

EB95

140

DALLAS, TEX. (AP)-A FEDERAL JUDGE DISMISSED A SUIT TUESDAY WHICH WOULD HAVE FORCED JULES F. MAYER TO RESIGN AS EXECUTOR OF JACK RUBY'S ESTATE.

THE .38 CALIBER PISTOL WHICH RUBY USED TO KILL LEE HARVEY OSWALD NOV. 24, 1963, AS OSWALD WAS BEING MOVED FROM CITY TO COUNTY JAIL IS A KEY ITEM IN THE ESTATE. THE WARREN COMMISSION SAID OSWALD ASSASSINATED PRESIDENT JOHN F. KENNEDY TWO DAYS EARLIER.

RUBY'S BROTHER EARL OF DETROIT FILED THE SUIT HERE JULY 5, SAYING RUBY'S RELATIVES WANT THE PISTOL TO BE PLACED IN THE NATIONAL ARCHIVES. RUBY DIED EARLY THIS YEAR OF CANCER.

U.S. DIST. JUDGE W. M. TAYLOR JR. NOTED THAT MAYER HAD BEEN APPOINTED EXECUTOR OF THE ESTATE BY A COUNTY PROBATE COURT AND THAT HIS POSSESSION OF RUBY'S ESTATE IS EQUIVALENT TO THE COURT'S POSSESSION OF IT.

"THIS COURT WILL NOT DISTURB THE PROBATE COURT'S POSSESSION OF THE ESTATE," TAYLOR SAID IN HIS DISMISSAL ORDER.

GC1041ACD OCT 11