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Negroes, City Must Settle Seating Fight

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BALTIMORE, Oct. 20 (AP) A Federal judge has given the city of Frederick and three Negroes a week in which to reach an out-of-court agreement in a dispute over seating arrangements at a Frederick motion picture theater.

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The Negroes, two of them bacteriologists at Fort Detrick, claimed in U. S. District Court yesterday that they had to sit in a segregated balcony of the City Opera House, a theater owned by the City but leased to a private company.

Attorneys for the National Association for the Advancement of Colored People argued that such segregation violated their civil rights.

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Charles Mathias, attorney for the city, said the lease gives complete control to the private firm. And Danile H. Weinberg, president of Marva Theater, Inc., said he was merely continuing "the segregation policy that was already there."

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The lease expires next September. Weinberg said business would fall off if the policy was changed to integration and he would not be interested in renewing the lease under those conditions.

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Federal Judge Roszel C. Thomsen said he will rule in the case if agreement isn't reached in a week.

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The action was brought by Linwood A. Jones Jr., and Weldon W. Christopher, the Army Personnel, and Donald K. Lyles.

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