

Trial Testimony of John Vinnicum Morse



Trial Testimony – Wednesday, June 7h, 1893, New Bedford, Mass.

*Edited by Harry Widdows
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for LizzieAndrewBorden.com

JOHN V. MORSE

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JOHN V. MORSE, Sworn.

Q. (By Mr. Moody.) Will you give us your name, sir?

A. John Vinnicum Morse.

Q. Where is your present residence?

A. South Dartmouth.

Q. Be good enough to give us your age, sir.

A. About 60.

Q. How long has your residence been that which you just stated?

A. Well, something over a year previous to about four months, I have been west.

Q. Prior to that time your residence had been in the west?

A. Three years ago last April I came east.

Q. Prior to the time of coming east had you been a resident of the west a number of years?

A. Yes, sir.

Q. Did you bear any relation to the first wife of Mr. Borden?

A. She was a sister to me.

Q. And you are therefore an uncle of the prisoner and of Miss Emma Borden?

A. Yes, sir.

Q. Mr. Borden's first wife---

A. His first wife was my sister.

Q. ---was a Morse of course?

A. Yes, sir.

Q. Do you now recall when Mr. Borden was first married or about when?

A. Oh, I can by studying it over a little.

Q. If you can give us the date approximately without delay, I wish you would be good enough to do so.

A. I should think about fifty---forty-seven years ago.

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Q. Of that marriage how many children were there?

A. Three.

Q. One died a good many years ago?

A. Yes, sir.

Q. The two others were the prisoner and Miss Emma Borden?

A. Yes, sir.

Q. Do you remember when your sister died?

A. I think she died in 1861.

Q. By the way, the child of the first marriage who died, was he or she older or younger than the surviving children?

A. She was younger than Lizzie, between the two.

Q. Your answer is somewhat inconsistent.

A. Well, Emma is the oldest, then Alice, her name was next, and then Lizzie.

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Q. Do you remember when Mr. Borden's second marriage occurred?

A. Well, I think, to the best of my judgment, about '64.

Q. What was the name of the lady whom he married the second time?

A. Abby.

Q. The full name, sir, if you please? Let me assist you: was it Abby Durfee Gray?

A. Abby Durfee,---that is it.

Q. And the wife of the second marriage was the Mrs. Borden whose death is the subject of this inquiry?

A. Yes, sir.

Q. How old was Andrew Borden at the time of his death?

A. I think he was 69.

Q. Do you remember his birthday?

A. I do not.

Q. How old was his wife at the time of her death?

A. I can't tell exactly; 65 or 64.

Q. Were there any children of the second marriage?

A. No, sir.

Q. Never had been a child? Are you able to give us the age of the prisoner?

A. Well, I think about 33.

Q. Do you know how old Miss Emma Borden is?

A. I think she is 41.

Q. Upon Wednesday, August 3, of last year, did you go to the Borden house at any time?

A. The 3rd?

Q. Yes, Wednesday, the 3rd of August.

A. Yes, sir.

Q. Prior to that Wednesday had you been a visitor at that house recently?

A. Well, several weeks before, I don't recollect just how many,---probably three or four weeks before that.

Q. How long before August 4 was the last time you saw Miss Lizzie Borden?

A. I have no recollection of seeing her for three or four months previous to that.

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Q. What time in the day on August 3 did you arrive at the Borden house?

A. I think about half past one.

Q. Had they had their noonday meal?

A. Yes, sir.

Q. Did you see the prisoner at any time during your stay at the noon?

A. No, sir.

Q. Whom did you see there on the Wednesday noon as you came?

A. I saw Mr. Borden, his wife, and Bridget Sullivan.

Q. Did you see any other person in the house on the Wednesday?

A. That was the 3rd, I believe?

Q. Yes, sir

A. No, sir.

Q. Did you eat dinner on Wednesday with the Bordens?

A. Yes, sir

Q. Did they sit down and eat with you, or did you eat separately?

A. I ate separately; they had been to dinner.

Q. They had completed their meal. How long did you stay on the first visit on Wednesday?

A. Between three and four o'clock.

Q. Until between three and four, you say?

A. Yes, sir.

Q. During that time did either Mr. or Mrs. Borden leave the house?

A. No, sir.

Q. Where did you go at three or four o'clock when you left the house.

A. I went over to Swansea.

Q. Did you return again on Wednesday?

A. Yes, sir.

Q. What time did you return to the house?

A. Somewhere in the neighborhood of half past eight.

Q. In the evening?

A. Yes, sir.

Q. When you returned to the house in the evening, which door did you enter?

A. The front door.

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Q. How did you get in?

A. Mrs. Borden let me in.

Q. Do you remember whether the door was locked or otherwise when you came to the door?

A. I do not.

Q. How did you announce your presence at the door?

A. I rang the bell.

Q. And Mrs. Borden came to the door?

A. Yes, sir.

Q. Did you notice after you entered whether the door was closed or not?

A. It was shut when I went in----after I went in.

Q. Did you notice anything else with respect to the door, except that it was closed?

A. No, sir.

Q. Was anyone except Mr. and Mrs. Borden in the house that you saw on the Wednesday night, when you returned?

A. No, sir, they were all there all were there that I saw.

Q. Did you see Bridget Sullivan at all that night?

A. No, sir.

Q. Did you see Miss Lizzie Borden at all that night?

A. No, sir.

Q. When you entered the house, into which room did you go?

A. Sitting room.

Q. How long did you remain in the sitting room?

A. Well, if I got there at half past eight, I was there till a few minutes past ten.

Q. Who went to bed first?

A. Mrs. Borden

Q. Which way did she go to go to bed?

A. She went out of the rear door, up the back stairs.

Q. Who next went to bed?

A. Mr. Borden and me both left at the same time,---left the room.

Q. Had you heard anyone before you went to bed?

A. Yes, sir.

Q. Won't you describe what you heard before you went to bed?

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A. I heard some one come to the front door, open it, went in, went up stairs, went into Lizzie's room, shut the door.

Q. Did you see the person who went up stairs into Miss Lizzie's room?

A. I did not.

Q. In which room did you go when you went to bed?

A. The guest chamber up stairs. It is in the northwest corner of the house.

Q. Directly over the parlor?

A. Yes, sir.

Q. That is the room in which Mrs. Borden was found dead next day?

A. Yes, sir.

Q. When you got upstairs did you notice anything with respect to the door leading into the prisoner's room?

A. It was closed.

Q. Do you know whether it was locked or not?

A. I do not.

Q. You slept all night, I suppose, in that room?

A. Yes, sir.

Q. In the guest room. Do you recall whether your door was open or not during the night's sleep?

A. It was open.

Q. Did anything occur until you arose in the morning?

A. No, sir.

Q. Did you see any person or hear any persons?

A. No, sir.

Q. Did you bring with you, Mr. Morse, any luggage, baggage of any kind----handbag, or anything of that sort?

A. No, sir.

Q. What time did you get up in the morning?

A. About six o'clock.

Q. You dressed of course?

A. Yes, sir.

Q. And went down stairs?

A. Yes, sir.

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Q. Do you recall whether you left the door of the room in which you had slept open or shut?

A. Open.

Q. By the way, did you have occasion to go into that room again before you went away on Thursday?

A. No, sir.

Q. Did you notice anything with respect to Miss Lizzie Borden's room when you got up?

A. I did not.

Q. Was the door open or closed?

A. Closed.

Q. Into which room did you go when you got up and went down stairs on the Thursday morning?

A. Sitting room.

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MR. ROBINSON. May it please your Honors, we may say with perfect propriety with the counsel for the Commonwealth that we have agreed that the witnesses that have not testified on either side might be excluded from the room during the testimony of witnesses. We concur in that and we think it right in order to arrive at a right conclusion. It may have been carried out this far. I do not know whether it has or not.

MR. KNOWLTON. It has been, strictly.

MASON, C. J. Do you desire that the order be without exceptions,----including professionals as well as other witnesses?

MR. ROBINSON. I understand that the government desires to have some exceptions made.

MR. KNOWLTON. Yes, sir. I think it is a very proper order in itself. We have two witnesses who happen to be actively engaged in reporting for the newspapers in Fall River, however, whom we desire to except from the order, Messrs. Manning and Stevens. I have told our friends on the other side practically what they will testify to and they have agreed they not be excluded. I never knew the order to include witnesses who are purely professional, who were to testify on matters of opinion only. We should not care to ask for the presence of Dr. Dolan because he testifies largely to facts, but when witnesses do arrive on either side who have no knowledge of the circumstances whatever, are called for their opinions as men of experience, I suppose the Court would not enforce an order for their exclusion?

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MR. ROBINSON. We wish to except from the order Mr. Buck, Mr. Jubb, Mr. Holmes, and a reporter, a Mr. Caldwell, who may or may not be called.

MR. KNOWLTON. He is actively engaged in reporting now. That is agreed to.

MASON, C. J. The defence do not desire to have excluded experts who testify as such.

MR. ROBINSON. We do not.

MR. KNOWLTON. I would say Dr. Draper did assist at the autopsy, but I suppose you do not care to make an exception of him?

MR. ROBINSON. We do.

MR. KNOWLTON. We will talk of that later.

MASON, C. J. All the witnesses that have been summoned on either side, with the exception of the three that are serving as reporters and have been named, and with the exception of those who are summoned for expert testimony exclusively, and the three that have been named by counsel, called for the defence, may now withdraw, and the sheriff will see that a suitable place is provided and that all witnesses that may hereafter come will also withdraw from the room until they testify.

MR. KNOWLTON. As a matter of fact that has been largely done during the trial.

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Q. I may repeat, Mr. Morse, a question or two.

A. All right.

Q. When you came down stairs on Thursday morning, into which room did you go?

A. Sitting-room.

Q. What sort of a day was it Thursday with respect to its temperature?

A. Pretty warm.

Q. Was any one else in the sitting-room when you came down stairs on Thursday morning.

A. No, sir.

Q. Did you remain in the sitting-room until someone else came down stairs?

A. Yes, sir.

Q. Was the door between that room and the kitchen open or closed at that time, if you recall?

A. I think it was closed to the best of my recollection.

Q. Whom did you first see after you got up on that morning?

A. Mr. Borden.

Q. Into which room did he come?

A. Sitting-room.

Q. Whom did you next see?

A. Mrs. Borden.

Q. Into which room did she come?

A. Sitting-room.

Q. Did you remain in the sitting-room until breakfast time?

A. Yes, sir

Q. You took breakfast, I take it, in the dining room?

A. Yes, sir.

Q. Who of the family breakfasted with you?

A. Mr. and Mrs. Borden.

Q. Can you tell us the time that breakfast was served?

A. I think about seven.

Q. Can you tell what there was for breakfast?

A. Well, we had some mutton, has some bread, coffee, cakes, &c

Q. What sort of cakes, what material?

A. Well, made of sugar, sugar cakes.

Q. Do you recall anything else except those articles you have named?

A. Fruit on the table.

Q. What sort of fruit?

A. Bananas.

Q. Do you recall a dish that is called fried johnny cakes?

A. I don't recollect whether we had fried johnny cakes or not that morning.

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Q. Do you remember how long remained sitting at the breakfast table?

A. Oh, I should judge about a half an hour or such a matter.

Q. Did you all arise at the same time, completing your breakfast?

A. I think so.

Q. Did all who sat at the breakfast table partake of the breakfast?

A. Yes, sir.

Q. After you had completed your breakfast into what room did you go?

A. The sitting-room.

Q. Did anyone go in with you.

A. Mr. Borden went in.

Q. What became of Mrs. Borden?

A. Well, a short time after, she came in there afterwards.

Q. Did you go into any other room than the sitting-room before you started to go away?

A. No, sir.

Q. Did Mr. and Mrs. Borden remain in the sitting-room until you started to go away or not?

A. Mr. Borden was in and out of the room several times. Mr. Borden and Mrs. Borden were both in and out. Mr. Borden was there most of the time.

Q. I didn't quite understand you.

A. Mr. and Mrs. Borden were out and in several times, but Mr. Borden was there most of the time.

Q. Did you notice where Mr. Borden went when he went out of the sitting-room?

A. I don't know any more than he went out of the east door, out into the kitchen. I don't know where he went from there.

Q. Did you notice where Mrs. Borden went when she left the sitting-room?

A. She went into the front hall.

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Q. Did you notice any other place she went to except into the front hall?

A. I did not.

Q. How long was it after she went into the front hall before she returned again to the sitting-room, if you can tell?

A. I didn't see her after that.

Q. How long was that before you went away, that Mrs. Borden went into the front hall?

A. I don't think more than some fifteen or twenty minutes.

Q. Did you see Mrs. Borden doing anything by way of housework before she went into the front hall?

A. Before she went in there she was dusting.

Q. And dusting in which rooms?

A. The sitting-room.

Q. Did you see her dusting in any other room?

A. I did not.

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

A. Not after breakfast.

Q. And she was dusting with what?

A. A feather duster.

Q. Do you know whether she had anything on her head as she was dusting?

A. I think not.

Q. Did you notice, Mr. Morse?

A. I didn't notice anything.

Q. To put my question again, did you notice whether she did or not have anything on her head?

A. I think she did not.

Q. What time did you go away from the house on the Thursday morning?

A. Well, fifteen or twenty minutes to nine.

Q. In going from the sitting-room out of doors, where did you go and out of which door did you go?

A. Went out the rear door.

Q. That is what is called the screen door?

A. Yes, sir.

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Q. Did anyone accompany you?

A. Mr. Borden.

Q. As you went out did you see Bridget?

A. I did.

Q. Where was she?

A. In the kitchen.

Q. What was she doing in the kitchen.

A. I don't know; I don't recollect what she was doing.

Q. Won't you describe what occurred at the door, not stating what anyone said to you, but what occurred at the door as you went out?

A. I unhooked the door and went out, and Mr. Borden hooked it.

Q. Will you describe how that door was hooked as you unhooked it to go out?

A. A small hook right at the side, and hooks right in the casing.

Q. Was it inside or out?

A. Inside.

Q. And hooked into what?

A. Into the casing of the door.

Q. Well, into some steel or iron or metallic instrument?

A. No, I think not. I think it is just into the wood---I think it is.

Q. Do you mean to say that there was not any metallic or iron instrument into which it hooked---a ring of any sort?

A. My recollection is there was nothing there but the wood and that screw that goes into it.

Q. The screw is precisely what I wish to call attention to. Describe the screw into which it hooked?

A. A small round screw, a round place where the hook goes into it, the same as this would be.

Q. A screw, and on the end of the screw an eye for the hook to go in?

A. Yes.

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Q. Are you familiar with the premises at the present time, Mr. Morse?

A. Yes, sir.

Q. Is it or not the same arrangement that is there now?

A. Yes, sir; the same, without it has been changed within a few days.

Q. Now then, as you came to the door you say it was locked---it was hooked?

A. Yes, sir.

Q. Who unhooked it, you or Mr. Borden?

A. I did; I unhooked it.

Q. Did you have any conversation with Mr. Borden at the door? I don't ask you what was said, but did he speak to you or you to him at the door?

A. He spoke to me.

Q. After you crossed the threshold of the door did you see what was done with respect to it, whether it was closed or not?

A. I saw him hook it.

Q. Did you notice where Mr. Borden went after he hooked the door?

A. I do not.

Q. You turned and went away, did you?

A. Yes, sir.

Q. Now without any detail, where were you until you returned again that morning to the Borden house; in the city of Fall River or elsewhere?

A. The city of Fall River.

Q. Where did you first go?

A. The Post Office.

Q. And from there where did you go?

A. Went to Weybosset Street.

Q. To visit some one?

A. Yes, sir.

Q. Whom did you visit there?

A. A nephew and niece. I went to see them, there was only one of them there.

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Q. Where is Weybosset Street with respect to the Borden house?

A. It is just off Pleasant Street, and probably a mile or such a matter from Pleasant Street east.

Q. And that does not give us the distance from the Borden house. Will you give us the distance from the Borden house or about the distance?

A. Well, probably a mile and a quarter.

Q. Did you walk there or drive there?

A. I walked there.

Q. Did you visit any one there?

A. I did.

Q. I don't remember whether you told me whom you visited?

A. I went up to see a nephew and niece, but the nephew wasn't there.

Q. Did you see any one in that house?

A. I saw my niece.

Q. And her name is what?

A. Morse.

Q. Do you recall how long you stayed there?

A. I left there about twenty minutes past eleven.

Q. Did you go anywhere else before you returned to the Borden house?

A. No, sir.

Q. You did return to the Borden house, did you, that morning?

A. Yes, sir.

Q. How did you come?

A. On the cars, horse cars.

Q. Horse or electric cars?

A. Horse cars.

Q. Did the horse cars go by the house on Weybosset Street?

A. It is just off a short distance from Pleasant Street where I went.

Q. That is to say, you can take the cars not far from where you were visiting?

A. Yes, probably within ten or fifteen rods.

Q. Did you have to wait for a car or did one come right along?

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A. One came right along.

Q. Where did you leave the car?

A. At the corner of Pleasant and Second Streets.

Q. That is not far from the Borden house, I believe?

A. Not a great ways.

Q. How did you go to the Borden house then?

A. Walked.

Q. Immediately?

A. Yes, sir.

Q. When you got to the Borden house did anything attract your attention at first?

A. No, sir.

Q. Where did you first go?

A. Went into the back door, round the rear part of the house, to a pear tree.

Q. Did you do anything out there?

A. Picked up two or three pears.

Q. Did you begin to eat them or not?

A. I ate part of one of them.

Q. Where did you go then?

A. Went to the house.

Q. When you got to the house were you informed by any one that something had happened there?

A. Yes, sir.

Q. In consequence of that information did you go into the house?

A. I did.

Q. Which one of Mr. and Mrs. Borden did you first see?

A. Saw Miss Lizzie.

Q. You misunderstood my question. Which one of the victims did you first see?

A. Oh, yes; Mr. Borden.

Q. After you saw Mr. Borden where did you go?

A. I went part ways up the front stairs.

Q. Won't you describe the journey up the front stairs and what you saw?

A. I went up far enough so I could look under the bed where I slept the night before, and I saw Mrs. Borden lying there with blood on her face.

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Q. About how far up the stairs did you have to go in order to see Mrs. Borden?

A. Why, probably two-thirds of the way so I could get my head above---

Q. Where was your head with respect to the floor of the hall when you seen Mrs. Borden?

A. Well, might have been six or eight inches or ten above the floor.

Q. At that time you had been informed that she was in that room, had you?

A. I had.

Q. Did Mr. Borden have a farm at any place in the neighborhood of Fall River?

A. Yes, sir.

Q. In what town?

A. Swansea.

Q. Before you went away upon the morning of Thursday had you seen Miss Lizzie Borden at all?

A. On Thursday?

Q. Yes, Thursday.

A. That is the day of the murder?

Q. Yes.

A. Yes, I saw her.

Q. Possibly I didn't make myself clear to you. I mean before Mr. Borden let you out of the door had you seen Miss Lizzie Borden?

A. No, sir.

Q. Then you didn't see her until after your return and your hearing of the homicide?

A. No, sir, I didn't see her previous to that.

Q. Had you seen Miss Lizzie Borden at all from the time you arrived Wednesday morning up to the time you left Thursday morning?

A. I did not.

Q. Can you tell who was in the kitchen or dining-room or sitting-room when you got there, Mr. Morse?

A. When I got there the day of the murder, you mean?

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Q. I mean after the murder, the homicide?

A. Mr. Sawyer was at the door, and I think Bridget Sullivan.

Q. Were there any people in the house that you now recall?

A. Dr. Bowen and two or three policemen.

Q. Do you know who those officers were?

A. I don't.

Q. Were there any ladies there at that time?

A. I think Mrs. Churchill was there. I think she was.

Q. Do you know Miss Russell?

A. I do.

Q. Was she there?

A. I think she was.

CROSS-EXAMINATION

Q. (By Mr. Robinson.) I have only a few questions, Mr. Morse. If I understand it correctly, on Thursday afternoon you arrived at the house about half past one?

A. I did.

Q. That was past the dining hour?

A. Yes, sir.

Q. So you didn't sit at the table at dinner with anybody in the family?

A. No, sir. They were in the room with me, not at the table.

Q. Mr. and Mrs. Borden?

A. Yes, sir.

Q. And do you know of your own knowledge who provided the meal that was set before you?

A. Mrs. Borden brought it in herself.

Q. Did you see Bridget Sullivan there at that time?

A. I did not.

Q. Did you see her that afternoon?

A. No, sir.

Q. Did you see her that night after your return?

A. No, sir.

Q. Then you came there at half past one and had your dinner; and how long did you remain after that before you went away?

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A. I think it was nearly four o'clock.

Q. You were gone until what time in the evening?

A. 15 or 20 minutes to nine.

Q. And from twenty minutes of nine until the hour of retiring you remained in the sitting-room with Mr. and Mrs. Borden?

A. Mrs. Borden didn't remain there a great while before she retired.

Q. She went to bed earlier?

A. Yes, sir.

Q. Do you know whether they were sick at that time or not?

A. They were.

Q. Do you know whether Miss Lizzie was or not?

A. Mrs. Borden told me she was.

MR. MOODY. He did not see her.

Q. Were you told so by Mrs. Borden?

MR. MOODY. Wait a moment, Mr. Witness. I pray your Honors' judgment.

MASON, C. J. In the opinion of the Court, it will be hearsay evidence.

Q. Then until your hour of retiring, I think you said (perhaps it may be repetition) that you didn't see Bridget Sullivan that night?

A. I did not.

Q. And to make it plain, from half past one when you first came until you went to bed that night, you didn't see her at all?

A. I did not.

Q. Do you know whether or not she was in the house, of your own knowledge?

A. Not of my knowledge.

Q. Do you know from your acquaintance there where her room in the house was?

A. Bridget's room?

Q. Yes.

A. In the attic in the southeast room.

Q. Would that be above that occupied by Mr. and Mrs. Borden?

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A. Yes, sir.

Q. After you arrived in the evening at 20 minutes of nine did you and the other two remain in the sitting-room all the time until you went to bed?

A. Yes, sir.

Q. Or until on Mrs. Borden's part she went to bed?

A. Yes, sir.

Q. Do you recall whether or not as a matter of positive recollection you had a light in the sitting-room that evening?

A. I don't think there was any.

Q. You don't think there was any light in the sitting-room?

A. No, sir.

Q. This was a warm evening in August?

A. Yes, sir.

Q. You sat there in the sitting-room without having any artificial light?

A. I think there was no light. That is my recollection.

Q. Do you recall, Mr. Morse, whether the door leading from the sitting-room into the hall was open during the time you sat there?

A. I think it was open.

Q. You think it was?

A. I know it.

Q. Whether it was swung wide open?

A. I think it was.

Q. Do you recall whether or not there was any hall light?

A. I think there was a hall light.

Q. Now, as you sat there in the sitting-room, I understand from your answer that you were not seated so that you could see who did come up and go into the room above?

A. No, sir, I didn't. I sat in a position so I couldn't see into the hall.

Q. Do you recall in what part of the sitting-room you sat?

A. I sat near the middle, that is, more south, but the middle of the room east and west, right in front of a table that stands there.

Q. You know nothing whatever about that front door that night, about it's fastening at all, do you, after you came in?

A. I do not.

Q. You paid no attention to it?

A. No attention.

Q. You heard nothing about that to give you any information?

A. No, sir.

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Q. Somebody had come in and gone up stairs, passed up, according to the sounds which you heard, into the room overhead, which was Miss Lizzie's room?

A. Yes, sir.

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Q. Do you recall as a matter of recollection whether there was anything said by the person who came in so that you have a recollection of it?

A. I did not hear anything.

Q. You do not recollect that?

A. No, sir.

Q. This person, whoever it was, had gone up stairs before you retired?

A. Yes, sir.

Q. About what time did you go?

A. It might have been ten or a few minutes after. The clock struck before we retired.

Q. All you know is you went up stairs and went into your room?

A. Yes, sir.

Q. And as you went into your room you found the door open?

MR. MOODY. He did not say that.

MR. ROBINSON. (To Witness) I think you said that you found the door of the spare room open as you went up?

A. Yes, sir, I think it was open as I went up.

Q. And you left it open as you slept?

A. Yes, sir.

Q. And all you have to say of the other door is that it is the entrance into Miss Borden's room and was closed?

A. Yes.

Q. There was nothing in it's appearance to distinguish it from the ordinary closed door?

A. No, sir.

Q. There was nothing in it's appearance to indicate it was locked?

A. No, sir.

Q. Nothing of any consequence to us here transpired until the next morning so far as you know?

A. No, sir.

Q. Were you up in the morning before any one else in the house?

A. I don't know who might have been up; there was no one up down stairs; I did not hear noise, so I suppose I was the first

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one up.

Q. As you went to bed at night you went up one way to go up stairs and Mr. Borden went the other way, and in going to the back stairs you would pass out of the same little hall way that you would take if going out the side door?

A. Yes, sir

Q. Do you recollect whether or not Bridget was up that morning before you came down stairs?

MR. MOODY. How can he know?

A. I don't know.

Q. If you do not know you cannot tell.

A. I don't know.

Q. Do you know whether you heard any sounds in the kitchen indicating any one was there?

A. I did not.

Q. When did you first see her that morning?

A. At breakfast time.

Q. As you went into the dining room?

A. After I sat down to the table.

Q. Did you go out the evening before into the kitchen?

A. No, sir.

Q. Do you know whether or not there was any lamp left lighted on the kitchen table or in any part of the kitchen?

A. I don't know.

Q. You have been asked about the breakfast. You three sat round that dining table there in the dining room practically as it is now?

A. Yes, sir.

Q. And was the breakfast room furnished about as you see it now?

A. Yes, sir.

Q. The same furniture?

A. About the same furniture. I don't see any difference.

Q. And, Mr. Morse, generally how was the table set, that is what kind of dishes or ware were on the table?

A. I think it was

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white ware.

Q. What did you have to eat with,---the ordinary appliances, knives and forks and spoons?

A. Knives and forks, yes.

Q. As I understand you had for breakfast mutton and bread and coffee and cakes and bananas?

A. Yes.

Q. And you did not know but that you had Johnnie-cake too?

A. I don't recollect about that.

Q. You would not say you did not have?

A. No, sir.

Q. That was the bill of fare, was it?

A. Yes, sir.

Q. You and all partook of what was there, as I understand it?

A. I think so; I did not notice what they were eating.

Q. You did not scrimp yourself at all?

A. No, sir.

Q. It was a good fair breakfast?

A. Plenty of it.

Q. There was nothing mean or stingy about it?

A. No, I don't think there was.

Q. You think you spent about half an hour there which would bring it round to about half past seven when you got through breakfast?

A. I think so.

Q. You saw Bridget, you said, when you sat at the table. What occasioned that?

A. Mrs. Borden called her when she wanted coffee or anything and she went in and out several times.

Q. How did she call her?

A. Bell.

Q. Didn't call her by her voice?

A. No, sir.

Q. Was she in and out during the breakfast?

A. In and out two or three times.

Q. Did you hear any conversation between Mrs. Borden and Bridget that morning?

A. Spoke to her about washing some windows.

Q. What did she say?

A. Said she would.

Q. That is Bridget said she would?

A. Yes.

Q. Give what Mrs. Borden said to Bridget?

A. I think she said in this way: "Bridget, I want you to wash these windows to-day."

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Q. And about what time was that said?

A. At breakfast time.

Q. While you were seated at the table?

A. Yes, sir.

Q. I will ask you whether you have observed anything in the use of the front door in regard to the spring lock, Mr. Morse?

A. Yes, sir.

Q. What is that? State it plainly so that we can hear it. You do not speak quite loudly enough, if you will let me say.

A. Well, if you shut the door hard, the spring lock would catch; if you didn't, it would not.

Q. Then if it did not catch----

A. You could open it without any trouble.

Q. Push it, or turn the ordinary knob, and it would come right open. And when had you noticed that?

A. That was after the tragedy.

Q. Did you specially examine it to see about that? Was your attention called to it?

A. It was not called especially to that. I went to try the door, and it was unfastened, and I found afterwards by slamming it hard it would catch and if you didn't it would not; and I took the lock off, had it fastened back so it would catch, and a new one was put on while I was there.

Q. A new one was put on?

A. I had it put on.

Q. And do you recall now that the old lock is there and a new latch also?

A. Yes, sir.

Q. And you are now referring to the one that was on August 4, and did not work?

A. Yes, sir.

Q. Now if I understand you, it was simply by mere accident that

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you discovered that the lock behaved so?

A. On my part?

Q. Yes.

A. Yes, sir.

Q. And then, having discovered that it did not lock unless the door was slammed, did you try it again?

A. I did.

Q. And what was the result?

A. The same; you could open it and go out without any trouble.

Q. Did you try it more than once?

A. Yes, sir, I tried it several times.

Q. And that, you say, was after the tragedy?

A. Yes, sir.

Q. Do you recall about how long?

A. Oh, within a day or two.

Q. And do you recall also whether any other person was present at the time,---at the time it was tried, either when you---

A. I don't think there were when I tried it.

Q. You don't think there were. You came back----passing over all the intermediate time from the breakfast, or after the time you went out, having your breakfast and finishing about half past seven, I think you say you left about fifteen to twenty minutes before nine?

A. Yes, sir.

Q. Going out the side door?

A. Yes, sir.

Q. Not going out the front door at all that morning?

A. No, sir.

Q. Not going into the front hall after you came down stairs that morning?

A. Oh, I stood in the door and took my hat off the rack, which is right close: that is all.

Q. Only to get your hat, but no further?

A. No, sir.

Q. You are sure you did not go up stairs?

A. No, sir, I was not up there at all.

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Q. Then you passed out the side door, yourself unhooking the door?

A. Yes, sir.

Q. The you preceded Mr. Borden as you stepped out into that narrow hall?

A. Yes, sir.

Q. And then he went with you and closed the door?

A. Yes, sir.

Q. And you passed out?

A. Yes, sir.

Q. Whether or not the door was locked behind you, do you know?

A. He hooked it after I went out.

Q. That is, that simple wire hook that is there?

A. Yes, sir.

Q. The wooden door, the solid door, so far as you know, was open when you went there?

A. That was open.

Q. And remained open as you passed out, so far as you know?

A. Yes, sir.

Q. Did you go directly out onto Second Street?

A. Yes, sir.

Q. Now, caring nothing about the intermediate time, can you tell us about what hour you arrived on your return?

A. I think about twenty minutes to eleven.

Q. You don't mean eleven, do you?

A. Twelve.

Q. About twenty minutes of twelve?

A. Yes, sir.

Q. And how did you approach the house, by what street?

A. Second Street.

Q. And to which door did you come?

A. I went into the rear door, back door.

Q. Now, as you passed into the yard by that Second Street entrance,---and that is the only entrance on that street, is it?

A. Yes, sir

Q. Did you notice anybody about there, particularly?

A. Not to

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draw my attention at all.

Q. That is a well traveled thoroughfare, is it not, of the city?

A. Yes, sir.

Q. A great many carriages and teams are passing, from time to time there?

A. Yes, sir, of all kinds.

Q. And it is a very noisy street, isn't it?

A. Yes, sir.

Q. So that if you are in the house and the windows are open, you can hear the clatter and noise of that street?

A. Yes, sir.

Q. And at that season of the year the windows are open?

A. Yes, sir.

Q. I think you say that as you came into the side entrance you saw somebody: and who was that?

A. Mr. Sawyer

Q. I do not ask you what was said. Where was he?

A. He was right at the door. He came, and I---

Q. On the inside or the outside, Mr. Morse?

A. He was on the outside.

Q. Was anybody with him?

A. To the best of my recollection, Bridget Sullivan.

Q. And she on the outside too?

A. No, she was inside, sitting on the stairs.

Q. I beg pardon?

A. She was on the inside, sitting on the stairs.

Q. Mr. Sawyer stood just on the top step, the broad step?

A. Yes, sir.

Q. And she was seated. The stair case comes right down close to the door?

A. Comes right down close to the door.

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Q. So that they were near enough to have conversation with each other?

A. Yes, sir; within 3 feet.

Q. I do not ask what was said, but did you notice whether there was conversation between them as you arrived there?

A. No, I didn't hear any.

Q. And you said that you went out to the pear tree?

A. Yes, sir.

Q. Well, they were not there, were they, when you went by, or were they?

A. I didn't see them outside when I went by.

Q. That is, as you came you came up the walk, and instead of passing up the steps you went right around behind the house to the pear tree?

A. I went right around to the tree.

Q. Can you locate the pear tree to which you went; I do not mean the particular one, but which part of the yard, Mr. Morse?

A. It stands to the south part of the yard, not a great ways from the end of the grape vine arbor.

Q. That would be southerly of the southerly end of the grape vine arbor?

A. Yes, sir.

Q. Well, you stopped there because there were pears there?

A. Yes, sir.

Q. Then how long do you think you were out there?

A. I don't think I was there more than two or three minutes.

Q. Then you came back to that side door?

A. Yes, sir.

Q. And then you found Mr. Sawyer and Miss Sullivan, as I understand it?

A. Yes, sir.

Q. And on the outside there was no one but Mr. Sawyer?

A. I didn't see anybody but him.

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Q. And on the inside nobody but Miss Sullivan?

A. That is all I saw.

Q. And was there anybody else around in the yard at that time?

A. I don't think there was, to my recollection.

Q. Well, you went out to this pear tree, which, taking the house as it stands there, was, if I may ask you, about in the middle of the open space.

A. The house is?

Q. No, sir, you do not get my idea. The pear tree is about in the middle of the yard space behind the house?

A. Well, it is more southerly than it would be in the centre,---more southerly.

Q. Now, as you were out there at the pear tree, if there was anybody in the yard, any policemen, were you in a position to see them?

A. Yes, sir, if they were anywhere on three sides of the house I should have seen them,---that is, on two sides, east side and south side, I should have seen them. I wouldn't have seen them on the north side.

Q. That is, away over to the street?

A. No, sir.

Q. But as you passed into the yard there was nobody toward Mrs. Churchill's?

A. No, sir.

Q. And as you passed to the south part of the yard there was nobody there in sight?

A. No, sir.

Q. And looking out toward Mrs. Kelley's corner, there was nobody there on that side, was there?

A. No, sir.

Q. Did you notice whether the barn door was open or not?

A. I think it was closed.

Q. And at that time did you hear anybody walking around in the barn?

A. I did not.

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Q. Are you pretty positive that there wasn't anybody in the yard then except Mr. Sawyer that you afterwards saw?

A. I didn't see anybody else.

Q. You were not doing anything else except going there to get a pear?

A. That is all.

Q. Well, now, we will come back to the side door, and without giving the conversation, what did you do?

A. Went up the steps.

Q. Well, Mr. Sawyer,--- did he go in?

A. Did Mr. Sawyer go in?

Q. Did he follow you in?

A. No, sir, I think not.

Q. And what did Miss Sullivan do?

A. Nothing as I know of.

Q. Continued to sit there?

A. Yes, sir.

Q. And then where did you go?

A. Went into the sitting room.

Q. The sitting room first?

A. Yes, sir. Well, I went into the kitchen and from there in: of course I had to go there.

Q. Yes, I understand. And after going into the sitting room did you go into the dining room?

A. Not at that time.

Q. Did you go upstairs before you went into the dining room?

A. I went part way up.

Q. And did you go up stairs before you saw Miss Lizzie?

A. Yes, sir.

Q. Now when did you first see her, and where?

A. When I came down after I went part way up the stairs, she was sitting in the dining room on the lounge.

Q. Do you know who were there with her?

A. I don't think there was anyone: there was no one on the lounge with her.

Q. Don't you remember there were some ladies there?

A. Well,

I say there was Mrs. Churchill and Miss Russell. They were in the other room: they were not in there.

Q. Were they in the sitting room?

A. They were in the sitting room when I went in.

Q. Where Mr. Borden was lying on the sofa?

A. Yes, sir.

Q. Did you remain there then from that time on, at the house?

A. I was about the house and the yard all the afternoon.

Q. I think you said that there were, as you remembered it, two or three policemen there?

A. They were in the house.

Q. After you got in the house?

A. In the house.

Q. And you do not know who they were?

A. I do not; I was not acquainted with them at all.

Q. And in what part of the house were they?

A. They were in the sitting room.

Q. Just to go back a minute,---it escaped my attention. In the yard, against the back fence, the Chagnon fence, were there some piles of lumber at that time?

A. Yes, sir.

Q. Have you seen them within a few days?

A. Not to notice them, I have not.

Q. You have seen them a good while along after this affair?

A. Yes, sir.

Q. Are they substantially,---I do not mean exactly, but are they substantially as they were then?

A. I think they are.

Q. Did you see any of the blood spots upon the parlor door,---that is, the door leading from the sitting room into the parlor?

A. I did.

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Q. And they were washed off, were they not?

A. Yes, sir.

Q. At some time,---do you remember what day?

A. If I recollect right, it was of a Sunday.

Q. They had been on there all day Thursday, the balance of the day, and Friday and Saturday?

A. Yes, sir.

Q. And were they washed off by Miss Emma?

A. Yes, sir.

Q. Were you present?

MR. KNOWLTON: Was that inquiry as to the parlor door?

MR. ROBINSON: (To the witness) The door leading from the sitting room into the parlor---Directly behind the head of Mr. Borden as he lay upon the lounge?

A. Yes, sir, west of it.

Q. Did you notice on what part---well, I will not follow that now. Did you notice the officers making any examination of any part of the premises at any time you were there?

A. Yes, I was with them part of the time.

Q. Where did they go?

A. Went up in the second and third story.

Q. And what did they look at?

A. Looked at everything, I guess.

Q. They did? Well, were they thorough about it?

A. I think so.

Q. Well, for instance, what did you see them do in the way of making a search?

A. I see them overhauling everything. I unlocked a chest or a trunk or something of that kind up in the attic that they couldn't get into.

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Q. Did they have full opportunity to look about?

A. Yes, sir.

Q. Was there anybody there to stop them?

A. No, sir.

Q. Did you impose any objection?

A. No, sir.

Q. And nobody did?

A. Not that I know of.

Q. To your observation, as they went about, they had free search?

A. They had free access to everything.

MR. KNOWLTON: This was the day of the homicide?

Q. This was Thursday, right after you got there?

A. Well, I think it was Friday that I was with them up stairs.

Q. Friday?

A. I think so.

Q. On Thursday afternoon didn't they search some?

A. They searched themselves: I was not with them then.

Q. At any time did they search below stairs in the cellar when you were present?

A. Yes, sir.

Q. Well, where did they go then?

A. Went out to the barn.

Q. No, in the cellar I am first speaking of?

A. They went all over it.

Q. What do you mean by going all over it?

A. Well, in the different rooms. There is a wash room and a coal room and a wood room.

Q. I understand, or I would not ask it, that you were there when they were downstairs in the cellar?

A. I was down there part of the time, not all the time: just a short time.

Q. Well, when you were there, what did they look into: what did they do?

A. Well, they merely looked over the different rooms.

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Q. Did they find anything down there?

A. Except some axes---hatchets.

Q. Did you see them find those---see them have them?

A. I see them have them.

Q. How many officers were there?

A. I don't know: there were three or four, I think, down there.

Q. Would you know those axes if you were to see them?

A. I would not.

Q. Could you give us anything as to whether they were axes or hatchets?

A. I think they were mostly hatchets. I think there was one, what I call an axe.

Q. Long handle?

A. Yes, sir.

Q. Did you examine them yourself?

A. I did not. Not to take them---

Q. Do you know where they were taken from?

A. I don't know. When I saw these hatchets the doctor had them in his hands.

Q. Doctor who? Dr. Dolan?

A. Dr. Dolan, I think.

Q. The Medical examiner?

A. Yes, sir, that is the one.

Q. Did you see those implements again at any other time?

A. Several days after that, as I came around from the back of the house, there was a man on the east side of the back steps with a bag or sack, putting some axes into a sack.

Q. And when you say axes, do you mean hatchets as well?

A. Well, hatchets----I call them all axes.

Q. And did you know this man?

A. I did not.

Q. Was he a policeman, according to his uniform?

A. I should judge not.

Q. You think not; and do you know whether Dr. Dolan was there at

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that time or not?

A. He was not out there: I don't know whether he was in the house or not.

Q. After that time, so far as you know, you have not seen them?

A. No, sir.

Q. Did you attend the preliminary examination at Fall River in the District Court?

A. I did.

Q. And were axes produced there---hatchets?

A. Yes, sir.

Q. Are you able to say whether those were the ones or not?

A. I could not say.

Q. You cannot say about that. Were you there on Saturday, I am reminded to ask you?

A. Yes, sir.

Q. Well, I allude to it as a possible day when there was quite a search made by the officers, a thorough search?

A. I was there every day afterwards for three or four months.

Q. Did you attend the burial?

A. I did.

Q. And so, during that time that you were away at the cemetery, you did not know what happened?

A. I do not.

Q. But after you came back to the house was that searching of the house carried on, continued?

A. I think it was.

Q. And how many officers were participating in that, Mr. Morse?

A. I don't know: four or five, I should think.

Q. Did you know any of them?

A. I did not.

Q. Did not know even the marshal? Well, so far as you saw on that day, where did they go?

A. What do you mean---about the house?

Q. Yes, what parts of the house?

A. Oh, I don't know. I should judge, from the sound, all over it.

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Q. You think they went all over it by the sound? Up into the third story as well?

A. Yes, sir.

Q. Down cellar?

A. Yes, sir.

Q. And Miss Lizzie, the defendant, was there,---I mean in the house?

A. Yes, sir.

Q. And Miss Emma, her sister, in the house?

A. Yes, she came that night after the murders: she was there all the time afterwards.

Q. Was there any objection, the slightest, made to their looking where they wanted to?

A. No, sir.

Q. Or opening anything?

A. No, sir.

MR. ROBINSON: That is all.

(5 minute recess)

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Q. (By Mr. Robinson.) Mr. Morse, with the Court's permission I would like to ask you one question, because I think you were possibly in error. Did you give correctly, do you think, the date of your sister's death---the year? I mean the first Mrs. Borden?

A. Why, I know that was just the best of my recollection, about that time. It may have been within a year or so of it, I think. I know it was during war times, and I think about the first of it too. It was during war times.

Q. Yes. Well, now as you recall it, do you recollect that Miss Lizzie was born in July, 1860?

A. I make it she is about 32 or 33 years old.

Q. Yes, sir. But we are not speaking of that, but whether you did not put the date of your sister's death about a year or two too early?

A. Well, I may.

Q. Yes. Miss Lizzie was a little girl two or three years old at that time, wasn't she, at the time your sister died, instead of being about a year?

A. I thought she was about three years old when he married the second time. I have got my mind that way.

Q. Well, you are not certain now, correctly, then; but upon reflection I understand you to say you cannot now positively state the year?

A. No, I cannot.

Q. You may be in error a year or two?

A. Yes.

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RE-DIRECT.

Q. (By Mr. Moody.) Be good enough to give us the name of your sister?

A. You want the whole name?

Q. Yes.

A. Sarah Anthony Morse.

Q. And by the request of Gov. Robinson I ask whether she died in Fall River or not?

A. She did.

Q. Was the second marriage in Fall River?

A. Yes, sir.

Q. You have spoken of some axes and hatchets that were taken away by an officer. Were they hatchets and axes which had handles on them?

A. Yes, sir; those I saw.

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Q. All of them had handles?

A. I think so.

Q. Do you recall whether it was Mr. Edson who took them away?

A. I don't.

Q. Do you know Mr. Edson?

A. I do not.

Q. Did you see a man in the preliminary hearing who testified with reference to taking those hatchets away?

A. I don't recollect that I did.

Q. Is Second street a paved street, macadam street or a mere dirt street at the part that passes Mr. Borden's house?

A. Why, I think that is macadamized there. I think it is. I know it is very hard.

Q. You spoke of using a lamp to go to bed. Is there any gas in the house?

A. No, sir.

Q. Will you give us the best judgment you have as to the time when the person came in and went up stairs into Miss Lizzie Borden's room on the evening of Wednesday?

A. To the best of my recollection, about quarter past nine.