

MARIA BARBERI IN
TERROR AND TEARS.

Dreaded Cross-Examination by
Mr. McIntyre Is
Now Over.

He Was Stern and Thorough, but, at the
Same Time, Patient and Merciful to
the Weeping Girl.

She Failed to Remember Many Things Testified To at
the Former Trial and Said It Was
All Like a Dream.

By Julian Hawthorne.

THERE was a triangular duel yesterday between three tolerably distinct persons—Maria Barberi, Mr. McIntyre the attorney for the prosecution, and Mr. McIntyre the man. Occasionally, perhaps, the attorney might have complained to the man, as did Mercurio to Romeo, "I was hurt under your arm," but upon the whole I do not think the attorney was much interfered with. As one of the officers of the court remarked, "he was used to it," and again, the determination to do his duty was possibly rendered more effective by the natural disinclination to molest a man whose miserable creature, especially if she be a woman. The conflict in her mind or nature, if such there were, doubtless armed her against herself, and resisted Maria's helplessness the more successfully because of the temptation to yield to it. A less impressionable man would have been less dangerous to the prisoner than Mr. McIntyre. Moreover, of course, he believed (as he observed to me after the session was over) that she was lying.

Maria was fresher and in better voice on the opening of court than on Wednesday. So long as Mr. McIntyre cross-examined her upon her direct examination of the day but one before, she answered freely and audibly. But as soon as he began to base his questions upon the testimony at the previous trial, a year ago, Maria opposed a consistent "I don't remember" to every interrogation. She may, or may not, have understood that the design was to attack her credibility. My own impression at the time, and my conclusion on reviewing the day, is that the woman was "rattled." She seemed to me like a child who is severely scolded and fears a whipping, and who also fears to be inadvertently betrayed into doing something which may additionally increase her castigator. Her mental faculties were confused and numbed; it became impossible for her to fix her attention on what was going forward; the very knowledge that it was of vital importance to her to keep her wits about her sent them wool-gathering. Every one has experienced in some degree the condition of nerves which I am describing. The boy who is undergoing examination for college is prevented from making the true answers because he knows that if he does not he will be rejected. Or we may liken Maria to a rustic person suddenly set down in the midst of a crowded city street, with drays, cabs and cars chugging, rattling and booming at her in all directions. She knows she will be killed unless she runs to the sidewalk, and therefore she is unable to stir.

Maria gazed at the face of Mr. McIntyre, turned steadfastly and penetratingly upon her, and heard the sound of his voice, reading from the book and then questioning her; and in looking, and listening, and comprehending the words, her terrified mind had no faculty left to comprehend the words' purport. Besides, to say the truth, it required the strict and unlagging attention of a trained intelligence to follow Mr. McIntyre's examination. It was not easy to determine when he was reading a question out of the record and when he was asking one himself, and finally, the examinations a year ago were conducted in Italian, whereas this Italian evidence was now being put to Maria in English. It is not surprising, therefore, that she should fail to recognize her own answers under such a transformation. Of course, on the other hand, it should be remembered that the safest course for Maria to take in the circumstances was precisely that which she actually pursued. Nothing in the plea of defence against Mr. McIntyre's attack could have involved her less than to plead deficient memory. Yet one would hesitate to condemn her merely because her defence was an expedient one. It is for the jury to reconcile or interpret the discrepancies, whatever they may be, between what she said a year ago and what she says now.

The scene was picturesque enough. Mr. McIntyre began by addressing the prisoner as "Miss Barberi," but a sense of humor, perhaps, caused him to abandon this formal title toward the wretched little creature after the first few minutes. Maria seemed very anxious to conciliate him—to do nothing to irritate him, while it was absurdly obvious that nothing she could have done would be more irritating than the baffling and impenetrable stupidity, or numbness, or unresponsiveness with which she met his questions. It is highly to the gentleman's credit that he never once allowed any irritation to appear in his words, tone or manner in addressing her. He might occasionally reply sharply to the interrogations or objections of the opposing counsel. There was between him and them something of the not discourteous laughfulness which is of etiquette between duellists and their seconds on the field of honor; but with Maria herself he was always gentle, though uniformly strict and determined. It was more than once necessary for him to say some terrible things to her; he said them unflinchingly, yet always with consideration. He was able to discharge his whole duty toward the State without once falling in the duty which every man owes to every woman.

But here was a fight for a life. Questions would come, answers would be called for, which might involve the issue of life or death. People bent forward to listen and to look; there were moments of suspense, followed by a stir of sensation. At such times as Maria got her head, if the phrase may be used, she commonly said something which benefited her case. Sometimes a question would be asked her which it seemed impossible for her to answer without discrediting herself; and yet her answer, by its very simplicity or unexpectedness, would give her an advantage in the struggle. Her description—or non-description—of her states of mind in certain crises was often very natural and convincing. I could not believe that a person playing a part, or following the directions of others, could say such things in such a way. Upon the whole, she succeeded marvellously well in giving the impression of having been, at certain vital moments of her career, blinded and bewildered by her emotions, so that she actual events as if they were the phantoms of a dream; she recalled that has effect upon those in whom emotion is more powerful than intellect. She conveyed, in her own infantile or imbecile way, how it is possible to act without being in the least conscious of what one is doing. The dark cloud, or the blinding flashes, obscure or paralyze the brain, and while that darkness or shock lasts, all is a blank in the memory.

Most remarkable of her statements was that to the effect that she felt no remorse for having yielded to her lover. Her only distress has been that she was thereby disgraced before her family and friends, unless or until he should marry her. She had never hated him for the wrong he did her, or been angry with him; even when he went to her, she was not angry; she "loved him every minute," and never, until the last did she cease to believe that he would sooner or later marry her. But, she "never felt any remorse"; that was a remarkable and unexpected statement. How many educated and refined women, in like circumstances, would have confessed as much? And yet, is it not true? As long as a woman loves, and believes either that her lover will do her justice or that her lapse will never be known, she feels no remorse. Such is the verdict of the profoundest judges of the human heart. Maria could have known nothing about the opinion of Shakespeare or Bacon; but she knew what she has felt, and was also able to distinguish between her relatives. And it seems to me that if she had been asked to make a good impression on the jury at any sacrifice of truth, she would have posed as one overwhelmed with pangs of conscience for that surrender of her honor. That would be the conventional thing to do—the most likely way to win sympathy and carry favor. But in nothing that she said to-day was she more emphatic than in this: She was not sorry, she was only ashamed.

"But if you were not sorry, Maria," says Mr. McIntyre, availing himself of his apparent advantage, "why did you wish to drown yourself, as you say you did?"

"Because," she replies, "he says, 'I will not marry you'; and I would be ashamed before my country people." It was a good answer.

No Remorse.
but Woman's Fear of Shame.

As this stage of the inquiry was reached, and the critical nature of the situation was realized by the audience, there was a general bending forward and a gathering round Maria of those who were within the railing. The daylight had faded, and of a sudden the electric light was turned on. Mr. McIntyre had left his position at the table and now stood close by the little, shivering black figure in the chair. The Judge leaned toward her. The court interpreter, an Italian of marked and striking features and emphatic manner, leaned on Maria's chair and repeated some of the more important questions to her in her own tongue. The expert physicians contemplated her attentively and jotted down something in their notebooks. Her counsel watched her hawks from their table. Maria panted; she was of a dingy pallor; her eyes were red, and moisture continually welled from them, which she wiped away with her little rag of a handkerchief. Sometimes she leaned sideways, covering her eyes with her hand. Once or twice it seemed she would collapse, but she did not. Once or twice she spoke with a certain emphasis and vivacity, and then again her voice died to a whisper. Helpless and forlorn, and panic-stricken and flabby beyond description she appeared. For six hours she had undergone the agonies and unrelenting attack of one of the keenest and strongest brains at the American bar. How could she not be crushed and annihilated?

But when Mr. McIntyre had put the final question of his masterly cross-examination, I looked at the jury and also consulted my own impression, and I left the court doubting whether Maria was a real conviction as she was this morning. In some way or another she had defended herself. She had made me, at least, feel that she ought not to be held accountable for Cataldo's death.



MARIA BARBERI WHILE UNDERGOING CROSS-EXAMINATION BY MR. M'INTYRE.

MARIA'S MUTE APPEALS.

While Under McIntyre's Cross-Examination She Looks to Mrs. Foster for Help and Sympathy.

Maria Barberi is over the worst part of her trial. District-Attorney McIntyre concluded his cross-examination of Cataldo's slayer yesterday, and never was a painful piece of work gone through with more mercy. Of course Mr. McIntyre could have torn her story to tatters. Her testimony at the first trial is entirely incompatible with her present defence. Then her plea was practically that she cut Cataldo's throat because he had betrayed her, insulted her, scolded at her until she was maddened and flew at him with the insanity of goaded rage and disappointment. Now her plea is that she never intended to harm him, but that her mind gave way as she came to see him to kill him good-by before she killed herself, and that she knew nothing of what happened until she recovered from a faint, found her hand blood-covered and her mouth full of foam, and heard that she had killed him.

Mr. McIntyre persistently and patiently called her attention to her previous testimony, but he accepted her "I can't remember," without a word of sarcasm or a hint of impatience. It was refreshing to hear a reluctant, denying witness treated decently and humanely by the opposing lawyer.

Maria Barberi was afraid of McIntyre. She humbled herself before him the day before and begged him not to be hard on her. She told him she had prayed for him. There could not have been anything more dumbly pathetic than her heavy, stupid, red-eyed face after she said: "I was awfully sick when I was examined before; I can't remember anything that came into my mind; not for the sake of lying, but because I was wild to get out of this chair."

Before she took the stand yesterday she begged Mrs. Foster, the Tomb's Angel, to get up to the witness stand with her. Mrs. Foster explained that she could not, but told her to be brave and to signal her when she actually needed her support. And every time Mr. McIntyre, thorough, though merciful, crossed her with the testimony she had given at the previous trial, the tired, tear-filled eyes rolled in agonized appeal to the woman who has stood by her so well. Poor Mrs. Foster did not dare heed the signals of distress for fear of the Court's rebuke, and the girl on the stand doubtless felt herself abandoned.

Her Frigidity During the Recess.

It was only the District Attorney's tact that prevented a breakdown then, but it came after she had left the stand at noon and had gone to her cell in the Tombs. There she threw herself on her bed in hysterical agony, rolled and cried that she was afraid of Mr. McIntyre; that he was angry with her and that she didn't dare face him again.

It was a marvel that she recovered as soon as she did for she was back on her feet in the afternoon, and though the tears sometimes overflowed and her voice trembled, she stood the latter half of the trial better than the first.

But wasn't she glad when it was over and she could sit in the corner again and hold Mrs. Foster's soft hand and sob herself into composure?

Mr. McIntyre's examination was devoted to bringing out these facts: That she never resented Cataldo's having fondled her, but recalled with him; that she quarrelled with him, and finally that she killed him, not in an epileptic frenzy, but in a rage for the insult he offered her. To do this she had to face her with her old testimony, much of which is not of a sort that can be published. There were in the courtroom a large number of women, among them several girls in their teens. Not a woman or a girl left the courtroom while the foul details of the case were being reviewed. Her eyes averted her eyes or blushed; on the contrary, they leaned forward and listened eagerly, lest some word of the villainess should escape them. They were well dressed, and the young ones were fresh faced, modest looking girls. Why these latter are permitted to attend this trial their parents only know.

When it was all over and the court officers got them out, they left reluctantly,

back-starting at the careful, hunched-up figure in the corner, and the youngest of the lot cried out to one a very little older, in a lot of keen disappointment: "She didn't even faint once!"

Mr. McIntyre began by asking Maria about her knowledge of English, whether she was quite sure she understood it well enough to have the examination in that tongue.

He told her he would prefer that the examination should be held through an interpreter, so that she might understand every word, but she bravely said she wanted in English, and he proceeded.

He went ahead slowly, giving her every chance. Only once did he become impatient; that was when her attorneys put in an objection.

"I only want the truth," said the Assistant-District-Attorney, "and I want to be sure that you understand what I am asking you. I am not a lawyer, but I am a man. When the story is all told, if the alienists who have been summoned to assist the people say she was not responsible for her acts I'll abandon the case and myself ask for her acquittal."

Beginning the Cross-Examination.

"During the eighteen months before Cataldo died you had seen a great deal of him, had you not?" asked Mr. McIntyre.

"Yes, sir."

"Did anybody introduce you to Cataldo?" "No; I am much better at this trial."

"Did anybody bring you to Cataldo and make you know each other?" "He speak to me and I speak to him, but I never saw him together. He was a good man, and I told him to go home and ask my mamma."

"Did he ever ask her?" "But you kept right on going with him?"

"Yes."

"She said the saloon where Cataldo had taken her was at the corner of Christie and Canal streets."

"Do you remember what you said about that at your last trial?"

"No, sir."

She couldn't tell at first whether the entrance was on Christie street, but finally she said she remembered the place.

"You drank the same stuff he was drinking?" "Yes, sir."

"And then, you say, you felt dizzy?" "Yes, sir."

"Did you fall down after drinking?" "No, sir."

"Did you say you did fall down on your last trial?" "I don't remember."

"Do you remember telling me at the last trial that you had gone with him to a saloon on Baxter street?"

"Oh, yes. He say he had some friends there. I don't want to go."

"Didn't you tell me that afterward he would take you into a house kept by an Italian woman?"

"Poor Maria looked to Mrs. Foster for help. None could come. She choked back the tears and answered:

"No, sir. I don't remember. We don't drink anything in the place on Baxter street."

"Didn't you tell me you were afraid to go in, because you thought he had an under-bag?" "I was afraid, but I don't think anything."

"Do you remember telling me at the last trial that you thought something was wrong?" "Again the signal of distress went unanswered."

"I don't know," she said at last, vaguely.

McIntyre again asked that the cross-examination be in Italian, but House objected. The direct examination was in English, and he insisted that the cross-examination should be in the same language.

"He kept saying week after week, month after month, that he wanted to marry me," said Maria, after a bit.

"Do you remember those are the same words you used on Wednesday?" "I try to remember what I say, was the simple answer."

McIntyre then asked her if she had been coached, but she steadfastly denied that she had gone over her testimony with anybody.

Denies That Money Influenced Her.

"Did you tell me on the last trial Cataldo had \$800 in two savings banks?" "He had two books. I don't know what I told."

"Do you remember telling me he forced you to be bad?" "I don't remember. I don't care to say yes or no, because I don't remember," she said, miserably.

"Did you tell me he said he would give you half of his money?" "No, before we go to live together he

don't spoke about money and I don't spoke about money."

"Why didn't you ask him to marry you before you went with him to Thirteenth street?" "Yes, I did ask him."

"Why didn't you make him marry you before you went there?" "Because he says I will marry you without saying anything about you to your people, and I believe him."

"Did he buy you anything?" "He don't bought nothing for me; I don't want nothing; I don't ask for nothing."

"Why can't you remember your testimony at the last trial?" "I don't know; then I tell what ever come into my head. I don't tell the truth. I don't tell lie, for I I don't know myself what I talking about; I was awfully sick in this chair and I want to get away from it."

"Why didn't you tell us at the other trial what you have told us here?" "This was in relation to some of the unprintable testimony."

"It was ashamed to tell about those things," was the answer.

Judge Gildersleeve asked Maria about her condition when she testified at the former trial, and she said she was too sick at that time to have a clear recollection.

"Is your condition at this trial as bad?" "No; I am much better at this trial."

Lady's House objected to Mr. McIntyre reading from the cross-examination of the last trial, stating that cross-examination is improper when they granted Maria a new trial.

"How can I prohibit the prosecuting attorney from asking this witness what she said on this subject at another trial?" asked the judge.

"If your Honor cannot stop Mr. McIntyre, then what the Appellate Court said was improper, becomes proper now," said Mr. House.

"If I can show that this witness went to a saloon, armed herself with a razor, put it up her sleeve, and went to a saloon where Cataldo was, isn't that evidence of intent and premeditation?" asked the cool Assistant-District-Attorney.

The objection did not stand.

In the afternoon Mr. McIntyre went on questioning the witness about her testimony at the former trial.

She had recovered from her breakdown and testified quite bravely for a while.

"Do you remember," asked Mr. McIntyre, reading from the record, that I asked you "When did you open the razor?" and your answer, "After I went into the saloon, when he was sitting at the table?"

"All Like a Sleep or Dream."

"It is all like a sleep, a dream. I can't remember," was the answer.

"It was all in a moment. I did not dream that it would strike him in the throat," quoted Mr. McIntyre from her previous answer, and then asked, "How did you cut his throat?"

Lawyer House renewed his old objection and invoked the decision of the Appellate Court to support his contention of unfairness. He was again overruled, and Maria answered wearily:

"I do not remember."

"Do you remember in answer to my question, 'Why did you cut his throat?' you replied, 'Because he had said that only the boys marry. I do not remember any more?'"

"I remember like it was a dream only; I do not remember," persisted the worried girl.

"Weren't the facts of the killing of Cataldo fresher in your memory last July than they are now?"

"I do not know."

"Maria, has anybody told you to say to me when questions were asked 'I don't remember?'"

"I don't understand very well." She hesitated, but nobody helped her, and she sobbed, "No, sir; nobody has told me."

"Have you understood everything I have asked you?"

"All but that last one."

"Did Cataldo on the morning of the killing shave himself?"

"Yes, he shaved."

"You knew the razor was in the trunk, did you not, Maria?"

"Do you remember, I have nothing in my mind where the razor was; I don't know nothing about it."

"In what hand did you carry the razor?" "I don't remember."

"Did you have the razor concealed while you were talking to Cataldo?" "I don't remember."

"Do you remember saying on the former trial that it was concealed in your sleeve?" "No, I don't remember."

"Did you cut Cataldo because you fol-

lowed him in an impulse of rage? Did you tell me that?" "I don't remember at all."

"I Love Him So much," She Replied.

"When you first went home after what happened between yourself and Cataldo, did you feel remorseful; did you feel bad?" "No, sir. This answer was quite bold.

"I love him so much and he love me, so I don't be remorse."

"Did you ever have any feeling against Cataldo?"

"I love him all the time so much. I love him every minute; I love him that minute when he say about pigs marry. Only that I remember, no more."

The recollection of her love nerved her immensely.

"Did you love him then?" "Everybody saying black; that is all."

"Weren't you provoked?" "No, sir, only then my head turned round and I don't know nothing else."

"Mr. House saw his client was suffering. He protested, and it was then that McIntyre broke out with:

"I'm only seeking the truth. If after this case is all in the distinguished alienists we have called to assist the people say they think her insane or have even a reasonable doubt of her responsibility when she did this act, I will abandon the case and will myself ask the jury to acquit. But I want the facts."

"Proceed," said Judge Gildersleeve.

"Did you have any feeling against him?" "Never."

"Did he ever ill-treat you?" "Sometimes only he whip me. He don't do anything; just whip me."

"Did you love him then, Maria?" "He sometimes whip me till I cry with pain, but I love him when he strike me, and he loves me so much, too."

"Didn't you feel sorry for the step you had taken when you thought about your mamma?"

"I forget all about my mamma; just sometimes every day I think about it. But I never was sorry because I love him. Only when he says, 'No, I can't marry you, because you've got such a funny face, but then I feel sorry for a little while. But sometimes he said he would marry me, and I felt my family and I could be rejected."

"You said you were going to throw your name in the river the morning of Cataldo's death, wasn't it?" "Because he say, 'No, I can't marry you; you face so funny and I feel ashamed before my mamma, because I love him, and I feel my family and I could be rejected."

"Why did you quarrelling with Cataldo all that morning?" "No, sir."

"Did you hear your mother testify that she heard you quarrelling?" "She don't hear everything; she just hear the voice and think we quarrelling. We don't quarrel."

"What did you say when your mother was pleading with him to marry you?" "Don't cry, my mamma, he is only fooling you; he is going to marry me. And Cataldo say no."

The witness cried again, but soon rallied. "After I don't know nothing," she continued, "I just wake up like from a dream and see my mother. There was blood on my hands and my mouth was like soap. I wiped my mouth on my dress and washed my hands."

"Did you say 'Die, die. He ruined me?'" "I heard the grocer tell that, but I don't remember saying it, because it was all like waking up from a dream."

"Do you remember the policeman who testified you told him you had killed Domenico Cataldo because you were angry?" "I don't remember what I said to the policeman."

"Do you remember telling him that when he told you he would not marry you, you put the razor in his throat and pulled back his head?" "I don't remember anything about it."

"She cried some more, and McIntyre spoke softly to her. He told her he did not have but one or two questions more, and she dried her eyes.

"Is there any explanation you want to make now of any answer you have given me?" was the next question.

"House objected, but he failed to the girl. I have no other purpose in my question," said McIntyre.

"No, sir. I don't remember anything," said Maria.

That was all. She left the stand and cried in the corner while Mrs. Foster comforted her and the other women in the

court room crowded and strained to get a last look at her while the court officers bustled by.

The case will be continued on Monday morning.

BURGLAR, NOT DYSPEPSIA.

Laundryman Goigenberg, When Awakened, Feared He Had Eaten Too Much Thanksgiving Dinner.

A very heavy weight, in the region of the stomach, awakened Israel Goldenberg from a sound sleep early yesterday morning. Without opening his eyes to look around his bedroom, which is at the rear of his laundry, at No. 135 Eldridge street, he murmured:

"There's that dyspepsia again. I know I had eaten too much Thanksgiving turkey."

The next minute he knew it was something far more serious than dyspepsia, for the weight shifted its position. Then Goldenberg opened his eyes, and in the dim light he saw that a man was standing at his door, and was leaning over in the attempt to reach his trousers, which were on the other side of the bed. The laundryman, who had dared to approach him, tried to struggle down upon him, and they were soon struggling as if for life, Goldenberg yelling for help.

The other tenants responded, and had no trouble in getting into the room, for the burglar had saved out a panel of the door, so that he could unlock it from the inside, and he had not closed it when he entered. The burglar was desperate, however, and none of the men dared to approach him, so he put his hand to his hip pocket and declared he would shoot the first man who laid a hand on him. So they allowed him to make his way to the street, and then, yelling for the police, they followed.

He was caught by a man named Bernstein, one of the Wrenner Theatre company, with whom he fought furiously until some of the others jumped on him. He was held until Detective Carroll, of the Eldridge Street Station, took charge of him.

When Goldenberg went back to his room he found that his watch, chain and pocket, and \$18 had been stolen from him. As none of these were found in the prisoner's possession, the police concluded they must have had an accomplice. The prisoner, who said he was Samuel Isaacs, of No. 45 Hester street, was arraigned in the Supreme Court yesterday, and was held for trial.

MURDERED BY A BOY.

Nineteen-Year-Old Street Employe Kills a Sweeper by a Blow with a Heavy Broom.

A quarrel about a trivial matter resulted in murder late yesterday afternoon in Brooklyn. The victim was Luigi Bartholomew, fifty years old, of No. 45 Front street, Morris street, is the name of No. 266 Bond street, nineteen years old, who slew him. Bartholomew was killed by a blow from a broom with which he was working.

Both men were employed by Joseph McGarry, one of the city street cleaning contractors. Yesterday afternoon a gang of McGarry's men were working at St. Mark's and Flatbush avenues. Bartholomew was sweeping and Wren had charge of a wagon which was carrying away the sweepings. Wren ordered Bartholomew to do something which he refused to do, and the sweeper lifted his heavy broom as if to strike Wren. The latter grabbed the broom, and after swinging it in the air brought it down on Bartholomew's head. The latter man fell to the pavement and died in a few minutes. His skull had been fractured.

Wren jumped on his wagon and before an alarm could be raised he was driving rapidly toward his stable, at Butler street, near Fifth avenue. As soon as he had stabilized the horses he disappeared and went to New York.

Last night about 10 o'clock Wren was arrested in Water street by Detectives Kelly and Murphy and taken back to Brooklyn and locked up in the Bergen Street Station.

The police are looking for a friend of Wren's, whom they say was mixed up in the quarrel.

Nothing succeeds in removing coughs and colds like Dr. Bull's Cough Syrup.—Adv.