

JEROME AS A CROSS-EXAMINER

In the few years that Jerome has held his office he has prosecuted more cases that have attracted international attention, than any other one district attorney. Among those who have been prosecuted by him may be named: Nan Patterson, Albert T. Patrick, Josephine Terranova, Harry K. Thaw, and others.



WILLIAM TRAVERS JEROME has charge of the largest criminal law practice in the world. As district attorney of New York city, he handles about 13,000 cases a year.

Since becoming district attorney, he has conducted many exceedingly spectacular cases, and by his vigorous prosecution of them, he has won for himself a more than national name.

But there is none of the numerous cases which he has prosecuted that has brought him so prominently into the public eye as the Thaw trial.

In his cross-examination of Evelyn Nesbit Thaw, the principal witness for the defense, Jerome made one of the hardest fights of his life; and it is said that he failed in the crisis. He played his last great card without gaining the vital trick that he sought.

Could Not Shake Evelyn.

For nearly five days the district attorney subjected the beautiful wife of the defendant to what was probably the most rigorous and searching cross-examination ever heard in a New York court, and he failed to budge her a hair's breadth from her original story or to paint the girl a shade blacker than she had already painted herself.

When Mr. Jerome told Evelyn Nesbit Thaw that he was done with her, and that she could step down from the witness stand, she realized that she had fought a great battle, and that she had won it over the most adroit inquisitor of the New York bar.

Whether her story is true or untrue remains as much a mystery as it was in the first place, for Jerome did everything that a lawyer could do to shake it, and he failed.

And yet there was a famous cross-examination some years ago, conducted by the Hon. Joseph H. Choate, after which the principal witness stepped down from the stand feeling very confident that not a particle of untruth could be discovered in what she had said. Even the newspapers thought that Mr. Choate had failed in his cross-examination.

Had an Ace in the Hole.

The truth of the matter was that Mr. Choate had kept back the fact that he had in his possession a letter from the plaintiff which she had written to the defendant, Mr. de la Valle, the man whom she accused of breach of promise; and in spite of the consistency of her statements on the witness stand, the letter later showed that all of her consistency was a falsehood.

Is it possible that Mr. Jerome is following Mr. Choate's famous example, and that in spite of his apparent failure in his effort to lead the principal witness for the defense into contradictory statements, he will yet succeed in proving that she has not told the whole truth?

Has Mr. Jerome been playing with the witness, and has he got something "up his sleeve" which he will produce later on to show that Mrs. Thaw's "triumph" is after all a defeat?

A former New York district attorney has called cross-examination a fine art, and has compared it with the arts of sculpture and of painting.

Studied Her Like a Hawk.

Mr. Jerome, during his entire cross-examination of Evelyn Nesbit Thaw, studied her more carefully than she

had ever been studied by any of the numerous artists for whom she had posed as a model.

He watched every changing expression of her face to catch, if possible, the hidden meaning of that change. He was looking into the depths of her eyes in a vain effort to read through them the message which they conveyed from the soul behind them.

"Like the chiseling sculptor," says one well-known lawyer, "the cross-examiner knows that he must carefully bear in mind the features and form of the model's testimony, and carve these to his own ends—especially the features of his own theories applied to the evidence given."

"Cross-examination," says Francis L. Wellman, of the New York bar, in his recent book, "The Art of Cross-Examination," "is generally considered to be the most difficult branch of the multifarious duties of the advocate."

"It requires the greatest ingenuity; a habit of logical thought; clearness of perception in general; infinite patience and self-control; power to read men's minds intuitively; to judge of their characters by their faces; to appreciate their motives; ability to set with force and precision; a masterful knowledge of the subject-matter itself; an extreme caution; and, above all, the instinct to discover the weak point in the witness under examination."

Ben Butler One of Greatest.

In his cross-examination of Evelyn Nesbit Thaw did District Attorney Jerome use all the art and artifices to which he might have resorted? Could Rufus Choate, for instance, or Sir Charles Russell have caught her and inveigled her into a mess of falsehood; or did Jerome do all that was possible to make her testimony appear false?

It has been said of Judah P. Benjamin, who was known as "the eminent lawyer of two continents," that "no witness could look into Benjamin's black, piercing eyes and maintain a lie."

Of Benjamin F. Butler, one of the greatest of cross-examiners, it has been said: "Concealment and equivocation were scarcely possible to a witness under the operation of his methods." Butler was so impolite, so aggressive, and so pugnacious in his treatment of the witness whom he was examining that they were afraid of him; and this helped him to make them tell the truth.

It has been said of Rufus Choate: "He never aroused opposition on the part of the witness by attacking him, but disarmed him by the quiet and courteous manner in which he pursued his examination. He was quite sure, before giving him up, to expose the weak parts of his testimony or the bias, if any, which detracted from the confidence to be given it."

District Attorney Jerome tends more to the method of Benjamin Butler than to that of Rufus Choate. He is not by any means as fierce and as inhuman as was Butler; nor is he as mild and as gentle in his manner as was Choate.

Jerome is at times a rapid-fire cross-examiner. He hurls the questions with

such rapidity that the witness is likely to become confused. He is direct and he does not hesitate to ask any question, no matter how deep it goes.

from his injuries. When he heard the request of Julia he had no difficulty in extracting from her the secret of the name of the man she loved. It was Glaucus, of course.

Here was revenge at hand for the Egyptian. Had not his horoscope told him that the danger of the falling body passed, his life should be prosperous thereafter? With glowing eyes he adjured the daughter of Diomed to

seek the witch of Vesuvius, an old hag who lived in a cavern far up the mountain. Of her she could procure the required philter.

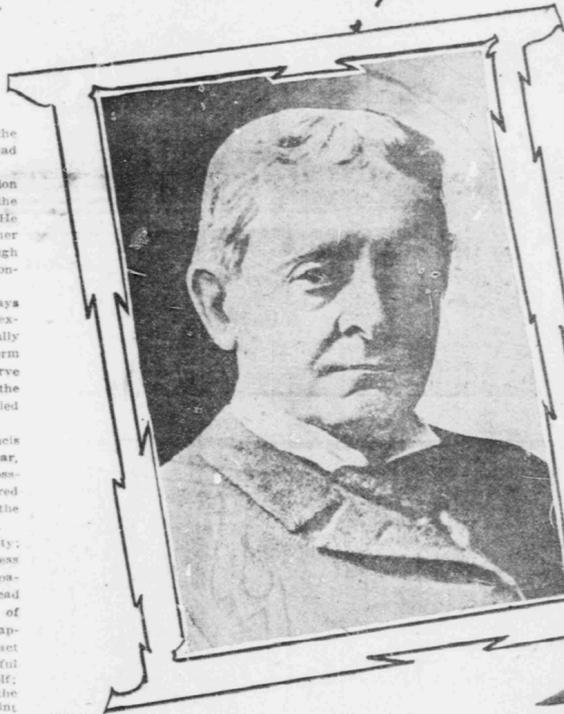
Then, weak as he was, he proceeded to the abode of the witch and confronted the hag in her cave, greeting her in terms so boastful of his own magic power that the witch answered: "There is but one such man in these places, whom men of the world call Arbaces, but, of deeper knowledge by his rightful appellation—Hermes, Lord of the Burning Girdle."

"Look!" returned Arbaces. "I am he!"

Throwing back his robe he revealed a cinerure, apparently of fire, that blazed around his waist.

The witch prostrated herself before the magician. Bidding her rise, Arbaces warned her of the coming visit of Julia and directed that instead of a love philter she give the young woman a potion which would not cause death, but madness.

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JOSEPH H. CHOATE.



WILLIAM TRAVERS JEROME.

Boiled Down Classics

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had cast his horoscope and had wrenched from the stars this secret: That he was soon to be placed in great danger, which was to come from something falling upon him from a height, but that, if the danger were survived, all else in his life would be according to his ambitions and desires.

He was yet poring over this horoscope when Ione was announced by the slaves. Arbaces displayed to his guest the wonders of his palace—solemn and gloomy halls lined with grim sphinxes; lighter apartments gleaming in gold and silver and precious stones and hung with the richest products of the Tyrian looms; a banquet for her arose through the floor at the stamp of his foot, and finally he conducted her to the gardens and from there to a little temple erected in one corner, where he by his art, which in those days passed for magic, but which in these is the common possession of every one, he showed her a series of dissolving views thrown in a recess of the temple which, he said, represented her fate.

"This is indeed thy fate," whispered the Egyptian. "Thou art destined to be the bride of Arbaces."

The curtain closed over the phantasmagoria and Arbaces himself, the real living Arbaces, was kneeling at her feet, pleading his love. Collecting herself Ione bade him rise, telling him that she could never be his, that she loved another.

"By the Gods! By hell!" shouted Arbaces, rising to his fullest height. "dare not tell me that! Thou shalt go to thy tomb rather than to the arms of Glaucus. What! Thinkest thou Arbaces will brook a rival such as that puny Greek? Pretty fool—no! Thou art mine—all—only mine! And thus—thus I seize and claim thee!"

He caught Ione in his arms, and in that ferocious grasp was the energy of love than of revenge. But to Ione despair gave supernatural strength. Tearing herself from his embrace, she rushed toward the entrance of the temple and, with a shriek, fell senseless at the foot of a column supporting a bust of Isis.

Arbaces darted upon his prey, but at the moment the curtain over the door was torn aside and the Egyptian found himself in the grasp of the furious Glaucus, while Apaecides stood by with drawn dagger, ready to plunge

it into the priest's breast should he be victorious in the struggle.

Arbaces was scarcely over forty, and his muscles were like steel. But Glaucus fought with desperation, and the two men swayed about the temple, finally parting and gasping for breath at the foot of the column, where the struggle had begun.

"Oh, ancient goddess," cried Arbaces, clasping the marble, "protect thine own!"

At once the marble features of the goddess began to glow with a strange light, the eyes became like fire and turned threatening glances upon Glaucus, who, terrified by the portent, stood aghast.

Arbaces threw himself on the Greek with the ferocity of a tiger, and, taken off his guard, the lover of Ione was thrown to the pavement.

Apaecides too well knew the trickery of the priests of Isis to be deceived by the phenomenon of the glowing marble, and raised his dagger to strike. With a quick sweep of his arm the Egyptian wrenched the weapon from the grasp of the frail lad and raised it himself, with an exultant shout over the prostrate Glaucus.

In that terrible moment the floor shook under them with a rapid and convulsive throes; the altar rocked; the tripod reeled; far and wide along the heaving soil ran a hoarse, trembling sound. A mightier spirit than that

of the Egyptian was abroad—the spirit of the earthquake.

From its reeling column toppled the bust of the goddess, striking Arbaces full between the shoulders and stretching him senseless upon the floor. Bearing in their arms the still unconscious Ione, Glaucus and Apaecides fled from the unhallowed spot.

A few days after the adventure of the temple, Julia, the rich daughter of the wealthy Diomed, met the blind girl in the street and asked her to come to Diomed's house. Nydia obeyed the request—or command—and Julia confided to her that she was in love with a young man who did not return her affections. Did not she, Nydia, a Thessalian from the land of sorcery, know of some love philter which, given to a man in his wine, would cause him to love the giver? It was not Glaucus she loved, declared Julia in response to an inquiry by the blind girl.

"Poor Nydia! She knew of no love philter, but, with a shudder, suggested the reputed skill in sorcery of the dread Arbaces.

"I will see him this day!" cried Julia. "Unhappy Nydia! If there was such a thing as a love philter and she could get possession of it and administer it to the one she loved, perhaps Glaucus would—she hardly dared frame the thought.

True to her resolve, Julia sought the Egyptian. He had not been killed by the falling bust, but was still weak