

# *Trial Testimony of Dr. Seabury W. Bowen*

*Trial Testimony - Thursday, June 8th, 1893, New Bedford, Mass.*



Dr. Bowen

*Edited by Harry Widdows*

2002

*for LizzieAndrewBorden.com*

DR. SEABURY W. BOWEN

DIRECT EXAMINATION.

Page 296

Q. (By Mr. Moody) Your full name, sir?

A. Seabury W. Bowen

Q. You are a physician and surgeon practicing in Fall River?

A. Yes, sir.

Q. How long have you lived in Fall River and practiced your profession.

A. 26 years.

Q. During a large part of that time have you lived at your present residence?

A. Yes, sir

Q. How long at your present residence?

A. 21 years.

Q. And that is, I believe, diagonally opposite, to the northwest, from the Borden house?

A. Yes, sir.

Page 297

Q. Is it a double house?

A. Yes, sir.

Q. And you live on the northerly, or lower side of the house?

A. Northerly side, yes, sir.

Q. During the time that you have lived at that house Mr. Borden and his family lived in the house opposite you?

A. Yes, sir, most of the time.

Q. Substantially so?

A. Yes, sir.

Q. Have you been the family physician for some time?

A. Yes, sir.

Q. For how long, sir?

A. I should say a dozen years probably.

Q. During that time have you had social as well as business, --- professional relations?

A. Yes, sir.

Q. Have you at all visited at the house?

A. Very seldom except on business.

Q. What has been your dealing with them largely, --- professional or social?

A. About equal.

Q. About equal?

A. Yes, sir.

Q. Do you recall the morning of August 4, 1892?

A. Yes, sir.

Q. On the day preceding Aug. 4 did you see Miss Lizzie Borden at any time on the street?

A. I saw her after six o'clock, --- between six and seven o'clock.

Q. Going in which direction?

A. Going north, going down the street.

Q. Going down?

A. Yes, sir.

Q. Did you at any time see her coming up the street?

A. No, sir.

Q. By the street you mean Second street, I presume?

A. Yes, sir.

Page 298

Q. Doctor, you testified at the inquest, did you not, the private hearing?

A. Yes, sir.

Q. That time was very soon after these occurrences that are under inquiry?

A. Yes, sir.

Q. Do you recall whether you said anything at that inquest as to seeing Miss Lizzie Borden coming up the street on Wednesday?

A. No, sir, I did not.

Q. Perhaps I may aid you: Do you remember being asked this question and replying in the manner that I state, "Where did you afterwards see Mr. Borden? Did you see him Thursday? A. I don't remember of seeing him Thursday, I might possibly. I saw him Wednesday walking along between the side street and gate. Lizzie I saw walking up the street and I concluded they were all right, all of them."

A. Down the street it should have been. I made a mistake.

Q. It was a mistake then?

A. Yes, sir.

Q. You start out, I suppose, Doctor, in the morning on your professional calls?

A. Yes, sir.

Q. And did on the morning of Aug. 4th?

A. Yes, sir.

Q. Do you recall what time you returned to your house on the morning of Aug. 4th?

A. No, sir.

Q. Approximately, can you give us the time? If you cannot, I will not ask you to, sir.

A. I can tell within half an hour. That is as near as I can put it.

Q. Not nearer than half an hour?

A. No, sir, not nearer than half or quarter of an hour.

Q. I may assume it was after eleven and before twelve.

Page 299

A. After eleven and before half past eleven.

Q. You had no occasion at the time to note the time of day?

A. No, sir.

Page 300

Q. When you came to your house you had some talk with Mrs. Bowen? I don't ask you for it?

A. Yes, sir. I didn't go into the house.

Q. But she said something to you as you came up to the house?

A. She came to the door. She was looking for me.

Q. In consequence of that where did you go?

A. I went across the street into the house of Mr. Borden.

Q. To which door did you go?

A. Side door.

Q. Did you see anyone there when you arrived?

A. Yes, sir.

Q. Whom did you see?

A. Miss Lizzie Borden and Mrs. Churchill.

Q. Where were they?

A. They were in either --- at the end of the hall, side hall or close to the kitchen door, that is, just at the end of the hall.

Q. The back entry?

A. Back entry.

Q. Or back hall?

A. Yes, sir.

Q. From which leads the door into the kitchen?

A. Kitchen, yes.

Q. Was there anyone else there at that time? I mean any living person?

A. No, sir.

Q. Will you state what occurred, what talk there was between you and the prisoner at that time?

A. I said as soon as I entered the house, "Lizzie, what is the matter?"

Q. Her reply, if you please.

A. Her reply was, "Father has been killed" or "stabbed": stabbed or killed. I wouldn't say which it was.

Q. Does anything else in that conversation occur to you?

A. I asked the question, "Where is your father?"

Q. Very well, sir. Go on.

A. She said, "In the sitting-room."

Page 301

Q. Do you recall anything else said in that connection?

A. No, sir, not then, not directly then.

Q. Let me ask you if anything was said with reference to any of her father's tenants at that time?

A. Not then; afterwards.

Q. What did you do then in consequence of the information that he was in the sitting-room?

A. I directly went into the dining-room and from there into the sitting-room.

Q. Will you describe what you saw as you came into the sitting-room?

A. I saw the form of Mr. Borden lying on the sofa or lounge at the left of the sitting-room door.

Q. Will you give further description, doctor, as far as you can, as to the injuries that appeared upon inspection?

A. Upon an inspection I found that his face was very badly cut with apparently a sharp instrument, and there was blood over his face; his face was covered with blood. I felt of his pulse and satisfied myself at once that he was dead, and I took a glance about the room and saw there was nothing disturbed at all.

Q. Any of the furniture or anything else disturbed about the room at all?

A. Not that I noticed.

Q. Will you describe the position on the sofa?

A. He was lying with his face towards the south on his right side apparently at ease, as any one would if they were lying asleep.

Q. Was the face to be recognized by one who knew him?

A. Hardly, I should say.

Q. (Exhibiting photograph.) You have seen this photograph, doctor, have you?

A. Yes, sir, or one like it.

Q. Will you be kind enough to tell us in what respect Mr. Borden's position differed from that photograph, if it differed at all?

A. I don't think the photograph shows the ease that is natural to a person that is asleep or lying down. I think in this case the form has sunk down a little from what it was when I first saw it.

Q. Otherwise than the sinking down of the form is there any change in the position of the body upon the sofa, as far as you could observe?

A. No, sir, I don't think there is?

Q. And by sinking do you mean the general collapse that occurs?

A. Yes, sir. I think the head is lower here than it was.

MR. MOODY.            Shall I show this to the jury? I haven't put it in yet.

MR. ADAMS. Wouldn't it be a good idea for him to point it out?

MR. MOODY.            I think it would perhaps. Doctor, if you will be so good as to step here and point it out.

THE WITNESS.        The only change I see, the head is a little lower. That is the only change I can see.

Q. Is there any change in the position of the sofa from it's position as you saw it?

A. It shows here so it is out from the door. It was even with the door. It shows here, the way it was taken probably, in that direction.

Q. Now will you state the same thing so the gentlemen on this side of the panel can hear?

A. The sofa shows so it was out from the middle of the door here, and the head of the sofa was even with the door.

Q. (By Mr. Adams.) The door frame?

A. The door frame.

Q. (By Mr. Moody.) And how about the position of the body?

A. The position of the body seems settled a little more than it was when I saw it first.

Q. With reference to the back of the sofa, is the head the same as it was when you saw it or substantially the same?

A. I should think it was substantially the same; yes, sir.

(Photograph marked Ex. 17.)

Q. How did you ascertain that Mr. Borden was dead? You said you did so?

A. I felt of his pulse.

Q. Did you make any other examination at the time except to ascertain the question of life or death by examination of the pulse?

A. No, sir.

Page 304

Q. What did you then do, Doctor?

A. I went into the kitchen. No, before I went into the kitchen, Miss Lizzie Borden followed me part way through the dining-room, as I entered the sitting-room, when I found that he was dead --- as I returned the same way I asked Miss Lizzie questions.

Q. Will you state them?

A. The first question I asked was if she had seen any one.

Q. You may state the reply without waiting for a question.

A. The reply was, "I have not." The second question was, "Where have you been?" The second reply was "In the barn looking for some irons" or "iron."

Q. Was there any other conversation in that connection?

A. She then said that she was afraid her father had had trouble with the tenants, that she had overheard loud conversation several times recently. That was the extent of the conversation in the dining-room.

Q. Then what was done?

A. Then I asked for a sheet to cover up Mr. Borden.

Q. To whom did you address that request?

A. I addressed that to Mrs. Churchill and to Miss Lizzie Borden at the same time. They were both in the same room. And to Miss Russell. There were three there.

Q. What was done in consequence of your request? Describe everything that was done.

A. Bridget Sullivan brought me a sheet.

Q. Do you know whether any one went with her or not?

A. No, sir, I do not.

Page 305

Q. And I understand you, to be sure, that you do not know whether, any one did or not?

A. No, sir. I do not know.

Q. Do you remember anything with reference to the key of Mr. Borden's room?

A. Not at that time; I knew afterwards.

Q. You remember how that got into Mr. Borden's room?

A. They got into Mr. Borden's room --- the key was usually placed, they said, on the end of the mantel of the sitting-room.

Q. Did you notice anything with reference to it, that day?

A. With reference to --- ?

Q. With reference to the key that day?

A. No, sir.

Q. Did you get the key yourself, or did any one get it in your presence to give to those who were going for a sheet?

A. I don't know sir.

Q. You would not say, one way or the other?

A. No, sir.

Q. The sheet, you say, was brought back?

A. Yes, sir.

Q. In the meantime, had you had any conversation with the prisoner?

A. No, sir.

Q. What occurred after the sheet was brought back and was used upon the body?

A. Miss Lizzie Borden asked me if I would telegraph to her sister Emma.

Q. And in consequence of that, did you go to the telegraph office?

A. Yes, sir.

Q. How long had you been at the Borden house at the time you went to the office?

A. I could not say, sir.

Q. Have you stated all the conversation up to that time, Doctor?

A. All that I can think of now.

Q. Let me suggest, if anything up to that time had been said about Mrs. Borden?

A. Not at that time, no, sir.

Page 306

Q. Upon your return from the telegraph station, tell us what was said and done?

A. Up to that time there had been nothing said about Mrs. Borden. Directly after I took the address there was something said.

Q. Before you went to the telegraph office?

A. Before I went, yes, sir.



Q. That is what I intended to get at.

A. Yes, sir.

Q. State what was said before you went to the telegraph office?

A. The question was asked, "Where is Mrs. Borden?" The inquiry was made "Where is Mrs. Borden?" The answer I received was that ---

Q. From whom?

A. Miss Lizzie Borden, I think: I am not certain about that.

Q. Tell us the answer, Doctor and speak so the jurymen can hear you without effort.

A. The answer was that Mrs. Borden had received a note that morning to visit a sick friend, and had gone out.

Q. Was anything else said in that connection by the prisoner in reference to Mrs. Borden going out, or in reference to the note?

A. I don't think of anything, no, sir.

Q. Now have you told us all that occurred up to the time of your return from telegraphing?

A. I wished to notify the officers and as I was going out Officer Allen --- supposed to be, I did know him at that time, ---

Q. You know him now?

A. Yes, sir. I have seen him since to know him. He is a short, thickset man: I know that. I didn't know him at that time. He came in, and I satisfied myself

Page 307

that the officers knew of the affair.

Q. Where did you meet Officer Allen as you went out of the house?

A. In the kitchen: as I was going out, he was in.

Q. So that he had arrived and gone into the kitchen before you started to go to the telegraph office ?

A. Yes, sir.

Q. Now will you give us some estimate, if you can, Doctor, of the time that you were there before you met Officer Allen?

A. I could not say: It would only be guess work.

Q. Would not it be anything better than guess work?

A. No, sir.

Q. I won't ask it, then. Upon your return from sending the message will you tell us what occurred either by way of conversation with the prisoner, or by way of acts that were done in her presence?

A. On my return from the telegraph office I met at about the same place in the entry, or hallway --- kitchen hallway --- at the same point, Mrs. Churchill.

Q. That is, you had left Mrs. Churchill there when you went away?

A. Yes, sir.

Q. And you met her on your return?

A. Yes, sir.

Q. And what was said then?

A. She said, "They have found Mrs. Borden."

Q. What did you do?

A. I asked the question, "Where?" She said, "Upstairs in the front room."

Q. Proceed, sir, with what you did.

A. She said --- shall I repeat the conversation?

Q. Yes.

A. She said I had better go up and see. I went directly through the dining-room and the corner of the sitting-room into the front hall, up the stairs --- front stairs --- and

Page 308

stopped a moment at the door of the front chamber --- guest chamber, front bedroom. At that point I looked over the bed and saw the prostrate form of Mrs. Borden.

Q. Where were you standing, Doctor, when you saw the form of Mrs. Borden?

A. Directly in the door of the room.

Q. What did you say?

A. I went around the back of the bed --- that is, the foot of the bed --- and between the form and the bed, and place my hand on her head. It was a little dark in the room, somewhat dark, not very light. I placed my hand on her head and found there were wounds in the head. Then I placed my --- felt of her pulse -- - that is, felt of the wrist, and found she was dead.

Q. At the time when you first went to her, did you ascertain the cause of her death, or form an opinion as to it?

A. At the first time?

Q. Yes.

A. That was the first time.

Q. Yes, I understand that was the first time. You did so?

A. Certainly.

Q. Did you make any statement to any one that she had died of fright or in a faint?

A. No, sir.

Q. To no one?

A. No, sir. I will say this in explanation: My first thought, when I was standing in the door and saw the form over the bed, --- my first thought was that she had fainted: but in a moment afterwards I convinced myself that she was dead.

Q. What did you do after that, Doctor?

A. I went down stairs directly, and told the people in the kitchen that Mrs. Borden

Page 309

was dead: that she was killed, I thought, by the same instrument.

Q. By the same instrument?

A. I thought by the same instrument, yes, sir, and that I thought it was fortunate for Lizzie that she was out of the way, or else she would have been killed herself.

Q. Have you seen those two photographs? (Referring to Exhibits 15 and 16 for identification.)

A. No, sir, I don't think I have seen these.

Q. Will you examine them and state in what respect, if any, the position of Mrs. Borden differed from that shown in the photograph?

A. This one differs (Ex. 15), this one differs by being nearer the bed. Mrs. Borden is lying nearer the bed in this picture than the dressing case, which is not a fact.

Q. Is there any other difference between your observation and the photograph?

A. I think not. I do not see any.

Q. Will you look at the photograph marked Ex. 16, where the bed is drawn away, and tell us in what respect the position of Mrs. Borden differs in that photograph, if it differs at all?

A. I think her arms were a little lower down than are represented here, --- slightly lower, below the breast.

Q. About how much lower?

A. Six inches, I should say.

Q. They were lower at the time, or lower in the photograph?

A. Lower at the time.

Q. In other respects is her position upon the floor the same as it was when you first found her?

A. As far as I can see, yes, sir.

Page 310

MR. ADAMS . We are not satisfied as to that. (Handing over exhibit.)

MR. ROBINSON. As to the positions, we are not satisfied to that.

MR. MOODY. Very well, we will prove it later. We should assent to his difference of observation and take his view.

MR. ROBINSON. That will be offered at the proper time

MR. MOODY. Very well.

Q. Doctor, did you at any time in the course of the morning notice anything with reference to the dress that Miss Borden had on?

A. Yes, sir.

Q. Will you describe it as well as you can?

A. The only time I noticed anything was when she changed it after she went up to her room. I noticed she had on a different dress when she went to her room.

Q. What did you notice in reference to that dress?

A. I noticed the color of it.

Q. What was it?

A. A pink wrapper, morning dress.

Q. Did you notice anything with reference to the dress that she had on prior to that time?

A. No, sir.

Q. Did you testify on this subject at the inquest?

A. I presume I was asked questions on it.

Q. At that time was your memory as good as it is now or better?

A. Well, about the same, I should judge.

Q. Do you recall making this reply to the question that I am about to read?

"Q. Do you recall how Lizzie was dressed that morning? A. It is pretty hard work for me. Probably if I could see a dress something like it I could guess, but  
Page 311

I could not describe it; it was a sort of drab, not much color to it to attract my attention, --- a sort of morning calico dress, I should judge.

A. Yes, sir.

Q. What do you say as to the color?

A. That is very indefinite there.

Q. What do you say as to the drab?

A. I should say the color is very indefinite.

Q. I did not ask you to criticize your answer, sir?

A. I made the best answer at the time that I could.

Q. Do you assent at the present time to that statement of the color of the dress?

A. With the modification I make now.

Q. What modification do you desire to make?

A. I don't remember distinctly anything about the color.

Q. Do you desire to say that the dress appeared to you to be a drab dress or not?

A. I merely mean to say that the dress is a common ---

Q. Answer my question.

A. Wait ---

Q. No, answer my question and this is the question: Did it appear to you to be a drab colored dress?

A. It was an ordinary, unattractive, common dress that I did not notice specially.

Q. Will you answer my question?

MASON, C.J. Answer the question if you can; if you cannot, say so.

A. I don't think I can answer it better than I did. I don't know.

Q. I would like to try it once more, Doctor. Did it appear to you to be a drab dress?

A. I did not pretend to describe a woman's dress and I do not intend to now.

Page 312

Q. Did you intend to describe a woman's dress when you testified a few days after this at the inquest?

A. No, sir, I did not. I told my impression of the dress.

Q. Did you in point of fact say that it was sort of drab, or "not much color to it to attract my attention, -- sort of morning calico dress, I should judge." Did you say that?

A. I should judge I did.

Q. Do you desire to modify that at all?

A. Merely by saying that the drab, --- there are very many shades of drab to a woman's dress, I should judge.

Q. Would a faded light blue dress appear to be drab to you?

Page 313

Q. (Exhibiting blue dress.) Does that appear to you, doctor, to be a sort of drab, or not much color to it, sort of morning calico dress?

MR. ADAMS. Wait a minute. doctor. We object.

MASON, C.J. Excluded.

Q. Is that the dress that she had on that morning?

A. I don't know, sir.

Q. Does it appear to be to you the dress that you described at the inquest?

MR. ADAMS. One moment. I object to that.

MR. MOODY. I will waive the question.

Q. Give us your best judgment as to whether that is the dress she had on or not?

A. I have told you once.

Q. And what is it?

A. That I didn't know.

Q. Have you any judgment on the question?

A. I have answered your question.

Q. I understood you to say that you didn't know. I ask you if you have any judgment upon whether that is the dress she had on or not that morning?

MR. ROBINSON. I suppose, your Honors, this the government's own witness. We desire to concede all reasonable latitude, and perhaps a little more than that. I submit the limit is passed already, and I object to the line of examination.

MR. MOODY. I will withdraw that particular question and ask another one.

Page 314

Q. What color do you call that dress, doctor?

MR. ROBINSON. One moment. I object to that.

(Question admitted.)

THE WITNESS. Your question again.

Q. What color do you call that dress?

A. I should call it dark blue.

Page 315

#### CROSS-EXAMINATION.

Q. (By Mr. Adams.) Doctor, when you first came to the house in what way did you come, by walking or driving?

A. I came driving, from the south. from Tiverton.

Q. You drove there in your carriage?

A. Yes, sir.

Q. Did you have a boy who drove with you?

A. Yes, sir.

Q. And where was he left when you went into the house?

A. In my carriage.

Q. Out by the gate or in the street?

A. In the street; yes, sir; On my side of the street.

Q. Now after you had seen Miss Lizzie and Mrs. Churchill and taken a view of Mr. Borden and the sheet had been brought, you say you received some request from Miss Lizzie to send a telegram?

A. Yes, sir.

Q. And you went to the telegraph office?

A. Yes, sir.

Q. How did you go to the telegraph office?

A. In my carriage.

Q. You drove quickly?

A. Yes, sir.

Q. You have a good horse, I suppose, in common with other physicians?

A. Possibly.

Q. Well, I won't press that. You drove quickly to the telegraph office?

A. Yes, sir.

Q. And sent this telegram?

A. Yes, sir.

Q. To Miss Emma. Then you came back to the house again, did you not?

A. I went to Mr. Baker's drug store first.

Q. That was on the way back?

A. Yes, sir; on the other side of the street.

Page 316

Q. And when you came back you went into the house again?

A. Yes, sir.

Q. Now when you started to go with this telegram, you have said you made some request or inquiry about the officers, and that you then discovered an officer named Allen, or an officer whom you now know by the name of Allen was there?

A. Yes, sir.

Q. Was there any other officer there so far as you know at that time?

A. No, sir, not as far as I know.

Q. Don't you know that there was no other officer there then?

A. I didn't see any other.

Q. And you went out by way of the kitchen and this, what I should call, a back entry?

A. Yes, sir.

Q. When you returned the second time, after sending this telegram and after driving quickly to the telegraph office, you met Mrs. Churchill and she informed you about Mrs. Borden, and you went upstairs, going through the dining-room and across the corner made by going through the dining-room door into the sitting-room and from the sitting-room into the front hall. Was Mr. Borden then covered up with the sheet?

A. Yes, sir.

Q. And you went upstairs alone, I understand.

A. Yes, sir.

Q. And when you got upstairs to this front room, spare room, where Mrs. Borden was discovered, did you see anybody there in that room?

A. No, sir.

Q. There was nobody there then, was there?

A. No, sir.

Q. When you went upstairs did you get any view at all of this prostrate form until you

Page 317

got upon the floor of the second hall or the upper entry?

A. No, sir.

Q. Then as I understand it, although you had heard that Mrs. Borden was dead, and that she was in the front room, and you went up there to see, you did not get any view until you had gone up those stairs and had come to the door leading into the guest chamber?

A. Yes, sir.

Q. And then, by looking over the bed, you saw her form in the space between the bureau and the bed?

A. Yes, sir.

Q. And her head, as I judge, was in the direction of what we call the east wall?

A. Yes, sir.

Q. And did you remember how her feet were with reference to the foot board of the bed?

A. Her feet were below the end of the bed. That is, further west than the end of the bed.

Q. And have you any idea how far? Do you see any space here in front of the jury that would indicate, without reference to feet and inches, the distance the feet projected?

A. I should merely guess; I didn't measure.



Q. Do you see any distance there or anything which indicates?

A. I should say a foot and a half or two feet.

Q. How did she then lie?

A. She lay directly on her face with her hands under her.

Q. Are you able to tell us how the hands were at that time? If you can, won't you illustrate it?

A. Her hands were about that way. (Illustrating)

Q. She was lying on her face and her hands were under her in the manner you describe?

A. Yes, sir.

Page 318

Q. That is, they were below a horizontal line drawn across the sheet. They would be below that, would they, on a person?

A. Yes, sir.

Q. I don't know that I get the line very exactly. At all events, below a horizontal line drawn across from one shoulder to another?

A. There was no particular angle of the arm up this way. The elbow was nearly at right angles.

Q. Now do you recall --- of course you knew her well, and knew she was a stout woman --- do you recall how much of that space between the bureau and the bed she filled up; whether she practically occupied, when lying on her face, the space between the bureau and the bed?

A. She filled it up very well, very thoroughly, very fully.

Q. And when you went to ascertain whether or not life was extinct, upon which side of did her did you go?

A. On the right side, between the form and the bed.

Q. And were you able to get there easily, or did you have some difficulty on account of the narrowness of the space?

A. I had some difficulty on account of the space. I didn't wish to move the bed at all; I didn't wish to move anything.

Q. Then you sort of had to work your way in there to feel the injuries upon her head and to get at her pulse?

A. Yes, sir.

Q. To ascertain whether or not there was any pulse?

A. Yes, sir.

Q. And you have described the condition which you then found as being pulseless?

A. Yes, sir.

Q. That is to say, life was extinct?

A. Yes, sir.

Page 319

Q. Now then when you were making that examination , namely, the examination with reference to her pulse, which wrist did you take?

A. The right.

Q. The right wrist?

A. Yes, sir.

Q. That would be the wrist which would be next to you when you went in upon her right side, pf course, between her and the bed?

A. Yes, sir.

Q. When you took the right wrist did you feel of the pulse of that, or the place where the pulse should be in that wrist, when it was under her, or did you have to draw it out slightly?

A. I had to draw it out slightly, I presume.

Q. Have you any doubt of that?

A. No, sir. No doubt of it.

Q. Then when you left her, after having ascertained that life was extinct by feeling of the wrist, didn't you leave one arm, namely, the right arm, drawn out from her side a little more than the left arm would appear to be upon the other side?

A. Yes, sir, I think I did.

Q. I understand you to say that when you first saw her, after you got to the upper landing, by looking over the bed, the room appeared to be dark?

A. Not very light.

Q. Do you recall that you made any observation about the shutters?

A. I don't remember about the shutters on the west side.

Q. That is the street side?

A. The street side, yes, sir. The inside shutters were partly closed on the north side.

Q. That is toward Mrs. Churchill's?

A. Yes, sir.

Page 320

Q. They were partly closed?

A. The inside shutters, I think, were.

Q. And there is only one window there, I believe, on that side?

A. No, sir; I think not.

Q. And that window is a window which is near the end of the bureau as it then stood?

A. Yes, sir.

Q. And when you speak of the shutters, I suppose there is no doubt that these shutters were the board shutters. They were not shutters like these in the court room, made of blinds, but they were board shutters?

A. Board shutters; yes, sir.

Page 321

Q. The inquiry is made upon the other side as to what you said about the shutters on the west side of the room, the street side of the room?

A. I don't know, I don't remember about that.

Q. Your answer was in reference to the south window or the window which is towards Mrs. Churchill's and the window at the end of the bureau is that, the shutters of that window were partly closed?

A. Yes, sir --- the north window instead of the south.

Q. Yes, the north window; thank you. And are you able to recall now whether there is a shutter in the top part or the lower part that was open?

A. I think they were both thrown together loosely; shutters that fold that same as these do, only they were made of board, solid.

Q. Was there not an upper and under shutter?

A. Yes, sir.

Q. Now, you left Mrs. Borden and went downstairs, going by way of the front hall, I suppose?

A. Yes, sir.

Q. And no one at that time had been there with you to see her?

A. No, sir.

Q. Have you subsequently ascertained at what time you sent this telegram?

A. Yes, sir.

Q. What time was it?

A. 11.32

Q. 11.32?

A. Yes, sir.

Q. And you drove immediately back?

A. Yes, sir. Stopping at Mr. Baker's store.

Q. I understand. I didn't mean to assume that you passed by there after you said

Page 322

that you drove back, stopping at Mr. Baker's drug store. In your opinion, it took you how many minutes to drive back?

A. Not more than two minutes.

Q. Not more than two minutes. Then in round numbers it is safe to say you arrived back at the Borden house for your second visit, the visit at which you first saw Mrs. Borden, was about 11.35, isn't it?

A. I should say I spent four or five minutes in Mr. Baker's store.

Q. Then it would be 11.40 perhaps that you got back to the house?

A. Yes, sir.

Q. Do you remember after you went downstairs by way of the front hall how soon, if he had not come then, Dr. Dolan, the medical examiner, appeared at the house?

A. I think he was there in 10 or 15 minutes after that. I don't know. Of course, it is merely guess-work. I think within 10 minutes; probably 10 or 15 minutes.

Q. After you came downstairs from a view of Mrs. Borden?

A. Yes, sir.

Q. Did you then go up stairs with him?

A. Yes, sir. I went up first with another man.

Q. Yes, I understand, but I want to know when Dr. Dolan went up, and who was with him. I understand that you found him when you came down stairs; that is, that he came with 10 or 15 minutes after this first view of yours of Mrs. Borden, and that he went up stairs, you went with him?

A. Yes, sir.

Q. Did anybody else than you go with Dr. Dolan at that time?

A. I don't know, sir.

Page 323

Q. At that time was an examination made by either you or Dr. Dolan, or both, of Mrs. Borden's body?

A. No examination that required any --- It was merely an observation at that time.

Q. Was the body interfered with?

A. Not at that time.

Q. Do you know whether it had been interfered with by anybody between the time when you were up there first and the time when you took Dr. Dolan there?

A. No, sir, not to my knowledge.

Q. Your answer is you don't think it had been interfered with?

A. No, sir.

Q. At any time shortly after Dr. Dolan came was the body raised up?

A. Yes, sir.

Q. And by whom?

A. Dr. Dolan and myself and some assistant. I don't remember who the assistant was.

Q. And when it was placed back, do you think it was put back in exactly the position you found it when you went up there first?

A. Somewhat similar. I won't say exactly.

Q. Do you recall whether the arms were put back in the same position or was it a modification of their position?

A. I didn't notice particularly at that time.

Q. Were you present with Dr. Dolan when any autopsy or examination or official examination for the purpose of getting at the cause of death was made?

Page 324

A. Yes, sir.

Q. And did you take some notes for him?

A. I took notes in the morning, if you refer to that.

Q. Well, I ask if at any time?

A. Yes, sir.

Q. And you say you took notes in the morning, and you mean by morning before one o'clock or before twelve?

A. I mean about twelve.

Q. And those notes concerned which body?

A. Mrs. Borden's.

Q. When was the autopsy or official examination for the purpose of getting at the cause of death made on the body of Mr. Borden?

A. I had the telephone message to be there at 3 o'clock.

Q. Well, did you go?

A. I went a little late. It was a little after three when I went there.

Q. That same afternoon?

A. Same afternoon, yes, sir.

Q. Going back a little to the time when you went down stairs after you had viewed Mrs. Borden, will you tell me, if you recollect, where you saw Miss Lizzie then?

A. Miss Lizzie was in the kitchen.

Q. Who were with her?

A. My wife, Mrs. Churchill, Miss Russell, Bridget Sullivan.

Q. What were they doing?

Page 325

A. They were working her over. I don't --- fanning her and working her over. I don't know exactly what; rubbing her wrists and rubbing her head. I didn't pay particular attention to that part of it.

Q. Did you see her in the dining-room at any time?

A. She went in a few minutes into the dining-room, and threw herself on the lounge at the end of the dining-room.

Q. Did you give her any direction then or shortly after that?

A. I told her at that time --- Miss Russell went in with her at that time, and I told her she better go to her room.

Q. And did she start to go there?

A. Yes, sir.

Q. How did she go?

A. She went through the dining-room and the corner of the sitting-room and front hall up stairs.

Q. And at that time I suppose Mr. Borden's body was covered up with sheets?

A. Yes, sir.

Q. As it had been directed by you some time before or done by you?

A. Done by me.

Page 326

Q. Did you subsequently see her in her room up stairs?

A. Miss Lizzie?

Q. Yes.

A. Yes, sir.

Q. How long after was that, do you think?

A. Some time between one and two.

Q. The same day?

A. The same day.

Q. Did you get a message, or did Miss Alice Russell come to you with word from Miss Lizzie?

A. Yes, sir, I went to her room.

Q. What did you prescribe?

A. I did not prescribe.

Q. What did you give?

A. I gave a preparation called bromo caffeine.

Q. For what purpose?

A. For quieting nervous excitement and headache.

Q. To bring on quiet. to allay nervous excitement?

A. Yes, sir.

Q. Did you give any directions as to how frequently that medicine should be given?

A. I left a second dose to be repeated in about an hour.

Q. Did you subsequently give other medicine of that kind that day?

A. Yes, sir.

Q. In what way?

A. In the same doses.

Q. Did you carry some bromo caffeine over there?

A. I carried some in a bottle over there to be taken.

Q. That was Thursday night. Did you have occasion to prescribe for her on account of this medical distress and nervous excitement after that?

A. Yes, sir.

MR. MOODY. I should like to know how far you are going on that?

Page 327

MR. ADAMS. I am going to the end.

Q. I understand you to say on Friday you directed that the bromo caffeine be given?

A. No, sir, Thursday.

Q. Not on Friday. You prescribed a second dose and took over from your office a bottle of it with directions how to be taken. I wish to know if, after that, you had occasion to prescribe for her on account of this mental distress and nervous excitement?

A. Yes, sir.

Q. When was it?

A. Friday.

Q. The next day?

A. Yes, sir.

Q. Was the prescription or medicine the same as the other?

A. It was different.

Q. What was it?

A. Sulphate of morphine.

Q. Well, what is commonly called morphine?

A. Yes, sir.

Q. You directed morphine to be taken?

A. Yes, sir.

Q. In what doses?

A. One-eighth of a grain.

Q. When?

A. Friday night, at bed-time.

Q. The next day you changed that?

A. I did not change the medicine, but doubled the dose.

Q. That was on Saturday?

A. On Saturday.

Q. Did you continue the dose on Sunday?

A. Yes, sir.

Q. Did you continue it Monday?

A. Yes, sir.

Q. And on Tuesday?

A. Yes, sir.

Q. Now something has been said about your being a witness at the secret hearing, this inquest at Fall River. Do you remember when you went or when you were summoned as a witness?

A. I don't remember what day.

Page 328

Q. Was it not in the early part of the week following this tragedy?

A. I think it was; I do not know.

Q. Don't you know that Miss Lizzie was there some days in attendance at the Court House?

A. She was called before I was.

Q. You know that as a matter of fact she was called before you and testified before her arrest?

A. I presume so; I suppose so.

Q. You know when she was arrested?

A. I know the date, but not the day.

Q. Was she not arrested Thursday, the week following, that is a week from the day of the tragedy?

A. I don't remember that.

Q. I ask you about the morphine that you were giving her and you tell me on Friday you gave one-eighth of a grain, which is the ordinary dose, I understand, mild dose, and on Saturday you doubled it, you gave it, sent it, and she had it on Monday and Tuesday, and how long did she continue to have it?

A. She continued to have that all the time she was in the station house.



Q. After her arrest, was it not?

A. And before.

Q. In other words she had it all the time up to the time of her arrest, the hearing and while in the station house?

A. Yes, sir.

Q. So that if before the arrest, she was one, two, or three days before the private inquest, she was there when she had been given for several days this double dose of morphine?

A. Yes, sir.

Q. I suppose physicians well understand the effect of morphine on the mind and on the recollection, don't they?

Page 329

A. Supposed to, yes, sir.

Q. Is there any question about it?

A. No, sir.

Q. Do you know whether she had ever had occasion before to have morphine prescribed for her, as far as you know?

A. I don't remember that she had.

Q. Does not morphine given in double doses to allay mental distress and nervous excitement somewhat effect the memory and change and alter the view of things and give people hallucinations?

A. Yes, sir.

Q. There is no doubt about it, is there?

A. No, sir.

MR. ADAMS. I have no further question.

#### RE-DIRECT EXAMINATION.

Q. (By Mr. Moody.) How many times did you personally see her take the medication?

A. Not more than twice, I think.

Q. When were those two times?

A. Between one and two in the afternoon, of Thursday.

Q. And that was bromo caffeine?

A. Yes, sir.

Q. Is bromo caffeine a medicine which has a tendency to create hallucinations a week or so after it has been taken?

A. No, sir.

Page 330

Q. You have said that the time that you sent your telegram was eleven-thirty ---

A. Eleven thirty-two.

Q. How did you ascertain that time? Of your own memory?

A. No, sir: I went to the office with State Detective Seaver the first day of the investigation ---

Q. And what you ---

MR. ADAMS. Well, have you finished your answer?

MR. MOODY. I beg your pardon.

MR. ADAMS. You were asked how you ascertained the time.

THE WITNESS. I went to the telegraph office and got a copy of the telegram that I sent, at the examination in the station house, with State Detective Seaver.

Q. Well, you had then the time which they had at the telegraph office, the time of sending the message?

A. I had a copy of the telegram, yes, sir.

Q. Do you know whether that contained the time of sending the message from the telegraph station, or the time at which they received it from you?

A. The telegram was marked "11.32". I got a copy of it two or three days ago.

Q. Well, that is all you know about it?

A. That is all I know about it, yes, sir.

Q. That telegram was marked "11.32"?

A. Yes, sir.

Q. And that is the only means you have of fixing the time as 11.32, is it?

A. Yes, sir, that is the only means.

Q. What that "11.32" means, whether it means the time the telegram is received from the sender, or the time it leaves the office, do you know?

A. I don't know sir. I merely told them to send it directly, send it at once.

Page 331

Q. When Dr. Dolan came and inspected the bodies, took the first view if the two bodies, were they in substantially the same condition as they were when you first saw them?

A. Yes, sir, substantially, of course.

Q. Is there any difference in their respective positions that you can point out at the present time?

A. Only those that I have pointed out.

Q. I mean difference between their positions when you first saw them and when Dr. Dolan first saw them?

A. No, sir.

Q. No difference?

A. No, sir.

RE-CROSS EXAMINATION.

Q. (By Mr. Adams.) May I ask one question which I forgot? It is this: the learned district attorney asked you if on Wednesday, the day before the tragedy, you saw Miss Lizzie and you said about six o'clock, going down the street?

A. Yes, sir.

Q. Now I want to know if that was six o'clock in the morning or six o'clock in the evening?

A. Six o'clock in the evening.

MR. ADAMS. That is all sir.