

the solicitor general from making the erroneous statements of fact objected to by the defendant's counsel which the evidence did not authorize, and in permitting him to proceed, and in not rebuking the Solicitor General, and in not stating to the jury that there was no such evidence as the Solicitor General had stated, in the case, and defendant says that for this improper argument, and for this failure of the Court, there should be granted a new trial.

97. Movant further says that a new trial should be granted because of the following:

In his concluding argument Solicitor General Dorsey, referring to the defendant's wife, and referring to the claim made by the Solicitor General that the defendant's wife had not visited him for a certain time after he was first imprisoned, told the jury:

" Do you tell me that there lives a true wife, conscious of her husband' innocence, that wouldn't have gone through snapshotters, reporters and everything else, to have seen him"---

Whereupon the following colloquy ensued.

"Mr. Arnold. I must object to as unfair and outrageous an argument as that that his wife didn't go there through any consciousness of guilt on his part, I have sat here and heard the unfairest argument I have ever heard, and I can't object to it, but I do object to his making any allusion to the failure of the wife to go and see him; it's unfair, it isn't the way to treat a man on trial for his life".

"The Court: Is there any evidence to that effect?"

"Mr. Dorsey: Here is the statement I have read."

"Mr. Arnold: I object to his drawing any conclusions from his wife going or not going, one way or the other,- it's an outrage upon law and decency and fairness."

" The Court, Whatever was in the evidence or the statement I must allow it."

Mr. Dorsey, (resuming): "Let the galled jade wince"

"Mr. Arnold: I object to that, I'm not a 'galled jade', and I've got a right to object. I'm not galled at all, and that statement is entirely uncalled for."

"The Court: He has got the right to interrupt you".