

the record, you have the right to do that".

Mr. Dorsey (resuming): "This man Frank, with Anglo-Saxon blood in his veins, a graduate of Cornell the superintendent of the pencil factory, so anxious to ferret out this murder that he 'phoned Schiff three times on Monday, April 28th, to employ the Pinkerton Detective Agency, this man of Anglo-Saxon blood and intelligence, refused to meet this ignorant negro, Jim Conley. He refused upon the flimsy pretext that his counsel was out of town but when his counsel returned, when he had the opportunity to know at least something of the accusations that Conley brought against this man, he dared not let him meet him".

Movant says that Court erred in allowing the Solicitor General to comment upon an alleged failure of the defendant to meet the witness Conley and erred, when the defendant's counsel objected and interrupted him, the same not being authorized by the evidence and erred in not stopping the Solicitor General, and erred in not making a decisive and unequivocal ruling that such comment was improper, and should not influence the jury, and further erred in allowing the Solicitor General to comment, as he did in the foregoing statement of facts, upon the interruption; and the Court expressly erred in ruling that the Solicitor General could comment upon the fact that Frank refused to meet Conley; and because of such failure and errors on the Court's part, and because of such improper and prejudicial argument by the Solicitor General, the movant says that a new trial should be granted him.

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

The Solicitor General in his concluding argument, referring to the visit of the defendant to Bloomfield's undertaking establishment, on April 27, made the following remarks to the jury".

"Frank says that he visited the morgue not only once but twice.

If he went down there and visited that morgue, and saw that child and identified her body, and it tore him all to pieces, as he tells you it did, let any honest man, I don't care who he be, on this jury, seek to fathom the mystery of this thing:

tell me why it was, except for the answer I give you, he went down there to view that body again. Rogers says he didn't look