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FRIDAY, MARCH, 12th 1948

No. 75

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BAND LEADER'S LIBEL ACTION
£400 Damages Against "Musical Express"
"A PAPER OF GREAT INFLUENCE"—Says Judge
 (Musical Express Staff Reporter)

ON TUESDAY, MARCH 9, IN THE KINGS BENCH DIVISION, MR. JUSTICE BIRKETT AWARDED TO HARRY HAYES, WHO WAS DESCRIBED AS A BAND LEADER, MUSICIAN AND INSTRUMENT DEALER, £400 DAMAGES AND COSTS AGAINST THE EDITOR, PUBLISHERS AND PRINTERS OF "MUSICAL EXPRESS" FOR PUBLISHING A LIBEL IN ONE OF ITS EARLY ISSUES WHEN THAT NEWSPAPER FIRST STARTED PUBLICATION. THE STATEMENT TO WHICH HAYES OBJECTED APPEARED IN OUR ISSUE OF JANUARY 24, 1947.

BERYL DAVIS
RENEWS HER
CONTRACT
WITH FRANK
SINATRA

Beryl Davis, exclusive pictures of whom appear on the back page of this newspaper, has just signed a contract to appear for a further three months with Frank Sinatra. This will mean that when her father Harry Davis and Oscar Rabin travel to Hollywood with their families in April they will be able to spend considerable time together. Had Beryl not renewed her contract she would have been in New York during her family's visit to Hollywood.

An amusing incident marked the opening of the trial. Mr. Eric Myers, appearing for Hayes, was reading to the Judge from the offending news paragraph and came to the word "contacted." His Lordship, not aware that the use of the noun in the form of a verb was a colloquialism of the entertainment business, commented that this was not an example of high class journalism. Mr. Myers agreed with his Lordship so vehemently that he said he almost hesitated before saying the word.

LUNCEFORD
ON BROADWAY

A CABLE from our American correspondent, Bob Kretzer, informs us that the Jimmie Lunceford Orchestra—under the joint direction of Edwin Wilcox and Joe Thomas—opens at Ralph Watkins' Club on Broadway, March 11. The band is currently recording for the Manor label. The Broadway debut marks this outfit's first big break since the leader's death last July.

Some minutes later Mr. Myers, in the course of his remarks to the Judge, used the word "finalised." The learned Judge quickly observed that the word "finalised" almost came into the same category as the word "contacted." Mr. Myers apologised and agreed with his Lordship that the English Courts set a very high standard in the use of the English language.

During the proceedings it was also said that "Musical Express" at the time of the libel had only a small circulation, having only just started its publishing career, but even at that time it enjoyed a specialised circulation among musicians, publishers and musical people. But, said Mr. Myers:

"SO POPULAR HAS IT NOW BECOME—IT CAN BE BOUGHT OFF BOOKSTALLS EVERYWHERE."

"Musical Express" has hitherto been rightly proud of its meteoric rise to fame. This, however, was an occasion when it would have been more profitable to us if we had been a little more obscure. Mr. Justice Birkett, summing up, had to take the importance of "Musical Express" into consideration when assessing the damages. His Lordship was convinced that even with its comparatively small net sales at the actual time of the libel, "Musical Express" was—as he said—a paper of "special appeal." He went so far as to call it

"A PAPER OF GREAT INFLUENCE."

The Judge held that, whereas in our publication of the 24 January, we stated that the Hayes Band had been "sacked" by Churchill's, he was satisfied that Hayes had parted company with Churchill's on the friendliest of terms and for no reason adverse to Hayes.

In assessing the damages, the Judge stated that he must not assess them too high so as to make them prohibitive or too low so as to make them contemptuous and having regard to all the circumstances he thought justice would be done by awarding the Plaintiff the sum of £400 with costs and directed that £250 already paid into Court by the Defendants should be paid out to Hayes or his Solicitors.

Hayes once worked in Vedey's band



The Managing Editor for Venture Publications Ltd., Julien Vedey, one of the Defendants.

MORE NEWS AND PICTURES ON BACK PAGE

AT THE NICE FESTIVAL



Rex Stewart



Milton "Mezz" Mezzrow



Derek Neville (representing Britain)

Further Broadcasts for Paul Adam

Following his Monday night radio series Paul Adam and his Mayfair Music will again appear in Band Parade on March 15. In addition to this return visit Adam will be on the air with his band on Saturday March 20 at 8-8.30 p.m. This programme will be a special presentation and we are given to understand that Adam will compete the show in his own inimitable manner.

GELDRAY TO OPEN IN VARIETY

Famous exponent of the harmonica, Max Geldray, will appear in variety at Golders Green commencing March 15. Geldray will also appear on the week commencing March 22 at Chiswick Empire. He will be remembered for his broadcasts during the time he was in the Dutch army and after his demobilisation when he came to England and delighted all and sundry with his very fine playing of this instrument.

SOPHIE TUCKER'S AUTOBIOGRAPHY BOUGHT BY M.G.M. FOR FILM

Sophie Tucker's best-selling autobiography, "Some of These Days," has been purchased by Metro-Goldwyn-Mayer for a forthcoming motion picture, which Pandro S. Berman will produce.

One of the most famous and colourful entertainers, internationally known as "The Last of the Red Hot Mamas," Miss Tucker's life story spans more than forty years of highlight experiences in the entertainment world. From the time when, as a young girl in Hartford, Connecticut, Miss Tucker sang for Willie Howard of the famous variety team, she has been "show business" personified.

From an initial hit in variety, Miss Tucker became and re-

mains one of Broadway's all time favourites. She has sung in virtually every small town as well as the major night clubs of America, and before crowned heads of Europe with equal success. In 1937 she appeared in M-G-M's film, "Broadway Melody of 1937." She has donated the proceeds from her autobiography to charity, and to date the amounts contributed to charitable causes from its sales total nearly £50,000.

Ted Reeves has been assigned to write the screen play, and is now in New York doing research at first hand on Miss Tucker's fabulous Broadway career.

Sophie Tucker will make her first post-war London appearance in May, at the Casino.

DANNY KAYE ON THE AIR With Jackson's Show

READERS will be delighted to hear that in his Record Round Up this Saturday Jack Jackson will have assistance from that great artist Danny Kaye. Members of the profession will remember that Kaye and Jackson are old personal friends, having met when Kaye appeared at the Dorchester during the period prior to the war that Jackson was resident there.

KLEMPERER BRILLIANT
Fine Conducting at Albert Hall

On Friday March 5, Otto Klemperer conducted the Philharmonia Orchestra in the third concert given by the New Era Concert Society. The programme was a "meaty" one consisting of three works—Bach's Third Suite (for oboe, trumpet, timpani and strings), Stravinsky's recent Symphony in Three Movements and Beethoven's "Eroica." Klemperer is a magnificent conductor who makes no concessions to showmanship, his only concern being a true interpretation of the music. He does not use a baton. The Bach Suite he conducted from the piano—a rare sight these days. From the point of view of interpretation, the Stravinsky could hardly be improved upon, but the performance was rather untidy and it was obvious that there had been insufficient time for rehearsal. The "Eroica," particularly its slow movement, was excellent.

JACK FALLON FORMS HIS ALL-STARS

UNDER the leadership of well-known bass player Jack Fallon and drummer Norman Burns both formerly in the Tito Burns Sextet, a new all-star band has been formed which includes some of the well-known names in West End dance music.

The personnel includes Ralph Sharon on piano, Aubrey Frank on tenor, Reg Arnold on trumpet, Tommy Pollard on vibraphone and accordion, with Alan Dean handling the vocals. All arranging will be done by Ralph Sharon, Jack Fallon and Alan Dean.

Called the All-Stars, the band will play a programme of both Be-bop and commercial music and has already been booked to appear next Sunday at the Down Beat Club for the afternoon session and at the Southall Swing Club for the evening. They intend to play sessions until they have established themselves and then intend to book regular engagements.

Series for Jack White

Readers will be glad to hear that the popular Jack White Band who are resident at the Astoria Ballroom will be heard in a series of strict tempo broadcasts. The first of these will be heard on March 17 at 11.45-12.15 p.m. and will be heard again on March 24 and 31 respectively. On the last broadcast the band did from the Astoria, White gave British songwriters a big break by announcing the composer of each British tune he played.

Shirley Grey's New Act

Popular vocalist Shirley Grey advises us that she has just commenced a new act with pianist Peter Gray. This very fine young vocalist has not been heard on the air for many months although she has appeared with most of the name bands in this country. We feel sure that this new double act will prove a great success.

HEATH SIGNS CHILVER

Successor to Dave Goldberg

"MUSICAL EXPRESS" is happy to announce the news that Pete Chilver, one of the most sought after guitarists in the country, has finally agreed to join the Ted Heath band in place of his room-mate Dave Goldberg, who sails for America on Saturday.

Virtually unknown two years ago, Pete Chilver has risen to become the acknowledged exponent of Be-bop guitar playing in this country, and his work with the Tito Burns Sextet, of which he is the last original member, has brought him to the forefront of British guitar players.

Because of his loyalty to Tito Burns and his love of small band jazz, Pete has consistently turned down offers from name band leaders in the past year, including Ted Heath. Now Tito has sportingly agreed to release him from his contract and Chilver will join the Heath band in two weeks' time.

To replace him in the Sextet, Tito Burns has signed up brilliant young Johnny Dankworth on alto, while rhythm guitar will be played by vocalist Cab Kaye.

RECORDINGS OF CARISSIMA



Lester Ferguson

We understand that the first vocal records of "Carissima" the new musical written by Hans May and Eric Maschwitz which opens this week, will be recorded by the original singers, Lester Ferguson and Elizabeth Theilmann and the orchestra will be conducted by Hans May. These records will be released on H.M.V. in their May issue.

New M.D. for Arts Council

The Arts Council of Great Britain have appointed Mr. John Denison to be Director of Music in succession to Mr. Stuart Wilson. Mr. Denison, who is 37, is at present assistant Music Director to the British Council.

Coming to Palladium!
MARTHA RAYE
 (April)

CARMEN MIRANDA
 (May)

ANDREWS SISTERS
 (August)

Following the official opening next week of the Merry Macs whose wonderful performance has already been reviewed in these columns, and Jean Sablon, we understand from John Carlson Press representative for the Palladium that many famous musical acts have been booked for forthcoming months.

The month of April will have that dynamic artiste Martha Raye topping the bill followed the next month by the equally dynamic Carmen Miranda. Carlson tells us that the Andrews Sisters should be appearing for the month of August.

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LOMBARDO TOPS SALES

Arrangers form Protective Association

AFTER far too long an absence comes news this week of an old favourite who still has hundreds of loyal fans among the swing minded youngsters of this country. Johnny Desmond's name programme that he launched in radio after his release from the Service a couple of years ago. Since then, although he has made many gallant attempts to crash the big time, Desmond has been more than unlucky. He did a series with Margaret Whiting that didn't live very long, although Maggy and Jerry haven't looked back since then, but for Johnny the cards were not so favourable. Although he screen tested for Warner Brothers and even grew his hair again (remember that crew cut?) nothing much came of his attempts to reach the Haymes - Sinatra-Torme or even Russell grade—solo night club work and odd recording sessions have been his lot ever since.

NOW the "Teentimers Club" will get a peak listening

spot in the Saturday morning 11.30-12 noon time schedule and Johnny is to be the star of the first show, appearing with a different guest name band each week and with jivvy disc-jockey Fred Robbins, of the old Condon sessions, as Master of Ceremonies. Much the same as the network's Tex Beneke series, the new

bringing out, only two weeks after, an almost identical disc to Capitol's sensational "Timtashun" brought matters to a head. Of course Victor withdrew the platter when the storm got fierce but the arrangers are determined to see that this kind of thing certainly not the only case of its kind—does not

LEONARD FEATHER is writing a history and analysis of Be-bop, on which Dizzy Gillespie will co-operate. . . . Buddy Rich opens at the Paramount on March 22. . . . The title of the new Warner film "Romance in High C", starring Doris Day, has been changed to "Romance on the High Seas" in case the public didn't catch on. Producer Michael Curtiz has signed up the lovely Doris for his next film, which will be a Technicolor production called "My Dream Is Yours" a musical of course! . . . All this blab about Hollywood cutting down pictures. Universal International Studios have never been so busy and three of the current pictures in production are coloured musicals. . . . "So Easy To Love" yet another Dick Haymes smash disc.

Transatlantic

American Commentary

BY STUART S. ALLEN



At Jolson reminiscing with Lux Radio Theatre conductor Lou Silvers, who arranged for him when he made his first talking picture. Last month C.B.S. presented Jolson and Silvers' orchestra in an hour-long broadcast of "The Jolson Story."

Johnny Desmond will go on the road and will air from a different key city each week—the first broadcast will be from Chattanooga, Tennessee. I hope Johnny hits the big time with this show—no one has worked harder and more deserving of such a break.

WHEN Eddie Howard finishes his season at the Commodore Hotel's Century Room at the end of the month, he will return to the Aragon Ballroom in Chicago, scene of his great success before moving into the Gotham location where, I learn, he has drawn the heaviest attendance in four years. Latest addition to this go-ahead leader is a recently purchased novelty jewelry factory in his hometown of Evanston, Illinois. Howard plans to market a series of Eddie Howard Bracelets featuring the names of hit recordings made by his band. There is talk that the Howard group may return to New York in the summer for a season at the famed Astor Roof.

A FEW weeks ago I made a mention of the new Alfred Newman record album containing the score of "The Captain from Castille," the proceeds of which are being handed over to the Damon Runyon Cancer Fund. I now learn that this score has been nominated for this year's Academy Award for the Best Motion Picture Score. One of the themes, a love ballad called "Catana," is being prepared by Robbins Music for motion picture plugging. Could this be another "Laura," "Stella By Starlight" or "Mam'elle"? We shan't have long to wait.

THERE is a move in the States to form an arrangers' protective association in order to protect arrangers' copyrights in the same way as composers are protected. The recent outbreak of musical plagiarism reached such proportions that arrangers have got together in order to see that fair play is accorded them under a similar agreement as that accorded the composers. The much publicised and very recent case of R.C.A. Victor

happen again if they can help it. Sounds like an excellent idea—how about someone over here forming a similar organisation while there's still time?

WITH more and more road locations closing up, many name bands are seeking fresh fields to conquer. Although New York night clubs are not exactly new to touring name bands it is certainly news these days when such a combination is booked into such a spot for any length of time. It is even bigger news when two such combinations are booked about the same time. May will see the Desi Arnaz Cubana Orchestra comfortably at the Harem Club, while Ina Ray Hutton, with a new band, will go into the city's famed Latin Quarter for an extended engagement. Proves that resident jobs are the secure things over there too!

IT was very nice to hear Ralph (Segue to me) Moffatt play Pat Dodd's excellent piano recording of "Night and Day" and "In the Still of the Night" last week. The rest of the programme was eighty per cent. British. . . . Charlie Barnet has given up his plans for forming a new band at scale rates for one would play ball for that cash, let alone their instruments. He's gone home to Hollywood. . . . Twenty-four stations in key cities are now taking Duke Ellington's transcribed disc-jockey show. Surprisingly enough, half of them are in the South, in hope Duke's encephalic choice of discs is better than Tommy Dorsey's. . . . Metronome magazine devotes a fine article to Tutti Camarata and the fine work he is doing over here for London Records. . . . Tutti gives plenty of praise to our own Ted Elicth, but I am sorry to see that the mag's reviewers don't think very highly of Ted's first American releases "Ballia" and "Dickory Dock," the Jack Bentley original. Six Metronome either side, no stand-out soloists, though the men play well together and the technical recording is excellent. One side features an out-of-tune trombone while the reverse has singer imitating Ray McKinley. —RUBBISH!!!

POLLS may come and polls may go, but Guy Lombardo goes on forever. News released by the Decca Company states that Lombardo checked up no less than two-hundred thousand dollars in royalties during the year 1947, one-hundred and eight thousand of which was realised in the first six months. Statistics in my possession give that Bing Crosby again topped the list of 1947 best sellers with royalties amounting to 650,000 dollars. Lombardo came second and topped the list of best band leaders, a position he has held for fifteen out of the twenty years he has had his orchestra.

I FORGOT to mention last week that the latest Metronome All-Star disc is to be a Capitol release, which means, of course, that yer-won't-be-able-to-get-it-ere! The session, under the supervision of editor George Simon, was held on December 21 at the R.K.O.-Favest Studios in New York. Titles cut were "Leap Here," a riff tune by Nat Cole featuring Cole, Buddy Rich, Eddie Safranski, Billy Bauer, Dizzy, Bill Harris, Buddy De Franko and Flip Phillips. The second disc was "The Rhythmic Riff." Written by Pete Rugulo, it features the Kenton band with a spot for each of the eight soloists.

WELL now that I've given you a bit of news and a slice of my own opinion it's time to devote what little space I have left to some outspoken observations from an American band leader. I know that's nothing surprising these days but this guy is certainly not trying to get into the act—he has been in it since the day he slugged his brother at the Glen Island Casino back in the early thirties. T.D. of course. While playing at the Capitol Theatre in January, P.M. columnist Ira Peck went backstage for an interview which subsequently turned out to be rather illuminating.

TOMMY, now completely grey, made the following entry in his column about the current decline of swing bands: "I think the trouble is the whole country has become fad-conscious. Whoever thought years ago that hill-billy music, for example, would ever become popular in New York City? Fifteen to twenty-five years ago who ever thought that one of the leading recorders would be a harmonica outfit? (The Harmonicats and 'Peg O' My Heart') Who thought even two years ago that the top record-to-day would come out of Nashville, Tenn? Who ever thought Francis Craig's 'Near You' would be the rage of the country? The whole country's become fad-crazy. They're tired of the old vocalists too. They're sick of all the guys who carry on sound like Crosby or Sinatra or any other of the top guys. Anybody who has a little bit of a different twist they'll go for. It's a cycle and the public's all mixed up."

A FIRST-CLASS summing up is already—but T.D. is only just begun, and if you know your T.D. you'll know that he's a much tougher character than to let the matter rest there. His remarks that follow make grand and interesting reading so, with your permission, I'll print them next week when I have more space. Tommy gives the hard facts without any of this soppy high-minded jazz talk and he should know what he's talking about with the time he's been in the business and the successes he's had out of it. 'Til next week then. . . .



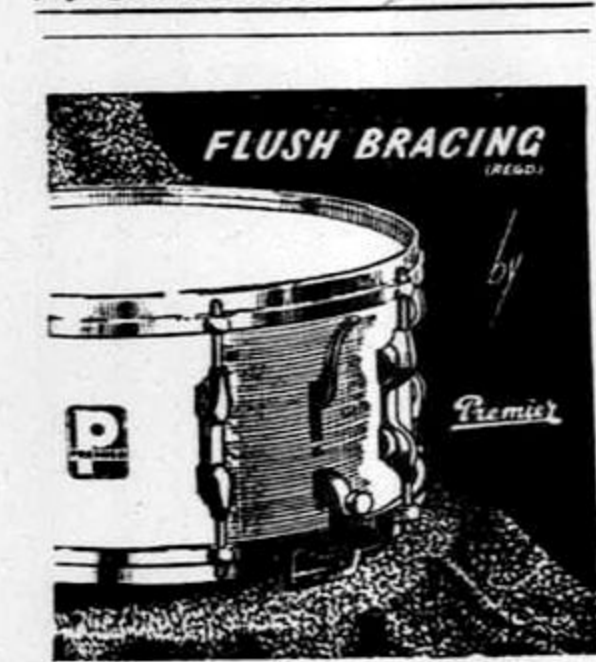
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SECOND THOUGHTS (No.7) By Steve Race

ONE of the keystones of this jazz business is our unwillingness to give credit to each other for original ideas. This applies especially to compositions, for which we borrow freely from each other, evergreens which amount to little more than a new chord sequence. No one can have failed to notice that harmonically "Groovin' High" equals "Whispering," "Ornithology" equals "How High the Moon," and that most of the other re-bop numbers owe their chord-progressions to "I've Got Rhythm." One of the worst offenders is Coleman Hawkins, who has recorded a stack of familiar evergreens on American labels amount to little more than a new chord sequence. No one can have failed to notice that harmonically "Groovin' High" equals "Whispering," "Ornithology" equals "How High the Moon," and that most of the other re-bop numbers owe their chord-progressions to "I've Got Rhythm." 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CONCERTS

WIGMORE ENSEMBLE PRO MUSICA ANTIQUA

A concert by the Society "Pro Musica Antiqua" of Brussels attracted a large audience at Chelsea Town Hall last Monday. The Society was founded in 1933 by its present Director and Conductor, Safford Cape. The programme was confined to instrumental and vocal music of the 15th and 16th Centuries and Schubert, a genial and sunny piece of no great depth; this was originally a trio for flute, viola and guitar by Matiegka, a Bohemian guitar player, to which Schubert added a 'cello part, the composite work being published as Schubert's in 1926. Then followed a fine performance of Mozart's little masterpiece, the Divertimento in E flat K.563 for Violino, Viola and 'Cello.

A second hearing of the Trio for Flute, Harp and 'Cello by a young French composer Jean-Michel Damase, which had been played at the French concert the previous week, confirmed the impression of a competent and charming little work of no great depth, influenced at any rate in the last movement by Jean Francaix.

The most attractive works in Monday's programme were the unaccompanied vocal quartets and quintets of Josquin des Prez, Passereau and Orlando di Lasso. The instrumental pieces, though equally enchanting, needed the more intimate atmosphere of a smaller hall or room. All the performances were on a very high level, and it is to be hoped that we may have another opportunity of hearing this ensemble before long.

GORDON HOMER FOR PLAZA DERBY LARGEST SCREEN SYMPHONY ORCHESTRA

Johnnie Smith's Summer Vacation. On Monday May 3 Gordon Homer will take his band into the Plaza Ballroom Derby. He will be taking the place of popular bandleader Smilin' Johnnie Smith who will be leaving the ballroom for the summer season in order to return fresh for the winter. We understand that Homer has signed for sole agency to Alf Praeger who has booked this engagement for him. At the time of going to press details are not yet available regarding line-up of the band Homer will take with him to the Plaza. We understand from Smith that he is interested in a resident engagement for the summer and bookers who wish to contact him can do so care of these offices.

"WHEN SOFT VOICES DIE"

James Luck Dead Passing of well-known drummer

Readers will be sorry to hear of the death of James Henry Luck, father of Don Luck well known band leader. For many years the late Mr. Luck worked in the Eastern Counties as a professional drummer. "Musical Express" offers condolence to his family in the time of their bereavement.

TIN PAN ALLEY

- 12.15 ORGAN (NO VOCALS). 12.45 NORTHERN ORCHESTRATION (NO VOCALS). 1.30 BAND OF COLD-STREAM GUARDS (NO VOCALS). 2.00 WOMEN'S HOUR. 3.00 MUSIC FOR THE HOUSEWIFE (NO VOCALS). 3.20 BAND OF LIFE GUARDS (NO VOCALS). 4.00 MRS. DALE'S DIARY. 4.15 BOURNEMOUTH MUNICIPAL ORCHESTRA (NO VOCALS). 5.15 ORGAN (NO VOCALS). 5.45 GERALDO (O.K.). 6.15 M.W.Y.W. (NO VOCALS). 6.45 DICK BARTON. 7.00 NEWS, ETC. 7.30 "HAVE A GO" (2% chance of hearing a "pop"). 8.00 PROGRESS REPORT. 8.30 MUCH BINDING IN THE MARSH (NO VOCALS). 9.00 PLAY. 10.00 NEWS. 10.15 A R M CHAIR DETECTIVE. 10.35 SYDNEY LIPTON (O.K.). 11.00 GOOD NIGHT!

Mark you this is STILL called the LIGHT programme! BRITISH TUNES REPORT. As usual, Lou Praeger played nearly all British. (Wednesday, March 3).

ACCORDION TIMES

I read with great interest your candid and free criticism of our Harry Gold "Pieces Of Eight" Series in the current issue of "Musical Express". I was very pleased to have your opinion about the extensive cueing in the three orchestrations because it is the thing on the orchestrations that we have felt all along would appeal to the small bands. May I say, also, that I have been reading your questionnaire in connection with orchestrations, and I think this an excellent idea. I know we, in common with all other publishers, will be pleased to learn the result of the questionnaire, and maybe some really useful information will result. With best thanks for your kind co-operation. I remain, Yours truly, KEITH PROWSE & CO. LTD. HUBERT W. DAVID, Publicity.

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10th ANNUAL JAZZ JAMBOREE We are glad to announce that the Tenth Annual Jazz Jamboree in aid of the Musicians' Union Benevolent Funds will take place as last year at the Gaumont State, Kilburn, S.W.6, on Sunday, 25th April, at noon. Please do not apply for tickets until you see the announcement in next week's issue.

WILTSHIRE LEAVING WINNICK We understand that well known drummer Billy Wiltshire will be leaving the Maurice Winnick Band at Ciro's this weekend. At the time of going to press there is no information available as to who will take his place. Dixielanders Change Name of Band Graeme Bell advises us that owing to the fact that since his band has been appearing in this country the name has been consistently misquoted in all quarters as the "Dixielanders." He has, therefore, decided that the name shall be completely changed from "Dixieland Jazz Band" to "Graeme Bell's Australian Jazz Band."