

written, and that a new trial should be granted because the argument was illegal, unwarranted, not sustained by the evidence, and tended to inflame and unduly prejudice the jury's mind. Neither the letter from Pickett nor the telegram was read further than is shown in the foregoing statement.

93. The movant says that a new trial should be granted because of the following grounds:

The Solicitor General having, in his concluding argument, made the various statements of fact about the Durant case, as shown in the preceding ground of this motion, the judge erred in failing to charge the jury as follows, to-wit:

The jury was instructed that the facts in other cases read or stated in your hearing are to have no influence upon you in making your verdict. You are to try this case upon its own facts and upon the opinion you entertain of the evidence here introduced

94. Movant says that a new trial should be granted because of the following ground:

The Solicitor General having, in his concluding argument, made the various statements of fact about the Durant case, as shown in the preceding ground of this motion, the judge erred in failing to charge the jury as follows: to-wit: The Jury are instructed that the facts in other cases read or stated in your hearing are to have no influence upon you in making your verdict, You are to try this case upon its own facts and upon the opinion you entertain of the evidence here introduced.

95. (ssss) Because the Court should have given in charge the instructions set forth in the preceding ground, because of the following argument made by the Solicitor General, in his concluding argument to the jury, said argument being a discussion of the facts of other cases, and requiring such charge as was requested, the remarks, of the Solicitor General in conclusion, being as follows:

" Oscar Wilde an Irish knight, a literary man, brilliant, the author of works that will go down the ages,--Lady Windemere's (?) Fan, De Profundis, which he wrote while confined in jail; a man who had the efforntery and the boldness, when the Marquis of Queensberry saw that there was something wrong between this intellectual giant and his son, sought to break up their companionship;