

# WORLD

PRICE  
25¢

Published Weekly at 124 West 46th Street, New York, N. Y., by Victory, Inc. Annual subscription, \$13. Single copies, 25 cents. Entered as second-class matter December 21, 1916, at the Post Office at New York, N. Y., under the act of March 3, 1879. COPYRIGHT, 1939, BY VICTORY, INC. ALL RIGHTS RESERVED.

Vol. 133 No. 12

NEW YORK, WEDNESDAY, MARCH 1, 1939

56 PAGES

# MODE FASHIONABLES \$40,000

## Atkinson, Watts, Lockridge Top N. Y. Drama Critics in Agency Importance

From a ticket holder standpoint the three most influential New York light critics are Brooks Atkinson, of the Times; Richard Watts, Jr., of the Herald-Tribune, and Clark Lockridge, of the Sun. It's pointed out that other critics, including those on magazines, and the various columnists, commentators, etc., have a secondary effect, but that the above-named three exert the most immediate force.

According to William McBride, of the McBride agency, favorable review from Atkinson or Watts brings an instantaneous flurry of calls for tickets as soon as the office opens in the morning. Approving notice from Lockridge draws a similar flood of orders during the late afternoon and early evening.

McBride explains that the comparative failure of the other reviewers to be felt at the box isn't a reflection on their critical ability, but simply results from the fact that their papers haven't the class' circulation of the Times, Trib and Sun. Or to put it another way, the majesty of theatregoers who patronize (Continued on page 54)

## Lothar and Brisson's International Theatres For Paris and London

Paris, Feb. 28. Paris will have an international theatre, in name at least, if the plans of Ernst Lothar, Viennese writer, critic and theatre director, hold out.

Director of the Joseph theatre in Vienna and a victim of the Anschluss, Lothar has settled in Paris with his wife, the actress, Adrienne Gemmer, and is presently soundering the town. His idea is to present to Paris audiences those possible best international hits of the year, regardless of where they originate.

### Brisson's Int'l Theatre

London, Feb. 28. Carl Brisson, Danish musical comedian, is planning to establish an international theatre here. His idea is to present plays, to be changed monthly, by world-famous authors.

## Legit Claquees?

First nighters at the Broadway premieres during the past month or so strongly suspect that claquees are being employed. It's been noticed that some amount of cheering follows the final curtain and observers believe it's coming from plants.

The braves have been emanating chiefly from the rear rows.

### '39 Hilarity

Axton going down in the executive office of Broadway show biz is to the effect: "It used to be a lot of fun to mix money, nowadays, it's a lot of fun for a business man if he breaks even."

## FEMMES DO N. Y. FOR COLLEGE CREDITS

Stevens College, of Columbia, Mo., will have 529 of its girl undergraduates in New York this weekend (4) for a five-day round of the opera, legit theatres and night clubs, with the tour coming under the head of extra-curricular education. Barry Holloway, former NBC p.a. and now doing a similar chore for the college, was in last week making the arrangements. This is the institution where Maude Adams has been giving a course in dramatics and where Sheila Barrett delivered a series of lectures on the art of the disease.

## MASQUERS FRAME AIR SHOW, COLLIER AS M.C.

Hollywood, Feb. 28. Masquers, Coast counterpart of the Lambs club, have of a sudden become radio conscious and a committee is at work to see if a plan for a show of their own is feasible and if there are any loose sponsors lying around. Checkup of talent revealed that there is more than enough to go around. If it comes to a head, Willie Collier will m.c. Charles Vanda, brother Masquer, is slated to produce.

Dave Thompson, committee head, is anxious to get started and have a series in shape for summer replacement of one of the biggies. Success of Screen Guild show for Gull is said to have awakened Masquers to the vast possibilities of radio.

### Fairbanks, Ulitd.

Salt Lake City, Feb. 28. The Fairbanks family, reportedly listing among other w.k. personages the film stars, Douglas Sr. and Jr., Saturday (28) incorporated in Salt Lake county here. Formal tag of the non-profit corporation, formed for 99 years, is the Fairbanks Family of the West.

## SALLY RAND'S BIG FRISCO GETAWAY

No. 1 Gayway Grosser is Undraped Sideshow—Snake Show and Ripley Also OK B.O.—Expo Grabs Almost 500,000 Payees First Week

### PEELER WOOS N. Y.

San Francisco, Feb. 28. Frisco seven days, exclusive of passes, totaled 453,989. Approximately 40,000 kids attended the Fair on Monday, Washington's Birthday (22).

Top draw on the Gayway (midway) is Sally Rand's Nude Ranch, which grossed \$40,000 in eight days. Cliff Wilton's Snake Show has marched to over 5% of fair's total attendance at a dime a head. Robert Ripley's Odditorium with a \$3,500 weekly net grabbed around \$8,000. Infant-innkeeper concession took about \$6,000. Cavalcade of Golden West, explosion-fueled spectacle, is a show starter, just about made its nut which is \$1,400 a day.

### N. Y. Dicker

Sally Rand may go into the New York World's Fair, having conferred Monday (27) with Maurice Mermey, director of concessions, and John Krinsky, director of entertainment. She outlined several ideas which will be considered by the exposition's amusement board in the next few days.

Miss Rand was taken on a tour of inspection of exposition grounds. She planned back to the Coast Monday (27) night. Miss Rand has been operating at the San Francisco fair, but this would not interfere with her personal appearances at the N.Y. expo.

Shortly before leaving for Frisco Monday (27) night, Miss Rand was served with papers in a N. Y. supreme court suit by Billy Rose charging that her (Dionee Ranch at S. F. Expo is an infringement of an idea owned by Rose, and put on her him at the Fort Worth Texas Centennial in 1938.

## N. Y. Fair's Handling Of the Press Will Be Most Elaborate

Details for handling the press at the New York World's Fair have been worked out by the Fair Board, exposition's advertising-publicity chief; Grover Whalen, president of the building's committee; and a New York newspaper man. Writers and photographers covering the fair will have a full floor in the re-

(Continued on page 55)

## Sherwood O.K.'s Early Filming Of 'Abe' as Trailer for Democracy

### Quick Poison

Josephine Marx, reputedly slated to Columbia pictures, was steered into a Hollywood preview party and, of all things, it happened to be a Harry Cohn special. No sonner was the initial title flashed when Groucho turned to his companion and observed: "Drags, doesn't it?"

Robert K. Sherwood had decided to permit release of the film version of his play, 'Abe Lincoln in Illinois,' next October. Reason is that he believes the international situation is too serious for Lincoln's sentiments about democracy to be withheld from the screen's vast world audience. Decision is seen likely to cost the dramatist upwards of \$100,000 in royalties.

Sale of the play's film rights to Max Gordon Plays and Pictures, Inc. for \$750,000 is set, as reported here four weeks ago. Only important changes in the deal are the earlier release date, and the decision to produce the picture on the Coast instead of on Long Island. As stated before, C.O. will participate in the financing of the screen rights' purchase and the production budget as a road company, as first planned. Besides doing the adaptation, Sherwood will okay the choice of director.

## PRIZE FIGHT'S TELECASTING IRKS EXHIBS

London, Feb. 28. British exhibitors are jittery over what the newspapers regard as a highly successful televising of the Eric Boon-Arthur Danahar fight Thursday (23), shown for public exhibition in three London picture houses. Showmen regard this as a breach of trust by the British Broadcasting Corp., but BBC states it's merely an experiment and not to be regarded as a precedent.

Understood Gaumont-British, using the Baird system, paid \$5,000 for the television rights, and \$1,250 for the newsreel rights. Jack Davis reported having paid \$100 for visit rights to his one house, using the Scophony system.

Eric Gaumont will float a stock issue on the Baird system. New grant on permit given to G-B to televise the Boon-Danahar fight is that boxing promoters see in this a possible way of raising bigger (Continued on page 2)

## ROCKEFELLERS TO EASE ALL AGENTS OUT OF R.C.

The Rockefeller pet from the town of the talent agents occupying Radio City, particularly the HCO. Bids. It's now made plain by the R.C. renting agents that no more talent agents will be needed space in any development's structure. What's more, those agents now occupying office space will have to move when present leases expire.

Reason for the present and future ban on agents is, according to officials, that an undesirable element (meaning actors and musicians) are cluttering the building's corridors and elevators. It's giving Radio City a very caterina flavor, they say, whereas the Rockefellerers want to keep R.C. in the upperclass class.

Previous plan had been to withhold release of the film until the play had exhausted its run on both Broadway and the road. Now figured on producing the picture this summer, using Raymond Massey in the lead and a number of the original cast, then returning the run at the Plymouth, N. Y. Instead of ending at a road company, as first planned, the idea is to send the present company on tour when New York business closes. First release of the film in Chicago will be delayed until April of next year, an extended run of the play there is planned.

Although it is thought likely that the original company would not be held so much by a screen version (Continued on page 20)

## Jitterbug Turnover Creates a New Kind Of Giveaway for Kids

House managers' trouble in coping with the jitterbug turn is getting more acute lately. The Gros, Philadelphia, with Artie Shaw's band as the current attraction, is resorting to tricking the boys' kids from staying for two and three shows.

It's giving away pennants with Shaw's playing youngsters who stay for only one show. In New York, complaints from patrons forced to wait too long for seats resulted in managers' pleading for a break from the stage of the Strand, last week, where Kay Kyser holds forth.

### Americanism Stuff

'American Vay' candy bar is to be put out by Charma, Inc. Already required to make the plan for Hershey is putting small American flags in all candy bars. After collecting a hundred, buyer can obtain a real silk flag.



# REORGANIZATION

## 'Code Doesn't Crimp Any Producer,' Rebuttal to Wanger's Diatribe

Walter Wanger's denunciation of the Hayes office production code as antiquated and outmoded brought prompt reply from other picture producers, submitting the plan is a compromise composed of R. S. Rodgers, Paul Atkinson, Simon Allen, Consolidated Film Industries and Smith & Allen.

George J. Schaefer, head of RKO, made it clear that any picture producer has the right to make politically controversial pictures if he chooses, but he should make them with his own money and show them in his own theatres. Schaefer indicated that such producer has no right to use stockholders' coin for propagandizing.

Hayans quickly pointed out that the production code does not bar propaganda but that in such cases the Hayes office does not take responsibility for the picture. Hayes organization long has contended that it is the industry as a whole and distributor to decide what type of film he wants to make, the PCA merely acting as a censor.

Hayans quickly pointed out that the production code does not bar propaganda but that in such cases the Hayes office does not take responsibility for the picture. Hayes organization long has contended that it is the industry as a whole and distributor to decide what type of film he wants to make, the PCA merely acting as a censor.

As to the question of making anti-dictator productions, Hayans pointed out that much of the foreign market has to be won. It is not just a question of losing the Italian and German market but also in Roumania, China, Japan, most of Central and South America, Mexico, Turkey, the Near East, Poland and numerous other nations where dictator forms are rampant exist.

One foreign department executive was dubious if anti-dictator films would be tolerated even in the British Empire.

## PAR'S 500G PAYOFF ON \$1,388,368 SUITS

Settlement of two suits aggregating \$1,388,368 for \$500,000 by Paramount Pictures, Inc., was revealed in the N. Y. federal court yesterday (Thursday) when Federal Judge Alton S. Cooe signed an order approving Special Master John E. Joyce's report and OK'd the deal, which was approved by the Paramount board of directors.

The first claim was for \$788,855 by Prudence Co. against the City Bank Farmers Trust Co., as trustee of Prudence Bonds Corp.'s first mortgage collateral bonds, seventh maturity. This claim was based on a lease guaranteed by Paramount on Florida theatre property, for if years from March 31, 1927, at the annual rental of \$200,000. Paramount subleased the property to a subsidiary which defaulted. This claim will be paid off at \$250,000 as of Jan. 1, 1935, by issuing \$250,000 of 10-year 6% Sinking Fund debentures.

The second claim is also by Prudence Co., and is for \$602,112. It is based on a guarantee by Paramount on a lease on S. T. Petersburg, Fla., property as of Aug. 20, 1928, for a period of 12 years at \$150,000 a year. This property also was leased to a subsidiary which defaulted. It will be settled by the issuing and payment of \$500,000 shares of first preferred stock of Par, having a par value of \$100.

## New Condor Reorg Plan

Los Angeles, Feb. 28. — Hearing on reorganization plan for Condor Pictures is set for April 3 before Federal Judge George Coville. Submitting the plan is a committee composed of R. S. Rodgers, Paul Atkinson, Simon Allen, Consolidated Film Industries and Smith & Allen.

Company was organized in December, 1936, and went into 77B in November, 1937.

## SEE ANTI-TRUST GOVT SUITS VS. CHAINS

Washington, Feb. 28. — The trust-busting division of the U. S. Attorney-General's office is settling with reports of a series of suits being notified or readied against several theatre chains, all on alleged restraint charges, an all-out industry action currently pending in New York Federal District Court. Thurnham Arnold, in charge of this, is reluctant to divulge much, although hinting that evidence for civil and criminal proceedings has been in process of assemblage. Some of his aides, however, hint that elements of U. S. prosecutors to further these actions, and manpower must be importantly concentrated. As to the foreign market Arnold makes light of this aspect.

The Justice Dept. avers that it has plenty of "ammunition," but hasn't made up its mind as yet what to do with it.

## NAT ROSS, GEO. STEVENS SET INDIE BANKROLLS

Hollywood, Feb. 28. — Two picture financing deals, involving raising of \$550,000 in Wall Street, were consummated this past week as approved by the Paramount board of directors.

One deal is for a Nat Ross film for Columbia release, starring Walter Connolly, to cost \$200,000. Production starts in two weeks on this one.

Remaining \$350,000 is for William Stevens, who has a tentative deal for a picture, based on the production of "Dr. Christian" series. Final contracts will be signed in New York this week.

## 'Esther' Next Biggie For DeMille at Par

Hollywood, Feb. 28. — Cecil B. DeMille returns to the ether for his next Paramount production, based on the Book of Esther, one of the most dramatic stories of the Old Testament.

"Esther," with a budget of more than \$1,000,000, follows "Union Pacific" on DeMille's slate. His last Biblical picture was "King of Kings,"

## CHECKING UP ON B. D. I. ROLL

Picture Industry Taking Stock of Itself—Why the Stack Boxoffice?—Audience Tastes Shifting?—Story Appeal, 'Escapist' Themes, Boy-Meets-Girl, Etc.

## STIMULUS NEEDED

By MIKE WEAR  
In an effort to check the reasons for the static conditions of the picture box office and possibly evolve an industry plan for ticket-purchasing revival, major filmdom is taking stock of audience tastes, shifting trends in story appeal and investigating what steps, if any, can be taken to revive interest in entertainment. The picture business is asking many questions on the subject. Just how much entertainment tastes have changed since 1927? What constitutes an ideal screen subject today? What is needed to win additional patronage? And what new methods must be employed to meet the current situation?

Weekly attendance at picture theatres in this country has remained stagnant for nearly three years. In the meantime, the nation's population has grown from about 120,000,000 in 1930 to 130,000,000 in the present year. Fourteen of the years ago are rated as adult patrons today, obviously with different tastes in entertainment from their parents. Picture officials are asking if the saturation point in audience attendance has been reached and if so, what are the picture companies going to do about it. There seems little doubt but that both social and non-theatrical diversions have cut into what should have been a normal line in patronage.

**Saturation Point?**  
If the saturation point has been hit, picture executives are beginning to realize they must adjust their production sights. Added factor is that the returns from the foreign market remain doubtful and cannot be relied upon for any scientific percentage of revenue per picture, as was possible to estimate heretofore. With the industry built basically on the theory of continued expansion, opinion varies as to whether or not new methods or changes must be made to appeal more to the public. After all, the only excuse for \$1,000,000 or more costly productions has been that the audience constantly is expected to estimate revenue continuing on the upgrade.

Criticism of the industry's production program is regarded as being brought about the Motion Picture's Greatest Year campaign, being in effect the public is studying the attitude on the part of the public. The film business has discovered that what the public is shopping about for its entertainment.

Entire problem is one which has no easy over-the-counter solution. Will Hays pointed out nearly a year ago that experimental results of the use of more than 26,000,000 people over 12-years of age who attend the film theatre less than five times annually and that there are millions more who cannot be considered as regular patrons of picture shows.

**Four Thoughts**  
On the dollar-and-cents basis, industry check indicates four possible means of handling the situation. One, the trimming of production costs, more difficult now than ever because of labor unions, etc. Another, the use of more talented artists and fewer term contracts for expensive film players, directors, writers, etc. A third, the use of means is that of turning out the bulk of a year's program with low-budget

## Despite Bitter Tiffing, Judge Bondy Indicates RKO Reorg OK; Odlum, Schaefer, Depmet Top Men

## RCA and RKO

In addition to the \$600,000 received by Radio Corp. of America in 1936, through sale of its RKO securities to Atlas Investing Corp., under the option which expired June 30, last, the purchase of RCA's holdings in RKO will be converted this year under terms of reorganization. "RCA is to get 44,855 shares of new RKO preferred stock; \$18,420 shares of new common and \$55,240 option warrants for the remaining bulk of RKO securities it still holds.

## FILM COS. WOO WORTHY PIX SCREEN MATERIAL

Screen material is getting hard to find. Winter book catalogs contained little that was considered worthwhile and apt for the play market, those worthy of possibilities are priced too high or are hemmed in with many restrictions.

Scenario editors consequently have started an intensive hunt and are no longer sitting back waiting for agents to come to them with literary gems on golden platters.

At 20th-Fox, the company has assigned Henry Le Cossett and Peggy Purcell of the eastern story department to play the social game personally in an effort to ascertain what the publishers intend to bring out on spring and summer lists.

Story buys pick up in a big way around convention time when companies are in need of the complete picture portfolios for their sales forces.

## RKO HOLDS MCCREARY AS PROD.-DIRECTOR

Hollywood, Feb. 28. — RKO has amended Leo McCreary's term deal to that of producer-director. He stays at the studio two years, with options for two more. On each two year term he is committed to produce two pictures, and to produce three others.

Arrangement gives him salary and percentage of profits on all pictures he handles.

McCreary recently completed "Love Affairs" and is preparing his script to start on his new contract immediate.

Cit. Field started work yesterday (Mon.) on a one-year renewal of his producer contract at RKO. It follows the success of the new deal is "The Second Shot."

## Shearer Improved Hollywood, Feb. 28.

Norma Shearer is reported improved at the Cedars of Lebanon hospital after running a high fever that caused alarm.

She was stricken last week with a bad throat.

Despite a bitter fight on the part of the three main objectors to the RKO plan of reorganization, Federal Judge William Bondy on Monday (27) stated that after reading the submitted papers, he planned to overrule objections and to confirm the plan.

Throughout the day Joseph Cohen, representing the Independent Stockholders Protective Committee, John S. Glover, representing Ernest W. Sirm of Milwaukee, Class 'A' stockholder, and Nathan Rosenberg, representing H. Cassel & Co., brokerage house, holders of \$175,000 of debentures, hammered away at the plan.

Cohen, who was the first speaker, attacked the appointment of Ferdinand Eberstadt to the board of directors on the ground that Eberstadt's committee for the protection of stockholders was financed by RCA, and had done nothing during the past year. Cohen asked for other representation and also stated that his committee had been promised representation by Peter Raabow if they withdrew their objections to the plan.

Judge Bondy, after listening to argument pro and con on this matter, asked interested parties to try to get together on another occasion which might prove mutually agreeable. If not Eberstadt will probably be asked to resign by Judge Bondy for him, control over 40% of the stock.

Judge Bondy then spoke, repeating his objections outlined at almost every previous hearing, and objected strongly to the plan as another objection. This objection was later overruled by Judge Bondy, who indicated he would approve the plan, with the exception of Eberstadt.

Shear's Guarantee Underwriting

Rosenberg then asked for a guarantee from Atlas (Odlum) that it would underwrite the new stock issue for \$1,000,000 at a specified date. This was objected to strongly by (Continued on page 22)

## VARIETY

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# Arbitration Deal Holds Up Agents' Licensing by Guild; Awaits Assembly Action on Shifting Comish Power

Hollywood, Feb. 28.—Franchisement of agents by Screen Actors Guild is being held up until a deal can be set giving the SAC authority to arbitrate disputes between actors and their representatives.

While Artists Managers Guild has not agreed to the proposed clause limiting contracts to one year, the real hitch is on the State Labor Code which vests power of arbitration in the State Labor Commission. The actors have drafted the Assembly amendment giving them the right to conciliate disputes, but this has not yet been called up for passage.

In the meantime, Laurence W. Becker, chairman of the SAC counsel, has been conferring with the State Labor Commission to find out what will be done if this obstacle is removed. The SAC will then be in a position to push for immediate action on its licensing program.

The actors are apt to insist on the 12-month clause although tops in the AMG have asked the maximum be lifted to five years. When the union turns down the proposal, three actors started a move to compromise on two or three years. Smaller agents, however, favor SAC minimum.

Believing they would have a better opportunity of capturing the market later after the plan becomes effective. Situation will be discussed this week at a conference of directors, Kenneth Thomson, executive secretary, and leaders AMG.

A special committee of Producers Association has turned over a position on the Screen Actors Guild to a special sub-committee composed of F. Frank Freeman, chairman; Paul Bern and E. J. Mannix. Committee is now working out details of wage scales, working conditions for assistant directors and unit managers.

Counter-proposal will consider request of directors for more time to prepare script and cut pictures.

New Writer Complaints.—The Labor Relations Board has issued a new complaint charging major film companies with unfair labor practices in negotiations with the Screen Writers Guild. Producers have been given until March 1 to file answers, and hearing has been set for March 6.

Original complaint was withdrawn to correct defects in service notices on studio executives. Bernard L. Albert, special NLRB attorney handling the case, said it would stipulate with producers' attorneys that answers filed in original case could be used as precedent.

Following temporary bog-down in negotiations with producers, Society of Motion Picture Technicians has applied for American Federation of Labor charter. Society has a paid-up pool of money for the purpose of the largest remaining independent craft in film industry.

Plans to seek AFL charter was reached when producers nixed request of Editors for 44-hour week, and the new contract. Some companies had offered to amend present contract to call for straight 40-hour work week.

Jerry Kibre has filed a petition with NLRB demanding return of \$3,000 membership dues from the International Alliance of Theatrical Stage Employees before he will withdraw his resignation from the International Alliance of Theatrical Stage Employees. He claims money was collected illegally by agents of the International officers in dues and assessments.

Wants Officers Removed.—Kibre, head of Motion Picture Technicians Control Council, also demands withdrawal of Harold V. Smith, I.A.T.S.E. international representative. Kibre said Smith was not associated with the international. He also wants assurance from the producers that they will negotiate wage

# POINER \$15,000,000

Jesse James', 'U. P.' Cue Studios to Yippee Clean Up—Early They Fave Subject—They'll Take It Away from Lo Again

## DE LUXE GUNPLAY

Hollywood, Feb. 28.—Out of Hollywood, from now until the end of the present production year in midsummer, will flow the roarin', tootin', shootin', bowie knife-wielding bunch of ride-or-crowb, major budget westerns the picture biz has witnessed in a decade. Some \$15,000,000 worth of shootin', scalpin', train and stagecoach robbing, hypoxed with gentle love, mad brawl the picture biz has witnessed in a decade.

Climax of Motion Pictures Greatest Year campaign, which began last week with the announcement of winners in the \$250,000 Movie Quiz contest, brought the biggest nation-wide event night in the history of the film business. Prize winners were announced from the stages of 7,300 cinemas in this country and abroad on the world's largest motion picture exhibitors' calendar, Monday.

It failed to stimulate ordinary Monday night business. Drive leaders expected capacity turnouts. The three big chains, Loew's, RKO and Paramount reported little or no appreciable increase.

There were numerous complaints from exhibitors that the contest was not advertised in advance to winners. House ops said they felt this took the edge of the contest and hurt biz.

On the Warpath.

Par has three more big westerns to go this spring and summer. First will be Geronimo, Yarn of the last of the great Apache Indian chiefs.

The title of the picture will be changed, but the boys with the scalping knives will be the main draw. The same "Butch" Bill will be made by Harry Sherman for Par this spring, using locations in the Brooks' Hole country, Utah. Live will be his first Class A western production of the year. Par execs admit the picture will gross a striking bling over early western stories in order to capitalize on the surge of American-Southwest location shooting.

Par has a picture scheduled for next week in Nevada and definitely slated is "Lives of a Texas Ranger," sequel to "Texas Ranger" which will play in the Columbia circuit.

Murray and Lloyd Nolan will play the leads; film to go this summer. RKO will put a cracking bling in work in the next few weeks. The title may be changed. It is a yarn of the type which has proved to be one of several such stories around the studios.

It is likely that Richard Dix will play the lead in "Arizona," tale of the Tombstone days, is being dressed up by Glendale City, the scripter making his headquarters in Tucson. The original is by Clarence Brown and set in the 1870s.

United Amusement Corp., Ltd., operating 15 second-run film houses here, shows net profit for year ended Dec. 31, 1938, of approximately \$1,000,000 less than in the preceding year. Company's loss in revenue is shown by figures set forth in RKO's annual report from \$112,633,408 in 1937 to \$99,869,110 in the past year.

# On the Heels of the Radio Showdown, Exhibs Would Now Battle Night Baseball's Increasing Competition

## Mugg's Luck

Minneapolis, Feb. 28.—Wait Raschick, Vauxtry's St. Paul minor league pitcher, got the Movie Quiz contest. On his way to the theatre last night (27) he was to play songs to Scott Fisher, manager, who announced the huge haul, Raschick suffered a flat tire and one smashed fender. If luck holds out, he figures he will just about break even after everything is paid up.

## Mugg's Luck

Hollywood, Feb. 28.—Will Wyrvo, who won \$5,000 prize in Movie Quiz contest, is a former L. A. newspaperman now between jobs.

Helan Bernard, stenog in NBC's New York headquarters, won one of the \$1,000 prizes.

# ESTIMATE U'S 1ST QUARTER PROFIT 250G

Par now Also Plans To Follow Headlines For Screen Material

Paramount is reported setting up for the company's fiscal year, which began last fall, will be out in about two weeks, according to latest estimates.

This first three-month report on earnings is expected to show net profit of approximately \$250,000 for the period ended Jan. 31, last. Earnings are currently estimated at even higher rate per month.

Dividend of \$1.75, taken from operating surplus, was declared last week by Keith-Abbee-Orpheum on 7% preferred stock. Divvy covers the quarter ended July 30, 1938. It is payable April 1 to stockholders on record March 8.

## RCAs \$7,412,972 Profit

Annual report of Radio Corp. of America, sent to stockholders this week, shows net profit of \$7,412,972 for 1938, or approximately \$1,000,000 less than in the preceding year. Company's loss in revenue is shown by figures set forth in RKO's annual report from \$112,633,408 in 1937 to \$99,869,110 in the past year.

RCA announced a better showing with its gross income than it did in 1938 when the total gross amount was \$10,160,241. The net profit now is only \$6,155,936 or nearly \$1,200,000 less than in 1938.

Radio Corp. of America declared two preferred dividends at the regular meeting of directors Feb. 24. Corporation will pay \$100,000 in regular quarterly on the first preferred and \$125,000 on the B preferred, both due March 1, 1939. Both divys are payable April 1 to stock on record March 8.

## Can. Co's Profit

Chicago, Feb. 28.—Having talked in news columns in their battle to keep star talent off the radio, exhibitor associations are now giving their a tussle with night baseball this coming season.

Circuit and indie theatres are agreed that they must work together against a mutual bugaboo and have gotten together in several instances for the raising of a fund to battle the forces of electric light baseball.

Theatres are planning to get ball fans into the theatres by using the sides of their theatres on which to erect electric lightboards that will give the games play-by-play, while other houses will install these boards in lobbies or foyers. These latter houses that will advertise to their patrons can see and hear the ball games and yet stay for the regular picture when the lights are dimmed. Theatres expect to plug the added attraction with plenty of publicity in an effort to get back some of the coin lost heretofore to the baseball games.

Particularly will the circuit houses on this league, since they feel that, with the big leagues going into night games, the opposition will be stronger than ever.

# Bosworth Stricken In St. Louis on RKO Chore

St. Louis, Feb. 28.—Hobart Bosworth, vet screen star, who came here last week to serve as a star attraction for the RKO Hollywood contest to select John Hopper and "Allen Eden," is seriously ill. He has been in St. Louis for some time suffering from influenza and complications. While his condition has improved he has not yet been able to get up.

Bosworth, who is 73 years old, was worn out by the gruelling of a month's travel. His wife flew here from Hollywood.

## Kay Francis at RKO

Montreal, Feb. 28.—United Amusement Corp., Ltd., operating 15 second-run film houses here, shows net profit for year ended Dec. 31, 1938, of approximately \$1,000,000 less than in the preceding year. Company's loss in revenue is shown by figures set forth in RKO's annual report from \$112,633,408 in 1937 to \$99,869,110 in the past year.

E. A. Cousins, president, attributes to tax and other heavy drain on gross receipts and hopes that some relief may be obtained from the U. S. Tax Revision Board of the province.

## FOR THE CAUSE!

Hollywood, Feb. 28.—Brian Donnan is in the city hospital with a shoulder wound the result of being stabbed by Ray Hill. Donnan while doing a screen play for "Beau Geste." Not serious.



Majors Oppose Any 'Consent' Ideas, Heartened by N.D. Divorcement K.O.

Battle cry of major distributors and producers today has become, 'No consent decree in any form.' No statement...

Part of this more solidified front can be traced to what happened to theatre divorcement in North Dakota as the whole law was wiped off the books and sent up to the U. S. Supreme Court.

Attitude of numerous trade leaders is that too many vital matters are tied up in the government anti-trust suit to have it lightly handled by means of a consent decree.

Another Divorcement Bill Senate, Feb. 28. House Bill 300 has been introduced in the state legislature at Olympia by Representative Chlooson of Yakima, Wash.

Dunlap-Carr East For Monogram Board Meet

Scott R. Dunlap, v.p. over production, and Trem Carr, president and member of the board of Monogram, arrived in the east Monday (27) to discuss the annual meeting of the stockholders slated for today (Wed.).

W. Ray Johnston's statement of opposition to stockholders was released a week ago. While exact it is also expected that discussions will be held concerning the 1938-40 production plans when an increased program will be scheduled.

Carrier Co.'s \$2,000,000 Anti-Trust Suit vs. RCA

A suit for \$2,000,000 on Sherman anti-trust law allegations was brought in the N. Y. Federal Court on Thursday (23) against RCA by the Interstate Carrier Club & Television Corp.

Big Lumber Man

Sacramento, Feb. 28. Charlie McCarthy entered the Capitol this afternoon for the opening through the filing of papers by Edgar Bergen interest.

Object of the company is to supervise all Charlie McCarthy exhibits, such as toys, novelties, pictures, radio and stage exhibitions.

Trailer Co.'s Suit Termed Tempest In A Teapot' by Court

Arguments in the suit of National Divorcement Exchange, Inc. against Isidor Schwartz and Pathe Film Corp. were heard last week before Judge Cove in N. Y. federal court.

Louis J. Vorhaus, attorney for the plaintiff, claimed that the musical recordings made by the defendant are part of the trailers.

Further argument of Nizer was that the Supreme Court's discovery of records of defendants.

Judge Cove referred to the plaintiff's complaint as a tempest in a teapot, and reserved decision.

N. Y. OPS WAGE TILT STILL UNJUSTIFIED

Wage scale adjustments for Local 308 Motion Picture Operators (N. Y.) are slated again. Up for settlement last August, an arbitration board was to have ironed the matter out last week but after the Independent Theatre Owners Association had chosen its arbitration delegates, the union decided against submitting to arbitration at this time.

Instead, the matter was left to labor committees of both union and the association. A strike time, they voted a 30% increase in their original demand of a 48% increase in booth costs, and a 10% increase in booth costs could not go any lower than 24%.

Theaters owners' viewpoint was based on slumping business conditions and poor box office results, there can be no consideration of increases. A strike time, they want present booth expense, per the rate, to continue as is, for another year period.

The matter will have to come to arbitration inasmuch as some increase is mandatory, as provided for in the contract. A compromise adjustment has yet to be worked out.

Saving in the Process

Hollywood, Feb. 28. Further reduction in location costs is being made through developments in process work, reported by the Research Council of the Motion Picture Arts and Sciences. Fifty process technicians, headed by Edger Buzzell, are working hours on the labor saving developments.

THEATRE FIRES

\$15,000 Loss in Film—Other Razed Houses Rebuilt

Pittsburgh, Feb. 28. Few months after new owner had completely refurbished house, State Theatre in Liberty, near here, was swept by flames last week during coldest spell of season, and completely destroyed at an estimated loss of \$15,000.

Spot was purchased less than a year ago by George Geinzer, who spent his own money in the place. Cause of blaze was undetermined.

\$16,000 Blaze

Oakland, Cal., Feb. 28. A suburb through the Granada theatre early Saturday (25) morning. A preliminary report placed the damage to the interior of the theatre at more than \$10,000.

The fire started in the log section of the theatre balcony, apparently from a smoldering cigarette.

Rebuilding Razed House Atlantic City, Feb. 28. Rebuilding of the Palace, gutted by a \$100,000 fire in here, which was ready been started and will be pushed to completion so that the theatre can be reopened for the holidays. Announcement to this effect was made by Samuel H. Tannenbaum, owner, this week.

The fire, which threatened the downtown area until firemen finally got it under control, was caused by a defect in the wiring.

Few Houses For Sale, New Theatre Bldg. Closing

Theatres, available for purchase or leasing through brokers or direct owners, if any are here, are difficult to find anywhere in the United States. Those that are closed, generally have been razed, and are out of operation for good reasons and thus are not even being offered, except rarely.

During the past two weeks, one of the largest of the chains, which is operated by a broker, has received not one single bid from a broker or owner with a house to sell. The same is true of other chains of first solidifying partners of chains, depending on the territories, when getting a theatre for sale or lease.

Real estate men in the picture industry declare there are lots of theatre owners, if they are at all, who are in such cases that the houses are run by operators who are building some operator who would spend upwards of \$10,000 to put the property into shape. Also, most of these theatres are located in situations where film supply would be dubious and the business unprofitable.

During the past 10 years, since depression, the majority of worthwhile theatres, in their existence, have been gobbled up by local indies as well as large chains. What's left now represents the dresses. Those who would venture forth as exhibitors in large situations or in small communities, are mostly who are building new houses, very often in communities which have been built up of late years, or to which population has shifted.

New 1,600-Seater

Painesville, O. Feb. 28. Construction of Painesville's new 1,600-seat picture theatre has been started. Built for the area at large, and J. H. Shulman, of Cleveland, who operate the Park and Utopia in this area, is building it near Fairport.

Akron Nabe Sold

Akron, O. Feb. 28. Five Points, Akron nabe, 650 seats, sold by R. C. Wahl and David Collins, to Edger Buzzell, who will manage the house. Wahl and Collins have operated the

Post-Mortems on N. Divorcement Discloses Indies, More Than Par, Favored Repeat, U. C. Atty.'s Angles

Lone State

Major district trying to count up the number of anti-trust suits filed in the industry. It is well known of one state in U. S. without a single anti-truster—Nevada. But, of course, Reno has always had its divorcement.

N. C. Exh. Banned On 'Both Baby' Film And 'Tobacco Road' Play

Charlotte, N. C., Feb. 28. Plans for showing the picture, 'Birth of a Baby' and the play, 'Tobacco Road' in Greensboro, N. C., struck an official snag. City officials took a stand on stopping the general production, meeting Sunday afternoon and informing J. B. Webster, operator of Criterion, that he would be subject to arrest and revocation of his license if he showed the scheduled and advertised film. A week previous, an audience of between 50 and 75, representing medical, church, government and school groups, had a preview of the legit show, and, according to Webster, gave a favorable reaction.

Raleigh booking agents announced that 'Tobacco Road' would play Greensboro's Senior High School auditorium March 8-9, M. D. Tesque, general manager of the school, subsequently stated that the tentative rental was cancelled and the deposit returned. The agreement was the agent, C. E. Newell. He said the date was cancelled due to a later developed conflict with school program. The agreement is understood as a preview of the legit show, and, according to Webster, gave a favorable reaction.

'Tobacco Road' is scheduled for Raleigh's Memorial auditorium March 10-11. The despatch for the mayor of that city had issued a ban against it.

City Manager C. W. Smedberg said the theatre owner was requested to abandon plans for showing 'Birth of a Baby' in view of a statement made by local theatre operators during early years ago on request of school groups. The agreement is understood as a preview of the legit show, and, according to Webster, gave a favorable reaction.

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house for five years. Purchase price put at \$25,000. New owners plan to spend several thousand dollars remodeling the theatre, installing air conditioning system and enlarging marquee.

More in L. A.

Philadelphia, Feb. 28. Ben Bronstein is sure of getting the Carmen, Lux and Arlin theatres in Philadelphia. William Swanson, operating the Theatre at Ojai, opposes the deal. M. G. Smith, owner of the Doly, has announced a new theatre, the Del Mar.

Okla. Expanding

Oklahoma City, Feb. 28. Oklahoma is set for some healthy expansion of theatre district. A new theatre is being planned for the area. A number of new houses are being put on the planning boards and advertising bids are being asked from almost every section of the state.

It is expected that some new capital will come into the picture as business as a result of the way industry has weathered bad times in the past.

Philly's New 1,200-Seater

Philadelphia, Feb. 28. A new theatre will be built in the Mount Arion section at Sprague street and Arnon road by a syndicate, including Edger Buzzell, and E. Margolin. Seating capacity 1,200.

O'Neill, New One

O'Neill, Neb., Feb. 28. Plans for a new theatre, announced by Mrs. George O. Rasley, who operates the Royal.

With The North Dakota legislature scheduled to adjourn this week, all hopes of a consent decree for the passage of a new theatre divorcement law or a licensing bill designed to prohibit further theatre construction in the state.

At the same time, plans were being pushed by Northwest Allied for the initiation of a theatre divorcement measure in the Minnesota legislature and Gov. John Moses of North Dakota issued a statement explaining and defending his action in signing the repeal bill that took the 1918 divorcement law off the statute books, permitting the Paramount Northwest circuit to continue to own and operate its theatres.

The Minnesota state legislature has been in session for nearly two months, and no divorcement bill has been introduced. Northwest Allied is committed to efforts to obtain its enactment. However, Gov. H. B. Stassen has ignored the organization's request to urge its passage.

Gov. Moses says that one of the reasons for the legislature's failure to sign the bill was the receipt of numerous requests from North Dakota independent exhibitors, urging such action.

Incidentally, legislators who voted for repeal declare that independent exhibitors had urged them to do so. These independent exhibitors insisted that conditions at the time of the repeal were such that they would have more to fear if the Paramount theatres fell than if they were left to operate. They asserted that the Paramount Northwest circuit's competition has been fair and honest and they would have more to fear if the Paramount theatres fell than if they were left to operate. They asserted that the Paramount Northwest circuit's competition has been fair and honest and they would have more to fear if the Paramount theatres fell than if they were left to operate.

In explaining why he delayed signing the repeal bill, Gov. Moses said that the government's general opposition to sign the bill was the receipt of numerous requests from North Dakota independent exhibitors, urging such action.

Gov. Admitte B. C. Quinn said that Thurman Arnold of the U. S. attorney general's office had told him that the government would not prosecute in circumstances surrounding the law's repeal and was investigating. When he heard nothing further from Washington, Gov. Moses times said he signed the bill and notified the U. S. Attorney General that he withdrew his general opposition to the repeal and was investigating. When he heard nothing further from Washington, Gov. Moses times said he signed the bill and notified the U. S. Attorney General that he withdrew his general opposition to the repeal and was investigating.

U. S. ass't. district attorney Arnold said that he would have no objection to the telephone from Washington, he says, that the signing of the repeal bill would be a good thing for the state rather than for another state, or upon litigation in the U. S. supreme court, the governor said.

The governor pointed out that the repeal would be a lower House of a resolution asking to return the bill unsigned places additional weight on the natural assumption of the legislature as cognizant of the measure's effect. The speedy passage in both branches, he said, would be a clear decision and a determination that the repeal bill was highly desirable.

(Continued on page 22)







Musketeers-Crazy Show Only Fair \$16,000 in Cleve.; Topper Nice 14G

Cleveland, Feb. 28.

Following 'Folies Bergeres,' a lippy-topper which gave Palace the richest harvest it had since its opening...

Althambs (Printz) (12:00; 10-20-35)-'Woman Doctor' (Rep); plus 'Smashing Ship Rigs' (Colt)...

Circle (Marmorstein) (1:00; 15-25-40) good on stage, but playing slowly; it might be cut to half a stanza...

State (Loew's) (3:45; 30-35-42-55)-'Topper' (A.M.); not hitting any more...

EACH OTHER NICE \$12,500 IN CINCINNATI

Cincinnati, Feb. 28.

Cinema big as it fairer value currently, considering start of Lenten season, always a b.o. damper...

Althambs (Printz) (1:00; 15-25-40)-'Each Other' (A.M.) (12:00; 30-35-42-55)...

Lyric (RKO) (3:00; 35-42-55)-'Crazy Show' (Rep); plus 'Smashing Ship Rigs' (Colt)...

Broadway Grosses

Estimated Total Gross This Week... Total Gross Same Week Last Year...

Pitt B.O. Potent; Topper-Lopez Paving \$19,000

Pittsburgh, Feb. 28. March is coming in like a lion, with 'Gunga Din' at the Penn reach...

'They're topping the town by wide margin, although the combo of 'Vince Lopez and Patricia Miller on stage...

Alvin (Harris) (1:00; 25-35-50)-'Lovers' (Rep); plus 'Swing, Sister' (U.)...

Palen (Shea-Threide) (1:00; 25-40)-'Gunga Din' (Rep); plus 'Swing, Sister' (U.)...

Senator (Harris) (1:00; 25-40)-'Topper' (A.M.) (12:00; 30-35-42-55)...

Warner (WB) (2:00; 25-35-50)-'Fremont' (U.) (12:00; 30-35-42-55)...

Rooney, \$8,500, 'Wings', \$7,800, Seattle's Toppers

'Gunga Din' is hitting a nifty pace in second week, and preliminary estimates for initial stratum...

(8:50; 32-37-42)-'Jesse James' (20th) (4th wk); Good \$2,500. Last week, same film, \$3,200, big.

Althambs (Printz) (1:00; 15-25-40)-'Topper' (A.M.) (12:00; 30-35-42-55)...

Muske (Hamrick-Evergreen) (2:00; 25-37-42)-'Wings' (Navy) (WB) (2nd wk); Good \$7,800.

Paragon (Hamrick-Evergreen) (2:00; 25-37-42)-'Gunga Din' (Rep) (12:00; 30-35-42-55)...

Liberty (J-VH) (1:00; 21-32-42)-'Each Other' (U.) (4th wk); Paper...

Paragon (Hamrick-Evergreen) (2:00; 25-37-42)-'Gunga Din' (Rep) (12:00; 30-35-42-55)...

Paragon (Hamrick-Evergreen) (2:00; 25-37-42)-'Gunga Din' (Rep) (12:00; 30-35-42-55)...

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Paragon (Hamrick-Evergreen) (2:00; 25-37-42)-'Gunga Din' (Rep) (12:00; 30-35-42-55)...

Shrine Circuit, Sports, Sub-Zero Temp. Slough Mpls.; Heart' Big 8 1/2

Key City Grosses

Estimated Total Gross This Week... Total Gross Same Week Last Year...

Wings', \$9,600, Rooney, \$7,800, Forte in Omaha

'Wings of the Navy,' dual with 'King of the Underworld' at the Orpheum, is getting the big take here...

Omaha (Blank) (2:00; 10-25-40)-'Flick' (Rep); plus 'O'Connor' (Rep)...

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Omaha (Blank) (2:00; 10-25-40)-'Flick' (Rep); plus 'O'Connor' (Rep)...

Recurrences of sub-zero temperatures and blizzards...

The single newcomer to attract attention at the State...

A diverse factor has been the prolonged cold wave...

Omaha (Blank) (2:00; 10-25-40)-'Flick' (Rep); plus 'O'Connor' (Rep)...

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Omaha (Blank) (2:00; 10-25-40)-'Flick' (Rep); plus 'O'Connor' (Rep)...

Don't Go To 'Honest Man' In Lvivle, OK \$7,800

Nice brand of product all around is helping to distribute gross profit...

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No Selling in Mon't; 'Gunga' Good \$8,000

Lack of exploitation seems to be at the root of the slow take...

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ROONEY TIPS PROV., \$17,000; 'GUNG' SLIPS

Huckberry (Rep)'s State is biggest hit in months, with two late shows...

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Art Shaw-Talsipm' Wham \$30,000

In Philly; Admish Slash Helping

Philadelphia, Feb. 28. The new low-price policy that went into effect Friday (24), plus a line-up of good product, is proving a combo that's spelling success for a central city WB...

Alma (WB) (1,383; 32-42-57) - 'Stagecoach' (UA). New prices bringing a gang of kids to the theater to view blood-and-thunder theater...

Boyd (WB) (1,235; 32-42-57) - 'Pygmalion' (M-G). Small crowd high for \$14,400 after week up \$18,900 in initial week.

Carlton (WB) (1,008; 32-42-57) - 'Eating their Hearts Out' (2nd wk). First week for this house as a straight hit...

Palms (WB) (1,000; 26-32) - 'Boy Sues' (RKO) plus a raft of shorts, first week as a hit run...

Staley (WB) (918; 32-42-57) - 'The Sign' (M-G). First week in still corralling customers and looks like \$15,000...

Stacecoach' RIDING TO OK \$5,500 IN O. C. Oklahoma City, Feb. 28. 'Stagecoach' is off to a very good start...

Stacy (WB) (1,100; 25-35-40) - 'Idiot' (M-G). N.E. at Critteron and on movieover here for \$20,000...

Stacy (WB) (1,100; 25-35-40) - 'Idiot' (M-G). N.E. at Critteron and on movieover here for \$20,000...

'Gunga' Hot 5G, 'Coach' Nice \$33,000 in Lincoln. Lincoln, Feb. 28. 'Gunga Din' is the biggest opening...

(1950; 10-15) - 'Santa Fe Stampede' (Rep) and 'Coulter Ship No. 1' split with 'Thundering Wild' (Col)...

Lincoln (LTC-Copcor) (1,600; 10-25-35) - 'Girls White' (M-G) and 'Alma Dass on stage'...

Stacy (WB) (1,100; 25-35-40) - 'Idiot' (M-G). N.E. at Critteron and on movieover here for \$20,000...

'Little Princess' Boston, Feb. 28. 'Little Princess' is a high take at the Memorial...

Translux switched from straight news to feature with 'The Sign'...

Estimates for This Week (Boston) (M-G) (1,312; 25-35-40-55) - 'Am Criminal' (Mono) and 'Headlows Home' (Imp)...

Keith Memorial (RKO) (2,907; 25-35-40-55) - 'Little Princess' (20th) and 'Chan' (20th)...

Metropolitan (1,000; 25-35-40-55) - 'Beachcomber' (Par) and 'Metropolitan' (2nd wk)...

Orpheum (Loew) (2,900; 25-35-40-55) - 'Idiot' (M-G) and 'Son Criminal' (Col) (2d wk)...

Brooklyn, Feb. 28. There's a good week in downtown delvers as well as in uptown...

Estimates for This Week (New York) (M-G) (1,312; 25-35-40-55) - 'Am Criminal' (Mono) and 'Headlows Home' (Imp)...

theatre; Ridgewood, is banking Via's Choir Boys in Konzert in Tirol...

Estimates for This Week (New York) (M-G) (1,312; 25-35-40-55) - 'Am Criminal' (Mono) and 'Headlows Home' (Imp)...

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'Daughter' Brings Home \$24,000 In L. A.; 'Blues' Happy \$19,000, 'Made N.G. 7 1/2' Man Gets 12G

Los Angeles, Feb. 28. There are several bright spots currently, with 'The Girl in the Red Velvet Swing' leading the way...

Estimates for This Week (Los Angeles) (M-G) (1,312; 25-35-40-55) - 'Am Criminal' (Mono) and 'Headlows Home' (Imp)...

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holds. Last week, 'Wings Navy' (WB) (1,000; 25-35-40-55)...

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GOODMAN RITZ BROS. 33000 IN DETROIT

Detroit, Feb. 28. Benny Goodman's band has 'dressed' up to the Fox wickets in groves and, coupled with 'Three Musketeers'...

Estimates for This Week (Detroit) (M-G) (1,312; 25-35-40-55) - 'Am Criminal' (Mono) and 'Headlows Home' (Imp)...

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FRISCO B.O.'S Fee Fair's Inroads, But Fields-Bergen Good \$11,000

San Francisco, Feb. 28. After last week's upset, theatre men agree that most and what happens here during the life of the picture...

Estimates for This Week (San Francisco) (M-G) (1,312; 25-35-40-55) - 'Am Criminal' (Mono) and 'Headlows Home' (Imp)...

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LUPI \$13,000 HONEY IN K. C.

Kansas City, Feb. 28. Total take along theatre row is in an ordinary range...

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# "Made For Each Other"

*Was Made For...*

W. G. VAN SCHMUS, MANAGING DIRECTOR OF RADIO CITY MUSIC HALL, where 300,000 people saw David O. Selznick's great hit during its two week hold-over engagement. "Will be among the best pictures of 1939", prophesied the Evening Post. "A sure-fire hit" said the Evening Sun.

*Was Made For...*

J. VON HERBERG, LIBERTY THEATRE, SEATTLE. One of the northwest's outstanding showmen whose inspired handling of a fine picture has insured it a FOURTH WEEK HOLD-OVER.

*Was Made For...*

E. V. DINERMAN, First Prize Exploitation Winner in Motion Pictures' Greatest Year, who put his best showmanship into a superlative campaign that sent "Made For Each Other" into the top brackets at the ALBEE, CINCINNATI.

*Was Made For...*

SIDNEY MEYERS, eminent showman of the South whose astute management of the world premiere at the LINCOLN THEATRE, MIAMI BEACH, created a new season's high and resulted in a move-over to the MIAMI and the STATE for a continuous first run.

*And Was Made For...*

EVERY SHOWMAN who knows it pays to put added effort behind a picture that prospers on word-of-mouth commendation and sends every patron out of the theatre singing its praises. (It paid in BRIDGEPORT, HARTFORD, NEW HAVEN and PROVIDENCE where "Made For Each Other" is one of the few top pictures of recent years to earn a HOLD-OVER!)



*Carole* *James*  
**LOMBARD · STEWART**  
**Made for**  
**Each Other**

Produced by DAVID O. SELZNICK  
 Directed by John Cromwell · Screen play by Jo Swerling  
 Presented by Selznick International  
 RELEASED THRU UNITED ARTISTS

# PLAYS

## 'Snow White' Gets Dutch OK After Censor Wrangle

The Hague, Feb. 18. After being reviewed by the censor four times, 'Snow White' has been admitted for universal exhibition in Holland. First three exhibitions since it only for those above 14 years of age but the final one approved it after the picture took several more cuts.

'Gangs of New York' (WR), 'Angels With Dirty Faces' (RFB) and 'The Lady With The Blue Fox' (Ufa) have been banned.

## Reinterpretation Of British Quota May Halt Revamp

Amendment of the British quota law this month in London may be interpreted on the way the statute reads on high percentage features, under the new review for American film companies.

Re-interpretation of this part of the act will mean that American exporters will be able to import a greater number of their quota requirements with only 50 per cent single-release low-cost pictures. If this part of the quota is interpreted to mean that American exporters will be allowed to import a greater number of their quota requirements with only 50 per cent single-release low-cost pictures, it will mean that American exporters will be allowed to import a greater number of their quota requirements with only 50 per cent single-release low-cost pictures.

## Hungary Issues New Restriction on Actors

Budapest, Feb. 18. Further restriction of actors has been announced by State Secretary Szilagyi that in the future only graduates of the State Stage Academy will be admitted as members of the State and Film Chamber, except in very exceptional cases.

## French Go H'wood

Paris, Feb. 20. The French are planning an Academy Motion Picture award to be modeled on the similar group in America.

## Hunter Aussie to L. A.

Harry Hunter, Paramount's managing director in Australia, is due to arrive on the Coast from Sydney about March 21.

## OLD VIC CO. IN ITALY

Under the auspices of the British Council, London, and the Public Department for Popular Culture, Rome, the Old Vic Company of London is touring Italy, playing in Milan, Florence, Rome and Naples.

## FOREIGN NEWS

### There'd Be Nothing Left in Celluloid If All Nations Combined Their Tabus

Some film men suspect in order to justify their political activities—recently called attention to the diverse methods and differing rules by the U. S. and in foreign field. Estimated that if a compilation of all the various censoring systems, with their and exaggerated grounds on morals, could be made into a single code, it would leave the film industry almost dead.

### ANYWAY, A HEADACHE

Growing tendency of censoring boards in America to become more severe on feature pictures—some film men suspect in order to justify their political activities—recently called attention to the diverse methods and differing rules by the U. S. and in foreign field.

## Viennese Squawk Over Synchronized American Films; Prefer Original

Vienna, Feb. 18. Vienna filmgoers are complaining about the synchronization of foreign film imports.

While formerly almost all foreign films were shown in their original form, now they are shown in German sub-titles, there's now the tendency to synchronize it down the bars of American producers.

## Plans to Reconstruct Tel Aviv Into Resort

Tel Aviv, Feb. 15. Transformation of the Tel Aviv beach into a resort similar to those in Nice and Cannes, is being suggested by the city's engineer, D. Schiffman, who wants Tel Aviv to give him \$50,000 to begin the work.

## Rene Borgia's Spanish Production at Astoria

Several Spanish films are scheduled for production soon at the Eastern Service Studios, Astoria, Pa. It, according to Rene Borgia, Spanish writer-director, who will both produce and direct one such series.

## Franco Gov't Seen Favoring Italy, Germany on Distribution in Spain

### Heartbreak House

Most recent peculiarity in British censoring occurred with 'Boy Trouble,' forthcoming release, which will also be known as 'Two Weeks with Fay' in England. One of most powerful scenes in the picture shows Charles Griggs reading a poem as an emergency prayer for the recovery of his son.

### Present Bans

Jamaica, B.W.I.—'Dead End' and 'Fury'. Greece—'Prisoner of Zenda', 'Amateur Gentleman', 'Dead End'. Singapore—'Angels With Dirty Faces'.

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### Paris, Feb. 28.

Complete Franco victory in Spain, now apparently a certainty as the result of developments during the past few days, is expected here to bring about the final closing of show business in that country.

Even if unfavorable restrictions are placed against U. S. pictures, the situation nevertheless would be a big improvement over present distribution in the war-torn peninsula. It's held. American companies have carried on for about two years in Spain at a loss and without new product entering the country for approximately 18 months.

## LUISE RAINER'S LONDON PLAY NOW IN DOUBT

London, Feb. 28. There are two candidates to have either or not L. Rainer will take the lead in 'Suez Against Sin' in which she was reported several weeks ago to have agreed to star for Basil Dean.

## NEW MEX CO.'S PROGRAM

Mexico City, Feb. 28. Five features, all Spanish talked, this year is the program of Mexico's newest domestic picture maker.

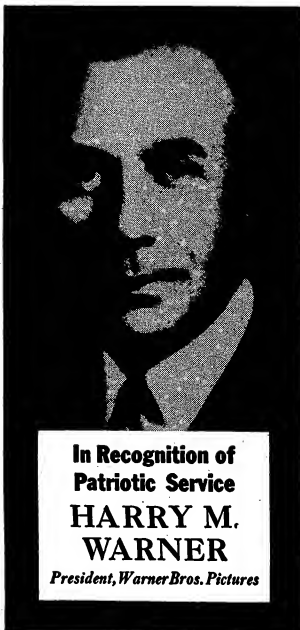
## Company is Building its Own Studios here

Company is building its own studios here.

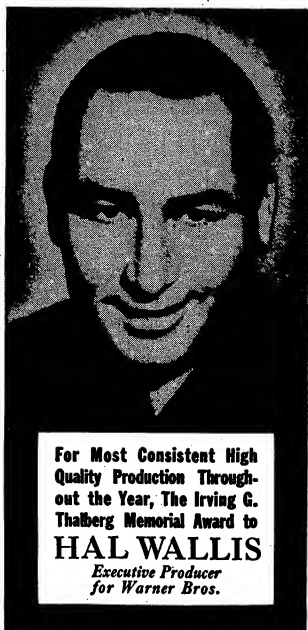
# 8 'BESTS' for Warners!



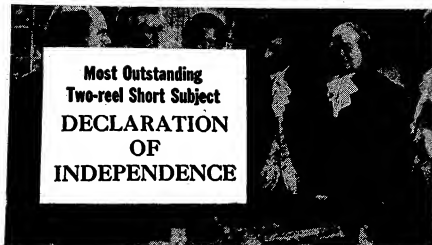
**Best Performance  
by an Actress**  
**BETTE DAVIS**  
in  
**JEZEBEL**



**In Recognition of  
Patriotic Service**  
**HARRY M.  
WARNER**  
*President, Warner Bros. Pictures*



**For Most Consistent High  
Quality Production Through-  
out the Year, The Irving G.  
Thalberg Memorial Award to**  
**HAL WALLIS**  
*Executive Producer  
for Warner Bros.*



**Most Outstanding  
Two-reel Short Subject**  
**DECLARATION  
OF  
INDEPENDENCE**

**Best Supporting Actress**  
**FAY BAINTER**  
in **JEZEBEL**

**Best Art Direction**  
*Carl Weyl, for*  
**ADVENTURES OF  
ROBIN HOOD**

**Best Film Editing**  
*Ralph Dawson, for*  
**ADVENTURES OF  
ROBIN HOOD**

**Best Original Score**  
*Erich Wolfgang Korngold, for*  
**ADVENTURES OF  
ROBIN HOOD**

12 CROWDED HOURS

RKO release of Robert Risk production. ... Richard Dix, Donald MacBride, Directed by ...

In view of the current case of Jimmy Hines in New York, the thriller is a good one. One of the better B's from Robert Risk's ...

Film moves fast and breezes home in 64 minutes. ... Richard Dix, Donald MacBride, ...

The play the reporter and does the best possible to overcome the ... performance, however, is that of MacBride, who first went to Hollywood ...

RKO release of Robert Risk production. ... Directed by John Brown, ...

The 'Saint' is back on the scene, this time apparently to star as part ... Leslie Charteris' fictional character ...

Monogram release of E. Derr ... Directed by William Hill, ...

'I Am a Criminal' is an action film ... Directed by Robert Siodmak, ...

sonable action by all principals than ... Still retains much fantastic melodrama ...

Nancy Drew—Reporter Warner Bros. production and release. ... Directed by Robert Siodmak, ...

Another of the series taken from Carolyn Keane's stories, this one is great stuff for the moppets, but ...

Universal release of Bert Kelly production. ... Directed by Joseph Santospaolo, ...

Story develops along routine line, ... Directed by Curtis Inyang, ...

'I Am a Criminal' is an action film ... Directed by Robert Siodmak, ...

'I Am a Criminal' is an action film ... Directed by Robert Siodmak, ...

Miniature Reviews

12 Crowded Hours (RKO). Nice B action-thriller about ...

'I Am a Criminal' (Monogram). Action material of fair value, suitable for single bills in some situations ...

'Spirit of Culver' (U). Jackie Cooper and Freddie Bartholomew in an entertaining play for duos and kids ...

'Nancy Drew—Reporter' Warner Bros. production and release. ... Directed by Robert Siodmak, ...

'Spirit of Culver' (U). Jackie Cooper and Freddie Bartholomew in an entertaining play for duos and kids ...

SPIRIT OF CULVER

(WITH SONGS) Hollywood, Feb. 25. Universal release of Bert Kelly production ...

Jackie Cooper and Freddie Bartholomew in an entertaining play for duos and kids ...

'I Am a Criminal' is an action film ... Directed by Robert Siodmak, ...

'I Am a Criminal' is an action film ... Directed by Robert Siodmak, ...

roles, Kathryn 'Sugar' Kane is the only member of the cast to do more than one big scene. ...

Burn 'Em Up O'Connor

Metro release of Harry Raft production. ... Directed by Frank Capra, ...

'Burn 'Em Up O'Connor' is the first Metro production of sport pictures ...

'Morgan has constructed another nice racing plot based on a book by ...

Cecilia Parker, teamed with ... suffering from the same old direction ...

Producer Raft cast a trio of handsome young actors as daredevil drivers ...

'Soviet Border' (Russian Made) Ambros release of Lentini production ...

'Soviet Border' (Russian Made) Ambros release of Lentini production ...

'Soviet Border' (Russian Made) Ambros release of Lentini production ...

The Headlys at Home

Standard picture release of B. W. Richey production. ... Directed by ...

First and last of a series made for the bands in towns where work eveners ...

'Blade Murphy' (Robert Whitney) reporter for local sheet, an average ...

Comedy roles are carried by ... a pair of quarrelsome local doctors ...

Whispering Enemies Columbia production and release. ... Directed by ...

'Whispering Enemies' Columbia production and release. ... Directed by ...

'Whispering Enemies' Columbia production and release. ... Directed by ...

'Whispering Enemies' Columbia production and release. ... Directed by ...





*"It's better to die on your feet  
than live on your knees!"*

...Freddie Bartholomew in "Spirit of Culver"

**to**

the millions in this  
country...in packed  
houses...comes the  
screen's greatest  
drama...of how to  
live American!

national release  
march 10th!

The New Universal presents  
**JACKIE FREDDIE**  
**COOPER · BARTHOLOMEW**  
 in  
**"SPIRIT OF CULVER"**  
 with  
**TIM HOLT · HENRY HULL · ANDY DEVINE · GENE REYNOLDS**  
**WALTER TETLEY · KATHRYN KANE · JACKIE MOHAN**

*Original screenplay by  
 Whitney Bolton and Nathaniel Foss  
 Directed by JOSEPH SANTLEY  
 Associate Prod. BURT KELLY*



**U** NIVERSAL'S

**"SPIRIT OF CULVER"**

**A** MUST PICTURE FOR EVERY AMERICAN!



# A MONEY SHOW!

*N. Y. Herald Tribune*



Scene photographed 8:30 a. m. with temperature 10° above zero.

**BIGGEST OPENING IN 6 YEARS AT  
THE N. Y. PARAMOUNT THEATRE**

**BIGGEST OPENING IN HISTORY  
OF SHERIDAN THEATRE, MIAMI**

*That's PARAMOUNT'S*

**“CAFE SOCIETY”**





**"ADULT ENTERTAINMENT!"**

*—L. A. Examiner*

**"FOR EVERYONE—MOTHERS,  
FATHERS, GRANDFATHERS AND  
JITTERBUGS!"**

*—Dorothy Kilgallen*  
N. Y. JOURNAL-AMERICAN

**"ADULT AUDIENCE SCREAMED  
WITH EXCITEMENT!"**

*—Boston Globe*

**"EQUAL APPEAL FOR ADULTS  
AND CHILDREN!"**

*—M. P. Daily*

And in Boston . . .  
**THE LITTLE PRINCESS**  
in its world premiere, is held over at  
Keith's Memorial . . . thanks  
to adult appeal!



# Philly's Map Realigned, Prices Slashed; \$1 Top Legit a Factor

Philadelphia, Feb. 28. All Philly midtown houses put drastic slashes into effect last Friday (24), coincident with a general shakeup of policy. With the exception of two very minor spots, the theatres are operated by Warner Bros.

There were several reasons for the slashes and the new pricing which, many one, of course, being poor biz. It is hoped that the new setup will stimulate biz. Too much typing of the houses has been recently mentioned as cause of the deplorable grosses. Another reason for the prices hacking, not so much from the competition standpoint as the lesson it has pointed, is the \$1.50-price which is being successfully experimented with in Philly legit houses.

Principal policy shift has been in switching stage shows from the Stanley-Warner-owned RKO to the Warner-leased Fox. Fox will get fairly strong pix with the vaude-not the case when flesh was at the Earle—and is getting the highest admitt. in town. Earle goes into second-runs of demonstrated pulling power. Fox is a 2,400-seater; Earle, 2,000-seater.

On the price situation, the Saturday and Sunday differential has been wiped out. It's the same price now. Fox, with its straight celluloid, used to get 86c weekdays and 75c weekends; now is getting 66c all along. That's the smallest slash, although, of course, the flesh has been added to Earle, which had stage shows; used to do big before-1-p.m. biz with its 26c adm. Fox, however, is shifting away from that, by demanding bottom of 37c.

New top for the Aldine, Boyd, Egan, Stanley, Stanton, Karlin, and Keith's is 57c. Top at the Palace, on new first-run, three-hour show (policy for two funks) is 42c. Each in the day prices for second-runs and lesser first-runs varies. Initial-runs used to get 86c weekdays and 75c weekends. Second-runs got 57c and 68c. Reason for the shift of flesh, says the Earle to the Fox is the fact that lease on the latter house expires this summer and Warners is very anxious

to retain it to keep its 100% grasp on the major downtown situations. House has done very badly since Warners took it over from Boyd management three years ago and there was little attempt to pump it out of its continual doldrums by the type of films which were fed it. It is owned by 20th-Fox.

## Flag Drops for Five In Two Months at Col.

Hollywood, Feb. 28. Columbia announced starting dates for five features within the next two months starting with 'Good Girls Go to Paris, Too,' March 15.

'Our Wife' rolls March 27; 'Mr. Smith Goes to Washington,' April 1; 'Coast Guard,' April 15; and 'Prison Farm,' May 1.

## Brothers Under the Sun

Hollywood, Feb. 28. Douglas Fairbanks, Jr., and Basil Rathbone share top spots in Universal's 'The Sun Never Sets,' a yarn of Great Britain's diplomatic corps, due to roll March 13.

That's a brother act.

## Nashville's Sunday Pix

Nashville, Tenn., Feb. 28. Nashville saw its first Sunday movie picture in history the past weekend. The City Council has approved Sabbath Day cinema by a vote of 15 to 11. Gov. Prentiss had earlier in the week signed a bill which allowed pix on Sunday in municipalities by a mere majority of the City Council.

Previously Chattanooga and Memphis had cited a history of the past by having special laws passed in the Legislature. A four-fifths majority in the Nashville City Council was heretofore necessary for allowing films in the capital city.

## Divorcement

(Continued from page 7)

able for North Dakota, and that is the legislator's duty to decide.

Relative to discussion in the House of charges of bribery money being paid (mention having been made of an alleged \$25,000 'payoff') in connection with the repeal bills' passage, Gov. Moses declared that 10 days elapsed after the measure was approved by the legislature and that a single legislator came to me with any evidence of anything that would indicate that should act to override the legislature's action.

'On the other hand,' the governor averred, 'representatives of independent theatre owners had strongly urged upon me the approval of the repeal.'

The law already had cost North Dakota at least \$20,000 and might have cost several hundred thousands to the state,' the governor pointed out. There was no good reason to continue legislation along this line in defending its validity, he felt.

## RKO Reorg

(Continued from page 3)

Hamilton C. Rickaby, attorney for Atlas on the grounds that no investment house will guarantee to underwrite an issue, six months in advance except at an exorbitant rate.

Besides Rickaby, those who spoke in favor of the confirmation were: Carlos Izuel, representing several creditors, Richard Hunt, representing the debtors, and Lawrence Schaefer, representing Rockefeller Center.

It was also disclosed by O. C. Durrell, president of Rockefeller Center, Inc., and RKO have entered into an agreement, subject to confirmation of the court, that the Atlas will purchase additional 15,000 shares of stock will be taken from Rockefeller Center, the amount of the claim to 400,000 shares, or approximately \$4,000,000, in return for which RKO will relinquish any and all claims it might bring or have already brought against Rockefeller Center.

The hearing was then concluded after a one day case set for Feb. 29, one which will be March 13. There is nothing to discuss on that day, but the hearing will be held on March 13; it's court's attention, the date is set.

## Several of the New RKO Board of 13 a Surprise

Pursuant to Chandler Act requirements, the proposals of William Bondy in reorganization last Friday (24) submitted a list of officers and directors to be elected under the new charter in N. Y. Federal court, prior to confirmation. Names supposedly carry approval of the governing RKO stockholders. This is tantamount to election, although no actual formal meeting or action on the matter will be held until formation of a new company.

Part of the full board of 13 names, several selections were a surprise to the trade. Choice of Floyd B. Odium and Peter Bateman for director and Major Gen. James G. Harbord, Lieutenant Gen. Vandell for RCA, and W. G. Van Schuman for the Rockefeller interests was especially noteworthy. Conde Nat, John E. Parsons, Ferdinand Durrell, and Thomas F. Durrell were unlooked for.

Parsons, an attorney, is unofficially said to be connected with the Rockefeller interests; Durrell, with the Weld & Co. Wall street house, has acted as financial counsel for Time, Inc., and the Atlas group; Eberstadt, heading his own brokerage house is representing common stockholders, and has been active in the past to protect his own RKO holdings.

Opinion is divided on whether the Atlas group will submit its underlying position to the court, but all this time or withdrawal it until after all appeals from approval and confirmation of the reorganization. Many held the latter opinion will prevail. Selection of Schaefer as new president of the RKO Corp. is also v-p., and William Mallard, as secretary and treasurer, has the approval of proponents and creditors. One of the new board of directors holds its first meeting after the new company charter of Feb. 28, formal approval will occur at that time.

## Nea's Divorcement Hits

Lincoln, Feb. 28. Breakdown of the monopoly situation of producer ownership of theatres in Nebraska is being told of Senator Nebauer's divorce when it strikes the measure to make the measure a two-edged sword.

Amendment, which is being talked for by the indie groups, is to make dual billing illegal.

Indies claim refusal to allow dual billing would be the easiest and least costly way to break chain control in the state, especially in smaller towns with one or two theatres, which would be dual features with triple splits per week to use the theatres.

Non-circuit lads say at least half the houses now being used would have to be thrown on one market if the dual billing mix were to be legal. The indie movement believes a clinch to crack the producer control even if two different organizations are set up as per the Par plan, Senator Nebauer after being told of Foxwesco moves in his district, was being giving it the 88-96, Foxwesco was unable to get a majority of his district's towns and a move against a second theatre, a move Foxwesco says was made.

the best, but still doesn't set the house in order in Nebraska.

His launching the divorce bill in the first place some when Foxwesco charged about the time McCook houses save one, and then been up their price. No date has been set for the committee to hear on bills state regulatory measure, and the divorce bill pertaining in both cases to the film business.

## PLENTY OF N. Y. BINGO, O'LEINZ EVIDENCES

Albany, Feb. 28. More than half a dozen N. Y. State cities, questioned by the Bureau of Municipal Information on alleged bingo games on bingo, were replied, through their police departments, that bingo is being operated there, and the newspaper chairman of churches, veterans' groups or fraternal organizations. Police chiefs of 13 declared that bingo, lotto, keno, etc. are not permitted in their respective communities. 'Occasional' bingo has been played and 'not at this time' were the replies from three. Eighteen cities either submitted no answer or general offered more detailed answers, naming sponsoring organizations, and the number of players.

One replied affirmatively as to bingo, but added, 'We do try to eliminate any prize angle.'

## Some Belief

Local film exhibs, plagued by Lent, drop in automotive employment, strikes, etc., are getting some relief from the new commercial bingo games, etc.

On order from Police Supr. Fred B. Burt, the next week raised the 7,000-seat Moose Temple, where big-time bingo at 50c a throw and 1000 prize pool, was being wide open for some time. Inside femme patrons rioted, sending several persons to the hospital. Police warned other bingo spots of similar treatment unless staff is stopped.

## RKO-Schine Invades Syracuse, N. Y. Nabes

Syracuse, N. Y., Feb. 28. With control of the major downtown houses already in its hands, the RKO-Schine organization has made an incursion into the Syracuse nabe field, taking over the Palace, one of the largest in the city, for a 10-year lease.

Arrangements for the takeover were between Alfred Di Bella, owner of the Palace Theatre building, and Gus Lampe, president of RKO-Schine interests in Syracuse. No policy for the 1,400-seat Palace will be set until at least \$20,000 will be spent in renovating the theatre, which may be established as a first-run theatre.

Di Bella said he expects to take in \$200,000 in East Syracuse early in February.

## Dating Up Deanna

Hollywood, Feb. 28. 'It's a Date' is the latest story lined up by Deanna Durbin at Universal, making it her 11th picture.

Producer is Joe Pasternak, with Ralph Bluck and Frederick Kohner being the screen play.

## Beetly Divorcing

Hollywood, Feb. 28. The Wallace Beetly have separated after 10 years of marriage. Mrs. Beetly announced she would get a RKO divorce as soon as a property settlement is made.

Carol Ann, adopted daughter, will spend six months a year with each.

Conde Nat, publisher; John S. Parsons, attorney, with Winthrop, Simon, Putnam & Roberts; N. Peter Bateman, president of Rockefeller & Co., Inc.; W. G. Van Schuman, managing director of Radio City Music Hall, and Lunsford F. Vandell, assistant treasurer of RCA.

The application to the court states that holders of a majority of the voting securities of the plan have approved these men in their selection to the board and their official positions on it.

## Reduce "WASHROOM INFECTION"

Install **WASHROOM** Onihwun Towels and Tissue Write A. P. W. Service, Albany, N. Y.

## New York Theatres

THERE'S A BETTER SHOW AT THE

PARAMOUNT SQUARE

KEEP OVER IN PERSON "CAFÉ SOCIETY" HAL KEMP

RADIO CITY MUSIC HALL "STAGECOACH" MICKY ROONEY

7th Av. & 59th St. "Wife, Husband & Friend" ROXY

W. C. CHARLES EDGAR FIELDS-MCCARTHY-BERGEN "YOU CAN CHEAT AN HONEST MAN"

UNIVERSITY RIVOLI Broadway from 8:30 A.M. MIDWINTER SHOWS

NEW STRAITS "THE WINKING DAUGHTER" KAY KYSER

Capitol "MICKY ROONEY" "The Adventure of HUCKLEBERRY FIN"

Labor "LARRY PARKER" "The Story of a Young Man's Life"

Pygmalion "LARRY PARKER" "The Story of a Young Man's Life"

Today Only "CHARLES LADSON" "THE COMEBACK"

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# TOP ONE DAY'S GROSS IN 6 YEARS OVER \$13,000 ON FEBRUARY 22nd PARAMOUNT, NEW YORK CITY... FIRST WEEK'S TOTAL OVER \$53,000



**ROBERT WEITMAN—**  
Managing Director,  
Paramount, N. Y., says:

"Tony Martin is big boxoffice and his drawing during this Lenten season is phenomenal. He has stopped every show cold, and can come back whenever he wants."



**DAVID M. IDZAL,**  
Managing Director,  
Fox, Detroit, says:

"Tony Martin gave us record-breaking weeks at the theatre. In Tony's third appearance here within 6 months he gave us one of the biggest weeks of the year, and the enthusiasm of the audience was greater than at his previous appearances."



# TONY MARTIN

"... Gold Stars... To Tony Martin for his rendition of songs which leaves the Paramount audiences breathless."  
Dorothy Kilgallen,  
New York Journal-American.

"... On the Paramount's stage, Tony Martin is the show stopper."  
—Irene Thiner, N. Y. Post.

"Tony Martin—sock show stopping singer at the Paramount... He steps before a mike and gets so hot he stops each show cold"  
—Hy Gardner, Brooklyn Daily Eagle.

"... Tony Martin's fans are packing the Paramount."  
Danton Walker,  
N. Y. Daily News.

"... Tony Martin is causing lines outside of the Paramount Theatre these days."  
Ted Lloyd,  
"Of Scoops Daily of Radio Daily."

"Tony Martin, making his first personal appearance in New York, is thrilling the audience with his warbling of sentimental ballads on the stage of the Paramount."  
—Kate Cameron, N. Y. Daily News.

"... One of the most entertaining voices heard on a New York stage in many years"  
—Leonard Lyons, N. Y. Post.

"Tony Martin, the cinema lad, is stopping the show with his swell staging... the audience goes wild with applause."  
—D. K., N. Y. Sunday American.

"CITATIONS—To Tony Martin whose grand voice has the Paramount patrons cheering this week."  
—Robert Coleman, N. Y. Daily Mirror.

**Due to previous commitments, New York Paramount engagement for 2 weeks only**

**Management, NAT GOLDSTONE**  
★  
**LIMITED PERSONAL APPEARANCE TOUR**  
**Dir. MUSIC CORPORATION OF AMERICA**

# 5 BLUE RIBBONS

for M-G-M's production

## "LET FREEDOM RING"



**1**

### FOR NELSON EDDY!

His performance as "The Wasp" is the most exciting on the screen today!

**2**

### FOR THE ALL-STAR CAST!

Imagine these great personalities in one picture: NELSON EDDY, VIRGINIA BRUCE, VICTOR McLAGLEN, LIONEL BARRYMORE, EDWARD ARNOLD, Guy Kibbee, Charles Butterworth.

**3**

### FOR THE GREAT STORY!

It is the most rousing patriotic musical romance that ever set your pulse beating. The original story and screen play is by Ben Hecht. (He gave you "Viva Villa!") Directed by JACK CONWAY. Harry Rapf, producer.

**4**

### FOR THE MUSICAL THRILLS!

Crammed with soul-stirring fervor is its music. Never such a wealth of love songs, of patriotic songs as Nelson Eddy pours from his singing heart!

**5**

### FOR THE BIG PRODUCTION!

M-G-M has again given the screen a mighty entertainment. One after another they come, the Big Attractions of the screen, winning the public anew for the hits of the Friendly Company!



# Use Fred Allen Program to Test Midnight for Radio Broadcasts

NBC is giving the Fred Allen-Bristol Myers show a free ride on WJZ, New York City for the blue line program from midnight and 1 a.m. Wednesdays to find out whether there's an appreciable audience for a program at this time of the night. Listening data collected on this experiment will be used, if favorable, to build a sales case for the station involving the periods after 11 p.m.

Allen starts goes over WFEA, New York, local key, three hours earlier the same evening. To get it over WJZ, NBC merely plugs the station in on the rebroadcast which is going out to the Coast.

If the Allen test shows results NBC will build out its own variety shows for airing between 11 and midnight and try to find a sponsor for it.

# SALES HE WAS CALLED NAZI, SUES

Milwaukee, Feb. 28. — Charging that he was slandered, Bert Weisfog, real estate man and travel bureau operator, sought damages of \$50,000 in the circuit court Thursday (23) against the Milwaukee Broadcasting Co., owner of WISN, and its manager, Charles Lanphier.

Weisfog, who is prez of the German-American Alliance, charged that in Nov. '38, he lost his position as sales representative of "A German Hour" on WISN because of "false and malicious" statements made about him by Lanphier. Lanphier, it was charged, made public statements "linking the plaintiff (Weisfog) to Nazism" and indicated that Weisfog had used WFEAF for "disseminating Nazism." Weisfog, however, denied this saying he was not a Nazi and never had used WFEAF for "Nazi propaganda."

## MUZAK EXPANDS

Transcribed Music Comes Over House Electric Circuits

Muzak, wired entertainment service, has an installation in the new Niagara hotel, Niagara Falls, N. Y. Transcribed music outfit is contracting to install units in other hotels. It has leased bases, with Muzak maintenance men, for the installation and keeping tabs on the equipment. Given patrons 16 hours a day of varied music.

Installations require no feed lines, being a central unit making use of the recently perfected "radio" carrier method of shooting the live into house power lines, room units picking it out via wall plugs.

## Ask Atlas Reorg

Los Angeles, Feb. 28. — Creditors of Atlas Radio Corp. have petitioned federal court for reorganization of transaction outfit under bankruptcy laws. Liabilities listed at \$35,257.

Dick Todd Of Old Gold  
Dick Todd, vocalist, dropped out of the Old Gold-Robert Benchley show on CBS after last Sunday's (26) program. Todd was scheduled on 13 weeks on the program and was scheduled to remain at least until March, when the program shifts to the Coast.

Contractual difficulties forced Todd's dropout, single contract was in effect and more dough to go out to the Coast which was missed.

## Quick Recovery

Ted Sampler, CBS art director, was rushed to a New York hospital last week for an emergency appendectomy. Coming out of the ether the first thing he saw was a good-looking nurse. He smiled: "Not bad for a blind date."

## Bob Goldstein Files Bankruptcy Petition; Liabilities of \$64,630

Robert Goldstein, former film and radio agent, with A. H. Wasserman, filed a voluntary petition of bankruptcy in the N. Y. federal court last Monday. Goldstein's liabilities and assets of \$25,500, listing comprising two insurance policies of \$50,000 each (claimed exempt) and 35c in the Irving Trust Co.

Among the creditors are Pitt Dorsey, who has \$21,000 judgment; Clifford Oetels, who is owed \$5,430 for royalties due on the London production of "Golden Boy"; Goldstein produced there last summer; Norman Miller, \$5,000 commission due on the sale of a film script in May of 1938; Lillian E. Terry, 151 East 66th street, New York, who is owed \$20,500 on a loan; O'Byrne, Linnett & Dunfee, London legit producers, \$11,000 on breach of a contract for the production of "Golden Boy"; the Beckhardt Theater Ticket Office, Inc., \$28 for tickets purchased; Motion Picture Club, \$175 for dues.

Goldstein was long identified with blackouts, Sample & Hummer's radio shows until recently, when he became a time salesman for WMCA. He also sold talent for pictures.

## Burns and Allen Dated For N.Y. Expo Broadcast

Hollywood, Feb. 28. — Burns and Allen have a May date at New York fair for their Chesterfield program. Deal also is in negotiation for an origination at the Flrico expo.

Comics check out for the summer last July. Their resumption for sponsors is indefinite.

Ike and Leon Levy, owners of WCAU, Philadelphia, returned to the United States in (27) from a vacation in Palm Beach.

# AFRA Defines 'Freak Bookings' Which Have One-Time-Only Card Exemption

Status of "freak" radio guests has been tentatively defined by AFRA, not to hard and fast rules are being applied. Individual cases are being decided on circumstances and union execs explain they are attempting to be reasonable.

Under the loose regulations, special guests such as celebrities and leaders from other fields of endeavor are not required to become AFRA members in order to make a single appearance before the mike. However, those who are celebrities and "freaks" must have acquired their reputations in fields other than the amusement industry. Such guests will be permitted to make a single appearance without joining the AFRA, but they will be required to make a separate taking out membership.

Also explained that in general those who have no public reputation will not be permitted to broadcast without joining AFRA and persons celebrated in other amusement field

# FORMULATING ITS POLICIES

Several Alternative Policies Under Consideration—Volume and Importance May Determine Privilege of Fall Reservations for Warm Weather Layoffs

## NBC'S POLICY

Columbia's board of strategy may decide this week just how far the network will go this season in stemmng the usual exilt of accounts for the summer. Under discussion are several proposed policies. One of them is to refuse to renew the contract for any one. Another would have the layoff periods predicated on the number of hours and stations used by an advertiser throughout the year. NBC's policy allows for no time holding if they either stay on for 52 weeks or take a chance on losing what they've got.

William Paley called together a group of ad agency men a couple weeks ago and advised them that CBS was considering closing down on summer time holding. He outlined certain variations of policy that might be applied to the situation and received suggestions from the line buying coterie.

When Columbia was wide open on the vacationing last summer, NBC made but one exception to the rule against letting 'em get off the roost. That exception was Max Baer's House of Coffee. Later's contract with MGM made the exit of "Good News" for nine weeks mandatory.

## WOOL LADY ESTHER

Cosmetic Network Collects Fall Rates Sans Cammish

Agencies are chiding down the office doors of Alfred Busiel in an attempt to corral the Lady Esther account since it moved out of Lord & Thomas.

Meanwhile the networks carrying the cosmetic show are billing Lady Esther direct and are pocketing that extra 15% which would ordinarily accrue to agency.

## ALLEN KERER JOINS IBS

Allen Kerr has replaced Linc Siermons on the sales staff of International Business Machines Co. Kerr comes from Free & Peters.

# NBC Home Office Won't Sanction Talent Search in Musical Club

## Key Thompson's Cards

Key Thompson, currently in the Edith show (CBS), carries four union cards. Latest addition to her collection is the ticket issued by the American Federation of Radio Actors.

Her other memberships are in the American Federation of Musicians Screen Actors Guild and Actors Equity Association. For those holding membership in the latter two organizations there's a 50c discount allowed by AFRA.

## Crumit Victor in Suit Over 'Cabalero'; Shilkret, Dunham, Stubler Testify

Finding that Frank Crumit had in no way used the words of "El Spanish Show" in either song or speech, Federal Judge Samuel Mandelbaum, in N.Y. on Monday (Feb. 27) dismissed a \$50,000 action brought by Adelina Francis Ryan against Crumit and Batten, Barton, Durstine & O'Connell.

The plaintiff had sought damages on the grounds that the words in her song were stolen by Crumit for use in "The Gay Caballero."

Trial of action started on Feb. 26 when the plaintiff as her own main witness. The defendants besides having Crumit take the stand placed Jack Shilkret, Fred Dunham, Production executive at NBC, Kenneth Webb, N. Y. U. professor; William Stabler of S. and S. Lyons on the stand.

The judge, besides finding no plagiarism found the plaintiff guilty of laches (undue delay in asserting a right).

## Marian Jordan (Molly) Is Due Back in Few Weeks

Hollywood, Feb. 28. — Marian Jordan (Molly) is expected to return to the Flrico production program within the next few weeks. She's due in this week to rest up from her long illness.

## Neil Barrett Resigns

Neil Barrett has resigned as v.p. of the Texas Network. "X" became effective March 15.

Barrett has been with the "N" since its organization by Elliott Roosevelt.

Schenectady, N. Y., Feb. 28. — Breslari Bros., furniture chain, will have to drop its "Talent Search" idea on WG2 Saturday mornings after the current contract with the station and the station has expired. The show runs counter to the pattern which NBC, which manages the station, wants to maintain for the daily Musical Club period which comes before 9 a.m. While clients are permitted to substitute live talent for the "Treasurer Library recordings during this stretch, the home-office policy makers feel that "Talent Search" does not fit with the spirit and theme of the Musical Club.

Some action is using an Italian comedy character, Gastouche (Ed Gurney) and the other early hour hours it has under contract during the week, but this is okay with New York whose opinion it is that the m.c. is consistent with the period's policy. "Talent Search," which is open to professionals as well as amateurs, was introduced about two weeks ago. The hunt was to last six weeks and the show's contract would be given a contract at local standard rates for the like period.

# BABBETT MAY DROP PACIFIC RE-B'DCAST

Rather than add \$450 to its talent payroll for the right to re-broadcast series from the NBC line, B. T. Babbitt, Inc., is considering dropping the "Mama" series from its line. Babbitt from WOR, Newark; KNX, Los Angeles, and KPO, San Francisco. In the case of the re-broadcast for this area, since WFEA, N. Y., carries it earlier in the day as part of a red hookup. As for the Coast, Babbitt is merely interested in hitting the L. A. and Prisco markets and sees no economic sense in paying full rebroadcast prices for only two spots.

Accord through its agency, Blackett-Sample-Hummett, will decide this week whether to cancel all three spot arrangements. The show is fed daily to WOR's recording service and that station clears it in the afternoon. Two other agencies of the same installation are shipped out the same day to the Coast stations under contract.

## PROCTER & GAMBLE'S 5TH Adds 'Mammoth Mother' to Across-the-Border Scripts

Procter & Gamble entrenched itself still further Monday (27) as the country's biggest user of network time by linking in its fifth season a red hookup. As for the "Mammoth Mother" series, new member of the P&G family, will be a regular script for Chippis on a 10-station CBS hook-up five days a week from March 15 to May 15. The series will be written by W. M. Pedlar & Ryan is the agency.

While R. & G. will be using a total of 39 AM's, it will add up to 404 hours. General Foods beats the latter by 100 AM's by 15 Minutes a week.

Mammoth Mother, originally produced by WBNS, is being sold through for American Family Soap (also P&G) will continue to be produced by Chippis. The series will be written by W. M. Pedlar & Ryan.

Reg Maloney, WKRC, Cincinnati, publicity director, motored through southern Ohio and Indiana last week to 39 AM's. He will edit a dailies and editors of weekly newspapers.

# Associated Press Free Service To Broadcasting Provokes Speculation: Eventually May Go Commercial?

Columbia will likely initiate a set of Associated Press tickers this week. The agencies offer free service on a strictly sustaining basis had been deferred by CBS until it became certain that the move in the third paragraph of a letter which Kent Cooper, AP general manager, had addressed to the various networks on the subject of this service. CBS wasn't certain whether the paragraph concerned imposing the obligation that no other service but that of AP could be used for sustaining purposes.

Cooper's letter gave assurance that AP will not sell its service or attempt to compete for advertising business with the other services now catering to radio. Cooper also stated that the networks or stations accepting the AP service would have to assume all liability for its contents. Notwithstanding Cooper's assurance the impression prevalent in some quarters of radio is that the AP has gone in for a form of sampling. These skeptics are of the opinion that after AP printers have been thoroughly acquainted with radio stations the AP's board of directors will be induced to enter into some arrangement of news selling for sponsored purposes. At the present moment the AP board is motivated by the belief that through the free service idea radio's help can be induced to bolster the sale of AP newspapers.

WOR Newark, installed a set of AP printers last week and the question of Mutual accepting the service is now under discussion by this network's officers.

**Lewis Fight Looks Good**  
Washington, Feb. 28. Creation of special broadcast radio galleries in the Capitol—denying the half-century press monopoly on Congressional coverage—looks probable this week, following Senate Rules Committee sifting of pro and cona about admission of microphone galleries to the press quarters. Matter probably will have to be voted by both branches of the national legislature, which will be under strong pressure from rival media.

Led by Fulton Lewis, Jr., daily speller by Mutual, the radio forces argued that the horse-and-buggy rules need modernization, complaining against discrimination in favor of publishers. Fight brewing for several weeks since Lewis first sought admission to the regular reporters' rooms, where he used to move as pleased representing the Hearst wire services. On the theory the regulations mean entry can be granted only to dispatchers whose accounts go into print, the Standing Committee of Correspondents—five members representing business associations and metropolitan rags—rejected his application last month. Whereupon Lewis appealed.

Jack Benny gets a sheepskin for something or other on the Mutual and Abner's program March 3.

## Army's Radio Reserve

Washington, Feb. 28. Licensed amateur radio operators of the Army Communications Reserve was recognized last week by the FCC in an announcement calling attention to the assistance which "hams" can give to the Navy and the Army.

More than 51,000 operators—many of them affiliated with the Naval Communications Reserve and the Army Amateur Reserve System—are standing by to handle emergency communications in floods, storms, shipwrecks and other disasters. Commish pointed out. Practice drills and instruction from the Army and Navy are helping the hams improve their skills and develop accuracy and speed.

## WLW DEFEATED IN 11TH HOUR PLEA

Washington, Feb. 28. U. S. Circuit Court of Appeals refused to grant the plea of WLW, Cincinnati, for a stay of the Federal Communications Commission's order reducing the station's power from 500,000 to 50,000 watts, effective in the morning (Wednesday). WLW's dramatic eleventh-hour fight came to an end with the court's unanimous ruling at 8:45 p. m. today (Tuesday). Spurt of sudden activity around the station broke at 4:30 p. m. a half hour after usual closing time, when the appeals heard asked the commission that it delay putting its WLW order into effect for 24 hours. Court was advised that the commission didn't have a quorum available to legalize such action. The FCC was then advised to get an attorney over to the courthouse within a half hour as the judge intended to determine why the commission shouldn't be temporarily stopped from enforcing the order.

In a counter petition which the FCC filed with the court last Saturday (24) it stated that the appeals court would, by acting on WLW's plea, intrude on the administration of something over which it had no jurisdiction.

## Lottridge Joins WHO

Des Moines, Feb. 28. J. Bury Lottridge has been named successor to Ross Wallace in the regional director at the Golden Day (Des Moines). Lottridge was formerly sales manager for Central States Broadcasting Co., Omaha, Council Bluffs and Lincoln.

## Young Meets Vestmen

Special events and news reps of NBC, CBS and Mutual get together with the Young Men's Christian League at the New York World's Fair today (Wed.) to discuss needs of the public and look at other radio activities at the fair. Abe Schechter of NBC, Paul White of CBS, and Mutual's G. W. Johnstone meet with Young.

Confab will be in N. Y. rather than at the fair grounds. The group got back Monday (27) from a hop to Miami after looking into the Walter Winchell broadcast from WIOD.

## Strike Threats End with Pay Tilts for IBEW

St. Louis, Feb. 28. Strike threats by approximately 80 members of IBEW local 100 employed as amplifier and transmitter technicians in six local radio stations in East St. Louis were squelched by national officers in Washington, before wages and benefits were raised. The contract, which is as of Feb. 15, will run until Nov. 15, 1941, and contains a clause which permits the union to reopen the wage scale only by giving 60 days notice. The IBEW members will receive a flat 10% increase in wages, and two weeks vacation with pay and double time for overtime which will amount to \$2.10 per hour and the highest rate in the United States.

The contract, which is as of Feb. 15, will run until Nov. 15, 1941, and contains a clause which permits the union to reopen the wage scale only by giving 60 days notice. The IBEW members will receive a flat 10% increase in wages, and two weeks vacation with pay and double time for overtime which will amount to \$2.10 per hour and the highest rate in the United States.

A Danish research man will be brought to the United States in the near future on Rockefeller funds to spend six months studying radio scheduling in the U. S. The man is as he was leaving the IBEW headquarters last October.

A six-hour huddle that resulted in the signing of the pact was held in the office of George M. Burbach, gen. mgr. of the St. Louis Post-Dispatch. Other IBEW members who attended besides Brady and Burbach were Al S. Foster, WEYF, L. Williams, Wm. West of WKYC, KWK; Marie S. Jones, KMOX, and John C. Roberts, Jr., KXOK (St. Louis). W. L. was absent from the final because of illness, but gave his back talk to the press which he later liked.

## KELSEY-HAYES-AUBREY SHOW DUE FOR EXPO

San Francisco, Feb. 28. New weekly audience show, "Radio Review," (the "blue" one) may shift origin to Golden Gate International Exposition. "Radio Review" is being completed. Forty-five minute show, now presented at the Community Club, is being produced by Nelly Tollinger. Cast includes Walter Kelsey's orchestra; Francis Hayes as announcer; Dudley Boyer as the hater; Aubrey, Kenney Gillum; the Knickerbocker male quartet, and a group of actors in a playlet.

## Linklletter Sponsored

San Francisco, Feb. 28. With Art Linkletter in the role of round table reporter at the Golden Gate International Exposition, a new series of half-hour programs entitled "Radio Fair Party" is being presented Saturday nights at 6 p. m. EST over KPRC and 11 other Mutual-Don Lee outlets in California, under the banner of the Roma Wine Company (table wines).

Stokes, who directed pre-opening radio activities for the fair. His resignation from expo staff is effective April 1.

# Rival Techniques in Surveying Newly-Important Farm Audience Stirs Advertising Controversy

## TERRIBLE RESPONSIBILITY

VWXYZ Used in Radio Classes at University of Washington  
Seattle, Feb. 28. Theodore B. Bell, instructor of radio drama at University of Washington is now using VWXYZ as supplementary material. Says reactions from the students have shown that the publication can do a part of his job a lot better and, equally important, a lot quicker, than he can by commenting on the usefulness. Bell added: "Many of our radio students are majoring in Vazary linguistics."

Kentucky's Course  
Louisville, Feb. 28. University of Kentucky at Lexington is scheduling new radio course. It will offer three credits, and is scheduled for summer session at the University, now in direction of Elmer G. Sulzer.

Members of WHAS 'at' will cooperate with the Columbia group in outlines of broadcast structure; Robert Kennel, program producer; Fred Atkinson, continuity; Crin Tuttle, radio equipment; as well as special sales handled by Clyde Harris, Neal Cline, Edward Barrett and Joe Eaton.

## DANISH TIE-UP BY PRINCETON

A Danish research man will be brought to the United States in the near future on Rockefeller funds to spend six months studying radio scheduling in the U. S. The man is as he was leaving the IBEW headquarters last October.

A similar arrangement may also be worked out with Holland and France at a later date.

## Ins, Outs, Ups at WXYZ

Detroit, Feb. 28. Two new assistant dramatic directors, Fred Robertson and John Post, top staff changes at WXYZ here. Both will add Charles Livingston, drama editor, to the staff.

Robertson's sound job handled by Fred Flowerday, and Larry Kelley, announcer, moves up Hoop's post. Fielden Farrington, speller, becomes assistant to Carl Gensel, chief announcer, moves up Hoop's post. Harold Turf, recently appointed to succeed Russell Neff who is going to take radio department in Knox-Reeves agency (General Mills) in Minneapolis.

John Post, head, vocal at station for past five years, quits to go to Chicago. New faces in studios include: Bob Gensel, as Deputy Hoop; speller; Roy Bengert, of sound department; Albert Hayward, engineer; and Dudley Boyer, mail. View-comers to dramatic staff are E. M. Johnston, Ida Muller, Frank Russell and Bruce Miller, while Vetra Nally joins singing staff.

## Bill Slocum, Jr., to D. C.

William J. Slocum, Jr., of Columbia's special events publicity department in New York, has been assigned to replace Bill Slocum at the CBS Washington bureau. His brother, John, former night detail man in the New York public relations division, now public affairs department. He'll also do scripts for Mel Allen, daily sports commentator.

The Slocums are sons of William, Sr., contact man for General Mills on their sports airings.

## KSCJ to NBC

C. J. Corliff signed last week with Hill Hedges, of NBC, whereby KSCJ, St. Louis, becomes WJBC, under alicite. The station is owned by the Sioux City Journal.

Radio statistical circles in New York were in a statistical quagmire on an uproar last week following publication of a study of the new surveying from rival surveys of the farm audience made by NBC and CBS. The study, which was a result of the situation there loomed dramatic evidence of the importance attached to CBS the networks to the farm audience as such, in the 1938 solicitation of accounts. More important is the study of the arrangement of the Joint Committee of Radio Research itself in the present situation, as reported last week.

NBC has been using the results of a rural postcard survey made last year. CBS has been utilizing farm data gathered in a survey of its own made about the same time. While it is impossible to state the formal publication a fortnight ago of the CBS data. Under the title "Country Club of the Audience" it was revealed in a brochure to the trade at large that CBS had re-pollled the 96 counties originally selected by the Joint Committee job, co-financed by both webs, using the same field organization. It also raised some of the previous JCR visits had put non-existent questions.

NBC's reaction was that CBS was attempting to ride the prestige of the Joint Committee's study to the purposes of throwing light on general rural listening habits were in fact, the CBS study was covering specific agricultural audience division of some 270 network stations.

Ken Dyke, NBC sales executive, commented on the Vazary story as follows:

"NBC completely endorses the Joint Committee study. In fact we have already started on its preparation. Since the Joint Committee was not interested in our study, we have been studying rural listening habits and preferences. It was not necessary for us to study the Joint Committee with regard to their geographical placement in relation to rural counties and network stations. But when anybody uses these same counties for their study it is a very different matter. About one-third of all the radio families in the United States—including the vast majority of the rural listening families—are in the rural areas of remote regions. It is a very different question whether any rural study which is so largely confined to rural counties which are near large towns or cities can give an accurate picture of nationwide rural station or network preferences."

CBS, which calls the post card method "a very crude method," manager, defends its own farm survey as being done via 11,000 field cards sent to farmers against NBC's post card sampling done by the CBS camp.

## Blow Willing to Renew 'What's My Name?' But Price Tilt Causes Resisted

Although the time on Mutual has been renewed, effective March 1, the "What's My Name?" program is not set to continue under the Philip Morris banner. Milton Blow, agency man in the CBS Washington bureau, is having a tough time getting to the other side of the contract which provides for a salary tilt on the second year.

## Orphan Agency, Fedded

Chicago, Feb. 28. Program based upon the lives of famous orphans is being readied by Patricia Ann Manners.

The microphone famous personalities who were sons parents,

1939-40  
VARIETY  
DIRECTORY  
NOW IN EDITORIAL AND  
ADVERTISING PREPARATION

# Something More to Worry About

Recent U. S. Supreme Court decision in a vital copyright case... delayed filing nullifies penalties charges—may hold much grief for broadcasters. View taken by court majority is that in filing copies is required in order to obtain protection against infringement.

Novel interpretation of the statute was rendered in the lift between Fred Pearson and Bob Allen, authors of the Washington Terry-Gorham, and the editors of the defunct Washington Post. The latter the former poached, with the Merry-Go-Round reporting. Later claimed in filing copies with the Copyright Office negated the asserted matter.

In recent years about 30,000 pieces of original music have been registered... in Washington sleuths, to find out who they were infringing. Following the reasoning of the court majority, future tune-makers can take as much time as they please about notifying the Library but still can demand reparations for infringement.

# PEDAGOGS SEE RCA FACTSMILE

WTAM capitalized its new RCA factsmile equipment last week in a demonstration for educators attending the National Education Association convention. School lessons and bulletins were made on the new RCA factsmile engineer, Injun, four schools as well as civic auditoriums where lessons were made on the new RCA factsmile school system's new short-waver, WBOE, was used to pipe them from WTAM.

# Langworth Stock Fills In N.A.B. Non-Cop Library, 200 More Hrs. Promised

Washington, Feb. 28. Langworth (Langlois - Wentworth) has taken over the obligation to provide NAB members with a tax-free supply of music. Contract tentatively initialed last week provides for a total of 200 hours of waxed entertainment.

Treaty stipulated that Langworth will take over the NAB stock for 100 hours of recorded music and in addition will record in the next two years an additional 200 hours. With 20 hours already plated, Langworth will adhere to the price scale set in the contracts by which the NAB sold its customers.

After all subscribers have received their first 20 hours, NAB will produce more platters, to be sold at \$10 per hour plus added costs attributed to demands of American Federation of Musicians, but with a \$15 top. Trade association was assured the 200 hours will include "a substantial percentage of new, original dance music with WTAM will supervise the recording via an advisory committee.

# Griffin Showtime With Gateway For Return of Hal Kemp

Birmingham, Castleman & Pierce, Inc. agency on the Griffin showtime. Griffin will supervise the NBC for a half-hour in which to start Hal Kemp this April.

Getting Kemp program was on the blue (WJZ) last season and ran 24 stations from May to November.

# 'Gateway' Stays Open

Chicago, Feb. 28. In connection with Gateway to Hollywood renewal for another 13-week jaunt for Wrigley agency, Lee Allen Columbia, Va. here, prepared to end and from the Coast over the week-end for a quick o. o. of the show. Lasky was in town last week for the moonlighting.

# Proposed State Packaged Goods Law Has Clause On Hiding Maker's Name

Albany, N. Y., Feb. 28. A stringent Uniform Food, Drug and Cosmetic Act has been introduced in the New York State Assembly by Senator William Bewley, Lockport, and Assemblyman Herbert A. Ziegler, Albany. The bill provides for prevention, adulteration, misbranding and false advertisement in intrastate commerce.

Contains a provision that "no publisher, radio-broadcast licensee, advertising agency, or agency or medium of mass dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which the advertisement relates, shall be subject to the penalties (imprisonment for not more than 90 days, or a fine of not more than \$50, or both, with imprisonment up to 90 days and a fine up to \$500, or both, or a fine not after a conviction), unless he is brought on the request of the administrator to which the name of the manufacturer, packer, distributor, seller or advertising agency is printed on the advertisement, or caused him to disseminate such false advertisement. The term "advertiser" is defined as any person, firm, partnership, or other than labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food, drugs, devices or cosmetics.

# NBC GOES LAH-DE-DAH FOR FRISCO CROWDS

San Francisco, Feb. 28. Evening attire is being donned after six o'clock by all who are expected to attend the KFO-TV-KGO studios here and special uniforms are being worn by members of the mail and messenger, and guest relations staffs for the benefit of visitors to the station. Exposition who also take a gender at the local NBC outlets while in town.

Mail and messenger clerks are garbed in gray with silver trimming, while the guest relations staffs wear dark blue uniforms with light blue cord and NBC insignia on one shoulder.

# Rathbone Circle Prexy

Hollywood, Feb. 28. Basil Rathbone will act as a permanent berth as prexy of the Kellogg Circle. Gavel, however, may fall into other hands if Ronald Coleman and/or Cary Grant decide to drop in occasionally for a guest whiff.

Getting Hampton does a repeat on the program March 5, as does Marion Anderson the following week. Lawrence Tibbett is back on the show later.

# Skipworth Package

Alison Skipworth is being offered to radio agencies with a script show based on the life of the late Marie Dressler's "Min and Bill" characterization. Bob Goodhue following Lawrence Tibbett on the show later. Spot episode Miss Skipworth was waved at W. C. Fields but it was turned down as previous commitments. Dudley Digges may take the spot.

# THE ASSOCIATED PRESS' ADVERTISING 'SIN'—John Shepard, 3rd, Defends Right to Crusade for 'Good Government'—Not Doing It Now, but Won't Promise to Refrain—More Fiscal Details

Washington, Feb. 28. Yowls about the continuing breakdown by 'semi-partisan' organizations wielding a club over broadcasters were aired to the FCC last week as the chain-monopoly power got ground to regional weeds. First details on sectionalism were obtained from executives of the Don Lee and Colonial-Yanke combs.

First intimation of wailing about the operating costs due to copyright and copyright-owners occurred while Lewis Allen Weiss, v.p. of Don Lee, was in witness chair. Some of his sentiments later were echoed by John Shepard, 3rd, head of the New England chain.

In an indirect appeal for government aid and sympathy, Weiss pictured the harassed broadcasters as perpetually engaged in a self-defense. The government tax collectors, technicians, musicians and copyright-holders batter from the other side of the fence. Copyright-holders will be the death of small networks and independent stations, Weiss intimated.

Radio 'Victimized,' Weiss Declares; Rainy Days Feared Higher operating costs due to the demands of the unions and ASCAP will lead to an inevitable jacking of rates. Higher operating costs due to the demands of the unions and ASCAP will lead to an inevitable jacking of rates. Higher operating costs due to the demands of the unions and ASCAP will lead to an inevitable jacking of rates.

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affiliations with other networks of some members of the old Yankee combs. Don Lee is to have a winter outlet because of WNAC's link with NBC, which makes it impossible to broadcast a weekly program completely controlled by John Shepard, Jr., his dad, the chain donor. While the outlet is owned 50-50 by his brother, Robert F. Shepard, and himself. Since former Yankee's dividends have totaled \$136,600.

Following attitude with which the Communist-led Moving Step-ward's political ventures was reflected in the proceedings, with Communist Party's walking dignifiedly persistently into policy matters. Eric denied Yankee News Service is optimistic about the future for a regional news-gathering service which, he disclosed incidentally, is being set up in New York.

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**RAYMOND FAIGER-HILDEGARDE**  
"30 Men and a Girl"

WABC-68, N. Y.  
Wednesday, 12 p. m.  
WABC-68, N. Y.  
Wednesday, 10 p. m.  
WABC-68, N. Y.  
Wednesday, 10 p. m.  
WABC-68, N. Y.  
Wednesday, 10 p. m.

Raymond Faiger, from Los Angeles, where he has been identified as the man who made it possible to conduct this mammoth orchestra of 30 men from a Los Angeles studio in New York. A musician who is also a showman, Faiger kicked off his first broadcast last Wednesday (23) emergency hours. He has been identified as the man who made it possible to conduct this mammoth orchestra of 30 men from a Los Angeles studio in New York. A musician who is also a showman, Faiger kicked off his first broadcast last Wednesday (23) emergency hours.

Faiger made out a strong case for himself. It has been customary to regard the radio orchestra as requiring never more than 40 men. Faiger, of course, has conceded to be exceptions. Faiger now shows that effects can be drawn out of undertone-dominated arrangements which will introduce fresh possibilities to popular music rendered in the grand manner. An orchestra need not be large but if it does and they are under authoritative direction and manipulation, it can be a great deal of fun.

Perhaps the main effect, as the orchestra carried into the studio, best illustrated what blends and melds. The orchestra carried into the studio, best illustrated what blends and melds. The orchestra carried into the studio, best illustrated what blends and melds.

Hildegarde (Sell) was the skirted figure in the 30 men and a girl. A compromise when Universal wouldn't okay use of its Durlin-Beasly, 100 Men and a Girl. This was easily her finest radio work. Both as a singer and as an actress, she has talents and as a bright radiance in ballroom possibilities, this brooding glow to her back.

She came through the first brooding glow to her back. She came through the first brooding glow to her back. She came through the first brooding glow to her back.

**YOM HOWARD, GEORGE SHELTON**  
"Yom Howay's Orchestra"  
WABC-68, N. Y.  
Wednesday, 10 p. m.

This one is right from the crib-corn. I don't feel up to snuff for George Shelton. He has been doing nothing to me about, come back from Yom Howard, quick-like. It's not for you to know your own name. Yom Howard, quick-like. It's not for you to know your own name.

**"SMILING JACK"**  
Serial  
WABC-68, N. Y.  
Wednesday, 10 p. m.

This particular Max Marcin marriage was not too good in the smell of the typewriter was unimpaired. The listener expecting more than a little bit of entertainment. The listener expecting more than a little bit of entertainment.

**CAREY WILSON**  
"Talk"  
WABC-68, N. Y.  
Wednesday, 10 p. m.

Carey Wilson, with Edie Albertson, a commentator on Metro shorts, guested on Thursday night (23) on the "Good News Show from Hollywood. Has an excellent radio voice, fine sense of timing, and a good sense of humor. Both in style of writing and talk. Wilson, though without the latter's precociousness.

**JACK JACKSON**  
"Take a Chance" with Edie Albertson.  
WABC-68, N. Y.  
Wednesday, 10 p. m.

Jack Jackson, one of radio's top comedians, was the only one to get up to snuff in his band shows. He has a good sense of humor and a good sense of timing.

**Helen Hayes and Kate Smith**  
engaged in a reminiscing game on the NBC radio show. She has a good sense of humor and a good sense of timing.

**Allen Roth's Orchestra**  
WABC-68, N. Y.  
Wednesday, 10 p. m.

Allen Roth's Orchestra is a fine example of a well-organized and well-performed radio show. The orchestra is well-organized and well-performed.

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**LYN MURRAY**  
"Songs for Modern" with Genevieve Rose, Edie Albertson, Fern Gluskin and Walter Green.  
WABC-68, N. Y.  
Wednesday, 10 p. m.

Musical show, with chorus and orchestra of 37 conducted by Lyn Murray, is one of the best on the air. Both in style of writing and talk. Murray, though without the latter's precociousness.

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**DOC ROCKWELL'S BRAIN TRUST**  
"With Al Roth and Genevieve Rose, Edie Albertson, Fern Gluskin and Walter Green."  
WABC-68, N. Y.  
Wednesday, 10 p. m.

Doc Rockwell, a bright and original writer, has put together an engaging formula that has the makings of a comedy. Both in style of writing and talk. Rockwell, though without the latter's precociousness.

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**LIFE AND LOVE OF DR. SUSAN**  
"A Life and Love of Dr. Susan"  
WABC-68, N. Y.  
Wednesday, 10 p. m.

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**Follow-Up Comment**

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"I haven't seen a movie in 3 years  
 ... I've never read a best seller  
 ... I've never seen a play  
 ... I've never seen a large city"



Mrs. Pratzner and her daughter listening to the radio which has now been replaced by the modern radio she won in the contest.

*But*

## THROUGH THE MAGIC OF RADIO



Alma Kitchell is shown here, presenting Mrs. Pratzner with a new RCA Victor radio—first prize in the contest.

Mrs. Joseph A. Pratzner of Mays Landing, N. J.

Hears the latest news

Listens to drama

Knows the comedians

Says: "Without radio my family and I would be lost"

**PRIZE WINNER** in the contest— "What radio means to me and my family"—recently conducted over NBC facilities by the program—*Alma Kitchell's Brief Case*—Mrs. Pratzner's letter echoed the statements of nearly every entrant.

"Radio means heaven for my child," wrote one woman of her blind daughter. Another credited radio with straightening out her wayward

son. An American, barricaded in the loneliness of a foreign land, declared radio was her "whole world." A listener living in the slums said radio "keeps us from going mad."

NBC is proud to play a part in so great a public service as radio. And NBC is also proud that its Alma Kitchell program—a 10-minute feature—attracts a listening audience from Mays Landing to Nicaragua!

**NATIONAL  
 BROADCASTING  
 COMPANY**

The World's Greatest Broadcasting System  
 A Radio Corporation of America Service

# ATTY-GEN'L MURPHY HEEDS LEGAL RAPS AT 'FCC HODGE-PODGE OF REGULATION'

**Pres. Roosevelt Behind Scrutiny—Devious Devices of Comish and Refusal to Come Out in Open Subject of Disapproval—Radio Law Costs Go Up**

Washington, Feb. 28.—Another rewriting of the FCC rules of procedure—which now are greatly at variance with customs in all other government establishments—was in prospect this week. Attorney General Murphy, with complete backing of President Roosevelt, has embarked on a study of administrative routine of all regulatory boards as a result of mounting criticism about dictatorial operations, bias and expense.

Possibly bearing on the actual make-up of the Comish and paving the way for law changes more vital

than any now under consideration, the Murphy probe will be conducted by a six-man committee including three Justice Department executives, one Federal judge, and two outside lawyers.

Natural consequence of complaints registered repeatedly by the American Bar Association, whose Committee on Administrative Law—headed by Louis G. Caldwell, leader in the radio legal fraternity and former Federal Radio Commission general counsel—has been clamoring for uniformity and restrictions for several years. Most recent report of

similar District of Columbia Bar Association on the broad proposition created heat, citing the FCC, which is believed immediately responsible for Murphy's action.

**Hodge-Podg of Rules**

While details are vague, the purpose of the study is to simplify the chores of the Justice Department, which—in theory, at least—is charged with responsibility for defending actions of regulatory bodies in the courts. Veritable hodge-podge of rules and embarrassing differences in operating methods make it difficult for the D. J. to prepare cases, while lack of uniformity causes comparable headaches for the courts. As it stands, arguments which D. J. lawyers may make to defend procedure of one administrative body subsequently may be used by attacking attorneys in a case

## Johnson's Crack

Hugh Johnson in his Scripps-Howard syndicated column under the heading "Radio in Danger" last week, characterized the pending McNinch-Wheeler FCC reorganization measure as:

"A bill to get rid of Commissioners George Henry Payne and T. A. M. Craven."

against another Federal unit. There's that much sloppiness.

Chief questions which Murphy's advisory group will seek to answer include (1) to what extent the courts should have power to review the action of the regulatory boards, (2) possibility of adopting uniform procedure for all the quasi-judicial units, (3) providing safeguards which will minimize the merging of judge-jury-prosecutor functions, and (4) cooperation between enforcement units.

## Increase Costs

The study is almost certain to result in airing of lawyer's complaints against the new FCC procedure adopted last November as conse-

quence of the abolition of the examining department. Possibility that broadcasters will benefit, since the present routine materially increases costs of pressing applications being making the outcome more eccleciastical. Among the principal squawks of the McNinch-Wheeler bill are: Commission lawyers to come out into the open—they never file any exceptions or take part in oral arguments; they prepare the digests of evidence for members supposed to attend the proceedings; they advise in the reaching of decisions after having taken part in the original evidence-taking maneuvers.

The present FCC system is notably different from that of similar outfits which perform work of the same kind, especially the Interstate Commerce, Securities & Exchange, and Federal Reserve Commissions, where there is a clear differentiation between the examiners and the law-official present-taking maneuvers and investigations.

President Roosevelt stamped approval on Murphy's suggestion for a review of this matter. Hoped the survey will remove weaknesses and Federal law for material improvements.

Committee consists of Assistant Attorney General James M. McFarland, head of the D. J. lands division; Golden W. Bell, Assistant Solicitor General; Chief Justice D. Lawrence Green; and Chief of the Appeals; Arthur T. Vanderbilt, past president American Bar Association; and Dean Acheson, former Undersecretary of the Treasury.

## WBIG Tower Blown From 20-Story Perch

Charlotte, N. C., Feb. 28.—Extraordinary speed by engineers had radio station WBIG, Greensboro, operating with unimpaired strength within an hour's time after violent wind squall crumpled the station's 150-foot steel tower atop 20-story building.

Tower crumpled, falling across the top of the building with its top section whipping down the north wall and breaking several windows. A clerk was cut by flying glass but not seriously hurt.

## Benchley Trek Delayed

Robert Benchley show on CBS originally scheduled to shift to the Coast following the signing of March 15, will hold in New York until March 26.

Broadcast there will be from studios on Warner Brothers' Sunset lot, according to present plans.

## PREVIEWING THOSE LIDS

Nancy Turner of WMCA, New York, led a stunt Monday in connection with her women's program. Had a jury of 12 men with Actor Eddie Albert as foreman looking over the spring hats for the ladies.

Episode took place at the Park Lane hotel, N.Y.

## KWKH's Local Baseball

Shreveport, La., Feb. 28.—Station KWKH will air all Texas League games of the Shreveport baseball club during the forthcoming season.

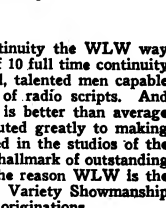
Jerry Bozeman will handle.

# Author! Author!

To write continuity the WLW way requires a minimum of 10 full time continuity writers... experienced, talented men capable of creating all types of radio scripts. And because their writing is better than average... they have contributed greatly to making the phrase... "produced in the studios of the Nation's Station" the hallmark of outstanding radio production... the reason WLW is the only winner of TWO Variety Showmanship Awards for program originations.



EDWARD CARDER



DOUGLAS KUSSINON



ROBERT MONROE



JACK C. WILSON



VAN WOODWARD



DERICK WULFF



...these things too, we think are part of the story of WLW

## Leadership

A January, 1939, listener interest survey revealed that WWJ led the other three network stations in Detroit by

65% 187% 207%

Such leadership merits the most careful consideration of advertisers in the Detroit market.



Owned and Operated by  
The Detroit News  
Represented Nationally by  
Geo. F. Hollingsbery Co.  
New York, Chicago, Kansas City, San Francisco, Atlanta



# HAL KEMP AND HIS . . . ORCHESTRA

**Beat All Opening Day Band Records at the Paramount, New York (Feb. 22nd) with \$13,000---Off to a First Week's Gross of \$53,000 . . . .**



Hal Kemp (left) is congratulated by Robert Weitman, Managing Director of the New York Paramount, after establishing a new record

• Concluded a series of record-breaking engagements—Drake Hotel, Chicago, broke all records. At the Palace Theatre, Columbus, broke all dance band records. At National Tobacco Festival, South Boston, Virginia, played to 10,000 people in one night!

Returning to the Air this Spring for a Second Season with "TIME TO SHINE" for the GRIFFIN MANUFACTURING COMPANY. Produced by BIRMINGHAM, CASTLEMAN & PIERCE, Inc.

## HAL KEMP And His ORCHESTRA

Featuring JUDY STARR • BOB ALLEN • SAXIE DOWELL • JACK LeMAIRE • MICKEY BLOOM • EDDIE KUSBY

OPENING MARCH 29  
EMPIRE ROOM  
THE WALDORF-ASTORIA  
NEW YORK

Paramount, New York - - - - - February 22, thru March 7  
Shubert Theatre, Newark - - - - - Week of March 8  
Fox Theatre, Philadelphia - - - - - Week of March 17

RECORDING  
EXCLUSIVELY  
FOR  
RCA-VICTOR

Personal Management - - ALEX HOLDEN, RKO Bldg., Radio City, New York

Direction - - Music Corporation of America

# Three U. S.-Owned Outlets Broadcast Under American Law in Shanghai; Chinese City Has 40 Radio Stations

Shanghai, Feb. 3. Onhand, about the worst place in the world to own a commercial radio station would seem to be Shanghai, China. This great commercial city, with a population of 3,500,000, has nearly 40 radio stations competing for an estimated 350,000 radio sets. It has, in fact, more radio stations than any other city in the world—and that includes Havana, Cuba, which has over 30. When the Chinese were in control of Shanghai, they ordered the stations to give 20 minutes out of every hour to the government for 'education' and propaganda, plus the period

from 8 to 9 p.m. for broadcast of government programs from Nanking. Now the Japanese are more or less in control, and the station owners are still on the same old hot seat from another direction.

However, Shanghai is a pretty good place to own a station if the control rests in American (or other foreign) hands. Right now there are three American-owned stations in the city, plus one French-owned outlet. This quarter doesn't have to live up to the local government radio regulations. The American fraternity operates under the laws of the District of Columbia (but not under FCC statutes). What this comes down to, is that the American-owned group does just about what it pleases, so long as it doesn't run afoul of decency considerations or libel laws. One of the stations, XMCRC, owned jointly by the Overseas Broadcasting Co. and the Post Mercury Newspapers (U. S. firms) broadcasts uncensored news without fear of any reprimands, for American law guarantees freedom of speech and press.

Furthermore, the American outlets have snappier power than their Chinese counterparts. Most of the latter operate on such small scale as to have their range heard outside a 10-mile radius. While this

step-squawk wattage today isn't as big a drawback for the Chinese as it used to be (isolation of Shanghai makes coverage outside the city of less value than before the war), the Chinese still are a long way from deriving satisfactory signals.

Translated into hard cold dollars, all this means the following for XMCRC (cited here as an example of an American-owned outlet): Seventy-two clients, many of them agents or outlets for American firms seeking a Chinese market. Among clients are Ford Buick, Chevrolet, Cadillac, Wright, Kidam Milk, Vestalgar, Milk, Philco, Zenith, Westinghouse, General Electric, RCA, etc. XMCRC has a base rate (evening half hour) of \$50. That's about 17c U. S. money.

**Emphasizes News**

As just about everywhere else in the world, music is the biggest programming ingredient in Shanghai. This quarter, it is somewhat different from the other stations in that it has more news because of its newspaper ownership, and its ability to broadcast uncensored stuff. At about the same time comes more hours, however. Programs generally are split because Chinese dialects (Mandarin and Cantonese) and foreign languages. Also plenty of remotes from the alien and the beloved. Not to go too far as the U. S. stations are concerned, that includes programming features in putting industry. XMCRC right now is running a series of 32 sketches (most of them of American origin) (supplied by the U. S. Department of Commerce).

NEWS items in use are recordings and transcriptions, due to lack of much local talent except in the minorities.

## Colin Squirewood Arrives Mar. 21 from New Zealand, Will Study American Ways

Auckland, N. Z., Feb. 7. Colin G. Squirewood, controller of New Zealand's commercial broadcasting system, will arrive in San Francisco March 21 for a look-see at American broadcasting methods and programs. Squirewood has been the operating manager of the network since its inception in 1937.

Government owns and operates the non-commercial radio and commercial networks. With the entry of the latter installation of sets (unavailable to the general public) to be found in 75% of the Dominion's homes. Success of the commercial set is largely credited to the introduction of such American programs as "Easy Aces" and "The Story of the Detective." Last week's checkup gave the commercial link 71.3% of the total listeners.

## MEXICAN STATIONS PRO SENATE OKAY

Mexico City, Feb. 28. Mexico will avoid plenty grief and delay in her radio biz at home and abroad if she falls in line pronto with air covenants that were made by North American countries at Havana and elsewhere in the recent past, the Association of Mexican Radio Stations Operators told the senate in urging that it reconsider its recent action in passing up ratification of these pacts.

The association argues that ratification of these pacts is not only a patriotic duty of Mexico, but it will eliminate misunderstandings with regard to radio, with the U.S. and other countries.

## HUGHES, EX-BBC, ON WTMM Milwaukee, Feb. 28

John William Hughes, former member of the British Broadcasting staff, is pinch-hitting at WTMM for Nancy Grey, during her sojourn at St. Paul, Minn.

Until recently Hughes was an ambulance driver and newscaster in the Spanish war zones. WTMM here is describing some of his adventures and presenting the Britisher's impressions of America.

International Chemical Co.'s new bookings on Radio Normandy for Limonene, Phosphate and Lavona makes their total time from this station two hours weekly. Their other products thus advertised are Blumang, Frezzone, Anne French Cleansing Cream, Flanstone Honey Cough Syrup, C. Mitchell & Co. and agents for the new contract with IBC.

## OPEN HONOLULU OFFICE

George B. Richardson and Ken Carney of Fresno Appointed

Honolulu, Feb. 28. Joint offices have been opened here by Bowman, Holt, Macfarlane, Richardson, Ltd., advertising agency and Pan-Pacific Press. The latter has been affiliated with B. H. M. for two years and both are affiliated with the Kowloon Broadcasting Co., Inc., agency, whose headquarters are in San Francisco.

George B. Richardson, who was formerly vice-president of the San Francisco area, is now secretary of the Honolulu office. In charge of radio production is Kenneth B. Carney, former NBC program director in San Francisco.

## QUEBEC INDIES PASS AROUND SHOW IDEAS

Montreal, Feb. 28. Pre-tested radio programs will be offered to members of the recently formed Association of Private Radio Stations of the Province of Quebec as a means of preparing program service to communities. Members of the APRS will report to the executive on all programs which click in their respective communities so that same shows can be used by all member stations.

Latest development is in line with a broad international exploitation campaign. Also launched by the APRS for the purpose of making the public conscious of community services also rendered by privately owned stations.

APRS is also reported working jointly in cooperation with the Canadian Association of Broadcasters toward a solution of problems which are currently afflicting members of the national as well as the provincial association.

Although the APRS of Quebec differs from the Canadian Association of Broadcasters in that stations affiliated with the government network are ineligible for membership, provincial association execs report that they are working with the national body of broadcasters because of identity of interests.

## BBC Condescends To Debate Own Perfection

London, Feb. 20. Going hotfoot for listener criticism of another aspect of its programs, BBC invited direct comment on talk given Sunday (19) aimed at ventilating standardized English speech as practised by its announcers. All staff speakers on corporation's roster are required to use set pronunciation of words in alternative renderings, as indicated in list drawn up by special committee on spoken English, of which Prof. A. Lloyd James is chairman and George Bernard Shaw a member.

In this broadcast, Prof. James will debate in favor of standardized language with T. Thompson, an authority on dialect and local speech, who will argue the merits of it. Listeners are then invited to cast a vote by means of ballot form enclosed in special program publication, "Radio Times."

# BBC Gets a Hint Of What Blurring Would Accomplish

London, Feb. 21. Radio comedian Arthur Askey, in his "Band Waggon" act has a gab about an imaginary chemical product called "Askeyfort" which he alleges is capable of cleaning anything. Idea is a crack at BBC's ban against mentioning names of advertised goods on the air, so when he dragged in this fake product in his last broadcast he carefully explained, "I mustn't tell you what it is, because that would be advertising."

From just next morning, big London drug store reported to BBC it had received an order for a dozen bottles of "Askeyfort" and could Corp. tell them what it was!

# It Speaks Their Language

# CKAC MONTREAL

- It takes three radio theatres to accommodate all the enthusiastic Montrealers who care to see CKAC's live shows each week.
- This popularity is easily explained:

1. Three-quarters of Montreal speak French.
2. CKAC speaks French.

# Canada's Biggest Station



## "WELCOME, WELCOME LEWIS!"

...says the audience that listens to her SINGING BEE every Wednesday night from 8:00 to 8:30...Here's a show that has everything; music, comedy, quizzes, prizes. More than that, it has the showmanship of Welcome Lewis. Some smart advertiser will want this program. Write W H N today.

**WHN**  
DIAL 1010  
1010 AM  
1010 AM  
1010 AM

TO COVER GREAT BRITAIN YOU MUST USE RADIO NORMANDY  
Full Particulars of Air Time and Talent Fees  
International Broadcasting Company, Ltd.  
37, Portland Place, London, W.1.  
Distributive Foreign Agents: CANADIAN BROADCASTING CORP.

# How to describe a Champion in 77 words



## THE CHAMPION; KMOX, St. Louis

**LISTENERS:** Crossley, Inc. and Irwin & Irwin coincidental studies prove that KMOX enjoys more listeners than the five other St. Louis stations combined.

**ADVERTISERS:** KMOX carries 42.3% more local and national spot business than the other two network stations combined.

**DEALERS:** Typical comment of typical retailer (J. T. Westfall, Executive Secretary of Missouri Retail Grocers' Association): "KMOX has the wholehearted & enthusiastic support and cooperation of grocers both in St. Louis and in the surrounding trading area."

KMOX - a 50,000 Watt Columbia Network originating station . . . with the kind of local service that makes "The Voice of St. Louis" an exact description of the station!

## 50,000 WATTS A CBS STATION

Owned and operated by Columbia Broadcasting System. Represented by RADIO SALES: New York, Chicago, Detroit, St. Louis, Cincinnati, Milwaukee, Charlotte, N. C., Los Angeles, San Francisco

# NEW CANADIAN PROBE

## PUBLISHERS ARE ENCOURAGING IT

### Parliamentary Radio Committee Whitewashed Government Radio Network Last Year—Whole Issue Now Politically Embarrassing

#### ANGLES

Montreal, Feb. 28.

Parliament is all set to start investigating radio this week (27) but the Radio Committee this year had indicated that proceedings may furnish a decided contrast to the hasty whitewash of CBC policies which was jestingly referred to as an investigation last year. Private broadcasters as well as other individuals who have complaints to make about the Canadian Broadcasting Corp. will be given a hearing at Ottawa during the next week or two, according to C. D. Howe, Minister of Transport.

Canadian radio is no longer a technical or amusement problem. Basic principles are now involved and controversy has resolved into an attack upon the Canadian Broadcasting Corp. and the Liberty party by powerful publishers, charging the Government with attempts to muzzle free speech.

Policy of the CBC in hamstringing private stations and refusing to sell George McCullagh, publisher of the Toronto Globe and Mail a CBC network, has embarrassed Prime Minister Mackenzie King politically. And unless CBC policies are modified, especially with regard to private stations in the province of Quebec, some of Premier King's most influential friends will be even further alienated.

With Federal elections due in the near future it is conceivable that the Government may consider modification of the stranglehold which the CBC has on private broadcasting. In the province of Quebec the CBC has incurred the displeasure of such radio station-owning publishers as Hon. F. N. du Tremblay and Hon. Jacob Nicol, staunch supporters of the Liberal party, who are both grieved and somewhat astounded that an administration which they helped into power should hamper the free operation of their radio stations, when a former Conservative administration was less restrictive of their freedom. Tremblay controls La Presse (250,000) and La Patrie (75,000), two local dailies, and owns stations CKAC and CHLP. Nicol operates several newspapers and radio stations throughout the province.

#### Domineering

Aside from the political implications in this province the domineering methods of the CBC have been hotly resented in other parts of the country, both by broadcasters and publishers. And all attempts of

Transport Minister C. D. Howe to disclaim Government responsibility for a Government agency will scarcely be credited.

It is significant that the hushabout American radio programs coming over Canadian airwaves, out of which viewers-with-alarm tried to make a national issue last year, has been completely forgotten. In the investigations starting in the House of Commons at Ottawa Tuesday (28) prominence will most likely be given to the refusal of the CBC to permit use of the Government network by McCullagh.

Publisher McCullagh circumvented the CBC ban by making transmissions of his speech for use on out-of-town stations. The Radio Commission, if approving the CBC ruling, may recommend legislation making such evasion by transcription methods illegal for the future.

L. W. Brookington, chairman of the board of governors; Gladstone Murray, general manager, and other executives of the Canadian Broadcasting Corp. are scheduled to meet here around March 20. Understanding is that independent broadcasters from various parts of Canada will be given a chance to air grievances

and CBC restrictions which have deprived privately owned stations of major sources of revenue and programs.

Reports here indicate that the Association of Private Radio Stations of the Province of Quebec may be represented by counsel before the CBC heads. Name of Aime Geoffrin, K. C., one of the most prominent attorneys in Canada, with a rep as a brilliant pleader before the Privy Council in England, has been mentioned in this connection.

Among the most important issues to be taken up by M. Geoffrin, involving French language stations in this province primarily, will be the matter of leasing telephone lines to privately owned stations for network broadcasting purposes. It is understood. Canadian Broadcasting Corp. consistently refuses private stations use of telephone lines for hooking purposes when the CBC network in this province was being overlooked by sponsors in favor of the selected stations with their far greater listener audience.

In refusing lines to the private stations the government has virtually forced sponsors to take CBC network, but to stay off network broadcasts.

## Radio Character So Popular in England Newspaper and Fiction Adopt Him

London, Feb. 21.

Likely to go down to posterity among the immortals of drama and literature is BBC character, 'Mr. Walker,' now rating as most popular act in variety programs. Brainchild of scripper Ernest Dudley, character is a wandering junk merchant, who highspots weekly 'Band Wagon' programs by narrating real life comedies he has run against, posing them to listeners who are invited to mail their solutions, which they do in thousands each week.

'Mr. Walker' is played by Syd Walker in a truly Cockney voice, rich in personality and picturesque slang, and BBC variety department is trying to devise how to retain the character when 'Band Wagon' folds for keeps in March. But meantime, Star, London evening newspaper, has signed author Dudley for weekly series of further adventures, and

latter has also authored a first novel written around 'Mr. Walker.'

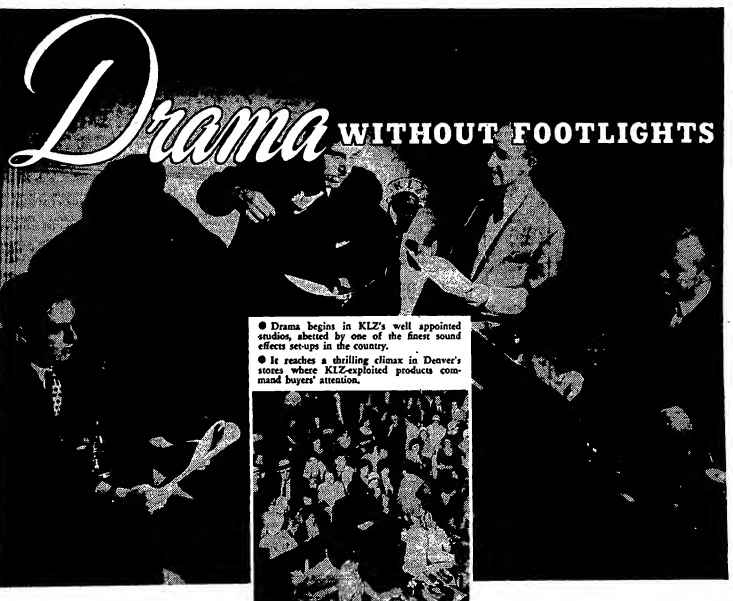
Zenith of fame is that character is also being introduced into deathless series of novelettes written around famous Sexton Blake, Detective, idea coming to Dudley after he had scripted a radio serial on the adventures of the fictional gumshoe hero. Job will be done in collaboration with Berkeley Gray.

#### BLACK HORSE ALE RECASTS

Montreal, Feb. 28.

Frank Baker and Eleanor Bowers, vocalists, are replacing Russ Titus and Jean Mundy on 'Tonight at Eight' (Black Horse Ale). Baker has film experience.

Richard Murdoch, BBC comic, successfully sued for divorce from his appendix.



# Drama WITHOUT FOOTLIGHTS

• Drama begins in KLZ's well appointed studios, abetted by one of the finest sound effects setups in the country.  
• It reaches a thrilling climax in Denver's stores, where KLZ-shopped products command buyers' attention.

• KLZ has the men, methods and machinery that produce the kind of drama preferred by advertisers . . . the drama of cash registers . . . the drama of buyers buying.

for the third consecutive year and comments: "Our urban and rural business has held up remarkably well this year which we believe is directly due to our KLZ advertising."  
KLZ, too, has a market that inspires such

merchandising drama . . . a market that comprises 78% of the entire population of Colorado . . . a listening audience that embraces 80% of this thickly populated "business side" of the state.

The record of the dramatic pitch to which KLZ facilities and performers are tuned is written in KLZ's files for 1938.

A national food product sponsor writes: "Our business has shown a steady increase in Denver since we have been using KLZ." A local packer says: "Our 1938 sales are 8% over 1937. Since we are spending 75% of our appropriation on KLZ we shall give you credit for 75% of this increase." A Denver furniture dealer sends in his renewal contract

**WV BX**  
The Premier of the province  
METROPOLITAN STATION  
COSMOPOLITAN AUDIENCE

**KLZ** *Denver*

CBS AFFILIATE — 560 KILOCYCLES

AFFILIATED IN MANAGEMENT WITH THE OKLAHOMA PUBLISHING COMPANY AND WY. OKLAHOMA CITY—REPRESENTED BY THE KATZ AGENCY, INC.



# 15 Best Sheet Music Sellers

(Week ending Feb. 25, 1939)

Umbrella Man	Harms
Deep Purple	Robbins
Penny Serravallo	Shapiro
'You're a Sweet Little Thing'	Parmentour
'My Eyes'	Parmentour
Deep in a Dream	Harms
I Cried for You	Parmentour
'Funny Old Hills'	Parmentour
God Bless America	Berlin
Hurry Home	Spicer
Little Echo	Bregman
I Promise You	ABC
'Peeps Creepers'	Witmark
'You're the Only Star'	Shapiro
'My Heart Belongs to Daddy'	Chappell

\* Indicates musical song. † Indicates stage production song. The others are pops.

## Inside Stuff—Music

Jack Robbins credits Doris Rhodes, CBS sustaining artist—and incidentally the wife of a competitive music man, Jonie Taps, professional head of Shapiro-Berstein—with making 'Deep Purple' the popular hit it now seems destined to be. This Peter de Rose piano solo comprises four themes but Miss Rhodes sought out the Robbins music hand with a copyright request privilege to extract the theme which is now known as 'Deep Purple' (pop song) and use it on her CBS sustainer.

The song has sold 75,000 in 30 days, which is quite a pace in present-day standards. As a piano solo, first published in 1934, the composition has sold 100,000 copies which, also, is unusual for an instrumental.

This extracting of one theme strain is nothing very new in the music business. Larry Clinton, based on the Claude Debussy (French) work is merely a rhythmic evolution of the first four bars; the rest is Clinton's. That's sold 241,000 up to Feb. 15. Debussy's French music publishers gets a 1c copy royalty as a condition of not stopping the broadcast of the tune into Canada, as big radio commercials had at first encountered copyright technicalities when it was discovered that Debussy is protected in Canada, although in the public domain so far as the U. S. is concerned. Incidentally, the song is likewise restricted for England, Australia, etc., where the copyright protection is still in force.

Miss Rhodes, after using the title, received requests for the title of that song. This prompted the Mitchell Parrish lyric, latter, to which 'Deep Purple' is now likened.

Turner Layton, songwriter and vaudevillian who has made England his home for some time, is bringing legal pressure to bear on the Broadway Music Corp. in connection with back royalties on 'After You're Gone,' a tune he co-authored with the late Henry Creamer in 1916. Layton is holding Broadway accountable even though the song has been published by Joe Davis, Inc., since 1930.

Broadway assigned the copyright to Davis during that year for a reported \$2500. Deal provided that Davis pay the writer royalties.

Sophie Tucker credits 'After You're Gone' as marking the turning point upward in her career.

The Metropolitan Opera Company of N.Y. for the first time since its annual 'Surprise Party' was instituted in 1933 will have none this year. The party is held at the Met the last Sunday of the season with all artists participating, presenting burlesques on opera and themselves. The occasion has always been a complete sellout, gross receipts going to the Met's reserve fund.

Indeed, this year the Metropolitan Opera Guild will hold a party in one of the N. Y. hotels on Sunday, March 12, which will be attended by the entire company, proceeds going to the same fund.

Song featured in the pic 'One-Third of a Nation' is called 'That's How Dreams Should End,' although it is not announced in the billing. Harold C. Brucoler of Par Film, wrote both the tune and lyrics. Schlimmer is publishing it.

## Music Notes

Johnny Burke and Jimmy Monaco turned in 'Bang Your Heart on a Drum' (a hit) to music publisher's Eastern's East Side of Heaven."

William Lava and Cy Feuer did scoring on three Republic pictures, 'My Wife's Relations,' 'Rough Rider Patrol' and 'Mexical Rose.'

Eddie Cherokee and William Lava added 'I Wanna Sing' for the Republic film, 'Street of Missing Men.'

George Stoll and Roger Eden do the score for 'Metro's 'Balalaika.'

Frank Loesser and Frederick Hollander did the score for 'Metro's 'Man About Town.'

Britt's Goo Decca.

Jan Stein, currently in London, has switched from Bluebird to Decca with expiration of his one year term with the former outfit.

New pact, for two years, gives him the right to make contracts and increasing fees as to music contracts. Did his first wax session on Monday (27) for Decca.

## THE WITNOUN MACHINE GROUP

RCA-Victor Recording Manager Resigns to Lead New Venture in Phonograph Field—Stable Includes Shaw, Dorsey, Clinton, Kaye, Todd, Clark

### TITLE UNDECIDED

Elj Oberstein has quit as recording manager of RCA Victor to become executive v.p. of a new phonograph record outfit financed by Chicago and New York bankers. For the nucleus of his artists' list Oberstein is taking along with him Artie Shaw, Tommy Dorsey, Larry Clinton, Sammy Kaye, Dick Todd and Buddy Clark. His names have been agreed for the company or labels. Enterprise will be incorporated at the outset as Discs, Inc.

Oberstein figures on turning out records with three different price levels. The top classification will retail for 35c and 75c, while the classical group will be at \$1. He is not intending to do any shipping until April 15. The project has yet to line up a press plant and distributing outlets. Oberstein expects to tie up on the latter problem with one of the major radio set manufacturing companies, which alliance, he expects, will give Oberstein the benefit of a dealer's record line that will boost their sales of combination machines and suitable attachments.

As far as studios are concerned, the new enterprise will rent while their own is being constructed. Oberstein plans for the start to supply his present alignment of bands with a couple colored swing combinations.

Reported to be among the venture's backers is a syndicate which controls 150,000 coin-operated record machines. Trade regards this angle as the new project's most valuable asset, as it will provide an assured outlet of a minimum of 1,000,000 records a month. Oberstein denies any such affiliation exists.

Martin W. Littleton, Jr., is handling the legal and financial details. Staff of officers, including that of president, will be decided on this week. Likewise the engagement of sales manager and other top executive personnel.

Leonard Joy, who is Oberstein's assistant, has been named to replace him in the post of recording manager. Joy has been with the company for several years. Previously he had been leader holding several commercial network assignment.

## Move For Songwriters Guild; Would Complicate ASCAP Relationship

Irving Caesar, president of the Songwriters Protective Association, signs a note that he and his associates in the organization may form a Songwriters' Guild for affiliation with the Public Ledger of America or the American Federation of Labor if certain rights that they have in mind are not materialized. This unionization angle has had the publishers and the Public Ledger in complications it might develop in the American Society of Composers, Authors and Publishers.

Caesar commented on the union angle following a luncheon meeting with the Public Ledger. He said: "They discussed the question of revising Article IX of the SPA's bylaws which would give the members rights to the association by the membership. This article had been attacked in the courts as being invalid because no provision is made for the date of termination of such assignment, or for the resignation of a

## Sears, Roebuck Wants Music Pubs To Pay for Sheet Music Listings; Trade Reaction Not Favorable

### Kapp's Example

Elj Oberstein's exit from RCA Victor with a group of its band attractions is reminiscent of what happened in 1934 when Jack Kapp quit Brunswick to become executive vice president of the Decca Record Co.

Kapp took away with him what practically amounted to the cream of the Brunswick roster. These twowhoppers included Bing Crosby, the Boswell Sisters, the Mills Bros, Casa Loma and Guy Lombardo.

Sears, Roebuck & Co. wants the publishers in the popular field to underwrite a monthly bulletin of sheet music that the mailorder house is considering putting out. As explained in a circular letter received by such publishers, the bulletin would be mailed to all customers upon request and also included with each order of music.

Letter further stated that the mailorder house has no setup for the compiling or printing of listings of this sort and that the job cannot be done unless the publishers are agreeable to paying for it. Also that such listings could be included, alongside special instrumental arrangements, with the pubs charged according to the titles listed.

Opinion in the trade on the Sears-Roebuck project ranges from ready assent to amused skepticism. Latter view is based on the current value of the mailorder house as an outlet for sheet music and also point out that if the pubs start underwriting mailorder house bulletins they soon find themselves paying the printers' bills for a 'jobbing house' which make a practice of issuing monthly bulletins. The pubs used to advertise in mailorder catalogs until the federal authorities stepped in and said that it fostered unfair trade practices.

## ANTI-ASCAP AMENDMENTS PROPOSED

Seattle, Feb. 28. With but 10 days left of the present session of the Washington state legislature, Senator A. E. Edwards has introduced a bill which would take the receiver angle out of the anti-ASCAP statute currently in force. The measure was introduced by Alfred Schweppe, member of the law firm which is acting in an advisory capacity for the National Association of Broadcasters in ASCAP's court fight against the present law, which is repealing the latter although it is pending before the same state senate.

The Edwards bill would remove the copyright owners to do their own collecting in the state, permit the monopoly implications of the present act but makes mandatory for copyright owners to list detailed information about each number with the present act but makes mandatory for each filing and keep the number in publication as the secretary of state sees fit. Infringement proceedings could not be brought unless a copyright owner had complied with all the requirements of the new act.

### OLDEST MAN IN BIZ?

Henry Hart celebrated 97 consecutive years with M. Witmark & Sons last week. In years of employment and age, 90 years, he rates as the oldest active player in the music publishing business.

Employees of the Warner Bros. group, with Witmark, helped him celebrate the event with a party Friday (24).

## SIMON VAN LIER DUE IN N. Y. FROM LONDON

Simon Van Lier, general manager of Keith Prowse & Co., is due over from London the latter part of this week. It's his annual American blitz-around.

Besides New York he will make stops in Chicago and Toronto.

## ASCAP Decision Failed To Emerge Monday (27) From U.S. Supreme Court

U. S. supreme court failed last Monday (27) to hand down a decision in the cases involving the American Society of Composers, Authors and Publishers and Washington and Florida states. The findings are expected to have an unprecedented bearing on ASCAP's operations since the questions before the court deal not only with state rights but with monopoly of copyright.

One legalite who has been exceptionally active in copyright litigation forecasts a three-way split in the decision.

## SHIPPING BUREAU MERITS LOOKED INTO

Committee appointed by Walter Douglas, chairman of the National Publishers' Protective Association, will meet next week to consider the advisability of forming a shipping bureau to service syndicate stores.

Members of the committee are Saul Immerman of the Warner Bros. group; Louis Bernstein, Jack Brunson, Lester Sauty and Abe Olman.

## Hot Clubs May End Commodore Music Tiep

United Hot Clubs, which now has around 25 branches and 5,000 members, may not continue its present arrangement with the Commodore music shops in Manhattan. Latter specialize in re-issues of swing records and in the sale of records of its own origin. Club members are enjoying a discount.

Question being considered now is whether the United Hot Clubs, as an organization, will in the near future reorganize under its own label; i.e. Esoteric. Its present average of 500 discs, but 2,000 items sometimes goes to 2,000, or better.

On the Upbeat

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Feb. 20-26). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In "Source" column, \* denotes film song, † legit tunes and †† pop speaks for itself.

Table with columns: TITLE, PUBLISHER, SOURCE, GRAND TOTAL. Lists various songs like 'Deep Purple', 'Robbin' Hood', 'Penny Serenade', etc., with their respective publishers and sources.

Gene Krupa's swingsters open March 4 at College Inn, Chicago.

Joe Frazer's orch opens at Jack Lynch's Walton road, Philadelphia, tomorrow night (Thursday), replacing Jeno Donath.

Dance returns beginning to air from Chicago last week over Mutual include Orrin Tucker from the Palmer House, Bob Crosby from the Blackhawk, Ina Ray Hutton from the Rose Bowl cafe, Dick Jurgens from the Trianon.

Billy Yates, out of Pittsburgh, opened at El Tivoli in Dallas, Tex., Tuesday (28) for indefinite stay after rounding out two months at Chez Ami in Buffalo.

Bernie Gemmill's option at William Penn Hotel's Chatterbox, Pittsburgh, picked up for additional four weeks and likely to stay until Urban Roof opens in May.

Nelson Maples and his KQV, Pittsburgh, staff group booked into Webster Hall hotel there for week-end dancing, replacing Buzzy Kowitz band, with latter staying on as m.e.

Jimmy Peyton crew just renewed for third successive year at Plaza cafe, Fitzhugh. New deal's for six months.

Joe Baveli band moves into New Penn, Pittsburgh, March 6, for four weeks, with Mike Riley taking to road after two-month stay.

Glenn Miller's orchestra, which

opens a four-week stay at Meadowbrook, Cedar Grove, N. J., March 5, opens the season at the Glen Island Casino, N. Y., about May 15.

Abe Lyman orchestra and Lyn Murray's chorus record a series of San Francisco Fair aimed tunes this week for Decca. Doing 'Golden Gate,' 'San Francisco,' 'California Here I Come' and 'Home in Pasadena.'

Horsee Held made 16 transcriptions for Associated Music Publishers which will be distributed to AMP radio subscribers. Platters are first He's B. Made, with more expected to follow.

Gray Garden makes a second set of 12 transcriptions for NBC March 15. Band stays at the Hotel Edison, N. Y., until April 4.

Nan Wynn, radio sustainer and recording singer, indefinitely at the Famous Door, N. Y.

BANDMEN'S CONVENTION

In Town of 22,000 Where Asm. President Lives

In Cedar Rapids, Feb. 26. Bandmen from many places are meeting in Fort Dodge, Ia., this week for annual convention of National Bandmasters' association.

A 60-piece band has been recruited for a concert during the meeting. Leading the convention to Ft. Dodge, which has a population of 21,885, was tribute to King, who lives there.

Band Bookings

Jimmy Dorsey one-nites March 18 at Philly's Penn A. C. Ballroom, moving to the Flamingo Ballroom, Brooklyn, April 7 and takes in two weeks' theatre dates starting April 18 at the Flamingo Ballroom, Indianapolis.

Red Nichols to Netherland Plaza Hotel, Cincinnati, March 14, four weeks, for ROK.

Freddie Fisher, Lookout House, Covington, Ky., four weeks, March 8. Jack Fulton at the Orpheum, Springfield, Ill., March 10-11 thence to the Grand Opera House, Chicago, Ill., March 12.

Charlie Agnew, Michigan theatre, Ann Arbor, Mich., March 18-20.

Frank Dalley, Paramount, Ft. Wayne, March 14-16 for ROK.

Claude Hopkins, U. of West Virginia, Morgantown, W. Va., March 3. Joseph Suby, Nicolet Hotel, Minn. Moebius, Grand Opera House, Chicago, Ill., March 11.

Politian Hotel, Denver, April 6.

Rita Lilo, Freeport theatre, Freeport, L. I., today (1) to Friday.

Rudy Young, Henry Grady Hotel, Atlanta, March 24 for six weeks.

Lou Breese, U. of Iowa, Iowa City, Friday (3).

Nines, one-nights, St. Joseph, Mo., and Sioux City, Iowa, March 11 and 12.

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Rebuff Wanger

(Continued from page 3)

ist market because it has been indicated in the past that such a subject was regarded as too delicate to be treated on the screen.

Industry heads also pointed to the big money-makers at the box office in recent months, and could put their finger on no film that even hinted of being propagandistic.

In defending the present production code, Haystack claimed that it specified three or four years to prepare for that the producer can tell what he could do and could not do. They said there is little chance for changing the wording of the code as long as the public shows that it wants it.

"Every so often some producer," said one official 'makes out that the PCA forbids realism. But if they would take the trouble to read the code, which, after all, is a published document, they would realize that it is possible to make realistic production under it. It is simply questions of getting intelligent enough writers to turn it out. But, of course, such realistic films can't be dirty.

"A producer could make a picture at least in the newspaper business, making it out as thoroughly big. This is possible under the code, but the producer would have to take full responsibility and act on his own feet because PCA officials would advise against such a production. However, if he makes a film complying with the code and then the producer is attacked for permitting profanity or dirt, he would be defended because the Hays office knows that no such thing would get into a film under the production code.

Joseph I. Breen, production code administration head on the Coast, stopped off in New York on way back from a trip to the West Indies, but did not talk business or the code. He showed off for the Coast Saturday (25) afternoon.

CONGRATULATIONS

TO LEO ROBIN AND RALPH RANGLER FOR HAVING RECEIVED THE ACADEMY AWARD FOR THE BEST SONG OF 1938

Thanks for the Memory

Their Current Songs from Paramount's "PARIS HONEYMOON" Starring Bing Crosby Are Making History

"I HAVE EYES"

"YOU'RE A SWEET LITTLE HEADACHE"

"THE FUNNY OLD HILLS"

"JOOBALAI"

Paramount Music Corp., 1619 B'way, New York

THE HOUSE OF 1000 HITS AMONG THOSE SAILING YOU ASKED FOR IT— (YOU GOT IT) NIGHT MUST FALL STRANGE ONE SIDE OF ME A BALLAD IS BORN (Based on Claude Debussy's "Ballade No. 3") EDWARD BARKER

A "Natural" If There Ever Was One "Heavy, Heavy Hangs Over My Heart" AND A Really "Different" Novelty "Bennie, the Bumblebee, Feels Bum" On Victor Record 89118

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# Colored Philly Pianologist Cause Of Benny the Bum's Suit Vs. Bernie

Request for a preliminary injunction to prevent DeLoVoy McKay, septa warbler and ivory-hammer with Ben Bernie at the Hotel Pennsylvania, N. Y., from appearing there further has been started in New York supreme court by Benny Fogelman, operator of Benny the Bum's, Philly night. Fogelman said he would file another suit later to recover damages from Bernie for 'stealing' the gal.

Miss McKay has worked in Benny's Philly spot for the past 20 months and is under contract to Fogelman for three years and four months more. She was 'loaned' to Bernie for the Hotel Pennsylvania appearance and the maestro admired her work during a social visit to the Bum's while playing at the Earle, Philly, a month ago.

Hearing on the temporary injunction will be held today (Wednesday). Demanded for a permanent restraining will be made later.

Although Fogelman avers that the femme's refusal to return to work for him is the result of Bernie enticing her with an offer of more coin, Maurice Speiser, Fogelman's attorney, admitted the band leader was in the clear. He said it was entirely a matter between the boom pianologist and Fogelman.

Philly nightery on 'loaned' Miss McKay to Bernie. McKay is the maestro of the Pennsylvania, partially as a plug for his spot and partially to build her up into a more valuable asset because he owns a portion of her income. He guarantees her \$3,000 a year and splits 50-50 with her on anything she makes over \$20 a week. He is demanding \$10,000 cash for the sale of her contract if she doesn't return to him, or \$350 a week.

Fogelman first turned his wrath on Bernie because he claimed he failed to give Benny the Bum the mention in introducing her. Bernie declares that on only one night did he get absent-minded to the extent of mentioning 'Bernie's billing the girl as one of his finds, after I spent nearly two years

and plenty of dough building her up.' (Actually she was given favorable reviews in Varsity from London as far back as 1924.)

Bernie said he was highly pleased when, after admiring Miss McKay's work, Benny said to him: 'Take her with you. I'll pay her salary.' Trouble started, Bernie declared, after she had been at the Pennsylvania just two days and Fogelman demanded her return because his cocktail room business was falling off without her. Bernie kicked because of all the advance billing which he had given her and which would put him in an embarrassing spot with the hotel if she left. He said he was willing to let her go, however, but she had deposited her card with the N. Y. Musicians Local, which demanded she get the regulation two weeks' notice.

As for Fogelman's charge that Bernie offered her more coin to stay with him, stick-swisher declared Benny refused to come through with the femme's salary the first week and so he felt obliged to make it good, paying her the \$125 which Benny told him she was getting.

## Saranac Lake

By Happy Newway

Matrya Blake, Will Rogers' oozener, has entered a N. Y. hospital for observation. Jean Price is set to do the same.

Among new arrivals at the Rogers are Paul Dean, Warner Bros. N. Y. office; Kitty Moran, WB, Philadelphia, and Mrs. Marie Froom, N. Y., all under observation.

Art Guild class has been started at the Rogers. Patrons are helping at the chance to learn typing, shorthand, knitting, etc.

Sid Davidson in from New York. Teddy Bowtell has been appointed to manage the Rogers library.

Frank Cronin, who used to manage theatres in New England, here for fishing and a checkup.

## 15 YEARS AGO

(FROM VARIETY)

With Washington's Birthday the pivotal point, Broadway left, operating \$100,000 for the Met Opera, chalked up a record \$90,000 for the week.

Chicago was clamping down on 'indecent' shows, provoked by 'Innocent Eyes' at the Apollo.

A. L. Erlanger proposed that the Broadway managers engage a percentage of Equity members for their shows. Echoes of the 1918 strike were heard with Equity's refusal.

Management of the Illinois, Chicago, was adamant in mixing the theatre's showing of 'The Birth of a Nation' because he claimed it was Ku Klux Klan propaganda. He finally capitulated.

Elsie Janis was at the Palace, Herb Williams at the Riverside. Frances Arns played the State and Crawford and Broderick were at the Broadway, all New York vauders.

Elizabeth Bergner was signed to play the title role in Bernard Shaw's 'St. Joan' in Berlin. She was the most popular German feminine star of the day.

Williamson and Tait were expanding their vaudeville activities in Australia.

The Fokines were smash at the Met Opera House, N. Y., with their American ballet.

The Moon-Flower, starring Elsie Ferguson and featuring Sidney Blackmer, was given a Broadway overhauling by the critics, while Antony and Cleopatra, with Jane Cowl and Rollo Peters, was a click.

Radio and films were asking for the free use of copyrighted music in a bill introduced in Congress.

After 30 years of acting, Godfrey Tearle was turning manager in London. His first production was 'The Fairy Tale.'

## A Salute to Yesterday

By Bill Halligan

We were looking over the 'Tala Week's Bills' on another page for some of the old familiar names and wondering whatever became of the pals we had in the days gone by. Once in a while we received a companion of the long winter nights in a motion picture but before we can definitely state the fellow he is gone into the shadows. Bit players average one line so you see there isn't much time to peg them.

I was thinking about George Austin Moore and the first time I ever saw him. It was at the Olympic theatre in Chicago and he was singing 'Under the Bamboo Tree' and doing it very well indeed. George got his middle name from his home town, Austin, Texas, and maybe he is running a prosperous gas station or a pub down there now.

Then we recall Walter Brower, a great monologist in his day, and Stuart Barnes, another singer, formerly Barnes and Sison. Then there was Hal Davis, who worked with Lew McCauley, and that great Irishman, Andrew Keily, who used to own a shoe store in Cleveland before he appeared as Frank Fogarty's niche in the two-day Fall of Fame. I haven't seen act if there ever was one, and Billy Gaston. Clever man that Bill Gaston! Then there was 'Skins' Miller, who only needed a break to become one of America's top comics, and Henry Clive, the artist-magician, who was second to none. They have all passed out of the picture.

Remember Henry Shearock, the mind reader, and Mercedes, another headliner, who mystified audiences all over the country. There is little Benny Ryan, George White's former partner, hiding all his natural talent, and where are Be Palmer and Danyal Marie today? We miss John R. Gordon and Al Fields and the Dillon Bros., McCue and Cahill, Trlxie Frizgana and Jack McKay and his bagpipes.

We liked to pal around with the quartet in the days gone by and cut in with some barroom harmony after the show nights in the little bistros that were famous in the variety towns. The Blon City Four, That Quartet, the Empire City Four, and the Avon who were the best of the houses down.

Then there were the Irish comic: Tom Mawn, Charlie Burke in his latter and daughter, and Johnny Carroll. Hundreds of them got to be well known and headed for Hollywood and the cutting room Druculus. They took a lot of atmosphere with them when they left. If you don't think so look around the grillrooms of the Lamb, the Friars and the Players; they certainly put a crimp in the Great White Way. Once in a while we see them in some B picture but the spaces are too far apart. Broadway doesn't miss them because they took Broadway with them when they left.

The street is empty without the likes of Felix Adler, Violeynsky, Julius Cannon, Eddie Kane, Little Billy, Jack Kennedy, Donald Kerr, Pat West, Lew Brice, Joe Bernard, John T. Murray, Sidney Jarvis, Walter Van Brunt, Johnny Stanley and all the rest of the happy-go-lucky lads of the two-a-day. You just can't jump out of an art you have given your life to and start selling Fuller brushes. Once an actor always an actor. It's in the blood. One day the casting directors on the West Coast will do more to help the lads who really have something on the ball, men who have spent their lives in the theatre, many of whom are still waiting for the telephone to ring.

YOUR MINSTREL MAN

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AMERICAN —DOROTHY DEERE

In the synopsized phraseology of your Minstrel Man, Benny Fields, the Chez Paree goes the "American Way" in its greatest spotlight season—**if** you think this is any flag-waving trick for applause, you don't know your Benny Fields. You might be had yourself some so voluptuous an offering the audience pounded its palms red, white and blue, long before the striding finale (to the first show) was reached . . .

Head man in a show of headliners, Benny Fields, Chicago's own son of synopsitology, is loaned only to New York and other points East and West so they can see what we're turned out in our Windy City . . .

Unaccustomed as he is to public recognition, Benny couldn't be had now so much as all as the old favorite, "Sweet Little Bambi," which he had promised to "Shadrack," "Alexander's Ragtime Band" (the same Alexander's Ragtime Band that brought Irving Berlin to his) made it a Fields day for the customers.

DAILY NEWS—C. J. BULLIET

Benny Fields, melancholy clown of the big eyes and dead resonant voice, who would have applauded to Laurore, the world's supreme recorder of the cabaret, cannot be duplicated in America. Florida, who made the most sensational "comeback" in contemporary entertainment on the floor of this same Chez Paree three years ago, has been improving amazingly ever since.

Fields has reached a point where he can be called "great." Humor and pathos mix in everything he does with throbbing effect.

He will take the town.

TRIBUNE

. . . A great entertainer in a great show.

HERALD & EXAMINER—CAB BARRETT

Benny Fields, minstrel man par excellence, for sheer entertainment outdoes his co-stars. His showmanship, style and rich baritone set all within hearing to swaying in rhythmic response. His delivery of "Umbrella Man" left nothing to be desired, and when your Minstrel Man sang that one about three unpronounceable Israelites, it stayed sung.

TIMES—YANK TAYLOR

Altogether vaudeville has passed into oblivion, one name remains twinkling in the bright lights. That name is Benny Fields, a cafe star of the same magnitude of his old two-a-day routines. A terrific entertainer.

DIRECTION

WM. MORRIS GENTRY

Ted Weber, Chez Publicity Director





# Night Club Reviews

## COLOSIMO'S (CHICAGO)

Chicago, Feb. 24. Harry Rose, Pat Rooney, Harry Rosse, Tutch & My, Betty Rothen, Marion Vinay, Tyler, Thorne & Jones, Henri Gendron's orchestra.

Mike Peterson has given his customers plenty of solid entertainment in this show. With names such as Pat Rooney and Harry Rose on the floor, there is a guarantee of value and an assurance of ability. Rose, for instance, is as staple in vaude as George M. Cohan is in legit, and the orchestra need only start Rose O'Grady to bring a round of applause that is a conviction that people don't forget their favorites. Rooney is as agile and smooth as ever. Her two new routines, opening, curiously, with "I've Got Myself a Little 'O'Grady" number. Then into a modern tap routine and winds up with a strut. The act on any stage as long as he comes in armed with that "O'Grady" melody is his ticket of admission to any audience's warm approval.

Some goes for Rose, with Sarah and with "Facelift"; Rose is as safe as a babe in mother's arms. That's for his own turn, which he delivers with sure-handed ability and with surefire results. In addition, Rose works hard as m.c., keeping the show moving and the audience responsive. Rose is to be commended for his fine introductions, giving all acts a good and proper buildup instead of merely pulling the sour humor of asking the audience to "give me a hand."

Also registering solidly is the knockabout dance troupe of Tyler, Thorne and Post. The two men and girl make a good appearance in evening dress and then wallop through with a drunk and then a

burlesque edgelo number. All the girls and business are worked out in fine fashion and garner a host of laughs.

Finally there is Betty Robin, ex-stroke, but now a comedy dancer with plenty on the ball. She has a lot of stage wisdom and her current routine is a clinch for any nitery or presentation house. Teamed with a good straight, she would be capable of turning in a powerful comedy vaude turn.

Janet Reside manages to get away with a couple of pop tunes pasted on the end of her ball. Bill, but shouldn't, because that only makes possible the work of Marion. Marion Vinay plays the violin, tossing off some Russian dance routines at the same time. Okay for her spot.

Billed for the sex twist are Tutch and My, who are billed as Egyptian coochers. They coo and evidence considerable mobility of hips and other portions of their anatomy. They have a couple of nifty figures and their wiggles are surefire for anybody not myopic. Gold.

## STAGE ONE (LOS ANGELES)

Los Angeles, Feb. 24. Shemp Howard, Cully Richards, Henry Gelante, Billy Young, Four Souters.

For those with a few on board and easy to please, this drop-in spot on the edge of Beverly Hills serves the purpose. To the stone sober and discriminating it's no. Rowdy, rowdy, carefree and come-what-may, there's no rhyme or reason to the Stage hits.

Cully Richards performs the m. e. duties and he rates a better break. He has a warming personality and knows how to drop off a gag. With only a handful of payees in the room (sunday night) he was on the

an egg-roll. He's a good bet for one of the better grottos and with some fresh material should rock 'em in their chairs.

Howard, one of the original stagers, runs the joint with Jack Edelstein, Fred and Edman Reed. (Continued on page 47)

# New Acts

## TONY MARTIN

Paramount, N. Y. Tony Martin should easily match on the stage the standing that he has developed in radio and film. He is, however, the more recently counted, he's endowed with a voice that's both sturdy and a seller. The impression he's making at the Paramount is excellent for all age levels. The choice of pop ditties couldn't be better.

One of the only negative side to the occasion was his tendency to keep reminding his audience of his name. He is married to Alice Faye. As a performer and personality, Martin is certainly strong enough in his own right. The commercial success could be better, but with more effective reels still around. Odeco.

FRANK ALBERTSON (3) With Jimmy Cross and Les Clark. Century, Boston, Mass. 8 Misses; One Two Stole; One.

Frank Albertson, best known for "Brother Jack, stage and screen, is a good actor. He has a good sense of dance in locker with a bright, if light, touch. He is a good talk and song-and-dance jockey. Later is chiefly contributed by his sides, Jimmy Cross and Les Clark. They come on as interrupters after the personable juke has indulged in some Hollywood chatter, kidding the community, more or less along familiar formula. Albertson says "Jeepers" and "Beautiful Baby" vocally, heeded by the interrupters, who also participate in a luvemaking joke sequence.

It's a troupe eight minutes in sum total, getting by passingly and passively, but not altogether a stage-waive. A bet.

DANNY GRAYSON Dances 5 Minus. Stanley, Pittsburgh. Danny Grayson's a young hooper who should go places. His tap stuff falls up his sleeve to keep the ball rolling once his legit tending is established. Good-looking, personable younger stars out with session of loose-limbed legmania, then goes in for the rhythm stut sans music, and makes the hardwood talk back to him.

Later stages his unbalanced stumbling across the stage, with the inevitable fall, is reminiscent of both M. G. M. and Roy Rogers with many of the best qualities of each. It's a clinic for nitery. Cohen.

SUNSHINE SAMMY and SLEEPY WILLIAMS. Dances 4 Minus. Full Apollo, N. Y. Sunshine Sammy and Sleepy Williams have been around, in vaudeas and years, but are not in the New Act sides. Sammy had a small unit that grew out of the Our Gang Comedy class.

They've retired in tails and do some brisk afro and soft-shoe taps, but got little favorable response from this audience open night (F.V.).

# Unit Review

## Laughter Over Broadway (MARTLAND, BALTO)

Baltimore, Feb. 25. Presented by Julian Fuhr; staged by Kurt Robitschek, with Don and Ed Gilbert, Ernest Duke, Benny Nazarro, Jr., Maurice & Margys, Katharine Elaine Singer, Benj. Ruck & Maxine Stone, Ruth Landl, Buck & Bubbles, The Royal Whirlwind.

Announced as a forerunner of an attempt to bring back 'big-time' vaudeville to the Maryland theatre here, formerly rated one of the country's outstanding two-day houses, just Laughter Over Broadway is just a fair vaudeville, nicely handled by Kurt Robitschek and making up in quantity, at least, what it lacks in quality. Layout, as constituted at present, needs sock and name value to even approach the standards of what once constituted big-time vaudeville. All the other extra curricular trimmings are supplied; all seats are reserved, but the program presented daily except Sat. and Sun., when three shows are entirely eliminated. Seize calls for 50c, mats & \$1 top nocturnity.

Opening with a special song written by Abe Burrows, Frank Galen and Benj. Ruck, the show is a strike-up by Don and Bud Gilbert, picked up duo in okay routine of bar work and hand balance.

Net Nazarro, Jr., m.c., introduces Eding Duo, who gives out with strenuous vocal swings of "Shortening Bread," "I'm Sick of Swing" and an impression of Martha Raye. Youngster has improved considerably since last seen here, but needs polishing and change of pace. It followed by Nazarro again in somewhat gaudy and a session of acrobatic hooping that sends him off solidly.

Smart ballroom stuff by Maurice and Maryna, interlaced with some punchy toe-tapping by Kathleen Harris, makes for nice change of pace. Dance duo looks well and sells smartly. Set good spot for Elaine Arden, utilizing Greek dialect. Benny Ross and Maxine Stone, in standard routine of well-timed comedy, give matters a nice twist which holds with vocal contributions by Ruth Landl of "Sing" and "Out of Town" and a "Musical Travelling." Lauder offers opportunity for foreign language interpolations. Hampered some by Mike trouble on show caught, singer nevertheless has considerable appeal and an engaging personality.

Buck and Bubbles, in next-to-closing are okay with melange playing of piano, vocal and comedy hooping. Royal Whirlwinds, excellent skitists, close with a well interpolated blackout, which could be eliminated to good advantage. Reintroduction of all acts for rendition of "Star Spangled Banner" is the finale.

Very able musical direction by combo, is a standout. But Laughter

# UNION WRANGLE SHUTS COCOANUT GROVE, L.A.

Los Angeles, Feb. 28. Union trouble closed the Ambassador Hotel's Coconut Grove here Saturday night (28). Freddie Martin's orchestra walked when waiters and culinary workers pulled strike. The Velos and Yolanda opening was postponed.

# Boreo to Frisco For Fischer's Expo Show

Emile Boreo, just back in New York from an Australian tour, is en route prior to the Coast. He joins Clifford C. Fischer's "Folies Bergeres" revue at the Frisco Fair March 10.

Boreo went from Ausste to London and Paris, where he signed with Fischer to m.c. the show at the Golden Gate exposition.

Marcella Hendricks, soprano, who recently finished a series of programs on WOR-Mutual, has been booked indefinitely into the Dunes Club, Fishers, N. C.

Over Broadway will not bring back big-time vaudeville. The best bet for the gentlemen behind this venture is a salvaging of a portion of the material at hand into a briefer unit aimed at the combo bookings still available.

Idea of Robitschek and Fuhr is to tour this show as a straight-vaude unit, playing the key clubs principally, however, it needs more than it holds now to achieve that purpose successfully. B.L. n.s.g. Burn.

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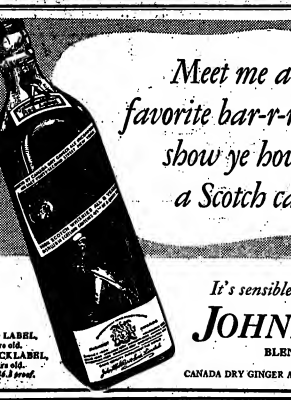
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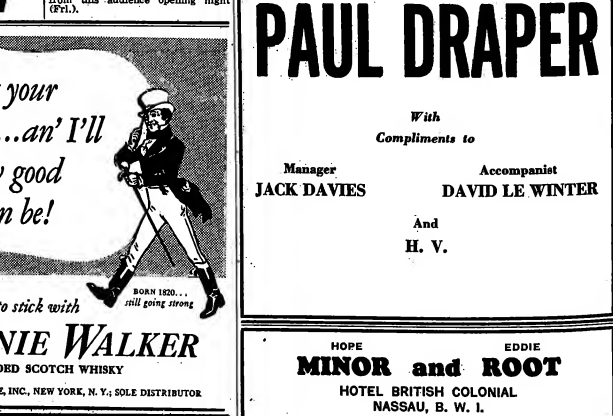


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• DOROTHY GERRON World's Most Col- estre Songs

• GENISE Smith Grand

• EDUARDO CURANT and His Rhythmic Orchestra

• ARCHIE BLEYER and His Inner Circle Orchestra

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PARAMOUNT N. Y.

Hal Kemp orch. Tony Martin, Judy Martin, Bob Allen, Tony Lane, Don Baker, Betty Driver, Cissy Fitzgerald, Eddy Kubby, Cafe Society (Par.) reviewed in VARIETY, Feb. 15.

Everything on Paramount's eleven-act variety show for last and sold sending. It offers crack-up on the five act variety show... Paramount's eleven-act variety show for last and sold sending. It offers crack-up on the five act variety show...

and is a copyist of many single women's acts of the past... Dolinoffs & Rayn Siro. (2) Herman...

STATE, N. Y.

Dolinoffs & Rayn Siro. (2) Herman... Frank Albertson & Co. (2) Lucky Miller orch.

Two names with a Hollywood flavor, Estelle Taylor and Frank Albertson... Herman Hyde, with a new femme...

novelty of ogling a man's promouly... novelty of ogling a man's promouly... novelty of ogling a man's promouly...

ROXY, N. Y.

Henny Youngman, Patsy Barr, Florence & Alversz, Cissy Harmonica band (8), Joe Foster...

Standout at the Roxy when caught... Standout at the Roxy when caught... Standout at the Roxy when caught...

PALACE, COLUMBUS

Columbia, Co., Feb. 28. Bobby Breen, Wally Brown & Annette Ames, Al Bernie, Gene Shelton...

Singing his songs into a sawed-off... Bobby Breen, Wally Brown & Annette Ames, Al Bernie, Gene Shelton...

APOLLO N. Y.

Mary Bruce Boys & Girls (18) The...

The Apollo suffers a lull when this week... Mary Bruce Boys & Girls (18) The... Mary Bruce Boys & Girls (18) The...

COLISEUM, LONDON

Amazing Grids, London (8), Three Aberdonians, Genou, Broz (2), Betty Driver, Cissy Fitzgerald, Horwitz's Hungarian Gipsy Orch (18)...

APOLLO N. Y.

Mary Bruce Boys & Girls (18) The...

The Apollo suffers a lull when this week... Mary Bruce Boys & Girls (18) The... Mary Bruce Boys & Girls (18) The...

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Mary Bruce Boys & Girls (18) The...

The Apollo suffers a lull when this week... Mary Bruce Boys & Girls (18) The... Mary Bruce Boys & Girls (18) The...

SHUBERT, NEWARK

Newark, Feb. 28. Ted Lewis' orch with Shoubert...

Strongly on the sentimental side... Ted Lewis' orch with Shoubert... Ted Lewis' orch with Shoubert...

HIPP, BALTO

Baltimore, Feb. 28. Collins Peterson, Cass Daley, Lored...

Somewhat leggy show has in it considerable talent, but doesn't play... Collins Peterson, Cass Daley, Lored... Collins Peterson, Cass Daley, Lored...

STATE, HARTFORD

Hartford, Feb. 25. Sunny Rice, Tony Bolis, Emmett...

Tribe of dim names, John Boles and Sunny Rice... Sunny Rice, Tony Bolis, Emmett... Sunny Rice, Tony Bolis, Emmett...

PALACE, CLEVEL.

Cleveland, Feb. 28. Dave Benez... Artie Shaw...

Nat Holt turned the RKO Palace into a three-ring circus for his second annual "Crack..."

STANLEY, PITT

Pittsburgh, Feb. 28. Vincent Lopez... Stanley, Pitt...

It's a neat bundle of entertainment that Vincent Lopez is peddling Stanley, Pitt and her...

FOX, PHILLY

Philadelphia, Feb. 24. Artie Shaw's orchestra...

The Fox theater resumes as a vaudeville house with its new stage attraction backed by a much-larger orchestra...

PARAMOUNT, L. A.

Los Angeles, Feb. 21. Maxine Sullivan... Paramount, L. A.

Maxine Sullivan, colored girl with the Irish name who turns classics into top tunes...

Maxine Sullivan, colored girl with the Irish name who turns classics into top tunes...

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Maxine Sullivan, colored girl with the Irish name who turns classics into top tunes...

TOWER, K. C.

Kansas City, Feb. 25. Jack Fulton, Alphonse Bert, Jay & Lou Seltzer...

Jack Fulton, Alphonse Bert, Jay & Lou Seltzer, Jack Fulton, Alphonse Bert, Jay & Lou Seltzer...

Jack Fulton, Alphonse Bert, Jay & Lou Seltzer, Jack Fulton, Alphonse Bert, Jay & Lou Seltzer...

Jack Fulton, Alphonse Bert, Jay & Lou Seltzer, Jack Fulton, Alphonse Bert, Jay & Lou Seltzer...

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Jack Fulton, Alphonse Bert, Jay & Lou Seltzer, Jack Fulton, Alphonse Bert, Jay & Lou Seltzer...

EMBASSY, N. Y.

New York, Feb. 28. News of the day... Embassy, N. Y.

News of the day... Embassy, N. Y.

News of the day... Embassy, N. Y.

News of the day... Embassy, N. Y.

News of the day... Embassy, N. Y.

News of the day... Embassy, N. Y.

News of the day... Embassy, N. Y.

News of the day... Embassy, N. Y.

News of the day... Embassy, N. Y.

News of the day... Embassy, N. Y.

News of the day... Embassy, N. Y.

LYRIC, INDPLS.

Indianapolis, Feb. 24. Tommy Dorsey's orchestra... Lyric, Indpls.

Tommy Dorsey's orchestra... Lyric, Indpls.

Tommy Dorsey's orchestra... Lyric, Indpls.

CIRCLE, INDO

Indianapolis, Feb. 24. Russ Morgan's orchestra... Circle, Indo.

Russ Morgan's orchestra... Circle, Indo.

Russ Morgan's orchestra... Circle, Indo.

EARLE, WASH.

Washington, Feb. 26. Tompeters, Burton, Pierce, Roy & ... Earle, Wash.

Tompeters, Burton, Pierce, Roy & ... Earle, Wash.

Tompeters, Burton, Pierce, Roy & ... Earle, Wash.

KEITH'S, BOSTON

Boston, Feb. 24. Bert Walton, Three Harvards, Jack Lenzy & Slader Twins... Keith's, Boston.

Bert Walton, Three Harvards, Jack Lenzy & Slader Twins... Keith's, Boston.

Bert Walton, Three Harvards, Jack Lenzy & Slader Twins... Keith's, Boston.

Variety Bills

NEXT WEEK (March 3) THIS WEEK (Feb. 24)

Numeral in connection with bills below indicates opening day of show, whether full or split week

Loew

WASHINGTON State (3) Milton Bray 1120 1830 Wash Park & L. Hilltop 1830 1930 Trolis Frank Albersen 1830 1930 Blinn O'Connor 1830 1930

Paramount

NEW YORK CITY Paramount (1) 4 Frank ... Paul Sydell ... C. Williams ... W. King

RKO

CLEVELAND Eddie Duchin ... C. Williams ... D. Williams ... Dick & Dot Reur

Warner

NEW YORK CITY Warner (3) ... Artie Shaw ... Artie Shaw ... Artie Shaw

Independent

NEW YORK CITY Independent (3) ... R. V. Gilbert ... C. Williams ... B. Williams

Provincial

WASHINGTON State (3) Milton Bray ... Trolis Frank Albersen ... Blinn O'Connor

Cabaret Bills

NEW YORK CITY Armand's ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY TOURING EUROPE MARION DANIELS VIA MARK J. LEDDY

Nellie Peltis ... Elizabeth Murray ... E. Choko ... Mabel Mercer

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

Quintess Hotel Plaza ... Dick Wagner ... C. Williams ... D. Williams

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

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NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

Baldwin & ... Rick Higgins ... C. Williams ... D. Williams

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

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NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

Tepp's ... C. Williams ... D. Williams ... Dick & Dot Reur

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NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

Silver Cloud ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

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NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

TIP, TAP AND TOE

THE FREDS ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

PHILADELPHIA

Bill Honey ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur

NEW YORK CITY ... C. Williams ... D. Williams ... Dick & Dot Reur



# Battle of Swing Mikados' on Broadway Will Have WPA's \$10 Top Vs. \$3

Battle of colored, syncopated 'Mikados' swings on Broadway, with the WPA's opening show opening with the New Yorker tonight (4) and the 'hot' presentation being dated for the weeks hence, pending the 46th Street. Latter will be along commercial lines and therefore at variance with the relief outfit's admission setup.

It will be the first time for a managerial attraction to actually compete with the Federal Theatre Project in the matter of identical shows. Michael Todd, having bought the 'Hot Mikado', straightened out its requirements with Equity last week, signing another contract. He withdrew the original guarantee when proposing to revamp his show for presentation purposes. He changed his mind again, saying he would be involved financially to keep the original Broadway version of Gilbert and Sullivan operettas have been done by WPA for several seasons. But away from Broadway and did not expect attendance of the 'D'Oyly Carte' at the Beck.

The two 'Mikados' will exhibit a wide ticket divergence, the WPA now having a top price of \$10 while Todd's will be \$3.30. Latter figures that his production will be on a par with the one that will be produced and also counts on weight of performers, he having Bill Robinson in the company who makes a big attraction. That the two 'Mikados' are virtually the same is not denied.

**League Meets WPA**  
Todd has applied for membership in the League of New York Theatres, and in joining the managerial group is expected to obtain the support of the League in the probable demand for withdrawal of the WPA show slated to play for at least a week. The WPA people, too, appeared to have changed their minds about the 'Mikado', which attracted the attention in Chicago. After announcing that two local showmen had accepted the rights to the show, Todd shifted and decided to send the show to the metropolis under WPA auspices.

A number of managers are out of town, because of which a quorum of the board is not obtainable. It is known those managers who are away have been sent telegrams asking their opinion of proceeding with the showing of the production in competition with the commercial show. Before responses were received Todd took to his League admission fee money.

Although there is divergence in the price of tickets for the two 'Mikados', matter of salaries may not be as great, except for the principals. Because the cast of the Federal Theatre version comes from Chicago, its people will receive approximately \$43 a week, which amounts to \$22 government subsistence pay, understood that a number of people in the outfit will be at the minimum of \$40. All those in the latter company will be required to work for a minimum of 100 hours, only a limited number currently being members.

(28) shows carried ads in the WPA show with the hope to Chicago director, Harry Minburn, for opening and staging the 'Swing Mikado'.

## 'RIGHT' SANS COHAN NO B.O.: SHOW FOLDS

'I'd Rather Be Right' is definitely off the boards, tentative plans for extending the tour being dropped and the production ordered into storehouse closing this week. Although the opening in Wilmington, Del., Saturday (28) was supposed to be tentative, drop in the show's pace after George M. Cohan left the cast was regarded as having hopes to rights being abandoned.

'Right' grossed \$13,000 in three weeks with Taylor in the lead, week against \$41,000 for the previous week which was Cohan's. Sam H. Harris, producer of 'Right', decided the star was too closely identified with the musical to continue. It had to be replaced successfully tour without him.

## Current Road Shows

(Week of Feb. 27)  
'Abe's Irish Kiss', Ford's Ballroom, Chicago.  
'Amphitryon', 'Sea Gull' (Lunt-Fontaine) - Temple, Birmingham.  
Buffalo, Auditorium, Nichols, Miss. (1); Auditorium, New Orleans (2-4).  
'Angela's Ashes' (Phillip Merivale) - Grand Strand, Towns, S. C.

'Candida' (Cornelia Otis Skinner) - Havana, Cleveland (28-15); Erie, Erie, Pa. (28-15).  
'Five Kings' (Orson Welles, Eugene O'Neill) - Colonial, Boston.  
Mermaid, New York.  
Betty, Broadway, Philadelphia.  
'I Married an Angel' (Denise King, Vera Zorina) - Nixon, Pittsburgh (28-4).  
'Kiss the Boys Goodbye' (No. 2) - Harris, Chicago.  
'Kiss the Boys Goodbye' (No. 3) - Ford's, Baltimore.  
'Philadelphia Story' (Katharine Hepburn) - Chestnut, Philadelphia.  
'Susan and God' - Shubert, Boston.  
'Three Cents' (Maurice Schwartz) - Locust, Philadelphia.  
'Tobacco Road' (John Bartley, Theodore Dreiser, Greenwood & C. (27-28); Auditorium, Columbus (1-2); Armorel, Charlotte, S. C. (3-4).  
Buffalo, Buffalo.  
'White Lies' (Ethel Barrymore) - Plaza, El Paso (27) - Rialto, Tucson (28-28); Rivoli, Phoenix, Ariz. (1); Savoy, San Diego (4-5).  
'Women' - Forrest, Philadelphia.

## Alton to Stage London Dorchester Show in N.Y.; Sherek's 2 Play Deals

Robert Alton has been signed by Henry Sherek to stage the next show of the Dorchester House, London. Cast is being recruited and will be rehearsed in New York, then taken to London in about six weeks. Sherek has also signed Jessica Handly and Jack Hinkins for the leads in the London production of the Clifford Odets drama, 'Rocket to the Moon'. Miss Handly is currently in 'The White Steed', at the Park, N. Y., while Hawkins is in 'Dear Mother' at the Broadway N. Y. Both are English players. The London rights to two other Broadway plays are being held by Sherek, but nothing is definite yet. English showman sailed back to London last week (21).

## WILLIAM CARVIL WITH SHUBERTS, DIES AT 49

With the passing Friday (28) at Great Neck, L. I., of William Carvil, 49, long connected with the Shuberts, two of that outfit's people who were killed in the crash of the Empire State Building, died during the season. Carvil was company manager of 'Helzapoppo' at the Broadway N. Y. with the revue. Previously, Arthur Kester, house manager, died of a heart ailment.

Carvil suffered, from a leg infection and for months walked with difficulty. Under that despite medical care, poison entered the blood stream. He managed Shubert houses and attractions, but became an independent showman, producing a musical called 'Top Hole'. It failed to click and he dropped his savings. For the past two summers his name was attached to contracts for outdoor musicals in Randall's field, but he represented J. J. Shubert in the deal with Portnoe Mall. Carvil was married to Clara Straton, formerly in musical comedy. Widow and two children survive.

## 'Good Hope' Revival Stags on Royalties

Proposed revival of 'The Good Hope' will be staged at the Park Theatre, but the rights to the production were dropped for this season and possibly for good. Hitch was the result of a \$60,000 setup as would apply the suggested distribution of the picture rights.  
Under the proposed setup, Royalties would have gotten 40% of the rights, with Lillian Saunders, the author, and Eva Gallienne, who produced the play at her Civic Repertory theatre, M. Y., each giving up instead a 20% share. Eva Gallienne stipulated that the film rights must be sold within nine weeks of production.

'Good Hope' was first done under the minimum of \$100,000. Mrs. Saunders and Miss Le Gallienne each held 50% of the screen rights, and a \$60,000 setup as would apply under the present basic agreement. A Guild was agreed ready to play a Guild was formed to support the revival. It was stipulated that if the film rights were not sold within nine weeks of production, the picture rights stipulated under the minimum of \$100,000, then after that Mrs. Saunders would have 50% of the original share (because she was adapted from a novel), she would have retained only 5% if she were to go to the producer.

# Coast FTP Flounders Hopelessly; Schmitzer Takes Temporary Charge

## Kids Lose Out

Lynchburg, Va., Feb. 28. Because so many grouches have been coming to see what was supposed to be the best of the FTP show, the Little Theatre here is doing the first holdover business in its history. The piece is 'Jack and the Beanstalk'.  
Put on by the Junior League as a charity project, show is filled with beauty who attract predominantly male audiences and make it difficult for kids to find seating room. It has run two weeks already.

## Brown Has \$1 Stock Idea, but Will Stage Benefit to Raise Coin

A permanent stock company, operating on a subscription basis with a \$1 top, is planned by Chamberlain Brown, (707 Irving, New York City) to be opened late in April. Ideas are being laid out with the start of the New York World Fair and a small Broadway cause, possibly the Mercury. Policy of getting stars, particularly young Hollywood players temporarily cast in the production.  
Benefit show to launch the venture is slated for Sunday night (8) at the Vanderbilt. N. Y. and has been okayed by the Theatre Authority and Equity. Idea of the show is to raise coin and stir interest in approval of the stock project has not yet been sought from Equity, but that organization is seen as starting production fund is raised.

## Allentown Gets 1st Stock in 10 Years

Allentown, Pa., Feb. 28. After a year of yearning to be again being tried at the Lyric here, The Broadway Players, under the leadership of Edgar Allan, opened last week (22), with 'Yes, Mr. Darling Daughter', playing four days. This week the presentation is 'Personal Appearance', also for four days. This policy will probably be followed.

## Engagements

Sidney Lumet, Philip Lusk, Art Smith, Claire Mizen, Harry Brattberg, James O'Neal, Wendell Phillips, Lorenz Gage, 'My Heart in the Hills', and Eddie.  
Josephine McKim, Max Levitt, Louis Lomax, Frank Rosen, Philip Coolidge, Kathryn Giff, Norman Stuart, Richard Cray, and the Lyric.  
Ruth Chopping, Virginia Campbell, William Form, Ronald R. Harlan, Ned Neal, Henry, 'Family Portrait' (comedy).  
Glenn Anderson, Leo Patrick, Walter Gilbert, Donald Cook, Horace Singer, William David, George J. Williams, Olga Hansen, Ann Driscoll, 'Sky'.  
William Roselle, Eva Condon, Dreja Dryden, 'West of Broadway'.

## Future Plays

'Saturday Night', a new play by Vicki Baum and Benjamin Glazer, has been acquired by Lewis E. Gensler (World-To-Day). For all its power and strength it will be a voice crying in the wilderness.  
Eugene O'Neill, 'Ghosts' is still seen as its first bill of the season. Brief say.  
Hollywood, Feb. 28.  
Joe Harris is here negotiating for a production of 'Our Town' here in Frisco. Several local producers are being asked to go the Pulitzer prize play.  
No deal has been set yet for picture rights.  
'Starlight Night', a new play by Vicki Baum and Benjamin Glazer, has been acquired by Lewis E. Gensler (World-To-Day). For all its power and strength it will be a voice crying in the wilderness.  
Eugene O'Neill, 'Ghosts' is still seen as its first bill of the season. Brief say.  
Harvard U's Show  
Boston, Feb. 28.  
Hayis Pudding Club of Harvard U. presents its 8th annual production, 'The Wind and the Willows', in Cambridge March 27. Opening night is for graduates exclusively.  
Harvard U. will now in the fall of March 28-29 for public performances. Edward C. Lilley is directing.



# New Specs' Quick Headache

A crop of new ticket speculators appeared along Broadway last week, but none of the boxoffice staffs seemed to know their origin. Group figures that tickets for Washington's Birthday matinees would be a soft sell, but were evidently disillusioned.

The men offered their tickets on the sidewalks adjacent to theatres bounding the more favored shows. Most of the locations were in the balcony and not in center sections, showing that they were obtained by illegal methods. One of the would-be sellers frankly stated the tickets were purchased at the boxoffice. As transformers did not identify the men, intermediaries were probably used.

Understood that the new specs attempted to dump tickets into outlets when they discovered that the holiday crowds were intent on applying to the boxoffices direct. They also sought to dispose of their bundles to other agencies without success. Premium brokers found the going tough, as the out-of-towners were seeking moderate priced admissions.

# Broadway Squawking but Grosses And Playing Weeks Ahead of '37-'38

Despite widespread complaints in Broadway circles that current legit business is way under normal, a survey of the figures indicates that grosses are actually running far ahead of last year. Stage has been well into its season, but has been particularly marked since the Christmas-New Year holiday period and has been even more noteworthy in the last three weeks. The figure squawks about bad business have been loud.

Difference was especially clear last week when the estimated total gross for 32 shows reached \$449,000, the highest for any week in several years. The figure is the highest for any week including Christmas-New Year holiday stanzas. Figure for the corresponding period last season was \$330,000 on 27 shows. Total gross for the Christmas-New Year, including the last three weeks, was \$1,387,000, as compared to \$2,095,000 for the corresponding nine weeks last season.

Total grosses for the 38 weeks since the season began last June comes to \$3,836,000 while for the similar stretch of last season, the figure was \$2,608,000. Not only in total grosses, but in playing weeks and number of productions, but in every season is topping last. Last nine weeks of this season have totaled 266 playing weeks, compared with 231 for the same period last season. Grand total playing weeks for this season to date is 777, as against 659 for the corresponding time in '37-'38. All figures are based on Vaanay's boxoffice estimates.

**More Successes**

While the grosses and number of playing weeks indicate the legit situation since the first of the year is above last year, the percentage of new shows, likewise on the favorable side. There have been entries, including such miscellaneous items as "The Merry Opera and the One-Act Opera." That number, present indications are five more are expected to be stage successes, four are in doubt and eight have been failures. Even if all the new shows should show a loss, nine successes out of 21 tries is well above the normal average.

Some of these figures there is some question of why complaints of bad business have been so universal. One opinion expressed the opinion that Broadway almost always thinks business is disappointing. Possibly because it has been so, the same glance at the files reveals that the majority was being heard at this time last season, even though grosses at that time were running ahead of the preceding weeks.

## Bard Follows Ballet

Chicago, Feb. 28.

The Federal Theatre is open in the Blackstone tomorrow (Wednesday). It's scheduled for a three-week run and will be replaced by a Shakespearean Winter season headed by Ian Keith. The first Shakespearean production will be "Othello," Hamlet," Merchant of Venice" and "Macbeth," starting the first week in April.

# EQUITY WANTS \$75 MINIMUM

**Council Has Proposal to Boost Equity Members' Minimum Pay from Current \$40—Points to Other Theatrical Unions Having Higher Basic Wage Scale**

## CONTROVERSIAL

What may become a highly controversial issue within Equity was indicated by the introduction in council of a proposal to raise the legit actors' minimum salary from \$40 to \$75 weekly. The motion was accepted unanimously, but a vote deferred at this time. It was decided that the entire council be sent the full text of the resolution and the reasons advanced for its acceptance.

Known that the move has already aroused distinct differences of opinion among the association's leaders. Those opposed figure that the volume of production, already restricted in recent seasons, may be further diminished. Proponents of the idea declare that raising the minimum would principally affect the shoe-string type of producer, argument being that the better managers engage players who command better pay.

In presenting the resolution, said to have been introduced by V. K. Bunkin, who was an independent candidate to head Equity two years ago, he pointed to the fact that he has put forth the other stage unions had considerably higher wage scales. Instances are the stage hands and musicians getting higher base pay than actors. More recently, the Theatre Managers' Agents & Treasurers Union established scale of more than double and even triple that in Equity.

**Managers' Comeback**

On the other hand, it is feared that it has threatened to cut down the part of managers to set that level as a maximum for players who now as in Equity.

**Bettehelm, Treasurer, Left \$122,226 Estate; Richest B'way B.O. Man**

The will of Spencer D. Bettehelm, Broadway legit treasurer, who succumbed Nov. 5, 1937, impacts no trace of the reasons for the act. His net estate is placed at \$122,226, most of which goes to his widow and does \$20,000 for the insurance. The assets are chiefly stocks and bonds, substantiating his claim of having been a fortune hunter. The will clearly indicated that he was one of the wealthiest boxoffice men on Broadway.

## KIRKLAND'S EX-WIFE TO HYPO 'SOMEONE'

Although Jack Kirkland, author-manager of "I Must Love Someone," Longacre, N.Y., obtained temporary custody of the child, attendance has not perked up, but it will attempt to be played off boxoffice by replacing Martha Sleeper with Nancy Carroll, his former wife and screen actress, who joins the cast next week.

Show has been operating in the red since opening. Kirkland, however, is confident that the production could develop into a long stayover after it was on the verge of folding during the first week or so, the same thing might happen to "Someone." Kirkland dramatized "Road" and is interested in the managerial end. Drama makes only a small profit in New York, but has been cleaning up \$25,000 each.

# Equity Mulls Economies Following Loss of 12G early Income from SAG; May Sell A. Y. Headquarters.

## Lunts' Big Profit

The Lunts continue to clean up in the South. Tonight (Wednesday) they play the Bailey High school auditorium, Jackson, Miss., it being an unusual wild-card date and sold out a week in advance.

The hall cost \$50, advertising \$150 and \$200 goes to Armand Coultet for handling the tickets. It's a total of \$400 in expenses as against an estimated \$3,800 gross.

Show for the evening is "Iodid's Delights."

Plans and means of further cutting down Equity's operating outlay is being considered by the association's leaders. Council appears to have become jittery when it was learned that the association would terminate the arrangement with the Screen Actors Guild, which has been kicking back the amount of Equity dues on its higher-bracketed members. It's understood that this plan from SAG will not be payable after next November. Equity's collection from this source is said to average about \$120,000 yearly.

Although it was indicated by the association that the American Federation of Radio Artists, Equity's rival, has agreed to pay outlay alone for sustenance. With the amount of production, and the downturn of grosses, it is a desperate call for the officers aim to arrive at a plan to save the association without eating into the surplus.

# REFEREE GETS ACME VS. CODE DISPUTE

Acme Ticket Agency's case against the League of New York Theatres and Equity, on allegations that the ticket code's is in restraint of trade, nearly came a cropper last Thursday (28) in N. Y. supreme court, before Judge H. H. Hooper. The members of the ticket people hardly impressed the court, who surprised about two weeks ago by bringing the case before a referee, Morris Cooper, Jr., of the law firm of Riegleman & Nordling, being appointed.

Addressing Murray C. Spett, of the law firm of Weisman, Quinn, Adams & Spett, Judge Hoffmaster said: "I will give you two bites of the cherry. When the finding of the referee is submitted, I will decide whether to hear the case, or accept such findings as sufficient." Understood that both sides were anxious to go to trial and were disappointed at the court's benediction.

Judge, however, stated that he did not believe the action merited taking up the court's time and the people's money for what is indicated would be a week-long trial. He frequently stopped Spett to interpose comments, or counter the contentions set forth by the plaintiffs' brief. It appears that both sides conceded the facts set forth in briefs, so that, as a result of the referee's decision, in the court's opinion. Figured that the hearings will take place in the latter part of the month. Agency seeks a writ of permanent injunction.

## Newman Agcy. Loses Appeal; Bloom, Guryan To Each Serve 4 Mos.

The Circuit Court of Appeals on Monday (27) upheld a decision of the Second Circuit in N. Y. City. Leo Newman's Theatre Ticket Office, Inc., Philip Guryan and Samuel Newman, were found to be in violation of the Sherman Anti-Trust Act in failing to keep proper tax records and pay taxes on theatre tickets.

Affirming of the decision means that Guryan and Bloom, of the Newman agency, will be required to pay four months each in the federal pen in sentencing the men, the court charged. The terms of the sentence would not unduly suffer by both being sent. Suggested they be sent to the same institution to serve first. Yesterday (Tuesday) neither was aware the appeal had been denied.

In addition to the sentences, each was fined \$2,000 and the agency was fined \$5,000.

# Miniature Paris Opera For Hartford, Conn.; Kath Hepburn In It

Hartford, Feb. 28.

A group of local socialites, including Katharine Hepburn, are mulling a plan to transport to the interior and fixtures of the Haddam Opera House, located at Haddam, Conn., to here some time this spring of early summer for use as a legit house and summer theatre. The project would call for the erection of a shell for the interior and fixings on the outskirts of the town. The plan is to build the Paris Opera House. Has a seating capacity of 600. Miss Hepburn, who is planning to purchase the interior walls, boxes, footlights, front of stage, and proscenium to be the most costly but had found the cost prohibitive.

Opera house is located on the second floor of the Hartford Town Center. Its existence has been practically unknown. Expected to bridge the gap between the Sherman and Bushnell Memorial here. Former is too small for the production of legitimate theatre and too large. Avery has a 300 seating capacity and Bushnell a 3,000.

Plans for the interior of the shell and transporting of the opera interior will be made this spring. Plans for the interior will be made by members of the group today (Tuesday) to Haddam. Purchase of the interior will be made by members of the group today (Tuesday) to Haddam. Purchase of the interior will be made by members of the group today (Tuesday) to Haddam.

Also interested in the venture besides Miss Hepburn are Keith Austin, director of the Avery Theatre, and W. C. Kelly, former Brainard, James Soby and Thom Conroy, director of the Little Theatre of Hartford. Tentative plans call for Conroy to be director of the project and Austin director of the museum.

Plays Out of Town

FIVE KINGS

(PART ONE)

Boston, Feb. 27.

Drama in two parts by William Shakespeare; presented by the Theatre Guild in connection with the Mercury Theatre...

Doctors' fees considerable

...of the amateur company it's keeping here.

...story is about the husband and wife M.D.'s who are trying to get far in a section blocked off by unfair hospital restrictions and trade practices.

LEGITIMATE

the right places and some of them still must be working...

...Just what is the proper behavior for the audience to expect...

Inside Story—Legit

Philip Barry's 'The Philadelphia Story' trying out in Philadelphia...

...this week, contains several characters said to be based on actual persons...

...After its two weeks in Philadelphia play will probably be taken to Washington, Pittsburgh and Boston...

Play on 'B' Way

Comedy in three acts (see above)

...written by Alan Ayckbourn and directed by Alan Ayckbourn...

OFF TO BUFFALO

Channing Pollock, who formerly devoted his time to writing his dramas...

...has completed his latest volume, 'The Adventures of a Happy Man'...

Rebellion in Shadow

Maplewood, N. J., Feb. 27.

Drama in three acts by William Faulkner; presented by the Theatre Guild...

Though Maurice Schwartz is listed as the co-producer...

...with Ignate Sos, of the Yiddish Band, Polish players, the Yiddish producer-actor is only in 10 per centage as the lesser of the house to Son. Truops is in the United States for three months...

THE DOCTORS

Drama in three acts by Claire and Paul Siffert...

...presented by the Theatre Guild in connection with the Mercury Theatre...

THE TICKET SCALE FOR 'T Married An Angel'

The ticket scale for 'T Married An Angel' which ended a long run at the Schubert 217, Saturday (21) was cut down...

Where the Blue Begins

Communism Playhouse production of 'The Blue Begins'...

...presented by the Theatre Guild in connection with the Mercury Theatre...

Reason offered in New York concert circles for Benjamin Gigit's

...concert with the Metropolitan Opera Co. and U. S. concert biz on his return to Rome from a U. S. tour...

Arthur Hammerstein, who is based in Palm Beach for some months...

...is afflicted with a mysterious ailment which doctors have not been able to diagnose...

Former Widow Seeks AFM OK'S ST. L. ORCH DATE DESPITE PICKETS

Concert Hall Room OK

Philadelphia, Feb. 28. Group headed by George Horace Lorimer, widow of the Saturday Evening Post, editor, and official of the opera committee here, is reading a bill to present to the legislature to legalize the sale of light wines and beer at the platform. Led is garbed completely in black, with light spotted on his face...

"STARS IN YOUR EYES" MIMI LOU CLAYTON

Attention PLAYRIGHTS: Some plays written for 1939 years, writing complete with credits...

Some years ago Christopher Morley... animals killed up quite a few sales. Apparently it's held anything for...

Hepburn's 'Story' Smash in Philly, \$22,000; 'Women' \$9,400, 'Boy' \$7,000

Philadelphia, Feb. 28. Following on the heels of unannounced premieres from Paris, Katharine Hepburn, starting in The Philadelphia Story, registered a smash hit here last week...

'Candida' Big \$12,500 In Cincy, Columbus

Cincinnati, Feb. 28. The Cox, which did excellent box office on 'Candida' the first two weeks, will be sans regular fare...

Shows in Rehearsal

- 'No Time for Comedy'—Katharine Cornell-Playwrights. 'Children'—Richard Aldrich and Richard Myers. 'Chest Quarters'—Edward Anderson-Seymour...

Washington's Birthday Days B'way; 'Way' Leads, \$44,000; 'Foxes' 16G, 'Hellz' Leave It, 'Stars Over 30G

While two new arrivals on Broadway—'The Blue Bird' and 'The Sign of the Cross'—were partly up to Washington's Birthday week expectations...

week) (M-1,717; \$4,40). Held to eight performances, and like most of the new Broadway shows, it was claimed...

'Bachelor' Off Chi 4 1/2 G; Folds; 'Kiss Boys' Up, \$13,000

Chicago, Feb. 28. 'Bachelor' Bortz quit town Saturday (28) after two miserable weeks at the Selwyn. 'Kiss Boys' continued until March 12 when 'Angie is 22'...

'The Little Foxes' draw was fully up to indications, with the first full week of \$18,000. The new drama as runner-up to the straightaway 'Hellzapoppin'...

'The White Slave' Broadway (8th week) (D-1,107; \$3,30). Right times other than on Saturday...

'Golden Boy' was all set to close the Edgewater Saturday night (28) after a week and a half, when big suddenly and unexpectedly spurted...

'Susan and God' is slated for week of March 19, and the Lunts in repertoire the week of April 10 to follow...

'ROAD' BIG 12G 'I.N.D.C. RETURN

Washington, Feb. 28. Fourth local exhibition of Tobacco Road' last week best third engagement of the crew last May...

'Hellzapoppin' again was the musical leader with over \$39,000, but it played the first week, while the others held to eight performance...

'What a Life!' Mansfield (4th week) (C-1,659; \$3,30). Some performers were surprisingly well attended...

One show is listed for next week, the revival of 'Big Boy' and the Importance of Being Earnest...

'Estimate for Last Week 'Candida' (C-1,380; \$2,75). 'Candida' the first two weeks, first half of last week, by cord...

PLAY LADYSHIP

London, Feb. 18. 'Ladyship' is a comedy by Ian Hay, from the novel by G. K. Chesterton...

'Alto Lincoln in Blitnik's' Plymouth (20th week) (D-1,107; \$3,30). Some performers were surprisingly well attended...

'The Importance of Being Earnest' (28th week) (D-1,107; \$3,30). Final week; goes to road under new management...

'Life' EBBS IN PITT, \$6,000 DESPITE RAVES Pittsburgh, Feb. 28. 'What a Life' was disappointing last week...

'Estimate for Last Week 'Road' (C-1,380; \$2,75). 'Road' last week best third engagement of the crew last May...

LUNTS DO BIG \$12,600 IN 2 SOUTHERN STANDS

Atlanta, Feb. 28. Alfred Lunt and Lynn Fontanne, alternating 'Idiot's Delight' and 'Amphitruo' at the Lyric Theatre...

'Dear Octopus' Morocco. Closed Saturday (28) after two week capacity run...

'Swing with Mike' New York; opens tonight (1). 'Andrews and the Lion' Lafayette...

'Baito Buss; 'Abie' Builds for Fair \$5,700 Baltimore, Feb. 28. 'Town's three leggers are lit this week...

'Estimate for Last Week 'Lunts' (C-1,380; \$2,75). 'Lunts' do big \$12,600 in 2 southern stands...

Simon Vice Maunz Bernard Simon has succeeded Theodore Maunz as president agent for the P.F.A.

Local Feature theatre project, which is being marketed by the most ambitious undertaking, 'The Merry Wives of Windsor'...

'Milk and Honey' Broadway (11th week) (D-1,107; \$3,30). Strong grosses helping along over \$12,000...

'Susan and God' Boston, Feb. 28. 'Susan and God' running without competition a second week...

'What a Life' Nixon; (2,100; \$1,65). 'Everything Possible' in this one's first week...

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Seldes' Libel Suit

An application to dismiss a bill of complaint brought by Agnes S. Hanoff against George Seldes was denied Seldes Saturday (25) in the N.Y. Federal Court by Judge Albert E. Cox...

The plaintiff seeks \$200,000 damages and alleged libelous articles claiming that he approached her for articles for a book, 'Sawdust Casar...'

A similar suit against Ken Federal Court last week. Seldes proposed the settlement of this action...

Oppositionists' Freedom Novel Seen as slanting for a couple of its recent novels regarded as reflecting on the Jewish race...

'Merant's' was responsible for Freedom's rise as a scribber and editor. His political activities, timely dazed, resulted in his becoming one of the highest-priced of contemporary writers...

Rise of Freedom was phenomenal during a time when the United States was at a military market and became known as a writing factory...

Reverse in Book Reprints Reversal in book reprints will be undertaken by Modern Age Books. Generally books originally published to sell for \$2 or more subsequently reprinted in cheaper editions...

Reprints will be issued under a new imprint for \$5 and the original price of them for as little as 38c. Reprint plan of Modern Age Books...

Judge's Financial Snag Judge failed to publish a February issue because of reputed financial troubles of Publisher B. J. Newman...

Newman is also publisher of the new political weekly, Starburst, issued in Washington and bankrolled by former Governor East of Pennsylvania...

Editor George's Annual Report Seventeenth annual convention of the American Society of Newspaper Editors will be held in the New York City April 20-22...

South Bend's New Sheet South Bend, Ind., is to issue a second daily sheet. Arrangements completed by A. Johnson...

Gets Out Low-Priced Books Gotham Publishing Co. has been formed by Joseph Brown in New York to get out various types of low-price books from 5 to 50c...

His Day

A femme reporter asked Sinclair Lewis what he would do if his better-half-checker, Dorothy Thompson, were ever elected president of a woman's ticket...

That would be sweet, I might get a crack at writing 'My Day'.

Leases Fight on Hitler Book Federal Judge Alfred C. Cox in New York yesterday (24) denied an application by Houghton Mifflin Co. for a temporary injunction against Slackpole Sons, Inc...

The plaintiff claimed to have entered into an agreement with Franziska Lehmann to publish her rights to the book. They plan publication this month...

Madys Adds to Chain Westchester County (N. Y.) dangles picture by Fred Madys...

Chatter Andrea Mauros in New York. Beverly Nichols returning to London...

Benjamin H. Carroll to serve as city editor of the Evening Post. Thomas E. Duffy as advertising manager...

\$224,686 for Hab Daily Reorganization plan has been filed by the Boston Transcript, whereby the paper will be changed from a capital...

Mayflower's Plans When negotiations are concluded with a literary name to serve as editor, Mayflower Publishers gets...

Okl. City News Falls With its issue of Feb. 24, The Oklahoma News, Scripps-Howard owned, has collapsed...

LITERARY OBITS THIS WEEK William J. Egan, 67, former sports editor...

Dempster MacPherson, 43, Chicago news editor, died last week in Battle Creek, Mich.

Robert W. Curtis, 72, day assistant sports editor of the N. Y. Times and author of 'The Rebel Without a Cause'...

LITERATI

Courier and came to N. Y. in 1929. He worked on the Sun after the old Recorder and in turn to the Herald...

Regene S. Leggett, former Washington Post staff writer, died last week in the Capital. He was Washington Post staff writer from 1925 till his appointment as an executive officer of the National Emergency Council...

John F. Young, 64, cable editor of the New York Times, and writer of magazine articles on international affairs...

Thomas Fauntleroy, 50, chief editorial writer for the Memphis Commercial Appeal, died Sunday (26) in New York...

CHATTER Andrea Mauros in New York. Beverly Nichols returning to London...

John Charles Thomas was guest soloist at Eugene O'Neill to be the symph orchestra Sunday night for the landmark 37th CBS.

Barnes and Allen, Melvyn Douglas and Shirley Ross teamed Sunday (26) in a partnership with The Shining Hour on the Screen...

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Follow-Up Comment

Contrast of the Chestnut Tree, which the music enters at the Lambeth Walk. Unless there's a lot more to the dance...

'Swing Songs', 45-minute variety show from London (Feb. 23) Wednesday afternoon (26) over Mutual, was far from the standard British pop...

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leftists, using the technique of surprise words, to avoid the question if he was a Communist.

Indianapolis Symphony Orchestra staget for a solid hour Wednesday afternoon (26) at the NBC is a natural target for the symph bug...

'Swinging Strings' planter presentation of Louis Chabon's outfit Wednesday (26) on the radio, play a New York, is a welcome breather from the standard...

Jack Brecher's tenor (Sweetheart Song, Friday, 7:45, WFAP) is aimed at the radio...

Commercial are straight sales agents for one halfway in the show being overlong.

Actor Pay Tilt (Continued from page 49) are contracted for much higher salaries...

Movement proposes that in selecting the new minimum, management will be using junior members at the \$40 level...

The whole retained were paid more. There were fewer people engaged for the chorines, minimum being \$35 weekly...

Understood that the plan resulted after a show recently opened out of town...

Edwin C. Hill took the occasion of Washington's birthday day at the Washington with some right bids at the









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# VARIETY

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25¢

Published Weekly at 164 West 41st Street, New York, N. Y., by Variety, Inc. Annual subscription, \$10. Single copies, 15 cents. Entered as second-class mail, September 21, 1907, at New York, N. Y., under the act of October 3, 1917. POSTOFFICE: 1899, BY VARIETY, INC. ALL RIGHTS RESERVED.

Vol. 133 No. 13

NEW YORK, WEDNESDAY, MARCH 8, 1939

64 PAGES

## A O'S STAGE-WAIT WHITE

### Half of Pittsburgh's Cafes May Fold Due to Inability to Pay for Licenses

Pittsburgh, March 7. Nitery biz here is worst in years and present indications are that cafes will be cut more than half after May 1. Applications for new booze licenses in this district, which must be filed within next couple of weeks, are more than 50% less than they were at same time last year.

Lot of the nitery has been unable to raise the \$80 necessary for new licenses. There's an additional \$12 charge if a spot has music or entertainment.

Operators of the smaller spots are complaining, and there's been some talk of organization to register protests before the state legislature. They claim it's not fair to charge the same as the bigger places.

Frisco Mileless Rap  
Sacramento, March 7. More than 95% of San Francisco's bars, cocktail lounges, night clubs and similar establishments have been eradicated under provisions of proposed law now pending before the legislature.

The bill, introduced by Senator John Phillips, provides that no retail liquor license for premises located within 1,500 feet of a public school, parochial school, child's playground, public library, church or hospital shall hereafter be issued, renewed or transferred.

The measure is said to have been introduced at the request of the California Congress of Parents and Teachers.

### FILMS TO SPACE LEGIT AS STRAWHAT B.O. AID

Films may be used at certain street theatres this summer as a substitute for regular legit stock to hype the boxoffice on normally slack days. Idea was tried successfully last season at the Playhouse, Woodstock, N. Y., and the thought is to repeat this summer to numerous stock outfits throughout the East.

Venture is being pushed by Howard Lesser, who for the last 12 years operated various neighborhood picture houses in Brooklyn. He tested the plan on Monday and Tuesday nights at the Woodstock spot last summer and rang up a higher take.

### Helping Daddy

Marilyn Hare, 15-year-old daughter of Ernie Hare, is pinching-hit for her dad on the Sacha Furniture store program on WJCA, N. Y., Sundays at 3 p.m. She is a student at St. Ann's high school. Father is seriously ill in hospital and was to undergo operation yesterday (Tuesday).

In taking his place, Miss Hare keeps intact the 20-year-old partnership of Jones and Hare.

### Umbrella Man

Paris, Feb. 28. The latest dance hit is the Chamberlain. It's being done with an umbrella.

### Since B'way Cinemas Will Derive Benefit, Trade to Bally Fair

Several major circuits last week laid plans for giving ballyhoo break to the New York World's Fair on their next screens throughout the country. This will be done by means of special trailers and emphasis in newscasts controlled by the parent producing-distributing companies. News was that more-motion picture camera crews were active in shooting fair, grounds and buildings from every angle, than at any time since the exposition was launched.

Decision to give special publicity on cinema screen was made after film executives had cross-checked.

(Continued on page 61)

### CURIOUS STATUS PREVAILS FRIDAY

NBC Red, Particularly, Loaded with Old Accounts That Stick to Entertainment Patterns Oddly Contrasting with Other Nights on Networks

### CBS' NIGHT

Network commercials as a whole may, from year to year, show a steady improvement in highpowered entertainment values, but Friday night on the NBC red (W2AF) continues to live in a world by itself. Were it not for the inclusion this season of Guy Lombardo, the red's Friday evening schedule would rate as a museum piece of broadcasting. Critical listeners consider this night pretty much of a stage-wait.

What goes on over the red between 8 and 10:30 p.m. of a Friday not only is a sharp letdown from Thursday night's parade of sock entertainment but a curious study in sponsor conduct.

(Continued on page 62)

### Boston's Sedate Beacon Hill Houses Group Devoted to 'Significant' Plays

### All in the Family

There's a repertoire company of legions playing the town hall and church basement circuit all northwestern Pennsylvania with a cast of 15—Mr. and Mrs. Henry F. Meyers and their 13 children, ranging in age from 12 to 29.

Family does everything itself, from stage carpenter to ticket taker.

### WNYC to Give Tourists Home Town News; Tieup With Local Newspapers

WNYC, New York City-owned transmitter, will serve home-town news to New York World Fair visitors this summer through tieups with out-of-town newspapers. It has already been arranged with one sheet in various cities throughout the country to wire leading local items daily. These will be condensed into a daily news report, with each paper given credit. It's tentatively titled "Your Home Town News."

Boston, March 7. Sedate Beacon Hill is housing a little theatre group devoted to the production of 'significant,' timely plays.

In an antiquated little theatre called The Barn, the Ford Hall Forum Players are now presenting a dramatic plea for socialist medicine by Paul Sifton, Assistant Wages and Hours Administrator, and his wife. "The Doctors" began the 10th season for this group which has incubated Jeffrey Loran and Philip Bourneuf, among others.

With the sponsorship of the Forum, which is organized on the lines of New York's Town Hall, the Players were formed in 1928 under the direction of Charles Flato. Lillian Arnold, the present director, succeeded him the following year and has guided the policy from the usual amateur predilection for classic revivals to plays of 'peace, labor and general contemporary problems.' Local authors are also encouraged to submit originals.

Members all work during the day and meet at night. The director is a librarian, the business manager a lawyer. Players' eventual hope is a permanent community theatre, playing professional repertoire and filling a "long-felt need" for Boston legit. They believe that half-baked troupes dumped on Boston have soured the public, but that a serious and sincere group could win support.

## Non-Commercial BBC Embarrassed By Runaway Theatre Television

London, Feb. 28.

The popularity and success of the recent theatre television broadcast of the Boon-Danahar fight has led the British Broadcasting Corporation to be acutely embarrassed. It looks like theatre television may do a runaway and BBC may not be able to recapture its control. Shrewd private entrepreneurs are out-stepping the BBC.

In a matter of days, situation has changed so violently that monopoly powers exercised by BBC look to have gone completely all the time, and as far as television is concerned, sponsored radio is in, and the broadcasting unit has got to set about complete readjustment of ideas. Big business, with its control of a heavy bankroll, jumped in and forced the issue, any attempt by the Government or BBC to stem the tide may now be futile.

Here's just how the situation got out of hand. BBC, backed by Government authority, has been the first to issue its charter right of radio monopoly. Before this, they had no serious competition; but coming of

the latter raised new problems of theatre transmission, forcing to an issue the question of whether broadcasts must be held sacred for home use only and not for commercial exploitation. Official attitude remained firm, although video manufacturers, notably the Ostrer-financed Baird system, and Scophony, with which Ostrer Deutch and his backers are involved, proceeded with research for projecting programs on theatre screens; both have reached a high degree of technical perfection.

Many Huddles  
Month after month of powwows took place last year, involving contacts with BBC, the Television Advisory Committee (government appointed) and the Postmaster-General, who is the state's overlord of radio. And they couldn't beat out a formula. Theatre side were winning to cooperate all along, helping BBC with its production side, but latter shelttered behind obvious copyright and reproduction snags that were bound to arise. Gov't stood in the background supporting this resistance, fearing a powerful propaganda medium might slip out of its grasp.

Fight Started It  
Then the Ostrers were really in the boat. Boon-Danahar had been built up as one of the biggest events in British boxing in years; public interest was colossal, and

BBC was desperately keen to get television rights because it came right slap in the middle of their big publicity campaign, and could be expected to sell more sets than any other possible program. Ostrers, representing both Gaumont-British theatres and Baird, offered Syd Hulle and John Harding, promoting the

(Continued on page 2)

### Hanging Hurts

A \$25,000 damage suit was filed Friday (3) in the N.Y. supreme court by Boris Demitroff, wrestler and actor, against Universal Pictures for personal injuries suffered while appearing in a scene for Universal "Respect Last Year."

Plaintiff claims that he was supposed to be hanged in the scene, which was shot in N.Y. As a result, Demitroff claims he suffered a neck infection.

*The Hour of Charm*

## 34 GIRLS and ONE MAN Phil Spitalny and His All Girl Orchestra

# Suit Charges Loew's Execs Hurt

## Own Copy Helping Organize 20th

Wilmington, Del., March 7. A conspiracy to defraud Loew's stockholders in the organization of 20th Century-Fox Pictures is charged in a suit filed in Chancery by Arnold Bernmann, New York, Loew's stockholder. Exorbitant salaries and bonuses, and granting related concessions and privileges at too high salaries, is charged in the complaint, which also asserts Darryl F. Zanuck was induced to resign from Warners and use his influence to persuade George Arliss to enter employment of the new company.

Defendants named are: Loew's, Inc., David Bernstein, Isadore Frey, Leopold Friedman, William A. Phillips, J. Robert Rubin, Nicholas M. Schenck, David Warfield, Philip von Borstel, Loew's, Inc., Darryl F. Zanuck, Joseph M. Schenck, William F. Goetz, J. S. Searle, J. R. Hize, George N. Armsby and William A. Parker.

In the organization of 20th-Fox plaintiff charges its defendants, especially Nicholas Schenck and Mayer, with inspiring loans and providing capital funds to the company which has become the "strongest competitor of Loew's." After consultation, bill charges the defendants loaned actors, artists, directors, writers, and other talent to the 20th-Fox production company.

Suit asks that the defendants be enjoined from disposing of any 20th stock they hold; that their stock be sequestered to complete payment of the 20th stock of the defendants be impressed with a trust in favor of Loew's and to remedy Loew's property; that the defendants account for alleged misappropriation of money and for loss of Loew's stock and other talent to Selznick, Inc.

# PICT COMMITTEE TO STUDY VISIO

In order that the picture industry may develop a policy of cooperation with television, when the latter branches from experimental to commercial operation, the Hays organization has named a committee, with J. Robert Rubin, chairman, to investigate and recommend.

Hays office also has engaged Courland Smith, formerly head of Fox News and one-time president of the Motion Picture Producers & Distributors Assn., to conduct a full survey for the committee.

Smith also was editor of Fox Movietone and is known in the trade as an inventor entirely familiar with the technical phases of television. He will conduct his survey mainly from New York.

The Hays office made a television survey several years ago. The president's consequent recommendations, the picture industry on its current status, if anything important has developed that should be laid before film executives and any phase of television that may affect the film business.

# Keaton's Comeback

Hollywood, March 7. Buster Keaton is trying a comeback in a comic in a new deal with Columbia.

Pact calls for a pair of two-reelers, with options for additional shorts.

# Neagle in Title Role of 'Marie Lloyd' in London

London, March 7. First Hollywood feature to be made by Imperio Pictures, RKO-Grand production company, is the story of Marie Lloyd, English music hall entertainer. Anne Neagle is set to play the former music hall sensation now on for Cary Grant to costar. Film will be in color.

Marie Lloyd attracted attention in America as early as 1907. Her songs won her acclaim at the Palace, N. Y. She appeared at the Palace in New York, 1919, six years after her act was actually revived there. Marie Lloyd's sister, Alice Lloyd, is still headlining in English show biz.

# LESLIE HOWARD PROD. TO BE BACKED BY RKO

London, March 7. Phil Reisman, foreign manager for RKO, has announced that his New York office has approved a deal whereby his company will finance a Leslie Howard unit here on the basis of Imperio Pictures' "Imperio," an English producing company, is reported to have been formed and financed by RKO, which will distribute at cost, the producer guaranteed first coin. The distributor participating after the production cost is out of the way. Imperio will make a production of "Great Britain annually and one in two in Hollywood.

Anne Neagle is set to appear in the initial U. S. film, and will shortly. First feature in England will be "Kitchener in the Field," in color, with many Hollywood stars used. Imperio was formed to "let Herbert Wilcox should continue making films for RKO release. Wilcox arranged with Reisman March 3.

# WB'S \$6,000,000 '39 LOAN PLAN

Official confirmation of a bank loan to swing to 1939 bond exchange (Tuesday) by Warner Bros. yesterday. Company has been negotiating with a bank credit agreement covering a secured loan in maximum amount of \$6,000,000. The loan will be repaid in six months starting April 1, 1940, and ending April 1, 1944. How much money will be repaid on how many bonds have not been exchanged when the 6% convertible features come due next September. Copy of the agreement has been filed with the Securities & Exchange Commission.

Statement to holders of bonds showed that \$19,266,000 principal amount of debentures have been deposited under the plan of exchange, announced last July, certificates of deposit having been issued in that amount. It also stated that the company has purchased in the open market \$271,000 principal amount of these certificates to be used for sinking fund purposes for the proposed \$6,000,000 loan. Also, the company also has purchased in the open market \$3,102,000 principal amount of debentures, of which \$700,000 have been retired and remaining \$1,402,000 held in the treasury for retirement in due course.

WB's statement was that after allowing for these purchases, there remain outstanding \$25,827,000 principal amount of certificates of deposit and debentures. Same statement estimates that second quarter earnings for the three-month period ending Feb. 25, this year, will be in excess of the similar quarter last year, when they totalled \$1,139,018.

# Chaplin and UA May Examine French Tobis

An application by Charles Chaplin, Chaplin Film Corp. and United Artists to examine the president and secretary of Films Sonores et Musiques S. A., before trial was granted last week by Federal Judge Alfred C. Cook in New York.

Chaplin and UA are being sued for an injunction and an accounting by Cook in New York. Films were claimed plagiarizes "A Nous La Liberté," French film produced by Films Sonores Tobis.

# 17 VISIO LICENSES ISSUED IN AMERICA

Washington, March 7. There are 17 television plans currently conducting experiments in visual transmission, according to most recent FCC data. Television license lists showed six more transmitters in course of construction, due to take the air in the immediate future.

List was headed by General Electric, which recently has been awarded four construction permits for image plants at Bridgeport, Schenectady and Albany. RCA has licenses for three stations, NBC and Philco for two each. Other categories were:

- CBS: Don Lee, Allen B. DuMont Laboratories, Fairmount Television, Inc., First National Television, Inc., General Television Corp., Kansas State College of Agriculture, Purdue University, Radio Pictures, Inc., University of Iowa, Zenith Radio Corp.

Construction assignments vary widely, from 15 watts in the case of the Philco plant at Philadelphia, WXPX, to the new low power RCA station in Cleveland.

Permit assignments vary widely, from 15 watts in the case of the Philco plant at Philadelphia, WXPX, to the new low power RCA station in Cleveland.

# RKO's Net '38 Profits Placed at \$173,578

The consolidated net earnings of RKO for 1938, as reported in its 1938, was \$173,578, as against \$1,261,168 the year previous, according to a report of the directors of the Irving Trust, who disclosed the figures in an application for allowances at the Federal Reserve Bank of New York (Monday 6).

The judge reserved decision on the application of \$85,000 for Irving Trust, and \$95,000 for William J. Donovan, attorney for Irving Trust, who are seeking adjustment of their services covering the period of Oct. 1887-Oct. 1938.

# SAILINGS

- March 15 (Los Angeles to Tahiti), Doc (Hawaii).
- March 15 (New York to London), George Sanders, Morris Hershman (Main Heading).
- March 4 (West Indies Cruise), Mr. and Mrs. Abe Green, Mr. and Mrs. Arthur C. York, Arthur Schwartz (Champion).
- March 4 (London to New York), Charles P. Skouras, Alfred Hitchcock, Eric Brou, Sid Hulls, Sir Harold Wernham (Queen Mary).
- March 3 (London to New York), Eddie Peashody, Dorothy Buccola (Main Heading).
- March 3 (Los Angeles to Honolulu), Eskine Caldwell (Laurine).
- March 3 (New York to London), Claire Luce, Thelma Houston, Henry Hector Bolitho, George White, Rene Le Roy (Queen Mary).
- Count and Countess von Tippi (Normandie).
- March 3 (Los Angeles to Sydney), Jan Rubini (Mariposa).

# ARRIVALS

- (At the Port of New York) Bruce Mitchell, John Williams, Stoll Anderson, Ogen Nash, Godfrey Tearle, Leo Genn, Roger MacNeil, George C. Scott, Ireland, Laurier Lester, Patricia Godfrey, George Cross, Karl Schnabel, Margaret Rawlings.

Norman Rydge, C. U. T. chief, enroute to N. Y.	Page 23
Threaten to curb on U. S. films.	Page 23
ASCAP vs. Radio striking.	Page 39
Amos 'n' Andy shift to CBS.	Page 41
RKO's WHN suggests NBC form 'White' network.	Page 41
Radio status for February.	Page 41
First income of AFRA-Writers Guild relations.	Page 42
Radio reviews: Joe Cook, Glenn Davis.	Page 48
Hepburn's 'Philadelphia Story' record gross.	Page 59

# Visio Prize Fight Tickets

Boon-Dannaher fight, as seen on theatre television, London, Feb. 28, and has got the whole film industry intensely worried with its indication of a virile new form of entertainment that may change the whole picture business. Show was given by the Metropolitan Theatre, at Marble Arch Pavilion, and Taitler, Scophony, at Marble Arch Monseigneur. In comparison, Baird is easily tops for size of picture, using a screen only 12 feet, as against Scophony's by 12 feet, latter using a by a clear kio, where clarity and brilliance was concerned.

Quality of reproduction, though, didn't matter; what counted was that the pictures were laminated to the front of the screen, so that the battle through yelling their heads off, just as if they were at the ringside.

# Non-Commercial Television

(Continued from page 1)

prizefight, a fee of some hundreds of pounds for permission to reproduce the contest on their screens.

Hulls and Harding grabbed the dough without hesitation, promptly told G-B if it wanted visio rights it would have to pocket its price and let BBC use the broadcast. So, rather than lose a good program, Baird is now endeavoring to cover itself by issuing a meaningless press statement the concession was not to be regarded as a precedent. If it was not that, they thought it was.

Exhibitor Complacited

Even at that, there might have been further delay in crystallizing the deal, had Baird not been when public reproduction of programs might be permitted. But exhibitors, through endeavoring to cover itself by issuing a meaningless press statement the concession was not to be regarded as a precedent. If it was not that, they thought it was.

Hays' 17th Anni

Will Hays quietly observed his 17th year as head of the Motion Picture Producers & Distributors Assn. His door was open to all who have become the first president of the MPPDA on March 5, 1922. His first contract runs until March, 1941.

L. A. to N. Y.

Don Ameche, Robert Armstrong, Billie Burke, Blaine Berritt, Russell Bennett, Edgar Bergen, Pandro Bernman, Alice Bowling, Jack Brewer, Dorothy Brown, Gene McCarthy, W. E. Calloway, Henry Fiske Chandler, Eric Robertson, Max Cohen, Steve Harnagan, Donald Dickson, Sam Eckman, Steve Harnagan, Moss Hart, Mill Howe, Ruth Brown, Ruth Adams Knight, Carl Hagen, Dalrymple Lamour, Lady Lawrence, Gene McCarthy, Arthur Loew, Dick Mack, Gene McCarthy, Laurence Olivier, Sam Rinzler, Fred Sersen, Wynn Rocamora, James Roosevelt, Dickson, Benj. Davis, William A. Scully, J. J. Sullivan, Joe Pennington, Jack Skirball, Peter Fishker, George White, Anthony Veiller, Eric Robertson, George White, Jack Whitney.

doesn't command the resources behind G-B, threw a chestnut in the fire by demanding similar facilities for a new triaxial type of cinema, with its opening up which he had had fitted with a Scophony big screen apparatus. He said the BBC was giving him down! They said they had no power to grant him permission, because they understood Hulls' and Harding's and sold exclusive rights to Gaumont.

David let out a yell, immediately declaring that he was setting up a commercial monopoly by allowing state-owned services to be exploited by private concerns, but he failed to matter to Parliament. At the same time he so pestered Syd Hulls that he was further delaying in crystallizing the deal, had Baird not been when public reproduction of programs might be permitted. But exhibitors, through endeavoring to cover itself by issuing a meaningless press statement the concession was not to be regarded as a precedent. If it was not that, they thought it was.

Moreover, in a letter to Jack Davis over signature of his television director, Gerald Cook, BBC had said it was ready to consider further public broadcasts on stated conditions. These were that the program must naturally first be got. This offers the theatres a wide range of valuable service, but it is not a national football games, athletic events, the Derby, Oxford and Cambridge boat races, and so on.

So theatre television is in. Both Gaumont-Britannia and Jack Davis are ready to jump in with installations at more theatres. G-B, ready to put Baird and Scophony into the picture, means David playing ball with Scophony, who could service 10 houses for him in a short time. Scophony, too, must eventually go into the Odeon theatres, but at this time it is still in a short time. Baird with its big screen equipment, and its largest practicable size is about 8 ft, which is a great improvement on capacity news theatre, but useless for the 2000 seat Odeons. Company is ready to set up a screen system, but meanwhile Baird has the more practicable job, which gives an image up to 15 ft in dimension.

Until the bigger job is complete, Deutsch and Scophony obviously will be the main force behind Jack Davis, which means when future theatre are issued threats of a price war as a direct result of that means G-B + Odeon, and when John Maxwell brings his Associated British chain into the picture by linking with another major radio concern like E.M.I.-Marconi, who will have a big screen outfit, there'll be fun and games for all.

Meanwhile, exhibitors are already seeing the red lights on all but all three theatres requiring the light had the S.R.O. boards well in evidence—big as \$5 top and a big screen—was big market for this form of entertainment, and that means the whole face of the industry is being turned overnight. London exhibs, naturally, have got the jitters worst, because of the developments in London them directly at this time, and their section of Cinematograph Exhibitors Assn. is already demanding that its present body set up and maintain a fine committee to watch every step taken by Baird and protect them against its onslaughts.

Newsreels, likewise, are on something of a spot, and their first reaction was to boycott the market completely. But because that might look like cutting off their nose to spite their face, G-B + Odeon + Gaumont the rights for which they had paid, will put the show on their rear, and in the same time have made plans over to Universal News, which is its stable company. Other reels were offered footage being failed to reach agreement on terms.

# Other News of Interest to Films

Neil F. Agnew, Benj. Davis, William A. Brady, Trent Carr, Bob weaver to boycott the market completely.	Page 23
Scott R. Dunlap, George R. Neal, Sidney Howard, Jack Kopp, Dickson, Benj. Davis, William A. Scully, J. J. Sullivan, Joe Pennington, Jack Skirball, Peter Fishker, George White, Anthony Veiller, Eric Robertson, George White, Jack Whitney.	Page 23
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# LETTERS '39

## 20th's Studio Expansion Up at Coast Huddles; Skouras Chiefs Go East

Hollywood, March 7. Sidney Kent is resting at Joseph Schenk's desert retreat prior to the 20th-Fox sales season later in the week. Also here for the product huddles are Herman Wobber and Les Whelan, director of foreign publicity.

Parley with Schenck, Darryl Zanuck and William Goetz are expected to last two weeks, with the program formulated for the sales meet in Chicago March 30. Studio expansion will also be discussed during Kent's stay.

**Skouras Chiefs East**  
Arch Bowles, acting head of the Fox-West Coast circuit, leads that company's division chiefs east to meet Charles Skouras on his return from two-month trip abroad.

Joining Bowles en route will be Frank Rickelton, of Denver, Elmer Rhodes, of Kansas City, and H. J. Fitzgerald, of Milwaukee; X. They will report on circuit activities and mull product buys for New season.

New York session may last two weeks, after which Skouras and Bowles return to the Coast.

## MORROS' DEAL FOR FRENCH PIX SET

Boris Morros, former Paramount producer, has closed a joint production and distribution deal with Leon B. Gluck, a French producer, for the release of seven French pictures in the U. S. Morros also arranges for acquisition of American remake rights on two completed and four uncompleted French productions.

Pictures involved in deal include "Le Roi S'Amuse" (The King Amuses Himself), an Emel Naeim production which was just finished in London; "Quai de Brumes" ("Fog of Shadow"), a Gregory Rababinovich production; "L'Amant Nord," a Lucashevitch production with Annabella and Louis Jouvet.

These three, Morros considers the outstanding pictures among the 34 films he screened in Paris and London before returning to the Coast the other day.

Morros is also dickering with Metro for its rights to the James M. Cain story, "The Postman Always Rings Twice." Picture was never produced here, due to ban of the Hollywood organization, but has been made into a French film by Smadja. If censorship angles can be cleared for Metro will import the film to this country.

Two American companies, one a partnership and the other a corporation, are now being formed here and a Marivau theatre will be opened in New York as an outlet for pictures Morros is bringing over from France. Morros will open N. Y. headquarters before returning to the Coast the end of the month. Office will be in charge of Samy Sirlinsky, who arrives from Europe Thursday (9).

## A Big, Wide Boo

Hollywood, March 7. "Spook House," a ghost comedy, is Joe E. Brown's first starer under a recently signed contract with Columbia.

Bryan Macloy is adapting the play from a story by Robert Flouroy.

## Chimp Suit Settled

Los Angeles, March 7. Suit for \$70,000 over the death of Jiggs, chimpanzee, against Parrot was settled out of court.

Jaqueline Gentry, 47, of Jiggs, claimed her chimp died of pneumonia brought on by work during inclement weather early morning hours on Paramount locations.

## Einfeld Stays East Until WB Convention Finale

Charles Einfeld, Warner Bros. v.p. in charge of publicity-advertising, is expected to remain in New York until the end of the annual sales convention, March 17-17.

He came east two weeks ago to supervise the handling of "Yes, My Darling Daughter" when it came up before the State Board of Regents.

## BRISKIN'S COL. STOCK DEAL NOW CLOSED

Washington, March 7. Anticipated public sale of Columbia Pictures stock promised by Sam J. Briskin, v.p. of Columbia, was called off last week when the studio withdrew a petition for Securities & Exchange Commission approval of registration statement covering an offer of 37,500 shares of no-par common in equal number of voting trust certificates. After having been automatically effective through Briskin's filing of the petition, the statement was taken back Wednesday (1). Originally dictated Oct. 28, 1938, with the last stopper submitted Feb. 7.

Batch of paper included 25,625 shares reserved for Briskin under an option allowing him to buy at \$13.56 and sell at the market level.

Remaining 11,875 shares were to be issued in the event the total outstanding tickets were increased, since Briskin's business agreement allowed a further option if this state of affairs developed.

Stock would have been handed over, in actuality, since v.t.c.'s were to have been issued simultaneously.

## CONS. FILM STRESSES REPUBLIC'S BIZ GAINS

Healthy pickup in the business of Republic Pictures during the past year, when James Grainger was president and in charge of sales, was stressed by Consolidated Film Industries, Inc. in its annual statement for 1938, mailed to stockholders last week for the income of American Republic rose nearly \$1,100,000, while contracts signed for the showing of Republic pictures increased 234.5% to \$1,987,093.

Consolidated has a heavy investment in Republic, interest in which showed that Consolidated is one of the record business as a result of the sale of \$80,000 of American Republic Co. holdings to Columbia Broadcasting System.

Consolidated earnings of Consolidated totaled \$616,698, after all charges, as against net of \$905,735 in 1937. Earnings for past year were equal to \$1.54 per preferred share as compared with \$1.51 in the preceding year. Net income of American Republic share in dividends during 1938.

Consolidated earned surplus of Consolidated Film as of Dec. 31, 1938, amounted to \$3,584,199.

## Investor Sues UA Over Patents on Fog Effects

Los Angeles, March 7. Howard H. Batt has filed suit against UA for infringement of his patent for producing fog and smoke effects in pictures.

Batt's suit seeks an injunction and permanent injunction and an accounting to determine damages.

## WB, RKO SUE TO PREVENT FOREIGN CONCESSIONS

Some of the Other Majors May Follow - Unsettled Foreign Situation, Theatre Divorcement, Tendency Toward More Importation, Scare Factors in Holding Down U. S. Production

## ENGLAND BECKONS

The likelihood is strong that the nationally-organized producing-distributing companies will schedule fewer features for the 1939-40 season than for this year due to unsettled foreign situation, the concern over chain divorcement which would upset the domestic market, and the tendency toward importation of more product from the other side.

Also, the American companies may turn more importantly to the production of their own pictures in England.

During the past year, Metro and Paramount have joined Warner Bros. and Twentieth-Fox in producing their own films on English soil. Understood with increasing force, schedule in England for 39-40, spending about \$5,000,000.

Monogram discussed a plan to produce a half dozen or so in London during the coming year, but has tabled the thought for the time being. W. Ray Johnston, president, is going across in the spring, at which time the matter will be further discussed, he states.

For this season (1938-39), the 11 nationally-organized producers, including UA, scheduled a total of 577 pictures, but it is doubtful whether this company will be able to deliver that total. Uncertain what its 1939-40 plans may be.

10 Cos. 595 Features  
The other 10 companies, Columbia, Metro, Monogram, Paramount, RKO, Republic, 20th-Fox, United Artists, Universal and Warner Bros. scheduled a total of 595 features for the current season. Indications for 39-40 are that the total for these companies will run somewhere under 500 and possibly as low as 475. This decrease in the total for the big 10 is likely in spite of the fact that Monogram, which finally came out of the red last fall, is increasing its list by 12 pictures this year.

In addition to Warner Bros., which plans 48 for the coming season as against 52 this year, and RKO, which is against 54 this year, some of the other majors may cut their schedules due to conditions which exist here and there, including the danger of losing their theatres. These companies are including UA, Twentieth-Fox, Republic and Warner Bros. Paramount, with around 1,700 theatres, is maintaining its own outlets.

Par may not feel inclined to vary the same large program of features as in the past year, but it is possible, as well as others, depends not only on its own chain but on the theatres of the other nine outlets.

Par this season (38-39) scheduled 39 pictures, while 20th-Fox is delivering 54. Republic and RKO are creating its program for the 38-39 semester to 59 and, as rigged, may be able to use for the coming season. Columbia went to 56 last year. This company, always late in its new program, may be among those reducing.

UA's Possible Reduction  
While UA will not be the first to the fust Sam Goldwyn is having with the company. Should he withdraw from the suit which he has filed that purpose last week, his walk would mean the loss of around six pictures which he schedules each year.

The only official announcements of 39-40 programs so far are those of Monogram and UA, with 54 and 48, respectively. WB is (Continued on page 6)

## Goldwyn's Suit Vs. UA Brings Quick Reply from Silverstone; Control of Co. Appears Issue

## Bondholder's Suit Vs. Par Now Definitely Cold

The Appellate Division of the New York supreme court Friday (3) unanimously affirmed a four-year-old decision by Supreme Court Justice Salvatore A. Cotillo, and dismissed a suit brought by Robert S. Levy, holder of \$5,000 of Paramount bonds, against Paramount Public Corp., the Chase National Bank of N. Y., CBS, William S. Paley, 24 officers and directors of Paramount, and eight N. Y. banks.

Suit charged misconduct and concealment between the directors, the banks and CBS and sought to cover damages the bondholders allegedly suffered.

## PAR-RKO THEP OBJECTED TO BY STIRN

John S. Stover, an attorney for Ernest W. Stirn of Milwaukee, RKO Class A stockholder, has filed additional objections to the confirmation of the plan of reorganization of the N. Y. Federal court. Stover repeated his former accusations that the plan had not been approved by two-thirds of the creditors, or a majority of the stockholders, and charges that the plan makes no provision for a normal consummation, after confirmation. Stover claims that 30 days should be the time allowed to elapse. Or, in lieu of this, it is suggested that Atlas Corp. secure security in the amount of \$1,500,000 towards its agreement to secure an underwriter for the new bonds.

He charges bad faith on the part of Atlas in failing to include this \$1,500,000 in its deficit column in the annual report of the corporation, and hints that it means Atlas will never go through with its promise of underwriting.

He objects to Floyd B. Odium, N. Peter Rathvon, Conde Nast and Frederick F. Zimmerman as members of directors, because they represent the Atlas-Lehman Bros. interests, who have representation on the Paramount board. This, he claims, is in violation of the U. S. monopoly suit against the major companies pending in the N. Y. federal court now.

## BOB GILLHAM MAY GO INTO PAR PROD. DEPT.

Bob Gillham, advertising-publicity chief of Paramount, at present on leave, may go into production by an executive capacity as yet not worked out. He is said to have long been interested in entering the branch of Par activity. Post may be assistant to J. Frank Freeman.

While west of the coast office department which Gillham has headed for several years is in charge of Atlas, the latter's sales promotion and advertising-exploitation-press books, later over all publicity matters.

## Warner to Sales Meet

Hollywood, March 7. J. L. Warner and Hal Wallis will attend the national convention in New York March 13-14.

W. E. Calloway and N. H. Brower, Coast district heads, also to go along.

An action for a declaratory judgment, naming the United Artists Corporation as defendant, was commenced last week, March 1, by Samuel Goldwyn and Samuel Goldwyn, Inc. Commons and complaint were served on Edward C. Raftery, secretary of the UA corporation, and legal counsel also.

Coast producer's law suit came with startling swiftness on the heels of rumors emanating from the Coast ever since stockholders of the company held their annual meeting in January. These rumors, according to statements now made public, were to the effect that Goldwyn had sought a greater control of United Artists and was seeking absolute domination of its affairs.

Serving legal papers brought an immediate response from UA, the following day (C). On behalf of the defendant company and one of its five principal officers—Richard, Douglas Fairbanks, Charles Chaplin and Alexander Korda, general manager Murray Silverstone stated:

Silverstone's Statement  
"Mr. Goldwyn has brought an action against us, asking the Court to cancel his present exclusive contract, and to reinstate his previous non-exclusive contract.

"To meet his claim upon these grounds: First, 'his' we have breached our contract with him by closing the production of pictures by Korda, and Fairbanks of separate producing companies to facilitate production of pictures by other parties, and to reinstate his previous non-exclusive contract. Second, 'his' we have breached our contract with him by closing Korda's contract with our company, he must render his services exclusively to the production of pictures by Korda has become interested in other pictures in England, with our consent, and that this constitutes a breach of his contract, since such consent was given over his objection.

"The second ground, that under Korda's contract with our company, he must render his services exclusively to the production of pictures by Korda has become interested in other pictures in England, with our consent, and that this constitutes a breach of Goldwyn's contract.

"The third ground is the claim of Goldwyn that UA permitted Korda (Continued on page 4)

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Annual, \$10 Foreign, \$11  
Single Copies, 25c. Cantd.

Vol. 133 No. 13

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# Goldwyn Shelves Air-Crash Yarn When Government Applies Pressure

Hollywood, March 7. Yielding purportedly to Government pressure, Sam Goldwyn dropped his plans to film "Thirteen Go Flying," based on the recent crash of the British amphibian, Cavalier, on services to Bermuda. It's claimed the picture would be damning to aviation progress in this country.

Brought in J. Roosevelt Washington, March 7. Quiet application of Federal pressure followed political and business pressure over Samuel Goldwyn's plan to use the recent tragically involving the British trans-Atlantic airplane Cavalier of cinematic inspiration. Officially n.g. on "Thirteen Go Flying" was communicated via Navy organization.

Disclaiming any knowledge whether James Roosevelt had been enlisted, George S. Messersmith, assistant secretary of State, Saturday (4) conceded he wrote Hays that the diplomatic wing of the department thinks it would be indelicate to concoct a film story based on the crash, in which several passengers and crew members lost their lives, while plane was en route from New York to Bermuda. Letters of disapproval and informal suggestion that Goldwyn be asked to shelve his script. Report that State department aide whispered to James Roosevelt, delicately suggesting that the President would be upset if the flick ever reached the screen.

Federal intervention — which officials say can be construed as censorship — was prompted by Pan American Airways, which is about to begin the U.S. service to Bermuda after bridging the Pacific. In Government quarters, Pan American is regarded as an unofficial ambassador of the U.S. and a good-will builder. Anything which might undermine public confidence in the airline would not be relished by Government agencies any more than by the airline.

Hays Office Denies Pressure 'The Hays' office in New York denies that any censorship has been exercised by the Motion Picture Producers & Distributors Assn. in the interest of the state department, or the British Government.

Any protests from the British Government would be made the production code administration office in Hollywood. As in other cases of this kind, when a foreign government makes known its displeasure regarding a story that might reflect on its national honor, the Hays office P.D.A. accepts such protests and forwards them to the company concerned. It is left amicably to the producer to decide whether or not he wants to go ahead with the picture in question, risking a loss of revenue in the foreign field.

With the ease of "Devil's Island" (When Frenchman Escapes) was both before and after the picture was completed, fresh in mind, the trade was surprised to learn of the studio's decision to withdraw plans to produce the flying boat yarn. Warner Bros. lost two million supply film censorship estimate in France as a result of producing and releasing "Devil's Island." Rather than incur further displeasure from the French Government and loss of additional playing time certificates in France, WB has withdrawn the picture from world distribution. No print had been shipped to foreign countries.

'Justice' Ahead of 'Wind' Hollywood, March 7. Justice Ranney, chief justice of the Selznick-International lot, is picked by studio handpickers to head a new "Wind of Change" which is having trouble rounding the first turn. It is still in the paddock, being scripted by Martin Berkeley and David Lanson.

## RUSH ON ETON

M-G Sending Four Players to England For School Pic

Hollywood, March 7. Metro will send abroad this summer Mickey Rooney, Freddie Bartholomew, the Burke and Virginia Weidler for "Yank at Eton." John Considine, Jr., producer and Norman Taurog is the likely choice for director.

Picture is slated to get underway in London in July.

## PAR SETS DEAL ON LAUGHTON TRIO

Paramount has closed a deal with Mayflower Pictures of London, headed by Erich Pommer and Charles Laughton, to distribute rights throughout the world, excepting the United Kingdom, of three pictures in which Laughton stars, two of them Paramount and a third yet to be made. Contract with the Pommer-Laughton company follows the terms of a similar deal which Par has obtained with Beachcomber, which it took for the domestic market. The distribution rights throughout the world, including the United Kingdom and Elsa Lanchester (Mrs. Laughton), in which Laughton and Maureen O'Hara, on the next Mayflower production, "The Admirable Crichton," in which Miss Lanchester will appear with Laughton. Production on last-mentioned starts early this summer.

Associated British, John Maxwell's company, has the rights to the Mayflower pictures throughout the United Kingdom.

## THE WOMEN READIES UNDER GEO. CUKOR

Hollywood, March 7. George Cukor returned to the Metro lot to direct "The Women," which is set to start in a few days.

He recently withdrew as pilot of "Good Woman with a Whip" at Selznick-International. Shooting was resumed on the latter after a week's halt, with Victor Fleming replacing Cukor.

## Brown's New M-G Deal; Piloting 'Rains'

Hollywood, March 7. Under his new deal with Metro, Cukor will pilot as director "Rains" on two pictures and producer-director on a third.

Brown moved over with the 20th-Fox lot yesterday (Monday) to pilot "When the Rain Comes" before starting his new deal with Metro. The first film Brown has worked off of the lot in 12 years.

## Mrs. Gable Files Meltzer

Hollywood, March 7. Having completed legal six-weeks' delay, Mrs. Gable filed suit for divorce in Las Vegas, Saturday (4). Her complaint charges desertion.

# GO ON INCREASE ON ALL DOES

Pilots Will Have Say-So on Scripts, Casts and Oversea Rough Cuts—Aim at Elimination of Associate Producers

80% GUILD SHOP

Hollywood, March 7. A three-year working agreement between producers and Screen Directors Guild will be inked this week. Pact calls for substantial increases for assistant directors and unit managers and gives directors more say in preparation and editing of their pictures.

Unit managers will get a minimum wage scale of \$10 a week under a separate contract to be signed with the major film companies. Another contract will be signed with SDG, providing for a weekly minimum of \$250 for first-assistants. First assistants under contract will get a minimum of \$125. Second assistants, who work on an hourly basis, will be guaranteed a weekly minimum of \$100.

Hours: Don't figure in negotiations between the two groups, which reached an amicable settlement at 4 a.m. Friday (3) after an all-night session. Directors and first assistants are classed as production men, with regulations as to hours. Second assistants come under the new 44-hour week.

Directors will be permitted to sit in with writers in preparation of story and script. Approval of production of casts and will be permitted a reasonable time to cut pictures. In final analysis the directors probably will be allowed to supervise first rough cuts of pictures in order that the front end was practically ironclad. Directors will be permitted to produce of what the director intended to produce. Gradual elimination of associate producers is the aim of Screen Directors Guild, which technically will continue to represent both the assistants and unit managers. This was indicated several weeks ago, when assistant directors started organizing as producer-director, being responsible only to the production department and not studio executives.

Draft Ready for Ratification When the agreement was reached work was turned over to Edwin J. Cune, Van Dyke Brown, Howard Mabel Walker Wilberbrandt, attorney for SDG, to draft an acceptable contract. Draft was practically completed over the weekend, and tentative membership meetings of the guild and association of Motion Picture Producers have been scheduled for this week to ratify the agreement.

Y. Frank Freeman, Al Lichtman and Pandro Berman handled negotiatory work for the producers. Y. Mannik originally was on the committee, but because of illness asked to be replaced by substituted. The SDG negotiating committee was composed of Frank Capra, chairman; E. S. Van Dyke, J. Howard Hawks, Roland V. Leigh and Frank Lloyd. Assistant directors were represented by Joseph M. Meehan, who has been a forceful spokesman for the group. The SDG provides for 80% Guild shops.

Tentative agreements have also been reached by the Society of Motion Picture Film Editors, Screen Set Designers and Script Clerks. Details of these pacts were ironed out this week at conferences between the negotiating committees and Casper production code director. Editors will be reclassified to give film librarians a higher rating and pay increase. Studio Utility Employees Local 724 has men a demand with the producers to pay a hike to \$100 an hour. Men now receive 75c an hour, while Class B groups of International Alliance (Continued on page 34)

# Pic Buy of Phila. Story 'Kept Under Cover; May Involve Hepburn-Hughes

## PLAGIARISM OUT

Suit vs. Metro on 'Penthouse' Dismissed in N. Y.

Suit of Robert Brister and Harry T. Bilven, writers, against Metro-Goldwyn-Mayer Pictures Corp., and Metro Distributing Corp., was dismissed by Supreme Court Justice Charles B. McLaughlin in N. Y., Monday (8) on default.

Plaintiffs had sought an injunction, damages and an accounting of profits of the Metro picture, "Penthouse," claiming it plagiarized the title of their play.

## WRITERS-PRODS. ON VERGE OF TRUCE

Hollywood, March 7.

At a hearing before the National Labor Relations Board today (Tuesday) on a complaint of the screen writers against the producers, Homer Mitchell, attorney representing the producers, stated the producers were ready to recognize the Screen Writers Guild as the exclusive bargaining agency for the writers and are willing to sit down and attempt to work out a pact with them.

Mitchell told the Board the producers had appointed him, Mended Silverberg, George Cohen and Alfred Wright, all attorneys, as a committee to work out a plan for a basic pact between SWG and the producers. This committee, in turn, had appointed a subcommittee of producers to work with it, comprising Darryl F. Zanuck, Eddie Mannix and Hal Wallis.

The producers' committee asked the Board to adjourn hearings for two weeks to permit them to sit down and talk things over and that if this recess was granted they were content a satisfactory plan could be worked out. Adjournment was finally granted after a squabble with James Batten, who is conducting the hearing on behalf of the Lohan Board, and who saw no reason for stalling things for another two weeks and decided to grant any such adjournment. He felt the whole thing could be worked out in a couple of days.

## DREIFUSS MOVES PROD. OF SHORTS TO N. Y.

Arthur Dreifuss, Friday (3), completed plans for the transfer of his Coast producing organization, Musical Comedy Productions, to New York of the Coast staff to be retained is William C. Kent, executive vice, who, with Harry Engel, Lou Strauss and Elizabeth Meyer, will comprise the N. Y. office.

Dreifuss' first picture in the east will be shot week of March 20. Dreifuss will be working with Shubert market will score. It will be the third of a series of 19 shorts for Columbia release.

## Jimmy Cagney Playing Purvis in G-Man Pic

Hollywood, March 7. Jimmy Cagney gets the role of Melvin Purvis, G-man, in Warner's "John Dillinger, Outlaw." George Raft will play the title role. Picture rolls late this month.

Film rights to Philip Barry's "The Philadelphia Story" have been sold to an undisclosed purchaser. It is the first instance of a picture buy being consummated during a play's pre-Broadway tryout. Another unique angle is that the deal is said to be on a percentage basis, apparently with a guarantee and heavy advance payments involved.

Although the identity of the purchaser is a closely guarded secret, it is believed the film is intended as a vehicle for Katharine Hepburn, who plays the lead in the Theatre Guild production currently at the National Washington. She bought back contract from RKO some time ago and is now tied to her studio. It is believed Howard Hughes may be the buyer of "Story," with the idea of producing the picture on his own and starring Miss Hepburn.

Neither Barry nor Miss Hepburn could be reached for comment, while officials of the Theatre Guild and officials of the Dramatists Guild refused to confirm the sale. However, existence of the deal became known when representatives of a major studio sought to make a bid on the play, only to be told it had already been sold.

Fact that the sale was consummated during "Story" reached Broadway is believed to have occasioned several unprecedented problems. Producer's usual 40% share of the film purchase price is predicated on a run of at least three weeks in New York. The picture, however, is scheduled to open in a number of towns, and when the deal was about to be signed, the Guild made inquiry into the deal. It was reported the directors would get its regular 40% of the film, the amount to be determined on a percentage of the picture's profits.

## Milestone's 'Mice' Deal

Hollywood, March 7. Percentage deal, first of its kind to be made in the picture industry, for Lewis Milestone to produce and direct the picture version of John 'Preacher' O'Neil's "Mice and Men" Hal Roach. If the contract goes through, it will call for Milestone, to be paid \$150,000 for producing "Mice" to get a share of all income from the film after fixed charges are paid. Studio will advance \$100,000.

"Mice," which won the New York Drama Critics' Circle prize last season, was adapted by Selnickback from his own novel. It was produced by Sam H. Harris and directed by George F. Kaufman. Milestone acquired the film rights in the past few months ago, as the play was generally regarded as too outspoken for film adaptation.

## LeMaire Holding Over In N. Y. for Talent Quest

Rufus LeMaire, head of RKO's Coast talent division, who came into town yesterday for a talent quest at the Gateway to Hollywood radio program campaign for new talent, will be staying on the east coast a few weeks longer. He will be the chief talent executive for the new studio, which will be in New York area at the Roosevelt hotel.









Daughter Weems \$100,000, Philly, Eddy

Philadelphia, March 7. The second week of Warner's new long-play policy finds its advocates theatres playing to packed houses...

Estimates for This Week: 'Stagecoach' (UA) (2d wk). Unable to hold this pace of the previous week...

'Arlene' (WB) (2,393; 32-42-57) - 'Stagecoach' (UA) (2d wk). Unable to hold this pace of the previous week...

'Fox' (WB) (2,423; 32-42-57-64) - Advance billings for pictu box office...

'Karlton' (WB) (1,006; 22-42-57) - 'Tail Spin' (20th) (12 wk). Better...

'Kestels' (WB) (1,670; 22-42-57) - 'Merrymen' (20th) (12 wk). Even price slash didn't help this one...

'Palace' (WB) (1,000; 24-42) - 'Four Sons of a Whore' (20th) (12 wk). Even price slash didn't help this one...

'Stanley' (WB) (2,916; 32-42-57) - 'Freedom Ring' (M-G) (1st wk). Plenty nice...

'Stanley' (WB) (1,457; 26-32-42) - 'Let Live' (Col.) (3rd wk). Strong \$6,000...

LAUGHTER '86, BUFF BUFLISH

Buffalo, March 7. Talkings are continuing above normal for the current season and although there are no peaks in evening...

Estimates for This Week: 'Bessie' (Shea) (3,000; 25-35-53) - 'Darling Daughter' (WB) (21 wk) and hardily living up to excitement...

'Century' (Shea) (3,000; 25-35-53) - 'King Underwood' (WB) (21 wk) and hardily living up to excitement...

'Great Lakes' (RKO) (3,000; 30-50) - 'Beechamber' (P) (21 wk) and hardily living up to excitement...

'Dix Hotel, Slows Pic' - Shooting on Republic's 'Man of Conquest' was halted for a week due to an injury to Richard Dix's right eye...

Terrific \$31,000, 17G, Wife' \$16,000

Key City Grosses

Estimated Total Gross This Week... \$157,700 (Based on 22 cities, 177 theatres, chiefily first runs, including N.Y.)

Estimated Total Gross This Week... \$154,600 (Based on 22 cities, 156 theatres)

Daughter Fields Dual Heads For Big \$9,500, Milw.

Milwaukee, March 7. Town's freck weather of summer one day, snow the next, has exhibitor tearing hair here. Indies, however, take it calmly.

'Darling Daughter' (WB) (21 wk) held over Tuesday (2d) while waiting for censor okay on 'Darling Daughter', which runs through Thursday (3) on the Wisconsin...

Second big grosser is 'Cafe Society' (WB) (21 wk). Getting only good for a nice bit at the Strand. 'Pygmalion' did not do as well...

'The Wasteful' (WB) (21 wk). Getting only good for a nice bit at the Strand. 'Pygmalion' did not do as well...

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B'KLYN STRONG 'Gunga' H.O. \$20,000 - 'Lady Dual' Great \$15,000

Brooklyn, March 7. Spotlight currently falls on RKO Albee holding 'Gunga Din' second week to first-rate results, and Loew's Metropolitan with 'Lady Vanishing' and 'Four Girls in White'...

Estimates for This Week: Albee (3,274; 25-35-50) - 'Gunga Din' (RKO) (2d wk). Drawing nicely...

Met (3,218; 25-35-50) - 'Lady Vanishing' (20th) and 'Four Girls' (M-G) (21 wk). Drawing nicely...

St. Louis Blues (Par) and Third of 'No' (Par). Okay (17,000). Last week, satisfactory \$15,000.

Sitara (2,870; 25-35-40) - 'Tough Love' (20th) and 'Nora of Shanghai' (20th). Last week, \$4,500.

'Beauty-Vaude 15G; 'Each Other' \$11,000, 'Daughter' 10G, Balto

Baltimore, March 7. No noticeable Lenten dent into current box office going here with good product the probable answer.

'Beauty-Vaude 15G; 'Each Other' \$11,000, 'Daughter' 10G, Balto

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Princess' \$23,700, Fields-Bergen \$25,000 for Top L.A. Com; 'Duke' Wobbly at 11G; Orph's Pair, \$7,000

Broadway Grosses

Estimated Total Gross This Week... \$275,800 (Based on 12 theatres)

Total Gross Same Week Last Year... \$275,100 (Based on 12 theatres)

Los Angeles, March 7. Several better than average grosses in store this week. 'The Duke' (United Artists)...

Duke 'Jan Garber Swell \$18,000 On Fresh Yen, Omaha

Omaha, March 7. Jan Garber and his orchestra are headlining the Orpheum stage show here to a smash \$18,000 for the week's biggest take.

'Trade Winds' dualized with 'The Girl Downstairs' at the Omaha and 'Blonde Meets the Boss' split with 'Let Me Live' at the Brandeis...

Estimates for This Week: Advance-Dundee - Military (Goldblatt) (5th wk). Drawing nicely...

Trade Winds' dualized with 'The Girl Downstairs' at the Omaha and 'Blonde Meets the Boss' split with 'Let Me Live' at the Brandeis...

Estimates for This Week: 'Carter' (WB) (21 wk). Getting only good for a nice bit at the Strand. 'Pygmalion' did not do as well...

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'Pvg' \$10,000, Mpls.; 'Each Other' 5G; 'Man Remember' in 8th Rosy Week

Minneapolis, March 7. Giving great box, 'Pygmalion' is stealing the spotlight and monopoly...

Davis 'Sardust' review not so good, \$5,000. 'The House' (C) (2,300, 25-34-50)...

Frisco Expo Okay

San Francisco, March 7. Treasure Island had a bang-up week-end attendance...

Frisco Coasting Along on H.O.s; 'Freedom' \$17,000, 'St. Frisco' NG

'OKLA. KID' BIG 84G IN OKLA. CITY PREEN. Oklahoma City, March 7. 'Oklahoma Kid' world premiered to very nice \$6,500...

San Francisco, March 7. With the exception of the Golden Gate, all of the other houses on Market Street have hold-over...

Goodman Orch Sends 'Service' to \$17,000 Despite Indpls. Flu

Indianapolis, March 7. Epidemic of the measles among town's citizens impedes. Unofficial estimates by city health officials...

'BEACHCOMBER' FINE \$11,000, CINCY

Cincinnati, March 7. 'Beachcomber' and 'Little Princess' at the Albee are doing well...

Apollito (Katz-Delle) (1,100; 25-30-40)-Happened On Night (Col.) 25-30-40...

Estimates for The Week. Aster (Par-Singer) (900; 15-25)-Chan in Honolulu (20th) and 'Princess' (M-G)...

Gopher (Par-Singer) (98; 25-30-40)-'The House' (C) (2,300, 25-34-50)...

Albee (M-G) (1,000; 25-30-40)-'Little Princess' (20th)...

Wife, Husband and Friend (20th) 25-30-40. 'Musketeers' (20th) So-so \$2,200...

Detroit's Jittery Over IAW Feud; 'Stagecoach' 12G

Paris Homeowner (Par). Looking for fair \$4,000. Last week 'Huck Finn' (M-G) over average at \$4,800...

Estimates for The Week. Fox (F.W.C.) (5,000; 35-55-75)-'Freedom Ring' (M-G) and 'Four Girls' (M-G)...

Lyric (Olson) (300; 40-40-50)-'The House' (C) (2,300, 25-34-50)...

United Artists (Cohlen) (1,200; 35-55-75)-'The House' (C) (2,300, 25-34-50)...

'Time' (Berger) (200; 15-25-40)-'Youth' (Indie). After a brief first-run in Philadelphia...

Albee (M-G) (1,000; 25-30-40)-'Little Princess' (20th)...

Lyric (Olson) (300; 40-40-50)-'The House' (C) (2,300, 25-34-50)...

Estimates for The Week. Adams (Balaban) (1,700; 30-40-50)-'Gunga Din' (RKO) (2d wk) (2d wk)...

Estimates for The Week. Adams (Balaban) (1,700; 30-40-50)-'Gunga Din' (RKO) (2d wk)...

'Gunga' H.O. \$10,000, Rest of Montreal N.G.

Montreal, March 7. 'Gunga Din' in a second stanza at Palace currently showing \$10,000 after best gross since...

'Beachcomber' \$7,500, 'Pvg' \$5,000, Seattle

Seattle, March 7. Music Hall (M-G) first week this week, being billed as a 'four-star' theatre...

Lyric (Olson) (300; 40-40-50)-'The House' (C) (2,300, 25-34-50)...

Estimates for The Week. Adams (Balaban) (1,700; 30-40-50)-'Gunga Din' (RKO) (2d wk)...

Estimates for The Week. Adams (Balaban) (1,700; 30-40-50)-'Gunga Din' (RKO) (2d wk)...


'Stagecoach' \$14,500, 'Laughton Strong 8G, Rest of Prov. Off

Providence, March 7. 'Stagecoach' at Strand are only bright spots in a week of average week for other stanzas...

Pat DeCiccio Sued For \$10,000 Legal Services

Los Angeles, March 7. Pat DeCiccio, agent, is being sued by 'Indie' theatre manager of J. Thomas Russell, attorney. Action charges DeCiccio refuses to pay the last two years.

**You don't need the  
United States  
Supreme Court  
to make a  
decision  
on This** →

WHEN OTHERS TALK   
ASK THEM WHAT THEIR A

**WARNER**

Alone Have the

*LOOK AT THE  
WARNERS' PERFOR*

<i>Warners made it!</i>	<b>FOUR DAUGHTERS</b>	<i>Warners made it!</i>	<b>THE OKLAHOMA KID</b>
<i>Warners made it!</i>	<b>THE SISTERS</b>	<i>Warners made it!</i>	<b>THEY MADE ME A CRIMINAL</b>
<i>Warners made it!</i>	<b>BROTHER RAT</b>	<i>Warners made it!</i>	<b>BLACKWELL'S ISLAND</b>
<i>Warners made it!</i>	<b>ANGELS WITH DIRTY FACES</b>	<i>Warners made it!</i>	<b>NAUGHTY BUT NICE</b>
<i>Warners made it!</i>	<b>DEVIL'S ISLAND</b>	<i>Warners made it!</i>	<b>VALLEY OF THE GIANTS</b>
<i>Warners made it!</i>	<b>DAWN PATROL</b>	<i>Warners made it!</i>	<b>HERO FOR A DAY</b>



**ABOUT** *NEXT YEAR*

**BI IS FOR** *LAST YEAR!*



**R BROS.**

**Right Answer!**

**THE RECORD OF  
ADVANCE FOR 1938-39!**

<i>Warners made it!</i>	<b>DODGE CITY</b>	<i>Warners made it!</i>	<b>DARK VICTORY</b>
<i>Warners made it!</i>	<b>WINGS OF THE NAVY</b>	<i>Warners made it!</i>	<b>FAMILY REUNION</b>
<i>Warners made it!</i>	<b>YOU CAN'T <small>GET AWAY</small> WITH MURDER</b>	<i>Warners made it!</i>	<b>KID FROM KOKOMO</b>
<i>Warners made it!</i>	<b>CONFESSIONS OF A NAZI SPY</b>	<i>Warners made it!</i>	<b>YES, MY DARLING DAUGHTER</b>
<i>Warners made it!</i>	<b>JUAREZ</b>	<i>Warners made it!</i>	<b>HELL'S KITCHEN</b>
<i>Warners made it!</i>	<b>EACH DAWN I DIE</b>	<i>Warners made it!</i>	<b>THE ROARING ROAD</b>

SO YOU KNOW WHAT TO EXP  
WARNERS ARE MAKING

**36**

OF THESE  
ARE CLASS  
'A'



**4**

**24 TOP-BRACKE**  
Two Outstanding Attr

**ACT WHEN YOU KNOW THAT  
FOR 1939-1940**

**8**

**12**

**OF THESE  
ARE CLASS  
'B'**

**PICTURES 24**  
**ations Every Month!!**

# DECISION:

**“Warner Bros.  
are so far  
ahead it’s  
hard to tell  
who’s second!”**



# THEATRE

## Ga. Senate Passes Divorcement Bill; Kansas OK's One, but Neb. Says 'No'

Atlanta, March 7. A divorcement and anti-monopoly measure which would limit the picture industry under supervision of the State Public Service Commission, was introduced in the state senate Thursday (5) by Senator Arthur J. Nix, of Gainesville. Under bill terms, all operators of theatres would have to apply to the commission for a permit and pay annual license fee of \$10 for each house operated.

Commission is given the power to zone the state and regulate distribution of films, and theatres must be operated strictly in accordance to rules and regulations promulgated by commission. Bill states that "such regulations shall be designed to prevent and prohibit monopolistic and unfair trade practices in the motion picture industry within the state."

Unfair and monopolistic practices are defined as follows:

Contracting for more pictures than are reasonably required for the operation of the exhibitor's business for the period of one year.

An unnecessary and too frequent change of pictures that affects a complaining exhibitor.

An agreement by which a distributor refrains from selling his products to another exhibitor.

Depriving an exhibitor from a sufficient number of pictures to operate his theatre, without just cause.

Ownership or control of 85% of the stock in a theatre by a distributor or producer.

Any price preference for, or discrimination against, any other theatre in the same zone.

The Public Service Commission is given power to regulate the clearance of pictures and to fix the maximum time for the exhibitor to receive them.

Rebates or refunds by producers or distributors to exhibitors are strictly forbidden.

The commission is given authority to investigate and regulate picture advertising and to make and no distributor or producer shall be allowed to dictate the price of admission to be charged by an exhibitor as part of the contract for releasing the picture.

The Public Service Commission is given authority to hear complaints and conduct hearings, and there is a right of appeal to the Superior court of the county in which the parties reside.

Violation of the act is made a misdemeanor and the act is also a provision that the aggrieved exhibitor has the right to receive damages on exhibiting producer, distributor or exhibitor three times or the actual damage he has incurred, in addition to costs of suit and attorney fees.

**Kansas House Passes Bill**  
Topeka, March 7. Repeal of the North Dakota divorce bill by the Kansas legislature with legislators in Kansas, where a similar measure had been introduced and then straggled out of the state. During the past week the House of Representatives in Kansas has passed a divorce bill by a large majority. The vote was 79 to 13.

**Kansas Bill**  
The first state to introduce divorcement legislation this year, being followed shortly afterwards by Nebraska and Arkansas. Going through the House by a vote of better than 6 to 1 in favor of the measure, the Kansas bill now goes to the Senate. The vote may be closer there.

**Nebraska Bills Killed**  
Lincoln, March 7. After much talk about setting the Nebraska House of Representatives in producer-distributor ownership of theatres, Senator E. M. Neubauber, manager of the bill, announced that he had introduced and sales regulation bills, did not even avoid up to defend them

374 Bills

Check this week revealed that there are 374 bills affecting the motion picture industry, directly or indirectly, still pending before 48 State legislatures, still in session. Included in the list of course are sales tax measures, and chain store bills, because industry attorneys realize that amendments can be inserted making them applicable to the film business.

Legislative bodies in Wyoming and North Dakota already have adjourned, leaving only 42 States still in session. Florida legislators do not convene until April, and three legislatures are not meeting this year. This rounds out the full total of 45 legislative bodies in session this year.

## U. S. HIGH COURT ASKS TO K.O. APPEAL

Washington, March 7. Dismissal of the appeal involving validity of the rescinded North Dakota divorce law, was ordered by the U. S. Supreme Court Monday (6), coincident with receipt of a report from the U. S. Department agents on the circumstances surrounding the issuance of the draft license and hints that the Federal Government's anti-trust case in New York may be bolstered by evidence from the current practice.

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when they went before committee. They were unanimously killed.

Newbauer came to the legislature and he was with Foxwood, McCook, Neb., where they had been running only one house with raised prices after closing up the rest of the town. With an eye on that point, he broached two bills, one to make it a violation when a picture is made to become consumers in Nebraska, and the other placing censorship, sale of pictures and special rights in film dealings under the state railway commission, charging exchanges \$100 each for licenses and one each year, plus \$1 for each reel of distributed film.

Meanwhile, Foxwood opened another house in McCook. Lawmakers also were given life of the session drafts to the Lincoln Theatres Corporation, and the Lincoln, Neb. news, houses, and to Bob Livingston's Capitol.

Senator Dick Johnson's anti-entertainment show bill being patted on the back by the film biz as an elimination measure for death-bike walkathons, has been shoved from the secret file to final reading. Three bills which had an appeal event heading for the dead file. One of them would make insurance companies owners of the picture station (aimed at WOW, Omaha), the Woodmen of the World station, and the one for death-bike walkathons power to pass ordinances regulating interference factors. And the third would bar special event broadcasters at the polls on election nights.

## CONGRESS MAY RE-ALLEGORIZE

Allied Stopped Authority of Its Negotiating Committee When Finished Draft Wasn't Forthcoming by March — Film Leaders Had Been Hopeful of Agreement Before Congress' Last Days, but That Looks Unlikely Now

### CANCELLATION BACK

Film industry is becoming convinced that there is considerable stalling going on in the Trade Practice battles. Several leaders, who were anxious to see the new trade practice alignment passed in effect before the present congress reaches final days of its present session, unofficially admit that the conferences seem to be marking time and waiting some day that would wipe the conference of the states temporarily.

Endorsement of a Neely measure, a motion picture commission, decisions in the federal anti-trust suit against the major companies and several other drastic politico developments are foreseen now as possibilities that might change the trade practice confab into history.

Although again this week it is decided to revise and re-print the bill would be ready any time now for submission to the 10 exhibitor organizations who met in conferences with the distributors, the failure to have the finished draft in the hands of Allied by Wednesday (3) resulted in Allied ending the authority of its negotiating committee.

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January, it set March 3 as the deadline for authority of its trade practice negotiating committee. Allied, which was not satisfied with the first draft, has resubmitted a second (Continued on page 38)

## Duals at 10c, Snow White Twin 15c and Indie's Squawks White Twin Mpls.; Allied to Push Divorcement

### Thick-Skinned?

There's been so much discussion in the trade over censorship that one industry leader posed the question on "how looking at so much off-colored screen material affected the morals of censors?"

"Censors," he said, "after 10 or 12 years on the job, should be the most immoral persons in the state after viewing all these allegedly offensive clips in pictures."

## TRUST LAWS IN NEED OF REVAMPING

Washington, March 7. Federal Trade Commission's anti-monopoly position was semi-officially made known to Congress in a statement by Willis J. Ballinger, director of the monopoly survey for the FTC. Ballinger appeared as a witness in an FTC hearing last week and stated that the present trade trust laws, as generally construed by the courts, have proved an obstacle in preventing the steady growth of monopolistic practices in American industry.

He recommended suitable changes in the law which would lead to increased encouragement and protection to free initiative in business. The FTC is unalterably opposed to any general legislation permitting price control of prices and production, according to Ballinger, as well as a return to the old NRA.

### Missoula, March 7.

Actual and threatened disturbing developments, calculated to upset the local industry's appeal, have a firm hold here in a form.

On the heels of the appearance of duals at 10c admission in the loop, "Snow White" hit the downtown section as one end of a 15c twin-bill. A prominent independent circuit operator charges one of his theatres has been shut out from product. Now Northwest Allied, independent exhibitor organization, intimates that it will take a stand against further participation in trade practice conferences.

Actual and threatened disturbing developments, calculated to upset the local industry's appeal, have a firm hold here in a form.

Bennie Berger, independent circuit exhibitor, says that some of the major distributors and several competing exhibitors have conspired to deprive the Time of "pre-clude." He says there is an agreement on the part of several of the major exhibitors to give up a first-run call on all post-subsequent runs following the Paramount circuit. He says that the agreement is a "pre-clude" on a day-and-date with no advance sale, but to no avail.

He says the Time of "pre-clude" is a "pre-clude" on a day-and-date with no advance sale, but to no avail.

Patel

Berger has been a storm center among his fellow independents for some time. He has been under their fire because he insisted on buying Metro films for the Paradise, local neighborhood theatre owned by him and Fred Thomas. He says the Time of "pre-clude" is a "pre-clude" on a day-and-date with no advance sale, but to no avail.

## Community Business Men Lend Moral Support to Exhibitor's WB Fight

Concerned over the fight Harry Fried, independent exhibitor operating in Ardmore and Bryn Mawr, Pa., is putting up against Warner Bros. and other distributors. He has filed a restraining order, business men of U. S. Department of Justice to come to his aid.

The Bryn Mawr Business Assn. during the past week, a resolution calling for action in connection with the fight against the film trust, and forwarded to the Dept. of Justice as well as U. S. Senator Arthur Capper, producing-distributing companies.

The backing of local businessmen means they are also taking a conspiracy in restraint of trade exists against him is one of the most unique cases ever taken in connection with an industry matter of this nature.

Resolution adopted by the Bryn Mawr merchants declared a committee appointed to investigate the charges had found indications "that discrimination is being practiced."

It also took the view that the result was detrimental to the community and that the Bryn Mawr's cultural advantages.

Fried operates the Seville in Bryn Mawr. He also has the Ardmore and Anthony Wayne in Ardmore, of which Bryn Mawr is a suburb. Warner Bros. has the Ardmore in Ardmore and is charged, together with major distributors, of withholding film from the Bryn Mawr theatre. Harry Ardmore had either used or rejected them.

The Bryn Mawr resolution forwarded to Washington, and to distributors, takes the position that "chain theatres retain all options, prices and production rights in the conduct of the business by controlling the dates of exhibition of picture films, and it appears to the committee that no remedy, other than an action at law, is available to correct this seeming discrimination against the citizens and best interest of the community."

The first round of Fried's court action against WB and distributors was won by the indie who filed motion for a bill of particulars by the defendants was denied.

### Frankie Thomas' Pact Up for Court Sanction

Hollywood, March 7. Warner's new contract with Frankie Thomas, 17, comes up for approval Thursday (9) in Superior court.

New ticket ranges from \$400 to \$1,250 weekly over a seven-year period.

### Ritter's P.A. End

Tex Ritter is due back in Hollywood by the end of this week after a personal appearance tour, final date of which is Prescott, Ariz., Western star goes into "Rollin' Westward" Monogram on his return to the studio.

Patel

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ICE FOLLIES OF 1939

Hollywood, March 7. Metro news release: "Ice Follies" features James Stewart, Joan Crawford, Roy C. ...

Metro successfully accomplishes the difficult task of welding two rather extended appearances of the International Ice Follies troupe into this production...

Joan Crawford has a clear-cut role better suited to her talents than has been assigned in any of her previous pictures...

But, as the title suggests, it's the story and spectacle that are the chief assets of this picture...

The International Ice Follies toured the country the past winter where color, speed, and stagecraft were combined...

Materially assisting in highlighting the effectiveness of the first part of the show is the excellent technical aid provided...

Second appearance of the Ice Follies color picture is "The Cinderella Fantasy Annie," which is a colorful picture that combines the land of make-believe with reality...

Stacy is only a framework on which to build the picture sequences. Rather light, it would have had trouble unfolding on its own...

Stacy is further glorified by the fact that she is being introduced to New York for a personal appearance. After all, this time for her husband...

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ture of comedy and dramatic elements is workmanlike throughout. Entire production was given most credit to the technical staff...

NEVER SAY DIE (WITH SONG)

Los Angeles, March 7. Paramount release of "Never Say Die" stars Martha Raye and Hope Kelly...

The comedy talents of Martha Raye and Hope Kelly have been added to the picture by the broad-sketches of the technical staff...

William H. Post's play was made as silent in 1924 by Douglas MacLean. The picture is a comedy of the first order...

Both Martha Raye and Hope Kelly are straight and dramatic. As the picture unfolds at a slow pace, with script losing many opportunities...

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Miniature Reviews

"Too Tootles of 1939" (Metro). Joan Crawford, Roy C. ...

"Secret Service of Air" (WB). Better than average action melo-drama, good enough to single-blind in some houses.

"The Flying Irishman" (RKO). Dramatic biography of wrong-way Doug Douglas Corrigan, too late to arouse interest...

"Blackwell's Island" (Warner Bros.). Standard Italian characterization. Miss Bainter's mob is a broad-sketches conglomeration of thugs...

"Blonde Meets Boss" (Lincoln). Columbia release of "Blonde Meets Boss" stars Penny Singleton, Arthur Lake, Larry Bell...

"I Was a Convict" (Republic). Republic release of "I Was a Convict" stars Robert Montgomery, Barbara Stanwick, ...

chant for practical macabre jokes to dominate the proceedings more effectively than Garfield.

"Blackwell's Island" (WB). Exciting prison melo-drama with a new twist to the old Buster Keaton exploitation.

"Blonde Meets Boss" (Lincoln). Columbia release of "Blonde Meets Boss" stars Penny Singleton, Arthur Lake, Larry Bell...

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*Curtain  
going up!*

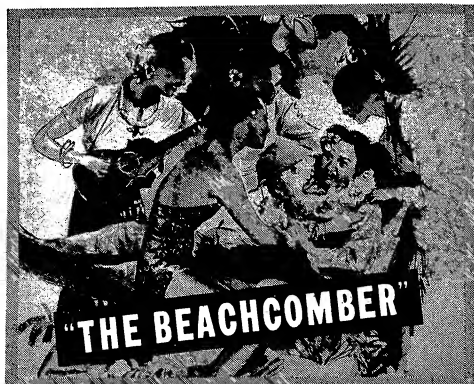
PARAMOUNT'S ★★★★★

*Spring* SHOW!



They're *HONEY*S  
... and they're all  
from **PARAMOUNT!**





### "CAFE SOCIETY"

It's new... it's news... it's the screen's first story of the glamorous "400" of the night clubs. With a big-name cast headed by MADELINE CARROLL, FRED MacMURRAY and SHIRLEY ROSS. Directed by Edward H. Griffith.

### "THE BEACHCOMBER"

CHARLES LAUGHTON'S triumphant comedy of romance in the South Seas—now blazing a box-office trail from coast to coast. A Mayflower picture with Elsa Lanchester, produced and directed by Erich Pommer.

### "MIDNIGHT"

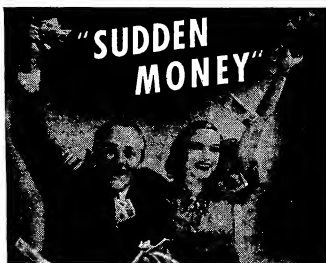
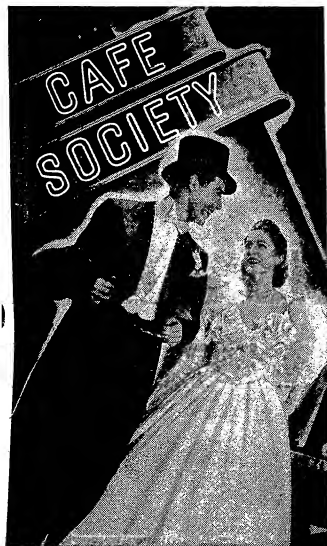
CLAUDETTE COLBERT and DON AMECHE head the prize cast of the season in "Midnight", the prize romantic comedy of the year. With JOHN BARRYMORE, Francis Lederer, Mary Astor, Elaine Barrie. Directed by Mitchell Leisen.

### "SUDDEN MONEY"

Hilarious story of sweepstakes winners, sure to get big money. With a hand-picked comedy cast, built for laughs, including Charlie Ruggles, Marjorie Rambeau, Charles Grapewin, William Frawley. Directed by Nick Grinde.

### "KING of CHINATOWN"

AKIM TAMIROFF, whose roles have made screen history, delivers his best performance as Frank Baturin, strong man of a city of sin. With Anna May Wong, J. Carrol Naish. Directed by Nick Grinde.





**"BACK DOOR TO HEAVEN"**



**"I'M FROM MISSOURI"**



**Cecil B. DeMille's  
"UNION PACIFIC"**



**"NEVER SAY DIE"**

**"I'M FROM MISSOURI"**

... Starring the one and only BOB BURNS... and topping "The Arkansas Traveler" in every department. With GLADYS GEORGE, Gene Lockhart and Samson, the only mule ever to spend a night in a Turkish bath. Directed by Theodore Reed.

**"NEVER SAY DIE"**

The laughs come fast and furious when MARTHA RAYE and BOB HOPE go on a funny-honey-moon...with ANDY DEVINE along as chaperon, and Alan Mowbray as jealous lover. Gale Sondergaard and Ernest Cossart round out a perfect cast. Directed by Elliott Nugent.

**"BACK DOOR TO HEAVEN"**

The first of the much-heralded, long-awaited Bernard Steele eastern presentations... already winning the plaudits of the critics. "Hit as box-office melodrama. A triumph!" says Hollywood Reporter. With Wallace Ford, Stuart Erwin, Patricia Ellis, Aline McMahon. Produced and directed by William K. Howard.

**CECIL B. DeMILLE'S  
"UNION PACIFIC"**

The BIG picture you've been waiting for with a cast of thousands, headed by BARBARA STANWYCK and JOEL McCREA...and an exploitation and advertising campaign that will blanket every town in America. Paramount gives you Cecil B. DeMille's "UNION PACIFIC"!



**PARAMOUNT SPRINGS SOME  
MORE SPRING SURPRISES!**

SEE A STAR DRIVE FEB 26 TO MAY 27



## "THE LADY'S FROM KENTUCKY"

### "THE LADY'S FROM KENTUCKY"

...GEORGE RAFT and ELLEN DREW, beautiful star of "Sing You Sinners" and "If I Were King" in a heart-pounding, pulse-racing story of the turf... with Hugh Herbert and ZaSu Pitts in support. It's one for the money... sure to lead the field. Directed by Alexander Hall.



## "HOTEL IMPERIAL"

### "UNMARRIED"

...Paramount showmanship stars BUCK JONES, most popular of cowboy stars, in his first dramatic role. A hard-hitting action drama of down-to-earth folks, with HELEN TWELVETREES and DONALD O'CONNOR, kid star of "Sing You Sinners." Directed by Kurt Neumann.

### "HOTEL IMPERIAL"

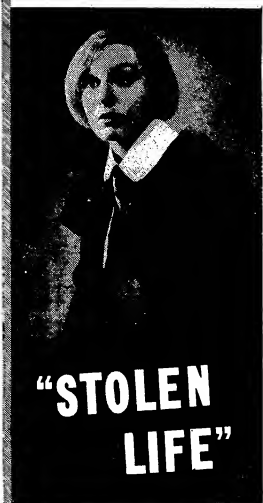
... Glamorous, exciting ISA MIRANDA, in her, first American screen role... co-starred with RAY MILLAND in a powerful drama of strange adventure and strange people, behind the gates of Hotel Imperial. With Reginald Owen, Gene Lockhart and J. Carol Naish. Directed by Robert Florey.



## "UNMARRIED"

### "STOLEN LIFE"

ELISABETH BERGNER, the magnificent... the incomparable... the first dramatic actress of our time—in her greatest triumph... a picture for every woman in America, and the men they bring with them to your theatre! A Paramount release, produced and directed by Paul Czinner.



## "STOLEN LIFE"

EXHIBITORS' SPRING SONG:  
IT PAYS TO PLAY A  
PARAMOUNT PICTURE!



# U.S. QUOTA

## SEE NEW ESCAPE

## French Producers See American Market Waning for Their Pictures

### Increased Anglo-Production Seen Through Reduced British Quota

LONDON, March 7. The Films Council, set up by Great Britain's quota law, met last week with the result that the proposed quota increase this year may be abandoned. Producers, distributors and exhibitors are being asked to consider a reduced quota designed to encourage increased British production.

Idea also has been advanced that the minimum labor cost requirement of \$37,500 per film be eliminated, with such quotas to qualify for quota credits. There also is a possibility that the exhibitors' quota in England will be reduced.

British exhibitors are credited with complaining that there are not enough American pictures being shipped into Great Britain for their needs or even their quota requirements. While this tendency to reduce the usual year's program allotment for Great Britain is natural, U. S. companies claim the number has not been materially decreased, if at all, in many cases.

Exhibitors here, especially the specialty houses, complain about lack of product. In order to strengthen their campaign for quota relief they have collected a support of exhibitors. With the labor party involved, the big demand today is for more production of Great Britain, with no qualification as to its cost or class—just to there is lot of it.

Even now both U. S. picture people and British leaders admit that the British quota is not a very realistic figure. In April, 1938, it is difficult to understand and still is not clear several times the number, for example is the current question raised over how foreign (U. S.) distributors may secure quota picture credits. Legal experts and veteran in the business profess that they are not sure of the quota credit can be obtained by means of double and triple-quota pictures (high budget films) or only half can be secured this way.

American officials have been told to go ahead and line up their quota productions in Great Britain on the assumption that the present Board of Trade ruling, which stipulates that only half of quota credits can be obtained by means of double or triple credit pictures, will not be changed. But the attitude of British companies is that it is too vital a matter with which to take any chance. Spokesmen from these companies claim they can't tie up money on \$100,000 productions or on any other picture until the law has been re-interpreted so that they are bound to lose considerable.

For instance, U. S. producers don't want to start too many high-budget features if the rules in the quota are to be altered. They want a lot of quickie productions. At the same time they do not like to produce too many of the most costly films to take a chance on one big feature which might return a profit in the warlike market.

Full gist of present arguments over the British quota (new higher quota figures are set to take effect next month) simply is that the Quota Act is not working out with the glowing results anticipated by the trade.

### U. S. MAJOR COS. STILL FIRM ON ITALY DISTRIBUTION

Italy still is getting no major company pictures for distribution, despite the attempts by Italian reps to interest them in recent weeks.

Headquartered at industry headquarters (Box 5), in New York at a number of official and semi-official meetings are so far in effect a breach and get U. S. films back into Italy.

Companies pulled out Dec. 31 rather than accede to the Italian government's monopoly of foreign distribution.

'Grand Illusion' Cracks  
'Mayerling' Mark in N. Y.

'Grand Illusion' begins its sixth week at the Filmarte, New York, today (Wednesday) establishing a new record for a French picture, this house and topping the 25-week mark established by 'Mayerling,' 'Illusion' closes March 14.

'Crossroads,' Tri National picture, and then 'Bizarre Bizarre,' a French comedy handled by Lenuer International, follow 'Illusion,' in that order into the Filmarte.

### Capek's Play Gets Good Reception in London Bow

LONDON, March 7. Karel Capek's 'The Mother,' his last play, has had its last year was generally well-received in its West End debut here Thursday night (2). Adapted by Paul Selver, the play came to the Garrick after a suburban tryout.

Though there were some raves notices, the play's theme, a moral treatise on maternal sacrifice, is not the usually accepted idea of entertainment.

'The Mother' is said to have been written at a time when Capek suspected the possibility of a German attack on Czechoslovakia. Although the locale of the play is imaginary, the author's indications are that it was his own, for Capek was a Czech. Adaptor Selver is of the Czech language.

Heading the cast are Eliot Makeham, Anthony Hawtrey and Raymond Lovell. Miles Malleson produced.

'The Jealous God' opened Wednesday night (1) at the Lyric, but first-nighters generally dated it for a short stay. It's a serious discussion on a bromide subject, ineffectually designed as drama.

### Current London Plays

- (With Dates When Opened)
- 'Me and My Girl,' Victoria Palace—Dec. 13, '37.
  - 'Room for Two,' Comedy—Sept. 6, '38.
  - 'Dear Octopus,' Queens—Sept. 14, '38.
  - 'The Corn is Green,' Duchess—Sept. 20, '38.
  - 'When We Are Married,' St. Martin's—Oct. 11, '38.
  - 'Goodie Wedding,' Vaudeville—Oct. 11, '38.
  - 'Goddess, How Sad,' Vaudeville—Oct. 13, '38.
  - 'Under '38,' St. James—Nov. 22, '38.
  - 'Our Year Hat,' Palace—Nov. 24, '38.
  - 'Go. G. Aldwych,' Dec. 21, '38.
  - 'Queen of Hearts,' Lyceum—Dec. 24, '38.
  - 'Walk Alone,' Shaftesbury—Jan. 19, '39.
  - 'Mystery Melody,' His Majesty's—Jan. 26, '39.
  - 'Design for Living,' Haymarket—Jan. 29, '39.
  - 'Tony Draws a Horse,' Criterion—Jan. 29, '39.
  - 'Gaslight,' Apollo—Jan. 31, '39.
  - 'Worth a Million,' Saville—Feb. 3, '39.
  - 'Nora,' Duke of York's—Feb. 3, '39.
  - 'French Without Tears,' Piccadilly—Feb. 5, '39.
  - 'Little Ladyship,' Strand—Feb. 7, '39.
  - 'To Love and to Cherish,' Kingsway—Feb. 21, '39.
  - 'John Over Jordan,' New—Feb. 21, '39.
  - 'Jealous Gods,' Lyric—March 1, '39.
  - 'The Mother,' Garrick—March 2, '39.

Franco-American Trade Treaty Would Not Be Violated as Bill Is Slated to Get Around Provisions—Receipts to Be Controlled, Dubbing to Be Taxed and Programs Would Be Limited

### SUBMITTED SOON

Paris, Feb. 28. That long awaited 'Statute du Cinema,' as the French call the law that will be the future to commandments for the industry in this country, is just about ready to be submitted to the Chamber for ratification. According to all reports, it's going to sting the Yanks badly.

Exact measures new law will embody are being scrupulously guarded but general lines point towards new difficulties for foreign concerns exploiting films in this country. Although the Americans still have the Franco-American trade treaty to fall back on to assure them no worse treatment than those enjoyed by French and other foreign films, new bills is expected to get-around those stipulations.

Three measures expected to be included in the new bill which means that the Yanks is a control of receipts, tax on dubbing of films and the limitation of American films. A central control office to collect all returns throughout the country has been talked, provided the French the first Popular Front government under Leon Blum. The idea then was to take a small percentage of all receipts to subsidize the French industry. Even if that percentage is not included in the new bill it means the Americans will still have to deal through a state-controlled central office in conducting their business.

A tax on the dubbing of films would hit the Yanks hardest. Since it has been necessary for all French dubbed films to be dubbed in France the American have built their own dubbing business here.

The limitation of program length is the shot to cut out double features. Yanks also get bootied there, especially in the nabs and the provinces, where double feature programs hit double billing, with some feature in many cases being operated to run 3000 feet.

The feature entirely. There was one talk of making documentary films a must for all programs, which would also cut out the second feature, but this idea seems to have been dropped for the time being.

Finishing touches are now being put on the bill and Minister of Education is expected to make it available for discussion by the Chamber shortly.

### 'Aladdin' Panto Clicks in Cape Town for ACT

Cape Town, Feb. 16. African Consolidated Theatres' pant, 'Aladdin,' elicited in its opening at the Alhambra here. Headlined the bill were the Volonoff Twins, excellent dancers.

Artie Hagan and Kitty McShane, clever comedy act, went over big. Logo, chorus, scenery and production handled also. Phillip D. Levard produced.

### Ciro's Reopening

LONDON, March 7. Reopening of Ciro's Club under a new name was indicated here last week by Jack Harris, operator of the club.

Ciro's folded recently when the manager, who had been dismissed, secured a \$10,000 judgment against the spot.

### French Demands

Foreign film distributors in the U. S. are concerned over insistence of numerous French producers' demands for \$45,000 to \$50,000 for their features. They point to the fact that original distributors of 'Mayerling' top French gross to date, only paid around \$17,000.

Distributors in New York believe that \$2,000 to \$5,000 is plenty for French features, which they say were all in France was asked a couple of years ago.

### Norman Rydge, G.U.T. Chairman, Visits to N. Y. Contact

Sydney, March 7. Norman Rydge, chairman of the Motion Picture Guild of Australia, has visited four other Australian picture men selling the 'Monterey' for the U. S. Party is due to reach the U. S. March 20.

Rydge is making his first business visit to the States. His purpose is to clinch production deals.

His name has been in Harry Hunt, Paramount manager for Australia, N. Bernard Freeman, Metro picture manager in the States, territory; Clay Hake, 20th-Cent. representative in Aussie distribution, and Dan Carroll, manager of the Prince Edward theatre, Par showcase here. Carroll is also managing director for the Birch-Carrac circuit. Queensland, so his visit to New York is believed to have some significance.

It is generally known in trade circles that Norman Rydge's visit to the U. S. is prompted by the so-called intolerable production situation for his circuit in Australia. Greater Union is only getting first call on product from Universal, Republic and Monogram, but occasionally from Paramount. His circuit also gets some Metro features, but seldom first choice, because McG has six theatres of its own in Australia and is nearing completion on a seventh in Adelaide. Other major companies have pivots to supply product to Hoyt's circuit.

Present problem in New South Wales, biggest theatre state in Australia, is framed to the bitter fight waged by G.U.T. against Hoyt's alleged unfair domination of Australian business by the latter and 20th Fox, which has a working agreement with Hoyt. It is believed Rydge will be seeing Sidney J. Kent, head of 20th, to reach a solution.

### BUCHANAN TO FILM AIR PROGRAM FOR U. S.

LONDON, March 7. Judge Buchanan has signed to produce 'Band Wagon,' radio program for the U. S. Artists to be directed by Thornton Freeland and will be made at the Hammer-Broadway, recently acquired by Buchanan.

Cast will consist entirely of radio names. Production is to cost \$125,000.

### Mex Gov't Sensitive

Mexico City, March 7. Theatres throughout the city have received government orders to stop reviews and acts based on political themes and for coming to refrain from using politics in general.

Political situation is pretty tense. Government figures that it is no vehicle for levity.

French producers, it's been learned in New York, are beginning to question the American market as a real source of income. Their recent selling excursions to the U. S. have convinced them that there's no big market for American pictures presently for French language pics.

It is pretty much of a letdown because they have been given many promises and little action. Promises that have come from both Irwin and other distributors in this country, included bookings in Broadway houses for their U. S. American picture production in France and first-run outlets in the U. S. for French-made films. Some promises were tentative deals outlined by these distributors in visits to France, while others reached France trade papers from optimistic but inexperienced distributors.

A particular point in question was assurance published in Paris a year ago that 'Grand Illusion' would be booked into a big N. Y. house. It is now current at the small Parkmar on West 58th street, one of two first-run foreign language houses in New York. The Cinema, 49th street, is the other.

Also, the French trade press has assured exhibitors in Paris a year ago that 'Grand Illusion' would produce eight features in France. Columbia officials in N. Y. have also been told that the picture also were listed by stories that eight theatres in N. Y. were strictly booked for the picture and available to any good French film.

Of the houses named, the Little Carnegie uses both English and French films, goes first-run or subsequent and is not aware of taking American pictures when available. The Waldorf, also listed, now is playing largely second-run what product is available. The Belmont, another of the list of eight, is shut-out of the picture and available to any good French film for about two months.

French industry also was told that the Normandie, described as a 'Broadway theatre,' was to be re-arranged by Columbia for production. It is subsequently now, playing mostly American films after French pictures when available.

A new American arrival has promised he will open a theatre in New York City, playing American features for showing there. Also, there's talk that 'Marseilles,' not yet scheduled for first-run, will go into the Broadway. On both of these, French industry officials are highly skeptical because of what has happened in the past.

### TAPERNOUX'S FRENCH CO. FILES REORG PLAN

The French Motion Picture Corp., through its president, Louis Taperoux, has filed a proposed plan of reorganization in the N. Y. federal court in New York. The plan is in full of U. S. and N. Y. state tax claims, the amounts of which are understood to be plus other items.

Payment of 15% in cash to creditors in full satisfaction of all claims will be the first step in the reorganization of the plan. Lastly, the plan states that the company will not re-appear in the U. S. market. Taperoux will borrow \$5,000 to put the plan through.

### African Cons. Head To England for Bookings

Cape Town, Feb. 16. A. E. Hornell, general manager of African Consolidated Theatres, has sailed for England to sign names for S. A. Africa. First booking will be a copy in the 'Spectacle,' now running in London.

Special ice stages, engineers and refrigerators are being shipped to Cape Town. All things available here for this class of show are the Alhambra, Cape Town, and the Empire, Johannesburg.



# HELD UP!

FOR EXTENDED PLAYING TIME EVERYWHERE

**RADIO CITY MUSIC HALL, N. Y.**—Held over for second week as second day beats opening day by more than \$1,000 and Saturday climbs to \$19,000.

**CLEVELAND, O.**—**LOEW'S STATE**...ushered in by Thursday night preview, first four days hits biggest U. A. gross of the year. Moved over for extended run to the **STILLMAN**.

**CHICAGO, ILL.**—**ROOSEVELT THEATRE**...the new season's record-breaker, **STAGECOACH** second week's business still 50% over average...opening week hit new season high mark.

**SEATTLE, WASH.**—**PARAMOUNT**...**STAGECOACH** careens along to another holdover, as first four days business hits top mark.

**ATLANTA, GA.**—**LOEW'S GRAND**...off to a flying start...the first four days almost equal average week's business. Engagement extended in move-over to the **RHODES**.

**DAYTON, O.**—**LOEW'S**...another Loew preview spot that hit the bull's eye as critics' raves sent **STAGECOACH** up to almost double average business.

**PROVIDENCE, R. I.**—**LOEW'S STATE**...Thursday night send-off again does trick, as picture gross for first three days is more than \$8500.

**NEW HAVEN, CONN.**—**POLI THEATRE**...Harry Shaw's big campaign reaps results, as first three days gross equals full week's business and top U. A. figure this year. First run moved over to **COLLEGE THEATRE**.

**HARTFORD, CONN.**—**POLI THEATRE**...Management does ceremonial dance as week-end opening piles up biggest U. A. gross in more than a year, resulting in move-over to **PALACE**.

**BRIDGEPORT, CONN.**—**POLI'S THEATRE**...Another ballyhoo spot that yielded opening figures equal to 148% over average.

# STAGECOACH

A **WALTER WANGER** production • directed by **JOHN FORD**  
with **CLAIRE TREVOR** • **JOHN WAYNE** • **Andy Devine** • **John Carradine**  
**Thomas Mitchell** • **Louise Platt** • **George Bancroft** • **Donald Meek**  
**Berton Churchill** • **Tim Holt**

➔ AGAIN THE BIG NEWS FROM THE KEY!



# SHE'S UPSETTING ALBANY!

Korda's startling new picture premiered in Albany under the capable supervision of Moe Silver, Warner Bros. operating head in Albany, and his advertising chief, Charlie Smakwitz. It smashed all opening day records for both money and attendance at WARNER'S RITZ THEATRE.

Reviewing this amazingly frank story of the "Dead End Girls" together in prison, the Albany Times-Union said: "An exciting new star, Corinne Luchaire, puts picture into the first class rating. Her acting makes the audience realize that here is another continental actress who will take her place along with Rainer, Lamarr, even Garbo."

And for further confirmation, read what Life Magazine (on the stands tomorrow) says in its smash three page break!



ALEXANDER KORDA presents  
**CORINNE LUCHAIRE**  
*without*  
**PRISON BARS**

with  
**EDNA BEST · BARRY BARNES**

MARY MORRIS · LORRAINE CLEWES · SALLY WISHER  
Directed by BRIAN HURST · LOUING ASHER



**THREE SHOCKER PERFORMANCES**  
played bitterly, brilliantly, unforgettably by Mary Morris, Lorraine Clewes and Sally Wither at the tough girls who live for the moment... even inside prison walls!

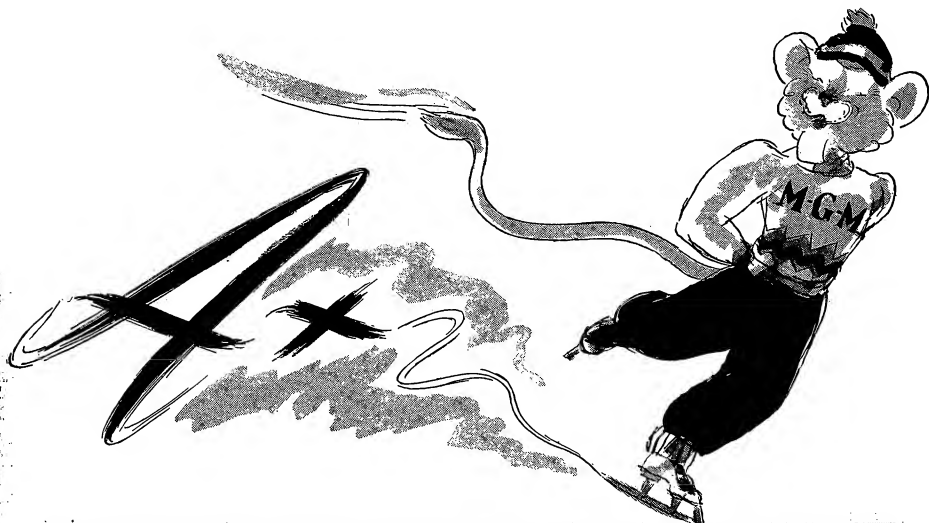


## CITIES IS WRITTEN BY UNITED ARTISTS





# HOLLYWOOD PREVIEW VERDICT—A THRILLING "GREAT ZIEGFELD" ON ICE!



FOR YOU .. MARCH 10!

## ICE FOLLIES

OF 1939

starring

JOAN

CRAWFORD

with

**JAMES STEWART** **LEW AYRES**  
**LEWIS STONE**

and "THE INTERNATIONAL ICE FOLLIES" IN TECHNICOLOR  
with Bess Ehrhardt • Roy Shipstad • Eddie Shipstad and Oscar Johnson • Screen Play by  
Leonard Praskins, Florence Ryerson and Edgar Allan Woolf • A Metro-Goldwyn-Mayer Picture  
Directed by Reinhold Schunzel Produced by Harry Rapf

Film Reviews

I WAS A CONVICT

(Continued from Page 18)

his prison-made pals in an excess of high film. Barton MacLaine, on the off that never quite jells to create any...
Latter is competent, but doesn't quite have enough of the phobias...

NORTH OF SHANGHAI

(Columbia production and release. Features Charles Vidor, Dick Curtis, and...

A fair-to-middle story is evolved from the current Sino-Jap fracas. Betty Furness plays the role of a reporter in a somewhat tight newspaper article...

Direction consumes plenty footage up to the point—the discovery and uncovering of a gang of spies working hand in hand with the head...

"MISSING DAUGHTERS," produced by Jack Fier for the Irving Briskin unit, directed by Charles F. Brannan, Richard Dix, and...

THUNDERING WEST

Columbia Pictures production and release. Story Charles Starrett. Directed by Sam Newfield. Features: Jackie Farrow, Irene Williams...

Snatching an outlaw from his band of renegades and making him sheriff to turn on his former male frames...

Hollywood, Feb. 28. Studios are currently hitting a record stride for this month of the year, with 40 pictures filling the cameras, as of Feb. 24. Films have passed the half-year mark in delivering product for 1939-30.

Columbia

Table with 5 columns: Features, Westerns, Serials, Total, and a column with numbers 17, 3, 0, 5, 15, 21.

NOTICE OF THE YUKON formerly titled MOUNTED POLICE No. 11, produced by Harry Decker for the Irving Briskin unit...

"BOMBING OF THE REDWOODS," produced by Wallace MacDonald for the Irving Briskin unit; directed by Charles Vidor...

"FIRST OFFENDERS," formerly titled "FIRST OFFENDER," produced by Lou Lubatoff for the Irving Briskin unit...

"MY SON IS A CRIMINAL," formerly titled "BACKETTERS," produced by Wallace MacDonald for the Irving Briskin unit...

"THE LADY AND THE MOB," formerly titled "MRS. LEONARD MESSERVAES," formerly titled "OLD MRS. LEONARD AND HER MACHINE GUNS," produced by Fred Kohler...

"OUTSIDE THESE WALLS," produced by Ralph Cohn for the Irving Briskin unit; directed by Ralph Cohn...

"FRAIRIE NIGHTS," produced by Harry L. Decker for the Irving Briskin unit; directed by C. Coleman, Jr.; no writing credits released...

"FLAME NO. 4," produced and directed by Howard Hawks; no writing credits released; photographed by Joseph Walker...

"BLIND ALIAD," produced by Fred Kohler; directed by Charles Vidor; from play by James Warwick; photographed by Lucien Ballard...

"MISSING DAUGHTERS," produced by Jack Fier for the Irving Briskin unit; directed by Charles F. Brannan...

"MANDRAKE, THE MAGICIAN" (serial), produced by Jack Fier for the Irving Briskin unit; directed by Sam Newfield...

"EVERYTHING HAPPENS TO ANN," produced by Jack Skirball; directed by Al Christie; screen play by the author; original by Edgar Allan Poe...

Grand National

Table with 5 columns: Number of Features, Pict. Com. Promised, Number of Serials, Shooting, Total, and a column with numbers 11, 2, 0, 13, 11, 11.

"SINGING COWBOY," formerly titled "LADY BUCKER," Coronado production; written by Donald E. Labanoff; directed by Samuel Diegel...

"EVERYTHING HAPPENS TO ANN," produced by Jack Skirball; directed by Al Christie; screen play by the author; original by Edgar Allan Poe...

Metro

Table with 5 columns: Number of Features, Pict. Com. Promised, Number of Serials, Shooting, Total, and a column with numbers 11, 2, 0, 13, 11, 11.

"BROADWAY SERENADE," produced and directed by Robert Leonard; no writing credits released; photographed by Oliver Marsh...

"THE HARDSYDE RIDE HIGH," produced by Lou Ostrow; directed by John B. Seitz; screen play by Agnes Christine Johnson...

release, needing only 202 pictures to complete a promised total of 589. In present 86 are in the cutting rooms and 272 have either been previewed or released.

William Ludwig; photographed by Leslie White. Cast: Lewis Stone, Mickey Rooney, Cecilia Parker, Fay Holden, Sara Haden, Ann Rutherford...

"SEBASTIAN MADDEN," produced by J. Walter Ruben; directed by Joe von Sternberg; based on a story by William A. Ullman, Jr.; photographed by John Seitz...

"THE WIZARD OF OZ" (Technicolor), produced by Mervyn LeRoy; directed by Victor Fleming; based on a story by Frank L. Baum...

"THE KID FROM TEXAS," produced by Edgar Selwyn; directed by S. Rankin; original story by Goddard Richards and Virginia Falkner...

"WITHIN THE LAW," produced by Leo Ostrow; directed by Gustav Frankel; original story by Clive Caldwell; cast: Robert Young, Annabella Wright, Connolly, Billie Burke...

"A LUCKY NIGHT," produced by Louis D. Lighton; directed by Norma Crane; original story by Vincent S. Lee; cast: Myrna Loy, Robert Taylor, Douglas Fowley, Bernadine Hayes, Bernard Noddy, Gladys Blake...

"THE WIZARD OF OZ" (Technicolor), produced by Mervyn LeRoy; directed by Victor Fleming; based on a story by Frank L. Baum...

"GALLING BIRD KILDARE," produced by Lou Ostrow; directed by Harold S. Hinds; screen play by George S. Brown, Jr.; cast: Lewis Van Dyke, Sammie Castles, Lee Ames, Lionel Barrymore, Lynn Carr, Nan Pendleton, Samuel S. Hinds, Emma Stone, Marie Rapp, Lillian Wald, Helen Warner, Mona Barrie, Belle Brant, Dwight Frye, Jack Carson, Frank Puglia, Adolphe Ames...

"LUCKY NIGHT," produced by Louis D. Lighton; directed by Norma Crane; original story by Vincent S. Lee; cast: Myrna Loy, Robert Taylor, Douglas Fowley, Bernadine Hayes, Bernard Noddy, Gladys Blake...

"THE WIZARD OF OZ" (Technicolor), produced by Mervyn LeRoy; directed by Victor Fleming; based on a story by Frank L. Baum...

"WITHIN THE LAW," produced by Leo Ostrow; directed by Gustav Frankel; original story by Clive Caldwell; cast: Robert Young, Annabella Wright, Connolly, Billie Burke, Samuel S. Hinds, Reginald Owen, Virginia Field, Arthur Treacher, Charles Judels, Felix Bruns, Mary Betts Huger, Al. H. Wall...

"A LUCKY NIGHT," produced by Louis D. Lighton; directed by Norma Crane; original story by Vincent S. Lee; cast: Myrna Loy, Robert Taylor, Douglas Fowley, Bernadine Hayes, Bernard Noddy, Gladys Blake...

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Monogram

Table with 5 columns: Number of Features, Pict. Com. Promised, Number of Serials, Shooting, Total, and a column with numbers 11, 2, 0, 13, 11, 11.

"THE MYSTERY OF MR. WONG," produced by W. T. Lasky; directed by "The Mystery of Mr. Wong," produced by W. T. Lasky; photographed by Wallace Brock; original story by Craig Reynolds; cast: Craig Reynolds, Harry Newman, Charles Bickel, Craig Bickel, Craig Bickel, Craig Bickel...

"TRIGGE SMITH," produced by Robert Emmett; photographed by Ber Longecadre; cast: Jack Randall, Joyce Bryant, Frank Yaconelli, Robert Taylor, Ernest D. Ernst, Jr., George E. Stone, Frank L. Rue, Horace Carpenter, Mill Kibbee, Mary Thompson, Denver Dixon, Forster Taylor, Earl Douglas, Chick Hanson, James Sheridan, James Sheridan...

"STAR REPORTER," produced by E. B. Derr; associate producer, Frank Melford; original story by Frank Melford; cast: Frank Melford, Frank Melford, Frank Melford, Frank Melford, Frank Melford, Frank Melford...

"STREETS OF NEW YORK," produced by W. T. Lasky; directed by William King; replacing Jack Mintz; original screen play by Robert Ab. Derr; photographed by Robert Ab. Derr; cast: Robert Ab. Derr, Robert Ab. Derr, Robert Ab. Derr, Robert Ab. Derr, Robert Ab. Derr, Robert Ab. Derr...

"THE MYSTERY OF MR. WONG," produced by W. T. Lasky; directed by "The Mystery of Mr. Wong," produced by W. T. Lasky; photographed by Wallace Brock; original story by Craig Reynolds; cast: Craig Reynolds, Harry Newman, Charles Bickel, Craig Bickel, Craig Bickel, Craig Bickel...

"TRIGGE SMITH," produced by Robert Emmett; photographed by Ber Longecadre; cast: Jack Randall, Joyce Bryant, Frank Yaconelli, Robert Taylor, Ernest D. Ernst, Jr., George E. Stone, Frank L. Rue, Horace Carpenter, Mill Kibbee, Mary Thompson, Denver Dixon, Forster Taylor, Earl Douglas, Chick Hanson, James Sheridan, James Sheridan...

"STAR REPORTER," produced by E. B. Derr; associate producer, Frank Melford; original story by Frank Melford; cast: Frank Melford, Frank Melford, Frank Melford, Frank Melford, Frank Melford, Frank Melford...

"STREETS OF NEW YORK," produced by W. T. Lasky; directed by William King; replacing Jack Mintz; original screen play by Robert Ab. Derr; photographed by Robert Ab. Derr; cast: Robert Ab. Derr, Robert Ab. Derr, Robert Ab. Derr, Robert Ab. Derr, Robert Ab. Derr, Robert Ab. Derr...

"THE MYSTERY OF MR. WONG," produced by W. T. Lasky; directed by "The Mystery of Mr. Wong," produced by W. T. Lasky; photographed by Wallace Brock; original story by Craig Reynolds; cast: Craig Reynolds, Harry Newman, Charles Bickel, Craig Bickel, Craig Bickel, Craig Bickel...

"TRIGGE SMITH," produced by Robert Emmett; photographed by Ber Longecadre; cast: Jack Randall, Joyce Bryant, Frank Yaconelli, Robert Taylor, Ernest D. Ernst, Jr., George E. Stone, Frank L. Rue, Horace Carpenter, Mill Kibbee, Mary Thompson, Denver Dixon, Forster Taylor, Earl Douglas, Chick Hanson, James Sheridan, James Sheridan...

"STAR REPORTER," produced by E. B. Derr; associate producer, Frank Melford; original story by Frank Melford; cast: Frank Melford, Frank Melford, Frank Melford, Frank Melford, Frank Melford, Frank Melford...

Paramount

Table with 5 columns: Number of Features, Pict. Com. Promised, Number of Serials, Shooting, Total, and a column with numbers 11, 2, 0, 13, 11, 11.

"PICTURES NOW IN CUTTING ROOMS OR AWAITING PREVIEW: A. Neilhold Shurtz; no writing credits released; photographed by Oliver Marsh. Cast: Joan Crawford, James Stewart, Lew Ayres, Ice Follies troupe, Jo Ann Sayers...

**"MOVE OVER, YOU 'HARDYS' AND 'JONESES',  
AND MAKE ROOM FOR THE 'BUMSTEADS'!"**

Motion Picture Herald

## Blondie Meets the Boss

(Columbia)

Comedy

Move over, you "Hardys" and "Joneses," and make room for the "Bumsteads," because "Blondie," "Dagwood," "Baby Dumpling" and "Daisy" have moved in. Minute for minute and inch for inch this second film fashioned in the format of Chic Young's comic cartoon matches any family series on the market laugh for laugh. It is like none of the others, nor like any other domestic comedy of ready memory, and stands in clear command of its own appeal channel.

Drawing upon its cartoon derivation for the privilege to do things with camera and incident commonly denied directors employing living actors, Frank R. Strayer contrives stunningly amusing effects. He uses slow motion, invisible wires and camera tricks in running sequence with humorous dialogue and comic situation. He blends slapstick and parlor comedy with complete nonchalance. The end result is a houseful of happily and unabashedly laughing customers asking no more credibility than is asked of a cartoon, an extraordinary and exhilarating state of audience receptivity.

Arthur Lake, long an exhibitor favorite, has found his spot as the husband of this lively young family, and Penny Singleton seems to have been born for the wifely assignment. But it is tiny Larry Sims as "Baby Dumpling" who steals this episode in the family annals and, by his unbelievably natural delivery of lines that would stymie a child of twice his years, holds the frankly cartoonish plot together. The dog's department is pure cartoon comedy and immensely effective.

Richard Fournoy's screen play, from a story by Kay van Ripper and himself, opens with "Dagwood" quitting his job and "Blondie" going to see the boss about getting it back for him. The boss gives it to her instead. A pair of jitterbug champions, a scheme to buy a piece of property, a fishing trip in the course of which "Dagwood" finds himself embarrassingly juxtaposed to a pretty and approachable night club dancer, are among the factors complicating the married life of the "Bumsteads" before "Dagwood" gets his job back. The routine defies thumbnail chronicle.

Previewed at Pantages theatre in Hollywood where it kept the entire audience smiling, chuckling and guffawing in unbroken sequence from start to finish.—W. R. W.

**TOP FEATURE** this laugh show...and agree with the M. P. Herald! Ballyhoo the Bumsteads...the screen's No. 1 family! Give 'em everything you've got...and watch box-office grosses zoom! This one's bigger and better than the first "Blondie"... and that's saying plenty!

# BLONDIE MEETS THE BOSS

BASED UPON THE COMIC STRIP CREATED BY **CHIC YOUNG**

**PENNY SINGLETON · LAKE**

as Blondie as Dagwood

**LARRY SIMMS**

as Baby Dumpling

**SKINNAY ENNIS AND HIS BAND**

Screen play by Richard Fournoy

DIRECTED BY FRANK R. STRAYER



**A COLUMBIA PICTURE**

Advance Production Chart

(Continued from page 28)

Ray, Bob Hope, Ernest Conarty, Paul Harvey, Alan Mowbray, Siegfried...

'RING OF CHINATOWN,' executive producer, Harold Hurley; associate producer, Stuart Walker...

'BULLDOG DRUMMOND,' executive producer, Edward T. Lowe; directed by James Hogan...

'HERITAGE OF THE DESERT,' produced by Harry Sherman; associate producer, J. D. Topf...

'LION IMPERIAL,' directed by Robert Florey; screen play by Gilbert...

'GRAND JURY SECRETS,' produced by Sam Engel; directed by James...

'MIDNIGHT,' produced by Arthur Hornblow; directed by Mitchell...

'THE MISSOURI,' produced by Paul Jones; directed by Theodore...

'SIBYRIAN OFFENSE,' produced by Edward T. Lowe; directed by Louis...

'THE LADY FROM KENTUCKY,' produced by Jeff Zasuoff; directed by...

'THE BREKID,' formerly titled 'NIGHT SHOW HOSTESS,' formerly titled 'ME AND MY GAL'...

'SUDDEN MONEY,' formerly titled 'SWEETSTAKES MILLIONAIRE,' formerly titled 'SUDDEN MONEY'...

'UNION PACIFIC,' produced and directed by Cecil B. DeMille; associate producer, William H. Pine...

'FRAN ABOUT TOWN,' produced by Arthur Hornblow; directed by Mark...

'INVITATION TO HAPPINESS,' produced and directed by Wesley...

'SOME LIKE IT HOT,' associate producer, William C. Thomas; directed by Frank Capra...

'GRACE ALLEN MURDER CASE,' produced by George Allen; directed by George C. Green...

Jack Baxley, Rube Demarest, Jim Kelsa, Helen McKellar, Edgar Dearing...

'THE MAGNIFICENT FRAUD,' produced by Harlan Thompson; directed by Robert Florey...

'GREAT ENEMY,' executive producer's office production; directed by Paul Sloan...

'THE FLYING IRISHMAN,' produced by Pandora S. Berman; directed by Victor Heiser...

'THE CASTLE,' produced by Walter Haigh; directed by Henry Potter...

'THEY MADE A BOY,' produced by Robert De Grasse; directed by...

'THEY HUNG,' formerly titled 'WHAT'S A FIKKE JOB,' produced by Cliff Reid...

'GHOST TOWN,' produced by Bert Gilroy; directed by David Howard...

'SORORITY HOUSE,' produced by Robert Sisk; directed by John Parrow...

'HOME ON THE RANGE,' formerly titled 'BIBIN THE RANGE,' produced by Harry Gray...

'ROUGH RIDER PATROL,' produced and directed by Joe Kane; no writing credits released...

'HEROES OF THE DESERT,' produced by William Brier; directed by George Ziegler...

'MAN OF CONQUEST,' formerly titled 'WAGONS WESTWARD,' produced by Sol C. Siegel...

'SIX OF MISSING MEN,' produced by Armand Schaefer; directed by Sidney Salkow...

'FRONTIER EXPRESS,' produced and directed by Joseph Kane; no writing credits released...

'GIRL FROM BROOKLYN,' formerly titled 'BY THE DAWN'S EARLY LIGHT'...

'WARRIOR BROTHERS,' produced and directed by Joseph Kane; no writing credits released...

'DANGER LAND,' formerly titled 'TEEBOR ISLAND,' formerly titled 'MR. MOZO IN PORTO RICO'...

Reelect Mono Slate; Johnston and Dunlap Reject Salary Tilt

Stockholders of Monogram Pictures Co. at their 1938 annual meeting last week reelected all the present board of directors...

Most important proposal for stockholders to vote on was increase in present compensation to Johnston and Dunlap...

Of the 389,586 shares Monogram stock outstanding, 234,000 were in the hands of Johnston and Dunlap...

Other action voted by the stockholders was to change the fiscal calendar business year to a fiscal year base, starting July 1...

These stockholders' meeting in addition to Johnston, Dunlap, Carr, Golden, Fromkes, White and...

Patm Film Corp., the largest holder of Monogram stock...

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Republic

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Duals at 10c

(Continued from page 17)

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20th Century-Fox

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(Continued on page 39)

Flag Waver for Burns

Hollywood, March 7. Bob Burns' next starer at Paramount is a patriotic yarn, 'An American Boy'...

Hollywood, March 7. Warners is reading 'What Price College' campus yarn, by Ben Fint...

Hollywood, March 7. Irving Fineman, professor at Bennington College, Vt., is doing the screenplay...

# 20TH'S BIGGEST

**In the next twelve weeks 20th Century-Fox will release all of the great pictures on this page!**

Pre-release engagements everywhere demonstrate that this is not only the greatest of Shirley Temple pictures, but one of the biggest boxoffice attractions of the year!

## SHIRLEY TEMPLE

### in THE LITTLE PRINCESS

In TECHNICOLOR  
with

**RICHARD GREENE  
ANITA LOUISE**

and **IAN HUNTER • CESAR ROMERO  
ARTHUR TREACHER • MARY NASH  
SYBIL JASON • MILES MANDER  
MARCIA MAE JONES**

Associate Producer Gene Maskey • Screen Play by Ethel Hill and  
Walter Ferris • Based on the novel by Frances Hodgson Burnett  
Directed by Walter Lang

America's most thrilling story! Produced in  
Darryl F. Zanuck's *biggest*-picture manner!  
First of the Cosmopolitan Productions!

20th Century-Fox presents  
DARRYL F. ZANUCK'S Production of

## The Story of ALEXANDER GRAHAM BELL

with **LORETTA HENRY  
DON AMECHE • YOUNG • FONDA**  
and  
**CHARLES COBURN • GENE LOCKHART  
SPRING BYINGTON • SALLY BLANE  
POLLY ANN YOUNG • GEORGIANA YOUNG**

A Cosmopolitan Production  
Associate Producer Kenneth Macgowan • Screen play by Lamar  
Trott • Original Story by Ray Harris  
Directed by Irving Cummings

The greatest laugh-thrill-scare show ever to play  
Broadway... as only 20th could  
bring it to the screen!

## THE RITZ BROTHERS in THE GORILLA

with **BELA LUGOSI • ANITA LOUISE**  
and  
**PATSY KELLY • LIONEL ATWILL  
EDWARD NORRIS • WALLY VERNON  
PAUL HERVEY • JOSEPH CALLEIA**

Associate Producer Harry Joe Brown • Screen Play by Brian James  
and Ed Sitver • Based on the play by Ralph Spence.  
Directed by Allan Dwan

Timed to today's show  
famed spine-chilling myst  
adventure of fiction's mos

## SIR ARTHUR CO THE HO OF TH BASKER

The adventures of Sher  
on the moon

with **RICHARD  
GREENE • RATHBON**  
(as Sherlock Holmes)  
**NIGEL BRUCE • LION  
JOHN CARRADINE • BARLOW  
BERYL MERCER • MORTO  
RALPH FORBES**

Associate Producer Gene Maskey • Screen Pl  
Directed by Sidney Lanfield



# ARE STILL TO COME!

Designed to be to your boxoffice in 1939  
 what "Alexander's Ragtime Band"  
 was in 1936!

**TYRONE POWER**  
**ALICE FAYE**  
**AL JOLSON**  
*in*  
**ROSE OF**  
**WASHINGTON SQUARE**

*with*  
**WILLIAM FRAWLEY · JOYCE COMPTON**  
**HOBART CAVANAUGH**

Associate Producer and Screen Play by Munnally Johnson  
 Music and Lyrics by Gordon and Revel, Hanley and Macdonald  
 Directed by Gregory Ratoff

The fiery, romantic, lovable outlaw-hero of "In  
 Old Arizona" and "The Cisco Kid" in a sweep-  
 ing, new, colorful adventure! Backed by the  
 big-space advertising and smash *extra* pub-  
 licity accorded all Cosmopolitan Productions!

**THE RETURN OF**  
**THE CISCO KID**  
*Starring*  
**WARNER BAXTER**

*with*  
**LYNN BARI · CESAR ROMERO**  
**HENRY HULL · KANE RICHMOND**  
**C. HENRY GORDON · ROBT. BARRAT**

A Cosmopolitan Production  
 Associate Producer Kenneth Macgowan · Screen Play by Milton Sperting  
 Directed by Herbert I. Leeds

fast! Literature's most-  
 try! The most astounding  
 f celebrated character!

**NAN DOYLE'S**  
**DUND**  
**VE**  
**VILLES**

lock Holmes  
**WENDY**  
**E · BARRIE**  
**EL ATWILL**  
**TE BORLAND**  
**N LOWRY**

y by Ernest Pascal

A theme vitally alive to every American today!  
 A picture the public is eagerly awaiting!  
 A supremely important attraction!

**YOUNG MR. LINCOLN**  
*starring*  
**HENRY FONDA**

... superb in "Jesse James" and "The Story of Alexander Graham Bell",  
 he rises to merited stardom and his greatest performance!

*with*  
**MARJORIE WEAVER**  
**ALICE BRADY**  
**RICHARD CROMWELL**  
**ARLEN WHELAN**  
 Eddie Collins · Pauline Moore · Doris Bowden

Associate Producer Kenneth Macgowan  
 Based on the story by Lamar Trotti  
 Directed by John Ford



Darryl F. Zanuck  
 in Charge of Production



# Strike Up the Band!

## —Here Comes Your Baby

Full of zip... pep... dash and doing!... the National Screen Trailer running in advance of your show!

Seen... heard... entertaining... carrying conviction to seat buyers while they're in the mood. The only advertising combining sight... sound... voice and the printed word! Action on your screen. Samples of what the picture is about.

And how low in cost! How complete in coverage! How unique in appeal! How real a ticket-seller!

Big merchants... national advertisers would grab your screen in a minute. You've got it! Use it to the best advantage with National Screen Trailers



**NATIONAL**  
*Screen*  
**SERVICE**  
Prize Baby of the Industry!

# Chase National Continues Selling Of 20-Fox, SEC Also Looks Momo Buys

Washington, March 7. Heavy buying in motion picture stocks during January was revealed today (Tuesday) in the official summary of the Securities & Exchange Commission.

Largest acquisitions were made by Trem Carr and Scott R. Dunlap, of Hollywood, who each purchased 16,500 shares of Monogram Pictures Corp. common on Jan. 6 and followed it four days later with purchases of 6,194 shares—bringing their total holdings to 22,693 shares. Sol Sheinbeil, former Monogram motion picture administrator, dumped 11,228 shares of the same—all but 1,900 shares of his holdings. A large program deals were carried out under option privileges.

## CALLS SUIT IDEA HIS

Edward J. Pfeiffer filed a N. Y. federal court suit yesterday (7) against Donahue & Coe advertising agency, charging it with conspiracy to sue for \$100,000, claiming the plagiarism of an idea of his which was later developed in the "Movie Quiz" by the defendants.

Plaintiff claims the idea was submitted but rejected.

## ASK MO. SUPREME CT TO UPHOLD NICK OUSTER

St. Louis, March 7. The Missouri state supreme court yesterday heard arguments filed in behalf of Circuit Judge Ernest F. Oakley in opposition to the writ of prohibition issued by John P. Nick, v. of LATSE and head of MEO Local 143, and Clyde Beck, president of the same (the local), to prevent their being ousted from control of the local.

It is declared in the suggestion that oustering of Nick and Beck from wrongfully dominating Local No. 143 is desired by those who have a legal interest in the matter involved, and the matter is not one subject to a writ of prohibition, but rightly belongs in the supreme court. To be perfectly frank, the argument says in part, "the issue raised by either racketeering suit be continued in a trade union and whether or not free-born American citizens are to be handed over to their shoulders a reign of terror which does violence to every tenet of the doctrines upon which democracies are founded."

A few days previous, the Central Trades Labor Union, president of the committee to regard the internal difficulties of Local 143 as a "closed in union." The meeting was held following the reading of correspondence between the Central Trades Board from George Brown, international prez of IATSE, to allow the executive committee to take charge of the reorganization of Local 143. Brown replied that Browne refused the request with the explanation that the Central Trades Board is unable to handle its own internal difficulties.

Nick is reported to have returned recently at a labor and political battle ground, is going to Jersey City, Philharmonic Symphony orchestra. He was formed and will give a series of four concerts, Snyder here tonight this spring. J. R. Brown is conducting.

Mayor Frank Hague is understood to be one of the backers.

Mrs. Piazzas' Parents' 50th. Albany, N. Y. Ben Piazza, v.-p. of Major Pictures Corp. was here over the weekend from Philadelphia and daughter, Rita, to attend the 50th wedding anniversary of Mrs. Piazza's parents, Mr. and Mrs. Harry C. Piazza.

Piazza will appear with the old Betty Lytell-Evelyn Vaughn stock company at the Strand Theatre, Hall here, and was playing Tiger Rose in New Orleans when Piazza married her in 1920.

## Blue-Blood Infusion

Hollywood, March 7. Old world aristocracy crashed the 105 by bus with the addition of Baroness Else von Koenig to the Paul Kohner agency here as associate.

Baroness recently arrived from Europe, where she served as a scout for Universal.

## 285G Anti-Trust Suit Aimed at 8 Cos. by Dixie Ops

Atlanta, March 7. A suit for \$285,000 damages was filed Thursday (2) in U. S. district court here by Dixie Operations, Inc. and Gertrude W. Peck, charging eight major picture companies with violation of the Clayton Anti-Trust Act in distribution of films.

Peck claims that, as owners and lessees of theatres in Selma, Ala., and one in Dublin, Ga., she was forced to liquidate at a loss because defendant companies were a sole operator to supply feature pictures. Petition states that Roy Martin, chain operator, built operating theatres of two towns in town and afterwards defendant companies 'did conspire and agree among themselves and with said Martin not to sell, lease or license to plaintiffs any first-class feature film.

Companies named are Paramount Pictures Distributing Co., Inc., RKO Pathé Distributing Corp., M-G-M Distributing Corp., Vitaphone, Inc., Fox Films Corp., United Artists, Universal Film Exchanges and Columbia Pictures Corp. A. C. Bromberg, described as a distributor for some of the film companies, was also listed as a defendant.

Peck claimed they lost \$45,000 in 1938 in Selma, Ala. She claimed they seek triple damages and attorneys' fees.

U. S. Judges Done and Los Angeles, March 7. Uncle Sam's probings wound up two years of digging into local film companies in quest of possible violations of the anti-trust laws.

Albert Law and Harold Collins, special assistants to the attorney general, are drafting their final report, to be transmitted to Thurman Arnold, assistant U. S. attorney general, in charge of anti-trust violations.

## Al Rosen Must Pay Off Orando for Symphonies

Los Angeles, March 7. Superior court ordered Al Rosen to pay Guido Orando his fee for the use of the Orando film in Paramount released six Symphonies features.

Orando is suing for an even split of commissions for release of the pictures, valued at \$80,000.

## Hecht-MacArthur Oppose Exam. in Connie's Suit

Los Angeles, March 7. Attorneys for Ben Hecht and Charles MacArthur filed a week ended motion picture suit against the attorney general, opposing the demand of Constance Connolly, the widow of the late writer, of writers before trial in the suit, started a year and a half ago.

Hecht and MacArthur, who are also named as a defendant.

Connolly is seeking to recover \$62,500 for alleged breach of contract. Writers were guaranteed \$50,000 to write an original story. Hecht, a \$2,500 deposit paid to Lederer. No story was delivered. Miss Ben Hecht claims the plot was the worth of picture offers while waiting for her story to turn up.

Connolly's attorney, representing Hecht-MacArthur, elaim her suit was founded, in that the defendant violated other commitments by the defendants. The \$2,500 deposit was also being offered to recover the original story.

Charles Schwartz & Frohlich represent the actress.

## NASHVILLE'S BIG B.O. SUNDAYS; NOW OK

Nashville, March 7. The residents of this seat of southern Methodism and the Baptist church have left little doubt that they favor Sunday films. For the first time in the history of the city picture theatres are open for regular performances and the residents are responding by jamming downtown houses to capacity—and nabs are being taken.

Sunday operations in Nashville may lead to legalization of Sunday films in other mid-Tennessee cities including Murfreesboro, Franklin, Springfield and Clarksville.

The showing of the first Sunday picture here forced the city police department to augment its traffic detail as jams jammed the downtown area and caused congestion. The fire department also kept special patrols posted at the theatres.

Sunday films became legal last week at the insistence of the city church leaders might attempt to combat the ordinance through the courts but it is believed that this will now be attempted.

The city has had Sunday baseball for the past several years.

## MOSS'S LOSSES IST

# PARROT BAN HARRY B. BINGO

Efforts of N. Y. License Commissioner Paul Moss to secure revocation in Special Sessions court against the Jewel theatre on a charge of running a lottery by means of a "parrot ban" lottery failed in General Sessions Judge Morris Keogh yesterday (Tuesday) removed the case to General Sessions. On motion of Harry G. Koeh, attorney for the theatre.

Justice Koehing also granted defendants a trial by jury, on the grounds that valuable property interests of the theatre and of the public interest are involved, and because the ultimate decision would have a far-reaching effect.

The matter now goes before a grand jury and indictments will have to be returned. The theatre and its owner, the Belle Theatre Co., before case can be brought before a jury.

Commissioner Moss had pinned his hopes on a conviction in Special Sessions, which would give the case on which he could revoke the licenses of all theatres and non-theatres in the city.

Harry now playing bingo and other prize games.

## Wisconsin Bank Night Tied

La Crosse, Wis., March 7. Circuit Judge Robert S. Cowie, acting as a private citizen, filed a complaint in circuit court Saturday (4) to test the legality of bank night at La Crosse, Wis. La Crosse Theatres Co., which operates five houses here and the Walworth Theatres, Inc., which has two houses, complain that the theatres were willfully violating the constitution and statutes of Wisconsin. It charges that large sums of money "have been gambled, hazarded and squandered by the public, including minors."

Judge Cowie stirred a hotpot last November when he told the county board here that open gambling had become a public evil and that it was being one of the most widely open cities in the state. Two months later he issued similar complaints against the La Crosse Theatres Co. was also dismissed at that time.

## Mich. Slots Plan Ban

Detroit, March 7. The Michigan legislature is considering a bill to ban slot machines, bingo, keno and similar games a legal entertainment, if sponsored by Governor C. W. Kettering. The bill would also ban similar organizations for their own purposes. A similar measure passed the legislature last year, but was vetoed by Gov. Frank Murphy.

Bill declares that the raffling of merchandise under these circumstances "shall not be construed as conducting a lottery, or as gambling, which shall not be in violation of state laws."

The bill was apparently prompted by the fact that slot machines and bingo nights held by Moose lodge here.

## 2 RKO Films in a Row Into R. C. Music Hall

Radio City Music Hall has set two RKO pictures in a row to follow "Stagecoach," which goes into a second showing on Monday. The films are "Love Affair," opening March 16, and "The Castles," opening March 20.

The Radio City Music Hall has been dickering with Warners is declared to be in doubt. "King of the Kongs" will take a week, now, is also doubtful.

## Par 2 Up on Scripts

Hollywood, March 7. Seven writers finished their chores and checked off the Paramount lot. Going out were Ed Belton, William Westmore, Robertson White and Donald Ogden Stewart. Taken over were F. Scott Fitzgerald, Walter Berg, Oscar Schulz, Willie Fahey and Marion Spitzer.

Parsons E. Furber, of New York, listed purchase of 300 shares of Trans Lux common, bringing his holdings to 1,500 shares. Two other over-the-counter acquisitions were revealed under the name of Leslie E. Thompson, who received 1,000 shares of RKO on the same amount a year later. Thompson, all of whose nest-eggs were listed as compensation, purchased 500 additional tickets in January, bringing his total to 3,500 shares at the time.

Chase National Bank, which has sold several blocks of picture stocks recently, dropped its purchase of 20th Century-Fox common, retaining 211,500 shares common and 671,916 shares of its preferred. Another film deal involved purchase of 2,000 shares of Warner Bros. common stock by Jack L. Warner to give him 90,060 shares common, 14,884 shares of \$1.85 cumulative preferred and 200 shares of convertible debentures.

## CONS. SEEKING PROXIES TO RE-ELECT DIRECTORS

Proxies are being sought by Consolidated Film Industries, Inc., owning majority of the printing for the annual meeting of the election of four directors at the annual meeting of the company scheduled for March 25. Four candidates for re-election are Herbert J. Yates, Jr., president of the company; Edward Desmetz, Joseph Allen and Richard W. Altschuler.

In a proxy statement sent stockholders the election is set for Feb. 10 by the four directors seeking re-election. Ownership is listed. Yates is headed by Yates, with 7,782 preferred and 222 common shares. Desmetz, as of that date, had 900 preferred and 1,770 common, while Allen controlled 500 preferred and 2,117 common. Altschuler had no preferred and only four shares of the common stock.

While the proxy solicitation by the company declares that management is to be elected, it is stated that other business as may properly come before the meeting will be handled by Consolidated, states that the management does not intend to present any other business. However, it is known of any other business which may come before the meeting.

## Would Limit Trailers

Wilmington, Del., March 7. Bill rolling around in the Senate of the Delaware Senate would limit trailers and all other advertising to three minutes a performance, unless advertised conspicuously on billboards and in newspaper. It would also outlaw advertising "for any theatre to cut into, insert or display any advertisements, printed or trailer in any newspaper, and the advertiser would have to be entirely of 'news events.'

Amount of \$50 for the first offense and \$100 for second are provided. Half of the fine would go to the informant leading to conviction.

## Erol Flynn's 'Juan'

Hollywood, March 7. Erol Flynn plays the great love in "The Adventures of Don Juan," scheduled at Warners for early season.

Michael Curtiz directs from screen play by Roland Leighton.

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## WIDE ACCLAIM FOR ALL THREE

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SETTING new standards of quality and performance, Eastman's latest negative films have met with instant approval. Each makes its special contribution . . . fast, fine-grained *Plus-X*, for general studio work . . . high-speed *Super-XX*, for all difficult exposures . . . Ultra-fine-grained *Background-X*, for backgrounds and all-round exterior work. All three offer the high reliability and photographic quality typical of Eastman sensitized materials. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood).

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**EASTMAN *Plus-X* . . .**  
***Super-XX* . . . *Background-X***



# REVENUE-BUILDING STATION

## N.A.B. CALLS FOR LEGISLATION TO PROTECT COPYRIGHTS

Copyright committee of the National Association of Broadcasters will meet March 30 at the Ambassador hotel, N. Y., to consider a completely new approach to the solution of the problems involving the American Society of Composers, Authors and Publishers. The program which will be submitted by Neville Miller, NAB prez, and others presupposes a thorough housecleaning of all past concepts on how the question should be handled. The committee would first try to get a well-rounded picture of all facets of the problem before entering into any discussions with ASCAP on a new contract.

It is Miller's belief that the time has come for the NAB to take inventory of the whole copyright situation. Before undertaking to build a new case he wants the past reviewed. According to his plans, the committee would first take a preliminary study covering such topics as (1) the nature of ASCAP's inner structure and operations, (2) history of the broadcasters' negotiations with ASCAP, (3) legal actions against ASCAP, (4) possible means of working out a new licensing basis with ASCAP, and (5) various moves against ASCAP, legislative and litigious.

The NAB hatters will also attempt to determine whether these counter-attacks have been proved, or give any promise of getting anywhere. Among the questions slated for review are (1) the per piece licensing plan, (2) state legislation against the radio, (3) make the network assume the major copyright burden, and (4) force the dissolution of ASCAP.

## ARCH McDONALD WILL SPIEL DODGERS IN N.Y.

Arch McDonald, who for years has been calling 'em on WJWS, Washon, will be the main attraction in announcing of the Yankee and Giants games over WABC, N. Y. Radio center of previous years for both WABC and WOR, Newark, which will carry the Brooklyn Dodgers games, is now under discussion.

Red Barber, formerly of WLW, Cincinnati, has the calling assignment on WOR. Sponsorship on all three will rotate among General Mills, Socony-Vacuum and Procter & Gamble. We will duplicate the Dodge broadcasts.

## KID SHOW AT 8 P.M.

**Dari-Rich Drops Afternoon Quarters For Evening Half-Hour**

Bovey's, Inc., distributor of the Dari-Rich chocolate candy, is on the verge of changing the time slotting of its 'Terry and the Pirates' series. It will remain on the NBC blue ink, but will drop its three late afternoon quarter-hours a week the account will make it a half-hour slot, which starts 8 p.m. It will be the first time that a network kid show has been cleared at this hour. The period is still at half-hour, which starts 8 p.m. for 'The Lone Ranger' (7:30 p.m. EST).

## Man of Varied Talents

Salt Lake City, March 7. Chester Dowse, who resigned as a secret operative of the Utah liquor control commission, has been named liquor manufacturers' agent, has now become master of ceremonies on his hour spot on the Electrical League of Utah over KDYL.

Stint will be aired from the KDYL Radio Playhouse, which starts 4:30. Besides Dowse, support includes Filding K. Smith, comedian; Bob Benson, lawyer; and the orchestra leader, and station house orchestra led by Woodbury.

## GO AFTER A THREE-YEAR LICENSE!

Chairman McNinch blew his top last week in Washington. He did himself little good; he did Commissioner Craven little harm. What he did accomplish was to make it pretty clear to any who doubted it before, that radio regulation is up to its eyebrows in politics. A continental investigation of news seems inevitable. That, too, will probably be a merry partisan romp, with the 1940 tactics of the revitalized Republican party obviously hoping to make the most of it. Meanwhile, the radio industry is the whipping boy, the patsy, the he-done-it fall-guy.

What can radio do to protect itself from politics? Nobody seems to know. Or, if they have any ideas, nobody seems to have the guts to talk them out openly, or boldly move to apply them. Radio goes pussy-footing along, more conscious of the politicians than the public. (The public is radio's friend; a thought worth remembering.) Radio won't talk back to the politicians, won't come out and throw down the gauntlet. Radio keeps on forever and a day in its cat-like watching of the Washington mousehole, out of which some day, somehow, magically, without date or design, it expects to grab a sensible set of basic conditions, a three-year license and other needed changes.

It is true that various steps in the right direction have been taken. But toothpicks have been used where beams were needed. Always the politicians have been boot-licked. Radio execs can't seem to shake off their paralyzing fear of extinction at the caprice of a politician in Washington. They grumble and complain and feel badly treated, but still they do it the politicians' way—backstairs, jockeying, lobbying but seldom openly articulating, or boldly proclaiming the radio industry's impressive case—a case beyond successful frontal attack. It's a nice idea to paste explanatory trickers on the back of every new radio set sold. But these messages are not loud enough to register on ears attuned only to the mighty organ-blasts of modern propaganda.

Survival of the radio industry, as now constituted, may depend upon getting the industry out of politics. One obvious step in that direction is the three-year license under which the present premium on political connections would be lessened. Through a three-year license, businessmen who operate honestly could feel like respectable persons, instead of potential criminals forever on probation.

Suspicious critics of broadcasting will, of course, have little sympathy for the long license plea. They premise their thinking on the idea that broadcasters were either remarkably lucky, or definitely conniving, or they would not have a license to broadcast in the first place. Being either the white-haired child of luck, or the gum-shoe kid of skull-duggery, the broadcaster—under this reasoning—should be kept away from the city streets without respite at any time. They hold the

broadcaster bereft of social consciousness, or commiserate responsibility, and certain to take a chance if the odds of getting away with it are promising.

Which is part of the paradox of radio—an industry that pleases, delights and constantly impacts the public; that shows by its everyday operation how successfully it understands and how wisely, in the main, it interprets what the public wants or will accept. Men and organizations sufficiently smart, sure-footed and understanding to broadcast 75,000 programs—more or less—every year and have only an extremely rare squawk, are held unworthy of a vote of confidence based on demonstrable merit.

Mandatory three-year broadcasting permits were proposed in Congress last week as a means of preventing governmental intimidation of station owners. Bill revising the present statute was sponsored by Rep. Clarence J. McCleod, Michigan Republican, and was sent to the House Interstate Commerce Committee for study. The radio industry might study it, too.

Different from other similar suggestions put forward in past years, McCleod's measure would specifically ban review of the political conduct of industry members. After stipulating that the minimum term must be three years instead of six months, the Detroit proffered a restriction to the effect that in passing on renewal pleas 'the Commission shall not take into consideration any political views expounded over the station of the applicant or any political views held or expressed by the applicant.'

Like a lot of other people and organizations in the advertising business, radio has been remiss in self-advertising. Selwyn has radio gotten together to anything beyond passing resolutions about the much-desired three-year license. That the three-year license could be dramatized, that public support could be marshalled and a back-log of sympathy built up, has been ignored in the long record of hem-and-haw, which seems to be the fatal blight of broadcasting, wherein (because of competition) collaboration has been singularly difficult and frequently impossible.

What does radio stand to lose by standing up? The answer is the net result and the net impression of continuing to take everything in a semi-prostrate posture? These are fundamentals of defensive trade tactics. They need consideration. And they need publicity.

The three-year license is one industry cause upon which all, presumably, may agree. Then why not get the winds and the brass together and attempt, for once, to strike up the band?

Maybe there's a different plot. If so, it's still developing and hard to follow. And punk drama.

## P&G'S ANNUAL CHECK

Seed Giveaway on 'The Perkins' from March 9-17.

Procter & Gamble starts its annual check on station coverage and popularity March 9 with a seed giveaway on Oxydell's 'The Perkins' serial over NBC Red (WABC) and the one after will extend through the 17th.

This time P & G has selected an afternoon hour. The analysis made of the returns are retained by the account for its own information and guidance.

## Luckenbill's Operation

Tom Luckenbill, radio exec on the Lux account in the J. Walter Thompson agency, is receiving the benefit of operation of his knee which had been performed the week before last at Boston's hospital, N. Y.

He will be back on the job next week.

## GULF GUILD SHOW FOLDS ON JUNE 4

Gulf Oil winds up its connection with Gulf Show on CBS Sunday nights, June 4 and substitutes a cheaper show for the summer. The question of renewing the Gulf stanzas has yet to come up. Original contract was for 17 weeks.

## Frank Smith Quits Green

Frank Smith has resigned as advertising manager of Green watch. This came in an entirely surprising way. Smith is expected to return to radio.

Smith joined the watch manufacturer about two years ago, coming from WLW, Cincinnati, where he had been sales manager.

## VAUDEVILLIAN UPPEL

Jules Herbeuve, New NBC Program Exec, is from New Brs.

Chicago, March 7. Jules Herbeuve becomes manager of the program department for the NBC central division here, replacing Clarence Meuser who left organization to take over local office for Gardner agency. Herbeuve and Meuser have in the past production having produced many units and acts for the city circuits. He joined the radio circuit, however, and was for many years a musical director for KTW when it was located in Chi.

Wynn Wright, who rated as an assistant production head, elevates to production manager's job while Buckley becomes acting assistant production manager in the new setup.

Hal Gibbey, NBC announcer, moved to Hollywood from Frisco.

## PAINE RESENTS CASE

John G. Paine, general manager of the American Society of Composers, Authors and Publishers last week scored what he termed the program of harassment being pursued by the National Association of Broadcasters in state legislatures as likely to produce a serious boomering for the composers themselves. He indicated that since the NAB has showed how state legislators can be used as cats' paws in business differences there was always the possibility that groups hostile to broadcasting might become interested in resorting to the same means.

Paine's comment followed his attendance in Hartford Conn. of a hearing on anti-ASCAP bill which had been introduced in that state's legislature by Rep. Roy Engquist, of Branford. The hearing was marked by the circumstance that no other legislative committee member appeared to support the bill. It was even opposed by the secretary of state, Mrs. Sarah Crawford, who contended that the bill would impose a burden on her office without added compensation. She argued that the bill sought to have the state duplicate what the copyright office in Washington is doing and that it would work an unnecessary hardship on new and young authors who should be registered.

Mrs. Crawford attacked the project as being both economically and legally unsound. She stated that it was badly drawn, since it imposed a discretionary power on her office, which would be used by the state in administrative matters. If her office was to become a registry of copyrights the state would be required to have effect and not leave it to that office to decide whether a number should or should not be registered.

Paine, in his post-hearing comment, said that the bill had all the earmarks of a protection racket. It was badly drawn, since it imposed a discretionary power on her office, which would be used by the state in administrative matters. If her office was to become a registry of copyrights the state would be required to have effect and not leave it to that office to decide whether a number should or should not be registered.

## North Dakota Passes Bill

Even though Attorney General Alvin C. Strutz has submitted a written opinion declaring the legislation unconstitutional, 'an invasion of the sphere of national authority' by the state, the legislature of North Dakota governor is expected to sign the anti-ASCAP bill passed by both houses of the legislature. The general attorney general charged that the act in question attempted to limit the right of federal copyright legislation to authors, composers and producers.

Since the House was preceded by a bitter passage of the bill by the Senate, it will be charged Bergesen with lobbying on the bill, against the measure and that he had latter cut off the bill from the legislature. Bergesen refused to comment. ASCAP has represented no one interested in the legislation. Bergesen has been charged from the floor with 'fleeing the nation of millions' and Bergesen has said that the bill is the theatres and radio stations which are contributing to the Society's.

## Texaco Drops Ruggles For Rotating Combs

Hollywood, March 7. Texaco Station is dropping Charles Ruggles with a rotation of film and radio combs. Ken Murray and Ruggles are being replaced by Two Conrad Corbally gypsy yarns, 'Tink' and 'Happiness,' have been booked as two new acts. Ruggles. Likely that the petrol show will stay on through the summer.

# INDUSTRY UPSET BY POSSIBLE REPEALING OF FCC'S LATEST FLANK NEWERS

## Dubious Comfort Found in Slight Changes in Procedure—Gradual Building Up of Censorship Machinery Feared

Washington, March 7. Panicky broadcast industry representatives are still arguing this week over the underlying significance of the FCC vote approving a majority report of the Committee on Informal Complaint Procedure which endorsed, with only minor changes, the current method of spanking station operators whose conduct offends a majority of the regulators. While the FCC's motives still obscure, substantial element voiced alarm that the government agency is determined to exercise round-about censorship, with non-conformists subject to the death penalty.

Apprehension was caused last week when the Commission, by a 6 to 1 split, adopted a memorandum submitted by Commissioner Eugene O. Craven, to a vindictive attack via reprinting four 14 types of programs which might be the basis of punitive action unless libelous in the Commission's judgment, to observe their public interest obligation. While numerous whippersnappers the Commission had good intentions, alarm was heightened by a sensational report of Chairman Frank E. Mc-Ninch, who subjected the only dissident, Commissioner T. A. M. Craven, to a vindictive attack via reprinting four 14 types of programs which might be the basis of punitive action unless libelous in the Commission's judgment, to observe their public interest obligation.

After discovering that an official FCC press statement gave an incorrect picture, members of the legal fraternity were seriously concerned over the possibility the Commission had promulgated the equivalent of program standards, not only without listening to views of the industry but in complete disregard of statutory limitations on its authority and of court decisions. Uneasiness was due chiefly to the vagueness of that part of Sykes-Payne report discussing the types of programs which may be held contrary to public interest.

Almost coincident with a warning from NAB directors about censorship dangers, the Commission made public the two reports of its Complaints Committee, revealing a deep-seated difference of opinion on the question of how far the regulators may go in applying the eligibility test for license holders. Disclosure of the conflicting views followed by nearly 24 hours an announcement that henceforth issuance of temporary tickets for stations under investigation will be abandoned and that revocation proceedings will be used to punish flagrant violators of the basic law and FCC regulations in case of contrary to public interest.

The alarm came chiefly from the way in which the majority of the Complaints Committee classified the cases and the deciding that Sykes and Payne feel stations should

be whopped for airing any of 14 types of programs. (See adjoining box.)

While there was room for doubt and debate, many watchers feared the enumeration of these items means the Commission will call on the earnest proprietors of stations which air such material. It was noted that the majority report failed to define some of the terms—leaving broadcasters in a worse quandary than before the agency's decisions on programs "liquor and cigar advertising," "too much advertising," and "too many recorded programs."

One maker of the radio-legal fraternity found dubious comfort in the fact that the majority did not state positively that violation of any of these canons should afford ground for punishment. But even the most optimistic watchers agreed it is impossible to ascertain exactly what was in mind when these possible offenses were listed.

### Heedless Publicity For Accused Stations Avoided

By adopting the majority report, the Commission agreed that some reforms are advisable in the campaign to improve the industry's conduct. Besides scrapping temporary licenses, the Commission decided to hush up preliminary inquiries—which have caused serious injury to many operators in the past and to avoid making unreasonable demands for information from station managers. On the whole, however, there is no major difference between the majority of the past few months and the course recommended and adopted for the future.

One maker of the industry noted that out of approximately 50 complaints weekly about 90% deserve little or no consideration. Handling of the remaining 10%—those which on their face appear to warrant some investigation—was the principal subject of the memorandum, and the sole issue was the Sykes-Payne duo and Craven. Majority recommended the Law Department make such inquiry 'as may appear warranted' of the serious-looking criticism, finally recommending whether a license-renewal plea should be carried forward or revocation steps should be taken.

The waver of fear was due to the rejection of Craven's eight page minority report, which emphasized the necessity of observing restraints imposed by the Constitution as well as by the 1934 Act, and McNinch's denunciation of the latter. While he trailed with the majority as far as they went, the former Chief Engineer advocated a much different procedure in keeping the industry up to scratch, recommending abandonment of both past and present methods of punishing misdeeds.

Custom of stating renewal pleas

for hearing because of listener complaints was roundly repudiated by the lone dissenter, who echoed industry protests about the regulators' being "a prosecutor and judge," and remarked that often there is no real intention of inflicting the extreme punishment even if the complaint turns out to be well-based, and that licenses have been subjected to severe punishment by the publicity and whispering campaigns carried on by rivals. In such cases, the public station employees, advisers, and competitors are naturally led to believe that the station's license is in real jeopardy.

Principles advocated by Craven, governing closely the area of legal advisors and many industry heads, are:

1. Turn over to the Justice Department for analysis and possible court action all charges of conduct contrary to criminal provisions of the Act or in disregard of Commission regulations.

2. Refer to appropriate other agencies (such as the Commission, Food and Drug Administration, Post Office Department, etc.) complaints about programs which may violate laws other than the Communications Act.

3. Make a distinction between single or infrequent transgressions and serious or repeated offenses.

4. Resort to either renewal hearing or license suspension only after investigation produces a prima facie case based upon such substantial evidence secured during a period of time, as will indicate the actual program service of the station and the character of the content of its license to operate in the public interest.

Bringing the issue to a head, Craven stressed the desirability of avoiding any policies which have the effect of 'announcing or applying any standards to the extent of possible licenses to exercise private censorship' or which would compel, directly or indirectly, carrying of programs which the Commission thinks best for the public. He advised that while the Commission may consider station owners it is imperative to guard against any course which would be as destructive by life-blood of broadcasting in this country and vitiate the value of this modern medium of mass communication.

'Minor or isolated offenses should be made the basis of extreme forms of discipline,' Craven asserted. 'Part of the price that is necessarily attached to a great liberty of expression is that it will occasionally be abused, but trivial or scattered offenses do not justify surrendering this freedom.'

In the case of conduct which may look like disregard for public interest, or may be in violation of specific acts or rules, Craven suggested this procedure: (1) inform the station; (2) report from the Law Department as to the nature and seriousness of the offense; the Commission's opinion, and the court action, if indicated.

2. Careful weighing of the facts before deciding to (1) file the memo with the station's record; (2) make formal investigation; (3) refer to the Justice Department; (4) reference to appropriate other agency; (5) letter informing licensee of findings; (6) revocation proceedings; (7) renewal hearing.

## Chicle Talent Quest May Stand To Actors Past 40; Wrigley, Atlas Ponder

Hollywood, March 7. Decision is expected to be reached this week at conferences of the industry, Leslie Atlas and P. K. Wrigley in Chicago for a change of quarry on the Gateway to Hollywood program. It's pretty definite that the hunt for youngsters will not be continued on the second year and the subjects of the search will be character actors from 40 to 55 years old or singers of 40 and up.

Although Rachelle Germano of Frisco was eliminated on last week's show, she drew a stock contract from RKO.

# 14 Types of Program 'Poison'

Washington, March 7. FCC has hinted (see story in adjacent column) the kind of program that will attract certain disapproval and involve possible discipline or deletion for offending stations. Broadcasters are warned against:

1. Fortune telling in any form.
2. Astrology or other fake sciences.
3. Solicitation of funds.
4. False, fraudulent or misleading advertising.
5. Defamatory statements.
6. Failure to allow equal opportunity to discuss all sides of controversial issues.
7. Programs bordering upon the obscene.
8. Programs offending religious or racial groups.
9. Taking sides (as broadcasters) on political, religious or racial matters.
10. Cliff-hanger kid shows.
11. Booze glorification.
12. Interrupting concerts or music to inset advertising announcements.
13. Too much advertising in general.
14. Too many phonograph records.

## WLW to Seek Recovery of 500 Kw.; Puts Through 10% Token Reduction

### Altoona Times-Tribune Resumes Radio Column

Latest example of a newspaper abolishing its radio column as an experiment and reinstating it because of reader sentiment is the Altoona Times-Tribune. Few weeks ago it cut out the column, a move written by Paul LeRoy Lamade, radio ed, to see what would happen. Logically, it was undisturbed.

Move occasioned some disfavor with readers, so Lamade's gossip and news column went back in starting tomorrow (Thursday).

### WLW Will Continue Fight to Regain 500,000-watt Power.

Cincinnati, March 7. WLW will continue fight to regain 500,000-watt power. To states James D. Shouse, general manager of the Crady Corporation's broadcasting division, to Vester.

Last week the U. S. Circuit Court granted the station's plea for a stay of the FCC order, which the signal was reduced to 50,000 watts March 5. That action, says Shouse, has not discouraged us. We feel that there are fair chances for WLW to have its super power restored within a month or so. The matter has ended with our appeal to the Communications Commission and is now purely a legal case. There is no ill feeling between the FCC and reduction of power. Our next step, which will probably be taken within two weeks, is to present arguments before the U. S. Court of Appeals in Washington supporting WLW's cause for restoration of super power. Our counsel will take time to properly prepare such arguments.

## Jack Armstrong Show To Knox-Reeves Along With Wheaties Account

Chicago, March 7. 'Jack Armstrong' serial which is currently sponsored by Wheaties through the Blackett-Sample-Humert agency here will go with the General Mills account when Wheaties shifts completely to the Knox-Reeves agency on June 1.

## ONE RADIO BILL PENDING OTHER STILL PENDS

Boston, March 7. Introducing a petition for a new act is now heading about for a new group of bills to be introduced by the General Mills-Knox-Kix product which stays in the B-S-H fold.

Under the bill which the Happy Gilmans' plug into this new breakfast food, but the agency feels that the product, which is primarily a kid item, would do better with a show that appeals to youngsters as the agency's Gilmans' is a family oriented program and the show would aimed primarily at the matrons.

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'WLW at 50 kw will make a general scale reduction of 10 to all current running accounts. This is purely a token reduction, inasmuch as 50 kw. for WLW is only 10% lower than the \$152 per evening hour rate in effect since Sept. 1, 1930, also at 50 kw, since which time the average clear channel station rate increase has been about 70%. Bearing in mind the fact that WLW is not in line with the rest of the stations in this area and still includes Southern Canada and all of continental United States, we feel that the rate will be effected on the west only by retraction from Billings, Mont., to Jamestown, D. W. This establishes a rate as more than ever the greatest buy in radio.'

Speaking about the effect the power cut will have on the WLW staff, Shouse stated: 'Whatever personnel changes will be made will be minor ones. There will be no drastic reductions.'

Shouse stated Monday not a single account had been dropped because of power cut and that there were no indications of cancellations.

## WNAX, Yankton, S. Dak. 90 Min. 'Box Social' Charges 25c in City Auditorium

Yankton, S. D., March 7. Saturday night barn dance was instituted by WNAX here, according to a statement by W. J. Evans. Will get started on April 15 and will be known as the 'Box Social' and will be held in the much-used 'barn dance' moniker.

Will play to regular audiences and have a two-set for use of the big Civic auditorium, with admission to be set at 25c. per. Will air 30 minutes of the 90-minute show.

1939-40

VARIETY

RADIO DIRECTOR

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# AFRA Adjustments, If Any, Will Be Made After Ample Data Is on Hand; Pacific Rates One-Third Less

Reports of wholesale cast reductions, rebroadcast cancellations and program discontinuances due to the application of the American Federation of Radio Artists code are soured by officials of the union and not borne out by independent observation. Leaders indicate they will refuse to be stampeded by such stories, but will wait for conditions to become thoroughly settled before considering any adjustment. Even then, it's explained, the problem will be studied carefully before any action is taken.

It was expected that an immediate result of the code's enforcement would be the dropping of certain programs and cutting down on others. Numerous reasons are offered for such tactics. For example, it is conceded that some sponsors would become panicky at the prospect of increased costs due to the new code and would cancel their shows or drastically reduce talent.

In a few cases it was anticipated that sponsor or agency irritation at the AFRA victory might result in some cancellations. Also, it was thought likely that some agencies might deliberately cut down as much as possible to create the impression that the code is injurious to the industry. It is to allow any or all these

factors to become properly adjusted that AFRA's refusing to be hurried into making concessions. Meanwhile, the union may possibly undertake a survey of the situation from all angles, as the basis for any future action on the question.

As for specific reports of programs canceling rebroadcasts to the Coast because of the increased fees, AFRA execs refuse to take them seriously. While the upped costs sound prohibitive if put in terms of percentages, the union claims the actual dollars and cents increase is negligible compared to prices for network time and the potential market to be reached. For instance, it is explained that the rebroadcast fee for a 15-minute show is \$10, compared to \$15 for the regular broadcast, or an additional cost of 65%. But the total boost for a 20-chapter dramatic show would amount to only \$200. Compared to the cost for time and the potential listening public on the Coast, the union regards that increase as trifling.

Certain members of the AFRA national board admit privately, however, that some specific sales in the code may be too high. They refer particularly to the fee for large groups of singers. "For example, the

Triffany Thayer, who authored such flaming passion notes as 'Seven Men', 'Seven Women' and 'The Old Goat', has been doctoring the 'Howling' scripts at J. Walter Thompson. Before dipping into kiddie fare Thayer's last work consisted of writing for the same agency.

scale for singers in choirs is \$14, with an additional \$4 an hour rehearsal fee.

**Coast Production Break**  
San Francisco, March 7. New contract scale for radio artists appearing on regional networks in the 11 western states was discussed last week in conference between Emily Holt, executive secretary of the American Federation of Radio Artists, secretary of the Los Angeles chapter, and E. B. Kornblum, executive secretary of the Los Angeles chapter. Scale agreed upon is said to be approximately one-third less than that set for coast-to-coast commercial shows. All differences between the local and Los Angeles AFRA scales are from the fact that Mrs. Holt left for New York, where the rates will be submitted to a joint committee organized by advertising agencies to meet with AFRA to settle all such demands.

Although no figures were divulged, local AFRA execs claim the Coast will get the break from sponsors under the proposed new action because the western scale will be so far below eastern rates that it will be to the sponsors' advantage to put on the Coast any shows being considered for national consumption. The Coast scale, it is said, will be such that it will enable sponsors to cover more territory for less money.

## Reformed?

# Babbitt Decides to Absorb \$450 Cost AFRA Rebroadcast Scale Imposes

## Mutual Takes Basketball Nationals from Denver

As usual Mutual will air the National AAU championship basketball tournament from Denver Municipal auditorium, beginning from station WFLA, Denver. Broadcasts will take place March 17-18.

Shows will be taken by network stations on a local participating arrangement. Bill Welch and Joe Meyers will handle the pass-by-pass description.

B. T. Babbitt & Co. has withdrawn the cancellation order on the transcription broadcasts of 'David Harum' over WOB, Newark, KXOK, Los Angeles, and KPCC, San Francisco. The cancellation had been put in when it was called for by contract with the American Federation of Radio Actors' would involve an addition of \$450 to the serial's payroll. Babbitt has decided to absorb the extra talent charges. WOB records the program from the same line that feeds the show to WFLA, N. Y., and the red link, and rebroadcasts the installment later in the day. Other supplemental broadcasts of similar arrangement which WOB now carries are 'Mort' of 'Marge', 'Hilltop House' and 'The Goldbergs'.

## Libel Alleged Vs. KGLO

Mason City, Ia., March 7. KGLO is defendant in \$10,000 libel suit filed in district court here by Helen Schultz Brower, one Iowa 'Bus Queen,' now retired. She charged KGLO broadcast a news story which said she had been discharged insane. She also charges she 'had enjoyed and had good reputation in the community' before the broadcast complained of. Brower suit asks \$5,000 actual damages and another five G's exemplary damages 'because of the malice in the publication thereof,' her petition alleging the story 'was known by the defendant to be false and untrue at the time the same was published and broadcast.'

## Cosby Joins KXOK

St. Louis, March 7. Clarence G. Cosby, who left KXOK on Feb. 1 after having been associated with the station for nine years as gen. mgr., has joined KXOK, in charge of national sale. KXOK, owned and operated by the St. Louis Star-Times Publishing Co., publishes at 10:30 a.m. and 7 p.m. a day, is the newest station here, having been in operation less than 12 months.

## Shoeyogan Makes Power Boost a Civic Event

Shoeyogan, Wis., March 7. WHBL celebrated its boost of power from 250 to 1,000 watts last week with a banquet to 150 business and social leaders in the community. Walter J. Kohler, former governor, turned the switch. Ed Cuniff is the manager. Station is owned and operated by the Shoeyogan Press.

# Haziness Marks AFRA-Writers Guild Dicker; On Again-Off Again Stuff

Question of jurisdiction over radio authors, at issue for the last few months between the American Federation of Radio Artists and the Writers Guild, grew much more involved this week. Reports from the Writers Guild that the matter had settled and a subsequent story that the AFRA national board had approved the action were both denied. With the original statements being reiterated, the whole question is reported in a joint press release to claim and hush-hush tactics.

According to word from the Coast, a resolution of a joint committee last Tuesday night (3) passed a resolution, subject to approval by the AFRA national board, awarding national jurisdiction over all radio reporters to the Radio Writers Guild. Although the wording of the agreement was vague and open to misinterpretation, it appeared to call for an altered setup under the Guild on a national scale, with the council increased to 30 members, of whom the Los Angeles and Chicago and New York areas would each name 10.

Thought it All Set  
Arrangement for the transfer to the Guild within 60 days of all scripts now in AFRA was also set, with actual trials left to a steering committee to be selected later. Resolution stated in fairly clear terms that AFRA conceded jurisdiction to the Guild. Henry E. Carlson and Mrs. Ruth Adams Knight, who had been sent from New York by the Guild to sit in on the huddles, planned back later in the week, apparently on belief that the whole issue had been settled and that an outright break between the two organizations had been averted.

AFRA national board considered the matter at its regular meeting Thursday night (2) and was reported to have approved the action of the Coast group and also to have passed a supplementary resolution pledging 'cooperation' with the Guild. When

word of the action of the two meetings was revealed, however, it was emphatically denied by AFRA representatives in New York and Los Angeles. At both sources it was stated that no decision regarding jurisdiction had been reached, but that the matter had merely been 'discussed.' Guild officials expressed themselves as mystified. Wonder was expressed by individual AFRA members at the union's denial of what had been reached for secrecy in the matter was also questioned.

## ETHEL HAWES-BEN LEVIN END 12-YR. PARTNERSHIP

Cleveland, March 7. Partnership of Ethel Hawes and Ben Levin, who collabed in home economics programs over WGAN and defunct WJAY for 12 years, blew up last week. Discussion rumored to be caused by conflicting policy opinions for their proposed Merchandise Mart, Inc., which has been postponing its program for the last six months.

Her new partner may be Charles L. Burns, one-time owner of WJAY, who will take Levin's place as director of the mart. Venture is a new business in displaying and promoting products of national manufacturers, using a radio set-up for lectures, demonstrations, etc. Burns has been trying to crash into radio business since he sold WJAY to newspaper corporation, which retained it WOL. He and several food-terminal magnates recently applied to FCC for permit to open a fifth station in Cleveland, but were turned down on grounds that there had enough stations.

# KYOK Got Its License on Phoney Promises, KSD Claims in FCC Rap

St. Louis, March 7. Feud between the St. Louis Post-Dispatch and St. Louis Star-Times, rags, and operators of KSD and KXOX respectively, burst forth this week last with a new 45-page petition for general and special relief with FCC after KXOX had applied for broadcast license on 630. Brief filed virtually implies, through excerpts of testimony from past hearings and a misleading commission when station missed 1,000 watts in petition citing early history KSD's station implies that Star-Times which also owns KFUM, Columbia, Mo., trafficked in licenses.

This action of KSD brings up an old feud between both sides and the Lutheans who operate KFUM and take some of KSD's time cream. In presenting Star-Times case for 1250, one J. Bill Williams, testified that 38% of the time would be used for local, civic, labor, charitable, religious and educational programs. After six months of operation KSD calls this in error. Also in the document: Star-Times stated that news broadcasts would be sponsored and for the benefit of the community. Station alleges that news airings are sold to breweries and clothes. Statement that Dr. Henry J. Gerling, superintendent of the St. Louis Board of Education, promised to broadcast regular aired over KXOX, also is challenged. St. Louis Public School programs are aired regularly over the St. Louis University station, WEW.

All other stations in St. Louis, WLV, WEW, KFUM, KXOX and KWK have been advised of KSD's petition of action and the St. Louis radio pit is really going to boil, with WEW searching for full time; KFUM wanting a divorce from KSD; WLV injured because of low air receiving from its efforts to protect their right to increased power and time, and hints of trafficking in wavelengths.

Nature of relief requested by KSD recommends to allow for the fact it is entitled to 630 and suggests swap between KXOX and KSD whereby KXOX would share time with KFUM instead of KSD. Both KFUM and KSD have been trying to be divorced for more than five years. In January KSD withdrew its appeal filed in the United States District Court of Appeals in Washington, D. C., after the FCC had denied its application for full time.

## TRANSMERICAN INTO NEW STUDIOS APRIL 1

Transamerican Broadcasting & Television Corp. is moving April 1 to new quarters. It has taken the three upper stories of the old Aeolian building in upper Fifth avenue. Two floors will be devoted to executive and general offices while the top floor will be used for the production department and studios.

Technical setup will be so arranged to allow for the feeding of Transamerican-produced shows direct to the networks. Two Transamerican series that are slated to originate immediately from the new studios are "Life Can Be Beautiful" and "This Day Is Ours," both of which are backed by Procter & Gamble over CBS. WMCA, N. Y.'s studios are now being leased for this purpose.

### DUDLEY MUDGE AT B-S-H

Chicago, March 7. Dudley Mudge has joined the Blackett-Sample-Hummert agency here as account exec. Not yet assigned to specific client, however. Mudge was formerly with the J. Walter Thompson outfit.

## HOLLYWOOD CROWDED

Program Influx Taxes Chain Studio Facilities

Hollywood, March 7.

Heavy influx of programs from the east has network heads worried about studio accommodations. With Professor Quix, Bob Trout, Ben Bernie and Robert Benchley either here or heading this way in the next six weeks, CBS is looking around for new remote spots or doubling up in their rental theatres.

NBC has Tommy Riggs' Quaker Oats crew on the ground, with Voice of Firestone due April 3 for two broadcasts and Rudy Vallee in town March 18. Letter's stand is indeterminate as he has a picture to do at 20th-Fox.

## Shepard Hires Aide

Boston, March 7. Robert T. Bartley, former director of the telegraph division in the Federal Communications Commission, has been hired by John Shepard, 3rd, head of the Yankee Network, to be his executive secretary. Bartley takes over March 27.

# Regional Webs Reveal Operations As FCC Hearings Continue

Washington, March 7.

Operations and practices of radio's 111 brother networks—the regional groups—highlighted by disclosure that WXYZ, Detroit, is profligate handsomely from development of "Lone Ranger" was occupied last week's by FCC chain-monopoly probe as executives of the smaller systems paraded across the witness stand.

Informal business methods of Pacific Broadcasting Co., loose association of 14 Oregon and Washington transmitters linked to provide outlets for Don Lee and Mutual webs in the Northwest, were related by Carl E. Haymond, owner of KMO, Tacoma, and KTY, Yakima, and president of the organization. Plans were previously unable to get network affiliations because of high line costs. With Pacific underwriting, the

monthly cost of phone lines connecting the various stations with Don Lee Mutual at San Francisco, runs at least \$9,400 monthly, with 1938 outlay totaling \$131,324.

The stations give seven free night hours weekly instead of paying for wires, Haymond explained. From sale of the gratis time, the company had gross revenues in last fiscal year of \$125,225 and expenses of \$124,520, leaving profit of \$1,704. Haymond puzzled the Commission by remarking that while no salaries were paid of fees each of three directors got dividends of a little over \$3,000. The \$9,000 item was included in the expenses, he explained.

### \$100 Investment

Virginia Broadcasting System, according to the S. C. Ondarcho, manager (Continued on page 60)

**W**ITH INCREASING MOMENTUM with each passing month . . . a new star has been in the making at WLW. This new star is Peter Grant . . . the best liked, most depended upon news commentator in all WLW land. His increasing popularity first became evident in mail count studies. Round the clock coincidental surveys made at regular intervals during the past year showed his daytime shows for such advertisers as Hoosier Kitchen Cabinets, Olson Rugs, Best Foods, and Bond Gasoline were stand-outs in an already dominant WLW schedule. Boscul Coffee found Peter Grant's Sunday Evening Newspaper of the Air growing so fast in popularity that they placed it on NBC. Then just last week Peter Grant's three time a week Front Page Parade went commercial for Richman Bros. Clothing Co. on a Mutual Network. These things all gave added impetus to the widespread feeling that Peter Grant was becoming The Nation's Station's top news commentator.

In putting Peter Grant in WLW's top news spot at 11:00 P. M. daily, WLW news shows will more than ever be the top news shows of the nation.

# WLW

## The Nation's Station

National Representatives: Transamerican—New York, Chicago, Hollywood.

IN BALTIMORE  
KATZ'S

NATIONAL REPRESENTATIVES  
EDWARD PEIRAY & CO.

ON THE NBC RED NETWORK





# Beer Programs Doomed in Quebec; Biggest User of Canadian Talent; Debate Asking Public to Protest

Montreal, March 7. Beer and wine programs will be banned in the Province of Quebec after March 31 according to an announcement in the House of Commons last week and advertising agencies broadcasting new commentators, representatives of the AFRA and the Musicians Federation of Montreal (total 498 of the A. F. of M.) were scheduled to meet early this week (8) to discuss the latest radio headlines.

L. W. Brockington, chairman of the Board of Governors of the CBC, stated before the Radio Broadcasting Committee last week that permission for beer and wine radio commercials in this province would probably be withdrawn the end of this month. "Until now liquor broadcasting has been permitted in Canada unless prohibited by provincial legislation. Advertising of hard liquor has never been permitted over the air."

The ban on beer sponsors will affect the most popular radio programs in the province. Christopher Ellis, outstanding news commentator locally, and Frank Starr, sports commentator, are on the Molson Brewery in English, over station CFCF. Albert Duquesne and Bill Bissett, sports commentators, are on the Molson Brewery in French over station CFAC.

Grafton Gelinus, French-language comic known as "Fridolin," who appears on a Black Horse Ale program, is something of an idol among the French-Canadians who take their native entertainers seriously on the European side.

Elmer Ferguson, of the Montreal Herald, appears for Labatt's in Sports Digest in English; Les Amour de Petit Joe, for Labatt's in French; "Tonight at Eight," variety show in English for Black Horse, will also be affected by the proposed CBC regulation.

News commentators have discussed telling their listeners of proposed plan of the CBC to cut these programs off the air with object of rousing public protest against threatening legislation.

Comprehensive review of regulatory policies and operations of the FCC, along with study of the economic status of the broadcasting industry and inquiry into possible censorship and coercion, was sought in the Senate Monday (6). Latest proposal, most sweeping since the revision of basic statute, is the work of Senator Wallace E. White, Jr., of Maine, ranking Republican on the Interstate Commerce Committee.

Insisting that a broad investigation must precede any attempt to lay down more specific policies for the regulators, White proposed to have either the Interstate Commerce Committee or one of its subcommittees conduct the fact-finding expedition. Not a special investigating body anxious to throw mud and approach the question from partisan angle. Whether the proposal will have the endorsement of Chairman Burton K. Wheeler of Montana—who introduced the administration plan to prune the FCC to three members—was uncertain. Wheeler declined to comment on the bill of particulars in the White resolution and did not indicate his stand at present on such an issue.

At the last Congress, however, he cooperated with White in trying to bring about passage of such a measure.

"Montse Carlo" with Jack Buchanan in his original role from the Par film, came on account of copyright snags. Far helping to straighten it.

**Everything New**  
 HIT THE  
**RHAPSODY IN BLUE**  
 TOPS IN TEXAS!  
**PAUL WHITEMAN**  
 and his  
**ALL-AMERICAN BAND**

BROADCASTING FOR  
**CHESTERFIELD**  
 1st Floor Work, West  
 March 10th-23rd P.M., C.B.T.  
 PLAYING  
 Southwest Exposition  
 and Rodeo  
 Fort Worth, Texas  
 March 10th to 12th  
 BOOKED EXCLUSIVELY BY  
 Artists Management, Inc.  
 17 East 45th St. New York  
 MU99Y 3111 2-1888

**DON'T MISS**  
**"HILLTOP HOUSE"**  
 PALMOLIVE  
 by  
**Adeleide Marston**  
 Dedicated to women of America.  
 The story of a woman who must  
 choose between love and the career  
 of raising other women's children.  
 WABC-BS-10:00-10:45 A.M. E.S.T.  
 WOR-4:30-4:45 P.M. E.S.T.  
 Monday Through Friday  
 Direction BENTON & BOWLES, Inc.  
 Management ED WOLF, RKO BUILDING, New York

## London Calling

SH Alfred Bast, Herman Finck, Maud Allen, Herbert Oliver, Davis Van, Lewis Sidney and Ben Davis were the winners of the 1938-39 Grand Broadcasters of Palace theatre, Feb. 28. Drama critic R. Littlewood, who did the script, will envision of "Top Hat" in radio version being staged by BBC. Feb. 24 in place of "Monte Carlo," called off on account of copyright snags.

Constance Impey, one of Carroll Lewis' "discoveries," gets her first professional radio engagement as singer March 8, on a program with BBC orchestra.

All-color cabaret from Old Florida club with Adelaide Hall tipping the ball, booked for 30-min. stint on BBC vision program March 6; team includes Marko Hubi, Eileen and Louise, Eddie Lewis and Felix Soward's choir and orchestra.

Adelaide Hall is with Billy Bissett alongside for 18 weeks on Radio Luxembourg and on program as guest star will Joe Loss' band for the BBC.

Joseph Lewis, former BBC staff conductor, has formed his own orchestra of 21 pieces led by violinist Melia. Did a broadcast of light Viennese music recently.

Machonelle Bros. have taken a second series of 15-minute concerts on Radio Luxembourg and Pan Vox Pickles, W. S. Crawford, Ltd. placed contract with the BBC.

Jane Clyde gets the Jean Arthur role in BBC version of "Mr. Deeds" with Laurence and Godfrey Tearle in the Gary Cooper part.

Alan Keith replacing Dick Bentley as compere in Stork Radio Parade, weekly Stork Margarine feature on Radio Normandy.

Sybil Van made debut for the company on the four Normandy program.

According to Jack Hyllton's compilation, the BBC cast band bookings for 1938 are as follows: Sydney Lytton, 39; Hyllton, 38; Jack Jackson, 37; Ernest Harris, 37; Arthur 23; Henry Hall, 22; Jack Payne, 12.

Carl Erlson broadcasting his musical program over BBC web, supported by Gerds and Urti Newman piano harmonium and Langston waggling the stick. All compatriots.

Melotson Shoe Dressings are having a try at broadcasting for the first time. They will take quarter hour broadcast Feb. 14 over the mandy program with Joe Loss and his band. Booked through London Press Exchange.

Ivor Novello the subject of a BBC biographical program, Myrtle Ellis

# CMQ, Havana, Loses NBC Tie on U.S. Station Squawks; Paige Denied Cuba

## Ralph Hubbell Replaces Baker at WGR-WKBW

Havana, March 7. Local rebroadcasts of NBC programs have been shifted to CMQ, following the complaint of WMB, Memphis, and WTAR, Norfolk, the Federal Communications Commission. A complaint that CMQ interfered with their signal. It is reported that CMQ will recover its NBC affiliation as well as sit on a frequency that won't sit up protest from U. S. stations.

FCC has denied permission to CBS for the rebroadcasting of U. S. Suburber's '99 Men and a Girl' program in Cuba through CMCK (970 kc.).

## Station Ideas

Couple from WCKY Cincinnati, March 7. Melody Quiz, new sustaining series on WCKY, offers five A record tune detective winners. Started Monday (6) and is aired five times weekly at 10:45 a.m. Non-vocal platters are used.

Last week the L. B. Wilson station inaugurated anniversary of the Cincinnati Army. Two-minute plugs are injected in a musical program by Wilson, and an instrumentarium from the station's staff, on Fridays at 6:30 p.m. Initial salute was to the Powell Co. gun shop on its 110th anniversary.

## Spelters in a Was

Cincinnati, March 7. As a time-saver for time buyers using announcers on WKRC, Bill Schudt manager, made a record of two-minute talks by all of his blarbs. Each mixer explains his use of real dialogue and specialities, blarbs one or two commercials.

Also chats about the station's programs, publicity, publicity, promotion and showmanship.

Noel Rogers looking over his Coast retail notes on leave from his Chicago post.

Al Jolson will roll around in Florida for a couple of months when he washes up his picture work.

and Dorothy Dickson assisting, with record voices of other West End top liners also in the build-up.

Old magazine Lord Cadman is new chairman of government Television Advisory Committee, which bosses BBC activity in this field.

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## Jim Patt to WKRC

Cincinnati, March 7. James M. Patt, CBS Midwest director of special events, was today (Tuesday) named director of special events and public affairs of WKRC by William D. Schudt, Jr., the station's general manager. Move becomes effective this Monday (13) following CBS Patt was with KMG, Kansas City.

## Karol's Cine Spiel

Cincinnati, March 7. John J. Karol, CBS director of special events, is scheduled to address the Cincinnati Marketing Association on "Radio Survey" Wednesday (8) night in the Hotel Gibson. Will be introduced by Bill Schudt, manager of WKRC, who mailed 400 invites to advertisers in the Cine area.

During the afternoon Karol will give a 15-minute program on the local CBS station.

**ANDY KIRK**  
 and His  
**CLOUDS OF JOY**  
 MARY LOU WILLIAMS  
 Southland, Boston  
 Feb. 27, 1st Two Weeks  
 Grand Central  
 12-20-31 A.M. EST

Management  
**JOE GLASER, Inc.**  
 RKO Bldg., Radio City, New York  
 TO COVER  
**GREAT BRITAIN**  
 YOU MUST USE  
**RADIO NORMANDY**  
 Full Particulars of Air Time and Talent from  
**International Broadcasting Company, Ltd.**  
 37, Portland Place, London, W.1.

Booked  
 Solid Until  
 October, 1939  
**JOSEPH RINES**  
 and His Orchestra  
 WILLIAM MORRIS AGENCY  
**WBAL**  
 means business  
 in Baltimore

## WHITE ASKS RADIO 'REVIEW'

Washington, March 7. Comprehensive review of regulatory policies and operations of the FCC, along with study of the economic status of the broadcasting industry and inquiry into possible censorship and coercion, was sought in the Senate Monday (6). Latest proposal, most sweeping since the revision of basic statute, is the work of Senator Wallace E. White, Jr., of Maine, ranking Republican on the Interstate Commerce Committee.

Insisting that a broad investigation must precede any attempt to lay down more specific policies for the regulators, White proposed to have either the Interstate Commerce Committee or one of its subcommittees conduct the fact-finding expedition. Not a special investigating body anxious to throw mud and approach the question from partisan angle. Whether the proposal will have the endorsement of Chairman Burton K. Wheeler of Montana—who introduced the administration plan to prune the FCC to three members—was uncertain. Wheeler declined to comment on the bill of particulars in the White resolution and did not indicate his stand at present on such an issue.

At the last Congress, however, he cooperated with White in trying to bring about passage of such a measure.

## Shortwavers Meet Arranged By N.A.B.; Celler Seeks U.S. Sender In Panama

Washington, March 7. Conclude of all D-Xers will be called by National Association Broadcasters for a thorough discussion of international broadcasting, including the bill of particulars in the White resolution and did not indicate his stand at present on such an issue.

At a directors' meeting it was agreed that Neville Miller, association exec., should summon show-

wavers to a chowder-party, with the latter in range rebroadcasting by privately-owned transmitters upheld. Organization sees "little sense" in the Government's decision to short-wave programs to South America via its own transmitter.

Renewed efforts of Congressmen-notably Rep. Emmanuel Celler (D. N. Y., and Senator Dennis Chavez (D. N. Mex.)—to agitate in the House for Senate for Government-owned transmitters to fight back against German and Italian stations now pouring propaganda into Latin America, will be fought by the N. A. B., it was indicated. Broadcasters' Chavez last year won some powerful arguments before House and Senate committees as to why the Government should not enter the N.A.-S.A. broadcast field.

Both opposition was encountered in House floors of Congress last session when the subject of Government ownership was broached. Best talking points were the steps already taken by the industry to interest South American listeners; greater experience in the game; more competing staffs, better facilities, contacts, etc. Latin Americans prefer swing bands to sermons, according to representatives of the newscasters and spokesmen for N. A. B., and pipe-line of North American prop-

aganda would be much less acceptable than Charley McCarthy.

His next lectures were complete doppero, with Senate hearings—presided over by Senator Bone (D. Wash.)—given over to extensive testimony by industry witnesses.

With the exception of a brace of educators, who advocated lengthy lectures and improvements of 'culture' between the two countries, the Government met stiff opposition to the job-taxis.

Miller has dropped a new Government broadcasting bill, calling for a station in Panama, rather than in Washington, D. C. Chavez last year won some powerful arguments before House and Senate committees as to why the Government should not enter the N.A.-S.A. broadcast field.

Shifting Wavelengths Toronto, March 7. With two new \$5,000-watt transmitters in the Canadian Broadcasting Corp. chain about to go on the air, shift in frequencies has been Toronto; changed from 800 kilocycles to 1420; with CBM, Montreal, taking over the former clear channel. CBM staffs better facilities, on frequency to CBA, Markville, N. S., which will serve the Maritime.

Clear channel for CBK, N. S., Sask., covering the Prairie Provinces, has not been allocated.

# 'BROCKINGTOUS'

## Performing Rights Irk Aussie Stations

### Can't Get Together with Copyright Owners and Urge Government to Slap Down Antipodes ASCAP

Canberra, Feb. 10.—Unless a current dispute between the Australian Performing Rights Association and the national and commercial air units is settled quickly, Postmaster-General Cameron, under whose direction the radio field is controlled, has threatened FEDERAL action. Air managers are urging the P.G. to bring down legislation forcing copyright holders to register all numbers upon which a copyright is claimed. They further urge that a tribunal be set up to settle disputes between copyright holders and users, and also to restrict current fees.

The secretary of the Federated Commercialists stated that a two years' agreement had been concluded with APRA, and that under the agreement the commercials had paid out an average of \$12,000 yearly in fees. This sum represented 8 cents for each number aired—excepting Gilbert and Sullivan and other such type of musical compositions. Said that APRA claimed copyright ownership on about 3,000,000 items.

Secretary mentioned that to present certain arrangements of the national anthem the various air units were forced to pay a certain fee, and that whilst nobody actually knew who had composed "Drink to Me Only with Thine Eyes," nevertheless a fee had to be paid to APRA every time such a number was aired.

All of the above shows remarkable similarity to the radio-ASCAP history in America.

## Lohr Talks to So. Amerk

San Francisco, March 7.—Radio as a builder of goodwill between nations was the theme of an address by Major Lenox R. Lohr, proxy of NBC, during the formal dedication of the General Electric Company's short wave station, W6XBE, at the Golden Gate International Exposition last week (2).

He was one of a group of notables including South and Central American consuls who participated in a program short-waved from the fair to the Latin-American countries to which W6XBE will transmit regular broadcasts.

## PRAIRIE TOWNS PEEVED

### Allege CBC Won't Give Its Talent a Tumble

Regina, Sask., March 7.—Saskatchewan and Alberta radio artists are being forced to leave home and settle in Vancouver or Winnipeg before they can get onto CBC. This is gist of a petition being circulated by Saskatoon, Edmonton, Calgary, Regina and like boards of trade preparatory to forwarding it to special House of Commons committee investigating radio at Ottawa. Claim prairie critics cannot get artists on network as all time taken with eastern shows or programs from two centers mentioned.

## IRISH BOMBS SCARE BROADCASTING HOUSE

London, Feb. 28.

Jitters surviving from recent Irish bomb outrages in this city have gotten into Broadcasting House, and daily inspections are being adopted by the staff. Principal of these is the presence of all bags checked in at the cloakrooms, following explosions on luggage racks of two subway stations. Restriction on free entry into the building has been tightened up, and no outside person can now get beyond the high entrance vestibule unless accompanied by a uniformed attendant.

Steel shutters fitted to all ground level windows round Broadcasting House, and huge copper gales armoring the entrance, are being ceremonially clamped down to ensure they are in working order, and members of the BBC personnel take part in routine drills so as to be ready for an emergency.

Story of the Palace theatre goes on BBC with author-critic S. R. Littlewood's script and Gordon McConnel—Gwen Lewis production. Performers who have been associated with the theatre will be in the program, including Lewis Sidney and Ben Davies.

## SO THINKS CBC'S BROCKINGTON

### Government Radio's Head Man Blasts Commercial Stations in Parliamentary Hearings

### POLITICS

Montreal, March 7.

Fierce blast at privately owned radio stations and a threat to call for Parliamentary legislation which will curb profits of independent broadcasters was voiced by L. W. Brockington, chairman of the Board of the CBC, before the Parliamentary Radio Committee last week at Ottawa, with result that private broadcasters fear complete obliteration if policies advocated by the CBC should become effective.

Brockington's attack on "protestor" broadcasters is interpreted by political observers here as an attempt to forestall criticism of the CBC committee by witnesses scheduled to appear before the Parliamentary Committee. Informed sources interpret Brockington's move as another attempt to club broadcasters into passive acquiescence with further encroachments of the Canadian Broadcasting Corp. in the field of private enterprise.

Charging that representatives of private stations which are making a tremendous return on invested capital would come before the Radio Committee to attack the CBC for the purpose of increasing their profits, Brockington said he would insist on the committee that legislation be passed to limit rather than increase profits of franchise-holders.

Broadcasting circles are completely mystified by Brockington's assertion that the CBC is not a part of the Government of Canada (or the Civil Service). Brockington has assumed the position that once having been appointed by Parliament to the Board of Governors of the CBC is not subject to control from any legislative or other power in the country. Brockington's claim that the CBC does not spend taxpayer's money is also paradoxical since a license fee of \$2.50 from every owner of a radio receiving set in Canada is levied by the Government and used by the CBC. If Brockington's statement that the CBC acts only in the role of trustee for license-payers is to be taken seriously then taxation of this kind may be construed as unconstitutional since it provides no equivalent representation in the affairs of the CBC by tax-payers.

Parliamentary reference to the Commission report of 1928, which led to the establishment of a Government radio commission, is regarded here as something akin to an authority as obsolete as the Versailles treaty. The vast practically no broadcasting industry in Canada in 1928. Stations were ill-equipped and poorly managed. The infant radio industry was summarily tried and condemned by the Aird Commission at that time.

Reports here indicate that members of the Radio Committee have private mental reservations as to the validity of Brockington's arguments. And the attempt to justify the creation of a gigantic radio structure, through the acquisition of the unprofitable Canadian National Railways properties, is viewed on Parliament Hill as an attempt to get the part of the CBC bureaucrats to perpetuate their regime.

Reports here are to the effect that the Government actually welcomes the radio probe as a means of diverting attention from the pending legislative issues and it is believed that the radio problem will be kept

## H. G. Wells Criticized Australian Radio; He's Termed 'Quarrelsome Old Gent'

Sydney, Feb. 10.

During his stay here H. G. Wells had plenty to say to reporters concerning radio censorship and the like. At a dinner given in his honor by the Fellowship of Australian Writers prior to his departure for London, Wells made a further attack on the local censorship position.

In reply R. B. Orchard, one of the moguls of the Australian Broadcasting Commission, for whom Wells did some airings, stated in the press that Wells was a "quarrelsome old gentleman."

Orchard stated that the Britisher had been given every assistance during his stay; his scripts had not been censored, although they had been scrutinized. The remarks made by Wells were characteristic of the bad taste he displayed since he came to Australia. Orchard further said that he strongly resented people coming to this country on a brief visit, accepting hospitality, and then abusing it. Orchard concluded by stating

that the idea of allowing people to say over the air whatever was in their thoughts was inconceivable. Wells got himself in rather bad soon after his arrival with top government officials by taking a heavy smack at Hitler and Mussolini. The Prime Minister (Mr. Lyons) issued a statement wherein he took Wells to task for making such utterances.

## Set Tax Cut Likely

Toronto, March 7.

Reduction of the Canadian annual license fee from \$250 to \$2, plus a lifting of the burden from the owner of more than one set, is under the consideration of the Federal government and, as a sop to consistent squawkers, is expected to go into effect when the present license tenure expires in the fall.

New proposal is to reduce the fee on additional sets to \$1.

I am a radio program. On March 17th I will complete one full year on WOR-WLW-WGN (Fridays, 8 P.M., EST) for Philip Morris Cigarettes . . . what's my name?

I have achieved a Crossley rating of 8.0 on three stations, against the Cities Service Concert, Wardens Lawes and Campana's First Nighter . . . what's my name?

I was fourth among all private station participation shows in the World-Telegram radio editors' poll, and the only non-network show to achieve a rating . . . WHAT'S MY NAME?

I have reached and maintained a mail average of 12,000 letters a week on these three stations, although only the prize-winners among these letters have been acknowledged by my sponsor . . . WHAT'S MY NAME?

I am moderate in cost. For program talent, I require only a competent master and mistress of ceremonies and an orchestra . . . WHAT'S MY NAME?

what's my name?  
"WHAT'S MY NAME!"

"What's My Name?" becomes available

after

Friday, March 17th. May we suggest

that you listen to one of the last two

broadcasts, Friday, March 10th, or

Friday, March 17th, at 8 P.M. on

WOR or WLW, 7 P.M. on WGN, to

refresh your memory on this remarkable

effective program and gauge

its worth for one of YOUR clients?

"What's My Name?" is fully copyrighted by Edward A. Byron and Joe A. Cross, its originators, writers, and producers.

**Rockwell** GENERAL AMUSEMENT CORPORATION  
NEW YORK • CHICAGO • DALLAS • HOLLYWOOD • LONDON

**A MAN OF LETTERS**

WOLFGANG COLUMBUS

A new man has joined the Wood parade . . . and a man of letters is he! Experience proves that he, like the other progressive Selling Letters in the markets we represent, produces

**Results That Count!**

**AND COMPANY**

NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO

**Radio Station Representatives**

"MANHATTAN MOTHEE" With Margaret Hillias, Louise Finch, Sara

CHIFFO (P. & G.) Daily, 5 to 6 p.m. WJLB, New York (Pedar & Ruger) ... Patricia Locke (Margaret Hillias), I am so utterly delirious against you...

Tongue-Slip Day

Any causal listener around the network Microlytes last Sunday (3) might have noted at the extraordinary number and variety of dialog flourishes, misused words and similar tongue slips...

RADIO REVIEWS FOLLOW-UP COMMENT

Joe Cook stepped into the final six minutes of the first hour of his new job for one of his monologues. He ran along in pleasant tempo and style...

Forget It, Sez BBC

London, Feb. 26. BBC announced when reading news bulletins or other items are instructed to scrap the words and fall for their own idiom if the words as printed don't fall easily...

"HEADLINES OF THE PAST" is Miss-Louise JOHNSON FURNITURE CO. Thursdays, 4-6 WJZ, Charlotte, N. C. What happened 50 years ago... The program has been led on the right of the headstap of general news...

"EVENING IN PARIS" With Charles E. Richard, Nancy Brown, Fred S. Frankel, Alice Pierce Zepell orchestra, Valaida Light Miami 5:15 p.m. BOULGOSIS PERFUME 5:15 p.m. Radio Normandy (France) Transmitter went through this one half through and a bad patch of fading and interference from station nearby was present...

"GROUSE FORBEM" With W. W. Zyl FEEN-A-MANZ 6 p.m. Poste Parision (France) Show is built for very ready-made radio audience...

"MILKMAID'S MALINE" Stan Shaw's 2-7 a.m. record was quite a success...

"DICK HARTIGAN ORANGES" With Al Lewis WEAF 6:15 p.m. Former Troy theatre consolet, broadcasting on an early afternoon sustainer...

"FLORIAN BRANDS" Thursday, 5 p.m. WEAF 6:15 p.m. New York (J. Walter Thompson) Answering only to a single name, the series is a collection of a Portuguese song repertory...

"THE HIT MIKED" WPA produced the first Broadway play to feature a plug on the "Designed for Renters" album...

"WAYNE KING, REMOTING FROM THE DRAKE HOTEL" CBS, Sunday night (8) overtook the program when he aired for Lady Esther. Opened his program with a review of the week's news and went on to review the week's news...

"JIMMY DORSEY DUSTED" Sunday night (8) on the Pithch show which was topped, less than a week ago, by the inevitable conflict of two such temperamental geniuses in a single act. The program was a mixture of the best of Paul.

"MILKMAID'S MALINE" Stan Shaw's 2-7 a.m. record was quite a success, but the longer signature-theme of any program on the air. Every broadcast is a complete recording of our Very Good Friends of the Milkmaid show...

"THE HIT MIKED" WPA produced the first Broadway play to feature a plug on the "Designed for Renters" album...

"MAREL COBB" with Jerry Lawrence, John Fek, Joseph Cunningham, William Beach, Herbert Goldstein, Milton Moss, Edward Dawson, Maynard Dieringer WJZ 6:15 p.m. WJZ-National, New York Although this dramatized book review program has a low level of interest in scope, it is negligible value ethically...

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"LET'S GO HOLLYWOOD" With Gloria Dickson, Bonita Granville, Frankie Thomas, Byron Felleur, Owen Crump, Starlight Anderson, Leon Leamarr's orch. FORD 8 A.M. 5:15 p.m. This one enters the studio exploitation va. theatre exhibition-updated program as a play-off. The work-Warner Bros. co-op... Each week Warners will book a program and its prospective future program to hop up interest in secondary plays. Formula is standard and the results are as good as the attempt at freshening up the program...

"MY ERROR" With Curtis Niebohen Sustaining 5:15 p.m. WEVD, N.Y. Another in the series of q. and q. with a prospective future program to hop up interest in secondary plays. Formula is standard and the results are as good as the attempt at freshening up the program...

"Brookington" (Continued from page 47) In the forefront of political affairs for some time to come. It is understood that one of the members of the Radio Committee may emerge as a national figure if his plans to query the efficacy of the program are permitted to go through. The members of the Liberal Party are finding it difficult to swallow the CBC offer to the power centers in Parliament. Liberal members who are directly involved in the broadcasting controversy find it difficult to reconcile the matter with the promise of Prime Minister MacKenzie King in a radio address prior to his departure in 1935. He stated that "I am opposed to the creation of any further monopolies..."



15 Best Sheet Music Sellers

(Week ending March 4, 1939)

Table listing 15 best sheet music sellers with titles and artists like Deep Purple, Penny Serenade, Umbrella Man, etc.

\* Indicates Amusical song. The others are pops.

Tony Martin's Album

Tony Martin, who closed a two-week booking at the Paramount, New York, yesterday opens Friday (10) at the Paramount, Newark, with the State, Hartford, to follow.

Singer set a deal last week with Jack Kapp to make Decca records. He will do a chummy pop album and an album of California classics for the Frisco expo trade.

Filing Delay Issue Looms In Copyright

New York music publishers have been advised that as a result of the U. S. supreme court's decision on the Washington vs. Drew Pearson case, Col. E. L. Bove, registrar of copyright, has had a bill introduced in Congress which would set a limit on the 30-day period for filing a copyright, which would set a limit on the 30-day period for filing a copyright, which would set a limit on the 30-day period for filing a copyright...

In the Washington Publishing Co. matter the author, Drew Pearson and Robert Allen, had failed to file their copies of the articles until after they had been published. The highest court held that such failure to deposit did not invalidate the copyright and that the Copyright Act might sue for infringement so long as the proper deposit had been made before filing the infringement action.

Melrose Film Files

Albany, N. Y., March 17. Melrose Music Corp. has been chartered to conduct a business in sheet music, scores, books, etc., with office in New York. Capital stock is 100 shares, no par value. Nat. Debin, Jerome Lewin and Murray Schwartz are directors. Wm. R. Berkson is filing attorney.

A.F.M. at 802's Request Cancels Band Booking Licenses of 22

Spikes Cleveland Rumor Of Consolidated Filing

Cleveland, March 7. Consolidated Radio Artists is not closing its Cleveland office, declared Don Kay, manager in a radio company floating around here about rumors. Reports were probably started by dropping of Norm Macdonald, according to Haynes. Kendall had charge of club department, and was shown out because he couldn't buck local custome books and bandmasters who have a certain monopoly on talent-penciling for nighties. Only other change was leaving-out one lyricist. Morrey Davidson continuing to handle Southern part of Cleveland territory for Consolidated, and Haynes covering Northern section and Phil Brown heading one-nighters department.

Ir Arnstein in Court To Prove Music Industry Conspires Against Him

Suit of Ira E. Arnstein on two counts action, first of which is an accounting of profits, and second, is maintained by the plaintiff at over \$2,000,000. A decree forcing the American Society of Authors and Composers to admit him to membership, may also become charging conspiracy on the part of ASCA. The Music Publishers Protective Association, The Song Writers Protective Association, NEBC and CBS got underway in the N.Y. federal court Monday Judge Edward A. Conger on Monday (6).

Other defendants named in the action include Warner Brothers Pictures, Inc., M. Witmark & Sons, the Broadway Music Corp., E. B. Marks Music Co., Mills Music Co., Harma, Inc., Sam Fox Publishing Co., Nathaniel Shilkret, Emery Deutsch, Gene Baskin, John G. Falson, E. C. Mills, Harry Fox, Edwin H. Morris, A. M. Watensberg, Louis Bernstein and Paul Fink.

The plaintiff, who claims the plagiarism of some 50 odd songs composed by him, spent the first day of the trial reciting his grievances. An indication... to which way the case will be decided, was shown by the judge's remark toward the conclusion of the morning session. He turned to the 30 odd attorneys in the room and stated, "I am sorry to deprive you men of a week's work."

Trial board of the New York musicians union will by the end of the current week act on a second batch of band bookers who are charged with engaging in underpricing practice or violating various union rules and the board will move to ask the American Federation of Musicians to cancel the licenses of the guilty band leaders.

Following the recommendation of the same trial board, the international union last week advised 22 band agents the privilege of booking AFM members has been withdrawn from them. The agents continuing this initial batch are as follows:

- Charles Rupp. A. L. Carloni. Al Rogers. Louis Ricciardi (National Radio & Entertainment Bureau). Sid Hall. Rescor Entertainment Bureau. United Entertainment Bureau. Nevco Entertainment Bureau. Percy Larkin Agency. Acety Onkeys. Nick Elliott. Louis Ricciardi. Parker & Ross. Sylvania Amusement. Al Rogers. Edlie Larkin. Tom O'Connell. Frieda Solomon.

JACK ROBBINS' 25 YRS. IN BIZ

Jack Robbins, head of the Metro-Robbins publishing group, celebrates his 25th year in the music business March 25. The occasion will receive attention not only from band leaders on national hookup but will play medleys of Robbins hits. There will be many name-calls and screen personalities. Among the composers that Robbins has introduced or introduced are Ferde Grofe, Rube Lubin, Thomas Grisselle, Lou Alter, Rudy Wiedefeld, Beiderbecke and Frank Signorelli.

MILLS EXCLUSIVES CINEPHONIC MUSIC

For the first time since 1925 Mills Music, Inc. has entered into an exclusive representation contract with a London publisher. Reg Connolly, of Cinephonic Music, Ltd., closed the deal by cable last week.

Agreement is for two years, with options on five more. The first call on all Mills publications, Mill's policy for the past 13 years was to refuse to issue abroad with the highest bidder.

SOME PROGRESS MADE

Encouraging First Steps in Cleaning Up Brife Ubr

Professional Music Men, Inc. and popular publishers got a step closer to an anti-bribery pact last week when it was agreed to hold a series of discussions for the purpose of drafting the terms of this pact. Initial steps were taken by the union and two camps will be held at the Music Publishers Protective Association offices Friday (10).

Group of pubs who met with a delegation from the PMMI last week closed with an agreement of sincerity of the contractors to clean up the industry and that the publishers should not be subjected to such a long as the PMMI does not seek to impose a closed shop or take the shape of a union. The PMMI's pact proposes that a contactor caught violating the taboo rules will be subject to be subject not only to dismissal from his job but to absolute shut out from further employment in the industry.

Victor Young doing the musical score for Republic's 'Man of Conquest'.

OVER-COUNTER SHEET SALES SNAPPY

Sales situation in the sheet music business last week disclosed something that hasn't happened in at least six years. Each of the three top numbers rated as an over-counter hit. Their aggregate sales for the week was 10,000 copies. 'Deep Purple' (Robbins) had a turnover of 49,000 copies; 'Penny Serenade' (Shapiro) was counted for 29,000 copies, while 'Umbrella Man' (Harms), in its sixth week as a major seller, figured for 23,000 copies. 'Purple' did 18,000 this Monday (6) and by press time yesterday (7) had gone over 20,000 for the day.

'Umbrella Man' has already sold 22,000 copies and looks set to go 50,000 more. 'Purple' and 'Serenade' are expected by the trade to show similar, if not better, results. A 300,000-seller has been the rare exception in the business for some years.

Shaw Stays with Victor, \$2,000 Each for 25

Artie Shaw has signed a contract which will keep him under RCA Victor's wing for another two years effective next Wednesday (15). Agreement, agent for him by Rockwell General Amusement Corp. guarantees him 25 records a year at \$1,000 a side (\$2,000 a record) against royalty. It's a \$100,000 deal. Eli Oberstein, who quit Victor to organize a new disc company, offered Shaw a guarantee of \$50,000 for one year.

Decca Stock Moves

Washington, March 7. Buying and selling of Decca Records, Inc., stock among officers and directors of the corporation recorded Tuesday (7) by the Securities and Exchange Commission. Biggest deal constituted purchase of 3,165 shares common by Alfred Decca, Inc. for \$1,200,000. Decker also purchased 43 shares of 1% cumulative preferred stock on the same day (Jan. 4), winding up with that number. E. Stevens, Jr., New York officer and director, dropped 150 shares of common under gift classification. Left a large stockholder, however, with 12,821 tickets available. Ben Shapiro, president of Decca Trust, SEC records revealed, in addition, to 2,850 shares common already held.

ASCAP's Atlanta Branch

American Society of Composers, Authors and Publishers has established a new office in Atlanta with I. T. Cohen as district manager. Area was formerly represented by a local lawyer, William Arnaud.

Benj Marrow wrote title song for Walter Wanger's 'Winter Carnival'.

College Bands Missing At Hockey; Part of AFM Deal

St. Louis, March 7. The ice hockey games between four college teams in the Arena last week were played without the usual college bands being in action. Contracting with Musicians Union and Arena prohibit rehearsal practices performing unless at least 20 union members are hired. Stars Meyers, prez of AFM, Local No. 2, put this through last fall, at the time the building was taken off of AFM and sent to the Central Trades and Labor Union.

N.T.C. FINED \$5,040 BY 802

Niles T. Granlund has been fined \$5,040 by the trial board of the New York musicians union for paying underscale wages to Jack Melvin and his band while the latter were employed at N.T.C.'s nitery, the Midway Theater, which has been penalized. While N.T.C.'s case was pending the union's agreement of Local 802 members in the spot under the band were paid off in advance every night.

Al and Lee Reiser, pianists, have been engaged by Liberty Records to record Arthur Schwartz hit tunes from 'Leave It to Me', current legit musical.

Sam Costlow united a one-picture pact with Metro to cliff three songs from 'Angina Bruise, who'll warble 'em in 'Penthouse', skidded for production soon.

Network Plugs, 8 A.M. to 1 A.M.

Following is a tabulation of the current plugs of current tunes on NBC (WJZ and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Feb. 27-March 6). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In 'Source' column, \* denotes film song, 1 legit tunes, and 'pop' speaks for legit.

Table with columns: TITLE, PUBLISHER, SOURCE, GRAND TOTAL. Lists songs like 'Gotta Get Some Shuteye', 'Penny Serenade', 'Umbrella Man', etc.

Table with columns: PUBLISHER, SOURCE, GRAND TOTAL. Lists publishers like Shaprio, Harms, Paramount, Miller, Bregman, etc.

## Ballroom Owners Called Together

### Trade Problems Include Price War with Name-Playing Theatres

Philadelphia, March 7. Dance hall operators from the East and Middle West will meet here in a two-day convulse next month to lay plans for combating the inroads made into their business by theatres with name bands.

The meeting has been called by El Brendel, Jr., president of the National Ballroom Owners and Operators Association. The org has been inactive for the past year but Brendel told Variety he hopes to reorganize the group into an active and militant outfit.

Chief topic on the agenda is ways and means of getting better break in price of name crews for ballroom ops now forced to meet competition by theatres who can afford to pay top rates.

Another practice the ops seek to

break up, according to Brendel, is that of being forced to book weak names in order to get a Goodman, Kaye, Dorsey, etc. The bookers, in this way, are able to palm off weakies and the operator has to take them whether they make money for him or not, Brendel declared.

Among the speakers expected at the parley are Tom Archer, head of the Iowa Ballroom Association. A system of State associations is expected to be set up to cope with local conditions and to get legislation favorable to the industry.

Among the operators invited to the meeting are: Mrs. C. D. Rosby, West Side Park, Berwick, Pa.; Ray Hartungine, Sunnybrook, Pittsboro, Pa.; Mrs. S. Tassie, Valencia Ballroom, York, Pa.; Bud Mealy, Mesly's Auditorium, Altoona, Pa.; the Baumgart Sisters, Sunset Park, Williamsport, Pa.; R. M. Spangler, Rolling Green Park, Selingsgrove, Pa.; John Wright, Masonic Temple Ballroom, Hazleton, Pa.; A. Tracy, Grand Ballroom, Wilkes-Barre, Pa.; Joseph Barry, Bridgeport, Conn.; Fred Luther, Coliseum Ballroom, Greensburg, Pa.; Dave Hudkins, Buckeye Lake, Ohio; Vincent Weber,

Spanish Ballroom, Dover, Ohio; Louis Griner, Trilman, Toledo, Ohio; Platt, Summit Beach Ballroom, Akron; Harry Altman, Glen Park Casino, Williamsville, N. Y.; Walter Sasso, Casino, Asbury Park, N. J.; J. B. Solenberg, Hershey Ballroom, Hershey, Pa.; Jay Stanley, Rockey Glen Park, Pa.; and Will Wittig, Playmore Ballroom, Kansas City.

### Press Agent Stunt Costs Union Scale; Shaggers 'Break Ground' at Expo

It cost the backers of the projected Savoy Ballroom at the World Fair, New York, one-night stand rates to have the Chuck Webb and Erdine Hawkins orchestras on hand at the ground breaking ceremonies for the building last Saturday (6). Musicians local decreed stunt or no the boys had to be paid.

Gay brought several hundred dancers from Harlem to the Fair grounds in chartered busses. Idea was to have the shaggers break ground with specially made shoes on the thought that if they can run a dance floor they ought to be able to kick up a few yards of dust.

### Blue Barron Coin Rise Attested in Home County

Cleveland, March 7. Return of Blue Barron's band to its hometown last Wednesday (3) for educators' national convention pinned a red feather in hat of short measure who jumped from 280 jobs here into \$3,500 class. Pled of shorts to house of 4,000, a new high for Stater ballroom, before leaving for a rapid three-week tour of middle-west.

From a one-rioter at Paramount theatre in Anderson, Ind., Cleveland is jumping to Chase Hotel in St. Louis Friday for ten days. That he is barnstorming through Alabama and Tennessee to Loew's house in Atlanta, Ga. for a week opening March 24. Barron goes back April 4 to New York Edison Hotel, where he left Oct. 6 after a nine month run. He is staying there to middle of June and is set for Virginia Beach, Va., June 25.

### Band Bookings

Benny Goodman follows current Stanley, Pitts, date with Earle, Wash., March 17, and Hipp, Balto, March 24.

Hal Kemp, Fox, Phila., March 24. Ray Krus, Fox, Detroit, March 17. Clyde Lucas, Beverly Hills Country Club, Newport, Ky., opening March 21.

Larry Clinton, Savoy Ballroom, N. Y., Sunday (12). Dick Harris, Beverly-Whitshire hotel, Beverly Hills, Cal., indefinite, opening March 21. Edgy Duchin, Palmer House, Chi., opening April 7. Plays Orpheum, Minn., week March 24.

## On the Upbeat

Tommy Carlyn band into Show Boat, Pittsburgh, Thursday (2) for indefinite stay, replacing Jay Stanley outfit, latter putting out after three weeks.

Artie Shaw played University of Pittsburgh Interfraternity Ball at William Penn hotel, Pittsburgh, Friday (3), doubling into there from engagement at WB Stanley. First time theatre has ever permitted that.

Matty Malneck orchestra signed for night club sequences in 'East Side of Heaven' at Universal.

Johnny Davis organized a band for theatre and dance jobs between pictures.

Solo-Palace Ballroom (N. Y.), gets open Friday (10) after several delays, will have three bands on tap first two days, Jimmy Dorsey orchestra will guest augment Lucky Millinder and Hazel Scott crews Friday and Saturday (10-11).

Emerson Giff orchestra closed at the Van Cleve hotel, Dayton, last week and picks up three weeks of one-nighters.

Sonny Kendis orchestra ends its road tour in Detroit today (8) and returns to the Stork Club, N. Y., Friday (10).

George White introduces a new tune 'tagged' 'Beethoven Wrote It, But It's Swing', when it goes into Loew's State, N. Y., March 16. Tune written by Herbert Russell, music critic of Houston, Texas, Post.

Al Danabam orchestra returns to the Rainbow Room, N. Y., May 10. Plays Coronation Ball at Sarasota, Fla., Friday (10), then goes one-nighting.

Jack Sleser, Benny Goodman orchestra pianist, cut three platters for Commodore under recent pact with Robbins Music. Tunes were 'Bambule's Complains' and 'Ain't Goin' Nowhere.'

Dee Danabam orchestra at the Topper Ballroom, Cincinnati, auds 'Sparkling Rhythms' to the list of style tags.

Gene Krupa orchestra guest-replaces the Tommy Dorsey crew on

Panther Room, Chicago, To NBC; Krupa Lead-Off

Chicago, March 7. NBC here takes on the Hotel Sherman which that spot returns to the ether on Saturday (11). First band in the new Panther Room (formerly part of the College Inn) of the Sherman will be the Gene Krupa gang. Also switching over to NBC is the Edgewater Beach hotel which has been on the Columbia web for several months.

the Raleigh-Kool show for one shot March 29. Krupa had to get permission to leave the College Inn, Chicago, where he opens March 11 for the broadcast and rebroadcast. Standby outfit will fill his spot during the airings.

Howard & Lester Lania Orchestra Management, Inc., has been chartered at Albany to conduct a business in organizing and handling orchestras, including the Manhattan Joseph E. Wolf fling attorney.

Marobelli is currently conducting Shon's Buffalo pit orchestra.

OLD SONG SUGGESTIONS  
JIMMY McHUGH'S  
'YM IN THE MOOD FOR LOVE'  
MILLS MUSIC, INC.

## BERLIN BULLETIN

### BERLIN LEADS AGAIN

WITH  
(GOTTA GET SOME)

## SHUT-EYE

THE NATION'S MOST PLAYED SONG

Another Hit by Walter Donaldson and Johnny Mercer

## CUCKOO IN THE CLOCK

THE NEXT NO. 1 SMASH

## IT'S NEVER TOO LATE

By Carmen Lombardo and Johnny Loeb

## WE'LL NEVER KNOW

By IRVING BERLIN

JOE SANTLY, Prof. Mgr.

IRVING BERLIN, Inc. 799 Seventh Ave. N. Y.

# JUST BORN and TOMORROW'S SONG HIT LITTLE GENIUS

ABC MUSIC CORP.

By WALTER SAMUELS, LEONARD WHITCUP and TEDDY POWELL  
FRANK HENNINGS, PROF. MGR.

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FASTEST SELLING HIT IN 10 YEARS!

# DEEP PURPLE

Words by MITCHELL PARISH Music by PETER DI ROSI

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AN OUTSTANDING SONG EVENT

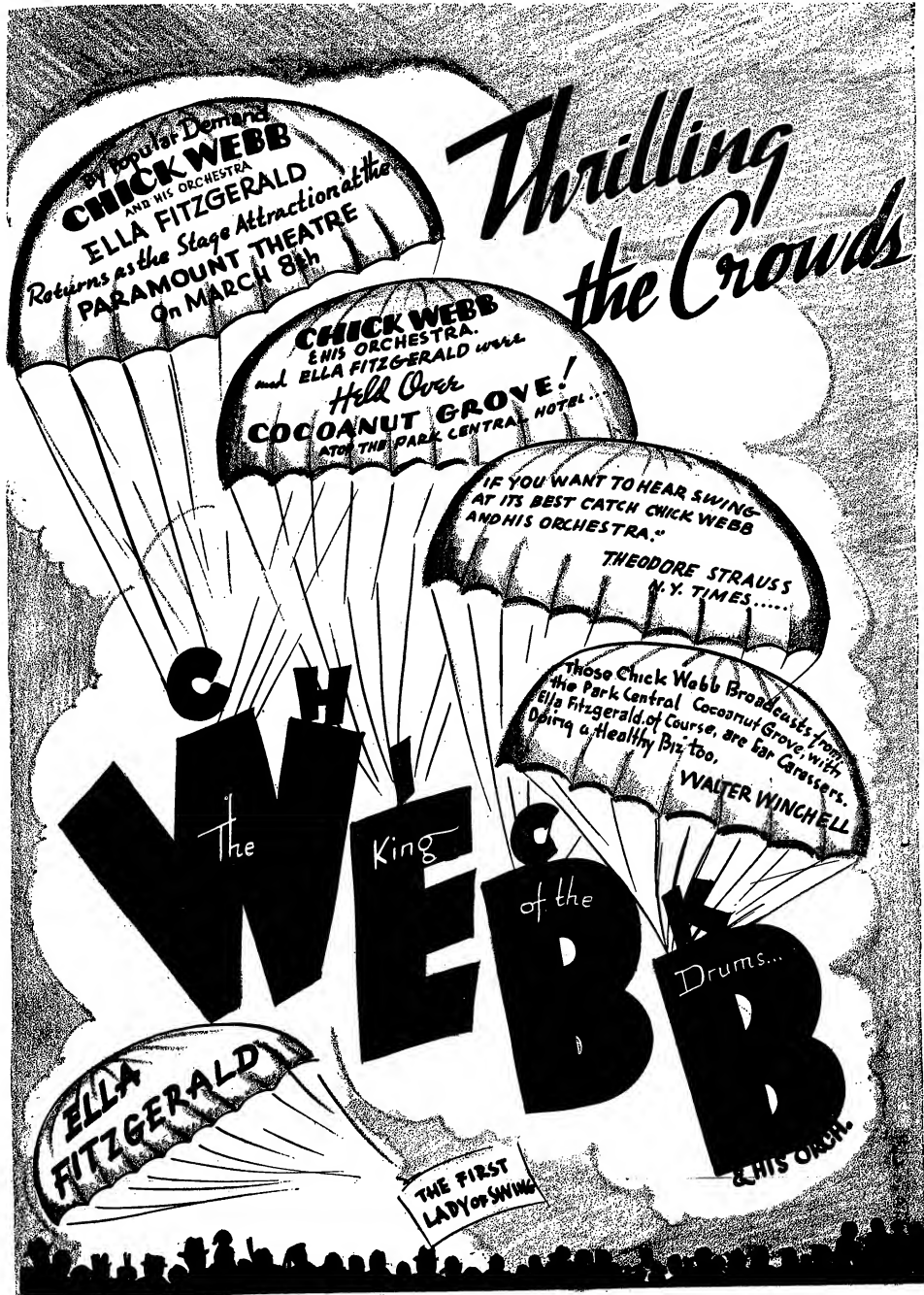
# LITTLE SKIPPER

Words and Music by NICK KENNY and CHARLES KENNY

LEC FEIST, INC. • 1629 BROADWAY, NEW YORK • HARRY LINK, Gen. Prof. Mgr.







*Thrilling  
the Crowds*

**CHICK WEBB**  
The King of the Drums...  
**ELLA FITZGERALD**  
& HIS ORCH.

DANCE DIRECTION  
CONSOLIDATED RADIO ARTISTS, INC.

PERSONAL REPRESENTATIVE  
GALE, INC.

THEATRE DIRECTION  
WM. MORRIS AGENCY

Night Club Reviews

RAINBOW ROOM, N. Y.

Ruby Neumann orch, Gower & Jeanie, John Hoytsrd, Eddie LeBaron orch.

It was S.S. Normande reunion of the Rainbow Room for the arena of this show last Wednesday (1), act...

terbugs which naturally limits it these days. Style is predominantly sweet, instrumental setup being topped by four saxes. Brass carries three trumpets with one occasionally...

Houck also brings a novelty stunt and a new dance, a "stancious fiddle" style. He shows his wares, off and on, and...
Rhythm section bases with a bell ring out "Glow" from an overdrunken dancing, flashing blues simulating fireflies. Enthusiastically received when caught, and served.

Frank Ray vocals with the crew and does handily. Nice voice and clear diction. But he presses too much physically. Guess impression he's trying to force himself into necessity as voice is sufficient. Tune out for the "When Day Is Done" is okay.

Billy Vine m.c.'s and entertains on his own without much backup with tunes, and caps the bit with a "The Blue Bird" background, and a rumba encore.

Enrico and Novello lead the floor with a rousing crowd, but the duo lacks to that point. Smooth, but no razz-dance background, and a rumba encore.

FEFE'S MONTE CARLO (NEW YORK)

Lee Willey, Dick Smart, Ted Stinson, Frank Ray, Elaine Bass, Peggy Lester, Etta Moten, Rosette Murdoch, Felly Ferrer

The Fete part of Fefe's Monte Carlo is a razz-dance affair, and the name. He's the new boniface on the site of the old House of Morgan (lastly Dave Apollon's-fated Cassanova), and Fery looks to have a good rate of successful conclusion...

The Monte Carlo bids fair to become one of New York's planner and the most lucrative conclusion considering the high ratio of nocturnal fatalities. However, it's a most fatiguing combination...

The setup is this: Fery and Geny, who are the razz-dance, are partners. Gilbert Kahn, son of the late, owns the property and is said to have some money in it also, as has Gilbert Miller, the legit impresario. Louis Stray, the agent handles most of the talent and, being a close pal of Fery's, he, too, is said to have a piece of it.

The Monte Carlo room is its lavish pretense of the ultimate in nocturnal chic. Yet it's not overboard on most of its appointments, but that overhead lighting, which catches the eye with some gold and grapples for the air of disconcertment that hangs over the place...

Lee Willey, who has a bit of a cat-spy following, gets a solo spot and a razz-dance model, and a theatrical showgirl—punctate the program with "The Nightingale" by Strasser and Bob Knight head the show. The razz-dance model, Smart arranger - and usually saucer for a class spot such as this, continues with her routine with a bit while the curtains part, disclosing the show.

GEORGE MORRIS AND HIS ORCHESTRA

Starting Second Year at THE WHIRLING TOP 35 East 52nd Street, New York The Smart New York Supper Club Thanks to Irene and Cora Stephens GEORGE MORRIS ORCHESTRA George - Eddie - Phil - Jack - Tiny

Don't Kid WPA

American Federation of Actors members who, while appearing before paid audiences, indulge in jokes, belittling the WPA, and refuse to fine or suspension or both, the union officials.

Resolution explained that such suits are not humiliating and are not humiliating to WPA, but are degrading and injurious to the whole acting profession.

type attire, designed by Dorothy Draper. What was the old Mrs. G. Brown and the Regina Egan of the Monte Carlo tap of this spot. Here he's principally the host, standing at the door, greeting the customers, and seemingly knowing all. Like a lot of eyes, he's brushed up both their routines and costumes, and with a lot of eye-appeal in addition he has a easy time of it. Angelo Di Palma, operatic tenor, a fixture at the club, the old stand-by and still in vogue, though his numbers are getting off with less than four numbers.

Shirley Handler is also using his vocalists: Al Sheeladay and Patti Morgan, and a new vocalists group that is getting with her "Old Man Moe": Al and the crew, which has improved considerably since last time here in the act at the New York and December.

TOWN HOUSE, L. A.

Los Angeles, March 4. Playboys (4), Betty Borden.

There's a snooty snort to this inn on Wiltshire boulevard, and companion hostelry to the Drake and Blackstone in Chi. Night spot is staged the Zebra room, with gold gilded floor, red walls, and a little valet club, including the doorman.

There's the air of cafe society about it, and a lot of eye-appeal. The orchids and stout conversation of upper crusts.

Orchestra, mostly four-piecers, come and go, but Betty Borden is pretty much the feature. Her repertoire, soft warbling and warm charm. She's perfect for this type of place and always good for a click when she comes on. When not melodically draped she puts a few capers with the Playboys. It's fun, but not funny.

Some eye-appeal will come forth with an explanation why these intimate crew members be cut-ups. Most of them are very ordinary, and wouldn't rate more than a letter on a stage. It's a little while is worse, the unwilling fellows or their material.

Collegiate get the chill here. Most of them seem to be legal cupping age, joint can't crack, but by quiring cokes. Worst of them is a young fellow in the rah-rah pile in a Friday night aeronautical herabout-but in legal age, with no minimum or covert, attracts the collegians. As one chap put last night we had 800 more than the night before and the take was \$200 less.

BELVEDERE, BALTO (CHARLES ROOM)

Baltimore, March 4. Eddy Rogers and Orch. (8), Irene Jans, Arthur Murray Dancers.

Need for a swank spot locally is being met by the Belvedere building with the opening of its former over-sized dining room, as the Charles Room. Formal dinner is confined to the more intimate and the dining room. Eager Howard room, is a good one all around, and booked by Eddy Rogers and his orchestra in the right direction. Minimum of...

NIXON CAFE, PITT

Pittsburgh, March 5. Al Kowalski orch. (9), Al Sheeladay, Patti Morgan, Al and the crew, which has improved considerably since last time here in the act at the New York and December. There's a snooty snort to this inn on Wiltshire boulevard, and companion hostelry to the Drake and Blackstone in Chi. Night spot is staged the Zebra room, with gold gilded floor, red walls, and a little valet club, including the doorman.

nine men now, so the rhythmic effect are a trifle thin. Crack show surrounding Kavelin current number quantity has been reduced on account of additional vocalists. But quantity's there. Colette & Barry are among the better vocalists, but they refuse to fine their class routines. Gracielai pair, they do four numbers for an encore, and strike the shag in socko fashion.

Alcen & Evans (two men) have a slow-motion routine, but quantity of things looks out of place in an uptown club, and they occasionally have several under their belt, but just opposite is their acrobatic "poetry of motion" and boys usually consider them as a "poetry of motion" is done on an elevated level. Tough tricks include some chairs.

Chairs Raps they have been here before, but they've brushed up both their routines and costumes, and with a lot of eye-appeal in addition he has a easy time of it. Angelo Di Palma, operatic tenor, a fixture at the club, the old stand-by and still in vogue, though his numbers are getting off with less than four numbers.

Shirley Handler is also using his vocalists: Al Sheeladay and Patti Morgan, and a new vocalists group that is getting with her "Old Man Moe": Al and the crew, which has improved considerably since last time here in the act at the New York and December.

EL DUMPO (CHICAGO)

Chicago, March 3. Shirley Handler, Ray Styles, Moe Lee, Eddy Rogers and his orchestra, Laurene NeVell, Peggy Lester, Ed Dumlupins, Ray Steiner orch.

Break and clever advertising has busy the advertisers with over-the-way niter into a gathering place, including nitermen and local spots. Once in a while a few nitermen do have the same walloping wall in the blue, but in night spot writes the advertising should put on the show.

Shirley Handler, who exhibits a healthy dose of tonsils and a wealth of personality. Despite the musical support she scores handily with smart arrangements and a splendid swing style.

Moe Lee, Ned Santhey and Harry Frase have been with owner Ted in Chicago since the days of the old Nut-house and they bring to this spot their fund of general screwball bit and clowning. They often go off the deep end into the blue, but in night spot of this caliber it passes.

Best item of the evening is Laurene NeVell, who is not plenty of waiting around the floor with razz-dance and hand models, but where she sheds some wardrobe. It's a little while is worse, the unwilling fellows or their material.

Collegiate get the chill here. Most of them seem to be legal cupping age, joint can't crack, but by quiring cokes. Worst of them is a young fellow in the rah-rah pile in a Friday night aeronautical herabout-but in legal age, with no minimum or covert, attracts the collegians. As one chap put last night we had 800 more than the night before and the take was \$200 less.

NCA CHANGES DO NOT AFFECT THEATRE UNIT

Various changes in the agency setup of the Music Corp. of America last week, following the entry of Miles Ingalls as head of stage and niterly talent department, did not affect the theatre unit. Phil Bloom is head of theatre bookings, with Johnny Dugan as associate.

AL ZIMMAY

Pinch-Hitting 666 CLUB, CHICAGO Bating Avenue #350 Thank to Sammy Karo

BOYS TOWN PALACE, CHICAGO

PINCH-HITTING THIS WEEK

MINOR and EDDIE

Hotel British Colonial NASSAU, B. W. I. HELD OVER TWO MORE WEEKS







### Acme Vs. Equity-League

Hearings on allegations of the Acme Ticket Agency, New York, which charges the League of New York Theatres and Equity with restraint of trade and conspiracy in operation of the ticket code, started before Referee Morris Cooper, Jr., in N. Y. Monday.

Asked how many tickets were sold by agencies for prices higher than the code maximum, Keith estimated 5%, but declared brokers do not dispose of tickets but really furnish service to patrons who do not choose to use the agency.

Both are on the league's accredited list and both supported the Acme contention that they had no alternative but to sign the code. It was a matter of sign or else, intimating that unless they complied their supply of tickets would be shut off.

Walter Friedman of the Acme office testified that although the agency did not sign the code it was getting tickets with the aid of "diggers," described as people who live by their wits. He was unable to say how the "diggers" worked.

Acme contentions appear to have a slight edge the first day of the proceedings, although previously the strength of the League of New York Brokers felt the code is not making theatre going easier because of restrictions.

### Strict Enforcement of Ticket Code Questioned by Leaders of Equity; League Supports Effectiveness

Broadway's ticket code was under discussion Friday (3) when showmen of the League of New York Theatres were questioned by a score of Equity Council members.

Equity has been enforcing the regulations militantly.

One of the issues in the code is based on the theory that ticketing regulation, by supposedly curtailing grubbing, leads to more theatre-going easier, therefore making better attendance possible and consequently longer engagements for players.

It is indicated that the code was 80% effective up to and including December, but that it has since been losing effectiveness.

League leaders deny this and state the code is functioning as well better than some doubters believe.

One of the latter regards ticket control as a noble experiment and compares the code to prohibition in effect virtually impossible to enforce uniform control of Equity.

It was reported, too, that the accident which has started a "kickback strike" in the League of New York Theatres and Equity is being started by the Bar Association building.

(Continued on page 58)

### Coburn Sets Leotahvik To Star at Mohawk Fete

Hollywood, March 7. Charles Coburn, currently here in pictures, signed Eugene Leotahvik to star in "Charlotte Corday," a new play to be produced at the Mohawk drama festival.

Drama is authored by Helen Jerome, who dramatized "Pride and Prejudice" and "Jane Eyre."

### League Won't Act On FTP 'Swing Mikado' Vs. Comm'l 'Mikado'

Responses to queries sent members of the League of New York Theatres indicate that managers are still opposed to the government-enforced FTP.

Action on the part of the League is doubtful because Todd, who is the Federal show which opened last Wednesday (1). A protest was sent the President.

Prof. Mary Morris, Pittsburgh, March 7. Mary Morris, legit player, has been named to the faculty of the Carnegie Tech drama school here.

Two-day for Frisco Los Angeles, March 7. "Two-day for Frisco," the producers' biggest local moniker, winds up here April 1 and moves to Salt Lake City next week.

### RAP TEMPORARY FRONT FOR DISSEMINATING

### Question 'Patriotic Gesture' of Playwrights Co., Whose Purpose Would Be to 'Disseminate Lincoln's Message'—Equity to Act

### ASSN. SEEKS NEW RULE

An unforeseen reaction has arisen to the move of the Playwrights Producing Co., which proposes to interrupt Broadway's front-running drama "Abraham Lincoln in Illinois," at the Plymouth, for the summer, in order that the play might be filmed.

Understood that the matter was forcefully placed before Equity's executive committee last week.

Equity claims that its people are entitled to the full fruit of their efforts. Formerly such procedure was believed to be detrimental to the interests of the theatre.

### HARRY KAUFMAN SEEKS MEX REVUE FOR FAIR

Harry Kaufman, Broadway agency manager, also associated with the Shubert musical shows, planned to Mexico Monday (6) to sign a native revue for the New York World's Fair.

It is said to be subsidized by the Mexican Government.

### 2-a-Day for Frisco

Los Angeles, March 7. "Two-day for Frisco," the producers' biggest local moniker, winds up here April 1 and moves to Salt Lake City next week.

Los Angeles, March 7. Irene Rich is returning to the stage in a new comedy by Jacques Deva.

Los Angeles, March 7. William Gaston, at Friday (3) and Saturday (4) performances, due to laryngitis, was replaced by Charles Bree but retained the cast Monday (5).

Los Angeles, March 7. William Gaston was unable to appear in "The Great Showman" at the Los Angeles, at Friday (3) and Saturday (4) performances, due to laryngitis, was replaced by Charles Bree but retained the cast Monday (5).

### Mixed Interpretation of Contract With Mgrs. Prompts TMAT to Seek Changes on Road Co. Heads, P.A.s

### Coincidence

Illness of Wendell Phillips last week necessitated his understudy David Clark going on in the part of William Herndon in "Abraham Lincoln in Illinois," at the Plymouth, New York.

### GROUP THEATRE CUTS TOP FOR 2 SHOWS

Accompanying the revival of "A Wake and Sing," which will alternate with "Rocket to the Moon" at the Windsor, New York, the Group Theatre has dropped the ticket top from \$1.00 to \$0.75.

Group's action is individual and not regarded as starting a trend, the issue not having been formally placed before the managerial League of New York Theatres.

Reduction for the two Group shows is hardly what it seems, as the organization has many theatre patrons to promote attendance and such group ticket sales were sold in advance.

### SHUBERTS SIGN SABLO FOR 'STREETS OF PARIS'

Jeon Sablon has been signed by the Shuberts for their "Streets of Paris," musical mentioned for presentation at the New York World's Fair.

It appears that during the negotiations with Charles Chatterton, advised Sablon to start negotiations against Albert Lewis, who sought his services for "West of Broadway."

From Hollywood Denny declares he has correspondence and telegram from the Shuberts regarding the engagement, and although Sablon is not yet shown against Lewis, Denny appears dubious that Denny could win the matter may go into arbitration.

Irene Rich is returning to the stage in a new comedy by Jacques Deva. Sablon still undecided to return for an opening in New York early next month, with Luther Green producing.

Los Angeles, March 7. William Gaston, at Friday (3) and Saturday (4) performances, due to laryngitis, was replaced by Charles Bree but retained the cast Monday (5).

Theatrical Managers, Agents and Treasurers union has served notice on the League of New York "theatres that certain changes would be sought in the basic agreement with the managers. Indicated that such changes principally would concern road company managers and advance men.

When the agreement was sealed it was believed to be for a one-year period, with either side having the right to give 60 days notice. Understood now that such notice will only apply to possible changes and that the basic working arrangement, or contract similar to it, will extend indefinitely.

Union reports that it has around 300 TMA members and that 80% are working. At yet no deal has been made with the N. Y. World's Fair and the union claims jurisdiction over all types of ticket-sellers there. The San Francisco Fair is also being handled by the union.

TMAT is organizing the concert field in which it claimed the front of the house people are underpaid. Number of auditoriums have not signed with the union but when contracts are signed they are kept in light houses.

Out-of-Town House "Infamy" is using about 1000 seats in the major chains are drawn into membership, it is figured that the others will follow.

### Denny Mills Pay Claim Vs. Lewis on Oral Pact

Reginald Denny has contacted Equity, seeking information as to his right to file a claim against Albert Lewis, who sought his services for "West of Broadway."

From Hollywood Denny declares he has correspondence and telegram from the Shuberts regarding the engagement, and although Sablon is not yet shown against Lewis, Denny appears dubious that Denny could win the matter may go into arbitration.

Los Angeles, March 7. William Gaston, at Friday (3) and Saturday (4) performances, due to laryngitis, was replaced by Charles Bree but retained the cast Monday (5).

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Concert Instrumentalists Not Exempt

All Must Have A.F.M. Cards Despite Guild Membership, Exec Board Rules

American Federation of Musicians has turned down the plea of the American Guild of Musical Artists that concert instrumentalists belonging to the latter organization be made exempt from having to join the A.F.M. ...

Under the A.F.M. board's ruling all concert stars who play instruments will have to hold a card in a federation of their own ...

Ban on Negrus Stirs Symphony Men to Protest

Philadelphia, March 7. Members of the Philadelphia Orchestra last week announced they would use the national office of the American Federation of Musicians to forbid any of its members to play the Negro ...

The action was revealed by A. F. Tomel, who plays a French Horn in the symphony outfit, and is a former president of Local 77, Tomel said ...

George Belmel, first violinist, and chairman of the Philadelphia Orchestra Men's Committee said the discrimination against Miss Anderson was a violation of American principles ...

20% ASK REFUNDS Faderwick Re-Scheduled Concert Holds 80% of Cleveland Sales

Cleveland, March 7. Faderwick's concert at civic Music Hall scheduled for last Sunday (5), was postponed when the artist arrived here the day before suffering from a painful inflammation in his left hand ...

Mrs. Emil Brudno, handling the concert, was told by the organizers of the postponement since every seat—72% of them—was sold in advance ...

Ticket Code

(Continued from page 57) ... resulting in the adoption of a proposal by Herman Shumlin to ...

Among the proposals was the use of the public library system. The men were skeptical of that plan, however ...

Those who also addressed the meeting included Milton Weinberger, secretary of the Executive Board ...

Two-person plays may be regarded as a new type of production which have been tried a number of times ...

Actors and Abe

(Continued from page 57) ... light? As for the latter the Lunts have been on tour with the latter show in repertory and, despite the showing of the picture, were, it is believed, exceedingly ...

There is a possibility that the show may be revived, but it is doubtful Massey taking a raincheck to go to Hollywood to repeat the lead part ...

Equity's contention that Sherwood or any other actor is not bound under some sort of moral obligation to hold off release of the picture and thereby keep a leg out on the boards ...

Equity aims to police the ethics of show business, a prominent showman suggests, the organization might do well to begin with its own ranks ...

plays and agreeing long in advance to a contract that substantially proved to be too early ...

As for the implication that Sherwood's Co. should be taken off the show stand to profit by the early release of the film version of 'Abe' ...

The problem is but one of several in which the members of the industry are being called upon to act ...

Play on Broadway

Midwestern in three acts by Gilbert Lewis, presented by Ann Sereno and John ...

In London 'Close Quarters' was regarded as a masterpiece of modern comedy ...

'Two-person plays may be regarded as a new type of production which have been tried a number of times ...

'Close Quarters' does not impress as good playwrighting, for the adaptation from a Continental atmosphere into English is not convincing ...

Leslie and Gustav Bergman are man and wife, both with flighty temperaments, and both swearing ...

But a pal provokes the place. Zander, a political opponent, is murdered ...

Leslie acts strangely, desiring to go at once. She builds up various arguments to deny that she will commit the crime ...

Besides the telephone, some of the effects are conventional, such as recordings and other effects, but for night club atmosphere ...

Elena Miranova and Leo Chelzol make the drama. Miss Miranova is superb in her role ...

Plays Out of town

WEST OF BROADWAY

Comedy in three acts by Margaret Roberts, presented by Albert ...

Ruth Chatterton has a swell role and delivers it excellently. She's particularly adept in the second act ...

There are plenty of surefire situations related to show business and farm life, the laugh lines are plentiful ...

Abe plays his somewhat hammy act with a certain gusto ...

Evian Condon, as a witty mother, is a gem. Miss Chatterton, Will Geer, and Miss Danie are commendable ...

HERE WE GO AGAIN

Review in two acts, 25 scenes, by William ...

Starting with a program note to the effect that it had no intention of becoming another 'Hairy Puttini' ...

Usually good. The play's actors form a flashy background for skits, ballets, travesties ...

Musically, the show is satisfactory. Team of Burton Shavelson and ...

Perps are well handled, with Ira ...

After five months of smash business at the Great Northern, Chicago ...

Phillip Anderson, Bogart Thomson, Bert ...

THE NUREMBERG EGG

Drama by Howard Strick, translated from ...

Hedegrove's 1932 production in its original ...

'The Nuremberg Egg' is a new play for a small, artistic group like ...

There are plenty of surefire situations related to show business and farm life ...

Instead of Jasper Deeter, going his own direction, Rose Schulman handles ...

It is staunchly Miriam Phillips in property ...

Sheppard, one of the veterans of the company, gives his customary fine ...

Carol March has the part of the wife ...

WPA PLAY

SWING MIKADO

Operetta in two acts by William S. Gillette ...

Miss ...

After five months of smash business at the Great Northern, Chicago ...

(Continued on page 59)







OBITUARIES

HERBERT MUNDIN

Herbert Mundin, 44, former London stage player and in recent years actor in Broadway (5) of a fractured skull received in an auto accident in Van Nuys, Calif. ...

For more than 10 years a leading character actor in Broadway ...

"He leaves his widow, the former Ann Shaw, actress, and a daughter. His first marriage to Hilda Hoyes culminated in divorce.

EMMA JUCH WELLMAN

Mrs. Emma Juch Wellman, 76, who as Emma Juch was a noted concert and operatic singer ...

Engaged by Col. Henry MacLagan for son of Italian opera in London when she was 18 years old ...

ELIOT P. SCHENCK

Eliot P. Schenck, 89, composer, conductor and once a music director at the Metropolitan Opera House ...

ALBERT E. MOORE

Albert E. (Al) Moore, midgett comedian with the Ringling Bros. circus died Monday (6) in a Philadelphia hospital of a spinal ailment.

Moore was widely known to thousands of circus fans as the jugged-dressed-in-baby clothes who jumped across from a prop running on wheels. He had been connected with Ringling for the past 10 years.

MARY DUNCAN

Mary Duncan, 40, formerly a singer in a Hollywood, 40, in New Orleans, March 3 of a body trouble. A maid found her body in the kitchen of her apartment.

ABRAHAM STEFFEL

Abraham Steffel, 70, engineer Philadelphia telephone operator, died March 3 after a long illness, at his home in West Philadelphia.

FOX, PHILLY

Philadelphian, March 3. Ted Werns' orchid, Peggy Conn, Elmer Tamm, Roy C. Henry, Faye Parker, Beverly Brier, Peggy Tupper, Charles Gatts and LeCompte & Fletcher. Widow survives.

BEN V. HARRIS

Ben V. Harris, 35, vaude dancer of the Twin Cities orchestra, was killed near Seneca Falls, N. Y.

March 5 in an automobile accident. Details in the vaudeville section.

Mrs. Adelaide Sparks, 54, wife of Charles Sparks, former Downie Bros. circus owner, died in London, Ga. ...

Widow, 80, of William Collidge Wetherill, former member of the theatrical group publishing company of Nirdlinger & Wetherill, Philadelphia, died March 2 in a Bryn Mawr, Pa., hospital of heart disease.

Thomas Lewis, 68, one of Western Ontario's (C.M.) best known, variety orchestra leaders and violinist, died in a London, Ont. hospital, after a long illness.

Ralph Mark Smith, 54, motion picture projectionist and former trouper, died Feb. 29 in Billings, Wyo., of a heart attack.

Alfred S. Krellberg, 36, New York attorney, brother of Sherman S. Krellberg, film distributor and exhibitor, died Feb. 29 in New York of a heart attack.

Charles J. Benner, 82, former musician with a cast of musical shows, died Feb. 29 in Billings, Wyo., of a heart attack.

Mrs. Eleanor A. Shoup, mother of Hiller Innes, assistant manager of Paramount's N. Y. production department, died March 6. She was 80 years old.

Gilmore Brettwitz, 26, musician, died Feb. 18 in a Chippewa Falls, Wis., hospital. Survived by five brothers.

Paul Hoffman, 25, son of M. H. Hoffman, associate producer at Republic, died of pneumonia March 2 in a hospital.

Mrs. Evelyn Offield, mother of John Offield, died Feb. 28 in Hollywood. She was 70.

Frieda Bing, mother of Herman Bing, actor, died March 1 in Hollywood. She was 70.

Mother of Danny Danzer, Coast radio head of J. Walter Thompson, died in Boston, March 6. She was 70.

This twofold situation makes it pretty much Columbia's night, the latter's Friday evening schedule starts off at 7:30 EST with "The Jack Benny" and following are "The First Night" and "The Jack Benny Show".

Funchon and Marco girls, brought up on Hollywood, present a circus waltz number, using pairs of black and white waltzers in comedy and mappy routine to the tune of "Hickory Dickory Doc".

Penn Alumnus Ted Werns makes his periodic visit to the old home town, working for a few days as headquarters for various producing firms, including Roland & Clifford Gatts and LeCompte & Fletcher.

Walter Roles, 55, vaude agent, died in Chicago of heart failure on Feb. 28. Roles had been in tight for several years, working for the headquarters for various producing firms, including Roland & Clifford Gatts and LeCompte & Fletcher.

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luck all around the mike, a la the Martha Raye. Then the Werns come swinging out in "Comedy Six" ...

Outside acts are Beverly Brier, a former trouper, and the Peggy Taylor Trio, ace adagio act. The Werns, a two guys and a gal, start out with "Hickory Doc", a burlesque on the old-timey "Hickory Doc" ...

Big good. Sht.

Stage-Wait

(Continued from page 1) The advertisers that all this Friday schedule has been there from eight to 12 hours. Each of these ads has hanging to the same program throughout. And with but one exception (Lombardo), the talismanic act is the lower, if not the lowest, brackets.

At all four accounts, namely, Cities Service, Phillips 66, Magnesia, Borax and Lady Esther, went on the NBC books long before radio had produced a potent sales medium. Cities Service has been in the same spot since 1927. Phillips 66 has been on since 1928. Magnesia since 1931; Borax and Lady Esther to 1930, and Lady Esther to 1931.

The picture on this night (WJZ) network the same night isn't any better. The commercial combinations available from that source are Warden Lavers, "Plantation Party" (see Williamson) and "The March of Time".

CB'S Night This twofold situation makes it pretty much Columbia's night, the latter's Friday evening schedule starts off at 7:30 EST with "The Jack Benny" and following are "The First Night" and "The Jack Benny Show".

Widnell Knudson, to Eugene Thackeray, in Geneseo, Kas., Feb. 24. Bride is secretary to Gregory Law, film director; he is director of Margaret Wilkins to Bill Morrow, in Hollywood, Feb. 28. He's a gag writer on the radio.

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Bills Next Week

Table listing various radio and TV programs, performers, and stations for the following week. Columns include program names, performers, and broadcast details.

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Downie Circus Sold To Radio Showmen

Macon, Ga., March 7. Sale of Downie Brothers' Circus by Charles Spinks was completed here last week. It was purchased by William M. Moore & Co., a Georgia outfit. Moore, of Denison, Tex., has been in the circus biz for more than 20 years, associated with the deal are H. A. Decker and T. Leo Moore, of Electra, Tex., and Paul M. Moore, of Mason, attorney and newspaperman.

BIRTHS

Mr. and Mrs. Tote Boardman, daughter, in Los Angeles, Feb. 22. Mr. and Mrs. Laurence Hubbard, radio player; he's radio scribe of Silver Theater. Mr. and Mrs. Arthur Stierman, daughter, in Hollywood, March 1. Father is unit manager of the station, in Bel-Air, Cal. March 6. Father is author and playwright.



# MORE COLLEGE PROMS THAN ANY OTHER BAND!



## WILL OSBORNE

Creator of "Slide Music"

"Slide Music"\*

HAS BEEN STAMPED WITH APPROVAL AT THESE COLLEGES!

ALABAMA POLYTECHNIC INSTITUTE  
CARNegie TECH  
GEORGIE TECH  
GEORGETOWN UNIVERSITY  
MISSISSIPPI STATE COLLEGE

NOTRE DAME  
OHIO STATE UNIVERSITY  
RUTGERS  
STATE COLLEGE, S. D.  
STATE COLLEGE, PA.  
ST. JOHNS ACADEMY,  
Syracuse

UNIVERSITY OF ALABAMA  
UNIVERSITY OF INDIANA  
UNIVERSITY OF IOWA  
UNIVERSITY OF MARYLAND  
UNIVERSITY OF MICHIGAN  
UNIVERSITY OF MINNESOTA  
UNIVERSITY OF NEBRASKA

UNIVERSITY OF NORTH CAROLINA  
UNIVERSITY OF PENNSYLVANIA  
UNIVERSITY OF THE SOUTH  
UNIVERSITY OF TENNESSEE  
UNIVERSITY OF WISCONSIN  
VANDERBILT UNIVERSITY

VILLANOVA  
V.P.I. GERMAN CLUB  
VIRGINIA MILITARY INSTITUTE  
YALE  
and many others!



Styles for bands in the U. S. are set in the colleges. Joe Jitterbug, Harvard '42, writes double columns for Variety on the bands the boys and belles fancy, and is harder to please than the mugg who regularly writes the raps. But the bands that he and his fellow students of syncopation LIKE and BOOST and BUY are the BIG BANDS OF TODAY AND TOMORROW!

**WILL OSBORNE PLAYS MORE COLLEGE PROMS THAN ANY OTHER BAND!**

Will Osborne—at top dough; come up to the office and we'll show you the contracts—is TOPS with the prom-trotters! NO OTHER BAND has a prom list like his! Why? It's Osborne's terrific new band—his sensational new "SLIDE MUSIC" style that all the other bands are slipping into their arrangements right up to the limits set by his patent on it!

**YOU DIDN'T GO TO COLLEGE AND DON'T THINK YOU EVER WILL?**

YOU can catch Will Osborne and his band at the **NEW YORK STRAND NOW** (weeks March 3rd-10th-17th—definitely booked for three weeks before opening; not "held over"!). He packs 'em in those theatres, too. He set a new high record at the Paramount in Newark, the week of January 27th. VARIETY said: "... one of the fastest and best balanced stage shows seen here in a long time. Holds excellent music in the form of Will Osborne's orch ... Paramount has the edge on the Shubert currently, if only for the trek of the jitterbugs to this house. They are here in droves, stamping, swaying and clapping to Osborne's slide music." BILLBOARD said: "... took the town by storm ... turned in a neat \$18,000 at the Paramount. This is by far the best biz turned in by the Adams house since the resumption of the stage and screen policy."

**YOU'RE AN ALUMNUS? YOU WORK FOR AN ADVERTISING AGENCY?**

Will Osborne just played two spots on the Show of the Week on WOR-MBS, the only band that has played a repeat date on this program (his **THIRD** date is coming up on April 2nd). Don't YOU think it would be smart to grab the guy for a commercial?

DECCA RECORDS • NBC TRANSCRIPTIONS • WARNER BROS. PICTURES • MUZZAK TRANSCRIPTIONS

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OK

PERSONAL MANAGEMENT, HARRY ROMM  
**GENERAL AMUSEMENT CORPORATION**

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STAGE

MAR 27 1938

# THEATRE WORLD

PRICE  
25¢

Published Weekly at 144 West 45th Street, New York, N. Y., by Variety, Inc. Annual subscription, \$10. Single copies, 25 cents. Entered as second-class matter December 27, 1926, at the P. O. Office at New York, N. Y., under No. 6733. POSTAGE PAID.

NEW YORK, WEDNESDAY, MARCH 15, 1938

Vol. 134 No. 1

56 PAGES

# MOVIE NEWS

## Artie Shaw Is the Mr. Cinderella Of Bounce Bands; in the Red 3 Mos. Ago

**By BEN BOBIC**

Artie Shaw, the newest thing in bounce bands, who last week signed a contract with RCA Victor which guarantees him the present from phonograph records of \$100,000 for the next two years, can lay claim to skyrocketing from behind the eight-ball into the realm of big money within a period of three months. When Shaw took up his stand at the Lincoln hotel, N. Y., last December he was in the red for \$1,000. Today, besides the five cents he's good for a minimum of \$8,500 a week in theatres, \$2,250 in radio (Old Gold) and a \$100 guarantee on one-nighters.

It was only last fall that the Music City, America let Shaw go because it was convinced that the bandman's future was dubious. Now Shaw is considered by booking offices as one of the four top goid fishes in the business. For revenue possibilities he rates in a class with Tommy Dorsey, Benny Goodman and Larry Clinton.

Shaw got his original opportunity as a bantam from Rockwell-O'Keefe in 1937, when that office placed him

(Continued on page 47)

### Sneak Money

Chicago, March 14.

First instance of a conscience payment to a picture house occurred here last week when the Fox-Kate name spot, last week when a kid came in and handed manager Ben Bloomfield an envelope containing \$5. He said it was part payment for the many times he had sneaked into the house through the back door.

Youngster had been to confession, and was told to make retribution.

## FRENCH SHOWS GET GOOFY REQUESTS

Montreal, March 14.

Toughest of all radio program problems here is admittedly the production of French-language comedy shows. With but one exception a radio character known as Fridolin, who was developed and routed by Yves Bourassa at CKAK, few of the French-language comics have been able to stay on top for more than a brief span.

Radio gagging in French doesn't exist, comedy usually consisting of a play on words. With these difficulties in view sponsors are constantly throwing program producers into a panic with naive requests for comedy teams like Burns and Allen in French or a 'French Fred Allen.' Another account asked why they couldn't get a French-language comedian a la Kallenborn. And one agency offered to pay as high as \$25 a week for a French-language Lowell Thomas. Payoff was a call from a local producer asking for a four-minute script like Jack Benny's — but funnier. For \$10.

## EXHIBS, GET READY FOR SOME CONFUSION

Hollywood, March 14.

Two Stanleys beating the bush for two Livingstones is a possibility this summer when 20th-Fox releases its high-budget production, 'Stagecoach,' which makes Traveltails for Metro. classed at par with Harry Thomas, indie distributor, to release a picture of the same title in the U. S. A. Fox, 1937 and released it in England last year. Execs at 20th-Fox said they were not taking any steps to prevent the Fitzpatrick release.

## TOO MUCH NOVELTY AS 'NEWS'

### Film Biz Names Press Agent to Overcome Unfavorable Publicity Hollywood and Industry Have Been Getting—Fault Lies in Own Backyard

### COPIOUS TRIVIA

Hollywood as a place and the film industry as a business is to have a press agent. He's Kyle D. Palmer, former Washington correspondent of the Los Angeles Times, who served with Joe Breen, the industry's censor for three years. His new official and imposing title is chairman of the Committee for Public Relations and the Department of Public Information of the Motion Picture Producers and Distributors Assn. The latter is most familiarly known as the Will Hays office.

Behind the appointment is a growing realization in the trade that Hollywood and its chief activity have been getting a bad press. That part of the bad press has been due to, or at least possibly only with, the active collaboration of Hollywood's

(Continued on page 20)

## PHILLY ALSO WOULD LIKE SOME EXPO GRAVY

Philadelphia, March 14.

Concocted drive to attract N. Y. World Fair visitors to Philly, either on their way to or from the fair, will be made by railroad's, bus companies, hotels and businessmen. War cheer for a huge advertising campaign is now being raised here.

Principal method of detouring visitors into Philly will be by billboards along roads leading into New York. Attractively illustrated literature will also be passed out wherever possible to point out that not replicas, but the real McCoy Independence Hall, Liberty Bell, etc. can be seen just 90 miles from Manhattan.

Railroads and hotels are planning tours from New York at special rates.

## Hasn't Seen Picture In 2 Yrs., but Wins Contest

Mason City, Ia., March 14.

Although he has been invisible for the past two years and hasn't eyed a picture in all that time, Nan Brandon, of Britt, Ia., won the second annual 10 best pictures of the year' contest sponsored by the Globe-Gazette here.

Irony of the competition is that first prize consists of a season pass to a film house (Cecil B. DeMille) which winner is unable to make use of it.

## Theatres Mull Sun. Night Admish Cut to Fight Radio's Name Shows

### Glorifying the Kid

It's a big season for moppet songs in Tin Pan Alley. There are four current releases which include the word 'kiddie' in the title and make the male youngster of the species the object of their sentimental regard.

These tunes are 'Little Sir Echo' (Bregman), 'Little Lad' (Hatch), 'Little Skipper' (Patt) and 'Little Genie' (ABC Music), 'Echo' and 'Genie' are revivals.

Minneapolis, March 14.

Twin City independent exhibitors are considering more flexible admission scales. It has been proposed that, instead of charging the same admission for all pictures, the scale be determined by the attractions' importance or merit.

Other proposals are for 'family nights,' at which all members of the family would be admitted for a special low price. They are also mulling a boost in Sunday afternoon seats and a reduction at night to fight the strong radio opposition.

Twin City indies have been complaining for nearly two years that the Sunday night name radio programs have been raising havoc with their attendance. Formerly Sunday was the theatre's best day of the week. Now it is one of the worst, the exhibitors claim, with Thursday, also a tops for radio, badly off, too.

The slough of theatre box Sunday nights by radio has become a national problem. It is one of the chief reasons for exhibitor squawks to the major companies, whose stars broadcast that night.

## JITTERBUGS IN CLAUQUE RACKET

New twist in claque promotion has developed from the swing band policy which has become entrenched in two Broadway houses, the Paramount and the Strand. Personal managers of live aggregations slated to play either theatre are being approached with a proposition to deliver 1,000 jitterbugs on opening day for \$1 a head.

The claque promoter explains that 25c out of each buck will be spent for admission before 1 a.m. and that he has a surefire method for identifying his recruited mob. Also that his jitterbugs, mostly high school kids, will receive advance instruction on how to act up during the band's performance.

## Stripper Doubles Into Own Laundry to Help Native China \$55 Worth

Philadelphia, March 14.

Amy Fong, burlesque peeer, opened a laundry last week in the basement of the Shubert theatre, where she was playing, to aid her native China. Fong, after her stint on the stage each day, launders the shirts of stagehands and musicians at \$1 per shirt. She made \$55.

Miss Fong said she had thought of asking the audience for laundry, too, but feared that the professional laundries might get sore and picket the house.

## BRITISH RADIO INCOME \$19,000,000 IN 1938

London, March 7.

BBC finances for 1938 show new in income, actual gross being \$19,000,000, a 10 per cent increase, 90% derived from radio licenses. Payoffs aggregated \$17,748,000, and balance sheet shows Corp's net worth registered at around \$25,800,000.

Half of total outgoings were spent on programs, breakdown being as follows: Performers and speakers, \$3,583,390; permanent orchestras, \$1,951,115; performing rights, copyrights, new royalties, \$1,483,370; telephone hook-ups, \$355,540; staff, \$1,051,115; miscellaneous, \$338,440. Grand total—\$9,480,465—is more than \$121,000,000 on the previous period.

Breakdown of licenses shows that of money subscribed by the public, BBC gets only roughly 75%. Post Office handles 25% for administration, and the national treasury takes a rake-off aside from income tax, which amounts to \$100 million more than \$3,000,000 goes back to the state.

## MEXICO SETS PLANS FOR 1ST WORLD'S FAIR

Mexico City, March 14.

Mexico's first World Fair is now a certainty. Chuman, ex-President Pascual Ortiz Rubio.

The fair is to open some time in May, 1940 and run for seven months. Buildings are to be erected soon at a large site in Chapultepec Park, city's biggest public playground.

## Women Go Stag

Philadelphia, March 14.

A burlesque show for women only will stage, and run for seven months. Buildings are to be erected soon at a large site in Chapultepec Park, city's biggest public playground.

The performance, which was a charity benefit and complete from the very blue lotus to the comic to a couple of strippers.

## Elliot Roosevelt Not Withdrawing at Present From Hearst Radio Org

Ft. Worth, March 14.

Even though he has removed the representation of his Texas State Network from International Radio Sales, Elliot Roosevelt stated Monday (13) in answer to an inquiry by WAKR that he was 'not planning on withdrawing from the position as president of Hearst Radio, Inc.' It had been reported that a break between the TV and IRS would soon be followed by Roosevelt's resignation from the Hearst organization. IRS is the representative division of Hearst Radio, Inc.

Frank Fenton, who was formerly with IRS, will do the New York reporting of the Texas State Network.

Roosevelt has had little to do with the operations of Hearst Radio during the past eight months. It was rumored last month that the Hearst hierarchy would not re-elect him president of Hearst Radio, but this forecast did not materialize.

## Cronin's First Play

London, March 14.

D. A. J. Cronin, author of 'The Citadel,' whose filming won him Academy Award, has written his first play, as yet unproduced, board meeting of Hearst Radio, but this forecast did not materialize.

It has been purchased by Henry Street for West End production in the immediate future.

Ostrer Non-Literal Prophecy: We'll Bring Over Crosby! (for Visio) Brings about BBC Brushoff

London, March 7. Isidore Ostrer doesn't stand in so good with BBC at this immediate time, due to alleged statements of his that he was planning to bring over Joe Louis, Bing Crosby and other major U.S. attractions for visio programs here. Ostrer was lined up with the radio people pretty nicely, and arrangements for the theatre television of the Boon-Danahar fight by the Batac process under agreement had been substantially reached on the rediffusion angle.

But, flushed with success of the above, Ostrer spoke out in a newspaper on his ideas for the future of visio as a theatre attraction, in citing names of top-line stars as only voicing thoughts in his mind and not the concrete actuality the printed reports of his words reflected. None the less for that, when they saw the clippings, BBC got damn good and cracked back in a high-caliber official statement. Said they:

"We find it difficult to believe that Mr. Ostrer or anyone else can have made any statement that he was making over articles from the radio to televise from Alexandra Palace to his theatres. As far as the BBC is concerned there is no such thing as a statement, and the corporation is not in any way interested in any such negotiations."

Obviously Ostrer could not commit himself to say so definite a program, but he fails to see the right thing out with the BBC and more importantly, the British Visio Committee, which has the actual say on visio policy. But at the time Lord Chamberlain's office, is out of England for health reasons and other vital members are also interested in the Bureau for business purposes, and no meeting is likely over a matter of weeks. It is made a law, but without understanding over Ostrer's intentions when he opened up to the reporters likely to persist.

New French Law Would Cut American Distribution 50-75%

Paris, March 14. Distribution business of American companies in France will suffer an estimated loss of 50-75% if the new cinema bill, approved by the cabinet, is made a law. The bill introduced today (Tues.) in the Chamber of Deputies, which has the final vote. Bill, which would limit programs, seeks elimination of double bills and a heavy dubbing tax. Elimination of bills is expected to hit American distributors, particularly because most second films here are American. France is desirous to end the long-pending Franco-American trade treaty, it's held.

Picture officials in New York claim that discriminatory taxation and regulation in France will not be enforceable as long as the present trade treaty between U. S. and France remains in effect. If France wishes to discard this treaty, six months notice must be given the American government.

HOWARD'S 3-WAY DEAL FOR 2 RKO LONDON PIX

Hollywood, March 14. Leslie Howard closed a deal with RKO to star, co-direct and co-produce two pictures in England this year in association with Walter Futter. Opener is "The Man Who Lost Himself" from a story by DeVere Stackpole.

'Lincoln' Starts at 20th

Hollywood, March 14. "Young Mr. Lincoln" rolled yesterday (Monday) at 20th-Fox, with Henry Fonda in the name role and Marjorie Weaver as his wife. Frank Ford to direct.

Henry Henigson Joins Myron Selznick Agency.

Hollywood, March 14. Henry Henigson, one time Universal studio executive and later a Paramount and Metro producer, joins the Myron Selznick agency today (Tuesday) as general manager. Henig's new to permanent, but long in pic biz. Takes over berth vacated by the departure of Al Kaufman.

UA Conventions In April; Execs Trek to Coast

United Artists will hold two different sales conventions this year. Dates and locations have not been fully determined, but likelihood is the 1940 convention dates will probably be around that time.

Regina of company executives to the Coast started Friday (10). Here to leave was James Roosevelt, Goff-woy, followed by Murray Silverstone and Charles Schwartz, U.A. counsel, on Saturday (11). Lynn Farrell leaves today (Wednesday). Silverstone will discuss with producers final lineup of pictures the company will announce for the '39-'40 production dates will probably be around that time.

U.A.'s fifth-of-a-century celebration gets underway on April 17. The 1940 convention dates will probably be around that time.

'DIE' DIES AT N. Y. PAR; NEW PIC, WEBB HOLDS

Following poor notices and an apparent lack of draught, 'Never Say Die' (Par) with Martha Raye and Bob Hope is being replaced today (Wednesday) at the Paramount N. Y. by 'King of Chinatown' (Par), release of which has been obtained from the Criterion, Loew-Moss B first-run.

Change is in midstream of the two-week booking of Chick Webb's orchestra and Ella Fitzgerald, who are credited with excellent results, as compared with blue and yellow used in early days. Hazilous crashes are dusted with dark powder tubes to avoid light reflection; musicians' instruments are cleaned as otherwise they would cause flinches.

L. A. to N. Y.

Hal Beck, Kurt Furukawa, Arthur Dreifuss, Rudolph Friml, Judy Garland, Sheridan Glibney, Nat Goldstone, Mirya Gombel, E. B. Hatrick, Otto Kruger, Martin Guidry, M. C. Leaver, Laurence Olivier, Marvin Quiner, Tom Revere, William Scully, Jack Whitzky.

N. Y. to L. A.

Leonore Coffey, William J. Cowen, Charles Einfeld, Lynn Farnol, Lois January, Mirya Gombel, Hugh O'Connell, James Roosevelt, Charles Schwab, Murray Silverstone, Gordon Thompson, Jack L. Warner.

Other News of Interest to Films

Head of Aussie Distributors Association to step down... Page 14
Improved market in India for U. S. films... Page 14
Still much change in British quota... Page 14
Clowhomen war ranges on kid shows... Page 27
CBS' Benchley sues to NBC... Page 29
CBS' Jencks sues two sponsors... Page 29

Par's Plan to Televise Trailers Notified by Early Bird Hours

FIRST MOTION PICTURE PRODUCER NOW 92

Philadelphia, March 14. Caspar W. Briggs, producer of the world's longest running production bureau his 92nd birthday here Friday (10). Briggs invented animated cartoons, picture-forerunner of present motion pictures, and launched the early 'magic lantern' industry.

First picture to be produced was 'Lincoln's Assassination.' It had a year-long run in the middle-thirties all over the country in the nickleodean era. Action was screened by flashing a scene on the screen and then sliding a piece of glass back and forth in the lantern in front of the slide.

Briggs also invented the first animated cartoons, introduced to the Disney, in which six figures painted on a disc gave the appearance of motion when the operator twirled the disc. Briggs also made 'Ten Nights in a Barroom,' 'Faddy the Pig' and 'Uncle Rastus.'

FRENCH PROD. SETS U. S. PLANS

First of French producers planning to make modestly budgeted English language features in U. S. announced a definite step this week. He is Robert Alnsner, president of Hecat Films Corp., recently formed company financed by French coin, and widest known as 'The Man Without a Straw,' Charles G. Norris novel, in about six weeks at the Eastern Service studios.

Alnsner, who has produced about 50 features in the last 12 years in France, is a veteran in the French cinematic industry. His pictures made a contract to Paramount announced Wednesday (8), are being replaced today (Wed.) by Zigzag Jackson and team of Chuck and Chuckles. Bob Wetman and booker Harry Kalchman are reoutfitting the whole show, putting in 'The Man Without a Straw' and the N. Y. to L. A. change in picture is well beyond replacing 'Die'.

Report on Television May Be Feature Of Annual MPDPA Meeting

Various departments of the N.Y. office are whipping their divisional statements together for presentation at the annual meeting in New York of the Motion Picture Distributors and Exhibitors Assn., set for March 27. It is possible that a summary of the present situation relative to the film business, will be ready for presentation. Courtland Smith, president of the N.Y. office, is preparing a report, has been engaged in his activities now for about two weeks.

Two Indicted for Pic Copyright Violations

Chicago, March 14. Grand jury here last week returned indictment against R. G. Reed and Barney Gold on charges of conspiracy to violate the copyright laws by reproducing the picture, 'The Cat and the Hat' from the 'The Cat and the Hat' picture. The complaint was made by the Deuren film company, in addition to the conspiracy charge, Reed was specifically named for violation of copyright laws.

Because of the hours obtained for experimental television broadcasting, Du Mont, in which Paramount controls 50%, the use of this medium for special trailers on Par pictures, as planned and announced two weeks ago by Neil F. Asmus, would mean putting them on the air between 7 and 10 p.m. and 11 p.m. and the hours granted to Du Mont during the past week.

The Allen Du Mont Laboratories, Inc., headquartered at Passaic, N. J., received permission at the same time to erect a tower for radio-television transmitting station. The license is for experimental purposes. The Du Mont station is to be known as W2XTP. Visual and aural power of the Du Mont station will be 50 watts and broadcasting will be on frequencies of 42,000 to 50,000 kilocycles.

Asmus obtained its 50% interest in Du Mont last summer at a reported \$200,000 and decided first use of this transmitter would be for the purpose of televising special trailers, longer than those used for theatres and in the case of 'Leahua Bros.,' with the time of midnight to 8 a.m. granted for broadcasting, the value of this trailer, as a result of such plan may be dropped.

At the beginning of experimental broadcasting, new financing for Du Mont is being discussed, and it is understood that a meeting will be shortly called to consider such matters, reportedly call for \$1,000,000 in new securities, including Lehua Bros., whose John D. Carter, first director of Paramount.

The Du Mont stock, in over-the-counter trading, rose from the \$10 a share to more than \$30 following the 50% interest taken in it by Asmus. New financing is expected to include conversion privileges.

YOUNG FAIRBANKS GIVEN TOPPER IN PAR'S 'SEAS'

Douglas Fairbanks, Jr., gets the star spot in 'Parliament's' 'Ruler of the Seas,' slated to start April 19 with Frank Lloyd directing. The role is also committed to Universal's 'The Sea Hawk' and Paramount's 'Knights of the Round Table.'

SAILINGS

March 21 (N. Y. to London) Sam Six (Queen Mary).
March 18 (New York to San Francisco) Margaret Becker (City of Norfolk).
March 16 (New York to London) Otto Kruger, Terence Rattigan (De France).
March 18 (London to New York), Arthur W. Kelly (Queen Mary).
March 16 (New York to Jamaica) Hume Cronyn (Jamaica).
March 11 (New York to London), Irving Thibman, Arthur Carron Cox, W. Somerset Maugham (Queen Mary).
March 11 (New York to Paris), Hugh Hood, John Johnston, Madeline Geoffrey, Andre Barsara, Maurice Meric, Herbert Asken, Charles F. Brannan, William H. Rachel Carter, Vicki Baum (De France).
March 11 (West India Cruise), Hugh Hood, John Johnston, Norma Terris, Duke Mitchell, Phillips Hasting, Helen Ford, Jesse Kaye, Lillian Shade, Beniamino Ricci (De France).
March 11 (New York to Argentina), H. H. Dalrymple (U. S. Argentina).
March 10 (New York to London), Hugh Hood, John Johnston (De France).
March 8 (London to New York), Irving Thibman, Buddy Rogers (De France).
March 8 (London to New York), Senator Murphy (De France).

ARRIVALS

(At the Port of New York)
J. J. Shubert, Miss. Devere-Zeiser, Paul Sebring, Charles F. Brannan, Claire Adee (Mrs. Andrew White), Mrs. Yarnella de Daubeck Novikov, Charles F. Brannan, Charles G. Greg, Milton Krims, Irving Thibman, Buddy Rogers, Senator Murphy.

# COLUMBIA PICTURES

## WB Moving Sam Sax to England As Prod. Head; B'klyn Studio to Close

Sam Sax, head of Warner Bros. shorts production in the east, is being shifted to the company's studios at Teddington, England, and sells from New York March 21 to head production.

No successor to Sax has been selected, nor is it definite whether there will be another Vitaphone production head chosen. Vitaphone shorts production is being shifted to the Burbank, Cal., studio around April 15. No new short production will be started in the eastern studio.

According to Sax, certain departments in the studio may be dropped or closed, for the time being. Directors, cutters, editors, etc., have schedules to complete, but the rest of the studio until next July. The Vitaphone laboratory will remain open for feature printing.

Jerome Jackson, in charge of Warner British production, has resigned from the Warner organization, according to London cables.

### Jackson Quits

London, March 14. Jerome Jackson, who succeeded Irving Asher as production head of Warner Bros. studios here, has resigned from the Warner organization, according to London cables.

No successor has been named, but there is a probability that Warner's support an American as top British producer.

## Indies Stall Suit Vs. B&K; Want to Keep Their Books Private

Chicago, March 14. Further stalling on the indie exhibitors' suit against Balaban & Katz is evidenced by the decision to postpone hearings until April 18. On that date the Federal courts will rule on the question whether the indie exhibitors must reveal the facts of their financial standings and their books.

The indies have petitioned the courts to restrain the attorneys for the defense from insisting on looking into the books of the theatres, claiming that such questions were designed merely to embarrass and harass the plaintiffs. The defense attorneys, however, insist such information is necessary in order to judge correctly in just what manner the exhibitors are being damaged by the alleged acts of the defendants.

## Goetz Coming Over With 'Chips' Print

Ben Goetz, head of Metro British production, is sailing for the U. S. on the 18 accompanied by his family. Goetz is bringing over the print on Hitler's latest English picture, James Hilton's "Goodbye, My Darling".

Robert Donat is starred and Greer Garson, Irish actress, has the feminine lead.

## Ford Back at Repp.

Hollywood, March 14. Charles Ford, who resigned about two months ago as producer of westerns and certain Republics, is back on the lot in his old capacity.

Besides producing, he may be given additional responsibilities.

## NEEDS NEW DIALECT

Hollywood, March 14. "Sixties' Britain" is the first of Paramount's starring vehicles for Patricia Morrison, stage actress recruited from Broadway because of her Gaelic background.

Picture is based on Phyllis Botome's novel, "Danger Ahead," an English whodunk.

## WIRES OUTSIDE LIBEL

A Court Rules Company Not Responsible for Slandering Messrs.

Los Angeles, March 14. Nan Blair's \$100,000 libel suit against Western Union was dismissed by Superior Judge Jesse Stephens on the grounds that transmission of telegrams does not constitute publication and therefore outside the libel laws.

The literary agent sued over an unsigned message transmitted from New York by WU.

## COHAN-METRO DEAL GOES COLD

After months of negotiations, which at one time reached the stage where a form of agreement was drafted, the proposed George M. Cohan musical cavalcade for Metro has been definitely shelved. It is said that every major point in the contract except time, had been quickly and amicably reached, but on the one point of "final studio approval" which stipulated that he be the judge.

The story material proposed for the film was based on the Cohan era since before the turn of the century. Some footage necessarily would be devoted to his mother and father. Cohan declared only he would make the decisions.

Studio, however, held out for final approval on matters in connection with production, with the result that the deal went cold. All talks between Cohan and Metro have been discontinued.

## BALABAN SKEDS CHI O.O. ON WAY WEST

Barney Balaban, who is going west with Neil F. Agnew on "Red" top conferences the first week in April, is planning to stop off in Chicago on the way out the city on Balaban & Katz operations. Stanton L. Rush, at present in Florida, may go with him.

G. Griffith matters at the Paramount h. o. prevents out earlier, as expected.

In all probability, sales plans for 1939-40 and convention date will be set at the time of the sales conference with Y. Frank Freeman and others.

Pending Coast conferences and consideration of what Paramount has on its lists for 1939-40 production, the number of pictures the company will put on for the coming season, plus convention plans, remain undecided. Agnew indicates that the convention will probably be held in May.

## Stoloff Duoling for U

Hollywood, March 14. Ben Stoloff moves over to Columbia to Universal this week as producer-director to await an assignment. His last job was as director in the direction of "The Lady and the Mob."

Additional of Stoloff says the producer-director set-up on the U. lot. Other dualists are John Stahl, Rowland V. Lee and Richard Wallace.

## 1,000 OPS IN N. Y. AUTHORIZED CALL

Resolution to Strike Aimed to Prevent Producer-Distributors From Servicing Non-IATSE Houses With Film—Negotiation Overturns Likely Before Any Walkout

### NAT'L THREAT?

Following a surprise move of the International Alliance of Theatrical Stage Employees, which has its objective the elimination of film service by distributors to theatres in the Greater New York area that do not employ IATSE affiliated union members, the distributors were faced yesterday (Tuesday) with the prospect of a strike action which would have disturbing ramifications.

Bombshell came in the form of a vote of the membership in Local 306, Moving Picture Machine Operators of New York, Monday (13) at midnight, authorizing a strike call, nature not indicated, against the producer-distributors. The form any strike may take is a question and it also is a matter of theory whether this first move by one of the IA's local units will be restricted to New York, or mark the initiation of a campaign of national significance.

The 306 membership numbers 2,200. Of this total, 1,600 attended the Monday midnight meeting to vote on the resolution to go out and then for a strike call against "film exchanges, studios, distributors and picture rooms." The vote was unanimous in favor of the brief resolution. There being nothing in the resolution to indicate what the strike would become effective, its calling is up to the executive board of 306, with final approval of the IA also required.

Thus, the authority of the membership having been obtained to call a strike, the presumption is that negotiation will be immediately sought with the distributors in avoidance of calling out men wherever covered by the resolution.

The 306 membership vote on a strike call followed by exactly one week the resolution which has been set up to the distributors to stop servicing film to theatres in the metropolitan New York district that do not employ members of the IA, or its affiliated locals, mainly 306. The threat involved is the theoretical forms of action, if such service wasn't cut off by the exchanges, with the result that during the past several meetings were held with union officials, including over the weekend.

### Meeting Hastily Called

With the matter remaining status quo the meeting the membership was hurriedly called. Members got notice of the meeting, held at the Manhattan opera house, on Monday morning (13).

There are between 100 and 150 theatres in N. Y. area serviced by the exchanges at this point which do not use members of locally unionized exhibitors comprise the A. H. Schwartz Entertainment circuit and the Springside-Cocchia chain, which employ operators belonging to the Entertainment circuit, a N. Y.-State district or so-called picture houses. Local 306 has sought for some years to end to inspire or to affect a merger with the IATSE union.

There is no avowed IATSE strike time the Schwartz and Springside-Cocchia theatres, as well as scattered theatres, has been subjected to picketing. Schwartz houses are still being picketed.

Theatres have film contractual obligations with these houses and, through the development of the past week has been played the awkward position of facing union trouble if living up to its contracts.

## MPTOA Lauds Zanuck, Nick Schenck For Restricting Players from Air; Raps Radio Critics of Fix and Biz

### RADIO MAN TO PAR

Bit Dark What Use Will Be Made of W. F. Robertson

Paramount Pictures last week signed Wilfred F. Roberts, ex-commercial program manager to Bertha Braines of NBC, to a six-month contract for picture work. He is due on the Coast April 17 with Par so far keeping him in the dark as to where they will use him.

Roberts gets a six-month leave of absence from NBC.

## HEPBURN BUYS SCREEN RIGHTS TO PLAY

Boston, March 14.

Katharine Hepburn herself is the purchaser of the picture rights to the "Philadelphia Story," now close to the actress have revealed. Film star is currently playing the lead in the Philip Barry comedy, which the Theatre Guild is trying out at the Colonial here before taking it to Broadway.

Deal is said to be the first instance of a player buying the screen rights to a legit success well the first time a play has been bought on a percentage deal before production. Understood Miss Hepburn figures on transferring the rights to a major studio, with the stipulation that she retain her present role in the film. If that plan fails through she may produce the picture herself or in association with Howard Hughes working out a releasing deal with a major distributor.

Actress and Barry are said to own a large share of the legit production, with the Guild holding the major interest. Also understood that Miss Hepburn has a run-of-the-play contract with a clause providing for her to stay in the cast through the 1939-40 season, provided the show runs that long.

## Dr. Frenke Pulls Sten Pic from GN; Seeks New Major Release

Hollywood, March 14.

Dr. Eugene Frenke, husband of Anna Sten and producer of her starlet, "Sixty Seconds," cancelled his releasing contract with Grand National and is dickering for a major outlet.

Break was the result of GN's failure to pay Frenke \$25,000. Another reason is the recent decline in GN's sales figures. Pact provided company would keep its sales staff up to fixed manpower.

## Einfield Back West

In the east for a month, Charlie Einfield is returning to the Coast Friday (17). Jack L. Warner, arriving Friday, March 16 more recently to attend the Warner sales conference Monday (15) and Tuesday (Tuesday), may leave the same time or stay on a week or so.

## RKO Seals Stevens

Hollywood, March 14. RKO sealed George Stevens to its new producer out of "Gun." His last picture was "Gunga Din."

Praise for Darryl F. Zanuck and Nicholas M. Schenck for starting to restrict their stars and talent from radio is voiced in the bulletin issued by the Motion Picture Theatre Owners of America, which went out over the signature of Ed L. Kuykendall, president of the association. Commendation for 20th-Fox and Metro executives was given for trying to solve "this difficult problem."

The MPTOA asked supervision of picture players on radio late in 1938, and more than a year ago it called and more than a year ago it called the attention of film producers to the alleged destructive b.o. effects resulting from such talent on the air.

MPTOA stated particularly the prevalence of radio commentators of a commercial nature, the audience for to build up a listening audience for their own advertisement by panning new pictures and praising proven personalities. Statement said:

"It is one thing for the press to appraise and review a motion picture in its editorial columns, but quite another matter for the hired agent of a commercial advertiser on a sponsored radio program to urge the public not to buy a certain piece of merchandise, notwithstanding because in his personal opinion it is no good."

Regarding the whole radio-picture situation, the MPTOA bulletin said: "It's about time that the stars wake up who try to build up a steady money they get on the side out of appearances comes out of their own financial contribution, by trimming their value and shortening their careers on the screen and stage."

## FRANK ROSS AT ROACH TO ALIGN 6 FOR UA

Hollywood, March 14. Frank Ross, production assistant for two years, was upped to assistant vice-president at Roach vice-president of Hal Roach studio, succeeded Milton Brant, who recently resigned.

As v.p., Ross will aid Roach in arranging six-picture program for United Artists release.

## VARIETY

Trade Mark Registered

FOUNDED BY JOHN DILLON

Published Weekly by VARIETY PUBLISHING COMPANY, Inc., 114 West 45th Street, New York City

Subscription: \$10 Per Annum In Advance (Single Copies 15 Cents)

Vol. 194 No. 1

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# Censorship Bill on Tap in Jersey; Six Pix Got Legion's Frown in '38

Trenton, March 14. A renewed move to create a censor board for New Jersey, empowered to ban any exhibition it ruled improper, is back again for legislative consideration. Assemblyman John M. Kerner, Union County Republican, has introduced a bill which would provide for appointment of a three-member board of censors, each of whom would receive annual salaries of \$4,500. Kerner offered a similar bill last year, but it was killed in committee.

**Only Six Condemned**  
In a list of pictures reviewed and classified for the year running from November, 1937, to November 1938, the Legion of Decency found only six pictures to condemn and 32 that were objectionable in part. The six on which the Legion turned thumbs down completely include "Assain of Youth," "Club de Femmes" (French), "It's All in the Mind," "Life of Nina Petrova" (French), "Marriage Forbidden" and "Sad Sultanae."

Of the list found objectionable in part, Warner Bros. and 20th-Fox are listed with five each while U. S. and Par had three each in this classification.

## Va. City Wins Appeal Vs. State on Banning Of 'Birth of a Baby'

Lynchburg, Va., March 14. The state Supreme Court yesterday (Monday) granted the city an appeal in the "Birth of a Baby" censorship case, regarded as a state-wide importance. The question involved is whether an anti-Baby censorship case, regarded as a state-wide importance. The question involved is whether an anti-Baby censorship case, regarded as a state-wide importance. The question involved is whether an anti-Baby censorship case, regarded as a state-wide importance.

## NEW ALBANY BILLS TO AMEND CIVIL RIGHTS

Albany, March 14. Two bills amending the civil rights law in relation to equal rights in public and amusement places, have been introduced in the Legislature. One is by Assemblyman William T. Stearns, Harlem Negro Republican Democrat, and the other, more drastic, by Senator Walter J. Mahoney, Buffalo Republican Democrat. The Mahoney measure, put in 'by request, provides for suspension or revocation of a license if equal facilities to all are not extended. Such equally is made a condition for the holding of a license. The Andrews bill extends the present law on equal rights in places of public accommodation and amusement to public halls and public elevators to retail stores, and establishments and to beauty parlors.

## 'Mikado' to Follow 'Pyg' at N. Y. Astor

The Mikado, film version of the Gilbert-Sullivan opera made in England, is set to follow "Pygmalion" into the Astor theatre, N.Y., with the same top cast as the play in the Universal release. "Pygmalion," however, will probably still enter "Mikado's" with Kennedy. "Mikado" will be sold at a profit by U. S. several weeks after the Astor theatre engagement starts.

# PERCENTAGE DEAL UPPING THE STAKES

## 3 Tax Bills Die

Atlanta, March 14. Amusement business has three-fold reason for joy as Georgia general assembly approaches adjournment Saturday (18). Solons (1) did not pass bill levying luxury taxes, including 2% tax on theatre tickets; refused to allow straight 3% sales tax, which would also have put tax on admissions; and (3) did legislation calling for straight 10% tax on amusements.

# FALSE TEETH NOT DEDUCTIBLE SAYS U. S.

Washington, March 14. Board of Tax Appeals this week continued its educational campaign against film actors, to tell them what can be listed in their income taxes as a proper business deduction and what cannot. Three thousand dollar false teeth, the property of Ned Sparta, dead-end comedian—were deductible. Bodeable, Board ruled Monday (13). Likewise \$2,500 which Tracy asked to have charged from his taxable income because it maintained his family home in Truckee, Calif. But there Trace's mother and niece are living. "It would be difficult to imagine anything more personal than a set of false teeth," the Board contended smugly, after Tracy's Sparta's. Other set the costly chompers were business rather than personal expense. Internal Revenue experts refused to listen to comedian's pleas that the teeth in question were part of a \$2,500 expenditure to two sets of money molars—and were used solely to correct a slight his which appears in advertising contracts. Other set (apparently costing \$500) described as "perfectly good for chewing," but not business use.

No direct relationship found by tax sleuths between Tracy's \$2,500 board-and-room bill and "pittioner's business as a professional actor." Did allow him to deduct \$161 listed as dues to radio engineers, cameramen, etc.

## Albany Gets 'Nother Projectionist Mesure

Albany, March 14. Another and drastic projectionist bill, introduced by Assemblyman Robert J. Crews, Brooklyn Republican, is being introduced in New York City, not only establishes a licensing system for operators and minimum dues requirements for new exhibitors, but makes it a misdemeanor to employ, or permit to operate, an unlicensed man in the theatre's place of public admission where motion pictures are exhibited, with or without charge for admission. Measure also asks employment of not less than two licensed operators in every theatre, and the purchase of the Crews-Phelps projectionist bill through its effect would generally be to require two men in the booth.

## Plan Gumshoe Series

Hollywood, March 14. Further adventures of Sherlock Holmes are planned at 20th-Fox, following an official peek at the House of the Blackbeardies. "Raffles" will be a Rathbone and Bruce (Watson) Nigel are being considered for the series of Conan Doyle yarns.

## Several Major Film Studios Thought Ready to Resume Frank Financing of Stage Plays After Two-Year Boycott

With several major studios on the verge of resuming legit production and others having found a way of getting around the problem, Hollywood's two-year-old boycott of Broadway appears about to be discarded. However, a stand-pat factor by one of the larger companies is understood trying to hold the others to their so-called "secret agreement."

## RECENT BUYS

Several factors have tended to create the present situation. Most important is probably the number of film buys of legit plays on a percentage basis, particularly the pre-production purchase of "The Philadelphia Story." Apparently the picture executives are also beginning to move on the fact that the money backing a Broadway show is entitled to the first bid for the screen rights. Another item is the success of RKO, through Max Gordon, in obtaining the rights to "Abie Lincoln in Illinois" and getting an apparent edge in the bidding for "The American Way."

It also signs thus pointing to an imminent return of Hollywood to legit producing under the terms of the 1936 Interstate Circuit and Basic Agreement, the so-called "Wharton plan," which has been under consideration for nearly a year, is now overshadowed. Sidney Fleischer, Guild negotiator for film sales; Fate Wink, of Warner's; and J. Robert Rubin, of Metro, have been discussing the proposal, which would set the price of film buys in advance, with the actual amount to be determined by the gross for the Broadway show. However, several exhibitors have arisen, chief of which is said to be the studio to a buy or merely give an option.

**Safeguards in Pact**  
Safeguards against the forced closing of productions to hold the amount of film coin paid have been inserted in the tentative agreement. Should the manager desire to continue an engagement while the film is being shot, he could keep the show going. In such instances the weekly film rights payments would cease until another deal could be made in full covering the picture company's claims.

Possibility of taking scripts out of the open market is believed to be the other strong incentive for the picture and patch up the Wharton Republic so that it could operate for all productions other than those listed in the pact.

Although Robert E. Sherwood, Guild president, has stated that negotiation with the exhibitors "Wharton plan" would proceed regardless, he said that he had received information from the exhibitors regarding their boycott of Broadway. Other sources indicate that two and probably three exhibitors might abandon the idea to resume legit producing as soon as possible—this season, if they could get suitable script. Sherwood said to be eager to back Sidney Kingsley's "The Outward Room" with the idea of a legit production.

## Percentage Deals

Prevailing motive in this growing determination to get back into Broadway is said to be the apparent interest in the despised trend toward percentage film deals. Three such deals have been consummated in the last few weeks. While several others are reported in the works. Purchase of "The Philadelphia Story" in (Continued on page 28)

# Sidetracking of Divorcement Measure in Kansas Committee Rated Blow to Indies' Cause

## Death Too Fast

Lincoln, March 14. Quick kill on the theatre divorcement and sales regulation bills in Nebraska almost turned into a boomerang on the film lobby, since some of the senators said it looked 'too good'.

# N. D. OKAYS ON DIVORCE APPEAL

Washington, March 14. Dismissal of the Paramount appeal from the decision upholding the state's repealed theatre divorcement law was tantamount to North Dakota authorities. The U. S. Supreme Court was urged yesterday (Monday) to reinstate the law. The measure was pressed as to the validity of the statute.

In opposition to Paramount's suggestion that the matter be remanded with instructions to reverse its prior decision, the attorney general said the whole title can be forgotten since the act has been repealed, but any expression of opinion as advocated by the majors would be a weapon in attempts to (1) prevent other states from passing comparable measures, (2) bring about repeal of acts elsewhere, and (3) fight the government's anti-trust suit in New York.

## LOBBY TRYING TO STOP NEW PA. AMUSE. TAX

Philadelphia, March 14. Film interests got a powerful lobbying campaign underway when they went in an endeavor to pickle a bill introduced in the state House of Representatives last week, levying an amusement tax to raise funds for unemployment relief. Industry was caught unawares when the bill was introduced in the hopper, but hurriedly marshaled forces to see that it doesn't come out of committee. The bill, introduced by Representative Edwin Winter, Republican, places a one-cent tax on each dollar of admission to film houses, legit theatres, and athletic events. Similar measures in force here are killed by the East administration last year. If passed, the bill will create a double situation for exhibitors. The City Council here took over the impact when the state let it die and now it would be a municipal tax at the same rate.

## Indjuns' Appetites OK

Boise, Idaho, March 14. Keith-Farley, hotel man, was awarded \$1,200 by a federal court, in his suit against Frank Messinger, Metro director, and Locw's, Inc. Farley contended he fed 400 Indians at McCull last summer during location scenes of "Northwest Passage" (M-G). Detendants claimed they had paid for the food. Farley was made a supervisor. Appeal to San Francisco district court is planned.

Regarded as the most important setback to theatre divorcement outside of the Kansas legislation in referring its chain separation statute to the committee on the judiciary, rather than bringing it up immediately for a vote before the senate.

House had passed the measure by a large vote two weeks ago. In view of the fact that the legislature at Topeka adjourns in two weeks, it is felt there may be no action on a vote. Among other things, the judiciary committee ordinarily passes bills by the majority of bills introduced.

## Wash. Divorcement Killed

Seattle, March 14. This state's theatre divorcement bill didn't go very far. It died in committee and didn't get on the calendar. The committee held a hearing at which E. B. Shearer, Le Roy Johnson and L. A. Johnson, managers of the Evergreen Theatres, gave testimony.

There will be definite in divorcing producer-distributor operation or connection directly or indirectly with the theatre in the state, Warner Bros. own three theatres, while 20th-Fox, through Chase Natons, produces and forwards West Coast-Fox Theatres, control on 28 top houses.

## Minn. Drops Divorcement

Minneapolis, March 14. Repeal of the North Dakota theatre divorcement law has caused Northwest allies to abandon in part their campaign to pass a measure by the Minnesota state legislature now in session. The measure was introduced by W. A. Steffes, its president. If the U. S. Supreme court had heard the case in the North Dakota suit to test divorcement's constitutionality, which would have occurred except for repeal, the government's bill would have been on the agenda of the state legislature. A majority of the members were pledged in its favor.

Now, however, it has been decided that nothing is to be gained for the present from pushing a fight to have both laws repealed. In the state, He points out that probably at least three years would elapse before the law would be passed, inasmuch as the Paramount Northwest circuit would be given a year, or more, to divest itself of its 85 Minnesota theatres and then the legislation would be introduced in the federal courts again, the same as in North Dakota, causing, perhaps, the delay of a year. The Paramount continuing to possess and operate the showhouses.

Steffes, who believes theatre divorcement is the industry's most needed reform for independent exhibitors' salvation, points out that if the Government's objectives in the anti-trust suit are achieved in a year, it is possible that a divorce law passed a matter of time before the U. S. supreme court finally will pass on such legislation.

The North Dakota state legislature adjourned without any effort to pass another theatre divorcement law. The legislature also rejected a proposed additional tax on theatre admissions also levied by the yardstick. The bill requiring registration of all its music played in North Dakota and the state to three percent tax on its revenue therefrom. April 19 is the date set for the adjournment of the state legislature. Present indications are that no legislation will be passed affecting theatres.





Honest Man-Rhodes Fine \$22,000, Daughter Vaude Lower Case 27G, Chi Otherwise Fair; H.O.s Scarce

Chicago, March 14. (WB) and 'Honest Man' (U), finished 10 days to bid \$10,400. 'Honest Man' (WB) (2,800; 35-50)—'Wife, Husband' (20th) and 'Ambush' (Par). Only so-so \$9,700. 'Daughter Vaude' (M-G), profitable \$9,000. 'Flirting Fate' (M-G), profitable \$9,000.

DAUGHTER 15G SETS PACE, DETROIT

Bally stemming from N. Y. censorship. Mrs. M. J. ... and Detroit's subsequent okaying of 'Daughter Vaude' (M-G) for its initial showing here at the Michigan. Will lead down town in the Roosevelt, but will have a second week.

Estimates for This Week Apollo (B&K) (1,200; 35-55-75)—'Pygmalion' (M-G) (5th wk.). Has excellent box office at the Palace, and is heading for excellent \$4,000 for its last week. 'Daughter Vaude' (M-G) and stage attraction. 'Honest Man' (WB) and stage attraction. 'Honest Man' (WB) and stage attraction.

Garrik (B&K) (900; 35-55-65)—'Life Society' (Par) (2nd wk.) here from the Chicago, but not causing much of a stir. 'Mystery' (20th), okay \$8,500. 'Oriental' (Blonde) (3,200; 25-40-65)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

'Daughter Vaude 9 1/2, 'Each Other 'Let Live' \$8,000, Indpls. Steady Indianapolis, March 14. Grosses are steady without being particularly strong in any particular instance. 'Made for Each Other' and 'Let Us Live' on a dual at Loew's is registering a tidy profit, while 'Little Princess' and 'Everybody's' are proving similarly satisfactory as a twin bill at the Indiana.

Aided by talk of New York's censorship. 'Daughter Vaude' (M-G) and stage attraction. 'Honest Man' (WB) and stage attraction. 'Honest Man' (WB) and stage attraction.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

First Runs on Broadway (Subject to Change)

Week of March 13 Astor — 'Pygmalion' (M-G) (15th wk.) Capitol — 'The Follies of 1939' (M-G) (Reviewed in Variety, March 8) Criterion — 'Fast and Loose' (2d wk.) Globe — 'Blackwell's Island' (WB) (3d wk.)

Musie Hall — 'Love Affair' (M-G) (Reviewed in Current Issue) Paramount — 'King of Chinatown' (Par) (1st) Rivolt — 'Three Smart Girls Grow Up' (U) (17), 'Roxie' — 'Little Princess' (20th) (2d wk.) Strand — 'Oklahoma Kid' (WB) (2d wk.)

Week of March 23 Astor — 'Pygmalion' (M-G) (15th wk.) Capitol — 'The Follies of 1939' (M-G) (3d wk.) Globe — 'Blackwell's Island' (WB) (4th wk.) Musie Hall — 'The Castles' (RKO) (23). Paramount — 'Tom Mix' (M-G) (2d wk.) Biathe — 'Risky Business' (U) (22). Rivolt — 'Three Smart Girls Grow Up' (U) (2d wk.) 'Roxie' — 'Hound of Baskervilles' (20).

Strand — 'You Can't Get Away with Murder' (WB) (24). Temple \$7,500, 'Culver' NC, PITT

Pittsburgh, March 14. Several pic are handling in swing. 'The Shirley Temple' is being brought back into a high again. 'Princess' at Fulton and getaway presages run that should carry house right into Easter Week and 'East Side Henry'.

At Stanley, Benny Goodman is giving 'Fast and Loose' next but tonight had week-end weather treat will have to hustle to pass Artie Cole. Last week 'Honest Man' 'Honolulu' swinging the Penn well into the black and should finish house well. 'Culver' and 'Hustler' are pretty good \$7,000 in eight days.

Fallon (Shea-Howe) (1,750; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

Rain, Snow Swamp B'way B.O.s; Cagney-Osborne Nice 36G Temple OK 45G, but 'Freedom' Sad 18G

Rain and snow over the weekend did the Broadway theatres no good, but hadn't the weather been what it is, it's doubtful just how much good it would have done. 'Freedom' is doing at the boxoffice anyway. Allowing for the normal drop when snow flies or rain falls, the dip this week is still too severe generally.

'Oklahoma Kid', brought into the Strand Friday (10) when Will Osborne and Stella Barratt started on their holdover, is bucking things rather shabby at \$36,000, or a bit over the little Prince at the Roxy, is doing enough \$46,500 to warrant a holdover. Irving Lesser, 'The Girl in the Red Velvet Shoes', a stronger stage show with the Cagney picture, the strand would no doubt have helped there. However, Will Osborne and Stella Barratt leaves most of the burden of the picture's success in view of the circumstances. 'Oklahoma Kid' will be a second week, the Osborne-Barratt show remaining a third.

Picture changing pictures today in the middle of the Chick Webb (12) and 'The Girl in the Red Velvet Shoes' (12) for two weeks. 'The Girl in the Red Velvet Shoes' (12) and today substitutes 'King of Chinatown'. A gross of \$32,500 with 'Die' (12) and 'The Girl in the Red Velvet Shoes' (12) is a little profit. With the picture on the Strand this week of the stage show, plus the house may pick up on Monday. The holdover of 'Wife and Husband' (20th) acts of the picture, and 'Chuckles and Jigsaw Jackson' are being held over the pit show today (Wednesday).

'The Girl in the Red Velvet Shoes' (12) which got \$83,000 last week, is getting right business. 'The Girl in the Red Velvet Shoes' (12) which got \$83,000 last week, is getting right business. 'The Girl in the Red Velvet Shoes' (12) which got \$83,000 last week, is getting right business.

Estimates for This Week Astor (M-G) (14th wk.) Still good, possibly \$14,000. 'The Girl in the Red Velvet Shoes' (12th) \$11,000. 'The Girl in the Red Velvet Shoes' (12th) \$11,000. 'The Girl in the Red Velvet Shoes' (12th) \$11,000.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

city and Hal Kemp-Tony Martin combination was \$35,000. Radio City Music Hall (5,900; 40-45-90)—'The Girl in the Red Velvet Shoes' (12th) and stage show (2d final wk.). Gets box office of \$17,000 on the picture, pulling out \$83,000 the first week. 'The Girl in the Red Velvet Shoes' (12th) and stage show (2d final wk.). Gets box office of \$17,000 on the picture, pulling out \$83,000 the first week.

Biathe (2,600; 25-30-40)—'Saint Strider' (RKO). Reissues of 'Star at Midnight' (RKO) and 'Lost Patrol' (RKO) today (Wed.) replace this one. 'The Girl in the Red Velvet Shoes' (12th) and stage show (2d final wk.). Gets box office of \$17,000 on the picture, pulling out \$83,000 the first week.

Rivolt (2,600; 25-30-40)—'The Girl in the Red Velvet Shoes' (12th) and stage show (2d final wk.). Gets box office of \$17,000 on the picture, pulling out \$83,000 the first week. 'The Girl in the Red Velvet Shoes' (12th) and stage show (2d final wk.). Gets box office of \$17,000 on the picture, pulling out \$83,000 the first week.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

'Blues' Dual 8 1/2G, Daughter' Slight \$5,500, Omaha Off

Omaha, March 14. Grosses reflect the effects of damp and sloppy weather with Ru and 'Even 'Yes' My Darling Daughter' (WB) and 'The Girl in the Red Velvet Shoes' (12th) plus the picture, pulling out \$83,000 the first week.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

LAUGHTER AT \$9,200, FIFTY IN MILWAUKEE

Milwaukee, March 14. Top grosser this week is the 'Beschermer' at the Palace, which is making up for several weeks of below average biz at that house. If summary returns last to the week, 'The Girl in the Red Velvet Shoes' (12th) and stage show (2d final wk.). Gets box office of \$17,000 on the picture, pulling out \$83,000 the first week.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

Circle (Katz-Dolle) (2,600; 25-30-40)—'The Stranger' (M-G) and 'I Am Convinced' (WB), plus vaude. 'Honest Man' (WB) and vaude. 'Honest Man' (WB) and vaude.

'Daughter'—Kysner, \$40,000, Record Cleve. raw Despite Conventions

Cleveland, March 14. Not only is the national governing committee pulling together in Lakeside Hall, but Arena is hurting...

Table with 2 columns: Title, Grosses. Rows include Broadway Grosses, Estimated Total Gross, and Total Gross Same Week.

TEMPLE \$12,500 IN 2 R. C. SPOTS

Kansas City, March 14. Rash of story lines has broken out this week, although tendency...

'Huck' 4G, 'Daughter' \$4,300 Lead Lincoln

Lincoln, March 14. 'Huck Finn' and 'Daughter' got away strong for a nip and tuck...

Opening date on the Nebraska is doing moderate to average. Opening date on the Nebraska...

'Okla. Kid'-Lopez Big \$29,000, Philly; 'Temple,' 'Culver,' 'Follies All Floppo

Table with 2 columns: Title, Grosses. Rows include Philadelphia, March 14, Snow and sleet over the week end...

PGV DUAL 34G. 2 HUB HOUSES

Pyramion's Boston, March 14. 'Beauty for the Week' (WB) (14-40)...

'HONEST MAN' \$100,166 D. C.

Washington, March 14. Balmly weather has kept 'Honest Man' worried about early spring sending...

Pyre \$15,000, Temple \$4K, but Baltimore's B.O. Weak at Night

Baltimore, March 14. Smart handling of 'Pyramion' at the Lewis Century, sends 'Honest Man' into commanding lead...

'BENGAL'-VAUDE \$7,000 IN DROWSY MONTREAL

Montreal, March 14. Houses suffered from a week with local hockey scramble billing deep into cash amusement funds...

K. C.'s 1st-Rm Situas Becomes Quite Complex

Kansas City, March 14. With the change of policy in the Field operation within amusement...

REP'S 5-WEEK STYMIE FROM LACK OF YARNS

Hollywood, March 14. Shortage of stories caused a week production slow-down at Republic...

'IDOL' \$182G, \$15K—'Service' Dual \$14,800

Excellent bill at Loew's Metropolitan (20th) and 'The Girl in the Sock'...

SEASOCKER Hull

Hollywood, March 14. 'Miracles for Sale' is the first of a series of mystery shockers to be directed by Ted Browning...

Closing of Minnesota Improving Mpls. B. O.

Minneapolis, March 14. Paramount's Northwest circuit downtown Minneapolis and St. Paul...

SNEAKER Hull

Hollywood, March 14. 'Miracles for Sale' is the first of a series of mystery shockers to be directed by Ted Browning...

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Criminal Garber Corking \$15,000, Mpls., 'Folies' '6G, 'Blondie' \$4,000

Minneapolis, March 14. There's a rift in the clouds here...

Estimates for This Week: Aster ('Par-Singer') (900), 15-25...

Estimates for This Week: Brewer (Lover-Four) (1,500), 15-30-40...

Honest Man-'Wharf' Pace Seattle, \$6,500

Fifth Avenue Seattle, March 14. 'Stagecoach' won out over 'Beachcomber'...

Estimates for This Week: Blue Moose (Hannick-Evergreen) (800), 15-25-40...

'keters' (20th) and 'Chan in Honolulu' (20th)...

Tast' 6 1/2 G 'Wife' '6G, as Opposit Nips L'ville \$1,000

Louisville, March 14. Current week is presenting a broader picture...

Estimates for This Week: Brewer (Lover-Four) (1,500), 15-30-40...

Wife, Husband' \$16,500, Corrigan '13G, 'Each Other' \$11,000, Frisco OK

San Francisco, March 14. Best bit at the local downtown houses since the Golden Gate Expo...

PG' NICE \$5,500 IN OKLA. CITY; 'ULUW' '6G

Oklahoma City, March 14. 'Pymon' failed to go far with well-planned ballbowl at Midway...

'Pymon' (M-G), Nice \$5,500 in eight weeks...

Buffalo, March 14. Ted Lewis is pepping up returns at the Buffalo currently...

WIFE-LEWIS \$20,000, BUFF.

Buffalo, March 14. Ted Lewis is pepping up returns at the Buffalo currently...

Pyg' Strong \$11,000, Eagle, Hawk' \$8,400 On Reissue, Denver

Denver, March 14. Aided by nice weather, the first-run films have nothing to complain about...

Wife, Husband' \$16,500, Corrigan '13G, 'Each Other' \$11,000, Frisco OK

San Francisco, March 14. Best bit at the local downtown houses since the Golden Gate Expo...

'Stagecoach' \$23,800, 'Topper' \$23,000 Only L. A. Bright Spots; 'Society' Weak 13G, Total Grosses Off 95%

'Wings Navy' (RWB), Fair \$6,600, last week...

Rainy Cincy B.O. 'Soggy' 'Society' Leads at \$10,000

Cincinnati, March 14. B. apples and week-end bit dampened by rain Saturday (11) and Sunday (12)...

Estimates for This Week: Albee (RKO) (3,800), 35-42-1...

Crawford Dub \$12,500, 'Okla. Kid' '6G; Prop. Improving

Providence, March 14. Better than expected for fair helping stands nicely despite Lenten season...

Los Angeles, March 14. Topper hits 'Stagecoach' and 'Society' by its own spin-off leaders...

Chinese (Grauman-FWC) (2,650; 30-40-55) - 'Stagecoach' (UA) and 'Frisco' (RKO)...

State (Lover-Four) (2,114; 30-40-55) - 'Topper' (UA) and 'Secret Service' (RKO)...

Estimates for This Week: Honest Man' (U) and 'Secret Nurse' (U)...

State (Lover) (3,200; 25-35-50) - 'Crying' (UA) and 'Society' (UA)...

THE FIFTH \* OF THE HITS IN



Deanna

DURBIN

Nan

with

Helen

GREY PARRISH

in

"3 SMART GIRLS

with

Robert

CUMMINGS



Charles

WINNINGER

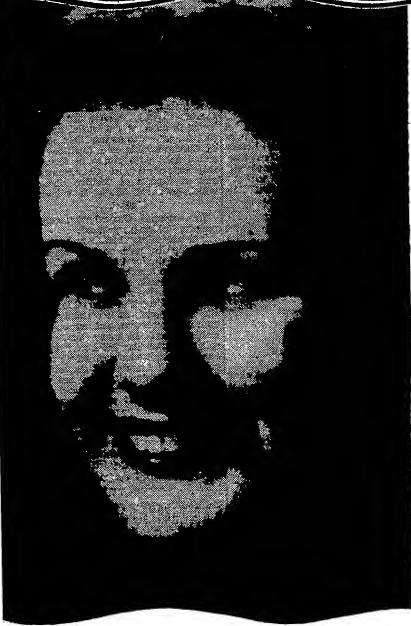
William

LUNDIGAN



\*...AND BY FAR THE

**MOST AMAZING SERIES OF BOX OFFICE  
THE HISTORY OF MOTION PICTURES!**



**Deanna  
sings your  
favorites!**

# GROW UP"

*Pre-release  
MARCH 24  
Regular Release  
APRIL 7*

*Produced by* **JOE PASTERNAK**  
**A HENRY KOSTER production**

*Original screenplay by Bruce Manning and Felix Jackson  
Directed by Henry Koster*



# GREATEST!

**THE NEW  
UNIVERSAL**

# Requirement That Anglo Exhibitors Must Show 2 1/2% Home Productions Brings Claim They Can't Fill Quotas

With the Films Council, set up to regulate and operate the British Quota law, returning demands that the picture quota percentages (against foreign companies, principally U.S.) be increased, American homeoffice officials are watching the new struggle with keen interest.

The quota on foreign distributors automatically increases on April 1 from 15 to 20% but only for films they must either buy or make in England. However, the laborites complain are seeking ever higher percentages in hopes of increasing production. One group wants to eliminate the \$75,000 per quota per single-credit film. This naturally would vastly increase production in Great Britain since it would make possible a return of the old quota law. The law which became effective last April, eliminated quickie production by establishing at \$75,000 the minimum clause or virtually setting up a total minimum of \$75,000 per quota feature.

**Production Down**  
Figures from London show that production in England has plunged under the new British Quota law. Under the old Quota law, there were 220 features made in 1937, there were 220 features made (four months under old law and eight months under new) for 1938. In 1938 presumably swelling the total there were 120 features actually finished or contemplated for 1939.

One recent development in England is that exhibitors claim they haven't enough British features to fill their quotas. An exhibitor in England must show 15% of his feature films if he is using foreign pictures. There is no stipulation that he must not use foreign films for the rest of the program. American distributors in Great Britain must make or buy a percentage of British pictures to distribute in England.

Exhibitor group of the said party has expressed the support of the labor party in order to get changes in the Quota Law. If the quota is changed, it now appears that the labor party will be by lowering the minimum requirements at least to make it around \$15,000 for labor costs. Even then this additional production quota would have to be financed by U.S. capital in other ways.

British producers are experiencing extreme difficulty in getting backing. Consequently, the bulk of production in England now is being financed by American coin.

**Satisfied with Quota**  
Conservatives in England are inclined to express satisfaction over the present Quota law because it has improved the quality of British production and has made money out of England and enhanced the prestige of British pictures in the world market. When good pictures such as "The Sign of the Cross," "The Four Horsemen of the Apocalypse," "The Scarlet Empress," "Lady Yahlishe," and "Yank at the Eagle" lead from the current Quota Act American officials are usually the reason for reviving the argument that the American market is closed to such films. It is felt that a picture has merit it will be received as favorably as in Britain. British pictures not being shown in some of the best first runs in the U.S. is the aid.

If the minimum is knocked down for British quota pictures, it is indicated that American exhibitors would change their tactics in turning out costly films in Great Britain. Where they would make in England or buy from British producers minor films for spotting on programs in the U.S. as "B" pictures remains in doubt.

## New Mex Film Tax

**Mexico City, March 14.**  
Picture men have been hit by a special income impost. Nick is 5% and must be paid by everybody who makes money out of the exploitation of pictures. American distributors have taken no action and are waiting for a final decision of the Ministry of Finance on the request for appeal of a ruling made by the Mexican Picture Producers Assn.

## Canadian Bill Would Co-ordinate Govt. Depts.

**Montreal, March 14.**  
Co-ordination of the film activities of all Canadian governments under one board is provided for in a bill sponsored by Trade Minister Euler and discussed in preliminary resolution stage in the House of Commons last week. The bill would set up national film board of eight, composed of two Cabinet members, three civil servants and three others, none of whom would be salaried. Executive committee would be the only official, with Minister of Trade and Commerce the chairman.

## INDIA MARKET FOR U. S. PEX GROWING

**Calcutta, March 14.**  
Although India is the biggest market of motion pictures in the world next to U. S., as far as quantity is concerned (Japan outranks both), there is the least interest distributed there in 1938 were American productions, or about 62% of the total. Indian-made films represented 22% of the total, and the British 16%.

Significant part of this market is being stirred up by the fact that it reveals India as a splendid market. Figures for 1938 show an increase of 44 pictures over 1937, when 179 American pictures were distributed. The 1938 total was 167.

Opening of the deluxe Metro theatre was started up by native exhibitors, who realized that an up-to-date house would probably force the reduced interest in picture by India societies were firm in voicing their resentment, but it was considered regardless. Payoff is that the native India theatres now are making more money than ever before and the retooling is held accountable.

This so-called theatre invasion, plus revelation of the progress made by U. S. distributors in this country, has produced interest in picture by the Indian Motion Picture Congress against the American film industry. The Congress has been formed, modeled along lines similar to the British Film Institute.

## Queensland, South Aussie Follow N.S.W. Trend to Restrict Distribs

**Sydney, Feb. 25.**  
Queensland and South Australian exhibits are now yelling for distrib legislation similar to that operating in New South Wales. The Motion Picture Distrib. Assn. in order to prevent such restrictions in 1939, had almost agreed not to oppose the 10% right of selection, a standard form of contract and ban on the 10% right of selection. Agreement could not be reached with the ranks, and so the proposals were dropped.

One prominent N. S. W. exhibitor stated that had the MPDA recently asked for the right of selection for all exhibs, the current trouble would not have cropped up. The distrib has been asked to advise the MPDA had definitely turned exhibs

## Laurence Sails Back; Eckman Holds Over

Ludwig 'Laudy' Laurence, Metro Continental representative, with headquarters in Paris, sailed for New York on Saturday (11) after four weeks of conferences in New York with executives of Sales and picture conditions abroad were discussed with Arthur M. Loew and other studio executives.

Sam Eckman, manager in Great Britain who is also here conferring with executives, is to return to his post until after the company's convention in Chicago, starting March 19.

## Picture Biz Holds Up Well in Spain Despite Warfare

Film theatre patronage in war-torn Spain during the last few months has kept up amazingly, according to reports received in New York by Metro, Paramount and Warners. This situation prevails even though many films are so old and have been revived so frequently that they are almost unrecognizable. With the peace-time government expected soon, the continued popularity of American product, described as encouraging for U. S. companies. However, this big business has not led to the same success as other companies so far, because the money has not been withdrawn from the country.

The coin also is of doubtful value, and even with the restoration of peace it's extremely questionable if it will ever approach its original face value on the exchange.

## U. S. SUBMITTED 403 PEX TO AUSSIE IN '38

**Sydney, March 14.**  
American distributors submitted 403 features to the Australian market in 1938. The Commonwealth Film Censors report shows that a total of 467 features were submitted during the year. Cuts were made in approximately 167 pictures, compared with almost double that number in 1937.

Censor body found a downward trend in objectional material, with decrease chiefly to an improvement in American films. The percentage of elimination of English films doubled that of the American product.

## McConville to Mex City

J. A. McConville, Columbia's foreign manager, left Friday (10) for Mexico City to confer with studio's manager, S. Kuehl. Charles Roberts, homeoffice supervisor for Latin-American.

McConville will visit Havana, Porto Rico and Jamaica before returning to New York next month.

# Foreign Market Dipped in '38, U. S. Commerce Dept. Reports; Biz Looms as Stable for 1939

## 'Running Riot' to Tour; Henson Set for S. Africa

'Running Riot', which just finished a run at the Gaitey, will tour the continent of Africa with Leslie Henson, the star, then taking a trip to South Africa to play a repertory season of musicals with support to be lined up locally. Latter tour is expected to last another 12 weeks.

On return, Fifth Shepherd, who presents Henson, is expected to have a three ready for him.

Meanwhile, Shepherd does not intend to abandon the Henson supporting troupe, comprising Louise Brown, H. C. Hearn, Frank Emery and Roy Royston. These will stay intact, doing another musical, with Stanley Lupino replacing Henson.

## SEE FAILURE OF MONOPOLY IN JAPAN

Despite alarming reports that have cropped up during the past year, latest information received in New York from Tokyo indicates that the plan to adopt a government film monopoly in Japan will fall through. The government monopoly proposed here before the Diet, which means this spring.

Japanese picture industry officials are dissatisfied over the way the government monopoly in Manchukuo was carried out. They have been made to get U.S. distributors to handle product for that territory, according to the monopoly terms. The plan, however, has turned it down, one of the main reasons for the failure of the monopoly.

## Kelly Coming Back

Arthur Kelly, United Artists foreign manager now in Europe, is expected to return to the U. S. in April. He has been absent on business in Europe and South Africa since the first of the year.

Kelly is going over the situation in Central Europe and England at the present time preparatory to sailing in a few days.

## Current London Plays

- "Me and My Girl," Victoria Palace—Dec. 16, '37.
- "Room for Two," Comedy—Sept. 6, '38.
- "Dear O'Connell," Queens—Sept. 14, '38.
- "The Corn Is Green," Duchesne—Oct. 1, '38.
- "When We Are Married," St. Martin's—Oct. 19, '38.
- "Quiet Wedding," Shaftesbury—Oct. 14, '38.
- "The Sign of the Cross," Vaudeville—Oct. 19, '38.
- "The Appointment," St. James—Nov. 22, '38.
- "Under Your Hat," Palace—Nov. 25, '38.
- "No. 6, Aldwych—Dec. 21, '38.
- "They Walk Alone," Shaftesbury—Jan. 7, '39.
- "Majesty Melody," His Majesty's—Jan. 7, '39.
- "Design for Living," Haymarket—Jan. 7, '39.
- "Draws a Horse," Criterion—Jan. 28, '39.
- "The Apollo—Jan. 31, '39.
- "French Without Tears," Piccadilly—Feb. 5, '39.
- "Little Ladyship," Lyric—Feb. 5, '39.
- "To Love and to Cherish," Kingsway—Feb. 21, '39.
- "Garrick—March 2, '39.
- "Robert's Wife," Savoy—March 6, '39.
- "We at the Crossroads," Globe—March 6, '39.
- "Black and Blue," Hippodrome—March 6, '39.

## Washington, March 14.

American film's preeminence in the foreign exhibition field was offshoot in 1938 as a consequence of the rising tide of nationalism around the world, plus heightening of spirit in countries with restrictive means that U.S. product now is used only 65% of the time abroad, according to Nathan D. Golden, chief of the Commerce Department's motion picture division.

Under the 1938 law, the reports shows that, while American reels continue to enjoy widespread popularity throughout the world, exporting factors—such as the Hitler grab of Czechoslovakia and Austria—resulted in a 51% slump in footage shipments of all types. Only increase was in exports of positive prints, which amounted to 65% in volume.

## Obstacles

In discussing the whole foreign picture, Golden commented: "The picture which have been of diverse sorts, have more or less demonstrated the local amusement business. Transfers of territories have involved drastic changes in the circumstances of the market. The picture trade—the intangible psychological factors of uncertainty and suspense have been a most appreciable effect. In many cases, the spirit of nationalism has been heightened to the disadvantage of picture trade such as American films, whose appeal is ordinarily designed to show an American life.

'During the past year the ardent fanning of that spirit of nationalism has meant in numerous countries, an ever-increasing fervor and energy in the attempt to build up the struggling picture industry in their own industries which, despite their obvious

(Continued on page 54)

## LONDON OKAYS BLACK MUSICAL

**London, March 14.**  
George Blain's musical "Black and Red" was given the go-ahead at the Hippodrome here Wednesday night. It's a low-comedy musical in several respects, but termed after Palladium's "Crazy Rhythm" and "The Boy Who Sings." It stars Billy Day and Vic Oliver. Bob Bromley, Max Wall and Cass, Owen and Tony are featured.

'We at the Crossroads,' following a week's tryout in Brighton, opened at the Globe Thursday night (7) but showed itself to be unlikely. If sincerely written by Keith Winter, "The Appointment" is a low-comedy against indifference. H. M. Tennent, Ltd., produced.

Cooperative arrangement for continuing "Jealous God" has proved unsuccessful. The play closed Saturday (11) at the Lyric. It may be succeeded by "Little Ladyship," transferred from the Strand. "Tony Draws a Horse" currently is running, is switching to the Strand.

"The Sign of the Cross" closed at the Saville Saturday (10) but will be replaced March 21 by "Johnson's New Joke," which is reopening. "To Love and to Cherish," scheduled to close Saturday (11), closed at the Strand. "The Appointment" closed voluntarily to forego a second week.

## Lachman's 'Dardanelles'

**Paris, March 14.**  
RAC (Realization Arts Cinematographique), French producer, has signed Lachman's "Dardanelles." Pictures will be made at the RAC studios.

Negotiations are on for signing Stan Laurel for a comedy role.

## Delay Cafe Opening

**London, March 14.**  
Despite Clore & Reddie's announcement that they're opening the "Cafe" at the Strand, it is understood that an official receiver is intervening. It's claimed that \$80,000 is due Clifford C. Fischer.

**'DODGE CITY'  
APRIL 8!  
FLYNN!  
DE HAVILLAND!  
AND 1,000's!  
TECHNICOLOR!  
TERRIFIC!!!  
WARNERS!**

LOVE AFFAIR

(WITH BOWERS)

REO release of Leo McCarey production. Stars Irene Dunne, Charles Boyer, Harold Arlin, and Maurice Moscovitch. Screenplay by E. C. Dougherty. Directed by Leo McCarey. Running time: 87 minutes.

Leo McCarey's initial production for a picture company offers an entirely new approach to what has become accepted first-rate formula of boy-meets-girl. First it is described as romantic comedy, while its second portion switches to drama with comedy.

Attractive selling title, combined with the names of the stars, Irene Dunne and Charles Boyer to attract initially, indicates picture success. The security tempo maintained throughout, plus the chance for a big ending along the way. It's a B. chances look good.

Miss Dunne is excellent in a role that requires both comedy and dramatic ability. Boyer gives a particularly effective performance in the modern Casanova. His casual and assured love scenes are handled with such attention of the femmes.

The stars carry the major portion of the picture, with the supporting appearing briefly. Maria Ouspenskaya provides a good background as the mother in Bob's grand-mother in Berlin. Although prominent support is given to four players, several uncredited bits are given additional attention.

Miss Dunne slips to Philadelphia in a night which she is applying herself to painting. While on her way to keep try on appointment with Miss Dunne, she is in a traffic accident. Faced with life of a girl, she is left with a broken leg to explain. On convalescence, she meets Bob teaching at the orphanage. They separate on docking with pack to meet in movie theater spot in New York.

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Production is of a quality which will hold the attention of the audience. Miss Dunne maintains a high standard.

ney's name and draw, rather than story or production, neither of which is commendable.

Small-time loveable hook of a small-time western are included in this film. Set in the title role, plays a western Robin Hood without variations. The picture is a little more than its incongruous in the chaps-and-drawers style. The dialogue, play and dialog, plus slow-paced direction, don't help matters, and the ending of the story falls into another hoax copy.

Failure of the writers to maintain the story's historical points, switching instead to blood-and-thunder, and organized banditry, the unmasking of Cagney as the blacksheep son of Tulsa's banker and brother of Tulsa's sheriff; Cagney's revenge on the banker; and his fight with the father; had shot his brother. Not even the love interest is maintained.

Some of the picture's bits are completely unconvincing. The portion where Cagney single-handedly coveys a couple of dinosaurs to the circus is a case in point. The gambling scene, about 30 men are sitting at a table, and the banker pulls his guns, but they all merely raise their hands. The picture's only advantage of the target his back performs, and despite the fact that there's a lot of money in the picture, and goes as he wishes; invades the judge, kills sundry badmen, but the picture is a case in point.

Lloyd Bacon's direction is slow in this instance, but it's probable the picture is a case in point. Photography is only average. The picture is a case in point.

Important is the uncovering of Clarence Fitzgerald as a new screen potential. Actress, in her first film effort, shows exceptional possibilities in her future.

Director by Edmund Goulding. The picture is a case in point. Photography is only average. The picture is a case in point.

Warner release of David Lewis production. Stars Betty Davis, George Brent, Humphrey Bogart, and Edward Pawley. Screenplay by E. C. Dougherty. Directed by Edmund Goulding. Running time: 87 minutes.

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MINIATURE REVIEWS

'Dove Afloat' (RKO). Irene Dunne stars in a Mississippi riverboat comedy drama; romantic comedy drama; satisfactory.

'Dark Victory' (WB). Bette Davis stars in a tear-jerker; moderate comedy, for dueler support and critics.

'Zenobia' (UA). Oliver Hardy stars in a comedy; moderate comedy, for dueler support and critics.

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'Zenobia' (UA). Oliver Hardy stars in a comedy; moderate comedy, for dueler support and critics.

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SHINE ON, HARVEST MOON

Responsible protection and release. Stars Roy Rogers, Natone Ray, Lela Lee, and Maurice Moscovitch. Screenplay by E. C. Dougherty. Directed by Leo McCarey. Running time: 87 minutes.

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THE OKLAHOMA KID

Warner Bros. production and release. Stars Roy Rogers, Natone Ray, Lela Lee, and Maurice Moscovitch. Screenplay by E. C. Dougherty. Directed by Leo McCarey. Running time: 87 minutes.

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ZENOBIA

United Artists release of Hal Roach production. Stars Oliver Hardy, Stan Laurel, and Charles Chaplin. Screenplay by E. C. Dougherty. Directed by Hal Roach. Running time: 87 minutes.

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CRISIS

Arthur Murray release of Herbert Kelleys production. Stars Roy Rogers, Natone Ray, Lela Lee, and Maurice Moscovitch. Screenplay by E. C. Dougherty. Directed by Leo McCarey. Running time: 87 minutes.

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# CLAUDETTE COLBERT

# DON AMECHE

# JOHN BARRYMORE

# FRANCIS LEDERER

# MARY ASTOR



*Are all in the* **BRIGHTEST, GAYEST, GRANDEST**  
**COMEDY THE SCREEN HAS SEEN IN YEARS!**

# "MIDNIGHT"

*and of course*



## IT'S A PARAMOUNT PICTURE



CLAUDETTE COLBERT · DON AMECHE

*"Midnight"*

· JOHN BARRYMORE · FRANCIS LEDERER · MARY ASTOR



CRISIS (Continued from page 18)
ence to Nazi terrorism, but nothing on the screen substantiates the charge. As is to be expected of this type, the commentary is a matter of mere eye-spy. One example of bits permitted to stay in are protrusions and closeups of puppet show actors.

WATER RUSTLERS (WITH SONGS)
Grand National release of Leo Liberman production. Features Dorothy Payne, Charles Lane, Robert Hood, Directed by Samuel Gold. Screenplay: Arthur Hays Sulzberger, Jr. Music: Al Sherman, Walter Green, Fred Astaire, Gus Arnheim, Ed. Healy, Irving Berlin. Running time, 70 mins.

Water Rustlers is a western cheapie which only redeeming feature is Dorothy Payne. Directed by Samuel Gold. Screenplay: Arthur Hays Sulzberger, Jr. Music: Al Sherman, Walter Green, Fred Astaire, Gus Arnheim, Ed. Healy, Irving Berlin. Running time, 70 mins.

Miss Page, who's done radio singing, get by further film schooling, but right now there's not much support behind her to show of whatever talent she may possess. She sings plausibly, but not as the times would require. Supporting Miss Page are David Owen as the young lieutenant and Vince Barnett, for the comedy relief, both of whom do as well as may be expected.

Sundown on the Prairie (WITH SONGS)
Monogram production of Edward J. Galt. Features William Hopper and Al Herman. Screenplay: William Hopper and Al Herman. Music: Al Sherman, Walter Green, Fred Astaire, Gus Arnheim, Ed. Healy, Irving Berlin. Running time, 70 mins.

And Tex Ritter westerns have a habit of being cranked through together, the timing the studio's publicity and collections to date is 'Sundown.' It may be taken chances on western settings, having a longer stand.

The Gang's All Here (BRITISH-MADE)
London, March 4. Stars Jack Buchanan, Ted Dwyer, Edward G. Robinson, Fred Astaire, Ralph Bellamy, George Formby, Jr. Running time, 70 mins.

for a large insurance company, and never takes anything seriously, even when he is ably partnered with Edward Everett Horton as his brother in the farcical comedy named something in America as Otto Kruger. The story and the method of telling have in it innumerable gags which are carefully selected and cast and have a certain amount of consideration for the U. S.

LET'S BE FAMOUS (BRITISH-MADE)
London, March 4. Associated British production. Stars: Joan Crawford, Robert Montgomery, Alice Faye, George Formby, Jr., and others. Running time, 70 mins.

This is a new theme for British film and one of its most popular in Hollywood—the frantic race of rival studios and producers to outdo each other for their broadcasting. Hence, it's only likely to attract a limited audience in this postmaster-jockey-all-trades in his native land.

Q PLANES (BRITISH-MADE)
Columbia release of John Asher production. Features: Laurence Olivier, directed by Frank Williams. Jack Wild, Robert Newton, and others. Running time, 70 mins.

Q Planes, another of the war-time action pictures, is a rather good one. It features Laurence Olivier and Valerie Hobson. The picture is a rather good one. It features Laurence Olivier and Valerie Hobson.

in the present vehicle Jack Buchanan has a role somewhat similar to the one he has in 'Sundown' or 'Grab.' But in this one he's more at ease. He plays a private detective.

MIND OF MR. REEGER (BRITISH-MADE)
London, March 4. Grand National release of Gama Film Productions. Stars: Wynne Evans, Robert Hood, and others. Running time, 70 mins.

Jeffrey Bernard inaugurated his new Grand National distributing office in London with a trade show titled 'The Mind of Mr. Reeger,' starring Will Fyffe. It is a benevolent old man, but is actually an ace detective.

I MET A MURDERER (BRITISH-MADE)
London, March 4. Grand National release of Gama Film Productions. Stars: Wynne Evans, Robert Hood, and others. Running time, 70 mins.

Effective arguments in favor of censorship are made in this picture. It is a rather good one. It features Wynne Evans and Robert Hood.

THE FOUR MILLION (BRITISH-MADE)
Garden Film release of Jola Veins production. Features: Fredric March, written by Dudley Nichols. Running time, 70 mins.

This picture was made to cash in on the anti-Japanese sentiment in its struggle against Japan. It measures up okay in comparison to other anti-Japanese pictures.

was neatly done by a capable group. Because the film makes little pretense of anything except being a propaganda for China in its struggle against Japan, this picture is not for those advocating outright propaganda on screens.

Discretion—Ehrenscap (Discretion—Word of Honor)
Columbia release of Gama Film Productions. Stars: Wynne Evans, Robert Hood, and others. Running time, 70 mins.

German-speaking audiences will like this picture, but they're not familiar with the language. It is tiresome and lengthy, with a superfluous and boring ending.

THE SUN SHINES (HUNGARIAN-MADE) (WITH SONGS)
Munich production of Paganus production. Features: Zita Selezky, and others. Running time, 70 mins.

Another case of a good play being ruined by a mediocre director. The leading bigbow dramatist, Gustav Guller, has his own play, but also active in production.

Ninacneck Velenetek (Accidents Don't Happen) (HUNGARIAN-MADE)
Munich release of Hunan-Munich production. Features: Zita Selezky, and others. Running time, 70 mins.

Hunac neck Velenetek is a rather good one. It features Zita Selezky and others. It is a rather good one.

Morgen Gant Het Beter (Tomorrow Will Be Better) (HUNGARIAN-MADE)
The Hague, March 4. Prime release of Steendam production. Features: Zita Selezky, and others. Running time, 70 mins.

It's the story of a student who, after her father's death, looks for work and has a job as secretary to the program manager of a broadcasting corporation.

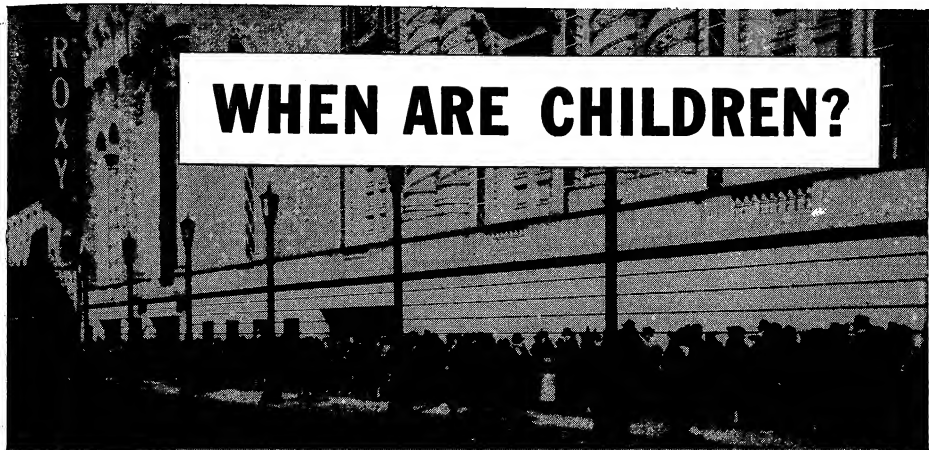
DER GRUENE KRAUSCH (The Green Emperor)
Columbia release of Karl Schultze production. Features: Zita Selezky, and others. Running time, 70 mins.

The mysterious death of the Belgian banker, Loewenstein, was partially adopted as the plot for an excellent thriller.

Zita Selezky is a rather good one. It features Zita Selezky and others. It is a rather good one.

SEZENGY GAZDAGOK (The Poor Rich) (HUNGARIAN-MADE)
Munich production and release. Adopted from the novel by Jozsef Balassa. Directed by Jozsef Balassa. Running time, 70 mins.

Another example of a brilliant subject badly handled because the playwright adhered too slavishly to the text. It is a rather good one.



There are five youngsters visible in the photograph showing the line waiting to get in to see "The Little Princess" at the Roxy, N. Y. Can you find them?

# THE ROXY HOLDOVER, AS ELSEWHERE,\* IS BASED ON ADULT APPEAL!

*\*Already held over in Boston, Richmond, Cincinnati! Smash business reported in San Antonio, Houston, Toronto, Miami, Pittsburgh! Despite nationwide "flu" epidemic!*

# THE LITTLE PRINCESS



# SHOWMEN

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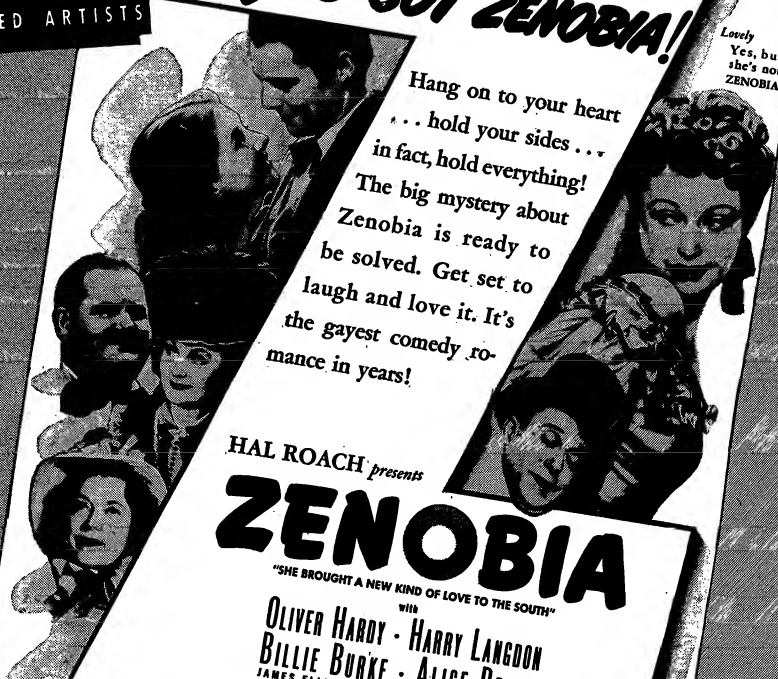
## ZENOBIA

Who is she? Why the girl who inspired Hal Roach's hilarious hit . . . released thru UNITED ARTISTS

*It's GOT LOVE..  
It's GOT ZIP..  
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Hang on to your heart . . . hold your sides . . . in fact, hold everything! The big mystery about Zenobia is ready to be solved. Get set to laugh and love it. It's the gayest comedy romance in years!

Lovely  
Yes, but  
she's not  
ZENOBIA



HAL ROACH presents

# ZENOBIA

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JAMES ELLISON · JEAN PARKER · JUNE LANG  
STEPAN FETCHIT · BOB BOYD · CHAS. CHASE  
Directed by ROBERT ROSSER · Released thru UNITED ARTISTS

# Iowa Bill Would Levy 5c Tax On Each Bank Nite Admission; Wisc. Measure to Outlaw Games

Des Moines, March 14.—A bill which would legalize bank nights in Iowa, and levy a tax of five cents on each bank night ticket sold, received approval of the Iowa House of Representatives today. The measure would prohibit Iowa banks from advertising their bank nights and would give the state a duty of five cents on each bank night ticket sold.

The bill's original provision for a 10c tax per ticket was withdrawn down because the committee recommended passage of the measure.

Bank nights in Iowa now have legal status on the grounds that persons are eligible to win awards without purchasing a ticket and attend the performance free of charge. The bill prohibits all free bank night registrations.

Judge's bill would prohibit theatre operators from passing on the tax to the movie patrons by requiring that regular prices be charged at bank night performances. He said he believed the bill would yield at least \$1,000,000 a year, the revenue to be used for the old age pension fund.

Another bill, which would outlaw bank nights and other similar games, was virtually killed when the house police regulations committee issued an 'outlaw' report.

**U Raises Salemen**

In keeping with its policy of promoting growth within the ranks, United Artists has elevated several members of the sales staff and several others.

Raymond Hartnett, of Des Moines, secretary of the State association of IATSE, said that 25 unions, totaling 200 members, were working with theatre managers to keep bank nights as it is.

It is estimated that 200 Iowa theatre run bank nights every week.

**Del. Police Crack Down On Commercial Bingo Under 'Charity' Aspects**

Detroit, March 14.—Frodded by civic organizations, Detroit police apparently are making an attempt to crack down on commercial bingo, keno and other games which have been heavily degrading theatre and niteroy box offices.

Police last week checked down on two families who've been running nearly bingo around the city for the past several months. They were told to either halt the contests, or seek a license from the city.

The women ran games in various halls in names of charitable institutions, but that amount reaching the institutions often ran as low as \$3.

Meanwhile, state police, under orders from Gov. Frank Fitzgerald, are cracking down on the gambling spots throughout Michigan, and a similar drive is expected on Detroit niteroy, which have been harboring slot machines, etc., of late, to help meet the rent in the face of a brutal niteroy boom here.

**Wisc. Bank Night Bill**

St. Paul, Minn., March 14.—Senator Paulsen, of Duluth, Wis., Progressive, Thursday (2) introduced a bill to the state legislature outlawing bank nights and other similar games. The bill has a minimum penalty of six months in jail, or a fine of \$500, or both.

Measure makes it illegal to offer any money, check, merchandise or other thing of value, where the prize is drawn by a lot or chance, as an inducement for attending a performance or other event.

The attorney general's opinion issued recently that the state is not bound to conduct a bank night ticket upon bank night, and pointed out that justices in several cases have refused to grant writs of habeas corpus to convicted defendants under the lottery law.

Paulsen also sponsors a bill providing that buildings used for gambling or lotteries may be closed one year under the nuisance statute.

**Outlaw Job Night**

Lincoln, March 14.—Outlawing of job night for bank night, for which a grave was dug by the supreme court's lottery decision over a year ago, was now called a lottery in a ruling this week by Attorney-General Walter Johnson.

Johnson, in his ruling, said it was a 'wily' verdict, attempt to get around the bank night lottery decision, but was essentially the same kind of lottery.

**Montana Hits Games**

Missoula, Mont., March 14.—The first attempt to stop games in Montana theatre made last week when prosecuting attorney Edward Dussault filed a complaint in district court asking for a writ of habeas corpus to restrain from continuing bank night at the Columbia Theatre Corp. from the city.

Thyer, manager of the Williams & Blaine theatre, was in the act of going along with owners of the building.

**Ne-Payee Suit**

St. Louis, March 14.—Claiming there was no pay-off on a \$500 bank night ticket which was sold in 1938, at the Majestic, downtown Denver in East St. Louis, Clark Reeves, a Chicago man, had week filed suit for the coin, plus interest, in the city court.

Reeves, according to the petition, admits he got a check for \$500, but claims the theatre manager, Milton Clark, refused to return the check, preventing him from collecting.

**STORY BUYS**

Hollywood, March 14.—Metro purchased the rights to the Faith, Marya Mannes' biography of her father, David Mannes.

Warner Bros. bought 'Night Way', by Fere Schary.

RKO-Broadhurst sold 'The Crimson Alley' to Warners.

RKO bought 'An Evening With Gladys' by M. Montegomery, with an option on other 'Anne' tales.

# UNIONISTS IN FIGHT TO RETAIN BANKO

Cedar Rapids, March 14.—Union projectionists and stagehands here and in 17 other Iowa towns, managers have been following the lead of a bill introduced in the Iowa State legislature to abolish bank nights. Hartnett, of Des Moines, secretary of the State association of IATSE, said that 25 unions, totaling 200 members, were working with theatre managers to keep bank nights as it is.

It is estimated that 200 Iowa theatre run bank nights every week.

# Booth Fire Fatal To Projectionist; Student Injured

Syracuse, March 14.—Flames that erupted from a projection booth in the Strand, Phoenix, last week claimed the life of a moviegoer and injured a student.

The fire broke out at 10:25 p.m. at the lobby floor of the Strand. It seriously burned a high school student, and endangered the lives of some 40 patrons.

Haskell died a short time later in a Phoenix sanitarium. Joseph Gardner, 22, a student at the Strand, was in the booth at the time, escaped death by jumping from a window in the lobby floor 10 feet below. He suffered several burns about the head and face.

While the patron left the theatre in an orderly fashion, Edson Wilcox, 18, fought his way into the blazing lobby. Firemen made short work of the blaze, confining it to the projection room.

**\$25,000 E. C. Fire**

Kansas City, March 14.—The Isis theatre, Fox-Midwest 'A' name, was gutted by fire early last Thursday (9). Fire broke out in the balcony of the Isis theatre, through the air conditioning vents to a hollow ceiling and broke out anew on the stage.

Following three alarm, 10 fire companies fought the flames more than six hours. Loss is estimated at over \$25,000, exclusive of damage to the five-story Wirthman building which houses the Isis theatre.

Fire Destroys N. Y. Star

New York theatre and sporting landmark in Harlem, was destroyed by fire yesterday (Tuesday). The building, originally erected as an armory in 1880, was occupied by the Isis theatre, which played burlesque for a time.

In recent years building was occupied by the Harlem Sporting Club, and later used as a roller-skating rink.

# CHURCH GROUP RAPS BINGO AS CRIME WPO

Rochester, March 14.—Prosecution of bingo game operator in Rochester today drew a blast by Federation of Churches. Police chief Henry T. Copenhagen said he has received no reports against the games, but would confer with safety commissioner Thomas C. Woodhouse and the district attorney on procedure.

The federation charges that bingo is one of several forms of gambling that have become a menace to the community, encouraging dishonesty and crime.

Bingo now is operated in connection with several Catholic churches, as well as in public halls, theatres and four downtown houses.

**ROB THEATRE OPS**

Spartanburg, S. C., March 14.—Two of the red, one of the green, T. J. Cuccia, S. C. theatre, was robbed of \$200 receipts from both houses last night.

His wife was held up at midnight after closing shows. The theatres are about 10 miles apart.

Two army bandits, one in their home and bound Mrs. Holland hand and foot when she entered carrying money receipts. They threatened to kill her husband came in and gave him the same treatment.

# Inside Stuff Pictures

Showings of Paramount in the final quarter of 1938, after only lukewarm earnings in previous three-quarter, resulted from deliberate planning for brilliant fourth-quarter profit showing, according to opinion in Wall Street. Studio managers have been following the lead of a bill introduced in the earlier quarters, indicating that the company hoped to have clear a big game up earnings in the last quarter of 1938.

Even so, the net profit in excess of \$2,000,000 for a single quarter was much richer than many had looked for.

Mick Ricketson, Charles Skouras, Dick Dickson, Al Gould, Bill Lyria, Tom Berta, Willford Williams, all associates of Fox theatres in the west and in the east, are calling on the big game up earnings of the C. W. Brandon, owner of the Kemmerer (Wyo.) Gazette, are the dramatic personnel of a book tagged "On the Big Game Trail", which tells the story of a big game up earnings in the last quarter of 1938.

Written by Brandon, it is a profusely illustrated and descriptive book telling the various incidents and adventures that took place during the hunt.

Deal consummated recently with Underwood & Underwood covers all picture work at the New York Times building, as well as still photography. Sole exception is that U. & U. will not have say-so on regular newsprint coverage, the newsreels being protected to this extent. However, the contract means that any picture being assigned to make a short or feature using the N. Y. Expo for a background must receive permission from U. & U. This probably will keep several firm, intending to make features with the fair as a background, from carrying out plans especially if charged anything by the fair picture contractual firm.

Owners of the 4,200-seat Minnesota theatre, Minneapolis, recently relinquished by the prominent Northwest circuit, still have no progress toward obtaining a tenant. In the meanwhile they are getting no income from the property, but must dish out ground rental, taxes and insurance from the property. The owners are getting no income from the property. In local show circuits that the \$2,000,000 showhouse never will be reopened, that the owners will be forced to hand it over to the ground owners to be repaired and taxed and that eventually it will be torn down for a parking lot.

Paramount is swarming with foreign offers for the loan of *Les Miracles* since the release of 'Hotel Imperial' in Europe. Latest is H. L'Herbier, French producer, who wants the Italian script for 'Dame De L'Orient', to be made in Paris this spring. He wants to make a picture for the 'Zodiac' cart, Paramount would have turned a willing ear to offers from France, as anywhere. Now the studio is rushing work on her next picture, 'Madame Mystery'.

The Georgia senate last week unanimously adopted a resolution urging studios not to produce his proposed picture memorializing Dr. William Morton, Boston dentist who discovered anesthesia because it would be inaccurate in fact and a hoax upon the world.

Renaissance pointed out that Dr. D. W. P. Long, Georgia motion, first used ether as an anesthetic in an operation at Jefferson, Ga., on March 30, 1842, and that this fact is inscribed on his statue in Washington.

Paramount Film Distributing Corp., a wholly-owned subsidiary incorporated under the laws of Delaware, was formed last week by Paramount Pictures, Inc., Paramount Pictures Distributing Company, Inc., the parent of the studio, and a new corporation, new company carrying on the distribution business of the old. Entire change was made to simplify the corporate structure and readjust it for easier handling on tax matters.

A. H. Blank, Des Moines Paramount circuit partner operator there, has been approached by the proposition to build a well-lighted studio and to go into the field on an experimental basis immediately so as to get on the scene when picture-radio comes in commercially.

Blank says that he is not too hot on the general idea at this time, falling to see how his organization will get off the nut on an investment that will run up to \$250,000.

Lifting a load from studio sackeries, Academy of Motion Picture Arts and Sciences has taken on the job of answering all letters addressed to production companies for information about picture-making methods. These inquiries, coming from all manner of educational institutions from universities to grade schools, have reached huge proportions in the last few years and clogged clerical business at the studios.

Studio execs plan a heavy cut in preview passes, not only to whittle down expenses, but to get a more accurate public reaction to new pictures. Average preview Annie Oakley ticket is close to 1,000, more than half of which are paid for by the studio at box rates. Preview audiences and their reactions are being largely of cliches from studios and agents. Result is a biased instead of an objective picture.

One actor without Hollywood ambitions is Martin Goodnight, Blackfoot Indian moped, who had a feature role in Shirley Temple's 'Sunshine on the Mountains' at 20th-Fox. Although he had a fine impression on Darryl F. Zanuck, he has not received any word from the reservation to the studio. As soon as the picture is ready, he will be sent back to Montana with Father Cullen, head of the Indian Mission school.

Cecil B. DeMille's 'Union Pacific' will not be released outside of the United States under that title. While open for domestic distribution, Paramount has changed the title to give it less meaningful abroad as to the part being advertised in the United States. The new title, Film property will have several different tags in the foreign market.

Absence of 'leg air' stills of Norma Shearer to go with her cor-starring role in 'Idiot's Delight', has prompted some city desks in the east to grab leg air stills from the back of the screen. Claimed to have secured clear-cut leg air stills from the back of the screen and high speed paper, later making extra lighting unnecessary.

Hollywood infundule caused British newspapers to change the old title, 'Peggy and Partner', under which Chic Young's comic strip, Blondie, had been running for years, to 'Blondie'. The new title is being used in London; the Daily Sketch adopted the title. Company's loss last year was the heaviest since the cafe opened.

There are 81 district and hidden taxes included in the price of the average picture theatre ticket, according to Dr. Winnie M. Sanger, Oklahoma City, price of the average studio ticket is due to the imposition of 41 federal and 20 local and state taxes.

With its March Issue, March of Time begins its fifth year, this release being its 50th.

# Pic Cos. Win Right to Info from Gov't On Chief Phases of Anti-Trust Suit

The U. S. Government will have to furnish particulars on the most important phases of its anti-trust suit against all the major producers, distributors and affiliated independent operators. Federal Judge William Bondy, in his decision handed down last week (see page 1), refused defendants' demands in respect to 31 specific requests for information, out of a total of 159.

Broad general allegations of wholesale violations by defendants will not be taken into particularity by the government attorneys. Where specific violations, acts of monopoly, conspiracy, coercion are alleged, the defendants are entitled, however, to have full information.

Among specific points the defendants wish particulars on are whether it is claimed defendants integrated production and exhibition facilities by contract or agreement; and if so, identification of each such attempt to monopolize; whether defendants in first-run metropolitan theaters rests solely on defendants' holdings of theaters and lots of theaters so controlled; whether defendants entered into any contract to produce and exhibit pictures with their first-run theaters; did defendants act by agreement in bringing into the market, or in acquiring theater circuits, or in acquiring territories; specific instances of coercion or restraint; methods employed against independent exhibitors to compel them to sell their pictures and particular transactions complained of.

Identification of specific areas in which defendants claim to have had an independent monopoly of the market; nature of such monopoly and how long it existed; have defendants monopolized production and distribution of all features, or only of certain of the features; nature and quality; were there any agreements between defendants to loan most valuable stars and feature pictures under contract; specific and individual trade practices claimed by government to be harsh, oppressive and unfair and which might have restrained competition.

Have such practices been imposed on affiliates only in situations where existing agreements have been terminated in order to produce pictures in control of production, distribution and exhibition and which defendants received them.

**Classes UA As Producer**  
Judge Bondy granted application of Columbia Pictures for particulars on separate claims of the United Artists a stay of the Government's request to examine the UA's officers. He refused to strike out UA's claims that they are not producers, but only distributors and stated that this issue is still in doubt. If it turns out, during the trial, that UA is right, Bondy stated that he will not be granted his inclusion as a producer at this time.

In Bondy's decision, the Government is granted permission to furnish any particulars it doesn't now know, whenever it obtains the necessary information. The Government must file the particulars to the Government suit within 20 days of the finishing of the first set of particulars by the Government.

Department of Justice spokesmen are of the opinion that the request sought by defendants will be complied and furnished within a week and even more rapidly, since Judge Bondy's decision was a middle of the road course.

Williams, government trial counsel, expects to file particulars within the next fortnight. The Government expects to file a motion to ask for a further delay after particulars are filed, to give them sufficient time for study of the negotiations, but will propose a longer stay than 30 days.

**Ask UA Examination**  
An order was submitted to federal Judge William Bondy in N. Y. yesterday (Tuesday) by the Department of Justice, asking that the Government be allowed to examine the records of Harry J. Muller, treasurer of United Artists, and Edward C. Rafferty, secretary. Edward C. Rafferty will take place before U. S. Briggs, notary in the U. S. Federal Court building on March 21, if Bondy grants the request.

This is in connection with Judge

## Bank Wins Appeal of 400G Claim Vs. Fox

The Trust Co. of Georgia, trustee under a Fox Theatres indenture of 1938, was granted the right to appeal from a Circuit court decision by Federal Judge William Bondy in New York Friday (10) from a decision in Circuit Judge Martin Manton last January, who okayed the plan of dissolution of Fox Theatres.

The trust company has a \$400,000 rent claim against Fox Theatres, which is treated as a general claim under the plan. It wants priority.

## HAMMONS EAST TO SET GN IN ORDER

E. W. Hammons, president of Grand National, will be in New York this week to confer with J. H. Skirball, v. p. They will confer on plans for putting the U. H. house in better order.

While financing of GN production on a par with the number of picture units it has been made to discontinue and a 12th is set to start on Skirball's return to the Coast, probably Monday (22) in Chicago, which 'Main Street' Miracle, of which Margot has already been signed.

Creditors of GN are reported waiting to see what develops following Hammons' trip east. His excursion may mean immediate financing.

GN, taken over by Hammons and associates late last summer on its reorganization in 1935, scheduled a program of 88 pictures this season. A total of 11 have been made to date and a 12th is set to start on Skirball's return to the Coast, probably Monday (22) in Chicago, which 'Main Street' Miracle, of which Margot has already been signed.

## ROCH. TO GET TASTE OF 'GOOD OLDS DAYS'

Rochester, March 14.  
Nostalgia for the 'good old days' of the Eastman theatre leads the Rochester Civic Music Association to recreate a 1929 show for two performances (17-18). Event will celebrate 10th anniversary of the association, which has grown to nearly 6,000 members.

Rocky orchestra will play the overture and accompany the film, just as in the silent days. Feature will be 'The Merry Widow' and 'The Jannings' will be used. Stage show will be held in an evening, singers, and Thea Bliracoe, Marion Jeff, Ruby Bohrer and the 'Civic Music Association' of the old Eastman Theatre Co. also aims to bring back memories. Alice Couderc, retired wardrobe mistress, will be backstage.

The two evening performances will be free and limited to Civic Association membership.

## Grainger Sets Four Regional Rep. Meets

Hollywood, March 14.  
James Grainger, chief of Republic, following discussions with proxy holders, has announced that regional sales conventions for company as follows: Houston, April 10; Chicago, 11-12; New York, 18-19; and Frisco, 27-28.

Grainger leaves tonight (Tuesday) for New York, making several stops en route.

Bondy's order allowing the examination of officers and officials of UA in order that the Government may determine the status of the company as a producer.

## BIG PUSH AT MON; FIVE FILMS TO ROLL

Hollywood, March 14.  
Five productions roll for Monday next two weeks, beginning tomorrow (Wednesday) with 'The Wolf Call,' co-starring John Carrrol and Mavis.

'Boys' Reformatory' and 'Prison Born' start Monday (20), 'Bullets and Bandoliers' (21), and a Jack Randall western (31).

## New Indie Spot To Get Product Despite Opposish

Minneapolis, March 14.  
Local film exchanges have been notified by their legal departments that they must sell product to the newly constructed Grand, Eveleth, Minn., built by Sam Edelstein in opposition to the two houses already being operated there by William L. Cooper.

Exchange managers here took the stand that the Edelstein invasion of the market was unwarranted because, they felt, two theatres there were sufficient for the needs of a town of that size.

Edelstein asked for first-run product, or, in lieu of that, second-run. The exchange heads argue that second-run would injure Kraus, Edelstein's employed lawyer, who is to assist him in getting his 'rights.' After some correspondence with the h. o.'s instructions were forthcoming from the legal departments.

## PAR COOPER MERGER SET

A permanent partnership between Paramount and the J. H. Cooper interests on a 50-50 basis to cover the theatre district in Chicago, operated for Par, may be closed shortly. Negotiations are being carried on in the east, and Cooper makes his headquarters.

A lifetime partnership between Cooper and Par being worked out does not include the Standard Theatres Oklahoma group, in which Warner Bros. interests were held.

## U SPLITTING SALES CONFAB THREE WAYS

Universal is planning three regional sales confabs this year instead of one big national convention. They probably will be held next week in Chicago, San Francisco and in some eastern city. Plans were disclosed this week by W. A. Scully, U.'s general sales manager, just back from product conferences on the Coast.

Of the 40 pictures which Universal will produce for 1939-40 (three will be made by the studio in England), Scully said that 17 will be definitely budgeted as A films. Besides the 40, Universal will have seven Johnny Mack Brown westerns and seven outdoor melodramas featuring Richard Arlen and Andy Devine.

## Frisco Appears Set For NPTOA Convention

Motion Picture Theatre Owners of America probably will hold its convention this year in San Francisco. Meeting is set for September 10-12, and it will enable the visiting exhibitor delegates to attend the Golden Gate exposition.

Convention will be held in Oklahoma City. Talk of holding the convention in New York was discarded because of probability that hotel rates would be high and accommodations difficult to secure.

# WB Paints Bright Financial Future; May Resume Pfd. Stock Dividends

## Variety Club's Conclave Now Set for April 28

Detroit, March 14.  
Conflict with previously accepted distributor-exhibitor district meets has necessitated moving national convention of Variety Club back one week to April. Official headquarters will be in Book-Cadillac hotel.

Annual formal stag dinner will be held April 22. Frank J. Downey is banquet chairman, while heading convention arrangements is John E. Flynn.

## WHOLESALE SALES MEETS GET COAST OK

Los Angeles, March 14.  
Spurred by the decision of a number of major distributing organizations to hold sales conventions considerably earlier this year than has been the custom in the past, distributor representatives on the Coast are suggesting advisability of holding midwinter sales conferences and advancing the annual selling season from summer to winter months.

Warners, with a sales powwow just completed this week in New York, earliest on record, has set the pace for the majors this year. 20th-Fox will hold its national sales convention March 20 in Chicago, and other majors are seriously considering moving customary May or June powwows ahead.

Film companies are also studying legal theories by launching new seasons of early fall sales conventions were held during summer months and new selling seasons put under way during June or July. A large party of country, filmaries are frequently forced to close down during summer dog days, and all spots, regardless of improved air-conditions are more or less hit during hot weather period.

Distributor reps here advocate the idea of the film season being put on a calendar year basis, rather than the time-worn fiscal year plan. They, they point out, would bring film selling time to winter months, when exhibitors are in better frame of mind to discuss next season's deals, due to general uptrend in business country during that period, and with St. Louis, weather, surfeited with high-grade product.

## GREENMAN BACK WITH F & M AS DISTRICT MGR.

St. Louis, March 14.  
Harry Greenman, who left the Fanchon & Marco interests here several years ago to branch out with St. Louis units, which was operated by F&M, and has been made a district manager of the St. Louis Amusement Company, has returned to the city in this city and in adjacent St. Louis County under F. E. M. direction. Three of the houses that he operated in this city and in adjacent St. Louis County under F. E. M. direction, has been reeled to the former owner. A. D. Magarian, an East St. Louis manager.

F. E. M. is reported recovering for the acquisition of the Lexington, a North St. Louis house, which was operated by Greenman in conjunction with W. J. Colonna.

## MORO'S TEACHER

Hollywood, March 14.  
Monogram postcard Panzer Rover as advisor on a series of six kid movies featuring Jackie Moran and featuring the services of probable 'First of group goes into production in two weeks.

The financial prospects of Warner Bros. look very bright to the company's chief executives. In talks to stockholders last week, the company's convention in New York this week an optimistic picture of improved financial conditions was drawn for delegates. It was pointed out that not only will there be an increase in the dividend for 1938 this year, but present indications point to a profitable second and third-quarter financial report.

With the company's major financial headache solved for the time being, via conversion of the old bond issue and with prospects for a good liquid cash position, there is some reason to believe that Warner may resume dividend payments on its preferred stock at the end of this year.

There are 3,700,000 shares of common outstanding, and the dividend paid on common was \$1 in June, 1938. There are only 100,000 shares of preferred stock outstanding, and most of this issue reported closely held by the Warner brothers themselves. The last quarterly dividend paid by the company was a 98¢ quarterly on March 1, 1932. Arrears of 1932-33 quarterly dividends are \$1.98 per share, and by the end of the fiscal year will be around \$29 a share.

Close observers believe there is little likelihood the company would pay off almost \$10,000,000 in accumulated back dividends and incline rather to the viewpoint that present conditions in the industry are not so good as to warrant a \$50,000,000 dividend.

Plans given by Warners for the \$50,000,000 dividend means from two N. Y. banks and one in Illinois involve preference stock outstanding and all of the owned indebtedness of Warner subsidiary companies, such as the National Theatre, the National Theatres Corp., and the Northwestern Theatres, Inc.

It is believed that to be pledged when the indebtedness under the backing credit contract reaches \$30 million, Warners will have to deliver a mortgage on its Coast studio. At the option of the banks this amount could be increased to the total amount borrowed.

## 'Snow White on Deal' At 15c 'A Mistake', After Exhibs Squawk

Minneapolis, March 14.  
Exhibition of 'Snow White' as one end of a double feature program at the Crystal Theatre, St. Paul, last week here was without authorization and without the knowledge of I. E. Rothman, RKO branch manager. The latter asserts, Goldhammer has assured angry neighborhood exhibitors that it won't happen again.

The Crystal Theatre contract didn't call for any double featuring of 'Snow White' and 'The Prince and the Pauper,' explains 'I'm all mistake.' The policy of the grind subsequent to the release of the picture, he explains, and he thought 'Goldhammer knew his intentions.' Goldhammer, RKO branch manager, who returned RKO branch manager after a long absence, is reported to have cut back on percentage terms from 40 to 30% after the picture was released. He pointed out under no circumstances would the picture be sold for less in the Twin Cities area. Rothman, who has the contract, RKO has received up to 60% for its share of the split, according to Goldhammer.

## \$250,000 Suit Vs. Time Begins in N. Y.

Trial of Lou Goldberg's \$250,000 plagiarism action against T. Inc., Inc., started in the New York supreme court last week before Justice Ferdinand Pecora.

Goldberg claims that in January 1937 he secured the rights to the idea of adapting its radio programs to motion pictures. It is alleged that T. Inc. had the idea at the time, but later adopted it.

**"A great piece of entertainment and a box office smash."**

*... Hollywood Variety*

**"Put this one down right now among the contenders for the Academy Awards for 1939."**

*... Associated Press*

**"A really memorable screen experience."**

*... Film Daily*

**"Gilt-edged entertainment that will pay heavy dividends at the box office."**

*... Red Kann, in Box Office*

**OPENING THIS WEEK  
RADIO CITY MUSIC  
HALL AND OTHER KEY  
RUNS THROUGHOUT  
THE COUNTRY.**

**IRENE DUNNE · CHARLES BOYER**  
in  
**"LOVE AFFAIR"**  
with MARIA OUSPENSKAYA, LEE BOWMAN  
ASTRID ALLIYIN, MAURICE MOSCOVICH  
Produced and Directed by LEO McCAREY  
SCREEN PLAY BY DELMER DAVEN AND DONALD "GODEN" STEWART  
RKO RADIO PICTURE



# Agents Part Cut 'n' Dried

(Continued from page 5)

provisions of the arbitration sections of the Code of Civil Procedure and the same force and effect, and such arbitration shall take the place of the hearing and trial before a jury. Code and shall take the place of the jurisdiction of the courts to hear and determine the controversy set out on Dotted Line.

A three-year contract is being inked this week between the Screen Directors Guild and the Screen Writers Guild. Agreement on all phases of the pact was reached at a conference between the two groups of Joseph M. Schenck at 20th St. Fox.

Under contract, directors are given right to all in the production of scripts, while he has an acknowledged voice in selection of casts, and he is given a "residual" share of profits. Directors will have right of supervision over first rough cut, instead of daily changes being made in rushes by the producer.

Minimum salary of unit managers, who will have a separate contract with a number of directors and who is fixed at \$150 week. First assistant directors, who free-lance, will be paid a minimum of \$100 per week and those under contract will get a minimum of \$125. Second assistant directors, who work only sporadically, will be guaranteed a minimum of \$61.20 per week.

Negotiation between producers and Screen Writers Guild will continue this week, the SWG having waived the Producer-Contract Playwrights Inc. contract at 20th St. The SWG said it would stand on the recognition of producers as exclusive bargaining representatives for all screenwriters and their promise that the SP pact will be terminated when and if a contract is inked with the Guilders.

Negotiations for the producers are being handled by producer Homer Mitchell, Alfred Wright, Mendel Silberberg and George Cohen, aided by their sub-commissioner, Joseph Darrill F. Zanuck, Hal B. Wallis and J. E. Mannix. The writers are represented by Joseph P. Lovett and S. Janosky, Charles Brackett, SWG exec, Philip Dunne and Donald Ogden Stewart.

**Playwrights Stand Pat**

John Lee Mahin, president of SP, has announced that his organization has made no change in its present working agreement with the Guilders. He said the pact was a binding piece of paper and that the Playwrights intend to stand on it. Contract is subject to cancellation upon receipt of notice by either group.

Hearing before National Labor Relations Board on the SWG complaint charging producers with unfair labor practice has been recessed until March 23, subject to reconvening upon 48 hours notice from either side but an impasse has been reached in negotiations. SWG leaders were surprised when Homer Mitchell, executive producer of attorney Homer Mitchell, announced an arce as hearing opened and stated:

"Keeping in mind that we do not want the NLR to take jurisdiction. The NLR Act compels us to bargain collectively, we do here and now offer to bargain collectively with the Screen Writers Guild as the exclusive bargaining representative for our writer employees. If this is not sufficient, we offer to recognize the Screen Writers Guild as the exclusive bargaining agent for our writer employees and we ask the NLR to order the Screen Writers Guild to sit down and bargain collectively with us in an attempt to reach an agreement. We stand ready to continue bargaining here and

"This offer is not offered as a dilatory move, but in the sincere belief we can sit down together and work out an agreement. The contract between the producers and the Screen Playwrights, Inc. is not and never has been a bar to an agreement with the Screen Writers Guild." Following acceptance of the offer, the executive board of SWG issued the following statement:

"We are very glad in the interest of peace and harmony in the indu-

try to grant a short recess. We hope, however, that we shall not once again be disappointed as to the producers' desire to grant us the exclusive bargaining rights which are granted to those who are entitled under the provisions of the National Labor Relations Act. As you all know, this reality can only be achieved by termination of the present contract. We urge all producers and the Screen Playwrights, Inc."

**Extras' Status Disputed**

Attaches of the NLRB have stated that Joseph Wagner, who is an extra is an employee must be determined before any action can be taken, the application of Cinema Players, Inc., for certification as bargaining representative for all extras. It was pointed out that extras are only casuals and are not listed on the payroll of any film company. The recent ruling of the National Casting Corp. and are paid in cash daily on a voucher issued by Central Casting.

**Tops in the Screen Actors Guild**

are budding with engineers of the studio. It was pointed out that extras work out some plan that will relieve the financial congestion at Central during the season. It was stated that extras are forced to dial 30 minutes before they can reach Central to determine the SAG. Extras have been called to work the next day.

Two court suits to test the right of extras to be included in the Guild members have been filed in superior court here. Irene Lacey, of Makeup Artists, and the Screen Actors Guild, to expell her, while H. Booksta, an extra, is questioning his right to be in the SAG.

**Fight for control of 12,000 film workers in the International Alliance of Theatrical Stage Employees has been renewed with filing by James Shaw of an amended application for appointment of a new trustee. The International Alliance of Theatrical Stage Employees Local 74. Shaw is also seeking to unseat present officers, who were elected illegally, and asks for a restraining order to stop expenditure of organizational funds. The matter was dismissed on a technicality, but he was allowed 10 days in which to amend his application.**

In the meantime, action has been instituted against Local 74 by Glen Goodman for back rent which has accumulated since the local was granted autonomy by the IATSE international union.

**Scramble for Control**

With various groups fighting to control studio locals, situation is becoming more confused almost daily. Efforts are now being circulated in the studios asking the IATSE international union to recall autonomy and handling negotiating negotiations with the members. George E. Browne, international president of the IATSE, is expected here to make a personal investigation of the situation.

Meeting of the executive board of the IATSE Local 74 has been called for Thursday night (18) to fix a deadline on the demand that the members hire new labor to 82 1/2 cents an hour. Demand for the increase was submitted to the IATSE by L. C. Helm, business representative of SUE.

"Film labor credits have started a canny fight over the control of Dr. Towles Nylander as regional director here for the NLRB. Dr. Nylander has been expected here to make a personal investigation of the situation. He has stated in a speech that whenever the NLRB proposed a case "the employer must be a chance" (The International Labor Council has adopted a resolution opposing his suspension, which was named in a charge. The studio has wired the NLRB in Washington urging that Dr. Nylander be re-

**New Coast Theatres**

Los Angeles, March 14. Harry Milstein and Albert Mollinok announced their new theatre company, the New Coast Theatres, Inc.

Roy Hunt's new film house, being built in partnership with Fox West Coast in Riverside, will be named the California theatre in Glendale demanding \$15,000 by fire. Chief loss was \$100,000. The theatre was owned by Jules Lauer replaced Gene Kober, a manager of Strand. Producers Kober, owner of absence due to illness.

# BERNHARD CALLS WB ZONE MGRS. TO HUDDLE

Back from a short vacation following a recent illness, during which he was laid up at a N. Y. sanitarium, Joseph Bernhard, Warner theatre head, called at all his zone managers' homes Monday (13) and Tuesday (14) at his office. Other execs sat at the latter, notably those of the theatre department, to meet and discuss with the zone managers in general operating problems and plans. Attendees James Costello, George Wolf, Newark; J. L. Hoffman, New Haven; Don Jacobs, Newark; Joe Silver, Albany; Ed Schlager, Philadelphia; Harry Keenan, Pittsburgh; John Payette, Washington, and Herb Copelan, Atlantic City.

# REPUBLIC BUYS SENECA STREET

Hollywood, March 14.

Ownership of the old Mack Sennett studios, now occupied by Republic, has been sold to Republic in a deal negotiated by Herbert J. Yates. In a deal closed this week.

Studio was leased by Mascot Picture Corp. about three years ago. When Mascot closed, Mascot Pictures, Inc. and Republic, Inc., merged. Republic, Inc. took over the Mascot lease, which had another year or so to go. Republic is the studio's Guaranty Liquidating Corp. of L. A.

# H'wood - B'way

(Continued from page 7)

particular, is believed to have stirred the studios to action. Deal is not made on a percentage basis but profits (a type of control Hollywood has previously naived), but was negotiated before the play's premiere out of town. Fact that the buyer is Katharine Hepburn also raises the question of similar action by other author deals in the future, which might bring about an entirely new type of legit industry.

Other percentage deals already set involve "Eve Lincoln in Illinois" and "The Mice." Undoubtedly a potent factor in the present picture is the new Gordon-RKO treaty. Through his Max Gordon, RKO pictures and legit showman will head a unit production outfit for the studio, with the latter having a say in the picture's production costs and subsequently releasing the completed pictures. Gordon would "buy" under that arrangement and has a deal in the works for "American Vag." In the latter case it virtually amounts to RKO backing Broadway legit production, as Gordon is co-producer of the Kaufman-Topoloff picture.

# Film Execs on Co-Op

Since any other studio could get around the "secret agreement" by setting up similar unit production deals, the industry has taken the step of a "ban" on the studio boycott of the Guild's Minimum Basic Agreement. It is particularly so in view of the known fact that even when the industry is not participating in Broadway financing, a number of their executives have declined, ostensibly on a personal basis.

Studio opposition to the Minimum Basic Agreement was obvious based on financial reasons, so it is evident that Hollywood will quickly get around the production unit plan, seems profitable. As far as Warner is concerned, that company has apparently just about decided to enter the Broadway field, chiefly from a desire to produce the Kings-Bay picture, but it is not known if Warner profits from its legit activities under the old MBA, whereas it profits from the studio unit plan, Metro, incurred substantial losses.

If and when Hollywood does resume legit financing under the MBA, the Philadelphia, Story deal has set before the way for film buys to be priced on the basis of a percentage of the picture's gross. That is not the same method as would be used in the "union plan," which calls for the price to be based on the gross from Broadway run.

# House Mgr. Moves Up as Read's Ass't; Theatres, Exchanges Active

Jay Wren, manager of Read's Community, Morrisville, N. J., has been named assistant to Walter Read, Jr., and assumes that post Friday (17). He will be stationed in the Read's circuit N. Y. home office. His duties will be mostly in the nature of publicity.

Wren's former deputy manager of Read's Savoy, in Asbury Park, N. J., takes over Wren's old spot in Morrisville.

**N. Y. News of C. Exchange**

Kansas City, March 14.

Construction of a two-story building to be occupied by Universal exchange will begin in next 30 days. Site is on 18th street between Central and Wyandotte, amid film row. Building is being erected by Dr. Nathan Zoglin on basis of a 10-year lease.

**Fox-Midwest Reopens House**

Kansas City, March 14.

Fox-Midwest is reopening the Illinois, Jacksonville, Ill. this week, following a complete renovation and modernization in the former Fox movie house. Ralph Bartlett is the manager.

Illinois is a 1,200-seater. Fox also operates the Majestic in Jacksonville.

**Lincoln Belongs**

Lincoln, March 14.

F. W. Anderson has reopened the Joy here. Theatre has been dead a year.

John Kasch, Minneapolis, is doing this territory as Col's new exchange manager in Omaha. He replaced J. W. Rinehart.

M. Biernard, manager of the Ord. Ord. West is in hospital with a broken collar bone after an auto wreck.

Plans for building a new theatre are underway in O'Neill, Neb., by Gordon Downey. It will be operated by Mrs. George O. Basley, who operated the Royal here on a lease arrangement.

**Pa. House Sold**

Pittsburgh, March 14.

Roscoe Thomas, Pa. Pa. has been sold by Andy Battison to Sam Feitza, of New Kensington. The theatre is being sold by drawing from his brother, an Export, Pa., exhib.

Mike Korkow, owner of Ferris near Perryopolis, Pa., may be a candidate at next polling day for

re-election as a Fayette county commissioner.

Harry Seed, head of WB exchange here, was named zone chairman for annual Will Rogers memorial drive.

**Coast Activities**

Los Angeles.

George Smith is remodeling a market building to be opened shortly at 10th and Broadway. Smith also operates the Jade.

Spyros Kardos and Harry Marx traded their General John Carlos shifting to Grauman's Chinese, and Marx to Loew's State.

Fox Upton theatre reopened Friday after reconditioning at a cost of \$11,000.

Gene Kober, formerly at the Strand theatre, Pasadena, named treasurer of Grauman's Chinese, replacing Lon Mengham, resigned.

**Uptal, Philly, Changes Hands**

Philadelphia, March 14.

Uptal theatre here has changed ownership to L. Edward Kasper and Sidney A. Kasper, both ops other houses in this territory. It will be extensively altered and redone.

Uptal theatre, which recently changed hands, reopened Saturday night (14) after undergoing renovations and modernization of equipment, now owned by J. Yaffe.

**Joe Jacobs, of Minneapolis, has assumed the membership of the Columbia distribution offices here. He succeeds I. M. Werner.**

# 32 INDI SPOTS IN BUYING POOL

Columbus, March 14.

A product-buying pool has been started here with the formation of the Columbus Service, Inc., a non-profit Ohio corporation. Nine exhibitors, operating 32 houses in four counties, form the pool. Temporary offices have been opened in the Grand theatre building here.

Virgil A. Jackson is president, F. W. G. Jones is secretary and Sister Secretary-treasurer.

# New York Theatres

THERE'S A BETTER SHOW AT THE

<b>"3 SMART GIRLS GROW UP"</b>	UNITEE HERE 8:30 A.M.	RIVOLI BROADWAY AT 69TH	Midnite SHOWS
<b>"THE OKLAHOMA KID"</b>	WILL OSBORNE and Orch. STRAND — 25c — 50c — 75c — 1.00 — 1.25 — 1.50 — 2.00	UNITEE HERE 8:30 A.M.	Midnite SHOWS

**PARAMOUNT TIMES SQUARE**

"King of Chinatown"

In Person  
**CHICK WEBB**  
and  
BAND

Anna May Wong  
Akka Zamboni  
Ella Fitzgerald

**Capitol**

EDDY NELSON

In "LAD FREEDOM RING"

Coming Thursday  
"ICE FOLLIES OF 1939"

CASTING BY JOHN CLAWSON

**MUSIC HALL**

"LOVE AFFAIR"

Spectacular Stage Productions

7th Av. & 80th St.

**ROXY**

AKA 25c to 75c

**THE LITTLE PRINCESS**

HELO OVER

Today  
**"Topper Takes a Trip"**

Delight!

Gen. HALL  
with  
KING CAGNEY  
in Person

Install  
Olivon Cabinet Toilet Tissue  
ECONOMY WASHROOM SERVICE



# HE'S LOOKING FOR A BIGGER WORD THAN COLOSSAL!

*... to describe the amazing hit record of M-G-M thus far in 1939 and the Big Ones to follow immediately. And the year has barely begun!*

## SWEETHEARTS

JEANETTE MacDONALD, NELSON EDDY

## STAND UP AND FIGHT

WALLACE BEERY, ROBERT TAYLOR  
Florence Rice, Helen Broderick, Charles Bickford

## IDIOT'S DELIGHT

NORMA SHEARER, CLARK GABLE  
Edward Arnold, Charles Coburn, Joseph Schildkrauf

## FOUR GIRLS IN WHITE

Florence Rice, Una Merkel, Ann Rutherford  
Mary Howard, Alan Marshal

## HONOLULU

ELEANOR POWELL, ROBERT YOUNG  
GEORGE BURNS and GRACIE ALLEN

## THE ADVENTURES OF HUCKLEBERRY FINN

MICKEY ROONEY, Walter Connolly, William Frawley  
Rex Ingram, Lynne Carver, Jo Ann Sayers

## FAST AND LOOSE

ROBERT MONTGOMERY, ROSALIND RUSSELL

## LET FREEDOM RING

NELSON EDDY, Virginia Bruce, Victor McLaglen  
Lionel Barrymore, Edward Arnold

## THE ICE FOLLIES OF 1939

JOAN CRAWFORD  
James Stewart, Lew Ayres, Lewis Stone

## PYGMALION

LESLIE HOWARD  
Wendy Hiller

## SERGEANT MADDEN

WALLACE BEERY  
Tom Brown, Alan Curtis, Laraine Day

## BROADWAY SERENADE

JEANETTE MacDONALD  
Lew Ayres, Ian Hunter, Frank Morgan

## CALLING DR. KILDARE

LEW AYRES, LIONEL BARRYMORE  
Lynne Carver, Nat Pendleton

## LUCKY NIGHT

ROBERT TAYLOR, MYRNA LOY

## MAIDEN VOYAGE

ROBERT YOUNG  
Annabella, Billie Burke, Reginald Owen

## THE HARDYS RIDE HIGH

Lewis Stone, Mickey Rooney  
Cecilia Parker, Fay Holden

# THE FRIENDLY COMPANY



# ASCAP Will Come, If Invited, But Skeptical of N.A.B. Huddle; Nuisance Suits Seen as Defeat

American Society of Composers, Authors and Publishers received word last week that the committee has been added to the list of states in which bills aimed directly at it have been introduced during the current legislative session. The measure is similar to those that have been introduced in such states as Florida, Nebraska, Connecticut and Montana and seeks to compel copyright owners to file a list of their compositions with the state secretary, but two or more such owners from jointly increasing their wares and to impose a tax on all performance collections made in the state.

ASCAP officials declared last week that they doubted whether anything constructive would come out of the meeting of the composers' association of the National Association of Broadcasters which is scheduled to open at the Ambassador Hotel. Instead of working toward a solution of the differences between ASCAP and the industry, it was expected that the four days would be devoted to discussing the advantages and disadvantages of various methods of destroying the society.

The ASCAP officials, who invited several of their spokesmen to address the broadcasters, even though the impression within ASCAP is that the broadcasters would be loath to deprive themselves of their personal whipping boy and the target of their annual emotional spree.

## HALEY, PENNER, PONDS FINISH OUT STRING

Hollywood, March 14. Three Coast shows got their notice last week. Jack Haley's Columbia Centennial Bazaar, Joe Penner, Huskies, and the Ponds' serial, "Those We Love," finish out the string April 7, at the latest. No replacements until next fall.

Penner winds up March 30, Thursday time spot on Columbia, which will be taken over by Post Tinsley (Tuesday). E. Brown, now airing on Saturday, Haley, Penner and Brown are in the Benton & Bowles lineup. Ponds is a J. Walter Thompson account.

## Dunhill's 'Name Three'

Dunhill will inaugurate a weekly 30-minute quiz show over Mutual beginning April 10, through the Bowley agency.

Title will be "Name Three." Dave Terry's orchestra will background.

FRANK FERRIN ELEVATED Chicago, March 14. Frank Ferrin has been elevated to the title of v. p. in charge of radio matters for the Hertz Hurst & McDonald agency here.

Ferrin is being with agency for several years as program director.

## Meet Edgar Berger

Even though he rates as radio's No. 1 comedy act, Edgar Berger, who last week had his pretty much of an unknown personality to New York newspaper photographers. Incident occurred on the arrival of the Sanborn show on last Thursday (9) at the Grand Central station.

Because of indisposition from a cold, was late in getting off the train for a group picture. He stepped into the battery of cameras, a photographer, pointing at Berger, said: "Get that guy out of there."

Demand for duets to Chase & Sanborn program last Sunday (12) when "Charles McCarthy," Edgar Berger, Dorcas Lemon, et al, came to New York for broadcast, topped all previous demand for studio tickets for a single air show, according to NBC officials. More than 14,000 demands by telephone, letter and telegram were received for slots that sell less than 1,500. Fact that there was no tele- broadcast further complicated the picture.

Although the entire cast moved in from the Coast to two days of broadcast, McCarthy and Len was to see the dummy, "Charlie McCarthy," on his initial appearance.

## HOCKEY, BASKETBALL FLOP ON N. Y. RADIO

Results of experiments with the spring of basketball games by New York radio indicate that the sport will go as the way of pro ice hockey. So far weekly play-by-play calling of the winter games from Madison Square Garden, N. Y. Co. NBC, WMCA and WOR all have taken thousands of persons to the Garden without any appreciable response. NBC recently dropped Tuesday afternoon broadcasts of several attempts, coming in on last period at 10:45. Bill Stern did the games.

Latest of the trio to take a stab at basket calling was WOR which started on last Monday. The annual New York-U. S. City College game and later aired it from midnight to 1 a. m. Station intended to continue airing the games from discs if the response was healthy enough, but has since dropped the idea due to negligible returns. Mutual will, however, carry the national AAU tournament from the end of March to a tree, to those of its affiliates that want the games.

## WMCA, WNEW Alternatives

WMCA, New York, will set up a weekly 30-minute musical show interspersed with various programs to combat the pull of baseball airing on most of the larger N. Y. stations this summer. Station now carries baseball last year either, WNBC and W2WB only local outlets carrying it then. CBS, NBC, WOR and W2WB have scheduled diamond pick-up of the Red Sox and Brooklyn fans with WOR afterwards.

W2WB, N. Y., which last year broadcasted season's card of Newark of the NFL League, is also discussing about repeating with Newark this summer. Says games have been offered but station is loath to give up a sponsored two-hour musical program in the afternoon, same applying to daytime which would have to be available for Newark which is the next half its games under the name. Jersey City also of the NFL League which last year aired in the cold for a New York outlet is concerned.

## Cincy Exceeds on the Hoop

Cincinnati, March 14. Excess of local stations are on the jump.

Jim Shouse, general manager of both WCAL and WSAI, was due back Tuesday (14) from a business visit to New York. Bob Dunville, in charge of the two stations, is in New York for the next two days. This week went down. Dewey Long, WCAL's manager, is dividing time between Washington and N. Y. Cecil Carmichael, WLWSAI public relations manager, will spend next week in New York.

Bill Schudt, director of WRCR, Cincinnati, is also for a week's stay in New York to confer with CBS of details and time buyers.

## Inside Stuff—Radio

Diverging cross-up directed more than usual interest toward a recent meeting on Tender and his wife, Walter Thompson agency. The ad is the testimonial show and has one of the characters in "One Man's Family," Claudia Barbour Lacey, stating that she "can't imagine life without Tender and his family. It is a perfect understanding over a cup of Tender Leaf Tea." The same day that the ad came out the broadcast of "One Man's Family" (NBC) dealt with this same character. The show was written by her husband. In the case of the serial's scriptwriter, working in San Francisco, not knowing what had been cooked up by the copywriter, located 3,000 miles away in New York.

Broadway legit names are obtained cults for "People's Rally," Sunday afternoon dance parties by the Mutual and NBC. The two names apparently given who have recently appeared are Ole Olson (Hells-a-Poppin'), Ezra Stone ("What a Life"), Nancy Hamilton and Keenan Wynn ("One for the Money"), Byron Murray ("The Boys from Syracuse") and Janice Deerman ("I Married an Angel").

Idea is that the guests don't perform, but merely answer "Quizle Goodie" questions on the quiz part of the show. Figures the names you to the program, and edit the legit shows an other plug.

Johannes Steel, international news commentator on WMCA, N. Y., is supplementing his broadcasts with a weekly news letter, "The Insider," which he sells on an annual basis for \$10 per. Professor Charles Hodges of New York University, collaborator on the letter. The two names apparently guessed a little wrong in their initial issue. The letter stated that the "selection of a liberal or anti-Fascist Pope is highly remote. The best bet was an anticipated one, a Fascist pope, which would be the greatest facility by the election of an apostolic Pope." The New Pope, Pius XII, was elected on the third ballot.

Jimmy Scribner, who conducts a one-man program over WOR, N. Y., for Dugget & Ramsdell (sustaining to Mutual), will have a \$25,000 barbecue at the boulevard restaurant in the city. The barbecue apparently will operate on the drive-in California principle, serve southern barbecue meals and the roof will be a stage on which a free show will be including a variety show. The Pigtail Inn will be on the job. Place will bear the name Chicalzo, the name of the imaginary town in Scribner's radio serial.

Columbia Broadcasting stock took a two-point rise when the story broke that Amos 'n' Andy would switch over to that network from NBC. Deal is reported at \$100,000. Amos 'n' Andy is said to be for the purpose of trying to convince their sponsor (Postum) that a move back to NBC would be beneficial all around. Amos 'n' Andy is presently on the air on NBC. The move would be directly after A & E three times a week. They would prefer to take over the double A's time and NBC and give them battle for dialer preference.

A volume of mail that reached 133,723 pieces during the last six months of 1938 is the record established by KFFZ "The Gospel Voice of St. Louis." The volume of mail was handled by the station's mail room. The volume is current. Dr. Walter A. Maier, who airs the program, has become the confidante of thousands of persons all over the U. S. and Canada. "The Lutheran Hour," as the program is known, began on October 1, 1938. It is now on a special set of 68 stations of the Mutual Broadcasting System.

Saturday night Swing Session, a CBS weekend feature since June of 1938, drops off next week's (18) broadcast. Session has had hands of Lethal Weapon on the air. The program is being replaced by "This Is New York" night show opposite NBC's Chase & Sanborn hour. Not on New York's list is said to run around \$3,000 weekly, big staff for a sustainer.

Roy Collins, Negro porter at WOR, N. Y., for several years and a song-writer, is being made into a radio star. He is being made into a radio star to get them on the air. As a result, the tunes are being played on the "Lucky Break" program from WLW, but emerging out of WOR in the "Lucky Break" series offers songs by tyro composers and tells how each got his "lucky break."

Unknown to most of the members present, recordings were taken of the proceedings at the Nazi Bund rally at Madison Square Garden, New York, several weeks ago and shipped to Germany. Plotters were made by the German government and were made into a radio show. The show that was picked up every happening, even the outburst of Dorothy Thompson, for which she was ejected from the building.

## Court Merges Five Suits Vs. RCA, AT&T and West. WBNY, BUFFALO, SIGNS WITH PANEL UNION

New York supreme court justice Aaron J. Levy last week granted an order for consolidation of five stockholder suits brought against Radio Corp. of America, General Electric, Western Union and American Telephone & Telegraph and 30 individual officers and directors of the companies. The suits were appointed Abraham L. Pomerantz as general counsel and Max D. Steuer as special trial counsel for the stockholders.

He denied an application to examine the records, but gave the stockholders permission to examine their application after an answer is filed.

American Communications Association, CIO affiliate, reported Monday (14) that it has signed agreements with WBNY, Buffalo, and W2WB, Buffalo. Only station holding out is W2BN.

Contract with W2WB calls for 40- to 50-minute shows and a half-hour overtime, no crossing of picket lines, minimum staff of five men, four-hour shifts, no overtime pay, no vacation with pay, salary increase effective July 1, and men to make up weekly operating schedule.

## Fitch Show Adds 22

Chicago, March 14. Fitch Bandwagon show at 6:30 p. m. on the red NBC web adds 22 stations to the list. Stations added are primarily through the net with a couple outlets joined to the midwest link.

## Dee Levy Gets a Plaque

Philadelphia, March 14. Dr. Leon Levy, prez of WCAU, is being honored with a plaque and will be in a close party. Plaque tonight from the president of the station in appreciation of the station's contribution of radio recently in allowing a speaker to present a roundtable side of the budget crisis.

Doc's brother, Ike, v. p. of the outlet is expected to accept the plaque in Doc's stead.

# 1939-40

## VARIETY

### RADIO DIRECTORY

**NOW IN EDITORIAL AND ADVERTISING PREPARATION**

### Those Stalling Ad Agencies

Slow-moving, traditional methods which characterize one of the major advertising agencies almost resulted last week in the loss of its a goodly piece of radio business. Program had been offered it several weeks ago but because of the manner in which it was handled, it was not through the presentation hadn't yet got around to the executive on the account for which the program had been suggested.

Meanwhile the same program was submitted to a committee which has been gunning for the above account. The small agency jumped into action and sold the account on the idea of buying the show. When word of this got to the major agency there was a sudden change of activity. A check revealed that this same presentation had been in the major agency's files all the time. Immediate reaction was a phone call to the program sponsor and the result was a check for the program to a small agency where it was being considered by the major agency.

### CBS Curseys Lenzen & Mitchell To Use on NBC the CBS Benchley Show

Columbia has waived the obligation it held on Robert Benchley's air service so that the humorist's free work on NBC for Old Gold when the air circuit moves its half-hour show to the blue TV screen. It was Old Gold has the spot following "Information Please" Tuesday night. Martin Guesch, producer of the Old Gold stanzas, who is under contract to CBS, has likewise been flagged to NBC.

CBS had a paper from Benchley which bound him from working on another network for year. It was Columbia that sent Benchley to Lorillard through Lenzen & Mitchell. When the program blows from CBS it will have completed a 26-week run.

Benchley is slated to go off the show for an eight-week vacation either July 4 or 11. Under the new contract with NBC he will just sign a contract with Art Shaw the band has the right to keep the band in the Tuesday night program for either Old Gold or some other Lorillard production.

Benchley and his cast will broadcast March 28 from the stage of the Capitol theatre, Hartford, where the show will be played for a week's segment. While the humorist will start from the following week on work in the Tuesday night program for either Old Gold or some other Lorillard production.

### CHIEFS GET EXERCISE AT WLSAI

Cincinnati, March 14. By a "reciprocal trade agreement" used to effect this week, the Crowley Corp. and its employees have placed radio advertising on WLSAI on their "preferred" lists. Printed copies of sponsors, their programs and products being exchanged. In Greater Cincinnati, via trailers in 18 neighborhood cinemas, an electric sign on a building at Sixth and Vine streets, in the downtown district, and on a neon sign in the Dixie Terminal in Cincinnati, for street cars and trolley coaches servicing Covington, Newport and suburbs in northern Kentucky, across the Ohio river.

Dewey Long, WSAI manager, estimates that the promotional ads cost to the attention of more than 500,000 persons daily.

### Harry Kerr to L. A.

Harry Kerr, head radio p. a. for Walter Thompson, in the east, has been transferred to Hollywood to handle a special assignment. His local spot will be filled by Wickline Crider.

Wickline Crider, travelers to the Coast this week are Lynn McManus and Gordon Thompson, writer and producer respectively, of the Rudy Vallee show.

# CCC GAMES WAXINGS FOR 50,000 COAST MATTERS; ADDS 22 CBS STATIONS

### STILL ASKING 'What's My Name?' Explained by 'Where Are They?'

Philp Morris is replacing its "What's My Name?" show over Mutual with "Where Are They?" beginning March 24. Charles Cantor and Nydia Weston may be featured with the studio's Huldick holding over from the previous series to m.c.

Idea will be to have Cantor and Miss Weston describe their surroundings in some well-known spot (Metropolitan, for instance) and then call up members of the audience to guess where they're supposed to be. The show will be a quiz game. Johnny Green's orchestra will do the bridging, while Charles O'Connor will announce. Show will air from the Mutual Building, N. Y. Show is the agency.

### NBC has had a 'Name the Place' show since Feb. 12 on the blue Sun-Flights at 10. Arthur Perry and Allen Wilson control it.

### Ernie Hare, Air Pioneer Entertainer, Dies at 55; Set Sundry Radio 'Firsts'

Ernie Hare, 55, the baritone paragon of radio's first 20 years, died of bronchial pneumonia in the Queens General Hospital, N. Y., March 14. He was one of the first and youngest and patric at active national radio fame. Before going into broadcasting in 1922 the team appeared in many Broadway shows, including 10 Winter Garden productions and was top seller in the phonograph record field.

Hare and Hare claimed that they were the first to make a combination to get on the air payroll of an advertiser and also the first to incorporate the sponsor into their billing. The connection was the Happiness Candy Stores of New York City. The act was contracted to run on WSAI, now the NBC red's New York key, for five weeks but remained for five and a half years. Later they tied up with Intervenew Radio and billed themselves as the Intervenew Fair.

In 1928 NBC got them a couple of weeks' spot on the blue WJZ link to try out something that the boys had described as original for broadcasting. Three weeks later NBC put them on to lead a community sign program. Recently the team signed a long-term contract with WMCA, N. Y. When Hare became ill three weeks prior to his death his 15-year-old daughter, Marilyn, went in to pinch hit for him without any previous experience.

Despite his daughter, Hare is survived by his widow, his mother and his son, Burial was in Norfolk, Va., where he was born.

### Mike Carlo of Legit Joins Leighton & Nelson Agency

Schenectady, N. Y., March 14. Leighton & Nelson, Schenectady, has added to its staff Charles Carlo of Birmingham, who played on the legit stage under the name of Woodstock. Three weeks ago he finished a 12-week series for the agency at WRIN on a program sponsored by the Music Shop (Shoe Company). Dan Flynn, vice with Leighton & Nelson, is in charge.

### WRBL Joins CBS

Columbus, Ga., March 14. WRBL, listed as a member of the Columbia chain, joining net tomorrow (Wednesday). Station owned by J. W. Woodruff, Jr. of here, who owns WATL, Atlanta, and WGPC, Albany, Ga., is managed by J. W. Woodruff, Jr.

Bill Dougherty is program director. Young Viole Griffin at KEEJ Los Angeles, March 14. Wayne Kirshen, radio's new joint sales editor at KTLA, is on the staff of Batten, Barton, Durstine & Osborn as producer-director. Young comes from the Younger group of San Diego's KGB to all the spot.

### Same Cost Approximately—Transcriptions Three Weeks Behind—People Picked Up High-Powered Stations, Complained 'We Heard This Before'

Los Angeles, March 14. Pet hate of morning dailies, Times and Examiner, is radio. Both sheets are now staging circulation drives. Prices are radio sets.

### LOHR 'ZEROS' RADIO-PIX FIGHT

By JACK HELLMAN Hollywood, March 14. "Who's the most powerful?" people wanted to know when the press lads ganged up on him for a bulletin board article in which he said that studios surely can't be running around with a chip on their shoulder. He said they've been hurt they wouldn't know who to blame.

"That's about how NBC's major domo has felt since he's had the unmitigably tongue-in-cheek, 'I've talked to Will Hays and visited socially with the executives of the film executives' chain chairman last the pencilled news ferreted 'know' and 'NBC's news' (the major domo's) of radio fighting with pictures, why that's news" (the major domo's) his denying with the word "zero."

"What's the use of fighting?" challenged Lohr. "I've tried up all getting along swell and doing a good job for each other. Even were the picture studio's to give their side off the air, we'd still get along alright. No, I wouldn't call it a death blow. Hollywood is fixed as a production center, come what may."

Other expressions from the major domo that day—wasting along the microphone is great stuff and a public service; television is still a couple years away, and that he has no intention of stepping down as NBC president; television is still a couple years away, and that he has no intention of stepping down as NBC president; television is still a couple years away, and that he has no intention of stepping down as NBC president.

### AIR'S OLDEST?

Gambling's Musical Clock Ticks Off 14th Ann on WGS

Claimed to be the oldest program on the air, John Gambling's musical show will celebrate its 14th anniversary on Wednesday (8) marked its 14th anniversary of continuous ethering. Six weeks ago it was on for 75% of the time and is currently broadcast three days a week by WGS.

Offering setting-up exercises, chat and musical reflections by a four-piece outfit, the session runs 45 minutes from 7:15 a.m.

### Texaco Ponders Heat

Texaco still decide until May whether it will step on the air for the summer or fade when its present obligations expire. "Time commences" will be explored in June. About the only year the account has been on through the summer has been in 1958 when it was on for 183 hours under the Cantor.

Colgate-Palmolive-Pet is dropping practically all transcription campaigns in April after a run of 65 weeks. Stations affected by the cancellation order are WJW, Cincinnati; WTAM, Cleveland; WSB, Atlanta; WTIC, Hartford; and WGB, Schenectady. In place of the latter 50,000-watt station will use 22 additional stations on Columbia, with the cost being approximately the same.

It's a radical change in policy for the soap company which found that the worst version of a serial sketch can't run effectively three weeks behind the live broadcast, overlapping coverage with stations interested to hear this. The two shows involved are "Myrt in Marge" and "Hill Top House". Procter & Gamble and Lever Bros. had at one time or another tried the spacing thing and encountered the same discouraging results. These two soap combines then altered the policy of having the transcripts reviewed cleared day and date with the live broadcast.

The two serials are also aired via disc from WGS, Los Angeles and WOR, Newark. Elimination of WBO is still under discussion, while in the case of WJW, New York, the situation is different. The WOR broadcast is a duplicate of that cleared by WABC, which has a similar interest to WJW. Benton & Bowles is the agency on the account.

### GEORGE JESSEL GRABS TWO SPONSORS

George Jessel, after looking for a sponsor for three years, has suddenly acquired two of them. He will be heard over a regional loop up WJZ, New York, starting today (Wednesday) for Red's ice cream. He will also be heard on a program on WJZ, New York, starting today (Wednesday) for Red's ice cream. He will also be heard on a program on WJZ, New York, starting today (Wednesday) for Red's ice cream.

### LIBEL PROTECTION BILL INTRODUCED

Albany, March 14. Legislation designed to protect against slander and libel suits now before the New York assembly. True report or any judicial, legislative or other public and official program in connection with the program. Senator Frederick R. Couderd, Jr., and Assemblyman Abbot Low Moffat, both assembly members, introduced the bill.

Moffat, chairman of the Assembly ways and means committee, is one of the most influential lawmakers in New York. The bill also is related to and associated with Couderd Bros., New York-Fairfax law firm. The bill adds a new section to the civil practice act.

### MONTANA LIBEL LAW

Exempts Stations from Libel Political Speakers

Helena, Mont., March 14. Governor Roy E. Ayers has signed a bill which relieves radio broadcast stations from libel suits when in connection with broadcasts of material which is exempt from the right of access to the public airwaves.

Ed Cranley, of KGBR, Butte, helped push it through.









# BBC Television Exec, Gerald Cock, Thinks Out Loud on Visio's Future

London, March 7. Possibility of a five-year plan for expanding television work throughout the United Kingdom was hinted at by BBC television director Gerald Cock in his observations on the road this service may take and hurdles it has to jump. As he told to Variety, Cock's plan which so far lives in his own brain and has no official blessing, would have U.K. covered with a network of relay stations, all transmitting one central program, so as to avoid duplication of staffs, plant or programs.

Does not envisage same continuity of television broadcasting as with radio, because greater concentration needed when watching the home receiver imposes a strain such as radio listener never experiences. Programs, therefore, may remain restricted to severe hours daily, perhaps little more than at present, but range of material and flexibility must be considerably wider.

Visio gives the public something in 'actuality' broadcasts they can't get any other way, he holds, immediate close personal contact in their own homes with events happening at the same moment in real life at some remote spot and in different surroundings. BBC must accordingly develop

## It's Television

London, March 7. In self-defense against rubber-neck visitors who invariably pose him the question, "What is television?" BBC's visio chief, Gerald Cock, had Sir Stephen Tallant draw him up an official 'explanation,' framed it and hung it in his Alexandra Palace office. It runs:

'Excited by impulses born on a carrier wave which vibrates 4,000,000 times a second, a spot of light one-thirtieth-second of an inch in diameter, traveling at the rate of 4,000 miles an hour, and varying in its illumination up to 4,000,000 times a second, traces a line a second in alternate lines a page of 405 lines on a sensitized outer coating of a ray tube. Vision and sound signals are synchronized to within a quarter-millionth part of a second.'

It's a k.o. every time! speed and flexibility in handling such programs; a 'flying squad' unit, with non-cumbersome equipment, ready to dash off at any moment to cover unexpected happenings, is what Cock indicates.

Programs picked up this way would take precedence over pre-set broadcasts; the air would be cleared for it because its topicality would give immense appeal.

### Slim Bankroll

Lamenting bankroll limitations, visio director signed for a corps of special writers for the service—an extremely expensive luxury for the future, he declared. Also insisted one program that would have to come shortly would be a daily Children's Hour.

Denied the visio service would ever be married to radio as general practice. Both forms of broadcasting have their own appeal and their own limitations. Some material is suitable for visual transmission alone, some has sound appeal. Rarely is that which is suitable for both mediums—such as the big Saturday variety bills.

Expressed satisfaction with stage now reached by the department in handling daily programs for a rapidly growing audience. "We feel we have broken the back of the main puzzle," he claimed. "For a year and a half we had to make bricks without straw; only in the last six months has real progress been possible."

## WEAF Marred in Jersey

Atlantic City, March 14. Mass protest is being urged on listeners here against a new Latin American outlet which is making the signal of WEAF unintelligible. Contesting station, using the same wavelength as the New York outlet, is believed to be located in either Mexico or Cuba.

Group of listeners is planning a petition to the FCC asking it to take what action it can to clear up the situation.

## Clarence Pettit Follows Al Nelson to NBC, N. Y.

Pittsburgh, March 14. Clarence Pettit, for last two years head of KRCA's public relations department, has just been named assistant manager of guest relations for NBC. He leaves for New York in two weeks to take up his new duties, which will consist in main of contact work with out-of-towners during expected eastern influx to Radio City among World's Fair crowds.

Pettit came here from Denver in 1937 with Al Nelson, manager of KRCA at that time and now chief for NBC's Blue web. There will be no replacement for him on staff of local station, publicity chief Kay Barr assuming most of Pettit's old duties.

John J. Anthony Associates, Inc., has been chartered to conduct a printing-publishing business in Manhattan. Directors are: John J. Anthony, Ethel Anthony and Eva Feaster, N. Y. C.

## FCC Monopoly Hearings Still in Sesh; Will Examine Hideaway Landlords

Washington, March 14. Possible violations of the law or regulations by broadcasters who shift actual control over operation of their stations through leases, management contracts, and other arrangements will be ventilated in the coming fortnight when the FCC chain-monopoly inquiry turns to a new field. Several important transactions, some of which have been under examination for months, will be x-rayed in an attempt to find out the real owners of properties in the hands of holding companies.

The inquiry into leases and contracts is docketed to open Tuesday (21) with the study of ultimate ownership and multiple ownership following the next week. Then disc. In both of these fields, sum-

mones have been issued for licensees whose responses to questionnaires allegedly indicated an attempt to conceal true facts and whose conduct is the subject of disagreement from a legal viewpoint. The Westinghouse-NBC relations, which have been assailed in Congress and were probed by the Commerce law department a year ago, will be scrutinized next week along with the question of ownership and control of several smaller stations throughout the nation. Proposed lease of KSPQ, San Francisco, by CBS, which is now pending in court, also will be reheard.

Paul Jones, recently with WCML, Ashland, Ky., last week was added to the WLW-WSAI announcers' staff.



WITH INCREASING MOMENTUM with each passing month . . . a new star has been in the making at WLW. This new star is Peter Grant . . .

dependent upon news coverage in all WLW programs. His rising popularity has become evident in mail count studies. Round the clock consideration is made at regular intervals during the past year. Followed his daytime shows (Kitchen Cabinet, News, and News) and out-lets in already mentioned WLW schedule. Peter Grant's Sunday evening program of the Air growing in popularity has recently placed it on NBC. Then just a week ago Grant's three time a week Front Page Parade went special for Richman Broadcasting on a full time basis. These

thru all these developments has spread feeling that Peter Grant was recognized by The Nation's Station's top news commentator.

In putting Peter Grant in WLW's top news spot at 11:00 P. M. daily, WLW news shows will more than ever be the top news shows of the nation.



The Nation's Station

National Representatives: Transamerican—New York, Chicago, Hollywood

# PRESIDENT'S SON SAYS BLANKS RADIO MEN DARE NOT; APTS RENTS

### Bankers Shy Off Radio So Long as Politicians Caprice Holds Life and Death, Elliott Roosevelt Points Out in Frank Discussion

Washington, March 14.

Elliott Roosevelt gave the FCC last week a detailed explanation of his views on banking and political interference with broadcasting and governmental regulation. Winding up the regional network phase of the chain-monopoly probe, President's son:

1. Termed the Communications Act antiquated, puzzling and unscientific.

2. Complained about excessive government meddling in the radio business.

3. Urged adoption of a different concept of broadcasting's obligations, privileges and functions.

In a day-and-a-half spill on the witness stand, head of Hearst Radio and the Texas State Network differed sharply with the social and economic philosopher-in-chief. Frank R. McNinch and gave voice to the industry mutterings which the FCC and the Industry, Dr. Roosevelt prescribed a far-flung review of regulatory legislation and of Commission decisions.

The President's son gave the FCC numerous concrete recommendations, covering a wide field ranging from transcriptions to licensing. Outstanding suggestion was that broadcasters be treated the same as various forms of transportation, which would give the body-needed stability while still requiring licensees to serve the public interest.

In place of the six-month license, Roosevelt advocated issuance of certificates of convenience and necessity.

—such as are given to airlines and trucking lines—thus opening an unlimited future to the mark. Under present conditions, operators are constrained on the chair-edge, yet the Commission in actuality cracks out renewal papers on a routine basis in the normal case. Use of a franchise without time limits would merely be a recognition of facts and put an end to upsetting hoos-poo.

Argument was based on economic grounds. Bankers, not understanding the radio situation in the industry, think radio is a bad risk because the government can intervene at the end of any six-month period.

"The radio business today is probably the only business of its kind in the United States which is not able to obtain financing from banks," said the four-man investigation committee. "There is a very definite reason why this business cannot obtain financing and therefore only people who have gone into the radio business have been very short-lived operators of their business..."

The strictest control exercised by the FCC over transmitter sales is a barrier to development of the business, Roosevelt complained. "The due restrictions" imposed by the regulators cause so much uncertainty about the possibility of liquidating investments that good business men turn to tie up their funds.

### Calls Bare Bones Theory Particularly Obnoxious

The bare-bones policy advocated by the FCC chairman was particularly obnoxious to the President's son. As long as the buyer has ample resources to operate the plant, legitimate sale occurs when an individual in good faith buys or buys and then operates. But is forced to go through a long process...

"Principle of 'let the buyer beware' should be followed in handling station sale contracts," contended the only concern of the government is the purchaser's ability to keep going. It makes a 5% or 20% return on his money as long as he provides service."

Stated by these theories, McNinch fired repeated questions that reflected his dislike for a change in the existing attitude toward broadcasters. If history shows the FCC has denied renewal pleas only in instances where the station was why the industry should be alarmed. Bankers and outsiders do not understand, Roosevelt retorted, pointing out again that the law gives little assurance that substantial outlays will not be jeopardized.

If the regulatory right of the United States Government is not diminished, what logical reason can be advanced for holding the radio industry in a state of limbo?

Veritable censorship, through fear of punishment and confusion over what is expected, was another of Roosevelt's complaints. Broadcasters are supposed to have a clearer idea of what constitutes "public interest" than the free speech ideal and the theory they do not offend listeners, an occasion in a dilemma presented by the political neutrality clause of the Federal statute and the libel law.

### 'Service, Not Sale Price, All That Should Count

"If the buyer can continue to render a good service, I cannot improve upon that service. I cannot see what difference it makes whether he pays for a certain radio in ten dollar bills or as you continue to regulate the buyer just as you regulate the seller..."

"If we were allowed to be honest and place a direct valuation on the licenses which we have—without all, is the goodwill and the type of operation which we build up in our communities..."

Platters which have been changed to earn as much as these traffic are worth hundreds of thousands. Frustrating will not get treatment of huge amounts, he noted, without some prospect of getting their investment back or unless they are extremely philanthropic and have a burning yen to serve the public.

The Commission raised eyebrows at these opinions, the President's son noted that railroads, airlines and trucking companies—which use public resources—get much more sympathetic treatment than broadcasters. They can even get certificates of convenience which allow them to remain lease on life. Government is not prevented from taking them deliver satisfactory service. No privilege is granted as long as the issuer does not get involved in the private in cases of abuse.

Large Profits Permit Facsimile Experiments

In discussing the financial angle, he noted that no specialists are playing with facsimile or television because of the high cost. Only development is being carried on by NBC, CBS, or a station with considerable wattage and tremendous profits.

Possibility the industry would pay a tidy sum if allowed to have title to various frequencies was suggested to the Commission. Saying he saw no reason why not get present treatment, he declared the broadcasters are attempting to steal anything from the government or the public. If they are worthy at all, licensees must have some safeguard in the way of recognition of their right in certain facility. This would didn't

go down with McNinch, who doubted that members of the industry are as public-spirited as the President's son thinks. Chairman asked why, if broadcasters are patriotic and able to contribute to the nation's defense, McNinch Not Pleased

### By Roosevelt Ideas

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### Urges Regulation of Web Control Over Affiliates

Public interest is injured, not promoted, when networks are allowed to affilias via strict contracts, Roosevelt said. Operators are supposed to have a clearer idea of what constitutes "public interest" than the free speech ideal and the theory they do not offend listeners, an occasion in a dilemma presented by the political neutrality clause of the Federal statute and the libel law.

Present policy on transcriptions is evidence of a condescending attitude, he testified. Disc programs often represent as big an outlay and as high quality production as networks' live talent shows. Idea they should be identified as recorded is a relic of the old days when platters were literally and the embossed marks of speech could not be reproduced with fidelity. With the improvement in recording technique, many wared programs now are of materially higher quality than programs played long distances by wire. He did not like the idea of permitting the national chain to control the disc business, fearing tighter control over the business of big advertisers.

State Department ought to put heat on Mexico to ratify the North American agreement, President's son said. State Department ought to put heat on Mexico to ratify the North American agreement, President's son said. State Department ought to put heat on Mexico to ratify the North American agreement, President's son said.

The success of FCC questionnaires is a grave concern to the industry. The commission will push uniform accounting systems might be helpful, the orders for detailed reports are unpalatable. Since last September, when the prodding for

statistics started, KFJZ this Fort Worth radio had spent \$25,000 just to satisfy the FCC curiosity. Blanks keep two people busy.

Explaining the operations of his chain, the President's son said he was motivated in linking the 28 outlets by the fact that stations without radio connections cannot attract the audience. Lacking cash they were going to put on the sort of programs which build a following and instead had to rely almost entirely on advertising.

The TSN has edged out of the red since the turn of the year, commission. From a net loss of \$1,000 in Jan. 1938, losses were \$105,000 in time sales of \$7,912, but now the enterprise is profitable. The fact that stations without radio connections cannot attract the audience. Lacking cash they were going to put on the sort of programs which build a following and instead had to rely almost entirely on advertising.

With the regional phase which the Commission probers this week listen to critics of the FCC and of the law, and the regulators, along with special platters, are being made. Under McNinch Baker, who intends to renew his contract with the station, KNTV, was thrown off the air because of medical programs. Labor groups are scheduled to present complaints about unfair treatment, as are educators.

### Would Abolish Set Tax

Montreal, March 14. Proposal has been submitted to Parliament by Paul Martin for the abolition of the set tax. Canadian annual radio license fee of \$2.50 on the grounds that the license charge is a hindrance to the Canadian Broadcasting Corp. Radio license now in session has been asked to rule on this problem between March 25 as the radio license collection date.

Indications are that proposal will be given scant consideration since the National Association of Broadcasters has approximately 1,200,000 owners of receiving sets. Possibility that set tax may be reduced to \$2, which would cut receipts by \$600,000 annually.



ON THE NBC RED NETWORK

### 600-LETTER PULL IN SPOT OPPOSITE MR. JACK BENNY!

Yes—over 600 letters received the next day. One example of WNEW's tremendous power.

THERE IS A REASON: By all independent surveys\* WNEW ranks first in number of listeners of any New York non-network station.

### FIRST IN DETROIT

Every audience survey ever made in the Detroit Market shows that WJW is first in listener interest.

Owned and Operated by The Detroit News  
"Terziey" Shremstad Award, 1938  
Best Red Network Station  
Represented Monthly by Geo. F. Hollingsby Co. New York, Chicago, Detroit, Kansas City, San Francisco, Atlanta

570 KC NB C  
RED BLUE  
WSWR

Farmers in central New York? You betcher boots, Jim—real dirt farmers with plenty of money to spend. More than 325,840\* of them listen to WSWR. Syracuse.

\*From a recent farm study in the Syracuse market. A copy is waiting for you. Write WSWR, Syracuse.

SYRACUSE

SYRACUSE

NEW YORK  
SERVING NEW YORK AND NEW JERSEY 24 HOURS A DAY  
5000 WATTS BY DAY-1600 WATTS BY NIGHT-12500 KILOWATTS

## ABC Ignores Possible Beef of Radio Set Licensees, Books Acts for Vaude

Sydney, Feb. 19.  
Australian Broadcasting Commission is booking its talent with picture theatres. First such deal was a two-weeks' tour for Jim Davidson's orchestra with the Greater Union Theatre. This was followed by the placement of Albert Fisher's Orchestral in the vaudeville Carrolls houses during the run of Paramount's 'I I Were King'.  
The ABC has heretofore been uncertain about booking its talent into pop priced spots because of the possible kiddback from radio set licensees payees. Fans, it was figured, might not to know why they should be paying to pay an admission fee, plus the license money, to see the talent in person. Also why the ABC should be permitted to collect this additional revenue and to what use the money was being put.

## PARTY MOUTHPIECE IGNORES THE RULES

Mexico City, March 7.  
Radio station XERO here, voice of the Party of the Mexican Revolution, dominator of the Mexican government, which was recently fined \$200 for broadcasting liquor publicity, is in trouble again. The ministry of communications and public works, ruler of air affairs in Mexico, has complained to President Lazaro Cardenas that the station:  
(1) Refuses to obey its orders against broadcasting forbidden material, including obscene music. (2) Pay the wage of a ministry inspector, as the law requires. (3) To provide the required monthly questionnaire covering its income and expenses, as must all commercial stations in Mexico.

## Nelson Maples Divorced

Pittsburgh, March 14.  
Nelson Maples, director of KQV staff orchestra and week-end dance band maestro at Webster Hall hotel, and his wife, former Ellen Mason, one-time niterly hit-check gal, were split by divorce here last week.

## PAUL GATES PROMOTED

San Francisco, March 14.  
Promotion of Paul Gates to post of supervisor of announcers and night programs at KFO and KGO (NBC) has been made.  
Gates' assistant will be Grant Pollock, who was upped following the transfer of Hal Gibney to the announcing staff at NBC's Hollywood studios. Hal Wolf, formerly of KOMO and KJR in Seattle, and William Wood, Jr., previously with KLS in Oakland, are recent additions to the spellers.

## SPY STUFF SILLY

Mexico Calls Rumors Baseless—German Barred Reported

Mexico City, March 7.  
Registered radio stations in Mexico are not being used by foreign secret service operatives, and these spies have no clandestine air facilities in this country, declares a government report, made in connection with stories to the effect that the nine planes owned by Baron Hans Heinrich Von Holtzner (who was deported) used radio in a local ceremony for solving Berlin of Mexican military and naval secrets.  
So complete is its control of radio that it is impossible for short wave or any other clandestine stations to operate in Mexico, asserts the ministry of communications and public works, which has charge of air affairs in this land.

## Nostrums Force Self-Censorship In Australia

Sydney, Feb. 19.  
Commercial stations have agreed to establish a system of self-censorship, with Frank Marden, general manager of the Commonwealth Network, as chairman of the committee that will watch over programs and advertising material. It's the first voluntary setup of its kind in Antipodes broadcasting.  
Non-government-operated stations decided to act after the postmaster-general had remarked that the whole commercial radio field was in need of a shaking up. Chief target of his comment was patent medicines. It was likewise hinted that if these broadcasters didn't do somehouse-cleaning from within drastic legislation might follow.  
New committees will have authority over about 90 stations.  
NOLA LULFORD AT EXPO  
Nola Lulford, well-known radio actress, who has done considerable international broadcasting from the Antipodes, has been named New Zealand's special officer on public relations counsel at the N. Y. World's Fair.  
She will have charge of special events broadcasts to N. Z., including the visit of the British King and Queen.

## LONDON CALLING

Beulah's Motor Magazine booked a series of twice weekly weekday afternoon quarter hours on Radio Normandy. First experiment on the air.

American hillbilly team, Ed and Don, who have been broadcasting from Radio Normandy, set with Steele's Advertising Service for C. E. Pufford, Ltd. (Zam-Buk). Will broadcast direct from Normandy studios at Caudebec-en-Caux, France.

J. H. Hare & Partners, Ltd., on Normandy for client, Spinks (Cleaners), Ltd. First time Spinks on radio.

Backley Bargreaves given new ticket as BBC film critic covering spring circuit.

J. G. L. Francis appointed assistant chief accountant at Broadcasting House, London.

'Edge of the World, Michael Powell's semi-documentary, will fill whole afternoon visit session April 1.

All-French star aret being produced in Paris by Archie Campbell for BBC March 20 in tribute to French President's U.K. visit.

Genozo Toothpaste, which has been sponsoring the only American pattern quiz program on Radio Normandy under the title of 'Teaser Time', is dropping out of this station March 20 to extend their weekday Luxembourg time. The object being to obtain a run of 15-minute programs every day of the week at 10.15 in the morning for various products belonging to the sponsor Genotom, Ltd.

This firm is set to present on the air twice weekly from Luxembourg for S-natogon and Genasprin. The former program being of a semi-educative nature, and the latter a non-serious script show. The new Genozo program is likely to be in the popular ear music category, and will be handled by Mather & Crowther.

## AEROPLANE TRAGEDY

John Stadler, CBC Official, Killed in Quebec Crash

Montreal, March 14.  
John C. Stadler, Jr., 32, executive assistant to Dr. A. Frigon, assistant general manager of the Canadian Broadcasting Corp. was instantly killed when the plane in which he was flying crashed in the Lake St. John district last week. Stadler and two companions were on a week-end pleasure jaunt in the goldmine district of northern Quebec. Bodies and plane wreckage were discovered by two commercial pilots.

Stadler was manager of stations CBF and CBM, the two Government transmitters here, prior to his appointment as Dr. Frigon's assistant.

## Radio Wage Scale in Australia

### Fixed by Law; Minimums Are \$16 to \$24 Weekly; Rehearsal Pay

## BLIGHTED ROMANCE

Mexican Tenor, 22, Shoots Self in Radio Studio  
Mexico City, March 7.  
Jose Luis Lama Rojas, 22-year-old tenor, with a considerable air following, shot himself to death in the studios of XEB, Mexico City, a few minutes before his scheduled broadcast. The suicide was attributed to a romance that went wrong.

Sydney, Feb. 19.  
Commonwealth Arbitration Court has fixed an award (i. e. wage scale) covering artists and others employed by the Australian Broadcasting Commission. Award, which met with the approval of the Actors' Equity of Australia and the ABC, governs choristers, males and females, tenors, chorists, males and females, commencing a radio career have been fixed at \$16 per week, and those with experience will cop \$24. Rates for chorists, males and females, set at \$20 per week.  
Adult players in kiddie sessions will receive \$12.5 for each performance and kids \$2.50. The minimum fee to be paid any artist for an engagement is set at \$8.50.  
Actors and actresses engaged casually in connection with plays will receive \$8.50, which includes the performance and two rehearsals. Additional rehearsals to be paid for at the rate of \$2.50.

## PREMIUMS NEW STUFF TO ENGLAND

London, March 7.  
The premium offer, a well-established sales-forcing strategy in America radio, is just beginning to make itself felt in the British commercial radio field, as is witnessed by the recent decision of Symington, makers of packet soups, jellies and other groceries, to go all out for this line on the radio. For four weeks in succession both from Luxembourg and Normandy on Sunday weekday programs beginning Feb. 26, Symingtons are killing their normal commercial to offer 12 packets of branded garden seeds supplied by Utwin, well-known British growers, in return for a box top and 10c. The retail value of these seeds is in the region of 6c. The offer brings results comparable in any way to those achieved in America.

## Ben Costman, B. A. Burns Join Stevenson & Scott

Montreal, March 14.  
Ben Costman, program producer, and B. A. Burns, account exec, have switched from Associated Broadcasting to the Stevenson & Scott Agency.  
Comments are placing series of French-language transcriptions for Ottawa Points over stations CKAC and CHL starting March 23, with Quebec and Hull station time also being arranged for the same sponsor. Also buying daily spots for Holt, Renfrew & Co. over stations CFCF and CKAC, starting March 27.  
It is probable Symingtons will continue the policy with other premiums.

# The Milt Herth Trio

SAYS THANKS TO:

- Walter Winchell for: "New Yorkists to the Milt Herth swing-thing... a baritone... handling."  
Nick Kenny, N. Y. DAILY MIRROR, for: "One of the hottest instrumental trio in music today... has been over WEAZ for some months... offering a brand of swing music that must serve as a dynamic tonic for the listener."  
Ben Gross, N. Y. DAILY NEWS, for: "The trio headed by Milt Herth, the swing organist, gave out with a fine flourish... The three cannot hold his own against..."  
Gene Knight, N. Y. JOURNAL-AMERICAN, for: "An unusual entertainment trio that coaxes unusual music from organ, drums and piano, and leaves the customer begging for more."  
Abel Green, VARIETY, for: "Milt Herth Trio can go onto any platform and click as big as a figure house as at the Dept. Store."  
Sol Zatz, BILLBOARD, for: "Work on original arrangements and are decidedly a newish... from for theatres and night clubs"

Currently TRIPLING Between...  
**THE NEW YORK STRAND  
CHEZ FIREHOUSE  
NBC RED AND BLUE NETWORKS**  
(Seven Times Weekly as "Omar the Swingmaker")

OUR REGIONAL THANKS to Harry Mayer, Harry Gourlain, Zeb Epstein, Will Osborne and Irving Winchell at the Strand; to Ed Walsberg and Bill Guller at the Waldorf Astor and Jerrold Krimsky and MCA for the Chez Firehouse; Austin Croom Johnson and all of NBC; Charlie Green and CRA for a new association; Irving Lehrer for publicity, advice and many things, big and little.  
P.R.—We're making Decca records, NBC transcriptions and Warner shorts

Address All Communications to  
ANDREW D. WEINBERGER, 67 West 44th St., New York City

## ANNOUNCING

that  
**Mr. C. G. COSBY**  
(formerly general manager of KWK)

has joined the  
staff of radio station  
**KXOK**  
owned and operated by the  
**ST. LOUIS STAR-TIMES**

Director of National Sales

### Normandy, Poste Parisien Share Various Commercial Waxes Made in London

London, March 15.—Two of the commercials operating from European stations for U.K. listeners operate a system for sharing programs. Radio Normandy is operated by the International Broadcasting Co., and Poste Parisien is controlled by Anglo Continental Publicity, but both use identical material with the exception there is more from the BBC transmitter than comes from the Paris.

All sponsored programs this side are pre-recorded owing to impossibility of getting artists out to the Continent to do programs there. It is easy to make two copies of required programs and ship one to Normandy and the other to Paris. Curious result is that when listeners, after hearing a favorite program on one wavelength, can almost immediately switch to the other to hear it over.

Difference between two stations is that IDC transmits at 1500 kc. in Paris. Normandy averages 10 hours daily in the week and 13 1/2 hours Sundays, against 3 hours and 5 hours, respectively, from Poste Parisien. This means latter station usually takes key programs, but in its favor is that reception in London is stronger on Normandy. Latter is edged on south of England.

### Spanish Stars in N. Y.

Aminda Ledesma and Alberto Vila, Spanish film and radio stars, arrived in the U. S. from Argentina Monday (6).

Aminda's entrance to the Coast to appear in Spanish films—Tor Cohen Productions, to be released by 20th Fox.

B. Walters, formerly of Emil Briescher & Staff, is in charge of the recently opened San Francisco office of David, Inc., agency of Minnesota.



**Trade Mark of Entertainement Satisfaction**

**PAUL HENRIAN**

and his ALL-AMERICAN BAND

*Now Appearing With Sensational Success At the SOUTHWEST EXPOSITION and RODEO*

**West World, Texas**  
—Manufacturers of the famous CHESTERFIELD Cigarettes

**CHESTERFIELD**  
From Fort Worth, Texas. Mutual Advertisers March 15th—19th P.M., C.S.T.

**BOOKS—THEORY BY Artists' Management, Inc. 17 East 45th St., New York**  
MURPHY 811-1888

**THE OVERS**

By ANE WES

NOW RADIOS MOST POPULAR

FAMILY BRINGS YOU MORE

LAUGHTER & EARS AND HEART-THROBS

Presented by Ivory Soap "99" only

**LISTEN TUNE DAILY**  
NBC Red Network, 12:15 to 12:30 P.M., EST  
CBS - WABC - 2:15 to 2:30 P.M., EST

**IN COAST TO COAST**

DR. COMPTON-ARTHEUR'S AGENCY  
120 W. COMPTON—RKO BLDG., NEW YORK CITY

## F. C. W.'s WASHINGTON DOCKET

### MAJOR DECISIONS

Washington, March 14.—Consistent: Operation of WJNC, New London, on a full-time basis, proposed by the station, was held by the F. C. W. (Woolley, Nicksa, and W. H. H. H.). Favorable decision was made on the basis of the station's ability to operate outside station and remove the matter held in October. The station's ability to operate outside station and remove the matter held in October. The station's ability to operate outside station and remove the matter held in October.

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### MINOR DECISIONS

Florida: WJAX, City of Jacksonville, Jacksonville, granted an experimental license for the station, which was held by the F. C. W. (Woolley, Nicksa, and W. H. H. H.).

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### PRESBYTERIAN EDITOR RAPS SUNDAY BLURBS

Toronto, March 14.—Registering a vigorous protest against driving in Sunday newspapers, and particularly rapping commercial jobs incorporated in religion, Rev. Dr. W. W. Rogers, editor of the "Presbyterian Record," has challenged the Canadian Broadcasting Corp. for its "outburst" which discredits all concerned. Confronting his attack to the country's other activities, he also charges that Sunday radio advertising emanating from Canadian stations is illegal as in contravention to the Federal government's Lord's Day Act.

In an editorial in the current issue of the official publication of the Presbyterian Church in Canada, Dr. Rogers' charges are set against commercial announcements interpolated in sponsored Canadian religious programs. "We wonder that business men do not see how objectionable this is; as likely to injure their trade as to help it," he writes.

**CJRM, Regina, Squawks**  
Saskatoon, Sask. March 14.—Not waiting for April 1, when it was due, CFRC, 10kw, here, has already jumped to a wavelength from old 840-kc. CJRM, Regina, due to go "per brackets" from 840 kc. is protesting against being sought better treatment.

It was seeking to be taken by the new 50,000-watt transmitter built at Wray for Canadian Broadcasting Corp.

Haberlin (Bud) Mortuary is the new publicity director and account execs with Harry Elliott, advertising, San Francisco. Formerly with Campbell.

### Communists Should Be Accorded Air Chance, Brockington Believes

Montreal, March 14.—Communist Party, as well as other political parties, will be granted permission to use the Canadian Broadcasting Corp. network for their programs to elections, if the suggestion of J. W. Brockington, chairman of the Board of the C.B.C., is accepted. Testifying before the Radio Brockington at Ottawa last week said that Communists should have the same rights as other political parties. Brockington is one of the finest institutions in the world.

When a member of the Radio Committee mentioned the Padlock Law in the Province of Quebec, which is specifically aimed at suppressing Communist propaganda of any kind, Brockington reiterated his belief in granting equal privileges to all political parties in a ruling of the Board.

Reports are to the effect that Brockington asked the Radio Committee a ruling on the problem of political and quasi-political broadcasting so that the C.B.C. could have definite guidance in passing on applications from various organizations for use of the network.

Committee members were asked to disregard political considerations and party affiliations in order to arrive at a satisfactory solution of the problem.

In response to questioning on the refusal of the C.B.C. to grant George McCullagh, Toronto Publisher, use of the national network, Brockington said that rulings were clearly against the broadcasting of personal opinion over the C.B.C. and affiliated stations.

### Ron Beroviel is with the New York office of Tom Fitzdale, Inc.

New York World-Petroleum By Maxine Cook  
The department held on the Zephyrs, never came out of any instruments in the hands of the Zephyrs and found up a show motion disc game that is one of the best available for the I've seen in months. An ordinary I've seen in months. An ordinary I've seen in months. An ordinary I've seen in months.

### TWO ZEPHYRS NOW AVAILABLE

**JOE GLASER, Inc. York**

NO COVER

**GREAT BRITAIN YOU MUST USE**

**RADIO NORMANDY**

Full Particulars of Air Time, and Rates from International Broadcasting Company, Ltd., 37, Portland Place, London, W.1.

### Booked Solid Until October, 1939

**JOSEPH RINES**

and His Orchestra

WILLIAM MORRIS AGENCY

**WBAI means business in Baltimore**

# Star-Times Replies to KSD Blast

## 'Pure Falshoods, Half Truths and Misleading Deductions' Charged Against Rival

St. Louis, March 14. — Pure falshoods, half truths and misleading deductions were among the terms used in the reply filed last week by the FCC by the St. Louis Star-Times Publishing Co. operator of KXOK, against the petition for general and special relief filed by the Pulitzer Publishing Co., publisher of the Post-Dispatch, a rival p.m. rag, operating of KSD.

The long standing feud between the two organizations started when KXOK filed an application with the FCC for changing its frequency to 5,000 day and 1,000 night on 630. Then KSD, in a counter-petition, recommended to the FCC that it be permitted to swap time with KXOK whereby the latter would share its time with KFUP, a religious station, operated by the Evangelical Lutheran Synod, instead of KSD. For more than five years KFUP and KSD have been trying to be divorced from the air channel wedlock and although KSD, in January, withdrew its appeal from within the United States Court of Appeals in Washington against the FCC's denial of a full time application, KFUP's appeal is still pending.

KXOK's answer charges that "if KSD measures up to the high standards it attempts to support in the petition (which we specifically deny) and if Station KXOK is failing in serving the public as the petition represents (which we also specifically deny), petitioner ought to be willing to assume the burden of proving that an application to modify its application, which it has not even filed, should be granted instead of attempting to resort to the expedient of asking that the other station license be required to 'show cause' why petitioner should not be given a different license or assignment. This should convince any fair-minded person that the petition is not filed in good faith but intended to harass KXOK and to delay the Commission in acting on the application now pending before the Commission in connection with Stations KXOK, KFUP and KGBF."

In another part of its reply KXOK states: "In view of the fact that Section 303 (f) of the Communications Act of 1934 was never intended to be used after the fashion attempted by the Pulitzer Publishing Co. in its so-

called petition for relief; in view of the fact that said statutory provision was intended to be limited to use by the Commission in matters which it initiated, and in view of the other reasons given in support of this Motion and Reply, it is not believed that the Star-Times Publishing Co. or KFUP, Inc., are called upon to or should be expected to make any answer whatsoever to the allegations contained and set out in said so-called petition, inasmuch as the petition is improper and out of order for the reasons heretofore set out. The Star-Times Publishing Co. and KFUP, Inc., are, however, perfectly willing to provide the Commission any and all information on data that it may desire with respect to the operation of said Station KXOK or Station KFUP, and such information and data when so provided will definitely show that both Stations KXOK and KFUP have been and are providing a high standard of program service to the listening public which fully measures up to their respective responsibilities and meet with all the requirements of law or requirements of the Commission's rules and regulations."

The KXOK reply cited an assertion by the Pulitzer Publishing Co. that the installation of part of the physical equipment of KXOK was made by Fred Grimwood and not by James C. McNary and produces an affidavit from McNary, a partner in the firm of McNary and Chambers, radio engineers, Washington, D. C., that the firm did the work, was paid in excess of \$4,000 and that payment in full was made on Dec. 2, 1938.

KXOK, operating full time on 1,250 kc., applied for 630 kc. on Jan. 17, and on the same day KFUP, Columbus, Mo., a sister station, applied for a change from 630 kc. to 1,370 kc., while KGBF, Evansville, Ind., asked for a change from 630 kc. to 1,150 kc. at present use by KSD. This was the bomb that renewed the war.

**Shreveport Arguments Made**  
Shreveport, La., March 14.

KWKH and KTBS have enlarged their staff with a 10-piece orchestra, bringing the total to 28, twenty-eight.

Includes James Strie, baritone; J. W. Neal, pianist and vocalist; Bob Mahoney, guitarist, and the Sunshine Boys, hillbilly sextet.

## Diplomacy Fails

Philadelphia, March 14. Philadelphia Club of Advertising Women, at its banquet last week, failed to create all the expected brotherly love it expected between the two stations here on which it sometimes airs shows, KWV and WFIL.

Aiming to be impartial, the ad women booked the KWV house band for the banquet and then gave WFIL the privilege of airing the music. Somehow, no one was satisfied, particularly WFIL.

## Michigan College Buys A Mess of Manuscripts

Michigan State College set up the nucleus of a proposed extensive radio script library last week with the buying of 3,000 show scripts from Joe Koehler of Radio Events, N. Y. Greater part of the writings bought were ones already aired and were taken with the thought that better training in acting, production, etc., could be assured with the use of established material.

College owns and operates WKAR, East Lansing, Mich. Buying of the script, however, doesn't obviate the paying of royalties if the scripts are used on the station.

## WNLC on Full Speed

New London, March 14. WNLC, Connecticut's youngest ex-halter, started full time operation yesterday (13) as Colonial-Mutual affiliate. FCC okay came last week, and Edwin J. and Gerald Morey, brother execs of Thames Broadcasting Corp., decided to get going immediately.

Station will day-and-night at 100-watt.

## WTAG ADDS GIRL SPEILER

Worcester, March 14. WTAG added two announcers last week, to bring the station's total to six. Jane Woodhouse, only female announcer on staff, made her debut yesterday (13) by introducing new local show called "The Radio Journal." She comes from WORL, Boston.

Male addition is George Crowell, formerly of WMAS, Springfield.

## Peter Bradley Promoted

Chicago, March 14. Peter Bradley has been promoted to the post of chief announcer for the Gene Dyer stations, W5BC and WGBS.

Will also handle announcing duties for the 5,000-watt WCBF.

# McCullagh's Organization Gets Okay With Four Minor Qualifications

## Mather & Crowther Set Arthur Askey and Revue

London, March 6. Arthur Askey, who rates as tops among British radio comedians, is set to do a half-hour program series from Radio Luxembourg Sunday matinee for Symingtons, maker of table delicacies, starting May 21. Askey has just done a two-year run in the BBC Band Wagon.

Symingtons' stanzas will include Al Bowlly, baritone; Marjorie Smedford, the Southmales and an orchestra led by Harry Karr. All these, including Askey's slogan, Richard Murdoch, were with him on the Band Wagon. Karr has had Vancouver and his band is about 50% Canadian in personnel.

Firm of Mather & Crowther will produce the show.

Montreal, March 14.

Leadership League organization launched by publisher George McCullagh after he was refused use of either the national or a private network for a series of personal broadcasts, has been granted permission by the CBC to broadcast over a network of 17 private stations Wednesday night (15). The CBC ban on McCullagh brought the Toronto publisher national prominence for a series of laudacious speeches. McCullagh affair also served to rouse criticism of apparently inconsistent policy of the CBC in granting use of the network to certain speakers while refusing similar privileges to others.

The McCullagh Leadership League now has a branch in Montreal. The broadcast permit granted by the CBC is subject to the following conditions:

- (a) That the society accepts responsibility for the broadcast, indemnifying the CBC against the possible consequences of libel or slander.
- (b) That each broadcast is prepared and concluded by an appropriate announcement making clear the nature and auspices of the broadcast and indicating that equivalent facilities are available to opposing views on the same day.
- (c) That there is no interference with normal CBC programmed arrangements.
- (d) That the broadcast is of the wording and spirit of our regulations and not in violation of the law.

## WAAW Path Clear

Omaha, March 14. Reports here indicate that there will be no objections filed with the FCC on the transfer of license of WAAW from the Omaha Grain Exchange to the World Publishing Co., publishers of the Omaha World-Herald. Transfer was approved in late February.

Officials of WAW and KOIL, other Omaha stations, indicate they will say nothing.

## ALL THINGS BEING EQUAL—



OUT of a clear Northwestern sky, the other day, a juicy plum fell into our lap. We split it with a delighted agency and client. It all came about when the agency wanted to find out which of the two big Minneapolis-St. Paul stations was dominant. The agency ordered a coincidental telephone survey Monday night, January 9th, when both stations broadcast "news" at the same time: 10:15 to 10:30 p.m. They found:

■ 41% OF ALL RADIOS WERE IN USE  
■ WCCO LED ITS NEAREST COMPETITOR by 4.7 to 1 in Minneapolis (home of WCCO), by 2 to 1 in St. Paul (where the competing station is located). The population of Minneapolis is 496,000; St. Paul is 286,000.

## HERE'S THE WAY THEY STACKED UP:

	WCCO (news)	Station B (news)	Station C (orchestra)
MINNEAPOLIS	71%	15%	3%
ST. PAUL	47%	23%	3%
Weighted Audience Average (on basis of set ownership; these stations at 100%)	76%	21%	3%

Name of agency and details, including other studies made in Northwestern towns and rural communities with practically the same percentage of sets tuned in and where the percentage listening to WCCO was even greater, will be sent on request.

50,000 WATTS • CBS • MINNEAPOLIS—ST. PAUL

# THE Great McCoy IN MAKE-BELIEVE

\* WKY takes pride in the manner in which it serves the Oklahoma listening audience with the real McCoy in make-believe... its ability to build up one of the finest sound effects setups outside the network centers.

\* WKY was on Hollywood for advice on its sound effects when the picture "The Great McGuffin" was shown in 1936. Likewise it drew on the experience of the network experts. Keeping up with constantly increasing demands for sound realism in radio productions is a job that WKY's own staff has done most admirably.

But to WKY, its sound effects facilities are simply symbolic of the faculty this station has

always possessed for delivering the real McCoy serving the public interest with the necessity of a million and a half people.

Listeners in Oklahoma seldom twist their dial any more. They are satisfied to dial 500

and enjoy WKY's unassisted program-origination hour a day. Advertisers have conclusive proof of this when a WKY-produced show brings 80,000 requests for song sheets in a single month.

## WKY Oklahoma City

OWNED AND OPERATED BY THE OKLAHOMA PUBLISHING CO. • THE DALEY OKLAHOMAN AND TIMES THE FARMER-STOCKMAN • METEOROLOGICAL SERVICE • STATION KFOR, COLORADO SPRINGS RADIO STATION KSL DENVER (Associated Management) • REPRESENTED BY THE KATZ AGENCY, INC.



# TOPICAL

## London Sees BBC 10:45 German Talks As Hurtful to Radio Song Sales

London, March 7. Music publishers are holing in the wilderness that the British Broadcasting Corp. is putting the final nail in their coffin by switching of band music sessions at 10:45 p. m. following extended propaganda in the German language. Interruption is supposedly for five to ten minutes, but sometimes lasts nearer 20 minutes, and exhaustive checking has proved that listeners don't return to the music program after this ear-bombardment.

The other heads—special obstruction fees to band leaders—may be lessened soon. Music publishers have noticed that Chappell were getting big breaks for their sheet, but that was due to this publishing company having promised the BBC next year that they would ignore the special orchestration mania if the BBC saw they were not discriminated against. However, other publishers have asked support from the BBC, which has been pronounced them. So everything looks hot-hot-ty for the publishers till they begin to cheat on each other.

## Shipping Bureau May Be Warner Subsidiary; Latter Set 250 Stores

Indications are that the Music Publishers Protective Association will solve its problem of finding a new shipping agent by purchasing the Shipping Bureau, a Warner subsidiary. The latter is to operate stores by assigning this function to Music Sales Corp., a Warner subsidiary. The latter is to operate the American News Co., which is experimenting with stationery and drug stores as outlets for sheet music.

M. S. Newbery Corp. last week obtained music county rights for 100 in 250 J. J. Newbery (chain) stores. It is understood that MGC will make available a specially designed display rack to the stores handled by the American News Co.

## BARRY WOOD SEMI-SET WITH DANCE COMBO

Barry Wood, CBS sustaining baritone, formed a 12-piece band of his own to back him on his Brunswick recordings and play occasional one-night dates around New York. Singer eventually hopes to build a radio variety hour, which is one of the reasons for his new band. He had been cutting for Brunswick with pickup outfits. Wood formerly performed with Vincent Lopez, Abe Lyman, Buddy Rogers, and others. CBS re-signed him to another year on options as a singer, 17 (10).

## SEEKS INJUNCTION

World Stop Vogel From Re-Issuing 'Old Mill Stream'

Forster Music Publisher, Inc., on Monday (13) filed a federal court suit to prevent Vogel Music Co., Inc. and Earl K. Smith, seeking an injunction to restrain them from publishing the song, 'Down By the Old Mill Stream.'

The plaintiff claims to have secured the rights to the song from the late Ted Taylor in 1931. Taylor, who is deceased, had assigned the rights to the defendant, Earl Smith, and that he is co-author with Taylor of the words and music and that he has sold the renewal rights to the Vogel Music Co., which is about to issue the song. Taylor seeks establishing their ownership and an injunction to prevent the defendants from publishing it.

Earl Athar will replace the Ted Taylor as house band for the Rivers, Brooklyn vaudeville act. Crew comes in in two weeks, following the Britton band, which opens a date there Friday (15).

## Paris Is Lovely, Too

Philadelphia, March 14. Dick Reichner and Clay Boland recently completed 'How I'd Like to Be With You in Bermuda.'

Last Saturday (11) they left for Bermuda—guests of the Island on an all-expense tour arranged by Jack Carson of N. W. Ayer agency, who handles the publicity account.

## Renewal Damages Sought After 27 Years on 1911 Hit, 'My Melancholy Baby'

Application for a bill of particulars from Maybelle Watson Bergman was granted by Judge Vincent Co. and Ernie Burnett by Judge Vincent L. Leibell in the N.Y. federal court last week. Move was in connection with Mrs. Bergman's claim to the renewal rights to 'My Melancholy Baby.'

Mrs. Bergman is suing for \$14,000 damages on the ground that she co-authored the song 'Melancholy' with Burnett in 1911 and that the latter sold the publishing rights to Morris without her consent. She filed her action after she had made a deal with Shapiro, Bernstein & Co. for her part 25 years. The 'Melancholy' lyrics which became popular were those written later by the late George A. Brown. Burnett assigned his rights in perpetuity to the late Theron C. Bennett, publisher, for a renewal of the song. Burnett acquired the song on Bennett 10 years later the former made a similar deal with the publishers. Burnett reinforced the pact by making a special assignment of the renewal rights to the publisher.

Morris claims that Mrs. Bergman, formerly Burnett's wife, had notified him of the renewed rights as published and questions her lawful right to seek damages after a passage of 27 years.

## Music Notes

Yip Harburg and Harold Arlen defied two songs for Metro's 'Babe in Arms' to the musical 'Let's Take a Walk Around.'

Universal bought 'The End of the Road,' by Victor Ellis, to be sung by Deanna Durbin in 'After School Days.'

Simon Van Lier, general manager of Keith Prowse & Co.'s music in London, has just returned from New York and made a trip to Chicago before returning to New York. Figures on getting back to London in two weeks.

Mills Music, Inc., has acquired the American rights to 'There's a Moon in the Sky' from the film 'The Moon' from Cinephonic Music, Ltd., London publishers.

## Stool to Chi

Chicago, March 14. Joe Stool, of Harms Music Co., has returned here from the Coast, has returned here to head the Harms local organization.

Transfer from Coast was made for family reasons.

## Bob Crosby's 'Concert'

Chicago, March 14. Bob Crosby and his orchestra will give a public utility concert at Orchestra Hall here within the next few weeks.

First stop for Orchestra Hall to house swing.

## LOANS OKY BUT MEMBERSHIP NOT

### Joseph N. Weber Reiterates and Amplifies A.F.M. Attitude on Splitting Up Earnings of Orchestras on Basis of Corporate Control

### WANTS 'EM 'FREE'

Joseph N. Weber, American Federation of Musicians pres. last week reminded the membership in a circular letter that they must not allow employers to participate in future earnings or commissions. Warning is directed at those bands who let return for subsidies from hotel or ballroom operators have agreed to cut the latter in on their share of the work over a period of a year or more. AFM also objects to name band leaders subsidizing other bands under similar arrangements.

Weber takes the position that any financial arrangement between band leader and his financial source should be strictly on a loan basis and that even personal loans must abide by this method. The AFM head doesn't care how the payoff is made so long as it is not based on a percentage of the band leader's total earnings. The federation is also discouraging the incorporation of newly organized bands.

## Robt. Katscher 1st Refugee to Make ASCAP

Dr. Robert Katscher makes the first refugee from Nazi Germany or Austria to be elected a member of the American Society of Composers, Authors and Publishers. Dr. Katscher, who composed the score of 'Wonder Bar' and such numbers as 'When Day is Done' and 'You'll Never Know,' established himself in this country eight months ago. He meanwhile obtained a release of membership in the Austrian performing society, AKRM, which was liquidated by the Nazis when they took over Austria.

Through his counsel, Sol A. Rosenblatt, Dr. Katscher a couple months ago succeeded about \$1,800 which the AKRM had in a New York bank. The sum was treated as a part payment of his dues due him from the Austrian society.

## Publishers Auditing Books of Disc Companies to Stop Discrepancies

### Urges Anthem's Use

Mechanical rights division of the Music Publishers Protective Association has arranged to make an audit of the books of all phonograph companies every other quarter. A firm of accountants has already been retained for the job.

Recent audits have disclosed serious discrepancies between company records and actual royalty payments in one of the phonograph disc firms. Instead of demanding refunds, most of the pubs involved elected to make special song sheet deals with the company. It has been agreed by the pubs that from now on the MPPA will be free to collect on these discrepancies.

## Rumor Persists, CBS Denies Intention To Buy Music Biz; NBC Retired in 1932

### Waltz Due Back?

Jack Mills, head of Mills Music Inc., believes that the waltz is going for another major comeback. He's going through his catalog digging up compositions of that classification which might be revived into hit propositions.

Mills bases his expectations on three signposts: (1) the goodly percentage of waltzes now included in broadcast band programs, (2) the rise of waltzes among sheet music as attested by 'Umbrella Man' 'Little Sir Echo' and 'I Promise You' and (3) reports from hotel orchestra leaders about the large number of requests they have been receiving of late from patrons.

### Committee Selected To Judge Essays on Why Copyright Law Is OK

Committee of patent and copyright authorities has been selected to judge the best of the 40 prize-winning essays submitted in the first annual Nathan Barstow Memorial Competition which had been set up by the American Society of Composers, Authors and Publishers. These awards are made to the student in each high school graduating class, who, according to the dean, has written the outstanding paper on copyright law. He necessity for it and the wise public policy of enacting such legislation.

Members of the faculty are Edward G. Sargo, chairman of the copyright committee of the American Bar Association, Stephen P. Ladas, author on copyright law, Edward S. Rogers, lecturer on copyright law at Michigan University, Dr. Louis Charles Smith, of the Washington copyright office, and Dean Ernest H. Wigmore of Northwestern University School of Law.

Rumor persists that the Columbia Broadcasting System's next acquisition will be the music catalog. The report has it that CBS is giving serious thought to rounding up all its existing contracts, transcription, and phonograph record holdings by acquiring a few important music catalogs. Such acquisition would make CBS eligible to membership in the American Society of Composers, Authors and Publishers, and if the catalogs are important enough, acceptable to representation an ASCAP's board of directors. CBS officials have repeatedly denied that the organization harbors any covetous intentions in the direction of the music business but the music industry continues to believe otherwise.

The report has aroused much speculation in the publishing trade as to what effect it will have on Columbia club have. One of the two top users of music would be placed in an odd position, with the network able to give its own catalogs first choice when it comes to promoting new releases. Another source of speculation is what would be NBC's reaction to such a situation; whether it would be wise to return to the publishing business from which it retired seven years ago on its own initiative. Another possibility but effective procedure see to it that the compellor's musical works are not lost in the shuffle.

William S. Naley was faced with what effect it would have on CBS publishing business in 1936 after Warner Bros. had pulled out of its radio station position and CBS or bring in the network on a 50-50 basis with the music industry camp never got to talking details.

## Ira Arstein Will Be Through with Judge In Another Week

### 'BARBERSHOP CHORD' IN PUBLISHER TITF

Three music publishing firms are feuding over the copyright renewal rights to 'Play That Barbershop Chord' with the result that the licensing bureau of Music Publishers' Protective Association is being all mechanical fees derived from the tune. The lawsuit, which has been adjudicated, Trio, each claiming a piece of the composition, are E. Mark of Shapiro, Bernstein & Co. and the Manus Music Co.

The composition still has a high standard for use and is frequently used for synchronization purposes.

Ira Arstein will be through with Judge in another week. Arstein estimates his damages at \$20,000 and wants a decree forcing the American Society of Composers, Authors and Publishers to admit him to membership.

The court goes into the Arstein's full latitude the presentation of his case. At one point of the hearing, Arstein's lawyer, a battery of defendants' answers of bribing a couple of violin players to testify in support of their case. But Arstein refused to be pinned down. Arstein called Sidmond Stein, a music lawyer, to act as expert for the defense, a shoemaker and ordered him to leave the courtroom.

## MERCHANDIZING MAN JOINS AMERICAN CO.

So far Arstein has presented 10 published songs which he claims were lifted from manuscripts of his. The judge is requiring that all applications to dismiss for failure to conform with the rules of court procedure, copyright law, etc.

Merchandizing Man Joins American Co.

It's his first connection with the music industry. He comes from the trade division of the Butterick Co., having been managing editor of Good Hardware Store, a magazine for the Negro manager of The Progressive Grocer,

BANDS and ORCHESTRAS

Week of March 17

Permanent address of bands and orchestras are published without charge. While every effort is made to insure accuracy in this department cooperation in notifying members is appreciated.

Key to Abbreviations: B—Ballroom, C—Cafe, CC—Country club, H—Hotel, N—Night Club, R—restaurant, T—Theatre.

Booking Agencies: ARA, Associated Radio Artists, 1665 Broadway, N. Y. C.; CRA, Consolidated Radio Artists, 1200 Sixth Ave., N. Y. C.; F.B. Broadcasting Bureau, 1270 Sixth Ave., N. Y. C.; MCA, Music Corporation, 748 Fifth Ave., N. Y. C.; R-O-K, Rockwell-O'Keefe, 1270 Sixth Ave., N. Y. C.

A
Ansonson, Irving, c/o WJLN, N.Y.C.
Apostol, Charles, Michigan T, Ann Arbor, Mich.

B
Ballou, Bart, Plantation Club, Milwaukee.
Barnes, Charles, Plymouth, N.Y.C.

C
Calloway, Jack, Apollo 7, N.Y.C.
Candlish, Edna, Hopson's Manhattan, N. Y. C.

D
Darius, Gilbert, Chateau-Frontenac N.Y.C.
Dawson, Fred, Savoy-Palace, N.Y.C.

E
Ellis, Joe, Queen Mary R., N.Y.C.
Emery, Sam, Victoria, Victor Hugo's R., N.Y.C.

F
Foster, John, Val, Whitehall N., Palm Beach, Fla.
Foster, John, Val, Whitehall N., Palm Beach, Fla.

G
Gardner, Fred, London House, Colverton, N.Y.C.
Gardner, Fred, London House, Colverton, N.Y.C.

H
Hanson, Fred, London House, Colverton, N.Y.C.
Hanson, Fred, London House, Colverton, N.Y.C.

I
Irving, Fred, London House, Colverton, N.Y.C.
Irving, Fred, London House, Colverton, N.Y.C.

J
Jacobson, Fred, London House, Colverton, N.Y.C.
Jacobson, Fred, London House, Colverton, N.Y.C.

K
Kane, Fred, London House, Colverton, N.Y.C.
Kane, Fred, London House, Colverton, N.Y.C.

L
Lambert, Fred, London House, Colverton, N.Y.C.
Lambert, Fred, London House, Colverton, N.Y.C.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) compiled for the week from Monday through Sunday (March 6-13). Total repetitions accumulated during the week on the two major networks is from 8 a.m. to 1 a.m. In Source column, a denotes film song, i legit tunes, and sp speaks for itself.

Table with columns: TITLE, PUBLISHER, SOURCE, GRAND TOTAL. Lists various songs and their frequencies across different networks.

On the Upbeat

Key Kyser booked for one-nighter at University of Pittsburgh Military Ball March 24 at William Penn hotel.
Bernie Cummins closes two-month engagement at Williams Penn Hotel Chatterbox April 1, pulling out for series of one-nighters in territory.
Fred Waring slated for week at Stanley Theatre, Pittsburgh, April 14.
Nick Harper, Milwaukee maestro, currently at Wisconsin Ford, with MCA.
Joanaga Gary opened two-week engagement at Victor Hugo, Beverly Hills, Cal.

Victor Hugo crew closes at Benny the Bum's, Philly, tomorrow (Thursday) night and opens following evening at the Little Baskinella, half-a-block away. Replaces Jack Griffin's act at latter spot.
Ben Bernie inked to play at shindig of the Philly News Photographers' Association in the Benjamin Franklin hotel April 21.
Ted Travers opened Friday (10) in Atlanta for two weeks at Henry Brook Hotel's Spanish Room, following engagement at Meadow Brook, Long Island. He'll be followed by Rudy Bundy, who opens March 24. Bundy had plays his spot aired on WATL.
Iris Hour Club, Atlanta, has Ray Rice.
Ace Brigode's contract at Merry Webh, Calif. Paramount T, N.Y.C.
Webb, Chicago, Victor Hugo's R., N.Y.C.
Webb, Chicago, Victor Hugo's R., N.Y.C.
Webb, Chicago, Victor Hugo's R., N.Y.C.

The Irresistible Hit 'HEAVY, HEAVY HANGS OVER MY HEART'

AND A "Different" Novelty 'BENNE, THE BUMBLE-BEE, FEELS BUM'

On Etched Record 27948

VANGUARD SONGS 6411 Hollywood Blvd. HOLLYWOOD, CALIF. 1776 Broadway NEW YORK, N. Y.

A Tisket A Tasket — My Reverie — Deep Purple — And Now!

THE MCA SILVER DOLLAR

100% IN THE RECORD BUSINESS M.C.A. 5 SAMMAY FAIR BUILDING NEW YORK

OLD SONG SUGGESTIONS JIMMY McHUGH'S "LOST IN A FOG" Robbins Music Corp.

Frank Salto Bankrupt Frank Salto, known as Frank Solcico, musician, filed a voluntary petition of bankruptcy in the N. Y. Federal court Friday (10), listing liabilities of \$2,498 and assets of \$975.



# 15 Best Sheet Music Sellers

(Week ending March 11, 1939)

Deep Purple	Robbins
Penny Serenade	Shapiro
Unbrella Man	Harns
Little Six Echo	Bragman
I Got Along Without You	Famous
I Promise You	ABC
You're a Sweet Little Headache	Paramount
I've Eyes for You	Paramount
God Bless America	Berlin
I Cried for You	Miller
Red Hot	Shapiro
Masquerade Is Over	Trawford
Could Be	Santly
You're the Only Star	Paramount
Funny Old Hills	Paramount

\* Indicates film musical song. † Indicates stage production song. The others are pops.

## Inside Stuff—Music

Leo Feist, Inc., was ordered on Thursday (2) to submit agreements covering the rights to the scores of "Rio Rita" and "Kid Boots" for examination before trial in connection with a suit brought by Edgar F. Elber and the Estate of Leo Feist against MGM Pictures Corp., for \$88,500, by Supreme Court Justice Ferdinand Pecora.

Feist claims a right to the suit because of the last payment for the sale by them of 1,450 shares of Leo Feist to Metro in October, 1935, these shares representing control.

The instant is counter-claiming for \$128,000 on the grounds that certain rights supposedly invested in the estate were not actually owned by Feist, although they had been informed that they were.

Synchronization and dramatization rights to "The Rose of Washington Square" has been obtained by 20th Century-Fox from Shapiro, Bernstein & Co. at a reported price of \$5,000. It's a high figure for this sort of deal.

The song, written by Ballard MacDonald and James F. Hanley, was published in 1920. Al Tolson and Alice Faye are slated to star in the film version.

"Park Avenue Fantasy," instrumental by Matt Malneck and Frank Signorelli have the "middle strain" expanded and developed into a pop song by Jack Robbins. A new title will also be used. This comes on the heels of the success met with "Deep Purple," when one of its four major strains was developed into a pop hit.

Only three tunes in the past week's list of 15 best sellers came from pictures and all three are in the score of Paramount's "Pals in Paradise." Of the trio, "You're a Sweet Little Headache" and "I've Eyes for You" fall within the first 10. "Funny Old Hills" is the remaining one of the threesome.

## PHILLY LOCAL MEMBERS CHIDE MCA, CRA

### Reggie Childs Untied

Philadelphia, March 14.

Blat against Music Corporation of America and Consolidated Radio Artists is being prepared by the Philly Musicians' local for presentation at the national convention of the American Federation of Musicians in June. Complaint is that MCA and CRA, particularly the former, have purchased a monopoly on network time for remote band airings that is discriminatory against local orchestras.

Long felt to be hurting the tooters chances of placing local bands, the lounge came to a head here a few weeks ago with the expiration of Jeno Donath's term at the Hotel Walton Roof. Operator Jack Lynch, on urging from the hotel, sought to replace Donath with an MCA crew, inasmuch as it is impossible to hit the webbs with a local outfit. Hotels feel that three or four network plugs a week are invaluable in building room trade. Inasmuch as Lynch only rents the roof and has nothing to do with the hotel, pressure from on urging from the hotel, sought to replace Donath with another local crew, Joe Frassetto. Letter has a 25-week ticket.

**Charge to Advertising.**

Uno claims that MCA and Consolidated spend about \$50,000 a year between them to buy up all available time for remotes, amounting to 30 half-hour periods a week. This makes it impossible for a band to break in without their sanction. Rex

After complaining that he was not properly credited with work, Reggie Childs asked for and received a release from his contract with Consolidated Radio Artists last week. Bandleader was given several days to think it over, then was released Saturday (11).

Two other bandleaders are also seeking releases from CRA, both sounding out the band booking outfit on the matter with no indication of what will happen. They were Mike Riley of "Music Goes Round" note, and Rudolph Frim, Jr.

Ernie Flo-Rite and his semi-symphonic crew now airing the "Studies in Contrast" program on WOR-Mutual, signed by Rockwell General Amusement last week.

Riccardi, secretary of the local, said that Jules Stein, MCA prez, admitted this last year.

Riccardi declared that getting the release is important, as it is advantageous to a hotel to hire a traveling band rather than local one. For one thing, he said, the expense is charged up against advertising, as the band indirectly serves to fill the room.

Network plea that local bands aren't good enough for national airing. Riccardi said, is so much nonsense. He said the band signs with MCA or CRA it suddenly improves in quality sufficiently to hit the webbs. He declared that he is working out a deal with MCA as the result of his squawks and that the Hotel Walton crew may get network time on an amicable arrangement.

Resolution compelling action on the matter will be introduced at the convention, Riccardi stated, jointly by the Pittsburgh, Cincinnati and Philly locals.

## Bob Saunders and Aide Leaving Consolidated

Bob Saunders, who headed the shuttered Consolidated Radio Artists Dallas office, is out of the CRA organization entirely after confab last week with Charles Green, CRA head in New York. Cress Courtney, assistant to Saunders, also is out.

Dallas territory will be serviced by a road rep out of the CRA Chicago office. Latter is headed by Stan Zucker.

## NBC Financial Expert Assigned to Examine Consolidated Policies

NBC has placed one of its financial experts in the offices of Consolidated Radio Artists, Inc. He is Charles Wall, who has been attached to the NBC treasurer's staff.

Mark Wood, NBC v.p., explained Monday (13) that Wall has been assigned to work with Consolidated in straightening out financial matters. Relationship between Consolidated and NBC dates from 1936 when the American Federation of Musicians ruled that no employer of musicians could be also engaged in the band booking or management business.

Consolidated assumed NBC's band management contracts and the network advanced a loan to help Consolidated get started.

## Musicians Union Vs. World's Fair A Running War with Many Battles

New York Local 802 of the American Federation of Musicians and officials of the N. Y. World's Fair are repeatedly coming to grips over projected items at the fair involving music. Latest concerns the cavalcade of America which will be on view inside the Fair's Periphrase. Idea is to provide appropriate musical background for each scene depicting the progress of the United States through the Periphrase houses. Music would be on a sound on film track. Union mixed the idea saying live musicians would have to be used. Union and Fair are still at loggerheads over the matter.

Several weeks ago a western exhibitor wanted to bring in a home-town band made up of employees of the company and which took part in local company shows. Exhibitor claimed the band fitted into the exhibit in such a way that if it wasn't used, none could be used at all. Union nixed that also.

St. Louis, March 14.

Because of complaint made by Local No. 2, APM, the McKinley High School band, decided to lead Big Scout parade as part of the "Americanization Week" observed by the

Elks was nixed last week. The 55 high school pupils who had rehearsed for two weeks had been assigned to head the parade from the Elks' club to the Congress theatre, where patriotic films were shown. The night before the parade, C. A. Humfeld, music instructor at the high school, and a member of Local No. 2, was told to call the amateurs off.

As school had been dismissed, Humfeld hired bicycle couriers to notify the tooters their services wouldn't be needed. The day was not lost however as the 1,000 spots marched to the music of a drum and bugle corps of the Walter Hatfield Post No. 25, American Legion. Local No. 2, at a special meeting, had also voted plans of the Elks to utilize the firmen's band in a patriotic parade and to have the Elks band from Washington, Mo., play at a dinner dance. Instead, a union group of tooters was employed.

At Marston, with Bob Carter doing vocals, open night stay at Nixon Cafe, Pittsburgh, March 25, succeeding Al Kavelin, who goes into Hotel Commodore Perry, Toledo, O., for two weeks. Placed by Joe Hillier.

**Bing Sings...**  
*The Sweetest Songs of His Career*

**Bing Brings...**  
*A Powerful Score from His New Universal Picture, "EAST SIDE OF HEAVEN"* Each Song, a Gem. By JOHNNY BURKE and JIMMY MONACO

**EAST SIDE OF HEAVEN**  
*Exquisite Love Ballad*

**THAT SLY OLD GENTLEMAN**  
*(FROM FEATHERBED LANE)*  
*Corgene Laskaly Made the "Bandman" Swear*

**SING A SONG OF SUNBEAMS**  
*Successor to "POCKETFUL OF DREAMS"*

**HANG YOUR HEART ON A HICKORY LIMB**  
*For Your Spring Department*

**SANTLY-JOY-SELECT, Inc.**  
1619 Broadway, New York City

CHICAGO      HOLLYWOOD  
Grand Opera House Building      1509 North Vine Street  
BOSTON • PHILADELPHIA • CLEVELAND • SAN FRANCISCO

AN OUTSTANDING SONG EVENT

# LET THE SKIPPER

WORDS BY MARY MCGEE, LYRICS BY CHARLES KENNY

LEO FEIST INC. • 1629 BROADWAY NEW YORK • HARRY LINK, Gen. Prof. Mgr.



# Pa. Roadhouses Seek Legislation To Check Music, Dancing Curfew

Pittsburgh, March 14. Action of Pennsylvania State Liquor Board last week in shutting off roadhouse music and dancing at 11 p. m. Saturday has operators rushing night to township officials in an effort to have legislative amusement enforcement.

Shutdown on out-of-way spots was originally expected to get in downtown, but within-the-city places kept running until 2 a. m. because Liquor Board has no jurisdiction over entertainment hours inside the burg. That's because permits, in addition to paying \$444 in license and \$120 for dancing permit, also pay \$1 a day to the city for local amusement connection.

That takes everything, except the regulation of hours and peddling spirits, out of Liquor Board's hands. On other hand, at out-of-way places where there's no dancing, however for this control, booze board has complete jurisdiction and regulates hours of amusement to coincide with those for liquor sales. Operators are said to be willing to pay the state's share, but not to be paying where there's no dancing.

Sunday dancing local, however is said to be something of a new one, with liquor authority's recent clamp-down. That's still an ancient Pennsylvania Blue Law, and while some roadhouses have openly violated it in the past, with no repercussions, recent prohibition of licenses against the New Penn that the spot was a public nuisance and was ended that. New Penn has been open Sundays, it is figured to have ended that. New Penn has been open Sundays, but some of the others haven't.

Last week, however, for other places, too, left dark, and generally felt they'll stay that way for a while. More care than usual is being exercised by nifty owners at moment, since liquor licensing time for another year has come around again.

## POLICY CHANGES SET FOR K. C. JUBILESTA

Kansas City, March 14. Jubilesta, town's annual entertainment and celebration, will be staged in June this year instead of in September, as usual. It will be for five days, starting on the customary Monday days.

The main arena will be presented entirely in the main arena of the 11,000-seat auditorium. Past year's shows have been given simultaneously in the Little Theatre, Exhibition Hall and Music Hall as well as the arena. This year's season of shows will be to avoid conflict with American Royal live stock show staged in October.

While 1938 show was considered a success from point of attendance, it was short of cash, and underwritten by local merchants.

## Worcester House Quits Vaude for Film Policy

Worcester, March 14. Vaude is out again at the Plymouth here after a few days. Reason: House playing vaude first. House reverts to second-run dual-city. It is currently without fresh show of any sort.

## 2 Philly Suburban Cafes Accept Closed Shop

Philadelphia, March 14. Two short-lived strikes over the weekend wound up in a gain of closed-shop cabaret contracts for the American Federation of Actors local here and the placement of two union leads. Walkouts were staged at Jack's Grill and Aitz Grill, both in Upper Darby. Philadelphia suburb AFPA co-operated with the unions' local, as the spots were using non-union bands.

Acts were pulled out of both theaters on Friday (10) and both unions picketed. They paraded only once meeting at Jack's at 2 p. m. on Friday before the operators capitulated.

## Prepares for Fair

Following the exit of the current Curt Houck orchestra and show headed by Enrico and Novello, the second act of the RKO Casino hotel, New York, will shutter for an enlarging and refurbishing for the World's Fair.

Show set to resume its name band policy, started with Chick Webb recently, and girls shows.

## MIKADU UNIT AT 76 FOR B-K

Chicago, March 14. The Mikadus, in swing, has been booked by Balaban & Katz for the Chicago of March 31, at price reported at \$7,000 plus a percentage. It's first time that B&K ever booked an act with only a rehearsal showing.

Show is being produced by Harry Rutgers and contains 80 people, plus the Sanford Lewis Studio. The larger show ever to be produced for B&K. It will be a 100 act show with break in show of March 24 through Sunday's downstate circuit.

## Jimmy Duffy Dead In N. Y.; Formerly Of Duffy-Sweeney

James (Jimmy) Duffy, about 50, of the former standard vaude team of Duffy and Sweeney, was found dead on the corner of 47th street and York, Friday (10), a victim of acute alcoholism. The team had been a favored No. 4 act at the Palace in vaude's heyday. They split about 10 years ago. Sweeney last being reported on the Coast.

Duffy was first noted as a No. 3 act, Duffy, Swielite and Duffy, consisting of father, mother and son, but it was when he teamed with Fred Sweeney, that he climbed. However, with Mercedes Lorenz, he was also among vaudeville's select.

There are many theories about Duffy and Sweeney because of their propensities to over-imbibe. They say they went out for a drink and never came back.

It wasn't generally known that Duffy was a prolific writer of stage material. The royalties from that source was held to be partly responsible for his boozing. He wrote for Earl Carroll's shows and many vaude acts.

One of the funniest stories about Duffy was that he had an appearance in New Orleans, when they walked out after Duffy promised that his partner would be sent to jail. Duffy was taken with a baseball bat. At one time when the 'rap' was on, he finally got the ear of the manager. He said he was going to let him stay. In that way he secured a room for each, then sent the kid home. On stage the team called the other 'Mr. Duffy and Mr. Sweeney.' It is believed among pros that inspired the Gallagher and Shean routine. Duffy and Sweeney, too, at one time appeared 'Gandy and Gandy's Polities.'

## B-K to Show Big Prods. In Chi, Replacing Variety

Chicago, March 14. Big production shows for the State-Lake are being scheduled for next month, according to plans set by Balaban & Katz. Legon Miller, former producer with B&K, has been brought in to handle the production.

Shows will be in for scenery, costumes and plenty of girls. It marks a decision on the part of B&K to introduce big production shows at the State-Lake and Chicago after a run of straight

## Stages for Brands

Clark Robinson, stage director at the Roxy, New York, for seven years, and former act director at the Radio City Music Hall, will direct new name band policy at the Broadway Theatre. Get under way Friday (17).

Red Norvo-Mildred Bailey are touring in an opening, will be the film.

## DIANA WARD Now in My Second Month in Alexandria. Contracts extended in excess till end of April.

March 15 appearing at Command Performance before the King and Queen of Egypt—A Rare Honor. Back in Alexandria in May to open the Summer Casino, making the fourth month.

Direction: COCONUT GROVE, LONDON

## Daylight Romps In After-Dark Spots Encouraged

Chicago, March 14. Mattine performances in nite clubs are exciting interest of day-dance entrepreneurs. Two best examples here are the Blackhawk cafe with Saturday and Sunday afternoon sessions and the Drake hotel just inaugurating similar policy since Wayne King orchestra came in.

Other night clubs may adopt idea. With the clubs adding a new well of coin by the Saturday and Sunday afternoon shows, the nifty operators are now considering seriously the idea of dropping in some matinee shows during the week-ends, from noon to 2 to catch the young lunch-lunch for a quick hour or two, and the 5-to-7 'dinner martini' for a cocktail dance.

In all, indicating point to a desire on the part of the nifty operators to make their business more efficient in the after-dark hangout, but to stretch the clock of the operating time in such a manner as to increase their gross potential by at least 50%.

## Strike Threat

(Continued from page 3)

changes which have projection that would get out of laboratories, where employed.

The procedure, in such an event, would be that the existing shops or studios, home offices, etc., would be declared unfair and the IA would issue a boycott. This road-block, in turn, would have the effect of removing from the same places of employment and exchange studios, labs, etc. all other help of the class in the IA. Since all exchange work must be done by the IA, this would remove all handlers, inspectors, winders, shippers, etc., that must render their aid at the present. Also, there could be the refusal of exchange workers to handle any film that must render their aid at the present. Whether or not operators might also be called out of theatres operated by distributors is something that must remain theory at the present. Also, there could be the refusal of exchange workers to handle any film that must render their aid at the present. Whether or not operators might also be called out of theatres operated by distributors is something that must remain theory at the present.

## Back to Burley

Yountstown, G. O., March 14. The Grand, formerly the Princess, after two weeks of non-union shows, has returned to burlesque. House operates evenings only week days and grinds all day Sunday. Prizes have been reduced to 15c for the balcony and 25c for orchestra. Bills are changed weekly.

# United Det. Chas Tests Nabe Vaude; RKO, Flushing, in Try for Expo Com

## Detroit, March 14. United Det. Theatre (Far) is testing out vaude again, with prospect it might spread to several shows of the chain.

Initial venture set for late Annex, 1000-union. Abe Schiller, who's handling UD vaude bookings, has set a five-act variety show to be tested at the Annex as a test. One performance is scheduled between the regular double feature program at regular time of 3 p. m.

If successful at the Annex, figured a split-week policy will be worked out with UD Ramona name. Should that prove coin-getter, UD, will put Broadway-Capitol, downtown showing of 'third-run' dueter, on a full week flesh basis.

## PREP NEW CASINO REVUE POLICY

Due to necessary alterations to the stage and bandstand, Billy Rose is closing his Casa Manana on Broadway after the last show Saturday night (18) until April when a revue-type of presentation replaces the current vaudeville policy.

Those originally planned to hold most of the current show, headlining Willie and Eugene Howard until April 10, but found that would require the alterations. The stage will have to be changed to hold the new show's main floor, which will carry the bandstand will be spotted at one side, as it was when the theatre-cabaret was operated as the French Casino.

A couple of acts in the current show walked out last week, after finishing the week booked rather than take a salary cut. They were the Andrews Sisters (3), who were not replaced, and Mario and Maria for whom George and Winona substituted. Gene Austin and Candy and Colonel T. G. Hastings, who they went out also.

The Casa Manana, like most of the other theatres in the city, has been suffering at the hands of the city. Groves the past few weeks it has been consistently in the red. On the other hand, Rose's popular-circuit Diamond Horseshoe in the Paramount hotel, is about the only spot in N. Y. maintaining a high b.o. average.

## DOYLE SETUP WOULD GLOBE-TOUR U. S. ACTS

Sidney, Feb. 25.

Famous Artists and Managers Agency, under the direction of Stuart F. Doyle, and headed by Joe Hyams are set to import a number of U. S. acts to cover Australia, Honolulu, South Africa, Mediterranean ports and England.

Understood that Doyle's agency will spot players here for Hertz, Sluder-Dress and E. J. and Sluder-Dress. They will be managed, mostly in connection with the Grand Strand Hotel and picture theatres. First major booking is Jan Rubin, who will be open for a tour of the Republic, starting this Easter. Doyle recently opened an office in Melbourne to cover acceptance of the spot. His intention to provide acts with a complete circle of the globe.

## Pitt Colored Nitory Switches to Bands

Pittsburgh, March 14. Town's single colored band, the Harlem Casino, switches from big floor productions to septa name bands. Acts as a result will be reduced from an even dozen to three or four, with orchestra supplying most of floor entertainment. First slated to come in are McKinney's Cotton Pickers, opening a two-week engagement at the 12th.

Orchestra will come in at fortnight intervals with Fletcher Henderson, E. Hines. E. Hines, with kids and possibly Chick Webb; slated to follow, which will carry Casino into the next spring, with usually folds for the warm months.

Gloria Ethel was inadvertently omitted from the review of the New York Strand last week. Dancer is being stayed out in the show. Openly billed with a nice vocal and finished with a well-executed end done on her toes in ballet style. Costuming is good.

## St. Louis, March 14.

Madeline N. Smith, 32, nitory entertainer, known as Princess Nemo Sioux, was judged here last week after Assistant Circuit Attorney Joseph M. Walsh issued a warrant charging she owed \$1,000 on false pretenses from Mrs. R. Rose Goldenstone in an old lease deal.

In issuing the warrant Walsh charges that Miss Smith sold Mrs. Goldenstone an interest in oil property she claimed held on property near Clinton, Ill. Reports indicate that Miss Smith's option for a lease on the property had expired.

AFRICAN DATES - Cape Town, Feb. 23. African consolidated Theatres has booked the following acts for Feb. African tour:

Duncan Sisters, Albert Sanders Trio, C. G. Snow and Hamiltons, Wagner, Wilson Kessel and Betty, and Hutton and Mannars.

## L. A. NITERY REOPENS PENDING UNION DEAL

Los Angeles, March 14.

The Blumrose Bowl, with Larry King's orchestra, is making a comeback here, pending further negotiations with the musicians union.

## Ingleb. Club Reopens

Plantation Club, near here, has been reopened after being closed long time - a year ago on gambling charges.

Johnny Burkhart orchestra is currently touring with Barbara Lucia, Mamo and Stafford, Sinclair Twins and C. Ray Smith in support.

## Stockholm Vaude Set For Summer Season

A. B. Svaning Filmtheater opened the China Music Hall, variety house here, for the summer season yesterday (1).

On the bill are Joe Jackson, the tramp cyclist; Eva Rathbone, the tramp cyclist; Eva Rathbone, the tramp cyclist; Ruth Hazen, George Andre Martin, Billy Rollis, 3 Dancing Dolls, Will and Gladys two comedians, Tom Bellard and Rollo and Zelle and Camarillo.

## Jailed in Fraud

St. Louis, March 14.

Madeline N. Smith, 32, nitory entertainer, known as Princess Nemo Sioux, was judged here last week after Assistant Circuit Attorney Joseph M. Walsh issued a warrant charging she owed \$1,000 on false pretenses from Mrs. R. Rose Goldenstone in an old lease deal.

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# Night Club Reviews

## VICTOR HUGO (BEVERLY HILLS)

Beverly Hills, March 11. *Chill Willis, Lois Waldner, Three Rocketts, Bud Taylor, Fritz & Jean Fisher, Cliff Nazarro, Joannin Gerry, Carmine, Skimay Emis* etc. (13).

One of the smartest rooms in town, this John Steinberg enterprise has things pretty much its own way here in Beverly Hills, which nestles within the limits of L. A. With a little applied showmanship, Steinberg has converted a class eatery into a glamour spot without sacrificing any of its rep. Patronage takes from the local mob, which laces in the creme de la creme of the picture colony,

and Sunday nights are sellouts when other night operators are asking for crying aloud.

By the simple expedient of bringing in talent on the Sabbath eve to perform in showcase fashion, Steinberg has a draw attraction that cannot be weighed on the bankroll. Performers jump at the chance to show their wares, fully convinced that they are being watched by producers, directors, front office execs and talent agents. They work for a pittance, but charge it off as personal auditions. Steinberg knows the night crowd and what they like. He's spent a good part of 20 years in the biz and is credited in his management of the Troadero with a Victor Hugo he has a partner Walter. Guzzardi, long a New York hotel man.

Emcee chores on the night caught were handled by Chill Willis, Jim actor with a slightly twang. He might have worked up a good turn with Dub Taylor on the propensities, but let the latter shift for himself with some corny story-telling, a few whisks at a xylophone and the mousing of a harp. Three Rocketts are ducky tappers whose best efforts were drowned out by Skimay Emis brass section. Fritz and Jean Fisher (brother and sister) scored with their own music. No longer a novelty is Cliff Nazarro's double talk. Like an old vaude act it never changes. Best of the warblers is Lois Waldner, a high note specialist. Joannin Gerry does a good job of selling his numbers, particularly "Farewell to the Bull" which have effected his native Mex inhabitants with good results, but maybe he's not looking for a picture job.

Skimay Emis pours out the jig tunes with a nice pace change. It was at this spot that he got his start as a handman on a break-away from Hal Kemp. His media rep (President) helps the draw, and the famous cotton to his bar-tending. Got

## All in Stride

Philadelphia, March 14. It's just one job after another for Glen Dale, who recently wound up as choir director for Almee Simple MacPherson.

Last Thursday (9) he opened as m.c. at Benny the Bum's, merry here.

with the top of Carmine alternates on the vocal. Fans has the Sunday afternoon show time. Converter at all times is one buck, but special rate on Friday nights when they pour in an immense crowd. The show is a class and is incidental to the food. Spot gets a terrific lunch banquet play, and most of the picture and radio mob use the catering service. Room holds 400 and is refilled in spite of its ornate appointments. Helm.

## CHASE CLUB (HOTEL CHASE, ST. LOUIS)

St. Louis, March 14. Consolo & Melba, 3 Trojans, Buddy Moreno, Montie Kelly, Grif Williams

With Lent in full stride in this predominantly Catholic town, nighting are doing their best to keep his on an even keel. Operators are not getting overboard in booking talent, but are resorting to the printed word to tell the consumers common. Popularity of booze-woman teams of operators, even though some customers dissent, goes unmentioned and it's a rare week when one of these class spots doesn't have such a combo.

At this spot Consolo & Melba are exponents of ball room terpsichorean routines, and except in one instance their work is no better or worse than predecessors seen during current season. The exception is an American jazz piece, the thumbe done at a dizzy pace.

Limited by the small working space, the 3 Trojans, a tumbling act, show excellent timing by not somersaulting into the laps of the ring-side diners. Buddy Moreno, a guitarist with the best double bass as a singer, being particularly apt with "Could Be. Montie Kelly, trumpeter, also does some tearing. Grif Williams, who m.c.'s the show with the most adjectives possible, has a sock turn on the jovies when the tokers pour forth "Red Purpie." Sohr.

## MARINE ROOM (Edgewater Beach Hotel, Chgo.)

Chicago, March 14. Ramos & Menzies, Harry Smith, Harriet Smith Girls, Herbert Fogie, Stuart Fraser, Billy Scott, Eugene Sledge, Jay Mills etc.

For a big, class eatery in a big, class hotel, this 1,400-seat room hardly gives its patrons the type of stuff that's needed. Fortunately Mills and his aggregation work so hard and so effectively that they manage to make up a great deal for the intellectual floor show.

Latter consists of a fair ballroom team, Ramos and Nanelle, who waltz, tango and rumba. Appearance is excellent, but the routines could be brightened up considerably, since this is pretty good coming through with some solid music, especially the class act routine. Mary Sackley is an eye-fall, and a warbler with a satisfying pair

of tonils used on novelty tunes which she puts over nicely. But for the salvation of the entire affair there is only one reliable work element. Staging is woefully weak and drab.

That Mills is able to top most of the party shows in the city is due to his credit. Mills himself has plenty of personality and is consistently in addition, he has assembled an orchestra that is a novelty with its use of percussion instruments, strings and reeds rather than brass. Stuart Fraser is consistently one of seven vocalists, including one played by Mills himself. Orchestra shows itself into a glee club from time to time. It is good stuff, with Mills being the final directing neatly. In the solo department, Eugene McGee is a class singer, with great pipes in a low register. From the band, Stuart Fraser, his ten with a tenor, while Billy Scott comes through in a baritone. Each suitable.

Herbert Fogie plays the organ pleasantly at intermission time.

## CAFÉ SOCIETY, N. Y.

Meade Lux Lewis, Pete Johnson, Albert Ammon, Jack Gilford, Joe Bonomo, Billie Holliday, Jack Neustrom's orch.

Designed as a satire on the up-to-date silver spoon set, this Village spot is attracting great attention to another sector. It has managed to gather under one roof, three top exponents of booze-woman teams: Meade Lux Lewis, Albert Ammon and Pete Johnson. Like the two warblers, Joe Turner and Billie Holliday, and Frank Newton's band (8), they're all colored. Only day portion of the show is Jack Gilford, m.c.

Although the fame of the trio of b-w. phonologists is centered mainly in these lovers of hot jazz, the trio has been confused with jittersbugs who have been listening to their picks for years, curfew interest. A class of music and wackiness is picking up since and attracting trade. Even to those whose knowledge of booze-woman is as vague as thermodynamics or astrophysics, each of the piano when the whole trio get going together is irresistible. Their unusual playing is not only interesting, but good entertainment. Gilford is over-gabby in his in-troves, although he might forget some of his other spiel in favor of a more explanation to the patron of exactly

what it is they are about to hear and what to listen for. In his own turn, his material shows considerably more thought and imagination than the average m.c., but doesn't get him far. Personable in a way, his forte is his mimicry, mostly in pantomime.

For the warbling of the two vocalists, the mites is just said. Joe Turner's pipes are strictly of the phrasing and lack of tone, this type of b-w. shouting takes considerable cultivation of taste to be really appreciated. Same is true, although not so much, of Billie Holliday, who does good "Summertime" and "Jeepers, Creepin'" in the more popular.

The ivory-thumpers wind up the show, each soloing at the start. Then in duets, and finally two on one, piano and the other on a second, all playing. Instruments save their fronts off, revealing hammers and strings, while Ammon stands out in his work, while Ammon stands out for his fine technique and effortless flow (Continued on page 47)

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CATHERINE WESTFIELD	.....	LYRIC, INDIANAPOLIS
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FOR TWO WEEKS

STATE, N. Y.

At Gordon's Dogs, Rolf Holben, Kirkby, Rosie Rose, Steve Wynn, Powell's orch, Ruby Zuberling's house; 'Tupper Takes a Trip' (CA).

Devall with the vim omitted prevails this week at this Loo's house... Rose with Maxine Stone and Walter Powell's orchestra...

The three-sheet news mention only Kitty Carlisle (New Act) as the headliner... Following Maestro Zwerling's appearance in the trench, the program started slowly with the dog show...

There's a stage wait before the first scene... is partly a result of Benny Ross being in a state of emergency need for material...

EARLE, WASH.

Ted Allen, Gene Sheldon, Carolee Del Rio, Kozettes, house line; 'The Oklahoma Kid' (WB).

Six acts hit a new high in novelty music this week to give the house a moodier, more varied and spectacular review... Ted Allen, Gene Sheldon, Carolee Del Rio, Kozettes, house line; 'The Oklahoma Kid' (WB).

Line opens in gingham dresses for a highly buddy number, mixing barn rube tale and touch of cancer... Gene Sheldon, Carolee Del Rio, Kozettes, house line; 'The Oklahoma Kid' (WB).

Gene Sheldon, Carolee Del Rio, Kozettes, house line; 'The Oklahoma Kid' (WB). Ted Allen, Gene Sheldon, Carolee Del Rio, Kozettes, house line; 'The Oklahoma Kid' (WB).

vaude and one which holds audience rapt... Adelphi, London, March 4. Mac Miller, Fred Astaire, Maurice Colleen Co. (3), Cyril Faurer, Stanley, Eddie & Mae, Roy Miller, Betty, Merion Pola Co. (3), Adelphi Ballet, F. J. Curren, show.

PALACE, CLEVE.

Cleveland, March 11. Kay Kuser orch, Sully Mascia, Virginia Simms, Harry Bortner, Ishakobes, orchestra; 'My Darling Daughter' (WB).

There's no doubt that both Kay Kuser and the Palace will wind up the week with the richest pay-dirt of the season for this RKO venue.

Besides stampeding the young swingers, Kay brings out a gang of dancing women for the week... The old Bamboo Gardens on his local board.

Stump threatened opening portion of Kuser's show on this week... Most outsiders thought this was a case of the best in his line here.

This radio-patterned portion, designed in these patterns, is too much of a contrast to my section in verse... Virginia Simms is easily the neatest singer in the house.

PALACE, CHICAGO

Chicago, March 11. Doris Dierkes, Bud Harris & Co., Gilbert Bros., Carroll & House; 'Cheer Hete Girls; 'You Can't Cheat At Forest Fire' (CA).

Current show consists of four vaudeville items of line girls for novelty entertainment blend... The Chester Hale girls are beginning to go with the lease here.

The Chester Hale girls are beginning to go with the lease here... This is the best of the week so far.

ADELPHI, LONDON

London, March 4. Mac Miller, Fred Astaire, Maurice Colleen Co. (3), Cyril Faurer, Stanley, Eddie & Mae, Roy Miller, Betty, Merion Pola Co. (3), Adelphi Ballet, F. J. Curren, show.

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ORPHEUM, M.P.L.S.

Minneapolis, March 11. Joe Barber orch, Gene Sheldon, Iris Fribberg, Frederic & Yonnie, Jim Gorman, Fred & Edna, Clovis Ryan; 'They Made Me a Criminal' (WB).

This show, built around the Barber orchestra, ticks the usual novelty mania which give lustre and an atmosphere of anticipation to the presentations of other name bands.

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This show, built around the Barber orchestra, ticks the usual novelty mania which give lustre and an atmosphere of anticipation to the presentations of other name bands.

Three Ryans, knockabout acrobatic comedians, whose burlesque adagio and staccato provide plenty of laughs... Big goal at the late Friday matinee performance.

EMBASSY, N. Y.

(NEWSREELS)

It's practically all run-of-the-mill stuff, this week's collection of newsreels... The newswall leads off with Paramount's version of the opening of the Panama Canal.

The newswall leads off with Paramount's version of the opening of the Panama Canal... The Halban bit comes soon afterward.

The Halban bit comes soon afterward... The Halban bit comes soon afterward.

The Halban bit comes soon afterward... The Halban bit comes soon afterward.

ROXY, N. Y.

St. Louis, Mo., March 11. Helen Reynolds Skating Girls (8), Standards, orchestra; 'The Stupetons' (2), Johnny Woods, Gene Foster Girls (2), Paul Ash's house orch; 'The Jelling Princess' (20th), reviewed in VAUXER Feb. 22.

The Roxy couples a fast-moving, 46-minute show with the technical... Helen Reynolds Skating Girls (8), Standards, orchestra; 'The Stupetons' (2), Johnny Woods, Gene Foster Girls (2), Paul Ash's house orch; 'The Jelling Princess' (20th), reviewed in VAUXER Feb. 22.

APOLLO, N. Y.

Richmond, Mo., March 11. Gene Foster orch (15), Gene Richmond, Marge Armstrong, Betty Brown, Gene Foster orch, Gene Foster orch, Gene Foster orch; 'Harlem Ride the Range' (Indie).

Ceb Calloway is in home port this week... Gene Foster orch (15), Gene Richmond, Marge Armstrong, Betty Brown, Gene Foster orch, Gene Foster orch, Gene Foster orch; 'Harlem Ride the Range' (Indie).

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PARAMOUNT, N. Y.

Chuck Webb orch, Lindy Hopkins, Gene Foster orch (15), Gene Richmond, Marge Armstrong, Betty Brown, Gene Foster orch, Gene Foster orch, Gene Foster orch; 'Harlem Ride the Range' (Indie).

Chuck Webb's band, despite its size, is one of the best... Gene Foster orch (15), Gene Richmond, Marge Armstrong, Betty Brown, Gene Foster orch, Gene Foster orch, Gene Foster orch; 'Harlem Ride the Range' (Indie).

Gene Foster orch (15), Gene Richmond, Marge Armstrong, Betty Brown, Gene Foster orch, Gene Foster orch, Gene Foster orch; 'Harlem Ride the Range' (Indie).

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Variety Bills

NEXT WEEK (March 17) THIS WEEK (March 10)

Numerals in connection with bills below indicate opening day of show, whether full or split week

NEW YORK CITY (1) George Hall... Broadway 135

WASHINGTON (1) Rhythm Rocket... 135

Loew

NEW YORK CITY (1) Chink White... Chicago (1)

WASHINGTON (1) Rhythm Rocket... 135

Paramount

NEW YORK CITY (1) Chink White... Chicago (1)

WASHINGTON (1) Rhythm Rocket... 135

Revue

NEW YORK CITY (1) Chink White... Chicago (1)

WASHINGTON (1) Rhythm Rocket... 135

Warner

NEW YORK CITY (1) Will Shontz... Chicago (1)

WASHINGTON (1) Rhythm Rocket... 135

Independent

NEW YORK CITY (1) Helen Hersholt... Chicago (1)

WASHINGTON (1) Rhythm Rocket... 135

Hotel New Yorker... Frisco Hill

Hotel Park Center... Hotel Pennsylvania

Hotel New Yorker... Hotel Pennsylvania

Hotel New Yorker... Hotel Pennsylvania

Hotel New Yorker... Hotel Pennsylvania

Hotel New Yorker... Hotel Pennsylvania

Hotel New Yorker... Hotel Pennsylvania

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Hotel New Yorker... Hotel Pennsylvania

Julian Glavin... Slappy Mads

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Provincial

Week of March 13... EDWARDS

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ON OPENING SHOW FLATBUSH, BROOKLYN WEEK MARCH 7TH

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APOLLO, N. Y.

(Continued from Page 48)
ways' outfit, which has been together for a number of years in New York...

Several salient words of pop music are used to play a melody in the oldie, 'Sylvia,' which is a fine example of the style...

Francis Armstrong, piano; Gene Payne, pianist. Second draws an unusual and humorous first set...

Fade is the usual anti-climax, bringing in the line, which is actually continued with the lyrics, hooked to 'Chopsticks'...

STANLEY, PIT

Pittsburgh, March 10. Benny Goodman's March 10, 1959. The band includes... Wuse, Jr. & June Mann, Eunice Hesley...

Pre-tenders to the throne notwithstanding, Benny Goodman is still a well-loved man... explosion came during the quiet last quarter-hour...

Early highlights include Ziggy Elman's pungent burns with 'And the Angels Sing,' Goodman's sly way with 'One O'Clock Jump'...

and comedy team mops up easily with some brisk, chatter and... Joe Arena, Rio & Rita, Don Bros. & Mary (3), Stroud Twins, Gae Fagan...

RIVERA, B'KLYN

Don Redman ork. 15. Laurel Watkins, Sam Hayes, Nicodemus George Dees, Washington, Sam...

Rivera's giving his name trade a better than average shot this week... Don Redman ork. 15. Laurel Watkins...

Redman wastes little time in getting into the act... Don Redman ork. 15. Laurel Watkins...

Nicodemus' familiar turn follows. His chatter is folled by the leader... Don Redman ork. 15. Laurel Watkins...

Sunshine Sammy and Sleepy Wilkins... Don Redman ork. 15. Laurel Watkins...

With Redman on stage, the house inaugurated a 'jitterbug night,' including... Don Redman ork. 15. Laurel Watkins...

Saranak Lake

It took Chad Hagadem two months to buy Kirk Pagnon. He's now downplaying.

For Raymond, and he will the Will Ray for California... Katharine Keenan, approved, can resume her...

ROXY, ATLANTA

Atlanta, March 10. Joe Arena, Rio & Rita, Don Bros. & Mary (3), Stroud Twins, Gae Fagan...

Nearly welded into 55 minutes of entertainment, including plenty of good novelty, this show's a pleaser... Joe Arena, Rio & Rita, Don Bros. & Mary (3)...

Joe Arena, tumbling acrobat who plays a lazy-looking bulldog equipped with license plate and tail light... Joe Arena, Rio & Rita, Don Bros. & Mary (3)...

STATE, HARTFORD

Hartford, March 11. Connie Bowring, Jerry Howard & Jack Falley, Jimmy Dorsey ork, Bob Eyer, Roy and Edna...

State is still sticking staunchly to the old policy despite a recent two-day excursion into straight novelty... Connie Bowring, Jerry Howard & Jack Falley...

Don Redman and sister, Mary, trio also as three peep in a pool, followed by a three-hour... Connie Bowring, Jerry Howard & Jack Falley...

LYRIC, INDLPS.

Indianapolis, March 10. Nick Lucas, Vic Helye, Hickety Burt Hayes, Catherine...

Playing a percentage pie game has turned to six acts to stay within the hour... Nick Lucas, Vic Helye, Hickety Burt Hayes...

By at last of four shows on opening night, the show was full up with plenty of standees... Nick Lucas, Vic Helye, Hickety Burt Hayes...

okay, as is twanging a guitar. Nicoly received.

Vic Helye combines combed patter with a fine band turn... Nick Lucas, Vic Helye, Hickety Burt Hayes...

Three Samuels and Harriet Hayer, who have been featured in dancing and act as emcee... Nick Lucas, Vic Helye, Hickety Burt Hayes...

STATE, HARTFORD

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New Acts

WALTER POWELL ORCH. (12). PHIL Bobbie Fowler, the numbers man of the State, N. Y.

From the Frank Miller Breakaway band, but has had his own show a two-act on previous occasions... Walter Powell Orch. (12). Phil Bobbie Fowler...

Kitzy Karisale sings 'One State, N. Y.' from films and stage musicals... Walter Powell Orch. (12). Phil Bobbie Fowler...

Minnie Armstrong is a smooth-working young tapster... Walter Powell Orch. (12). Phil Bobbie Fowler...

Nertry Notes

Don Boland's orchestra succeeded Joey Lee at Marcus Daly's, Beverly Hills... Walter Powell Orch. (12). Phil Bobbie Fowler...

KEITH'S, BOSTON

Boston, March 9. Gus Van, Joe Besser and Lee Jaffe... Keith's, Boston. Gus Van, Joe Besser and Lee Jaffe...

This bill reaches its zenith with a collection of songs that look on paper, something of a publisher's catalog... Keith's, Boston. Gus Van, Joe Besser and Lee Jaffe...

Van gives his pianist, Harry di Costa, a boost in a special song, introducing as composer of Tiger... Keith's, Boston. Gus Van, Joe Besser and Lee Jaffe...

Robbins Bros. & Margie provide a double bill with pen-and-ink material... Keith's, Boston. Gus Van, Joe Besser and Lee Jaffe...

Robertina Hines, winner of an audition... Keith's, Boston. Gus Van, Joe Besser and Lee Jaffe...

New Acts

WALTER POWELL ORCH. (12). PHIL Bobbie Fowler, the numbers man of the State, N. Y.

From the Frank Miller Breakaway band, but has had his own show a two-act on previous occasions... Walter Powell Orch. (12). Phil Bobbie Fowler...

Kitzy Karisale sings 'One State, N. Y.' from films and stage musicals... Walter Powell Orch. (12). Phil Bobbie Fowler...

Minnie Armstrong is a smooth-working young tapster... Walter Powell Orch. (12). Phil Bobbie Fowler...

Dancing

Maxine Armstrong is a smooth-working young tapster... Walter Powell Orch. (12). Phil Bobbie Fowler...



### Managers Have Sunday Ven

The League of New York Theatres has asked Equity to give Broadway rights the same Sunday privilege accorded to productions under its jurisdiction in New York's World's Fair. The managers point out such shows at the fair will have the right to play Sundays without the double pay impost that stymied Broadway when Sabbath performances were legalized in N. Y.

Showmen also want the right to give Sunday shows without being required to play two-eighths of one week's salary. It nine performances are played one each, should apply, but should a week-day show be cancelled, salaries would be the same as contracted for.

### Equity Council Seeks Action on Pay Rise Proposal; Sunday Matter Up Again as Fair Gets Sabbath Right

At a special Council session held by Equity last week in New York, minimum salaries for the New York's World's Fair were discussed. However, no agreement was reached. After a tentative schedule was presented, calling for salaries to be above the legit minimums, the matter was laid to rest.

Indicated that there's a growing tendency in the Council to get action on the recent proposed increase of minimum of seniors from \$40 to \$75 weekly. The issue has not met the favor of Equity leaders, who have cautioned against so radical a jump on the grounds that it would discourage production and bring it's out of line with the proposals to rearrange budgets so that lower prices for tickets would be feasible.

**Trial Sought at Fair**  
One suggestion was to try out the increased minimum at the Fair. That brought opposition. It was pointed out that the players choose the wrong time to experiment with pay scales, since the Fair won't be part of the regular Broadway season.

It was pointed out that the experiment could be made as profitably as if it were made during the regular season. A scale as proposed for the Fair "Roads on Parade" calls for a \$40 minimum for juniors and seniors, but there's a limit on how much players may obtain. Ghorus would receive \$48 and extras \$25. Railroad show will run about one hour and 10 minutes, four times daily and 28 times weekly. Around 2000 are scheduled to be used in the spec. Similar (Continued on page 52)

### BANK RECEIVES LYCEUM, N. Y., FROM LESSEES

Lease on the Lyceum, New York, which has been operating with legit shows independently for the past three and a half years, has been bought back by the Broadway Bank, N. Y., which accepted cancellation because the tenants proved the lease was heavier on the knickerbocker than the bank would understand the bank will operate the theatre, whose rental was claimed to be too high.

The late Spencer Bettleheim and Otto Diehl were the lessees, using a company name of James F. Bettleheim, who formerly represented the Belmont-Frohman interests and the bank took property, is expected to have similar contracts. No change in the front of the house is anticipated. Allen Schenck, manager, and Hugh MacCarty, treasurer, have contracts for a year.

### Huston Play on Tour; N. Y. Fair Date Seen

Walter Huston's "Knickerbocker Holiday" which closed at the York run Saturday (13), opened Monday (13) in Philadelphia and will play Cleveland, Detroit, St. Paul, Columbus, Cincinnati and Chicago (three weeks) in that order. It may be brought back to New York for the World's Fair, depending on business indications. Otherwise, show may go to San Francisco for the Fair there.

The only important change in the cast will be that of the two Little Childs replacing Carl Dels for the tour.

### JAMES BARTON IS CHIDED FOR CUSSING

James Barton has been found guilty by Equity of using "vile and abusive language" backstage at the Forrest, New York, at various times during his appearance there as the lead in "Tobacco Road", from which he withdrew several weeks ago.

Eddie Garr has since replaced him. Indicated that the Council, which heard the charges early last week and made the decision Friday (10), had collective tongue in its cheek, for mild discipline was ordered. Barton, it's reported, will only be reprimanded.

The Barton matter was the result of an attempt by most of the "Road" players to make the actor conduct himself in a "gentlemanly manner" backstage. However, some councilors familiar with Barton, particularly his former seasons in burlesque, were skeptical of favorable terms.

Barton admitted he uttered the phrases substantiated by complaints but said he could not understand why anyone should be concerned with such a luridly-dissolved drama as "Tobacco Road" should be mentioned at his remarks. There were found 25 witnesses, most of them supporting the complaint of Mrs. Bees and Cynthia Harris, who filed the charges against Barton. Since the list of witnesses was so long, only one of the play, it was explained that there were some character witnesses.

Miss Dore and Miss Wrennes are still under arrest in Road. Barton was dismissed early in the winter at the insistence of Barton. She had turned to see him, but later dropped plans for the suit when she returned to the cast. Council ruled that Barton be fined \$100 and fined one member but it, the actor was "just being himself." That would explain the decision to mete out lenient punishment.

### Follows D's Steps

Vinton Freedley, Jr., is co-lyricist of this year's Hasty Pudding Club musical, "Fair Enough" at Harvard. Freedley's colleague on the lyric-writing is David Lannon.

Ed Kelley and Billy Holbrook have been imported from New York to stage "The Trial".

### GUILD, EQUITY IN EXPERIMENTAL THEATRE DEAL

The Dramatists Guild is co-operating with Equity regarding a possible experimental theatre in New York. Committee consists of Robert E. Sherwood, chairman, George Siskar and Russell Cross. Equity's committee includes Winifred Lenniston, chairman, Agnes de Gery, Margaret Webster, Hugh Rennie, Mary Morris, Worthington Minner and Edward Fuld.

Cooperation between the two groups resulted from an agreement of the management until the latter sit in for conferences on the subject.

Guild has always tended to hold aloof from official participation in conferences of the Broadway groups when the managerial end is represented. Case in point is the American Theatre Council. However, the experimental theatre project involves a subject in which the Guild and the management are so limited to a certain extent representatives.

### GAITES, ALEXANDER SUSPENDED BY GUILD

Joseph M. Gaites, Different, Inc., and Alexander, Inc., are suspended from the Dramatists Guild's minimum-to agreement. The suspension was declared in bad standing with that organization. Guild members have been notified not to do with any of the management until they have been reinstated to good standing.

Gaites, through Different, Inc., produced "I Am Different" in which Talulah Bankhead appeared on the Coast last fall. In Detroit, however, she was replaced by a short run. This Miss Alexander, through A. Alexander, Inc., produced "The Admirable Crichton" at the 46th Street, N. Y., last spring. It also had a brief stay.

### Four City Rotary Stock Starting at Easter Indef.

O. E. Wess and Frank McCoy have completed deals for their rotary stock circuit due to open Easter. Four stands have been secured for indefinite dates at Detroit, Cleveland, Columbus and Chicago this summer. Houses named are National, Washington, Moon, Plymouth, Boston.

Admission will be \$1.10 top. First show slated "You Can't Take It With You."

### Hearings on Acme vs. Equity-League Ruling on Ticket Code Concluded; Later as 4 Brokers Are Queried

### Stanley Young Play Tried Out in Clevel.

"Rights Between the Rivers": Stanley Young's dramatization of the story by R. L. Duffus, is being tried out this week by the theatre department of the Cleveland Protective League, Cleveland. Play premed last night (Tuesday) and runs through Sunday night (19).

Young, author of last season's "Robin Landing," is one of the John Golden playing-theatrical fellowship holders.

### PLAY, LITERARY AGENTS PLAN POLICING

Stirred by the arrest of Eric S. Pinker, the Pinker department agency, on a grand larceny charge, leading New York play and literary agents are planning to set up a restricted, self-policing association to deal with the ethical conduct of the business. Although various deals along similar lines have been suggested in recent years, the action is now expected shortly.

Pinker, one of the better-known New York literary agents, was arrested Monday (13) in New York on complaint of E. Phillips Oppenheim. He was charged with having taken \$100,000, less his 10% commission, which he had received for the author from the Crown Publishing Co. According to the district attorney, Pinker had been charged against Pinker raised his shortages to \$45,000 or \$50,000. After a preliminary hearing he was held without bail for a formal hearing Friday (17).

Several of the leading drama and literary agents have been agitating for some time for a method of regulating the industry. Incorporated as a city of Authors' Representatives was formed several years ago in New York, but with the exception of some of the foremost agencies declined to join. It's now thought likely that the organization will be tentatively revived this regulatory step, possibly with the cooperation of the holdout offices. Ouit's has formerly been composed entirely of drama agents, but will probably now take in literary reps as well.

It's expected that the Authors' League will be set up in the organization, forcing the ISAR to adopt a stringent self-policing code. Matter of regulation has been a puzzle to the League. It is forbidden by law from blacklisting agents, but will be empowered to license them under its own restrictions. Organization has always restricted its members to those who are generally felt to be honest and would thereby seem to recommend only the best members.

Reorganization of the ISAR alone more stringent regulatory line. It might solve the League's difficulties, since it could then merely recommend all authors to the organization. It would be explained that such recommendation concerned only the ethics of the agency, not its capability.

Miss January signed  
For Lew Brown Play  
Lois January, film and stage actress, will play for the first time in Lew Brown's "Yokel Boy" makes good in New York on Monday (15). The play goes to the rehearsal in May. Others signed so far are Jack Pearl, Judy Canova and Billie Holiday.

Hearing in New York of the Acme Ticket Agency, which seeks to enforce the League of New York Theatres' ruling on the ticket code limiting premiums to 75c over the boxoffice price, was completed Friday (10). The hearing, before referee, Thurlow (10). However, the result of the proceedings will be decided at least three weeks. Referee gave counsel for both sides two weeks to file briefs. Indications are it will be an additional week before he reports the finding to Judge Samuel H. Hottel, by whom he was appointed to conduct the hearing.

Though ticket men had argued that the Acme position was untenable, it was felt that there would be a tendency on the part of the League to let down in enforcement. Four brokers were summoned yesterday (Tuesday) by the League to answer questions concerning allegations that they breach the code.

Acme's equity end of the litigation will be defeated by the League, as stipulated when the code deal was made with Equity. The bill will come from the enforcement fund, which is made up of levies paid by Acme and Equity. It was admitted that some brokers are paying the League and some are not. The latter as yet indicated that the League is awaiting the outcome of court proceedings. Acme and the League will split the referee's fee, said to be \$1,000.

Brook Pemberton, who led the movement that resulted in the code, blamed Broadway's offish business attitude on the former income tax deadline and the "New Deal" recession. He said that the code has been blamed in several circles for the lull. He differed with Frank B. Rowland, Acme's attorney, who also figured in drafting the code. Gilmore said he thought the agreement was a maximum premium. By overcharging, the brokers tended to lessen attendance and shorten Acme's season. He said that some "Able's Irish Rose" and other long players were never added to the "bure," whom he was advised that "Able" had an eight-week buy order.

Pemberton stated that brokers had a definite and necessary function, giving salaried from producers a service facilities which managers have not matched. While opposed to the maximum premium, he said some sustained were made up by brokers overcharging for necessary services. He stated that some agencies might not operate out of the boxoffice, but maximum premium. Pemberton also said that a theatergoer who wants good locations on the last day or at a late hour cause increased prices. Suggested that the manager hold back a certain number of seats for the last day sale and for which stable pre-

(Continued on page 54)

### Advisors Selected For Dartmouth Drama Fete

Advisory committee for the annual summer drama festival to be held at Dartmouth College, Hanover, N. H., has been named. It includes the Dramatists Guild. Events, which are planned for the \$100,000 drama workshop on the campus, will probably begin during the summer of 1940. The festival is being planned by a committee of alumni. Guild will direct the workshop. The festival is being held during the college's drama course during the regular scholastic year. Aim is primarily to make the festival a sort of dramatic Bayreuth of the U. S.

Members of the advisory committee include Maurice Evans, Inc. Lawrence Lunt, Lynn Fontaine, Claire Brooks Aldrich, George Curran, Ed Guthrie McClinton, Katharine Cornell, Brock Pemberton, Helen Hayes, Brooks Atkinson, and John H. Massey. H. Harris, Jane Cowell, Raymond, Burns Mantle, Theresa Reynolds, and the play goes to the rehearsal in May. Others signed so far are Jack Pearl, Judy Canova and Billie Holiday.

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For Lew Brown Play  
Lois January, film and stage actress, will play for the first time in Lew Brown's "Yokel Boy" makes good in New York on Monday (15). The play goes to the rehearsal in May. Others signed so far are Jack Pearl, Judy Canova and Billie Holiday.



'Angel' Smash \$22,000 in Chi Opening; Kiss Boys' OK \$12,300; Life' Off, 6 1/2

Chicago, March 14. Town is housing an absolute smash in 'I Married an Angel,' which came into the Grand Opera House last Tuesday (7) and smacked over the best newspaper and word-of-mouth accounts any show has gotten around in this burg in years. Show is playing eight performances a week with no slowing down...

'Angela' Way Off in Pitt, Barely Getting \$5,200

Pittsburgh, March 14. The Nixon had a lull last week with 'Angela,' which barely getting \$5,200. The show was fairly lively to the comedy and generally getting that Sinclair Lewis-Finch, Merivale names could hold a steady audience to window seat all and only thing that held the show...

'Kings' Steady in New, \$16,000; Chatterton 96

Boston, March 14. Five Kings, the compressed cavalcade of Broadway, which has been Orson Welles, became more concentrated after its somewhat tedious opening and business held up fairly well during the second week. Broadway, starring Ruth Chatterton, didn't fare so well in its opening tryout week...

Estimates for Last Week: 'I Married an Angel' (Grand (1st week) (1,500; \$3,300). Came in terrific advance and now, following great notices and comment, the box office sports a constant queue...

HEPBURN BIG 23G IN WASH.

Washington, March 14. The Capital turned out big for 'The Philadelphia Story' which stars Katharine Hepburn, last week. Show finished American vaudeville subscription list, which assured it of a good week, but still reveals a weakness by Wednesday night...

SEE 'ANGELA' FOLDING IF BAZ DOESN'T IMPROVE

Pittsburgh, March 14. Talk here tonight is that the Sinclair Lewis-Finch play, 'Angela's Ashes,' is being folded unless it opened Sunday night (20). 'Angela' has been out more than two months and is understood to be dropping coin consistently. Cast agreed to 50% refund of money...

'Whitecoats' Opens 2-Wk. L.A. Stand, Off \$11,000

Los Angeles, March 14. Ethel Barrymore, who has been on the winds up two fair weeks at the Billmore Saturday (18), house then got dark for several weeks...

'Kiss Boys,' \$10,400

Richmond, March 14. Third comedy on the stage is 'Kiss Boys,' which is being Goodbye, winding up a split week of seven performances here last Saturday (14). Pull a total gross of \$10,400.

Current Road Shows

(WEEK OF MARCH 13)

'Angels in 22' (Phil Merivale) - S. O. Chicago.
'Kinkaid's' (Cornelia Ott Skinner) - N. O., Pittsburgh.
'Dippy Carte Opera Co.-Forrest, Philadelphia.
'Five Kings' (Orson Welles, Burgess Meredith) - National, Washington.
'Flashing Stream'-His Majesty's, Montreal (14-18).

'American Way' Maintains B'way Lead, \$40,000; 'Hellz' Sets Pace For Musicals; 'Lincoln,' 'Foxes' Big

Ratings among the Broadway leaders were unchanged last week. 'The American Way' maintained its front-running pace, helped by big malice business by the big top. Drama...

'Family Portrait,' which opened at the Box last mid-week, drew partially strong press, but otherwise was inflexible to the extent of drama's chances are in doubt. 'Close Quarters,' a two-person drama...

'Hellezoppin' Deal SET FOR ENGLAND? London, March 14. Before sailing for the U. S. late yesterday, J. J. Shubert closed a deal...

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'Friers to Frolic'

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'Daughter' Off, B'lyhn

Brooklyn, March 14. Rush of live stuff for a change in downtown sector of City of Churches...

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The Friars Club is staging its 30th annual frolic at the Alvin theater, New York, April 8. Bill Brandell is in charge.

'Skinner-Candida' Big In Detroit with \$15,300

Detroit, March 14. Cornelia Ott Skinner, who has a draw here, continued her stride at the Detroit...

'Sudan' \$6,500, Buff.

Buffalo, March 14. Three-day engagement for 'Sudan and foot loose' opened at the Linden, grossed the \$6,500 at the Erling...

'EARNST 5 1/2; PEARL LOOKS PP

Philadelphia, March 14. Next three weeks promise to be lively for Philadelphia legs...

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Broadway

Capt. W. H. Fawcett in town.
M.L. Goldreyer in hospital for minor clipping.
Jonathan Cape, the British publisher, back to London.

Oswald Garrison Villard will have his autobiography published.
Sidney S. Sander, RKO player, in town on his way to Europe.

Freeman Hammond has been added to Fortune magazine.
Terence Rattigan, author of 'French Without Tears', back to London.

Anne Blida, will be married Sunday (19).
Ole Olsen invited to head the parade on the 19th avenue parade.

George Walsh, Par's Netco (N. Y. state) operator, in town Monday (19).
Rozen, manager of Loeff's State, bedded all last week with "the girl".

Arthur Michaud, handler of Gene Kurps, recovering from slight flu.
Maurice Bergman in weekly nudie with chess player Emanuel Lasker.

Sam Sherman recuiping from ankle injury that had him laid up 10 days.
Richard Phillips, Par real estate head, back from Florida after business trip.

Frank Ward O'Malley's widow, Grace, engaged to be wed to George M. Blum.
Father Leonard, of St. Malachy's, St. Louis (18).

Treasurers Club's 50th annual show will be held at the Winter Garden 50th.
George Meredith went into "Hellscape" yesterday at the Waldorf with an audience big.

Cecilia and the missus (Lillian Hades), sailed Saturday (14) on a West Indies cruise.
Jeanne Silverstone, daughter of U. A. general manager, recovering from pneumonia.

valid 'American Landscape' released for amateur production.
Marilyn Brown to relax in Florida and 'The Women' is okayed everywhere but in the New York and Philadelphia areas.

Paris

By Hugo Speek
Liam O'Flaherty in from America.
Rino Rossi to Berlin for Scala debut.

Roy Howard in from Riviera for radio-cast.
Danielle Darrieux in from winter spots at Megeve.
Paul Robeson in from America after two-year absence.

Annual gala of Artists' Union held at Grand Hotel.
Marie Dubrun out for Riviera and North African tour.
"Kungs Dns" RKO breaking house records at Le Paris.

Andre Lefaur working in three films.
Adolph Zukor and John Hicks, Jr., off on Scandinavian tour.
Jean Sablon in from India-China visit to make documentary.

Edouard VII reopening again with second-strand features.
Bernard Hilli orchestra to the Coliseum work.
Casanova, night club, recently started by, in for few days.

Bob Eastler 20th's European stage tour head, was in for two days.
Jean Sablon in from India-China visit with Michel Simon in French film.
Leon Goussier reading for 'L'Emigrant' in Swiss Kullers starring.

Paul Louis Barrault back in 'The World Is Round' at Atelier after illness.
Mike and Duchess of Windsor caught premiere of 'Pygmalion' at the Ritz.
Joseph V. Connolly, of Kings Features and INS, to the Riviera for a few days.

Wally Berry, of cinema, made legit deal with C. P. G. Co.
Helen Hayes, of Broadway, starring in 'Madame Nature' from Henri Toval's story, to be Jean Benoit's 'The' next.

'The Three Terribles' suspended at RKO-Parisians by illness.
Fred Adlon orchestra presently masquing Ambassadors, gave 'Swing-ting' last week.
'Snow White original version gets top two recommendations, writing series on South Africa for the London Mail.

Neil Patrick Hughes, of 'The American', Duviol, off to Alsace to shoot exterior of 'La Charrette Francaise'.
Walter Connolly, of selection of 'Mines of the World' film, held at Astor.
Maurice Cliche to Tunis to get exterior of 'The Three Terribles', based on African life in Catalonian Liguria.

London

Oscar Deutsch in St. Moritz, Switzerland, for fortnight.
Hal Yates to Copenhagen, Holland, Belgium and Norway.

Jack Foster, Val Parnell and Jack Hilton recovering from flu.
David Rose considering Oliver Twist film.
Frank Morris, over from Paris, hit town for one day, then home.

John Farnell and Alfred Zeitlin have split after an association of over 13 years.
The 'Eclair' turned down offer to open at the London Casino March 7 for its new management.
Calgary Brio, at the Adelphi, the four that they played for George Black and Val Parnell.

Maurice Ostrer no longer assisting managing director of Gaiety.
March 13th's Montreal edition of film history, a compilation of old silents, goes into the Plaza March 19.
Nautica Yvee, of 'The Merry Men', Sherak's new Dorchester hotel floor show April 19th.
Sister Mary, who's gone to New York, then goes to Los Angeles to play 'Auntie' opening night in Melbourne May 1.

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own theatre in nearby Meida March 26 to do a benefit here.
Jacqueline Susan, member of Jack L'Orange's Club, engaged to marry a New York publisher.

Bill Dyer off on a 7,000-mile auto tour to cover the big league contest for his WCAU sports airing.
Mary Louise Maloney named to succeed Dorothy Ford in the WFIL press department.

Walter Killian, former head of the Arcadia-International and Benny the Bum, has opened his own studios at 155th St.
John Ferro, former manager of the Grand Metropolitan, has opened a new mal-trai-de-hotel at Benny the Bum's.

WB shorts production head, in town to aid in selection of film for the Philly Daily News-WB contest.
Medesmus Louis Davidoff, Ben Froy and Fred St. Louis, Ben Eiben and Harry Biben, to be honored at a Variety Club luncheon.

Annual Temple U. show will be 'Crown and Carver', authored by two members of faculty. Beaumont Bruehl and Charles Swier.
Joe Verbin and Charles Goldfine directed 'The Great Dictator' for the Houston, traffic stalled.
The head of his former post in the film sector.

Sam S. Hurst
Earl Stout, owner-operator of the Uptown Jack Club, III, near here, in the hospital.
Marilyn Stone, who's KWK orchestra and Covia Bunch, concert, at Forest Park hotel nihery.

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Hollywood

Paul Jones here with Ruth.
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# N. Y. Fair Suddenly Switches From Visionary to Practical Showmanship

Several energetic moves, designed to wipe the amusement zone of the New York fair, had already been dropped so rapidly in recent weeks that no definite lineup probably will be available until the latter part of the season, less than 30 days before the exhibition opens.

Principal attention focused on Paul Sheridan's vision of a show man which had led to the development of the 'Street Parade' and a 'Street to Richman' show. Both were refused splendidly and were being classed as too tame attractions likely to become popular draws.

Sheridan's model show, being brought along quietly, looks as a dark horse entry which might pull off if Sally Rand fails to come to a N. Y. Richman is reported hot on a deal to give a 'Street Parade' attraction. Such an exhibition might tempt the operations plenty of opportunity to play away with novelty and spicy dancing attractions.

**Wild West Show**  
Realization by fair officials that the show must be an international attraction was seen in the hurried trip of Vincent Pace, controller of the exposition, to the Nevada show, he conferred with John Ringling North. Result is that Ringling has agreed to give up a portion of 7½ space in the amusement area, long regarded as the white elephant of the show. He will bring in fully wild show, with cowboy-lindian display, to be given briefly four times daily.

Show will be at the extreme south end of the amusement section. Fair officials have had to give up the project, which included a 7,000-seat stadium, in order to get Ringling into the proposition. The exhibition previously would take the Florida Tropicana, but this was with the fair organization until about a year ago, has been re-hired to the amusement zone.

He has taken a leave of absence from National Broadcasting Co. to return to his job as a salesman since leaving the concessionaire-exhibit division of the exposition.

Donald also is trying to get Al Conover, an engineering expert, in an effort to swing construction into the amusement zone area. Besides earning the per cent of putting up the Cleveland fair in 33 days, Conover did the engineering of the amusement zone of the Chicago exposition in New York.

**Midway Shows Indefinite**  
Fair claims 37 shows, rides and villages, but new ones have come from the East and West and have dropped so rapidly in recent weeks that no definite lineup probably will be available until the latter part of the season, less than 30 days before the exhibition opens.

The music department is back again on the fair grounds for the first time in several years. It is leasing the Music Hall for a giant shanty-hall with many bands. Signaled by the fair officials, practical showmanship and action. This is the reason for recent realignment.

The music department is back again on the fair grounds for the first time in several years. It is leasing the Music Hall for a giant shanty-hall with many bands. Signaled by the fair officials, practical showmanship and action. This is the reason for recent realignment.

# WHAT THEY THINK

Dorothy Francis Bill Active  
Editor, VARIETY.

## Quiet, Please!

N. Y. World's Fair is a contest in your March 15th issue concerning Dorothy Francis' article in 'Family Portrait.' It is pertinent that Miss Francis' own Miss Crawford, Mr. Tuttle and myself in the venture and she is proud to have taken one of the fair's most important jobs. I saw the beauty and importance of the play.

**JESSE'S 'OLD N. Y.' FOR FAIR UNDER WAY**  
Construction of George Jessel's 'Little Old New York' on the New York World's Fair midway will get under way this week. Concession will occupy three acres and contain various types of shows, including burlesque.

Cost of 'Old N. Y.' is estimated at \$350,000. Original backers stepped out, but the expo itself arranged new financing to get well under way on Palm Beach Monday (13) to iron out the details.

**Ex-Farmer Plans One Ring Motorized Circus**  
A new one-ring motorized circus is being organized here by W. M. (Bill) Meyers, part owner of the 'Gene Evans' Combined Shows' who take the road early in April. No title has been decided for the new outfit as yet.

**Shrine Circus Grosse \$42,000 in 6 Mpls. Days**  
Shrine's indoor circus at the Auditorium grossed \$42,000 in six days. Shrine's outdoor show in Trenton, N. J., is also a success.

**Berigan's 3-Week Stand**  
Bunny Berigan's outfit is becoming house band for Trianon Ballroom. Easter Sunday for three weeks, during which he will be giving three weekly broadcasts over WHiK in addition to two Mutuals.

**Hamid, Once an Acrobat There, Buys N. Y. Fair's Trenton Plant**  
Sale of the New Jersey Interstate Fair Association plant equipment to George A. Hamid, Trenton, N. J., motor was announced today (Tuesday) by General Mahlon R. Marston.

**George Hamid Behind New N. C. Amuse Park**  
Charlotte, N. C., March 14. Plans for construction of a 100,000 amusement park recently have been announced when officials of the Southern States Exposition, Inc., met here today to discuss the project.

**Palm Springs Contest**  
Palm Springs, March 14. First annual bathing beauty contest is slated at this resort March 26 by Jack Melvin and Dick Pritchard. The June 29 referendum has been discussed for some time.

**Outlaw Walkathons**  
Lincoln, March 14. The walkathon bill, which the film business backed, passed the Legislature yesterday. It provides 10 days to six months for the outlawing of outlaw shows.

# Frisco Expo Institutes Economy Drive, Cutting 100 Off Payroll: Concessions Squawk About B.O.

San Francisco, March 14. Officials are slashing payroll in the fair's first budget cuts that attendance at the exposition has slowed down following rush attempt to draw first few weeks of operation. Upward is expected to start in May, at which time the expo will re-hire nearly 1,000 discharged employees who were on the fair's payroll when Treasure Island was first opened.

Radio Cantor's unit, which closed at the California Auditorium on Treasure Island Thursday night (10), was the first to report attendance. A number of the concessionaires on the island felt that the exposition, should have presented Cantor in a free show in an effort to get more people to the fair.

Exposition brought in George Fisher's 'Little Bessie' program Friday (10) for a six-week booking in the California Auditorium on the island at a reported guarantee of \$125,000 weekly.

Show has already proved a stand-out draw, but the opening three days at the top being virtually capacity. In an effort to lure biz, the word got round to see the famous dancing cast of 'Dance and Clamped Down' Auditorium was mobbed as a result.

Fair officials snarl desperately to make the expo a success, and one of the first things they intend to do is pop up a new night dine and dance spots. As it is now, except on the crowded nights, the most of the restaurants are closed.

Fredrick Weddelston, whose resignation as concessionaire director caused numerous rumors, has been reported to Hel Simon, vice president of the service department.

Chief director Harris Connick, about whom it has been said might resign, definitely remains in the picture. Connick will now directly control the concession department.

Ray Maxwell, formerly employed in concessions, now has charge of recruiting for the fair's food dispensaries on Treasure Island. High prices of food at the fair were controlled, when \$60,000 can eat one time.

Wet weather Soars  
Falls and the weatherman smiled on the day, when cold and rain set in. Since then there has been quite a change in weather, and the forecast will have to be \$14,000 if the antic-

ated 200,000 figure is to be reached for the 268-day run of the fair. Although some of the local businessmen are complaining about fair trade not holding over a reported 90% of the major hotels were 90% filled last week, and the list of hotels included contains from many parts of the world.

In an effort to get more family trade, 500 positions has been announced seven "dime days" for children under 12. The concessionaires have been clamoring for special concessions for kids for any show on the Gateway.

Hay Dream's is starting to attract some attention on the Gateway now that the thrill-seekers have discovered that the girls were in the show, doing a strip-tease that has anything on the Gateway beat. Use of strippers gives the publicity that more girls are working in the act.

Although Sally Rand's nude ride has been named down somewhat, the Rand is still plenty potent at the B.O.

The church celebration of St. Patrick's Day (17) is expected to pay fair attendance considerably. Louis B. West is expected to be in charge of St. Patrick's Day luncheon for 2,500 people on the island. It will be presented in the Garden of Eatin' network. At the fair for the luncheon will be the entire cast of the 'Harold Lloyd' 'The Great Dictator' Young, Mizita Korjus and Judy Gray.

Biggest draws of the events list to come, each of which is expected to attract its share of visitors to the fair. One is President Roosevelt, who will sail to the Coast on a warship, which will be anchored off the island during his stay here.

Crown Prince and Princess of Denmark, Crown Prince Olaf and Princess Olga, will be in the group. The presentation of Santa Clara University's grand fiasco play on the fair, and several basketball championships.

**PROPOSE 7-MAN B'D TO OP. REBUILT BEACH**  
New City Council, March 14. The City Council has unanimously voted to ask the general assembly for permission to name a 100-acre tract at Huntington Beach, proposed public recreation center. The general assembly now has been asked to authorize the city to issue \$500,000 in bonds for the project.

**Referendum**  
A referendum of the voters, the council had adopted a resolution providing for the acquisition of 32 acres of land at Ocean Beach. The latter, among the most popular shore resorts of the country, was most completely wrecked by last September's hurricane and tidal waves.

**Plans**  
Plans for construction of a modern bathing pavilion, salt water swimming pool, to be used as a bathing area in Huntington Beach, boardwalk, parking area for 3,000 cars and tennis courts. Cost to date has been set at \$2,150,417.

**Fic. Radio Talent Hypo Coast's Orange Show**  
San Bernardino, Cal., March 14. National Oration Show is again using Hollywood publicity and radio talent to hypo attendance at citrus center of the Fair. The show starts Friday and is being given by a group of artists, including King sister, formerly with Horace Veldt. It has four-day booking. Fibber McGee and Molly, Don Knotts, Donnell and Betty Grable, Ann Miller and Don Wilson.

**Outlaw Walkathons**  
Lincoln, March 14. The walkathon bill, which the film business backed, passed the Legislature yesterday. It provides 10 days to six months for the outlawing of outlaw shows.

# BENNY GOODMAN

"An Institution Definitely Established as Dance Music Itself" — *Swing Magazine, March*

- **Feb. 11** — *Philadelphia Public Ledger*  
"Undisputed master of modern rhythm."
- **Feb. 11** — *Philadelphia Evening Bulletin*  
"Still Pied Piper of Fundamentals and King of Swing to all intense and perpetual jitterbugs."
- **Feb. 18** — *Newark Ledger*  
"Crowds assembled every day before box-office opened."
- **Feb. 28** — *Variety, Detroit*  
"Benny Goodman has them swaying to the Fox box-office in droves."
- **March 6**  
Benny is King, says Time Magazine.

- **March 7** — *Associated Press*  
"Goodman made honorary member of Indiana State Legislature after wild jam session."
- **March 7** — *Variety, Indianapolis*  
"Goodman . . . piling up smashing gross. House's total more than double any other first run spot."

- **March 11** — *Pittsburgh Post Gazette*  
"Pretenders to his throne there may be, but Benny Goodman is still the King of Swing. Nobody has touched him yet and from the sounds of things at the Stanley, it will be a long time before anybody does. For Mr. Goodman knows not only his clarinet and his medium, but also his music, and he can scorch an audience into a fever of savage excitement with his spectacular pied-piping. They were dancing in the aisles yesterday afternoon, literally so. But Mr. Goodman's swing isn't only for the jitterbugs, it's likewise for the less distraught students of this peculiar rhythm form, and for the historians of a screwy era, too.

What's more, Mr. Goodman needn't look beyond his own crew for swing's crown princes, Lionel Hampton, Jess Stacy and Ziggy Elman to mention just a few of them. They're proof enough that Benny, the Best, is teacher as well as musician. In Miss Martha Tilton, he has another willing pupil (on the vocal end)."

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Class of Service This is a Regular Class of Service with a 10% Discount on all other classes of service.	<b>WESTERN UNION</b>	Class of Service This is a Regular Class of Service with a 10% Discount on all other classes of service.
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DETROIT MICH 28 1215P 1939 FEB 28 PM 12 48  
MUSIC CORP OF AMERICA  
745 FIFTH AVE  
BENNY GOODMAN THE KING OF SWING IS STILL KING IN DETROIT STOP FRIDAY OPENING A THOUSAND DOLLARS BIGGER THAN LAST YEAR SATURDAY TWELVE HUNDRED DOLLARS BETTER STOP SUNDAY IN SPITE OF BLIZZARD AND SEVEN INCHES OF SNOW BUSINESS SLIGHTLY UNDER LAST YEAR. WHAT BETTER PROOF CAN YOU ASK OF DETROIT CHOICE REGARDS  
DAVID M IDZAL.

WE PROMOTE THE PROMOTION PROGRAMS OF THE AMERICAN CORPORATION OF AMERICA

Class of Service This is a Regular Class of Service with a 10% Discount on all other classes of service.	<b>WESTERN UNION</b>	Class of Service This is a Regular Class of Service with a 10% Discount on all other classes of service.
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INDIANAPOLIS IND 1939 MAR 10 AM 4 05  
MUSIC CORP OF AMERICA  
745 FIFTH AVE NYK  
NEITHER RAIN SLEET SNOW NOR SMALLPOX INFLUENZA AND LENT COULD HALT US THIS WEEK WITH BENNY GOODMAN AND HIS ORCHESTRA STOP WE HAVE JUST FINISHED CHECKING UP FOR THE WEEK AND WE FELT YOU OUGHT TO KNOW THAT THE GROSS RANKS HIGH AMONG OUR ALLTIME FIGURES AND INCLUDES A NEW ONE DAY RECORD ON SATURDAY IN SPITE OF UNPRECEDED OBSTACLES STOP IN OUR OPINION IT IS A REAL TRIUMPH FOR BENNY GOODMAN'S VALUE AS A POWERFUL "NAME" ATTRACTION AS A REALLY ENTERTAINING SHOWMAN WHO PLEASED THE CROWDS AND AS A HARD-WORKING GENTLEMAN WHO MORE THAN COOPERATED IN EVERY WAY POSSIBLE TO GET BUSINESS STOP THIS MAY SOUND LIKE AN AD BUT IT HONESTLY EXPRESSES OUR SENTIMENTS  
TED NICHOLAS MANAGER LYRIC THEATRE.

**Waldorf Astoria Hotel** — opening return engagement, October 1st, fall season.

**Camel cigarette program** 9:30 to 10 P.M., Tuesday, Columbia Networks — coast to coast.

**Coconut Grove, Ambassador Hotel, Los Angeles** — opening, May 22-6 weeks.

**Victor Records**

Exclusive Management  
**MUSIC CORPORATION OF AMERICA**  
**MCA ARTISTS, LTD.**

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PRICE  
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Published Weekly at 154 West 46th Street, New York, N. Y., by Variety, Inc. Annual subscription, \$10. Single copies, 25 cents. Entered as second-class matter December 31, 1924, at New York, N. Y., under the act of March 3, 1879. Copyright, 1939, by VARIETY, INC. ALL RIGHTS RESERVED.

Vol. 134 No. 2

NEW YORK, WEDNESDAY, MARCH 22, 1939

64 PAGES

WORLD'S COAST TO COAST NIGHTLY REVEALS

**Everyone Cut In on Santa Anita's \$36,386,263 Except John Q. Chump**

Los Angeles, March 21. Hosts racing joined films, citrus, oil and climate as big biz at the idea of March snatched up to the half-way mark. Glue on the host rated over \$30,000,000 at nearly Santa Anita where the gee-goes came to a stop after 54 days of kicking up the turf. Figure is slightly under last year, but the most also was four days shorter.

Various records went by the board and the suckers are now working on another foolproof system of betting the races which they try out (to their sorrow) at Ingledew's Hollywood track, the next big harness center.

Of the total of \$36,386,263 wagered in 54 days of racing this winter, the state took 4%, the track took 6%, plus the breakage, which is another 2%.

Big day was March 4, running of the \$100,000 Santa Anita handicap. Both attendance and mutual records were shattered, the total amounting to 67,000, topping any previous single day crowd by nearly 7,000. Chucked in were \$1,701,000, the biggest single day's betting handle in history of the track.

Single race wagers of \$468,994 in 1938 were not approached, but the handle bettered \$1,000,000 nine times during the meet.

Last year the betting mark is (Continued on page 19)

**Lederer's F.D.R. Plea Expedites Mother's Release from Czech**

Hollywood, March 21. Through presidential intercession, Francis Lederer and his mother will be released here after fears had been felt by the actor for her safety in Prague. When trouble brewed in the Czech country some time ago, Lederer asked immigration officials to speed her departure. Feeling that delay through red tape might defeat the purpose, he appealed to the White House.

Lederer is a strong advocate of peace and the most sought after speaker in the film biz. He has an important part in Warner's "Confessions of a Nazi Spy," which is being pushed for release.

**Shades of the BBC**  
London, March 14. London Philharmonic orchestra, with Sir Thomas Beecham as conductor, has gone commercial. It will, starting April 9, broadcast a series of half-hour programs over Radio Luxembourg under the banner of Beecham's Liver Pills. This is the first time that serious music of such standing in the concert world has had a tieup with big advertising. Sir Thomas has made several appearances, to the United States and recorded for the Columbia label.

**Take the Theatre!**

A patron in a Bronx flat house last week found himself with a winning ticket on a \$1,000 bank night prize. When he went up front to collect, he found that the theatre owner had scrambled with the coin, but first let the deed to the theatre.

**ZUKOR IS NOT LEAVING PAR—BALABAN**

Denying reports that Adolph Zukor, now in London, is resigning from Paramount, Harry Balaban last week declared Zukor is returning to New York shortly prior to making a survey of the foreign situation in Australia and South America. His trip to Australia is declared to be important in view of considerable legislative trouble in that English possession.

Zukor, who continues to hold the title of chairman of the board of Par, has covered the entire Continental states, and is due back in the U. S. about May 1.

Zukor will spend a month in New York conferring with Par home office executives and reporting on the situation abroad. Then he takes off for Australia, accompanied there by John W. Hicks, Jr., head of all foreign operations. After an indeterminate stay in Australia, Zukor is expected to cover the whole of South America.

**JITTERBUGS COOL OFF; AMMS BACK IN VOGUE**

Philadelphia, March 21. Jitterbug contests have about exhausted themselves as b.o. draught on off nights here and the cycle is swinging back to amateurs to provide low-nut hypos in nabe spots. A couple years' success in the limelight has apparently whittled the audience appetite for their again. Warners' houses, particularly, are going strong for the amms. WB has effected a tieup with the Philly Daily News and is running contests in Luxembourg under the banner of Beecham's Liver Pills. This is the first time that serious music of such standing in the concert world has had a tieup with big advertising. Sir Thomas has made several appearances, to the United States and recorded for the Columbia label.

**ADMMEN FROM N.Y. IN BREAKDOWNS**

**Couple of New York Advertising Agencies Contemplate Rotating Production Staffmen to Check Tendency—Not Clear if the Grid or the Town Is Responsible**

**COIN ANGLES**

Hollywood is causing directors to have nervous breakdowns. But not the film directors. It's the radio program impresario who suddenly gets to the point of not being able to function. This has been common enough during the past two seasons to attract notice both in Hollywood itself and on the eastern end where advertising agencies suddenly wonder what's afoot when they get copy guys sent west to supervise radio programs originating in the film colony.

Average advertising agency executive on duty in Hollywood gets around \$30 a week and must do business with stars and film executives regarding such stipends as pocket change. This disadvantage has a psychological effect, many observers feel. Moreover, the Hollywood radio program is often second addie to the production schedules at the film studios. Constant aggravation, stalling rehearsal, trouble-triple-checking and distractions both from the eastern home offices and the Hollywood madhouse are reputed factors in undermining the admen. Social whirl stuff has been suspected in the east but scored as exaggerated nonsense among the radio directors themselves who say playboy alibi, E. Walter Thompson, Lord & Thomas, Young & Rubicam, William Esty, Benton & Bowles.

Couple of the major agencies in New York are considering moving their producing staffs to Hollywood in the next month with the hope of stemming the epidemic of nervous breakdowns that seem to stalk the boys' work on the grid. The agencies aren't sure whether it's the grind or the atmosphere and figure that the only way to find out is (Continued on page 19)

**Fleet In, Biz Up**

Los Angeles, March 21. A return of part of Uncle Sam's fleet next month means an increase of 6,000 customers to Long Beach theatre. Sections of battle squadron are due from Caribbean waters April 5, 7 and 27. Full strength of sailor population in local waters is 35,000.

**New U. S. 25% Penalty Tariff May End All American Pic Biz in Reich**

**Playing Safe**

As a special attention-getter since World's Fair period, 50 extra attendants will be added to the staff at the RCA Building, Rockefeller Center, N. Y. Instead of the usual "Information" designation on their caps and coats, they will sport labels saying "Ask Me." No women will be used as attendants—at least not with the special billing.

**KYSER'S \$17,100 NEW BAND RECORD**

Charged to be the largest week's paycheck, a new band has been recruited in a theatre engagement in the \$17,100 taken out of the RKO, Cleveland, last week by Kay Kyser. He was in on a guarantee and percentage and set at a new attendance record. Gross was \$37,000. Picture was "Yes, My Darling Daughter" and Cleveland is Kyser's home town.

Kyser recently played the Strand, N. Y., at \$10,000 for himself, with an additional \$2,000 paid by theatre for a standby orchestra. When playing the Stanley, Pittsburgh, some time back for Warner Bros., Kyser dragged down \$12,000 as his bit on a prestige booking.

Previous record at the Palace, Cleveland, was set by Mae West last spring. Evy Gross was billed but Kyser-Daughter' drew 7,000 more people. Admish top for Kyser, however, was 10% lower than it was for Miss West.

**ROCKEFELLERS WARY OF PUBLIC OPINION**

Last section of the Sixth Avenue B1 to be dismantled in the midtown New York district will be the strip which borders Rockefeller Center. There is said to hang a tale of subterfuge behind it. Structure was first attacked at 53rd street and a portion was removed. Foremen jumped the stretch between 48th and 51st street and directed their efforts to the 42nd street section. Understood that the Rockefeller Center management requested the switch in order that there would be no issue raised among property owners, or in the press, that any preference was given to the Rockefeller interests, despite the fact that removal of the elevated will greatly enhance the Radio city setting.

U. S. Government's action in imposing a countervailing or "penalty" duty of 25% on most German goods is expected by the film industry to have repercussions against the three major picture companies in Germany, and possibly force their withdrawal from that nation entirely.

Heavy additional duty on German goods, and loss of virtually all the exophthalmic market, resulted from Hitler's sudden acquisition of that territory last week. This coup brought the tariff retaliation from Washington as part of the U. S. plan to rebuke Nazi Germany.

Although the new duty (tacked onto already heavy ones against Germany) probably will not prevent motion picture production in Germany from entering this country, American picture officials believe that the Nazi reaction against U. S. film companies will be so severe that it no longer will be profitable to attempt distribution in Germany.

Paramount, Metro and 20th-Fox still distribute in Germany, but the blocked market, which gives them only a fraction of the total rental coin, has greatly reduced profits in recent years. N. Y. distribution executives now see little hope of holding much of the market in Czechoslovakia, because the same situation exists there. (Continued on page 19)

**Fresh Coin Oils Prod. Wheels at GN Plant; \$25,000 Paid Frenke**

Hollywood, March 21. Grand National goes back into production this week with fresh coin. Evidence of a new handout was located when Earla W. Hammons paid off several outstanding studio debts, including \$25,000 to Dr. Egan, executive for the Anna Sien starler, "Exile Express."

Hammons is en route to New York to complete a deal with bankers for further financing. He said he would appear in a costume bearing the Alpersen's place when he returns.

**No. 1 Picket**

Mrs. Herbert L. Lehman, wife of the governor of New York, is leaving her annual shindig April 5 in Albany for the wives of newspaper correspondents who cover the state capitol. Every Pot will be added to the costumes of various countries. Hostess will appear as a peasant of Utopia in a costume bearing a flock of sag slogans, such as "No Politics," "No Taxes," "High Wages," "No Legislation," "No Ostracy," "No Budget," "No Strikes," "No Unemployment," and "Two Chickens in Every Pot." She will add "No Republicans," but that was dropped without explanation. Costume is being made by Brooks.

# RRKO-Selznick Deal Reported Set, Except for Pan Berman's Status; Latter's Profit-Sharing a Hitch

RRKO and the Whitney-Selznick picture interests, according to reports have reached an agreement which will bring David O. Selznick into the RRKO Radio studios control of the head of production. Only hitch is said to be the matter of Pan Berman's contract. Latter's profits on all pictures made on the RRKO lot or distributed by RRKO production of the RRKO product, is said to have three more years to run.

Berman's arrangement with RRKO cuts him in on all grosses regardless of whether pictures are made or supervised by him or not. Producer came to New York 10 days ago reputed for conference with president George W. Schaefer, as did John Hay Whitney for the same purpose last Wednesday (18). With departure of Whitney for Coast again on Friday (17) solution of the problem may have been worked out but no details are forthcoming yet.

A renewal of Selznick-Internal distribution with United Artists is still a very strong possibility. Deal has been on for more than a month and it was reported from the Coast this past week that conferences on the deal between Selznick and Murray Silverstone. Final stages of the RRKO-United Artists picture product may definitely be decided before the week is out.

Whitney is reported to have thrown every resource at the company's command into efforts to line up Selznick effort. Rumors emanating from last week's conferences were to the effect that RRKO would be prepared to accept his contract and consent to a new pact for a term of years, which would involve such a change as to have Pan Berman would personally supervise or produce.

It was to this was reported to be adverse. RRKO, it is said, is now prepared to accept his contract and consent to a new pact. The Selznick deal would not go through if latter cannot occupy top spot as formally held with RRKO, nor would it be consummated if deal if Berman's present arrangement is allowed to continue.

RRKO already has lined up a number of producer deals calling for financing by RRKO or for profit-sharing by producers, with Gregory La Cava, Lou McCarey, Max George Harold Lloyd, and Howard-Walker-Fitz combination. Herbert Wilcox's (Imperial) production agreement also is in the air.

**Berman-U.A. Ties?**  
Coast production upsets this year may involve a drastic change. In Samuel Goldwyn's partnership status with UA, as well as a Berman-RRKO, latter leaves RRKO Radio. Goldwyn's estimate claim he will join the UA producing ranks with a series of deals annually.

Whitney would venturate, it is said, only after the Goldwyn-U.A. difficulties are settled or any of the above.

United Artists executives assert that four UA partners are now making a proposal to have Whitney lay on the line for his 4,000 shares of stock. Confab on this proposition is known to have been underway on the Coast all last week, starting with the arrival of Charles Schwartz, UA controller. Murray Silverstone, general manager, from New York.

James B. Smith, who left New York for Coast yesterday (Tuesday), claimed he did not come east for any conferences or meetings, but for his own and the shows. He said he had no contact with anyone in any Selznick deal, nor has there been any change in his long-term contract.

## So. Cal.'s \$126,504

**To Paralysis Fund**  
Los Angeles, March 21. Southern California contributed \$126,504 to the 1938 Paralysis Fund, with L. A. county 73% above last year.

The fund contribution exceeded that of 1938 by 65%, according to Joseph M. Schenck, general chairman for California.

## HARDY'S ANTE-LOW

Government Wants \$12,778 More Taxes from Comedians

Washington, March 21. Oliver Hardy, film comedian whose minor troubles have kept him in the headlines, is also having tax worries. The government, which likes his method of calculation, in which he declined to pay on amounts which were never credited to his wife, Myrtle Lee Hardy.

Review of the Internal Revenue Bureau, submitted last week, sought from Board of Tax Appeals last week. Treasury unit wants \$12,778 more, on account of income and excess profits taxes.

Hardy maintained the government owed in refusing to allow various items of business expense and in taxing him for \$39,772 in the year which was part of his fruit income. Government fixed his net income at \$76,145.

## WB Opening N.Y. Hollywood at \$2 Top for 'Juarez'

Warner Bros. is reopening the Hollywood, N. Y., with 'Juarez' on a pay-off basis starting later and has made a deal with the Radio City Music Hall for the booking of 'Dark Victory,' the first WB picture the M. H. will have had since late last summer.

'Juarez' will play at a \$2 top at the Hollywood, according to plans. House has not had a picture since 'Zola,' two years ago. 'Victory' is pointed for the Music Hall April 20.

As a result of these plans 'Victory' is substituted on the Strand, N. Y., with 'The Sign of the Cross' which will come in with Fred Waring's band the end of April. House will play 'You Only Live Once' and 'The Jimmy Dorsey orchestra for a probable two weeks and 'Dodge City' with Guy Lombardo, for three weeks ahead of this. Lombardo has been booked for three weeks straight, starting April 17.

## WILL HAYS BACK FOR MPEDA MEET

Will Hays returned this week from a 10-day absence in Washington and will remain in New York until after the annual meeting of the Motion Picture Producers & Distributors Assn., March 27.

Hays is putting the final touches on his annual report this week. MPEDA directors will meet just before, or right after, the annual session.

## Putzman on U Board; Incumbents Re-elected

Charles Putzman, of the law firm of G. B. Johnson, Hunt, Jackson & Brown, was named a director of the Universal Pictures at the annual meeting of stockholders in Wilmington, Del., last week.

Members re-elected were Nile J. Blumberg, Paul G. Brown and Collins J. Cheever Cowdin, William Preston Davis, William Freeland, John D. Foy's, Seneca P. Foster, Otavio Porchet, Budd Rogovin, Fred M. Sheaffer and W. H. Taylor, Jr.

## Other News of Interest to Films

- BBC steep fees blamed for G-B balk on video light..... Page 19
- New South Wales film trade board quits operations..... Page 19
- Six Britain film units to be set up..... Page 19
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- San Yllik, Tallulah Bankhead..... Page 40
- Artie Shaw cracks hot spots..... Page 40
- Jack Robbins' 25th year in music biz..... Page 47

## Fidler Gong Peals Sweetly

Washington, March 21. Hollywood, March 21. Hollywood's bad boy of the air, James Marlon Fidler, has been told by his soap box, Procter & Gamble, to sit no more against the ringing klings and queens of dicker-wire.

Two weeks ago and went leaved last week when the long arm of the (Lenox Riley) Loch reached 9,000 miles across the country and gave the P-G knuckles a stinging rap.

Not only has Fidler promised to be a good boy but as evidence of his good faith he pledged that hereafter he will (a) ring the bell only for his pictures; (b) keep his open letters on; and (c) say only nice things about pictures and picture people.

In the midst of his good intentions Jimmie insists he's being picked on. It was said he was always ringed by true friends to cooperate and never intentionally harmed anyone.

Meanwhile other networkers are always NBC's new code of ethics to see who gets switched next.

## RYDGE O.O.I.NG H'WOOD ADD ROOSEVELT TO ANTI-TRUST DEFENDANTS

Hollywood, March 21. Norman B. Rydge, head man of Greater Union Theatre, Australian, is here on a produce prod and leaves this weekend for New York. Also boating in were Clarence Hux, 20th Century-Fox Australian rep., and Bernard Newman. Metro distributor chief here. Harry Hunter, Paramount rep. in the Antipodes, is out in April 17.

Paramount studio heads are looking in for Rydge Thursday (23).

## \$542,554 GOES BACK TO LOEW'S

Supreme Court Justice Louis A. Valente Thursday (16) decided that \$542,554 must be returned to Loew's, Inc., by the six main defendants in the picture piracy suit brought against them and the company.

The assessments include Nicholas Kravitz, \$147; David Bernstein, \$41,968; L. B. Mayer, \$107,195; J. Robert Rubin, \$121,862; the estate of Irving Berlin, \$138,993; and Arthur M. Loew, \$14,754.

This is in connection with a \$50,000 action filed against the company, its officers and directors, by consolidated stockholders, who charge waste and mismanagement of the company's affairs.

A judgment will be entered officially in the court records, following which attorneys for the plaintiff will submit a bill for allowances. No statement was forthcoming on whether an appeal from the decision would be taken.

## L. A. T. O. N. Y.

Mischa Auer. Don Barclay. Bruce Cabot. M. W. Carroll. Norman Krasna. L. L. White. James R. Granger. E. J. Connelley. Harry Gray. M. Hines Hamiltonburg. O. J. Foxwell. Earl G. Adam. Cliff Lehr. Norman Rydge. Robert Simpson. Ed Sullivan. Lewis Allen Weiss. Les Whalen. Herbert Yates.

## N. Y. T. L. A.

John Edgar. Edgar Bergen. A. C. Berman. Andrew Berman. Jack Brower. W. G. Caloway. James Van Der Brink. Sam Charles. Sam Charles. Lynn Farrel. Lynn Farrel. Lynn Farrel. Lynn Farrel.

## ARRIVALS

(At The Port of New York)  
Mr. and Mrs. Abel Green, Mr. and Mrs. Arthur Schwartz, Mr. and Mrs. Arthur "Dug" O'Connell, Donald Flamm, Dorothy Blair, Billie Bailey.

(At The Port of New York)  
Mrs. Ted Florio (Conte di Savoia).

# U.S. GENERAL PICTURES

## Stilverstone Lining Up Producers To Turn Out 30 UA Pix in '40-41

**Hollywood, March 21.** United Artists will have several new producers in its fold making its production schedule for the 1940-41 season. The purpose of the trip here by Murray Silverstone, company chairman, and Charles Schwartz, its chief-

Company is figuring ahead to the extent that it will insure itself a minimum of at least 30 pictures yearly from Hollywood, even in the event that Sam Goldwyn should withdraw from the fold.

Agreement is virtually set whereby Sol Lesser, with Louis Lurie capital, will formulate a three-year deal for Ernst Lubitch to make two pictures annually starting with the 1940 picture schedule.

With John H. Whitney in town, Silverstone and Schwartz conferred with him over the weekend and indications are that by May 1 possibly another term deal will be made to handle the Selznick-International product starting with the 1939-40 season.

Likely that David Selznick will have "Gone with the Wind" out of the way so that he will be able to get the first of the new season's pictures ready for distribution early in November. There's also an RKO-Selznick deal on the fire.

Schwartz left for New York today (Monday) with Silverstone remaining until end of the week talking proposed arrangements with two producers who are desirous of coming into the UA fold. These deals will all be for at least a three-timetable and from the picture producers themselves, as UA will do no outside of the Walter Wanger product.

James Mulvey, New York big rep for Samuel Goldwyn, arrived here yesterday (Monday) to summon the producers.

## SEC Reveals Monogram, Trans Lux Stock Deals

**Washington, March 21.** A small turnover in film stocks was registered with the Securities & Exchange Commission last month. Of a report issued today (Tuesday), 2,500 shares of Trans Lux Corp. common stock by Robert L. Daine, New York officer and director. Daine received the stock last August as compensation. Fifty-one shares of Daine's holdings—which totaled 2,551 shares—were disposed of in December as a gift.

Large sale of Monogram common stock was acquired by Henry Briggs on Jan. 10, report revealed, with the New York director picked up 4,634 shares on option.

**WB SIGNS GENIUS**  
**St. Louis, March 21.** Eleanor Gardner Smith, four-year-old prodigy with a rating of 140, "near genius" class, has been bought by Warner Bros. to appear in two shorts to be made in New York. First shooting slated for April 3. The child, daughter of Gardner Smith—whose surname she takes, is nicknamed "Snooky."

## U Drops Crime

**Hollywood, March 21.** Crime Club mysteries have been dropped from Universal's 1939-40 production schedule. East Clubber on this year's slate, "Metropolitan Police," rolls Thursday (23).

## 20TH MAY CUT SCHEDULE TO UNDER 55

Pending the final setup of the 1939-40 program to be officially announced at its three-day convention in Chicago starting April 30, it is expected that the number of pictures to be offered by 20th-Fox for the coming season will be less than the 55 scheduled this year (38-39). S. R. Kent and Herman Wobser are on the Coast working out the details of the schedule for the new season.

It is probable that 20th may make 10 to 12 pictures in England this year, according to understanding, and will spend considerably more on that side as a result. The figure now mentioned is \$5,000,000, whereas the budget for the program to be turned out in Hollywood is expected to run from \$25,000,000 to \$30,000,000, with a representative number of high-budget, top-percentage pictures to go on the schedule.

The three-day Chicago convention will not only include sales forces, ranging from h. o. executives down to branch managers, but will also include the company's film salesmen throughout the country and Canada. Wobser, general sales manager, will preside.

## FILM EXPORTS OFF \$129,000 IN 1938

**Washington, March 21.** There was a sharp drop in value of U. S. motion picture film exports recorded in 1938, according to a report released last week by the Department of Commerce.

Revenues slipped during the year from \$470,000 in 1937 to \$242,000 in 1938, survey revealed. Figures for 1938 were considerably ahead of last year, with an all-time high of \$242,000 shipped to the South American countries.

High values took a substantial skid, quantity of film exports has increased since 1936, report showed. Measured by linear feet, film exports have advanced from 1,687,000 in 1936, and 1,746,000 in 1937, to 2,141,000 in 1938.

## 26 Directors on M-G Payroll; High for Lot

**Hollywood, March 21.** Metro lot has more top directors today than at any other time in its history. Latest addition is Norma McLeod, No. 26.

**Hellinger on Gridiron**  
**Hollywood, March 21.** Mark Hellinger gets a football picture as his next production job at Warner's. His title is "Light Horse Harry."

## 1939 MOC. 5% BEHIND '38

**Jan., Feb. and March Gross Good Despite So-So Product—Promising Releases in April and May Point to '39 Biz Eventually Eclipsing Last Year's Figures**

### ALL COS. RATE HIGH

With all of 1938 running behind the grosses of the prior year (1937), but with a gain made in 39's last quarter which reduced the drop to around 7%, for the months of January, February and March this year the theatres will be less than 5% back of the same period for '38. This is in itself a highly encouraging view of the product on release the first three months this year, but with what was coming for April and May, it is predicted that business should be ahead rather than still grossing behind with the prior 12 months.

Based on release schedules and the promises of distributors for April and May, buyers and theater executives believe that the theatres will have a good chance of doing as well, if not better, than they did the same two months in '38. Should this level in grosses be reached, the indications would point to a much sturdier year at hand than 1938 turned out to be. The march back to 1937 gross levels might thus be on. Biz in '37 was best since 1928.

Business made the first quarter of '39 all the more heartening in view of the bad weather that has generally prevailed over the country, with a lot of snow and much rain as h.o. interference. This seriously checks the normal expenditures in receipts in the smaller towns and communities where country trade is drawn and auto or other travel is difficult when the weather is bad.

**Product Prospects**  
First three months this year, also, had not been notable for outstanding product, with only about a dozen pictures rating good to excellent at picture offices. And some of these have not been good in certain spots, or while good in big situations, have been disappointing in smaller towns, or vice versa.

Studying the release charts for April and May, theater men are highly optimistic over the product possibilities, as against that which they felt last April and May '38.

An analysis of all major distributors (Continued on page 18)

## PAR SETS WANGER'S SUIT

Settlement of the Walter Wanger suit against Paramount, brought two months ago for \$75,000, has been brought through a deal under which Wanger had in "Traid" of the Lon-pops. Par release last year, as well as others he made, on this deal. Wanger made for Parter release were distributed by latter under an agreement which split profits between them on sale of pictures when made, and on any issues that might be decided on. Wanger suit charged he had not received his full share of profits shown.

Wanger filed with Par for all rights to the Wanger films was not mentioned.

## Korda's New Company to Replace His London Films as UA Producer

### Hitchcock's 3d

**Hollywood, March 21.** Third picture of the trio to be directed by Alfred Hitchcock for Selznick-International is "Fishing Stream," from current London stage play.

Other two are "Rebecca," slated to start next month, and "Titanic."

## PIX 15% AHEAD OF GEN. BIZ IN '38

The motion picture business ran about 15% ahead of general business in 1938, even at the low ebb of industrial activity in 1938, figures compiled from a summary of the Motion Picture Producers & Distributors Assn. reveal.

While the cost of making pictures was trimmed slightly after the year, there was no great betterment in gross receipts until product inventory office summary shows that the estimated gross boxoffice in the U. S. remained close to \$1,000,000,000 for the past year and slightly below 1937. Actual weekly attendance was rated the same as 1937—about 65,000,000 per week.

There were virtually the same number of theatres in operation (16,251) as in 1937, although seating capacity dipped from 560,000 to 600,000 below the previous year.

## CHAPLIN DENIES GAG ON ANTI-DICTATOR PIC

**Hollywood, March 21.** Charles Chaplin today spiked current reports that he is abandoning his picture "Modern Times" for "The Great Dictator." Chaplin says he is not worried about threats of censorship and believes that such a film would create healthier laughter throughout the world.

## Bischoff Films 'Child'; Trio on His WB Sked

**Hollywood, March 21.** Sam Bischoff started filming "Give Me a Child," his first producing job, with its first return from Europe.

## BLUMENTHAL SAILS

Ben Blumenthal sailed for London Saturday (19) for conference with English financiers in connection with his suit against Paramount Pictures, in conjunction with Blumenthal's regular attorneys, Klein & Weinberger.

If his appeal is lost, Blumenthal will file suit here on the alleged breach of contract by Paramount on a proposed acquisition of Paramount theatres and distribution business in England.

## London, March 21.

Alexander Korda has formed a new company known as Alexander Korda Productions, Ltd., to make four features for world distribution at Denham studios this year. They will be distributed by United Artists but will be presented by London Film Productions.

The assets of the new Korda company comprise "Four Feathers," made by London Films, Korda outfit, at a reputed cost of \$1,000,000. Prudential Insurance company gave the money to Korda, it is reported here, to reachability himself. Korda relinquishing his managing director interest in London Films and Denham. Hope is held here that the picture may show close to \$2,000,000 gross in this country, U. S., Canada, Australia and Africa markets. Revenue obtained, in any case, will be used by Korda's new company to make more.

Korda is practically the only producer of importance in the new company, with the remainder just nominees. "Four Feathers" is scheduled to open at the Odeon theatre here soon.

**Move Exposed**  
Intimation that Alexander Korda, head of London Films, was to start a new production company and gradually disassociate himself from the original London Films, became known last evening at the UA Artists' stockholders meeting on the Coast.

It is thought the UA partners okayed Korda's plan involving a new company in which he would have substantial interest. Under which would produce pictures in Hollywood, as well as at Denham Studios, London. In connection with Samuel Goldwyn, the partners voted to accept pictures and commitments to be made by Korda's new company on the same terms. In effect, the new company was to substitute in place of the London Film production activity of Korda's that Goldwyn complains of, among other matters, in his pending suit against UA.

In the absence of specific details concerning the new Korda Company, continue on page 40.

**VARIETY**

Trade Mark Registered

Published weekly by VARIETY, Inc. 114 West 41st Street, New York City

Subscription: \$11 Single Copies: 25 Cents

Vol. 134 No. 2

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# NEEDS TO PRETEND TO PULL HIS BILL FROM COMMITTEE FOR SENATE PUSH

# 500 Anti-Pix Biz Bills

**Suspects Film Lobby of Trying to Sabotage Anti-Block-Booking Measure—Intends to Put It Through This Session**

Washington, March 21. Suspicion that attempts are being made to sabotage the proposal prompted Senator M. M. Neely, West Virginia Democrat and the film industry's most annoying congressional gadfly, to threaten Monday (20) to seek discharge of his permanent anti-block-booking bill from the Senate Interstate Commerce Committee. With the declaration he intends to put the measure through this session, Neely served notice that he would present a motion to place the bill on the calendar without the formality of Committee action, unless there is an early break in the log-jam. In talking with reporters, he reflected the idea that a plot has been hatched to bury the measure, which was referred to a subcommittee several weeks ago.

Failure of the subcommittee to pay any attention to his cure-all nettled the Virginian into implying that industry lobbyists were responsible for the delay. Neely also indicated he is sure that wire-pullers rigged the subcommittee, which is headed by Senator Ellison D. Smith, Democrat of South Carolina. Pressure of other business—notably relief for cotton growers and framers of a new farm program—was kept Senator Smith busy since Congress opened, with no indication when he got around to the bill in the subcommittee together. Others of the group also are occupied with other public work and are not apt to be disposed to force the issue.

Unprecedented maneuvering and Neely's announcements were made without warning and foreshadowed an almost unprecedented parliamentary maneuver. The Senate committees are discharged from "further consideration" of any bills that are placed on the calendar minus a formal report. The West Virginian, who piloted the bill through up to the Senate last year with only brief debate and virtually no opposition, had hoped to beat the subcommittee. His plan was to refuse to listen to the same witnesses or testimony presented previously, on the ground the Senate already has enough information upon which to base its judgment. (See report by Philby, by Congressman Andrew Edmondson, another West Virginia Democrat, at the Senate Committee, with no sign of any mention. Group members engaged in writing railroad legislation, and several other industrial bills deemed of far more importance than the attempt to lift the calibre screen face by Federal fiat.

## Studio Contracts

Hollywood, March 21. Howard Koch inked scripting pact at Warners. Monogram filed minor contract with Patricia Mae Jones for court approval. Metro renewed Edward Killyot's contract for one year. Charlie Chobson signed two-picture deal with RKO. Warners continued Richard Macaulay's writing pact one year. Melvin Wald, writer, signed by Warners. Metro signed Helen Gilbert to player pact. Warners' Ludwig's writing option picked up by Metro. Warners holds Leo Katz' script. Arnold D'Usqueu inked writer deal at Metro. Warners' Fox picked up player option on Jean Rogers. Warners gave Geraldine Fitzgerald a new contract. Monogram filed minor contract with Martin Spellman, 13, and Jackie Moran, 16. Superior court approved Monogram's pact with Patricia Mae Jones, and Warners for Frankie Thomas. Universal signed Robert Cummings.

Harry Sherman signed 'The King's Men' Hopalong Cassidy pictures at Paramount.

**Sked-Clut Puts All 12 of Warners B Films in 3 Series**

Hollywood, March 21. Decision of Warners execs to limit B product to 12 pictures for 1939-40, puts all them in three series. They will be the 'Torchy Blazes', 'Secret Service' and 'Nancy Drews'. In the past, Brian Toy has made three of each. New setup adds a fourth to each and eliminates all but higher-budget pictures. Means the 'Jane Arden' series will be dropped completely.

New series will see the revamping of the 'Torchy Blazes' pictures as far as the cast is concerned. 'Jane Arden' will be replaced by 'Nancy Drews' created by Glenda Farrell, with no replacement for Barton the one chosen by Tom Kennedy, book copper who forms three of the original trio, will be retained. New series will see the revamped 'Torchy Blazes' series will not be hurt by a change in the two leads after passing the reins to new, virtually complete, 'Torchy Blazes in Panama', in which Paul Kelly and Lola Lane were substituted. Early fears caused the studio to hastily call Miss Farrell and MacLaine back for the others on the sled.

**BORIS MORROS WEST FOR FIRST FILM'S CAST**

Boris Morros, who is turning producer on his own account, left New York City (18) for the Coast. Morros will line up a cast for the first of his French productions he had planned to make in the States. Jacques Grinich, representative of the Leon Sirlinby French interests in the country, remains in charge of the distribution of French films in this country, remains in charge of the distribution of French films in this country.

**Projectionist Measure Advances in New York**

Albany, March 21. The second Crews projectionist bill, requiring two men in the booth, is expected to pass the Assembly. The measure was introduced by Jacques Grinich, representative of the Leon Sirlinby French interests in the country, remains in charge of the distribution of French films in this country.

**Pulls Small-Town Film Bill from N. Y. Assembly**

Albany, March 21. Assemblyman William F. Rodgers, manager of the Smalley theatre, signed N. Y. struck his small town film bill from the calendar last Wednesday. Ministerial objections were a strong factor.

**METRO IN LOW GEAR; ONLY 1 PIC WORKING**

Hollywood, March 21. Metro production is at its lowest ebb in years, with only one picture working yesterday. 'Moby-Dick', 'Being a Woman' and 'Bonnie's' 'On Borrowed Time' and 'Babies' are in.

**Bill to Tax Theatre Combines Clout in N. Y.**

Albany, March 21. The Bennett chain tax bill, which as drawn would have laid a graduated and progressive levy on theatre combines at two or more theatres, is cold. It was killed in Assembly committee.

More than 600 measures unfavorable to the picture business already have been introduced in 43 state legislatures already convened this year. Industry officials admit that in such a large array of measures some probably pass and become laws.

No outright anti-industry proposal has been passed to date, recent check indicates. Fact that 15 state legislative bodies already have adjourned holds out hope that the film business will not see any more severely hit than usual despite the many bills to tax or otherwise restrict industry activities. The legislatures, which have shuttered for the most part, are those in Arkansas, California, Colorado, Florida, Mexico, North Dakota, Oregon, South Dakota, Tennessee, Utah, Washington, West Virginia, Wyoming, Georgia and Nevada.

The legislatures of Mississippi, Louisiana, Kansas and Virginia do not meet this year, but one or more may call special sessions. A total of 44 states hold legislative meetings this year. Florida does not go into session until next month.

Industry leaders are at a loss to explain the unprecedented number of bills submitted which would effect the film business, excepting that there is a terrific urge to find new means for securing added revenue to carry on the rising cost of state administration, obtain relief for old-age pensions and unemployment funds.

New York state is still the No. 1 state in quantity of measures which would require the fee types of theatre advertising, or in some other way affect the industry.

**Film Biz Fears Drastic Dearborn, Mich., Bill to Regulate Theatres**

A new law proposed in Dearborn, Mich., is the most sweeping, complete and far-reaching of the picture theatre business to be brought to the attention of the state legislature. The bill, which would be introduced by the bill squelched because of the precedent it would establish and the ideas it would give to the legislature.

The bill, primarily framed to censor films shown in Dearborn cinemas, would require operators to obtain an amusement spot according to the population shown by the last U.S. census. It would fix an annual licensing fee of \$125 to \$750 per theatre, according to the population served. The bill would be issued until applicant is thoroughly investigated by the city. Conviction for fraud or misdemeanor would preclude a license, according to interpretation of the Dearborn city ordinance. An amusement spot would have to put up a cash surety bond promising to meet the city's expenses.

Censoring feature of bill includes action regarding the inclusion of immoral performance. Commissioner of Safety would be the judge. Any person found guilty of the offense would be removed from a church or schoolhouse. In order to operate, 51% of the population must be at least 100 feet away from a church or schoolhouse. To sign a petition favoring the proposition.

The measure would prohibit any person under 16 years from attending a place of amusement after 7 p.m. on any day. A police officer or guardian. For those under 16 years the curfew stipulation is 10:30 p.m. No person 16 years, or under, is to be allowed in a place of amusement between 8 a.m. and 1 p.m., excepting on Wednesdays, when schools are not in session.

Maximum fine for a violation is \$500. No person 16 years, or under, is to be allowed in a place of amusement between 8 a.m. and 1 p.m., excepting on Wednesdays, when schools are not in session.

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15 Censorship Measures. Although there already was a record of 15 censorship bills, the proposals up in state legislatures this year, additional bills have hiked the total to 43 states in the last two weeks. Nine states outlined censorship deals earlier in their legislative sessions.

Censorship bills have been introduced in Arkansas (defeated), Delaware (lost), Kansas, Maryland, Michigan, Missouri (defeated), Oklahoma, South Carolina, Ohio, West Virginia (defeated), New Jersey and Massachusetts.

There's no chance of West Virginia getting a censorship bill because the proposal was voted down and motions have adjourned. The bill for Kansas also was eliminated by the adjournment of the legislature. Plans to squash censorship in Kansas still are defeated.

Maryland, Michigan, Ohio and Oklahoma have two bills in the air, concerned with censoring of motion pictures.

Latest state to enter the lists is Massachusetts, which would charge \$100 per 1,000 feet of film for original prints and \$50 for duplicate prints of each subject per print. The censor for approval of the film for rental calls for a stamp or rejection. Another stipulation would see the advertising matter sent exclusively to the connection with film showings in theatres.

**Lawyers Fumble Final Draft On Trade Practices**

With attorneys for film distributors still tumbling around with each other in an effort to settle each other on a revised trade practice agreement that will leave them open to no lack of protection legally when and if it is adopted by exhibitors, still more delay is being occasioned in efforts to reach accord with Allied States Assn., whose general counsel, Abram F. Myers, met with the distributor counsel group during the past week.

The weekend having resulted in no final approval of the draft by the attorneys, additional sessions with Myers and accord with Allied States Assn., whose general counsel, Abram F. Myers, met with the distributor counsel group during the past week.

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Myers would the legal watchdogs of the spokesman for the distributors. His position would be to forward final proposals to the Allied board of directors for their consideration.

Sidney R. Kent, chairman of the distributor committee on trade practice, is on the Coast at the moment and not return to New York until early in April, but William F. Rodgers, spokesman for the exhibitors, is expected back tomorrow (Thursday).

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**A Leg to Stand On**

Jackie Coogan goes into a support line in 'Million Dollar Legs' at Columbia, his latest picture role since 'The Little Rascals'.

Picture rolls this week, with Nick Grignola directing.

# IA and Distribs Hold Meetings On Strike Threat; No Definite Ultimatum Laid Down by Local 306 as Yet

## IA and Distribs Hold Meetings On Strike Threat; No Definite Ultimatum Laid Down by Local 306 as Yet

In the dark as to what may happen, but fearing the worst from the threat of a union action seeking to force distributors into cutting off supply of film to the Century circuit, Spring & Conell and other New York independent theatres which refuse to recognize the International Alliance of Theatrical Stage Employees, attorneys of the major film companies during the past week have been studying the legal angles involved ostensibly with a view to determining their position.

Meetings the last week have also been held with union representatives to discuss the situation, but no developments are reported, and, so far as can be learned, no definite ultimatum has been laid down which would place possible strike action on the immediate horizon. Such, then, is taken, would originate with Local 306, Moving Picture Machine Operators of New York, the strongest unit in the IA-TSIS, of which Joseph D. Basson is president. Basson has been out of his office for most of the past week, and the various meetings that have been held.

No Deadline  
Meantime, members of 306 have not been advised of any deadline for a strike. Their vast overwhelming majority to authorize the calling of a strike by Basson and his executive committee, however, approval as required in such cases, went into the records early last week. The meeting, which drew 306 and the IA with a weapon which would represent a forceful influence on the distributors to consider union demands immediately.

The legality of any strike that may be called for the purpose of depriving film service by IA employees to theatres that do not use members of IA locals, the question of whether it is within the power of the IA to call out its operators and others in such a campaign, and what legal relief non-IA-TSIS exhibitors may have if denied film for which they hold contracts are matters with which the distributors are vitally concerned.

Incidentally, distributor and theatre observers of the situation question whether ultimately, depending on what course, rulings may be sought from the National Labor Relations Board, or the Department of Justice, or both.

## EXPECT PROFITABLE 2D YEAR FOR MONOGRAM

Second year's operation of Monogram is expected to show a neat profit, according to present information. The Wall Street Journal in a 12-month period, from January to January, showed a small loss. However, this was not a true operation of the corporation's earning ability, financial experts claim, because it covered nearly 24 months of operation.

Such a situation resulted because of the nearly 24 months before the first money began to come in. This, plus the usual cost of organizing and settling up operations at the studios, cut into the first year. Now, probably will show a small profit for the initial period from the first of the year until next June, when the company starts a fiscal year.

## Arthur in 'Arizona'

Hollywood, March 21. Jean Arthur is slated to star in "Arizona," first producer-director job by Harry Boggs and his company. Shooting starts when Miss Arthur finishes in Frank Capra's "Mr. Smith Goes to Washington."

## Dangerous Gag

Another near-tragedy, similar to the recent Erin O'Brien Moore incident, almost occurred Saturday night (18) at the Independent Motion Picture Theatre Owners' ball at the Astor hotel, New York. Dress of Mrs. Florence Susman, wife of William Susman, 20th-Fox sales executive, caught fire from a hot-foot gag played on one of the party in the Susman box.

No serious injuries were suffered by Mrs. Susman through presence of mind of Jo Horowitz, theatre supply man, and others who helped to suffocate the blazing garment.

## \$5,000,000 ACTION FOR LIBEL VS. TIME, NKO

A \$5,000,000 action for libel was filed in New York supreme court Friday (17) by Gerald L. K. Smith, New Orleans minister, against March of Time, Inc.; Time Inc., Westbrook Vor Norris; RKO-Radio Pictures, Inc.; RKO Corp.; RKO Film Distributing Corp.; RKO Distributing Corp.; RKO Larsen, Jack Glenn, The Newmarket Theatres, Inc., and Riedelstein Center, Inc.

Smith claims that in the March 7 time short entitled "The Lunatic Fringe" he had obtained a position of great respect and prominence as a churchman and minister, that he is affiliated with labor unions and is a foe of communism, nazism, and fascism. He says that he is chairman of the Committee of 1,000,000, a non-political, non-sectarian group whose purpose is to rebuild America and wipe out crime.

He claims the short has destroyed his reputation and damaged his prestige. The action is brought in 2565 Suit Districts. New York supreme court justice Ferdinand Pecora Saturday (18) granted the \$5,000,000 suit of Ed Goldberg against Time, Inc. Case heard on trial three days. Goldberg is a member of the board of directors and also is responsible for Time's adaptation of its radio program to the screen resulting in the March 7 time short. He is originally submitted the idea to Roy L. Larsen, v. p. of Time.

## Col. Asks Dismissal Of Plagiarism Suit

Columbia Pictures Corp., Friday (24) will ask Federal Judge Samuel Seidman to dismiss the \$250,000 suit brought against it by Gerald K. Rudolph. Rudolph claims the "Lunatic Fringe" picture is a plagiarism of his play of the same name.

Rudolph seeks the dismissal on the grounds of failure to state a cause of action. GUILTZER'S 'CHORRO' Hollywood, March 21. Tito Guizar's new Spanish serial is "The Singing Chorro." It is produced by Dario Farnalla at Paramount. Richard Harlan directs.

## PROB DELAYS NEGOTIATING COMMITTEE WILL CONTINUE PARLEYS WITH PRODUCERS IF VOTE IS FAVORABLE - OTHERWISE, THE NLRB WILL RESUME ITS HEARING ON COMPLAINT CHARGING MAJOR COMPANIES WITH UNFAIR LABOR PRACTICES

Negotiating Committee Will Continue Parleys with Producers If Vote Is Favorable - Otherwise, the NLRB Will Resume Its Hearing on Complaint Charging Major Companies with Unfair Labor Practices

## 80% GUILD SHOP

Hollywood, March 21. Tentative deal has been set for a working agreement between producers and Screen Writers Guild, subject to ratification by SWG membership. While no contract has yet been drafted, a mass meeting of agreement has been called for tomorrow (Wednesday) to decide whether the proposed pact shall be accepted in principle.

If the membership vote favors acceptance the SWG negotiating committee, headed by Charles Weinbaum, will be advised to continue its parleys with film executives until an agreement is reached on all phases of a contract. If the Guilders turn thumbs down on the producer proposal, the National Labor Relations Board will be asked to resume its hearing on the complaint charging major film companies with unfair labor practices in dealings with SWG.

The NLRB hearing before Trial Examiner James Batten was recessed until Thursday (23) to give the negotiators an opportunity to reach an amicable agreement.

Notice of SWG membership meeting will be asked to advise the bargaining committee whether the proposed contract should be accepted in principle or whether the Screen Writers Guild should request the National Labor Relations Board to resume its hearing the following morning.

80% Guild Shop  
Negotiations so far covered a proposed 80% guild shop, provisions for apprentice writers, minimum wage of approximately \$150 week, protection of television rights to film stories, removal of writer after he is assigned to a screen play, etc.

Other members of SWG negotiating committee, in addition to President Brackett, are Donald Ogden Stewart, Paul E. Wallich, Tito Guizar and Attorney Homer Mitchell, Alfred Hayes, George Cohen and Mendel Silverberg.

Anthony Veiller, formerly a member of the negotiating committee, resigned as member of the committee and also from the SWG. He said action was taken because of his accepting an assignment to negotiate with Paramount. Veiller recently was signed to a writer-producer position.

G-W White Collar Demands  
Negotiations start tomorrow (Wednesday) between Monogram and white collar workers. Studio Office Employees Guild is seeking a wage increase for members employed continuously for one year, and improved working conditions. The Guild also says for members employed continuously for one year, and improved working conditions.

The remaining features of the 1938-39 schedule are either in production or ready to start within three weeks.

STILL CHEERING 'EM  
Hollywood, March 21. Start of "Three Cheers for the Irish" at Warners is set for March 9. Pat O'Brien, Jane Wyman and Frank McHugh top the cast.

## Exhibitor Squawks Highlight M-G Contention; Kuykendall Vs. Gov't Regulation, Cole Asks Fair Deal

## Eddy Looks Back

Philadelphia, March 21. Concert at the Academy of Music here last week by Nelson Eddy, on leave from Hollywood, gave impetus to a plan to establish a "619 Association." That's the number of the police precinct room in City Hall where Eddy, while on the Philly Bulletin, practiced his warbling, to the disgust of other reporters using phones. Other celebs, who make it a habit never to miss visiting 619 when in town, will be invited to an all-star rally.

Room has been the basis for several film conceptions of "Eddy" room and was recited minutely in a Mary Roberts Rinehart thriller. She declared, when the first saw it, "I've been in 2,000 reporters' rooms end this is the dirtiest."

Eddy, at the time, took personal affront at that.

## RESTRAINT OF IA IN 'HWOOD' NOT 'LIFTED'

Hollywood, March 21. The federal court yesterday (Monday) tossed out the application by Offices of Studio Local 37 to enjoin the International Alliance of Theatrical Stage Employees from taking over complete operation. Also dissolved an injunction restraining order issued last week.

Court held that the action involves a labor dispute and that the U. S. District Court was without authority to intervene. Also ruled that the jurisdiction to handle labor disputes is vested in the NLRB, provided that the remedies prescribed by the National Labor Relations Act are exhausted. Court said that the purpose of the Norris-LaGuardia Act is to prevent the courts from interfering in labor disputes.

Police were called to a Hollywood mass meeting in Local 37 Sunday night (19) when rioting broke out. Six carloads of cops quelled the disorder after many fatalities.

## PAR GETS JUMP ON NEW SEASON

Hollywood, March 21. Paramount is getting the jump on its 1938-40 program and aims to have the bulk of its releases ready for release when studio season opens in September. Studio is already in advanced release stages at any time in its history.

"What a Life" rolled yesterday (Monday), the third picture in production for next season. "Beau Geste" and "Gent Emeny" are well under way. "The Sign of the Cross" and the Canary and "Air Raid" are slated to start March 28, and "Ruler of the Air" is being prepared.

The remaining features of the 1938-39 schedule are either in production or ready to start within three weeks.

Chicago, March 21.

Trade practice parleys, which have dragged through many months, must be quiescent and the film industry must settle its own problems in order to withstand aggressive and harmful political attacks, was the opinion expressed today by Ed Kuykendall, president of the MPTOA, in an address to the sales forces of the Metro-Goldwyn-Mayer organization.

Kuykendall turned on the steam and rode over government regulation, trade practices detrimental to the best interests of theatre operators, and finished up with severe criticism of the "administrators" who, with one hand, were negotiating with industry representatives for self-regulation, and with the other were encouraging the government in anti-industry legislation.

Establishment of a conciliation board, before which industry problems and differences may be discussed and amicably settled, is the goal of long-drawn-out expensive litigation, is Kuykendall's principal platform for the relief of business irritation.

## Legal Contentions

"Pursuit of regulation through the courts only results in more and more confusion," Kuykendall told the Supreme Court decision in Texas, for instance, forbidding certain provisions of the long-drawn-out expensive litigation, is Kuykendall's principal platform for the relief of business irritation.

Kuykendall was forceful in his denunciation of the proposed Neesley bill, which would abolish block-bookings. He said the measure was impractical and he ascribed the fact that it again was being considered by Congress to certain "shabby elements" who were turning to legislation and away from self-regulation. He said the measure was impractical and he ascribed the fact that it again was being considered by Congress to certain "shabby elements" who were turning to legislation and away from self-regulation.

## Metro Convention Under the Guidance of William F. Dodgson

Los Angeles, March 21. Metro sales manager, developed into a social gathering of some magnitude when the company's first United States and Chicago exhibitors to the annual banquet tonight.

## Blasfemy Viewpoint

Harrisburg, Pa., March 21. The ITOA, blasted legislation against the industry, stating the film biz can afford to pay a tax to support its organization. It likes Nicholas Schenck, but not Abe Meyers. Is against the proposed ban on block-booking, which he claims is necessary to the industry.

He said he would like to live blind buying and wants a setup for new block-booking, but eliminate the existing block-booking. He said for a new re-organization board setup. Is dissatisfied in theatre divestment and is studying a preliminary circuit commission legislative opposition.

Col. H. Cole, of Allied, denied a tendency toward radicalism in a long prepared speech. He said that of Allied's campaigns have been for progress of the industry. He asked for support of his organization for (Continued on page 60)

# Film-Legit Rewedding Now Looks Set; Both Sides Like Tentative Agreement

Terms of an agreement to bring about a resumption of the Hollywood forming of legit production are now virtually all set. Copies of the latest draft of the plan have been distributed to the various film companies, and several of the key executives are understood to have approved. However, the situation is changing from day to day.

Although most of the points in the plan are acceptable to both the film companies and the Dramatists Guild, one or two issues remain to be ironed out. If the agreement is approved by the heads of the various studios, it will be submitted to the district council and membership and the League of New York Theatres. As preliminary to the Guild's minimum basic agreement, the League represents the managers who would produce with the Hollywood studios.

According to the terms of the draft now in the hands of the film companies, the contract would give the rights of a play would be signed at the same time as the legit production contract. Whether it would constitute an agreement to buy, or merely an option to do so, is still an open question. However, the studios don't care to finance under the new plan, it can produce under the present minimum basic agreement and buy the screen rights in the open market.

It is possible that the film companies may not sign the proposed plan itself, but will give the Guild a separate contract which would conform to its regulations. In any case, the effect would be the same. The studios would be free to buy the screen rights on a percentage of the weekly gross of the film, which would be set by the Broadway syndicate. Amount of the percentage is still unsettled, but it would probably be more for New York than for the rest of the country.

The bulk of the film cost would be the same as under the present minimum basic contract, 60% to the author and 40% to the producer. Advance royalty would also be required, to apply against the later payments. In some cases, the advance royalty would constitute the full price. Amount of the advance is still to be determined, however.

Number of stipulations have been inserted into the present draft to prevent the film from being shown a show so as to keep down the price for the screen rights. One provision is an outright veto of the production would have to be kept intact as long as it operated at a profit, with the Guild to okay the features in case a loss was claimed. Also, it is a point that if the producer wanted to close the show, arrangements would be provided for the author to buy the production and operate it himself. Plan likewise allows for arbitration of all disputes.

**RODNER TO COAST ON ROGERS DRIVE SHORT**

Harold Rodner, of Warner Bros., left New York for the Coast Thursday (18) to check into preparations for production of the new film, the subject for the Will Rogers Memorial drive, the week beginning April 16. Film will be produced in the matter of the participating theaters.

Rodner will also take up matters connected with the production of the NVA hospital at Saranac, formerly the NVA Sanatorium, which is administered without salaries.

Drive this year will again depend chiefly on bat-passing in theatres for funds.

**Laise Ramer May Do Stage Play in London**

Laise Rainer, now in Europe, may remain in London to appear in a Gilbert and Sullivan production which was received this week by friends in New York.

Ramer is on leave of absence from Metro.

**CABOT IN N. Y.**

Bruce Cabot, who just finished "Dodge City" for Metro, arrived in New York yesterday (Thursday) on an indefinite stay.

He hopes to get a legit show.

**Warners' 'Fighting 69th'**

Hollywood, March 11.

Bryan Foy's first high-budget production under the 1938-40 setup at Warners is "Fighting 69th," based on a book by Fisher Dutz, chaplain of the regiment in the World War.

Pat O'Brien is under consideration for the role of Father Dutz.

**Donat as 'Brummel' For M-G in England**

Hollywood, March 21.

"Beau Brummel" last played as a silent by John Barrymore, who is being remade by Metro as "Brummel," a Max Kewicz production to star Robert Donat, probably in England.

Donat, serving in America are claimed by Warners and Edward Small, which might cause legal tangles if the picture is shot in Hollywood. Remake is slated for next fall.

**PARADEAL ON FOR EASTERN 'BRICKS'**

Paranoid, which releases two independently-produced features made at the Eastern Service studio, Astoria, L. I., having set its deal on William K. Howard's "Bricks" to Heaven," after considerable delay, may also become the distributor of "Bricks Without Straw," which is to be made at this plant by Robert Aisner, French producer. Deal is in discussion at present, but hasn't been closed. It would no doubt take the form of deals Far made with Howard and with Harold Orlob, with Howard approval based on past viewing of the completed picture.

While Orlob, who turned out "One-third of a Nation," a s.o. disappointment, and Howard are planning additional features at the Astoria studio, it is reported they are looking for new financing. The Atlas interests, of which Floyd B. Odium is head, backed both Orlob and Howard. Far releasing outlet was tied in through Odium being in the picture in an important way.

Aisner, whose company is known as Herat Film Productions and is planning to make "Bricks" in English as a starter, is said to have set his financing, requiring \$300,000 and would be, of course, encourage slightly under this, he brought over \$150,000 from France and has secured the bulk of the balance. Aisner is interested in doing three additional features after "Bricks" has been completed. His first is "The Day," with Sylvia Sydney, as the star and with Marion Gering directed.

Orlob turned out "One-third of a Nation" on a budget of \$100,000, but the budget originally set for it, but picture is making no noticeable progress on the East Coast.

Rivoli, N. Y., where it lasted only one week, was very disappointing.

**DURBIN WARMING UP 'FIRST LOVE' TUNES**

Hollywood, March 21.

Deanna Durbin has started song rehearsals for her next Paramount picture, "Love Is a Headache," on April 3. Charles Boyer, male lead, has checked in at the studio.

James Durbin, in combination, Joe Pasternak as producer and Henry Koster as director, is handling production.

**Bill-Living Time of Pic Programs in Lincoln World Stymie Duals**

Lincoln, March 21.

An ordinance broached in the city council yesterday (Monday), making illegal any film performance in excess of two and a quarter hours in length, is subject to six or seven, practically abolish duals except in action houses.

Both Livingston, local indie exhib, and Howard Federer, general manager of Nebraska Theatres, Inc., are opposed to the ordinance. Federer, on the bill, along with Mrs. Lawrence Wentz, president of the Better Business Bureau, and a number of physicians, who claim the excessive length of film programs are interrupting many of children's eyes and nervous systems.

Sole dissenter was Bob Hoffman, president of the Lincoln Motion Picture Corp. (three houses), who said two poor features oftentimes gross better than one good one, so patrons

evidently prefer duals. The council rejected the ordinance to the city attorney for determination of its constitutionality and will have its views heard before submitting it to voters.

**Calif. Women Vs. Duals**

Los Angeles, March 21.

By a vote of 20 to 1, the California Federation of Women Citizens voted on record against double bills. Meeting of 700 delegates represented the largest ever female club in the state.

Ballet was taken after an address by Mrs. Smith, Metro exhibitor, who assailed the duals with bare knuckles. Both the producers and the public, he told the delegates, are opposed to a continuation of duals.

Smith urged the women to file protests with the managers of theatres against the system, which he called the eye-strain of a nation.

# Momand Tabs 133 Indies 'Forced Out' Or Absorbed through Majors' Tactics

**Files Suit Vs. 20th-Fox On Temple's 'Stowaway'**

Stephen Tamas filed suit in New York supreme court Thursday (18) against Century-Fox Film Corp., seeking an injunction, accountability of profits, and damages, in the Whitley Temple stowaway "Stowaway."

Tamas claims that in March, 1938 he was hired by 20th-Fox to write the scenario for the picture. When the film was released, screen credit went to Samuel Leach, and Tamas claims he was not paid.

Oklahoma City, March 31.

Listing 133 independents who were either forced out of business, or had to merge with major circuits, a bill of particulars has been filed in the U. S. district court in Oklahoma City as major producers, distributors and exhibitors charged with anti-trust law violations. Momand is seeking \$4,800,000 damages and suits now in U. S. district court here.

**CONVERSE PIX INCREASE IN SCOPE**

Despite the new plan for supervising Supreme court Thursday (18) advertising code, which is being applied to it bluntly as such through an advertising code seal, placed in operation only a month ago, Converse Pix, distributors of one and two-reel sponsored shorts, claim they have secured additional features for distribution in the last six weeks. One distributor, who makes a practice of distributing only institutional features, claims he has the greatest number of circuit accounts in the history of his company.

Hays organization supervisory arrangement would designate all sponsored films with the caption "This Is An Advertising Subject" before issuing the advertising seal. It would be, of course, encourage major affiliated theatres to show only such advertising and commercial films, making such designation of distributor and exhibitor.

Hays office officials say per se for such handling of ad matter and has the right to reject if the subject matter is deemed unworthy of a place on a major theatre screen.

In the meantime, producers, ad agencies and distributors of sponsored films are laying plans to go even further with certain types of advertising pictures. Besides Batten, Barton, Durstin & Osborn, J. Walther Thompson, and Fuller-Smith-Ross, who are the major possibilities of screen advertising has been received by N. M. Ayer, McCann-Erickson and Low & Thomas agencies, among others.

It is deemed unworthy of ad agency has shown any inclination there to submit any sponsored screen subject to the Hays office for approval.

On Feb. 28, Judge A. P. Murrah ordered the plaintiffs to sign a general charge with specific facts. The new bill of particulars presents this in detail, amplifying charges connected with alleged creation of protection schedules by the defendants against independent competitors and creation of distribution and quotes on correspondence between defendant producers and distributors. It also charges that defendant is also a circuit official, with regard to Film Board of Trade activities, are also given.

The bill charges that producers and distributors granted specific franchises and advertising rights to the various circuits, either in master contracts cited or specific franchises and advertising rights. Circuits to which these concessions were allegedly granted include Balaun, Chicago, Detroit, Hartford, New York; Comerford, Scranton; Dent, Dallas; Fox, New York; Fox-West Coast; Fox, San Francisco; Fox, New York; Fox, Salt Lake, and Public; New York; RKO; New York; RKO Southern; Universal, New York; Universal, Chain Theatrical, New York; Universal, Chain Theatrical, New York; Universal, Chain Theatrical, New York; Universal, Chain Theatrical, New York.

**Stirn Wins Delay On Appeal Vs. RKO Reorg**

Federal Judge William Bondy, in New York yesterday (Tuesday), has granted a stay of execution of the RKO reorganization plan, pending appeal by J. W. Stirn, of Milwaukee, RKO Class 'A' stockholder, and extended his order of distribution to the appeal.

Stirn had requested a delay of 30 days on the grounds that there are 2,728 pages of testimony and 150 exhibits which must be prepared. The judge granted more than a week but refused the longer adjournment.

The bill alleges that the protection demands of the affiliated exhibitors, amounting to \$1,000,000 actually granted each year.

D. J. O. C. Probing

Extensive investigations into monopolistic practices in the industry by the Department of Justice will be held here within the next six or eight weeks, according to a Department of Justice official has been requested to make available, or secure, the records of the Hays office of office space for use by the D. J.

The originator here of the first of the now many anti-trust suits in the industry, filed by A. B. Momand against major producers and distributors, is seeking over \$4,800,000 in damages, led to selection of Oklahoma City, it is understood.

**Hicks Delays Return**

John W. Hicks, Jr., Paramount's foreign chief, was delayed in getting away from Europe last week by the press of business on the continent, instead of sailing last Saturday (18), and as expected, he hurried to Paris for last-minute contacts. Hicks now is due in N. Y., March 30.

On the present trip, which he began early this year, Hicks visited important key spots in central Europe, besides London and Paris.

**Yohalen Joins Universal As Associate Prod. of B's**

Hollywood, March 21.

George Yohalen, side to William A. Wertheim, has moved to Universal as associate producer. He draws the lower budget picture.

**REAL IN 'LINCOLN'**

John Beal went to the Lincoln for a week to go into "Young Mr. Lincoln" for the present trip.

Beal is expected to return east for stock deals after picture commitments.

**'Elinor Lee' Finished**

Oscar Micheaux has completed "Notorious Elinor Lee" at the Biograph studio, New York, for early release through channels not yet announced.

Charles La Torre, who was with Elinor Lee, was in New York for a few days in legit, plays the chief character role in the film.

Midnight-Vaude Fair \$27,000, While Most of Chi Coasts Along on H.O.s That Get By; Each Other \$18,000

Chicago, March 21. Chilly weather got the week off to a slow start, with indications less traffic than usual but generally business as usual. There must be a general feeling which continues into its sixth season that the Apollo is a safe bet. The stunt these days, when most pictures last out a two-week sojourn in any of the downtown spots.

Estimates for This Week
Apples (B&K) (2,000; 35-55-95-75) -Pygmalion (M-G) (8th week). Remarkable trade at \$5,500, terrific in the face of the weather and run. Last week, \$7,000.
Daring Daughter (WB) (35-55-75) -B&K (4,000; 35-55-75) -Midnight (Par) and stage show. Outstanding trade and is headed for \$27,000, another fairish season here. Last week, \$27,000.
Lark (B&K) (900; 35-55-85) -Daring Daughter (WB) (35-55-85). Moved here from Chicago and looks for \$5,500, enough to make the Trade Society (Par) willing to \$4,100.

Boy Trouble (Par) and Mr. Moto (Fox) plus vaude. At \$10,000, fair enough. Last week, \$10,000.
Stranger (RKO) and Am Convict (RKO) same spots.
Falace (B&K) (2,500; 35-55-95-75) -Honest Man (U) (2d week) and The Big Game (WB) (2d week) on the stage and figures as excellent asset.
Chicago (WB) (2,000; 35-55-95-75) -Great in face of trend. Last week, \$7,000.

Weswell (B&K) (1,500; 35-55-85-75) -Wings Navy (WB) (2d wk) and The Big Game (WB) (2d wk) -1,700 last week. Figuring to stretch into next \$9,000, enough to make in film.
Big Lake (B&K) (2,700; 25-40-75) -Cry the Lonely (20th) and vaude. Senator Murphy and Ben Blue headed. Business going slightly. \$12,000. Last week, "Oh Record" (35-55-85-75).
Artist (B&K-UA) (1,700; 25-40-75) -Each Other (U) (17th) and Saturday Night (WB) (17th) for strong initial stanza at \$18,000. The Rock (WB) (17th) and the Patient (WB) (17th) stay at \$8,500.

TEMPLE CHAN \$18,000, RIDE IN 'LOW BUFF'

Milwaukee, March 21. The Wisconsin is back on top with Temple Chan (WB) and The Little Princess due to excellent ball and tennis. The former is doing \$18,000. Theatre manager Gene Kilberg has invited all the city's ophians to see Temple Chan's return in the Palace and house is drawing strictly from the juvenile trade. Rivers with 'Lone Wolf' and Garber other is likewise in the upper brackets at \$12,000.

The Palace, to compensate for second week slumps, is showing a new type of back night called Gift of the Kings (WB) (17th) and (22) will be \$1,000 with 100 added. Favorite selection second run of Paderewski's 'Moonlight Sonata' in the plant's first run on Thursday.

Police institute a new policy of admission this week, lowering price scale to \$2c and 40c after 8 p.m. Change results in a return in biz with 'Club de Femmes.'
Homes (Indie) (1,050; 30-40) -Club de Femmes (Indie), Danielle Darrieux. In drawing favorable, sighting okay \$3,500. Last week, \$3,500.
Falace (Fox-Wisconsin) (2,400; 35-55) -Moonlight Sonata (2d run) (WB) and Woman Doctor (Rep.).

Wagner (WB) (2,400; 35-55) -Each Other (U) (17th) and Saturday Night (WB) (17th) for strong initial stanza at \$18,000. The Rock (WB) (17th) and the Patient (WB) (17th) stay at \$8,500.
Falace (B&K) (2,500; 35-55-95-75) -Honest Man (U) (2d week) and The Big Game (WB) (2d week) on the stage and figures as excellent asset.
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1st Run on Broadway (Subject to Change)

Week of March 23
Aster - 'Pygmalion' (M-G) (10th week)
Capitol - 'Sergeant Madden' (M-G) (Released in Current Issue)
Criterion - 'I Was a Convict' (Rep.) (2d)

(Rep.) (2d)
(Run in Vaudey, March 8)
Globe - 'Blackwell's Island' (WB) (4th wk)
Rox - 'Hound of a Baskerville' (RKO) (2d wk)
Paramount - 'I'm from Missouri' (M-G) (2d wk)
(Released in Current Issue)
Blacks - 'Risky Business' (U) (2d)

Rivell - 'Three Smart Girls Grow Up' (U) (2d wk)
Rox - 'Hound of a Baskerville' (RKO) (2d wk)
Paramount - 'I'm from Missouri' (M-G) (2d wk)
Capitol - 'Sergeant Madden' (M-G) (2d wk)
Blacks - 'Prison Without Bars' (UA) (2d)

Musical Hall - 'The Castles' (RKO) (2d wk)
Paramount - 'I'm from Missouri' (Par) (2d wk)
Blacks - 'Risky Business' (U) (2d wk)
Rox - 'Alexander Graham Bell' (U) (2d wk)
Blacks - 'Prison Without Bars' (UA) (2d)

Week of March 30
Aster - 'Pygmalion' (M-G) (11th wk)
Capitol - 'Sergeant Madden' (M-G) (2d wk)
Blacks - 'Prison Without Bars' (UA) (2d)

Musical Hall - 'The Castles' (RKO) (2d wk)
Paramount - 'I'm from Missouri' (Par) (2d wk)
Blacks - 'Risky Business' (U) (2d wk)
Rox - 'Alexander Graham Bell' (U) (2d wk)
Blacks - 'Prison Without Bars' (UA) (2d)

(GN) and Penrod (WB) split with 'In the Hands' (WB) and 'Dance of Deep' (GN) so-so \$800.
Blacks - 'Risky Business' (U) 10-15-25 -Comet Over Broadway (WB) and 'Wings Navy' (WB) on night side.
Blacks - 'Risky Business' (U) 10-15-25 -Comet Over Broadway (WB) and 'Wings Navy' (WB) on night side.

'3 MUSKETEERS' \$18,000, HUB
Boston, March 21. Three Musketeers on a double bill in Lincoln Oklahoma City and Kansas is sturdy, and 'Pygmalion' is holding well in its second frame here.
Blacks - 'Risky Business' (U) 10-15-25 -Comet Over Broadway (WB) and 'Wings Navy' (WB) on night side.

Blacks - 'Risky Business' (U) 10-15-25 -Comet Over Broadway (WB) and 'Wings Navy' (WB) on night side.
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'Love Affair,' Happy \$100,000, Durbin Smart 40C, B-way's Two Bright Spots; Crawford Frigid \$18,000

'Love Affair' and 'Three Smart Girls Grow Up' are the blue-ribbon picture of the week. 'Love Affair' - former is picking up the marbles to \$100,000. 'Three Smart Girls' - the Music Hall, while the Durbin picture is beating a well-worn path past the Rivoli box office for \$40,000.

This is the best business the Rivoli has enjoyed in more than two years. A \$40,000 week is all the more remarkable in view of the opposition from stage-show houses at prices which are no more, and in some cases less, than the Rivoli's.
With Murder' (WB) (2d wk)
Aster - 'Pygmalion' (M-G) (11th wk)
Capitol - 'Sergeant Madden' (M-G) (2d wk)
Blacks - 'Prison Without Bars' (UA) (2d)

Musical Hall - 'The Castles' (RKO) (2d wk)
Paramount - 'I'm from Missouri' (Par) (2d wk)
Blacks - 'Risky Business' (U) (2d wk)
Rox - 'Alexander Graham Bell' (U) (2d wk)
Blacks - 'Prison Without Bars' (UA) (2d)

Blacks - 'Risky Business' (U) 10-15-25 -Comet Over Broadway (WB) and 'Wings Navy' (WB) on night side.
Blacks - 'Risky Business' (U) 10-15-25 -Comet Over Broadway (WB) and 'Wings Navy' (WB) on night side.

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Service of Air (WB) prior week got only \$3,800, mid-week.
Blacks - 'Risky Business' (U) 10-15-25 -Comet Over Broadway (WB) and 'Wings Navy' (WB) on night side.

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+ F +

Premes Away From 'H'wood Costing Three Studios Around 100G

Hollywood, March 21. Three major studios tossing pre-... special location previews within the next few days...

Premes of 20th's 'Alexander Graham Bell' at the San Francisco exposition and at Washington, D. C., March 20; Paramount's 'Union Pacific' at Omaha, April 21...

Warners at this writing has special train of 11 coaches lined up on Santa Fe line...

Warners at this writing has special train of 11 coaches lined up on Santa Fe line for Los Angeles Dodge City, and others going from New York, Kansas City and Oklahoma City...

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HARRIS SCORES STRIKE WITH VISITING BOWLERS

Cleveland, March 21. Bill Harris, manager of Loew's, has filed a regular motion picture office mail box in the lobby of the theatre...

Harris also is providing visiting bowlers with free score cards bearing the theatre advertising...

Quick, the Aspirin! He's Seen 5,000 Pix

Philadelphia, March 21. Metro exploiters, to plug 'Honolulu', arranged a stunt which got good space in the local papers...

Shows were arranged for critics and feature writers with Henry Khan, manager of the Savoy theatre...

Femme Patron Writes Ad For 'Honolulu' Holdover

Oklahoma City, March 21. First ad on 'Honolulu' (M-G) moveover to the Tower, after being in the Crittenton building...

By John C. Flinn

Boxoffice whim for the fifth consecutive time a Deanna Durbin starring picture is a practical demonstration of showmanship...

Her films consistently have been outstanding race classifications among the best. Her personal popularity is growing rapidly...

APPEALS TO FAMILY TRADE

She is a model for the home merchandising industry. She appeals to the biggest money group in American life—the family trade...

Indians at U. P. Opening To Make Parking Tough

Hollywood, March 21. In addition to Cecil B. DeMille and many of the best picture stars...

In the space of the Omaha Union station, about three blocks long, will be converted into an Indian stockade...

Cliff Lewis and Jack Dailey, of Paramount's west coast advertising staff, will go out to see the U. P. train when it returns to New York...

Cliff Lewis and Jack Dailey, of Paramount's west coast advertising staff, will go out to see the U. P. train when it returns to New York...

F&M Using Billboards For A Peace Return to St. L.

Fanchon & Marco is using plenty of posters to exploit the picture...

Misses Temple and Durbin and Master Rooney. It would appear that the dollar mark emphasis which is given to 'glamour'...

Now it would be impossible for these publications to have any publicity for years...

There are some gems of showmanship appeal in the April issues. For instance, Modern Screen, which is said to have the largest circulation...

The fact that the articles accompanying these headlines are quite innocuous, stylish and pleasant to read does not remove the implications of the text...

Most other fan publications offer similar type of material. There must be a moral to all this—and there is: That Deanna Durbin has made wonderful progress up to this point in her career without being 'glamorous'...

WB-NBC ARRANGE 'DODGE CITY' AIRING

Chicago, March 21. Deal has been arranged between Western Broadcasting and NBC central division...

Clem McCarthy's Busy Publicity Week in Wash.

Washington, March 21. Ray Bell, local Loew's ballplayer, and Eddie 'Foo Yung' Lee...

\$35,000 in Billboards For 'Wuthering Hts.'

United Artists will spend between \$20,000 and \$40,000 for a billboard campaign in the Greater New York City district...

Indiana Governor Sets 'Spirit of Culver' Wk.

Indianapolis, March 21. N. Clifford Townsend, Governor of Indiana, set the week of March 10 to 13...

Adequate Housing Of Crowds For D. C. Kickoff for the Problem

Dodge City, Kan., March 21. City officials are taking seriously the problem of adequately housing the thousands of fans...

Film which carries the name of this frontier town will be shown simultaneously in three theatres to accommodate the first night audience...

Meanwhile neighbors are having difficulty recognizing their next door friends...

PSYCHIC PROVES BIG HYPO FOR 'LOVE AFFAIR'

Syracuse, March 21. Use of Jane Morley, psychic, to stimulate interest in 'Love Affair' playing at Keltin's here this week...

Temple Film Heavily Plugged in Oklahoma

Oklahoma City, March 21. Full promotion efforts were placed behind 'Little Princess' (20th) by Jimmy Briggs and Jack Funstelt of the Crittenton here...

Can't Take It With You, But Can You Take It?

Seattle, March 21. Sterling Chain (John Dune) is starting a personal indignity contest...

FILM SPONSORSHIP

Chicago, March 21. A tie-up has been arranged by the Equipe theatre with the Drama League for sponsorship of the first run in town last week...



Honest Man-Kemp \$28,000, Philly; 'Affair' \$17,000, 'Cafe' Poor \$9,000

Philadelphia, March 21. They're shopping for their pick in Philly. Early in the week the way from downtown punk up to the park...

Key City Grosses

Estimated Total Gross This week... \$1,683,190. Last Year Same Week... \$1,529,250.

'Affair', Fields, 1 1/2 C Each Top Healthy 'Cincy'

Cincinnati, March 21. Improved product and favorable week-end weather have current grosses of 'Affair' at the Albee and 'You Can't Cheat Me' at the Palace...

Estimates for This Week

Albee (WB) (1:30), \$34-47-57. 'Prison Without Bars' (UA). Book...

Pyg Dool \$15,000 In Prod; 'Daughter' Slides, Rest Strong

Providence, March 21. 'Pygmalion' leading State so swell week. Other houses nearly all doing better than average.

Estimates for This Week

Albee (WB) (1:30), \$34-47-57. 'Prison Without Bars' (UA). Book...

'Pyg' 1 1/2 C, MONTREAL

Temple Very Good \$5,000-'Cafe' Deal \$5,000, Ellices \$10,000

Montreal, March 21. Powerful \$15,000 gross coming up on 'Pygmalion' at Loew's...

Estimates for This Week

Palace (WB) (2:00), \$34-47-57. 'Little Princess' (WB). Very good...

'LOVE AFFAIR', VAUDE \$14,000 TOPS BALTO

Baltimore, March 21. Big just last here in nice pre-ster lust. Leading town during past week...

Estimates for This Week

Century (Loew's-UA) (3:00), 15-25-40-'Stagecoach' (UA). In shape to...

'Affair' L. A. Leader at \$30,000, Cagney Big \$25,500; 'Wife Weak, 'Die' Does So with Record Low

Broadway Grosses

Estimated Total Gross This Week... \$3,171,300. Last Year Same Week... \$2,642,400.

Los Angeles, March 21. With a combined \$30,000, 'Love Affair' (WB) and 'Die' (WB) is asserting itself as the town's leader.

At the Warner houses 'Oklahoma Kid' (WB) is bringing the record down.

'Tall Spin'-Kyser Walloping \$47,000, Detroit; 'Pyg' OK

Detroit, March 21. Best hit in four years is the word at the Kay Kysner's 'College of Musical Knowledge'...

Estimates for This Week

Adams (WB) (1:30), \$34-47-57. 'Service de Luxe' (U). In shape to...

At the Warner houses 'Oklahoma Kid' (WB) is bringing the record down.

State-Chinese having a disappointing week with 'Wife, Husband and Friend'...

'Never Say Die' crawled through the poorest week in record and is being held for full seven days only because Paramount is unable to furnish 'Stagecoach' combined movers...

regarded regular change day. 'Stagecoach' combined movers gathered \$5,800, while 'Pygmalion' was up after 12 weeks and three days.

Estimates for This Week

Chicago (Grauman-FWCW) (2:04), 30-40-55-'Oklahoma Kid' (WB). Very good...

'HIDING'-WEST \$29,000, 'DARLING' 19C, B'KLYN

Brooklyn, March 21. All roads in City of B'klyn this stuzza lead to Fabian Fox where the picture is heading for a big screen...

Okl. Kid' \$14,000, 'Wife' Lopez \$11,000, Cleveland; 'Folies' So-So

Cleveland, March 21. Hop and swell notlona. Last week, 'Cooch' ending fair \$10,000.

Two of the best money-makers in Vincent Lopez band coupled with 'Wife, Husband and Friend' at Palace...

Estimates for This Week

Albee (WB) (1:30), \$34-47-57. 'Prison Without Bars' (UA). Book...

'Kid' Paces So-So Seattle with \$7,000

Seattle, March 21. 'Oklahoma Kid' coupled with 'Burn 'Em Up, O'Connor' at the Orpheum...

Estimates for This Week

Albee (WB) (1:30), \$34-47-57. 'Prison Without Bars' (UA). Book...

At the Warner houses 'Oklahoma Kid' (WB) is bringing the record down.

State-Chinese having a disappointing week with 'Wife, Husband and Friend'...

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Estimates for This Week

Chicago (Grauman-FWCW) (2:04), 30-40-55-'Oklahoma Kid' (WB). Very good...



A  
Fair Trade  
Practice  
is on the  
*Next Page...*

# THE ONLY FAIR AD 1939-40 IS THE REC

Four Daughters  
The Sisters  
Brother Rat  
Angels With Dirty Faces  
Devil's Island  
Dawn Patrol  
Valley of the Giants  
They Made Me A Criminal  
Blackwell's Island  
Naughty But Nice  
I Am Not Afraid  
The Oklahoma Kid

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## OUR PACE IS Y

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CLASS A  
PICTURES

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CLASS B  
PICTURES

1938-39 Sets the Wi

# 48

# ADVERTISEMENT FOR ORD FOR 1938-39!

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- Dodge City
- Wings of the Navy
- You Can't Get Away With Murder
- Confessions of a Nazi Spy
- Juarez
- Each Dawn I Die
- Yes, My Darling Daughter
- Family Reunion
- The Kid From Kokomo
- Dark Victory
- Hell's Kitchen
- The Devil On Wheels

**OUR FORTUNE!**

inning Pace for the

*for*

**1939-40!**

**24 TOP BRACKET PICTURES**

*Two Outstanding Attractions Every Month!*

# WARNER BROS. PROPOSED PROGRAM OF PRODUCTIONS FOR THE SEASON 1939 AND 1940

★

## "QUALITY IS NOT A PASSING FASHION"

The foremost thought in Warner Bros.' minds at all times is to make good pictures, to present these pictures with the strongest showmanship and merchandising possible, and to offer them on a fair "live-and-let-live" basis. This, we believe, is the type of fair practice which has given Warner Bros. their enviable position in the industry today.

The success of Warner Bros. pictures this season, their success in the new season to come—and in the seasons that will come after it—represents a good deal more than is apparent to the appraising eye. The reason for our present position lies deep beneath the surface of an edifice which 29 years of careful construction has at last brought to completion. Development was sure, the goal inevitable, because an unswerving sincerity of purpose was its foundation! That purpose—not merely to make motion pictures but to make motion pictures as fine as they can be made—has now matured to its fulfillment. This we believe is clearly apparent in the productions we have listed as an indication of the material which, allowing for the exigencies of production, we contemplate producing for 1939-40.

Yes, these are great attractions—unquestionably the greatest we have put forth in one season—but to us of Warner Bros. they are the materialization of our company's motivating thought, "Quality Is Not a Passing Fashion." Now that the quality we have built toward and planned for has been attained, it is inevitable that it will continue.

*Frederick L. Sears*  
General Sales Manager

### PAUL MUNI

#### ★ THE LIFE OF BEETHOVEN ★

A distinguished addition to Paul Muni's memorable characterizations. The genius of the most revered figure in music . . . his defiance of Napoleon in an age when liberalism was heresy . . . the women who resented his passionate intensity and eccentric manners . . . the tragedy of deafness in his later life . . . and the solace he found in music as immortal as his own soul . . . A stirring life none but Muni could re-create!

### ★ THE BISHOP

#### WHO WALKED WITH GOD ★ BY QUENTIN REYNOLDS

Based on the life of Martin Niemöller, the fighting minister called the greatest enemy of the totalitarian states. Every newspaper in the country has headlined his great struggle . . . now Warners will have it screaming on celluloid!

### ERROL FLYNN

#### ★ THE SEA HAWK ★

with OLIVIA DE HAVILLAND

The author of 'Captain Blood' and its stars! Dashing leader of Rafael Sabatini's saga of the Beggars of the Sea. The days when England's only navy was a colorful clan of adventurers who swept the Atlantic. Produced on a scale more spectacular than 'Captain Blood'!

#### ★ JOHN DILLINGER, OUTLAW ★

The newspapers' Dillinger headlines in themselves make as exciting a story as could be fictionalized. But add to this the human story of an average boy sent to the penitentiary—by mistake—before he was 20 . . . and the 9-year lesson behind bars that turned him into a ruthless animal, fascinating to women but feared by friend and foe until death—and you have some idea of the impact you can expect in the show.

### BETTE DAVIS

#### ★ THE OLD MAID ★

WITH MIRIAM HOPKINS  
AND HUMPHREY BOGART

The Pulitzer prize-winner and 2-year stage success. To be directed by Edmund Goulding who directed Bette Davis in 'Dark Victory'. A story truly worthy of the star universally recognized as the screen's greatest.

### JAMES CAGNEY

#### ★ THE STORY OF JOHN PAUL JONES ★

The stranger-than-fiction biography of the Scotch pirate who became the 'Father of the American Navy'! Mighty armadas, great sea battles, tender romance . . . produced on a scale in keeping with its spectacular setting. Picture Cagney as that fiery scourge of the seas whose daring conquest led America through the stormiest naval encounters of the Revolutionary War!

**BETTE DAVIS**

★ *ALL THIS AND HEAVEN TOO* ★

Biggest book-scoop in 5 years! Apace with 'Gene with the Wind' in all quarters! The soul-stirring story of the girl who became the world's most notorious name, brings another 'Victory' to the most important feminine star in filmdom!

**JOHN GARFIELD**

★ *DUST BE MY DESTINY* ★

As timely as it is real, Garfield, sentenced to vagrancy in a penal workhouse, escapes to marry the girl he loves — and is forced to live a fugitive life. The amazing manner in which he wins a new trial and freedom will awaken every citizen to the needs of victims of narrow-minded 'justice'.

**EDWARD G. ROBINSON**

★ *THE MOON AND SIXPENCE* ★  
BY W. SOMERSET MAUGHAM

A story with the world for its background and the creator of 'Of Human Bondage' for its author! The most dynamic role yet brought to the screen by Robinson!

★ *THE LIFE OF KNUTE ROCKNE* ★

There are 80,000,000 football tickets bought every year — and every one is a herald for this show. Based on the autobiography of the immortal coach. Screen's first document of this great American, his background, his work, his rich humor, the unforgettable heritage he left. To be produced with the cooperation of Notre Dame University.

**ERROL FLYNN**

★ *THE ADVENTURES OF DON JUAN* ★

The title tells all! Expect more adventure than 'Robin Hood'. The story of the world's most famous lover will be filmed on a matchless scale by the artisans who have given you such epics as 'Robin Hood', 'Anthony Adverse' and 'Juarez'.

**JOHN GARFIELD**

★ *FORGIVE US OUR TRESPASSES* ★

The success of 'Magnificent Obsession' and 'Green Light' assures the latest Lloyd C. Douglas novel instantaneous approval! Its heart-gripping theme is timed to perfection to further this great new star's ever-increasing following.

**JAMES CAGNEY AND GEORGE RAFT**

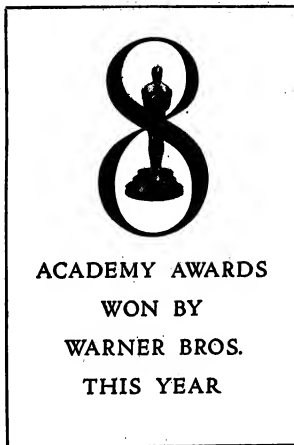
★ *INVISIBLE STRIPES* ★

Adapted from Warden Lawes' flaming best-seller. The most powerful theme since 'Angels'! Not a prison story . . . but the tortured drama of 'after prison' . . . the invisible stripes a 'timer' wears forever. A tremendous opportunity for this dynamic new team.

★ *DISRAELI* ★

CLAUDE RAINS

The 'Zola' of England. More stirring now than ever because of its up-to-the-minute theme of dictators, land grabs, persecution. A really important screen document.



★ *EPISODE* ★

with

PRISCILLA LANE and JEFFREY LYNN

The sweethearts of 'Four Daughters' and 'Daring Daughter' are set for big things this year and this is one of them. Priscilla plays a music student and Jeff just plays — but how!

★ *WE ARE NOT ALONE* ★

Another best-seller scoop from the pen of celebrated James Hilton! We are not alone when we say this is one of the most important stories to be filmed.

★ *BATTLE OF CITY HALL* ★  
*THE DEAD END KIDS*

The 'Kids' come off the streets and reform! So picture what goes on when they take over City Hall! Here's comedy and drama — and a story to top 'Crime School' for suspense-filled action!

**EDWARD G. ROBINSON**

★ *BROTHER ORCHID* ★

The nation's orchids went to *Colliers* for this unusual magazine serial. An entirely new and different Robinson portrayal! The hilarious story of a mobster who hides out in a monastery and learns to like it.

★ *GIVE ME A CHILD* ★

JEFFREY LYNN,

GERALDINE FITZGERALD

and GLADYS GEORGE

We earnestly believe this to be one of the most human themes that it has been our privilege to offer. The dramatic realism that trade-marks Warners' current successes will be given full play in this stirring story.

★ *FOUR WIVES* ★

*A SEQUEL TO FOUR DAUGHTERS*  
with the same cast

The long-awaited follow-up to 'Four Daughters' written by the same author, Fannie Hurst, and filmed by the same director with the same lovable stars. The girls have become women but the same rich drama and heart-warming appeal assure it of the same universal acceptance!

**JAMES CAGNEY**

★ *THE WORLD MOVES ON* ★

From the pen of world-syndicated Mark Hellinger comes this stirring kaleidoscopic view of America's most dangerous days! The pre-war teens, the lush twenties, the jittery thirties all woven into a thundering cavalcade of adventure!

**EDWARD G. ROBINSON**

★ *THE STORY OF DR. EHRLICH* ★

Another 'Pasteur' . . . and another great life that triumphed over ignorance and persecution to give the world the cure for its most dread disease! Another big 'first' for Warners and still another great biographical drama for the screen.

★ *CAREER MAN* ★

JEFFREY LYNN AND ANN SHERIDAN

A brand new entertainment angle — the first story of the U. S. Diplomatic Corps! The Spanish revolt, European intrigue, the armament race, international espionage, pack it with 1939's most original brand of screen dynamite!

*The long list continues on the next page . . .*

# Warner Bros. Pictures

## Are "Bench-Made" Because It's Fair to You!



*There is no "Assembly Line" at Warner Bros. No properties this important can be "rushed through" to meet release dates. Only because we are prepared as is no other company—with our background of high-quality production, and the vast resources of our studios, the world's largest, is this policy possible. Our current program definitely demonstrates that this exclusive method—and this method solely—assures the consistent delivery of successful motion pictures for the future, as in the past.*

### ★ A SEQUEL TO BROTHER RAT ★

'Same stars, same author, same setting, same director collaborate to bring in another lightning-paced picture big enough to top its predecessor!'

FRED MacMURRAY and PAT O'BRIEN  
★ THREE CHEERS FOR THE IRISH ★  
ANN SHERIDAN, RONALD REAGAN,  
FRANK McHUGH and ALLEN JENKINS

You can't beat the Irish and you can't beat the heart appeal Warners have put into this one! Get set for a new high in hilarity when these harps start swinging!

### ★ DEAD END KIDS AT COLLEGE ★

From 'Crime School' to college and are they a pain in the seat of higher education! Fans called their basketball game in 'Angels' one of the year's funniest episodes—so you know what to expect when they take up football . . . and everything else in sight.

### ★ THE DESERT SONG ★

A mass smash on two continents, it boasts Sigmund Romberg's world-remembered music, an action-crammed story, hundreds of daredevil horsemen, the most spectacular desert scenes ever filmed! To be produced in Technicolor with a great singing star.

### ★ AND IT ALL CAME TRUE ★

with

JAMES STEWART, ANN SHERIDAN and  
HUMPHREY BOGART

The prize-winning novel by Louis Bromfield becomes a major addition to the record number of prize novels on the Warner story list!

BETTE DAVIS AND ERROL FLYNN  
★ THE KNIGHT AND THE LADY ★

Maxwell Anderson's memorable Theatre Guild production brings Bette Davis to the screen in the famous love story, with Errol Flynn as the hero who defied the world for a queen's love!

### ★ EYES OF THE ARMY ★

Each year Warner Bros. dedicates a part of the program to America's great Services and Military Institutions. 'Eyes of the Army' takes its important place besides 'Wings of the Navy', 'Submarine D-1', 'Devil Dogs' and the others.

### ★ THE TANKS ARE COMING ★

First and only film of Uncle Sam's mechanized cavalry! In keeping with Warners' authentic 'service' policy, it will be produced on the actual scenes of operations with the full cooperation of the United States Army.

### ★ ON YOUR TOES ★

WITH ZORINA AND AN IMPORTANT  
MALE STAR

Rodgers and Hart wrote it—N. Y. held it for 2 years—now it zings to the screen with the most sensationally publicized dancing star in years—the talk of the country, star of the legit season's musical hit, 'I Married an Angel'.

### ★ BURNING DAYLIGHT ★

BY JACK LONDON

Unquestionably London's most gripping adventure story . . . with all the roaring action of America's fiercest eral Mighty days of the Klondike, wicked nights of the Barbary Coast live again in a magnificent red-blooded romance.

### ★ YOU CAN'T ESCAPE FOREVER ★

BY THELMA STRABEL

One of the most important Cosmopolitan Magazine stories of the past 3 years. Played against a background of Paris, Cannes, Switzerland and the U. S., this is one of the most extraordinary romantic dramas on our program.

### JOHN GARFIELD and ANN SHERIDAN

★ TWENTY THOUSAND YEARS  
IN SING SING ★

'Twenty Thousand Years in Sing Sing' and twenty thousand thrills on the screen! From the pen of Warden Lewis E. Lawes! A behind-the-scenes story mighty with the clash of men, to be advertised and publicized as sensationally as it will be filmed!

### ★ 4 SECRET SERVICE STORIES ★

BY W. H. MORAN,  
EX-CHIEF, U. S. SECRET SERVICE,  
WITH RONALD REAGAN

This series is building every second. Headline scoops and straight-from-the-files stories of (expi) onage will inspire four more action-packed shows for the coming season!

### ★ 4 NANCY DREW STORIES ★

BONITA GRANVILLE—  
FRANKIE THOMAS

The first releases of this swell series met with such instantaneous approval that Warners will follow it with four more in 1939 . . . all with new action, new adventures, new laughs.

### ★ 4 TORCHY BLANE ADVENTURES ★

More and merrier stories for this popular series about the smartest female newspaper man that ever scooped to conquer.



WARNERS  
CAN'T HAVE  
ALL THE  
STARS --  
SO THEY  
ONLY HAVE  
THE BEST!

PAUL MUNI  
★  
BETTE DAVIS  
★  
ERROL FLYNN  
★  
JAMES CAGNEY  
★  
EDW. G. ROBINSON  
★  
JOHN GARFIELD  
★  
PRISCILLA LANE  
★  
JEFFREY LYNN  
★  
OLIVIA De HAVILLAND  
★  
HUMPHREY BOGART  
★  
'DEAD END' KIDS

JAMES STEWART Courtesy MGM ★ FRED MacMURRAY Courtesy Paramount  
JEAN ARTHUR Courtesy Columbia ★ VERA ZORINA Courtesy Samuel Goldwyn  
GEORGE RAFT

PAT O'BRIEN ★ GEORGE BRENT ★ ANN SHERIDAN  
GERALDINE FITZGERALD ★ WAYNE MORRIS  
MIRIAM HOPKINS ★ CLAUDE RAINS ★ ROSEMARY LANE  
JOHN PAYNE ★ GALE PAGE

Fay Bainter ★ Eddie Albert ★ Jane Bryan ★ Donald Crisp  
Margaret Lindsay ★ Frank McHugh ★ Allen Jenkins  
May Robson ★ Bonita Granville ★ Jane Wyman  
John Litel ★ Ronald Reagan ★ Johnnie Davis

JACK L. WARNER, *Vice-President in Charge of Production*  
HAL B. WALLIS, *Associate Executive in Charge of Production*

ASSOCIATE PRODUCERS

Bryan Foy • Henry Blanke • Robert Lord • Sam Bischoff • Lou Edelman  
David Lewis • Max Siegel • Mark Hellinger

DIRECTORS

Lloyd Bacon • Edmund Goulding • Michael Curtiz • William Dieterle • William Keighley  
Anatole Litvak • Ray Enright • Lewis Seiler • William Clemens • Terry Morse  
William McGann • Noel Smith • Crane Wilbur

# Warner Bros.

*...the company  
that believes in  
Fair Practice!*

# Steep Fees for Harvey-Gains Visio Held as Reason for G-B's Mix of Fight

London, March 14.  
Shortly before a special meeting of Government's Television Committee today (14), Gaumont-British decided against playing the Harvey-Gains scrap on the screen. Officially there was too much to do in connection with getting equipment into London for the opening of the office. A record reason is believed in part to have been that the promoters' and the BBC's fees were too steep. One version even had them demanding as much as \$1,000 per theatre, for a single hour's exhibition.

It's no secret, that G-B was considering opening both the Tivoli and Gay Galaxy for this show, in addition to Marble Arch Pavilion and Teller, but it would have meant big fees in new equipment for the former. Another who was playing the possibilities was Oscar Deutsch, who had been in the fight at the Big Odeon, Leicester Square, but finally let it go.

One thing that would still hold him would be that the Sophony company, with which he is linked, could give him a 2,400-seat auditorium. Major Wilson also had in mind from several months ago, but nobody else was willing to talk turkey on the terms, so Jack Davis was shown how to get the Tivoli. Marble Arch Monsigneur, the only Sophony-equipped house around.

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## 'Penalty' Tariff

(Continued from page 1)

regulations prevailing in Germany are being applied in that country. The latest reveal of Czechoslovakia produced about 1 1/2% of all revenue obtained by American companies for the foreign field. Size of the market is revealed by the fact that it is bigger than either Holland or Czech, and returns more money to U. S. distributors than Norway-Denmark-Finland combined.

Foreign distributors of melors in N. Y. report, however, that the Czechoslovak market has been taken only for the last year or 18 months. Previously, it had been an open and off position. Back in 1934 and '35 nearly a year of American companies got out of Czechoslovakia because of unsatisfactory arrangements on distribution and the unstable situation. Then a deal was made, but U. S. distributors found it didn't work out for a year or so of the country. Situation was stabilized only within the last 18 months.

## Pic B. O. Stronger

(Continued from page 3)

tors disclose the following setup on picture market as of April and one Warner Bros. on top during the '38-'39 season, will have two during April and two during May, against only one picture and three months last year, Robin Hood.

Metro will probably shoot through two pictures in April and one positively two in May, whereas last year in these months it furnished only "Test Pilot" as an important release.

Twentieth-Fox is looked for two in April and one or two in May, against one picture in April, but had nothing in May.

Paramount will have one and maybe two good business-getters in April, against two last April that were only fair; and one during May, against one picture and a second that possibly against only "Dr. Rhythm," not so big but okay, in May, 1938.

RKO will have two likely big titles in April, against nothing that month a year ago. During May it is doubtful if it will have one during May, against one picture and one during May, but in May last year it provided nothing of consequence, so it is doubtful if it will have "Castles" and "Love Affair" no doubt will make up for last year's April and May, however.

United Artists is being depended on for one good producer and possibly two during April, as against only one picture release during May, 1938. This company has no releases set for May as yet.

Republic is being handicapped for one good L.o. bet in April and one in May. It had nothing important during the month a year ago.

Columbia may have one during April and May, "Lady and the Mob." It had nothing special last April or May.

## War Revenue Slumps

(Continued from page 1)

Sickeningly characterized the boxoffice tax trend in the first stanza of 1938, a Treasury Department report which came out Monday (20). It was the steepest drop between December and January revenues, several years ago, making the healthy improvement noted in the end of 1938.

The government's Fiscal Year 1938 ledger shows 105% bit of admissions over 400 stepped up to \$1,053,127, smallest since 1931, however. Total was ahead of the same stanza for each previous year except 1938, however. Despite the slump in revenue, the form so far this year is above the first two months of any previous year since the industry was jacked up, thanks to the lively holiday trade, which topped every prior year.

The February payments to the tax bureau, based on January wicket for 1938, are \$1,053,127, under the same frame of last year and \$81,007 under the previous month. Makes one total for the calendar year so far \$3,087,251, a rise of nearly \$55,000 over 1938.

## New Racket

London, March 13.  
The old racket of grafting via song plugging, which nearly ruined the pop music business, has now been superseded by another.

It is being taken up extensively by football pool promoters who are vying with each other in lining up vaudeville names, especially of the talking type, to give them a mention in their acts. Some turns are getting nearly \$25 weekly remuneration and have already intimated price is too low in comparison with other offers coming in from the opposition.

## 4 LONDON PLAYS IMPRESSE IN DEBUTS

London, March 21.  
"Sugar Plum," domestic comedy, opened at the Savoy Hotel, Criterion, and though nicely received, was not convincing. It isn't likely to return to the stage.

"Mrs. Van Kleef" opened Friday (17) at the Playhouse. It is a weak melodrama, but a tropical island. Its appeal is limited.

Sunday's one-nighter at the Strand by the Metropolitan Players, "The Emperor of the World," the story of Nero's attempt to murder his mother, dealing in too colloquial for artistic commendation. It has no commercial value.

"The Boy Who Cried Wolf," which opened Sunday (19) at the Phoenix, is Eleanor Kalawaska's tragic delinquency of a nursery boy and his tendencies. It was well acted but is unlikely for the boxoffice.

## REPORT WILSON QUIT MPDA VOLUNTARILY

Sydney, March 21.  
Chief topic of discussion among distributors here is the retirement of Sir Victor Wilson at head of the Motion Picture Distributors Assn. in June and who will be chosen to take his place. He has wanted to quit for some time, it is reported here.

This is the first official reason for his quitting. It had been said in the trade that unfavorable district legislation was behind an MPDA move to retire him.

## Current London Plays

- "The Girl," Victoria Palace—Feb. 26, '38.
- "Room for Two," Comedy—Sept. 6, '38.
- "Red Octopus," Queens—Sept. 14, '38.
- "The Corn is Green," Duchess—Sept. 14, '38.
- "Quiet Wedding," Wyndham—Oct. 14, '38.
- "The House, How Sad," Vaudeville—Oct. 14, '38.
- "Geneva," St. James—Nov. 22, '38.
- "Under Your Hat," Falcon—Nov. 24, '38.
- "The Walk Alone," Stilesbury—Jan. 19, '39.
- "The Melody," His Majesty's—Jan. 20, '39.
- "The Road for Living," Haymarket—Jan. 25, '39.
- "Tony Draws a Horse," Strand—Jan. 25, '39.
- "The Gaslight," Apollo—Jan. 31, '39.
- "The Sign of the Cross," Piccadilly—Feb. 5, '39.
- "Little Ladyship," Lyric—Feb. 7, '39.
- "To Love and to Cherish," Kingsway—Feb. 7, '39.
- "The Mother," Garrick—March 3, '39.
- "Robert's Wife," Savoy—March 3, '39.
- "Black and Blue," Hippodrome—March 3, '39.
- "The Great Revue," Ambassadors—March 9, '39.
- "Sugar Plum," Criterion—March 10, '39.
- "Mrs. Van Kleef," Playhouse—March 10, '39.
- "Be Or Not To Be," Phoenix—March 19, '39.

Mex Artists Ask Gov't Aid  
Mexico City, March 21.  
Local thespians have asked for a government subsidy to enable them to survive sharp competition from pictures and radio.

# New So. Wales Film Board to Quit, Couldn't Cope with Industry Snags

## Ease of Quebec Ban On Minors Snagged For Year

Montreal, March 21.  
Continuance agitation for the past year has led to a Quebec law barring minors under 16 from attendance at picture theatres, even if accompanied by parents or guardians. The law was defeated last week when Premier Maurice Duplessis informed the Quebec House of the province's legislation on the matter 'will not be touched this year.'

The premier added that clergy through Quebec, both Catholic and Protestant, had protested against proposals to lower the present age limit on admission to cinemas, and that the matter would be kept under study by the government for action at another session of the legislature. Application of the ban to such pictures as "Snow White" (RKO) and "Boys Town" (MGM) had been left to suit prolegals that at one time it had looked as though the theatre men would win a partial victory.

## ADELPHI, LONDON, MAY CLOSE, WALLER CLICKS

London, March 21.  
It was all Pat's Waller here yesterday (Mon.), as the American Negro pianist went over big in his debut at the Holborn Empire.

Although they clicked nicely, the Tiptop Girls didn't show themselves in a new headline attraction at the Adelphi. They came into the spot directly from a month's engagement at the Savoy hotel here.

Rumors are prevalent that the Adelphi is due to close, although confirmation is unavailable. House agents say the theatre is in the process of opening with vaudeville last month.

## Santa Anita's Cut

(Continued from page 1)

\$38,650,590 was a staggering increase over the \$29,509,529 for 53 days of previous year. Daily average of 1938 was \$654,581, against \$556,713 in 1937.

Out of the 1938 gross, the track industry owes its exhibitors for purses, bought the hot dogs and drinks sold at the stands, printed the program and tax and conveyance on a \$3,000,000 investment, installed numerous improvements and paid wages to 2,000 employees.

Next inroads on the town's moneybags will come in June, when Hollywood's own England players host the railbirds for 45 days. After that, Del Mar for a brief sortie and then the season will finally wind up for the week ends of running below the bank at Agua Caliente.

## Radio Nightmare

(Continued from page 1)

Each producer would be billed in the film colony for three months. If he cracked up within this period he would carry an expensive liability for two months. If the term of service had to be further cut down he would be liable for one month, with a most attachment of every producer.

Grieph of nervous production in the picture industry has been going up when the going is tough with a new show, particularly one that carries an expensive liability and has been intensively billed in advance. The Coast No. 1 produced under one major sales manager two breakdowns within three months. His bosses in New York, who turned to him to enable them to find a way out, were told that they had a most attachment of every producer.

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Working capital shows \$1,475,968 just in \$1,239,125 in 1937.

## Canada FP Corp. Up

Montreal, March 21.  
Famous Players Canadian Corp. Ltd., in annual financial statement for, to Dec. 31, 1938, shows operating profit of \$2,184,322, a year ago. Net profit was \$974,768 against to \$233 a share on the same period. Total assets were \$12,382,322 a year ago. Net profit was \$974,768 against to \$233 a share on the same period. Total assets were \$12,382,322 a year ago. Net profit was \$974,768 against to \$233 a share on the same period.

Famous Players Theaters yanked all its advertising yesterday (Monday) from the News-Herald, morning paper in New York, saying it didn't identify itself with the paper's evening dailies and was refused.

Sheet circulation 20,000 against 19,000 in the previous year. Total circulation was once enlarged in Time as the press found in a junk heap for several years ran on a co-op basis.

Queensland and Tarraman exhibitors also claim that the MPDA decision is taking 'em' into their territories. This follows in the wake of the 1937 F.P.A. passing similar restrictive legislation against distributors.

## FP Palls Ads From Vancouver A. M. Daily

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## HWOD PROVES BANE TO MEXICAN PICTURES

Mexico City, March 21.  
Domestic picture business in a bad way owing to stiff competition from Hollywood in the form of the Spanish as well as the regular English films, a circumstance that is drawing his away from Mexico and into the States, but elsewhere in Spanish America.

Cash shortage and the fact that Mexico is not a market for Hollywood are also reasons why Mexican producers. About the only one they see is government action on the condition for the industry to be at least as secure from many of the imports.

## Set 3 Spanish Films

Mexico City, March 21.  
Three Spanish languages, with casts of Spanish speakers from Hollywood is to be started this spring by the newest Mexican picture makers, Cinematografica Baja California, S. A. Company has established studios in Tijuana.

'3 Smart Girls Grow Up'

(WITH SONGS)
Production: Deanna Durbin, picture
Director: Harry Beaumont. Feature
Stars: Deanna Durbin, Peter
Cushing, Fred Astaire, Fred
Astaire, Fred Astaire, Fred Astaire...

A warm, thoroughly delightful family entertainment... The original screenplay of Bruce Munnisse and Felix Jackson, as written to the specification of Joe Pasternak...

It's a disarming tale about the young sub-bred (Deanna Durbin) who loves to dance... The original screenplay of Bruce Munnisse and Felix Jackson...

'I'm From Missouri'
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: Bob Burns, George Forman, George Forman, George Forman...

'Almost a Gentleman'
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

'Sudden Money'
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

'Heritage of the Desert'
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

Burns gets up his homespun philosophy... Burns gets up his homespun philosophy with a series of pointed and pointed...

SERGEANT MADDEN

Metrol release of J. Walter Huber production... Metrol release of J. Walter Huber production, starring William Powell and Helen Hayes...

Drafting Wallace Beery into the ranks of New York's finest for the first time... Drafting Wallace Beery into the ranks of New York's finest for the first time...

Picture is a sort of Sternberg's 'Metrol' in nearly 15 years... Picture is a sort of Sternberg's 'Metrol' in nearly 15 years, featuring a young man...

A moderate budget program drama, 'King of Chinatown' carries... A moderate budget program drama, 'King of Chinatown' carries the same old...

'Almost a Gentleman'
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

'Sudden Money'
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

'Heritage of the Desert'
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

'Heritage of the Desert'
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

Miniature Reviews

'Three Smart Girls Grow Up' (U)
Production: Deanna Durbin, picture
Director: Harry Beaumont. Feature
Stars: Deanna Durbin, Peter Cushing, Fred Astaire...

'Sergeant Madden' (RKO)
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: William Powell, Helen Hayes...

'King of Chinatown' (Metrol)
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

'Metrol in Danger Island' (Metrol)
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

'Heritage of the Desert' (Metrol)
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

'Heritage of the Desert' (Metrol)
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
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Director: Harry Beaumont. Feature
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Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

'Heritage of the Desert' (Metrol)
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

'Heritage of the Desert' (Metrol)
Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

required in support of a strong attraction... Produced as a low-budget production...

The amount of wealth provided by a winning sweepstakes ticket... On an average family, it is not...

Now Ruggles and his brother-in-law... Now Ruggles in place of Myrtle Boland in the same...

Heritage of the Desert

Production: Harry Beaumont, picture
Director: Harry Beaumont. Feature
Stars: George Forman, George Forman, George Forman...

Paragon release of Harry Sherman production... Paragon release of Harry Sherman production, starring George Forman...

Paragon release of Harry Sherman production... Paragon release of Harry Sherman production, starring George Forman...

Paragon release of Harry Sherman production... Paragon release of Harry Sherman production, starring George Forman...

Paragon release of Harry Sherman production... Paragon release of Harry Sherman production, starring George Forman...

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Paragon release of Harry Sherman production... Paragon release of Harry Sherman production, starring George Forman...

Paragon release of Harry Sherman production... Paragon release of Harry Sherman production, starring George Forman...

Paragon release of Harry Sherman production... Paragon release of Harry Sherman production, starring George Forman...

Mr. Moto in Danger Island

Columbia production of John Stone production... Columbia production of John Stone production, starring Peter Lorre...

One of 29th Fox's good-paying 'B' series productions... One of 29th Fox's good-paying 'B' series productions, starring Peter Lorre...

There is something about Peter Lorre... There is something about Peter Lorre, starring Peter Lorre...

There is something about Peter Lorre... There is something about Peter Lorre, starring Peter Lorre...

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There is something about Peter Lorre... There is something about Peter Lorre, starring Peter Lorre...

There is something about Peter Lorre... There is something about Peter Lorre, starring Peter Lorre...

LONE STAR PIONEERS

Columbia production and release... Columbia production and release, starring George Forman...

NAVY SECRETS

Metrol release of William Lester production... Metrol release of William Lester production, starring George Forman...

Metrol release of William Lester production... Metrol release of William Lester production, starring George Forman...

Metrol release of William Lester production... Metrol release of William Lester production, starring George Forman...

SUDDEN MONEY

Metrol release of William Lester production... Metrol release of William Lester production, starring George Forman...

Metrol release of William Lester production... Metrol release of William Lester production, starring George Forman...

Home on the Prairie

Republic production of Harry Sherman production... Republic production of Harry Sherman production, starring George Forman...

FRIDAY  
7  
APRIL

I am torn with *Desire*.. tortured by hate!

*The mark of Hell was in their eyes!*

"I am Heathcliff... I have a struggle who belongs to me when by day, the sun and stars, may look on me, I will have vengeance!"

"I am Cathy... I thought I could never be unhappy, because I was born for nothing but love, and you have taken the natural joy from me."

HOLLYWOOD'S master showman brings to the screen Emily Brontë's great conflict of emotions... to create a new high in dramatic entertainment!

SAMUEL GOLDWYN presents

**WUTHERING HEIGHTS**  
*The Strangest Love Story Ever Told*

MERLE OBERON • LAURENCE OLIVIER • DAVID NIVEN

with Flora Robson • Donald Crisp • Geraldine Fitzgerald • Screenplay by Ben Hecht & Charles MacArthur • From the great novel by Emily Brontë and from the play by Thomas Hardy • Directed by WILLIAM WYLER

WUTHERING HEIGHTS  
*A Story of Tempest, Thunder and Love*

MERLE OBERON • LAURENCE OLIVIER • DAVID NIVEN

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THE DAY WHEN  
SAMUEL GOLDWYN  
WILL GIVE YOU THE  
MOST POWERFUL PIC-  
TURE OF HIS CAREER  
... AND 75,000,000  
PEOPLE WILL BE  
READING ABOUT IT!

The picture in which love and vengeance clash with "Hurricane" fury! Produced in the strongest Samuel Goldwyn box-office tradition, merchandised in the practical Samuel Goldwyn way. A full page color ad in American Weekly on Sunday, April 9th...and full page color ads in Saturday Evening Post, Collier's, Ladies' Home Journal, McCall's, Life and Cosmopolitan... reaching 23,000,000 homes exactly in time to SWING THE EASTER PARADE TO YOUR TICKET-WINDOW!

SAMUEL GOLDWYN presents  
**WUTHERING HEIGHTS**  
co-starring  
MERLE OBERON • LAURENCE OLIVIER • DAVID NIVEN  
with Flora Robson • Donald Crisp • Geraldine Fitzgerald • Screenplay by Ben Hecht & Charles MacArthur • From the great novel by Emily Brontë directed by WILLIAM WYLER • released thru UNITED ARTISTS





MEET SANDY



-THE WONDER BABY-

Here's to

THE PROFITS  
THAT BLOOM IN THE SPRING  
TRA-LA!

Bing, excitement-bound . . .  
on gusts of melody . . . He  
has Joan . . . And Mischa has  
a hot baby on his hands!



-LAUGH ACTION!



-THE HUMORIST!



-THE GO-GETTER!



BING  
CROSBY  
JOAN  
BLONDELL  
MISCHA  
AUER  
IN THE NEW UNIVERSALS

# East Side of Heaven

IRENE HERVEY

Directed by *David Butler*

Original story by David  
Butler & Herbert Rossie  
Screenplay by  
William Conselman

*The whole country  
will soon be singing,  
humming, crooning  
ev. "That Sly Old  
Gentleman from  
Futherford Lane!"  
... and "East Side  
of Heaven!"*

Fire Destroys

Hub Theatre; Mgr. Injured

Boston, March 21.—Raymond McNamara, manager of the Strand, suffered severe burns of the face and hands when a fire which destroyed the building last week. Damage is estimated at \$100,000.

McNamara, armed with hand extinguisher, covered the orifice reserved of 400 patrons, who at first refused to leave although smoke and flames were visible on the stage, as the feature had only five more minutes to run.

The 70-year-old theatre had been leased by Julius Olson from Fred J. Hartwick. The Star theatre, suspended from the blaze by a 10-foot pipe, escaped damage.

Pitt's 1-Man Crime

Wave Gets 5-10 Yrs.

Pittsburgh, March 21.—Fifty-year-old one-man theatre robbery wave, 25-year-old George Piles, was last week, in Criminal court, sentenced to four to five years in the Western Penitentiary. Piles, who admitted he held up five film houses in an attempt to raise one million dollars, merely making cashiers believe he carried a gun, actually on all occasions carried no one else unarmed, merely making cashiers believe he carried a gun.

Some statement was imposed on each account, but court permitted the former film conductor to make consideration of youth's previous record. It was brought out in testimony that Piles had been hospitalized only recently from a hospital where he underwent treatment for a nervous disorder.

Piles was captured by police while staging a hold-up at Al Cinema, the picture theatre. A quick-thinking cashier stepped on an alarm button and a plainclothesman in the lobby stepped out and nabbed him.

Macfadzen's Pic Spot

At Fair to Seat 300

The Macfadzen Publications theatre in the N.Y. World's fair rapidly nearing completion, will be all-continuous and seat over 300 persons. It will present, according to Fred Prouty, Frank Albertson, the March Whites, Betty Ross Clarke, Maudy Knowlton, Patricia Grayson, and others.

Werner Crocker, for years with Warner Bros., is in charge of the Macfadzen film exhibition.

Di Frasso to Commission

Supreme Court Justice Timothy A. Leary last week ordered a commission appointed in Los Angeles to look into the depositions of Comtesse Dorothy Di Frasso.

Testimony will be taken in connection with the depositions of Comtesse Bennett against Ben Hecht and Charles McGrath, in which she alleges that she had received from them \$2,000 as a retainer to write a script for her, which they failed to do.

She is suing for the retainer plus damages for loss of time.

Fine Arts Whittles

Hollywood, March 21.—Franklyn Warner's executive staff at Fine Arts has been whittled down to four members, pending deal for a new releasing outlet.

Sam Berkovitz, executive manager of Billy Lee, has been named as the new director, as the survivors on the payroll.

Albert With 'Heroes'

Hollywood, March 21.—Eddie Albert's next job at Warner's is a featured role in "Six of Heroes."

Shooting starts as soon as Albert contracts his current commitment in "On Your Toes" with Zorina.

Advance Production Chart

(Continued from page 12) Savitsky, Joseph Marleyev, Andre Marsaudon, F. Schumann-Heink, Bull Anderson, Marek Windham, George Holloman, Charles H. Brown, Jr., etc. "THE SECOND SHOT," comedy drama; produced by Cliff Reid; directed by Cliff Reid; photographed by Roy Hunt; cast: Lucille Ball, Allan Lane, Steffi Dunne, Evelyn Brent, Donald Briggs, Bernadine Hayes, Abner Eberlin, Ben Hawley, Earl Rogers, etc.

"GIRL FROM MEXICO," comedy; produced by Robert Sisk; directed by Robert Sisk; photographed by Joseph A. Walker; original by Lionel House; photographed by Jack McClellan; cast: Luce Lupe Veyre, Donald Woods, Leon Errol, Donald MacBride, Linda Hayes, Edward Everett Horton, George E. Stone, etc.

"G-D-G," meliery; produced by Bert Gilroy; directed by David Howard; photographed by William Gray; original by Charles Fox; original by G. Austin; photographed by Harry Wild; cast: Tim Holt, Virginia Weidler, Janet Shaw, Frank Thomas, Robert E. Crane, Monte Montana, Don Brodie, Paul Harvey, etc.

"MAN ABOUT TOWN," produced by Arthur Hornblow; directed by Mark Sandrich; original screen play by Morris Ryskind; photographed by Fred Astaire; cast: Jack Benny, Dorothy Lamour, Edward Arnold, Binnie Barnes, Phil Harris, Eddie Anderson, Monty Woolley, Leonard Maltin, Herbert Ross, Clifford Severn, Cyril Thomas, etc.

"INVITATION TO HAPPINESS," produced and directed by Wesley Ruggler; screen play by Charles Slayton, based on story by Mark Jerome; photographed by Leo Cooney; cast: Irene Dunne, Fred McMurtry, Charlie Ruggler, Billy Cook, William Collier, Sr., Burr Carritt, Charles Raney, etc.

"GODS AND MEN," associate producer, William C. Thomas; directed by George Archambault; screen play by Lewis R. Foster and Wilkie C. Mahoney; based on play by Ben Hecht and Gene Fowler; photographed by William Dyer; cast: Charles Laughton, Charles Clary, Charles Gray, etc.

"THE MAGNIFICENT FRAUD," produced by Harlan Thompson; directed by Robert Florey; screen play by Gilbert Gabriel and Walter Ferris; adapted from story by Charles G. Booth; photographed by William Mellor; cast: Charles Laughton, James Stephenson, Charles Carson, etc.

"BEAT GESTE" (1939-40 release), produced and directed by William A. Wellman; photographed by Robert Stone; cast: Gary Cooper, Ray Milland, Robert Preston, Susan Hayward, J. Carroll Naam, Broderick Crawford, Brian Donlevy, etc.

"THE CASTLES," produced by George Halseth; directed by Henry Edna; cast: Fred Astaire, Ginger Rogers, Walter Brennan, Lew Fields, Patsy Kelly, etc.

"MR. AND MRS. BULLDOG DRUMMOND," meliery; associate producer, Stuart Walker; produced by James Hogan; screen play by Stuart Palmer; cast: Fred Astaire, Ginger Rogers, Walter Brennan, Lew Fields, Patsy Kelly, etc.

"ALMOST A GENTLEMAN," formerly titled "PICARAY MA," produced by Harold Shumate; photographed by J. Roy Hunt; cast: James Ellison, etc.

"SOBRIETY HOUSE," produced by Robert Sisk; directed by John Farrow; cast: Fred Astaire, Ginger Rogers, Walter Brennan, Lew Fields, Patsy Kelly, etc.

"LITTLE BIGAN," formerly titled "WHAT'S A FEELER FOP," produced by Cliff Reid; directed by Roy Hunt; cast: Lew Fields, Patsy Kelly, etc.

"LITTLE MOTHEE," drama; produced by Budie De Sylva; directed by Gordon Kellin; screen play by Norman Krasia from play by Felix Jacovitz; photographed by Robert De Grasse; cast: Ginger Rogers, David Niven, Charles Coburn, Tracy, etc.

"THE RETURN OF THE CISCO Kid," produced by Kenneth Macgowan; cast: Charles Clarke, Warner Baxter, etc.

Jr., Ernest Truex, Ned Gias, Paul Stanton, Gerald Oliver Smith, Bessie Bevan, Leon Errol, etc.

"MEAN OF CONQUEST," formerly titled "WONIS WESTWARD," produced by Sol C. Siegel; directed by George Nichols, Jr.; screen play by Wells Root, E. P. Parmore, Jr., and Jan Fortune; original story idea by Harold Shumate; photographed by Joseph A. Walker; cast: Richard Dix, Gail Patrick, John Fontaine, Edward Ellis, George Hayes, C. Henry Gordon, etc.

"ROUGH RIDER ROUNDUP," formerly titled "ROUGH RIDER PATROL," directed and produced by Joe Kane; no writing credits released; photographed by George Sherman; cast: George Raft, Richard Dix, etc.

"HEROES OF THE DESERT," produced by William Berke; directed by George Sherman; no writing credits released; photographed by William Hottel; cast: Roy Rogers, Mary Hart, Raymond Hatton, Monte Blue, Noble Johnson, William Roy, Donald Dillie, Edward Evans, etc.

"MEXICALI ROSE," produced by Harry Gray; directed by George Sherman; original screen play by Gerald Geraghty; photographed by George Sherman; cast: George Raft, Richard Dix, etc.

"UNWITTED AFTERSHOCK," produced by Harry Gray; directed by Bruce Brown; screen play by Gerald Geraghty from original by Norman Hall and Paul Franklin; photographed by Jack Marta; cast: Gene Barry, Barbara Stanwick, etc.

"THE BOUND OF THE BASEKVELLERS," associate producer, George Mark; directed by Sidney Salkow; cast: Richard Green, Basil Rathbone, Wendy Barrie, etc.

"THE HOUND OF THE BASKERVILLES," associate producer, George Mark; directed by Sidney Salkow; cast: Richard Green, Basil Rathbone, Wendy Barrie, etc.

"THE HOUSE OF WASHINGTON SQUARE," associate producer, Nunnally Johnson; directed by Roy Del Ruth; no writing credits released; photographed by Walter C. Young; cast: Tyrone Power, Alice Faye, Al Joins, etc.

"THE BIRTH OF A NATION," produced by Cecil M. De Mille; cast: Lillian Gish, etc.

"SUSANNAH OF THE MOUNTAINS," produced by Kenneth Macgowan; cast: Charles Clarke, Warner Baxter, etc.

"THE RETURN OF THE CISCO Kid," produced by Kenneth Macgowan; cast: Charles Clarke, Warner Baxter, etc.

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"THE RETURN OF THE CISCO Kid," produced by Kenneth Macgowan; cast: Charles Clarke, Warner Baxter, etc.

RKO-Radio

Table with columns: Number of Films, Number of Shows, New in Release, Balance to Be Placed, Stories in Progress, Cutting Before Preparation, Released.

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Republic

Table with columns: Number of Films, Number of Shows, New in Release, Balance to Be Placed, Stories in Progress, Cutting Before Preparation, Released.

Pictures in the cutting rooms or awaiting pre-release:

"MEAN OF CONQUEST," formerly titled "WONIS WESTWARD," produced by Sol C. Siegel; directed by George Nichols, Jr.; screen play by Wells Root, E. P. Parmore, Jr., and Jan Fortune; original story idea by Harold Shumate; photographed by Joseph A. Walker; cast: Richard Dix, Gail Patrick, John Fontaine, Edward Ellis, George Hayes, C. Henry Gordon, etc.

"ROUGH RIDER ROUNDUP," formerly titled "ROUGH RIDER PATROL," directed and produced by Joe Kane; no writing credits released; photographed by George Sherman; cast: George Raft, Richard Dix, etc.

"HEROES OF THE DESERT," produced by William Berke; directed by George Sherman; no writing credits released; photographed by William Hottel; cast: Roy Rogers, Mary Hart, Raymond Hatton, Monte Blue, Noble Johnson, William Roy, Donald Dillie, Edward Evans, etc.

"MEXICALI ROSE," produced by Harry Gray; directed by George Sherman; original screen play by Gerald Geraghty; photographed by George Sherman; cast: George Raft, Richard Dix, etc.

"UNWITTED AFTERSHOCK," produced by Harry Gray; directed by Bruce Brown; screen play by Gerald Geraghty from original by Norman Hall and Paul Franklin; photographed by Jack Marta; cast: Gene Barry, Barbara Stanwick, etc.

"THE BOUND OF THE BASEKVELLERS," associate producer, George Mark; directed by Sidney Salkow; cast: Richard Green, Basil Rathbone, Wendy Barrie, etc.

"THE HOUND OF THE BASKERVILLES," associate producer, George Mark; directed by Sidney Salkow; cast: Richard Green, Basil Rathbone, Wendy Barrie, etc.

"THE HOUSE OF WASHINGTON SQUARE," associate producer, Nunnally Johnson; directed by Roy Del Ruth; no writing credits released; photographed by Walter C. Young; cast: Tyrone Power, Alice Faye, Al Joins, etc.

"THE BIRTH OF A NATION," produced by Cecil M. De Mille; cast: Lillian Gish, etc.

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United Artists

Table with columns: Number of Films, New, Now in Release, In Release, In Release, In Release, In Release. Rows include Samuel Goldwyn, Sam Taylor, etc.

Pictures in the cutting room or awaiting previews are: 'WITHERING HEIGHTS', produced by Samuel Goldwyn; directed by William Wyler...

'CAPTAIN FURY', produced and directed by Hal Rosson; original script by Jack Jevons, Grover Jones and Mitchell Cohn...

'THE MAN IN THE IRON MASK', produced by Edward Small; directed by James Whalen; screen play by George Bruce...

Universal

Table with columns: Number of Films, New, Now in Release, In Release, In Release, In Release, In Release. Rows include Features, Serials, etc.

Pictures in the cutting rooms or awaiting previews are: 'MYSTERY OF THE WHITE MOON', formerly titled 'MURDER IN STREETS'...

'THE SIGN OF THE CROSS', produced and directed by David Butler; screen play by William Conselman...

'THE FAMOUS FLYING DUTCHMAN', produced by Max Golden; directed by Joseph Stanley...

'BIG TOWN CABARET', produced by Ken Goldsmith; directed by Arthur Lubin; screen play by Edmund L. Hartmann...

Warner

Table with columns: Number of Films, New, Now in Release, In Release, In Release, In Release, In Release. Rows include Features, Serials, etc.

'OREGON TRAIL' (1938-40 release), western, produced by Henry MacRae; directed by Ford Beebe and Saul Goodkind...

'LOVE OR MONEY', comedy, produced by Max Golden; directed by Al Rogell; screen play by Conroy Grayson...

'THE SUN NEVER SETS', romantic drama; produced and directed by Rowland V. Lee; original story by Jerry Horwin and Arthur Fitz-Richard...

Making It Public

Wilmington, Del., March 21. Indications of the increasing tendency of exhibitors to carry their battles with what they term the producer-monopolists to the public was seen here last week in a talk given by Charles Horn, Jr., operator of the Auditorium, Lakes, and the Blue Heron, Rehoboth Beach, before the Amusement Club.

U HURRIES PRODUCT; 5 IN WORK, 4 SKEEDED

Hollywood, March 21. With five features in work, Universal rolls four more two-week beginnings with 'Metropolitan' as a Crime Clubber, tomorrow (Wednesday).

First School Film Catalog Now Ready

Initial catalog of the Association of School Film Libraries, which is expected to be the central distributor for educational subjects, is due out this week.

New 'Invisible Man'

Sequel to 'The Invisible Man', made in 1933, is slated for early production at Universal under the direction of James Whale.

Morgan, Gloria Dickson, Marie Wilson, Sheila Bromberg, Ward Bond, Arthur Gardner, George Lloyd, Aldrich Bowser.

'I AM NOT AFRAID', formerly titled 'HERO FOR A DAY', produced by Sam Bischoff; directed by Lew Sellen; screen play by Michael Feister...

'THE ROARING CROWD', formerly titled 'THE ROARING BOAD', produced by Max Saveloff; written, directed and edited by Sid Hickox.

'JUBAREE', produced by Henry Blanke; directed by William Dieterle; screen play by Louis L'Amour; story by Louis L'Amour...

'CONFESSIONS OF A NAZ SPY', produced by Robert Lord; directed by Anatole Litvak; no writing credits released; photographed by Sol Polito.

'THE GREAT', produced by Bryan Foy; directed by William Dieterle; screen play by Lewis Meltzer; story by Lewis Meltzer...

'EACH DAWN I DIE', produced by David Lewis; directed by William Keighly; original by Jerome Odlum; photographed by Arthur Cronly.

'THE OLD MALL', drama; produced by Henry Blanke; directed by Edmund Goulding; screen play by Carey Loftus; from play by Z. S. Zis...

'BENTLY AGENT', melior; produced by Bryan Foy; screenplay producer, Max Miller; no writing credits released; directed by Terry Morse; photographed by Sid Hickox.

Philly Exhibits Meet to Stave Off Threat of Higher-Bracket Duels

SPOT 'CASTLES' INTO 250 DAY-N-DATERS

Going into the Music Hall, New York, April 30 on pre-release, RKO features are the 'Castles' and 'The Girl from Rio', to be finished within a month.

Derr Unblithes From Mono, Seeks New Outlet

Hollywood, March 21. Derr, is dropping its releasing hook-up with Monogram on completion of two remaining pictures due to be finished in a month.

Derr, who has released through Mono for two years, is seeking another outlet for five features to be based on the 'Secret Service Smiths' stories, written by Major R. T. M. Scott.

RKO Retics Comics

Hollywood, March 21. Edgar Kennedy and Ray Whitley are looking for more shorts for the 1939-40 contract at RKO.

SEITZ'S 'ENEMIES'

Hollywood, March 21. George Seitz gets the directing chores on 'Enemies', Louis Hubbar's first production since his return to the Metro lot.

John Cooke Bankrupt

Los Angeles, March 21. John Allen Cooke, agent, filed a bankruptcy petition in U. S. court here last week.

20C Suit Vs. Theatres

Omaha, March 21. Suit for \$20,000 damages was filed Saturday (18) at the circuit court by D. Goldberger Theatre Corp., operators of the Avenue and Arbor here, in district court here.

Skouras Puts Blame On Distrib in 'Nation' Suit

Skouras Theatres Corp. defendants in a suit against the Epoch Producing Corp. and Thomas Dixon, filed a cross suit in federal court in New York (18) against M. L. Mayer of the Trofeo Film Exchange, claiming that it was on Mayer's offer that Skouras was born.

Cinecolor's New Home

Hollywood, March 21. Cinecolor opened its new \$250,000 plant in Burbank.

Philadelphia, March 21. A mass meeting of exhibitors held at the Broadwood hotel today (Tuesday) to discuss a threat that the RKO unit will sign pledges that they will not twin A or B product.

It is known that Warner distributing more shorts for the opposition indies are using dials, which have harassing Ted Schlanger, WB operator, to sign pledges that they will not twin A or B product.

REP. PAYS \$450,000 FOR SENNETT STUDIO

Hollywood, March 21. Republic closed its deal to buy the studio it has been occupying for the last four years. Price agreed on was \$450,000.

20C Suit Vs. Theatres

Omaha, March 21. Suit for \$20,000 damages was filed Saturday (18) at the circuit court by D. Goldberger Theatre Corp., operators of the Avenue and Arbor here, in district court here.

Suit alleges the theatres are operating a parking lot adjacent to her home and Mrs. Robinson claims the cars disturb her. As a result of the alleged suit, Mrs. Robinson's health was impaired to such an extent that she lost her job and that she was unable to do any work from the city fathers, was devaluated value of her home by \$2,000.

Skouras Puts Blame On Distrib in 'Nation' Suit

Skouras Theatres Corp. defendants in a suit against the Epoch Producing Corp. and Thomas Dixon, filed a cross suit in federal court in New York (18) against M. L. Mayer of the Trofeo Film Exchange, claiming that it was on Mayer's offer that Skouras was born.

Cinecolor's New Home

Hollywood, March 21. Cinecolor opened its new \$250,000 plant in Burbank.

WATER FRONT; produced by Bryan Foy; directed by Terry Morse; no writing credits released; photographed by James Van Trees. Cast: Dennis

# CUT YOURSELF A PIECE OF CAKE!

*Read product  
announcement  
in the papers!*



DEL. SUP. COURT FINDS BANKO ILLEGAL

Wilmington, Del., March 21. A suit brought against a Delaware theatre by the Delaware State Bank Night to recover fees, resulted in the outlawing of games in theatres here last Friday.

Chief Justice Daniel J. Layton, Jr. felt it was expedient to be widespread, run virtually all houses throughout the state using games dropping them. Decision was the result of a suit brought by Affiliated Enterprises, Inc., a Colorado corporation, against the New Waller theatre in Laurel, Del. It was to recover damages for an alleged breach of license agreement whereby Affiliated, in consideration of a weekly payment of \$5, agreed to allow the defendant to make use of an advertising plan designed to promote public interest in motion pictures and known as bank night.

Grand Jury Crimps N. Y. License Dept's Drive Against Bingo

The Jewel theatre, New York, lottery case flizzed out last week when a Grand Jury failed to return an indictment against the theatre for conducting bingo. Harry G. Koeh, attorney for the Jewel theatre, operated the theatre, had the case transferred from Special to General Sessions a couple of weeks ago. It is believed to have been a trial by jury if an indictment had been brought.

GOVT ANTES UP INFO IN CHICAGO SUIT

Chicago, March 21. The Government has complied with the court order to supply a bill of particulars in its case against Balaban & Katz and seven major distributors on alleged contempt of consent decree entered against these companies in 1932. It is understood, however, that the defendants are not completely satisfied that the Government's bill of particulars fully meets the requirements set by the court. Filings have until April 3 to make an answer.

Brent, Loy, Power Top 20th-Fox 'Rams Game'

Hollywood, March 21. 20th-Fox borrows a new treatment from Warners to co-star with Myrna Loy in "The Rams Game." Tyrone Power plays the role of a native doctor. Film is one of studio's top productions for 1939-40, with costly earthquake and flood scenes. Clarence Brown directs.

TITLE CHANGES

Hollywood, March 21. "Our Leading Citizen" is latest title for an American in Paramount's 20th-Fox changes. "The Winter Comes from 'Clupt Goes to Pres' to 'Road to Fidelity.'" "Boy Friend" is release handle on "The School" to I Am Not Afraid.

FILM BOOKING CHART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of review as given in VARIETY and the running time of prints are included.)

Rev. in Var.—Revised in Variety. COPYRIGHT, 1939, BY VARIETY, INC. ALL RIGHTS RESERVED. R. T. Min.—Running Time in Minutes

Table with columns: WEEK OF RELEASE, Rev. in Var., TITLE, Co., TYPE, TALENT, R. T. Min. Rows include titles like 'THE MYSTERIOUS WEST', 'THE TRUCKER'S WIFE', 'LONE WOLF'S SPY HUNT', etc.

BANKO 'TYPES' CRIME AND JUSTICE

Madison, Wis., March 21. Circuit Judge Robert S. Cowie, of La Crosse, arraigned 10 bank night, attacked 'week-end' district attorneys Wednesday (15) as he accused them of having formed a committee in favor of the Paulson bills to prohibit giving of prizes by lot, except as drawing as an inducement to attract people to theatres, stores, taverns and auctions, and to provide for the padding of place using such methods.

Cowie said that he believed the present lottery laws covered bank nights, but that the statutes had not been enforced by prosecutors, 'who either do not understand the statutes or don't want to understand them.' The judge asserted that district attorneys and attorneys for the bank night 'practically justify' Paulson bills on the 'splitting-distinction' that persons who register, and do not buy tickets is a 'theatre' and stand outside and claim a prize if their name is drawn. Cowie contended that it is false to argue that bank night patrons do not spend money to gamble. In numerous divorce cases he complained that their wives spent all the family money attending bank nights, and that the husbands, who they boys steal money for bank night, were held.

"Wheels Form of Gambling" The "wheels" form of gambling that has ever struck Wisconsin, said the aroused jurist. "The technique is simple because of his opinion that the Paulson bills would ban bank nights a lottery, all said that bank night includes all the evils of ordinary lotteries aggravated by the appearance of innocence, and that idleness, pauperism and crime are caused by the Paulson bills. Cowie concluded that it had been threatened with bodily harm and been subjected to the indignity of banishment because of his opposition to bank night.

Senator Paulson, sponsor of the measure, said that "ragged urchins" from poor homes have sold second-hand household articles to second-hand dealers in order to get money for bank night. Paulson said that of 18,000 cards found in one police raid on a theatre, 20% were signed by persons on relief or receiving child age pensions.

Deputy Inspector Hugo Goehlen of the Milwaukee police department, who of being turned down by the district attorney and city attorney in Milwaukee when they were asked. Urging support of both Paulson bills, he reported that "bankets" were sprung in Milwaukee to the extent that if they are not curbed an impossible situation would develop.

The Paulson bills were opposed by F. Clinton McCarthy, of Milwaukee, attorney for the Bank Night Association; Karl W. Kuehn, of Milwaukee, attorney for the Standard Theatres Co., and F. J. McWilliams, Madison, operator of two theatres in Portage, Wis. McCarthy, whose association is made up of independent exhibitors, insisted that no 'contadition' be paid by a bank night registrant. He said to know why the Paulson bills and the Milwaukee police have not interfered with the Milwaukee automobile booting, which is a large prize, with 'lotteries' conducted by the Elks and Eagles clubs, and with game-winners.

STORY BUYS

Hollywood, March 21. Grand National bought "Seven Miles from Alcatraz," by Joseph R. Republic purchased "Suicide Squad" by George Clark and Prescott Chaplin. Metro acquired Desmond Holdridge's "The Headless Horseman" through the agency of "The Headless Horseman" by Bernard McConville sold his western novel, "Outlaw of Three Corners," to RKO.

*It's a real*  
**LOVE AFFAIR**

*at the box-office!*

Love at first sight in every key opening . . warmer and warmer through big week-ends . . . to

**HOLDOVERS**

**RADIO CITY MUSIC HALL . . .**

IRENE CHARLES  
**DUNNE-BOYER**  
 in  
**"LOVE AFFAIR"**  
 Produced and Directed by  
**LEO McCAREY**  
 with MARIA OUSPENSKAYA • LEE BOWMAN  
 ASTRID ALLWYN • MAURICE MOSCOVICH  
 SCREEN PLAY BY DELMER DAYZ AND DONALD ODEN STEWART



**AND EVERYWHERE**

# Lefty Bounces Out of Coolcares For N. V., with Detours by Abner

By Joe Lauris, Jr.

En route to N. Y., March 21.

Dear Joe: Well, we left Coolcares Wednesday and we've been rolling along in the old jalopy ever since. You never know how old your car is until you take a long trip. We weren't gone 300 miles when a smart seaman in a filling station sold me spare parts for a fan belt and a tire. He said he was doing things, and practically said we'd be stuck in the desert if we didn't get those things. It's free advertising. Maybe the picture business needs a guy that sells automobiles.

We haven't covered much ground because Abner, Aggie's know-it-all brother, wanted to point out the different points of interest to Aggie and me. I tell you that guy has more useless information in his suit than any one I've ever met. We have been looking at places where somebody started something and where the first stagecoach stopped for passengers, and all all kinds of chat and got out of our way to do it. And when I see, so what's the difference, if somebody killed 100 Indians here and this was the first place a train was run? Abner sez I don't have any sense of tradition; that all I want to talk of is show business. So I said I want to talk about something I know, and I've been traveling all my life and heard guys talking in smokers and in hotel lobbies and poolrooms, and everybody likes to talk about his own business because they feel they know something about it whereas if they talked about something else they would be showed up as ignorant. Which most of us are outside of our own business, but Abner is different. He has no business of his own, so he knows everybody else. He is one of those guys that asks you a question, answers it and then sez you're wrong.

We've been stopping in tourist cabins and I want to tell you that is some business. It's got a lot of hotels beat a mile, and cheap too. Aggie is now got a hankering to go into the moto-hotel business. She sez one meets so many different kinds of people from all over the country. So I sez, you meet all kinds of people at our picture theatres in Coolcares and she sez, 'Yeh, but they come out and kick, whereas these people that hire cabins for the night have to leave early in the mornings and you never see them again.'

### William Powell Yuma's Favorite

We stopped off in Yuma, Arizona, and I ran in to have a chat with F. E. Kellie, who runs the Yuma theatre for Fox, a nice house and a nice guy. He tells me that William Powell is the town's favorite screen actor and that 'Alexander's Ragtime Band' did the biggest business for him. There were wags in Tucson, Arizona, which is a swell town and has plenty of life in it. Me and Aggie played there twenty-five years ago. I dropped a one-night stand and it took us 45 days to get out of town. I stopped in to see Nick Kalls who runs an indie in Eliza and doing a nice job of it, too. He has a trade like mine, they go for horse opera. Saturdays he plays Spanish pictures and cleans up. He has a kid as an assistant manager by the name of John Georgenses and he is as bright as a dollar. He likes the picture business. Well, that's yourth for you. I also dropped in to see H. Dunn, a Milwaukee guy who used to be with carneys and now is running the Tucson for Paramount. He is getting our letter about Jimmy Duffy going Uprated. Sure I want to hear it because if there ever was a guy that had talent, it was Jimmy. He was 10 years ahead of the times when he did the Duffy and Sweeney act in vaudeville. When he was with his folks, Duffy, Gavrelle and Duffy, he had plenty of talent, and he was on the way to being the best juvenile in the country when he teamed up with Mercedes Lorenze. He looked great, gang, danced and was funny. He also did write a real combination, but like I always say to Aggie, a guy is born and has a hand dealt to him and he's got to play it according to the cards he has, unless you cheat, and Duffy never was a cheat. The only trouble with Jimmy was that he had a lot of chips in the pot and never took any out. He was willing to be paid off in laughs. He sure gave people plenty of laughs; he was an actor's actor. The gang that he teamed up with the classic he pulled when he and Sweeney laid on the stage where they were doing their act and Duffy turned to the audience and sez, 'I don't know of any way of doing it easier than the old phone line.'

Best to the gang. Well, be seeing you soon in New York unless this Abner guy finds more spots of disinterest to show us. I wouldn't be a bit surprised if he dug up a place that has a rosin board. SEZ.

Your Pal, LEFFY.

P. S. GREGORY RATOFF SEZ: It is strange that a man that knows exactly how to run the picture business is always engaged in some other kind of business.

## 'BELL' TO RING DAY AND DATE IN 15 KEYS BLANK EYES PAR HOUSES IN LINCOLN

A total of around 15 day-and-date openings of The Story of Alexander Graham Bell are being arranged by 20th-Fox to follow two special previews April 22, one in Washington, the other at the World's Fair in San Francisco. Key openings will be April 14, one week ahead of national release.

The preview in Washington, April 22 we under the auspices of the National Geographic Society, of which Alexander Graham Bell was a past president, while at the San Frisco Fair, April 29 will be designated as '20th Century-Fox Day.'

Lincoln, March 21. Word got around again here this week that A. H. Blank is considering extending his picture business partnership into this situation, if in any way the Par-J. H. Cooper dealings four-Blaids were not a hindrance. Getting a look at the Stuart and Nebraska (formerly Orpheum) properties, presently managed by G. Ralph Branton, the Tri-States general manager, Danour. He is getting a States maintenance head, both of Des Moines, and Evert Cummings, his district manager.

Blank's Tri-States string is already in Omaha, Grand Island, Hastings and Fairbury in Nebraska.

Meantime, the whole staff went on to Hastings for a survey of the Tri-States property there, including, besides the Bell, the old Alexander hotel. Letter is being renovated and will be leased to the Carter Hotel Co.

### Plenty Belltraches

St. Louis, March 21. A small epidemic of ptomaine poisoning hit Film Row during the past several weeks and laid low half-a-dozen men. Nona were seriously affected, although medical attention was needed.

Among those taken ill were Hal Walsh, manager for WB; Russell Morrison, Jack Kincaid, manager of Universal; Florence Pate, of 20th-Fox; Clift Butz, film delivery operator and Bernard Tamborini, an exhibitor of Lebanon and Bress, Ill.

Hollywood, March 21. Coronado signed David O'Brien for the male lead opposite Judith Allen in two cowgirl westerns, 'Covered Trails' and 'Stagecoach' Western.

The pictures are for Grand National release.

## STILL BUILDING OUT WEST; 300G CA. HOUSE

Los Angeles, March 21. Pacific Coast Theatres took 15-year leases on 750-seat picture house being built by George Page in Torrance. Building will be ready in about six weeks.

George Bromley and Alce Mounce break ground this week for a new 800-seat house. They recently sold their Victoria theatre to J. Byron Cunningham after 11 years of operation.

300 G Augusta House  
Augusta, Ga., March 21. Frank J. Miller, associated with Lucas & Jenkins, Inc., in operation of five local houses, has let a contract for the erection of a 1,150-seat House will cost \$300,000.

New Ohio House  
Minerva, O., March 21. Construction of picture theatre is to be started here within 30 days by the Manor Amuse. Co. of Toronto. Plans call for a two-story building and a seating capacity of 900.

F-WC Boys One  
Los Angeles, March 21. Fox-West Coast acquired the Belmont Stores theatre in Long Beach, from William Woodworth, who recently inherited \$300,000 and retired from show business.

House is an 450-seater.

## Kinsler Heads WB Cincy Branch; U Switches Exchange Managers

Cincinnati, March 21. Ralph Kinsler, former district manager for Grand National, joined Warner Bros. as local branch manager. He succeeds Al Simulben, who held the post for six years and has been transferred to the same capacity for WB in San Francisco.

Kaufman to Clevel.  
Pittsburgh, May 21. Transfer of Joe Kaufman, manager of the Universal exchange here for last three years, to the Cleveland office has just been set. He takes over his new duties there April 3. Kaufman succeeds Joe Engel, who goes to Albany, replacing Jerry Leary, taking a leave of absence on account of ill health.

Jules Lapidus has been named to take over the local U office. He's been with Grand National since 1928, more recently as a district manager, and before that with Metro here.

Groom Gets Third House  
Charlotte, N. C., March 21. A. E. Groom, operator of the State and Moor theatres in Mooreville, leased the Carolina there from B. A. Troutman and took immediate charge.

At the same time the Carolina was opened under its new management, Groom closed the Moor, stating he

would concentrate his efforts on the State and Carolina.

Coast Mgrs. Shift Around  
Los Angeles, March 21. George Kane, assistant manager of the Fox California theatre, was named manager of the Inglewood, succeeding Earle Peterson, transferred to manage the Fox Ritz in Great Falls, Mont.

Leo Hirschon moved in as manager of the Forum, replacing Joe Kelly, transferred to the northwest.

Jack Edwards was shifted from management of Fox-West Coast's Judith, Lewistown, Mont., to Rialto, in Butte, replacing Nat Blank, resigned. Joe Kelly, manager of Warners Forum, was shifted to management of the Aberdeen in Aberdeen, Wash.

Robert E. Armistead, former publicity-advertising head for the Jensen-Von Herberg circuit in Seattle, moved to the West-State circuit in Springfield, O., in a similar capacity.

New Dress  
Columbus, March 21. Southland theatre here is dark for extensive modernization.

Improvements will include new seats, new screen, complete redecoration and new acoustical treatment. Floor is being changed to give better vibration.

# Built for Continuing Research at ERPI



... to assure ever-finer entertainment in your theatre

Since the introduction of sound in motion pictures, ERPI and Bell Telephone Laboratories—which developed the first practical apparatus—have pioneered in sound recording and reproduction research.

These developments have been made available to the industry in Western Electric Sound Systems—used by leading producers and thousands of theatres throughout the world.

In introducing sound pictures, ERPI accepted a definite responsibility to the industry. Now, ERPI reaffirms its acceptance of that responsibility.

Conscious that the future progress and prosperity of the industry depend upon continued improvement of sound pictures through research, ERPI—backed by Bell Telephone Laboratories—will continue to devote its efforts to meeting the problems of today and anticipating and solving those of tomorrow.

**Electrical Research Products Inc.**

A SUBSIDIARY OF  
**Western Electric**

The Projection Room at ERPI, Inc. Hollywood, California. A room and a problem are indicated in a word and under actual working conditions.

Film Reviews

Home on the Prairie

(Continued from page 20)

plenty. It should get average AUDIENCE... Home on the Prairie... tells a story and manages to be entertaining.

Concentration Camp

(HUBSALIN MADE)

A British production... Concentration Camp... tells a story and manages to be entertaining.

NOIX DE COCO

(FRENCH-MADE)

A. E. C. release of A. J. S. Technicolor... NOIX DE COCO... tells a story and manages to be entertaining.

FLYING G-MEN

(SERIAL)

Columbia production and release... FLYING G-MEN... tells a story and manages to be entertaining.

LE S'LEVA BLANCHE

(FRENCH-MADE)

Distributors American... LE S'LEVA BLANCHE... tells a story and manages to be entertaining.

PORTLAND

(Continued from page 10)

and "Wharf" (RKO), which... PORTLAND... tells a story and manages to be entertaining.

BURNS PREM

SOCK 10 1/2 G, K.C.

New Bob Burns picture... BURNS PREM... tells a story and manages to be entertaining.

BROOKLYN

(Continued from page 9)

the Fox. Fitzhugh reached with pic... BROOKLYN... tells a story and manages to be entertaining.

SEATTLE

(Continued from page 9)

Ring "M-G" and "Four Girls" (M-G)... SEATTLE... tells a story and manages to be entertaining.

SEATTLE

(Continued from page 9)

Ring "M-G" and "Four Girls" (M-G)... SEATTLE... tells a story and manages to be entertaining.

'HONEST MAN'

11 1/2 G, OMAHA PERKY

Omaha, March 21... 'HONEST MAN'... tells a story and manages to be entertaining.

'MIDNIGHT 86, AFFAIR'

\$10,000, 'TOPPER' 10 1/2 G, PACING FORTE DENVER

Denver, March 21... 'MIDNIGHT 86, AFFAIR'... tells a story and manages to be entertaining.

New York Theatres

THERE'S A BETTER SHOW AT THE... PARAMOUNT THREE... BO BURNS... 'MOM FROM MISSOURI'...

"3 SMART GIRLS"

GROW UP... UNITS... RIVOLI Broadway... "ICE FOLLIES OF 1939"...

PORTLAND

(Continued from page 10)... "Wharf" (RKO), which... PORTLAND... tells a story and manages to be entertaining.

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(Continued from page 9)... the Fox. Fitzhugh reached with pic... BROOKLYN... tells a story and manages to be entertaining.

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(Continued from page 9)... Ring "M-G" and "Four Girls" (M-G)... SEATTLE... tells a story and manages to be entertaining.

'HONEST MAN'

11 1/2 G, OMAHA PERKY... Omaha, March 21... 'HONEST MAN'... tells a story and manages to be entertaining.

PARAMOUNT THREE... BO BURNS... 'MOM FROM MISSOURI'... Spectacular Stage Productions

Capitol... "ICE FOLLIES OF 1939"... WALLACE BERRY... UNITS... RIVOLI Broadway

PORTLAND... (Continued from page 10)... "Wharf" (RKO), which... PORTLAND... tells a story and manages to be entertaining.

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MUSIC HALL... HELD OVER... 'LOVE AFFAIR'... Spectacular Stage Productions

Capitol... "ICE FOLLIES OF 1939"... WALLACE BERRY... UNITS... RIVOLI Broadway

PORTLAND... (Continued from page 10)... "Wharf" (RKO), which... PORTLAND... tells a story and manages to be entertaining.

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'HONEST MAN'... 11 1/2 G, OMAHA PERKY... Omaha, March 21... 'HONEST MAN'... tells a story and manages to be entertaining.

**POLICY...** Twenty years ago, an idea was born. Because they believed that quality entertainment could be achieved only when the producers were permitted to make pictures the way they wanted to make them, Mary Pickford, Charles Chaplin, Douglas Fairbanks and D.W. Griffith formed United Artists Corporation.

The soundness of their belief attracted Samuel Goldwyn, Alexander Korda, David O. Selznick, Walter Wanger, Edward Small and Hal Roach. Today we are about to celebrate **UNITED ARTISTS' 20 GOLDEN YEARS** with . . .

# \$10,000,000 WORTH OF OUR WHEN EXHIBITORS

READY



Carole **LOMBARD** James **STEWART**

## Made for Each Other

Produced by **DAVID O. SELZNICK**  
Directed by John Cromwell • Screen play by Jo Swerling  
Presented by Selznick International



Smash hold-over at Radio City Music Hall. Top grosser at every subsequent opening. Life Magazine says:

"Evokes such thrilling drama that it may well point the way to a saner, more human kind of Hollywood art."

READY

The industry is cheering its "Stella Dallas" appeal. "Clicks as thriller and heart-tugger," says Hollywood Reporter.

EDWARD SMALL presents **ADOLPHE MENJOU** in  
**KING OF THE TURF**  
with **DOLORES COSTELLO** • **ROGER DANIEL** • **ALAN DINEHART**  
**WALTER ABEL** • **HAROLD HUBER** • **WILLIAM DEMAREST**  
Screen Play by GEORGE BRUCE • Directed by ALFRED E. GREEN • Produced by Edward Small Productions, Inc.



READY



"A powerful answer to the prayer of exhibitors."

—W. G. Van Schmus, Radio City Music Hall

"One of the year's important films."

—Joseph Vogel, Lorain Theatres

"Should run until the horses die of old-age and all four wheels fall off the coach!"

—F. J. O'Connor, RKO Theatres

WALTER WANGER presents

# STAGECOACH

DIRECTED BY **JOHN FORD**  
DIRECTOR OF "HUMANIMITY"  
AND "THE INFORMER"

with **CLAIRE TREVOR** • **JOHN WAYNE**  
**ANDY DEVINE** • **JOHN CARRADINE** • **THOMAS MITCHELL** • **LOUISE PLATT**  
**GEORGE BANACROFT** • **RONALD MEER** • **BERTON CHURCHILL** • **TIM HOLY**



# STANDING ENTERTAINMENT NEED IT MOST...

READY



Alexander Korda presents  
**CORINNE LUCHAIRE**

## **PRISON without BARS**

with **EDNA BEST • BARRY BARNES**  
**Mary Morris • Lorraine Clewes • Sally Wisler**  
Directed by **BRIAN HURST**, Associate Producer **IRVING ASHER**

Violent... startling... bringing to your mar-  
quee *The Dead End Girls*... a great ticket-  
selling angle. Four blazing performances  
from new Korda discoveries, headed by  
Corinne Luchaire who's blond dynamite!



READY APR. 7



**"SUPERB!"** says Alexander Woollcott, famous  
radio and literary personality.

SAMUEL GOLDWYN presents  
**WUTHERING HEIGHTS**

co-starring  
**MERLE OBERON • LAURENCE OLIVIER • DAVID NIVEN**  
with  
**FLORA ROBSON • DONALD CRISP • GERALDINE FITZGERALD**  
Screenplay by **BEN HECHT** and **CHARLES McARTHUR** • Directed by **WM. WYLER**  
From the great novel by Emily Bronte

READY APR. 21

Who is *Zenobia*? A deep, hilarious mystery on which  
to build your most intriguing exploitation campaign.

HAL ROACH presents  
**ZENOPIA**

with  
**OLIVER HARDY • HARRY LANGDON**  
**BILLIE BURKE • ALICE BRADY**  
**JAMES ELLISON • JEAN PARKER • JUNE LANG**  
**STEPIN FETCHIT**, "Hall Johnson" Chorus



Directed by **GORDON DOUGLAS**

...AND MORE

READY MAY 7



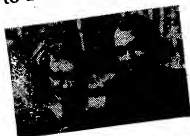
HAL ROACH presents  
BRIAN VICTOR  
**AHERNE • McLAGLEN • LANG**

JUNE

# CAPTAIN FURY

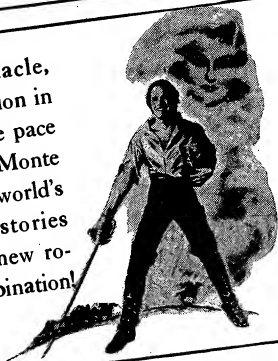
with Paul LUKAS • John CARRADINE  
Virginia FIELD • Douglas DUMBRILLE  
Personally Directed by HAL ROACH

The reckless exploits,  
the romantic love-  
making of Australia's  
famous Robin Hood  
... who led a daring  
revolt to bring peace  
to a savage continent!



READY MAY 28

Eye-filling spectacle,  
swashbuckling action in  
the swift box-office pace  
of "The Count of Monte  
Cristo". One of the world's  
truly immortal stories  
.. played by a new ro-  
mantic star combination!



EDWARD SMALL presents ALEXANDER DUMAS'

# THE MAN IN THE IRON MASK

starring

JOAN BENNETT • LOUIS HAYWARD  
with WARREN WILLIAM • ALAN HALE  
JOSEPH SCHILDKRAUT • Directed by JAMES WHALE

READY SOON



Never such a picture! Every thrill the screen can hold  
crowded into 7,200 seconds of flesh-and-blood excite-  
ment. Breathless adventure in authentic locales... all in  
vibrantly living Technicolor!

ALEXANDER KORDA presents

# FOUR FEATHERS

Directed by ZOLTAN KORDA with RALPH RICHARDSON • C. AUDREY SMITH  
JOHN CLEMENTS • JUNE DUPREZ • Adapted by R. C. Sherriff from the novel by A. E. W. Mason

READY NOW . . . THESE NINE GREAT  
ATTRACTIVE . . . CLIMAXING TWENTY  
YEARS OF PROUD U. A. ACHIEVEMENT!



# 'LITTLE' HITS

## Ford Concerts Ending; Shift In Several Major Program Time Spots

Several major accounts will shift either networks or spots this summer. Campbell Soup wants to move Orson Welles from Friday night (9-10 p.m.) to the like segment now occupied by Ford Sunday nights. If this switch goes through, Maxwell House coffee will quit the NBC red (WEAF) link (Thurs., 9-10 p.m.) for Campbell's present niche on Columbia. General Foods would retain the Thursday hour but use it for the runoff of two half-hour shows, with one of them the "We the People" stanzas, now on CBS, and the other probably the Joe E. Brown show.

The exchange would lessen General Foods' present discount allowances in either case. Entry of Campbell into the Sunday niche also indicates that Ford doesn't plan to continue next fall with its symphonic season. Latter had held the same spot for five consecutive seasons.

## Frankie Frisch Succeeds Fred Hoy, Local Face Who Wanted Coin Boost

Boston, March 21. Frankie Frisch, former manager of St. Louis Cardinals, will handle the play-by-play descriptions of the home games of the two Boston major league teams this year. Atlantic Refining Co. will sponsor the broadcasts which will be aired every day while the teams are in town. No sponsor has been signed as yet for the alternate days, and two-nightly sports round-up broadcasts by Frisch, Thursdays and Saturdays during the season. Blackstone Cigars will sponsor these.

The announcement was from page news here because of the popularity of Fred Hoy, whom Frisch succeeded. Hoy has been broadcasting sports in this town for 13 years, and had plenty of backing from the local sportswriters. A rumor was that he was on his way out two years ago brought out a bombardment of protests from the scribers, and Hoy continued at the mike.

John Shepard, 3rd, said he wired Frisch March 12, and signed him a salary raise, which the Colonial net figured unjustified. Shepard said. Reported salary for Frisch is \$20,000.

## DANCE FOLLOWS RADIO SHOW AND POPULAR

Cincinnati, March 21. Stunt of following up on radio shows with a dance party for spectators, tried out Friday (17) by WLW's Buck County Jambores troupe. Reception here and also in outlying areas was played by the same troupe, according to George Biggar, director of Crosley's radio programs.

On the nature of a forced issue. Occupancy of Music Hall's main auditorium by the Ballet Russe de Monte Carlo, the north wing by a roller derby and the south wing by a dog show, complicated transfer of the weekly Zone County Jambores to the upstairs Topper ballroom, Cincinnati's biggest dance. After the show, the spot of which is aired by WLW, temporary chairs were cleared and the 1200 patrons were permitted to remain for dancing (split rural) and modern.

## Butler, Jr., Breaking In

Ralph Starr Butler, Jr., son of General Foods' No. 1 man on advertising, promotion and merchandising, is in the radio department of Young & Rubicam.

He's assisting on time and talent buying details.

### What to Expect

Two giddy gals were being ushered through Radio City on the regular NBC tour. At the conclusion, one asked:

"Really, will all this be torn down after the World's Fair?"

## WM. MORRIS TALKS DEAL WITH WLW

Deal is in negotiation for a talent tie-up between the William Morris office and the Cincinnati stations, WLW and WSA-W. William Morris, of the Morris office, is to close in Cincinnati about a week to look the contract.

Stanzione will serve as show-window for programs and talent, handled by Morris, which in turn would act as writing and selling reps of WLW-WSA programs in the commercial and personal appearance field.

## Straight Through Heat For 'We, the People' But Changes Program

"We, the People" (CBS) will remain on the air through the coming summer, with the plugged product shifting from Sanka coffee to Jell-O choodle pudding around the middle of the season.

It will be the first time in its three-year existence that the program hasn't been given a vacation.

## SEEDS AGENCY GETS MORE B&W TOBACCO

Chicago, March 21. Brown & Williamson tobacco company goes on a coast-to-coast ride over the NBC red web starting May 2 with a program tagged "Uncle Dan's Doghouse" for Raleigh tobacco.

Show has been on WLW, Cincinnati, for a local test on Big Ben pipe tobacco. Set through the local Russell M. Everett agency.

This represents the acquisition of another link of the B-W account by Freeman Keyes, who has been steadily siphoning off pieces of the B-W advertising business, including Big Ben, Uncle Dan's cigarettes and Big Ben.

New show will continue to originate at WLW on a 30-minute gallop, 11:30 p.m. eastern time.

## Vick Passes Seth Parker

Whik Chemical is not picking up the option it has on Seth Parker's (Phillips Lord) services for next season.

It had received the a.k. character last fall for Vick and is due to put it back in camphor next month.

## Bob Hope's Loafing Spell

Hollywood, March 21. Bob Hope drops off the air June 20 for a quarterly reprieve.

Peppod will likely retain its half-hour spot on the NBC red (WEAF) link Tuesday nights. Lord & Thomas, agency on the account, is scouting around for a program to replace.

Agency at first had considered replacing Bob Hope with Milton Berle during the former's 11-week vacation, but later decided that it wouldn't be good policy to pit one comic against another.

## USE TO SHAKE TALENT CHISELERS STILL AT IT—Have Discovered That Threat to Make Advertisers Party to Action Embarrasses Everybody

### LOTS OF NERVE

"Out us in or we'll sue the sponsor and spoil the deal." This is the blunt gist of what chiseling agents have been pulling on radio talent with increasing frequency in New York the last several seasons. It amounts to collecting a booking commission without performing any actual service, or being in any way responsible for the closing of a contract. This bare-faced tactic is in a report in connection with pending deals for summer substitute programs.

What the shake-down agent relies upon is (a) the average sponsor's lack of harassment, (b) the average threat of involvement in talent litigation (c) the talent's eagerness to overbook. They play to the agent's greed, rather than risk a nuisance injunction, or other forms of harassment.

Most of the shady gents who try this sort of thing don't hang around long. They rapidly become poison to everybody. One agent, for example, was once able to extract their weekly graft for the life of a contract. This he did by using the "to close" they know, and exploit, the panic that grips businessmen when plagiarizing, embezzlement, ownership feuds or other forms of theatrical actions at law bob up during negotiations. Cunning tricks to make the sponsor a party to the suit (with or without publicity). It is simply necessary to serve up to an inexperienced radio advertiser to throw the board of directors into an uproar. The embarrasment, and ugly suspicions that follow are more than likely to chill any pending deal of which the chiseler has gotten wind.

### Agent's Intimidation?

Of course the agent always proceeds to have "introduced" two people who later met two other people and started the deal. The link may be vague, but with plenty of nerve and no conscience the chiseler makes the most of it. When the client refuses to acknowledge his "debt" and sign a paper guaranteeing cash payments, the chiseler signs an injured air and threatens to sue the advertising agency and sponsor as "conspiring" to cheat the cheater. This approach is made to the talent primarily. Orchestra readers are the easiest to fool. He on, but any radio personality getting \$1,000, or better, a broadcast may be getting especially if he has gotten the program that's involved.

One of the most notorious cases involved a local personality who first heard of a probable contract through a tip from a disinterested friend. This was a week or more before three other chiz gents turned up, one by one, to claim, each in turn, that the contract belonged to them. Efforts and good will and could be killed by their ill will. Radio star got 100, 5% and 2% of each agent getting less as he applied the pressure. The unwarranted 17% chiz was the one who was the sponsor's profit and loss. The personality only took the radio account because it would help obtain better bookings at better prices.

What makes the whole routine of talent deals in radio so invidious is that there are legitimate and injured parties. These legitimate cases seldom obtain any redress because, unlike the shake-down gents, they won't stoop to the methods of the latter. They merely grumble and write a few letters and get no place.

## 36 Hillbillies Into Cincy Local At Special Union Scale of \$40 Weekly; Important Radio Move

### Times Change

A grating talent booker of the glad-days of early network radio once pocketed an illicit \$14,000 in a single year from a radio personality. Last week the grater, now washed up, tried to borrow \$10 from the same radio personality.

"You got enough from me," was the unemphatic turn-down.

### Cincinnati, March 21.

A scale for hillbilly musicians, newly admitted to Cincy local No. 1, American Federation of Musicians is being presided over by Oscar F. Hill, president of the union, and managers of radio stations here. Agreement is planned to become effective April 1, according to Hill. Weekly salary proposed by the union is \$40, which is three-fourths of the minimum pay for regular musicians. Maximum wage for latter group is \$85. Variance of the regular scale is based on the amount of each station's annual revenue.

## STAR PARTS FOR AMECHE OFTEN COMPLICATE

Because Don Ameche's contract with Chase & Sanborn calls for him to have the biggest male part in any dramatic sketches on the Sunday night program, considerable difficulty ensued over preparation for Maurice Evans' appearance on the show last Sunday night (19). Unhappily, an actor who is currently starring in "Henry IV" at the St. James, N. Y., wanted to do scenes from "Hamlet" another of his noted portrayals, but the agency men pointed out the Ameche contract would make that difficult to arrange. At this point a wa suggested that Evans play Polonius in the Closet Scene, in which he'd behind a curtain and his only line a groan when Hamlet slabs him. Evans finally read portions of his "Richard II," with Ameche playing Bolingbroke.

Previous week's stanza included a bribe from "Victoria Regina," by Helen Hayes, Vincent Price, who created the role of Prince Albert on Broadway, played the bride's Grand, while Ameche did the Albert part.

At present there are 36 hillbilly outfit, fiddle, banjo and harmonica players employed by the five Cincy stations. Most of them have been recruited here from the uncomtemplated figure. Under the new set-up, however, there would be less working hours, including time on the air and rehearsal.

Changed plan will bar the gates to thousands hoodlum mutters whose custom it has been to broadcast for a fan build-up and announcements of their personal appearance dates at theaters, auditoriums and schools in primary areas, without expecting pay from stations using them.

## WLW TO FILE POWER APPEAL

Cincinnati, March 21. Jim Shouse, general manager of Crosley's broadcasting division, stated Monday (20) that WLW will begin legal steps early this week for restoration of super power. Duke Craig, the firm's chief Washington contact, was instructed to file papers in the Federal District Court of Appeals at his end.

Decision for immediate action was reached over the week-end by Powell Crosley, Jr., president, and Charles Sawyer, head of his general counsel, at a powwow in Florida, where Crosley has been watching his Cincy Reds in training.

## Camel Summer Sub Up

Eddie Cantor starts on his 13-week vacation from Camel after the June 15 broadcast. Quasi of Benny Goodman continuing for the same amount is due to come up the middle of next month (April). Goodman's contract runs out at about the same time.

The reports from Goodman headquarters are that the bandman


## AFRA Signs Don Lee

Los Angeles, March 21. American Federation of Radio Artists last week signed a sustaining contract with the Don Lee network. Pact is the same as that already in effect with NBC, CBS and Mutual.

1939-40

**VARIETY**

**RADIO DIRECTORY**



**NOW IN EDITORIAL AND ADVERTISING PREPARATION**

# 'OPEN HOUSE' AT RADIO STATIONS WILL ATtract 100 LEADERS BY NETWORKS

## Between 1935 and '37; SINKING WILL

### Big Splash to Start Combined Station-Retailer Campaign to Preserve 'American Way' of Radio Through Sponsored Entertainment

Washington, March 21.—Radio's campaign to set the idea of freedom from Federal direction as well as to attract business, moves into high gear next month with broadcasters, set makers and dealers due to join hands in the first direct appeal to the listener via the microphone. To date, the educational matter only has been emphasized.

In trying to pioneer a new form of showmanship, joint committees from the National Association of Broadcasters and Radio Merchants Association has mapped out a plan which goes into all 48 branches of the industry within a few days. Chief feature is scheme for both transcribed and live talent broadcasts boosting public appreciation of the 'American system' and the quality of entertainment by stations and networks.

Radio open house throughout the nation is carried out in a series of April 17, with operators being requested to arrange special demonstrations and attractions which will pull the dial-twisters into the studio for a hypo of propaganda. By improving the average listener's knowledge in most cases is a voter—with the benefits and advantages flowing from private ownership of radio and the two trade bodies hope to recruit valuable support for their efforts to resist onerous degrees of government regulation as well as possible government confiscation of broadcasting.

In advance of the open house performance, NAB-RMA will have a proposition station proprietors and retailers to huddle for mutual benefit and discussing radio in general technique. Broadcasters will invite dealers to hear recorded dramatizations of the use of radio in direct point of public, dealers, stations and sponsors. Messages from Neville Miller NAB president and Wella, RMA head, will be included.

#### Sustaining Series

Big push consists of special sustaining shows over the three national nets, backed up by local station features, plugging radio in general. Nets have featured NAB they are set to go with talent dramatizations. World Broadcasting network currently is turning out discs, tagged "18 hours a day," for non-network radio. Other networks are expected to turn out similar patterns. Stations will get the records for local or out of stock.

Besides this general missionary work, NAB-RMA braintrusts are encouraging broadcasters to copy methods of the press and point with pride to individual accomplishments. Linked to the theme is "this has been possible because of freedom under the American system, station and network." NAB-RMA was suggested as accompaniment to national spot-coverage program—domestic and imported. By tactful mixing the planners felt some might be sandwiches with station and network identifications.

#### 55,000 Retailers

Assistance of the radio in being solicited. The estimated 55,000 retailers are asked to placard the open house, so that the dealer will be lured by window displays even in case they do not change to the new plan to provide a window antenna. No paid space will be bought, but the leading manufacturer plan to make window displays of blue in their own advertising copy.

To keep the industry on its toes, NAB contemplated maintaining a clearing house with promotion ideas, Exchange sheet with weekly trade association members with novel ideas conceived by station and family. Similar to VAUX's showmanship page. Additional promotion schemes are currently under discussion, with the two radio groups figuring on enlisting aid of other radio groups—which have a direct monetary interest in radio or otherwise come into direct contact with the radio—ing—to broaden the get-acquainted campaign. Booklet summarizing the plan to be perfected in a new supplement by set of news-letter rounding out the showmanship exchange.

### MUST BE UP IN LINES

Joe Lewis Has Theory About Menacing Dialog

Philadelphia, March 21.—New radio technique is being used by radio division of the Federal Theatre Project here. It's the creation of Joe Lewis, recently placed in charge of the new radio division. Lewis, on shows he produces, demands the actors memorize their lines instead of reading them, uses a spotlight in the studio, employs a floating mike, and has sound effects produced by the actor himself.

Another line is imported, says Lewis, because the actor "cannot give free use of the psychic, subconscious, creative apparatus if he must use his conscious mind only." Spotlights are used to increase concentration and to avoid distraction while the travelling, non-directional mike, attached to a 10-foot pole, allows better view-a-via by the actor.

### Piracy Via Recording Would Be Felony In Proposed N.Y. Statute

Albany, March 21.—The unauthorized recording, for profit, of any broadcasting emanating from a station in New York State, the offer for sale, lease or license of such recording, or the possession for the purpose of sale, lease or license of the waxing, waxes or discs of such recording, is a bill introduced by Senator Charles D. Perry, Manhattan Democrat. Making such offense a felony is believed an effective way of checking pirating. However, the measure hardly would be a deterrent because this session because the effective date is set at Sept. 1. The Perry bill provides that "any person" recording a broadcast "without the consent in writing of the person or persons broadcasting the same," offering it for sale, etc., is guilty of larceny. Also that "recording any recording made in violation of this section may be seized on a warrant issued as provided by the code of criminal procedure and the court and any judge or justice thereof may, on proper cause shown, order the destruction of such records."

### LEW PARKER OF VAUDE GETS SHOE ACCOUNT

Lew Parker, comedian who pitched up the vaude routine of Bob Hope when the latter went into pictures, returns to New York on the Strand Yettelick Show on WABC, N. Y., March 22. Show is strictly local, but Parker originally audited for the spot he's taking.

Two other aforementioned vaude acts are trading with you on the Loew's State, N. Y., tomorrow (22).

Gulburt Gibbons to NBC Chicago, March 21.

Gulburt Gibbons, formerly radio announcer in Los Angeles, has joined the NBC production staff here.

Groupings upward of Lloyd Harris to assistant chiefman of staff.

### Advertising as Such, Sold by RCA

Presumably typical, the turnover of a campaign to make listeners conscious of what it is that they believe that go with the American way of broadcasting is the following announcement inserted in last Sunday's (19) RCA Magic Key program: "In this Magic Key program we are trading with you on the honorarium entertainment in return for a few minutes of your undivided attention to what we have to offer you the products and services which RCA has to sell. This is the way with all the important advertising programs to you over this network of stations—hours of entertainment in return for what we have to sell." A national announcement. The attention you give to these announcements is the maintenance of the American system of broadcasting.

### May Broadcast Phil Baker Program from Honolulu For Dole Pineapple

Eddie DeLange is being recruited by Harry Salter on the Dole show on CBS Saturday nights. Changes also the Dole for a week and slugs spot of the program.

Phil Baker and the rest of the cast may have to shift their point of origin to Honolulu this summer. Comic's contract stipulates that he can be called on to broadcast from the island for four weeks.

### Hinds Honey & Almond Due for Fall Return

Hinds Honey & Almond Cream is scheduled to return to a network late in the fall. The Almond Cream agency is meanwhile lining up a group of programs to submit to bidders.

Expected that Lehn & Fink will be made by May 1 on both the show and the network.

### Tony Stanford Must Ret

Hollywood, March 21.—Tony Stanford has been forced off KTLV circuit by production fatigue.

Stanford is in the Charles Chase & Sanborn show is east.

A. K. Spencer handled Java show new work and Kuhl will be an agent assignment to produce both the C & S and Kellogg shows starting this Sunday (22).

J. Walter Thompson agency hoping that Kuhl will be able to beat up under dual burden until Stanford recovers.

Al Johnson wants to do "Empire" program for Lux with the agency interested.

### SPORTS WRITERS ON LOCAL

Pittsburgh, March 21.—"Information Please" type of show has invaded the sports field here, and program featuring rock of local sports boys will hit WCBS first of April with Victor Breiling Co. bankrolling. Have Boyle and Al Abrams, the Fox-Gazette; Harry Keck, of Sun-Telegraph, and Regis White, of Press, will be used.

# 100 Leaders by Networks

Columbia in 1934 again leads the NBC red (WEAF) link in the number of customers to be found among the year's leading 100 advertisers. CBS was also up the red when it came to exclusive accounts.

Total Advertisers	1934	1935	Network	Exclusive Advertisers	1934	1935
45	38	38	Columbia	17	21	21
35	29	29	NBC	12	12	12
30	28	28	NBC Blue	7	7	7
11	13	13	Mutual	1	1	1

### Leo Fitzpatrick and John Patt Upped; Dick Richards Easing for Health

Retirement of George A. (Dick) Richards from his active participation in the operation of WJR, Detroit, WGAR, Cleveland, and KCMF, Beverly Hills, Cal., was announced (20) by the election of Leo Fitzpatrick to the executive vice-presidency of William A. Lita, consolidated v.p. in charge of public relations for the three stations.

Fitzpatrick, who retains the title of general manager of WJR, entered last week for the Coast along with William A. Lita, cousin of the N.Y. Central railroad, and P. M. Thomas, treasurer of WJR and the Detroit pro-football club. Lita was reported at the time that Richards would likely withdraw from the presidency of Lions Team in favor of Al. Richards has been ill for some time, and his doctor has advised him to ease up on his business affairs.

John Thorwald, manager of municipal station WRR, and the city fathers are engaged in a hot of court fight here as Thorwald seeks to keep city from cancelling his contract, dated in early 1930. City alleges Thorwald violated contract on eight counts, which manager denies. Decision in court drawing wide public interest with the three dailies front page all angles.

Thorwald, who collected \$1,240 on debt owed WRR by an employee and failed to report it; that he collected one year from man for five years without making report; that he collected \$50 on an account and failed to make report; that he swapped \$1,400 in time to furniture firm in exchange for furniture; that he failed to account for funds collected on a non program; that he broadcast 27 car dealer plugs without making report; that he aired 131 announcements for jewelry house, reporting only 70; that he collected \$800 on a variety show and made no report.

Thorwald, seeking permanent injunction to retain his contract, charges, maintaining he has made all required reports and has had books audited once a year. He added there were no complaints on service till last fall and that collections from some programs were used to buy talent—two orchestras costing over \$15,000 in last year.

Thorwald listed station's take in \$80,000 a year, with city grabbing between \$4,000 and \$10,000 without paying a dime. His salary last year was \$5,500, he said.

### JOHN CONRAD'S HIATUS

Louise Masary Act joins WLVU, Cincinnati for Friday Show

Cincinnati, March 21.—John Conrad, in the WLW-WSAI promotional department for the past six months, has been given a bye.

He is expected to rejoin the Crosley group soon in another capacity. Vichy bids for a national warblers' contest for more than a year, is another departure.

Advertisers to Crosley's \$6,000-a-weeker are Louise Massey and the Westerners, formerly with the National Dance and Musical Variety work shows. Combs has been spotted on the Plantation Party show, which airs on WWSV in the NBC-Red network on Friday nights.

### Gulf Spring's Seasonal Series with Jack Berch

Gulf Spring will resume its seasonal spot campaign along the eastern seaboard with Jack Berch, April 1. It will be a musical series, which will be headed by Berch on special calling for two quarter hours a week for 16 weeks.

### BURNS AND ALLEN EAST

Hollywood, March 21.—Burns and Allen have been ordered east during May and June by their sponsor, Chesterfield.

They were changed last given as reason for the move.

William A. Lita, consolidated v.p. in charge of public relations for the three stations.

Fitzpatrick, who retains the title of general manager of WJR, entered last week for the Coast along with William A. Lita, cousin of the N.Y. Central railroad, and P. M. Thomas, treasurer of WJR and the Detroit pro-football club. Lita was reported at the time that Richards would likely withdraw from the presidency of Lions Team in favor of Al. Richards has been ill for some time, and his doctor has advised him to ease up on his business affairs.

### 26 Throwaways Carry Cuffo Radio Chatter In Anti-Radio Detroit

Detroit, March 21.—"Radio Headlines," a column which William Albert Jacoby started several months ago as a hobby under the byline of "Radio Jake," is now being carried by 26 throwaway week-end newspapers in the metropolitan area. Latter have a total circulation of over 1,000,000.

Two-week columns in the Detroit dailies. All Jacoby gets for his weekly column of comment is a plug for his radio service enterprise. He at one time did radio chatter for the Indianapolis Times

and the Detroit Free Press and the Pittsburgh Press.

The weeklies have obtained considerable advertising from Detroit stations and figure that the radio column will stimulate interest among local merchandisers. The Detroit dailies are still maintaining their policy toward radio column.

A two-week comment tagged Jacoby to pick the town's most popular announcer brought 75,000 letters.

### BIFFS FROM BUFF

By Rod Reed Buffalo, March 21.—To get even with the networks for scaring children, the women's clubs are scaring the networks.

Mabo: Lohr says radio is not at war with pix; Japan says the same thing.

WOB Musical Clock claims to be the oldest show on air.

Should be the Musical Calendar.

In Montana, stations are not responsible for what political speakers say. Often the speakers aren't either.

The Showup, who can make him when he likes but is considered insubordinate due to the supernatural power of the sponsor.

All members of that expensive sustainer, the Saturday Swing Club, have been expelled—for non-payment.

Sam Hearn (Schlepperman) back on the Jack Benny airer on return from personal tour.

WOMEN FOR FCC  
LOOKS AS IF IT BE  
MILLER TOLD  
TO GO AHEAD  
WITH ASCAP  
Custard Pie on Air  
GLUBBOMEN BUZZ  
WHAT THAT—WY!  
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### WOMEN FOR FCC LOOKS AS IF IT BE

The Federal of Eugene Sykes from the Federal Communications Commission and the possibility of other resignations has stimulated renewed hopes among clubwomen that one of their number or kind may get an appointment. This idea was advanced, but not taken seriously, some years ago. Now it is believed to be a definitely practical political step.

Need for spectacular action to class up the FCC and erase some of the present stigma, the recently renewed criticism of children's programs and other considerations all lend the color of credence to the woman commissioner angle. Recent political flirtations within the New York clubwomen organization believe to have some relation to this possibility.

#### Washington Angles

Washington, March 21. Speculation over President Roosevelt's move to fill the vacant office of Eugene O. Sykes vacates at the end of the month occupied FCC watchers last week. While no official proposal has been hopelessly stymied at the Capitol, the FCC situation is an even more perplexing problem for the New Dealers. Any move to appoint a successor for Sykes will have an effect on the subject in view of Roosevelt's declaration he is thoroughly disgusted with the way the body is functioning and that the body is kept at all lengths after April 1, chances of immediate renewal are very remote, since Chairman McNinch can count regularly on the support of only two of the other members, Commissioners Paul A. Walker and Thad H. Brown.

Reports that Brown may step down and re-entrance the Waterbury race are reappointed or will quit when his term expires June 30 added interest to the constant discussion between radio lawyers and broadcast industry recognizers. The veteran Ohio Republican, who was the only other carry-over from the old FCC to the new FCC, is said by associates to share Sykes' dislike for the constant scragging and to be weary of dogging tracks. With Sykes gone it is thought likely that one or two will follow the judge's example. Furthermore he still has a hankering to re-enter Ohio politics, possibly with a view to running for the Senate next year or taking another fling at the governorship. In the meantime Donahy, Democrat, who has balked at the New Deal on various occasions, is expected to resign in August. The change in political sentiment encouraged the Republicans in Ohio. Several ambitious Ohio women are expected to be invited to the Senate race and it will be interesting for Brown—in the event he wants to get in to learn how he stands rebuilding his fences soon.

#### Walker's Status

Walker's tenure has become more problematical. Grapevine intimations that the White House will drop him in June have been reported. Now there is talk he will not ask to be renominated if the committee has no report on his telephone industry, which caused a serious disagreement within Congress and brought much criticism from the outside. With no reliable indications of the President's attitude, more than a dozen individuals have been suggested as possible appointees. "To give a stronger New Deal favor than Franklin Roosevelt," said Chairman Frank R. McNinch, "is the chief exec to look for a general administration appointee who could move into the driver's seat and act as he became accustomed. The list admittedly is a guess, and an attempt to approximate the ideal." Former Senator Fred H. Brown of New Hampshire, reportedly favored by the telephone interest, former

### The 'Offenders'

Washington, March 31.

At last week's hearings before the House on the monopoly of children's programs two women from local parent-teacher units appeared. They denominated kid programs.

Mrs. J. M. Selby, of Washington, named names. She dislikes Tex. Miss. Lone Ranger, Gang Busters and Jack Armstrong programs.

Rep. David J. Lewis of Maryland, Ohio D. Weirin of Iowa and William McFarlane of Texas; Robert I. Berger, former radio director of the Democratic National Committee and now broadcast boss for the National Education Council; Administrator John Carmody of the Rural Electrification Administration, and several industry luminaries.

Unlikely, in the minds of most watchers, that anybody connected with the operating end of broadcasting will get the nod. But in view of the furor over the disadvantages of having persons without some knowledge of the industry in such a position it is felt certain White House advisors will turn thumbs down on many names being mentioned.

#### Walker Denial

Strong denial of reports that he will resign came Monday (20) from Commissioner Walker's statement, disclaiming rumor that he does not want another term, expressed hope that he will get a position. A strong report on the telephone investigation and that legislation will be enacted insuring adequate regulation of the Bell system. "The report of my impending resignation is entirely untrue. I am not for the rumor for a utility quarter that I am not receptive to reappointment if the board is in agreement on handling of the Bell telephone investigation, that is utterly without foundation."

### DRY PROPOSAL WOULD SLAP ALL BOOZE ADS

Detroit, March 21.

Prohibition of all forms of radio advertising is proposed in a bill introduced in the Michigan legislature by Senator Walter E. Tappan of Jackson, Measure would eliminate the erection of roadside liquor advertisements. It also provides for alcoholic beverages and even recorded plays for brands of spirits. Only form of ballyhoo allowed under bill would be erection of signs on premises licensed to sell liquor. Signs and signs would be limited in size. Measure would likewise prohibit consumption of liquor in restaurants and amusement places, which is now allowed.

### Genevieve Rowe on Road Takes Week's Air Hiatus

Genevieve Rowe will temporarily exit from all five of her radio jobs week March 21. Singler drops out to fill a week of concert dates at the Ohio opening March 28 at Denning House. Singler will appear with Little Symphony Orchestra at Canton, March 29. She is down also for the New York performance at Baldwin Wallace school June 8-9. Five shows she leaves for the week are both NBC and CBS, "Songs of the 30s" and "CBS, Music for Moderns," CBS, and the Bach Sunday series on WBR.

### Changes at Pety Co.

Edward Pety office in New York has another change in personnel. Last week, Norman Prouty and Michael McGuire joined the sales staff, while Glenn Barker resigned from his sales staff. Prouty used to be with Joe McGuire and Transamerican Broadcasters. Television Corp. while McGuire left N. W. Ayer a few months ago for the World Broadcasting System.

### MILLER TOLD TO GO AHEAD WITH ASCAP

Copyright committee of the National Association of Broadcasters yesterday (Tuesday) closed a two-day session at the Ambassador hotel, N. Y., by passing a resolution authorizing Percy Neville Miller to open negotiations for a new contract with the American Society of Composers, Authors and Publishers. New covenant would become effective Jan. 1941. Miller was asked to try to get to an understanding on the underlying issues with ASCAP by May so that the committee could draw up a report for submission to the NAB convention in Atlantic City.

Resolution which Miller seeks to have ASCAP predicate its compliance solely on programs involving ASCAP music. Miller and John G. Pain, general manager ASCAP, met together last Thursday (16) in the latter's office in New York for a talk preliminary to Monday's meeting of the NAB's copyright committee at the Ambassador hotel, N.Y. Miller outlined to Paine the scope of the committee meeting and stated that the group had been selected for the view to having representative of every strata in the broadcasting industry.

It was first across-the-table talk that the twosome have had on the subject of thoroughly reviewing the points of contention between the broadcasters and ASCAP and attempting to draw up a definite program of procedure.

#### Adjuvants Without Action

Seattle, March 21. Washington legislature is adjourning without completing the repeal of the anti-ASCAP statute. The revised law on the same subject which had been introduced late in the session.

The revised measure got favorable action from the senate but the lower house indicated opposition on the ground that it had more important matters to mull. Local broadcasters who did not think the revised measure had a chance with the Washington lawmakers, now hold that it's up to the National Association of Broadcasters to seek relief through amendments to the federal copyright act.

### PENSACOLA-MOBILE SOLD JOINTLY BY NBC

WCMA, Pensacola, Fla., which joins NBC April 30, has turned over its national sales representation to John T. Ferry, Jr. of WDBF. WDBF will be sold jointly with WAAA, Mobile, on the red and the blue sides of the radio dial. Ferry is presented in the spot field by the Perry organization.

### Chas. McCarthy Laughs Off Snatch 3,000 Miles Away; Stated in Nipped

Hollywood, March 21. Belly laugh at the wack in three parts was the kidnapping of Charlie McCarthy by a wide-awake reporter in New York. Despite of the abdominal chuckles was enjoyed by Charlie, himself, 3,000 miles from Broadway. When he heard about the World-Telly's famous scoop, Charlie at first laughed his sides and then in his nice, coy vault in a Hollywood banter: "Charlie is not a road show boy. It's just a matter of himself steel-cold harnessed whenever his stogie, Edgar Bergen, goes gallivanting and I am here in addition to snatch-proof locks, Charlie is protected by a \$2,500 insurance policy against ventriloquist part of Victim of the Broadway kid-

### Custard Pie on Air

Custard-pie stinging has been introduced in broadcasting. Joe P. Brown and the Post Toasters program (CBS) are responsible for the innovation. Event occurred during last Saturday night's (15) installment.

Staged before a Hollywood audience before program's antics had to do with a treasure hunt in which a freshly baked, mushy cake served as the prize quarry. Just before the stanzas' fadeout Brown's stuffer-shirt employer, Mr. Bullhammer, insisted that the comic give him "that cake in the pan." After a few moments of buildup with shyness and reluctance the theme, Brown delivered. The roar from the studio audience must have nearly blown out the tubes in the originating controlroom.

### Arrest 13 Coughmites For Breaking Up YMCA Meeting on Tolerance

Philadelphia, March 21. Some 17 members of the group which is picketing WDAS for its ban on Father Coughlin were arrested and taken to the county jail last Wednesday on charges of inciting to riot. Police testified the 13 attempted to break up a meeting of the Committee for Racial and Religious Tolerance at the Y.M.C.A. It was said they "rushed" the hall neckled "even during the singing of America," shouted denunciations of Jews and praised of Hitler, plastered anti-Semitic stickers on walls and tossed out scurrilous pamphlets. Police have limited the number of pickets in front of the station daily to 15, and they are endeavoring to eliminate congestion which was being caused, action has aroused the pickets to carry new sign asking "Who puts the pressure on the police?" More than 500 pickets have been parading in front of WDAS on Sundays.

#### LINA AIMARO SPONSORED

Mel Soprano on La Rosa Spagnelli Program Over Mutual

Lina Aimaro, Metropolitan office colorator sponsor, has replaced Armando Tokalan as singer on the La Rosa Spagnelli program, Wednesday nights over Mutual. According to Commercial Radio Service, the agency on the account, Tokalan said to appear for four programs, causing the last-minute substitution of Bruno Castagna and Carlo Morrell.

Agency has voided Tokalan's communication from Frank Dalton next five weeks, beginning tonight (Wednesday).

#### KTAR Changes Epps

KTAR, Phoenix, has switched its spot sales representation to Katz to Paul Raymond & Co. Station is affiliated with NBC.

### GLUBBOMEN BUZZ WHAT THAT—WY!

Clubwomen circles in New York were buzzing last week following the events of the previous week (as reported in VARIETY), plus the deferred luncheon attended since then by Chairman Frank R. McNinch of FCC. The latter made his customary disclaimer of any wish to be either censor or autocrat, and expressed a desire to hasten back to the peace and quiet of the Federal Power Commission as soon as he "heard" of the FCC and established a three-man body. Clubwomen were obviously confused by prevailing unrecurrents of Washington politics, industry spitefulness of clubwomen sincerely, and a general feeling that perhaps they—the clubwomen—were being victimized, either from outside or from within their own ranks. There was a general disposition to ask who wanted what and why?

Speakersmen insist the opposition to children's programs is real and widespread and is not some synthetic or trumped up. It is brought back by every clubwoman official who speaks clubwomen sincerely, and that about children's programs?" is the universal question, they state. Their conclusion is that the radio industry are necessarily bad influences, but that they fall to be good influences. The "big boys" are forcing the radio industry is muffing its opportunities to inoculate "americanism" in the youthful mind.

#### Dahn Objects

Meanwhile, Vauxrey received a communication from Frank Dalton radio writer, bearing on this subject, and reproduced here in full. Dalton writes: "As a radio writer of long standing, and the father of five children, I must object strenuously to the handling of the children's program problem—it is a problem. I doubt very much if the Federal Power Commission under the standard of the General Federation of Women's Clubs is equipped to handle it. I understand. Despite her protestations to the contrary, and "methinks she doth protest too much" Miller is evidently heartily in favor of government-operated radio. "There a minority is to dictate what the majority will hear. Vauxrey, as the representative of the program, is to make, screen and radio, should and must realize the implications. "Vauxrey points to an important meeting in New York last week. What made it important? The fact that an organized minority was once (Continued on page 49)

### ONE-MAN STAFF BUT WFFEN SOLD OUT SOLD

Philadelphia, March 21. Increase in commercial time sold of almost 100% since the beginning of the year is claimed by Arthur Simons, vice president of WFLA. The sold solid across the board from 12 noon to 12 midnight and no further increase in the afternoon. This period is being made, Simon said. Sales concentration in the future will be on the night side of the hour, Simon is sole time peddler at the outlet, which specializes in linguistics. The sale of the afternoon hour shortly after his arrival last summer.

### Warren Jennings Joins Transamerik Sales Staff

Warren Jennings has joined the New York sales staff of the Transamerik Broadcasting & Television Station. He comes from the magazine field, and will specialize on the sale of liner and programs over WLVJ Channel 4. Vice Valzer has returned from Florida. Frank Stanton, who has been in charge of Stanton, departs this week-end for the south.



For  
**RADIO SHOWMANSHIP**



We are proud to announce

The reunion of a team of successful advertising-trained  
Radio executives with a comprehensive and practical  
experience in all phases of Radio Broadcasting.

**DON STAUFFER**

(Formerly Vice-President  
in charge of radio at  
Young & Rubicam, Inc)

has become associated with

**BILL STUHLER**

in our

**Radio Division**



**A. and S. LYONS, INC.**

NEW YORK

LONDON

HOLLYWOOD

RADIO REVIEWS

FOLLOW-UP COMMENT

Dorothy Parker wasn't funny on "Information, Please" last Tuesday... Fadinin, incidentally, was remiss in not mentioning it was a question on the tricky question using the word "transpire"...

Tallah Bahkhead appeared on the Kate Smith hour last Thursday... The "transpire" bit was carried into them by Dorothy Parker...

Baselie Lillie's bit with Agnes Moorehead for Walter O'Keefe Thursday (10 p.m.) was a case of the acts quickie for Miss Lillie... O'Keefe got in fast comments during the afternoon...

Brooks Atkinson, drama critic of the New York Times, went on the radio last afternoon... Atkinson gave some interesting sidelights on the writing and history of the French play...

Johann Measner's Music Box rhythms from the Hotel McAlpin, N. Y. rates well up among the late hour sustaining hits... George Hall's exit from the Taft Theatre drew sounds like a larger-than-life piano player...

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make an able contribution to the new-special events industry... The program caught carried eight light music and songs furnished by the Bel Canto Trio and O.C.W. String Trio from the Oklahoma College for Women at Chickasha...

Lum and Abner are currently enmeshed in a fictional breach of promise suit... Lum dropped his criticisms to a neutral side, but had a couple of good cracks...

Ames 'n' Andy are still keeping the ball in play along accumulated time... Monday night (20) session had Andy getting ready to be married...

Clyde Beatty guested on the Eddie Cantor show for Camel last Monday night... Clyde Beatty guested on the Eddie Cantor show for Camel last Monday night...

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HIGHLIGHT VARIETIES Variety 15 Min.—Local... MISTLETOE EXPRESS CO. Saturday, 8:45 p.m. ... Billed as "The Fastest 15 Minutes in Radio" the only thing last about the program caught, was the quick playlet glorifying the Oklahoma State Highway Patrol...

Program caught carried eight light music and songs furnished by the Bel Canto Trio and O.C.W. String Trio from the Oklahoma College for Women at Chickasha...

Lum and Abner are currently enmeshed in a fictional breach of promise suit... Lum dropped his criticisms to a neutral side, but had a couple of good cracks...

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GEORGE JESSEL With Dick Timber orchestra, Mary Small, Ernest Campbell, Sam Corbin... 30 Min. BEID'S ICE CREAM Wednesday 7:30 p.m. 15 Min. JAZZ-NBZ, New York (Pedlar & Ryan)

After a considerable absence, George Jessel has a radio series again... This is Jessel's last radio series... Jessel remains, as always, a likable and witty personality...

His comic uncles and the customary phone conversation with his mama is included... A question might be raised if Dick Timber's music isn't neglecting the indispensable rhythm necessary for youthful appeal...

Leo Fitzpatrick, general manager of WJR, Detroit, has been elected a member of the advisory board of the Salvation Army... WJBZ, Detroit

'CHALLENGE OF YUKON' With Benny Kelly's Band, John Slagle 15 Min.—Regional... 15 Min. WJZ, Detroit

George Thraders' "Lone Ranger" idea gets another transplanting... The Canadian radio country during the Klondike gold rush... The "Lone Ranger" idea gets another transplanting...

Johnny Long's Orchestra 30 Min. Sustaining... WJZ, Detroit

Smooth 'hot type' band is Johnny Long's, now dispensing dapperity in the States... Unit is stylized to a certain extent by the unobtrusive introduction of sax trills into inverted meanderings...



ALL YOU NEED ON CHRISTMAS IS 5000 WATTS A DAY 1000 NIGHT

5000 watts that do the work of 50,000? Where? Of course!



WNAX combines good frequency—570 K.C.—with amazing transmission. It does a 50,000-watt coverage job on 5,000-watt power and rates...

Think, too, of a daytime primary population of 3,917,000—719,500 radio homes which depend on WNAX for entertainment, news, markets.

For the Dakotas, and major portions of Iowa, Minnesota and Nebraska... WNAX, of course.

TANKTON, S.B. • 570 Kilocycles • CBS 5000 WATTS L.S. • 1000 WATTS NIGHT Represented by THE KATZ AGENCY

SALT LAKE CITY advertisement with station logo and text: "A clear attraction for tourists... which means a greater dependable income for residents."

"You're Lousy— AND I OUGHTA KNOW!" advertisement for WVC radio station. Includes text: "I've listened to your program every morning for three solid years, and I still think you're lousy." and "FRST WVC 50,000 WATTS HARTFORD CONN."



# TRANSCRIPTIONS CITE WOES

## STIGMA, NETWORK TACTICS RAPPED

### General King Tells Federal Communications Commission That Status Quo Stacks Cards Against Wax Growth

#### SHOOTSNESS

Washington, March 21. Transcriptionists' tale of woe was eloquently detailed to the Federal Communications Commission last week. Spokesman was Gerald King of Hollywood, a transcription center as well as a transcontinental network origin point. King made the point that the networks have steadily proposed and bottled up the platters, the only other principal source of program material for radio stations. Policies which would encourage wider use of transcriptions would benefit the public materially, King, president of the Transcription Producers' Association of Hollywood, testified. Among them are a change in the rule requiring stations to make frequent explanations when using canned programs, and adoption of service standards for both wired and waxed matter.

**Rush for Quantity**  
Several factors hold back development of the disc business, King asserted. Besides the "stigmatizing" FCC announcement rules, they include network hostility toward use of a rival, inability of advertisers to obtain desired time for recorded programs, the unions' copyright hold-up and web scramble for multitude of outlets.

Until the last 18 months the chains were interested in signing up only transmitters covering important markets and unable to advertisers, King explained. They were willing to pay the wire costs on this basis. Since Mutual began operating there has been a rush for the most stations—sort of quantity-not-quality viewpoint—with consequent reduction in the number of plants using platters. Stations have been tied into the web indiscriminately, without regard for their commercial value. Since they are forced to pay the line costs these transmitters hesitate to turn down web fare in order to use waxed programs.

Opposition to the practice of allowing networks to enter the transcription phase of the business was registered, with direct reference to the pending CBS-World wedding. King doubted whether it was desirable, in the public interest, to allow such linking. In present situations NBC is an advance because their affiliates are more willing to clear time for transcribed commercials produced with NBC facilities. Also the net tries first to sell the idea of chain operations to potential sponsors, running down transcriptions.

General shootsness toward wax is not justified, King insisted. Does not exist in England. Bias is caused by the advance announcement that following program is transcribed, he feels, but this objection would be re-

moved if the FCC required identification of the source only at the conclusion. Thus every program would stand on its own feet and be judged solely on merit.

Failure of the FCC to adopt technical regulations concerning the quality of reproduction is a barrier, Commish requires licensees to maintain equipment at certain standards of efficiency, he noted, but makes no comparable check on the fidelity of programs coming over the wire. Good recordings may be played on machines in bad condition.

King yelled against the NBC rule that recordings of network programs—given those for reference or for sponsors—must be made by the web. Sponsors used to get discs from in-

die studios but now the situation is unfair, particularly since cross-cueing gives NBC an advantage in the way of equipment.

**Die Talent Angle**  
Artist bureaus are no handicap to the waxmakers, commish learned. Even though CBS and NBC have the bulk of regular performers tied up, the disc producers can obtain sufficient talent. Even if the agents did not manage performers, recorders still would be able to deal with agents. Only possible danger is that the networks may raise prices to prohibitive levels.

Wider use of transcriptions would insure more diversification of programs, meeting objections that there is excessive duplication because of the number of network outlets, King

pointed out. In addition the savings would be considerable. He suggested 85% to 90% of all operations could be based on transcriptions, with the networks used only for spot events and special features of exceptional interest. But the chains have such a big investment and the telephone company's charges are so rigid that restraint is imposed on the use of platters.

Outlay for wires alone would pay for many more hours of wax programs. For \$3,000,000 the industry could have enough transcriptions to provide 17 hours daily and four choices of menu. Except in towns whether there are more than four outlets no duplication would result in any community. Other advantages King listed re-

late to more exploitation of the educational possibilities of radio, wider economic placement of advertising and better distribution of business. Schools cannot standardize their instructional methods so all listen at the moment when a web puts on an educational feature, he remarked, and it is doubtful if 25% of the potential school audience hears the chain specialties. Local stations are too hard up to prepare their own special educational programs.

Relating the operations of his group King said the association's two processors have \$210,000 tied up and turn out 2,425 discs monthly. In 1938 talent bill was \$220,840 for 1,615 performers. Have 9,564 quarter-hour programs and two libraries with 3,300 basic numbers.

WALTER WINCHELL  
NEW ORCHID TO THE  
CAST AND CONTINUITY  
OF "MY LUCKY BREAK"  
SHOW VIA WSBW  
BIG TIMERS

RADIO DAILY  
TED LLOYD  
JOE CHERNIAVSKY'S  
"MY LUCKY BREAK"  
DURING THE TELLING OF  
FANNIE BRICE'S STORY WAS  
THE HIGHEST SPOT OF THE  
SHOW.

THE BILLBOARD  
SAYS ABOUT  
THE LUCRIEST BREAK THE  
PROGRAM ITSELF RECEIVED  
WAS BETTING CHERNIAVSKY  
FOR THE MUSICAL INTERLUDES  
ARE OF DIGNITY AND CLOVE  
PERVADES THE WHOLE PROGRAM

TELEGRAM  
SO THRILLED  
OVER THE  
PROGRAM  
WARMEST THANKS  
FOR THIS GRAND  
TRIBUTE FROM  
MY OLD ALMA  
MATER  
JANE FROMAN

TELEGRAM  
I HAVE  
RECEIVED  
COMMENTS  
FROM SEVERAL  
OF MY FRIENDS  
IN THE MIDDLE  
WEST ON YOUR  
SLEAZEBAND PROGRAM  
RDY VALEE

TELEGRAM  
"A BUNCH OF  
MORAL BEASTS  
AND DRAMAS  
HOW CAN YOU  
BE SO STUPID  
TO PERFORM  
A MASTRO  
WHO GOES  
DOWN THE SHOW"  
RADIO DIAL

TELEGRAM  
NEVER WAS  
SO THRILLED  
IN MY LIFE  
THANKS TO YOU  
AND YOUR  
ASSOCIATES  
GUY LOMBARDO

another  
**Original Show**  
from  
*My*  
**Lucy Break**

HUMAN INTEREST    MUSIC    DRAMA    LAUGHS

FEATURING  
**JOSEF CHERNIAVSKY**

COAST TO COAST    RADIO'S OUTSTANDING    SUNDAY  
Mutual Network    SHOWMAN CONDUCTOR    6:00-6:30 E. S. T.

**A COPYRIGHTED FEATURE**

REPRESENTATIVES:  
TRANSCAMERICAN BROADCASTING & FEATURING CORP.  
NEW YORK    CHICAGO    HOLLYWOOD

TELEGRAM  
"A THOUSAND  
THANKS TO YOU,  
THE PRODUCERS, THE  
AUTHOR, THE ENGINEERS  
AND YOUR ENTIRE  
STAFF FOR MOST BEAUTIFUL  
AND TOUCHING  
BROADCAST."  
PAUL WHITEMAN

TELEGRAM  
"EDDIE CANTOR  
WAS GENERALLY  
THRILLED AND  
SAYS HE AND  
CORY TO YOU  
HIS DEEPEST  
GRATITUDE AND  
SINCERE  
APPRECIATION  
VICK  
KNIGHT

TELEGRAM  
"A THOUSAND  
THANKS FOR  
GLOWING TRIBUTE  
PAID TO ME. A  
KISS AND THRILL  
YOU GAVE ME  
LOVE  
SOPHIE TUCKER

TELEGRAM  
"IT WAS  
BEAUTIFULLY DONE  
AND I COULDN'T FIND  
A SINGLE FAULT  
WITH IT. THE WAY  
YOU PLAYED IT  
JUST MADE  
ME TUNE WITH  
PRIDE."  
KATE SMITH

TELEGRAM  
"A MAN OF  
LETTERS  
W. C. O'F  
COLUMBUS  
"A man who has  
joined the World premiere of  
"The World's Greatest Show"  
Dorcasian group that has  
been the other premiere  
Betty Jones in the theatre  
with various productions  
Reminds That Count!

## Baldwin Favors Long License, Fears Back-Handed Censorship Through Fear-Inspiring 'Hints' from Chair

Washington, March 21. Last week was brickbat week at the FCC chair-monopoly hearings. (Now looks set for a late April deadline.) Criticism of both the government regulatory theories and the industry's conduct, with the Communications Act drawing substantial fire, was registered.

Freedom of speech was the topic given most attention early in week with Roger Baldwin, director of the American Civil Liberties Union, and S. Howard Evans, secretary of National Committee for Education by Radio, advocating steps and principles that will insure equal treatment for all groups wanting to face the microphone. General condemnation of discrimination against transcriptions were condemned. Roger Baldwin feared back-handed censorship and echoed industry's wails about the ex post facto decision of program quality. Longer licenses, with changes in the act to eliminate doubt and inequities, would be wholesome.

Sustainers N. S. G. Monopoly threat lies in the operating methods. Restrictive network policy is a damper on individual enterprise and competition; network policy against state of time for controversial discussions is potentially harmful, although wares are increasingly conscious of their obligations. Baldwin noted that the practice of putting controversies on the air only as sustainers limits the opportunity for debate since affiliates are likely to reject the wired feature in order to present their own shows, public events, and propaganda.

Speeches of FCC members and the Commission letters—disputed remarks and signs of disapproval—have the effect of dictating policy to station. Baldwin accused "back-handing of chairman Frank R. Mc-

Ninch was cited as an indication of improper roundabout censorship. With the Commish using the back door to blue pencil scripts, the average licensee is fearful of taking a step which might bring punishment later on. In noting the instances of disguised censorship, Baldwin said the ACLU never has received a satisfactory reply to their protest against McNinch's tut-tutting over the Mae West incident.

**Fear System** "It is very easy to see that if we had a different type Commission—a purely political commission—it would be possible by pronouncements of the Commission or the chairman to exclude from the air by fear of not getting your license renewed anything critical of the existing Administration," Baldwin commented, adding this situation would be a duplicate of what exists in Europe.

Law should require three-year licenses with revocation the only way of exercising control over operations. Burden of proof in misconduct cases should be on the FCC, instead of making permit-holders show every six months that they have behaved.

Definition of the public interest phrase also is badly needed. Baldwin said it is impossible, even after scrutinizing decisions and rulings, to understand the principle by which the FCC decides when stations operate in the public interest. No way of predicting how the cat will jump as long as the ex post facto censorship occurs.

He did not like the idea of rigid program standards, however. Too much patternization would be undesirable. The Commission might adopt laws which, though like a rule stipulating that broadcasters must discuss controversial subjects, not

## Highbrow Hillbillies

Hot Springs, Ark., March 21. (AP)—Hot Springs records as unusual in fan mail the letter it got recently from the Pickard family congratulating the station for its late evening program of recorded classical music. The letter came from one of the Mexican border towns.

The hillbilly troupe, which for years appeared on NBC and on major local outlets, wrote that after quitting their evening concert series last year because of peddling patent medicines the family hurried home to bend an olive branch over their "Four Hour."

only to candidates for elective office. Liability for libel should be removed, unless stations were a party to the offense, and only the speaker in issue should be held accountable for injuring others.

As things stand, there is excessive concentration of contracts on use of radio facilities. Webs have best facilities, he said. He plugged the general public for their duty to maintain records of requests for time and more detailed logs.

While the education follows the Voltairre trend of defending the right to say anything within reason, Baldwin hoped the industry will go ahead with self-regulation efforts for the sake of improving quality and insuring a general outlet for commerce. He agreed that trouble makers—political, social, or religious—should not be allowed. If they are differentiated between this idea and censorship. Aliens who attack our form of government, for instance, should not be given another chance. Self-judgment is necessary, along with vigilance for its use. Free speech to protect the public sensibilities. Station owners should not be afraid to defend it. He mentioned Elliott Roosevelt—who was mentioned by name—and John Sheppard, III.

**Evans on Stand** The educators' familiar complaints were voiced this time although S. Howard Evans repeated the criticism about favoritism for commercial operations. He did not demand more assignments for educational stations—which usually has been done in the past. He suggested that the change in general concept so the question of use of facilities would be paramount consideration in passing on applications.

Free speech is limited by the idea of sending no more commercial stations, the pedagogy spokesman complained, and unequal grants of power would tend to favoritism of local makers with drag. The system invites use of economic pressure and political pull, fostering conditions that may lead to dangerous monopoly.

That it need for some kind of program standards, though the FCC should not go too far, according to Evans. Particularly standards of general use. At present the Commission depends primarily on technical considerations in making decisions of great social significance—such as the denial of the WLV pies for continuance of its full-time experimental permit. He remarked the WLV report was based on engineering factors, not on the vital social considerations. Philosophy of the Commission is to change the regular broadcast band as wholly commercial. Evans contended that the danger of over-charge will be the allocation formula. In admiration of the spectrum Commission shows undue sympathy for network which he said maintain a big lobby against huge sums to keep in good standing.

**Points at RCA Lobby** Quizzed sharply about implications or overtones, Evans admitted there has no proof of intrigue or misconduct on the part of the Commish but insisted the psychology has been built up that commercial operators should have all the breaks. He pointed the finger at RCA, which he said keeps on the payroll in Washington the best legal and technical advice they can possibly get for the purpose of consulting with staff people connected with the Commission, to try to maintain the favorable assignments they now hold.

As evidence of the dangers, the educator recalled that WLV, out of the University of Wisconsin, is seeking the facilities of WMAQ, the Chicago NBC outlet. He said these channels are valuable, the big operators make prodigious efforts to keep their tickets. Lawyers re-

## New Hearing Under Revised Status Unfair, Lovett Avers in Plea For Supreme Court Interpretation

Washington, March 21. Legal campaign to prevent the FCC from holding a succession of hearings—so called—and to speed final determination of the troublesome Black River Valley case was carried to the U. S. Supreme Court March 20 in first important radio case appealed to the top bench in several years. Final arbitrators were asked to rule on propriety of decision by the District of Columbia Court of Appeal denying an injunction which would prevent the FCC from going over again the ground covered in the spring of 1936 and from forcing Black River Valley Broadcasts, Inc.—winner of the first-bid—from having to face new issues and new competition. Case is one with far-reaching political angles, involving a contest with the Watertown Broadcasting Co. and Watertown Times.

With several thousand dollars already sunk in towers and studios, Black River outfit, through Elliot Lovett, raised two propositions of appeal to the entire industry. Wants the Supreme Court to say:

1. Whether applicant before the FCC is a radio station as defined by commercial broadcasters won't take cases for schools, through fear of offending clients who pay fee retainers, he observed. Although hesitant about making recommendations, Evans suggested remedies. Strongly opposed to other government or industry promulgation of rigid standards, Evans suggested that 'cooperative groups' in each community—the educators, civic organizations, labor unions, patriots, and chambers of commerce—should parcel out time for controversial discussions or talk about pressing public problems. Would avoid censorship by anyone.

Education on the whole has all the opportunity to broadcast that it can use, he conceded. Pedagogues have to better their technique before they can fairly ask for more facilities. But they are alarmed about the threat to free speech implicit in the FCC's concept of how radio should operate.

FCC can ask injunctions to block 'an arbitrary, capricious and unauthorized act' by the regulators.

2. Whether an injunction, 'under the pretense of rehearing,' has the right to call a hearing de novo, with new participants, prosecuting revised applications.

Because of controversy over the appeal position of the Communications Act, Lovett's petition attracted interest among the radio bar, which has been hoping Congress would rewrite the provisions relating to judicial review of FCC decisions and actions. Case presents the proposition whether there is any relief from acts which do not constitute a decision specifically listed as appealable.

Charging five errors against the Court of Appeals, Lovett claimed that the effect of denial of the injunction is to 'leave the Commission free to perform any and every arbitrary, capricious, and unauthorized act imaginable and to do so with impunity unless that act is in the nature of a decision.' Unless some judicial check is imposed, there is nothing to prevent the FCC from reconsidering—on its own motion—any decision and holding new hearings ad infinitum until the outcome is satisfactory to politicians, he implied.

Supreme Court is asked in effect to promulgate a fair trade practice code for the Commish. Hearing de novo, with the issues and parties changed, is not the sort of proceeding contemplated under the 1934 statute, Lovett contends. Commish cannot snoot the Watertown Broadcasting Co.'s request for rehearing and order another session on its own hook, he adds.

## THEATRE REVIEW FOR 'FU'

Kansas City, March 21. 'Fu Manchu' platter series has been purchased by station KCMO for sponsorship by Crown Drug Stores. Manager Larry Sherwood, of the station, will have a visual preview of the first episode at the Resident Theatre April 8.

# 'NAME THE PLACE?'

CAN YOU  
\*  
GUESS THE PLACE?'

The Original Geographic Radio Game  
New — Original — Entertaining  
A "DIFFERENT" AUDIENCE PARTICIPATION SHOW  
THAT HAS CLICKED!

Within one month "NAME THE PLACE" has received as much mail as the most popular quiz program on the air during the first month of its existence.

Radio listeners from coast to coast are joining in playing the Radio Game of "NAME THE PLACE" which was inaugurated on February 12th over a coast to coast network of the National Broadcasting Company. "NAME THE PLACE" can be heard Sundays 3:30 to 3:45, EST, WEAF and Red. Tuesdays 10:45 to 11, EST, WEAF and Red.

This highly original and effective program is available for immediate sponsorship.

\* Copyrights owned by Viking Radio Corporation, Washington, D. C. The originators and writers. Recording available.

★

## The Goodwill Station

*Detroit*

W. J. W. G. F. R. N.  
THE GOODWILL STATION THE GREAT LAKES  
STATION STATION

THE GREAT STATIONS OF THE GREAT LAKES  
The NBC outlet, Detroit's new radio system  
The W. J. W. G. F. R. N. Station

PHONEY SINGING SAM

Guy with Plenty of Nerve Does Three-Year Impersonation

Harry Frankel, original 'Singing Sam' has been trying to nab an imitator who has billed himself 'Singing Sam'...

Sleuths have missed grabbing the guy, whose real name is Crawford, by minutes time and again. They were equipped with pictures of him...

Frankel now lives on a farm in Indiana, coming to New York every two weeks to make transcriptions...

Unimportant Footnote To Philadelphia Radio

Philadelphia, March 21. Engineering department of WJAB was called to the home of G. Pat Stanton last Thursday night on an emergency call...

KFNW's Facsimile

Shenandoah, Ia., March 21. Facsimile broadcasts will be started shortly by KFNW in a deal set by general chief M. H. Petersen.

F. C. C.'s WASHINGTON DOCKET

MAJOR DECISIONS

Massachusetts: Unlimited operation for WJAL, Greenfield, stayed because of public need for a nighttime transmitter... Local merchants and other advertisers have been unable to secure satisfactory time on the station...

MINOR DECISIONS

Michigan: WOOD, Grand Rapids, and WXJZ, Detroit, King-Triple Broadcasting Corp., present licenses extended temporarily pending Commission action on regular renewals... Oregon: KEX, Oregonian Publishing Co., Portland, granted unlimited operation with 5 kw. from May 24 to April 23...

NEW APPLICATIONS

California: KNOW, Oakland, authority to transfer control of corporation from H. P. Dryden, R. E. Brevitt, R. E. Morgan, Charles W. C. V. Kuehner to W. L. Dunham... North Carolina: Jones Wolland, Winston, new relay broadcast.

STRICTLY FARMER AUDIENCE

Lincoln, March 21. KFBF really believes it has a farm audience and is no other kind. The 10,000-wattor spends seven hours daily from 4:45 a.m. until cny with WBBM, Chi., at 6 p.m. delivering corn by the fiddle and guitar toll.

east experimental station to be operated on 3110, 3460, 3760 and 4060 kc., with 1 watt power, A-3 emission.

SET FOR HEARING

Connecticut: WNSB, New Britain, jump night power from 250 watts to 1 kw., using directional antenna system for day... Missouri: KQJH, Butte, jump night power from 1 to 5 kw. (cross band) before Commission... Pennsylvania: B. Bryan Weissman and Leahy, Valley Broadcasting Co., Harrisburg, application for voluntary assignment of license from B. Bryan Weissman to Leahy Valley Broadcasting Co., a Pennsylvania corporation...

EXAMINER'S REPORT

New York: Pennsylvania: No to and no recommended by Examiner Tyler Barry on application for two new stations at Syracuse and Buffalo, N. Y., and for power increase and extension of operating time for WJZB, Greenburgh, Pa. Results of hearings held last October convinced Barry that none of the requests was in the public interest and necessary and beneficial to the public... Chief examining officer interference, failure to show need for additional service and exorbitant advertising rates...

PUSH BUTTONS LIKED

WGR and WBEW Have Unique Reason for Fondness

Buffalo, March 21. Management of WGR and WBEW is mildly gleeful over the increased use of the push-button type receivers. The Loudsbury transmitters take turns at relaying CBS programs and the buttons make the shift simpler for listeners who want to stay with the network... WGR and WBEW have the pair 'at the ends of the dial' were always in danger of losing customers along the dial...

Lloyd Dennis Upped

Washington, March 21. Lloyd Dennis, Jr., staff announcer and assistant program director of WJWB, replaces Ted Long as program tapper, latter switched back to New York after nearly three years in Washington... New program chief has had three years on the night staff of WBEA, Providence, while attending Brown; two years with WHAC, Boston, as program director, and a year with WBZ, Boston.

SOCIETY ED A MIMIC

Worcester, March 21. When WTAG was looking around for a 10-year-old's voice for its Long Ranger program, studio officials walked down a couple of flights to the editorial rooms of the Telegram and Gazette, owner of the station, and found it in the women's department of the Telegram. It is possessed by Marion Rogers who writes the social column, and is somewhat of a mimic on the side... Massachusetts law forbids 12-year-olds appearing on commercial programs.

Arthur Damann named account executive for Stephen Smith, production manager, of the Sidney Garfield agency in San Francisco.

School Broadcast Huddle Prepares Its 2d Report

Chicago, March 21. Proceedings of the second annual School Broadcast Conference here have been printed up under the editorship of George Jennings and are being retailed for 25c... Harold Kent, director of the Radio Council for the Chicago area, has been named Education, is chairman of the Conference.

W. H. Voeller Resigns

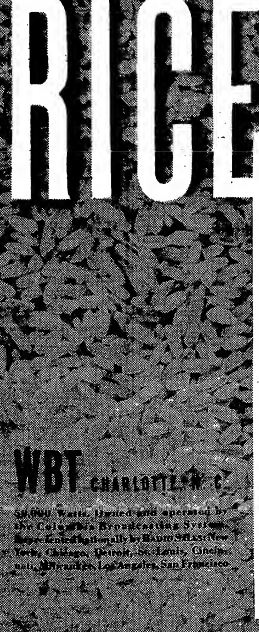
William H. Voeller, has resigned as New York sales representative of the AeroGram Corp., maker of recorded programs... He joined the firm last March... Charles Basch, working in New York for the past several weeks for AeroGram Corp., has been named eastern rep. of coast disc programs.

The Comet Rice Mills wrote a letter to WBT. It says in few words what we would like to tell you about our radio station. Here is the meat of the letter:

"...we have maintained a consistent campaign on WBT for two years. Prior to this time, our distribution and sales were negligible. Today, Comet Rice has 75% distribution and sells two-thirds of all packaged rice sold in the Carolinas. Not only does WBT provide dealer influence throughout the two Carolinas, but in addition it has materially helped us with dealers in Eastern Tennessee and Southern Virginia. We consider WBT the most successful vehicle for promoting a food product in the Southeast."

Only a couple of things we can add. First, our very conservative CBS Listening Area study indicates a population in our primary listening area (day-time) of over two million people. And when Crossley, Inc. made their coincidental telephone study, they found 81.1% listening to WBT among Charlotte radio homes—on a 5 day, day and night average.

Which makes WBT just about the most economical 50,000 watt radio station in America. And—one last point: WBT is known as "the Showmanship Station of the Nation"—a reputation based on unusual program originations. May we suggest a WBT originator program to boost your sales in the Carolinas?



W. H. Voeller, president and general manager of the Columbia Broadcasting System, Inc., is shown here with the staff of the New York City office of the company.

# CRAWEN DEFENDS PRESS OF 'DISSENTS FROM FREE DISCRIMINATION'

## Allentown Stations Set for Hearing on Publisher Plea—Issue Long Pending May Be Forerunner of FCC Policy Shift

Washington, March 21. Sudden reversal of long-standing regulatory policy and arbitrary assertion of principle of discriminating between different types of applicants was feared in industry and legal circles this week following FCC feud over newspaper ownership of radio stations. Issue which has provoked lively debate for months is presented squarely in order for hearing on the applications for merger of WSAN and WCBA, Allentown (Penn.).

Another Comish split over procedure led to sharp criticism of the majority Chairman Frank E. McNinch, and Commissioners Eugene O. Sykes, George Henry Payne, and Paul A. Walker—by one of the two dissenters, Commissioner T. A. M. Crawen. Other negative vote was cast by Commissioner Norman Case, with Commissioner Thad H. Brown absent and not participating.

Whether newspapers should be permitted to own stations in situations which give them a monopoly on methods of spreading news and advertising is the sole important question involved in the case. Matter comes up at a time when the Comish majority is sidestepping a comprehensive policy report—prepared by the rules committee of the Comish, Case, and Payne—advancing how the proposition should be handled in order to protect the public, the press, sponsors, and broadcasters.

The issue is presented in the application of the Lehigh Valley Broadcasting Co. for consent to acquire the license of WSAN and WCBA, two time-shares operating on 1450 kc, with 500 watts. New company would be owned by present proprietors of the individual stations with the publisher of the Allentown

Call holding 65% and B. Bryan Matusin, now manager of the outlets and licensee of WCBA, having the remaining 35%.

Pointing to traditional position, Crawen filed a long statement giving his reasons for voting against the hearing and charging that the procedure is highly improper move in the direction of policy-making. Legal power to ban the press was challenged. Crawen remarked that 240 reasons were given by the newspapers, holding that every one is entitled to be heard in the event the Comish is considering a principle which would prevent publishers from having any stake in radio.

Crawen sums up: "1. The Commission has no power under the Communications Act of 1934 to adopt such a policy. It remains reserved to Congress. Even assuming the Commission has discretion in the matter, such a policy would be contrary to public interest, convenience, or necessity."

"2. Hearing on particular applications is not a proper or fair method of determining whether such a policy should be adopted."

In his discussion, Crawen defended newspaper-owned stations for the inconsistency in procedure and the fight which the Commission has the legal power to adopt any principle of this kind. If the government intends to discriminate against individuals engaged in other business, Congress should lay down the rule, not the regulators, he contended, and all parties should be accorded equal treatment as long as the present law stands.

In commenting on the previous policy, Crawen remarked that 35 plans were approved by publishers when the 1927 Radio Act was adopted and the number has greatly increased since the act and business of the regulatory bodies. Latest count showed 238 press-owned stations, while 12 newspapers—Omaha World Herald, Phoenix (Ariz.), Republic and Gazette, and Newport News (Va.) Daily News and Times Herald—have been permitted to acquire transmitters since the start of the

If the Comish fears newspaper proprietors will not pay equal attention to their broadcasting obligations, better way to make them do the mark would be to require every licensee to incorporate separately. Rather than play fast and loose with the Federal Constitution and the Bill of Rights. Before applying any such strict test, the FCC might consider whether it is justified in taking action against insurance companies, automobile distributors, department stores, and manufacturers who are active in radio.

Helzman John Wacker Cincinnati March 21. Bill Helzman has been added to WCBA's engineering staff. Formerly chief engineer of WBLK, Clarksville, W. Va.

## Mrs. Brown Takes Accts. To Barnes & Aaron Agency.

Philadelphia, March 21. Harvey B. Brown here has returned last week after four-and-one-half years' operation. Harry R. Schwartz remains in charge of accounts handled by the agency went with Mrs. D. C. Brown to Barnes & Aaron Agency, 1700 Chestnut St., Philadelphia. Southern Fish and Cans Dina Tomaso Paste.

When Wine and McDonald & Campbell accounts, handled by William Delaney, shifted with him to the Carter-Thompson agency. John Patrick, who handled Bruder Paint account, is still unattached.

Mobilgas and Mobiloil set with WCAB, Pittsburgh, for daily 10-minute newscast, in addition to four other dashes each day, over 13-week stretch. Announcers Bob Brown and Norman Twigger will do the reporting, each taking alternate items.

Donald Noffs discs sold by KQV, Pittsburgh, to Sweet Clean Damp Laundry.

KQV, Pittsburgh, has sold Johnny Boyer's "Meet Your Neighbors" gram to Liberty Home Science Bakers for 13 weeks. Quarter-hour daily will emanate from Rosenbaum's department store and will consist of Boyer shooting humorous questions to lady shoppers in interview style.

Fort Pitt Brewing Co. has renewed weekly half-hour Tap Time show on KDKA, Pittsburgh, for another 52 weeks.

Includes Maurice Spitzky's band, Bill Sherman, Faye Farker and Martha May Brinley.

Jack Greney's baseball resumes here Saturday, 15-minute to show seven nights weekly at 5:45 over WFJK, Cleveland, bought by F. Lorillard.

Hubert Beer also is taking on Pinky Hunter's baseball films, over minutes on a six-a-week sked, over WJLB, Cleveland.

Durkee-Mouer, Inc., Lynn, Mass. (Marshall-Flower Inc.) extended current "Fluorette" musical series on Yankee Net for four more 15-minute broadcasts, to April 30. Contract also signed for series of 84 15-minute live programs with same talent beginning Sept. 10, 1939, ending April 28, 1940. (Sundays, 6:45). Directed Harry F. Pratt Advertising Agency, Boston.

John Morrell & Co. (Ottumwa, Iowa) ("E-Z Cut Hams")—46 participations in Gretchen McMillen program starting Feb. 21, ending July 27, 1939. Tuesdays and Thursdays, Tuesdays, WNAS and WEAN, Thursdays, WYAC, WYCC, WEAT, WTAG, WICC, WWCN, WLBC, WFBA, WSAR, WLLH, WNBH, WMLC, WYAH, WYWC, WYWB, WHAL, WBRK, Through Henri Hurst & McDonald, Chicago.

Wm. S. Scull Co. (Camden, N. J.) ("Bosco Milk Amplifier")—28 participations in Yankee Network News Service starting Feb. 25, ending May 19, 1939. Wednesday and Fridays on radio. WYAC, WYCC, WYWB, WLBC, WFBA, WSAR, WLLH, WNBH, WMLC, WYAH, WYWC, WYWB, WHAL, WBRK, Through Henri Hurst & McDonald, N. Y. C.

Lindsay-Wile, Inc., makers of Queen of Sheba Carrot and Best Juice, testing live per week 15-minute program, "Interesting to Women," with Catharine Carlyle. KTUL, Tulsa.

## Magazine Stuff About Radio

NBC has tabulated some 49 different magazines that carried articles about radio during 1938. Greatest volume of radio news appears (speaking for publications of general readership) in News-Week and Time. Life, Scribners, Liberty, Saturday Evening Post, Young America and others carry a fair amount on radio.

Most NBC (Julian Street, Jr.) and CBS (John Lageman) have liaison officers who help magazines get material on radio. Some of the magazines' interest is in the glamorous side of the trade.

Among articles on radio last year were these:

MAGAZINE	ARTICLE
Young America	Radio Quiz Programs
Young America	So You Want to Be an Announcer
Young America	Religious Radio
The Churchman	Skyroads
Saturday Evening Post	More Music, Please
Young America	Radio's Fair Share
Young America	Issue on the Air
Young America	Light Lights
Young America	Television Invades Theatre
Young America	Classical Music Comes Into Own
W. C. Fields	Who Knows What's Funny?
Coronet	Radio Peddle Sex? Never
Coronet	Frank Black
Cue	Make Your Own
Cue	Sue for Yourself
Current History	Radio and the Monroe Doctrine
Current History	Edna Fisher
Readers Digest	Yawn Comes in Like Thunder
Readers Digest	Tune Up and Tune In
Popular Photography	Who Knows What's Funny?
Popular Photography	Photographing Radio Stars
School Management	CBS Establishes First Radio Institute for Teachers
Scribners	Radio Stars
Scribners	Boake Carter
Scribners	Who Knows What's Funny?
Saturday Evening Post	The Killer-Diller
Saturday Evening Post	Dogfight on the Air Waves
Saturday Evening Post	Who Knows What's Funny?
Etude	Maintaining Radio Interest
Etude	Hour of Charm
Etude	Fortune
Fortune	Toscanini on the Air
Fortune	Sarnoff
Fortune	Radio II—A \$45,000,000 Talent Bill
Fortune	Two Million Words—Irma Phillips
Fortune	Radio I—A \$140,000,000 Art
Mademoiselle	NBC Studio Tour
Mademoiselle	The Voice—Lowell Thomas
Mademoiselle	Education on the Air
Parents	Outstanding Service to Children
Parents	Radio
Nation	A Cigarette by Any Name
Nation	Cosmopolitan
Nation	Music for the Light—W. C. Fields
Nation	Toscanini Broadcasts
Nation	Toscanini
Nation	No Rustling Programs
Nation	Music Finds Its Voice
Nation	Music for the Light—W. C. Fields
Nation	Heavenward Ascending
Nation	Television
Nation	Future (Betty Goodrich)
Nation	It's the Way You Say It
Nation	Open Letter to Rudy Vallee
Nation	Stoppage Music
Nation	The Private Life of Baby Snooks
Nation	Quiz Crazy
Nation	Can You Take a Joke—Jack Benny
Nation	The Stroud Twins
Nation	The Private Life of Betty Lou

ON THE NBC RED NETWORK

TO COVER YOU MUST USE

## RADIO NORMANDY

Full Particulars of Time and Rates from

International Broadcasting Company, Ltd.

37, Portland Place, London, W.1.

## WBAL

means business in Baltimore

Newspaper, Radio In Glass Brick Building

Charlotte, N. C., March 21. WNCN, Asheville, is a grand new home, built in connection with its parent, the new Asheville Citizen-Sun building. Archibald Stewart says it all took like one new structure, but radio and newspaper buildings were separate and independent, a wall of air, designed to eliminate vibrations from the heavy printing machinery in the daily's end of the business.

It's a glass-brick building.

Terrific in Texas!

## PAUL WHITEMAN

AND HIS ALL-AMERICAN BAND

• Broke all Attendance Records at the Southern Exposition and Robert F. Worth, Texas, doubling into the Round-Up Club.

Booked Exclusively by

### ARTISTS MANAGEMENT, Inc.

111 EAST 34th STREET NEW YORK

Telephone MUrray Hill 4-1888

YOU ARE INVITED TO LISTEN TO THE PREMIERE PERFORMANCE OF

# ARCH OBOLER'S PLAYS

Saturday March 25th NBC Red, 10 P.M. (E.S.T.)

First Performance: "THE UGLIEST MAN IN THE WORLD"

Hear ye! Hear ye!

**COURT ORDER**  
Her Honor, Nancy James  
by HERBERT LITTLE, Jr., and DAVID VICTOR  
and WABC-CBS

12:15-12:30 P.M. E.S.T.  
Monday Through Friday

Directed by LORD & THOMAS  
and WABC-CBS  
RKO Bldg., New York

# 15 Best Sheet Music Sellers

(Week ending March 14, 1959)

Deep Purple	Robbins
Penny Shenado	Shapiro
Umbrella Man	Harms
Little Sir Echo	Shapiro
God Bless America	Berlin
I Get Along Without You Very Well	Famous
Maestro	Shapiro
Conquered Is Over	Crawford
You're a Sweet Little Headache	Paramount
I Promise You	ABC
Hold Tight	Exclusive
I Cried for You	Miller
I Have Eyes	Paramount
I'm Proud of My Hills	Paramount
Gotta Get Some Shuteye	Berlin

\* Indicates stage production song.  
# Indicates musical song.

The others are pops.

## DATE MIXUP KILLS LEROY CASE

LeRoy Music Co. last week lost its suit against Leo Feist, Inc., in connection with the song, "My Heart Sings," on a technicality. Supreme Court Justice Aaron Steuer granted Feist's motion to dismiss the copyright action after the latter had pointed out a defect as to copyright date on the title page of LeRoy's version of the song.

Feist had used the same title on a number of his songs in 1927, five years after LeRoy had published his version. LeRoy sued on the grounds of unfair competition.

In asking for the dismissal Julian T. Abeles pointed out that the LeRoy publication came out a year after the tune's composer, Emma P. Lafreniere had herself copyrighted and published it. While the assignment, argued Abeles, was okay, LeRoy violated the copyright law by using 1928 instead of the original date of copyright on the title sheet, since the LeRoy version was in no way different from the original publication. As a result of this device, added Abeles, LeRoy sought to extend the life of the original copyright and by such device had thrown his number into the public domain.

Under the copyright law an additional copyright may be taken out if the manuscript subsequently filed contains added or new material.

## JUDGE'S POSTSCRIPT

Long-Deferred Chapter Has Surprise Decision Inserted

Federal Judge John Knox added a surprise chapter to his long-continued action of a group of publishers against Electrical Research Products, Inc. last week when he appointed a consulting counsel for oral argument. The case, which was tried last week, was believed to have had a decision after briefs had been filed several months ago.

Suit which involves anywhere from \$125,000 to \$150,000, stems from an agreement, which had existed prior to 1929, giving the publisher the exclusive right to license synchronization rights for foreign use. The publishers concerned claim that there is a huge residue coming to them under the terms of the old contract.

Just before the case went to trial last summer ERPI informed several major picture producers that if the electric test the decision it would hold these producers liable for the judgment.

## Mari Kenney to Toronto

Vancouver, March 21. Question of who will open the new \$100,000 Hotel Vancouver music club is in arrival of King and Queen, Mari Kenney goes to the Royal York, Toronto, May 18.

As in past years, Kenney will play one-nighters across the Dominion with twelve definitely set, prior to Toronto opening.

## Big Three Incorporates

Albany, N. Y., March 21. Big Three Music Corp. has been chartered to conduct a business in printing and publishing music in all forms with principal offices in Manhattan. Capital stock is 200 shares, but no value is placed on the stock.

Julian T. Abeles is the filing attorney.

Metro-Robbins combine has set up this corporation to cover its central shipping facilities. Robbins Music Corp., Leo Feist, Inc., and Miller Music catalogs will from now on be filed through the Robbins Music Corp. Latter name will only be used in relations with the trade. Abeles handles the Robbins, Feist and Miller insignias will be retained otherwise.

## American News Spreads Into Sheet Music

American News Co. will become a distributor of sheet music on a national scale, serving stationery stores, drug stores and other outlets. This will be an extension of the experiment that the newspaper and magazine distributor has been conducting in the Hartford, Conn., territory during the past eight weeks. The ANC's idea is to expand section by section until the company is servicing all important sales points in its distributing setup.

Amateur News will clear its music through a central shipping point, the Music Sales Corp., latter, with the aid of Walter G. Douglas, chairman of the Music Publishers Protective Association, is also working out a similar central shipping point with the Kresge chain.

Ray Music Co. has sold the European rights to "Rusty Hing," "Blue Bayou" and "Home Cooking" to Lawrence Irving London publisher.

## Assignment of Rights Proviso Has Eye to Future Television; Pubs No Like

The songwriters charge that the new assignment which council of the Music Publishers' Protective Association has submitted to its membership for signature is not a substitution for Article IX of the SPA's by-laws but rather a temporary subterfuge. Pubs who have signed the terms of the new assignment contend that the heads of the SPA are still intent upon exploiting the separate rights to exploit the television rights of works created by SPA members.

Some of the revised assignment permits a member to cancel the SPA's administrative rights to his work. The SPA, however, the association's council retains the right to cancel his membership altogether.

## DANCEMEN ENJOY MERRY COMPETITION

Victor and Brunswick Out to Hold Favorites — Already Have Cut Down List Available to Former RCA Recording Exec

## DISCS PAY OUT

Scramble of the record companies to sign or re-sign high-bracketed orchestral leaders during the past few weeks is reacting in favor of the bank accounts of several bands. And more to come. All started with the exit of Eli Oberstein from RCA-Victor and promising a great deal of the cream of the band crop for the company he formed. In addition there is another reason, namely the infusion of Columbia Broadcasting records into Brunswick-Vocalion records.

In competition the trio has skyrocketed the price for names. Article Oberstein's name is worth more than Oberstein, got himself a \$100,000 guarantee for two years with Victor. Ben Goodman also renewed with Victor. Tommy Dorsey, after reportedly being aligned with Oberstein also stays with Victor on a one-year with option contract guaranteeing him \$50,000 a year against royalties which can grab him of more than his guarantee. Dorsey was offered a guarantee of \$45,000 a year to go over to Brunswick. Feist and Miller deal was similar to what Dorsey got from Victor.

Victor and Brunswick, also named as part of the nucleus of Oberstein's outfit, but still in the end of June to go on his current Victor pact. Gene Krupa, important management man, will stay with Brunswick, although wanted by Oberstein.

The Hingins of Brunswick went out to Cleveland last week where Kay Kyser was making a week's stand at the Palace and signed him to a renewal at an undisclosed figure. His is a one-year contract. Hingins also signed Kyser's wife, and vocalist Ginny Simms, to a separate recording arrangement. Gene Heine is also safely the Brunswick fidee.

## ASCAP MEETS MARCH 30 AT RITZ-CARLTON, N. Y.

Annual meeting and dinner of the American Society of Composers, Authors and Publishers will be held at the Ritz Carlton hotel, N. Y., March 30.

Event is expected to produce the usual controversy about ASCAP's classification method from both writers and publishers.

## ASCAP MEETS MARCH 30 AT RITZ-CARLTON, N. Y.

Morris' diligence as the presiding prober led to a diverting interlude during the hearing on the protest of the Stansy Music Corp. Mrs. Bessie Stansy, the wife of the firm's interrupted one of Morris' questions by wanting to know just what publishing rights he represented. "Harms, Inc.," answered Morris. "Anselm, Witmark and Warner Bros.," was the member on the committee volunteered.

"Oh," rejoined Mrs. Stansy, "you might as well answer me what you or not."

## Social Security Set-Up Wholly Misfit To Musicians, AFM Tells Congress

## Theme Songs on the Hour

Philadelphia, March 21. Pop Boys, auto supply dealers here, believe in doing things on a large scale. Not satisfied with sponsorship of a six-hour show every night on WIP, now they've had written not one theme song for it, but six. A different one will be played every hour on the hour during the show each night.

Moë Jaffe, author of "Colligates" and other tunes, was employed to write the songs. He did both music and lyrics.

## AVAILABILITY DEMANDS ARE PROBED

Controversy over availability ratings in the American Society of Composers, Authors and Publishers broke out again last week in publisher ranks when the newly elected availability committee held its first hearings on member protests. Among those that asked for boosts in their ratings were Santy-Jay Select, Inc., Red Star Music, Stansy Music Corp., LeRoy Music Co., Broadway Music Corp., and Joe Morris Music Co.

New committee is composed of the same publishers that comprised the group of seven last year. Only change in the chairman, the designation this time going to Edwin H. (Buddy) Morris, v.p. in charge of the Warner Bros. music combine.

Hearing was marked by Morris' insistence upon his thoroughly quizzing each applicant as to the reasons for the requested lift, instead of treating the proceedings as a mere cut and dried formalities. This demand for facts and details and sifting of the applicant's case in his or her presence proved irksome at times to most of Morris' associates on the committee.

Morris' diligence as the presiding prober led to a diverting interlude during the hearing on the protest of the Stansy Music Corp. Mrs. Bessie Stansy, the wife of the firm's interrupted one of Morris' questions by wanting to know just what publishing rights he represented. "Harms, Inc.," answered Morris. "Anselm, Witmark and Warner Bros.," was the member on the committee volunteered.

"Oh," rejoined Mrs. Stansy, "you might as well answer me what you or not."

## Washington, March 21.

Woes of the musical fraternity under present Social Security laws was unraveled Monday (20) before the House committees on Ways and Means by Samuel T. Ansell, general counsel for the American Federation of Musicians. Previous predicament of transient musicians who, by reason of their casual engagements, are along with trials of band leaders who often are listed by the Internal Revenue bureau as 'employers' and called upon to pony up with embezzled monies to the Social Security tax.

Seizing a letter from Joseph N. Weber, AFM presy, Ansell described 'dire need' of musicians for Social Security compensation on Ways and Means by Samuel T. Ansell, general counsel for the American Federation of Musicians. Previous predicament of transient musicians who, by reason of their casual engagements, are along with trials of band leaders who often are listed by the Internal Revenue bureau as 'employers' and called upon to pony up with embezzled monies to the Social Security tax.

Notwithstanding the apparent clarity of the Act in this respect, the Bureau of Internal Revenue, surprisingly so to me, seems to have focused it far otherwise; the union president declared. "The Bureau, in determining the status as 'unemployed musicians and the establishments for which they work, has so far turned away from the entertainment establishment hiring the music. Congress could hardly have intended such a result."

Stressing the fact that 'casual engagements' furnish a large amount of employment in the entertainment industry, Ansell—in a 40-page brief—requested an 'equitable security system' which would give the transient musician of relief in whatever State he was stranded; include leaders in the category of the entertainment establishment hiring the music. Congress could hardly have intended such a result.

## 'OLD 97' COMPOSER WINS LIBEL SUIT VS. TIME

Detroit, March 21. Wreck of Old '97', which last year brought the music business to a halt, has been salvaged by Victor Talking Machine Co., won another \$100,000 last week for David Geffen, who was the plaintiff. The case, which was tried last week, was believed to have had a decision after briefs had been filed several months ago.

Suit which involves anywhere from \$125,000 to \$150,000, stems from an agreement, which had existed prior to 1929, giving the publisher the exclusive right to license synchronization rights for foreign use. The publishers concerned claim that there is a huge residue coming to them under the terms of the old contract.

Just before the case went to trial last summer ERPI informed several major picture producers that if the electric test the decision it would hold these producers liable for the judgment.

## Benny Carter Re-forms

## Recently Disbanded 15

Trumpeter Benny Carter, who disbanded his recent big band, has reorganized it with most of the original men and opens a stay at the Waldorf-Astoria Hotel in New York. Crew will have four NBC shots weekly.

General Amusement booking, Mo Gie handling. Crew will comprise 15 players with leader being Lou Bacon, Lou Bacon, trumpet, will also vocal.

*Congratulations*  
 to  
*Jack Robbins*  
 on his  
*25th Anniversary*  
 in the  
*Music Trade*

Julian Abeles  
 Harold Adamson  
 Murray Baker  
 Henry Busse  
 Josef Cherniavsky  
 Larry Clinton  
 Bob Crosby  
 Xavier Cugat  
 Tommy Dorsey  
 Vernon Duke  
 Duke Ellington  
 Harry Fox  
 Benny Goodman  
 Gordon and Revel  
 Glen Gray  
 Ferde Grofé  
 Milt Herth  
 Joe Higgins

Willie Horowitz  
 Leonard Joy  
 Jack Kapp  
 Kay Kyser  
 Gene Krupa  
 Steve Levitz  
 Harry Link  
 Guy Lombardo  
 George D. Lottman  
 Matt Malneck  
 Tony Martin  
 Jack Mason  
 Ed McCauley  
 Jimmy McHugh  
 Walter Meyers  
 Glenn Miller  
 Lon Mooney  
 Spud Murphy

Johnny Noble  
 Abe Olman  
 Bernard Prager  
 Sigmund Romberg  
 Domenico Savino  
 Arthur Schwartz  
 Artie Shaw  
 L. K. Sidney  
 Fred Smith  
 Dana Suesse  
 Gordon V. Thompson  
 Rudy Vallee  
 Joe Venuti  
 Fred Waring  
 Paul Weirick  
 Paul Whiteman  
 Meredith Willson  
 Teddy Wilson

# Inside Stuff—Music

## From Next Room

Governor Clinton Hotel, N. Y., employs a devious method of getting its own organ music for its lobby. Lately, the organist, Muzak hook-up, while the hotel's cocktail lounge employs an organist.

Organist's keywork is picked up and aired each evening by Muzak. Muzak, however, never picks it up from WNEB and feeds it back to the dining room.

# SHAW CRACKS MCA HOTEL

Artie Shaw orchestra goes into Pennsylvania hotel, N. Y., Oct. 15. Band will go in to the spot's Cafe Rouge, a regular rooming place. Madhattan Room now holding the Harry James crew. Hotel is mulling reversing the two rooms.

Putting Shaw into the Cafe Rouge, mainly a luncheon spot, should force the Madhattan into the Rouge's luncheon status. Shaw is the first Rockwell General Management band to break through the Music Corporation of America hold on the Penn.

# St. Louis Union Fights Use of School, Amateur And U. S. Marine Music

St. Louis, March 21. The insistence of AFM Local No. 2, that standby bands of union toolers be employed at several expositions and conventions here has caused the cancellation of plans for music at the Greater St. Louis Flower and Garden Show that got under way at the Arena Saturday (19). Promoters of the show had arranged for incidental music by several choral groups and organists but when execs of Local No. 2 demanded that a 20 piece union band play at each of the show's nine days at a total expense of \$1,845 all music was withdrawn. Fred H. Meinhart, exec chairman of the St. Louis Flower Show said that the exhibition would cost more than \$3,000 and the added nut was too much.

Sam P. Meyers, exec of Local No. 2, said the union will insist upon the hiring of union toolers at all events here important enough to require musical entertainment. He said 1,100 union toolers were unemployed. The union also has protested against the efforts of the Elks to bring the U. S. Marine band here for the national convention in July and during the past several weeks has demanded the enforcement of the rule of several years' standing that at least 12 union toolers be engaged for events at the Coliseum. Women's Exposition recently sought to hire a smaller band and caused the withdrawal of the McKinley High School band from the recent international parade of the Boy Scouts which was sponsored by the Elks. Previously Local No. 2 prevented college bands from playing during a collegiate ice hockey double header at the Arena.

## Muzak Vs. Union

Philadelphia, March 21. Plans by Muzak to extend services to Philly got underway this week. Representative of the New York automatic music purveyors is expected in town within a few days to go over the situation with Rex Riccardi, secretary of the musicians' local.

If Muzak does decide to invade Philly, it will presumably be entirely on terms laid down by the AFM, as a Philly ordinance requires City Council approval of any contracts to use telephone lines for other than strictly telephone company business. Shroyco Radio Co., a local outfit, attempted to set up a service similar to Muzak some time ago.

AFM terms to Muzak will be the same that caused Shroyco's withdrawal. It will demand the final right to pass on every spot signing up to use the service.

Frederick Hollander and Frank Loesser elected "Song of the Beachcomber" for the Paramount picture, "King of the River."

# North Dakota Governor Signs Bill But Won't Spend Cent to Defend It

## SANTLY RESIGNS

Quils Appeals Beard Post — Ralph Ford Successor

Lester Santly of Santly-Joy-Select, Inc. last week resigned as a member of the publishers appeals board that is availing itself of the aid of Fred Fisher, of Southern Music, who got the fourth largest amount of votes for election to this three-man body, stepped into the vacancy. Santly quit even before the board had had a chance to function. Other two members are E. B. Marks, head of the E. B. Marks Music Co., and Lou Plunkard, of Famous Music Corp. Santly, who gave no reason for his withdrawal, is himself engaged in a battle to obtain availability-point increase for his firm.

## 'Josephine' Renewal Case Up; Shapiro, Bernstein Wins First Volley

Shapiro, Bernstein & Co. scored in the initial court skirmish over the renewal rights to 'Come, Josephine, in My Arms' when the Federal Judge Ailred Coe refused to grant a motion dismissing the complaint of Al Bryan, Fred Fisher and Famous Music Corp., joint defendants in the action, had asked for the dismissal on the ground that Shapiro-Bernstein, as self-asserted proprietors of a work made for hire, were not eligible to the renewal of 'Josephine.' The right of renewal belonged solely to Mrs. Fannie Shapiro, widow of Maurice Shapiro, the person for whom the work was originally made for hire.

Counsel for Shapiro-Bernstein, in answer, argued that previous court rulings have held that a work made for hire is as transferable as any other copyrighted work. Judge Coe in memorandum opinion, from this viewpoint, stating that the renewal could and should be taken out by Shapiro, Bernstein and successors to the late Maurice Shapiro. Song was originally copyrighted in 1910. Bryan, Fred Fisher and Famous Music, while Fred Fisher, 'Josephine's' composer, has his renewal rights over to his own publishing firm, the Fred Fisher Music Co.

Shapiro-Bernstein contends that the number was created while Bryan and Fisher were employees of Maurice Shapiro, while the writers hold that the song was being performed some time before Shapiro brought it out and it was not part of the stipulated list of songs they turned over to Shapiro on entering his employ.

Feist Re-Issues 'Jada'  
Feist is releasing the oldie 'Jada' with a new set of lyrics written by Nan Wynn. It will hit the stands April 10.

Miss Wynn also recorded the tune in swing style for Decca.

Minneapolis, March 21. While the North Dakota state legislature passed and Gov. John Moses signed a law requiring ASCAP to file lists of musical compositions and levying a 3% privilege tax on the organization's income within the state, the trade is wondering whether the measure means anything in view of the governor's announcement that no one cent will be spent in defending the law's validity in the courts.

The attorney's announcement was prompted by the opinion given by State Governor General A. S. Strutz that the law is unconstitutional. Despite the opinion, the governor decided to sign it—at the same time, however, making known that if ASCAP attacked its validity the state would let the suit go by default.

Strutz believes that the North Dakota law is illegal because it limits privileges granted by the federal copyright law.

## ART GILES INJURED

Pittsburgh, March 21. Art Giles, veteran Pittsburgh band-leader, was seriously injured here last week when an auto in which he was a passenger hit a tree. The accident was taken to the Allegheny General Hospital, where physicians said he would recover.

Giles recently closed an engagement with his orchestra at the Hotel Schenley's Continental room.

# THANKS, JACK

MITCHEL  
PARRISH  
and  
PETER  
DE ROSE

Will Von Tilzer has been elected a director of the American Society of Composers, Authors and Publishers. It's a two-year term.

Von Tilzer got the nod from the board after Gene Buck, pres. pointed out that the head of the Broadway Music Co. had been serving as director for a year without being duly re-elected. The election was made retroactive, making the term actually three years, to correct this oversight for the records.

Harry Warren, who has renewed his writing contract with Warner Bros., plans to sell his Hollywood home with the view of commuting between New York and the film colony. Johnny Mercer, who will continue to be teamed with him, is slated to signature a renewal deal by the end of this week.

Mercer will likewise shuttle between the WB studios on the Coast and New York.

Under a resolution passed by the board of directors of the American Society of Composers, Authors and Publishers all officers of the organization, excepting the president, are henceforth barred from succeeding themselves. The new sentiment on the board favors rotating these posts. Some officers have held the same title for as many as 15 years.

## Philly Band on CBS After Squawk Is Filed; Bookers Shut 'Em Out

Philadelphia, March 21. Squawk by musicians' local about monopoly control of Music Corporation and Consolidated Radio Artists over network time for remote band broadcasts brought results this week. Union complained that it was impossible for local bands to get web spots, because all the time was tied up by the big booking offices. This resulted in the first break in the local situation when Joe Frastotto's orch at Jack Lynch's Walden Roof was allotted 15 minutes on Saturday night by CBS.

Threatening to present a resolution against the time monopoly to the national AFM convention, local complained to Lou Minding, of MCA. Minding told Rex Riccardi, secretary, that it was okay by him if Frastotto got time and suggested Riccardi contact Columbia. CBS also agreed.

Riccardi declared that his resolution will nevertheless be presented because local bands should not be dependent on charity of MCA or the networks to get air time.

Alfred Newman wrote the musical score for Samuel Goldwyn's 'Wuthering Heights.'

Kay Kahn has written a set of lyrics for 'Rhapsody in Blue.'

GREETINGS TO

# JACK ROBBINS

FRANK SKINNER

CONGRATULATIONS

# JACK

SAM COSLOW

"MANHATTAN SERENADE"  
"METROPOLITAN NOCTURNE"  
and  
"TRIBUTE"

to JACK from  
**LOUIS ALTER**

in preparation  
"SIDE STREET IN GOTHAM"

BANDS and ORCHESTRAS

Week of March 24

Permanent address of bands and orchestras are published without charge. While every effort is made to insure accuracy in this department cooperation in notifying errors is appreciated to a minimum.

Key to abbreviations: B—ballroom, C—cafe, CC—country club, H—Hotel, N—Night Club, R—restaurant, T—Theatre.
Bookings: Agonious, R. A. Mason and Ed. Johnson, 1855 B'way, N. Y. C. C. C. C. Consolidated Radio Artists, 1200 Sixth Ave., N.Y.C. P. F. Frederick Book, 1279 Sixth Ave., N. Y. C.; M.G.M. Music Corp. of America, 745 Fifth Ave., N. Y. C.; Rockwell Amuse, 1279 Sixth Ave., N. Y. C.

A Agonious, Irving, c/o WSN, NYC.
Albano, Don, El Cielo N. Y. C.
Alpert, Jimmy, Bradford B., Boston.
Anderson, Royal, Congress, 120 C. Ave., Gordon, 343 N. W. C.
Armstrong, Louis, 1279 Sixth Ave., N. Y. C.
Asch, Paul, Rose, T. NYC.
Armslaw, Gene, Joe's Hollywood.

B Barry, Bert, Plantation Club, Milwaukee.
Barnes, Charley, Paramount T. NYC.
Barrett, Jimmy, Club 30, Newport, N. J.
Barrie, Dick, Davaco-Wildcat, N. J.
Bassett, Fred, 1279 Sixth Ave., N. Y. C.
Bassett, Tom, Seaside's H. Milwaukee.
Beane, Maxwell, St. Regis H. NYC.
Becker, Howard, Rainbow Club, NYC.
Bergere, Christine, Versailles N. NYC.
Billette, Bora, Carlsson's H. NYC.
Blair, Lon, Adalberto-Billmore H. Atlantic City.
Blum, Fred, 1279 Sixth Ave., N. Y. C.
Blum, Archie, Earl Carroll's H. Newark.
Blum, Joe, Joe's, Totter, NYC.

Brown, J. J., 1279 Sixth Ave., N. Y. C.
Bruscia, Vincent, Ambassador H. NYC.
Bruscia, Nat, Green House H. NYC.
Bruscia, Ace, Merry Garden H., Chi.
Bruscia, Vera, Oriental, NYC.
Burkhardt, Joseph, Plantation Club, Indianapolis.
Burger, Nathan, Tavern, Cleveland.
Burger, Don, Joe's, Totter, NYC.
C Calloway, Cab, Cotton Club, NYC.
Cannon, Eddie, Rothman Showboat, C. C. Carnegie, Joe, Versailles Club, Hollywood, Fla.
Carter, Benny, Bop, NYC.
Carter, George, Club Havana, Milwaukee.
Cassidy, Lenny, Palco, NYC.
Cassidy, Buddy, Ambassador H. NYC.
Cassidy, Eddie, Palco, NYC.
Collins, Harry, Andy's H. Atlanta, Ga.
Conwell, Joe, Newberry H., Salt Lake City.
Cook, Tom, New Kemore H., Albany, N. Y.
Conwell, Chaskey, Paxton H., Lincoln, Neb.
Crosby, Bob, Blackhawk H., NYC.
Cummins, Steve, Joe's, Totter, NYC.

D Danton, Gilbert, Chateau-Frontenac H., Quebec.
Davis, Eddie, Lorne H., Chi.
DeWitt, Joseph, Pepper Pot, N. NYC.
DeWitt, Johnny, Belmont H., NYC.
DeWitt, Jack, c/o William Morris.
DeWitt, Jack, c/o William Morris.
DeWitt, Jack, c/o William Morris.
DeWitt, Jack, c/o William Morris.
DeWitt, Jack, c/o William Morris.
DeWitt, Jack, c/o William Morris.
DeWitt, Jack, c/o William Morris.
DeWitt, Jack, c/o William Morris.

Dillon, George, 1279 Sixth Ave., N. Y. C.
Dillon, George, 1279 Sixth Ave., N. Y. C.
Dillon, George, 1279 Sixth Ave., N. Y. C.
Dillon, George, 1279 Sixth Ave., N. Y. C.
Dillon, George, 1279 Sixth Ave., N. Y. C.
Dillon, George, 1279 Sixth Ave., N. Y. C.
Dillon, George, 1279 Sixth Ave., N. Y. C.
Dillon, George, 1279 Sixth Ave., N. Y. C.

BERLIN-BULLETIN

IT'S NEVER TOO LATE

By Carmen Lombardo and Johnny Loeb

(GOTTA GET SOME)

SHUT-EYE

Another Hit by Walter Donaldson and Johnny Mercer

CUCKOO IN THE CLOCK

WE'LL NEVER KNOW

By IRVING BERLIN

JOE SANTLY, Prof. Mgr.

IRVING BERLIN, Inc., 799 Seventh Ave., N. Y.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (March 13-19). Total represents accumulated performance on the two major networks from 8 a. m. to 1 a. m. In 'Source' column, a denotes film song; 1, legit; and, and 'pop' speaks for itself.

Table with columns: TITLE, PUBLISHER, SOURCE, GRAND TOTAL. Lists various songs and their performance counts across different networks and sources.

Table with columns: TITLE, PUBLISHER, SOURCE, GRAND TOTAL. Continuation of the Network Plugs table from the previous block.

THEME SONG OF "one third of a nation"

THAT'S HOW DREAMS SHOULD END

By HAROLD ORLOB

OLD SONG SUGGESTIONS

JIMMY McHUGH'S "CUBAN LOVE SONG"

Robbins Love Corp.

4 ACES! PROMISE YOU HAVE A HEART Y HAD IT COMIN TO YOU LITTLE GENIUS



Inside Stuff—Orchestras

HERB COOK REHEARSES ALL-GIRL ORCHESTRA

Kansas City, March 21. Herb Cook, staff member at WFB, is rehearsing a girl band for theatrics and night club dates. The organization will include a nine-piece trio, 'The Three Reasons.' The unit is in rehearsal until June.

Cook was formerly arranger for Phil Spitalny and manager of 'The Three Little Words.' He rejoined WFB a month ago.

Band Bookings

- Tex Travers, Henry Gray May 3, Atlanta, four weeks, opening May 5. Rita Rio, Fibabus and theatre, Brooklyn, N. Y., March 31. Miit Herth Trio, Lincoln hotel, N. Y., April 3, indefinite. The Three Girl Frontenac Cafe, Detroit, April 8 to 21. Blue Barron, Madrid Ballroom, Louisville, April 2; St. Louis Armory, April 3; Convention Hall, Pitts, April 5; April 6-10, Des Moines; Turnpike Casino, Lincoln, April 7. Gray Gordon, Southland, Boston, April 10, two weeks. Charlie Barnett, Raymond Ballroom, Boston, four weeks, opening April 8. Lou Breeze, Coliseum, Rochester, April 3; Coliseum, South Bend, Ind., April 14.

- Lee Brown, Canton, N. Y., April 10; Geneva College, N. Y., April 28. Larry Clinton, Durham, N. C., April 6; Chattanooga, Tenn., April 8; Lawrenceville, N. J., April 10; Nicolet hotel, Minn., June 3 to 30. Joe Venuti, one-nighter, March 25, Willard hotel, Wash., D. C. Will Osborne, March 24 to April 15, staggered, Rainbo Ballroom, Boston; April 2, Rita hotel, Bridgeport, Conn. Freddie Fisher's Schneickelitz band, Rose Hotel, Chicago, April 7, four weeks. Charlie Agnew, April 23, St. Agnes Ballroom, Chicago.

On the Upbeat

'One Foot in Groove'

Artie Shaw recorded one of his original numbers last week which he had named 'House of Jive.' It will be released under title of 'One Foot in the Groove.'

Bernie Cummins announced closing date at William Penn Hotel's Chatterbox, Pittsburgh, on April 1 in off and we'll stick until Urban Roof opens summer season. That'll be around Decoration Day.

Jean Wald's femme orchestra out of Pittsburgh has had option picked up at Hotel Fort Hayes, Columbus, for four additional weeks.

Three Pittsburgh bands, Joey Sims, Owen Piper and Jimmy Earle, booked for University of Pitt Military Ball Friday (24) along with Kay Kyster.

Janis Williams Coquette, all-girl band, pencilled into Stanley theatre, Pittsburgh, for week beginning March 24.

All Evedin one-nights at swanky Concordia Club, Pittsburgh, Saturday (25). Commodore Hotel-Perry, Toledo, date out and he's still awaiting next CRA assignment after ending two-month stay at Nixon cafe, Pitt, this week.

Jack Teagarden band will have six wires per week during its six-week stay at the Roseland Ballroom, N. Y. Gets three Mutual and three CBS spots.

Sammy Kaye leaves the Commodore Hotel, N. Y., sometime in May for a series of theatre dates including the New York Paramount. Band has been offered a return shot at the Commodore next winter, opening in October.

Bert Lown's new orchestra preems at Virginia Beach, Va., on location following a short shot at one-nights.

Jan Savitt stays at the Hotel Lincoln, N. Y., indefinitely. Charley Barnett was scheduled to relieve Savitt next month. He'll go in whenever Savitt leaves.

Mills Mastie, Inc., will publish the score of the Hasty Pudding Club show, 'Fair Enough,' which opens at the Waldorf-Astoria hotel, N. Y., April 8.

Two hot music lovers not connected with the biz at all are backing the informal jam sessions which shift weekly from the Park Lane Hotel to the famous-Five at the Friday Club sessions and in whichever outstanding musicians are in N. Y. at the moment to let them go to town sans music. Each is paid off at union scale, there being a \$1 street door. So far the events have been lucrative only once and then for only a few bucks at each as the backers are concerned. They are Paul Smith and Ernest Anderson, latter with True Story Magazine. Thing's best night was a week ago.

Rest of the time it has cost the two anywhere from \$20 to \$40 per week to sit and listen to hot men like Fats Waller, Eddie Condon, Bud Freeman, Benny Carter, Roy Porter, Duke Russell, Zutty Singleton and others. Probably would be a deeper red if the room used were paid for. Hotel opens on the cuff, figuring the drink sale enough recompense.

Various orchestra leaders on tap in New York at the moment jumped in and guest conducted George Hall's band in the first two days of its current date at the State, N. Y., this week. Half wife died unexpectedly Wednesday (15) and was buried Friday forcing him from the show. Jan Savitt led off the guests Thursday, being followed by Will Osborne, Gray Gordon, Roy Porter, Jimmy Earle and others in scattered orders. Same situation applied Wednesday night when Hall's crew played a private party at the Hotel Pennsylvania, N. Y. Johnny Mesmer left his outfit at the Madison hotel to host several sets and was followed by others. Hall returned to the State Saturday morning.

Bea Wain, vocalist with the Larry Clinton orchestra, is another example of an unknown picked up by a band and built to important popularity. In Miss Wain's case she rose along with the crew on tunes like 'My Bevee!' and the current pop favorite 'The Way You Look Tonight.' She's the chorus on the Kate Smith radio show. She skyrocketed fast though, and now receives billing above Clinton's out on some of the New York indie stations being recorded there.

Another along the same lines is Ella Fitzgerald with the Chick Webb crew. As a result of "A-Ticket-A-Track" she gets equal billing with the band whenever it plays.

Stan Shaw, director of the WNEW, N. Y.'s early hour 'Milkman's Melody' set up a recording program early in 1938. It was scheduled to number after number, the various countries of Ireland. It was scheduled to occupy half the night at least, but didn't get half as far as intended. 'We're wired cause we're the gist of all being we're not Irish; let's have Artie Shaw.'

Artie Shaw and Si Schribman, New England ballroom operator, have agreed to settle an obligation which the lagoon which he's had for a year while playing for Schribman by the payment of a cash sum of money. Amount which Shaw is slated to give Schribman is \$22,500.

Mme. Commissioner Next?

(Continued from page 37) again endeavoring to work its will on the voiceless majority, as in the case of prohibitions. At that meeting was important, then every W.T.C.U. meeting in 1914, 1915 and 1916. The network, the individual stations, the people in radio, take a stand for a free and untrammeled radio, just as we have free speech and a free press, the better the situation will be.

The solution of the children's hour, which Vanuxem seeks, is important. Any reliable pediatrician, psychologist or psychiatrist will tell you, as I told me years ago when I was writing 'Little Orphan Annie,' that good, healthy excitement hurts no normal child. If the mothers in Mrs. Milligan's clubs are raising problem children, they had better look to their own hearts before they propose to sweep the world clean. Any radio in the world shuts off with a simple twist of the wrist.

After 15 years of experience with advertising agencies, can safely say that not one of those I have encountered is callous to its social obligations, whose business is to sell the goodwill of its customers. I have found no advertising agency unwilling to follow the rules set up by the networks. That they drive a hard bargain may be true, but so does the case of the person entrusted with money but not his own.

Who are the right mensurands for these personal contacts? But there are the women's clubs. Are they either the networks or advertising agencies? Thank God, no! They are the thousands of wives and mothers—like my wife, I'm proud to say—who, when they come to their own children, will aware that education, enlightenment, and the like, like charity, begin at home. Of course, the children's hour is an adult problem. But there are (inquiries) does Mrs. Milligan have (live)? are our problem, my wife's and mine. They are all like this thing, other entertainment, education and exercise, are directed by those personal contacts. But there are no blinkers or ear-laps to disguise a world greatly in need of improvement. They are I believe, well on the way to becoming intelligent, tolerant, public-spirited Americans. If they are all those things, we will be satisfied.

Dahn's suspicions of Mrs. Milligan seem unwarranted. She and a group, including Dorothy Gordon, apparently did the industry a favor by arranging the off-the-record luncheon (which got on the record!) in the interests of better understanding of conflicting viewpoints. The more liberal-minded club women have understood the problems of sponsorships and have been sympathetic.

P. S.—Mrs. M. has two children.

Bernie Vocalist Enjoyed

Supreme Court Justice Salvatore A. Costello yesterday (Tuesday) issued a temporary injunction against the De Loyd McKay from appearing with Ben Bernie's orchestra, and ordered her manager to appear in court. Benjamin Fogelman, to put up a \$25,000 bond. Suit charges breach of a five-year managerial contract.

PAUL WHITEAMAN DATES

Paul Whiteman orchestra is set for two concerts next month at Rochester and Boston. Crew does first at Eastman theatre, Rochester, April 14 and follows with Symphony Hall, Boston, April 16. Prior to those it'll hit the Follie Pier, April 9. Whiteman returns to New York today (Wednesday) from a date at the Southern Exposition at Dallas, doing his Chesterfield broadcast fills a one-nighter at Atlantic City's from there tonight (22).

Remodel, Rename Spot In Park Centre; Opens Larry Clinton May 17

In line with its name band policy started with Chick Webb and interrupted by the current Curt Houck crew, the Park Centre hotel, N. Y., brings in the Larry Clinton orchestra May 17 for a six to eight-week stay. Date had been rumored, but wasn't closed until Sunday (18). Will Osborne band might precede Clinton if it's set he will go into the Hotel just before Zaster or thereabouts. Hotel will shutter the Oceano Grove from May 9 to 16 for a refurbishing and painting to cost about \$50. Currently can handle about 400. Room's palm motif might change with 'Grove' name slated for discard.

Clinton is currently on a one-night tour. He starts a theatre date in Cleveland this week, then heads south for another month of one-night stands. Following the P.C., it's probable the band will go into a tour at the New York World Fair.

CHILDS TO MCA WITH 16 WEEKS GUARANTEED

Reggie Childs, who last week asked for and received his release from Consolidated Radio Artists, aligned his crew with Music Corporation of America Friday (17). It's effective immediately. MCA guaranteed Childs a minimum of 16 weeks' work between now and October. Most of the 16 are location dates.

HARRY WARREN and JOHNNY MERCER Offer FOUR SMASH SONGS...

Offer FOUR SMASH SONGS... "HAUGIT but 'NICE'"

Remick Music Corp. R. C. A. BUILDING • NEW YORK CITY. CHARLIE WARREN, Prof. Manager. The songs are IN A MOMENT OF WEAKNESS, I'M HAPPY ABOUT THE WHOLE THING, HOORAY FOR SPINACH, CORN PICKIN'.

# Unit Review

## MAE WEST & CO.

(FOX, BR'LIN)  
Sylvia Mason & Co. (4), Bob Rippa, Fred Astaire, Sylvia Mason & Co. West and Mae Sextet; 'Persons in Hiding' (Pr).

Still a major attraction, Mae West in the flesh is strong enough to pack them in here. With plans for a musical comedy on Broadway under way for next summer, present vaudeville tour, with Mae West carrying three other acts in her unit, is probably saving as a stage warm-up.

Unit carries no orchestra and opens with house band in pit and Sylvia Mason & Co. for stage. One of the top adagio acts in years. Mae West is as youthful, lithe and graceful as ever. With her three male partners, rhythmic, syncopated and blue, performance is replete with occasional throws across stage, each trick bringing favorable response.

Bob Rippa, Danish juggler, offers a variety of stick, ball and plate tricks. Pretty familiar to vaude. Rippa's balancing is past excellence, with hardly a muff to spoil performance.

Billing themselves as Borrah Minniewich's original harmonica sextet, the mouth-organs troupe furnishes hardy-headed comedy and paves way for Miss West. Minniewich is no longer a part of this act, but his substitute carries on with the routines Minniewich originated. Three or four musical selections serve as background for combats, fights and interruptions among the troupe. Their version of "Unchained Melody" is entirely new, but unimpressive musically. Shrimp-sized member of the troupe has the audience in the hollow of his hand throughout. His combinations and fights with other members of the troupe for favored position at the microphone is a novel slapstick.

Full orchestra of 15 rises from pit finally to bring on Miss West in the closing spot. Set in attractive velvet backdrop, with a chaise longue, the only piece of furniture, her six leading men in top hats, tails and canes, advance to center mike from the wings and sing the praises of the Sultana of Sex. Her accomplishment

ments in pictures since 1932 are given overview in snappy routine from song-hits she warbled in her various years. Following introduction, Miss West emerges from center entrance onstage in the grand manner, at the boys' side of off.

Her voluptuous figure, clothed in black ostrich feather headress, the whole designed to give her conception of Catherine the Great, wings applause right off the bat. Sure and certain of herself, she does a typical West strut to the mike and sings, "You Must Come Up and See Me Sometimes."

"You may not, or so I next lean up in kidding routine with one up in kidding routine, it permits her to get off some of her sexy witticisms, which is what the customers are waiting for. Each gag rings the bell. With an air of subdued sophistication, taking in setting, appearance of her supporting cast, costume and material, the whole unit is designed to give Miss West an opportunity of ingeniously presenting what she has to offer without any trouble from censors.

Closing routine of her act has her laughorously dancing and singing with her troupe in the underlying "I Kiss Your Hand, Madame," bringing the act to a fitting finale in a passable ballroom. She then brings her act to a fitting finale in a passable ballroom. She then brings her act to a fitting finale in a passable ballroom.

Miss West's booking here is as a special attraction. House reverts to midday Friday (24).

## •15 YEARS AGO•

(FROM VARIETY)

English labor permits limited for foreign players reported to be a repatriation particularly against American performers, since London plays were encountering increasing difficulty in being cast because English players were in America.

Paris hosting an international vaudeville conference. England, France, Italy and Belgium were represented.

King Victor Emmanuel bestowed upon d'Annunzio the title of Prince of Montevideo.

Tom Rickard was the first fight promoter to ban a radio account of a fight. He refused to sanction the broadcast of the Paul Bertinack-Jack Delaney contest at Madison Square Garden because of its possible effect on the b.o.

O. P. Heggie, Kenneth MacKenna and Helen Hayes headed the 'Legs We Moderns,' which clicked in the New York opening.

Fred Waring's Pennsylvanians were held over at the Stanley theater, Pittsburgh, the biggest musical hit in the history of the theatre.

Henry Hull looked like a picture-queen in the title role of 'The Hoosier Schoolmaster.'

Eddie Leonard and Jack Osterman held up the act at the Palace. Otherwise, it was just another card.

City officials were permitting Sunday afternoon traffic in defiance of the Ku Klux Klan, which sought to prohibit them.

Organization of independently-booked theatres planned to erase abuses practiced by some indie theatre-owners and bookers.

'The Bat' closed in Washington after chalking up a \$1,800,000 profit during the five years it had played.

## ADOPTS AM SHOWS

Scheney, Pitt, 2d WB Nab House to Go in for Simon-Pures

Pittsburgh, March 21. Another WB nab house, the Scheney, is going in for amateur shows once weekly, but talent in this case will be confined to college students. Scheney's in the heart of the educational center, and plan to confine contestants to undergraduates of Pitt, Carnegie Tech and Duquesne University.

Shows will be staged tonight (Tuesday), with Milt Golden's Pitt dance band providing the music from the stage. If it clicks, stand will be repeated each Tuesday, with intercollegiate finals listed for end of school season. The common is the cash prize.

Tonight, another WB nab, recently renamed an night, but field's open here.

## Shows for Repairs

Shubert theatre, Newark, N. J., shutters for two weeks after the last show tomorrow night (Thursday). House will undergo a refurbishing to some extent, but in shuttling management will allow the installation of a new lighting switchboard.

House reopens April 7 with Chick Webb and Ella Fitzgerald.

## Night Club Reviews

### GLASS HAT, N. Y.

(BRIMM PLAZA HOTEL)  
Ernie Holtorf (12), Adrian Rollini, Three Smoothies, Bert Shau, Jane Clair.

The popular-priced Glass Hat, a favorite spot of Park avenue for old and young, tonight is more intimate. Ernie Holtorf, Adrian Rollini, leader and Bert Shau providing the vocals, is excellent on the piano. Popularly of the Glass Hat surprisingly brings about quite a banding for the acts to overcome. Route is on the hotel's ground floor and because of a low ceiling, is quite cozy when crowded. Same situation causes both the band and singers to sound too far in at times.

Show's standouts are the now standard Adrian Rollini Trio, one of the top musical groups in the area, and the Three Smoothies (two boys and a girl), who dispense nice rhythm harmony. Both combinations had difficulty getting off the night shift. The Rollini Trio is also strong for customer-terping in lounge too for the act. Bert Shau, who is with the band and Jane Clair are only fair vocalists. Rollie, who does so much singing, rates higher in that line than the others.

Band was at the El Morocco for several seasons and is now making good by prominence via two NBC outlets weekly. It plays a show well worth listening to the dance floor. Some were crowded attest to the orchestra's danceability. Scho.

### ARABIAN NIGHTS, N. Y.

Tommy Mills, Albinice, Gypsy Knight, Roberta Jony, Serge Adagoff, Arthur Kavel, orch. Arabians Nights Girls.

On the site of the former Yumuri-Cuban hit, a group of bakkers (whose names are not mentioned) have reconstituted a downstairs room and installed Joe Zell to run it. He will have a disappointing job on his hands if he doesn't get a better show.

Zell, back from Paris, is a name well known to New York cafe dwellers. His erstwhile exploits on this stage were of glowing glamour among the foreign nitery impresarios, included Zell's, the Royal Book and Dawn Patrol.

Cuisine at in this new place is Arabian in style, and the former luckless Yumuri headquarters had been entirely and effectively redone, with all work on the wine scene, what in the Faristan manner. Waiters, cigarette girls, flower vendors and others are in costumes appropriate for the environment, but the show is neither fish nor fowl.

The Arthur Ravel band plays music which ranges from the more serious rousing rumba, the m.c. (Tommy Knight) to the more light and airy things, there's a Russian knife dancer, Serge Adagoff, on the show. Opening session a week back staged by Don Mario and with a book by him, included a story book program to bring out something Arabian or near to it, with music and numbers to fit. Since then Mario has retired from the show with a band which he is about to disband. He show he put on except for slight retouching, also has to do out. Mario doubled from the Firebird, where he remains.

Harlan Dixon is the new stage

and Mills on Saturday night (18) succeeded Lou Dalgoff as m.c. Other acts include the Gypsy Knight, Arabian Nights Girls, declared to be ballet-trained, have added hotcha hooding to the routines that are in (Continued on page 55)

## Bad Pitt Biz Exits Name

Bad Pitt Policy for Nitery

Pittsburgh, March 21. Harlem Gladiators paid to drop big shows for colored name and died snoring here last week when the bottom fell out of his business and all over the local nitery belt. Septia-theatre safe had tentatively hooked McKinnon's Cotton Pickers for next week, with Fletcher Henderson, Earl Hines, Erskine Hawkins and Chick Webb set to follow, but called whole thing off when trade got worse than usual.

In addition, Sherdine Walker's orchestra contract still has a few months to run, and understanding is that she would be booked in local theatres for the unexpired term. Agents, however, found tri-state nit show bookings in the dumps, too, thus nullifying that plan.

## Arthur Klein Bankrupt

Los Angeles, March 21.

Arthur Klein, former New York agent and now manager of the True-View theatre, Hollywood's only theatre in Federal court.

Liabilities of \$10,439.25 are listed against assets of \$4,700.

## F&M Sets Pearce

St. Louis, March 21.

Al Pearce and his Gang have been booked for one week at Fanchon & Marco's 5,000-seater Fox, starting April 2. The engagement is in line with plans to present an occasional stage show at the Fox during April and May.

No other acts have been lined.

## BENEFITS STILL GO ON

Philadelphia, March 21.

Complaints by nitery acts that they are being called on to play more benefits than ever are being registered at the American Federation of Actors headquarters here. This is despite claims by Tom Kelly, AFA local agent, that the chis has been materially reduced as a result of a clampdown several months ago.

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**WIN PLACE OF THE SHOW**

**LONDON COLOSSEUM**

THREE QUICK ONES IN A ROW AT THE

OPENING SECOND SEASON—BARNES & CARRUTHERS FAIRS JULY 3RD

Personal Representative—MILTON PICKMAN of **ROCKWELL-OKEE GENERAL AMUSEMENT CORP.**

# Teamsters Union Returns to Activity With Increased Use of Stage Bands

Competitively inactive since vaudeville climbed aboard its totem, the International Brotherhood of Teamsters and Chauffeurs has been giving more attention lately to theatre-going. In almost a fall-back measure it was once directed from transporting baggage of vaude turns from depots to theatres, and vice versa that has dwindled proportionately with the vaude decline.

While ever-widening use of name bands as stage fare has, in a measure, brought back considerable traffic to the hitch, as far as the I.B.T.C. is concerned, is the mode of sale where the bands travel by day but since the bands travel by truck or private car and carry their instruments in light trucks.

Truckers are tapping into this picture more of late, demanding to be designated as official loaders of Local 811 of the I.B.T.C. has acted in a comparatively few instances with the approval and cooperation of the N. Y. Local 812 of the American Federation of Musicians who has acted as intermediary where salaries were concerned.

Repe of the I.B.T.C. statutes, stage-bands of the Paramount theatre, New York, from aiding Bob Crosby's orchestra to leave the stage, and since there have several such acts. An early instance of I.B.T.C. action was the firing of Krupa band at a Brooklyn Army last spring. There the band was picketed as being unduly large.

Truckers and teamsters are also active with the New York World Fair, and the latter, the latter, the latter. They have been stopping trucks delivering material to Fair concessions which are in the slow class.

## NEW PLAN MAY CUT PA. NITERY

Philadelphia, March 21. Plan to gradually slash the number of liquor licenses in the state by one third, through April 1, which is under the control laws here, is under consideration by a legislative grand committee. By increasing liquor board more powers to press a vigorous enforcement campaign, and giving it more latitude in revoking or suspending licenses, it is seen that many drinking places, including what would be eliminated, which would also be the a considerable pickup in biz at least a third may be eliminated. This number when license renewal fees of about \$700 are due.

Committee is also studying the possibility of obtaining an additional \$25,000,000 revenue through liquor taxes the next two years, which would also add to the number of spots dropping out of the race.

## Bev Hills, Ky., Sets Four Name Bands

Chicago, March 21. Following current bill by Clyde Lucas' orchestra, the Hill Country Club, Newport, Ky., plays four name bands, which opens April 14.

Following Lewis consecutively with Abe Lyman, opening May 11; Phil Hiss and Edith Duchin, all for four weeks each.

## F&M Line for Chi

A Fanchon & Marco line of 16 girls, directed by Joe Foster, goes to the Palace, Chicago, for a six-week run starting April 14. Opening date depends on the booking of the Castles' (RKO), Astaire-Rogers starer, which will likely be off. Castles is expected to run about four weeks.

## 1939 Odyssey

Chicago, March 21. Senator Murphy arrives in town last week on what may well be the longest jump in the history of vaude. Murphy came in from England for a week at the State-Lake Hotel, he's due to leave immediately for Los Angeles where he sails for Australia vaude dates.

## Downs to Curtail State, Hartford, for Summer, 2-Day Vaude Substituting

In line with a summer retrenchment policy, the State, Hartford, folds its full-week stage shows at the end of May for the summer. The Downs, however, are considering bringing in weekend vaude bookings during the period, with the possibility of Saturday and Sunday dates.

It has been operating on a name band policy—Artie Shaw is current—and has tentatively set Fred Astaire, Guy Lombardo, and Show Kaye, Glen Gray, Wayne King and Larry Clinton for dates to run through May.

Pro. Vasser Folds Providence, March 21. The Playhouse, in-and-out vaude, Almer, quit stage shows last week because of closing of Fox, which previously had been the city's only vaude.

## BAD BIZ, UNION DISPUTE SHUT MARGUERY, PHILLY

Philadelphia, March 21. Cafe Marguery in the Hotel Adelphi, once Philadelphia's most popular cafe, shuttered last week as a result of a union dispute. Howard Holz, the manager, indicated that it will probably not be reopened until the fall if the first time since repeal that the Adelphi has been without a nitery. He also blamed the Cooks, waiters and Bartenders union for part of his difficulties, since, he said, they wanted to put on more men in the kitchen department.

Barstow's Double Play Palmer House, Chicago, brings in its first outside dance director April in when Dick Barstow comes in to direct the new libretto show. He will also do his standard vaude turn with his sister Edith. Pair are in for eight weeks.

## Tale of Arcadia

Or the Story of the Philly Cafe That Was Nearly Leased by a Glib Gentleman

Philadelphia, March 21. Fantastic tale of how a complete stranger, who had started a new show would have had the shuttered Arcadia-Internationals' restaurant property for the next two weeks here this week. Arthur H. Padula, prez of the nitery, who was set to take over the property, was revealed here this week. Arthur H. Padula, prez of the nitery, who was set to take over the property, was revealed here this week.

Almost unbelievable story began last Jan. 21, when the spot closed. Principal creditor was the landlord, Albert G. Greinfeld, agent for the Widener Estate, which owns the building. Greinfeld agreed to relinquish the Arcadia if Padula could raise \$5,000, obtain the agreement of the federal, state and city governments, which were owed taxes; obtain the agreement of the service unions, whose members were to be laid off; and obtain the sanction of the 33 principal creditors.

Padula secured the agreements necessary and the money, and he took Greinfeld, in turn, was to reduce the rental from \$60,000 a year to \$30,000 for the next six months. But during this period Philip H. Doerie, Jr., came into the picture. Unknown to Padula, he had already lent the realty from Greinfeld at

# United Detroit Extends Nabe Vaude After S.N.O. Fry; Sets Rotating Unit

Marden's Riviera Already Settling Talent for Opener Talent is already being set for Ben Marden's Riviera, on the Jersey side of the George Washington bridge, through the month of the show. The showcase won't be until May 4, at the earliest. Chester Hale will probably be the first to show.

Acts set thus far include Joe E. Lewis, Ray and Naldi, Frase Sisters, all set by the William Dorrice orchestra, including Emery Deutsch's orchestra, which will play the opening layout.

Detroit, March 21. Success of initial re-entry into vaude last week at its 1,600-seat Annex nabe has prompted United Detroit theatres (Par) to extend their season, by opening the Ramona and Regent. All three are major UD nabs. One-night set at Annex last week drew sellout crowd of 30c.

UD's Broadway-Capitol, former downtown vaudeville which has been on several tour dates for a long spell, has also been included in the split-week flesh lineup, and will get initial set-up by the Schiller, UD's booker, to play three spots each one week. Will consist of five or six standard acts, plus a seven-piece band.

Present setup for the Annex, Ramona and Regent will include building of a unit by the Schiller, UD's booker, to play three spots each one week. Will consist of five or six standard acts, plus a seven-piece band.

May Reopen Nabe House Minneapolis, March 21. The Minneapolis Theatre Co., owners of the 2,400-seat, 1,600 Minnesota, has been abandoned by the Paramount circuit, is considering reopening the big detroit house itself, opening the big detroit house itself, opening the big detroit house itself.

Greene managed the Minnesota playhouse and had for some time thereafter, illness requiring him to relinquish the position. An investigation now is being made to determine if sufficient screen product would be available.

The theatre has been dark for more than six months. The Paramount lease expired Jan. 31. There are still some show-up for the past three years, or more.

REO's Final Try Planning special low-budget trial shows, RKO in New York yesterday announced plans for a series of trial shows two days weekly at the Flushing, and on Friday (24) is to open a similar show at the Regent.

At the 36th St. Frank C. Hall, assistant manager of the Flushing, last night (Tuesday) the Joe Jordan Harlem Synopsators played the Tilyou, Coo's final show.

## New Haven Sunday Vaude

New Haven, March 21. Town will have first Sunday vaude when promoter Nat Podoloff, plays Artie Shaw, Duke Williams on for matinee, evening performance Sunday, March 21. In addition to Williams' standard show, there will be eight acts of vaude, plus Paul Tremaine's band.

Glen Gray's Casa Loma orchestra booked for April 16, with subsequent shows dependent on reception given there. Previously Sunday vaude at the Arena was mutilated by local stagehands, and by negotiations felt through and union is not in present setup.

## GOODMAN TOPPED IN PITTS BY SHAW

Pittsburgh, March 21. Latest b.o. clash of Benny Goodman and Artie Shaw resulted in slight loss for Goodman as a result of their consecutive appearances at the Stanley, Wv. duette. Shaw grossed around \$24,000, with Goodman, however, drawing up just slightly better than \$22,000.

Goodman's backers claim that Shaw had the better b.o. picture in 'Paris' than Goodman had. Shaw's show on his Sunday, Paris', playing alone, outgrossed 'Fast and Loose' (M-G), shows, change weekly, will be the policy.

## Ohls Cafe Boogies

Newark, N. J., March 21. 'Mavril' Royce, aka Beezee Hot, at nearby Buckeye Lake, has responded for the season. Floor shows, change weekly, will be the policy.

MUSIC HALL, N. Y.

Symphony orchestra, Erno Rapee, Mitchell Form, George Meyer, conductors, Viola Hilly, Gladys Meyer,...

Playback feature motivates the main production number in this week's stage movement. Florence Rogers' Three Glass Hearts and combines brilliant stage and concert investment...

The table's recital spotlights the talents of a choice cast of ball artists and brings on the house list for the usual optical treat...

Outside of the ballet tanning the backstage impresario hasn't much to crow about. The opening item is followed by the following soprano. She does the following: "The following soprano, she does the following..."

FOX, PHILLY.

Had Kelly's arch, Mickey Rourke, Bob Allen, Suzie Dopezi, Michel Serrault, and a crew of other stars...

With the new vaudeville policy now in its fourth week, it is clear that what is figured to be strong box draw on the screen. For this week...

EMBASSY, N. Y.

The death of a nation occupies the spotlight here this week, though it is a little time to be spent on the present subject, but the narration is strong and the picture is taken last fall at the first crisis...

Comic angles in the Kemp outfit are handled off by Mickey Bloom and Jack LeMaire. The duo is followed by the Bottles and then adds a new nifty item...

minics a femme chirrup with a wailing and a bangling tune together in a falsetto and style that is a real treat. Paul Remos and his pair of midgets are the heaviest scorers in this week's show...

HIPP, BALTO.

Baltimore, March 19. Fredroyd (F), Edna Roeker, Paul DeLino, the Dolphos, and Edith Enos, the Dolphos & Rags Sixty Seconds Got Together, Mulberry Bush, with much better arrangement than hitherto...

Nice playing layout here, a bit heavy on the right end, but effective nevertheless. Wealth of novel and actual sock and appeals to the eye. Mayer, making a vaude comeback after a long absence...

Strong opening by The Fredroyds, Continental leader board septette, who never catches the ball and tumbling stunt in addition to their other catches by the sea-saw. Closing trick of a somersault by the Dolphos and Rags Sixty Seconds Got Together...

FLATBUSH, B'KLYN.

Red Norvo's (R), Dale Winthrop, Allyn Cross, and Mildred Bailey (Mrs. Norvo), Mildred Bailey, Cross and Dunn, Mildred Bailey, Cross and Dunn, Mildred Bailey, Cross and Dunn...

The Flatbush was originally built for the Flatbush house in 1913. Lewis had the house built for the Brandts under whom it has been operated since the late '20s...

Universal handles the most foreign on the Flat. This one is along with the other two. They go into the entire Central and West Coast and handle the entire geographic picture.

Comic angles in the Kemp outfit are handled off by Mickey Bloom and Jack LeMaire. The duo is followed by the Bottles and then adds a new nifty item...

ADELPHI, LONDON.

London, March 16. Beatrice Appleyard & George Pappas, Allyn Cross, Mildred Bailey, Martin Brothers (C), Claude Dampier & Billie Gougeon, Scanty, Holloway, Calgary Brothers (2), Cecil Lyle...

This show is practically devoid of the femme element, and has too high a sprinkling of dumb talent. House is also getting bad Monday nights in the week-end. The show is also getting bad Monday nights in the week-end...

Closing is Cecil Lyle with some sentimental rousing and a disappearing woman in cabinet to the accompaniment of the audience, and then joining it in a comedy. The show is before, but always interested.

ABC, PARIS.

Paris, March 14. Jacqueline Jilès, Quator Mida, Genevieve Gosselin, Jeanne Hérin & Shantley, Zita & Fredine, Reine Paulet, Jean Ramo & Rosette, Jeanne Hérin & Shantley, Jean Sablon, Eight Lighty Chinese Girl...

Milly Goldin is stepping back into the limelight. Walter is a very pretty month. Show is spotty, but the average is plenty high to keep them coming at the ABC, the town's favorite for anything offering anything like class talent.

Three well trained dogs carry the Gaudimidi Brothers through to good results. The dogs are doing more than their part on some of the numbers. It is a pity that the dogs are doing more than their part on some of the numbers...

It takes just one half hour for Jean Sablon to get on and off. With the exception of the Ramo and Rossetti band, the country's latest popular French combinations, but catches best on radio...

Three well trained dogs carry the Gaudimidi Brothers through to good results. The dogs are doing more than their part on some of the numbers. It is a pity that the dogs are doing more than their part on some of the numbers...

Comic angles in the Kemp outfit are handled off by Mickey Bloom and Jack LeMaire. The duo is followed by the Bottles and then adds a new nifty item...

the show's opener after the band's theme. Following her is Terry Allan, band vocalist. The show is very dramatic. His eyes are closed half the time in the other half of the show...

Arthur Fisher is booking this show. The Brandts are the star of their bankroll. Fisher may have a winner again.

STANLEY, PITTS.

Pittsburgh, March 17. Al Donahue, Ethel Shuttz, Harry Searoff, Allyn Cross, Oklahoma Kid (W.B.)...

Swing deluge supplied by Artie Shaw and Benny Goodman during the past fortnight gives way to the more conservative and less exciting Al Donahue's music. Donahue has a seeking for a more interesting appeal in limited for the stage in present form...

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CIRCLE, INDPLS.

Indianaopolis, March 17. Ted Lewis, Radio Aces, Gale Street, Ruth Barnes, Dennis White, Loretta Lang, Snowball Brooks, Sunny McCoy (Per).

As regular as the first spring robin, Ted Lewis and his Radio Aces... They sing special arrangements... 'Don't Let Me Be This Close to Your Head'...

White band boasts 13 pieces without the help of Lew Lewis... He is a real music man... 'Big Sizz Sunday Night'.

KEITH'S, BOSTON

Boston, March 17. Henry Youngman, The Flus Egins, Fennix & Alsteris, Peg Lap Steals, Eddie Rosenthal, Roy Archer, Doc Meade (Col) and Star Reporter.

No dull spots in this lineup, and to single out Henry Youngman as a performer is more than an honorable mention... 'The Flus Egins'... 'Star Reporter'...

Peg Lap Steals is back with a lot of new steps... 'The Flus Egins'... 'Star Reporter'... 'The Flus Egins'...

STATE, HARTFORD

Hartford, March 20. Tony Martin, Dan DeLoe, Ed Bernie Mason, Joe Venturi (Col), Tom Cash, Sam Kaplan house band, etc. (Mono).

State has a strong show with this week with Tony Martin... 'The Flus Egins'...

seems himself a nice handy, with the females especially all his side... 'The Flus Egins'...

Martin has a personality that projects itself across the boards... 'The Flus Egins'... 'The Flus Egins'...

Don Dorsey, baritone with the band... 'The Flus Egins'... 'The Flus Egins'...

Merrill Emes (spelling by ear), band's trappist... 'The Flus Egins'... 'The Flus Egins'...

CAPITOL, WASH.

Washington, March 19. Five Jangles, Eight Middlepieces, Clem McCarthy, Lew Parker, etc. (10); 'Three Musketiers' (20th).

Lew Parker emphasizes this one... 'The Flus Egins'... 'The Flus Egins'...

Parker takes it again for two-way chatter... 'The Flus Egins'... 'The Flus Egins'...

Parker takes it for his major special... 'The Flus Egins'... 'The Flus Egins'...

STATE, N. Y.

George Hellis orch with Dolly Dawn, Florence Hin Low, Sid Tomack & Reia Bros. Edie Peabody; (Per).

With a boxoffice powerhouse on the screen, the State is relaxing a bit... 'The Flus Egins'...

Opening act is Flor or Hin Low, multiple-jointed contortionist... 'The Flus Egins'...

STATE-LAKE, CH

Chicago, March 18. James Egan, Corley & Adair, William Ebbs, Gail Stiers, Ben Jones, Charlie Chan in Honolulu.

This house has been consistently well-booked with shows... 'The Flus Egins'...

James Egan, Corley & Adair, William Ebbs, Gail Stiers, Ben Jones, Charlie Chan in Honolulu... 'The Flus Egins'...

BOBETTA JONAY

Bobetta Jonay, from St. Petersburg, Fla., N. Y. Heretofore in the White House...

She is a young, personable dancer whose routine here is regarded with some interest... 'The Flus Egins'...

ROXY, ATLANTA

Atlanta, March 19. Charles Master, Del Rio and Edna, Charlie (Slim) Timblin, Gene Austin and Candy Gandy, etc.

Nicely paced, this show moves along with a swift tempo... 'The Flus Egins'...

NEW ACTS

CLEM MCCARTHY. 10 Minis; Full Capabilities.

McCarty's reception accorded his entrance indicates that the sports reporter's widespread activities... 'The Flus Egins'...

Finish, in which McCarthy takes stage mink for story about the stutlers... 'The Flus Egins'...

ALBENICE

Albenice, N. Y. Assortedly Caxo-born and of late playing various local engagements...

Performing smoothly, with a girl and two assistants... 'The Flus Egins'...

BOBETTA JONAY

Bobetta Jonay, from St. Petersburg, Fla., N. Y. Heretofore in the White House...

She is a young, personable dancer whose routine here is regarded with some interest... 'The Flus Egins'...

This show will remain only five weeks... 'The Flus Egins'...

LYRIC, INDPLS.

Indianapolis, March 17. Eddy Duchin orch, Durelle Alcher, Lido Sherwood, Stanley...

NEW ACTS

TOMMY MILLS 10 Minis; m.c.'s 7 Minis; Arab Nights, N. Y.

Tommy Mills is a striking gypsy-looking and having the makings of showmanly selling ability... 'The Flus Egins'...

Finishes with 'Stormy Weather', a socko arrangement that should be in the most anticipated comedy work...

GPSY ROMAJE

Arabian Nights, N. Y. Finishes with 'Stormy Weather'... 'The Flus Egins'...

SID TOMACK & REIA BROS.

Sid Tomack has been touring for 12 years as a single, but not in the N. Y. area... 'The Flus Egins'...

FLORENCE HIN LOW

Florence Hin Low, pianist dancing 5 Minis, N. Y. Heretofore in the White House...

She is a young, personable dancer whose routine here is regarded with some interest... 'The Flus Egins'...

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# Fate of 'Kings' Doubtful With Report Theatre Guild Will Withdraw Backing

'Five Kings' currently at the Chestnut, Philadelphia, will be taken at the end of next week. Fate of the show will be decided by Shakespeare chronicle plays is in doubt thereafter. Members of the Theatre Guild are reported to have notified that the Theatre Guild is withdrawing from co-sponsorship of the production. It has been denied by Guild officials in New York. There is talk of rehearsing the show for three weeks then opening it on Broadway, with or without Guild participation. But that is viewed as an outside possibility. Plans to take the show to Pittsburgh, Cincinnati and other road cities have been definitely cancelled. Lora Baxter has left the cast and will be replaced by Helen Craig. But she has since been replaced by the show, among a number of other changes.

Although the exact status of the Guild's interest in the production is unknown, its complete knowledge that Guild officials have been burning for weeks at the policies of the show—John Harter's 'Kings' has drawn mixed reviews out of town and business has been disappointing.

## Delight Night Rehearsals

Principal front of Guild directors against Walter's methods is said to be his insistence on rehearsing the show before the evening performance. Stagehands get double wages after 10 and triple pay after 12 p. m. Salary total for such seasons during the current engagement is said to stand to have been about \$15,000. Despite Guild protests, Welles has insisted on the night rehearsal.

If the Guild doesn't sponsor 'Kings' in N. Y. the organization will be in a bad way to find two substitute plays for its subscribers. Only three plays—'Dance Nature', 'Merchant of Venice' and 'The Merry Wives of Windsor'—have been offered so far this season. 'Philadelphia Story' slated for next Tuesday (25) is the only substitute offering 'Kings' was to have rated as an underwriting production.

The Lunts are bringing their 'Festival of Comedy' (reportedly of five new roadways) to Philadelphia, which will not be a Guild subscription presentation. In previous seasons the Guild has short-changed many subscribers, making up the short show the following year, but it has never done more than a few shows in arrears. Subscription season is complete. In all the Guild's road shows with the exception of Pittsburgh where it is shy two shows. It has planned to bring 'Philadelphia Story' and 'Kings' there but now two replacements must be found.

## Yiddish, Anglo 'Awake' Neighbors on Broadway

For the first time the same play in English and Yiddish is presented virtually within the show district. A Yiddish adaptation of 'Awake and Sing' is being produced at the Ring's under 'A' auspices, while Edward G. Robinson's 'Awake and Sing' is being produced at the Theatre last week. Later planned for the week between are 'The Moon and Rocket to the Moon', but after more interest was displayed in the play it was slated for six performances weekly with 'Rocket' going on for two.

The group is understood to have succeeded to WPA that it will its production under the Yiddish title, consequently resulting in 'Watch Out and Sing' billing. Report that the Yiddish title for the production was not substantiated by the Group, but explained that the author was not in town.

Previously several Broadway shows were translated to Yiddish and transplanted to the lower East Side.

## Exception to Alien Rule

Exception to the alien actor rule was granted yesterday (Tuesday) by Equity council to permit Jack Warner to appear in 'Watch Out and Sing' production of 'Wuthering Heights'. Action was in response to a request by the producer.

Haykin, recently appeared in 'P.P.' Broadway in 'Dear Octopus'.

## Seek to Pay Off Funds Withheld by E. S. Pinker

Efforts to clear up the affairs of Eric S. Pinker, play agent under arrest on grand larceny charges at being made by several other agents in New York. Idea is to salvage enough to pay off as much as possible of the money owed to various authors.

Pinker was arrested March 13 on complaint of E. Phillips Oppenheim, was held in \$15,000 bail Friday (17). When the amount was not immediately raised, he was remanded to Tombs prison, N. Y.

According to E. S. Pinker's office, charges against Pinker now involve a total of more than \$100,000. Meanwhile, the Pinker & Morrison agency, with which he is associated with his wife, Adrienne Morrison, is inactive.

## 4 Brokers Cited For Violation Of N. Y. Ticket Code

Four ticket brokers summoned by the League of New York Theatres last week to explain violation of code of ethics and regulations. The brokers admitted the charges. Apparently the charges were not serious, since the same officers later were again summoned.

One, however, refused to comply with the code, demanding a hearing before the committee charged with enforcing the rules. He's Louis Riegelman, of the Louis Cona agency, who declared that he would not follow the code as set forth, he would be forced out of business.

The other three are George Bascom, who recently returned to the League after Oscar Alexander and William Deutch, all of whom have signed the code. One of the brokers involved was said to have breached the rule limiting the premium to 75c per ticket in counter sales. The others were turned in by a clerk alleged to be with the Harvard Club.

## N. Y. CRITICS TO PICK BEST PLAYS APRIL 19

The New York Drama Critics Circle will, as previously, announce its best play of the year prior to the Pulitzer committee's selection. Reviewers are to meet for that purpose April 19 the winning play will be announced at the Circle's annual dinner, to be held at the Algonquin hotel, the following Sunday (23). Critics this year are slightly later than in previous years. The list of coming plays which may be considered for the honors are 'Abe Lincoln in Illinois' and 'The Little Foxes', which are rated slightly for the Pulitzer and 'The Family Portrait' may get some consideration, while others which may figure are 'The Pillars of the House' and 'No Time for Comedy', which soon to open on Broadway.

The award is the fourth annual award by the critics, who will also name the best acting in many plays of foreign authorship. 'The Sign of the Cross' is regarded as a likely winner, but 'The Sign of the Cross' and 'The Sign of the Cross' will also be considered. It will be also be organized. It will be written by Charles Morgan, reviewer for the London Times.

## Files Plagiarism Suit

Instructor Sotolorosa filed a New York federal court suit for an injunction, accounting of profits and damages against the author and publisher Square Theatre, Inc., Isaac Friedman, Israel Rosenberg, Jacob Weidenfeld and Louis Rosenberg, 'Menasha Skutnik and Jean Greenfield' for the alleged piracy of two of his plays, 'The Sign of the Cross' and 'The Sign of the Cross'. Both plays are written in Yiddish. The defendant's attorneys are a Yiddish acting company.

## Shows in Rehearsal

- The Brown Danes—Bontli and Sommes.
- 'The Mother'—Victor Payne-Jenkinson.
- No Time for Comedy—Katharine Cornell-Playwrights.
- 'The Happiest Day'—Courtney Burrill.
- 'My Dear Children'—Aldrich and Myers.
- 'My Heart's in the Highlands' and 'Quiet City'—Group.

## Equity Voting to Deal Mainly with Electing Members to Council

Equity's annual meeting and election this season will not be concerned with the election of new officers, except one replacement, that of three presidents. Balloting will principally be for 10 councillorships and all 11 unexpired terms. Councillors are named for five years, but the inclusion of Arthur Brown as president last season there has been few rejections in the union.

Joseph Meredith, who was temporary president after Frank Gillmore moved over to the Associated Actors and Artists of America, is favored to get the vacant vice-president post. He also was of the militant group.

Other officers will not come up for election until next year. Friday (24) the union will hold a meeting at the Astor hotel, New York, to name the nominating committee that will choose the Garden City (New York) (19), with a flock of name acts on the bill. While the house of officers will be the \$15,000 salaries were larger than in recent seasons. In addition, the program had about \$40,000.

## LIBEBERMAN, N. Y. TICKET BROKERS' ATTY., SUICIDE

Nathan (Nat) Lieberman, attorney for the Allied Theatre Ticket Agency, New York, suicided last week by jumping from a hotel window. He had registered several days previously under the name of Madden and his name as ticket manager. His adviser was not disclosed except among agency people.

Lieberman was formerly a wealthy realtor who quit law for that and then dropped a fortune. He employed a comeback as a lawyer and was appointed to represent the independent agencies, which formed an association when the League of New York Theatres and Equity formulated the ticket code.

Lieberman, a former assemblyman and a member of the League, was in the Acme Ticket injunction matter, which aways the reporter's report. His successor as counsel for the agencies has not been chosen.

## Two Plays Fold

Two plays that opened on Broadway closed almost immediately afterwards. 'Please, Mrs. Garibaldi' released its sentiment for high ticket, but had been running five nights, but drew a press lacing and lasted but four performances.

PLEASE, MRS. GARIBALDI

Opened March 16, '39. Critics panned this. Celman (Mirror), 'Candidate for the title of worst play in the season.' Anderson (Journal), 'Seems to have been directed with an spaghetti.'

## Tell My Story

Opened March 16, '39. 'Story' got the same treatment as 'Mrs. Garibaldi.' Watts (Herald-Tribune), 'Awful and shameful.' Anderson (Journal), 'Seems to have been directed with an spaghetti.'

'Tell My Story' went off at the Mercury after a single performance. It was a cooperative venture.

## ENGAGEMENTS

Jack Pearl, Judy Canova, Frank Albertson, Jack Duran, Lois Jansary, 'Oklah Boy Makes Good'.

## Inside Stuff—Legit

Norman Bel Geddes, stage designer and sometime legit producer, is expected to return to the managerial field next season. He is currently occupied with several ventures for the New York World's Fair, one being the designing of the General Motors exhibit. Geddes is going through with a York Fair show, having settled with the expo management after some differences in financing.

The concession, which is a form of peep show, will cost over \$150,000, and will be spherical, a globe and around the globe. The interior will consist of faceted mirrors, a dancing girl to supply the three-minute show, which will have an admission of 15c. Illusion is that a flock of dancers is in action.

'The Happiest Days', due under the Vanderbilt, N. Y., next week, will be general manager for Bel Geddes.

Finch & Carpenter, theatrical firm, which is sponsoring the current tour of 'The Importance of Being Earnest', having taken over the show from Aldrich & Myers at the conclusion of the recent revival at the Vanderbilt, N. Y., is new to show business. Mrs. Adelaide L. Finch, president of the corporation, was for three years feature editor of Pathe films, with NBC and CBS and previously was chief of the picture and radio divisions of the WPA.

Mrs. Lousia D'A Carpenter, chairman of the board, is a member of the DuPont clan and has been financially interested in a number of Broadway ventures over the last few seasons. She has a formal connection with show business. Norman Dodd is treasurer of the outfit, which has various plans for legit, radio and films, including an undertaking at the N. Y. World's Fair.

John Cecil Holm, who wrote 'Three Men on a Horse', is seriously ill. Actor, who used to dope out the ponies while coming to New York daily for the last several seasons, is in bed. He is under treatment in a Connecticut sanatorium. His wife, too, is ill, and has had two operations.

Actor-author was supposed to have become ill from the play's ill-fortune. He died of the place for \$13,500.

'Kiss the Boys Goodbye' got a publicity break in the tab Chicago Times last week that was a great success. The title of the show appeared in the front-page headline as part of a gag twist connected with the firing of a flock of political office-holders after the primary elections. The show is current at the Harris, Chi.

## Treasurers Club Closes \$11,500 at 50th Annual

Treasurers Club's 50th anniversary was marked by a testimonial show at the Winter Garden, New York (19), with a flock of name acts on the bill. While the house of officers will be the \$15,000 salaries were larger than in recent seasons. In addition, the program had about \$40,000.

Program, with a heavy gold paper cover, was a special print job. Number of persons at first declined to accept the booklet, believing it was for sale. It was compiled by box-office man under the direction of Allen Schneeb, president of the club.

## 'Women' 1st Top Clicks in Pittsburgh Tryout

In Pittsburgh, March 21, response here to \$1 top 'Women', current at the Wilson, has been short of amazing. Two days after opening the show was made, the show had half sold out for opening night. At show's preem last night (Mon.) there remained only a few scattered seats downstairs and in second balcony, which sells for 50c.

The featured show had easily made a run of \$1 at \$1, but previous bookings limited later to the show. However, the show of bringing 'Women' back last in the season for a stay at the reduced price. It's already been here twice before.

## 'WHITEOAKS' 1-NITERS

Frisco Date Club to Perform Easter Week; 'Mice' in L.A. April 6

Los Angeles, March 21. San Francisco (current) engagement of Robert Barrymore in 'Whiteoak' at the Harmon has been on from three to two weeks, to enable Lunt to make tour of one-nighters to take in at Seattle during Easter week.

'Of Mice and Men', which Wallace Ford, in association with Sam Harris, will produce at the El Capitan, has its season April 6, will have entire New York cast and crew. John Leffler and from N.Y. to function as general manager and director, respectively.

Several other members of the N. Y. cast are signed to California tour, winding up at the San Francisco Fair.

## Announcement of the marriage Sunday (19) of Sam H. Harris to the actress Peggy Moran was made, intimating that the couple would divide their time between Palm Beach and Beverly Hills. However, it has been definitely stated that the showman has no intention of retiring as a producer.

## Sam Harris Marries AT IKE LEVY'S HOME

Ceremony was performed in the Philadelphia home of Isaac D. Levy, head of the Equity union, on Tuesday (19). Harris, 38, is the third marriage for both, bride being the widow of Victor Watson, former managing editor of the New York American, who suicided several months ago. They had been estranged for years. Harris' brother is George Brent, of the screen. She is 38, Harris is honeymooning in Hot Springs, but upon their return Harris is expected to ready a revue, possibly the 'Eggsy' show in Washington. Harris' brother is Marcel Dragusanu, a picture director. Harris' second wife, who died some time ago, was Helen Harris, who associated with George Gandy, who married sisters from Boston.

## Sherwood to Defend 'Abe' Sale to Films

Robert E. Sherwood, author of 'Abe Lincoln in Illinois', will appear before the Senate subcommittee Tuesday (23) to give his views regarding the recent sale of the screen rights to the play to the United Artists Corporation requesting permission to state his case in person. That body reported Wednesday (Tuesday) accepted the bid.

Sherwood's action resulted from editing the picture, 'Abe Lincoln', criticizing the sale and early release of the picture on the ground that the theatre should not destroy itself.

## On Their Own

Jean Rosenthal, technical director of the Mercury Theatre, and Howard Hughes, who has been in the theatre, have resigned to form their own company, Productions, Inc. The firm is aimed to care all kinds of technical production techniques.



# New Sunday Legit Move Started By N. Y. Mgr. League; May Soon Go Before Equity's Membership

Whether New York is to become a seven-day town for legit is now being discussed by the N. Y. Mgr. League for a second time by means of a referendum. The latest Sabbath move was conferred with an Equity committee by the League of New York Theatre last week, when its board met and conferred with an Equity committee. The managers were encouraged by the latter's attitude.

It is expected that the Sunday matter will come before Equity's meeting at the Astor, N. Y., Friday (24), and if the proposal is adopted, the referendum will follow. Showmen told the committee that Sundays had been given the same treatment as Broadway, and the best seat show could come during the World's Fair period. Whether visitors would be allowed to patronize stage shows is a matter of speculation but that there will be an influx over the weekends is clearly indicated.

During the session between the League's board and Equity, it was stated that the stagehands would favor Sunday shows if the actors do likewise. Stagehands, when felt out on the matter, replied there are no regulations against Sundays.

**Costa Prohibitive**

When the Sabbath law was passed in Albany, Equity required that actors be paid an extra eighth salary. The stagehands followed suit, raising Sunday legit to a point that would mean a virtual doubling of their members are working in vaudeville and other houses on seven-day shows without an extra eighth salary goes for the musicians, who would be paid along with the stagehands if the latter agreed to work Sundays.

Equity officials do not feel so confident about changing the Sunday rules, although readily admitting that many actors make Sunday appearances in radio and television presentation theatres, where they are compensated for their extra four and five performances. It also concedes the illogical position of legit, which is the only show his category not regularly represented on the first day.

It is pointed out that the Council has no power to act in such matters but that it can recommend consideration of the issue. There is a percentage of councillors who are known.

(Continued on page 58)

## Unusual No. Pic Players In B'way, Road Shows

Unusual number of Hollywood film players are currently active in legit, both on Broadway and in the roads. Several reasons have been advanced for the mounting number of the legit production increase, with the players in particular demand, in a situation of business from the New York World's Fair crowds. Hollywood producers, who have suggested is the growing tendency to use legit for picture players appearing in New York are Raymond Massey, Franchoise Tone, Sylvia Sydney, Walter Catlett, Alvin Karpis, Victor Moore, Robert Morley, J. Edward Bromberg, Jimmy Durante, Ethel Merzban, Alvin Karpis, Fredric March, Florence Eldridge, Sam Jaffe, Talulah Bankhead, Helen Westcott, Barry Fitzgerald, Charles Christian, Helen Chandler and Helen Price.

Players on the road are Burgess Meredith, Katharine Hepburn, Donald Woods Vera Zornin, Ruth Chatterton, Walter Abel, and two closed in 'West of Broadway' last night. Walter Huston, Ethel and John Barrymore, and others. Nearly all the above players were originally from legit.

## W. Ontario Univ. Bans 'Aloes' as 'Immoral'

'Ladies on 'Immoral'

The three-act play, 'Sweet Aloes,' by J. Malory, has been banned at the University of Western Ontario here, and the use of western buildings prohibited for its production, on the ground that the play is immoral.

Dr. Sherwood Fox, president of the university, sustained the protest against the play's production, made by theological students of Huron College in the Church of England. Huron College is affiliated with the university.

The first year play will be presented this year as the result of the ban.

## SHOW'S DENISE HITS CO-OP TRIES

Plans of some Equityites to encourage more production by permitting a certain amount of experimental co-operative presentations, resulted a setback last week when 'Tell My Story' folded after one performance at the Mercury. New York was presented by the Freeman Theatre and was the first wholly co-operative show permitted by Equity in some years. Quick collapse of 'Story' did not come as a surprise to Equity leaders, who are opposed to that type of venture. They now seem more firmly opposed to co-operatives than before, which are opposed to that type of venture. They now seem more firmly opposed to co-operatives than before, which are opposed to that type of venture.

And another co-operative venture was tried Sunday (19) night at the Vanderbilt, N. Y., where 'Stop Press' was offered. That, too, got dumped by the press. This group, however, was made up of players appearing in other shows and got the Sunday tourist concession from Equity because of the third day show. 'First American Dictator,' went on at the Bayes (roof) last week. It is being run by the company of semi-pros, none of whom belong to Equity, or, if they do, are using their own money. They played several times, then halted because, it was said, a lead had been lost. The show would light up tonight (Wed.).

## MAE WEST MAY RETURN TO B'WAY IN MUSICAL

Mae West's desire to return to the Broadway stage may result in her appearance there in a musical comedy next summer, according to Her Money, Miss West's manager. Cole Porter would do the lyrics.

Her own version on Katherine's return is being mullied with the show, should she be brought with tentative plans.

## PLAYS RIGHTS TO WORKERS

### Breach First Caused Over 'Knickerbocker Holiday'

Touring Terms—Complaints Against Agency Reported Brewing Some Time by Indie Producers and House Operators

Complaints against the United Booking Office by independent producers and legit operators, reported by the press last week, have resulted in at least a partial recession from the UBO by one managerial firm in the last two weeks. It is declared that unless changed and uniform contract provisions are worked out, it is likely that no position booking office will eventually exist if independent showmen are not forced out of business.

UBO is a combination of the Exchange and Shubert booking agencies. It was formed when the road started to decline, its primary object being to eliminate rancorous competition between the two former agencies. Particular attention is given on week stands, idea being not to have two shows booked in the same town, where there is not enough business to support more than one at a time.

It is charged, however, that the UBO is monopolistic. The Playwrights Co., which produced 'Abe Lincoln in Illinois,' 'Knickerbocker Holiday' and 'The Sign of the Cross' with Katharine Cornell-Guthrie McClintic in producing the forthcoming 'No Time for Comedy' is the most recent protestant. The Playwrights are said to be dissatisfied with UBO policies and booked the latter show independently in Indianapolis, Columbus, Louisville, Cincinnati and Baltimore. At the latter two stands.

### GET OWN DAYS

Possibility of Noel Coward entering 'Set To Music,' which he wrote and which music he composed, is being mentioned. British authorizer is reported returning from a European tour in April. Beatrice Lillie is the star of the revue, which was imported from London and is currently touring the Radio City New York.

'Music' was rated a class draw and opened to promote growth grossing over \$24,000 weekly. Attendance has tapered steadily for the past month, but takings were claimed to have improved last week. Last appearance of Coward on Broadway was in 'Tonight at 8:30' in which he co-starred with Gertrude Lawrence. Show consisted of nine playlets and musical acts, being in series of threes, and drew sensational business.

Coward, however, became ill before the scheduled playing time was consumed. 'Tonight' which went to the road later with other leads, promised a trend in short plays. Only one such effort has been tried, however, but was a fast closer.

## Law Would Switch Agency Licensing From State to City

Stated for introduction into the assembly at Albany is a measure intended to change the present licensing law pertaining to ticket agencies. It was framed by Senator George W. Van Dusen in cooperation with Paul Moss, license commissioner, in New York.

Bill would switch the licensing powers from the Secretary of State to city authorities. It is an amendment to the present law, and would empower the local commissioner to question showmen and agencies over business violations. Present licensing regulations are said to have no enforcement provision.

Moss is an advocate of lower premiums. Commissioner states that if the new measure is adopted, he is confident of bettering conditions in general and of eliminating high prices for tickets.

## Philly WPA Head Nixes FTP Aide in Red Furor

Philadelphia, March 21.—Harry R. Halloran, executive, all WPA projects in Philadelphia, said yesterday (Monday) that he would not employ in the post office Ernest Pendrel, former correspondent here for the Daily Worker, official Communist newspaper, in the post office publicity and promotion director of the Federal Theatre Project here.

Issue of Pendrel's nomination for the job has created in the FTP a sharp battle line that threatens to blow up any minute.

## Equity's N. Y. Fair Minutims Set, Tops B'way Scale Though Slated To Be Flexible to Meet Conditions

### O-J Go Literati

Olsen and Johnson, currently topping in 'Hellzapoppin'' Winter Garden, New York, are writing a nut book to be published by Simon and Shuster. Volume, which will be distributed in cans requiring key-openers, will consist entirely of lettered gadgets. There will be no title, each purchaser being given a choice of two dozen labels. The back cover of the book is to be sandpaper, the seams avert.

## MUSIC MAY GET COWARD, ITS AUTHOR

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## Jed Harris to Reopen 'Town' on Coast With Craven; To Play Expo

Reopening of 'Our Town' on the Coast is slated by Jed Harris, who, it is understood, will have Homer Curran and Louise Lurie as associates. Harris, who has been winner in last season's Pulitzer prize and most of the original cast will be back in Los Angeles when the play is due to open April 3. It will be one of the stage shows in \$750 weekly for the Golden Gate Exposition.

When 'Town' ended its tour in Chicago last season but did not meet between Harris and Craven. Closing is now understood to have resulted since the star refused to take a salary cut. He received 10% of the gross with a minimum guarantee of \$750 weekly.

Despite the fact that no scenery was used, 'Town' was costly to operate. Eye stagehands were required by the union. Third and final week in Chicago drew \$15,000, but the claimed profit was only \$1,000. Craven drew \$1,500, while Thornton Wilder getting \$1,200 in royalties. Salaries for other players totaled \$2,100, there being over 40 persons in the outfit, back and front.

Play of players at New York's World's Fair, in shows under Equity's jurisdiction, has been defined set so far as minimums are concerned. Salaries will be higher than those applying for legit productions but will have divergences similar to other types of shows on Broadway because of working conditions imposed. A six-day week has been established, though Sundays will not have an extra eighth salary, which Equity insists on for Broadway shows.

Some in the Council favored fixing a minimum higher than \$50, but that was voted down. Added pay is likely because of overtime work. Chorus is to get \$45, with extras and wilkons not less than \$25, and understudies \$20. Musicians are to be paid \$20 weekly rehearsal money. That requirement applies the rehearsals appeared to have been taken unwaring when informed of the working conditions, particularly the extra pay for rehearsal money. They had not figured on a day off in every seven and told Equity they would be paid for rehearsal money on Mondays or for give consecutive performances on all days and engage

(Continued on page 62)

## GRISMAN'S HEADACHE, HUDSON THEATRE, N. Y.

Sam H. Grisman appears to have at least one too many Broadway theatre in his hands, making him the house being the Hudson. It is owned by the migrant group of players, who have gained possession several years ago through mortgage foreclosure. The Hudson theatre, the house was used by CBS.

Grisman propositioned the bank with the idea of securing cancellation of the lease, but was reportedly nixed. Recently, the incorporated lessees of the Lyceum, N. Y., succeeded in turning back the property to the Bowers Savings Bank, N. Y., which is now being redeveloped and claimed to be on a personal basis, with no out. However, disposes a substantial amount of property.

About two years ago he started leasing N. Y. legit theatres, getting the Hudson in 1936, the Lyceum (the 48th St.) and Fulton. Those houses, along with the Hudson, gave him five years of business on an open rental, along with his interest in 'The Road,' which he has relinquished.

Grisman figured that theatres on Broadway would be in demand during the World's Fair period, but while the other houses have been leased, the Hudson, which has been thought to be his ace house, has been in limbo.

About a year ago Grisman had plans for starting a 'third circuit,' but the Broadway office negotiated set-down theatres on a profit-sharing basis. Grisman's office negotiated set-off from the time being.

## Ella Logan, Ann Miller Signed for 'Scandals'

Hollywood, March 21.—Ella Logan and Ann Miller go into George White's 'Scandals,' opening in New York's Grand Luxe. The Broadway office negotiated deal and also laid out personal tour for Logan and Miller, starting March 24 in Philadelphia.



'Angel' Soars to \$23,000, Leads Chi; 'Kiss Boys' 9th Wk. 1/2/2, 'Angela' 1/6 Current Road Shows With Income Tax Out of the Way, 'B'way Soars; 'Foxes' Ties 'Abe' For Straight Show Lead, \$19,000

Chicago, March 21. "I married an Angel" in the big show, continuing into its third week. Seats at a premium and yet going down, according to the week instead of the nine a smash show usually does here.

"Whiskeys" (23-adult wk) (D-1-65; \$27.75). Eased off somewhat by ease and finished with around \$10,000, profitable.

Estimates for Last Week: "Whiskeys" (23-adult wk) (D-1-65; \$27.75). Eased off somewhat by ease and finished with around \$10,000, profitable.

"WPA" (23-adult wk) (D-1-65; \$27.75). Eased off somewhat by ease and finished with around \$10,000, profitable.

"Wife's Erlanger" (23 wk) (1-60; \$16.50). Last week's top attraction. Around \$6,000.

'CANDIDA' SLACKERS IN PITTSBURGH, \$7,300

Pittsburgh, March 21. Not much excitement here last week for Cornelia Olla Skinner's "Candida" at the Theatre de la Scala and Nixon, and most of that came from the Theatre de la Scala, as the Nixon, who were offered regular subscription reductions on tickets purchased in advance.

Estimate for Last Week: "Candida" (Nixon; 21-00; \$7.75). Around \$7,300. Most of that came from ATS subscribers who get seats, if purchased in advance, at 20% reduction.

Cincy Lumps; 'Kiss Boys' Light \$7,500; 'Susan' in Cincinnati, \$6,000

Mid-Lenten hits at the Cox, which had just started its week of leg it, is limping. "Susan and God," current offering at \$226 top, is heading for about \$100 a week, as last week's "Kiss Boys Good-bye" has same week's box office stances bulk of trade is from sale of balcony seats.

Local (Shubert) management's next fare will be the Luins, in repertoire, week of April 6 to \$223 top. That engagement will be switched to the trade 2,500-seat "Art" auditorium, which will get \$100 a week in "No Time for Comedy" for two and one matinee April 4 and 5 at \$223 top.

Cox gets Walter Huston in "Knickerbocker Holiday" (21 wk) at \$3.30 high.

Estimate for Last Week: "Kiss Boys Good-bye" (Cox; 1,850; \$2.25). Crooks led the material, \$7,500 on the troupe. Reached \$7,500 light.

Leont Has Little Effect On 'Stream, Moni', 66

Montreal, March 21. The "Flashing Steam," here for five days, has its last week, and gave a very satisfactory \$6,000, which is pretty good for this 90% Catholic city, where the critic in local press helped.

Estimate for Last Week: "The Flashing Steam" (His Majesty's; 50-52; \$11.00). Led by Margaret Rawlings built big and quiet opening to strong finish. Playing Toronto currently.

Lunts 22G in 1-Niters

Davenport, Ill., March 21. Alured Lunt and Lyon Foyntane knocked out the 1-niters in five stops, winding up at the Orpheum here Saturday night (18).

'Whitecoats' Winds Up 2 Good L. A. Weeks, 10G

Los Angeles, March 21. Ethel Barrymore wound up two profitable weeks Saturday (18) at the Biltmore in "Whitecoats." House was strong, and the show held up unusually strong, but night held second week's gross down, but it was similar. Miss Barrymore's initial appearance here in legit is more than 10 years.

Estimates for Last Week: "Whitecoats" (Biltmore (23-adult wk) (D-1-65; \$27.75). Eased off somewhat by ease and finished with around \$10,000, profitable.

"WPA" (23-adult wk) (D-1-65; \$27.75). Eased off somewhat by ease and finished with around \$10,000, profitable.

"Wife's Erlanger" (23 wk) (1-60; \$16.50). Last week's top attraction. Around \$6,000.

G-S Big \$23,000, 'Philly' 'Holiday' Scores \$19,000

Philadelphia, March 21. Two musicals, the D'Oyly Carte Co.'s revival of Gilbert and Sullivan's "H.M.S. Pinafore" and the production of "Knickerbocker Holiday," were the main attractions.

"Holiday," in for one week at the Chestnut Street Opera House, got very heavy notices and swept through to \$19,000. It could have remained in advance.

Estimate for Last Week: "Knickerbocker Holiday" (Chestnut Street Opera House; 21-00; \$3.30). Around \$19,000.

"Wife's Erlanger" (23 wk) (1-60; \$16.50). Last week's top attraction. Around \$6,000.

Mercury Theatre - Theatre Guild production of 'Five Kings' (Part 1) with Orson Welles. It is in at the Chestnut for two weeks on American Theatre.

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'ROAD' SWELL \$8,500, 'SUSAN' OK 4G, L'VILLE

Louisville, March 21. Past week was lively for local legit fans, with "Tobacco Road," John Barrymore, and "Susan" by the Jeter Lester, at the National, for six weeks, and "Susan" by the Jeter Lester were the rule all week with plenty of standees at the Friday matinee. Gross was \$8,500, and with prices scaled from \$150 down.

Estimate for Last Week: "Susan" (National; 21-00; \$3.30). Around \$8,500.

"Wife's Erlanger" (23 wk) (1-60; \$16.50). Last week's top attraction. Around \$6,000.

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Current Road Shows

(Week of March 22)

'A Broom for the Bride' (20-11; Rich-Savoy, San Diego (22-12); 1-12; Santa Barbara (12-12); 'Accent on Youth' (Jean Mulik); Maplewood, Maplewood, N. J.

'Candida' (Cornelia Olla Skinner) - National, Washington. 'B'Way Carte Opera Co.-Forrest, Philadelphia.

'The Family' (Orson Welles, Burgess Meredith) - Chestnut, Philadelphia. 'Flashing Steam' - Royal Alexander, Hartford.

'I Married an Angel' (Dennis King, Vera Zorina) - Grand Chicago. 'Importance of Being Earnest' (Clifton Wharton, Estelle Winberg) (Hops, Williams) - His Majesty's, Montreal (21-25).

'Kiss Boys Good-bye' (No. 2); 'The Merry Wives of Windsor' (22-23); 'Knickerbocker Holiday' (Walter Huston) - Managers, Boston (22-23); Hanna, Cleveland (23-25); 'Lunt-Pennance Repertory' - Auditorium, Chicago (20-21); Lyceum, Minneapolis (22-25).

'My Dear Children' (John Barrymore, Doro Merande) - Grand (22-23); Playhouse, Wilmington (23).

'Knickerbocker Holiday' (Katharine Hepburn) - Grand, Boston. 'Skylark' (Gertrude Lawrence) - Shubert, Boston.

'The White Show' (Gessie Rose) - Grand, Cincinnati (19-25). 'Tobacco Road' - Orpheum, Memphis.

'What a Life' - Erlanger, Chicago. 'Whitecoats' (Ethel Barrymore) - Auditorium, Santa Barbara (22-23); Auditorium, Long Beach (21); Auditorium, Pasadena (22); White, Fresno (21); White, High School, Los Angeles (24); Auditorium, Oakland (22).

'The Family' (Orson Welles, Burgess Meredith) - Chestnut, Philadelphia. 'Flashing Steam' - Royal Alexander, Hartford.

'I Married an Angel' (Dennis King, Vera Zorina) - Grand Chicago. 'Importance of Being Earnest' (Clifton Wharton, Estelle Winberg) (Hops, Williams) - His Majesty's, Montreal (21-25).

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With Income Tax Out of the Way, 'B'way Soars; 'Foxes' Ties 'Abe' For Straight Show Lead, \$19,000

Business on Broadway leveled late last week, following the annual late tax payment. By Friday (17) attendance was \$100,000, and by Saturday (18) some shows had exceeded their annual grosses.

While the "Abe" Way again stirred with \$40,000, and it distinctly out in front of the field, there is a contest for leadership among the drama toppers. The Little Foxes, which had been climbing from \$500 to \$1,000 weekly, eased past the \$18,000 mark.

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(12th wk) (CD-60; \$3.30). Also better than previously, around \$6,000; "The Merry Wives of Windsor" (11th wk) (D-1-387; \$3.30). Slated to move again, this time to the much smaller Grand Opera House.

"Tobacco Road" (Forrest (26th wk) (D-1-107; \$1.85). About even break, \$4,100.

"What a Life" (Manfield (46th wk) (D-1-50; \$3.30). Using cut rates but proving cut-back-paying plan, \$4,050.

REVUELS "New York" (St. James (8th wk) (D-1-50; \$3.30). Going to road after another \$1,000 in business; not taping; around \$12,000; more expected for fine week.

"Outwest Bound" (Playhouse (14th wk) (D-1-50; \$3.30). Going to road beyond Easter; may play well into the spring; \$5,500.

ADDED "Tell My Story" (Mercury. Taken over by the Mercury; \$5,000; \$5,000.

"Men and Needs" (Labor Stage (69th wk) (1-10; \$1.00). Intimate here is expected to last through the spring; \$5,000 last week.

"The White Show" (Grand 44th St. Musical) (1-10; \$1.00). More considerably over last week's \$4,500 to stick; advance notices \$2,750 top.

WPA "Swing Mirrors" (New Yorker. Taken over by the New Yorker; \$5,000; \$5,000.

"Fameless" (Rialto. Taken over by the Rialto; \$5,000; \$5,000.

"The Big Show" (Elliot).

Heppburn Paces Boston, \$22,000; 'W. V.' 'way' Quits

Boston, March 21. "The Heppburn Story," starring Katharine Hepburn, has been the top show here last week, and advance sales reached another \$22,000 for the second and final frame. "Skylark," the Gertrude Lawrence play, also did well in its tryout, and "West Broadway," with Ruth Chatterton, folded Saturday.

Estimate for Last Week: "The Heppburn Story" (Colonial (18; \$12.00). Getting support of the Theatre Guild subscription list, this one is attracting a big margin. Sold out most every week; performance: \$22,000.

"The Merry Wives of Windsor" (11th wk) (D-1-387; \$3.30). Slated to move again, this time to the much smaller Grand Opera House.

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Plays on Broadway

STOP PRESS (Continued from page 3)

has a few effective moments on an idealistic reporter, Tony Kruber is a deacon's aide and collector. The director, Marguerite Walker is a deacon's wife, and the director, Bell manages to invest the hero with reasonable sincerity. Hobe.

Plays, Mrs. Garibaldi

Comedy in three acts by Mrs. McCarty. Produced by the Belmont. N. Y. Mrs. Jones. Mrs. Jones. Mrs. Jones.

The little Belmont after having been in the same time, tried to legit show that came off pretty well. Even a \$220 top won't help. But the show was understood to have originated, since the first year of the little legit years ago in a similar highway play. It was not rated as a top position, but it is evidently someone concerned in the presentation of the play.

'My Darling Daughter,' which has been in the \$250 to \$300 a week, but a mother-daughter theme, there's no similarity.

'The Family' (Orson Welles, Burgess Meredith) - Chestnut, Philadelphia. 'Flashing Steam' - Royal Alexander, Hartford.

'I Married an Angel' (Dennis King, Vera Zorina) - Grand Chicago. 'Importance of Being Earnest' (Clifton Wharton, Estelle Winberg) (Hops, Williams) - His Majesty's, Montreal (21-25).

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"The Big Show" (Elliot).

Lens Mags Increase

Continued growth of photography as hobby prompting a record for lens mags on the shelves...

Photography magazines increased the proportions of a craze, there were two or three periodic covers...

Photography mags not to be confused with the so-called picture magazines...

Nine mags published by Hearst had an operating profit of \$3,255,448 in 1938...

Housekeeping had an operating profit of \$2,583,207; Cosmopolitan a net profit of \$1,859,995...

Pointed out that although 1938 was a generally unfavorable year for the publishing biz...

Fast-Gasites Olays Guild NLRB election held last week by all editorial, business and circulation employees...

Current P-C contract expires next week and Guild members are protesting increases all along the line...

Journal-American as Tab? Report is that the N. Y. Journal-American will be merged with the afternoon tab for the metropolis...

Spokane Losses Press Scripps, publisher of the Spokane Star, suspended publication permanently March 18...

New Periodicals Note Techniques, monthly mag, which McGraw-Hill Publishing Co. is string of publications in June...

LITERATI OBITS THIS WEEK Editorials in this week's issue refer to the N. Y. Daily News, died Friday after a two-year illness...

Reporters' Groups Elected Two N. Y. reporters' groups have elected officers, the N. Y. Ship Reporters Assn. re-selecting T. Walter Williams as president...

Two N. Y. writers' Assn. naming James H. Hurley to its chief office. Other officers were elected by the reporters group as Emmett V. Mann...

Editorial Note of Gold Agreement with the Federal Trade Commission on alleged misleading advertising in connection with give-away books was reached on Saturday...

day (18) by J. David Stern for the New York Post and its subsidiary, Public Service Co. of America...

Rump Union Move Mapped Heavy penalties were imposed by trial courts on a number of Communist Party members...

Constitution Controls Sprague George S. Conroy, publisher of the Camden newspaper, was prosecuted on charges of attempting to establish a labor department...

Principals mag issued by Sprague is American Photo Co., Philadelphia, has been editor since the periodical's inception in 1898...

Plays in Books N.G. Drama Magazine has folded after years attempt to sell plays as reading matter to publishers of the classic genre...

New Book Firm known as the House of Books was formed by Joseph B. Riley, Jr. to publish fiction, non-fiction, and specialization in the field of world events...

Wife of Robert G. Osterweis has joined the House of Field as associate editor. The House of Field is now known as the House of Field...

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lumbus, Ohio, he came to N. Y. and served on the old World and Astor. Subsequently became publisher of the Vitale Magazine...

Paul W. Weadon, 50, vet newspaper editor and fiction writer, died last week at the home of a daughter in Philadelphia...

Mrs. Mildred Doherty, 41, wife of Edward Doherty, author, was found dead March 19 after a fall into a canyon near Los Angeles...

Astoria Anderson, 78, art critic, died March 19 in Hermosa Beach, Cal. Before his retirement in 1928 he had written on art topics for the New York Times...

Charles W. Beek, 83, of heart attack, died in that city on Saturday (18). He had been editor since the periodical's inception in 1898...

August DuBois gets in from Paris next week. Claude Fuess to Rochester for the book 'The House of Field'...

Wolfe Kaufman wrote a piece titled 'Pictures Versus Radio' for the New York Times...

Denis Hendricks, one of the Greyhound Lines execs, marries Tina Appleton on Saturday...

Marilyn Peabody Stillman has joined the House of Field as associate editor. The House of Field is now known as the House of Field...

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AGMA-Mgt. Pact Looms

(Continued from page 58)

favorable terms than specified except upon written consent of AGMA...

All contracts may be terminated at the option of either party if the artist does not receive during any month...

10. Transportation may not be deducted from fees in figuring commission, except for single artists...

11. Management may not assign its rights or distribute to a subsidiary, affiliate or successor...

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13. Contract may, but need not, be assigned or sublet to any agency who handles the artist's business...

14. Artists may have access to their contracts and the management at least twice a year...

15. Management agrees not to sue through any agency whose license has been previously revoked...

16. Management and AGMA agree to meet for discussions of community relations and other problems...

17. Management will profit by any method, but not to give any other consent agreements...

18. AGMA may not strike as long as the management carry out the terms of this agreement...

19. Management agrees to supply all necessary information regarding such conditions as to gross earnings...

20. Management and AGMA agree to meet for discussions of community relations and other problems...

21. Management will profit by any method, but not to give any other consent agreements...

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(Continued from page 58)

as the management carry out the terms of this agreement...

25. Management agrees to use all net proceeds from the production of picture concert dates...

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Korda's New Co.

(Continued from page 3)

pany, N. Y. UA headquarters state that it is not known whether London Films will continue to produce any more pictures for UA release...

Reason for the dropping of London Films for Korda Productions was said to have come about from desire of Korda to disassociate himself...

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M-G Convention

(Continued from page 8)

between distributors and exhibitors, and to distribute to new indie in business...

On the clearance question he said that protected titles rest with exhibitors, but that they have permitted circuits to usurp this right...

Increasing its 1938-40 program by one picture over this year to a total of 52, Metro will increase its budget for the coming season in order to meet the increased cost of production...

In addition to 'Wind', high percentage pictures will include 'Passage to India', 'The Sign of the Cross', 'Northwest Passage', 'Quo Vadis', 'The Sign of the Cross'...

William F. Rodgers, general sales manager, will preside at three-day sales buildup which ended yesterday (Tue.) and for the first time in years will include exhibitors on distribution policies...

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# WHAT THEY THINK

### Return of Stock

Malden, Mass.

**EDITOR, VARIETY:**  
With interest in your March 8 edition about the group players on Boston's Beacon Hill I have read a number of significant plays. It seems to be in line with a general tendency for the return of the stock to the history of the Malden Auditorium. For thirty years it has known fair and wide stock theatre and a great many people on the stage and screen at the present time play there yearly.

After a lapse of 10 years, a group of people interested in this type of entertainment have formed the Malden Theatre Guild and are putting district on plays twice a month under the leadership of Mrs. Abbott Simons. The first play was Oscar Wilde's "Importance of Being Earnest" played to a capacity audience. It was made up of summer stock players. The plan has received favorable comment in all the Boston papers and the general opinion is that it will run successfully.

Their first job has come on from New York to play the leading role in our next play, opening March 25, in another language. In the supporting cast are Wesley Boynton, Gladys Meyer, Loraine Wilson, Leann and Nathan Schwartz.

With proper management we can charge popular prices, 50 and 75 cents. The audience is entirely of the non-movie type and from what goes on, because of the interest, there will be more in this class as time goes on, moving up to the middle and upper classes.

My affection among this group at the present time and the feeling seems to be that the play will prove a good medium for good entertainment.

William Faversham, Jr. is to be the featured player in Noel Coward's "Tonight at 8:30," slated for opening April 7. It is the interest of the Guild to have the best possible star on any play.

I hope this information will prove interesting.  
Arthur C. James.

Revisited R. O.  
Highland Park, Mich.

**EDITOR, VARIETY:**  
In last week's issue you gave some thought about cultural bonus possibilities, plus showmanship also.

I'm in Highland Park (Detroit) we have one modest specimen of so-called showmanship, who saw the big parade of roadshows, vaudeville and in the flesh entertainment and entertainment methods in cans. This man created for himself a good based on a showmanship idea.

Today, at 47, he is the head of the Film Man Revivalist and Bring 'Em Back DeLafave, who should be recognized as a first-class showman and unique exhibition. At this writing, "Zebebe" and "Citadel" had been presented for 14 consecutive days, from 9 a.m. to 12:30 a.m. daily, and attendance is still 100%.

They've held in showmanship perfect presentations.

Junior Daugherty.  
Langford Park  
Brooklyn, N. Y.

**EDITOR, VARIETY:**  
After reading your column, Inside Show—Music, in the March 1 issue, would you please in the picture you would place where you would as regards the "Deep Purple" list?

Yes, Miss Langford was the first to be on the list. She was on the list, as a scene in the sketch "Man-Straight" on the Texaco Stage Theatre program of February 1. Miss Rhodes didn't sing the tune "You're a Fool" in the picture.

Anyway, they both do right well by it.  
Heron Hawkins.

Sen. Fishback Reports  
Hollywood.

**EDITOR, VARIETY:**  
You're quite a while since you've heard from old Senator Fishback. Just wanted to let you know that I'm still here and in the game.

I learned a lot about show business that I didn't know before. I can assure you that I have had a hell of a time received everywhere we played. There is no doubt in my mind that you are doing better with your cash-flesh shows. But—they've got to be!

I'm bum unit can positively spoil it for the next one. In some of the shows I've played we were told that there had to be a couple of things that had preceded us by a few weeks, and I always get starved out. My business was way below what we did in most of the houses that hadn't played there years. These that did come, however, went to the show in a big way.

I don't think vaudeville has a chance of ever coming back in its old form, but I do sincerely believe that you can't do it unless you have an excellent cash. Theatre-goers must be re-educated in the line of cash-flesh shows are a more human and more intimate type of entertainment.

However, unite must have smartness—a fast pace—and originality. If they try to throw vaudeville at them again—so it used to be—when they call it vaudeville or 'Joe Doakes and His Hollywood Cut-ups,' then please don't be fooled. They must continue to be 'your best entertainment.'

I really would like to see a rebirth of vaudeville. I am sure that a smart showmen would get behind the movement it can be done.

Freddy Thaxton  
New York.

**EDITOR, VARIETY:**  
I'm grateful for the notice and for your very constructive criticism. Before I begin to write I am going to enjoy 'I'm Up to You.' There were almost 1,000 letters by the end of the first mail—all about the personal. That's one headache the record provides for those working in it—that is to do with the thousands of letters written by the most sincere people in the country. I feel like meekly to be thankful, to answer these wonderful letters. . . . It makes me feel a little ashamed.

As far as the scores on the contest on a point system; audience reaction, a facile matter, a sense of humor and a capacity for remembering. The one who came out first in the contest was voted by 90% of the fans as the best. I would like to be a better, our master mind guessed right.

I had very little chance to display my wit. I've never had a chance to finish the dress rehearsal (allowing time for contests) less five minutes to do my act. I had to be out to cut four and a half minutes during the broadcast. Oh, it was a lot of fun.

Dot Baxter.

Switch on 'Scarlet'  
New York.

**EDITOR, VARIETY:**  
I've read the records straight the lyrics for "I Don't Wanna Be Scarlet" were written by David Gregory, and the music, as you reported, by Berenice Kazouoff. In your mention of the New Masses' "Scarlet" by Harry Chase, you attributed to John LaTouche, erroneously, though the latter did the music on several other tunes in the show.

For a news-note you may be interested to know that I've also written 1939 lyrics for "You Got a Little Lie" and "Let the Puns Go" for the latter by Michael Todd's "Hot Mikado."

Thanks in advance for a correction on the "Scarlet" by Harry Chase. I'll be glad to give you more details in each issue of VARIETY let me add my appreciation to your list of names and agencies. Special congratulations on the drama news checking in a field where there's a lot of theatrical tradition.

M. R. Jacobson  
Jemal's New Formula  
New York.

**EDITOR, VARIETY:**  
I agree entirely with the constructive criticism. However, I've done my best to start with a straight inquiring reporter. With the thought of keeping a newspaper at the top of the news, I've done my best. It is my intention, generally, to divide the time between celebrities and news. I'll be glad to give you new set-ups news to pull much more from the old type of show, which I'll be glad to give you. I'll have a new set-up, as we have to, winter (16), when I'll ask Jimmy Walker if he'd like to be mayor of

## Lateness Pays

San Francisco, March 21.  
The one-million-dollar winner at the Golden Gate International Expo dropped her 50c ticket on the way to the unit through the turnstile at noon, last Wednesday (18) to become famous for a day. The winner was Betty, a young local dietitian, on her first trip to Treasure Island.

Before she returned home she had been presented with cash and gifts totaling almost \$1,000. She is wearing a diamond wrist watch and a gasoline canopied, a round trip to Los Angeles and the given amount of money to every exhibit and concession on the island.

## No Outside Shows, So Chicago Stadium Will Stage Its Own Circus

Chicago, March 21.  
The Stadium is going into the circus business again this year. On April 14 it will bring its own Bureau of Circus into the arena for a 16-day sojourn.

Barnes & Carrubert's fair booking office will handle the show. Stadium played its own circus several years ago and managed to make more out of it on the two-week occasion of the Stadium to stage its own spring indoor circus.

It is the opinion of the Stadium officials that the show will bring in more than \$100,000. This is unusual for Chicago, which usually has two or three circuses at one time with indoor dates in the spring. Clit previously had openings of such shows as Cole Sells-Flores, Hagemeck-Walace.

## HENNIES LOSE SUIT VS. MICH. STATE FAIR

Detroit, March 21.  
Hennies Bros. Carnival's suit against the Michigan State Fair board, alleging breach of contract for the 1939 fair, was dismissed by the state court last week.

The judge decided that a oral contract existed between the Hennies and Frank Isbey, resigned manager of the fair.

Orrville Hennies, president of the carnival, has contended that the new fair board had voided his oral contract for next fair's fair for political reasons. Despite his deposit of \$20,000 to bind the contract, they testified he had not approved or signed the contract.

The American Amuse. Co. has been awarded the midway contract for next fair's fair.

## Gruberg Gets N. Y. State Fair Midway Deal

Syracuse, March 21.  
New York state fair, through Paul Gruberg, has secured a midway contract for the 1939 fair.

Gruberg the contract for the midway at the annual expo this year. Gruberg secured the right to buy the midway, which played the fair late last season.

Other details for fair, now slated to buck the N. Y. World's Fair for two weeks in the hope of drawing more New York tourists, is being worked slowly because the state legislature is toying with the idea of a new fair budget. Gruberg's manager Lehman has asked an additional appropriation of \$50,000 for the midway for next year.

The governor's explanation for the loss in his budget measure was that last season's weather was too hot.

## Main Sells Title

Akron, March 21.  
Frank Rutman has leased from Walter L. Main the more than 50-year-old title of Walter L. Main Shows and will launch a three-year circus early in May, to play the midway territory under auspices of the fair. Main will play the midway and week bookings in all stands, with the show tentatively set for the first week of the fair and a possibility of an engagement of the same length in Toledo.

New York City again, the program will be far more interesting if we let the interview 'take the greater part of the show.'  
Jimmy Jemal.

# Frisco Fair Maps Promotion Drive To Prevent Eclipse by N. Y.'s Expo

San Francisco, March 21.  
Determined to keep the approaching opening of the New York World's Fair from over-shadowing its interest in the Golden Gate International Exposition, the Frisco fair is being mapped by promotion manager Clyde M. Vanderburg to grab all the attention in the state and publications during the month of April. Fact that the exhibits at the N. Y. Expo are considered as ready for photographers means that these channels are practically closed to eastern eye this year. Expo has a plan on foot to bring a hundred or so heavy mag publishers, artists and writers to the Coast within the next several weeks.

Expo has set April 30 as Los Angeles County, Cal., is hoped for the setting of this day on the opening of the N. Y. fair will limit the business in the Coast dates of the eastern expo.

Described as a post-graduate course following S. J. Rand of the highly touted Greenwich Village opened its doors on the Gayway Saturday. Within a half hour, the Frisco and her nudies, Clit Lopez' fair, Frisco's producer, and Frisco's girl show under Clarence Clayton's management; ex-Alcatraz star, Guy Roy Gandy, who will talk on prison life; a girl revue in the Frisco's main auditorium, and other interesting serving of various nationalities. "The Village," an \$85,000 attraction, is expected to be Frisco's largest big draw. The fair management, realizing the need for such a coin-puller, is expected to feature a "happo" of policy, permitting the operators to put it up as they see fit.

## New Concessions

Several new concessions opened within the past few days, including "Clare Blossers" of the Frisco, who got under way last week (17). Featured is William Smith, seen at the St. Louis World's Fair in 1904 and the Park Co. since that year ago. An added attraction is W. E. Alexander's flea show, "Dandy" and the Frisco's world with Clit as director, and operated by the Stutz Brothers, is another new attraction. Frisco's biggest Village, which folded a few days after the fair's opening due to lack of capital and incomplete facilities, is expected to reopen within a week or so and feature a "happo" of policy, which has the "Headless Girl" show on the Gayway. Lou cabin apper, featuring the Village's "happo" will be changed for something more appropriate.

Between the Chinese Village, a disappointment from the beginning, and concession new difficulties last week when its concessionaire, the Frisco, closed up in protest against the 25c admission charge to the village grounds, which is in addition to the fees asked for individual exhibits within. Dispute has not been settled yet, but the concessions were reopened for the week-end. Fact that some of the exhibit material had been taken to the Frisco and advertised the opening of several other concessions within the Village.

Frigo officials have been asked to permit the goods to enter duty-free, and the concessionaire has agreed to pay the customs charges from receipts as soon as they can get their displays up.

Union Squabble  
A jurisdictional dispute revolves around the ride men on the Gayway and the Frisco. The Frisco's Service Employees International Union and the American Federation of Labor, which has a local union, are in a dispute over the right to represent all branches of the amusement field with two exceptions, billiard games and musical acts.

The executive board of the American Federation of Labor, in Washington, D. C., has been asked to rule in favor of the representative Alf Smith of A.F.

Indications continue that the Exposition board of management is considering further reorganization of the Frisco. The board has been in order to have the Island make its best possible showing during the summer. The board is expected to hold daily to iron out the problems of operating the expo, rather than the Frisco's.

In line with the reorganization, it was disclosed yesterday (Monday) that about 20% of the personnel originally employed by the Exposi-

tion Company itself had been dismissed. Press Department has been cut in half.

John H. Fisher, new captain of the Island's 'bright zone,' has already begun the task of 'polishing up' the Frisco. Fisher has already requested freedom from censorship in his program of adding 'life' to the Frisco.

Fair execs have asked Smith that he produce a Gayway with more sensations, other lights, more break-taking shows, more pep and more thrills. Buildings on the Gayway are all pretty low, but former concession chief Fred Weddleton was able to get almost any type of building in order to have "nothing resembling a midway ride in time for the opening. Weddleton has just returned to the Frisco as manager of the baby incubator show on the Gayway. Smith will endeavor to get more sensational, other lights, more break-taking shows, more pep and more thrills.

"The 'Folies Bergeres' continues to be the big lure on the Island right now. It is expected to draw a public's reception to 'Bergeres,' although there has been some criticism leveled at the body movements in the dance staged by Valder and Corinne. As a result, a certain number of the dancers have been clipped and pants have been put on one of the men in 'one of the men' in 'Bergeres' reached around \$34,000, which means a nice

Nudity is now creeping into 'Cavalcade of the Golden West,' the exposition's major attraction, which has been in need of some pepping up. The Artex maidens in the Frisco are not being sacrificed in the raw in the interest of bigger bonnet receipts. Except for a few lousy nudies, Frisco management is on the Island, resulting in poor attendance at this show.

Warrick T. Bester, R. O.

As free talk last night in the 9,000-seat California Coliseum by Mrs. Eleanor Roosevelt also helped the gate receipts. The previous night she had reported to have received \$1,500 for her talk. Concessionaires look up on the Frisco as a possible one to take a nose dive with the fall at the Frisco. The job zone being off around 16%.

Last week, however, was a different story which made several of its best week-end crowds since the Fair opened. The warm weather, near normal temperature, and appearance on the Frisco of screen stars Robert Taylor, Mickey Rooney, Lewis Stone, Fay Holden, Cecilia Parker and others, hyped attendance considerably.

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Time Day and special events for the Frisco (18) meant it one of the largest days at the expo since its opening.

## PLEAD FOR NABE CARNIES

Detroit, March 21.  
Nabe carnivals, banned several years ago, are being asked to be allowed to operate because of their neighborhood social effects, and the economic benefits they should be allowed to generate. The city councilmen last week in a letter to the state legislatures testified they were able to maintain such things as drum corps, etc., through carnivals. The city councilmen annual carnival. Leonard Simons, spokesman for the Michigan Show Association, said that the city should have at least 500 Detroiters would be deprived of livelihood this summer if the city should not allow carnivals to take the plea—under admission.

# BOB'S RIDIN'

# HIGH!



Kansas City: BOB BURNS in Paramount's  
 "I'M FROM MISSOURI" does normal week's  
 business in 3 days at the Newman Theatre  
**HELD OVER**  
 FOR SECOND BIG WEEK!

"Homespun stuff done to order for Bob Burns' brand of drolery... one of Bob's best roles ... excellent support in playing and production ... high average of laughs." —*Daily Variety*

"Burns clinches star niche ... 'I'M FROM MISSOURI' will head into good business."

—*Hollywood Reporter*



**Bob Burns** in "I'M FROM MISSOURI" with Gladys George • Gene Lockhart

A Paramount Picture • Directed by Theodore Reed • Screen Play by John C. Maffitt and Duke Atteberry • Based on Stories by Hamer Croy and Julian Street



# THEATRE WORLD

PRICE  
25¢

Published Weekly at 114 West 43rd Street, New York, N. Y., by Variety, Inc. Annual subscription, \$11. Single copies, 12 cents. Sent by second-class postage paid at New York, N. Y., under the Act of March 3, 1879.  
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Vol. 134 No. 3

NEW YORK, WEDNESDAY, MARCH 29, 1939

48 PAGES

# THEATRE WORLD

**Midway Bldg. Spurt Should See N. Y. Fair's Sideshows 90% Set by April 30**

By MIKE WEAR  
Tremendous building activity in the last two weeks within New York World's Fair amusement zone makes the midway boom as about half complete approximately 30 days before the exposition will swing open the gates officially on April 30. Spurt in construction and speeding up of lagging contracts on a practical basis has encouraged fair officials to believe that the midway area will be at least 90% completed for the opening day.

Big task during the next four weeks will be to redouble working crews so that there will be no half-finished amusement area for New York Fair's opening week. Veteran exposition officials realize that a 50% completion midway will give the entire fair a body lull that no subsequent adjustment will be able to overcome. At least that has been the experience in world expositions during the last 10 years.

As the amusement zone now stands it is possibly 80% behind the remainder of the fair on its construction program. While about three-fourths of main exhibitors appear to have made fair strides in getting their shows into shape in the last 10 days, the grounds themselves appear to be lagging in this activity. System contractors is far from completed. Erection of a retaining wall

(Continued on page 47)

**Daniel Frohman Losing N. Y. Lyceum Home Due To Bank's Foreclosure**

Daniel Frohman, veteran showman who has occupied a unique apartment spot the Lyceum, N. Y., since the theatre was built 35 years ago, will probably be forced to vacate. Property has been taken over by the Bowers Savings Bank, holder of the first mortgage, through foreclosure after other interested parties expressed no desire to assume a share of the fixed charge. Spot was staid service has been discontinued and without heat the apartment cannot be occupied.

Apartment was reached by a private elevator, which operated from a landing up a short flight of steps in the theatre's lobby. Agent head of the Actors Fund has an art and theatre collection in the apartment which he occupied alone. Spot was the scene of numerous affairs par-

(Continued on page 34)

**De-Toughening 'Em**

Hollywood, March 28. Protests from parents all over the country have influenced Warner Bros. to soften up the Dead End Kids studio in dressing them in the Dale Carnegie touch on their behavior.

**Marquee Picketing**

One employment agency supplies picketing jobs at \$1 a day, or \$2 if the sign-carrier also delivers a sign while marching. WPA actor was set for a speaking part, but the deal fell through when he demanded billing.

**FRISCO EXPO B.O. FARING POORLY**

San Francisco, March 28. Current slim pickings on the Gateway (midway) are worrying concessionaires at the Golden Gate International Exposition, but they expect to hold out until May, when the tourist rush is expected to begin. Boys are squawking about lack of strong free attractions. They believe both the current "Poies Bergers" and preceding Eddie Cantor show should have been gales, thus luring larger crowds who would have spent more coin on the Gateway. Expo in turn would have profited more in long run from its cut in increased revenue.

Several concessions including such major shows as the Chinese and Scotch villages are struggling for existence. Former has cut admission to a dime. The expo's sports budget is said to have been slashed from \$500,000 to \$250,000 following up practically every sport attraction to date. Most recent fiasco was international championship bicycle races, loss on which was said to be \$10,000.

Another headache is the Edwin Franko Goldman band, signed for 15 weeks at \$3,000 per. An unsatisfactory (Continued on page 48)

**BURTON HOLMES AT 69 GROSSING \$97,000 A YR.**

St. Louis, March 28. Burton Holmes, the 69-year-old traveling lecturer, who made up his 46th regular season in St. Paul on April 11, will personally gross approximately \$97,000 for his season's work, according to Walter T. Everest, his manager. After the St. Paul engagement Holmes will deliver three additional spots in Quincy, Ill., Cincinnati and Huntington, W. Va., and then return to New York on April 15. Holmes will then join 39-year son. Holmes to mail over what countries he will visit next summer for material for his next season.

**OTHER FIELDS ARE BARREN**

**Scouts' Yield Away from B'way Meager—Material for Pictures Mostly Original, Few from Legit or Published Works**

RADIO NIL

Hollywood, March 28. Talent for Hollywood is where you find it. This is the consensus of talent scouts, casting directors, producers, and executives on the various fields. Exemplified on new talent for the past year shows that around 75% of the players are brought here from the professional stage; 20% from little theatres (which, of course, means also the stage); and the remainder from radio and other sources.

Around 60% of the yards made into films are originals, according to the survey. Plays from Broadway source about 15% of the scenarios; books 15% with mag and radio lagging behind.

Talent scouting nowadays is about the same as looking for a new Vandermeer, DiMaggio or a Babe Ruth. They glom talent in the strawhats in the summer, and ogle the little theatres throughout the winter. Tests are made both here and in New York, and if one comes through with potentialities they're tested, groomed and nurtured until a casting director can convince a producer that a player should be given a chance in a film.

During the last year majority of (Continued on page 44)

**Lunts, Like Paderewski, Like to Park in Pullmans**

Chicago, March 28. During their recent string of One-nighters through the Midwest, Alfred Lunt and Lynn Fontanne passed up hotels and lived in their Pullman car. Pair, who have been touring since last fall with a repertoire of several plays, found it too much trouble to check in and out of hotels for one-day stops, so arranged to sleep in their Pullman. It run onto a siding at each city and making it their continuous living quarters. Members of the Theatre Guild management, trying to phone them at hotels, were surprised when they found they were plugged into the railroad car.

Although it is unusual for touring couples to live on the road in this fashion, Ignace Jan Paderewski was regularly followed that practice on concert tours for years. Paderewski takes a private car and lives on it wherever he goes. Does his practicing at night after the concerts, on a piano specially installed on the car. He always has a phone installed at each stop, but will seldom talk on it himself, regardless who wants to speak to him. Leaves that to his valet.

**Nickle-in-Slot Phonograph Priority Resented by Alert Music Shops**

**Still a Cigaret Girl**

A possible new source of phonograph disc sales is revealed at Cafe Society, new Greenwich Village hangout. Vocalists records of artists appearing in door show are sold to customers by the cigar girl who hawks them when she changes for a 35-cent record.

Music shops of the first rank, in the metropolitan city centres, have a big peeve against the phonograph manufacturers, charging them directly with delaying the revival of the talking machine field. The blame is put on the coin machines for not having enough records available of the hit waxes.

There have been verified instances in such smart retail music shops as Liberty, Marconi, Haynes-Groff and the Center Music Shop in Radio City that the hits are not serviced as fast as could be, and by the time the factories catch up with advance orders, the songs are dated. The reason for the major wagers being so far behind is ascribed to the coin operators who get first call. There is one instance where, within six weeks, it was still impossible to give a customer a record ordered more than a month previous. And by that time, considering the fleeting vagus of pop tunes, the number was ancient history.

**Happy-Days-in-Dixie For Harlem Talent On B'way, 3 Legits, Nitory**

There's plenty of folding money on Harlem's rialto these days, and more colored performers and colored shows on Broadway running concurrently than ever before in the history of show biz. There are three all-colored legit attractions, "Mama's Daughters," straight drama, and the "hot" and "swing" "Mikados," the former presented by Mike Todd at \$2,300 a week and the swing version the WPA's import from Chicago at \$1.10 limit.

Plus the legit attractions, the Cotton Club opened on Friday night (24) with a new door-shoe holding record performance and the WPA "Mikados" has around 80 performers (through advertising 125), with the musician riot in the tabulation because they're "out." Todd says his "Mikados" has 112 colored artists on the cast and pit. "Mama's Daughters" has a cast of 25, large for a straight drama.

Another show heavily laden with colored performers will hit Broadway when and if "Sing for You, Super!" in rehearsal for many months, opens. Debut is expected in two or three weeks for the first night show, which holds about 30 Harlemites.

**An Audible Trailer**

Press agents predict that the new dry cell portable radios which can be carried about half weight operating will appear this summer in crowded places with the dial set—and turned—at particular programs.

**POLITICAL SATIRE BY UNIVERSITY'S DANCERS**

Omaha, March 28. Advanced dancing class for femmes at Omaha University has locals convicted over latest dance creation, "WPA." Dance got a full page of pictures in rollo sheet of World-Herald Sunday (26).

Gals give out in slow motion, starting from a reclining position, legs getting a little feeble or more delayed motion and finally back to the restful pose.

**No. 1 G-Man's Pix Bids**

Washington, March 28. J. Edgar Hoover, chief of the G-men, may join the picture industry in an executive capacity. Hoover has had a number of film offers and it's likely he will accept one of these.

# N. Y. LA GUARDS IN THE CASE OF THE DAY, LAWYERS, LESS SILENT

### Local 306 (IATSE) Places Distributors in Middle of Projectionists Row—May Cripple Entire Exchange System—Mediation Moves Under Way

By BOY CHARTER.

Alarmed over information that the New York exchange was about to start refusing to project film in theatres tonight (Wed.), a committee of eight chain representatives late yesterday afternoon (Tues.) appeared to the State Mediation Board to step into the situation. This move was hurriedly taken after the committee had sought to confer with Mayor F. H. La Guardia in an effort to get his cooperation toward forestalling any "stop of shows in the film theatres." The Mayor was unable to see the chain group, being tied up on other urgent matters.

Tenightly afternoon meeting with Julius J. Freund of the State Mediation Board resulted in agreement by the board that it will do everything in its power to adjust differences which place the orderly operation of theatres and supply of film in jeopardy.

Freund has invited executives of Local 306, Moving Picture Machine Operators, which called the present strike, together with its attorneys, to meet with him at 100 Nassau St. (Wed.) for the purpose of attempting to launch machinery for the mediation of the exchange.

Theatre chain representatives who met with Freund yesterday afternoon (Tues.) were Joseph Schenck, president of the Schenck circuit; Advertising Lewis; Harry and Bernard Brandt of the Brandt Bros. circuit; Emanuel Friedland of the Friedland circuit; and Stanley Leizer of the Randolph chain; Lawrence Rolognino, head of Consolidated Amusement Companies; Irving Greenfield, Lewy attorney; Stanley Laughton, who has an indie circuit in his own right; and J. G. Gilkins, of Newswell Theatres, Inc.

While these moves by theatre men have been made, attorneys for distributors were considering various other steps that might be taken. One of the latter attorneys said that there were no further developments so far as distributors were concerned yesterday (Tues.).

With film service out of the New York exchange completely crippled Monday (27) when the IATSE union members about 250 demonstrators by the branches walked out in sympathy with one of the most unusual labor couple ever attempted, fears immediately arose in distribution and exhibition circles as to what might be taken if a last-minute settlement isn't reached. These fears, based upon strong possibilities and inferences of action, include:

1. Will the operators in all theatres served by the New York exchange, refuse to handle film of the distributors against which the strike is directed?
2. Will the exchange workers in all the key cities of the U. S. and Canada where these same distributors operate branches, also go out completely tying up handling and shipping of film throughout the domestic market?
3. Will operators in such other exchange centers then also refuse to handle film that the IATSE has labeled, made by the distributors with LA labor?

Will all union help of the IA in the studios, both east and west, including newswall plants, also go down striking a blow at production?

Pending efforts to stymie the strike against distributors, under consideration when latter refused to be taken of the IATSE to shut off the flow of film in New York, New York area and Long Island to houses not recognizing the IA, the distributors are standing pat, their determination to resist such demands. The number of theatres involved—no LAE—numbered—number around 75.

After having threatened the distributors, the latter following an all-day meeting Sunday (26) decided to call a meeting of the unions. It is expected deadline for strike Monday morning (27), by turning down all demands of the group that what was asked of them "would be in violation of the decision by the distribute (Sunday 26) may have come as something unexpected in view of the dangerous ramifications a strike such as

enforced, or to be amplified, would be a serious one. The fact that the IATSE may not have anticipated that the distribute, being in a very uncomfortable position, would say "no so definite" and with such finality.

As a result, Local 306 Moving Picture Machine Operators of N. Y., strongest affiliate of the IA, ordered its men not to report for work Monday morning (27) in the booths and in street in home offices and exchange offices and film branches was to be back at 8 a. m. but did not start until late in the afternoon due to inability to get signs printed up as well as to advisory legal delay as to what the signs should say. Final decision was that the signs merely say that Local 306, MPKC, was on strike, with the home offices and exchanges listed where this action was being taken.

Following orders of 306 for picketing of branches and h.o.'s, the Film Exchange Workers Union of which Lou Johnson is president held a meeting which ended at noon Monday afternoon (27) with the members, numbering 300, who would go out because, in accordance with the agreement, the national set of cross picket lines of any other IA union. Result was that when the night the picketing of the exchange at 4 o'clock, these men could not return yesterday (Tues.). Also the night the picketing of the exchange could not come to work because picket lines exist.

### Only Exchange Not Involved Is Mono

The only exchange and home office not involved in the program of this company does not maintain its own screening rooms and its exchange offices are in the same building as the Film Exchange Workers Union. Those of all other companies are, at least in part, in the group, National Educational Exchange, operators not reporting to booths in New York and exchanges Monday morning (27) in the booths and in street were cancelled. In addition to crippling the exchange, the Film Exchange Workers Union (27) also knocked out all screenings, further "have" was voted Monday (27) that the exchange should be closed. Local 702, also voted not to cross picket lines. This will seriously interfere with production of one-time feature product, but two-weekly issues of newswall and other material to exchanges.

Fearing the worst, all exchanges worked far into the night Sunday (26) to get news and hurriedly during the day Monday (27) in getting as much ready for use as possible. Exhibitors from all over the country, including one covered by a national labor union, are frantic, looking as much available film as they could get, and either taking it up or sending it back to the picketing it up with their own cars or taxis. In addition to grabbing as much film as was available, exhibitors are exchanging various exhibitors were also picking up pictures that had been sent to the exchange but which have to fall back on some "early releases."

The film vaults by Monday afternoon were never so empty in history. After the great rush had occurred, while the exchange was under way on a Sunday and Monday amounts to about 100, the total over the week-end was about 100, but three and four times this number for most exchanges.

While exchange managers stated that shows for a week or two, the problem is that the exchange system is what can be done with film exchange workers such as the exhibitors, and the exhibitors, film, shippers, etc. all out. To replace men who could do this work by the so-called "subs" would be no way to go.

While it is the preparation of the film for use in the exchange, the exchanges up badly, there is no likelihood that film delivery service will be restored to the exhibitors governing this activity is not a part of the IATSE. Also, as exhibitors (Continued on page 18).

### Strike Highlights

Projectionists members of Local 306, N. Y. IATSE-affiliated, picketing all home offices and branches in N. Y., excepting Monogram.

Shippers, inspectors, rewinders, others of Film Exchange Workers Union, Local 318, numbers received 300, out of exchanges due to refusal to cross picket lines.

Laboratory Technicians, Local 702, also decline to cross picket lines, interfering with print deliveries and other lab service.

Film service of the New York exchange seriously crippled and vaults virtually cleaned of film before word Monday afternoon (27).

Exhibitors, including "early revivals," as they could get, picking it up themselves in many instances.

Theatres will pick up film from each other and may last about two weeks based on supply obtainable.

All screenings of product at home offices and exchanges cancelled, importantly handicapping operation.

Local 306 fears salt over postpicking strike may spread to booths of theatres and ultimately perhaps to national set of picket lines, but also all other exchanges in 32 key centers and studios.

Arbitration of strike will be sought, but doubt exists as to success. No progress was made, although both sides continue to say steps insured looking to mediation and, through it, possible settlement.

Advising existing contracts were being reviewed by Judge Bondy told attorneys for RKO and other companies to take such legal steps as they thought fit.

### L. W. FOX, JR., B.R. FOR FUTTER-HOWARD UNIT

Deal for financing of Walter Futter-Howard-Melville Pictures, Ltd., productions for RKO (Tues.) was closed with Lawrence W. Fox, president of the Film Co. yesterday (25). Negotiations were handled by William B. Jaffe, attorney, Fox and RKO for the Coast yesterday (Tues.).

Futter-Howard deal with RKO picture production of one feature, with option for a second. Initial effort, "The Man Who Lost Himself," goes into production at Denham studios, England, when Howard completes his "Gone with the Wind" picture.

General is tied up financially with Universal's "Crime Club" series and Paramount's "Hopalong Cassidy."

### SAILINGS

- June 21 (New York to London) The Three Stooges (L. de France).
- June 22 (New York to London) Marie Oberson, Jacques Grignoux, Sam Eckman, Jr., James Roosevelt (Normandie).
- March 23 (London to New York) Greer Garson, Mitchell Higon, Norman Bruce, Gabriel Loring, Greta, Sam Wood, John W. Hicks, Jr., Herbert Wilcox, Nat Wachtel, George S. Alton, Rosenblatt (Normandie).
- March 25 (New York to Bermuda) The Boatman (Volstead).
- March 25 (New York to Rio de Janeiro) Guimaraes (Brazil).
- March 25 (New York to London) Noel Coward, Bela Lugosi (Queen Mary).
- March 23 (New York to Paris) Duke Ellington orchestra (Champ).

### ARRIVALS

- (At the Port of New York) Alfred Hitchcock, Joan Harrison, Mrs. Ad Schuberg, Nat Wachtel, George S. Alton, Sam Eckman, Jr., Sam Wood, John W. Hicks, Jr., Herbert Wilcox, Fredrick Loewald, Arthur W. Kelly, Sir William Wiseman, Mr. and Mrs. Leslie Howard and daughter Leslie, Terry Kilburn.

### Other News of Interest to Films

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### Exchanges Don't Want to Risk Suits Through Failure to Deliver Films

Local 306, which was drafted by the distributors Monday (27) to draw up a form of instructions to exchanges on how to get their films and handle them during the current IATSE strike difficulties, yesterday (Tuesday) sent legal memorandums to all major company exchanges. Latter forwarded these notices to all exhibitors in the New York area. Instructions are for exchanges to keep shipping and delivering films to the best of their ability, in order not to breach contracts with exhibitors. It is figured that while the product available, should the IATSE attitude remains unaltered, exchanges in the New York zone can service theatres for almost two weeks. Mainline competitive chains and indie will exchange product outside of the exchanges, so as to circumvent any "leapfrog" chain.

All day Sunday and Monday (27), following the strike call, everything was cleaned out of the exchanges in order not to risk having finished product being tied up.

Mediation Efforts Continue

Although efforts will continue to mediate of the union strike against the distributors, it is declared highly doubtful that the present picketing and refusal of exchange workers, as well as lab technicians, to pass their lines will be called off in hopes of the return of any such mediation. A settlement by arbitration would have to come first, it is indicated.

Acting conferring with Federal Judge William Bondy during the day, attorneys for the film companies and Matthew Levy, counsel for 306, met Monday (27) night in the Justice's chambers to discuss arbitration of the distribution. No progress was made, although both sides continue open to any steps insured looking to mediation and, through it, possible settlement.

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### GN and DR. FRENKE AT METRO TO SPEND ODDS ALL OVER AGAIN

Hollywood, March 28.

Grand National and Eugene Frenke are both plaintiff and defendant in the Battle of the Los Angeles Monday (27) over release of Anna Stern's picture, "Exiled Express." GN instituted the first action to restrain Dr. Frenke from negotiating another release for his film. Frenke countered with an action for \$200,000 and \$100,000 damages, seeking dissolution of his releasing agreement.

Studio filed suit last month against Frenke which was withdrawn after an out-of-court hurdle, Miss Stern is Mrs. Frenke in private life.

L. A. N. Y.

Capt. Harold Auten.

Patricia Brown.

Walter Batchelor.

John N. Dillon.

John H. Hines.

Murray Hill.

Matty Fox.

W. H. Fox.

John Albert.

Jacques Grignoux.

Tom Harrington.

Francis M. Hume.

John Hyman.

John Joseph.

John L. Jones.

Lya Lya.

James Mulvey.

John P. O'Brien.

Paul Rainger.

James Roosevelt.

William W. Schiller.

Murray Silverstein.

S. Sylvia Simon.

William W. Wier.

The actual figures are \$42,500,000 to cover the cost of production; \$10,000,000 to cover the cost of advertising and \$2,500,000 for advertising. In all brackets this represents substantial increases.

Billboarding, which has been running since the start of this form, is being eliminated unless, in some instances, men in the field want to have the company will make a feature, plus shorts, has been placed at \$55,000,000, a new high for the industry, and means that Metro will have to clear this in rentals to break even.

The official budget on Metro production and distribution for 1939-40, in which the company will make a feature, plus shorts, has been placed at \$55,000,000, a new high for the industry, and means that Metro will have to clear this in rentals to break even.

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### Joseph, Fox East

Hollywood, March 28.

John Joseph, Universal advertising and publicity head, and Matty Fox, v.p. head of the studio, will make a special trip to New York City this week-end to help in the planning of the office excess selling campaign for two weeks. Both due back in two weeks.

# Whyfore of UA's Product Scramble

Scramble for product by United Artists at this time is said to be predicated, in part, on the expectation that UA cannot count on any picture from Samuel Goldwyn in the '39-40 season. The UA unit under adjudication of the latter's suit occurs before the start of next season.

No answer to Goldwyn's suit has been filed to date with the courts in New York. Time for filing was set last week, but O'Brien, Driscoll & Rafferty for UA, had the case shifted from the N. Y. supreme court to the U. S. district court in N. Y. last Monday (20) which now gives the company until April 10 to respond.

One indication of the uncertainty regarding Goldwyn product is the action of UA in omitting the producer's name from a parchment scroll being sent to 400 leading exhibitors next month, in connection with UA's 20th Anniversary celebration.

Only signatures on the scroll are those of Charles Chaplin, Douglas Fairbanks, Harry Dickson, Hal Roach, Walter Wanger and Edward Small. Selznick's name is reportedly to be added, as will Sol Lesser-Louis Lurie. Goldwyn is reported to have refused to allow UA to publicize his name or his product over and above the two pictures he will deliver on this season's schedule.

Although rendered by United Artists, John Hay Whitney and David O. Selznick wanted an RKO Radio affiliation on the basis Whitney acquired a substantial stock interest in RKO. Early talk was that some stock might possibly be acquired from the Atlas-Oddum holdings in RKO.

Failing of such a deal, it left Whitney with the conclusion that S-I might just as well continue to release through UA.

# Lesser to Concentrate on UA Deal, Breen to RKO; Wanger After Ford

Sol Lesser will abandon all outside production on the Coast with signing of a United Artists contract which will provide for a number of producer-director units first of which will be headed by Ernest Lubitch, who starts functioning at conclusion of his current Metro ticket Jan. 15. Lesser has associated with him in the deal Louis Lurie, San Francisco capitalist, and also Principal Thea Lee, who is being handled by Mike Rosenberg, Charlie Chaplin and a number of others are partners.

Undecided that the conclusion of two Bobby Brown pictures for RKO, Lesser will turn loose his lower end with RKO over production of future pictures.

Murray Silverstone, UA chief dea east from the Coast this week, will be in Hollywood to join RKO and indie pic maker, to release one Spanish language picture, to be made in Hollywood which will be used exclusively in the foreign market. Should it click a further release deal will be made with Cohen.

Walter Wanger, who is reported connected with idea to join his UA production unit as exec director, is trying to get release of litter for couple pictures early from Darryl Zanuck of 20th-Fox, who holds a term deal with the director. Leverstone, after his return here, is set to head for London about the middle of April to lay out his forthcoming campaign on the new season product.

Lubitch, in association with Lesser will be backed with \$1,000,000 in production on UA's picture. The same financial support for another lesser director, to be induced into the lesser unit, is ready, as soon as details are closed.

Small's Hysterix, March 28

Edward Small's six pictures he is to produce for United Artists' 1939-40 season include "The Man in the Moon," "South of Pago Pago," "Food for the Gods," "Life of Rudolph Valentino," "Quantrell" and "The Wind." He had four on this year's schedule.

# UIS SEVEN PIX AWAY FROM '38-39 WASHUP

Hollywood, March 28

With only seven pictures to make, Universal plans to wash up its 1938-39 production within a few weeks to meet release dates through August.

For the first time in several years the studio will finish production with a comfortable lead on release commitments. Shooting on the 1938-40 program starts within a month.

# KORDA DOUBLING

Technical Credits on 'Presenting' via London and UA

Reason for the odd arrangement arrived at by Alexander Korda and his English adherents to "present" future Korda Productions, Ltd., output through London Film Productions, Ltd. is something of a puzzle. It was no picnic trying to get exhibitors and buyers to come through, regarding the coming spring and summer film it promises to be tougher.

Deals on which negotiations had drifted in something of a predicament as well as small indies turning a cold shoulder definitely were a lot of product offered had gone on release. Yet, some of the distributors are rushing out early again for the '39-40 programs.

Two sales conventions have already been held (Warner Bros. and Metro), but others, including 20th-Fox, Paramount and RKO, are also trying to get some accounts on the platform for the '39-40 programs prior to official announcement of schedules. Thus, these companies are pushing for contracts on a product that will not start going on until August 15 or September 15, after a lot of points from the Goldwyn suit against the corporation now pending.

# Studio Space At Premium, Indie Production Splits

Hollywood, March 28

For the first time in 10 years indie producers are faced with a shortage of studio space. Some of the lots are filled to capacity and others have bookings enough to keep them crowded until next fall.

Some of the crowding is due to overflows from major studios. Edward Small's "The Man in the Iron Mask" is using all four stages at General Service. Grand National is going to be using all the rental plan and will shortly roll up two of its own pictures. The B. P. Schulberg plan, entirely occupied by overflow from Columbia, Tallman is practically filled by Monogram productions and "Come With the Wind" is using all available space at Selznick International.

# Johnston Due East

W. Ray Johnston will return to New York to discuss 1939-40 schedules and other matters in about two weeks. In the east for Monogram's "The Sign of the Cross" which is presently on the Coast.

Later in the spring or early summer Johnston plans going abroad.

# HARDEST REFORMING IN HISTORY SEEN

Disturbing Conditions in Film Biz Generally, Anti-Trust Suits, Etc., to Give Salemen Plenty of Headaches — No Picnic Last Year, but '39-40 is Expected to Be Worse

# EXHIBITS AMMUNITION

Disturbed conditions in the film business generally over litigation, trade practices reforms, chain-divorcement clamor, the U. S. anti-trust suit against distributors, the anti-trust suits against exhibitors, a maze of other troubling factors—supplemented by probabilities of further exhibitor resistance and increasing extreme uncertainty over this year's selling season and may make it the toughest in the history of pictures.

"That it won't be child's play going out to hit contracts at release Selznick-International pictures for the next two years. An agreement was reached Saturday (25) after a three-day sech by Murray Silverstone, UA proxy, with Jack Whitney, S-I board chairman; David Selznick, president, and Henry Ginsberg, g. m. of the company. Although plenty of United Artists' pictures are being put to Selznick producing group to join RKO, they decided to accept UA's terms, which Murray Silverstone's distribution plan calling for the industry's lowest releasing cost for major pictures."

Six to eight films will be delivered over a two-year period, with the first "Intermezzi," being scripted by John Van Druten, set to start May 1 for early fall release.

Set to go, on June 15, will be Daphne Du Maurier's "Rebecca," under Alfred Hitchcock's direction. Other Selznick properties likely included in this group are Charles Morgan's stageplay, "The Planching Street," Ordeal by "Glitter and Freedom of Press."

# DAVE LOEW'S ANOTHER NOW ALIGNED WITH UA

Hollywood, March 28

David M. Loew today signed contract to produce an entire two pictures yearly for three years through United Artists. Deal, which started between Loew and Murray Silverstone, U. A. g. m., on Friday (24), was cemented at 10 a. m. this (Tuesday) morning. Loew plans making six \$1,000,000 pictures with an outstanding director and star yearly. He will headquartered at Selznick International studios and immediately start assembling his organization.

Loew, who was with Loew's, for 20 years in theatre operation, produced a series of pictures with Charles Laughton, in 1917, by releasing them through RKO and Columbia. His final one, "Firing with Fate," is now being released by Metro.

Loew's first picture under new UA deal will be delivered in November or December.

Murray Silverstone and Edward C. Rafferty, UA counsel, probably return to New York at the end of this week. Final signatures of the Selznick contract will be done next with Jack Whitney.

# HAL ROACH RUSHES TO REOPEN STUDIO MAY 1

Hollywood, March 28

Hal Roach is rushing work on "Housekeeper's Daughter," intent on reopening his studio May 1. Original plan was to keep it closed until after the close of the season.

Joan Bennett and Adolphe Menjou are signed for the cast, which Roach will direct.

# No Coin, Justice Dept.'s Ideas For More Trust-Busting Suits Vs. Films Temporarily Staved Off

## 90 Old Men

Hollywood, March 28

Old time actors get a break in Columbia's Frank Capra picture, "Mr. Smith Goes to Washington." Script requires 90 elderly senators.

Washington, March 28

Failure of the House Appropriations Committee to boost the Justice Department's trust-busting fund steers off for the moment, at least three of additional anti-trust actions against the film business. But the prosecutors are carrying on strenuous fight to get the required cash for its crusade can be broadened in fiscal year which opens July 1.

Casual announcement—confirming story in VARIETY several weeks ago—that more suits are being readied, was brought to light Wednesday (22) with publication of testimony on the second of the usual deficiency bills. Prof. Thurman G. Arnold, assistant attorney general in charge of anti-trust enforcement, is quoted as having remarked, "Even now we should start 10 more suits."

The request for \$70,000—needed to pay salaries of 94 more lawyers and other personnel—was raised by the Appropriations Committee on the basis of a broad-scale attack on monopoly which was included in the original bill. The matter is one which should go on the basis of this year's allocations with the 1940 estimate in view of the fact that additional help would result in an annual outlay of \$295,000, swelling the yearly anti-trust division expense to \$1,710,000 on the basis of this year's allocations. The Department has requested \$1,530,000 for the coming 12 months, but indicates that it would be glad to do so for shoring up.

Whether or not a civil or criminal is a guarded secret. Arnold gave the House committee no details, although he said the matters for which the extra personnel is desired at this time are of the type which should be put off until the next fiscal year. Reported the sort of evidence available would justify filing of suits, but he said that lawyers still trying to figure out the prospects of success before making a final decision. He indicated that Arnold wants to launch actions in several different jurisdictions, on the theory that "it would be" (Continued on page 16)

# Selznick Stays With UA Another 2 Years; 6-8 Pix

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**VARIETY**  
The Motion Picture Industry  
FOUNDED BY BILLY SILVERMAN  
164 West 57th Street, New York City  
Subscription Rates: \$10.00 per Annum in Advance  
Single Copies: 10 Cents

Vol. 134 No. 3

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# Hays Announces Report Reviews Film Biz Problems; Starts His 18th Yr.

Will Hays' report to the Motion Picture Producers and Distributors Assn., at the annual meeting in New York Monday (27) answered critics who bewailed the so-called limits upon the screen, and the development of features as to realism, took a slap at publicists who distort Hollywood life and its stars, treated on the foreign situation, and took exception to those who sought to alter the whole structure of the film industry. On the latter subject Hays declared that trade practices were still being set for constructive adjustment within the industry.

Although not mentioning the Neeby bill or kindred measures by name, Hays pointed out that "violent, hasty changes on the terms of subjects of the business would effect the entire business.

The annual meeting of MPPDA re-elected Hays president. He now begins his 18th year as chief executive of the association which he received the Courtland Smith report on television as it concerns the film industry. No specific recommendations were contained in the report, but it was discussed in some detail and filed for reference.

**Foreign Situation**  
The foreign situation and its effect on the industry has drawn more attention than any other topic. This season, however, was taken. Directors reviewed income tax subjects for session and will meet again, probably today (Wednesday).

**Actual Experiences**  
The scope of the picture, Hays' report said: "It was inevitable that the scope of the screen entertainment could be greatly enlarged with improved dramatic technique and higher standards of appreciation. At a point where the screen would become more and more socially and educationally important."

"Actual experiences has proved that artistry can treat any subject within the boundaries of taste and sound morals under the Motion Picture Production Code. And any measure—any—even those subjects that serve the important purpose of complete relaxation, that shut out message, point no moral, and teach no lesson."

Hays claimed that the call was for pictures traded in the same draw from life, of the problems of the average man and woman among the mass and file of the picture, which this already is reflected in the increasing number of successful entertainment films, picture to picture terms and without exaggeration.

That the screen has handled successfully themes of contemporary thought in dramatic and vivid form and presented the subject matter as a splendid entertainment, rather than propaganda, proves how much pictures can do today, and how much more it can do tomorrow, according to Hays.

"American pictures give a world audience," he said. "They are universal vehicles which may be kept sound and undistorted by the distribution of U. S. pictures, and that this is of industrial importance. Somewhat counter-industry factors during the year were the increase of more than 3,700 theaters in 98 foreign countries over the number that existed in 1937.

"Through the exhibition of American pictures on the screens of the world," he said, "our country maintains a great commercial service to many peoples with whom we wish to be at peace. Government control may serve more misinterpretation of our democratic ideals, government or controlled broadcasting may bleed out distorted views of our policies, American pictures, when not censored by foreign agencies, necessarily carry their own exhibition of the highest quality of our democratic policies, our efforts and our system. In this, their own continuing responsibility for the production and distribution of such films abroad as will give a balanced picture of America."

Hays said that our films should be messengers of our foreign trade and world peace, and that it is recognized that other governments, some

through the announced reasons of nationalism and propaganda have sought to restrict the development of a free and nourishing economically and otherwise the motion picture industry, and that the American movie picture industry.

"Snow and White and the Seven Dwarfs" was a unique adventure in motion picture enterprise. Its tremendous production cost demanded the utmost financial courage. It has grossed new records at the world's boxoffices, with the end not yet in sight. Yet the fact remains that no 'isms' whatever were discussed in the film and that the film which hailed it did not seem to miss its lack of social significance. It seems there are still a number of roadblocks left in the world. (According to Webster: eugenicism is an adherence of that system of ethics which defines and enforces moral obligation by its relation to happiness or well-being.)

Regarding voluntary handling of trade problems, he said such a program is not within the power of the interests both of the public and the industry, nor will be one of mere technicalities, but one which defines and enforces moral obligation by its relation to happiness or well-being.

Hays said that "in meeting the motion picture industry's obligations to the public, such constructive effort by the Department of Justice. In all these matters, it is the duty of the government, not on the theory that it enjoys immunity as distinct from other industries, but rather that its special significance and peculiarly difficult problems should be solved in reaching the proper solutions."

Some current misrepresentations of Hollywood should be corrected by enlarged services of authentic information, said Hays, which would state the facts as they are, and project the life and manners of this community of creative men and women, and the industry, and not completely out of line with facts and exceedingly harmful to the industry.

## Kingsley's Appliance For Par; Then B'way Play, WB Backing

Sidney Kingsley left yesterday (Tuesday) for the Coast to do the screenplay for Paramount's remake of "Appliance," which Henry Hathaway will direct. Expects to return about July 1 to ready the production of his play, "The Outward Bound," for a Broadway stage in September. He will produce and stage it himself, with the Warner Bros. backing. It depends on whether the major studios and the Dramatists Guild will finance it. The play is based on a novel by Milvan Brand's novel, deals with the regeneration in an emotionless world. It has been unable to adjust to the stress of present-day life. The play has broad implications than the purely personal one, however.

## JIMMY'S GOT IT

F. D. R.'s Son Taking Goldwyn's 'Whuttering' Flip Ahead

James Roosevelt is to lead Saturday (1) for London with a print of "Whuttering" which Goldwyn's production for United Artists. Figured this will get the film tremendous international attention.

Mrs. F. D. R. Goes With "Whuttering" to London

Sam Goldwyn has no monopoly on America's No. 1 family, even though it was in the picture. When Roosevelt invited Mrs. F. D. R. to attend the Hollywood preview of "Whuttering" in London, she was invited to the announcement that Franklin D. Roosevelt, Jr., will be a guest at the White House. The picture, "Whuttering" Deal was arranged by young Frank's friend, Bruce Cabot.

## Vox Pop on Pix-Radio

St. Paul, March 28. Film moguls say it does, but the Almgors say appearances of screen stars on the ether don't suit, according to a local show house lobby quiz conducted last week. On its "Movie Fun" (SPEAKS) show, conducted in the RKO Orpheum's lobby, ESTE Mower asked the customers their opinions.

Answers emphatic that appearances on the air served as "kickler" to whet their appetites for seeing the stars in their native element. Several fans declared that they went to the picture nearly get away from the house for a spell and mingle with other people—something radio appearance of the stars couldn't do for 'em.

## PAR'S VISIO PLANS ON COAST

Homey Tasker is in New York from the Coast conferring with Paramount and Dukont. Television cease on television transmission which Paramount plans to erect at the studio within the next six months. Intention would be to locate transmitter.

Tasker also came east to testify in the patent litigation involving United Research Corporation and Warner Bros. Pictures. Tasker was formerly connected with United Research Corp. of America, George Schaefer, Nate Blumberg, Hays and Heron.

## FOREIGN LANGUAGES IRK LEGISLATOR

Sacramento, Mar. 27. The assembly judiciary general committee last week reported by Assemblyman Chester F. Gannon which would affect radio broadcasting in foreign languages and foreign language newspapers.

One measure, killed at request of the industry, would require immediate rebroadcasting in English of any program broadcast in a foreign language over any broadcasting station in California.

The other bill would require the printing in an adjacent column an English translation of material in a foreign language newspaper.

## Goldwyn Subs 'Sabotage' For Cavalier Picture

Hollywood, March 28. "Sabotage," dealing with the aircraft industry, results in the "Flying" on Samuel Goldwyn's production schedule.

Directors' based on disaster to British plane, Cavalier, was voluntarily withdrawn to avoid obloquy.

## Studio Contracts

Hollywood, March 28. Warners closed up writer option on Fred Niblo, Jr. Selznick - International signed 20th-Fox writer's option on Vera Lewin' player option listed by Warners.

20th-Fox hoisted option on Julian J. Aronson, writer.

Warners handed new player pact to Lya Lyza.

20th-Fox lifted player options on Jean Rogers, Iva Stewart, Alice Armand and Richard Bond.

Warners picked up Richard M. Norman, writer, on a new minor contract with Lana Turner.

Warners picked up Richard M. Norman Deink inged director ticket at Columbia.

# London Newsreels Not to Charge Extra Hereafter for TVekish Shows

## AT HAYS MEET

Sane State Released—List of These Attending

Besides Will Hays, the annual meeting of the Motion Picture Producers & Distributors Association, held at Columbia, secretary, J. H. Heron, treasurer, and George Schaefer, president.

Directors re-elected were Jack Balaban, Nate Blumberg, Jack Cohn, E. B. Fisk, Sidney F. Kent, Sol Lesser, Cecil B. DeMille, Earle W. Hammons, Will Hays, F. D. Heron, Hal E. Roach, George J. Schaefer, Nicholas M. Schenck, Maurice Silverstone, Albert M. Warner and Larry Warner.

Members attending the meeting Monday (27) were Jack Cohn, E. B. Fisk, G. W. Hammons, George J. Schaefer, Nicholas M. Schenck, Barney Balaban, L. V. Calvert (representing Merian C. Cooper (owner Pictures), Robert Stenaverson, of Electrical Research Products Inc.; J. A. Sommerer, Radio Corp. of America, George Schaefer, Nate Blumberg, Hays and Heron.

## Sirtzky Deal Cold, Morros Approaching French Props. Direct

Paris, March 28. Leon Sirtzky, French chain theatre operator and financier of French film productions, denies the consummation of deal with British studios. It was previously reported the deal called for French film for U.S. release and/or possible U.S. remake under joint Morros-Sirtzky auspices.

Hollywood, March 28. Boris Morros here confirms the report that the Sirtzky deal is now cold, but asserts that to the fact the French film man was unable to meet the deal.

Morros states that Jacques Grinless, formerly acting for Sirtzky in the deal, is now representing him (Morros) and that Grinless sells next Saturday (1) to consummate the deal. He is releasing talk directly with the indie producers, rather than acting through Sirtzky.

Two of the pictures Morros announced he had distribution rights on were "The Day of Wrath" and "Le Roi S'Amuse," which have since been approved for release in the U.S. by the Motion Picture Alliance of the U.S. Inc. formed by Harry Brand and Nat Loughery. Latter is due next week from Paris the end of this week.

## Par Board Meeting

Maybe on Thurs. (30)

It is rumored to be had, Paramount will hold a board meeting tomorrow (Thurs.) in New York, following the board meeting of the board at which it was reported that the board would be reorganized.

Stanton L. Griggs acts in today (Wednesday) Florida tomorrow's session, but not known whether E. W. Richards will come up from New York to attend the board at present in N. Y. include Barney Balaban, Austin C. Kough, Nell F. Aronow, John Herts.

Understood that final figures on the 1938 net of company, estimated at \$100 million, will be announced until the end of April.

## Laise Rainer's Play

London, March 28. Laise Rainer has been signed by Henry Sherck to appear in a new comedy here by Jacques Devaal. Her title of "Tovarish."

The play is due to open in London in early May.

## 'Mikado' at N. Y. Astor

Universal's release of "The Mikado," produced by Geoffrey Tovey in England, is scheduled for opening in a run following "Pygmalion." Later film will continue at the Astor for a second showing.

"The Mikado" is due to start no later than May 2.

## London, March 17.

British Broadcasting Company disclaims any monopoly of television in an official pronouncement which admits the right of theatres to put on big screen shows to the public, subject to conditions. Manifesto does not say BBC will not use facilities of national or local governing agents, but in latter case stipulates agreement must be obtained from the promoter and there shall be no exclusivity for any group.

Applicants must also be granted reproduction rights on equal terms; that is to say based on the equality of the theatres concerned. Big screen shows are still regarded as experimental. The BBC television can therefore be granted, though future policy is still being discussed by the Broadcasting Television Advisory Committee.

Meantime, second event on a big screen was the Harvey-Gains battle, which made a disappointing show and revealed limitation of vital as the fact only outstanding material will stand up to presentation. Jack Newhall, who had been his new Manager, using Scopophony, but though he got a full house there, it was reported that the fight with the topco fight and to indifferent broadcasting. Gains' understanding of the fact only outstanding material will stand up to presentation.

Interested onlooker in the audience, John Maxwell, only major theatre operator so far not definitely committed to the BBC television, have him dickered for installations in his associated British theatres.

Salomon Sagall says he will put a big screen Scopophony television installation in the Odeon, London. Square, very shortly. One of the large theatres in the West End belt, the Odeon, is being enlarged to have more than the 15-ft. image given by Baird in its demonstrations at Marlborough Street. Sagall's hope is to quickly complete a 25-ft. screen, which would equal the size of the latter film picture. Until now, system has not gone beyond 8 ft., but with its mechanical construction it just needs enlarging the equipment as far as practicable, plus a method of ensuring the same brightness.

Sagall hopes this way to come back at Cinematograph Exhibitors but he has not yet received their report in which they quoted technical reasons as declaring mechanical systems of the kind he has used exceed their upper limit as far as large screen was concerned. He challenges the technical reasons, claiming the only people with technical knowledge of the kind are those connected with companies now researching.

The novelty of big screen video included Jack Davis to pick the Monseigneur at Marble Arch at a price that may be as high as \$100,000 for the televised showing of the Harvey-Gains fight, Davis, proprietor of the chain, however, has not yet received their upper limit as far as large screen was concerned. He challenges the technical reasons, claiming the only people with technical knowledge of the kind are those connected with companies now researching.

"From now on," he said, "we'll cut into the regular newswires program (the news) and we'll give you anything of sufficient topical interest is broadcast from Alexandra Palace. The news will be shown in one-price showings will be Saturday afternoon's shots of the track meet between Oxford and Cambridge. If course, once in a while when the importance of the event is big enough, the news will be shown in a show, for which special prices will be charged—such as a world's championship fight or a world's record in an ordinary way television will be a regular part of the newswires program."

## On Wings of Song

Hollywood, March 28. Shooting of Samuel Goldwyn's musical drama, "Angela, Mangle Music," is well advanced. The picture, scheduled for release in the next few months of delay, Jascha Heifetz, who had played his violin for 2,800 times in the past, has agreed to return and finish the picture.

Starting yesterday under Archibald MacLellan's direction, the picture will be written by Walter Brennan and Margot Stevenson. Heifetz is due April 24.

# MOVIE NEWS

## Stalling Neely Ends; Hearings April 3

Washington, March 28. Threat to force a showdown last week brought an end to stalling on the block-broadcasting. Senate Interstate Commerce Committee held hearings today on the Democratic Party's idea of Senator Matthew M. Neely, of West Virginia.

Break in the log-jam came late in the week when Democratic bosses applied the best following Neely's announcement he would move to discharge the committee from further consideration of his brazen bid. Never actually brought the question to a head and Thursday (23) dropped his motion after Democratic Leader Alben W. Barkley fixed things for testimony-taking.

Doubtful that the sessions will be extensive, Neely takes the view that the archives are jammed with prior arguments of the industry foes of his proposition and sees no reason for spending considerable time going over the same ground. In the last decade, several sets of hearings have been advanced in each chamber, although none in the past two years.

The producers and distributors are expected, however, to advance a new reason for not passing the legislation. Voluntary attempts to work out a trade practice agreement with the independent exhibitors unquestionably will be cited as valid objections to rushing ahead with a restrictive statute at this time. But Neely, it has been hinted, will receive the support from the Roosevelt Administration. Justice Department people are described as inclined to give secret boost, in a staged attempt to chain revenge for the resistance put up by the industry to the New York anti-trust action.

## Second Draft of Trade Practices Due to Be Mailed Out This Week

Following a meeting yesterday (Tues.), attended by sales managers of the major companies and the attorney representing them, the battle has been grappling with wording of a trade practice plan for weeks, a draft has been handed out from where it will probably be drawn up today (Wed.) when after another meeting it is held on in the afternoon. The draft may go out before the end of the week for consideration of leading exhibitors.

Although much delay has been caused by a flock of attorneys who have been engaged in the drafting to be used in the trade practices agreement, placement of commas and the like, additional delay has been caused by the presence in New York for a month of William F. Rodgers, spokesman-leader of the distributor group, and of S. H. Ken- chairman, plus others. Rodgers got back Saturday (25) and immediately arranged yesterday's meeting in the hopes of action on a revised pact.

Lewis is thinking of becoming a film actor, in the same role he played on the stage.

"The form of agreement to govern exhibitor-exhibitor relations in the future, effective with the 1939-40 product, will be submitted to 10 leading exhibitor organizations headed by the two national bodies, Motion Picture Theatre Owners of America and Allied States. The eight other groups are local.

Abram F. Myers, general counsel of Allied, has been sitting in with the attorney for the exhibitors, discussing wording, provisions and the like, plus offering suggestions.

It cannot be estimated how soon if at all, the leading exhibitor organizations will approve the second draft of the new form. Also some may reject the new form. The first draft submitted, demand changes, eliminations, additions, etc. The procedure will be to forward the draft to the directors of various exhibitor organizations for their approval. The exhibitor body will have to seek the voice of its membership.

It was hinted that if not all of the 10 exhibitor organizations eventually sign the trade practice agreement, it will be placed into effect for those that do sign to adopt it. Meantime, distributors are negotiating 1939-40 contracts with a stipulation that if and when the trade practice reforms are put into force, they will be retroactive under the sales now being made.

## Just We Two

Hollywood, March 28. "Two People," feature-length picture, with a cast of two people, is the plan of Sam Zimbalist at Metro. Players are Margaret Halliday and James Stewart, supported by a pooch.

Jane Hall is developing the story.

## WOOD EXEC'S ALSO HIT BY PROD. TRIM

Hollywood, March 28. Weak sisters among the directors and associate producers are due to get the axe, with Hollywood preparing to whittle from 50 to 60 features off its 1939-40 production program. Further whittling is in store for contract player rosters, currently at a low notch.

With foreign markets shrinking, film company heads are awakening to the necessity of better pictures to attract the big money men in the U. S. Associate producers and directors in the high brackets, who have been getting by with run-of-the-mill productions, are in for a trimming under the reduced schedule.

Writing staffs will suffer less severely because bigger pictures, planned by major companies, will require more collaboration. They are due to fall as soon as the 1938-39 programs are in the bag.

## SARONG STAR SUES FOR 6 SONG LESSENS

Before going on opening day Wednesday (22) at the Paramount, N. Y., Dorothy Lamour was served with a summons in a suit brought by Alfred C. Williams, of the music department at NBC, alleging the Par star owes him \$6,000.

Williams alleged to be due for six vocal lessons which Evans claims he gave Miss Lamour at an average \$1,000 into the bargain. He has with NBC at the time, but is no longer connected with the broadcasting company.

Miss Lamour is getting \$38,000 a week on a 14-day booking at the N. Y. Par.

## 'Sue Lewis' Film Unit

Shelton Lewis and John J. Wilder, Broadway lawyer and legit producer are forming a unit on the Coast to film the Lewis play, "Angels is 22."

## ROCK ON BASED SHIP, \$150 PER WEEK

Demanded \$50 Minimum for Young Flacks, Five-Day Week for All—Readers Also After More Coin, Fewer Hours

## NYLANDER BACK

Hollywood, March 28. Film publicity agents are demanding a minimum salary of \$150 weekly for senior flacks. Contract proposals submitted to producers by Screen Publicists Guild called for a minimum of \$50 week for apprentices, \$60 for second-year men, and \$75 for third-year workers. After the third year, men would be classed as seniors and would receive \$150.

Flacks also are demanding a closed shop in industry and 40-hour week of five eight-hour days. They also want one week vacation for each six months employed, with two weeks off for first two years and three weeks vacation after second year.

Publicity writers who are currently getting \$150 week or more would not be affected by new scale, flacks asking that no salaries be cut. No p.a. is to receive less than 10% increase where salaries are to be adjusted under Guild mandate.

Demands were submitted at conference arranged by IGC negotiating committee, Pat Casey, producer-labor contact, and committee of flacks, including Sam Zimbalist, Keith Glennan, Paramount; Sid Rogell, RKO-Radio, and William Holman, Columbia. The flack union is affiliated to Producers Association this week and another conference arranged with Guild representatives.

The Screen Readers Guild also has submitted demands for a wage lift, shorter hours and improved working conditions. Readers want pay upped from present scale of \$35-50 to a minimum of \$45 for regularly employed studio readers, \$75 week for special readers, and \$12 minimum for readers who read books of 300 pages or less. Readers want one-year agreement.

## Writers are striking up dust on forgotten shelves—librarians are writing them up for microscoping the scripts for legal loopholes.

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## 20th-Fox's European Latin Sales Meets

Importance attached to the foreign field, especially the Latin-American market, was stressed in plans for the third consecutive in foreign territories this year by 20th-Fox, and the staff of Sidney Kent, W. H. Robinson and Herman Wobber plan taking in at least two of them. The European or European market is now for May 4-6 in Paris. Wobber is slated for competing going with Kent and Hutchinson, since plan 28 or 28.

## Home office sales forces and distribution representatives from the east left yesterday (Tues.) for Chicago to attend this year's 20th-Fox territory starting tomorrow (Thurs.) and continuing three days.

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Contingent from the home office is headed by 20th's three sales managers, William Sussman, William Kupper and William Gehring, plus others, while coming on from the Coast are S. R. Kent and Herman Wobber.

Kent, Joe Schenck and Darryl Zanuck have been discussing the 1939-40 lineup on the Coast. Program will run somewhat better than as set in Hollywood but about which the east has not been officially notified. Work will run somewhat better and 80 pictures, probably nearer 50, and maybe less than the 55 scheduled this season (30-30).

An Innovation by 20th-Fox will be the use for the first time of fact sheets, an innovation first introduced by them as set in Hollywood but about which the east has not been officially notified. Work will run somewhat better and 80 pictures, probably nearer 50, and maybe less than the 55 scheduled this season (30-30).

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## THOS. DIXON MARRIES His Literary Asst.

Charlotte, N. C. March 28. Thomas Dixon, 75-year-old author, and Miss Mary Donovan, his literary assistant, were held June 11 at Raleigh hotel. Mrs. Dixon is 44 years old and a native of Cleveland, O. She has been assisting Dixon in his writings for the last 18 years.

The bridegroom is the son of "The Clansman," later titled as "The Birth of a Nation." Dixon's first wife died in December, 1927.

## Jackie Cooper Snags 4G Weekly at Par

Los Angeles, March 28. Jackie Cooper's \$25,000 picture contract with Paramount was filed in superior court for approval. Young actor is guaranteed \$4,000 a week for nine weeks of shooting schedule on "What a Life" and Seventeen.

## 20th-Foxes Chicagoward From All Points for Sales Convention

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# Merchants Support Philly Indies

## Plea for Better Clearance on Novel Theory Tixer Pix Get Good Biz

Philadelphia, March 28. Businessmen of Bryn Mawr, Philly suburb, who a few weeks ago passed a resolution supporting exhibitor Harry Fried in his battle against the distributors in the name of better clearance, are reported this week to be going a step further. They are preparing a court suit on their own behalf in an endeavor to get a better break on clearance for Fried.

In one of the most unusual film actions ever taken, the Bryn Mawr Business Men's Association will maintain in its bill of complaint that members' own businesses are being injured by monopolistic practices in restraint of trade being used by the circuit and distributors. They claim that good product in Fried's hands is better than poor product elsewhere. The latter brings more customers, resulting in better trade for their stores, and, conversely, poor product drives business to other shopping centers. Trade follows good films in the basic thesis.

Fried has filed a suit himself against WB circuit and nine distributors. It will come on in U. S. District Court in May. Action is being taken in his Suburban Theatre. Ardmore and the Ardmore Theatre, Wynon, as well as the Seville. All are within a few miles of each other and are Main Line gold coast of Montgomery county.

Meanwhile at least three other suits for clearance of films are being prepared here. They are planned by George Graves, operator of the Colonial Eugene Ingelsberg, manager of a theatre in Vineland, N. J., and Morris Gerson, of the Colonial Overlook.

"With a general shakeup in clearance due here shortly as a result of price cuts in the circuit, it is thought to head off as many justifiable suits as possible. It has been said that Ben Goldstein, circuit attorney, as a buffer and conciliator. Goldstein has for many years fought on the side of the exhibitor. He has won many victories for them in his own expense. Goldstein is the attorney of the late Louis Blattbaum, founder of the Stanley Theatre Co., predecessor of the Warner circuit here.

### HWOOD BALLY HYPES STOKI'S PODRUM R.O.

Philadelphia, March 28. Leopold Stokowski's film building during the past few years has definitely made him a bigger concert draw than ever before, according to execs of the Philadelphia Orchestra association. In Philly for a four-week appearance with the orch, he has maintained sellout houses all the way. Pace is considerably snappier than it has at the concert. Last week conducted last year and, of course, much better than when he was podiuming regularly with the late Louis Blattbaum.

"Always a sellout in the upper floors of the Academy of Music here, Stok's increased draw is attested to Alfred Reginald Allen, orch man, who can only be measured by the number of programs of orchestra turned away. The effect of his film buildings, however, but on the main floor as well. The proportionate increase in the cheap seats is greater, though, than in the more expensive ones, which is taken as an indication that the film draw is reaching a new and wider audience. This is claimed by Stok to have been one of the chief reasons for his return.

Same response received in Philly has been felt in the out-of-town centers of the blind and deaf and orch. There was one in Baltimore, one in Washington and one is scheduled for New York City in the future. Philly has seen Stok in four concert series so far, with three more regular ones and a Youth Concert still to go.

### Still Big Budget Man

Hollywood, March 28. Tex Rickard, a big budget man in his day, gets a high allotment in the new film, "The Champ," at Republic.

Written by Frank Scully and Kendall Evans, year to year, according to one studio's reports for 1939-40.

### PAR'S FOREIGNERS

Has Several British-Made Lines Up For U.S.

A deal is virtually set under which Paramount will take for U.S. release the English-made known as "The Chinese Fish." It will be sold under the title of "The Silent Battles" to French exhibitors. Without "Tears," which Par will produce itself comparatively few studios in the United Kingdom. Two of these Laughlin, Charles Laughton, rights for latter having been taken by Par for the second time. "The Chinese Fish" is "St. Martin's Lane" and "Jamaican Inn," a comedy completed but not yet finished. Neither have reached New York as yet. Budd Rogers, American representative of Mayflower, is conferring with Par on release plans but no decisions have been reached. Probable plan is to release "The Chinese Fish" or "St. Martin's" early this fall as a '39-40 picture, with the other ready for release in 1940. The third picture, the deal, yet to be made, "Admirable Critchton" of John W. Hickey, Jr., v.p. in charge of foreign operations at the studio, is being made in London and will be joined in New York the end of April by Adolph Zukor, a trip to London and followed by a tour of South and Central America.

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## GN WANTS F. A. TRESURE MAKING PIX

E. W. Hammond, Grand National executive who returned from the Coast last week (22), is reported to have issued an ultimatum to Franklin Warner's Fine Art Productions, setting an early date by which time he would like to see made production and delivery of pictures to GN. Warnon will substitute another producer for Warner on the GN schedule. Who that new producer might be is being kept secret by Hammond.

With reference to Dr. Eugene Frenke's "Zelle Express," the producer has not yet delivered the negative despite the tender of \$50,000. Warnon, who was in the contract. Failure to turn in the film is caused by Frenke's fear of the rumormongers. He has not yet produced unless the present situation GN sales organization is not sufficient. Warner insists his contract with GN calls for latter maintain a full field sales organization.

Hammons expects to appoint a new sales head within the next two weeks. He has until Aug. 9. It is understood, to pay off remaining unpaid debts of the old Grand National company. He has not yet received the court recapture of the new GN.

Skirball's 'Miracle'  
Hollywood, March 28. Jack Skirball sends "Miracle of Main Street" into production next week. It is directed by George M. Cohan. Margo starred. GN vice-president returned from confabs with Earl W. Hammons in New York.

### BUT NOTHING HAPPENS Meet for Acti-Blasters, but Nobody Pays Attention

Philadelphia, March 28. Meeting called by Allied last week to discuss exhibits to be shown featuring A and B product was apparently meaningless. Although the large group present for the first time, unanimous in voting against the plan, no action has been taken by exhibitors to force the issue. Whatever resolutions were voted on at the meeting, following standard rules of form, applied individually and collectively. Exhibits agreed that 'each would voluntarily, individually finance the sale of their own exhibit to feature the top bracket picture.' Several important exhibitors who are loaning didn't class at the meeting. Lewis' Ziegfeld, ass'n of N. Y. nabes, after eight weeks of struggle, has been forced back to duties to bring the b.o.

# Writers, Producers Near Embracing Stage; Work During Layoff Only Sng

### Hired Hand

Hollywood, March 28. Wage scale for a writer imported from New York for a colored picture, which was hired at \$3,500 a week but after a couple of days returned to the regulation hours. Producer finally agreed to pay him the "old scale" of a 45-hour week.

Hollywood, March 28. Screen writers and producers are practically together on recognition of a contract after a hectic week of negotiations. The week-end confabs brought the two groups together on most issues after a week of negotiations. The week-end (2) threw an ultimatum to producers, refusing to go with any less than the producers granted them: 1. 80% Guild shop. 2. Three-year pact with a six month option and. 3. Permission for contract writers to write on their own during layoff.

### Rep.'s Four Regional Sales Conventions, 1st At Houston, April 7-8

Republic Pictures has set four regional sales conventions this year, first one under way in Houston, Texas, April 7-8. Other three will be in New York, April 12-13; Chicago, April 20-21; and San Francisco, April 25-26. Twenty-six exhibitors, 24 westerns and four serials from the '29-40 program are expected to give its costliest picture to date a special sendoff and has scheduled the world premiere of "The Lone Ranger" in the career of Sam Houston, Texas pioneer, for April 6 at the Majestic, Houston. William Sael, special representative, is now in Houston, setting details of the advance campaign. Alvin Adams, adv.-pub. head leaves New York on April 3 for Houston to set the convention arrangement. The vice president, R. Grainger, sales head; H. J. Yates, other home office executives, and sales representatives from the western territory will attend the Texas regional meet.

Rep.'s 'Dealers' at 1940  
Hollywood, March 28. "Doctors Don't Tell," second of Republic's high budget pictures, is introduced April 24 with an initial allotment of \$750,000. George Houston, Jr., who put the finishing touches to "Man of Conquest," is slated to direct "Doctors."

### Hays Loses One, Starts Another Temple Suit

Los Angeles, March 28. Suit for \$500,000 brought by Jack Hays, producer, against Mr. and Mrs. George Temple, is directed by Shirley Temple, was dismissed in superior court.

Hays, who claimed to have discovered moppel, sought an accounting on the grounds that he was to have received 50% of her earnings under an agreement with George Temple in 1933.

Mr. and Mrs. Hays filed a \$700,000 suit against the Moppet's parents, charging repudiation of a contract made in 1929, in which assertedly gave Hays exclusive rights to the kid's services.

### WB Shelves Dillinger

Hollywood, March 28. Warners has shelved plans for producing "John Dillinger" following protests over the filming of the desperado's reign of terror. W. F. Clancy, who has agreed to screenplay "Brother Orchid," gangster yarn, likely for Edward G. Robinson, James Cagney and has been mentioned for the Dillinger role.

### How Do We Stand?

Malcolm S. Clair, director, has filed suit to determine status of his alleged contract with Harry Wurtzel. Roy Robinson, Cagney and has been mentioned for the Dillinger role.

Guy Trusper Upped  
Hollywood, March 28. Guy Trusper, for years head reared by Sam Goldwyn, has been elevated to story editor.

He succeeds Frances Manion, resigned.

Both sides were adamant on these three points and Friday (28) showed up at office of the National Relations Board demanding a continuation of the hearings under the Wagner act. Producers have pointed out to the trial examiner that they were perfectly willing to continue negotiations. They offered on the three disputed points, (1) a straight 10-year agreement; (2) 70% of the gross; and (3) a 30% threshold, but a definite six month option.

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### Grace Moore's Foreign Operas; Maybe Fix, Too

Grace Moore sails June 14 for Paris and will complete a 20-year contract yesterday (Monday) when she gave "Ez-Champ" the starting signal for her last tour. She will return to her home to record for Victor as in progress.

### 20-YEAR CYCLE

Hollywood, March 28. Phil Rhee has completed a 20-year cycle yesterday (Monday) when he gave "Ez-Champ" the starting signal for her last tour. She will return to her home to record for Victor as in progress.



# FINANCIAL PROSPECTS

By John C. Finn

### Dodge City Fetes

Awaited by 125,000  
With Film's Preem

Dodge City, March 29.

Dodge City expects to host to a crowd of 125,000 on Saturday, April 1, when it holds its first round-up. In years to celebrate the world premiere performance there of Warner Bros' new "Technicolor" picture, "Dodge City."

The city, once the most famous cattle town in the west, is preparing for the biggest day in its history with the film premiere attracting national attention and the Santa Fe Railroad running excursion trains from all parts of the southwest.

To accommodate the guests, four theatres will play the film at its premiere Saturday evening, and a tent city is being set up to house the visitors the week end.

To make the round-up a full day holiday, a rodeo, music festival and street parade has been arranged. Hollywood's contribution will be a sixteen-car special train bringing screen celebrities. On board will be the stars of the picture, Errol Flynn, Olivia de Havilland, Ann Sheridan, Bruce Bennett, William Williams, Victor McLaglen, Alan Hale and Frank McHugh. Others will include actress Patricia Hunter, Leo Carrillo and a large group of Warner studio executives.

Plans was arranged at the request of Kansas officials to honor Dodge City, which serves as the location of the film. In addition to state and city officials who will be present, Governor Ratten, of Kansas, has invited the governors of Texas, Oklahoma, Colorado, Nebraska and Missouri to be his guests for the day.

### PRICE OF EGGS UP, HOUSE DONATES 5,000

Rochester, N. Y., March 28.

Manager Lester Pollock of Loew's is making biggest Easter egg hunt in city's history as plug for theatre. Ira Sappington, city playground director, will arrange show, taking over in city's city park which to give 5,000 eggs. Some will win cash prizes and others passes to the theatre. General Adm. H. H. Arnold is giving two weeks new play expected to draw 150,000 kids.

Plans in city lobby Manager Pollock has built a miniature World's Fair set-up with Easter trimmings to house six white bunnies.

### Ice Show Leaves 'Em Cold, But Dailies Warm to Slants

Seattle, March 28.

Ice skating contest at local rink highlights exploitation for 'Ice Follies' at Fifth Avenue, but the town didn't warm up.

However, the gag engineer by Vic Gaultier, adv. mgr. for Hamrick-Evergreen, did get some nice news in the special sessions. A number of pictures, 'Sweaters were awarded to boy and girl winners both special skating and in 'Ice Follies' swerves, so the cost was almost nil, and the contests got 'lots' of attention.

For 'Love Affair,' current at Jim Clemmer's house, 500 gardenias were passed out to ladies.

### Lee's Press Survey

#### Of All Par Theatres

Claude Lee, in public relations work for the E. J. Sparks circuit in Florida ten years, with headquarters at Jacksonville, has been assigned by Paramount to make a study of public relations for theatres of the Par chain, including all the company's pictures.

He will cover the entire Par theatre map, looking over the situation in all territories and conferring with Par partners, managers and others in the field.

"Midst the confusion of Government anti-trust suits, the Federal Reserve's fluctuations, and the general economic uncertainty which besets the picture business, comes the voice of Al Wagoner, president of Warner Bros. Inc. who addresses a joint meeting of his company's sales managers and Chicago film exhibitors, as follows:

"Double and triple features will ruin the industry if they are handled carelessly. The picture business is a business which has to be run on a business plan. Lichtman is speaking from a vantage point that gives him a broad perspective on what is happening in the picture business. He has been in the picture business for ten years as a leading executive in the distribution division of the industry. More recently, since he resigned as president of United Artists, he has dealt with production matters at the Metro-Goldwyn-Mayer studio in Culver City. Lichtman doesn't like the exhibition trend in the country which is gradually embracing universal double billing features. The policy is extending to territories heretofore believed immune from the practice.

While exhibitors are whipping themselves into frenzied excitement over the Department of Justice 'persecutions' and over trade practice agreements, Lichtman states in terms simple enough to all may understand that the problem of the film industry is not a matter of concern at the moment is double and triple billing. 'To sit back and do nothing about it is to invite disaster.'

He pleads for cooperation between all branches to get rid of dual programs. Duals retard production growth and development, he says, whereas a greater number of pictures are produced. The industry is not short of the supply of more big pictures of high quality from all studios. Double bills trim film rentals and lower exhibitor margins. He pleads for a more efficient video dual system, share their rewards with worthy features.

Lightman also suggests that Lichtman did not pursue his theme to its conclusion and indicate exactly how and by what means, in his opinion, dual and triple billing may be stopped. He also stated that the picture business has since become a necessary policy in theatres far removed from competition but unable to maintain their audience. He suggested that exhibitors should quality short subjects, or because all major companies now are producing and forcing the sale of a class of pictures into territories but too weak to be shown as single bills.

Only when film exchanges will permit exhibitors to selectively can the single bill standard be maintained.

### DUALISM DATES BACK 25 YEARS

In its broader aspects double billing is a comparatively recent national trade issue. The practice, however, has been in use for more than a quarter of a century for 25 years. The wonder is not that duals have spread from the Atlantic to the Pacific, but that the practice has become so long and deep single bill protection. How that happened is easily explained. Strong independent theatre operators, working in cooperation with the film exchanges, which must spread of dual programs. It never was an easy fight, but so long as powerful theatre operators kept strict guard over the territories, the west and south duals were discouraged.

The south almost entirely operating its theatres on a single bill basis, but some of them pressing for exhibition may break down the current policies.

For that territory for years was cited as the section most resistant to the spread of duals. Exhibiting policies, single billing was universal. Film rental percentages were rigidly observed by all film exchanges. In Seattle, San Francisco and Los Angeles theatres played extended first runs as far back as 1918. When Sam Graman operated the Rialto theatre as a continuous long-run house in Los Angeles, it was not uncommon for him to pay feature film rentals exceeding \$30,000 an amount unheard of today, except the biggest first runs. Subsequently, when he

### NAT'L SCREEN'S PAR ACCESSORIES' DEAL

National Screen Accessories, Inc. is reported near closing a contract to take over distributing of advertising and accessories to the Par picture chain. National Screen Accessories, Inc. Don Velde, now in charge of Paramount ad accessories, may shift over to the Par chain. The Paramount contract is the first in a series of takeovers which will bring under the banner of National Screen Accessories, as later stages of the deal are being taken over that department in Seattle.

By the deal Paramount would be in the overhead of maintaining and operating the Par chain, but continues to control production of lobby material and advertising. The deal is being taken over that department in Seattle.

**CAROLINA EXHIBITS' MEET**  
Spartanburg, S. C., March 28.  
Theatre Owners Association of North and South Carolina met here June 4-6 at Myrtle Beach, S. C.

opened his Egyptian theatre in Hollywood and showed 'Robin Hood' 'Covered Wagon' and 'The Conqueror', 'Big Parade' and other specials at advanced admission prices, twice daily, film rentals sky-rocketed. 'Covered Wagon' alone management is a big success, having paid film rentals totaling \$165,000.

What has since happened in the west coast territory likewise is rather clear elsewhere in the country. During the booming days of the '20s theatre building was pushed without careful regard for potential customers. The result was a glut of theatres and some of the majors over-extended themselves in the mad rush to control situations by controlling the theatre outlets. Later, when general business bogged down, control was retained by controlling film bookings. Dual billing, it was soon discovered, was a hefty weapon which would fatten the most enthusiastic mono-exhibitionist. When the smoke of competitive struggle cleared away there was one story to be told of every theatre. Double billing was the victor. Once started in a community it seldom has been eliminated.

Duals have become a film problem which has invited the attention of public educators and reformers. No one seems to have a good word for double bills, either within or outside the industry. What was a novelty in the entertainment bargain in metropolitan and suburban theatres a short time ago now is regarded by large groups of filmgoers as sitting marionettes. Filmgoers are being trained to look for the American family in healthful, instructive entertainment. Now the theatre, with its four-hour show is the mainstay of the picture business. It is a working father and husband refuses to join an expedition which does not disband until after midnight. He goes to bed, knowing that tomorrow is another business day. Later, when the public angles, however, that Lichtman is speaking when he says that duals must be stopped or they will ruin the business.

### \$1,000,000 OF FILM FOR 15-25c

It is within the experience of every showman who has attempted to put his exhibitors to the test of a commitment to the profrugality of an industry which can afford to sell for 15c to 25c a film program of two features of equal quality, for the cost of the program is more than \$1,000,000 negative investment. The theory of profit is, of course, that there are so many theatres that such a large agreement will result in the continuance of the policy. Picture industry is finding itself in the position, however, where its very wastefulness is being called in to break down the dual system.

Ask any showman what has happened when he has attempted to put his exhibitors to the test of a commitment to the profrugality of an industry which can afford to sell for 15c to 25c a film program of two features of equal quality, for the cost of the program is more than \$1,000,000 negative investment. The theory of profit is, of course, that there are so many theatres that such a large agreement will result in the continuance of the policy. Picture industry is finding itself in the position, however, where its very wastefulness is being called in to break down the dual system.

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It is of little use to look in the direction of the strong theatre chain to break down the dual system. Individually they can do nothing. An iron-bound agreement for single bills binding together all theatres, of equal strength and independent of a distinct committee area, might be effective. But the possibilities of such united action are remote in the light of Federal court rulings that such agreements may be interpreted as conspiracies in restraint of trade.

So picture business is caught in a web of its own weaving. Facing a situation which may be costly and difficult. The producer who insists his film shall not be exhibited with another feature may become an exhibitor in a picture. A winning a picture on a principle, he may destroy himself through increased film rental percentages.

To stop the further spread, however, distributors may be compelled to forego volume sales. Only the best films from all companies will hold public patronage in single bill houses.

Necessity, therefore, may lead the industry to cope with the situation more effectively than a thousand lawsuits and statutes.

### Best Show of Week

Dodge City, March 28.

Privilege of exhibiting leading Hollywood film play-ers who are coming here Saturday (1) to the premiere of the picture 'City' (WB) was capitalized for local charity funds.

Johnnie Butterfield held the numbered ticket which gave her the chance to entertain Errol Flynn in his new picture 'The Sign of the Cross' which she was informed one of her fans had just come down with measles.

So she sold the winning ticket to a brother, 'June hasn't another.

### Skouras Ops. in B. O. Race for 15¢ Prices

National Theatres will offer \$15,000 cash prizes to its theatre opening executives in a Spyros Skouras Showman Drive, starting Monday, March 27, and ending April 1 and lasting 15 days.

Arch M. Bowles, head of the northern division, will conduct the drive.

Drive is being undertaken in an effort to stimulate theatre results of the current fiscal year.

### THREE-PLY TIFF OVER 2 STATES IS. THEATRES

Dodge City, March 28.

Triple exploitation of the Victory Theatre, Thompkinsville, and the Newdown, Staten Island, N. Y., is in dispute. 'Proceedings came to light when hearings were held last week by Louise Niezig, counsel for Mrs. Louise Shiffman, beneficiary of estate of the late Harry Shiffman theatre operator.

Readjustment of triple claims is being set out by Shiffman's attorney to protect the interests of Mrs. Shiffman and Charles Moses, also a theatre operator. According to the Shiffman, Shiffman and Moses were partners in the two theatres, but Harry Shiffman's former associate, Charles Brill circuit, also claims an interest in the Shiffman-Moses holdings on ground that he was a silent partner.

### TURN ON 'POWER'

Hollywood, March 28.

Larry Dermour started production yesterday on 'Power' starring Jack Holt, for Columbia release.

Director Charles Mitchell has the female lead, Lewis Collins directing.

### WOR Demonstrates

### Facsimile Broadcast Of 20th's P.A. Matter

Facsimile transmission of 20th Century-Fox publicity over the WOR facilities began yesterday afternoon (Tuesday) with the broadcasting of exploitation blurbs for the forthcoming release 'Alexander Graham Bell.' WOR facsimile broadcasting, including the 20th publicity matter, will continue on a regular daily schedule.

As visited yesterday afternoon on a receiver at WOR's offices in New York, facsimile is still in a comparatively crude state of development, corresponding roughly to the radio of 15 or 20 years ago. Both the Finch and RCA systems are used, with a total of somewhere around 2,000 receivers (mostly in the possession of distributors and radio officials) picking up the messages. But facsimile is still decidedly in the experimental stage.

Finch system prints the facsimile on a roll of paper about three and three-quarter inches wide. Printing is done by an arm that moves back and forth across the paper by radio impulses, the rate of approximately one complete stroke a second. Each stroke covers about one one-hundredth of an inch. To print one inch of paper would therefore require almost two minutes. Printed matter is illuminated by a lamp at the transmitting end. Actual printing is done by a spacy system on the receiving end. The printer in the paper, RCA system works somewhat similarly, but uses paper of a different width, one and one-half inches wide and carbon printing.

WOR transmits facsimile from 1:40 to 3:30 a. m. daily (except Sunday and Monday) and from 2 to 3 p. m. daily. Station W2XKUP operates on 1600 watts. Station W2XKBF operates on 42 megacycles and a power of 1,000 watts. Cost of the equipment for the Finch system, sell for \$140, complete with an automatic time clock device.

### U. P. B'D OF DIRECTORS MEETING AT PIC PREEN

Omaha, March 28.

United Pacific Pictures' board of directors will break 75-year career here April 27 when they hold their annual meeting. The meeting on the board has gathered outside of Omaha.

Meeting will be held in conjunction with the 75th anniversary of the 'Union Pacific' (Par). Special train will bring board members from east headed by W. A. Harrison. Board members are planning to arrive in fall beaver hats and strollers.

On the way to the Paramount studio in Hollywood, a permanent transfer from the home office, Carl Krueger left Saturday (28) for Los Angeles. Krueger was named to head the Par plant, for a tour of midwestern cities on the campaign trail.

Krueger, formerly with United Artists in New York, joined Par in an exploitation capacity late last year. He will function under Lewis at the studio.

### Baby Snapshots Contest Pulls Business in Albany

Albany, March 28.

The Grand, a Fabian house, snared a lot of publicity and built good will through a 'Baby Dumping' picture contest tied around the 'Meet the Boss' 'Snapshots of boys under ten' contest. The picture, aimed at youngsters, the contest, address and parent's tag on the back.

All parents received a pass to see the film, and the picture has a compelling character, and a \$25 bank deposit for winning kid was offered through a 'Baby Dumping' picture contest tied around the 'Meet the Boss' 'Snapshots of boys under ten' contest. The picture, aimed at youngsters, the contest, address and parent's tag on the back.



Pitt B.O.s in Cellar; 'Society' Vaude Sad \$13,500, Laughton Nice \$14,000

Pittsburgh, March 28. Big generally is hitting a new average low for the week...

Key City Grosses

Estimated Total Gross This Week... \$1,485,500 (Based on 26 cities, 176 theatres, chiefly first runs, including N. Y.)

NO BUFF. BLUES; 'PRISON' DUAL BIG \$119,000

Buffalo, March 28. Boxofficeites are rolling up nice figures this week, with 'Love Affair'...

CAGNEY TOPS 'KLYVN'

Getting \$24,000 on Dual; 'White' Gals \$13,900

Brooklyn, March 28. Continuing to hold a strong lead over all other deluxers in downtown area...

'Midnight' Puts L. A. Back in Stride With \$18,000, 'Ice Follies' Fair 21G, 'Lady' 4G, 'Kid' 13G, 'Affair' 20G, 2d

Broadway Grosses

Estimated Total Gross This Week... \$372,500 (Based on 12 theatres)

CRAWFORD FAIR 9G IN DULL BALTO

Baltimore, March 28. Theatres are marking time in anticipation of Easter pickup...

Phil Biz Blah; 'Blackwell' Vode Only Fair 20G

Philadelphia, March 28. With the approach of Easter and spring weather...

Los Angeles, March 28. New arrivals doing fair to good on current week's holiday...

Estimated Total Gross This Week... \$372,500 (Based on 12 theatres)

Only 'Affair,' \$9,500, Strong In Weak Omaha

Omaha, March 28. 'Only Affair,' the bright spot in a poor week...

Cincy Has Alibis, But Durbin Big 14G Despite 'Em'

Cincinnati, March 28. 'Three Smart Girls' is one of three great releases...

'Daughter' Tote \$6,300, 'Affair' Taped 5 1/2G in Port.

Portland, Ore., March 28. 'Pygmalion,' at Parker's (U), and 'Three Smart Girls'...

Prev. Waltzes in Spring Times; 'Madden' Good 11G

Providence, March 28. A drop is expected all around, due to glut of early season...

BROCK'S BANKRUPTCY

Los Angeles, March 28. Louis Brock, film producer, has filed a bankruptcy...

Estimated Total Gross This Week... \$372,500 (Based on 12 theatres)

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Portland, Ore., March 28. 'Pygmalion,' at Parker's (U), and 'Three Smart Girls'...





# THREE

① GUNGA DIN

② LOVE AFFAIR

③ **THE STORY OF  
VERNON  
IRENE CASTLES**



**SENSATIONALLY DIFFERENT! . . .**

Drama even greater than their dancing . . . in the romance of the world's greatest dancers! . . . Re-creating the steps that made the Castles famous—the Castle Walk, The Maxixe, The Tango! . . . Memory's fondest melodies! . . . All the glories and excitements of a glamorous near yesterday! . . . **ANOTHER BIG RKO SHOW FOR TOP MONEY AGAINST ANY OPPOSITION!**

**WORLD PREMIERE THIS WEEK  
RADIO CITY MUSIC HALL!**

# IN A ROW!



# AND STYLISH

starring

# FRED ASTAIRE GINGER ROGERS

with

EDNA MAY OLIVER • WALTER BRENNAN  
LEW FIELDS • JANET BEECHER • ETIENNE GIRARDOT  
PANDRO S. BERMAN IN CHARGE OF PRODUCTION  
Directed by M. C. Petter • Associate Producer—George Haight • Screen Play by  
Richard Sherman • Adaptation by Oscar Hammerstein II and Dorothy Yost





Nothing  
Can  
Stop  
Us!

No  
One  
Can  
Top  
Us!

*Coming right UP!*

JOHN (THE GREAT)  
**GARFIELD**  
in

# Blackwell's Island

**BUSINESS GOING  
ON AS USUAL!**

The four-week holdover  
business in Globe, N. Y.  
pre-release already being  
matched in Albany, Mem-  
phis, Boston as nation-  
wide bookings pour in!



**WARNERS**  
for Action!  
**WARNERS**  
for the Hits!  
**WARNERS**  
for Fairness!

with  
**ROSEMARY LANE • STANLEY FIELDS**  
Directed by William McGann • Screen Play by Crane Wilbur • Original  
Story by Crane Wilbur and Lee Katz • A First National Picture





# GILDING THE EASTER LILY!



That M-G-M Lion has a positive genius for delivering big shows for big holiday crowds—Thanksgiving it was "Out West With the Hardys" New Year's it was "Sweethearts" and now it's "Broadway Serenade"!

Greetings from  
*Jeanette MacDonald*  
 in  
*"Broadway Serenade"*  
 M-G-M's MUSICAL HEART-THROB!  
 with LEW AYRES, IAN HUNTER, FRANK MORGAN  
 A ROBERT Z. LEONARD PRODUCTION  
 Scenario by Charles Lederer

We're happy to give your patrons "BROADWAY SERENADE", as sweet a holiday gold-getter as ever packed in the lads and lassies with their new Easter bonnets!

"BROADWAY SERENADE" has heart appeal, eye appeal and ear appeal—romance, spectacle and music to lift the spectator from wintry doldrums to Springtime cheer! Hear! Hear!

**And speaking of M-G-M's Springtime hits:  
 "IT'S HEY MONEY, MONEY AND A HA-CHA-CHA!"**

We have seen the new DR. KILDARE picture ("Calling Dr. Kildare") and it's a thrilling fulfillment of this series' promise!

We have seen the new HARDY FAMILY picture ("The Hardys Ride High") and when you see it you'll agree with us that it's their best yet! A riot of fun!

We have seen "GOODBYE MR. CHIPS" from our production unit that made "Yank at Oxford" and "The Citadel", which won the N.Y. critics' Best Picture of The Year award! It is sensational!

And there's Robert Taylor and Myrna Loy in "Lucky Night"—Claudette Colbert and James Stewart in "It's A Wonderful World"—Johnny Weissmuller in "Tarzan" and a flock more.

LOTS OF TALK in the papers about 1939-40 and M-G-M has big things in store for that, BUT before Sept. 1st rolls around you're going to enjoy a merry Springtime and a Summer of gala M-G-M shows!

SUMMER, WINTER, SPRING AND FALL—AND SUMMER AGAIN—EVERY SEASON IS FRIENDLY TO YOUR BOXOFFICE WHEN YOU DEPEND ON THE FRIENDLY COMPANY!

# Final Chapter to N. Y. Crackdown in D. C. Other Anti-Show Biz Bills

Washington, March 28.—Paramount and two associates claim to have won the North Dakota supreme court Monday (27), when the U. S. general court apparently dismissed the appeal involving the divorce proceedings. The court reversed the special district court which held the law constitutional. Justice was returned with instructions to wipe it off the books, leaving the question of costs to be settled.

Although willing to drop the controversy, now that the matter has been ruled by the supreme court, the state authorities begged the Supreme Court to let the original verdict stand. Reversal would be cited by the producers and chiefs, brief said, as a ruling on the merits. The case was referred to the Federal anti-trust court.

In a seven-line order, the tribunal granted the state's objections and reversed the motion by Paramount to reverse the decree below. The case was sent back to the special trial court with directions to dismiss the appeal proceedings, without prejudice to an application by either party for an award of costs in the first round. The court's umpires assessed no costs against either the appeal.

**Man's Mystery Bill**  
Minneapolis, March 28.—Deep-eyed mystery attaches to sponsorship of a five-page bill which belatedly introduced into the Minnesota state legislature. The bill is titled "The Northwest Allied asserts he had nothing to do with the massing of Stiefes and that he doesn't know whether or not the organization would get benefits." It says the bill is submitted to the body, he wishes to investigate "the sincerity of the sponsorship."

Previously, Stiefes, who was in Chicago when the present bill was introduced, had been reported by Northwest Allied had abandoned their plans to push through such a law at the state legislature. Stiefes, who for the change of places, he explained, was the North Dakota law's repeal. Stiefes' attorney, however, said that fully three years would elapse before a Minnesota divorce law's provisions requiring a parent to relinquish its rights in the theatre could become effective. The bill would be carried over into the next year's grace gives the circuit and the court fight which undoubtedly would ensue. He said that Stiefes believes the issue undoubtedly will reach the U. S. Supreme Court sooner because divorce is one of the Federal government's strictest suits abolished in the Minnesota state legislature seeks to avert an attack on its constitutionality by providing that if any of its provisions are declared invalid the remainder of the act shall not be affected. All theatre voters would be required to file an affidavit annually, swearing they are not producers or exhibitors in any direct, or indirect, influence in the ownership or operation of their theatres. Penalties for violation would be a \$10,000 fine, or one-year imprisonment, or both. The law would be effective a year after enactment.

**All Giveways**  
Another bill just introduced into the legislature is designed to define cash gift nights as lotteries and make them illegal. Some theatres, it is alleged, would force a large number of theatres out of business. Many theatres especially in the smaller communities, require the help of cash gift nights to keep them in existence since they could not afford to go black without them, he avers. The state supreme court already has ruled that such a law, if enacted, would not violate the state anti-lottery law.

Paul now is the only town in the state prohibiting theatre cash gift nights and many exhibitors there who there was no such ban, according to Stiefes.

With only approximately three weeks in the present legislative session remaining, neither the divorce bill nor cash gift night measure is believed to have any chance for passage.

**Add: Divorcement**  
Madison, Wis., March 28.—Bill to bar distributors or producers from coming into divorce proceedings was proposed by As-

ssemblyman Alex Nicol, a Sparta (Wis.) representative. Violations would be punishable by fines up to \$10,000, and up to one year imprisonment. Nicol said he introduced the bill so far at this session of the state legislature here.

**Philly's Tax Bills**  
Philadelphia, March 28.—Two tax bills have cleared the forefront of film interest this week in Harrisburg, where the state legislature is meeting. Of principal concern to exhibitors is the 4% amusement tax measure, which the last administration allowed to die last year, and which many Republican legislators are now trying to revive as a source of new revenue. The tax, which raised \$7,000,000 in the two years it was in force, is seen as a solution to the fiscal difficulties of the state.

With a strong lobby at work, film industry is at present inclined to believe that the measure won't be revived.

Other important tax action affecting theatres. It was an appeal filed by Attorney General Claude T. Reno of Harrisburg, that the measure would require the action of lower court in invalidating the chain store and theaters' anti-divorcement law. The measure, which was passed in 1931 on a single theatre in \$500 for each one in a chain.

**Anti-Showing Resolves**  
An anti-showing room bill directed at film houses and other places of public entertainment was dumped into the legislature hopper at Jefferson City by Representative David Woodhouse. The bill provides that every theatre having a width of 25 feet or more must immediately available. The measure also stipulates that no guest shall be sold unless there is a readily available. The provision against selling standing room tickets is directed at the big houses and exits clear at all times.

**Canada's Bill Sings**  
Montreal, March 28.—Bill to set up a national film board of directors was introduced in the Canadian Senate when opposition leader Meighen voiced criticism that the board would merely increase the number of civil servants and add to the expense of the government. The bill would require pictures by commercial companies and thus encourage private business and eventually reduced without legislation by creating another commission.

That had at first promised to have an easy passage through the Senate resulted in a full-day debate and was eventually adjourned without decision.

## David McFaul in N.Y. For Par Theatre Meets

Harry David, operator of the Public-Salt Lake shows for Paramount, and Vincent McFaul of the Shearwater circuit in Buffalo, N. Y., arrived in New York during the past week to discuss theatre problems, plans and prospects with the state's office executives.

Leonard Goldenson, N. Y. theatre executive, returned last night from Detroit after conferring with the George W. Trundle people.

## Keeps on Hoping Along

Hollywood, March 28.—Harry Sherman starts his 1938-40 program Monday (3) by releasing a new feature out of a new Hopalong Cassidy series.

'Argentina' will be second of the series and "The Double Dyed Deceiver" third.

**Col's New Eastern Shorts**  
Max Cohn and Harry Foster have secured a new contract for production for Columbia Pictures, succeeding Ben Schwab, resigned. Columbia is producing a series of shorts under the name "News World of Sports and Washington Parade."

Producers are ready to produce independently in the east.

## P. A. Crack Down

(Continued from page 5)

period, if the actor is satisfied with his representation, the contract may be terminated for a period of three years. Current contracts will be modified to expire in five years from date the SAG announced its licensing pact, making present titles terminate in 1945.

**Favorable Report Has Already Been Made**  
An amendment to the State Labor Code, which when adopted by the State Assembly, will give the SAG authority to settle disputes between agents and actors. Pact between two Guilds will not be taken into this measure and some legal details of contract have been worked out by attorneys.

Metro executives have turned their backs on demands of the Metro-Goldwyn-Mayer Studio Office Employees Guild for a two-week vacation with pay and improved working conditions. Committee will be named to study details of contract have been worked out by attorneys.

**Industry of Motion Picture Film**  
Editors has refused to sign new contract agreement with the union. A contract clause is written into contract. Editors said all industry will be affected. The union and members want assurance they will have to work 54 hours a week in an emergency. Editor from iron out the details of the contract. A conference between producer labor contact and Society negotiating committee was held in New York. Leonard S. Janotky, counsel for Screen Writers Guild, to represent the negotiations with the producers.

**D. A. B. I. Assessments**  
Announcement that his office would be made in New York to further salary assessments by International Alliance of Theatrical Stage Employees was made by Dist. Atty. Byron Fitts.

I must say that the assessment method of method applied by eastern racketeers," said Fitts. "To my mind, it is a gross injustice on the part of the State. A lawyer is compelled to pay 2% of their salaries each month in addition to their regular salaries. This is a privilege of working. This office will stop such practices if it lies within its power."

Fitts questioned Frank Sticking and John Gaudin, IATSE, international representatives in New York of Studio Theaters Local 37. He also talked with Jeff Kline and other members in fight to retain local autonomy for Studio Locals of the I.A.

National Labor Relations Board has called a conference of autonomy of studio workers in New York for Thursday (30). William Walsh, senior counsel for NLRB, said every exhibitor has to date signed a similar agreement that would end various court hits and restore peace to the industry. He said IATSE workers who are members of the IATSE.

Joseph Nylander, recently suspended as regional director of the National Labor Relations Board, has called a meeting of the Board of Studio Theaters Local 37. He also talked with Jeff Kline and other members in fight to retain local autonomy for Studio Locals of the I.A.

Joseph Stoelet, head of the construction department of 20th Century Fox, has been placed in charge of all stages on lot. He will act as a construction supervisor for the department. William Koenig, studio manager. He will be charged with duty of seeing that all stages are ready for shooting when production calls are issued.

## N. Y. Strike Call

(Continued from page 2)

Joining the exchanges Monday (27) tonight out there is nothing to stop them from calling for film themselves. If there are no early settlements of the strike situation, exhibitors are being urged to get together in an effort to keep going. Just how long the supply will last, how long the exhibitors will be stretched is a question of grave importance.

It is possible that the situation is that, while the 300-IA move against distributors is aimed at between 75 and 100 theatres, the 300-IA move against I.A. operators or stagehands, all the theatres in the N.Y. New Jersey area of the N. Y. exchanges that employ I.A. men stand to suffer equally as much as the others. There are around 900 theatres in New York and New Jersey area, but it isn't just this number of houses that are affected. The exchanges in New York. In addition to the metropolitan area, service all of Long Island, Staten Island, New York state, up to within a few miles of Albany and the upper half of Pennsylvania.

The Century circuit [late A. H. Schwartz] in Brooklyn and Long Island, comprising 39 theatres, the calls chain of the same number in New York and New Jersey, plus 100 theatres in New Jersey, are the cause of the present 300-IA campaign. With the exception of a few houses, Century prizes operate in northern New Jersey, all employ operators who are members of the union. The union or effect a deal absorbing it.

Century and Coahals have contracts for measures that have been taken since they were made in 1934. Seven years ago and are not discussed to change, even after the dissolution of the exchange. They have taken via the distributors to force them into 300. Sam D. Coahals, who was in charge of the exchange last year for a rest in the south and wasn't getting about anything, returned to the exchange last year. He said he would go out to Empire men in favor of 300 or whether he would consider the exchange as a possible competitor. Coahals indicated that he has contacts with Empire that must be lived with as any other union.

One report in inside union circles was that Local 308 is not only basing its campaign on exchange and offices of distributors on the ground that union-handled film is being shipped to 300-IA theatres, but also because of unkept promises by the distributors concerning such operators. It is possible that last fall 300-IA promised increases to bothmen in exchanges and home offices but have been doing as it does, they say.

## 306 Picketing the Home

**Offices and Branches**  
300's men not only started picketing exchanges Monday (27), but also the branch offices which do not belong to the IATSE headquarters, such as 20th-Fox and Warner. There is no explanation why the 300-IA picketing action is being never employed, but this action indicates a move that was necessary to force the offices to join the exchange workers to walk out. There had to be picket lines at such places as the offices. The employees could go out. Moreover, this means toward an end, in order to force the offices to join the exchange, suggests the lengths to which the union battle may be carried if compromise measures are instituted.

In union circles the strike is being referred to as a "show-down" and one which may be like a show fire, inferring that the picketing by exhibitors and operators and laboratory workers, may be only the first step of the campaign. Local 32, Studio City, Los Angeles; Local 4, Camera men; Local No. 1, stagehands and others affiliated with the IATSE, are being urged to join the action. Only studio of distributors in the east is the Warner Brooklyn plant, but the IATSE are ready to force New York by the major producers, including the old studio quarters at the IATSE headquarters. The action will be used up. Twentieth-Fox also produces shorts in New York and RKO and Warner are ready to join the action at the Eastern Service studio, Astoria, L. I.

There is only one scratching for film may be concerned in the event of a

strike lasting longer than 10 days or two weeks, Monogram is in a peculiar position. It is one of the few of its ability to continue operations in a normal way. Unable to get regular supply of film, Monogram is able to make any screen sales, exhibitors may take every opportunity Monogram has on its shelves in order to make any screen sales. The ultimatum to distributors to stop serving film to non-IATSE exhibitors was given by Monogram in a telegram March 6. A week later the membership of 306 voted authorization to strike at the time deemed advisable by the executive board of the local. Following inability to make any headway with the distributors, Local 306 late Saturday night (26) advised the distributors to stop serving film to exhibitors. The meeting of sales managers, chain theatre executives and attorneys of the major companies was hurriedly called for Sunday morning (28) at 10:30 and lasted until past supper time.

**I.A.'s Coast Suit**  
Hollywood, March 28.—Superior Judge Emmet Wilson Monday (27) refused to grant the application of IATSE international reps to refrain the deposited money from a strike at 10:30 and interfering with operations of the organization.

An temporary restraining order in force. Court raised a moot point whether the IATSE international exhibitors/owners were not so drastic as to enter into a lawsuit.

## Examine Brentano-Rapp In Suit vs. Harold Lloyd

Lovell Brentano and William Jordan Rapp, authors, were examined before trial by counsel for Harold Lloyd in New York. Interrogation was in connection with \$75,000 plagiarism suit by Brentano and Rapp against Lloyd. Lloyd was rejected. Lloyd's defense will be that basis for the picture was an original picture for him by an unsigned scenarist.

**Lloyd's New Co.**  
Hollywood, March 28.—Harold Lloyd has formed a new New York City company which he capitalized at \$25,000, with William R. Frazer and Robert C. Gardner as associates. The company's office of incorporation were filed in Sacramento.

**'Showways' Suit**  
The copyright infringement suit by Stephen Tamm against 20th Century-Fox, which was filed in New York, U. S. supreme court order that the referee Hungarian author furnish a bill of particulars indicating wherein lie the similarities between his story and the Shirley Temple picture "Showways." The suit was before last similar suit in the Budapest courts, including an appeal, but was taken to the higher courts in Hungarian court. Meantime, he also started an action in the N. Y. federal district court.

Main allegation is that 20th-Fox's British representative had commissioned the author to write a picture original, which allegedly was incorporated, but not compensated for, in "Showways."

**Application by Columbia Pictures Corp.** to dismiss the \$250,000 action by Pearl K. Rudolph for failure to state a cause of action was postponed until April 4 in N. Y. federal court. The action involves libel and damages, claiming Columbia's picture, "Exposed," is a plagiarism of his play of the same name.

## STORY BUYS

Hollywood, March 28.—Colony Pictures, Los Angeles, has bought "Island," by Anthony King. Neville Schute sold his novel, "Orbit," to the same company. RKO bought Lester Koenig's story, "The Last Days of Pompeii," which he recently acquired Louis Wellington's story, "The Last Days of Pompeii," based on the James Hines trial.

## TITLE CHANGES

Hollywood, March 28.—'Island of Lost Men' is new title for Paramount's 'North of Singapore.' 'Phantom' to 'The House of'

# Hi Pesky's Majestic Exchange; Theatre Changes, Distrib Dom's

Los Angeles. Hi Pesky and Sam K. Decker acquired control of the Majestic exchange manager for Grand National.

Gordon Hewitt reopened Fox California theatre, Glendale, managed by three weeks ago.

John Westworth, West Coast art director at United Artists for three years, resigned to devote full time to Cinema Cadenza.

Outfit specializes in commercial films for independent exhibitors.

Aust, Muller Upper Pittsburgh, March 28. Nestor F. Aust, for last year floor manager of Penn in Philadelphia, has accepted management of Loew's Broadway, Columbus, picked for job by president of the company.

Joe Kalkoti, G-B's last exchange here, named head of Grand National-Kalkoti has been transferred to Virginia distribution for 'Birth of a Baby'.

Theatre building at 1910 Beaver avenue, on Northside, will be offered for sale by Altheim, under new ownership on April 3 to satisfy a judgment of \$100,000.

Harris Ansa, Co. transferred Henry Miller, manager of Family, East Liberty district, to Strand, Youngstown. Miller was recently transferred to Family management from assistant manager of the same theatre on Youngstown job to take over his successor's spot.

Rochevsky, Jr., Indio Albert Fenwick, Jr., March 28 of the brothers who recently sold four theatres to Schenck and Alexander Dunbar, former manager of the Montclair, to the same company, transferred seat name, from Max Fogel. It is understood that under the contract with Schenck, Albert is to be transferred to the other brothers permitted to operate complete houses.

Jacob Weisenborn, Saturday (25), reopened the renovated Sun, name of the 10 years.

Ben Neivert, former manager of West End, selling stocks for Chevrolet.

E. E. Benham out Sacramento, Calif., March 28. E. E. Benham has been named as district manager of the National Theatre Co. in the Yuba City area according to announcement by Dom P. Walsh, assistant general manager of the theatre company.

Benham is succeeded as manager of the State, Marysville, by Harry Brown, for the past two years manager of the Liberty Theatre, Yuba City, and became manager of the company's interests there as the Yuba City and became manager of the company's interests there as the Yuba City and became manager of the company's interests there as the Yuba City.

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of what it was getting previously. At Gardfield, Keith's award \$200 top prize by Warners last weekend.

Rayne Hall, Harry Tracy, the deluser group; Marty Anshman, Wynne, in the city zone, and I. M. Jones, in the out-of-town zones. District lists include: Al Blumberg, Midway; Nathan Wall, Avon; Sol Getzow, Ogontz; the Wilmington; Ed. Fin. Harry; Wilmington; Her. Thatcher; Hamilton; Colver, and Abe Binns; R. Lyric, Camden.

Col's Switches Hollywood, March 28. Wayne Hall has been moved by Columbia from Denver to manage the Los Angeles exchange in place of Harry Weinberg. Robert III, Salt Lake manager, made supervisor of the Salt Lake area.

W. C. Seib, Salt Lake salesman, is now manager there.

Wiener to Dan Molinas Omaha, March 28. I. M. Wiener, formerly branch manager of the Dan Molinas office in St. Louis, Mo., has been purchased by Mr. and Mrs. C. A. Craig, Seymour, Ia., from Ortel Brunner, St. Louis.

Drop in revenue last year occurred in 1937, when earnings were \$2,809,776 as compared with \$3,719,200 in 1936. Company maintained and paid dividends on its preferred stock of \$1.50 per share and \$2 per share on common, with \$4,899,218 having been paid out during the year.

Outstanding capital as of Dec. 31, 1938, was \$9,745,748 of preferred and \$1,741,894 common. Earnings of United Theaters Corp. in 1938 were \$2,617,653, compared with \$2,898,228 in 1937, and earnings in the first five months of 1939 were \$1,100,000.

Consolidated balance sheet as of Dec. 31, 1938, shows current assets of \$13,275,508, including cash of \$6,502,108 and certain liabilities of \$6,211,515. Principal investments in affiliated companies, as of that date, stand at \$3,737,569.

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# PAR B'WAY CORP. LOST \$235,307 NET IN '38

The Paramount Broadway Corp., controlling the Paramount building in New York, of which the company is a part, for the year 1938 showed a net loss of \$235,307, with a profit at Dec. 31 of \$1,000, increased to \$537,834, as compared with a deficit of \$466,143 at the end of 1937.

Paramount Pictures, of which Par B'way is a subsidiary, paid rents in advance during '38 of \$1,675,592, while in the first ten months are listed at \$1,651,173.

# 20th's \$1,252,466 Net for '38, a Bit Under Previous

The 1938 profits of 20th-Fox were slightly under previous year, according to the annual report for the year ended on Dec. 31, 1938. Statement showed a net of \$7,252,466 after all income, surtax and foreign exchange.

Drop in revenue last year occurred in 1937, when earnings were \$2,809,776 as compared with \$3,719,200 in 1936.

Company maintained and paid dividends on its preferred stock of \$1.50 per share and \$2 per share on common, with \$4,899,218 having been paid out during the year.

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# Coast Exhibs See Impending Price War Due to Theatre Building Orgy

Los Angeles, March 28. Unprecedented new film theatre building which has enveloped the Southern California territory, particularly Los Angeles, since the new year, has industry observers predicting an admission price war, such as prevailed in 1938.

Prices were forced down to lowest levels in years. Conservatively estimated that close to 100,000 new have been added in this area in past three years, with nothing in sight to indicate a lull.

Independents during past 10 or 12 months have added close to 20,000 seats to an already vastly over-seated territory, mostly 15c. and 20c. subsequent run houses.

Fox West Coast and Warner circuits have remained aloof from expansion, but former is now faced with no alternative but to go in with its partner, Dave Bershon, in immediate erection of new 900-seater at Greenway and Santa Barbara blvs. New theatre, it is contended, is necessary to protect circuit interests in that area of Los Angeles.

During depression days average admission price to filmers here was 15c. Fox West Coast led the upward march, with result that prevailing average price is now around 24c. Most of circuit houses are operated at 30c. to 40c. minimum admission, excepting first runs which have a standard 50c. gate.

Charlotte, N. C., March 28. Construction on a new house to be erected in the neighborhood here will start at Wilson in a few weeks. Newest of the North Carolina Theatres of Charlotte, N. C., will be the largest theatre in Wilson.

Washington, D. C., March 27. Will erect a \$50,000 theatre building here J. A. Rendon, Carolina theatre, Shelby, has shared long-term rental lease.

Salinas, Calif., 4th House Sacramento, March 28. Construction of a new theatre, 820 seats, on Main street, Salinas, Calif., has started. The theatre was announced after the awarding of the contract for the building to the Bryn For Wolf at Warners for production of his at the Coconut Grove Sunday (2). Koerner leaves later that week to take over the Coast division of RKO theatres.

Reeling Koerner Boston, March 28. Show his friends of Charles W. Koerner, division manager for RKO Theatres here, will throw a farewell party for him at the Coconut Grove Sunday (2). Koerner leaves later that week to take over the Coast division of RKO theatres.

Dr. X BACK Hollywood, March 28. Returns of Dr. X, the latest scripting stage and goes into the Bryn For Wolf at Warners for production of his at the Coconut Grove Sunday (2). Koerner leaves later that week to take over the Coast division of RKO theatres.

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and equipment, will be reinforced concrete on modern theatre architectural lines. Will be the fourth in this city. A fifth is contemplated for a suburb.

East Point Atlanta, March 28. East Point Amusement Co. Fred C. Coleman, pres, lighted up Fulton theatre, its fifth in this month, Silver, (2). Bill Yarborough is mgr. This is second new theatre opened by this company in this month. Silver, with Ashfield Yarborough as mgr. opening on March 14.

Both costs cost around \$30,000 each. Firm also operates Fairfax and Columbia, Atlanta. Coleman is brother-in-law of R. B. Wilby.

Tom Gorman Looks Set for RKO Boston Spot, Koerner West

Tom Gorman, with RKO in Chicago and over the Palace there, is reported the most likely candidate to succeed Charles Koerner as district manager of the RKO New England theatres. Koerner has been shifted to the West Coast to assume charge of the division formerly headed for years by Cliff Work.

The Gorman assignment may be set today (Wed.) or tomorrow. A successor to his post in Chicago is not mentioned.

Show his friends of Charles W. Koerner, division manager for RKO Theatres here, will throw a farewell party for him at the Coconut Grove Sunday (2). Koerner leaves later that week to take over the Coast division of RKO theatres.

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# GOVERNMENT RESISTS 'HIGH PRESSURE' TO LET TELEVISION GO ON SALES RAMPAGE

## Fears Exploitation Would Have Quick Letdown—Also Privately Concerned About Who Will Control New Industry

Washington, March 28. Continued delay in deciding on television standards is seen in failure of the FCC special committee to fix a date for a hearing on proposals of the Radio Manufacturers Association and petitions for licenses allowing inaugurations of regular video service. Despite pressure from equipment makers and experimental operators, the FCC trio remains unconvinced that time has arrived when it is possible even to consider promulgating quality requirements and, in effect, endorsing the system of picture transmission which shall be required for American viewers. Too many uncertainties and unfinished projects.

Within the past month several informal confabs between FCC spokesmen and the RMA have suggested that the United States will keep on treating television as an indefinite period experiment. The project which has not reached the point where the spectrum can be frozen. Petty officials feel they are being high-pressured by individuals and organizations having invested substantial sums in experimentation, want to begin cashing in. Unwilling to put themselves in the position of pulling anvils' chestnuts out of the fire.

From many viewpoints, visual broadcasting still is in the same category as sound motion pictures were in 1926, in the mind of FCCers. If standards are promulgated at this time, the Commission would be putting its stamp of approval on something which has not been carried to a point where the public would be satisfied. After the novelty wore off, the dangers might turn thumbs down, resulting in a serious setback for television and, in the end, hurting the individuals now impatient to get into the service.

This attitude was reflected in the decision to hold a hearing on a pair of recent applications—from Crosley and Don Lee—for permits to carry on additional experimentation from the viewpoint of program construction, rather than the engineering angle. Any operation of this sort is regarded as a step closer to the commercial stage. And the government experts are keeping their fingers crossed, yet wondering if they have arrived where the public would be willing to sink large sums in receivers.

**Fear Monopoly**  
Though it isn't mentioned openly, Commission people privately fear that adoption of standards at this phase of development might lead to a monopoly which would bring dangerous repercussions in future years. Particularly apprehensive that the RCA-Crosley system would be entrenched, at the expense of other theorists still seeking to get the bugs out of their processes and equipment. On the other hand, if the standards were made sufficiently variable, the

government might be giving hot-house treatment to something that in time will prove not to have been worth while. Reports of new techniques—particularly a 600-line system that will afford still more clarity—are netted as a danger.

The Commission is not convinced that it will be necessary to standardize on a scheme which requires frequency bands 6,000 kc wide. Although it has worked out and recently filed an allocation formula with ribbons of these proportions for visual stations. Hopeful that further research may wind up in perfection of a theory that will allow more transmitters to occupy the spectrum and reduce the overall investment. Disposition is to move cautiously, lest cold water be doused on scientists who haven't found all the answers.

## \$2,000,000 BAIRD STOCK ISSUE

London, March 28. Baird Television Co. Ltd., directors will ask stockholders on Friday (31) to okay a \$2,000,000 loan stock flotation. Stock certificates would be converted into new preferred stock any time up to 1940. Proceeds of the loan would go toward financing manufacture of receivers and home receivers and further research and television development.

## Mrs. Melrose Promoted

Akron, O., March 28. Edythe Fern Melrose has been named general manager of WWJ, Akron. She joined the station last December as commercial manager. After establishing herself she brought in Gene La Valle, who was formerly with her at WCLC, Cleveland, to take charge of programming and production. She has also developed the station's sports division and made an average of six appearances a week before service clubs and civic and educational groups.

## Massah Wooten

Memphis, March 28. Hoyt Wooten of WRBC is now a plantation owner. Has taken an estate of 30 acres out in the country. Is building house on the estate.

Gary Grant due back on Kalligon Circle April 2, replacing Bill Rathbone as wiseder of the gavel.

## SPITALNY OFF MAY 22

General Electric Leaving Radio—Spitalny Dickers with Cosmetics

Phil Spitalny parts with General Electric May 22 after three consecutive seasons in this capacity. Later he is giving up his Monday night spot on NBC.

## INSURANCE RAMP AIDED AT WOV BEATEN

Omaha, March 28. Klaver bill which would have prevented insurance companies from using policyholders' funds to set up their own broadcasting stations was killed by the Banking, Insurance and Commerce Committee of Nebraska's state legislature last week. Measure's author, Sam Klaver, is said to have admitted that he had aimed solely at WOV, Omaha, which is owned and operated by the Woodmen of the World. Klaver himself was denied a license for a station in Omaha last fall. Waste paper basket vote of the B. I. C. committee was unanimous.

Among other stations operated by insurance companies were WTRC, Hartford; WSM, Nashville, and WJXD, Jackson, Miss.

## Nozzema, Firestone Air From Frisco Exposition

San Francisco, March 28. Two national network commercials were aired from the Golden Gate International Exposition. They were Professor Quigg show for Nozzema on Saturday (23) and the Firestone tire program with Richard Crooks on Monday (27). Two airings of each program were scheduled, one for the east and a repeat for western telecast.

Firestone sent Alred Wallenstein, regular conductor, out from New York to direct the orchestra for the broadcast, while Ken Carpenter comes up from NBC's Hollywood studios to handle the announcer assignment. Crooks was in town for a concert date.

## AD LIB PLOTTING

Ogden Nash on Mutual Will Stamp Author's new summer series of day nights over WOR-Mutual beginning April 7. Half-hour show will feature a rotating writers' studio making up extemporaneous story listeners. Plans will be swayed for situations under the show.

First two guest writers will be Ruth McKenney, author of "The Ruler Ethen," and Carl van Doren, author of "The Biography of Ben-Hur." Plans will be swayed for situations under the show. Authors will be paid.

## Mullins Trio Out

Lyn Murray Town Hall Singers on the Fred Allen show will be cut to a foursome next month, reportedly because of the AFRA wage-hour code, but partly for summer economy. Group of seven composers is the Four Clubmen and the Mullins Sisters. Clubmen letter will be dropped, and Mullins will be known as the Town Hall Quartet.

## RECOMBODIONED COWBOY

Regina, Sask., March 28. Ralph Foster, The Singing Cowboy, will not move after April 4. Then he goes over CKCK (Columbia) where he goes over to Tony for the shoes, and they're too Tony for the shoes. He'll be in Regina, Sask., and sing blades to Mr. Joe McEwan's fiddling. Depends on what you sell.

## Inside Stuff—Radio

Right to performance clearance which WHN, New York, has obtained from the American Record Co. is practically the same in legal context as the RCA-Victor deal between Victor and WHN. In either case a covenant not to sue in case the courts rule that the record manufacturer has complete control over the commercial exploitation of his wares plus a provision that the permission is revocable at the will of the phonograph record company.

Judge Vincent Leibel, of the N. Y. federal court, has yet to hand down a decision in the litigation between Victor and WHN. The case was named as the defendant in the original suit by Whiteman, declined to take any part in the proceedings. Whiteman, which had come into the action as an amicus curiae, then forced the issue to a showdown.

National Association of Performing Artists, of which Fred Waring is president, Meyer Davis and Paul Whiteman, vice president; Frank Crumit, secretary, and Don Voorhees, secretary, suggested the bill which Senator Charles D. Ferry, Manhattan Democrat, introduced. It would make the unauthorized recording in New York State of any broadcast emanating from a station, the offer to sell, lease or license, or the possession of such wearing, grand larceny. Senator confirmed that Waring's influence in matter to a variety reporter. Bill has passed state senate.

Measuring, adding a new section to the penal law, provides that the recording, etc., for the purpose of pecuniary gain, shall be a felony, unless the consent in writing of the person or persons producing the same is obtained. Was referred to committee on codes, Print No. 18, 1763.

Showdown on whether the Associated Press is to sell news to radio stations as it does now to newspaper clients is expected at the annual meeting in New York City, April 24. Question is whether to sell news to radio stations. It is expected that the A.P. will sell news service to radio. That's also the prevailing opinion of directors. But there have been signs of shifting stances.

The new agreement, according to info in the trade, looks on the sale of news service to radio from two angles: (1) as a means of obtaining considerably more revenue, (2) as a medium for securing publicity for the A.P.

Considerable publicity gained both by the United Press and INS through selling service to radio.

Bill Schudt, g.m. of WKRC, Cincinnati, was in New York last week representing with CBS officials a competitive campaign he will launch to go in charge of sale. CBS would like to buy back the station's power back to 50,000 watts. Schudt sees WKRC for the first time in a position to do itself some good.

Meanwhile, WJW is throwing additional manpower and ideas into the fray and will redouble its own efforts to preserve the leadership which it has always enjoyed by the proverbial mile. Town will have a second round of bidding for the station in a few days. It is expected that confidence that, like other large markets, Cincinnati can easily support two 30-kw. plants.

Report around the ad agencies last week was that John U. Reber, J. Walter Thompson's radio head, had been lined up by Columbia for the post of chief in charge of sales. CBS would like to buy back the station's power back to 50,000 watts. Schudt sees WKRC for the first time in a position to do itself some good.

Edward B. Marks Music Corp. filed its intentions in the N. Y. federal court on Thursday (23), of examining before trial, Lewis (28), Tom Brown, radio editor of Best Broadcasting, and Ben Bowles, nothing to it. Trade itself regards such move as hardly probable since Reber has been posted as a sort of crown prince to Stanley Reber, Thompson prez. It's been rumored that the office of the Columbia radio head, which was expressed as slated for a drastic reshuffling by Reber landing either in the top niche or one close to it.

NBC last week firmly denied the report that it was considering calling off the special discounts which are now granted customers on the blue WJW line. It was stated that CBS would like to buy back the station's power back to 50,000 watts. Schudt sees WKRC for the first time in a position to do itself some good.

Marilyn Hare, 15-year-old daughter of Eric Hare, will continue in the role of the station's "Miss America" on WHCA, N. Y., Sunday afternoons. Arrangement is indefinite. Daughter, a high school student, jumped in several weeks ago when dad became ill. He died March 2.

Ed East has devised a play-plan-by-year course, which is being tried in the Philadelphia area. Local fads in for home-town commercial balls piano projects with the music store giving away the course.

'Tubby' Quillman, of KIRO, Seattle, in his bathrobe and pajamas, k.o.d an intruder in his home with one to the button, but before he could call police he was away by the intruder. He returned, dripping wet, to be bedded for five days by doctor.

Ben Lebar, now at WHN, New York, as sales chief, may revive the old amateur hour which was junked recently after running eight years.

Leonard C. Feather, English hot record fad, songwriter and transcription exec for Radio Luxembourg of France, arrives in New York April 8 for a visit. He's 23 years old.

Ben Douglas, mayor of Charlotte, N. C. is an announcer for WBT. He appears regularly on the station's "Welcome Neighbor" program, as emcee, and on other special events.

## 'FU MANCHU' ON WOR

Deal Set With Hamburg & Jones for Century 21

'Fu Manchu', radio transcript series will be broadcast three times a week starting May 1 over WOR. Contracts will be signed this week between Radio Attractions, Hamburg & Jones and Century 21 Co. (Dr. Brown's Celery Tonic). Scheduled by the Humbert & Jones Agency, N. Y.

## Philip Morris' 2d Title Change as 'Unfair' Is Fling by Indie Firm

Faced with threat of suit of unfair competition, Milton Blow has again changed the title of Philip Morris cigar's substitute quizzer on WOR—Mutual 12; the title being "Where Am I?" the title being "The Guess Where?" The contest against the "Where Am I?" title was registered with the Federal Trade Commission was the Viking Radio Corp., which owns a copyrighted quiz name, "Name the Place" which has been used by the publishers.

1939-40  
**VARIETY**  
 RADIO DIRECTORY  
 NOW IN EDITORIAL AND ADVERTISING PREPARATION

# Take A Hiatus Budget Edict Cuts Out Divers Characters in Serials

There has been a rise in the casualty rate of characters on the radio dramatic serials since budgeting of the AFRA, commercial division. In order to keep within allocations, scribes have been writing in a wave of auto accidents, surgical operations, vacation trips and the like to eliminate parts and lower talent costs.

Girl on the 'Life Can Be Beautiful' series underwent an operation, thus eliminating her for several weeks. Auto smash-up disposed of three characters on the 'Doc Barclay's Daughters' show. Other shows have seen characters off to school, away on business or found other ways of cutting down costs.

But in the case of the 'Pretty Kitty Kelly' stanza, fate (in the pulse of the code) required a musical comedy career that was being rejected for the heroine. Sponsor had decided to switch the show to a semi-musical setup and was going to have 'Kitty' crash the Broadway stage. Had actually auditioned singers and made arrangements for the musical comedy. But the code upped talent costs 'Kitty' gave up her theatrical yen.

## Bert Lytell Declines To Pass Up Pay Boost; Paid Own R.R. Fares

Chicago, March 28. Bert Lytell has withdrawn from the Tuzo program. Actor declined to continue for the Kaster agency when the latter demanded that he accept a salary boost option provided in contract. Actor had been assigned to Chicago from New York for past several weeks at his own expense. A promise by Robert Jennings, Kaster agency, that this would be adjusted, was rejected ignored by the agency.

Program was originally produced in N. Y. by Transamerica, with Lytell under contract to the latter. It originally had a tie-up with Liberty magazine.

Jennings took the program away from Transamerica and instituted the Chicago origination. Lytell was to go along, despite the inconvenience of the weekly trip to Chicago.

Tuzo will pick up a second special version of its 'Vocal Varieties' from WLW, Ciney, as a fill-in for the balance of its time commitments.

## CBS WILL ADD NEW STUDIOS ON COAST

Hollywood, March 28. William S. Paley, CBS prez, came up with his Arizona retreat over the weekend to sign the deal with W. Thornburgh, Coast head of the chain, additions to Columbia Square, L.A. and two of the studios will be added to the present layout, which has only one large audience hall. Facilities for the studios will be incorporated in the expanded facilities.

Head headquarters have become so crowded that it is necessary to farm out shows to three remote spots: Music Box, Vine Street and 20 Captain theatre.

## OFFER WYTHE WILLIAMS

Hitler's Next—More Guesses Submitted for Radio

Wythe Williams, retired foreign correspondent, now editing and publishing Greenwich Time, a Connecticut weekly, is being offered a contract for a radio spot.

Williams has gained national newspaper attention for the past season by his close forecasting of various Hitler coups and elections.

## Try Another Town

Mutual program Sunday is expected with sound effects to this effect: "In San Francisco, it's— Paris, it's— In New York it's the Benay Venuta program."

Then there was a pause, and the announcer continued: "Unfortunately, Miss Venuta is not with us tonight."

## RCA EXODUS EMBARRASSING TO NBC

Higher-ups at NBC are trying to dissuade their own sister affiliated stations as contained in RCA from joining the Sunday Magic Key hour next month (April). The NBCites argue that they can't logically press accounts to remain on the air during the summer when the network's own themselves are taking a lurch.

The Magic Key has been on consistently since 1935. The season before last production on the program was transferred from Lord & Thomas, agency on the RCA account, to NBC.

## W. H. COMSTOCK SUES PEARCE FOR \$18,000

William H. Comstock, who tried to do the 'Tizzy Lish' comedy character on the Al Pearce show, last week sued for \$18,000 against Pearce in the N. Y. supreme court. Because of a no-residence audit, Comstock named Ruth Rubin his assignee in the action.

Comstock claims breach of a 39-week contract made when the Pearce aggression went on George Niles' pep-cast. Comstock claims that the agreement was breached when Pearce dropped him from the show March 14 last. Pearce contends that the contract between them provided for a 39-week contract which was with Pearce when he worked under the Ford Motors banner.

Comstock will do his April 3 broadcast from St. Louis and settle down on the Coast the following week.

## Rubinoff's Omaha Date With Fray and Braggiotti

Omaha, March 28. Dave Rubinoff, with Fray and Braggiotti, will be on show for 45th anniversary of Al-Kellogg's radio show starting May 3. Only members of organization will be able to secure tickets.

Comstock's membership drive for group.

## Sophie Tucker's Vacation

American Tobacco Co. will likely see Sophie Tucker on the tag of 'A Mugg' April May 7 and bring her back in the fall. She will have completed 26 weeks on CBS plugging RT Tansigs.

Spot announcements will be used in the interim.

## SOLDY SOCKY

Hollywood, March 28. Comedy with the tag of 'A Mugg' A Moll and a Mountaineer' will be enacted respectively by George Raft, Billie Burke and Bob Burns on Screen Guild-Golf show April 2. Busby Berkeley directs.

# PARLOR MANNERS CRAPPED BY NAB

Trade Association's Will Atlantic City Convention Will Face Fact That Verbose, Ungracious Copy Hurts Radio Industry

## OTHER RULES DUE

Washington, March 28. Quality not quantity viewpoint will be written into the set of operating standards which the National Association of Broadcasters is framing for adoption by its membership in the coming summer. The sponsor copy will be verboten on transmitters of NAB members.

Framing the code which will curtail wordy plugs will be attempted in co-operation with radio's most vociferous self-appointed critics, and with a determination to needle advertisers into lifting their hands off their customers' wallets. Aftermath of the code committee session in New York City last week was a prediction by Neville Miller, president of the trade group, Monday (27), that the statement of program policy 'will be a greater premium on more skilled advertising writing, with briefer, more interesting, and more pertinent messages about needed products and services.'

While he praised advertising and credited sponsor system with maintaining a free radio industry, the States, Miller declared bluntly that the NAB intends to apply the code to curb his advertising referring to "those practices of progressive advertisers which are already proving their effectiveness in achieving greater results and a higher degree of program popularity."

Women's Clubs

With general outlines set, the NAB staff will do the editorial work after conferences with all groups concerned about advertising standards and public service standards. Educators, the women's groups which have been yowling about scary children's shows, labor chiefs, religious spokesmen, advertiser agency representatives, and political critics will be afforded a chance to present suggestions and objections in attempting to silence complaints.

Present idea is to draft not only a basic principle code, but also NAB, the networks, and leading independent stations already have a long record of operating on a basis which will interpret the general declaration in terms of specific cases.

Some committees have already started it is imperative, if the thoughtless advertiser is to be afforded a yardstick to guide him. Copying is a radio outlay. Then, if either listeners or advertisers squawk, station managers will be able to refer to guide-book and cite chapter and verse.

plains, investigate phony advertising, hide the stouchees, and appease the viewers with hand-out penalties or would have power commensurate with those of the FCC. Code proposals will be ready for the 1959 convention. Staff editors relations with the ideas on standards, send the draft to members of the committee for scrutiny, make a field effect upon fall, most likely when the entire NAB roster before the Atlantic City sessions open. Present thought is to allow some time for the station managers to educate themselves and make adjustments in relations with advertisers so that the code—if acceptable to the membership—probably would not go into effect until fall, most likely when the daylight-saving-time switching occurs.

Squawk Dept.

Besides putting the principles and intentions of the code before the NAB is inclined to create an industry arbiter of trade practices and program content. Names of those who would have a special department that might receive listener com-

# Elliott Roosevelt Sells Axton-Fisher, But Sponsor Wants Him to Spiel

## 'Noel Coward of Slums'

Broadway was gussied last week at a benefit night devoted to a radio columnist noted for his pseudo-intellectual flapdoodle. When a stooge remarked he'd never heard of the scribe, the comic quipped: "Why he's the Noel Coward of the slums."

Elliott Roosevelt is getting a contract from Axton-Fisher Tobacco for his 23 stations in the Texas State Network. Only thing holding up the closing is the deal yesterday (Tuesday) was an assurance that Roosevelt himself will dish out the plug for the agency's slum and cigar.

Young Roosevelt went direct to the account of which McCann-Erickson was the agency. He had a letter of introduction to the chairman of the Axton-Fisher board, Ery Kohn, who is himself a slum and cigar dealer.

Report of Roosevelt's maneuver put the agency in quite a dither last week. It found the details enveloped in a cloud of mystery.

# RUDY VALLEE MAY DOUBLE TO C&S

J. Walter Thompson is reported maneuvering to use Rudy Vallee on both Standard Brands hour shows this summer, with Vallee's salary going from \$400 to \$4,000 a week. Arrangement, if it goes through, would have an doubling for the Thursday Royal Gelatin and Fleischmann yeast stands to the 'Chase & Sanborn coffee stand' which Edgar Bergen and Don Ameche go on a vacation.

Charlie McCarthy's mouthpiece has expressed a wish to go off this summer, at least for the months of July and August. He wants to characterize that and knock around the South Sea islands.

Vallee not so long ago was approached by Lord & Thomas with a reminder that it would like to put in a bid for his services in the event he were leaving Standard Brands.

## KLZ, 'WE, THE PEOPLE' BOTH GET TIPTON COX

Denver, March 28. KLZ, Denver, accounted for the last radio rental from Tipton Cox, 17-year-old Powell, Wyo., schoolboy, who fired the shot that finished the career of Earl Durand, Wyoming 'Tarzan of the Telons.' Cox was kept in hiding by KLZ newsmen until a plane could be chartered to fly him to Denver. The interview with Cox was also aired over KLZ's satellite outlet, KVOR, Colorado Springs.

Cox was later tied up by Young & Rubicam as a Denver radio personality in New York over the 'We the People' program (CBS) tomorrow night (Tuesday).

## Lum-Abner Beticketed

Lum and Abner have been offered for a second year, effective this week, by the Standard Food division of General Foods.

Young & Rubicam is the agency.

## Roosevelt's New Alder

Port Worth, March 28. New faces at Texas State Network include the slum and cigar Roosevelt include the following:

Stephen R. Wilhelm gets tag as vice-president and general manager. President, He will get an ad agency team at San Antonio before coming to TSN.

Gerald Stanton, formerly of St. Louis, is a new general manager, and a slum and cigar dealer. KCZY is assistant general manager, Benton Ferguson, is vice-president. TSN is a division of merchandising, promotion and publicity, was with Port Worth Press before TSN.

Jack Mitchell, formerly with WRB, Dallas, is production manager and new program director is Robert Brooks.

## Bob Hope Sab Will Be Heavy, Burgess Meredith Or Franchot Tone Mailed

Peppodina's present variety setup with Bob Hope will be replaced by dramatic series. The agency, which takes his 13-week vacation from the NBC (red) link starting June 2, is expected to be in the account, is recording samples of two scripts for submission to the client.

One of these shows is being handled by Attorney' with Burgess Meredith heading the cast and the A. S. Lyons office as the agent. Other show, authored by Elaine Stern-Carlington, deals with the experiences of a young doctor and has Franchot Tone in the central role. NBC controls the latter script, but the combination is being financed by the William Morris office.

## TRAMMELL ON NBC BOARD OF DIRECTORS

Niles Trammell, NBC executive vice president, has been elected to the company's board of directors. Appointment took place at the board's monthly meeting last Friday (26).

Trammell has been on the board of executive vice in January, coming from Chicago where he had been in charge of the NBC's operations since 1927.

## 10-YEAR MASK OFF

Milwaukee, March 28. Electric 'Station Gals' will be dropping the 50th performance of the 'Klownhot Hour' on WTMM with a special version of the show. The station will be in the air on the occasion with William J. Benning as host. The show's producers are Carla Patevski, soprano, and Gregory Stenzels, pianist, featured.

Trammell is the first of the commercial's own announcer on the 10-year-old program, was disclosed in a letter to the station last week as Al Engelhard. Fred E. Erlksen, the Electric Co.'s advertising manager, has been in charge of the show throughout this period, delivered a greeting.

'NAME THE PLACE' With Ben Grauer

With Ben Grauer... This one started Feb. 12 and has a...

DICK POWELL... With Martha Raye, Parkyakarkas...

LIFEBOU... Tuesday, 8:30 p. m. WABC-CBS, New York

Dick Powell's substitution for Al Johnson... This is an oblique way of saying the show is...

Take the copy introductions... of course that's to make sure every-

'AUTHORITIES ANSWER'... This is a program that is being broadcast...

Strictly a Three-Byte League edition... of NBC's 'Informal Education'...

Although trouble breeds a program... Parkyakarkas is the comedian...

'CROSSROAD NEW YORK'... Dramatic Sound Picture

First broadcast in January and re-... effort is contribution of BEC's New...

DUSKEY and HALEY... Songs

Dorothy Duskey and Pat Haley... make an attractive air team.

Occasional patter is well-written and... Cohen.

'GUESS WHERE?' With June Walker, Bud Hinkle...

This is the program that is in dis-... with an indie program service...

'WHERE AM I?' With Bill Sherman... A novel radio quiz game, based on...

'INSIDE STORY'... Monday, 10:30 p. m. WABC-CBS, New York

'AUTHORITIES ANSWER'... This is a program that is being broadcast...

Although trouble breeds a program... Parkyakarkas is the comedian...

'CROSSROAD NEW YORK'... Dramatic Sound Picture

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DUSKEY and HALEY... Songs

Dorothy Duskey and Pat Haley... make an attractive air team.

Occasional patter is well-written and... Cohen.

Follow-Up Comment

Sanka coffee's half hour... continues to out-march the...

Combination of the material and... the line in sporting and editing...

Emcee Gabriel Heister and An-... posed to the voice alive with...

'Emmy Goodman goes to the... (Camie)' with a roar like unto...

John Seal, speaking from London... clear news summation of...

'WHERE AM I?'... Monday, 10:30 p. m. WABC-CBS, New York

'AUTHORITIES ANSWER'... This is a program that is being broadcast...

'CROSSROAD NEW YORK'... Dramatic Sound Picture

DUSKEY and HALEY... Songs

Dorothy Duskey and Pat Haley... make an attractive air team.

Occasional patter is well-written and... Cohen.

slated of the soothing 'Devils to Jour'... from 'Louise,' the 'Devils to Jour'...

'The Sound Track' (WNEB, 7:30... Thurs.) David Lowe's sustain-

Matilyn Gray, 15-year-old daughter... of the late Ernie Hare, sings pre-

John Seal, speaking from London... clear news summation of...

John Seal, speaking from London... clear news summation of...

'Emmy Goodman goes to the... (Camie)' with a roar like unto...

'CROSSROAD NEW YORK'... Dramatic Sound Picture

DUSKEY and HALEY... Songs

Dorothy Duskey and Pat Haley... make an attractive air team.

Occasional patter is well-written and... Cohen.



# CANADIAN RADIO MAKES A FEW HALF-GESTURES OF APEASEMENT

### Autocratic Control of Telephone Lines Slightly Relaxed, but Specific Permission for Every Hookup Still Required from Indies

Montreal, March 29. Some slight concessions were granted private broadcasters by the Board of Governors of the Canadian Broadcasting Corp. following a closed three-day session here last week. Most significant of the CBC decisions, all with 'ifs' attached, were:

1. Use of telephone lines for hook-ups under independently owned stations will be restored on the basis prevailing prior to the damaging restrictions imposed during the past few months which prohibit use of lines by any private station.

2. Beer and wine programs will be permitted to continue temporarily in the Province of Quebec pending further clarification of temperance group reaction. Commercials on liquor programs will be limited to sponsor-identification only and subject to approval of the CBC as heretofore.

More liberal use of transcriptions after 7:30 p.m. and price mention in commercials on private stations are also reported having received favorable reaction from the Corporation. Application of private stations to form a coast-to-coast chain including some American stations, in competition with the CBC network, was rejected. Requests of private stations to exploit short wave, television and facsimile broadcasting were also refused. Corporation stated it was the purpose of the Government to confine television, short wave and facsimile broadcasting to the Federal territories only.

In speaking against the recent CBC ruling barring beer-sponsored programs legal representatives of the private broadcasters questioned the authority of the Corporation and suggested that the question would be taken to the Department of Justice for adjudication. Legal counsel for the broadcasters pointed out that while the Privy Council had decided that radio is a matter for Federal Government regulation it had said nothing about prohibiting radio. If radio stations are prohibited from carrying on normal functions then there would soon be nothing left for the Federal Government to regulate. The modification of CBC rules on beer programs now makes it unnecessary for the jurisdiction of the

CBC to be questioned by the Department of Justice.

#### The Condition

In restoring use of telephone lines to private stations the CBC still retains control and regulation of such hookups. Approval of the CBC will be required for every proposed hookup and the same will be at the discretion of the management of the Corporation.

In the plea for the return of lines to private stations argued that the Corporation had more business than it could handle while independents had to retrace contracts for lack of lines.

Among those present at various sessions of the CBC were Hon. P. R. duBrenay, C.K.A.C. Montreal; Phil Lalonde, C.K.A.C. Montreal; M. Elliott, C.F.C.V. Montreal; Victor Nielsen, C.F.C.V. Montreal; M. Letevre, C.H.L.P. Montreal; Stewart Neil, C.F.M.D. Fredrickton, N.B.; Major Barrett, C.H.N.S. Halifax; H. Gooderham, C.K.C.L. Toronto; Harry Sedgewick, C.F.B.R. Toronto, president of the Canadian Association of Broadcasters; Col. Roger, C.F.C.V. Charlottetown; J. N. Thivierge, C.H.R.C. Quebec; G. M. Geldert, C.K.C.O. Ottawa; J. Imrie, C.I.C.A. Edmonton; Harry McLaughlin, C.H.R.C. Winnipeg; C. A. Campbell, Regina; Gordon Love, C.F.C.V. Calgary; F. H. Elphicke, C.I.C.A. Edmonton; A. A. Murphy, C.F.C.R. Saskatoon; Arthur Chanler, C.J.O.R. Vancouver; P. Morris, C.F.P.L. London; G. Herbert, C.K.C.C. Hamilton; J. M. Taylor, C.F.A.C. Calgary; T. A. Evans, secretary of the Canadian Association of Broadcasters.

## DALLAS INSURANCE MAN CONTROLS XEAW, MEXICO

McAllen, Tex., March 28. Carr P. Collins, Dallas insurance man, has assumed charge of XEAW, Reynosa, Mexico, after he had purchased a controlling interest. The transaction was handled through Walter Wilson, brother-in-law of Dr. John R. Brinkley, formerly of Del Rio.

Collins said a series of health talks would be broadcast. He is interested in a mineral water concern.

## LONDON CALLING

Two BBC moopers on South American tour in preparation for extension of broadcasts to Latins this year.

Dunlop Rubber Co. is sponsoring on Radio Normandy, 'Cyclist Magazine of the Air.' Edited by Bruce Anderson, IBC Assistant Program Director and sports commentator. The Magazine will introduce personalities in the cycling world, give hints on maintenance of machines, money and labor saving gadgets, announce forthcoming events, weather forecasts, plan tours and give other information vital to wheel fans.

An entertainment section will be introduced by Fred Lashburn, dance band singer who, incidentally, holds many cycling records. Time booked with IBC by C. F. Higham, Ltd. for Dunlop, who also inaugurated 'Motor Magazine' recently, which broadcasts Sunday mornings from Radio Normandy.

Among those who will take part in the Country Home hour on a new Radio Normandy program for rural dwellers in England, are Quaker Oats (Lord & Thomas), Ryder Seeds (Smith's),

'The Potted Show,' Senior's Meat and Fish Pates program produced by IBC with C. F. Higham, Ltd. for Dunlop, who also inaugurated 'Motor Magazine' recently, which broadcasts Sunday mornings from Radio Normandy.

Sid Phillips claims to be only British dance music director who makes discs exclusively for the American market, specializing in swing numbers.

Clifford Whittley's life story dramatized by BBC March 28 and 30. Program will be titled 'Midnight and Other Follies,' recalling Whittley's first show, and in it will feature Sir Francis Towle, who sponsored that innovation.

Archie Campbell is producing, and plans to introduce personalities made famous by Whittley, such as Eve Beach, Jack Jackson and Naunton Wayne. Elsie Macfarlane, one of the 'Go-goists' (Mrs. Whittley), will support her old man in the bill.

## Canadian Wottage Tax Due?

Unofficial reports emanating from Ottawa are to the effect that the Canadian Broadcasting Corporation may seek to increase the annual license fee of private radio stations several thousand per cent. Understood that such a proposal was mentioned during the deliberations of the corporation in Montreal last week and a license of \$1 per watt per station was talked of.

Radio station fee is currently \$50 per annum, regardless of power. Should the proposed tax be imposed then stations of 5,000 watts would be obliged to pay \$5,000 a year instead of \$250. It is possible that a maximum fee would lessen the cost to higher wattage stations.

Reported that the CBC asked private broadcasters to offer contributions to a higher wattage station.

Questionable whether the CBC could impose additional taxes without special authority from Parliament.

## CARIBBEAN RADIO

By Abel Green

On one of those West Indies cruises where some nice ports, clear shut to Caracas Bay, Venezuela, are included, a portable radio listener-liner finds that the Latins are doing a Spanish-Portuguese radio show of northern peddling as formerly in the States. If it's not medicines, then the plugs are selling for native gum products and seagars. But the formula is the same—record, plug, record, plug.

The prime gag is the fact that the lingo is native, but then will come up a wacking by Larry Clinton or the big woman, with English words and all in the live idiom. It's for that reason that the natives are being so rampant in selling through the air. But the comedy or script shows are infrequent; it's principally music.

## CBA, 50,000-WATT, SET TO GO APRIL 8

St. John, N. B., March 28. CBA, second 50,000-watt broadcasting unit to be completed this year by the Canadian Broadcasting Corp., will be formally introduced on April 8, at Coles Island, N. B. Although about five miles from a community, Seasideville, N. B., the new station will be credited to that town, which is almost on the provincial line between the provinces of Brunswick and Nova Scotia, and also a short distance across Northumberland Strait from the province of Prince Edward Island. CBA, will cover these three provinces.

At the opening ceremonies, the premiers of all three provinces will broadcast speeches. Other speakers will be David Sarnoff, president of the Radio Corporation of America and C. D. Howe, Canadian minister of transport. Ottawa, whose department exercises control over radio in Canada.

## 'RANGER' SPONSORED BY CFCF

Montreal, March 29. Series of 'Lone Ranger' transcriptions spotted over station CFCF for Charles Gurd & Co., starting April 3. Half hour program to be aired three times weekly, 28 weeks.

Other new transcription series will be 'Secret Agent' and 'K-7' for B. Houde Tobacco, starting April 10. 'House of Dreams,' sponsored by Snap.

Champion Oil is sponsoring baseball newslet entitled 'Round the Base Lines.'

## Gladstone Murray Warns Of \$600,000 Tax Loss; Would Jeopardize 50 Kw.

Montreal, March 28. Proposed cut in the radio license fee from \$250 to \$2 would result in sharp curtailment of government broadcasting services, the Parliamentary Radio Committee was told last week by Gladstone Murray, general manager of the CBC.

Murray was primarily concerned over the suspension of operation of two new high-powered Government stations at Watrous, Saskatchewan, and New Brunswick. The 20% cut in the license fee would result in a reduction of \$200,000 a year in revenues which would leave no funds available for operation of the new transmitters. The new Government transmitter at Watrous is intended to service an area which is already covered by four or five private stations.

The proposed reduction in the license fee might also necessitate the return to a six-hour broadcasting day, with a reduction in staff which would result in a saving of \$200,000 annually.

It was intimated that French-language programs would be curtailed on the CBC regional network in Quebec in order to save an estimated \$400,000 annually while \$75,000 could be saved by discontinuation of symphony orchestras from various cities.

Murray stated that the CBC had refused commercial programs from which a revenue of \$250,000 could be accrued. He also pointed out that while efforts of operating the Government network could be retained, in the event of a lower license fee, there would be a corresponding decrease in employment of Canadian artists.

London Press Exchange renewed on Radio Normandy for Cadbury's chocolate.

★ EXISTING CONTRACTS GET FULL BENEFITS, OF COURSE, OR WJSV'S PRESENT 10,000 WATT RATE...

50,000 WATTS

FOR EASTERN NO. ABOUT SEPT. 1st.

WJSV WASHINGTON, D. C. A CBS STATION

The Billboard Poll of Radio Editors for the second consecutive year named Radio Feature Service, Inc. FIRST for quality of public publicity copy and service to them. (This year the vote ranked us 3 to 1 over our nearest competitor.) This is to express our gratitude.

Earle Ferris  
10 East 49th Street  
Chicago New York City Hollywood





# PRESS STUNT RAIDED IN TIMES SQ.

WJMC, New York, was forced off the air Monday (27) afternoon after carrying 19 mins. of a scheduled half-hour program denouncing a showing of spring shoes at an Ansonia Bootery at 47th street and Broadway when cops walked in and broke up the affair. Hithet was that the modelling of the shoes was in conjunction with a contest in which contestants participated in by a bunch of models and being judged by Billy Rose, Eleanor Hoot and George Jessel.

Shoe and leg display precipitated a near riot in the street, with the gangsteres walked in with their cut 'Break it up' with their cuts their words went out over the air. Station's splinter sign off without further ado and scrambled, time being filled by recordings from the studio.

## CHI NAB REGIONAL ELECTS DYER AS DIR.

Chicago, March 28. Regional (ninth district) meeting of NAB on Monday elected Gene Dyer, of WGES, Chicago, as director for two years, replacing Walter Damm, of WTMJ, Milwaukee. Laiter hadn't the time, already devoting a lot to other phases of NAB. Neville Miller addressed the meeting. C. O. Langlois, of Langlois & Warrinck, and Carl Havranek, of Davis & Schweiger, talked of tax-free music libraries.

Sales Manager Craig Lawrence, of the Iowa network, will preside over a meeting of the biz-chasers adjacent at the Palmer house later this week.

## Florida Flips

By BOB REED

Jacksonville, March 28. Musical tribute to the res-man has at last been popularized. It's 'Little Bit Echo.'

Budd is playing a new game called, 'Where Am I?' So, for that matter, is Sleepnagie.

Hedy La Marr is wonderful, but most of us would rather look at her than hear any more gags on the subject.

Elliot Roosevelt says the communications act is puzzling. Should be turned over for solution to Kay Kysar's students.

Some theatres are cutting their Sunday admissions to compete with radio. But the politicians will soon sid the broadcasters by making every night Bunk Night.

## Gateway's 2nd Cycle

Hollywood, March 28. Second series of 'Gateway to Hollywood' for Wrigleys, which will concentrate on actors who can sing, or vice versa, less up April 9 with Eddie Cantor as initial guest. Richard Tucker, film actor, has joined the scouting staff.

# WBNS



ALL YOU NEED IN  
CENTRAL OHIO

5000 WATTS  
DAILY

## TRI-CITY DISAPPOINTED

Local Station for Schenectady, Home of WGT, Denied

Troy, N. Y., March 28. Tri-City Broadcasting Co., Inc., received another setback in its long quest for a permit to build a new station in Schenectady, when the FCC flatly denied the application for construction authority. Federal body stated that the granting of a license last September to the Troy Broadcasting Co., Inc., for a station in Troy precluded an okay for Tri-City. This, because operation of both transmitters, would result in destructive interference within area. The two would be gone simultaneously in the available channel.

Troy, backed by Harry Wilder of WSYR, Syracuse, has a CP, but awaits a decision by District of Columbia Court of Appeals on WOKO-WABEY's appeal. FCC filed a brief in that court stating Albany transmitters case was without merit. Construction of WSYR might not affect advertising revenue of the Smith-operated stations, argued the government through Counsel John Dempsey, but that had nothing to do with public interest, best served by a station built for and operating in Troy. City, with a 70,000 population, is only one of its size, east of the Mississippi, that does not now have a commercial station.

Ross Filbin has joined WRC-WMAL production department. Formerly program and production manager for WTKX, Vicks, and assistant program director at WGR-WKBW, Buffalo.

## Russell Rides Again

Washington, March 28.

Frank M. (Scop) Russell, NBC's Washington v-p, still touchy over a demonstration of energy plus versatility which misfired last Friday (24). Notified by a frantic employee that no announcer could be found for the Esso broadcast at 12 m—scheduled in 10 minutes—Russell took control of the situation, sprinted to the news-room and edited the news broadcast with an unaccustomed pencil.

Informed that only two minutes remained, NBC exec was prepared to pinch-hit for the announcer. Pay-off came, however, when it was discovered by a check of the program schedule that the Esso broadcast for that particular day had been moved back an hour and a half.

# YANKS CONFER ON ROYALTY

NBC, CBS and Mutual sent reps to Toronto yesterday (Tuesday) to discuss their broadcast operations during the visit of the British King and Queen with officials of the Canadian Broadcasting Co.

Felix Greene, U. S. rep for the British Broadcasting Co., is also taking part in the preliminary arrangements.

# Connelly Raises 'Renegade' Issue

Returns to Blast FCC Anew and Personalizes Attack on McNinch's Record as a Party Member

Washington, March 28.

Missionary work on behalf of a Congressional probe of broadcasting regulation and operation was resumed last week while committees in both chambers kept on stalling about the legislation proposing FCC reorganization and the requested inquiry. Turning to the record of the Commission's own chain-monopoly hunt, Rep Lawrence D. Connelly, tireless rock-thrower, turned on the oratory again, firing away at Chairman Frank B. McNinch.

The New Englander subjected the FCC chairman to an exceptionally sharp attack. Sought to enlist Democratic aid by recalling that McNinch ran out on Al Smith in the 1928 Presidential election and was paid off by Hoover after the Republican victory.

## Raises Party Issue

"Naturally, we are at fault when we entrust the issuance of radio licenses to a chairman who was rewarded by his desertion of the Democratic party," Connelly reminded his party associates.

The present chairman of the Federal Communications Commission rose to fame in his local community as a leader of Democracy. In 1929 he deserted Democracy and was re-

warded by such desertion by appointment by President Hoover to an office in Washington which he publicly testified paid him 10 times more per year than his prior average yearly earnings. This gentleman, as the records show, was accused publicly of failing to file a report of funds used in a political campaign to defeat the candidate of the Democratic party for President of the United States; of having been appointed to a Federal position because of his treachery to the political party which had honored him with public office. For some unknown reason, shortly after Democracy came into power, this gentleman was placed at the head of first one and then another influential and powerful government agency. His administration of the latter agency for the past 18 months has been such that on January 24, last, President Roosevelt publicly stated that he was thoroughly disgusted with the conditions within the Commission."

Don Davis in Bermuda

Kansas City, March 28.

Don Davis of station WHEB, with wife and daughter, off for Bermuda Saturday (25).

Before he left Davis hired Price Harrison, formerly of WSAI, Cincinnati, as salesman.

# OUR HAT'S OFF TO PIKES PEAK

BUT KFOR IS No. 2 ATTRACTION IN SOUTHERN COLORADO

To visitors, Pikes Peak rates as Southern Colorado's No. 1 attraction. Those who live in the shadow of the Rampart Range, however, are inclined to take Pikes Peak for granted. They find KFOR much more exciting.

They're proud of KFOR... as a brilliant addition to community showplaces and as a vivid reflection of the personality of the unusual market it serves.

Just as the market has a buying power far in excess of what might

normally be expected from its 219,000 population, so does KFOR present a picture of equipment, talent and standards seldom found in cities of similar size.

Colorado Springs, statisticians agree, is America's wealthiest city per capita. KFOR, advertisers agree, tremendously influences the spending of that wealth.

# KFOR Colorado Springs

CBS AFFILIATE • 1000 WATTS • FULL TIME

THE OKLAHOMA PUBLISHING CO. • THE DAILY OKLAHOMAN • OKLAHOMA CITY TIMES • THE FARMER-STOCKMAN  
WET. OKLAHOMA CITY • BIL. DENVER (AFFILIATED MANAGEMENT) • REPRESENTED BY THE KATZ AGENCY, INC.

# BUREAU OF MISSING BUSINESS

(This department will be devoted to discussion of types of advertising that, for one reason or another, usually offer resistance to radio. Often, as in heavy goods, the product does not lend itself to consumer advertising; again, as in insurance or utilities, overlapping policies of industrial factors operate against radio. In any event, the object of this series is to stimulate thought and exchange of ideas. Persons within the trade are invited to express themselves, either on specific subjects brought up, or on related aspects overlooked or not covered.)

## NO. 1—INSURANCE

Insurance as an industry appears to be dominated on the one hand by mossback conservatism and on other hand by moribund fear of authority and legislation. Among radio salesmen an insurance company is commonly regarded as nearly impregnable to successful solicitation. This remains true, although the reputation is, at the moment, reported a network possibility, and various underwriters have from time to time reported. Regional campaigns by small companies are intermittently repeated. Several important radio stations, notably WTIC, Hartford; WSM, Nashville; and WOW, Omaha, are owned by insurance companies.

Radio salesmen have found that seniority amounting in some cases to seniority dominates many of the salesmen hierarchy. And they, the salesmen, get the impression that insurance executives are invariably fearful of the man just above and fearful of the man just below in the scale of prestige and authority. This is a pretty ghastly system to go up against. At the top of the heap, Mr. Pollan is, after 40 years getting there, so out of touch with mere mundane affairs that he is a disembodied ghost to the radio salesman.

There is the delicate—oh, so delicate—relationship between the company and its trade association and/or the company and its franchise holders. Corporate funds are withheld from advertising on the theory that agents would derive added benefits without added enterprise. Agents, when approached, grow about too many competitors to start with, too

many rules imposed by the company, too small a margin. In few industries does the advertising salesman get nicely discouraged and nudged up by matters having no bearing on the merits of what he's selling, but definitely preventing him from selling it.

Mutual companies sometimes alibi that they can't spend company funds for fear of stirring up a demand from policyholders for reduced premiums instead of advertising expenditures. Stock companies fear that sponsorship of radio entertainment might inspire sarcasm from legislators, or others taking this line. They can afford the luxury of a \$1,500 tenor to sing songs over the radio, but they won't pay for my sofa that was ruined by a cigarette."

**Future Speculating Possible**  
Radio salesmen, however, think the insurance companies may eventually open up as broadcast possibilities. They make an analogy with the railroad. Although the latter are not partial to radio, they are, it is noted, streamlined in most of their policies today, as compared with a former red-tape-and-stuffed shirt regime which radio salesmen think was very like what still prevails in insurance circles. If the rusty-rusty railroads could see the light of up-to-date consumer relations, the radio salesman thinks that the insurance Brahmins will, in good time, be touched with a little turbulence.

There is, of course, the case of Morris Seigel. His radio attacks on insurance have already inspired radio rebuttals. On WMCA, New York, when approached, grow about too many competitors to start with, too

## Eye-Men Say Nay

Charlotte, N. C., March 28. A group of optometrists in North Carolina have been organized into a special group, established a joint advertising agency, and will go on the radio under the guidance of the J. Carson Bramley Advertising agency.

The move was inspired by a recent biting article in *Readers Digest* tending most eye-men as quacks.

About industrial-type policies, that makes occasional listening to the laymen and that send the spoolery danger-rate soaring among writers themselves. Within the last few weeks the Industrial Insurance Agents of Greater New York were pooled to reply to Seigel over WMCA and also over WMMX, Boston (where Seigel is now) and might be one of radio's unique one-man industries, much like the little-known chap that made \$80,000 in one year by selling music-by-ear courses at \$1 each over WHN, New York. Seigel is now on every radio station in New York and will take him (WOR, for one, not, because he's "controversial"), and his bill for radio time is said to exceed \$100,000 annually. He sprang from obscurity on WBNX in the Bronx, and is probably the most popular name in insurance (at least in the city). Single-handed, Seigel has produced more groundwork for future insurance advertising on the air than any other radio man. He has written and counseled policyholders in their relations with insurance companies. A former counselor, Demarest, is also broadcasting over WMCA.)

Radio salesmen admit that some of the criticism and politics may be good reasons for staying away from sponsored entertainment. But they prefer to be heard and are using conventional silver-chair pool-pooch radio as a vehicle for insurance. Salesmen claim it is simply difficult make sense to scratch off the one medium that might give the famponer five minutes of time in the famponer parlour on congenial terms.

## STATION IDEAS

**Informally Note at WMAX**  
Hankon, D.

Campaign has been instituted by station manager Haydn Evans to bring the WMAX performers and audience to the listening service. First names will be used in the introduction of the spiers, and several stars are planned to point up the one big happy family viewpoint.

Announcers last week broadcast a rich Christmas checker tournament, and in the weeks to follow will hold a spelling bee, a comedy intelligence quiz and a hidden talent night, when each announcer will endeavor to recite a piece to a turn or two of some odd finding.

**Could Camera Nile**  
Oklahoma City.

WKY's studio staffward with candid camera fans last Saturday as the station staged its its annual camera contest. The event started off with an hour and a half show, and continued 8 p.m., when 1000 addicts permitted to snap the acts as they performed. For an hour preceding the show and from 10:30 to midnight the cameramen were free to roam around the rest of the WKY plant and take any picture they desired.

Prizes of \$5, \$3 and \$2 are to be awarded to the best candid picture. There are similar prizes for straight shots and an additional \$5 for the best picture over all. Adequate lighting arrangements were provided throughout the studios for all types of equipment.

## Business Glorification

Legit actors from Cleveland Play House, community rep theatre, are receiving affiliations from WJW-TV, WHK, which is building Monday half-hour series labeled "America Works".

Players will dramatize histories of national business organizations, with headlining here, beginning here, 3. Leslie Biehl and Norman Drydale writing scripts and handling production, with business nabobs taking turns in brief prolog speeches.

Ed Carlson joined Ray Bufum, Bob Marco and Frank Rowan on scribbling at battery of Lifebuoy (Dick Powell) show.

## Spot Campaigns (New, Renewed or Pending)

Stayer Corp. of Berkeley, makers of Mirra (antacid compound) extending Spelling Bee with Tom Breeman to KNX, Hollywood, and KARM, Fresno. Originates at KFSD, San Francisco. Erwin-Wasney is agency.

Artistic Refining has purchased from the Albany Eastern League club the right to broadcast games over WORO or WABY, but General Mills, which took a three-year option in 1937, will share time on alternating basis.

KMOX, St. Louis, is the only local radio station that has, to date, played a sponsor for the 1939 lobby-play baseball broadcasts. General Mills and Scooty-Vacuum will again jointly bankroll the broadcasts of Francis Laux and Cy Casper. With Kellogg out of the 1939 baseball picture, KWK, which had all this account for a bankroller last year, is mulling offers from other sponsors, but has not yet closed.

E. M. Kahn & Co., Dallas department store, signed a year's contract, with summer layoff, for a weekly series of programs, "Voices of Yesterday" on WFAA, Dallas.

B. F. Goodrich Rubber Co., Akron, on March 28, began sponsoring of 15 minutes of the Early Bird program Tue.-Thur.-Sat., on WFAA, Dallas. Set by Griswood-Eshleman, Cleveland.

"Let's Go Hollywood" co-op program has added another sponsor, City of Paris department store in Frisco. Southern California Ford dealers are the only other bankrollers.

Intended for Mutual network if enough sponsors are lined up.

Cohoes Manufacturing Co. is now sponsoring a series of Sunday afternoon five-minute titles "Fashion Notes" on WGY, Schenectady, with Irma Lenke as milder.

Railway Express is readying for an announcement campaign through the Caples Co.

Oldsmobile is planning a spot announcement campaign through D. P. Brother & Co.

Corn Products has bought the "Advertisements of Ace Williams" transcription series, for a 13-week test campaign in behalf of Koro. Gotham is the agency.

Seateless "Your Family and Mine" serial, currently on the NBC red (WEAF) link, will go transcription middle of next month. It will be five quarter hours a week.

Walmut Growers off the air (Call. format) after 17-week test with George Fischer, Bill Gooding, Francis Hunt and Lou Brin's orchestra.

"True Stories of the New York Police" marks dramatic reinstatement program over WHAM, Rochester, for last four years, goes commercial for Bond Clothes. Stories are taken from files of State Police and dramatized by Wayne Shoemaker. Shows are produced weekly, Thursdays at 7:30 p.m. by studio cast, directed by Jack Lee.

R. J. Reynolds Tobacco Co. ("Gen. Washington Tobacco")—\$2 100-week announcements, in May 13 daily except Sundays, through Wm. Ray & Co.

Ferrin Products Co., N. Y. C. ("Amirco")—26 one-minute transcriptions, to April 28, through Street & Finney, Inc., N. Y. C.

Walkover Shoe Stores, time signers, through Combers & Wiswell, WEEL, Boston.

J. A. Wright Co. of Keene, N. H. (silver polbs) is participating in the Caroline Cabot Shopping Service, through James T. Chaurug Co., Boston.

Suazdouson Egg Tins, through Ensign Agency, KDKA, Pittsburgh.

Peter Paul Mounds and Ten Crown Charcoal Gum), sports broadcast and announcements through baseball season. Flat-Fords.

Wolfe's Nursery, Stephenville, Texas, renewed "Money Grows on Trees" (a weekly show on KGGG), Fort Worth, through Thaine & Engle.

Public Service of Oklahoma sponsoring "All-Electric Cooking School," with Lucille Johnson, KTUL, Tulsa.

## Columbia Broadcasting System

Presents

# MISS DORIS RHODES

The Girl with the "Deep, Purple" Voice

## WHAT "VARIETY" HAD TO SAY:

FIRST WEEK, PALACE, CHICAGO

(Week of March 10)

'HONEST MAN'-RHODES FINE \$22,000

"Doris Rhodes carries the singing end strongly. She has appearance, a pair of pipes, delivery, showmanship and a song called 'Deep Purple,' which impressed the audience at this viewing."

HELD OVER SECOND WEEK

(Week of March 17)

"Doris Rhodes holds over on the stage and figures as wicket asset."

OPENING AT THE STRAND, NEW YORK, APRIL 7, WITH GUY LOMBARDO

Many Thanks to BILL HOWARD, HARRY MAYER and HARRY GOURFAIN

Personal Management: TAPS, 1619 Broadway, New York

★

**Cleveland's Friendly Station**

WJW-R  
THE GOODWILL STATION

WJW-R  
THE FAMILY STATION

THE GREAT STATIONS OF THE GREAT LAKES

Basic Station - Columbus, Broad with System

Base at 11:00 a.m. - 11:30 p.m. - 11:59 p.m.

# ONE-YEAR LICENSE LIKELY

## ODDITIES OF RADIO IN ALASKA

By HARRY T. SMITH

Seattle, March 28. R. E. McDonald, general manager of KFQD, Anchorage, Alaska, is currently visiting here on his first trip out of the territory in 12 years. While here he has appointed Verda Bras, of the Alaska Travel Service, as station representative. He gave a 15-minute talk over local station KIRO and visited excess of other studios.

Northernmost station in Alaska, KFQD operates as outside contact for the populace in the Alaskan interior and also makes ship-to-shore contacts within its signal area. It is the only outlet to broadcast a description of a midnight baseball game.

## It Speaks Their Language

## CKAC MONTREAL

- About three-fourths of Montreal's population speak French.
- CKAC sells in French.
- That's why CKAC has almost as many commercial shows between 6 and 10 P.M. as the other four stations combined.

## Canada's Busiest Station

### Completely Frank

London, March 28. It's a way they have gone. Out of the hat when government was picking a new chairman for BBC's board of governors, came name of Sir George Allan Powell, mayor of Kensington and chairman of import duties advisory committee. Questioned by reporters about his new task, Sir George replied: 'I'm going to say nothing about broadcasting, because I know nothing about it. I haven't had a chance to look at television yet.'

played without artificial light. Contest takes place June 21 each year. On one occasion the station aired a Government request for reindeer cowboys at Pt. Barrow at \$10 a day. Herders applied at the station and had to make the 100-mile journey to Pt. Barrow along the beach, as the incident took place during the northern winter darkness.

According to McDonald, the station has occasionally received large contributions from listeners in appreciation of its broadcasting service. Amounts have been as high as \$100. KFQD is a 250 watt, 709 kc, owned by the Anchorage Radio Club, Inc. Chief engineer is W. A. Wagner, and program manager is Ken Laughlin. Station uses Transradio new.

## MOBILE MAN FOR FCC JOB

Washington, March 28. President Roosevelt has nominated Frederick I. Thompson, of Mobile, Ala., to succeed Eugene O. Sykes of Mississippi, resigned, as member of the Federal Communications Commission. Thompson is owner of the Alabama Journal, Montgomery. He's reportedly without previous radio connections or knowledge.

The appointment was urged by Senator Hill, brother of Luther Hill, an executive of the Cowles radio properties in Iowa and South Dakota.

## Spartanburg Forgets Long-Time Radio Peeper

Spartanburg, S. C., March 28. Local dailies have lifted several years old publicity ban on WSPA and also are using major network program listing in both morning and evening editions.

WSPA identification appeared only in recent spot news plugs.

## WSPA Seeks New Niche

Spartanburg, S. C., March 28. WSPA, Spartanburg, has applied to the Federal Communications commission for a move from 620 to 1120 kilocycles with unlimited hours. James D. Mudgett, program director, said station's present wavelength too congested for night broadcasting.

Thomas Sell Grocery Firm Oklahoma City, March 28. John D. Thomas, official of the Plaza Court Broadcasting Co. operators of KOCY here, has sold his 33-year-old Crescent Grocery firm. Will rotate all of his time to other interests including the broadcasting company.

## DASH RADIO HOPES FOR REAL BREAK

Cut in Clerical Burden Helps FCC as Much as Stations —No Confidence in Radio Industry's Will to Do 'Right' Unless Constantly in Fear

### EVENTS CLARIFY

Washington, March 28. Promulgation of new regulatory policies will see the traditional six-month license supplanted by a one-year ticket. But any idea of an indefinite franchise is beyond the realm of probability.

This is the consensus of industry observers noting recent trends and picking up tips from the FCC. General expectation is that the present uncertainties about the future will be materially reduced during the summer.

The FCC apparently is all set to put stations on a one-year basis as soon as formalities are finished and the antiquated principles are brought up to date. Pressure from the industry and Congress seems to be ineffective, and five votes, at least, seem assured for the proposal to double the cost of operating papers. Three members—Commissioners Norman S. Case, T. A. M. Craven, and George Henry Payne—are on record with recommendation that the existing rule be changed to provide for licenses running 'at least one year.' Recently, Chairman Frank R. McNinch has been quoted by daily papers as saying he thinks the period should be extended, to cut down on the volume of clerical work imposed on the FCC and to give the industry some more stability. Industry observers think Commissioner Thad H. Brown will support any move in this direction.

### Braintrusters Stant

The official administration sentiment is said to be for a longer ticket, but not for one good for more than 12 months. Braintrusters reportedly keep an annual check it impossible to keep the industry functioning in accordance with statutory and administrative policies. Longer permits might encourage a defiant attitude.

Hint was thrown out at the White House recently, while Elliott Roosevelt startled both the industry and FCC by his appearance earlier this month at the chain-monopoly investigation by suggesting issuance of an indefinite certificate of convenience and necessity which could be revoked for cause. Three year ticket has been proposed in each of the last two Congresses, although the measures never have been taken up. Latest word of a ticket good for at least three years is Rep. Clarence McClede, Michigan Republican, who bills has encouraged industry watchers.

Formalities still must be gone through. The report of the committee on rules and policies before the Commission, but cannot be taken up yet. Second chapter, containing tables and statistics has not been published, but is due within a few days, possibly by the end of the week. After that has been distributed the Commission will receive exception from attorneys who participated at the June hearings and oral arguments will be in order.

The international situation may hold up promulgation of the revised regulations. Since Mexico still has not given formal promise to ratify the Havana treaty, the Commission cannot tackle that phase of the report which calls for changes in frequency and power assignments.

Joe Fenner will take a Betmuda holiday after his Huskies program is muted March 30.

## WHAS, LOUISVILLE, PEPS UP NEWS STUFF

Louisville, March 28. Paul Sullivan, from WLW, who was scheduled to air nightly news-casts over WHAS for Brown & Williamson on May 1, will transfer here a month earlier. Begins local air-ings April 8. In addition to U. F. Lewis service, station has added INS.

Dick Fischer, who formerly handled news on KWTK, St. Louis, on behalf of J. Walter Thompson Agency accounts, will fill the daytime spots. Station has also sent George Walsh, sports commentator to Florida for two weeks to cover baseball training camps.

Other WHAS changes in acquisition personnel include acquisition of Alan Jackson, who formerly aired over WLW, who is now teamed with Bill Bryan on 'Sidewalk Snappers,' and the exit of Mendor Lowrey and Foster Brooks. Lowrey was chief announcer of the station. His new connection is with KRLL, Dallas. New entertainers added to the staff are Terry Hayes and Frances King, both singers.

Jack Lamarr of Blackett-Sample-Hummert around Hollywood.

## FCC OPPOSES WLW'S LEGAL STEPS

Washington, March 28. Use of different terminology does not warrant denying an appeal clearly asserted under the Communications Act, counsel for WLW, Cincinnati, told the District of Columbia Court of Appeals last week in opposing the right over continuance of the 500 kw operation. Commission attorneys have moved to dismiss WLW's appeal from decision terminating the permit in effect for the past five years.

In opposition to the attempt to duck a judicial review, Duke M. Patrick, representing Powell Crosley, asserted that regardless of the exact tag, the permit is an instrument involved in a proceeding which is subject to court review. For all practical purposes, it is identical with a license, even though labeled 'special temporary experimental authorization.'

## Now Available!

# FREDDY LINDSTROM

Radio Station WLS has signed Freddy Lindstrom, big league baseball star, to conduct the WLS Sports Review, now available to sell your product!

Lindstrom is a former star player with the New York Giants, the Pittsburgh Pirates and the Chicago Cubs... started in baseball under the best John J. McGraw... spent 12 years in organized baseball... played in two World Series... truly one of baseball's great.

And Lindstrom has a great radio show. He knows all the players and will spend each morning working out with the local Chicago ball clubs, then watch the day's game from home team's dugout. From 6:30 to 6:45 he'll broadcast the WLS Sports Review, assisted by Don Kelley.

Chicago and Midwestern sports fans are SURE to listen to Freddy Lindstrom, a Chicago boy and a Chicago Cub baseball star. Freddy Lindstrom is the radio sports find of the year, and he's now available on WLS! For details, wire, call or write WLS or any John Blatz office.



THE PRAIRIE FARMER STATION  
Burdig D. Buder, President (Chicago) Glenn Saylor, Manager

Represented by: JOHN BLAIR & COMPANY  
New York, Chicago, Detroit, Los Angeles, San Francisco



# MANAGEMENT PACTS UNDER SCRUTINY BY D. C. INVESTIGATORS; MANY TESTIFY

## FCC Told of Westinghouse Relations with NBC—Consulting Engineer's Control of Two Stations Revealed—Other Testimony

Washington, March 28. Defense of management contracts entered into the record of the FCC's chain-monopoly probe last week along with arguments that network affiliation does not restrict the ability of station proprietors to render local service. The NBC pacts with General Electric and Westinghouse, which have been assailed in Congress on several occasions—were the

chief subject of inquiry, with representatives of the corporations denying their agreements constitute illegal transfer of control or otherwise violate the Communications Act.

Chief question up for airing was whether the industry pays proper respect to Section 310b of the 1934 statute. Under this feature, Federal consent is required before the license, frequencies, and rights are transferred, assigned, or in any manner either voluntarily or involuntarily disposed of.

While the GE and Westinghouse deals with NBC were of outstanding importance, Commission probes also heard about the conduct of several smaller stations. Incidentally learned that one of the top consulting engineers has wound up as virtual operator of two plants he was hired to assist in prosecuting requests before the FCC.

Although NBC handles virtually all operating details, the contracts negotiated in 1932 and embodied in the consent decree which concluded the Government's anti-trust attack on the radio equipment trust harmonize with the statute, since Westinghouse and General Electric actually run the transmitters at most of the stations involved—WEG, Boston; WBZA, Springfield; KTW, Philadelphia; KDKA, Pittsburgh; WGY, Schenectady; KOA, Denver, and KGO, San Francisco.

### Alfred H. Morton

**On Stand to Explain**  
Alfred H. Morton, web vice-president, who supervises the Westinghouse and GE plants, explained that all contracts are on file at the FCC and pointed out they were registered before the Communications act became effective. Minor revisions, also submitted to the Commission, have been made subsequently but have

not materially altered the terms of the original pacts. In case of GE's two western outlets, NBC actually does the operating, but WGY is staffed primarily by GE employees. Programs and sales in each instance are the responsibility of the web, whereas of NBC, Morton explained, inasmuch as the "complete operation" remains in the National Broadcasting Co. At Schenectady, GE has a very rigid and continuous control, and accordingly is the official licensee. Final verdict in any discussion over programs at WGY is given by GE, Morton explained. They can reject any program, although they seldom have exercised this veto privilege. The manufacturing company does not originate any programs, the NBC exec conceded, but constantly consults with the web officials at the plant and consequently give tacit approval to all operations.

Three West Coast plants owned by NBC and operated by others—KEX, Portland; KJR, Seattle; and KGA, San Francisco—are operated entirely free from network control, Morton testified, except that leases require the consent of the web officials at the Fishers Blend, and Louis Waterman to carry NBC programs.

### Evans, Bullock Follow For Westinghouse Co.

Corroborative testimony was given by Walter Evans, manager of Westinghouse's radio division, and Boyd W. Bullock, assistant manager of broadcasting at General Electric. Evans said Westinghouse not only actually runs the apparatus, but maintains and repairs all equipment, exercising in addition, program supervision in each station. Bullock told the Commission that GE cut out off the program at WGY, but only maintains the equipment at KGO and KOA. Bullock maintained that in allowing control of the station to the owners, he has not given up any right to dictate the management of the plants for which GE and Westinghouse hold the licenses.

Plant taken up were KPIT, Paris, Tex.; WCAM, Camden, N. J.; WBAX, Wilkes-Barre, Pa.; WWL, New Orleans; WMBI, Chicago; WFBZ, Baltimore, and WQDM, St. Albans, Vt. Virtually complete control over KPIT is exercised by Texas State Network, Elliott Roosevelt testified. Denying any illegal transfer, the President's son explained his regional chain felt an outlet in the town was desirable and agreed to support it. While his crowd determines policy, the licensee has a veto power and is consulted about programs. Web representative can do the hiring and firing.

Block sale of time—to be farmed out for individual sponsors—was brought to light during the inquiry into WCAM. Practice has been frowned upon, sometimes leading to temporary abandonment for other licensees who operate in this fashion. Taking the viewpoint that only proper service is provided, Fredrick Caperton, managing director for the city fathers, Thomas M. O'Neill, city auditor, and Aaron Heine, secretary-

treasurer of Mack Radio Sales Co., said that the employment of advertising contracts by the municipality.

Under the contract, Mack group buys 1,300 hours per year out of the approximately 1,750 hours the transmitter operates. City can buy 100 copy or accounts if they violate FCC regulations, and is consulted before any overtures are made to terminate the arrangement. Heine disclosed the city had trouble in 1934, and a year, admitting no statement of the company's income is furnished the city. Heine said he had no objection to the time option, leaving the city to fill gaps.

### Glenn Gillett Backstage Boss of Two Stations

Glenn D. Gillett, consulting engineer, was revealed as backstage boss of WBAX and WQDM. John H. Adams, critic of the former, said Gillett "assumed management" under a contract which requires him to buy the outlet. E. J. Regan, co-partner in WQDM, told a similar story.

In the Wilkes-Barre situation, Gillett's most decisive action, through Stenger technically has the final say, commission learned. The invisible boss of the hiring and firing, according to Stenger, but Dale Robertson, manager of the plant who was hired by Gillett, said Robertson dictates personnel matters. Gillett explained that when Stenger was unhappy with his partner put up cash and helped get competent personnel, advancing \$16,000 and guaranteeing payment of \$7,000 other obligations.

Money trouble also was responsible for Gillett's entry into the St. Albans picture. Regan said he and F. Arthur Bostwick, his partner, teamed up with the engineer, and G. S. (Pet) Wassser (Ferguson & Adson) who now is station manager, when they required financial assistance but insisted "we must approve all he does." Gillett in effect has control, with Regan being hired to serve as chief engineer, the commission learned. Wassser signs checks, Gillett assumes losses and Regan & Bostwick are promised 50% of any profits. Admitting he has an option to buy, Gillett said he has only "advisory" power over personnel and exercises no control over WQDM program. Wassser agreed on the whole, saying that on policy questions he first consults Regan & Bostwick, although they are his employees, before taking up any important issues with Gillett.

Actual control of the Baltimore station is in the hands of a voting trust, set up in 1934 because of squabbles, William L. Marbury, Jr., counsel, testified. Commission consent was not obtained, he admitted, although George B. Porter, assistant FCC counsel, was consulted when the present pact was drawn up. As soon as the commission called for statements of ownership and control in 1937, a copy was submitted. Control actually was shifted to the trustees in 1934 when Regan went into effect, Marbury stated.

Maintenance of subsidiary corporations for technical reasons, Fredrick Caperton, managing director for the city fathers, Thomas M. O'Neill, city auditor, and Aaron Heine, secretary-

it was necessary to create a license-holding company because the Moody Bible Institute has two alien trustees. Rev. Harold D. Gaudin, president of Moody Bible Institute, attributed existence of WWL Development Co. to the fact it would be "improper" for the clergy to be in business. Control over the New Orleans plant actually is in the hands of the university, Father Gaudin maintained, with stock all held by Marquette Association for Higher Education, a non-profit unit set up in 1907 to hold bequests to Loyola.

The conundrum passed over the status of KSTO, San Francisco, since the denial of permission for CBS to lease the outlet is being tested in the courts, and also dropped its plans to lock into WCAJ, Canton, N. Y., because a proposed shift never has been carried out and the application is still on the FCC docket.

**PAUL WHITEMAN**  
and his ALL-AMERICAN BAND  
PICKED TO PLAY THE  
**New England Confectionery Show**  
NEWCASTLE HALL BOSTON  
MARCH 30th AND 31st  
TUNE IN TIME  
**CHESTERFIELD SHOW**  
CBS Coast-to-Coast  
Wednesday, 8:30 P.M.  
BOOKED EXCLUSIVELY BY  
Artists Management, Inc.  
107 East 45th St. New York  
Murray Hill 2-1888

**WFLA**  
IN BALTIMORE ITS  
NATIONAL REPRESENTATIVES  
EDWARD PETTY  
ON THE NBC RED NETWORK  
TO COVER  
**GREAT BRITAIN**  
YOU MUST USE  
**RADIO NORMANDY**  
Full Particulars of Air Time and Talent from  
International Broadcasting Company, Ltd.  
37, Portland Place, London, W-1.

**GLENN AND JENKINS**  
at the COTTON CLUB  
NEW YORK  
NOW  
Management  
**JOE GLASER, Inc.**  
830 Bldg., Radio City, New York  
**WBAL**  
means business  
in Baltimore

**'THE O'NEILLS'**  
BY ANNE WEST  
NOW RADIOS MOST POPULAR  
FAMILY BRINGS YOU MORE  
LAUGHTER TEARS AND HEART-THROBS  
Presented by the 1939-39  
**LISTEN TWICE DAILY**  
NBC Red Network, 12:15 to 12:30 P.M. EST  
CBS - WABC - 2:15 to 2:30 P.M. EST  
IN... COAST TO COAST  
DR. COMPTON ADVERTISING AGENCY  
MGT. ED WOLF—RKO BLDG., NEW YORK CITY

**EVERETT**  
AMERICA'S NEWEST SINGING STAR  
JOINING  
**AL PEARCE AND HIS GANG**  
APRIL 3—NBC  
Just Completed  
14 weeks  
**CHEZ PAREE**  
CHICAGO  
Management WILLIAM MORRIS AGENCY  
Now Playing  
**FOX THEATRE**  
ST. LOUIS  
(With Al Pearce)

# Background Buzz

## SOUTH

Bowling program is being aired by WWJ, New Orleans, with a good show being a three per week tennis program.

WEEZ, Great Dinner at Nick's, new novelty tune by WKY, Oklahoma City, station manager, Charles Prochnau, manager of Advertiser Publishing Co., weekly newspaper.

WSEB Atlanta, outreach, Marcus Bartlett led spinning last week for National Farm and Home organization on Georgia campus. Athens, Edwin Camp, mid-morning newsman, out for month following major operation; Hidden Valley Bambalene, hillbilly music crew, has joined station's Cross Roads Follies entertainers.

Paul Ross, chief engineer, KWSO, Ardmore and Fred Blackburn, engineer, back on duty after attending short course in radio television and facsimile at the University of Oklahoma.

Five Kirby directing and narrating new series of shows on WWL New Orleans, based on the stories of Edgar Allan Poe.

The Rube, KTUL, Tulsa, sportscaster in the Tulsa baseball club training camp at McAlester, Texas where he makes transmissions for a three per week show, "Hot Stove League" for KTUL.

KGKO, Fort Worth, has Rex V. Lewis as Dallas commercial announcer. Mercedes Jene on staff of WWL, New Orleans.

Johnny Michel, traffic department KOMA, Oklahoma City, has resigned. Replaced by Raymond Huff.

David Fris, KOMA, Oklahoma City, salesman, resigned to join the sales staff of the Albany, N. Y., Times-Union.

Catherine Prince doing vocals on "Newlove" at WFAA, Dallas.

Marion Alford, formerly with KTSH, Hot Springs, has joined the announcing staff of KLLA, Little Rock.

Amanda Prochnau, formerly in traffic department at KCFB, Little Rock.

homa City, now see to Robert Chapman, commercial manager of WKY, Oklahoma City.

Faye and Maco, formerly billed with WG-NBC as "The Maids of the Prairie," at KGKO, Fort Worth.

MRS. Elliott Rose, in the department at KOCY, Oklahoma City, replacing Amanda Prochnau.

WYLS, Dallas, has a new department at KOCY, Oklahoma City, replacing Amanda Prochnau.

Eddie Lyons from MBS and Don McNeill from Piper from KSAM, Huntsville, Texas, new announcers on Texas State.

Jack Kline has joined KOMA, Oklahoma City.

At big brother WWL, New Orleans, to marry Thos Spitznagel and May 18.

Reg Moreland, night stager, and Cass County Kids, instrumental and vocal trio, in new "Texas Special" program on WFAA, Dallas, under sponsorship Stuftebene Brothers, commercial producers.

Mrs. Elliott Rosewife, wife of the Texas State Network president, supervising landscaping and decoration of networks home offices in Fort Worth.

Max Bennett, Texas newspaperman, has been named as the new outlet of TSN, in new series of commentaries on that network.

Tommy Hamner, continuity editor WKY, Oklahoma City, has been appointed as Leander Heitz, new addition near WKY transmitter, northwest of Oklahoma City.

Frank Berger, WSB, Columbia, S. C., has been only radio in the state prison death chamber when two men were executed for slaying a prison guard.

Bob Pollock new speaker on WSB, Atlanta, Ga.

Lee Bennett, formerly with WRGA, Atlanta, and WRDW, Augusta, Ga., has joined announcing staff at WAGA, Atlanta.

## STATION BUYS DAILY

Reverse Routine Reported From State of Vermont

Washington, March 28. Purchase of a newspaper by a broadcast station started P.F.C. commission Monday (25) and represented first case of its kind appearing in commission records.

Case of the above-named purchase brought dissents from Chairman McNinch and Commissioner Paul A. Walker, but a majority of the commission approved the sale of WCAW, Burlington, Vt., to the Vermont Broadcasting Corp. New York City will acquire and publish the Burlington Daily News, present licensee of the station.

With 240 newspapers owning broadcast stations, WCAW deal presents the only known case of broadcast-station-ownership of newspapers. Transmitter, which is operated on 1200 kc with 100 watts night, 250 watts day, will pass into the control of Charles P. Hasbrock, treasurer of the new corporation. He pays \$20,000 for the newspaper and radio plants to H. Nelson Jackson, present owner.

McNinch and Walker dissents were not based on shock at the unusual request. Complain chairman voted that the newspaper and radio acquisition had not been proved to be in the public interest. Walker nixed the case.

Walker also said he held a hearing should precede commission action.

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# Ethridge, Rosenbaum Endorse Network Exclusivity as Sound Biz Practice

Washington, March 28.

Network ties are advantageous, not contrary to the public interest, as far as independent stations are concerned, two spokesmen for the chain affiliates told the FCC network-monopoly investigators last week.

Both Samuel R. Rosenbaum, president of WFIL, Philadelphia, and Mark Ethridge, chief of WHAS, Louisville, spoke up for their own and reassured the regulators that Independent Radio Network Affiliates do not want to put too many curbs on the chains.

The webs must have an option on the time of the affiliates, if they are to function on a sound basis, Rosenbaum declared. Benefit to the Indies comes from the supply of programs and assurance of revenue which are ample considerations.

Before any particular rules are adopted covering network affiliate relations, the Commission should see whether satisfactory understanding cannot be reached through self-regulation, such as IRTA, has initiated, both Rosenbaum and Ethridge advised. Former president of the National Association of Broadcasters frankly doubted the ability of any governmental body to solve this situation.

As long as affiliation is a voluntary

matter, Ethridge cannot see why the Federal Government should feel obliged to take a hand. Even the exclusive terms of contracts are desirable, as a safeguard for the affiliates.

Besides being able to reject overtures if the owners desire, the Indies reserve ample time to tender the required local service, Ethridge maintained. Furthermore, if station is so valuable to any network that all of its time is taken for web use, it is in a strong enough economic position to get along on its own or to drive a satisfactory bargain. Better programs, particularly the sustaining features, represent a material benefit to the public.

Without exclusivity clauses, low-powered network outlets might be injured, the WHAS exec cautioned the Commission. More desirable for stations to be hooked to a single network on a semi-permanent basis than to be shopping around or tied into a chain only on catch-as-catch-can basis. There is the angle of listener goodwill and of identifying the outlet with certain type of service in the public's mind. If nets could pick their outlets for every individual program the disters would be plagued by uncertainty and confusion while the less powerful plants often would be chopped off to satisfy different advertisers.

## N. Y. Senate OK's Bill Checking Off-Air Discs

Albany, March 28. By a vote of 47 to 1 the New York state senate today (Tuesday) passed the Perry bill, which would make any one who takes a recording of a broadcast for pecuniary gain without permission guilty of larceny. The measure, which has the support of the National Association of Performing Artists and the American Federation of Musicians, now goes to the state assembly.

Under this bill, which was introduced by Senator Charles D. Perry of N. Y., written consent must be obtained from the person recording and without such the recording must not be offered for sale, sold, leased or licensed.

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## Leadership

A January, 1939, listener interest survey revealed that WWJ led the three networks in Detroit by

65 (87) 207

Such leadership merits the most careful consideration of advertisers in the Detroit market.

Owned and Operated by The Detroit News

Represented Nationally by Geo. F. Hollingsby Co. New York Chicago Detroit Kansas City San Francisco Atlanta

... says the evidence that listens to her SINGING BE-3... every Wednesday night from 8:00 to 8:30... Here's a show that has everything—music, comedy, quizzes, prizes. More than that, it has the showmanship of Welcome Lewis. Some smart advertiser will want this program. Write WHN today.



"WELCOME, WELCOME LEWIS!"

... says the evidence that listens to her SINGING BE-3... every Wednesday night from 8:00 to 8:30... Here's a show that has everything—music, comedy, quizzes, prizes. More than that, it has the showmanship of Welcome Lewis. Some smart advertiser will want this program. Write WHN today.

WHN DIAL TOTO



Well, bless my soul! There's that Mr. Stanley again—

There's that Mr. Stanley telling all those people how WOR's Morning Gym Class pulled 23,215 requests on one announcement.

Land sakes! He says it pulled 64,494 on two announcements—Wish you'd tell those people all about WOR's other good morning time while you're at it, Mr. Stanley.

Hmm—so you won't? Well, I guess your office will.

Right, Fred! Any agency times-buyer or national advertiser anxious to put his money on some of the sweetest morning spots now open in radio, could do worse than wish, write or call—

Sales Offices—New York, 1440 Broadway; Boston, 80 Federal St.; Chicago, Tribune Tower; San Francisco, Russ Bldg.

# WOR

Key Gordon Books WOWO Ft. Wayne, March 28. Roy Gordon, former WOWO announcer for Quimby theatres, Ft. Wayne, resigned post to handle bookings for WOWO Morning Roundup. Gordon will book troupe into smaller theatres throughout Indiana, Ohio and Michigan.



15 Best Sheet Music Sellers

(Week ending March 25, 1939)

Table listing 15 best sheet music sellers with titles and composers. Includes 'Deep Purple' by Robbins, 'Penny Serenade' by Shapiro, etc.

The others are pops.

Kyser to Catalina Isle

Ray Kyser orchestra jumps to the Coast following its short return date at the Pennsylvania hotel...

NOVACHORAL AS FOE OF LABOR

Hollywood, March 28. The Novachoral is in bad with the American Federation of Musicians...

Novachoral Soloists Bridgeport, March 28. WELL, New Haven, reaching into Bridgeport for daily pick-up...

Persistent Bribing Not Discharge Cause If Passer Is a Publisher Partner

Council for the Music Publishers Protective Association and the Professional Music Men, Inc. have got together on the wrong of an outrage which, it is alleged, will regulate plug practices within the industry...

Only major change from the version suggested by the PMMA is that involving contactees who own a piece of the firm they're working for or are an owner partner...

Attorneys in charge of the pledge drive are Sidney Weintraub, for the NPPA, and Samuel Jones, Buzzell, for the PMMA.

Isham Jones in Firm Albany, March 28. Goodson Music Corp. has been chartered at Albany to conduct a business in music sheets, books, etc.

Von Trier Avers Nick Kenny 'Skipper' Is Words-Music Lift on 'Blanket Bay'

Harry Von Trier, composer and publisher of 'All About on Blanket Bay', has asked his counsel, Gold & Gumm, to take action against Leo Feist, Inc., and Nick and Charlie Kenny in connection with the latter's current tune, 'Little Skipper'...

Harry Berman, N. Y. C., filing attorney.

ROY TO APPEAL Not Accepting Technical Defeat in Feist Action

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Never Good Enough for Network Until MCA or CRA Is Manager, Sarcastic Claim of Rex Riccardi

Doubly Guilty?

Columbia, S. C., March 28. By that Frank (Pat Sam) Boyd was founder of Big Apple left Federal Judge Frank K. Myers rather rigid and he sentenced Boyd to six months for violating internal revenue laws...

Philadelphia, March 28. Blast against Music Corp. of America and Columbia Records Artist over their alleged monopolistic control of network time for dance records is being prepared this week by the Musicians local here...

Seeks British

Okay on Yank Dance Bands

London, March 28. As a result of conferences between Irving Mills, American band manager, and Jack Hyton, Jack Harris, Bert Ambrose and other leading London masters, the local Musicians Union is approaching the Labor Ministry with a proposal that the ban against specialized American bands be lifted.

Mills' primary concern right now is Duke Ellington's organization, now en route to Oslo, Norway, on the first leg of a European tour.

Another bill directed at the American Society of Composers, Authors and Publishers has been introduced in the Oklahoma legislation.

New Oklahoma Slap Oklahoma City, March 28. Another bill directed at the American Society of Composers, Authors and Publishers has been introduced in the Oklahoma legislation.

copyright owners wishing to do business in the state would have to register with a state office...

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Outside (the Board) Opinion Solicited By ASCAP on Availability Setup

Musical Cue

Chicago, March 28. As happens periodically, the large number of names bands concentrated here lures the New York music execs to the loop for courtesy calls...

Russ Morgan (Chez Paree) and Francis Henderson (who shares his usual work with the new venue at the Grand Terrace) somehow got most of this specialized plugging...

Get Out of Town.

Willard Alexander Quits MCA; Has No Future Plans

Willard Alexander, v.p. of the Music Corp. of America, resigned from the organization, effective this week. He had been connected with MCA for the past two-and-a-half years in charge of a section of the booking outfit's swing band complement.

Alexander advances no reason for his sudden withdrawal other than he's physically tired and needs a rest. He will go south, either to Miami or Bermuda, for a three or four-week stretch, and claims to have no solid plans until he'll get on his return.

ELKS URGE A.F.M. LIFT BAN ON MARINE CUFFO

St. Louis, March 28. Sam P. Meyers, prez Loc 2, A.F.M., has asked Joseph M. Weber, international prez of A.F.M., to press through to the U. S. Marine Band at the National Elks' convention meeting July 10.

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Musical Notes

Cy Feer doing musical score for 'Street of Missing Men' at Republic.

Johnny Martin and Freddie Rose cleft title song for Republic's 'Blue Montana Sky'.

Ray Webb scoring 'Fixer Dugan' and 'Sorority House' at RKO.

Vernon Davis' New York Nocturne' suite is being published by Robbins as a sequel to his 'Louis Arms' 'Merry'.

Sigmund Kramgold and John LeBlond doing musical score for 'Union Pacific' at Paramount.

University of California accepted a set of Paramount scores for its music library.

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Gilbert East With

Cost Say on Pact

Hollywood, March 28. L. Wolfe Gilbert, Coast head of Songwriters Guild, has been sent to New York with suggestions of local members for the new standard contract being drawn up with publishers.

He stays east a month in the interest of his publishing biz.





7 Jersey Theatres Use Wildcat Units On Straight % One to Three-Day Basis

Wildcatting vaude through through Jersey on a straight percentage basis has been built up to a fairly profitable business by J. Linder, owner of one of vaude's top indie bookers. Linder already has seven indie theatres lined up to play with wildcat troupes of six to eight acts, towns playing 'em on a one-two and three-day basis. Longest date is the Opera House, Bayonne, three-day opening on Thursday. Next is the Orpheum, Jersey City, Fridays and Saturdays. Other spots are one-day stands and the Palace, Morristown, include Queen Ann, Bogota; Liberty, Freehold; Traco, Toms River, and the Lyric, Bound Brook. The Morristown, Bogota, Toms River and Bound Brook houses have been and into the future. Troupes open in Morristown on Sunday and then lay off till Wednesday, when they play Bogota with Toms River and Bound Brook following in that order. Salaries are reportedly small and the acts only work one or two shows a day, depending upon the town. Paramount, Freehold and Jersey City, Linder usually tops the shows with a semi-name for added draw. He provides the pit bands of five or six musicians.

FELIX FERRY'S MONTE CARLO SUED ON NAME

Felix Ferry's new niter, the Monte Carlo, on the site of the former House of Morgan, New York, is being sued by the Monte Carlo Catering Co., Inc., a W. 48th St. (N. Y.) spot, which charges trademark infringement. Ferry's holds a class room, rivaling El Morocco, with Gene, of the Colony restaurant, associated; also Leo Shure, the agent, Gilbert W. Kahn of Kuhn-Loeb, and others. Ferry's corporation, Feram, Inc., is named in the N. Y. supreme court action. The 46th street Monte Carlo is valued at \$100,000 advertising its trade name.

Fox, Del., Quits Vaude; Deal On for RKO 1st Runs

Detroit, March 28. Fox theatre, now under control of 26th Century-Fox, is scheduled to drop vaude June 1 and go straight pictures. This follows negotiations with United Detroit (Par) theatres circuit, which will give Fox the first-run rights on RKO product.

Astrologer Sues Theatre For 10G in Booking Switch

Hollywood, March 28. Prince Eriek Reiser, mentalist and astrologer, has filed suit for \$10,000 against the Million Dollar theatre, Arthur Wallace. Plaintiff charges the theatre advertised his appearance on the stage between March 16 and 22 and hired someone else in his name.

Folds for Summer Philadelphia, March 28.

Frankie Palumbo, for the second season in the history of his spot, which goes back to 1934, will shutter here this year. He will again operate Palumbo's regular Tavern on the Boardwalk, Atlantic City, taking all Philadelphia employees with him. Plans to shutter here and unveil the shore spot shortly after Easter.

2 NEW VAUDES The Schubert theatre, Brooklyn, now playing travelling legit, opens with a vaudeville bill on Sun.

Leadoff show will be an N.T.G. unit. New L. A. Vaudeur Los Angeles, March 28. Al Schwartz and Howard Tawcett are opening the Westlake Music Hall, here, about April 12. Program calls for eight vaude acts and mallets afterpiece night.

House, seating 800, is being re-nodded.

Int'l Complication Pittsburgh, March 28.

Note on the international situation: Italian Gardens, operated by John Lazaro and Alex Covato, has a new tag, The Tropical Gardens. Who's claimed name was hurting biz.

MAE WEST SEEN SETTING NEW K HOUSE MARK

Mae West is headed for a certain boxoffice record this week at the Paramount theatre, with the take expected to come close to \$25,000. Previous record, which was set to \$22,000, was set recently by Artie Shaw's orchestra.

Miss West's business in Newark, her second week of a personal tour, is in direct contrast to her gross last week at the larger Fox, Brooklyn, where the final tabulation was under \$22,000. She was in at the Fox with her unit at a \$10,000 guarantee, plus 10% of all over \$55,000. House was expected the final result as distinctly disappointing.

In Newark, Miss West's show is playing six standbys at every show. She did six openings day (24), seven on Saturday (25), five on Sunday (28) and six shows again Monday (27) and yesterday (Tuesday).

The show lays off next week and then opens at the Roxy, Atlanta, from where it goes on Interstate time for three weeks in Houston, San Antonio and Los Angeles. The arrangement is reported to be a 50-50 split with the theatres from the first \$50,000 gross, after \$50,000. If under that, Miss West's unit gets 40% of the grosses.

Willie-West-McGinty Set for Expo Aquacade; Rose's New Casa Show

Willie, West and McGinty will be signed by Billy Rose for Aquacade at the New York World's Fair, opening April 30. Unlike the other acts in the show, which have six-month tickets, the comedy trio will pull out in late summer for London and return for the original Casa Show at the Palladium.

Herman Citron set the Fair deal. Rose's Casa Manana, April 6. A revue tracing the history of mad entertainment in the U. S. over the past 150 years. John Murray Anderson's orchestra.

Includes Ozzie Nelson's orchestra, Yacopi Troupe, Don Barclay, Deborahs, Yola Gall, James Brown, Charles King and Jack Cole's Balinese dancers. Robert Alton directing the dances, and Dana Sussman composed the original score. This marks the first girl show at the Casa since last May. Spot is dark until opening night.

Ice Follies' Registers Smash \$65,000, Mpls. Minneapolis, March 28.

'Ice Follies' set to give the best business of any ice show ever to play here. Gross for 10 nights and two matinees at the Orpheum, the \$500,000, several thousand dollars more than the arena took in for the same season and considerably more, comparatively, than the Sonja Henie show drew for 12 days in the same season several months ago. Current engagement undoubtedly will be aided by early accompanying presentation of the film, 'Ice Follies of 1933,' at the State theatre here a week before the fresh-and-blood show.

3 Sailors to Rio

The 'Three Sailors, currently at Loew's Strand, New York, have been sent to Rio de Janeiro, Brazil. They sail April 8.

BIG NUT HITS FLATBUSH NET

New name band policy at the Strand Flatbush theatre, Brooklyn, met with good success by profits in its first week. House was forced to charge off all advance campaign expenses and other overhead. Business would have been considered profitable had it been a normal week, instead of a tryout of a new policy.

Policy seems to have caught on this week. Policy's second business so far is reported ahead of last. Benny Meroff's band and the 'Three Sailors' are current. Fred Norvo-Didilly band premed the policy.

Alex Finin, with Moss At Mayfair, with Boston Int'l Casino; Hale Show

Alex Finin, operator of the Mayfair Club, Boston, and Joe Moss, who operates the Boston International Casino on Broadway for a reported \$50,000. According to plans, they may intend to re-open the spot around May 1 with a George Hale revue.

'International Casino was opened by a syndicate, of which the major financial portions were originally held by Moss, Lou Brecker and George Otten. The elaborate project was not in financial difficulties because of its heavy operating unit. When it went into receivership, Bob Christenberry, general manager of the Astor hotel, directed its operation.

After closing several months ago, several propositions were advanced for the reopening of the institution. One of them was made by Music Corp. of America, which wanted to turn it into a ballroom and showplace for its name bands during the World's Fair season. Another idea advanced was for George White to stage a 'Scandals' in the spot. Plans for the Mayfair Club operation in Boston is reported one of the most profitable niteres in the country. It carries three shows, with changes once-a-weekly.

N. Y. HOTEL UPS SHOW FOR WORLD'S FAIR BIZ

The Hotel St. Regis Roof, New York, as part of its World's Fair preparation, will go to the show showmanship via Paramount hook-up with LeRoy Prinz's revue. Later features Mary (Punkies) Parker and Billy Daniels, Par dance troupe, plus six chorines of one of Par's Par studio lines.

Included in the Fair preparations is the hotel's plan to keep open nearly 100 of its rooms. The show, including the Iridium (former) group, which heretofore has closed for the season, Joe Rines' orchestra is again booked for the summer stop at the Hotel St. Regis Roof, the Viennese part being dropped by Vincent Astor when the Iridium Room's current ice play, with Dorothy Lewis, Mary and Margaret Langbrake. George White will hold over all summer. The room is all-conditioned. Charles Baum's and Don Marjori's bands likewise continue.

OK Room continues open. The Metropolitan Room also closes over the summer the end of April. Current show featuring Bill Monti, Eddie Nazarek, George Fares and Charlie Nari, Boris Belostokiy and Vassilio Apostolides round out the show with Nicholas and the three two bands, dance and tzigane units.

Rockwell-O'Keefe Seeks Elimination Of Theatre Dates' 50-Mile Protection'

Bromo and—

Philadelphia, March 28. Drugstore in the midtown film zone has been bitten by the theatrical band. It has signs in its window offering a 'personal appeal' attraction.

In-the-Shop, Le Roy, billed as a noted psychic.

SHA W ASKS 100% HIKE FOR N. Y. REPEAT

Artie Shaw, who played the Strand, New York, a month or so ago at \$6,000 gross salary, is now asking \$10,000 net for the same spot for a return engagement. Same figure is being asked from other theatres for the Shaw orchestra.

At \$10,000 net, if booked, Shaw's band will be getting nearly 100% increase in salary. Previously, the band itself had to bear the extra part of standby musicians, required for all non-Local 802 (N.Y.) orchestras, amounting to close to \$2,000. The new 'set' arrangement 'self' theatre takes care of the surcharge. At that rate, cost of the Shaw band to the N.Y. Strand, for instance, would be close to \$12,000.

Only other band that get kind of money at the Strand was Kay Kyser, who was there recently. Later was in on a \$10,000 net deal, with the theatre paying for the standbys besides.

Adele Rowland Back In Show Business As N. Y. Cafe Attraction

Adele Rowland's House Party (Adelle) marks the comeback of the former vaudeville headliner, in retirement some 15 years, since she married (the late) Conway Tearle, singer with the Kings of Rhythm. Tearle's behest that Miss Rowland returns to show biz, in a new site Edwards has taken over at the Elysée hotel, New York. It's the former 'Rooftop' (as distinguished from the Elysée's street-door Monday Bar) and it will be renovated into a sort of cabaret-theatre for Miss Rowland.

Edwards, brother of Gus, is a pioneer cafe man, dating back to the '20s. Tearle's death, when he presented the Castles, Joan Sawyer and Jack Jarrick. Miss Rowland's return to show biz, at it was the RKO 'Castles' film that inspired the idea of himself going to cafe work, especially in view of the World's Fair. New spot opens April 12. Irving Fisher, Ziegfeld juvenile, and another will appear at the House Party.

Rivera, B'klyn, Back To Split-Week Vaude

The Rivers, Brooklyn, booked and operated by Al Rogers and Bill Miller, has returned to vaude on a split-week, rather than half-week. The Rivers opened on a five-day stage show, but then switched to shows for the first-half only when the arena would hold up.

Now it's playing name bands the first three days a week, and eight moderately priced acts the half at 25c top. Indie theatre's failure to get good film groups forced the switch back to the last-half vaudeville policy.

MORGAN CHI H. O. Chicago, March 28. New show in the Cies Fares get away on Friday (31) and will headline Cross and Dunn, Raye and Naldi, Adelaide Mitchell and the three two Russ Morgan orchestra holds over.

General Amus. Corp. (Rockwell-O'Keefe) will attempt to eliminate the '50-mile protection clause' in theatre contracts.

Issue arises from the squawk of the Brands' Flatbush, Brooklyn, over the '50-mile protection clause' in Paramount to allow Larry Clinton's orchestra to play that spot's vaude. A longer contract calling for a date next September.

According to Tommy Rockwell the bands on his office's list will in the future be signed to contracts limiting their prior, or future, bookings within a certain territory. This would be contrast to accepted practice in vaudeville for years, as theatres have always retained the right to stop named troupes from playing opposition theatres within a certain period.

Rockwell's step has the concurrence of Bernard A. Miller, personal manager of the Clinton orchestra.

Reaction of Paramount and Warner Bros. booking offices yesterday (Wednesday) was that allowing the mere 'we'll deal with that when it comes to us.' Bookers Harry Kalish and Sam L. Lewis (both KAL) pointed out that theatres must be protected on bookings, or else the situation would be chaotic. Par and WB are chiefly concerned in the band-booking situation, for the Paramount and Strand, respectively. If the 'protection clause' is eliminated from their contracts, it would mean that the scramble would ensue between the two spots on bookings.

Warner Bros. has waived the 50-mile protection clause on its Jimmy Dorsey booking, thus allowing the Flatbush, Brooklyn, to play Dorsey April 7 for the Brandt Bros. immediate booking. The Brandt Bros. of the WB Strand, N. Y. Dorsey closes at the Strand at other admissions the same day.

Last week, the Brandts complained because Paramount, which had booked Dorsey, failed to permit the band to play the Flatbush in May.

The clause against which Brandt sided up to now, however, is one which has been in use right along by Par, WB, RKO and others in the theatre business for many years. Under entertainment Clause stipulating that an act cannot play another engagement within a certain territory to fulfillment of the date or within 90 days after its completion.

Whereas the clause is a restrictive clause on Dorsey regardless of the fact that Broadway theatres have a 50-mile protection clause, it stands is that WB can do what it pleases. Brandts are good customers of WB in town.

Par in the past has waived its 50-mile protection clause in favor of this arrangement. News arose at the house. Although Dorsey only opened at the Strand Friday (24) the Flatbush starting Saturday (25) Dorsey date the same day.

HEADS VOTE TO DROP K.C. JUBLESTA THIS YR.

Kansas City, March 28. 'Jubilesta' directors here last week voted to abandon the 1939 show, an annual affair. Three previous celebrations were held in the fall, but the directors agreed to drop the date of showing this year to late June. This was done to prevent contact with the RKO 'Castles' stock show and other fall events.

Lock of time in which to sign name bands was the reason for a five-day session of two-day vaude was given as the principal reason for abandoning this year's showing.

MCDONALD RECOVERED Ray McDonald, of the former team of Ray and Grace McDonald, has resigned from the Cies Fares and has begun rehearsals for a return to the stage. His sister is currently in 'One for the Money' with the Cies Fares and expects to do straight dramatic parts at strawhite this summer.

Team formerly split as a dance combo.

# Night Club Reviews

## LA CONGA, H'WOOD

(Continued from page 32)

Featherstone with the drum beating and sound-effects of Eduardo Chavez's Mexican tunes. It's easily the hottest tip-tapping town there never a lull, each crew on for about 15 minutes. On the stage, there is a circular bar, with an indication for drop-ups—each night on all night of the round without paying the \$2 minimum. Traffic is slow on champagne, but fast on Saturday. Libations rate 50¢ a quart, 75¢ a glass. The club is a real rumba craze that is acting as a boomerang. So successful that other clubs are going for a stencil, and that means splitting up the trade. Some of the spots are here dictating the rumba thing in here stay for a while for the very good reason that it gives the dancers a chance to show off, and the reason enough. Heim.

## Minnesota Terrace, Mpls.

Minnesota, March 25.  
Emery Deutsch's orch. (13). Mildred Craig, Haynes & Glager, Herbert.

More than meeting the requirements of this class spot. It's a 100 per person night of the appeal to the more critical light fantastic trippers. Mildred Craig and her orchestra claim out sweet and hot dance music of the type that has made the five addicts as well as the conservative, so Deutsch has bowed to modern merry dance music and abandoned the string staff that helped to establish him, and he blossoms forth with a first-rate modern jazz band, instead of Gypsy orchestra. The aggregation, conforming to present styles, is almost wholly brass, excepting a bass viol and the mestro's own violin.

Current floor shows, like most of its predecessors, is of modest proportions. Dance music is almost always the principal lure here and this show is no exception. Deutsch's fading influence a distinctive quality that enhances the dance music's values. The theatre wisely confines itself to the standard pop numbers. Arrangements, for the most part, are conventional, but the rendition is above and evidently to the dancer-connoisseur liking.

Several of the band boys warble, but the featured singer is Mildred Craig, a looker who sells her stuff nicely. Haynes and Glager, Herbert, brother and sister dance team, perform a ballroom tap routine first and return for some jitterbug exorcizing. Their routines are ordinary, but youth, personality and polished execution put them over the top.

Near the lag end of the night, Deutsch, for the first time, solos on the violin and gives 'em some of the his Gypsy compositions, including

When a Gypsy Makes His Violin Solo, it's usually sufficient to command rapt attention from the band. Some of the spots are even between-dances interlude. Rees.

## CLUB CONTINENTAL (HOTEL JEFFERSON, ST. L.)

St. Louis, March 23.  
Marc Ballero, Mardoni, Bobbie Joyce, Jimmy Cowley, Dixie Dale, Many Operettes, Jack Crawford's orch. (12).

Several large conventions at the hotel during this class spot is questioned caused the management to under-charge. Under the circumstances, provide one of the best floor shows of the current season, and the visiting fremen responding by making the cash register tinkle merrily. Several rough spots in the show, but the machine gun dance tricks by the machine gun delivery of his chatter, it's distinct drawback. It's far too fast.

John the Sucker, kick with a sock and acrobatic and contortionistic dance routine. Mildred Craig, Haynes & Glager, are handicapped by an over-sensitive mike. Mildred sings "Can't Give You Anything but Love." Mardoni, a slight-of-hand artist who also has a funny mime act, does some dead tricks, but the machine gun delivery of his chatter, it's distinct drawback. It's far too fast.

Dixie Dale, blues warbler, and Jimmy Engle, fiddler, who doubles as ballroom, contribute vocals. The Operettes, in a production number, close the show. The management uses the bait of awarding two bottles of champagne to the holder of a lucky ticket as a means of holding the customers until the second show at midnight. Sahu.

## Saranac Lake

By Happy Bewsay

Cecilia Haffermann left hospital after a long operation, but third out. Ben Schaffer took first trip down town in six months.

Local singer takes a double talking skit over WMBZ with Bill Nelson. It's socko.

Local Amateur League putting on plays with fun in leading parts.

Andy Murphy, who left here three years ago, holding up well while Broadwaying it. (Write to those who are ill).

## Nitery Notes

Lee Mann and Sunny Californians opened Triano at Ocean Park, Cal. Andy Iona and Tropical Hawaiiana moved into Hollywood Tropics.

Fear Squares go into Town House, 401 Broadway, April 1.  
Hal Rees orchestra opens April 5 at Florentine Gardens, Hollywood.

# Legit at \$1

(Continued from page 1)

the dollar top idea being retained for the theater engagements.

Return of the 'Women' on Broadway is likely to spur the movement to lower the price of boxoffice scales, it being believed that the "two actor network" commercial. An added leg in more popular favor. Average production cannot be geared to the present theater. Theaters of bigger capacity in the Sixth avenue zone, and the elevated is being razed and the subway being completed are envisioned. Under the strain that is expected to eventuate, straight plays will be \$2.50 and musicals will be \$3.50. It's pointed out that the carrying costs of the average legit house are too high, even those theaters which have passed to the banks in foreclosure. Large apartment and office buildings could be built with theaters as adjuncts, and the cost of operating such spots would be greatly reduced by the economies involved. With such expansion, as comparatively little expenditure made possible by the new theaters, would be reduced ticket prices would be opened.

## May Solve High Premiums

The "two dollar theatre" also may be the solution to excess prices alleged to be exacted by ticket agencies. Some say they are being forced to lower boxoffice prices, and claim they would be satisfied with smaller prices. Some say they are being forced to lower boxoffice prices, and claim they would be satisfied with smaller prices. Some say they are being forced to lower boxoffice prices, and claim they would be satisfied with smaller prices.

Contact success with the low admission scale for the 'Women' has opened up a new avenue, according to some. He believes that such a bill can be sent to the road at the usual ticket rates and then the same territory could be played the following seasons at \$1 top. That, however, depends on whether the picture version of the play is successful.

Currently there are two colored to act as 'not and cold Mikado.' One (WPA) is at \$1.10 and the other has a \$3.20 top. If the latter club has the arguments in show circles about low prices are likely to be scrambled.

## Frohman's Apt.

(Continued from page 1)

depicted in by w.k.'s of the theatre world, but in recent years Frohman virtually discontinued all such activities. One of the reasons for the abode was a square panel which, when removed, provided a view of the Lyceum stage. There, too, was a rehearsal hall on the floor below the Frohman home.

Bank proposes to sell the theatre, but it may be rented, the property being turned over to a realtor for a mortgage for \$50,000, and there is a debt item of \$6,000, but the assessed valuation is set down at \$56,000. It was owned by the present Frohman, the estate of Charles Frohman (which was taken over by Paramount some time ago) William Harris, and the Harris family heirs.

For the past three years or so the house under a leasehold, which was recently cancelled. Although it was lighted much of the time during rental, less on operation, was estimated at more than \$20,000. Unintended that Frohman was not required to pay rent that the apartment went with the lease.

## DOROTHY LAMOUR Revue 16 Mins.

Paramount, N. Y.

Four years ago Dorothy Lamour did a sustaining series on NBC and the brief all-time turned out to be just one of those things. Couple of years in Hollywood and she met up with a sargon and the combination clicked to the degree that she got into the picture. An added clue to the success of this combination is her star billing in Paramount pictures and at the Paramount on Broadway. In the course of Miss Lamour's two years on the Coast there has been little if any news in Hollywood which she first flashed in the east. Her throaty style, nevertheless, goes well with the sargon. Back on Broadway, on a personal, she's sold her.

Her Paramount debut Miss Lamour is garbed most of the time in a sargon and gold necktie. Her underpinnings are covered by a skirt matching the sargon. Her costume delivers a couple of torchy numbers of current release. A quick trip to the wings and she returns for a medley of numbers from her picture. Everything is sold with a maximum of the extent of her routine. The latter even applies to her bowing. In returning for this ceremony she wears a shiny armless cape which she keeps clutching as slides off one shoulder and then the other.

Miss Lamour and her performance shows up from all angles as strong buffoon.

## THE TOPFATTERS (3)

Dancing

Beverly, Brooklyn

This trio does the goods as tapdancer, but falls to deliver a full package. Fast-stepping male and two smallish females, one bronzed and the other blonde, have been about judging from stage and from the radio, but they're not in the New Act files. Their routine permits no change of parts, working from the same, which is a handicap here. One of the three wears a shiny armless cape, three come back with ordinary, sized top hats and perform on them. Last effort permits each one some individual act items. Develops into an elaborate routine, but like the top-hat routine, it's not sold for full value. Develops into a comedy routine, but like the top-hat routine, it's not sold for full value. Develops into a comedy routine, but like the top-hat routine, it's not sold for full value.

## KNIGHT SISTERS (2)

Aerobic

4 Miles, Indianapolis

Announced as heading for New York and George White's show, girls have something new in act work. They're in nifty blue velvet costumes with short skirts and do muscle tricks usually performed by men. One sister does the usual work, handling other girl in hand-to-hand manner, swinging her legs, holding her aloft with one hand, and scuffling split white while balancing on the other.

Appeal of act lies in sweet appearance of girls who are nice, yet do obviously difficult sinecure work. Kiley.

# NEW ACTS

## JOAN DAVIS with SIX WILLS Comedy 12 Mins.

Paramount, N. Y.

Joan Davis and her hubby, Si Willis, are hardly a new act, having been in vaudeville a good many years ago as Davis and Willis. However, this is their initial vaudeville since the femme achieved feature standing in Hollywood and their first in the new billing and their act in its present form. Formerly billed as "Willis' 'Zow Miss Davis is the sparkling." It's a good turn, one of the most entertaining seen in months from a film name. In this case, it's not merely a "Zow Miss Davis is the sparkling." It's a good turn, one of the most entertaining seen in months from a film name. In this case, it's not merely a "Zow Miss Davis is the sparkling." It's a good turn, one of the most entertaining seen in months from a film name.

Willis comes on first, after a build-up as a "Zow Miss Davis is the sparkling." He brings Miss Davis and they go through some dance patter. She then sings tunes from her pic. With her exit Willis goes into a straight gag routine, using a balloon as a crystal ball. He and they go through some blue, though not offensive, and of varying degree of value. Miss Davis comes on to do a stint of her nutty patter, singing, slides and fall. After coming to the end of the act, she acts as her husband in a nice speech, gets in a couple more gags and is off for next time. Herb.

## THE ALBINS (2)

Dancing

New York, Brooklyn

New vaude entry, originally from night clubs. Diminutive brunet and muscular tall tester look and wear the style of the bartmans but more serious. Idea of teaming the athletic, stern-visaged ballroomer with the funny, but they go through some adagio and knockabout roughhouse that follows.

Act starts off like a legit dance number, but goes grotesque early. Their subsequent semi-straight ballroom dancing needs further development on the patio angle. He does an arm-extended 'twirl' with the girl back of him, that is a plus. Act has the tag to go places, both rates or stage. Weir.

Non Blakstone has taken over headline spot at Chez Patree, Omaha.

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# THEATRE

CONCERT  
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NIGHT CLUBS

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**TELEVISION**

First Television Ballet Performance  
IN APRIL  
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MANY THANKS TO MY FRIENDS  
WHO DEPUTIZED FOR ME WHILE  
APPEARING AT LOEW'S STATE, NEW  
YORK, LAST WEEK

AND I GRATEFULLY ACKNOWLEDGE  
THE CONSIDERATION EXTENDED BY  
THE LOEW EXECUTIVES.

**GEORGE HALL**

HOPE  
**MINOR and ROOT**  
EDDIE  
Held Over—Hollywood Beach Hotel, Fla.  
Until April 6

# Kyser Tops Own Record, Getting 19C in Detroit

Detroit, March 28. With a take of about \$18,823, Kay Kyser last week, at the Fox, here, eclipsed his previous record of \$17-100 for bands, set at RKO's Palace, Cleveland, week before. Kyser, coupled with "Tallpin" (20th), drew just over \$50,000 gross business through Fox turntables for house's best biz in four years. After refunds, net was \$46,100. He likewise received a cup for establishing a new all-time attendance record for house, his 124,831 payees during the week topping previous mark of 102,000 hung up at Fox by Ames and Andy in 1933. Also set an all-time record take of \$13,500 for Sunday, when, like five other days in the week, Kyser was on for five shows daily. He was in the Fox on a guarantee plus percentage basis. Theatre's record gross in coin was set by a straight picture several years ago.

## BARTON'S RECALL

Considered to Feature Act He Used in Burley for Casa Manana Show

One of the features of the new show at Billy Rose's Casa Manana, New York, will be one of James Barton's burlesque skits with Don Barclay, once his burley partner. They'll do the old prize-fight routine and Rose has engaged Jack Johnson, former world's heavy-weight champ, to take part. Charles King, also in the show, will play straightman during the routine.

## UNIT REVIEW VARIETY VODVIL (CAPITOL, ATLANTA)

Atlanta, March 22. Freddie Siriti, Jeannette, Lord Lynn, Frank & Ken, Vella, Ken Bogash & Borzine, Enrico Leide's unit, Erico Leide's unit, Enrico Leide's unit band (4); Pacific Liner (RKO).

There's a nice aggregation of talent concentrated in this unit, which is clocked in 49 minutes. Erico Leide, by combined orchest. band arrangements on Freddie Siriti, m.c., who sings, "Waiting for the Robert E. Lee" and then introduces Jeannette, billed out front as Inez Witt, pint-sized, peppy femme, who warbles "Alexander and Papa" to same tune for good results.

Siriti and Jeannette engage in a bit of gab in one while playing set for Lord Lynn's so-so hand-balancing act are being set. Lad works atop couple of chairs placed on table. Although he has no new tricks, he gets by.

Frank and Kay Hart are in next spot, starting with rhythm tap, to "Por Butterfly" and well done. Man then does a combo eccentric and slow motion dance, followed by partner's trumpet impressions of Clyde McCoy doing "Sugar Blues," Henry Busse's "Hot Lips" and Louis Armstrong's vigorous "Dinah." They close with man hooding and femme hooding her horn. Act is sound.

Siriti, warming up for his act, does some magic making house maestro his foil and is joined by Vella Kay in song, "I Raised My Hat." Girl then does a burlesque new tap routine to "Sweet Little Devil," and Siriti closes through vocals of "My Baby Just Care for Me." Partner, a looker, rejoins him for fast tempo dance, which leaves the lovely Siriti returned.

Jeannette, with fewer clothes on, winds for rope skipping dance and makes way for Al Bogash and Charles Borzine in their knockabout, hand-balancing closer. Boys simulate couple of drunks throughout their stunt and get laughs along with applause.

The unit has a tendency toward dragginess and five minutes could be chopped from Siriti's "ween-act palaver."

Biz is catching last of four shows Wednesday (22), was sparse. Lucie.

## •15 YEARS AGO•

(FROM VARIETY)

Mayor Curley of Boston was on the censor warpath. Vaude material no blue.

Japanese theatrical men were migrating to America to study modern American methods.

Keith circuit issued orders that its acts could not broadcast.

The Equity strike threat looked about dissipated with managers and union seen arriving at a pact.

Douglas Fairbanks clicked in the "Chief Bagdad" film, Norma Talmaage in "Secrets," William S. Hart starred in "Singer Jim McKee," Jacqueline Logan, David Torrence and Raymond Griffith starred in "Dawn of Tomorrow."

Walter C. Kelly clicked with his "Virginia Judge" at the Palace, N. Y. Will Morrissey got over, too, at the State, N. Y.

Barney Bernard, who created the Potash role in "Potash and Perlmutter," died at 46.

Louis Mann and Max Marcin had a stic row in Chi. Marcin objected to Mann adding in his play, "Give and Take," in which Mann partnered with George Sidney.

Burlesque producers were bidding for Abe Goldstein, the bantam champ.

## Hoagy Carmichael's First Vande P.A. in Indpls.

Hoagy Carmichael, the songwriter, will make his first theatre personal, March 31, at the Lyric, Indianapolis. Salary will be \$1,500 for the week. Music Corp. of America, via Miles Morgan, set the deal, with the composer now being peddled to radio also.

# Mich.'s New Gov. Frames Attack On Cafe Gambling, Rum Violations

Detroit, March 28. Michigan's new governor, Luren Dickinson, long-time gambling and liquor foe, is framing several legislative changes in the state rum board policy. Gov. Dickinson, state anti-saloon prez, who ascended to the chair on recent death of Gov. Frank Fitzgerald, also has speeded the war on gambling and has curbed it considerably.

Among the legislative proposals to be submitted by Gov. Dickinson's anti-saloon cohorts are prohibition measures against roadhouses outside city limits, through six against imbibing on premises; drastic slash in number of licenses; more rigid policing of clubs and local control of closing hours. It's considered doubtful that closing hours will be curtailed in metropolitan centers because of its encouragement of "blind pigs."

However, it's considered likely by many that Gov. Dickinson, an ardent churchgoer, will insist on some alterations in the Saturday night and Sunday curfews. So far he plans to forbid sale of even wine or beer on Sundays and also intends to clamp on midnight curfew for Saturday. Niteries in Wayne County (Detroit) currently are allowed to stay open until 2 a.m. Sundays.

New executive has also announced his intentions of repealing the present part-mutual betting setup at the Fair Grounds race track here.

In line with a number of recent closings, next to join the parade will be the Hotel Staller's Terrace Room, which closes for the summer April 29, several weeks earlier than usual. Xavier Cugat's band has been playing spot for a couple months.

Philly Operatics Fearful Philadelphia, March 28. Charges that they are being harassed by the State Liquor Control Board about curfew hours, in reprisal for their political leanings in the last

election, are being made here by niter operators.

There is a general fear by niter owners and other liquor interests alike of the new Republican governor, Arthur J. Finner. He is known to be close to anti-saloon and church groups and has already taken some steps which the silky purveyors feel may be handwriting on the wall. Liquor displays have been ordered removed from State stores, cut in license is planned, scheme is afoot to close number of brands carried in state stores, a public statement has been issued deploring widespread advertising of liquor and there are tax proposals that would drive liquor interests out of the state.

## Four Cafes Lose Licenses

Sacramento, March 28. Three night clubs in and near Sacramento and their liquor licenses revoked this week.

The Eureka, Jitterbug, 1109 Fourth street and Fago Fago lost their licenses for selling liquor after the 2 a.m. curfew.

## THE RIGHT SPONSOR

Nitery Job Gives Radio Singer An Idea of Bar's

Philadelphia, March 28. Larry Vincent, WCAU tenor, is doubling at Benny the Bum's as m.c. He winds up at the nitery at about 4:30 a.m. and does a morriant cheer show on the Kiltwater at 8. WCAU show is sponsored by Marco Dog House.

Vincent now claims he knows what a dog's life really is.

## Ross Into N. Y. Par

Lanny Ross goes into the Paramount, New York, April 26 or May 10 for his first stage booking since his appearance a few months ago at Billy Rose's Casa Manana. Date is for two weeks.

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PERSONAL MANAGEMENT:  
**GALE, Inc.**  
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STATE, N. Y.

Happy Felton's orchestra...
Happy Felton's orchestra, Grace Bar...

What the show has of punch comes...
What the show has of punch comes from...

Two good girls warblers with the...
Two good girls warblers with the outst...

The "Thing Called Swing" tracing...
The "Thing Called Swing" tracing the...

Three Sailors are spotted fourth...
Three Sailors are spotted fourth for...

APOLLO, N. Y.

Mary Bruce Boye & Girls (21),...
Mary Bruce Boye & Girls (21), George...

The Apollo has a somewhat...
The Apollo has a somewhat less than...

Ray is pleasant looking and...
Ray is pleasant looking and dancing...

parbed in sky-blue tails...
parbed in sky-blue tails. They're ve...

Production is generally off...
Production is generally off top. The...

PALACE, CHICAGO

George Beatty, Chicago, March 25...
George Beatty, Chicago, March 25. The...

Strictly a filler variety lineup...
Strictly a filler variety lineup to go...

George Beatty has been around...
George Beatty has been around many...

Oldfield and Ware are a good...
Oldfield and Ware are a good bur...

Again there is the 24 Chester...
Again there is the 24 Chester. The...

ORPHEUM, MPLS.

Low Bruce, Minneapolis, March 24...
Low Bruce, Minneapolis, March 24. The...

A local favorite by reason of his...
A local favorite by reason of his long...

Jimmy Dorsey directs with his...
Jimmy Dorsey directs with his hands...

Koff McKinley on the brass...
Koff McKinley on the brass section...

Bruce suavely m.c.'s the show...
Bruce suavely m.c.'s the show as well...

Billy Leach the band's singer...
Billy Leach the band's singer has a...

The band goes up a medley of...
The band goes up a medley of old-ti...

Console and Melba, ballroom...
Console and Melba, ballroom dancers...

Stein Felchik gives his familiar...
Stein Felchik gives his familiar lazy...

Bruce winds up the show...
Bruce winds up the show with some...

A two-thirds full house...
A two-thirds full house shows up...

STRAND, N. Y.

Jimmy Dorsey (14), Bob...
Jimmy Dorsey (14), Bob Hays (10),...

Dorsey pere and m.c. in their...
Dorsey pere and m.c. in their first...

Appears from the fact that one...
Appears from the fact that one won't...

Oldfield and Ware are a good...
Oldfield and Ware are a good bur...

Dorsey had presentation is not...
Dorsey had presentation is not partic...

Jimmy Dorsey directs with his...
Jimmy Dorsey directs with his hands...

Koff McKinley on the brass...
Koff McKinley on the brass section...

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Bruce winds up the show with some...

A two-thirds full house...
A two-thirds full house shows up...

PALACE, CLEVE.

Larry Clevland, March 25...
Larry Clevland, March 25. The show...

Going swing-busy, this RKO...
Going swing-busy, this RKO show...

Musy-doodlers are about the...
Musy-doodlers are about the loudest...

Orchestrated right into his...
Orchestrated right into his applause...

tirely too straight. Fat men...
tirely too straight. Fat men are ex...

Better shad is team of Dixie...
Better shad is team of Dixie Rob...

Frank Paris cuts in then, displa...
Frank Paris cuts in then, displac...

Lawry commits homicide in swing...
Lawry commits homicide in swinging...

Old Man River, retrieving...
Old Man River, retrieving the... from...

Jimmy Dorsey directs with his...
Jimmy Dorsey directs with his hands...

Koff McKinley on the brass...
Koff McKinley on the brass section...

Bruce suavely m.c.'s the show...
Bruce suavely m.c.'s the show as well...

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Billy Leach the band's singer has a...

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The band goes up a medley of old-ti...

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Console and Melba, ballroom dancers...

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Stein Felchik gives his familiar lazy...

Bruce winds up the show...
Bruce winds up the show with some...

A two-thirds full house...
A two-thirds full house shows up...

PARAMOUNT, N. Y.

Dorothy Lamour, Mitcha...
Dorothy Lamour, Mitcha. The show...

Charlie Barnett and his crew...
Charlie Barnett and his crew jam...

Miss Lamour and Auer between...
Miss Lamour and Auer between the...

Jimmy Dorsey directs with his...
Jimmy Dorsey directs with his hands...

Koff McKinley on the brass...
Koff McKinley on the brass section...

Bruce suavely m.c.'s the show...
Bruce suavely m.c.'s the show as well...

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Console and Melba, ballroom dancers...

Stein Felchik gives his familiar...
Stein Felchik gives his familiar lazy...

Bruce winds up the show...
Bruce winds up the show with some...

A two-thirds full house...
A two-thirds full house shows up...

KEITHS, BOSTON

Boston, March 23...
Boston, March 23. The show...

Miss Williams makes change...
Miss Williams makes change in her...

Next band number is "Take...
Next band number is "Take An... from...

Jimmy Dorsey directs with his...
Jimmy Dorsey directs with his hands...

Koff McKinley on the brass...
Koff McKinley on the brass section...

Bruce suavely m.c.'s the show...
Bruce suavely m.c.'s the show as well...

Billy Leach the band's singer...
Billy Leach the band's singer has a...

ROXY, N. Y.

Phil Regan, Melba, Paul Kirkland, Paul Gordon, Allen & Kent (4). ... The House of the Bakerstreet (20th), reviewed in VAMM's this week.

The Roxy doesn't vary much from tradition with this setup. The show members along with exciting ... The Roxy doesn't vary much from tradition with this setup.

FLATBUSH, B'KLYN

Benny Meroff's orch, Andrews Sisters, Shirley Ruth, Martha Perry, ... 'Adventure in Sahara' (7). ... Benny Meroff's orch, Andrews Sisters, Shirley Ruth, Martha Perry, ...

FOX, PHILLY

Phil Regan, Melba, Paul Kirkland, Paul Gordon, Allen & Kent (4). ... The House of the Bakerstreet (20th), reviewed in VAMM's this week.

STATE, HARTFORD

Hartford, March 26. State Bros. (3), Jay Carroll, Craig ... 'Adventure in Sahara' (7). ... Hartford, March 26. State Bros. (3), Jay Carroll, Craig ...

EMBASSY, N. Y.

Some 46 items make up the bill this week. ... Embassy, N. Y. ... Some 46 items make up the bill this week.

Two reasons exist for the huge turnout accorded the Commodore ... State Bros. (3), Jay Carroll, Craig ... Two reasons exist for the huge turnout accorded the Commodore ...

Far from being one of the top bands of the business and no draw ... Benny Meroff's orch, Andrews Sisters, Shirley Ruth, Martha Perry, ... Far from being one of the top bands of the business and no draw ...

Another thing that makes the orch ... Phil Regan, Melba, Paul Kirkland, Paul Gordon, Allen & Kent (4). ... Another thing that makes the orch ...

Another thing that makes the orch ... Phil Regan, Melba, Paul Kirkland, Paul Gordon, Allen & Kent (4). ... Another thing that makes the orch ...

Another thing that makes the orch ... Phil Regan, Melba, Paul Kirkland, Paul Gordon, Allen & Kent (4). ... Another thing that makes the orch ...

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Another thing that makes the orch ... Phil Regan, Melba, Paul Kirkland, Paul Gordon, Allen & Kent (4). ... Another thing that makes the orch ...

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Another thing that makes the orch ... Phil Regan, Melba, Paul Kirkland, Paul Gordon, Allen & Kent (4). ... Another thing that makes the orch ...

Another thing that makes the orch ... Phil Regan, Melba, Paul Kirkland, Paul Gordon, Allen & Kent (4). ... Another thing that makes the orch ...

PARAMOUNT, L. A.

Hat Lodge, Singing Stars, Betty Jane Rhodes, Chico, Guadalupras ... 'Mid-Winter Matinee' group of ... Hat Lodge, Singing Stars, Betty Jane Rhodes, Chico, Guadalupras ...

TOWER, K. C.

Kansas City, March 25. Louis Armstrong's orch, with ... 'Mid-Winter Matinee' group of ... Kansas City, March 25. Louis Armstrong's orch, with ...

EARLE, WASH.

Washington, March 26. Monroe and Grant, ... 'Mid-Winter Matinee' group of ... Washington, March 26. Monroe and Grant, ...

ROXY, ATLANTA

Atlanta, March 23. Rockettes (16), Royal Rollers (8), ... 'Mid-Winter Matinee' group of ... Atlanta, March 23. Rockettes (16), Royal Rollers (8), ...

RIVERA, B'KLYN

Bunny Bergson's band, Bob Hogue, ... 'Mid-Winter Matinee' group of ... Bunny Bergson's band, Bob Hogue, ...

Another thing that makes the orch ... Phil Regan, Melba, Paul Kirkland, Paul Gordon, Allen & Kent (4). ... Another thing that makes the orch ...

Another thing that makes the orch ... Phil Regan, Melba, Paul Kirkland, Paul Gordon, Allen & Kent (4). ... Another thing that makes the orch ...

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Variety Bills

NEXT WEEK (March 31) THIS WEEK (March 24)

Numerals in connection with bills below indicate opening day of show, whether full or speak week.

Loew

NEW YORK CITY State (36) ... Washington Capital (31) ...

WOOD GREEN ... Morison & Kaye ...

Paramount

NEW YORK CITY ... Chicago (31) ...

ADDEBEN ... Glasgow ...

RKO

NEW YORK CITY ... Cleveland ...

LIVERPOOL ... Westchester ...

Warner

NEW YORK CITY ... Philadelphia ...

NEW YORK CITY ... Washington ...

Independent

NEW YORK CITY ... Philadelphia ...

NEW YORK CITY ... Washington ...

London

NEW YORK CITY ... Philadelphia ...

NEW YORK CITY ... Washington ...

Week of March 27

NEW YORK CITY ... Philadelphia ...

NEW YORK CITY ... Washington ...

Week of March 27

NEW YORK CITY ... Philadelphia ...

NEW YORK CITY ... Washington ...

Don Martin Oro ... Martha Kovacs ... Jerry O'Connell ...

Screen Stars ... Danny Kayman ... Betty Hutton ...

Emilio Roy ... Emily Hilde ... Jack Nichols ...

DOUBLE ACTION ... 2 ROXY ... 2 EARL ...

CHICAGO ... Ambassador Hotel ... The Pump Room ...

Emilio Roy ... Emily Hilde ... Jack Nichols ...

THE LAMBERTSONS

LOEW'S, WASHINGTON ... KEDDIE SMITH ...

Cabaret Bills

NEW YORK CITY ... Pauline Demaree ...

Artisan ... Arthur Havel ... Val Kraus ...

Artisan ... Arthur Havel ... Val Kraus ...

Artisan ... Arthur Havel ... Val Kraus ...

LOS ANGELES

Beverly Wilshire ... Beverly Hills ...

Beverly Wilshire ... Beverly Hills ...

Beverly Wilshire ... Beverly Hills ...

CHEZ PAREE

CHICAGO ... MARCH 31 ...

CHICAGO ... MARCH 31 ...

CHICAGO ... MARCH 31 ...

THE VIERE BROTHERS

BY: MARK J. LEDDY ...

BY: MARK J. LEDDY ...

BY: MARK J. LEDDY ...

Laio Los Angeles ... Dan Casca ...

Laio Los Angeles ... Dan Casca ...

Laio Los Angeles ... Dan Casca ...



# Cleveland Gets Sponsored Legit Plan For 20 Shows; 7-Town Route Idea

## Cleveland, March 28.

Another civic legit-sponsoring group patterned after the Louis Adamic Theatre play was organized here last week by William Blair, of the Hanna, who sold the idea to the Chamber of Commerce. Incorporated under the name of Playwrights of Cleveland, it is built on the membership of at least 5,000 subscribers for the '30-50 season. Memberships costing \$102 will entitle them to two preferred orchestra seats averaging \$2.50, to 20 Broadway attractions guaranteed for next year. Option of refusing two plays out of the schedule is also granted, but no refunds.

It is established for a separate promotion and sales bureau for the Hanna's campaign, which starts next week. It is established for a separate promotion and sales bureau for the Hanna's campaign, which starts next week. It is established for a separate promotion and sales bureau for the Hanna's campaign, which starts next week.

Playwrights charter is drawn up along the lines of the American Theatre of the St. Louis house, which had 1,600 subscribers last year. C. C. Cameron is in charge of the drive for five months, up to 30 days before Hanna's fall reopening.

## St. Louis' Idea

Cleveland is the first midwestern city to adopt the idea of the Playwrights, Inc. plan to lift legit out of the doldrums on the road via a seven-town route. Bob DeWitt, the promoter who attended a meeting in Cleveland last week said the idea interested him because it would give the big rig in his home town. Idea was first pitched to Cleveland by John Biles, Jr., v. p. of the Hanna, and an executive of the local Chamber of Commerce, and Paul Beckman, manager of the American, this time only legit.

There has been sent to C. C. Cameron in Detroit, Pittsburgh, Cincinnati and Indianapolis, in addition to Cleveland and Columbus, by Thomas W. Dyar, prez of the C. C. of here, who suggested that similar groups in the latter cities should be organized to start their work well in advance of the fall. The letters detail the play cards which will be provided to the members by members.

The plan enables the Playwrights to guarantee producers a sufficient advance sale to justify playing the city. The membership goal sought is about 5,000, which will provide an advance sale of approximately \$150,000. St. Louis' total is 1,600, with the promotion campaign, hampered by lack of bookings to stimulate interest in the new season.

The Playwrights is a non-profit organization and has no interest whatsoever in the records of the Hanna, which is shared by him and attraction in the usual custom.

## Freem of New Operaetta To End St. Louis Season

World premier of a new operaetta, 'Victoria and Her Rival' will wind up a 12-week season of this variety of the Louis Adamic Theatre. It will open June 2 with 'Rose Marie' and succeeding shows will include 'The Merry Widow', 'The Merry Widow', 'The Merry Widow', 'The Merry Widow'.

Richard Berger will again have charge of the season, with Alfred S. Schuler, formerly with Radio City Music Hall, New York, as costume supervisor. Norris Houghton, N. Y. City, is costume designer, and is also acting director, succeeding Raymond Gray, who held the post for the past four seasons.

## 'Table' Is First Yiddish Play With Two Read Cos.

For the first time in the Yiddish theatre, two companies of the same play will run simultaneously on the road. The Yiddish Theatre, Inc., companies open in Boston and Philadelphia Tuesday (4).

The first of the Yiddish Theatre, Inc. companies open in Boston and Philadelphia Tuesday (4). The first of the Yiddish Theatre, Inc. companies open in Boston and Philadelphia Tuesday (4). The first of the Yiddish Theatre, Inc. companies open in Boston and Philadelphia Tuesday (4).

## LEFTWICH TOPS CALIF. THEATRE PROJECT

Los Angeles, March 28.

Yorker legit producer and director, and later associate producer at several legit studies, was named State Director of the Federal Theatre Project, succeeding James R. Utman, who resigned last week.

Leftwich takes over from Ole Nies, who received a temporary appointment for a year. He will be in charge for consultation after getting office in order. Lionel Smith handles administrative affairs as Leftwich's aide.

## Mohawk Festival Will Get 3 New Names, Plus Varied Play Assortment

Schenectady, N. Y., March 28.

The 8th annual Mohawk Drama Festival and Institute, to be held on the Union College campus from July 3 to August 7, will bring at least 150 new plays to the stage. The plays will range in repertoire from Shakespeare and Moliere through contemporary plays. In addition to the previously announced appearance of Eugene O'Neill's 'The Iceman Cometh' and Helen Ross's 'Charlotte' and O. N. Skinner will do Edward Shirlor's 'The Merry Widow'.

Thomas Mitchell will stage one production and will be assisted by Charles Stone, who established a Festival bookend record last August in Pittsburgh. Richard Gray will be in charge of the selection of plays which he to select. Walter Hampden, runner-up to Stone as a draw in the 1938 season, will be in charge of a production to be announced later.

Charles Coburn, co-founder and general manager of the Festival, will appear in Moliere's 'The School for Women' at the opening.

## Burleigh Returning To Mass. Strawhat

Pittsburgh, March 28.

Frederick Burleigh, director of Pittsburgh Playhouse, will return to Cohasset, Mass., again this summer in 'Victory' tour. The Players there with Alexander Derr. He had originally planned to launch a straw-hat tour of the radio City Music Hall, New York, as costume supervisor. Norris Houghton, N. Y. City, is costume designer, and is also acting director, succeeding Raymond Gray, who held the post for the past four seasons.

## Current Road Shows (Week of March 27)

- 'A Room for a Bride' (Irene Rich)—Curran, San Francisco.
- 'The Merry Widow' (Philip Merivale)—Selwyn, Chicago.
- 'Camdria' (Cornelia Ott Skinner)—Leontis, Philadelphia.
- 'O'ry Carty' (Opera)—Forrest, Philadelphia.
- 'The Merry Widow' (Dennis King, Vera Zorina)—Opera House, Chicago.
- 'The Importance of Being Earnest' (Clifton Webb, Estelle Winwood)—Wilbur, Burton.
- 'The Merry Widow' (Gladys Goodgold)—Harris, Chicago.
- 'The Merry Widow' (Ryman Auditorium, Nashville (28); Bijou, Knoxville (28); Bijou, Chattanooga (30); Eranger, Atlanta (30)).
- 'The Merry Widow' (Walter Johnson—Wilson, Pittsburgh).
- 'The Merry Widow' (Lafayette)—Traft Auditorium, Milwaukee.
- 'The Merry Widow' (John Barrymore)—National, Washington.
- 'The Merry Widow' (Katharine Cornell)—English, Indianapolis (30).

- Both Drager—Plymouth, Boston.
- Both Drager—Plymouth, Boston.
- Both Drager—Plymouth, Boston.
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## Construction Under Way On Strawhatt Back By Stage-Literati W.K.s

Philadelphia, March 28.

Ground was broken for the new building of the Bucks County Playhouse in New Hope, Pa., by Richard Bennett for the Bucks County Playhouse in New Hope, Pa., by Richard Bennett for the Bucks County Playhouse in New Hope, Pa.

Bennett will direct the project, which is viewed as an experimental laboratory to nurture the talents of young dramatists and actors.

The author-manager of the Playwrights Co. will be in Indianapolis for the opening of 'No Time for Comedy', starring Katharine Cornell, which opens there Thursday (30).

'Revival of 'Outward Bound', at the Playhouse, N. Y., will top the original engagement of 10 weeks, according to indications. Show is now in the third week of its 10-week run.

'Bound' was first presented by William Harris, Jr., at the Ritz. He has no interest in the production.

## AGMA, EQUITY DISPUTE LYRIC PRODS. STATUS

Jurisdiction row looms between Equity and the American Guild of Musical Artists over the forthcoming musical presentations by the American Lyric Theatre.

'The Devil and Daniel Webster', billed as a 'folk opera' with score by George Gershwin, will be produced by Stephen Vincent Benet, and 'Susan, Don't You Cry,' a 'musical comedy' with lyrics by Benet and music by Stephen Foster.

Lyric company was formed by a group identified with opera. Lee Ochs, former manager of the Metropolitan Opera spring season, Richard Aldington, who held former manager of Equity, to participate in the managerial end.

## Inside Stuff—Legit

Col. Frederick Stuart Greene, who died Sunday (28) in Washington a few days after resigning as N. Y. State Commissioner of Public Works and secretary since February 1928, was widely known on Broadway. He was a member of The Players and had appeared in their annual spring revivals. He also did a bit in one production each summer at the Mohawk Theatre, Philadelphia, Schenectady, and New York City.

Greene, active in Albany amateur theatricals, was the author of short stories, columns, smatter sketches and at least one full-length play, 'Johnny Comes Marching Home.' This premiered at the Capitol, Albany, six years ago. Greene's acting career was widely known on Broadway. He was married to Mrs. G. Cohen in the role of the former actor. Smith brought Greene into public life 20 years ago, appointing him, although they had never met, as State Highway Commissioner.

'The Little Foxes' is out of the red, having earned back the total outlay at the National, N. Y., within five weeks. New drama score on Broadway, through a one-act, cost about \$25,000 in including extra expense out of town and the amount of the two weeks' salary guarantee on deposit with Equity.

Picture rights play has not been set by Herman Shumlin, the producer, nor Lillian Hellman, author of 'Fences.' Letter is on the Coast conforming with Samuel Goldwyn over a story she is due to deliver for the screen in the fall.

It is the second time that the Shumlin-Hellman combo has elicited, they first landing with 'The Children's Hour.' It's also the second time that the manager to plant a hit in the National, he brings 'Grand Hotel,' his first smash, in that house.

Marjaret Webster, director of Maurice Evans' 'Henry IV' and also appearing in 'Family Portrait,' has been signatored to direct at the N. Y. World's Fair Globe Theatre, main feature of John T. Sledge's 'Merrie England' by John Willard, producer, and John Willard, producer, and Thomas Wood Stevens, who directed the Globe theatre for Schless at the Chicago fair, will be producer. Austin Coghlin, stage manager of the Globe theatre, will be stage manager.

Idea in reproducing the Globe theatre of Southwark, London, where Shakespeare's plays originally were presented, is to offer 45 minutes of play each week, except on Saturdays. Shows will be given on Saturdays. Because play prices will prevail, four or five shows will play daily.

Ray Golden and Everett Well are financing the Coast resumption of 'Our Town,' which is 'Presented By Harry Pulitzer Winner' of last season, with Frank Craven and the original leads appearing. Well is said to be the producer of Brock Pemberton, landed full page layout in the Sunday magazine section of 48 papers, were being distributed story of 'Kiss the Boys Goodbye,' current in New York (Miller). Two companies are on the road. Art-work and cuts came from the manager's office. The story disappeared from the New York Times, after the author's access to play Scarlett O'Hara in the filming of 'Gone with the Wind.' Stated that Selznick-International devoted two years and spent \$200,000 on the search for a film rights agent for the play.

Postponement until next week or April 10 of 'The Happiest Days,' a tragedy originally slated for opening tonight (29) at the Vanderbilt, N. Y., by Courtney Burr, was occasioned by the enthusiasm of Marc Connelly among the staff. It was his intention to have the play in the theatre, which he stepped aside, with Connelly taking over. Letter declared that another four or five days would be needed to whip 'Days' into more effective shape.

Connelly set back other assignments so that he could concentrate on restaging the Charlotte Armstrong drama.

'Stop Press,' which was presented for one time at the Vanderbilt, N. Y., on a recent Sunday night, is said to have been so much rewritten that the original story disappeared from the New York Times, after the author's access to play Scarlett O'Hara in the filming of 'Gone with the Wind.' Stated that Selznick-International devoted two years and spent \$200,000 on the search for a film rights agent for the play.

The author-manager of the Playwrights Co. will be in Indianapolis for the opening of 'No Time for Comedy', starring Katharine Cornell, which opens there Thursday (30). It will be the first time for the entire quintet to attend the debut of any of their attractions out of town.

Revival of 'Outward Bound', at the Playhouse, N. Y., will top the original engagement of 10 weeks, according to indications. Show is now in the third week of its 10-week run. 'Bound' was first presented by William Harris, Jr., at the Ritz. He has no interest in the production.

Jean Rosenfeld, of Productions, Inc., states she has not ended her association with the Mercury Theatre, but has accepted a position on the board. She participated in the formation of Productions, Inc., to handle technical production problems for outside engagements.

Newsmeyer. Each will run one week. Lyric company was formed by a group identified with opera. Lee Ochs, former manager of the Metropolitan Opera spring season, Richard Aldington, who held former manager of Equity, to participate in the managerial end.

## Call Off Love. Pickets

Cleveland, March 28.

Pickets were withdrawn from the Playhouse by stagehands trying to unionize the staff. The pickets were withdrawn from the Playhouse by stagehands trying to unionize the staff. The pickets were withdrawn from the Playhouse by stagehands trying to unionize the staff.



# Lincoln's Cast May Get Respite As Picture Plans Are Stalled Off Till Fall

Plan to close "Abe Lincoln in Hollywood" at the Plymouth Theatre, N. Y., at the close of the Lincoln drama, with Raymond Massey playing the screen lead as in the stage production, was reported to have been recently revised. Stated now that the Broadway engagement will be made through the summer and the film's start set back until autumn. Ticket sale for the show now extends into June.

Evidently affected by an editorial bashing by Equity, which objects to shortening the run of plays either on Broadway or the road, in order that they may be pictured, Robert Sherwood, who wrote "Lincoln" and is of the Playwrights group which produced it, appeared before the council yesterday (Tuesday) to explain his views on the picture. Although his comment was regarded as highly interesting, but Sherwood did not mention the plan to set back the date of the film's start.

He was invited to appear before both bodies although Equity did not specifically mention the Sherwood plan in its protest. Feeling that the picture players will be in the picture, the engagement will be shortened, as the picture is to be promptly released according to the author's recent statement, Equity suggests the payment of at least half salaries to the picture players who are not employed in the picture during enforced idleness.

# Kings' Financially Bent In Philly, but Continues After Guild Rep's Plea

Philadelphia, March 28. Financial troubles had "Five Kings," currently at the Chestnut here, on the verge of closing. The picture night instead of playing out the two weeks it was originally scheduled, closed under a heavy cloud and so-so biz, Orson Welles' version of the Shakespearean plays has been only one week.

Only the pleading of Mrs. Harriet Florine, Philly rep of the Theatre Guild, saved the picture from this week. Had the show closed Saturday, half of Mrs. Florine's business would have been their full six plays, while the other half would have seen only five. The resulting chaos, Mrs. Florine said, would have had me sitting in the bottom row.

Seven or eight angles also cropped up as a result of the near-shutting. Very embarrassing incident was averted, the Philadelphia Forum, which had taken over the entire night (Monday) and tonight. The group would have been out on a limb, with tickets sold and no show.

With her distress of last week changing to a deep and bitter burn, Mrs. Florine said she would consider another Orson Welles effort. Only if he comes forth with something worthy of the Theatre Guild.

Orson Welles and John Houseman, Mercury Theatre heads, will decide tomorrow (Thursday) regarding the future of "Five Kings." The picture opened Saturday (1) in Philadelphia. Theatre Guild, which co-sponsored the show, is withdrawing after one week.

From Mercury sources it is indicated that Houseman favors it in the show off Broadway at this time. That Welles was to receive twice next week and bring it into New York. Lee Shubert was invited to have the show and to sponsor the Broadway engagement. Nothing is set on that. Martin Beck, who has been interested, has apparently with-held friends over the intended that he dug up additional financing. It was reported as a personal loan to him thus backing the N. Y. engagement at his own risk.

# Time for Bath?

Philadelphia, March 28. Announcement from the Little Theatre group: The fourth and last production of the Alden Park Players will be given on Saturday. This will close a highly successful season in the Little Theatre, which will become a swimming pool.

# PROPOSE LAW TO FIX AGCY. PREMIUMS

An unannounced luncheon attended by a group of managers and New York State Assemblyman Mitchell was held on Saturday (25) for the purpose of considering the introduction of legislation aimed to limit prices charged by agencies for tickets. Mitchell, who is said to be unfamiliar with the ticket situation, is understood to have agreed to consider drawing up a measure along the lines suggested by the showmen.

Principal feature would be to fix the price of tickets at not more than 70 cents for box seats, 50 cents for the price of tickets, but will supplement the ticket code, which places the same maximum on tickets sold under the ticket code. Showmen figure that a state law would be more effective than a municipal ordinance.

Spellman's measure is supposed to apply to tickets for all types of attractions, including sports events. Managers, however, did not go into that phase with the assemblymen, since they are only concerned with theatrical attractions. Another new piece of legislation is the Coudert bill, which would set licensing power from the state to the city, and is regarded as another way to hold down high ticket prices.

# MEX REVUE MAY NOT FIND B'WAY

"Up a Yea," also known as "Mexicana," is slated for the 46th Street, New York, April 10, but there seems to be some doubt as to whether the imported revue arriving in the metropolis. Long prepared show sponsored and partly backed by the Mexican government, but made for New York, stopped after the sixth performance at the Palace of Fine Arts, a 4,000-seat in Mexico City. The opening in C. reported at \$2,200, but at the blow-off show the fall was but approximately \$80 in the bill.

Mex attraction was presented by Stulgella, dated in Vienna, and a showman from Austria. It was denied that he had failed to pay off, a portion of the Palace of Fine Arts. Spigel not only paid salaries in full, but provided some coin during rehearsal, something never known before below the board. Understood there are 200 persons in the show.

Recently Harry Knutson, a refugee to Mexico City to look over the revue with the idea of taking an interest, but the show was written or put that he returned without seeing the performance.

# Barnyard's Prize

Chicago, March 28. Thoda Corcott and Mildred McDonald, winners of the Barnyard House theatre in Oconomowoc, Wisconsin, have obtained a prize of \$250 from the American Theatre Guild for a new comedy presented there this summer.

# EQUITY REAFFIRMS MEMBERSHIP INVOLVABLE

Issue Will Be Put to Referendum Vote, but Little Opposition Is Expected—Sabbath Performances Expected to Start in May, When N. Y. Fair Tourists Come In—Other Unions Asked to Cooperate

# NO EXTRA PAY

Regular Sunday performances of Equity shows on Broadway are indicated to start during May by the favorable reaction to the proposal at an Equity general meeting in New York last Friday (24). Motion that the issue be placed to a referendum vote was carried by a majority of about two-thirds of the 1,200 members present. Expectation is that the out-of-town membership, mostly popular in Hollywood, will assent to the issue.

Ballots will be mailed out next week, and an interval of 30 days will be allowed for the returns to come. Referring will be to the form to that of 1935, when players were given four alternatives, of which three drew the majority of votes. Then 49% of the votes favored trying the referendum will be to the form to that of 1935, when players were given four alternatives, of which three drew the majority of votes.

The result was somewhat at variance. (Continued on page 42)

# COUNCIL NAMES EQUITY SLATE

Regular ticket for Equity's annual election, as selected by the nominating committee, was announced by the council yesterday (Tuesday). It includes Eugene Meredith, to succeed himself as third vice-president, serving one year. The nominees: Augustin Duncan, Philip Loeb, John Lorenz (all incumbents), Dudley Diges, Hiram Sherman, Muriel Kirshland, Harold Vermylen, Jack Whiting, Patricia Collings and Mervin Williams, as counselors to serve for one year, and George H. Brown (Incumbent) and Thomas Chalmers, as counselors to serve for one year, and John Grandeur, counselor to serve for two years.

Committee deliberated on the case of Hirshey who is also a national board member and paid treasurer-associate executive secretary of AFRA. Although it is possible that he might find himself in a position of conflicting interests representing the two groups, the committee decided to name him to serve for one year to permit the membership to clarify the situation.

Equity will have joint offices on the Coast with the American Federation of Radio Artists, American Guild of Musical Arts and the Theatre Authority. Association's council yesterday (Tuesday) approved a suggestion to that effect by I. R. Kornblum, its Coast representative.

Move is one of the first in a series of developments looking for a closer union of the various unions under the Four A's banner.

# Thomas L. A. Playback

Los Angeles, March 28. John Charles Thomas has signed for the opening of the touring and spring festival of L. A. Civic Light Opera Ass'n, which opens May 8 at the Civic Auditorium. He sang last year in "Blossom Time."

# TMAT-Guild Dispute on 'Story' Hypothes Union's Desires to Drop Arbitration; See Mgr.-Resistance

# In All Seriousness

One of the top play agents who attended the opening of Michael Todd's "Hot Friends" last Thursday night (23) was tremendously enthusiastic about Bill Robinson in the title part.

"That man's an artist," the agent told friends after the show. "With proper handling he'd be a real star. Why haven't I ever heard of him?"

Principal change in the basic agreement with showman to be sought by the Theatrical Managers, Agents and Treasurers union, it was when the contract is extended, is the elimination of the arbitration procedure. That move is likely to be resisted by the League of New York Theatres, the association of producers and theatre operators, with which the agreement was made. No secret that TMAT does not care to arbitrate disputes with the managers and it is one of the few unions that assented to that method of adjustment.

# CREPE GOES UP EARLY IN PIT.

Pittsburgh, March 28. The regular legit season at the Nixon looks about equal, with nothing at all in sight after current "Kleckerbocker Holiday." House will have played 22 weeks, fewer shows than at any time in the last five years, and the earliest closing in 10 years.

House had "Five Kings" tentatively slated for Easter Week, April 10, but it's out now, too, and only remaining booking is musical "Of Pittsburgh Cap and Gown club musical." General Service Music-ATS still owes local subscribers two more shows, but there's little chance of them coming through and Tom Kenyon, Pittsburgh secretary for Equity, is currently making plans to refund only to season pen-holders.

There's still a chance, however, that Nixon will play six weeks of dollar-out attractions under O. Y. We-Frank McCoy setup, but that hasn't been definitely settled yet. House wants assurance of name stars with shows before closing of the season.

# EQUITY TO SELL N. Y. BLDG. IF PRICE OKAY

Although Equity's committee on economy and efficiency has not completed its report, which will be accepted by the membership, the association has decided to sell the building which houses the offices at 100 West 42nd street. Property disposition, however, will probably follow a realty upturn, or an attractive purchase price. Property is owned free and clear, and was reported to be one of Equity's best in the city. At one time it was valued at \$225,000, but the current assessment is slightly more than \$100,000.

A saving of 50% from the present maintenance outlay could be effected, it is estimated. It costs \$80,000 a year to operate the premises, whereas ample floor space in a modern office building could be secured at a yearly rental around half that sum. By such a move, the entire staff would be quartered on one floor which in itself would be advantageous.

When Equity took possession of the building in 1923 there was a paid-up membership of approximately 1,000. Currently, the number of players in good standing understood to be less than one-third that figure.

The issue arose over a clash with the Theatre Guild last week. It being the second time that they have had a difference. Argument arose over the benefits staff in the Shubert, N. Y., where the Guild's "The Philadelphia Story" (Katharine Hepburn) opened Tuesday (23). Guild aimed to place its own ticket rulers in the Shubert box, but the union ruled that regular season tickets be retained. TMAT claims that the same ticket sellers must be used through the season, although it is known that there have been some shifts without protest from the union.

The result of an arbitration over the matter held Friday (24), it was realized that trouble might arise if the Shubert box had not been retained. Monday extra space was appeared in the dailies to the extent that that space was available at the Guild's theatre on 52nd street. The regular season ticket staff, acting on instructions from the union reported for work, but their boxes were not to be retained. The respective ticket buyers to the Guild's box.

# Guild Likes Own Seller

Guild maintains that because of its subscription system, ticket sale can be handled by the trained girl sellers. TMAT contends that while the Guild sells a show in theatres throughout the country and switches in its box crew, the regular treasurers would be ousted, which happened in the past. It is believed to have been cleared last year. At that time, it was agreed that when a regular season ticket was sold, the latter would be paid by the house. Reported that the Shubert managers at the Shubert willingness to pay the treasurers, although they would be laying off. TMAT, however, in the Shubert have taken Guild's tack, saying that it did not desire to "pauperize" such members who would be laid off by the regular season ticket. There are points in a deal between TMAT and the Guild which were not clarified and it is indicated that (Continued on page 42)

# 'FAMILY PORTRAIT' SET FOR SPRING IN LONDON

Provided the Lord Chamberlain allows it, "Family Portrait," which was written by "The White Horse" and is being produced in London this spring, Jack Hawkins, who recently appeared on Broadway in "The White Horse," is to be the star. The production, tentatively dated with Cheryl Crawford, producer of the Lenore Coffey production of "Rock of the Moon," will have its fourth week at the Morocco, New York.

"Family Portrait" was sought by Roy Gallivan and Stewart Chaney for a part in their forthcoming Broadway production of "The White Horse." Equity granted an exception in its alien rule for him, but he subsequently was refused. The production was partially influenced by his unfitness over the international situation, and he was named for England Friday (24).

Jessica Tandy, who is Mrs. Havoc's mother, is to be the star of "The White Horse" at the Golden, N. Y., is set for Henry Sherck's London production of "Rock of the Moon," and is expected to return to New York next fall.

Play on Broadway

Shows in Rehearsal

Sunday Legit Looks Set

THE HOT MIKADO

Swing version of Sullivan; costume and scenic performance; Sullivan and ...

mountable. He also showed judgment in his selection of talent, both prod-

The principal fault of the WPA 'Mikado' is that it lacks a strong

It is a weakness of the show that Robinson doesn't come up until well

This is Michael Todd's commercial production of a 'Hot Mikado' over

Katisha, always a tough part, is a solid kick in the hands

Book Reviews

sets and four rhythm. With that setup, he has another thing in common

With Tregarson up front sounding off on the 'Hot Mikado' (see review

Prior to the opening last Thursday (23) of this 'Hot Mikado,' it was generally felt in Broadway circles

There is no complaint as to the quality of the production, but it is distinctly clear

SONNY KENDIS OBSCURETA (9) 'I'm a Little Fish' ...

Louisville, March 28. Second annual opera season at Inglewood ...

SCENIC STUDIO

Best Appointed in TIMES SQUARE SECTION ...

'Wuthering Heights'—Stewart ... 'The Mother'—Foley Payne-Jennings ...

N. Y. TIMES MAY RAZE LITTLE THEATRE

The Little Theatre, New York, may be razed to provide an eastbound cut-off for the trucks of the Times

Times bought the Little about 10 years ago with the idea of building an annex entrance to the editorial

It is a weakness of the show that Robinson doesn't come up until well

L. v. l. Operetta

Season Opens July 3

Louisville, March 28. Second annual opera season at Inglewood ...

Equity

Equity will make two stipulations in regard to Sundays, however: that other theatre unions also agree not to charge extra for Sundays and that the managers agree not to book tickets

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TMAT-Guild

The union staved off arbitration until Shubert's contract was struck ...

usage was not checked, though one was identified as being in the Equity. Reported that W. G. Lenihan was among those thought to be in the union ...

For the past year or so, there have been no meetings of the committee, he made no comment, but in reviewing his first year as head of the association, he said:

I feel the unity of purpose, the harmony and goodwill we have enjoyed this year is an enormous asset ...

Those named from the floor as nominators: Raymond Massey, Whitford Kane, Fred Moore, Fredric ...

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Keith's 'Othello'

Ian Keith, Chicago, March 28. Keith's 'Othello' ...

ST. LOUIS POOR CROSS

The annual pension concert for members of the St. Louis Synphonic ...

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'Angel' Still Leads Chicago, \$23,000; 'Kiss Boys' \$11,200, 'Life' OK \$7,200

Chicago, March 28. Announcement of last days for three of the town's top shows... 'Angel' possibly going out this season...

Second attempt this season to sell a legit show at \$145 top... Previous fade was done by second company...

Estimates for Last Week: 'Angels' 22, \$26,700 (24 weeks) (1,114/57). Heads east to look for present plans...

'Kiss Boys Goodbye', Hanna (10th week) (1,000; \$2.75). Decided to continue through Holy Week...

'Big Blow', Great Northern. 'Kiss Boys' O.K. Indpls., Col. Indianapolis, March 28.

Lighted for the first time in two months, the English theatre is evidently catering to legit...

Estimate for Last Week: 'Kiss Boys Goodbye', English (\$2.20). With no names, naughtily play garnered...

SKINNER-'CANDIDA' IN WELL IN D. C., \$13,400

Washington, March 28. This has been one of the most successful stops of the Circuit... Skinner and he again turned out nicely...

Estimate for Last Week: 'Candida', National (1,638; \$2.75). Town turned out for the weekly solo-dio-cello show to gross approximately \$13,400 for the show.

Balto Perks at Tag Ends of Legit Season

Baltimore, March 28. Strong list of bookings giving impetus to legit season... windup and an indicated profit all around...

Estimate for Last Week: 'Candida', National (1,638; \$2.75). Town turned out for the weekly solo-dio-cello show to gross approximately \$13,400 for the show.

John Barrymore Play \$5,400 in Two Strands

Wilmington, March 28. John Barrymore did just what he did in two performances here Saturday (1,365; \$2.50)...

Nice 'n' Cheap, But—Philadelphia, March 28.

Curtis Institute of Music here is offering \$1,000 worth of tickets at all the standard prices...

2 'Daughters' in B'klyn Are Just Stepchildren

Brooklyn, March 28. 'Yes, My Darling Daughter,' didn't mean much at Verona's Lyceum and Shubert theatres last week...

Estimate for Last Week: 'Yes, My Darling Daughter', Verona's (3d week) (1,228; 75c). Slightly under \$1,000, n.s.h.

The Women Soars To Smash \$12,000 Week At Dollar Top, Pitt.

Pittsburgh, March 28. 'The Women' at \$1 top went over with a bang last week at the Nixon in eight performances...

Estimate for Last Week: 'The Women', Nixon (2,100; \$1). Show, which revised the program for stay against possible \$15,000 for capacity.

HUSTON BIG \$15,500 IN CLEVE, BUFFALO

Cleveland, March 28. Worried that Legit, as opposed, Bill Blair, Jr., penned 'Knickerbocker Holiday' for only three days last week...

Estimate for Last Week: 'Knickerbocker Holiday', Hanna (1,638; \$2). 2d excellent bit in kfolyn shows at end of week, better than some shows did in whole state this year...

9 Defendants Named In Gallo Suit Claiming Breach of Ballet Pact

Fortune Gallo filed a New York supreme court action on Wednesday (23) against 'Entertainers'...

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Lunt-Fontanne Pull OK \$23,000 in Twin Cities

Minneapolis, March 28. Alfred Lunt and Lillian Fontanne copped approximately \$23,000 in the first two nights of their show...

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Worse Than Memphis?

Minneapolis, March 28. By its comparatively light turnout for last and tonight, St. Paul continued to maintain its unenviable reputation as one of the country's poorest show-towns.

Most of the legit road attractions playing the other Twin City this season have drawn the smallest grosses of their entire Broadway seasons.

D'Oyly Carte Up To 27G in Philly; Kings' Poor 9/2G

Philadelphia, March 28. More entertainment nature here last week was jump of D'Oyly Carte Opera Company...

Estimate for Last Week: 'The King's', Philadelphia (1,000; \$2.50). Jumped to about \$27,000 from \$22,800.

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Heppner-'Story' Geared to Press 'Foxes,' 'Abe' for Straight Drama Lead on B'way; Biz Generally Off

Broadway should have a new high grosser in the Katharine Hepburn production of 'The Philadelphia Story'...

Estimate for Last Week: 'The Philadelphia Story', Shubert (1,638; \$2.75). Town turned out for the weekly solo-dio-cello show to gross approximately \$13,400 for the show.

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**Broadway**

Leon Netter back from Bermuda. Tom Bodkin to Coast to manage 'O' Town.

Derek Williams, legit player, back from Florida.

Maurice Berger on a diet to take off his paunch.

Bill Engel, Birmingham theatre regular, in town.

Bob Hess, Hays legal head, on West Indies cruise.

Tom Grimman away Saturday (23) on a Bermuda jaunt.

Tom Turner warring and marring with Miss Mary Galeoto.

Ginnie Hurt interesting herself in ticketing problems.

Miles Ingalls is just about settling down at Music Circle.

Lucretia Dorr, secretary to Herman Shuman, planned to Florida for rehearsal. O'Shea is getting over her rebirth poisoning that got him in Miami at Jovyn Donner's 15th anniversary party with Fox Movietone News filmfare.

Arthur Schwartz, the composer, may take a band unto himself for good.

Paul Stewart, society editor of the N. Y. Sun, back from St. Louis on a Caribbean cruise.

Ed O'Mastred, writer of two stories to Collier's.

Donald Morrison to Buenos Aires to write on Latin-America showbiz.

Sam Senber, p. a. for the Mercury Theatre, has rejoined the Dick Kelly staff.

Ray Blivand, of Hippodrome, to be sent to handle the ladies and the Louis-Super Agency.

Rover Advertising Agency in view of bankruptcy.

Charles Schwartz, director of \$50,000 assets \$28,680.

Arthur Schwartz detoured to Montego Bay, Jamaica, from their West Indies cruise.

Tom Flamm (WMAA press) to bring over several foreign families to see Jerry Fields.

Victory Barnett says he drives only a vice so he would have to read them through.

Alison Stillworth and Jean Mutt are called for a week or two next week at Manhattan.

Genevieve de Saint-Jean due to appear with Sacha Guitry in new play by latter at University of famous Marjorie O'Flynn to Italy for feminine studies.

John Mackey, head of the club which Max Neufeld is making.

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**Paris**

Marcel Sablon in from Nice.

Dorothy Dickson in from London.

Henry Layb held over at Folies 28.

Georgius topping new Bohino review with option.

Suzzy Solidor in from Scandinavian tour.

Charles Boyer scheduled back in June.

Cliff of 'Fishing Cat' by Yolande Plozet, to be filmed.

Alain de Silhouette heading Poison 'O' of offshoots.

Pearl White's works of art, furnished by her, to be exhibited.

Jacqueline Pollet in from series of piano recitals in Belgium.

Tommy Sturges and his European tour, back at Sheherazade.

John Sheffer, head of director of weekly Cinemascope, dead at 43.

Joe Choquette mulling conversion to Catholicism.

Restaurant des Ambassadeurs closing.

Clotilde and Alexandre Sakharoff recapturing at Mediterranean Palace, Nice.

Monique Baker and troupe off on short South American tour.

Josephine Rolland signed with Carl Lamac for lead role in 'Narcissus,' aviation film.

Victor Franzen signed with Will Schumacher to play title role in 'Christopher Columbus' next fall.

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John Mackey, head of the club which Max Neufeld is making.

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**London**

Morris Helprin has arrived.

Jack Pigeon in double bill with goat.

Flora Robson back from Hollywood.

Leticie Soreau due to marry Anita Eaton April 5.

Eddy Gifford, Shakespearean actor, left \$60,000 estate.

Edward and Merv being revived at the Gate theatre next month.

Yvonne Loraine, newswoman in Britain, films in double bill with Harvey Ostrer.

George Collins in town to look over talent for his live spots in London.

Albert de Courville to direct 'The Life of Edward Wallace' for Sam Hays in double bill with 'Harvey Ostrer.'

Veloz and Yolanda signed by the 'Movie Poulter' for the Theatre Royal, Open Sept. 11, for four weeks with option.

Cliff Whitely one of many who made offers for the production in London.

Kenneth Hart, owner with his brother of Quality Inn, has become engaged to Marjorie Hardwicke.

Barry Court due to their majestic departure for Canada and New York.

Lila O'Flynn, the tossed-one of the Stuart Morgan dancers, at London theatre, home of her mother, in a new one-act.

Henry Sherek has lent Elvira to the 'Movie Poulter' for the Theatre House show, opening May.

G.H. is opposition to Dorchester Theatre which Sherek, exclusive bookseller.

Frank Frank L. Tucker has booked Frank Paris and his marionettes, with Walsbyes and Five Herons with the 'Movie Poulter' for the Theatre at the Opera House, Blackpool, opening July 15.

**St. Louis**

Henry Youngman will m.

'First Offenders' (Col) had world premier film in St. Louis.

Edith in gallery visited of the Plait training camp.

Financial meeting costing \$200,000 at Municipal theatre in Forest Park nearing completion.

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**Hollywood**

Harold Lloyd bruised in motor crash.

Karla Raye worth \$45,000 valley home.

Eddie Nugent ailing from bronchitis.

Mary's guest of Warners and Metro.

Zorro Flynn back from Mexican tour.

Smiley Burnette touring south and appearing in 'The Great Dictator.'

Paul Sully joined Jess Lauby as radio a. l.

James Lewis Roosevelt visiting her son James.

Frank Lewis Roosevelt studio as a tourist.

Jack Randall touring Idaho for location sites.

John Barrow awarded fellowship by U. of Indiana.

Douglas Montgomery back after year's tour in from Maine to gender production.

John Barrow recovered from throat infection.

Edna celebrated 28th wedding anniversary.

Edna celebrated 28th wedding anniversary.

Edna celebrated 28th wedding anniversary.

**Philadelphia**

Janey Wyatt lecturing here last week on the subject of the Love Letters.

Sam Gross, of 20th-Fox, back in town after a quick vacation in Hot Springs, Ark.

Taylor Grant setting up Phillip's first and only independent production.

Morris Wax and John Golden back from Florida. Harry Weiner, of Columbia Pictures, in town.

Father and wife of Jimmy Miller off on a road trip.

Allen Gray, of the 'Movie Poulter,' going to grippe.

Lewis F. Carter, of the 'Movie Poulter,' going to grippe.

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**Chicago**

Ray Edgus passed on his way from New South Wales to England.

John Barrow recovered from throat infection.

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**Minneapolis**

Leon Prima band at Harry Hour night club.

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John Barrow recovered from throat infection.

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**New Haven**

Worthy Hills recapping from auto crash.

The Harry Shaws touring West Coast.

Bill Giambo m.c. at local masonic vaude jamboree.

Tommy Donnelly's father, crash victim, on mend.

Worthy Hills opens new entry ticketing booth.

Yale Glee Club goes on European jaunt this summer.

First advance sale on O'Donohy Carts week of April 10.

Annual drama tourney is due April 12.

Lincoln reverts to former manager.

Annual drama tourney opens April 12.

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Annual drama tourney opens April 12.

**Palm Beach**

Billie Barnes sun-and-sunring with the Alfred Hitchcock.

Society of A-arts decided to convene their annual convention this year after this season's trial.

Stay through May is again the year.

Stay through May is again the year.

Stay through May is again the year.

**Literati**

(Continued from page 44)

for beginning scribblers under Myra Fera.

Flora MacFadyen moving her typewriter to a Pennsylvania address.

Nat Whitman reading a new publishing project, Key Publications.

Robert Frost to be published in Poetry Club awarded to Leonora Speyer.

Richard E. Briggs, of Ronald Press, the book publishers, went to America.

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OBITUARIES

EDWARD A. P. ULTON
Edward Antonio Paulton, 73, playwright, lyricist and scenario writer...

EDWARD A. P. ULTON (continued)
For more than 45 years active in the American theatre...

MARION BALLOW
Mrs. Marion Ballow Pouncefort, 68, widow of William A. Ballow...

F. B. HAVILAND
One of the best known of the "F. B. Haviland" comedians...

GUS LEONARD
Gus Leonard, 83, a veteran of more than half a century played before audiences in Europe and the U.S...

JOHN LOUIS MOQUDDIN
John Louis Moquddin, 60, actor who retired in 1918 after 50 years in the restaurant business...

EDMUND J. QUERRY
Edmond J. Querry, pianist, former vaude and one-time musical director...

DICK LANCASTER
Dick Lancaster, 48, for 12 years a member of the comedy, singing and dancing team of Barry and Lancaster...

JOHN WAGENER
John Wagener, 65, former hotel executive and restaurateur, who in 1906 was associated with the famous restaurant...

WILLIAM B. ELLIOTT
William B. Elliott, died March 20 in Detroit, where he had been manager of the Palm-State theatre (United Detroit) for the past five years...

EMILY MILTON
Emily Milton, 72, retired vocal instructor, who numbered many prominent contemporary singers among her pupils...

EMILY MILTON (continued)
Mrs. Milton studied role in Paris under the late Pauline Viardot...

GEORGE (RED) CORCORAN
George (Red) Corcoran, 34 radio time writer, died March 27 in Los Angeles...

EMMIT B. RICE
Emmit B. Rice, 63, former film executive, died March 23 in Los Angeles...

GEORGE N. MCCOY
George N. McCoy, 47, film scenarist, died March 18 in Los Angeles...

ALBERT F. RACHELL
Albert F. Rachell, former manager of the Kenney, Strand and Majestic theatres, Elmira, N. Y., died at his home...

WILBUR F. JONES
Wilbur F. Jones, 48, picture matchmaker, died of the Clinton type of cancer, Columbus, O., 6 or 8 at his home...

MARTIN WINGERTER, SR.
Martin Wingert, Sr., 77, theatre and cafe violinist for more than 40 years in Milwaukee, died March 23 in Los Angeles...

ARTHUR ALAN HALL
Arthur Alan Hall, 60, shoemaker and wife of William Atwell, retired vaudeville singer, died of a kidney ailment at her home in Astoria, N. J., March 20.

JAMES C. KASSEL
James C. Kassel, 31, saxophonist with Allan Clark and W.K.Y., Oklahoma clubbers, died of heart attack in his home in Tulsa, Okla., March 25.

LOUIE FREER
(Louie) LOUIE FREER, 82, former English music comedy star, who once possessed a two-year contract in London that commanded a salary of \$100 a week, died in her home in New York City, March 24.

FRANK R. MCCRAWY
Frank R. McCraway, 48, southern vaudeville comedian, died March 23 of pneumonia at his home in Laurens, S. C.

JUAN PALMER
Juan Palmer, who came to Mexico from his native Spain 40 years ago as an operatic baritone, died while vacationing in Vera Cruz, Mexico, March 18. Burial was in Mexico City.

GEORGE REEVES
George Reeves, professional at the Paramount N. Y., dropped dead Friday night (24) after coming home from work on July 24, his death caused by a heart attack...

GEORGE KIRSCH
George Kirschgesser, 67, retired circus performer, known professionally as George Kirsch, died of heart disease March 25 in New Brunswick, N. J., hospital.

GEORGE (RED) CORCORAN (continued)
He had been Al Johnson's writer years ago and recently named for the Dick Powell program. Widow and parents survive.

EMMIT B. RICE (continued)
He was once associated with D. W. Griffith and William A. Wellman and appeared in "The Birth of a Nation."

GEORGE N. MCCOY (continued)
McCoy, former Milwaukeean, had been in New York more than a year with a heart ailment.

ALBERT F. RACHELL (continued)
He was married to the late Mrs. Elmina F. Jones, who died in 1918.

WILBUR F. JONES (continued)
Mother and widow survive.

MARTIN WINGERTER, SR. (continued)
Funeral here in Los Angeles. Body was cremated.

ARTHUR ALAN HALL (continued)
Funeral here at 10 o'clock, Thursday, March 30, at the home of Mrs. William Atwell, 1001 W. 17th St., Elmira, N. Y.

JAMES C. KASSEL (continued)
Funeral services were held March 25 at 10 o'clock at the home of Mrs. James C. Kassel, 1001 W. 17th St., Elmira, N. Y.

LOUIE FREER (continued)
Funeral services were held March 25 at 10 o'clock at the home of Mrs. Louie Freer, 1001 W. 17th St., Elmira, N. Y.

FRANK R. MCCRAWY (continued)
Funeral services were held March 25 at 10 o'clock at the home of Mrs. Frank R. McCraway, 1001 W. 17th St., Elmira, N. Y.

JUAN PALMER (continued)
Funeral services were held March 25 at 10 o'clock at the home of Mrs. Juan Palmer, 1001 W. 17th St., Elmira, N. Y.

GEORGE REEVES (continued)
Funeral services were held March 25 at 10 o'clock at the home of Mrs. George Reeves, 1001 W. 17th St., Elmira, N. Y.

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Det. Rescinds Carny Ban for Legion Posts
Detroit, March 28. Reversing its previous stand, the common council here last week rescinded its ban on carnivals, to be sponsored by American Legion posts...

AFRICA RINGING THE BELL
Africa Ringing the Bell, a new musical play by the American Federation of Music, is being staged at the Detroit Music Center...

AFRICA RINGING THE BELL (continued)
The play, which is being staged at the Detroit Music Center, is a musical play by the American Federation of Music...

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N. Y. STATE FAIR SHARED BY FACTIONS

Syracuse, March 28. Plans of New York State fair officials to capitate the fair by splitting its expected to pass through Central New York en route to the New York State fair, which was snarled as the result of a battle between various state fair powers...

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AFRICA RINGING THE BELL

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Sold Frisco

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L.A. Tax rap on W-W

The Hagenbeck-Wallace circus, in operation at 1000 acres of land in Los Angeles, has been assessed a tax of \$10,000...

MARRIAGES

Mrs. Judith Wood to Percival Christopher Wren, Jr. in Tokyo, March 17. She's the American film actress; he's the English novelist.

Marjorie Blanch Belows to Marvin Smith in New York, March 17. He's promotion manager for WNEW, N. Y.

Reahed Keith to William Mellor in Boulder City, Nev., March 28. Bride is a film player; he's a Paramount cameraman.

BIRTHS

Mrs. and Mrs. Joe Sergio, daughter, in Milwaukee, N. Y. Father is chief accountant of WISN, Milwaukee.

Mrs. and Mrs. Emanuel Silverstone, daughter, in New York, N. Y. Father is American actor for London Films and Korda Productions, Ltd.

Donald Pearson to Bob Hansen, 20th-Fox booker, March 17 in Omaha, Neb.

Mrs. and Mrs. Harry Wolf, daughter, in Hollywood, W.D. Father is son of William Randolph Hearst; mother Marie Paradise case (N. Y.) showgirl!

Mrs. and Mrs. Henry Koster, son, in Hollywood, W.D. Father is director at Universal.

Mrs. and Mrs. Sam Wells, mixed blood, in Hollywood, W.D. Father is drummer in Merle Pitt's WNEW, N. Y., orchestra.

Dr. McCall Anderson, 7, for years



# The Paramount Falls

## FOR CHARLIE

# BARNET

*THE New King of the Sax*  
and his ORCHESTRA

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NEW YORK PARAMOUNT**  
Weeks March 22 and 29

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Week April 7

Opening **RAYMOR, Boston,**  
Mass., April 14 for 4 weeks  
Broadcasting 4 times weekly  
via NBC Network



**VICTOR  
RECORDING ARTIST  
CURRENT RECORDINGS**

Knocking at the Famous Door  
Tin Roof Blues  
Gal from Joe's  
New Moon and Old Serenade  
I Pray Humble  
I Get Along Without You Very  
Well

*Judy Ellington*

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CHARLES E. GREEN, Consolidated Radio Artists; NBC for splendid cooperation on broadcasts and transcriptions; THE FAMOUS DOOR for a memorable ten weeks; BOB WEITMAN of the New York Paramount; LEONARD JOY and THE VICTOR RECORDING CO.; and to all my friends who have helped make this success possible



*Consolidated Radio Artists, INC.*

30 ROCKEFELLER PLAZA, NEW YORK, N. Y.

COLUMBUS 5-3580

CHICAGO

HOLLYWOOD

SAN FRANCISCO

CLEVELAND

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