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I don't remember how much she paid me, and the next week they paid me \$3.50 and the next week they paid me \$6.50, and the next week they paid me \$4. and the next week they paid me \$4. One week, I don't remember which one, Mrs. Selig gave me \$5, but it wasn't for my work, and they didn't tell me what it was for, she just said "Here is \$5. Winola."

The Court permitted this part of the affidavit to be read to the jury over the objections above stated, and in doing so erred for the reasons stated.

This was prejudicial to the defendant, inasmuch as it permitted the affidavit of the witness Winola McKnight to be read to the jury to transactions between herself and the Seligs, with which Frank had no connection, but which the Solicitor General insisted showed that Frank's relatives were seeking to influence this darkey by paying her money in addition to that which she earned. The Seligs and Winola McKnight had been asked on cross examination if these statements in this affidavit were true, and had denied that these statements were true.

69. (ppp) Because the Court erred in permitting Mr. Hooper, for the State, to argue to the jury that the failure of the defense to cross examine the female witnesses who, in behalf of the State, had testified to the bad character of Frank for lasciviousness, was strong evidence of the fact that, if the defendant had cross examined them, they would have testified to individual incidents of immorality on the part of Frank, that the defendant's knowledge that they would bring out such incidents was the reason for not cross examining the witnesses; and that the jury could, therefore, reasonably know that Frank had been guilty of specific incidents of immorality other than those brought out in the record.

The defendant strenuously objected to this line of argument on the part of Mr. Hooper and urged the Court to state to the jury that the failure to cross examine any of said witnesses justified no inference on the part of the jury that the cross examination, if had, would have brought out anything hurtful to the general character of Frank.

This the Court declined to do and permitted the argument; and,