

Ruby Trial Gets New Judge; 11th Juror Seated, One to Go

DALLAS, Mar. 3 (AP).—A substitute judge, J. Frank Wilson, began presiding over the murder trial of Jack Ruby today after a long argument from the bench with Ruby's chief defense counsel, Melvin Belli.

Soon afterward, the 11th juror was accepted by the court. She is Mrs. Aileen B. Shields, a divorcee, employed by the local telephone company in the engineering department.

Mr. Belli protested on several technical grounds against Judge Wilson's sitting on the bench for Judge Joe B. Brown, who was sent home today with a cold by his doctor.

Mr. Belli pointed out that he has a continuing motion to transfer the trial away from Dallas. He said this is "cumulative with each juror" and that Judge Wilson could not possibly have knowledge of all that has gone in to the record in the trial which is now in the third week.

Judge Takes Charge

At the same time, Mr. Belli argued, while Judge Brown is absent "he cannot act on material presented in his absence." Several times Judge Wilson, a tall, big-bodied Texan, broke in on Mr. Belli.

"That's enough, take your seat," the judge said at one point.

"Could I ask . . ." Mr. Belli began.

"Take your seat," the judge repeated. "When the court says to you to take your seat, it means take your seat."

Mr. Belli sat down.

When Mr. Belli raised the question of additional peremptory challenges, by which attorneys can discharge prospective jurors without stating a reason, Judge Wilson said he would consider that question when it arises.

"I wouldn't require any defendant of any race, creed or

color to accept an unfair juror," he said.

Other Judge Refused

District Attorney Henry M. Wade rose and said, "Judge Brown refused him any more challenges." Mr. Belli then said he was formally objecting "to your honor sitting in this case," and to Judge Wilson's assuming discretion about granting any more peremptory challenges.

Ruby is on trial for slaying Lee Harvey Oswald, accused assassin of President Kennedy.

The defense has exhausted its allotted 15 peremptories. Judge Brown granted three extras, which also are exhausted, and he said yesterday that he would allow Mr. Belli no more.

Mr. Belli also raised the question of the persons who brought literature about epileptics to the court yesterday. He said, "I ask your honor to hold them in contempt."

Judge Wilson replied, "The court will enjoin anyone from passing out literature in this courtroom."

Judge Once in Congress

Judge Wilson is a former United States Representative. He was elected a district judge in 1943 and left the bench when

elected to Congress in 1946. He retired from Congress in 1955, resumed private law practice and returned to the bench in 1955.

Mr. Wade told reporters earlier that, under Texas law, a judge can be replaced by another without a mistrial. But Mr. Wade said there has been no precedent in Texas for a judge leaving a case and then returning to it.

- Tolson
- Belmont
- Mohr
- Casper
- Callahan
- Conrad
- DeLoach
- Evans
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele Room
- Holmes
- Gandy

Wade

- The Washington Post and Times Herald
- The Washington Daily News
- The Evening Star
- New York Herald Tribune
- New York Journal-American
- New York Mirror
- New York Daily News
- New York Post
- The New York Times
- The Worker
- The New Leader
- The Wall Street Journal
- The National Observer
- People's World

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