

WEATHER
Partly cloudy and unsettled tomorrow; not much change in temperature.

The Times - News

Largest Daily Circulation of Any Newspaper in North Carolina in Proportion to Population

GOOD AFTERNOON
A Memphis woman has had two appendicities removed within three years. "Have you seen my operation?"

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FDR WILL SOUND STIRRING DEFENSE CALL

Hitler Reaffirms Friendship For Italy But Frowns On U.S.

DUKE-S. C. END HEAVY CHORES FOR BOWL TILT

Hill in Starting Lineup But Bragg and G. McAfee Ailing

By JACK GUENTHER
United Press Staff Correspondent
PASADENA, Cal., Dec. 31.—(UP)—Duke and Southern California have completed their heavy training chores and the Rose Bowl football game has gone out of the hands of the coaches into the laps of the gods.
Both squads will be drilled secretly a final time today but the practices will be limited to exercises and other light maneuvers. There will be no work of any sort Sunday and none on Monday until the teams limber up an hour before the classic East-West game.
While the squads worked behind locked gates and thick hedges the federal weatherman forecast a clear sky and a fast field when the prizes of Durham, N. C., and Los Angeles, Cal., square off before a capacity throng of 93,000 spectators.
The scalpers appeared due for a trimming. All tickets supposedly were sold almost three weeks ago but a sudden flow of the pasteborders appeared today and the leading agency in Los Angeles refused to buy at cost. A spokesman for the agency said the game was not attracting the fancy prices of previous years and he was not certain that he could dispose of the stock on hand.
The weather today was unseasonably warm. Both coaches, Wallace Wade of Duke and Howard Jones of Southern California, are anxious for a dry field.
The Trojans finished up at a field near Pasadena Junior college. Jones merely sent the players through formations and the backs through kicking practice. The ball was passed around but no chances were taken on pulling muscles. Every member of the squad was in sound condition. Jones handed out his starting line-up and there were three minor surprises.
Bob Fisher, a revamped tackle, was named at right guard in place of Tony Tonelli, who recovered from a leg injury last week and was considered a certain starter. Jones also named his
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Berlin Nearer To Open Break With Washington, Is Belief

THANKS PEOPLE IN NEW YEAR BLAST

BERLIN, Dec. 31.—(UP)—Persistent reports in Wilhelmstrasse today said Hans Thomsen, German charge d'affaires at Washington, would be recalled. Germany would leave only the form of diplomatic representation, it was said, but would not break off relations.
BERCHTESGADEN, Dec. 31.—(UP)—German support for Italy was reaffirmed today by Adolf Hitler in the Fuehrer's New Year proclamation issued from his retreat here.
"Germany's position on foreign policy is definite and fixed," the proclamation said. "The obligations which our friendship for Fascist Italy imposes on us are clear and unchangeable."
The proclamation stressed accomplishments of German foreign policy of the past year and expressed thanks to the German people, whose support of the Fuehrer's policy had made possible the European problem without war.
Hitler thanked workers who "forged a wall of steel on the western frontier which no power in the world can break."
He declared that the task of the future, as of the past, was the "education of our people in national socialist solidarity, reinforcement of national defense, execution of the four-year plan, and solution of the labor shortage problem."
Hitler thanked Premier Benito Mussolini of Italy and "other statesmen who this year undertook an attempt with us to find a peaceful solution to burning questions."

GOHAM SET FOR BIGGEST EVE SINCE 1929

Everyone Out to Prove 'Dawn of a New Day' Is Right Theme

BY THEON WRIGHT
United Press Staff Correspondent
NEW YORK, Dec. 31.—(UP)—Five million whistle-toting New Yorkers dug down through nine years of cobwebs today to haul out a bottle which they will crack over the head of an elderly gent with a scythe at midnight to commemorate "the biggest New Year's Eve since 1929."
From Wall Street to the Harlem river you could hear that chant—"the biggest since 1929." Nobody knew where it started, but suddenly it cropped up and everybody was saying it.
It may have started in the "roaring forties," where theatres and showbores reported the biggest box-office since the depression began. It may have come booming up from the Battery, where the stock tickers were rapping out the biggest burst of trading since October, 1937.
Maybe it started up in Harlem, where you could get your fortune read and a number for the policy games for no more than a quarter. Wherever it came from, everybody with as much as a dollar in his pocket was all set to step out today and prove that the rumor was true.
That was the minimum cost at Third Avenue bars—one buck—and the star-spangled sky was the top.
From the mid-town hotels to the swanky night spots of Park Avenue and along Fifty-second
(Continued on page three)

U. S. REMINDS JAPAN OF FAR EAST TREATIES

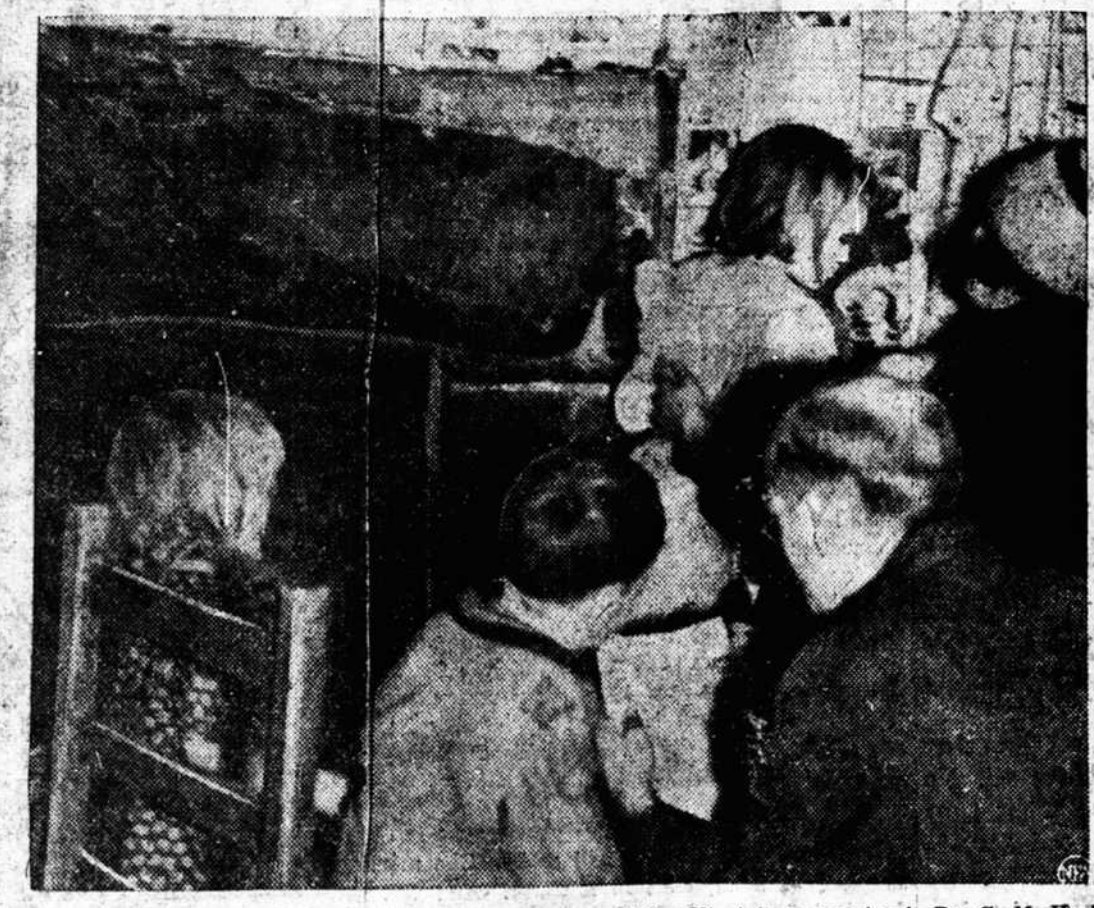
Grew Delivers Note Rejecting "New Order" Program for Orient

BREAK FEARED IN CHINESE COMMAND

WASHINGTON, Dec. 31.—The United States flatly rejected Japan's proposed "new order" in China but tacitly invited Japan and other powers concerned to enter negotiations regarding possible revision of foreign rights and interests in the far east. Details of the note made public here, disclosed this government had charged Japan with unfair discrimination against American trade and commerce with China and with assuming the powers of a sovereignty in China by use of armed force in violation of existing treaties. Such treaties, it was said, guaranteeing territorial integrity of China and equal rights for all powers are not subject to unilateral nullification. However, it admitted the possible desirability of change and left the door open to international conversations on the subject.
CHUNGKING, Dec. 31.—(UP)—Japanese airplanes raiding Kweilin today, dropped incendiary bombs on an American hospital and American church mission, Chinese sources alleged. It was reported that 200 houses at Kweilin were destroyed and 200 civilians were killed in a raid on Changteh.

TOKYO, Dec. 31.—(UP)—U. S. Ambassador Joseph C. Grew today visited the Japanese foreign office, conveying, it was understood, the United States' rejection of Japan's "new order" program for the orient.
The American note reiterates the traditional American support for sanctity of treaties and reminds Japan of various covenants regarding the far east.
It was said to assert that the United States is not sympathetic to unilateral settlement of Chinese problems but is, however, cognizant of changed conditions.
The United States was declared ready to join in international conference to the end of settling such situations through the customary consultation method among states involved.
The American reply is to Japan's declaration of its "new order" program made in answer to the United States request for clarification of her intentions, and reminding of the "open door" rights in China.
The Japanese note had denied American allegations of discrimination against United States citizens in China also.
The Japanese declaration said in part:
"Japan at present is devoting her energy to the establishment of a new order based on genuine international justice throughout east Asia, the attainment of which end is not only an indispensable condition for the very existence of Japan but also constitutes the very foundation of enduring peace and stability in east Asia."
"It is the firm conviction of the Japanese government that in the face of the new situation fast developing in east Asia any attempt to apply to conditions of today and tomorrow inapplicable ideas of the past would neither contribute toward the establishment of real peace in east Asia nor solve immediate issues."
BY ROBERT BELLAIRE
United Press Staff Correspondent
SHANGHAI, Saturday, Dec. 31.—(UP)—A major break in Generalissimo Chiang Kai-shek's "All-China Anti-Japanese Front" was seen today in the declaration of former Premier Wang Ching-wei urging the generalissimo to negotiate peace with Japan.
Wang's declaration was made public in Hong Kong last night by his followers there and was said to have been communicated direct to the generalissimo in the nationalist capital at Chungking.
It embraces the points:
1. Japan's statement of December 22 makes possible the retention of Chinese national autonomy.
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Psychologist Blames Bertha---Not Bed---for Bouncing



Pictured investigating the great bed bouncing mystery of the Virginia mountains is Dr. G. M. Hasler, University of Tennessee psychologist. His findings were that Bertha Sybert, 9, did not bounce when her attention was distracted. Hence Bertha—and not the "bewitched" bed—did the bouncing. Bertha is standing at the edge of the fireplace. The other children are members of the Sybert family.

STRICT LAW OBSERVANCE URGED AS CITY PREPARES TO GREET 1939 AT MIDNIGHT

Hendersonville will bid farewell to 1938 and welcome 1939 tonight at midnight.
Crowds of local people are expected to attend private and public parties in celebration of the occasion.
A number of city and county churches have planned special Watch Night parties, and a complete schedule of church services is given on the church page of today's paper.
The largest gathering in the city is expected at the annual New Year's dance, given by the Junior Welfare club, at the Skyland hotel. This is an annual event with the net proceeds going for the soup kitchens operated by the organization. Numbers of private parties have also been planned.
As the New Year falls on Sunday, many business places, the State Bank Co., city and county offices, will observe the holiday on Monday.
City and county officers today urged strict observance of the law in the celebration. No prudent celebrators will be molested, police officers said, but officers will make arrests if laws are violated, Chief Otis Powers said.

BARS VISITORS TO HIS CABIN

Father of Girl Bounced by Witch Thinks They're Nuisance
ST. CHARLES, Va., Dec. 31.—(UP)—Robert Sybert, whose nine-year-old daughter, Bertha, supposedly gets bounced by a witch every time she goes to bed, today issued a stern warning to the front door of the small mountain cabin today and announced that hereafter Bertha would bounce in peace and quiet.
Since November 16, when Bertha began complaining a devilment made her bed shake violently at dawn and at dusk, thousands of curious had crowded into the small house until Pappy Sybert declared "that witchery is bad enough, but them visitors is the worse."
The visitors and the continuous bouncing proved too much for Grandma Jane Sybert, 71, who "bore up" as well as she could while Bertha and the bed bounced night after night. Yesterday she moved out of the cabin where she had lived for 50 years.
"I had enough witchery to last me for some time to come," she said as she packed her clothes into a carpet bag and moved to the home of a neighbor. "Bertha's all tucked out and Robert's red-eyed from not getting any sleep, but I'm plumb wore to a frazzle."
Sheriff R. F. Giles of Lee county announced he had completed an investigation of the ghost of Wallins Creek, and said he would present his findings to the board of supervisors of William and Mary college Monday and to other officials who will decide what should be done about Bertha's mysterious "affliction."
"We may summon before us every person who has seen the ghost and the actual happenings," Giles said. "This summons will include the two University of Tennessee professors who saw the bed bounce, at a distance, and many other notables."
Sybert took Bertha down to Jonesville yesterday afternoon. She walked up the street eating an ice cream cone in spite of the blustering, icy wind, but the crowds began surrounding her and Sybert was forced to rush her home.
Sybert, worn from worry and loss of sleep, had come down out of the mountains to seek help from an attorney. He had been frightened by reports that Bertha might be psycho-analyzed and suggestions that she be taken to a hospital for an examination.
Upon Giles' investigation will depend whether authorities will make any move to relieve Bertha's bouncing that she says leaves her with a headache and a sore back nearly every morning. Giles collected testimony of the mountain neighbors of the Syberts who saw the bed bounce and said they had seen the ghost.
Raymond Minor, called in once in hope that hymns played on his guitar would drive out the ghost, told the sheriff that "I saw a chair walk backwards for four feet" and that the top sheets on Bertha's bed "swayed and drew
(Continued on page three)

BUILDING FIRM JUSTICE RITES GIVES BONUSES AT 3 SUNDAY

Rigby-Morrow Employs Dinner Guests at Foster Bennett Home
The employees of the Rigby-Morrow company broke bread, received bonuses and discussed plans for 1939 activities at the home of Mr. and Mrs. Foster Bennett last night.
The event marked the closing of a good year's business and served as an occasion for employers and employees to exchange greetings of appreciation.
After a bountiful spread, Foster Bennett, who has not been able to be at the plant for nine months due to physical disability, expressed his appreciation for the work and loyalty of the employees.
Roy C. Bennett discussed business plans, expressed gratitude for the helpfulness of the employees, especially during the illness of his father, and announced a \$50 bonus to each of the employees who had been with the firm for a year or more. Two had been in the employ of the firm for 18 or more years.
The end-of-the-year bonus and the Christmas gifts only a few days previously are understood to have totaled an aggregate value of \$750.
Employees expressed their appreciation for consideration shown them and were hopeful that Mr. Bennett would soon be able to return to the plant for duty. Mr. Bennett was able, with help, to walk to the dining room and he was steadily shown improvement. He can walk alone with a cane.
The employees are: Mrs. Grace D. Corpening, Earl T. Brown, Frank Bly, Roy C. Bennett, Jr., R. L. Brown, Tom Mason, John B. Dill, J. Henry Lanning, Walter Dill, Deward E. Hawkins, W. B. Reed, Richard Pace and Robert Blackwell.

Rev. B. E. Wall To Be in Charge at Funeral Home

Funeral services for Robert M. Justice, 70, who died suddenly at his home on the Shaws Creek road on Thursday afternoon, will be held on Sunday afternoon at 3 o'clock at Thomas Shepherd Funeral home.
Services will be conducted by the Rev. B. E. Wall, pastor of the First Baptist church, and burial will follow in Oakdale cemetery.
Active pallbearers will be Cecil Hollingsworth, Hubert Justice, Butler Bradley, Herman Justice, Phil Thibodeau, Jr., and Hilbert Justice.
Honorary pallbearers will be Morris Orr, Bobo Hollingsworth, Ferry McCrary, Will Garren, Hilbert Justice, Otis Powers, Hicks McCrary, Herman Hawkins, Brownlow Jackson, Amos Bennett, Howard Bennett, J. E. Shipman, Wilshire Griffith, John Garren, John Morris, A. V. Edwards and H. E. Drake.
He is survived by his second wife, Mrs. Fannie Justice, and one son, Monroe, by this union. Seven children by a previous marriage survive as follows: Herbert Justice, Mrs. J. W. McCrary, and Mrs. John Leatherwood, all of Hendersonville, Mrs. Carrie Ledbetter, of Cary, and Mrs. Mike Jankovich, John F. Justice, and Miss Lula Justice, all of Toole, Utah.
He is also survived by one sister, Mrs. M. M. Hollingsworth, and one brother, J. B. Justice, both of Hendersonville.

HOME OF F.D.R., JR., DAMAGED BY FIRE

CHARLOTTESVILLE, Va., Dec. 31.—(UP)—Firemen last night brought under control a blaze that destroyed the east wing of the home of Mr. and Mrs. Franklin D. Roosevelt, Jr., here.
Damage to the white colonial-type cottage was estimated at approximately \$3,000.

PHONES WIFE FOR OVERCOAT, BUT IS WARM ENOUGH NOW

NEW YORK, Dec. 31.—(UP)—Isadore Bielen, a salesman, telegraphed his wife here from Cincinnati: "Please send as soon as possible my two overcoats." Mrs. Bielen, who had not heard from her husband since last August, called up the abandonment bureau, instead. Today Bielen was under arrest.

REV. WALL ABLE TO FILL PULPIT SUNDAY

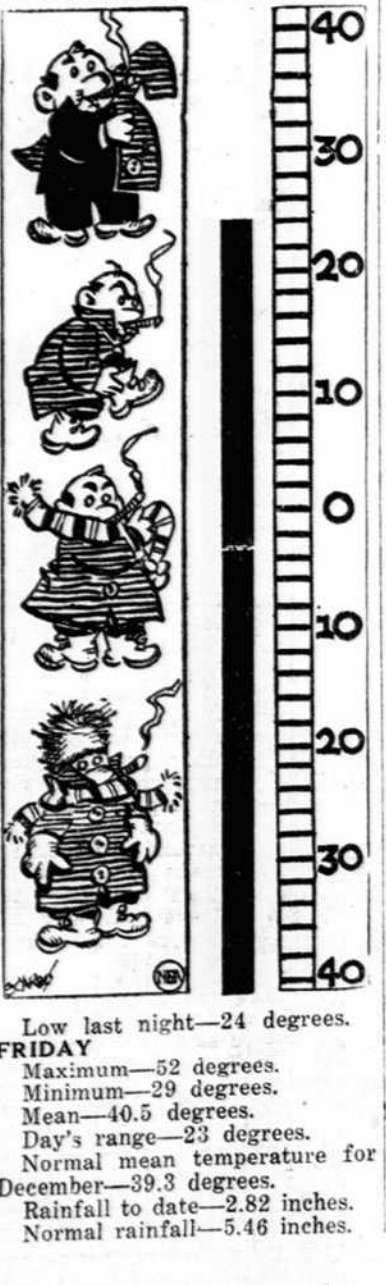
Rev. B. E. Wall, pastor of the First Baptist church, who has been ill for the past week has recovered and will deliver the regular Sunday sermons at the church tomorrow.

20 FACING NAZI TREASON TRIAL

Authorities Believe 17 or 18 Death Sentences Will Result

BERLIN, Dec. 31.—(UP)—More than 20 persons alleged to have plotted the assassination of high Nazi leaders will go on trial early in the new year in the biggest treason case since Chancellor Adolf Hitler installed his nazi regime in 1933, it was disclosed today.
The plotters, said to have been led by Franz Nirsach, a former writer and ultra-rightist, allegedly drew lots to determine the assassins of the Nazi leaders.
It was not disclosed whether the purported plot called for the assassination of Hitler.
Nirsach and 20 accomplices who are prisoners in Berlin's Moabit prison will go on secret trial January 4 charged with plotting the assassinations and other trials will be held simultaneously for an estimated 100 other prisoners linked with the plot.
Authorities are convinced that 17 or 18 death sentences will result from the trial of Nirsach and his 20 confederates whose position was said to be so hopeless that several attorneys already have refused to accept their defense.
The Nirsach trial is expected to last eight days and the public will be excluded from it.
Nirsach and his 20 companions are held in Moabit prison where about 80 percent of all inmates are awaiting trial on charges of high treason, espionage or attempted high treason.

How Cold Was It Last Night?



CRIPPLED SHIP IS REFLOATED

Italian Legions Swept Back as Spanish Warfare Intensified

GIBRALTAR, Dec. 31.—(UP)—The crippled Spanish loyalist destroyer Jose Diaz last night was refloated by tugs and towed into Gibraltar under protection of a British destroyer after being driven aground in a plucky sea battle against nine insurgent warships whose shells blasted the British town of Catalan Bay.
Four British subjects in the town, lying on the east side of the Isthmus of Gibraltar, were gravely wounded by the insurgent shelling and there was possibility that an international incident would develop.

BY HARRISON LA ROCHE

United Press Staff Correspondent
HENDAYE, France, Dec. 31.—(UP)—The Spanish government early today announced that a surprise counter-offensive in Catalonia had swept back Italian legions on the southern insurgent flank but admitted that another Italian column was making progress toward the Mediterranean.
The crack Lister and El Modesto brigades were said to have driven around the insurgent flank 17 miles south of Lerida on the lower Segre front and to be pushing upon Generalissimo Francisco Franco's rearguard town of Sarroca.
Nine miles southeast of Sarroca, however, it was admitted that Fascist Blackshirt Legionnaires had struck on from the captured town of Granadella and were storming the town of Tors.
The insurgents, already within sight of Tarragona and the Mediterranean from the Granadella Heights, reported a swift five-mile advance that carried them to Poble de la Granadella only 30 miles from the Mediterranean.
At Poble de la Granadella the insurgent guns were said to be trained on a web of highways vital to loyalist communications in the whole southern sector of the 90-mile Catalan front.
Both sides claimed victories in air battles in which it appeared that between 25 and 40 planes had been shot down during the day.

SOLONS LOOK FOR FLAYING OF DICTATORS

WPA Political Activity Report Scheduled for Tuesday

ANNUAL MESSAGE DUE WEDNESDAY

WASHINGTON, Dec. 31.—(UP)—Senate Democrats in a harmony rally today re-elected Senator Alben W. Barkley, Ky., as majority leader for the 76th Congress. Barkley's re-election came after another party solidarity action, the decision of Senator J. Hamilton Lewis of Illinois to retain his party whip post.

WASHINGTON, Dec. 31.—(UP)—Pre-view reports of President Roosevelt's annual message to congress today foretold a pulse-stirring call for national defense and a blistering repudiation of dictators.
His associates believe it will be the most vigorous speech of his career. It will be delivered shortly after noon Wednesday before a joint house and senate session.
The new 76th Congress meets at noon Tuesday for what would be a perfunctory gathering except for the decision of the senate campaign expenditures committee to release then a report concerning WPA political activity in the fall election campaigns.

WASHINGTON, Dec. 31.—(UP)—Attorney General Homer S. Cummings revived memories of President Roosevelt's unsuccessful judicial reorganization bill today by suggesting a constitutional amendment requiring retirement of all federal judges at the age of 70. Cummings' proposal was made in the annual report of the justice department.

BY ARTHUR F. DEGREVE
United Press Staff Correspondent
WASHINGTON, Dec. 31.—(UP)—Liberal leaders are bringing more pressure on President Roosevelt not to surrender to congress on vital New Deal policies as Vice-President John Nance Garner, spokesman for Democratic conservatives, took personal command over the explosive legislative situation.

In a series of rapid-fire conferences held yesterday in his senate office, the ruddy, white-haired Texan discussed the critical farm situation with Secretary of Agriculture Henry A. Wallace and reviewed the relief problem with Harry L. Hopkins, secretary of commerce and former WPA administrator.
Later, he held an hour's conference with Mayor Fiorello H. La Guardia, of New York, and House Majority Leader Sam Rayburn. While none of the participants at this meeting would reveal the nature
(Continued on page three)

BELL CASTS A NEGATIVE VOTE

Others on State Election Board Condemn Absentee Ballot

RALEIGH, Dec. 31.—Absolute repeal of the state's absentee ballot law was recommended to Governor Hoey yesterday by the state board of elections. The board also recommended subdivision of the 500 precincts in which more than 500 persons voted in the 1936 election and a new state-wide registration.
The board, by a majority vote, with only J. O. Bell, of Henderson county, dissenting, condemned the present absentee ballot law as an instrumentality of fraud, and recommended that the 1939 assembly enact a new law which would make fraud "well nigh impossible" and certain of "detection."
Chairman W. A. Lucas, of the board, explained that the board also believed all primary and election laws should be uniform. Repeal of the absentee ballot law and abolition of markers at polls would remove the differences, he said.