

WEATHER. (U. S. Weather Bureau Forecast.) Cloudy, not so cold, followed by light snow tonight; minimum temperature about 20 degrees below zero tomorrow; rain, temperatures—Highest, 20, at noon today; lowest, 8, at 1 a.m. today. Full report on page 5.

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# The Evening Star

WASHINGTON, D. C., SATURDAY, DECEMBER 30, 1933—TWENTY-TWO PAGES. WITH SUNDAY MORNING EDITION

The only evening paper in Washington with the Associated Press news service. Yesterday's Circulation, 115,151. \*\* (P) Means Associated Press. TWO CENTS.

## HUGHSON CANCELS SERVICE CHARGES BANKERS' CODE

Deputy Administrator Ousted After False Announcement of Pact Approval.

## CLEARING HOUSES GIVEN EXTENSION OF TIME

Proposals Suspended Increased Levies on Accounts and Put Checks on "Meter" System.

By the Associated Press. Banks in every corner of the Nation were under projected N. R. A. orders today to withhold scheduled schedules designed to sharply increase bank charges to customers.

While the Capital speculated upon the final outcome of the swift move by Hugh S. Johnson in canceling the increased levies, the recovery administrator himself added only silence to his order that the charges be suspended "indefinitely and immediately," or at least until he had approved them.

The first action came last night as the result of what was officially described as a "mistaken" understanding. Johnson lost little time after learning that a proposed uniform higher schedule under the N. R. A. bankers' code had been circulated by the code authority among all clearing house associations with the notation that Johnson had approved them.

N. R. A. chief declared immediately to newspaper men that he had not approved the schedules; in fact, had not even seen them.

Simultaneously he summarily dismissed Cary C. Kohn, deputy administrator in charge of the banking code, who was said to have been instrumental in a public announcement that Johnson had approved the banking code authority plan.

Higher Levies Inclusive. Although the proposed higher schedule circulated among the clearing house associations was not made public, it was understood to approximate a "method" system by which customers would pay more for virtually all bank services.

In addition to uniform service charges on all small checking accounts, it was said to include levies so much per check above a certain number of checks, charges for each deposit slip and each item on the slip and a minimum charge of 10 cents for cashing checks presented by non-depositors.

Johnson said in a brief public statement accompanying his order last night that he intended to give "careful scrutiny in the public interest" to every schedule of charges submitted by local or regional clearing house associations. The association was given an extension until February 1 to submit them.

Apparently because of delays among the various associations, Johnson previously had been given until January 1 to submit schedules, the banking code authority had compiled a standard set of charges.

The plan, each clearing house association was to have arranged its own "fair practice" rules, with adequate charges to prevent accounts from being "milked" to the limit. These rules were to have been submitted to Johnson for approval before going into effect. Under Johnson's order last night all schedules thus far submitted will be held up.

"Suspended Indefinitely." Weisler, formerly with Goldman Sachs, New York and Chicago investment house, was informed of his dismissal as soon as Johnson realized that the clearing house association, Johnson pledged "careful scrutiny in the public interest" to every schedule of charges submitted by a local or regional clearing house association.

Just before the clearing house association, until February 1, at least, he said, the public will not have to pay any higher service charges than are now in force. This precaution was taken after the fact to which officials ascribed the incident had come about, no one would object.

The code, as approved, October 3, provided that local clearing house associations should establish uniform rules of fair practice for their territory, those to include adequate charges to prevent accounts from being "milked" to the limit. The rules were to be reported within 30 days and could not go into effect without Johnson's approval.

The time for submitting the schedules was extended to January 1 and apparently because of inconsistencies or delays among the various associations, the code authority compiled a standard set of charges. They were not given to the press, but distributed, under a caption stating administration approval of them, to the clearing house associations.

Text of the so-called "standard rules" has not been made public, but roughly it corresponds to the high charges announced Thursday by New York banks.

Little Leeway Allowed. Provisions in the circular purported to make the standard rules effective the first of the year unless other schedules had been approved in the meantime and little leeway was allowed in fixing these. Most of the schedules announced in various cities and States corresponded closely to the clearing house code. Through the code had provided for service charges, the general expectation was that there would be uniform adoption of levies like the 50-cent to \$1.50 service charges on small checking accounts now in force. Instead came a "metered" system by which the customer would pay so much for each check above a certain limit, would be charged with each deposit slip and each item on the slip, etc. Also proposed was the minimum charge of 10 cents for cashing any check presented by a non-depositor.

When newsmen spoke yesterday morning of the New York announcement, Johnson said: "I am not going to attempt to tell the banks what they should do. Of course, if the banks want to commit suicide, I don't know who will worry about stopping them. My interest would be the public interest."

He did not realize at the time that N. R. A. was on record as having approved the basic plan.

(Continued on Page 2, Column 5.)

## Cold Feet Winner Of 50-Cent Wager In Zero Weather

By the Associated Press. PATERSON, N. J., December 30.—Mario Orlando got cold feet. He acquired them proving he didn't have cold feet.

The acquisition occurred with the thermometer registering 1 above zero. Mario, finishingly paced off 300 yards in his bare feet around the City Hall.

Mario did it to win a 50-cent bet.

## BOMBS EXPLODED AMONG WORKERS OF POLAN PREMIER

Blast in Royal Pavilion of Rumanian Rail Station Follows Assassination.

By the Associated Press. SINAIA, Rumania, December 30.—Mourners, thronging the railroad station in tribute to their assassinated premier, Ion G. Duca, were thrown into a panic today by an explosion in the royal pavilion in the station.

One child was slightly injured and the property damage was slight despite the panic. The frightened bystanders were ordered by royal guards who rushed to the scene. King Carol was not in the station at the time.

The body of the premier, who was slain yesterday by a student member of an outlawed Nazi group, was placed on board a train which departed at 1:30 p. m. from this city, the seat of the royal palace, for Bucharest, the capital.

Record Far Down. Both these temperatures, however, were a long way from the December record, below zero, established December 31, 1880. And they were an even longer way from the all-time record—15 below, set up February 11, 1899. The capital has had no below-zero temperatures. The Weather Bureau pointed out, since February 5, 1918, when the mercury dropped to minus 10 degrees, and Chesapeake Bay was frozen after this morning's low mark had been reached, and the Weather Bureau said the mercury probably would climb as high as 20 before the end of the day.

The forecast was: "Cloudy, not quite so cold today, followed by light snow. Minimum temperature, 10 below, with a chance of rain tomorrow, changing to rain, with rising temperatures. Moderate southeast and south winds."

The Eastern Shore of Maryland was in the grip of the coldest weather recorded there in five years, with one death reported and several traffic accidents attributed to ice-clogged highways.

Man Found Frozen. William F. Green was found frozen to death in a field near his Sudersville, Md., home. Dispatches quoted Dr. C. H. Metcalfe as saying Green evidently was taken ill and fell while walking across the field.

Temperatures ranged from 6 to 8 degrees, and Chesapeake Bay was frozen from Betterson to Havre de Grace.

From Hagerstown, Md., came word that snow had started falling at 9:30 a. m. today, and that the mercury evidently was taken ill and fell while walking across the field.

Washingtonians got their first taste of winter sport yesterday, when the Lincoln Memorial reflecting pool was thrown open to ice skating. Park police set up lights, and skating was permitted until 11 p. m. The "rink" reopened at 9 a. m. today.

Officials said, as long as the ice maintains the required 2 1/2-inch thickness, Niemeyer, a houseman in the Boardman home, is expected to be killed by the boiler—a supplementary one, for use only in extremely cold weather—when the explosion occurred.

According to the police, he neglected to open an expansion valve, and the steam blew the door off, enveloping him in boiling water. The force of the blast was so great that two doors in the basement were blown off their hinges.

Tufoyle, a butler, put Niemeyer in a taxi and sent him to Emergency Hospital, where he died an hour later. An investigation by established members of the police homicide squad, under Detective Sgt. George E. Darnall, but Acting Coroner A. Magruder MacDonald said an inquest probably would not be necessary.

Niemeyer was married and lived at 1711 Fifteenth street.

Brief Relief Thru. The cold wave took hold of Washington after Tuesday's snow and rain, tightening its grip with each passing day. The only let-up came Thursday, and it was as brief as it was slight.

Until yesterday morning, however, the weather was a "let-up" at 14, recorded at 8 a. m. Wednesday. This was the minimum of both 1932 and 1931.

Yesterday's lowest temperature, which also was the lowest since January 31, 1932, was 10 below, recorded at 8 a. m. The remainder of the day, the mercury climbed only four degrees, reaching its peak at 1 p. m. It remained stationary for an hour, then started downward again.

Compared to many other sections of the country, however, the Capital was fairly comfortable. In many areas, the mercury was in the 20's.

(Continued on Page 2, Column 5.)

## RIISING MERCURY ANTICIPATED AFTER NEW LOW RECORD

Four-Year Mark Again Set With 8-Degree Minimum. Snow Is Predicted.

ONE DEATH RESULTS INDIRECTLY FROM COLD

Victim Dies in Explosion of Emergency Boiler—Maryland Man Frozen to Death.

After shivering through the coldest day and night in four years, Washington faced a frigid week end today, with both snow and rain forecast by the Weather Bureau.

Along with other sections of the country, however, the Capital was inclined to look forward to the promised snow with the hope it would bring more moderate temperatures.

As the mercury sank toward new depths here last night, one death was reported indirectly from the cold. The victim was Otto Niemeyer, 55, scalded to death by a boiler explosion in the basement of the home of Miss Mabel T. Boardman of the American Red Cross.

At 1 a. m. today the mercury sank to its new low mark, not only for the current Winter but for the last three Winters. The official thermometer at the Weather Bureau registered 8 degrees, two below the previous minimum for the four-year period, registered at 8 a. m. yesterday.

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(Continued on Page 2, Column 5.)

## D. C. RUM MEASURE DELAY IS INDICATED

House and Senate Committees Show Desire to Give Bill Careful Study.

There were growing indications today that both the House and Senate will take ample time in the consideration of the District liquor control problem to study all phases of the subject carefully before acting.

As individual members of both branches began to acquaint themselves with the text of the private license bill transmitted to the Capitol by the District Commissioners late yesterday, Chairman Norton of the House District Committee made known her willingness to have hearings if the House Committee wishes to follow that course.

At the same time, Chairman King indicated the Senate District Committee probably would not meet to hold hearings on the liquor question until after Congress convenes Wednesday.

Tax Schedule Included. Just before sending their private license control plan to the Capitol, the Commissioners included a schedule of comparatively low gallonage taxes on whisky and wines, and recommended that there be no local sales tax on beer.

Chairman Norton of the House Committee today favored making the tax rates in the bill as low as possible as a means of eliminating bootlegging and element of competition with legal liquor.

"Decidedly, I am in favor of the lowest tax and license fees," Mrs. Norton said. "The proposed excise tax of 50 cents per gallon meets with my approval if the studies made by District officials and the representatives of various agencies especially interested recommends that amount."

It is to be hoped that the sale of legal liquor will assist very materially in the District revenues, but it is much more important that the National capital be protected from being a haven for bootleggers and racketeers."

The flyers came in with a graceful landing in the face of a brisk wind. A cheer rolled up from the spectators and the flyers waved back. The plane taxied up to the airport administration building for an official welcome.

The flyers were guided to the ground by their refueling plane. They had requested this because of the long hours in the air, Mrs. Marsalis feared, had injured her depth perception.

First definite word from the flyers on their intention to land today came about 9 a. m. when Mrs. Marsalis dropped a note in which she said "We are coming in."

The decision was forced by a stormy night that prevented the women from gaining much needed rest, and the fact that the motor had "gotten very rough in the past 12 hours and galloped."

Glad to Land. "It seems like this rain has been going on for years," were Mrs. Marsalis' first words as she lowered the plane's side window.

"Am I glad to get down! What I want most is a bath, then some place to eat where it isn't so wobbly. When I want a good bed," she continued.

"I'm plenty glad to see you ending and there will be no more of this for me. No, I certainly am glad to be back on earth."

Miss Richey chimed in to say: "All that goes for me, too."

Mrs. Marsalis asked her ground crew: "When do we get out of this hole?" referring to the cockpit.

"I'm plenty tired of it," Mrs. Marsalis said.

"I didn't think I would be able to make a very good job of it. I have been in the air so long that I thought I had lost all conception of distance."

"Anyway, I'm mighty glad that we set a new woman's endurance record."

"I'm mighty glad, too," Miss Richey said, "and didn't mind it so much when the weather was good, but last night was terrible."

Mrs. Marsalis was dressed in a tan flying outfit and Miss Richey in white tights.

(Continued on Page 2, Column 5.)



ALICE IN WONDERLAND!

## Fountain Pen Breaks Two Ribs as Friends Embrace Each Other

By the Associated Press. NEW BERN, N. C., December 30.—They were old friends and they hadn't met in a long time.

Charles L. Abernethy, jr., son of the North Carolina Representative, playfully put his arms around his old pal, George Holland, on a street corner.

His arms pressed against a fountain pen. The fountain pen pressed Holland's ribs. Two were broken.

Young Abernethy is a former college wrestler.

## SMITH SEES NATURE BEHIND RECOVERY

Concedes Also That Wage Fixing Aids—Observes His 60th Birthday.

By the Associated Press. NEW YORK, December 30.—Al Smith celebrated his 60th birthday anniversary today with an interview in his office at which he "hoped to God I live to be 90."

Sitting behind a huge birthday cake in his office in the Empire State Building, the former Governor of New York and one-time Democratic nominee for the presidency said:

"There's a decided better business condition and I am looking forward to a still better rise beginning with the new year."

He thought repeal had stepped up business, but he attributed most of the improvement to general restoration of purchasing power.

Sees Natural Law Working. He was asked to what he attributed the restoration of purchasing power. He answered quickly:

"Why, to the operation of natural economic laws."

"With just a little hesitation, he added: "and unquestionably to the reduction of hours brought about by the national industrial recovery act and to fixing of minimum wages."

The former Governor appeared at his office promptly at 11 a. m., the hour of his appointment with reporters and photographers. He wore his famous brown derby, a heavy fur-lined overcoat, and his face was ruddy from the cold.

He said the cold would not stop him from taking a usual Saturday afternoon walk from the Empire State Building through Central Park, where he said, "I still own one of the monkeys."

Dodges Political Query. He passed out cigars, asked the newspaper men to publicize his thanks to his friends and well-wishers for the thousands of birthday greetings sent to him, and then parried the first question with the dictum:

"Politics is out the window."

He explained that the brown derby was not donned only for the occasion of his birthday.

"They often nick me for an autographed derby to raffle off in charities," he said, "but I usually have one in reserve."

"How does it feel to be 60?" he was asked.

"Feels all right," he said. "I don't feel old. The only thing that makes me feel old some times is to see my grand-children getting so big."

"Think you'll live to 90?" "I hope to live to live that long," he replied. "I feel all right today."

## CLOTHING INDUSTRY ARBITRATOR APPOINTED

Sobeloff, U. S. Attorney for Maryland, Given Power to Settle Disputes Arising in Baltimore.

By the Associated Press. BALTIMORE, December 30.—Simon E. Sobeloff, United States attorney for Maryland, has been named arbitrator over the Baltimore clothing manufacturing industry in an agreement reached yesterday by representatives of the Baltimore Clothing Manufacturers' Association and the Amalgamated Clothing Workers of America.

The agreement prohibits strikes and lockouts and confers upon the arbitrator sole power to settle disputes with no appeal possible from his decisions. It culminated negotiations which began last July following numerous disputes between employers and employees.

## WILBUR UNDERHILL, FUGITIVE CONVICT, HELD IN OKLAHOMA

Desperado Severely Wounded Fleeing Officers Shortly Before Capture.

By the Associated Press. SHAWNEE, Okla., December 30.—Dazed and bleeding, Wilbur Underhill, Southwestern desperado, was captured here shortly after 7 a. m. today.

A squad of officers, largely Oklahoma City police, found him in a small furniture store in the heart of the business district. He offered no resistance.

He had broken into the store in an effort to elude pursuers after being wounded dangerously a few hours before in escaping from a house surrounded by a posse.

The captured man was taken to Municipal Hospital, where physicians said he had only slight chance of recovery. He was suffering from wounds in the back, left arm, right leg and scalp.

Underhill was one of two leaders of the Memorial break of 11 prisoners from the Kansas Penitentiary at Lansing.

Clad in Underwear. He had escaped from the house clad only in his underwear in a shower of machine gun bullets. R. H. Colvin, Federal agent, said he fired a machine gun at the man through a rear window of the house and that the man fell.

Later the man ran from the house through the front door and was shot at again by officers armed with shot-guns. He fell again, but got up and ran into a plowed field nearby.

A man and a woman in the house were wounded.

Officials tentatively identified the woman as Ella Mae Nichols or Eccels. She was shot in the stomach and her condition was described as critical by physicians.

The man, identified by police as Raymond Roe, was wounded slightly in the right shoulder.

A second woman captured was identified by officers as Hazel Hudson, Underhill's bride.

Underhill, known as the "Lone Wolf" and "Big Boy" of the West, was serving a life sentence for the murder of Merle Colver, Wichita, Kans., policeman, when he escaped last May 30.

Wanted for Murder of Boy. He was reported to have been one of two leaders of the break, the other being Harry "Big Boy" Carter, in Texas and now in the Leavenworth Federal Penitentiary serving a life sentence on conviction of participation in the \$200,000 ransom abduction of Charles F. Brannan, a Kansas farmer.

Underhill also is wanted for the murder of a boy at Picher, Okla., and escaped from the Oklahoma State Penitentiary at McAlester in August, 1931, while serving for the murder of Muskogee, Okla., soda fountain attendant.

Underhill also was wanted for the slaying of convict Frank Nash and four officers on the Kansas City Union Station Plaza last June 17 in a plot to liberate Nash. A Government agent, Raymond Caffrey, was one of those slain.

Numerous bank robberies and lesser crimes are charged up to Underhill, who operated mostly in the section of hills and rugged country in southwestern Missouri, Northwestern Arkansas and Northeastern Oklahoma.

Underhill also was wanted for the slaying of Merle Colver, Wichita, Kans., policeman, when he escaped last May 30.

(Continued on Page 2, Column 4.)

## PAY RESTORATION DATA TO BE GIVEN PRESIDENT TODAY

Cost of Living Study Expected to Reveal Advances That Will Bring Boost.

By the Associated Press. WASHINGTON, Dec. 30.—The cost of living study which will serve as a basis for Government pay adjustment scheduled to begin January 1, will go to President Roosevelt from the Labor Department late today and there was a feeling in official quarters this morning that it will reflect advances that will permit some lightening of the 15 per cent cut that has been in effect since April 1.

The data have all been whipped into shape, but last-minute revisions were deemed necessary, and these, it was said, would be completed in the course of the day, so the study could be turned over to the Chief Executive before midnight.

Essential Get Emphasis. Basis for the belief the figures would show relief is called for in the pay situation seemed to lie in the fact that particular emphasis has been placed in the survey on prices of the vital necessities of life, that these have been given the more prominent place than in the case in previous living cost investigations. Concurrently, prices of non-essentials have been subordinated. In other words, the study has dealt primarily with those things which every one must buy, and only then has taken into consideration items which might ordinarily be purchased.

When the pay roll is instituted, the 15 per cent was applied against a living cost index that was around 23 per cent above the figure for the last six months, but the figure for the last six months has been reached to an extent that a lower base used. It was conceded later by the President, however, in ordering the new survey, that some outmoded items had been entered into the first calculations and in consequence the current study got away from those obsolete factors.

Order May Be Delayed. Irrespective of whether the pay is raised or held at the present level, it is believed that the first pay roll, to be issued on January 1, will be based on the new survey. It is not certain if this will be forthcoming immediately or will be held up for a few days.

Another aspect of the pay roll, to be issued on January 1, will be based on the new survey. It is not certain if this will be forthcoming immediately or will be held up for a few days.

Meanwhile, with the opening of Congress just a few days away, interest is turning on the fate of all economy measures that have been in effect in one form or another since the beginning of the year. While appropriations for next year are being drafted on a basis that calls for only a 5 per cent pay roll increase, the making of the cut 10 instead of 15 per cent, sentiment is developing in Congress for full restoration.

Removal of other restrictions also is being considered. It is believed that there has been no inkling of what the administration may have in mind. In an informal quarter, it was said that no definite word has been reached on the policies, and that any statement to the contrary is guesswork.

President Roosevelt is understood still to be working on his message that will accompany the budget, and not until that is completed, is it felt, will the course for the next year be charted.

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