

# The National Association of Broadcasters

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JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### WASHINGTON RADIO HIGHLIGHTS

Havana Radio Conference ends with claims of achievement and signals further conference in Havana in November purpose agreeing on use radio frequencies in North and South America \* \* \* \* U. S. Senator Sheppard (Texas) introduced Copyright Bill (S. 2031) which would (1) make it necessary for authors, composers and publishers to identify the use they make of material in the public domain; (2) place the responsibility for the public performance of music on the person originating the performance; (3) leave the question of damages to the discretion of the court.

### NAB BOARD TO MEET

The spring meeting of the NAB Board of Directors will be held at the Washington Hotel, Washington, D. C., on April 7. The purpose of the meeting is to appraise current problems.

### MRS. McNARY RESIGNS

Members of the NAB who have visited the Washington office will regret to learn of the resignation of Mrs. Bert Siebert McNary as secretary to the Managing Director, effective April 1.

Mrs. McNary, the very efficient secretary to Mr. Baldwin, has been with the association for the past six years, having joined its staff shortly after the association was moved to Washington.

Leonard D. Callahan, who was recently designated as assistant to the Managing Director, will take over a large share of Mrs. McNary's duties.

### COPYRIGHT AMENDMENT INTRODUCED

Senator Sheppard of Texas introduced a bill in the Senate this week (S. 2031) to amend the copyright act approved March 4, 1909, having direct effect on the broadcasters of the country. The bill, which has been referred to the Senate Committee on Patents, is as follows:

That section 6 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended, is hereby amended by striking out the period at the end thereof and inserting in lieu thereof the following: "*Provided*, That the application for registration, and the printed notices of copyright on the

work shall specify under which version or versions of works copyright is claimed."

SEC. 2. (a) Section 25 of such Act is amended by adding after subsection (b) the following new subsection:

"(c) To pay to the copyright proprietor, in the case of an infringement by radio broadcasting, such damages as to the court shall appear to be just: *Provided*, That the responsibility and liability for the use of copyrighted material in broadcasting on two or more stations simultaneously shall rest solely with the station originating the performance: *And provided further*, That the responsibility and liability for the use of copyrighted material in electrical transcriptions and other forms of recording made exclusively for broadcasting purposes shall rest solely with the maker of such electrical transcriptions and other forms of recordings and his agents for distribution thereof to broadcasters."

(b) Subsections (c), (d), and (e) of section 25 of such Act are hereby amended to read subsections (d), (e), and (f), respectively.

SEC. 3. Section 44 of such Act is hereby amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and such default shall be a defense against any legal proceeding brought by the assignee as a result of use made of the copyrighted material subsequent to the date of assignment."

### HAVANA RADIO CONFERENCE IS CONCLUDED

The technical radio conference which began at Havana on March 15 concluded its work on March 29. It was participated in by representatives from the United States, Canada, Cuba and Mexico. It is expected that a further detailed conference will be held on November 26 at Havana.

While no official statement has been made public by any

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American governmental body, Commander T. A. M. Craven, chief engineer of the Federal Communications Commission and chairman of the American delegation to the Havana conference, made the following statement at the close of the conference:

"The accomplishments to date at this preliminary conference have been outstanding in that for the first time in the history of their radio relations, a common understanding has been reached by the countries represented on the technical principles that are basic, adoption of which is deemed essential if coordination is to be accomplished.

"We have also paved the way for study of the facts and conditions that exist today in the chaotic and unsatisfactory situation in short-wave communications in this hemisphere with the view that, at the approaching November conference, all the American nations will be in far better positions to suggest effective means for meeting this situation.

"The specific recommendations of the conference include an increase in the regular broadcast band used for the national broadcasting services from 550-1,500 kilocycles to 540-1,600, thus increasing the available channels from ninety-six to 107.

"Fifty-eight of these would be set aside as clear channels to be used by high-power stations in each nation, to render service over wide areas. The remaining forty-nine channels would be assigned for use by regional and local stations providing, through engineering principles and location of stations, against the present objectionable interference, on which the delegates have reached a common definition for the first time.

"There is also a recommendation for a change in the existing amateur band from 1,750-2,050 kilocycles to 1,715-2,000 and for extension of the existing bands allocated to State or Provincial police.

"A study looking toward elimination of interference by radio therapeutic machines and other apparatus will be made by all the attending countries and an international plan will be drawn up to provide for emergency communications in the event of disruption of normal channels of communication by hurricanes, earthquakes and other disasters.

"Likewise, study will be given to adoption of suitable regulations with respect to frequency bands above 1,600 kilocycles that might permit interchange of international police communications.

"The delegations have refrained from touching on the political phase of international radio problems, but it is undeniable that this is likely to prove the greatest stumbling block at the coming conference.

"It will be highly necessary for each nation to establish standards of control for its own stations. In Cuba, for example, due to lack of adequate regulations, the interference of stations has become so intense, not only with each other but with stations in the United States, that a

wave of protest has swept the nation. However, the economic situation of the island's stations and political influences have thus far prevented enactment of efficient measures of control."

## NEW TEXAS STATION RECOMMENDED

Radio Enterprises, partnership of J. R. Curtis and R. Lacy, and the Red Lands Broadcasting Association both applied to the Federal Communications Commission for a construction permit for a new station at Lufkin, Texas, and both asked the same facilities, namely, 1310 kilocycles, 100 watts, and daytime operation.

Examiner P. W. Seward, in Report No. I-377, recommended that the application of Radio Enterprises be denied and that of the Red Lands Broadcasting Association be granted. He found that a need does exist for additional radio facilities during the day in the area proposed to be served. The Examiner states that the applicants connected with Radio Enterprises "reside in a different area than that proposed to be served and that neither one of the partners in this application has spent any considerable time in the Lufkin or Nacogdoches area." On the other hand the applicants connected with the Red Lands Broadcasting Association do reside in Lufkin and Nacogdoches and therefore the Examiner feels "these applicants are better qualified to know the needs of the area."

## MONTANA COPYRIGHT LAW

On March 3 the Montana state legislature enacted a law making copyrighted music licensing pools illegal. It was approved by the Governor on March 12.

A similar bill was passed by the State of Washington legislature and also approved by the Governor.

Legislation designed to regulate music copyright licensing pools is also pending in Illinois, Iowa, Minnesota, Nebraska, Ohio and Wisconsin. An Indiana bill to license and tax music licensing pools was passed by the House and reported favorably in the Senate but was not passed by that body prior to final adjournment. The Montana law is as follows:

### MONTANA

(House Bill No. 396)

(Regular Session)

AN ACT in aid of the Federal Copyright Laws, to assist in effectuating their true intent and their enforcement in the State of Montana by removing and declaring illegal certain monopolistic abuses and activities wrongfully practiced under the guise of copyrights within the state by price fixing combinations, monopolies and pools; to enforce the Montana constitutional provisions prohibiting price fixing monopolies, and combinations in restraint of



commerce and trade, providing penalties for combining rights granted by the copyright laws where the effect of such combinations results in the use of copyright privileges as instrumentalities of oppression and extortion within the state in violation of constitutional provisions; and encouraging the rendition, creation and production of copyrighted works among the school children and citizens of the State of Montana, encouraging the marketing and acceptance of copyrighted works, created by the citizens of this state; repealing certain Acts; creating a state anti-monopoly board for a particular function to be exercised only in the event of abuses and violations hereof; defining its duties, and the jurisdiction and duties of courts of record; the duties of the prosecuting attorneys, county auditors, the state treasurer and the secretary of state; and providing for the appointment of a receiver in certain instances; defining certain terms; providing for service of process on nonresidents; prohibiting certain Acts; and providing penalties for violation hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any person to, without the consent of the owner thereof, cause to be publicly performed for profit any dramatic composition, or dramatic musical composition commonly called an opera, or other copyrighted works, or any substantial part thereof, which has been copyrighted under the laws of the United States, or for any person to knowingly participate in the performance or representation of any substantial part thereof, or by knowingly selling a substantial copy of any substantial part thereof. Provided, however, that nothing contained in this Act shall affect or be construed to affect motion pictures.

Section 2. It shall be unlawful for two or more persons holding or claiming separate copyrighted works under the Copyright Laws of the United States, either within or without the State, to band together, or to pool their interests for the purpose of fixing the prices on the use of said copyrighted works, or to pool their separate interests or to conspire, federate, or join together, for the purpose of collecting fees in this State, or to issue blanket licenses in this State, for the right to commercially use or perform publicly their separate copyrighted works; provided, however, such persons may join together if they issue licenses on rates assessed on a per piece system of usage; provided further, this Act shall not apply to any one individual author or composer or copyright holder or owner who may demand any price of fee he or she may choose for the right to use or publicly perform his or her individual copyrighted work or works; provided further, such per piece system of licensing must be based on and in proportion to the use made of such copyrighted works and in no case in excess of any other per piece system in operation in other states where any group or persons affected by this

Act does business, and all groups and persons affected by this Act, are prohibited from discriminating against the citizens of this State by charging higher and more inequitable rates per piece for music licenses in this State than in other States; provided further, where the owner, holder, or person having control of any copyrighted works has sold the right to the single use of said copyrighted work, where its sole value is in its use for public performance for profit, and has received any consideration therefor, either within or without the State, then said person or persons shall be deemed to have sold and parted with the right to further restrict the use of said copyrighted work or works; Provided this does not apply to selling the use of any copyrighted work or works at a different time.

Section 3. In the event two or more persons holding separate copyrighted musical works, or any rights flowing therefrom, whether by assignment, agency agreements, or by any form of agreement, pool their interest, or combine, or conspire, federate, or join together in any way, whether for a lawful purpose or otherwise, a complete list of their copyrighted works or compositions shall be filed once each year with additions or revisions made monthly in the office of the Secretary of State of the State of Montana, together with a list of the prices charged or demanded for their various copyrighted works; no payment or filing fee shall be required by the Secretary of State, and said persons, corporations, or associations, foreign or domestic, shall state therein under oath, that said list is a complete catalogue of the titles of their claimed compositions, whether musical or dramatic or of any other classification, and in addition to stating the name and title of the copyrighted work it shall recite therein the date each separate work was copyrighted, and the name of the author, the date of its assignment, if any, or the date of the assignment of any interest therein, if any, and the name of the publisher, the name of the present owner, together with the addresses and residences of all parties who have at any time had any interest in such copyrighted work. The Secretary of State shall require two copies of said list, one of which he shall keep on file, the other shall be forwarded to the office of the State Treasurer at Helena.

Section 4. The foregoing list of names and titles, provided for in the preceding section, shall be made available by the Secretary of State to all persons for examination, in order that any user of copyrighted works in this State may know the rights and titles to such copyrighted works as may be claimed by any of said combinations, pools, associations, or persons as aforesaid, said lists shall be prepared so that all persons may avoid using said copyrighted compositions, if they so desire, and may avoid conflict therewith, and avoid committing innocent infringements of said works; and said lists so filed shall constitute constructive notice to all persons of the matters contained therein; and in order to further effectuate the copyright



laws of the United States, the Secretary of State shall, if he deems it necessary to protect the citizens of this State from committing innocent violations of the Copyright Laws of the United States, publish such list once each year in a newspaper of general circulation, in order that all citizens of the State may respect any and all individual rights granted by the United States Copyright Laws.

Section 5. No person, corporation, or association, domestic or foreign, whether doing business in this State as hereinafter defined or not, shall be absolved from the foregoing duty of filing said list of holdings as required in the preceding sections of this Act, if their music or copyrighted works are used commercially in this State, or have been used herein, whether originating from a point within the State or from without, and as long as any rendition thereof is received or heard within the State, or is intended to be so received by the originator of any musical program; provided, however, any individual owner of a copyrighted work or works, not a party to or not connected in any way with any pool, conspiracy, combination, or groups, or association of persons, as prohibited by this Act, need not file any such list.

Section 6. It is hereby declared that the production and creation of music and the commercial use of music and of copyrighted works within this State, whether originating at a point from within or without the State, as long as the same shall be rendered and publicly received within the confines of this State, whether mechanically or by radio communication, is a business clothed and affected with the public interest, and the adult educational advantages engendered by the public use of music and its creation, makes this business one of public necessity, and necessary for the education and training of the youth of this State; that many abuses are practiced under a false guise of Federal protection which only the State with its police power can easily and lawfully restrain, and in order to prohibit, discourage and prevent monopolistic practices, and to prevent extortion, to encourage free bargaining between the citizens of this State with each other and with those without the State, and in order to give greater effect to the Constitutional provisions relating to monopoly and price-fixing, and in the general interest of the public, therefore, the legislature in the interest of the peace and dignity of the State, in the interest of good morals and the general welfare of the people of this State, and for greater educational advantages to the public, declares that said business shall be subject to the police power and reasonable regulation of the State government, and such police and regulating power shall be administered by the Courts and other officials of this State in a manner consistent with, in aid of, and never in conflict with, the Copyright Laws of the United States. The provisions of this Act, and the administration thereof, shall at all times effectuate the enforcement, the true intent, and meaning

of the United States Copyright Laws in order to prevent abuses from being practiced within this State from points within or from points without the State, by any individual, corporation, or organizations, who attempt to use the Federal Courts as innocent instrumentalities in the furtherance of any systematic campaign or scheme designed to illegally fix prices for the commercial use of copyrighted works in this State through the use of extortionate means and terrorizing practices based on threats of suits, and an abuse of both State and Federal process, all of which are declared to be in violation of this Act and of the State Constitution; it is further declared that any person or persons, or combines, as aforesaid, who shall violate this Act shall be deemed to have used their property within this State in such a way that the same shall have acquired a legal situs, analogous to the situs of other personal tangible property within the State, even though separate from the domicile and residence of the owner; provided further, the legal situs of any copyrighted work is a co-extensive about the State, and a copyrighted work used or sold for public use or public performance for profit, if intended to be heard from a point without the State or from a point within the State, is hereby declared to be a commercial commodity, and its legal situs is hereby declared to be within the State of Montana.

Section 7. All persons, groups, corporations, associations, foreign or domestic, violating this chapter, shall be deemed to have been doing business within this State and amendable to the process of the state courts, when any such persons, combinations, or groups shall have issued licenses either from within or from without the State, for the privilege of using commercially and publicly any copyrighted work or works pooled in a common group or entity, or when any of the functions of said entity, organization, pool or combine, is or has been performed in this State; and the business of spying upon and the warning of users of the copyrighted works of such combinations, in addition to the presence within the State of such persons, and the activities of such persons or their agents at any time or occasion for the detection of infringements within this State, shall be conclusive evidence that such combinations and persons, even though non-residents, have accepted the privileges of doing business within this State, and such persons, if they abide by the provisions of this Act, shall be granted the privilege of conducting business within this State in a legal manner, and may invoke the benefits of the State government and its political subdivisions in their behalf, and they may use all of the privileges available to the citizens of this State in general, and the use at any time of any general privilege available to any citizen of this State, by any of such agents, their attorneys, or representatives, or investigator, or by any aidor and abettor, or any non-resident person, group, entity, or combination as aforesaid, shall be deemed to be an acceptance of the



provisions of this Act; and all licensees of any violator of this Act shall be deemed as aiders and abettors of said persons and subject to the provisions of this Act unless they forthwith indicate their obedience herewith; and the acceptance of the general privileges of the State of Montana by any non-resident copyright holder or owner, or combination, defendant, or person, or organization of any kind, or entity, through an investigator, attorney, agent representative, or through any aider and abettor as herein defined, and the acceptance by such persons of the rights, police protection, or of any general privilege conferred by the law of this State to any of its citizens, including the use of the roads and highways, or the privileges of any of its political subdivisions, as evidenced by their presence within the State at any time, shall be deemed equivalent to and construed to be an appointment by such non-resident or non-residents, as the case may be, of the Secretary of State of Montana to be his or their true and lawful attorney upon whom may be served all summons and processes against him or them and growing out of a violation of this Act, in which said non-resident may be involved, and said acceptance of the privileges of this State, as aforesaid, shall be signification of his or their agreement that any summons or process against him or them which is so served shall be of the same legal force and validity as if served on him or them personally within the State of Montana. Service of such summons of process shall be made by leaving a copy thereof with a fee of \$2.00 with the Secretary of the State of Montana, or in his office, and such service shall be sufficient and valid personal service upon any such non-resident defendant, copyright holder or owner, persons, or defendants, combination, entity, or organization, as aforesaid; provided, that notice of such service and a copy of the summons of process shall be forthwith sent by registered mail requiring personal delivery, by the Prosecutor bringing any action under this Act, to any defendant at his last known address, and the defendant's return receipt and the Prosecutor's affidavit of compliance herewith are appended to the process and entered as a part of the return thereof; provided further, the Court in which any action is brought may order such continuances as may be necessary to afford any non-resident defendant or groups, or entity, a reasonable opportunity to defend the action; provided further, the Secretary of State shall keep a record of all such summons and process which shall show the day and time of service; and valid personal service shall thus be had on non-resident persons or individuals, entities, firms, or corporations violating this Act.

Section 8. In the event any person, or groups of persons, or any combination or pool as aforesaid, whether a non-resident corporation, person, or an association, or domestic, refuse to abide by the provisions hereof, or attempt to evade or render ineffectual the true enforce-

ment of any provision of this Act, then the Prosecuting Attorney of any county where complaint is made of any violation, shall institute injunction proceedings against said persons in the District Court, and valid personal service may be had upon any non-resident defendant as set forth in the preceding section; and the Court shall enjoin all persons from violating the provisions of this Act and the Constitutional provisions prohibiting price-fixing, monopolies, and combinations, and all copyrighted works and the public performance rights thereto when sold or used for profit and hereby declared to be a commercial commodity, and all persons, aiders, and abettors, and agents, shall be enjoined by the Court from aiding or furthering in any way a continuation of any violation of this Act, either by the payment of money to said defendants or in any way; and if any defendant or defendants persist in defying the judgment of the Court, the Court shall, in order to effectuate its judgment and orders, order three days' notice be given said defendant or defendants, as the case may be, by having a copy of such notice served on the Secretary of State as heretofore provided if defendants are without the State, or served personally if within the State, and have the same published in some daily paper in the State of general circulation, and at the end of said period, if any defendant or defendants refuse to obey the order of the Court, then the Court shall appoint the County Auditor as Receiver for the copyrighted works and property of defendants, tangible or intangible, and of all other effects and moneys derived therefrom, and the Receiver shall take over and preserve the commercial rights to all of said copyrighted works, together with such other property of any defendant, combination, pool, corporation, or entity through which they are acting, that he can locate within the State, and the Receiver shall administer the same under the direction of the Court, and said receivership shall be considered only as an incident to the main injunction suit of the Prosecutor, and for the purpose of enforcing the Court's orders; the said receiver shall seize the copyrighted works of all of the copyright holders and owners in said defendant combination, including all of the rights to suits for infringement and damages in both State and Federal Courts, and all choices of action, and all sums due on contracts and licenses, and hold the same subject to the order of the Court; and all persons holding licenses or contracts with any defendant combination or entity, shall pay the fees and sums due thereon to the receiver for such time as the court may need to effectuate the provisions of this Act and to compel any defendant to abide herewith; provided any sums paid on licenses violating this Act shall only be continued in the Court's discretion or until such time as the Court can award defendants complete and full due process of law before entering a final order thereon, or until such time as a legal and equitable system of licensing can be determined ac-



according to the subsequent provisions of this Act; provided further, in the event any defendant or defendants attempt to withdraw their said copyright works or property from the State in order to violate and render this Act or the Court's orders ineffectual, or to deprive the citizens of this State of such commodity, or to hamper the enforcement of any provision of this Act, or to injure any citizen or use of music in any way, then the Court shall immediately order the Receiver to compile a complete list of all of the copyrighted works of said defendants which have been used in this State, and the Court shall then convene the State Anti-Monopoly Boards, as herein now created, consisting of the State Treasurer and the State Auditor, and said Board shall meet in the County where the suit is filed, and the District Judge hearing the Cause shall be an advisory member of said Board; and said Board, of which the State Treasurer shall be chairman, shall have only one function, the discouragement of price-fixing and monopolies, and the Court shall then submit to said Board the single question of the establishment of license rates for the use of these copyrighted works controlled by the defendants so proceeded against, and for the purpose of aiding in the abolition of monopolies and price-fixing, and preventing the violations of this Act, the Board shall determine a fair and just rate that the Receiver should charge for the single and separate public performance for profit of each copyrighted work or works of said defendants, on a per piece system and basis of licensing, and the Court shall not be deemed thereby to have divested itself of any of its jurisdiction by so doing; after determining such rate, the said Anti-Monopoly Board shall immediately advise the Receiver of its findings, and of its fair rate, and the same shall be filed of record in the cause, and the Receiver may then, if said finding is approved by the Court, issue licenses for the use of said music at such approved rate on a basis of so much money per each time a piece of music is played or used in a public performance for profit; that said property shall be thus administered by the Receiver for a period of one year, or until such time as the defendants, or the individual copyright owners of any combination so proceeded against take oath that they will abide by the rulings of the Court and the provisions of this Act; and all fees and funds collected by the Receiver shall be turned over to the State Treasurer, and no receivers fees or attorneys fees shall be allowed, and the Prosecuting Attorney shall be the Attorney for the Receiver, and the State Treasurer shall keep said money in a separate and special fund, subject to the order of the Court only for whatever portion thereof that the Court may order used to defray the actual expenses of the Board and the Receivership; at the end of one year, if the defendants and copyright owners or holders in any combination thus proceeded against, continue to wilfully disobey the Court's orders, then the Court shall issue an order, which shall be published in three public places, to

the effect that unless the defendants obey all of the orders of the Court within ten days from the date of said order, that the Court will proceed to permanently deprive said defendants and each of them of their property; and the Court shall then order said defendants to show cause within ten days why they should not be involuntarily compelled to assign all of their copyrighted works to the Receiver forthwith, and to show cause why all of the funds as collected in the manner aforesaid from licenses, together with all of the copyrighted works including the performing rights thereto of said defendants and members of said combine, should not escheat and be forfeited forever to the State of Montana, and be subject thereafter to administration by the State in the same manner as all other personal property belonging to the State of Montana; if any of said defendants and copyright holders, or owners, do appear before the end of said ten day period, and take oath that they will abide by the future orders of the Court and the provisions of this Act, then the Court shall release their copyrighted works and order the State Treasurer to return any and all of their money which has been received or seized; provided, however, the Court shall retain such jurisdiction over their persons for such time as the Court may deem necessary to insure strict compliance with the terms of the Court's judgment and the provisions of this Act; if any of said defendants or copyright owners or holders shall ignore or refuse to obey the show cause order, as aforesaid, or fail to appear at the end of ten days as ordered and abide by the Court's judgment, then the Court shall make an order and enter judgment to the effect that all of the copyrighted works, including the performance rights thereto, of said defendants and the members of any defendant combination, shall be construed as having been escheated and forfeited to the State of Montana, and the Court shall thereupon appoint some officer of the Court to execute an involuntary assignment of all of the legal and equitable titles to all of the copyrighted works of each of said defendants and members of any defendant combination to the Receiver, in the event the defendants or any of their members fail to execute a voluntary assignment, and the Receiver shall immediately file said involuntary assignment at the United States Copyright Office at Washington, D. C.; and the Court shall then order the Receiver to close the estate, and turn the titles to said copyrighted works over by proper assignment from the Receiver to the State Treasurer of the State of Montana, who shall thereafter administer, issue licenses for the use of the same in a manner consistent with this Act, and conserve the same as State personal property in his possession, and according to law; and any funds left in the State Treasury from said receivership shall escheat and be forfeited to the State and become part of the general fund; provided further, the State Treasurer shall make a report to the legislature on each biennium of the amount of money received from such



licensing and the amount of property he has on hand through the enforcement of this Act.

Section 9. That in the event any person, or any of the defendants, or non-residents, or non-resident copyright owners or holders, are proceeded against as herein outlined, and are served with process according to law, or any non-resident is served with process as outlined in the preceding sections of this Act, and if any of said defendants, or persons, or aiders and abettors named as defendants, appear in any such proceeding by counsel or otherwise, or institute any special proceeding attacking such proceeding, or make any motion therein, either special or general, or if any of them appear to obtain the judgment of the Court solely upon the sufficiency of the service of the process upon them, or upon any phase of particularity of said injunction proceedings, such special proceeding or appearance, or motion, or appearance, as the case may be, shall nevertheless be deemed as a general appearance even though the process may have been insufficient, and said parties and defendants as may thus appear in this action, for any reason or cause, whether they seek special or affirmative relief, shall thereafter be subject to the general orders and jurisdiction of the Court for all purposes, and if any of said defendants or persons appear in any Court proceeding instituted to effectuate this Act solely for the purpose of challenging the validity of service of process upon them they shall be deemed to have surrendered themselves and as having submitted to the general jurisdiction of the Court; provided however, this section shall not be construed as denying, and no attempt shall be made at any time in any proceeding in connection with the enforcement of this Act, to restrain or deny any of said defendants, resident or non-resident, copyright holders or owners, or any person, or members of any defendant combination, entity, pool, or monopoly of their rights or property without full and complete due process of the law. Provided, however, that nothing contained in this Act shall affect or be construed to affect motion pictures.

Section 10. Every person, in addition to the other penalties, provided in this Act, who violates or who procures, or aids or abets in the violating of any provision of this Act, or who conspires to render ineffectual any valid order or decision of any Court in the enforcement of this Act, or who procures, conspires with, or aids or abets any person or persons in his or their failure to obey the provisions of this Act, or to render ineffectual any valid order of any court in connection with the enforcement of this Act shall be deemed guilty of a gross misdemeanor, and upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not more than six months, or both such fine and imprisonment.

Section 11. In case any part or portion of this Act shall be held unconstitutional, such holding shall not affect the validity of this Act as whole or any other part or portion of this Act, and if any clause, sentence, paragraph, or subdivision, section or part of this Act shall for any reason be adjudged invalid such judgment shall not affect, impair, or invalidate the remainder of the Act, but shall be strictly confined in its operation and holding to the specific clause, sentence, paragraph, subdivision, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered; and all other Acts and laws in conflict herewith are hereby repealed.

Section 12. In the event more than one injunction suit provided for in this Act is instituted in this State, in different counties by different prosecuting attorneys, but against the same defendants, the respective District Judges hearing the causes may issue orders against said defendant in any county, but in the event any of the various county proceedings enter into the state of receivership, as herein provided, then the Judges hearing the respective causes shall order those causes where the defendants are the same, to be consolidated in one action in one particular county, and in such county as the Judges may decide, to the end that only one receivership may be appointed for the entire State for the property of the same defendant or defendants.

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved, March 12, 1937.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**No. 3085.** Allegedly misrepresenting domestic-made toffee as being manufactured in or imported from England, the **British American Toffee Co., 102 Hill St., New Haven, Conn.,** has been named respondent in a complaint charging unfair methods of competition.

The respondent company, the complaint alleges, sells certain confections in packages bearing the names "English Toffee" or "Piccadilly Toffee," together with pictorial representations of the Tower of London, London Bridge, a coat of arms, and figures simulating British soldiers in dress and appearance. Such phrases as "Delicious English Toffees" and "England's Most Popular Sweet," and the respondent's corporate name are said to be printed upon certain of the packages.

The false and misleading representations are alleged to place in the hands of wholesalers, retailers and jobbers the means whereby they may defraud purchasers by enabling dealers to sell the respondent company's toffee products either as imported or as made in the United States in conjunction with or under license from English manufacturers.



No. 3086. **M. J. & H. J. Meyer Co., Inc.**, 145 Hudson St., New York, is charged in a complaint with unfair methods of competition in selling a table sauce under the trade brand "Pride of England Worcestershire Sauce," the product allegedly simulating in certain respects Lea & Perrins' Worcestershire Sauce.

It is alleged that the respondent corporation uses bottle wrappers or labels simulating those of Lea & Perrins as to type of paper, color, wording and other distinctive features in the printed matter, including a script signature of the respondent corporation written in black ink diagonally across the face of the wrapper.

These simulations, according to the complaint, have the tendency to induce the public to form the erroneous belief that the respondent corporation's product is the sauce manufactured and sold by Lea & Perrins, as a result of which mistaken belief substantial numbers of purchasers have bought the respondent's product, thereby unfairly diverting trade to the respondent.

No. 3087. Misleading representations in the sale of a medicine are alleged in a complaint issued against **William Everette**, 509 North Fifty-Eighth St., Philadelphia, trading as **W. E. & M. E. Medicine Co.**

Newspaper and magazine advertising sponsored by the respondent is alleged to have represented that "W.E. & M.E. Herb Tonic" will purify the blood, and is a body builder, and that its use will relieve constipation, chills, backaches, liver, kidney, stomach, skin, and other disorders and that no ingredient in it is harmful.

No. 3088. Violation of the so-called brokerage clause of the Robinson-Patman Anti-Price Discrimination Act is alleged in a complaint issued against **Oliver Brothers, Inc.**, 417-421 Canal St., New York, supplying market information and purchasing service to wholesalers, jobbers and other dealers in various parts of the country. Eleven buying and selling companies also are named respondents.

Oliver Brothers, Inc., is alleged to have been the medium through which a large group of buyers purchased commodities, mostly hardware, from a group of sellers. The complaint charges that Oliver Brothers, Inc., while acting as agent or representative of the buyers and subject to their direct or indirect control, accepted from the selling group so-called brokerage fees or commissions, varying from 1 to 10 per cent of the quoted agreed sales prices, without rendering service of any kind to the sellers in connection with these transactions of sale or purchase of goods. Such commissions, it is charged, were in turn paid over by Oliver Brothers to its buyer clients, without the latter rendering any service to the sellers in connection with the particular transactions involved. Each amount paid the individual buyer was the amount paid by the individual seller in a given transaction, according to the complaint.

No. 3090. **California Rice Industry**, a trade association with headquarters in San Francisco, 16 of its officers and eight rice milling member companies credited with milling and distributing practically all the rice produced in California, are charged in a complaint with unlawfully restricting the sale of their products through fixing and maintaining uniform prices, and with other practices, under an agreement and conspiracy in violation of Section 5 of the Federal Trade Commission Act.

Member companies are said to control and dominate the round grain or Japanese type rice industry in the United States and to direct and dominate purchasers of such rice for resale throughout the world.

The eight milling company members are: **C. E. Grosjean Rice Milling Co.**, **Capital Rice Mills**, **Growers Rice Milling Company**, **Pacific Trading Company, Inc.**, **Phillips Milling Co.**, and **Rosenberg Brothers & Co.**, all of San Francisco; **Woodland Rice Milling Co.**, Woodland, Calif., and **Rice Growers' Association of California**, West Sacramento, Calif.

They are charged with entering into the alleged combination and agreement late in August, 1935, such undertaking allegedly having resulted in undue restraint of trade in rice and rice products, enhancement of prices and maintenance of prices at artificial levels, elimination of competition, and a tendency to create monopoly.

No. 3091. A complaint has been issued alleging that 35 companies, producing and selling 90 per cent of the output of cast iron soil pipe in the United States, have, through use of the Birmingham Plus pricing system, substantially lessened price competition within their industry and discriminated in price among certain buyers of their products. The complaint charges violation of both the Federal Trade Commission Act and the Robinson-Patman Anti-Price Discrimination Act.

The **Cast Iron Soil Pipe Association**, Birmingham, Ala., which is the trade organization of the industry, and its officers, also are named respondents in the complaint.

For more than ten years, according to Count One of the complaint which alleges violation of the Federal Trade Commission Act, the respondents have combined and agreed to lessen and restrain competition, and to that end have used the Birmingham Plus pricing system, under which, to the extent that the system is followed, all cast iron soil pipe, wherever produced, is sold at delivered prices, which are equivalent to the base price fixed at Birmingham, Ala., plus the freight rate from Birmingham to the buyer's freight station, wherever located. From the delivered prices there are deducted, it is said, trade discounts which vary for buyers of different classes, but are uniform to buyers of the same class.

Under the Birmingham Plus system, each respondent company, the complaint alleges, makes a delivered price, identical with that made by every other producer adhering to the system, to any given customer wherever located, such uniform pricing being carried on by each respondent company with the knowledge that all other producers following the system will quote and charge identical delivered prices.

No. 3092. Eleven companies said to control and dominate the production and distribution of blue print paper and other reproduction paper, cloths and allied articles used in the engineering and building trades, are named respondents in a complaint against them and their trade association, the **Scientific Apparatus Makers of America**, 20 North Wacker Drive, Chicago, and the **Surveying-Drafting-Coaters Section** of that association.

The complaint charges these respondents and various officers, directors and other members with combining and conspiring to fix and maintain prices, control bidding, and other unfair practices in connection with the sale of their particular type of products, in violation of Section 5 of the Federal Trade Commission Act.

Members of the association and its Surveying-Drafting-Coaters Section named as respondents are: **Charles Bruning Co., Inc.**, 102 Reade St., and **Eugene Deitzen Co.**, 218 East Twenty-Third St., both of New York City; **Keuffel & Esser Co.**, 300 Adams St., Hoboken, N. J.; **The Huey Co.**, 17 South Wabash Ave., **The Frederick Post Co.**, 3636 North Hamlin St., **Economy Blue Print Products, Inc.**, 1714 North Damen Ave., **The C. F. Pease Co.**, 813 North Franklin St., and **United States Blue Print Paper Co.**, 207 Wabash Ave., all of Chicago; **Keystone Blue Paper Co.**, 910 Filbert St., **Charles W. Speidel & Co.**, 112 North Twelfth St., and **J. H. Weil & Co.**, 1315 Cherry St., all of Philadelphia.

The Surveying-Drafting-Coaters Section, one of seven divisions of the general trade association, each division acting as a trade association to protect the interests of its own group, has approximately forty members, but this number, according to the complaint, varies from time to time because of the dropping out of old and the addition of new members so that at any one time it is impracticable to name all members as parties respondent.

The complaint names the eleven members separately and as representatives of all other members as a class, such members, according to the complaint, constituting practically all the sellers to wholesalers of, dealers in and consumers of the various products sold, especially blue print and other reproduction papers and cloths.

## Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

Nos. 1917 and 1918. Two New York dealers in cosmetic products have entered into stipulations to discontinue unfair representations in the sale of their preparations. They are: **Northam Warren Sales Co., Inc.**, 191 Hudson Street, New York, and **Laure Co., Inc.**, 9 West 29th St., New York.

**Northam Warren Sales Co.**, in the sale of "Cutex Lipstick," agrees to abandon use of the word "nourishing" so as to imply that its article nourishes or feeds the lips and causes them to become smooth, moist, velvety or non-greasy in appearance as a result of such purported nourishment.

**Laure Co.** stipulated that it would cease employing the word "Paris," alone or in conjunction with other words, in the form of a signature, on display or shipping cartons or packages containing its perfume products, or in advertising matter relating to them, in a manner tending to convey the impression that



these preparations are compounded or manufactured in Paris, France, or that Laure Co., Inc., has offices there, when these are not the facts.

**No. 1920. Eastern Wine Corporation, Bronx Terminal Market, Bronx, New York City,** stipulated that it will cease labeling wine with the words "Vintage-1928," when in fact the products so described were of vintages subsequent to 1928, and will stop using any labels or vintage strips which do not accurately and truthfully represent the age of the wine. The corporation also agreed to discontinue use on labels or in advertising matter of the words "Highest award wherever exhibited," alone or with pictorial representations simulating medals, or of any other equivalent words or expressions, so as to imply that it has exhibited its wine at any exposition or fair or has been awarded medals for the excellence of its products, when such is not a fact.

**No. 1924. Red Top Brewing Co., 1747 Central Parkway, Cincinnati,** agreed to cease using on labels affixed to kegs the words "Double Brew" as descriptive of beer which is not double brewed, and to stop using the words "Double Brew," alone or with any other words, so as to imply that the product so designated has been brewed twice, when such is not a fact.

**No. 1922. Selling baby chicks, George F. Pinaire, trading as Clover Valley Poultry Farm and Hatchery, Ramsey, Ind.,** has entered into a stipulation to discontinue use in advertising matter of words or representations implying that all the baby chicks he sells are hatched from eggs produced by his own or by blood-tested flocks, when such is not a fact.

According to the stipulation, the chicks sold by Pinaire were not all hatched from eggs produced by blood-tested flocks, and he purchased from hatcheries other than his own a substantial part of the chicks required to fill orders he received.

**No. 2550. An order to cease and desist has been issued prohibiting Mutual Stores, Inc., 9th and D. Streets, and 9th and E Streets, N. W., Washington, D. C.,** from using the words "Army and Navy," or either of them, to describe merchandise offered for sale, unless these descriptions be used specifically in connection with goods actually procured from the United States Army or Navy.

Findings are that inventory of the respondent has never revealed more than 10 to 15 per cent of its goods as being surplus, refuse or reject goods from the Army or Navy. Since 1932, no substantial amount of such goods, suitable for resale in retail stores of the respondent company's type, has been offered for sale by the Army or Navy, according to the findings.

**No. 2667. An order to cease and desist has been issued requiring Havana-Florida Cigar Co., Inc., 501 North Madison St., Quincy, Fla.,** to discontinue use of the word "Havana" to describe cigars unless they are made entirely from Cuban-grown tobacco.

The respondent company's representations were held to have constituted unfair competition in violation of Section 5 of the Federal Trade Commission Act.

**No. 2752. Prohibiting certain unfair representations in the sale of fish and other sea food an order has been issued to cease and desist against M. F. Foley Co., Friend and Union Streets, Boston, a wholesaler.**

This company is directed to stop representing, directly or indirectly, through use of the word "whitefish," that fish of the salt water species known as "cusk" are whitefish.

Another practice barred is use of the word "whitefish," alone or with other words, to represent that fish of any species other than the fresh water, Great Lakes variety known as Lake Erie, Lake Superior or Selkirk whitefish, or as whitefish, are in fact whitefish.

**No. 2943. David F. Kemp, 225 Fifth Avenue, New York,** trading as **United States School of Music,** has been ordered to discontinue certain unfair methods of competition in connection with the sale of correspondence courses in music.

Among the representations prohibited are that Kemp has taught 700,000 pupils to play musical instruments; that all pupils studying the course, regardless of their degree of talent, can be taught to play a musical instrument in one-half the time usually required, and that, at the end of the course, the average pupil is sufficiently proficient to pass a teacher's examination.

#### FTC CLOSES CASES

**No. 2888. The Federal Trade Commission has closed a case involving charges of unfair competition against Four California companies alleged to have violated Section 5 of the Federal Trade Commission Act by representing their "Acme Beer" as superior to other beers because made under a "non-fattening formula."**

Closing of the case followed approval by the Commission and the signing by the respondent companies of a stipulation as to the facts. In closing the case, the Commission retains its right to reopen it at any time, should the facts warrant.

Signers of the stipulation are: **Cereal Products Refining Corporation, 762 Fulton St., San Francisco,** now known as **Acme Breweries,** and also doing business under the fictitious name of **California Brewing Association** as owner and successor of **California Brewing Association,** a corporation, named in the Commission's Complaint, but now dissolved; **Acme Brewing Co., 2080 East 49th St., Los Angeles,** and **Bohemian Distributing Co., Ltd., 2060 49th St., Los Angeles.**

Under their stipulation, the respondent companies specifically agree to cease representing their beer as containing no carbohydrates or fat-producing properties, and as being without properties for producing or inducing increase in body weight, and to stop asserting that such representations are, or may be taken to be, applicable and true for all consumers of beer.

Other advertising assertions to be discontinued are that this beer has a non-fattening quality due to a "non-fattening formula" peculiar to Acme as distinguished from other beer products, and that certain of Acme's ingredients give it a capacity to "slenderize" persons of excess weight.

Under the stipulation, the respondent companies reserve the power to advertise their beer as a food or food-beverage, and to qualify the term "non-fattening" so as to make it publicly known that this beer as a food or food-beverage is relatively "non-fattening" by comparison with other foods and as an item of normal diet. It is provided, however, that these representations be consistent at all times with the stipulated agreement.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

#### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, April 5:

Monday, April 5

#### HEARING BEFORE AN EXAMINER (Broadcast)

**KROY—Royal Miller, Sacramento, Calif.—Modification of C. P., 1340 kc., 250 watts, 1 KW LS, unlimited. Present assignment: 1210 kc., 100 watts, daytime.**

**KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—C. P., 1390 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.**

**WMBO—Roy L. Albertson and Auburn Publishing Co., Auburn, N. Y.—Authority to transfer control of corporation; 1310 kc., 100 watts, unlimited.**

**WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Modification of C. P., 1370 kc., 100 watts, 100 watts LS, unlimited. Present assignment: 1370 kc., 100 watts, daytime.**

Tuesday, April 6

#### HEARING BEFORE AN EXAMINER (Broadcast)

**NEW—Okmulgee Broadcasting Corp., Okmulgee, Okla.—C. P., 1210 kc., 100 watts, daytime.**

**NEW—Times Publishing Co., Okmulgee, Okla.—C. P., 1210 kc., 100 watts, daytime.**

**NEW—The Record Publishing Co., Okmulgee, Okla.—C. P., 1210 kc., 100 watts, daytime.**

**NEW—Beaumont Broadcasting Assn., B. A. Steinhagen, Pres., Beaumont, Tex.—C. P., 1420 kc., 100 watts, 100 watts LS.**

**KGA—Louis Wasmer, Spokane, Wash.—Modification of license, 950 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1470 kc., 5 KW, unlimited time.**

Wednesday, April 7

#### HEARING BEFORE AN EXAMINER (Broadcast)

**WBCM—James E. Davidson, Bay City, Mich.—Modification of license, 1410 kc., 500 watts, 1 KW LS, unlimited. Present assignment: 1410 kc., 500 watts, 500 watts LS, unlimited.**



KADA—C. C. Morris, Ada, Okla.—Modification of license, 1200 kc., 100 watts, 100 watts LS, unlimited. Present assignment: 1200 kc., 100 watts, daytime.

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Modification of license, 990 kc., 1 KW, 1 KW LS, limited time. Present assignment: 1000 kc., 1 KW, 1 KW LS, limited time.

Thursday, April 8

## ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

### Examiner's Report No. 1-104:

KGCC—The Golden Gate Broadcasting Co. (Robert J. Craig), San Francisco, Calif.—Modification of license, 1420 kc., 100 watts, unlimited time. Present assignment: 1420 kc., 100 watts, specified hours. Other participants: None.

### Examiner's Report No. 1-324:

NEW—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—C. P., 1210 kc., 100 watts, daytime. Other participants: WSFA, Montgomery, Ala.; Seaboard Investment Co., Inc., Montgomery, Ala.

### Examiner's Report No. 1-338:

NEW—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—C. P., 1370 kc., 250 watts, daytime.

### Examiner's Report No. 1-339:

WMAS—WMAS, Inc., Springfield, Mass.—C. P., 560 kc., 1 KW, unlimited time.

### Examiner's Report No. 1-342:

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Modification of license, 880 kc., 500 watts, 1 KW LS, shares-WQAN. Present assignment: 880 kc., 500 watts, shares-WQAN.

### Examiner's Report No. 1-351:

NEW—Golden Empire Broadcasting Co., Marysville, Calif.—C. P., 1140 kc., 250 watts, daytime.

Friday, April 9

## HEARING BEFORE AN EXAMINER

(Broadcast)

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, unlimited time.

NEW—Twin City Broadcasting Corp., Longview, Wash.—C. P., 780 kc., 250 watts, daytime.

NEW—Edgar L. Bill, Peoria, Ill.—C. P., 1040 kc., 250 watts, daytime.

NEW—Asheville Daily News, Harold H. Thoms, Owner, Asheville, N. C.—C. P., 1370 kc., 100 watts, unlimited time.

## APPLICATIONS GRANTED

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted license to cover C. P., 1310 kc., 100 watts night, 250 watts day, unlimited time. The license is granted upon condition it shall in no wise be construed as a finding upon the application for renewal of license of WSGN, or upon the application of B. H. Hopson for the facilities of WSGN, or upon any of the issues thereby raised, nor that the operation of this station is or will be in the public interest beyond the express terms hereof.

WBBZ—Adelaide L. Carrell, Representative Estate of C. L. Carrell, deceased, Ponca City, Okla.—Granted C. P. as amended with respect to name, for installation of new equipment, erection of vertical radiator, and increase in day power from 100 to 250 watts, conditionally upon the same limitations as at present contained in station's license.

WGCM—WGCM, Inc., Gulfport, Miss.—Granted authority to transfer control of corporation from Sam Gates to P. K. Ewing; 1210 kc., 100 watts night, 250 watts day, unlimited.

WTFI—Liberty Broadcasting Co., Atlanta, Ga.—Granted modification of C. P. approving transmitter site and installation of vertical radiator and new equipment.

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Granted modification of C. P. approving transmitter and studio sites and installation of vertical radiator.

KSJS—R. J. Laubengayer, Salina, Kans.—Granted modification of C. P. authorizing change in transmitter and studio sites, installation of new equipment, changes in antenna, and increase in day power from 100 to 250 watts.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Granted modification of license to change name from Olean Broadcasting Co., Inc., to WHDL, Inc.

KWTN—Greater Kampeska Radio Corp., Watertown, S. Dak.—Granted authority to install automatic frequency control equipment, upon condition it shall not be construed as a finding upon the application for renewal of license nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms thereof.

WCAU—WCAU, Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Granted C. P. to make changes in composite equipment and increase day power from 100 to 250 watts.

KFRO—Voice of Longview, Longview, Tex.—Granted license to cover C. P. and modification; 1370 kc., 250 watts, daytime only.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.

WAAJ—The Toledo Broadcasting Co., Toledo, Ohio (Mobile).—Granted voluntary assignment of C. P. from The Toledo Broadcasting Co. to the Fort Industry Company.

W8XKD—The Toledo Broadcasting Co., Toledo, Ohio (Mobile).—Granted voluntary assignment of C. P. from The Toledo Broadcasting Co. to the Fort Industry Company.

KABF—James McClatchy Company, Sacramento, Calif. (Mobile).—Granted voluntary assignment of license from James McClatchy Company to McClatchy Broadcasting Co.

W6XB—Karl A. Nielsen, Phoenix, Ariz. (Mobile).—Granted voluntary assignment of license from Earl A. Nielsen to Salt River Valley Broadcasting Co.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted renewal of license for the period January 1 to July 1, 1937.

WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted renewal of license for the period March 1 to September 1, 1937.

WWL—Loyola University, New Orleans, La.—Granted renewal of license for the period February 1 to August 1, 1937.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted authority to transfer control from E. I. Mack to J. P. Marchant; 1310 kc., 100 watts, unlimited time. Also granted renewal of license for the period December 1, 1936, to June 1, 1937.

KGFX—Ida A. McNeil, Pierre, S. Dak.—Granted involuntary assignment of license from Dana McNeil to Ida A. McNeil, administratrix of the estate of Dana McNeil, deceased. Also granted renewal of license for the period March 1, to September 1, 1937.

KTOX—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted license to cover C. P. as modified. Also granted renewal of license upon a regular basis.

WHBI—Wodaam Corporation, Newark, N. J.—Granted renewal of license for the period April 1 to October 1, 1937.

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted extension of present license for a period of 30 days.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted extension of present license for a period of 30 days.

WMFN—Attala Broadcasting Corp., Grenada, Miss.—Granted voluntary assignment of C. P. from Attala Broadcasting Corp. to P. K. Ewing.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted extension of present license for a period of 60 days.

NEW—Ashland Broadcasting Co., Ashland, Ky. (Mobile).—Granted C. P. for new relay station; frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

NEW—Isle of Dreams Broadcasting Corp., Miami, Fla. (Mobile).—Granted C. P. for new station; frequencies 1606, 2022, 2102 and 2758 kc., 40 watts. Also granted license covering same.

NEW—Indianapolis Broadcasting, Inc., Indianapolis, Ind. (Mobile).—Granted C. P. for new relay station; frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

NEW—WAVE, Inc., Louisville, Ky. (Mobile).—Granted C. P. for new relay station; frequencies 1522, 2058, 2150 and 2790 kc., 50 watts.



NEW—The South Bend Tribune, South Bend, Ind. (Mobile).—Granted C. P. and license for new relay station; frequencies 1622, 2058, 2150 and 2790 kc., 50 watts.

NEW—The South Bend Tribune, South Bend, Ind. (Mobile).—Granted C. P. for new relay station; frequencies 31100, 34600, 37600 and 40600 kc., 1 watt. Also granted license covering same.

WDAY—WDAY, Inc., Fargo, N. Dak. (Mobile).—Granted C. P. for new relay station; frequencies 3110, 34600, 37600 and 40600 kc., 7 watts.

NEW—Pennsylvania Broadcasting Co., Philadelphia, Pa. (Mobile).—Granted C. P. for new relay station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—Gazette Printing Co., Janesville, Wis. (Mobile).—Granted C. P. for new relay station; frequencies 31100, 34600, 37600, and 40600 kc., 2 watts.

W4XF—Isle of Dreams Broadcasting Corp., Miami, Fla. (Mobile).—Granted license to cover C. P. for relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

WAAX—The Crosley Radio Corp., Cincinnati, Ohio (Mobile).—Granted license to cover C. P. for low frequency broadcast relay station; frequencies 1622, 2058, 2150 and 2790 kc., 50 watts.

W8XIK—The Crosley Radio Corp., Cincinnati, Ohio (Mobile).—Granted license to cover C. P. for increase in power of high frequency relay broadcast station to 50 watts.

W8XIL—The Crosley Radio Corp., Cincinnati, Ohio (Mobile).—Granted license to cover C. P. for increase in power of high frequency relay broadcast station to 50 watts.

### SET FOR HEARING

NEW—Gallatin Radio Forum, Bozeman, Mont.—C. P. for new station to operate on 1420 kc., 250 watts, daytime only.

NEW—Leon M. Eisfeld, Burlington, Iowa.—C. P. for new station to operate on 1310 kc., 100 watts, unlimited time.

NEW—Glen E. Webster, Decatur, Ill.—C. P. for new station to operate on 1290 kc., 250 watts daytime; exact transmitter site to be determined with Commission's approval.

NEW—Harold F. Cross, Lansing, Mich.—C. P. for new station to operate on 580 kc., 500 watts night, 1 KW day, unlimited time, using directional antenna system for both day and night-time operation.

NEW—Robert E. Clements, Huntington Park, Calif.—C. P. for new station to operate on 1160 kc., 250 watts, daytime only, exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—John Stewart Bryan, Petersburg, Va.—C. P. for new station to operate on 1210 kc., 100 watts night, 250 watts day, unlimited except Sundays when WBBL operates between 10:30 a. m. to 1:30 p. m., 5:30 to 7 p. m., and 7:30 to 9:30 p. m., EST. Desires facilities of WMBG. Exact transmitter site and type of antenna to be determined with Commission approval.

NEW—Gerald A. Travis, LaPorte, Ind.—C. P. for new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time.

NEW—L. L. Coryell, Sr., and L. L. Coryell, Jr., d/b as L. L. Coryell & Son, Lincoln, Nebr.—C. P. for new station amended to request —1450 kc., 250 watts night, 1 KW day, unlimited time.

NEW—Citizens Broadcasting Corp., Schenectady, N. Y.—C. P. for new station amended to request 1240 kc., 1 KW night using directional antenna, 5 KW day, unlimited time.

NEW—Standard Life Ins. Co. of the South, Jackson, Miss.—C. P. for new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time; exact transmitter site to be determined with Commission's approval.

NEW—B. H. Hopson, Birmingham, Ala.—C. P. for new station amended to request 1310 kc., 100 watts night, 250 watts day, unlimited time. (Requests facilities of WSGN, contingent upon granting of application of Birmingham News Co. for new station to operate on 590 kc., 1 KW unlimited.) Exact transmitter site to be determined with Commission's approval.

NEW—Birmingham News Co., Birmingham, Ala.—C. P. for new station amended to request frequency 590 kc., 1 KW, unlimited time.

NEW—Southern Broadcasting Corp., New Orleans, La.—C. P. for new station amended to request frequency 1200 kc., 100 watts

night, 250 watts day, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval. Desires facilities of WBNO.

NEW—Arlington Radio Service, Inc., Arlington, Va.—C. P. for new station amended to request frequency 1510 kc., 250 watts, unlimited, exact transmitter site and type of antenna to be determined with Commission's approval. To be heard before Broadcast Division on date to be fixed by the Division.

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.

NEW—Phillip Jackson, Brunswick, Ga.—C. P. for new station, 1420 kc., 100 watts, daytime only.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—C. P. amended so as to request installation of directional antenna system for nighttime use, install new equipment, increase night power from 500 watts to 1 KW and day power from 1 KW to 5 KW.

WCLS—WCLS, Inc., Joliet, Ill.—Modification of license to install a radiating system to comply with Rule 131 and change time of operation from specified hours to unlimited time.

WKBH—WKBH, Inc., LaCrosse, Wis.—Authority to transfer control of corporation from Joseph C. Callaway to Harry Dahl.

WSAN—WSAN, Inc., Allentown, Pa.—Application for voluntary assignment of license from WSAN, Inc., licensee, to WSAN, Inc., a newly organized corporation (1440 kc., 500 watts, S-WCBA).

WCBA—B. Bryan Musselman, Allentown, Pa.—Application for voluntary assignment of license from B. Bryan Musselman to WSAN, Inc. (1440 kc., 500 watts, S-WSAN).

KFYO—Plains Radio Broadcasting Co., Lubbock, Texas.—Application for renewal of license for the period December 1, 1936, to June 1, 1937. Temporary license granted pending outcome of hearing. 1310 kc., 100 watts night, 250 watts day, unlimited.

KCNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Same, except 1410 kc., 1 KW night, 2½ KW day, unlimited.

WWL—Loyola University, New Orleans, La.—Application for C. P. amended to request installation of new equipment and increase in power from 10 to 50 KW.

NEW—The Enterprise Co., Beaumont, Tex.—C. P. for new station to operate on 1400 kc., 500 watts, unlimited. Exact transmitter site to be determined with Commission's approval.

### RENEWAL OF LICENSES

The Commission granted renewal of licenses for the regular period to the following:

KDYL, Salt Lake City; KFBB, Great Falls, Mont.; KFIO, Spokane, Wash.; KFKU, Lawrence, Kans.; KGBX, Springfield, Mo.; KGCU, Mandan, N. Dak.; KGGF, Coffeyville, Kans.; KGVO, Missoula, Mont.; KHSL, Chico, Calif.; KLCN, Blytheville, Ark.; KLPB, Minot, N. Dak.; KMA, Shenandoah, Iowa; KMBC and auxiliary, Kansas City, Mo.; KOIL, Omaha, Neb.; KOL, Seattle; KPAC, Port Arthur, Texas; KQW, San Jose, Calif.; KRKD, Los Angeles; KROW, Oakland, Calif.; KRSC, Seattle; KTAT, Fort Worth, Texas; KTRH, Houston, Texas; KTW, Seattle; KUOA, Siloam Springs, Ark.; KWLC, Decorah, Iowa; KWSC, Pullman, Wash.; KYA, San Francisco; WAAT, Jersey City, N. J.; WASH, Grand Rapids, Mich.; WAVE, Louisville, Ky.; WBRG, Birmingham, Ala.; WCAD, Canton, N. Y.; WCAM, Camden, N. J.; WCOP, Boston; WCHS, Portland, Maine; WDAE, Tampa, Fla.; WDAY, Fargo, N. Dak.; WDBJ, Roanoke, Va.; WDDO, Chattanooga, Tenn.; WEBC and auxiliary, Duluth, Minn.; WFBM, Indianapolis, Ind.; WFBP and auxiliary, Baltimore; WHA, Madison, Wis.; WHN and auxiliary, New York City; WISN, Milwaukee; WJAS, Pittsburgh, Pa.; WKAQ, San Juan, P. R.; WNAC, Boston; WNAD, Norman, Okla.; WNBX, Springfield, Vt.; WNBZ, Saranac Lake, N. Y.; WNEL, San Juan, P. R.; WNOX, Knoxville, Tenn.; WOOD, Grand Rapids, Mich.; WORC, Worcester, Mass.; WRC and auxiliary, Washington; WREN, Lawrence, Kans.; WRR and auxiliary, Dallas, Texas; WTAW, College Station, Texas; WTCN, Minneapolis; WTOG, Savannah, Ga.; WXYZ, Detroit, Mich.; KFOX, Long Beach, Calif.; KFWB, Hollywood, Calif.; KOIN, Portland, Ore.; KRGV, Weslaco, Texas; KTFI, Twin Falls, Idaho; KVOA, Tucson, Ariz.; KVOR, Colorado Springs; WCAL, Northfield, Minn.; WDEL, Wilmington, Del.; WDSU, New Orleans; WHBI, Newark, N. J.; WJDX, Jackson, Miss.; WLB, Minneapolis; KFSG, Los Angeles, Calif.; KGCA, Decorah, Iowa; WIBA, Madison, Wis.



WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon renewal application.

WCAE—WCAE, Inc., Pittsburgh, Pa., Auxiliary.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon renewal application.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted renewal of license for the period ending Sept. 1, 1937.

WLBL—State of Wisconsin Department of Agriculture and Market, Stevens Point, Wis.—Granted renewal of license for the period ending Sept. 1, 1937.

WPHR—WLBG, Inc., Petersburg, Va.—Granted renewal of license for the period ending Sept. 1, 1937.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Present license extended on a temporary basis only for the period ending in no event later than May 1, 1937, pending receipt and action on renewal application.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Present license extended on a temporary basis only for the period ending in no event later than May 1, 1937, pending receipt and action on renewal application.

WTNJ—WCAX, Inc., Trenton, N. J.—Present license extended on a temporary basis only for the period ending in no event later than May 1, 1937, pending receipt and action on renewal application.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only for the period ending in no event later than May 1, 1937, pending receipt and action on renewal application.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Present license extended on a temporary basis only for the period ending in no event later than May 1, 1937, pending receipt and action on renewal application.

The following renewals of high frequency broadcast (experimental) station licenses were granted for the period April 1, 1937 to April 1, 1938, on an experimental basis, subject to change without prior notice or hearing:

W2XDV, New York City; W9XHW, Minneapolis; W2XDG, New York City; W2XHG, New York City; W9XBS, Chicago; W9XPD, St. Louis, Mo.; W9XOK, St. Louis, Mo.; W8XAI, Victor Township, N. Y.; W8XH, Buffalo, N. Y.; W1XKA, Boston; W1XKB, East Springfield, Mass.; W3XKA, Philadelphia; W8XKA, Pittsburgh, Pa.; W5XAU, Oklahoma City; W1XER, Quincy, Mass.

The following stations were granted renewal of high frequency broadcast station licenses for the period April 1, 1937 to April 1, 1938, in exact conformity with existing licenses:

W1XEQ, Fairhaven, Mass.; W3XEY, Baltimore; W4XH, Spartanburg, S. C.; W9XJL, Superior, Wis.; W3XES, Baltimore; W4XBW, Chattanooga, Tenn.; W3XEX, Norfolk, Va.

W6XAS—Julius Brunton & Sons Co., San Francisco, Calif.—Present high frequency broadcast station license extended for a period of one month from April 1 to May 1, 1937, on a temporary basis only, pending receipt of and action on renewal application.

W4XCA—Memphis Commercial Appeal Co., Memphis, Tenn.—Present high frequency broadcast station license extended for a period of one month from April 1 to May 1, 1937, on a temporary basis only, pending receipt of and action on renewal application.

W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Present high frequency broadcast station license extended for a period of one month from April 1 to May 1, 1937, on a temporary basis only, pending receipt of and action on renewal application.

### SPECIAL AUTHORIZATIONS

WTAW—Agricultural & Mechanical College of Texas, College Station, Texas.—Granted special temporary authorization to operate from 3:55 to 4:30 p. m., 5:30 to 7 p. m., 10:30 to 11:30 p. m., CST, April 2, 1937; 2:55 to 6 p. m., CST, April 3; 3:55 to 7 p. m., CST, April 8; 3:55 to 4:30 p. m., 5:30 to 7 p. m., CST, April 9, and 2:55 to 6 p. m. and 9:30 to 10:30 p. m., CST, April 10, 1937, in order to broadcast intercollegiate baseball games in afternoon periods and broadcast music from college student dances during night periods.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 1 p. m., CST, March 31, April 7, 14, 21 and 28, 1937, in order to broadcast religious programs of the Calvary Northland Missions of Ontonagon Mich.

WELI—City Broadcasting Corp. New Haven Conn.—Granted special temporary authority to operate unlimited time on Saturday, April 3, in order to broadcast a special birthday anniversary banquet to be tendered Gov. Cross at Hotel Taft, New Haven. Also granted special temporary authority to operate from 8 p. m. Monday, April 12, to the conclusion of the business of the 27th Annual Convention of the Connecticut Parents and Teachers Association held at the Hotel Taft.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset (April sunset, 6:45 p. m.) to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays during month of April, pending compliance with Rule 131 on modification of license application requesting this authority.

KRMC—Roberts-McNab Co., Jamestown, N. Dak.—Granted special temporary authority to operate unlimited nighttime during program test period (provided KVOX is not broadcasting).

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m. and 2 to 3 p. m., EST, from March 25 to April 4, 1937, inclusive (provided WSVS remains silent), in order to broadcast religious, education, etc., programs.

KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate from local sunset (April sunset 6:45 p. m.) to 9 p. m., CST, on Sundays, April 4, 11, 18, 25, 1937, in order to broadcast services of the Kelly Memorial Methodist Church of Longview.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, on Sundays, from April 1 to April 30, 1937, inclusive (provided WBBL remains silent), in order to broadcast special programs.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 7:30 to 9 p. m., MST, Easter Sunday, March 28th, in order to broadcast Easter Cantata.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted special temporary authority to operate from 5 to 6 a. m., CST, March 28, in order to broadcast Annual Sunrise Easter Service.

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted special temporary authority to operate unlimited time on night of March 31, in order to broadcast the Shriners' Hospital benefit program from the stage of the Capitol Theater.

### APPLICATIONS DENIED

Essex Broadcasters, Inc., Detroit, Mich.—Denied authority to transmit program of the Detroit and Michigan Exposition from Convention Hall in Detroit, featuring a "Pronounce-a-down" to Radio Station CKLW, Windsor, Ontario, on one night only between April 2 and 11, 1937.

WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate unlimited time on the evenings of April 8, 9 and 10, 1937, in order to broadcast the A. A. U. National Swimming Indoor Championships from the Payne Whitney Gymnasium Pool at Yale University. Also denied special temporary authority to operate from local sunset (March sunset, 6 p. m.) to 8 p. m., EST, Easter Sunday, March 28, in order to broadcast Easter program from New Haven County Jail.

The following cases, heretofore set for hearing, were denied as in cases of default for failure to file an appearance and statement of facts to be proved in accordance with Rule 104.6 (c):

KUOA—KUOA, Inc., Siloam Springs, Ark.—Modification of license 620 kc., 5 KW, daytime.

NEW—C. P. Sudweeks, Spokane, Wash.—C. P. 950 kc., 500 watts, 1 KW-LS, unlimited.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P. 1390 kc.; 500 watts, 1 KW, unlimited.

### APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Howard A. Miller, Galesburg, Ill.—C. P. 1500 kc., 100 watts, daytime.

NEW—Staunton Broadcasting Co., Inc.—Staunton, Va.—C. P. 1500 kc., 250 watts, daytime.



KGBX—Springfield Broadcasting Co., Springfield, Mo.—C. P. 1230 kc., 1 KW unlimited.  
 KVOO—Southwestern Sales Corp., Tulsa, Okla.—C. P. 1140 kc., 50 KW, Simultaneous day, WAPI, S-WAPI night.  
 WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license 1370 kc., 100 watts, 250 watts, specified hours.  
 WHK—Radio Air Service Corp., Cleveland, Ohio.—Modification of license 1390 kc., 1 KW, 5 KW, unlimited.  
 NEW—Galesburg Printing & Pub. Co., Galesburg, Ill.—C. P. 1500 kc., 250 watts, daytime.

#### EXAMINERS REPORTS SUBMITTED DURING WEEK OF MARCH 16 TO 26, 1937

NEW—Ex. Rep. 1-368: H. W. Wilson & Ben Farmer, Wilson, N. C.—Examiner Seward recommended grant of C. P. to construct new station to operate on 1310 kc., 100 watts daytime.  
 NEW—Ex. Rep. 1-369: John R. & Joe L. Peryatel & Richard K. Beauchamp, d/b as Peryatel Bros. & Richard Beauchamp, Raton, N. Mex.—Examiner Seward recommended denial without prejudice of application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited.  
 NEW—Ex. Rep. 1-370: Falls City Broadcasting Corp., Falls City, Nebr.—Examiner Walker recommended denial of application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited.  
 WBAX—Ex. Rep. 1-371: John H. Stenger, Jr., Wilkes-Barre, Pa.—Examiner Bramhall recommended grant of modification of license to change hours of operation from specified to unlimited.  
 WELL—Ex. Rep. 1-372: City Broadcasting Corp., New Haven, Conn.—Examiner Seward recommended that application to change frequency from 900 kc. to 930 kc. power from 500 watts to 250 watts night, 500 watts LS, and hours of operation from daytime to unlimited be granted conditionally.  
 NEW—Lawrence K. Miller, Pittsfield, Mass.—Recommended denial of Miller application for C. P. for 930 kc., 250 watts, daytime.  
 NEW—Ex. Rep. 1-373: J. L. Statler, d/b as Baker Hospital, Muscatine, Ia.—Examiner Walker recommended denial of authority to transmit programs to stations in Canada and Mexico.  
 NEW—Ex. Rep. 1-374: H. O. Davis, Mobile, Ala.—Examiner Seward recommended denial of application to erect new station to operate on 610 kc., 250 watts, night, 500 watts LS, unlimited.  
 NEW—Ex. Rep. 1-375: Harold Thomas, Pittsfield, Mass.—Examiner Seward recommended denial of application for new station to operate on 1310 kc., 100 watts, N, 250 watts LS, unlimited.  
 KRLH—Ex. Rep. 1-376: Clarence Scharbauer, Midland, Tex.—Examiner Seward recommended denial for want of prosecution of application to change frequency from 1420 kc. to 1210 kc.  
 NEW—Ex. Rep. 1-377: Radio Enterprises, partnership of J. R. Curtis & R. Lacy, Lufkin, Tex.—Examiner Seward recommended denial of application for C. P. for new station to operate on 1310 kc., 100 watts, daytime; and. NEW—Red Lands Broadcasting Assn., Ben T. Wilson, Pres., Lufkin, Tex.—Examiner Seward recommended grant of application for new station to operate on 1310 kc., 100 watts, daytime.  
 WJBR—Ex. Rep. 1-378: J. B. Roberts, Gastonia, N. C.—Examiner Bramhall recommended denial of application for modification of C. P. requesting additional time to construct station; and. NEW—Virgil V. Evans, Gastonia, N. C.—Recommended denial of application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited.

#### ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. 1-369: John R. and Joe L. Peryatel and Richard K. Beauchamp, d/b as Peryatel Bros. & Richard K. Beauchamp, Raton, N. Mex.—Denied with prejudice application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time. Order effective March 26, 1937. Examiner P. W. Seward sustained in part.

#### ORAL ARGUMENT

NEW—Ex. Rep. 1-358: Loyal K. King, Pasadena, Cal.—Oral argument to be held May 13, 1937.

#### RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:

W10XAL—Columbia Broadcasting System, Inc., New York City—Granted authority to operate as licensed period 30 days from March 25 relaybroadcast series interviews Washington, D. C., residential Districts.  
 W10XZ—Columbia Broadcasting System, Inc., New York City—Granted authority to operate as licensed March 28 relaybroadcast Easter Parade, New York City.  
 W8XFO—Crosley Radio Corp., Cincinnati, Ohio—Granted authority operate as licensed 3-28 and 3-21 relaybroadcast Dog Show.  
 W10XAH-W10XAV-W2XF—National Broadcasting Co., Inc., New York City—Granted authority operate as licensed 3-28 relaybroadcast Easter Parade on Fifth Avenue.  
 WXER-W9XAI—Journal Company, Milwaukee, Wis.—Granted authority operate as licensed for tests on 3-30 and 3-31 and relaybroadcasts 4-1 to 4-3, inclusive, of smelt run at Escanaba, Mich.  
 KABE-KIGA—National Broadcasting Co., St. Paul, Minn.—Granted authority operate as licensed 3-27 relaybroadcast Minneapolis Journal's Dig Parade.  
 W9XPS—Peoria Broadcasting Co., Peoria, Ill.—Granted authority to operate as licensed on 3-28 relaybroadcast street interviews in Peoria.  
 W3XGO-W3XGP—Baltimore Radio Show, Inc., Baltimore, Md.—Granted authority operate as licensed on 3-28 relaybroadcast description Easter Parade.  
 W8XHG—Radio Air Service Corp., Cleveland, Ohio—Granted authority to operate as licensed on 4-2 relaybroadcast program "Broadcast on Campus" from campus Western Reserve University.  
 WJEP—Stromberg-Carlson Tele. Mfg. Co., Rochester, N. Y.—Granted authority operate as licensed 3-24 to 4-3 inclusive, relaybroadcast Safety Campaign.  
 W9XPN-W9XPV—WDX Broadcasting Co., Tuscola, Ill.—Granted authority operate as licensed period March 24 to April 22 relaybroadcast from train running between Villagrove and Tuscola.  
 KIIH-KFAB Broadcasting Co., Lincoln, Nebr.—Granted authority as licensed on 3-28 relay broadcast Easter Parade, Lincoln, Nebr.  
 WBAM-W10XIP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted authority to operate as licensed on 3/28 relay broadcast description Easter Parade, New York.  
 WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted special temporary authority to operate from local sunset (March sunset, 5:45 p. m., CST) to 10 p. m. March 22, 1937, in order to broadcast a Democratic Jamboree; also operation unlimited time on April 5, 1937, in order to broadcast election returns.  
 WHBI—May Radio Broadcast Corporation, Newark, N. J.—Granted special temporary authority to use the transmitter of WNEW from 3 to 5 p. m., March 22 and 29, in order to broadcast baseball games from Florida.  
 WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Granted special temporary authority to use transmitter studio as main studio for period not to exceed 30 days while main studio is being remodeled.  
 KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to operate a 100 watt portable test transmitter on 1290 kc., between hours of 1 and 6 a. m., for period March 18 ending no later than April 1, to conduct location survey.  
 WPHR—WLBG, Inc., Petersburg, Va.—Granted special temporary authority to operate a 50 watt portable test transmitter in vicinity of Richmond, Va., between hours of 12 midnight and 6 a. m., EST, for period not to exceed 30 days, in order to make field intensity survey tests.  
 KPRC—Houston Printing Corp., Houston, Texas.—Granted extension special temporary authority to operate with 5 KW power night for period March 25 to April 23, 1937.  
 KALB—Alexandria Broadcasting Co., Alexandria, La.—Granted special temporary authority to operate from local sunset (March sunset, 6:15 p. m. and April sunset, 6:30 p. m., CST), to 12 midnight, for period March 22 to 27 inclusive, March 29 to 31, inclusive, April 1, 2, 3, 5 and 6, in order to broadcast local political campaign.



WXYZ—Kunsy-Trendle Broadcasting Corp., Detroit, Mich.—Granted special temporary authority to operate with power not to exceed 25 watts on the following frequencies: 550, 590, 650, 710, 780, 830, 890, 940, 990, 1050, 1100, 1140, 1190, 1240, 1300, 1350, 1400, 1460, 1520, 1550 and 1600 kc., between 1 and 6 a. m., for period not to exceed 3 weeks from March 16 (instead of April 16, 1937, granted March 9), in order to obtain information on performance of roof antennas by taking measurements of field produced by new tower at various heights.

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted extension of special temporary authority to remain silent for period March 16 to April 15, for purpose of rebuilding transmitter to comply with Rule 132.

The Broadcast Division denied the request of WDAS Broadcasting Station, Inc., for extension of time for filing of its appearance in Docket 4080, in re its application for C. P.

Granted petition of Citizens Broadcasting Corporation to intervene in proceedings on application of Troy Broadcasting Co., Inc., for C. P. for new station at Troy, N. Y.

Granted petition of Hearst Radio, Inc., to intervene in the proceedings on the application of Troy Broadcasting Co., Inc., for C. P.

Denied motion of Congress Square Hotel Co. and Bremer Broadcasting Corp. to quash the Order to Take Depositions in Docket 4306 (application of Troy Broadcasting Co., Inc.) With regard to the Order of the Commission dated Feb. 26, 1937, for the taking of depositions by the Troy Broadcasting Co., Inc., in this case, the Broadcast Division waived the requirements of Rule 106.23 requiring a statement of the matters and facts which it is expected the witnesses will testify.

Granted petition of National Battery Broadcasting Co. to intervene in the proceedings on the application of Edward Hoffman (WMIN), St. Paul, Minn., for modification of License Docket 4342.

Granted petition of Smith, Keller & Cole (a partnership) for postponement of oral argument upon its application for C. P. for new station in San Diego, Calif., Docket 3939, until oral argument is heard with respect to application of Pacific Acceptance Corp. for C. P. to establish a new station in San Diego, Docket No. 2968.

The Broadcast Division waived requirements of Rule 104.6(b) and accepted the answer of the Mississippi Broadcasting Co., Inc. (WCOC), to the appearance of the applicant in the proceedings on the application of Virgil V. Evans, d/b as The Voice of S. C., Spartanburg, S. C., for C. P.

The Broadcast Division denied the petition of W. A. Patterson (WAPO), Chattanooga, Tenn., to grant without a hearing his application for C. P.

Granted petition of Royal Miller (KROY), Sacramento, Calif., requesting that the order to take depositions in support of his application for modification of C. P., Docket 4234, be amended so as to add the names of Al Wolfe and Robert Barringer of Sacramento, Calif., as witnesses to be examined on March 22, 1937, subject to any objections that may be raised by parties with conflicting interests.

## ORAL ARGUMENTS CONTINUED

Oral arguments scheduled for Thursday, April 1, 1937, involving Examiner's Reports Nos. 1-104, No. 1-324, and No. 1-334, were continued until April 8, 1937.

## APPLICATION RETIRED TO CLOSE FILE

KCRJ—Charles C. Robinson, Jerome, Ariz.—Application requesting authority to install new transmitter and antenna system, change hours of operation from specified to daytime, granted on July 2, 1936, was retired to closed files for want of prosecution.

## MISCELLANEOUS

Asheville Daily News, Harold H. Thoms (owner), Asheville, N. C.—Decided to hold on April 9, 1937, a rehearing on application for new station to operate on 1370 kc., 100 watts, unlimited time.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Denied petition requesting authority to participate in oral argument on examiner's report covering application of Clarence C. Dill for C. P. to erect new broadcast station in Washington, D. C., to operate on 1390 kc., 1 KW, unlimited time.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted petition to intervene in the hearing on the application of W. Va. Newspaper Publishing Co. for C. P. to erect a new broadcast station at Clarksburg, W. Va., to operate on 1250 kc., 1 KW, daytime only.

NEW—Athens Times, Inc., Athens, Ga.—Granted petition to intervene in the hearing on application of J. K. Patrick & Co. for C. P. to erect new station at Athens, Ga., to operate on 1310 kc., 100 watts night, 250 watts LS, unlimited time.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted petition to intervene in the hearing on the application of the Radiotel Corp. for C. P. to erect a new station in San Diego to operate on 920 kc., 500 watts, unlimited time.

KALB—Alexandria Broadcasting Co., Alexandria, La.—Denied petition asking Commission to cancel oral argument in Docket 4110. Postponed action on petition in so far as it prays for grant of the application until the application is determined upon its merits. This is an application for modification of license to change frequency from 1420 kc. to 1210 kc., and to increase hours of operation from daytime to unlimited.

WPG—City of Atlantic City, Atlantic City, N. J.—Granted petition to intervene in the hearing on the application of the Press-Union Publishing Company for a C. P. to erect a new station at Atlantic City to operate on 1200 kc., 100 watts, 250 watts LS, unlimited time.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Granted petition to intervene in the hearing on the application of the Northwest Research Foundation, Inc., for C. P. to erect a new special broadcast station to operate on 1530 kc., 1 KW, unlimited.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted petition to intervene in the hearing on the application of the Voice of Detroit, Inc., for a C. P. to erect a new broadcast station at Detroit, Mich., to operate on 1120 kc., with 500 watts night, 1 KW LS, unlimited time.

WJW—WJW, Inc., Akron, Ohio.—Granted petition to intervene in the hearing on the application of the Summit Radio Corp. for C. P. to erect a new broadcast station at Akron, Ohio, to operate on frequency 1550 kc., 1 KW, unlimited time.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted petition to intervene in the hearing on the application of George W. Young for C. P. to erect a new station in St. Paul, Minn., to operate on 920 kc., with 1 KW night, 5 KW LS, unlimited time.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted petition to intervene in the hearing on the applications of the National Battery Broadcasting Co. for C. P. to erect two new stations in St. Paul, Minn., (1) to operate on the frequency 580 kc., with 1 KW, unlimited, and (2) to operate on the frequency of 920 kc., with 1 KW, unlimited time.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Accepted answer to the appearance of the applicant in re application of Aberdeen Broadcast Co. (KABR), Docket 4255.

Paul B. McEvoy, Hobart, Okla.—Granted petition to withdraw without prejudice application for authority to erect and operate a new broadcast station to use 1420 kc., 100 watts, daytime.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Continued for approximately 30 days from April 13, 1937, hearing on application for C. P. to install vertical antenna and to increase power from 500 watts to 1 KW during nighttime hours.

WCAZ—Superior Broadcasting Service, Carthage, Ill.—Granted request to withdraw its application for modification of C. P. to make changes in equipment and to increase power from 100 watts to 250 watts, daytime only.

C. Kenneth Miller, Tulsa, Okla.—Denied petition asking Commission to reconsider and grant application for C. P. to erect new broadcast station to operate on 1310 kc., 100 watts, unlimited time. Hearing set for April 23, 1937.

Dr. William States Jacobs, d/b as William States Jacobs Broadcasting Co., Houston, Tex.—Granted request to continue hearing about 30 days after April 5, 1937, the date now set. This is an application for C. P. to erect new station at Houston to operate on 1230 kc., 1 KW, unlimited time.

F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Granted petition to reopen for further hearing on date about 30 days hence for purpose of receiving depositions. Secretary of Commission to send depositions formerly filed



in this Docket (No. 3979) to Charles Robert Jones, Notary Public, Rossville, Ga., under Commission seal for purpose of having deponents subscribe to depositions and return to Secretary at least 5 days prior to date of the reopened hearing.

- WSAU—Northern Broadcasting Co., Wausau, Wis.—Rule 104.4 suspended with regard to application for modification of C. P. requesting increase in operation from daytime to unlimited time. Objections of Edward Hoffman dismissed.
- WSAY—Brown Radio Service & Lab., Gordon P. Brown, owner, Rochester, N. Y.—Denied petition to reconsider and grant without hearing application to make changes in equipment and to increase power from 100 watts day only to 100 watts night and 250 watts day—full time.
- Harold F. Gross and Edward C. Shields, Bay City, Mich.—Denied motion asking bill of particulars in application of James E. Davidson's (WBCM) application for modification of license of station WBCM to increase power from 500 watts unlimited time to 500 watts night, 1 KW until local sunset.
- KOOS—Pacific Radio Corp., Marshfield, Ore.—Denied petition asking Commission to reconsider and grant without hearing application for assignment of license of KOOS, daytime station operating on 1210 kc., from Pacific Radio Corp. to KOOS, Inc.

## APPLICATIONS RECEIVED

### First Zone

- NEW—The Colonial Network, Inc., Providence, R. I.—Construction permit to erect a new broadcast station to be operated on 720 kc., 1 KW power, limited time. Amended to change name from Bay State Broadcasting Corporation to The Colonial Network, Inc.
- NEW—Thomas J. Watson, Endicott, N. Y.—Construction permit to erect a new broadcast station to be operated on 1240 kc., 1 KW power, unlimited time, directional antenna for night use. Amended to give studio site as North Avenue, Endicott, N. Y., and transmitter site as 3½ miles east northeast of Endicott, adjacent to I. B. M. Gun Club, Union Township, New York.
- WAAB—The Yankee Network, Inc., Boston, Mass.—Modification of license to increase power from 500 watts to 1 KW.

### Second Zone

- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to change frequency from 1160 kc. to 1140 kc., hours of operation from simultaneous day WOWO, share WOWO night, to unlimited time, and install directional antenna for night use. Amended to change transmitter site from Bell's Lane, 8½ miles northeast of Wheeling, West Liberty, W. Va., to 2½ miles east of St. Clairsville, Richland Township, Ohio.
- WCPO—Continental Radio Co., Cincinnati, Ohio.—License to cover construction permit (B2-P-1464) for new transmitter and antenna and move of transmitter.
- WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Modification of license to change specified hours from daily except Sunday, 9:30 a. m. to 4:30 p. m.; Sunday, 9:00 a. m. to 1:30 p. m., CST, to daily except Sunday, 9:30 a. m. to 1:30 p. m.; 4:30 p. m. to 7:30 p. m.; Sunday, 9:00 a. m. to 1:30 p. m., CST.
- WBLK—The Exponent Co., Clarksburg, W. Va.—Modification of construction permit (B2-P-1127) as modified for new transmitter and changes in hours of operation from day to unlimited, power from 100 watts to 100 watts night, 250 watts day, extend commencement and completion dates 90 and 180 days respectively, and make changes in antenna. Amended: Request 100 watts power day and night, and equipment changes.

WLAP—American Broadcasting Corporation of Kentucky, Lexington, Ky.—License to cover construction permit (B2-P-1373) as modified for equipment changes and approval of transmitter and studio sites.

WHP—WHP, Inc., Harrisburg, Pa.—License to cover construction permit (B2-P-1239) for new antenna and move of transmitter.

### Third Zone

- KVOO—Southwestern Sales Corporation, Tulsa, Okla.—Construction permit to change hours of operation from simultaneous day WAPI, share WAPI night, to unlimited time, and install directional antenna for night use.
- WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Modification of license to change hours of operation from simultaneous day, share WWVA night, to unlimited time. (Contingent upon the granting of WWVA's application for change in frequency.)
- NEW—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 250 watts power, daytime operation.
- KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Modification of construction permit (B3-P-539) for new station, requesting approval of vertical antenna approval of transmitter site at Ocean Drive, Corpus Christi, Texas, and studio at Medical Professional Building, Corpus Christi, Texas.
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Modification of license to increase night power from 500 watts to 1 KW.
- WRDW—Augusta Broadcasting Co., Inc., Augusta, Ga.—Modification of construction permit (B3-P-1301) for move of transmitter and installation of vertical antenna requesting changes in equipment, and increase in power from 100 watts to 100 watts night, 250 watts day. Also extend completion date from 5-29-37 to 90 days after grant.

### Fourth Zone

- KVOX—Robert K. Herbst, Moorhead, Minn.—Voluntary assignment of construction permit (B4-P-324) from Robert K. Herbst to KVOX Broadcasting Co.
- NEW—Galesburg Broadcasting Co., Galesburg, Ill.—Construction permit for a new station to be operated on 1500 kc., 250 watts, daytime.
- NEW—Metropolitan Radio Service, Inc., Chicago, Ill.—Construction permit for a new special broadcast station to be operated on 1570 kc., 1 KW power, unlimited time.
- W9XAI—The Journal Co., Mobile, Ala.—Construction permit for replacement of transmitter and increase power from 7.5 watts to 50 watts.

### Fifth Zone

- KXA—American Radio Telephone Co., Seattle, Wash.—Construction permit to make changes in equipment, install vertical antenna, increase power from 250 watts night, 500 watts day, to 1 KW and move transmitter and studio from 218 Bigelow Building, Fourth Avenue and Pike Street, Seattle, Washington, to site to be determined, Seattle, Washington.
- KROY—Royal Miller, Sacramento, Calif.—License to cover construction permit (B4-P-713) as modified, for a new station.
- KHUB—F. W. Atkinson, Watsonville, Calif.—License to cover construction permit (B5-P-781) as modified, for a new station.
- KMO—KMO, Inc., Takoma, Wash.—License to cover construction permit (B5-P-1235) as modified, for increase in power, new equipment and move of transmitter.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW day and night.
- NEW—Warren B. Worcester, San Diego, Calif.—Construction permit to erect a new station on 1400 kc., 250 watts night, 1 KW day, unlimited time.