



"All the News That's Fit to Print."

The New York Times.

LATE CITY EDITION

POSTSCRIPT
WEATHER—Fair, colder today; tomorrow cloudy with light rain. Temperatures yesterday—Max., 54; Min., 35.

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TWO CENTS In New York City.

THREE CENTS Elsewhere Except Within 200 Miles | FOUR CENTS Elsewhere Except in 7th and 8th Postal Zones

VAN DER LUBBE GETS SENTENCE OF DEATH, FOUR OTHERS FREED

REICHSTAG TRIAL VERDICT

Dutchman Is Found Guilty of Treason and Arson.

DECISION WAS EXPECTED

Nazis Have Threatened to Take Further Action Against the Communists.

COURT HEAVILY GUARDED

Room Overflows With Tense Spectators as the Justice Delivers Findings.

By OTTO D. FOLSCHUS.
Special Cable to THE NEW YORK TIMES.
LEIPZIG, Saturday, Dec. 23.—Marinus van der Lubbe was sentenced today to die for high treason in the burning of the Reichstag last February.

Ernst Torgler, Georgi Dimitroff, Blagoi Popoff and Wassil Taneff were acquitted.

Van der Lubbe, the young Dutchman who confessed to setting fire, also was convicted of "revolutionary arson" and "simple arson."

Little doubt had existed in and out of Germany that the four Communists on the dock with him would be acquitted.

The chief presiding justice of the Supreme Court, Dr. Buenger, delivered the verdict immediately after his associate justices had taken their seats at 9 o'clock this morning. The court room was filled to overflowing despite the rigid precautionary measures adopted by the police. Heavy detachments of police sat scattered among the spectators ready to quell any outbreak.

Court's Task Difficult.

Few courts in history faced a more difficult task than did that in this case. Up to the very last minute the Nazi rulers, led by General Hermann Goering, Premier of Prussia, and the entire coordinated German press, anxious to strengthen the moral foundation of the Nazi régime, dinned into its ears the refrain, "Hang these scoundrels!" On the other side, world opinion clamored for justice and after acquitting four of the defendants put the court itself and the entire Nazi régime on trial.

Added to this was the fact that the crime itself, which marked a turning point in German history and led to the annihilation of all the political parties except one and the triumph of the National Socialist revolution, seemed destined to remain an unsolved mystery forever.

Little Doubt About Four.

The primary task of the court is, of course, to pass judgment on the five accused. Little doubt exists as to the judgment on four of them. The three veteran Bulgarian Communists, Georgi Dimitroff, Blagoi Popoff and Wassil Taneff, will be acquitted, and Marinus van der Lubbe, the tramping Dutch enigma, will be convicted.

This leaves Ernst Torgler, the former Communist Reichstag leader with a bourgeois mentality, on whom the trial has centered because he incarnated in this case the Communist party of Germany.

If what one may read in the German press of the last few days is a reliable guide, Torgler, too, will be acquitted. Dr. Alfons Sack, his lawyer, said today: "I am very hopeful." But it would be hazardous to prophesy before the verdict is announced.

Another task of the court is to pass on the constitutionality of the retroactive law named after Van der Lubbe and decreed after his deed, which provided hanging instead of life imprisonment for "revolutionary arson." Its judgment on this point may determine whether Van der Lubbe will be hanged as General Goering wanted to hang him on the night of the fire or will merely go to prison.

But it will also determine whether the court feels sufficiently strong to decide this point at all or whether it will merely declare itself not competent to pass on the Nazi decree. If the verdict should go against Torgler, the ruling of the court on this point would also mean life or death for him.

Beyond any ruling by the court Continued on Page Eight.

HEIR TO THE CROWN IS BORN IN JAPAN; PUBLIC IS ELATED

Sirens Announce Birth of Boy and Citizens Hurry to Gate of Palace to Pay Homage.

WIDE EFFECT IS FORESEEN

Event Is Expected to Aid the Policy of Appeasement of the National Cabinet.

By HUGH BYAS.
Wireless to THE NEW YORK TIMES.
TOKYO, Saturday, Dec. 23.—Prolonged double blasts by Tokyo sirens informed the people early this morning that an imperial Prince and heir to the throne had been born.

Bulletins issued at the palace immediately afterward said the mother and son were both doing well. Four Princesses have preceded today's Prince and few happy events have been awaited with greater anticipation than was this birth. Flags are flying over every doorway and as this is written the strains of the national anthem can be heard in neighboring houses.

In the crowded city electric trains the sirens were heard and the passengers congratulated each other. Citizens are already arriving before the entrance of the palace to pay homage to and pray for the future of the Prince.

Later, foreign representatives and government officials will leave congratulatory cards at the palace. Honors will be extensively conferred to mark the auspicious event, probably every prisoner awaiting execution will have his sentence commuted to life imprisonment and others will receive handsome reductions of their terms.

May Aid Appeasement Policy.

Apart from the natural impulse of this nation, where possession of sons is counted the greatest happiness to any family, the birth of this Prince in the direct imperial line is a political event of the first importance and will play an important part in strengthening the policy of appeasement which the national Cabinet is pursuing.

The Japanese monarchy is a unique thing because the Emperor is not only the head of the State, but, by virtue of his alleged descent from the "divine ancestors" of the nation, he is head of the whole national family.

Hence every Japanese feels the birth of the Prince concerns the nation as a family as well as the political entity. To appreciate the feelings this event evokes one has to view it in the light of ancestor worship, which is the foundation of the religious and social ideas of the Japanese people and the whole substance of the Shinto religion.

To this religious and political background is added the natural human pleasure at seeing the highest home in the land gladdened by the birth of a son.

Our Envoy Visits Palace.

TOKYO, Saturday, Dec. 23.—A brief announcement of the birth of Japan's Crown Prince was broadcast throughout the empire today, followed by the playing of the national anthem.

The Prince was born at 6:39 A. M. in the imperial palace. Before the sun was well up flags were fluttering from all Tokyo's street cars and buses and from nearly every building.

United States Ambassador Joseph C. Grew, carrying the felicitations Continued on Page Nine.

Gifts to President Flood White House; Special Staffs Sort Presents and Mail

WASHINGTON, Dec. 22.—President Roosevelt began a Christmas celebration today in which every one in the White House or officially connected with it was to participate, but members of his secretarial staff wrinkled their brows in perplexity over the flood of greetings and gifts coming from all parts of the country.

The mail alone furnished a problem greater than ever before. Stephen T. Early, assistant White House secretary, said that about 25,000 letters arrived yesterday and the same number today.

Hundreds of presents, ranging from canes to dolls and candy, arrived and a separate staff had to be assigned to open them and place them in rooms in the State Department Building across the street.

Every greeting and gift will be acknowledged, although White House employees who have served under many Presidents say the volume this year is about ten times more than usual.

The President held the first of a series of parties for the White House groups this afternoon, receiving the executive and social

Winter's Advent Mild; White Holiday Doubt

Winter, traveling incognito in the guise of a mild Autumn day, came to New York yesterday, starting astronomically at 1:58 A. M. The average temperature was 44, 10 degrees above normal for Dec. 22. A light west wind blew and the sun shone now and then.

At 2:15 P. M. the mercury rose to 54, only 2 degrees below the high record for the date, set in 1875. It was as high as had been reached any day this month.

The weather may be almost as warm today and tomorrow, the Weather Bureau said. The chances for a white Christmas are small. Cloudiness followed by light rain were forecast for tomorrow.

\$2 A GALLON TAX FIXED FOR SPIRITS

Basic Ways and Means Rate, With Beer Levy, Is Expected to Yield \$470,000,000.

TARIFF ISSUE IS DEFERRED

Act Giving President Authority Is Awaited—Wine Imposts Raised—All Beer \$5 a Barrel.

WASHINGTON, Dec. 22.—The Ways and Means Committee today adopted a levy of \$2 a gallon on distilled spirits as the basic rate for new liquor taxes to be recommended to the House.

The proposed spirits tax, which is 90 cents above the present rate, and other levies adopted tentatively for wines and beer are to be whittled into a new schedule during the holidays.

Including the present beer tax, the new liquor tax program will be presented to Congress with a promised annual revenue yield of \$470,000,000.

Changes on Wines and Beer.

Changes in the internal liquor levy list agreed upon at the committee meeting included the following:

Wine of alcoholic content of 14 per cent or less by volume, 10 cents a wine gallon instead of the present rate of 4 cents; 14 to 21 per cent, 20 cents instead of 10; 21 to 24 per cent, 40 cents instead of 25; wines and brandies of more than 24 per cent, \$2 instead of \$1.10.

On domestic sparkling wines, including champagne and burgundy, 40 cents a gallon instead of the present 12 cents a half-pint; artificially carbonated wines, 40 cents a gallon instead of 6 cents a half-pint.

On beer, a straight internal tax of \$5 a barrel instead of the present \$5 a barrel on 3.2 per cent and under, and \$6 above 3.2 per cent.

Let Several Items Stand.

In adopting the new schedule, the committee rejected the administration's proposal for allocating part of the liquor gallonage revenue to the States as beset by too many practical difficulties to be undertaken "at this time."

The committee also decided to leave the tariff rates on imported spirits, wines and beers unchanged for the present. This decision was reached at the last minute when word was received that President Roosevelt would probably ask later for authority in an inclusive act to raise and lower tariffs on the basis of reciprocal trade agreements.

Federal occupational taxes were allowed to stand, pending possible revision following the holidays.

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BYRD FLIES SOUTH IN UNKNOWN AREA, BUT SEES NO LAND

Admiral and Four Companions Return to the Ship After Being in Air Four Hours.

OBSERVED NO BARRIERS

Lack of Gasoline Forces Party Back, Leaving Limit of the Ocean in Mystery.

Mackay Radio to THE NEW YORK TIMES.
ABOARD THE S. S. JACOB RUPPERT, Exploring Off Antarctica, Dec. 22.—Rear Admiral Richard E. Byrd today drove another great wedge of exploration into the white uncharted spaces of the Antarctic continent. Halting the southern drive of his flagship along the 150th meridian, when the pack accosted him ahead seemingly threatening to bar further progress, he ordered the ship to retreat a little to find open water, and this morning he put his giant seaplane over the side and renewed the southern assault by air.

Before he turned back the flight carried him to Latitude 70 degrees south, surpassing by 350 miles the record southing attained by Captain Cook on this meridian in 1773. The area of vision within the range of the plane, together with the corridor opened yesterday by the flagship after it, too, had broken past Cook's track, brought to approximately 30,000 square miles the total amount of unexplored sea opened up by the expedition in its first operations.

Fly for Four Hours.

With Harold I. June, chief aviation pilot at the controls, the plane rose from a bay in the pack at 10:53 o'clock this morning. At 2:55 o'clock this afternoon it was circling the Ruppert for a landing.

At 3:04 o'clock it dropped beautifully for a landing in the same bay. At 4:00 o'clock the return leg speed had approached 150 miles per hour.

"We saw no land, no barriers, and no heavy pack to speak of," Admiral Byrd said when he came aboard. And that was the surprising thing.

"This area has been one of the most puzzling mysteries of Antarctic geography," he continued. "It is fabled for its impenetrable pack. There was supposed to be a great land mass, perhaps an archipelago, extending into the Ross Sea against which this pack was buttressed. After what I saw today, I am not so sure.

"It wouldn't surprise me if open sea existed clear to the continental shelf. That we explored on our flights eastward of Little America in 1929 and 1930. To the limit of vision open water could be seen and the pack we saw was all young, shallow, pancake ice. It may be that further exploration in this vicinity would have the effect of extending the known limits of the Ross Sea far eastward.

"I think we might have solved the thing if we had not run out of gas and had to turn back."

The flight was as sudden as it was spectacular. It had been in Admiral Byrd's mind for years. It was the hidden purpose that brought him far eastward of the normal break into the Ross Sea. That was why the seaplane was fully equipped during the stay in Wellington, why the wings were installed and why, in the first place, it was equipped with pontoons.

Unwilling to risk this iron ship in the heavy early season pack guarding the approaches to the Ross Sea, reluctant to linger outside waiting for the pack to break up, determined to employ the time in an attempted penetration toward the Pacific quadrant, he decided to drive the ship as far south into the pack as could be done safely. After that, if open water could be found, he wanted to hurdle that pack by the air route.

He selected the 150th meridian for the first attacks. Even aboard this ship, few men realized the plan he had in mind. At 8:30 o'clock Tuesday evening the Ruppert exceeded Cook's record on the 150th meridian, and all day yesterday she steered south, her engines turning at half speed through loose pack. Toward evening the fields around her, stirring in an easy current, appeared more consolidated. They ran thickly to the southern horizon, and the stirring and trembling of the ship became more violent when she hit.

Commodore Gertson, scanning the pack, recommended that the ship be withdrawn. At 6:30 o'clock her position was Latitude 66.45 S., Longitude 150.10 W., a new record southing for ships. "All right," Admiral Byrd agreed. "Now, we'll find an aviation chance."

Fourteen miles back he had noticed the thing he was looking for—a wide, sheltered, open bay in the pack. Jamming the pack aside, the Ruppert made a wide circle and

Continued on Page Three.

ROOSEVELT HOPES FOR PACT ON 'OTHER MONETARY BASES'; SILVER LEADS MARKET RISE

New Monetary Step Rumored at Capital As Reserve Governors and Board Meet

WASHINGTON, Dec. 22.—Rumors that further developments of importance in the administration's monetary policy impended were widely circulated tonight after a special meeting of Federal Reserve Bank governors with the Federal Reserve Board, about which a cloak of deep mystery was thrown. Those at the conference refused all comment about what had taken place, but there was an intimation that the deliberations were of great importance.

That the meeting had been hurriedly called was evidenced by the fact that only a few of the governors were present, and others were represented by their deputies. Those present included George L. Harrison of New York, Roy A. Young of Boston and George W. Norris of Philadelphia.

Following a two-hour conference between the governors and the Reserve Board members, Mr. Young and Mr. Harrison went to the office of Governor Black of the Reserve Board, where, apparently, they prepared a document. During this conference Walter W. Wyatt, general counsel of the Reserve Board, was frequently called in for consultation. No member of the conference groups, however, would admit that a memorandum had been prepared.

Governor Black, questioned about the meeting, shook his head and replied: "I can't tell you a thing."

Governor Young said there was not a thing he could tell, and Governor Harrison was equally reticent. Governor Norris, when asked if the conference concerned the mechanics of banking, put aside the inquiry by replying: "Largely."

George R. James, a member of the Federal Reserve Board, was asked if gold was the topic.

"We discussed everything," he retorted.

One of the conferees was reported to have indicated that he considered the meeting so important that he felt unable to say anything at all.

One rumor among the many afloat was that the President contemplated a huge equalization fund better to control the gold value of the dollar. Another was that the Reserve Board members and the bank governors had had placed before them a proposal to have the Treasury take over the profit on gold held by the Reserve Banks if devaluation of the dollar was decided upon. Still another was that the Treasury might seek to have the Reserve Banks buy securities direct from the government in financing operations.

\$200,000,000 SOUGHT IN ADDED FARM AID

AAA Heads Confer on Plans to Decrease Dairy and Beef Cattle Production.

SUBSIDIES ARE SUGGESTED

Price Fixing for Milk Would Be Abandoned—Congress Action to Be Asked.

WASHINGTON, Dec. 22.—An additional Congressional appropriation of a sum to be determined, but in any event not less than \$200,000,000, was asked today to assist in farm aid, particularly for the dairy and beef cattle farmers. The resolution was adopted at a conference of farm leaders with officials of the AAA and the Department of Agriculture. The money, if provided under the proposed plan, would be used for cash benefit payments under a production control program.

This action follows proposals of farm leaders that Congress be asked to provide a sum to supplement receipts from processing taxes in order to finance adjustment programs to remedy the present difficult situations confronting the dairy and beef cattle industries.

Essentially, the plan is to subsidize farmers who reduce cattle numbers and the supply of milk, to the end that prices for beef, milk and other dairy products will be increased in populous centers. Under the new scheme the AAA would abandon its policy of fixing prices to producers and consumers of milk through marketing agreements as a farm-relief measure.

"Milk marketing agreements made effective by the AAA at the request of producers and distributors have provided for an increase in the base price paid to producers for fluid milk," the conference declared. "But the benefits from these increases have been limited by the existence of the surplus and the resulting low price for butterfat."

"This has meant that the average price paid to any given producer often has been considerably below the base price he received for that portion of his product sold as fluid milk."

Who originated the new \$200,000,000 plan was not disclosed, but a formal announcement said that, in anticipation of the discussion, Secretary Wallace had wired members of the Senate and House Committees on Agriculture, as well as State Governors and other members of Congress, for their views.

The additional \$200,000,000 is made Continued on Page Six.

SILVER SETS PACE IN COMMODITY RISE

Mining Stocks Lead Advance in Speculators' Rush Into the Metal Market.

DOLLAR OFF EVERYWHERE

Even Chinese Money Rises in Value—Pound Reaches \$5.12 and Franc 6.11 1/2 Cents.

A sharp rally in all commodities and securities, with silver setting the pace, was the first reaction to the President's proclamation for the minting of all newly mined silver. In the financial community the action was considered to be inflationary in nature, and the dollar corroborated this impression by declining against all foreign currencies.

The administration's silver program caused a brisk rise in the stock market. Although mining stocks showed the largest gains, almost the entire list was strong and active. Mining stocks rose 5 to 10 points and other issues 1 to 4 points.

Public utility shares were weak, however, and several issues in this group reached new lows for the year. The weakness in the utility issues was reported to have been caused by selling by banking affiliates which are now being liquidated.

The turnover on the New York Stock Exchange was 2,419,000 shares, compared with 1,021,000 shares Thursday. The market opened higher, and after losing part of its early gains rose to the best levels of the day during the last hour.

Rush to Silver Futures.

Mining issues which scored the largest advances were United States Smelting and Federal Mining and Smelting, each of which rose 10 points. The former issue's gain was stimulated partly by the declaration of an extra dividend of \$3.50 a share.

Open gains in the metal stocks were as follows:

Stock	Opening	Opening	Net
American Metals	4,000	20 1/2	3 1/2
Am. Smelting & Ref.	15,000	45	5 1/2
Anconda Copper	4,000	15	1 1/2
Cerro de Pasco	5,000	58 1/2	7 1/2
Federal Mining & Sm.	100	30	10
Howe Sound	3,000	30	4
Inter. Silver	100	40	2
Kennecott	3,000	20 1/2	1 1/2
Park Hill	8,000	3 1/2	1
Phelps Dodge	3,000	17 1/2	1 1/2
U. S. Smelting, Refin. and Mining	5,000	99	10

Speculators rushed into the silver futures market with orders which tested trading facilities on the Commodity Exchange to the utmost. Prices jumped more than two cents

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HINT OF WORLD GOLD DEAL

President Voices Wish for an Extension of London Agreement.

FENCES WITH QUESTIONERS

Prediction on Next Step Rebutted as He Cites Historic Precedent of Silver Pact.

16-70-1 BILLS STILL LOOM

But the Inflationist Group Is Appeared to Some Degree by Coinage Order.

WASHINGTON, Dec. 22.—While stock market tickers tapped out a bullish response today to President Roosevelt's silver purchase program, the President expressed the hope that the world-wide agreement brought to bear on silver could be extended to other monetary bases.

In response after this remark to questions from correspondents at the Friday press conference, the President avoided direct reference to gold by observing with a smile that sea shells with holes in them are a monetary base in the South Seas.

But the Presidential expressions, both serious and jocular, were interpreted as obviously expressing a desire to end at the proper time the uncertain situation in the international monetary system.

While Mr. Roosevelt also reiterated his statement of yesterday that the silver-purchase plan, involving the buying of not less than 24,421,410 ounces of domestically-produced silver annually, was evolved to carry out the agreement made at London earlier in the year, Capitol Hill reflected at least the partial success of another purpose considered perfectly obvious here, the quieting of inflation demands by the silver bloc.

Silver Advocates Pleased.

Silver advocates responded to the plan in varying degrees, ranging from enthusiastic commendation by Senator Pittman, author of the London agreement, to a statement by Senator Wheeler, that this is "a step in the right direction."

Meanwhile, the RFC left its price for newly mined domestic gold unchanged for another day at \$34.06 an ounce.

The President said he was not certain whether purchases of silver by the United States would be limited to the minimum of 24,421,410 ounces specified by the proclamation issued yesterday in compliance with the London agreement, but he pointed out that it approximates the average domestic production.

He did not expect any extraordinary increase in production, at least not more than 10,000,000 or 15,000,000 ounces, in response to the price increase of about 50 per cent over the market, because of the fact that 60 or 65 per cent of all domestic silver is said to come as a by-product of other metals.

The interviewers pointed out that this by-product silver frequently is mined in conjunction with copper, of which there has been large overproduction, and inquired if the enhanced value might not upset the copper situation at a time when an increase in exports due to lower American exchange is clearing the situation. Mr. Roosevelt said he hoped that the overproduction of copper would be discouraged.

Mints to Be Ready Tuesday.

The mints are expected to be prepared to receive silver by Tuesday, in order to carry out the government's agreement to receive it, buying one-half of the newly mined metal offered at the statutory price of \$1.29 a pound and taking the other half for minting charges and seigniorage. In the meantime,

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