

Weather Forecast
Cloudy with a few showers today, high near 60. Mostly cloudy tonight with low about 48. Tomorrow partly cloudy and colder. (Full report on Page A-2.)
Midnight...40 6 a.m....44 11 a.m....50
2 a.m....41 8 a.m....46 Noon...52
4 a.m....42 10 a.m....48 1 p.m....52

Late New York Markets, Page A-21.

The Evening Star

WITH SUNDAY MORNING EDITION

Guide for Readers

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Court Points Up Non-Resident Tax Exemption

Owner of D. C. Hotel Who Doesn't Run It Freed of Business Levy

The United States Court of Appeals today raised judicial eyebrows over the fact the District does not tax the income earned by non-residents from sources within the city.

Its comment came in a ruling on the first case to reach the appellate body involving the unincorporated business levy which was part of the District income tax of 1947.

Lawyers on both sides admitted this was a test case. "It is striking," commented Judge E. Barrett Prettyman, "that this act does not levy a tax upon non-resident individuals generally upon income from sources within the District, as the Federal income tax law and the laws of many States do in respect to non-residents within their respective jurisdictions."

Refund Claims Expected. The case involved Roy H. Pickford, non-resident owner of the Lafayette Hotel here. A resident of Coronado, Calif., he sought to avoid payment of a 5 per cent unincorporated business income levy on a \$36,000 rental he received for the hotel.

The appellate ruling was in his favor and freed him of liability. District tax officials refused to speculate on the effect of the decision on anticipated revenues under the act. Charles A. Beard, Jr., administrator of the income and franchise (unincorporated business) tax division in the assessor's office, expected numerous claims for refunds would be filed in similar cases. Each would have to be re-examined in the light of the court decision, he said.

Judge Prettyman ruled, in effect that receiving rents as non-resident lessor of a business to a lessee was not "carrying on" or "doing business" here within the meaning of the tax act.

Passive Connection With Business. As the law now stands, Judge Prettyman said "the scheme of the statute seems to be that non-residents be taxed only upon income of a 'business'."

Frederic N. Towers, attorney for Mr. Pickford, argued that the mere leasing of a business to an operating body does not constitute the "carrying on" of a business. The District claimed that because the owner received rental from the corporation to which he leased the Lafayette, he was required to pay a business tax on that rental.

Mr. Towers asserted that any rentals which his client got under his lease to the actual operators of the hotel was tax free since the District law requires taxes of only those actually "doing business" here.

Judge Prettyman supported this view after noting Mr. Pickford's passive connection with the operation of the Lafayette. "It seems clear for present purposes that activity, or a lack of it, which is not 'doing business' is not a 'business'."

Attorney Towers pointed out today that Mr. Pickford also owns an apartment house in the District. But since the owner has an active part in the actual operation of that apartment house he has

Body of Man Found In Car in Arlington

The body of a man, about 43 years old, was found slumped over the steering wheel of his car on North Sixteenth street between Fort Myer drive and Arlington Ridge road shortly before noon today. He was tentatively identified as Charles Herman De Haan of Falls Church.

Arlington Motorcycle Policeman Elmer L. Redmond, who found the body, said the face was "black, blue and swollen," but there were no indications of violence.

First reports said the man's face was smeared with lipstick, but discoloration could have been a natural result of death, police said.

Policeman Redmond said he saw the car parked on the short cut-off road which parallels Lee boulevard outside of Rosslyn.

The body, with the cause of death still undetermined, was taken to the Arlington hospital where an autopsy was to be performed.

The car, police said, was a 1936 Chrysler four-door sedan bearing Virginia license plates.

Rail Switch Traps Man, Train Cuts Off Thumb

LOS ANGELES, Dec. 12.—George Masner, 67, was sitting on tracks of the Santa Fe Railway when he heard a train coming.

As he started to rise yesterday, an electric switch snapped closed, catching his thumb.

As the train came on, Mr. Masner crouched beside the track. He was held fast. The wheels of the train clipped off his right thumb, freeing him.

Government Rests Perjury Case Against Hiss; Motions Argued

Mrs. Massing Vague on Marriage to Eisler As Defense Attacks Story of Red Spy Ring

By Newbold Noyes, Jr.
Star Staff Correspondent

NEW YORK, Dec. 12.—The Government rested its case early this afternoon in the second Alger Hiss perjury trial.

As the 35th and last prosecution witness left the stand at 12:25 p.m., Thomas F. Murphy, Assistant United States Attorney, announced: "That's the Government's case, your honor."

The last witness against Mr. Hiss was Frederick E. Webb, an FBI technical expert.

Federal Judge Henry W. Goddard immediately excused the jury of eight women and four men, while defense counsel presented routine motions for dismissal of the indictment against Mr. Hiss and for a judgment of acquittal.

The argument for these motions was made by Robert Von Mehren, an assistant defense lawyer.

The defense was expected to open its case later today, after the motions have been disposed of. The trial began November 17, and 15 trial days have been consumed in the presentation of the prosecution's side of the story.

Mr. Hiss' first trial ended with a hung jury last July 8.

Earlier, under defense cross-examination, Hede Massing's love life became an issue in the trial.

Mrs. Massing says she is a former wife of Gerhard Eisler, the Communist leader who recently jumped bail in this country and fled to his native Germany.

The blond Viennese-born witness became a key figure in the trial Friday when she joined Whittaker Chambers, an admitted ex-Communist agent, in linking Mr. Hiss with the prewar Communist underground in Washington.

Armed with statements made by Mrs. Massing when she was naturalized in 1926, and when her

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Leaders, Public Mourn Death of C. K. Berryman

President Truman Joins in Tribute to Star's Cartoonist

National leaders whom he gently lampooned and the public he served for more than half a century were saddened today by the death of Clifford K. Berryman, 80, editorial cartoonist of The Evening Star.

The artist whose robust good humor had attracted thousands of followers down the years passed away peacefully at 11 a.m. yesterday at his home, 2114 Bancroft place N.W.

Funeral services will be held at 11 a.m. tomorrow in the Washington Heights Presbyterian Church, 1862 Kalorama road N.W., which Mr. Berryman helped build and which he attended with the same faithfulness with which he drew his cartoons.

The Rev. Robert E. Sherrill, pastor, will officiate. Burial will be in Glenwood Cemetery.

President Eulogizes Him. One of the first to extend his sympathy to Mr. Berryman was President Truman, who sent this telegram:

"A superb artist whose talent had been a national asset for more than half a century is lost to his far-flung public in the death of your devoted husband. He was a valued friend and I hasten to assure you that I share the sorrow which has been laid so heavily on you. To you and to all who mourn with you, I offer this assurance of heartfelt sympathy."

Dean of his profession in this country and friend of Presidents since the turn of the century, Mr. Berryman was awarded the Pulitzer Prize for his cartoon in August, 1943, on war manpower mobilization entitled "But Where Is the Boat Going?"

Used Bear as Symbol. He also won fame as creator of the "teddy bear," an evolution of the cartoon symbol after he first used it in connection with President Theodore Roosevelt.

Mr. Berryman, whose vigor was a source of constant amazement to younger colleagues, had been ill since November 17. On that day he was reporting to his drawing board as usual when he collapsed at the entrance to The Star Building.

On the day he collapsed one of his cartoons in the best Berryman style appeared on Page 1 of The Star. James Roosevelt was haranguing on a soapbox marked "Candidate for Governor of California."

California's Governor, Earl Warren, who was seated at the left, was saying: "What's in a name? That which we call a rose by any other name would smell as sweet." And President Truman, who was seated on the right, was saying, "I doubt it."

His zest for living was apparent even during his last illness. Friends had hoped for his recovery after he returned home December 2. However, a series of relapses followed, and he died yesterday morning with Mrs. Berryman and his daughter, Miss Florence Berryman, at the bedside. His son, James T. Berryman, also a Star cartoonist, was at his home and could not be summoned in time.

Missed Club's Dinner. A member of many Washington organizations, Mr. Berryman's first love was the Gridiron Club, of which he was the dean of active members. "Since before he became a member, he had illustrated the menu."

When the club held its annual mid-winter dinner Saturday, it was the first in 53 years that Mr. Berryman had missed. Realizing at the outset of his illness that he might not be able to attend, Mr. Berryman had requested that one of his guests, Crosby B. Noyes, a reporter for The Star, be seated in his place.

He recalled that Mr. Noyes' great-grandfather, the late Crosby B. Noyes, had taken him to his first dinner in 1896. Mr. Noyes was editor of The Star.

With last Saturday's dinner on his mind, Mr. Berryman told his (Continued on Page A-5, Col. 1.)

Atomic Partnership Program Outlined By U. S. and Britain

Proposals for New Pact To Be Submitted Next to Congressional Leaders

BULLETIN

The House Committee on Un-American Activities decided today to recall Lt. Gen. Leslie R. Groves, retired, and former Maj. George Racey Jordan for more questioning on wartime atomic leaks to Russia. They will be asked to attend a committee hearing Monday.

By the Associated Press The United States, Britain and Canada have virtually completed the broad outlines for a new partnership in the development of atomic energy and atomic bombs.

The next move will be for the State Department to take up the proposals with congressional leaders.

The proposed plan—which will apparently come to nothing unless Congress is prepared in some way to authorize it—reportedly would provide for continued concentration of atomic weapons manufacture in this country. It is said to contemplate that British and Canadian scientists would participate.

Discussion of the three powers' roles moved to the foreground, at least temporarily, with the lull in the congressional atomic investigation. That inquiry deals with how the Russians were able to get atomic materials from the United States during the war. Congressional probes said over the week-end they have asked for wartime records of the Chemical Warfare Service as a possible clue.

Britain to Drop Bomb Plan. Under the projected American-British-Canadian partnership, Britain would abandon its plans for making A-bombs, as in fact it appears to have done already. This would end the threat of a future British claim to a larger share of the Belgian Congo uranium—the greater part of which now comes to the United States.

Responsible authorities say there would be several advantages to this arrangement. First, it would assure the Western world a maximum of output of atomic bombs of the kind the United States is able to make in the shortest possible time. Second, it would prevent dispersion of effort as between this country and Britain. Third, it would mean the continued development of atomic plants, including weapons factories, in places remote from any possible European war area.

Britain and Canada, for their (See ATOMIC, Page A-4.)

Ship Afire in Atlantic BUENOS AIRES, Dec. 12 (AP).—The 1,230-ton cargo ship Oest is afire in the South Atlantic and her 28 crewmen are fighting the blaze below decks, maritime authorities announced today.

The ship radioed she would try to make Mar Del Plata, Argentina.

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Three Policemen Deny Charges of Accepting Acalotti Hush Money

Each Questioned on Stand About Woman's Story Of Payments by Gambler

Three Metropolitan policemen took the witness stand today at the trial of Attilio Acalotti, accused gambler, in District Court to deny charges of a Government witness that they ever had accepted graft.

The policemen were Detective Sgt. Charles Burns of the robbery squad and Sgt. Arthur E. Fredette and Pvt. Kenneth Winters, both of Precinct 2. Pvt. Winters is attached to the License Bureau as a plainclothes policeman.

Miss Bernice Franklin, 35, attractive red-haired waitress, who formerly lived with Acalotti, accused several policemen of having accepted hush money from Acalotti, in her testimony last week. Acalotti is being tried on charges of threatening her.

Chief Grand Jury Witness. Miss Franklin was the principal witness before the special grand jury that investigated gambling in the District area and Acalotti is accused of having threatened her for testifying.

He was one of those indicted by the jury on gambling charges, and is scheduled to go on trial next month on those counts. Acalotti, 42, operates a newsstand near Thomas Circle.

When the three policemen were called as defense witnesses today, Defense Attorney Charles Ford asked each:

"Did you at any time accept payoffs from Attilio Acalotti?"

"No, sir," all three answered.

\$30 Payments Charged. Assistant United States Attorney William Hitz asked Detective Burns if it was not a fact that on several occasions he drove his automobile along side of Acalotti's auto on Fourteenth street near Thomas Circle and on each occasion accepted a payment of \$30 in a roll of bills.

"That is not true," Detective (See ACALOTTI, Page A-4.)

Safe Yields \$5,000; 4 Others Foil Thieves

Safecrackers ripped the bottom off a safe in Fred Felzman Fashion Shop, 1300 F street N.W., over the week-end and escaped with an estimated \$5,000.

Manager Nat Schoenberg told police the wrecked safe was found at opening time today by a 20-year-old porter, Charles Oliver.

Entrance to the building apparently was gained by scaling a fire escape on an adjoining building and entering the third floor window in the Felzman shop. The office appeared well ransacked and was left in disorder, Mr. Schoenberg said.

In northeast Washington, four safes defied week-end efforts to open them. Thieves, balked by the strongbox in a service station at 100 New York avenue N.W., took \$22 found elsewhere in the building.

The other failures: Curtin and Johnson Construction Co., 1125 Brentwood road; a truck service company at 1065 Brentwood road and a service station at 915 Rhode Island avenue N.W.

Thieves who forced entry into another station at 720 Rhode Island avenue N.E., apparently were frightened away.

Late News Bulletins

ICC Bus Ruling Upheld

The Capital Transit Co. today lost its last chance in court to prevent the Interstate Commerce Commission from regulating joint bus fares between the District and nearby Arlington County points. The Supreme Court refused the company's petition for a rehearing on a decision last month upholding ICC authority to fix such rates between the transit company and Virginia and Maryland buslines.

Judges' Plea Overruled. The Supreme Court today, in effect, overruled all District Court judges here in their contention that the United States Court of Appeals had no right last October to interfere with their denial of a bondsman's authorization. The Court of Appeals had held that it could legally reverse the action of the District Court judges in determining whether an applicant should be allowed to write bail bonds.

Court Upholds Rent Law. The Supreme Court today upheld the 1949 Federal Rent Control Act, overturning by a 5-4 vote a decision by a Federal judge in Chicago.

Firemen Called to Hospital By Short Circuit in Ward

Firemen were summoned to Garfield Hospital this morning when an electrical fixture short-circuited in a second-floor ward, but no fire broke out and patients were not disturbed.

Lee J. Miller, 28, colored, a porter, said he pulled an indoor alarm box after "flame" and smoke shot out when he plugged in a floor waxer in the Ward K utility room. An alarm sounded through the hospital, but nurses found there was no fire and did not move the patients.

Ward K was occupied at the time by 11 bed patients in private rooms.

Voice Will Broadcast In Turkish Language

The State Department announced today that it will begin a "Voice of America" radio program in the Turkish language December 19.

The program, consisting of news, commentaries, music and features about the United States and Turkish-American relations will be broadcast daily from 12:15 to 12:45 p.m., EST (7:15 to 7:45 p.m., Turkish time).

McDonald, who was driving, suffered head injuries. Both are in Cooper Hospital.

2 Fort Belvoir Soldiers Hurt as Car Hits Pole

CAMDEN, N. J., Dec. 12.—Two soldiers from Fort Belvoir, Va., were injured critically early today when their automobile smashed into a telephone pole.

Injured were Edward J. Switz of Fort Belvoir and William N. McDonald of Wilkes-Barre, Pa. Both are about 22.

Switz, who suffered rib fractures and severe neck injuries, told police he was driving in an Army sleeping bag in the back seat of the car at the time of the mishap.

McDonald, who was driving, suffered head injuries. Both are in Cooper Hospital.

Former ECA Official Indicted On Charge of Lying to Get Job

A former \$12,000-a-year Economic Co-operation Administration official in Greece was indicted by the grand jury today on eight counts charging him with falsifying his educational and employment background.

One count accused James E. Glynn, 59, of representing himself as administrative assistant to the president of the New York Central Railroad when actually he worked as extra signman, telegrapher and city freight agent.

The former ECA aide at one time lived in the 2000 block of Belmont road N.W. and also has resided in New Orleans and Brooklyn, authorities said.

Mr. Glynn was so convincing in his personnel interviews, that the

ECA sent him to Greece as reserve foreign service officer, a job he held about four months until he was fired last March. It was said. He thus failed to last out the required probationary period.

He was charged in one count with representing himself as a former General Motors Corp. supervisor who had charge of 30 engineers studying transportation in England.

The Government charged that he not only never supervised 30 engineers, but never had been in England.

Mr. Glynn also was accused of falsely stating he received bachelor of science and mechanical engineering degrees from institutions that he never attended.

City Upheld in Refusal To Take Business Tax As Credit for Tuition

Maryland Resident Loses Appeal in Effort to Avoid Daughter's School Fee

The United States Court of Appeals today upheld the District's position that a non-resident student in a Washington school cannot get her education tuition-free although her father pays taxes on his business here.

The appeals court affirmed a District Court decision in an injunction suit filed by Isaac Eisenberg on behalf of his daughter Sarah. The Eisenbergs family lives at 1701 Kenilworth avenue in Prince Georges County. Mr. Eisenberg operates a grocery in the District.

Through their lawyers, William T. Pace and Robert W. McCullough, the Eisenbergs sought in District Court to enjoin the Board of Education from refusing to admit Sarah until her tuition of \$80.16 was paid for the 1948 school year. Mr. Eisenberg, it was pointed out, had paid District taxes for the preceding year on his store, and he submitted the payment of those taxes as a credit against the tuition charge.

Cornings Refused Entry. But School Supt. Hobart M. Cornings refused to accept the taxes as credit. Mr. Eisenberg then was notified that his daughter could not enter Eliot Junior High School unless her tuition was paid.

Although Congress made clear provision in the District's 1949 appropriation act that no funds should be used to pay for free schooling of non-residents, the Eisenbergs argued that permanent

(See APPEAL, Page A-3.)

Three Race Horses Perish In Elkridge Stable Fire

ELKRIDGE, Md., Dec. 12.—Three race horses burned to death when fire destroyed a stable here last night.

Victims were Papa Luke, owned by Mrs. M. D. Lukens of Harrisburg, Pa., and Little Scandal and Thrifts Pet, owned by George Raubenstein.

The six-stall stable was owned by Mr. Raubenstein. He estimated value of the thoroughbreds at \$8,000 and the stable at \$2,000.

State Trooper Edward Rychter discovered the fire while cruising on the Baltimore boulevard. He attempted to rescue the horses but was beaten back by the flames.

General Arnold Says Future War Depends On Kremlin Aims

Tomorrow The Star publishes the sixth of a special series of articles by Gen. "Hap" Arnold, wartime commander of the United States Army Air Forces. Gen. Arnold emphasizes his belief that another war is far off—and preventable, but that in any event the Air Force is ready to fight now.

Gen. Arnold's old articles appear every Tuesday and Friday in THE STAR—News Authority for the Nation's Capital. Phone Sterling 5000 for home delivery.

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