

**16. Cautioning Against Sympathy or Prejudice.** — It will, in general, be proper for the trial court to caution the jury against sympathy for or prejudice against one of the parties.<sup>1</sup> Of course

In *Worthing v. Worthing*, 64 Me. 335, it was held that when evidence is admissible for a special purpose only, the jury should be instructed to limit its use to that purpose, and a general instruction permitting its use for all purposes is erroneous.

In *Weir v. McGee*, 25 Tex. Supp. 20, it was held that where evidence tending to impeach the credibility of the witness, but inadmissible therefor, is offered for another purpose, it should be carefully restricted to such other purpose by another instruction.

In *Missouri Pac. R. Co. v. Johnson*, 72 Tex. 95, it was held that when evidence is admitted for a specific purpose which is not competent under the main issue involved, the court should by instruction confine its consideration to the specific matter to which it is relevant, but that a failure thus to limit the application in the main charge will not constitute cause for reversal when no special charge is asked having that object in view.

In *Lipprant v. Lipprant*, 52 Ind. 276, it was held that a failure to instruct as to the proper purpose for which evi-

*Mississippi.* — *Wood v. State*, 64 Miss. 776.

*Missouri.* — *State v. Talbott*, 73 Mo. 347.

*Nebraska.* — *Smith v. State*, 4 Neb. 278.

*South Carolina.* — *State v. Petsch*, 43 S. Car. 132.

**Instructions Held Proper Under This Head — In General.** — An instruction is not objectionable because it contains the words: "You will allow no false sympathy to sway you from a proper discharge of your duty." *Smith v. State*, 4 Neb. 288. Nor is it objectionable to charge that the jury have no right to permit their feelings of sympathy to interfere with their duty, whatever that may be under the law and the evidence, nor, on the other hand, to allow any considerations of public policy or over-anxiety to enforce the law to influence them in the fair consideration and decision of the case, otherwise than in strict accordance with the evidence in the cause. *State v. Talbott*, 73 Mo. 347. Nor is it objectionable to charge that the jury, in reaching a verdict, must not be controlled by any fear of what the punishment may be.