

# VARIETY

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## ZUKOR STOPS "CAPTIVE"

### NEW BIG SPORTS ARENA TO RIVAL GARDEN—ALSO CIRCUS

Jack Fugazy Behind Promotion of Car Barn Property —Am. Circus Corp. Reported Offering \$4,000 Daily for Its Sells-Flote Circus in Manhattan

Another mammoth sports arena within Broadway's amusement zone is virtually assured. It will rival the new Madison Square Garden, spotted just two blocks east, at 56th street and 6th avenue. Jack Fugazy, who has come up quickly in the last year as a promoter of major boxing events, will oppose Tex (Continued on page 36)

### SQUASH MATCH; \$20,000 SIDE BET

Members of the Racquet, Fraternity and City Athletic clubs are highly interested in the squash tennis match to be held this Thursday for a side bet of \$10,000 each, winner take all, at the Fraternity Club, New York, with the players Walter Kinsella and Frank Ward.

Downtown brokers, members of (Continued on page 36)

### Irene Palmer Will Wed Hungarian Noble Abroad

Irene Palmer, "Follies" beaut, once Mrs. Cyril W. Tolley, wife of the golf expert, has betaken herself an Hungarian nobleman. Both sailed Friday night (Feb. 11) on the Olympic to be married in Budapest and reside abroad.

Miss Palmer divorced her golfing husband, whom she met when with Ziggy's productions. She succeeded Dolores in her role, but has been in retirement for five years.

### SOUSA AT \$12,500

May Go Into Picture Houses With Band of 55.

Sousa again looks like a picture house possibility.

It is said that Harry Askin, Sousa's general manager, and Askin's assistant, Jack McGrath, have prevailed upon the noted bandmaster to take a popular price tour, in order that the masses who know of but never have seen him, may listen to the Sousa band.

A weekly salary of \$12,500 is reported having been set by the Sousa management. The film theatre bookings have been placed with William Morris.

### Anxious for the Cops

During the recent police interference with New York's salacious entertainments, "N. Y. Exchange," at the 49th Street theatre, which would enjoy some extra advertising, was ignored by the cops.

C. P. Grenaker, head of the Shubert press department, and Howard S. Benedict, one of his aides, frantically paced the pavement in front of the house the night the bluecoats were making the rounds. It was a cold evening.

"They should be here by now," remarked Grenaker, who fingered his watch nervously, "I wonder what's keeping 'em."

A half hour later the mimeographer, almost on the verge of tears, finally cried: "God! Will they never come!"

### RAGGED NAT'L ANTHEM TO DRUNKS AT 4 A. M.

Ragging the "Star Spangled Banner" before drunks at 4 a. m. in a Times Square night club is a regular early morning diversion for the attaches and regular habitués of the joint.

Its peculiar scheme is to have everyone in the place stand up at the sound of the National Anthem, to syncopation. Those drunks unable to get to their feet remonstrate with the patriots who implore them to arise. Nightly fights result, making this hilarious hang-out more hilarious.

Evident enjoyment is obtained by some of those to whom this is a nightly and welcomed sight. The operator of the night club has been requested by many including associates to stop the practice but refuses to.

### 550-POUNDER MARRIES

Los Angeles, Feb. 15. Josephine Williams, 22, fat woman with the Al G. Barnes Circus, known as Jolly Josephine, was married to Karl Otto Klein, 24, yesterday.

The bride weighs 550 pounds, bridegroom of normal weight.

### F. P. INFLUENCE SWAYS MILLER

Two Other Sex Play Casts Held for Court as Crusade Goes On — "Sex" Waives Hearing — Ballyhoo in "Virgin Man"

### ANGLE FOR JURY

Following the raiding of three Broadway theatres—Empire, Princess and Daly's—where the police arrested managers and actors in "The Captive," "The Virgin Man" and "Sex," a dramatic anti-climax came on Tuesday when it was stated "The Captive" would be withdrawn after last night's performance.

Pressure from Famous Players is understood to have caused the move. The show was produced by the Charles Frohman, Inc., owned by F. P. and, while the managing director is Gilbert Miller, who really presented "The Captive," Miller is actually an employe of F. P. Miller refused to comment on the withdrawal.

On the inside it was stated the withdrawal is by "mutual consent," but it was plainly inferred that the play might later be presented, if not by the Frohman office, some other management. That may not occur, however, until the status of the play is established in court. Eminent counsel has been engaged and the case will be fought out. The show has been a big money maker, grossing between \$21,000 and \$23,000 weekly, but was im- (Continued on page 40)

### RENAULT, PUGILIST, AT \$2,000 WEEKLY, FILM

Jack Renault, heavyweight boxer, now playing opposite Richard Dix in the Famous Players-Lasky forthcoming feature picture, "Knock-Out Reilly," will probably remain in pictures and never return to the ring.

Renault is receiving \$2,000 weekly. (Continued on page 10)

### Vaudeville!

Washington, Feb. 15. Helen MacKellar, in "The Mud Turtle," topped the local Keith's bill just two years ago.

Currently this legit actress, in the same sketch, is appearing in the 3-a-day, K-A-booked Earle, with the A. and P. Gypsies billed above her.

### 1ST RADIO REGULATION MEASURE IS PASSED IN MINNEAPOLIS

Affects All Stations Within City's Limits—No Two Stations on Air at Same Time—Not Over 500 Watts or 12 Hours, Night, Weekly—Penalty

### "Variety" Selected

Unofficially the "official" orchestra of the performing, stage and dance orchestra, "Variety" has been formally accepted as the official trade paper to the National Association of Orchestra Directors.

Unlike a couple of proposals from other papers to turn its columns over to the N. A. O. D. for anything and everything, "Variety's" hook-up carries with it no obligations—nothing but an expression of good will and mutual cooperation, and was not solicited by this paper.

### GIVEN UP FOR DEAD WHITEHART IS REVIVED

Keokuk, Ia., Feb. 15.

Harold Whitehart, one of the acts, appearing on the Regent bill, was stricken with heart disease as the result of acute ptomaine poisoning. When doctors were called it was thought he had died. Artificial respiration applied by a member of the Mississippi River Power Company's first-aid team assisted the doctors in restoring the actor to consciousness. He was later taken to a hospital and has recovered sufficiently to take his turn again.

### Fairbanks' New Tennis Pacific Coast Rage

Summer vaudeville bookings will have a decided athletic tinge. Harold "Red" Grange upon the completion of his current picture will hit the vaudeville line via the west coast Orpheum houses, at \$3,500 weekly. Grange will work his way east.

Suzanne Lenglen will return from Europe in time to play summer K-A and Orpheum engagements in an exhibition of the new tennis game invented by Douglas Fairbanks, which is sweeping the west coast by storm. The game calls for feathers on the ball and enables the player to put everything on it in a limited space.

Minneapolis, Feb. 15. Minneapolis is the first American city to enact an ordinance regulating radio broadcasting within the city and the use of so-called "blooper" regenerative receiving sets, to improve radio reception for listeners.

A measure passed by the city (Continued on page 48)

### MOVIE MOMS' OR ALIMONY ETHICS

Palm Beach, Feb. 15. Will Rogers, making this place a regular concert stand, spoke of his admiration for Charlie Chaplin.

At the same time the humorist mentioned he couldn't go wild over movie mothers who seem able to take better care of their daughters' alimony claims than they do of their pre-marital morals.

Rogers suggested to the elite attendance that they suspend all judgment on the film comedian's divorce action until knowing more about it.

Rogers appeared at the Palm Beach roof, drawing about 450 at (Continued on page 23)

### Mrs. Schoellkopf Marries Carmen in Honolulu

Los Angeles, Feb. 15. Tidings from Honolulu bring attention to the marriage of Mrs. Irene M. Schoellkopf to Frank Carmen, actor, last week. The bride gave her age as 44 and Carmen 33. Several years ago Mrs. Schoellkopf was robbed of \$250,000 in jewelry following a New Year's Eve party in New York in Carmen's apartment. The couple are now en route to Los Angeles, where Carmen expects to crash into filmdom.

### COSTUMES GOWNS--UNIFORMS

FOR EVERYBODY WHO IS ANYBODY ON THE STAGE OR SCREEN...EXCLUSIVE DESIGNS BY LEADING STYLE CREATORS  
**BROOKS** 1437 B'WAY NEW YORK  
ALSO 15,000 COSTUMES TO REPLY



## "CAPTIVE" VOLUNTARILY STOPS

(Continued from page 1)

possible so far as picturization is concerned.

### "Sex" Goes Downtown

The intention of the "Fifth Avenue" connection of the Frohman company to close immediately was gleaned at the hearing of "The Captive" case yesterday, when counsel asked for a postponement until today (Wednesday) at 2:30 p. m. As there was a scheduled matinee of the play, that meant no performance would be given. Counsel well knew what the postponement meant.

In the West Side Court yesterday afternoon the case of "Sex" was heard before Magistrate Simpson. After deputy police inspector Bolan had been on the stand until 5:30, laboriously going over the script, an adjournment was asked by James Timoney, lawyer and part owner of the play.

He pleaded the 22 defendants would have to dine and reach the theatre in time for the night's performance. The court refused to adjourn the case, stating he would hear all the testimony. District Attorney Wallace stated he was ready to go through to "the bitter end" when a second attempt to adjourn was made. Finally Timoney waived examination reluctantly. That caused the court to hold all involved for Special Sessions under bail. That was virtually the same result as with "The Virgin Man," which was examined on Monday and held for trial downtown, also under bail. The courts were crowded by curious during all three hearings.

There was this difference between proceedings over "The Virgin Man" and "The Captive"—in the former case the tabloid photographers had it all their own way with the women defendants, while Helen Menken of "The Captive" at first absolutely refused to pose and had to be persuaded. Also, Miss Menken was caught outside Jefferson court by the snapshot men, while Dorothy Hall and Betty Arden of the Princess show walked into a side room of the court and submitted to flashlights.

There were phases of "The Virgin Man" case that gave it all the characteristics of a show which would have enormous ballyhoo value for the box office. The lawyers—there were three or four of them, including Murray Hulbert, former president of the New York Board of Aldermen—wanted to go on when the case was called. The defendants—eight of them—waived further examination after more than two hours of examination. They might have done that in the first place with the same result.

Mr. Hulbert made it plain that he would make formal motion for the transfer of the issue from Special Sessions to General Sessions, where it can be held up and delayed a long time and where it can be grand stand before twelve good men and true.

When Magistrate Renaud (he's one of the best lawyers on the municipal bench) suggested today (Wednesday) for the adjourned hearing, all the principals of "The Captive," numbering ten, chorused in accord, "Why, tomorrow's a matinee day." Matinee days don't mean a thing in Magistrate Renaud's life. "Nevertheless," he replied curtly, "the defendants will be in this court tomorrow at 2:30 for the examination." And that was that.

Two more defendants were present from "The Captive" personnel. One was the company manager and the other was the stage manager. Warrants were issued for their arrest. The day before Hulbert had made an eloquent defense of players who took the brunt of this crusade. He demanded the arrest of Mrs. Clara Tree Major, manager of the Princess, as the employer of the performers (so he said) and protested against her absence. On this basis, apparently, the Empire stage and company managers were brought in.

"The Virgin Man" case for the people rested entirely upon the testimony of Police Inspector William B. Cummings of the First District.

Cummings is the best type of cop; practical, unemotional and calculating. Because of the legal rules of evidence, he was hampered on the witness stand by counsel's objections. When he wanted to testify that one of the characters "tried to flirt," counsel objected that he was speculating on the character's in-

tentions and giving his views rather than the facts.

Thereafter, the Inspector had to confine himself to a cold recital of business, which carried only a vague impression of what actually happened on the stage. He skillfully kept within the rules of evidence, but he demonstrated the absurdity of trying to give conclusive evidence in such a case for the People within the rules.

Arrests of managers and actors in three so-called dirt plays last week followed the prediction in Variety that police would raid certain plays complained about. Warrants and arrests involved three plays, "The Captive," "Sex" and "The Virgin Man." Police action came after District Attorney Banton and Police Commissioner McLaughlin conferred with six police inspectors.

### Max Steuer Retained

"The Captive" defense was assigned to Max Steuer by Miller. Steuer successfully fought "The Demi-Virgin" case from the police courts to the Supreme Court several years ago for A. H. Woods, that case probably now to act as a precedent in the present prosecutions.

"The Virgin Man" case was first considered, the hearing being before Magistrate Renaud at Jefferson Market. Bickering between counsel consumed Monday afternoon.

### Publicity No Help

The raids and front page publicity had no special reaction so far as the business of the three plays was concerned. "The Captive" kept its excellent attendance, but there was no box-office rush, while the gross was about \$200 less than the preceding week. "Sex" has been partially in cut rates from the start, and still is. "The Virgin Man" was listed to stop last Saturday, but the publicity kept it going. It is spotted in a 299-seat theatre (Princess), and the humorous angle to that is that the show "fought its way" into cut rates.

Before the arrest the cut-rate agency refused to handle tickets for the "Virgin" show. The press agent of one dirt play paced the lobby all evening on the night of the raids and was peeved up because the cops did not appear.

While the police were doing their act, the managers, actors and authors committee of nine has been at work on a semi-official censorship or control of the stage by showmen.

### Three-side Control

The committee's idea is to form a voluntary association which would have a managers, actors and authors control committee. Each play produced would be required to register and a fee of \$50 charged, half of which would be paid by the manager and half by the author. About \$12,500 annually would be raised and used for office expenses. The control committee would be called to pass on any questionable performance, acting upon complaints filed with the district attorney.

If the committee decided a play should close, performances would be called off immediately. Such action would be automatic, because it is proposed to incorporate it in the standard contracts for actors, to replace the now discarded citizens' jury system. Instead of closing a show the committee might order changes in lines and situations for all classes of productions.

"The Drag," blamed for bringing the play censorship to a focus, stopped last week in Jersey. It was booked for Bayonne, the police refusing to permit it opening. The management sought an injunction in Jersey City, alleged the "Drag" taught a moral lesson. The judge thereupon demanded to know why the play was billed as "dramatically sensational." A restraining writ was denied.

### Cops as Censors

Commissioner McLaughlin was credited with making a statement that the cop on the beat could act as censor any time he thought there was indecency on the stage. That was regarded as far-fetched and not taken seriously. The matter came up in connection with raids on night club floor shows, several arrests for nudity being made. Several such shows draped the choristers and passed police scrutiny.

The only performance interfered with was the Thursday matinee of



NYRA BROWN

the scintillating comedienne, now on tour with Irving Berlin's "Music Box Revue." is one of the season's sensational successes in the south where she is playing.

"Nyra Brown was specially delightful in 'The Music Box Revue.'"

—PALM BEACH "POST."

"Nyra Brown, who appeared in 'The Music Box Revue,' has become a New Orleans favorite."

"TIMES-PICAYUNE."

"The Virgin Man." That happened because the injunctions were not secured until late in the afternoon.

In discussing the plan for controlling the stage by showmen, the committee of nine pointed out that out of 250 productions annually (including those made out of town but not brought in), not more than 10 could be classed as objectionable, and of that number the matter was debatable. In objecting to state or city censorship, fear of destroying the American stage was expressed. London's stage is in a state of stagnation, it was claimed, because of rigid censorship ideas.

## PINCHED FOR 'CAPTIVE' AND GETS MEDAL

Gilbert Miller Receives Legion of Honor Decoration from French Gov't

Paris, Feb. 15.

Gilbert Miller, the American producer, has been decorated by the French government, admitted into the Legion of Honor.

The decoration is in recognition of Miller's efforts on behalf of French dramatic literature in America.

Gilbert Miller is managing director of the Charles Frohman company, owned by Famous Players-Lasky.

The reference to French dramatic literature is construed to refer to "The Captive," now at the Empire, New York, and "The Cardboard Lover," tried out in the fall and due on Broadway soon. Heretofore the manager expressed preference in foreign works to Hungarian plays, particularly those of Molnar.

The grant of the Legion of Honor to Miller came on the eve of his arrest, charged with presenting a play ("The Captive") which tended to corrupt the morals of youth.

While the same play is highly regarded in Paris, it is understood that recently Pierre Marguerite was debarred from the Legion of Honor for having written a book dealing with the same topic as "The Captive." The volume is called "The Bachelor Girl."

Though the Frohman office is controlled by F. P.-L., Miller is said to have entire charge in selecting the plays to be produced.

## A "Nasty" Husband, Says Julia Reynolds

Los Angeles, Feb. 15.

A divorce was granted Julia Reynolds, recently of the chorus of "Monkey Business," from Frank J. Carney, postal clerk. Miss Reynolds told Judge Summerfield her husband was nasty and it was impossible to please him.

## WALLACE'S REST, AFTER 1,783

Lee Kollmar, substituted for M-ton Wallace in the New York cast of "Abie's Irish Rose," the latter three days of last week.

Wallace took a short vacation after playing 1,783 consecutive performances.

## LOOP BUY OF 300 NIGHTLY FOR "B'WAY" FROM INDIE BROKERS

10 Weeks Guaranteed With No Return—Show Reported Opening in Chicago in Sept. or Before—Opposish Movement Against Couthouli

Chicago, Feb. 15.

An offer has been tendered from five independent ticket brokers here to Jed Harris, producer of "Broadway," to guarantee a buy of 300 tickets nightly for that show's local engagement for 10 weeks, with no return privilege. "Broadway" is expected to open here in September or before.

Locally, the movement by the insiders is looked upon as a display of strength against the theatre ticker agency stronghold here, Couthouli's, in the very much tangled ticket brokerage situation at this end.

Mrs. Couthouli is reported to have offered to buy for 15 weeks for the same play and pay immediate cash for the coupons. Both offers are under consideration by Harris, from accounts.

Joe Gluck is said to have represented the independent brokers in their offer, the indies having requested Gluck, producer and manager, to present it.

"Broadway" is said to be dated for the Selwyn, now a Shubert-booked house. Its scale will be \$3.85 top.

## The Uselessness of It

It was the suggestion of a reader to the critic of a New York daily that the problem of solving the "play jury" gag would be to have the critics, themselves, serve as jurists. "You all have your followings and are considered theatre experts," wrote the reader, "then why couldn't you gather on the following day after a new play has opened and either give it a clean bill of health or condemn it? Or you could give your verdicts in your reviews if the plays was indecent. The majority, of course, ruling."

The reviewer replied that the idea was not sound "because too many of the local dramatic bureaus are under instructions from their advertising department chiefs, who, in turn, kow-tow to powerful theatrical interests."

Which may be so.

## 6 SHOWS OUT

Three attractions closed suddenly Saturday and at least three will depart at the end of the week. The total of six may be increased, several of the newer shows faring so badly they can hardly continue. Included in the closings is that of "The Wandering Jew," with an all-English cast which stopped at the Cosmopolitan after playing but two weeks.

"The Love Thief," independently produced, is due off at the Eltinge, after playing four weeks. It opened under the title of "Praying Curve." Starting at \$4,000, got \$5,000 the second week with cut rate support.

"The Dark," presented by W. A. Brady, Jr., and Dwight D. Wiman,

### "THE DARK"

By Martin Brown at the Lyceum, January 31. All hands called the turn as a deserved flop except Woolcott, who found some merit. "Deserves the Pulitzer prize for exasperation," Telegram (Vreeland); "Violent and repellent vehicle of overacting," Eve Sun (Gabriel). Variety (Ibex) said: "Less than five weeks."

closed Saturday, playing two weeks at the Lyceum. Business reported under \$3,000 last week.

"The Adventurous Age," presented by George Tyler at the Mansfield, will close in its second

### "ADVENTUROUS AGE"

Mrs. Pat Campbell's return; at the Mansfield, Feb. 9. Critics made excuses for piece letting star down.

week. The English show rapped and got no business, despite reappearance of a once favored star, Mrs. Patrick Campbell.

"Trial Marriage," independently produced at Wallack's, is due out

### "TRIAL MARRIAGE"

Michael Kallieser's play opening Jan. 31 at Wallack's. Critical thumbs were all turned down. It especially bored Coleman, Mirror. "Crude Entertainment," Times; "Lurid hodgepodge of rough stuff," Variety, "Won't survive a month."

Saturday. Although another house is sought, business less than \$5,000 has been drawn from cut rates. Third week.

"The Bottom of the Cup" taken

### "BOTTOM OF CUP"

Opened Jan. 31 at the little Mayfair. Critical opinion agreed it wouldn't do. Feature of production was rushing in of inexperienced colored player, Daniel L. Haynes, when Charles Gilpin withdrew.

off at Mayfair Saturday, playing two weeks to small pickings.

## SEX BALLYHOO PLAYED UP STRONG IN BILLING

An idea of what the cut rate theatre ticket purchasers prefer can readily be gathered by an inspection of the signs that are on display in the Public Service Theatre Ticket Office, the formal title of Joe Leblang's in the basement of the Cohan Theatre Building. One look and it will be seen that sex is the outstanding selling lure according to the signs.

The strongest sign of the lot is the one for "The Love Thief" which reads, "After the wreck all he wanted was her body" while on another sign for the same attraction is stated "A strong sex play."

"The Scarlet Lily" is described as "A drama of sex appeal in the underworld" while "The Night Hawk" is "The great sex play." "Does love make its own laws?" is the question prefacing "Trial Marriage" and for Alice Brady in "Lady Alone" the information is given that "She dared them all—She Won and She Lost." The old "unwritten law" is brought to the fore in describing Willard Mack in "Honor Be Damned."

Of course there are other attractions that are advertised in milder forms such as the musical comedies and lighter plays that they are handling tickets for and the above are simply the real "strong" signs for the first aid to the falling box office.

## Shuberts Now Operating Twins in Chi's Loop

Chicago, Feb. 15.

The Shuberts formally took over operating control of the Selwyn and Harris theatres here last week. They had previously purchased ownership control, but A. L. Erlanger operated the houses under lease. The latter relinquished his leases, making the twin theatres available to the Shuberts much earlier than anticipated.

The twin houses are expensive propositions. The estimated cost of each is \$150,000 per year. That means about \$4,500 weekly and calls for a stop clause of approximately \$14,000 weekly.

While the Shuberts might be regarded as dominating bookings in and adjacent to the Loop, there are five independent theatres: Cort, Playhouse, Studebaker, Woods and Central. The Erlanger office now directly controls three theatres: Erlanger, Illinois and Blackstone. In addition to the twins, the Shubert-booked houses are Garrick, Apollo, Olympic, Four Cohans, Great Northern, Adelphi (A. H. Woods ownership), LaSalle and Princess, a total of 10.