

To resume in Hillsborough this morning . . .

# Unexplained recess called in Wynn trial

The civil rights trespass trial of a University professor was mysteriously recessed until this morning during presentation of prosecution testimony in Orange County Superior Court on Wednesday.

At the end of a short break in the proceedings, at mid-morning Judge Raymond Mallard returned to the bench and announced simply that "Due to circumstances that have arisen" the trial of Prof. William H. Wynn

would be recessed until 9:30 a.m. Thursday. Other court and law enforcement officials said they did not know the precise reason for the otherwise unexplained break in the proceedings.

There was speculation that the reason could have some bearing on a pending action in the Middle District of N. C. Federal Court. A motion to transfer to that court almost all of the Chapel Hill civil rights trials scheduled in court here this week is

to be heard. However, neither the Judge nor District Solicitor Thomas D. Cooper Jr. would comment on this or any other aspect of the recess.

As the court reopened in Hillsborough Wednesday morning an Orange County sheriff's deputy went back on the stand for further cross-examination on his arrest of the 35-year-old assistant professor of psychology for refusing to leave the premises of a Chapel Hill restaurant when

asked to do so on the night of Jan. 3.

Deputy W. E. Clark Jr., said he warned the defendant that he'd be arrested for trespass if he didn't leave after restaurant owner Austin Watts pointed him out and asked him to do so. Wynn and 10 others were all arrested as they sat mute, blocking the front door of Watts' Grill, and refused to leave, the officer testified.

Watts himself was sworn in as the trial began late Tuesday, but has not yet testified. He's expected to be called when the trial resumes this morning. Chapel Hill Police Detective Sgt. Howard Pendergraph also took the stand on Wednesday to corroborate Deputy Clark's testimony.

Wynn's two Negro attorneys are presenting his case before a jury of four white women, six white men, and two Negroes — one of them a professed member of the NAACP. The jury also

includes two of Wynn's colleagues on the U.N.C. faculty and a Duke instructor. But all jurymen said in reply to questioning that they did not feel a person could deliberately break the law in the name of civil rights and go unpunished.

On the jury are L. A. Dixon Jr. of Hebron community; Otha Thompson, north of Hillsborough; UNC art Prof. J. Robert Bernard; Walter Coble of Cheeks, Mrs. Edna Clark of Chapel Hill, Howard Hall of Caldwell, Dr. Aubrey G. Tolley of the UNC medical faculty, Murphay Sykes of Orange Grove, Mrs. Martha Rice of Chapel Hill, Mrs. W. L. Sloan of Chapel Hill, David P. Schorr of Chapel Hill, and Mrs. John T. Brittain of Chapel Hill.

A Duke University professor has appealed a 60-days roads sentence received here last week in a companion case to Wynn's. Four other Duke professors are awaiting similar trials here, probably this week, too.

At breakfast session yesterday . . .

## Moore meets Orange well-wishers

Democratic gubernatorial candidate Dan Moore greeted

### New thoroughfare body to meet with Sanford

The Chapel Hill-Carrboro Committee for Safe and Improved Roads, organized from various local government units last week to push for state approval of the local Thoroughfare Plan, will meet with Gov. Sanford to discuss this matter next Tuesday.

This was announced Tuesday night at a meeting of the Planning Board by Committee Chairman Jack Lasley. The group will also seek more funds for highway improvements locally.

"Our committee is of the view that in the next 20 years this Town will have tripled its population," Mr. Lasley said in a progress report.

"No improvements have been made on the roads in our area for the past two years, and we've got to do something about it. The people of our community are in complete accord on the need to bring this matter to the attention of highway officials," Mr. Lasley said.

### Fill up the tank today and help swell fund for benefit of police

Eleven Chapel Hill service stations will donate two cents per gallon for all gasoline sold to the Merit Appreciation Fund for the Chapel Hill Police Dept.

Earl Walker, spokesman for the station operators, said the following establishments were participating in the one-day campaign today (March 5): Barclay's Texaco Service, Brinkley's Eastgate Service, Clark's 66 Service, Crowell Little Esso, Davis' Esso, Gardner's 66 Service, Glen Lennox Service Station, Huff's Sunoco Service, Norwood Bros. Esso Service, Village Texaco, and Walker's Gulf Service Station.

The fund which currently totals about \$3,000, is a community-wide drive being staged for contributions in appreciation of the overtime services of the Chapel Hill Police Dept. during recent racial demonstrations.

more than 200 well-wishers at a campaign breakfast stop in Hillsborough's Colonial Inn yesterday morning.

Smiling, confident, and accompanied by his wife, the former superior court judge moved easily through the early morning gathering, and invited one and all to visit the Moores at the Governor's Mansion in Raleigh after the election this year.

His appearance in Hillsborough followed a speech on the University campus in Chapel Hill on Tuesday night. There an audience of about 350 persons heard him declare that he felt that enactment of the "gag" law had been unnecessary but that he felt Communists should not be permitted to make speeches in behalf of

(See MOORE, Page 6)

## Durham Rd. business rezoning not recommended by planners

The District Planning Board has recommended against rezoning of three Durham Road tracts for business use at this time.

The split-vote recommendation came after lengthy discussion of the controversial issue at the Board's Tuesday night meeting, and will be submitted to the Chapel Hill aldermen for action at their meeting next Monday.

By a vote of five-to-two with Chairman Ross Scroggs abstaining, the planners passed a recommendation against the petitions asking rezoning of three residential tracts to suburban commercial — generally unlimited business use. The property is owned by W. B. Upchurch, C. L. and Bruce Martindale, and J. Ralph Weaver. Most of it adjoins existing suburban commercial-zoned property.

The Board voted unanimously against rezoning from residential to suburban commercial the

property of C. M. Mayse adjoining the Chapel Hill Memorial Cemetery on the Durham Boulevard, noting that his land was surrounded by residentially-zoned property.

On the other rezoning matters the Board majority opinion was that additional commercial rezoning should not be done at this time on the Durham Road pending a decision on four-laning of the road, and until greater use is made of property in this area that is already zoned regional commercial — a more restrictive business use. The general feeling was that suburban commercial was an inadequate zone for this reason.

In other matters the planners recommended approval of preliminary sketches for the Colony Woods, Farrington Hills, and Riggsbee Estates subdivisions, the latter being subject to a review by the Town Manager.

## Orange High building accepted but \$10,000 temporarily withheld

The Orange County Board of Education accepted the Orange High School building from the contractor Monday, subject to completion and adjustment of a number of minor items on a checklist, and voted to withhold \$10,000 in payments to the contractor, L. R. Wilson, until all specifications are met.

Architect Archie R. Davis recommended the action and later presented the Board with preliminary plans for the new elementary school to be constructed near the Central School in Hillsborough.

In other decisions, the Board: Denied a request of a Hillsborough Ministerial Association to hold an Easter sunrise service at Orange High School on basis of the constitutional provisions of separation of church and state.

Granted permission for a performance by the Cooper Four,

local singers, in the Central High gym under the sponsorship of

The Board of Education Monday named Willie Blue, a member of the Central School faculty, as acting principal in the place of A. L. Stanback, who suffered a cerebral attack last week.

Mr. Stanback has been principal of the local school for 24 years and was held in high regard by school officials and the general public throughout the county.

Supt. G. P. Carr and members of the board expressed regret at the veteran principal's illness. He is partially paralyzed and under treatment at Duke Hospital in Durham, where his condition has been described as critical.

the school agriculture department, provided the sponsors pay

The fate of Orange County's current three-week special criminal term of superior court called for the trial of nearly 1,000 cases in connection with the Chapel Hill civil rights campaign is dependent on possible action pending before the U. S. Middle District Federal Court.

Shortly after the term was convened by Judge Raymond Mallard on Monday morning a motion to transfer 932 cases — all but five then before the court — was filed with the Clerk of Court. The motion filed by defense attorneys C. C. Malone, Moses Burt Jr., and F. H. McKissick charged that their clients could not obtain a fair trial in any of the courts of North Carolina.

This automatically took the cases out of superior court pending a ruling by the federal court on whether or not the cases could in fact be transferred to that court. Presiding Superior Court Judge Raymond Mallard termed the 1,500-word petition "a false and scurrilous attack" on the courts of this state.

After detailed routine questioning of all the defendants involved he then permitted the solicitor to call the other cases remaining on the docket. That of William H. Wynn, UNC psychology professor, had been inadvertently left off the petition through clerical error, the defense attorney stated, after Wynn was called forth. His trial then proceeded.

## Hillsborough sewer fees to be half of water bill

A sewage fee of 50 per cent

of the water bill will go into effect for all residents of Hillsborough and a small number outside of the town limits who have access to the town's now nearly completed sewer system immediately the treatment plant is placed into operation.

This action was taken Monday night by the Town Board of Commissioners.

The charge will be made whether or not the water customer is connected to the town sewer system, the board ruled. Completion date previously had been set at March 15.

In other actions the board accepted the resignation of Officer Larry Talbert and appointed former Patrolman T. P. Smith to succeed him on the three man force.

It also named Edwin McKee, a native of the county, who now lives at Orlando, Fla., as operator of the new sewage disposal plant. He will begin at a salary of \$270 per month. The 1941 graduate of Hillsborough High School won the job over three other applicants because of his experience and training in the position with the City of Orlando Sewage Plant.

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