

" Mr. Dorsey: You've had your speech".

" Mr. Rosser: And we never had any such dirty speech as that either".

" Mr. Dorsey: I object to his remark, Your Honor, I have a right to argue this case."

" Mr. Rosser: I said that remark he made about Mr. Arnold, and Your Honor said it was correct: I'm not criticising his speech I don't care about that."

Mr. Dorsey (resuming): "Frank said that his wife never went back there because she was afraid that the snapshotters would get her picture, -because she didn't want to go through the line of snapshotters. I tell you, gentlemen of the jury, that there never lived a woman, conscious of the rectitude and innocence of her husband, who wouldn't have gone to him through snapshotters, reporters and advice of any Tabbi under the sun. And you know it."

Movant says that the Court erred in not taking positive action, under the circumstances aforesaid, and in not restraining the Solicitor General from making his unfounded and unjust inferences from the alleged failure of the defendant's wife to visit him, which was not authorized by the evidence in the case, and erred in allowing the Solicitor General to argue upon this subject at all, and erred in not admonishing the jury that such argument could not be considered and should have no weight with the jury and the Court erred in not rebuking the Solicitor General for making the reply which he made to the interruption, to the effect "Let the galled jade wince", and erred in not rebuking the Solicitor General for such unjust comments upon a merited interruption, and because of such failures of the Court, and because of the aforesaid erroneous, unjust and unfounded argument of the Solicitor General, movant says that a new trial should be granted.

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

The Solicitor General, in his concluding argument to the jury, spoke as follows:

"If there be a negro who accuses me of a crime of which I am innocent, I tell you, ¹⁶⁰ and you know it's true.