference were Media and Media Research under the leadership of Otto Stadelman of Needham, Louis & Brorby agency; Mechanical Production, led by Thomas McBreen of J. Walter Thompson agency, with Erwin Messers of Needham, Louis & Brorby; George Hellard, Lord & Thomas agency and John Demko of the Leo Burnett agency collaborating; Copy and Art under the leadership of Sidney Wells, McCann-Erickson agency, with John Lord & Thomas agency collaborating.

ESTY RENEWALS

But Bob Crosby Replaced on Camels By Xavier Cugat

William Esty agency has renewed all but one of its present shows for the initial quarter of next year. The exception is Bob Crosby, who will be replaced on the Camel payroll by Xavier Cugat on the NBC-red Jan. 9. Other Camel renewals are Al Pearce, 'Blondie,' 'Uncle Ezra and Grand Ol' Opry House.' Renewal on the same accounts Luncheon at the Waldorf doesn't come up until January. 'Meet Mr. Meek' (Lifebuoy) also gets a new lease, effective Jan. 8.

Mutual Queries Stations On Neglect of Talent Laden WGN Program

Mutual has sent out an inquiry to its affiliates on the subject of why only a small percentage of them elect to carry the 'Chicago Theatre of the Air,' which WGN originates. The stations not carrying the series are asked to give their reason.

Memo states that this program 'presents only the finest of talent, at a great cost to WGN.' Also that 'Only by having the complete picture for each Mutual station can we know what steps should be taken for any readjustment of schedules.' Memo further points out that 'to successfully carry on the largest of networks now in operation we must make the stations get the program available to all at a time when a large majority of stations can broadcast these programs locally.'

John Kellmann, sports editor of WHAT, Philadelphia, is back in harness after several weeks' layoff with gripper.

Bertha Brainard's Staff

(NBC Artists Service Staffers who go to new Program and Talent Sales Division of Program Department.)

New York

Dan S. Tuthill
Alice L. Stauffer
Carol Chacknow
George Sax
Edna McClure
Spencer G. McNary
Donald Meissner
Frank Murtha
Jean E. Treacy
John Babb
Rubei Cowan
Ethel Gilbert
Samuel L. Ross
Jack Von Tilzer
Charles Facer
Katherine Bauer
Madge Boyton
John J. Collins
Ellen Egan
Grace M. Hellerson
Ruby Smith
Stella M. Smith

Chicago

James L. Stinton
Robert M. Kendall
Raymond Neihengen
Kenneth V. Akins
Helen E. Carey
Georgia Fuller
Mary P. Kelly
Fred Klein, Jr.

Hollywood

Alex Robb
Wynn Rocamora
Chas. B. Smith
W. Carroll Tornbott
Walter C. Baker
Honore Holden
Margaret Kent
Jack Parker
Mae Regan
Norma Reinhardt

Theatre Guild of Air Auditions

'Prelude to Exile' Is Used to Introduce Series to NBC Staff

'The Theatre Guild of the Air,' which NBC will launch in a couple of weeks in co-operation with the Theatre Guild, was given a preview audition Monday (9) for the network's employees. Half-hour test work was an adaptation of 'Prelude to Exile,' with Eva Le Gallienne and Raymond Massey. Session was held in studio 8-H and was barred to outsiders.

'Prelude,' which the Guild produced as one of its subscription plays of the 1936-37 season, was written by William McNally and deals with the 'romance' between Richard Wagner and Mathilde Wesendonck, the wife of his benefactor. Miss Le Gallienne was in the original production, but Wilfred Lawson played the part Massey had in the radio version.

Whether or not NBC actually intends to include 'Prelude' in its projected series for broadcast isn't known, as the network is maintaining an elaborate hush-hush atmosphere on the subject. But presumably the play is to be one of the series, or it would not have been offered as a sample. Regardless of its merits for radio, 'Prelude' was a distinct failure on the stage. It ran only the minimum subscription period to little more than the regular subscription business. Vanuery's comment on the play was, 'Plot is insufficient in theatrical interest... it misses fire.' Gilbert Gabriel, at that time critic for the N. Y. American, called it 'an embarrassing bad play'.

According to report, NBC has the rights to many of the Guild's plays of past seasons. There is even talk that Robert E. Sherwood has given permission for his 'There Shall Be No Night' to be done by Alfred Lunt and Lynn Fontanne during or at the completion of their current nationwide tour, but that could not be confirmed. However, it is doubted if Eugene O'Neill, George Bernard

Lynn Fontanne's Third Repeat of 'White Cliffs'

Cleveland, Dec. 10.

Alfred Lunt and Lynn Fontanne are joining with the Cleveland Symphony, guest-directed by Frank Black of NBC, in a program for the benefit of the British War Relief Society here Jan. 5. Legit stars agreed to donate their services, as Black also is doing.

Miss Fontanne will repeat Alice Duerr-Miller's poem, 'White Cliffs,' which she did twice on NBC. Concert scheduled in 12,000 capacity civic auditoriums is scaled at \$3 top, and is half sold out already.

AFRA's Frisco Dickers

San Francisco, Dec. 10.

American Federation of Radio Artists expects to sign up KSFQ shortly. Union also making progress at KYA. One of the snag is a 'contract of employment' binding staffers.

Station contends these individually signed agreements do not constitute a company union and cannot be broken to conform with AFRA demands.

Shaw, S. N. Behrman and some of the other leading dramatists of the Guild's past list would give blanket permission for their works to be done without substantial payment.

Spotlight on Baltimore IN 1941



SOON... FULL TIME AND 50,000 WATTS IN 1941—MORE THAN EVER BEFORE—

WBAL means business in Baltimore



WITH YOUR SAFETY at stake, the reliable mechanic is careful about the condition of your car. With the success of marketing plans at stake, we take particular pains in delivering information on which you can rely.

JOHN BLAIR & COMPANY

National Representatives of Radio Stations

NEW YORK • CHICAGO • DETROIT • ST. LOUIS • LOS ANGELES • SAN FRANCISCO

SHIFT NBC PROGRAM DEPT.

RED, BLUE APART; BRAINARD UP

Carlin, Hillpot New Program Managers Under Sid Strotz—Chotzinoff Gets Title—Menser's Position—Director of Talks Still Open

'BOOKER' SET UP

The expected revised set-up of the program department at NBC becomes effective immediately. Its chief features are as follows:

A separate red network program manager is set up. He is Phillips Carlin.

A separate blue network program manager is set up. He is William Hillpot.

Bertha Brainard heads a new Talent Sales Division with Dan Tutthill and Doug Meservy as aides.

There will no longer be a demarcation of 'commercial' and 'sustaining' program managerships. Carlin and Hillpot will have jurisdiction over both types of show.

All programs, save public interest ones, are to be judged by the standard of their plausibility as sponsorable entertainments or specials.

There is to be a central booking office, or control schedule for all red and blue shows. Helen Shervey gets this berth.

There is also a business manager for the program department to handle all financial matters. He is Charles A. Wall.

Clarence Menser comes into the reorganization with the title of National Production Director. He reports directly to Sid Strotz, but Lewis Titterton, continuity, Patrick Kelly, announcer; N. Ray Kelly, sound effects, will report to Wilfred Roberts as 'New York production manager.'

Samuel Chotzinoff is manager of the Music Division under the revision. Frank Black and H. Leopold Spitalny report to him. Chotzinoff reports to Strotz.

Thomas Belviso continues to operate the music library and to have special responsibilities.

Walter Preston, Jr., is manager of the Public Service Division with Franklin Dunham, Margaret Cuthbert, June Hynd, et al. reporting to him. Preston answers to Strotz.

A Director of Talks will be established (not appointed at moment).

Abe Schechter is undisturbed but on international matters reports to John Royal, the former head of the program department who is now v.p. in charge of international, television, facsimile, etc.

Burke Miller is still Burke Miller, coordinator-in-chief of everything after sundown.

George Engels continues to head the Concert division. He reports to Mark Woods.

James Rowland Angell, the educational counselor, reports to general manager Frank Mullen but consults with Strotz on all program matters pertinent to his interest.

Rosenbaum in Phi Beta

Kappa After 30 Years

Philadelphia, Dec. 10. Samuel R. Rosenbaum, WFIL proxy, last week was elected to alumnus membership of the Phi Beta Kappa honorary society 30 years after his graduation from the University of Pennsylvania. The award was made in recognition of excellent scholarship during his college course and subsequent contributions to the intellectual life of the community and nation.

Besides his WFIL post, Rosenbaum is also chairman of Independent Radio Network Affiliates, president of the Robin Hood Dell Concerts, and vice-president of the Philadelphia Orchestra Association.

WTMJ Drops Curb Gab

Milwaukee, Dec. 10.

After having 'The Sidewalk Reporter' on the air for the past five years, WTMJ this week is discontinuing the daily noonday street quiz, not particularly because this type of program has outlived its usefulness, for it has practically always had a sponsor, but because station heads believe the listening audience will welcome a change, especially with all the soap operas providing an almost continuous line of gab through the daytime hours.

In place of the sidewalk show, WTMJ is now putting on 'The Romantic Balladier' with a musical background, for the time being at least a sustainer, at 11:45 a.m.

Jello Again

Hollywood, Dec. 10.

Jack Benny's Jello show is spared one headache that is assailing most of the others. The theme song stays as it.

Don Bestor, not a member of American Society of Composers, Authors & Publishers, dithered the big red letters on the box.

Ab Smith to Bates

Ab Smith leaves Benton & Bowles, along with the Colgate 'Ask It Basket' show with Ed East, when the Ted Bates agency (new) takes over the account.

Smith has directed the program for B. & B.

Anacin Protests Bromo Seltzer As Latecomer Neighbor on Pacific NBC

Subject which NBC sales officials are particular sensitive about just now is headache anodynes and the headaches they can cause if two of them are scheduled one after the other. The network is faced with the solution of such a tangle on the westcoast and the products involved are Bromo Seltzer (Ben Bernie) and Anacin (Easy Aces).

Anacin was on the Pacific hookup first, 9 to 9:15 p.m. PST. Then some weeks ago the Bernie show was put into the preceding slot, 8:30 to 9 p.m. Blackett-Sample-Hummert, agency on the Anacin account, raised a howl and NBC has been trying ever since to find a way out of the dilemma. The network stated last week that it is on the way to a solution, but denied the report that B-S-H has threatened to hold up the payment of the Coast billings on 'Easy Aces' until the situation has been straightened out.



Notice of a product to be broadcast over WLW has been a guiding factor in checking our merchandise to assure us of having a full stock to meet consumer demand. Without doubt we feel this sales building media through every product advertised over WLW.

John B. Adamson
President and General Manager
W. L. ADAMSON CO.
Wholesale Grocers
Dayton, Ohio

The Adamson Company travels
21 Salesmen covering Southwestern Ohio.



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

ECONOMIC WEIGHT OF NETWORKS UNFAIR TO INDIE TALENT AGENTS, IS CLAIM

Los Angeles Lawyer, Fronting for Commission-Collectors, Supplements Attack on Radio Networks as 'Monopolistic'—Cites Inside Track

Martin Gang, Los Angeles attorney of a group of independent agencies complaining against the networks' operation of talent bureaus, this week asserts he will file a supplemental argument and brief with the Federal Communications Commission to further beat out the indie agents' contention of monopolistic practices by the radio chains.

Brief, as in Gang's complaint, at the FCC's monopoly hearings last week, charges NBC, CBS and Mutual (later through its artists bureau at WGN, Chicago, and WOR, New York) as being in unfair competition with indie agents. It states that the networks' talent agencies are a restraint on competition... monopolistic in practice and effect. Further argues that:

"The effort to act as manager agent for talent imposes upon the broadcasting companies a dual and conflicting capacity. On the one hand, as the agent or manager or representative of the talent, they owe a fiduciary duty to the talent to obtain the best possible jobs for such talent upon the best possible terms. As the owners and operators of radio broadcasting companies primarily interested in the (Continued on page 55)

AFRA AGENCY FRANCHISE TERMS

Final talent agency code has been approved by the American Federation of Radio Artists and representatives of the Artists Representatives Assn. (Broadway agents) and the Artists Managers Guild (Coast group). Copies of the regulations have been sent to the percenters, who must file license applications by Dec. 20, with the code applicable as of Dec. 15.

Meanwhile, AFRA's New York local will hold a membership meeting and election of officers tomorrow night (Thursday) at the Edison hotel, N.Y. Expected that the incumbent slate, headed by president Alex McKee, will be re-elected. AFRA nationally took in two more local chapters this week in Washington and Dallas.

Revised agency code, agreed upon after more than a month's negotiations between reps for the union, the network artist bureau and the

Unnecessary

"So You Want to Write for Radio," textbook being written by Bernard Estes of WINS, N. Y., for Doubleday-Doran publication next spring, will have a jacket with a gimmick seal. Notice on the jacket will read: "If you're related to a sponsor, agency production manager or time-buyer, don't break this seal. Return the volume and get your money back. But if you want to make it the hard way, here's the dope:

two independent agent organizations, now covers 18 pages instead of the former 11. Most of the changes were made at the request of the Coast agents, but some were requested by the Broadway group and others by AFRA.

Among the highlights of the changes are the following points: Agents agree to observe salary minimum set by AFRA in cases where AFRA does not have agreements with employers.

No agent or affiliate thereof may engage in the advertising agency business. AFRA will not grant better terms to any other agency, except in cases where waivers are allowed.

All employees and stockholders of an agency must each apply for franchise, except that in cases where employees will already be working with agencies, refusal to sign franchise applications, stringent penalties are provided for violation of the code.

Oral contracts between artists and agents must be put in writing and submitted to AFRA and the artist for approval.

Guaranteed engagement agreements have been altered to require 15 days' employment in 30 days (a 15-week cycle) rather than 30 days.

Violations of this code are defined and maximum penalties for such infractions specified. Such penalties go as far as revocation of license, suspension of license or \$5,000 fine.

Agents have no interest in artist-employer contracts, but only in commissions therefrom. Commissions are payable only for fulfilled contracts.

In case an artist breaches a contract with an agent, the agent is liable not for a lump sum based on commissions from expected engagements, but only for commissions on actually fulfilled engagements. Such commissions are payable as earned.

Agents for the producer of a motion picture show or for the employer of artists may not charge commissions on artist fees on such shows.

AFRA may require an agency license bond.

Conditions are set for contracts with "One day's employment (in guaranteed employment contracts) includes all rehearsal, rehearsal, recording, etc., for each broadcast."

During the months of June, July and August, each day's employment, for purposes of computing the guaranteed 15 day employment, may be counted as one-and-a-half days.

Article may not terminate agency contracts during a guaranteed employment period nor just after such a period, as due to begin.

Spokane.—Helen Sullivan added to the KHQ-KGA staff, to work between the music and continuity departments.

FRANCISCO GOES LATIN

To South America With Wife and Spanish Interpreter

Don Francisco, former president of the Lord & Thomas agency, departs Friday (13) for South America on his first inspection trip in connection with his new duties as radio head of the Cultural Relations Division (Nelson Rockefeller) of the U. S. State Department.

Francisco will be accompanied by his wife and a Spanish language interpreter-instructor.

Guy Hickok, of NBC's shortwave division, is likely to become the practical radio man backstopping Francisco's efforts.

CHILE NITRATE SUES TO STOP GROMBACH

Controversy between Jean V. Grombach, Inc., transcription maker, and the Chilean Nitrate Educational Bureau, Inc., over the ownership rights to the program, "Uncle Nathe", has reached the N. Y. supreme court. The bureau wants Grombach restrained from interfering with the airing of the transcribed series over 18 southern stations and a declaratory judgment holding that the CNEB and not Grombach owns the show.

Legal action was taken after Grombach's counsel had advised the 18 stations that if they ran the series they would be subject to injunctions and damage suits. Grombach had recorded the series for the Chilean Nitrate publicity setup since 1934, but this season the latter turned the job over to Transamerican Broadcasting & Television Corp.

In its complaint the CNEB states that it changed producers because of dissatisfaction. Also that it has paid Transamerican \$23,000 so far for the work.

WOL MUST PREVIEW ITS CASE ON WAHL

WOL, Washington (American Broadcasting Co.) lost its plea to vacate the injunction directed at it by the Wahl Co. and the Blow Agency, which is suing, in the N. Y. federal court. Judge Samuel Mandelbaum overruled objections and ordered WOL to answer all but one question. The defendants however are ordered to furnish a script of disputed program within 10 days.

WOL is suing for alleged plagiarism of a quiz program entitled "Double or Nothing," started and copyrighted by it, Dec. 11, 1939. The alleged plagiarizing program called "Take It Or Leave It" was broadcast by the defendants over CBS starting April 21, 1940. An injunction, accounting of profits and damages are sought.

Among the 25 questions to be answered are: In what respect the programs are the same, who the authors of the plaintiffs program are, when and where it was copyrighted, which parts of the program allegedly were copied, and has the plaintiff been able to sell its program since the inception of the suit.

Carpets on CBS Six

Alexander Smith & Sons, carpet manufacturers, has contracted for daytime series of spots on six stations of CBS New England network. Campaign will start between Feb. 1 and 15. Program will originate from WEEL, Boston, and offer a home economy expert, using the 3:30-3:45 period Monday, Wednesday and Friday. It's the first time that this account has gone in for any extensive air advertising.

Anderson, Davis & Platt is the agency.

NBC's Christmas Shows

NBC will augment the talent on virtually all its sustaining programs Christmas day, in most cases with added music. It is also lining up an extensive array of special broadcasts, some of which will be short-wavecast to abroad.

Among those already set are a 30-minute program from the Vatican, a 90-minute exchange of greetings between noted Americans and Englishmen in the U. S. and a 101-foot star at Bethlehem, Pa., and various musical features from points in the U. S.

NBC CONTINUES TELEVISION

Although it is airing only about six or seven hours of actual program television, NBC is currently transmitting nearly 30 hours a week of test patterns and field tests. Non-program telecasts are at the request of television set dealers, who want the test staff for adjustment of new sets, installations and readjusted sets already in use.

Regular programs are being transmitted on an average of three days a week, with most of the shows confined to outside pickups and films. Most of the pickups are sports events. There has been no transmitting the last couple of weeks, as the engineers were installing a new synchronizing generator and putting the equipment back in shape after a series of test shows and experiments for the National Television Systems Committee.

Shows scheduled for this week and next include wrestling bouts at Jamaica (N.Y.) arena, Friday night (13); the collegiate basketball games in Madison Square Garden, N. Y., Saturday night, amateur boxing in the Garden next Monday night (16); Rangers-Boston Bruins pro hockey game in the Garden Dec. 19, and the college basketball games in the Garden Dec. 21. Start televising track meets in January. Two cameras are used for all shows.

STOES, INDIE MGR., JOINS WGN CONCERT BUREAU

Paul Stoer, independent concert manager, has joined the WGN Concert Bureau as road manager, and brings his talent list into the agency. However, he will retain an interest in all the artists involved. WGN Concert Bureau, owned by station WGN and the Chicago Tribune, recently entered the concert field. It's month-old New York office is headed by Ted Carr, formerly assistant executive secretary of the American Guild of Musical Artists.

Othon Velez on Job

Mexico City, Dec. 10.—Othon Velez, manager of local radio station XEW (100,000 watts) and the leader of Mexico's commercial air biz, has resumed his duties after a long siege of illness, liver trouble complicated by typhoid fever. Velez is drafting a program of expanded activities for his station in 1941.

Widening Catholic Hour

Detroit, Dec. 10.—Pointing out—the churches have failed to use the radio fully enough in their work, The Michigan Catholic, a parochial weekly here, is urging sponsors to come forward and put the "Catholic Hour," now heard on 106 stations, on more.

Organizations were asked to take over the low expense of putting recordings of the program on small stations and five in Michigan—WHDF, Calumet; WFDF, Flint; WCAR, Pontiac; WWSM, Saginaw; and WSOO, Sault Ste. Marie—were listed.

LOIS MILLER'S XMAS SERIES

Pittsburgh, Dec. 10.—Lois Miller, Pittsburgh organist who is heard every summer at the Heinz Pier in Atlantic City, is back in town for a new musical series over WCAE.

It's a quarter-hour session on the organ daily during the pre-Christmas season, with Spens, local store, foot the bill.

Mutual Looks Up So. America For Shortwave

Roberto Stiglich, formerly of Pan-American Railways and attaché of the Peruvian government, has been retained by the Mutual Network to make a six-week survey for it of Latin-American broadcasting. It will be his job to survey transmission and receiving short wave facilities in the various countries, learn what the stations' program preferences are and what they will be able to feed to the U. S. network. If Stiglich's report turns out favorably Mutual will immediately start feeding news programs in Spanish and Portuguese to Latin-American countries by shortwave and arrange to pick up several programs from downriver.

San Antonio.—William Stringer added to the news staff of WOAI.

WANT ACTION!

WE HAVE PULL

WITH THE RIGHT PEOPLE

And by "the right people" we mean the thousands who find WAGA the most listenable station of them all—the blue ribbon station in the blue ribbon market of Georgia.

During October, 1940, one WAGA sponsor received 4833 letters—and offered no trick "giveaways" or "lures." That's mail PULL with the right people. This same client uses many stations—but WAGA costs him the least.

WAGA

ATLANTA, GA.

Ask a JOHN BLAIR Man

Our New Year's Baby

5000 WATTS DAY-NIGHT

THE MOST COMPLETE COVERAGE OF SOUTH FLORIDA MARKETS

M.B.C. RED 1000

WOL

Bate Hurt by Bomb; NBC, CBS Offices Wrecked in London Raid (Sunday)

Fred Bate, London correspondent for NBC, was injured, and both the NBC and CBS offices in London were demolished Sunday night (8) in what was described as one of the most severe bombing raids on the British capital so far. According to John McVane, broadcasting from London for NBC Monday night (9), Bate was cut in the face by flying glass and severely bruised when he was thrown across the room by the force of an exploding bomb.

Bate is expected to be in the hospital for three or four days. No one else was hurt, although the damage was so great that the two offices were said to be 'completely wrecked' and probably not 'inhabitable for some time.' It was the second time CBS had been bombed out.

Larry Le Sueur, who had been working in the CBS office earlier in the evening, had been forced to leave when the lights went out. Two girl employees of CBS, who usually sleep in the building, were away for the weekend and so escaped the bombing.

According to McVane's story Monday night, Bate was standing in the center of the office, talking to another NBC employee and a British censor when the bomb exploded. Nothing was said about whether the others were injured, so apparently they were not. Building occupied by the two networks were adjoining the main BBC building, which has been the target for repeated Nazi bombing attempts and has been hit on one occasion. Whether the BBC structure was damaged on this occasion wasn't indicated.

There appeared to be some difference about censorship instructions to NBC and CBS as to handling of the story. In his Monday night broadcast, Le Sueur failed to mention the bombing of his own office or refer to Bate's injury. Also his only reference to the extent of damage to London was indirectly by the

statement that the sound of glass being shoved off the pavement could be heard through the 'smoky' London air.

CBS offices in New York freely discussed all the information available on the bombing, but homeoffice representatives of NBC reported they had been warned by the censors not to reveal any information obtained in their short-wave conversations preceding the evening's London broadcast. However, in his regular broadcast, McVane told about the bombing and described the circumstances of Bate's injury.

CBS' Mex Net

Continued from page 1

has acted as translator. He is now holidaying at Acapulco.

Columbia presenting an elaborate brochure to Mexican broadcasters in explanation of its future intentions. A CBS earnings statement for the first nine months of 1940 is included. It has made the Mexican broadcasters open their eyes very wide, especially as American dollars are, they realize, nearly one for five native dollars.

A contract, half in Spanish and half in English, has been produced by Akerberg. It mentions 50 hours of network service, commercial and non-commercial, to be fed by CBS when the proposed network is organized. Columbia will collect 50% commission on time sales. Mexican stations that sign will pledge themselves to accept no radio programs from any American source other than Columbia. Exclusive contract may be cancelled by the Americans upon six months' written notice.

The appearance of the Columbia contract and vice president also pointed up the present scramble for the three clear channels of Mexico. The so-called 800 and 1,050 waves are especially the object of politics

at this moment. Mexico City has been full of concession-seekers, most of them Americans, who came in for the inaugural ceremonies. Together with other Americans seeking race-track and gambling concessions, the capital has seen the greatest activity of this kind it has experienced in years.

No Commercials Now

Just now there is no American advertising sponsored programs heard in Mexico through overland wires from the states. Ford did not extend its Detroit Symphony concerts beyond the Rio Grande this season although last season was considered fairly successful.

Ford experiment is believed to have been the thing that first interested Columbia, the money-making possibilities here. At present NBC's Toscanini concerts come through Azcarra's XEW here and Columbia's program of the New York Symphony is heard on Azcarra's XEQ. Both musically poor because the quality of transmission is quite inferior for network purposes here. Correction of the radio lines is thought to be a cause of Columbia not dating its Mexican contracts before Sept. 1, 1941.

Akerberg stated that William S. Paley, president of the American network, is now in South America, signing up radio stations there. One in Argentina particularly mentioned. This is said to be part of the cultural relations development within Pan America.

Tidewater Oil Uses G.E.

Shortwave to So. America

Tide Water Oil is shortwaving from General Electric's WGEO, Shenectady. Spanish show based on Newsweek Magazine material.

G. M. Basford is the agency.

Alaskan Press Tie-Up

Fairbanks, Ala., Dec. 3. KFAR has tied up with the Fairbanks Daily News-Miner for the publication of a monthly supplement plugging the station and its national accounts. First issue of this type was put out Nov. 16.

Ads and stories about these advertisers are furnished and paid for by KFAR.

Alan Plaunt's 'Inefficiency' Blast Against Canadian Radio Set-Up May Fuse Parliamentary Probe

Montreal, Dec. 10.

Charges of general incompetence in management of the Canadian Broadcasting Corp. with special emphasis on program production, and inability to have any changes for the better effected led to resignation of Alan B. Plaunt, former governor of the CBC, according to documentary report filed in Parliament last week. Plaunt's report took a special slam at program production as currently routed at the CBC stating there was 'no doubt that production conditions in the program department are most unsatisfactory.'

Plaunt recommended that maximum salary of \$3,500 per annum for producers, fixed by law, be raised to \$5,000 a year, with top figure for announcers also upped from \$3,000 to \$5,000. He believes that there should be periodic surveys of the staff with a view to determining which of the employees should be shifted by transfer to other departments or let out.

Plaunt charged that under the current setup in the Canadian Broadcasting Corp. it is virtually impossible to dismiss anyone, however incompetent, and it was discouraging to efficient members of the staff to find demonstrably incompetent persons retained. The report added further that the morale of the entire organization could scarcely be improved so long as the spectacle of persons retained who have been guilty of misconduct, insubordination and even irregularity existed.

Plaunt contends that in radio, which particularly requires flexibility, initiative, new ideas and vitality, current methods of operation in the CBC were bound to be discouraging.

René Morin, chairman of the

Board of Governors, issued a statement to the effect that as many of Plaunt's recommendations as were feasible had been adopted by the CBC and that the Plaunt charges appeared to be inspired from personal as well as administrative reasons. However, in addition to resignation of Plaunt, Donald Buchanan, director of public affairs broadcasts, and E. A. Pickering, formerly executive assistant to g.m. Gladstone Murray, have also resigned since outbreak of war.

As a result of Plaunt blast members of the House of Commons are urging a Parliamentary investigation of the charges against the management of the CBC. Introduced into Commons last week were excerpts from article by newspaper editor Jean Charles Harvey (Le Jour) charging that Jules Romains, French author, had been kept off the CBC network because 'in the higher reaches of the information and radio services were men who not only always have been but still are the enemies of the democratic ideal for which thousands of our men are shedding their blood.'

M. J. Coldwell stated in Commons that Plaunt and Harvey could substantiate their charges if called before a committee.

Playlet to England

Herbert Marshall, Romney Brent and Jessica Tandy will on Dec. 11 do Frederick Lonsdale's 'The Night Before You Marry Her' as one in the WRUL, Boston shortwave series to England of 'Friendship Bridge' programs. British American Ambulance Corps sponsors.

Also heard on WMCA, N. Y.

WJR
DETROIT
50,000 WATTS
CBS

Michigan's greatest advertising medium

For more information about WJR, one of the sixteen CBS 50,000 watt stations, inquire of Edward Petry & Company.

THE GOODWILL STATION

1,400 Attend Chicago Conference; Awards Given to Educators; CBS, NBC Hold Own Rallies

Chicago, Dec. 10.—Fourth annual School Broadcast Conference brought a gathering of almost 1,400 educators in radio to the Congress hotel here last week. Some 250 teachers from 30 midwest states participated. There were demonstrations of educational shows and the utilization of radio in education.

So great was the response that a movement was gotten under way to make the conference a national affair, but the executive council quashed its movement prematurely, and plans are to keep the conference a midwest institution for the time being.

Judith Waller, for many years educational director of NBC, was given the first Award of Merit, being voted this honor by the executive council and the advisory board.

Of particular importance, the current meeting was the change of attitude of the teachers and educators to radio. The first three years of the meetings were largely devoted to selling the teachers on the value of radio in education. But this selling job has been done so well by Harold Kent of the Chicago Public Schools as chairman of the conference and the others on the board that radio has become an accepted fact in education, and the meeting last week was devoted to actual demonstrations of the ways and means of using radio programs in the schools.

Awards to teachers for radio utilization were made by a committee composed of I. Keith Tyler of the University of Ohio State, Kathleen Lardie of the Detroit Public Schools

and Louella Hoskins of the Radio Council of the Chicago Public Schools.

Lucille McConnell of the Spicer Demonstration School in Akron won the award for utilization practices in primary grades for her use for the program "Let the Artist Speak" as produced by the Radio Council of Chicago Public Schools. In music, Irene Jones of School No. 42 in Indianapolis received award for use of "Sing and Listen" series heard on WIBX and produced by radio department of Indianapolis Public Schools. Another award for music program utilization went to Mollie Miller of School No. 92, New York City, in use of NBC Music Appreciation Series. There were other awards for program utilization in science, English literature, Social Studies and High School subjects.

Among the discussion leaders and special speakers were Dr. Brooks Emery, Robert A. Smith, Dr. Crane Johnstone, Franklin Dunham, Edward Bernays, William Benton, George Denny, Lyman Bryson, Raymond Grant Swigg, C. A. Stephens.

Wells Hold Meetings.

Both NBC and Columbia educational directors held special pre-conference meetings. Columbia had educational directors for stations in 10 states and Washington in on the meeting, with particular stress on the American School of the Air and the problem of adult education. Meeting was directed by Stirling Fisher, with special guests including Belmont Farley, director of Public Relations for the National Education Ass'n. and Mrs. Dorothy Lewis of the Women's National Radio Council on children's programs. From the stations came Wood Dreyfus, WISN, Milwaukee; Robert Kennett, WHAS, Louisville; L. Von Linder, WMT, Cedar Rapids; Lloyd Dennis, WWSW, Washington; Ed. Browne, KNBC, Kansas City; Harriet Edwards, KMOX, St. Louis; Michael Hanna, WHOU, Ithaca; Max Karl, WCCO, Minneapolis; Patty Criswell, WKZZ, Kalamazoo; Geraldine Elliott, WJR, Detroit; Carl George, WGAW, Cleveland; Gene Trace, WMBD, Peoria; Alfred Bonomo, WWLW, New Orleans; Lavinia Schwartz, and Ann Ford, WBBM, Chicago.

NBC meeting was the second of six Public Service Forum gatherings to be throughout the country. Meeting was presided over by James Rowland Angell with Walter Preston. Speakers included Franklin Dunham, Lewis Titterton and William Keats. Others who had a little something to say were William Hedges, NBC stations v.p.; Woody Woods, WHO, Des Moines; Harry Burke, WOW, Omaha; Sherman Dryer, University of Chicago radio director; Ed Kirby and Mrs. Dorothy Lewis; Judith Waller, Harry

Hopf and Jules Herburaux of NBC here.

In attendance were Hal Metzger, WTAM, Cleveland; Ed Bronson, WCOL, Columbus; Ralph Elvin, WLOK, Lima; S. Bernard Berk, WAKR, Akron; Lee Bland, WFMT, Youngstown; Arch Shaw, WTCI, Toledo; Jack Heintz, WCBF, Springfield; Clarence Leich, WGFB, Evansville; Gretchen Smith, WGL, Fort Wayne; Ed Lineham, KSO, Des Moines; Elizabeth Sammons, KSCB, Sioux City; George Patterson and Harry Lukins, WAVE, Louisville; Robert DeHaven, WTCN, Minneapolis; Thomas Rischworth, KSTP, Paul; Ralph Foster, Springfield; Vernon Smith, KOWI, Omaha; K. F. Schmitt, WIBA, Madison; Russ Winnie, WTMJ, Milwaukee; C. C. Moore, KOA, Denver; Joseph Hart, KSOQ, St. Paul; Sioux Falls; Harold Staford and Harriet Hester, WLS, Chicago; Maynard Marquardt and Miles Reid, WCFL, Chicago.

Orson Welles Chides Sponsor On Theme Song

Use of the Tchaikowsky piano concerto musical theme for the signature music on the Friday night "Campbell Playhouse" on CBS drew a squawk from Orson Welles on the ground that the composition is identified with him through his use of it for his Sunday night series for Campbell last season. He explained that he might want to use the theme if and when he should have another radio series, and he might want to use it for an opening and closing signature for his forthcoming RKO picture, "Citizen Kane."

Before the Tchaikowsky piece was finally selected for the signature, the Wheelock agency had an eight-hour audition rehearsal with a full orchestra to record a number of possible themes. The concerto was the first one heard and waxed.

Emlyn Williams to Do Overseas 'Corn' Air Rally

Two-way short-wave broadcast via Malaya between England and London and his wife and members of the cast of his play "The Corn Is Green," in New York, will be aired Tuesday (17). Herman Shumlin, producer of "Corn" at the National, N. Y., will pay for the cable costs for the censor okay of the script and probably the short-wave charges. Believed it will be the first time a stunt has been arranged to ballyhoo a Broadway show.

Williams, who starred in the original production of "Corn" in London, is currently touring the English provinces in a more recent play of his own authorship, "Light of Heart," which was likewise a hit in the West End before the blitz forced it to leave London. Williams is expected to sail for London for the special broadcast. Participating from New York will be Ethel Barrymore, the star of this production, Shumlin and Mrs. Mollie Williams, all of whom are expected to sail for London in a few weeks, having arranged the Broadway presentation.

KNOX SPONSORS GAME FROM COTTON BOWL

Knox Gelatin will underwrite the broadcast of the Cotton Bowl game out of Dallas, Jan. 1, over the Mutual network. Hookup will consist of from 75 to 90 stations. Kenyon & Eckhardt is the agency.

Texas A. & M. and Fordham are the bowl teams. Mutual will later the same day carry the traditional East vs. West game out of San Francisco.

WINN on Blue

Louisville, Dec. 10.—NBC has signed WINN, the D. E. "Plug" Kendrick station, atop the Tyler hotel. Local 100 watt will get Blue service Dec. 13. Station went on the air early in the summer. WAVE, town's other NBC outlet, at present carries both NBC Red and Blue network programs, and it is reported that present arrangement will continue, with WINN carrying some Blue network programs not available to WAVE. Town will be well served with network programs, with WHAS, 50,000 watt, a CBS basic station, and WGR, carrying Mutual service.

You Meet Such Interesting People

Before finally deciding on its present dramatic "Playhouse" series in the Friday night spot for Campbell's Soup, the Ward Wheelock agency considered a number of different kinds of shows, one of which was a prestige variety series with Walter Winchell as m.c. Columnist was offered such a spot, but sponsor, Jergens, refused to waive its exclusive contract.

According to the story, the idea of a variety show was in the nebulous stage when Wheelock himself saw Winchell in the Stork Club, N. Y., one night and immediately thought of him as headliner for such a program. Winchell was on his way to the men's washroom. Wheelock followed him, introduced himself and made the offer, which Winchell later submitted to Jergens.

Inside Stuff—Radio

WMCA, New York, sale to a group headed by Lifesaver-candyman Edward Noble of the Thousand Islands and Connecticut, is for a reported consideration of \$850,000. Donald Flamm had long asked \$1,000,000, and more, of prospective purchasers, but there were no takers.

Twice sold and reacquired by Flamm, the FCC's recent frowns on that sort of deal now makes it likely that Flamm will depart for good once the Commish okay's the pending deal. He has been in and out of radio since 1925. The name of Bayer's aspirin is mentioned in connection with the new ownership.

Of many deals to acquire WMCA one of the most recent was a three-way financing by Irving Berlin, Saul Bornstein and Francis Gilbert. Their closeness to ASCAP led to the report the performance society was bidding. While Berlin et al. had in mind an outlet for ASCAP music, the organization itself could hardly act. Berlin's partner says it was a private investment.

Lifesaver manufacturer recently ran for the United States senate from Connecticut but was defeated.

Recent broadcasts of Alice Duer Miller's "White Cliffs of Dover" by Lynn Fontanne have boosted the book into the best-sellers class. At the time Miss Fontanne first aired the poem the volume had sold only a few copies. Since the actress read it on two different Sundays over NBC blue, sales have bounded sharply upward, more than 1,700 copies being sold in one day last week.

Mrs. Miller may write a script for DuPont's "Cavalcade of America" series. It would be her first stint directly for radio. Whether she actually goes through with it depends chiefly on finding time to do the writing.

Liberty magazine will publish weekly excerpts from radio scripts as a new editorial feature. This is one of the most conspicuous recognitions of air material for reprint purposes to date.

CBS NEWS PARADE OF '40 UNDER WYLIE

CBS will do its annual dramatized history of the year's news Dec. 29, tabbing the show "Twelve Crowded Months." Max Wylie will supervise, replacing Paul White, who is currently in South America. Earl McGill will probably direct, with Merrill Rogers working on the script and Richard Hippelheuser, an AP editor, giving technical assistance. Probable that William Shirer, Eric Seaver and Edwin Harridge, European correspondents, currently on leave in the U. S., will participate in the broadcast, which Ed Murrow, tentatively slated to be short-waved in from London.

Show will include 12 news stories, the selection being made by a poll of 2,000 newspaper editors throughout the country. Three of the editors questioned apparently weren't too familiar with the calendar, listing the sinking of the Graf Spee, which occurred in 1939, among the 1940 highlights.

Rose Batons Martin

Hollywood, Dec. 10.—Dave Rose, music director for the Don Lee network, batons the orchestra for Tony Martin on his Woodbury quarter-hour over NBC beginning Jan. 1.

Deal with David Broekman chilled over coin.

SHUDDERS AT SOAP SHOWS

Regina, Sask., Dec. 10.—Soap operas took a verbal beating at Moose Jaw, Sask., when A. J. Wickens, one time member of the advisory committee to the Canadian Broadcasting Corp., in an address on "Music and Radio" to Moose Jaw Rotarians, described as "vicious and pernicious" those "everlasting serial murders and immoral plays."

These plays were "filthy, and very thinly veiled if veiled at all," Wickens charged.

WDRC CONNECTICUT'S PIONEER BROADCASTER

FOR 1941

The early bird gets the best availabilities. Right now, there are some good spots open for January, 1941. Write Wm. Aldo, Commercial Mgr., WDRC, Hartford. Basic CBS for Connecticut

KSCJ SIOUX CITY IOWA
The ONLY Radio Transmitter of this or greater power within 75 miles of Sioux City

THE MARTINS
HUGH-PHYLLIS-JO-LEARN-RALPH
Featured on
"TEXACO STAR THEATRE"
CBS—WEDNESDAYS
9 to 10 P.M., EST
Vocal Arrangements and Direction
By HUGH MARTIN
Personal Manager: FRED STEELE
9 Rockefeller Plaza, New York City
Suite 601 Columbus 5-2142

**Lively Showmanship
WINS LARGER AUDIENCES
in the INTERMOUNTAIN MARKET
FOR KJW**
The POPULAR Station
Salt Lake City
NBC RED NETWORK
Representative
JOHN BLAIR
& COMPANY

'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 to 5:30—CBS
COAST TO COAST
IN...
DR. COMPTON ADVERTISING AGENCY
MGT. ED WOLF—RKO BLDG., NEW YORK CITY

CAN YOU TOP THIS?

With Senator Roy, Harry Hershey, Joe Laurie, Jr., Alotis Mavrilis
Joke Quiz
30 Mins.
Sustaining
Monday, 8:30 p.m.
WOR, New York
At last, a quiz that doesn't make anybody do any work except the three experts that get paid. The purposes of this program—and an admirable, civilized one—is to educate the public. Not to educate them or I.Q. them or trick them with slightly dishonest questions. And yet the program promises what all sane people seem to insist upon—a book to bring the home audience into contact with the studio goings-on.

The public provides the jokes, actor Peter Donald tells them, the studio audience's reaction is registered upon a laugh-meter. Whereupon the three experts, with the memories fish down to bring up a joke on the same subject that can make the laugh-meter gutter at the point. The size of the cash prize is affected by the joke experts' success or non-success.

It's an engaging half hour that produces a lot of extensive radio luxury—humor—at minimum cost and production headache. The public writes the script. Three lounge liards from the Lambs Club wrestle with the problem. It's all easy-going, angled for giggles and very listenable.

Land.

'LUCKYTOWN'

With Miller's Colorado Wranglers
15 Mins.—Local
COCO-WHEATS
Daily, 9:15 a.m.
WKY, Troy, N. Y.

Standing out above the prairie, hillbilly and other type music by Dusty Miller's boys is the shyness of twisting radio guys with cowboys (frequently several cities are bunched) is designated each day. Miller reading a selection of a gram from sponsor. Listeners sending in a letter which must be postmarked by 12 o'clock the same night, plus a label that extensive package will obtain a line on size and location of audience was effected via letters on Miller's sustainers for a time to a radio and sets of teaspoons for mailings of bright sayings by children.

Miller directs—some might say sleazy—hammers—his sales-contest talks at women. Sponsor on air has played for kids in past. Apparently cowboys have been an audience leader talks about 1,800 photos he is sent requestees. He puts across a friendly, warming personality—much better talks than co-workers who tab some numbers. Turn is stronger on instrumental than vocal side. An announcer did an inept sign-off on one salvo count. Inco-

'LIFE GOES TO A PARTY'
With Ed Herlihy
25 Mins.—Local
Sustaining
Saturdays, 11:35 p.m.
WEAF, New York.

This one-timer based on the Doug Merseyer idea was broadcast Saturday night on the radio over WEAF, New York, by permission of Life magazine, which was covering the event for its 'Life Goes to a Party' department. Aftan given by a group of debutantes for members of a cavalry unit about to leave for duty. took place at the Cafe de Paris, N.Y. and Herlihy, one of NBC's staff announcers, described proceedings and brought various participants to the show's interviews. Latter were too smooth to be impromptu, but didn't sound too stilted.

The show was passable—and it may get a photographic plug for WEAF when Life magazine returns to printing the feature. But the night's show was thin in delivered results, but a plausible idea. Party of the kind would probably be specialized appeal and most of its interest would be too usual to be projected over the air. Herlihy and whoever wrote the script did a good job, however, of creating all the possible atmosphere and color into the broadcast. Among those heard were a gal described as New York's 'most lovely' and a soldier (one, named Phil Stern, used to be an usher at 'another network'), quite named Nancy Burke, who was described in apparent seriousness as New York's Number One Glamor Boy, the cafe proprietor, a sounding secretary, a society columnist and several assorted debs, some of whom demonstrated singing pretense.

Hobe.

'THE SOUTH TODAY'

With Ed Herlihy
30 Mins.—Local
Saturdays, 5:15 p.m.
WKY, Birmingham, Ala.

Improvements on cultural and economic aspects of the present day South has built a following in Birmingham, Ala. The program, sponsored by the Southern Agricultural College, goes into a classroom 'bull session' with two students, all of whom are from the South. Gab may range from attempts made by Southern farmers to breed a new breed of cotton to the Scarlett O'Hara. No rehearsal precedes the discussion and the opening observation may and frequently does end with a laugh.

Major interest in the program is furnished by students who make more often than not become involved in heated argument and get tangled in a backwash of hastily drawn conclusions. Program was conceived and is directed by Stuart Mims. WAFB staff announcer and host. Sponsored by Birmingham-Southern, assisted by Dr. Emory G. Hawk, economics professor. Wind.

'FACING THE FACTS'

With John Hicks, Reina Cassidy,
Robert Hamock
Dramatic Series
15 Mins.—Regional
TEXAS C.F.A.
Thursday, 7:15 p.m.
KABC-TSN, San Antonio

From KNOW, Austin, through the Texas State Network, comes this series of stories based on the service performed by the certified public accountants. Series is being presented by the Texas Society of Certified Public Accountants. It's produced by Charlie Meade, manager of KNOW, and written by Elsie H. Barton Beale, script writer for Radio House of the University of Texas.

Title of broadcast caught was 'In Case of Trouble' Series is based on the services of an old timer and a young certified public accountant serving in the modern business world. The young couple are named Johnny and Mary, played by John Hicks of station and Reina Cassidy of the University of Texas. Curtin Clark and Timmer is portrayed by Robert Hamock, a graduate of the University of Texas.

Series is in dramatic form and bits of stories told the young couple by the old timer. Group portrays their parts well.

Follow-Up Comment

Helen Hayes made a creditable showing Sunday night (8) on her series for Lipton's tea, teaming with Raymond Massey in a newly pressed adaptation of A. A. Milne's stage success, 'Michael and Mary.' Play seemed much better suited to radio than some recent shows. The series and it offered the star a role better fitted to her personality and style. Under the circumstances, the naturally turned in a scintillating performance. Although he was plainly cast against type as the romantic lead, Massey came across on air with persuasive sincerity and simplicity. Musical background sounded as if the sponsor had put down that large orchestra with which Mark Warnow started the series. Incidentally, Mike Hayes has been criticized somewhat for his circles for not using scripts written directly for radio, rather than conning herself to adaptations of stage plays.

NOEL COWARD

With Red Cross
15 Mins.
2 FC, Sydney
Arriving here Nov. 16
Noel Coward, at the invitation of the Federal government and to aid the Red Cross, left the national capital the following day on a camp concert. Given a grand reception by the men in khaki, Coward showed himself to be a topnotch performer.

In a strange land—just a few hours off the boat—Coward went into his numbers with an easy grace and made a definite click. Kidding a little here and there about his voice. Brilliantly opened with 'Don't Put Your Daughter on the Stage,' followed with 'Somebody I'll Find You,' 'Anybody Seen Our Ship,' 'Any Little Fish' and 'Mad Dogs and Englishmen.'

During his short period in this country, Coward will also do some airings over the major commercial hookups to aid the R.C., with sponsors giving a solid donation, and also providing free airtime. Coward should secure a bag of marbles for the Red Cross prior to boating back to the U.S.A. Rick.

'IN ST. LOUIS THIS WEEK'

With Elliott Nugent, Lucy Stevens, Alan Carney, Christina Carroll, Jerry Colt, Dukes Duford, Frank Loeb and Bert Gardner's Orch.
30 Mins.—Local
Sundays, 5 p.m.
KSD, St. Louis

Initiator of this 30-minute program was of a high standard and should be the variety circuit. The local Ruthrauff & Ryan agency, be able to keep it on the same high plane it would be tops among the few programs originating in this burg. Bringing in the legit stars of 'The Male Animal' playing the American theatre, plus nifty entertainers and others provided—good diversion. Nugent told a couple of nifties about Hollywood, Miss Stevens, the grad of the St. Louis Little Theatre, chipped in with her experiences in legit; Alan Carney gave impersonations of film stars and added a couple of good yarns, and Christina Carroll, a singer with a Boves' unit, uncorked some thrills. Jerry Colt from Steve Cad's niter, scored solidly as the m.c.

Duford and Loeb are coaches of the variety grid squads of St. Louis and Washington universities and they were corralled to forecast the outcome of the annual game between these two local schools. This game was a gala in St. Louis. The script injected some slick gab for the nicksin members to sponsor. Band sound and the commercials are capably handled by Harold Grams who has a Bob Trout style of delivery.

Program is designed to tip off visitors in town and those who may come here what is on tap in the legit and talker hours. Also sports, novelty attractions, etc., all of this plugging being cuffs. Schu.

'RUSSELL BENNETT'S NOTE'

With Russell Bennett orchestra
30 Mins.
Sustaining
Sunday, 7 p.m.
WOR-MTAL, New York
Arranger-composer Russell Bennett has grabbed a mammoth by the tail with this weekly 30-minute series of original compositions and arrangements. He not only conducts and arranging the music for the show, but is conducting the orchestra and is writing and delivering his own announcements and commentary. As if that weren't already a back-buster, the program is spotted as opposite Jack Benny on NBC (WEAF), Pearson and Allen and news from Europe on NBC blue (WJZ) and the foreign news round-up on CBS. Probably a guy who's survived a term in Hollywood could be coaxed into taking on such an assignment.

Last Sunday night's debut program offered three selections, two of which were original compositions and the third a special arrangement for orchestra of a group of three Negro hymns. Original pieces were 'Great Flute Song,' based on Hopi Indian musical themes, and 'A Charleston Rhapsody,' a modern classical composition with a strong jazz flavoring. As judged on single hearing, the 'Great Flute' was the most interesting and enjoyable piece. With his high masterful and his conducting, was vividly expressive.

'Note Book' is a brutal task, both as to the volume of work it entails and as a competitor against Benny and the other current show. It's obviously a question how long Bennett can continue dishing it out (and taking it). But regardless of that, it's a provocative and listenable show. Hobe.

'CHILDREN ALSO ARE PEOPLE'

With Sidonie Gruenberg
10 Mins.
Sustaining
Monday, 8:45 p.m.
WABC-CBS, New York

New three-a-week series of 10-minute educational programs is aimed as guideposts to parents for training their offspring. Opening stanza brought Sidonie Gruenberg, the Hyatt, Burton and the ever America in a straight-away lecture along the lines indicated in the title. Number of guest speakers will appear on subsequent shows, including authorities on child training and in other fields. Among the future speakers will be Dr. Benjamin B. Spock, pediatric professor; Lanny Ross, interviewing a Boy Scout; H. J. Cantow, Jr., director of the Child Study Assn. of the U.S.; Samuel Kaufman, radio writer; Mary Morris, child photographer; Dr. Lawrence K. Frank, psychologist; Dr. Lewis M. Glucksman, Walt Disney organization; Muriel King, dress designer; and Dr. Arthur J. E. Child, child psychologist. That's a lot of talk unless the formula is varied. Hobe.

METROPOLITAN OPERA

Le Nègre of the first Radio Pinza, John Brownless, Salvatore Baccaloni, Elizabeth Reiberg, Liela Albrecht, Tarnia Novella, Iva Pina, Alessia Paoletti, Maria Farrel, Elton Panizza, Edward Johnson, Luceria Bori, Mrs. August Belmont, Gladys Swarthout, Lawrence Tibbett, Olin Downes, W. S. Rogers, George A. Sloan, Mrs. Helen Sullivan, Milton Cross, Herbert Hoover.

TEXACO
Three hours, 45 mins.
Saturdays, 8:45 PM
WJZ, NBC, New York.

Sponsored for the first time in five years, the Metropolitan Opera Co. of N.Y.'s first broadcast of the 1940-41 season, starting on December 11, in an effort to provide entertainment for its radio listeners. Eliminating for the moment the more important parts of the opera itself, the intermission periods, divided into three parts combined a saccharine period of music, a period of the vocal audience for its support, in which Mrs. August Belmont, head of the Met Opera House, Edward Johnson, general manager, Luceria Bori, honorary chairman, George A. Sloan, president of the Met Opera House, and Gladys Swarthout, president of the Texas Co., sponsors of the broadcast, with one another. Keynote of the speeches was Johnson's remark that now in the 10th season of broadcasts, the Met was doing a good job of making the broadcasts, which has been gaining popularity at the house, but which realistically, signifies nothing. Rogers told of the great privilege afforded his company in being allowed to give the NBC and the Met \$250,000 for sponsoring the broadcasts, and intimated that this was the start of the recognition by American industry of the importance of furthering American music, which was the purpose of this year's subsidy.

The second intermission was more interesting with Gladys Swarthout, Lawrence Tibbett, and Olin Downes, music critic of the N.Y. Times conducting an 'Informal' program, with Milton Cross firing the questions, most of which were faintly amusing. Several bits of humor crept in, due mainly to the personalities of the speakers, with Tibbett remarking that response to a question that music critics were better musicians than men, replied that he was going to be gallant, as was a known fact that Miss Swarthout always carried a stiletto when on the stage, and since he was to sing with her later in the evening, he would take no chances. The program interlude will persist weekly during the broadcasts and should prove entertaining for no other reason than the opportunity to hear the personalities. Lastly Mrs. Harold W. Milliken, of the National Council of Women, introduced Herbert Hoover, who spoke briefly on the American Way of Life. The broadcast contained more than has been said on the air, hundreds (Continued on page 55)

KLZ's Directed Coverage Is

coverage where it Counts

- ★ Population is thickest
- ★ Buying is heaviest
- ★ Selling is most profitable

KLZ's intensified and directed power is etching a new picture of radio efficiency and effectiveness throughout the Denver-Rocky Mountain region.

Inside KLZ's revised 1/2 mi. contour 93% of the population of eastern Colorado lives in . . . and eastern Colorado is where the bulk of the state's population is concentrated, where the bulk of the state's business is transacted.

By no means, however, is KLZ's effective coverage hemmed in by this definitely established boundary. For KLZ's mail count brings regular response from points high up in the Rockies from consistent listeners in southeastern Wyoming and western Nebraska.

KLZ offers a power that penetrates, a programming that pleases. Sponsors who are taking advantage of this combination are finding it a swift, sure means of gaining entrance to the homes of the Denver-Rocky Mountain area . . . the places where their selling must be done.

ANDRE KOSTELANETZ
AND ORCHESTRA
ALBERT SPALDING
NOTED VIOLINIST

in
THE PAUSE
THAT
REFRESHES
on the air

GUEST ARTIST
EACH SUNDAY

PRESENTED BY
Coca-Cola
TRADE-MARK
Every Sunday
Columbia Network
4:30 P.M. E.S.T.

Copyright 1940, The Coca-Cola Company

National Spot Rises 8.3% in N. Y.;

Auto Announcements Boost Total

National spot rose 8.3% in Gotham, and announcements total also added a little weight, bringing the total rise to 4.4%.

WINS: Swedish Laboratories (Blondex Shampoo), through Benson & Dall, six 15-minute spots weekly for 13 weeks; Roky theatre, through Kayton-Spiro, 15-minute announcements for 'You'll Find Out' and 'Tin Pan Alley', through Compton Advertising, 45 announcements for four days; Morris Plan Industrial Bank of N.Y., through Gotham Agency, six 50-word evening announcements, 10 weeks; The Comstock Collector, through Wallace H. Campbell, 'Dorothy Wilcock'—the New York Prowler, three 15-minute programs weekly, 15-week contract; Jests, through Joseph Katz, 10 announcements weekly, four weeks; I. J. Fox, Inc., through Louis Kashuck, 70 announcements weekly, 18 weeks; Ford Motor Co., through M. C. & N. Excelsior, 10 announcements weekly, 18 weeks; Arakelian, Inc. (Mission Bell Wines), through Firestone Adv. Service, 60 one-minute announcements per week, 51 weeks; Madison Long Island Personal Service, through Klingler Advertising Corp., 21 announcements weekly, 13 weeks; Stricker's, Inc. (women's apparel), through Golde Advertising Agency, 24 announcements weekly, 13 weeks; Accorcion Center, through Albert Frank-Guenther Law, one 15-minute program per week, 52 weeks; Air Conditioning Training Corp., direct, twelve 15-minute programs weekly, 13 weeks; E. G. Cohen (Clothing), through Friend Advertising Agency, 10 announcements weekly, 52 weeks; Nathan Outfitters (Men's Clothing), through Lew K. S. Adler, 10 one-minute announcements weekly, 13 weeks; Servus Clothes (Men's Clothes), through Klingler Advertising Corp., 18 one-minute announcements per week, 52 weeks; The Tailored Silk Undergarment Co., Inc. (Trillium Undergarments), direct, two one-minute station breaks weekly, 6 weeks; United News, direct, 10 announcements weekly, 52 weeks.

WMA: Michael's Bros., through Advertising Trade Service, 52-week renewal, one-hour program weekly, 'Fox Brooklyn' Amateur Hour, Dageva-City Radio, Inc., through Moser & Collins, Inc., 30 announcements weekly, 13-week contract; Seelye, Quality program weekly renewal, half-hour program on Sundays, 'Three Little Funsters'; Kanter Department Store, spot announcements, 52-week contract; Ideal Agency, through Somers & Associates, two-minute announcements, 13-week contract; Empire Gold Buying Corp., through Friend Advertising Agency, 14 announcements weekly, 52-week contract; United News, through Al Paul Lefson Agency, 30 announcements weekly, 52-week contract; Dodge Motors, through Ruthrauff & Ryan, one-minute announcements.

WNEW: Jests, Inc., through Joseph Katz, renewal, announcements, 17 weeks; The Newspaper PM, through Compton Advertising, six half-minute announcements daily, two weeks; United Shoe Exchange, through Klingler Adv. Corp., 10 minutes on 'Music Hall', five times weekly, 13 weeks; Henmarck, through Arthur Rosenberg Advertising, 'Dance Parade', 15-minute, six days weekly; A. W. Pickett, Inc. (automobiles), direct, 'Make Believe Ballroom', 15-minute, three times weekly.

Dec. 7 Compared to Nov. 30

Network	Local	National	Total
Units	195	11,612	8,527
Spots	195	11,612	8,527
Spots	195	11,612	8,527
Spots	195	11,612	8,527

+1.7% +8.3% +4.4%

*No change.
(Included: WHN, WJCA, WKNW, WQED)

Dun Cigars' WLW Show

R. G. Dun cigars is sponsoring a series of Saturday night 15-minute sports quizzes on WLW, which started last week. Dick Bray conducts the stanzas, while Emery auditorium among early arrivals for WLW's weekly Boone County Jamboree stage-and-air show. Prizes totaling \$75 in cash go to contestants divided into two teams, each having two men and a woman.

Program: supplants the Saturday night San Felipe spots broadcasts on WLW by Paul Jones, staff man.

SEATTLE BALANCES

Last Week's Losers, Gainers Change Places—Total OR

Seattle, Dec. 10. Biz went into a reverse play here this time. Last week's gainers found themselves in minus territory, while the erstwhile losers shouldered their way into sunnier brackets.

Dec. 7 Compared to Nov. 30

Network	Local	National	Total
Units	5,805	10,356	780
Spots	5,810	10,322	746
Spots	5,810	10,322	746
Spots	5,810	10,322	746

+3.4% -3.2% +4.6% -1.8%

(Included: KJRM, KOL, KNSM)

KFEL'S SALES LEADS DENVER

KFEL grabs the sales spotlight for the week, with sales of 377 quarter-hours. The Monitor, free distribution weekly, goes on the air sponsoring Jimmy Smith's 'Johnson Family' over KFEL. Other sales limited to announcements.

KFEL: Metropolitan Bible Church, six quarter-hours weekly, one year; Denver Monitor, five quarter-hours weekly, 15 weeks; Associated Denver Tailors, through Earl Vivan, daily announcement service, one month; Broadway Department Store and Paramount Book Shop, announcements, U. S. Drug, four announcements a week in addition to present service.

KLZ: Holt-Chew Motor Co., through Bodkin agency, 104 spots; First Industrial Bank, through Ball & Davidson, 26 announcements; Kay's Credit Jewelry, through Raymond Keane, four announcements; Republic Drug Co., through Raymond Keane, 11 announcements; Englewood Junior Chamber of Commerce, four spots; Robers Jewelry Co., through Ted Levy, eight announcements; Western Tri-State Council of Painting and Decorating, 10 announcements.

KOA: Manhattan Soap Co., through Franklin Bruck, 24 announcements; Miller Furs, through Max Goldberg, 28 announcements.

Dec. 7 Compared to Nov. 30

Network	Local	National	Total
Units	8,320	4,462	1,571
Spots	8,265	4,399	1,694
Spots	8,265	4,399	1,694
Spots	8,265	4,399	1,694

-0.5% +1.4% -7.3% -0.7%

(Included: KFEL, KLZ, KOA, KVOO)

Jim Healey's 14-hour 'Review of the Week' is now broadcast on WGY. Schenectady, for Peter Schuyler Cox, Inc. Leighton & Nelson is the agency.

L. A. Gains Picayune; Sweetheart Soap Sponsors Newscasts on KNX

Los Angeles, Dec. 10. There was not enough change in last week's unit count to rate more than passing mention. Most of the categories stayed put and the aggregate added up to less than one percent. New business also showed an inclination to string along to the comparative table.

KHF: Maurice Ball, furs, 39 announcements, through Nellie Walsh Central Chevrolet, 80 announcements, through Stodel agency; California Federal Savings, 130 participations in Normal Young's 'Happy Homes'; Helms Bakeries, 30 participations in 'Happy Homes'.

KFI: California Grown Sugar Group, 78 participations in Agnes White's 'California Kitchen', through Boitford, Constantine & Gardner; Vick's Cough Drops, 52 one-minute participations, through Morse International; Coast Federal Savings, 195 participations in 'Art Baker's Notes', through 'The Kitchen'; Bridge Club, through Robert Dennis; Broadway Department Store, 52 announcements, through Lee Ringer.

KECA: Knudsen Creamery, 27 quarter-hour broadcasts of 'Twilight

KUTA TO UP POWER; SALT LAKE PURRING

Salt Lake City, Dec. 10. All stations here purring over heavy loads which have continued all fall. KUTA, after long wait, has been granted FCC permission to increase power from 500 watts day and night to 1,000 watts, both day and night also. Change of frequency is included in plans, from 1500 to 570, but operation with new set-up is not expected before next June.

Local production is being stimulated by sale of two more KYDL produced shows. 'The Gift Selector', Christmas participation show, is now scheduled four times per week, and 'Sing Time', with 'Joy Woodbury', a KYDL four-hour sustaining now goes out under sponsorship of Bantz & Company, distributors of ReoFord.

KYDL: Lyman Motor Co., 52 five-minute programs; 'Burbridge Coal Co.', 10 five-minute programs; Home Investment Corp., 52 five-word announcements; Crouch Delicatessen, 26 fifty-word announcements; Felt Radio Co., 16 fifty-word announcements; Canada Dry Bottling Co., one 15-minute program and 20 fifty-word announcements; Hotel Utah, 187 fifty-word announcements; Hall-Rogers Restaurant, 13 fifty-word announcements; Rock Castle Dinery, 52 announcements; Family Kitchen Products, two participations weekly on 'Inquiring Reporter'; Bon Marche, one 15-minute program.

KSL: Plymouth Motors, through J. M. Smith, 52 one-minute announcements; Dodge Motors through Ruthrauff & Ryan, series of evening spot announcements; South-east Furniture Co., 15 fifty-word spots weekly for 52 weeks; Hudson Bay Fur Co., direct, 104 ten-minute programs.

KUTA: House of Hopper, direct, 26 spots; Radio Supply, Inc., direct, 13 spots; Shipley Photos, direct, 52 spots; Kay Typewriter Co., direct, 26 spots; Auerbach Shoe Repair, direct, 300 announcements; Ross Jewelers Co., direct, 26 announcements; Barnett & Weiss Jewelers, direct, 26 15-minute newscasts; Zinick Sporting Goods, direct, 100 spots.

Dec. 7 Compared to Nov. 30

Network	Local	National	Total
Units	7,461	2,760	1,029
Spots	7,738	2,738	829
Spots	7,738	2,738	829
Spots	7,738	2,738	829

+1.0% +0.8% +1.1% -0.4%

(Included: KJTL, KNL, KUTA)

WCAE, Pitt, Contracts

Pittsburgh, Dec. 10. New biz reported last week by WCAE follows:

Smith Brothers, station break six times weekly to Mar. 29, through J. D. Tarcher.

Coca-Cola Bottling of Pa., Singing Sam quarter hour five times weekly for 52 weeks, through D'Arcy Co.

Melan, Inc., six participations in Polly entertainers, through Walker-Dowling.

Wm. H. Wise Co., one five-minute spot on Morning Express, through Northwest Radio.

Cox, Inc., three spots on Morning Express, direct.

Tales', through Heinz Pickering, Mission Packing Co., 13 one-minute participations, through Dana Jones; Baldwin Motor, 19 one-minute participations, through Dana Jones; Slavick Jewelry, 26 one-minute participations, through Advertising Arts; Flamingo Nail Polish, 55 announcements, through Milton Weinberg.

KFWB: Boos Bros. Cafeteria, 260 participations in Tom Stoddard's 'Bridge Club', through W. Austin Campbell; El Modena Cafe, five quarter-hour broadcasts weekly, indef. of 'The Kitchen'; 'The Kitchen'; Pan Pacific Ice Arena, 120 quarter-hours, through Allied; LaBelle Tailors, seven quarter-hour newscasts weekly, indef. through Harry Landower.

KNX: Sweetheart Soap, 52 one-minute newscasts, through Franklin Bruck.

Dec. 7 Compared to Nov. 30

Network	Local	National	Total
Units	12,424	8,621	2,272
Spots	12,206	8,621	2,317
Spots	12,206	8,621	2,317
Spots	12,206	8,621	2,317

+1.6% +2.3% +1.9% +0.6%

(Included: KJCB, KJL, KFWB, KJL)

Gen'l Mills, Goodrich to Air '41 BB on KQW; Frisco Local Perky

DES MOINES DORMANT

Des Moines, Dec. 10. Little activity to report here. Web units chalked-up the only gain, but both local and national spot dipped down to last week's low.

Dec. 7 Compared to Nov. 30

Network	Local	National	Total
Units	8,100	3,228	3,215
Spots	7,975	3,278	3,284
Spots	7,975	3,278	3,284
Spots	7,975	3,278	3,284

+1.6% 1.5% -2.1%

*No change.
(Included: KJNT, KSO, WHO)

CHI DALLIES; GAINS SLIM

Chicago, Dec. 10. Units here continue to move at a leisurely pace. Gains in both local and national spot biz were less than one percent, while the network figure remained unaltered.

WGN: Remington-Rand Co., evening station break announcement, five times weekly through Dec. 22, via Franklin Bruck; Rubber Mfgs. Assn., temperature reports, six days weekly, through Simpkins agency; Walgreen's, seven announcements daily through Dec. 24, via Schwimmer & Scott; Blackstone Products, 15-minute program, three times weekly, through Spector agency; Citrus Concentrates Co., one announcement six times weekly, through Newby, Peron & Filcraft.

WBBM: Plymouth Division, Chrysler Co., time signal announcements for two-week period, through J. Stirling Getchell; Cadillac Motor Car Sales, five minutes six times weekly; Chicago Herald and American, special announcements, through Boszell & Jacobs.

WJJD: Walgreen's, schedule of 40 50-word station break announcements, through Schwimmer & Scott; Community Motors, 50-word announcements weekly; Palace Clothing Co., five minutes daily, through Harold Colten agency; Culnart Co., six 50-word announcements, through Martin Potkay agency; Studebaker Co., three five-minute news periods weekly, through Roche, Williams & Cunningham; Skrudland Photo Service, 15 minutes daily, six times weekly, through Newby, Peron & Filcraft.

WIND: Studebaker Corp., 21 five-minute news broadcasts weekly, through Roche, Williams & Cunningham; R. B. Clothing Co., five minutes weekly, through Auspitz & Lee; Klein Noodle Co., schedule of announcements, through Martin Potkay agency; Bird Sykes Auto Co., eight announcements weekly, through Dave Bennett agency; Cadillac Motor Co., six announcements weekly; Martin Oil Co., six announcements weekly; House of Muesel Co., 21 announcements weekly.

Dec. 7 Compared to Nov. 30

Network	Local	National	Total
Units	9,825	6,120	11,028
Spots	9,825	6,066	11,010
Spots	9,825	6,066	11,010
Spots	9,825	6,066	11,010

+0.9% +0.7% +0.5%

*No change.
(Included: WHSM, WENT, WGN, WIND, WJJD, WJL, WMAQ)

WCAE, Pittsburgh Contr

Pittsburgh, Dec. 10.

New biz reported last week by WCAE follows:

Compagnie Parisienne, 10 five-minute spots, through Northwest Radio Agency.

Hardy & Hayes, daily station breaks for two weeks, direct.

Wilkins Co., three station breaks weekly for one month, direct.

Smith Brothers, daily station break for Feb. 28, through J. D. Tarcher.

John M. Roberts Sons, daily station break for six weeks, through F. A. Ensinger.

Equitable Sales, one-minute spots five times weekly for three weeks, direct.

Chevrolet Co., three 50-word announcements, direct.

San Francisco, Dec. 10.

First baseball contract of the season to take effect in April, gives KQW the 'General Mills-Goodrich Tire' sponsorship of 175 Frisco Seals games next year. Deal was set by R. W. Stauffer of Waco agency, which placed account on KGO (NBC) last year. Understood NBC has plans to raise the Blue outfit out of the baseball class and wasn't interested in this. Stauffer also broke for KQW and makes it a major sports outlet, having just completed a season of 30 sponsored football games (25 sanctioned by Associated with one of the heaviest deals in the U. S. Station also airs considerable basketball and track.

Another idea cooked up by Milt Samuel and Al Dinsdale has netted NBC a choice downtown Sherman & Clay music window. Twelve animated rubber puppets synchronized to phonograph records and botomed by an animated microphone, using a record player, will be making a blowup of the proposed NBC building. Foot-high puppets represent local faves. After Xmas, holiday costumes will be discarded and unit will be used for a series of spots in northern California and later will be set up on site of NBC's new building in special display booth.

Sparks Soap has renewed its daily station break of 'Frisco Seals' for 165 extra chapters. Written by Earl Coleman and waxed by Photo & Sound, it's released only in the mid-west.

Annual Christmas, Day Shrine Rally in War Memorial Opera House, usually aired by NBC, goes to KFRC this year. It's for the New Year's day Charity East-West game which is aired by Mutual. Mel Venter will arrange and m.c.

KFRC: Mission Pak (canned fruit), through Dana-Jones, L. A. 14 one-minute spots; Chrysler Corp. (for Plymouth), through J. Stirling Getchell, Detroit, 10 spots; Wm. H. Wise Co. (books), through Northwest Radio, six five-minute spots; Southern Pacific Railroad, through Lord & Thomas.

KROW: Hale Bros. (dept. store), through Seall, 26 spots; Harry M. Shane (jewelry), through Philip Kurman, 12 spots weekly, 52 weeks; Peter's Shirts, direct, six spots weekly, 52 weeks; Gardner Nursery, through Northwest Radio, Seattle, five five-minute spots weekly, two weeks; Krum Turkey Ranch (turkeys), direct, 10 spots weekly, 52 weeks; Associated Stationers, through George Cummings, 10 spots; Household Magazine, through Presba, Fellers & Presba, Chicago, five quarter-hours weekly, 52 weeks; Northwest Radio (perfume), through Northwest Radio, 12 five-minute spots; Brent's (jewelry), direct, 18 spots weekly, four weeks; Mission Sweater Shop, direct, 12 spots weekly, four weeks; Associated Stationers, direct, 12 spots weekly, four weeks; Lincoln Chesterfield (furniture), direct, 18 spots weekly, four weeks; North American Accident Insurance, through Franklin Bruck, three five-minute spots weekly, seven weeks; Dr. Ross Dog & Cat Food, direct, six spots weekly, 52 weeks; Sun Vacuum Stores (vacuum cleaners), through Allied Advertising, three quarter-hours weekly, four weeks; Tilly Heller's (restaurant), direct, one 30-minute studio program weekly, 10 weeks; Tidewater & Thomas, one football broadcast.

Dec. 7 Compared to Nov. 30

Network	Local	National	Total
Units	11,410	3,950	2,234
Spots	11,225	3,557	2,656
Spots	11,225	3,557	2,656
Spots	11,225	3,557	2,656

+1.2% +1.4% +0.9%

(Included: KJRM, KJL, KJL, KJL, KJL)

Turkeys, As. Radio Biz AT KROW, Oakland, Cal.

San Francisco, Dec. 10.

KROW developing new source of biz-turkeys. Krum Turkey Farm in Castro Valley, heretofore an exclusive newspaper account, finally yielded to other pressure and is allocating into radio this season.

Spots required special instructions for reaching the out-of-the-way location 15 miles from Oakland. Krow is buying turkey from farmer at five cents per pound less doubled previous year's sales, according to word received by Phil Lasky, KROW chief.

MARKS' \$1,250,000 BMI DEAL

INEXCUSABLE

Legitimate discussion of the dance orchestra's business interest in the ASCAP-BMI fight is one thing. Cheap publicity is another. And it is under the heading of cheap publicity that bandleader Russ Morgan's telegram last Friday to the President of the United States belongs. This message was sent from San Francisco and suggested that WPA funds be allocated to pay for ASCAP music in lieu of the disputed terms the broadcasters won't accept.

There have been some snide cracks on both sides of this intensely personalized and embittered quarrel but for sheer bad taste and factlessness sending such a telegram to the head of the nation is perhaps the leading bit of nonsense so far noted by VARIETY.

The suggestion of using taxpayers' money for this purpose, even in a publicity gag, is an affront to both radio and ASCAP. It cheapens the cause of the dancemen by raising a perfectly plausible suspicion that some of them may be more interested in doing the spectacular and the breath-taking sort of thing for possible press mentions than in making constructive contributions to a complex subject.

Ponder the effrontery of this amazing telegram: Putting ASCAP—by implication—on the public relief rolls. Uggh!

Supreme Court to Probe Anti-ASCAP Laws of Nebraska and Florida

Washington, Dec. 10. Validity of the Nebraska statute aimed at the American Society of Composers, Authors and Publishers will be reviewed by the U. S. Supreme Court, which also has been asked in cross-appeals to ogle the litigation between 'Tin Pan Alley and the State of Florida. The model statute of the sort inspired by the broadcasting industry is to be examined in response to pleas from the Nebraska law-enforcement officers. Noting 'probable jurisdiction,' the supreme court agreed to hear opposing attorneys later this term on the legality of laws enacted in order to break up alleged music monopoly. Futile attempt was made by ASCAP to narrow the issue to a mere question of legal procedure, so the whole question is up for what may be one of the most important rulings handed down in connection with broadcasting and performing rights. The decision cannot be expected, however, until February or March, and cannot have any direct bearing on the present row about radio use of the ASCAP catalog.

The Florida law was laid on the supreme court docket in appeals by both the Society and the State authorities. With the papers still unprinted, detailed arguments and contentions were unknown but it generally was understood ASCAP was carrying on its attack against features of the new (1939) Florida act while the State was seeking vindication for its pioneer effort in 1937. Present briefs in the Nebraska row do not go into any details about the legality of the law held unconstitutional on the ground it violates Federal guarantees plus the State constitution. So far the parties have been rowing about the matter of rehearing and new trial, solely a procedural issue which ASCAP raised in the hope of delaying the supreme court review. Appeal was granted as a matter of right, since the prior round was stayed before a special three-judge Federal tribunal headed by Circuit Court Justice Archibald K. Gardner.

The special court held the whole law falls because of the impossibility of severing the section which requires the price to be printed on every piece of sheet music and forbids any additional fees or attempts to collect royalties from public performances.

Noel Coward was all set to record the vocal of 'The Last Time I Saw Paris' (by Jerome Kern and Oscar Hammerstein, 2d) with the Reisman band for Victor, but he had to sail for Australia. Reisman waxed it with another vocalist.

OVER \$1,000,000 MORE IF A SALE

E. B. Marks Music Corp. Got \$85,000 Yearly From ASCAP and Another 10 or 15 Grand Might Have Kept Him in Line

M-G IN, FOX STILL OUT

By ABEL GREEN
Perhaps a \$15,000 annual differential would have saved the American Society of Composers, Authors and Publishers the strongest blow to date in the fight with the broadcasters. If Edward B. Marks Music Corp. were granted the \$100,000 per annum dividend which the firm felt it merited, on the strength of its 15,000 copyrights, order to put it on a parity of income with other topflight music publishers, that firm would not have made the deal, as it did on Saturday (7), with Broadcast Music, Inc., whereby Marks is guaranteed \$200,000 per year, for five years, and will probably run to \$250,000 year average.

The broadcasters also have an option to buy Marks' firm and his 28 subsidiary units at the end of five years for a consideration in excess of \$1,000,000. BMI in addition compensates attorney Julian T. Abeles who negotiated the Marks deal.

Too late all last week, following Abeles' exclusive that attorney Marks virtually had the Marks catalog sold to BMI, did the other board members of ASCAP endeavor to sway Marks back into the ASCAP fold, with a promise of giving him 'extra' consideration, boosting his present \$85,000 annual income to the \$100,000 mark he originally figured he was worth. But the deal had been agreed upon in principle for weeks, having been incepted six months ago by Abeles, at about the same time that Abeles, who is also copyright counsel for Metro-Goldwyn-Mayer and 20th Century-Fox, had been working on a \$700,000 deal for the sale of Metro's Robbins, Feist and Miller Music catalogs to BMI.

Metro Renewing ASCAP
Offsetting the Marks schism—and a blow it is to Tin Pan Alleyites—is the assurance to ASCAP that David Bernstein, the Loew's, Inc. Metro v.p. and treasurer, and also

(Continued on page 42)

Dancemen Decide N.A.B. Not Likely To Respond to Peace Overtures

Miller's Rebuttal

In answering the bandleader's report of yesterday, (Tues.), Neville Miller, NAB prez, declared that the committee seemed to have 'misunderstood the issue.' Miller claimed that he had told the committee that if ASCAP withdrew its new contract and made a firm proposal, predicated upon the principal of per program payment, properly ratified by the ASCAP board, then NAB would consider entering into negotiations. Miller cited a letter, which he said he addressed to Waring Oct. 31, advancing such proposition.

Miller's statement made reference to Waring's membership in ASCAP as writer and publisher, and the fact that his manager, Johnny O'Connor, was on the ASCAP board. Despite these connections, Miller said he realized that Waring tried to treat the issues as unbiased as possible.

Report condemning the tactics of the network and the National Association of Broadcasters in the present controversy with the American Society of Composers, Authors and Publishers was adopted at a meeting of band leaders at the Hotel Astor, N. Y., yesterday (Tuesday). The report was submitted by a committee of leaders, with Fred Waring as chairman, that had been selected a couple months ago to attempt to bring the contending factions together for a basic discussion of their differences. After making the report the committee became officially organized. About 100 leaders attended the meeting.

The report, in outline, reviewed the procedure followed by the leaders' committee in finding out just what issues prevented a peaceful settlement and charged:

1. That Neville Miller, NAB prez, chose to ignore the committee after he had allegedly agreed to arrange a conference with ASCAP if the latter would make a realistic offer on a per program payment basis and such consent had been obtained from the Society's spokesmen. Also that Miller and 'a committee' had at the time of the meeting endorsed the principle of payment at the source, suggesting that the technicalities on this angle could easily be adjusted.

2. That radio by controlling America's active musical copyrights, as well as the channels through which they are popularized, would be able to direct the commercial and cultural future of the nation's music. That though these agencies the continued presentation of countless thousands of America's favorite standard compositions could be suppressed, while the activity of the future creations of American composers could be controlled and the public performance of their music could be exploited, restrained or regulated regardless of the musical taste of the American public or the desires of the radio advertisers.

3. That radio could 'likewise stifle or stimulate the professional popularity of American musicians and interpreters at will through their title to public performance rights of currently active American music, the sole essential element upon which dance band leaders depend for their livelihood.' That by means of this control radio will be in a position to make or break a name orchestra.

4. That the control radio seeks to capture threatens the cultural welfare of the American public, if not the eventual destruction of America's popular music culture.

Doubts Any Benefits
The report closes with the following statement:

'Our committee has concluded that a continuation of its efforts to bring the principals together would be futile, since it seems obvious that the spokesmen for the National Association of Broadcasters has definitely determined to prevent such meeting taking place. Since ASCAP has agreed, with unquestioned sincerity, to negotiate on a friendly basis, and since the accredited representative of the radio interests has exhibited no such desire, nor even a slight interest in the plight of the orchestra leader and music interpreter (and since it is seen he has given little or no consideration to the radio advertiser, who after all pays all the bills), we believe the solution of this most perplexing problem will depend solely on radio listeners at large.'

The other leaders signaturing the report were Eddy Duchin, Johnny Green, Nathaniel Shilkret, Meyer Davis and Ben Cutler.

Madriguera on Victor

Enric Madriguera band has been signed to a term contract by Victor. Outfit fills the gap in that company's Latin issues left by the shift of Xavier Cugat to Columbia. It amounts to a switch because Madriguera is an ex-Columbian. Madriguera is currently on location at the Statler hotel, Detroit.

Marks Got \$85,000

Ed Marks' firm only got \$85,000 as its share of the ASCAP coin in 1939 which was the major reason for the disaffection from the Society, as detailed herewith. Some of the other major firms collected as follows:

Harms, \$166,819.
Robbins, \$131,000.
Feist, \$130,000.
Berlin, \$128,792.
Chappell, \$115,300.
Shapiro-Bernstein, \$115,000.
Witmark, \$109,000.
Remick, \$104,000.
Mills, \$96,600.
Fischer, \$96,500.
Schirmer, \$94,000.
Famous, \$64,300.
Crawford, \$56,900.
Miller, \$51,000.
Ager-Yellen, \$36,000.
Sam Fox, \$29,767.
Paramount, \$26,300.

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Only ASCAP Music in Loew Houses

All Loew theatre stage show house managers, and subsequently acts, bands and agents, were notified some months ago that only ASCAP or public-domain music would be permitted to be played in Loew's houses. According to Loew's, however, this had nothing to do with the BMI-ASCAP tiff.

Irving Greenfield, of Loew's legal department, explains the order as a safety gesture to prevent suits against Loew's theatres on music which the houses have no specific permission to play. All Loew's houses are licensed by ASCAP and it's possible for a writer or publisher of a non-ASCAP tune to sue it or his number is played without permission.

As reported on Page 1 of this issue, Metro's three music pub firms will renew with ASCAP.

Marks-BMI Deal

Continued from page 41

president of the subsidiary music firms, that Robbins, Feist and Miller will renew with ASCAP. (Details thereof under a special story on Page 1). It's no secret that the Metro-Robbins-Feist-Miller breakaway from ASCAP might well have proved the undoing of the Society, and it is for this reason that the Loew-Metro people were given special assurances by ASCAP to keep them within the fold.

Marks and ASCAP have been at continual loggerheads through the years. Abeles as recent as two years ago, starting New York supreme court action to force the Society's classification committee to reappraise Marks' valuation in ASCAP. Periodically, the veteran Ed Marks (with his brothers Mitchell and Max, and son Herbert) have gone before ASCAP with beefs on classification and won grudging increases, so that his last average yield from ASCAP was around \$85,000, which he has longed in the \$100,000-per-annum

ments, plus the other new BMI pop stuff. In fact, it's theorized that BMI will diminish its song exploitation methods to date, and concentrate on more substantial catalogs like Marks and perhaps other acquisitions.

SAM FOX STILL UNRENEWED
Attorney Abeles is working on other ASCAP holdouts. The most important of these is the Sam Fox Music Co., which has no contract with the Society. There are a couple of much smaller ones. Whether Fox will bolt ASCAP for BMI is conjectural. Marks is the first major ASCAP firm to go over to BMI. Ralph S. Peer, of Southern Music Co., long an ASCAP belligerent, sold only his Mexican catalog to BMI, but renewed Southern with ASCAP. Moreover, every ASCAP publisher-member has been long since renewed; also all the ASCAP writers.

A report that Mills Music, Inc., despite its renewal with ASCAP five months ago, has been entertaining a possible BMI affiliation, still is in the air. How this could be legally possible is so much grapevine conversation, except that there was palaver that Mills' attorney could go into court and squawk that since ASCAP is accused of being a "monopoly," he didn't want his client to continue being part of such an allegedly illegal group. Whether shifting from one music copyright pool into another would solve the situation is something for further masterminding to dope out. [Jack Mills stated last week that these feelers had gone cold long ago.]

However, the ASCAP music men are by no means defeatist in attitude, despite the Ed Marks breakaway. They do feel, however, that perhaps the biggest mistake in this battle with the broadcasters was not the question of whether it should be \$4,000,000 a year from radio, or \$7,000,000, but the fact that BMI was permitted to come into being.

Obviously, the setting up of a competitive music society can, if sufficiently built up, conceivably cut deeply into ASCAP's value as a music copyright pool. Whether there is a legal angle in that the broadcasters thus become a buyer and seller of music is, of course, another optimistic note the old-line music men cling to. But that's up to the courts to adjudicate.

ASCAP Foreign Relations Group Eyes Pan-Amer.

Foreign relations committee of the American Society of Composers, Authors and Publishers, at a meeting last week took under advisement to take the initiative to organize a Pan-American union of performing rights societies. Suggested for the task of "taming Latin-American ASCAP about six months to tabulate native performing rights groups is Dr. Jean Geiringer, Austrian refugee now in this country. Dr. Geiringer was associated with the Austrian performing rights society (AKM), served as second of the third Confederation of World Performing Rights Societies and was connected with the Portuguese society.

Also considered by the foreign relations committee were accountings received from European societies of uses made during 1939 of the works of ASCAP members. It usually takes ASCAP about six months to tabulate these accountings and distribute the shares due its various members.

MRS. BALL SUES ASCAP

Nature of Action Presumed to Be Bigger Royalty Cut

Maud Lambert Ball, widow of Ernest R. Ball, has started an action in the N. Y. supreme court against the American Society of Composers, Authors and Publishers which has that organization puzzled as to the sudden inspiration. Her counsel applied to this court Monday (9) for permission to examine Gene Buck, ASCAP pop, so that she may frame a complaint against the Society. Ball, a composer member of ASCAP, died May 3, 1927, leaving his estate to his wife, which she claims included the rights to 275 songs. Mrs. Ball has been in the preliminary move made clear the nature of her proposed action, but the indications are that she will seek a greater share of royalties than has heretofore been allotted her.

MANY MARKS' TUNES ARE BY ASCAPITES

Of 15,000 musical compositions in the E. B. Marks deal, many are attributed to it's claimed that they were written either before these songsmiths became members of the Society, or came members of the Society, or that they hold no proprietary rights in the tunes, leaving Marks' tunes free to clear of any Federal copyright for BMI use. Among the ASCAP writers represented in the deal are songs by ASCAP president Gene Buck, Sigmund Romberg, Rodgers and Hart (their first Broadway musical, "Garrick Gaieties," before they joined ASCAP). Jerome Kern, George M. Cohan, Otto Harbach, Arthur Schwartz, Walter Donaldson, Al Dubin, Gus Kahn, Gus Edwards, Joe Howard, Cole Johnson, Benny Davis, Deems Taylor (on the ASCAP board), L. Wolfe Gilbert (ASCAP's Coast rep.), Harry Armstrong, Al Bryan, Xavier Cugat, Peter DeRose, Victor, Clare Kummer, Eddie Leonard.

Also Harry B. Smith, Robert B. Smith, Abner Silver, Jimmy Walker (former Mayor of New York), Charlie Tobias, Con Conrad, Reginald DeKoven, Anatole Friend, Henry Hadley, Hein, Gustav Kerker, George V. Hobart, Lew Pollack, Ring Lardner, Hugo Riesenfeld, Ballard Macdonald, Harry Carroll, George Rosey, James J. Thornton, Ren Shields, Paul Dresser, A. Baldwin Sloane, Alfred Solman, Dave Stamper (Buck's collaborator in several Ziegfeld "Follies"), Mabel Wayne, Sam M. Lewis.

European and American Composers (non-ASCAP name composers) (chiefly foreign, of Continental or Latin-American school) include Franz Lehár, Emmerich Kálmán, Oscar Straus, Louis Robert, Stoll, Leo All, Victor Hollander, Heinrich Reinhardt, Ernesto Lecuona, Moises Simons, Eliseo Grenet, Gonzalo Rios, Eduard de Nuytens, Maria Grever, Juan C. Gobian, Carlos Gardel, Augustin Lara, Gennaro Curjel, Alfonso E. Oteo, Hemri Christine, Leon Jessel, Askar Geiger, Rudolph Nelson, Charles Trenet, Vincent Scotto, Leo Danieroff, E. V. Maldaren, G. H. Rodriguez, Edward Blanco.

PRODUCTIONS
Musical comedies and operettas in the Marks catalog: "Sari," "Spring Maid," "Chu Chin Chou," "Walz Dream," "Garrick Gaieties," "The Time," "The Place," "Lilac Domino," "Maid Suzanne," "Red Moon," "Red Feather," "Happyland," "Isle of Spice," "Madcap Princess," "Mocking Bird," "Gay Hussars," "Rose Maid," "Fraser," "Moonlight," "Nancy Brown," "Beauty Spot," "Little Miss Charity," "Peter Pan," "The Siren," "Student King," "Winsome Winnie."

Morris Is Re-elected

Edwin H. Morris was re-elected president of the American Publishers Protective Association at a meeting of the organization's board of directors last week. Only new electee was Dick Murray, of Famous Music Corp., as secretary. Other re-elected were Lester Sanly, v.p., and Jack Bregman, treasurer.

Highlights of Marks-BMI Deal

Some 15,000 copyrights went with the deal. Already 6,000 have been cataloged and will be made available immediately for broadcast usage. New arrangements and new lyrics re being turned out at present-day requirements.

Only 85-90% of the catalog is held to be entirely free-and-clear of possible claims, hence the remaining 10-15% is being deferred until all rights are cleared. Renewal rights will also be in the doubtful classification and where, if any doubt exists, the writers' performing rights first will be adjusted.

BMI is setting up a special royalty accounting system to take care of the writers of all these tunes for the performances, although it is claimed that technically, since E. B. Marks owns most of the basic copyrights in their entirety, there is no necessity therefore.

Edward B. Marks Music Corp. embraces 28 other subsidiary affiliates, many of them belonging to the Mexican, Cuban and/or Argentine performing rights societies. Since BMI already has or will shortly have exclusivity with these societies, through ASCAP renewals lapsing, that clears the way for radio usage in America.

ASCAP writers-members in the Marks catalog usually placed their rights before joining ASCAP. As a result, the writers will have a 50% interest in the performing rights (money value) and nothing in the basic copyright, which is wholly owned by the music publisher. Furthermore, this 50% interest was consumed last year, and antedated to 1937. The Songwriters Protective Assn. desperately sought and lost out in the fight to include the phrase, "Tenants in Common," in the ownership of the copyrights.

Marks guarantees nothing to BMI on copyright infringements. This was the lone hitch that stalled an earlier possible deal with Metro's three music firms, Robbins, Feist and Miller, and BMI (see page 1 story).

M-G Re-Signs with ASCAP

Continued from page 1

ceivable that ASCAP may have to increase its income from other channels, should it prove unsuccessful in its battle with the broadcasters. A tilt in the per-seat, per-theatre, per-year licensing fee: one possible source of added income. It's now 10c per seat. There are other 'X' considerations, but not disclosed.

It's known also that David Bernstein, v.p. and treasurer of Loew's, Inc., and the active supervisory head of the Robbins-Feist-Miller Music subsidiaries, had been consulted by Gene Buck, ASCAP president, who stressed how the songwriters of America would be sore at Loew's and Metro and Bernstein is known to be sympathetic to the songsmiths' cause.

Almost a Deal

On the other hand, a desired \$7,000,000 outright purchase deal for the three firms was whittled down by attorney Gene Abeles, Metro's copyright counsel, to \$4,350,000 and was on the eve of consummation some weeks ago, long before the Marks deal, when a last-minute hitch crippled the infringement "warranty" stippled it. William S. Paley, president of Columbia Broadcasting System, was all set to sign the papers with Bernstein when that factor cropped up.

Subsequently Metro wanted \$500,000 more in 10 years (\$3,800,000 altogether) to license its music to radio, away from ASCAP, but BMI only wanted to close a five-year pact, since all its deals are scheduled on that basis.

Metro's three firms today average a \$300,000 yield from ASCAP. It's said that Robbins, Feist and Miller expend \$500,000 for professional exploitation so that it costs these three firms \$200,000 annually to maintain its prominence, making up the difference, of course, through income from sheet music sales, synchronizations and other sources.

Marks, on the other hand, concedes that, instead of a big professional overhead to maintain his \$85,000 or \$100,000 dividend yield from ASCAP he will be getting \$200,000 to \$250,000 free and clear and will have the fullest radio exploitation cooperation from the broadcaster.

So far as Metro is concerned, the potential deal would also have given both M-G and Fox limitless free usage of the music. Metro, which originally bought Robbins Music Corp. as an exploitation channel, pyramided a \$75,000 investment into \$500,000 net profit to itself, so far, and could have come away with another \$3,000,000 net profit on top of that. If the \$4,350,000 purchase price had been paid, the difference would have gone to the other Robbins-Feist-Miller stockholders. As it is, \$1,000,000 in profit has been split between Metro and the employee-partners in the music firms, including of course Jack Robbins, the directing head of all three companies.

Leo Feist, Inc., was bought by Metro-Robbins for \$400,000 out of Robbins Music's profits, and Metro's music likewise was bought out of profits, so that Metro never put in more than \$75,000 it first invested when Jack Robbins found himself in need of further underwriting.

Pro-BMI Slant In Music Racks Of Macy's Store

Publishers affiliated with the American Society of Composers, Authors and Publishers claimed last week that Macy's, N. Y. department store, has taken sides in the current performing rights controversy with radio by giving choice positions of Broadcast Music publications on the store's music counters and relegating ASCAP sheet music to less prominent display.

The Macy store is owned by the same Straus interests which own and operate WOR, Newark.

DETROIT PAPER IS PRO-ASCAP

Detroit, Dec. 10. Possibility that the paper which has been none too merry about the gains of radio, is going to take sides in the coming ASCAP-BMI battle was given here in an editorial observation by the Detroit Free Press. Starting with how little money Stephen Foster got out of his immortal tunes and into a brief explanation of how ASCAP came into existence the editorial continued:

"With the advent of the radio the battle became a bitter one but the ASCAP has won its legal battles in every court of the land. Now the radio corporations have combined to bar their music in effort to break their demands for still more rewards."

"The radio stations have made millions out of the use of this music and it is no more than fair that they should share their profits with the great artists who have made this possible."

"They have to pay for the machine that delivers the program and they should be willing to pay for the 'gasoline' that makes it go. Forced by the law to pay some, they now refuse to pay any more. They have gained a rival society. That is the nub of the present 'battle of the air' in America!"

Band Grosses on One-Nighters

(Beginning this week, and each week hereafter, VARIETY will report the popularity of various bands on one-night routes as interpreted by gross and attendance figures.)

Lou Breese appears to have topped the available results of one-nighting orchestras during the past week. Breese is touring the midwestern area, a belt in which he's best known at the moment due to extensive work in and around Chicago, particularly a long stay early this year at the Rex Palace in that key city. He's now back into the Chest Dec. 21 for a second stretch of six months.

Lou Breese (Turnpike Casino, Lincoln, Neb., Dec. 6). Capacity crowd of 4,000 drew a price range from 75c to an abnormal \$2 (Pink Ballroom, Waukegan, Ill., Dec. 8). Breese breezed in with \$637.50 at 55c. Attendance 1,275.

Henry Busse (Sweet's Ballroom, San Jose, Cal., Dec. 2). Busse accounted for 1,513 admissions here at 75c, running the gross up to \$1,135. (Cocoanut Grove, Manteca, Cal., Dec. 6) Busse ran into percentage here with a draw of 1,212 at \$1.10 scale for men and 60c ladies. Reggie Childs (Strand theatre, York, Pa., Dec. 7). Okay here, accounting for \$1,600 at 44c top.

Fred Ho Rite (Admiral Semmes Hotel, Mobile, Ala., Dec. 2). Ho Rite ran into too tough opposition, clocking only 200 attendance at \$1.65. Date had only two or three days' advertising and on top of that was opposition to a party at the Fort Whiting Armory which distributed 3,000 free tickets.

Sammy Kaye (Ritz Ballroom, Bridgeport, Conn., Dec. 8). On an off-day from location: at Commodore Hotel, New York, Kaye drew capacity crowd of 1,442 at 44c and 50c. Grossed under \$4,000.

Ted Lewis (Auditorium, Shreveport, Miss., Dec. 4). Drawed net \$2,000 and followed next night (Aud. Jackson, Miss., 5) with \$1,750.

Johnny McGee (Temple Hotel, Philadelphia, Dec. 7). Freshman hop closed doors after 550 couples crowded in.

Vanham Monroe (Lyric theatre, Bridgeport, Conn., Dec. 8). Monroe accounted for a capacity 1,200 admission at 75c, grossing \$900 with Sammy Kaye as opposition at nearby Ritz.

Will Osborne (Flint, Mich., Dec. 7). Attendance of 1,800 ran gross up to \$969 at 50c a couple.

Inside Stuff—Music

Sidelight on the controversy now raging between the American Society of Composers, Authors and Publishers and radio is the marked upsurge that the sheet music business has experienced in the past few weeks. There are more big selling new tunes on the market now than at any other period this year.

Should the break between the music and broadcasting industries take place ASCAP will go off the air with the strongest lineup of current commercial tunes that has been since 1937 when there were songs on the same list doing smash business. The ASCAP plans assure that the network plugs they will have had during December will suffice to keep their sales going on current stuff for at least two or three months.

Robbins, Feist and Miller Music companies, all part of the Robbins-MGM combine, are consolidating into one effort the sales and distribution end of the three companies. Heretofore each outfit worked out of one stockroom, but sold their respective products separately.

Under the new setup the output of the three will be available to buyers as if the stuff came from one company. Dealers will be able to select folios of all three publishers on special selling deals, for instance, whereas they formerly had to arrange the same buying with the different companies.

Among BMI's recent acquisitions have been two numbers from "Helzapoppin" entitled "May Goes Round" and "The Window Wiper Song." Both are by Olsen and Johnson, stars of the show, in collaboration with Jay Levison and Ray Evans. Other additions include "My Heritage" from the French film "Heritage" and a draft tune, "Good-Bye Dear, I'll Be Back in a Year." Latter is copyrighted by Coast to Coast Music Corp., which has assigned the performing rights to BMI.

Alex M. Kramer of the Capitol theatre, N. Y., music research staff (also does research for Metro) has been getting a ribbing because Alex C. Kramer has been composing BMI tunes. Two different tellers.

A. Walter Secolow's connection with Broadcast Music, Inc., is merely as one of its counsel. He, however, maintains his private practice. It had been reported that he has joined the legal staff of BMI.

Songsmiths in Suit

Vs. Marden's Riviera

Bernard Malin, Mike Drake and Harry Stride, songwriters, filed suit yesterday (Tues.) against Ben Marden and Tony Shayne Productions, Inc., seeking damages for alleged unauthorized use of plaintiffs' songs. Suit was revealed by an order of N. Y. supreme court Justice Ferdinand Pecora, allowing service of a summons on Marden, whom the plaintiffs have been unable to locate.

In May, 1938, at the request of Marden, plaintiffs arranged for his Riviera, at Port Lee, N. J., and it was understood that the songs were to be used for that show only. Plaintiffs claim that Marden used the songs in other shows and sold them to others. Shayne Productions is accused of using and selling them also. An accounting, injunction and damages are sought.

Wives of Morgan Men Injured in Auto Trip

San Francisco, Dec. 10.

Wives of three members of Russ Morgan's band were hurt, and two were seriously enough to require hospitalization in an auto crash near Livermore Wednesday (4). Trio, Mrs. Gene Prendergast, Mrs. Wally Curden, and Mrs. Joe Estren, had driven all the way from New York, without a mishap only to crack up 50 miles out of Frisco, where Morgan opened at the Palace Nov. 30.

Mrs. Prendergast, driving, is in Livermore General Hospital, to stay at least a week.

Warns Auditorium Must Not Use Canned Music

Buffalo, Dec. 10.

Canned music is taboo in city's new \$350,000 Memorial Hall because it "displaces live musicians." Ray Caldwell, local Musicians' Union head, has informed the city. If profit-making ventures use platens, a protest will be filed with James Petrilli, American Federation of Musicians' head, he said.

Question arose last week when several groups wanted to run off "Star Spangled Banner" as a prelude to their events. Union doesn't mind it's just patriotic groups and they're tossing a rally for free, Caldwell said, but when admission is charged it's a different story. Pointed out that if groups really want music they should hire a union band for \$55.

Caldwell asked that two pianos be put in hall for union men working there. He said the union would keep them tuned, but was informed no funds are available for such purpose.

Rumba Hits Svenskaland

Minneapolis, Dec. 10.

Rumba craze has hit this town belatedly but very hard. All three of the leading night spots—the Hotel Nicolett, Minnesota Terrace, Curly's and the Happy Hour—now have rumba bands.

The one at the Nicolett, Don Pedro, is in addition to the main orchestra.

Mark Lane now fronting Elz Covato's orchestra at Villa Madrid, Pittsboro, later devoting his time to co-managing the spot, of which he is part owner.

British Best Sellers

(Week Ending Nov. 9)

'All Things'.....Chappell
'Love Is All'.....Sun
'Nobody's Baby'.....F.D.H.
'Fall in Love'.....World Wide
'Beginnings'.....Chappell
'Can Love You'.....F.D.H.
'Breeze and I'.....F.D.H.
'Memories'.....Dash
'Nightingale'.....Maurice
'Sleepy Lagoon'.....Chappell

ARRANGERS' SCAPE UP FOR DECISION

Negotiations for a new contract on arrangers, copyists and proofreaders were opened between a special committee from the Music Publishers Protective Association and the New York musicians union Friday (6). There will be another session today (Wednesday).

Representing the MPPA in the discussions are Elliott Shapiro, chairman; Mitchell Marks, Stephen Levitz, Joseph Aberbach, Abe Schwartz, Lou Silberling and William Weiman, while for Local 802 the negotiators are Bill Feinberg, Bob Stern and Samuel Cooper.

BOOTLEG MUSIC PLANT RAIDED

N. Y. police, working with the Federal Bureau of Investigation, last week made one of the most extensive seizures of contraband song sheets in years. The haul consisted of around 250,000 lyric compilations, James Preziosa of Scranton, Pa., arrested as the owner of the sheets, was charged with violating the criminal provisions of the copyright law and held in \$500 bail by U.S. Commissioner Frank Cotter. Acting on a tip, a New York policeman discovered 100,000 of the sheets at the Rapid Binding Co., in lower Manhattan, and while the place was being examined Preziosa, who had put in the binding order, walked in and was seized. FBI agents later questioned him and traced the printer who had been doing Preziosa's work. It was the latter's premise that another 150,000 sheets was found.

Express receipts uncovered in the arrested man's person disclosed that he had been making large shipments of the contraband to such towns as St. Louis, Des Moines, Wheeling, W. Va., and Janesville, Wis. The FBI is following on this angle.

Arthur Hoffman, of the investigating staff of the Music Publishers Protective Association, made the complaint on which the Federal arrest was based.

MILLER INTO PAR, N.Y. 2D TIME IN A YEAR

Glenn Miller band takes its second shot at the Paramount theatre, New York, in less than a year next month. Outfit goes into the house either Jan. 22 or 29. Accompanying bill is not yet definite, but it may be "Virginia." Miller will not double from the Pennsylvania hotel, New York, into the Par as he did last April. He's to be replaced at the Penn, where he's current, by Jimmy Dorsey on Jan. 20.

Del Courtney slated to open Shadowland Night Club in San Antonio on Dec. 21. In for 11 days.

Arbitrate I.O.U. Claim of Lawyer Against Member of Orchestra

TOURS FOR BANKROLL

Sammy Kaye Cuts Commodore Date Short by Three Months

Sammy Kaye will take his outfit out of the Commodore hotel, New York, about the middle of January, clipping more than three months from his scheduled stay. Leader wants to hit the one-night and theatre trail and strengthen his bankroll. Current Commodore date was supposed to last until April 24, 1941.

Band has already been signed for three weeks at the Strand theatre, N. Y., beginning some time in April. Definite date and firm, of course, cannot be set for some time due to the uncertainty of extended runs at the house.

802, NEW YORK, ELECTS DEC. 19

New York musicians union's top event of the year, the election of 802 officers, takes place next Thursday (19). The candidates running on the opposition slate described as the Unity Ticket, include Albert Pearl for president, Richard Baravalle, v.p., Eddie Davis, secretary, and Ross Gorman, treasurer.

The present election headed by president Jack Rosenberg, is up intact for re-election.

Luzzi Wins in Philly

Philadelphia, Dec. 10.

In the hottest contested election in recent years Frank P. Luzzi was returned as president of Local 77, American Federation of Musicians, last Thursday (5). He was chosen over Charles McConnell, music contractor for the Stanley-Warner Company, by a vote of 829 to 648.

Highlighting the campaign was McConnell's "job-for-every-man plan" and the Luzzi ticket's "re-employment program." The bitterness over issues was evidenced by the lack of "straight ticket" voting.

Romeo Cella, former president and a member of McConnell's slate, was elected over Ralph Kirsch by a vote of 695 to 585. A. Rex Riccardi, a Luzzi man, was re-elected over Louis Ingber, 869 to 590. Harry Kammerer, a McConnell backer, was named assistant secretary over Louis Ingber, 878 to 566. James Perri, on the Luzzi ticket, was victorious over George Hartung for sergeant-at-arms, 807 to 619. Joseph Bossie was unopposed for treasurer.

Meeder Wins in Pitt

Pittsburgh, Dec. 10.

Clair Meeder last week was re-elected president of musicians union, Local 80, in a three-cornered fight. Meeder pulled out with plurality of more than 140 votes. Edward G. Ebert was named vice-president; Charles A. Graffelder, secretary-treasurer, and Gene Urban and George Wilkins delegates to Pittsburgh Central Labor Union.

Named to executive board were Urban, Wilkins, Michael Hickley, Hal Davis, Frank Panella and Edward Wilham.

It's Lorenz in Louisville

Louisville, Dec. 10.

Edwin A. Lorenz, veteran local clarinet player and leader, has been re-elected president of Local No. 11, Louisville Federation of Musicians.

He was chosen at the annual meeting at Musicians' Club, along with vice president, Gene Petrilli, and secretary-treasurer, Adam W. Stuebing.

Probably the first arbitration board ever to sit in judgment on a musicians' dispute settled Monday (9), a disagreement between Ernie Cesares, sax player with Glenn Miller, and John Gluskin, lawyer-band manager. Gluskin claimed that Cesares owed him \$339 for monies advanced over and above salary while Cesares was a member of the first Jack Teagarden band. Cesares admitted owing Gluskin money, but claimed he was due unpaid amounts for work with Teagarden and for which Gluskin, its manager at that time, was responsible.

Rather than take the dispute to the American Federation of Musicians', Goldfarb, Mirenburg & Vallon, Cesares' attorneys, arranged the arbitration method. Both sides agreed. Case was settled when the board decreed that Gluskin should receive about \$580. It allowed that \$359 was due Cesares on IOU slips given him in lieu of salary in dark weeks, before the first Teagarden band went into bankruptcy. Arbitrators consisted of a trio of band men mutually agreed upon. They were Billy Burton, manager of the Jimmy Dorsey band; Warren Pearl, manager of Bobby Bryner, and Andy Weinberger, lawyer-manager of Art Shaw, etc. Latter is also lawyer for the current Jack Teagarden band.

DANCE IN FAKE MOONLIGHT AT OWN RISK

Minneapolis, Dec. 10.

Dancers in a private dance hall tripping the light fantastic to the strains of a romantic waltz dimly litged in simulated moonlight do so at their own risk, according to a ruling of District Judge Paul S. Carroll here. In line with this decision the judge dismissed a suit for \$3,920 damages brought by Hilda Larson, restaurant cook, against the Calhoun Amusement Co., where the dance was held.

Mrs. Larson and her partner were waltzing in the company's dance hall, which had lights dimmed to create a moonlight effect and add a romantic atmosphere. When they became involved in a congested group, her partner lost his balance in collision and was thrown against her, and her leg was twisted, necessitating hospital treatment and disabling her for six months, she alleged.

The court ruled that she assumed the risk when she went on the dance floor.

Hartford Spot Sanguine

Hartford, Dec. 10.

One time top ranking band leader Felix Ferdinand has taken over the Palais Royal, white elephant dance hall at Capitol Park, and has spent some \$15,000 in renovating and cleaning up the place. Place is now in operation, with music by Ted Black orchestra and has application with State Liquor Commission for liquor license.

As the Club Ferdinand's it's expected that once liquor license is granted spot will have a chance.

A money maker during the prosperous twenties spot has been run down by shoeing promoters and other entrepreneurs. With industrial activity locally at the highest peak, it is expected to prove a money-maker.

The New MACK GORDON · HARRY WARREN Over-Night Song Smash!

YOU SAY THE SWEETEST THINGS

(BABY)

Sung by Alice Faye in the 20th Century-Fox Picture "Tim Pan Alley"

LEO FEIST, Inc. • 1629 Broadway, New York HARRY LINK • LON MOONEY

David Snell gets the music score job on 'Billy the Kid' at Metro.

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, the estimated cover charge business being done by name bands at various New York hotels. Dinner service (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	Week	Total
		Played	Week	On Date
Bill Bradley	Biltmore (300; \$1-\$1.50)	4	850	3,275
Eddy Duchin	Waldorf (500; \$1-\$1.50)	13	725	12,850
Sammy Kaye	Commodore (650; 75c-\$1.50)	7	1,225	11,075
Ray Kinney	Lexington (300; 75c-\$1.50)	30	1,350	38,325
Guy Lombardo	Roosevelt (500; \$1-\$1.50)	9	1,100	10,575
Lyman	New York (400; 75c-\$1.50)	8	1,450	12,775
Glenn Miller	Pennsylvania (500; 75c-\$1.50)	9	2,225	17,625
Tony Pastor	Lincoln (225; 75c-\$1.50)	10	375	4,150

*Asterisks indicate a supporting floor show, although the band is the major draw.

Band Reviews

MITCHELL AYRES ORCH (11)

With: Mary Ann Mercer, Tommy Taylor

St. George Hotel, Brooklyn, N. Y.
For its size and instrumental setup Mitchell Ayres' 11-piece outfit stacks up as a pretty solid and clear-cut group. Listening to it for the first time the salient impression is one of surprise that so few men can play so full. Close on the heels of that thought comes a short-lived wonder how such short-handed sections can avoid making the majority of the arrangements sound alike. That's easily solved, apparently. Every man in the band plays at least three instruments. Musicians switch places like three-letter men.

Another instantly noticeable thing about this group is the easy and steady dance tempos it gives. Few bands have the ability to set an adequate tapering pace yet alone set the pace that seems to meet with everyone's approval. This bunch makes both jitterbug and conservative happy at the same time. Arrangements, too, are neat, varied nicely because of the versatile men that interpret them. They account for most of the band's fullness of sound and are written in all tempos—Latin, waltz, bump, etc. Each is broken somewhere by an alto sax part that becomes a distinguishing mark.

Mary Ann Mercer and Tommy Taylor, the vocals, neither of which shakes from a searching critical standpoint, but each injects a pleasing personality into melodies which result in okay. Ayres, an affable guy on the stand, playing violin only occasionally.

This review may seem to indicate the Ayres outfit will set the band world afire. It won't. But for its size and the type of musical track it follows it's A-1.

LARRY HERMAN ORCH (10)

Larry Herman, former pianist in Al Meares' territorial band, took this group over, made a few changes, and it comes out substantially the same band formerly fronted by Wally Wallace, but somewhat changed in musical style. Herman, a good boogie-woogie key player, still allows some of the swinging characteristics of Wallace, but it's a smoother, smoother outfit now. The effect is better all around.

Herman being occupied at the Plaza Hotel, Hotel Donovans is a member, but he's not stick waver. A frontier of the rhythm section, Donovan mostly uses on string bass, but does all the number one and sings the tunes. Does it nicely, too. Roster includes Bill Bilek, Herbie Pater and Jim McInafer, brasses; Moe Lewis, Jimmy McInafer, sax; Richardson, and J. Ruff, saxes; Al Norton, drums; Donovan, bass; and Herman, piano. The whole thing is a ringer, and the whole library has been fingered out on the keyboard by him, and dotted up accordingly. This is a good, solid, middle-class band, and in the Nebraska-Iowa territory where it plays, mostly limited in music budget, he's a better buy than usually get for their territorial kind of money.

STEELE RYAN ORCHESTRA

With: Bobbie Ennis

Truett Grill, Hotel Muehlebach, Kansas City, Missouri
West Coast orchestra organized in 1935 in addition to its own range. This time it's definitely a breakaway from its long stand in the around L.A. as the crew is set to play in the middle-class hotels and clubs and then work eastward. Since most of the life of the band has been spent in hotels it has a style of playing that is over the top, and the whole thing is a ringer, and the whole library has been fingered out on the keyboard by him, and dotted up accordingly. This is a good, solid, middle-class band, and in the Nebraska-Iowa territory where it plays, mostly limited in music budget, he's a better buy than usually get for their territorial kind of money.

bers to comply with the requests of dancers.

Arrangements for the 11-piece outfit are pencilled by Max Walter, one of four in the reed section. Gene Burt, Jack Mayo and Allen Simms round out this department. Benny Bennett follows the trombone score and Max Bennett and Allen Simms taking trumpet notes. In rhythm department Roger Renner fingers the piano, Kenneth Coffey beats the skins, and Eddie Robertson plunks string bass.

Vocally, Young is stressing Bobbie Ennis, who has the required looks and whose range is toward the lower end and style is toward the blues type. She works out often and gives much attention to the regular standbys and the throaty type tunes. Allen Simms tones the ballads and lighter modern tunes.

Band Bookings

Will Bradley, Jan. 31-Feb. 1, Armory, Charlotte, N. C.; Feb. 6-8, Georgia Tech Aud., Atlanta, Ga.; 21, Lawrenceville School, Lawrenceville, N. J.

Henry Busse, Jan. 17, Fox Theatre, St. Louis, Mo.; Cais & Fiddle, Dec. 27, Rose theatre, Thomasville, Ga.; Jan. 6, Windsor C. Fort Lauderdale, Fla.

Emile Coleman, Dec. 31, Drake hotel, Chicago, one night.

Claude Hopkins, Dec. 17-18, Academy Music, New York.

Ted Lewis, Jan. 16, Coliseum B, St. Petersburg, Fla.

Vincent Lopez, Dec. 19-14, Capitol theatre, Shamokin, Pa.; 25, Stanley theatre, Chester, Pa.; 27, Armory, Frederick, Md.; 31, one-night, Astor hotel, New York.

Ray Noble, Jan. 17, Chicago theatre, Chicago.

Ben-Bon-Eddie Durham, Dec. 15, Howard theatre, Washington, D. C.

Duke Ellington, Dec. 24, Savoy B, New York City.

Bobby Byrne, Jan. 22, Allentown, Pa.; 24-26, Adams theatre, Newark, N. J.; 30-31, U. of Tennessee, Knoxville.

Blue Barron, Dec. 19, Butler theatre, Butler, Pa.; 20, Capitol T, Wheeling, W. Va.; 21, Orpheum T, Connellsville, Pa.; 23, Michler T, Altoona, Pa.; 24, Aud., Monessen, Pa.; 25, Armory, Cambridge, Md.; 30, High School, Macdonald, Del.; 31, Valencia B, York, Pa.; Jan. 1, Adams T, Newark; 9-11, State theatre, Hartford.

Greene Gordon, Dec. 13, one-night, T, Greengarden, Pa.; 14, one-night, Star hotel, Detroit; 15, New Philadelphia, O.; 16, Bradford T, Bradford, Pa.; 17, Cathedral T, New Castle, Pa.; 18, Strand T, Cumberland, Md.; 19, Palace T, Meadville, Pa.; 20, week, Palace T, Cleveland; 27, private party, Fort Wayne, Ind.; 28, IMA Aud., Flint, Michigan; 28, Armory, Gary, Ind.

Glenn Garr, Dec. 21-22, Manhattan Beach, New York; 24, Chamberlain hotel, Old Point Comfort, Va.; 25, party, Pinehurst, N. C.; 26, party, Winston-Salem, N. C.; 27, Aud., Sanford, N. C.; 28, party, Winston-Salem, N. C.; 29, Plaza T, Asheville, N. C.; 30, Aud., Macon, Ga.; Jan. 1, party, Winston-Salem, N. C.

Jimmie Lunceford, Jan. 23, Bethune Cookman College, Daytona Beach, Fla.; 24, Manhattan Casino, St. Petersburg, Fla.; 25, Orlando Coliseum, Fla.; 26, Rockland Palace, Miami, Fla.; 27, Willard's Aud., Palatka, Fla.; 28, High School Aud., Charleston, S. C.; 29, Aud., Savannah, Ga.; 30, City Aud., Macon, Ga.; 31, City Aud., High Point, N. C.

In Praise of Santa

Axiom in the music business that one good song or title deserves another try is again materialized, this time by Mills Music, Inc. and the writers, Harry Jentes and Dick Sanford.

Two songs, with "There'll Always Be an Angel in My Embrace," have turned out a novelty titled "There'll Always Be a Santa Claus."

'MOST PLAYED,' CIRCA 19TH CENTURY

Broadcasting and music trades have already gained an insight into what will probably be the 'most played' numbers on the networks after Jan. 1, unless radio and the American Song Co. Composers, Authors and Publishers in the meantime get together on a new licensing agreement. The indicated roster of public domain numbers follows:

"The Olden Buckets," "Oh Susanna," "Jennie with the Light Brown Hair," "Carry Me Back to Old Virginia," "Arkansas Traveler," "Turkey in the Straw," "Sweet Alice Ben Bolt," "Old Black Joe," "Drink to Me With Thine Eyes," "Swanee River Song," "Darling Nelly Gray," "Listen to the Mocking Bird," "When You and I Were Young, Maggie," "Star of the Evening," "I Dream I Dwell in Marble Halls," "In the Gloaming," "Long, Long Ago," "Battle Hymn of the Republic," "Bicycle Race," "Two Little Children," "Campbell's Are Comin'," "Home, Sweet Home," "Little Brown Jug," "Swanee River Song," "Mary Had a Little Lamb," "Pop Goes the Weasel," "Old Dan Tucker," "Scotland's Burning," "Nearer, My God, to Thee," "Old MacDonald Had a Farm," "Polly, Put the Kettle On," "Onward, Christian Soldiers," "Trump, Trump, Trump," "Polly, Put the Kettle On," "There's a Tavern in the Town," "Work, for the Night is Coming."

Paul Whiteman Forms New Band for Fla.

Paul Whiteman is reforming a band and goes to work again Jan. 9 on an indefinite stretch at Ben Marden's Colonial Inn, Hollywood, Fla. Leader broke up his original band early last summer and temporarily retired to his farm in Connecticut.

New outfit will be a dance band consisting of only 15 pieces, as compared to the much larger one he disbanded. Only member of the old outfit so far expected to be used in the new group is Jimmy Pinango, banjo player Wm. Morris agency booked the Florida date.

Mrs. Meyer Davis' Org Waltz for Philly Party

Philadelphia, Dec. 10.

For first time in its 193-year history, the Assembly hall, Philly's oldest and prime socialite beefsteak, will permit introduction of a new tune. It's a waltz dedicated to the descendants of the Colonials who organized the blue-blooded tressh bark in 1748. It is by Hyde Emery Davis, wife of Meyer Davis, whose bands have been on the Assembly line continually for almost a score of years.

Mrs. Davis' tune is "The Assembly Waltz." She was also the scrivener of "You Are the Reason for My Love Song," warbled at the Franklin D. Roosevelt, Jr.-Ethel du Pont nuptials, for "The Assembly Waltz" was also performed. Her "The Last Knight" was played by the Philly Orch, Toscanini and the San Francisco symph. Philly socialite hotpot is skeddaddled for the first time in 193 years. Stratford hotel, Davis will have 60 tooters on the stand.

On the Upbeat

Les Brown band gets its first important shot at a hotel spot Dec. 23 when it goes into the Brunswick, Boston, for two weeks.

George Hall holds over at the Chatterbox, Mountaineer, N. Y.

Don Moore into Abe Lyman trumpet section. He was formerly with Paul Whiteman. Lyman is at New Yorker hotel, N. Y.

Tommy Reynolds goes back into the Brooklyn Roseland Ballroom Jan. 2.

Ben Cutler opening date at the Rainbow Room, New York, set as Jan. 15. Eddie LeBaron is current.

Saxie Dowell band goes into the Arcadia Ballroom, New York, Friday, (13) its first stand in this area.

Eddy Duchin finishes his current stand at the Empire Room of the Waldorf hotel, New York, Jan. 10 and shifts immediately to Chicago where he replaces Ray Noble at the Palmer House. Noble has been in the latter spot since last summer.

No band has been set to replace Duchin at the Waldorf, but several are being mentioned, among them Leighton Noble.

Arlie Shaw's Gramercy Five has recorded for Victor Shaw's takeoff on "When Swallows Come Back to Capistrano," "The When Snail Come Back to San Quentin."

Ziggy Elman, star trumpeter with Tommy Dorsey's band, was holder of a number that was pulled early in the draft board. He received a questionnaire last week.

Ina Ray Hutton band released by Music Corp. of America and signed by the Wm. Morris agency.

Vincent Lopez' New Year's Eve date at the Astor hotel, New York, gives the Wm. Morris agency its first booking at that spot.

Glenn Gray's Cass Lomans getting three new men, the first replacements in more than a year. Danny D'Andrea gave way to Eddie Castanzo from Johnny McGee on sax. Jack Blanchette replaced on guitar by Dick Fisher. "S. Baker, star trumpeter, is on way out. No one in his spot yet.

Ben Bon took over leadership of Eddie Durham band. First date started Friday (8) at Royal theatre, Baltimore. Opens this week (15) at Howard theatre, Washington.

Jan Garber booked for New Year's week at the Orpheum in Los Angeles.

Jackie Moran's orchestra opens a western tour in Santa Barbara (13).

Jim DeLand's Sun Valley Sereaders prove their something in a name going to Sun Valley, Idaho, late this month from Detroit. Also headed to the same spot from here is Ben Wattkins' orch.

Sonny Burke now arranging for Charley Spivak's band at Glen Island Casino, New Rochelle, N. Y.

Edward Kolyer replacing John Smith with the Bob Osborne troupe, with Eugene Bird an outright addition to same group.

Bob Sylvester at Merry-Go-Round, Pittsburgh, extended indefinitely, pushing back Walter Mousey. Powlall date, for several weeks.

Al Kavelin will barnstorm until first of year, when he is scheduled for return at Essex House, N. Y.

Milton Tarloff, manager of the Trianon Ballroom, Toledo, convalescing in local St. Vincent's Hospital from an operation.

Leroy Walnwright with Nat Towles' band.

Dorothy Otterman is the vocalist with the new Johnny Harris orchestra, a 11-piece unit at Youngstown, O.

Ina Ray Hutton's orchestra is playing a week's stand at Igo's, a comparatively new spot on Albany-Schenectady road. Band is presented there by Michael Barry. Miss Hut-

ton's last Albany engagement was in New Kenmore hotel during the spring.

Raphel Quinlet (five members of one family) heard over WPC, are playing nightly at the New Deal Inn, Youngstown.

Phyllis Bathura and her orchestra with Virginia Black, are at the Mahoning Valley Country Club, Youngstown.

Del Lucas opened at New Penn. Pittsburgh, Monday (9) for limited engagement, replacing Jane Gardner and her Gentlemen of Swing.

Nip Tilo, composed of Larry Lyons, Bill Sheffield and Francis Lager now at Glean-Tivoli, Nite Club, San Antonio.

High School Kids Like Local Version Of Warming's Stunt

Buffalo, Dec. 10.
Bushleague version of Fred Waring's stunt, penning rah-rah songs for schools, is being tried out by Ralph Barlow's orchestra at Deilwood Ballroom here with rising success. Idea, only one week old, already has the brush-cut shufflers talking.

Barlow, who moved into dancery (28) from a Springfield, Mass. date, worked out stunt with ballroom management as a b.o. hypo, and it's working out happily that way. He offers to write appropriate songs for local high schools, frats or any group that's large enough to deserve one.

First substantial, formal announcement by Barlow's orchestra at Deilwood Ballroom here with rising success. Idea, only one week old, already has the brush-cut shufflers talking.

GENE KRUPA PARTS FROM ART MICHAUD

Gene Krupa parted company with Art Michaud, his personal manager since the Krupa band was formed almost three years ago. Two settled accounts and called it a day last Thursday (5), Michaud being paid \$1,000 and Michaud announced sum for his interest in the group he helped build. Split was an amicable one. Lee Eastman, attorney for Michaud, handled the details.

Krupa's band is rather unique among new bands that were formed around and after the time he first started. In the two years and eight months since it was unveiled in April, 1938, at Atlantic City, the group has had less than two weeks of involuntary layoffs. It has worked steadily, with one day missed, since last January.

MRS. KRAMER'S SYSTEM

Hotel Lady's Alleged Kickback Collections Still Up

In New York with his band for the first time in several months, Blue Barron goes before the executive board of the American Federation of Musicians tomorrow (Thursday). He'll be questioned on his dealings with Mrs. Maria Kramer, owner of the Lincoln and the Hotel Belmont. Barron completed a long stay at the Edison last spring.

Leader will be interrogated, as several other batonners have been, to determine whether or not he was paying Mrs. Kramer a percentage of his earnings. Of the leaders who passed before the executive board in the past on the same question only Charlie Barnett and Gus Ciente have claimed that the hotel owner cut into their earnings. Jan Savitt, Gray Gordon denied she did.

Mrs. Kramer is currently appealing to the AFM national executive board a conviction handed down by 802's disciplinary group several months ago. She was held to be accepting kickback payments from leader of a relief group that worked for her, and was ordered to pay him approximately \$3,500 in back salary. She appealed the case to the AFM and it's still under advisement. Meanwhile the cash has been put in escrow.

Kelly Says He'll Ask 4A's to Charter Philly UEA, Opposition to AGVA Local

Philadelphia, Dec. 10. Thomas E. Kelly, executive secretary of the United Entertainers Assn., indie performers union, intimated this week that he would ask the Associated Actors & Artists of America for a charter for his rival org to the American Guild of Variety Artists.

Kelly claims that he has at least 25-nterites all set to sign the dotted line with his outfit, and they're only waiting for a charter from the AGVA officials. His move toward wooing the 4 A's also met with the same response.

"Our charter gives the sole jurisdiction over performers in this area," said Jack Miller, exec. secretary of AGVA here. "It is impossible for the 4 A's to grant a charter to a rival organization under our constitution." Kelly's boast that he had more than 25-nterites under his belt, was called "baloney" by Miller.

"In the first place," Miller said, "cate owners are having plenty of headaches with the early Saturday night closing, law, and are in no position to talk about contracts with any union right now."

Miller said he attended a meeting of the ntirery ops last week in which he offered the support of organized labor toward getting a liberalization of the Sabbath curfew law at the coming session of the Legislature. With the Democrats again in the saddle in the House of Representatives, the pressure of labor unions will out plenty of ice, he said.

Delegates of AGVA have been seated at the Central Labor Union, body consisting of all American Federation of Labor affiliates. The CLU has pledged support to AGVA in its fight for recognition here. Another problem facing AGVA has been the increase of benefits in the past few months. During the summer and early fall Dick Mayo, local rep for the Theatre Authority, had been out of the city and auto shows began running wild. Cate owners were pressured by political organizations to contribute free acts, and with no TA to back them up, were forced to come across. Miller and Mayo, now returned, have called a halt. Whether the politicians will be peeved enough to stymie possible lifting of the curfew is to be seen.

Ruby Foo Takes Over Beachcomber in Prov.

Providence, Dec. 10. Town's recently opened Beachcomber in the Crown hotel has been taken over by Ruby Foo.

Spot was formerly under the personal direction of Tommy Maren and Report is that Maren retains a slight interest in the Ruby Foo spot.

Bill Green Wins \$19,240 In Suit Against County

Pittsburgh, Dec. 10. Bill Green, owner of the prosperous roadside niterie which bears his name, won a \$19,240 verdict against Allegheny County last week for an acre of ground taken for the new cloverleaf traffic facility at the intersection of the Clairton Road and Route 31, where his spot is located. Jury was out more than five hours and more than doubled the damages allowed Green by the County Board of Viewers. He had asked for \$40,000.

Green claimed new intersection is so complicated customers seeking his ntirery can't find their way.

At same time, a hearing for Green on charges of violating the state liquor laws, postponed once before, was rescheduled for tomorrow (Wed.). He's charged with selling liquor to minors. Once before, Green had his booze license suspended but paid the alternate fine.

P.A. NITERY OPS WATCH TAX APPEAL

Philadelphia, Dec. 10.

The State Unemployment Compensation Board last week ruled against a petition filed by Frank Palumbo, South Philly ntirery owner, asking to be exempted from paying unemployment compensation taxes on musicians. The board, in its ruling, declared that bandsmen were bona fide employees of a cafe, and not employees of a contractor-leader. Only exemptions to this rule, the board said, were "name bands" whose members were paid by the leader on a yearly basis whether they worked or not.

Palumbo's attorney, Charles Solt, said he would take an appeal to the State Superior Court. The case is being closely watched by virtually everybody in the cabaret biz in Pennsylvania. Most ops owe the State thousands of dollars in accumulated taxes since the levy went into effect, and State officials have intimated that they will begin a stringent drive to collect back taxes after the first of the year. Unless the ops pay up they will be subject to liquidation, similar to the action taken by the U. S. Department of Internal Revenue on the Anchorage last summer for non-payment of social security taxes.

New Acts

HUMPHREY BOGART & MAYO
METHO
Talk, Singing
10 Mins.
Strand, N. Y.

Ordinary film contractees who are drafted for personals come along with little more than bows and some talk which usually is also ordinary. Humphrey Bogart, with Mayo Methot (Mrs. Bogart) for company, is an exception. Among other things, he has former stage experience and that may count, but aside from that the material provided him on his engagement at the Strand for two weeks, after which he crams back to Hollywood, is more showmanly than usually is the case.

A special trailer, no doubt made up at the former studio, precedes Bogart, highlighting in machine-gun fashion—and also with plenty of shouting—some of the parts he has played on the screen, most of the time being bumped off.

As it thins, Bogart is lying on the stage. He gets up and at the beginning does a contrast to his heavy assignments, being plenty lively and energetic. He is joined by the Ozzie Nelson orchestra, which provides fine cooperation to the singing. The material on engagement here, are interviewed. The third, toughest of the lot, dots a switch switch for a laugh, a little obvious but effective.

Miss Methot, who was formerly in musicals on the stage, sings "More Than a Know" and "Selling a Girl" and for a closer the Bogarts, plus Nelson and Harriet Hilliard, work as a quartet from a novelty angle. The final group narrows down to Bogart on a gag which has the manager shooting the other three and being because of the so lousy. Payoff for a closer is Bogart going out to the wings to bump off the manager.

Bogart's act was written by Harry Goffman, stage of shows here, and Sidney Fields.

GRACE POGGI AND IGOR

Dancers
Mins.
La Martinique, N. Y.

Grace Poggi was formerly one of the few "name" showgirls in America, if there is such a thing actually, excepting that she is so often a line about she become a personality and enjoys a vogue and a reputation approximating that of a principal. She has been abroad in revues, as well as here, but with her new husband, Igor, as a dance partner, she marks her debut as part of a dance team. Heretofore she worked solo, and for a brief spot was in the recent Russell Markert revue at the Hotel Plaza's Persian Room, N. Y.

Here at La Martinique, Miss Poggi and Igor, who is a professional as a coming dance team working in an unusual rhythmic style, away from the orthodox ballroom style. She is a girl with a remarkable vis-à-vis, matching her statuesque beauty. He handles her skillfully and well, doing some of the most effective in great style. Their boy-meets-girl in the South American way is a novelty, and the manner of their personality front registers handsomely with the class customers. Team is a bet for production.

HOLLYWOOD CO-EDS (2)
Dancing-Acrobatic
6 Mins.
Flitash, Brooklyn

Two comely femmes are whirlwind tapsters. Start off with routine tap steps, but soon dive into somersaults, cartwheels and other acrobatics. Unlabeled somersaults add to a colorful closing.

Girls wear blue shirtwaists and white trousers, effecting the college cheer-leader ensemble. Their fast-moving presentation covers some of the repetitious material. Wear.

ROSS SISTERS (3)
Acrobatic-Comicalists
8 Mins.
Tower, Kansas City.

These three youngsters, all in their early teens, are in the corporation work. They've been at it for four years, although Betsy, the eldest, is only 16, with Victoria, 14, and Dixie, 13. All are very attractive.

Their work includes most of the regular trick contortions, including one in which each sits on her head, but highlight is their backbends. Betsy leads the three in this line of accomplishment, although all are capable. Ace bit is a solo by Betsy in which she bends backward from a double pedestal to pick up a basketball with three feet below her feet and return to normal standing position. In another version of this she drops her head to the floor, scoots entirely free from the pedestal and then returns without the use of hands and by her own muscular effort.

A Tale of Labor Woe

Or Why Max Schreiber, Niterie Entrepreneur, May Wish He's Again a Plumber

Alan Correlli on Survey Of Midwest for TA

Chicago, Dec. 10.

Alan Correlli, executive secretary of the Theatre Authority, is in the Midwest on a general survey tour and to hold several important meetings with the regional directors of TA. He stopped over in Detroit to sit in on the Newboys Dinner, with which TA cooperated, and came on to Chicago to discuss general regional plans for the President Birthday Party shows.

In a confab with Max Halperin, Midwest representative for the TA, he set final arrangements putting Halperin in charge of an enlarged territory taking most of the Midwest states.

ST. L. NITERY'S 100G ROOF PREEM

St. Louis, Dec. 10.

The unveiling on Thursday (5) of the Starlight Roof, a \$100,000 project atop the Chase hotel in the west end by Sam Koplar, managing director of the hotel company, marked the last word in swankness and this room will replace the ground floor Chase Club, niterie, next Spring. In the interim the Starlight Roof will be used as a cocktail lounge and for private dinner parties, conventions, etc. All the glamour that could be mustered was tossed for the opening. Orrin Tucker's band and Bonnie Baker were brought here for a one-night engagement and they together with George Hamilton's tooters, Romo Vincent and Gower and Jeanne, current niterie floor show, constituted the entertainment features.

State, city and civic dignitaries also were on deck for oratorical pyrotechnics and the dinner for which a \$10 per plate tap was made. Management got swell co-op from station KWVK, located in the same building. In publicizing the opening via a 45-minute ether program.

The room in the shape of an elongated U, completely enclosed with shatter proof glass, the windows of which are 15 feet high. They are made so as to slide back in warm weather. From any seat in the three rooms the customers may have a clear vision of the vast expanse of the adjacent Forest Park. There's also a cocktail lounge, which features a modernistic circular bar. The room is air conditioned, mechanically operated and may be rolled back to expose the sky.

The combined rooms, which are air conditioned, have a capacity of 1,100. Harold Koplar, son of the managing director, designed and executed the whole layout.

New S. A. Cycle

The new Hurricane (N.Y.) show will probably also have a line of showgirls, doubling from the various shows, as part of the cycle for the s.a. touch. The competitive Beachcomber on Broadway inducted a girl show this week.

Romo Vincent returns Dec. 18 to the Hurricane as m.c., with Joan Merrill, DeAngelo and Porter, Eddie Bush and Lollita Cordoba's rhumbaists included in the show.

Panamanian Club on New York's lower east side had some labor trouble Sunday night (8), when the American Guild of Variety Artists resolved a settlement with the owner, one Max Schreiber. Schreiber paid the 14 performers five days' back salary and agreed to pay them double salary nightly until Friday (12), when he's anxiously looking forward to changing the show.

There are eight chorines in the show and six principals. Later are Murray White, m.c., the DeMaranville (2), dance team; Betty Stone, singer; ditto Anna Lubin, and Chiquita Venezia, dancer. They got their coin and went back to work, but the settlement in some respects is the least of the story. The main part is Schreiber himself as part of the niterie industry.

It seems that he was originally a plumber and once one of the "big spenders" at the Old Roumanian, but the settlement in some respects is the least of the story. The main part is Schreiber himself as part of the niterie industry.

From the way he reacted to his labor troubles, and also the fact that some of the checks he gave his performers, a couple of weeks ago, he bounced back, which was the motivation for the eventual walkout, Schreiber Monday night looked very much as though he wished he were back in the plumbing business.

Ingalls' Palm Beacher

Miles Ingalls, of New York, takes over the booking of the swanky Whitehall hotel, Palm Beach, for this winter season.

First show opens Jan. 11, including the Callahan Sisters (2), Sonny Tully, Minor and Minor, Igor and Poggi, Sara Ann McCabe and The Devons (2).

Dear J. C.—
If I was writing a review of your book here is what I would say—

"At last I've found an actor who can write and a writer who can act. That man is J. C. Nugent, who, in his book 'It's a Great Life', pulls up a comfortable chair for you and in dulcet tones tells you a story of five different phases of show-business. He tells a swell story about swell people. He takes you from a tank town in Ohio to Hollywood with a swimming tank. You study his part with him in 'rep' shows, you yaff off with him in vaudeville, you root for him to make good on Broadway, you tune in on him on the radio and you go to Hollywood with him to see him write, direct and act in pictures. It's a grand journey in grand company. J. C. Nugent has written the best of all actor biographies. You can say, 'It's a Great Life' unless you read 'It's a Great Life'." See

(a) Joe Laurie Jr.

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SALUTE TO BOJANGLES

In recent months much has been said and written about the charges of alleged Communism and racialism in actor ranks. It began to appear like a wide schism was developing, but Sunday night (8) at Mecca Temple, New York, it was made very evident that the show people had not altered their democratic way of life.

The occasion was the testimonial dinner given Bill Robinson by the Negro Actors Guild; the audience, colored and white, evenly divided, and all-even in their tribute to and approbation of the Negro dancer, now 62, who came into show business 50 years ago from Richmond, Va., where he was a ragpicker.

If there are any social bigotries and racial prejudices in the show business they certainly were not in evidence, at Mecca Temple. The dais glittered with James J. Walker, Eddie Cantor, ex-Police Commissioner Edward P. Mulrooney, Judge Jonah J. Goldstein and N. Y. License Commissioner Paul Moss. Telegrams from Governor Herbert H. Lehman and kids in an orphanage rounded out the tributes to Bojangles, both as a performer and a man.

Bill Robinson was important to the dinner, but equally important to the times was the audience.

Dolan, Traver Ousted by AGVA in Chi, Jack Irving Named as Replacement

Executive committee of the American Guild of Variety Artists Monday (9) voted to relieve immediately Graham Dolan, executive secretary of AGVA's Chicago local, and Lee Traver, national representative now located there, of their posts. Successor will probably be Jack Irving, former president of the local.

Committee also voted two other letouts, Joseph Ehrlich and John Velasco, both organizers in N. Y. These, however, will not become official until the return to N. Y. of Hoyt Haddock, national executive secretary. Haddock will be instructed to make the changes. He is expected back today (Wednesday) or tomorrow, having planned to fly to bedside his mother, who is seriously ill, with a stopover in Cincinnati on the way back.

Another letout made official by the committee is that of Ed Harrison, AGVA's press agent. His duties were greatly curtailed some weeks ago when the house organ was dropped for economic and other reasons.

It's stated officially by AGVA that Mildred Roth, its counsel, will remain with the organization. Haddock and others maintain that she is a conscientious and hard worker for the actors' union.

With these changes, the reorganization of AGVA is now virtually complete. All those employees and officials of the union who have figured in the past to be antagonistic (to the union) factionalism is now eliminated. Once the new official and economic setups are working smoothly to the satisfaction of the executive committee, the letterhead will again invest the power of running AGVA in the national governing board. This, however, probably won't be possible for at least two or three more months.

BALTO HIPPI DROPS PROD. SETUP, LINE

Izzy Rappaport's vaudefilm Hipp, Baltimore, this week dropped its production setup instituted seven weeks ago as a break in straight vaude diet. Fanchon & Marco line of girls was eliminated by the switch.

Shows found that the line of girls precluded its chances of paying for some name attraction when it came along, the cost of playing both being prohibitive.

Cliff Fischer's 'Folies' To Open Vaude Tour

Clifford C. Fischer's 'Folies Berere' will begin a tour of vaude houses in Dallas, Dec. 24, with the full-week Interstate houses in San Antonio and Houston immediately following.

Show, which played the Frisco expo and Los Angeles as a legit revue, will then be routed north and east by the William Morris office. It's playing on a guarantee and percentage.

No Mexican Standoff

Mexico City, Dec. 10. Beverly Barger's Chicago burlesque company, which at the historic Teatro Lirico here at \$5 (Mex.) top, encountered a quirk of Mexican show biz when the national union of theatrical authors demanded, and got 1/2 of the gross.

This nick, the union explained, is to compensate the outfit's members for the displacement of Mexican authors with the presentation of this entirely American show.

Bill Robinson Dinner Gets 46, Belle Baker's \$13,455 on Same Night

Testimonial dinner to Bill Robinson at the Mecca Temple, New York, Sunday night (8) grossed approximately \$4,000, the profit going into the fund of the Negro Actors Guild, sponsor of the affair. Robinson is honorary president of the outfit. It was a 35-per-plate dinner.

Former New York Mayor James J. Walker was the toastmaster, and speakers included Eddie Cantor, who was on a bicycle between the Robinson affair and that tendered to Belle Baker at the Waldorf-Astoria hotel; Judge Jonah J. Goldstein, New York License Commissioner Paul Moss, Walter White, head of the National Assn. for the Advancement of Colored People; former N. Y. Police Commissioner Edward P. Mulrooney; Rev. A. C. Powell, Jr., chaplain of the Guild, and Marty Forkins, for more than 30 years manager of the dancer.

Acts who performed were: Noble Sissle's band (Sissle is prez of the Guild); Wini Shaw, Harland Dixon, Mabel Scott, Eddie Leonard, Lane Brothers, Art Tatum, Glida Gray, Blanche Ring, Negro Melody Singers, Elmer Carter, Bill Banks, John Garret, 3d. Dan Healy shared with Walker the m.c'ing. WINS aired the event.

Belle Baker's Testimonial

Testimonial dinner given Belle Baker Sunday night in the Starlight Room of the Waldorf-Astoria, New York, grossed around \$13,500, with a net of over \$7,000. Ladies Welfare League of the Hebrew Actors Union sponsored the affair for its own charity fund. Dora Weisman, performer, is this organization's founder and prexy.

Harry Dornfeld contributed the journal for the dinner, which meant a saving of over \$1,000 to the sponsors of the affair. Irving Berlin, Eddie Cantor, Donald Flamm, among others, were on the dais. WMCA broadcast the event.

Temporary Closing

Syracuse, Dec. 10. Schine-Strand, only vaudeiliner in the city, shuttered for repairs, scheduled to reopen Christmas Day. Manager Harvey Cocks was temporarily transferred to Schine-Eckel.

N. Y. Circuit, Indie Vaudeurs Sign 5-Yr. AGVA Pact Enforceable Dec. 24; First Guild Shop in History of Vaude

Double Action

Philadelphia, Dec. 10. Paul Klinger, manager of the Rialto, Lewistown, Pa., found the perfect film to round out a burlesque show featuring Ann Corio. The film he chose was Cherokee Strip.

SUIT VS. N. Y. FINGERPRINTING

Long-awaited action against Police Commissioner Lewis J. Valentine of New York by cabaret employees, to restrain enforcement of Valentine's edict requiring fingerprinting of employees of night clubs and cabarets, broke last Wednesday (4) in the N. Y. Supreme Court. Then, Samuel Friedman, president of the N. Y. Local Joint Board of the Hotel & Restaurant Employees International Alliance, and the Bartenders International League of America, together with Lorenzo Carares, cook, employed at Billy Rose's Diamond Horseshoe, and Frank Fratangelo, waiter, employed at the Terrace Room of the Hotel New Yorker, filed an action to restrain enforcement of the law. Argument will take place Dec. 18 in the N. Y. Supreme Court.

Plaintiffs claim that Valentine announced his decision of ordering enforcement of the law last Aug. 14 and on Oct. 1 ordered employees of cabarets to report and be fingerprinted. Valentine at that time informed owners, managers and operators of cabarets that their licenses would be revoked if they employed any person who was not fingerprinted. Also that any cabaret owner employing a person whose record was unsatisfactory to the police would have his license revoked, as well as any person not carrying an identification card.

Atlanta Vaude Back Dec. 23 at L. & J. Capitol

Atlanta, Dec. 10. Atlanta goes back on a vaude schedule Christmas week (23) when the Capitol, owned by Lucas & Jenkins and Paramount, returns to a full-week policy.

Dan Fitch's 'World of Pleasure' unit is set for opening week. T. D. Kemp, Jr., of Charlotte, N. C., is doing the booking.

Agreement between the New York circuit and indie vaudeiliners with the American Guild of Variety Artists was finally signed late yesterday (Tuesday) afternoon, ending the threat to the union via Loew's legal office. The Guild-shop deal, running for five years, goes into effect at once, but AGVA doesn't intend enforcing it, whereas in closed shops only those who are first members of a union can secure jobs.

Those signing the deal were Paramount, Fabian, Skouras, Fanchon & Marco, Dec. 24, giving the theatres and acts more than two weeks to prepare for the first Guild shops in the history of the vaudeville business.

Difference between a closed shop and a Guild shop is that any worker can be hired for a job in a Guild shop and become a member of the union within a reasonable amount of time, whereas in closed shops only those who are first members of a union can secure jobs.

The agreement was first tentatively agreed upon a couple of months ago. Then the illness of Major L. E. Thompson, of RKO, held up the signing in concert, and subsequently some minor changes were made. It was finally cleared up late last week.

Agreement considerably strengthens AGVA's hand in organizing talent and maintaining a paid-up membership in considerable size. There's little doubt that the variety actors' union will soon be able to effect deals with vaude theatres nationally.

The union, in fact, gained another edge Sunday night (8), when Leon & Eddie, one of N. Y.'s most successful niteries, signed an AGVA agreement. There was a very brief strike at this spot late in the summer, but Leon & Eddie quickly stifled when L. & E. agreed to negotiate.

AGVA's situation with the niteries was considerably eased a couple of weeks ago when the Theatre Authority passed a ruling that only those niteries having agreements with AGVA can hold celebrity nights. This may have prompted Leon & Eddie's to come to terms, and it is expected to quicken force Boston's four largest night spots, Coconut Grove, Mayfair, Westminster and Latin Quarter, into AGVA agreements. All four places hold 'celebrity nights.'

THUG WORSE HEADACHE TO MGR. THAN BILLINGS

Indianapolis, Dec. 10. Bill MacElwain, manager of the vaudefilm Lyric, was dreaming Wednesday (4) that somebody has invented a system of equal billing and that all spots were next-to-clinging when he awoke to see a shadowy shape pass before the open window of his apartment. Leaping from his bed, he tussled with the burglar, intending to hold him for the arrival of the police. But the burglar didn't want to stay and gave MacElwain's face a knuckle massage which hadn't been ordered.

MacElwain turned the thief this way and that way and finally turned him loose. He slipped out the window into the night and was gone. MacElwain took his bath and saw a face which looked like it had been too close to a threshing machine. One cut required four stitches, and other patches needed bested. Now the house is playing 'Hollywood Hotel Revue' on the stage, the manager is lending atmospheric support by wearing dark glasses.

ARA's Officers

Artists Representatives' Assn. of New York Monday night (9), via its governing board, elected a new slate of officers.

William Kent remains as president for a second year; Herman Bernie, Herman Citron and Miles Ingalls were elected v. p.'s, while Samuel Shayon (Fanchon & Marco) was retained as secretary-treasurer. I. Robert Broder held as co-secretary.

Weisfeld's Vaude

Minneapolis, Dec. 10.

E. J. Weisfeld will reopen the 4,000-seat Minnesota theatre, now in bankruptcy, starting New Year's week.

He will use same vaudeilim policy as at his Riverside, Milwaukee.

STORK'S \$20,000 PER WEEK; ROSE'S GROSSES

Billy Rose cites his Diamond Horseshoe, N. Y., grosses in refutation of allegations that he is No. 2 to any metropolitan niterie as a business-getter.

Past month's figures: Week of Nov. 2, \$18,000 intake; Nov. 9, \$15,000 gross; Nov. 16, \$16,500; Nov. 23, \$15,800; Nov. 30, \$15,200.

Sherman Billingsley points to his past Sunday's (8) \$4,400 gross, and a \$20,000 weekly average—at the rate of \$1,000,000 per annum—as evidence that his Stork Club, N. Y., business is by no means slipping. This despite Monte Proser's new Copacabana, N. Y., having done a \$15,000 take and claiming No. 1 biz for one week recently.

Lowell Bernhardt has changed the name of his Detroit niterie from Blue Lantern to Club Casanova.

35th ANNIVERSARY NUMBER



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Mitchell Law, Into Effect Jan. 1, Will Weed Out Many N.Y. Bookers, Specs

When the New York state ticket law becomes fully operative on Jan. 1, under the direction in N. Y. City of Paul Moss, commissioner of licenses, it is probable that there will be a shakeup in the ticket field that will eliminate a goodly number of persons who have been earning a livelihood as bookers. Moss has the power to do it, and it is just a matter of how strictly he can enforce the new statute.

Commissioner, when asked about the effect of the Mitchell law, which limits the premium on all tickets to 75c over the boxoffice price, declined to be quoted. Known, that he believes there are far too many so-called ticket agencies, particularly nests of speculators of the gyp type. Larger agencies have frowned on the growth of such ticket handlers, who are more numerous than those included in the Equity-managers code, which has a similar premium limit on legit shows.

Besides the suspension or revocation of licenses, the law provides for stiff penalties for violators. "Latter are subject to fines not exceeding \$250 or imprisonment up to one year. Regulations put forth by Moss do not mention the punishment possibilities. One objective aimed for by the commissioner is to eliminate sidewalk ticket speculation.

Former employees of the better-known agencies have set up shop for themselves, obtaining quarters in stores and other places, or musketyers have mushroomed in N. Y. Most of such ticket people are wondering how they can continue, because the new regulations prohibit agencies being quartered in any place other than a hotel. Solution would be for solo specs to combine and share other quarters.

Code Didn't Hurt Specs
When the code went into effect the small condition was anticipated. It was plainly intimated that a flock of small agencies would be forced out of the ticket business, which would be generally beneficial in holding down high prices. The little specs may have dropped out for a time, but just as many appear to be on hand now.

What is regarded as a hardship in the matter of restricting the sale of premium tickets to a place not shared with other businesses may fall upon those brokers who have been operating that way for years along supposedly legitimate lines. It has not been directly charged that some brokers have been slipping tickets to (Continued on page 50)

HEAVY 'ICE' SHOW SKED FOR XMAS AND DEC. 31

Heaviest performance schedule for any major stage show in midtown New York is scheduled for 'It Happens on Ice,' Center, Radio City. Rink revue will play three times on Dec. 31, going on at matinee, regularly in the evening and again at midnight (New Year's eve). 'Ice' will also play matinees and nights on Christmas and the following year.

Performers will now receive extra pay for the added performances, with the possible exception of Joe Cook. The comedian, show's top feature, has a salary and percentage contract which provides for additional earnings when the gross reaches an agreed upon level. Show operates under the American Guild of Variety Artists, the union having fixed a limit of 12 performances weekly. To date 'Ice' has not exceeded nine performances.

Equity has an eight-performance limit, with legit casts getting one-eight additional pay for all additional showings.

Harvard's Farce

Boston, Dec. 10.
Harvard Dramatic Club will produce 'Too Much Johnson,' by William Gillette, as its 49th production. Gillette wrote this one in 1894, and it will be the first farce done by the Crimson thespians since the Dramatic Club was organized 32 years ago.
Theodore Squire, '43, and S. Leonard Kent, '43, will direct the show, which will play the Sanders theatre, Cambridge, Dec. 12-14.

'Comedy' in London

'No Time for Comedy,' the S. N. Behrman play, which Katharine Cornell was starred over here, is due to be presented in London this month, according to advices received last week. Diana Wynyard and Rex Harrison, named for the parts originated by Miss Cornell and Laurence Olivier, with H. M. Tennent producing. Stated that the author will donate the English royalties to British war relief.

Newest Behrman play, tentatively called 'The Talley Method,' is in rehearsal under the direction of the Playwrights. Ina Claire is to be starred.

12 Shows on Way To B'way; Xmas Cuts 4% Off Biz

Annual decline in attendance Broadway prior to Christmas was distinctly reflected in the grosses last week. Some shows were affected more than others, as usual, but the drop in takings was claimed to be less than last season. Dual Thanks-giving days on succeeding weeks may explain why business held up somewhat better than anticipated.

Comparative figures indicate that last year, when the dual turkey holidays started, grosses went off 19%, while the dip this season was quoted at 4%. There are not the same number of high grossing straight plays currently as then.

A dozen shows are on the way to Broadway. Due next week are 'Retreat to Pleasure,' Belasco; 'Cue for Passion,' Royale; 'The Old Foolishness,' Windsor; 'All in Fun,' Majestic. Week of Dec. 23:

'Old Acquaintance,' Morosco; 'Pal Joey,' Barrymore; 'Meet the People,' Mansfield; 'My Sister Ellen,' Billmore; 'Out West It's Different,' Booth; 'Flying Gerardos,' Playhouse; 'Off the Record,' About Tomorrow; 'Shookie,' latter three being possibilities. 'Flight to the West,' Hudson, which was on the Christmas card, is due in Dec. 30.

'Romantic Mr. Dickens' stopped at the Playhouse, Saturday (7), after one week. 'Fledgling' folding at the Hudson at the same time.

In Memoriam

It was exactly 15 years ago this week that 'Sunny,' starring Marilyn Miller, at the New Amsterdam, chalked up a new Broadway boxoffice record of \$52,860, for nine performances. That mark still stands.
Incidentally, there were 60 shows on the Main Stem then; today, there are 20 current.

Murray Anderson Fixing 'Fun,' Baker Out, 'Hi-Ya' N.Y. Debut Is Uncertain

'Hi-Ya Gentlemen' and 'All in Fun,' two musicals trying out in Boston, are in varying stages of readiness, but the latter show is dated for the Majestic, N. Y., Friday (20) next week. Phil Baker, who produced the revue with Leonard Sillman, appears to be definitely out of the show, indicating that in New York early this week.

At that time Dr. Rockwell and Smith and Dale were sent for by Sillman, while John Murray Anderson was engaged to restage 'Fun,' proving a fair draw at the boxoffice in the Hub. Lee Shubert looked the revue over twice, but did not take over and suggested it be kept out of town for about six weeks. Coin for this was not in sight.

'Gentlemen' was dated for the Alvin next week, then being put back until Dec. 23, but latest plan has musical laying off next week, then being sent to Washington. Some cast changes may be made, but Max Baer is slated to stick. There were reports that the ex-heavyweight champ aimed to go into training for a ring contest, but the proposed match is not dated until next June. Bobby Connolly left 'Gentlemen' and planned to the Coast, but may return late this week and rejoin the show for further dance direction. Joshua Logan replaced Edward Clark Lilley as stage manager.

Management of the Alvin, N. Y., where 'Gentlemen' is five weeks overdue, according to the original booking, was uncertain when and if the show will debut there. There is a stipulation in the contract whereby 'Gentlemen' must leave the house in mid-January to make room for 'Lady in the Dark.'

Syracuse U. Cavalcade

Syracuse, Dec. 10.
Even the college shows are going in for the cavalcade idea. Tamboourine and Bones, Syracuse University group, is now rehearsing 'Tamboourine' for presentation at the Civic theatre Dec. 17. The production will be a musical cavalcade of the outstanding numbers offered in the annual shows for 40 years.

Included among the numbers will be songs by a number of Syracuse grads who made their mark in the musical and theatrical realm, including Harry S. Lee, an old-timer; Ralph Morse and Harry Joe Brown, now of Hollywood.

Experimental Theatre Gets Underway, But Actors, Authors Slow in Coming

Shows in Rehearsal

'The Lady Who Came to Stay'—Guthrie McClintic.
'Arsenic and Old Lace'—Howard Lindsay and Russel M. Crouse.
'Lady in the Dark'—Sam H. Harris.
'Mr. and Mrs. North'—Alfred de Ligré.
'The Flying Gerardos'—Edward Choate.
'The Talley Method'—Playwrights.
'She Had to Say Yes' ('Let Her Go')—Dennis King.
'My Sister Ellen'—Max Gordon.
'Battle of Angels'—Theatre Guild.
'Flight to the West'—Playwrights.
'The Old Foolishness'—John Golden.
'Eight O'Clock Tuesday'—Green and Struthers.
'The Hard Way'—Boretz and Hesperin.
'Retreat to Pleasure'—Group Theatre.
'Due for Passion'—Aldrich and Myers.
'Gray With the Heat'—Kurt Krasner.
'Yokel Boy' (road)—Brown, Henderson, Crawford.

National Experimental Theatre, referred to as N.E.T. in an agreement between Equity and the Dramatists Guild, has started to function in New York, but the anticipated rush of aspiring authors and actors yearning to act has been absent so far. A joint committee has been in session at Equity's headquarters on scripts and supervisory regulations under which N.E.T. is expected to operate. No experimental presentations have yet been announced.

N.E.T. rules will be strictly adhered to, it was agreed that as the rules have any chance for quick profits, if any, phoney schemes to evade Equity requirements would be eliminated. Actors' leaders have been suspicious of the money-raising projects, but proponents of the experimental theatre, which they hope will develop along the lines of such ventures in London, resulted in the creation of N.E.T.

While the cost of operation will be kept down to absolute essentials, a certain amount of 'front money' evidently necessary, but no way to raise the coin is provided for in the regulations. N.E.T. expects that an operating fund may come in the way of a donation or subscription from the National Theatre and Academy, which was chartered by Congress about eight years ago. Although NTA never functioned, the organization is still existent and a certain amount of money was subscribed by its socialist sponsors. Understand that the Federal tax laws, which have \$20,000 is mentioned as expected from that source. NTA was supposed to have raised \$100,000 by subscription, but no such sum was ever obtained.

Yet to be decided is whether admission is to be charged for N.E.T. performances, or whether admittance will be by invitation. Principal objection to N.E.T. is by producers to see the plays. N.E.T. is to be a membership corporation, yet to be actually formed, and such a set up does not come within the scope of the Federal tax laws, which require heavy assessments against incorporated business ventures.

No Scenery

The show case presentation of new plays to managers will be bare, since no scenery is to be employed. Skeleton crews will be required back stage, light and heat are necessary, also front of the house staffs. Experimental shows are to be limited to three performances, that being regarded as ample for showing what may be interested. Theatres are to be obtained gratis, actors getting no pay and authors no royalties. While ready to act in an advisory capacity, neither Equity nor N.E.T. (Continued on page 50)

B'way Nears Full Stride As 16 New Shows Rehearse

Legit productivity is now at the peak for the new season, 16 new shows being listed in rehearsal as detailed. That substantiates a recent forecast that Broadway will not really be in stride until January and February, unusually late. There are but two musicals being readied, but another pair are trying out and are aimed for Broadway, a third of Coast origin also coming in. Early in the fall it was the musicals that had the edge among presentations.

Nine recognized producers are represented in the crop of rehearsals while there are six new managers of the younger school entering the field. Only two or three of the productions being readied are known to have picture backing and then only partially. Film coin is expected to be more prominent in productions likely to come along later in the winter.

SAM H. HARRIS BACK FOR EXAMIN LIFT SUIT

Sam H. Harris returns from Miami tomorrow (Thursday) for examination before trial in plagiarism suit involving 'Stage Door.' Edna Ferber-George S. Kaufman play which he produced. Action was filed last spring by Madge Christie, who claims 'Stage Door' was lifted from 'Through the Looking Glass,' which she wrote in collaboration with Renita Randolph in 1930. 'Door' was produced in 1938.

Date for exam of Harris by Miss Christie's attorneys, Loria & Cowdington, has not yet been set. Ben Pepper, counsel for the defendants, will next week continue examination of Christie, which was started on Dec. 3.

Elmay Hile Upped

Chicago, Dec. 10.
Elmay Hile, who has been associated with the Shubert office: here for some time as assistant to Sam Green, has been upped to post press agent for the Shubert theatres here.

She replaces Gertrude Bromberg, who has gone into the indie press agency field, which is now on the road ahead of 'Male Animal.'

Willels Waldorf, who previously referred to John Van Druen's 'Old Acquaintance' as the 'Jane Cowdington show, with Peggy Wood,' took a new slant in her N. Y. Post column last Friday (6), mentioning the co-stars as Peggy Cowd and Jane Wood.

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Plays Out of Town

During their saudeville date Newark, Laurel and Hardy read scripts and heard the scores for several musicals, trying to find one to do on Broadway.

Day Tuttle and Richard Skinn will toss a party for the 'Charlie Aunt' company on stage at the C. N. Y., after the Christmas eve performance.

100

All Chi Legit Houses Light Up Next Wk.; 'People' Good \$14,000, 'Love' N.G. \$9,500

Chicago, Dec. 10. Every theatre in town will be lighted this city in years. Even the Michigan avenue theatre is being re-lighted, with the second edition of "Pins and Needles" due in on Dec. 17 at 10 (tax included) and 11 (tax included).

"Meet the People," originally slated to finish Dec. 14, has decided to hold on until another week due to the excellent trade that this musical has been pulling. Will pull out of here Dec. 21 and open in the Mansfield, New York, Dec. 25.

Grand will be taken over Dec. 28 by Alfred Lund and Lynn Fontanne in "There Shall Be No Night," for a run of three and a half weeks.

Due to books being up, "Pygmalion" with Ruth Chatterton were forced out of the Selwyn Saturday (7) after two weeks and yesterday (Monday) opened at the Selwyn, where, also, it will be allowed to stay until Dec. 22, when that house will be taken over by "Dubbary Was a Lady."

Selwyn was taken over last night (Monday) by Ruth Gordon in "Here Today," as the new production of the American Theatre Society-Theatre Guild subscription series. "The Fontanne" (Monday) will be the fourth on this season's series.

Estimates for Last Week
"Life With Father," Blackstone (10th week) (1,200; \$2,75). Several turnaways again, but the house is being pushed through to brilliant \$16,000.
"Meet the People," Grand (10th week) (1,200; \$2,75). Will be a highly profitable run in it. Powerful last week at \$14,000.

"Night of Love," Harris (1st week) (1,000; 275). D. R. g. reviews. Poor \$500 for initial session.
"Pygmalion," Selwyn (2nd week) (1,000; \$2,75). With party trade and good excellent \$12,000. Made to Erlanger last night (Monday).

3 JEETERS PLAY 'ROAD' IN N.Y. ON 8TH ANNI

With three Jeeter Leets on stage and several dozen alumni from the various companies out front, the imperishable "Tobacco Road" gave a nip-up performance at the Forrest theatre last Wednesday night (4) to mark the start of its eighth year on Broadway. The party tossed by author Jack Kirkland at Toots Shor's afterward set some kind of a long-run record, too. It was quite a night all around.

Actual performance was the 2,972, drawing a capacity house of \$890 at a \$1.10 top. Besides filling the regular seats and boxes, the audience also required the placing of chairs in the orchestra pit. Many appeared to be seeing the show for the first time, but others had obviously attended before, in some cases several times. As usual, there were several sailors in the house, the play apparently being a favorite with men on shore leave in New York.

Three Jeeters for the occasion were Will Geer, Charles "Slim" Timblin and James Barton. Geer, who has been in the part in New York for some months, played the character of Timblin, who had played it on the road, but never in New York, did the second act. Barton, whose 1,899 performances in the part are more than anyone else has, took the third act. All took bows together at the final curtain.

To one who has seen six different actors in the role of the shaggy shark-ropper at various times, Geer's performance was the most legitimate. Both Timblin and Barton did considerable vaudeville clowning and mugging, getting more comedy out of the part than thereby. Timblin, the play itself. Barton, in particular, did one bit of business early in the third act that drew a lengthy howl, but which was in such bad taste that it weakened the play as a whole.

How many members of that anniversary audience had at some time been in the original cast of the various road companies no one present seemed to know. A cursory look around the lower floor revealed more than a dozen, of whom the most notable were James Bell, who played Jeeter for a time early in the New York run, and Earl Carroll, who played Jack Kirkland, who played Pearl in the first road company.

'Foxes' 3G in Spokane

Spokane, Dec. 10. Little Foxes at the Fox for one night (5) last week, grossed approximately \$12,000.

Majority of tickets were sold by mail order.

L.A. Legit Blackout

Hollywood, Dec. 10. Sallie's Puppets, flocked at El Capitan after one week to very poor trade despite excellent notices. Marionettes garnered about \$4,000 on the visit and house goes dark until after holidays.

Nothing else in town and indications are: holiday period will find most of legit houses dark.

'DUBARRY' FINE 25G IN PHILLY

Philadelphia, Dec. 10. Legit biz figured to nose-dive last week in pre-Christmas slump, held up to a comfortable level for both the town's current shows.

"Dubarry Was a Lady," playing a return engagement of a single week at the Forrest after a terrific repeat visit here before going to Broadway, grossed \$25,000 in the repeat stanza. "Ladies in Retirement," playing on ATS subscription, got \$11,500 and left town with two profitable weeks to its credit.

This week's newcomers are "Off the Record," comedy tryout, which bowed in last night (Monday) at Locust, and tomorrow night (Wednesday) comes George Abbott's musical, "Pal Joey," the Forrest's first actual prem here in exactly a year. Both shows stay to Dec. 21.

Estimates for Last Week
"Dubarry Was a Lady" Forrest (one week only) (1,800; \$3,30). Fine biz for this return engagement, with some matinee weaknesses due to Christmas shopping. Net \$25,000. "Pal Joey" opens tomorrow (Wed.).

"Ladies in Retirement," Locust (2d week) (1,500; \$2,85). Good in final stanza, slight drop from opening week also laid against shopping compulsion in afternoons.

Inside Stuff—Legit

Way Thelma Schnee first met Herman Shumlin makes a good story, now that young actress has clicked for producer in a big way in "Corn Is Green." Gal was just out of Carnegie Tech drama school in Pittsburgh and had returned to her home in New York when she learned that Shumlin lived in the same apartment house where her parents resided. After repeated efforts to meet him coming out of the building, she went downtown to Shumlin's office and told a secretary she had been sent by a mutual acquaintance. Shumlin asked her who the mutual acquaintance was and Schnee said "the doorman at the apartment house."

Producer thought it was a good joke, and young actress seized the opportunity to show him she could act, going through a couple of scenes before he could open his mouth. Shumlin was impressed and promised her he would use her the first time a role came along. Part in "Corn Is Green" resulted. She appeared on Broadway one act before, in a minor role in Sidney Kingsley's "World We Make" last season. Girl was born in Bridgeport, kin of the Schnee Brothers being well known in business circles.

Staff of the Dante magic show, "Sim Sala Bim," was sizzling last week at management of the Playhouse, Providence, in which the show played, and has filed a formal complaint with the United Booking Office. Claims William Brown, the manager, hamstringing them by refusing to take any responsibilities, referring everything to home office of the theatre owners, Schneiders Theatres, in Boston. Opening night, according to the complaint, the doorman in the orchestra section couldn't put tickets in the right slot of his box and had to enter it during a lull to straighten out the ducats; also, that balcony tickets were dropped into an open container. At the end of the night Dante's staff couldn't get a statement from Brown. They squawked, but were told that held being in an auditor the next day to prepare one.

Deal whereby "Delicate Story," which opened at the Miller, N. Y., last week, was made a Theatre Guild subscription attraction is regarded as a smart move on the part of Gilbert Miller and Vinton Freedley, who produced the new Molnar comedy. Play thereby, the Guild's subscriber support during the three weeks prior to Christmas, a period which is usually the weakest of the season in attendance.

Guild's subscriptions are usually absorbed in three and one-half weeks. Some seasons back, when there were more subscribers, such patronage earned approximately the first two weeks. Miller associated with the Guild in presenting "Twelfth Night," St. James, also subscription show.

Boost of the Equity initiation fee to \$100, which started Dec. 1, applies to all new members, but is not retroactive in regards to former members who may join. It was understood that people not in good standing could wipe out dues owed by payment of the former \$50 initiation fee, if applicable prior to the deadline.

Former members back in dues are not required to file membership application. If wishing to obtain good standing, they may seek a settlement of the amount owed. Known that in any number of cases Equity has accepted one-half or even less. It is mostly up to the explanation furnished for not paying previously.

Offices stop the Little, N. Y., principally occupied by Brook Pemberton, are being repainted and repaired by the Times, which owns the property. Site was acquired by the daily for the purpose of building another entrance to the publication plant, which ranges along 43d street, but the construction plan was shelved indefinitely some time ago.

Little is available for shows, but any deal would be for a four walls rental arrangement for a limited period or a term lease. Times will not enter show business and therefore will not operate the house.

'Philly Story' Big \$19,500 In Mpls.-St. Paul Split

Minneapolis, Dec. 10. Katharine Hepburn in "Philadelphia Story," in 2,200-seat Lyceum at \$3.30 top, did terrific estimated \$15,000, three nights and matinee last week. Several performances were capacity and the others near-sell-outs.

St. Paul, same attraction grossed approximately \$4,500 for two nights. Critics went overboard praising play and the cast, but a general review was over \$5,000 in Madison. Will gross on week approximated \$25,000.

LUNTS' GET BIG \$15,000 IN INDPLS.; 5G IN L'VILLE

Indianapolis, Dec. 10. Eddie Dowling and Julie Haydon opened yesterday (Monday) at the English Theatre for three nights and Wednesday matinee in "Time of Your Life."

Last week, "There Shall Be No Night," with Lunt and Fontanne, in our night performances and Saturday (7) with a special program, approximately great \$15,000.

Lunts' 5G in L'ville

Louisville, Dec. 10. "The Lunts in 'There Shall Be No Night'" grossed estimated \$5,000 at the Municipal Auditorium Tuesday (3). This is a remarkable figure, in view of fact that house seats 2,400, and rarely has a general program for an occasional big name concert.

Entire lower floor was sold out, with very few balcony seats unsold.

'Old Acquaintance' Tryout Got So-So \$4,300 in N. H.

New Haven, Dec. 10. Press practically raved and general comment was good, but pre-Christmas fall apparently was cause of standing pretty poor. "Old Acquaintance" down to a so-so approximate \$4,300 on three performances at \$2.75 top at Shubert here last week.

Last looking prior to holiday is current week's Dante in "Sim Sala Bim." Only other show on file at the moment is Miriam Hopkins in break-in of the Guild's "Battle of Angels," set for Dec. 27-28.

B'way in Slight Pre-Xmas Dip, But 'Hattie,' 'Purchase' Each \$32,000; 'Corn' Big \$17,500, '12th Night,' 21½G

'Animal' 15G in Det.

Detroit, Dec. 10. The Male Animal, with Elliott Nugent, wound up its six days here, eight performances, on Saturday (7) at the Cass, sole survivor among the town's legit houses, with an estimated gross \$15,000. The house was scaled up to \$2.65.

House resumed Monday (9) with the Lunts in "There Shall Be No Night," at \$3.30 top.

'HI-YA' WEAK \$9,000 IN HUB

Boston, Dec. 10. Interest in the two musicals, "Hi-Ya Gentlemen," (with Max Baer) and "All in Fun" (with Bill Robinson), is light, while "Life with Father," now in its 11th stanza, is the hit of the town, with seats still selling way in advance.

"All in Fun" improving during its tryout revamping here and remains a third week before going to New York. Phil Baker is definitely out of the show.

Estimates for Last Week

"Life with Father," Repertory (10th week) (965; \$2,75). Still plenty lively and becoming a fixture around here. Somewhat under earlier pace, but at \$13,000, record here for run show.

"All in Fun," Shubert (2d week) (1,500; \$3.30). Getting off to break at the b.o., around \$15,000 for second stanza.

"Hi-Ya Gentlemen," Colonial (1st seven performances) (1,643; \$3.30). Landed favorable press, but n.g. \$9,000. Max Baer will remain in management role here, despite rumors of Jack Haley's stepping in.

'RECORD' FAIR \$8,500 AND PANS IN WASH.

Washington, Dec. 10. "Off the Record," John Shubert's first go as an indie producer, can change its quick exit. Hollywood names for approximately fair \$8,500 last week. Local critics not only tore into show here last week at National, but seemed to unload all their disappointment over preceding four flops upon it, too. Opening was big, reviews knocked props out from under it, and show lasted two days and then it built for the finish, latter obviously due to film fans who were restless. Show appeared on Broadway, Mary Brian, Betty Furness, Dennis Moore and Hugh O'Connell.

Current is another new one, Max Gordon's production of the play "The New Comedy," "Out West It's Different," with Claire Trevor and Levene. Next week another tryout, "Pal Joey," to the West, by Elmer Rice, with Betty Field.

Time of Life' Pulls Fine \$12,000 in Milw.

Milwaukee, Dec. 10. In spite of below zero temperatures and snow, the lead singer, finished traffic, "The Time of Your Life" (Eddie Dowling and Julie Haydon), second show of the least season, pulled \$12,000 at \$2.75 top eight performances.

Special treat for the cast was a big beer party given by Frederick Pabst, one of the sponsors of the Society of Allied Arts, under the auspices they appeared here, at the Pabst brewery.

'Lady in Waiting' Takes Fair \$9,000 in St. Louis

St. Louis, Dec. 10. "Lady in Waiting," in which Gladys George has the lead, finished a one-week stand at the American theatre, sole legit here, Saturday (7) with a fair go, record for the year. Nine performances grossed an estimated \$9,000, with the house scaled to \$2.80. Crix ups 100% for the price.

"Mornings at Seven," a National Playwrights Guild, Inc. presentation, and the Cass, sole legit here, source to place here during the current season, opened one-week engagement last night (Monday). House is scaled to \$2.20.

Estimates for Last Week

Key: C (Comedy), D (Drama), M (Revue), M (Musical), F (Farce), O (Opera), S (Society)

"Boys and Girls Together," Broadway (10th week) (R-1,160; \$4.40). Seasonal decline in attendance for period before Christmas started last week, but grossed handsomely; better than \$23,500 quoted here.

"Cabin in the Sky," Martin Beck (10th week) (M-1,214; \$3.30). Has been operating to good profit despite opposition from other musicals; colored outfit rated over \$16,000.

"Theatre Guild," Miller (1st week) (CD-340; \$3.30). Good start; some notices favorable with the balance mixed; Theatre Guild subscription will help; better line this week.

"Every Man for Himself," Guild (C-956; \$3.30). Presented by Arthur Huchinson and Arthur Ripley; written by Milton Lazarus; jumped here from Coast; opened Monday (9); week press.

"Hudson," (2d week) (W-1,000; \$3.30). Withdrew Saturday; panned; played one and one-half weeks.

"Lycerous," Washington (1st week) (CD-340; \$3.30). C-1000 here; Eased off, but turned in fairly good gross to profit, and will make the grade.

"Hallelujah," Winter Garden (11th week) (R-1,671; \$3.30). Holds to excellent money; rated around \$20,000; good \$5,000 Saturday, evening scale being \$4.40.

"Hold On to Your Hats," Shubert (10th week) (M-1,405; \$4.40). Still around \$13,000; C-1000 here; under pace of early weeks; rated around \$23,000; makes good profit at the box.

"Horse Fever," Mansfield (2d week) (C-1,000; \$3.30). Somewhat improved; must materially perk up to stick; around \$4,000; house scale being \$4.40.

"Meet the People," Grand (10th week) (R-3,087; \$2.75). Opposed Ice Follies at Madison Square Garden since last week; sink review, which got \$29,000; indicates big holiday attendance.

"Johnny Belinda," Longacre (12th week) (D-1,100; \$3.30). Good from Belasco Sunday, when night performance was given; claimed better than \$20,000; makes money for two ones have been dropped.

"Life With Father," Empire (6th week) (M-1,000; \$3.30). Sellout pace continues with little variance; legit holdover command quoted over \$15,000 again.

"Lend Lease," Purchase-Imperial (28th week) (M-1,450; \$4.40). Eased off slightly and tied with "Panama" for the week; ownership; quoted at better than \$32,000.

"Man Who Came to Dinner," Music Box (6th week) (C-1,015; \$3.30). Fair this week; house scale being \$4.40; for attraction playing in second year; \$12,500 was profitable; will play at least two weeks.

"Panama," 46th St. (6th week) (M-1,347; \$4.40). Getting all hands on deck with "Lend Lease" in evidence; \$20,000; no higher gross on list and tops ticket demand in agencies.

"Rendezvous," Playhouse. Taken off Saturday; played single week; adverse press.

"Separate Rooms," Plymouth (37th week) (C-1,100; \$3.30). Show has lasted for four after holidays, but intention is to stick through January; rated around \$8,000; makes money at that level for one-seater.

"The Corn Is Green," National (2d week) (D-1,162; \$3.30). Gross again \$12,000; \$12,000; \$12,000; registered through week; if not for the late parties at concession rate, takings would have been higher.

"Tobacco Road," 364th week) (C-1,107; \$1.10). Sundays have helped a lot; better even than last week; \$12,000; business to turn in real profits; around \$4,000.

Twelfth Night, St. James (2d week) (D-1,155; \$3.30). Among the best draws, with patronage mostly through direct boxoffice sale; quoted at better than \$20,000.

Charley's Aunt, Windsor (8th week) (C-1,064; \$3.30). For first time in 40 years old laugh show has been revived in London at Christmas; has been doing very well here; eased to \$10,000 but still okay.

Mum's the Word, Belmont (1st week) (400; \$3.30). Was announced to stop Saturday after four shows; but the attraction has been getting better and better; business excellent especially Saturday and Sunday; average well over \$30,000; slightly under last three last week.

Broadway

The George McCall in town. Cynda Glenn back from Rio. Sam Kopp into BMI press dept. Liss January at the Cafe de la Paix.

Priscilla Lane left for the Coast Friday (6). Bernard Simon agenting 'The Old Foolishness'.

Walter Moore's son recuperating from pneumonia.

Norman Corwin west on writing assignment for RKO.

Murray Lang of Music Box box office staff lost his father.

New Baroque supper club prems Dec. 20 on East 53d with Johnny Payne.

Rhys Williams, currently in 'The Corn Is Green,' being screentested by 20th-Fox.

First annual Ziegfeld Club Xmas party dated Sunday (15) afternoon at El Morocco.

Claire Miller and Hume Cronyn will be married the end of this month. They're both legit players.

Harry Chasen, RKO musical man on Los Angeles, in N. Y. setting details on Fox-West Coast deal.

John Lee, p.a. for Screen Actors Guild, returns to the Coast this week New Mexico east for Douglas Aircraft.

Jack Kirkland, et al., tossed party at 'The Short' in celebration of the seventh anniversary of Tobacco Road.

Jimmy Strosch's wife, Blanca has changed costumes for another show, Max Gordon's 'Out West Is Different'.

John John, Columbia Pictures v.p., speaker at weekly AMPA luncheon at the Hotel Edison tomorrow (Thursday).

Blondell has gone into the cosmetics business, in Hollywood, backed by Gene Weiner, husband of Lili Roth.

Martin Gang, attorney for the Artists Managers Guild, back to the Coast today (Wed.) after two weeks east business.

Bobby Connolly, who directed dances for 'Hi-Ya Gentlemen,' played out the Coast Sunday (8) but due east late in the week.

Groucho Marx to Miami for a few days vacation before going on New York to appear on the 'Information Please' broadcast, Dec. 20.

Mogul, who has been x-raying minds at the 'Rhubarb,' switched his talent Monday (9) to the nogging at the Hotel Wyndham.

Charles Lindbergh, who appeared last weekend when the songwriters heard of E. B. Marks' disaffection from ACP ranks, to sign up with L. M. Devaney, Canadian division sales manager for RKO, checked into the home office last night to see Ned Depinet and other distribution executives.

Charles Sidis who designed the Theatre Pizalle, Paris, for Baron Philippe de Rothschild, arrived in New York. He's a brother of Emile Borel, comedian.

Freddie Wheeler, from the Coast, into the Algonquin Supper Club with Olga Baclanova who succeeded Gretha Keller, latter sailing for South America soon.

Arthur M. M. recuperating nicely after three days in Mt. Sinai hospital for operation on the little finger of his right hand, in an effort to correct a contracting ailment.

Donald Friede, of the Myron Selznick office on the Coast, planes back Dec. 12 (Wednesday) after a week in New York talking to eastern agents whom Selznick reps.

Don Reeve, son of Arch Reeve, is being promoted to the office of a toxic condition which set in after an appendix operation at St. Luke's. He'll be bedded several weeks, however.

Ellen Richter, former German silent film star, and Willy Wolff, her husband, film director and author, left Berlin revues, just arrived from France, where they've been domiciled. Plan to become U. S. citizens.

Lowell Calvert, Selznick's eastern rep, landed in Atlanta, Friday, for second 'world premiere' of 'Gone With the Wind.' He'll return Monday (18). Advance preparations by Kay Brown, Selznick general factotum.

Mexico City

By Douglas L. Grahame

Mappy Crooks featured at El Patio night club, Monday.

Arly Devine vacationing hereabouts.

Pic actor Arturo de Cordova to return to Antonio to personnel in Mexican theatres.

Robert Montgomery has ordered a suite at a local hotel, but his arrival date hasn't been set.

Fernando de Fuentes, who was a Par exc here before he became a p.a. director, will be in Mexico for a few weeks.

Alex Morison, brother of U. S. filmmaker Patricia, doing well with his rooming in the Cocoanut Grove nitery.

Alfonso Sordo Noriega, the radio announcer, has become chief of the

government's information department.

Celestino Gorostiza has quit as manager of the Palace of Fine Arts (National Theatre). Successor not named yet.

Bullfight season opened later than usual, because of contract tangles with some fighters and the civic government. Ending good trade.

Local press cameraman, assigned to picture a testimonial dinner to Linda Darnell, turned in 45 pix, not one of which showed the film star.

Lobby of the Palace of Fine Arts (National Theatre) contacted the civic government tendered (5) to Henry Wallace and the delegates of 20 other American charities to the inauguration (1) of President Gen. Manuel Avila Camacho.

Queens of Ciburubusco, constituted of the present and past Queens picked at the annual Black and White Ball of the Mexico City Country Club, presented a show of colored pix, made by members of the Cinema Club, at the local Cinema Rex to buy Christmas presents for local poor children.

Crosby Vox Pops

Continued from page 1

county and the WPA in equal amounts.

'Sad' to relate, an alarming scarcity of funds developed from both sources, with opening day only 30 days away, and the open to a loaned sum \$400,000 to complete the plant for us to rent. I'm still in for \$300,000.

'If this revelation permeated the holy halls of Congress with an ungodly odor, I give you leave to speculate on the something less than pleasant aroma, which assails my nostrils from time to time. At least Congress need not know.

'While I'm being factual I might mention that I was making the same money in 1931 and I am now, and that I'm not yet a millionaire, and there seems little chance I'll be.

'This, which is probably a good thing.

'Be assured I made no attack on President Roosevelt. I said I was voting for Wilson and perhaps a few of my friends who were doing the same thing. Truly, I know little of politics but this privilege seems pretty rudimentarily American.'

In editor's note appended to the letter printed in Thursday's editions said:

'We merely observed that one who had depended so much on under the New Deal should be for it again. It Government figures for 1934 show Bing made \$192,898 that year, \$410,000 in 1938, fifth highest income listed.

Anybody who for topping a million, Bing should be so pessimistic. Anybody who can haul off and lend a racetrack 400,000 bucks shouldn't be so easily discouraged.'

Oscar Straus

Continued from page 2

old tunesmith arrived from Lisbon last week to make his home with his son, Walter, 27, in New York. Late last year, a film director, abroad also did film work in Hollywood when Oscar Straus was under contract virtually to Metro, Paramount, Sol Lesser and others.

Straus' last visit to the U. S. was recorded prominently in the papers, retyding his 'Three Waltzes,' feature of which were the first act composed by Johann Strauss, Jr., the second act by Johann Strauss, Sr., and the third act by Oscar Straus and his son.

However, insistent that he eschew any comment on European politics, Straus is chiefly concerned with 'Me Amours,' which was a reigning Broadway success in Paris, when the Nazis invaded the French capital. He plans producing it in America.

'Straus' famed 'Chocolate Soldier' has been on Metro's agenda for years, and in all that time the picture would not have had his exodus expedited. As it was, he was stalled at the Spanish border for weeks; and then had to lay over in Lisbon three weeks waiting for passage to America.

In Lisbon he recorded interviews to be broadcast only after he sailed for America, and none of these touched on politics.

Australia

By Eric Gorrick

'Gone' copped \$6,000 in its first week in minor Tasmanian territory. Marie Nev is playing 'No Time for Comedy' in Melbourne for Williamson-Tail.

Jenny Howard, 'British star,' will repeat for Hoyts by arrangement to Linda Darnell, turned in 45 pix, not one of which showed the film star.

'Bunch of oldtime vaudeurs will do a nabe pix runaround after completion of U. S. public liability suit.

'Banana Ridge' non-click in Sydney for Williamson-Tail. Levante, magician, follows for a season.

'The White Steed' began run at St. Louis Little Theatre. Gordon Curtis directed and also designed sets. Cast includes Elliot Bergfeld, Albert Miller, Charley Grace, Dale Douglas, Stephen Thumny, Gordon Ashley, Della Mae Riegel, Frank McLean, Russell Yeager, Emily Coleman and Mae Green.

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Pittsburgh

By Hal Cohen

Bill Sarori, U. S. salesman, just received his final citizenship papers. Gene Autry inked to star in annual rodeo at Gardens again this spring.

Kap. Monahan kiddies are quarantined for couple of weeks. It's the mumps.

Norma Shea has learned with Thompson Brothers in eastern Va. to produce records and musicals.

Frank and Jules Seltzer back to Hollywood after launching 'Road Show'.

Burt Layton has quit his vaude act, the 4 Firts, to join Arthur Murray faculty here.

Slack in Norman Bill O'Toole convalencing in Mercy hospital from auto accident.

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Hollywood

Mike Luyke back from Broadway. Art Powell joined Paramount publicity staff.

Helen Jerome, playwright, here for the week. Sidney Blackmer laid up for week with flu.

Benj. Mungo joined Columbia publicity staff.

Walter Kane recuperating from appendectomy.

Julius D. Rice, Beverly Hills for the winter.

William Koening to Mexico City on his South American honeymoon.

Linda Hayes recovering from tonsil complications.

Walter Wanger to Washington as a Gridiron Dinner guest.

Herbert J. Leeds back to work after an eastern vacation.

Julius D. Rice, Beverly Hills for the winter.

Wesley Ruggles back from his South American honeymoon.

Robert Armstrong spurring membership drive for the Masquers.

Scott Dunlap and Paul Malvern returned home on a duck hunt in Oregon.

Howard Hawks divorced by Mrs. Arlene Hawks, Norma Shearer's sister.

Carl Brisson stopping over for the holidays on his way to Australian dates.

Jean Parker back from three-months stage tour with George Jessel.

Tommy Dorsey's fly slowed production of 'Las Vegas Nights' at Paramount.

Lieut. Comm. Herman Spitzel to Washington for duty in U. S. Naval Reserve.

Louise Campbell and husband Horace MacMahon to Chicago for the holidays.

John Murray Anderson trained for New York to stage a new Shubert production.

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To All Users of Music, Broadcasters, Sponsors, Advertising Agencies

Reports have appeared in the press that the EDWARD B. MARKS MUSIC CORP. has made an agreement with BROADCAST MUSIC, INC., and the impression is given that this gives a license for the use of the musical works of our members.

Notice is hereby given to all users of music of the provisions of the STANDARD UNIFORM POPULAR SONGWRITERS' CONTRACT, which prevails between publishers and writers, as well as the agreement made by publishers with the SONGWRITERS' PROTECTIVE ASSOCIATION. These agreements limit the disposition of rights and the making of licenses in bulk and also contain limitations requiring the consent of writers in the granting of various types of licenses. Furthermore, these limitations in the contract apply to all members of SONGWRITERS' PROTECTIVE ASSOCIATION, whether they are or are not members of the AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS.

Adherence to the provisions of these agreements will be insisted upon by the undersigned and any violation of the terms will leave the undersigned Association and its members no alternative but to take action necessary to protect their rights with a view to collecting damages and recapturing the songs.

SONGWRITERS' PROTECTIVE ASSOCIATION,

By Irving Caesar, President.

1250 Sixth Avenue, New York City.

VARIETY

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VOL. 141 NO. 2

NEW YORK, WEDNESDAY, DECEMBER 18, 1940

PRICE 25 CENTS

TOP 1940 STARS AND PIX

Metro's ASCAP Views Affect All Show Biz; Playwrights and Scenarists Alert

Despite the ASCAP board's attitude of no appeasement to Metro or any other group of music publishers, it looks as if the M-G-M firms (Robbins, Feist and Miller) will renew with the Society this week. It's the same intent as last week, excepting for sundry hurdles that presented themselves when David Bernstein, v.p. and treasurer of Loew's, Inc., and president of Metro's music subsidiaries, was spurned in his requests for 'special' considerations.

While ASCAP stated frankly it wanted and needed Metro's three important firms in the fold, the board took an adamant attitude against certain guarantees asked by Metro, including special reservations for television rights; warranty of no increase in Loew theatre seat tax; no change in classification, etc.

The reports of an ASCAP 'consent decree,' to end a long-ending Dept. of Justice beef of alleged monopoly,

(Continued on page 55)

LISBON NITE LIFE CLOSEUP

By GEORGE LAIT

Lisbon, Dec. 6. As far as nightlife in Lisbon is concerned, I shoulda stood in bed. The town is jammed with 25,000 or more refugees, most of whom have plenty of dough to spend, but there's no place to spend it.

The principal debauchery begins about 7 o'clock in the evening at one of Lisbon's 2,500 bars. These bars are all tiny—few more than 15 feet length—and all are jammed with foreigners jabbering in

(Continued on page 13)

20th to Plug Tunes With Shorts to Get Around Radio Tabu

Hollywood, Dec. 17. Etherized exploitation of musicals, which has confounded the cinema's master minds since the full import of the music field has been driven home to the industry's top execs, may be partly salvaged by a plan hatched at 20th-Fox by Darryl Zanuck. Idea is to pick two or three numbers that may be presumed to achieve hit proportions, build a short around each ditty and release them in advance of the filmusual from which they are taken.

Studio figures on a double benefit, through the advance consciousness of the tune on the patron and the spoof acting as a trailer. Each reel will be given enough production value to warrant its booking as a musical short.

6 Top Grossing Pix

'Gone With the Wind' (S-I)
'Room Town' (M-G)
'Northwest Mounted Police' (Par)
'Rebecca' (S-I)
'The Fighting 69th' (WB)
'Strike Up the Band' (M-G)

CHAPLIN PUSHES WAR OFF P.1 IN LONDON

London, Dec. 17. Charlie Chaplin's 'Dictator' is doing comparatively terrific business after opening yesterday (Dec. 16) simultaneously in three theatres here with \$30,000 total gross. Long lines all day today.

Pro and con agitation in newspapers, several of which sent two reviewers who wrote divergent opinions, has created immense newspaper discussion.

With cinema boxoffice grosses generally reported off 30% to 65% in

(Continued on page 55)

METRO LOOKS ALL SET TO SIGN BILLY CONN

Pittsburgh, Dec. 17. A Metro deal is on the fire for Billy Conn, light heavyweight boxing champion, now campaigning among the heavens for a crack at Joe Louis' title. Conn and his manager, Johnny Ray, were in New York conferring with Metro execs last week and while nothing definite has taken place, contracts are expected to be signed.

Deal calls for a series of boxing shorts, with possibility of Conn also going into a feature picture. Boxer was in Hollywood for couple of weeks last winter but studios weren't interested in him at that time and he left without a nibble. Screen test had been arranged for month ago but had to wait until a broken nose Conn received in a fight with Lee Savold healed.

YEAR OF THE BIG 'WIND'

Selznick Epic Carries Gable to Fore—Fleming Leads Director List with Hitchcock and DeMille Next—Decree Brings New H'wood Problems

FOREIGN RENTALS EBB

By ARTHUR UNGAR

Hollywood, Dec. 17. American public, the regular filmgoers and the occasional, paid generously for screen entertainment in 1940, through the boxoffices of the nation's 17,000 motion picture theatres. Several new records of financial intake were established. Higher admission prices and longer runs for the most popular features were accomplished.

(Continued on page 15)

Alleged Jewish Slur In B'way Play Causes Rumpus; Dialog Changed

Lee Shubert is reported to have been socked Friday (13) by an irate woman who attended a preview performance of 'Retreat to Pleasure,' new Irwin Shaw comedy which opened at the Belasco, N. Y., last night (Tues.). Row started when people in the balcony of the Belasco (where the previews were staged) took exception to lines in a Miami Beach scene, where dialog identifies people on the beach as being Jewish.

Although the author is supposed to have been satiric in the writing, the woman in question arose and voiced

(Continued on page 55)

Tracy as Wm. Allen White

Hollywood, Dec. 17. Spencer Tracy gets the title role in 'Sage of Emporia,' the biography of William Allen White, at Metro. Studio recently bought the screen rights and William Rankin did a story treatment.

Four Major Webs Grossed \$96,000,000 In 1940, 16% Rise for New Highs

6 Top Film Stars

Clark Gable
Mickey Rooney
Spencer Tracy
Errol Flynn
Bette Davis
Gary Cooper

WARTIME BOOM BOOMERANGS FOR THE B.O.

According to Lou Martin, who is in on the operation of the Majestic, Paterson, N. J., vaudeville, show business paradoxically is suffering from too much outside prosperity brought on by the Government's and British war spending.

He claims that his house is doing the poorest business in seven years, though Paterson has more employment now than it previously had in that period. The Wright Aeronautical plant is working three shifts of men 24 hours a day and seven days a week, with the result that the men are too tired to go for amusements.

During the day the workers' wives, with their new-found prosperity, are too busy shopping to go to theatres, and matinee business has been brutal.

UNDERTAKER'S SOLDIER RADIO SHOW NSG IDEA

Seattle, Dec. 17.

At the last moment the proposed KIRO program of news and soldier entertainment from Camp Murray to be sponsored by the undertaking firm of E. R. Butterworth & Sons was cancelled. Army authorities decided there were several dubious aspects to the sponsorship.

One was the funeral parlor slant: Death and army morale are not necessarily pals. A second reason for cancelling is that the president, C. E. Butterworth, of the undertaking firm, is a captain assigned to the Washington National Guard.

NBC's Red and Blue, Columbia and Mutual will jointly derive this year \$96,000,000 gross from the sale of time. This is \$133,000,000, or 16% over the gross billings which prevailed for 1939. The percentage rise is the same that existed over 1938.

As an individual network CBS takes the lead for 1940 with a tally of what itself estimates will be \$41,060,000. Latter is a 19% increase over the \$34,530,665 grossed in '39.

For its two links NBC estimates for 1940 a gross of \$50,400,000, or 11.5% above 1939's total of \$45,244,000. Broken down by networks the Red will have done \$39,800,000, as against \$36,600,000 for '39, or a margin of 8.8%, while the Blue will show a total this time of \$10,600,000, as compared to \$8,644,000 for 1939. Blue's tilt amounts to 22.6%.

Mutual's estimate for 1940 is \$4,575,000. Last year this network did a gross of \$3,329,782. Difference between the two figures is 37.4%.

LUNA PARK, N.Y., CHANGES HANDS

Luna Park, in Coney Island, New York, 21 acres and probably the world's largest amusement area, is being taken over for operation this summer by a syndicate comprising Edward and Harry Lee Danzinger, the former a lawyer, Bill Miller, vaude agent, and Milton Sheen, who operated the park last summer. A 10-year lease has been arranged with Prudence Bond, which holds the property, scaling upwards from \$75,000 rental the first year to \$150,000 the 10th, plus a percentage of

(Continued on page 54)

Mexico City Hitlerites Panic 8 Nabes Showing 20th's 'Man I Married'

Mexico City, Dec. 17. Nazi rowdism against a picture here in two weeks. First one forced the yanking of 'Pastor Hal' after four days and is preventing the picture being shown here any further.

This is the second action by the Hitlerites against a picture here in two weeks. First one forced the yanking of 'Pastor Hal' after four days and is preventing the picture being shown here any further.

Covering the Radio-Music 'War'

Stories in this issue of VARIETY pertaining to the ASCAP-BMI situation include, among many others:

—'Consent Decree' (page 24).

—Metro hasn't formally signed with ASCAP but is expected to (page 1).

—Coca-Cola transcriptions will continue to use ASCAP numbers (page 23).

—Westinghouse cancels 'Musical Americana' but emphatic denials of ASCAP cause are made (page 23).

—Wayne King song-title-picking program for Lady Esther is cancelled (page 23).

—ASCAP-BMI press front (page 25).

—Authors League sees essential issue of who controls copyright involved (page 24).

Friars' Sat. Nite Boys Hurl One Of Those 'Tributes' at Ben Bernie

By JOE SCHOENFELD

Ben Bernie, on the eve of his departure for a run at Victor Hugo's on the Coast, was tossed one of the Friars Club's traditional Saturday nights (14), which, per usual, was more ribbing than testimonial. Bernie admitted in his liming at the end that he was steadily losing a few members, but few decays ever take such a double-barrelled battering as he received.

Al Johnson, Harry Conn, Max Gordon and Bobby Clark, with the latter evidently making his punches somewhat, hauled Bernie over the coals. Bill Brandell, acting in the absence of both Alton Milton Berle and the usual toastmastering Jay C. Flippen, socked the maestro verbally and officially for the club; Ken Kling contributed a typical stag drawing depicting Bernie playing a new type violin; and Benny Davis sang a type of special lyrics to the tune of his "Margie," which Bernie used as plug for both Bernie and the "Margie."

Johnson, despite his infrequent appearances as a speaker on a dais, was the early morning's highlight. His gag on how and why he gave Bernie the job as soloist many years ago in Frisco is a classic, but not printable in a family newspaper.

Johnson also told of his efforts to sell the screen rights to "Wonder (Continued on page 52)

Linda Ware Warned To Be Cautious On Home-Town Personals

Detroit, Dec. 17. Linda Ware, 15-year-old Paramount starlet, is doing plenty of looking around here she pays another visit to Detroit, her home town. Last time she was in, during June, there was a riot at the city airport and she got knee-deep in cops and process-server's sent there by her father, George Washington Stillwagon, who is seeking her custody. Linda now has written a letter to Circuit Judge Frank Day Smith asking his advice whether she could make a personal appearance here shortly "without going through the trouble I went through last June."

The riot at the airport was only a small part of that previous visit. (Continued on page 13)

MRS. HARRY DELF, 37, KILLED IN AUTO-CRASH

Fayetteville, N. C., Dec. 17. Mrs. Jean Delf, 37, wife of Harry Delf, playwright and former stage comedian, was killed in an automobile accident here yesterday afternoon (Monday). Delf and their son and daughter were injured, as was Mrs. Delf's mother, Mrs. J. S. Densen. Mishap occurred when their car skidded on the wet road and rolled over several times.

Delf, 48, suffered serious chest injury. His son, Harry, Jr., sustained severe back injuries, and the daughter, Enid, 11, received cuts of the head, face and hands. Mrs. Densen's knee was hurt.

Among the shows written by Delf are "The Family Upstairs," "Sun Showers" and "Six Feet Under." After leaving vaudeville, he appeared in the Earl Carroll "Varieties" of 1928 and other shows.

Ruth Gordon's 25th Anni

Chicago, Dec. 17. On Saturday (21), Ruth Gordon, here at the Selwyn in "Here Today," celebrates her 25th anniversary on the stage. She will be guest of honor at a party at the Ambassador hotel after the show with Lillian Gish, current in the Blackstone in "Life With Father," acting as hostess. Alexander Woolcott has made a special radio transcription in New York of a 15-minute play by Ruth Gordon, with the speech to be heard for the first time on Saturday night over WBBF, the Columbia station, on a program known "Celebrity Circle."

Singing Commuters

Boston, Dec. 17. Commuters awaiting trains at Boston & Maine Railroad's North Station will again join in Xmas carols beginning Dec. 18 for seven evenings, to be broadcast via WEEI.

Last year 75,000 persons participated. Caroling is picked up and recorded at station and rebroadcast at 10:15 p.m. Del Castillo and Elsie Robbins Gross alternate at Hammond electric organ, while Bill "Singing Cop" Elliot leads vocalizing.

O'Neill Legiter Basis for Serial In Radio Audition

Transamerican radio serial recorded for agency audition a serialization of Eugene O'Neill's "Ah, Wilderness." It would be based on the play and then continue from there. Edith Meiser did the adaptation and played one of the principals.

Other leads included Harry Carey, Frankie Thomas, Josephine Hull, Mary Mason and Howard Freeman.

Marx Bros. Together For Last Time in Next M-G Pic, Groucho Says

Although the three Marx Brothers will make one more film for Metro next spring, following release of their "Go West," which has just been previewed, Groucho Marx states that the trio will be no more thereafter. He himself has a self-authored eighth comedy (with Norman Krasna) he plans to produce and star in on Broadway in a year or so.

Harp Marx and Oscar Levant, in a gag pant musical routine, are primed for a concert tour, and Chico Marx isn't kidding about heading his own dance band.

Groucho is currently holidaying in New York and says he can get all his (Continued on page 13)

FRED BATE DELAYED BY BOMB INJURY

NBC's staff of European reporters is due for a general reshuffling within a week or 10 days. Replacement of some of the network's men abroad have been settled on but the jobs won't be officially closed until visas have been obtained for them.

Web realizes that some of the staff men have become pretty punchy from the pressure of war, irregular hours that they keep because of the American transmission time and lack of sleep and that lots of relief is coming to them. Fred Bate, head of NBC's London staff, was to come home for a Christmas vacation, but it now looks as though the wounds he received in a recent air raid will make it uncomfortable for him to travel over for another month or so.

fred allen lowercases

new york. I am so busy I am barely getting the programs out every week and some weeks according to your critics, would be better off if I didn't make it.

between the preparations for the picnic opening ("Love Thy Neighbor"), the 17th, trying to write a preface for a book H. Allen Smith has written, and grinding out the weekly inspirin-bait for listeners I am doing 18 and more hours daily. I am starting to look like the way a six-day bicycle rider feels on Saturday morning.

a page-boy at nbc was fred today for running an extra tune in the gen's room, wait till some of those singers try to sing a b.m.i. version of "those songs my mother sang to me." am enclosing a little tobacco you can use to "jack" noworth. i chew other stuff, and out of respect to pedestrians i walk over to the east river. fred allen.

THE BERLE-ING POINT

By Milton Berle

Hollywood, Dec. 17.

Drove down Hollywood Blvd. for two miles following a woman in a car who put her hand out at each corner. Finally discovered she was just drying her nail polish.

Just found out what a talent scout is—a man who would help an old lady across the street—it she had picture possibilities.

Met an Indian brave on the Universal lot. Asked him if he read my column. He said, "Me not that brave." Just for that, next time I stop at Universal, I'll buy a blanket.

Bruce (Lucky) Humberstone, my director in "Tall, Dark and Handsome," had dinner at my house. Showed him my family album and he wanted to know why there were no jokes under the pictures.

A certain comedian has so many gold teeth in his mouth that he sleeps with his head in a safe.

Broadway Dept.

Lee Tracy opened in a play about Hollywood. (What, another?) It was at the Guild theatre. The title was "Every Man For Himself." After reading the reviews they should have called it "Every Fan For Himself." The critics got together after the show and awarded it the Peeweeviter prize.

A Broadway producer gave a chorus girl a fur coat for Christmas. It not only keeps her warm, it also keeps her quiet.

Many New York night spots gave out their New Year's Eve prices early this year so the customers could arrange for a bank loan in time.

Maxie Baer writes me he is no longer a comedian in "Hi-Ya Gentlemen," so I made him a promise that I wouldn't fight Joe Louis.

"North West Mounted Police" was at the New York Paramount so long that the ushers were calling each other Renfrew.

Hollywoodians

A patriotic quickie producer gave his latest picture to a soldiers' training camp. They threw it on the screen and used it for target practice.

Hamphrey Bogart has been in so many gangster pictures lately that he now enters his house through the window.

The stork is so tired of delivering babies to Bing Crosby that now he just flies over the house and whistles "Come and Get It."

Everybody in pictures has a stand-in. I'm different—I have a stay-in. After we finish shooting he stays to see that they don't cut out my scenes.

A Broadway producer gave a chorus girl a fur coat for Christmas. It not only keeps her warm, it also keeps her quiet.

My brother caught a cold from looking out of the window. An agent living next door was auditioning fan dancers.

Had dinner at a drive-in last night. There was a mounted policeman on the corner. His horse neighed—and my steak neighed back.

Musical Dept.

After the first of the year, due to the ASCAP-BMI situation, that program will henceforth be known as "The American Album of Unfamiliar Music."

Something's wrong some place. The Duke and Duchess visit the United States and the only composer has written a "Window Wink."

I'm worried. Suppose they don't let Uncle Don use his theme song after Jan. 17.

Radio Dept.

George Washington (Lucky Strike) Hill sponsors both "Your Hit Parade" and "Information Please." Maybe the experts on "Information Please" can tell him what's going to happen to "Your Hit Parade" after the first of the year.

Heard a commercial on the air that was so good the announcer took si bows on punctuation alone.

Nick Kenny has figured out a new way to get coast-to-coast plugs. He gets Martha Raye to sing his songs from the top of the Empire State building.

Hangnail Descriptions

Ritz Bros: A Costello with two Abbotts... Martha Raye: Joe E. Brown in drag... Gene Towner: Gene with the no-brown hair... Lana Turner: Sweater La Marr... Eleanor Roosevelt: Home, Home on the Train... (Continued on page 13)

Judging by the way people drive out here everybody is auditioning for a stunt man's job.

For 364 days a year out here they're "relatives"—and on income tax day they become "dependents."

My brother is crazy about a girl who lives in the state of Kansas—I can't see her for dust.

Eavesdropped at the Rhythm Room: "He accomplished nothing and she's his inspiration."

Eavesdropped at Dave Chasen's: "When her brain is working it's a lation of the Child Labor Law."

Whatever Became of—?

Hawthorne and Cook Bronson and Baldwin Mervyn LeRoy and Clyde Cooper

Afterpiece

Don't know whether to have Christmas dinner at Ciro's—or buy a yacht.

Dominguez Mex Orchi Enters U.S. If Petrillo Gives It Green Light

James C. Petrillo, president of the American Federation of Musicians, is to be requested to grant special permission to allow a unique Mexican orchestra to enter the United States under the auspices of the National Broadcasting Co. Organization in question is the Dominguez Brothers, actually five brothers and six cousins.

NBC will appeal to Petrillo on the issue of helping along Pan-American musical and cultural relations by permitting the Mexican talent to work here.

N. Y. to L. A.

Eddie Cantor. Stephen Scilling. Allan Dwan. Jimmy Grainger. Paul and Grace Hartman. Freddie Hopper. Johnny Hyde. Boris Leven. Leni Lynn. George Morris. June Morgan. Charles Sherman. Dinah Shore. Eleanor Smith. Leonard Spigelgass.

SAILING

Dec. 14 (South American Tour), Don Francisco (Argentina).

CENTRAL SCRIPT AGENCY

'Libidolunes' or a 'Voluptalune'? Laugh-Meter Tells You Everything

It soon will no longer be necessary to go to a Marx Bros. comedy which neighbor Doakes has recommended only to find that you don't enjoy it because it is not your type of humor; find yourself howling like a hyena at a W. C. Fields opus while apparently no one else in the audience finds it funny.

Solution has been provided by a Minneapolis maker of precision instruments for the U. S. Army and Navy. He has devised a twist on the standard "lie detector" device—its real name is a psychometer and it classifies humor and reactions of individuals to the various types.

Idea—which isn't on a commercial basis yet, but offers green fields for press agents—is that the outfit organized by the inventor issues classifications of all comedies. Individuals likewise get themselves classified. If their type matches up with the type of picture, answer is that it's okay to put your admiring because you're going to like it. If you're in classification No. 7, however, and the film is Type No. 3, stay away. It means you are a "voluptalune" and the picture is for "libidolunes." That's terrible. You won't enjoy a minute of it.

Inventor of the gadget is Lee A. Watson, president of the Malco Co., Inc., which, in addition to psychometers, specializes in precision hearing instruments and measuring devices. A former Rhodes scholar himself, Watson has worked with several top psychologists in a serious classification of humor which sounds (Continued on page 55)

Show Biz Ties In With 'Star Spangled Ball' at Hotel Astor

Show business, from burlesque to opera, will play a major part in the first money-raising shindig for the William Allen White Committee to Defend America by Aiding the Allies. Labeled "Star Spangled Ball" to be held at the Hotel Astor, N. Y., Friday (20).

Among the gadgets will be a first-quenching station at which bartenders will include a score of dark names in entertainment; a Gypsy Rose Lee Room, presided over by the striptease, and a "Cabin in the Sky" Room over which Ethel Waters will reign. Orchs will be those of Guy Duchen, Tommy Dorsey and Guy Lombardo.

Gypsy Rose Lee, in her sanctum, will be dressed in a star-spangled costume. One buck removes one star, etc. It's a twist on the Star-Spangled Gals, who will dance with anyone who pins a star on them at \$1 per star.

SUGGEST DOWNEY AS NEW MEX AMBASSADOR

Mexico City, Dec. 17. The visit of vice-president Henry Wallace was no wow as a diplomatic triumph, but with Igor Toren Downey, on his recent trip here, seemed to know all classes and factions and to be popular with all. His popularity with Mexicans was so pronounced that it was jokingly suggested here he should be Joseph Daniels' successor as American ambassador.

Downey clicked without speaking the lingo. He couldn't speak Spanish, but he could sing American. And they liked it here.

Info-Maniacs

Editor, VARIETY, New York. As a somewhat slight token of gratitude for VARIETY's jobs at the cut, the I.Q., the pencil-and-pad programs, I give you as a blanket to cover both the producers and the listener-aficionados of these shows, the word, INFO-MANIACS.

And for the givers-away, and the would-be receivers of something for nothing over the word, MANNA-IACS.

Milton Wapner, Public Relations Bureau, Medical Society of the State of New York.

\$50,000 TALENT FUND FOR ARMY CAMP SHOWS

A committee of New York proponents is presently working on an idea to provide stage entertainment for soldiers in training in camps all over the U. S. Plan is to pool \$50,000, which would be a sinking fund in which performers would be paid for their services.

Idea gets around Theatre Authority's nixing of free shows at army camps, predicated on the fact that the camps are paying for pictures and charging the soldiers admission.

STARS GET MESSAGE FROM BBC XMAS DAY

Another of the British Broadcasting Co. programs from London of the "Calling All Stars" type will be heard Christmas Day (25) via the BBC's shortwave at 8:15 p.m. New York time.

There will be references to or messages for a lot of show people on this side, among them:

Ronald Colman, Brian Aherne, Warner Baxter, Lawrence Tibbett, Basil Rathbone, Nigel Bruce, Dottie Smith, Oscar Brudley, Sam Harris, George Kaufman, Moss Hart, George Nathan, John Steinbeck, Gilbert Miller, Fred Astaire, Al. Woods, Annie Laurie Williams, James Farley, Robert Benchley, James Thurber, Jean Muir, Sol Lesser, Darryl Zanuck.

Miliza Korjus Asks 190G For Career-Halted Crackup

Los Angeles, Dec. 17. Miliza Korjus filed suit for \$190,975 damages as result of a motor collision last May, which she sustained a brain concussion, fractured leg and cuts about the head and arms.

Singer declares the accident has cost her \$75,000 in salary and will cost more in the future, due to her inability to work.

Augustin Lara, No. 1 Mex Composer, Enroute to N.Y.

Mexico City, Dec. 17. Mexico's most famous musical composer, Augustin Lara, leaves shortly for New York City. He will make visit of some weeks.

N. Y. PLAN TO DIG UP PIX STORIES

It Parallels Central Reading Service for Booksellers and Primed to Keep Story Dept. Overhead Down

MAJORS COOL

New plan to provide coverage of potential story material for films by a central agency is being talked of in New York. Long-range possibility is that it would eliminate a large part of the work of the story department maintained by each major company. More likely, however, if such a plan worked out, for indie producers who cannot afford to maintain their own extensive organizations to scoop out yarns.

Idea, as broached to some companies, is not a cooperative one, but would be privately run, each subscriber paying a yearly fee. The central agency would call all new books, plays, magazine stories and any other material it could lay its hands on, published or unpublished, just as story departments do. Each day the subscribers would receive synopses of the new stuff, plus an opinion as to what has picture value (Continued on page 55)

Howard Cullman Parlays 1 Hit Legit Investment To Interest in 9 Shows

With the idea of parlaying his profits on current attractions, Howard Cullman, who has slices of two current attractions, has taken an interest in five new shows to be presented on Broadway. Cullman, who is said to have made a fortune in tobacco, is head of the Port of New York Authority which supervises toll bridges and tunnels. He was receiver for the RKO theatre and contacts then made may have whetted his thirst for the stage.

Cullman has invested in "Lady in the Dark" being headed by Sam H. Harris coming to the Alvin; "Old Acquaintance," presented by Dwight Deere Wiman, opening next week at the Morosco; "Arsenic and Old Lace" the debut production of Howard Lindsay and Russel Croso, coming into the Fulton, and two productions of the Playwrights. First is "Flight to the West," opening at the Plymouth, and the other is "The Talley Method," in rehearsal.

His theatrical interests otherwise really include four shows, having a piece of the three companies of "Life With Father" playing Broadway (Empire), Chicago and Boston. Success of that comedy figured in Cullman expanding his stage investments, which include the successful revival of "Charley's Aunt." Cor. Cullman's adviser in show investments John Byram, formerly dramatic editor of the Times, N. Y., who is story editor for Paramount in New York.

TIBBETT'S FULL SCHEDULE Expects to Do 45 Concerts, 13 Operas This Season

Lawrence Tibbett, who resumes his singing career Dec. 29 with a guest appearance on the Ford program, is scheduled for about 45 concert dates and 13 opera performances for the balance of the season. He also has two more dates on the Ford series and a tentative one on the Coca-Cola program with Albert Spalding and Andre Kostelanetz. His season continues until late May. Baritone was forced to cancel the last half of his season because of a throat ailment.

Joan Warner to Re-Stage 'Sponsored' Revue That Was Blitzed Out of Paris

Xmas Psychology

Detroit, Dec. 17. Patent medicine companies often place their radio announcements temporarily a few weeks before the Christmas holidays. The reason they don't like to talk about people's ailments at a time they are feeling good. But after the holiday excesses people feel bad again.

CROSBY'S 175G PER PIC DEAL WITH PAR

Hollywood, Dec. 17. Bing Crosby and Paramount signed a new contract, beginning next June 1, calling for three pictures a year for three years at \$175,000 per picture. Clause in the pact provides that the crooner may do one outside film a year, to take the place of one film on the Par schedule, making it really a two-picture-a-year deal in case he decides to negotiate with another studio. His outside story must be approved by the home lot.

Additional terms give Crosby the privilege of the final okay on his Paramount yarns, casting, directors, songs and tunesmiths. Deal means a minimum of \$1,750,000 for the three-year term and whatever else he can collect above \$175,000 per picture on his outside jobs.

\$60,000 Disk Deal
Bing Crosby and Decca closed a five-year recording deal guaranteeing the singer a minimum of \$60,000 a year and a percentage. It is said to be the most lucrative recording deal ever made by an artist. Old deal, which was torn up with two years still to go, guaranteed Crosby \$40,000 a year. Percentage cut on sales last year paid him an additional \$42,000.

ANN CORIO ASKS KIT CORNELL A QUESTION

Boston, Dec. 17. Ann Corio, here with what she terms the "First Theatrical Refugees" this week, reveals she already has a week booked for her return to legit in "White Cargo" at the Chapel Playhouse, Guilford, Conn., next summer.

Peeler, who made her bow in legit during the last straw hat season, and is plenty proud, demanded of scoffers here: "Does Katherine Cornell have a week booked for next summer?"

Berlin, Joan Crawford At Chicago Xmas Party

Chicago, Dec. 17. Mayor Kelly's Christmas Party this year tomorrow (Wed.), will have Irving Berlin coming in specially from New York, and the Coast will be represented by Joan Crawford, who has received permission from Metro for the charity appearance.

Show, which will parade all available talent and orchestras, Chicago, will perform before some 25,000 in the Chicago Stadium.

Tilden's Tennis Short

Hollywood, Dec. 17. Bill Tilden, former amateur and pro tennis star, is returning to the screen for the first time in 11 years as top liner in a net short at Warner's. Tilden has also played the stage.

Musical revue, sponsored by U. S. luxury industries, is being set by Joan Warner, American entertainer who returned last week from years in France. Miss Warner organized a similarly-sponsored show in Paris and had it in rehearsal for almost three months when the blitzkrieg began on May 10 and a halt was forced.

Twenty-eight-year-old femme producer-stripper scrambled from Paris the day the Germans arrived and rescued all the costume and set designs and the music for the revue. Her plan now is to enlist American manufacturers of the same type goods as were used in France, use the same libretto, designs and music, and put the show on here.

Miss Warner had pre-1,000,000 francs (\$27,500, pre-blitzkrieg), a tremendous amount for a French show. She had spent about 350,000 francs of the money when the rehearsals had to be called off. Miss Warner was doing the staging herself with a staff of top Parisian names assisting her. Costumes were (Continued on page 55)

62-YEAR-OLD DIVA'S \$100,000 SUIT VS. COL.

Minnie Saltzman-Stevens, famous Wagnerian dramatic soprano in the early part of the century, filed suit Monday (16) in N. Y. supreme court against Columbia Pictures Corp., seeking \$100,000 damages for alleged unauthorized use of her picture in connection with "I'll Take Romance." Suit was revealed by an order of Justice Ferdinand Pecora ordering plaintiff to furnish a bond for costs.

Plaintiff's photograph showing her as "Kundry" in "Parsifal," is the basis for the action. She is living in Milan, is 62, and made her debut in the U. S. as Brunhilde in "Walkure" with the Chicago Opera Co. in 1911, appearing subsequently with the Metropolitan and Boston companies. Columbia has entered a general denial to the suit.

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Proxy Fight Looms for Next Summer In RKO Plan to Retire Meehan Stock

Proxy fight looms when the new board of directors for RKO is picked next summer and its personnel doubtless will decide how soon the Mike Meehan stock deal and other corporate "revamping" is accomplished. The proposed deal for 26,000 shares of Meehan's Keith-Albee-Orpheum preferred apparently is cold until that time because the RKO directors are pushing up the outline of a simplification plan at its last meeting.

Present RKO board was named by the court to serve two years, with expiration of this term being July. Big fight between the various financial groups in the company is expected to center around picking the new board, which now has 13 members.

Learned this week that a deal had been worked out whereby money would have been borrowed to handle the Meehan stock purchase and retire some \$4,500,000 worth of R. R. Keith 8% bonds. The deal would have simplified the RKO corporate setup, the announced intention of the parent corporation, in part of this week's earnings report. The deal would have involved a mortgage drawing 3 1/2% and a bank loan at 3%. This would have represented an annual saving of 3% on the Keith bonds and nearly 4% on the KAO preferred shares.

Although never officially revealed, \$3,000,000 in the past was mentioned as the figure needed to handle the 26,000 Meehan shares. Revelation of the amount needed for loans on both sides indicates this is about the current price asked for block of K-A-O shares. Keith liens are listed on the big board but extremely inactive. Whole move to call in the bonds and preferred is predicted on the desire to take advantage of the present "cheap" money market and install annual savings for the company.

With the Meehan shares in the treasury, RKO would own some 15,000 shares in the hands of the public.

NEWSREEL THEATRES NIX NAZI PIX CLIPS

Although German-made Nazi clips have been offered four newsreel theatres operated by Newsreel Theatres, Inc., for the last two or three months, this group has refused to play them, fearing audience reaction. Even test showings of mild excerpts from the Nazi news, run recently at the Rockefeller Center house, were yanked after a couple of days' showing. The NFA is opposing the material, but insisting as the German government always has, that the clips must not be edited or a new sound track run on the material. Made mostly by German cameramen, most of the theatres are in N. Y.; the other is in Newark.

Despite the fact that photographs received from Nazi Germany are printed in daily newspapers, management of the Enterprise believes that motion pictures are much more realistic and would be resented by the average theatre audience. American newsreel editors for the most part have refused to handle material shipped in by the German agency unless given full leeway to edit the clips as they see fit.

By demanding this right, the newsreel eds believe they will be able to eliminate any propaganda material. Anyway, the newsreel editorial staffs claim the dictation by the Nazi government representatives is adverse to the long-established "free press" policy of the newsreel organizations. Early in the war Nazi material was employed only when the newsreel held the right to cut and trim.

Powell Off Maxwell

Dick Powell refused to waive the conflict on his next option and pulls out of Maxwell-House airshow after broadcast Dec. 26. Also off the show at that time is Mary Martin, giving up a piece of Maxwell-House with the addition of Frank Morgan, who joins up Jan. 2.

Only music on the show will be Meredith Willson's orchestra.

Wilson Par Producer

Hollywood, Dec. 17. Harold Wilson inked a deal as associate producer at Paramount under supervision of Sol C. Siegel. Wilson formerly was a producer at 20th-Fox.

Par's Film of Entire Football Game May Set Vogue Next Year

First film of an entire football game to be released to theatres was recently distributed by Paramount Newsreel as an experiment. It was released only in the territory where the game was played and its success is expected to result in making this a standard practice all over the country next season.

Game was the Boston College-Holy Cross battle in Boston. Complete film ran slightly less than three hours, about half an hour. Sound track was made right from the field as the game progressed and the picture was in first-runs the opening show the following morning.

Growing demands by audiences for pix of their favorite contests led to the Par experiment. It's not felt that there's sufficient interest in any games to release a complete version nationally, but that there are a number of sectional games each year in which it might be profitable to release pictures in two or three states.

RIVOLI, N.Y., GETS RKO'S 'KITTY,' U'S 'BACK ST.'

The only 'A' first run in New York to be buying its pictures in the open market, the Rivoli has closed deals with RKO for 'Kitty' and 'Back Street' with Universal for 'Back Street', with additional others expected from U later on this season. Deal for 'Kitty' was negotiated by John Wright, managing director of the Rivoli, personally with Ned E. Delmont, v.p. of RKO.

House opens 'Victory,' which Wright previously bought from Paramount, on Saturday (21), and from then on appears to be set on top-bracket features well into the spring.

One of the ace run houses of the country, the Rivoli has obtained lengthy and highly profitable engagements out of 'Grapes of Wrath,' 'Beachcomber,' 'Destry Rides Again,' 'Foreign Correspondent,' 'Wuthering Heights' and others, leading various distributors to favor it for certain pictures rather than stage-show houses though the Rivoli gets the same scale of prices.

Cobina, From Hossy Set, Into 20th Hoss Opera

Hollywood, Dec. 17. 20th-Fox handed Ray McCoway the director chair for 'The Cowboy and the Blonde,' featuring Cobina Wright, Jr., and George Montgomery. Ralph Dietrich and Walter Morosco divide the associate producer duties.

Howard Back at WB

Hollywood, Dec. 17. William K. Howard was signed by Warners to direct 'Bad Men of Missouri,' scripted by Robert Kent and Lester Cole. Howard's last director job on the Burbank lot was 'Money and the Woman' after he had passed up the Knute Rockne picture as result of a disagreement with studio execs.

DeMille's 'Queens'

Hollywood, Dec. 17. 'Queen of Queens' has been added to B. DeMille's production schedule at Paramount. Follows 'Reap Wild Wind' and 'Rurales.' One of his silent colossal was 'King of Kings.' 'Rurales,' story with a Mexican background, follows 'Reap.' J. Robert Bren and Gladys Atwater wrote the yarn and Theodore S. John and Alan LeMay are collaborating on the screenplay.

LOEW B.O. POLL WILL CONTINUE

Following up various polls that have been made and the recent RKO experiment of spotting its No. 1 feature on duals at an earlier evening hour, Loew's is seeking the answer to the double-bill problem as well as going to its public to get a line on star names most favored.

Loew's during the past week started polling patrons at its newly-opened American in the Bronx and plans doing the same in other theatres on the circuit where duals are played. A special balloting form was printed, with patrons asked several questions.

Fans are being polled on whether they prefer singles or doubles; whether they want screen, bank, bingo, etc.; if they would like the main feature to go on at 9 or 10:30 p.m., and who is each patron's favorite film star.

The results will be carefully studied and in each house where the test is being made direct to the public, with the probability policies may be shifted in accordance with the voting, especially if overwhelming in any particular direction.

Several weeks ago RKO selected the 86th St. in the Yorkville section, N. Y., as a testing ground for different scheduling of the two feature films on duals there. The house threw in the No. 1 feature at the more convenient hour of 9 to 9:30, with the second picture following that to close the house.

Policy at the 86th St. is being continued and reported that the public seems to like the rearrangement of the schedules to that the principal film may be seen without getting into the theatre at dinner time or so late that patrons don't get out until midnight. Because of the fact that business has improved at the 86th St. the same may be done elsewhere.

It is insisted in the trade, but usually not on the exhibition side, that there are many persons who want to see only the No. 1 feature, skipping the lower-deckers.

Connie Bennett Seeks To Attach GB in U. S.

A writ of attachment against the property of Gaumont British Pictures Corp., Ltd., by Patrick J. Monaghan, assignee of Constance Bennett, for \$31,467, was filed Monday (16) in U. S. supreme court. Actress assigned claim to Monaghan on Dec. 5.

Miss Bennett sued GB in California, and on Feb. 1, 1938, received a judgment awarding her \$31,467 in breach of an employment contract made Dec. 4, 1935. The film company appealed the decision which was upheld Aug. 24, 1940.

Other News Pertaining to Pictures

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Femme Stars Beached by Taxes

Hollywood, Dec. 16.

Uncle Sam is playing host to two femme stars of Hollywood so assiduously that they can't leave the precincts of the United States unless they tick in with their income taxes for 1940. One of them, a blonde Canadian on a way to Hollywood, has been stranded from crossing the northern border by orders from the Internal Revenue Department. The other, with a sailing trip through the Panama Canal in view, was cautioned to stay on dry land within the U. S. borders.

The girls are free to leave the country any time they turn in their tax assessments, which neither of them is ready to do in a lump sum on short notice. They are practically interned in the U. S., the safest place in the world to be interned, for the duration of the tax.

Universal Asks Tenders for First Pfd. Stock; Simplify Corp. Structure

20th Holds Johnson

Hollywood, Dec. 17. 20th-Fox handed Nunnally Johnson a new two-year contract as associate producer and writer.

The deal goes into operation when his present ticket expires next April.

NAZI FILMS DO BIG IN ST. PAUL

Minneapolis, Dec. 17. Blue Bird, St. Paul independent neighborhood house, is first Twin City theatre to show German pictures, including features and newsreels from the Nazi distributors. Sandwiches them in at occasional intervals with regular American fare and tils admission scale from 20c to 30c when it has them, children's admissions remaining at a dime, however.

Initial offering was 'Soldaten Komraden,' with business reported 'big' and no disorder of any sort. Hiller Hoffman operates the theatre.

Marvin Schenck to Dual On Theatres and Talent

In taking up duties as an eastern Metro representative on talent, working in association with J. Robert Rubin and Al Altman, Marvin H. Schenck will also retain his former post as special theatre department representative and assistant to C. C. Moskowitz.

Thus, no successor to Schenck will be named in the Loew operating post. The house, however, expected that Schenck's additional talent work will require frequent trips to the studio. He is especially qualified as an expert on talent through having been an executive of the Loew vaude booking office for many years.

That Old Meanie Karloff

Afraid of B'way Audiences

After scaring people from the screen for the past 10 years, Boris Karloff, who will appear in 'Arsenic and Old Lace,' comedy melodrama, told Howard Lindsay and Russell Crouse, who are producing the play, that he is frightened at the thought of appearing before the footlights. He is now remembered having appeared on Broadway before, but was with a Canadian repertory troupe before he went to Hollywood. Off the lot and stage he is one of the most quiet individuals, barely speaking above a whisper.

'Arsenic' will open the week of Jan. 6 at the Fulton, N. Y. Some seasons ago this same house had 'Dracula,' which Bela Lugosi, another famed femme audience, a necktie. He, too, is mentioned as turning to Broadway, this season from the Coast.

'Mary' to Be Tried Again

Hollywood, Dec. 17. 'The Trial of Mary Dugan' is scheduled as a remake at Metro, with Lorraine Day in the top role. Bayard Veiller's play was filmed nine years ago as a Norma Shearer starer.

Long-planned plan for simplifying the corporate structure of Universal was set in motion last week when a special meeting of the directors asked tenders for its first preferred stock and authorized the use of \$1,000,000 for such purposes. Of the 15,330 shares of this preferred issue presently outstanding, the company hopes to call in 10,000 to 11,000 shares by means of the tender method. Later, the balance will be made up by saving of more than \$82,000 besides wiping out approximately \$70,000 in past due dividends owed by U on the stock.

Universal is inviting tenders of these shares to be submitted to the transfer agent before 5 p.m. next Dec. 30, with delivery of and payment for such stock as accepted to be made about Jan. 8, 1941.

Universal directors announced their intention of winding up some new recap setup more than a year ago, but the market and company position apparently did not justify taking any action until now. Company ultimately hopes to call in all first preferred and possibly one of the common issues, it's reported, so that only one class of stock will remain outstanding. This would enable U to save a considerable amount on dividend distribution and interest. It also would place one class of stock in line to receive benefit of company earnings.

The call for tenders explains that 'since the issuance of first preferred stock in 1925, all sinking fund payments thereon have been met up to and including June 30, 1941, except those for the years 1933 to 1939, both inclusive, which, operating losses, made such payments inadvisable. In view of current earnings, no company feels that it can now make further sinking fund payments. Such payments will be made out of surplus, since the company has no earned surplus.

Universal reserves the right to reject any and all offers. In this way it will be able to dictate who will have the right to receive payment for the outstanding shares. The first preferred is callable at \$10 per share, and each share is in arrears about \$65. If the average price of tenders is \$100 per share, the present amount authorized for handling this stock would mean that 10,000 shares would be redeemed. However, if the average runs at \$98, about 11,600 would be called in.

Tender call explained that the first preferred stock acquired for the 1940 sinking fund payments was bought for an average price of \$96.61 per share, which, if the average price was \$100, would mean that the 1941 sinking fund payments was purchased at an average price of \$101.83 a share.

'Although the audit of the company's accounts for the first year ending Nov. 8, 1940, has not been completed,' it further states, 'it appears from the company's books that the net earnings after all charges, including estimated taxes, were approximately \$240,000. During the year the company accumulated, and there is included in such earnings, approximately \$390,000, which was blocked in Great Britain. The value of the stock at the present official rate of exchange is \$1,580,000.'

Chas. Sherman's U Pact

Charles Sherman, who did not write for a number of years, has been signed to a term pact by Universal Pictures. He trained to the Coast last night (Tuesday) from New York. Sherman will be assigned to scripts of pictures for 'The Sign of the Cross' and the Ritz Bros. Both teams are set to make further films for U.

UA PRODUCERS TALK 'STRIKE'

H'wood Stills Run Dry

Hollywood, Dec. 17. "Lips that touch wine shall never touch mine," a maidenly slogan evolved in 1840, is being revived in 1940 in (of all places) Hollywood. The water wars are trundling through the studios with Will Hays in the driver's seat, flicking his whip at convivial scenes in pictures.

Official edict not only cuts all drinking bouts on the screen to a minimum, but eliminates all taint of rum from still pictures. Bottles, jugs, demijohns, stem, mugs, glasses and other drinking utensils are taboo. This means that film companies must make two sets of stills when liquor is involved, one for use as reference by the production department and the other, with all evidence of inebriety removed, for layouts in mags, newspapers and lobby displays. Under the new rule an actor can't even pose with a glass on the table.

MOVE TO CUT DISTRIB COSTS

Non-Partner United Artists Producers Want a Better Selling Deal — \$65,000 Weekly Nut in Sales Dept.

SETUP

Hollywood, Dec. 17. "Strike" by United Artists producers, after completion of the output due under the current season's commitments, looms as a possibility. It is understood that a number of non-owner-producers met last week to discuss plans for coasting until UA gives them a more satisfactory distribution plan and devises means whereby the producers are indemnified against losses on production costs.

Meantime, deal was completed here-between Robert Sherwood, indie producer, and Elisabeth Bergner and her director-husband, Dr. Paul Caster, to turn out two films for UA release. Miss Bergner has a distribution deal with UA, made when she was in Europe a number of years ago, which has several pictures yet to go.

Sherwood provided the financing. Miss Bergner has contributed a play which she recently purchased, "That Was No Lady," and will work in the picture. Caster will direct. The trio will operate on a profit-sharing basis. First pic will be "Rings on Her Fingers." Sherwood just wound up "Legacy," for Columbia release.

Producers who threatening stoppage of work contend that UA should participate in financing of their product, as the company is showing a profit while the prospects for indie film-makers are not too bright. They also feel that with UA having a distribution organization costing around \$65,000 weekly to operate, and with distribution limited, domestic retrenchment should be in order to lower distrib costs. They figure they should obtain release at a 20% charge until costs are out and then UA should take more, until both sides are even. Present distrib charges is 25%, with bonuses under the Silverstone Plan making reductions to 18% or lower possible.

Goldwyn, Chaplin, Korda

Method of distribution charge suggested, it is said, would make producers happier and put them in more of a mood to continue their obligations. With owner Samuel Goldwyn, marking time, Charles Chaplin disappointed with returns on "Great Dictator," and Alexander Korda also displeased, non-stockholding producers stress the point that they should be considered on the basis of turning out the majority of UA's output.

Producers believe that with the owners inactive, they should weigh merits of demands of the others and permit Silverstone to revamp the distrib plan to suit his favor. It is understood that Silverstone is due here around Jan. 1 to meet with indie owners and try to find off production suggestion.

None of the indices, it is said, is readying production in pictures later than "May delivery," with Gabriel Pascal's second English-made probably the last. Edward Small is shuttering indefinitely, although working on script of "Dumas' The Corsican Brothers." His entire exec and working staff at General Service Studios will be through around the end of the year, with operations being carried by a skeleton crew.

David O. Selznick's plans are very indefinite. James Roosevelt, although holding three-year contract, is not contemplating production beyond his present "Pot o' Gold." Loew-Lewin have no future plans; Rich-

(Continued on page 21)

Gold and Schlaifer's Status in UA May Be Affected; Producers' Pressure

P.A.'s Dream

Hollywood, Dec. 17. "Murder Among Friends" at 20th-Fox started Nov. 13 with 13 principals and finished on Friday, Dec. 13, with plenty of work between the two unlucky dates.

Shooting was halted at seven times when Ray McCarey, Sidney Blackmer, Marjorie Weaver, John Hubbard and various members of the crew were stricken with flu.

Switches in major executive posts in United Artists' sales department are anticipated shortly. Arthur W. Kelly, recently named vice-pres in charge of sales, who is in that office, but changes are contemplated among his immediate subordinates.

Harry Gold and Jack Schlaifer, salesmen of eastern and western divisions respectively, will be principally affected. Gold is understood to be in the position of having lost the good will and cooperation of some of UA's producers.

Schlaifer hasn't been in good health for almost two months and is now resting up in Atlantic City. He's been at his desk occasionally recently, but his department has been virtually running without him under the supervision of his assistant, Seymour Poe. Schlaifer, nevertheless, has also done several special jobs for Kelly recently, and Kelly has been very complimentary in the press that the western division manager will remain with the company.

Until the switch of Kelly from foreign to general sales manager, Gold and Schlaifer held a cooperative autonomy, being responsible only to Silverstone. This grew out of a desire to hurt neither man by elevating one above the other to the post of g.m. No other company divides the country in two as UA does and it is thought likely that this bisection may now be ended.

There was general dissatisfaction with the division of the sales department and Gold was on at least two occasions—one only a few weeks before Kelly's appointment—on the verge of being named sales chief. Something, however, arose each time to prevent it, the last being the demands of a number of producers for Kelly. It is understood that Walter Wanger and Edward Small were particularly active seeking a change.

COL'S 'SPECIAL' SALE OF 'ARIZONA' BRINGS BEEF

Columbia's announced plan of selling "Arizona" as a special, instead of on its regular contract, has caused a squawk from Allied States Association. "Organization maintains that Wesley Ruggles' picture was promised on Col's 1939-40 schedule and there is no provision in the exhibition contract for its being sold as a special.

Sidney E. Samuelson, an exec of both the National Allied, and a letter to Col sales manager A.B. Montague, declared 'Columbia's failure to deliver the picture last season led exhibitors to believe that it would be on the 1940-41 contracts and many signed up in that belief.'

Series of 11 questions is asked in Samuelson's letter, including:

Is the picture to be roadshow? If "Arizona" is excluded from current contracts, will Col ask more for it than is stipulated to be paid for pictures in the highest bracket in said contracts? If Col asks as much or more for "Arizona" than is stipulated to be paid for pictures in the highest bracket, will Col recognize the right of its customers to cancel out another picture in the highest bracket? Will Col demand or suggest that exhibitors increase admissions?

Seiter's U Dual Deal

Hollywood, Dec. 17. William A. Seiter inked a deal to produce and direct two features for Universal.

Currently Seiter is directing Deanna Durbin in "Nice Girl" on the same lot.

WB Renews Grainger

Hollywood, Dec. 17. Edmund Grainger, contract as associate producer was renewed by Warners.

"Current production choice is 'Knockout'.

Screen Spice, British Com, Hays' New Contract Coming Up Today (Wed.)

Crackdown on any spice on the screen is expected to be one of the topics up for discussion when the Hays office board of directors meets today (Wednesday). Joseph I. Breen, head of the Production Code Administration, is due in today from the Coast and may attend the session. Present prospect is that a resume of steps taken by the Hays office on the Coast towards toning down allegedly 'rough' material (which is reported to have crept into recent screen vehicles) likely will be handed the directorate. Francis S. Harmon, eastern P.C.A. head, arrived back from the Coast last Monday.

Another vital matter set to come before the Motion Picture Producers and Distributors Assn. directors is the British foreign coin problem. It has been handled in all intricate details by Major Frederick Herron and foreign sales chiefs for the past three weeks or more. But final decision is being left to the Hays directors, it is understood, because stipulations and varied clauses in the one-year pact have such far-reaching implications.

All eight majors are covered by the British contract for the year (Continued on page 54)

PAR AND COL. IN RACE WITH JR. QUIZ SHORTS

Paramount and Columbia are racing to the line to get out shorts featuring moppet "Infantino Pleasers." Par last week signed with "Kid's" air show to use the name and the kids heard on that program. Ink wasn't dry, however, and announcement hadn't even been made public before a Columbia release revealed that studio's plans for a "Junior Quiz Parade."

Par's pact, it is understood, is for one short with options. It probably will be filmed at the Columbia L. I. studios during Christmas week, when the participants are out of school. It will be similar to the NBC radio show in every respect, with the three more-or-less regulars, taking part, plus two additional youngsters selected by Par and Lester Cowan, owner of the show, not only for brains, but for beauty.

Columbia is planning a series of the shorts. Format will be similar. It is understood, to the "Quiz Kids," although the film probably will be released. It is expected it will be made here, Hollywood with children chosen in.

Success of the "Quiz Kids" show on the air and "Infantino Pleaser" shorts released by RKO has given impetus to the Col and Par plans.

Ernest Kent, 58, Killed In H'wood Auto Crash

Hollywood, Dec. 17. Ernest Kent, 58, superintendent of maintenance at Fox West Coast, was killed in an auto accident Sunday (15) in Hollywood.

He was a brother of Sidney Kent, president of 20th Century-Fox.

Remembered

Hollywood, Dec. 17. New sound stage at Republic is officially titled "The Mabel Normand" in memory of the actress who starred there in silent pictures for Mack Sennett.

U.S. GETS TOUGH WITH SEAT TAX CHISELERS

Washington, Dec. 17. Smack-down by the Bureau of Internal Revenue last week cost Pietro Garofalo, president of the Cine-Lux Corp., of New York City, \$7,000, plus two months in jail and a deportation to Italy.

Although he made returns to the Collector of Internal Revenues each month, the New York operator failed to remit admission taxes to the Government. Said that he used the money to pay operating expenses of the theatre and corporation.

A "dear but just penalty" was enforced against Garofalo for "embezzling admission taxes collected from his patrons," the Treasury Department announced. Commissioner Guy T. Helvering of the Internal Revenue Bureau, issued a warning that "vigorous action" is being taken against owners and operators of theatres, cabarets, night clubs and other amusements places for chiseling on admission taxes which should be paid to Uncle Sam.

Krueger Outfit to Make Two Pix on Roach Lot

Hollywood, Dec. 17. John L. Krueger Productions, indie outfit, leased space on the Hal Roach lot to produce two pictures, first of which is "Washington Correspondent," based on yarn by Leonard Ross.

Krueger, who is understood to have eastern backing, is negotiating for release under the Roach banner through United Artists.

U. Execs Due East

Matty Fox, Universal production executive, is due east next week to be in New York over the Christmas-New Year holiday.

Fox will accompany home office topogers of the company, president Nate Blumberg and sales manager Bill Scully, to New York. They have been in conclave on the Coast on 1941-42 product.

Coast Powerhouses

Hollywood, Dec. 17. William Scully, sales manager, and Joseph H. Seidler, foreign distributor, are here from New York for Universal production parleys. J. Cheever Cowdin is due in by plane today (Tuesday) when session gets under way.

Markey at Col.

Hollywood, Dec. 17. Gene Markey is at Columbia to initial a three-picture deal.

Leads off with his own yarn, "The Great Lady."

FINANCING MAY BECOME TOUGHER FOR INDIES AS RESULT OF DECREE

An Indie Pic, Packaged with Four Others, May or May Not Come Off So Well on Distribution and Money Also May Be Tied Up Longer

Financing fears have already been felt because of the new system of selling which goes into effect on the 1941-42 season, with sources declaring that Wall Street and other financial circles are indicating an early dubiousness about the changeover for the industry. Individual producers may be seriously affected, with one of this group stating that already they are leery downtown about putting up money and are starting to ask questions.

Outside producers no doubt will be reluctant to release the same as in the past, before the financing is up, but what appears to be causing worry is whether or not a film company may be able to dispose of an outside-made film as profitably, in the event it isn't so. Another angle, in the event an outside-financed film is a hit, is whether or not it may suffer by being packaged with four clunkers, thereby greatly reducing its market possibilities.

These are all contingencies, however, and if a producer getting money for a picture turns up with a "dope" it might be better through to better results than now when cancellations exist. That could occur in the event the poor picture was grouped with one or more good ones which every exhibitor would want.

So far as the producer himself is concerned, his worry is to avoid bad pictures but on top of that he also may face another problem—less of the merit of the films he has made in the past, the financing element is seemingly concerned over the time it will take to get the money back. This is no less important to the film companies using their own dough.

So that packages of five can be made up for the best possible results, it is expected that every company will attempt to produce further ahead so that a substantial backlog of film will be on hand for screening as well as packaging.

After grouped and screened, time will then be consumed in the negotiations between buyer and seller which in some cases may take weeks or months if obstacles on deals are encountered. After that, then it is a question of payoff and collections, further delaying the time when the money will come back on the original investment.

Producers releasing through United Artists, Columbia and Universal, who are not party to the consent decree, may have less trouble in getting the necessary financing but this is also a question pending actual operation of the new selling system for the other five majors. As compared to UA, Col and U may or may not have advantages, a question which can't be answered now.

Hawks Quits 'Outlaw' After Tiff With Hughes

Hollywood, Dec. 17.

Howard Hughes, producer of "The Outlaw" for 20th-Fox release, took over command of the picture following resignation of Howard Hawks, originally signed for the job under a salary and percentage agreement. Hawks pulled out when Hughes insisted on a picture budget of \$1,500,000, which, Hawks contended, would have reduced the chances of realizing on a percentage basis.

Director is considering assignments at three other studios. One of them is the Jesse L. Lasky production, "The Story of Sergeant York" at Warners. Hughes will handle "Outlaw" personally.

Colbert's New Par Deal

Hollywood, Dec. 17.

Claudette Colbert was signed for two more years at Paramount under a deal calling for one film a year. Two more pictures are still to be made under the old pact.

Her new "Sixty Glorious Days" to start in January with Mark Sandrich as producer-director.

Studio Contracts

Hollywood, Dec. 17.

Superior court approved Martha O'Driscoll's minor contract with Paramount.

Andrews Sisters signed by Universal for three pictures a year.

Leonard Elliott inked actor pact at Universal.

Alberto Villa drew player ticket at RKO.

Warners bought Hattie McDaniel's contract from David O. Selznick.

James Anderson drew an actor ticket at Warners.

20th-Fox picked up Laird Cregar's option.

John Howard inked Columbia contract.

Leni Lynn signed to a player pact at Republic.

Elaine Morey drew a player ticket at Universal.

Metro signed Jeanette Bate as dancing instructor for young players.

Warners handed Jack Carson a player contract.

Metro signed Al Siegel as vocal coach.

Little 3' Move To Dismiss 2d U.S. Complaint

United Artists, Universal and possibly Columbia will ask federal Judge Henry Warren Goddard in New York on Jan. 7 to dismiss the amended complaint against them on the grounds that the complaint contains much superfluous material, and fails to state a definite cause of action against any of the three non-theatre-owned defendants.

An affidavit of Edward C. Raftery, attorney for UA and Universal, states that the complaint in its present form as against the latter three non-theatre-owned defendants contains references to the theatre-owned distributors plus all the allegations of their theatre monopolization. It is in no way a plea setting forth a controversy between the complainant and the non-theatre owners. The Government should be compelled to set forth the alleged controversy between itself and the non-theatre-owned defendants.

Columbia is expected to join in this plea. It has been learned that James V. Hayes, head of the consent decree, department of the Department of Justice, and principal author of the consent decree, has left the film suit, and is now engaged in a food case, in which Hayes' former head, Paul Williams, is prosecuting. Stephen Doyle, special assistant to the attorney, Doyle, general, is now in charge of the film suit, but whether Hayes will return to try the suit against Columbia, UA, and Universal has not yet been decided.

LOEW'S BONUSES

5,700 Employees to Share in Xmas Melon

At board meeting of Loew's yesterday afternoon (Tues.) approval was given to Christmas bonuses in which approximately 5,700 employees of the company will participate.

Employees earning up to \$40 a week will be eligible. Those with the company a year will get two weeks' salary except that the total shall not exceed \$50, while those with Loew's six months will receive one week's extra salary but not to exceed \$25.

Paramount is reported planning an extra week's salary for all of its employees on the payrolls up to \$50 a week.

The Relic Parade

Hollywood, Dec. 17.

Universal's scouts are prowling junk yards and rental markets to load up on ancient jalopies, such as the Pope Toledo, Stoddard Dayton, Stevens Duryea, Winton and other relics of the early gasoline age.

The relic rally will be revamped as mechanical extras for the Vanderbilt Cup race in "Back Street."

\$50-Per-Day Fees For Arbitrators To Be Whittled

Arbitrators sitting on film cases arising out of the consent decree are not going to get fat on the fees they will receive for their time, and the \$50 per day specified in the decree itself will be very rare.

Entirely on its own initiative, the American Arbitration Assn., is laying plans to set a scale of fees for arbitrators that will drastically hold down the cost of hearings, thus greatly lightening the burden on the distributors and exhibitors who will have to share equally in bearing that overhead.

Action of the AAA is taken independently of the Department of Justice but it will advise with D. of J. attorneys on this, as well as other matters relating to the consent decree, as they come up. Reports two weeks ago were that the D. of J. favored a sliding scale on arbitrators, with pay to be in accordance with length of hearings, importance of cases considered, etc., but stated in Washington then that any such plan was up to the AAA. It is now learned that the AAA has determined on such a course and will severely hold down the fees the arbitrators on the various 31 film boards posted will be paid.

While in some exhibitor circles exception has been taken to the costs theatre operators will have to stand under arbitrators, it is understood that the AAA itself has received no protests from exhibitors but is anxious, however, to keep arbitrators from getting rich off the industry.

The AAA, of course, had no hand in the drafting of the decree but was not pleased with the clause under which arbitrators would receive up to \$50 per day for hearings for a day on any part thereof. Its displeasure stems partly from the fact that hundreds of persons are seeking to get on the panels because of the pay possibilities, but more largely because arbitrators of the AAA are not paid anything in settling disputes of any other industry using the association's machinery. It has over 7,000 arbitrators on its panels for other industries.

Unofficially it is felt in the trade that if it takes an arbitrator only a half hour or so to hear a case, he shouldn't be paid \$50. Also that if an arbitrator at that scale sits on a case five or six days, a total of \$250 or \$300 would seem excessive. Fees of \$55,000 for the three members of the appeals board stick, however.

J. Noble Braden, executive secretary of the AAA, expects disbanding of the 31 arbitration panels to be set up for films, will work out the fees that are to prevail for arbitrators in these tribunals when he returns to New York Jan. 5.

Jinxed All Around

Hollywood, Dec. 17.

Jeffrey Lynn drew a suspension from the Warners payroll for his refusal to play the male lead in "Jinx Woman," a remake of the old Bette Davis starrer, "Dangerous."

Studio is flustered on dropping the picture and its release schedule as result of casting difficulties.

Of People and Places

By THE SKIRT

Best dressed woman of the week:

MYRNA LOY

Third Finger, Left Hand'
Capitol, N. Y.

Myrna Loy In Long Coats

At the Capitol theatre is another of those wacky comedies, called "Third Finger, Left Hand." Myrna Loy is the heroine, and, as always, is Myrna Loy. Dolly Tree dresses this miss and does very well by her. As the head of an establishment Miss Loy appears first in a nicely tailored suit made with a belted coat. A suit of a checked silk is worn with a hat that looks like a basket of cherries, handle and all. House coats are Miss Loy's long suit; she always shows something different. One is especially good-looking. Of a light material, it has a yoke back with full shirtings. The front has wide pockets. A formal evening gown is of the halter type in white with lovely draped skirt. A black velvet suit sports four white bows down the front, the hat matching as to bows. A checked jacket is worn with a plain skirt. A hat of the beret type has one quill. There are several small hats.

Little Bonita Granville, grown to quite a young miss, is nice in a party frock of white tulle over rustling taffeta. She wore several one-piece shirtwaist dresses all well tailored.

The Ballet—Beautiful but Dusy

The theatrical season, well launched, is now perfect with the Ballet Russe (Original) housed at the 51st Street Theatre, per S. Hurok, the ballet monopolist. Saturday matinee genre of the ballet is "Carmen," the ballet is with pierrots, clowns and the girls in yellow and white ballet dresses. Some are in three-ruffled costumes with long white panties showing. Hair worn in long curls is covered with poke bonnets. The "Valse Noble" has as soloists Miles, Golovina, Leskova, Obidenna, Popova, Razoumova and Svetlova. The males are Alexandrov, Ismailoff, Matouchak, Orlov, Humaine and Toumine. The soloists are Miles, Couprina and Melnikova and Mmes. Macleaff and Nicolaeff.

"The Firebird" is beautifully done with Tamara Toumanova as main toe mistress. Mile. Toumanova is an exotic brunette and wears, for this number, a short ballet costume consisting of pink and white feathers with gold banded and pink tights show the effects of a very dirty stage. The twelve girls in with bare feet suffer also from the stage. Their bare feet were black. The robes were Russian in design of white with gold embroidery. Tamara Grigorieva has the lead and is also in the Russian tunic. The "Spectre de la Rose" number has Irina in a white dress made simply with full skirt and high bodice. Roman Jaskinsky flies through the window with the agility of Nijinsky.

The final ballet, Prince Igor, is beautifully staged with all the old magnificence.

Lamour Versus Jodhpurs

The Paramount (tear) show on Wednesday) audience in raptures over Rosemary Lane. This young woman wears a summer dress after noon, is just what to allow Miss Lane off the stage, in spite of the fact that Henry Youngman is on the stage also. Youngman, with his well-known foolishness, had to take a back seat. Miss Lane sings song after song and her infectious laugh is good to hear. Her gown is a full-skirted affair of an ice blue shade. The skirt is of a material that looks like satin and silk, forming a pleid in the ice shade. The bodice is silk made perfectly plain with tiny sleeves and the only trim is a row of diamond buttons down the front.

The film is nice simple opus called "Moon Over Burma," starring Dorothy Lamour. As a cabaret singer Miss Lamour wears the usual ruffled skirt bunched down the front. It is dotted in large spots and has a velvet bolero. Midriff is bare and the bolero top is heavily embroidered with white beads, while the throat has rows of the same beads. There is a white tailored suit with patch pockets, and a halter type sunset of white also.

In tropical countries white dominates and all the simple one-piece dresses that come out of one except for a few details are substituted.

Doris Lillian, the only other woman, is in tan jodhpurs with white skirt and a white suit followed by a long white gown trimmed with jeweled buttons.

Slimmer and Taller

Madame Sonia Rosenberg had her midwinter showing recently. She's made clothes for important women over the stage for the last 35 years. She has the knack of making fat women look slimmer and short ones taller. That is the secret of her success and another thing is that her clothes don't go out of style.

In the new collection the medals went to the evening frocks, that is where the shines. The dresses are form fitting, one in particular of whom she had double bands of red and purple running from neck to hem. Another black tight skirt had a peplum bodice of solid jet. But it was the buffants that caught the fancy of the room full of women. One silver lame was a four-way dress. The beautiful model appeared in the dress. It was at first a silver lace skirted dress with bolero. Off came the lace skirt and was a straight lame gown with bolero, and discarding the bolero it was a lovely evening decolletage, then the lace skirt was thrown around the shoulders making an entrancing cape. Many of the gowns were embroidered in silver and gold and an accordion pleated dress of chiffon was sprinkled in diamond studs.

The short frocks for Florida were particularly lovely, for the most part consisting of one piece dresses with long cloth coats. One black dress had an intriguing collar of white embroidery.

In the gathering were Dorothy Hall, Pauline Saxton, Brenda Denny, Mrs. Rose Gershwine, Mrs. Marvin Schenck, Mrs. J. Lubin, Madge Kennedy and Mrs. George Washington Kavanaugh with her daughter, Mrs. Warner. Mrs. Kavanaugh told an interesting story of her father, Mr. Kavanaugh. He bought it from an ex-sweetheart of a king for \$60,000. Tiring of keeping the coat in a vault, Mrs. Kavanaugh has built a refrigerator vault in her own home for her furs.

Mrs. Leslie Carter's Story

Palace had "The Lady with the Red Hair." To the passerby it probably means just another picture, but to the life of Mrs. Leslie Carter. Although Miriam Hopkins as the star does a swell synthetic job, she hasn't the glamour of the woman she is picturizing. Claude Rains however does catch the spirit of David Belasco, especially in the years when the famous producer had snowy locks. Helen Westley is an ideal theatrical boarding housekeeper and Laura Hope Crews in a mother role does her stint well. The clothes worn by Miss Hopkins are of the period (early '90s). Milt Anderson did the clothes and he utilized yards and yards of lace. There is hardly a costume worn by Miss Hopkins that didn't have some sort of lace trim. Materials ran to the silk variety. In the zenith of the lace, the star does wear some very beautiful evening clothes. Don't know if lame was a material of those early days but lame does play important part in some of the picture version dresses.

Moire silk is true to form, Miss Hopkins' hats are either sailor or the huge affairs turned up at one side showing the high hair comb now back again. Laura Hope Crews' two evening wraps are strangely familiar, the ermine and the ermine and the ermine and the ermine, especially the ermine still and black velvet coat with ermine collar.

FILM LABOR UNDER FIRE

Philadelphia Variety Club's Shindig Voted a Slightly Colossal Wow

By JOHN C. FLINN

Philadelphia, Dec. 17. Patriotism and preparedness shared the spotlight with charity and help for under-privileged American children at the eighth annual Variety Club banquet, Tent No. 13, which attracted a capacity crowd of 1,000 showmen and their friends to the ballroom of the Bellevue-Stratford.

Thursday (12). Postmaster-General Frank C. Walker, charter member of the local club unit through his years as an executive of the Comforter theatre circuit, was the guest of honor, sharing the headliner place with Jay Emanuel, and Dr. Leon Levy, retiring and new chief barker, respectively.

From the social viewpoint the affair was among the outstanding events of its kind in theatrical circles of the past decade. Guests included state and city officials and executives from every film company, theatre organization and radio group. The New York contingent numbered several hundred.

John H. Harris, of Pittsburgh, founder of the Variety Clubs and national barker, was seated at the head-table and at his own request was not included among the speakers. But he failed to escape from the attention which his charitable work and leadership focused on him. U. S. Senator James J. Davis turned the spot on Harris by recounting the incident of 16 years ago when a group of Pittsburgh theatre men adopted and undertook sponsorship of a founding baby girl who was found in the Sheridan theatre. On this rock of kindness the Variety Clubs, now numbering 24 in leading key cities, were organized. Dr. Levy announced at the dinner, that the Philadelphia organization will take over the entire responsibility of the President's birthday drive for funds for the Warm Springs Foundation.

Check for \$2,000 was handed to Alexander J. Stoddard, president of schools, for special equipment for the S. Willis Martin Orthopedic School for children.

Shindig started with a bang when guests were seated at two long dais tables. During table service, Ben Fields emceed from a full stage at one end of the ballroom. Accompaniment to numerous acts and speakers was provided by Benny Meroff's band. Last number of the evening as his own unit closed the show with 25 minutes of fooling. Among guest entertainers were Vincent Lopez, Peter Lind Hayes, Edmund Lowe and Ann Dvorak, the Roxettes and others.

Ben Bernie was toastmaster, handling the lengthy program with much skill. In addition to the chief guests, speakers included Harold G. Hoffman, former governor of New Jersey; John B. Kelly, democratic leader of Philadelphia; Spyros Skouras, head of National Theatres; Major-General Clifford H. Powell, of Camp Dix, N. J., and Senator Davis.

Jack Beresin was chairman of the general committee. His co-workers were David E. Wesner, entertainment; Ted Schlanger, dais; Earle W. Sweigart, reception; Edward Callow, publicity; Hilary Brown, tickets; Charles A. Goodwin, printing; Benjamin Fertel, dinner and Milton Roganser, seating.

Out-of-town guests included Barney Balaban, Joseph Bernard, Ned E. Depinet, James R. Grainger, Arthur W. Kelly, Louis Krouse, Abe Montague, William F. Rodgers, William G. Van Schmus, Herman Wobber, Bob O'Donnell, Steve Brody, Max A. Cohen, Tom Connor, Harry Gold, Leonard Goldenson, Rubo Jacketer, Carl Lesserman, Jules Levey, M. A. Lightman, Leon Netter, John G. Faine, William Sussman, J. J. Unger, Louis Weinberg and Robert Weitman.

Dinner wound up about midnight. Party ended with late winter sunrise.

Bert Stearns Installed
Cleveland, Dec. 17.
Installation of Bert M. Stearns as Variety Club's sixth chief barker at

banquet for other new officers for the 1941 season last Saturday (1) at the Hollenden Hotel was the biggest shindig of the year for the Cleveland tent, magnetizing nearly 200 theatre men and out-of-town film execs.

Gran Heads Milwaukee

Milwaukee, Dec. 17. L. F. Gran, head of Standard Theatres Co., has been elected chief barker of the Variety club, succeeding Oscar E. Olson, business manager of Motion Picture Projectionists' union, Local No. 164 (AFL). (Continued on page 21)

St. Louis Suburban Nabe Stenched; IATSE Denies Any Knowledge

St. Louis, Dec. 17. The stenched last week of the Ozark, in Kirkwood, residential suburb, marked the first trouble since Sept. 1 when approximately 100 members of IATSE, Local No. 143, began a house-to-house canvass to 25,656 residents in Kirkwood and Webster Groves to tell their side of a dispute with the owners of the Ozark, Osage and Kirkwood theatres, located in the two towns. On Sept. 1 the owners of the cinemas refused to sign a new wage contract which would have put two instead of one projectionist each booth. The union men were replaced by non-union workers and the picketing began.

Last week while 600 payees were watching 'He Stayed for Breakfast' some one broke a quart bottle that had been wrapped in paper and rag and which contained stench fluid. The customers did not tarry for the rest of the program.

Robert Thomsen, business representative of Local No. 143, disclaimed any knowledge of the stenching. He said members of the Local decided to personally tell their story to each householder in the two communities. They are explaining, Thomsen said, that the union men were locked out, that all other flicker theatres in St. Louis County employ two men in each booth, and that two-man operation in St. Louis is mandatory by ordinance as a safety measure.

RACKET CHARGES PROBED BY D. A.

Inquiry Around 1937 Strike, with N. Y., Chicago Angles Also Scrutinized — Dep't of Justice Making Own Investigation

QUESTION IATSE

Hollywood, Dec. 17. Los Angeles city and county authorities are making a combined investigation of asserted film racketeering in the film industry to determine whether there is sufficient evidence to warrant placing it before the new Grand Jury. The preliminary inquiry is being centered around the 1937 studio strike and several labor deals that have been made since the walkout ended, particularly the takeover of local unions by the International Alliance of Theatrical Stage Employees.

Several studio members of the IATSE, as well as other crafts, are known to have been in contact with the office of District Attorney John Dockweiler. Others have been questioned by Wallace N. Jamie, special investigator for Mayor Fletcher Bowron and who was instrumental in uncovering the San Francisco police graft.

New York and Chicago angles also are reported being checked with reference to long distance telephone messages and telegrams from prey George E. Browne, of IATSE, and other officers of local unions here. Affidavits have been taken from officials of the telephone company and of both wire services. It is understood these pertain to messages relative to the takeover when the International grabbed control of Technicians Local 37, expelled many members and then scuttled the union.

It is understood that Herbert Sorrell, business representative of Moving Picture Painters Local 644, will be questioned or has already been asked about an offer of \$55,000 in connection with demands of the Studio Painters. Sorrell scorned any deal and insisted on a 15% wage increase for his members.

The Department of Justice also has been active in making a separate inquiry, but have been close-

(Continued on page 52)

B.&K. 'Consent' Finally Settled; Will Now Conform With Major Decree

Rained Out

Hollywood, Dec. 17. Heavy rains have put a dampener on all outdoor film production. This is seen as the start of the rainy season, so exterior shooting has been postponed for weeks.

Midwest Circuit's Conspiracy Suit Vs. Co-op Comes to Bat

Detroit, Dec. 17.

Pending in the Federal court here for some time, the suit of Midwest Theatres, the circuit operated by Raymond Schreiber, against the Co-operative Theatres of Michigan, charging them with conspiracy, finally has come to trial before Judge Frank A. Picard.

The suit originally was filed over a year ago but preliminary maneuvers, which included postponement of the trial on July 18 and later in September when the court ruled the suit would take too long on the busy summer docket, has thrown it back to now although both sides have been contending they were ready to go to trial.

In their opening statement, Schreiber's attorneys declared that the extensive Cooperative had used its weighty buying power to prevent the plaintiff from getting pictures, in violation of the anti-trust laws.

In the defense statement the position was taken that the Federal Court does not have jurisdiction as interstate commerce is not involved — the both companies operating in Michigan — and thus there could be no violation of the Federal anti-trust laws.

Brooklyn Folly's Suit

Application to examine Edward Schnitzer, Roy Haines and Harry Decker, of Warner Bros., before trial will be made to the N. Y. federal court today (Wed.) by the Folley Amusement Holding Corp. in connection with its anti-trust action against all the majors, Republic and Monogram.

Action seeks damages of \$750,000 for allegedly putting the Brooklyn Folly theatre out of business by denying it product.

Chicago, Dec. 17. Consent decree case involving Balaban & Katz and the eight major distributors, which has been hanging fire in Chicago since 1938, was finally settled last week. Of the 11 defendants charged with violations of the Sherman anti-trust act and of the 1932 consent decree, eight were dismissed of these charges and three were fined.

Balaban & Katz Corp. was fined \$5,000 and costs. B. & K. Management Corp. was fined \$2,500, and Paramount Pictures, Inc. fined \$2,500. Charges were dismissed against Barney Balaban, Warner Bros. Pictures, 20th Century-Fox, RKO Radio, Universal, Loew's, United Artists and Vitaphone.

Three corporations which were fined accepted the decision nolle prosequere, which means that there will be no further consent. The only stipulation is that all present consent decrees, including the one which will be modified to conform with the recent consent decree entered into in New York.

Decree Dates to 1932

Chicago consent decree had been set up in 1932 before Judge Charles E. Cook ruled, the same judge presiding on the present case. Judge Woodward at that time found them guilty of conspiracy to monopolize and restrain interstate commerce in the distribution of exhibition of moving pictures in violation of the Sherman anti-trust act. Attorney General's office in 1938 filed charges against the defendants, claiming that they were violating that 1932 consent decree and were coercing independent theatre owners.

Entire case was referred to Master-in-Chancery Edgar Eldredge, who made the recommendations.

In general the Chicago consent decree will be revised to fit in with the New York decree with one important exception, and that is that in Chicago an independent circuit, even though having more than five theatres, will be considered an independent exhibitor, and thus permitted to enter a complaint. In the east any exhibitor, whether affiliated or not, is considered a circuit if he controls more than five theatres.

U. A. U and Col. End Fight To Call Off Gov't Suit

The expected explosion of legal argument by attorneys for Columbia, United Artists and Universal failed to come off this week, as on Friday (13) the three majors withdrew their opposition to a suit the Government is proceeding with its three suits against independent circuits and the majors. The three smaller majors had been seeking to stay prosecution of the Schine, Griffith and Crescent suits until such time as the Government's biggest case against them in N. Y., had been decided.

Much oratory had been wasted in the Federal court at a previous hearing before Judge Henry Warren Goddard on Dec. 5 to show the court the impossibility of attempting to defend all actions together, or even two at a time. The court was impressed, and ordered Robert L. Wright, special assistant to the attorney general, to see Thurman Arnold, and get a listing from the attorney-general of the time the suits were to be tried. Depending on the declarations, Arnold, the court indicated that while it would not order the other suits to be held up, it would grant additional time for preparation to the three majors.

On Thursday (12) the majors and the U. S. got together with the Department of Justice agreeing to inform the three companies of the order in which the suits would be tried, and also agree to try them in an orderly fashion. Thereupon the majors withdrew their objections. Suit was put over to Jan. 7, and the three majors have until Jan. 10 to ask for bills of particulars, and until Feb. 5 to file answers to the new complaint. Trial is expected to get under way by April, 1941.

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'Santa Fe' Junket Costs WB \$30,000, Friday 13th Jinx Hits New Mex. Pream

By ARTHUR UNGAR

Santa Fe, Dec. 17

Warner's pilgrimage to Santa Fe from east and west of some 500 players, newspaper folk and studio execs ended here Sunday morning (15). Weather here was unusual for the western group, which had to trail through snow and slush, but the eastern gang pronounced it as the usual thing and were somewhat cramped in their endeavor to enjoy mountain sunshine that they had expected.

Opening festivities began when east met west at Lamy and journeyed together into Santa Fe on Friday the 13th. The expedition wound up in a blaze of glory the following night with the world premiere of 'Santa Fe Trail'. More than 20,000 people lined the streets of this town to watch the galaxy of stars and players taking their bows on the 'covered wagon' platform between the Alley and Lenoir theatres, opposite the city center, where Rudy Vallee, a direct contributor by those in the Warner land circus. This was another of those WB trips over the Santa Fe, where the company of all while non-press observers grabbed the choice seats.

It was 60 hours of continuous merriment for the visitors and the guests who arrived in Santa Fe to participate in the ceremonies preceding and following the premiere, which wound up with a grand farewell party on the 14th, the company of all the California contingent lived on during its stay here.

Santa Fe was all set for driving Friday 13th jinx away immediately after the arrival of the guests, so in the Plaza Square they had a gigantic effigy of 'Tio Coco,' the 'Bogey Man,' all ready for burning. But before Errol Flynn could put his torch to the kindling, Olivia De Havilland became ill on the train, could not be at the ceremonies and after spending couple of hours in a local hospital she rushed by the train to Los Angeles. Bob Taplinger acted as escort and returned via plane late in the afternoon. Then May Robison was also effected by the altitude and was sent to Albuquerque. Jules Burgin, a new cameraman, got a touch of flu and was taken to a local hospital. Jack Lait got a bit of a cold, too, retired to his stateroom, and headed for Hollywood. That was all before 'Tio Coco' went up in flames. There were no other ill omens.

There were parades here Friday, including the parade of the Shiloh Ball and a Grande Costume Ball at the La Fonda hotel, where all of the stars and visiting players took bows. And that 1800 spirit in costume, etc., and it fitted the occasion perfectly.

Saturday the mob went to an altitude of some 9,000 feet at Hyde Park Lodge, where they had a Shiloh Ball tendered in their honor by the Santa Fe Sports winter club. Afternoon included parades in costumes worn by the visitors and Indians, and which a ceremonial dance. Indulged in by the Indians at St. Francis auditorium. Later, of course, there was a parade around the theatre. (Continued on page 53)

Condon, Braden Paving The Way for 'Fantasia'

Advance men, for his advance men were started on tour by Walt Disney last week to plug 'Fantasia.' Three-month round of the first 30 cities in which the musical film will play was begun by Richard Condon, Disney publicity director, and Frank Braden, who's doing the special chore before he returns to plying the Ringling Bros. circus in the spring. Condon and Braden will be hitting some spots possibly a year or more before 'Fantasia' arrives, as the film will never be shown in more than 12 cities at once and will play each as long as the boxoffice bears up. While out, Condon and Braden will not only do press-agenting, but look over possible theatres. Long-distance job by the pair of p.a.s. is said by the Disney office to be an attempt to clear the mystery that surrounds the picture outside of New York, only city where it is currently playing.

Road Company Pream

Redlands, Cal., Dec. 17. Warner's big premiere in Santa Fe, N. M., of 'Santa Fe Trail' had an auto-modest rival here in the opening of Republic's 'Texas Terror,' a run-of-the-ranch action picture with Don Barry in the saddle. Entourage invaded the citrus town by bus.

Press, Shoved Around In Theatres, Will Catch Pix on Studio Screen

Hollywood, Dec. 17. Film critics from now on will preview motion pictures in the privacy of studio projection rooms instead of mingling with the public in theatres. New system was adopted by the Producers Association to expedite work for members of the daily press and trade papers. Under the old order the previewers were often lost in the shuffle while non-press observers grabbed the choice seats. Another reason for the shift is an estimated saving of \$50,000 through Annie Oakley. Authors bought by the studios. Under the theatre preview system the operators turned over 400 tickets to the studios for the added attraction but the producers had to lay it on the line for 400 more at full admission price to take care of friends, relatives and other camp followers. Publicity observers figure the cost at \$100 per preview for approximately 500 public screenings a year.

GABE YORKE MAY GET UA EXPLOITATION POST

G. S. 'Gabe' Yorke is understood to hold the lead in consideration for the post of exploitation manager of United Artists. Spot will be vacated Jan. 1 when Monroe Green, that moves up to the pub-ad director job from which Lynn Farnol has resigned.

Yorke is now doing exploitation work for UA in the Midwest. He's former publicity and advertising manager for Paramount studios, and manager of Fox publicity matters of Fox and Fox-West Coast theatres, p.a. for Fox first-run on Broadway, advertising manager for the Rocky theatre, N.Y., and head of the Advertising Advisory Council of the Hays office.

Boris Morros' Findings

Or in Other Words He's Ballyhooin' His Own Filmusical

Minneapolis, Dec. 17. All things considered, the standard action picture quality is higher than if Hollywood producers would only realize that the United States covers something more than the distance between Ciro's and Chasen's in Hollywood, films would be even better in the opinion of Boris Morros, Paramount producer.

Here on a tour of leading cities in connection with trade and press showings of his current release, 'Second Chorus,' Morros expressed the belief that better pictures will eventually be made if other producers will follow his lead and feel the national pulse by contacting exhibitors, salesmen, branch managers and the lay public first-hand to learn what they want in screen entertainment and to study their viewpoints and reactions as they relate to the American scene the once-over.

His own talks with exhibitors, change men, taxi cab operators, clerks, etc., during his current trip, have convinced him that the present troubled times the general run of people want music and comedy in their films, he says. 'On every hand,' he declares, he has found a demand for the so-called 'lighter pictures' and an aversion to propaganda, problem and sociological dramas and

'KITTY FOYLE' BRUSHOFF BURNS UP WB IN PHILLY

Philadelphia, Dec. 17. Officials of the Stanley-Warner Co. are burned at the brushoff they got from RKO when they asked that members of the cast of 'Kitty Foyle' be sent to the box office to promote the film at the Boyd Rev. 27.

With huge trainloads of stars coming to preems in whistle stop towns in the past, they feel that RKO's turnout in the insult to the city the name of Philly, especially with a film that has had the ballyhoo and buildup of 'Kitty Foyle.' (Much of the action in the picture takes place here.)

RKO told S-W that none of the stars could be spared because they were tied up on new pictures at present. The much-awaited preem has boiled down to a contest for the selection of Philadelphia's Kitty Foyle by a jury, on which Christopher Morley, author of the book on which the film is based, is expected to serve. The gal will be taken on a tour of the spots mentioned in the book, and will attend the opening with a member of the social set.

Wrigley Buys 1,400,000 Ducats to Plug 'Baines'

Hollywood, Dec. 17. Pyramid Pictures, RKO and the Wrigley gum outfit closed a \$280,000 deal to ballyhoo the picture, 'Scattergood Baines.' Money represents the purchase of 1,400,000 gum tickets to be distributed by Wrigley to gum dealers throughout the country. 'Scattergood' is currently in work at the RKO-Pathé studio with Guy Kibbee. The picture is producing for RKO release.

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Bracee Displaces Jack Keegan as WB Wisc. Theatre Head; Exchange Briefs

CLIFF LEWIS EAST ON PAR EXPLOITATION

Cliff Lewis is coming east in January and will be placed in some capacity, yet not worked out in connection with exploitation for Paramount.

Matter is to be discussed with Lewis when Bob Gillham, director of publicity-advertising at the home office, goes out to Hollywood. Gillham, meantime, is giving consideration to exploitation expansion essential to next year's selling under the present decree.

Lewis last week was replaced at the studio as publicity-advertising director by George Brown. He was formerly in charge of advertising at the home office. Spot for him east on exploitation, whatever it will be, in no way affect the status of Alec Moss.

'Flight Command' Air Christening Runs Into Gob of Dirty Weather

Washington, Dec. 17. Ultra-ultra in promotion was achieved Sunday (15) when Metro appropriately christened its new pic, 'Flight Command,' by hiring a Pennsylvania Central Airlines plane to carry to New York the studio's executive. The flight was piloted by Hawk N. C. (scene of the first successful airplane flight) and entertained the passengers with a special showing of the film aboard the airplane.

First hitch encountered was due to the weather, which prevented the ship from landing on the sandy North Carolina shore. Plane was routed, instead, to Pittsburgh. With aviation guests aboard, P. C. executives were impressed by the stunt. Agreed, however, that the subject matter of the picture was not exactly appropriate.

Taking off from Washington, the airplane ran into rain and fog. Hair-raising shots of planes falling in flames, parachutists bailing out and other spectacular air-catastrophes were less appreciated than they might have been if the safe confines of an F street theatre.

Too Realistic To some of the flying scribbles, the realism was a bit overdone, because of the situation and the weather. Others complained that the small screen had been installed too low, that the lights went out at one point, that the sound effects were so loud at first that they nearly 'blew the passengers out of the plane.' More squawks were registered when the sound track flunked completely, creating the effect of the old-time silent films—without benefit of sub-titles.

Most of the picture, however, was enjoyed and appreciated. Groucho finally was confined to the fact that cigarettes were not allowed, for fear of igniting the film. Another blemish was recorded when the plane failed to land at Pittsburgh because of weather conditions.

Despite the shaky stomachs, interrupted continuity of the film and failure to put down at any of the specifics, the passengers stated they had enjoyed most of the picture. Film showings on regular trans-continental flights were predicted, with one observer commenting that double-features might be used by the coast-to-coast bus services to while away the hours.

Guests were buoyed up for the occasion by a blowout at the Wardman Park hotel before the group took off on its flight. Walter Pidgeon, star of the picture, was in charge.

Washington preem of the film was staged at the Capital last night (16), given by a banquet at the Carlton hotel. The evening was flung by Howard Dietz, Metro's advertising head. Gen. George C. Marshall, army chief of staff, Admiral Harold Stark, chief of naval operations, and other notable were at the head table.

Milwaukee, Dec. 17. Jack Keegan, district manager of Warner Bros. Wisconsin theatres, located in Milwaukee for last decade, has been transferred to manager of WB Venetian, Racine, Wis., and Marcel Bracee, formerly of Chicago, has been named to replace him. The house, moved into the job Keegan held as state chief.

Detroit's Building. Detroit, Dec. 17. Both new building and remodeling continue, heavy here. The new building, nabe owned by Bernard A. Brooks, will have new sound and projection equipment. He also is building a new house in River Rouge.

The Oliver, recently taken over by Moulie & Newman, will also be remodeled with new front and marquee. Also redecorated was the Detroit-owned by M. Fine and Max Lefkovich.

One new theatre scheduled for Detroit, the Delmar, to be built for Saul Sloan. Nearby Melvindale also will get a new house, starting in the spring, the Mel being put up by Louis Sussman. Outstate, the theatre of Kalkaska gets its first theatre in the 300-seater which O. W. Keeler is constructing.

Schline's New Oswego House. Schine Circuit unearthing its new house at Oswego Xmas Day. Ben Wolf, Metro auditor, will be on duty at the local M-G-M Exchange for the next two months.

Hipp by Conlin being succeeded at Buffalo for other work, succeeded by Paul Schlager. Leaving Shea's Buffalo for other work, succeeded by John N. Dipson. Balley's new manager, M. Meyer, succeeds Don. Harpole, who has just been transferred to Kitten Hawk, N. C. (scene of the first successful airplane flight) and entertained the passengers with a special showing of the film aboard the airplane.

Schline closed the James. Syracuse. Leo Murphy has left Pan-Am-Film for a special assignment with the Film and Previews in Buffalo territory.

Schline's Rialto of E. Rochester now being handled by John F. Alcock formerly of Ashland, O. who succeeds William C. Brimmer. Luzaca, responded the Walden, Buffalo.

Ruben Canter adds third-link to his chain, responding the Huxford, Skaneateles, formerly operated by C. Huxford.

Samuel Huxford, now being managed by Buddy Freeman, formerly with RKO's Rochester and Syracuse theatre organization.

Matthew W. replacing Vernon Burock on the staff of Shea's Buffalo Art Studio.

Samuel Huxford is taking over booking duties of Dipson Theatres during the army service of William Dipson.

Jimmy O'Shea, son of Metro's E. K. O'Shea, member of Shea's staff, is leaving to visit his father. St. Joseph's College here, now residing at the Buffalo A. C.

Senate and Marlow, formerly operated by M. Marlow, now Babcock at Wellsville was heavily attended by Buffalo films.

Mrs. Purdy's Setback. Rochester, N. Y., Dec. 17. Suit to void the estate of Walter H. G. Carroll Theatre, Inc., was dismissed last week by Supreme Court. Justice Benn Kenyon, who held the complaint failed to state facts sufficient for legal action. Justice Kenyon gave Mrs. Florence L. Purdy of Ithaca, 20 days to amend her complaint.

Mrs. Purdy sued as a minority stockholder in the estate of Walter H. G. Carroll Theatre, Inc., owner of the Strand, and alleged her brother and two sisters were denied their share of the estate. The Carroll corporation with interlocking directorate to lease the theatre for inadequate consideration.

Benjamin J. Farber, attorney for Mrs. Purdy, said she would appeal the suit to the U. S. Supreme Court.

Singlow in Seattle. Seattle, Dec. 17. Alex Singlow transferred from Denver to Seattle, where he will exchange. He succeeds Jack O'Brien, who moves to S. F.

Caldwell's House. Toledo, Dec. 17. Walter S. Caldwell, 10 years manager of Loew's Valentine here, and for the past two months affiliated with Loew's Stillman, Cleveland, has been named president and managing director of Esquire Theatre, Inc. company formed to operate the new Esquire theatre. The 1,000-seater will open Feb. 1.

Roy, Curley Uppe. Albany, N. Dec. 17. Andy Roy has been transferred from management of WB Strand here to St. Rev. where he will replace the late William A. Haynes. (Continued on page 53)

WB Hooks Up Marine Corps for Historical Short

Pittsburgh, Dec. 17. WB landed special tieups with U. S. Marine Corps and local recruiting station for its historical short, 'March on Marines,' last week. Obtained lists of Marine units from this district and then addressed the following postcard to their parents:

Dear Friend—Because your son is seeing his country in the U. S. Marines, you will be particularly interested in seeing 'March on Marines,' a thrilling picture in technical color now playing at the Mountbatten Theatre. It shows real Marines at work and at play and perhaps your son is in it.

Fred Bartow's Par Berth

Chicago, Dec. 17. Fred Bartow has been elevated to publicity chief for all Paramount distribution in this territory.

Bartow, formerly with Metro, joined Par few weeks ago handling publicity for the so-called 'lighter pictures' and an aversion to propaganda, problem and sociological dramas and

Santa Good to Chi Turnstiles; Alley-Kitty Carlisle Peppy 36G, 'Annie'-Vaude \$16,000, H.O.s Forte

Chicago, Dec. 17. Despite the shopping duties, the public is finding time to patronize the theatres, and the grosses for this pre-Christmas season are better than they have been in years. There can be no real alibi, except product for any theatre failing to make the grade as the fans indicate a perfect willingness to patronize entertainment as well as Xmas presents.

Tin Pan Alley looks to be a bright money-maker. Started out in excellent fashion in the big Chicago and headed for a happy gross despite any and all seasonal opposition. Palace theatre just about swelled to Tuesday get-away day policy. Again opens a new pair today. Double is headed by 'Bank Dick' with 'Hit Parade' and 'The House has been pushing along on fine handling by the RKO organization here.

Plenty of hold-over films around the downtown area. 'Escape' goes into its third week at the U.A. and 'Ariste My Love' (U.) and 'The Letter' (WB) goes into a second long week at the U.A.

Estimates for This Week
Apollo (B&K) (1,200; 35-55-65-75) — 'Arise Love' (Par.). Third long head and headed for okay week, after taking next \$6,000 last week.
Chicago (B&K) (1,400; 35-55-75) — 'Tin Pan Alley' (20th) and stage show with Kitty Carlisle. This picture is up the alley for the general fans, and selling ducks to the pace of \$6,000, brilliant at mid season. Last week, 'Letter' (WB), sagged somewhat after strong start but wound up smartly enough at \$33,000.

Garlick (RKO) (900; 35-55-65-75) — 'Nellie Kelly' (M-G). Here from the Midwest, and will make \$4,000, mild. Last week, 'Zorro' (20th), finished three loop sessions to make \$3,800.
Ortland (Jones) (3,200; 22-44) — 'Girls 21' (Col) and vaude with Hawaiian Show and Aunt Jemima. Satisfactory \$14,000.
Dulcy (M-G) and Johnny Davis orchestra, plus George Glavin and Anita Louise, \$15,400.

Palace (RKO) (3,300; 34-44-66) — 'Bank Dick' (U.) and 'Hit Parade' (Rep). Open today (Tuesday). Last week 'Vigilantes' (U.) and 'Sandy' (U.) \$9,300, poorest film showing in some time.

Roosevelt (B&K) (1,500; 35-55-65-75) — 'Letter' (WB). Moved here from the Chicago and will make \$5,500, good. Last week, 'Nellie Kelly' (M-G), snagged fair initial week at \$2,200.

State-Lake (Cine) (2,700; 22-44) — 'Tugboat Annie' (WB) and vaude with Will Osborne band. Combination is attracting profitable coin at \$18,000.
Last week, 'Zorro' (20th) (U.A.) and John Boles heading vaude bill, came in with \$14,700, fair.

United Artists (B&K-M-G) (1,700; 35-55-65-75) — 'Escape' (M-G) (3d) for Normie Shearer-Robert Taylor names on the bill. Good pulling them, and will garner \$7,500, good coin for a third week at the U.A. Last week, exceptionally fine \$10,000.

OMAHA NOT WORRYING; 'WESTERNER' OK \$8,800

Omaha, Dec. 17. Annual holiday season not as apparent as former years, although all varying degrees of interest in Christmas. 'The Westerner', with 'Dancing on a Dime' for second feature, will give the Omaha the best standing gross of the week with around \$8,800.

Dr. Kidman will do second best with 'The Night of the Hunter' and 'Night of the Hunter', and should roll up around \$6,000.

Estimates for This Week
Omaha (Tristates) (2,000; 30-40-60) — 'Westerner' (U.A.) and 'Dancing on a Dime' (Par.). Fair \$8,800. Last week, 'Sweet' (M-G) and 'Our Town' (U.A.), good \$9,500.

Orpheum (Tristates) (3,000; 10-30-40) — 'Kildare's Crisis' (M-G) and 'The Night of the Hunter' (U.A.). Last week, 'Street Memories' (20th), fair \$9,000.

Streets (Mort Singer) (1,500; 10-30-40) — 'Blondie Cop' (Col) and 'Love Wolf' (Col). Light \$5,000. Last week, 'Street Memories' (WB) and 'Queen Destiny' (RKO), only fair \$5,500.

State (Goldberg) (900; 10-20-25) — 'The Night of the Hunter' (U.A.) and 'The Night of the Hunter' (U.A.). Last week, 'Street Memories' (WB) and 'Queen Destiny' (RKO), only fair \$5,500.

(RKO), split with 'Meet Missus' (RKO) and 'Hit Parade' (Rep), strong \$900.
Town (Goldberg) (1,500; 10-20-25) — 'Men Against Sky' (RKO), 'Hit Parade' (Rep), and 'The Night of the Hunter' (U.A.). Split with 'Mexicali Rose' (Rep) and 'Beyond Tomorrow' (RKO) and 'Durango Kid' (Col). 'Lion Wings' (U.A.) and 'Hell's Kitchen' (WB). Slow \$800. Last week, 'Border Legion' (Rep), 'Killers Wild' (Cap) and 'Scatterbrain' (Rep), triple split with 'Allegory' (U.A.) and 'The Night of the Hunter' (U.A.) and 'Giri Havana' (Rep), and 'Flowing Gold' (WB) and 'Wings Navy' (WB), fair \$700.

Avenue-Military-Dundee (Goldberg) (950; 300; 600; 25-Next Time) (U.) and 'Moonlight Sonata' (U.A.) (Select), split with 'Fugate' (U.), 'Laddie' (RKO) and 'Meet Missus' (Rep). Fair \$1,100, due mostly to big hold-over picture, 'Laddie' (RKO) and 'Meet Missus' (Rep). Last week, 'Hired Wife' (U.) and 'What They Wanted' (RKO), split with 'Hit Parade' (Rep), 'Ladies U.A.' and 'Lion Wings' (U.A.) light \$1,000.

'SINNERS' SO-SO \$15,000, DET. STALLS

Detroit, Dec. 17.

This town's picture houses can't play any longer against the competition they're getting from the department stores. The blitz-delayed longer than in most years—finally has come on with the Christmas shopping which is breaking all records, being 25% above what it was in the boom year of '29.

Motor companies have handed out lavish bonuses to the auto workers—\$40 to \$50—but the stores are keeping all the play in the unprecedented buying spree. However, the theatre men aren't sobbing the blues, nor when big has continued good to mid-December, two weeks longer than it usually held up.

Three houses, Michigan, Fox and United Artists are offering new double bills—the toppers, respectively. 'The Letter', 'Seven Sinners' and 'Go West'—but are there for an awful lot of money. Fox's 'Palmer' and Adams are carrying on, which is giving four weeks (long for the first time) to 'North West Mounted' and 'The Letter'.

With Christmas coming along on Wednesday, it is going to mean some extra business for the theatre. Detroit's houses which usually open on Friday, Michigan's current bill will go 12 days to Christmas, then switch to new films for the Old New Year's Eve come up with a stage show. Fox will carry its present bill a week, bring in 'The Letter' for four days, and Christmas open with a stage show which will be carried through New Year's Eve.

Estimates for This Week
Adams (Balaban) (1,700; 30-40-55) — 'Tin Pan Alley' (20th) and 'Give Us Wings' (U). Former picture now in its fourth week here, having its first two sessions at the Fox. Give Us Wings has replaced 'Charley Pilot' (20th) which was last week's top picture. 'Give Us Wings' \$4,500, poor, looked for after last week's good \$7,000.

Fox (Fox-M-G) (3,000; 30-40-55) — 'Seven Sinners' (U) and 'Jennie' (20th). Probably can't quite struggle up to \$15,000 under present conditions. Last week, 'The Letter' (WB) (Col) and 'Streets Paris' on stage, okay \$20,000. A slice was taken out of this when Fox and Michigan switched to new films for the Old New Year's benefit, which took it \$2,200.

Michigan (United Detroit) (4,000; 30-40-55) — 'Letter' (WB) and 'Canton Cautin' (U.A.). Sluggish \$14,000 in prospect. Last week, 'Burma' (Par.) plus Bob Chester orchestra and Frances Langford on stage, good \$19,000.

State-France (United Detroit) (3,000; 30-40-55) — 'North West Mounted' (Par) and 'Night Earl Carroll's' (Par). This makes two weeks here at the State. Last week, May so under \$6,000 after last week's nice \$9,000.

First Runs on Broadway (Subject to Change)

Week of Dec. 19
Astor—'Great Dictator' (U.A.) (10th wk).
Broadway—'Fantasia' (Disney) (8th wk).
Capitol—'Dr. Kildare's Crisis' (M-G) (18).
(Reviewed in Variety Dec. 4).
Criterion—'Hullabaloo' (M-G) (18).
(Reviewed in Variety Oct. 30).
Globe—'Here Comes the Navy' (WB) (21).
Majestic—'No, No, Nanette' (RKO).
Paramount—'Love Thy Neighbor' (Par.) (17).
Rialto—'Ellery Queen, Master Detective' (Col) (18).
Rivoli—'Victory' (Par.) (21).
(Reviewed in Current Issue).
Roxby—'One Night in the Tropics' (U.A.) (17).
(Reviewed in Variety Nov. 6).
Strand—'Santa Fe Trail' (WB) (20).
(Reviewed in Current Issue).

Week of Dec. 26
Astor—'Great Dictator' (U.A.) (11th wk).
Broadway—'Fantasia' (Disney) (7th wk).
Capitol—'Comrade X' (M-G) (25).
(Reviewed in Variety Dec. 11).
Criterion—'Little Nellie Kelly' (M-G) (25).
(Reviewed in Variety Nov. 20).
Globe—'Night Train' (20th) (28).
(Reviewed in Variety Oct. 17).
Majestic—'Philadelphia Story' (M-G).
(Reviewed in Variety Nov. 27).
Paramount—'Love Thy Neighbor' (Par.) (24 wk).
Rialto—'San Francisco Docks' (U) (25).
Rivoli—'Victory' (Par.) (24 wk).
Roxby—'Chad Hanna' (20th) (28).
(Reviewed in Current Issue).
Strand—'Santa Fe Trail' (WB) (24 wk).

WEST 10G BEST PUNKO CINCY

Cincinnati, Dec. 17.

Proverbial Xmas gift is silencing front-line cages currently. For fresh release the only b.o. stir is at the Albee, where 'Go West' is fetching okay returns. Grand, Lyric and Shubert are offering prizes with 'Escape to Glory', 'Melody Ranch' and 'Trail of Vigilantes', respectively.

Tie-up of trolley and bus lines, seating across-the-river's Kentucky cities of Covington, Newport and other suburbs, for past week, due to differences between two unions for Christmas. On its fourth week, the Disney picture got \$24,000, only around \$5,000 below capacity. Orders for the week are heavy.

'Hullabaloo' went into the Criterion today (Wed.) after a sad week with 'Gallant Sons' only \$5,000.

State is holding the season in pretty good shape with 'Escape' and Richard Himber, but if the show was going to be a success, it would be much more than the \$21,000 indicated.

'Blotch From Reuters' once scheduled for the Strand, isn't going so well at the Globe but it is being held three extra days to bring the house back to Saturday opening.

On the week ending last night (Tues.), Reuters managed only \$2,000, considerably under expectations but profitable for the theatre.

Estimates for This Week
Astor (1,100; 35-55-65-75) — 'Dictator' (U.A.) (10th week). Begins 10th week today (Wed). For the six days on the ninth stanza up a little, but not as much as the \$10,000, which was less than \$10,000, only about 50% of capacity.

Capitol (1,100; 35-55-65-75) — 'Fantasia' (Disney) (8th week). Holding up stoutly, last week (4th) having been \$24,000. A big ad for the sale over the holidays reported.

Capitol (4,520; 22-44-55-65-110) — 'The Letter' (WB) (G-M) (3d) this morning (Wed.) after a disappointing week with 'Third Finger' (M-G) this side of \$20,000. In about \$10,000, the picture is now, also away under hopes.

Criterion (1,652; 22-44-55-65) — 'Hullabaloo' (M-G) (18th week). 'Gallant Sons' (M-G) anything but gallant at the b.o., sad \$5,000. 'Hit Parade' (Rep), which took \$8,500, good for the week.

Globe (1,180; 25-35-55) — 'Reuters' (WB). Below expectations at \$7,000, but not as much as the \$10,000, but will be retained three additional days, with 'Here Comes Navy' (WB) (reissue) booked for Saturday (21).

Grand (1,100; 35-55-65-75) — 'The Letter' (WB) (G-M) (3d) this morning (Wed.) after a disappointing week with 'Third Finger' (M-G) this side of \$20,000. In about \$10,000, the picture is now, also away under hopes.

Palace (1,700; 22-35-55) — 'Suez' (U.A.) (10th week). Below expectations at \$7,000, but not as much as the \$10,000, but will be retained three additional days, with 'Here Comes Navy' (WB) (reissue) booked for Saturday (21).

Paramount (3,664; 35-55-65-99) — 'Love Thy Neighbor' (Par.) and 'The Letter' (WB) (G-M) (3d) this morning (Wed.) after a disappointing week with 'Third Finger' (M-G) this side of \$20,000. In about \$10,000, the picture is now, also away under hopes.

Rialto (750; 22-44-55) — 'Ellery Queen' (U.A.) (10th week). Below expectations at \$7,000, but not as much as the \$10,000, but will be retained three additional days, with 'Here Comes Navy' (WB) (reissue) booked for Saturday (21).

Rivoli (1,100; 35-55-65-75) — 'Victory' (Par.) (24 wk). Below expectations at \$7,000, but not as much as the \$10,000, but will be retained three additional days, with 'Here Comes Navy' (WB) (reissue) booked for Saturday (21).

Roxby (1,100; 35-55-65-75) — 'One Night in the Tropics' (U.A.) (17 wk). Below expectations at \$7,000, but not as much as the \$10,000, but will be retained three additional days, with 'Here Comes Navy' (WB) (reissue) booked for Saturday (21).

Strand (1,100; 35-55-65-75) — 'Santa Fe Trail' (WB) (24 wk). Below expectations at \$7,000, but not as much as the \$10,000, but will be retained three additional days, with 'Here Comes Navy' (WB) (reissue) booked for Saturday (21).

U.A. (1,100; 35-55-65-75) — 'The Letter' (WB) (G-M) (3d) this morning (Wed.) after a disappointing week with 'Third Finger' (M-G) this side of \$20,000. In about \$10,000, the picture is now, also away under hopes.

WB (1,100; 35-55-65-75) — 'The Letter' (WB) (G-M) (3d) this morning (Wed.) after a disappointing week with 'Third Finger' (M-G) this side of \$20,000. In about \$10,000, the picture is now, also away under hopes.

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Pre-Xmas N.Y. Spotty; 'Bagdad' 2d OK \$70,000; Burma-Herbeck 32G, Escape-Himber 21G, Both Good

'Tis the week before Christmas and Santa Claus is in there pitching but he isn't knocking Broadway box-office on its ears. On the contrary, he is resisting the old guy with the whisks in a satisfactory manner. In other words, however, the users are shooting craps in the aisles.

'Thief of Bagdad' in its second week at the Majestic Hall, lost some of its early speed but will finish right at approximately \$70,000. 'Tin Pan Alley' and 'The Letter', latter by Rialto, Nelson and Humphrey Bogart, also holdovers, both shows being in their fourth stanzas. Roxby will hit \$25,000 with 'Alley', while 'Strand' should do it in the neighborhood of \$26,000, in each case a pretty strong challenge to Xmas shopping.

The Paramount played 'Road to Burma' 6 1/2 days, closing the theatre down at 5 p.m. yesterday (Tues.) and set seats for the special premiere at 8:30 of 'Love Thy Neighbor' with Jack Benny and Fred Allen making personal appearances. House took \$32,000, good enough for this time of year, with 'Burma' and a stage show playing the same time, Rosemary Lane and Henry Youngman.

Capitol today (Wed.) brings in 'The Letter' (WB) in a slow way, of less than \$20,000 with 'Third Finger'. They're also passing up the Rivoli, which in its second week is being run by luck to about \$5,000, very brutal. House opens 'Victory' Saturday morning (21st).

'Dictator' went off sharply at the Astor, last week (8th) getting less than \$1,000, but is picking up a little currently on the 9th week, \$11,000 being in on six days. 'Fantasia' is continuing in high gear at the Broadway. On its fourth week, the Disney picture got \$24,000, only around \$5,000 below capacity. Orders for the week are heavy.

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WB (1,10

Frisco B.O. Way Down; 'Go West' Plus 'July,' \$12,000, 'Bank Dick,' 6G, All N.G.

San Francisco, Dec. 17. With Christmas shopping topping last year by 20%, film houses, first-runs and nabes alike, are experiencing a glut of titles that have been bad even for the traditionally bad pre-Xmas weeks, with one Market street deluxer hitting an all-time low with a matinee of exactly \$87 one day this week.

Another last-run house on the same street sported the poorest night in the history of the House Thursday (12).

Estimates for This Week

Fox (F) (5,000; 35-40-50)—**Go West, Young Man** (RKO) (4,000; 35-40-50) (Par). **Princess** (Lasker) (which is tip-off to cancellations). House normally would get \$18,000-\$20,000. Last week, **Princess** (Lasker) (which is tip-off to cancellations). House normally would get \$18,000-\$20,000. Last week, **Kildare's Crisis** (M-G) (do as well as could be expected with \$14,000 in the first week).

Golden Gate (RKO) (2,850; 39-44-55)—**Convoy** (RKO) and **vaude**.

Well sold, but more people looking at military supply outside than viewing it. Just under \$100,000. Last week. "Argentine Follies" on stage plus Remedy for Riches' (RKO), fair \$12,500.

"Bank Dick" (F&M) (2,440; 35-40-50) — "Give Us Wings" (U). Plenty tough sledding, probably as little as \$8,000. Last week. "The Great Glory" (Columbia) and "Margie" (U), just as good.

Paramount (F-W.C.) (2,740; 35-40-50)—South Suez' (WB) and "Pugboat Annie Sails Again" (WB). Press minimized. "The Sign of the Cross" (M-G-M) (2,690; 35-40-50) — Last (3d) week. "Tin Pan Alley" (20th) and "Haunted Honeycomb" (M-G), faded away at \$8,000.

St. Francis (F-W.C.) (1,475; 35-40-50) — "The Sign of the Cross" (M-G) and "Dr. Kildare's Crisis" (M-G) (move-over). Average \$5,000. Last week.

'Vigilantes'-Heaven'
Helped to 7½ Via

Jean F.A., Indianapolis. Dec. 17.
The big 3,100-seat Indiana decided to turn the cash register over to Santa Claus and the show was closed and shuttered Thursday (12) for two weeks. Ordinarily, with only three houses in the downtown area in the running, other wickets would be getting heavier traffic, but not this week. Circle, with *Trail of the Vigilantes* and *Little Bit of Heaven* in the line-up, is giving the audience days of personal appearances to help swell the take, but even so biz is only average. The mild, dusling *Long Voyage Home* and *Hullabaloo*. Lyric is perking up over recent weeks, but still under good band-leader. The new *Chorus Line* is a chestra on stage and *She Couldn't*

Say No! on the screen.

Estimates for This Week

Cirete (Katz-Dove) (2,500; 25-30-40) ... gingles (UA) ... and "24 of Heaven" (U) Average \$7,500. With personal appearances of Gloria Jean over weekend upping big during week. Her sister of her and about \$15,000. Last week "Tin Pan Alley" (20th) and "Murder Men. York" (20th) (2d wk) good \$9,500.

... (20th) (2d wk) good \$9,500. ... (25-30-40). Dark until next 100: 25-30-40. Dark until next 100: 25-30-40. Last week. "Letter." (WB) and "Nobody's Sweetheart" (U) ... week \$6,100.

... (2,400; 25-30-40) ... "Long Voyage" (UA) and "Hullabaloo" (M-G). Poor \$5,600. Last week. "Nellie Kelly" (M-G) and "Sky" (M-G) ...

... Lyric (Lyric) (1,900; 25-30-40) ... "Couldn't Say No" (WB) and "Ted ...

Back for an Encore
Hollywood, Dec. 17.
Linda Darnell teams up again with Tyronne Power in the forthcoming 20th-Fox production, 'Blood and Sand.'
Pair played a romantic duo in 'The Mark of Zorro.'

Total Mpls. B.O. \$22,300, Despite 7 New Pix; 'Escape' Best at \$7,000

More imminent approach of Christmas, adverse weather and generally unfavorable business conditions are combining box-offices further into the doldrums. Total loop takings current week will fall far below expectations. The aggregate probably will be less than what a single one would reach with an ace attraction in a normal period.

Little fault can be found with such pictures as 'Escape', 'Mark of Zorro' and 'Lady Red', but they are falling in the face of the tough going. Each will wind up with a mild gross. For the first time, with recent memory there's nary a single gross-over. Counting the Aster's pair, no less than seven newcomers are on display.

Winter's early severity means greater fuel expenditures. Accordingly, many budgets must be revised in such a manner as to cut down on entertainment appropriations. That's hurtful to the show houses. The new shows are conspicuously absent this week, but Gene Krupa is underlined for the Christmas week.

Estimates for This Week
Aster (Par-Singer) (900; 15-29)—'Murder Men RKO' (20th) and 'Girls 21' (Col.) dual first-run. In five days, with fair to good word, 'Murder Men' (U) and 'Street Memories' (20th), also dual first-run, opened Tuesday (17). Last week, 'Girls 21' (Col.) and 'Sally' (U) (U), dual first-run, light \$900 for five days.

Century (Par-Singer) (1,600; 28-34)—'Red Hair' (RKO) light \$2,600 in prospect. Last week, 'Arise Love' (Par) (2d wk), light \$3,900 after mild \$6,000. This week, 'Arise Love' (Berger) (290; 28)—'Leap and Man of Africa' (Indie). Exploitation possibilities being utilized to the fullest. 28 light \$2,000. 'Leap' (U) (U) (reissue), poor \$400 in five days.

Gusher (Par-Singer) (998; 28)—'Cherokee' (Par). Not cutting much ice. Headed for light \$1,800. Last week, 'Tugboat Annie' (RKO), \$2,000, light \$2,000.

Orpheum (Par-Singer) (2,800; 28-34-44)—'Zorro' (20th). Overheavily booked, meriting only a week. 'Zorro' will be lucky to hit fair \$5,000. Last week, 'Burma' (Par) and Jan Garber orchestra, Bill (Par), etc., good \$2,000, fairly good.

State (Par-Singer) (2,300; 28-34-44)—'Escape' (M-G). Much praise heaped on this one. Accordingly, indicated \$7,000 will spell disappointment in capital letters. Last week, 'Bitter Sweet' (M-G), \$5,000, light \$5,000.

Uptown (Par) (1,200; 28-39)—'What They Wanted' (RKO). In for a week. In first few days, showing is en route to mild \$12,000. 'City Quest' (WB), first neighborhood showing, opening Wednesday (18). Last week, 'Argentine Way' (20th), first nabe showing, \$2,500, good.

Red Hair' Pretty Good \$5,000—Best in Xmas Doldrums
Estimates for This Week
Fair (CT) (2,300; 28-34-44)—'Red Hair' (U). Fair \$5,500 in light. Last week, repeat of 'Arise Love' (Par), good enough \$5,000.

Capitol (CT) (2,300; 28-34-44)—'Zorro' (20th) and 'Zesty Serv' (20th) (2d wk). Not liable to gross more than \$4,000, so-so, after good \$7,000 last week.

Loew's (CT) (2,800; 30-40-60)—'Aladdin' (WB) (2d wk). Very good \$7,000, after surprisingly good \$10,000 last week.

Worming (M-G) (2,300; 28-34-44)—'Worming' (M-G) and 'Five Peppers' (Col.). Poor \$3,200. Last week, Christmas July (Par) and 'Dancing' (Par), fair \$3,000.

Orpheum (Ind) (1,100; 25-40-50)—'Voyage Home' (A) (2d wk). Very disappointing \$2,500 last week, with drop to \$1,000 in sight.

Cinema de Paris (France-Film) (600; 25-50-50)—'Le Jour d'Éve' (France-Film). Pointing to good enough \$2,500. Last week, repeat of 'Cavalcade d'Amour', fair \$1,100.

Denis (France-Film) (2,300; 25-40)—'Neuf Célibataires' and 'Martini Sec'. Week before Christmas will pull \$4,000 to near \$3,500. Last week, 'Ménages' and 'Grey contre X', weak \$3,700.

Key City Grosses

Estimated Total Gross This Week... \$1,342,700
(Based on 28 cities; 17 theatres; chiefly first runs, including N. Y.)
Total Gross Same Week Last Year... \$1,295,000
(Based on 25 cities, 164 theatres)

'ALLEY' \$17,000 HUB FARLY STEADY

Boston, Dec. 17.—Matinee grosses are being denied noticeably by the Christmas shopping competition, but night trade is holding fairly well for this season. 'Alley' (RKO) is topping the box office week with 'Nellie Kelly' on Tuesday. 'Tin Pan Alley' is under expectations at the 'Blackout' and 'Bank Dick' with 'Blackout' at \$17,000, both recs. at the Memorial.

Estimates for This Week
Boston (RKO) (3,200; 25-44-55)—'Pride of Bowers' (Mono) and 'Meet Missus' (Rep.) with 'Jimmie' (RKO) on Saturday (17) and 'Seven Sinners' (U) and 'Triple Justice' (RKO) (both 2d run) three days. 'First with \$8,500. Last week, 'Fargo Kid' (RKO) and 'Pep's Trouble' (Col.) with stage show four days; and 'Rain' (U) and 'Hells Crossin' (U) (both recs.), three days, \$7,300.

Fenway (M&P) (3,350; 25-44-65)—'North West Mounted' (Par) and 'Youth Served' (20th) (both continued run from two weeks at Met). Around \$7,000, very good. Last week, 'South Sea' (WB) and 'Street Memories' (20th), \$4,000.

Keith Memorial (RKO) (2,907; 28-34-44)—'Blackout' (Par) and 'Blackout' (U.A.). Although 'Dick' is getting top billing, the underdog 'Blackout' is grabbing the best press mention and word-of-mouth. Combo will take only a tepid \$10,500. Last week, 'Little Men' (RKO) and 'Night Tropics' (U), never had a chance, only \$10,000.

Metropolitan (M&P) (4,987; 28-34-44)—'State of Mind' (Par) and 'Murder Men RKO' (20th). Good \$17,000. Last week, 'North West Mounted' (Par) and 'Youth Served' (20th), second stanza, same, very good.

Orpheum (Loew) (2,900; 28-34-44)—'Third Finger' (M-G) and 'Kildare's Crisis' (M-G), holdover, two days; and 'Nellie Kelly' (M-G) and 'Escape Glory' (Col.), both recs., heading for healthy \$18,000. Last week, 'Third Finger' and 'Kildare's Crisis' (M-G), \$18,000.

Paramount (M&P) (1,797; 25-44-65)—'North West Mounted' (Par) and 'Youth Served' (20th), continued run from Met. Will garner very good \$9,000. Last week, 'Street Memories' (20th) and 'South Sea' (WB), \$6,000.

Soilay (M&P) (2,538; 28-34-44)—'Letter' (WB) and 'Tugboat Annie' (WB) (both 2d run). Okay for \$4,500. Last week 'City Comedy' (WB) and 'Hit Parade' (Rep) (both 2d run), \$4,000.

State (Par) (2,800; 28-34-44-55)—'Third Finger' (M-G) and 'Kildare's Crisis' (M-G), two days; holdover; and 'Nellie Kelly' (M-G) and 'Escape Glory' (Col.), five days. Heading for \$14,000, good. Last week, 'Third Finger' and 'Kildare's Crisis' (M-G), \$14,000.

'SINNERS' SLICK \$9,500, DENVER; WEST FAIR 86

Denver, Dec. 17.—Cold snap put the crisp in the grosses, but not too badly. The new 'Seven Sinners' and 'Next Time We Love' at the Denver top the list.
Estimates for This Week
Aladdin (Fox) (1,400; 25-40)—'Aladdin' (WB) (2d wk). Denver. Still rating a nice \$4,000. Last week, 'Tin Pan Alley' (20th), good \$4,000.

'LETTER' 24G, B'KLYN

Reuters—'Hit Parade' Nice \$15,000—Sleds Reshuffled for Xmas

Brooklyn, Dec. 17.—Christmas shopping affecting biz at all downtown deluxers this stanza. Best of the lot is Fabian Paramount with 'The Letter' at 'Meet the Missus'. Fabian Fox is next with 'Dispatch from Reuters' and 'Hit Parade' (WB). RKO-Albee also ushers in new bill below.

Estimates for This Week
Albee (RKO) (3,274; 25-35-50)—'Tin Pan Alley' (20th) and 'Charter Pilot' (WB) (2d wk). Last week, 'Seven Sinners' (U) and 'Sandy Man' (U) quiet \$14,500.

Fox (Par) (4,698; 25-35-50)—'Reuters' (WB) and 'Hit Parade' (Rep.) Attractive \$19,000. Last week, 'Angels Broadway' (Col) and 'Meet Missus' (WB), \$18,000.

Met (Loews) (3,618; 25-35-50)—'Bitter Sweet' (M-G) and 'Sky Murder' (M-G) (both 2d wk). Last week, 'Escape' (M-G) and 'Moon Over' (UA) (2d wk), nice \$9,500.

Paramount (Fabian) (4,126; 25-35-50)—'Letter' (WB) and 'Meet Missus' (RKO). Satisfactory \$24,000. Last week, 'Hit Parade' (WB) (2d wk) and 'Father Prince' (WB) (3d wk), good \$18,000.

State (WB) (2,870; 25-35-40)—'Up in Air' (Monroe) and 'Glamour Sale' (Col.). Mild \$4,000. Last week, 'Society's Children' (Col.) and 'Great Plane Robbery' (Col.), ditto.

'XMAS-SAVITT LEAD BALTO WITH \$13,000

Baltimore, Dec. 17.—Holiday lull being felt here, but a strong Sunday, Jan. 1, proving a fair start for the new calendar. 'Xmas in July', plus Jan. Savitt and orchestra at the combo Hipp.

Estimates for This Week
Century (Loew's-UA) (3,000; 15-28-44)—'Kildare's Crisis' (M-G) and 'Hanging Judge' (U), both recs. possible \$9,000. Last week, 'Nellie Kelly' (M-G), built to \$10,200.

Hippodrome (RKO) (2,205; 15-28-39-44-55-66)—'Christmas July' (Par) plus Jan. Savitt orchestra. Garnering a nice \$8,500. Last week, 'South Sea' (WB), thanks to Blackstone magic show, just \$15,300.

Keith's (Schanager) (2,406; 15-28-39-44-55-66)—'Xmas in July' (U). Opens tomorrow (Wednesday) after three weeks of 'Vigilantes' (U) to steady \$5,500.

Uptown (Mechanic) (1,581; 15-28-35-44)—'Chad Hanna' (20th). Opening tomorrow (Wednesday) after three weeks of 'Vigilantes' (U) to steady \$5,500.

Stanley (WB) (3,280; 15-28-39-44-55)—'East of Eden' (WB) and 'Weekend travel to help toward \$6,000. Last week, 'Red Hair' (WB), disappointed somewhat at \$7,200.

'GO WEST' \$4,700, 'HAIR' 4G, PORT, NOT FORTE

Portland, Ore., Dec. 17.—General biz is lower than in the last three years. 'Go West', however, is a hit. 'Go West' (WB) and 'Lady with Red Hair' is rising \$4,000. H.O. of 'Tin Pan Alley' is good.

Estimates for This Week
Broadway (M&P) (2,000; 25-40-50)—'Land Liberty' (M-G) and 'Gallant Song' (M-G). Fair \$3,800. Last week, 'Voyage Home' (A) and 'Kildare's Crisis' (M-G), \$4,200.

Mayfair (Parker-Evergreen) (1,500; 35-40-50)—'No Time Comedy' (WB) and 'Flowing Gold' (WB), (4th wk). Average \$2,200. Third week split time with stage unit. 'No Time Comedy' (WB) (2d wk), \$1,500.

L.A. Weather Helps Soggy B.O.; Marxes Okay \$21,000, 'Sinners' 11G, 'Xmas' Duald, Dick' \$8,800, 6 Days

Broadway Grosses

Estimated Total Gross This Week... \$265,200
(Based on 13 theatres)
Total Gross Same Week Last Year... \$246,600
(Based on 11 theatres)

'NELLIE' - McCOY 13G, BUFF SWELL

Buffalo, Dec. 17.—Numerals at the b.o. are holding up notably in the face of one of the coldest winters on record here. With heaviest of competition from public's shopping coming up, and with their tough opposition, including heavy five-day attendance at 'Ice Polies' in new Municipal Auditorium, orchestra and concert agree due to interest in new Music Hall, Tux and benefit shows, and other 'what-nots', pic takings are continuing to ride along at a nice clip.

Clyde McCoy and 'Nellie Kelly' will hold up satisfactorily at the Buffalo, where Laurel & Hardy at the 20th Century driving towards a healthy ally and the Marxes, usually on the mile, have a look-hanging betty in 'Go West' at the Lakes.

Estimates for This Week
Buffalo (WB) (3,500; 35-55)—'Nellie Kelly' (M-G) and Clyde McCoy orchestra. Should punch in with okay \$15,000. Last week, 'Nellie Kelly' (M-G) and 'Hullabaloo' (M-G), nearly \$11,000, n.s.g.

Great Lakes (Shea) (3,000; 35-55)—'Go West' (M-G) and 'Kildare's Crisis' (M-G). Building for maybe over \$9,000, very good. Last week, 'Go West' (M-G) and 'Murder Men RKO' (20th), spun the turnstiles for fifty \$7,000.

Hippodrome (RKO) (3,405; 15-28-39-44-55-66)—'Letter' (WB) and 'Hullabaloo' (M-G) (2d run). Mild, probably around \$10,000. Last week, 'Tugboat Annie' (WB) and 'Lucky Chick' (Kidd), soggy \$5,000.

Lafayette (Hayman) (3,300; 30-40)—'Next Time Love' (U) (re-issue) and 'Sandy Man' (U). Town's worst spot this week with starvation \$4,000. Last week, 'Lone Wolf Dede' (Col.) and 'Dancing Dime' (Par) (RKO) and 'Laurel & Hardy Revue'. Looks like over \$12,000, plenty good. Last week, 'City Comedy' (WB) and 'Wendy Herman orchestra, so-so, under \$10,000.

Xmas Nicks Seattle 'Bank Dick' Fair \$4,400

Seattle, Dec. 17.—Boxoffices are being hit by the usual Christmas season. 'Bank Dick' (M-G) and 'Charter Pilot' (20th), held 10 days for okay \$17,000. United Artists (U.A.-F-W-C) (2,100; 30-44-55)—'Comrade X' (M-G) and 'Charter Pilot' (20th). Moveover headed for \$3,500. Last week (five days), 'Comrade X' (M-G) and 'Charter Pilot' (20th), \$3,500.

Wishart (F-W-C) (2,414; 30-44-55)—'Comrade X' (M-G) and 'Charter Pilot' (20th). Heading for good \$5,700 on moveover. Last week, 'Tin Pan Alley' (20th) and 'Nellie Kelly' (M-G), for total of 10 days, fair \$5,800.

'Give Us Wings' (U) and 'Meet Missus' (Rep.) plus five acts of variety. Good \$8,000. Last week, 'Marge' (U) and 'Leatherpushers' (U) plus vaude, good \$4,300.

Fifth Avenue (Hamrick-Evergreen) (1,900; 30-40-50)—'Tin Pan Alley' (20th) (2d wk). Heading for good \$5,000. Last week, 'Tin Pan Alley' (20th) and 'Nellie Kelly' (M-G), for total of 10 days, fair \$5,800.

Roosevelt (Sterling) (1,800; 16-32)—'Give Us Wings' (U) and 'Meet Missus' (Rep.) plus five acts of variety. Good \$8,000. Last week, 'Marge' (U) and 'Leatherpushers' (U) plus vaude, good \$4,300.

Palomar (Sterling) (1,350; 20-50)—'Give Us Wings' (U) and 'Meet Missus' (Rep.) plus five acts of variety. Good \$8,000. Last week, 'Marge' (U) and 'Leatherpushers' (U) plus vaude, good \$4,300.

Los Angeles, Dec. 17.

(Best Explanation: Paramount 17.) Perfect weather conditions over the weekend helped slightly to overcome apathy prompted by Christmas shopping and a mild flu epidemic. Consequently, first runs are managing to keep out of the red on this the notorious week before Xmas.

But-biz is nothing to crow over. Marx Bros. with 'Go West' and heading Loew's State and Chinese for satisfactory \$21,000 while 'Marx' (WB) and 'Bank Dick' (WB) will make \$10,000. 'Bank Dick' is being pulled at RKO and Pantages; after six days, doubtful.

Paramount extended itself on exploiting 'Christmas in July' and sent its house Fanchonettes parading through downtown streets for two days last week. Girls were garbed in summery Santa Claus attire and carried 'Christmas in July' signs, gals of which was that 'wacky Sinners' in July. Stunt created some attention but failed to bolster box-office to any appreciable extent.

Estimates for This Week
Chinatown (Grauman-F-W-C) (2,034; 30-44-55-75)—'Go West' (M-G) and 'Dulcy' (M-G). Debutted (14), and 'Go West' (M-G) and 'Dulcy' (M-G), 'Comrade X' (M-G) and 'Charter Pilot' (20th), on 10 day week, amassed considerable \$12,000.

'Seven Sinners' (U) and 'Always Pride' (WB). Just fair with \$5,600. 'Bank Dick' (WB) and 'Charter Pilot' (20th), on 10 day week, 'Bit of Heaven' (U), took \$5,500. 'Four Star' (U.A.-F-W-C) (900; 44-55)—'Escape' (M-G) (3d wk). Doing as good as could be expected.

week before Xmas, and will be satisfied with \$3,700. Second stanza brought \$3,500. Last week, 'Hollywood Bowl' (2,756; 30-44-55)—'Seven Sinners' (U) and 'Always Pride' (WB). Looks like so-so \$5,400. 'Bank Dick' (WB) and 'Charter Pilot' (20th), on 10 day week, 'Bit of Heaven' (U), not very hot at \$4,000.

Worshipers (Pan) (2,812; 30-44-55)—'Bank Dick' (U) and 'Escape Glory' (Col.). Weak \$4,300 in six days. Last week, 'You'll Find Out' (RKO) and 'Five Peppers' (Col.), just topped \$5,300.

Paramount (Par) (3,695; 30-44-55-75)—'Charter Pilot' (20th) and 'Night, Earl Carroll's' (Par). Plus stage show. 'Night at Carroll's' rushed in (16) to bolster after 'Christmas' disaster. Disappointed \$11,000. Last week, 'Night at Carroll's' (Par) and 'Night at Carroll's' (Par), \$11,000. Last week, 'Night at Carroll's' (Par) and 'Night at Carroll's' (Par), \$11,000.

RKO (RKO) (2,872; 30-44-55)—'Bank Dick' (U) and 'Escape Glory' (Col.). Weak \$4,300 in six days. Last week, 'Find Out' (RKO) and 'Five Peppers' (Col.), okay \$6,100.

State (Loew's-F-W-C) (2,414; 30-44-55-75)—'Go West' (M-G) and 'Dulcy' (M-G). Got underweight (14) to bring \$8,000. Last week, 'Go West' (M-G) and 'Charter Pilot' (20th), held 10 days for okay \$17,000.

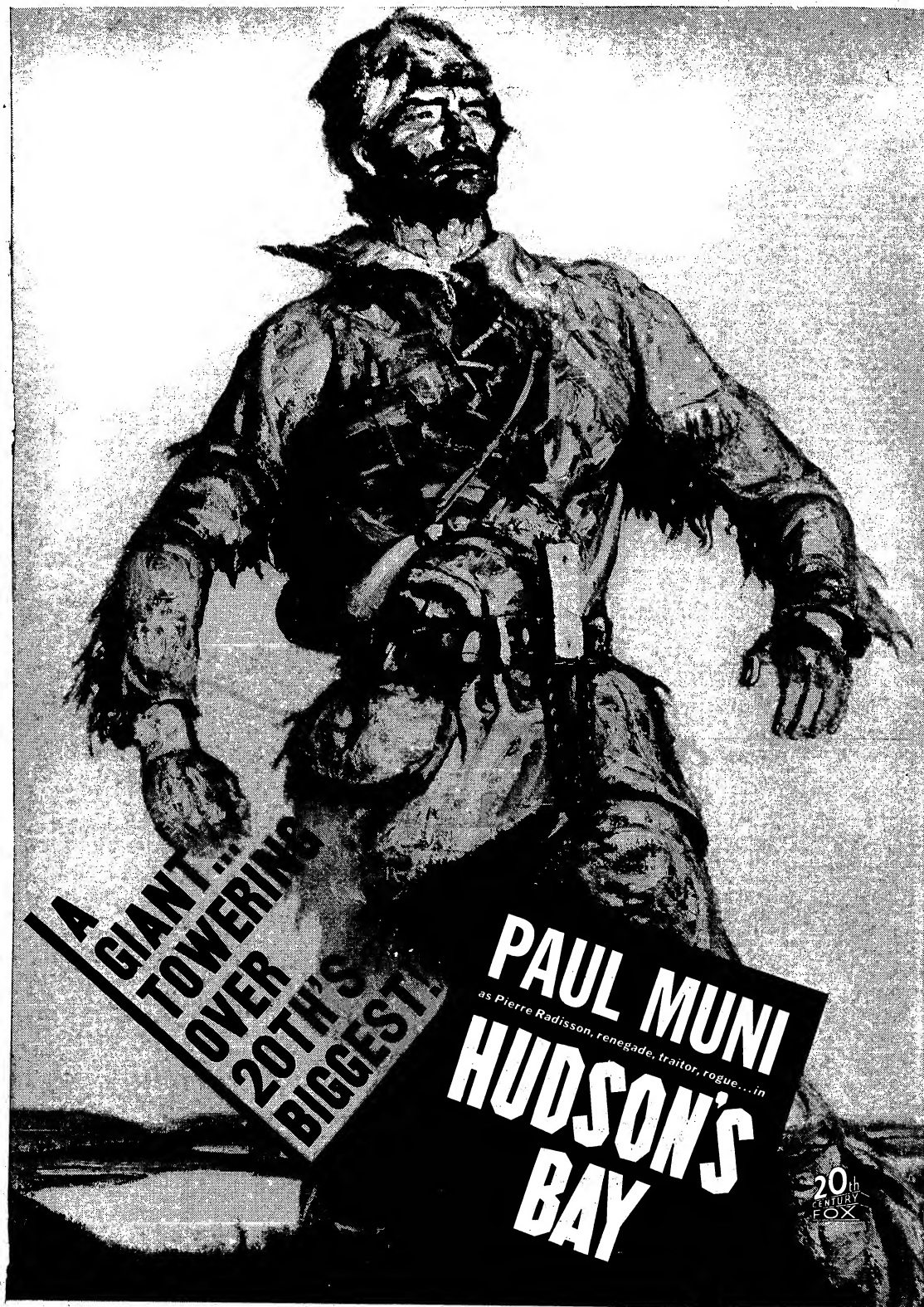
United Artists (U.A.-F-W-C) (2,100; 30-44-55)—'Comrade X' (M-G) and 'Charter Pilot' (20th). Moveover headed for \$3,500. Last week (five days), 'Comrade X' (M-G) and 'Charter Pilot' (20th), \$3,500.

Wishart (F-W-C) (2,414; 30-44-55)—'Comrade X' (M-G) and 'Charter Pilot' (20th). Heading for good \$5,700 on moveover. Last week, 'Tin Pan Alley' (20th) and 'Nellie Kelly' (M-G), for total of 10 days, fair \$5,800.

'Give Us Wings' (U) and 'Meet Missus' (Rep.) plus five acts of variety. Good \$8,000. Last week, 'Marge' (U) and 'Leatherpushers' (U) plus vaude, good \$4,300.

Fifth Avenue (Hamrick-Evergreen) (1,900; 30-40-50)—'Tin Pan Alley' (20th) (2d wk). Heading for good \$5,000. Last week, 'Tin Pan Alley' (20th) and 'Nellie Kelly' (M-G), for total of 10 days, fair \$5,800.

Roosevelt (Sterling) (1,800; 16-32)—'Give Us Wings' (U) and 'Meet Missus' (Rep.) plus five acts of variety. Good \$8,000. Last week, 'Marge' (U) and 'Leatherpushers' (U) plus vaude, good \$4,300.



with **GENE TIERNEY** • LAIRD CREGAR • JOHN SUTTON • VIRGINIA FIELD • VINCENT PRICE • NIGEL BRUCE
Directed by IRVING PICHEL • Associate Producer Kenneth Macgowan • Original Screen Play by Lamar Trotti

M-G, PAR JOIN AUSSIE FLIGHT

Lisbon Night Life

(Continued from page 1)

a babel of French, English, Spanish, Polish, Belgian, Dutch, a smattering of Portuguese and sign language.

Liquor is cheap (Soothe highball 4c, champagne cocktail 36c) and is virtually the only commodity in Lisbon which is within reason.

Each bar is crowded, in addition to patrons, with Les Dames, normally hostesses but actually commission girls; drink hustlers and just hustlers. It brought a nostalgic tear to my eye to watch these gals seriously ordering an 'Americano' when an American buys their drink, or an 'Inglaterra' when an Englishman shells out, and then see the barkeep serve them the old standby of the triplets—lemonade with a slice of orange peel, for which the sucker shells out 10 Escudos (an Escudo is worth 4c).

There are two joints with girl shows, the Arcadia and the Olympia, reminiscent of the old French Casino-combo cafe and vaude show, with most of the performers native talent although at the suburban Casino Estoril, with its gambling hookup, the Harmony Kings, American Negro syncopators, are headlined. But the native shows, to be super-polite, smell by comparison to a fluffy stuff and the Olympia in both the Arcadia and the Olympia gives the impression the owners are just waiting for Arthur Ganger (the bar-fixture tycoon in New York) to come in and take over.

As in the smaller bars, Les Dames lurk in the corners of both the Arcadia and the Olympia, and a solo guy or a pair of mopes coning in unaccompanied draw a flock of harpists in fast, flying wedge formation that will scurge hell out of the Chicago Bears.

Portuguese Touch Joins
However, these places do not particularly cater to the native Portuguese trade. The Lisbonites hit for a third kind of nightspot, known locally as 'Fados cafes'. A 'fado' is perhaps best described as a forlorn song of the Fannie Brice 'My Bill' type, and in these dives the Lisbon revelers sit gloomily over glasses of native wine and listen to singing waitresses or regular professional wailers lament the loss of the one and only, accompanied by the tinkle of piano or guitar. As his sight apparently, to foreigners, however, as the atmosphere is exceedingly depressing.

On the other side of the entertainment fence, however, catered are some of the land-office business. Seventeen good-sized and modern downtown movie houses, five legit and vaudeville houses and an opera house, all hanging away with golf courses, offices, and in spite of the comparative poverty of the large percentage of native population, charge plenty at the gate.

Ernie Fyle, of Scripps-Howard newspapers, and I went to see 'Ninotchka' at the Sao Luiz (English dialog with superimposed Portuguese titles) and paid only 40c apiece for 10th-row center seats and orchestra seats. The mezzanine and boxes, however, sell at \$1.80, plus the tip for the usher who shows you to your seat and hands you a program.

Mugs and Mugs. We mugged do get around. All the legit and vaude is native Portuguese or Spanish talent. Continually smutty, and the less said about it the better. Principal hangout for English-speaking travelers and visitors is the American Bar in the Avenida Palace hotel. Other pop spots for gringos are the cocktail bar and tea dante at the Hotel Aviz; the bar at the Hotel Europa; the Cafe Regency (which reminds me of Toots Shor's); the Imperial Bar and Freddy's Restaurant Viennese where they specialize in Wiener Schnitzel and Apfelstrudel.

On the whole, however, if I had to

leave Broadway, and had to choose between Peoria and Lisbon, gimme Peoria.

(Since writing this, George Lott scrambled to London, where he is now covering the British war front for International News Service.)

Linda Ware

(Continued from page 2)

which brought on a lawsuit in which the father's attorney claimed that people had ducked out on legal service and Linda herself came close to being cited for contempt of court for failure to return and appear in the habeas corpus proceedings. The judge finally ruled that during the airport commotion there had not been legal service on the youngster.

In reply to the startle's query, 'Could my father bring about more trouble and detain me in Detroit or could the courts give me the privilege of meeting my engagement there and then leaving?' Judge Smith gave her a tip.

He said that while he had dismissed the previous proceedings, because of improper service, her father could again start proceedings to gain her possession.

'It would be best,' he suggested, 'that you not come in to Detroit unless you consult an attorney and through him seek a restraining order which would prevent your father from interfering with you while in Detroit.'

If an injunction is obtained, it could restrain Stillwagon from interfering with Linda's visit. For the last eight years Linda has been with her aunt and uncle. Their possession of her became further complicated when in October her aunt started suit for divorce against the uncle. Technically, Mrs. Anna Stillwagon, the aunt and sister-in-law of Linda's father, is the legal guardian.

Marx Bros.

(Continued from page 2)

Broadway nostalgia out of his system in two or three weeks of intensive theatre-going, and then he's ready to return to his gentleman-farming in Hollywood.

He motored east with his son and daughter. The boy, intercollegiate freshman tennis champ, isn't returning to USC, but will start writing around the film studios.

Marxes 'Step' For M-G
Hollywood, Dec. 17.
Marx Bros. use a department store as background for their Metro feature, 'Step This Way'. Shooting starts early in February.

MEX'S 'HEAVEN' BOW

Mexico City, Dec. 17.
Warners hired the government's Palace of Fine Arts (National Theatre) here for the Mexican introduction (12) of 'All This and Heaven, Too'.

'Heaven' is the second American pic to have its Mexican debut at the Palace. 'Juarez' was the first.

In London Studios

London, Dec. 3.
Robert Newton being paged for lead in 'Gift to His Majesty', second on RKO's program for this side. Leslie Fenton directs.

Warners will start 'Atlantic Ferry' as second from its Teddington studio output. Margaretta Scott is thus far sole player assigned.

British National's 'Love On The Dole' underway with Jessie Matthews in the lead. John Baxter produces and directs.

Arthur Maarae, Cecil Parker, Ivor Barnard, Leonard McGrath and Manning Whiffey signed to complete rounds of RKO's 'Saint's Vacation'. Pie stars Hugh Sinclair and Sally Gray. Leslie Fenton directs.

IN FULLER DEAL

VS. HOYTSG.G.T.

Trio in Move to Balk Setup Whereby Film Booking Merger May Create Product Monopoly Down Under—U. S. Firms Interested in 20 Melbourne Nabes

METRO OPPOSITION

Melbourne, Dec. 5

Metro and Paramount are emphasizing their joint offering exhibit opposition to Hoyts-Greater Union Theatres in this zone when the latter swing back into General Theatres early in 1941. Thus, M-G and Par join into interests here that are fighting the threatened product tieup.

Par quits its own show-window, the Capitol, as lease goes to Hoyts, which intends use the house as an acer in the merger setup, which will see several theatres booking for Hoyts-GUT. To offset this, Par pitched a major deal with Sir Ben Fuller on his re-entry into the pic biz via his renovated St. James, formerly known as the Apollo, and used some years ago as an ace legit house.

To keep pace with product outlets, however, Par has come to an agreement with Metro to spot product in Metro's own show-window from time to time, precluding any with 'Northwest Mounted Police' on extended run bid. Metro intends to sell a goodly portion of product also to Sir Ben Fuller, and the general increase contemplated will be Metro-Par-Fuller against General Theatres.

Apart from the ace centers, Metro and Par are deeply interested in a pretty powerful Melbourne nab setup of some 20 houses. Metro on solo operates six theatres in the ace cities of Australia, and may expand still further later under Bernie Freeman. Par's Sydney show-window is the Prince Edward as controlled by the Carroll-Miscugrave interests. Presently, Sir Ben Fuller is mulling a Sydney show, having leased his former vaudeur. Smolder-Dean for a term, with S-D hooked in with Hoyts. Sir Ben Fuller told anxiety that he was looking for a Sydney site for pic expansion in opposition to General Theatres.

Against Metro
Certain exhib interests have been against Metro breaking into the exhib field for a long time. They say that U. S. firms operating in this territory should be forced to stick solely to distribution. Politics have been approached from time to time to nix U. S. exhib expansion, but no action has ever been taken to bring about definite nix.

It has been suggested that U. S. distributors playing the exhib game are enabled to keep rentals up, as against the exhib interests, who depend solely on local exhibs for outlets. According to exhibs, Metro particularly sits in the right spot because of an assured outlet via own loop and other bookings.

Replying recently to a labor policy, Premier Blair, of New South Wales, stated in Parliament that, according to advice received from the Film Commission, there was no monopoly presently operating in the motion picture industry Down Under, as frequently charged by exhibs through the Australian.

Regarding an alleged bid to increase admissions, Premier Blair declared that admissions had not been generally increased, nor was there any general increase contemplated insofar as his government was aware.

UA NAMES KATZ

Allred Katz named general manager in U. S. agents. U. S. agent, Succeeds Joe Coliz, who becomes manager in China. Katz was manager for Metro in Poland for a number of years.

Golds mixes into the spot vacated by Norman Westwood, resigned.

Australian Distributors Would Prevent Shortage of Films by Conservation

Sydney Sets 'Dictator'

Sydney, Dec. 17.

'The Great Dictator' has been set to open here during Christmas week on Hoyts circuit.

Terms call for 50% rental, no increased admissions and no double-feature playdates.

OSCAR DEUTSCH RESIGNS UA (BRITISH)

London, Dec. 17.

Oscar Deutsch, Odeon circuit chief, resigned as a director of United Artists Corp., Ltd., last week, according to Teddy Cart, joint managing director of United Artists here. He retains his holdings in UA, it was stated.

New York office of UA yesterday (Tuesday) claimed to have no knowledge of Oscar Deutsch's resignation from directorate of British UA organization.

Lenauer's Catering Biz

Jean Lenauer, formerly a N. Y. picture exhibitor, last week turned caterer and chef, opening Kitchen, Inc., on the east side of New York.

He attracted attention in the foreign film field by first showing 'Mayerling', 'Carnival in Flanders' and 'Grand Illusion' in this country at the Filmartheatre, N. Y.

London in Wartime

London, Dec. 3.

Hyams Bros., three super cinemas, closed since blitz, reopening.

Kurt Joos, head of ballet company bearing his name, who played London for several seasons and was interned some time ago, is to be released.

Claude Luxembourg organizing shows for the Volunteer Ambulance Corps.

Sydney Torch, organist of State Cinema, Kilburn, since its opening some seven years ago, quit to join the Royal Air Force and is becoming a wireless operator.

Lieut. Col. John McGrath, formerly general manager of Theatre Royal, Dublin, writing to his buddy, Leslie Macdonnell, from Garmyn, where he is a prisoner of war.

John Woolf received his call-up in papers. Which means Charlie Woolf is to have both his sons in the army.

As result of private performance of the Anglo-Polish Ballet company, there is a possibility company will be presented in the West End for short run and then tour some key cities. Venture is said to be financed by a Polish business man, who has put up \$12,000.

Trade is full of story of old lady, not in the profession, who recently died and left Josie Collins \$60,000. Same lady is said to have left \$2,000 to Phyllis Dare.

Jack Webb taking the Vivian Palmer show, recently to Imperial theatre, Brighton, to do month's season at Prince, of Wales theatre, Cardiff.

Tomie Price, of the Foster office, on the sick list.

Sydney, Dec. 1.
Gordon Ellis, general manager of British Empire Films, forecasts a conservation of product by distributors in 1941 to prevent a local shortage, following increased tempo of the international situation. Ellis likewise believes that the U. S. producers—B. E. F. handles Republic and Monogram here as well as British material—will cut down on quality next year, boasting across only quality product to offset exhibs' rejection rights, and to escape any possibilities of pic being canned after paying present high landing costs and other internal slips.

Major loop execs have suggested to distributors that product should be conserved almost immediately to avoid any boating slippage in the event of the war extending to the Pacific. Like Ellis, they firmly believe that distributors should adopt a policy to protect local exhibs as far as possible covering 1941. Charles Munro, Hoyts, for instance, told distributors that his own loop would be prepared to run pic longer than hitherto, taking a loss on the final week if necessary, just so long as a product flow could be adequately maintained.

In some instances distributors stocks have gone dangerously low, and only the timely arrival of a boat from U.S. has saved the situation. Distributors, according to many leads, appear over-anxious to release product as quickly as possible following arrival and seem content, presently, to let the future take care of itself. Exhibs, however, especially those controlling major loops, figure this policy as too dangerous under present wartime conditions.

MORE LONDON LEGITERS SIGN UP FOR PROVINCES

London, Dec. 3.

Strawhat route, fashioned into money-colored verandah by shuttered West End, gets additional attention with trek by more name theats into those particular woods.

H. M. Tennent, Ltd. is doing 'On Approval', Frederick Lonsdale comedy, with Dina Churchill and Barry Argent, from a Nazi prison camp in Oflag. German soldiers, with Dina Wynyard and Rex Harrison, is set for many weeks in provincial cities and will then cover troop camps.

French Director Esway In Nazi Prison Camp

Lieutenant Alexandre Esway, long prominent as a French film director, writes Irwin Marks, his New York agent, from a Nazi prison camp in Oflag. German soldiers, with Dina Wynyard and Rex Harrison, is set for many weeks in provincial cities and will then cover troop camps.

Lieutenant Esway was brutally wounded in the battle of France and taken prisoner.

GB Affiliate's 338C

London, Dec. 3.

Associated Provincial Picture Houses, controlling 18 theatres in association with Gaumont-British, announced net profit of \$337,800 for year ended March 31.

Directors decided to pass up final ordinary divvy, in line with current procedure of operators over here during the war. Two percent allowance has been paid on ordinary shares.

Warner Bros. spending \$400,000 on its new 'Disraeli' picture, biggest cost it has ever spent on an English-made.

A SALUTE TO North, Central and South AMERICA

*President Roosevelt has designated
today as*

**PAN-AMERICAN
AVIATION DAY**



THE TIES that bind us together in the Americas were never closer. This is a day of hemispheric patriotism.

The motion picture industry plays its part. As you read these words gallant pilots are winging their way through the air with prints of **FLIGHT COMMAND** (the new Metro-Goldwyn-Mayer picture starring Robert Taylor) to Toronto, to Washington, to Havana, to Mexico City and on down through the capitals of all Central and South American countries. Banquets will be held preceding the simultaneous international preview.

Watch for **FLIGHT COMMAND**! It is unquestionably a momentous achievement in the drama of the skies. Remember M-G-M's "Hell Divers"? "Test Pilot"?

You'll never forget **FLIGHT COMMAND**.

ABOVE: Newspaper advertising dramatizes an important film event from Coast to Coast!

THIS AD APPEARED YESTERDAY IN 43 NEWSPAPERS!

Something *new* in launching a Film Premiere and of course M-G-M does it first! Direct box-office tie-up! Practical linking of a front-page story of national importance with M-G-M's new giant entertainment! When "Flight Command" comes to your theatre it's preceded by promotion that sells tickets in advance. Friendly Company, friendly to your box-office!

With the gratefully acknowledged cooperation of the United States Navy, Metro-Goldwyn-Mayer presents ROBERT TAYLOR in "FLIGHT COMMAND" with Ruth Hussey, Walter Pidgeon, Paul Kelly, Shepperd Strudwick, Nat Pendleton. A Frank Borzage Production. Screen Play by Wells Root and Commander Harvey Haislip. An M-G-M Picture. Directed by FRANK BORZAGE. Produced by J. WALTER RUBEN

TOP 1940 STARS AND PICTURES

(Continued from page 1)

cepted by ticket buyers without dissent. Showmanship, which is the art of converting amusement into cash, touched new peaks of ingenuity and management skill in several of the hits at customers from their currency.

From its week-to-week boxoffice survey of first-run showings, in leading key cities, its reports from nearly 200 correspondents throughout the United States, and direct contact with qualified and informed industry executives, **VARIETY** has collated the year's money record on outstanding film productions, stars and players and directors.

The industry's intake for the 12-month period was somewhat lessened from previous years, however, by reason of the disorganized foreign market, due to war conditions, and the competition of the national pre-war film campaign, which seriously lowered receipts in October, usually a strong month for theatres.

Out in front of the boxoffice parade is *'Gone With the Wind'*, the Selznick-Intercom picture, which has topped Margaret Mitchell's best-selling novel. It eclipsed in theatre revenues any film in the history of the industry, soaring to a gross that ultimately will be reflected in film rentals in excess of \$20,000,000, a handsome return on a princely investment of \$5,000,000. Its earning potentialities by no means have been exhausted, as it continues to book, week to week, and begins its second season of bookings, this time at the prevailing popular prices.

Three other productions of outstanding audience appeal gave lustre to the year's film record. They were *'Boom Town'* (M-G), co-starring Clark Gable, Spencer Tracy, Claudette Colbert and Hedy Lamarr; Cecil B. DeMille's melodrama of the mountain life, *'The Sign of the Cross'* (Fox); and the filmization of Daphne du Maurier's mystery story, *'Rebecca'* (S-L). Each of the three should reach gross totals that will place any one of them at the top of an industry's list for any normal year.

Feeling of Confidence

As authenticated reports of boxoffice returns comes to the film producing colony from New York picture offices, there is ample reason for the general feeling of confidence that pervades Hollywood. The income figures supply the background for the annual recaps, and the estimate of the work and efforts of the creating branch of the industry. Trends of popularity and loss of public following are measured in the hard, hard figures of ticket attendance. New assignments of stars, supporting players, directors and script-writers hinge on the record of success.

Hollywood today is at another crossroad, contending with perplexities which have been brought about by the serious depletions of foreign revenues, due to war conditions abroad, and the newly imposed selling conditions as outlined in the consent decree which has set up terms of an armistice between the industry and the new anti-trust action. Former methods of picture selling are abolished by the decree, which substitutes a five-picture group plan in place of the long established recaps, and sets new methods. In the future, Hollywood must turn out product that can stand on its individual, rather than collective merits. That is why the leaders here all brag about their better boxoffice returns. Today the heads of each studio are eyeing their competitors with keen interest. Drawing ability of players has taken on a new importance. Directorial skill is in demand. The industry's new sales plan more closely synchronizes with the public's keen discrimination at the boxoffice.

Other Outstanders

There are other outstanding productions of 1940 that are indicative of the year's picture-making. *'The Sign of the Cross'*, the DeMille production, which is showing at record prices with varying success. It reached at the wickets will come when admission prices are better, the price reach of the masses that always have

claimed Chaplin as among their top favorites.

In the listings, following the four already mentioned, *'The Fighting 69th'* (WB) is generally acknowledged, as next in line. This picture proves again the value of timeliness of release, since it caught the full power of the public's desire for national military preparedness coincident with its release. It will stand as an example of smart showmanship, good script writing, splendid production and earnest and sincere playing.

'Metro's 'Strike Up the Band' and 'Northwest Passage' are high on the list of the year's big grossers, and each is a mixture of surefire screen-fare. The former contains the potent combination of Mickey Rooney and Judy Garland in a musical which stresses youthful talent. The latter is an adaptation of the Kenneth Roberts historical novel, which for some time was at the top of best-sellers.

Victor Fleming ('Gone')

Top B.O. Director

Other films which reached widespread success. *'All This, and Heaven Too'*, starring the dependable Bette Davis; *'Tin Pan Alley'*, which is too new for any accurate estimate, but which nevertheless has become of first-run returns; *'I Love You Again'*, which reunited William Powell and Myrna Loy as a comedy team; *'Grapes of Wrath'* (20th-Fox), topped the list of the year because of its frank approach to the social problems of the itinerant farm workers and by further reason of the wide circulation of the John Steinbeck novel, which the picture was taken; *'Arise, My Love'* (Par), romance against the European war background; and *'Andy Hardy Meets Debutante'*, destined to surpass in popularity all the pictures of the Rooney-Stone series.

Additional important coin pictures of the year are *'Ghost Breakers'* (Par), *'My Favorite Wife'* (RKO), *'Knute Rockne, All American'* (WB), *'Hunchback of Notre Dame'* (RKO), *'Drums Along the Mohawk'* (20th-Fox), *'Mark of Zorro'* (20th-Fox), and *'Road to Singapore'* (Par).

Victor Fleming, with his direction of *'Gone With the Wind'*, costed easily as top money director of the year. A newcomer, Alfred Hitchcock, moves into second position by reason of *'Rebecca'* (S-L) and *'For the Defense'* (Wan). *'Wan'* is being made in Hollywood, and *'Jamaica Inn'*, produced in England.

With a script that was none too forte, but with acting talent that included the likes of Claudette Colbert, Hedy Lamarr, the success of *'Boom Town'* may be safely credited to the vigorous direction by Jack Conway. Picture was a neatly balanced job of weighing human drama against spectacle.

De Mille's 'Mounted'

Cecil B. DeMille's *'Northwest Mounted Police'* is an example of action picture in a locale removed from the familiar plains. It contained the elements of excitement and big movement. It was DeMille who delved into the history books to discover the little known incident of the Red border rebellion, basis for an original screenplay that lacked nothing in suspense and surprise.

John Ford rates high position on the year's directorial list with *'Grapes of Wrath'*, *'Drums Along the Mohawk'* and *'Long Voyage Home'*. Michael Curtiz is in select company with *'Virginia City'*, *'Four Wives'* and *'Say Hawk'*, all Warner Bros. productions.

Irving Cummings at 20th-Fox had one of his most productive and busiest years, turning out *'Down Argentine Way'*, *'Everything Happens at Night'* and *'Lillian Hellman's 'The Sign of the Cross'*. William Dieterle directed *'Dr. Ehrlich's Magic Bullet'* and *'Dispatch from Reuters'*, and at RKO, he did *'The Hunchback of Notre Dame'*.

Many other directors had single efforts that were far above normal at the boxoffice. Victor Schertzinger returned to the topnotch group with two musicals for Paramount, *'Road to Singapore'* and *'Rhythm on the River'*. Preston Sturges, erstwhile scriptist, hit popular fancy with *'The Great McGinty'* (Par), but was less successful with *'Christmas in July'*. The year's best picture without a film from Frank Capra, who is just now putting the finishing touches on *'Meet John Doe'* (WB), which will not be released until after the turn of the year.

Outside of Metro, 20th-Fox and

Warners most of the companies found it a pretty tough task in casting pictures with formidable boxoffice names. Metro, of course, is the *'Gibson'* man, and has a name talent. It traded considerable of its talent on the outside this year as it did in previous years and some of the benefit, going through outside usage and will prove unusually valuable on the home lot in the future with possibilities its loan-out days or farming period are over. With this edge Metro naturally had the incentive and right to make the most costly of pictures, being insured on boxoffice value as well as percentage terms. Warners and 20th, though, not having as nearly large a cushion to fall back on, however, traded in spots with their own talent and managed to be able to cast their important pictures with names that were receptive to public and exhibitor.

Then, of course, all three companies went after the bigger freelance talent and started name hunting. Cornered most of them on group picture commitments which kept them off the general market. Paramount, and to some extent Warners, was lucky through Bob Hope, Dorothy Lamour, Jack Benny and Bing Crosby coming through, especially the former two, with Gary Cooper coming back to the home lot for *'North West Mounted Police'*. Though casting problems for top names were encountered, the company managed to use some of its top talent and was enabled to dress up production adequately.

Too Few To Go Around

Columbia, RKO and the United Artists group, however, were the hardest sufferers, especially during the past six months, for lack of top names on rosters or inability to get them for pictures. Some of these companies have had to import production for considerable periods on this account until they could

6 Top Metro Directors

Victor Fleming
Alfred Hitchcock
Jack Conway
Cecil B. DeMille
John Ford
Michael Curtiz

get personalities with top boxoffice value to fill the top name gaps.

Unusually, somewhat better fortified along these lines, being able to use the star talent it had already under contract, such as Deanna Durbin, Gloria Jean, W. C. Sullivan, and the likes of them, making package commitments on cast, directors and writers. This is getting to be a new method of production for companies which have not the big name names. The roster for the bigger productions, and agents who have these packages have found this method of selling most lucrative. These packages can sometimes stand studio for \$150,000 to \$350,000. Besides, the agents who sell them manage invariably to fill the major portion of the balance of said package with their own clients.

Budding Talent Had Chance to Blossom

With the big names being corralled, plenty of sprouting talent had a chance to come to the horizon. Among those who made their marked strides was Betty Grable, considered just an ornament or support in the past. She came through a great style at 20th-Fox. Her first big break was in *'Down Argentine Way'*, with *'Tin Pan Alley'* clinching a starring spot for her on the 40-41 program.

Mary Martin, who had been sort of under wraps at Paramount, came forth in *'Rhythm on the River'*, with her work in *'Love Thy Neighbor'*, to be released soon, warranting her being in stellar position on the Paramount roster.

Betty Field is another Paramount player the studio is bringing to the fore. Her first historic recognition came with her work in *'Mice and Men'*. Still another on the same lot is Ellen Drew, who will probably reach the starring bracket during 1941.

Martha Scott, who got her start with Sol Lesser, at Paramount, was forced to the front quickly and did well in *'Howards of Virginia'*, which earned her a co-starring part in *'Cheers for Miss Bishop'*, just coming out.

Victor Mature, a juve who Hal Roach garnered, gives promise of

being a big time, getting top-billing in *'1,000,000 B. C.'* and *'Captain Caution'*, which landed him the lead opposite Ann Nagle in *'No No Nanette'*. Also, Tom Roach took a promising important personality, Carole Landis.

A Family Affair Here

Ida Lupino, who was considered washed up, suddenly did a corking job in *'The Night of the Living Dead'* with result she is in demand while her husband, Louis Hayward, who first scored in *'Iron Mask'* for Edward Small, has climbed into the star circle with his showing in *'Son of Monte Cristo'*.

Lana Turner, though not yet in the star group, is getting careful grooming at Metro which expects to add to her and Karina Day to the star contingent during 1941.

Judy Canova, grabbed off by Herb Yates for a couple of pictures, proved an instantaneous fave, with her picture, *'Scatterbrain'*, resulting in studio planning several more for her during the coming year. Lucille Ball, who was kicked here and there during past three years as a RKO player, is now being starling material in *'Too Many Girls'*, *'Dance, Girl Dance'* and *'A Girl, A Guy and a Gob'*, just finished on the lot and which will elevate her to the top of the studio.

'Rebecca', was the making of Joan Fontaine as a screen personality, while Mary Beth Hughes, who had a bad start at Metro, then moved to Republic, and made her niche at 20th-Fox, where they say she is the nearest approach to Jean Harlow. Another gal on that lot who will probably hit the star circle is a RKO player, Lina Darnell, with John Payne also being marked by Darryl Zanuck for stardom after his work in *'Tin Pan Alley'*.

Warners has a great star prospect in Ronald Reagan, who did his first work in *'Knute Rockne'* and followed it up in *'Santa Fe Trail'*. Another chap on that lot coming to the fore this year was Dennis Morgan, who has a great pair of pipes and will fill the niche vacated by Dick Powell when studio starts its musical cycle.

Warners will probably give its star rating to Walter Pidgeon, who had his washout period in pictures until he came under that company's reins.

Broderick Crawford Universal's Big Hope

Broderick Crawford is Universal's big hope, having done remarkable work in *'When the Deltons Rode'*, *'Sinner Men'* and *'Trail of the Vigilantes'*. Also showing well during the year were Dana Andrews, Ward Bond and Clayton Moore, who just finished their picture parts.

There were more original screen stories produced again this year than stage plays, with novel screen transplantation. Where producers stuck to the stage plays, *'Gone with the Wind'*, *'Rebecca'*, it proved good b. substance. The stage plays were few and far between in the lineup of the year, with a few getting better than average.

With virtually every company, except Metro, throwing open its releasing facilities to outside or indie producers, there was quite a few new contributors of screen fare on the year. United Artists augmented its ranks with Loew-Lewin, James Roosevelt and Richard A. Rowland, who have been making pictures since while new. In the ranks this year were Sol Lesser, and Ernst Lubitsch, Paramount, aside from having Harry Sherman making action and western pictures, Jerry Brando, Boris Morros, who delivered *'Second Chorus'*. Gene Markey is another indie producer who recently joined that outfit.

RKO Had Quite a Number

RKO had quite a number, which included Towne and Baker, Harold Lloyd, Orrin Welles, Boris Morros, Stephens - Lang, Votion - Coslow, and *'The Sign of the Cross'*. Pyramid company, and Harold B. Franklin, William Hawks' United Productions will do *'Palm Beach Limited'* for RKO before settling down *'20th-Fox Cassidy'*.

Columbia had Frank Lloyd, John Stahl Productions, Charles Rogers, Robert Sherwood and Ben Hecht, with latter and Lloyd the only ones to make pictures for the year. Universal had Harry Edington, who made one picture and then took an executive job at RKO; Jules Levey, who made *'Boys from Syracuse'*, and *'The Sign of the Cross'*, which was a picture for 1941 release.

Warners' top from Frank Capra,

who is making *'Meet John Doe'* for early 1941 release, on his own; Jesse Lasky, who will make *'The Amazing Story of Sergeant York'*; and George S. Koster, who also will make *'What'll We Turn Out Man, Who Came to Dinner'* from their co-authored *'Broadway'* hit of the same name.

At 20th-Fox a deal was made with Howard Hughes for his forthcoming picture, *'The Sign of the Cross'*, a package group consisting of Ronald Colman, Charles Boyer, Irene Dunne, Lewis Milestone and Anatol Litvak, with William Hawks handling the biz design of the picture.

It is likely that most of these studios will add other indie-financed producers to their releasing group, figuring in that way that production responsibility and burden will be lifted from studio heads. 20th-Fox may add several by spring.

Fat Quota from Radio

Films drew some of the worst field personnel out of the radio field during 1940. About 100 radio stars came to Universal, made one and just finished another after star elevation. Looks as though films will have a hold on their future entertainment activities.

Kay Kyser proved to be the leader of the radio band leaders. He made one toward end of 1939 which got most of its coin this year, and just finished another with RKO, leaving further commitments with him. The Kyser plan was a good one where he brought band in, took small coin allowance and percentage of the picture. Others who are leaving further commitments with him, that's Right, You're Wrong.

RKO grabbed another musician in Bob Crosby, who just completed his first opus. Jimmy Roosevelt made a percentage deal with Horace Heidt, who starts now in *'Pot O' Gold'* (UA) release, while Orrin Tucker with his band and Bonnie Baker have a chore in *'The Sign of the Cross'*. Others who are coming from etherland were Ginny Simms, Andrews Sisters, Ezra Stone, Art Shaw, who worked in *'Second Chorus'* for Boris Morros; Martha O'Driscoll, Lum and Abner, who had a star pic for RKO; Judy Canova, starring for Republic; Orson Welles at RKO; Barbara Jo Allen, the Merry Macs, and Fred Allen, co-starring with Jack Benny in *'Love Thy Neighbor'* for Par.

Robert Sherwood, who was a radio announcer, turned up at Columbia and just finished his indie-produced *'The Sign of the Cross'*. He was followed of course with playwright Robert E. Sherwood.

Irving Reis has become a writer-director; Arch Oboler, who is also producer, has been in the picture business for some time and is now directing for Frank Lloyd, while Norman Corwin, who handled radio scripts, is on the RKO writing staff. Concerning the present contingent of radio talent, those who recurred in the past from this branch of the entertainment field, only stars who filmed from radio and currently were in the picture business are Burns and Allen, and Bob Burns.

Par, 20th Heaviest Legit Borrowers

Paramount and 20th-Fox drew heaviest on legit during the year. Betty Field made the best progress in the legit line, not to be confused of course with playwright Robert E. Sherwood. After being brought here she was loaned to Hal Roach for *'Mice and Men'*, then came back to the home lot. Lillian Cornell came west to be heard in *'The Sign of the Cross'* and *'Dancing On a Dime'*. Eddie Bracken, who played in *'Broadway's 'Too Many Girls'*, was signed by Paramount, then loaned to RKO for picture *'The Sign of the Cross'*. He has done nothing on his parent lot. Leila Ernst, who first appeared in *'Life With Henry'* at the studio and is now doing *'The Sign of the Cross'*, is expected back for more screen chores there in the spring.

Frances Farmer came back from Broadway for a Paramount contract, and *'The Sign of the Cross'*, expected back for more screen work. Gene Tierney, brought in from New York, by Columbia, gives promise of being the company's next recruit from the stage. She appeared only in one pic, *'Return of Frank James'*, but studio feels she speedily will be a star. Her last picture, *'Dear Jagger'* came on for par in *'Bright Young'*, and recently completed work in *'Western Union'*.

Carmen Miranda also proved a great find. *'The Sign of the Cross'* and is now in *'Road to Rio'*, which

(Continued on page 18)

This Thing Called Love

is the only
thing that could
excitingly unite
for the first time...

THE STAR OF "NO TIME FOR COMEDY"

and

THE MAN WHO "STAYED FOR BREAKFAST"

ROSALIND
RUSSELL • DOUGLAS
MELVYN

This Thing Called Love

with
BINNIE BARNES • ALLYN JOSLYN • GLORIA DICKSON • LEE J. COBB • GLORIA HOLDEN



Directed by **ALEXANDER HALL**

Produced by William Periberg • Based upon the play by Edwin Burke

as produced by Patterson McNutt • Screen play by George Seaton, Ken Englund, P. J. Wolfson

Top 1940 Stars and Pix

Continued from page 15

ashes shortly. Zorina, now in a Broadway musical, made one on the lot. Charlotte Greenwood, after an Australian tour, returned to the screen and did several under the Zanuck banner, getting a term contract after her recent effort in 'Young People'. Fresh from Broadway on the lot is Lesie Cregar, who just started work in 'Hudson's Bay'.

Raymond Massey came on for the lead in 'Abe Lincoln in Illinois' and then went over to Warners for part in 'Santa Fe Trail', just released. Also for pictures. Broadway furnished Ruth Gordon, with studios desirous of getting her to stay here, instead of Metro.

Desi Arnaz, who came out with New York stage troupe of 'Too Many Girls', to do screen version, is a picture fixture, having been signed to a term at RKO as well as being married to an RKO star, Lucille Ball.

The other Broadway recruit on this lot is Alberto Villa, now working in 'They Met in Argentina'.

Sylvia Sydney's Betsey Warners brought Sylvia Sydney back to screen for one picture, and also has another stage in Richard Ainley, who worked in 'The Lady with Red Hair'. Universal signed Carol Bruce and is awaiting arrangements as soon as she can get away from 'Louisiana Purchase', the Buddy De Sylva show in N.Y.

Jimmy Durante returned from Broadway to the cinema and made 'Melody Ranch' at Republic. He may do a couple more on that lot. There is not much new talent in the extra ranks. With Central Casting running the list and studios also holding down production volume to small groups of extras on interiors, there have been none of those flash star potentialities coming from these ranks.

Clark Gable Best Bet

For Metro at the B.O.

Metro, of course, has the most imposing lineup of stars and feature players in the industry. Great portion of its players who may not be included in this listing are those who are being groomed for special parts and work in musicals. Studio does more toward training its raw material before screen work than any of the others here.

Clark Gable, naturally, is the studio's top bet. His work in 'Wind' and 'Boom Town' makes him the top money getter on the lot, taking the Bussers away this year from Mickey Rooney and James Stewart, who held them last year. Spencer Tracy crept to the fore in the star aggregation this year due to 'Boom Town' smash, placing him closest to Gable and a bit ahead of Mickey Rooney. Wallace Bery showed up very well this year, climbing near the top spot which he occupied a number of years ago with Judy Garland and Myrna Loy, latter co-starring with William Powell, next in b.o. importance. Norma Shearer's solo appearance was in 'Escape', co-starred with Robert Taylor, a big grosser. Jeanette MacDonald and Nelson Eddy co-starred in 'Bitter Sweet', currently released with insufficient returns to warrant classification. The year appears also in 'My Mood'.

Hedy Lamarr and Ann Sothern made good strides during the year. Also doing well in star ranks, but mostly off the home lot, was Rosalind Russell, with Greer Garson and Tyrone Power coming along nicely. Stars on the lot who did no chores for 1940 release were Greta Garbo, Robert Donat, who is in England, Katharine Hepburn and Marx Bros.

Low Ayres heads the featured contingent, taking top rank away from Lewis Stone, who held it last year. Topping the feature group of supports is Laraine Day, who came to the fore virtually overnight in 'Foreign Correspondent'.

Melvin Douglas, who stars elsewhere, has proven a great featured bet here, with Ruth Hussey coming to the front fast during the year and being groomed for co-starring. Walter Pidgeon also showed to good advantage on the year as did Ann Rutherford, John Shelton, Virginia Weidler, Helen Hays, and Marjorie Main.

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proved to be okay in the b.o. category which jumped him from third to No. 1 place this year. He supplanted Bette Davis, who came in close to James Cagney, second in importance on the lot. Miss Davis, of course, is top of the femme contingent here.

Edward G. Robinson moved ahead of John Garfield on the checkup, with Pat O'Brien doing okay though off the lot now, and Humphrey Bogart increasing in importance with indications he may garner a position close to the top of the star aggregation in 1941. Ida Lupino, who hit strong with one picture and got co-star billing, stands high so far as the exhibitors are concerned and leads a lot of girls who have had plenty of pictures under their belt during current year on the lot.

George Brent, of whom much was expected, did not fare so well with his screen efforts while Ann Sheridan, who was on the road to importance, lost her value with suspension and studio cutting its ex-

METRO

Stars

CLARK GABLE
SPENCER TRACY
MICKEY ROONEY
JAMES STEWART
WALLACE BERRY
JUDY GARLAND
MYRNA LOY
WILLIAM POWELL
NORMA SHEARER
ROBERT TAYLOR
HEDY LAMARR
ANN SOTHERN
(JEANNETTE MACDONALD)
(NELSON EDDY)
JOAN CRAWFORD
LIONEL BARRYMORE
ROSALIND RUSSELL
GREER GARSON
ROBERT MONTGOMERY
LANA TURNER
ELEANOR POWELL
EDDIE CANTOR
FRED ASTAIRE
MARGARET SULLIVAN
GREGA GARBO
ROBERT DONAT
KATHARINE HEPBURN
MARX BROS.

* Made no picture during 1940 for release prior to Dec. 1, 1940.

Featured

Lew Ayres
Laraine Day
Melvin Douglas
Lewis Stone
Fay Holden
Ruth Hussey
Frank Morgan
Walter Pidgeon
Donald Meek
George Murphy
Ann Rutherford
John Shelton
Virginia Weidler
Robert Young
Billie Burke
Conrad Veidt
Charles Winninger
Nat Johnson
Rita Fenelon
Lee Bowman
Lynne Carter
Sara Haden
Douglas McPhail
Reginald Owen
Celeste Parker
Judith Anderson
John Carroll
Bonita Granville
Dan Bailey, Jr.
Iva Renda
Ann Morris
June Preisler
Phil Silvers
Dennis O'Keefe
Florence Laury
Helen Gilbert
Edward Ashley
Tom Conway
Philip D'Arcy
Kella Martin
Virginia Grey
Diana Lewis
Virginia O'Brien
Harry Nunn
Eugene Pallette
Chill Wills
Marjorie Main
Mary Howard
Kathryn Grayson
Ginger Rogers
Shepherd Strudwick
Robert Sterling
Tony Martin
Maureen O'Sullivan
Johnny Weismuller
Henry O'Neill

† Under contract but did not appear in pictures released during the year.

plotation and publicity on her. Jeffrey Lynn, who graduated from top featured spot to star group, did okay in his initial efforts on his own. Paul Muni, though off the lot, was rated

WARNERS

Stars

ERROL FLYNN
JAMES CAGNEY
BETTE DAVIS
EDWARD G. ROBINSON
JOHN GARFIELD
PAT O'BRIEN
HUMPHREY BOGART
GEORGE RAFT
IDA LUPINO
ANN SHERIDAN
PRISCILLA LANE
OLIVIA DEHAVILLAND
GEORGE BRENT
JEFFREY LYNN
WAYNE MORRIS
PAUL MUNI
MARJORIE RAMBEAU
MARION HOPKINS
MERLE OBERON
ROSEMARY LANE
SYLVIA SIDNEY

Featured

Ronald Reagan
Alan Hale
Brenda Marshall
James Stephenson
Claude Rains
Donald Crisp
Eddie Albert
Frank McHugh
Jane Wyman
Dennis Morgan
William Lundigan
Fay Bainter
Dick Foyan
Henry O'Neill
Arthur Kennedy
George Tobias
John Littel
Anthony Quinn
Albert Basserman
William T. Orr
Lee Patrick
John Ridley
Margot Stephens
Elizabeth Earl
Lya Lys
Nell O'Day
Peggy Diggins
Herbert Anderson
George Reeves
Frank Wilcox
Robert Friss
George Haywood
Elizabeth Sifton
Jan Clayton
David Bruce
Ella Basserman
Peter Asher
Bruce Lester
De Wolf Hopper
Lee Bennett
Mary Brodel
Richard Ainley
Mary Cheffy
Joan Leslie
Ann Edmunds
George Campane
Alexis Smith
Cornell Harvey
Michael Wilde
Suzanne Carmahan
Mildred Coles

* One pic deal. No release during 1940.

on one picture which was not so fortunate for the b.o.

Ronald Reagan, so-so in the featured group last year, jumped to the fore in '40 and gives promise of following in Lynn's footsteps on the '41 list as a star. Reagan's last effort, 'Santa Fe Trail', will probably be the medium to bring about the climb.

Alan Hale, one of the older character actors of the industry, is second in line at the b.o. due to type of parts he has been playing, with the femme top feature spot going to Brenda Marshall. In this group there are many of the old screen standbys as well as new talent but none outside of William Lundigan showed any quick progress. Studio has a great many of the young girl contingent that is is grooming. However, during past year many of the old standbys on lot such as Pat O'Brien, Paul Muni, Rosemary Lane of the star division, and Frank McHugh, Fay Bainter, Lya Lys, Allen Jenkins have left the lot.

Power Tops at 20th;

Studio's New Talent

Tyrone Power repeated this year as top b.o. attraction for 20th-Fox. With Shirley Temple having made only one picture and out of the fold, Alice Faye jumped to top rung of importance among the femme star contingent.

Stellar list on the lot has decreased a bit since last year with such names as Warner Baxter, Loretta Young, Al Jolson, Claudette Colbert, Rita Bros.

and Grace Fields now absent. Nancy Kelly, who was in this group, was relegated to the featured division. Henry Fonda, new in the fold, cashed in on couple b.o. pix as did Don Ameche, both up in the top money group. Jane Withers was just as consistent this year as last and proved a worthwhile coin-getter for the studio. However, with the short array of stars the company has in comparison with previous years the studio seems to have no waste of investment in this class.

There has also been a curtailment at the studio in the roster of feature players with the lot considerable for one year. Binnie Barnes, who led the group during '39, is out. Promising for importance during coming year in femme contingent are Gene Tierney, Virginia Gilmore and Mary Beth Hughes. In the male section, the parade is led by Jack Oakie and Randolph Scott, cinema veterans, with John Carradine also garnering important rating for his characterization.

Lynn Bari, who has been doing 'B' leads and also on loanout for

20TH-FOX

Stars

TYRONE POWER
ALICE FAYE
HENRY FONDA
DON AMECHE
JANE WITHERS
SONJA HENIE
SHIRLEY TEMPLE
CESAR ROMERO
JOAN BENNETT
SIDNEY TOLK
JOHN BARRYMORE
ZORINA-RICHARD GREENE

Featured

Linda Darnell
Jack O'Leary
Randolph Scott
Betty Grable
John Carradine
Mary Beth Hughes
Richard Greene
Lloyd Nowell
John Payne
George Sanders
Lynn Bari
Marjorie Weaver
Virginia Gilmore
Claudette Colbert
Nancy Kelly
Joan Davis
Gene Tierney
Jean Rogers
Dean Jagger
Mary Healy
Arlene Whelan
John Sutton
Chris Pin Martin
Alan Curtis
Stan Carter
Robert Conway
Lynne Roberts
Monica Bannister
Jane Darwell
Howard Keenan
Robert Shaw

co-starring parts, is a likely top-notch performer for casting at the studio during the coming season. Among rest of newcomers, studio likely will garner a few other prospects who may prove potent for stellar roles.

Gary Cooper Returns To

Par as Its Money Ace

Paramount's old standby, Gary Cooper, came back to the home lot and proved himself the company's topnotch b.o. magnet, with Bing Crosby and Jack Benny holding their own, while Bob Hope sprouted up suddenly with his last two pictures and gives promise of being the lot's biggest attraction the coming year. In radio work and personal appearances have been great aids to Hope in his climb. Also stepping out to rank as top femme star was Dorothy Lamour, who besides shoring on the home lot did good b.o. duty at 20th-Fox.

Ray Milland, new in the star camp, also proved most promising, with Marlene Dietrich also gaining momentum in radio work and the ticket buyers. Claudette Colbert had only one picture, 'Arise My Love', on the lot during the year. Plenty of 'outside' picture stars and co-stars were brought in this year. One of the best money makers company has an investment in is the 'Hopalong Cassidy' series made by Harry Sherman with William Boyd starring. Studio likely will have a couple of contract stars from feature ranks during coming year.

Paulette Goddard proved a surprise in the feature ranks, topping the list in studio headed for stardom in '41. Ellen Drew also will change her designation upward in '41. Balance of feature group has been on the lot for one or two pic-

ture assignments with many of them away on general freelance during past few months. Studio in its economy move has only carried on term those feature people essential

PARAMOUNT

Stars

GARY COOPER
BING CROSBY
JACK BENNY
BOB HOPE
DOROTHY LAMOUR
CLAUDETTE COLBERT
RAY MILLAND
MADELINE CARROLL
FRED MACMURRAY
RONALD COLMAN
WILLIAM BOYD
CHARLES LAUGHTON
VIVIAN BUCHHEIT
DICK POWELL
BARBARA STANWICK
BOB BURNS
DOUGLAS FAIRBANKS, JR.
GEORGE BRENT
JOAN BLONDELLE
GLADYS GEORGE
WAYNE MORRIS

† Starred in 'Hopalong Cassidy' series produced by Harry Sherman.

Featured

Paulette Goddard
Alicia Faye
Akim Tamiroff
Lynne Overman
Richard Dix
Robert Preston
Charles Buggles
William Frawley
Basil Rathbone
Jackie Cooper
George Bancroft
J. Carroll Nash
Brian Donlevy
Preston Foster
William Henry
Alan Jones
Robert Paige
Carole Landis
Anthony Quinn
Jerry Colonna
Eddie Anderson
Russell Hayden
Patricia Morison
J. Farrell MacDonald
Victor Jory
Jean Parker
Andy Clyde
Judith Barrett
John Miljan
Don Wilson
Gertrude Michael
Muriel Angelus
Lillian Cornell
Marjorie Gatenben
Albert Decker
Ida Lupino
Andy Devine
Alan Lockhardt
Virginia Dale
Betty Field
Otto Kruger
Billy Lee
Elizabeth Patterson
William Holden
Bonita Granville
John Arledge
Paul Bellamy
Paul Kelly
Doris Nelson
Una Merkel
William Demarest
Conrad Nagel
Gilbert Roland
Nick Farns
John Hodiak
Edgar Kennedy
Florence Rice
Raymond Walburn
Ernest Truex
Dennis O'Keefe
James Cagney
Eva Stone

to general production, dropping the occasionals and using them or other 'freelancers'. However, in list that it has, the upper group has been and still is valuable as support for exploitation, especially Akim Tamiroff, Lynne Overman, Charles Buggles, William Frawley, Brian Donlevy, Preston Foster, Patricia Morison, William Henry and Robert Paige. Though the feature list here is lengthy, it has been whittled more than 50% during the past six months.

Ginger Rogers Again

Leads RKO Roster

Ginger Rogers with 'Primrose Path' and 'Lucky Partners' to her year's credit, and 'Kitty Foyle' ready for release, is the star as the top magnet for RKO, with Charles Laughton leading the male division as result of 'Hunchback of Notre Dame' and 'They Knew What They Wanted'. Studio, which has single and two-pic commitments with stars, has a great many freelancers in its listing. Carole Lombard worked exclusively on this lot during '40, while

(Continued on page 20)

Sweet Mama!



The 'Four Daughters' are

FOUR MOTHERS

(It happened just in time for New Years!)

'FOUR MOTHERS'
 Starting
PRISCILLA LANE · ROSEMARY LANE
LOLA LANE · GALE PAGE
 with
CLAUDE RAINS · JEFFREY LYNN · EDDIE ALBERT

May Robson · Frank McHugh · Dick Foran
 Original Screen Play by Stephen Morehouse Avery
 Suggested by the Book, "Sister Act," by Fannie Hurst
 Directed by **WILLIAM KEIGHLEY**



Top 1940 Stars and Pix

(Continued from page 18)

Cary Grant and Irene Dunne got crept on a single opus. Lucille Ball crept up in her star rating as did Anne Shirley, with Kay Kyser also proving himself of value in selling celluloid. Tim Holt did westerns for the studio while Leon Errol and Lupe Velez chored in action series. Jean Hersholt rating is okay on the

tures go up, to come into the hit class with her pictures and be an advantageous cog in the company's selling set-up.

Marlene Dietrich, who has done two pictures on the lot, also is good in the prestige division with her 'Destry Rides Again,' released late last year, and 'Seven Sinners' currently, having been the means of reviving b.o. interest in her.

Rosalind Russell and Brian Aherne did good work on the lot with a single take, and Bing Crosby again proved a profit-maker with his single pic, 'Gloria Jean's' b.o. value improved during the year, as did that of Baby Sandy. W. C. Fields and Mae West were a good combo in one and 'Fields, on his own in 'Bank Dick,' got off to good first-run start. Abbott and Costello, added to the Universal starring group, did one on first chore, as did Ritz Brothers and Andrews Sisters, who did one together. Hugh Herbert is starring in the 'B&B' division, with studio getting good results in the minor musical tie product, too. Richard Arlen-Andy Devine action pic combo is plenty okay, as are the Johnny Mack Brown westerns. Studio had commitments for this year with a

number of potent star names who will meet their obligation mostly for late '40-41 and '41-42 pictures.

Broderick Crawford heads the featured contingent on the lot and will likely get co-starring roles next year. Mischa Auer is also another potent support factor who gets general all around use and top billing in the musical B's. Studio has quite a stock list with possibilities of some of them such as Peggy Moran, Robert Cummings, Vincent Price and Robert Stack being given more important roles the coming year. Other portion of feature list was confined to one-pic assignments.

Cary Grant and Jean

Arthur Tops at Col.

Columbia, which is not overloaded with star power, had as its leader Cary Grant with Jean Arthur a close second. Most of the other stars used on the lot were on individual

COLUMBIA

Stars

CARY GRANT
JEAN ARTHUR
MELVYN DOUGLAS
RONALD RUSSELL
RAY MILLAND
WARREN WILLIAM
FRED MACMURRAY
CONSTANCE BENNETT
JACK HOLTS
PAT O'BRIEN
BRIAN AHERNE
LORETTA YOUNG
JOE E. BROWN
MARGARET SULLIVAN
PENNY SINGLETON-ART
LAKE-LARRY SIMMS
DOUGLAS FAIRBANKS, JR.
CHARLES STARRETT
BILL ELLIOTT
SONS OF THE PIONEERS
IBENE DUNNE
JOAN BENNETT
JOAN BLONDELL
RANDOLPH SCOTT

* Made no pictures on lot during 1940 release period.

Featured

Rita Hayworth
Ralph Bellamy
Rochelle Hudson
Boris Karloff
Edith Fellows
William Holden
Three Stooges
Frances Robinson
Evelyn Keyes
Iris Meredith
Peter Lorre
Walter (Dub) Taylor
Glenn Ford
Bruce Bennett
Joan Perry
Evelyn Young
Linda Winters

picture commitments, on loan from other studios and appear on other programs which gives them all around b.o. value.
Last picture Joe E. Brown made for Dave Loew was released on the Columbia slate and proved a money-maker.

The Singleton-Lake-Simms combo is a steady coin getter, with radio having helped their screen rating and picture importance. Also valuable as action stars are Jack Holt, in pictures made by Larry Darmour for Columbia release and Charlie Starrett in westerns, and Bill Elliott, action series star, who studio has under contract. It had several name stars with commitments for 1940 who will work off their obligations during '41.
Rita Hayworth led the feature contingent on femme side and Ralph Bellamy topped the males. Most of feature group have been important to the program, with Edith Fellows and Three Stooges especially helpful with their product.
Studio, not having an abundance of stellar-feature stock players has mostly single commitments for pictures outside the bread-and-butter group that are made by Irving Briskin.

UA's Star Swapping Assists Its Producers

United Artists had eight producers contributing product during 1940, with return to the production fold by Charlie Chaplin. Most of the UA group have a limited starring and contractual group of players, which some interchange with others, or those whom they get on single picture assignments.
Chaplin, for his picture, 'Great Dictator,' co-starred Paulette Goddard with himself. This picture of the '40 releases may be the top

UNITED ARTISTS

Chas. Chaplin Prod.

Stars

CHARLIE CHAPLIN
PAULETTE GODDARD

Featured

Jack Oakie
Billy Gilbert
Reginald Gardiner
Henry Daniell
Emma Dunn

money getter-for the company on the year's production, but will come far short of expectations.

Sam Goldwyn, who turned out only the 'Westerns,' utilized his b.o.

Sam Goldwyn Prod.

Stars

GARY COOPER
JON HALL
DAVID NEVIN
ZORINA

Featured

Walter Brennan
Fred Stone
Doris Davenport
Virginia Leeds
Virginia Gillmore
Dana Andrews

* Made no pics on home lot during 1940.
† Were on loanouts to other studios, not used by Goldwyn, during 1940.

attractions, Gary Cooper and Walter Brennan, while he loaned out two of his others, Zorina and Jon Hall, with David Nevin, having gone into the British army after finishing 'Raffles.' Alexander Korda had Merle Oberon and Sabu starred in his pictures during the year and brought to Hollywood June Duprez, who likely will find a niche with one of the studios for permanent domicile here. She is a daughter of the late Fred Duprez, American vaude star who went to England years ago. Sol Lesser has a potential star in Martha Scott, while Hal Roach has a trio of b.o. bets in Victor Mature, Carole Landis and John Hub-

Alexander Korda Prod.

Stars

MERLE OBERON
SABU
VIVIAN LEIGH
LAURENCE OLIVIER

Featured

June Duprez
John Hubbert
* Did not appear in Korda pictures released during 1940.

Sol. Lesser Prod.

Featured

Martha Scott
Thomas Mitchell
William Holden
Fay Bainter
Frank Craven
Stuart Erwin
Benish Bondi

Hal Roach Prod.

Stars

VICTOR MATURE
CAROLE LANDIS
LAUREL AND HARDY
JOHN HUBBARD

Featured

Leo Carrillo
Adolphe Menjou
Burgess Meredith
Charles Bickford
Mary Astor
Betty Field
Verree Teasdale
Lon Chaney, Jr.
William Gargan
* Marjorie Woodruff

* Not used during 1940 release season.

bard, whom he gave co-starring honors. Roach also has a prospect in a new girl, Marjorie Woodruff, whom he has not yet used in pictures. Selznick-International, of course,

has a top femme star in Vivien Leigh, who worked opposite Clark Gable in 'Gone,' and had another good combo in Joan Fontaine and Laurence Olivier, who appeared in 'Rebecca.' Edward Small's star development of the year was Louis Hayward. Small also developed

SELZNICK-INTERNAT'L

Stars

VIVIAN LEIGH
CLARK GABLE
LAURENCE OLIVIER
JOAN FONTAINE
INGRID BERGMAN

Featured

Hattie McDaniel
Ona Munson
George Sanders
Alan Marshall

* Made no pictures for S-I during 1940.

Edward Small Prods.

Stars

LOUIS HAYWARD
MADELINE CARROLL
JON HALL
JOAN BENNETT
VICTOR McLAGLEN

Featured

Brian Aherne
George Sanders
Lynn Bari
Olympie Bradna
Frances Farmer
Wendy Bond
Dana Andrews
Florence Bates
Clayton Moore

Walter Wanger Prods.

Stars

JOEL McCREA
JOAN BENNETT
GEORGE RAFT

Featured

John Wayne
Thomas Mitchell
George Sanders
Laraine Day
Herbert Marshall
Lloyd Nolan
Walter Pidgeon
Ian Hunter

Note—No pictures were made for 1940 release by Globe Productions (Jas. Roosevelt), Loew-Levin and Richard A. Rowland, therefore list is eliminated.

Jon Hall, on loan from Goldwyn, in two pictures. Walter Wanger has as top money getting star, Joel McCrea, his other star combo being Joan Bennett and George Raft in one picture. For his two big pictures of the year he used top feature names of b.o. value in the cast without star designation.

Karloff and Bickford

Fit Monogram Groove

Monogram, with its virile program, has two perfect starring assets

MONOGRAM

Stars

BORIS KARLOFF
CHARLES BICKFORD
JACKIE MORAN
MARCIA MAE JONES
FRANKIE DARRO
TERRY RITTER
JOHN LING
MAX TERRUNE
RAY CORRIGAN
JEAN PARKER
KEYE LUKE

Featured

James Newell
Grant Withers
Marjorie Reynolds
Leo Gorcey
Jack Randall
Bobby Jordan
Milburn Stone
Slim Andrews
Manian Moreland
Martin Spellman

In Boris Karloff and Charles Bickford, who turn out two or three pictures a year on the lot. For its own contractual star group best 'coincidentally' are the juveniles, Jackie Moran and Marcia Mae Jones. Frankie Darro is also okay with his series while Tex Ritter is tops on the horse oprys, with the King-Ter-

(Continued on page 22)

RKO-RADIO

Stars

GINGER ROGERS
CHARLES LAUGHTON
CARY GRANT-IRENE DUNNE
CAROLE LOMBARD
JOEL McCREA
RONALD COLMAN
ANNA NEAGLE
KAY KYSER
ANNE SHIRLEY
MAUREEN O'HARA
LUCILLE BALL
RAYMOND MASSEY
JEAN HERSHOLT
GEORGE O'BRIEN
LUPE VELEZ
LIONEL LINCOLN
LEE TRACY
GENE RAYMOND
GEORGE SANDERS
TIM HOLT
ORSON WELLES
CHARLES BOYER
JEAN ARTHUR

* Made no pictures here for 1940 release.

Featured

Randolph Scott
Adolphe Menjou
Thomas Mitchell
Ray Milland
Louis Hayward
Wendy Barrie
Brian Aherne
Freddie Bartholomew
Fay Bainter
Sir Cedric Hardwicke
Marjorie Rameau
Harry Carey
Charles Winninger
Anita Louise
Peter Lorre
Dorothy Lovett
Linda Hayes
Virginia Vale
Barbara Read
Patric Knowl
Kent Taylor
James Ellison
Alan Marshall
Lion Miller
Richard Carlson
Edna Best
Desi Arnaz
John Carroll
Charles Lang
Jimmy Lydon
Adele Pearce
Ray Whitley
John Archer
Jack Oakie
†Phyllis Brooks
†Signe Hasso
†Michele Morgan
†Linda Winters
†Kenneth Lynn
†Kay Francis
†Alberto Vilia
†Terry Belmont
†Susan Fox
†Pamela Caveness
†Renée Haal
†Dick Hogan
†Jane Patton
†Charles Quigley
†Elsie Shepherd
†Robert Weidon
†Joan Woodworth
†Betty West
†Zasu Flitt
†Edna Mae Oliver
†Charles Coburn
†Ruth Warwick

† Players under contract not used in 1940 releases.

'Dr. Christian' series, with George O'Brien, who gave up the horse stuff for the year, proving a good investment for the company. Maureen O'Hara also seems o.k., as does Anna Neagle.

Feature roster, which is considerably limited, with studio getting in top names for main support as can be seen from listing of these players, who are top-bracketers and also capable of co-starring or starring on their own.

Deanna Durbin Continues As U's Bread-Butter Star

Universal's prestige and bread-and-butter star, Deanna Durbin, still manages, though costs on her pic-

UNIVERSAL

Stars

DEANNA DURBIN
MARLENE DIETRICH
ROSALIND RUSSELL
BRIAN AHERNE
BING CROSBY
GLORIA JEAN
W. C. FIELDS
MAE WEST
RITZ BROS.-ANDREWS SISTERS
EDGAR BERGEN
RICHARD ARLEN
ANDY DEVINE
BABY SANDY
ABBOTT & COSTELLO
JOHN MACK BROWN
HUGH HERBERT
JOHN BARRYMORE
DOUGLAS FAIRBANKS, JR.
BOB BURNS
*FRED ASTAIRE
*IBENE DUNNE
*MARGARET SULLIVAN
*LORETTA YOUNG
*CHARLES BOYER
*SHORR GURE
*DANIELLE DAREUX

* Under contract, but no picture releases during 1940.

Featured

Broderick Crawford
Mischa Auer
Andy Devine
Allan Jones
Joe Penner
Martha Raye
Irene Hervey
Brian Donlevy
Franchot Tone
Peggy Moran
Robert Cummings
Margaret Lindsay
Vincent Price
Virginia Bruce
Warren William
Tom Brown
Constance Moore
Nan Grey
Boris Karloff
Boris Karloff
Anne Nagel
Butch & Buddy
Kathryn Adams
Shemp Howard
Robert Stack
James Craig
Fuzzy Knight
Sam S. Hinds
John Howard
Lull Deste
Phillip Dorn
John Sutton
Helen Parrish
Anne Gwynne
Lewis Howard
Jeanne Kelly
Joy Harris
*Charles Lang
*Kay Leslie
*Marie Montez
*Neil O'Day
*Nina Oria
*Carol Bruce
*Henry Arner
*Kenneth Brown
*Bob Baker
*Harry Stafford
*Harris Berger
*Charles Duncan

* Players under contract, but no screen credit on 1940 releases.

\$30,000 Before B'way Prod., \$4,500 For Play's Rights After Its N. Y. Flop

Columbia Pictures saved itself better than \$25,000 by its inability to get together with Leon Lazarus, author of 'Every Man for Himself,' on participation in backing the lighter. Col. bought screen rights to it last week for \$4,500 if it closed following only three performances on Broadway.

Col. in its negotiations with Lazarus on the Coast, before the show opened, had offered \$30,000 for a piece of the lighter plus screen rights. Lazarus refused.

'The Dead Take No Bows,' mystery novel, was purchased last week by 20th-Fox for \$5,000. It was authored by Richard Burke and will be published shortly. Curtis Brown agent.

Hollywood Buys

Hollywood, Dec. 17. Richard Collins and Paul Jerico sold 'That Was No Lady' to Paul Cramer for production as a United Artists release.

Metro bought 'Strange Things Have Happened in Brooklyn,' by Dan Gluck.

Paramount acquired 'Buy Me That Town' by Harry Gouman and Murray Gellhoff.

Metro acquired 'Mama's Angel,' by Anna Enters.

Garnett Weston and Robert Shannon sold 'The Great Train Robbery' to Republic.

20th-Fox purchased 'The Dead Take No Bows' by Richard Burke and Stanley Rauh.

Variety Clubs

Continued from page 7

who had been under fire in his own organization for his social affiliation with the men who pay the salaries. H. J. Fitzgerald, head of the Fox theatres in Wisconsin, was named assistant chief banker, and Al D. Kroll, top man for the Warner-Saxe houses, was chosen second assistant. Ben Miller, legal rep for varied theatre interests, was elected secretary, and Art Schmitz, manager of the local RKO unit, was made treasurer.

Kenneth Collins Indicted

Indianapolis, Dec. 17. Kenneth Collins, manager of the Indiana, was installed Friday (13) as chief banker of Tent No. 10 of Variety Club to succeed Marc Wolf. The local bankers, a dinner at the Claypool Hotel, guests of honor present being Johnny Harris of Pittsburgh, national chief banker, and Bob O'Donnell of Dallas, Texas, national assistant chief banker of the Variety Clubs of America.

Hicks Heads Baltimore Variety

Baltimore, Dec. 17. Local Variety Club elected new officers and board last week with Bill Hicks succeeding to the post of Chief Banker. Other officers include Nick Weems and Eddie Perotta, assistant Chief Bankers; Joe Grant, treasurer, and Harry H. Durkin, secretary. Board members include Bernie Seaman, Lauritz Garman, Eddie Sherwood, Frank H. Durkin, Elmer Nolte and Rodney Collier. Rome remains on board ex officio. Following banquet and dance in February club will sponsor this year's Freshness Ball following the running of that historic race at Pimlico. Will devote all income to charity fund.

Felling John S. Allen

Cincinnati, Dec. 17. A testimonial dinner for John S. Allen, Chief Banker, local United Artists branch manager, was elected Chief Banker of the Buffalo Variety Club for the coming year, succeeding Robert T. Murphy, chief banker of the Shea circuit. Other officers are Stanley Kozanowski, Rivoli, first assistant chief banker; George F. Hanny, Capitol, second assistant; and W. J. Martin, reviewer Buffalo Courier-Express, secretary and treasurer.

Lehman Prez of Buff Tent

Buffalo, Dec. 17. Sydney Lehman, local United Artists branch manager, was elected Chief Banker of the Buffalo Variety Club for the coming year, succeeding Robert T. Murphy, chief banker of the Shea circuit. Other officers are Stanley Kozanowski, Rivoli, first assistant chief banker; George F. Hanny, Capitol, second assistant; and W. J. Martin, reviewer Buffalo Courier-Express, secretary and treasurer.

SPG, N. Y. UNIT, WANTS ARTISTS IN AS WELL

Following conclusion last week of informal hearings before the National Labor Relations Board, the Screen Publicists Guild, New York unit, with the subject of formal hearings within the next couple weeks to determine what shall constitute 'arguing units' at the various companies. Employers have indicated their opinion that artists are not eligible, while SPG maintains it should represent all creative employees.

Joseph Gould, of United Artists, was nominated for SPG prez, last week by acclamation. He has no competitors for the post. Nominations were also made for other officers, with elections to be held in January. Ralph Morgan, former prez of Screen Actors Guild, at last week's nominating meeting, promised the publicists the support of film operators in their effort to obtain shop contracts with the district.

Final informal hearing at the NLRB last week was with Universal, which has only five employees in the New York press department. Charles Kramer, Labor Board examiner, made a stinging comment on the companies at the hearing, declaring there were only two problems to be settled, one valid and one invalid. First, he declared, was how to define a unit, and second was the producers' unwillingness to furnish the Board with information, which seems to me to proceed from a desire to delay.

Lawrence Coordinating Films' Co-op With Greeks

Jock Lawrence, new publicity chief for the Motion Picture Producers Assn., is in N. Y. to act as co-ordinator of film industry effort in the Greek War Relief campaign. He was picked by Sam Goldwyn, head of Coast charities activities, to be in Hollywood with the eastern division.

Actual Greek War Relief drive is not set to open until later this winter but the industry is formulating plans for active participation.

Al Cohen Preps Pair

Hollywood, Dec. 17. Albert J. Cohen, recently upped to a producer post at Republic, is hustling preparations on two features for a simultaneous start.

Films are 'Rookie Root' and 'Babe on Broadway,' a musical intended to showcase young talent at the Valley studio.

'SIS' OUT FRONT

Hollywood, Dec. 17. 'Sis' Hopkins was shifted ahead of 'Puddin' Head' as Judy Canova's next acting job at Republic.

Filming starts the first week in January, with Robert North producing and Joseph Santley directing.

UA 'Strike'

Continued from page 5

and Rowland's pact does not go beyond 'Cheers for Miss Bishop,' now completed; Los' Lesser and Ernst Lubich have nothing on their slates and Korda is likely to stall on 'New Wine' because of story trouble; and Walter Wanger is working on a story of American pilots in the RAF, but has no definite production plans for it or beyond it.

UA Meeting 'Routine'

United Artists board meeting in New York yesterday (Tuesday) was said by Murray Silverstone to have been 'routine.' Board voted Christmas bonuses to all domestic employees except top executives. Arthur Kelly, v.p. in charge of sales, will work out terms of the bonus, Silverstone said.

Attending the meeting were Silverstone, Dennis F. O'Brien, for Fairbanks estate; Charles Schulz for Charles Chaplin; James Muir for Samuel Goldwyn; Steven Pallos for Alexander Korda; Herbert Maas for Mary Pickford; and Edward C. Rafferty, secretary of the company.

Busy Fingers

Hollywood, Dec. 17. Busiest writer in Hollywood is Dalton Trumbo, who has five stories and scripts in work in five studios.

Scraps doing the screenplay on 'Somewhere 'Til I Find You' at Metro; his novel, 'The Remarkable Andrew,' is in the writing mill at Paramount; his screenplay on 'Kitty Fox' is at RKO; 'The Man With the Shovel' is being read at 20th-Fox, and 'The Doctor's Husband' is being prepared by Wesley Ruggles at Columbia.

RKO INTERESTED IN NO. 2 CINEMA

A second picture house, as called for in the large Parkchester (Bronx) development, will probably not be built for another year or so. RKO is reported interested in getting the operation of the theatre and has opened discussions with that direction.

Loew's deal with the Parkchester development is for only the American, which opened two weeks ago. It's a 2,000-seater.

There are between 15,000 and 20,000 people in the development already, it is said.

Interstate's Expansion

Brownsville, Texas, Dec. 17. Interstate Amus. Co. of Dallas, will build one of the largest business buildings in the Lower Rio Grande Valley it was made known here after a deal had been closed for a large lot in the commercial district here. Plans call for a building to house a theatre, stores and offices, costing \$380,000.

The consideration for the site of the proposed building was said to have been \$27,500.

2 More Texas Drive-ins

Construction will be started within 10 days on two drive-in theatres handling between 500 and 600 automobiles, one to be located on the Northwest Highway near Hillcrest and the other on the Fort Worth Highway on top of Chalk Hill. Underwood & Ezell are Texas franchise holders for drive-in theatres; also Republic distributes here.

Edwards' Latest

Los Angeles, Dec. 17. New El Sereno theatre opened in the town of that name by James Edwards, Jr., owner of the Cameo which belongs to the Edwards circuit in the same neighborhood.

House seats 850. Construction of a new 900-seat theatre in Santa Monica will be started Jan. 2 by Burke & Baylis, current operators of the Tivoli and Nuart in Sawtelle.

West Toledo's New 1,700 Seater

Toledo, Dec. 17. Associated Theatres Corp., Cleveland, has taken a 25-year lease on a 1,700-seat theatre being built as part of a \$800,000 commercial development in suburban West Toledo.

Berenson's New House

New Orleans, Dec. 17. Berenson's Theatres purchased a large site in Gretna, La., across the Mississippi from this city, for a new theatre to seat 1,000 persons.

New Rules Curb Benefits 'Abuse' of Film Players

Hollywood, Dec. 17. Regulations have been set up by the Screen Actors Guild Theatre Authority, Association of Motion Picture Producers and the Motion Picture Permanent Charities Committee, to protect actors from conflicting unauthorized demand on their time.

Players will be forbidden to appear on charity shows unless approved by Theatre Authority, the producer to whom the player is under contract, and the permanent charities committee.

TRAVIS HEADS PATHE LAB

E. M. Travis is to be the new president of Pathe Laboratories, succeeding O. Henry Briggs. Lathe has resigned to take a new position outside the laboratory field.

Travis has been in charge of the Pathe laboratory in Hollywood.

Wisc. Theatre Delegation in March To State Capital for Solution to Tax Problems Arising From Giveaways

75 DETROIT CINEMAS GO DARK ON XMAS EVE

Detroit, Dec. 17. At least 75 of this town's theatres will go dark on Christmas Eve, with more probably joining the citywide move launched by Co-operative Theatres of Michigan. The organization polled not only its membership but outside houses on the idea of taking the day off when biz doesn't amount to shucks anyway. It seemed to be the opening that most of them were waiting for since the 75 houses responded that no matter what the rest did they were shattering.

With that number going down, it was expected that a large number of theatres would be closing, figuring that it might be a good-will gesture. To stay open might invite criticism if the guy down the street closed.

Lenser Sues for Time Under 40-Hr.-Wk. Law

Los Angeles, Dec. 17. Mervyn Freeman, cameraman, filed suit for \$15,744 in the U. S. District Court against Pathe Newsreel. Half the suit is for overtime for services and half for damages. Complaint was filed under provisions of the 40-hour week, established by Fair Labor Standards Act of 1938.

As a member of Cameramen's Local 659, Freeman charges he worked 1,275 hours from Oct. 24 to Dec. 17, 1938, and 748 hours from Dec. 18, 1939, to Aug. 16, 1940, thereby violating him to overtime compensation.

2 From Columbia, RKO's

'Smith' Into Music Hall The Music Hall, N. Y., has closed for 'Arizona' and 'This Thing Called Love' with Columbia, as well as for 'Mr. and Mrs. Smith' from RKO. 'Philadelphia Story' (Metro) goes in Thursday (20) and will be held over New Year's.

Present booking schedule is to play 'Arizona' after that, then 'This Thing Called Love' and 'Mr. and Mrs. Smith' in that order.

Finally at Rainbow's End

Hollywood, Dec. 17. Beset by multiple difficulties since last July, the Roosevelt Theatre (Globe) production, 'Pot of Gold,' went before the lenses at the RKO-Pathe studio with James Stewart and Paulette Goddard in the top roles and Horace Heidt's orchestra featuring.

Henry Henlison is supervising the production job while Roosevelt is in training with the U. S. Marine Corps at San Diego. Picture is for United Artists release.

But Free and Easy

Hollywood, Dec. 17. 'But the 'Jesh is Wea,' a tale with an English background, was added to Metro's remake schedule with a new title, 'Free and Easy.' It was filmed eight years ago.

Eddie Buzzell is slated as director.

DE TITTA ON COAST

Hollywood, Dec. 17. Arthur De Titta, former representative for Fox-Movietone News in Paris, took over the job of Pacific Coast supervisor.

Jack Darroch, his predecessor, moves to New York as supervising assistant on short subjects under Truman H. Talley.

VAQUERO'S GIDDYAP

Hollywood, Dec. 17. Cesar Romero started riding in 'Ride On, Vaquero' yesterday (Mon.) ahead of time. James of a sudden shift in the 20th-Fox production schedule.

Change was necessary to make Romero available for the start of 'Great American Broadcast' in January. Otherwise 'Broadcast' would have to be postponed to March.

Milwaukee, Dec. 17.

Fighting against the imposition of back income taxes amounting to many thousands of dollars, a representative delegation of theatre men will go to Madison, Wis., Thursday (19) to meet with the Wisconsin state tax authorities in an effort to iron out the difficulties that have arisen as the result of a ruling disallowing the deduction of money paid out to theatre patrons as prizes in Bank Night, Banko, Screeno, Hollywood and similar business stimulants.

Harry Perlewitz, business manager of the Independent Theatre Protective Association, will represent the Upper Michigan; J. N. Blatchford, financial man of the Fox Wisconsin theatre group; A. D. Kroll, head of the Warner-Saxe theatres; Charles W. Trampe, exchange and theatre owner, and his legal reps all will join in the trek to the state capital.

Although no estimate has been made of the amount of money involved, it is admittedly huge, for hundreds of houses throughout the state were dishing out the coin to lucky patrons over the long period the games were permitted to flourish, and many theatre men claim they will be utterly ruined financially and forced into bankruptcy if the state is permitted to go through with its plan to collect.

Chairs as well as independents are included in the state's tax offensive. The latter have been in constant time to prevent pleading of the statute of limitations, and their legal reps and accountants are in close huddles trying to figure out what it's all about, how deeply they are in and the possibility of finding loopholes through which to wriggle out.

Film Scribes Talk Suit Over 'X' Clause on Credits

Hollywood, Dec. 17. Producers are threatened with legal action if they persist in attaching 'exhibit X' to contracts with members of Screen Writers Guild. Scribes are being furnished with a standard form of protest to be attached to the studio agreements.

Guild contends the producers' move to strip it of authority to determine screen credits violates both SWG agreement and National Labor Relations Act. Legal action will be taken only if the producers decline to continue present arrangement in negotiations on new pact.

Brent's No Can Do

Hollywood, Dec. 17. George Brent was signed for the top male role in the Sam Bischoff production, 'We Dare Not Love,' at Columbia.

Ernest Vajda is scripting James Edward Grant's story, which goes into work in January.

Nugent's Autobiog

Continued from page 2

the tank owns of the country back in the closing years of the last century. Much of it can be termed inspirational, but it is not without its complaints about current hardships in getting a foothold in the theatre sound like a bed of roses in comparison to what the Nugents were originally up against.

Nugent digresses frankly on his troubles with Keith-Abbe because of his activities in the White Rats back in 1900, a fighting speech before the then newly formed organization resulting in his being blacklisted by K-A. Equally frank is his description of his first meeting with the late Irving Thalberg, when he was rushed by Metro from the east as a writer, and how he first met the Coast's boy wonder as an underling. Another faux pas by him followed shortly thereafter, he chronicles, when he mistook Mrs. Thalberg (Norma Shearer) for a girl he had seen in a fashion show.

As an afterpiece, Nugent includes several articles he wrote for VARIETY years ago. These were w.k. in the trade and, as Nugent points out, may make a good book in themselves.

COCA-COLA DISCS STAY ASCAP

Wayne King Orchestra Show, Using ASCAP Song Titles, Off Air Jan. 25

Chicago, Dec. 17.

Wayne King orchestra show, for Colgate's on Columbia at present, goes off the air with the program of Jan. 25, the agency and sponsor letting the option time pass last week without pick-up.

This is figured to be primarily a cancellation as an effect of the radio-ASCAP ban. While not acknowledged as the actual reason for the demise of the show, the program is tied in too closely with songs not to be affected by the ASCAP ban. Program plot is based upon awards of diamond rings to persons sending in titles of songs which are closely associated with their private lives. These songs are generally ASCAP tunes, with few of them in public domain.

Sherman & Marquette agency has no plan for replacement for this show, but understood considering possibility of selling Colgate a dramatic show.

BERNARD SCHUBERT OPENS OWN OFFICE

Bernard L. Schubert has withdrawn from the Phillips Lord radio program office where he was sales manager. He has established himself in New York as a package program specialist. His first independent deal is with Lennen & Mitchell for "How Did You Meet?" which starts Jan. 1 on the NBC red for Woodbury Soap.

A combo soap opera and audience participation formula, the Schubert sale is for one part of the former Woodbury Playhouse set-up. Tony Martin and Dave Rose from Hollywood hold the early part, 6-8:15 p.m. and then the New York part follows.

Jim Cox in U. S. Army, Handles Public Relations

Atlanta, Dec. 17.—Jim Cox, former assistant manager at WATL, Atlanta, barely settled in his new post as Promotion Manager of WING, Dayton, Ohio, when he received orders to return to Atlanta for active service with the Army. Cox, who holds a commission in the Infantry Reserve, was assigned to duty as Public Relations Officer for Fort McPherson, Ga., just outside Atlanta.

FORHAN'S BUYS HEATTER

Modern Industrial Bank (Local) Releases Gabber for Mutual Web

Forhan's takes over sponsorship of Gabriel Heatter's "Night" nights starting Jan. 6 for a Mutual spread Show is now bankrolled over WOR. New York, by Modern Industrial bank. Latter outfit is purely a local institution. Is voluntarily freeing Heatter so he can accept Forhan's Liberty mag, which sponsors Heatter's series Thursday and Saturday nights, has increased the network and renewed the show for 26 more weeks.

Corwin's 1941 Series

Norman Corwin, who went to the Coast suddenly last week on an RKO scripting assignment, is due back late next month to begin a new series over CBS, to be called "28 by Corwin."

He also gets time to plane back to New York to direct a revival of his "Plot to Overthrow Christmas" on Columbia Workshop next Sunday night (22). He'll fly west again immediately after the broadcast.

John Lord Booth, owner of WMBC, Detroit, made his bow on the air last week when he spoke for three minutes at a station celebration in honor of Hyman Altman, for 12 years on the studio staff and manager of one of its foreign hours.

WGAR's Fancy Murals

Maury Condon, of WGAR, Cleveland, was in New York last week to shepherd Leonora Fees of the Cleveland School of Art around Radio City, CBS, Mutual and other radio centres.

Reason: WGAR is having a radio montage type mural painted into reception foyer of its new studios and wanted artist to have lots of mental impressions of broadcasting biz to draw upon.

PALMOLIVE TO F. W. WHEELLOCK

F. Ward Wheelock has become the new agency for the Palmolive Soap account. Move over of the business from Benton & Bowles takes effect Jan. 1.

Palmolive advertising appropriation is figured to be at least \$2,000,000 a year. Eight or more agencies had a bid in for the account.

RUFUS MADDOX JOINS WOR AS SALES MGR.

Trenton, Dec. 17.—Rufus C. Maddux, of Princeton, managing director of the New Jersey Council, the State's Promotion Agency, will leave the State service to become vice-president in charge of sales of WOR, New York. No successor has been appointed to replace Maddux, who steps in at WOR for Frank Braucher, resigned. Maddux's appointment is effective Dec. 23.

Maddux, 35, has been associated with the New Jersey Council since Sept. 1, 1936, a year after the agency was formed. For seven years previously he was with the New England Council official development organization of Six New England governors. He was graduated from Washington and Lee in 1925 and later attended Harvard School of Business Administration.

FELIX COSTE SEES NO ALTERNATIVE

D'Arcy Agency Emphasizes Conviction That First Duty Is to Protect Client's Successful Formula—Network Problem Is Something Else

BMI URGES CASE

Coca-Cola will go recording music in the repertoire of the American Society of Composers, Authors and Publishers regardless of what turn the battle between radio and the American Society of Composers, Authors and Publishers may take. F. W. Coste, v.p. of the D'Arcy agency's New York office, which supervises the radio end of the beverage account, declared Monday (16) when questioned by VARIETY that he had thoroughly explored the question of material availability and had come to the conclusion that if the transcription series ("Singing Sam") which Coca-Cola dealers are now financing on 220 stations is to continue to be successful it must be free to draw its music from all sources, including ASCAP.

Many stations now running the Coca-Cola transcription have advised D'Arcy that they are not renewing with ASCAP after their present contracts expire Jan. 1. Officials of Broadcast Music, Inc., have also sought to impress upon the agency the folly of continuing to record ASCAP music since over 450 stations have subscribed to BMI's repertoire. There was even talk among these BMI officials of calling on the Coca-Cola account in Atlanta to state their case, but up to the end of last week this project had not been carried out. Coste stated. He himself just returned from Atlanta.

In explaining how Coca-Cola stood on the music situation Coste described the account and agency as being innocent bystanders. Both were trying, as far as the transcription series was concerned, to maintain a position of neutrality. The transcriptions, he said, were provided by the Coca-Cola Co. but the station time was paid for by the local bottlers. The series has been on the (Continued on page 30)

Deny That Westinghouse Cancels Because of ASCAP or That Alien Tunes Trip Up 'Musical Americana'

Non-Ulcerous

Hollywood, Dec. 17.—Kraft Music Hall trlumvirate, Carroll Carroll, Joe Bigelow and Bob Brewster, labored far into the night to trim the script's overage. They were still nine minutes away when the phone rang. It was Preston Sturges begging off from his guest spot. Trio thumbed through his slides, clocked at exactly nine minutes. The mass exodus was only a matter of seconds.

No event since the outbreak of hostilities between the broadcasting industry and the American Society of Composers, Authors and Publishers has brought the controversy into such dramatic focus as the cancellation by Westinghouse of its "Musical Americana" program on the NBC-red as of Jan. 16. It is one of two cases where the performing rights fight now at its crescendo has been linked to the exit from radio of an important account. Other case is Wayne King (see separate story).

Mixed reasons are attributed to the cancellation. Fuller & Smith & Ross, agency on the account, declared Monday (16) that the decision to take the program off the air had been made because the various divisions in the Westinghouse manufacturing combine preferred to go in for direct product promotion during 1941, instead of continuing to support the program of the NBC (Raymond Paige) program, which is strictly promotional in intent. Other sources hold that Westinghouse had suddenly decided to get out of what looked to become a muddled and irritating situation. The account, according to these same sources, got a foretaste recently of the complications that might develop when the program could no longer choose material from the ASCAP repertoire.

UNION OIL DROPS MUSIC

Hollywood, Dec. 17.

After several years on Coast networks with musical shows, Union Oil has switched over to straight dramatics, taking an NBC-packaged program titled "Point Sublime" and using Cliff Arquette as a crossroads storekeeper, philosopher and fixer.

Program is being written and directed by Robert Redd.

ANACIN, BISIDOL IN PACIFIC SHIFT

So that Anacin's "Easy Aces" will immediately follow Bromo Seltzer's Ben Bernie shows NBC is arranging to switch the former program from 9 to 9:30 p.m. on the Pacific blue link. Bisidol's "Mr. Keen" stanza, which is spotted after "Aces" and belongs to the same account, will be shifted at the same time. The new schedule will be "Aces," 9:30-9:45; and "Keen," 9:45-10 p.m.

Blackett-Sample-Hummert, agency on the "Aces" and "Mr. Keen" shows, had filed an objection with the network against its spotting of another headache remedy account in the period preceding "Aces."

Rehearsal Up roar In compliance with NBC's order barring all ASCAP music from its facilities as of Dec. 23, Fuller & Smith & Ross got the program's cast together and sought to select a non-ASCAP line of numbers for the Dec. 26 broadcast when the demurrers started to break. Jessica Dragonette is to be the guest star for that particular occasion. She had picked on "Siboney" for her tune and the agency told her it would have to be "Practice Makes Perfect." Miss Dragonette, it is reported, said it would have to be "Siboney," an ASCAP number, or else. Raymond Paige, the program's conductor, is also reported to have protested. The Dec. 28 will be an all-ASCAP lineup. Fuller & Smith & Ross, in explaining the cancellation, stated that the cost of the "Americana" series is split up among the multiple product producers in the Westinghouse setup and that the program is in charge of a committee representing these divisions. Agency tagged as baseless the report that the cancellation order had been inspired by A. W. Robertson, chairman of the Westinghouse board, after the latter had heard about the proposed shutdown on ASCAP material. Also denied by the agency was the report that since the standard compositions in the Broadcast Music repertoire were overwhelmingly of foreign origin, it was decided that the series could not make use of these and at the same time retain its title of "Musical Americana."

Big Biz Ties?

Sources outside the agency further pointed out that it was to be expected that Westinghouse because of its past and present business kinship with RCA and NBC would not be inclined to admit that it had withdrawn from the network programming picture as a result of the ASCAP situation. The agency itself described this suggestion as absurd since the ASCAP controversy had in no way figured in the cancellation. Another angle about the withdrawal involves a Christmas gift that Westinghouse has already begun to send out to its trade. This gift consists of an album of recordings made by Victor.

Cancellation will mean loss of employment for 61 musicians. The hookup over which the program is carried comprises 88 stations. The series started Jan. 25, 1940.

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POSSIBLE WISCONSIN 'CONSENT' BY ASCAP AUGURS TRUCE WITH DEPT. OF JUSTICE

Pretty Obscure Just Now But ASCAP Board Expects to Hear Terms in a Week—No Peace with Radio Now in Sight

It's been officially conveyed by ASCAP's special legal emissaries to Washington that a 'good deal could be worked out' on behalf of the American Society of Composers, Authors and Publishers from a 'consent decree,' as and when it happens. But what the specific proposals will be nobody at ASCAP knows or can discuss because, to quote a music man, 'when the old Victor Talking Machine Co. ran into a proper consent decree, what they said at first, and what we finally saw on paper were two other fellows.'

Neither John G. Paine nor Gene Buck, ASCAP's g.m. and exec. will talk, simply saying 'comment.' However, it's no secret within ASCAP board circles that Herman Starr, a Warner Bros. director and vice-president, head of the W.B. music publishing subsidiary and chairman of ASCAP's legal negotiating committee, had called in his own personal attorney, Milton Diamond, to go to Washington for Dept. of Justice parleys. Diamond, formerly Lieut.-Colonel Charles Poling of New York State, who is special counsel to Diamond, Rubin, Bodein & Mackey, to the capital. ASCAP's regular attorneys, Schwartz & Frohlich, collaborated with Diamond and Floetti.

Up to the Board
It's expected that the proposed consent decree's provisos will be in shape for presentation to the ASCAP board by the end of this week or the forepart of next week. In the Pan Alley (which is strictly non-lawyer) opinion that a consent is 'a confession of guilt' is brushed off by ASCAP legalities who state that it's merely a consent decree, 'the legal method of doing business.' The consent-decree reports veer from Washington to New York to Wisconsin where the latest tactical move is supposed to have taken place, according to 'an inside source.'

Whether a consent would insure a broadcasters' 'peace' by Jan. 1, is doubtful, although admittedly it would remove many of the radio men's arguments against ASCAP. It would then resolve itself down to whether the broadcasters' real attitude is that they want to get along with the Society, or that they're just stalling to 'circumvent' a financial solution.

Wisconsin decree is reported to specifically provide for a change in the self-perpetuating board setup of ASCAP; and (2) revise the 'probationary' period for new ASCAP members.

BMI Downcast?
At Broadcast Music, Inc., the staff employees were reported downcast for contrast to Sidney M. Kay's attitude that the 'consent more or less gives up everything we were after.'

One source within ASCAP intimated yesterday (Tuesday) that the organization's directors after two days of meeting, had come around to the viewpoint that the decree as suggested by the U. S. Department of Justice would go a long way toward strengthening ASCAP's position with the radio broadcasters. But other quarters in ASCAP are holding that no sort of consent decree can be beneficial to ASCAP since by its very acceptance ASCAP would be conceding what it has always denied that it has been operating in violation of the anti-trust law.

ASCAP directors have been advised that by yielding to the reforms they would be in a stronger trading position in dealing with the broadcasters. It has also been hinted that if ASCAP goes through with the proposed legal battle, it would be free to serve as a major factor in the event the same department of the Government sought to start any actions involving the networks and Broadcast Music. ASCAP's position has also been given these directors that ASCAP's internal integrity would not be imperiled by a decree, even though certain reforms in its constitutional and by-law structure were made.

ASCAP officials have now fully reconciled themselves to entering 1941 without having closed a licensing agreement with the radio networks. They feel convinced that so

much emotion has crept into the broadcasters' views on the issues that a cooling-off period will have to prevail before both sides can sit down and settle the controversy. Some important broadcasters themselves, of the record, are inclined to the same estimate.

Demand ASCAP Changes
Washington, Dec. 17.
The clouds of propaganda and self-interest obscure the facts with regard to the reported consent decree between ASCAP and the Department of Justice. It seems fair to state that there are almost no facts. Just rumors.

Desire to avoid a trial with ASCAP is acknowledged by the Department of Justice. Its attorneys are described as insisting that sweeping, basic changes in ASCAP's modus operandi will be the 'consent decree' price of any end to the recently renewed attempt to outlaw what the Federal officials feel are illegal practices. The conditions now being discussed are tough, although it is not believed the Government will go as far as the broadcasters and hotel proprietors would like.

Abandonment of the blanket licensing system is said to be getting serious consideration. The suggested agreement reportedly will involve a wholesale revision of the free market with respect to charges and clearance at the source promised, along with a promise there will be no discrimination between different classes of licensees. Whether the Justice Department will insist on making ASCAP change its internal organization was not certain, with conflicting rumors being bandied about. The Federal men care much about the way the revenues are split.

Offers Arbitration

The American Arbitration Assn. late yesterday afternoon (Tues.) offered its services and facilities to ASCAP and BMI through inclusion in any agreement that may result in the form of a consent decree or other method of reaching accord on a code regulating trade practices.

Telegrams were sent to Gene Buck, president of ASCAP and to Neville Miller, president of BMI, by Dwight R. Eastman, president of AAA. He is the association's chairman of the board.

Both Sides Fling 'Insincere' Charge When Per Program Payoff Comes Up

One aspect about the controversy between the broadcasting industry and the American Society of Composers, Authors and Publishers which seems to have made a deep impression on the curiosity of advertising agency execs is the talk about a licensing agreement based strictly on a per program or per measured service plan. What the agency men want to know is whether a plan of this sort has ever been devised and advanced by either ASCAP or the broadcasters.

The argument for a per program method for collecting on performing rights was first advanced by the broadcasters in 1935 by James Baldwin, then managing director of the National Association of Broadcasters. A new contract was up for negotiation at the time and while Baldwin had the smaller indie broadcasters strongly in favor of some such plan, it got little or no encouragement from the networks. In the intervening year a substantial percentage of indie broadcasters continued to refuse the position that no one officially became articulate about it until earlier this year, when Neville Miller, the NAB's president, began to allude to the topic in his preliminary explanation meetings with ASCAP spokesmen.

Perhaps the most pertinent reason why the two camps have never got anywhere on this subject is that one took the position that the other by subdivision just how this was to

Martin Block Discs Set But Not Cutting Until ASCAP Situation Clearer

Martin Block is signed to resume turning out transcribed versions of his WNEW, New York, Make-Believe-Ballroom record show for National Biscuit Co. Bread. Platters air on an unnumbered group of stations beginning Feb. 1. Last year they were aired on 21 outlets.

Block won't begin recording until Jan. 1. By then a better picture of what recorded songs his spels can call for will be obtainable. It's the current radio-ASCAP impasse will be clearer by then.

Shows are put together by recording Block's commercials and accompanying transcription with the popular records he names as about to be played. Discs are then turntable manually.

LORD & THOMAS' \$29,000,000 GROSS

Lord & Thomas agency yesterday (Tuesday) disclosed to the trade that its volume of business in 1940 was between \$29,000,000 and \$30,000,000. Information was tied in with a statement that the agency will pay all employees earning less than \$5,000 a year a Christmas bonus of half a month's salary.

Agency also figures that barring an emergency it should do at least as much in billings during 1941.

George Fisher's Marrow

Marlow Oil returns to radio Jan. 6 at a daytime slot on Mutual. It will use George Fisher, the Don Lee Network's film chatterer, on a schedule of three times a week (12:30-4:45 p.m., EST). Hookup will consist of 42 stations.

WSPD, Toledo, O., is planning to move from its present quarters in the Commodore Perry Hotel to a building owned by the Fort Industry Co.

Authors League Is Pro-ASCAP

Although it has not been asked to help and has no immediate ideas on subject, the Authors League of America 'will never stand by and see ASCAP beaten' by the networks. Besides the fact that most of the top songwriters are members of the League, the author organization is vitally concerned with the fundamental issue at stake in the ASCAP-BMI battle. League members are watching the situation warily.

The question has not been officially considered by the League council, but it has been discussed at length by the leading authors and songwriters. According to those authors who are most familiar with the subject, the real crux of the ASCAP-radio struggle is the control of copyright of creative material, and as that is and always has been the most vital concern of the League, its members are determined not to allow any major changes in legal precedent or trade practice in that regard without objection.

ASCAP and the League seek from different points of view to protect the interests of copyright holders. Two organizations have to a considerable extent an interlocking membership and they have usually worked co-operatively. They differ in that the Authors (and the Dramatists Guild) produce producers, whereas ASCAP includes publishers.

Authors League members figured that one of ASCAP's weaknesses has always been its public relations. Until recently the Society made little effort to gain public understanding or goodwill, so it made many enemies and frequently got a bad press. If and when they were to come to ASCAP's assistance, the League would undoubtedly start off by trying to rectify this situation. Tentative plans have already been discussed for prominent writers to use their professional skill and their names to educate the public about the issues of the dispute and to publicize ASCAP's cause.

League leaders are fearful that a knockout victory by the networks might seriously jeopardize the rights of all authors in ownership and control of copyright. Ever since its formation, the League has been trying to improve copyright conditions for writers. It has established the author's right to hold copyright to his plays in his own name, rather than to permit the producer to hold it. Great progress in this regard has also been made in the book and magazine publishing and in the film and radio fields.

In any knockout of ASCAP League members say they would immediately start to work in and form an alliance with ASCAP. The 10-year contract ASCAP has with all its writer-members would be merely a technical stumbling block, it is believed.

AFRA Is Neutral

The American Federation of Radio Artists, which also has an interest in the ASCAP-BMI situation, has apparently decided not to make any move for the support of the union's members in the present controversy. It is known, but have declined to reveal their attitude. However, it is understood that the performers figure they are not vitally enough concerned to go out on a limb for either side.

It is expected that a number of singers will lose employment as musical shows go off the air, but that actors may gain added work on the more numerous dramatic programs. Undoubtedly the union will keep in close touch with the situation and, if the prospect of turning matters to its own advantage, would take a hand.

J. J. Shubert Holds Back Stoltz Tunes Pending Music Fight Settlement

Until the ASCAP situation adjusts itself, J. J. Shubert is withholding the publication rights to Robert Stoltz's 'Night of Love' operetta which Rowland Leigh adapted. It was originally 'Tonight's the Night,' Ringierman play, now musicalized. Shubert doesn't want to be stymied by radio exploitation, hence the decision for publication will come after Jan. 1.

Fort Worth.—KGKO program 'Dear Heart' was billed yesterday. Smiling Texas Troubadour and heard at 7:15 a.m. daily.

WOR MOVING ON THE MAP

WOR is slated to become a strictly New York station instead of continuing to have its call letters identified with New York City. It is the move is seen by the trade in the station's new between programs' slogan, 'This is WOR, Mutual's key station for New York and New Jersey.'

Ted Strelberg, WOR's vp-general manager, who asked yesterday (Tuesday) whether the new community identification was settled, said that he had no comment to make.

KIRO Program Director Says Public Domain in Swing Form Saves Coin

Seattle, Dec. 17.
Biggest local switchover to BMI from ASCAP is the musical show on KIRO from stage of the Paramount theatre, in Hamrick-Evergreen chain. Tommy Thomas, program director for KIRO, directs orchestra, back-grounding 'talent quest.' Since BMI set-up, Thomas states he has been able to cut arranging cost on his by-hour-on-the-air program. The ASCAP tune, he claims BMI 'stocks' are finest in industry, that the Jerry Searns series of swing swing of Public Domain classics precludes necessity for special arrangements for his stage show. His band consists of usual rhythm section, harp, five brass and five sax.

Max Dolin orchestra on same station is still dishing out the ASCAP music, but has been notified only non-ASCAP music must be used after Jan. 1st.

WMEX, WHDA, BOSTON, SIGN WITH ASCAP

Boston, Dec. 17.
Two Boston radio stations, WMEX and WHDH, have just signed ASCAP contracts, but will not state until Jan. 1.

Saskatoon, Sask.—Ted Schrader, of the CFQC public department, has left for Montreal and the British left.

JOE REICHMAN'S MUTUAL DANCE PERIOD POINTS UP SHOWMANSHIP VALUE TO BMI

Flashy Piano Holds Program Together — BMI's 'There I Go' in Two Forms Within 10 Minutes — Other Aspects of Improvisation to Meet Crisis

By ABEL GREEN

Perhaps the best half-hour dance program with 100% BMI music, or more strictly non-ASCAP tunes and arrangements, was unfolded Sunday night from 10:30-11 p.m. via Mutual by Joe Reichman from the Essex House, N. Y. It proved that skillful arrangement and expert radio-showmanship—considerably of the latter—could safely skirt the needs of ASCAP music, but it also opens up other avenues of thought to illustrate that, at best, this is a makeshift or emergency device.

Without, however, going into the merits of ASCAP's music advantages or otherwise, Reichman, generously heralded over the ether by his billing as "the Pagliacci of the piano," made his Steinway dexterly stand him a good stead where BMI music didn't quite sustain the situation.

True, it called for reprises of his "Variations in G," self-composed thematic, and a double-order of "There I Go," perhaps BMI's No. 1 song since its inception. "Go" was first rendered in concert arrangement, in the midst of a dance program, was unorthodox and may have slowed the dancers to a standstill. This was admitted later in the half-hour program by the announcer who stated that the dancers stood entranced by Reichman's concert version, but now he will play a rhythm arrangement, which he did.

Rumbas

Rumbas also came in double-fashions. "Perfidia" (actually Southern Music's contribution to the BMI galaxy) was a demonstration of the slower-type rumba; thence came a faster-tempoed Cuban concoction. Incidentally, BMI more than made its own in the Latin-American cycle of dancemanship, with or without what the new E. B. Marks catalog will contribute, for the broad-based music affiliate has a wealth of stuff from Ralph Peer's Mexican and other Cuban and South American sources.)

Reichman's skill in danceshowmanship manifested frequently that he apparently gave this half-hour plenty of thoughtful preparation. For example, his "Dark Eyes" ("O Chi Chorni") opener could not or could not be ASCAP arrangement so far as the public was concerned. And many a layman must have thought he was hearing a fancy version of "I'm Always Chasing Rainbows" by ex-NBC star, "The Great Gipsy" Chophin's "Fantasie Impromptu in F" from which Harry Carroll first "adapted" his "Rainbows." (This, too, seems to be BMI's scientific approach to previously familiar material, eschewing the Tin Pan Alley arrangements, by harking back to the classic originals, giving it their own arrangement, and thus skirting any technical infringements.)

No 'Jennie'

Reichman anticlimaxed with a dance arrangement of the "prime strain from Tschakovsky's 'Nutcracker Suite'" that will be an affirmative argument for BMIites that perhaps this will open up a new avenue for more appreciation heretofore little known but very fetching classics. In between Reichman culled from current BMI pops, "I Give You My Word" and "Calling All Hearts," which, along with "There I Go," were deftly interspersed with the rhythmic arrangements of classical excerpts. Gloria Martin did the vocals well.

It did prove that a maestro didn't have to swing "fantasie" into extinction, murder Strauss waltzes or give out with barbarous arrangements of Stephen Collins Foster and Balfe's "Dreamt, That I Dwell in Marble Hall." Unlike a previously equally ingenious dance program paced by Ben Bernie, it also didn't require the glib gab of a Bernie to offset any ASCAP shortcomings. But it also lays the thought how long can this sort of ersatz music satisfy the U. S. pop music palate.

BMI Screen Deals

Hollywood, Dec. 17. BMI music has placed numbers in two more pictures. Three go into Horace Heidt's "Pot 'n' Gold." One in Monogram's "Her First Romance."

NBC Spieters Must Guard Against ASCAP

NBC has warned announcers it might assign to work sustaining band pickups that they must be alert after the Jan. 1 dissolution of radio's agreement with ASCAP. Spieters were called into meeting Thursday (12) and told that a sharp eye would be required to detect infringements on ASCAP music on band programs and that they would be held in some measure responsible in avoiding complications with ASCAP.

It was explained that if enough violations managed to creep into remote programs the resultant infringement suits might be heavy enough to embarrass the network. At \$250 per outlet, the legal forfeit to ASCAP for misuse of its copyrights, the network could be forced into the position of capitulating in its battle with ASCAP by the very weight of the fines rolled up. Some sustaining band programs find outlet over a considerable number of transmitters in the NBC chain. Announcers have some consolation, however. Any band guilty of having aired even a part of an ASCAP controlled tune, intentionally or not, will be barred from NBC time for the duration of the fight with the songwriters. When band leaders are apprised of that rule the spieters figure violations will be few and far between.

Nary a BMI Squawk—WCCO

Minneapolis, Dec. 17. BMI music is getting a tryout here. For the past six weeks, more than 1,400 "Night Owl" listeners have been hearing nothing but the BMI numbers over WCCO's midnight "Night Owl Club" broadcasts.

Columbia station claims there has been nary a squawk to date. Jimmy Campbell Sanguine, Seattle, Dec. 17. Jimmy Campbell, song publisher and writer from England, here visiting friends says ASCAP and BMI will kiss and make up before the first of next month.

Campbell is an affiliated member of ASCAP.

Re: Name-a-Tune

Editor, VARIETY. Regarding recent story in Variety headed "100% BMI Dance Band Program Set for WJZ," the program will not be 100% BMI music. It will be set up just exactly the same as the other musical program after the first of the year. The only respect in which we are committed to BMI music is in the Name-a-Tune contest.

This contest is not an "audience quiz" game. BMI supplies us each week with an unnamed tune without lyrics. It is played on the air and the audience is invited to name the tune. Just that and nothing more. The winning tune receives a prize-winning check outright and a copyright interest for the life of the tune, not as you state "for 50 years of the life of the copyright."

Frank Linder.

Batten, Barton, Durstine & Osborn. John Royal, NBC vice-president, is back in New York City from his Mexican visit.

BROADCASTER CALLS ASCAP SLUR OFFSIDE

Louisville, Dec. 11.

Editor, VARIETY:

In the flood of propaganda which comes in with the mail man every day from ASCAP, it seems to me that some recent releases by ASCAP have reached a new low in false insinuations.

In particular, the broadcasters, I believe, resent the insinuation contained in the latest ASCAP blurb that all the Irish songs are being boycotted by radio in favor of Nazi and Fascist songs. It seems to me that these ASCAP tactics are identical with those of the dictators in Germany and Italy who have decreed the nationalism of music, and indeed even conspired to the bonfire the compositions of respected German and Italian composers who happen to be a bit Jewish.

Radio has never been a snob as respects the nationality of music or composers, or will it ever be. Radio will continue to play, whether ASCAP functions or not, the beautiful music of German, Italian, English and French music which has been created long before the reign of terror began.

There are plenty of good old favorites of American, Irish, English, German, Italian, and other nationalities which will take the place of the high-priced ASCAP selections Jan. 1. The great difference now is the new supply of music that broadcasters will put out will be from the hearts and history and folklore of all nations and will not represent simply the commercialization of a sentiment by somebody from Tin Pan Alley.

In the war of nerves and propaganda that is now in full swing, we should certainly guard against such absurd statements that "Nazi and Fascist music will replace American selections."

S. A. Ciesler,
General Manager,
Station WGRG.

ASCAP OFF CBS DEC. 26

Following the action last week of NBC in setting Dec. 22 as the date for all shows to be non-ASCAP 100%, Columbia on Tuesday (17) under the signature of its executive vice president, Edward Klauber wrote all advertising agencies and the BMI numbers over WCCO's midnight "Night Owl Club" broadcasts.

Columbia station claims there has been nary a squawk to date. Jimmy Campbell Sanguine, Seattle, Dec. 17. Jimmy Campbell, song publisher and writer from England, here visiting friends says ASCAP and BMI will kiss and make up before the first of next month.

CRANEY IS DIFFERENT

Montana Station Ras 'ASCAP Rates' and 'Non-ASCAP Rates'

Butte, Montana, Dec. 17. New rate card put out by KGIR, which becomes effective Jan. 1, provides different rates for commercials using ASCAP or non-copyrighted music. The station has signed a new agreement with ASCAP but will not subscribe to Broadcast Music, Inc.

A charge for a half-hour program using non-copyrighted music will be \$52.10, whereas an advertiser using a like period with ASCAP music will be billed \$60.

Spokane Already 100% BMI

Spokane, Dec. 17. KHQ and KGA, Spokane, are using only BMI music on all local commercial and sustaining programs, including their popular "The Hank Lawley's Knights of the Road" program of the air Monday morning (16). Each time the break was filled by a studio piano interlude. No explanation or announcement was made. First interruption was after the opening notes of a polka, the second after a bar or two of "Joy to the World."

"Knights" is a hillbilly stanza originating at WTIC, Hartford, and heard over the red (WEAF) network.

'Glad'

Spokesman for E. B. Marks expressed himself as 'glad' he made the BMI deal, adding that the reports of an ASCAP 'content decree' will mean the end of any further music publishing acquisitions by BMI.

He also observes that it can very well mean a Jan. 1 'peace' in the ASCAP-broadcasters' musical battle, since the latest decision would expedite so-called 'more equitable terms.'

ASCAP board met all day Friday (15) and Monday (16) on the 'content' issue.

Neville Miller Tells Worcester 'We've Already Won Fight with ASCAP'

Worcester, Dec. 17.

Neville Miller, president of the National Association of Broadcasters, told the District 1 group of the organization in convention here last week that he was confident the N.A.B. had won its fight with the American Society of Composers, Authors and Publishers. The convention went on record with a request to the Broadcast Music, Inc. to guarantee all music which will be played after Dec. 31 to prevent infringement of copyrights.

Miller asserted record companies are making an increased number of BMI hits. Juke box makers are co-operating with us closely, as well as transcription firms. Advertisers and band leaders are with us. And so is labor. For it is realized that the plan has put musicians back to work.

Paul Morency of WTIC, Hartford, regional director, presided at the all-day session and also was optimistic.

Discussions were led by Cy Langlois of WABC, Inc., on transcription making; Roy L. Harlow of Boston, Yankee net, on station operators; Thomas C. McCray, of WTIC, Hartford, on copyrights; and Carl Havelin of New York, BMI sales relations manager, on station relations.

Among others attending were: Sherwin Greenleaf and Earl Clement, WJLB, Lacon, N. H.; John McManara, WBZ-WEBZ, Boston; and Springfield; Del Castillo, WEEI, Boston; James T. Milne, Charles H. Wright and James Morgan, WELH, New Haven; Paul Pelletier and A. W. Marlin, WMAS, Springfield; H. Davis and Ralph Kanna, WNBC, Hartford; Edwin J. and Gerald J. Morley, WNLC, New London; Albert W. White, WCHS, Portland; Walter Haase and Sterling V. Couch, WRDC, Hartford; Miss Mildred P. Stanton and William H. Brennan, WORC, Worcester; Edward E. Hill, George Jasperson, William T. Cavanaugh, Miss Katherine N. "Norst" WTB, Worcester; Jack Henry, WTRY, Waterbury and New Haven; L. H. Havelin, WCHS, Portland; Walter Haase and Sterling V. Couch, WRDC, Hartford; Miss Mildred P. Stanton and William H. Brennan, WORC, Worcester; Edward E. Hill, George Jasperson, William T. Cavanaugh, Miss Katherine N. "Norst" WTB, Worcester; Jack Henry, WTRY, Waterbury and New Haven; L. H. 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WAX CHASE FOR THE NEW YEAR JACKS

CBS' Contract For Mexican Stations

Mexico City, Dec. 17. The following is the text of the contract the Columbia Broadcasting System is offering to owners of Mexican radio stations:

The Station
Agreement between Columbia Broadcasting System, Inc., 485 Madison Ave., New York, N. Y. (herein called Columbia), licensed to operate the station at _____ full time on a frequency of _____ kilocycles with a power of _____ watts.

The Introduction
Columbia is engaged in operating a radio broadcasting network in the United States of America and is constructing two international stations each to operate with a power of 50,000 watts capable of transmitting programs to the Station for rebroadcast by it. All programs so broadcast by Columbia are herein called "international programs." International programs for the purpose of this agreement shall be defined as programs which Columbia receives, payment from its client-advertisers are herein called "sponsored programs," and non-sponsored international programs are herein called "sustaining programs."

The Operator and Columbia recognizes that the audience regularly listening to the station will be increased, and international goodwill and understanding and cooperation will be promoted if Columbia international programs, including programs specially designed and produced for the residents of the republic south of the Rio Grande River, are made available for exclusive rebroadcast by the Station in the city in which the Station is located. Such international programs will include new programs and programs from the scenes of national and international events, presentations of music, drama and other entertainment from the principal centers of talent in the Americas. Informative, educational and cultural programs of general interest and other programs of public acceptance and value.

The Terms
Accordingly, it is mutually agreed as follows:

1. Columbia hereby authorizes the station to pick up and rebroadcast "sustaining international programs," without charge, and to broadcast national programs for which clients may request broadcasting by the Station. Columbia agrees that it will broadcast an average of at least one hour per week of sustaining and sponsored international programs.

2. Columbia will continue the Station as the exclusive Columbia outlet in the city in which the station is located and will not publicize the Station, and will not authorize the rebroadcasting of exclusive Columbia programs by any other radio station in that city, except in case of public emergency. The Station will operate as the exclusive Columbia outlet in such city and will so publicize itself, and will not broadcast or rebroadcast any programs received from any other United States radio station or network.

3. The Operator will rebroadcast over the Station sponsored international programs, and will so publicize which may be requested by Columbia and which may be picked up by the Station during the time when the Station is licensed to operate. Columbia may make such international programs available to the Station by means of recordings, and the Station will broadcast such recordings in lieu of or in addition to the regular programming requested by Columbia. The Station will not rebroadcast any sponsored program unless so requested by Columbia. The Operator may require Columbia to give not less than ten days' prior notice of the commencement of sponsored international programs for new accounts for which Columbia may request rebroadcasting by the Station.

4. Columbia will pay the Operator for the rebroadcasting of sponsored international programs, and will so publicize recordings of such programs as required in paragraph number 3. Payment to the Operator will be made by Columbia in United States dollars by check drawn on New York bank and will be made within 20 days following the termination of Columbia's four or five weeks fiscal

period, as the case may be, during which statements of the amount of sponsored international programs over the Station shall have been received by Columbia from the Operator. The Operator will mail to Columbia weekly statements of all international programs rebroadcast by the Station and all recordings of such programs broadcast at the Station, on forms to be furnished by Columbia. Where feasible, the Operator will make and transmit accurate recordings of sponsored international programs rebroadcast by the Station.

5. The Operator will maintain and operate the facilities of the Station, including receiving equipment as approved by Columbia for the picking up of international programs, in accordance with the best practice in the broadcasting art and conduct of the industry and in accordance with good engineering practice, and will have such license or other arrangements as shall be necessary to entitle the Station to rebroadcast copyrighted material included in international programs.

6. Columbia shall not be responsible for failures or defects in transmission due to causes beyond its control. The Operator shall not be responsible for failures or defects in reception due to causes beyond its control. In case of failure or defects in transmission or reception so that clients may not be charged for sponsored international programs, Columbia will not be obligated to make payment to the Operator. Neither party shall be liable to the other for claims by third parties or for claims by the public for damages, such failure is due to failure of equipment or action or claims by clients, labor disputes or any cause or reason beyond the party's control.

7. The obligations of the parties under this agreement are subject to all applicable laws, rules and regulations, present and future, including the Federal Communications Commission of the United States, and of the appropriate regulatory body of the country in which the Station is located.

8. If either party fails to insist upon strict performance of any of the covenants or conditions of this agreement, such failure shall not be construed as an election or as a waiver or consent to any breach, or as a waiver or relinquishment for the future of any such covenants or conditions.

9. Any notice hereunder shall be sent to the parties at their respective addresses hereinafter set forth.

10. This agreement shall be governed by the laws of the State of New York applicable to contracts fully to be performed there. This agreement is not subject to oral modification.

11. The term of this agreement shall begin on such date not earlier than September 1, 1941, on which such international stations shall be licensed to operate with a power of 50,000 watts, and the regulations of the Federal Communications Commission shall permit operation as contemplated by this agreement, and shall terminate on September 1, 1946, provided, however, that this agreement may be renewed at any time prior thereto by Columbia by sending written notice to the Operator at least six months prior to the effective date of termination specified in the notice.

In Witness Whereof, this agreement has been signed by the parties and dated this _____ day of _____, 1940.

COLUMBIA BROADCASTING SYSTEM, Inc.

By _____
President

By _____
Operator

Banquet for Othon Velez

Mexico City, Dec. 17. A testimonial banquet is being arranged for Othon Velez, general manager of local radio station XEW (100,000 watts) by leaders of radio in Mexico to honor him for winning the VARIETY 1940 air showmanship plaque. The banquet is to be given during Christmastide.

MEXICO'S PRIDE SEEN INVOLVED

Charlatans' Happy Days May Be Nearing End If Trend Brings Results — Many Promoters Vie for Choice Channels, But Blue Sky Laissez-Faire Seems Doomed

BRINKLEY OUT?

Mexico City, Dec. 17. There are unmistakable evidences that responsible Mexicans, and that includes the new Federal government, are inclined to put through in the near future a general house-cleaning of Mexican programs. In other words, a "reform wave" may sweep away the radio-operated quackeries, numerology nests and various other questionable broadcast practices. This will be part and only one part, of the present fight to get the choice 1-A channels (800, 1050 and 1090) and to completely revise the status quo in the "border station" situation.

The bargaining for the highly desirable border Class 1-A stations (capable of operating up to 200,000 watts under the North American reallocation treaty) is already engaging the attention of many persons, including Carr Collins of San Antonio. It seems likely that the famous Dr. John R. Brinkley will have a tough time retaining control of, or time, on his Del Rio Juice plant. Under the new setup Mexican ownerships are expected, with time blocks sold through brokerage methods for English language programs. But the limitations on the kind of commercials that promoters can exploit over the Mexican air is the new note.

Mexicans seem at last to understand that their toleration of certain types of outlawed advertising over the notorious border stations has hurt Mexico as such. It is bad tourist prestige and hence affects national pride.

Many names are mentioned in connection with serious negotiations. The possible sale by Senor Rodriguez of the 1090 wavelength (south of San Diego) mentioned, an Ernest Westriedt, New York is also mentioned. It is practically impossible to know some of the deals, the principals and terms being shrouded in secrecy.

It does appear, in connection with the proposed "advertising ethics" that whisky and beer advertising will be admissible, but not sex cures, nostrums and superstitions.

Two U. S. border radio stations, American-owned and among the most powerful in Mexico, that are already in wrong are XERA (180,000 watts, the most powerful in Mexico) at Villa Ahues, across from Eagle Pass, Tex., owned and operated by Dr. John R. Brinkley, and XEN (50,000 watts, 12 miles south of Laredo, Tex., the property of the Norman Baker group).

Both stations have had difficulties with the Mexican government from time to time, but thanks largely to their adroit legal batteries they have soared over these troubles. Mexican federal officials are frank in saying that both these stations have become nuisances and that they are endangering the good relations between the two republics. The misty of communications and huffie words, ruler of radio affairs in this country, has found. It is understood that the Brinkley and Baker stations have committed at least 200 violations of Mexican radio law, particularly regulations of this country regarding the airing of information and medical and health advertising.

These violations, it is said, consist of the broadcasting of personal information concerning the stations' customers and pluging medical and health services that are not approved

Tidewater Pays for So. American Stations to Pick Up Shortwave For Re-Broadcast Also for Spotlights

Recipes Across the Seas

Ida Bailey Allen's recipes for American dishes, which she airs on WMCA, New York, will be translated into Spanish, recorded by WMCA and broadcast to South America by short-wave station WRUL, Boston, starting the week of Jan. 1. Cooperating with the United Women of the Americas, a women's group pledged to promote closer relations.

Kid Refugees DX Xmas Cheer To British Parents

Regina, Sask., Dec. 17.

Evacuee children here, numbering about 150, are to be brought to the CKCK studios here to record personal Christmas messages to their parents back in England. In many cases the youngsters' Canadian foster-parents will join in the waxed greetings, describing how the kids are getting along in Canada and describing their surroundings. Platters will run about two minutes per record. CKCK will pay the costs.

Figured the records can't possibly get to England in time for Christmas, yet, possibly by New Year's, CKCK will broadcast portions of them as a special Christmas show.

Cleveland Gestures

Cleveland, Dec. 17. English parents whose refugee children are in Cleveland may hear their youngsters' voices Christmas eve by transcriptions of a WGAR program and rebroadcast via short-wave over WCBX, Columbia short-wave station. The kids were brought to the WGAR studios, where their messages to their parents were recorded.

Cables have been sent to the parents informing them of the time of the broadcast. Show was produced by Ted Hanna, WGAR assistant news editor.

by Mexico and which have been banned by the U. S. Mexican law forbids the radio broadcasting of personal data. This information is such stuff as 'We are pleased to announce that Mr. Bill Brown of Such and Such a Place, Texas, is ever so much better, using our remedy.' Mr. Brown sends regards to his nephews and niece, Jim, Mike and Lizzie.'

Both stations, it is alleged by Alonso Sordo Noriega, the radio announcer who is the new chief of the government's information department, infringe Mexican health laws by broadcasting medical advertisements that are outlawed both in Mexico and the U. S. Another charge against these stations, Sordo Noriega said, is that they broadcast exclusively in English and employ far fewer Mexican entertainers than the law requires. The stations said, use mostly discs and only hire an occasional strolling Mexican band for a few pesos to keep up appearances.

Another station that has aroused the Mexican government's suspicion is XFAW (100,000 watts) at Revonox. This plant is run by Carr Collins group. Its broadcasts are being closely listened to by the ministry for there are complaints that it is too much like the U. S. said.

Clean up action is expected to be started early next year and it seems that the Brinkley and Baker stations at long last will be laid out.

Schenectady, Dec. 17.

The quarter-hour news summary prepared by 'News-Week' for Tidewater Oil and short-wave over WGOE (General Electric) 29, to be a substitute for a musical program the gasoline concern has sponsored for South American DX reception.

Tidewater buys newspaper space in South America to announce its Spanish-language programs and also purchases time, on a string of South American long wave stations, to pick up the Schenectady shots. G. M. Basford, agency handles the short wave business.

Same outfit directs the 'American Industries' series which Republic Steel Company sponsors for South American listening. This latter has already been extended from 13 to 28 weeks. H. R. Weibel, of Basford's export division, is in charge of both Tidewater Oil and Republic short wave accounts.

Other Accounts

In addition to Tidewater and Republic American Express and Mohawk Carpet Mills are sponsoring Spanish and Portuguese-language programs via WGOE and WGEA. American Express directs its travellagues on the U. S. long before FCC okayed commercial short wave operation. Until this was green lighted last year, express company received no air credit.

Mohawk Mills books radio and concert singing names to solo with its 53-man glee club directed by Reginald Harris. William Steven, baritone, will solo on the next Mohawk Mills program, Dec. 29. This is a monthly program. Deals with other large corporations for sponsorship are in the works.

Emphasizing culture and good will, the sponsors' only plugs are in the form of sign on and sign off identification—a policy followed by GE on its own short wave stuff for 15 years. Officials sometimes speak, but they can do no direct spelling for their companies or products.

CBS TO SWAP TALENT WITH CHILE

Valparaiso, Dec. 8.

William Paley, president of the Columbia Broadcasting System, was entertained while here by the President of Chile. He is believed to have consummated several understandings with the Chilean Radio authorities to exchange radio programs.

More particularly there is a deal in prospect to send half a dozen American entertainers to Chile for several months starting in April. CBS would pay their expenses and also presumably would guarantee a like number of Chilean entertainers to be sent from here to the states.

Paley Ahead of Sked?

Rio De Janeiro, Dec. 17. William Paley party left here Saturday (14) for Miami, Florida. Not verified that they concluded any deals but suggestions for exchanges have been made.

Believed Paley party is ahead of schedule and will be in states before time originally expected.

Brazil Extends NBC Show

U. S. of Brazil is both renewing and extending its Sunday night hookup with Bob Allen and Drew Pearson on the NBC-blue.

Series started off with a split network.

NETWORK DISCOUNT SYSTEM CREATES FANCY AGENCY DEALS FOR NEW ACCTS.

Value of Good Radio Time, Plus Savings Through Contiguous Programs, Gives Fortunately Situated Agencies Leverage to Go After Others' Biz

Report is circulating around the ad agency field that a couple of its control of certain networks periods in soliciting new accounts. The charge made is that these agencies predicate their sales approach on the circumstance that by making available one of two daytime periods they already have under contract they can immediately effect for the prospective client, with apparent already to be on the same network, a substantial savings in time-billings.

The fingerprinting agencies describe the practice as something original in new account solicitation and they say they regard it as being as much off-base as trafficking in wavelenghts. In this case the trafficking is done with periods under contract to another account in the same agency, and the evil, they say, is an outgrowth of the network policy which permits built time rates to accounts using four or more quarter-hours a day.

Following is how, say the fingerprinters, the agency already having several quarter hours on a network can make this a profitable advantage when soliciting an account. The prospective client has, for instance, four quarter-hours on the same network, but with three of them only adjacent to one another. The agency is moving to get for the hour rate this account is required, to have all four programs following one another.

It happens that the agency on the net has two or three quarter-hours on the same network's schedule and it knows that the client already in the house would have no objection to moving one or two of these as long as the rate isn't affected unfavorably. It also happens that one of these quarter-hours is right next to the three quarter-hours of the prospective account. Under this set of conditions prevailing, all that would be necessary to create the ideal setup for the prospective account is to switch the program in the adjacent four quarter-hour to the miscellaneous quarter-hour spot held by the prospective account.

In that way the solicited account would not only have all its series together but enjoy a substantial economy in network billings over the period of a year.

EDGAR GUEST BACK

Creamery Sponsors—Eddy Howard, Felleiter Included

Land of Lakes Creamery will go blue network Jan. 15 with a three weekly (4-6-8-5) series using Edgar Guest, Eddy Howard, Singer, and Vincent Felleiter, m.c. There will be 19 stations in the hookup. Contract is for 39 weeks and Campbell-Mithun is the agency.

H. S. HOOVER TO CROSLY

Akron, O., Dec. 17. Harold S. Hoover, since 1929 public relations director of the General Tire & Rubber Co., has accepted a similar post in the Crosley Radio Co. at Cincinnati.

Effective immediately.

'Stella Dallas' Settlement Pends

Blackett-Sample-Hummert Bought Rights Through Air Features Which Got Them From Selwyn

Suit of The Charles H. Phillips Chemical Co., Blackett-Sample-Hummert, and NBC against Air Features, Selwyn Co., Inc., Olive Higgins Prouty, and Samuel Goldwyn will soon be settled, according to a stipulation filed in the Federal court Friday (12) by attorneys for Goldwyn. An application was filed in the court requesting a postponement of the trial to April 10, 1941. In order to allow time to work out the settlement, which involved the rights of 'Stella Dallas'.

On April 27, 1937, Blackett-Sample-Hummert paid \$3,300 to Air Features for a year's right to broad-

Gives 'Em Color

Bill Miller, of the NBC press department, promptly provided nicknames for the new NBC red and NBC blue program managers. They're now: Red Carlin. Blueberry Hillpot.

City of Miami Paying \$1,095 Line Charges On NBC Town Hall Show

Miami, Dec. 17. At request of Rev. Richard Evans, executive head of Florida Congress on Democracy, the Miami city commission agreed this week to provide \$1,095 to cover wire charges for originating NBC's Town Meeting of the Air in Miami's Bayfront Park on Dec. 28. Broadcast will initiate a three-day Congress on Democracy here, and will probably have Dr. Clarence Dykstra and Owen D. Young speakers.

City Commissioner C. D. Van Orsdel voted against appropriation, on grounds prospective good publicity might backfire if it was rainy and cold night of airing.

Bayfront Park amphitheatre is an open-air horseshoe seating 8,000.

Man Who Said 'Pot o' Gold' Didn't Play Fair Dies

Albany, Dec. 17. Cornelius C. Dumont of Albany, who figured in much publicized controversy with the Turns radio program, 'Pot o' Gold,' died Tuesday (10) in St. Peter's hospital of pneumonia. Almost a year has passed since he demanded '\$1,000 or nothing' from the sponsors of the program after his name was selected from the telephone directory and the number was called over the radio. Dumont had recently moved and had been assigned a new number. Turns refused to pay off.

Contending that he would have answered had the right number been called, and that he was entitled to the money, Dumont started legal proceedings but to no avail. Two months ago he accepted the \$100 check which the sponsor sends persons who do not answer the 'Pot o' Gold' call.

Low Lehr's Miami Rest

Miami, Dec. 17. Low Lehr has been released from hospital here, following his physical breakdown. He will remain in Hollywood for indefinite period as guest of Frank R. Dateman.

According to Dateman, arduous work connected with Lehr's radio and film activities while continuing as a Fox newsreel executive shattered his health, requiring complete rest.

'Stella Dallas' Settlement Pends

'Stella Dallas' Air Features claimed to have acquired the rights from Selwyn, which in turn represented the author, Miss Prouty. Program then went on NBC for Charles H. Phillips Chemical Co. On June 1, 1938, and on July 11, 1938, Goldwyn and Miss Prouty respectively notified the author of the rights to 'Stella Dallas' and threatened suit. The author then filed in the Federal court in Massachusetts.

This action seeks to have the court decide who owns the rights, and to indemnify plaintiffs against any action Goldwyn or Miss Prouty might have for damages.

SIX HOUR PROGRAM

WLVA Raises \$3,407 for Christmas Party to the Needy

Lynchburg, Va., Dec. 17. Sixth annual WLVA Christmas party held Sunday (14) brought in \$3,407 cash and a mountain of clothing, food, furniture and odds-and-ends to be distributed to Lynchburg's needy at Christmas.

Appeal lasted six and a half hours with Revenue Commissioner Charles C. MacLeod, who has a reputation as a wisecracking politician, again in the role of master of ceremonies. During the entire period he kept up a running fire of gas, comment and occasional song, resting only when volunteers sang or put on minute dramatic sketches calculated to bring in money.

One caller offered a gallon of castor oil. MacLeod snapped it up with the remark that so much food it was 'bound to come in handy.'

BRANDT'S RELEASE DINAH SHORE FOR L.A.

Eddie Cantor and the operators of the brandt theatres in New York came to grips last week over the services of Dinah Shore, singer on the Cantor radio commercial. Conflict came about because Cantor is moving his show to the Fox Hollywood and wanted to take the vocalist with him when he leaves tomorrow (Thursday). However, she's under contract to the Brandts for personal appearances this week, at the Flatbush theatre, Brooklyn, and next week at the Windsor theatre, Bronx. Cantor's first show from the Coast, Xmas Day, would air the night the singer was finishing the Windsor stand.

Situation was compromised when the Brandts agreed to release Miss Shore from a half week's work at the Windsor. She'll depart here Sunday night (22) then take a plane to the Coast to be on time for rehearsals for the broadcast. Cantor's shift west is for the holidays.

Agency's Priority Keeps Willson Out of ASCAP

Hollywood, Dec. 17. Meredith Willson's application for a writer's membership in the American Society of Composers, Authors & Publishers bounced back into his lap last week when legalities ruled that Benton & Bowles agency holds assignments to his name. Willson has been musical director of agency's produced Maxwell House Coffee time for the past two years and his contract was signed previous to sought-after admittance to the society.

He has written original music for the airpiece and previously, while Coast music director for NBC, composed many originals. He also scored Charlie Chaplin's 'The Great Dictator.'

SMALL TOWN CHARITY

One Aspect of Christmas Observance By Station

Tuscola, Ill., Dec. 17. 'Happy Christmas, Child' innovation over WDDZ here, is just winding up what will probably be an annual event. It consists of the station gathering the names of handicapped people in the area then turning their cases over to volunteer 'Beralds' who are responsible for seeing that each has a happy Christmas. More than 250 names of handicapped people were sent in.

George Moody, religious director of WDDZ, carried out the idea on his 'Art of Living' program.

CONNIE BOSWELL GOES ON

Connie Boswell has been renewed on the Bing Crosby-Kraft program for a 13-week period effective Jan. 2. Her initial contract covered only the final seven weeks of this year, terminating with the Dec. 28 broadcast.

J. Walter Thompson's the agency.

Raps Debutante 'Actresses'

Chicago.

Editor, VARIETY:

I enclose a clipping which flaunts another fester on the neck of radio, all over three columns of the society page. This simply ducky young woman is one of the Junior League crowd who gather around a mike every Saturday afternoon at four o'clock at WBBM, and put on a turkey called 'The Story of Constance Worth.'

It's all for sweet charity, you know! The Council of Social Agencies sponsors the thing, and the dear girls take time out from their tea danzants and their bubble baths to emote on the radio. Donate their time and talents, too—isn't it wonderful?

Goodness, the pure professional radio actresses, clever and capable, who wonder how they're going to pay their room-rent and whether they will eat next week, but let's not be ridiculous! Each Junior League matron COULD hire a professional to do a role in the show, at scale prices, thus assuring a good performance and making her charity-impulse a practical thing. But we mustn't be too realistic, must we?

So the plucky young professional girls in radio will go on, eating when and what they can in their hall bedrooms and tuning in on Saturday afternoons to hear the Gusha Girls from the Goldcoast doing their charity broadcast.

Yours for Better Things.

Chicago Radio Actor.

Lou Cowan Works Out An Elaborate Dept. Store Tie For 'Quiz Kid' Program

Lou Cowan's 'Quiz Kids' show for Alka-Seltzer starting around Feb. 1, will tie up with department stores in key cities throughout the country to select each town's smartest moppet for appearance on the program. It's an extension of the idea that is now being experimented with in Milwaukee.

Main idea of the scheme is to broaden the geographical base of the show, which since its start has originated in Chicago and used local kids exclusively. Department store tie-ups give wide publicity and promotion to the 'Q.K.' program in each city and eliminates for sponsor and producer virtually all costs of choosing the kid and sending him to Chi for the show.

There's another angle, too. It will be a great buildup for 'Quiz Kids' commercially-linked products, such as clothing of all descriptions, books, toys and a hundred other things which are being manufactured under the 'Q.K.' imprint. George Kamen owns the commercial licensing rights and is also in charge of the department store contests.

Stores which participate in choosing the town's brightest child are assured an attraction on the radio show and also attract much attention to themselves in their own cities, so figure it well worth the cost. They must put up \$50 in prizes for questions to be used in local auditions, another \$50 for prizes to kid winners, pay cost to Chicago for the kid and his mother, buy at least 500 gold-filled Quiz Kid keys, which resemble Phi Beta Kappa symbols, to be given non-winners, and do considerable local promotion.

Manny Reiner, former publicity exec for Monogram Pictures, is representing Kamen and Lou Cowan, owner of the show, in arranging the department store tie-ups. About 80 stores are now interested in participating.

'Orphans' and 'Amanda' Go On

Sterling Products has renewed for facilities on 'Orphans of Divorce' and 'Amanda of Honeymoon Hill' serials with the NBC-blue, effective the first week in January. Same link recently got continuation orders for the Edna Ferber's 'John O'Hara Wife' and 'Just Plain Bill' programs. Blackett-Sample-Hummert is the agency.

Radio Policy of Ted Bates Agency

Starts With Charles Christoph, Lucille Webster, Secretist, MacGregor, Ad Smith

Ted Bates agency, recently organized after obtaining the Continental Baking account and part of the Colgate business, proposes to operate mostly on a freelance basis as far as the radio goes. The policy is concerned. This will be along the lines of the technique associated with Blackett-Sample-Hummert.

As now set up, the new agency's radio department has Charles Christoph as director, Lucille Webster as manager and Cecil Secretist as program supervisor. Ken MacGregor

NBC'S RED, BLUE CONFABS PEP UP

New life has been injected into the formerly lethargic weekly program department meetings since the Red (Harvard) and Blue (Yale) teams were segregated at NBC. New rah-rah spirit was illustrated when Chilling (Carlin) came to the red net popping in on a blue network meeting and was ordered out as a spy. Other incidents of rivalry were reported.

Red program meetings will be held hereafter on Tuesdays at 10:30 a.m. Blue rally will be Thursdays at same hour. Bertha Brainerd, Lewis Titterton and Will Roberts will attend both meetings, but otherwise the dramatic personnel is different for each plot.

Edwards Concentrates Upon 'Truth' Quiz Show; Other Spelling Conflicts

Ralph Edwards drops his announcing jobs on 'Life can Be Beautiful' (with repeat) and 'Against the Storm' next week to devote full time to his own show, 'Truth or Consequences.' He continues for the present on the Horn & Hardart series Sundays. He gave up announcer stints some time ago on 'Vic and Sade' and Major Bowes. Replacements for 'Beautiful' and 'Storm' aren't yet defined.

Edwards has also made his first vaudeville appearance a couple of weeks ago with his 'Truth or Consequences' at the Palace, Cleveland, is set with the program for the week of Dec. 25 and will appear on the radio for the Cleveland week, Mel Allen will plane out to announce the Saturday night broadcast from the theatre stage.

Edwards has also just finished a book version of 'Truth,' to be used as a parlor game.

Holman Faust's Auditions

Des Moines, Dec. 17. Holman Faust of Mitchell-Faust agency is conducting auditions at WHO, Des Moines, Iowa, for a new program, 'Win Some' (Win Some) for Grocers Wholesale Co. and Briardale grocers.

Half hour show will be a listening audience participation stunt.

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57 DROP FOREIGN LINGO

**WHDH, Boston, OK to Occupy 830
Over NBC Protest, Important To
Clear Channels; Appeal Likely**

Washington, Dec. 17. Roundabout attack on the clear-channel doctrine moved to the semi-final stage last week with issuance of 'proposed decision' that would allow WHDH, Boston, on the 830 kc ribbon now tagged for Class I-A use and dominated by NBC's KOA, Denver. As forecast recently, a majority of the Federal Communications Commission believes more good than harm will result from allowing the Bay State outfit to operate unlimited time with 5 kw and a directional antenna. Two members, Commissioners Norman S. Case and T. A. M. Craven, disagreed, announcing they will take an unusual step and make known what they think the 'proposed findings' should be.

A long and perhaps crucial row is anticipated if the Commish follows through, making final the tentative decision rubberstamped by Commissioners Paul A. Walker, Fred I. Thompson, and George Henry Payne. While strategy is uncertain and adverse rulings in recent years must be overcome, appeals are almost certain. There is a chance that an attempt will be made to enjoin the Commish, at least until there has been a general hearing on the proposal, to reclassify the 830 stripe without listening to arguments of persons now enjoying this privileged status.

Zeke Manners, hillbilly over WMCA, New York, ticked off 10 years of broadcasting last week.

MONTREAL, B. A. AND RIO

Four-Language Christmas Program Set by Columbia

The four principal languages of the Western Hemisphere will be heard on a special international broadcast, Christmas in the New World, to be aired 11-11:30 p.m. Christmas eve by CBS. Show will include pickups from Buenos Aires, Montreal and Rio de Janeiro.

Besides native music of the various countries, there will be talk in English, French, Spanish and Portuguese.

Maurice Clarke Dies

Rochester, N. Y., Dec. 17. Maurice H. Clarke, 39, chief engineer for WHEC, was killed Sunday (15) when his car crashed into a railroad abutment. He was driving home alone early in morning and is believed to have fallen asleep at wheel.

Accident closely paralleled that which brought death last spring to John J. Long, Jr., station WHAM's chief engineer, and serious injury to Bob Hemings, pianist.

Clarke helped build original WHEC in 1922 and has been with station ever since. He leaves his parents two brothers and sister.

FCC CHECKS U.S. ALIEN PROGRAMS

There Are 199 Stations Still Carrying the Airers, However — Italian, Polish, Spanish, Jewish and German Predominate

WAR ENDS SOME

Washington, Dec. 17. War-born qualms of stations carrying foreign language programs was demonstrated last week in an 'analysis of responses by broadcast stations to a recent questionnaire of the Federal Communications Commission.' With 199 domestic radio transmitters now scheduling broadcasts in one or more foreign tongues, 57 additional stations have dropped all foreign patter in the last six months.

According to the Commish, 31 foreign languages are represented on 1,721 current weekly programs, representing nearly 1,330 hours of foreign language programs a week. About three-fourths of this broadcast time is in the Italian, Polish, Spanish, Jewish and German languages, the proportions 'decreasing in the order listed.'

Most of the foreign language chit-chat is air-waved over the smallest, according to the report, with 108 of the 199 stations weighing in at power not in excess of 250 watts.

A 'substantial number' of stations

National Assn. of Manufacturers Given 7,960 Free Radio Hours; Business Versus Government Issue

The National Association of Manufacturers received 7,960 hours of free broadcasting time within the past year, H. W. Prentiss, Jr., retiring president, stated in an half-hour address over NBC blue, from Waldorf-Astoria Hotel at the opening of the association's 45th Congress of American Industry. Prentiss, head of the Armstrong Cork Co., thanked the stations for contributing the time. Two of the NAM's programs broadcast gratis over a string of transmitters are 'The American Family Robinson,' dramatized waxer, and electrically transcribed talks on government, economics and business by George E. Sokolsky.

Both carry 'messages' which are generally considered anti-New Deal, as were a number of the convention talks aired last week via the wires. Copies of the addresses were offered to dialers writing the NAM's West 49th Street office.

'American Family Robinson' is

carrying foreign language programs, however, have greater power. Some 43 transmitters broadcast 10 or more hours per week in one or more foreign languages.

As might be expected, 'Commish found that a preponderance of the stations using foreign languages are located in areas with considerable foreign-born populations.' Broadcasts in native tongues are 'popular with their listeners and their advertisers,' it was explained.

scripted by and air-credited to Marjorie Bartlett and Douglas Silver. It's a quarter-hour program which has been unturbled weekly for several years. Sokolsky's talks also are 15-minutes.

Colby Chester, on Town Hall Colby Chester, president of General Foods, appeared last Thursday (5) on the NBC blue Town Hall of the Air program along with Prof. Harry Overstreet and with Stanley High as 'clarifier' to discuss 'What Are We Preparing to Defend?' While mildly critical of some New Deal legislation and its 'unitive attitude' Chester was in substantial—perhaps surprising—agreement with the extremely liberal Overstreet.

But one perhaps significant bit of by-play occurred during the broadcast. A question from the floor concerned the National Association of Manufacturers investigation of school text books. Chester called this a 'fact finding' undertaking 'so that we may know what our children are being taught.' Audience muttered in unmistakable dissatisfaction with the answer the spokesman of business rendered.

Chrisman to Spector

David Chrisman has become v.p. and radio director of the Raymond Spector agency.

Chrisman was last with the Miller (tape) Broadcasting System, and before that with WOR, Newark.

**KMOX
ST. LOUIS
50,000 WATTS
CBS**

**Most listeners per radio dollar in
St. Louis...plus a bonus of exclusive
coverage in the "50,000 Watt area"**



For more information about KMOX, one of the sixteen CBS 50,000 watt stations, inquire of Radio Sales: New York, Chicago, Detroit, Charlotte, N.C., San Francisco, Los Angeles

THE VOICE OF ST. LOUIS

Printing Trades Out to Hex Radio; Gross Revenue Nick on Industry Is Competitive Hint to Solons

Washington, Dec. 17. New threat to radio's welfare is the revised legislative program of the printing trades, which will storm Congress this winter. Agenda termed "conservative" by its sponsors is framed to take partial advantage of the hullabaloo about national defense and the row over the Federal Communications Commission's chain-monopoly proposals.

In the expectation there will be a Congressional investigation of both the regulators and the industry, the labor unions are going to let go with both barrels. Besides beseeching Congress to impose some stern restrictions, they will try to embarrass the Commish into cracking down on airwaves. But, sensing the mounting concern about government competition with private enterprise, they soft-pedaled the talk about Federal ownership of radio stations.

The most significant item on the printing trades' menu is a gross-income tax, which would exempt little fellows but take a huge slice of the take of big biz segment of the industry. Instead of a license fee or a wage charge, Congress will be asked to snatch 10% of the gross income between \$25,000 and \$100,000; 15% of the amount from \$100,000 to \$500,000, and 20% of all over the latter figure. According to statistics for 1937 collected by the FCC, around 500 operators would be subject to such a tax.

The Strategy

The unions expect to lay their idea before the House Ways and Means Committee later this winter when emergency revenue legislation is being written in order to pay the cost of the national defense program. With the bewildered lawmakers looking frantically for new sources to tap, broadcasters may have to do some serious work. Argument will be put up that net profits of the major portion of the industry are exceedingly fat in view of the investment required and the specific declaration that no license has a vested interest in his operating permit or facilities.

Union strategists realize a tax on net profits would be of little value from the Treasury viewpoint, since smart accountants could find ways

to negative a good percentage of the levy.

Restriction of licenses to local residents, a long-time pet of the printing trades, also will be sought again in the new Congress, but two other novel attempts will be made to hobble the industry. The Commish will be asked to embody the anti-monopoly feature of their television regulations—limit of three on the number of plants which any licensee may have—to all standard radio outlets, while the unions will ask Congress to prohibit sale of more than 25% of the total time of any transmitter.

Printing Trades Bitter

Going to Congress to put over the latter idea is a new development, one showing clearly the printing trades are bitter about trying to reduce the amount of competition for advertisers' dollars. (Unions have maintained for several years that radio is competing unfairly, thus cutting down on job opportunities for their card-holders.) In the past, whenever an occasion has arisen, the walking delegates have begged the FCC to impose such a limitation, but no real consideration ever has been given. Now they figure the legislators may be more sympathetic, besides tacitly conceding the present Communications Act may not be sufficiently broad to justify such a regulation.

Program, adopted two weeks ago during the American Federation of Labor convention, is shrewdly timed. With the FCC frantically tossing the hot potato and trying to figure out some way of appeasing two bitterly opposed factions in Congress, the unions figure there are bound to be repercussions on Capitol Hill from the chain-monopoly report. If there is a serious movement to redefine the powers of the regulators, interpret Congressional desires, and make the "public interest" phrase more specific, the printing trades will rush into the committee rooms, arguing that all of these suggestions are in the direction of safeguarding the "public interest" and preventing any disregard of the present statute.

Sai Antonio—Helen Clarence has been added to the staff of station KTSA as aide to Lew Lacey in the Musical Clearance department.

Not a Quorum

Because of the slim attendance at last Thursday night's (12) membership meetings, AFRA's New York local failed to hold its scheduled election of officers. With no vital matters slated for consideration, less than 100 members showed up.

Election will now be held by referendum.

Coca-Cola

Continued from page 23

air four years and the company feels that it has developed a successful formula, successful in that not only does it attract listeners but sells the product.

The agency, continued Coste, has its first responsibility to the account and that is to turn out good programs. It has gone over all the music available, BMI, public domain and ASCAP, and found that there is not enough of the material which has made this series successful to provide the 20 minutes a week required, and that it has come to the conclusion that if it can't turn out the same class of successful program it will have to turn up a successful formula.

Coste said that, although there had been a lot of arguing from broadcasters and BMI sources he still feels that the agency is within its rights when it thinks satisfactory of its responsibilities to its account. His agency and the account, he stated, desire anything but to become an issue in the music fight, regardless of the ultimate outcome, and it is their wish that they be let alone and be allowed to conduct their business as they see fit.

Network's Problem

As far as Coca-Cola's show on CBS Sunday afternoon is concerned, the account, declared Coste, will adhere to the network's wishes and use whatever non-ASCAP tunes that are available. The agency fully realizes that if it wants to go on using Columbia's facilities it must abide by the latter's material restrictions, but in the case of spot broadcasting the account has 200 individual units to deal with plus a weekly repertoire of 20 tunes and therefore it must operate differently.

Reports have been heard in the music world that Coca-Cola had given the agency to understand that it might be able to get a direct performing rights license after Dec. 31, to cover its transcription campaign, but the agency has been disappointed. The cost of the Coca-Cola transcription series in time, talent, recording royalties and production figures are over \$400,000 a year.

Duchin, T. Dorsey Lead Off Dix Shows for Luckies

Eddy Duchin and Tommy Dorsey bands will be the first two outfits picked up on the Lucky Strike Hit Parade from army entertainments. Duchin's outfit has been booked to play for the show at Fort Dix, New Jersey, Jan. 11. Dorsey the following week (18). A big drama from the Marine base at Quantico, Va., Stage show set to tour the camps sponsored by Lucky Strike will consist of Jerry Lester, m.c. and comedian; Floria Vestoff, tapster; Dean Janis, singer and Gali-Gali, magician. Ted Long will produce the shows.

Angell to KSTP Rally

Minneapolis, Dec. 17. When KSTP holds its Conference on Broadcasting Jan. 17-18 it will have Dr. James Rowland Angell, NBC's educational counselor, as its chief speaker. Another speaker will be Dr. Charles A. Siepmann, BBC program director for eight years.

The Conference's purpose is to teach local peds, clubbers and others how properly to use free time on the air. Beau coup roundtables, demonstrations and the like will be the order during the two days.

Betty Cook On WCAB

Pittsburgh, Dec. 17. Betty Cook, Roanoke, Va., singer and niece of Charlie Eagle, manager of WB's Stanley theatre here, has been set by WCAB for featured vocal berth on "A Boy, A Girl, A Band," which station has revived and will feed to the NBC-Red web once a week.

Cook gal will share honors on the show with Sophisticated Ladies, harmony trio, Howard Price, tenor, and Earl Truxell's staff orchestra.

AFRA's Growing Overhead

Understood the reason for AFRA's upped initiation fee is the union's recently-increased expenses, chiefly due to its national organizing drive and its new talent agency code. AFRA has two full-time national organizers working to line up members and obtain contracts in the key cities. Each of these two men is figured to cost the union around \$10,000 a year in salary, plus organizing and traveling expense. Work was formerly done by local officials and Mrs. Holt and Heller, but the latter two are now kept too busy with national work in New York.

Regulation of the agents hasn't yet cost much money, but it is expected to run into substantial expense for the union. However, the natural assumption by officials is that the increased costs will be more than offset by savings in commissions and from more advantageous contracts with the performers. Another financial burden to AFRA is the repayment of the loans from Equity, Screen Actors Guild and the American Guild of Musical Artists, originally totaling around \$40,000. Most of this coin has been repaid and the balance is being paid at the rate of about \$1,000 a month. AFRA's treasury is said to be in excellent shape.

Expectation that the union's overhead will continue to rise, so the \$40,000 or \$50,000 which the increased initiation fee is likely to bring in during the next few years still may not be enough. AFRA has a comparatively small paid employee list considering the size of the membership, the complicated nature of the checking job involved and the scattered nature of radio. With the transcription field likely to bring even more regulatory overhead and little added income, it may be that the union will have to raise its dues or take some other steps to raise more coin. However, that is not probable for some time.

AFRA Ready to Talk With Waxmen

Scale of Terms Up—Also Union Initiation Fees—WWJ, Detroit, Agrees to Pact

Next major objective on the American Federation of Radio Artists slate is a code for transcriptions. Having reached a new sustaining network agreement, extended the commercial pact and set up licensing and regulation of talent agents, the union is now ready to take up the platter question where it was dropped last fall when the network code matter arose.

Proposed code, drafted last spring will be revised in line with ideas expressed by the various locals at

the organization's annual convention in Denver. Other suggestions advanced by transcription producers in the preliminary negotiations may also be incorporated. New draft will probably be submitted for renewed negotiations with the corders after Jan. 1.

Initiation Fee

AFRA is also taking steps to raise its initiation fee from \$25 to \$50. Proposal advanced by Los Angeles local and already approved by the New York and Chicago locals will be submitted to the national board when the San Francisco chapter has indicated its attitude. Expected it will be passed and made effective by Jan. 1.

Emily Holt, national executive-secretary, and George Heller, associate, have been considering the possibility of having a placement counselor at the New York office of the union. Working under the New York Unemployment department, he would be available to members for advice about temporary or incidental work outside radio. Nothing has been decided on the matter, however.

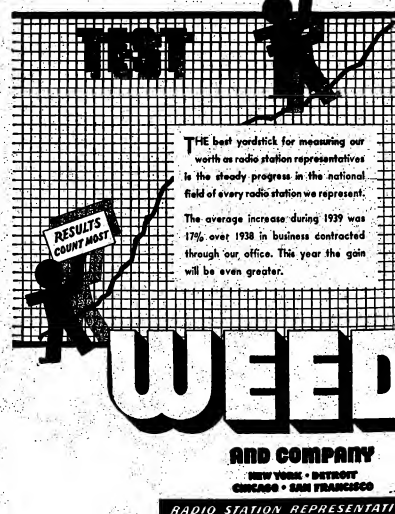
Agreement has been reached by James Porter, AFRA's national organizer, with station WWJ, Detroit, subject to ratification by the national board. Deal would call for AFRA shop, a five-day week, salary increases and extra fees for commercial shows.

BERNAYS' BOOK IS BASIS OF SERIES

Series of programs intended to outline methods of strengthening U. S. morale started last week over Mutual. Joseph C. Menendez, Veterans of Foreign Wars head, is making the talks, which are based on Edward L. Bernays' new book, "Speak Up for Democracy." Shows air at 1 p.m. Wednesdays.

Salt Lake City—New on the KLO staff is Gordon Horner, formerly of KTRI, Sioux City. Horner replaces Charles Law, announcer, who has moved to KUTA, where he is scheduled to write continuity as well as announce.

The BASIC



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.

RESULTS COUNT MOST

THE BASIC

RAD COMPANY

NEW YORK - DETROIT
CHICAGO - SAN FRANCISCO

RADIO STATION REPRESENTATIVES

A MERRY CHRISTMAS and a HAPPY NEW YEAR to you all ☆ and look what we found under our tree..



A 50% BUSINESS INCREASE IN '40 FOR

WSAI

CINCINNATI'S OWN STATION

MEANINGFUL CALL LETTERS

FCC Theorizes on FM Audience

Potential of 20,500,000 Listeners in Service Areas—
'If They Have FM Receivers

Washington, Dec. 17. Nearly 50,000 square miles, embracing more than 20,500,000 listeners, were included in the new FM broadcast service Friday (6) by the Federal Communications Commission. Service to Connecticut, Rhode Island, half of Massachusetts, part of southeastern New York State, part of Tennessee and the Pittsburgh, Chicago, and New York metropolitan districts, were taken into the FM fold.

Commish breakdown showed that a 'slice' of New England—plus nearly all of Long Island and a large portion of southeastern New York State, constitutes the 6,100 miles of territory (pop. 1,118,000) which will be served by WDBC, Inc., of Hartford, Conn., through a transmitter situated on the west peak of Meriden Mountain, near Meriden, Conn. The transmitter will operate on 46,500 kc.

Potential metropolitan service area of Metropolitan Television, Inc., and Bamberger Broadcasting Service, Inc., is estimated at 8,500 square miles with 12,000,000 persons. Both stations received okays to broadcast from New York, the former on 47,500 kc and the latter (Bamberger) on 47,100 kc. Met's transmitter will be located on the roof of the Hotel Pierre, while Bamberger will use its station at 444 Madison Ave.

In the 10,800 square miles of the Chicago area which will be served under grants to the National Broadcasting Co. and WGN, Inc., 2,500,000 people will utilize the new service. Operating from the Civic Opera

House, NBC will utilize 46,300 kc (or an adequate frequency), while WGN will have a transmitter on a 465-foot downtown office building—using 45,900 kc, or another adequate frequency.

Approximately 2,100,000 persons are expected to receive service from the Walker-Downing Radio Corp., which will operate from 341 Rising Main Street, Pittsburgh, and cover approximately 8,400 square miles. In this case, applicant will specify a frequency 'adequate for such coverage.'

National Life & Accident Insurance Co., of Nashville, Tenn., will install a transmitter near Franklin, Tenn., using 44,700 kc. This station is expected to serve 16,000 square miles, with 819,000 population.

Grants issued last week are in addition to the following okays handed down last month for regular FM programs in Detroit, Los Angeles, Schenectady, Evansville, Birmingham, Mt. Washington (N. H.), Baton Rouge, Columbia (S. C.), Salt Lake City, Milwaukee, Chicago and New York.

Requests from Yankee Network and the Worcester Telegram Publishing Co. to serve an identical widespread area from practically the same site near Worcester, Mass., on the frequencies 44,300 and 43,100 kc, respectively, were designated for joint hearing.

Arthur L. Bright, of KPYY, Spokane, returned from business trip in East.

WAVE, TOWN IN FM INSIGNIA

Federal Communications Commission Putting New System of Identifying Tags on Clear Basis—Large Reservoir of Letter Combinations

'E' FOR EDUCATION

Washington, Dec. 17.

A new arrangement of call letters to provide 'distinctive calls' for FM stations has been decided upon by the Federal Communications Commission. Explaining that the United States, under international agreement, is assigned three letters, N, K, and W—the Commish announced adoption of a new system which will make it possible to identify the location of each FM transmitter and the frequency on which it operates through the combination of letters and numbers used.

The K which is currently assigned to all stations west of the Mississippi River, and the W used to identify eastern stations, will be retained but numbers will be embodied in the call combination to indicate the frequency and, where possible, additional letters will identify the city or area where the station is located.

Revealing that between 40 and 50 four-letter call combinations are being assigned to the older service. (Continued on page 32)

Naylor Rogers, Ray Linton at WOY

New York Station Installs New Tops as Station Goes to 10,000 Watts

Capital Stock Change In Geyer, Cornell & Newell

Albany, N. Y., Dec. 17.

Geyer, Cornell & Newell, Inc., advertising agency with principal office in New York, has increased its capital stock from 1,000 shares, \$100 par value, and 100 shares, no par value, to \$101,000, with 1,000 shares at \$100 par and 1,000 at \$1 par value.

Smith, Schnecke & Compton, Dayton, Ohio, attorneys, filed papers on increase with Secretary of State in Albany.

CKOC, Hamilton, Expands

Hamilton, Ont., Dec. 17.

CKOC, which made Hamilton the second city in Canada to have a station in 1922, has moved into a new \$100,000 home with plenty of hoopla, including a special ballyhoo supplement in the Hamilton Review.

Station has taken over second floor of local building for new air-conditioned studios and has set up new transmitter at Cherry Beach. Later, built by Marconi, with some RCA pieces, is expected to step up by 2½ times this 1,000-watt's sending area because of what engineers describe as 'almost perfect transmitting conditions' at new site.

Largest of three new studios seats 250 and has sound screen for promotional films. M. V. Chestnut is manager and W. T. Cranston is sales manager.

WOY, New York, part of the radio operations of Arde Bulova and Harold Lafount, has installed two new top executives preliminary to its going 10,000 watts and moving to new offices and studios early in January. Naylor Rogers has been brought in as the station's general manager, while Ray Linton has the post of general sales manager.

Rogers, a pioneer broadcaster, headed the old KNX, Los Angeles, setup up to the station's sales to CBS. Since then he has been with International Radio Sales and the Burridge Butler station interests. Linton had recently been in the transcribed show business on his own and prior to that he was in the sales rep field.

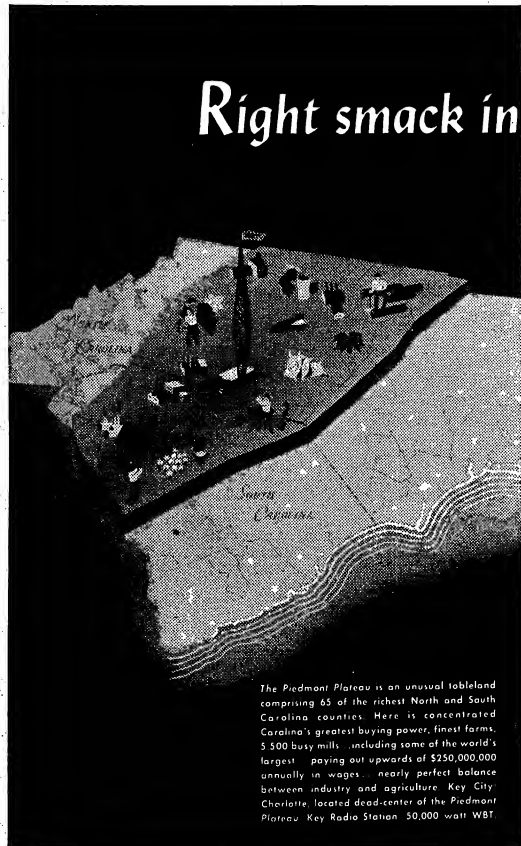
Two FM Sites in H'wood; Don Lee Speeding Plans

Hollywood, Dec. 17.

Plans for two frequency modulation transmitters for this area were going forward last week, with Don Lee pitching their plan in the Hollywood hills adjacent to their new television site for WOXA. A second project has been submitted to the City Planning Commission by Herbert Petty, one-time secretary of Federal Communications Commission in Washington. Location is three miles to the west of the Don Lee spot.

Don Lee was issued the first license for this district and work has progressed beyond the blueprint stage.

Right smack in the middle of the Piedmont Plateau for twenty years



The Piedmont Plateau is an unusual tableland comprising 65 of the richest North and South Carolina counties. Here is concentrated Carolina's greatest buying power, finest farms, 3,500 busy mills, including some of the world's largest—paying out upwards of \$250,000,000 annually in wages, nearly perfect balance between industry and agriculture. Key City, Charlotte, located dead-center of the Piedmont Plateau. Key Radio Station, 50,000 watt WBT.

Seldom does a national advertiser run into a selling opportunity like the Piedmont Plateau. • This very heart of the two Carolinas, bounded on the west by mountain country and the east by a coastal plain, rises up out of the Southeast 900 feet above sea level... the wealthiest, most fertile, most heavily factory-ed group of Carolina counties (65 of them). With steady buying power due to a nearly perfect balance between industry and agriculture.

AND RIGHT SMACK IN THE MIDDLE

of this unusual tableland-market is CHARLOTTE. Textile capital of the world. Pivotal point for all selling in the two Carolinas. The home-city of 50,000 watt WBT.

From Charlotte, national companies reach out to sell the Piedmont Plateau. More branch offices and factory branches are here than in any other Carolina city.

From Charlotte, national chain stores reach out to buy for the Piedmont Plateau. More buying offices headquarter here, by far,

than in any other Carolina city.

And from this very heart of the Piedmont (Charlotte), WBT has for twenty years given its advertisers coverage from within. Building audience loyalty that has set a pace for all radio. Chalking up selling records that no single station or group of stations in this market can even closely duplicate.

Only with WBT from Charlotte can you profitably reach and sell the Piedmont Plateau. Ask your nearest Radio Sales office about it.

WBT 50,000 WATTS • CHARLOTTE, PIEDMONT PLATEAU

Owned and operated by Columbia Broadcasting System. Represented by Radio Sales: New York, Chicago, Detroit, St. Louis, Los Angeles, San Francisco

Plant Space Needed for War Orders

Reason for Knapp Cancellation of NBC Blue Program Is Pressure at Factory

First network casualty as the result of plant pressure from war orders is Knapp-Monarch's alliance with the Sunday morning session, "Ahead of the Headlines," on the NBC-blue. Even though the manufacturer of electrical appliances bows out as the sponsor in four weeks, the program will continue but with Newswatch magazine. The bills Newswatch has been furnishing the material and personalities for the series, and will now use the show to plug subscriptions.

With defense business piling up, Knapp-Monarch has found that it can't devote enough of its plants to take care of the orders for other articles, such as the electric shaver. It finds itself now in a position of trying to exploit an article that it can't deliver in large quantities.

Newswatch will take over the Thursday night period (10:30) following the Town Hall of the Air broadcast.

MUTUAL ADDS TO POTENTIAL

KWK, St. Louis' joining of Mutual as a full-time affiliate on Jan. 1 plus other new affiliations adds an estimated 1,500,000 listeners to the potential audience of the Mutual network. Newcomer raises the station list to 168.

Mutual's newest joiners are:
KWK (5,000 watts, 1350 kc).
WNOE, New Orleans (250, 1242).
WMOB, Mobile (250, 1200).
WHBB, Selma, Ala. (100, 1500).
WDEF, Chattanooga (250, 1370).
WBIR, Knoxville (100, 1210).

University of So. Dakota Collaborates with WNAX

Yankton, S. D., Dec. 17. "You and Your Government," first series of programs based on various phases of home defense, has just been completed as a co-operative presentation of local station WNAX and the University of South Dakota. Appearing on the forum shows were Rev. R. A. Burrows, president of the Sioux City Ministerial Assn.; O. L. Brownlee, associate editor of the Sioux City Tribune; and Robert R. Tinscher, the station's general manager.

Dr. C. W. Geary, of the university's governmental research department, conducted the sessions.

Just Learning the Biz

Buffalo, Dec. 17. Woes of a rookie speller were shown in this memo, penned by a tyro after his first night alone on an outlet here:

"Skipped two spot announcements at 8, put them on at 8:15 not realizing they conflicted with one scheduled at that time, mislaid commercials for news broadcast, read news uncommercial, skipped tie-in announcement. Gave no call letters."

FRESNO SENDS SPORTS MAN TO HONOLULU

San Francisco, Dec. 17. The longest single-station remote in radio history is claimed by John Scales for KARM, Fresno, which will carry the Fresno College—University of Hawaii Pineapple Bowl football tussle, New Year's Day. Game will not be carried by any network; KARM has made arrangements with RCA to have the conflict short-wave exclusively for them. Pickup in Frisco will be piped by leased wire to Fresno. Dick Wegener, KARM sportscaster, is making a special trip to Honolulu for this assignment, sailing on the Lurline Thursday (12). Game hits Coast at 4:30 p.m.

Norman Morrell Delay Keeps McAvity West

Because of a death in his family, Norman Morrell, of Lord & Thomas, won't take up his new post of radio director in the agency's Hollywood office until Jan. 1. He had been scheduled to go out the middle of December.

Postponement of Morrell's trek will prevent Thomas McAvity's transfer to the New York office as v.p. in charge of radio until Jan. 15.

WTMJ Staff Shares In \$350,900 Journal Melon

Milwaukee, Dec. 17. Staffs of WTMJ and the FM station W9XAO participate with 1,043 employees of The Milwaukee Journal in the slicing of juicy bonus melon of \$350,900.57, announced after a meeting of the board of directors Wednesday (11) for immediate distribution.

All are stockholders in this profitable newspaper-radio plant under the employee-ownership plan set up by the late L. W. Nieman, founder of the institution.

NBC'S RECORD DEPT. OPENS IN WASHINGTON

NBC's Radio-Recording Division has opened a branch office in Washington, with E. William Young in charge.

Division's business in the capital has been decidedly on the upbeat in recent months, particularly as a result of a contract it has with the Government.

Radio the Giver

Cedar Rapids, Dec. 17. Prizes won on national network programs were presented over local station WMT last week to two Cedar Rapids residents. George Henry received an automobile won in a Red Grange contest on the National Refining program over Mutual, while Della Hillon was presented with a diamond ring, won with a song-request letter to the Wayne King program over CBS.

WMT, recently granted permission to operate at 5,000 watts day and night, is currently installing a new directional antenna.

FM Insignia

Continued from page 31

Since each week, the FCC promised that the new system will not disturb the approximately 1,000 remaining combinations. It pointed out, however, that at the present rate of issuance, the call letter "reservoir" will not last more than six years.

Use of the letter E will be reserved for non-commercial educational stations with FM, it was explained. With 25 stations provided in each area for a given frequency, a second letter for an FM station can be assigned in an alphabetical order (excepting E) and—if more than 25 stations are assigned on the same frequency—an additional letter can be issued.

Drop First, Last 3 Figures
Since all FM stations are in the 42,000-50,000 kc band and all FM frequencies are assigned on the odd hundreds, it would be possible to drop the first figure and the last two figures, of the frequency assignment. For example: W41B would indicate an FM station in the eastern section of the country, because of the use of the letter W; the figures 41 would show the station was operating on 44,100 kc, and the letter B would be the key for Boston.

Likewise, a New York transmitter operating on the same 44,100 kc frequency could be tagged W41NY, or a San Francisco station, using 44,300 kc, would be identified by the call letters K43SF.

There is no international regulation to bar the use of this FM identifying system, the Commish stated. In fact, a like principle is followed by Chile in assigning calls to standard broadcast stations in that country. The arrangement provides ample source of calls for future FM stations. It is about the only source of new call combinations which can be adapted, inasmuch as other types of calls are assigned by treaty to stations and services other than broadcast. It has the additional advantage of permitting identification of the frequency actually used, and for that reason should be popular with listeners as well as broadcasters.

New FM License Form
Revised form of application for construction permits for new high frequency (FM) broadcast stations—simplifying and clarifying the information requirements—has been announced by the Federal Communications Commission. The new form—FCC No. 319—was adopted following conferences with representatives of the industry. Committee representing the National Association of Broadcasters, the National Independent Broadcasters and a specially constituted FM Broadcasters Committee on Applications was formed at the invitation of the Commish—with the latter also having representation.

According to the Commish, "the result was not only simplification of the form so as to stimulate the development of FM broadcasting, but a better mutual understanding of the problems of the industry and the Commission in presenting and determining facts on which decision should be based."

Toledo, O.—Helen Grant Eddy, former staff pianist at WSPD, Toledo, is now with WTOL, that city.

Kenyon & Eckhardt Place Spots

Kenyon & Eckhardt moved into the spot field last week with campaigns for Kellogg and Fleischmann Yeast. Schedule in either case calls for a daily one-minute announcement five days a week over a period of 13 weeks. Starting date is Jan. 6. Kellogg will use 20 markets and Fleischmann 14 markets.

Payroll Traffic

Philadelphia.—B. A. McDonald has been upped from salesman to sales manager of KYW. He joined the station last July, coming from WFIL.

Rochester.—Fred Grant, announcer, quits WSAY, Rochester, to go into banking business. Bernard Bloom replaces. Elmer Dalz becomes station salesman.

Winnipeg.—Stewart Macpherson at CJRC has been with British Broadcasting Corp. for past five years. Former Winnipegper (his wife and youngsters were rescued from Athens disaster). Will do specials and sports.

Sales department has added Claude Olsen, Waldo Holden and Mrs. Doyle. Holden came in from Toronto where he was press rep for his brother's stock company, the John Holden Players. Continuity's new face is Hugh Newton who came in when the All-Canada Radio Facilities group recently took over national representation of station. Newton also handling sales promotion spot.

Merchandising and publicity goes to Norm Chamberlain, former VARIETY rep in Winnipeg. Kerr Wilson is latest addition to revised CKY, Winnipeg, sales department, under Tony Messner. He is also a local singer.

New York.—Harry W. Pascoe has been appointed director of continuity at WINS, New York. He formerly held the same job with WNBC, Asheville, N. C., and before that was continuity director of WMCMA, New York, for 10 years. He is the author of the book, "Key to the Pronunciation of Foreign Words."

Al Charles has joined the sales staff of WINS. Was formerly time salesman for WARM, Scranton, Pa.

Timmins, Ont.—Vernon Carter, Lloyd McKim and Douglas Marshall have joined CKGB, the first as sales and promotion manager, the second as music librarian and the third as announcer.

Philadelphia.—Charles Arlington, WFIL speller, has left to join the announcing staff of WCAU.

Don Bennett, former program production director at WNEB, Binghamton, N. Y., is production chief at KYW, taking over the spot left vacant by the resignation of Al Watton.

Pittsburgh.—Bob Shield, announcer at KDKA, has been named director of special events for Westinghouse station. Post has been vacant since Dave Garoway left for a speller's berth at NBC in Chicago.

St. Louis.—Ranks of KMOX, local CBS outlet, will be depleted Monday (23) when three of the organization, members of the 138th Infantry,

entrain for a year's training at Camp Robinson, Ark., under the conscription act. They are Edward Goldsmith, a member of the sales staff; Judd "Happy" Green, head of the station's WSM after a few months' absence; Les Wesley Farrell, early a.m. studio supervisor. The station will dish out six months' pay to Green, two months' pay to Goldsmith and one month to Farrell.

Ft. Worth.—Hub Jackson, former program director for KABC is now on the staff of KJZZ, Fort Worth; key station of the Texas State Network.

Nashville, Tenn.—Jam-up and Honey, blackface comedy team, back on the station WSM after a few months' absence. Les Willet and Tom Woods are the correct tags.

Windsor, Ont.—Robert Henderson, formerly with the CBC network in Toronto, has joined the staff of CKLW, Windsor, as an engineer. It swells to four the representation from Hamilton, Ont., the other three at CKLW being Frank Burke, Campbell Ritchie and Budd Lynch.

Boston.—Glenn Wilson, who has appeared in summer stock and local dramatics, has joined WMEX announcing staff.

Toledo.—Albert G. Ruhoff, former advertising copy writer, has joined WSPD, Toledo, as assistant to Bob Richards in production and script writing.

Regina, Sask.—W. W. Grant, of the technical staff of CBK, Watrous, Sask., has left for Montreal where he will be a technical flying officer in the Royal Canadian Air Force. He has been granted leave of absence for the duration of the war. Filling this vacancy and one created some time ago when H. Patterson was moved, are Vic J. Rowe, from CFQC, Saskatoon, and Wm. G. Roxburgh, Saskatoon.

Fort Worth.—Marshall Pope, Texas State Network chief announcer, becomes "Texas Gas" Star Reporter, succeeding John Hopkins, who has entered the United States Service at Camp Bowie, Texas.

Broadcasts are heard through the TSN web daily.

Schenectady.—Carl Raymond, from WMAN, Mansfield, new miker on WGY, Schenectady, takes place of Tommy Martin, gone to WIS, Columbia, S. C.

New York City.—Fred Mears after a short stay with Mutual where he was Lester Gottlieb's assistant after leaving NBC press is now with the Naval Reserve Flight Training Corps.

Lively Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN MARKET
FOR **WOL**
The POPULAR Station
Salt Lake City

Representative
JOHN BLAIR & COMPANY

NBC RED NETWORK

When they want a sell-out Cincinnati businessmen Prefer WCPO two to one Over any other station CINCINNATI'S NEWS STATION WCPO SCRIPPS-HOWARD RADIO, INC

Represented by
The Branham Company
Affiliated with the Cincinnati Post

From the Production Centres

IN NEW YORK CITY . . .

Russell Pierce, of N. W. Ayer, points out that United, not American, Airlines sponsors Boske Carter. . . . Lois Lorraine, ex-CBS, now a lady praiser with Voices, Inc. . . . Spencer Bentley, the radio juvenile, lives in a home in upper Manhattan that's a museum of art. . . . Inherited through aunt, late Irene Bentley, widow of Henry B. Smith, one of ASCAP founding fathers. . . . Victor, bringing out a Raymond Paige record album, already is talking to him about a second and third. . . . Kate Smith has been set by the William Morris office for a guest shot on the Libby-Owens series Dec. 29 from Chicago. . . . Maxine Keith, actress, script writer and dramatic teacher, doing 'From Me to You,' pop records and household hints series Mondays through Saturdays over WINS. . . . Tom Slater producing and m.c. of 'This is Ft. Dix' series over WOR-Mutual.

Phil Racine, formerly trumpet player with Gray Gordon, has joined Dick Ballou's band at WHN. . . . 'Camel Hot Playhouse' goes to the Coast this week for Lionel Barrymore to do 'Christmas Carol'. . . . George Hicks and a mobile unit, with Lester O'Keefe producing, will do 13 weekly shows from army camps over NBC blue (WJZ) starting Friday (20). . . . Nellie Revell shifts from NBC blue to red (WEAF) Wednesdays starting Jan. 8.

Herbert Hoover will receive the Pennsylvania Society medal and be principal speaker at the organization's dinner Saturday (21), to be aired on WIZ. . . . NBC will do a 60-minute dramatized 'Headlines of 1940' show over the red network Dec. 29. . . . Fort Pearson, football expert, starts a five-weekly sports series on NBC red next week from Chicago. . . . 'Behind the Mike' will move from 5:30 to 4:30 p.m. Sundays on NBC blue.

Frank and Catherine Russell came in from Washington for the Frank Mulencock cocktail party Sunday (8). . . . Among many other guests were David Sarnoff, Niles Trammell, Frank Mason, Clay Morgan, Edward Lasker, Don Francisco, June Hynd, Alan Dinahart, Lloyd Egner, David Rosenblum, Irene Kuhn, Eugene Lyons, Orrin Dunlap, Horton Heath. . . . Jack Lavin visiting at Paul Whitteman's farm. . . . Too much Chicago 'education' sent Walter Preston, Jr., of NBC, to bed for the weekend. . . . Paedagogic exhaustion following rallies in New Orleans and Chicago in past week.

Muriel Dickson, Met soprano, guested on 'I Know What I Like' last night (Tuesday) over WQXR. . . . Helene Burton' formerly a writer with Cue mag, Benton & Bowles and NBC, has joined the WOR press department, replacing Catherine Cunningham, who resigned to become secretary for Benedict Gimbel, Jr., president of W.P. Philly. . . . Morey Amsterdam and Mabel Todd, of Mutual's 'Laugh and Swing Club,' playing Flatbush, Brooklyn, and the Windsor, Bronx.

WINS will carry the New York University intercollegiate debates Sunday afternoons, with Maurice Dreicer moderator on the series. . . . WHN will hold an on-air Christmas party in the studio Dec. 24 with staff members sharing Santa duties. . . . Ted Sills will produce the Tommy Tucker show locally in New York for Tums. Show has been deferred until Jan. 8. It was supposed to unveil Dec. 18. . . . Deal set by Columbia Artists. . . . Al Ferris, WHN engineer, left last week for duty with the naval communications reserves.

McKee & Albright agency account for the Rudy Vallee program publicity bagged by Dave Albers of N. Y. and Irving Parker of L. A. . . . Stanley Hubbard returning to St. Paul, leaving New York quiet again. . . . Warren Irwin on NBC blue Saturday night.

Morey Amsterdam renewed 'Laugh and Swing Club' on WOR-Mutual for another year, with a second year's option. . . . General Electric closing 'Where Are You From?' to fill Mutual network beginning Jan. 8. . . . Paul Stewart into the cast of 'Gang Busters' and also appearing on 'Crime Doctor'. . . . Starting Christmas Day, WQXR will have the same broadcasting schedule holidays as Sundays, instead of going off the air from noon to 3 p.m. . . . Bill Fineshrider, new CBS music department head, back from Florida vacation.

Gene King, formerly early-morning record player for WEVD, now calls himself Eugene King for his series over WOR, so he won't be confused with announcer Jean Paul King. . . . Henry M. Neely, m.c. on 'Song of Your Life' is also in the casts of 'Pepper Young,' 'By Kathleen Norris' and 'Hilltop House'. . . . Fred Mears, assistant to Lester Gottlieb on Mutual publicity, leaves Jan. 7 to join the naval air corps reserve. . . . Met Allen due back this week from vacation at his Alabama home.

Gillette razor will sponsor the Sugar Bowl football game Jan. 1 over NBC blue (WJZ). . . . Wally Mason, formerly leader of 'Prairie Serenaders' over WINS, has joined the 'Kidodlers' over NBC. . . . Judy and Bill, his former 'Serenaders' partners, haven't decided on plans. . . . Jill Eamond, Ralph Forbes and Burford Hampton will be the leads on 'The Citadel,' next Wheatena Payhouse stanza starting Dec. 30.

Desi Arnaz, legit and film actor, will do three 15-minute short-wave programs to South America via NBC during January. . . . Bronx Choral society will sing Handel's 'Messiah' Sunday (22) over WBNX. . . . Al Heffer doing his own 'Diary' series via WOR Sunday mornings. . . . Roger Bower has taken over the m.c. stint from Alois Havrilla on WOR-Mutual's 'Can You Top This?'. . . . Jerry and Sky, hillbilly act formerly on WHEB, Portsmouth, N. H., doing a series Sunday afternoons via WOV. . . . Artie Jones and Dottie Conroy have teamed for a piano-singing series over WOV Saturday nights.

Richard Morenos, of NBC's writing staff, scripting 'King Arthur, Jr.,' juvenile serial. . . . Spencer Bentley doing the fast-action narration on novelty news for Paramount newsteel. . . . also in Paramount's 'World Aflame' as typical radio announcer. . . . Raymond Gram Swing being set to do news review of year for Pathe newsteel.

IN HOLLYWOOD . . .

During the production of 'Escape' at Metro, which Arch Oboler screen-played, Norma Shearer toyed with a yarn and Oboler's persuasion that it was cut to her measure. . . . Oboler finally won out and on Dec. 20 broadcast of 'Everyman's Theatre' the film star will have the stellar role. . . . Oboler authored the tale, which is called 'The Mirror' and which Oboler will produce. . . . Or did we forget to mention Oboler? . . . Bill Stern in town for a pair of football broadcasts. . . . Don Gilman trained out for a week of NBC home office parleys. . . . Horace Heidt airing his Pot o' Gold program from the Culver City studio where he's making the picture of that name. . . . Edward G. Robinson begins east early next month for a few weeks of broadcasting 'Big Top' and to see what the show shops have to offer. . . . Benton & Bowles granted Mary Martin's request to withdraw from Maxwell House show. . . . Mann Hollner is still trying to lure Frank Morgan back to the fold. . . . Wayne Griffin, producer for Batton, Barton, Durstine & Osborne, voted presidency of Radio Producers Ass'n. . . . Joe Bigelow back from New York for script duty on J. Walter Thompson shows. . . . Usual air of mystery pervades Ward Wheelock's imminent visit. . . . Weyland 'Doc' Geissinger now with Batton, Barton, Durstine & Osborne. . . . Art Rush pressing pancakes of 'Red Ryder' for the agency turntables. . . . J. Walter Thompson renewals last week included Gene Autry's 'Melody Ranch'. . . . Kraft, Lux and Chase & Sanborn. All principals retained. . . . Metro turned down another offer for 'The Hardy Family,' price undivulged. . . . Last-season it was up for sale for a mere \$15,000 weekly.

Arch Oboler got an option lift on his 'Everyman's Theatre' from Procter & Gamble. . . . Anne Jamison auditioned half hour show at NBC with Gordon Jenkins' orchestra. . . . Dr. Harry Hagen does his 'True or False' quizzer from here Dec. 23 and the following week in Frisco. . . . Vacation trip to Coast for 'Mac Perkins' cast called off. . . . Betty Moran, kid sis of Lois, onetime film star, supplanted Martha O'Driscoll in the Irene Rich

(Continued on page 36)

WOR's nighttime hour rate is 8% lower than the lowest nighttime hour rate offered by one 50,000 watt New York station; 19% less than that offered by the second and 21% less than the third*

*and WOR, by the way, backs this economy with an impact of 135,000 watts!



Inside Stuff—Radio

Mary Mason will join the cast of the 'Henry Aldrich' program for General Foods. Only hitch is that she is currently in the revival of 'Charley's Aunt,' at the Cort, N. Y. Her radio date would not only require the holding of the curtain for the legit performance Thursday nights, but she would have to appear in her 1890 costume for the broadcast, which might distract the visual audience.

Sponsor executives, Young & Rubicam officials and Richard Skinner, the legit producer, have okayed Miss Mason's appearance on the program tomorrow night, but subsequent dates may depend on how the initial one works out. Actress is also in the cast of the recorded 'Betty and Bob' program.

While dickering recently for the one-time broadcast rights to an old legit musical comedy, J. Walter Thompson agency was informed by the literary agent that his writer principals had asked him to call the whole thing off because of the situation existing between radio and the American Society of Composers, Authors and Publishers. Writers involved are not members of the Society.

Agent reported to Thompson that his principals had told him that they preferred to have their material kept off the air until the ASCAP-radio fight had been settled.

Reported around the radio trade that the real buyer of WMCA, N. Y., is Tommy (the Cork) Corcoran, ex-member of President Roosevelt's inner advisory circle, and that Edward J. Noble, whose name is on the transfer papers submitted for approval to the Federal Communications Commission, will figure in but a minor capacity in the stock ownership. Corcoran resigned from his Government connection last summer to work for the reelection of Roosevelt through an indie voters' setup. The stipulated sales price for WMCA is \$850,000.

Columbia-missed out last Tuesday (10) in the pickup of a broadcast by the Duke of Windsor as he landed in Miami. CBS, it later developed, had made a last minute scramble for the event but found that it couldn't make the line connections in time.

NBC had sent on William Hillman, staff correspondent from New York for the event.

NBC is still working on the formulation of a group rate for the 14 stations that it has recently gathered for the southeast leg of the blue network.

An ornery angle that the web has still to solve is just what deductions are to be made from the group rate in the event one or more of the stations are not available.

Columbia's 'Invitation to Leaning' was kicked out of its Sunday afternoon niche and had to take Tuesday at 10:15 to 10:45 as the only available spot. This puts it opposite the last 15 minutes of 'Meet Mr. Weeks' on the NBC-blue. Public-interest producers usually try to avoid this sort of conflict between intellectual appeal programs.

Elmer Davis averaged 243 daily listening and rated 47.6% of the national audience weekly on a statistical projection made as of Oct. 18 by C. E. Hooper. This was based on 2,000 personal interviews in 11 cities. Also showed that listeners heard Davis comment 3.6 times per week average.

In The Southland

Spartanburg, S. C., Dec. 17. WIS, Columbia, S. C., went on NBC red network Dec. 15. Power hiked to 5,000 watts. Work starts soon on \$50,000 power plant expansion for WSA, Spartanburg. WWS, Winston-Salem, N. C., from 1310 to 600 frequency, new equipment installations and directional antenna for nightcasting. Albany (Ga.) Daily Herald building new station. WALR FCC has granted unlimited time broadcasting and 1230 to 1530 kc frequency shift. WPTF, Raleigh, N. C., goes to 50,000 watts and will show civic pride film during Marches on. WSA, Winston-Salem, changes frequency 1250 to 1310 kc, and expands from daytime to unlimited time.

RITA RAY TO COAST

For Al Pearce Appearance—D. V. Martin Goes Along

Pittsburgh, Dec. 17. Rita Ray, local singer featured on KDKA and formerly with Gray Gordon, has been picked for a one-appearance shot on Al Pearce's program from the coast on Dec. 20. She'll be accompanied to Hollywood by Darrell V. Martin, her personal manager.

Trip is delaying debut of Martin's planned radio weekly, for which he has been conducting a subscription campaign for several months. He edited a local radio weekly once before, but it folded in short order.

Watertown Starts Soon; Dinsdale Head Seller

Watertown, N. Y., Dec. 17. Dinny Dinsdale, commercial manager, will handle production at WATN, which is slated to begin operation here next month. Kirby Ayres, station manager, will have charge of programs. G. Harry Righter is president of the outlet.

Antenna is up and the studios and equipment are nearing completion. Station will have 250 watts full time, with a wave length of 1210 kc.

Cut Military Platters

Pittsburgh, Dec. 17. Indie station WWSW has completed arrangements for series of programs about local draftees and their military activities at Camp Meade, Md., to begin shortly after first of year. Among those to be called for training are announcer Ray Schneider, first lieutenant in National Guard, and John Kinsel, of engineering department and a corporal in Schneider's unit.

When they leave for Camp Meade in couple of weeks, Schneider and Kinsel will take with them special portable transcription equipment, which will be set up with special facilities at the camp. They will then arrange and produce five quarter-hour programs each week and send the records on to WWSW for broadcasting.

Shows will include interviews with Pittsburgh men at camp, news of camp life and activities, and actual 'on the scene' pick-ups of training activities and maneuvers.

WBEN's Ft. Dix Discs

Buffalo, Dec. 17. WBEN, which sent e.t. unit to Ft. Dix, N. J., to follow one local regiment into training, is doing the same with another. Installed waxing outfit at Ft. McClellan, Ala., last week. Bill Mayhew, who is rejoining WBEN spelling staff from WIS, Columbia, S. C., stopped off at camp for a few days to set up unit and instruct an operator in its use. As at Ft. Dix, reporter assigned to camp by Buffalo Evening News, which owns station, will keep an eye on the canning set and round up local soldiers for waxing sessions.

Station will alternate three Ft. McClellan platters a week with three from Ft. Dix. Running them, off

Alton Kastner's WCWN Program. Alton Kastner, of the NBC publicity department, and Addison Amor, of the guest relations staff, are regulars on a program over WCWN, Brooklyn. Amor is r.e.c. on the show daily, while Kastner appears Wednesdays.

Stanza is called 'Swing-High Club.' Last week Milt Roberts, legit and radio director, was interviewed by Kastner on the subject of 'Swing and Television.'

McDonald Disputes Caldwell's Facts

Chicago.

Editor, VARIETY:

It isn't often that I protest statements which are made in the press, but Dr. Caldwell's radio calendar, published under the heading 'Radio History in Capsules' in your Nov. 27 issue, is a bit unfair to Zenith.

Dr. Caldwell indicates the date of 'push button tuning' as 1937. The Zenith Radio Corp. introduced push button tuning in 1928, as is evidenced by our old catalog of 1928, enclosed herewith. 'You will note in this catalog the statement "Just press the button, the automatic tuning device does all the work"—etc. Our slogan in those days was "Press the button—there is your station," of which I will send you any number of prints if you would like to have them for verification.

Also, Dr. Caldwell indicates the year of the introduction of portables as 1939. I say that he indicates it as the year of introduction because in the case of short-wave, which he identifies as 1932, he indicates that short-wave was popularized in 1932, and I am in agreement with him although we introduced short-wave radio in 1925.

Going back to his subject of portables as 1939, we introduced portables in 1924. I have in my office one of these portables which was built into a ladies' overnight bag. It has loud speaker, dry battery tubes, A and B batteries, dial, volume control, built-in loop, and, as a matter of fact, everything which is in the modern portable, with the exception of superheterodyne circuit and the modern economical dry battery tube.

I dislike very much to take issue with Dr. Caldwell, for whom I have the highest regard, but I believe that you should have the facts.

E. F. McDonald, Jr.
P. S. I will greatly appreciate your returning this 1928 catalog to me, as it is the only copy I have of this number. Many thanks for your cooperation.

NEW BATAVIA STATION

J. E. Corbett, Helen Neville Already Set for Staff

Batavia, N. Y., Dec. 17. New 250-watt, WBTA, to be run by Batavia Broadcasting Corp., set Jan. 1 as starting date. Work on tower was started only recently, so that date is problematical.

Outlet is 35 miles midway between Buffalo and Rochester, and will serve a largely-rural area that up to now has been serviced by those cities. New outfit has hired James E. Corbett, ex-drama head of WBEN, Buffalo, as program director, and Helen Grove, Neville as director of women's programs.

WCAU, PHILADELPHIA'S BONUS FOR DRAFTEES

Philadelphia, Dec. 17. Dr. Leon Levy, prexy of WCAU, announced last week that all employees of the station who were drafted or who volunteered would receive a sum ranging from four to 24 weeks, according to their length of service with the outlet. In addition Dr. Levy guaranteed draftees that their jobs would be waiting for them upon their return from service.

Similar assurances were given this week to personnel of WPEN by Arthur Simon, station chief, and employees of WDAS by their boss, Alexander W. Dannenbaum.

4th Engineers' Conference

Fourth Broadcast Engineering Conference is set to be held at Columbus under the auspices of Ohio State University on Feb. 10. It will be under the direction of Dr. W. L. Everitt, professor of electrical engineering specializing in communications instruction.

Speakers will include E. K. Jett and A. D. of the FCC's engineering staff. Subject of Frequency Modulation will be treated by Major Edwin H. Armstrong and Harvey Fletcher, of the Bell Telephone Laboratories.

Sponsors Ralph Grayson

New Orleans, Dec. 17. Jackson Brewing Co. has been signed by WWL for a new 13-week contract calling for two shows a week. Entitled, 'Enjoyment Time,' the show will use Ralph Grayson, tenor, and a five-piece ensemble and new guest star each week.

Grayson will also handle the narration with Frank Hennessy, doing the commercials.

WGN Enters FM Picture

Chicago, Dec. 17.

First Chicago station to receive FM authorization was WGN, which will start construction at once following FCC okay recently. Transmitter will be located on the 29th floor of the Tribune Tower, with the antenna mounted atop the new 90-foot flagpole.

This will put the antennas 575 feet above the street level and 1,165 feet above the mean sea level.

ANDRE KOSTELANETZ AND ORCHESTRA
ALBERT SPALDING NOTED VIOLINIST

in THE PAUSE THAT REFRESHES on the air GUEST ARTIST EACH SUNDAY
PRESENTED BY

Coca-Cola
Every Sunday Columbia Network
4:30 P.M. E.S.T.
COPYRIGHT 1940, THE COCA-COLA COMPANY

Now! 5000 WATTS DAY AND NIGHT
WBNX
YOUR BEST NATIONAL SPOT BUY
A NEW APPROACH TO THE NEW YORK MARKET



ED EAST and POLLY

WJZ, DAILY QUIZ
RINGING THE CASH REGISTER FOR

White Rose Tea

(J. D. TARCHER AGENCY)

Just Renewed For 1941

NBC ARTISTS SERVICE
RADIO CITY, NEW YORK

Don't Expect Them to Know

Compton agency received a letter last week from a listener in Ohio, submitting an entry in a contest on a program sponsored by one of the agency's accounts. Communication was forwarded by a Cincinnati station, to which a puzzled local post office had delivered it.

Entire address on the envelope was as follows: 'Care of the station to which you are listening, Cincinnati, Ohio.'

MIAMI (IN WINTER) IDEAL FOR WORK

Chicago, Dec. 17. Dr. I.Q. quiz program for Mars Candy, now airing from the Albee theatre in Cincinnati, will shift to the Olympia in Miami starting Jan. 13, proving that Lew (I.Q.) Valentine is no sucker in picking his spots. Will stick in Miami indefinitely, which means at least for the best part of the season. Account is handled through the Grant agency here.

LIMA

A Fort Industry Market

Here's a community that maintains a regular place on the list of "high spot" cities of prosperity and business activity — that is located in the midst of one of the richest farming centers of America—that offers a responsive audience listening to WLOK from dawn to midnight.

NOW OPEN FOR COMMERCIAL SPONSORSHIP:

NEWS BROADCASTS:

Direct from WLOK's own newsroom, using INS news, with Harry Jay as editor and commentator.

SPORTS BROADCASTS:

both of local events, and national sports commentary, handled by an expert and veteran staff.

WOMEN'S PROGRAMS

NOVELTY PRODUCTIONS HILL-BILLY SHOWS

—In fact, a great and widely diversified array of proved audience-holders and business-getters for any advertiser.

Here's a marvelous opportunity for spot, national and network accounts to develop, at low cost, a tremendously valuable market. When you buy radio in northwestern Ohio—

CHOOSE THE STATION THAT "HAS THEM BY THE EARS"

WLOK 1210 Kc. LIMA 250 Watts



WLOK

LIMA, OHIO

FRANKFORT STATION-TO-BE

Huddleston, Lowther, Roberts File In Kentucky

Louisville, Dec. 17. Elam Huddleston, former state official and political figure, C. F. Lowther and L. C. Roberts of Louisville obtained a charter recently to build and operate a radio station in Frankfort, the State Capitol, under the name of the Capitol City Broadcasting Co. Now appeal to FCC. Concern was capitalized at \$25,000 with a debt limit of \$1,000,000 and its charter included the right to operate stations at any other place.

ASPINWELL APPLIES SOME IDEAS AT KGKO

Fort Worth, Dec. 17. Hugh M. Aspinwall, formerly of KMOX, St. Louis, has been added to the staff of KGKO as farm program director and already the station's early morning program set-up is bringing in increased rural mail. KGKO's Dallas studio begins the day with 55 minutes of varied BMI music with light patter and a rural flavor injected by announcer Jack Thomas.

Regular and farm news interspersed with the music together with human interest stories about radio entertainers heard on the daytime and evening program, both national and local.

WEEI's Bins for Books In Boston Terminals

Boston, Dec. 13. WEEI conducting Xmas Book Drive for benefit of hospitals and other institutions. Large book bins placed at North and South train stations for commuters' convenience. Broadcasts tie in.

The Seattle Way

Seattle, Dec. 17. Through its two-year-old 'Time Klock Klub,' which hits the air over KIRO 615 to 7:15 a.m. Monday through Saturday, with Carrol Foster, announcer, emceeing, station began its annual Christmas drive for books which are distributed to hospital shut-ins.

Foster, who has been nicknamed 'Ker-nel' by his listeners, expects to best his last year Yuletide record of 2,000 books by double this number. All books are sent to KIRO and distributed by the station to charitable institutions which place them.

Philco's Simplex Offer

Sandusky, O., Dec. 17. Simplex Radio Co. stockholders will vote at a special meeting Dec. 26 on a plan approved by the board of directors, whereby the shareholders would receive a share of Philco Radio Corp. common stock to take the place of cancelled Simplex common stock. Under the proposed plan, the assets and business of the Simplex firm would be transferred to a successor company owned by Philco.

LIGHTNING'S KABC ENCORE

San Antonio, Dec. 17. Twice within two weeks lightning has struck the KABC transmitter building, both times causing the station to go off the air and damaging several of the meters. No one on staff injured either time.

WDSU to 5,000 Watts

New Orleans, Dec. 17. WDSU will start operating with 5,000 watts on New Year's Day. The station, located atop the Monteleone hotel, also plans extensive remodeling of its studios.

Scientific Thugs

Detroit, Dec. 17. One of those portable radios came in handy for jewel thieves here. During the \$140,000 robbery of Traub Brothers & Co.'s jewelry store the pair came in carrying one of the sets. They set it on the floor and tuned in on the short wave length to the Detroit police station, listening to hear if their job was being spotted.

The robbery finished they walked out, leaving the set behind, still tuned in on the police.

Radio Daffodils

San Francisco.—Warehouse workers on KFRC's amateur hour revealed in banter with m. c. Dean Maddox that he had no girl friend to whom to dedicate his song. Maddox kiddingly suggested situation should be remedied. Before 60-minute show ended, announcer Dave Schofield handed gong-ringer note from chief telephone operator giving names and numbers of nine femmes plus fact that 68 others had called in. Novice yodeler still trying to talk his way out of that one.

Minneapolis.—Station WCCO here had the mayors of Minneapolis and St. Paul issue proclamations last week designating Dec. 14 as 'Married Folks' Day' as a plug for the Columbia network program, 'Marring Club,' which Haven MacQuarrie is broadcasting from here for the time being.



WNEW DELIVERS!

6 powerful reasons why!

1. TWICE THE AUDIENCE of any other New York independent station. (Hooper-Holmes and other impartial surveys.)
2. THE NATION'S BIGGEST MARKET. (The 30-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



Small Gas Outfit (Dozen Pumps) On KMOX; May Open New Biz

St. Louis, Dec. 17.

The Site Oil Co., which operates a dozen gasoline filling stations in the St. Louis area, has become a radio time-buyer over KMOX and this move is expected to open a new field of radio users in this neck of the woods. The indie operators have shied away from the audible form of advertising but the KMOX sales staff under the direction of Ken Church effected this first breach. There are several other retail distributors as big as the Site company and it is expected they will meet the new competition with radio programs of their own.

The new program, aired every Sunday between 12:45 and 1:00 p.m., features semi-classical and musical comedy song hits and uses two widely known St. Louis warblers, Jerry Newman and Helen Wright, both of whom recently returned from a season with the International Opera Co. in Havana.

Dept. Store's 6th Year

San Francisco, Dec. 17.

H. C. Capwell & Co., owner of the largest department store in adjacent Oakland, has just renewed for another year its two huge shows over KROW, Oakland. Extended contract will make six years that the firm has sponsored programs over KROW. Two shows are the five-week 'Johnny Jump Up' strip and the Saturday morning 'Bobby Parade'. Company also participates in the 'Question Air' series originating in the store's music department, operated as a concession by Sherman Clay & Co. Capwell also owns the Emporium in San Francisco.



APPEAL

K F B I

THE PIONEER VOICE OF KANSAS
WICHITA

is
STAFFED
for SELLING

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-4:30-4:45 A.M. EST
78 Stations Coast-to-Coast

Direction EENTON & BOWLES, Inc.
Management ED WOLF, RKO BUILDING, New York

Now It's 'Skull Busters'

Lorillard tobacco starts a quiz show, 'Lawyer Q-Skull Busters', locally over WOR, New York, Jan. 7. It will be spotted at 7:15-7:30 p.m. Tuesdays and Thursdays, with Al Heller as m.c. Program will have legal angle, with a cash giveaway.

Product will be Friends and/or Briggs tobacco. Lennen & Mitchell is the agency.

Move to Make WFIL An All-Lit Property

Philadelphia, Dec. 17.

Samuel R. Rosenbaum, WFIL prexy, has filed application with the Federal Communications Commission for approval of a contract which would make Lit Brothers Store sole owner of the station. Under terms of the deal Lit Brothers would take over the entire interest of the Strawbridge and Clothier Department store in the station. WFIL was formed six years ago by the consolidation of WFIL, owned by Strawbridge and Clothier, and WLIT, operated by Lit's.

When the contract is okayed, the studios of WFIL will stay at their present location, Rosenbaum said. There will be no change of personnel except the resignation from the board of directors of those members who represented the S & C interests. Rosenbaum will continue as president and Roger W. Clipp as general manager of the station. The operation of the station will be entirely independent of the Lit Brothers store, Rosenbaum said.

WCOP, Boston, Prepares For Its New Status

Boston, Dec. 17.

WCOP has purchased 12 acres of land adjacent to present transmitter at Brighton, and will tear down present buildings of Metropolitan Driving Club to make way for three new towers, complete new ground system and directed beam at night. Chief engineer Whitman H. Hall in charge of work with acting manager Ashley L. Robinson, formerly accountant, who replaced Gerard H. Slattery, resigned.

Announcing and technical staffs will be enlarged shortly in view of operating full time by March 1, 6 a.m. to 1 a.m., since permission was granted Nov. 25. Wattage remains same at 500.

A survey will be conducted on directional beam to reach greatest listening audience in Greater Boston area.

WCAU's FM License

Philadelphia, Dec. 17.

Authority for the construction of the first Frequency Modulation broadcast transmitter in the Philly area was granted to WCAU by the Federal Communications Commission. The transmitter, expected to be completed within the next few months, will cost \$100,000, according to Leon Levy, WCAU prexy.

WFIL has also filed for FM.

CINCY BEAMING

All Units on Upbeat—Dept. Store
Airs Employees' Carols

Cincinnati, Dec. 17.

Late bids to magnet Noel shoppers stirred up gains 'all branches of time sales last week.

'Mabley' and 'Carew,' department store, took 10 minutes daily on WKRC's woman hour for caroling by the firm's group of employee vocalists. The latter also added spot announcement biz for the Tresler Oil Company, Citizens Motor Car Company ('Packard dealer'), Queen City Oil Company, all local, and Washington State Apple.

Dec. 14 Compared to Dec. 7

Network	Local	National	Total
Units	Units	Units	Units
8,835	10,533	6,886	24,234
6,520	10,488	6,810	23,816
+4.8%	+0.4%	+0.8%	+1.8%

(Included: WCOP, WKRC, WLW, WSAI)

Milwaukee Is Hopeful About The Big Stores

Milwaukee, Dec. 17.

WTMJ for the past 10 years has had a pre-Christmas program called 'Billie's Christmas' for the Ed Schuster department stores, and for the past two years WISN has had a juvenile show called 'Gimble and Ellie' for Gimbel Bros. WEMP has now joined the department store Yuletide pluggers with a daily radio serial called 'The Cinnamon Bear' for the Boston Store, so all three local stations are now providing late afternoon kid shows every day, each of 15 minutes duration—WEMP at 4:30 p.m., WTMJ at 5 p.m. and WISN at 6 p.m.

Station execs hope the toytown boozies will convince the sponsors that additional appropriations for radio throughout the year will be profitable.

KSL'S GALA MORMON PROGRAMS FOR XMAS

Salt Lake City, Dec. 17.

KSL has most intensive Christmas programming in its history with a choral service originating in the Mormon tabernacle. Combed from 12 different churches in view of the choir is composed of over 600 voices, and finishes a series of 30-minute programs entitled 'Your Hymns and Mine'. From there, KSL goes into a variety of Christmas programs including carolers, plays, Capella choruses, organ recitals and other special features.

Christmas day will find KSL leaning more heavily on the network produced shows but their big innings will be Christmas eve, with four shows with live talent and various angles of civic interest. First of the evening will be the broadcast of the lighting of the 'Star of Bethlehem' on the Hotel Utah to announce that every child in Salt Lake City has been taken care of by a 'Santa'. This is the core of an intensive promotion of a 'Sub for Santa' campaign conducted by the Salt Lake Tribune-Telegram. Entire Christmas promotion at KSL is under the supervision of production manager, with the exception of 'Your Hymns and Mine', which has been done by Ted Kimball and Harry Clarke.

Fitz Combs His Whiskers

Detroit, Dec. 17.

Leo Fitzpatrick, general manager of WJR here, takes the biggest load off parents when the Christmas season rolls around. Two of his staff, Miss Jeanette Beaupre and Mrs. Allison Tennant interview all parents on the studio staff and find out what their kids want most. At the present time one large room at the studio overflows with such items as bicycles, doll houses, expensive building sets, etc., even including a riding habit one youngster wanted.

On Dec. 23 he throws the party for the children—80 this year—with films, lunch and even nurses there to take charge of the offspring so their mothers can attend another party being given for them.

From The Production Centres

Continued from page 31

serial, 'Dear John'... Civic consciousness overwhelmed Jim Jordan (Fiber McGee) to such a degree that he accepted presidency of Enino Chamber of Commerce. Also smitten was Dick Powell, last week inducted into Los Angeles Junior C of C... Van Newkirk, Don Lee program chief, flies east Jan. 3 for meeting of Mutual net coordinators... Big Town studio audience gave out with 'Happy Birthday' to Edward G. Robinson at last week's broadcast... Sensation circles takes its two quiz shows over to CBS Coast network early next month... Jean Hershele heads for New York Dec. 20 for three weeks of gallivanting in the big town... Don Lee is on the move next week to their new quarters in Hollywood. Housewarming takes on a dual observance as Coast chain hookup on NBC for his 'Voice of Experience' for some time on WLS as the Rockies added... NBC page, Nathan Scott, dashed off a ditty for his part namesake, John Scott Trotter. It's called 'The John Scott Trot' and breaks out on Kraft Music Hall.

IN CHICAGO

Marvin Mueller and Bobby Bailey added to cast of 'Scattergood Baines', Ginger Jones and Bobbie Deane to 'Woman in White', Bill Rose and Gail Henshaw to 'Road to Life'. Evelyn Oveslake for some time on WLS as the 'Melody Maid', has been transferred to the Prairie Farmer sister station, KOY in Phoenix, Ariz... Harold Safford, WLS program director, lectured before the Austin Masonic group on 'Radio Production'... New on 'Girl Alone' are Joe Rockholt and Hugh Rowlands... Joe Amley, indie producer of 'Fire, Nightingale' and 'Knickerbocker' Playhouse shows, in the hosp recovering from bronchial pneumonia siege... Eloise Kummer, Bill Bouche and John Hodiak now with 'Helen Trent' show... John Harrington, Columbia-WBBM sports speller, will again do the narration for the American League's annual baseball film.

Quin Ryan starts his 18th year in radio this week. He started in 1923 writing a weekly show for WMAQ, comprising acts playing the Balaban & Katz Casino, and joined WGN in 1924 as program director and sports announcer... Ted McMurray takes over the production job on 'Tom Mix Straight Shooters' strip following switch of Clarence Messer to New York as NBC national production director... Elmina Roessler and Reese Taylor added to cast of 'Scattergood Baines'... Eloise Kummer, radio trouper, lectured on 'Children's Radio' subject before education class at Northwestern university last week.

Leo Curley and Patricia Dunlap added to the cast of 'Tom Mix Straight Shooters', Betty Jeffries and Karl Weber to 'Bud Barton', Henry Hunter and Maurice Cliffer to 'Arnold Grimm's Daughter'... Forest Lewis with the 'Stepmother' show... Jack McCormick handling the speller assignment on 'Design for Happiness' show... Janet Logan and John Foster, Chicago radio trouper, will be guest-interviewed on the Rosemary Wayne program on WJJD this week.

IN SAN FRANCISCO

Russ Morgan, airing from the Palace hotel, will be heard in the east on the Red midnight Tuesdays and at same time on Blue Saturdays. KFO goes la-de-da Thursdays with Frisco Chronicle assisted ed. Mildred Brown Robbins, and Ruth Dunbar Burke, Junior League, handling new 'Social Wifery' series... Dick Bertrand's producing... Ira Bue assigned to new NBC Coast weather service billed as 'Let's Go to the Show', guide to ski fans... Joseph Arnone in from New York on NBC building job... Rudy Vallee, Fannie Brice and 'Daisy' Stafford top the talent list being rounded up by Thor Smith and Bob Hall for Frisco Cal-Bulletin's annual Christmas party in Civic Auditorium Dec. 23. NBC is cooperating. Affair pulled 25,000 people last year.

J. Clarence Meyers, for past several years a KYA newscaster, has been named head of station's new publicity and promotion department. Duda Martin's orchestra of KYA added to talent donating services for Cal-Bulletin's Xmas show headed by Rudy Vallee and Fannie Brice... Art Linkletter of Roma Wine's 'What Do You Think?' finds radio profitable... has just purchased himself a couple of apartment houses... Herb Caen, 'Chronicle' columnist, getting intensive vocal workout from Coach Robert Graham. Paris in behalf of his NBC beer show... Jack Kirkwood and Tommy Harris figure their KFCR-Don Lee Breakfast Club is a success... other shows now lifting their gears... John B. Hughes, newscaster, back from Hollywood where he played himself in Capra's 'Meet John Doe'... KYA gave threw a bachelor dinner for Don Billings, turf commentator, with everyone present but Billings... who was bedded by flu a few hours earlier... Roland Drayer, NBC network, replaced orchestra leader Don Mulford, latter being called to active Army service.

Forbes Vice Brophy

Hollywood, Dec. 17.

William E. Forbes has succeeded Murry Brophy as general manager of Columbia Management of California. He turns over his post as national sales service contact for CBS on the Coast to Hal Hudson, one time continuity editor at WBMT, Chicago. Forbes, with Colburn for the past four years, previously was on the sales staff of the Don Lee network and KMPC. Ill health forced Brophy to the desert for a long convalescence.

THE MARTINS

HUGH-PHYLLIS-LO-JEAN-RALPH

Featured on

"TEXACO STAR THEATRE"

CBS-WEDNESDAYS

9 to 10 P.M., EST

Vocal Arrangements and Direction

BY HUGH MARTIN

Personal Management: FRED STEELE

9 Rockefeller Plaza, New York City

Suite 604 COLUMBUS 5-2142

When Buses Need Service

WBNS

TELLS THEM
WHERE
TO GO!

WBNS

Central Ohio's
Only CBS Outlet

JOHN BLAIR & CO.
Representatives

Local Units Zoom 19.7% m L.A.; Cluett, Peabody Renews on KNX

Los Angeles, Dec. 17.

Local units churned up a nice spurt through one week. The others rallied only enough to hold off the big red rider. New hit picked up appreciably, with KNX crowding loudest for the 52-week renewal of Cluett, Peabody's 'What's New in the Stores Today'. Local units, also cut in on KFI-KECA, landing a \$5,500 contract with Zeeman Clothing Co. for participation in late evening newscast. Outfit's weekly advertising budget of \$400 is earmarked all the way for radio.

KNX: First Federal Savings & Loan, 13 quarter-hour newscasts, 'Bob Garrod Reporting', through The Mayers Co.; Basic Foods, Inc. 65 minute programs, through Educator Publications; Modern Foods, 39 part. participations in 'Sunrise Salute' through W. C. Jeffries; Ronson Lighters, 10 transcribed announcements, through Cecil & Presbury.

KHJ: Dr. John Matthews, 52 half-hour broadcasts, through Tom Westwood, Midnight Mission, four quarter-hour programs, through Glasser agency; Brooks Clothing, six spots, through Stodel agency.

KFI: Remington-Rand (electric shaver), 13 announcements, through Leoford agency; John Morill (E-Z Serve Leaves), 65 participations in Agnes White's 'California Home', through Henri, Hurst & McDonald; Maryland Pharmaceutical, 22 announcements, through Joseph Katz.

KECA: William C. Baker Soy Bean Bread, 13 quarter-hour broadcasts of 'Family Doctor', direct; Zeeman Clothing, 22 quarter-hour broadcasts of 'Calabogie' and 'Kings', through Lockwood-Shackelford; Amber Lion Hair Tonic, 24 participations in Art Barker's 'Notebook', through Charles Mayne; Sweetheart Soap, 39 quarter-hour newscasts, through Franklin Ray.

KFWB: Furnibell Clothes, 28 announcements, through The Mayers Co.; Mission Pak, 14 announcements, through Dana Jones; May Co., 15 spots, through Milton Weinberg; Polix Chevrolet, 14 announcements, through The Mayers Co.

Dec. 14 Compared to Dec. 7				
Network	Local	National	Spots	Units
12,389	10,317	2,335	25,041	14,424
8,621	2,272	2,317	23,317	+0.2%
+19.7%	+2.8%	+7.4%		

(Included: KECA, KFI, KFWB, KHJ, KNX)

VARIED XMAS PLUGS POISE DETROIT UNITS

Detroit, Dec. 17.

Business here continued to mark time last week, although the loss of some spot business, going off during the Christmas competition, was more than compensated by sales in the second field.

The next balance was preserved for those accounts going off after until renewals after the first of the year by their replacement with such added Christmas business as Chrysler's Dodge and Plymouth accounts, Remington Rand's planning of type writers, and plentiful business from department stores and jewelers.

Dec. 14 Compared to Dec. 7				
Network	Local	National	Spots	Units
9,375	11,952	4,855	26,152	9,375
3,932	11,498	4,733	26,073	-0.2%
+0.3%	+1.9%	+0.3%		

* No change. (Included: CKLW, WJLB, WJR, WABC, WJZ, WXYZ)

Parr Soap's Interviews In Neighborhood Stores

Spokane, Dec. 17.

'Meet the Missus' on KHQ, locally produced and written, for a national account (Parr Soap) with a new line of apparel in the afternoon. Handled through the office of Tom-Maschke & Elliott of Oakland.

Portable recording equipment used at neighborhood stores, customers answering questions, and receiving group orders in the morning, and put on the air in the afternoon. Three quarter-hour periods weekly. New for the Coast, and Well received here.

SEATTLE UNITS OFF

Web Figure Only Gains—Total Big Drops 0.5%

Seattle, Dec. 17.

The Seattle spot lacks color this time, with web units the sole gainer. Total was off by 0.5%.

Dec. 14 Compared to Dec. 7				
Network	Local	National	Spots	Units
5,830	10,256	761	16,847	5,830
1,058	1,358	160	16,941	+0.4%
-0.4%	-1.1%	-2.4%		

(Included: KIRO, KO, KSKC)

Washington Cooperative Egg & Poultry Association, largest of kind here, has spread on Northwest coverage with a weekly daily hour show, 'The Musical Handy Man'. Already sponsoring a daily morning news strip over KJR, co-op on evening songs, household hints and patter by Eddie Lee over KOMO. 'Musical Handy Man' was an act at the New York World's Fair this summer.

SANTA OKE TO SAN ANTONIO

San Antonio, Dec. 17.

With Christmas big in full swing, totals have taken an upward turn. Last week's downward trend in reports that never in its existence has it read spot announcements on its Sunday morning programs, but with this year's added commercials, has found it necessary to utilize this program.

KABC units dropped last week when the station was forced off the air due to a bolt of lightning striking the transmitter.

City is in the midst of a campaign for and against the city manager plan of government, with added revenue going to all stations.

Charles Ballhough, assistant manager of KTSB, made a business trip to Houston, Fort Worth and Dallas.

KABC: Through Mutual network, Professional Championship football game for Gillette Safety Razor Co.; National Wine Stores, sponsorship of the main event; downer boxing show here; Martin Neal Motor Co. announcements on the new American; First Federal Savings & Loan Association, five-minute transcribed program, 'Interest' stories, broadcasted Friday via Coughler-Mueller-Grinstead; Dairyland Creamery, three spot announcements per week; KONO: Maverick-Clark Co. spot announcements; Jiffy Ice Stores, quarter-hour studio program, one per week.

KMAC: Additional 30 minutes for the Aztec Furniture Co. Amateur Hour which is holding its 'Blue Ribbon Hour' to determine the winners. Will run for the full hour the next three weeks.

WOAI: Joske Music Center, one announcement per week, through the United Agency; Stewart Title Co., two announcements per week for four weeks; direct; Tower Cafe, two 100-word announcements per week for 52 weeks; The Clegg Co., one announcement per week; direct; Sears, Roebuck, three announcements per week; direct; Tower Cafe, two 100-word announcements per week on the Texas Quality Network for Imperial Sugar Co. through Tracy-Locke, Dawson.

Dec. 14 Compared to Dec. 7				
Network	Local	National	Spots	Units
6,305	8,943	1,365	16,673	6,305
7,742	8,628	1,207	16,837	-0.6%
-0.6%	-1.3%	-7.7%		

(Included: KABC, KMAC, KONO, KTSB, WOAI)

Xmas Carols Sold

Buffalo, Dec. 17.

Half-hour before midnight on WBBM, 'Christmas Eve' has been ticketed by Wm. Hengeman, department store, for carols.

Just before midnight mass.

Dentist Sponsors Hillbilly

Spokane, Dec. 17.
Dr. David Cowen, owner and manager of the Peerless Dentists, has just signed with KHQ for a series of night-time hour shows, the 'Rambling Troubadors', with a cast of seven hillbilly musicians.

Show will be aired Sunday evenings.

Denver Civic Assn.

Air Try Blossoms Into Yr. on KFEL

Denver, Dec. 17.

The South Denver Civic Association renewed their six-a-week quarter-hour show, KFEL, extending a months trial to a full-year contract. Programs are broadcast from the South Broadway shopping center in front of member stores and are built around a question-and-answer wheel game, originated by Denver Wheel agency of Denver. Merchandise orders are prizes—60 cents to \$25 for one answer.

The big sale on KILZ was 195 quarter-hour newscasts, five a week, on National Biscuit Co. and KOA started a new program, '30 Seconds to Go', one a week for 40 weeks, for the Bay Petroleum.

KFEL: South Denver Civic Association, through Ted Levy agency, six quarter-hours weekly, 11 months; Rocky Mountain Beverage, through Russell Comer, the 'Jimmy Allen' program, five quarter-hours weekly, six months; Rudolph Soap, 10 half-spots; U. S. Drug, through Max Goldberg, two announcements daily, one year, and three weekly, two months; Home Public Market, through Ted Levy, three three-minute weekly, to Christmas; Cramer's Food Court, through Ted Levy, three five-minute weekly, one year; National Fuel Co., through Woolley & Hunter, one newscast weekly, three months; announcements to A-One Cleaners, Hal Motor Freight Co., L. Muller's Cleaners, Pike's Peak Fuel Co., C. & D. Co., Dale's Service Station, Jewel Music Store and Studio, D. U. Service Station, Chapin Lumber Co., Eldridge Entertainment House, W. Hamilton Jewelry Co., Kamp Furniture Co., and Atlas Leather Goods Manufacturing Co.

KOA: Bay Petroleum Co., through Raymond Keane, 30 quarter-hour, '30 Seconds to Go'; Martin Bros., through Raymond Keane, 14 announcements; Dwarves Corp., through Buchanan Bros., 28 announcements; Korte Jewelry Co., through Raymond Keane; 21 announcements.

Dec. 14 Compared to Dec. 7				
Network	Local	National	Spots	Units
8,270	4,454	1,523	14,247	8,270
8,270	4,462	1,571	14,253	+0.6%
-0.2%	-0.3%	-3.1%		

* No change. (Included: KFEL, KILZ, KOA, KVOD)

Active National Spot Accounts (According to Reports from VARIETY'S 'Radio Market Cities')

Account	Agency	Time Purchases
Bond Clothing	Neft-Rogov	Announcements
Salvo Growers of Am.	Lord & Thomas	5-Min.
Blackwell Cereal (Malt-Meal)	H. W. Kantor	1-Hour
Chrysler Corp. (Plymouth)	J. Stirling Getchell	Announcements
Coca-Cola	D'Arcy Adv.	1-Hour
Compagnie Parisienne	Northwest Radio	5-Min.
Dodge Motors	Ruthrauff & Ryan	Spots
Ex-Lax Co.	Jos. Katz	Announcements
General Cigar Co.	Federal Adv.	1-Hour
Marlin Razor Blades	Craven & Hedrick	Announcements
Monarch Coffee	W. B. Ross	Participations
Morton Salt	Klau-Van Pietersom-Dunlap	Announcements
North American Accident Ins.	Franklin Bruck	Participations
P & G (Oxydol)	Blackett-Sample-Hummert	1-Hour
Par Soap	Tomashke-Elliott	Participations
Remington Rand	Leoford Adv.	Spots
Roma Wine	Cesana & Assocs.	Spots
Salemo-Megowen Biscuit Co.	Ruthrauff & Ryan	Announcements
Southern Pacific RR.	Schwimmer & Scott	Participations
Wesson Oil & Snowdrift	Lord & Thomas	1-Hour
S. W. Woolworth	Fitzgerald Adv.	Time Signals
Hub Dept. Store	Lynn Baker	Announcements

(E. I. du Pont de Nemours & Co. (BBD&G) was erroneously reported in the Oct. 14 half-hour spot programs. The company is currently using chain breaks.)

DEPARTMENT STORES BUYING RADIO TIME LAST WEEK

Store	City	Time Purchases
Isaac Benesh Dept. Store	Baltimore	Spots
Campbell Dept. Store	Los Angeles	Announcements
Hammer	Baltimore	Spots
May Co. Dept. Store	Denver	Spots
Solo-Serve Dept. Store	San Antonio	Announcements
Wolf & Marx Dept. Store	San Antonio	Announcements

All Units Off in N. Y.; Foreign Ann for Adam Hats on WBNX

DES MOINES QUIET

Local, National Spot Still Off—Total Gains Slightly

Des Moines, Dec. 17.

Biz continues its snail pace in the Des Moines, the only action amounting to contributions via the web. Local and national spot perked up a bit, but not enough to shake off that minus sign.

Dec. 14 Compared to Dec. 7				
Network	Local	National	Spots	Units
8,310	3,203	3,169	14,679	8,310
8,100	3,228	3,215	14,543	+2.6%
-0.8%	-1.5%	+0.9%		

(Included: KRNK, KT, WHO)

BLURBS HELP CHI FIGURES

Chicago, Dec. 17.

Announcements continue to supply the bulk of additional business around the stations at this time. Most of the shows are seasonal contracts, but the stations are picking up considerable gray in short series of station-break announcements, 13 weeks; Ledy Bros., through Young & Rubicam, one-minute station-break announcements, 48-week contract.

WGN: The Charles Marchand Co., through M. H. Hackett, 70 half-minute announcements weekly, 52 weeks; Rickey's (restaurant), through Lew King agency, two one-minute announcements daily, except Sunday, 13 weeks.

WMBM: Agfa Anasco, 15 minutes weekly, through Young & Rubicam; Walgreen Co., special series of time signals, 35 announcements weekly, through Schwimmer & Scott; Andes Candies, special Christmas series of time signals, through McJunkin agency.

WIND: Joy Candy Shops, special Christmas series of 50-word announcements, through Malcolm-Howard agency; Newark Co., 20 announcements weekly until further notice, through Malcolm-Howard; Albert Laundry, 11 announcements weekly, through Malcolm-Howard.

Dec. 14 Compared to Dec. 7				
Network	Local	National	Spots	Units
9,885	6,201	11,111	27,167	9,885
9,825	6,120	11,088	27,033	+0.3%
+0.3%	+1.3%	+0.2%		

(Included: WGN, WIND, WJLD, WLS, WMAQ)

With the exception of the network figure, which remains unchanged, all Gotham units fell back from the previous week's ratings. National spot managed to remain about the same, but shed nearly eight percent on the way down.

WBNX: Adam Hats, 24 one-minute spots weekly in Polish, Spanish, Italian, Jewish, Fairmount, but shed nearly eight percent on the way down. WBNX: Adam Hats, 24 one-minute spots weekly in Polish, Spanish, Italian, Jewish, Fairmount, but shed nearly eight percent on the way down. WBNX: Adam Hats, 24 one-minute spots weekly in Polish, Spanish, Italian, Jewish, Fairmount, but shed nearly eight percent on the way down.

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(Included: WGN, WIND, WJLD, WLS, WMAQ)

High School Clash On Seven-Station Network

San Antonio, Dec. 17.

A special post-season game was aired through a special web of stations throughout the state under sponsorship of the Metropolitan Petroleum Co. Game was between Jeff Davis High for Houston and the team from Corpus Christi, played at Rice stadium, Houston. Play was called by a Texas local color by Harfield Edwards.

Game was aired through KTRH and KXYZ, Houston; KRIS, Corpus Christi; KNOW, Austin; WTTA, here; KRVG, Weslaco, and WFDH, Beaumont.

KSTP's METRO BLURBS

Minneapolis, Dec. 17.

KSTP's cooperation with local theatres brought it a five-day exclusive Twin Cities announcement contract from M-G-M for 'Escape!'. Film distributor bought 22 station breaks through Edward Petry, the station's national representative.

KSTP cooperates with more than a dozen leading local theatres, exchanging radio time for screen trailers.

ASCAP Jrs. Take Up the Fight

The younger generation is going to know all about the fight between the American Society of Composers, Authors and Publishers and the broadcasters if sons of writer-members of the Society have their way about it. And it will be slightly colored in favor of the songwriters. Banding together as ASCAP Juniors, sons of tunesmiths will pepper the pages of their high school and collegiate publications with propaganda, giving the side of ASCAP with a plea for the ethering of the nations popular tunes.

Among ASCAP's defenders are the sons of Gus Kahn, L. Wolfe Gilbert, Harry Tobias, Jimmy McHugh, Lew Porter, Shelton Brooks, Dave Dreyer, Rudolf Friml, Nacio Herb Brown, Jack Robbins and Nathaniel Shilkret.

NBC Disc Contract For Writers

Present Situation Focuses Attention on Lack of Provisions for Payments

If writers without ASCAP or Songwriters Protective Ass'n affiliation want to have their unpublished numbers recorded by NBC's radio-recording division they must sign a release which does not guarantee them any compensation. Under the contracts usually given, writers by established publishers the former get \$1 2/3 to \$5 a year for royalties on transcriptions. The publisher handling the copyrighted number is paid a flat fee of \$15 per year for sustaining uses plus 25c per station per performance for commercial uses.

No provision is made in the release for the amount to be paid the writer. Facsimile copy of the release follows:

National Broadcasting Co.,
30 Rockefeller Plaza,
New York City.
Gentlemen:

The undersigned, in consideration of the payment to him hereunder and of other valuable considerations, hereby grants you a license to record and use the musical works entitled: (Title of Tune) on electrical transcriptions for the purpose of reproducing mechanically and/or electrically the said works and for the purpose of licensing, selling, or otherwise disposing of the same for broadcasting (including television) purposes and to use and license the use thereof for public performances for the purpose of recording and use of your sole discretion may approve.

The undersigned covenants and agrees that the work herein transferred to be unpublished; that the undersigned has the full right and power to make this agreement; that the right and use herein granted is to continue in the event said works are published and copyrighted without any additional payment other than that made to the undersigned under this agreement; that the undersigned will indemnify and hold harmless you and the operators of other broadcasting stations performing or broadcasting said works by means of such electrical transcriptions from and against any and all liability, loss or damage by reason of any violation of proprietary right or copyright or any unlawful matter contained in said works arising out of such broadcast performances or recordings.

(Signature).....(L. S.)

Files Suit Over 'Nola'

Nola Music Publishers, Inc., filed suit Monday (16) in the N. Y. federal court against Sam and Harry Fox, doing business as the Sam Fox Publishing Co., seeking an injunction, accounting of profits, and damages against the publication by the defendants of the song 'Nola.' Plaintiffs claim this song infringes a song of theirs, entitled 'Banjo Dance.' Composer trouble would seem to be the basis for this suit, the same author, Felix Arndt, wrote both songs. Plaintiff's song was written in 1913, while Arndt was in the employ of M. Witmark and the work was transferred to the plaintiff July 20, 1939. Subsequent to that date, the defendants published 'Nola,' which was written by Arndt in 1916, and which contained 'certain parts of 'Banjo Dance,' notably a 'trio.' Complaint alleges that the defendants state they acquired the song from Arndt and were going to publish it. A court decision on 'Nola' is sought.

Earl Freshman, Former ASCAP Atty., a Suicide

Syracuse, Dec. 17. Earl I. Freshman, 48, officer of Ben-Earl Publishing Co., independent music publishing house, veteran attorney, and for many years upstate N. Y. legal representative of ASCAP, died of a self-inflicted bullet wound here last week. Freshman, reported in ill health, left notes indicating he was afraid he would have to go to an institution. He had spent two sleepless weeks.

In the past year he had concentrated largely on his music business, in which he was associated with Milton Davidson, known professionally as Jay Milton. He was scheduled to go to New York with Davidson relative to some new contracts. When he failed to put in an appearance at the railroad station, Davidson investigated and found him unconscious in his office, with a bullet wound in the head and a vital, believed to contain poison, nearby. He died 24 hours later.

He had prosecuted and won a number of important ASCAP test cases in this vicinity prior to severing his connection with the organization. He had been in amateur theatricals as a comic and had written and published two humorous books.

SLAP DAVILLA WITH \$4,500 COSTS

Costs of \$4,500 were slapped on Joseph John Davilla in the N. Y. Federal court Wed. (11) as an aftermath of his unsuccessful suit against half the music world in which damages approximating \$1,000,000,000, were sought. Plaintiff claimed his song 'I I Were a Spider and You Were My Fly' was plagiarized in 'The Desert Song,' and sought \$250 statutory damages for each public playing.

The Federal court tossed out the action about a month ago, with the defendants in the action being NBC, CBS, WMCA, Marcus Loew Booking Agency, WOR, Sigmund Romberg, Oscar Hammerstein, II, Harms, Inc.; Warner Bros. Vitaphone, Inc.; Brunswick-Bell-Columbia Co., and Columbia Record Corp.

WATL Band Remote

Atlanta, Dec. 17. First network program to originate in Atlanta is now being heard at 11:15-11:45 Tuesday nights and 1:00-1:30 Saturday afternoons over Mutual via WATL from the Rainbow roof of the Ansley hotel.

Bobby Peters' band is the current entertainment. Barney Oakes, of the station staff, is announcer.

Metro's Demands for Unlimited Sync Rights Unpopular With Composers

WANTS HIS WIFE HOME

Guitarist Turned Accountant Ends Wife-Singer's Travels

Boston, Dec. 17. Arlyne Hudson, ex-Jerry Blaine, singer, replaced Phyllis Kenny with Will Hudson outfit. Reason: Phyllis Kenny married Joel Livingstone, formerly Van Alexander's guitarist but now New York City accountant, who insists bride remain by his side.

Miss Hudson currently (18) at Syracuse Hotel, Syracuse, N. Y.

'REFORMS' IN ASCAP DUE

The 'clean house' within ASCAP is a new keynote but everything is marking time until the battle with the broadcasters is adjusted.

Writers particularly state that a new classification system may result from the BMI attacks on the Society's present setup, but at the moment the ranks are united in a common cause.

From the publishers' viewpoint, certain reforms are also mentioned, but here again the common weal, under present stress, is the dominant chord.

'DARLING NELLIE GRAY' NOT STEPHEN FOSTER'S

Westerville, O., Dec. 17. Half a century of controversy over authorship of the ballad, 'Darling Nellie Gray,' has ended with Benjamin R. Hanby being officially acknowledged as the composer. The ballad, erroneously called a work of Stephen C. Foster because it so greatly resembled in sentiment Foster's work, was written by Hanby in 1850 while he was a freshman at Otterbein College in Westerville. However, publishing houses and even the Encyclopedia Americana had listed 'Nellie Gray' among Foster's songs. Finally a local resident challenged these statements, and recently the Hanby state memorial in Westerville received official notice from the Stephen Foster memorial in Pittsburgh that Hanby—and not Foster—wrote the ballad.

Despite his relative obscurity, Hanby composed numerous songs, including the hymn, 'Who is He,' and the Christmas song, 'Up on the Housetop.'

Metro is faced with growing opposition from name writers and publishers when it comes to buying new tunes for its pictures. Charges made by these sources is that the producer has been gradually extending its rights whenever making such deals to the point where it now demands unlimited synchronization privileges plus authority to take transcriptions of the tune without the payment of extra fees.

By acquiring unlimited synchronization rights the picture company would be free to reuse the composition any time it wishes without further compensation to the writer. Under the usual practice the synchronization rights granted to a picture company on a number are restricted to a particular picture.

It is reported that the foregoing situation has much to do with the failure of MGM to close with Jerome Kern and Oscar Hammerstein for the rights to incorporate 'The Last Time I Saw Paris.' An offer of \$100,000, some a bit of a short haul, has been made by Metro for the tune.

Arrangers Pact Nears Signature; Duration Not Set

Committees representing the Music Publishers Protective Association and the New York musicians union have agreed to all but two provisions in the new contract for arrangers, copyists and proofreaders. Most important thing yet to be settled is the length of the agreement. Other angle has to do with payment of social security, and that merely concerns legalistic phrasing preferred by the union; and publisher's member be worked out between the two organizations' lawyers.

The present contract on arrangers runs its two-year course Dec. 31, and the publishers would like to have the new agreement prevail for as many as five years.

Camilla Frydan Song Is Published by BMI; She Was Vienna Great

BMI on Monday (16) published the first tune written in America by Camilla Frydan. It's labeled 'One Kiss for Tomorrow' and has lyrics by Arthur Gamse. Mrs. Frydan, who came to this country about a year ago, was one of the founders of Autoren, Kompositoren Musikverleger, Austrian equivalent of the American Society of Composers, Authors and Publishers. AKM has been consolidated since the Anschluss with the German performing rights society.

Femme was one of Vienna's best known composers for more than 20 years. She's the author of about 250 songs, 14 operettas, two children's operettas and six revues. She also operated a large Viennese publishing house, Frydan Verlag, being both a writer and publisher's member of AKM. In addition to publishing its owner's own work, the firm distributed the music of such w.k. writers as Franz Lehár.

Once extremely wealthy, Mrs. Frydan lost her \$250,000 fortune in a musicomedie temper and film player in Europe, and her sister, a vocal teacher, escaped to America via an airplane to Switzerland piloted by Hans. She's been earning a minor living recently by playing and singing Viennese tunes, many of them Mrs. Frydan's, in a small New York restaurant.

Mrs. Frydan recently learned from a friend who arrived in this country from Germany that one of her most successful revues, 'The Big Drum,' which ran for more than 600 performances in Vienna, is now playing in Berlin. Its title and authorship have both been twisted to remove the non-Aryan 'tain'.

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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 service (7-10 P.M.) not charged. Larger amount designates weekend and holiday prices.)

Band	Hotel	Weeks Played	Covers per Week	Total Covers
Will Bradley	Biltmore (300; \$1-\$1.50)	5	775	4,150
Eddy Duchin	Waldorf (500; \$1-\$1.50)	14	700	13,300
Sammy Kaye	Commodore (500; 75c-\$1.50)	8	1,200	12,275
Ray Kinney	Lexington (300; 75c-\$1.50)	31	1,350	40,475
Guy Lombardo	Roosevelt (500; \$1-\$1.50)	10	950	11,525
Abe Lyman	New Yorker (400; 75c-\$1.50)	9	1,300	14,075
Glenn Miller	Pennsylvania (500; 75c-\$1.50)	10	2,170	19,795
Tony Pastor	Lincoln (225; 75c-\$1.50)	11	300	4,450

*Asterisks indicate a supporting floor show, although the band is the major draw.

On the Upbeat

Bob Chesler opens Tolem Pole Ballroom, Auburndale, Mass., Dec. 20-27, and following day (28) goes into Raynor Ballroom, Boston, for three weeks with network wire.

Bob Knight band shifts to the Drake Hotel, Chicago, Jan. 14. Outfit wound up six months at Cafe Pierre, N. Y., Monday (16).

Chauncey Horton, trumpeter, goes back to Ella Fitzgerald's band after two months' stay with Benny Carter's. Replaces George Dorsey.

Harry James' band gets the two weeks at the Paramount theatre, New York, between Tommy Dorsey and Glenn Miller. James opens Jan. 8 or 15.

Bobby Saraff, former trumpeter with Max Adkins' Stanley theatre, Pitts., pit band, now with Johnny Long's band at Roseland Ballroom, N. Y.

Ban Wilde gets four week shot at Paxton hotel, Omaha, opening Feb. 4.

Billy Catsons, who used to have a Stratos Quartet at William Penn Hotel, Pittsburgh, has organized his own dance band and opened an engagement Friday (13) in that city at Yacht Club. Placed by Music Service, Inc.

Don Martone band, fronted by Don Mario, opens indefinite stay Thursday (19) at El Chico, Pittsburgh, succeeding Don Armando outfit.

Gilbert Mullen, who played in many Vancouver orchestras, is now a first-class operator in the R.A.F. Ballroom Barrage Squadron in England.

Lee Allen succeeded Billy Yates in the bandshell of the Gray Wolf Tavern in Masury, near Youngstown, O.

Harriet Hillard and her husband, Ozzie Nelson, are guests on this week's 'Life With Father' transcribed quarter-hour broadcast over various stations to plug legit play of same name. It's the first time a woman has been featured in the 'Famous Fathers' series. Morton Downey guest on previous week's platter.

George Stierney replaced Art Herbo band in the Dorado Room of the Commodore Perry Hotel, Toledo, O., Dec. 17.

Charlie Haffline left Charlie Barnett for first trumpet chair with Will Hudson, replacing Carl Warwick, who joins Bud Freeman. Dick Brobst takes over hot tenor spot from Bob Dukoff.

PETRILLO ENDS BRIEF BAN ON ARMY MUSIC

American Federation of Musicians, through president James C. Petrillo, granted an okay for U. S. Army bands to be picked up by the networks from army camps, late Monday night (16). Petrillo had cracked down Saturday (14) on an MBS pickup from Fort Dix, New Jersey, which was to have included music played by the 104th Engineers band. Show was the first of a regular series of programs emanating from that point. Petrillo based his ax on a ruling made by Congress several years ago which banned Army or Navy bands from competing with regular musicians.

GIVES HIMSELF UP

George Murk, Union Head, Reports Leaving Accident Scene

Minneapolis, Dec. 17. George E. Murk, 46, president of the Minneapolis Musicians, union, appeared voluntarily at police headquarters and admitted that he was the driver of a hit-run car which critically injured a 72-year old pedestrian and for whom the police were hunting. Murk was taken to city jail, booked for failing to stop after an accident and arraigned in traffic court where no plea was entered. He was released on his personal recognizance to appear in traffic court this week.

The accident occurred while Murk, according to his story, was en route home from a union business meeting. He says he was very tired and momentarily fell asleep at the wheel. While he felt a thud as he came to his senses, he asserts, he didn't realize that he had hit anybody. When he read the account of the accident and saw that his personal recognizance to appear in traffic court was denied, he realized the next day that he must have been the driver, he says.

INA RAY HUTTON FILES SYRACUSE WAGE CLAIM

Ina Ray Hutton has filed claims for \$4,000 in unpaid salary and \$2,500 damages with the American Federation of Musicians against the Syracuse hotel, N. Y. Claims stem from her disagreement with the hotel's owners which resulted in her band's five-week, date at the spot head terminated in 10 days. Her salary demands cover the period between her actual exit and the time she was supposed to bow out. The \$2,500 is being asked for breach of a written contract.

Miss Hutton's band went into the Syracuse Nov. 9 and left Nov. 19 after the hotel management had relayed complaints of insubordination through the Syracuse local to James C. Petrillo, head of the AFM. Petrillo suggested to Music Corp. of America, her booker at the time, that the band be removed. Terry Shand was substituted.

Leader has since transferred from MCA to Wm. Morris agency.

Terry Shand's Appeal

Terry Shand has requested the American Federation of Musicians to reopen a case involving himself and General Amusement Corp. which had been decided months ago in GAC's favor. Shand's band was for a time under GAC management. If left owing GAC some \$300 in monies loaned for arrangements and, according to the agency, \$107 advanced for transportation to a date GAC booked. Money was paid when Shand took his outfit elsewhere and GAC filed a claim with the AFM. It was won by them by default.

Shand was out of town and never got notice the case was coming up, he explains. He admits owing GAC the \$300, but claims that the transportation item should not be paid by him. Agency was given notice the case has been reopened and has 10 days to file a rebuttal to Shand's claims.

Johnny Messner played a once night at the Trianon Ballroom, Toledo, O., 13.

HARD LUCK DAY

Pablo In Smash-Up—New Singer Knows Only ASCAP Tunes

Cleveland, Dec. 17. Nearly all of the instruments in Don Pablo's band were smashed or badly bent when coupling of his auto-trailer, carrying them broke loose, piling it into a ditch on the outskirts of Port Clinton, O.

Damage was estimated at \$1,200 by Pablo who found that the only thing left intact in his portable Hammond organ was the keyboard. Accident happened last Thursday (12), about six hours before he was due to open a engagement at Monaco's Cafe, Cleveland.

His musicians barely had time to get some of the worst bumps ironed out of their horns, borrow instruments from band friends, before opening. A music store proved to be a good samaritan by sending over one of its small electric organs for the leader, who ran into more trouble at a hurried quick rehearsal. It was the first time he had met his new vocalist, Betty Ann Simms, whom MCA had auditioned in New York and picked for his outfit. Singer blew in with a portfolio of ASCAP songs, which couldn't be aired from cafe, so every number had to be changed at last minute.

Opening came off okay but Pablo is convinced that Thursday night, not Friday the 13th, was the unluckiest day in the year for him.

Campus Ballroom Is Doing the Polka Half the Nights

Detroit, Dec. 17. Campus Ballroom, despite the collegiate name, is currently celebrating its 13th anniversary here as an old-time dancing center. Eddie Dreyer, who used to be an orchestra leader and still works at it, decided to give up the footloose end of the business years back to become a dance hall owner—and the work is steady for his band.

On three nights a week the ballroom holds its old-time dances featuring such stuff as square dances, waltzes, polkas, schottisches, badger-gott, fry waltzes and circle two-steps. This not only pulls out the old-timers and foreign groups which are plentiful here but has built up a fair patronage among the younger fry who'll try anything. On other nights Dreyer leads his band in swingtime.

Dreyer also is the owner of the Garden Center ballroom in Detroit which his wife manages.

Auto Ride Brings Death

To Missouri Musicians

St. Louis, Dec. 17. Joe Ed Frieze and John Graham, residents of Clinton, Mo., and members of a dance band were killed last week in an auto accident near their home town. The car in which Frieze, Graham and five others were riding failed to make a curve at the junction of Highways 13 and 35 at the north edge of town at 3:30 a.m. Two other of the tooters were knocked unconscious and others suffered cuts and bruises. Graham was maestro of the band which was returning from a nifty engagement near Clinton. In addition to playing in the dance band the dead youths were members of the Municipal band in Clinton.

SKIRT SNAG FATAL

Girl Singer Dies—Companion Also Traffic Victim

Detroit, Dec. 17. Two members of Earl Gardner's orchestra were killed in a freak traffic accident late on Dec. 9 after finishing the night's work at Coral Gables, Lansing, Mich.

Miss Ardean Good, 19, the singer with the orchestra, and Francis Marley, 20, a musician, were crossing the highway in front of the nifty when her dress was snagged by a passing car. Marley went to her assistance and they both were thrown under the wheel of another automobile. She was killed instantly and he died the next day.

Marley was a resident of Upland, Ind., and Miss Good lived in Fort Wayne.

15 Best Sheet Music Sellers

(Week ending Dec. 14, 1940)

Nightingale Sang In Berkeley Sq.	S-B
Ferryboat Serenade	Robbins
Down Argentina Way (Down Argentine Way)	Miller
We Three	M-M
There I Go	BMI
Only Forever (Rhythm on the River)	Santly
Along the Santa Fe Trail (Santa Fe Trail)	Harms
God Bless America	Berlin
Trade Winds	Harms
You've Got Me This Way (You'll Find Out)	Feist
Dream Valley	Chappell
Blueberry Hill	M-M
Shout, I Am an American	Southern
Frenesi	BVC
He's My Uncle	BVC

* Filmstock.

10 Best Sellers on Coin-Machines

(Records below are grabbing most nickels this week in jukeboxes throughout the country, as reported by operators to VARIETY. Names of more than one band or vocalist after the title indicates, in order of popularity, whose recordings are being played. Figures in parenthesis indicate the number of weeks each song has been in the listings.)

1. Down Argentina Way (3)	Bob Crosby	Decca
	Leo Reisman	Victor
	Gene Krupa	Columbia
2. We Three (3)	Inkspos	Decca
	Tommy Dorsey	Victor
	Inkspos	Decca
3. Maybe (3)	Inkspos	Decca
4. Only Forever (3)	Bing Crosby	Decca
5. There I Go (3)	Tommy Tucker	Okkeh
	Will Bradley	Columbia
	Woody Herman	Decca
6. Two Dreams Met (2)	Tommy Dorsey	Victor
	Eddy Duchin	Columbia
7. Rhumbogie (3)	Andrews Sisters	Decca
	Woody Herman	Decca
8. Dream Valley (2)	Sammy Kaye	Victor
	Frankie Masters	Okkeh
9. I Give You My Word (2)	Al Kavelin	Okkeh
	Eddy Duchin	Columbia
	Jack Leonard	Okkeh
10. Nightingale In Berkeley Sq. (1)	Glenn Miller	Bluebird
	Sammy Kaye	Victor
	Kate Smith	Columbia
	Jack Leonard	Okkeh

DISKS GAINING FAVOR

(These recordings are directly below the first 10 in popularity, but growing in demand on the coin machines.)

Falling Leaves	Jimmy Dorsey	Decca
	Wayne King	Victor
Now I Lay Me Down to Dream	Andy Kirk	Decca
	Guy Lombardo	Decca
	Bob Chester	Bluebird
One I Love	Tommy Dorsey	Victor
Santa Fe Trail	Sammy Kaye	Victor
	Dick Jurgens	Okkeh
	Guy Lombardo	Columbia
	Kate Smith	Columbia
Let's Be Buddies	Eddy Duchin	Columbia
	Leo Reisman	Victor
	Bonnie Boswell	Decca
Frenesi	Artie Shaw	Victor
	Woody Herman	Decca
Last Time I Saw Paris	Leo Reisman	Victor
	Kate Smith	Columbia

MIDWEST

1. Down Argentina Way	Bob Crosby	Decca
	Leo Reisman	Victor
	Woody Herman	Decca
2. There I Go	Tommy Tucker	Okkeh
3. Santa Fe Trail	Dick Jurgens	Okkeh
	Ray Noble	Columbia
4. Sweet Molly Malone	Dick Jurgens	Okkeh
5. We Three	Inkspos	Decca
6. Isole Bella	Ray Noble	Columbia
7. Ferryboat Serenade	Kay Kyser	Columbia
8. Frenesi	Woody Herman	Decca
9. Dream Valley	Woody Herman	Decca
	Kay Kyser	Columbia
10. Trade Winds	Bing Crosby	Decca

DISKS GAINING FAVOR

Maybe	Inkspos	Decca
Moon Over Burma	Glen Gray	Decca
Nightingale Sang Berkeley Square	Amrose	Decca
Quatro Vadis	Los Morenos	Decca

Ray Noble to Strand, N.Y.

Ray Noble orchestra, out of the eastern territory for some time, has been booked for a stretch at the Strand theatre, New York. Band is to open either Feb. 7 or 14. Noble is currently at the Palmer House, Chicago, where he stays until mid-January.

Meredit Wilson, contracted to do 10 series of his concert hall series for Decca. Tunes, written by American composers for Maxwell House radio show, will be known as Album of American Classics.

WGN BUREAU BOOKS TRIANON, ARAGON

Chicago, Dec. 17. WGN Talent Division activities, with (Noel Gerzon) has exclusive booking contract for the New Year's Eve show in the nation's two top ballrooms, the Trianon and Aragon. Show will be booked through Marvin Well's desk in the Talent Division. Also underway is a move to expand the lecture bureau department, with Gerzon angling for some of the biggest names in the field.

Band Grosses on One-Nighters

Bob Chester hit a good spot Sunday (15) at the Trianon Ballroom, Cleveland. His draw of 1,962 was better than average for that room.

Bob Chester (Trianon Ballroom, Cleveland, Dec. 15). Chester marked up approximately \$1,275 at an average 65c admission with 1,962 dancers. Topped Gene Krupa's previous Sunday by nearly 300.

Ted Lewis (Memorial Auditorium, Chattanooga, Tenn., Dec. 13). Lewis had extremely fine weather as opposition, yet ran attendance below 2,000 for promoter Tommy Thompson. Price scale of \$1.10 for dancers and 75c for spectators pyramided an approximate gross of \$2,000. Op much satisfied.

Boyd Baeburn (Jacksonville, Ill., Dec. 13). Illinois College Junior Prom wound up with a \$400 take from 150 couples.

Band Reviews

CARL BONNER ORCHESTRA (10)

Book-Cadillac Hotel, Detroit.

When Carl and Leone Bonner were going to become a threesome in the spring instead of just a duo, the team Bonner looked around and decided to follow an old urge and have a band of his own. Having made a lot of friends in the nine years in show business, he had the Club Royale here lined up for his orchestra before he had fully assembled. Since last April the band has played steadily in this town, now winding up 10 weeks downstate at the Book Casino. Following plentiful party engagements here, the band moves to the Park Plaza in St. Louis in January.

Present combination consists of three sax, one trumpet, electric guitar and switch-bit, fiddle, piano, drums and bass, with Bonner taking a whack at the double piano when room is right size. He handles the straight vocals, too, with Johnny Rinaldo, featured on the electric guitar and taking care of the American and Latin style. The band goes strong for vocals, being able to whip up a trio and sextet.

The band prides itself on a good style, being, however, strongly on the sweet swing style. Its rhumbas are good, which would be expected after months here where the Spanish style is fancied. When hot style is needed a five-man swing crew of vibraphone, sax, electric clarinet and guitar is used, particularly on late broadcasts. Having worked in front of orchestras for years, Bonner also has a good, efficient show working deftly with the performers.

In striving for versatility, the band seems to lack distinction. There is nothing sharp about its performance and it is not as good as best. Contributing to this weakness probably is the ease with which the band found acceptance here for years. Evidently it is a case of the combination's present shortcoming and is going out after some novelty arrangements. The band has a good sound musicianship in an outfit boasting Earl Perkins, Zev Clay and Babe Routh, sax section; Al Green, trumpet; Loree Parsons, fiddle and guitar; Rinaldo, rhythm guitar; Frank Yakot, piano; Frank Predau, drums; and Bob Bailey, bass. Pool.

WALLY STOEFFEL'S ORCH (12)

With Marvin Dinning

Turnpike Casino, Lincoln, Neb. For two years, Wally Stoeffel, a musical product of Springfield, Mo., has been out of this territory, which was his for several years before he started eastward. He has been celebrated as is common to one who gave forth with music good enough to stamp him as the member of the top trio through enough to last a long time.

It has been two years since he last played the Turnpike, but greeted by zero weather and other discomforting circumstances, the orchestra still stepped out and garnered good money. Commenting on the band's new style band, simple in its rhythm and making it easy on the dub and polished sound, Stoeffel has a battery of arrangements and arrangers to provide him with the library meat he possesses. Harry Smith (bass) is the chief arranger. George Willhoite (piano) comes up with the rhumbas; Curt Ramsey (bass) does straight and Dixie licks; Ed Roberts (bass), the novelties. Besides Stoeffel buys outside the band from Gordon Hinkley for piano.

Singing is mostly a bit around good-looker Marvin Dinning, who solos and teams up with Smith. Ramsey and Roberts are good. All the vocals are good. Smith is the man who draws up the musical approach to them all. Stoeffel himself is a handsome Joe, graying slightly at the temples and with the appearance of a baton-handling Cesar Romero.

PHIL LEVANT ORCHESTRA

With Gene Robinson, Dec. Gordon Terrace Grill, Hotel Muehlebach, Kansas City, Missouri

No stranger in the Grill is Phil Levant. Last year he was about a year ago, and now, as then, his is pleasantly reflecting his presence. Band definitely packs a lift and the style of its own arranged mostly

over a tender background. The personnel is assorted in a 3-3-3 grouping giving a compact basis for working out the smooth dansapans. The instrumentation is varied by the tenor and alto saxes, clarinets carried in the reeds and by the reed player in the tympani. Levant fronts with his viola adding a lighter touch to the music.

Arranging is handled by Joe Kovach, pianist and Levant, and some times are cleft by Irving Rouse out of Chl. Reeds are handled by Frank Diesl, Charles Fonda and Carl Harris. Brass is confined to trumpets played by George Schuster, Milt Hubbard and Webb Riedel, and Doc Jordani, the original all-American Jack Armstrong for Wheaties. Both are handsome and both are good in delivery with appearances. Miss Robbins holds a throaty, contralto delivery, and Jordani is on the higher side of the baritone range. Quin.

Band Bookings

Inkspots & Orchestra, Feb. 18, Harrison, Ind.; Greenwald, N. C., 21, City Aud., Savannah, Ga. 26, Jacksonville, Fla.; 25, Bethune College, Daytona Beach, Fla.; 26, West Palm Beach, Fla.; 27, Harlem Square Club, Miami, 28, St. Petersburg, Fla.; March 1, Roosevelt Hotel, Jacksonville, Fla.; 4, Aud., Macon, Ga.; 5, Aud., Atlanta; 6, Aud., Columbia, S. C.; 21, Dreamland B., Little Rock, Ark.; 23, Dallas, Texas; 28, Aud., Galveston; 27, Aud., Houston; 31, San Antonio.

Lucky Millinder, Dec. 31, Olympia Hall, Philadelphia; Jan. 20, Detroit; Feb. 1, Manhattan Center, New York.

Tiny Bradshaw, Dec. 24, Arch B., Monessen, Pa.; 31, Olympia Hall, Philadelphia.

Erskine Hawkins, Dec. 25, Roanoke, Va.; 27, Strand B., Baltimore; Jan. 24, Eglrie theatre, Philadelphia; Feb. 1, Chas. E. Barnett, Jan. 4, days, State T. Hardee, Jan. 10, three days, Met. T. Providence.

Bill McCune, Dec. 23, Lord & Thomas Adv. party, New York; 25, Dec. 26, Little Rock, Pa.; 27, Manhattan Center, N. Y.

Al Kavelin, Dec. 25, party, Waldorf hotel, New York; 26, party, Reading, Pa.; 27, party, Ford City, Pa.; 28, party, Youngstown, O.; 30, Bradford T., Bradford, Pa.; 31, party, Detroit.

Count Basie, Dec. 20, Bowdoin C., Maine; 25, Madrid B., Harrisburg, Pa.

Jack Tegenader, Dec. 25, Baltimore C. C., Balto.

Benny Goodman, Dec. 31, Sunnybrook B., Potomac, Pa.; Glen Gray, Dec. 31, Potom. Pole, Annapolis, Md.

Jan Smith, Dec. 31, Aud., Worcester, Mass.

Jim Dorsey, Dec. 31, Mechanics Hall, Boston.

Roseland B., New York, Feb. 5, six weeks.

John Paul Jones, Dec. 21, Indef., 400 Club, Fort Worth, Tex.

Bunny Berigan, Jan. 3, Temple U., Philadelphia; 11, U. of Rochester, Roch. N. Y.; 47, U. of Penn., Philadelphia.

Henry Busse, Jan. 20, Capitol T., Washington.

Cats & Fiddle, Jan. 7, Sunset B., West End, Balto.

Del Courtnie, Jan. 6, Shrine Mosque, Springfield, Mo.

Vaughn Monroe, Dec. 20, Memorial Hall, Melrose, Mass.; Dec. 21, Arcadia B., Providence, R. I.; Dec. 25, Melrose Bldg., Worcester, Mass.; Dec. 27, Melrose Bldg., Worcester, Mass.; Dec. 27, Melrose Bldg., Worcester, Mass.; Dec. 27, Melrose Bldg., Worcester, Mass.

SUES CARL MOORE

Wife Asursis He Made Her Sing And She Didn't Want To

St. Louis, Dec. 17. Charging her husband, Carl "Deacon" Moore, dance band leader, forced her to trill with the band when she wanted to settle down to a life of domesticity. Mrs. Margaret Pfister Moore last week filed suit in the Circuit Court here for a divorce. Her petition alleges that traveling and parting with the band has impaired her health. She also charges that her husband declared he cared more for his music than making home for her.

The couple were married in Covington, Ky., Sept. 13, 1939, and separated last Nov. 9. Mrs. Moore asks for a divorce, support and maintenance and the restoration of her maiden name, Pfister. There are no children.

Tucker-Baker Likely For N. Y. Biltmore Hotel

Biltmore hotel, New York, apparently will continue the popular policy it recently instituted in its Bowman Room when Will Bradley's orchestra started a two-month stay. Though it's not definitely signed Orrin Tucker's band and Bonnie Baker will probably follow Bradley. Later exits Jan. 4, Tucker opening the 6th of the new season. The commercial broadcast sponsored by Yeastfoam Tablets, emanating from Biltmore. It's understood the broadcast doesn't mean Tucker to the Chicago area. It can originate from any point.

Eddy Duchin's stay at the Waldorf hotel, New York, ends Jan. 10. He'll be followed into the spot's Empire Room by Leighton Noble's orchestra now touring at the Wm. Penn hotel, Pittsburgh. Duchin one-nights his way east to replace Ray Noble at the Palmer House, Chicago, Jan. 18.

Other changes in N. Y. hotels: In January will put Jimmy Dorsey into the Pennsylvania (20) in place of the current Glenn Miller. Who will take over from Sammy Kaye at the Commodore is not yet set. Woody Herman, the opponent of the New Yorker this week (Friday).

When Kaye leaves the Commodore Jan. 4 the hotel will not replace him. It has been auditioning small eight-piece combinations to use during the dinner hour only, shattering the rest of each evening. Kaye's personal at the Strand theatre, New York, has been moved up from April to Jan. 10. He'll go in for two weeks on that and pick up another gig in August.

HIS 41ST RELECTION

Troy Union Regulars All Returned To Offices

Troy, N. Y., Dec. 17. In a closely contested election, Ralph W. Eycleshimer was reelected for the eighth term as president of Local 13, A.F.M. Anthony George was the opponent of Eycleshimer, a moving force in the campaign to winter to "bring back clean vaudeville to Troy". Incidentally, a local paper, recently answering a reader's letter asking what had happened to this widely-publicized movement obtained thousands of signatures to petitions which stated the sponsors expected something to develop after Christmas.

Eycleshimer headed the list of "regulars," all of whom defeated "independent" nominees. Three men, George A. Severance, financial secretary, Albert C. Taylor, recording secretary, and Robert Haydn, treasurer, were unopposed. Incidentally, Severance established a record, in being returned to office for 41st term. Others chosen were: Henry W. Baylis, vice-president; Walter B. Connor, Ebbe C. Nielsen, Harry P. Murnane, Roy Greyware and Paul A. Holz, executive committee. President Eycleshimer, delegate to Troy Labor Temple Association, and with Francis Donovan, to Troy Central Federation of Labor. Ernest L. Green and Eycleshimer, delegates to Cofoes Federation of Labor.

Wallace Ahead in L. A.

Hollywood, Dec. 17. Jack K. Spivey, incumbent head of local musicians' union, is leading Owen Bartlett better than 4-1 with one-third votes counted. Entire ticket looks in.

Ray Webb clothing store for The Saint in Palm Springs at RKO.

Inside Stuff—Music

Frank Crumit and Julia Sanderson have a complete collection of all Victor Herbert's scores, including the shows in which they appeared and even the little-known musical version of "Cyrano de Bergerac" written in 1898. Collection, which runs to 130 complete scores of musical comedies, will some day be donated to the Massachusetts Historical Society or the Museum of the City of New York, according to Crumit.

Besides the shows and the break with Broadway, the collection contains the score of Miss Sanderson's first show, "The Arcadian," with Charles Frohman's autograph on the flyleaf. Crumit and Miss Sanderson are currently doing an Occident Flour program, which is waxed at World Broadcasting.

Muriel Lane, new vocalist with Woody Herman band, isn't Toledo amateur as first reported. She's from Bridgeport, Conn., formerly on WICC, and started professional career six years ago with Irving Ginn's orchestra at Ben Riley's Arrowhead, N. Y. Miss Lane was playing with Arthur Herbert orchestra at Commodore Perry, Toledo, and went to Detroit to audition for Herman.

New Perry (out of St. Mark's and Yale) has Boston society orchestra but doesn't mention it. However, has socialite Huntington R. "Tack" Herbert (Gretton and Harvard) backing down columnists for plugs. Hardwick and I. Newton Perry, Sr. (also St. Mark's and Yale) were partners in Chicago Blackwax.

Warner Bros. music group has men out on the road to survey sources of exploitation other than radio so that the firms will know where to look for their plugs if and when the break with Broadway takes place Dec. 31. WB was about the first to sign up again with ASCAP.

Disc Reviews

Duke Ellington 'Chloe'—Across Track Blues (Victor 27235)

Arrangement of 'Chloe' is typically Ellington, but he could have done better with it. Set at average tempo and played with a leaning toward a symphonic style the side only occasionally arouses interest. It is more like an Ellington original than a well-known standard. Melody deserved more consideration. Solos are on trumpet, sax and short ones on bass. Tracks' is more like it. An original, it's cut in slow, lazy tempo, each spin dispensing neat ensemble blending or a sax, muted or clear trumpet, clarinet or piano break.

Tommy Tucker 'Papa in Bed'—Oceana Roll (Okeh 5861)

Tucker's best at such things as 'Papa in Bed' with His Britches On. However, this one lacks the lift and snap of some past performances in that groove. It slows down and tries to lean more toward the melody than the novelty. Still okay for its followers, though. Amy Arnell vocals. 'Oceana' is a nice bit at moderate speed. It borders on corn. Well played. Miss Arnell and Voices Three vocal.

Count Basie 'Blues'—Apple Jump (Okeh 5862)

Buyers of first side can be excused if wearing a puzzled expression at its finish. Best part, a finishing Basie piano solo, seems abruptly cut off. Rest of the five tune sizzles under driving saxes and clear and muted brass Jimmy Rushing vocals. Reverse is another hop piece. Another piano interlude, brilliant in taste and touch, features it. It's not distinguished in any way.

Sammy Kaye 'Adi-Adi-Adios'—Somewhere (Victor 27205)

Kaye's outfit seldom steps far out of character. This doesn't, but it's a smooth try at a curious bit of Latin melody. Type of stuff that fits well in machines. Tommy Ryan and band chorus do a bangup job on the vocal. 'Somewhere' eases along in sweet tempo, a bit slow in spots, but otherwise okay. Ryan again vocals.

Mitchell Ayres 'Old Fashioned'—We'll Meet Again (Bluebird 19340)

Ayres maneuvers 'Make It Another Old Fashioned, Please' into the best thing he has done in some time and the best cutting yet released on this tune. In bolero tempo his arrangement is smooth and lifting. Mary Ann Mercer tops off vocal with an inebriated twist to the punch line. Reverse does the lyrics.

Charlie Barnet 'Redskin Rhumba'—Southern Fried (Bluebird 19344)

First apparently is a sequel to the same band's 'Cherokee,' an earlier corker. Arrangement is in the same hop tempo, with wawing brass behind jumping saxes, the side sounds enough like its predecessor to at first convince that it's a reissue. However, this has comparatively little melody. Sax solos and a long muted trumpet ride it out. 'Fried' is another melody missing rhythm cutting. It spotlights a tasty blend of saxes and brass. It has a good point or two in breaks, especially one on sax.

Tommy Dorsey 'Swanee River'—Stardust (Victor 27233)

Both sides good. 'Swanee' arrangement, played in crisp rhythmic tempo, is imbued with a smooth and solid punch. Sax and brass teams play against one another and in ensemble with precision-like sureness. 'Stardust' uses the vocal format of 'I'll Never Smile Again' to strong effect. Frank Sinatra and the Pied Pipers lift it into a click bracket. At slow tempo the vocalists blend appealingly all the way until the fade, which isn't so bright. That's its only bad mark. Dorsey's trombone is in its usual high groove on both tunes.

Tommy Dorsey's Travels Not Uniform Delight

Tommy Dorsey and his band were buffeted plenty by the weather on their trip from San Diego to New York last week to be home for the band's opening at the Paramount theatre last night (Tuesday). Outfit hopped a plane at 3 a.m. Friday morning at San Diego and were scheduled to arrive in N. Y. Friday afternoon. They didn't get in until 7:30 Monday (16) morning and Dorsey didn't show up till late Monday night.

Plane they were on was grounded by bad weather at El Paso, Texas, and the band was transferred to a plane for New York. At Fort Worth and again at St. Louis they were to go back into the air, but poor flying conditions prevented. They came all the way by train. Dorsey was forced off the train in Pittsburgh by a falling tooth.

Donald Hyde to L. A.

Donald Hyde, William Morris and son of Johnny Hyde of the same agency, left for the Coast Sunday (15). He's been shifted from the New York to Hollywood branch. Hyde has been working on selling all types of talent, but has been concentrating lately on bands.

So. Cal. Gets \$1,798,000 For WPA Music Project

Los Angeles, Dec. 17. Southern California was awarded \$1,742,715 for continuation of Federal Music Project. An additional \$456,204 also has been pledged under sponsorship of state department of education and other state agencies. Disbursements will affect 1,148 musicians and singers.

Ben Riley's Arrowhead Inn, N. Y., Files for Reorg; Club Cuba Ditto

Ben Riley's Arrowhead Inn, a cabaret and restaurant located at 246th street, Riverdale, N. Y., filed a voluntary petition for reorganization in N. Y. federal court Monday (16). Petition was filed by William L. Morf, secretary of Ben Riley's Estates, but lists no assets or liabilities.

Plan for reorganization offers to pay general claims in full over a period of three years in installments of six months each, starting six months after approval of the plan by the court.

The Arrowhead was for many years one of the outstanding class roadhouses in N. Y. City, and generally regarded as a signal success.

The Mirar Amus Co., Inc., operators of the Club Cubas, at 123-25 East 54th street, N. Y., filed a voluntary petition for reorganization in N. Y. federal court Monday (16), listing assets of \$14,395 and liabilities of \$72,161. Plan of reorganization offers to pay 25% of claims over three years through Jan. 1, 1942.

Among creditors are Miriam Armour, \$32,057; loans; Richards & Hassen, Inc., \$3,729 for concessions; Musical Corp., \$281; N. Y. Book Corp., \$135; American Society of Composers, Authors and Publishers, \$1,089; Greater N. Y. Broadcasting Corp., \$70; Brunswick-Balke-Collender Co., \$1,097. Other creditors include \$759 in wages, the largest being owed to Ann Francine, \$105, for services, and \$50 to Don Ortio for services. Taxes owed to the city, state and federal governments total \$3,465. Assets include \$14,260 on fixtures, liquor, etc. Reason for the reorganization, according to the petition, was the high rental paid, \$200 yearly; losses during depression; and excessive operating expenses. The weekly payroll is \$1,462 and operating expenses, exclusive of the payroll, \$4,500.

FLOCK OF PIX HOUSE UNITS PLAYING SOUTH

Charlotte, N. C., Dec. 17. Stage units currently in the Carolinas, playing picture houses for the most part include:

Ted Fio Rito's orch, with The Musical Pilots; Frank Lynn, and Candy Candido; Paul Chatterbox, 'Stars and Stripes' revue, with Charles and Helen Stone, Lund and Lund, and George Ballette; 'Studio Scandals,' with the Six Lucky Girls, Edison and Helen Evelyn; 'Chatterbox,' and the Three Younger Brothers.

'Broadway Passing Show,' with Juno (mental marvel), Charley Tave, Ed West, The Jail Birds, Mae Wynn Pursome, Bento Brothers & Rita Co., Patricia Lane, Princess Luana, Broadway Debs and Johnny Vance's orch.

'Pepper Box Revue,' with Brodie Stirling, Smokey McKenzie, Marion Andrews, Billie Love, C. and Sue Darl Huli, Tanya, and the Gus Schulz band; Owen Bennett's Continental Heat Wave, with Beatrice D'Artoli, Three Olympia Boys, MacBard and Henderson, and the Miss Christy, and Jostio and his band; 'Bring On The Girls,' all girl unit.

Trixie Wells' 'All Girl Band and Revue,' with Robert Buny, Ina Clarke and Inchaob Crane.

Tony Pastor's 'Gay '90s Revue,' with Yorke and Tracy, Jack LaVier & Co., Mel Hall & Co., Sondra Lynn, and Bernard and Jensen.

Coast AGVA Agents Meet on 'Chiseling'
Hollywood, Dec. 17. Direct booking by members of the American Guild of Variety Artists comes up for discussion this week at a session between an AGVA committee and the Amusement Agencies Assn. The practice is said to encourage chiseling.

A proposal to tilt the present pay minimum of \$8.50 for club dates to \$10 is also under consideration.

Carroll's New Revue
Hollywood, Dec. 17. Earl Carroll's nitero went dark last Saturday (14) until unveiling of new revue headed by Jimmy Durante Dec. 26. Other acts include Frank Lube, Sid Debonairs and the Slate Brothers, held over.

Bobby O'Brien and Ray Gilbert are collaborating with Charles Rosoff on music for the new extravaganza.

The Bum's Picket

Philadelphia, Dec. 17. Last year Benjamin (Benny-the-Bum) Fogelman gave up the ghost in his South Broad street nitero and went into the scrap iron biz with his father. His old spot was purchased by the Kaliner Bros. and converted into the Club Ball.

A couple of months ago Benny came back into the nitero biz, and unable to find a spot on Broad street, reopened the old 21 Club on Locust street. Now he has a picket parading in front of the Ball with a sign reading:

'Are you looking for Benny-the-Bum's. He's right around the corner at 1321 Locust.'

2-BIT CABARET IDEA IN PHILLY

Philadelphia, Dec. 17. The two-bit night club idea, started by the Bowery in Detroit, may find its counterpart in Philly soon. Kaliner Bros., who operate the Club Ball and the Little Rathskeller, have started negotiations for the rental of the closed Shubert theatre, to convert it into a massive nitero with a nominal cover charge and cheap food and drinks, depending on the huge (2,600) seating capacity to make the proposition go.

Stumbling block may be a clause in the State Liquor code which forbids the granting of a license to a theatre. If the nitero plan fizzles, the Kaliners might reopen the Shubert as a vaude grind house. The Shubert, formerly a legit house, has been used for burley recently.

Romm Renews Deal With GAC for '41

Harry Romm, theatre agent for the General Amusement Corp., has renewed his contract with that organization for another year, effective Feb. 1.

Romm conducts his own booking business in addition to having a deal with GAC on the exclusive booking of its contracted talent for theatre engagements.

June Gardner and her Gentlemen of Swing back into New Penn, Pittsburgh, for third engagement there this year.

Green Ducks Quiz On Booze Sales to Minors

Pittsburgh, Dec. 17. Entering on defense to charges that he sold booze to minors at his big roadhouse on the outskirts of town, Bill Green waived a hearing before an examiner of the state liquor board here last week. Green's action left it up to the board itself to decide the case on the evidence obtained in a spectacular raid on his Casino last July.

In May, 1939, after the same charge had been filed against Green, he also waived a hearing and paid a \$900 fine in lieu of a 90-day suspension of his liquor license.

After Dropping 125G On S. F.'s 'Best Cafe,' Op Clicks With 'Lousiest'

San Francisco, Dec. 17. Frank DeGoff spent \$125,000 to make the Deauville the finest night club in San Francisco. When the doors closed on its short-lived career, DeGoff was left with exactly 40c in his pockets.

'Okay,' he muttered, 'if that's how they feel, I'll give 'em what they want.' Whereupon he opened the Streets of Paris in a basement and advertised it as the 'lousiest night club in town.' It has been an instant click.

The 'worst' nitero stages a floor show every 15 minutes in the person of a stripper. A three-piece band has orders to play as loud as possible.

Strange bit of psychology no one has explained yet is generated by an old-time carnival peep-show (subject: Nudists) in the men's room. Despite fact there's a stripper outside plus waitresses who leave nothing to the imagination, an endless flood of nickels goes into the battered gimmick.

'MATZOTH KING' INTO NITERO BIZ IN N. Y.

Manischewitz, the 'matzoth king,' is going into the nitero business on a lavish scale on the fringe of New York's east side. He is converting the Spanish Room of the Broadway Central hotel into what will be called the Casino and opens around Xmas with Henry Berman as manager and 100 owners.

Berman, who is performer B.B.B.'s brother, has been at Moskowitz & Lupowitz's on Second avenue as an entertainer and singer for the past two years. M. & L., incidentally, is virtually the only spot that hires performers by the year.

Manischewitz's Casino will seat around 500 and will play a fairly large floorshow. The matzoth manufacturer has owned the Broadway Central hotel for a number of years.

All Signed Pacts Received by AGVA From N. Y. Indie, Circuit Vauders; Philly Accord Precludes UEA Exit

Frisco Vaude Cold

San Francisco, Dec. 17. Couple more blows socked vaude's groggy frame locally. Grandfathers' Follies, skedded to go into the Downtown, Oakland, after six months at the Bal Tabarin, never got that far because the Downtown's vaude try flivver before the troupe could get across the bridge. And Joe Meyer, who announced he would use five acts at the Tivoli come Xmas, has switched to two features at 15 and 20c.

Bal Tab's plan to open Ted Lewis is also cold, with the maestro in Florida for the winter instead.

HENIE 65G IN ST. L., SO-SO

St. Louis, Dec. 17. Sonja Henie's ice revue wound up local engagement at the Arena Sunday (15) with an estimated take of \$65,000, which was 35% below big done here last January by Miss Henie. Three days of almost continuous rain slowed down b.o. activity.

This town was the first stop after the Houston opening. Show opened tonight (Tuesday) in the Buffalo Auditorium. Arena was scaled to \$2.75.

St. L. Fox Finds It Tough To Find 'Suitable' Talent

St. Louis, Dec. 17. After six weeks of vaudeilms at its 5,000 seater, Fox, Fanchon & Marco was forced to discontinue the policy currently but resumes Friday (20) with Will Osborne and his band and seven acts of native talent. Clyde Brown, manager of the Fox, said that Hollywood and New York sources were contacted for talent for the current week, but the standard desired was not available so the house reverted temporarily to double features.

The acts that will augment Osborne's band are the cream of the crop of the recent talent search of the theatre and radio station KMox.

All individual contracts in the five-year agreement between the American Guild of Variety Artists and circuit and indie vaudeilms operators in New York were signed and delivered to AGVA last week. It's the first deal in the history of the vaudeville business that gives a talent union a guild shop in variety houses.

Plus the New York houses, AGVA also achieved a major point in having Eddie Sherman, leading indie booker, arrange for a similar deal for Fay's and Carmen theatres, Philadelphia, and the Hippodrome, Baltimore. It's probable that two other theatres, Shubert and the Adams, Newark, and Majestic, Paterson, will also sign AGVA agreements.

Although the deal takes effect immediately, AGVA will not attempt to put it in force until the last week of this month, when all the houses and acts will be fully cognizant of the terms and machinery for organizing.

Those in New York that signed were Loew's, Paramount, Warner Bros., RKO, Roxy, Skouras, Fabian, Brandt and Sherman. Only major house missing is the Radio City Music Hall, with which AGVA is now trying to get an individual contract.

N. Y. vaudeilms included in the deal are the Paramount, Strand, Loew's State and Roxy on Broadway; Skouras' Academy on 14th street; Apollo in Harlem, previously signed; Windsor, Bronx, and Flatbush, Brooklyn, both Brandt houses, and all of Loew's and RKO theatres in the metropolitan area which play stage shows on one and two-night policies.

Culmination of the deal came after months of negotiation between Dewey Barto, president, and Hoyt Haddock, executive secretary, of AGVA, and the theatre operators. It imposes no further hardships on the theatres with the exception of increasing the minimum pay for one and two-day stands to \$10 per performer per day. These houses have been paying an average of \$5 per day per performer.

With the theatre deal signed, AGVA will now intensify its effort to organize all of New York's niteros. The vaudeville contracts will unquestionably swell AGVA's paid-up membership, with this in turn paving the way towards effecting nitero deals.

One immediate effect expected from the contracts signed with Sherman's houses is the elimination of Tom Kelly's independent United Entertainers Assn. in Philadelphia. With AGVA having sewed up two of the town's three vaudeilms, and Warner's Earle expected to sign in the near future, the UEA isn't expected to hold whatever membership it has.

Kelly was, until a few months ago, executive secretary of AGVA in Philly. He was ousted after a rumormongering by the national board, but he refused the reinstatement until such time as AGVA 'purged' itself. Then his ouster was made permanent, with the result that he set up the indie actors' organization he had controlled for more than 10 years prior to the advent of the now defunct American Federation of Actors and the subsequent AGVA.

OPENING BILL SET FOR CINCY SHUBERT

Cincinnati, Dec. 17. Opening bill for the RKO Shubert theatre's vaudeilms season, starting Dec. 27, has Tommy Riggs, Al Trahan, Ciro Rima's band, Christiana and Gregory and Reynolds.

It is the first visit here for Riggs since his network climb with mythical Betty Lou. He was on the Crosey staff for a year before bowing in Rudy Vallee's program. Just prior to that break he played the Shubert for a week with an all-WLW show, acting as m.c.

Shubert will have 33-44-60-cent scale, and is to have a reserved seat plan, at \$1.25 top, for a New Year's Eve midnight performance.

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Pa. Official Says He's Proposing New Law to Curb Out-of-State Agents

Philadelphia, Dec. 17. The State Legislature, which convenes after the New Year, will be asked to "put teeth" in the law governing the licensing of booking agents, Anthony J. Sharkey, State Department of Labor and Industry rep here, said yesterday (Monday). Sharkey, who has been conducting a campaign against out-of-State licenseless agents, said that the Legislature to amend the law so that nitery operators engaging acts through unlicensed bookers could be penalized by revocation of their liquor licenses for abetting in the violation of a State Law.

Sharkey and his assistant, Margaret Burke, said they would begin putting added pressure on niteries here beginning New Year to force them in line to buy acts through Pennsylvania-licensed agents. They said they have the cooperation of the agents of the State Liquor Control Board.

Sharkey said he was widening the scope of his drive to include agents who book lecturers in Pennsylvania while maintaining offices in New York. With platform speakers in great demand now, Sharkey said unlicensed bookers were having a field day—but warned it wasn't for long.

He revealed that lecturer-bookers were trying to get around the law by setting their clients for dates by mail. This, Sharkey said, was using the mails to break a State law. He said he has been promised the aid of postal inspectors to break up this practice.

These unlicensed bookers must either get State permits or get out of business in Pennsylvania, Sharkey said. "We must protect legitimate bookers from this unfair competition."

Cecil Golly repeats Dec. 22 at Ritz Ballroom, Bridgeport. McFarland Twins skedded Dec. 29, Jimmy Dorsey Jan. 19 and Ella Fitzgerald Jan. 26.

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Brin's Tropical Nitery

Cleveland, Dec. 17.

Tropical nitery tagged the Zombie Club is being unveiled Thursday (18) by Sammy Brin, for years associated with the late Lincoln Dickey and who had charge of tickets for Billy Rose's Aquacade at New York World's Fair for two seasons.

South Sea settings, including a tricky star-lit ceiling, have been designed by Richard Rychtarik, who did sets for Cleveland Symphony Orchestra's operas, as well as for Great Lakes Expo. Brin, whose last job here was as treasurer for civic auditorium, is fronting new spot for Chuck Goldberg, hotel operator.

AGVA Wins \$4,304 Verdict Vs. Canning, Intl. Casino On Contract Technicality

Henry Dunn, national treasurer of the American Guild of Variety Artists, won a complete N. Y. supreme court victory Thursday (12) over Chester H. Canning and the International Casino Productions, Inc. when Justice William T. Collins approved an arbitration award for breach of contract and granted AGVA a judgment of \$4,304 against the defendants. Original award by the American Arbitration Association was made Aug. 7, after a dispute which started June 5.

Contract between the Casino and AGVA was signed Dec. 19, 1939, and provided for minimum salaries and for an engagement of four weeks at a time, with options for another four-week period. AGVA claimed the show, which opened on Dec. 22, 1939, and closed Jan. 11, 1940, had failed to pay employees for the fourth week, and failed to notify performers of the closing which made the International Casino liable for an additional four weeks.

The chorus will receive between \$45 and \$50 each, and the principals will be paid as follows: Sergio De Carlo, \$100; Walter Cassell, \$108; A. Robins, \$413; Wier Bros., \$620; The Debonairs, \$568; Betty Bruce, \$250; St. Clair and Day, \$206; and Carol Bruce, \$129.

Marty Collins Solo

Philadelphia, Dec. 17. Marty Collins (and Peterson) is doing a single for the first time in years, appearing at the Stork Club here. Act is not split up, however, the Stork Club not being able to afford the team and settling for Collins solo.

Collins and Peterson are booked for Loew's Capitol, Washington, Jan. 9.

Saranac Lake

By Happy Benway

Saranac, N. Y., Dec. 17.

Years ago Monroe Coleman and Hazel Gladstone were two crooning N.Y.A. patients, today they are Mr. and Mrs. and both employed at the Will Rogers. She's at the switchboard, while he is the boss technician in the star's laboratory.

Jack Edwards, of this Actors Colony, now a commentator over local radio station WNBZ.

Margie Tobin, whose last date was in stock at the Howard, Boston, got an absolute okay after eight months of bed routine. She is Hollywood bound.

Carl Kern is anticipating a go-home from the Will Rogers.

Phil Perry, the Actors Colony goodwill guy, will donate a 50-pound pound of Yuletide candy to the gang at the Rogers.

Joe Bishop, formerly with Woody Herman's orch, is topping the list with good reports at the Rogers.

Harry (Stuart) and Martin, who is doing par-work at the hilltop sanatorium, making disc-recordings featuring the Rogers patients.

The Actors Colony forwards its greetings to the show biz for the coming Yuletide and New Year, appreciating all kindnesses during the past year.

Dick McAvoy (Dick and May McAvoy) has recovered from a broken hip.

Bobby Graham, Toronto ex-critic, who has been out of those hospitals so many times, manages to take time out to bed-side many in Canadian hospitals and also to greet this Colony weekly.

Local papers are giving lotsa space to the Christmas tree at the Will Rogers, also the flash tree on the town's Berkeley Square.

Frank Toot to Brooklyn, Harold Ross to Mt. Vernon, Frank (Mickey) Coster to New York, Mary (Tiny) Gilchrist to Boston, Abe (Sax) Furman to Cincinnati, and Albert Farrell to Cleveland, all on go-home okeys from Dr. Santa Claus for the holiday.

Harry Barrett, who is over 80 years young, is not fairing so well. He was of the juggling Barretts. Pete Barlow, one of the original Barlow Bros., left for Augusta, Georgia, and will resume indoor circus work. Here for 18 months.

Harry (Slipfoot) Clifton got his first foot to go to doctor. Ben Schaffer is penciled in to play Santa Claus at the Will Rogers. He was applauded by popular vote.

Another mortician found up due to the broad response heaped on the medicos of the Will Rogers and the Northwood Sanatorium, so bows to Drs. Geo. Wilson and Warner Woodruff.

Write to those who are ill.

15 YEARS AGO

(From VARIETY)

With John Gilbert and Renee Adoree heading the cast, 'The Big Parade' opened to strong b.o. at the New York Astor theatre.

'Rose Marie' was ending its 72-week New York run at the Imperial. 'Sweetheart Time' (Rufus LeMaire) was following it at the theatre.

Carmela Ponselle, sister of Rosa, made her debut at the Met Opera in 'Aida.' She wasn't rated as good as her sister.

With William Fox's acquisition of the Whitehurst string of Baltimore theatres, the rapidly increasing Fox holdings looked like they would reach 25 vaude weeks for the next season.

Pantages took over theatres in San Antonio and Houston, in addition to prior takeover of houses in Dallas and Fort Worth, which indicated that Pan was invading the Interstate circuit.

The Frank Tinneys, though divorced, lived in the same house in Baldwin, L. I. She had the top floor and he had the first.

Dutch Schmidt Divorced

Des Moines, Dec. 17. Clarence W. (Dutch) Schmidt, Des Moines agent and old-time vaude actor, was divorced by district court last week (12) by Ethel Veatch Schmidt, also former actress and now a dancing studio operator. Grounds were cruelty and inhuman treatment. The Schmidts were married in 1917. They have one son, Emil Lawson Schmidt.

Unit Reviews

ROSE BOWL REVELS

(STUART, LINCOLN, N.E.)

Lincoln, Dec. 7. Johnny Cox' Orch, Rich & Gibson, Ernest Hiett, Ray & Harrison, Lang & Lee, Three Cards, 'Christmas in July' (Par).

This normally overheated football town has come to a boil about the first Rose Bowl bid for Nebraska M's grid team, and everybody who stops long enough to think about commercial possibilities of the event figures up something to attach 'Toss Bowl' to it as a title. Punchborders are being sold for free trips to California, and on the other side, here's a stage show in the Stuart for a week—the first week stand in Lincoln in years.

It is a good little show essentially, but was hampered when caught by an over-gabby m.c. He, the male member of the juggling act, Lang and Lee, dated away more than 10 minutes during the 61 minutes of the show.

Starters are Rich and Gibson, attractive dance team. Both hoofing and xylophone routines are featured, and it makes a good opener. Femme portion of the team is a curvy, physically and on personality. Costuming good, too.

No. 2 is Ernest Hiett, fast gabber, a talking act such as is seldom seen any more in vaude. He has standard act written all over him and a nodding nod which gets him in away nicely with the elder portions of the audience who remember when he delivers enough neatness to keep the balcony happy, too. Best trick is the fast delivery from memory of all the streets in town.

Ray and Harrison are one of those comedy, two-and-a-half people acts, a guy and a near 190-pound female. It's a mixture of adulterated opera, knockabout, comedy ballroom dancing and hedge-podge nonsense. Heft in the gal is the comedy pin, and the act has its moments.

Lang and Lee come into their own with juggling, at which both are good. Man's gab is the weakest part of it, made extra bad because of many bromides tossed into the mike as he encooses. Bouncing ball and club routines good, however. Johnny Cox' orch, furnishing background music, presentation style, takes over for a short shot on Trade Winds, nicely managed.

Windup act is Three Cards, barrel-hopping and teeter board stuff. Routine looks okay, some very hard flips and tricks being put across without a miss in fairly cramped quarters. It's one of those audience-rousing acts, and fills the closing spot expertly.

BRING ON THE GIRLS

(BROADWAY, CHARLOTTE, N. C.)

Charlotte, Nov. 30. Chic Kennedy, Nelson Sisters, Maude Hilton and June Hobart, Andrea Andrea, Betty Lee, Line, Josephine Begonia and her Co-ed Melodians (8); 'Street of Memories' (20th).

Andrea Andrea, platinum stripper billed as 'girl with the million dollars'.

lar figure," is featured in this all-girl act, but the Nelson Sisters, like music hallers, walk off with the show in their sock acrobatic trapeze act. Looking more like a couple of girls from the line than a muscle team, the pair score repeatedly with gymnastics, feats of strength and endurance on the trapeze. Best act of its kind caught here this season.

Miss Andrea's performance, though executed with grace and skill, is nothing more than a standard dance of the veils ending in the usual stepperoo. Three girls from the line contribute background atmosphere for the show.

Maude Hilton and June Hobart score pleasingly in low comedy turn. Miss Hilton, vaude vet, handles material nicely, drawing laughs with well-timed gags, most of which are at her own expense. Miss Hobart feeds. Singing attempt of pair nets so-so results.

Chic Kennedy, formerly with Rudy Vallee, emcees and also does a turn at impersonations, in which he depicts Zasu Pitt, Garbo, Hepburn and Fannie Brice. Material is good and excellently handled. She also does a 'Little Nell' skit, with props, that is mediocre, due more to material than her handling, in which she depicts all four characters involved.

Betty Lee, a luscious parcel of personality plus, steps out from the line to do a xylophone turn, outstanding in the vim and vigor of her performance. She also heads line in military tap finale. Line, with exception of Miss Lee, is unimpressive in three standard appearances. Band plays from stage.

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THE SIX GRAYS

Direction: MAX TRIMMAN, New York

(Continued on page 47)

'All In Fun', Hi-Ya', Costly Musicals, In Com Trouble; Sillman Under Fire

Bankroll troubles badgered the two musical shows, 'All in Fun' and 'Hi-Ya Gentlemen', which were trying out in Boston last week, and when money was on deposit, so that they could pay off Saturday (14) before the outfits started back to New York. 'Fun' was slated to open at the Majestic, N. Y., Friday (20), but the premiere is now dated for next Saturday (27). 'Gentlemen' will not reach the main stage boards until later word from Boston being that the show closed there. Plus road losses which represent more than \$30,000 to date, will be the first major revue ever offered on Broadway with a colored star, Bill Robinson, heading the cast. That is believed to be the principal reason he stuck with the show, beset with bickerings.

Personal allusions were made before the whole company, in lurid and unmistakable terms, aimed at Leonard Sillman, manager of 'Hi-Ya Gentlemen'. Latter, however, stepped out of the cast and kissed his financial stake in the show good-bye. Comedian had put in \$17,000. Some of that coin may have come from other actors. It is stated that the Baker investment also included pieces bought by Tyrone Power, Ben Bernie, Jack Benny and Fred Allen. Each went for amounts between \$1,500 and \$2,000 and it is understood that when Baker walked their hunks also melted.

'Fun' was and probably still is being backed in fantastic ways. An unlimited number of girls in the show have supplied Sillman with funds, count of participants indicating a new record. In addition, others outside the show have been putting up money. In speaking of the show, whose husband is said to be a wealthy ship-owner. Understood that money from that source was raised to move 'Fun' to Boston from New Haven. The show first tried out. When Sillman was told that certain girls should not be permitted to lead the numbers, he explained they could not be taken out of the best because of "certain reasons," meaning that they had put money in the show. Others were sitting onstage with nothing to do but wear the most attractive costumes, evidently for the same reason. Sillman, it is alleged, also around the show who criticized him as 'that vicious B.O. in Boston'.

Despite the backstage turmoil, 'Fun' drew fair business in Boston. Production and costuming are said to be okay and the performance rated having a number of strong points, principally sketches obtained after the show opened. At least one well known stager was called in, but withdrew after two weeks. He could do little with the picture because Sillman insisted that 'investors' must be kept in the parts assigned them.

One of the unnecessary expense items consisted of a flock of ostriches, which cost \$8,000. Only about one-third of the numbers orchestrated were used. Sillman has angled with 'Fun' since last spring. She then was with the Faces of 1940, his pet title, despite the fact that Joe Cook and Patsy Kelly were placed under contract for it. Two weeks' pay was posted with Equity, but the excitable manager failed to raise more money, and the show, which Cook and Miss Kelly were paid off by Equity, putting the show in the red before it started. Indicated that Sillman expected to 'attract crickers on the strength of the names', but Miss Kelly returned to the Coast and Cook is now featured in 'It Happens on Ice' (Center).

Both 'Gentlemen' and 'Fun' were given layoff concessions by Equity, which was the informed of 'Gentlemen' closing. Laying off the week before Christmas is permitted without salary liability, but rehearsals require the assent of Equity. Rehearsal pay applies this week for 'Fun' and full salaries are payable next week.

Several showmen went to Boston to look over 'Gentlemen' and, when it opens on Broadway, there will probably be a change in the managerial end. Alex A. Arons and Robert Ritchie produced the show, the former having dropped out. Ritchie is said to have raised the money

Andrews Sisters Going Into Shuberts' 'Screwballs'

Hollywood, Dec. 17. Andrews Sisters, currently in New York at the completion of the picture to star in the Shubert musical, 'Screwballs of Swing'. It will be the trio's first legit appearance. Don Raye and Eugene Prince, writing the music for 'Privates', will do likewise for 'Screwballs'.

B'WAY TO GET 6 XMAS SHOWS

Starting Monday (23) Broadway's Christmas premiere card will consist of six new shows, heaviest arrival list the last of the season. The musicals: 'Tal Jory', Barrymore; 'All in Fun', Majestic; and 'Meet the People', Mansfield. Straight plays: 'Old Acquaintance', Morosco; 'My Sister Eileen', Biltmore; and 'The Flying Geese', Plymouth.

In addition, Ruth Draper in solo characterizations and 'Paul Draper with dances, will show at the Booth. There are three pre-holiday incomeers this week: 'The Old Foolishness', Windsor; 'Cue For Passion', Royale; and 'Retreat to Pleasure', Belasco.

'Every Man for Himself' expired at the Guild mid-week. 'House of the Rising Sun' closed at the Mansfield Saturday (14), but may relight elsewhere; 'Mum's the Word' (Jimmy Savo) shut down at the Belmont and 'The Great Waltz' rescheduled.

In addition to 'Hi-Ya Gentlemen' closing out of town, 'Out West It's Different' and 'Off the Record' were called in after tryouts. All are slated to reappear after revisions.

EX-WIFE CLEARS UP BARRYMORE TANGLE

Settlement deal between John Barrymore and Aldrich & Myers was nearly snagged last week, but a threatened tangle was avoided when the star's divorced wife, Elaine Barrie, arrived from the Coast and signed certain papers in connection with the matter. Barrymore is still under contract with the managers who proposed touring him in 'My Dear Children', but they have been extending their consent to his Hollywood activities from month to month.

To date Barrymore has paid \$5,000 to Aldrich & Myers, money coming from his earnings in his first picture made under the settlement deal. Showmen agreed to settle for \$15,000, balance still due to come from his next picture.

Aldrich & Myers, however, were on the verge of demanding his appearance in 'Children' when Miss Barrie complied as co-signer of papers supposed to have been in order some time ago. Agreement evidently did not include Barrymore's earnings from his contract with the showmen in his position to close that field to him as well as pictures and the stage, because of the affiliation between Equity, Screen Actors Guild and the American Federation of Radio Artists; unless he fulfills the requirements of the settlement. Stage contract does not expire until next June.

Abbott, Green Play Buys

Hollywood, Dec. 17. Luther Green has bought Mignon Eberhart's '8 o'Clock' for Broadway staging. Another legit future for New York is George Abbott's recently acquired 'A Bundle from China'.

for the production. They made an unprecedented move by putting Max Baer in the lead. Former heavyweight boxing champion is noted for his clowning in the ring. There was a rehearsal scene over Baer's performance and his 'playing' to the audience. Fred Thompson and Guy Bolton are at work revising the book.

HARRIS, EQUITY SPLIT 'ACT OF GOD' CLAIM

Arbitration of claims pending since George Washington, 'Slept' since opened at the Lyceum, N. Y., has been finished, with both Sam H. Harris, who produced the show, and Equity apparently satisfied with the award of half a week's pay to the cast. Equity claimed that a full week's salary was due, but the 'act of God' precedent was not challenged; in fact, that theory was not challenged during the proceeding.

Washington 'Slept' was twice postponed, first delay being occasioned by an injury to Ernest Truex's knee. In subsequent week's layoff, during which salaries were not payable, Berlon Churchill, also a featured player, died suddenly and rehearsals were restarted, with Dudley Digges the replacement. Harris tried to get a concession from Equity for the second layoff week, but Equity refused his claim that church's passing was an act of God. Sudden death only through earthquake, fire or train wreck relieves a manager from salary liability, according to the actors association.

Total amount of the claim was around \$2,100, plus rehearsal pay during the period of Digges' rehearsals, some of that money being held up pending the settlement of the matter. (Also see page 49) Harris was credited for four days of rehearsing not used prior to the play's out-of-town debut.

Harold Murray, Latey A Brewer, Dies at 49

Although he had not been active in show business in recent seasons the passing of J. Harold Murray, at 49 last Wednesday, was a loss in the killing world. Comm. occasioned expressions of regret along Broadway. He had been under treatment for a kidney ailment for about one year. There had been no word of his not been believed to be serious. Starting as a song plugger for Leo Feist in Boston, where he used his correct name of Murnay, singer, whose stage appearance began in a 14-year period starting in 1921, was at his peak in 'Rio Rita', produced by Flo Ziegfeld. He became interested in the New England Brewing Co., Hartford, Conn., and became acting president four years ago, plant's output being called Murray's beer.

Murray resigned from the Lambs Club last year, but occasionally made occasional appearances, including a four-week date at Leon and Eddie's, N. Y. night club, also some summer theatre showings. However, most of his time was spent at the brewing plant, which made him wealthy, and at his home in Killingworth. House was an old mill which he developed into a show place.

In addition to the music publishing connection, Murray's first taste of the theatre was leading audience singings in Boston with the use of illuminated slides. 'Passing Show of 1921' was his introduction to legit, after two years of vaudeville. Other musicals in which he was the singing man, included 'Gaiety', 'Jinks', 'Castles in the Air', 'Whirl of New York', 'Sometime', 'Vogues', 'Springtime of Youth', 'Face the Music' and 'Thumbs Up'. Last stage appearance was at the Lyceum, N. Y., until the end of the 1932 season. Of the COCA's 200 members, 94 sing regularly with the Met.

When the two unions first tangled, COCA's charter from the Associated Actors & Artists of America (parent organization of both) was revoked. Then when COCA contracts with the San Francisco, Cincinnati and Chicago opera companies expired, AGMA stepped in and signed with those organizations. However, COCA continued to hold out on the strength of its deal with the Met until the Texaco radio deal gave it a chance to step in and effect a settlement.

Tilly Losch and Lunts' British War Benefits

Cleveland, Dec. 17. Tilly Losch, the dancer now known as Countess Carnarvon, is coming out of retirement caused by recent illness to dance in Cleveland's 'The Great Waltz', which will be staged in the Carter hotel, here Dec. 24.

Dancer's last appearance was in the Lewisham Stadium during its summer musical festival. 'White Cliffs', which Lunt did, twice on the rehearsing several times, he came back in the benefit ball, also to include John Brownlee, of Met opera, Margaret Sparks of Firststone Hour,

Grace Moore's Performance in 'Louise' Standard, But Opera Not Big Draw

The second week of the Metropolitan Opera Co.'s 16-week season saw the end of customary weeks of small losses, as the furor over the opening died down. The Met for nine performances, plus a Sunday night concert, grossed about \$105,000 out of a possible \$125,000, but lost a loss of the week of approximately \$4,000.

Monday (9), saw a capacity audience at 'Louise' with a gross of about \$15,500. The show was Lily Font, her first appearance of the year. The coloratura was in excellent voice and her usual ovation after the 'mad scene.' Nino Martino as Edoardo completely wore his hat out at the end of the opera, and his last act

was poor, being barely able to get through his final aria, 'Tu che a Dio' transposed down a half octave. The baritone, Francesco Valentini, made his debut after 12 years of singing in Italy, and disclosed a voice marred by a bad vibrato but with excellent trills. He should have proved an asset to the company. Gemaro Papi, ducted.

Tuesday (10), the company played its second sold out performance in Philadelphia, as Geroldine, the opera, and Kirsten Flagstad, Helen Traubel, and Laurita Melchior, the protagonists. Gross about \$15,000, capacity.

Wednesday (11), the house lost about \$3,000 with the initial appearance of Grace Moore in 'Louise'. The opera has never been able to draw, and the soprano's capabilities at the box office are the only reasons for its continuing for a third year in the regular repertoire. Miss Moore's characterization has grown to a point where she can be ranked with her contemporaries, such as Geraldine Farrar, and Mary Garden, even though her most important aria, 'Depuis Le Jour', fails to electrify. Charles Kullman was miscast as Julian, his voice being too high for the role. The soprano, Ezio Pinza's father continues to be well sung, but the Italian's French is like an American. Rittore Panizza continues to be a good singer, but his voice is possible. Gross around \$10,000, with \$13,000 needed for an even break.

AGMA ABSORBS OPERA CHORUS

After grimacing at each other for two years, the American Guild of Musical Artists and the Grand Opera Choral Alliance have at last reached an agreement and are joining forces. GOCA is to disband as of Jan. 15, with its members joining AGMA's choral division. Arrangement has been made with the Metropolitan Opera Co. to take over the GOCA's contract with that organization. The addition of COCA's 200-odd members will give AGMA a membership of around 2,000.

Under the peace pact, the former GOCA members are to be represented on the AGMA board, but with a vote on only choral matters. Choral committees will be set up in Philadelphia, Chicago, Los Angeles, San Francisco, Cincinnati and other cities where opera is produced, to confer with the AGMA board regarding local regulations and wage requirements.

In addition, AGMA will establish a set of standards for choral singers and will supervise auditions for all future applicants, who will be required to know at least 15 operas in their proper language. Auditions will also be held in other cities, although the repertoire requirements may vary for the different places.

Settlement of the long dispute was made possible through the intervention of the American Federation of Radio Artists, AGMA's affiliate, which has jurisdiction over broadcasts of opera performances. With the Met's Saturday matinees over by 'Texaco' and the AFRA forced GOCA to reach an agreement with AGMA. Under the terms of the deal, the GOCA singers will receive \$8 instead of former rate of \$3. The present contract between AGMA and the Met does not require any payment to principals for broadcast performances.

GOCA's existing deal with the Met, calling for \$75 a week for eight performances (\$9.37 per extra performance) and added coin and expenses for radio deals, remains in force until the end of the 1942 season. Of the GOCA's 200 members, 94 sing regularly with the Met.

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Eleanor Whitney, film player visiting local relatives, and Leighton Noble's orchestra.

Alfred Lunt and Lynn Fontanne joining Cleveland Symph. Orchestra under baton of NBC's Frank Black in another benefit concert for the British War Relief Society Jan. 5. Trio will repeat musicalized version of Alice Duerr Miller's poem, 'White Cliffs', which Lunt did, twice on the rehearsing several times, he came back in the benefit ball, also to include John Brownlee, of Met opera, Margaret Sparks of Firststone Hour,

was poor, being barely able to get through his final aria, 'Tu che a Dio' transposed down a half octave. The baritone, Francesco Valentini, made his debut after 12 years of singing in Italy, and disclosed a voice marred by a bad vibrato but with excellent trills. He should have proved an asset to the company. Gemaro Papi, ducted.

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Thursday evening (12) 'Trovatore,' was the opera, and the house dropped \$4,000 on a gross of about \$8,500. Norina Greco made her debut as Leonora, and disclosed a good serviceable voice, but nothing to startle the public. Just Blowing was miscast as Manrico, as he, the best lyric tenor at the Met, cannot as yet handle dramatic roles. In loud singing in order to give the public the benefit of his high 'C's' Valentino, substituting for Alexander Sved, as the count, increased the favorable impression made two days ago.

Friday (13), with a gross of about \$9,000, losing around \$3,000 on the opera, the performance was on a par with the first, moving at a fast pace, with Ezio Pinza as the spearhead.

Saturday afternoon (14), saw a repetition of 'Io Ballo in Maschera' with the only change in cast being the substitution of Castagna for Thorborg, with the opera gaining by the move. The Italian is at the peak of his career.

Miss Pons Tired?

Saturday night (14), saw the season's first 'Lakme' as a show piece for the Metropolitan. The opera had a take of \$15,000, of which the Met received \$10,000, performance being a benefit. (Mrs. Barney Balaban, wife of the Paramount president, was the sponsor.) The coloratura was not in the best of voice, as two performances during the week seemed to tire her, and she sang in half voice most of the evening. The opera was a success, however, concluding with 'High E' natural that brought down the house as usual.

Paul Robin appeared as Gerard, a devotee to love and eliminating a dry quality, sang well, especially in his top tones which drowned out his 'Lakme'. He may be the best French opera singer heard locally since Lucien Muratore. Ezio Pinza roared his way through his part, overshadowing everyone else with the splendor of his voice, but his French continues to be a combination of Italian and English. Willfried Pelletier, ducted.

Sunday (15) drew about \$2,500 to the concert, all pure gravy to the Met. Monday (16) saw a repeat performance of 'Walkure' with the house breaking even on a \$12,000 gross, the cast being the same as at the first performance.

Equity's \$100 Initiation Fee Stirs Trade Talk on Possibility of a 'Closed Shop'

Whether Equity is veering towards closed shop because of the raise in initiation fee to \$100, which accompanied the boost of minimum pay from \$40 to \$50, is a matter of opinion. In professional circles, Matter was precipitated by Equity's editorial explanation of the rise and the elimination of I. O. U.'s from candidates applying for membership. During the actors' strike of 1919 the managers insisted that Equity aimed for a closed shop and that was their principal argument in settling the dispute. Equity declared it had no such intention and promised that its membership list would be open for all time alluding to its set-up as 'Equity Shop'. Twice since then the initiation fee has been raised, the \$100 requirement having become effective Dec. 1 and Equity now says:

The raise in initiation fee was designed, quite frankly, to make access to Equity more difficult, and so to limit the number of persons who might be attracted to the theatre as a means of livelihood, it is not as a career, because of the raise of the minimum wage to \$50 a week.

Added: "There is no other trade or profession which provides an initial salary of \$50 weekly to apprentices. And that, unfortunately, is what most actors and actresses accepting their first engagements are. It is no wonder that many personable young men and women should be attracted to these work where they feel the urge to act or not."

The boost is further explained by the fact that the stage is overcrowded, with not nearly enough engagements for those who have qualified for it by years of study and practice. Further stated that the increase in initiation is to protect those who are now members of Equity. Conceding that the boost is certain to keep some people out of Equity, just as they are kept out of other unions, many of which have higher initiation fees than the actors' association. Principally affected are embryo players from summer stocks and accompanying drama schools.

New initiation was accompanied by a requirement that the fee and dues for the first six months be paid in full by the applicant, the required amount being \$109. Principal reason for that rule is to prevent newcomers from joining easily, such as former performers who take part cash and the balance in I.O.U.'s. Equity suggests, however, that it is okay for the applicant to raise the initiation by borrowing from the manager and other friends. For years Equity accepted such I.O.U.'s on the ground it did not wish to make it too difficult to join. Now the partial payment system is declared a thing of the past. It resulted in wasting too much effort to collect.

During November 93 applicants were accepted to membership, while 20 members applied for withdrawal cards, freeing them from paying dues until they secure engagements.

Reserves Decision On 'Wilke' Plagiarism Suit

After a four-day trial, Federal Judge Vincent L. Leibell in New York reserved decision Wednesday (11) on Nellie Harris' suit against Gilbert Miller, Norman Marshall, Leslie Stokes, Sewell Stokes, Random House, Inc., and Heron Productions, Inc. Action seeks an injunction, accounting of profits and damages for the alleged plagiarism in the play 'Oscar Wilde' of her husband's book, 'Oscar Wilde, His Life and Confessions'.

Leibell and Sewell Stokes wrote the play, 'Oscar Wilde' which Gilbert Miller and Norman Marshall produced through Heron Productions. Random House published a book, 'Oscar Wilde', based on the play.

There will be no decision before the first of the year, as Judge Leibell has granted both sides until Dec. 23 to submit briefs. Miller and plaintiffs' husband, Frank Harris, wrote the book in 1916 and after his death it was willed to his widow. An amended defense was submitted to the court Friday (13), which was accepted by Judge Leibell. The defense charges that Frank Harris' book pirated much of its material from other books and was not original.

Frank Craven Play To Undergo Rewrite Job

San Francisco, Dec. 17. Frank Craven's new psychic play, 'About Tomorrow', which closed a 10-day test run at the Curran Saturday (14), will undergo rewriting before heading east. Expects to open on Broadway shortly after first of year. Advance sale was good but flood of cancellations caused by flu epidemic was plenty tough on b.o. no figures being released.

Show itself opened two days late due to illness of leading woman, Sally Eilers. Although crisscrossing notices from critics, there were an unusual number of letters. Customers took the play very much to heart, flood of mail causing John Hobart, of Chronicle, to print comments branding him 'unappreciative'. Consensus here is that play will be liked but that the 'cynical' N. Y. critics may kill its chances.

Four Flop Shows On Hollywood Meant Total Loss of Over \$110,000

With the sudden collapse of 'Every Man For Himself', at the Guild, N. Y., last Wednesday (11), after three performances, the score of Hollywood plays on Broadway is 0 to 0. In the same house, 'Quiet Please' flopped out in a week and two days. 'Glamour Preferred' stopped at the Booth in the same time, and 'Beverly Hills' was chased to the show, in a but over three weeks. The total loss on the quartet is estimated over \$110,000.

'Himself' went out the hard way, \$23,000 in the red. It was produced by Arthur Hutchinson and Arthur Ripley, who became managers on the Coast. They teamed originally for 'Oscar Wilde', which showed in California and was reported to have fared well. It turns out, however, that the duo dropped \$45,000, supporting the contention of Gilbert Miller that the play was for Broadway only. 'Wilde' fared very well in the metropolis, virtually spanning a season, but it was not sent on tour.

After favorable Coast reports, 'Himself' management could have secured a needed bankroll, but figuring they had a good thing are said to have declined disposing of any of their holdings. When the show arrived from San Francisco there were theatre charges of more than \$900 which the Guild demanded. Hutchinson paid the theatre bill, but it was several days after the blackout.

Evidently the bad press on 'Himself' (Continued on page 32)

Class for Gertie

Usually, when onstage dressing rooms are required for quick change, stars are locked together for that purpose. It will be different for Gertrude Lawrence in 'Lady in the Dark', as she will have the last word in portable dressing rooms, a la Hollywood. Model of the room was especially designed, with her approval of color scheme and other details. Star will be on the stage most of the performance and numerous changes are required.

New Gertie Lawrence Show May Be Costliest '40-41 Prod. at 100G

What may prove the most costly production of the season is 'Lady in the Dark', which Sam H. Harris is producing, stars Gertrude Lawrence. Figuring a spread which may reach \$25,000 more than the budget, show's expenditures look certain to exceed \$100,000. Completion of person to be carried to Boston for the tryout is 155, inclusive of costumers and accessory people, but the playing company has around 60.

"We have four revolving stages and one revolving auditorium," explained Moss Hart, who wrote the book. Kirk Swin composed the score and Ira Gershwin the lyrics. Seven cars will be required to take the outfit to Boston, no 70-footers being available as the post office has requisitioned all for the holiday rush. Company leaves next Tuesday (24), balance of the week being devoted to setting up the show and final rehearsals. Opening date there is Dec. 30 at the Colonial and it's due at the Alvin, N. Y., week of Jan. 13. There is a little similarity with 'The Lady Who Came to Stay', which Guthrie McClintic is opening at the Elliott Jan. 2, but the label the same as the book from which the play was derived. Two other incoming 'N. Y. shows have titles which are partially alike. One is 'The Old Foolishness', which bows in Friday (20) at the Windsor, the other being 'Old Acquaintance', which premieres Monday (23) at the Marcos.

NW THEATRE CONCLAVE IN SEATTLE FEB. 13-15

Seattle, Dec. 17. All theatre workers, amateur and professional, of the Pacific Northwest—Washington, Oregon, Montana and Idaho—will hold eighth annual theatre conference at the University of Washington, Feb. 13-15 inclusive.

There will be variety of theatrical events including performances at the new Penthouse theatre, Showboat, Lyric, and Repertory Playhouse, including marionette production for visitors.

Proposal to Pep B'way Plus Sunday Is 'Suburban Night', All Shows At Cut Scale to Encourage Patronage

'Horse Fever' May Relight On B'way at \$1.65 Top

'Horse Fever', which closed at the Mansfield, N. Y., Saturday (14) after two weeks plus one night, may rejoin Broadway's holiday card. Plan is to spot it in a sizeable house at \$1.65 top, but no theatre booking was secured early this week. Deal is pending for the 44th Street, idea being to show there for two weeks, as house will get 'Crazy With the Heat' about the middle of January. 'Horse' was the first to try Sunday matinees at \$1.10 top. Regular scale is \$3.30.

If 'Fever' relights, a salary cut will be effective. Alex Yokel, who produced the show, has rearranged the operating nut to clip \$1,350 from the running cost.

Hayward's Unique Commissions From Kirkland's Tobacco

Although it arranged neither the stage production nor the picture sale for 'Tobacco Road', the Leland Hayward agency has collected a commission from the entire Broadway run. It sets half the agent's fee on the film deal. Show has been among the best money-makers in show business history. As both author and producer, Jack Kirkland handled the legit production himself. The Feldman-Blum agency in Hollywood set the screen deal with 20th Century-Fox.

The actual amount Hayward has collected from the show so far isn't known. But on the basis of an estimated gross of \$2,500,000 from the more-than-seven-year Broadway run, Kirkland's royalties would probably be somewhere in the neighborhood of \$200,000 (which naturally doesn't include his profits as producer). Agents' commission on that would be \$20,000.

Picture rights went for \$200,000, plus a percentage. Play was produced under the old minimum-basic agreement in effect in 1933, which gave the author 50% of the film price. Hayward and Feldman, splitting the commission on that, would each get \$5,000.

This estimated \$25,000 in commissions to the agency for Hayward may not equal the agent's percentage on a few other legit-film deals where the amount wasn't split. But the case of Hayward and 'Tobacco Road' is unique because the agent had little Sunday list. One is 'Meet the People', the Coast reeve bowing in at the Mansfield Christmas night. It will have a \$3.30 top, same as the other musicals ('Hello, Hello' and 'It Happens on Ice') which play Sundays. The other is 'The Flying Gertrude' which debuts Sunday Dec. 28.

Most of the agencies are open Sundays at the request of the League, but do very little business. Staffs have been curtailed because of that. Brokers say they have noticed a peculiar customer reaction, it being a drop in Monday sales. That day is usually active for advance sales in the agencies, but the drop dates from Sunday and Monday performances started and they claim it cannot be blamed on the pre-holiday decline.

It is now clear that Broadway's musicals, most of which have ticket scale at \$4.40 top, are not attempting Sunday performances on the theory that the class of people who patronize the lower floors do not come to Times Square on the Sabbath. Same argument appears to apply to the top ranking street plays, where Monday attendance is generally as strong as any other night.

High scaled musicals have drawn heavily on Sundays when played for the benefit of the Actors Fund and Stage Relief, but the tickets always have been disposed of through those organizations. Some of the tickets for such benefits are sent to selected lists of each fund's supporters. Only a few tickets for the funds' benefits are sold through agencies. Sunday customers call for cheap tickets, at the boxoffice, where plenty of price cutting is reported.

That a real test of Sunday possibilities will not be made until all shows play on the day is not new, is also a generally accepted belief along Broadway. Fourth Sunday (15) for legit was no change in the situation. Sunday performances, which played the Sabbath the previous week having been withdrawn. Business was claimed to be satisfactory, but in no instance were the takings exceptional. As previously, the Sunday performances were played by in-betweeners with one or two exceptions.

Suggestion is made that a special reduction might be established for Broadway. Idea is that if the entire list would play at reduced scales fresh interest in theatre-going would be promoted, particularly among persons who may not patronize legit because of limited spending means. Proponent of the plan suggests Monday instead of Sunday, with the evening matinee established as 'suburban night' as a reason for the price concession.

Must Include Hits In discussing the plan it was emphasized that the hits as well as the others would have to participate, otherwise without coordination the public might be suspicious that something was out of order with the shows. Idea will probably be considered by the League of New York Theatres, which is striving for more Sunday participation.

In ticket circles it is figured that the Sunday (28) between Christmas and New Year's should be a natural because of the anticipated influx to New York. There may be additional business in the theatre on that day, but it is already known that the top draws will duck the date because of the Monday advance sales. At least one new show will be added to the Sunday list. One is 'Meet the People', the Coast reeve bowing in at the Mansfield Christmas night. It will have a \$3.30 top, same as the other musicals ('Hello, Hello' and 'It Happens on Ice') which play Sundays. The other is 'The Flying Gertrude' which debuts Sunday Dec. 28.

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Jennie Tourel's Suit Against Sol Hurok

A suit by Jennie Michlin, known as Jennie Tourel, soprano, formerly of the Metropolitan Opera Co., against Hurok Attractions, Inc., and S. Hurok was revealed in N. Y. supreme court when the plaintiff applied to examine Hurok before trial. Action charges breach of contract and seeks damages of \$10,000.

Plaintiff claims she signed a managerial contract with Hurok from Jan. 10, 1933 to Jan. 1, 1938, for an art and opera tour of the U. S., Canada, Cuba and Mexico. She was guaranteed 10 performances at \$250 each, plus 50% of the gross over \$500. One of the concerts was a guaranty at either Carnegie or Town Hall, N. Y.

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FLIGHT TO THE WEST

Princeton, N. J., Dec. 14

_____ Rosen.

PAL JOEY

Another standout is June Haver, who stopped the show twice on its opening. Her dancing and singing ("Flower Garden," "That Terrific Rainbow" and "Do It The Hard Way") spell plenty of what it takes. Judy Durantly also goes over, being wondrously spotted. He's Lowell, a blackmailing gangster-agent, a classic role straight for some time. (The

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Millburn, N. J., D

satirical touches into several scenes but they usually are buried under an avalanche of tiresome words. Americanism is emphasized: officious clubwomen are given unmerciful punishment by his plot; the American Revolution is a small-town doghouse and he is fed with a young painter. As local president of the Daughters of American Revolution she lets nothing stand in her way. The D.A.R. won't like it, but she personifies the times that misguided patriots so often can be as guilty of persecuting as the people they persecute. Nazis and other alien tyrannies. When the artist arrives on a W.

MIDDLETOWN MUR

an avalanche of tiresome words. Americanism is emphasized, officious clubwomen are given unmerciful panning by his pen, centering around a dominant small-town dowager and her big feud with a young painter. As local president of the Daughters of the American Revolution she lets no thing stand in her way. The D.A.R. won't like it, but she personifies theory that misguided patriots sometimes can be as guilty of persecution and brutality as the fascist nazis and other alien tyrannies. When the artist arrives on a W

New York Pla

KING LEAR

Lysbeth Lynn contrive some convincing moments, while Herbert Ranson uses his excellent voice persuasively and Gregory Morton direct and believable. The others are negligible or downright bad. All are working gratis.

Show not only offers nothing to Broadway (unless it is a horrible example), but it would seem to indicate that Piscator and others responsible could profitably take a few lessons from Broadway. Habe

Yiddish Play

SENDER BLANK
(IN YIDDISH)

(IN YIDDISH)

George Abbott is interested in The Great American Family," by Robert Frayne Chapin and Charles King. The Shuberts recently held it. Samuel French the agent.

Mrs. Joe Heidt, wife of the Theatre Guild's p.a., in Medical Center, Jersey City, with pleurisy.

Leit Cues

George Abbott is interested in The Great American Family, by Robert Frayne Chapin and Charles King. The Shuberts recently held it. Samuel French the agent.

Mrs. Joe Heidt, wife of the Theatre Guild p.a., in Medical Center City with pleurisy.

to preserve his individual wealth and superiority. In a vigorous opening act, Rice acknowledges that the totalitarian governments of today were brought on by the faults and weaknesses of democracy, with attendant unemployment, disillusionment of youth and economic ill-being. But as one dissertation brings on another, the final curtain finds him wrapped in mysticism, acknowledging that the irrational impulse embodied in democracies is real and inevitable. He settles the methodical

Another standout is June Haver, who stopped the show twice on its opening. Her dancing and singing ("Flower Garden," "That Terrific Rainbow" and "Do It The Hard Way") spell plenty of what it takes. Jaeger Durant also goes over, being very cleverly spotted. He's Lowell, the blackmailing gangster-agent, and plays role straight for some time.

Officialdom is emphasized in the picture of the officious clubwomen are given unmerciful panning by his picture centering around a dominant small-town dowager and her feud with a young painter. As local president of the Daughters of the American Revolution she lets nothing stand in her way. The D.A.R. won't like it, but she personifies the theory that misguided patriots sometimes can be as guilty of persecution and brutality as the fascist nazis and other alien tyrannies.

in some cases, even achieve moments of plausibility. Margaret Curtis and Lysbeth Lynn contrive some convincing moments, while Herbert Ranson uses his excellent voice persuasively and Gregory Morton direct and believable. The others are negligible or downright bad. All are working gratis.

Show not only offers nothing to Broadway (unless it is a horrible example), but it would seem to indicate that Piscator and others responsible could profitably take a few lessons from Broadway. Hope.

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Legit B.O. Plenty Okay In Chicago; 'Father' \$13,500, 'Today' \$10,000

Chicago, Dec. 17. The healthy season picture on the healthy side, with most of the shows even evidencing an ability to buck the pre-Xmas slump. Advance sales on the shows coming in this week had not yet been received. "Pins and Needles" reopens the Studebaker tonight (17) and the sale on this one at \$1 per has been fine, particularly for New Year's Eve. "Ditto DuBarry" was a lady, which gets underway in the Erlanger next Sunday (22). "Pygmalion," which shifted from the Selwyn to the Erlanger when "Here Today" left the Selwyn, is being pushed out of the Erlanger on Dec. 22 by "DuBarry" and will move to the Harris, which was vacated Saturday (14) by "Night of the Living Dead" after two brutal weeks. Despite dismal trade, "Love" will not fold, but will open on Christmas in Midland.

Estimates for Last Week
"Here Today" Selwyn (1st week) (1,000; \$2.75). Took in some coin before the subscription list on the initial session at \$10,000. Strictly on the Ruth Gordon name as the box office bait, plus excellent press handling.

"Life With Father" Blackstone (41st week) (1,200; \$2.75). Riding along in the consistent profit that will keep it through for many more weeks to come. Based to \$13,500 plenty okay. "Meet the People" Grand (11th week) (1,200; \$2.75). Will call it quits here Saturday (21) and go to New York. Several cast changes indicate either a change in personnel, weak spots, or backstage indecision. Dipped to \$10,500.

"Night of Love" Harris (2nd and 3rd week) (1,000; \$2.75). New and started and wound up its run with brutal \$5,000 for final session. "Pygmalion" Erlanger (3rd week) (1,200; \$2.75). Moved here from the Selwyn and held to good business on fine school party trade arranged by Thenged. Dipped \$9,500. Will move from Erlanger to Harris next week.

Mornings \$5,000, Finds Tough Going in St. Louis

St. Louis, Dec. 17. "Mornings at Seven" the only National Playboys Guild, Inc., piece that will appear here during the current season. Dipped the one-week stand at the American Stadium (14) with the poorest box take of the season. Piece grossed an estimated \$6,000 for eight performances. Dipped the house scaled to \$2.20. Stiff opposition from Sonja Henie at the Arena and to days of rain and move off-set the bundles of profits tossed by the crisis.

Katharine Hepburn in "The Philadelphia Story" (11th week) (Monday), with the house scaled to \$3.30.

Engagements

Marie Nash, "All in Fun".
Millard Mitchell, "Mr. and Mrs. North".
Harriet Clark, Betty Keane, "Crazy With the Heat".
John Beal, William Lynn, "Liberty Jones".
Thomas Coley, Claire Niesen, Oscar Karlweis, Roland Howe, Edwin Gordon, Philip Faversham, Wilton Graff, Lili Valenti, Douglas Gilmore, "Cue for Passion".
William Post, Jr., Jo Ann Sayers, George Cotton, "Mildred Snicker".
Florence Reed, Dorthy Hinkley, Iris Whitney, James Marriot, Lyle, "The Flying Gerards".
Martha Sleeper, Mary Morris, "The Cream in the Well".
Branwell Fletcher, McKay Morris, Cecil Humphreys, Celeste Holm, "Eight O'Clock Tuesday".
Helen Raymond, Joe Oakie, Warda Howard, Robert Williamson, Ralph Magelsen, Edwin Coolidge, Leslie Austin, Harry Bellaver, Robert Sind, John Gray, Viola Essinova, "She Has to Say Yes".
Doris Dudley, Katherine Rahl, Edith King, Robert Emhardt, Dorothy Peterson, Susan Steel, Sarah Hanna, Helen Carlew, Larry Sothen, Marshall Bradford, Charles McClendon, Burton Holmes, Clarence Washington, Ivan Lewis, Wesley Addy, "Battle of Angels".
Isabel Jigley, Eleanor Lynn, Grant Mills, Sanford Mesner, Bernard Zand, Barbara Reade, Hans Robert, Kirk Brown, Ivan Lewis, Stanley Tower, William Nunn, Mabel Paige, Richard Bengal, Jack Wilson, "The Hard Way".

Xmas Hits 'Animal', 94¢ In Cleve.; Nugent Quitting

Cleveland, Dec. 17. Although Elliott Nugent is an Ohio boy from downstate Dover, and feted here by his home-towners and his Ohio State U. class of '20, his "Male Animal" found it extremely tough going at the Hanna last week. At \$2.50 top the comedy was held down by pre-holiday lull to estimated \$9,500 for six days.

Town's only legit house is shuttering for current season, reopening Dec. 23 with Gladys George's "Lady in Waiting".

Nugent is quitting cast of "Male Animal" in which, when another actor will step into his role, as revealed during his visit here. He is due back in Hollywood before April 1 to start work directing film version of "Nothing But the Truth".

'JOEY', \$10,000, PHILLY CLICK

Philadelphia, Dec. 17. The local critic went to town in a big way last week on the George Abbott-Rodgers and Harl-John O'Hara musical play, "Pal Joey," which bowed in Wednesday night at the Forrest. It's been a long time since local reviewers have waxed so enthusiastic.

Absence of marquee names and usual reluctance of Philly legit patrons to visit a tryout until the latter half of its run held down biz of initial five days. Word-of-mouth, however, is terrific and seat sale for this week indicates plenty of retail activity at the turnstiles. At that management was satisfied with first five days \$10,000.

Last week's other opening was also a closing on Saturday night (14). This was John Shubert's production of "Off the Record." It was decided to wind up show's engagement at the Locust after a single week and then to take it off for rewriting and re-casting.

Estimates for Last Week

"Pal Joey" Forrest (1st week) (1,800; \$3). Opened Wednesday night and won rave notices all around. Local marquee names held down biz at first, but terrific word-of-mouth is building it up rapidly now; \$10,000 in five performances wasn't too bad.

"Off the Record" Locust (one week only) (1,500; \$2). Most of the crisis said "no" emphatically. Hollywood names drew some of the curious on Friday (13) management decided to call it a day after single week here and take show off for repairs; \$5,000 on week.

'Foxes' Big \$9,800 Between Portland and Tacoma

Portland, Ore., Dec. 17. Tallulah Bankhead opened the legit season in this far northwest town, bringing "The Little Foxes" to the Mayfair for three nights and one matinee starting Thursday (12).

At \$2.75 top in 1,500-seater, biz was big at estimated \$7,000.

\$2,800 in Tacoma

Tacoma, Dec. 17. Tallulah Bankhead in "The Little Foxes" made a one-night stand here, playing to practically capacity at the Temple (Hamrick-Edriss).

House seats 1,600 and was scaled to \$2.85, with gross estimated at big \$2,800.

Gladys George to Coast

"Lady in Waiting" will end its tour Jan. 4, with Gladys George, who is started, leaving for the Coast after that date. Miss George had the privilege of giving withdrawal notice to Brock Pemberton, show's producer, after 10 weeks; and thus advised the manager of returning to pictures. "Lady" has been drawing spotty business, but tour is in the black and further bookings were planned.

XMAS FURLOUGH WEDDING Then Bride and Groom Resume Separate Tours

Fort Wayne, Dec. 17. Eugenia Wilson, who plays Pearl in the John Barton touring company of "Tobacco Road," left Saturday night (14) for the Coast immediately after the show closed here for a Christmas furlough. Actress will meet Frederic de Wilde, understudy and assistant stage manager of "The Little Foxes" company in San Francisco and with him will be married Thursday (19). Carl Benton Reid, of the "Foxes" troupe, will accompany the couple and be best man at the wedding.

Miss Wilson is due back with "Road" when it reopens at the English, Indianapolis, with a Christmas day matinee. De Wilde will continue with "Foxes".

LUNTS, \$25,000, SRO IN DETROIT

Detroit, Dec. 17. More seats could have been used in the Cass theatre here for the six-day, eight performances, of the Lunts in "There Shall Be No Night." The third in the Guild subscription series to revive here, it's been the estimated \$25,000 at a \$3.30 top, a complete sellout.

House resumed Monday (16) with Flora Robson in "Ladies in Retirement".

'Life' N.G. 66, DuBarry' Fine \$12,000 in Indpls.

Indianapolis, Dec. 17. English theatre playing its first full week of the season, had the scales out of balance last week with a poor take on "Time" and "Your Life" first three days, and heavy sugar on "DuBarry Was a Lady" for the latter half. Town goes heavy for musicals and since there is only so much legit coin here, apparently, the Sanyon and despite the flaunting of Critic's Circle and Pulitzer Awards played heavily in the press.

"Time of Your Life" at \$2.75 top, got estimated \$5,800, while "DuBarry", at \$3.30, drew approximately forte \$12,000.

'DuBarry' Light in Col.

Columbus, Dec. 17. After clicking along with excellent biz all season, "DuBarry" was hit by the pre-holiday slump. "DuBarry Was a Lady", at \$3.30 top, pulled an estimated \$10,000 for her first performance for the first half, while "Ladies in Retirement" (\$2.75) was good for only approximately \$5,000.

Current is "Hellzapoppin" (16-17-18), house going dark until "Tobacco Road", in for week of Dec. 30.

'Ladies' in Buff.

Buffalo, Dec. 17. "Ladies in Retirement", in for three days at the Erlanger last week, met the pre-holiday slump.

Managed to get estimated fair \$5,300 at \$2.75 top.

'Time of Life' Gets Fine \$8,000 in Cincy

Cincinnati, Dec. 17. Theatre Guild's subscription series overcame hot-and-cold notices by local critics to hang up a surprisingly large estimated \$8,000 for "Time of Your Life" on four performances at \$2.75 top the latter part of last week in the 1,400-seat Cox.

Sans ticket this week, the Cox gets Flora Robson in "Ladies in Retirement" for a four-day engagement, starting Christmas night, at \$2.75 top.

'Pins' N. G. 66 in Pitt

Pittsburgh, Dec. 17. Nixon, which was dark for three weeks; running, could have stayed that way for another stanza, for the action it got out of "New Pins and Needles". Labor Stage revue got excellent notices, the price was right, \$1.65 top, and it came in at a time when local mob was supposed to be leg-judging, but nothing added up. Show slipped in and out of town without creating much of a stir, and only drew estimated \$5,000 for hours' poorest take of the current season.

House is currently dark again, but, as they begin to look up, the "Pins" comes in for fortnight's stay.

B'way Slips Further in Pre-Xmas Slump; Jolson, \$19,000, Wynn 18G, 'Corn' Big 19 1/2G, 'Delicate' Light 7 1/2G

Wash. Holiday Dip Clips 'Out West' to \$8,500

Washington, Dec. 17. Pre-Christmas slump hit town's only legit box full in the face last week. Max Gordon's production of new comedy by the Spewinks, "Out West It's Different," won strong notices from all critics, most of whom hailed it as potential equal of "Boy Meets Girl." Despite reviews, plus presence of Claire Trevor as Hollywood name and Sam Levene for "Gough," grossed only \$8,500, couldn't climb over estimated \$5,500 at \$2.75 top.

Current is another new one, Playwright's production of Elmer Rice "Flight to the West," first new serious drama of local season. National is dark next week (22) and Heights week of 30th with Joe Fanner and Cass Day in "Yokel Boy".

'ACQUAINTANCE' N.G. 7G IN HUB

Boston, Dec. 17. Three tryout shows, "All in Fun," "Old Acquaintance," and "Hi Gentlemen," were all in the lower brackets last week, while "Life with Father" topped 'em all in its 11th week.

Both musicals, "Fun" and "Gentlemen," bowed out Saturday (14), with layoffs scheduled before opening in New York.

Estimates for Last Week

"Life With Father" Repertory (11th week) (985; \$2.75). Unceasing demand for upstairs seating with slight sloping off in floor trade. Over \$13,000 for 11th frame.

"Old Acquaintance" Shubert (3d wk) (1,590; \$3.30). Skidded in its third tryout week here, but show improved by reviews. "Myra Murray" came in last week for a singing role. Tailed tepid \$8,500.

"Hi Ya Gentlemen" Colonial (2d wk) (1,045; \$3.30). Palled grosser both weeks here and will not open in New York until it gets a revamping. Final stand \$9,000.

"Old Acquaintance", Plymouth (1st wk) (1,480; \$2.75). Majority of reviewers (particularly the women) gave the upstairs seating a good try, but the public laid off and only \$7,000. One more week here and dated for the Morocco, N.Y., Dec. 23.

Current Road Shows

(Week of Dec. 18)

Ballet, "Ruse de Monte Carlo" (Concordia Road, Dec. 17); Wisconsin Union, Madison, Wis. (17-18). "Flight to the West" (Betty Field) National, Washington.
"Hellzapoppin"—Hartman, Columbus (16-18).
"Here Today" (Ruth Gordon) Selwyn, Chicago.
"Ladies in Retirement" (Flora Robson)—Cass, Detroit.
"Old Acquaintance" (Lillian Gish)—Blackstone, Chicago.
"Life With Father" (Dorothy Gish)—Repertory, Boston.
"Male Animal" (Elliott Nugent)—Erlanger, Buffalo, N.Y. (16-18).
"Old Acquaintance" (Jane Cowd, Peggy Wood)—Plymouth, Boston.
"Pal Joey"—Forrest, Philadelphia.
"Philadelphia Story" (Katharine Hepburn)—American, St. Louis.
"Pins and Needles" Studebaker, Chicago.
"Pygmalion" (Ruth Chatterton)—Erlanger, Chicago.
"There Shall Be No Night" (Alfred Lunt, Lynn Fontanne)—Pabst, Milwaukee (16-18).
"Time of Your Life" (Eddie Dowling)—Memorial Auditorium, Louisville (16); Victory, Dayton (17).
"Man Who Came to Dinner", with Clifton Webb, played two-day engagement (18-19) with Saturday matinee, at Memorial Auditorium, grossing estimated satisfactory \$7,000 on the first night.
U. of Pennsylvania's Mask and Wig Club is booked for Christmas week.

Estimate for Last Week (Key: C=Comedy; D=Drama; A=Antic; M=Musical; F=Farce; O=Operaetta)

"Boys and Girls Together" Broadhurst (11th week) (R-1180; \$4.40). Pitch of approaching Christmas more definitely reflected in dropping attendance; slipped to around \$18,000 for first time.
"Hellzapoppin" (R-1214; \$3.30). Not as much off as some others, but few shows; if any, escaped the decrease; around \$15,000, which betters even break for colored musical.

"Cue For Passion" Royale (CD-1017; \$3.30). Presented by Richard Lundy & Richard M. M. Written by Edward Chodorov and H. S. Kraft; opens Thursday (19).

"Delicate Story" Miller (2d week) (R-1214; \$3.30). Good for newcomer, which arrived as pre-holiday period started; around \$7,500 is under expectations.

"Evan Ross" (R-1214; \$3.30). Yanked last Wednesday (11); played but three performances.

"Horse Fever" Mansfield. Closed last Saturday after playing two weeks and one night; under \$4,000, but reliable for holiday visitors; "Meet The People" opens here Christmas night.

"Hold On to Your Hats", Shubert (14th week) (M-1,405; \$4.40). This musical (Al Jolson) and "Boys and Girls Together" (R-1214; \$3.30) are running neck and neck; around \$19,000 for this one last week; both shows booked for Christmas.

"Johnny Belinda" Longacre (13th week) (R-1,405; \$4.40). "Meet The People" still hopeful of betterment; around even break on operation claimed, but "Johnny Belinda" is under \$10,000.

"Life With Father", Empire (5th week) (C-1,005; \$3.30). Even in pre-holiday slump, business approximated capacity last week when the gross topped \$18,000.

"Louisiana Purchase", Imperial (20th week) (M-1,405; \$4.40). Musical dropped between \$3,000 and \$4,000; not quite that much for the week; still approaching \$10,000.

"Man Who Came to Dinner", Music Box (61st week) (C-1,013; \$3.30). Still commands profitable attendance, but was last week with as much money; got \$11,500; Sundays okay.

"Mama Hattie", 46th St. (7th week) (M-1,347; \$4.40). One of very few shows which have not been affected; early period of run a fact; holding gross to better the \$32,000.

"Retreat to Pleasure", Belasco (C-1,005; \$3.30). "Meet The People" Theatre, written by Irwin Shaw; opened last night (Tuesday) after previews which were reported favorably received.

"Separate Rooms", Plymouth (38th week) (C-1,017; \$3.30). Slated to move to Hudson to make way for "Flight to the West" due Dec. 30; comedy expected to stick through January, but may drop around \$10,000.

"The Great National" (3d week) (D-1,162; \$3.30). Moved higher and leads straight; plays in 1940; around \$18,000; but otherwise, bigger figure; claimed standees all performances.

"The Great National", Windsor (CD-873; \$3.30). Presided by John Golden; written by Paul Vincent Carroll; opens Friday (20) after several previews.

"Tobacco Road" Forrest (35th week) (C-1,107; \$1.10). Played Sunday matinee to fair success; but with attendance then better. Wednesday afternoon dropped; \$4,000.

"Twelfth Night" James (3d week) (D-1,528; \$3.30). Sellout theatre parties helped maintain excellent gross; even of easing off, gross went up; over \$22,000.

"Charley's Aunt" Cort (9th week) (C-1,064; \$3.30). Slated to stay into February; reviews brilliant; with summer spots still profitable, with takings around \$9,000.

"Mum's the Word", Belmont. Closed Saturday after lean week and a half; will possibly resume.

"Walrus Rasse" at St. Warner's Hollywood. Off like most of Broadway, but getting important notices; under \$10,000; into January; under \$30,000, but average well over that level.

Inside Stuff—Legit

Harold J. Rome, composer and lyricist for 'New Pins and Needles,' spent a couple of days last week in Pittsburgh, where he was at Nixon theatre, writing a new number for review and to start of Chicago run. Added material was necessary when CIO sketch had to be dropped because of John L. Lewis resignation. To fill in, Rome lifted a number, 'Lone Prairie,' from a previous Broadway show of his, 'Sing Out the News,' which was assigned to Berni Gould. Robert Gordon, director of show, accompanied Rome to stage the first material.

Rome was scheduled to leave New York Friday (13) with his wife for a three-week vacation in Florida and upon his return will resume work with Erskine Caldwell on their book musical, 'Man From Mexicana.' This one has been delayed, composer said, by Caldwell's absence in Chicago, where he's been for several weeks on a Life magazine assignment with Margaret Bourke-White, Caldwell's wife.

Authors of 'Glamour Preferred,' first called 'Morality Clause,' forgot to tell Brock Pemberton that it was originally a playlet which was published. Had there been picture rights involved a play broker could have made claim to a share, but the show listed little more than one week on Broadway and whatever rights there are reverted to Florence Ryerson and Colin Clements, Hollywood writers.

Number of hits were originally short stories or playlets, outstanding being 'Rain,' based on 'Miss Thompson,' a Somerset Maugham yarn. Others include 'Our Town' and 'The Torchbearer.' 'The Torchbearer' is 'Delicate Story,' which recently opened at the Miller, N. Y., was based on that author's briefs, 'The Pastry Baker's Wife.'

David J., father of Joey Keith, who is an executive in Leblang-Gray's ticket agency, died in Medical Center, Jersey City, Monday (16) at the age of 71. His wife, who was the sister of the late Joe Leblang, passed away several years ago. Barry Keith, also in the ticket business; Mrs. Ann Deutcher, whose husband is similarly active, and Mrs. Isabel Simon, another daughter, survive.

Elder Keith was a familiar figure around the Leblang agency, but was not employed there. He was formerly a well known tobacconist. Burial services will be held at the Central Funeral Chapel, N. Y., this afternoon (Wed.) at 2 p. m.

Day Tuttle and Richard Skinner, producers of the 'Charley's Aunt' revival at the Cort, N. Y., have received a letter of congratulations from Amy Brandon Thomas, daughter of the play's late author, Brandon Thomas. It was mailed Nov. 1 from her 'temporary' office in North Guilford, Surrey, where she has apparently moved to escape the air raids on London.

Miss Thomas, explaining that for the first time in many years there would be no holiday revival of the comedy in London this season, expressed the hope that the Broadway production would run so long that she would be able to come over to see it when 'we have finished this business.'

In the cast of 'Life With Father,' Empire, N. Y., there are now six players who are alumni of the Lakewood Players, Skowhegan, Me. From that origin those originally engaged by Oscar Serlin for the comedy are Howard Lindsay, Dorothy Stickney, 'The Torchbearer,' Dorothy Bernard and now Virginia (Ginny) Dunning, who recently joined the show.

'Father,' the most successful play to come out of strawhats, tried out at Skowhegan and Miss Dunning appeared as the first maid at that time.

Irving Berlin and B. G. deSylva have split \$75,000 net profit on 'Louisiana Purchase' to date, and there's \$20,000 in the till, as yet undivided. This is after a \$80,000 production net was paid off, which included a contract settlement with Hildegard (Greene Bordon) replaced her and some extra compensation to Sam Goldwyn for Zorina.

Both Columbia and Metro have expressed interest now in the stage musical's screen rights.

Pittsburgh is going to have its fill of 'Pygmalion' before the present season ends. Edgewood Players, one of town's leading amateur groups, did the Shaw play recently. 'Smoky' City's community theatre, has it listed on the 1940-41 schedule. Two other little theatre groups have announced it for January and February, respectively. And Ruth Chatterton's version is slated for the Nixon in the spring.

'Road' Commish

Continued from page 45

or nothing to do with either the legit or picture arrangements. Situation resulted from a gesture on the part of Kirkland. When he first wrote the play, Hayward was the agent for it and tried to arrange

a production. He was unable to do so, however, and, as Kirkland says, 'I sold it to myself.' But because Hayward had 'hooked up' the community to a production, Kirkland voluntarily offered to pay him the regular commission on the author's royalties. Naturally neither one dreamed at the time that the show would be any such success as it has been.

When, after the original production had been playing on Broadway for some months and the first road company was formed on the Coast, Hayward wanted commissions from the author's royalties from that source, too. Kirkland refused to pay them, however, and Hayward is reported to have threatened to sue for the coin. But Kirkland ultimately settled for a small lump sum, and he has since paid no commissions on the royalties of any of the several road companies.

Four Flops

Continued from page 49

self-sourced those who may have bought in on 'Himself' (originally 'Once Upon a Night'). Yet there had been an offer of \$30,000 for the picture rights. Because of that, Lee Tracy, who was starred in the play, and Bobby Crawford were ready to take it over following the abrupt folding. Deal was dropped when word was received from Hollywood that Columbia had bought the rights for \$100,000. As the show did not draw three weeks on Broadway, the rights went to Milton Lazarus, author of 'Himself.' It appears that following the bad debut, Lazarus telegraphed his agent out there to dispose of the film rights pronto, his idea being to save something from the wreck.

Shows in Rehearsal

'Liberty Jones'—Theatre Guild.

'The Cream in the Well'—

Carly Wharton, Martin Gable.

'First Stop to Heaven'—Mar-

garet Hewes.

'Lady in the Dark'—Sam H.

Harris.

'Arsenic and Old Lace'—How-

ard Lindsay, Russel Crouse.

'The Lady Who Came to Stay'—

Guthrie McClintic.

'The Talley Method'—Play-

wrights.

'Mr. and Mrs. North'—Alfred

de Liagre, Jr.

'The Flying Gerarados'—W. A.

Brady, Edward Choate.

'Battle of Angels'—Theatre

Guild.

'My Sister Eileen'—Max Gor-

don.

'She Had to Say Yes'—Dennis

King.

'The Hard Way'—Boretz &

Helperin.

'Eight o'Clock Tuesday'—

Greene & Struthers.

'Grease With the Heat'—Kurt

Krasner.

'Yokel Boy'—Brown, Henderson,

Cranford.

Film Labor

Continued from page 7

mouthed as to whether any action is contemplated.

With unemployment in the film industry at a low mark, hundreds of workers are leaving the industry to accept jobs on Government defense program projects. The list includes practically every craft, with utility workers, carpenters, and machinists heading the parade. Many electricians also have been drawn in by the promise of steady employment and sizable earnings larger than they have been drawing here. During the past week more than 100 checked in at San Luis Obispo where the Government is erecting huge cantonments for trainees.

'They're At It Again'

Although the Producer-Screen Writers Guild basic agreement is only two months old, the two groups are already battling again. The tiff started over the action of picture companies in attaching a rider to writer contracts known as Clause X. This provides that after the present agreement expires April 10, final say on allocation of screen credits will rest with the producer provided the writers involved are unable to settle the dispute among themselves.

The Guild has demanded the clause be eliminated, claiming they now have final say-so on screen credit disputes and naturally would when the contract is renewed. The producers offered a compromise, that the SWG could arbitrate disputes for one year after expiration of the contract, but this was not accepted. Negotiations between the producers and the Screen Actors Guild get under way tomorrow (Wed). The Guild is seeking reclassification of extra brackets and improved wages and conditions for day and freelance actors. Reclassification of the extra brackets would provide \$11 and \$25.25, and confine \$5.50 calls to mob and street scenes exclusively. The Guild also will try to eliminate practice of studio calling an extra and then giving him lines to say, insisting this work go to a day player.

Extra earnings in November showed an increase of 100,000, or \$30,000 over October, but total earnings for the 11 months of this year are nearly \$700,000 behind the same period in 1939. There were 17,347 job placements in November as compared with 14,859 in October and 16,883 in November, 1939. This represented an increase in earnings of approximately \$10,000 over the same month last year.

A total of 21,061 extras were handed out during the first 11 months of this year, as against 214,224 jobs during the same period in 1939. Figured on a daily average wage of \$11.00, this represents a decrease of about \$700,000.

Harry 'Doc' Evans, an extra, has been suspended by the SAG for 30 days on a charge of kicking back part of his earnings to an independent casting director in return for jobs.

Philly Ledger Sold

Negotiations were reported completed over the weekend for the sale of the Philly Evening Ledger by the heirs of the Cyrus H. K. Curtis estate to a syndicate headed by Cummins Catherwood, Main Liner, and Robert Cresswell, treasurer of the New York Herald Tribune. Reports indicate the deal is a cash transaction. Joseph N. Pew, Jr., oil man and Republican boss of Pennsylvania, and Jay Cooke, Republican city committee.

The new setup is sketched to take control after the New Year. Charles M. Morrison, expected to be recalled as editor, with the present boss, George F. Kearney, who replaced Morrison, switched to another executive post. Morrison has been publicity director for the Republicans in Philly since he was ousted by Cary Bok, publisher of the Ledger.

Soldier of Fortune Rome

Captain Paul Ayrer Rockwell, southern newspaperman and author, has returned to his home in Asheville, N. C. after several months service with the French army. Rockwell, former Atlanta (Ga.) Constitution reporter and Chicago News correspondent in Paris, is author of 'American Fighters in the Foreign Legion' and other works. He served with the French Foreign Legion in three wars, the World War, 1925, 1930, and World War No. 2. He holds Croix de Guerre and other decorations.

Blames French defeat on ex-Premier Leon Blum and Pierre Cot, cabinet minister, plus drain on French military equipment via aid against Franco in Spain, plus bad military strategy which allowed French army to be cut off by encircling German forces, was Rockwell's opinion. He was rushed to Holland and Belgium. Rockwell fled from Paris June 10 and since has traveled in unoccupied France. He lost his home in Paris and now has his family in the states.

Hoffman Libel Award Upheld

The New Jersey Court of Errors and Appeals has upheld a \$300,000 libel award won by former Gov. Harold G. Hoffman against the Trenton Times Newspapers and James K. Kerney, its editor. The court ruled there was no error in the lower court trial. Kerney and the newspapers alleged Circuit Court Judge Robert V. Kinkaid allowed more than a score of errors prejudicial to their cause in the trial conducted in Middlesex County.

The State's highest court in an opinion (12) by Chancellor Luther A. Abbott, Jr., said that Hoffman, from 1935 to 1938, alleged libels in editorials and headline in the Trenton papers concerning his allowance of \$17,000 in salary increments to executive office employees shortly before his term ended.

\$1,000 Award Against Time

A jury in N. Y. federal court before Judge John W. Clancy brought in a verdict in favor of George F. Havel, in connection with his \$500,000 libel suit against Time, Inc. Alleged libel was printed March 28, 1939, in 'Time.'

Plaintiff claims he and associates acquired control of the 'Literary Digest' Oct. 15, 1937, and in March, 1938, sent letters to 10,000 subscribers asking for voluntary contributions of \$1 to be deducted from subscription rates. When a circular was sent, Alleged libel claimed that the Digest was rebuked by the Bureau of Circulations for appealing to the public, and that the money was returned, neither of which was true, plaintiff claimed.

Writer Wins Plagiarism Suit

A judgment against Charm Publications, Inc. for \$250 was entered Friday (13) in N. Y. federal court by Judge John J. Knox in favor of Nell Violek. Plaintiff charged an article in the September, 1937, issue of Real Charm Magazine, which the defendant publishes, infringed on a story she had written.

Judge Knox found that the story, 'Cosmetics,' was a plagiarism, but not a willful one, and that plaintiff had suffered no actual damages so he awarded her statutory damages.

Pix-Literal Feed in N. Y.

Editors Luncheon Club of New York meets today (Wednesday) to discuss cooperation between film companies, publishers and agents. William J. Fadman, of Metro, will speak for picture outfits, Harry

Literati

Mauls for the pubs and Alan Collins, of Curtis Brown agency, for the percenters.

Giveaway Fan Mag

New fan mag, The Hollywood Star, has been started on a giveaway tieup with department stores. First issue came out Dec. 7, with others to follow at two-week intervals or every week of response is sufficient. It will be nationally circulated.

Glimmick is that stores buy the mags from the publisher and give them away to their customers. On the back cover is the store's ad. Column in the pub, 'Hollywood Au Gratin,' is being written by Wally Lobel of the Hal Roach office in N. Y.

Swing's London Column

Raymond Gram Swing has been signed to a story per week for the London Express, expressing the American point of view on Great Britain and the British Empire. Stories will be syndicated to all of the United Kingdom and elsewhere but not in the U. S.

Pact, which runs for one year, becomes effective Jan. 17.

LITERATI OBITS

Alvin Irwin Findley, 81, retired since 1930, died at St. Petersburg, Fla., Dec. 12. He began his career as city editor of the Akron (O.) Daily Beacon, later serving on the Chicago Interior and Philadelphia Press. He returned to the Daily Beacon as associate editor, later joining the Boston Globe as editor. He served as editor-in-chief of that publication for 21 years.

D. Murray Travis, 71, news editor of the Brockton (Mass.) Enterprise-Times since 1923, died at his home in that city Dec. 14.

CHATTER

Frederick Hollander finished his new 'Thou Shalt Love Tom Earth' for Liveright publication.

N. Y. Press Photographers have set Friday night, Feb. 14, for their 12th annual ball. It will be held at the Hotel Astor.

Arthur 'Bugs' Baer emceed a show and ball in Albany Saturday night (14) to raise funds for purchase of uniforms for local Home Guard unit. Appearance of humorist was arranged through Fred Archibald, publisher of Hearst's Times Union. There was a 10-cent column and a member of committee on arrangements. Adrienne Ames of radio and pleasure was another out-of-state dame at the affair. She did a broadcast over WOR.

Ben Bernie

Continued from page 2

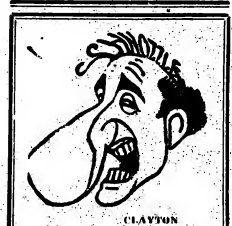
Bar' with the provision that he be included in the cast, to the Hollywood producers when they were 'off of him.' First he asked \$100,000 inclusive for both the script and the cast. When the show was turned down by Metro he kept dropping the asking price until finally Warners offered a deal calling for no advance and 10% of the profits. Result was, Joison said, he received \$50,000 as his share of \$350,000 profits.

Just to Rebuttal?

Gordon, who especially 'flew up from the Gridiron Dinner in Washington, said that the main reason he put in an appearance was to refute Bernie's claim that Gordon had given the act of Bernie and Phil Baker the finger when he was agenting them. He branded a canard the story Bernie has been spreading all over the place. Gordon used to 'lose' in Bernie and Baker for \$200 weekly to those bookers who would pay \$650 for the Jean Adair & Co. sketch. Later Bernie told of how he actually caught Gordon 'red-handed.'

When the starlet got his chance at the finish, he was more nostalgic than insulting, especially in regards to Bobby Clark, Gordon and Joison. He went way back in old friends. He went way back in his career, too. He was in a partnership with Harry Ros and leading up to 'the low-spot in his career' when he played the Palace with his band at \$1,000 and got sixth billing. This was followed by a 'down' at the Garden used to 'lose' in Bernie and Baker for two weeks to a convention of sheriffs' and no coin. Broke, Bernie had only Joison to turn to. After being 'insulted' for times, and then brought inward to 'steer' the team request from \$3,000 to \$1,500, got the coin and saved his career.

He paid an especially tender tribute to the memory of Mike Shea, of ceased 'raude' behavior as the he feared the actors' had.



CLAYTON

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Continued from page 1

Don Opitz	Judy Preston
Hotel Cleveland	Pearl DeLuca
Paul Pendarvin Ore.	Regal Club
Margaret English	Ducky Malvin Ore.
Hotel Fenway Hall	Thirty-Seven Club
Gene Erwin Ore.	Pat Dennis
Hotel Sterling	Cunningham Sle
	Jean Deiters
	Duke

Metro's ASCAP Views

Continued from page 1

will further expedite Metro's renewing with ASCAP because the proposed provisions of the new contract would take care of any complaints from Metro.

Reasons for ASCAP's attitude about not worrying too much, apparently, if Metro renews, or doesn't, were many. One of them, and a very important one, is the position of the songwriters. A stiffening in the ranks of the tonight songsmiths—many of them also librettists and scenarists, and thus potentially allied with the Screen Writers Guild, the Authors League of America, and the Dramatists Guild—gave the ASCAP the attitude that Metro couldn't make a deal with Broadcast Music, Inc. if it wanted to, as did Edward B. Marks Music Corp. (As regards Marks, bulk of his catalog comprises European and Latin-American music, and some 10-15% of his American catalog is added in question for radio use, due to the writers being signed with ASCAP.)

ASCAP's position is that Max Dreyfus' group of firms, or the Warner Bros., Paramount firm, or just as significant as Metro-Robbins-Feist-Miller.

Guarantees

Among desired guarantees that Metro's copyright attorney, Julian T. Abeles, presented to ASCAP's board is that the same classification system be retained. Technically, all ASCAP members, writers and publishers, are bound by any method of classification set up by the board. Metro, who renewed five years ago, expected a promise that the availability, seniority and number of performance system be retained. There was talk this past year of going back to the old system, whereupon Metro reminded ASCAP of a 1935 memorandum to the contrary. Since there are other major film companies tied into ASCAP, besides Metro's Robbins, Feist and Miller firms, the inclination by board members to deny any 'special' consideration for the M-G music holdings is understandable. Warner Bros. is represented by an equally important group of music holdings; in fact WB withdrew from ASCAP six years ago for a fancied grievance all its own at that time.

Paramount has its Famous Music and Paramount Music Corp., the 20th Century-Fox likewise has a say so in Robbins and Feist, through a contractual deal. The film industry angle in ASCAP, as a means to influence the eventual renewing with ASCAP, manifests itself via Harry M. Warner, for example, who is very pro-ASCAP. To begin with, the Warner Bros. group of publishers, the Society is dominant. For another, Herman Starr, who operates the Music Publishers Holding Corp. (WB firms) is also a Warner Bros. v.p. and director, being chairman of the radio committee negotiating the new broadcasters' contract.

The tilt at ASCAP that a phone call from H. M. Warner to Nick Schenck or Louis B. Mayer, or even the Metro-Robbins-Feist-Miller group prove balky, would achieve much.

Hollywood Angles

Another dominant factor in having swayed David Bernstein's acquiescence that Metro renew with ASCAP is the understanding that if the Loew-Metro music firms were to upset the ASCAP cart, many a Hollywood writer would resent it.

The Screen Writers Guild is very actively interested in this ASCAP situation through (1) interlocking interests, and (2) a common concern in the rights of the writer. Many a librettist and tunesmith is also a member of SAG. Authors League of America and, for that matter, the Guild, besides being of ASCAP membership.

It has been made forceful to Bernstein, Feist and the Metro studio bunch west that a side strike by songsmiths and musical authors—especially with an imminent revival of screen musicals—might come to pass if ASCAP's interests in this battle with the broadcasters were prejudiced.

Fair Disappointed

John G. Payne, general manager for ASCAP, was anxious last week for press-release for the Monday day fact that the Society and Metro renewed. But, although a week late in doing so, finally its contracts over to the ASCAP offices on Friday (13), but the board balked at the special dispensations to take the Jones major in hand. Sam Fox is the only other firm. Impassioned, not yet renewed; Edward B. Marks

Music Corp., of course, closed with Broadcast Music, Inc. for five years. When the ASCAP board sessions started Thursday (12), Jack Robbins, representing the Feist, Miller and Robbins firms (Metro subsidiaries) was invited to leave the board room. Theory was that since Metro, apparently, hadn't as yet renewed, it might be impolitic to have him present while the board was mastering Metro's demands for 'special' consideration; rumors of a 'consent decree,' etc.

'Libilodolones'

Continued from page 1

like a Benchley short subject, but on the square.

Lee and his psycho consultants have set up eight categories of humor:

1. Libilodolone—based on the incongruous or ridiculous.
2. Ambilune—double entendre and innuendo.
3. Libilodolone—depends fear, fright or shock.
4. Naivulone—based on naive and impractical. Rube Goldberg situations.
5. Procrustulone—based on impending calamity, injury or harm to a person.
6. Infantulone—childish. Dumb Dora situations.
7. Voluptulone—sexual, voluptuous or sensual situations.
8. Sophistulone—sophisticated humor; parody.

A short set to with a box that looks like a movie radio and some funny pictures determines an individual's classification. Around your hands are wrapped leather straps from which run wires to the box. These different types of cartoons are placed in front of you and the technician watches how far each one causes a hand to swing on a dial on the box. Type of pic which make the hand move most puts you in your class.

Watson, who should know about such things, says there's no mystery about it. It's simply 'electrodermal response.' And, if you still don't get it, Watson will go on to explain that any emotion—whether it's because you're lying like a Goebbels or guffawing at Bob Hope—causes changes in your hands to go to work. These gloves set up a tiny electric current which the psychometer builds up to enough strength to swing the needle. The more laughter or the more lying the greater the current. It's as simple as that.

Chaplin

Continued from page 1

London because of bombings and wartime restrictions, any picture is bound to suffer from what normally is expected. However, indications are that 'Dictator' will draw exceptionally for protracted runs in London.

Chaplin comedy was shown London trade and night generally being rated as sufficiently newsworthy to push war off the front pages on Thursday (12). Not only did press feature the film a great hit, United Artists also here pointed to the unprecedented action of British Broadcasting Corp., government-operated, in broadcasting a laudatory review and news story on the production. BBC has broadcast news and comment on film five times.

UA has made a deal, via Teddy Carr, joint managing director England, whereby Gaumont British and Odéon circuits will play the film simultaneously in all their theatres even including those situations where the chains are in opposition. These two chains also are allowing ABC circuit houses and here independent to play the Chaplin comedy concurrently if they want to. Odéon and G-B got 50-50 terms and extended playing time.

Although somewhat similar circuit deals have been made on 'Four Feathers' and 'Wuthering Heights' in the past with G-B and Odéon chains, it's the first time all booking barriers have been broken down.

Iowa Fair Bd. Re-elected Mullen. Des Moines, Dec. 17. J. P. Mullen of Fonds, Ia., re-elected prez of the Iowa state fair board.

E. Sheldon, Mount Airy, renamed v.p.

Fair's Foreign Exhibits

To Be Shown in Clevel.

Cleveland, Dec. 17. Cultural exhibits shown by 22 foreign countries at the New York World's Fair will be shipped here for a 15-day international exposition, Jan. 4-19.

Valued at \$2,000,000, the exhibits will feature the original Magna Charta from England, with two Scotland Yard dicks on hand as bodyguards. Mayor LaGuardia of New York and Mayor Harold Burton of Cleveland held talks with a group of civic leaders, headed by William G. Mather, who are underwriting it for \$30,000. After run here at 35c top, with Miskell and Sutton handling production, it will be broken up and European exhibits put into storage until the war ends.

M'kee Biz Group Frowns on Fair Show's Promotion

Milwaukee, Dec. 17. Interesting revelations as to how the promoters of indoor shows and exhibitions work, and where the money goes, were made here last week when the showbiz plugging World's Fair Highlights, to be put on in the Milwaukee Auditorium Jan. 4-12, got into a jam with the city's Better Business Bureau over the promotion method. The show is being put on under 'auspices' of the Veterans of Foreign Wars for the ostensible purpose of buying an iron lung for general hospital use in this area. The different types of shows were used to promote the advance sale of blocks of tickets.

Better Business Bureau believes it unfair to boost the show as being put on to purchase a \$1,650 iron lung when the budget laid out contemplates expenses of \$21,500, distributed as follows: rent, \$6,000; free shows, \$6,000; organization expense, \$2,500; publicity, \$2,000; sundries, \$1,500, and matinee, \$3,500.

If gross take exceeds \$21,500, Almon Shaffer, of New York, general manager, gets 50% of the excess and the other 50% goes to the various Veterans of Foreign Wars posts, prorated according to the number of tickets they sell. Shaffer's take is limited to \$10,000. Tickets are sold to public, especially citizens in blocks of \$4, \$12, \$24, \$48—or less, if necessary. Individual admissions are 15c if bought in advance, or 30c at the door. This ticket gets the buyer in to see the free show, and then he gets additional admissions to special exhibits, a la carnival style, so about 90 extra is required if he wants to see it all.

These extra fee attractions include Frank 'Boring' Em. Buck Alive! Buck's African Village, the Night Court feature, Jack Sheridan's Living Magazine Covers, the Deep Sea Divers, the Artists' Colony and the Frozen Alive show. The free features include Frank Buck's personal appearance, an orchestra, the Kooloff Dancing Girls, the Sky Dancers and the Varsity Eight.

Show comes into Milwaukee following appearances in Cleveland and Detroit.

Play Rumpus

Continued from page 1

objections. Shubert, who was seen in the show, was taken to the balcony to learn what it was all about. Woman just then shouted, 'Wait until I see Mr. Shubert.' One report had it that someone took a poke, shoving around, but it was claimed no one was harmed.

Group Theatre, which produced 'Pleasure,' decided the lines be changed to prevent further audience agitation. Shaw came on stage during the act and said that he had 'happened to be Jewish,' which brought on caustic remarks from the Jewish, who were members of a Jewish organization.

Charles Spivak wound up with gripe few days last week, kept by the Glen Island Casino, N. Y., bandstand.

WHAT THEY THINK

Strang's Frank Tinney Memoir. Cleveland.

Noticing that the Frank Tinney notices made no mention of one of the most important events of Frank Tinney's professional career, I offer the following information based on a personal experience. In 1906 while connected as asst. manager with the Coliseum theatre, Cleveland, we had a production booked by the N. Y. office. A mixup in bookings occurred, leaving the Coliseum at a loss for one week, and not wanting the house 'dark' for a week, we booked in Barlow's Minstrels, finishing by using some of their minstrel first part into a sort of after-piece finale. Frank Tinney's act was changed to do his monolog; he was to play his piano accompaniment, and take his bagpipes, prominently displayed on the piano and finish his act in "one."

After the opening matinee, Tinney called at the theatre-office, and pointing out the error in the program, he was billed as "Frank Tinney, Pianolotist," asked Mr. Trotter if he could use that billing for his act. He also remarked that having had every evening's experience with the Barlow Minstrels, he fully intended to quit the stage and return to his home town to his job after the Cleveland engagement, but

when she was linked for an appearance at the El Tabor in Paris, which started her success abroad. She starred in a feature and a short in Paris, as well as working in revues. Film was "underella," produced by the C. M. Can and with dances by Harry Pilcer.

Something over a year ago Miss Warner married a millionaire Paris broker. He accompanied her to the U. S. and is going into business in this country, having rescued a minor part of his fortune due to the fact that he did business with New York brokerage houses that had funds on the stocks. Between locating each other after her husband was released from the Army, following France's fall, getting visas and arranging for her passage, she took the trip from June 14 until last week to get to this country.

Joan Warner Re-stages Revue

Continued from page 1

by Etie, one of the most famed French theatrical designers, who is also known in this country. Music was by Antonia Matas, a Spaniard, whose tunes were popular in France.

Commercial Hookups Show was tagged 'Les Luxes de Paris' (The Luxes of Paris) and included among its sponsors—each of whom got a plug-top companies in the fields of dressmaking, hats, wines, fairs, tourism, perfumes, etc.—the following features. Idea was to tour it through France itself and then Belgium, Holland and whatever other countries were possible in order to keep people re-enthralled that the luxury industries of which France was dependent for foreign trade were still alive.

Of the receipt 10% was to go to French war relief, plus whatever was collected by the showgirls passing around tambourines during intermission. Show was slated to start June 6. Nazis brought France's show into action just a few days after that date.

Lavishness of the production and the method of working in the sponsor plans is evident from plans for the show. The Eight showgirls were participating, a girl being dressed in a gown bearing a resemblance to the bottle of each firm. These femmes were brought onto the stage, one by one, and one was lifted by a concealed elevator to the top of a fountain spraying real water. Meantime, someone else sang and another girl danced dance.

A Strip That Went 'Awry' Miss Warner was one of France's best-known American entertainers, starting in 1921 and 1928 in the show, the Casino de Paris. She also made long stays at the Bal Tabarin (nitty), the Paramount theatre (presentation-house) and the ABC (variety) theatre in Paris, as well as touring most of Europe. She's best known in America, however, for an incident which led to the shuttering of the Paris scene. She was in the Bagdad, at which she was touring. President of the Society for Increasing Population of France (it's no gag) complained that she was dancing nude. She was a general recommendation of the Paris press, and she had appeared in a slave dance in lace bra and panties, nothing unique in Paris. Affair resulted in revelations, however, of a string of other charges against the entertainer of Paris, which caused the crackdown. Sensation was considerably greater in the U. S. than in Paris, as a result, Miss Warner declared.

Warner was trapped at the Hollywood (Chicago World's Fair) in 1934.

after the free reception he got at the senior matinee changed his mind and he was now determined to continue on the stage.

Some years after, Tinney appeared in Cleveland featured in the musical comedy, 'Tickle Me,' and in interview by a local newspaper reporter, in which he failed to mention anything about his Barlow Minstrel Coliseum theatre experience in Cleveland, which caused George Davis, dramatic critic for a Cleveland Press, to write an article headlined, 'Ask Him,' in which Davis in the form of questionnaire presented in detail the above-mentioned Frank Tinney's Barlow theatre experience at Cleveland's Coliseum.

A. P. Strang.

A Note From Sir Ben Sydney.

Editor, VARIETY: Everybody I have met here seems to be glad that Franklin D. is in a third term, although as a matter of fact I am a quiet, to wit Mr. (Eric) Gorriss as I thought Wilkie had a sporting chance.

We all realize that the majority of folk in the United States are sympathetic to the allied cause and thankful for their fleet roaming around the Pacific and more than grateful for the 50 destroyers and the other wonderful and vital assistance that our Bull is getting from Uncle Sam.

We are all full of pep, we are training and working for one end: that is victory for democracy, and the issue has never been in doubt here, and believe me it's with mixed feelings we see the flower of our youth embark for service overseas. We know the road will be long and the struggle will be hard, but we have the flag too much or you'll be closing the tabs on us.

Sir Benjamin J. Fuller.

Central Agency

Continued from page 1

and might be worth looking into by the film-makers.

Model for the central agency would be the service offered to book-sellers by Virginia Kirkus. Miss Kirkus and her staff read all new books before publication and send confidential reports to book stores. Inasmuch as their advance orders depend on her recommendations, her suggestions are usually sound. Judge quality are her principal source in trade. Same would apply to a service to films.

Major's Cool

Reaction of major companies for has been that they would rather do their own reading, as each has peculiar problems and types of stories it wants for certain players. This must be kept in mind by editors, so a general recommendation in wouldn't be a great help. Each of the companies also has a here and there by which it more or less secretly 'scoops' competition by seeing a book or story before the others.

Another move having to do with sales of books to films is being talked of by publishers. Later in the year a general recommendation of the publishers concerning them a set percentage of the film sale. As it now, publishers contracts with authors vary, some getting as high as 50% a general recommendation of the publishers while a great many get nothing. Average slice to the pubs is 10%.

Bob Chester skedded for six weeks at Roseland Ballroom, New York, opening Feb. 5.



ARTISTS BOOKING BUREAU, INC. AGENCY
PARAMOUNT BUILDING, TIMES SQUARE, NEW YORK, N. Y.

December 16, 1940

Mr. Ray Herbeck
Paramount Theatre
New York, N.Y.

Dear Ray:

Very glad to advise that both Bob Weitman and I are happy with the entertainment qualities of your band as well as the business done during your two weeks' engagement at the Paramount Theatre.

Trust we have the pleasure of playing you again in the near future.

Sincere regards.

Sincerely,

HARRY KALCHEIM

VARIETY Said—

(Issue Dec. 11, 1940)

"...a satisfying and saleable stage group."

Ray HERBECK

And His Music With Romance

Featuring - Betty Benson - Benny Stabler - Ray Olson

George Van - Guy McComas And The Glee Club
Just Completed two smashing weeks at the Paramount Theatre, New York.

Opening December 30 at the State in Hartford for 3 days,

Then—opening at the Beverly Hills Country Club in Cincinnati for a two-week

engagement starting January 3—WLW-NBC,

Then—to one of Chicago's brightest and smartest hotels—the Edgewater Beach—to fulfill his third return engagement—starting January 18 and extending through February 14—WENR-WMAQ-NBC.

Just—concluded a six months engagement in the New York City territory at the Log Cabin in Armonk, Westchester County—CBS and Mutual Network broadcasts.

And—exclusively recording for Okeh-Vocalion Records with over a hundred already released.



Exclusive Management
FREDERICK BROS. MUSIC CORPORATION
NEW YORK: 2307 RKO Bldg., Radio City

CHICAGO: 520 North Michigan Avenue



VARIETY

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VOL. 141 NO. 3

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'LITTLE CZARS' OF H'WOOD

Hiss Italian Child at NBC's Xmas Party for Diplomatic Kiddies in D.C.

Washington, Dec. 24.

World wide hatreds, reminders of nations under bondage to tyrants, faintly suppressed hisses—all these marked the ninth annual NBC Christmas party and international broadcast for the children of the diplomatic corps here. It was heart-rending in 1939, but this year the throat-tightening aspect was even worse. Kids spoke to their compatriots in their native lands in the native lingo. And oldesters in the studio audience weren't ashamed to weep.

The undercurrent of hisses which followed the appearance of Giovannella Infante, 11-year-old daughter of the military attache to the Italian Embassy, indicated the temper of the crowd which assembled at the Washington Hotel to witness the "round-the-world broadcast of children's greetings."

Laurels went to the 12-year-old daughter and nine-year-old son of the Australian minister, who called "Hello Australia" and lauded American ice-cream cones. Youngsters implied, however, that American kids miss a great deal by not being acquainted with the "sunshine and funny animals like kangaroos" which are encountered on their native beach.

Among the adult audience, tears ran particularly free when nine-year-old Marjorie Bertha Morgen—(Continued on page 27)

Diamond Bros. Think They're Dependent On Each Other; Draft Out?

The Diamond Brothers (3), long standard act, are in something of a dilemma. They face a one-year layoff, or the trouble of long rehearsals of a new man to take the place of kid-brother Harold, who has himself a perfect physical condition and a low draft number that's sure to be called next month.

The brothers don't believe they can find a replacement that will fit into their precision-timed knock-about and falls. Hence they've been laying awake nights trying to find a solution and now think they have it.

Harold is going to walk before the draft board and claim he has dependents, though he himself is unmarried. However, he'll point to his brother, Tom, who has a wife and seven-year-old child, and Hughie, who is also married but has no children, and claim they'll suffer great financial hardship if he's forced to go into military training.

It'll probably be the first such claim of dependents to come before a draft board. The punchline is problematical.

Commercializing Toscy?

NBC is investigating reports that in some sections of South America the Arturo Toscanini concerts are being 'sold' to local sponsors. Italian maestro is strictly against any advertising mentions in connection with any program of his.

NBC has been encouraging South American radio stations to take the Toscanini concerts off shortwave and re-broadcast in their localities on longwave. Quite a number of stations now do so.

S.A. Doorettes Follow Femme Ushers in Det.

Milwaukee, Dec. 24.

With national defense measures depleting the supply of young men, the Fox theaters sometime ago began replacing their ushers with usherettes and now they have gone a step further under the urge of necessity, replacing doormen with doorettes. Reaction has been such that exacts think now they have been overlooking a bet and should have put the gals to the front long ago.

Usherettes are of uniform height—5 feet, 6 inches, and lookers, of course. But the doorettes—of uniform little too—are something else (Continued on page 53)

BING CROSBY-BOB HOPE'S BRITISH CHARITY GOLF

Hollywood, Dec. 24.

Bob Hope and Bing Crosby are teaming up with a pair of golf pros for a tour of the country in charity matches for British War relief. They will make personals at theaters in towns where they play, that coin also going for war relief.

Duke of Windsor expected to join them on the Florida circuit.

'Abie' Comes Home

Los Angeles, Dec. 24.

'Abie's Irish Rose' comes home to open the New Year with an old story, to be performed this time by Hollywood Micawber Productions at the Troupers theatre.

Show was first launched here in 1922 by Oliver Morosco and later taken to New York by Anne Nichols.

MAG PHOTOGS RULE STARS

Lenses Always Come Out the Winnah When Filmers Get Too Temperamental

THOSE CAMERA ANGLES

Hollywood, Dec. 24.

Will Hays may tote the title as big chief of the talker industry, but the real czars of the film village, insofar as the screen personalities are concerned, are the photogs who bulb the off-stage art for the picture fan mags and the newspaper syndicates. When the still lenses assume a thumbs-down attitude toward a player, it is high time for the latter to start worrying, and usually does.

For years the camera wranglers hung on the ragged edge of the Hollywood publicity carpet, where they were regarded as mere camp followers to the men and women who earn their livelihood by writing prattle about the stars. Then came the news photo mags in a parade headed by Life and Look, (Continued on page 14)

BREWERS' 'FREE BEER' HURTS MILW. NITERIES

Milwaukee, Dec. 24.

Milwaukee's reputation as a hospitable convention city has been enhanced over the years by the practice of the big breweries in treating visitors to free beer, and oftentimes a little lunch, but suddenly the city's cafe, tavern and niterly owners have risen up in protest against the old Tooton custom, claiming it is hurting their business such an extent that it has got to stop.

Schultz, Pabst, Blatz, Miller and Getteman breweries have taken pardonable pride in showing out-of-town visitors how best is made and let—(Continued on page 54)

No Show-Biz-Inspired Best Sellers This Xmas

Chicago, Dec. 24.

For the first time in five years since the local VARIETY office has queried the merchants and stores regarding specialty items for Christmas, it is found that this Christmas season has had no one outstanding toy or specialty gift item.

In the past there was the Shirley Temple doll, the anti-in-glass-house, Charlie McCarthy dolls, 'Snow White and Seven Dwarfs' items, Lone Ranger kits, Buck Rogers guns, etc. But 1940 failed to come up with any one outstanding design for the specialty line.

Irving Berlin May Take Music Cause Directly to Public Via Theatre Dates

ASCAP Vs. Radio

Other stories on the radio-music war, among others:

'Chilling of ASCAP consent decree' (page 28).

Metro re-signing with ASCAP (page 39).

Webs Fear ASCAP Music in Parades at Football Games (page 25).

Neville Miller's statement (page 24).

The Propaganda Front (page 55).

Tin Pan Alley, ever-resourceful, and not waiting for Jan. 1 or any other date when it comes to landing a plug, has been fast at work on the old-fashioned song-slide system, ready to spring that pronto. Still another new tack in this trend back to yesterday's song exploitation methods will be the 'live vocal' plug, i.e., the singers in theatres, etc.

Irving Berlin may give this impetus with personals in sundry big presentation theatres, accepting finally a number of offers that have been made him from time to time, up to as much as \$5,000 a week, for a week at any of the big Broadway picture houses and the like. Tied in now with what he and others in the music biz call the 'ASCAP boycott,' Berlin may finally do some of these weeks, and frankly states that, despite recent publicity on his 'God Bless America,' he is finally accepting because he wants to bring the broadcasters vs. Tin Pan Alley issue directly to the public. He has a new song, 'This Is a Great Country,' as a keynote of this drive.

Berlin has also been sounded out by newsmen on the possibility of a news special interview, introducing 'Great Country' coincidentally, and (Continued on page 53)

Flagstad Still Best B.O. Draw At Met; 8G Net Loss

The Metropolitan Opera Co.'s top Wagnerian, Kirsten Flagstad, continued through the third week of the season to pack 'em in, as in two performances, both repeats, of 'Walkure,' and 'Tristan and Isolde,' drew \$25,000 at the boxoffice, or a net profit of about \$4,000 to the company. Sans Miss Flagstad & Co., the opera company has difficult going, as in eight performances the house grossed (Continued on page 53)

ASCAP Now Has a War Chest of \$800,000; '40 Final Divvy, \$1,290,000

The American Society of Composers, Authors and Publishers now has a war chest of \$800,000, less expenditures thus far, segregated from royalty collections in 1940 to fight its battle against radio. Coin will be used to carry ASCAP's side of the controversy to the public via general goodwill ballyhoo.

'Battle' fund was raised by deducting \$200,000 quarterly this year from ASCAP's collections. The final quarterly distribution to members, approved at a meeting of the ASCAP (Continued on page 54)

CAMP 20TH-FOX

Uniforms All Over the Lot, Six Service Pix Going

Hollywood, Dec. 24.

Military and naval uniforms are getting a heavy play on the 20th-Fox lot where six pictures dealing with the national defense campaign are in preparation. Latest is 'Flight School,' an aviation yarn.

Others on the schedule are 'The Eagle Flies Again,' 'Ten Gentlemen From West Point,' 'Rise and Shine,' '14th Regiment' and an untitled story about the Great Lakes Naval Training Station.

Shirley's 1st for M-G

Hollywood, Dec. 24.

Metro will star Shirley Temple with Mickey Rooney and Judy Garland in a musical as a starter on her new contract, with Arthur Freed producing. Follows it up with 'Kathlyn.'

Ennis May Succeed Hal Kemp

Leader Dies Following Accident—Band Had Gone Ahead to San Francisco

Skinny Ennis, former member of Hal Kemp's band, now leading his own group on the Bob Hope-Pepitone radio show, may take over leadership of Kemp's band. Kemp died early Saturday morning (21).

Dearborn hospital, Madera, Calif., of pneumonia which set in following an automobile crash early last Wednesday (18) morning. In the head-on smash with another car the leader, who was driving, was severely fractured thigh, fractured leg and broken ribs, one of which pierced a lung and brought on the pneumonia which caused his death. He was 36.

Accident happened a short distance south of Madera, and about 150 miles short of San Francisco, toward which he was heading to open with his band Friday (20) night at the Mark Hopkins hotel. Riding with him in a new car was Kenneth Labahn, sax player, whose injuries are reported as not serious. Kemp's wife, the former Martha Stephenson, and their baby daughter, born only last July, had preceded him to Frisco from the Ambassador hotel in Los Angeles, where the band had just finished a stretch. Mrs. Kemp and Alex Holden, personal manager, were with the leader when he died.

Band had also gone on ahead. It opened on schedule Friday with Ennis leading. He had flown up from (Continued on page 54)

Show Goes on Despite Death of 'Eileen' And Husband in Auto Crash

Tossup between a sentimental gesture and the cold business of postponing a Broadway opening, with attendant hardship to the cast and front-of-house employees, will result in *My Sister Eileen* going on at the Biltmore, N. Y., tomorrow (Thursday) per schedule. Consideration was given to holding off the preem following the death in an auto crash of Sunday night of Eileen, who inspired the play, but the thought was shelved after consultation between producer Max Gordon and author Ruth McKenney.

'Eileen' was Eileen McKenney West, principal character in a series of humorous New Yorker stories by her sister, which were compiled into *My Sister Eileen*, a best-seller of 1936. Eileen Chodorov and Joseph A. Fields produced the dramatization to be seen tomorrow.

Deceased, 27, and her husband, Nathaniel West, 36, author and well-known Hollywood scenarist, were killed near Los Angeles. He worked at RKO, Universal and Republic, before that writing novels which included: *Day of the Locust*, *A Cool Million* and *Miss Lonelyhearts*. Mrs. West was formerly on the Walt Disney research staff.

FANNIE BRICE'S 'ROSE' SUIT SETTLED FOR 30G

Chicago, Dec. 24. Fannie Brice has settled her \$75,000 defamation-of-character suit against 20th Century-Fox for \$300. Agreement was made out of court last week through Miss Brice's law firm here, Spitz & Adcock, and legal proceedings against 20th Century-Fox will be dropped at once.

Basis of the defamation suit was the flicker, *'Rose of Washington Square'* which the comedienne charged was injurious and defamatory to her career and character.

JESSEL'S PLANS

Play for Dietrich, Musical for Gable-Gilbert—Own Tour

Hollywood, Dec. 24. Marlene Dietrich is considering an offer from George Jessel to tour in *'The Goldfish'*, which served as a stage vehicle for Marjorie Rambeau. Jessel is also angling for Gable and Billy Gilbert to go into a New York musical he intends to produce with the Shuberts.

Jessel is spending the holidays here and may tour with Irving Berlin. Jerome Kern and other songwriters in his projected *'Support ASCAP'* campaign.

If It Comes to the Worst On January First

Vainly every day I'll turn:
No more Gershwin, no more Kern.
Dead as jokes on the Brooklyn Dodgers:
Larry Hart and Richard Rodgers.
Arthur Schwartz, Irving Berlin—
I hope to tune them in
Youmans, Porter, Nevins, Cadman—
Lost to customer and ad man.

Here's what I've been thinkin',
Reuben:
Gimme Warren, gimme Dublin;
Gimme Leslie, gimme Burke;
Put those babies back to work!
Gimme music of lasting val:
Victor Herbert and
Stillman, AU

Show Biz-Sponsored British War Relief Ball Grosses \$40,000

Rosettes covering Gypsy Rose Lee's bosom didn't prove worth \$10 each at the William Allen White Committee's Star-Spangled Ball at the Hotel Astor, N. Y., Friday (20) evening. Miss Lee was auctioning off the bows that made up her costume and got rid of quite a few at prices ranging from \$2 to \$10, depending on location. No one, however, was in the sack of Britain—would offer a double sawbuck for a chest protector, and Gypsy wouldn't doff them for less. So on they stayed. Stunt was nevertheless one of the big grossers of the evening.

About 3,000 persons attended the shindig at \$5 each, and spent innumerable more dollars on drinks at 75c and \$1 a throw, on debts and models who danced with all comers at \$1 per, on a Christmas tree grab bag and numerous side-shows. Gross (Continued on page 53)

JEAN CASTO TO GO ON DESPITE BAD BURNS

Jean Casto, actress in *'Pal Joey'*, was severely burned about the hands and arms during the show's tryout in Philadelphia. However, she is expected to appear in the premiere of the musical tonight (Wednesday) at the Biltmore, N. Y. She will wear mittens to cover the dressing.

Mishap occurred last Friday night (20) at the actress' hotel after the performance at the Forrest, Philadelphia. Her dress made of a highly inflammable synthetic material, was ignited from a cigaret. Miss Casto received second and third-degree burns on the hands in beating out the flames. She received hospital treatment, but has insisted on continuing in the show.

Wait 'Til the L.A. Chamber Of Commerce Hears of It

Hollywood, Dec. 24. Darryl Zanuck hops from California to Florida for a new tropical picture, *'Miami'* in music and Technicolor, starting Jan. 20, with Walter Lang as director.

Leo Robin and Ralph Rainger are writing the music and the Los Angeles Chamber of Commerce isn't doing a thing about it.

Flip McCoy to NBC

George B. 'Real' McCoy, Broadway street interviewer for the last 18 months on WHOM, N. Y., goes to NBC to do a similar interview stint nightly over WJLA, N. Y. He goes on sustaining Monday through Friday at 11:30 p.m., his old time on WHOM, and will emanate his Broadway interviews from various spots on the main stem.

He's known for his fresh, flip comedy touches.

Sailing Schedule Key To Weldy's Ringling Job

Max Weldy, the Parisian scenic artist and designer, will again do the Ringling Bros.-Barnum & Bailey circus next season provided he arrives Jan. 15 from Lisbon, per schedule. But that's a hazy prospect these days and John Ringling North states he'll be compelled to make other arrangements if Weldy can't get over in time. He's due to sail on the *Excelsior* from Spain, and has been waiting his turn for bookings.

Ringling show will be 'streamlined' next season.

STOKOWSKI IN PHILADELPHIA RETURN

Philadelphia, Dec. 24. Leopold Stokowski finally made his peace with the powers that be of the Philadelphia orchestra last week when he agreed to take a pay cut to conduct a series of concerts during next year's season. Stokowski made the announcement of his acceptance of a smaller fee in face of rumors that the blond maestro was holding out for more money. Although the terms were not revealed, it was reported that Stokowski would get about \$1,500 per concert, said to be less than one-third what he gets for batoning elsewhere.

Still to be ironed out, however, was the split on recording royalties, in which differences arose between the conductor and members of the board (Continued on page 53)

Sonja, in Chi, May Top Last Yr's 214G N. Y. Gross; \$86,000 in Buff.

Sonja Henle and her ice show, *'Hollywood Revue'*, opens a 10-day date at the Chicago Stadium today (Wed.), with an advance sale approximating \$105,000. Engagement is expected to par or beat the skating star's New York gross last season, when she drew \$214,000 at Madison Square Garden in six days at \$4.40 top.

Miss Henle was slated to lay off last week, but was booked into Buffalo's new auditorium and drew capacity. In five evening performances the gross was quoted at \$68,000. In St. Louis her takings were somewhat under last season's engagement there, but the spot was then played after Christmas instead of before the holiday, as this year.

Miss Henle will virtually open herself when she plays the Garden during the week of Jan. 20, since she is presenting *'It Happens on Ice'*, Center Radio City, in association with Arthur Wirtz. *'Ice'* was expected to be denied by the *'Ice Follies'*, which recently played a 10-day date at the Garden, but there was little difference in takings at the theatre. There is a possibility that Miss Henle will make brief personal appearances at the Center during her Garden engagement.

DICK POWELL'S VAUDER

San Francisco, Dec. 24. Dick Powell has been booked to headline the New Year's Eve midnight show at the Golden Gate. He'll stay over for balance of week on regular vaude program.

L. A. to N. Y.

Stephen Avery.
Ivan Dmitri.
Jack Egan.
Virginia Field.
Lawrence W. Fox, Jr.
Tay Garnett.
Ben Goez.
Mack Gray.
Charles Hunt.
Alvin Johnston.
Hall Johnson.
Andrew Kerr.
Andrew Krappman.
Ted Loeff.
Van Von Wack Mason.
Burgess Meredith.
Anna Neagle.
George Raft.
Stuart Robinson.
Charles P. Skouras.
Herbert Wilson.

THE BERLE-ING POINT

By Milton Berle

Hollywood, Dec. 24. Christmas is a problem. The things we got from people last year, which we were going to give to people this year, are packed away in storage in New York.

Jack Benny's Christmas present to Rochester was a can of anti-freeze for the Maxwell. Rochester said, 'Boss, that car won't run' the winter until somebody invents a hot foot for automobiles.'

I got a Christmas card from Lana Turner—it's the first envelope I saw steam itself open.

Went to the Hollywood Auto Show again to see what the well-dressed pedestrian will dodge next year.

People in Hollywood drive as though they're going to be late for an accident.

Broadway Dept.

One of the Lindy boys writes that immediately after the Ken Overlin-Slave Belloise 'battle,' Emily Post asked Steve and Ken if they would write an article titled, 'How to Fight Politely.'

Morey Amsterdam says he's getting his bald-headed uncle a set of military sponges for Christmas.

Two major events happened on Broadway last week. Mitzl Mayfair returned to show business by way of the Versailles—and my brother returned two books to the 42d Street Library that he borrowed in 1907.

Eddie Davis went to the Flagler Hotel in South Falsburg to write his new musical, 'Not Tonight, Josephine.' Eddie says he went there for 'inspiration'—and because he does his best remembering there.

Just found out what a dramatic critic—a kibitzer with a typewriter.

Hollywood Dept.

Had a conference yesterday with Darryl F. Zanuck—he finally gave in to my demands—he presented me with a 1941 calendar.

Tip to exhibitors: In my picture, 'Tall, Dark and Handsome,' if the theatre's dark—I'm handsome.

The makeup department at 20th Century-Fox made me look so young that I got an invitation to play Jacks with Baby Sandy.

Maxie Rosenbloom's lovely wife is a vegetarian, but it's going too far when you even marry a guy with a cauliflower ear.

If a certain quirky producer didn't sell Christmas cards to the people in his picture...he wouldn't be able to produce his epic.

Played a benefit for a Kmas Fund. I followed so many actors that I felt like a loan company.

Musie Dept.

Richard Himber was almost put out of Lindy's last week. The way he sipped his soup it sounded like a BMI tune.

Since Benny Goodman appeared as soloist with the New York Philharmonic, Jimmy Durante is seriously considering singing 'The Barber of Seville' with the Metropolitan Opera Co.

Harry Link has signed Nick Kenny to a Feist contract for another year, thereby making the world safe for Patty Powers.

Hannalng Descriptions

George Raft: Trail of the Lone Star. Judy Garland: Rose in Bloom...Lupe Velez: Chile con carne with curves...ASCAP-BMI: Slaves-mates...Betie Davis: You've got me crying again...Spencer Tracy: Patents Pending.

Radio Dept.

At Jolson is dickering to go on the air for Maxwell House. He's having his left knee amputated for frequency modulation.

A certain radio comic's Crossley is so low that he gets fan mail from Davy Jones' locker.

There was nearly a panic at NBC in New York last Saturday. A lady who wasn't wearing an ermine wrap tried to get into a Toscanini broadcast.

Observation Dept.

Nat Pendleton says he was always a classy dresser. Even when he went to school he wore a Stetson dance cap.

A quackie producer here invited some friends to his home. Some wanted to go swimming and as he had no pool he lit a match under the sprinkler system.

Eavesdropped at Tropics: They were married on Friday the 13th. They had to blame it on something.

Eavesdropped at the Swing Club: There's something I like about him—but he won't spend it.

Some people out here drive like they own the road—when they don't even own the car.

Afterpiece

Here's a line that I've seen elsewhere and which I don't mind lifting: A Merry Christmas and a Happy New Year.

Ready Brit. Charity Pic, 'Raffers,' for Jan. Start CREDITS HARRY WATT

Hollywood, Dec. 24. 'Let the Raffers Ring,' benefit picture for American British Charities, goes into work early next month at RKO-Pathé studio in Culver City under the banner of Charitable Productions, Inc. Film will be released at cost by RKO, which is also financing the project.

Production will be handled by Sir Cedric Hardwicke, aided by an advisory committee consisting of Alfred Hitchcock, Edmund Goulding, Frank Lloyd, Victor Saville, Robert Stevenson and Herbert Wilcox. Cast will be made up of British players.

Editor, VARIETY: I am writing you from the land of milk and honey to thank you for your grand notice of our short 'London Can Take It' (Warner Bros.). There was one line in it asking or wondering who was the 'unsung hero' who did the cutting, etc. I wish you could give him a plug. His name is Harry Watt, the head of the GPO unit which made the film. He has done a lot of good documentary pictures, *'Front Line'* (story of Dover), etc., and he worked on *'Men of the Lightship'*.

Even here the guy gets no credit for the picture. All I did was write the commentary and under his direction say it. He was the producer, director, went out and directed the shooting (virtually none of it was newsreel stuff), and then with his assistants, Humphrey Jennings and Jack Lee, cut, edited, etc. We have just finished another—a Christmas film. Matter of fact haven't finished it, but will within two weeks. It will be the story of a 'Blitz Christmas' and we may call it that.

Sorry I was in such a lousy pessimistic mood when I wrote that last letter in VARIETY. I only get that way once a month, but I'd been out all night working and it was a noisy night and I was feeling sorry for myself. No reason for pessimism here.

With any luck I'll be seeing you around Xmas.

Harry Watt

ARRIVALS

(At the Port of New York)
William Shriver, Whitelaw Reid, Hugo Balzo, Quentin

CANADIAN DAIL HITS AMUS.

THE SPIRIT THAT IS XMAS

Variety extends heartiest Christmas greetings to all in and out of the profession.

The spirit of good will is something which show people, by the very nature of their activities, accept as the best and the first guide for success and happiness throughout the year.

It is in the hearts of members of the theatrical profession to be helpful and charitable to their own, and to aid countless millions, ever in need of kindness, understanding and help, over the hard and difficult places.

The theatre is the mirror of the thoughts and actions of mankind. At this particular Christmas period world events seem full of hate, material ambition, strife, warfare and ugliness. Only in the reflection, held high over the meanness and selfishness of human nature, are found the qualities of hope and the promise of better things to come.

Sacrifice, unselfishness and consideration in human affairs outline, however faintly, the return to sanity and victory for the finer spiritual qualities which give grace and dignity to man.

To members of the profession who are in distant and troubled lands, VARIETY extends greetings from a free and strong America. To the ill and bewildered it sends a message of cheer and helpful sympathy. It joins with the strong and vigorous within our own country's borders in re-dedicating itself to make our homeland a better and finer place in which to live and work.

B'WAY STILL HIT-HUNGRY

Broadway is still hit-hungry. The current holiday premiere card may unfold straight play successes, but of the three arrivals last week, none rang the bell. 'Cue For Passion', however, rated best and may make the grade at the Royale, N. Y., a house reclaimed from radio. 'Retreat to Pleasure', Belasco, and 'The Old Foolishness', Windsor, drew thumbs down. Abrupt withdrawal of the latter, authored by Paul Vincent Carroll, after only two days, was something of a shock.

This week will unfold two revues, 'Meet the People', at the Mansfield, and 'All in Fun', Majestic, and the musical comedy, 'Pal Joey', Barrymore. Latter show figures a natural on the strength of its out-of-town showing. 'Joyce' and 'People' are bowing in tonight (Christmas), with the latter sure to draw second-stringing reviews. Competing debuts are accounted for by the fact that (Continued on page 53)

VALLEE'S FILMUSICAL FOR UNIVERSAL CO.

Hollywood, Dec. 24. Universal signed Rudy Vallee to star in a film musical picture, with options on the crooner's services for future timefilms. Joseph G. Sanford is slated as associate producer, but director and title are still undecided. Vallee's last screen appearance was in 'Second Fiddle', made more than a year ago with Sonja Henie at 20th-Fox.

Van Dyke's Furlough

Hollywood, Dec. 24. Fortnightly leave from the Marine Corps will be used by Major W. S. Van Dyke II to finish direction of 'Rage in Heaven' at Metro. Robert Sinclair has asked to be taken off the picture.

O'Hara 'Gypsies' Lead

Hollywood, Dec. 24. Maureen O'Hara moved into the femme lead in RKO's British background picture, 'Water Gypsies', an Erich Pommer production based on A. F. Herbert's novel. James Hilton, another British novelist, is writing the screenplay,

FROM SONGS TO SCRIPTS

Sammy Cahn Now Doing Scenario for Republic Pix

Sammy Cahn, songwriter, has turned film writer. He has begun work on the coast on the script of a musical for Republic Pictures, tentatively titled 'You'll Get Rich'. With his collaborator, Saul Chaplin, Cahn has already turned out three tunes for the firm. One is the title song and the others are 'Mother Never Told Me Why' and 'I Love You More'.

AUTHORS INSIST ON EXAMINING S. R. KENT

Isola Forrester and Mann Page applied to N. Y. supreme court Monday (23) for the second time to examine Sidney R. Kent before trial. Original application directed at the 20th-Fox president had been rejected by the court, which allowed the examination of W. C. Michel, executive v.p. in Kent's place. Plaintiffs, who are suing the film company for an accounting of profits on the Shirley Temple starlet, 'The Poor Little Rich Girl', claiming the film to be a plagiarism of their story, 'Joyous', assert that Michel knew the answers to none of the questions they desired answered, and despite the unusualness of requesting the examination of a president of a company in such a suit, they will press for the examination until they secure the correct official to answer their questions.

Bill Boyd Starts 1st P.A. Tour in January

Hollywood, Dec. 24. William Boyd, star of Harry Sherman's Hopalong Cassidy series, starts a two-month stage tour early next month. It is his first personal appearance jaunt since entering pictures. Troupe consists of 30 players, including the star's wife, Grace Bradley.

Inkspots Into Pix

Four Inkspots have been signed to a picture contract by 20th-Fox. Group leaves for the coast late in January to start work on a production which will trace the history of radio. Titled 'The Great Broadcast', it's scheduled to roll about Feb. 8. Spots will one-night their way across country. They recently completed a stand at the Paramount theatre, New York.

RADIO AND MUSIC PARTICULARLY SO

Dominion Embargo on Yank 'Luxury' Items Takes in Films, Cameras, Books and other 'Non-Essentials,' Besides Radio Products and Musical Instruments

AUTOS, MAGS TOO

Detroit, Dec. 24. Everything from pulp magazines to radios, oysters to automobiles, has gone taboo in Canada under the new luxury ban. Just across the border from here and many other U. S. towns and cities the Canadians are digging in for the duration of the war with a governmental fix against American 'luxuries'. It is designed to keep at home an annual \$72,000,000, at least.

Already suffering from Canadian wartime restrictions—down-town picture business here is catching only a tenth the patronage it formerly had from border city residents, while pianos, etc., and also the hard—the new ban will move more extensively into the amusement field with its wide embargo against radio products, musical instruments, radio-sold products, magazines and books, motion pictures and cameras and other 'non-essentials'.

The cutting off of such luxuries is the complete picture for on top of this Canadians are going to face stiff excise taxes on such products which are Canadian-made but still fall into the same non-essential category. For instance, the tax on automobiles under \$800—even those manufactured in Canada—goes up to 20%, while on the higher-priced machines it soars from 40 to 80%. The same kind of taxes while not as high, have gone on Canadian-made electrical appliances, which includes radios, phonographs and cameras.

Ban U. S. Sets in Canada

Toronto, Dec. 24. Latest wartime budget announced recently foresees a new 25% luxury tax placed on Canadian owners of radios and all importation of sets prohibited on the government premise that radios are non-essentials. Said Federal Finance Minister Illsey: 'I want to point out that while we are temporarily compelled to restrict certain imports from our friendly neighbor to the south, this does not mean that our total trade with or our total purchases from that country will be reduced. On the contrary our imports will be larger than ever before in our history.'

JOE COOPER'S FUND FOR 6 AT BOYS TOWN

The Cooper Foundation, set up several years ago by J. H. Cooper, midwestern theatre operator and Paramount partner, has arranged to endow Father Flanagan's Boys Town (Neb.) project for the care of six boys. Father Flanagan has already accepted the offer. The Foundation, which makes headquarters in Lincoln, while organized by Cooper, is administered by a group of local business men. It is non-sectarian.

Meredith's N. Y. Vacash

Burgess Meredith is currently in New York on a week's respite from picture work. Meredith completed work in Ernst Lubitsch's 'That Uncertain Feeling' and flew in from the Coast on Friday (20). He returns tomorrow (Thursday) to go into Alexander Korda's 'New Wine.' While east Meredith appeared on Sunday (22) with Helen Hayes on the Lipton Tea air show.

When He Said It, He Didn't Smile

Jitterbugs, like elephants, apparently never forget. Last year Arlie Shaw, in giving up his band, called the alligators names, among which was 'morons'.

Shaw's making a return in Boris Morros's film, 'Second Chance', due next at the Paramount, N. Y. Trailer for the picture, when Shaw's face comes up, is being hissed.

WPA Bands in Railroad Depots Welcome Homecoming Xmas Crowds

A Story Either Way

Hartford, Dec. 24. Maybe this gal did meet a talent scout. And then again maybe she didn't.

At any rate, the following took place last Thursday (19) on curbstoner 'Jack Lacey's Curb Club' over WNBC. Lacey picked out a comely looking lass from mob in front of Lerner store on Main street and started to question her as to name, occupation, blah, blah.

Gal said she was from Bridgeport, visiting in city. In reply to Lacey's question as to how long she would stay here, gal said she was leaving. Said she had been offered a five-year film contract.

Lacey—'What studio?' Gal—'I don't know; I just met the fellow last night.'

N. Y. GLOBE MAY REVERT TO LEGIT

Broadway report has it that the Globe theatre will possibly revert to legit. Known that B. G. De Sylva proposed bidding for the property some months ago, but any such deal now appears to be off due to De Sylva being occupied in Hollywood for the balance of the season. That he will be active in legit again next season is anticipated and he is expected to seek a theatre of his own. Globe is controlled and operated by Harry and William Brandt, who present pictures at pop prices. House (Continued on page 14)

New Year's Eve Cafe Biz Looks Per Usual, But Maybe More So Now

The usual pre-New Year's Eve prognostications in the niteries look even more so than the usually optimistic forecasts that obtain every time at this stage of the holiday season.

However, there's no question but that the Big Whoopie Night's reservations are the best in years in some spots; in others they're never terrific, but the regulars just drop in from force of habit. But even in these class joints the once-a-yearers are laying it on the line more freely for reservations.

This applies generally all over, not only in New York. The Xmas shopping upset has already reflected the inclination to a more open purse; ditto the Xmas travel to Florida where, despite the sizeable and important exodus over the holiday stretch, it's still not quitting it too sharply on the big key city cafes.

Barrie's 'Dear John'

Hollywood, Dec. 24. Elaine Barrie, divorced recently from John Barrymore, has joined the cast of a weekly dramatic program. Title is 'Dear John.'

Detroit, Dec. 24. Michigan found a new use for its WPA bands by stationing them in the railway depots here and in other cities to welcome Christmas homecomers and wish good will to departing guests. In addition WPA choral groups were sent around to sing songs in the big city hotels and to serve as roving carolers in the smaller towns.

There are 28 musical units in Michigan, employing 778 musicians, who in addition to the reception committee work at the railroad stations played holiday engagements in schools, hospitals and public buildings.

BROADCASTERS PLEDGE FILM CHARITY CO-OP

Los Angeles, Dec. 24. Southern California broadcasters have pledged full cooperation with the motion picture industry in its many charitable moves, following a luncheon presided over by Samuel Goldwyn. Harry Witt, president of Southern California Broadcasters Assn., formally accepted an invitation to the radio group to join the Hollywood Permanent Charities committee, and issued a plea for fullest support.

Committee to meet with the cinema group will be named at this week's meeting of the broadcasters.

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Merry Christmas

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Majors Speed Action on British Coin; Hays' New Deal Up This Week

Hays office directors agreed last week to speed action on the Great Britain frozen coin pact so that the eight major companies could start receiving money from London in the next few weeks. With only one point still up in the air, that of how much Metro is to receive, the directorate agreed to go ahead with the pact and work out the split-up among the companies later. Metro wants proportionately more than it received on the British frozen-money agreement ended last Oct. 31, while the other distributors fall to see that way.

Indications this week are that the U. S. companies won't be able to return a revised pact to London before the end of the year. The split-up of the foreign sales chiefs won't sign the finalized pact until they know exactly how much each company is to receive. This is a new twist because the Hays-Metro agreement, division of the money was decided months after signing.

This British frozen coin accord, for about \$129,000,000, covering the 12-month period starting Jan. 1 last, was the principal feature of discussion on the foreign situation before last Wednesday's session of the Motion Picture Producers & Distributors Assn. directors. Because not all business slated to occur before the directors could be taken up, the board recessed until Friday (27) morning.

New Will Hays' contract, effective next March 15, for five years, should be ready for presentation at this adjourned session. Presence of Joseph I. Breen, head of the Hays office production code activity, in New York is reported to be for the purpose of bringing pressure, via the top executives of all major companies, on respective production heads in an effort to keep the latter more in line with industry and wording of the code. This was denied at the Hays office but the move is purportedly part of the general film clean up campaign begun during Hays' recent visit to Hollywood, and new protests from the Legion of Decency and other reform groups.

Hays directorate heard a report of results achieved by the industry's participation in the November Red Cross annual roll call drive. This showed that the short, produced by Warner Bros. with the aid of Eastman Kodak, Du Pont Film Mfg. and Consolidated Film, were into 7,500 theatres during the campaign and that 5,500 prints were released. The subsequent individual city Red Cross campaigns are expected to mean some 2,000 additional playdates.

Attending the directors' meeting were Barney Balaban, Jack Cohn, Ed Hatrick, Will Hays, Major Frederick Heron, Joseph H. Hazen, W. C. Mitchell, Charles D. Fritzman, George J. Schaefer, Nicholas M. Schenck and Murray Silverstein.

METRO'S STATEMENT NOT 'TIL AFTER 1ST

Metro's annual statement, covering the fiscal year ended last Aug. 31, which usually is due out about this time of the year, probably will not be ready until after Jan. 1, according to Wall Street information. Business in getting reports in from foreign countries, especially Europe, is largely held responsible for this delay.

Company report for the fiscal year is expected to show net profit slightly in excess of \$4.70 per common share, as against \$5.37 in the previous year.

U Films 'Gang Busters'

Hollywood, Dec. 24. Universal bought Metro's screen rights to the radio serial, 'Gang Busters'.

Kill-cycle drama is intended as a cliffhanger, to be produced by Henry MacRae for Universal's 1941-42 program.

\$1,000,000 Claim

Los Angeles, Dec. 24. George Miller, writer, filed suit for \$1,000,000 against Paramount in Superior Court charging plagiarism. Action accrued on studio of lifting his original story, 'Down Went McGinty', to make the picture, 'The Great McGinty'.

Tiffin at Tiffany's

By WM. KERRY HALLIGAN

Hollywood, Dec. 24. A new card game has hit the Beverly bistro of boniface Dave Chasen and the lads who were wont to play nine holes before the day's stint began are now buying alarm clocks to avoid missing the studio's 10 a.m. deadline. They call the time killer 'Gin-Rummy'. Why the gin I don't know. The only gin I like is oxa gin a pun my word of honor.

I sat in the mahogany-lux of the Hollywood's latest monde last evening and watched the dapper Eddie Collins and the Steinmetz of the Fourth Estate, Master Sidney Skolovsky, play a few hands of the new card game. A few hands is right—from 9 till 4 a.m. At the next table Ray Bolger and a party of four had two games going. At the next Booth four people had started a friendly game of gin-rummy. United up playing bridge.

You go to Chasen's and order broiled pompano, alligator pear salad and a deck of bicycle cards. The place was probably the best restaurant of the Pices but now it looks like the Friars' third floor on Saturday afternoon; only in place of Bill Morris, Walter Kelly, Sam Brown, Billy, Grady, Roy Barlett Bryan Fox and John Chapman. Chasen sits around kibitzing and wishing they would all go home.

Dave opened the place three years ago as a spicery, but today it looks more like the Colony in Manhattan. I go there whenever the exchequer allows, and I always felt that there was something missing from my life until I was last night. Ripley or not I have never heard anyone laugh in the joint; everyone acts as if they were making a test. Maybe they are at the top of the world, but they are thinking of the maybe.

A lot of Gotham's best hot grocery lists give their right eye for Dave's list of patrons. On quiet November night not so long ago I saw Arturo Toscanini, Jack Warner, Marlene Dietrich, Nick Dandolas, the Smyrna samaritan, John Ford, Spencer Tracy, Robert Taylor, Barbara Stanwyck, Jack Benny, Burns and Allen and Gene Fowler, all dining in separate booths with not an autograph hound in sight. I have been in some of the restaurants in the world, but I have never seen a list of Dives-sur-Mer; Montaigne Trained in Paris; The Ivy in London; Bauer's in Berlin; the Ritz-Palace in Boston, and I have to give the Cross of Saint Falstaff to the little man who was Joe Cook's jester in the good old days when Joe was cooking chile for the gang on the stages around the country after the customers had gone home. I can make a skillet say 'uncle' myself, but I haven't got a skillet—so it's either Chasen's for dinner or a cold snack in the home. I love to be in the five brisk winter evenings and curl up with a good cook.

Hogan's Arien Series

Hollywood, Dec. 24. Picture Corp. of America borrowed from Hogan for Paramount to direct 'Potion' Division of a series of three Richard Arlen starrers. Production starts Jan. 22 for Paramount release.

Boston Blackie's Return Gets Double Setback

Hollywood, Dec. 24. Double trouble foiled the slick work of Chester Morris in 'The Return of Boston Blackie' on Columbia's valley ranch. Morris was sent to bed by a doctor and the weather rained out exterior shots which were planned in his absence.

There will be nothing more doing on the picture until Morris climbs out of bed or the sun climbs out of the clouds.

EMPHASIS ON S.A. IN JUKEPIX MADE EAST

Pulchritude, if nothing else, will mark the Jimmy Roosevelt-Mills jukebox films. First of them to be turned out in the east were made at Fox-Movietone studios in Manhattan last week. Classy chassis that couldn't be supplied by the Screen Actors Guild were provided by the John Powers central casting agency.

Included among the lenses were Cecilia Megher, better known as 'The Coca-Cola Girl' and who recently appeared on a Savepost cover; Ann Stanton, whose phiz sells Chesterfields; Georgette Linday, who regularly poses for artist Hayden Hayden; and Angela Greene, who recently made pretty newspaper cheesebake in a bathing suit 'Queen' of 'Swim for Health' suits. They were all in-bathing suits this time.

Jitterbug specialty was provided for the reel by Gene Berg and Norman Frankin, making their initial appearance as a team. Berg's skater in 'It Happened on Ice' at the Center, N.Y., while Miss Franklin terms in 'Pamela Hattie.' As soon as he's taught her to skate well enough, Berg explained, they are going to be married.

Films were made by Arthur Leonard and Dick Hyland under contract to Roosevelt. Their introduction to the producer was unusual. They were making a 'Hobby Lobby' short featuring Mrs. F.D.R. when son Jimmy came around to watch. The pact was virtually in their pockets from then on.

Leonard, the director, who was one of Gus Edwards' kids long before he moved up to casting chief at Warners' Vitaphone Studios in Brooklyn, has more recently been in Jamaica, B.W.I., filming an all-Negro picture, 'Too Many', Hyland was southern exploitation and publicity manager for WB until about six months ago.

Eight subjects filmed last week will make one reel. They feature a band of Ray Kinney, Will Bradley and Vincent Lopez.

Lodge's Dual Preem

John Lodge's new British picture, 'Pirate of the Seven Seas,' is being set for release Jan. 6, the same day that the actor opens in 'Night of Love,' Shubert musical, in New York.

Lodge is a comedian in the stage show and a tough cargo ship commander in the film.

Other News Pertaining to Pictures

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Time's Man of the Year, and Saroyan's Curtis to W. C. Fields' Mahatma Jeeves

G-Man Who Authored WB 'Nazi Spy' to Be Examined

Katherine Moog, who is suing Warner Bros. Pictures, Inc. for \$75,000 alleged libel in 'Confessions of a Nazi Spy,' filed a notice of examination of the picture Monday (23) in N. Y. federal court stating she intends to quiz Leon G. Turrou on Jan. 2. Turrou, formerly of the FBI, wrote the original story.

Plaintiff claims part played by Lya Lys in the Warner Bros. picture portrayed and libeled her.

By WILLIAM SAROYAN

San Francisco, Dec. 24. I'm not sure whom Time mag has selected as The Man of the Year, or why anyone should want to be, or how they would select anybody, but wherever Time has selected it, it's a mistake. It was no year to cite anybody for anything. It would have been a good deal more pertinent and entertaining to discover who was not the Man of the Year.

On my own I gave this matter steady thought during the greater part of the month of December and failed to reach a decision. The year just wasn't any such man. The year did not produce a hero. I considered six or seven men who had failed at serious large-scale undertakings, but they weren't right, because every one of them was in there crying. I had to compromise and select The Man Who Uttered the Most Significant, the Most Delightful, the Most Heroic, the Most Manly, the Most Remarkable of the Year. I don't know his name, but after three hours of quiet drinking he got down from his stool, walked to the swinging door, went through the door, and looked at everybody closely, and said: 'Nuts to yez, one and all!'

Runner-up to this hero of 1940 was somebody I didn't select. He was in the field, and he was a man in which two very good-looking people, one male and the other female, spent a lot of time near a beautiful bed saying witty and uninteresting things. In a courteous, loud voice he said: 'Come on, come on, get busy or get the hell out of that bedroom—give us sex or entertainment, but not that chit-chat.' And sure enough the people in the movie left the bedroom, while the people in the audience applauded the cliché.

Scenario Writer of the Year. Thinking along these lines, I got to thinking about outstanding people who are not quite as successful as these boys; and for my money the Scenario Writer of the Year is a man named Mahatma Kane Jeeves. This man knows how to write, especially for W. C. Fields. From now on nobody else should try to write scenarios for W. C. Fields. By a curious coincidence, Jeeves also happens to be W. C. Fields. The name of the picture, 'Jeeves (or Mahatma)' has been written 'The Bank Dick.' The idea of the scenario is that if you happen to stagger into the theatre and sit down it's going to be funny. It's a good idea, and it's funny.

It's about a large fellow named Souse—there's an accent of some sort on the 'e'—getting along in the world and dropping in at a bar named The Black Pussy Cat as often as possible. He's a fellow who has a way with a bottle. He's a very good man. He's patient and only wants to get away. He finds comfort and dignity in standing at a bar near a bottle of Souse. He's a fellow who is horrified by the grossness and stupidity of everybody around him that nothing they do or say, however corrupt or unholy, can amaze him. By error or oversight, he has been bothered to express it.

The outward bulging of his frame has come to pass from years of inner control in the presence of maddening circumstances, so that now he is well surrounded by a vast material, belonging to himself, and secure at the core of this companionable and protective substance. In retaliation for the murderous rudeness of a daughter of eight he will lift a 30-pound potted plant and get ready to throw it, but instead will hand it gently and with great courtesy to a young cat who has just been introduced to him by error or oversight. He who is obviously in love with the cat.

Ideal Alter Ego.

Nobody but Mahatma Kane Jeeves could write such suitable material for W. C. Fields. Everything Jeeves has written for Mr. Fields is perfect except a sort of experimental bit of business involving cane and a hat which is repeated twice or three times. Souse goes to put his hat on his head, puts it on his cane instead, begins to go, discovers that the act of putting hat on head has been frustrated, investigates the matter, discovers the error and corrects it. It's all right. It's funny, but it's not as funny as anything else in the picture, and all the other things are very funny.

You go in there and see the picture because it's a picture that's right because that's what this picture starts and you start laughing at the Leon Errol and Ray Whitley.

NAT'L THEATRES' \$60,000 BONUS; OTHERS TOO

Los Angeles, Dec. 24. Bonus checks totalling in excess of \$60,000 were handed out to National Theatre's Fox-West Coast (subsidiary) employees in keeping with chain's annual holiday custom. Checks totalling \$24,321.94 were passed out last weekend to 1,227 National Theatre employees in all operating divisions west of Chicago.

In addition, F-W-C circuit largess amounted to around \$40,000, distributed to theatre and home office employees of California and Arizona. Outlay represented annual Christmas bonus, circuit awards in annual business drive and commissions to theatre workers for annual sale of good will tickets, which were honored as admissions up to and including Christmas Eve.

F-W-C circuit last weekend put into effect a junior general admission for all Southern California and Arizona houses, representing a savings in some instances of 50% over established boxoffice prices. These tickets are purchasable by June 15 to 16 years of age and effect savings as high as 25c each for admission to Los Angeles first run houses.

The Paramount theatre, opposition to Lee's F-W-C quantitative offer, put the junior admission into effect also on Saturday (28), feeling that reduced fare at the house was necessary if opposite theatre posted such a sale.

Par and WB Melons

Paramount and Warner Bros. joined Loew's and United Artists in the distribution of Xmas bonuses. Par paid the bonus of a week's salary up to \$50 but also gave \$50 to all earning between \$50 and \$65. Length of service did not figure.

At Warner Bros. employees of the house got a bonus of a maximum of \$25, this amount being paid also to all getting between \$25 and \$100 weekly.

Separate bonuses worked out for the entire country by the Warner distribution and theatre departments which varied according to many factors, such as sales quotas, etc.

Metro's Foreign Department Extra

Arthur Loew, head of Metro's foreign department, again this year is giving a special bonus of one week's salary to each employee in the N. Y. office making \$100 or less per week. This bonus is his personal gift, as it has been in recent years. The bonus is given to foreign department home office employees does not prevent these Metro workers from receiving the bonus declared for all home office employees in certain salary brackets.

Shea Circuit, covering part of the New England territory and midwest cities, gave week's salary as a Christmas bonus to all employees. Fruit, which is headed by E. C. Grainer, is carrying out the policy inaugurated years ago by the late M. A. Shea in voting the bonus.

Shorties Stir at RKO

Shorts production resumes Jan. 3 at RKO with two briefs slated to go into work under Harry D'Arcy's direction. Lou Brock's production supervision.

Starring in the two-reelers are Leon Errol and Ray Whitley.

RKO'S SIMPLIFICATION IN '41

UA's VALUE TO THE BIZ

It is a matter of very deep concern to motion picture exhibitors, both affiliated and independent, that the current readjustment of management, sales-force and policy of United Artists Corp. shall result in a constructive program, consistent with changed industry conditions. UA for more than 20 years has occupied a unique and highly important place in the film business.

The principles on which it was formed to provide expert and showmanly handling of individual pictures, in contrast to program selling by its major competitors, have been repeatedly justified by the encouragement it has given to independent production.

Organizers of UA were Mary Pickford, the late Douglas Fairbanks, Charles Chaplin and D. W. Griffith. Of the four, only Chaplin continues as an occasional contributor of a film for distribution. Samuel Goldwyn and Alexander Korda also are producer-owners, although the former has limited his production activities during the past year to a single film, 'The Westerner', and his future plans hinge upon the outcome of the legal action he has instituted to sever his connection from the company.

United Artists provides an efficient and one of the few channels for film distribution to meet the requirements of the showman-entrepreneur—the producer, actor or director who is willing (and able) to match his wits and purse against the strongly entrenched major companies with their almost unlimited studio resources, their domestic and foreign exchanges, and their affiliated theatre circuits.

At first glance the odds for success would appear against the individual and in favor of the integrated operations. It is a David versus Goliath struggle, and the UA producers have been tossing the pebbles with marked success for a score of years.

In the absence of sufficient numbers of films from its member-producers to carry the overhead of the selling organization, United Artists for some years has invited outside independent units to use its distribution facilities.

It is reported that some of the producers affiliated with UA are dissatisfied with the film rentals of their pictures, and are putting pressure on the sales force to step up receipts. There may be acts of omission or commission which justify the criticism, but the trade at large has come to evaluate the boxoffice draw of UA product as residing primarily in the pictures.

Other distributors have been more successful with mediocre films than UA. It functions best only when the pictures it distributes are unique and outstanding, of intrinsic showmanship values. With product of that type the record shows that no other selling organization through the years has surpassed UA salesmen.

With the new selling regulations under the consent decree, limiting group sales to blocks of five pictures, the long established policy of individual handling would seem to give an edge to UA, which has fought blockbooking since it was organized.

On the other hand, the present management might trace some of its current difficulties to a modification of its policy of individual selling which became effective several years ago. The necessity of conforming in part to general industry methods was forced by the tightening playdate situation.

United Artists long ago justified its place in the film industry as a dominant influence for the production of better pictures. The organization always has had to do things the hard way—usually in direct challenge to routine. It has functioned best when the resistance has been strongest.

There is no reason to believe that there will not be found the right solution to the current internal difficulties. A couple of smash pictures from its producers would be the best antidote for the temporary attack of indigestion.

HOLDEN BALKS AGAIN, SUSPENDED BY COL.

Hollywood, Dec. 24. For refusing to play the male lead in Columbia's 'Texas', William Holden has been suspended by two studios. Both Columbia and Paramount share his contract. It is the second offense for the actor, who screamed 'I Wanted Wings' at Paramount until his salary was adjusted.

NIAGARA FALLS POOL

Hayman's 2 in. Product Alignment With Shea-Par. Buffalo, Dec. 24. Cataract and Strand theatres of Charles Hayman and Bellevue theatre of Shea Paramount-Metro, all of Niagara Falls, were pooled today under operating agreement covering next ten years. Deal sews up the Falls' first situation.

OVER 175 UNITS, 200 BANK ACC'TS

Radio-Keith-Orpheum Structure Just Grew and Grew as New Properties Were Added

SAVE ON TAXES, ETC.

Major task to be undertaken by RKO fiscal experts during 1941 is to begin untangling one of the most complicated corporate setups in American financial history. Included in the setup, under control of the major holding company Radio-Keith-Orpheum Corp., are more than 175 other companies and more than 200 separate bank accounts.

An RKO executive was brought in shortly after the start of bankruptcy proceedings more than seven years ago, because of his wide experience in handling financial mazes, told 'Variety' recently. 'Nothing I call has ever equalled this except a few of the utility holding company setups of the good old boom days.'

Present RKO execs are anxious to get down to a simplification of the complicated mess, but have been balked in the past and still being stymied by a number of factors. One of these has been the siege in the bankruptcy courts, which handle a simplification from giving has prevented officials who could necessity of getting the companies operating normally after the long much thought to it.

Many Leaseholds

Another factor is that a large number of leases and contracts exist which must be allowed to run their course before the companies which made them be absorbed into larger companies. A third factor is bickering among the numerous financial interests involved as to how a reorg is to be accomplished. Some preliminary plans which had been worked out have already caused friction. However, tax savings, which can be made, as well as economies in the extensive accounting system now required, make simplification a logical move and one sure to come, although the entire process may take five years or longer.

Master plan of simplification, it was said, will be worked out by present fiscal employees of the company. Outside corporate consulting firms will not be brought in, as is customary, because the setup is so involved it takes several years to acquaint outsiders with the details. In the maze are affiliated companies, associated companies, subsidiary (Continued on page 21)

BARNEY BALABAN 5TH ANNI DINNER JAN. 22

Large delegation of home office Paramount executives and eastern Par operators will leave for Chicago the night of Jan. 22 to attend the testimonial dinner to Barney Balaban, signaling his fifth year as president of the company.

Expected to be every Par partner, plus other execs in the various chains making up the Par circuit will come from all other parts of the country in which they operate, which embraces nearly every state of the union.

Banquet will be held Jan. 23, at which prizes will be announced to the members of the various Par circuits who have made the best showing in business on the Balaban drive which began recently.

Surges Doubles at Par

Hollywood, Dec. 24. Paramount signed Preston Sturges to a straight contract for two years at \$100,000 per year, plus a 10% box office on profits—further services after two years.

Indies the Chief Losers in RKO Move to Cut to 40 Pix for 1941-42

Blow Me Down

Hollywood, Dec. 24. Shooting a hurricane on the wing in Technicolor is the simple task assigned to Devereux Wrigley, cameraman, by Cecil B. DeMille, producer of the Paramount picture, 'Reap the Wild Wind'. All Wrigley has to do is sit in a concrete dugout on the Florida shore and wait. Paramount has no hurricanes under contract.

1ST M-G GROUP OF 5 READY BY JULY

Metro expects to have its first package of five pictures made up for screening and sale in July for delivery on the 1941-42 season starting Sept. 1 in accordance with the consent decree. Other companies are similarly hoping to have at least one package ready by the end of the new season.

William F. Rodgers, general sales manager of Metro, points out that the distributors will have to feel their way as they go along under the consent and cannot estimate at this time how many additional salesmen may be required. The question of whether exchange bookers will have to be increased is another that can't be answered now. Some distributor sources do not think bookers will have to be added.

Metro recently created a new central division for a total of three, naming E. K. (Ted) O'Shea to head it. He added new districts, plus resigning members of its sales force. Rodgers states O'Shea will make his headquarters at the home office, not at Chicago, the same as Ed Saunders and Tom Connors, the other two division managers.

BOB BASSLER MAY GET UNDERWOOD'S N.Y. POST

Robert Bassler, of 20th-Fox's Coast story department, is being mentioned as probable successor to Franklin Underwood as eastern story editor for the company. Underwood filed Sunday (22). Bassler, understood to have the job cinched if he wants it, but has in the past preferred Hollywood to New York.

Bassler is now assistant to Julian Johnson, studio story editor. He was formerly assistant in New York, about four years ago going to London to head 20th's story setup there. When the war caused discontinuance of the extensive British office, Bassler was given his present Hollywood post.

Tone's 10 for U

Hollywood, Dec. 24. Franchot Tone inked a 10-picture deal at Universal, calling for two film annually for five years. Currently Tone is playing opposite Deanna Durbin in 'Nice Girl' the same lot.

Romero Tops 'Dance'

Hollywood, Dec. 24. Top spot in 'I Want to Dance' on the 20th-Fox lot goes to Cesar Romero, who has the hottest steps in Hollywood. Any girl who hasn't danced with Cesar simply hasn't danced. Lou Ostrow is producing the picture, one of his three productions on the Westwood lot.

Independent producers distributing through RKO will be principal losers through the slash in quantity of product to be released by the company next season. RKO will distribute only about 40 pictures 1941-42, George J. Schaefer disclosed. Deliveries this year will be 45 to 48 out of the 53 promised at the sales convention, RKO prez said.

Cut in quantity of product will be only one in a series of widespread production and distribution changes forced on the company by the consent decree, Schaefer revealed on his return to New York from lengthy confab with studio heads.

Of the 40 films to be made, RKO chieftain asserted, 35 will be turned out on the lot and only five or six by indie. Promoted from independent sources on the 1940-41 slate were 18 or more films and most of them will be delivered.

Only indie who will surely stay with the company, Schaefer said, will be Herbert Wilcox. He has closer association with the studio than the usual independent through financing by the company. 'Definitely out are Towne and Baker, this season contributed 'Little Men' and have 'How to Meet a Man' in work.' They are understood negotiating with United Artists. Gordon-Goez unit also is finished, Schaefer said, unless they dig up the coin to produce 'American Vagabond.'

Negotiating Release Facts Schaefer disclosed that he is negotiating with a number of indie producers who (Continued on page 50)

Third Acad Award For Writers; Art Tims Also Call for Oscar

Hollywood, Dec. 24. Two additional Oscars have been placed on the list of awards to be handed out this year by the Academy of Motion Picture Arts and Sciences. One is for writers and the other for art directors.

New writer award makes three separate trophies for the screen scribes. It is for 'the best original screenplay, the writer or writers of which are also authors of the original story.' The other screenwriting awards are for the best original motion picture story, and for the best written screenplay, adapted from a book or stage play.

New prize for art direction pertains to pictures filmed in color. Rules committee decided that the tremendous importance of the new award warranted special recognition. Aside from these two changes, honors will be awarded in the same classifications as last year.

HECHT-KORDA (UA) PIC DEAL STILL PENDS

Negotiations for production of three pictures by Ben Hecht to be leased by Alexander Korda through United Artists are temporarily in suspension, Hecht said Monday (23). Further word is being awaited from Korda on certain aspects of the deal, he explained.

'Films would be made on a Const lot. It is understood, with Lee Garmes assisting Hecht, direction. 'First film, said to be budgeted at around \$27,000 and mentioned among backers are Leo Spitz, who is indirectly associated with Paramount as attorney for Balaban & Katz, and John Hark, Jr., of the member of Par's board.

Selwyn's M-G Chore

Hollywood, Dec. 24. 'Production of 'She Takes the Wheel,' a new-power yarn, has been said to be budgeted at Metro. Makes the fourth on his slate for the next few months.

AAA Realizes Need for Unusual Care in Picking Film Arbitrators; Biz Can't Stand for 'Grouches'

With much more than the ordinary care to be exercised in the choice of arbitrators who will serve in film cases under the consent decree, it is promised in American Arbitration Assn. circles that there is no doubt but that the panels, when finally set up, will top those for any other industry under arbitration. Association has been in existence 14 years and for the many industries it serves has a national panel of over 7,000 arbitrators.

In seeing it that the very finest caliber of men are placed on the film panels and taking every precaution to safeguard itself from any complaints from picture people against the quality of the men sitting on cases, the AAA has a large staff at work going over names that have already been submitted. The qualifications for the film panels are said to be the strictest in the history of the AAA. A new wrinkle is understood to be a determination on the part of the association to not only pick closely into the business and educational background of arbitrators, but also to check on them from a psychological point of view.

Thus, it is reported temperament goes to play a very vital part in the selection of panels. A qualifying point is the ascertained being checked with care is whether or not an arbitrator under consideration is a good listener or is of the type who's a "grouch" class, lacks a sense of patience, is the habit of making hasty decisions, or is not also on the polite side, then the film panel will be closed to him. Also, the AAA is said to be particularly concerned with whether an arbitrator to be placed on a picture panel is there more for the money he will get in fees than for the honor of being appointed.

'Local Public Service'
Preparing to set up a moderate scale of fees for arbitrators hearing cases, with \$50 a day a probable rarity, the AAA is also said to be considering the possibility of no fees at all where it's a question of local public service. In making decisions such as might concern an exhibitor's desire to cancel a picture on racial, religious or other grounds peculiar to his community connections.

In connection with patience and politeness of arbitrators on picture cases, an angle is that it's very important that arbitrators prove good listeners because of the nature of the business. Many exhibitor complaints that are expected to be made and the chances that every exhibitor filing a case will have plenty on his chest to get rid of.

It is not known how many arbitrators will be appointed for the 31 different panels except that there will be a minimum of 310, or 10 to each zone. The need for a greater number will be determined by the number of cases which have been filed. Whether or not, for the first year of the consent at least, complaints pile up to the point where much larger panels will be required. Since it is known that the AAA's work would be held down severely by the AAA, the number of applications from those wishing to serve have greatly lessened.

No Selections Yet
No selections have been made as yet, pending the cross-checking that is being made of the backgrounds of prospects submitted, including by J. Noble Braden, executive secretary, who has already gathered a list of names from 21 different exchange keys that he has covered. Braden is remaining in New York over Christmas but will probably leave next week on a trip to cover additional cities to gather data, discuss cases, and see local arbitrators etc. All references are being minutely investigated.

Yet to cover are Boston, Albany, New Haven, Buffalo, Philadelphia, Washington, Chicago, St. Louis, New Orleans and Memphis. Braden is claimed to have received much cooperation among business men, educators, bar associations, etc., in the fact he has received, with all indications seeming to point to a stronger movement in the direction of arbitration. He has also been impressed by the caliber of men willing to serve as arbitrators.

The Department of Justice, whose

suit against the majors brought a decree, with the Big Five (Paramount, Warners, 20th, RKO and Metro), is being kept closely informed of all moves being made by the AAA and latter is finding the D. of J. very cooperative, it is stated.

Arbitration Journal, quarterly house-organ of the AAA, will be devoted in an issue around Jan. 1, entirely to the consent decree and the film industry coming under it. It will contain articles bearing on the consent and will probably be made available to exhibitors or others desiring it, at cost. In any event it will get much wider distribution than the average issue which runs from 3,000 to 4,000.

James Hayes, of the D. of J., will write an article bearing on his introduction of the Government suit which resulted in the consent, while another will be written by Nat. Board chairman, a picture division of the Dept. of Commerce in Washington.

Myers, Gives Exhibit Stant
An executive of one of the five distribution companies, not selected to write from the exhibitor side, while Abram F. Myers, general counsel of Allied States Assn., will do an article on the exhibit stant. Still others will be an article by either Lucius R. Eastman, chairman of the AAA, or Paul Felix Warburg, chairman of the film administrative committee, concerning the workings of the arbitration system that will figure in the new consent. Also, the Yale School of Law, who is an adviser to the Dept. of Justice, will discuss the nature of the consent decree, its meaning, aims, etc.

The Arbitration Journal is edited by George Little of the AAA. Requiring more space, the AAA has leased an entire floor in the U. S. Rubber Bldg. in New York City and will move in the end of January. A total of four or five rooms for arbitration hearings will be included, among them a room as the New York Tribunal on film cases.

The Appellate Board of which Van Vechten Veeder is chairman, is at present at the Bar Association Bldg., but will also come into some portion of New York City.

An increase in arbitration in all fields has necessitated the need for double the present space the AAA has at 40th street.

The European conflict and yarn stemming from it figured most in the recent past in the stories of the AAA. Compilation was made from a summary of newsreel programs, from VARIETY's own reviews and information secured from different newsreels.

Thur Menken's personalized story of the Allied retreat from Norway, with the attack by bombers on the fleeing fleet and transports, led the list. Paramount released Menken's coverage, since the cameraman was a staff member, led the others though rival reels had much the same footage. Second best newsreel yarn was on the collapse of 'Leaping Lena', 'The Wolf', 'The Wolf' and 'The Wolf'. The reels are able to grab news in the making often which made this stand out. Naval battle of Oran, with destruction of most of the French fleet (the one), grabbed third spot on the 1940 list. Fox newsreel story was compiled from French government clips.

Bombing of Elverum and battle of Narvik, both part of the Norwegian campaign, wound up fourth, as done by Paramount. This newsreel had an exclusive on the complete bombing of the Norway town by the Nazis, because of photo-finishes of the Dartmouth-Cornell football game capped fifth place, because motion pictures actually decided the score, a reversal from the original which had Cornell winning. News of Day that the top yarn, which actually being made at Dartmouth.

Tearjerker
Pathe's story of British child refugees talking from N. Y. to their parents in London via National Broadcasting Co. studio was closed

Can't Get Lit

Los Angeles, Dec. 24.
Fifth Avenue theatre, \$135,000 film house that never opened, moved into its second year of darkness. Built a little more than a year ago by Southside Theatres in Inglewood, just outside the L. A. city limits, the Fifth Ave. has never been able to secure adequate film product. The only pictures available for the spot are last run in the city of Inglewood.

Meanwhile depreciation, taxes and other expenses are piling up without a cent of revenue.

Lawson's Delay And Minister Role Stall Start of 'Green Valley'

Hollywood, Dec. 24.
Casting difficulties caused 20th-Fox to defer the start of 'How Green Was My Valley' to Jan. 6, and may result in further postponements. One reason is the European war which may delay the arrival of Wilfred Lawson, British thespian, who recently appeared 'The Long Voyage Home' and returned to England to join the Royal Air Force. Another worry is that of the minister's role for which William Wyler, director, has tested 27 Hollywood actors and is still unsatisfied.

Picture is one of the most expensive on the Westwood schedule.

Studio Contracts

Hollywood, Dec. 24.
Warners took up Kurt Bernard's director option for another year. Joan Perry drew player ticket at Warners.

20th-Fox handed Col. Jason S. Joy a new two-year contract as public relations head.

Jack Carson inked an actor pact at Warners. Clements signed to a minor contract at 20th-Fox.

Tom Tyler drew Republic contract for serial.

20th-Fox signed Sheldon Leonard to player deal.

Earl Baldwin penned writer contract at Metro.

Universal signed Billy Halop to a four-picture deal.

Metro renewed its moppet pact with William Thomas.

Loew-Lewin closed a deal with Columbia for Glenn Ford in three more pictures.

10 Best Newsreel Stories of 1940

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Of People and Places

By THE SKIRT

The best dressed woman of the week:

MARY MARTIN
'Love Thy Neighbor'
Paramount Theatre

Mary Martin's Wardrobe

'Love Thy Neighbor' has finally reached the Paramount theatre, and what it lacks in story makes up in production. It is pretty difficult to see a story for Jack Benny and Fred Astaire. Much better might be a revue. The sets for the most part, in Florida, are very beautiful, the hotel suites unbelievably so. Mary Martin has a wardrobe to be proud of. There is a gown of solid crystals beautifully draped and worn with an ermine coat. An embroidered batiste is made over a black tulle foundation. There is a sports costume of white worn with a dark blouse and stuffed with stars. Very unusual is a suit combining leopard and cloth. The front of the coat as well as the sleeves are of the fur. A pillow-bag and muff are also of the fur. Miss Martin wears one of the new marabou housecoats. The well-known fur coat worn with nothing underneath is mink. Verree Tassels shows some very lovely clothes. Black velvet is a hostess gown and a dinner gown is of chiffon with the bodice in squares of sequins. A plain cloth dress has fur cuffs. A wistaria print is on a black background. There is a show going on in the picture, it seemed, but incidental. The small chorus wears glittering gowns and does some intricate dancing.

Tommy Dorsey and his band is the stage attraction and have as soloist a small miss named Connie Hayes. Her dress is a long gray affair with green velvet blouse.

Christmas at the Music Hall

The stage show at Radio City Music Hall theatre is all important this week. At risk of curtains and trappings of a Christmas show. From the interior comes strain of 'Silent Night' and then 'First Noel'. The doors open and from the church the congregation dressed in old-fashioned costumes silently wends its way homeward. Coming down from the ceiling a tableau of the Nativity with the Star of Bethlehem descends and faintly fades away. A Disney cartoon is then injected, and the next number is 'The Old Woman Who Lived in a Shoe'. The merry girls are nicely dressed in short costumes of purple and pale blue with white under dressing. Santa's Workshop shows, Marionettes in a new manner. The Glee Club sings a song called 'It Looks Like Red, White and Blue Christmas' and the Rockettes are dressed accordingly.

Tina Turner, No. Naisette, is drollish with Anna Neagle starred. Miss Neagle wears some pretty frocks, some very simple full skirts with bolero bodices. One fluffy evening frock with full skirt trimmed with bunches of flowers and puffed sleeve bodice. Helen Broderick's clothes are of the slim type with much lace as to material. Tamara's draped for the most part in cloth, gold and lace, and comical, in black tights. Eve Arden does her bit in many pleasant frocks.

Gal from Audience Strips

The Gaiety theatre with its condensed burlesque show runs its perennial course. Seven small girls open proceedings in short pink ruffled skirts and satin bodices and silver slippers. The taller girls, also seven in number, are almost nude with loin cloths and trappings of a Christmas show. Again the smaller girls are in red trunks and short bodices with full ruffled sleeves. Silver plays an important part in one number with the girls in the same style costume, long scarfs hanging, from their shoulders. Blue trunks and brass have full sleeves. For the girls' change of costumes the comedians occupy the stage with skirts. Some funny, all blue. The highlight of these burlesque shows is the 'The Merry Girls' who are dressed in short costumes of purple and pale blue with white under dressing. Santa's Workshop shows, Marionettes in a new manner. The Glee Club sings a song called 'It Looks Like Red, White and Blue Christmas' and the Rockettes are dressed accordingly.

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'Retreat to Pleasure' No Pleasure

'Retreat to Pleasure' opened at the Belasco theatre last Tuesday night. It is a long talky affair, not getting anywhere. In two sets done in the Belasco style, the players do the play. The first set is done in a darkened room in a black fur coat, high-crowned hat, underneath which is a black dress banded in velvet. Very amusing is this actress, especially as she kicks off her slippers, and finally in one shot foot does a wooden soldier walk. Her last act dress is a smoky pink with matching hair.

Edith Atwater, the lead, appears first in a beaver coat over a raspberry colored dress. The switch to Florida finds this miss in good-looking yellow and white pajamas. A gray dress is combined with chaperone. T gown is beautifully draped over the green undershirt. A long gray cape is also included. The play is a white divided skirt is edged with silver and has a wide white Florence Sundstrom is amusing as a lady of the evening, and makes her first appearance in a pale fur jacket and tricky hat. A sport dress has a white blouse combined with a print skirt. An evening dress is of pale blue organdie. Dorothy Patten wears a frilly green gown with sleeves elaborately embroidered, and yellow slacks are worn with wedgies.

Marilyn Barry Writes a Play

A small group of players calling themselves The Berkeley Players operate at The Master Institute theatre at 310 Riverside Drive. First effort is a play called 'The Lady Was a Latin', written by Marilyn Barry, wife of the Paramount executive. It wouldn't be surprising if the play finds its berth on Broadway. The plot revolves around a ballroom dancer, his wife and a slinky South American dancer, Mary Farrell plays the wife, Adelaide Duke the dancer, Robert Godey the husband. Others in the cast are Betty McCormack, Peter Preses and Frederick Buch.

Mrs. Barry, called before the curtain at the opening of the play, was very brave in her description of how almost impossible it is to have a play read. The Berkeley Players will try to alter this situation. The program carried a long list of patrons, including George Abbott, Neil Astrew, Irving Berlin, Marion Bowes, Mrs. George Washington Cavanaugh, George Cohan, Cecil B. DeMille, Arlene Francis, Helen Gahagan, Stanton Griffis, Dorothy Hall, Boris Karloff, George K. Lewis, Madge Kennedy, Estelle Leslie, Earl L. McClintock, Helen Menken, Fred Metzler, Leon Netter, Harold O'Loe, Lou Pollak, E. V. Richards, Albert Richard, James Roosevelt, George J. Schaefer, Lee Shubert, Oscar Serlin, A. F. Victor and Adolph Zukor.

At The Woman Pays Club

The Woman Pays Club held its meeting at the Warwick last Tuesday at luncheon. Blanche Gaines presided and the guests of honor were Alice Duer Miller and Robert Smith of the Times.

Mrs. Miller read some extracts from her new famous book, 'The White City of Dover', and Mrs. Smith, who was enthusiastic with its assertions that the China Seas were much more important to us than we seem to realize. Among the gals present were Florence Leslie, Jessie Slight, Helen Hoerle, Marie Royale, Sylvia Golden, Adele G. Nathan, Lillian Day, whose book, 'The Younger Profession', has just been published; Alma Tate, Mrs. Sigmond Spaeth, Maud Hart Lovelace, Rita Hallie, Ruth Lager and Billy Marks.

PIX SALESMEN ON THE SPOT

20th Anni of U.S. Army Picture Service; Emphasize Shows for Morale

Washington, Dec. 24. Establishment of many more Army motion picture houses—considered an extremely important factor in maintaining morale of the armed forces—is planned by the Army Motion Picture Service.

Service, which will celebrate its 20th anniversary on Jan. 2, announced last week that films will be exhibited at 'new and enlarged' camps and at small isolated posts. 'New men entering the army quite likely will find that the shows being exhibited by the camp theatre are those they already have seen,' it was explained, 'but this will prove only a temporary inconvenience.'

Preliminary financing of the theatre project will be done by the Motion Picture Service, pending construction and equipment of new theatres out of funds appropriated by Congress.

Southwest Active
Fort Sam Houston, Tex., Dec. 24. R. J. Potter, for many years booker for Jefferson Amusement Co., will assist W. E. Christ, district manager of the southern division of the U. S. Motion Picture Service, in a similar capacity.

With the recent addition of 12 new army camps in this area the total being serviced by the Crisp office in Dallas is 26 camps. On the Coast an additional 13 camps will soon be opened and they too will be serviced out of the Crisp office.

Up Capacity for Troops
Vancouver, B. C., Dec. 24. Strand, Naiman, B. C., will up capacity to 600 to accommodate increased biz due to concentration of troops in training.

Scheme of Vernon, B. C., Rotary Club in cooperation with Famous Players' Capital to provide Sunday afternoon entertainment for soldiers was nixed by the Lord's Day Alliance Act.

34 House for Soldiers
Mineral Wells, Texas, Dec. 24. Resort Amus. Co. has let a contract for a third house hereabouts. Building is due to the troops of soldiers who will have their encampments near here.

E. L. Fawks owner of the Ritz, Grand, to start building new 260-seat house here within next several weeks.

War Doubles Theatre Size
Lynchburg, Dec. 24. Construction of a new theatre plant at Radford, Va., is responsible for plans to more than double size of State theatre here. House now seating 400 will have a capacity of 850 when alterations are completed soon after first of year.

20th Scribes Assigned
Hollywood, Dec. 24. 20th-Fox handed writing jobs to four scribes, chief of which is 'Lucky Baldwin', to be screened by C. C. Cochrane. Sullivan's stories are Horace McCoy on 'Song and Dance Man', Robert Carson on 'The Band Played On', and Sam Engel on 'Private Nurse'.

CHANGE FEMMES ON 'BILLY'
Hollywood, Dec. 24. Mary Howard takes over the femme lead in Metro's 'Billy the Kid', replacing Maureen O'Sullivan, who in Canada will be replaced by John Ford, former director and now an officer in the Royal Canadian Navy.

Picture is on location at Flagstaff, Ariz.

Par's Miami Beach Opening
Miami Beach, Dec. 24. Paramount's new Beach theatre on Lincoln road will be formally opened Xmas day with 'Love Thy Neighbor' and Tommy Tucker's band playing the stage bill.

According to George Hoover, city manager for Par, show policy of Beach playhouse will parallel that of the New York Paramount.

French Firm Would Examine in Suit Vs. Dietrich

Application was made to N. Y. supreme court yesterday (Tues.) by Forrester-Parant Productions, of Paris, to examine Peyton Gibson, secretary of Universal Pictures Corp., before trial, in connection with Dietrich's suit against Marlene Dietrich. A warrant of attachment has been issued on the actress' N. Y. property by the court, but Universal, to whom she is under contract, states that it has no money or property belonging to her in N. Y.

Action claims breach of employment contract, and states that the actress backed down on a deal whereby she was to make a film in France for the plaintiff. Amount sought is \$98,450.

Joe Philipson Leaving Cooper For Par Distrib

Joe Philipson, for many years in charge of film buying and financial matters for the J. H. Cooper interests at Paramount home office, is joining the Par distribution department in an executive capacity under Neil F. Agnew after the first of the year. The exact nature of the post has not been worked out but bears, as is understood, on the need for added manpower in connection with selling under the consent decree.

At the same time, Cooper himself, who is associated with Par in theatre operations in Nebraska, Colorado and Oklahoma, will assume active charge of film buying and will spend several months a year in Oklahoma City, though retaining his eastern residence.

Cooper is president of Standard Theatres Corp., the Oklahoma company, and will be in more active charge of operations in that state but also directing interests in Nebraska and Colorado. W. C. Lowellen, formerly in Lincoln, has been in Oklahoma City a month now and will remain there permanently in charge of the downtown first-run houses while F. M. Swigar will be over the nabs and subsequent runs. There are nine houses in O. C.

Coincident with the resignation of Philipson and his appointment to the Par distribution department, Leon Savell, now at the h.o., will take over all accounting for Cooper and make headquarters at Lincoln. He is presently spending Christmas in Atlanta where he has been for several years over accounting for the Kinney-Wilby circuit.

Mono to Distribute Texas Documentary Pic

'Cavalade of Texas,' a documentary Technicolor, will be distributed nationally by Monogram as result of the agreement signed last week by Karl Hobbelt, acting chairman of the Texas World's Fair Commission, and John L. Financor, Dallas sales manager for Mono.

Picture was produced under the supervision of James A. Fitzpatrick, travel expert of Metro. He sent a crew to Texas to shoot pertinent scenes in Dallas, Fort Worth, El Paso, Houston and San Antonio, as well as in the oil fields, sulphur means, coastal and range land. The film was exhibited at the N. Y. and San Francisco World's Fairs this past summer.

Although going out on general release, the 17-minute rights are retained by the Texas Fair Commission.

BEING WARNED UNDER DECREE

Sharpshooting and 'Side Arrangements' With Exhibs Now Doubly Dangerous Since Distribs Can Be Fined Under Arbitration

STRICT WATCH

Film salesmen are beginning to receive instructions concerning the new method of selling to go into effect next summer in taking orders on the 1941-42 product and it's expected that there will be a constant follow-up between now and then, together with meetings to set, all the boys straight. Many are not entirely clear on the consent decree and arbitration, nor are immediate superiors such as branch managers so 'well up' on the provisions of the agreement.

Reported that instructions to salesmen also include a stern warning that they will be held accountable for their actions in dealing with exhibitors when it comes time to sell the 1941-42 product in blocks-of-five, or less. Intimation is that any salesman who makes griesous mistakes in representing the companies for which they are working, causing trouble under arbitration and possible fines, is going to have to answer for it.

Close Check

The distributors, it is noted, are going to be very careful not to lay themselves open to difficulties under the consent decree in the form of complaints against them from exhibitors demanding arbitration, and will invite inquiries from any member of the sales forces when doubt arises as to what steps should be taken. Expected there will be a close check at all times with the sellers to see that they do not negotiate the wrong deals or in the wrong way, let alone overstep in making promises that can't be delivered.

During the past year, in fact, it has been learned there has been some tightening up in this direction, with distribution heads cautioning salesmen that sharpshooting will not be tolerated from any of their number, and that no contracts are to be written which do not contain all representations made to the exhibitor.

Many salesmen have had a habit of making private understandings with their accounts, with result that when the exhibitor finds out the h.o. neither knows anything about such agreements nor refuses to live up to promises of the salesmen, there is trouble. The desire to avoid strained relations with exhibitors aside from the consent decree because of over-enthusiasm on the part of a salesman or so-called 'side agreements', but under the new Government-Artists' system of selling, there are other dangers and for salesmen greater responsibilities.

Under arbitration, a distributor may be fined up to \$500 per case where violations are of such character that arbitrators believe penalties should be levied. Understood, however, that such fines will not be imposed except where the cases are flagrant or where violations have occurred too many times. Distributors thus will have to depend a good deal on their salesmen in their desire to live up to the letter of the consent, averting fines as well as the trouble and cost of complaint proceedings.

John Auer Megs 'Citadel'

Hollywood, Dec. 24. John Auer gets the director chore on Republic's high-budget picture, 'Citadel of Crime,' to be produced under Armand Schaefer supervision. Scripting is being done by Isabel Dawn.

Early '41 Start Slated at Paramount, 14 Pix Get the Gun; Pre-Xmas Heavy

Dick Foran's Reply

Trenton, Dec. 24. New Jersey's Acting Governor, Arthur F. Foran, notified his film actor son, Dick Foran, that he was substituting for Gov. Moore for a day or two by appointing the Hollywood player a 'colonel of cavalry and chief of staff.' Gov. Foran, in facetious vein, wired his son on the Coast during the course of exercising his functions of Chief Executive and received the following reply: 'Appreciate receiving message and gratefully acknowledge appointment, but I wanna be a captain.'

Gov. Moore spent a few days out of the state, and Foran, as Senate President, became acting governor.

New Vichy Law Puts U.S. French Subsidis on Spot

Wanted: Men to become presidents of film companies. Must be willing to travel. Apply at home office of any major distributor.

Ads like the above may not be gags for long. U. S. distributors are actually on a hunt for likely presidents of their French subsidiaries as result of a recent decree handed down by Marshal Petain. It has sent present heads of the French companies, who mostly are American employees serving in a straw-man capacity, into a scramble to resign.

Decree demands two things of presidents of French companies: (1) They must personally manage and supervise the firm, and (2) they will be held personally responsible for any debts of their companies.

United Artists is a case in point. President of its French subsid, Les Artistes Associes, is Paul O'Brien, who has never been closer to France than the French Line pier at 54th street and the Hudson river. He's a member of U.A.'s counsel, O'Brien, Driscoll & Rafferty. He's resigning as head of Les Artistes as soon as a suit can be found. U.A. is still doing fairly good biz in the unoccupied portion of France, although it is able to export no col.

Fetain decree was passed Sept. 18 and was to take effect three months later, which would have been last Wednesday. Postponement has been granted, however, while American companies are locating new presidents.

O'Brien has discovered that he's in a particularly bad spot, even if he should take the unthought-of step of going to France to hold the post. He'd have to get a Reich Army. U.A. has been informed, has taken over the company's building in Paris.

'ADULTS ONLY' OK IN CHI FOR 'MERRY WIVES'

Chicago, Dec. 24. 'Merry Wives,' Czech film, originally banned by the Chicago censors, has been finally okayed following a re-screening and will open in the World Playhouse here next month under an 'adults only' permit.

Edgar Lloyd, American distributor for the flicker, returned to New York last week after setting final date on the film. Picture also had difficulty with New York censors and is still under a morals ban by the Maryland State Board of Censors.

Phil Phillips, Fox-West Coast publicity chief, set off to Honolulu on vacation.

Hollywood, Dec. 24. Steady flow of employment at Paramount for the first three months of 1941 is assured by the schedule laid out by Y. Frank Freeman, with 14 pictures slated to face the lenses before the end of March. Idea is to stabilize work among studio laborers, artisans and technicians of all kinds.

First of the 14 to start 'One Night in Lisbon,' rolling Friday (27). Three more, 'Skylark,' 'Caught in the Draft' and 'Kiss the Boys Goodbye,' get the gun in January. February schedule calls for five starts, 'Hold Back the Dawn,' 'Blonde Woman,' 'Aloma of the South Seas,' 'College Mystery' and 'Two Bad Angels.' Five more, 'Dildo Cat,' 'Nothing But the Truth,' 'Birth of the Blues,' 'Henry and Dizzy' and 'Tonight Is Ours,' start in March.

Two features rolled yesterday (Mon.) at Metro, 'Andy Hardy's Private Secretary' and 'The Trial of Mary Dugan.' George Seitz is directing the Hardy serial, and Norman McLeod is piloting the remake, 'Dr. Jekyll and Mr. Hyde' faces the cameras Jan. 2, and 'Lady Be Good' goes into work Jan. 15.

Four features are currently shooting at Republic, including 'Peticoat Politics,' 'Arkansas Judge,' 'Captain Marvel' and 'Ridin' on a Rainbow,' and 31 writers are working on stories to be produced within the next few months. Yarns are 'Bookies Roost,' 'Babes on Broadway,' 'Alibi at Midnight,' 'County Fair,' 'The Old Grey Mare,' 'Citadel of Crime,' 'Sis Hopkins,' 'Jungle Girl,' 'The Lady from New Orleans,' Mr. District Attorney, 'Sheriff of Tombstone,' 'Nevada City,' 'The Great Train Robbery,' a Three Mesquites tale and a Higgins Family feature.

Pre-Christmas activity throughout the studios was the greatest in years. Warners led the list with seven pictures in production and other plants handed fat pay checks to employees. Extra calls were so plentiful that Central Casting was swamped, condition rare at this time of year.

\$1,000,000 Writedown On 'Pinocchio' by Walt Disney; \$1,259,798 Loss

Walt Disney Productions' net annual report showed a net loss of \$1,259,798 for the fiscal year ended last Sept. 28, claiming that the deficit was due chiefly to the disruption of foreign markets. Operating loss of \$259,798 was shown, plus a writedown of \$1,000,000 in the inventory value of 'Pinocchio.' These two items added together made the total net loss for the year.

In contrast, the company showed a net profit of \$1,259,130 in the year ended Sept. 30, 1939.

Effect of the European war company affairs brought this comment from Walt Disney, president:

'It has been impossible to effect an orderly release of company's pictures in any of the countries at war, and in many countries it has been impossible to effect any release whatsoever. In fact, in most of the territories dominated by the Axis powers the release of American pictures has been forbidden.'

Col. Borrows Withers, Cooper, Reed for 'June'

Hollywood, Dec. 24. Columbia borrowed from Jane Withers from 20th-Fox and Jackie Cooper from Paramount to co-star in 'June Mad,' a youth story slated to roll Feb. 3. It is the first time Miss Withers has ever been loaned out.

Director is Ted Reed, also borrowed from Paramount.

Has theatre chain in southern Alberta:

Storms, Flu, Xmas Sloughing Frisco; 'Arizona' OK \$12,000, 'Chad' Fair 9½¢

San Francisco, Dec. 24. Flu, cold weather, rain, storms and holiday shopping slugged away at boxoffices right up to Christmas Eve. Just to make sure that it would be unanimous, the Louis-McCoy fight (staple) and March of Time labor (billed for Golden Gate) were grounded en route and didn't show up until three days later.

Flu victims include Arch Bowles, F-WC Northern California, chief Charles Schlatter, of the U. A. and 10 members of the Golden Gate staff, including two line girls. But despite the general gloomy tone, boys felt better, by comparison, when someone brought in word that one house across the bay had a total gross of \$9 the other evening.

Estimates for This Week
F-WC (F-WC) (5,000; 35-40-50)—'Flight Command' (M-G) and 'Gallant Sons' (M-G). Hurt by pre-holiday slump, but still good \$17,000. Last week, 'Go West' (M-G) and 'Chad' in July' (P), nine days, fairish \$13,500.

Golden Gate (RKO) (2,850; 39-44-55)—San Francisco, Dec. 24. Flu, cold weather, rain, storms and holiday shopping slugged away at boxoffices right up to Christmas Eve. Just to make sure that it would be unanimous, the Louis-McCoy fight (staple) and March of Time labor (billed for Golden Gate) were grounded en route and didn't show up until three days later.

Paramount (F-WC) (2,740; 35-40-50)—Second 'Chorus' (P) and 'Melody Ranch' (Rep), plus free parcel checking especially plugged as magnet for shoppers. Fair \$12,000. Last week, 'South Sea' (WB) and 'Tugboat Annie' (WB), nine days, poor \$10,000.

St. Francis (F-WC) (1,475; 35-40-50)—'Go West' (M-G) and 'Christmas July' (P) (moveover) and 'Lafayette' (M-G) (moveover), nine days, fairish \$10,000.

Warfield (F-WC) (2,850; 35-40-50)—'Chad' (Hanna) (20th) and 'Youth Served' (20th). Luring only \$9,500. Last week, 'Tugboat Annie' (WB) and 'Earl Carroll's' (P), nine days, poor \$8,000.

'COMRADE' FINE \$4,300
ON 11-DAY LINC. STAY

Lincoln, Neb., Dec. 24. Outside of 'Comrade X', which is beating its way through pre-Christmas opposition of all kinds, Lincoln did not get trapped up and 'Comrade X' is opened until Xmas. Showshops generally are in the doldrums, and strangely enough most of the stores, although getting a little better at the time of year, aren't getting as much as they're used to.

'Comrade X' will be held through Dec. 31, which will make it a total of 11 days. 'Bitter Sweet' was held 11 days and finished today (24), but not because of its winning way at the box. It was doing badly from the start, but the management had no wish to bring in another film just about the time of Christmas, so stretched it out.

Kiva, a 400-seat second-run house, owned by Nebraska Theater, is doing pretty good business. It is doing a total of 100% tonight, letting it will substitute 'Night of the Living Dead' for the next run. 'Night of the Living Dead' (WB) (20th), uneventful \$13,500.

Estimates for This Week
Colonial (Monroe-Noble-Federer) (7,000; 10-15-20)—'Night of the Living Dead' (WB) (20th), uneventful \$13,500.

Chicago (Rep.) split with 'Flight Fame' (Col.) and 'Watsons' (Rep.) (20th), uneventful \$13,500.

Nebraska (Cooper-Pai) (2,320; 10-20-25)—'Bank Dick' (U) and 'Devil's Playmate' (U). Finish today (24). Last week, 'Melody Ranch' (Rep) and 'Murder News' (M-G), was on for a full week and grabbed off \$1,000.

Lincoln (Cooper-Pai) (1,500; 10-20-25)—'Comrade X' (M-G). Only with 'South Sea' (WB) (20th), uneventful \$13,500.

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'4 Mothers' \$12,000, Leads Balto Pack; 'Chad' Good \$6,000

Baltimore, Dec. 24. Considerable short-dating and shifting around of opening days here to take full advantage of mid-week holiday broke. All of the week and opening far in advance the de luxe Stanley is setting the pace and leading the parade with '4 Mothers' (M-G). Will continue with film for subsequent dating. New Theatre, too, is in with early start of 'Chad Hanna', figure strong enough for continued playing. Pre-holiday trade was in the usual stuff here except for unusually strong support on weekends which swelled all b.o.s helpfully.

Estimates for This Week
Century (Loew's) (1,000; 15-20-24)—'Bagdad' (UA). Opening today (Tues.) after five days of 'Night Tropics' (U) and 'Balko Follies', local latent stage in connection with previous week's news-Post, by H. Ted Rouson. Short date garnered fairish \$9,000.

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No Xmas Blues in Philly; 'N' Big \$23,000, 'Bagdad' Colorful \$14,000

Philadelphia, Dec. 24. The old bogey, Xmas week, isn't living up to its advance billing this year. Supposed to be the worst show in the show biz calendar, it's netting some real coin for at least three new pics, while many of the week's aren't suffering as badly as was expected from the Yuletide doldrums.

Estimates for This Week
Aldine (WB) (1,330; 35-40-57-68)—'Bagdad' (UA). Aided by foot of moppets home for Xmas vacations and a personal appearance of Sabu, this untied schlock is netting a bright \$14,000. Last week, 'Voghe Home' (UA) dropped to a sour \$6,000, its second tour.

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'Letter' \$5,000 in 5 Days, Mnpls.; Vaude to Pep Up Holiday Runs

Minneapolis, Dec. 24.

Because Christmas comes mid-week, several houses, notably the Orpheum, open their new vaudeville (24). So Gene Krupa and his band plus supporting acts and "South of Suez" on the screen, get off to the races on a Tuesday. Helped by the school vacation, this layout, with its hefty appeal to the younger elements, should prove an ace attraction for the Orpheum.

The principal regular starter, "The Letter," at the State, opening on Friday, brought in \$5,000 in only two days. That house can have a new offering, "Love Thy Neighbor," starting Christmas Day. The same schedule obtains for the Gopher's "Angels Over Broadway" and the World's second week of the Walt Disney "Festival," which goes on tomorrow (25) to "Little Nellie Kelly" and "Thief of Bagdad," respectively.

Reopening of the 4,000-seat Minnesota theatre with a vaudeville program New Year's eve will help to bring 1941 into the loop with the Orpheum means two competing flesh shows, inasmuch as the Orpheum also will have a stage array, including Gene Krupa and his band, which will pit against Ken Murray, Dixie Dunbar, Ruth Petty, et al. There'll also be a radio and movie show at the Municipal Auditorium.

Estimates for This Week

Aster (Par-Singer) (900: 15-28)—"Won't Talk" (Col.) and "Always Brave" (WB). Dual first-run, \$1,500 for six days indicated. "Dreaming Out Loud" (RKO) and "Give Us a Girl" (WB). Dual first-run, \$1,500 for six days indicated. "Murder New York" (20th) and "Girls 21" (Col.), dual first-run, split with "Nobody's Sweetheart" (Street Memories) (20th), also dual first-run, \$1,200 for eight days, fair. "Carnegie" (Par-Singer) (1,000: 28-30-44)—"Escape" (M-G) (2d wk). Moved here from State, and is in for five days at light \$1,800.

(WB) comes over from State Wednesday (25). Last week, "Red Hair" (WB), \$2,000, bad. "Gone with the Wind" (900: 15-20)—"Slave Ship" (20th) (re-issue). Product of the big problem here, and present policy is to play re-issues at re-sale. This is the building and may reach fair \$700. Last week, "Leopard Men" (Indie), \$500, mild.

"Angels Broadway" (Col.). In for six days, making way tomorrow (25) for "Nellie Kelly" (M-G), light \$1,500 about all. Last week, "Cherise" (Par), \$1,700, poor. "Orpheum" (Par-Singer) (2,800: 28-30-44)—"Zorro" (20th) (re-issue). Running four days of second week, and then steps aside today (24) for Gene Krupa, etc., on stage and screen. "WB" (WB) am. Will do well to reach light \$1,800 after \$3,500 first week, making \$7,000 for the 11 days, probably not bad considering period of year.

State (Par-Singer) (2,300: 26-30-44)—"Letter" (WB) (re-issue). This one moves to the Century, being supplanted here by "Love Thy Neighbor" (Par) Wednesday. High praise from critics, but "Letter" might be wrecking boxoffice chances. Should finish to light \$5,000. Last week, "Escapade" (M-G), \$1,500, fair.

Uptown (Par) (1,200: 28-30)—"City Conquest" (WB). First neighborhood showing. Fair \$1,500 in prospect. "Third Finger" (M-G) (20th) (re-issue) week Christmas Day—first nab showing. Last week, "What They Wanted" (RKO), five days to fair \$1,300.

World (Par-Singer-Steffes) (350: 26-30-45)—"Walt Disney Festival" (20th) (2d wk). First week of second week before stepping aside for "Bagdad" (UA) on Wednesday. Light \$500 indicated after fair \$1,500 first week.

'KILDARE' DUAL \$7,500. PROV. MARKING TIME

Providence, Dec. 24.

With plenty of Christmas shoppers jamming downtown Providence, few are finding their way into the theatres which are just about marking time until new openings. All are below average.

Estimates for This Week

Albion (RKO) (1,000: 28-30-45)—"Dreaming Loud" (RKO), "Blackout" (UA) and "Louis-McKay" fight lights. Sues \$4,000 in five days. Last week, "Bank Dick" (U) and "Street Scene" (U), good \$2,200.

Carlton (Fay-Loew) (1,400: 28-30-45)—"Philadelpha Story" (M-G) and "Gallant Sons" (M-G) (3d downtown wk). Still strong and expecting to clear with good \$3,000. Last week, "Here Comes Navy" (WB) (re-issue) and "Tugboat Annie" (WB) (2d run), nice \$3,500.

Edwards (Indie) (1,000: 15-28)—"Scarface" (WB) (re-issue) and "Sky Bandit" (Rep). Fair \$2,500 expected. Last week, "Texas Terrors" (Rep)

Key City Grosses

Estimated Total Gross
This Week \$1,339,400
(Based on 25 cities, 168 theatres, chiefly first runs, including N.Y.)

Total Gross Same Week
Last Year \$1,772,200
(Based on 25 cities, 173 theatres)

'VOYAGE' \$14,000, DETROIT COIN PLENTIFUL

Detroit, Dec. 24.

After only one our show during the Christmas buying season—the more unusual in that it has been the greatest shopping year on record here—Detroit's houses are showing signs of coming back to life. The town's fire with bonus money, everybody following the motor companies' example of handing out Christmas checks.

The upswing in business is catching the houses unprepared since they were dragging out runs beyond the normal time of slowest days to start with big bills on Christmas day.

Michigan is going 12 days with "The Letter" and on Christmas goes over to "Love Thy Neighbor." The latter then goes to Palm-State currently carrying "North West Mounted" into a fifth week. Fox kept on its regular Friday change, coming up with the current "Escape to Glory" and "Night in the Tropics" but let them go in five days to start "You'll Find Out" and "Truth or Consequences" on stage.

Adams is stretching "Tin Pan Alley" into its fifth week—oddly enough this has had four different companion pictures in its run, three aviations: "The Great Race Robbery" (WB) and "Present 'Give Us Wings'—but comes up Christmas with the latest of "Thief of Bagdad." Only the United Artist readily itself for the holiday bid starting off "Long Voyage Home" and "Comrade K" due to cast it at line of slow days.

Estimates for This Week

Adams (Balaban) (1,700: 30-40-55) (65 Christmas)—"Tin Pan Alley" (20th) and "Give Us Wings" (U), five days. "Bagdad" (UA), two days. Good \$5,500. Last week former pair just picked up a fair \$4,500.

Fox (Fox-Michigan) (5,000: 30-40-55) (65 Christmas)—"Letter" (WB) and "Night in the Tropics" (U), five days, and "You'll Find Out" (RKO) plus "Truth or Consequences" on stage. Two days. Nice \$14,000. Last week "Seven Sinners" (U) and "Jennie" (20th), dual \$14,500.

Michigan (United Detroit) (5,000: 30-40-55) (65 Christmas)—"Letter" (WB) and "Captain Cautious" (U), five days, and "You'll Find Out" (RKO) plus "Truth or Consequences" on stage. Two days. Nice \$14,000. Last week "Seven Sinners" (U) and "Jennie" (20th), dual \$14,500.

Palms-State (United Detroit) (3,000: 30-40-55) (65 Christmas)—"North West Mounted" (WB) (re-issue) (Par), five days, then takes over from Michigan. Letter" (WB) and "Captain Cautious" (U), five days. Good \$14,000. Last week above average \$7,000. Last week in their fourth session "North West Mounted" and companion got a fair \$6,000.

United Artists (United Detroit) (2,000: 30-40-55) (65 Christmas)—"Philadelpha Story" (M-G) and "Gallant Sons" (M-G) (3d downtown wk). Going strong already and looks to a big \$14,000 and hold. Last week "Go West" (M-G) and "Kildare's Crisis" (M-G) came out with a mild \$8,000.

and "Couldn't Say No" (WB), good \$3,000.

Majestic (Fay) (2,200: 28-30-45)—"Fast River" (WB) and "Friendly Neighbor" (Rep). Paced at okay \$4,500. Last week, "Vigilantes" (U) and "Jennie" (20th), good \$6,500.

State (Loew) (2,800: 28-30-45)—"Philadelpha Story" (M-G) and "Escape Glory" (Col.). Seasonably slow \$7,500. Last week, "Philadelpha Story" (M-G) and "Gallant Sons" (M-G) (2d wk), swell \$10,400.

Strand (Indie) (2,000: 28-40-55)—"Night at Carri" (Par) and "Believe" (M-G) (RKO). Week \$4,000. Last week, "Christmas Joy" (Par) and "Meet Missus" (Rep), doddering \$4,000.

'West' 3G, 'Hair' \$2,400 Lead Limping Memphis

Memphis, Dec. 24.

This is an off week in more ways than one. Business is way off and openings have been juggled to get in Christmas Eve break for new features. Attractions that closed last night were four, five or six-day runs. Early-in-week opening will prevail through New Year period, then back to normal.

Not much choice between "Go West" at Loew's Palace; Lady with Red Hair" at Warner and Trail of the Vigilantes" at the New Maico. All could do just better.

Estimates for This Week

Loew's State (Loew) (2,600: 10-33-44)—"Little Man" (RKO). Six-day run on this might get \$2,500. Last week "Land of Liberty" (M-G), \$3,000, good.

Warner (Warner) (2,300: 10-33-44)—"Lady Red Hair" (WB)—In for five days to mebbe \$2,400. Last week, "Voyage Home" (UA), \$3,750, so-so.

New Maico (Lightman) (2,800: 10-33-44)—"Trail of the Vigilantes" (U). In five days this might get \$2,500. Last week, "Angels Broadway" (U), three days, and "Little Bit Heaven" (U), three days. Jean in person, three days \$4,000, nice.

Loew's Palace (Loew) (10-33-44)—"Go West" (M-G). Marxes should manage \$3,000. Last week, "Tin Pan Alley" (20th), (2d wk), \$2,500, good.

Strand (Indie) (10-22-33)—"Dreaming Out Loud" (RKO) (2d run) three days; "Doomed to Die" (Mono), three days, and "Melody" (Rep), three days. Should grab mild \$1,500. Last week, "Dancing Dime" (Par), three days; "Slightly Sinned" (Rep), three days. "Diamond Frontier" (U), two days, \$1,700, about as expected.

Voyage' \$4,200 In 5 Days, Louisville; Reissues OK 3G

Louisville, Dec. 24.

Christmas spending took most of the business out of the town on the current week, and plenty of the folding dough was in evidence. Payrolls from the mammoth winter season are still being paid. The town, Indiana, near here, as well as pay checks from the Bowman Field Army Air Corps. Knox, Ky., which is rapidly becoming a small city, are all creating a boom in the retail trade. Film houses, however, are not really in a hurry to lift them from the Christmas lull.

The latest grosser of the new product is "Long Voyage Home" dualled at Loew's State. "Here Comes Navy" and "East of River" (re-issues) at the Strand are making a surprising fine showing. All houses will have a short week, opening their current product on Monday. "Long Voyage Home" will bring in the new bills today (24). Arrangement will mean Xmas week bills will probably be held eight days to provide for New Year's Eve openings.

Estimates for This Week

Bravo (Paramount Avenue) (1,400: 15-30-40)—"Escape" (M-G) and "Won't Talk" (Col.). This pair played Loew's State a couple weeks ago, and are making a pretty good turn. On shortened week, looks to take okay \$1,100. Last week "You'll Find Out" (RKO) and "Street Memories" (20th), medium \$1,600.

Kentucky (Switow) (1,200: 15-25)—"Ramparts" (RKO) and "Rangers' Fortune" (Par). Grabbing about average biz, with some drop-in trade from the shopping throngs. Aiming at \$1,500. Last week, "City Conquest" (WB) and "Kit Carson" (U), mild \$1,400.

Loew's State (Loew's) (3,100: 15-30-40)—"Philadelpha Story" (M-G) and "Gallant Sons" (M-G) (3d downtown wk). Going strong already and looks to a big \$14,000 and hold. Last week "Go West" (M-G) and "Kildare's Crisis" (M-G) came out with a mild \$8,000.

Mary Anderson (Libson) (1,000: 15-30-40)—"Tugboat Annie" (WB). Pretty light traffic on this one, with week cut short to open new pic today (24). Everything considered, looking for a pretty good \$1,700. Last week "Red Hair" (WB), mild \$2,800.

Rialto (Fourth Avenue) (3,400: 15-30-40)—"Philadelpha Story" (M-G) and "Gallant Sons" (M-G) (3d downtown wk). H.o. for an additional five days has slowed up considerably. Last week, "Philadelpha Story" (M-G) and "Gallant Sons" (M-G) (2d wk), mild \$1,400.

Strand (Paramount Avenue) (1,400: 15-30-40)—"Here Comes Navy" (WB) and "East River" (WB) (re-issues). Snagging some sizeable coin, and probably will make a pretty nice take after first runs. Will round up okay \$3,000 on brief week. Last week, "Kildare's Crisis" (M-G) and "Sandy Kyle" (WB), mild \$2,500.

L. A. in Fair Shape; 'Arizona' \$17,300, 'Bagdad' Sighting \$15,000, 'Chorus'-Vaude Buck Trend, 13G

Broadway Grosses

Estimated Total Gross
This Week \$339,800
(Based on 13 theatres)

Total Gross Same Week
Last Year \$432,000
(Based on 12 theatres)

'NELLIE' \$17,000 ON FIVE-DAY HUB H.O.

Boston, Dec. 24.

"Nellie Kelly" registered well at the Orpheum and State for the past five weeks, succeeded by "Thief of Bagdad" at the Loew's stands, starting today (24). Opening day schedules are somewhat all over town, so that openings will get benefit of holiday biz this week and next.

Christmas shopping has cramped biz here except on weekends.

Estimates for This Week

Boston (RKO) (3,200: 28-30-44-55)—"Devil Bat" (Prod) and "First Romance" (Mono), dual, with stage show, four days and "Street Scene" (U) and "In Army Now" (20th) (both reissues), dual, two days. Headed for around \$17,000, but last week, "Pride of Bowery" (Mono) and "Meet Missus" (Rep), double, with stage show, four days, and "Seven Sinners" (U) and "Justice" (RKO) (both 2d run), dual, three days, \$10,000, okay.

Fenway (M&P) (1,332: 28-30-44-55)—"Here Comes Navy" (WB) (reissue) and "Melody Moonlight" (Rep) (1st run). Paid \$3,000 indicated. Last week, "Pride of Bowery" (Mono) and "You Served" (20th) (both continued run from two weeks at Met), very good \$7,000.

Kentucky (RKO) (2,907: 28-30-44-55)—"Vigilantes" (U) and "Dreaming Out Loud" (RKO). In for six days, and will get around \$7,500. Last week, "Bank Dick" (U) and "Blackout" (UA), anemic \$9,000.

Metropolitan (M&P) (4,307: 28-30-44-55)—"Tin Pan Alley" (20th) (re-issue) "Murder New York" (20th). Holdover for six days, sagging to \$8,500, poor. Initial week of same duo tallied only \$18,000.

Orpheum (Loew) (2,800: 28-30-44-55)—"Nellie Kelly" (M-G) and "Escape Glory" (Col.). Holdover for five days, will tally okay \$10,000. Last week, "Third Finger" (M-G) and "Kildare Crisis" (M-G), holdover for five days, "Nellie Kelly" (M-G) and "Escape Glory" (Col.), five days, \$18,000, very good.

Seaville (M&P) (1,797: 28-30-44-55)—"Here Comes Navy" (WB) (re-issue) and "Melody Moonlight" (Rep) (1st run). Week \$5,000. Last week, "Nellie Kelly" (M-G) and "Escape Glory" (Col.). About \$7,000, okay for five days. Last week, "Third Finger" (M-G) and "Kildare Crisis" (M-G), holdover for five days; and "Nellie Kelly" (M-G) and "Escape Glory" (Col.), two days, \$14,000, good.

'NELLIE' SANDY FAIR \$7,200, OMAHA NOT BAD

Omaha, Dec. 24.

Two major houses played re-issues for the Christmas week, and did pretty well. Weather break with clear, warm days also helped. "Trail of the Lonesome Pine" and "Thanks for the Memory" (both 2d runs) pulled a fair \$8,000 which isn't big, nor is it. The Brandeis came in with "The Great Race Robbery" (WB) (re-issue) and "Cagney-O'Brien" opens. "Here Comes Navy" (WB) plus Joe E. Brown in "So You Won't Talk" (U) (re-issue) and "Orpheum" opened "Little Nellie Kelly" and "Sandy Kyle" Her Man for a probable \$7,200.

Orpheum (Tristates) (3,000: 10-30-40)—"Nellie Kelly" (M-G) and "Sandy Kyle" (WB). Fair \$7,200. Last week, "Kildare's Crisis" (M-G) and "Kildare's Crisis" (M-G), \$4,500.

Los Angeles, Dec. 24.

Spotty biz over the weekend helped a few of the first runs surmount the traditional week-before-Xmas, but gross generally are away off. Paramount and Loew's State downtown, are reaping most of the trade, with "Arizona" at the RKO and "Fantasia" doing about \$16,000 on initial stanza.

United Artists and Wishnie, regular movers, switch bills mid-week and current stanza at these houses is confined to four days each.

Chinese (Grauman-F.W.C.) (2,034: 30-44-55-75)—"Bagdad" (UA) and "Always Brave" (WB). First week, \$6,500. Last week, "Go West" (M-G) and "Dulcy" (M-G), week \$6,800.

Downtown (WB) (1,800: 30-44-55-75)—"Four Mothers" (WB) and "South Suez" (WB). First week, \$5,500. Last week, "Seven Sinners" (U) and "Always Brave" (WB), week \$5,500.

Four Star (UFA-F.W.C.) (900: 44-55-75)—"Escape" (M-G) (4th-final wk.). Shipped to meagre \$2,000. Third week, \$2,000.

Hawaii (G&S) (1,100: 30-44-55-75)—"Before I Hang" (Col.) and "Won't Talk" (Col.). Very little in prospect for this biz, underings at \$1,000. Bill, however, holds for second stanza in hope that after Christmas biz will pick up. Last week, sex drama.

Hollywood (WB) (2,756: 30-44-55-75)—"Four Mothers" (WB) and "South Suez" (WB). Better than expected, considering Xmas opposition, but \$6,000 will be big. Last week, "Sinners" (U) and "Always Brave" (WB), not very hot at \$5,500.

Panlunas (Pan) (2,812: 30-44-55-75)—"Arizona" (Col.) and "Get Girl" (U). Okay \$7,800. Last week, "Bank Dick" (U) and "Escape Glory" (Col.), on six days very slim \$4,200.

Paramount (Par) (3,585: 30-44-55-75)—"Chorus Line" (2d run) (re-issue) stage show. Neat \$13,000 considering time of year. Last week, "Christy" (U) and "Earl Carroll's" (U), with stage band, Earl Carroll's 500. House is making play currently for juve patronage by running "Wonderland" (short) at mats only.

RKO (RKO) 2,872: 30-44-55-75)—"Arizona" (Col.) and "Get Girl" (U). Excellent \$9,000. Last week, "Bank Dick" (U) and "Escape Glory" (Col.), on six days okay \$5,000.

State (Loew) (2,800: 28-30-44-55-75)—"Bagdad" (UA) and "Murder New York" (20th). Looks only \$8,500, not good. Last week, "Go West" (M-G) and "Dulcy" (M-G), same.

United Artists (UFA-F.W.C.) (2,100: 30-44-55-75)—"Escape" (M-G) and "Dulcy" (M-G). Moveover from \$1,300 for four days. Last week, "Comrade K" (M-G) and "Charter Pilot" (20th), all okay.

Wishnie (F.W.C.) (2,134: 30-44-55-75)—"Go West" (M-G) and "Dulcy" (M-G). On moveover for continued first week for four days. Last week, "Comrade K" (M-G) and "Charter Pilot" (20th), satisfactory \$5,300.

'Arizona' 6G, Portland; 'Neighbor' OK \$4,200

Portland, Ore., Dec. 24.

Christmas week ushering in stronger patronage than has seen lately, with Tugboat town has seen. Again doing better than usual at the Broadway and "Arizona" grabbing \$6,000.

"Love Thy Neighbor" going well at the Orpheum to around \$4,200.

Estimates for This Week

Broadway (Paramount) (3,585: 30-44-55-75)—"Tugboat Annie" (WB) and "Here Comes Navy" (WB) (reissue). Week \$4,000. Last week, "Land Liberty" (M-G) and "Gallant Sons" (M-G) just fair \$3,800.

Majestic (Parker-Evergreen) (1,500: 35-40-50)—"Go West" (M-G) and "Tin Pan Alley" (20th) (2d runs). Good \$2,000 in three days. Last week, "No Time to Lose" (WB) and "Flowing Gair" (WB), wound up fifth session with \$2,200.

Orpheum (Hamrick-Evergreen) (1,800: 35-40-50)—"Love Thy Neighbor" (Par) and "Laddie" (RKO). Looks like better than usual \$4,200. Last week, "Tin Pan Alley" (20th) and "Gay Divorce" (20th) closed a third stanza with average \$3,200.

Paramount (Hamrick-Evergreen) (1,500: 35-40-50)—"Go West" (M-G) and "Tin Pan Alley" (20th) (2d runs). Good \$2,000 in three days. Last week, "No Time to Lose" (WB) and "Flowing Gair" (WB), wound up fifth session with \$2,200.

“This is the kind of
the business, but
and all the studios
to time and often
rebuilds that bus

THAT'S
TALK!

GINGER ROGERS
In the First Great Romance of the White Collar Girl
"KITTY FOYLE"
Christopher Morley's Natural History of a Woman
With
DENNIS MORGAN • JAMES CRAIG
Eduardo Ciannelli • Ernest Cossart • Gladys Cooper
Directed by SAM WOOD
Who Made "Goodbye, Mr. Chips"
Produced by David Hempstead • Harry E. Edington, Exec. Prod.
Screen Play by Dalton Trumbo • Additional Dialogue by Donald Ogden Stewart



**f picture that built
It all the theatres
os and, from time
n in the nick of it,
iness**

”

**THE MOTION PICTURE HERALD
NG ABOUT**

Ketty Foyle

Mex Film Producers Ask Ouster Of Union Chief, Charge Violation Of Camacho Vow to Aid the Industry

Mexico City, Dec. 24.

That Mexico's struggling picture industry is being hampered because it is just the plaything of Enrique Solis, secretary general of section 2 (producers) of the national cinematographic workers' union, Fred Manuel Avila Camacho expressed in his inaugural address Dec. 1. Solis, said the letter, is exerting an "odious tyranny" which is "fast killing this highly important national industry so that it is being far outstripped by other Spanish-speaking countries which are not afflicted by problems with which Mexico has to contend and which are due to labor leadership."

The missive accuses Solis of being a despot and flagrantly violating the capital-labor agreement, which he signed in his inaugural address. Camacho expressed in his inaugural address Dec. 1. Solis, said the letter, is exerting an "odious tyranny" which is "fast killing this highly important national industry so that it is being far outstripped by other Spanish-speaking countries which are not afflicted by problems with which Mexico has to contend and which are due to labor leadership."

"We have been compelled to address you this open letter because you have never answered our personal communications," the letter said. "We have repeatedly protested against the actions of your section of the union which has incited all kinds of difficulties between the workers and the employers. Not only have you not attended our just complaints but you have wilfully distorted our attitude to serve your own personal interests. That action has harmed the interests of members of your own section."

"The only way for our industry to get ahead is to have complete harmony between its two principal factors: capital and labor."

"Deliberately Blocking Prod."

The letter accuses Solis of deliberately blocking the production of a Mexican picture, "Lo que el Viento Trajo" ("What the Wind Brought") by reversing his approval of B. J. Kroger, to serve as sound engineer. "You deliberately rejected Mr. Kroger," the letter charged, "and insisted that the only sound engineer for this picture must be Jose Perez, who, it is notoriously known, uses exclusively sound apparatus of which you are the owner."

"As the policy you are following is contrary to statements made in the presidential message of Dec. 1, that the federal government intends to give private initiative full guarantees for the benefit of national economy, this association precisely asks you to immediately solve the problem you have created," the letter said. Alfonso Sanchez Yello, in the production of the previously mentioned picture. Unless you immediately correct this situation we must advise you that we will be obliged to suspend the production of pictures a suspension that will last as long as you insist upon maintaining your hostile attitude toward the producers and members of your own union."

Seek Ouster

"Inasmuch as you are the owner of picture-making equipment, including sound and light apparatus and cameras and articles of a church, the workers' union recognized on April 10, 1935 as the property of an employer but not of a worker, we must endeavor to have you ousted from your union position because you are an employer but not a worker," the letter concludes.

Though the war continues strongly, it does not seem that the producers intend to quit cold. They are building high hopes of coping juicy biz in Central and South America in 1941.

Two of the biggest makers, Jesus Grovas, former Par exc here, who is prez of the Association, and Manuel Contreras Torres, who has worked in Hollywood, have about bought their tickets for a tour that will end in the Argentine. They intend to open exchanges and otherwise get down anchors for Mexican pix in key Central and South American cities. This junket is scheduled to begin in January and will occupy about three months.

The pic workers union, in an open letter to Avila Camacho, defends Solis and calls the producers a lot of names, besides classing them with the "enemies of Mexico" and those who criminally strive to bring about a rebellion in the republic."

Mex Film Censoring Gets a Face-Lifting

Mexico City, Dec. 24.

Facilitating of pie-censoring regulations, with a trend toward decentralization, has been started by Jose Castellot, chief counsel of the Ministry of the Interior.

This work is to be completed late in January. Enforcement of the new regulations is looked for some time during February.

CUBA IN 3-MO. EXTENSION ON DECREE OK

Although no official notice of change has been received by the Hays offices, it is understood, in N. Y. that a three-month extension has been granted by the Cuban government on its anti-block booking decree, scheduled to become effective Jan. 1 next. American distributors had indicated they had no intention of selling under terms of the decree.

Whether spot bookings would be made by U. S. distributors in the meantime while the Cuban decree is revamped in line with practical workability still was questionable. Extension was granted in order that such revision could be made, without hurting exhibitor interests.

FORCED VAUDE WITH PIX BOUGHT BY MEX GROUP

Mexico City, Dec. 24.

Enforced stage shows for all cinemas in Mexico is the objective of a bill the National Theatrical Workers Federation has presented to congress. The Federation is demanding a law that will make it obligatory for the picture houses to present at least one vaudeville act a day.

This is the only remedy for reducing the number of jobless thespians, the Fed argues. Cinemas dropped stage shows some time ago because there were such poor b.o. the exhibition public no like mixing pix and vaude.

Almy's N. Y. Visit

Clifford Almy, Philippines managing director for Warner Bros., has arrived in New York on his first visit in nearly four years.

He plans returning to Manila early in January after home office duties.

Harley Delays Trip

F. L. Harley, 20th-Fox managing director in Great Britain, has delayed his trip to the U. S. until after the first of the year.

He originally planned arriving in N. Y. in time to spend the year-end holidays here, but failure to obtain the necessary bookings on the Clipper forced the postponement.

Globe Legit?

Continued from page 3

was formerly the headquarters of the late C. B. Dillingham, who staged many musical successes there. Understood that any turnover of the property could not be effected without six months' notice.

Change in ownership of the Imperial, which has "Louisiana Purchase," was recently made. First mortgage of \$373,849 was bought in by a group which holds certificates on the mortgage. The new owners, Alfred J. Callahan, representing the bondholders, offered \$5,000, which was accepted by Ralph W. Long, formerly general manager for the Shuberts. Later, he has an operating agreement on the Imperial which is to be the sale.

Another theatre deal concerns the Ambassador, also formerly on the Shubert string, house being leased for five years by Samuel Cummins, film distributor. The picture to be shown is "Ecstasy," which opens today (Wed.). Picture was banned for some time.

W. C. Fields

Continued from page 4

very beginning. They don't want him to smoke in his room. There's a woman there that he's married to. She thinks he's a bum. And there's this woman's mother. She thinks he's a bum. And there's this woman's two daughters, which are also his own. They are ashamed of him. He's very courteous about the whole thing.

There's a bank president, too, who gives him a camera. He's capturing the bank robber who tried to get away with \$50,000. He gives him a job, too, and a firm shake of the hand. And Souse, he watches, and he tells to everybody. Sometimes when they say something particularly sickening to a man with his understanding and sensibility he smiles and tells them that he sees. Oh, yes, he says, see I see. I get for capturing the robber? He grows to be grateful for the picture of the naked Ojibway girl on the calendar. It's supposed to be a picture of a banker's desk.

Well, anyhow, you're laughing all the time the picture's going on. The Modern Museum in New York might just as well take it right out of the first-run picture houses and show it to the serious-minded people who study motion picture art without waiting for 20 years to go buy first. It's just as funny now as it was 20 years from now, and there's no sign to wait. The world may change, but not this comedy. Time Magazine will go on picking The Man of the Year every year, but the guy who will make you laugh just to remember him will be W. C. Fields any year. The only thing to make sure of is that old Mahatma goes on writing the scenarios for W. C. Fields.

'Little Czars' of Hollywood

Continued from page 1

which forced the fan books to give greater consideration to candid art, and the photos assumed an importance in excess of that ever accorded the chattering.

There was an era when the bulb boys were barred from the better niteries and from parties given in the homes of the stars. But that day is long since forgotten, and now they are welcomed in what was formerly forbidden territory with open arms.

That the shutter clickers can work untold harm on a talker's career is admitted by the owners of even the most thoroughly-entrenched of the marquee names, for publication of one uncompromising photograph will tell you as clearly as broader public condemnation of an actor or actress than 50,000 printed words. Ready and willing to testify to the truth of this finding are Garbo, Sylvia Sydney, Katharine Hepburn, Miriam Hopkins, Jean Arthur, Cary Grant, Frances Farmer and Franchot Tone, all of whom have felt the sting of the Hollywood photographer's flash. Miss Farmer and Tone have been given the roughest treatment, with the former still occupying the doghouse in spite of her serious efforts to make amends.

Protecting Their Jobs

The photos insist that punishment of an uncooperative star is not an indication of vindictiveness on their part, but rather the only means they have of protecting their own individual futures. When their bosses, the editors, demand a candid shot of a personality, it is up to the lensers to come through, the latter argue. If the player responds willingly, theirs is an easy job, and the subject is left in no doubt as to the consideration for those players who try to dodge, for what's something else again.

For years newspaper and mag editors offered their photo bonuses for informal art on Garbo, but the bulb-ers were unable to accommodate, for Garbo kept herself too well hidden. Later came a few forays by the Swedish star into the Hollywood publicity belt, but today she makes the best of the situation and stood still long enough to be snapped. Having shed her cloak of mystery, Garbo was no longer a quarry, for editors had learned to shoot at a can roam about flimtown undisturbed by the lensers.

When Miss Sydney came to the Coast from Broadway in 1928, she was a willing subject for the press. She soon found romance, however, and began to put up a fight against being shot by other than studio-employed cameramen. The newspaper and magazine photographers ignored her, a policy they were still pursuing when she deserted Hollywood for New York in 1933. But when she again invaded Celluloid a few months ago, she sent out word that she had learned her lesson. Since then, she has gone out of her way to be gracious to the photos.

Katharine Hepburn, who-imitated Garbo in her treatment of the lensers throughout her stay at RKO and her ensuing one-picture deal at Columbia, also discovered the error of her ways before she had finally shaken the dust of Hollywood from her lofty heels. Returning last summer to do the film version of "Philadelphia Story" for Metro, she placed herself at the cameramen's beck and call, but there were no takers. They decided to let her work and free while longer, finally giving her the nod of forgiveness just before she headed east in September.

Miriam Hopkins always has been still as a statue, but she has been permitted to get by with it because, when snared, she never tries to fight back. Too, she's good copy when they get her, for, as one of the photos expressed it, "she does the nastiest things—develops the screwiest expressions which do her no good professionally, but newspaper and mag readers eat 'em up."

Jean Arthur, like an other Sylvia Sydney, has for some time demanded that all outside photos be barred from her picture sets, and religiously dodges the night spots and stills in the smooch line. About. So the lensers decided to give her the silent treatment, which, it is said, has only served to increase her bitterness toward them. The result is that the three-photos feud is now one of the really hot Hollywood wars, with the bulb-ers sacrificing sleep in their efforts to camera-catch her in moods and attitudes that will disillusion

theatre-goers and further fuel her fighting spirit.

Cary Grant played the same to the limit until six months ago, when he became a cameradog following the bustup of his romance with Phyllis Brooks. It was either side's fight for a while, but the lensers finally won out by constantly keeping Grant in hot water, and he hated the sort of surveillance. He's back on a palsy-walsy level with the bulb-ers now.

Frances Farmer was an okay lens subject until she married Lili Erickson and developed a distaste for everything Hollywood, including the camera-boys. Immediately, the latter started a campaign of hate via the lenses, photographing her whenever she could be made to appear to disadvantage, and openly ignoring her when she was good natured and loyal to her. It became a battle royal that will long be remembered by the lensers, as was demonstrated recently when she returned to the Coast to be sought to make peace with them. The told her, and bluntly, it was no dice.

Franchot Tone took it on the chin from the photos for two years, then finally signed a treaty, and now he's one of the good natured. Tone had always been cooperative, until the crash of his marriage to Joan Crawford, for years hailed as the pal of all the cameramen, studio and out-of-studio alike. Today, the lensers were persecuting him because of Miss Crawford, and went to extremes to block their efforts to snap him.

There was the night when seven of the top photos cornered Tone in the lobby of the Waldorf-Astoria, and sent one of their number to his table to pick a fight. They were hopeful he would strike the first blow to give them the opening for a mass assault; but Tone, who was when he was liked, and left the place by a side door.

Shortly thereafter he left for Manhattan, but the clamdowner was still on him. The Hollywood lensers, he knows, have a working arrangement with the New York colleagues under which a personality who wars on either group draws penalties from both.

Tone Finally Givens In

Tone finally saw the light, and upon seeing the Hollywood press admitted defeat. The lensers right now are going out of their way in their efforts to show him the material value of their friendship.

Standing out in contrast to balkers, past and present, are 10 players who lean backwards in their willingness to aid the photos. They are Joan Crawford, Joan Bennett, Barbara Stanwyck, Ann Sheridan, Blinnie Byrd, Rosemary Lane, Gladys Gable, Mischa Auer, Victor Mature, and Bob Taylor. Another who went the limit in cooperation was the late Jean Harlow.

Back years the Association of National Magazine Photographers of Hollywood, which has eight members, select by ballot the most cooperative star and award a properly-earned trophy. First one went to Harold Lloyd and his wife jointly, with the second to Arlene Judge, and the third to Joe Penner. Joan Crawford was the winner in 1938 and 1939, and this year's competition is between Barbara Stanwyck and Blinnie Barnes, with the odds favoring the former.

Members of the association are Earl Theisen, Look, Peter Stockpole, Lita Storck, who is an ungroomed beautician; Jules Buck, Dell Publications; Len Weissman, Silver Screen; Bob Wallace, Street & Smith Publications; Hyman Finck, Macfadden Publications; Jack Aikin, M. A. Ambler Publications. Working at their side, though not holding tickets in the organization, are Art Carter, who "divides his time between the NBC publicity department and Movie Life and Movie and Gen Lester, who represents Screenland.

Lads have many methods of gaining revenge on the balky stars, one of the most effective of which is to make a picture of an ungroomed moment, and, through application of lights and shadows, make her or she appear intoxicated. This has been done more than once with even teetotalers.

Another is to shoot over the head of the offender at theatre openings or in niteries. Effective, too, is the idea of walking up to the player's table when studio execs and producers are watching, give them a thesp a careful o.o and moving on without pressing the bulb.

On the other hand, the boys never photograph a friendly player at an embarrassing moment.

Mexico Lifts Lid on Religious Films Under Censor Ban By Previous Gov't

Mexico City, Dec. 24.

Demonstration of a decided change of attitude toward religious pix, in accordance with President Manuel Avila Camacho's declaration that he favors religious liberty, is the exhibition here of church-theme films in public for the first time in several years.

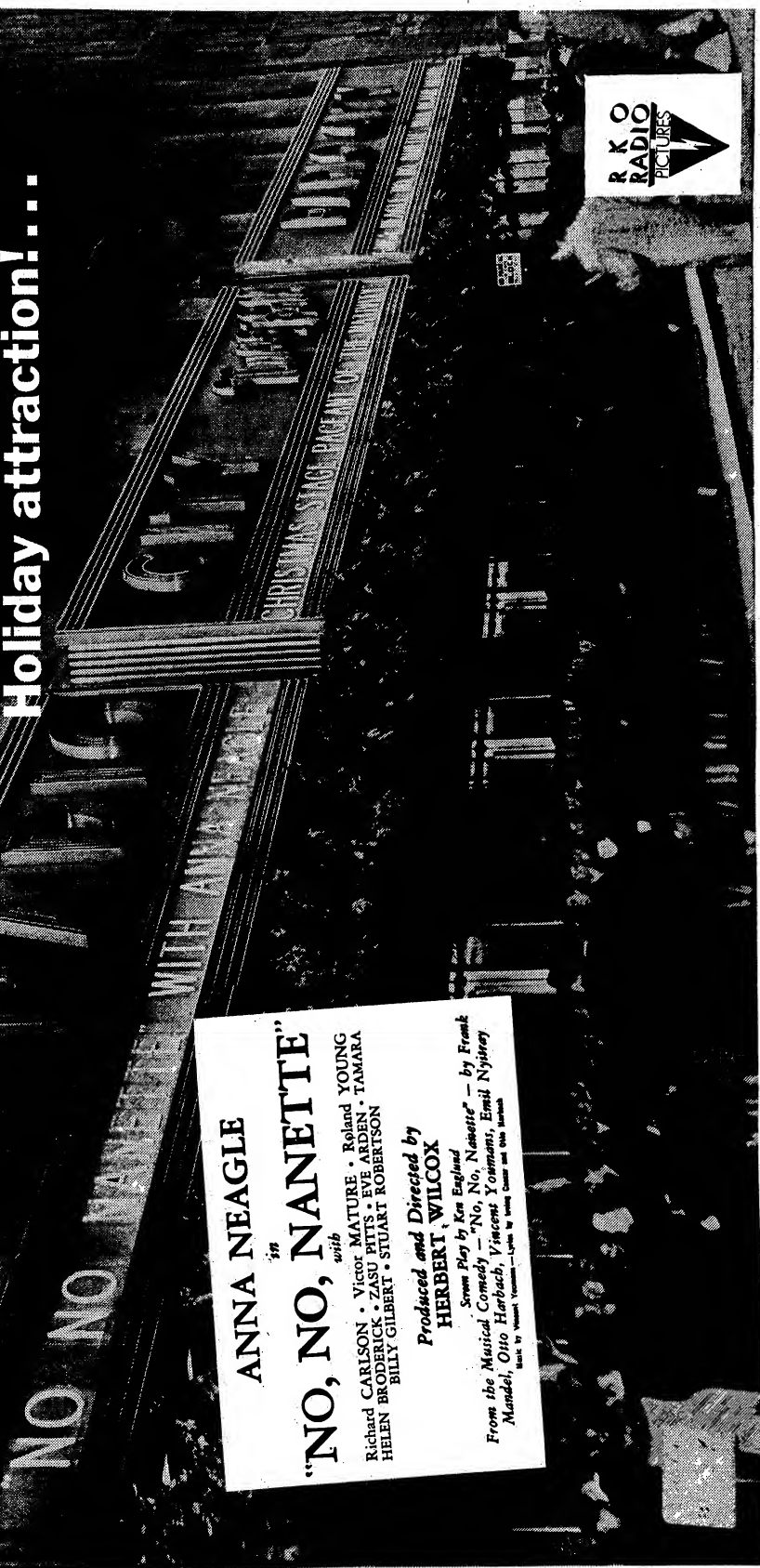
The past government had maintained a heavy lid on religious pix, and even those of a churchy tinge. The censors in that administration either banned outright all pix of religious plot or background and ordered out from any other film all references to religion.

But times have changed, yet without any government fanfare. Two pix, purely religious—"La Reina de

Mexico" ("The Queen of Mexico"), Mexican made, and "St. Theresa of the Child Jesus," a French film, were taken up to the previous administration because of their out-going religious, are being exhibited here to big biz. Makers and backers of "Queen," which depicts the apparition of Our Lady of Guadalupe, Mexican, 400 years ago, failed in all their efforts to induce the old government to allow exhibitions of their pic, even in part. "St. Theresa," is story of the life of the saint.

Screening of these pix is construed to indicate that the Avila Camacho government will permit the exhibition of all religious films, provided they do not disappear in any way other faith or creed.

Daily scene on the way to
a \$100,000 week for the
picture selected by Radio
City Music Hall as its great
Holiday attraction!...



ANNA NEAGLE
in
"NO, NO, NANETTE"
with
Richard CARLSON • VICTOR MATURE • Roland YOUNG
HELEN BRODERICK • Zasu PITT • EVE ARDEN • TAMARA
BILLY GILBERT • STUART ROBERTSON
Produced and Directed by
HERBERT WILCOX

Screen Play by Ken Englund
From the Musical Comedy — "No, No, Nanette" — by Frank
Mandel, Otto Harbach, Vincent Youmans, Emil Nystrom
Music by Vincent Youmans — Lyrics by Irving Caesar and Otto Harbach

SOUTH OF SUEZ

John Dugan	Lynn Raitt
Raquel Andrews	Arlene Whelan
Charles Crumley	George Montague
Harold Stinson	Robert M. Young
John F. Kennedy	Henry Vinton
Ophe	Elmer McDaniel
Brady	Andrew Tumbler
Owen	Charles M. Young
Fred Adams	Chick Chandler

'Charter Pilot,' as a title, is a misnomer for this mild actioner. It suggests much more kick than the film manages to convey. Running time (70 mins.) is far overboard, and

(Continued on page 181)

[illegible]

35th Anniversary Number

of

VARIETY

Will Be On Sale

Jan. **8** 1941

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UNIVERSAL presents

THE INVISIBLE WOMAN

starring VIRGINIA BRUCE • JOHN BARRYMORE
JOHN HOWARD • CHARLIE RUGGLES • OSCAR HOMOLKA
with Edward Brophy • Donald McBride • Margaret Hamilton

Produced by Fred Brown • Screenplay by Fred Brown • Directed by A. EDWARD SUTHERLAND
Associate Producer: Buck Kutz



**DON'T WAIT!
DATE!
DEC. 27th** National Release

Variety Club Tents in 1940 For N. Y., Chi, Frisco and 2 In Los Angeles

Pittsburgh, Dec. 24

Variety Club, fastest-growing and probably biggest organization of showmen in the country, will have tents in New York, Chicago, Los Angeles, Hollywood and San Francisco some time after the first of the year, according to John H. Harris, national prexy and one of group's original 11 founders. Addition of those charters will increase total to 29, where it will probably stand.

According to Harris, both New York and Chicago have been begging for organization for some time, but Variety Clubs didn't feel they wanted the big fry in until organization was firmly established, which it is now. In New York, the group has petitioned for a charter, one of the 25-Year Club of motion picture men (Picture Pioneers), and inasmuch as the next tent will be No. 25, there's a strong chance that that group will form the nucleus of the Manhattan tent, although membership, of course, won't be limited to men with quarter of a century in the biz, which it is now.

Harris, with the backing of the national officers' slate of Variety Clubs, will go to both New York and Chi himself around middle of January to make arrangements, outline purposes of club to various groups, and get the ball rolling. Then in March, he and Bob O'Donnell, of Texas and long active in Variety Club affairs, will head for the Coast to line up three tents in the west. In L. A. two are to be organized, one for motion picture people and the other for managers, film exchange men, etc. San Francisco groups have been sending queries about a tent for months now, and it is another spot listed for organization on the expansion list.

Harris and O'Donnell expect to be back in time for the annual convention in Atlantic City around last of March and will then lay their plans and proposals for new tents before the national board.

In addition to being a top social group among people in the theatre biz, Variety Clubs have also become probably greatest charity-working organization in show business activities. Various tents consistently raise around \$500,000 annually for distribution among the needy in their respective territories and expect to double that amount in 1941. Charity work is one of specific requirements. Charter of Des Moines (la.) tent, was recently revoked for failure to do its share.

Variety Club was founded here in 1927. At that time, a group of 11 showmen used to meet every a.m. in downtown Childs for a late snack. One day, one of them discovered a founding in the lobby of the Ford and Square theatre and the group decided to adopt it. Then and there they organized the Variety Club, "Heart of Show Business," to act as the collective "big show" of the tent. No. 1, the parent Pittsburgh club, has adopted at least half a dozen orphans, and all of them have eventually found their way into good homes, with a Variety Club environment for them when they come of age.

St. Louis Ambulance Fund

St. Louis, Dec. 24.

St. Louis Variety Club is soliciting funds from employees of more than 100 houses in the city and adjacent St. Louis County and several hundred more employed in local film exchanges to buy motor ambulances for Great Britain. A committee headed by Henry Ford, Wehrenberg, Harry A. Arthur, Jr., chief clerk of the club, and George L. Wiegand is conducting the drive. To date funds collected are sufficient but for two ambulances then get is three. Each machine of American manufacture, costs about \$1,250.

Warners' 'Destiny' Setup

Hollywood, Dec. 24.

Same director-writer-cast combination utilized by Warners in "Flight From Destiny" goes into a new picture, "One Hour of Glory," on the same lot. Director is Vincent Sherman, screen playwright is Ralph Block and principals in the cast are Thomas Mitchell, Geraldine Fitzgerald, Jeffrey Lynn, Mona Maris and James Stephenson.

Film Review

Continued from page 12

OLD BILL AND SON

normally, it would undoubtedly stand them in line.

Picture is a sort of "Lambeth Walk" treatment in khaki, lavishly with Coombs humor, types and dialog to wow them this side. Yet, in that same makeup it constitutes difficult fare to appreciate as respectable U.S. entertainment. In its sidelight on typical Britishers reacting in typical fashion to war, its airy, slapshappy view of troop-life under these actual conditions, Americans may find much in it for a chuckle.

The Balfour-Hair-Dalrymple-Wimperis scenario depicting the early period of the war from its outbreak to British troops in France, where it itself played victim to the uncertainty which followed and presumably in operation at time of film's making. Result is a rather abrupt termination to the yarn, an up-in-the air fadeout tying no ends. In view of picture's length this is unfortunate and made more noticeable.

Jan Dalrymple's direction is creditable. Unhurried, liberally sprinkled with scenes is tale around the famous cartoon character met with another war but unable to convince anyone. Graham dresses role with oily simplicity to recreate the lovable character pictured by Britishers everywhere. His flip plop of a son, an easy part, earns credit for John Mills giving it more than script supplied.

Mary Clare, in for opening reels alone, turns in some of her finest trouper work in the picture, and another making another war on the chin. In for love interest, Rene Ray shows less in the calling on her services as result of charming work here. A click bit from Renee Houston, as the base comedienne come to entertain the boys, reveals her anew as a cagey performer. Nicholas Phipps does an outstanding job of a breezy, bubbling officious BBC air-reporter, over there to wax what it's all about for the folks back home. He's right down the roster, for excellent playing. Background of the picture calls for little in way of setting: French village and troop sites are authentically caught. Camera chore of Georges Perinal is in line with film's wholesome entertainment.

Holloway Settles St. L. Strike, Renews IATSE

St. Louis, Dec. 24.

Renewal of a contract last week between IATSE, Local No. 143, and Henry Holloway, owner and operator of the Can. Grand and Beverly, subsequent run houses in St. Louis County, ended a labor dispute that closed the three places for two days. Robert Thomas, business agent of Local No. 143, said the new pact is the same as that which expired Sept. 1 last.

According to union execs, the operator at the Beverly was locked out and in retaliation the union "pulled" the picture. The other two houses, while the feature films were in progress of being shown.

Arthur W. Kelly, v.p. in charge of sales, in announcing the changes also said that U.A.'s playdate department will be augmented with personnel. He said that further appointments would be made by the managers from among the salesmen by division managers. No outside personnel will be brought in.

First major switch in the U.A. sales organization came a couple of months ago with appointment of Kelly as general sales manager, post which had been vacant. Present changes are believed to be all the major ones, to be made immediately.

and Hugh Owen (Charlotte, Atlanta, New Orleans and Dallas). Western districts will be headed by Irving Shanklin (Chicago, Milwaukee, Minneapolis, St. Ambrose, Omaha, Kansas City, St. Louis). Ben Fish (Denver, Salt Lake City, Los Angeles, San Francisco and Seattle), and S. Glazer (Canada). Jack Golhar, former district manager for Chicago, Detroit, St. Louis and other cities, has been named by Masters as his special field representative.

Echo of 'Chain Gang' Pic

In Ga. Judge's WB Suit

Georgia court of appeals has granted Judge Vivian Stanley, member of Georgia Prison and Parole Commission, right to amend his petition in a \$100,000 suit against Warner Bros., Inc., and other film firms and individuals he claims libeled him in the film, "I Am a Fugitive From a Chain Gang," based on book by Robert E. Burns.

Amendment alleged film made it appear the fugitive (played by Paul Muni) was not guilty of the offense in Georgia for which he was convicted, and that his character was above reproach, contrary to contention of prison and parole board. Further alleged film portrayed members of commission as "cruel, brutal and unfeeling representatives of a barbarous changing system." Appellate court judges ruled case goes back to Fulton county (Ga.) superior court to be tried on its merits.

TENDER PLAN ON U.S. PFD. LOOKS OK

Nearly unanimous approval of Universal's tender plan for the first preferred stock, recently voted by the directors, has been received by the U. home office from all types of preferred shareholders; it was reported this week. Voluntary expressions from these stockholders were that the tender proposition, for which the decretative voted \$1,000,000 was the most logical way of handling the preference issue on which no dividends had been paid for some time.

Universal hopes to retire the bulk of its first preferred, presently outstanding, via this tender proposition, with the exact amount not known until after all tenders have been tendered on during the next month.

Stockholders who notified the home office of their okay of the proposition felt that it was the best thing that could be done under present circumstances. Wall Street's brokerage houses also reported many inquiries regarding details of the tender proposal.

The dissenting voices were Samuel I. Fosen and J. D. Penick, directors, who submitted a protest memo to the tender plan last week. Both directors, however, had voted for the tender proposition at the directors' session, it was stated at the Universal home office.

Haskell Masters Named UA Western Div. Head; Other Sales Dept. Shifts

Second in the series of shakeups in the United Artists' sales department came last week with the switch of Haskell Masters from managing director of the company's Canadian setup to western division manager of U.A.'s domestic sales organization. He replaces Jack Schlaifer, who becomes special representative. Changes become effective Jan. 1. Masters shift has been in the wind for some time.

In addition U.A. has shuffled the districts that Masters and Harry Goto, who continues in charge of the eastern division, will command. One of the changes has been to appoint Arthur Silverstone, who has been a special h.o. sales department assistant, since returning from England at the beginning of the war, a district manager. He'll handle Philadelphia and Washington.

Heading the three other divisions in the east are Charles Stern (New York, New Haven and Boston), Bert Stern (Pittsburgh, Cleveland, Cincinnati, Indianapolis and Buffalo),

FILM BOOKING BUREAU

(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—11/8/40

Blister Sweet (M-G)	11/20	MU	92	J. MacDonald-N. Eddy
Atter My Love (Par)	10/23	D	86	T. Ritter-S. Anderson
Trail Blazers (Rep)	11/13	W	81	C. Colburn-R. Milland
Too Many Girls (RKO)	10/9	MU	84	L. Ball-R. Carlson
Neighbors (Rep)	11/13	W	82	W. Weaver-B. Steele
The Mark of Zorro (20th)	11/6	D	83	T. Power-L. Darnell
Western Memory (20th)	11/13	D	85	E. Kelly-R. Devine
Pony Post (U)	12/18	W	39	J. M. Brown-P. Knight
East of the River (WB)	10/30	RD	73	J. Garfield-B. Marshall

WEEK OF RELEASE—11/15/40

Beyond the Sacramento (Col)	11/13	W	6	B. Elliott-E. Keyes
Great Salt Lake (20th)	11/13	W	15	C. Cooper-J. Janzer
Phantom of Chinatown (Mono)		D	82	K. Luke-L. Hayden
Three Men from Texas (Par)		W	6	B. Boyd-R. Long
Western Spillout (WB)	10/30	W	76	V. Volpe
Melody Ranch (Rep)		W	83	A. G. G. Durante
Western Memory (20th)	7/3	MU	82	R. Roberts-G. Kibbee
One Night in the Tropics (U)	11/6	MU	82	A. Jones
South of Suz (WB)	12/25	D	86	G. Brent-G. Fitzgerald

WEEK OF RELEASE—11/22/40

Lone Wolf Kicks a Date (Col)	12/18	M	96	W. William-F. Robinson
Escape to Glory (Col)	11/20	K	6	C. O'Brien-C. Bennett
Little Nelly Kelly (M-G)	11/20	MU	96	R. G. G. Murphy
West of Pinto Ridge (Mono)		W	90	R. Corrigan-J. King
You'll Find Out (RKO)	11/20	MU	85	K. Kelly-R. Devine
Texas Rangers (Rep)	11/20	W	57	D. Barry-J. Duncan
Meet the Wildcat (U)	11/20	D	61	J. Withers-R. Conway
The Long Voyage Home (UA)	10/30	D	103	J. Wayne-T. Mitchell
The Letter (WB)	11/20	D	85	B. Davis-H. Marshall

WEEK OF RELEASE—11/29/40

Elery Queen—Master Detective (Col)	12/25	D	94	R. Bellamy-M. Lindsay
Kidnappers (M-G)	12/4	D	13	L. Barrymore-L. Darnell
Remedy for Riches (RKO)		CD	67	J. Herschell-D. Lovett
Charley (Rep)	11/18	W	8	R. Karas-B. Bonnelly
Tin Pan Alky (20th)	11/27	MU	82	A. Faye-J. Oakie
The Hawk Dick (U)	12/4	W	89	W. C. Field-F. Pangborn
Victory (20th)	12/4	W	10	R. Karas-B. Bonnelly
Lady with the Red Hair (WB)	11/13	D	78	M. Hopkins-C. Rains

WEEK OF RELEASE—12/6/40

Great Plains Rodeo (Col)	11/20	M	55	J. Holt-V. Lester
Frontier (Par)	9/18	W	3	C. Stewart-L. R. Smith
Go West (M-G)	12/18	W	79	M. Karas-B. Bonnelly
Chamber of Horrors (Mono)		G	6	M. G. Malo-L. Banks
Night at Earl Carroll's (Par)	11/20	MU	82	E. Marry-P. Hobson
Border Legion (Rep)	11/27	W	38	R. Rogers-G. Hayes
The Fargo Kid (RKO)		CD	23	T. Holt-J. Drummond
Charley (Rep)	11/25	W	10	E. Marry-P. Hobson
Margie (U)	9/18	C	38	T. Brown-N. Grey
She Couldn't Say No (WB)		C	8	R. Pryor-E. Arden

WEEK OF RELEASE—12/13/40

Prize of the Bowery (Mono)		D	1	C. Corcoran-B. Jordan
Comrade X (M-G)	12/11	M	81	C. Corcoran-B. Jordan
Texas Rangers Ride Again (Par)	11/6	WD	67	J. Howard-E. Drew
My Darling Clementine (Rep)	11/20	W	72	R. Karas-B. Bonnelly
Murder Over New York (20th)	12/4	M	85	S. Toler-M. Weaver
Trail of the Vigilantes (U)	12/11	W	7	F. Toner-B. Crawford
Night From Destiny (WB)		D	7	T. Mitchell-J. Lynn

WEEK OF RELEASE—12/20/40

Phantom Submarine (Col)		M	4	A. Louie-B. Brand
Her First Romance (Mono)		D	77	E. Foulkes-W. Evans
You're Out of Luck (RKO)	12/25	M	72	R. Karas-B. Bonnelly
Behind the News (Rep)	12/18	W	74	L. Nolan-D. Davenport
Lone Star Rider (Rep)	12/18	CD	76	R. Livingston-B. Steele
Jonnie (20th)		W	78	V. Miller-R. Novodon
Give Us Wings (U)	11/13	MU	69	W. Ford-V. Jory
Here Comes Navy (WB) (release)	1/24/41	D	88	J. Cagney-P. O'Brien

WEEK OF RELEASE—12/27/40

The Wildcat of Tucson (Col)		W	6	B. Elliott-E. Young
Keeping Company (M-G)		C	4	A. Rutherford-J. Shelton
You're Out of Luck (RKO)	12/25	W	72	R. Karas-B. Bonnelly
Love Thy Neighbor (Par)	12/25	C	81	J. Benny-M. Martin
Kitty Foyle (RKO)	12/18	D	86	G. Rogers-D. Morgan
Second Chorus (Par)	12/18	D	8	O. Keefe-R. Campbell
Chad Hanna (20th)	12/18	D	86	H. Fonda-L. Darnell
The Invisible Woman (U)		J	1	J. Barrymore-J. Howard
Tales of Baghdad (U)	10/16	D	105	E. Yip-F. Duprez
Santa Fe Trail (WB)	12/18	W	110	E. Flynn-O. G. Haviland
North West Mounted Police (WB)	10/30	M	120	G. Cooper-M. Carroll

WEEK OF RELEASE—1/3/41

This Thing Called Love (Col)	12/25	C	92	R. Russell-M. Douglas
Flight Command (M-G)	12/18	W	111	R. Taylor-R. Hussey
Frontier (Par)	9/18	W	3	F. L. Barry
Trail of the Silver Spurs (Mono)		W	8	R. Corrigan-M. Terhune
Second Chorus (Par)	12/18	D	84	F. L. Barry
Convoy (RKO)	6/26	MU	35	C. Brook-J. Campbell
Hudson's Bay (20th)	12/25	D	6	P. Muni-G. Tierney
Knicks (Rep)	12/18	D	8	R. Karas-B. Bonnelly
Where Did You Get That Girl? (U)		C	64	H. Parrish-E. Quillan
Son of Monte Cristo (UA)	12/4	D	12	L. Haynes-R. Reynolds
Four Mothers (WB)		D	87	L. Haynes-R. Reynolds

WEEK OF RELEASE—1/10/41

Pinto Kid (Col)		W	4	C. Barrett-L. Currie
Makle Was a Lady (M-G)		W	4	A. Southern-A. Ayres
Boomed Caravan (Par)		W	7	W. Boyce-A. Devine
Wyoming Wildcat (Rep)		D	6	D. Barry-J. Duncan
Frontier (Par)	9/18	W	3	F. L. Barry
M. Shayne, Private Detective (20th)	12/25	D	7	L. Nolan-M. Weaver
Chicago Dock (U)		D	63	B. Meredith-L. Harvey
Case of the Black Parrot (WB)		W	1	N. Lugan-M. Wixson

WEEK OF RELEASE—1/17/41

The Face Behind the Mask (Col)		D	111	P. L. Keyes
Philadelphia Story (M-G)	11/27	D	111	K. Hepburn-C. Grant
Boomed Caravan (Par)		W	7	F. L. Barry
Let's Make Music (RKO)	12/12	MU	82	B. Crosby-E. Risdon
Robinhood of the Pecos (Rep)		W	102	C. R. Kelly-R. Devine
Case of the Rio Grande (20th)		W	8	C. Romero-P. Morison
Six Lessons from Madame LaZonga (U)		C	1	V. L. Keyes
Honeymoon for Three (WB)		C	6	B. Brent-J. Wyman

WEEK OF RELEASE—1/24/41

The Wild Man of Borneo (M-G)		CD	F	F. Morgan-B. Burke
Life With Henry (Fris)		J	J	J. Cooper-L. Ernst
The Saint in Palm Springs (RKO)		D	6	G. Sanders-R. Devine
Tallack and Sanderson (20th)		C	8	C. Romero-M. Berle
Black Street (U)		C	8	C. Boyer-M. Sullivan
High Sierra (WB)		D	1	H. Bogart-L. Lupino

WB Withholds 'Letter' from Skouras' Suffern, N.Y., House and It Becomes A Crisis Involving Rotary, Clergy

NYACK, N. Y., Dec. 24. The Lafayette, a Suffern branch of the Skouras chain, was open again today for the feud between the film-house and Warner Bros. Rockland County Board of Supervisors, the Suffern village board, local clergy, Rotary Club and business men all had a hand in the sound and fury resulting last Tuesday from Warner's failure to deliver 'The Letter' on scheduled time.

Norman Starr, special Skouras rep, ordered the theatre closed after the Bette Davis pic didn't show up and the padlock stayed on the doors until the next booked film arrived.

Management had contracted for 'The Letter' to start the same day as at the Rockland in Nyack and the Broadway in Haverstraw, two others in Skouras chain, and when the pic didn't arrive it was claimed that an attempt is being made to force the Lafayette to show its picture seven days a week, they finish playing in the Warner Bros. Fabian, in Paterson, N. J., 12 miles away.

Contract with Warners, according to Lafayette management, calls for them to begin seven days following their regular showing in New York. All three Skouras theatres have built a rep by showing more films than most suburban houses. 'Bobtown' was released showing only twice with its Broadway opening in N. Y. and 'Tin Pan Alley' and 'Northwest Mounted Police' were exhibited locally while still playing first run houses on Broadway.

Causing 'The Letter' caused the Lafayette to close for the first time in its history. The house, originally started as a community theatre by prominent locals including the late Senator Royal S. Copeland, was operated by the Skourases without interruption for four years.

Mayor Steps In
Immediately after the theatre was ordered closed, the fireworks began. Mayor August Temple of Suffern (pop. 9,500) called a special meeting of the village board to consider the 'crisis.'

Lafayette management took a paid \$100 ad in The Journal-Nyack, Nyack daily, announcing the closing and stating:

'Bette Davis in "The Letter" was scheduled to play at this theatre. The picture is contracted for and available for showing but the distributor refused delivery, forcing the theatre to close down.'

Business men were quick to complain against Warners, saying that a procedure allowing the Paterson house to show the picture would have been disastrous to their business and Suffern would lose its standing as a first run business and commercial town. They pointed out that people who had chosen coming to Suffern from the town's environs would have to go elsewhere to see first run pictures, and consequently would not frequent the town's shopping areas. This is typical of frequent squawks where a town has to wait for pictures.

Meanwhile a large sign posted in front of the Lafayette saying 'Closed' caused them to add new windings of wrath. They inspired the village board, at a special meeting, to pass two resolutions of protest. Also often done, inspired by exhibits themselves.

Public Interest
Text of one of the resolutions sets forth that the theatre has for many years served the community in permitting village residents to view motion pictures convenient to their lives in neighboring communities and that the sudden action by Warners has resulted in "inconvenience and detriment to the local residents."

It points out that if the Lafayette playhouse is forced into a secondary position in the county, it will deprive local merchants of trade which has been established over a period of years.

The resolution concludes that the attempt to deprive this community and its residents of its privilege... hereby condemned as unfair and discriminatory.

Certified copies of resolution were sent to Warners.

'Starr, the Skouras man, appeared the following day at a meeting of the county board of supervisors, which

Warners' Stance

Understood on Warner authority that the Fabian, Paterson, N. J., always had a week's protection over the Lafayette Suffern, N. Y., but that it has often been waived, with result the Skouras circuit entered a squawk when the clearance was taken on 'The Letter.'

Burned through not getting 'Letter' day-and-date with Paterson, the Skourases closed down their Suffern house for three days, stirring up the town.

This is the type of complaint that will probably reach arbitration under the consent decree during the coming year.

MOVE TO TILT B.O. SCALES

Minneapolis, Dec. 24.

Despite the fact that business for most spots has been had on a comparative basis, there'll be some rain-fall of admissions hereabouts after the first of the new year. It's hoped that sufficient of a boxoffice improvement will ensue to justify the tilt.

The Home-Week, de luxe independent neighborhood house here, which dropped from 25 to 15c, will up to 20c. A number of other independent theatres which lowered their scales from 28c to 20c will return to the former figure.

Exhibitors who reduced their admission prices assert that the expected stimulus in patronage didn't result—at least not to the necessary extent. The general feeling now is that it isn't primarily a matter of scale, but of weather, employment, general business conditions and product.

Pa. Allied's Stand

First organizational stand among exhibitors against increased admission prices on certain pictures as demanded and requested by the distributors, has been taken by the Allied Motion Picture Theatre Owners of Western Pennsylvania.

In a memorandum sent out by problem director, secretary of this unit in the Allied States Assn., producer companies and others have been advised of the resolution.

Delay 'Little Men' Contest

The \$15,000 contest for the best advertising - publicity - exploitation campaigns on 'Little Men' has been set back to April 15 due to postponement of national release of the picture, now Jan. 10.

A total of 389 different prizes are included in the \$15,000 to be awarded.

Finally passed a resolution embodying the new much-sired charges.

Starr said a bad situation had been created by Warners' action. While the theatre would reopen and show pictures of other companies, the problem would arise again within a short time when the Lafayette has booked another film from Warners.

'I feel if we don't stop this menace all the picture concerns will ask for the same terms,' Starr stated, predicting spread of the 'menace' to the other Skouras houses.

Local ministers said their piece in a telegram to Warners.

'We desire to register our protest against any action of your company calculated to injure the quality of pictures shown at the Lafayette theatre or damage the legitimate business interests of our community.'

Next day the Suffern Rotary Club sent a similar telegram. Assorted individual squawks were also made. Immediately after the theatre closed, Frechtman, manager of the Lafayette, said employees of the theatre, including all union help, were standing by. They will receive their regular salaries, according to Lichtman.

OMAHA

(Continued from page 11)
'Argentine Nights' (U), pretty good \$800.
'Brandels' (Mort Sinner) (1,500; 10-25-35-40)—Here Comes Navy' (WB) (reissue) and 'Won't Talk' (Col).
'Light' \$500. Last week, 'Blondie Cudd' (Col) and 'Lone Wolf Dale' (Col), this \$500.
'Omaha' (Walters) (2,000; 10-30-40)—'Lonesome Pine' (Par) (reissue) and 'Thanks Memory' (Par) (reissue) Fair \$600. New bill breakers—'Argentine Nights' (U), 'Blondie Trouble' (Col), split with 'Strike Up Band' (M-G) and 'River's End' (U), last week under average at \$700. Last week, 'Next Time Love' (U) and 'Moonlight Sonata' (Select), split with 'Fugitive' (U), 'Fugitive' (U), and 'Laddie' (RKO), fair \$500.

'Town' (Goldberg) (1,500; 10-20-25)—'Troy' (Vanguard) (Rep), 'What They Wanted' (RKO), and 'Money and Women' (WB), triple, split with 'Strike Up Band' (M-G), 'Laddie' (RKO) (Cap), and 'Wagon Train' (RKO) (Nurse Cavell) (RKO). Light \$600.

'Light' Last week, 'Men Against Sky' (RKO), 'Hit Squad' (U), 'Laddie' (RKO), 'Hired Wife' (U), split with 'Mexican Rose' (Rep), 'Beyond Tomorrow' (RKO), and 'Dancing Queen' (U), 'Lion Wings' (A), 'Hell's Kitchen' (WB), show \$600.

'Avenue' (M-G) (Dundee) (Goldberg) (950; 300; 800; 25)—'Angels Broadway' (Col), 'Blondie Trouble' (Col), split with 'Strike Up Band' (M-G) (River) (End) (WB), Light \$1,000. Last week, 'Next Time Love' (U), 'Moonlight Sonata' (Select), 'Fugitive' (U), 'Laddie' (RKO), and 'Meet Missus' (Rep), fair \$1,100.

KANSAS CITY

(Continued from page 9)

previous, with the exception of the Newman which brings in Cal Calway and four days of stage bill with feature.

Estimates for This Week
'Esquire and Dips' (Fox Midweek) (U) (10-28-44)—'Hill Parade' (Rep). Gives away after short week to 'Hudson Bay' (20th) today (Tuesday). Slow going at combined \$2,000. Last week, 'Villains' (U) day and date in both houses did as well as can be expected, \$5,800.

Midland (Loew's) (4,101; 10-28-44)
—'Escape Glory' (U) and 'Kildare's Crisis' (M-G). Five days in last week, 'Go West' (M-G) and 'Gallant Sons' (M-G), medium play at \$5,800.

Newman (Lamont) (1,900; 10-28-44)
—'Night Echo Carrolls' (Par) and 'World in Flames' (Par). Five days very light \$3,800. Last week, 'Reuters' (WB) (Laddie) (U) day and date in both houses did as well as can be expected, \$5,800.

Orpheum (RKO) (1,500; 10-28-44)
—'Red Hair' (WB) and 'Here Comes Mr. X' (WB). 'The Great Dictator' (U) (10-28-44). Taking a licking from the shoppers. Six days, \$3,900. Last week, 'East of River' (U) and 'Dreaming Loud' (RKO), light \$5,000.

Tower (Joffe) (2,110; 10-30)—
'Youth Served' (20th) and 'Youth Served' (20th). 'Youth Served' (20th) and 'Youth Served' (20th). Will go through a fair week including Christmas Day to \$5,000, under usual \$4,000. Last week, 'Pilot' (20th) and stage, good \$5,000.

DOCUMENTARY CINEMA FOR TIMES SQ.

Negotiations are in progress on setting up a theatre in the Times Square area to show documentary pictures exclusively. Plan has backing of the American Film Center, documentary clearing house which is endowed by the Rockefeller Foundation.

Theatre now being sought is a small one of Broadway in the upper 40s. Plan is to operate just as the newsreel theatres do, grinding an show of about one hour or little more for a 25c admission. Politecin theatre in London has been running successfully on a similar policy for a number of years.

Harold McCracken, author and explorer and himself a maker of documentaries, is the person who will run the new house. American Film Center, a central agency for information about documentaries and aid to documentary makers, will provide no financial backing, but will handle bookings and direct programs.

Screen Actors Guild Board On Coast Proposes Equity Move In And Assume AGVA's Jurisdiction

Hollywood, Dec. 24.
Equity will be asked to move in on the American Guild of Variety Artists and assume jurisdiction over niter and vaudeville, according to reports making the rounds. Proposal is understood to have been discussed at Monday night's (23) meeting of the Screen Actors Guild board, word being grapevined SAG would give full collaboration and aid in financing a split in authority.

Attorney Laurence Beilenson recently returned from New York confab with Paul Dulzeli, but the Equity head is not particularly responsive to the overture due to added burden and outlay to resuscitate AGVA and properly organize its function.

The L. A. Chapter of the American Guild of Variety Artists has appointed a committee to seek better pay and working conditions for Negro performers. AGVA officials claim that certain clubs and niteries are chiseling on minimum wage scales, and that working conditions for the Negro performers are not on a par with those of white members.

Coast Idea

According to actor union sources in New York, the suggestion that Equity should take over operation of AGVA, under an arrangement somewhat like the Equity-Chorus Equity setup, originated on the Coast. Under the plan, Dulzeli, Equity's executive secretary, would not move on the idea, but merely indicated he wanted time to consider it. Proposal has apparently not been revealed to AGVA officials or the SAG board, who are known that their attitude would be.

It is explained here that the suggested plan would be intended to bolster AGVA's admittedly shaky financial situation, with the various affiliate unions sharing the immediate expenses and Equity actually operating the setup. Purely from financial necessity, the AGVA officials and membership might be forced to accept such a plan. If Equity and the other unions were to agree on it. However, until AGVA's contract with the vaudeville circuits has been in operation for a longer period, no one can tell whether it will solve the union's monetary problems, as has been hoped.

One official of the Associated Actors & Artists of America (parent organization of all the performer unions) said yesterday (Tuesday) that in his opinion there is little likelihood of the suggested plan being adopted. 'I don't think you can push several thousand actors around George B. Seldes, which would give me no voice in governing their own affairs. The whole situation must be given intensive study before any such drastic decision is reached.'

Other Coast Labor Matters Discussed

Hollywood, Dec. 24.
Los Angeles Printing Trades Council is threatening a national boycott of picture theatres, with the possibility of picket lines being established in the near future. They demand that all studio printing carry the union label. The Council has already authorized its officers to put on the unfair, but any studio not using union shops for its printing, a demand for speedy action on the request has been submitted to Pat Casey, Producer labor contact, by George B. Seldes, which would give me no voice in governing their own affairs. The whole situation must be given intensive study before any such drastic decision is reached.'

Barb Robin, former with Melba, has joined the AGVA staff here, and will work under Kenneth Howard, AGVA international representative.

A move to increase the AGVA minimum for club dates from \$8.50 to \$10 will be made this week at a conference with officials of the Agents' Association. AGVA also will ask for eliminating the \$6 minimum, currently charged for houses that have no admission charge.

Charter for Cosmotheaters
The American Federation of Labor has installed a charter here for Coast cosmetic workers. A membership drive is planned for Jan. 1. The in-

stallation services were in charge of Aubrey Blair, AFL organizer, and Marvin Hart, official of the Central Labor Council.

The Sound Technicians Local 698 of the International Alliance of Theatrical Stage Employees has authorized a \$500 assessment per man that is expected to raise \$50,000 to take care of current debts, etc. The first half of the assessment is payable Jan. 1, the second half March 1. A committee also has been appointed to seek a settlement with Harold V. Smith, 695 business representative, who claims group owes him approximately \$300 in back salary. He has offered to accept \$9,500 in settlement, plus a four-year contract extension. His present contract has two years and 10 months to run.

Several membership groups in the IATSE are circulating undercover petitions asking the International to take over the 10 studio locals. With many of the unions bankrupt and efforts have been fought among themselves, the members claim it will be impossible to negotiate wages and improved working conditions without the active support of the International.

AFL Joins in Drive

The AFL has joined a drive by the Screen Cartoonists Guild to organize the 700 workers at Walt Disney Studios. A petition has been filed with the National Labor Relations Board, claiming that a majority of the workers already are affiliated with the Guild. Drive is being directed by Aubrey Blair, Herbert Sorrell, business representative of Moving Picture Painters Local 644, and William Littlejohn, proxy of the SAG.

Conferences between the Producers and the Screen Actors Guild on wage limits and improved conditions for extras, day players and freelance actors have been fought until after Jan. 1. The Guild is asking that the stipend for bit players be raised from \$25 to \$40 or \$50 a day in order to discourage companies from calling extras day players and \$11 tickets and then giving them bit work to do. The current practice at many studios is to call extras on an \$8.25 or \$11 check, then give them a bit and adjust the check. The extras are not carried at the day rate between dialogue shots, and it is contended, undercut the wage scale of the day player.

Day players also are seeking a limit of two hours' free time for interviews and fittings, with freelancers seeking a similar limit and an increase in the weekly minimum.

Affiliated Property Craftsmen Local 10 is planning to distribute \$1,000 to bring Christmas cheer to needy members who are temporarily financially embarrassed. Similar requests are being made by other Guilds and unions.

RKO Simplifies

(Continued from page 5)
companies and jointly-owned company, as well as mixtures of all or part of these. Only outfits listed as subsidiaries are those which are more than 50% owned by the parent company.

Two Operating Cos.
Directly under Radio-Keith-Orpheum Corp., the holding company, are operating companies, RKO-RKO, which is producing and distributing output, and RKO Pathe, newsreel company.

Top holding unit also controls Keith-Albee-Orpheum Corp., Orpheum Circuit, RKO Subcor. Corp., and RKO Western Corp., which are operating outfits. Subcor. include such outfits: RKO Southern Corp., RKO Western Corp., Toledo Theatres & Realty Co., Orpheum Theatre Co. of Indiana, RKO Theatre Operating Corp. of New Jersey and Connecticut and the Cleveland Hippodrome Co.

Present complicated corporate structure is naturally not the result of design, but has been historical in its development. The \$6 company bought theatres of another, or took over shares of them, it became more convenient to set up new corporations to hold leases and contracts. This went on until it pyramided into the present puzzling situation.

New Year
Happiness!



THE 'FOUR DAUGHTERS' AS
"FOUR
MOTHERS"



THEIR BEST STORY YET!
Nothing could be sweeter after
a merry WARNER Xmas with
'SANTA FE TRAIL!'



'FOUR MOTHERS' starring 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 Morehouse Avery • Suggested by the Book, "Sister Act," by Fannie Hunt • A Warner Bros.-First Nat'l

Old Heywood Broun Novel Sold To John Stahl; Other Story Buys

Novel by the late Heywood Broun, written more than 10 years ago, was bought last week for filming by John M. Stahl. Called "The Boy Grows Older," it is based in part on his observations of his son, Heywood Hale Broun, now a writer in the sports department of PM, N. Y. daily. Stahl paid about \$3,500 for screen rights.

Warner Bros. paid approximately the same sum for a 1936 novel by Harry Hervey, who is best known for his "Shanghai Express." WB purchased "The Damned Don't Cry," William Lenzel agency handled both this and the Broun deal.

Paramount is mulling a script by Leicester Hemingway, brother of Ernest, and Sir Anthony Jenkinson, British newspaperman. It is based on adventures of the pair on a recent snop cruise through the Caribbean in a small sailing boat. They did a series of yarns upon their return detailing sensational findings of Nazi infiltration in small Latin American islands. These yarns are taken up by the American Newspaper Alliance service.

Their adventure-espionage tale later appeared in Reader's Digest before the pair started on the film script. Hemingway is a special writer for the Chicago Daily News and Jenkinson, a British baronet, writes for the London Daily Express.

Willis Goldbeck, writer who has done several of the "Dr. Kildare" scripts; for Metro, last week purchased screen rights to a short story which appeared in the Dec. 4 issue of "The Week mag." It is labelled "Inside Story" and is by Joseph Harrington. Price was \$500.

STORY BUYS

Hollywood, Dec. 24. 20th-Fox acquired screen rights to "Green Entry," novel by F. Ruth Howard.

Harry Segall sold his play, "Heaven Can Wait," to Columbia.

20th-Fox bought "Flight Surgeon," by Cameron Rogers and Commander J. H. Halliday.

Warners purchased Dalton Trumbo's yarn, "The Widow Wouldn't."

Charles Hoffman sold his novel, "Somewhere I'll Find You," to Metro.

20th-Fox acquired J. Hyatt Downing's pioneer novel, "Slouch City."

Commander Frank Wedel sold his aviation yarn, "Dive Bomber," to Warners.

Chi Billposters Union In Racketeering Suit

Chicago, Dec. 24.

Billposters and Billers Union, Local 2, is the subject of a racketeering suit filed in Federal court here last week. James Kelly, president of the local, is seeking an injunction against the international officers from seizing the funds of the local and from continuing to threaten injury to the local officers.

Named as defendants are International President Leo Abernathy of Pittsburgh and five international officers charged that the international faction is attempting to seize the treasury, threatens to revoke the local charter and is threatening bodily harm against the plaintiffs. This union has been the centre of racketeering charges for many years, and several mobs from time to time have been reported attempting to gain control of it.

Overlooking Central Park

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An imposing address that's no imposition on your budget.
From \$3.50, single; \$5 double.
Also by the month.

The Playhouse
CENTRAL PARK WEST AT 61ST STREET
NEW YORK

MAN BITES DOG

RKO Admits Critics Had a Beef on "Too Many Girls"

New York critics' squawk that lighting in RKO's "Too Many Girls" was dark much of the time, the film was processed perfectly, but that a combination of Abbott's low lighting and bad equipment at the Criterion caused too dark a result.

Immediately after the beefs from the critics were heard, Sid Kramer, RKO print and negative exec, revealed another print was substituted and the original one returned to the laboratory for checking. It was found to be perfect. Kramer then discovered, he said, that Criterion projection was bad, either insufficient light coming from the machine or being reflected by the screen.

"Lighting is on the dark side, anyhow," Kramer said, "because the scenes are at night. And that, with a combination of bad projection, gave the critics a legitimate complaint."

'Acted in Good Faith,' Says WB in Denying Patent Theft Charge

Warner Bros. Pictures, Inc., filed answer Saturday (21) in N. Y. federal court to a suit for treble damages that names as defendants WB, Albert A. Radtke, Radtke Optical Recording and Reproducing Sound, and Leonard Day in a patent "theft" action. Answer is a novel one, as the film company interposes unusual defenses.

Action was filed last June by the Photometric Products Corp., and is one of the most important patent suits filed in the film industry, as it involves the patent, entitled, "Method of Means for Optically Recording and Reproducing Sound," without which sound pictures could not exist. Plaintiff claims it incorporated in 1919, and from then to 1920 spent over \$500,000 in developing a photo-electric cell. In 1921 it claims to have hired the defendant Radtke as an engineer, with the proviso that any developments or inventions of Radtke's during his period of employment were to be given to the plaintiff.

It is charged that in 1922 Radtke developed and used own patent, and conspired with Day, an attorney, and Warner Bros., to defraud the plaintiff of this patent. So valuable has the patent become, complaint alleges, that royalties are being paid to Warner Bros. by the International Projector Corp., Electrical Research Products, Inc., United Research Corp., Douglas Leigh, Inc., De Vry Corp., and Eastern Electric Corp., and Radio Corp. of America.

The answer says that on Sept. 4, 1931, Radtke transferred his rights in the patent to Thomas J. Martin, a Warner Bros. accountant. Warner Bros. in good faith with no knowledge of anyone's claims against the patent, declares the answer, advanced to the Radtke Patent Corp. a sum of \$15,000 through a subsidiary, the United Research Corp., of Delaware, to develop and improve the patent. On Dec. 18, 1936, the Radtke Patents Corp. granted certain royalties to the United Research Corp. which were free and clear, with the express understanding that they were to be turned over to Warner Bros. and RCA free and clear. United Research then reduced by \$50,000 the indebtedness of the Radtke Patents Corp. to it. Warner Bros. concludes by pointing out that it was an innocent party to the proceedings, and that if the patent rights are granted to the plaintiff, all the improvements which Warners laid out, amounting to over \$150,000, forego with it. The company also dismisses the portion of the answer that states that if the court should rule the patent belongs to the plaintiff, that it force the plaintiff to reimburse Warner Bros. for the money advanced to Radtke, and grant it the licenses secured from Radtke which were turned over to it and RCA free of charge.

In a similar suit against the above-named defendant some time ago, in which the same patent was involved, N. Y. Federal Judge dismissed the suit of one Virgil Critics.

DAVIS, CAGNEY TEAMED IN WB'S 'BRIDE CAME'

Hollywood, Dec. 24.

Both members of this club, but never teammates before, Bette Davis and James Cagney are to star in "The Bride Came C.O.D.," starting the day after Christmas on the Warner lot.

William Keighley directs from a script by the Epstein, Philip and Julius.

TRUSTEES OKAY MINNESOTA'S LEASE

Minneapolis, Dec. 24.

Trustees appointed by the U. S. referee in bankruptcy and representing the owners of the defunct 4,000-seat \$2,000,000 Minnesota theatre have approved the lease of the house to the Middle States Corp. of Milwaukee, operating the Riverside theatre there. Before the deal can go through, however, creditors must ratify it. They will be called to get together on Jan. 10.

E. J. Weistfeld, representing Middle States, says that plans call for the installation at the Minnesota of the same vaudeville policy employed at the Riverside. Under the proposed terms there would be a four-month trial operation carrying an option for five years. Charles L. Schwerin is head of Middle States.

Minnesota Amus. Co. (Paramount) relinquished the Minnesota theatre after incurring heavy losses with the house. The owners themselves recently tried to operate it with a vaudeville policy and so far film product, and wound up an unsuccessful 25-week period by tossing the theatre into bankruptcy when they were unable to obtain any tenant for "The heavy operating cost," says Orpheum stage show opposition and lack of suitable film product combine to make the theatre a problem child. Middle States hopes to open it starting on New Year's Eve. Weistfeld announces. It is planned to make the Riverside and Minnesota the nucleus of a chain of flesh houses," he says.

JOY HOUCK BRANCHES INTO AVIATION BIZ

New Orleans, Dec. 24.

Joy Houck, operator of the Rio, Strand, Iris and the Joy theatres here, who parlayed a truck, tent and a motion picture projector into a \$250,000 theatre enterprise in 10 years, has set out to revolutionize the air transportation business.

Houck, who became interested in aviation a year ago and who owns and flies his own plane, has leased the Menefee airport here and will operate an air school and passenger service. He has hired well known pilots and mechanics and will operate sight-seeing tours over city for 50 cents, as well as teach flying at rates cheaper than any other school now operating here.

His envisions a steady stream of Orleans-bound flying at half the present instruction cost and then renting them planes for business or pleasure trips at only \$4 an hour for actual flying time. He plans capable flying 150 miles an hour, to give a rough idea of how far you can fly for how much.

WB Shifts Its Gals

Hollywood, Dec. 24.

Priscilla Lane took over the job originally assigned to Olivia de Havilland as the femme star in "Miss Wheelwright Discovers America," to be directed by Kurt Bernhardt at Warners.

Shift in the production schedule placed Miss de Havilland in "The Bride Came C.O.D." with James Cagney and Bette Davis.

TITLE CHANGES

Hollywood, Dec. 24.

"Palm Beach Limited" became "My Life With Caroline" at RKO.

"We Dare Not Love" was switched to "They Dare Not Love" at Columbia.

"Singapore" is the new tag on "Jinx Woman" at Warners.

NW Allied Asks Par Chain Plus All Distribbs to Join Campaign 'To Bring Public Back to Theatres'

Minneapolis, Dec. 24.

Northwest Allied, indie exhibitors' organization, is burying the hatchet and extending the olive branch to distributors-producers in the 'common-interest.' It has invited the distributors to join it in a campaign after the first of the new year to try to resurrect the movie business from the doldrums and bring the public back to the theatres.

Minnesota Amus. Co. (Paramount) also has been asked to join in the campaign. A conference of all the interests involved in the film business in this territory is scheduled for early January. It will be one of the first times when "everybody" has cooperated.

One of the proposals is a house-to-house canvass by all those employed in the industry hereabouts to check up to ascertain "why people aren't going to the movies any more and to determine what the public wants in the way of film entertainment." The suggestion also calls for the canvassers to call the attention of all the people interviewed to the "outstanding" pictures coming up, thus helping to "sell" these films to the public.

Harold Fields, owner of the Pioneer circuit of Iowa theatres with headquarters here, has employed a similar canvass successfully, as far as having managers and ushers go from house to house to acquaint the public with coming attractions is concerned. Incidentally, Fields feels that one of the main troubles with theatre business is that it's suffering from a loss of momentum because there haven't been enough good pictures being released consecutively. He believes that theatre-going is largely a matter of habit and that the momentum of attendance must be sustained by a run of outstanding films. For his theatre, benevolence, he announces, he'll sift the various products and show only the better pictures, "if there are enough of them," throwing out the "dogs" even though he has bought these latter and must pay for them. He says he's encouraged over the product outlook.

Other independent leaders think that many of their customers have been lured away by the numerous opposition forms of entertainment, such as bowling, radio, night clubs and taverns, the increasing number and variety of night sports events, bridge, etc. They fear that the majority can't be won back.

Just Pessimists

There's a considerable segment that even thinks that good pictures aren't the solution to the boxoffice problem. One of these is Abe A. Kaplan, independent circuit owner, prominent in Northwest Allied councils.

"There's no satisfying the public," asserts Kaplan, who is pessimist over the industry's outlook. "A picture that would have been considered a knockout 10 years ago is called a louse by the fans today. Ordinarily good pictures get only a lukewarm response and don't draw. The lone one that does business are the super-specials. And if you gave them all super-specials they'd soon grow disatisfied with them and demand something even better, and the ordinary run of super-specials wouldn't draw."

Some of the leaders complain that enough of the public in this territory hasn't been educated purchasing power for entertainment to attend their theatres regularly, as in the old days. Exchange heads, however, blame the unseasonal November slump this year largely to weather conditions. Winter set in much earlier than usual and has been exceptionally severe to date, it's pointed out. November ordinarily is one of the year's best months hereabouts, but this year most of the Indies claim to have lost money during it.

New York Theatres

THE WALT DISNEY-STOKOWSKI Triumph
Fantasia
In Technicolor & RCA Fantasound
TWICE DAILY at 2:40 & 8:40
ALL SEATS RESERVED

BROADWAY THEATRE
53rd St. & Broadway C 6-5353
THIS PICTURE CANNOT BE SHOWN IN ANY OTHER THEATRE WITHIN 100 MILES OF N.Y.

SECOND WEEK!
ERROL FLYNN
OLIVIA DE HAVILLAND
In a New Warner Bros. Hit
"SANTA FE TRAIL"
with Raymond Massey
IN PERSON ABE LYMAN
and His Californians
STRAND B'way & 47 St.

RKO PALACE (B'way & 47th St.)
TIN PAN ALLEY
ALICE BETTY JACK
FAVE GRABLE OKAIE
—and—
CESAR ROMERO (The Cleo Kid)
"ROMANCE OF THE RIO GRANDE"

State (Times Sq.)
Last Times Wed. & Thurs.
"NIGHTMARE IN JULY"
In Person Maxine Sullivan
CLARK GABLE
"COMRADE X"
A Metro-Goldwyn-Mayer Picture

State (Times Sq.)
Starts Tuesday
Funster (Thurs.)
"NIGHTMARE IN JULY"
CLARK GABLE
"COMRADE X"
A Metro-Goldwyn-Mayer Picture

State (Times Sq.)
Starts Thurs. Dec. 28
In Technicolor!
"THE THIRP OF HAGIAD"
In Person Jay C. Flippen
Alice & Collins

RADIO CITY MUSIC HALL
"PHILADELPHIA STORY"
Spectacular Stage Productions

PARAMOUNT
HELD OVER
Jack Benny
Henny Ford
Allen
"LOVE THY NEIGHBOR"
Midnight Screen Show

PARAMOUNT
HELD OVER
In Person TOMMY DONKEY
and Rand Noland
"LOVE THY NEIGHBOR"
Midnight Screen Show

NEVILLE MILLER OPENS NEW YORK OFFICE; CRITICIZES ASCAP'S 'ISSUE-CONUSING'

Hopes for Eventual Resumption of Negotiations With Society But Sharply Raps Publicity Campaign Conducted by Performance Pool

Radio took the initiative in the issuance of final-week training camp statements when Neville Miller, president of the National Association of Broadcasters Monday (23) scouted what he said were reports about mediation conferences between ASCAP and the industry, and declared that it was hoped that some time after the turn of the year, when the situation returns to normalcy, we can consider again some arrangement equitable to all parties, for the use of music by ASCAP composers. Miller also discloses that he had opened an office in Radio City and that he would until further notice spend a major part of his time there.

Meanwhile, Broadcast Music continues to send out Schwartz breakdowns of tunes in its repertoire. In one list it released there were such ASCAP-affiliated names; apparently from the E. B. Marks and Hinds, also Harbach, Carrie Jacobs Bond, Gus Edwards, L. Wolfe Gilbert, Al Dubin, Mack Gordon, Charles Wakeham Cadman, James Weldon Johnson, Oscar Straus, Leo Fall, Franz Lehár and Arthur Schwartz.

Attempts to Confuse

In his statement Miller again laid the responsibility for failure to negotiate at the door of ASCAP's management. He charged that ASCAP's management in attempting to end the issue had apparently succeeded only in outsmarting itself and in hurting many loved American composers who have no voice in the affairs of what is supposed to be their own organization. Miller reviewed ASCAP's demands on radio under the new licensing contract, its "refusal to submit a new proposal," and charged that ASCAP, "ignoring its publicity efforts in an attempt to confuse the issue, appeal for public sympathy and create the impression that radio stations were about to boycott some of America's popular tunes."

Miller's statement belittled what he described as ASCAP's "frantic attempt to stampede the public into believing there would be a dearth of music on the air after Jan. 1, and again attacked ASCAP's internal structure and methods. The royal election. The statement ran to five pages, half of which was devoted to "exposing" the inside operations of the performing rights organization.

'Our ASCAP Museum'

Station WDRB has filed away some 3,000 ASCAP numbers on wall shelves in one of its studios. Placed under lock and key as a museum for visitors to see.

WJB Was Foresighted

While most librarians are now frantic, WJB's Jack Ledingham and Dave Silverman are going through the holidays with a day off and a minimum of ASCAP-BMI worries. Last summer they figured there was going to be no fooling, the fight was

World's End

Norfolk, Va., Dec. 24. Campbell Arnoux, general manager of WTAR here, has presented the station's entire library of 4,000 ASCAP phonograph records to the Fifth Naval district for distribution to social centers, etc.

Gift suggests that WTAR expects to scratch ASCAP out of its life for ever.

coming, and since July have worked out their recataloging.

Their extensive music library is completely set up and split down the middle; they're ready for whatever evolves.

WFLB Optimistic on BMI

Syracuse, Dec. 24.

WFLB revealed Sunday (23) that without prior announcement it had put a ban on ASCAP tunes on Dec. 1 and that in the interim it had received not one complaint from the public. In fact, the CBS affiliate reported, the public has been completely unaware of the charge with the exception that it has had several letters from fans, praising the general improvement in the type of music it has been offering. These came principally from older folks who enjoy some of the numbers now in the public domain which they haven't heard in recent years.

Only exception to the studio ruling is Jim Delius, who conducts a "Musical B-B" quiz show for Red and White Stars and who is using ASCAP tunes until the Dec. 31 deadline.

Nashville's Recent Average

Nashville, Dec. 24. Nashville's radio stations are about 75% BMI, a checkup of the three stations revealed. Charles Nagy, musical director of WLAC reports that outside of network shows, the local station uses about 85% BMI e.t.s. and the live shows have a minimum of three BMI tunes to one ASCAP.

Roger Phillips, WSIX music director, reports recent average of 60% BMI, with all feeds to Mutual going 100% BMI.

At WSM Vito Pellecetti reports average lately of 60% BMI tunes.

KROW's 'BMI Showcase'

San Francisco, Dec. 24.

First station in this area to come out bluntly with a BMI program is KROW which has switched the title of its morning request hour from 'Your Show' to 'BMI Showcase'.

Juicer selling BMI as 'the Santa Claus representing the rebirth of American song composition, radio's gift to the public for 1941.'

Kinney's 400 P. D. Tunes

Ray Kinney is one of the few band-leaders who isn't concerned about the approaching Jan. 1 expiration of radio-ASCAP relations. Whereas there are a few name bands with comparatively few non-ASCAP numbers in their books Kinney is sitting tight with over 400 arrangements of

public domain Hawaiian tunes; the style of his band.

Bands along Kinney's lines, that is outfits who use most originals than pops, and that includes a lot of the drive groups in existence, will be the least hurt by the song argument. It's the sweet crews, which subsist almost exclusively pop tunes, which will be bothered the most.

Philly Record's Open Forum

Philadelphia, Dec. 24.

A precedent was set here last Friday (20) when the Philly Record opened its columns for a by-lined story by an executive of a radio station to present the broadcast side of the controversy between the radio industry and the American Society of Composers, Authors and Publishers.

The Record as well as most of the other local dailies has been printing stories, and in some cases, editorials, giving the break to ASCAP. Samuel Rosenbaum, president of WFIL and chairman of Independent Radio, Inc., has been writing for and got space to answer the pro-ASCAP stories.

In a three-column story, Rosenbaum likened ASCAP to a department store which buys up the product of all of the great merchants and then forces customers to buy everything on its shelves in order to get the particular article they want.

NBC SCRATCHES ARTIE SHAW

Hollywood, Dec. 24.

Artie Shaw and NBC have come to an open break. A full broadcast chain ordering Shaw's music from the Palladium ballroom off the air, effective at once. Action came when the leader declined, accordingly to web offices, to give sufficient advance notice of his numbers so that music clearance at Radio City could classify their origin.

Shaw's music has been aired by the network from the local dancey five nights each week. Bandleader, it is reported, told NBC execs that he would not be bullied by them into conforming with network practice and that he would play whatever tunes he saw fit.

Move by broadcasting chain is in line with the cautious procedure employed by webs to avoid conflict with the American Society of Composers, Authors and Publishers copyrights after this month.

'MOST PLAYED' BOX VALUED BY TRADE

Boston.

I notice that the Music Department of Variety has decided to leave out the list of numbers most played on the air. From this standpoint this may be all right as I do not suppose music publishers are interested where their numbers are not represented to any extent.

However, I believe that the radio stations are particularly interested in knowing even more so at this time than previously on the numbers the networks are using mostly. Therefore, I make the suggestion that you publish this information.

John Shepard, 3rd, President, Yankee Network.

(Variety will look into this possibility. Weekly box to which Yankee web president refers was temporarily dropped because of unsettled situation in music just now and lack of news online—ED.)

Ted Husing Centrepiece

Of Ayer Presentation

N. W. Ayer has started to work on a variety-shows show framed around Ted Husing.

Presentation to the account won't be made for a few weeks, and if the program is approved it isn't expected to go on the air before late in spring.

Irving Berlin's Regrets

Chicago, Dec. 24.

Irving Berlin, in town last week for the Mayor of Chicago's annual Christmas Party show, made an impassioned plea for unity and fair play in the radio battle between American Society of Composers, Authors and Publishers and Broadcast Music, Inc.

He believes that the public will finally step in and make the real and vital decision in the matter, but believes that the opposing parties should sit down at this time and settle their differences like gentlemen instead of making it a knock-down-and-drag-em-out fight in which neither party will probably be the victor.

ASCAP and the Advertiser

By WILLIAM H. RANKIN

(The author of this statement, who is the head of the agency bearing his name, is famous in the radio trade as the man who, back in 1922, paid \$100 for 10 minutes to find out on his own if anybody listened to radio. He submitted these remarks to VARIETY.)

There seems to be a "Forgotten Man" in the controversy between ASCAP and the radio industry. He is "The Advertiser"—the man who pays for commercial broadcasting. Strangely enough ASCAP in licensing the radio industry to play all its music, based its charges per year on a blanket percentage of income of all radio stations from commercial radio broadcasting.

The first four or five years, the percentage that was collected by ASCAP was not enough to worry the radio industry...or advertisers and advertising agencies who produced the revenue from which ASCAP's yearly tax on income (advertising) of the radio industry was derived. In 1940 this tax, I understand, amounted to over \$4,500,000 and next year ASCAP wants much more.

Everyone knows that it was not music or songs that made radio programs commercially profitable to advertisers. It was the hard-hitting commercial advertising of from 60 to 100 words—two or three times on every program, that brought profitable results for advertising. Talent was used to gain large audiences, but talent does not sell merchandise—the commercials do—and when the stars are persuaded to use the commercials, then that helps sales.

The Real Stars

Today, the men and women who write commercials for radio programs and those who instruct them how to write them, are more important to the success of radio programs than the stars on the programs. Some advertising agency men can take the most ordinary programs and write commercials that sell more goods than the highest-priced talent can with poor or ordinary radio commercials.

The man who "fathered" commercials on radio programs is even more entitled to a percentage of income than the ASCAP.

Yet commercial radio was helped most by the new publicity given the industry gratis by the daily, Sunday and weekly newspapers and through the publishing of the daily papers and the radio news-decides. Millions of dollars' worth of space was given and is still given to the radio industry and its reward was measured in dollars' worth of advertising in newspapers by radio set manufacturers and radio accessories. Over 40,000,000 home radio sets have been sold through such advertising and over 10,000,000 now in automobiles.

Newspapers, radio trade papers, advertising agencies, and radio editors did more to popular-

ize radio to the public, than the music and songs of ASCAP.

Some of the big program successes on the air have been made without talent—music—or songs. Spot-broadcasting with up to 100 words of direct selling advertising commercials have made even more successes than musical programs.

Because any annual tax paid on income must be paid by the advertiser, eventually, I believe their influence will be on the side of the Radio Broadcasters Assn. to pay for ASCAP music and songs—when and if used on any or all programs—but not to make all programs pay for ASCAP music or songs regardless of whether the service is given or not.

PRIME ASCAP FIELD STAFF

National staff of the American Society of Composers, Authors and Publishers has been prepared with all necessary material and equipment for use after Dec. 31 should mere fail to be a last minute licensing deal with the radio industry. District offices have received complaint forms for the filing of infringement suits together with detailed instructions as to how they were to be made out. Recording devices are slated to reach these offices during the next three days.

Included in the instructions was a paragraph urging that whenever possible the complaint also name the advertiser and advertising agency involved, and that service be made on such parties.

Crosby to Sing ASCAP 'Ballad for Americans' Despite Dec. 23 Deadline

It will be an all-ASCAP repertoire on the Thursday (26) broadcast of the Kraft Music Hall, despite the absolute ban against ASCAP music which NBC put into effect Monday (23). J. Walter Thompson, agency on the program, took issue with the network on the shutdown, and won out.

Bing Crosby had some time ago started studying "Ballad for Americans" with the view of including it in one of his programs. Just as the week was set for a late December broadcast—NBC came through with its edict. John U. Reber, Thompson's radio v.p., took up the argument on the New York end with NBC, and obtained the special dispensation which extends to all the music on the program.

All Night WOR Awaits ASCAP

Station to Run 24 Hours When Music Situation Is Settled—WAAT, Jersey City, Also Owl-Minded

WOR, New York, is mulling the idea of going into 24 hour a day operation. Station has been offered sponsorship of the period between 2 a.m. and 6 a.m. for the playing of phonograph records. One account would buy up the entire stretch. Four hours is the only shutdown in the music business using mostly. Therefore, I make the suggestion that you publish this information.

Nothing will be done, however, about the idea until after the settlement of the current argument between radio and the American Society of Composers, Authors and Publishers. Before committing itself to a yes or no on the subject, the station wants to see where it stands on recorded music.

WAAT, Jersey City, is another outlet expecting to go into round-the-clock broadcasting. It probably will be instituted in March or thereabouts when its new transmitter is ready for operation.

Haverlin States 72% of Biz Is BMI

Tells Detroit Gathering Radio Has Waited 17 Years For Chance Against ASCAP

Detroit, Dec. 24. Approximately 72% of the nation's radio stations have signed contracts with Broadcast Music, Inc. Carl Haverlin, stations relations man for BMI, announced here at a meeting of broadcasters from the four states of Ohio, Michigan, Indiana and Kentucky.

Saying that radio has had a "bone to pick with ASCAP for 17 years," he added that this was going to be a fight to the finish. He admitted that the problem of substituting BMI

music for ASCAP will be a difficult one and that programs will have to be submitted to stations at least two weeks in advance to permit the deletion of any of the rival music and to make an adequate substitution.

In addition, he pointed out, time will be needed so that the arrangement of the particular numbers can be checked. To aid the stations, all now have been supplied with catalogs listing the music that may be played safely without infringing on the rights of ASCAP.

ASCAP 'CONSENT' FIZZLES

Report Thurman Arnold Burns

It is reported that as result of ASCAP's regular attorneys, Schwartz & Frohlich, advising its client that they'll have no part of any consent decree, Thurman Arnold, the Government's trust-buster, has been getting hot under the collar in Washington, calling the Society "wheeler-dealers" and "double-crossers". The Dept. of Justice official in charge of anti-trust prosecution, not knowing the inside, is reported to be plenty baffled at Lieut. Governor Charles Poletti of New York State who is regular counsel to Milton Diamond's law firm, and was called in by him to negotiate the best possible deal for ASCAP.

What Washington doesn't know is that Schwartz & Frohlich and many of the rank-and-file music publishers and writer-members of ASCAP never could see the consent on the ground it's "confessing to a guilt which we've denied right along". Some members of the board are for it, as others, who don't think any consent decree nowadays is as onerous as it sounds, pointing to the picture industry' "Big Five" as not being above accepting one.

Poletti is supposed to have worked out a 'quite satisfactory' understanding with Arnold on a consent, until the regular ASCAP attorneys took umbrage at Diamond, Rabin, Botein & Mackay (Poletti of counsel) being called in. Diamond is Herman Starr's personal attorney and Starr is head of the Warner Bros. music firms-members of ASCAP besides chairing the radio negotiating committee.

Schwartz & Frohlich are reported to have had heated words with Gene Buck and John G. Paine, president and g.m. of ASCAP over the idea of not being closely consulted on the consent moves. It was finally decided to "leave it all up to Gene Buck", with likelihood the decree will be dropped entirely.

May Drop Amateur Songwriters

Lewis-Howe Wonders Whether Tommy Dorsey Orchestra Wasted on Merchandising Folderol

Probable trend away from the money giveaway programs which now thickly stud the network commercial schedule is again indicated here by the Lewis-Howe Co. to eliminate the new song contest phase of the Tommy Dorsey show and devote the half hour on the NBC-blue Thursday nights to straight, legitimate entertainment. The bill-payers for the stanza are reported as having come to the realization that they would be getting more out of their investment if they ceased cluttering the presentation of one of the country's leading name bands with the dubiously entertaining output of amateur song writers.

Perhaps no small factor in Lewis-Howe's contemplations about policy change is the listener rating that the program has been garnering. What most tickled the interest of the sponsor when the program's formula was put out was the merchandising angle. Amateur song writers had to pick up their entry blanks at drug-stores. There have been plenty of entries but the choice of listenable material has been extraordinarily thin, even though only one amateur song a week was required for the program. (The inflow of manuscripts is cleared through Broadcast Music, Inc., which becomes the assignee of all numbers submitted.)

Plan which Lewis-Howe has under consideration would deprive the drug manufacturer of only one program that makes hoopla over cash giveaways. It would still have "The Pot o' Gold" and "Treasure Chest". Latter two network programs plug Tums, while the Dorsey inning is linked with N-R Tablets.

PUBS TO TOUR CONTACT MEN

Music publishers affiliated with ASCAP are all set to send their exploitation staffs on the road Jan. 2. Latter while travelling will devote themselves almost entirely to calling those local stations which have taken out new ASCAP licensing contracts.

The contractors will be equipped with stacks of phonograph records containing the interpretation of current plug tunes by name bands and vocalists and copies of these will be turned over to the licensed stations.

SOCIETY ALSO IS ANTI-ARMISTICE

Various Outsiders Have Offered Mediation Services But ASCAP Thinks Decision Must Be Clear Cut Win or Lose—Armistice Seen as Helping BMI

AT DEADLINE

As the deadline (Dec. 31) for the break between the radio industry and the American Society of Composers, Authors and Publishers approaches, the atmosphere within the latter camp seems to have taken on, for the time being, the aspect of a dead calm. The idea of entering into a consent decree with the U. S. Department of Justice has faded into the distance, and the intervening week will be devoted to tightening up ASCAP's proposed national mechanics for checking on infringements and filing such suits as they may provide.

From within ASCAP came the report that it had been approached by prominent broadcasters about agreeing to a month's armistice, during which period the broadcasters' emotionalism over the issue might cool off to the point where the two sides could sit down and talk a deal. Present indications are that no such armistice will be granted by ASCAP. The dominant feeling in the organization is that nothing can be gained by this device and that unless there is an actual signing of contracts by the networks by midnight Dec. 31 ASCAP should allow the broadcasters no choice but to come to grips immediately on the principles and terms involved. Any stalling, say ASCAP's leaders, would only serve to aid Broadcast Music, Inc., to build up its reservoir of material.

With those who do the master-minding for ASCAP the consent decree thing is regarded as something that was interesting to mull over while a threatening situation loomed on the legal horizon. There was one proposed decree, it was pointed out, that ASCAP did fancy because of the effect it would have on network dealing. This point made it incon-

(Continued on page 55)

Lucky Strike's Hit Parade To Pick Selections on Basis Of 'Available-to-Radio' Rule

Szigeti Vice Bennett

When Russell Bennett's "Note Book" series vacates the 7-7:30 p.m. Sunday spot on WOR-Mutual with the network deadline on ASCAP music, it will be replaced by a concerto series with Joseph Szigeti, concert violinist, and Alfred Wallenstein conducting a symphony orchestra. New stanza starts Jan. 5.

Finance Marks Catalog; NBC, CBS One-Quarter Each to Stations' 50%

Affiliates on the NBC-red and Columbia are being asked by the respective networks to underwrite the obligation which has been entered into with the E. B. Marks Music Co. through Broadcast Music, Inc. Singled out for the co-endorsement of the contract, which calls for the payment of \$250,000 a year for five years, are the 20 stations on each network which receive the highest compensation from network business. At the end of the five-year period the Marks catalog would belong to the co-endorsers, including the network.

Co-liability for the Marks deal would be split four ways. NBC and Columbia would each assume a fourth share and the 20 affiliated stations on each of the networks would take over the rest of the obligation.

Masters' Show Later

Before Coca-Cola decides on the sponsoring of the Frankie Masters band on NBC there will have to be a new script and re-auditioning of the program. If the latter is approved it will make its debut the middle of January.

Another factor affecting the deal is the music performing rights situation. The account may put off the series' start until the network's tangle with ASCAP is settled.

With this Saturday's (28) broadcast Lucky Strike's Hit Parade changes its basic complexion and becomes the sounding board for what it describes as "the 10 most popular songs available for radio". Since the compilation, which the program is based will disregard sheet sales and phonograph records, the program will in form and essence be a summary of the tunes most plugged on the networks during the previous week.

Those responsible for the program are confident that the show's rating won't fall off under the new system of ignoring all ASCAP works. One theory expressed in this quarter is that radio listeners will be hearing the tunes included in the parade all the time and therefore the material won't seem abnormal to them.

FEAR PARADE AND SPORTS' MUSIC

Mutual and NBC may have to do their broadcasting of the extra-seasonal football games Jan. 1 from soundproof booths. The practice has already been suggested by Mutual's copyright checking division in fear that ASCAP tunes might be picked up from the playfields or stands and thereby involve the network in infringement suits.

Following is a memorandum sent (Continued on page 55)

BMI HOLDS PEP RALLY FOR CHICAGO DISTRICT

Chicago, Dec. 24. Ninth district of the National Association of Broadcasters, which takes in Illinois and Wisconsin, held a special meeting in the Stevens hotel last week to discuss the subject of Broadcast Music, Inc. Carl Haverlin and C. E. Arney, Jr., were in to outline the BMI situation to the broadcasters, and discussed the songs available, records, transcriptions, the means of protection against infringement and other details of music operation with non-ASCAP music.

It was a general pep meeting, and the broadcasters were shown catalogs of available songs, both BMI and public domain. They were informed of the Marks catalog purchase, and were told that BMI would deliver enough songs to keep the stations happy.

Also on hand were representatives from the transcription firms to explain the number of other discs available which will use only BMI and tax-free music.

SLIGHT MYSTERY

WMEX Has ASCAP Ads in Taxis—But Denies Hook-Up

Boston, Dec. 24. Three Boston independent stations have signed contracts for music of American Society of Composers, Authors and Publishers, and claim for first time they are able to approach prospective sponsors with a parcel that networks cannot offer. However, these stations will not admit facts when interviewed by newspapermen.

WMEX has placed cards in taxicabs, announcing that ASCAP music can be heard on its broadcasts, but maintains to press that it's only until Jan. 1.

Advertising Forms Closing

35th ANNIVERSARY NUMBER

of

VARIETY

Usual Advertising Rates

Reservations and Copy May Be Sent to Any Variety Office.

NEW YORK
154 W. 46th St.

HOLLYWOOD
1708 No. Vine St.

CHICAGO
54 W. Randolph St.

LONDON
8 St. Martin's Pl.

Pro-Germanism' Lurks Behind Radio Investigation in South Africa

Johannesburg, Nov. 21.—Conflict over policy handling the World War situation which has been raging within the official ranks of the South African Broadcasting Corp. is set for an investigation by a government commission. The strained relations among officials and staff have already resulted in numerous dismissals and suspensions and intimations have come from government authorities that the inquiry will be followed by a general house-cleaning and reorganization of the broadcasting corporation.

Those who have inspired the protest contend that the top officials of the broadcasting setup have taken a lukewarm, if not antagonistic, attitude toward presenting Britain's side of the war. The bulk majority of the company's license holders are British citizens and native British South Africans, who have urged the government to act to prevent the SABC from favoring the Germans. Protests have also come from this source against the recent dismissal of two officials from the broadcasting company without notice or reason.

The government's inquiry, as outlined, will be to determine whether the interests of the South African Union as regards the war are being safeguarded, the nature of the strained relations among the company's officials and staff and the manner in which the broadcasting organization has conducted news and other programs dealing with the war.

* Herzog Quits Politics

Cape Town, Dec. 24.—Former Prime Minister J. B. M. Hertzog, who has been linked to the pro-German movement in the Union of South Africa, resigned from Parliament last week, along with a former cabinet aide, and announced all severance with politics.

Herzog quit as premier at the outbreak of the war when Parliament rejected his bid to keep the Union neutral. Herzog's finance minister, N. C. Havenga, also quit as an M.P.

Tasmania Pays Tax But Not For Speeches

Hobart, Tasmania, Nov. 14.—Proposed to broadcast the Parliamentary debates over a State-owned station has aroused a furor among dialers, who must pay a license fee for the ownership of receiving sets. Listeners are burned over the prospect of having political blab crowding regular entertainment off the air, so they're threatening to cancel their licenses.

One license-holder sarcastically suggested that if there is any radio talent in Parliament an audition should be held and the program sold to a sponsor.

Wanna Read It?

Sydney, Nov. 14.—Premier Mair, of New South Wales, has pooh-poohed the idea of his government going on the air with its Parliamentary proceedings, as the Tasmanian government may do. He says that people here would prefer to get the political news via newspapers rather than radio, which has too much talk already.

Live Talent Displaces

Wax on CJRC, Winnipeg

Winnipeg, Dec. 24.—CJRC has applied the pruning hook in a big way to the transcription phase of its program schedule and under the new arrangement, the morning programs will consist practically of nothing but live talent. The new policy takes in sports and religious programs as well as variety and musical talent.

New shows on the a.m. list include Stuart MacKay and an orchestra under Bill Wilson's baton, Irene Parker in setting-up exercises, Elizabeth Holman in a Woman's Radio Digest and Carl Hills, local theatre organist.

London Calling

London, Dec. 3.—American show biz folk staged monster benefit for Britain's airforce. Handled by BBC, performers included Diana Ward, Turner Layton, Dorothy Dickson, Carrol Gibbons orchestra, Elizabeth Welsh, Donald Stewart, Clifford and Marion, James Deynforth, staff producer and a Tank, staged.

Leslie Charteris' 'The Saint' series of yarns obtained by BBC. Terence De Marney reads the name part. Show likely to prove good publicity for RKO's filming of one yarn this side.

Kentucky Minstrels returned to the BBC. Was an old favorite in their blitz days. Scott and Whaley head the combination.

Sonny Hale airing without partner wife, Jessie Matthews, for first in a serial.

Vincent Massey, Canadian High Commissioner, based in new series to be aired by Governmental bigwigs of Dominions and Colonies.

Captain Payne-Whitney, late of U. S. law business and now commissioned officer in H. M. Foot-Guards, carried the weekly spot vacated by J. B. Priestley. Airing came as a break from show biz personalities who've been filling in.

Jack Buchanan doing a reprise of his Toni for BBC.

Gabrielle Brune stepped into the lead on that serial-spot when Jessie Matthews pleaded another engagement.

Eden Philpotts, of 'Farmer's Wife', has scripted 'Witch's Cauldron' for airing.

Ursula Bloom has turned in 'Triangle', her second radio play, to Val Gielgud, drama dept. chief of BBC.

David Copperfield, adaptation by Audrey Lucas, airing in serial form. Casting is sprinkled with legiters, Cecil Truncer, Lydia Sherwood, Ronald Simpson, Gladys Young.

Syd Walker—(Jack Buchanan contractee)—back to air lanes with a character part. Walker set himself strong with listeners on the long-run Monday Night at Seven show.

'Big Ben' charm returns to air to usher in 9 p.m. news bulletin. Resounding bell has been used as result of government rule banning church or other bell-ringing when it was decided to utilize this method of giving warning of invasion of Britain's shores.

CARLOS V. ARIZA REVITALIZING XEFO

Mexico City, Dec. 24.—Carlos V. Ariza, ex-Mexican consul in Tokyo, has assumed management of local radio station XEFO (5,000 watts), mouthpiece of the Party of the Mexican Revolution, this country's greatest political organization. Ariza states that he is determined to renovate XEFO broadcasts so that Mexico and things Mexican shall become better known abroad, particularly in the U. S.

This station honoring President Manuel Avila Camacho with a series of programs, starting Dec. 20 and running for a month. These programs, consisting of high grade music, are endorsed by cabinet ministers, governors of states, various workers' organizations, cooperative societies, and personal friends of the president.

Mutual's Latin Salute

Mutual Network will broadcast a greeting to South American stations for local relay on New Year's Eve. It's a return bow for one that came from Buenos Aires Christmas last night. Mutual cleared over its own link.



RAYMOND PAIGE.

Conductor of Musical America, who enjoys the distinction of being the only orchestra leader to win distinction in both the popular and classical divisions in the national FAME radio poll.

CBC Reports \$253,990 Net On Fiscal Yr.

Toronto, Dec. 24.—Canadian Broadcasting Corp., report for fiscal year ended March 31 shows income of \$3,752,061 and expenditures of \$3,498,071, leaving a net operating surplus of \$253,990. Of the nearly four-million revenue, license fees provided \$2,906,605; commercials, \$700,887; subsidiary hook-ups, \$74,653; miscellaneous, including a Government grant covering the Royal visit, \$71,934.

Listed expenditures are: Programs, \$1,150,658; station network, \$685,308; engineering operations, \$610,482; administration, \$162,936; press and information, \$63,539; interest on Government loans, \$23,837; depreciation, \$316,274.

Program presentations totaled 28,889 different broadcasts for a period of 10,473 broadcasting hours for the year.

XEB MAN TO N.Y. FOR NEW EQUIPMENT

Mexico City, Dec. 24.—XEB (10,000 watts), owned and operated by the Buen Tono Cigarette Co., is the latest local radio station to go in for modernization and expansion in preparation for greater air advertising and other activities that are counted upon to commence with the advent of 1941. This station has sent its chief engineer, John Gross Buchanan, to New York City to negotiate the purchase of better equipment.

Installations of the American equipment are to be made late in January.

XEB is featuring Pianist Max Urban and Tenor Nestor Mesta Chayrez in half hour concerts twice weekly. This program is sponsored by the Zenith Radio Corp.

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Paderewski on WHOM With Waxed Greeting

Ignace Jan Paderewski broadcasts by delayed wax Christmas greetings today (Wednesday) in Polish over WHOM, New York-New Jersey station.

Paderewski, who indicated he was a WHOM listener recently by writing in a fan letter requesting special numbers, the station's Polish broadcasts, waxed his greetings last week at WHOM.

British Society Gets Time

WNEU, New York, has donated 13 weeks of 15-minute Friday night slots to the British War Relief Society. Series, which will present various speakers, starts Friday (27), 7:45-8 p.m. Buttons, along the lines of Red Cross fund raising, will be sold to raise coin for Britain.

Eddie Cantor did a preview of the show to come in a 15-minute spot on the same station for the same Society last week.

'Network' Lined Up by CBS

ARGENTINA

Call Letters	Name of Station	City	Frequency (Kilo-cycles)	Power (Watts)
LR3	Radio Belgrano	Buenos Aires	680	50,000
(Also short wave stations CXA14 and CXA8 operating respectively on 9640 and 11820 kilocycles with 7500 and 5000 watts power.)				
Also, in Argentina, Radio Belgrano is arranging CBS transmissions over these members of the Primera Cadena de Broadcastings:				
LT1	Radio del Litoral	Rosario	780	20,000
LV3	Radio Cordoba	Cordoba	820	25,000
LV10	Radio Cuyo	Mendoza	1210	5,000
LU7	Radio Goberal San Martin	Bahia Blanca	1240	2,500
LV1	Radio Graftigna	San Juan	730	1,000
LV12	Radio Aconquija	Tucuman	680	5,000
LV11	Radio del Norte	Santiago del Estero	1170	1,500
LT7	Radio Provincia	Corrientes	1340	500
LV4	Radio San Rafael	San Rafael	690	500

BOLIVIA

CP5	Radio Illimani	La Paz	1040	10,000
(Also short wave station CP4)				
		La Paz	6200	1,000

BRAZIL

PRE8	Radio Nacional	Rio de Janeiro	980	22,000
B9	Radio Record	Sao Paulo	1000	20,000

CHILE

CB57	Radio Sociedad Nacional de Agricultura	Santiago	570	10,000
(Also short wave station CB1180)				
CB90	Radio Sociedad Nacional de Agricultura	Valparaiso	900	1,250

COLOMBIA

HJCS	Radio Continental	Bogota	820	50,000
HJSEAB	La Vos del Valle	Call	1150	300
HJDAK	La Vos de Antioquia	Medellin	1250	750
(Also short wave station HJDE)				
HJFAD	Radio Manizales	Manizales	1390	480
HJABH	Emisora Atlantico	Barranquilla	4905	1,000
(Also short wave station HJAG)				

COSTA RICA

TIFG	Costa Rica Radio & Broadcasting Company	San Jose	625	4,000
(Also short wave station TIGA)				
			9615	2,000

CUBA

CMCY	Radio Habana	Havana	590	20,000
(Also short wave station COCI)				
			11463	1,000
Also these affiliates of the Cadena Azul-Blue Network—the only Cuban network connected by high-grade telephone wires, as in the United States:				
CMHI	Radio Habana	Santa Clara	830	10,000
(Also short wave station WOHI)				
CMJN	Radio Habana	Camaguey	610	1,000
CMKV	Radio Habana	Holguin	570	1,000
CMKH	Radio Habana	Santiago	640	1,000

DOMINICAN REPUBLIC

HIZ		Ciudad Trujillo	1350	250
(Also short wave station HIZ)				
			6315	500

ECUADOR

HC2AJ	Radiofusora del Ecuador	Guayaquil	1050	2,500
(Also short wave station HC2AK)				
HCQR	Radio Quito	Quito	9310	1,000
(Also short wave station HCQRX)				
			5970	250

EL SALVADOR

YSP	The Voice of Cutsumat	San Salvador	780	300
(Also short wave stations YSP-B and YSP-A operating respectively on 6575 and 10400 kilocycles with 300 watts power each.)				

GUATEMALA

TGW	La Radiofusora de Guatemala	Guatemala City	1520	5,000
(Also short wave stations)				
TGWA			9685	10,000
			11760	
			15170	
			17600	
TGWB			40 meters	1,000
TGWC			2320	1,000

MEXICO

XEQ	Radio Pan Americana, S. A.	Mexico City	730	50,000
(Also short wave station XEQQ)				
			9680	10,000

NICARAGUA

YNOW	Voice of Central America	Managua	6850	750
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PANAMA

DOC	Radio Star and Herald	Panama City	1400	500
(Also short wave station HP5A)				
			11700	2,000

PARAGUAY

ZPS	Radio Paraguay	Asuncion	1385	100
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PERU

OAX4A	Radio Nacional	Lima	854	12,000
(Also short wave stations:				
OAX4Z			8082	15,000
OAX4T			8562	15,000
OAX6C	Radio Continental	Arequipa	1370	350
(Also short wave stations:				
OAX6D			9500	350
OAX6E			6175	1,000

URUGUAY

CX16	Radio Carve	Montevideo	850	10,000
CX24	Radio La Vos del Aire	Montevideo	1010	5,000

VENEZUELA

YV3RG	Emisora Unidas	Caracas	1010	1,000
(Also short wave station:				
YV3RU			4860	5,000

PALEY'S ARGENTINE EARL

'WHO'LL LISTEN? SKEPTICS DEMAND

Buenos Aires, Dec. 24. While here recently with two of his employees, the president of the Columbia Broadcasting System, William S. Paley, did a lot of listening but not much talking. He has made overtures to many South American stations during his trip but declined, when queried, to say what kind of overtures or to what stations. Or what the stations said back. Paley has saturated himself with information, advice and data to take back to the U.S.A. to sift and analyze in the privacy of the Columbia offices as he has for future CBS activities, presumably in competition with NBC whose Guy Hickock has recently, and John Royal previously, been here for more or less the same fact-finding reason.

Paley seems committed to an exchange of programs. How many programs, what kind, or how financed, are again undiscussed. The programs are via shortwave only from north to south and, reversely, from south to north, skeptics here wonder who will listen. Shortwave has grave limitations as a means of reaching people in large numbers. Argentinians understand that Yankees do very little DX tuning in. Thus they foresee some impracticality in sending in Latin programs to the North American continent to be heard by just a handful of curious persons or hobbyists. It does not appear here, from the best information that could be obtained, that Paley, Paul White and Edmund Chester, that the Columbia network itself intends to longwave any programs from Argentina over its regular U.S. American stations. Indeed language differences bar that.

Paley spoke much of the new CBS shortwave transmitters at Brentwood, Long Island, which will eventually provide a narrow beam of an intensity comparable with German and English DX signals. The contention of South Americans that this is not enough, that Yankee programs must be re-broadcast on local longwave stations to find an audience of any size, is one of the major points about which Paley wears a poker face. This brings in the question of who pays for what. If American advertisers pay for transmissions by shortwave from the neighborhood of New York City have to get the Latins to listen by secondary steps, namely home town pick-up, then, it would appear, financing by the method of advertising sponsorship is not as simple as it usually is.

Need An Office?

CBS may establish an office in Argentina. Everybody's got it as an absolute necessity if CBS is serious about invading the Latin market. In the past Americans have been weak on radio follow-through. Flash in the pan stuff, failed to follow up, executives passing through in a flurry of airplane schedules and press agency won't brew any coffee down here, skeptics have pointed out.

Who is going to pay for shortwave is something network people just would rather not talk about—but that they hope commercial sponsors will come along is undoubted. Most Argentine advertising men feel that U.S. shortwave does not and can not reach enough of an audience to make programs worth their cost. But certain products may be persuaded the good will has value. NBC which has been sinking more than \$300,000 annually into shortwave and has a staff of 40 only gets cash from United Fruit, Standard Oil of N.J., the Waldorf-Astoria, does. As for Hotels, Adam Hats and S. C. Johnson Wax. Readers Digest, now printing a Spanish edition, plans to join the sponsors, and Time-Life is a prospect. But some of the biggest U.S. firms use native stations exclusively. For example RCA-Victor, Firestone and Goodyear. Tires all have big plants in Argentina, are advertised as Argentine products and benefit from the national-production tag. They would have little to gain by long distance effort, business men here insist.

The exchange of programs idea is

WRUL's Kid Show

Boston, Dec. 24. Some 13 evacuee children from Bingham, England, continuing their studies at Bingham and Center School, Bingham, Mass., broadcast a message to their homeland via short wave station WRUL here.

This was the first in a series in which children partook in 'Greetings from New England towns to old England towns', offered in cooperation with the New England branch of the Committee to Defend America.

For a half hour the children, six to 14 years old, discussed the relative merits of American doughnuts as compared to English cream buns, ginger ale and English ginger beer, soft-cooked bacon served at home against crispy, browned bacon here, and the high cost of American padlocks.

The children showed a preference for the American varieties of food.

John C. Scamnell of Boston University quizzed the children and kept them in good humor, with the exception of a six-year-old girl who broke down and wept throughout the broadcast.

There were but two references to the bombing abroad, when the youngsters remarked that the hope you don't have too many eggs dropping on you and 'how are the air raids going?'

Vaughn Taylor, chief announcer at station, assured listeners that the children were well-cared for.

The program closed with transcribed music of 'God Save the King' and shouts of the children, for 'Merry Christmas' and 'Happy New Year'.

Time, Inc., Sues Time Abroad To Stop Title

Time, Inc., filed suit Thursday (19) in the N. Y. supreme court against Time Abroad, Inc., seeking \$5,000 damages for the alleged unauthorized use of the name 'Time' as a defendant in the business of transcribing radio broadcasts and selling records dealing with news events, and the similarity of the names has resulted in confusion of the public, plaintiff claims.

Time, Inc., was incorporated in 1923. Refers to its radio program, 'The March of Time', the monthly film with the same title and Time mag. Over \$3,000,000 has been spent publicizing the name, and it also asserts that, because of its dealings in foreign affairs, it has become known as Time Abroad also.

WWSW's FM License

Pittsburgh, Dec. 24. First station in Pittsburgh to be granted an FM license by FCC is in the form of WWSW, which will swing into operation with it some time in February. Applications have also been filed by both KDKA and WJAS but they haven't been acted upon yet.

To prepare the public for coming of FM on WWSW, Post-Gazette, which owns and operates the station, has had its radio ed. Vince Johnson writing a series of daily articles on what it, its advantages, etc.

likely to bring up many headaches. Buenos Aires stations are far more commercial than those in the States, and hardly would give up time during peak hours for re-broadcasts unless somebody paid—either the advertiser or a local sponsor. U.S. Government officials have also pointed out that local governments might want to step into the picture if local station start originating programs. Even though there are no objections at present.

George Grim Takes Disc Apparatus by Plane To Nine Latin Cities

Minneapolis, Dec. 24. Loaded down with quantities of portable recording equipment, George Grim, head of the Minneapolis Star-Journal radio department and conductor of 'People Make News', Star-Journal show on WCCO at 5:15 p.m. on Wednesday and Thursday, leaves New York Dec. 28 for a regular postman's holiday to South America.

Although the month's trip, via Clipper plane, is Grim's first vacation in three years, he's planning on cutting a batch of recordings in Buenos Aires. These will be flown back to the Twin Cities and aired five days later on Star-Journal broadcasts.

In Grim's absence, Florence Murphy, feminine newscaster and regular 'People Make News' cast member, will do the show on the 5:15 spot. Called 'Florence Murphy's Magazine'.

Grim will visit nine South American cities before returning to the Twin Cities Jan. 25. His stops will include Rio de Janeiro, Lima, Balboa and Buenos Aires.

Diplomats' Kids

Continued from page 1

sterno, daughter of the Norwegian Minister, prayed for a Christmas—next year—of 'peace and freedom and happiness.' The heartrending silence of Brigitta and Ingrid, aged five and three respectively—brought sniffles from spectators who had been wondering what the daughters of Swedish Counselor Folke Wenerborg would say. Kids suffered 'mike fright'.

Not impression of NBC's Ninth Annual International Children's Party was that the show was pretty depressing. Despite the usual turnout of society and diplomatic circles, the young ones appeared greatly subdued by pressing problems of the war abroad. Last year's program—which took place when Finland was making her last bitter fight against Russia—brought groans and tears to the usually hard-hearted Washingtonians, but this year's broadcast made it uncertain whether there would be the 'Tenth Annual International Children's Christmas Party' if the war goes on.

Moppets in the nation's capital have become accustomed to the once-a-year fete, which brings together all children from the Washington diplomatic corps. Lines have split, however, and numerous children allied with the so-called 'Axis powers' are wondering whether they will be invited next year.

Politely-veiled hisses and boos greeted the innocent representative of the Italian Embassy. The children entitled to attend from the German Embassy failed to appear.

Stephen Laird is a new voice heard from Berlin on CBS.

Mexican 'Radio Embassy' Program Producer in N.Y. With Collection

Bonifacio Fernandez Aldana, radio propagandist of Mexico City, is now in New York City on behalf of his 'Radio Embassy' program, one Mexican answer to President Roosevelt's good neighbor credo for this hemisphere. He has already appeared on NBC shortwave station WJBN and several times on the Spanish program of WARD, Brooklyn. He may also go to Schenectady for a shortwave broadcast over General Electric's WGEO. He is headquartered at the Mexican consulate in Manhattan.

More particularly Aldana has with him about 100 special recordings in Spanish of the voices of prominent Mexican writers, poets, scholars. He hopes to place these in the United States for use, along with

Conference

Program department of WOR, New York, was visited one day last week by the most impressive delegation of executives and executives members of the staff had ever seen. It included president Alfred J. McCosker, vice-president and general manager Theodore C. Streibler, and three or four other top officials. Group walked all around and looked the place over.

About 15 minutes after they'd left a workman came in and took away the office clock to be cleaned.

Femmes' DXer Draws Plenty Briton Mail

Half-hour show which has been shortwaved to England by WRUL, Boston, five days a week since Aug. 18, is planned and written entirely by two women whose combined previous radio experience amounted to doing a Hollywood column on the air five years ago.

Program, nevertheless, has been drawing more than 100 letters a week from appreciative Britons, who hear it in their air raid shelters from 10 to 10:30 each evening. Show originates at the studios of WMCA, N. Y., at 4 in the afternoon, eastern standard time. WMCA picks up 15 minutes off at three days a week. Eerily piping it to Boston the rest of the time.

Handling the show are Mrs. Andre Pearson and Mrs. Alfred Johnson. They work under the auspices of the British-American Ambulance Corps. Show is strictly a morale-builder. Each Tuesday it is given over to chatting between English evacuee kids in this country and their parents at home, handled by Bob Emery.

Program started with well known voicing words of encouragement to the people of Britain, but it was soon discovered from letters that Englishmen did want encouragement—but entertainment. Switch was made, as a result, to comics and singers and to plays in which many name actors have taken part. Everyone connected with the show works for free.

The guests have included Albert Einstein, Thomas Mann, Robert E. Sherwood, Raymond Gram Swing, Eddie Cantor, Brian Aherne, Joan Fontaine, Joan Crawford, Alfred Lunt and Lynn Fontaine, Laurence Olivier, Herbert Marshall, Lanny Ross and Humphrey Bogart. Mrs. Pearson and Mrs. Johnson are enrolling their guests in a Radio Wing of the British-American Ambulance Corps, so that each when he returns to Hollywood can see actors and actresses elsewhere will convince these players to contact Mrs. P. and Mrs. J. to go on the air when they arrive in New York.

PALEY CONCURS ON DX LIMITS

Immediately upon his return to New York City, William S. Paley, CBS president, held a mass interview with the lay and trade press Monday (23) and set forth the outlines of the international tie-ups he recently initiated in South America. A CBS statement made public the list of stations under the caption, 'The new network is made up as follows.' In reply to a direct question at the interview, Paley did not hesitate to frankly admit that shortwave at present means very little in terms of reaching masses of people. This applied, he accepted, at least does not challenge the thesis that programs from the U.S. must be picked up shortwave and re-broadcast by local stations.

Paley justified why the shortwave situation from the U.S. to South America is not satisfactory, saying, among other things:

'They Like Our News'

1. American programs are of the wrong type. Only news being appreciated. But very much appreciated because of its freedom from bias.

Linguistic announcers operating out of New York, Schenectady, etc.

Travel Boom

In view of the proposed CBS exchange of announcers, engineers and entertainers with South American republics, of the active international department at NBC under John Royal, and the imminent arrival here of many Latin broadcasters, the steamship and clipper services look like a sure winner in shortwave radio expansion.

William S. Paley of CBS expects to make further trips similar to the one he has just completed.

are not appealing. Their accents are not the familiar ones of the country.

3. Good shortwave receiving sets are costly in South America, where density of listening is, as here, in bigger cities with the usual static to be overcome.

4. Domestic listeners are naturally more loyal to and interested in their hometown stations. The whole habit pattern is against shortwave. Steps contemplated by CBS in its invasion of the international radio field include (a) new transmitters now building on Long Island at a cost Paley described as 'about \$400,000' (b) initiation of one hour a day as of Sept. 1, 1941, to the stations for local re-broadcast purposes and unspecified volume of shortwave service, sans pickup and retransmission.

Rate Sked In 60 Days

Rate schedule for sponsorship of CBS' internationals is promised in about 60 days. But Paley gave it as his conviction that it will be 'many, many years before foreign radio can be on a paying basis.'

A 'sketchy coordination' with NBC to avoid duplication of effort was promised by Paley, but he added that CBS, in shortwave as in everything else, believes in competition as an operating principle.

CBS will send a number of radio engineering advisors to South America in January to collaborate with Latin stations on technical improvements.

Gillette's Sugar Bowl

NBC-blue's broadcast of the Sugar Bowl game in New Orleans New Year's Day will carry the Gillette Razor plug. Fort Pearson will be the announcer.

On Mutual, the same account will be tied in with the Cotton Bowl game that day.

WASHINGTON BUZZES WITH SPECULATION WHO'S BEHIND NEW WMCA, N. Y., SETUP

Others Beside Edward Noble Reported—Flamm Grossed \$890,519 in Year, Sells for \$850,000—Sale Okayed Fast

Washington, Dec. 24. Hurried Federal Communications Commission approval of the \$850,000 sale of WMCA, New York, to Eugene Noble, the life-saving mogul, has stirred more excitement than any radio transaction since former Governor James M. Cox bought the Atlanta Journal and WSB, Embarrassing questions are being asked by suspicious congressmen and many fingers are being pointed in a lot of directions.

Whispers that Thomas J. Corcoran, the one-time Roosevelt brain-truster known as 'Tommy the Cork' will be the eventual beneficiary are likely to get an airing in the house soon. Entire file on the transfer application has been reviewed by one member of the House Appropriations Committee, who intends to fire some pointed questions when the regulators show up two weeks hence in defense of their 1941 budget pleas.

There apparently is nothing wrong with the purchase price—which is in accordance with the 10-times-earnings yardstick used by the FCC on many occasions—but the pressure exerted to bring about speedy consent to the transfer and the opposition to any hearing on the proposal occasion eyebrow-lifts.

Papers Seem Okay
Papers on file at the FCC seem okay. They show that the sole purchaser of all stock in Donald Flamm's Knickerbocker Broadcasting Co., Glendon Holding Co., WMCA Artists Bureau, Inc., is Eugene N. Noble, former Undersecretary of Commerce and first chairman of the now defunct Civil Aeronautics Authority. Also that Flamm owns 100% of the stock in all three corporations, is turning it over without strings attached, and the candy-mint magnate has enough cash and credit to meet the obligations.

But the way in which the application was granted is something else again. The papers were rubber stamped within two weeks—in marked contrast to the long wait that many petitioners have experienced. More tongue-clucking is attributed to the letter in the FCC files from Noble's attorneys, J. H. Dempsey and William Koplowitz, former Commish attorneys.

An attempt to have the transaction examined at a public hearing was slain—rolled back—by the FCC. By a 3-1 vote, the Commish approved the deal on the basis of the papers filed. Even though there were squawks about the offensive aroma and reminder that Congress will be on the prowl again.

Not long after the regulatory body granted consent for the shift, the request came from Capitol Hill for the documents in the case. Instead of complying immediately—as they might be expected to do, in view of the fact that their appropriation for next year currently is under consideration—some of the kilocycle cops were inclined to thumb their noses. The legal department is said to have advised against forwarding the papers but to over-ride.

What has puzzled industry observers is the political side of the transaction. Noble used to be a Republican and quit the New Deal so he could come out for Willkie. The FCC in the past seldom has exerted itself to help out anybody who threw rocks at the White House. Yet in this instance, not only was pressure exerted on several regulators but other New Dealish individuals were mentioned as impatient to see the deal consummated.

The official file, incidentally, indicate Flamm's profit will be only nominal. According to the formula used by the broadcasting industry. His appraisal of the property shows a total original cost (including real estate) of \$254,896 and a replacement estimate of \$269,075. Revenues in the year ended Nov. 1 were \$890,519, of which \$147,456 came from the WMCA Artist Bureau. Transmitting equipment represents an initial outlay of \$71,703; and studio \$55,464. No value was put on the license, Dempsey and Koplowitz stated, and the new operator has ample resources to carry on the venture. The papers did not indicate, however, any change in the type of service or other moves to promote the public interest, which has provoked finger-pointing in view of the past attitude of the Commish.

WMCA, N.Y., DEAL DEVELOPS DOUBT

Even though the Federal Communications Commission has approved the sale of WMCA, N. Y., to Edward J. Noble, chairman of the board of Life Savers Corp., Donald Flamm will continue as operator of the station until midnight of Dec. 31. Meanwhile Noble has asked that the sales department refrain from signing any contracts which might change the transfer picture, perhaps prevent it.

Contracts of Don Shaw, general manager, and Charles Stark, sales manager, expire at the end of February.

Wheeling Steel on 91

Chicago, Dec. 24. Wheeling Steel Co. will spread its Sunday show on Mutual to 91 stations starting Jan. 5. It has been using a 91-station hook-up.

Radio Criticism Due

The Saturday Review of Literature is seriously considering establishment of full-fledged radio criticism. It would be a department by itself. It's a weekly.

ALL-RADIO ISSUE

Academy Annals a Learned Approach to Broadcasting

The American Academy of Political and Social Science (Philadelphia) is bringing out a new volume in its annals entirely devoted to radio. Will appear in January under H. S. Hettlinger's editorship.

Contents of the annals radio special are as follows:

THE AMERICAN LISTENER in 1940 Paul P. Peter, Director of Research, National Association of Broadcasters.
RADIO IN RELATION TO RECREATION AND CULTURE Sherwood Gates, National Recreation Association.

TRENDS IN RADIO PROGRAMS Kenneth G. Bartlett, Director of the Radio Workshop, Syracuse University.
RADIO ENTERTAINMENT Since 1935 H. L. McClintock, Vice-President, N. W. Ayer.

RADIO AS AN AID TO LEARNING Paul C. Reed, Director of Visual and Radio Education of the Public School System, Rochester, N. Y.

CIVIC DISCUSSION OVER THE AIR Arthur Garfield Hays, Counsel for the American Civil Liberties Union.

RADIO AS A NEWS MEDIUM Theodore C. Streibler, WOR, New York. Fulton Lewis, Jr., Commentator, Mutual Network.

BROADCASTING AND AMERICAN SOCIETY William S. Paley, President CBS.
RADIO AND PROPAGANDA Clyde R. Butler, President Institute for Propaganda Analysis.

EUROPEAN RADIO AND THE WAR Harold N. Graves, Jr., Director of the Princeton Listening Center.

COVERING A WAR FOR RADIO Paul W. Miller, Director of Public Affairs, CBS.

SELF-REGULATION IN AMERICAN RADIO Neville Miller, President National Association of Broadcasters.

RADIO ECONOMICS AND THE PUBLIC INTEREST William J. Dempsey, Attorney. William C. Knapik, Attorney.

REGULATION OF RADIO BROADCASTING IN THE PUBLIC INTEREST James Lawrence Fly, Chairman, FCC.

THE GOVERNMENT AND RADIO Mark Ehrhidge, WHAS, Louisville.

OPEN QUESTIONS IN INTER-AMERICAN RADIO BROADCASTING Philip L. Barbour, International Division, NBC.

RADIO FRONTIERS T. A. M. Craven, Commissioner, FCC.
RECENT DEVELOPMENTS IN TELEVISION Elmer W. Engstrom, Director of Research Laboratories, RCA.

THE NATURE OF TELEVISION PROGRAMS Gilbert Selinger, Director of Television Programs, CBS.

POSSIBLE SOCIAL EFFECTS OF TELEVISION David Sarnoff, President, RCA.

FREQUENCY MODULATION AND ITS FUTURE USES Edwin H. Armstrong, Professor of Electrical Engineering, Columbia University.

FACSIMILE AND ITS FUTURE USES John V. L. Hogan, WQXR, New York.

ORGANIZING RADIO'S DISCOVERIES FOR USE Herman S. Hettlinger.

NILA MACK BURNED IN APARTMENT FIRE

Nila Mack, director of juvenile programs for CBS, was badly burned about the face, arms and hands Monday night (23) when she tried to put out a fire in her apartment. Miss Mack was taken to the Roosevelt hospital with first and second degree burns.

She was burning some wrapping paper in the fireplace when the flames spread to a chair and then to window curtains.

HURRY-UP SAROYAN

Writer Christmas Script P.D.Q. For Columbia

William Saroyan has written a special dramatic program, 'Christmas in America,' which CBS will air at 11:35-11:55 p.m. tonight (Wednesday). Theme is the significance of Christmas in a democracy. Betsy Tuthill will direct, under the supervision of Norman Corwin, who plans to be the Coast tonight a couple of hours before the broadcast, having made a quick hop east to direct a repeat of his 'Plot to Overthrow Christmas' on last Sunday night's (22) 'Columbia Workshop' show. Idea of Christmas show by Saroyan first occurred to CBS program heads last Friday (20). They contacted the playwright's agent, who immediately phoned him at his home in Pasadena, where William Davidson Taylor, assistant program head, phoned Saroyan only an hour or so later, the Pulitzer Prize dramatist said he had the script already written. If his idea of going to Hollywood, he declared. Finished script was received Sunday afternoon by CBS in New York.

TRACES RADIO QUACKERY CURVE

By ROBERT J. LANDREY

No. 1 in a proposed series of 'Studies in the Control of Radio' has appeared under the imprint of the Radio Broadcasting Research Project at the University of Chicago. Joachim Friedrich and Jeanette Sayre in the first booklet trace the history of quackery and objectionable merchandizing under the title 'The Development of the Control of Advertising on the Air.'

A panorama of early blue sky radio practices is laid out by the Harvard writers with copious citations, 1890 to 1937 particularly. The booklet should form an invaluable addition to the bibliography of American radio's first 20 years. It brings together in handy form a considerable file of incident and trend and tells compactly some of the highlights of the battle to keep the air free of the chiz biz boys. Rockefeller money is financing the booklets.

Arch Oboler's Novelties

Hollywood, Dec. 24. Arch Oboler has lined up the following personalities and scripts for his Procter & Gamble series on NBC. Couple of oddities in casting has toughie Brian Donlevy doing Santa Claus and Benny Rubin, the high comedian, doing historians.

The sked: Dec. 27, Brian Donlevy as a skeptical Santa Claus in 'These Are Your Brothers.'

Jan. 3, Martha Scott in 'Suffer Little Children.'

Jan. 10, Benny Rubin, serious as 'Mr. Ginsburg.'

Jan. 17, Betty Davis in adaptation of Somerset Maugham's 'Of Human Bondage.'

100 Agents Seek AFRA 'Franchise'

With Radio Actor's Union

American Federation of Radio Artists has received more than 100 license applications from New York talent agents. Deadline for filing was last Wednesday (18), having been extended three days because the previous date fell on a Sunday. It is expected that a total of nearly 300 franchises will be issued by the union.

It is hoped to okay them by Dec. 30, but that may not be possible, since some of the applications have already had to be returned for lack of the required information. All decisions regarding franchises are being made by the union's national board in New York, the Coast and Chicago offices merely serving as clearing houses for filing applications. Agency code is retroactive to Nov. 15.

James Porter, AFRA's national or-

CAN'T BRAG OF NBC TIE-UP IN AD

Milwaukee, Dec. 24. Feuding between WTMJ, The Milwaukee Journal's station, and WEMP, independent key station for the Wisconsin Broadcasting system, took a new tack last week when the newspaper refused outright to sell display advertising space to WEMP to announce its newly consummated affiliation with the NBC Blue network, becoming effective in full on Jan. 1. WTMJ has for years been the NBC Red outlet in this area and resented the WEMP-NBC Blue hook-up as an encroachment upon its jealously guarded prestige.

When C. J. (Chuck) Lanphier, manager of WEMP, sought to buy display space from Fred Schneller, Journal advertising rep, to plug the NBC Blue debut in Milwaukee there was much heming and hawing, with Schneller returning to his office to go into a huddle with WTMJ's higher-ups. After lengthy confab, the execs reached their decision and it was duly delivered to Lanphier, to take effect Jan. 1.

The Milwaukee Journal refuses to sell display advertising space to WEMP on the ground that it is a competitor, and the only means by which the ink station can obtain publicity in the newspaper's columns is through its (WEMP's) clients buying space and having it billed to them direct.

Whether the matter stands for the present.

Tough Going

WEMP is only five years old and at the start has a tough time to get at the start has a tough time or three years it has had a consistent and healthy growth until now it is a factor to be reckoned with, even though it is an older newspaper. Negotiations for the NBC Blue affiliation started last April, but allegedly due to WTMJ squawks were not brought to a successful conclusion until recently. Already WEMP is airing some NBC Blue features, among them Vitaminized Yeast Foam's Orrin Tucker-Bonnie Baker program and Ralston cereal's Tom Mix show, but from Jan. 1 on will carry the full NBC Blue output.

Outwardly WTMJ and The Journal have largely ignored the existence of WEMP, although Edgar A. Thompson, the newspaper's radio editor, did carry a line in his daily gossip column a few weeks ago saying WEMP had signed to become a subsidiary NBC Blue outlet.

JOHN BATES JOINS RUTHRAUFF & RYAN

John Bates has closed his free-lance production office to join the Ruthrauff & Ryan agency. He will be a sales executive, supervising, co-ordinating the various 'Quiz of Two Cities' programs which Noxema is underwriting in 12 stations in various parts of the country.

Before going into business for himself Bates was on the staff of WOR, Newark.

Radio Newsreel Suit Is Dismissed

Ayers-Prescott Allegation of Lift Not Pressed Against Harold S. Goodman

A suit for \$100,000 against the Omnivox Co., Inc., Robert Vincent, chief engineer, H.S.G. Advertising Agency, and Harold S. Goodman, president of Ayers-Prescott, Inc., which has been on file in the N. Y. supreme court for over a year, was acted upon Thursday (19) when Justice Ferdinand P. Sweeney dismissed the action against H.S.G. Advertising Agency and Harold S. Goodman. Suit charged plagiarism of plaintiff's scheme for a radio program and recordings.

Ayers-Prescott claims that on Sept. 7, 1939, it devised a scheme for a radio program, entitled 'American Radio Newsreel,' with the program to consist of two or three weekly broadcasts of recordings of famous

personages on current topics. Plus the voices of the personages, the actual events would be dramatized with dialog, music and sound effects. It is claimed that Omnivox and Vincent were engaged to make the recordings, and James Farley, Gene Autry, Norman Shearer, Grace Moore and Elsa Maxwell were recorded. It is asserted that records of the Misses Shearer, Moore and Maxwell were retained by the defendants illegally and given to Goodman's Advertising Agency, which attempted to sell them as its own under the name of 'International Radio News.'

Reason for the dismissal of the suit against Goodman and his agency was lack of prosecution.

Rating ourselves as advertisers rate us:

"NEWCOMER"



25 NEW ACCOUNTS ON THE BLUE

Axton-Fisher Tobacco Corp.
"80 Grand Salutes Your Happy Birthday"
Bank of America
"John Nashitt"
Better Speech Institute
"Speak Up America"
Brasil, United States of
"Pearson & Allen"
Carter Products
To be determined
Chemicals, Inc. (House Cleaner)
"Just Between Friends"
Clepp, Harold, Inc. (Baby Food)
"Mother of Mine"
Emerson Drug Co. (Bromo Seltzer)
"Ben Bernia"
Grove Laboratories (Quinine)
"Sherlock Holmes"
Gulden, Charles (Mustard)
"Gulden Serenaders"
Howe, Lewis (NR's)
"Fame & Fortune"
Knapp Monarch (Electric Shavers)
"Ahead of the Headlines"
Land O' Lakes Creameries
"Edgar A. Guest"
Lever Bros. (Rinso)
"Grand Central Station"
Lever Bros. (Spry)
"Uncle Jim's Question Box"
Miles Laboratories (Alka-Seltzer)
"Quia Kide"
Modern Food Process (Scrappple)
"Olivio Santoro"
Nash Motors
"John B. Kennedy"
Newsweek
"Ahead of the Headlines"
Ohio Oil Co.
"Marathon Melodies"
Sloan, Dr. Earl (Liniment)
"Gangbusters"
Standard Brands (Yeast)
"I Lose a Mystery"
Texas Corp.
"Metropolitan Opera"
Williamson Candy (O'Henry Bars)
"Famous Jury Trials"
Yellst Foam
"Orrin Tucker"

as indicated by their comings
and goings—chiefly comings"

"BACK FOR MORE"



8 CONTRACTS RENEWED

Colgate-Palmolive-Peet (Shave Cream)
"Bill Stern Sports Review"
Jergens, Andrew (Lotion)
"Walter Winchell"
Jergens, Andrew (Soaps)
"Parker Family"
Modern Food Process (Thrivo Dog Food)
"Moglan Sisters"
Pacific Coast Borax
"Death Valley Days"
Ralston-Purina (Cereals)
"Tom Mix Ralston Straight Shooter"
Welch Grape Juice Co.
"Dear John"
Williams, J. B. (Shaving Cream)
"True or False"

"LEAVING US"



6 CONTRACTS EXPIRED

Air Cond. Train. Corp.
"Sidney Walton Music"
Brown & Williamson
"Plantation Party"
Canada Dry Ginger Ale
"Information Please"
Canadian Railways
"Canadian Holiday"
Gordon Baking Company
"One of the Finest"
Westinghouse Co.
"Musical Americana"

"SITTING PRETTY"



19 CAMPAIGNS CONTINUE UNDER CURRENT CONTRACT

Adam Hats
"Madison Sq. Garden Boxing Bout"
Anacin
"Easy Aces"
Anacin
"Just Plain Bill"
Biodol
"Just Plain Bill"
Biodol
"Mr. Keen, Tracer of Lost Persons"
Cal-Aspirin Corp.
"Amenda of Honeymoon Hill"
Cummer Products (Energene)
"Manhattan at Midnight"
Howe, Lewis (Tums)
"Pat O' Gold"
Ironised Yeast Co., Inc.
"Good Will Hour"
Mystic Laboratories (Creams)
"John's Other Wife"
Phillips, Chas. H. (Magnesia)
"Amenda of Honeymoon Hill"
Procter & Gamble (Camay)
"Pepper Young's Family"
Procter & Gamble (Chips)
"This Small Town"
Procter & Gamble (Crisco)
"Vic & Sade"
Procter & Gamble (Ivory)
"Mary Martin"
Reynolds, R. J. (Cameo)
"Luncheon at the Waldorf"
Sun Oil
"Lovell Thomas"
Watkins, R. L. (Dr. Lyons Tooth Powder)
"Orphans of Divorce"
Wyeth Chemical (Cold Tablets)
"John's Other Wife"

THINGS have been popping fast and furious ever since the creation of the Blue Network Sales Department last July. We've told you about the station improvements that we're making, the programs that we're building, the steps we're taking to assure advertisers of greater co-operation than ever.

But the best criterion of the increased selling effectiveness of the Blue is the action of the advertisers themselves—those hard-headed gentlemen who have the experience and judgment to get the most for their advertising dollar. We present herewith the complete picture of what advertisers are doing on the NBC Blue Network—with no punches pulled.

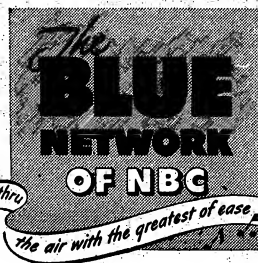
Since June 1st, 1940, 25 new accounts, Lord

bless em, have joined the Blue ranks. 8 old friends, we're pleased to report, have renewed their contracts. 19 satisfied customers (and we're going to keep them happy) are continuing under current contracts. 6 clients are no longer with us, and we're sorry they've left.

But there's still plenty of room for you, Mr. Prospective Advertiser, on the NBC Blue Network. And notwithstanding all the improvements going on over the Blue, two facts remain constant. First, the Blue still concentrates its coverage in the Money Markets, where the nation's buying income is centered. Second, the famous NBC Blue Discount Plan still offers national coverage at the lowest cost of any medium. For example, you can

buy a half-hour coast-to-coast, in the evenings, mind you, on the NBC Blue Network, 52 times a year, for less than \$5000 a week. Amazing, isn't it? Better call in that Blue salesman today.

NATIONAL BROADCASTING COMPANY
A Radio Corporation of America Service



General Baking Starts Variety Show From Philly; On 15-Station Loop

Philadelphia, Dec. 24. The Quaker Network, started three years ago by WFIL's general manager Roger Clipp to air political broadcasts in this area, is now growing up into a full-fledged regional hookup. On Friday (20) the General Baking Co. signed a contract for the broadcast of 15-minute-a-day variety program, five days a week, over 15 stations covering the region bounded by Easton, Harrisburg, Atlantic City and Norfolk, Va. The program represents an outlay of \$200,000 for time and talent.

The program, starting Dec. 30, will originate at the WFIL studios here and will mark the first big-time variety network show coming out of Philly for nearly five years. The show to be tabbed 'Breakfast Gang' will include a 15-piece band, bated by Nathan Black, conductor of WFIL house band (under name of Buddy Black). Bert Parks, formerly with Eddie Cantor, will be m.c. Balance of cast will include the Dalton Boys, trio once with a Major Bowes unit; vocalists Frances Bishop and Dick Wharton, and the Rhythmettes.

The show will be produced by Jimmy Allen, WFIL program director, with Tony Wheeler, spelling the commercials. Announcers on local stations will cut in with plugs for local dealers handling General Baking Co. product.

Musicians Please
The new show marks a double victory for the Musicians Union. First, it marked the breakup of the 'Breakfast Club'—sponsored locally by the General Baking Co.—demanded by James C. Petrillo, national AFM prexy, who said the program put local musicians out of work. ('Breakfast Club' originating in Chicago on NBC was broadcast on a participating sponsorship with local concerns cutting in on commercials). The new program was the first fruit of a campaign by the Philly local of the Musicians Union for a network musical show to put Philly musicians to work.

The band for the new show will be made up of five members of the WFIL house crew plus ten other local musicians.

Stations on the hookup for the General Baking show will be WFIL,

Jr. Kay-Dee-Kapers

Pittsburgh, Dec. 24. For an Xmas novelty, KDKA's weekly Kay-Dee-Kapers, half-hour show, this Thursday afternoon will feature only the children of the regular performers. There'll be no grownups, save for the announcer, on the show at all.

M.C. will be 4-year-old Bernie Armstrong, Jr., son of station's musical director, and others on the program will range in age from 2 to 11. Station figures anything's liable to happen and is prepared for the worst.

Y&R RADIO MEN GET STOCK

Four of Young & Rubicam's radio executives have been added to the agency's list of stockholders. The gifts of stock voted last week went to Thomas F. Harrington, director of radio; Tom Lewis, manager of the radio department; Hubbell Robinson, Jr., manager of the talent bureau; and Joseph Moran, director of radio continuity. Harrington at the same time was named a vice-president.

Moran's department was cited in the awards for radio showmanship recently made by Variety.

Philly: WEST, Easton; WSAN, Allentown; WEEU, Reading; WORK, York; WGAL, Lancaster; WSNJ, Bridgeton, N. J.; WTNN, Trenton; WDEL, Wilmington; WKBO, Harrisburg; WBAB, Atlantic City; WMAL, Washington; WTAR, Norfolk, Va.; WFID, Petersburg, Va.; and WRNL, Richmond.

Only other commercial on Quaker network is Fels show, three times weekly.

General Baking program was set by the Ivey & Ellington agency.

Renew Billy B. Van

Boston, Dec. 24.

Billy B. Van and his 'Spreading New England's Fame' series have been signed for another year by Wrigley Gum. It's on 19 stations of the Yankee network.

Van broadcasts the program from a different New England city, using the largest auditorium available, Sunday evenings, and goes in heavily for merchandising of the product.

ENGINEERS IN WDSU WALKOUT

New Orleans, Dec. 24.

The WDSU transmitter on Belle Chasse highway near here has been picketed by members of Local Union 1139, International Brotherhood of Electrical Workers, AFL, since Wednesday (18) when engineers staged a walkout. Station was silent from 8:30 a.m. that day as result of strike. Station officials said at first that silence of transmitter was due to mechanical troubles, but William C. Nevill, president and acting general manager of the union, said that it was due to walkout.

Nevill said representatives of the union, to which the striking men belong, has sought to reach an agreement with P. K. Ewing, general manager of the station, for sometime over the question of wages but had been turned down each time.

'Station officials' wanted a two-year contract at their own terms which we couldn't see,' Nevill said. 'We sought a compromise agreement but were turned down flat. So the boys walked out.'

Two other employees at the transmitter declined to strike, Ewing said, and none of the studio staff of 20 was involved. Nevill also accused the station of employing young operators without pay during 'breaking-in' periods of from one to six months before the union was organized.

Guards were on duty at the transmitter and studios as a result of the picketing. The union was also using two sound trucks to tell public of strike.

WWL's 50 Get Bonus

New Orleans, Dec. 24.

WWL paid Yule bonus to staff of 50 employees Saturday (21).

James C. Rush, Jr., has joined WWL musical staff as an arranger. He is well known local sax and clarinet tooter.

* The money which local advertisers spend for advertising has to bounce back tomorrow... or else! Mr. Graham's letter reproduced here is, of course, only one merchant's opinion. But it is significant that KLZ carries more local business than any other Denver station! There's a reason why... and the reason is RESULTS! National advertisers are following the example of Denver's local merchants in ever-increasing numbers... for greater results per advertising dollar.



GRAHAM FURNITURE COMPANY.
Hugh Graham - Proprietor.

From the Production Centres

IN NEW YORK CITY

Helen Coule and Vivian Block added to 'Mother o' Mine'... Nat Brusiloff succeeds Elliot Jacoby as bandleader of 'Double or Nothing'... Edward K. Oates, of WINS engineering staff, planned to Pittsburgh last night (Tuesday) for a holiday with his parents. He was met there by Dorothy Kirsten, Chicago Opera soprano, who flew in to spend Christmas... New York chapter of the Radio Writers Guild tossed a cocktail party for experienced Kenneth Webb and ex-v.p. Knowles Entrikin, at the home of vice-president Seymour.

Lady Suzanne Wilkins, wife of explorer Sir Hubert Wilkins, and John Swinburne, brother of Lanny Ross, started a weekly song series called 'Suzanne and John' over WINS yesterday (Tuesday)... Ernie Smith will handle the East-West football broadcast over WOR-MUTual for Gillette New Year's day... Josephine Johnson and Billy Livingston, supposed to be the leading society glamorous girl and boy of the west, will guest Tuesday (31) on 'So You Think You Know Music'.

Franklin Dunham, director of NBC religious programs, and Rolfe G. Reynolds, principal of Horace Mann School, N. Y., have written book, 'Utilization Of Radio In The Classroom,' which McGraw-Hill will publish in the spring... George Bryan, ex-Judge of the Court of Appeals, announced on the Helen Hayes program... Von Zell has gone to the Coast... Entire staff at WNEW, including the house orchestra, given Christmas bonuses of two weeks' pay or more... 40 more Mutual stations added to hookup for 'Musical Steelmakers' show.

Charles Nobles handling the NBC sports assignment nightly on WJZ while Bill Stern's swar this week... Ben Grauer substituting for Graham McNamee on Lord Lewis 'Behind the Mike' half-hour... Vance Babbs is now with N. W. Ayer... Wayne Randall continues with Steve Hannagan office... Irene Kuhn doing special publicity assignments at NBC... WMCA increasing time of English commentator Sydney Mosley.

IN HOLLYWOOD

Leo Silvers has been renewed as musical director of the Lux show, effective Jan. 1. Maestro has been composing the incidental music and conducting the orchestra on the popular 'The Hairy Counselor' for the American Society of Composers, Authors and Publishers, in New York, is studying his status as a writer-member of ASCAP, which might forbid continuation of his composition of original music for the air after the close of this year... Tom Frandsen, KFI-KECA announcer, now a full-fledged blind pianist, takes races at Santa Anita, and will again be broadcast by KFI, with Oscar Oatis on the running end and Buddy Twiss describing the color... Ben Bernie and the Lads start a series of broadcasts for Bromo-Seltzer from NBC's Radio City here (24)... Diana Bourbon here to produce Campbell soup's annual 'Christmas Carol'... Bill Goodwin, actor-announcer, laid up with the flu... Station KNX opens at 5 a. m. on Christmas Day; one hour earlier than its regular schedule, to carry a special broadcast, 'Christmas Under Fire' from London... Seventh advertiser to purchase facilities from Columbia Pacific network in the past 15 months is Breakfast Club Coffee, Inc., which will ether Rita Murray's 'Voice of Friendship' show over the California Columbia chain two mornings each week, starting Jan. 7... Al Pearce spending the holidays in San Francisco.

IN CHICAGO

Eloise Cummer added to 'Arnold Grimm's Daughter' cast... Bonita Kay, Alice Hill, Ed Prentiss, Ed Sprague and Dan Suter joined 'Backstage Wife'... Joe Rockholt and Hugh Rowlands newcomers to 'Giri Alone,' with Arthur Peterson, John Hodiak, Carlton Brickert, Jan Keith and Willard Waterman dropping out... Kurt Kuper added to 'Houseboat Hannah' troupe... Angela Hedrick replaced Angeline Orr with 'Kitty Keene' cast... Jerry Spellman, Frances Carlson, Stanley Waxman and Dan Suter, joined 'Ma Perkins'... Jane Kaye and Pat Buttram entered 'National Barn Dance' company... Dorothy Shidler and Gail Henshaw newcomers to 'Road of Life'... Eva Pownall, Bob Jellison and Hugh Muir added to 'Story of Bud'... Gladys Hixon, Pat Cruesinger, Ginger Jones, Herbert Butterfield, Don Gallagher, Matt Briggs, Reese Taylor, Hugh Rowlands and Dick Holland joined 'Story of Mary Marlin'.

IN SAN FRANCISCO

Entire NBC staff in Frisco guests of Al Nelson, v.p. in charge, at buffet luncheon in his offices Tuesday (24) with gifts for all... announcers in turn hosting Tom Harmon, all-American, to dinner in honor of his appearance in the Shrine East-West game... entire affair recorded and played back to both KGO and KGO... John K. Chapel now doing new 'World This Week' news series on KROW, which already has 10 newscasts daily... Phoebe Clark, KSFQ's 'Nancy Dixon,' trotting about with a lamb on a leash... Jean Bates and Jack Moyses added to cast of 'Dr. Kate,' NBC strip... Ralph Brunton gave away a quarter-hour of air time on KJBS as his gift to the annual Advertising Club Christmas party... NBC's contrib was a personal radio... only theatre represented was the Paramount which kicked in 10 ducats.

Stanton to Address Amer. Marketing Assn.

Chicago, Dec. 24. American Marketing Assn. is holding a meeting... town starting on Thursday (26) and a good deal of the discussion will revolve around radio. General topic of the meeting will be 'How to Get More for the Advertising Dollar'.

Frank Stanton of Columbia and Fred Dickinson of the Bureau of Advertising will be the principal speakers. R. M. Heath of the Leo Burnett agency will discuss the advertising campaign of the Meat Institute. Frank Braucher, now with the Periodical Publishers Assn., will also participate actively.

Announcers Too Loud

Buffalo, Dec. 24.

Adjournment to Dec. 28 was granted Matthew Korpany, 28, and Robert R. Nowak, 27, who told police they were radio announcers. Pair plus a third man face charges of being drunk and disorderly and resisting arrest in hotel disturbance last week. They pleaded innocent.

Don S. Elias, of station WWNC, elected president of Asheville Chamber of Commerce.

'STEPMOTHER' ADDING IN SOUTH ON JAN. 6

Chicago, Dec. 24.

'Stepmother,' daytime stripper for Colgate, has been renewed for its fourth year on the Columbia web.

Effective Jan. 6, 10 stations will be added to the web, to include such towns as Charlotte, Richmond, Atlanta, Birmingham, Memphis, New Orleans, Dallas, Houston, Oklahoma City and Shreveport.

Deal set through the Sherman & Marquette agency here.

KSC

ST LOUIS CITY IOWA

The **JOURNAL**

5000 WATTS

The **ONLY** Radio Transmitter of this or greater power within 75 miles of Sioux City

Graham's

1411 South Broadway
ENGLEWOOD, COLORADO

"results explain why station KLZ is the choice of more and more local and national advertisers... the best sales producer we have ever used."

GRAHAM FURNITURE COMPANY.
Hugh Graham - Proprietor.

MID-SLINGING AT WNYC

SEYMOUR SIEGEL BEARS THE BRUNT

Program Director of City-Owned Non-Commercial Station Has An Ordeal On Witness Stand — Friends Organize Data to Counter-Blast Politicians

TRADE AMUSED

Private broadcasters around New York City noted with some amusement last week the spectacle of a Tammany - steered City Council Committee holding an Indian war dance around the figure of Seymour Siegel, program director of city-owned non-commercial Station WNYC. The big fuss concerned two alleged 'misrepresentations' during 1935 when Siegel qualified under the civil service to continue filling a job he had already successfully held for a year. In essence the politicians last week charged the program director with:

(1) Saying in 1935 he was Director of Radio in 1929 for the University of Pennsylvania, whereas he didn't appear in the records of that institution. Siegel answers he was an unofficial undergraduate radio director who arranged many programs over WIP, Philadelphia, was never a paid employee of the University and never said he was.

(2) That he claimed to be a Doctor of Philosophy, and isn't. Siegel denies making the claim, admits that he is only a Master of Arts.

Civil Service Radio

Commercial broadcasters are willing to concede that civil service may be the bedrock of municipal reform, but the uses to which politicians can put civil service technicalities in trying to 'smear' an opponent has caused considerable comment. In the perhaps somewhat-extreme reaction of one broadcaster:

"This is swell propaganda against Government operation of radio stations."

Nothing may come of the investigation of WNYC. The radio trade is inclined to doubt that the dreworks are anything more than an attempt to uncover, if possible, something—anything—against Mayor LaGuardia's administration with an eye to the next municipal election. However radio has taken due note of the when-did-you-stop-beating-your-wife kind of questions and the investigation, as such, together with the government red tape and convincing that is thereby spotlighted will be fled away for possible use as propaganda in the future against government ownership of radio stations.

The Novik Regime

Under Manager Morris Novik Station WNYC, in the period when Siegel was program director, has made advances generally recognized the radio trade as notable for a non-commercial station. From 1924 to 1933 WNYC was two small studios and a vague organization with blind monitoring. It went off the air holidays, took its leisure on Sundays and gave commercial plugs gratis to music stores to borrow phonograph records. This and more of the same kind of counter-charges and rebuttal material has been organized by Siegel's friends for use if necessary.

Making a political football of a city-owned radio station may seem a cinch to the political strategists, Siegel's friends point out, but they are forgetting or don't know their pre-Novik station history. They suggest that WNYC lost its nighttime operating hours to commercial WJCA because of sheer lazy politician failure to use the time the U. S. government originally granted. What WNYC gave up, free, in facilities years ago has recently enabled Donald Flamm to sell WJCA for \$650,000. So runs the Siegel defense argument, an argument that has not been publicly developed so far.

THE WRONG WORD FOR WOR'S LADIES

Woodlawn, Md.

Editor, VARIETY: I'm definitely in a lather over VARIETY's award to WOR calling the women's programs 'corny.' My dear man, I've just been extolling their virtues insofar as they do eliminate recipes and inanities from their hours. Have you ever heard Peggie Fitzgerald? No recipes there. On the Bessie Beatty program—never, unless a chef happens to be a guest. Oh, I wish I had time to write a letter, but I've two little inhibitors, two and five, who prevent it. But I really think the word 'corny' should be publicly retracted. It's an insult to intelligent listeners. Catherine A. Ruckie.

Boston Reaction

Boston, Dec. 24. From the Boston reaction, John Barrymore would do well to omit further too-frequent, pseudo-numeric references to his too-numerous unfortunate marriages on the Rudy Vallee stanza. Many listeners hereabouts sympathize with some of his previous mates. Still others, in this Catholic area frown on divorce. Besides, sponsor aims program at housewives.

Alexander Thiede, who conducted 40-piece National Youth Administration orchestra broadcasting from WJZ, Boston, to CBS on Sunday (22), is leader of Boston Women's Symphony here in addition to duties directing WJEX house band.

Doing Post-Grad Work at WTMJ

School Teacher on Leave of Absence for a Year to Study Radio

Milwaukee, Dec. 24. Ruth Randall, Milwaukee high school teacher of English, dramatics and radio, has been granted a year's leave of absence by the school board to become a regular member of WTMJ's staff as a sort of post graduate course that will enable her to return to her classes better equipped to instruct them in the actual workings of commercial radio. The schoolma'am gets her first

assignment this week Friday (27), taking over Nancy Grey's daily morning half hour to interpolate advertisers' blurbs between the chatter platters airmailed back to the station daily by Miss Grey on a five-week jaunt through the Southwest.

Truman Trullinger, attorney and v.p. of KGY, Olympia, Wash., is the town's new mayor.

"We consider WLW a definite aid in our merchandising program, as we are jobbers of nationally advertised products and WLW through their fine broadcasts keep a constant wave of consumer demand hovering over our business and that of our customer, the retail grocer."

Signed: Neel Howard

General Manager

Grocers Wholesale Company
Huntington, W. Va.

The Grocers Wholesale Company travels five salesmen in fourteen counties in Ohio, Kentucky and West Virginia.



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

Not Replacing Professionals

Junior League of Chicago Answers Radio Actor's Slam—Cites Benefits of WBBM Charity Program

Chicago, Dec. 20.

Editor, VARIETY:

The Junior League and Council of Social Agencies wish to correct the erroneous impression given of the radio serial 'The Story of Constance Worth' by someone signed 'Chicago Radio Actor' in his letter printed in VARIETY on Dec. 18.

'Chicago Radio Actor' does not understand that:

(1) 'The Story of Constance Worth' is sponsored by charitable organizations to acquaint the public with their work among Chicago's needy. Its time on the air, and the services of certain of the station's staff are, therefore given to them by WBBM. The members of the cast must be amateurs who can and will volunteer their services. This series cannot be produced only under these conditions, for the charities cannot take money needed by Chicago's unfortunate to put on a show on a commercial basis.

(2) The Junior League is one of the members of the Council of Social Agencies. It became aware of the need for amateur actors and actresses to produce a show of this kind. The Junior League not only supplies its own members but also in the program but relieves the studio of certain details of notifying the actors, handling publicity and finding suitable voices for children and machine roles. It is not all a Junior League cast. Obviously the men are not Junior League members. The men and women used on the program come from amateur groups all over the city and from radio schools. Most of the children come from the Chicago Boys' Club. The cast is selected by the station director.

(3) The Junior League is an organization established for the purpose of offering volunteer service to Welfare Agencies. Members consider that in helping to put 'The Story of Constance Worth' on the air, they are performing such a service.

(4) The relationship between the Junior League and the professional actor is this: Many young radio actresses and actors (not Junior League members) have found this volunteer program a much-needed apprenticeship. There are many radio professionals who served a training period on this amateur program. An outstanding example is Janet Bolton, who has been playing one of the leads in 'Constance Worth.' Miss Bolton had been working as a hostess in Harding's restaurant to support herself while trying to get a professional job. Due to her work on the series she was able, just last week, to secure professional radio work, and has now left the cast. She is now a member of AFRA.

Good Experience

The WBBM staff announcer on the Constance Worth show is Carl Nelson.

son. He was a page boy at WBBM. His work on the Council show helped him gain his present position. He is now a member of AFRA.

Gilbert Ferguson, who was recently on the 'Mr. Perkins' show also started with the Council show. He is now a member of AFRA.

Stanley Lonergan became an announcer at WGN and has now come back to the Constance Worth show for further dramatic experience.

These are only a few of such cases. That the Junior League members are not replacing radio professionals on the program has already been pointed out. Radio professionals, we understand, would not be permitted by AFRA to donate their services to such a program, even if they could afford the time to do so.

Virginia Winston,
President, The Junior League
of Chicago, Inc.

SUE BERNIE ON MUSIC QUIZ AIRSHOW

James Lyons filed suit Wednesday (18) in the N. Y. supreme court against Ben Bernie, seeking \$13,000 damages for alleged plagiarism of an idea for a radio program submitted to Bernie's agent in December, 1937, the agent being the Music Corp. of America. A similar suit for a like amount was filed against MCA last week.

Plaintiff claims to have originated an idea for a radio program in Oct., 1937, which would consist of a mock court proceeding, with jurors taken from the audience and paid \$3 each for their 'work,' and extras for good decisions. Bernie is accused of having used the program over WABC between April and July, 1940.

Harold L. Hackett, v.p. of the Music Corp. of America, was ordered to appear for examination before trial on Jan. 25 by Supreme Court Justice Ferdinand Pecora, in connection with Lyons' suit against the corporation. Order for the examination was issued Friday (20).

ABE SCHECHTER'S BOOK

Abe Schechter, director of news and special events for NBC, has a book coming out in a week or so. It's tagged 'I Live on Air,' and was co-authored with Edward Anthony.

Stokes is the publisher, and the book is a personal history of news coverage by radio.

12TH NBC YEAR SET BY CITIES SERVICE

Cities Service has renewed with NBC for another year, effective Jan. 3. Will make the 12th consecutive year for this account on the air.

This Friday night session is the oldest straight music program on the networks.

CHICAGO NBC UPS STUDIO SPACE

Chicago, Dec. 24.

NBC here is reading some new studios to hold the increased demands of studio space in Chicago. For several months now a number of programs have been crowded out of the NBC studios in the Merchandise Mart. At present, the studio situation is so cramped that on Sundays three outside theatres are necessary to hold the shows. Being used on Sundays now are the Civic theatre, the Woman's Club theatre and the Goodman theatre.

While the new studios will ease the strain somewhat, it is still figured that NBC will shortly have to go all the way and really build itself a suitable studio theatre. Mutual-WGN has a 1,000-seat theatre to itself on the boulevard, and Columbia-WBBM has a 400-seater. CBS, however, also uses an outside studio occasionally for a big audience show such as the 'Design for Happiness' program.

QUAKER BUYS 'ORPHAN ANNIE'

Quaker Oats has bought 'Little Orphan Annie' on a package basis from the Transamerican Broadcasting & Television Corp. The series will start off Jan. 27 on a transcription routine over 20 stations and will remain that way until the required time is cleared on one of the networks. Deal was closed through the Ruthrauff & Ryan Chicago office.

Transamerican obtained the rights from the Chicago 'Trib-N. Y. News syndicate. Until a few months ago 'Little Orphan Annie' was sponsored by the Wander Co. through the Blackett-Sample-Hummert agency. This makes the strip's second account. It had been on for Wander for over nine years.

Columbia Seeks Excuse From Pre-Trial Exam On 'Birth of a Nation'

Columbia Broadcasting System, Inc., applied to the N. Y. supreme court Thursday (19) to vacate a notice of examination before trial of its secretary, Joseph H. Ream, set in conjunction with a suit by the Epoch Producing Corp. against it. CBS claims that the questions sought to be answered are improper and immaterial.

Plaintiff seeks an accounting of profits, an injunction, and damages for the alleged unauthorized use of the title 'The Birth of a Nation' on a radio program broadcast Sept. 2, 1940. Plaintiff has owned the film since 1915, and claims to have spent \$600,000 in advertising it. CBS admits the broadcast, on historical subjects, and claims that the program, which was supposed to be a series, was not heard after the first broadcast. It asks a dismissal.

Joe Ries' New Title

Cincinnati, Dec. 24.

Joe Ries, WLW's educational director for the past several years, becomes director of public service programs for the Crosley 50,000-watt station with the turn of the year.

He has been assigned by James D. Shouse, general manager, to have charge of religious programs, community affairs, social service broadcasts and all programs relating to civic organizations, plus educational matters.

Only Established Hillbillies Wanted

Blow Agency Still Interested But on Basis of Longevity and Record—Not of 'Presentations'

Singing Mayor to Miami For Town Hall Program

Milwaukee, Dec. 24.

Mayor Carl F. Zeidler, this city's youthful and exuberant singing chief executive, is sacrificing Christmas at home to fly tomorrow to Miami, Fla., to participate in the Town Hall of the Air radio program being broadcast from there Thursday night under the title, 'The Role of Youth in the Defense of Democracy.'

Hizzoner will be back on the job Friday, leaving Miami by plane right after his broadcast.

BOOKING THE BLURBS A LA VAUDE

Getting a look into the vaudeville booker's pages months ahead was always provocative in the old show biz days. But radio's booking is apt to be somewhat different. Woodbury has two shows, 'How Did You Meet?' and Tony Martin, both starting Jan. 1. The Woodbury products are varied so the advertising is 'booked' as follows:

How Did You Meet?
January—powder.
February—soap.
March—one week soap, three weeks powder.
April—one to fill.
May—one to fill.
June—one to fill.
July—powder.
August—soap.

Tony Martin
January—cream.
February—soap.
March—one week soap, three weeks powder.
April—one to fill.
May—one to fill.
June—cream.

RCA-VICTOR BACK AS NBC SPONSOR

RCA-Victor went back on the air last night (Tuesday) for 13 weeks with two consecutive 15 minute periods 11-11:30 on WVEA, New York, only. First quarter hour segment carries Ben Grauer with foreign news, second hour with classical records and the time is devoted to the playing of samples. First session turntable, recorded Toscanini music. Glen Riggs is announcing the second portion. He used to handle the RCA morning record session on the same station at 7:45 a.m. Grauer has been riding the 11-11:15 slot with news bulletins for some time. Commercial copy he's to split concentrates on the short wave angle of RCA radios. He'll be used only four nights a week; the sponsorship of the show covering each night except Saturday and Sunday, when they'll air sustaining. Wednesday nights Grauer does the Kay Kyser Lucky Strike commercial. Lyle Van will replace on RCA.

WLAC Added to Lists

Nashville, Tenn., Dec. 24.

Four network shows will be aired through WLAC after the first of the year which have not had a local outlet. Colgate's 'Strange as It Seems' and 'Ask Ili Backett' start Thursday, January 2.

Lipton's 'Helen Hayes' begins its run the following Friday night and the Saturday the 30-minute news-cast bankrolled by Curly Candy will inaugurate its biweekly run.

Spencer, Lytle's Sound Track

Dayton, Dec. 24.

Lester Spencer, WHIO program director, and Ed Lytle, announcer, are working for the army air corps on a film called 'Flying Cadets.' They're doing pound-track comment.

Paul Katz, conductor of the Dayton Philharmonic orchestra, has charge of the musical background for the picture.

Philip Morris has to date bought in on but one hillbilly show, the WLS Barn Dance, but the Blow Co., agency on the account, is still on the outlook for programs of this type which have actually proved themselves. The agency is reluctant to tie up with a hillbilly program that hasn't had something of a run or something that a station has merely put together on paper for presentation.

Cig company's sponsorship of the Barn Dance is confined to the Chicago area and the period between 10 and 10:30 p. m. The previous hour of this same Saturday night program will continue to be underwritten by Alka Seltzer over the NBC-red.

Albert Noble, WLAC, Nashville to Miami for sunshine. Recently ill.

WHEELING

A Fort Industry Market

MERRY CHRISTMAS

HAPPY NEW YEAR

THANK YOU

FOR WWVA'S BEST YEAR

WWVA



TODAY, neither medicine nor merchandising can diagnose wisely from mere surface indications. That's why we consider it our job to dig for the basic factors affecting any spot-broadcasting situation, and to present them without color or bias.

JOHN BLAIR & COMPANY

National Representatives of Radio Stations

NEW YORK • CHICAGO • DETROIT • ST. LOUIS • LOS ANGELES • SAN FRANCISCO



United Press

DURING 1940

the radio industry continued to show its confidence in United Press as the dominant news service. By a greater margin than ever before radio relies on United Press for accurate, impartial news and news features.

United Press is conscious of the fact that this trust is based on service—a leased wire unmatched by any other news agency. And United Press pledges for the year 1941 the same unbeatable speed, accuracy and impartiality which are the trademarks of United Press radio news coverage.



UNITED PRESS

THE DOMINANT NEWS SERVICE



Princeton Studes Launch Wired Wireless Station from Campus Dorm, and Will Sell Spot Blurbs

Princeton, N. J., Dec. 21.

Princeton's own wired wireless radio station, WPRU, has finally taken to the air. The dream of Henry G. Theis, radio-minded junior from Englewood, N. J., the new project is the result of three years of hard work in the face of great difficulties. The entire equipment of the station has been constructed and designed by undergraduate technicians.

Although first week's program schedule was confined to classical and popular recordings, the station will soon broadcast lectures, university notices, quizzes, debates, descriptions of athletic contests, etc. Nightly broadcasts take place from 5 to 6 and 7:15 to 9:15.

The broadcasts originate from their dormitory room in Pyne Hall, which has been fitted out as a radio studio. The university's wiring system is the medium through which the radio operates at a frequency of 630 kilocycles. The wired wireless station, though, will not be required to hold a license from the FCC since only radio within 300 feet of the university's wires will be able to pick up its programs.

Similar stations are operated at Dartmouth, Brown and Williams, with radio pipes used as the means of transmission instead of electric wires. They had originally planned to operate a licensed station, but he was refused by FCC when it was learned that the system would be forced to shut down during summer vacation period.

The three hours of nightly broadcasting may be increased if popularity warrants it.

The Nassau Sovereign, undergraduate mag, has undertaken to sponsor the newscasts which will originate from a news bureau operated by the publication.

Project will be financed entirely by four owners until it begins to pay for itself. Spot advertising, announcements by local firms, it is hoped, will put station on paying basis before spring term begins.

TECHNICIANS FORM GROUP

Hollywood, Dec. 24. Radio is butting in on the Oscar business with a new organization, the Academy of Radio and Television Sciences, evolved through the dissolution of the Radio Producers' club last week at a meeting at the Brown Derby. New outfit, to function under its initials, ARTS, is designed to promote the technical departments of radio and television.

Officers are Wayne Griffin, president, Carroll O'Meara, secretary, and Paul Rickenbacker, chairman of the Academy committee.

Regina, Sask. — New speller at CJRM is Joe McKinnon.

Greetings by Air

One-minute sponsored program, "Misch Goodwill Greetings," will be aired at 11:59 a.m. today (Wednesday), by WQXR, New York. Time was purchased by Robert-Misch, of the Al-Paul Lefton agency, and the program will be a recording of Mr. and Mrs. Misch reading their own Christmas greetings.

Ad exec previously mailed cards to friends, advising them to listen to the program. Cards carried a facsimile of a newspaper listing of the show.

MCA INTO AIR SERIAL FIELD

Chicago, Dec. 24.

Possibly quickened by the ASCAP situation the Music Corporation of America now covets radio script serial revenue. In setting up machinery to handle daytime strippers and has recorded a trio of such shows for presentation purposes. These three are tagged "Forever Your Wife," "Dear Teacher" and "We Make Our Lives."

MCA is also readying another batch of these daytime serials for agency a.o.

'Mix' Stunt for KKOK

St. Louis, Dec. 24.

A pre-celebration of KKOK taking over NBC's Blue outlet here from KWK on Jan. 1 was held today when the cast of Ralston's "Tom Mix Rides On" air serial moved into this burg from Chicago to originate two shows for the coast-to-coast web. Stunt was part of the sponsor's annual Xmas party.

Becoming the local NBC outlet is the second major improvement for KKOK in the past three months. The other was obtaining permission from FCC to jump to 5,000 watts and a k-c, switch from 1250 to 630. The only local man to participate in the two broadcasts is the sound effects technician.

C. E. Hooper Gets Coast Pledges Okaying Expanded Program Check

San Francisco, Dec. 24.

Frisco stations, networks and agencies during C. E. Hooper's two-day visit here agreed to pay up to 200% more for the program popularity checking service in 1941, also formed a committee to sign up other clients

Oklahoma 5 to NBC

NBC has signed up five stations in Oklahoma for addition to the blue link. They are KADA, Ada; KBIX, Muskogee; KVSQ, Ardmore; KCRK, Enid, and KGFF, Shawnee.

Alliances become effective Jan. 1. The quintet will be sold under a group rate. Raises the NBC list to 224 outlets.

BOSTON FIRST SWAN SOAP MARKET

Campaign on Lever Bros.' newest product, Swan Soap, will be under way shortly after the first of the year. Young & Rubicam, agency on the product, has already started to line up the stations.

Among the markets already set are Boston, Portland, Me.; Pittsburgh, Syracuse, Cincinnati, Albany, Troy, Buffalo, Hartford, New Haven, and Baltimore. Other stations will be added as the distribution opens up other markets. Contracts call for three announcements a day, starting Jan. 6, and are for 52 weeks.

Swan is priced as a competitor of Procter & Gamble's Ivory Soap, and is figured to become a major spender for spot broadcasting during 1941. The soap brand will be tied up with a network program until the distribution has become fairly national.

Forms Cary-Ainsworth Des Moines Agency

Des Moines, Dec. 24.

R. H. Cary and David Ainsworth have quit the Coolidge Advertising Co., to organize their own agency under the name of Cary-Ainsworth, Inc., in Des Moines.

Cary has been with Coolidge for 12 years, while Ainsworth joined that agency in 1937, coming from Knox-Reeves.

'My Son' Being Scratched

All present General Foods programs will remain as is on the network after Jan. 1, with the exception of one day time strip, "My Son and I." This serial is on CBS.

Replacement of "My Son" is being readied by the Young & Rubicam agency.

for Hooper. In return, the tabulator promises a greatly improved service. Under the new set-up, Hooper will step up his calls to a point where the present three-month span necessary for a rating will be cut to two months. In addition, a new plus-minus-or-no change service will be inaugurated on a monthly basis, giving shows a quick comparison. In other words, it won't be a rating but an approximation whereby a sponsor can find out if he is gaining or slipping at the moment.

While making coincidental calls Hooper phoned also will ask dialers what show they listened to 15 minutes before. Each 500 calls, on that basis, will yield 1,000 answers, half coincidental, half co-indicative.

Network committee appointed to help things along includes Ward Ingram of KFRC, Walter Bruce of McCann-Erickson, Mac Campbell, Lord & Thomas, Ray Reeves, J. Walter Thompson and Bill Day, Leon Livingston, Art Kemp of CBS and Bill Ryan of NBC also active.

Localities are much pleased with the establishment of a Hooper office on the Coast where tabulations will be made hereafter. In past, figures have been sent east for tally. Coast headquarters are in Los Angeles, with Ruth Arnold in charge.

Gordon Brown, owner of WSAJ, Rochester, N. Y., and Morton Nusbaum, office manager, given public citations by Veterans of Foreign Wars, "for invaluable services to veterans and Americanism."

Ann Corio's Harvard Lecture

By HARRY PAUL

Cambridge, Mass., Dec. 20.

Ann Corio, burlesque strip actress, gave Harvard students a lecture on psychology via 'bootleg' radio network of Harvard Crimson, undergraduate weekly newspaper. During the 30-minute spiel, she explained, "There are three kinds of men—men, gentlemen and others. Harvard boys are all gentlemen and I love them. The people at Yale are just 'others'."

From the studio in Shepard Hall, the program was broadcast via a novel network on a "one-line wattage" over antenna connected to electric light wires and various metal parts of buildings in a 100-foot radius of Harvard yard.

Announcer Stanley O. Boren introduced Miss Corio as 'Harvard's Sweetheart' and asked her how she happened to enter burlesque. "Well, I thought clothes were encumbering," was her rejoinder. "I was born under the sign of Sagittarius, which means that I am frank and open and don't hide things."

She proceeded to give a few lessons in the art of strip-tease, discomfiting imaginative listeners, while those in the crowded studio were only treated to a 10-inch hemline hoist plus a preliminary dance step. The program could not be heard beyond the 100-foot radius and station officials claim to have consulted Federal Communications Commission and learned no license is necessary for their arrangement.

Regular broadcast receivers are used by the students, who are provided with classical music, jazz, news and talent from student body. William W. Tyng, a senior at Harvard, is chairman of the undertaking which started last spring, and is assisted by Charles W. Oliphant, technical director; Lawrence Lader, program director, and a staff comparable to a 1000-watt commercial station.

Carolina Cleric Lambasts Station For Religious Policy a la Code

Spartanburg, S. C., Dec. 24.

G. W. JOHNSTONE WEST WITH KEITH MORGAN

G. W. Johnstone, radio director of the Democratic National Committee, leaves New York Thursday (26) for the Pacific coast. He accompanies Keith Morgan, national chairman of the President's Birthday Ball celebration committee, of which Johnstone is radio chairman.

Twosome will visit Los Angeles, Kansas City, St. Louis, Indianapolis, Chicago, Columbus and Detroit, returning to N. Y. Jan. 10.

Johnstone is working with Dorothy Thompson on a program in connection with the Roosevelt inaugural on Jan. 20.

Recent decision of Walter Brown, vice-president of the Spartanburg Advertising Co., owners of WSPA and WORD, to apply the code of the National Association of Broadcasters to religious programs produced fireworks here. Brown notified local clerics that hereafter commercial religion was out, that only sustainers would be carried and that solicitation of funds over the must cease.

In a subsequent broadcast over WSPA via remote pick-up at Concord, N. C., one minister, Rev. Harold Smith, blasted the station and Brown and called for advertisers to refrain from patronizing the station. Station made a special recording of the talk, having some intimation of Smith's purpose. Minister is quoted as having said that "there will be a lot of Christmas shopping done elsewhere that would have gone to these places" (meaning stores that support WSPA with advertising) and that he proposed to establish a radio station of his own.

Broadcast included a statement charging the decision to discontinue the evangelistic broadcasts to "the devil . . . and the molycoddling ministers of Spartanburg" and promoters (Continued on page 55).

Hobby Pays Off

St. Louis, Dec. 24.

John Mahoney, a native whose hobby is baseball statistics, etc., won a job as a pinch hitter for an absent expert on the Hyde Park Breweries Assn. quiz program aired over KMOX every Friday p.m. Mahoney has been a regular attendant since the program started and has topped more than \$100 by answering quizzes that the experts flopped on. Last week Mahoney was pressed into service by France Laux, m.c. of the program, when an expert failed to show.

Station execs are mulling the idea of making a place for him on the board of experts. He is employed in the purchasing dept. of the Missouri-Pacific railroad.

SUSTAINING TRIUMPH

Buffalo, Dec. 24.

WHEN scooped itself on Sonja Henie's arrival with ice troupe. While "International House Party," sponsored show, was angling for a guest visit, Jim Wells calmly put her on his sustaining sports show.

THE MARTINS

HUGH-PHYLLIS-JO JEAN-RALPH

Featured on

"TEXACO STAR THEATRE"

CBS—WEDNESDAYS

7:30 to 10 P.M., EST

Vocal Arrangements and Direction

By HUGH MARTIN

Personal Management: FRED STEELE

9 Rockefeller Plaza, New York City

Suite 604 Columbus 5-2145

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR

FAMILY BRINGS YOU MORE

LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap—99% pure

LISTEN TWICE DAILY

NBC Red Network, 12:15 to 12:30 P.M., EST

IN . . . WABC-5:15-5:30—CBS

COAST TO COAST

DR. COMPTON ADVERTISING AGENCY

MGT. ED WOLF—RKO BLDG., NEW YORK CITY

Lively
Showmanship
WINS LARGER AUDIENCES
in the
INTERMOUNTAIN
MARKET
FOR

Representative
JOHN BLAIR
& COMPANY

The POPULAR Station
Salt Lake City

NBC
RED
NETWORK

STATIONS CUT STAFF MELONS

BIG INCREASE IN BONUS HABIT

Station 'Party' Becomes a Pre-Christmas Tradition Throughout Broadcasting Industry—Leo Fitzpatrick Also Takes Care of Staff Kiddies With Gifts

MANY REPORT

Especially notable this Christmas were the number of radio stations rewarding their staffs with substantial cash bonuses. These ranged from one week's salary up to princely melons based on annual salary. The question of plowing profits back into staff loyalty has lately been emphasized by radio station management. The theme was emphasized in the recent eighth annual Varsity showmanship survey, especially as regards WGAR, Cleveland. Attitude of broadcast management toward staffers had gradually changed through the years.

Not only because 1940 was a big year, or because of the tax situation, but because the radio broadcasting business is now in the 'solid citizen' classification this change has come about. In the earlier days owners of stations squeezed their properties to the rind and showed little realization that they should thank or think about staff esprit de corps.

A few of the stations that have handed out cash bonuses during the present Christmas holidays are re-

ported herewith. Many others have been previously reported in earlier issues of Varsity. Still others, of course, have not been disclosed publicly at this time.

It is now customary in scores of radio stations around the country to hold staff parties during the days just before Christmas. This has become one tradition in a business that grew so fast it didn't develop many traditions.

An amusing picture is suggested by the story from Tacoma where one staff collected its bonus and immediately started a crap game with the bosses. This was probably bad economy but good democracy.

St. Nick Fitzpatrick

Detroit, Dec. 24. Staff members of WJR, numbering well above 100, were given 15% of their year's salary as a Christmas present at the annual group party Friday (20) in the Recess Club.

It brought to 20% the bonus paid during the year. Last summer, just before the vacation season, the entire staff was given a special 5% gift. The only members to whom the largesse does not go are the union musicians.

In addition to this Christmas cash, Leo Fitzpatrick, vice-president and manager, takes the holiday brunt off all parents on the staff. He tossed his annual kid party on Dec. 23 for all children of staff members and the gifts include the biggest items on the youngsters' letters to Santa Claus. Handed out were such things as bicycles, riding habits, doll houses and other expensive items. Mothers are tossed a separate party, while nurses take over the kid party.

Arthur Church's Polley

Kansas City, Dec. 24. Annual bonus and round-up breakfast of personnel of KMBC was held last Wednesday (18) at the Pickwick hotel with Arthur Church, prexy, passing out the good news. Employees who had service of nine

months or more were given bonuses on length of service. This is in keeping with the policy Church has practiced for several years. Some 90 workers were on hand for the doings.

Principal point of Church's several announcements concerned draftees who will be guaranteed reinstatement at KMBC at the conclusion of military service. Each draftee will also receive a special bonus of one month's pay for each year he has served KMBC up to six years. In a recent survey of KMBC's 92 employees 46 reported eligible for the draft.

Wasmer's Bonus Plan

Spokane, Dec. 24. More than 50 employees of KHQ and KGA got bonuses. Louis Wasmer, president of the stations, was host at a Christmas party for the staff at the Davenport hotel. Extended thanks to the staff, including the original four members, who have been with KHQ for more than 14 years.

All employees with the organization for a year received checks equal to two and a half month's salary; from months to a year, one month's salary; and less than six months, two weeks' pay.

Remainder of the evening was spent at cards and 'African golf'. Today, Tuesday (24) the entire staff of KFPY (over 30) held annual Christmas party in Golden Concert Studio. Immediately following presentation of gifts the staff took part in an informal gathering in the station's newly completed staff recreation room. The tree was decorated with colorful balls, representing the various network shows released by KFPY.

Entire staff was also presented with salary bonuses.

Santa at CBS, Too

Executive and employees of CBS got their Christmas bonuses yesterday (Tuesday). In each envelope there was a message from William S. Paley, thanking them for their good services, etc.

Non-executives each got a week's pay.

WGAR Bonus Swells One-Half

Cleveland, Dec. 24. Employees of WGAR gathered for the annual Christmas party with 10% in their mental arithmetic. But the bonus was 15% by way of a genial surprise from the board of directors.

WDRC Awards Two Weeks

Hartford, Dec. 24. All employees of WDRC have been given two weeks' salary as a Christmas bonus. Station this month observed its 18th birthday.

'Green Hornet' Returns

'The Green Hornet,' weekly 30-minute adventure series which has been off the air for several months, returns Saturday night (28) to WOR-Mutual. Network has a sponsorship deal on the verge of signing and figures clinching it when the show resumes airing.

Stanza was on NBC blue (WJZ) for two years and on Mutual earlier this season. It has been co-operatively bankrolled on occasion, but never sponsored by a single account.

WKRC, CINCINNATI, EXPANDING

Cincinnati, Dec. 24. WKRC, Mutual affiliate, took occupancy last week of six more rooms in the Hotel Alms, where the station is located, for offices and a music library.

Brad Simpson recently became program director and is taking over other duties formerly handled by Hulbert Taft, Jr., general manager.

1940 TOO GRIM, DROP DRAMA

'Twelve Crowded Months,' Columbia's annual 60-minute program of the year's biggest news stories, will not be in dramatized form this year. Reason is that the network officials believe the events of 1940 were generally too grim to be palatable in dramatic form. Reversal of previous policy was decided over the weekend, after plans for another dramatic presentation were well under way.

Actual stand-out stories haven't yet been selected for the program, which is scheduled for 1:30 to 2:30 p.m. Sunday (29). However, Edward Murrow, William Shirer, Eric Sevareid, Larry Le Sueur, Elmer Davis and Maj. George Fielding Elliott will probably participate, each using his own script. Paul White and Robert Wood, of the news department, will supervise.

SWIFT BUYS 60 BLUES FOR BREAKFAST

Swift & Co. has bought a daily quarter hour of the 'Breakfast Club' on the NBC-blue and will use as many as 60 stations if the network can clear them.

The period is 9 to 9:15 a.m. EST.

Beckley, W. Va.—Howard F. Flynn, formerly with NBC Artists Service, has joined the staff of WJLS in charge of writing, casting and producing dramatic programs.

WJSV
WASHINGTON, D.C.
50,000 WATTS
CBS

**The most powerful voice
in the country's wealth-
iest per capita market.**

For more information about WJSV, one of the sixteen CBS 50,000 watt stations, inquire of Radio Sales: New York, Chicago, Detroit, St. Louis, Charlotte, N.C., San Francisco, Los Angeles

COLUMBIA'S STATION FOR THE NATION'S CAPITAL



Football Games, Roller Derby Help San Antonio; Peter Paul on WOAI

San Antonio, Dec. 24. Local units remained above the line, even though the end of the season on the City Manager Plan sheared the figure somewhat. Football games and the Roller Derby were prominent in the week's sales. KABC, Humble Oil Co. sponsored football game between Temple and Corpus Christi; Martha Washington Candy Co., spot announcements; San Antonio Florists Association, five-minute programs daily; Don Weston Lithograph Co., one quarter-hour program; Tankersley Cafe, one announcement per day; co-sponsorship of the St. Mary's vs. All Stars football game here Dec. 23 sold to Public Radio Co., Scooby Transfer Co. and National Bank of Commerce; local Sinclair dealers will present a special one-hour Christmas day program; Interstate Circuit, two quarter-hour programs; Patrick Lopp Display Service, one quarter-hour program; spot announcement for the Roller Derby; San Antonio Brewing Association for Pearl Beer, quarter-hour daily broadcast from the Roller Derby; Central Typewriter Co., two quarter-hours; Hex Co., spot announcements; Paul Anderson, spot announcement on their new location; Bon Ton Bakery, spot announcement; Southern Wine Co., spot announcements.

WOAI: Renewal for Peter Paul, Inc. (Mounds), through Platt-Forbes, one minute, six per week for three months; Bayer-Seib, one minute, through Thompson-Koch Co., six announcements per week; renewal, American Chile Co., through Badger & Browning, Corwin Riddell's daily five forty-five news; Steyer, art Title Co., eight 100-word announcements, direct; renewal, Campbell Cereal Co., for Malto-Meal, through H. W. Kastor & Son, five 100-word announcements weekly; Jax Beer Co. of Dallas and Houston, through Antefenger Adv., Pat Flaherty's Sportscafe, five minutes each Tues., Thurs. and Sat.; Beverly-Rolnick Co., through Sig H. Badt, one announcement per week for one year; renewal, Comet Rice Mills, through Freitag Co., six announcements per week for 13 weeks; renewal, Dr. W. B. Caldwell Co., Inc., through Sherman & Marquette, 11 one-minute announcements per week.

Dec. 21 Compared to Dec. 14				
Network	Local	National	Total	Units
Units	8,981	1,229	16,439	
6,365	8,943	1,365	16,673	
+0.4%				

(Included: KABC, KMAC, KONO, KRTS, WOAI)

Stauben Society Returns WEMP Man to Top Job

Milwaukee, Dec. 24. Bernhard Hoffman, who conducts WEMP's daily German hour, recently announced Musical Society WEMP's weekly German hour and a weekly program from the Wisconsin University station WRA in Madison, Wis., has been elected for the fifth time as president of the Stauben society here, a German-American group committed to new vigilance against any possible fifth column intrusion. The organization amended its constitution, barring from membership anyone belonging to a group whose policies tend toward overthrow of the American constitutional government.

WSPA TO COLUMBIA

WORD, Spartanburg, Due for Blue Mutual

Spartanburg, S. C., Dec. 24. WSPA, which joins CBS Jan. 1, is being enlarged and expanded, the program including a \$50,000 transmission station, already begun, and other improvements. WSPA is being groomed to become a full-time CBS affiliate by spring, when Word, Spartanburg. Advertising Company's other station, will be released for either NBC blue or Mutual network.

Effective Jan. 1, WSPA will either CBS programs morning until sunset when station will sign off and WORD will pick up network programs for night time. WSPA is expected to be ready for full-time day and night CBS hook-up by March 28, when WORD will be free to sign with NBC and Mutual.

WSPA, operated 10 years by Virgil Evans was purchased for \$53,000 last year by Spartanburg Advertising Company, which added WORD as new station last fall.

Any Shade of Red

Timmins, Ont., Dec. 24.

One of the sponsors of CKGB, local CBC outlet, bought a dairy from an outfit whose employees had previously given the establishment the reputation of having a Communist tinge. New owners wanted to combat the stigma, so they took a series of spot announcements over CKGB, plugging the loyalty theme.

In addition they asked the station to obtain a suitable transcribed program. Show selected was called "The Crimson Trail," but the super-sensitive sponsor turned it down on the ground that the word "crimson" suggested the "red" label of Communism.

TIVOLI BEER SOLD IN MANY LANGUAGES

Detroit, Dec. 24.

Foreign language programs still are a mighty lure for the beer advertiser. Tivoli Brewing Co. here has just renewed its contract for a year with WJBK for 38 spots a week on the program's language hours.

The program includes ads: Polish, Italian, German, Greek, Hungarian, Ukrainian, Rumanian, Croatian, Czechoslovakian, Jewish and Finnish.

Duke Gets WQAM Disc

Miami, Dec. 24.

WQAM, Miami, has sent the Duke and Duchess of Windsor a transcription on which is recorded their arrival and departure, as well as broadcast highlights of their trip to Miami. Platter includes the first remarks aired by the Duke in this country. The Duchess was not heard over the air, preferring to remain as the Duke's "silent partner." Also on the platter are the tributes paid to them by Jim Kilgallen, Milton Bracker, Duncan Aikman, Inez Robb; and other writers, who were assigned to keep tabs on them while in Miami, and who were heard during the series of broadcasts WQAM arranged to cover their activities.

Broadcasts of the Windsors' visit were handled by Norman MacKay and Leslie Harris.

ANNOUNCEMENTS PAD DENVER LOCAL UNITS

Denver, Dec. 24.

With the exception of a seven-minute newscast contract by KFEL, sales were confined to announcements, spot, chain breaks and the like.

KFEL: King's Luggage, seven newscasts; one day, Lydia Pinkham Co., through Erwin, Wasey, chain break announcements, five a week; Max Cook, through Ted Levy, ski report, 15 minutes a week through Erwin, Wasey, chain break to Daly Insurance, Great Western Cleaners, Hume's Table Supplies, Calbeck-Lawless, Ray H. Davis Service Station, Acme Silver Plating Co., through H. M. C. Johnson, Implement Co., Hank's Auto Service and Acme Upholstering Co.

KLZ: Absorine Mfg. Co., through Ross - Gould, 40 announcements; Washington State Apple Assn., through J. Walter Thompson, 35 announcements; DeWitt Motors, through McCann-Erickson; three time signals; Gottrell Clothing Co., through Robertson Agency, two spots; C. W. Shepherd & Sons, one spot; Hoskins Realty, one spot; one quarter-hour; Gardner Agency, one spot; Reed & Co., two announcements; Newstrom-Davis & Co., two spots.

KOA: Miller Furniture Co., through Ted Levy, 40 announcements; First Industries Bank, through Ball & Davidson, 12 announcements; Dundee Clothes Shop, through Max Goldberg, 312 announcements; Bristol-Myers, through Young & Rubicam, 312 announcements; Kurland Motors, 24 announcements.

Dec. 21 Compared to Dec. 14				
Network	Local	National	Total	Units
Units	8,185	4,558	1,502	14,245
8,270	4,454	1,523	14,247	
+0.8%	+2.3%	-1.4%		

*No change.
(Included: KFEL, KLZ, KOA, KYOD)

Calling Up Radio Men

Salt Lake City, Dec. 24.

Rodney Lee Amnott, KDY, transmitter engineer, has been called to duty at Mare Island Navy Yard as a member of the Naval Reserve. He is to report Dec. 28.

Artie Clark of KUTA also readying to be called as reserve ensign, and Lyle Walquist, KUTA chief technician, has been called to Naval Reserve. Some question of his eyes having failed since he first enlisted, however.

Who's Who On N. A. B. Committees

Washington, Dec. 24. Committee births for 1940-41 have been nearly decided by the National Association of Broadcasters, which has rosters complete except for a few district representatives. Of the 144 persons named, 103 stations have been given a voice in industry policy-making.

List follows:

Accounting committee—H. K. Carpenter, WCLE, CBS, Detroit; Charles E. DeWitt, WSM, Nashville; WSO, Charlotte; Harry F. McKee, NBC, Glenn Snyder, WLS, Chicago; Harold Wheelahan, WSM, New Orleans.

AAAA Conference committee—Harry C. Wilder, WSYR, Syracuse, chairman; Roy L. Harlow, WAAB, Boston; Bernard H. Mason, WJF, Raleigh; Edward Petty, Frank A. Seitz, WPAZ, West Plains; Dale Taylor, WENY, Elmira; Lee B. Wailes, KYW, Philadelphia. Code committee—Edgar L. Bill, WMBD, Peoria, chairman; Earl J. Glade, KSL, Salt Lake City; Gilson Gray, CBS, Hugh L. L. Haff, WOAI, San Antonio; Henry P. Johnson, WSGN, Birmingham; J. O. Meland, WHO, Des Moines; Frank Mullien, NBC, Calvin J. Smith, KFAC, Los Angeles; Theodore C. Streibert, MBS, Ed Kirby, WAB, Washington, secretary.

Engineering committee—F. M. Doolittle, WDRC, Hartford; Maurice Clark, WHEC, Rochester; J. C. Wittich, WCAU, Philadelphia; James R. Donovan, WTOP, Savannah; J. H. DeWitt, WSM, Nashville; Walter Hoffman, WJL, Chicago; Paul Loyet, WHO, Des Moines; Julius Heland, WDAY, Fargo; K. W. Pyle, KFBI, Wichita; William G. Edgerton, KTSN, San Antonio; R. V. Howard, KSFO, San Francisco; Jay Tipp, KCER, Long Beach. (Members from districts 4, 7, 14 and 17 not yet appointed).

FCC Conference committee—Eugene C. Pulliam, WIRE, Indianapolis, chairman; W. A. Alcorn, WBXN, New York; vice chairman; H. W. Batcher, WFBK, Hartford; P. J. Hennessy, NBC, Washington; Harold Lafont, WCOF, New York; Kenner Baine, CBS, New York; Reed Rolo, MBS, Washington.

Insurance committee—Roger W. Clipp, WFIL, Philadelphia, chairman; S. R. Dean, CBS, New York; William I. Moore, WBXN, New York; J. R. Poppele, MBS, New York; Charles A. W. NBC, New York.

Labor committee—W. B. Boyle, WJAB, Chicago. R. L. Lounsbury, WGR, Buffalo; Samuel R. Rosenbaum, WFIL, Philadelphia; Fred Barton, WQAM, Miami; H. W. Slavick, WMC, Memphis; Leo J. Fitzpatrick, WJR,

Active National Spot Accounts

(According to Reports from VARIETY'S 'Radio Market Cities')

(E. I. du Pont de Nemours & Co. (BBD&O) was erroneously reported in the Oct. 30 issue as placing half-hour spot programs. The company is currently using chain breaks.)

Account	Agency	Time Purchases
Blairstone Products	Spektor Agency	4 Hour News
Chrysler Corp. (Dodge)	Rutledge & Ryan	Announcements
Chrysler Corp. (Plymouth)	J. Stirling Getchell	Announcements
Chrysler Corp. (Plymouth)	Jos. Katz	Time Signals
Compagnie Parisienne	Northwest Radio	5-Mins.
Ford Motors	McCann-Erickson	Announcements
Glaxo	Jos. Katz	Announcements
Manhattan Soap Co.	Franklin Bruck 8-Min. News	Announcements
Mission Bell Wines	Firestone Adv.	Announcements
North American Accident Ins.	Franklin Bruck	5-Mins.
Remington-Rand	Franklin Bruck	Station Breaks
Remington-Rand	International Radio Sales	Announcements
Rubber Mfgs.	Simper Agency	Announcements
Sears, Roebuck	Frederic W. Ziv	3-Mins.
Southern Pacific RR.	Lord & Thomas	Spots
Studebaker Corp.	Roche, Williams & Cunningham	5-Min. News
Swedish Labs (Blondex)	Shampoo: Benson & Dall	4 Hours
Tidewater Associated Oil	Lord & Thomas	Football Games
Vick's Cough Drops	Morse International	Announcements
Walgreen Drug	Schwimmer & Scott	Announcements

DEPARTMENT STORES BUYING RADIO TIME LAST WEEK

Store	City	Time Purchases
Broadway Dept. Store	Detroit	Announcements
Broadway Dept. Store	Los Angeles	Announcements
Hale Bros. Dept. Store	San Francisco	Spots

CKUA's Destiny Rulers

Edmonton, Alta., Dec. 24.

Alberta government members of the six-member board of the University of Alberta radio station, CKUA, are Dr. Fred McNally, deputy minister of education; G. H. N. Monkman, deputy minister of public works and D. E. C. Campbell, provincial director of publicity.

University members are Dr. W. A. R. Kerr, president of the University; Dean Robert Newton, of the faculty of agriculture, and Donald Cameron, director of the education department of the university.

Atlanta.—Sales department of WATL has been reduced by two men, George Mitchell and C. H. Cannafax, ending the takeover of the station by new management Jan. 1.

Maurice Coleman has already quit as manager of the outlet to become sales manager at WAGA.

CONTINUED LULL TRIMS BALTO FIGURES

Baltimore, Dec. 24. Biz continued inactive here, with only the local count showing some slight activity. Selling for subsequent airing reported promising all around, but considerable street being made on continued participation by new accounts built up during pre-holiday sales effort.

WBFR threw a Christmas party for the agency, using in the "12-12-12" noontime participation show, for entertainment and impromptu fun. Sent out specially wrapped copies of "Magic Dials," richly illustrated story of radio and television by Lowell Thomas, to mailing list and declared a bonus for all employees as an added holiday gesture.

Both WBAL and WBFR sold the New Year's Eve 11:30 p.m. to 3 a.m. stretch to Gunther's Brewery, WCAO made a similar deal with Globe Brewery. Hour of Christmas Eve carol singing, traditionally sponsored by Sherwood Bros. Oil & Gasoline Co. over WBFR, is taking in the "New Year's Eve 11:30 p.m. to 3 a.m. stretch, through Joe Katz.

WBAL: Meadowood Ice Cream, through Leon Golnick, 12 spots; Brooks-Francis Motors Co., through the Fox Agency, two spots weekly; Hub Furniture Co., via Henry J. Kaufman Co., 101 one-minute spots; Koester's Bakery picked up 15 more "Seasoning" mailings; radio transactions via Carroll Jones agency; Gunther's Brewery Co., New Year's Eve four-hour stretch, via Ruthrauff & Ryan.

WCAO: Globe Brewery (Arrow Beer), New Year's Eve 11:30 p.m. to 3 a.m. strip, through Joe Katz.

WBFR: Pillsbury Flour, through Hutchinson Adv. of Minneapolis, nine announcements a week on "Beverly Hills" and "Radio City" participating airings as well as chain breaks; Bulova Watch, renewed through Biow Co. 25 spots a week for a year; Sherwood Bros. (gas and oil) bought Christmas Eve hour of carols via Van Sant, Dec. 24, to be tied Maryland Coverage; network (WBOS, WFMD, WJEB); Gunther's Brewery Co., through Ruthrauff & Ryan, New Year's Eve 11:30 p.m. to 3 a.m. stretch.

Dec. 21 Compared to Dec. 14				
Network	Local	National	Total	Units
Units	4,987	1,078	15,670	
9,148	4,891	1,172	15,749	
+1%	+0.9%	-2%	-0.5%	

(Included: WBAL, WCAO, WBFR, WTOP)

KSFO Nixes Accounts As Xmas Loads Skeds; Frisco Units Steady

San Francisco, Dec. 24. With the holiday period, kayoling normal by routine, KSFO was in the unique position of turning down sponsors this week. At least two firms seeking time on the 100% sold Galen Drake households show sought to contract for the first open periods, which will show up in the spring. Stations do not accept contracts more than 60 days ahead of starting date, however, so papers have been drawn but not signed. Started as an experiment last May, show has expanded to two 30-minute slots daily and is blocked from further extension by commercials at both ends. Drake works without script, liquor, tobacco and similar accounts are barred, and products must be approved by a jury of 50 households before being accepted for sponsorship. Enjoys a 90% renewal record.

KROW is blasting carols from speakers atop the new Glendale and 13-story Carillon hotel three hours nightly. Manager Phil Lasky got a quick brushoff when he canvassed merchants for financial assistance, but still has the equipment anyway, piping music all day. Within 24 hours merchants decided they wanted in on the deal and promised co-op next year.

First backlotlet sponsorship by Western Associated Oil started this week (23) with a series of 23 games skeddled for airing by KROW and a similar series on KQW. Lord & Thomas set the deal.

Don B. Hughes' "Hunt and Views," sponsored three nights weekly by Sal Hepatica, has picked up a year's pay ride for the other three nights on the KRFC-Don Lee web. New controller is a radio devotee, Aspirin making its first effort to crack the Coast market.

Golden State Theatres circuit has shifted its trailer-deep tieup from KSFO to KRFC. Trailers get booked in at least a dozen houses in return for a daily five-minute resume of current attractions.

KROW: Truman Co. (morticians), through Ryder & Ingram, Oakland, 30-minute transactions, through "Christmas Carol," Tidewater Associated Oil, through Lord & Thomas, 23 basketball games.

KSFO: American Chiclet (for Black Jack), through Badger & Browning, 30-minute spots; Bekins Van & Storage, through Brooks Adv., six spots weekly, 52 weeks (renewal); Fred Benioff (furs), through Segal & Benioff, 26 spots; J. Dickson, through California Prune & Apricot Growers Assn., through Long Adv., six participations weekly, 13 weeks; Galen Drake; Drs. Campbell (dentists), through Rufus Rhodes, 26 spots; 52 weeks; Chasler Corp. (for Dodge), through Ruthrauff & Ryan, eight one-minute spots; Chrysler Corp. & Subsidiaries, through J. Stirling Getchell, for more spots, 52 weeks; Chrysler Corp. (for Plymouth), through Getchell, 12 spots; Colonial Dames, Inc., through Glaser Adv., 13 spots; Compagnie Parisienne, through Northwestern Radio Advertising, six five-minute programs; Day-Nite Water Heater Co., through Nixon-O'Donnell, six spots weekly, 52 weeks; Folger Coffee, through Raymond Morgan, one quarter-hour weekly; "General Motors Buys," General Motors, spots as ordered, 52 weeks; Hale Brothers (department store), through Spital Adv., 13 spots; Hirsch & Kaye, (opticians), through Long Adv., 26 spots; "Kissay Ripe Olive Co., through Lord & Thomas, six participations weekly, 52 weeks; Galen Drake; Moore's Clothing, through Long Adv., five spots; National Fundraising Corp., through Smith & Bulfinch, 10-minute news casts weekly, 52 weeks (renewal); Par Soap, through Thomaschke-Elliott, six participations weekly, 52 weeks; Galen Drake (renewal); Schwabacher-Ford, direct, one-minute news cast weekly, 13 weeks; Southern Pacific Railroad, through Lord & Thomas, 34 spots; Standard Packages (par-pak), through Emil Reinhardt, 68 spots; L. T. Tuttle (cottage cheese), through Reinhardt, three spots weekly, 52 weeks; U. S. Playing Card Co., through J. Walter Thompson, five one-minute spots weekly, seven weeks.

KFRG: Lydia Pinkham Co. through Erwin Wasey, 52 one-minute spots; Standard Beverages, through Emil Reinhardt, six spots; Transport Motors, through Long Adv., 26 spots; Hirsch & Kaye, through Long Adv., two spots; Blackstone, Aspirin,

SEATTLE DISAPPOINTMENTS

Holiday Biz Not Up to Expectations—Local Gains Small

Seattle, Dec. 24. Although local units made a small climb the week before Christmas, holiday biz here was not up to expectations.

Dec. 21 Compared to Dec. 14				
Network	Local	National	Spots	Total
Units	Units	Units	Units	Units
5,735	10,363	778	18,876	
5,530	10,256	761	18,547	
-1.6%	+1%	+2.2%	+0.2%	

(KOL, KRSD)

DES MONES STILL LAZY

Des Moines, Dec. 24. Units here show little sign of life, continuing the inaction of the past few weeks. National spot topped the only gain, and that a small one.

WHO: Smith Bros., through R. J. Potts & Co., 117.65 word announcements, three a week; Spohn Medical Co. (Udder-Aid), through Critchfield & Co., 39.200-word announcements, through Industrial Training Institute, through James R. Luntz & Associates, two periods of five minutes each; Household Magazine, through Presba, Fellers & Presba, 12 periods of five and 10 minutes each, six a week; Jerry and Zella, 18.200 Mountain Products, through Geo. H. Hartman Co., 26 periods of 15 minutes each; "Master Radio Canaries," American Dairy Association, through Lord & Thomas, 165.30-word announcements, five a week; Peter Fox Brewing Co., through Schwimmer & Scott, five-minute programs, four a week; D. L. Clark Co., through Albert P. Hill Co., 10 periods of one minute each, Ave a week; L. Ginsberg & Sons, through Lessing Adv., 300 or more 30-word announcements, as scheduled (renewal); Peters Hatchery, through Cole, Inc., 132 periods of 15 minutes each, six a week; Jerry and Zella, and 39 or more 15-minute farm news, three times a week; Western Grocer Co., through Coolidge Adv., 10 periods of five minutes each, six a week (renewal); Folger Coffee Co., through Lord & Thomas, 26 periods of 15 minutes each, Ave a week; "Judy and Jane" (renewal); Compagnie Parisienne, Inc., through Northwestern Radio Advertising, five minutes, four a week; Skelly Oil Co., through Henri, Hurst & McDonald, six programs per week, 15 minutes each; "Captain Henry," Beyermeier, through Thompson, 26.100-word announcements, six a week; General Cigar Co., through Federal Adv., 26 periods of 15 minutes each, two a week; "Answer Man" (renewal); Murphy Products Co., through Critchfield & Co., 13 periods of 30 minutes each, "Home on the Farm" by wire from WDAY, Fargo, N. D.; Industrial Training Institute, Chicago, through James R. Luntz & Associates, "America Speaks" five-minute program once a week; Grocers' Wholesale Cooperative, Inc., through Mitchell-Faust, 13 periods of 30 minutes each, "Winning" quiz show, live talent; Chrysler Corp. (Plymouth), through J. Stirling Getchell, 12.30- and 100-word announcements, six a week; Farmers Hybrid Corn Co., 100-word announcements, three a week, direct; Standard Oil of Indiana, through McCann-Erickson, 156 periods of one minute each, six a week.

Michael Arlen's short-story group, "These Charming People," provides an air-vehicle in adaptation of "When the Nightingale Sang in Berkeley Square," from back in the 20's has just been covered—on the heels of pop song.

Dec. 21 Compared to Dec. 14				
Network	Local	National	Spots	Total
Units	Units	Units	Units	Units
8,176	3,156	3,161	14,513	
8,310	3,203	3,188	14,679	
-1.6%	+1.5%	+0.2%	+1.1%	

(Included: KRST, KSD, WHO)

through Raymond Spector, three quarter-hours weekly, 52 weeks; John B. Hughes News and Views.

Dec. 21 Compared to Dec. 14				
Network	Local	National	Spots	Total
Units	Units	Units	Units	Units
11,485	3,991	2,369	17,845	
11,410	4,012	2,368	17,788	
+0.6%	-0.5%	-0.1%	-0.3%	

(Included: KFRG, KJRS)

KDKA COUNTS ITS NEWER BLESSINGS

Pittsburgh, Dec. 24. New biz reported last week by Westinghouse station KDKA follows:

North Am. Accident Ins. Co., five-min spot three times weekly for 13 wks., through Franklin Bruck.

Piso Co., station breaks five times weekly for 17 wks., through Lake Spiro Shurman.

Vick Chemical, 50 one-min. announcements, five times weekly, through Morse Int'l.

Luden's Inc., 180 evening anncts. to March 1, through J. Mathes.

Pittsburgh Brewing, 15-min musical show once weekly for 52 wks., through Smith, Hoffman & Smith.

Otto Milk Co., time anncts., daily for 52 wks., through W. S. Hill.

Braun Baking, 15-min show five times weekly for 26 wks., through W. E. Long.

Potter Drug & Chemical, 12 anncts., weekly for 52 wks., through Atherton & Currier.

F. A. Richter, two 1-min anncts. weekly for four months, through H. W. Kastor.

K. A. Hughes, two anncts. weekly for 13 wks., through Badger & Browning.

Sland, Vitamin, 26 participations in Shopping Circle, through Al Paul Letton.

Cleveland Co-Op Stove Co., renewal of quarter-hour weekly on Musical Clock for 13 wks., through Lang Fisher & Kirk.

Clefield Taxidermy Co., 13 participations on dates to be agreed upon.

Phillips Packing, station breaks five times weekly for 13 wks., through Aitkin-Kynett.

Dr. Ellis Sales, annct. participation in Shopping Circle to May 29, through Smith, Hoffman & Smith.

Fort Pitt Bedding, once weekly Shopping Circle participation to Feb. 26, through Smith, Hoffman & Smith.

Duquesne Brewing, renewal of 15-min. sports show to Jan. 24 and quarter-hour musical show once weekly to May 30, through Walker & Downing.

Phila. Co., station break six times weekly for 38 wks., direct.

Bristol-Myers, one-min annct. six times weekly for 52 wks., through Young & Rubicam.

Kroger Co., "Linda's First Love" and "Editor's Daughters," each five times weekly, to Feb. 6, through Ralph H. Jones.

American Chiclet, renewal one-min. annct. six times weekly to April 5, through Badger & Browning.

John Morrell & Co., 5-min. Home Forum and Shopping Circle participations, one on each weekly, for 26 wks., through Henri, Hurst & McDonald.

Michael Arlen's short-story group, "These Charming People," provides an air-vehicle in adaptation of "When the Nightingale Sang in Berkeley Square," from back in the 20's has just been covered—on the heels of pop song.

L. A. National Spot Slides 25.9%.

Union Life Ins. Buys 2 Stations

Los Angeles, Dec. 24. National spot and local units fell off here this time—the former losing 26.9%, the latter 12.2%. Bulk of the new traffic came from announcements, with a few quarter and half-hour shows thrown in to bolster the total.

KFI: Chrysler Corp., 12.50-word and 100-word announcements, through J. Stirling Getchell; Smart & Final Co., 39 half-hour programs, "Johnny Murray Talks," H. Over through Heintz, Pickering; National Funding Corp., 208 15-minute newscasts; Western Federal Savings & Loan Assn., seven 50-word announcements, through Elwood Robinson, Jr.; Guaranty Union, Life Insurance Co., 52 one-minute programs, through Standard Adv.

KECA: Guaranty Union Life Insurance Co., 52 one-minute programs, through Standard Adv.; C. E. Baker & Co., 26 50-word announcements, through Sidney Garfinkel; Occidental Life Insurance Co., 18 one-half-hour programs, School Kids Kwiz, through Heintz, Pickering.

KFWB: Listenwelter & Gough, Inc., one half-hour program, "Beam of Light," through Cecil Noble Adv.,

N.Y. Theatres Lure Xmas Trade Via the Airways; Total Off 0.2%

10 Red-Headed Girls

Columbia, S. C., Dec. 24. Day before WIS became the local release for the NBC-red station spotted 10 girls with red hair and dressed in white gowns and red capes at various important downtown corners and had them distribute red carnations.

Each girl also wore a chest ribbon with the legend, "WIS-NBC-Red Network—the Network Most People Listen to Most—Columbia, S. C. 5,000 watts 560 k.c."

CHI RAMBLES TO 0.8% GAIN

Chicago, Dec. 24. WBBM: Adhes Candies, Inc., time signal announcements, through Mead Agency; Quaker Oats Co., five minutes six times weekly for Aunt Jemima Pancake Flour, through Sherman K. Ellis; Murphy Auto Sales, 15 minutes on Sundays, through Dave Bennett agency.

WIND: Melody Mill Ballroom, 15 minutes nightly on "Night Watch" program six times weekly; William A. Lewis Credit Corp., three spot announcements weekly for 32 weeks; through Reitwisch & Wittenberg; Weyers, Inc., special Christmas announcement, a campaign; "Peoples Hardware," special Christmas announcement campaign.

Went: Ling-Belt Co., station break announcements four times weekly, through Behl & Walde.

WMAQ: John Morrell & Co., 10 minutes six times weekly, renewed for 52 weeks through Henri, Hurst & McDonald; Wieboldt Stores, 30 minutes five times weekly on Musical Clock, renewed for 52 weeks through Needham, Louis & Brorby; Wilson & Co., five minutes six times weekly, renewed for 13 weeks, through United States agency; Schoenher-Edelweiss Co., five minutes five times weekly, through Western agency.

Dec. 21 Compared to Dec. 14				
Network	Local	National	Spots	Total
Units	Units	Units	Units	Units
9,855	6,346	11,777	27,378	
9,885	6,201	11,111	27,197	
-0.3%	+2.3%	+0.6%	+0.8%	

(Included: WJJD, WLS, WMAQ)

St. Louis—Patsy Montana, hill-billy singer formerly with the National Barn Dance troupe, has joined Pappy Cheshire's KMOX gang.

Not much spirit in the New York figures this week, with both national spot and total units in the red and local biz showing a gain of only 0.4%.

WHN: Dave-City Radio, Inc., through Moxer & Collins, 23 spot announcements.

WINS: Janssen Piano Co., Inc., direct, 48 one-minute announcements.

WMA: 10 announcements; Manhattan Center, direct, two-week contract for programs featuring Zeke Manners; Roxy Theatre, through Kayton-Spiro, 11 announcements.

Dec. 21 Compared to Dec. 14				
Network	Local	National	Spots	Total
Units	Units	Units	Units	Units
195	1,112	6,510	20,217	
195	1,146	6,594	20,257	
* +0.4%	-0.9%	-0.2%		

* No change (Included: WHN, WMA, WWSR, WQXR)

Cincy Dept. Store Airs Fashion Show From Hotel Nitory

Cincinnati, Dec. 24. Renewal WSAI: by Alms and Doeppke, department store, of its second 13-week stretch of daily 15-minute "Fashions and Shows" programs, conducted by Rita Hackett, was prominent in last week's time sales for local accounts. Same station carried a special 30-minute "Fashions and Shows" program, also conducted by Rita Hackett, from the department store that was unique. Stanza originated in the Netherlands. Plaza hotel's Pavilion, Caprice, swank night, during the Saturday afternoon ball, when customers were guests for cocktails and model showed women's dress pretties.

Local accounts showed the only advance last week, when total sales reflected a week-before-Christmas advertising drop in web and spot divisions.

WKRC took on new spot biz for Ohio: Gunnison Co., Hollywood Beauty Shop, Meier's Wine Cellars and the Cooper Sound Service.

Dec. 21 Compared to Dec. 14				
Network	Local	National	Spots	Total
Units	Units	Units	Units	Units
6,655	10,658	6,752	24,075	
6,635	10,533	6,686	24,234	
-2.6%	+1.2%	-1.5%	-0.7%	

(Included: WCPD, WKRC, WLV, WWSA)

BEST XMAS SINCE '29 UPS DETROIT LOCAL

Detroit, Dec. 24. With some of the national spot units dropping because of the seasonal competition, Detroit caught a drop in that category, balanced up fairly evenly by network and local units.

Network vaulted here, partially on the strength of two fights carried during the week: Local business still gathers additional strength from store accounts in a year which has been its best shopping spree, with volume of sales topping even the boom of '29.

National spot won't reflect much more here for the rest of the year, but WCEA, which concentrated on the resumption after Jan. 1.

Dec. 21 Compared to Dec. 14				
Network	Local	National	Spots	Total
Units	Units	Units	Units	Units
9,635	12,052	4,645	26,332	
9,375	11,925	4,825	26,125	
+2.6%	+1.1%	-3.7%	+0.4%	

(Included: CKLW, WJLB, WJZ, WWSA, WWSR, WWSZ)

Webster, WCAE Spierler, To Run WCAE, DuBois,

Pittsburgh, Dec. 24. Bob Webster, announced that WCAE, has resigned his post there to become general manager of WCEA, a new station in DuBois, Pa. He leaves here first of year for preliminary work, which will include his go on the air in February, operating "u" time at 250 watts.

His successor at WCAE not named.

passengers by Tim Sanders. Sanders may range from ladies' dresses to philosophy. Sanders spends hours each week reading latest scientific journals, film magazines, and daily news events in order that he can parley on any subject with the passengers.

15 Best Sheet Music Sellers

(Week ending Dec. 21, 1940)

Nightingale Sang in Berkeley Sq.	S-B
Ferryboat Serenade	Robbins
We Three	M-M
Down Argentina Way ('Down Argentine Way')	Miller
God Bless America	Berlin
There I Go	BMI
Only Forever ('Rhythm on the River')	Santly
Along the Santa Fe Trail ('Santa Fe Trail')	Harms
Trade Winds	Harms
Frenesi	Southern
You've Got Me This Way ('You'll Find Out')	BVC
Dream Valley	Feist
Blueberry Hill	Chappell
I Give You My Word	BMI
Let's Be Buddies ('Panama Hattie')	Chappell

*Fimusic. †Stage Musical

Publishers on Verge of Radio Break Hold Plugger Staffs; Some Expand

Even though the break between the networks and the American Society of Composers, Authors and Publishers is but a few days away there are no indications of a wholesale letout of professional men or other employees among the publishing houses. Some pubs say that they not only retain their professional departments intact but add more men to take care of the wider spread of exploitation outlets, with the elimination of the networks.

Financial outlook for the music industry is described as even above normal. The pubs will have available to them the usual income from ASCAP (based on 1940) for at least the first quarter of 1941. It's hoped as the break with the webs becomes effective the sheet music field will find the hits pretty well distributed among ASCAP affiliates.

The question now facing the business is whether the exploitation obtained on these tunes will be strong enough to carry over the sheet sales for two or three months.

ASSOCIATED INTO POP FIELD

Still another byproduct of the current battle between ASCAP and the broadcasting industry is the entrance of Associated Music Publishers, Inc., in the field of popular music. This organization since its inception has confined itself to classical and operatic music. Not so long ago it added a few hillbilly tunes.

AMP's pop catalog has started off with the publication of six tunes. They are 'I Remember—Don't You,' 'Skylark Waltz,' 'I'm Allergic to Love,' 'There Are Shadows on the Moon Tonight,' 'Just Believe in Me,' and 'The Biggest Word is Yes.'

Morton Thompson Heads Coast ASCAP Publicity

Los Angeles, Dec. 24. Morton Thompson, local newspaper columnist, has been named public relations counsel under A. P. Waxman of New York for the American Society of Composers, Authors and Publishers, for the entire West Coast area. Appointment was announced by Gene Buck, proxy of ASCAP, who at the same time named a coordinating committee that will function with Thompson. Committee is headed by Jerome Kern, as chairman, and consists of L. Wolfe Gilbert, Gus Kahn, Sigmund Romberg and Harry Warren. All Coast publicity activities of ASCAP will clear through this committee which starts its work immediately. Rudy Block is BMI's Coast p.a.

Mills Music, Inc., has licensed Metro for the production use of 'Mr. Gallagher and Mr. Shean' in 'The Ziegfeld Girl.' Some publishing firm has obtained the rights to Republic's 'Barrymore Follies.'

Part Indian Billy Hill, Who Dashed Off Hits, Dies in Boston at 41

Billy Hill, 41, whose succession of sheet music hits between 1933 and 1939 rated him as one of the most successful commercial writers of his time, died suddenly of a heart attack in the Hotel Essex, Boston, Dec. 23. Hill had been ailing for some time, taking periodic hospitalization in New York and elsewhere.

Hill assumed the nom-de-plume of George Brown at the start of 1930 in order to get away from the association of his name with hillbilly music. He went under contract to Shapiro-Bernstein in 1930 and a year later switched back to his own name. He had been under contract to the same firm ever since.

Among his songs are 'The West and a Nest and You,' 'Old Man of the Mountain,' 'There's a Cabin in the Pines,' 'The Last Roundup,' 'Old Spinning Wheel,' 'They Cut Down the Old Pine Tree,' 'Have You Ever Been Lonely,' 'Wagon Wheels,' 'Empty Saddles,' 'Lights Out,' 'Glory of Love,' 'Chapel in the Moonlight,' 'All Ashore' and his last number, 'Call of the Canyon.'

'Part Indian,' Hill had, up to the beginning of the 30's, wandered all over the world, working among other things as a dishwasher, a doorman, a laborer and orchestra leader. A wife and daughter survive. Burial in South Weymouth, Mass.

Ben Selvin, recording manager of Associated Recorded Program Service and program director for Musak, left Friday (20) for a two weeks vacation in Miami.

REASSURE ASCAP THAT M-G IS SIGNING; BOARD FEARED ATTY ABELES' TRADING

Byron Gay Loses Point, Gains One in Tune Suit

Byron Gay, composer, lost more heavily than he won in a N. Y. supreme court decision made Thursday (19), by Justice Benedict Dineen, in connection with Gay's \$100,000 suit against Robbins Music Corp., Leo Feist, Inc., and 20th Century-Fox Film Corp. Plaintiff had sought to examine Abe Olman, assistant secretary of Feist and Robbins before trial, and William C. Michel, vice-president of 20th-Fox.

In its decision the court granted the examination of Olman on Dec. 23, but denied the plea to examine the film company executive, declaring that since the suit sought damages for alleged unauthorized use of a copyrighted composition, he had no jurisdiction over the film company.

Plaintiff is the composer of the song, 'The Vamp,' which was published by Will Rossiter, who has only the mechanical rights as well as the publishing rights. Everything else remained vested in the author. Rossiter turned over his rights to Feist, and it is alleged that 20th-Fox used the song without authorization. Rose of Washington Square.

'PD' JOBBERS IRK ASCAP

With the music biz beset on all sides, the publishers are becoming increasingly annoyed by the jobbers who are now in the 'PD' (public domain) field more than ever, with reprints of non-copyrights or songs in the public domain.

'After the first of the year the major firms intend to take action against these jobbers in some form.

Irving Mills to L. A.

Irving Mills left Thursday (19) for Hollywood to negotiate for the scores of a couple of prospective film musicals. Also to try to spot the writing team of Ed Cheroke and Jacques Press in one of the studios. He went by way of Dallas so that he could meet with Cal Calloway in that city.

Film Company's Breakaway Would Have Been Body Blow—Bernstein of Loew's, Inc., Frowns on Any Consent Decree—Jack Robbins Pledges

Divided Family

ASCAP-radio fight has now a daughter-versus-father sidelight. Joan Whitney, nightclub singer, who has had several of her numbers published by Broadcast Music, is a daughter of Zoel Parenteau, a member of ASCAP. Two of her tunes are 'So You're the One' and 'High on Windy Hill.' Her father is formerly musical director of KDKA, Pittsburgh. Before the advent of BMI the daughter was known to the trade as a songwriter.

The Metro group of music publishers, Robbins, Feist and Miller, is officially in the ASCAP fold, having declared itself in at Friday's (20) board session when David Bernstein, president of the three firms, attended, instead of Julian T. Abeles, legal counsel, to the Metro-Robbins trio. Jack Robbins, operating head of all three firms, refused to attend being irked by Abeles and Loew-Metro's procrastination, having been ardently pro-ASCAP right along. The formal signing will take place this week and ends any possible suspicion or disaffection from ASCAP ranks on the part of the Metro-Robbins music firm.

The rest of the board, plus the rank-and-file Society membership, seemingly suspicious of attorney Abeles, because it was he who engineered the \$1,500,000 buyout deal for Edward B. Marks Music Corp. with BMI, made no bones about their general skepticism, and it was that reason the Jack Robbins had been invited to lead one board meeting the previous week, since his firms weren't technically renewed. This was the session where the consent-decree proposals were being aired. This factor also bothered Robbins, who refused to attend when later invited.

Robbins' Position

Robbins, personally, has declared himself openly and freely pro-ASCAP although such major issues are strictly up to the Metro executives, notably David Bernstein, v.p. and treasurer of Loew's, Inc. and president of the music subsists.

When the consent decree issue cropped up, Metro stalled a few days not knowing where and how they might be effected, but it was frankly the opinion of the board that people that all writers—not only songwriters but the Screen Writers Guild, Dramatists and Authors League of America—would brook no disaffection by Metro that might break up ASCAP. There was even talk of a slowdown strike by all writers, should any drastic move occur, and since Metro is in the midst of sundry financials, being one of the more consistent screen tuner producers, that was a issue it didn't want to face at its Coast studios.

Besides, Bernstein had long ago assured Gene Buck, ASCAP proxy, of his 'sympathies for the Society's cause.'

However, while Metro wanted certain 'special' considerations on television, the real seat-of-the-pants decision, etc., it's understood that ASCAP would accede to none of the demands, openly or otherwise.

Bernstein, however, wanted to know why ASCAP needed the Government to straighten you people out. He also looked askance at a television proviso for 'experimental' purposes, but upon review found that Metro-Robbins-Feist-Miller had also committed its television rights for 'experimental' purposes or otherwise, the latter two words making it too elastic a condition. But deep this Metro-Robbins-Feist-Miller in, and that doubtlessly may also influence its affiliated Movietone Music Corp. (a 20th-Fox title) also renewing, although still a holdout.

Bob Burns' Former Writer Checks on ASCAP

Minneapolis, Dec. 24. As extra precaution against infringements when ASCAP tunes go off the air Dec. 31, WCCO has increased its staff of music librarians by adding Bob Sutton to the personnel. He'll be chief assistant to Toby Brin, head librarian. In order to facilitate checking selections, one of the librarians will be on duty at all times when the station is on the air. Only music librarians will have access to the station's music library. Sutton, who came to Minneapolis from Hollywood to write scripts for WCCO's 'Sunrises' show, with Browne and LeVelle comedy team was formerly a gag writer for Bob Burns.

PUBS' SUDDEN INTEREST IN JUKEBOXES

Boston, Dec. 24.

Boston music publishers reps are romancing jukebox operators since radio outlets have cut down on music of American Society of Composers, Authors and Publishers. Results have been most promising, they report, for the operators are quite willing to cooperate, and at same time are surprised at this sudden show of attention.

The boys are also contacting the girls handling controls on new jukeboxes connected with microphones to central office, where requests are answered. Want girls to suggest their tunes.

ASCAP FIGURES BOTH SAM FOX, MOVIE TONE IN

Looks like Sam Fox and Movietone Music, a 20th Century-Fox subsidiary, but in which Sam Fox also has an interest, will renew with ASCAP. They're expected to sign up tomorrow (Thurs.) along with the Metro-Robbins group.

These firms, along with the Metro-Robbins group, were the major holdouts, but BMI has reportedly cooled to, any more music acquisitions. BMI's attitude is that if a consent decree comes to pass it will not need any further ammunition against ASCAP in the form of additional catalogs.

Advertising Forms Closing

35th ANNIVERSARY NUMBER



Usual Advertising Rates

Reservations and Copy May Be Sent to Any

Variety Office

NEW YORK	HOLLYWOOD	CHICAGO	LONDON
154 W. 46th St.	1708 No. Vine St.	54 W. Randolph St.	8 St. Martin's Pl.

Publishers Won't Give Blanket License

Mechanical and Performance Rights Not Available to James Roosevelt in One Package

Negotiations between the James Roosevelt-Mills Manufacturing combination and Harry Fox, agent and trustee, for a music licensing contract covering film jukeboxes have struck a hopeless snag. Roosevelt and Mills want a license form which will include performing rights, and that is something which Fox says he is not authorized to grant.

Fox has pointed out to the Roosevelt-Mills reps that all his clients will permit him to license the mechanical rights involved in the making of the film. The R-M reps are anxious to obtain an agreement which will exempt the spots in which the jukeboxes are placed from any further claims from copyright owners. Fox's position is that the only license he can issue is one which makes the contract subject to any other rights which the copyright law permits. Music publishers, who Fox represents, are opposed to linking mechanical and performing rights in the same license. They also are not certain as to the future development of the film jukebox, fearing that it might be used to give a slot place which will not prevail and thereby making it a source of straight entertainment for the establishment.

Roosevelt's agent, who has been insisting upon the double rights grant after it had been offered by Broadcast Music, Inc. BMI's contracts with its writers and publisher affiliates permit such practices. As a result of the impasse with the publishers whom Fox agents, the Roosevelt outfit will have to depend on BMI entirely for its popular music. Overwhelming majority of Fox's principals are affiliated with ASCAP.

More Legal Postscripts Involve Reorganization Case of U. S. Record Co.

The U. S. Record Corp., which filed a plea for reorganization in the N.Y. federal court on Sept. 5, received another lease of life from referee Irwin Kurtz, when it was granted a stay to Jan. 17, 1941, to produce a plan of reorganization. For the past couple of months stays have been granted to allow the company to secure an adequate plan of additional capital, or be liquidated.

However U. S. Record Corp., on Dec. 25, moved to battle its chief creditor, the Pilgrim Trust Co., to which it owes \$175,000, before referee Kurtz. Judge Vincent L. Leibell set a hearing before the referee, Thurs. (19), ordering U. S. Record Corp. to sue on that day why the delivery of 40,000 records returned by distributors or dealers to U. S. Record Corp., and subject to its lien, should not be turned over to it. Also, why, as masters, stampers, etc., in the possession of the Scantron Record Manufacturing Co., belonging to U. S. Record, should not be turned over, and why a sale of these assets should not be made to be applied against the money owed the Pilgrim Trust Co.

On June 7, 1940, and again on July 16, 1940, U. S. Record borrowed \$15,000 and \$50,000, respectively, from the Trust Co., secured by a lien on these assets. The Pilgrim Trust Co. claims \$2,192 had been paid back, but that the Scantron outfit is pressing from the stampers in its possession rightfully belonging to Scantron. It charges breach of faith, and asks for the articles on which it has a lien.

ASCAP INTO MAINE FIRST TIME IN 4 YRS.

Boston, Dec. 24.

R. W. Rome, New England district manager for American Society of Composers, Authors and Music Publishers, spent the past week licensing radio stations and general establishments throughout State of Maine. First time in four years ASCAP has done business in Maine because of a State statute, recently amended.

Now Boston office is headquarters for entire six New England states.

INDEX MISSING

Mars ASCAP Volume Dealing With Copyright Law

American Society of Composers, Authors and Publishers last week distributed copies of the Third Copyright Law Symposium, with a foreword by Dr. John H. Wigmore, dean of Northwestern University School of Law, who acted as judge of the seven winning essays contained in the book. The contest, conducted as the Third Nathan Burkan Memorial Competition, was participated in by 81 law school.

Book's value is lessened by absence of an index.

MEX COMPOSER RESCUED FROM STARVATION

Mexico City, Dec. 24. Action of showfolk and 'charros' (Mexican cowboys) in staging a rodeo-sung-dance fiesta, saved Prof. Bequito M. Pineda, veteran composer of such internationally famous waltzes as 'Alexandra' from the poor house. Venerable composer was found by members of a legit rodeo show near death from starvation in a hotel at Mazatlan, a Pacific coast port and tourist resort. The thespians added Pineda with food and drink, then enlisted aid of the 'charros' in putting on the benefit show.

Pineda is assured at least a Merry Christmas and perhaps a good New Year as well, for those sponsoring the benefit are seeking more royalties for him from his compositions. The composer sold most of his rights to his waiters.

Sulham Corners Cleave. Boozeize Nitory Field

Cleveland, Dec. 24.

Franchise on liquor-less niteries, still a distinct novelty here, has been virtually cornered by Bob Sulham, who took over the College Inn last week to install his second Bob & Ann's Soda Bar niterie.

'What helped' put over his dicker for the spot, formerly operated by Henry Leiton, was the fact that Henry Fenn College has been campaigning against all booze joints in the neighborhood. College unofficially put its okay on Sulham's malted-milk venture, which has installed Billy Manov's jivers for student jitterbugs.

Leiton is moving his booze Inn into a new place blocks away to try a policy of larger floor shows. Frank Curtis, formerly of local Statler hotel some years ago, will manage it when it blooms in mid-January.

Dave Dreyer to score 'Along the Rio Grande' at RKO.

Inside Stuff—Music

Glenn Miller is in the middle of a deal at the moment which may see him give up \$5,000 to buy the contracts of either Dorothy Claire, vocalist with Bobby Byrne, or Dee Keating, new singer with Al Donahue. Miller has been without a femme vocalist for more than a week. Marion Hutton, who sang with his band before it became prominent, left last Monday a week (16). She retired, having recently been married.

Thing which may stymie Miller's attempt to get Miss Claire from Byrne is the fact that she's named in Byrne's contract for his forthcoming radio commercial for Raleigh cigarettes.

Jack Mills declared Monday (23) that the firm of Pro Arte Music Publications which recently was ordered by the N. Y. supreme court to change its name is not a subsidiary of Mills Music, Inc. This firm, which specializes in Latin-American music, is a separate entity, stated Mills, in which he and his brother, Irving, merely own an interest with several other persons. Pro-Art Publications had brought injunction proceedings in connection with the name and a consent decree was readily entered into by Pro Arte Music Publications.

Leonard Whitecup, an ASCAP member, is considering starting suit against Southern Music Co. for dropping the lyric he had written for 'Frenesi', the firm's current No. 1 song, and using the words of two other writers, Ray Charles and S. K. Russell. Whitecup charges that the change was made after Ralph Peer, owner of Southern Music, had made a deal for part of his catalog with Broadcast Music, Inc.

Charles and Russell are not ASCAP members.

Broadcast Music has equipped its subscribing stations with the first index volume of its catalog. Outside of the E. B. Marks numbers, the volume lists 35,000 compositions. The Marks supplement runs 5,000 numbers. Preceding the Marks listing is a page pointing out the errors discovered in it after the compilation had been printed.

'Josephine' to Shapiro, Bernstein

Judge Rules Writers Were on Payroll When They Turned Out Tune in 1910

SHOO STREET HAWKERS

Minneapolis Was Centre of Bootleg Song Sheets

Minneapolis, Dec. 24.

Street hawking of song hits has been halted here under a federal court writ issued in connection with a \$3,750 damage suit brought by Leo Felt, Irving Berlin and other eastern song publishers against Jacob Garber, local resident, and the Commercial Press, Inc., printers here. Copyright infringement is alleged.

Armed with the writ of seizure, U. S. marshals seized plates and song sheets and shooed the hawkers off the streets. Minneapolis has been a distributing center for large supplies of these song sheets.

LABOR FOE RAPS PETRILLO'S ATTEMPT

Washington, Dec. 24.

Recent temporary refusal of the American Federation of Musicians to let Mutual pick up an Army band at Fort Dix, N. J., drew screams in Congress last week from Rep. Clare G. Hoffman, Michigan Republican, who has been denouncing labor unions interfering with the national defense program.

'It's a good thing the Army has given up bugle calls to direct maneuvers, Hoffman opined, or battles would depend on the whims of the walking delegates. The indignant legislator declared James C. Petrillo, the A. F. M. head, wants to exercise a veto power over the military commanders and the civilian authorities in the War Department.

Can't Force Public, Says Veteran Leo Edwards

New York.

Editor, VARIETY: As a pioneer in Tin Pan Alley (of 28th Street) and having served show business with song material, from light opera, musical comedy, operatic, symphonic to Fanny Brice's comedy songs for many years, plus my association with Brother George throughout most of his career of song writing and star making, I would like to ask the radio officials and their associates whether they expect they can force the public to listen to Will a new Fanny Brice or a potential Al Jolson show to advantage singing 'Tune Out the New' or 'Old Black Joe'?

I have turned out new talent we have always had to either create new and novel song material ourselves or obtain it from the best song writing brains money could buy. Bill Shakespeare said 'The actor is the mouthpiece of the clever author,' therefore you cannot take a potential new 'song stylist' and have her or he singing the 'Mocking Bird' or 'Johnny Lark' because no matter how you may try to disguise and arrange these tunes with super streamline orchestrations it would still be 'Annie Laurie.'

The public bought radio sets so they could tune in on the music of Victor Herbert, Sousa, Kern, Friml, Youmans, Rodgers and Hart, George M. Cohan, Irving Berlin, Gus Edwards, and the many other song-writers who happen to be members of ASCAP, and the public will tune in on the programs they want to hear and not the programs they are 'told to hear.'

Years ago certain music publishers spent as high as \$50,000 to buy and force a hit song on the public, but the public wouldn't accept it, and so it was with the late election, Wall Street and the newspapers tried to force the man in the White House but the public wanted another man and they got him.

Leo Edwards.

Jimmie Lunceford has been paid in full and the bandmembers have been paid off on a date they won't play for two weeks. A potential buyer has the crew for a spot at Summit, N. J., Jan. 9.

Shapiro, Bernstein & Co. has been adjudged the permanent copyright owner of 'Come Josephine in My Frying Machine' and as such entitled to the right of renewal on the song. Judge Grover Moscovitz in the N.Y. federal court last week ruled that Fred Fisher and Al Bryan had no rights whatever in the number since these writers were in the hire of the publisher when the song was composed in 1910. Shapiro-Bernstein had sued for an injunction against the pair and had also named Famous Music Corp., which had signed a contract with Bryan for his share of the renewal rights.

The main issue in the case when it was tried in November was the question of veracity and fact. Bryan, through his counsel, John Schulman, contended that he was not working on a salary for Maurice Shapiro, founder of the firm, at the time he wrote the lyrics for 'Josephine.' He claimed that he turned it out in the spring of 1910 whereas his employment with Shapiro became effective in the fall of the same year.

Judge Moscovitz in his decision upheld Shapiro-Bernstein's version of the composition date as to both Bryan and Fisher and affirmed the publisher's right to the renewal of the song. In his findings the judge made reference to a ruling on the same case by Judge Cox which interpreted Section 23 of the copyright law as meaning that when a writer creates a work for hire, the work of a publisher he parts with his entire property in the work and has no interest left to protect. Also that the 'right of renewal in a work made for hire is given to the author, not to the employer as author but to the proprietor.' In this instance, added the court, the proprietor was the plaintiff (Shapiro-Bernstein) who properly obtained the renewal copyright on Dec. 18, 1937. So Judge J. Rossett handled the action for Shapiro-Bernstein. This litigation goes beyond the noted Tobani case, since it involves an employment contract rather than a royalty agreement, as well as a guaranteed weekly minimum drawing not subject to return. Fisher, Bryan and Famous Music declared Monday (23) that they are appealing from the decision.

In the case of the new firm, Inc., vs. Tobani the court ruled on the employment angle chiefly. Tobani, an arrangement composer, had no compensatory royalty deal; his was strictly a straight employment contract on a weekly salary.

'OH, JOHNNY' ACTION NEARS A DECISION

Syracuse, Dec. 24.

Motions by rival attorneys will be heard by Supreme Court Justice Riley H. Heath at Ithaca Friday (26) in the equity action brought by W. A. Dillon of that city against Abe Olman, of the Robbins Publishing Co. Testimony in the action in which Dillon claims an interest in the song 'Oh, Johnny' was heard Monday and again made into a hit under the impetus provided by Bonnie Baker, was completed Friday (20) but Justice Heath reserved decision until after the hearing on Tuesday (26).

Dillon seeks an accounting of half the profits on the song hit, contending that 'Oh, Johnny,' copyrighted by Olman in 1917, is strangely similar in both wording and rhythm to his song 'Oh, Honey' which he wrote back in 1908 when he was in vaudeville, writing his own tunes.

Dillon testified that he worked over the song with Olman back in 1913 and that he did not hear of the tune again until 1937 when he heard a Cornell old grad singing it in an Ithaca hotel.

Olman testified that he had copyrighted the song nearly a quarter of a century ago and denied he had ever talked to Dillon about the 'Oh, Honey' number. He said a collaborator came to him with words for 'Johnny' words in Chicago and that they had sat down and worked out the music, using the one-step rhythm popular at that time. He said the song sold 1,000,000 copies during the war, and that he was the rage at all army camps, community song fests and in vaudeville.

Bands at the Boxoffice

(Presented herewith, as a weekly tabulation, is the estimated cover charge business being done by name bands in various New York hotels. Dinner business (7-10 P.M.) not rated. Figures after name of hotel give room capacity and cover charge. Larger amount designates weekend and holiday price.)

Band	Hotel	Covers Weeks Played	Total Covers On Date
Will Bradley	Biltmore (\$30; \$1-\$1.50)	6	900
Eddy Duchin	Waldorf (\$50; \$1-\$1.50)	15	1,050
Sammy Kaye	Commodore (\$50; \$1-\$1.50)	9	1,450
Ray Kinney	Lexington (\$30; \$1-\$1.50)	9	1,375
Guy Lombardo	Roosevelt (\$50; \$1-\$1.50)	11	1,250
Woody Herman	New Yorker (\$40; \$1-\$1.50)	0	1,075
Glenn Miller	Pennsylvania (\$50; \$1-\$1.50)	11	2,375
Tony Pastor	Lincoln (\$25; \$1-\$1.50)	12	350

* Asterisks indicate a supporting floor show, although the band is the major draw. † 3 days.

CRESCENDO PRO-ASCAPO

Negro Composers Pass Resolution of Solidarity

Crescendo Club, with a membership of 40 Negro composers, last week passed a resolution expressing itself as 100% behind ASCAP in the latter's current fight with the radio industry. Club was formed for the purpose of helping perpetuate Negro music.

Others elected by the club were J. C. Johnson, president; Charles L. Cooke, v.p.; W. C. Handy, treasurer, and Henry Troy, secretary.

L. A. MUSIKERS OUST VETERAN FROM OFFICE

Los Angeles, Dec. 24.—After 18 years as financial secretary of Musicians' Protective Association, Local 47, Ward B. Harrington was ousted from office at last week's annual election by Alec C. Meyer. Latter polled 1,058 votes against 819 cast for the veteran exec. J. K. "Spike" Wallace was re-elected president for his second term, having a runaway victory over Owen Bartlett, former vice presy. Vote was 1,713 for Wallace and 486 for Bartlett. For the first time in many years J. W. Gillette, international studio representative, will not be a delegate from Local 47 to the American Federation of Musicians convention, having been defeated by Frank D. Pendleton, recording secretary.

Dahlstrand's Sixth Term

Milwaukee, Dec. 24.—Volmer Dahlstrand was re-elected president of the Milwaukee Musicians' association, Local No. 8, A. F. of M. for the sixth consecutive term in a record-breaking election at which 650 votes were cast. Walter L. Homann, was named vice-president; Roland K. Ziegler, secretary; Charles Wagner, treasurer; Jerry Follansbee, sergeant-at-arms, and George Bach, John Borger, Erwin Davlin, Louis De Santis, Orban Heidrich, Ernst Strudell to the executive board.

Jack Rosenberg Wins

Results of the balloting of members of the New York local 802 of the American Federation of Musicians swept president Jack Rosenberg and his entire blue ticket into a fourth straight two-year term. Voting gave Rosenberg a 2-to-1 edge over his opponent, Al Pearl, and the rest of the ticket, headed by v.p. Richard McCann, a 3-to-1 margin. Election was held last Thursday (19). Candidates for the various executive offices were: Dick Baravelli, for v.p. against Richard McCann; Eddie Davis, for secretary against incumbent William Feinberg; Ross Gorman, for treasurer against incumbent Harry A. Suber.

Dailey on Local 16 Board

Frank Dailey, owner of Meadowbrook, Cedar Grove, N. J., has been elected to the executive board of Newark, N. J., local 16 of the American Federation of Musicians. Branch completed its balloting Saturday (21).

Dailey's spot is within Newark's jurisdiction. Donahue's, only a mile or so away from Meadowbrook, and another name band stand, is under the Patterson, N. J., local.

Bronislaw Kaper doing the musical score for Metro's "Fools Rush In" and "Rage In Heaven."

NBC Opposes Sharing Dance Bands

Gives Meadowbrook Chances to Choose—Dailey Will Probably Stick to Mutual for Better Breaks

Ft. Wayne Reflects Flack

Fort Wayne, Ind., Dec. 24.—For the eighth consecutive year, H. James Flack, an attorney, has been re-elected president of Local No. 58, American Federation of Musicians. Others re-elected were William M. Sawyer, vice president; Robert A. Jellison, secretary-treasurer; and Perry Shober, C. G. Behmer, T. P. Weaver, and Leo Stronach, members of the board of directors. The installation will be held Jan. 5.

Murray McEachren Has Lots of Clauses In Contract With Whiteman

Murray McEachren, one of the outstanding members of the Casa Loma band for years and the soloist who plays some six different instruments in Casa Loma stage shows, leaves that group next month to join Paul Whiteman's new band when it opens Jan. 16 at Ben Marden's Colonial Inn, Hollywood, Fla. He joins Whiteman under an unusual arrangement. He's to get top billing under the leader; be in charge of the Whiteman brass section; be soloist on trumpet, trombone, clarinet, alto sax and fiddle, and has Whiteman's okay to make records under his own name using Whiteman musicians. In addition he will have Whiteman's support in building a band of his own next summer which Whiteman will personal manage and the William Morris agency will book.

Chet Hazen and his orchestra succeeded Phyllis Rathburn and her band at the Mahoning Valley Country club, near Youngstown, O. Latter now playing at the Embassy club in Jacksonville, Fla. Louise Rollins has quit as hostess of the Mahoning.

Meadowbrook, Cedar Grove, N. J., name band stand is currently embroiled with NBC in an argument over sustaining wires. NBC has advised Frank Dailey, spot's owner, that he must choose between NBC or Mutual pickups. He must either order the Mutual wire taken out of his place or lose the NBC lines. In addition the net instituted new schedules and sliced the air time emanating from the place. Instead of five — and sometimes seven pickups, as it was getting on both the Red and Blue chains, most of them in the ideal 11-11:30 p.m. slots, Dailey now gets four shots on only one chain, all at 12:30-1 a.m.

Issue will probably be settled by NBC taking its wires out. Dailey will not relinquish the Mutual time and is already dickering to run a CBS line into the spot. Mutual is prepared to take up the slack with additional time. NBC for some time has frowned upon sharing a pickup point with embroiled of the oppositely nets. It has refused its lines to spots that insisted on feeding other networks also. Dailey's Meadowbrook was untroubled because of the calibre of band it played. Both CBS and Mutual, however, are not particular about such situations. Jimmy Dorsey was replaced at Meadowbrook last night (Tuesday) by Bobby Byrne's band.

Musical 'Estate' of 10 Violins; Students' Break

Detroit, Dec. 24.—The problem of what to do with 10 violins inherited from an uncle was neatly solved by James I. Van Keuren, of Lansing. He just donated the "estate" to the Michigan State College where they are to be used by music students unable to afford instruments in keeping with their talent. The uncle's collection numbered mostly expensive violins. Van Keuren himself doesn't play.

Bandleaders Ponder BMI Radio Discs

Question Stations Would Return Them If 'Recall' Clause Is Exercised

Some bandleaders are chary of signing their outthrusts with Broadcast Music Inc. for the making of radio disccriptions. Radio owned music publishing firm has set aside a substantial sum to pay name bands to cut BMI tunes arranged by BMI writers. Plans will be given to stations which become subscribers to BMI music as a means of replacing to some extent the name band recordings of ASCAP music which go off the air after Jan. 1.

It's not the fact that BMI is paying only a little above A.F.M. scale for the making of the records that has bandleaders wary, but the clauses in the contracts for the work. Affixing a signature to the agreements gives BMI the right to use the platters for a year. Clause states that in the event the band gets a commercial program all records made by that outfit will be immediately recalled. Leaders are of the opinion that ordering their recall and getting them back from stations is two different things. The problem is doubly emphasized by the fact that there is or seems to be renewed interest in the signing of name bands for sponsored shows. In the past couple of months, despite the approaching severance of ASCAP-radio relations, a fluster of bands have been singled out for sponsorship. BMI is reported turning out about 60 transcribed tunes a month.

AL DONAHUE RETURNS TO GENL. AMUSEMENT

Last fall Al Donahue and General Amusement Corp. went to the American Federation of Musicians to settle a dispute over Donahue's moving his band to the William Morris agency bookings. Now Donahue is shifting back to GAC. He has signed a five-year contract with the agency, to take effect Feb. 17, when a 60-day notice to the Morris agency expires. Contract with Morris carried such a severance clause.

Disagreement between GAC and the leader originally centered around the idea of Donahue changing booking affiliations before his GAC contract was up. It expired Oct. 25, but Donahue wanted to hop to the Morris agency before then. Union styled that. He left GAC owing the agency some \$5,000, which, it has been said, is the reason for his going back. GAC is supposed to have wanted either the money or the band. Donahue's office denies that, saying the debt has nothing to do with the return.

Teddy Powell Sells Famous Door, N.Y. Cafe

Teddy Powell has sold the Famous Door, N. Y., which he reopened several months ago as a showcase for his new band. The spot served its purpose, having been the springboard to other bands and a record contract with Bluebird; so it was disposed of to Phil Howard. Joe Sullivan's small band is in the spot currently. A floor show goes in after the rest of the act. Powell owned the Door with the backing of Alexis Thompson, money man who recently bought the franchise of the Pittsburgh Steelers, pro football team. He also financed the reformatting of Powell's band.

Bill Bardo Crowded Out

New Orleans, Dec. 24.—An indication of the throngs already here for Sugar Bowl game between Tennessee and Boston college New Year's Day is fact that Bill Bardo, band leader, here for holiday engagement with crew could not find room at The Roosevelt hotel in whose Blue Room his band opened Monday (23).

He had to find quarters in private home.

Jesuit College Sets \$150 as Top for Bands At Fraternity Dances

Omaha, Dec. 24.—Expensive name bands have been tabooed at Creighton University, Jesuit school. Its president, the Very Rev. Joseph P. Zuercher, has decreed that \$150 will have to be the top price for social events at the college because as he put it a large percentage of students are facing difficulty in meeting tuition and other school overhead and therefore extravagances should be frowned upon.

Order has already affected the year's top of the ball sponsorships by the Phalanx Military fraternity. Latter had arranged to bring in a name band at \$1,000 for the night and it's now seeking to cancel the date.

OBERSTEIN NOW A PERSONAL MANAGER

Eli Oberstein, head of much troubled U. S. Records, becomes the personal manager of the Harry James band next month as the first step toward setting up a personal management office. He won't take the band over until after Jan. 17 when Referee Irwin Kuntz is expected to deliver his twice-delayed ruling on the future of U. S. Records in federal court, New York.

Regardless of Kuntz's ruling on it Oberstein claims he'll definitely shift to steering hands.

Still Hope for Way Out of Muddle

A. F. of M. Takes Up Social Security Tax Question In Miami Jan. 27

Executive board of the American Federation of Musicians will, when it holds its two-week winter meeting in Miami, starting Jan. 27, undertake to formulate some way of making the employer (the premises) of a name dance unit directly responsible for the payment of the social security and unemployment taxes. It was stated at AFM headquarters Monday (23) that so far nothing has been worked out, but that the board was still hopeful that a solution, which would meet with Federal and state government requirements, could be reached. Employers of name bands were

making the required security payments when the internal revenue department in 1937 ruled that in such instances the leader himself was the lawful employer and was responsible for the payment of the tax. Since then it has been a confusing situation as far as the union's membership is concerned. In some cases the leader has paid the tax, in others the employer has taken care of the matter, while for a goodly percentage of musicians no social security tax was paid at all. While in Miami the board will also discuss the yawning up and introduction to the trade of a standard form of booking contract.

6 out of 15 Best Selling Songs are published by THE BIG 3!

ROBBINS MUSIC CORPORATION
FERRY-BOAT SERENADE
by the writers of "The Woodpecker Song"

MAYBE
by Allan Flynn and Frank Madden

LEO FEIST, Inc.

DREAM VALLEY
by Nick Kenny, Charles Kenny, Joe Burke

YOU SAY THE SWEETEST THINGS (BABY)
by Mack Gordon and Harry Warren
from the 20th Century-Fox film "Tin Pan Alley"

MILLER MUSIC, Inc.
DOWN ARGENTINA WAY
TWO DREAMS MET
both songs by Mack Gordon and Harry Warren
from the 20th Century-Fox film "Down Argentine Way"

Band Grosses on One-Nighters

Blue Barron, back on the road after two weeks in New York at the Brando's Flatbush and Windsor houses, clicked best in Wheeling, W. Va. **Blue Barron** (Capitol theatre, Wheeling, W. Va., Dec. 20). Small matinees, but strong evening business lifted the date to a solid \$1,100 for three shows at 25c to 40c admission. Band well liked.

Henry Busse began a stand at the Baker hotel, Dallas, Friday (20) by doing capacity business the first three nights. Room seats 400. Spot levies cover charges of 75c and \$1 weekdays and Saturdays.

Gene Krupa (Orpheum theatre, Springfield, Ill., Dec. 15-16). In two days Krupa pyramided 5,000 admissions for a gross of \$2,000 at 33c and 44c. However at the Lincoln Square theatre, Decatur, Ill., Dec. 18, Krupa was "disappointing due to Christmas season," to quote the management.

Ted Lewis held out stretch at Royal Palm Club, Miami, Fla., with 750 opening night patrons who paid \$1.50 a plate.

Van Hise Monroe (Memorial Hall, Melrose, Mass., Dec. 20). Date posted a low gross of \$260 for 400 attendees at 65c.

On the Upebeat

Juanita Juarez, Brazilian singer, will front a new Latin tempo band which will replace a vocal Curbello at the Copacabana, New York, Dec. 26. Curbello shifts to the cover of George White Gay White Way.

Harry James deferred a Jan. 9 opening at the Flatbush theatre, Brooklyn, and the Windsor, Bronx, the following week to go into the New York Paramount Jan. 8 or 15 following Tommy Dorsey and preceding Glenn Miller. James' band is in for two weeks. He'll go into the Brandt spots Jan. 30.

Tommy Tucker crew does 10 consecutive days at the Olympia and Paramount theatres, Miami and Miami Beach, Fla. Set for five days at each house as of yesterday (24).

Jack Leonard has recorded for Okeh the vocal of Tommy Dorsey's theme "I'm Getting Sentimental Over You."

Jimmy Van Heusen, working on songs for Bing Crosby's "Road to Zanzibar" film for the past few months, in New York for a two-month stay.

Joan Merrill, Al Siegel protegee, has been signed for solo records by Bluebird.

Vaughn Monroe has added Johnny Turnbull as a fifth sax and vocalist. **George Starnes** band opened in the El Dorado room of the Commodore Perry hotel, Toledo, Dec. 16. Vocals by Joyce Barry.

Chauncey Cromwell orchestra, with Glory Davis singing, are now in the new Cascades room of the Hotel Ohio, Youngstown.

Joe Sammarino orchestra playing in the new Pines club, opened Dec. 18 by Anthony Villa Frank, on Route 422, between Youngstown and Coitsville, O.

Carl Ravazza's orchestra, recently at the Trocadero, Hollywood, opened in Rainbo room of New Kenmore hotel, Albany, Monday (23). Estelle Taylor will play a holiday engagement there Christmas.

Lyle Carlyle's orchestra opened at the De Witt Clinton hotel, Albany, Dec. 21. Roe De An and his "Silhouettes in Rhythm" group continue in the cocktail lounge.

Tone Marlowe orch., out of Kaufman's, Cheektowaga, N. Y., opening (26) in Roycroft Inn, East Aurora, New York.

Ted Black's orchestra is playing a week's engagement at Barry's, formerly Iglo's, on the Albany-Schenectady road, under the new name band policy instituted since Michael Barry, a Californian, took over the spot. Black's last Albany engagement was at the Kenmore Hotel.

Tommy Reynolds wound up four-week stand at the Brooklyn-Roseland ballroom, Dec. 22 and is booked for a two-week return stand on Jan. 3. In the interim he'll play several ad parties plus a three-day turn at the Empire, Fall River, Mass., starting Dec. 31.

Maeco is also doing transcriptions for Langlois & Wentworth, several Okeh recordings and is under contract to make soundtracks for James Roosevelt.

NBC Morgan (who missed his first NBC broadcast out of Frisco because he didn't vary his themingsuff-

ciently, to pass the week's music books) has added a new vocal to his band at the Palace here. Called "The Morganairens," tri-comprised George Henry, trombonist, doubling as a baritone; Bill Campion, string bass drafted as first tenor, and Clarence Melter, baritone, who also is a violinist. Morgan also has added a new drummer, Johnny Kay.

Gene Krupa resigned for another two years with Columbia Records.

Benny Goodman cut a second 12-inch record for popular release at 75c. He used another standard, "More Than You Know" and an original "Super Man."

Dean Kincaid, former Tommy Dorsey saxist is sitting in with Alvino Rey's band for a few days in place of Bill Shine who went to Dorsey at the Paramount theatre to temporarily replace Heinie Beau for the date. Beau is not a New York local, 302 of AFM member, Shine is. Switches gave Dorsey an all 802 outfit, important as one non-802 man would class the crew as travellers and increase its cost to the Par. Would require standbys.

Mitchell Ayres is down to make soundtracks for Jimmy Roosevelt's company Jan. 16.

Johnny Messner deferred scheduled date at Mecca Temple, Scranton, Pa., Saturday (21), due to death of father of Carl Strohl, one of spot's operators.

Harry Moss, MCA, N. Y., one-night book went through early Xmas exchange and shipped family off to Florida with Tommy Tucker's men, on their way to theatre work in Miami and Miami Beach.

Shirley Lloyd joined Isam Jones band as vocalist last week at McAlpin hotel, New York.

Al Fremont orch back at Merry-G-Round, Pittsburgh, for indefinite engagement, replacing Bob Sylvestor outfit. Second time for Fremont at spot this year.

Tommy King, trombone player, has left Louie Pope at Oasis in Pittsburgh to join new Red Nichols band.

Bill Teacher band, with vocals by Flo Parker, formerly with Nelson Maples, has opened two-month stay at Hotel Henry's Silver Grill, Pittsburgh, replacing Billy Merle crew.

Jack Renard takes time off from New York radio duties to conduct the third annual 'Night of Stars', Jan. 26, to benefit his home town synagogue at Chelsea, Mass.

Jack Denny opens Mike Todd's new danceery in Chicago tomorrow (Thursday).

Ramon Ramos has been booked to go back to the Drake hotel, Chicago, April 12, to stay indefinitely. He's there now, finishing up present stand Jan. 12.

Don Redman's new band unveiled yesterday (Tuesday) on two-week stand at Roseland B., Brooklyn.

Jimmy Blake, trumpeter, who spent stretch in hospital with punctured lung, back in Tommy Dorsey's band.

Lang Thompson band opens run tonight (25) at Hotel William Penn's Chatterbox, Pittsburgh, succeeding

Band Bookings

Al Donahue, Jan. 5, Trianon, B. Cleveland; Jan. 17, Town Hall, Southbridge; Mass. 24, LaSalle Academy, Oakdale, L. I.

New Year's Eve, Newwoodin College, Brunswick, Me. 29, Longmeadow Community House, Springfield, Mass. 21, afternoon, Apawamis Country Club, Ryer, N. Y.; 21, evening, Swaney C. C., Bronxville, N. Y.; 24, Baltimore Country Club, Baltimore, Md.; 24, Casino Club, Chicago; 25, Racket Club, Chicago; 26, Kirkland C. C., Cleveland; 27, Essex County C. C., Orange, N. J.; 28, afternoon, Swaney C. C., Bronxville, N. Y.; 28, evening, Brunswick C. C., Reading, Pa.; 30, Wilmington C. C., Wilmington, Del.; 31, New Haven Lawn Club, New Haven, Conn.; Jan. 1, Greenwich C. C., Greenwich, Conn.; 2, party, Barclay Hotel, Philadelphia, Pa.; 3, Bronxville Field Club, Bronxville, N. Y.

Count Basie, Dec. 27, Aud., Norfolk, Va.; 29, Armour, Durham, N. C.; 31, Aud. Roanoke, Va.; Jan. 1, Colonades, Washington, D. C.

Jimmy Lunceford, March 27, evening, Flatbush theatre, Brooklyn; April 1, week, Windsor theatre, Bronx.

Emerson Gill, Dec. 28, Brookside C. C., Canton, O.; 31, Columbus C. C., Columbus; Jan. 4, Castle Farms, Ohio.

Benny Goodman, Dec. 27, Trianon B., Cleveland; 28, Youngstown, O.; 30, party, Cleveland C. C., Cleveland; Jan. 5, Lyric theatre, Bridgeport, Conn.; 10, Metropolitan theatre, Providence, R. I.

Jan. Savitt, Jan. 31, P. E. I., Alabama Poly. Auburn, Ala.; 5-6, U. of Mississippi, Oxford, Miss.; 7-8, Mississippi State, Starkville, Miss.; 10-11, U. of South, Sewanee, Tenn.; 14-15, Vanderbilt U., Nashville, Tenn. McFarland Twins, Jan. 10-12, Manhattan Beach, New York.

Jack Teagarden, Jan. 13, Olympia theatre, Miami, Fla.; 17-20, Paramount theatre, Miami Beach.

Chas. Barnet, Feb. 6, U. of Alabama, University, Ala.; 7-8, Clamson College, Easton, S. C.; 14-15, Citadel, Charleston, S. C.

Cats & Fiddle, Dec. 29, Frazier's Park Auburn, Ala.; Jan. 2, Lincoln theatre, Orlando, Fla.; 9, Frolic theatre, Birmingham, Ala.; 10, Pekin theatre, Montgomery, Ala.

Del Courtney, Dec. 27-29, Westwood C., Little Rock, Ark.

Al Donahue, Feb. 13, U. of Virginia, Charlottesville, Va.; 15, Vassar college, Poughkeepsie, N. Y.

Duke Ellington, Dec. 28, Savoy Ballroom, Chicago; 30, Liberty, El Paso, Texas.

Vincent Lopez, Jan. 7, Library theatre, Warren, Pa.; 8, Columbia theatre, Sharon, Pa.; 9-11, Majestic theatre, Johnstown, Pa.; 13-15, Columbia theatre, Erie, Pa.

Ran Wilde, Jan. 1, Brook Hollow C. C., Dallas, Texas.

Count Basie Wants Out

Papers were to be signed last night (Tuesday) or sometime today which would release the Count Basie orchestra from its booking contract with Music Corp. of America. Basie is paying the company \$10,000 to buy himself out of a contract which he's been objecting to for some time. The terms of the release will call for the leader, or whoever is putting up the money, to pay 50% down and the rest over a period of time.

Basie has been arguing with MCA for months over the terms of his contract, claiming that the commission slice the outfit was exacting was too heavy. His contention was that the heavy cost of operating his band dropped his personal income below the yearly amount accumulated by the office in commission. He recently huddled with MCA officials and arrived at a new scale of commissions which MCA agreed to try for a while. Agreement called for a sliding percentage take by MCA, based on the amounts the band was paid on various dates.

Leighton Noble, latter one-nights through tri-state area until Jan. 11 and then goes to Waldorf-Astoria in New York.

My Heath and Fred Rose sold their ditty, "When Johnny Toots His Horn," to be sung in James Roosevelt's 'Pot O' Gold'.

Emil Newman doing musical scoring job on "Tall, Dark and Handsome" at 20th-Fox.

Herbert Stothart handling the music assignment of 'Andy Hardy's Private Secretary' at Metro.

10 Best Sellers on Coin-Machines

(Records below are grabbing most nickels this week in jukeboxes throughout the country, as reported by operators to VARIETY. Names of more than one band or vocalist after the title indicates, in order of popularity, whose recordings are being played. Figures in parenthesis indicate the number of weeks each song has been in the listings.)

1. Down Argentine Way (4).....	Bob Crosby	Decca
	Leo Reisman	Victor
	Gene Krupa	Columbia
	Dick Jurgens	Okeh
2. We Three (4).....	Inkspots	Decca
	Tommy Dorsey	Victor
3. Maybe (4).....	Inkspots	Decca
4. Only Forever (4).....	Bing Crosby	Decca
5. There I Go (4).....	Tommy Tucker	Okeh
	Will Bradley	Columbia
	Woody Herman	Decca
6. Two Dreams Met (3).....	Tommy Dorsey	Victor
	Eddy Duchin	Columbia
7. Rhumbogie (4).....	Dorothy Sayers	Decca
	Woody Herman	Decca
8. Dream Valley (3).....	Sammy Kaye	Victor
	Frankie Masters	Okeh
	Woody Herman	Okeh
9. I Give You My Word (3).....	Al Kavelin	Decca
	Eddy Duchin	Columbia
	Jack Leonard	Okeh
10. Nightingale In Berkeley Square (2).....	Glenn Miller	Bluebird
	Sammy Kaye	Victor
	Kate Smith	Columbia
	Jack Leonard	Okeh

DISKS GAINING FAVOR

(These recordings are directly below the first 10 in popularity, but grouping in demand on the coin machines.)

Now I Lay Me Down to Dream.....	Andy Kirk	Decca
	Guy Lombardo	Decca
	Bob Chester	Bluebird
Frenee.....	Artie Shaw	Victor
	Woody Herman	Decca
One I Love.....	Tommy Dorsey	Victor
Santa Fe Trail.....	Sammy Kaye	Victor
	Dick Jurgens	Okeh
	Guy Lombardo	Decca
	Kate Smith	Columbia
Let's Be Buddies.....	Eddy Duchin	Columbia
	Leo Reisman	Victor
	Connie Boswell	Decca
Last Time I Saw Paris.....	Leo Reisman	Victor
	Kate Smith	Columbia
Yes, My Darling Daughter.....	Dinah Shore	Bluebird
	Glenn Miller	Bluebird
	Johnny Long	Decca

Band Reviews

JOE RINES ORCH

With Rex Irving, John Ryan, Lorraine O'Day.

Billmore Hotel, Providence, R. I.

Joe Rines' eight-week-old aggregation stacks up as smooth. For an 11-man team it also carries enough volume and versatility for the larger halls.

Rines still retains the gentility of tone as a carryover from his days at the St. Regis Hotel, but is now characterizing his tunes with an underlying staccato beat with smooth bridging. Arranging is being done by Rex Irving, who is also turning out some novelty numbers along the Raymond Scott style, but commercial and with an idea behind them.

A changeover from Rines' old gang is the elimination of violins. Band includes three saxes, three trumpets, trombone, bass drums and piano, and with two of the trumpets doubling with trombone and the use of melophones with one in the brass section, group has volume of a 16-piece outfit. Rines stresses the use of hand bells to ting out tunes and in this spot has made quite a hit. In current stand Rines has been putting on straight 20-minute complete shows, mixing swing, straight and novelty numbers nicely.

Rines also doubles as John Ryan in the singing of novelty numbers, while Lorraine O'Day, cute blonde trick, is reminiscent of Bea Wain. Rines shows a nice flair for showmanship in the novelty numbers and his ability as a ventriloquist and amateur magician flitting in nicely.

Another feature of the band is its nice handling of tone with no raucous blasts to drive the customers to the back of the hall, but keeping it stirring down where it doesn't intrude. *Mato.*

LARRY FUNK ORCHESTRA

With Betty Hunk, Eddie Scope.

Kansas City, Missouri

Although Larry Funk is one of the younger fellows here's a vet in the band and he shows the benefits of experience. Crew is one of the best into the Southern Mansion in past year or so, and it has more of a name than this club spot has gone in for recently. Only requirement of a band in this spot is to play for dancing and that Funk is doing nicely. Filling the increasing demand for

music in the South American way, getting in the quota of both current and old songs and holding down the fort in swing which scarcely has a place in this smaller room.

Often tagged "band with 1,000 melodies," Funk can easily support this caption as he has a library of 16,000 tunes and arrangements which he has made a hobby of collecting since he hit the music route in 1921. Crew, however, carries a comparatively small folio as much of its material is memorized. This combination of available arrangements to be played at the leader's whim makes Funk an especially adept at medleys, and the crew can put in a number the instant a customer requests it.

To vary dance music Funk carries a pair of singers, Betty Harris and Eddie Scope. Miss Harris is the wispy type but has edge on looks as well as singing above par. Scope is in the medium voice range and works both solo on ballads and snappy tunes and with Miss Harris on the more novel offerings. Funk takes a hand in the instrumentation occasionally, but mostly batons (without baton) for his group of nine.

Johnny Allagna, pianist, and James Baker, saxist, work out most of the arrangements and leader also makes the personnel changes. Band is completed by Joe Baker and Hi Clarke on reeds; Charles Day and Art Fields, trumpets; Billy Knutle, trombone; Billy Lawrence, drums; and Richard Duckworth, string bass.

Set for a month with an option and is likely to move east after closing here. *Quin.*

Courboin at 8 A.M. Sunday

Dr. Charles Courboin, the concert organist, will hereafter give his weekly half-hour from the American Academy of Arts and Letters, New York, at 8 a.m. on Sunday over the NBC red.

Has been heard at 10:30 p.m. Sundays heretofore.

At date left (28) Vaughn Monroe's angling staff to join Vincent Travers. Johnny Watson remains with Monroe.

Milw. Has a Vaude Boom; 8 Fox Nabes Bicycling 3 to 6-Act Shows

Milwaukee, Dec. 24.
Most ambitious comeback for vaudeville that this town has seen is being tried out in local Fox nabes, eight of their houses putting on a weekend stage show in addition to dual features. In some cases with remarkably gratifying results. Some of the indies are doing likewise, giving work to a lot of acts, and its continuance will depend entirely upon results over a reasonable period of time.

Fox houses now putting on vaude include the Venetian, Paradise, Varsity, Shorewood, Zenith, Riviera, State and Plaza, and anywhere from three to six acts, and an orchestra, make up the bill, depending upon the capacities of the various theatres. Each show plays two houses a night, buses being used to transport the troupes in haste from one house to another. The show that goes on at the Paradise at 8:20, for instance, goes on at the Venetian at 9:25, and so on throughout the group.

Patrons seem to like the innovation and the acts, among whom are occasional oldtimers, are of a good, optimistic. Stagehands, too, are jubilant over the extra work they are getting for the first time in a number of years.

Downtown houses, too, are nibbling at live entertainment to bolster picture grosses. Fox has booked 'Streets of Paris' for the week of Jan. 10 and Ray Noble for the week of Jan. 24 at the Wisconsin theatre, providing a little opposition for the Riverside, which throughout the years has held to its vaude-film policy, and profitably. Fox's Miller, downtown grind, is also considering stage shows.

Roy Pierce, downtown district manager for the Fox houses, who for several years past has been officiating over other executives in the elaborate though rather remote Varsity theatre sanctums, is moving downtown Jan. 1 to be closer to the action with activities and will occupy headquarters now being built in the Wisconsin theatre building.

WHITE'S PREEM SHOW SET; TO USE POP SCALE

George White's new Gay White Club, on the site of the old Cotton Club, N. Y., opens tomorrow (Thursday) with a former White 'Scandals' star, Ann Pennington, among the features. Joan Edwards, Harris and Shore, Bob Shea, Al Norman, Carol King, Geraldine and Joe, Gloria Blake, Marion Miller, Jorge Negreanu, Juanita Rios, Mimi Kellerman, Coley Worth and Marcia Ray, Kay Penton, Estella Johansen, Frances Glendenning, round out the show, along with Shep Fields and Fausto Corbello's bands. Herb Magidson and Ben Oakland did the tunes.

White will emulate the Billy Rose Diamond Horseshoe idea of \$1 minimum for dinner and supper, with graduating scales, according to locations, naturally tilting it up.

Corbello shifts over from Monte Proser's Copacabana, where Nat Brandwynne's band and a rumba combo headed by Tunita Turner open Friday (27), when Adelaide Moffett, Jane Deering and the Samba Sirens come in.

Court a Bit Dubious On N. Y. Nitery Fingerprinting

Application by the New York local joint board of the Hotel and Restaurant Employees International Alliance, and Bartenders International League of America to restrain regulations of Police Commissioner Lewis F. Valentine requiring fingerprinting and the carrying of identification cards by night club employees resulted in a reserved decision by N.Y. Supreme court Justice Ferdinand Pecora Friday (20). Court granted both sides to Dec. 27 to submit briefs.

The court remarked before reserving decision that 'some sort of regulations are necessary for cabarets, where large numbers of people gather indiscriminately, but there is a rather serious question as to whether some of the regulations contravene fundamental rights.'

Det., Vaudeless Last Year, Gets Full Diet New Year's

Detroit, Dec. 24.
Detroit, which a year ago this time was getting no vaudeville, will have plenty of it downtown this New Year's Day. Besides the Colonial, the Michigan and Fox, two biggest downtown houses which since summer have been alternating on vaude, both will have shows. The Michigan will share its show with the Palm State, the performers bicycling from one house to the other on New Year's Eve.

One of the second-runs in the downtown sector, Broadway-Capitol, will toss in 10 acts of vaudeville and Herb Straub orchestra New Year's Eve.

Michigan and Fox will vault their prices \$1 for the New Year's Eve stage shows. The scale moves from a 65c top to \$1.05 for downstairs and \$1.10 for the balcony. Last year both houses ran off double picture bills for \$1 top.

IRVING HYPOES AGVA'S CH LOCAL

Chicago, Dec. 24.
With Jack Irving taking over the active direction of the local American Guild of Variety Artists office, there has been a concerted effort to all members here to set the wheels humming once more. Irving's new bureau has evidently swept clean, giving the office a transmutation of new life.

New local executive secretary held a general discussion with Balaban & Katz executives on an AGVA contract and is scheduled to again get together with B. & K. officials some time this week for the final details on the contract, which will call for a Guild shop setup in B. & K. vaude-filmers.

Others who have okayed the AGVA contract as submitted are Ed Weisfeldt, of the Riverside, Milwaukee, and Charlie Hogan, booker for Warner and other theatres in this territory.

Also signed to an AGVA contract is the Michael Todd Theatre Bar, this contract having been originally set in N. Y., but with final details arranged locally.

Equity Over AGVA?

Details of the Screen Actors Guild's proposal that Equity assume jurisdiction over AGVA on page 21.

This proposal came up at the SAG board meeting in Hollywood on Monday (23).

MIAMI NITERIES GET UNDERWAY

Miami, Dec. 24.

Class niteries here are swinging into high gear, after week marked by most frenzied openings in locality's history.

Signed by Carl Erbe, Beachcomber's opening Tuesday (17) provided biggest splash, bowing in a Hollywood with entire block roped off, floodlights, loudspeakers blaring arrival of celebs, and a broadcast. Show lineup includes Mary Jane Walsh, Maurice and Cordoba, Tropical Dancers, Chavez and Ernie Holst orchs.

Art Childer's Royal Palm did a re-take following night with Ted Lewis revue and Merriell Abbott gets providing the show. Same evening saw Kitty Davis' Airliner take off with Carol and Billy Vine, Soni Shaw and Samba troupe aboard.

Tom Cassara got two links in Thursday (19) when Neal Lang threw a cocktail party for 600 to christen former's New Raleigh hotel, and then opened Rhumba Casino with a charity preview for Greater Miami Empty Stomach Fund that evening. Casino formally lighted up Friday (20) with Terry la Francini, Camille de Montes, La Comparsa Dancers, Fantasia's Rumboleros, and Alex Rankin's band.

Same evening saw debut of Latin Quarter, located in old Palm Island club. Revue is headed by Jack Cole dancers, and includes Emile Bore, Grisha and Brona, Lela Moore, Henri Therrien, Frank Marzone and the Abbott dancers, Yvonne Bouvier, Clarissa and Parisian Dream gals. Densanation is split between Joe Candullo and Lolita Cordoba's bands.

Carusel, operated by Ben Brooks, managed to get under way Saturday (21), with the Veleto Sisters rhumba band, Patty Ortel and the Pepito and Carmen troupe.

Negro Burley for Philly

Philadelphia, Dec. 24.
Plans are now being made for the unshuttering of the Lincoln, in the Negro section of Philly, for the showing of colored burlesque shows. The house is now under lease to Morris Wax, operator of a string of Negro film houses.

Ken Murray Unit Reopens Minnesota; Mpls. House Rent-Free for 5 Months

Boston Has Busy Nitery W'k, 2 Openings, 1 Fire

Boston, Dec. 24.
A new nitery, opened, an old one reopened under a new name and another burned out here last week.

The Cave, under same management as the Vienna Room of Stenben's, opened with Horacio Zito and his orchestra as the main draw. The Cave is the closest opposition to Monte Proser's Beachcomber.

Other entry is the uptown Corcovado, last year known as Zero Hereford, and now exploiting a South American atmosphere. Corcovado is connected with Fox and Hounds Club.

The Hurricane, opened early this season, burned out completely last week, with estimated \$10,000 loss.

HOLT LINES UP 9 RKO NAME SHOWS

Cleveland, Dec. 24.

Spanish dance team of Manuela Del Rio and Albert Torres, whose work has been restricted to the concert stage, is finally rhumba-ing into vaudeville for debut at the RKO Palace here Friday (27). Dancers were corralled by Nat Holt, RKO zone manager in Ohio, during a show-shopping trip to New York that netted him nine name stage shows for the next two months. Dave Bines, house producer, is building a New Year's week show tagged 'Revue Internationale' around the concert team, which will carry it around the circuit.

Besides lining up Casa Loma band, Susanna Foster, young Paramount singer, and Jerry Lester for Jan. 3, Holt has a commitment on George Raft for Jan. 10 if a new film does not call him back to the Coast.

After a lean month with too many band bookings, Palace is looking forward to hyped business with several girl shows scheduled. 'International Casino Revue' comes in Jan. 24. 'Folies Berger' due Feb. 1, followed by Glenn Miller, Feb. 14. Billy Rose's 'Diamond Horse Show' unit, with Fritz Scheff, is signed for March 7, and Holt is also negotiating with Humphrey Bogart for a week in February.

Minneapolis, Dec. 24.

By giving free rent for five months and permitting the lessee to cancel the lease on two weeks' notice any time during its duration, after making the rent so low for the period, after the initial five months that it barely meets the taxes, trustees in bankruptcy for the 'Insolvent' Minnesota theatre finally were able to obtain tenant for the \$2,000,000, 4,000-seat show house.

The Middle States Corp. of Milwaukee, operators of the Riverside theatre there, will reopen it New Year's Eve, with vaudeville policy at 25 and 30c, including tax. First show will have Ken Murray and his unit plus Dixie Dunbar, Ruth Petty and, on screen, 'Hit Parade of 1941' (Rep.). A. B. Marcus Show comes second week.

After free five-month period, if option is exercised, rental will be \$1,000 a week first year and a minimum of \$1,000 a week against 15% of gross for next four years. Taxes, which must be paid from rental, run about \$50,000 a year.

Theatre's creditors meet this week to approve or reject deal. If they reject, tenant must give up house after Jan. 20, but will have had rent up to that time. Approval, however, is believed a certainty.

For Middle States Corp., Livingston Lanning, formerly manager of the Wisconsin, Milwaukee, will be manager and E. J. Weisfeldt, Riverside managing director, will act in same capacity for Minnesota.

Minnesota Amusement Co. (Paramount) and Mort H. Singer pool has practically all major first-run screen product sewed up for loop and operation of Minnesota will have to look to Republic, Monogram and other independents for pix.

After having house since its inception in 1927, Paramount, claiming heavy 'net' precluded profitable operation, is releasing it two years ago. Owners themselves recently tried operating it with vaudeville policy during 25-week period, but took bad financial beating before crying quits and filing bankruptcy petition. Prior to taking whirl themselves and putting property through wringer, they had tried in vain to add a tenant. They blamed inability to secure major screen product principally for their own unsuccessful operation.

DET. NITERIES WILL GET BREAK THIS NEW YEAR'S

Detroit, Dec. 24.

After having two ruinous New Year's Eve here in succession, Michigan's niteries will get a break this year. Going beyond the expectations of the state's tavern keepers, who had asked to stay open until 5 a. m., the State Liquor Control Commission surprised everybody by approving drinking around the clock. It is the first time since 1937 that the commission has lifted its ban on the sale of hard liquor.

For the last two years the conjunction of New Year's Eve with Sunday caused the commission either to forbid the sale of liquor before midnight, or put the taboo on after midnight and also made all places close shop at 2 a. m. It hit the clubs and hotels hard, many dropping their prices to New Year's Eve lows trying to catch trade.

Gambling Joint Workers Ask Unemployment Pay

St. Louis, Dec. 24.

Approximately 200 employees, eight East St. Louis gambling houses, who were tossed out of work last week by a sweeping injunction against all gambling throughout the state, are applying for unemployment compensation at the rate of \$18 per week for 16 weeks. Before the gaming places shuttered they paid \$5 daily for handbook clerks and \$12 for dice-table workers.

Largest employer was Vic Doyle, who hired about 100 at his Ringside. The injunction petition filed by Attorney General John Cassidy charged that Doyle's annual gross income was from \$450,000 to \$500,000, with a net profit of 10-12%.

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Night Club Reviews

HILDEGARDE

NET 11.1 TERMS BOOKING MANAGER

PHILLY NITERIES 'OR ELSE' ON BACK TAXES

Philadelphia, Dec. 24. The State Unemployment Compensation Board last week issued a pay-up-or-else order of unemployment compensation taxes for musicians to operators of night clubs. The first spot on the list was the Benjamin Franklin hotel, for musicians who worked the Garden Terrace. The hotel management paid taxes for 1937-'38 and '39. At least a dozen other spots either sent their checks for back taxes, or notified the board that they would do so before the end of the year.

Dec. 31 is the deadline for payment of the State taxes in order to get credit toward the Federal social security tax. In Pennsylvania all employers who pay contributions into the State fund (2.7% of the payroll) are allowed to deduct this from their end of the social security levy. Unless this is paid before Jan. 1, they will have to pay the entire 2.7%, plus an additional 3% to the Government. At first the niteries were holding back awaiting the outcome of a test court action filed recently in the State Superior Court by Frank Palumbo, operator of a South Philly spot bearing his name. But last week Palumbo's attorney, Charles Solit, withdrew the case.

Palumbo's attorney had contended that the tax was illegally levied on the cafe owner and should properly be paid by the band leader. But this contention was turned down by a ruling of the State Unemployment Compensation Board.

Agents of the board last week went over the books of Local 77, American Federation of Musicians, checking over the spots played by its members as a means of determining who is liable for the back taxes.

DUAL VAUDE SHOW FOR NEW YEAR'S EVE IN DET.

Detroit, Dec. 24. For the first time here two theatres will use entirely the same New Year's Eve show. Marks the first time two downtown houses will advertise the same bill, the double-header being at the Michigan and Palms-State, both United Detroit theatres and about four blocks apart. Both will sell reserved seats for the double presentation.

The show will consist of Rosemary Lane, Four Ink Spots, Allen and Kent, Lynn, Royce and Vanya, Dean Murphy and Paul Henson, and his Toy Boys with 'Second Chorus' as the picture.

Dan Fitch Names To Hold Xmas Omen

Atlanta, Dec. 25. Every Christmas for the past five years Dan Fitch, Dixieland showman, has had a unit on the Capitol stage here. The past five years have been very kind ones for Fitch, and, being a superstitious fellow, he wanted desperately to keep the string unbroken and open a unit at the Capitol again this Christmas.

Things looked bad. The Capitol had discontinued stage shows. Fitch was blue but persistent. His weekly queries as to policy changes by the management finally brought him the right answer. The Capitol would return to its old stage and picture policy.

The string is still unbroken. Dan Fitch's 'World of Pleasure' unit opens on schedule Christmas day, to make it six years in a row.

Marden Signs Pitt Dancer

Pittsburgh, Dec. 24. Marianne Rohrkaste, local dancer known professionally by only her first name and who has been appearing lately at El Chico, local rhumba spot, has been signed by Ben Marden for a featured spot in his opening show at the Colonial Inn in Florida.

Couple of friends of Marden's were in Pittsburgh last week, caught Marianne's act and immediately phoned Marden of their find. He asked her to come to New York for an audition. She did and contract resulted. Stays at El Chico until after first of year and then goes south.

Hotel's Suit Vs. Fanner For Drapes, Not Clothes

Detroit, Dec. 24. The Detroit press played around with a \$574 legal action filed in Circuit Court here against Sally Rand and Frank Barbato, owner of the Boverly, Hamtramck niterie where she is appearing for three weeks. The stories all hinted that the performer, noted for her undress, was being sued by a New York clothing firm because she was loath to pay for clothing.

However, the press looked a little silly when a columnist let it out that the suit wasn't for costumes at all, but was for curtains and drapes which Miss Rand had picked out when she was staying at the Hotel Park Central under the impression the hotel was to pay for them.

FLO O'CONNEL SETTLES SUIT VS. CAP, PASSAIC

Suit by Florence O'Connel, member of the vaude team of O'Connel and Moore, for \$20,000 damages for personal injuries suffered in an accident Dec. 31, 1939, on the stage of the Capitol, Passaic, N. J., against the Stanley Co. of America, operators of the theatre, was settled and discontinued out of the N. Y. federal court Friday (20). Miss O'Connel claims she broke an arm in a fall from the stage.

Defense interposed was that the accident was a result of Miss O'Connel's carelessness, and that when she took the job she assumed the risks that went with it.

Vaude Back in Syr.

Syracuse, Dec. 24. Shuttered for repairs for the past three weeks, RKO Strand reopens with a renewed vaudfilm policy today (25).

Jack Flex comes from Cleveland to replace Harvey Cooks as house manager. Dick Feldman stays on as assistant.

3 Want Westchester Aud. Seating 5,000, For Band and Vaude Policy

White Plains, New York. County Center, 5,000-seat auditorium which ran Sunday afternoon and evening name band and vaude shows for a short time last winter, probably will resume the same policy after Jan. 1, but under different management. Three bookers are now dickering for the spot. A. & B. Dow, Max Richards and Jimmy Evans. Latter operates the New Haven, Conn., Arena under similar policy.

Westchester spot did pretty good business last year, but ran into trouble because of the comparatively small population of White Plains. Les Rees, one of its operators then, explains that despite the fact the policy did well while he had it, the cost of advertising in order to draw enough crowd was prohibitive. In short, the shows had to be heralded far and wide in that locality. In order to break even on the cost an almost capacity turnout was imperative each week. He had several losing ones, however.

Gov't Indicts Hurricane, Ross Fenton, 7 Other Spots for Tax Embezzlement

As a result of an investigation into the activities of night clubs and cabarets concerning alleged failure to file returns on federal income taxes and for embezzlement of those taxes, Jesse Moss, special assistant to the attorney general in N. Y., announced Monday (23) that during the past 18 months the Government has had 90 to 95 cases of alleged violations and recovered in excess of \$2,000,000. The statement was issued in conjunction with indictments of nine night clubs; handed up by Moss to a federal grand jury, with six of the clubs being in Manhattan, two in New Jersey, and one on Long Island.

The total of violations for all is approximately \$25,000, and marks the first time that Moss has added New Jersey to his suits.

The clubs named are the Hurricane Restaurant, Inc., operators of The Hurricane, on Broadway, and Mario Tosatti, president, and Murray Zales, secretary. The charges are failure to file returns to pay taxes collected, and embezzlement of the taxes. Amount sought is \$3,800.

Second club is Mon Paris, operator of Malson Paris, Inc., N. Y., and Joseph Fernandez, operator. Charges are alleged embezzlement of taxes collected. Amount sought is \$1,500.

Other spots and persons cited are the Ha Ha Club, and Nathan Levine, president. Charges are the same; amount sought is \$1,000. Fourth club is The Barrel of Fun, and Irving

Cohen, president, and Joseph Ward, vice-president. Charges the same; amount sought \$1,000. Other two N. Y. spots are strictly taverns.

Ross Fenton Farms, Asbury Park, N. J., operated by the R & A Restaurant Corp., and Maurice Abraham, known as Ralph Maurice, is charged with failure to file tax returns. Indictment was filed in Newark.

Iditio the Club Miami, of Newark, and Isidore Kaplan, its operator. Charge is failure to file returns.

Last, is the Atlantic Beach Merry-Go-Round, Atlantic Beach, L. I., with Nicholas Diorio, alias Nick Bates, operator, also named. Charges are embezzlement of taxes, failure to turn over taxes and failure to file returns.

Joe Moss' Fairway, N.Y., in Bankruptcy

The William Moss Catering Corp., operating a restaurant called the Fairway Yacht Club, 450 East 52d street, N. Y., filed a voluntary petition of bankruptcy in U. S. federal court, Monday (23), listing assets of \$850 and liabilities of \$10,763.

Among the liabilities is \$3,685 owed in salaries to 43 employees. Of the assets, \$200 consists of monies owed the bankrupt.

This is Joe Moss' enterprise, following the demise of his Hollywood and International Casino ventures.

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THRU THESE PORTALS PASS THE MOST BEAUTIFUL GIRLS IN THE WORLD

Equity Huddles on Wage Boost Plus Dues Hike, Social Security Setup

At a quarterly meeting held Friday (20) at the Astor hotel, N. Y., few new issues were developed, but a number of points were touched up by executive secretary Paul Dullzell's report. Not the least was mention of the boosting of minimum pay from \$40 to \$50, accompanied by raising the initiation. Dullzell told the members that it was too early to discuss whether the increase will affect employment. He stated that, at the end of the season they would be in a better position to decide if the move was beneficial.

Members were also advised on the matter of social security protection. All contracts are now stamped with a provision making it incumbent on the manager to pay the Government the security levy. The law so stipulates, but some showmen have been lax in making such payments, also the payroll percentage due the state for unemployment insurance. It appears that laxity has been increased to short-run attractions. Stated that it is more a matter of carelessness on the managers' side rather than an intent to evade the laws.

Among other matters was a recommendation that the standard contract provision, which ensures to managers the exclusive services of the actor, be stricken out. It will go before the council for consideration. Tropical arose because an actress appearing on Broadway was fined \$500 for playing a night club besides accepting road engagements without the permission of the producers. It was argued that, if the clause is deleted, a player might assent to the exclusive services anyhow and such provision be in the form of a rider to the contract.

There are differences of opinion among actors, however. While some seek the chance to earn additional money, others argue against multiple jobs. Latter faction points out that, when a player is engaged, outside appearances should be available to those not employed.

Council was asked to appoint a committee to act for members called for army training. It was also proposed that junior members be allowed to vote, but this is bound to be contested. Plan to keep radicals from holding office in Equity, or be employed by the association, was touched upon, it being explained that the matter is still in committee and that changes in the constitution would have to be made before that issue is decided.

L'VILLE AUD HAS FINANCIAL TROUBLES

Louisville, Dec. 24. Memorial Auditorium, 2,400-seater, which is the town's centre of culture and plays road shows and concerts, was threatened with closing last week, when the city cut off the annual quarter-cent appropriation from the budget. Message from the mayor advised the Auditorium commission, which has supervision of the building, to "get out and work for business instead of waiting for it to come to them. Local interests, civic clubs, etc., have expressed themselves that the Auditorium can be self-sustaining with appropriation of tax money to keep the building open.

Building, which cost \$700,000, and on which some \$250,000 has been spent, is poor acoustically and dramatic and musical performances are marred by objectionable echoes. Several name stars, including Katharine Cornell and Editha Hepburn, are reported to have expressed their dislike of the building's acoustics and were quoted as saying hereafter they would shun Louisville on that account. Movement is under way to provide a legit house locally for stage shows, with the dark National under consideration.

Prof on Leave to Act

Pittsburgh, Dec. 24. Mary Morris, veteran actress and assistant professor at the Carnegie Tech drama school, has been granted an indefinite leave of absence by Henry Boettcher, head of department, so she can take the lead in Lynn Riggs' new play, "Cream in the Well," now in rehearsal. Leave will last for duration of run.

Dennis King Musical Set for Chicago Jan. 19

Chicago, Dec. 24. New musical, tagged "She Had to Say Yes," comes into the Grand Opera House here next month. Opening is slated for Jan. 19. Dennis King, who owns the show, will star.

Hub 'Father' Company To Play Philly Walnut; Indicates No UBO Truce

"Life With Father" will play the Walnut Street, Philadelphia, upon completion of the Boston run. House was sub-let to the show's producer, Oscar Serlin, under an arrangement whereby the legit will have the show well upward of three months. Deal indicates that the young producer has not come to an understanding with the United Booking Offices, the Erlanger-Shubert combo. While an open breach is denied, understood that no agreement on sharing terms were reached when feelers for bookings were made.

Last season, when Serlin decided to send a "Father" company to Chicago, offered bookings were rejected and he took over the Blackstone, under rental deal, outside of the Loop and then regarded as undesirable. The show is still playing the stand and is in its 43rd week. A company for Boston followed and again the producer did not do business with the UBO. He leased the Repertory theatre, also separated from the theatre district and "Father" there is in its 13th week. Original show at the Empire, N. Y., is playing on sharing terms and is in its 59th week, aimed through a second season. House is independent, therefore not required to play out of town under UBO regulations.

Boston engagement will reach its 18th week on Feb. 1, at that time breaking the modern run record in the Hub established by "Three Men On a Horse," which played 17 weeks there. Record for the stand, however, was made by "Abie's Irish Rose," which played 34 weeks. "Abie" similarly operated without regular bookings through most of its existence, leasing theatres in many stands.

Hirst Leases Philly Walnut

Philadelphia, Dec. 24. The Walnut theatre has been rented to Oscar Serlin for "Life With Father" by Izzy Hirst, burlesque operator. He recently leased the house for the express purpose of keeping burlesque opposition from playing the spot.

Hirst immediately sought legit bookings. Locally it is believed he is competing with the Shuberts in the legit field.

Actors Dissatisfied With Mgrs.' Conduct Of Sundays; May Improve After Jan. 1

Charity Suppers Off

After a series of three benefit supper parties held at the Algonquin hotel, N. Y., by the American Theatre Wing of the British War Relief Society, the star-hosted Sunday nights have been discontinued temporarily at least. Proceeds were devoted to the purchase of mobile kitchens, much needed in England. The three suppers approximated a net of \$850. As the feeding units cost \$2,000, other means to the balance were used in the Sundays are not revived. Frank Case, who operated the hotel, gave the Wing a liberal 70-30 split.

Equity's stake in Sundays is the expectation that such performances will lengthen engagements on Broadway and therefore benefit the actors. There are indications that some intermediaries playing Sunday are sticking because of that, but Equity is not satisfied with the way the managers are, or are not, cooperating in the experiment.

Principal objection is that less than 50% of the legit shows are using the Sabbath and for that reason the possibilities are not being truly tested. One of the actors' leaders declared that if the managers don't want to play Sunday "we'll use it ourselves," implying that Equity would favor reverting to double-play after this season.

ANOTHER \$2,500 TO ORGANIZE AUDIENCES

Managers, through the League of New York Theatres, have started another campaign to promote theatre-going, or "organize audiences" in neighborhoods and the suburbs. Last season the League expended \$2,500 to experiment with the idea, which got little results. Showmen seem to feel that a more effective plan can be worked out and another \$2,500 was allotted for the purpose.

James F. Reilly, League's secretary, is now seeking the cooperation of general managers for producers, figuring that they are closer to players than the managers themselves. He has invited them to attend a meeting to be held this week, at which time the various plans to interest potential patronage will be discussed. One is known as the Neighborhood Ticket Distributors, the idea being that orders for tickets be accepted at local drug stores.

Another plan is the deposit of \$5 at the boxoffice as a guarantee that tickets reserved would be called for. Claimed that this method met with more favorable response last season than other ideas submitted. Deal is proposed with the Times Square hotels, which have an organization of 34 hostleries and participate in a "package" plan offered visitors.

Contact has been made with the N. Y. Association of English Teachers, which has 1,500 members. Stated that the organization could dispose of 8,000 upper floor tickets to students. Estimated that 63% of the total could be sold at 55c each, 23% at 65c, 13% at \$1.10 and only 1% at \$1.65.

There are two theories concerning Sundays. One is that all shows must be played to test the drawing possibilities. The other is that if the Sabbath is supposed to aid shows which do not command exceptional draws, the present schedule is logical. There has been some doubt expressed whether Sundays were not rushed too much, and whether a promotional period of several months would not have attracted a greater number of theatre-goers among those who come to Broadway only on that day.

So far there has been no rush to attend legit on Sundays. New "Cue for Passion," added to Sunday shows, drew more business than expected, with admission scale lowered.

Whatever the benefits in betting grosses, they have been comparatively mild, with several exceptions. Managements of high-scale musicals, such as "The Great Waltz" and "The Sign of the Cross," have thought, and that goes for the straight hits also. The pre-holiday lull, during which Sundays have been played, so far may explain the fairish results so far and after New Year's there may be a more favorable trend.

Factor of prices is important as indicated by the Sabbath demand for moderate price tickets. Again there talk about Broadway about straight shows lowering to \$2.20 and musicals having a top of \$3.30. Little doubt that the \$4.40 shows are affected during periods when the volume of visitors drops, such as between Thanksgiving and Christmas. How many musicals with high scales can continue will depend on attendance after Jan. 1.

'WHITE CARGO' PLAYERS ACCUSED OF INDECENCY

Los Angeles, Dec. 24. Eight members of the "White Cargo" legit cast, presented at the Beaux Arts theatre here for the past two weeks, were released on bail of \$5,000 each after pleading not guilty of staging indecent performance. Jury trial was set for Jan. 16.

Players are Patricia Saunders, William Howard, Franklin Wade, Lawrence Harris, Richard Goddard, Frank O'Neal, John Harvey Johnson, Jr., and Gilchrist Stuart. W. D. Swanson, producer, now in San Francisco, was also named in the complaint.

'Ladies' Back to Chi

Chicago, Dec. 24. Flora Robson, "Ladies in Retirement," returns to the Harris here on Jan. 19. Show had a two-week stay earlier in the season.

Bridgeport Wants Legit

Bridgeport, Dec. 24. City of Bridgeport's getting Legit-minded. Comptroller Perry Rodman, in charge of new Klein Memorial theatre for city, has been negotiating with New York booking offices to route road shows into the seat auditorium bequeathed to community by late Jacob B. Klein and wife.

Rodman has also been considering summer stock setup for Legit at Pleasure Beach, amusement park owned and operated by municipality.

Olga Lee, talent agent, has added script department in charge of Emilie Wingate.

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The 35th Anniversary Number of VARIETY is now on sale. It contains a complete list of all the theatres in the United States and Canada, with their respective managers, owners, and addresses. It also contains a complete list of all the actors and actresses who have appeared in the theatres during the past year, with their respective roles and addresses. This is a valuable reference work for all those interested in the theatre.

NEE OPERA, DRAMA STAGE FLEXIBILITY LIKELY WITH STEVENS INSTITUTE SOUND

Device Permits Singers to Hear Themselves and Use Voice Without Strain—Hamlet's Ghost Out of This World—Robeson Stimulated Experiments

By EDWARD SMITH

A revolution in the presentation of grand opera, as well as legit productions, through changed control and better use of sound, is a practical possibility of the next year or so, as changes which technicians have made out of capable of making, are numerous. They might even produce a revival of public interest in both stage and vocal presentation that would usher in a world of remanence. At least the insiders are thinking in such boozish terms.

Harold Burris-Meyer of the Stevens Institute of Technology has been working on ideas for audible as well as visual presentation for a decade, and has wintered in New York at the Metropolitan Opera Co. Most singers have found the Metropolitan acoustics excellent, but a lack of balance between orchestra and singers has always been a troubling influence in the house, and back stage choruses and orchestras have many times found it difficult to stay on pitch or follow the baton of the conductor before the curtain. Also, especially in more modern times, singers have appeared at the Met whose fundamental training was insecure, and with tiny voices stretched to the limit to fill the vast reaches of the auditorium. The result has been the wearing of their capabilities, ruining their voices, and what is perhaps more important, hurting the ears of the paying public. While the Met is conditioned better than any theatre in N. Y. for vocal presentation, the stage is dead, and frequently a vocalist unable to hear himself, will force in trying to secure a bigger tone.

Use of the mechanical developments made under the wing of Burris-Meyer these tragedies of the operatic stage are no longer necessary. Control of sound has now reached a point, and it was necessary to direct the Met about the development of an "acoustic envelope." It is possible for a singer to hear himself as though he was in a small highly reverberant room. The singer's voice becomes easier, forcing ceases, and the natural tone of the voice is prevalent. The Stevens Institute has developed a microphone which will allow either increase or decrease in the volume of a singer's voice without effecting the quality or allowing the audience to know that any amplification has been made.

Johnson Said

Edward Johnson, general manager of the Met, commented on this phase, when he explained that in the Cleveland tour of last spring the Met had paid to a 10,000-watt house, and the opening night, with "Traviata" scheduled with small vocal pieces of pleasing qualities, amplification was used with excellent results. The following night, when Kirsten Flagstad and Lauritz Melchior, two of the most powerfully lunged singers in the company sang, the amplification was not used, and the performance sounded the same. Had it not been used in "Traviata," it is doubtful the singers could have been heard appreciably.

Actual development of this gadget was made by the Stevens Institute. The large part of the work was done by Paul Robeson. The colored baritone had been having some difficulty in his concert appearances with the acoustics of the theatres in which he sang, and was unable to hear his voice in many of his places; was forced to transpose his music to a higher key, to secure more volume and fill the house. The richest portion of the baritone's range lay in the lower of the registers, and continual singing in the upper recesses of his voice tired him physically, and made his voice ragged at the end of his tours. Robeson came to the Stevens Institute, and it was found through experimentation at Maplewood, N. J., that an "acoustic envelope" could be used to surround just the singer, without the audience being aware of anything out of the ordinary occurring.

It was discovered that a singer was satisfied with hearing the harmonics of his voice, rather than the

voice itself, which made the job much easier, as in the latter case, there was always danger that the sound might travel to the audience. Robeson christened his device "Synthesia," and the successful concert tour he has just completed, with his voice as fresh as it was at the start, seems to bear out the contentions of the engineers. At the climax of the tour, the baritone, singing in Carnegie Hall, N. Y., won rave notices for his delivery of "Waterloo" sung in the lowest key Robeson has ever attempted. This would have been impossible without the aid of "Synthesia," and the baritone able to hear his own voice.

The Stevens Institute, which is behind the experiments, has recently received a grant from the Rockefeller Institute for three years. The main objects and purpose of its experimentation were to control the intensity of any sound which may be used in the opera house or theatre, the control of pitch, the control of quality, controlling the apparent direction from which the sound is coming, controlling the apparent distance from which the sound is coming, and controlling the form of the sound, making it reverberant or non-reverberant. The information may demand. All theatres will come under the control of the engineers regardless of how bad acoustically they may be.

Burris-Meyer explains that some years ago he might have believed in the impossible but no more. He related an amusing incident at the Met rehearsals, when through control of sound, Herbert Graf, stage director, was given the voice of Edith Piaf, the conductor. (The Met might keep this idea in mind for its annual surprise party, and give Lily Pons the voice of Ezio Pinza, and vice versa for a duet together.)

Beck's K's

Difference in altitude can be controlled, so that the historical example of Enrico Caruso almost strangling in 'Aida' in Havana because of the rarity of the air, will no longer be true. The ultimate may be that all singers will have almost inaudible voices, but with luscious qualities may be given the brazen tones of a Ruffo in his prime. Singers past their prime with dramatic ability left, would be able to carry on their singing in a world of sound, with no strain or effort, and amplification, unknown, or at least unrealized as far as the audience is concerned, will give them the volume of their youth.

In the same regard as happens frequently when one singer by the sheer magnitude of his voice is able to overpower and outshout another, the regulation of the microphone will enable the engineer to control the duet, so that the voices will appear evenly matched.

Lack of time has prevented the use of the apparatus at the Met so far. The Met, old in tradition and custom, also looks askance at such new methods, and the vocalists seem fearful also the scathing remarks by critics who too frequently have remarked that a number of regular artists at the house could be seen but not heard. To use a microphone would leave some justification to the critic, and the Met has seldom been a place for pioneering. However, the time has now arrived when it no longer a question as to whether it will be used, but rather when will it be used. It seems probable in view of the expressed admiration of Edward Johnson for the idea, that experimentation may take place in actual performances unknown to any but the management, and the technicians later the season, and if as successful, it has worked. A controlled practice, it may be adopted after informing the public that they have already been listening to the new method.

Just The Dead Spots

Use of the devices at the Met would be confined to those portions of the house where certain sound frequencies are dead. In certain parts of the house low notes are lost, and in other parts, the top tones. In the

topmost galleries it is probable most frequencies are almost inaudible. It would be these portions of the Met that would be treated, while the orchestra and parts of the balconies would be left alone, thus making for equal hearing in any part of the house.

The theatre and radio also are recipients of the control of sound. Burris-Meyer explained how in "Hamlet," the ghost was given a supernatural voice which could not have been produced by a human throat. On one occasion, in a presentation of the "Brainstorm scene" from Elmer Rice's "Adding Machine," an attempt was made to make the audience feel the reaction of the principal character as he lost his reason, and in the 32-second interval, using an almost pure tone which warbled, with raising of frequency and intensity, the audience was almost driven to lose their minds. Since that time, physicians have been consulted before trying anything of that sort.

Radio has been more difficult, because it can only yield frequencies of approximately 10,000, while Burris-Meyer insists on at least 16,000. Experimentation is going, however. At the present time, since concluding his Met experiment, Burris-Meyer has been working on recording, lacked the Center Theatre, N. Y., to estimate the cost of making that white elephant useful for stage presentation, and is experimenting with sound in industry. In this regard, he is picking up the threads and bits left here and there by a scattered few, and is developing them to find out just how music can aid the worker.

Already he has discovered the effect of a walk toward singing on the production, and the effect of other types of music for an industrial speed up, and from the success he has had with his other experiments, his simple statements regarding his aims, which might loom so preposterous in the audience, bear careful watching.

Laurence Schwab Wins \$3,480 Verdict vs. Lee Shubert on 'Gon' Flop

Award of \$3,480 against Lee Shubert in favor of Laurence Schwab, made last week, echoes an \$80,000 flop of last season. Show was "Nice Girl," a version of "Salor Barware," presented out of town but never on Broadway. Contract setting forth Shubert's participation in the production, amounting to approximately \$16,000 in the real world, was the event of differences with Schwab such issues were to be adjusted by arbitration.

When Schwab called upon Shubert to pay said \$16,000 in the real world, the latter claimed that as "Gon" didn't open in New York, he was not liable. He counter-claimed for \$13,000. Schwab had the foresight to stipulate arbitration, eliminating court proceedings which might have strung the case out indefinitely.

Charles F. Hughes, sitting as a one-man arbitration board, heard a flock of witnesses, the winning testimony being that no matter whether the show flops in town or on Broadway, the managerial liability is the same. "Beverly Hills," which Schwab recently presented with Otto Preminger, was a flop in the real world. Because of theatre parties the Hollywood comedy did not lose in operating during its short stay at the Fulton, N. Y. It had been reported that Mrs. B. Hughes, who was a husband manufacturer Celestine, had invested plenty in "Hills," but her participation amounted to only \$2,500. Others with interests included Paul Belman and Edward Berger, of the St. Louis musical opera company. Mrs. Dahlberg is said to be the principal backer of Gait Heiber, who operates a theatre in Miami Beach.

Schwab, who has gone to Florida, has a legal battle in the real world. Please, also a short-lived Hollywood comedy which stopped at the Guild after three performances. He collaborated with Milton Lazarus in re-releasing the film, which was shown in the east under the title of "Once Upon a Night." Film rights were sold for \$4,500, Schwab being entitled to 40% of the amount.

When Herald Sq. Was 'Way Uptown'

By HAROLD SETON

As the matter is of up-to-the-minute interest, I herewith present the following data on the Herald Square section, which is now being reconstructed and revived. It is a long time since we veteran players heard George M. Cohan first sing "Give My Regards to Broadway," Remember Me to Herald Square, seem to be the last of the first-nighters, and with a handsome monument recently unveiled at 35th street and Broadway, showing the bronze figures and two bronze bellringers, which used to stand on the roof of the old Herald building (just replaced by a modern taxpayer), our Old New York hears overfill with sentimental memories of the hours.

As a small boy I remember when the Herald moved "uptown," from Park Row to its new building at 35th street, and the name Herald Square was created. As a lad I used to watch the bellringers striking the hours, and, as a 16-year-old, I became a "firstnighter" and saw Anna Held in "A Parlor Match" at the Herald Square theatre in a building erected in 1910 and known as the Colosseum. In 1900 I saw Augustus Thomas' play, "Arizona," at the Herald Square, the cast including Eleanor Robson and Edgar Selwyn. (To-day's "Arizona" is at Belmont.) Former Miss Robson has one of the most beautiful voices heard on the stage, through occasional broadcasts. At the same theatre I saw Mrs. Leslie Carter, singing in "Zaza," in which she, as a Civil War heroine, swung from the tongue of a bell, thus stopping the tolling which was to signal the death of her sweetheart.

Harrigan's on East 35th

Further east, on 35th street, stood Harrigan's theatre, later called the Garrick, where, in 1899, I saw Mrs. Carter's opening night in "Zaza," and also witnessed many other successful premieres. Southward, on Sixth avenue, stood the Standard, where William Brady and Florenz Ziegfeld staged their respective "Wings" and "George and Anna Held," and I attended all of those openings. Westward, on 34th street, stood Koster & Bial's Music Hall, and I went there many times. Where Gimbel's now stands was Jim Corbett's saloon.

The Herald Square hotel was erected at about that time. Later I remember the erection of the Hotel McAlpin, which has maintained its place as a landmark. Another landmark is the Hotel Marlborough, at 32d street, which has just undergone considerable renovation, and has spent a lot of money on its exterior work. When the hotel was new, it has remained a landmark through several decades, and so has the Simpson pawnshop, at the corner of 35th and Sixth avenue.

As a small boy I used to be escorted to the theatre to view the Christmas windows of R. H. Macy & Co., and, in seeing their Christmas windows the other day, I remembered the sensation that was created when Macy's window "uptown" at Herald Square, and when Gimbel's opened, and Saks also.

The only old theatre that still stands in this part of town is the Savoy, now a movie house. In the early 1900s I attended many openings there, including "The Governor's Son," starring George M. Cohan, in 1901. Also "Glad of it" by Clyde Fitch, in which Madge Carr-Cook (later Mrs. Cohan) played the role of the mother of Eleanor Robson. Just north of Herald Square, on Broadway, as a hotel, the Marlborough, which had been popular in the 1870s, '80s and '90s. Somewhat further north, on 34th street, stood the Normandie. Between Herald Square and Longacre Square (later called Times Square) stood three famous theatres—the Knickerbocker, the Casino and the Empire.

Empire Alone Survives

The Empire is the sole survivor. I saw all the famous Frohman stars at the Empire—John Drew, Maude Adams, William Faversham, Viola Allen, and the young and beautiful Ethel Barrymore. At the Casino I attended the premiere of "Florodora," in 1900, in which Lillian Russell starred. In many musical comedies (then known as "comic operas"), prior to her joining the all-star cast at Weber & Fields, several belated belated "Florodora" stars, never missed a Weber & Fields performance during those years those wonderful revues held forth.

The Metropolitan Opera House has

remained unchanged, so far as the exterior is concerned, since it opened in 1889, and I heard all the famous singers who starred there—Melba, Nordica, Emma Eames, Emma Calve, Caruso, etc.

Indies Losers

Continued from page 5

are entirely new to RKO. Which would leave among the possible outcasts Harold Lloyd ('Gail, Guy and a Gob'); Harold B. Franklin ('The Villain Still Pursued Her'); Stephen Lang ('Dr. Christian'); Jack Votion and Sam Coslow ('Lum in Abner'); Jerry Brandt and Charles Ford ('Scattergood Baines'); Lou Costello ('The Abner'); Frank Ross ('The Devil and Miss Jones'); and Andre Devan and Nat Wachsburger (two Charles Boyer films). William Hawks-Ronald Colman unit has already announced its plans to go out to 30th street.

Indies are being backed away, Schaefer said, because, as a group, they are putting out "program" pictures, which is what RKO under the consent decree can best do without. Policy of fewer pictures of better quality will be the most profitable, he said, adding that "Too many small, unimportant films are now being made."

Studio Shakeup?

Question concerning the long-reported executive changes at the studio was left open by Schaefer. To a query concerning a shakeup, the RKO topper replied, "Leave that as it is," he said, but not answered. He made no hesitation, however, in denying any changes impending in eastern personnel. Harry Edington, studio head, who has been with the company for years and has 12 months more to go under his contract, had at numerous times been the subject of Hollywood reports of a change on the lot.

Any changes at the home-office, Schaefer said, would be enlargement of the publicity-advertising and sales departments to cope with the more intensified selling which will be needed under the decree.

First batch of pictures to be sold for the 1941-42 season will be ready for screening in July, press said, and the second will be screened in September. He explained that the company will put further ahead of release schedule on the early pictures than it will later on when it is believed selling will be speedier as exhibitors get used to the new system.

There will probably be no more of the old-time international sales conventions, Schaefer ventured, at which the company's product lineup for the year is announced. Instead, it is likely that smaller scale meetings will be held for the purpose of educating the sales department. Under the decree, RKO head asserted, will be the 20th century picture from present allocation system and make percentages and rentals conform to the quality of the films offered.

No Bail for Toe-Stubbers

"Producers who stub their toes can no longer be expected to be bailed out by distributors and exhibitors," he declared, adding that he favors a "profit-sharing system" for producers who have been leaning that way on all recent deals.

Not only sales costs but production costs will go up as a result of the decree because of the necessity of having a permanent staff of salesmen ready for offering. While costs will be up, there will be no compensating increase in revenues, Schaefer said, which will necessitate further economies wherever they can be made.

RKO mahatma averred he had no need for an admission jump now, but insisted that a change in the future box office structure must be made to start the admission levy on 10c tickets instead of 20c as at present. Lowering of scales by exhibitors to let beneath the 20c figure, Schaefer said, was bringing down the average admission in the entire industry.

Problem of tradeshowing all pictures will be solved, Schaefer believed, by all companies in an exchange rate competition in which on a permanent basis all pictures, Westerns, Schaefer said, will be sold in separate groups of five, while newsreels and shorts are not affected by any terms of the decree. He said that he will spend more time on the Coast than heretofore. His present plan is to return to Hollywood in January.

Chi Legit in 1st Slump: 'Pyg' Moves

Agam, 'Father,' 13G, Today, \$10,000

Chicago, Dec. 24. Theatres felt the pinch of Xmas sharply last week. The first real slump-off of the season. The general pace of business, however, has been good enough in the past couple of months to indicate that the grosses will zoom up sharply after the holidays.

Already the demand for New Year's Eve duets has reached new highs. Scalpers are already asking \$25 a pair for 'Dubbary' was a lady, which plays excellently in the Erlanger Sunday (22).

Only newcomer last week was 'Pins and Needles,' which re-lighted the Studebaker after long absence. Came in at \$1 top and ran into flock of excellent notices, all of which may help this one to stick around awhile.

'Pygmalion,' the wanderer of the loop, having moved to the Erlanger from the Selwyn, will move to the Harris on Wednesday (26).

Estimates for Last Week
'Here Today,' Selwyn (2d week) (1,000; \$2.75). With subscription coin held to \$10,000 despite general Xmas slump. Extra playing account of the Ruth Gordon 25th. theatre anniversary was of considerable b.o. aid.

'Life with Father,' Blackstone (42d week) (1,200; \$2.75). Dropped off according to the season, but still a remarkable income for long absence.

'Meet the People,' Grand (12th and final week) (1,200; \$2.75). Finished here on Saturday (21) and heads for New York opening Extra playing account of the Ruth Gordon 25th. theatre anniversary was of considerable b.o. aid.

'Pins and Needles,' Studebaker (1st week) (1,300; \$1). Dropped off according to the season, but still a remarkable income for long absence.

'Pygmalion,' Erlanger (4th loop week) (1,300; \$2.75). Closed at the theatre Saturday (21) lays off until Wednesday (25) to open at the Harris. Managed \$9,500 last week.

Current Road Shows

(Week of Dec. 23)

'A Night of Love'—His Majesty's, Montreal.

'Arenic and Old Lace' (Boris Karloff)—Maryland, Baltimore (26-28).

'Ballet Russe de Monte Carlo'—Auditorium, Chicago (26-29).

'Crazy with the Heat' (Willie Howard, Luella Gear)—Shubert, Boston (25-26).

'DuBarry Was a Lady' (Bert Lahr)—Erlanger, Chicago.

'Flight to the West' (Betty Field)—Wilbur, Boston.

'Hard Way'—Plymouth, Boston (opens tomorrow—Thursday).

'Hellzapoppin'—Cass, Detroit (25-26).

'Here Today' (Ruth Gordon)—Selwyn, Chicago.

'Ladies in Retirement' (Flora Robson)—Cox, Cincinnati (25-28).

'Lady in Waiting' (Gladys George)—Hanna, Cleveland.

'Life with Father' (Lillian Gish)—Blackstone, Chicago.

'Life with Father' (Dorothy Gish)—Repertory, Boston.

'Little Faves' (Tallulah Bankhead)—Curran, San Francisco.

'Male Animal' (Elliott Nugent)—Royal Alexandra, Toronto (26-28).

'Man Who Came to Dinner' (Clifton Webb)—Nixon, Erie.

'Philadelphia Story' (Katharine Hepburn)—Municipal Auditorium, Kansas City (27-28).

'Pins and Needles'—Studebaker, Chicago.

'Pygmalion' (Ruth Chatterton)—Harris, Chicago (25-28).

'Show Off' (Joe E. Brown)—El Capitol, Los Angeles.

'Sim Sala Bim' (Dante)—Locust, Philadelphia (24-28).

'Talley Mahal' (Ina Claire, John Halliday)—McCarte, Princeton (28).

'There Shall Be No Night' (Alfred Lunt, Lynn Fontanne)—Grand, Chicago.

'Time of Your Life' (Eddie Dowling)—American, St. Louis.

'Tocco Road' (John Barton)—English, Indianapolis (25-28).

'Yokel Boy'—Ford's, Baltimore (26-28).

'Animal' 5G in Buff.

Buffalo, Dec. 24.

Pre-holiday slump, which hit the picture boxoffices hard at all until a few days before Christmas, waned the tally of 'Male Animal' at the Erlanger first three days last week.

Eeked out only so-so coin at approximately \$9,000.

Lunts 11½G in Milw.

Milwaukee, Dec. 24. With the house practically sold out two weeks before they opened here Monday night (16), Alfred Lunt and Lynn Fontanne in 'There Shall Be No Night' did a gross of approximately \$11,500 in four performances at the Pabst (and at \$3.20 top). Gross was held down to some extent by subscription rates.

Although Ruth Chatterton in 'Pygmalion' had been advertised at \$11.50, the Christmas Day, and 'Mornings at Seven' had been announced for the Pabst at the 11th hour, so Milwaukee is left without legit fare for the holiday week.

'ACQUAINTANCE' \$10,000 IN HUB

Boston, Dec. 24. 'Old Acquaintance,' starring Peggy Wood and Jane Cowl, perked up in its second tryout week here. 'Life with Father,' in the 12th week, continued to top money taker and the trade talk of the night.

Elmer Rice's 'Flight to the West' opened Monday (23) for a slow week. 'Crazy With the Heat,' musical with Luella Gear and Willie Howard, unveils Christmas night, and 'The Hard Way,' farce by Allen Boretz, is slated for the following night.

Estimates for Last Week
'Life With Father,' Repertory (12th wk.) (965; \$2.75)—Still drawing big biz with help of sustained and intelligent publicity and exploitation; around \$13,000 for 12th stanza.

'Old Acquaintance,' Plymouth (2d wk.) (1,480; \$2.75)—Drops off a town last week. Word-of-mouth on this one divided, with the boosters raving and the knackers groaning. Final week encouraging \$10,000.

Inside Stuff—Legit

Withdrawal of 'The Old Foolishness,' which opened Friday (20) and was closed Saturday at the Windsor, N. Y., was the briefest engagement of any production offered by John Golden. It was the first time that the manager and Rachel Crothers, who was on the directional end, failed to click. The distinctly unfavorable notices drawn by the Paul Vincent Carroll drama led Golden to close down so quickly. Show's share of the takings during the holiday period would have reduced the production red to some extent, but he decided to forego such earnings. Miss Crothers was not present at the premiere, being called out of town by the illness of a sister.

Golden did not anticipate that 'Foolishness' would be a stand-out, but he felt the play should be presented. Because the author could not come to New York from his Scotland home, no changes in the script were made. Revisions would have clarified a number of passages that were questioned.

Permission by the Equity council to the management of 'Mornings at Seven' to lay off the touring show an extra two days during the pre-Christmas period was given without consulting the cast. In assenting the Council apparently took for granted the assurance of George Somnes, representing the National Players Guild, that the actors were willing to accept the extra layoff. However, the first the company knew of the matter was when they saw it in a copy of a New York daily purchased two days later in St. Louis, where the show was playing that week. Added two days, plus the intervening weekend, meant that the troupe would have been idle and unpaid for a period of 10 days that they would not have been paid for. The show had only tentative future bookings, and hence, the show had only tentative future bookings, and hence, the show had only tentative future bookings.

Aldrich & Myers, producers of 'Cue For Passion,' which opened at the Royale, N. Y., Thursday (19), were aware that audiences might try to identify two of the central characters in real life. For that reason a paper note states they are imaginary. He is supposed to be a never break, with the idea of making his status more definite. He is supposed to be a never break, with the idea of making his status more definite. He is supposed to be a never break, with the idea of making his status more definite.

While there is small chance of libel proceedings over the stage play, picture people who are eyeing 'Passion' are figuring the chances of such involvement if and when the play reaches film form. Should it be bought by Hollywood, the characters in question will probably be given background different than in the original script.

Switch of 'Flight to the West,' the Elmer Rice drama, latest of the Playwrights' Presentations, from the Plymouth to the Guild, further indicates a friendly business relationship between the authors' production group and the Theatre Guild. The booking change was occasioned by a matter of sharing terms, with the Playwrights' Association, which had been broken than offered by the Shuberts, who operate the Plymouth. Guild teamed with the Playwrights in the production of outstanding shows, the last being 'There Shall Be No Night,' with the Lunts now on tour.

Booking change is a break for 'Separate Rooms,' which is slated to stay in the Plymouth through January. Show had been scheduled to move to the Hudson, now mentioned to get 'A Night of Love.'

Lee Shubert was not actually sacked according to the Shubert office during the excitement that started when some people seeing a preview of 'Retreat to Pleasure' at the Belasco, N. Y., recently expressed dislike over some of the lines. Angry patrons in the lobby at intermission had their say and Shubert burned when they blamed him. Showman was shoved into the vestibule of the boxoffice so that he could not be reached. A confused cop present was about to make a riot call, but no arrests were made.

In the balcony a group tried to get others to walk out on the performance and there were some punches thrown. One man exhibiting a cut lip.

Only 'Hattie,' \$32,000, and 'Corn,' \$18,500, Hold Up in N.Y. Pre-Xmas Slump: 'Acquaintance' Looks In

Estimates for Last Week
Key: C (Comedy), D (Drama), R (Revue), M (Musical), F (Farce), O (Opera).

'All in Fun,' Majestic (R-1715; \$3.30). Presented by Leonard Sillman; dozen or more writers and composers credited with the sketches and numbers; tried out in Boston where flock of changes were made; opens Friday (27).

'Boys and Girls Together,' Broadhurst (12th week) (1,150; \$4.40). Pre-Christmas going affected nearly all shows per usual; business dropped under \$20,000, but should bounce back.

'Cabin in the Sky,' Martin Beck (9th week) (M-1214; \$3.30). Word of mouth helping colored musicals draw and indications are favorable for a run; down to around \$15,000, but sure to pick up.

'Cue for Passion,' Royale (1st week) (CD-1017; \$3.30). Opened last Thursday (18), drew mixed notices with fair reviews first four performances; chances better indicated this week.

'The Hard Way,' Miller (CD-940; \$3.30). Closing Saturday (28), at which time it will have played three and a half weeks. 'Eight on Tuesday' follows Jan. 5, but house slated to get 'The Talley Method' later in month.

'The Washington Step,' Lyceum (9th week) (C-1044; \$3.30). Has been doing fairly well, and since Christmas it has been doing last week, with takings around \$9,000.

'Hellzapoppin,' Winter Garden (118th week) (R-1717; \$3.30). Has been prospering right along and figured to go back in the big money slot agency, around \$50,000; fine matinees have been added; Shubert under \$20,000.

'Hold On to Your Hats,' Shubert (15th week) (M-1405; \$4.40). Among top ranking musicals, but like most others slipped after Thanksgiving; profitable takings continued on this week on; under \$20,000.

'It Happens on Ice,' Center (11th week) (R-2007; \$3.30). Has been dropping during mid-week but business approaches capacity at weekends; taking have been profitable; agency, around \$20,000; fine averaging over \$30,000; will come back.

'Johnny Belinda,' Longacre (14th week) (D-1016; \$3.30). One of the shows credited with being benefited by Sunday performances; out of cut-rate agency, around \$50,000; should get share of holiday trade.

'Life with Father,' Empire (58th week) (C-1045; \$3.30). Chambers and the holdovers was somewhat affected with the approach of Christmas, but drew highly profitable gross estimated at better than \$16,000.

'Louisiana Purchase,' Imperial (30th week) (M-1450; \$4.40). Went off more week than at any time since opening; gross down around \$25,000, which is still regarded big considering period of run and the season.

'Man Who Came to Dinner,' Music Box (62d week) (C-1013; \$3.30). Presenting a year's stay on Broadway and may run through another season; around \$9,000 for an average week, but laugh show will come back.

'Meet the People,' Mansfield (R-1008; \$3.30). Presented by Hollywood Theatre Alliance; opened on Coast one year ago, coming here from Chicago; debut tonight (26).

'My Sister Ellen,' Elmore (CD-891; \$3.30). Presented by Max Gordon; scripted by Jerome Chodorov and Joseph A. Fields from Ruth Minsky's novel of same name; opens Thursday (26).

'Old Acquaintance,' Morosco (C-939; \$3.30). Presented by David Deere Wiman; written by John Van Druten; well regarded out of town; opening Monday (25) and drew distinctly favorable press.

'Pal Joey,' Barrymore (M-1104; \$3.30). Presented by George Abbott; book by John O'Hara; score by Rogers and Hart; highly rated out of town; opens tonight (25).

'Pins and Needles,' St. (8th week) (CD-247; \$4.40). One show that was hardly off last week; slightly under normal only at the Plymouth; matinee and gross for week quoted over \$32,000.

'Retreat to Pleasure,' Belasco (1st week) (M-1006; \$3.30). Drew so-so press; after opening Tuesday (17) last week business mild; theatre parties figured in takings that approximated \$4,000; Mr. and Mrs. North due here soon.

'Separate Rooms,' Plymouth (39th week) (C-1071; \$3.30). Remains here in the money; well planned and will get benefit of holiday attendance in present location; moderate but profitable grosser; around \$7,000.

'The Corn Is Green,' National (4th week) (D-1162; \$3.30). Up to date week in season; new night play hit; evenly attended; gross

over \$18,500; theatre parties at concession again kept takings from going higher.

'The Old Foolishness,' Windsor. Opened Friday (20); drew adverse notices and was taken off following night.

'The Flying Gerards,' Playhouse (C-865; \$3.30). Presented by Edward Clode in association with A. Brady; written by Kenyon Nicholson and Charles Robinson; opens Sunday (30).

'Tobacco Road,' Forrest (36th week) (C-1017; \$1.10). No show has ever announced 'last weeks' so long, not as played since Xmas; has been getting around \$4,000, which is slightly profitable; road company is the coin setter.

REVIEWS

'Twelfth Night,' St. James (4th week) (D-1526; \$3.30). Helen Hayes and Maurice Evans, co-stars, are the draw; business mostly at the box office; nearly \$20,000.

'Charles A. Munt,' Cort (10th week) (C-1064; \$3.30). Slated into spring period, but has drawn mixed notices; mixed audiences, with pace profitable right along; around \$8,000 last week.

ADDED

'Ballet Russe,' 51st St. (Warner's Hollywood). Has been laying off to create new interest; premieres Thursday (26) and plays into January.

'Paul and Paul,' Booth. Characterizations and dances by solo sister and brother artists; in for the holiday trade; how will get the Cream of the Well' early next month.

'JOEY' CLIMBS TO BIG \$25,000 IN PHILLY

Philadelphia, Dec. 24.

'Pal Joey' climbed to near-socket biz in its second and final week at the Forrest, proving that sometimes Broadway's top producer can try out that has not the benefit of big marquee names. Word of mouth, plus enthusiastic followups by the Locust street (Tuesday) matinee, last week was estimated at \$25,000, very good for this season of the year.

City has scanty theatrical fare this week, with Dante, the magician, starting a return engagement at the Locust street (Tuesday) matinee, and a good week at the Locust earlier in the fall.

Robitschek Sought On L. A. Wage Complaints

Los Angeles, Dec. 24.

'Where Is Kurt Robitschek?' is an unfinished story in these parts, ranging from the troublemaker in Hollywood to the offices of the State Labor Commission. They both want to get in touch with Robitschek, who has disappeared from these diggings with the Locust street (Tuesday) matinee.

City Attorney's department has issued misdemeanor warrants inviting the producer back to explain wage claims technically filed at 1128 with the Labor Commission, and growing out of a Troupers theatre venture which flopped.

Engagements

Edith Craig, 'Separate Rooms.'

Marie Louise Dana, 'The Flying Gerards.'

John Hoffman, 'Crazy With the Heat.'

Thomas Chalmers, 'Boudier.'

Philip Ober, Barbara Woodell, Mr. and Mrs. North.

Evelyn Varden, Morton L. Stevens, Horton Heat, Mrs. James Thornton, The Locust street (Tuesday) matinee.

James O'Hara, 'My Sister Ellen,' 'Clock Tock.'

Olive Reeves-Smith, Flash and Dash, Three Trojans, 'She Had to Say.'

Wyrlie Birch, Henry Herbert, John Guice, Bruce Gordon, William Park, Elizabeth Ingles, 'Arsenic and Old Lace.'

Eleanor Ryerson, Frances Brandt, Douglas Rowland, Joseph Marks, Willard Cary, Eric Walz, Alison Skipworth, Taylor Holmes, James Bell, 'First Step to Heaven.'

Martha Sleeper, Mary Morris, Myron McCormick, Edward Trevo, Ralph Thendron, (Miss Perry Bralton, Virginia Campbell, Harry Whitburn, 'The Cream in the Well' (comedy).

OBITUARIES

HAL KEMP

Hal Kemp, 38, orchestra leader, died Dec. 21 in Madera, Cal., of pneumonia, which followed injuries sustained in a motor accident on his way en route from Los Angeles to musical engagement in San Francisco.

Survived by widow, the former Martha Stephenson of New York, and a hospital. Burial in New York.

Further details in music section.

FRANKLYN UNDERWOOD

Franklyn Underwood, 63, eastern story editor for 20th Century-Fox, died in New York Sunday (22). He had undergone an abdominal operation about a year ago which failed to heal, and was operated on again a few days before his death in an effort to clear up the wound.

Underwood, whose career in show business began as an actor, joined 20th Century as story editor in 1923 and continued in the post which that company was merged with Fox three years later. For the five years prior to that he was in charge of the film department of the United Artists in New York. In 1927, Underwood began his theatrical career there in 1904 at the famed Elitch's Gardens. He later became a male lead in various pictures, and was later maintained by Oliver Morosco, coming to New York to appear opposite Mrs. Leslie Carter, nance O'Neill, Marjorie Rambeau and others. For many years following, he was general manager for Morosco.

Surviving is Underwood's widow, known during her acting days as Frances Slosson. She was his leading lady in stock when they were married. Two sisters and two brothers also survive.

Funeral services were held yesterday (Tuesday) morning at the Little Church Around the Corner, 101 E. Out of respect to Underwood, the company's scenario offices in New York were closed all day yesterday (Tuesday).

MARY CECIL

Mary Cecil, 55, legit, radio and screen actress, died of pneumonia in St. Luke's hospital, N. Y., Dec. 21. She was the widow of Arthur Parker of the Morning Telegraph.

A native of New York, Miss Cecil started with Proctor's stock company and later appeared in George Kelly's *Maggie*, the *Magnum*, and other companies of "Fifty Million Frenchmen" and "Blossom Time". She had the part of Maggie, the cook, in both stage and screen versions of *Clare Boothe* The Woman.

More recently Miss Cecil had been acting in radio dramatic serials, including "John's Other Wife" and "Life and Loves of Dr. Susan". A news-part contributor and author of a book of monologues, she also had appeared in Metro's Dr. Kildare pictures.

Funeral services were held Monday (23) in N. Y. and burial followed at Greenwood Cemetery, Brooklyn.

LANDERS STEVENS

Landers Stevens, 63, actor in pictures for years, producer, writer, legit player and producer, died in Hollywood, Dec. 19, of a heart attack following an operation for appendicitis. Stevens was the father of George Stevens, motion picture director and producer, and Jack Stevens, film cameraman, and the brother of Ashton Stevens, drama critic of the Chicago Herald-American.

Born in San Francisco, Stevens became prominent in that territory as the producer of many legit shows. He also operated stock companies in several of the bay cities, and went to Hollywood several years ago and appeared in many films, including "We Who Are About to Die," "Trial of Roger Dugan" and "The City That Never Sleeps."

Also surviving in his widow, the former Georgie Cooper, his leading lady.

FRANK CONDON

Frank Condon, 58, magazine writer and scenarist in silent picture days, died Dec. 19 at his home in Beverly Hills following a long illness. He never fully recovered from a serious operation last summer, but recently finished a story for Colliers and was working on another when the end came.

Starting as a newspaper reporter in his home town, Toledo, Condon moved to New York as an advertising copy writer and wrote his first fiction for the pulp magazines. For years he was a regular contributor to the *Sateyspost*, but was under con-

tract to Colliers at the time of his death. He had lived in Beverly Hills for 15 years. Surviving are his widow, Betty Esther Condon, his son John and his mother.

EDWARD N. McDOWELL

Edward N. McDowell, 75, retired company manager, died Dec. 18 after an operation in Johns Hopkins hospital, Baltimore. For 50 years he was associated with show business as George M. Cohan, John Cort, Henry W. Savage, Arthur Hopkins, Sam H. Harris and other leading producers.

His last Broadway engagement was "Abie's Irish Rose." Since retiring in 1930 he has been a resident of St. Petersburg, Fla. In the early days of the film industry he was in charge of the road bookings of "Way Down East," "The Birth of a Nation" and other noteworthy pictures.

Surviving are his widow, Lucy; two brothers and a sister.

W. K. DAVISON

W. K. (Bill) Davison, 65, for more than 20 years in show business, died Dec. 12 in Fort Lauderdale, Fla., hospital. "Was operating rides with Central Amus. Co. when taken ill."

Known widely among show people as "Ferris Wheel Bill," Davison during long career was connected with E. W. Weaver's St. Louis Amus. Co., Imperial Shows, Miller Brothers, National Exposition, Bernardi Exposition, Wolcott's Model Shows and others. Rites in Fort Lauderdale, burial in Jacksonville, Ill.

WILLIAM H. LAWTON

William H. Lawton, 85, former opera singer who appeared in command performances before Queen Victoria and President Grover Cleveland, died in Rochester, N. Y., last week after a long illness.

Lawton, a native of New York, went to Rochester many years ago to sing with the Rochester Park band after he had retired from opera. In his later years he taught singing.

He leaves his second wife, Amy.

ELSE SCHROEDER

Else Schroeder (Mrs. Theodore Thomas), 65, onetime burlesque dancer, died in New York Saturday (21) of a heart attack.

Miss Schroeder was brought to the U. S. from Germany 25 years ago by Ernest Breng as a member of The Golden Graces, a bronze posing act. She then turned to dancing in bronze on the old Columbia wheel.

She married the late Theodore, a wealthy New York broker, who died about five years ago.

There are no known survivors.

J. STIRLING GETCHELL

J. Stirling Getchell, 41, founder and head of the advertising agency which bears his name, died of a streptococcus infection Dec. 17 at the Hackensack Pavilion Medical Center, N. Y.

His widow, the former Sarah Paschall Davis, daughter of Norman H. Davis, chairman of the American Red Cross and three sons, survive.

Further details in the radio section.

NATHANIEL WEST

Nathaniel West, 38, screen writer and novelist, was killed with his wife in an auto accident near El Centro, Cal., Sunday (22).

Details on page 2.

EDWARD P. SULLIVAN

Edward P. Sullivan, of Flying Sullivans' act, died recently in Tampa, Fla., hospital of injuries in an auto accident. He was a friendly, accident, which instantly killed him, Bill McCoy.

BILLY HILL

Billy Hill, 41, song-writer, died in Boston Dec. 23 of a heart attack.

Further details in music department.

LOUIS L. DE ROCHAMONT

Louis L. de Rochemont, 68, attorney, father of Louis de Rochemont, producer of the March of Time, and Richard de Rochemont, its managing editor, died of a heart attack Dec. 21 at the Boston, Mass., court house. For three years he had been in poor health. Also surviving are his widow, Sarah, and three sisters.

J. Hartwell Anderson, Spartanburg

S. C. business and civic leader and treasurer of Spartanburg City Music Association, which has brought numerous internationally known singers,

pianists and orchestral groups to Spartanburg, died Dec. 19 after brief illness.

Bert Stock, former Canton, O., dance band leader and later an announcer at WKBN, Youngstown, O., and his wife, Marcelle S. were killed following an automobile accident near Detroit, Dec. 14. Stock died Dec. 17 and his wife on Dec. 15.

Mrs. Louis Verneuil, 50, wife of the French playwright, both of whom came to the U. S. from France some months ago, died suddenly in New York of a heart attack on Monday (23).

Mrs. Martha E. Brannon, mother of Thomas Brannon, president of Affiliated Producers, Atlanta, Ga., independent exchange, and Roy Brannon, RKO office, Charlotte, N. C., died recently.

Infant son of Mr. and Mrs. Billy Leech died in Pittsburgh last week at age of one month. Father's a stage artist at Kalamazoo, Mich., and singer with Maurice Spatney orch.

John C. Wilson, father of Jane Wilson, singer in the Fred Waring radio show, and Fred Wilson, singer, died Dec. 19 following a long illness.

May McCalla wife of John T. McCalla, well known actor, died in Baltimore Dec. 19 following a long illness.

William L. Wilson, Jr., manager of Lucas and Jenkins theatre, Waycross, Ga., died there Dec. 19. Widow, daughter, son and parents survive.

Mrs. Doris Salena Upton, mother of Fred Hopkins, died in Norfolk, Va., hospital Dec. 8.

Ennis vice Kemp

Continued from page 1

L. A. Saturday night the group laid off in deference to the leader's memory, and Sunday afternoon it attended private services at the Hopkins. Kemp's body was sent on Monday (23) to Charlotte, N. C., where it will be buried tomorrow (Thursday). He was born in Marion, Ala., but went to the U. of North Carolina at Charlotte.

Kemp started his musical career as a piano player in a Marion, Ala., club at 22 a week. He first organized a seven-piece band at college and continued with it after graduation. It enlarged and moved about the country until it started to assume name of Ennis. He was in Chicago, Ill., in 1932. Since then it has been one of the country's foremost bands. Ennis, John Scott Trotter, currently leading a band on Bing Crosby's radio show, and Saele Dowell, now leading a band of his own at Arcadia Ballroom, N. Y., were members of the first Kemp orchestra. Ben Williams, sax player with the Kemp band, is another.

MARRIAGES

Cheryl Walker to J. Etzell Coumbe, in Pasadena, Dec. 16. Bride is screen player and former queen of the Tournament of Roses.

Kodie Sadler to Frank Farmer, in Las Vegas, Dec. 21. Bride is in the wardrobe department for Globe Productions and groom is a cashier at Paramount studio.

Grace Johnson to Fred Lowery, in Los Angeles, Dec. 19. Groom is the blind whistler with Horace Heidt's band.

Lillian Fejner to Ray Benson, in Minneapolis, R. I., Dec. 22. He's an orchestra leader.

Jackson Perkins to Lauren Gilbert Dec. 29, in New York. Both are legit players.

Muir to Henry Jaffe, Dec. 20, in New York. Bride is an actress; he's an attorney.

Eugenia Wilson to Frederic de Wilde, in Reno, Dec. 17. He is assistant stage manager with "Little Foxes"; she's a legit player.

Louise Cloy to Dwight Bourn, Dec. 18, in Los Angeles. He is musical director of station WOAI, San Antonio; she's a harp player.

Helen Wright to Jerry Newman, in St. Louis, Dec. 17. Pair do a singing act on KMOX, St. Louis.

Stella Westler to Michael Visaroff, Dec. 28, in Las Vegas. Groom is a film actor.

Charley Spivak band does its first recordings for Columbia's Okeh label in New York, Dec. 18. He's "What's Cookin'?" and "Sit Down, Bud."

Night Club Reviews

Continued from page 14

BAL TABARIN, S. F.

"Requiem." In between they sandwich a novelty that is a cinch here, a stylized version of "Las Chapaneas," Mexican clap-hands dance. No Mexican gathering seemingly is complete without it, but this is the first time apparently it has shown up in the city. The music is well adapted, turn landing solidly. Duo is polished and femme half plenty easy on the eyes.

Opening turn on the bill is Howard Nichols, hoop juggler who has been working this territory for the past six months or so and is still liked. Despite handicap of low niter ceiling, leaving him little clearance, he delivers for okay results.

New to the Coast is Marc Ballero, Chicago m.c., but he's going to be an old fare before he leaves here. Opens with series of imitations of Fred Allen, Wallace Beery, Edward G. Robinson, George S. Barrymore, Durante, W. C. Fields, Jack Benny, Rochester and F.D.R. With exception of a few minor misses, his carbon copies are so real as to be uncanny, particularly in case of Roosevelt. Follows with a drunk Mexican "Polka" worker, it's "em" yelping. At performance caught, augmented for benefit of the Ad Club's Xmas party, a line of Helene Hughes girls was added on a test date. One of the girls, in coming away up here recently, gals would be an advantageous permanent addition if the budget would permit. Wern.

COCOANUT GROVE (BOSTON)

Boston, Dec. 17. Mickey Alpert Orch. (12), Ginger Manners, Gary Leon and Tut Mace, Leonora Prentice, Billy Payne, George Rand Linegirls (11), Don Rico Rhumba Orch. \$1.50 minimum.

This season the Hub niteries have gone in for novelties which lift floor shows out of the rut of the conventional menu of entertainment. At the Grove this week it's the linegirls, a new attraction, which is a ball game as the finale. When caught, this was the outstanding act because it involved so many of the ringside customers, and it was new and different. One way was to have them fend off wild shots, test the ball plop into the soup or slash over the head.

Featured dance team are Leon and Mace, who emphasize the lifts. Leon is more athletic and launches than most dancers in this field, and he can spin, toss and zoom his petite partner with amazing ease. In addition to that, they have interesting routines and personalities. Their closing tango is lively because of their costumes, and they have a smartly arranged background music.

Ginger Manners, reviewed in Boston, is a new attraction, and she is in a screwy melange that ranges from a terrific little bug delivery of "Swanee Diver" to a daffy pantomime.

Collette and Dean, both girls, register nicely in several dance numbers. Best season features them in a production number opening with soft-shoe picture routine by the chorus, with Billy Payne, tenor, vocaling "Love" from the bandstand. Collette and Dean do a bit of moderne, some adagio with fast foot interplay, and then register finish that garnered good applause.

Leonora Prentice, solo dancer, is a new attraction, and she is in control and a buck, with appropriate costume changes. Nancy Gay, singer from the band, is spotted for two offerings. Maybe she's a "Little Like You." Miss Gay was formerly with Jan Garber and can sell a song okay.

Linegirls are well trained and lookers, opening the show with a snappy signal-flag idea in military style.

Mickey Alpert is a competent m.c., introducing the acts with a certain decorum but demonstrating an aptitude for ad-libbing at the right time. His band has played here for two seasons and he and his music have been a draw in this room.

Don Rico and his rhumba orchestra to be overlooked is Martha Burke, pianist with the orch. A novel act in the room, featuring a female pianist in the outfit, adds a load of charm to the bandstand and some work interplay to the music.

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In his new Beachcomber and En-

chanter Gardens, Monte Proser comes up with a zombie parlor to end all zombie parlors, and under the name of "The Zombie Show," a limited date, niteries is the town for some time to come in local atmosphere.

Roberts Rest is a site of former Roadside Rest is a natural, and Robinson has contrived to utilize every inch of the building. The building, port street as the dining room motif, and transforming spacious patio into a replica of famed Royal Gardens of Hawaii. Bar, which runs entire length of the room, is fashioned along line of hull of weatherbeaten wharf, elevating itself well above noggins of diners. Enchanted Gardens is an innovation, with multi-colored bulbs illuminating a 35-foot waterfall, behind which line of ferns, terraces, while the customers sit on the grass and eat and drink bamboo. Setup is garnished by dozens of bright-plumaged feathered fowl, which fit in the foliage.

With such an eye-fall view, it's difficult for show, no matter how sooty, to garner much attention. However, in bringing down Chavez's crack congarumba band and Ernie Holst's society crew, Proser has almost certainly secured the season's biggest cluck. Dance floor is unusually large, and that, too, adds up.

Mary Jane Walsh is a svelte songstress who socks her contributions across with considerable class. Has a repertoire in bringing down Chavez's tunes, but it's about time some of the too many "Gals" lyrics were displaced. She was in the Broadway musical.

Maurice and Corbado are an excellent team of the grass and songologists, highly competent in their intricate routines, and with the help of their troupe, provided just about all the diversion needed about all the divas. Maurice and Corbado are a highly glorified edition of his home-place act in New York, and his music is undoubtedly be focal point for class cake.

Milw. "Free Beer"

Continued from page 1

ting them sample it to their heart's content. Elaborate sternerwiles have replaced the original crude customers, and visitors have become so numerous that guides now conduct tours of the breweries every half hour, always winding up at the bars where beer is free and the supply inexhaustible.

What the retailers think about the situation was expressed characteristically at a meeting of the Wisconsin Tavern Keepers Assn. last week, when they elected a newly elected director, complained:

"Convention delegates get loaded free of charge at the breweries, and when they finally do come in, they get a lot of noise, but no beer buying." Then the association voted to have its officers confer with brewery officials, in an effort to stop the old-time practice.

ASCAP War Chest

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board of directors on Friday (20), came to \$1,290,000, the same amount as distributed for the year. The money was earmarked for campaign purposes.

Board also voted the usual Christmas bonuses to ASCAP's executives and staff, this ranging from an extra \$500's salary to several thousand dollars each to the topknots. Double A writers this time figured for around \$4,500, making their annual income \$11,000 to \$12,000 and \$13,000. Publishers' divvy is on another basis, and figures about the same last year.

BIRTHS

Mr. and Mrs. Leonard Taylor, Canton, O., a daughter. Father is with WEBC there.

Mr. and Mrs. Frederick Kutner, Jr., son, Dec. 15, in New York. Father with Broadway Melody Lane.

Mr. and Mrs. Thomas Muchmore, daughter, in San Bernardino, Cal. Dec. 17. Father is theatre manager there.

Mr. and Mrs. Harry Garfield, daughter, in Chicago, Dec. 18. Father is manager in Chicago for Harms Music Co.

Mr. and Mrs. Louis M. Brown, Jr., son, Dec. 16, in New York. Father with Broadway Melody Lane.

Mr. and Mrs. Eugene King, daughter, Dec. 17, in New York. Father announces a recorded program over WOR, New York.

Mr. and Mrs. Edon Park, son, in Cincinnati, Dec. 16. Father is assistant sales manager of WLW, Cin.



FULL OF GOOD THINGS!

CLARK GABLE, HEDY LAMARR in "COMRADE X" • ROBERT TAYLOR in "FLIGHT COMMAND" • CARY GRANT, KATHARINE HEPBURN, JAMES STEWART in "PHILADELPHIA STORY" JAMES STEWART, HEDY LAMARR in "COME LIVE WITH ME" "ANDY HARDY'S PRIVATE SECRETARY", LEWIS STONE, MICKEY ROONEY • GREER GARSON, WALTER PIDGEON in "BLOSSOMS IN THE DUST" (Technicolor) • WALLACE BEERY in "THE BAD MAN" • WILLIAM POWELL, MYRNA LOY in "MR. CO-ED" • SPENCER TRACY, MICKEY ROONEY in "MEN OF BOYS TOWN" • JAMES STEWART, JUDY GARLAND, HEDY LAMARR, LANA TURNER, TONY MARTIN in "THE ZIEGFELD GIRL"

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