

Tel. WOrth 2-3797

AMERICAN
Press Clipping Service, Inc119 Nassau Street
New York 38, N. Y.From JUN 25 1963
NEW YORK TIMES
New York, N. Y.**LAWYERS FOR RUBY
DISPUTE 'ERRORS'****Texas Appeals Court Gets
Many Pleas for New Trial**

Special to The New York Times

AUSTIN, Tex., June 24 —

Reasons why Jack Ruby should have a new trial were given today before the three-man Texas Court of Criminal Appeals by his lawyers.

Ruby is appealing the death penalty for the shooting of Lee Harvey Oswald, President Kennedy's assassin.

The judges had their two commissioner assistants sitting in, but the decision will be up to the presiding judge, William T. McDonald, along with Judges William A. Morrison and Kenneth K. Woodley. A decision is not expected until Oct. 5, when the court returns from its summer recess. Briefs may be filed as late as Aug. 20.

'Murder With Malice'

A new trial was required by court decision, the Ruby attorneys argued, because public opinion was so inflamed in Dallas that the trial should have been moved elsewhere and because 11 of the 12 jurors had been witnesses to the killing on television. Oswald was killed Nov. 24, 1963, in the basement of the Dallas City Hall by a single shot from Ruby's pistol.

A major argument concerned testimony by Sgt. Patrick T.

**The Bank of America
Settles With Its Cat**

SAN FRANCISCO, (AP)—The Bank of America, the world's largest, finally came to terms with a cat.

Bankamericat, the cat, had been living on the parking lot where the bank intends to erect a skyscraper headquarters building.

Because it didn't want to offend cat lovers with large accounts, the bank didn't want to endanger the cat with heavy construction equipment.

A bank spokesman, Geoff Brouillette, said the only solution was to catch the cat and find it a new home. For weeks Bankamericat stayed free, while the city's financial district watched, waited and secretly fed the cat.

In the end, Miss Lois Engelson, a bank stenographer who also had secretly fed the cat, was persuaded to grab him by the scruff of the neck and turn him over to an animal shelter.

But Miss Engelson says, "I'm thinking of adopting him myself."

Dean of the Dallas police as to what Mr. Ruby had said on the question of motive.

The conviction was for "murder with malice," and Sergeant Dean testified that Ruby said he had decided two days earlier, when he saw Oswald at the city police assembly room, to kill him if he got the chance.

Sam Houston Clinton Jr., Joe Tonahill (a Jasper attorney Mr. Ruby had dismissed who was allowed to argue as a friend of the court) and Elmer Gertz of

Chicago were among those who argued for Ruby.

They maintained that they had learned from the Warren Commission report that a Secret Service agent, Forrest Sorrel, who quizzed Ruby with Sergeant Dean present had testified that Ruby had said nothing to show premeditation.

The Ruby team hammered on the location of the trial and the "circus" atmosphere in and around the courtroom. They also argued that Judge Brown had hurried the trial.

Sol Dann of Detroit attacked the fact that the trial went on though Judge Brown was ill one day, with District Judge J. Frank Wilson substituting while two jurors were chosen. He also argued that Judge Brown had committed errors by refusing to hear witnesses on their motion for a new trial. These witnesses, he said, would have brought in evidence from Mr. Sorrell that Sargent Dean had testified falsely.

Mr. Tonahill presented a brief with 46 points of error but he, like the others, felt that the Dean testimony, with no warning to Mr. Ruby that what he said might be used against him, was the key point for possible reversal.

State attorneys insisted the trial had been fair.

Assistant District Attorney James M. Williamson of Dallas showed that defense lawyers had said, "We like this juror" on six of the 12 after quizzing them on what they had seen on television.

"Now they come here and object to the jury they said they liked," he said.

State's Attorney Leon Douglas of Austin said a shift of the trial to another county would have been meaningless because

everyone had seen the telecast elsewhere, too.

The arguments lasted four and a half hours. Mrs. Eva Grant, of Dallas, a sister of Ruby's, was the only member of the family present for the appeal to the highest criminal court in Texas. The Ruby attorneys are apparently carrying the case at their own expense.

METAL MARKET