

# Both Sides In Dresden Color Battle Inactive

Principals in the racial discrimination test case in Dresden, arising out of charges made under the provincial Fair Accommodations Practices Act, will apparently let the dust of battle settle before taking further steps.

Morley McKay, proprietor of Kay's Restaurant, and Mrs. Anne Emmerson, wife of the proprietor of Emmerson's Restaurant, said they were "undecided" on whether they would appeal the decision brought against them yesterday by Magistrate Ivan B. Craig in Chatham. They were both fined \$50 and costs for refusing to serve Negroes.

Alvin Ladd, of 2 Degge St., president of the National Unity Association, and secretary Hugh Burnette of Dresden expressed satisfaction with the judgment.

"We are of course pleased," Mr. Ladd said. "We are not trying to put anyone out of business and we are not troublemakers. We only want equal treatment in establishments that serve the public.

"There will likely be other test cases," Mr. Burnette said. "We won't go into those places looking for trouble tomorrow or the next day. But we would like to know in future whether those restaurant operators are serving the public.

"We are in doubt that the race barrier has been dropped," he said, "but we'll wait for a while and see."

When asked last night whether the color bar had been lifted her restaurant, Mrs. Emmerson said, "We haven't given any thought to the matter yet."

The fine of \$50 is the maximum provided for in the act for individuals. McKay paid total of \$135.40, composed of the fine and court costs, and Mrs. Emmerson paid a total of \$74.55.

The act, brought into force last June 5, does provide that after a violator has been convicted under the act and if further

offences occur, the persons offended may "originate a notice to a judge of the Supreme Court of Ontario for an order enjoining such persons from continuing such violations."

The charges against McKay and Mrs. Emmerson arose after colored persons from Dresden, North Buxton and Toronto entered the restaurants and were refused service.

In defending the accused proprietors at their trials, W. A. Donahue of Sarnia contended that the Fair Accommodations Practices Act was illegal because it provided a penalty, therefore was criminal law, and that the province went beyond its powers in legislating the act because only the federal parliament could enact criminal law.

Magistrate Craig found that the act was concerned with property and civil rights within the province and, therefore, the province was within its legal rights to legislate and enforce the act.

The people of Dresden have reportedly taken sides in the immediate issue while it dragged over the past four months. Members of the National Unity Association did not blame them.

"There are many good thinking people in Dresden," Mr. Ladd said. "I don't believe the majority of them are against us."

"Many have taken sides," Mr. Burnette said, "not because they are prejudiced, but because they object to the wide publicity given the issue. It is natural that most white people have taken the part of the restaurant owners, even though they don't exactly agree with them."

"Practically 100 per cent of the colored people in the Dresden-

Chatham area now support the association," Mr. Ladd said. "The first many of them didn't, but since they have seen that we are not primarily interested in making trouble but only want equal treatment, they have joined with us."

Mr. Ladd, Mr. Burnette and Phillip Shadd of North Buxton were appointed to the special membership committee of the association during its present membership drive. Their appointments were made at an executive meeting last night in Chatham.

A delegation of members of the association will attend a race conference in Toronto. The date was set for February 18 and 19 at Woodworth House but was postponed.

Principal speaker will be Brockley Armstrong, a Toronto trade unionist, who will give a special report on the Dresden situation. He was a principal in the trial of Mr. McKay and Mrs. Emmerson.

Also on the agenda is a discussion of "Dresden and the Fair Accommodations Practices Act, plus, 'Is legislation effective against racial and religious discrimination?' and, 'How do we deal with discrimination on the job and in the community?'"

The conference will be attended by members of such organizations as the Civil Liberties Association, the Joint Labor Committee on Human Rights, the Council of Christians and Jews and others.

## LOCUST DAMAGE HEAVY

ROME (AP) — A "catastrophic invasion" of French Morocco by desert locust swarms has caused millions of dollars of damage in the last few weeks, the United Nations Food and Agriculture Organization reported today. FAO and representatives of France and Spain will hold an emergency meeting in Madrid starting Monday to plan a co-operative fight against the plague.