

# *Trial Testimony of Alice M. Russell*

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

*Edited by Harry Widdows*

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ALICE M. RUSSELL

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ALICE M. RUSSELL, Sworn.

Q. (By Mr. Moody.) Your name is Alice M. Russell?

A. Yes, sir.

Q. And you live in Fall River, do you?

A. Yes, sir.

Q. How long have you lived in Fall River?

A. I don't know how long I have lived there.

Q. Well, a good many years?

A. Yes, sir.

Q. You are unmarried, I believe?

A. Yes, sir.

Q. At some time did you live in the house now occupied by Dr. Kelly?

A. Yes, sir.

Q. How long ago did you live there, about how long ago?

A. Two years ago, last October.

Q. You moved away?

A. Yes, sir.

Q. How long had you lived there before that time?

A. Just eleven years.

Q. And of course during all that time the Bordens has occupied the house next north?

A. Yes, sir.

Q. You were acquainted with them well?

A. Yes, sir.

Q. All of the family?

A. Yes, sir.

Q. Mr. Borden, Mrs. Borden, Miss Emma Borden, and Miss Lizzie Borden?

A. Yes, sir.

Q. Now I will have to ask you to speak a little louder, Miss Russell. Where on the 4th of August, or on the first part of August of last year, did you live? On what street in Fall River?

A. Borden Street.

Q. The number of the house on Borden street was what?

A. 33.

Q. Is that a house not far from the corner of Second street?

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A. Yes, sir.

Q. The small house between the corner of Borden and Second Streets and the bake shop; is that it?

A. No, sir.

Q. Well, describe the house that you live in?

A. Between Third and Fourth Streets on Borden Street.

Q. And near by a bake shop?

A. Yes, sir.

Q. Do you occasionally have calls from the prisoner; did she come to your house?

A. Yes, sir.

Q. Did you go to her house?

A. Yes, sir.

Q. When you called at her house where did she receive you, in what part of the house?

A. Upstairs, in what is called the guest room.

Q. Did she use that for a sitting-room as you were there,---the guest room?

A. As I was there.

Q. Now I will call your attention, if you please, to a visit she made to you upon the Wednesday night of August 3 of last year. Did she make such a visit?

A. Yes, sir.

Q. About what time did she make it?

A. I am not sure; I think about seven.

Q. Some time in the evening, was it?

A. Yes, sir.

Q. Did she come alone or did some one else come with her?

A. Alone, as far as I saw.

Q. Now speak louder; I find difficulty in hearing you. About how long did she stay with you, Miss Russell, that night?

A. I think she went at nine, or five minutes after. That is as near as I know.

Q. Of course during the meantime you and she talked together

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about various subjects?

A. Yes, sir.

Q. Was anything said in reference to going to Marion?

A. Yes, sir.

Q. Won't you state what was said by her and by you, and then go on and state the conversation which followed?

A. I think when she came in she said, "I have taken your advice, and I have written to Marion that I will come." I don't know what came in between, I don't know as this followed that, but I said, "I am glad you are going." as I had urged her to go before.

Q. (By Mr. Robinson.) Be kind enough to speak a little louder, if you can.

A. Shall I repeat that?

Q. If you please, because I didn't hear it.

A. I said, "I am glad you are going." I had urged her before to go, and I didn't know she had decided to go. I said, "I am glad you are going." And I don't know just what followed, but I said something about her having a good time, and she said "Well, I don't know; I feel depressed. I feel as if something was hanging over me that I cannot throw off, and it comes over me at times, no matter where I am." And she says, "When I was at the table the other day, when I was at Marion, the girls were laughing and talking and having a good time, and this feeling came over me, and one of them spoke and said, 'Lizzie, why don't you talk?' I don't know what was said after that. I don't remember of any more conversation about Marion. Whether there was or not I don't remember.

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Q. (By Mr. Moody.) Well, then, go on and state how the conversation went on, taking your own method.

A. I suppose it followed right on after that. When she spoke, she says, "I don't know; Father has so much trouble." Oh, I am a little ahead of the story. She said, "Mr. and Mrs. Borden were awfully sick last night." And I said, "Why, what is the matter; something they have eaten?" She said, "We were all sick," she said, "all but Maggie." And I said, "Something you think you have eaten?" She said, "We don't know. We had some baker's bread, and all ate of it but Maggie, and Maggie wasn't sick." And I said, "Well, it couldn't have been the bread; if it had been baker's bread I should suppose other people would be sick, and I haven't heard of anybody." And she says, "That is so." And she says, "Sometimes I think our milk might be poisoned." And I said, "Well, how do you get your milk; how could it be poisoned?" And she said, "We have the milk come in a can and set on the step, and we have an empty can. We put out the empty can overnight, and the next morning when they bring the milk they take the empty can." And I said, "Well, if they put anything in the can the farmer would see it." And then I said--I asked her what time the milk came, if she knew. She said, "I think about four o'clock." And I said, "Well, it is light at four. I shouldn't think anybody would dare to come

then and tamper with the cans for fear somebody would see them." And she said, "I shouldn't think so." And she said, "They were awfully sick; and I wasn't sick, I didn't vomit;

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but I heard them vomiting and stepped to the door and asked if I could do anything, and they said, No."

Q. (By Mr. Robinson.) Will you please repeat that?

A. Lizzie said "I didn't vomit. I heard them vomit, but I didn't vomit. I wasn't sick enough to vomit, but they were. I heard them, and I stepped to the door and asked them if I could do anything, and they said no."

Q. (By Mr. Moody.) Now, go on with the conversation

A. Well, I think she told me that they were better in the morning and that Mrs. Borden thought that they had been poisoned, and she went over to Dr. Bowen's---said she was going over to Dr. Bowen's

Q. Well, we won't follow that any further. Is there any other thing that she began to talk about? Proceed in your own way, Miss Russell

A. I can't recall anything just now. Of course she talked about something else, because she was there two hours, but I cannot think about it.

Q. Anything about trouble with tenants, or anything of that sort?

A. She says, "I don't know," she says, "I feel afraid sometimes that Father has got an enemy. For," she said, "he has so much trouble with his men that come to see him." She told me of a man that came to see him, and she heard him say---she didn't see him, but heard her father say, "I don't care to let my property for such business." And she said the man answered sneeringly, "I shouldn't think you would care what you let your property for." And she said, "Father was mad and

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ordered him out of the house." She told me of seeing a man run around the house one night when she went home. I have forgotten where she had been. She said, "And you know the barn has been broken into twice." And I said, "Oh well, you know well that that was somebody after pigeons; there is nothing in there for them to go after but pigeons." "Well," she says, "they have broken into the house in broad daylight, with Emma and Maggie and me there." And I said, "I never heard of that before." And she said, "Father forbade our telling it." So I asked her about it, and she said it was in Mrs. Borden's room, what she called her dressing room. She said her things were ransacked, and they took a watch and chain and money and car tickets, and something else that I can't remember. And there was a nail left in the keyhole; she didn't know why that was left; whether they got in with it or what. I asked her if her father did anything about it, and she said he gave it to the police, but they didn't find out anything; and she said father expected that they would catch the thief by the tickets. She remarked, "Just as if anybody would use those tickets."

Q. Yes. Is there anything else that you recall? Anything about burning the house?

A. She said, "I feel as if I wanted to sleep with my eyes half open---with one eye open half the time---for fear they will burn the house down over us."

Q. Anything else in that connection?

A. She said that before this other.

Q. What had she said just before the burning of the house?

A. I think that was the beginning of her telling me about her fears of somebody breaking in, before she told me about the breaking into the barn, I think.

Q. Is there anything else that occurs to you in the conversation?

A. I don't think of anything.

Q. Anything about doing anything to any member of the household; not herself, but anyone else; anything to her father. She was afraid that someone would do something.

A. Oh, she said, "I am afraid somebody will do something; I don't know but what somebody will do something." I think that was the beginning.

Q. Please state that.

A. "I think sometimes---I am afraid sometimes that somebody will do something to him; he is so discourteous to people." And then she said, "Dr. Bowen came over. Mrs. Borden went over, and father didn't like it because she was going; and she told him where she was going, and he says, 'Well, my money shan't pay for it.' She went over to Dr. Bowen's, and Dr. Bowen told her---she told him she was afraid they were poisoned ---and Dr. Bowen laughed, and said, No, there wasn't any poison. And she came back, and Dr. Bowen came over." And she said, "I am so ashamed, the way father treated Dr. Bowen. I was so mortified." And she said after he had gone Mrs. Borden said she thought it was too bad for him to treat Dr. Bowen so, and he said he didn't want him coming over there that way.

Q. Now have you stated substantially all you remember about that

talk the night before?

A. Yes, All that I can remember.

Q. Upon the next morning, August 4th, did you receive a visit from Bridget Sullivan?

A. Yes, sir.

Q. About what time was it?

A. I don't know what time it was.

Q. Did you have occasion to notice the time?

A. Not after eleven.

Q. Did you notice the eleven o'clock bell?

A. Yes, sir.

Q. Was it before or after that bell that Bridget came to you?

A. After.

Q. What were you doing when she came?

A. I was at my work.

Q. In consequence of anything that she said to you did you go anywhere?

A. Yes, sir.

Q. Where did you go?

A. I went upstairs.

Q. And what did you do upstairs?

A. Changed my dress.

Q. What did you do then?

A. I went over to Mr. Borden's.

Q. Speak up please.

A. I went over to the Borden house.

Q. When you got to the Borden house do you recall who were there?

A. I only remember Lizzie.

Q. Where was she when you got there?

A. I am not positive.

Q. Was she downstairs or upstairs?

A. Down stairs.

Q. Did you have any talk with her or did she say anything to you?

A. When?

Q. When you got there, or any time before you went upstairs.

A. Yes, sir.

Q. Well, go on and tell us what it was.

A. I cannot tell it in order for it is very disconnected. I remember very

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little of it.

Q. Well tell us that part which you do remember.

A. I think she was standing in the door, leaning against the door frame, as I went in, and I asked her to sit down in the rocking chair, which she did. There was somebody came around, I don't know who they were. There were people there, came in; either they were there or came right in or something. I don't know what followed.

Q. Now let me ask you if anything was said about her whereabouts when her father was killed?

A. That was some time later, in telling us, she told us about going to the barn.

Q. What did she say when she told you that?

A. I don't remember. She said she went to the barn. She told us when she came in--- she said that she saw her father, and that he was killed.

Q. Did she say anything about what she went to the barn for?

A. Not until I asked her.

Q. State what you asked her and what she replied.

A. I said, "What did you go to the for, Lizzie?" And she said "I went to get a piece of tin or iron to fix my screen."

Q. Did she refer to any screen in particular, or simply "my screen."?

A. My screen.

Q. Now was there anything else that was said that you recall while she was down stairs, anything about Mrs. Borden that you remember?

A. I know she asked for somebody to find Mrs. Borden.

Q. Had she told you anything about where Mrs. Borden was, whether

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she had gone out or not?

A. I don't remember.

Q. Anything about a note?

A. I heard the note talked over; I don't know who told it.

Q. You do not recall whether she told it or someone else did?

A. No, sir.

Q. Do you remember of someone's going for the sheet?

A. Yes, sir.

Q. Who went for the sheet?

A. Well, I don't remember. I remember their asking for one.

Q. But you can't remember who went for it?

A. No, I don't know for sure who went for it.

Q. How long do you think you remained down stairs before you went upstairs?

A. I don't know. I haven't any idea, anything definite.

Q. During the time that you was down stairs was there anything about loosening a dress, any one's dress?

A. Yes.

Q. Well, state what that was.

A. I will have to ask you your question again.



Q. About loosening anyone's dress.

A. Anything said, did you say?

Q. What I want to know is, was anything said or done about loosening anyone's dress?

A. I started to unloosen her dress, thinking she was faint, and she said, "I am not faint."

Q. Was her dress, the upper part of her dress, loose or tight?

A. Her dress was loose here, (indicating) where I started to unloosen it. It was loose here so it pulled out.

Q. Are you able to give us any description of the dress she had

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on that morning?

A. None whatever, other than that.

Q. When she went up stairs did she go up alone or did anyone go with her?

A. I am not sure.

Q. Did you go with her?

A. I have always thought so; I am not sure.

Q. Were you in the room with her at any time upstairs before a change of dress?

A. Yes, sir.

Q. Was anyone else there besides you and Miss Borden at that time.

A. No, sir.

Q. Now was there some conversation there in consequence of which you left the room?

A. Yes, sir.

Q. Will you state what that conversation was?

A. She said, "When it is necessary for an undertaker I want Winwood."

Q. What did you do?

A. I went down stairs and waited in the hall to see Dr. Bowen.

Q. And did you see him?

A. After waiting some time, I sent for him. He didn't come through there, and I sent for him and he came.

Q. After you had an interview with him where did you go?

A. Upstairs again.

Q. Did you go to her room?

A. Yes, sir.

Q. What did you see when you went to the room?

A. She was coming out of Miss Emma's room, tying the ribbons of a wrapper.

Q. What sort of wrapper was it?

A. Pink and white stripe, I think.

Q. Was it a tight or loose wrapper, perhaps wrappers are always loose?

A. I couldn't tell you.

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Q. Did you at that time see her do anything with reference to the clothes closet door? That is over the front hall. You know that room that I mean?

A. Yes, sir.

Q. The large closet with a window in it, facing out to the street. What did you see her do with reference to that door?

A. When?

Q. At anytime while you were up in that room with her before the officers came?

A. I didn't see her do anything.

Q. Did you at any time during that day see her go to that door?

A. Yes, sir.

Q. When was that?

A. I don't remember just when.

Q. How many times did you see her go to that door.

A. I remember of her going twice.

Q. And what did she do when she went to the room to get into it?

A. She unlocked the door.

Q. Each time?

A. Yes, sir.

Q. Do you recall where she took the key from?

A. No, sir.

Q. Do you know Mr. Fleet; Do you know him now?

A. Yes, sir.

Q. Assistant marshal of Fall River?

A. Yes, sir.

Q. Did you see anything between him and her with reference to that door? Did he go into that door?

A. I don't know.

Q. Did you see her give any key to Mr. Fleet?

A. No, sir.

Q. Did you see her unlock the door for Mr. Fleet?

A. No, sir. At least I don't remember.

Q. You don't remember it?

A. No, sir.

Q. Now did you have any occasion you see the door that leads from Miss Lizzie Borden's room into her father's and stepmother's

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room? Did you observe that door at any time while you were up there?

A. When?

Q. That morning.

A. Before this?

Q. At any time. Either by the officers calling your attention to it or by any observation of your own, did you see it on August 4th,---that door?

A. Yes, sir.

Q. Won't you state what you observed with reference to that door?

A. I was in Mr. and Mrs. Borden's room while the officers were searching the house ---as I understand, and did then---the first time. They went through that room. looked into the little room opening out of Mr. and Mrs. Borden's room, and they started to open that, and found it locked, and they pulled it open. There was a portiere hanging on the other side.

Q. That is, they pulled the door forcibly open from Mr. Borden's room side?

A. Yes, sir.

Q. Did you notice how it had been fastened on the other side?

A. On Miss Lizzie's side?

Q. Yes.

A. I didn't notice then.

Q. Did you afterwards notice?

A. Yes, sir.

Q. What did you notice about the fastening on Miss Lizzie Borden's side?

A. That it had a hook and a screw-eye.

Q. Did you notice anything else about the hook and the screw-eye?

A. No, sir.

Q. Whether it was pulled out or not, I mean?

A. It was pulled out.

Q. And what sort of a place---as the officers pulled that door

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open---what sort of a place did you observe afterwards it left in the wall where this screw was?

A. I didn't observe anything about it.

Q. You simply saw them pull it out?

A. I saw her screwing it in.

Q. You saw her screwing it in again?

A. Sometime during the day.

Q. After the officers had done this thing that you say?

A. Yes, sir, I think in the evening.

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Q. Did you remain there all day, Miss Russell?

A. Yes, sir.

Q. Did you remain there that night?

A. Yes, sir. I did not remain all day: I went home.

Q. But returned again?

A. Yes, sir.

Q. And remained there Thursday night?

A. Yes, sir.

Q. By the way, before passing away from it, had you suggested to Miss Lizzie Borden to change her dress?

A. No, sir.

Q. Had you heard any one else suggest it?

A. No, sir; I never remember of it.

Q. Upon the Thursday night, did you go into the cellar with any one?

A. Yes, sir.

Q. Was it after dark?

A. Yes, sir.

Q. Who went with you?

A. Miss Lizzie.

Q. Taking a slop pail, did she?

A. Yes, sir.

Q. And did you take anything?

A. Lamp.

MR. ROBINSON. Perhaps you will let her state what occurred: that would be proper.

MR. MOODY. I will.

Q. Did you have anything with you?

A. Yes, sir.

Q. What was it?

A. A lamp.

Q. Into what room in the cellar did you go?

A. Water closet.

Q. Was there anything in the cellar as you went down there at that time,---any object?

A. Where?

Q. Anywhere in the cellar. Any clothing I mean?

A. Yes, sir.

Q. And what were the clothing that were there?

A. The clothing taken from the bodies.

Q. And where were they?

A. In the wash room.

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Q. Did you go into the wash room at all at that time?

A. I did not go.

Q. Did Miss Lizzie Borden go into the wash room at that time?

A. Yes, sir.

Q. And go to what part of the wash room?

MR. ROBINSON. I reminded you a moment ago that the witness ought to be able to tell what was done, and you should not lead her.

MR. MOODY. I don't intend to.

Q. Tell us what she did.

A. She went to the sink and rinsed out the pail.

Q. Then what was done?

A. Then we went up stairs.

Q. Did you go down cellar again that night?

A. No, sir.

Q. Either alone or with her?

A. No, sir.

Q. Did you know whether any body else went down cellar later that night?

A. No, sir.

Q. Did you learn from Miss Lizzie Borden whether any one else went down cellar that night?

A. No, sir.

Q. When you went up stairs where did you go?

A. I don't know, I think right up stairs. I think the second story, but I don't know.

Q. Right up stairs: what do you mean by upstairs? On the dining-room floor?

A. No, the second floor. Still, I don't know---

Q. Did any one go up with you?

A. I don't know that.

Q. What room did you sleep in that night?

A. What was Mr. and Mrs. Borden's room.

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Q. Do you remember when you parted after coming up from the cellar with Miss Lizzie Borden?

A. No, sir.

Q. Did you see her again that night?

A. Yes, sir.

Q. How soon after?

A. I don't know.

Q. Do you know where she had been in the meantime?

A. I think she had been in her room. Our doors were open.

Q. Were the doors open all the time?

A. Up to that time.

Q. Well, then, after that time were the doors open?

A. No, they were closed a short time.

Q. You said you slept in which room?

A. What was Mr. and Mrs. Borden's room.

Q. The doors were closed, were they?

A. Yes, sir.

Q. After the doors were closed did you see her again until morning?

A. Yes, sir.

Q. What time?

A. After I opened the door.

Q. How long was that after you closed the door?

A. I don't know for sure; I think fifteen or twenty minutes.

Q. How long after you came upstairs was it before you closed the door between the two rooms?

A. I don't know.

Q. Can't you give me any idea?

A. I cannot: I don't know whether we went right up stairs or not.

Q. You don't remember whether you did or not?

A. No, I did not: I can't tell you anything about it.

Q. In any event, the doors were closed at the time you say?

A. Yes, sir.

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Q. What were you doing---that will measure the time, perhaps as well as anything else ---what were you doing while the doors were closed between the rooms?

A. I was getting ready for bed. I read an account of this affair in the News.

Q. Anything else?

A. I don't think I did anything else.

Q. Any toilet operation of any sort?

A. Bathing.

Q. How long did you remain at the Borden house after the day of the murder--- homicide?

A. I went there when I was called, and I came away the next Monday morning.

Q. Did you stay the intervening nights?

A. Yes, sir.

Q. Thursday, Friday, Saturday and Sunday nights?

A. Yes, sir.

Q. What room did you occupy during this time?

A. I occupied what was Mr. and Mrs. Borden's room Thursday and Friday nights: Saturday and Sunday, I occupied Miss Emma's room.

Q. Miss Emma's room?

A. Miss Emma's room.

Q. Do you remember the breakfast on Sunday morning?

A. No, I do not.

Q. Who got the breakfast Sunday morning?

A. I got the breakfast.

Q. After the breakfast had been got and the dishes had been cleared away, did you leave the lower part of the house at all?

A. Yes, sir.

Q. About what time in the morning was it when you returned. Miss Russell?

A. I don't know.

Q. Was it before noon?

A. Yes, sir.

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Q. Will you state what you saw after you returned?

A. I went into the kitchen, and I saw Miss Lizzie at the other end of the stove; I saw Miss Emma at the sink. Miss Lizzie was at the stove, and she had a skirt in her hand, and her sister turned and said, "What are you going to do?" and Lizzie said, "I am going to burn this old thing up; it is covered with paint."

Q. "Covered in paint,"---is that the expression?

A. I don't know whether she said "covered in paint" or "covered with paint".

Q. Do you recall anything else said then?

A. No, sir.

Q. What did you do then?

A. I am quite sure I left the room.

Q. Did you speak to either of them at that time?

A. No, sir, I don't remember that I did. I don't think I did.

Q. Did you come into the room again?

A. Yes, sir.

Q. What did you see then?

A. Miss Lizzie stood up towards the cupboard door,---the cupboard door was open, and she appeared to be either ripping something down or tearing part of this garment.

Q. What part?

A. I don't know for sure; it was a small part.

Q. A smaller part? Go on and state.



A. I said to her, "I wouldn't let anybody see me do that, Lizzie." She didn't make any answer. I left the room.

Q. Did she do anything when you said that?

A. She stepped just one step farther back up towards the cupboard door.

Q. Did you notice where the waist of the dress was when she held the skirt in her hands as you first came in?

A. I didn't

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know that it was the waist, but I saw a portion of this dress up on the cupboard shelf.

Q. Inside the cupboard?

A. Yes. The door was wide open.

Q. When you came back the second time and she was tearing the smaller part, did you see the skirt?

A. Well, I am not positive; I think I did.

Q. Did you have any more talk with her that day, or did she say anything to you about it?

A. No, sir.

Q. At that time were there any police officers in the house?

A. No, sir.

Q. Were there any officers about the premises?

A. Yes, sir.

Q. Do you know whether there was anyone else in the house except yourself and Miss Emma and Miss Lizzie Borden?

A. I don't think that there was.

Q. When had Bridget left? Do you know whether she had left before the Sunday morning or not?

A. Yes, she had left.

Q. Before that?

A. Before that.

Q. Do you know Mr. Hanscom?

A. Yes, sir.

Q. Did you see him at the Borden house on Monday morning, the following day?

A. Yes, sir.

Q. I do not ask you what he said to you or you to him, but did you have some conversation with him?

A. Yes, sir.

Q. In what room?

A. The parlor.

Q. In consequence of that conversation, what did you do? What did you do after the conversation with Mr. Hanscom?

(No Answer)

Q. Did you see anyone after that conversation?

A. I saw Miss Lizzie and Miss Emma.

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Q. Where did you see them?

A. In the dining room.

Q. What talk passed between you in the dining room?

A. I said to them---I said, "I am afraid, Lizzie, the worst thing you could have done was to burn that dress. I have been asked about your dresses."

Q. What did she reply?

A. She said, "Oh, what made you let me do it? Why didn't you tell me?"

Q. Miss Russell, you testified before the inquest, did you?

A. Yes, sir.

Q. You testified at the preliminary hearing?

A. Yes, sir.

Q. And you testified once and then again before the Grand Jury?

A. Yes, sir.

Q. At either of the three previous times---at the inquest, at the preliminary, or at the first testimony before the Grand Jury, did you say anything about the burning of this dress?

A. No, sir.

MR. ROBINSON. Wait a moment. I do not see how that is at all material. The Government is not trying to fortify this witness, I hope.

MR. MOODY. Well, I do not press it. If you don't want it, I don't care to put it in.

MR. ROBINSON. Oh, it is not what I want. You are trying the Government's case; I am objecting.

MR. MOODY. I waive the question.

MR. ROBINSON. I think it should be stricken out.

MR. MOODY. I agree that it may be stricken out.

Q. Miss Russell, to go back again to the day of the homicide,

do you remember anything about a search for a note by anyone---Dr. Bowen?

A. Yes, sir.

Q. State what there is about that.

A. When we were in the dining room Lizzie was lying down, and I think Dr. Bowen came in---I always thought it was Dr. Bowen---came in and said, "Lizzie, do you know anything about the note your mother had?" And she hesitated and said, well, no, she didn't. He said, "I have looked in the wastebasket," and I think I said---no, he said, "Have you looked in her pocket?" And I think I said, "Well, then she must have put it in the fire." And Lizzie said, "Yes, she must have put it in the fire."

### CROSS-EXAMINATION

Q. (By Mr. Robinson.) I don't care to trouble you at all about the conversation of Wednesday evening, only, as I understand it, she told you that they had all been sick up there?

A. Yes, sir.

Q. And that Mr. and Mrs. Borden were sick and that the doctor had been----

MR. MOODY. Oh, excuse me; an important matter I forgot.

### DIRECT EXAMINATION, resumed

Q. (By Mr. Moody.) Miss Russell, will you tell us what kind of a dress---give us a description of the dress that she burned, that you have testified about, on Sunday morning?

A. It was a cheap cotton Bedford cord.

Q. Bedford cord?

A. Yes, sir.

Q. What was its color?

A. Light-blue ground with a dark figure---small figure.

Q. Do you know when she got it?

A. I am not positive.

Q. Well, about when she got it?

A. In the early spring.

Q. Of that same year, do you mean, or some other year?

A. Yes, sir, I think that same year.

Q. Was your attention called to it at the time she got it in any way?

A. At the time I first saw it?

Q. Yes, at the time you first saw it, and by what?

A. She told me that she got her Bedford Cord and she has a dressmaker there, and I went there one evening and she had it on, in the very early part of the dressmaker's visit, and she called my attention to it, and I said, "Oh, you have got on your new Bedford Cord." That is the only time I saw it until this time.

Q. Until the time it was burned?

A. Yes, sir.

Q. Can you give us anything more about the figure---

MR. ROBINSON. You turned around and made correction; I don't know whether it is a correction for the reporter or only for me. Perhaps you had better state it again.

MR. MOODY. I did not mean to put in the question. "the morning the dress was burned?" but, "the Sunday morning following the homicide". That is the I referred to.

Q. To make it clear, between the time you saw it on Miss Lizzie Borden and had the talk about it in the spring, you did not see it again until the Sunday morning after the homicide?

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A. I never remember of ever seeing it, and I am quite sure I did not---that I never had.

Q. Can you give me any further description of the dark-blue figure?

A. No, sir.

Q. Could you give any further description?

A. Nothing, only that it was small.

Q. A small dark-blue figure?

A. Yes, sir.

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#### CROSS-EXAMINATION, Resumed.

Q. I remarked I did not want to trouble you about Wednesday evening except that she said they had all been sick, and she herself, as I understand you?

A. Yes, sir.

Q. And the other two vomited during the night, and she heard them from her room and was sick herself but did not vomit?

A. Yes, sir.

Q. Was called to them and asked if she could do anything for them and both said no?

A. Yes, sir.

Q. Now we will go right along to Thursday, the 4th of August. You were called up there and went as rapidly as you could to the house?

A. Yes, sir.

Q. When you got there, beside Miss Lizzie, who was there?

A. I don't know who was there.

Q. I infer from that there were others?

A. I don't know; I don't know whether anybody was in the room or not.

Q. Do you remember whether anyone was outside?

A. I think so, I don't know.

Q. Did you see Mrs. Churchill there?

A. When I went in?

Q. Yes.

A. I did not.

Q. You saw her there?

A. I saw her there soon after.

Q. Did you see Bridget there any time?

A. I don't know when I went in whether she was there or not.

Q. You certainly saw Lizzie?

A. Yes, sir.

Q. Where was she when you saw her during any time that morning when you were there?

A. I asked her to go into the dining room and said, "It is warm here; don't you want to go into the dining room and lie down?" And she went there.

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Q. This was a warm day, as I remember it to have been testified to?

A. Yes, sir.

Q. Was the dining room door shut, leading into the sitting room?

A. Yes, sir.

Q. And the one from the kitchen in,---was that closed after you went in?

A. Yes, sir.

Q. So that you were in the dining room where it was a good deal cooler?

A. Yes, sir.

Q. What was done with reference to Miss Lizzie?

A. I think I fanned her. Is that what you mean?

Q. I mean tell about that, if it was so. What else did you see? I mean to have you tell me about that occurrence, whatever the fact is.

A. That is all I remember.

Q. Was she bathed, her hands and face?

A. I don't remember whether I bathed her face. I don't think I bathed her face in there. It was in the kitchen I bathed her forehead.

Q. Was she complaining and feeling badly?

A. No.

Q. Was she pale?

A. I don't know.

Q. I thought you said, you spoke of her sitting down as if she was going to faint

A. I did not say that she fainted, but she sat down as though she was going to be faint, and I asked for a towel.

Q. Was that furnished?

A. Yes, sir.

Q. She did not faint?

A. No, sir, she did not faint.

Q. Then there was talk going on, a portion of which you have given. Did that occur in the dining room or the kitchen?

A. I think in the kitchen; I know it was not in the dining-room.

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Q. At any time did she say anything about her head aching or feeling badly?

A. Upstairs? That was before---

Q. That was after you went upstairs?

A. Yes, sir.

Q. Did you see any handkerchiefs about there?

A. I found some handkerchiefs in the dining room.

Q. Had they been ironed?

A. Some of them.

Q. And some, I infer, had not been, from your answer?

A. Yes, sir.

Q. What was the condition of those that had not been ironed?

A. They were sprinkled to iron.

Q. About how many were there altogether?

A. I don't know positively.

Q. I am not very particular---about how many?

A. After hearing about handkerchiefs I tried to remember, and as nearly as I could judge there were four or five ironed and two or three sprinkled to be ironed.

Q. There were some of both?

A. Yes, sir.

Q. Do you remember what became of them?

A. I took them upstairs and as I went in Miss Lizzie said, "Oh, yes, those are what I was ironing."

Q. What was done with them?

A. I said, "What shall I do with them, and she said, "Lay them in this drawer." and I took those that were sprinkled and lay them over Miss Lizzie's towel rack to dry.

Q. When you say they were sprinkled, that is the ordinary process in house-keeping when getting ready to iron?

A. Yes, sir.

Q. You say you cannot tell us about a dress that she had on that morning?

A. No, sir.

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Q. Anything about it?

A. Except that it was loose here (indicating some part of the bosom) when I started to loosen them. That is the only thing about the dress I notice.

Q. So far as you know she did not have on but one?

A. No, sir.

Q. Was she lying on the lounge any time that you saw her?

A. Yes, sir.

Q. Now, Miss Russell, did you see any blood upon her clothing?

A. No, sir.

Q. A speck of it?

A. No, sir.

Q. Or face?

A. No, sir.

Q. Or was her hair disturbed?

A. I don't think it was. I think I should have noticed it if it was disordered.

Q. Saw nothing out of the way at all, did you?

A. No, sir.

Q. About any of her clothing or about her person?

A. No, sir.

Q. Everything looked all right, did it?

A. As far as I saw.

Q. As far as you saw. How long did you remain there at that time? All day?

A. Yes, sir.

Q. Then in the afternoon you were there when the officers came, as I understand you?

A. Yes, sir.

Q. Mr. Fleet, was one of them?

A. I am not sure. I know Mr. Fleet was there, but I don't know that he was there at the time you have reference to.

Q. In the afternoon there were a great many there?

A. There were a good many.

Q. Seemed to be a good many policemen?

A. I don't know whether there was a good many, or whether they kept coming.

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Q. Kept going round, but whether the same man or not, you don't remember?

A. I don't remember.

Q. Were they searching the house?

A. I have not any remembrances of their searching the house except that time I was with them.

Q. What did they do then,---where did they search?

A. First I remember being up in Mr. and Mrs. Borden's room and showing the two smaller rooms out of them, and then their coming into Miss Lizzie's room. I do not remember being there, but if course I was there and went down stairs with them, and I went into the parlor with them, and that is all I know about that search.

Q. In the afternoon were you up stairs in Miss Lizzie's room and did the officers come up there?

A. Yes, sir, there were officers up there that afternoon.

Q. Did Mr. Fleet come to her door?

A. I don't know.

Q. Do you know of his being in the clothes-room yourself?

A. No, sir, I do not.

Q. You had been in the clothes-room yourself?

A. I don't think I was in there until late in the afternoon, when Mrs. Holmes and I went in there.



Q. Will you tell the jury how things were when you went into the clothes-room?

A. I don't know a thing about it.

Q. Were there any clothes there?

A. No, sir, there were boxes and trunks there,---I don't remember.

Q. Were clothes hanging on both sides of the room?

A. I think there were.

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Q. Was there some sort of cloth hanging over them?

A. I don't know.

Q. Don't remember that at all?

A. No, sir.

Q. Were there a dozen or more dresses in the room, both sides?

A. I don't know; the room seemed to be full of clothes and boxes or trunks on the floor.

Q. You remember there was a window there?

A. Yes, sir.

Q. And it was ordinarily light?

A. Yes, sir.

Q. In the day time?

A. The same as a room would be with the blinds closed, I think.

Q. It opened right out on the west side on the street?

A. Yes, sir.

Q. Now that Thursday night do you know whether there were officers about the house, policemen or persons in the yard?

A. Yes, sir.

Q. During the evening?

A. Yes, sir.

Q. You had the window open, I suppose?

A. I don't know.

Q. It was warm weather?

A. I should suppose so. You mean up stairs or down?

Q. Down stairs first?

A. I don't remember, I suppose so.

Q. Where were these officers, did you hear them about the yard?

A. Yes, sir.

Q. Whether you hear them talking and moving about?

A. Yes, sir.

Q. And that continued all the evening?

A. Yes, sir.

Q. Were they all round on the back side of the house, too?

A. Yes, sir.

Q. What time, as nearly as you can recollect, did you go up stairs to go to bed?

A. I don't know, I think early.

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Q. Who were the persons that went up at that time or went up at the time to go to bed, ---you and Miss Lizzie? Was Miss Emma there?

A. I don't quite understand you. Do you mean that had not retired?

Q. Yes.

A. We were all up.

Q. When you went up to go to bed, did you three go up together?

A. I don't know.

Q. You went up there together some time?

A. Yes, sir.

Q. Miss Lizzie occupied her own room as I understand it?

A. Yes, sir.

Q. Miss Emma hers, and you occupied the one that was formerly Mr. and Mrs. Borden's, right in the rear?

A. Yes, sir.

Q. Do you remember whether you sat down to talk there before you went to bed?

A. I don't remember.

Q. Or the hour you went off to bed?

A. I don't remember.

Q. You cannot tell a thing about the time?

A. No, sir.

Q. After being there awhile, you and she went down stairs?

A. From up stairs, yes, sir.

Q. Through what rooms did you pass in going down stairs?

A. Well, I am not positive; I can't remember our going. I can't remember after we started.

Q. You certainly went down the front stairs?

A. Well, I don't know whether we did or not.

Q. What is that?

A. I am not sure now whether we did or not. We could have gone down the back stairs.

Q. You could go either way?

A. Yes, sir.

Q. You took a light?

A. Yes, sir.

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Q. What did she carry?

A. A pail.

Q. A pail of slops, and you went down and emptied it in the cellar in the closet?

A. Yes, sir.

Q. You went down and had a light in your hands?

A. Yes, sir.

Q. She rinsing out the pail at the sink and then you went up stairs and went through the same rooms where you were before?

A. Yes, sir.

Q. There are cellar windows all around there above the ground?

A. Yes, sir.

Q. Leading out into the back yard and opening into the side yard, all around?

A. I don't know about the back yard, but the side yard I know there are windows?

Q. At the side next to Dr. Kelly's house?

A. Yes, sir.

Q. You don't remember the larger window beside the hatch-way door?

A. I don't remember.

Q. You don't recall that?

A. I do not.

Q. Did you go to sleep immediately after going to bed?

A. No, sir, I did not sleep at all.

Q. Did you hear any movements at all in the house?

A. No, sir.

Q. You could hear the movements out side and the policemen,---they were there and you could hear them talking?

A. I heard them whispering.

Q. They were out in the rear of the house beyond your room?

A. Yes, sir.

Q. Your windows open?

A. Yes, sir.

Q. You knew they were there on guard, to keep watch?

A. That is what I supposed.

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Q. So far as you know or heard, neither one of the other two persons went down stairs again, and you certainly did not go?

A. No, sir.

Q. And that's all you know about it?

A. Yes, sir.

Q. Now the next morning was Friday, and nothing particular occurred that day, I suppose, except some visitations of police?

A. Yes, sir.

Q. That was constant, was it?

A. Yes, sir.

Q. They were in and out of the house Friday?

A. I don't remember much of their being in the house.

Q. Saturday was the funeral?

A. Yes, sir.

Q. You spoke of the clothing that was torn off. You meant the clothing of the deceased?

A. Yes, sir.

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Q. You spoke of finding clothing down cellar which had been taken off; you mean clothing from the deceased persons?

A. Yes, sir.

Q. That was down stairs in the cellar?

A. Yes, sir.

Q. The bodies at that time were laid, do you not know, in the dining-room?

A. Yes, sir.

Q. The dining-room was closed up that night?

A. Yes, sir.

Q. So that you wouldn't pass through the dining-room if you were going down to the kitchen?

A. Yes, sir.

Q. You did not, at any rate. You either went down the back stairs directly in the kitchen or else you went down the front stairs and came in the kitchen?

A. Yes, sir.

Q. And neither of the bodies were in the sitting-room?

A. Yes, sir.

Q. You were up stairs when the officers pulled the door open?

A. Yes, sir.

Q. You were up in Miss Lizzie's room?

A. Yes, sir. ---No, not in Miss Lizzie's room; in Mr. Borden's room. We went up the back way.

Q. You were on the same side the officers were?

A. Yes, sir.

Q. Who was on the other side?

A. No one.

Q. Miss Lizzie was not there?

A. No, sir.

Q. So you had gone up with the officers, they to make the search while Miss Lizzie was down stairs?

A. Miss Lizzie was down stairs while we were up.

Q. And you went up at that time, and they went right through by pulling the door open?

A. Yes, sir.

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Q. She was not there then?

A. No, sir.

Q. And she didn't come up while they were there?

A. No, sir.

Q. And what did they do---they were in her room---after they had pulled the door open?

A. They searched around to see if there was any one there.

Q. What did they do? How did they search? Did you notice it?

A. I did not. I can't remember.

Q. Did they examine anything in the room? I mean the clothing or the bedding, disturbed. Do you know about that?

A. That, I don't think so, but I don't remember about their being in Miss Lizzie's room, but I think if they had I should have remembered it.

Q. Now, you spoke of the dress. Counsel asked you about a certain dress which he said she had made before,---you know the one to which I refer?

A. Yes, sir.

Q. You called it a Bedford cord; do I get it right?

A. Yes, sir.

Q. Is that what we call a calico?

A. No, sir.

Q. Quite different from a calico?

A. Yes, sir.

Q. And is it a cambric?

A. No, sir.

Q. So it is neither a calico or a cambric?

A. No, sir.

Q. Very different material, isn't it?

A. Yes, sir.

Q. The dress that you saw Sunday morning was not a calico, was it?

A. I judged not.

Q. Well, I take your judgment. And it wasn't a cambric, was it?

A. No, sir.

Q. You are certain about that, neither a calico nor a cambric; no doubt about it, is there?

A. I didn't take hold of it

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to see and I didn't examine it.

Q. But you know what it was?

A. I know. I suppose it was the same dress that I have reference to her having made in the spring.

Q. And that was the Bedford cord?

A. Yes, sir.

Q. No doubt about that, and any woman knows or ought to know the difference between the two, doesn't she?

A. I don't know as they do.

Q. Well, you do. Now, you said that you got the breakfast; is that so?

A. Yes, I got the breakfast Sunday morning.

Q. Yes, Sunday morning I am talking about. Did you three sit down together?

A. Yes, sir.

Q. Maggie in the house at that time, or Bridget?

A. No, sir.

Q. Were you three the only persons in there at breakfast?

A. No, sir.

Q. Was Mr. Morse?

A. Yes, sir.

Q. That four made the whole?

A. Yes, sir.

Q. What time, as near as you can recollect, did you have breakfast?

A. I don't know. I think somewhere,---I don't know what time it was.

Q. Well, was it anywhere from eight to ten o'clock or nine o'clock; somewhere along there to the best of your remembrance?

A. It would be purely guess-work for me to tell. I should suppose it was after eight.

Q. And did I understand you to say (I didn't quite hear your answer) that you went out; did you go out of the house after breakfast?

A. No, sir. I went out---no, sir, I didn't

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go out of the house.

Q. Did you go out in the kitchen?

A. Yes, sir.

Q. And where did you go, if I may ask?

A. I think I went my room or the room that I occupied the night before, and put it in order.

Q. Going up the back stairs or the front?

A. Well, I don't remember; most likely the front stairs. I am sure I went the front stairs.

Q. Did you help in washing the dishes?

A. No, not that morning.

Q. You left that to Miss Lizzie and Miss Emma to do?

A. Miss Emma. I can't say sure about Lizzie.

Q. You don't know whether she participated or not?

A. I don't know for sure.

Q. Now, do I understand that when you came down into the room again, as you came into the room, that you saw this dress which you spoke of, the Bedford cord?

A. May I ask you the question again?

Q. I say was it when you came back from your chamber that you came into the kitchen and saw Miss Lizzie with the Bedford cord dress?

A. I think it was at that time.

Q. At any rate, this was in bright day?

A. Yes, sir.

Q. Right in the kitchen?

A. Yes, sir.

Q. Policemen in the yard?

A. Yes, sir.

Q. And if I get it right, she had the skirt on her arm, something like that?

A. Yes, sir.

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Q. And some other part of the dress was over on the mantel or a chair, was it?

A. It was on the cupboard shelf.

Q. Out in the kitchen?

A. Yes, sir.

Q. And this conversation with Emma, you may state it again, if you please, so there will be no doubt about it.

A. Emma turned around from the sink and she says "What are you going to do?" and Lizzie says "I am going to burn this old thing up. It is covered with paint."

Q. Did you see any blood on that dress?

A. No, sir.

Q. Not a drop?

A. No, sir.

Q. Did you see any blood on the remaining part of it?

A. No, sir.

Q. Did you see that it was a soiled dress?

A. The edge of it was soiled as she held it up. The edge she held towards me like this (illustrating), and this edge was soiled.



Q. As she stood there holding it you could see the soil of the dress, could you?

A. Yes, sir.

Q. I think you say that you did not actually see it put into the stove?

A. No, sir.

Q. Or any part of it?

A. No, sir.

Q. And that is all you know about whether she did or not except what she said she was going to do, and you made your remark. I want to get at that. You made a remark to her?

A. I said, "If I were you I wouldn't let anybody see me do that, Lizzie."

Q. This was on Sunday morning?

A. Yes, sir.

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Q. You were there Saturday when the officers went all over that house over and over again?

A. Yes, sir.

Q. Was there any part of it they didn't examine?

A. I don't know. I didn't go round with the officers.

Q. How long were they there on that business?

A. They were to come at three. I don't know what time they got through.

Q. Didn't they come just as soon as the funeral party went from the house?

A. There were some came.

Q. What hour was the funeral?

A. I don't remember.

Q. Wasn't the funeral in the forenoon?

A. Yes, I think so.

Q. 11 o'clock or so?

A. I think so. I am not sure, 11 or 12.

Q. You know the location of the cemetery where Mr. and Mrs. Borden are buried?

A. Yes, sir.

Q. About how far is that from the house?

A. I don't know.

Q. Did you go to the cemetery?

A. No, sir.

Q. You remained in the house?

A. Yes, sir.

Q. Who else remained there?

A. Well, I think the undertaker's assistants and Mrs. Holmes.

Q. Miss Lizzie went to the cemetery?

A. Yes, sir.

Q. Now, didn't the officers come right into the house as quick as the funeral party went and search everything about the house in her absence?

A. No, sir.

Q. Didn't they come in during that time?

A. Yes, sir.

Q. And they made searches?

A. They made a search, but they didn't search everywhere.

Q. Did they go into her room?

A. Yes, sir.

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Q. Did you go up into the room while they were at work there?

A. Yes, sir.

Q. What did they do?

MR. MOODY. This was on Saturday?

MR. ROBINSON. This was on Saturday while the bodies were going to the grave.

Q. Do you wish to answer the question?

A. Yes, sir. I think one of the officers took the keys that lay on the bureau after Miss Lizzie had left and unlocked one or two drawers in her bureau, and didn't search any farther there. I think they opened what she called her toilet room, pulled the portiere one side, just looked there a little. I don't know how much they searched. I don't think very much; and they went into Miss Emma's room and looked around, and opened the cupboard door in her room, and I remember one of the officers pressing against a bundle after he shut it, some pillow or blanket, something of that kind, and the bed was taken to pieces. That is all that I saw.

Q. There was no resistance or objection made at all?

A. No, sir.

Q. They had full sway?

A. Yes, sir.

Q. Well, that was the same at all the searches, wasn't it, they had no resistance or objections?

A. I never heard of any while I was there.

Q. At any of the times?

A. No, sir, not a word

Q. Now, nothing more occurred about this, but do I understand it

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was the following Monday morning that you had the talk with Lizzie and Emma about the dress?

A. Yes, sir.

Q. Were other searches made in the afternoon in the afternoon of Saturday?

A. Yes, sir.

Q. All over the house?

A. As I understand it.

Q. And again in Miss Lizzie's room?

A. I suppose so.

Q. And in the clothes room?

A. I don't know. The officers had the house. We left the rooms, and they took the floor. We went below.

Q. They had the whole premises?

A. Yes, sir, and what they searched I don't know. I didn't see.

Q. The city marshal was there?

A. I suppose so. I didn't know him.

Q. How many were there there?

A. I don't remember.

Q. More than one?

A. More than one officer?

Q. Yes.

A. Yes.

Q. Give me some idea?

A. I haven't any idea. There were several. There were more than one or two. There were several.

Q. Now, in the morning, Monday morning, you told Lizzie and Emma that Mr. Hanscom had asked you about their dresses, didn't you?

A. Yes, sir.

Q. And then you said, "I believe that the burning of that dress was the worst thing you could do." or something of that kind?

A. I said, "I am afraid the burning of that dress was the worst thing you could have done, Lizzie."

Q. And Lizzie said what?

A. "Oh, what made you let me do

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it? Why didn't you tell me?

Q. And that was all that was said?

A. That is all I remember that was said.

Q. You spoke about there being a number of people in the house on Thursday, and were there people coming in and asking her questions about the matter, and where she was, and so on? Did you hear that?

A great many people questioning her?

A. Well, down stairs before she went up, yes, sir.

Q. I mean down stairs?

A. Not a great many people, but people that came in, officers.

Q. Officers and neighbors, and so on, and the others newspapermen?

A. Well, I don't know. I don't remember about that, but I know there were people talking with her, and I remember her talking with officers once before she went upstairs.

Q. Did you see Mrs. Bowen there at any time?

A. Yes, sir.

Q. When did she come?

A. She came after I did.

Q. And came while Lizzie was down stairs?

A. Yes, sir

Q. While she was in the kitchen?

A. Yes, sir.

Q. This note you spoke about---what was said about the note---that Dr. Bowen said he had made a search for it or they had made a search for it and hadn't been able to find it?

A. Yes, sir.

Q. Searched in the waste-basket and searched in her dress, and hadn't been able to find it?

A. Yes, sir. I am not positive it was Dr. Bowen. I always thought it was Dr. Bowen.

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Q. At any rate, what was said, was said in the presence of Lizzie?

A. Yes, sir.

Q. And the same person said she must have burned it?

A. I think I answered that question.

Q. She said perhaps she did, or supposed she did, or must have?

A. I said that, and Lizzie said "yes, she must have." I think that was the way it was.

RE-DIRECT.

Q. (By Mr. Moody.) With what officers did you go about the premises on the day of the homicide, Thursday?

A. I don't know.

Q. Do you know their names?

A. No, sir.

Q. Do you know Mr. Fleet?

A. I know him now.

Q. Was he one of them?

A. I am not sure. I always thought so.

Q. What is the material of which the Bedford cord dress is made?

A. All cotton. That dress was all cotton.

Q. And not silk?

A. No, sir. There are different kinds of Bedford cord.

Q. While we are on it, what is this? (Exhibiting blue skirt)

A. Well, I don't know what it is. It is silk, but I don't know what kind.

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Q. What is the waist?

A. I call it sateen.

Q. What is calico composed of?

A. Cotton.

Q. All cotton?

A. Yes, sir.

Q. Is a Bedford Cord an expensive dress or a cheap dress?

MR. ROBINSON. I don't know that we care about that:

A. Different qualities: it is cheap.

MR. ROBINSON. Wait a moment, please.

Mr. MOODY. Possibly you had better object before you rule on it.

MR. ROBINSON. I don't rule on it. I want the witness to wait when I object.

Mr. MOODY. I don't care to press it against any impression of your Honors'. I thought it was competent. There is some testimony here that it was a cheap calico or cotton dress.

MASON, C. J. It may be answered.

Q. Was this Bedford Cord of which this dress was composed, cheap or otherwise?

A. Cheap.

Q. Cheap material. Which edge was it that you saw soiled as the skirt of the dress was exposed to your view on Sunday morning?

A. The bottom of it,---what touches the ground.

Q. The part that touches the ground, do you mean?

A. Yes, sir.

Q. Did you see soiling upon any other part than upon the bottom of the dress?

A. No, sir, I did not.

Q. Could you see sufficiently of the rest of the dress to see whether it was soiled or not, except the edges?

A. No, sir.

Q. It might have been soiled with a number of things without---

MR. ROBINSON. Well, wait.

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Q. Could it have been soiled with a number of things without your seeing it?

A. Yes, I think so.

Q. I wish you would look at that plan (Ex. 6), and if you can see it enough, tell me where the cupboard was in which the waist of the dress was lying? I will help you (pointing), That cupboard?

A. That is the cupboard.

Q. Was it near that cupboard or upon the other side of the stove that she was standing with the skirt?

A. I don't understand you?

Q. How near to that cupboard was she standing when the waist---

MR. ROBINSON. I don't want to interfere, but let Miss Russell point out where she stood.

Q. Where did she stand?

A. The stove was here, and she stood right here. (pointing)

MR. JENNINGS. I would like to have that marked, if you please.

MR. MOODY. I will mark it, or let her mark it, rather.

Q. Now mark, if you please, on that plan the place of the waist of that dress, where the stove is, and where she was standing.

A. Of course I can't tell accurately, but as near as I can remember, I would say the stove is here: the fire pot in the stove is here: here is where she stood, right here.

MR. JENNINGS. Put a cross here.

THE WITNESS. She stood right here. (marking)

MR. JENNINGS. Where that cross is?

THE WITNESS. Yes, sir, right at the corner.

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Q. And where was the waist in the closet?

A. Assuming these are the shelves?

MR. MOODY. Yes.

MR. JENNINGS. Put a round mark.

THE WITNESS. Half way up the shelves, I think, or a little more than half way up.

MR. JENNINGS. Where that round mark is?

THE WITNESS. Yes, sir.

MR. ROBINSON. The closet door was open?

THE WITNESS. Yes, sir.

MR. MOODY. (Showing plan to jury). She says the stove is the place she has indicated by the mark, with the fire part of the stove towards the closet; that the closet door was open: that she was standing between the stove and the closet door, and the point indicated by that cross: That half way up the shelves in this closet, the door of which was open, was the waist of the dress.

Q. What was that cupboard, as you call it, used for. What was it's use?

MR. ROBINSON. I don't suppose that is of any consequence.

MR. MOODY. I want to see whether it is a clothes closet or a food closet.

MR. ROBINSON. It does not make any difference, I submit. It was simply on a shelf there in the closet.

MASON, C. J. She may answer one way or the other.

MR. ROBINSON. Very well.

Q. What do you say Miss Russell? Was it a food closet or a

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clothes closet?

A. As near as I remember, there was coal and wood kept in the closet, and on the other shelves I remember seeing flat irons: that is all I remember: there were kitchen utensils.