

NESMITH

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Nesmith followed the sheriff up to the county jail on the top floor of the courthouse.

JUDGE REFUSES TO RETURN

When Durr finally reached Carter at home, the judge declined to sentence Nesmith at home and would not return to the courthouse to do so.

The acquitted students, meanwhile, witnessed this little post-trial drama. For the first time in the two-day trial, they seemed to become genuinely alarmed over the prospect of their professor going to jail for the night. Thinking they could pay his fine, they quickly pledged to pool their funds to raise the \$100 fine plus the \$39 court costs. After learning that they could not pay the fine even if they raised the money, the students left the courthouse for the private homes in which they have been staying in Montgomery.

BOND SET

Durr announced immediately he would appeal the conviction. Appeal bond was set at \$500.

The group planned after Nesmith's sentencing to leave for Jacksonville, Ill., home of MacMurray College, a small Methodist school. They are making the 600-mile trip in private cars.

The students who had kept pretty much to themselves on the first day of the trial, chatted amicably with newsmen and court officials while they waited for the verdict yesterday.

When the verdict came, they seemed somewhat stunned at Nesmith's conviction. Then they accepted congratulations from courtroom spectators, many of them Negroes.

The group, all Nesmith's sociology students, came to Montgomery on March 31 as a part of a southern field trip to study race relations. They were arrested at the Regal Grill on Grove street while lunching with seven Negroes.

The Negroes are also on trial for the same offense.

During their trial, they maintained they did not come to Montgomery to provoke an incident. The city argued that their integrated luncheon could have touched off a riot in an already tense city.

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Heavy Fines Levied On Mixed Eaters

Professor, Wife, 7 Negroes, 11 White Students Convicted

MONTGOMERY, April 1 (AP)—A stern judge who at one point threatened contempt action today levied heavy fines against 13 white defendants and seven Negroes arrested while eating lunch together.

A white college professor, one white student and five of the Negroes drew fines of \$100 and costs on their convictions of disorderly conduct.

The sociology professor's wife, 10 white students and two other Negroes, also college students were fined \$50 and costs.

Defense attorneys immediately announced plans to appeal to higher court. Bonds were fixed at twice the amount of the fines.

Prof. Richard D. Nesmith, his wife and 10 of the white students from MacMurray College in Jacksonville, Ill., and the other white student is from Boston University. The Negroes are all from Alabama.

Mixed Lunch

All 20 were charged with disorderly conduct when police raided a Negro cafe where they were lunching together yesterday.

Nesmith drew a \$100 fine along with two Negro ministers, the Rev. S. S. Seay Sr., and the Rev. R. E. Dubose Jr.; the Boston University student, R. Edwin King; a Negro student, James Richburg, and two former students who were recently expelled from Alabama State College for Negroes.

All of the defendants made their appeal bonds shortly afterward and were released.

Nesmith said he didn't know when the group will start back to Illinois but added that "it's certainly not in our interest to stay here."

"We're practically at the end of our trip," the stocky, blond-haired professor said. "Our present plans are for checking with the state police who said they would clear a route."

Nesmith said the students are due back at school Monday.

Marzette Watts of Montgomery and Elroy Emory of Ragland, Ala., were among the nine campus leaders ousted from Alabama State March 2 for their part in student racial demonstrations.

Watts also was convicted of vagrancy following his trial on the disorderly conduct charge, but City Judge Eugene Loe postponed sentence until next Friday and gave the Negro a chance to show he has made a sincere effort to find work.

If Watts can make such a showing, the judge said he may set the conviction aside.

The only defense testimony in today's three-hour court hearing came from Dr. Nesmith, 31-year-old head of the sociology department at MacMurray College.

He said he knew race relations in Montgomery were strained but that he was unaware of recent Negro student anti-segregation demonstrations and a near racial clash during an abortive Negro mass meeting at the state Capitol.

Minister's Version

The Boston University student, who told reporters he was already in Montgomery when the MacMurray group arrived, is the Rev. R. Edwin King Jr., who identified himself also as assistant pastor of the Grace Methodist Church in Cambridge, Mass. He is studying theology at Boston.

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