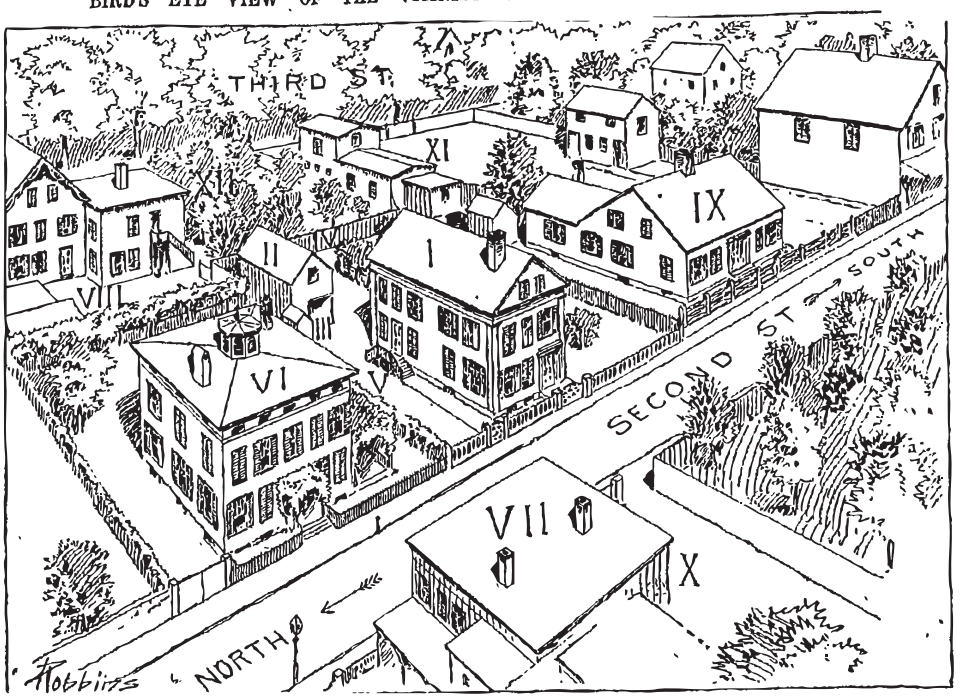
The Preliminary Hearing in the Lizzie Borden Case

New Edition

Stefani Koorey, Ph.D.,
Harry Widdows, *and*
Kat Koorey

BIRD'S EYE VIEW OF THE VICINITY OF THE FALL RIVER MURDERS.



I.—Borden house.
II.—Borden barn.
III.—The well.
IV.—Fence with barbed wire on top.
V.—Side entrance.
VI.—Churchill residence.
VII.—Dr. Bowen's house.
VIII—Dr Chagnon's house
IX.—Kelley house.
X—Yard from which officers watched Borden house
XI—Kelley's barn.
XII—Pear orchard.

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PearTree Press
Westport, Massachusetts

Frontispiece: A map of the buildings around the vicinity of 92 Second Street, Fall River, Massachusetts. Published in the *Boston Globe*, 16 June 1893.

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FOREWORD

The Preliminary Hearing phase of the Commonwealth vs. Lizzie A. Borden began on Thursday, August 25 and lasted seven days, through Thursday, September 1, 1892. The judge who presided over this "probable cause hearing" was Josiah Coleman Blaisdell, the same judge that had officiated at the Inquest into the deaths of Andrew J. and Abby Borden.

The court stenographer, Miss Annie White, made only two copies of her report of the hearing; one was given to Hosea M. Knowlton, for the prosecution, and the other to Andrew J. Jennings, for the defense. This latter copy is the only one known to have survived. It has recently been discovered that this copy, one that we have all come to know as the official copy of the proceeding, is, in fact, both incomplete and inaccurate in regards to the order of witnesses, having been altered and edited for some long-forgotten reason. According to painstaking research by the editor of the Lizzie Borden Quarterly, Maynard F. Bertolet, there are major discrepancies between the order of the pages in the Preliminary Hearing and the events as they actually occurred.

Much to the chagrin and frustration of those who study the primary documents in the Borden case, the Jennings's copy of the preliminary trial transcript is missing several rather important items, including the testimony of Thomas Keiran and Annie White, the reading of the Lizzie Borden inquest testimony by Mr. Knowlton, and all events from the seventh and final day of the trial—defense arguments, prosecution arguments, Judge Blaisdell's summation, and the verdict.

This new version of the Preliminary Hearing is unique. It combines a number of transcriptions from various sources in an effort to reproduce, as accurately and authentically as possible, the day-by-day proceedings of this all-important legal event in the history of the Borden murders of 1892. Since the Jennings copy has sections out of sequence, as well as an error in numbering where the text jumps from page 34 to 45, this new print version has sought to rectify these discrepancies in the interest of providing researchers with a readable copy.

We are proud to say that the document before you now reads in the order in which the witnesses were called, includes the closing statements of the defense and prosecution and the judge's summation and verdict, and contains the entirety of Lizzie's own Inquest testimony which was read into the official record but not reproduced in the original transcription.

Each page of this new document includes the original pagination from the Jennings copy of the Preliminary positioned in the text on the left side of the page. In this way, researchers can still refer to pages noted by previous scholars and, at the same time, enjoy a chronological reading of the transcript in its entirety. Even if you have read the Jennings' copy previously, we think you will find that this new version will speak to you in new ways—for the first time you will be conscious of the relationship between the testimonies of the witnesses. You might even find yourself seeing the case in a fresh light and making inspired never-before contemplated connections.

We have decided to retain the following aspects of the Jennings' copy: pagination and page breaks, grammatical errors, as well as typographical and spelling mistakes. Aspects of the original that have not been retained include sentence length, paragraph spacing, and indentations.

The research, transcription, and verification of this document proved to be a very long process, undertaken by three Borden scholars: Harry Widdows (who accomplished the bulk of the work), Kat Koorey, and Stefani Koorey. We are confident that you will be pleased with the outcome.

Stefani Koorey, Ph.D.
January 2009

SOURCES:

Bertolet, Maynard. *Lizzie Borden Quarterly* Vol. VIII, No. 4: 22.

Inquest Upon the Deaths of Andrew J. and Abby D. Borden, August 9 - 11, 1892, Volume I. As transcribed from the New Bedford Evening Standard. Lizzie Borden's testimony is taken from the New Bedford Evening Standard as both hers and Bridget Sullivan's testimony is lost and it is the only known source for her testimony.

Porter, Edwin H. *The Fall River Tragedy*, Fall River. MA: George R. H. Buffinton, Press of J. D. Munroe, 1893.

Preliminary Hearing in the Borden Case before Judge Blaisdell, August 25 through September 1, 1892.

"Testimony of Annie White," *New Bedford Evening Standard* August 31, 1892: 8.

"Testimony of Robert C. Kieran (sic)." *New Bedford Evening Standard* August 25 and 27, 1892.

The Commonwealth of Massachusetts
vs.
Lizzie A. Borden

Preliminary Hearing in the Lizzie Borden Case before Judge Blaisdell, August 25 through September 1, 1892

Preliminary Order of Testimony

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Preliminary Order of Testimony

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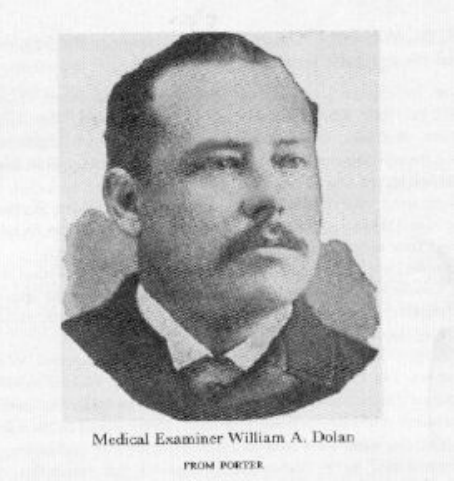
Closing argument - Prosecution	519-523	Not included.
Verdict	523	Not included

Day 1, Thursday, August 25, 1892

DR. WILLIAM A. DOLAN.



Medical Examiner William A. Dolan
FROM PORTER

Q. (Mr. Knowlton) William A. Dolan is your name?
A. Yes.
Q. You are the Medical Examiner, Doctor?
A. Yes.
Q. How long have you been Medical Examiner?
A. A year last month.
Q. And you are also a practising physician?
A. Yes Sir.
Q. And have had a good many autopsies?
A. Yes Sir.
Q. And have had some experience in surgery, besides?
A. Yes Sir.
Q. When did you first see the body of either Mr. or Mrs. Borden?
A. Well, about quarter to twelve on the fourth of August.
Q. How do you fix the time?
A. By the time that I was in the house. I was in the house anywhere from ten to twenty minutes, when I heard the bell strike twelve, the City Hall bell.
Q. The house of Andrew J. Borden?
A. Yes.
Q. Which body did you see first?
A. I saw the body of Andrew Borden.
Q. Where was it?
A. It was lying on the lounge on the north side of the sitting room, which is on the south side of the house.
Q. Which side of the sitting room was it on?
A. On the north side.
Q. Is that the side where the windows are?

A. No Sir.
Q. Opposite the windows?
A. Yes Sir.
Q. I will have a plan here in a few moments. On the sofa was the body lying?
A. Yes Sir.

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Q. Describe its position exactly.
A. At the head of the sofa, which was to the west, there was a Prince Albert coat folded up, that was placed on top of, I think an afghan, some knit cover, and on that was placed a small sofa cushion with a piece of the tidy on it; on that rested Mr. Borden's head. His two feet were on the floor; and he lay in the position as if he had been asleep.
Q. On his side or on his back?
A. On the right side.
Q. Would his head be towards the front door, or towards the kitchen?
A. Towards the front door.
Q. How was his face, facing, out into the room?
A. Yes Sir, looking towards the east.
Q. Towards the kitchen window?
A. No, towards the kitchen door. Yes, he would be looking through the windows.
Q. The sitting room windows?
A. Yes Sir.
Q. Did you make any examination then, more than that?
A. Yes Sir, I examined the wounds, not thoroughly, but examined them sufficiently well for the time to make a view; and later in the day I removed the stomach and sealed it in an air tight jar and sent it to Professor Wood of Boston.
Q. Removed the stomach?
A. Yes Sir.
Q. What do you mean by sealed it?
A. Sealed it with sealing wax, so if it were tampered with, it would be shown.
Q. How did you send it?
A. By express.
Q. When did you see the body of Mrs. Borden?
A. I saw the body of Mrs. Borden at the same time, that is a few moments after I saw Mr. Borden's.
Q. Where was that?
A. Up stairs in the north west room, the second story of the building.
Q. Up the front stairs?
A. Yes Sir.
Q. Where in the room was it?
A. Between the dressing case and the bed. The dressing case stood against the north side; between that and the bed was the body, lying face down.
Q. How far was the bed from the dressing case? How much room was there?
A. I should judge about four or five feet.
Q. You say she was lying face down?

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A. Yes Sir.
Q. How was she dressed?
A. She was dressed, as you would expect to find a housewife at that hour in the morning, in some calico dress.
Q. Anything on her head?
A. No Sir. There was a silk handkerchief; whether it had been around her head or not, I cannot say. It was not around the head when I saw it, but near the head.
Q. What kind of a handkerchief?
A. I should think a silk one.
Q. Not on her head then?
A. No Sir.
Q. A pocket handkerchief, or a dusting handkerchief?
A. A pocket handkerchief I should say, same as they tie around their heads sometime when dusting.
Q. How near the head was that?
A. Very near it, practically touching the head, but not on it.
Q. Was it knotted up or loose?
A. No Sir, I think it was not knotted.
Q. Was it cut?
A. I could not say whether it was cut or not; it was so old. It was torn very freely. I should not think it was cut; I should not say that it was.
Q. Was there any blood on it?
A. Yes Sir, some blood on it from the surrounding blood.
Q. Blood on the handkerchief?
A. Yes Sir.

(At this point the examination of Dr. Dolan was suspended, and Mr. Kieran, the surveyor, testified.)

The testimony of Robert (sic) C. Kieran, is missing and this is taken from the August 25, 1892, New Bedford *Evening Standard*, page 1.

Robert C. Kieran testified to the correctness of a plan which was drawn by him of the Borden house. It was on the scale of a quarter of an inch to the foot. He gave measurements taken of the yard and fence on the Borden premises. Blood spots on the floor west of the sofa in the sitting-room were described, and witness said there were blood spots on a picture 5 feet 4 inches from the sofa. On the same wall as the picture 18 inches away were blood spots. From the house to the fence on the north side of the Borden premises the distance is 15 feet 4 inches. From the house to the nearest end of the barn is 14 feet 3 inches.

Witness was cross-examined by Andrew J. Jennings, who with Melvin O. Adams of Boston represents defence. He said: The sofa was not in the sitting room when I got to the Borden house. It was brought in by Dr. Dolan's orders. There was a blood spot on the architrave of the door in the sitting room which leads to the kitchen. I did not notice that this spot indicated any direction when it struck the door. The spot was within six inches of the jamb of the door. The blood on the picture was called to my attention by Dr. Dolan, who wanted me to measure it. I noticed no other spot on the picture. The spot I found was difficult to see until I turned the picture to the light. The spot was an elongated one. I do not know if the elongation was upward or not. From the appearance of the

spot I thought it had been thrown from the sitting room.

Here counsel called for the sketch of the piece of wood with the blood spot upon it. After looking it over carefully he continued the cross-examination of the witness. The witness said: The spot was on the side of the door frame nearest the parlor and about three inches from the end of the door frame.

The witness continued. There was a large pile of boards in the yard at the Borden residence up against the east fence that I did not put upon the plan simply because I forgot it.

The witness was asked if from anything he observed there was anything to prevent an ordinary man from going up on the pile and right over the fence.

The question was promptly objected to by the district attorney and was ruled out.

In answer to other questions witness said that the pile of boards was an ordinary one, regularly placed and laid up against the fence.

The witness was instructed during the noon recess to make a plan of the kitchen and measure the height of the ceiling and locate the pile of boards and place them upon the plan.

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Examination of Dr. Dolan resumed.

Q. (Mr. Knowlton.) Going back now to Mr. Borden's body, was the sheet over it when you got there?
A. Yes Sir.
Q. You took the sheet off?
A. Yes Sir.
Q. What was the appearance that presented itself to you when you took the sheet off? Describe it as well as you can.
A. It was the most gastly thing I have ever seen.
(Objected to.)
Q. Give the things that made it seem gastly; we can tell whether it was gastly or not.
A. As he lay upon the right side of his face, with the left side turned up, beginning at the nose, there was one wound went straight through the nose, down through the lip, through the lower lip, and down into the chin. Another one, beginning at the angle of the eye went

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right straight down to about here---
(Mr. Jennings) Where?
A. On the chin. I have my record here.
Q. You say "right there", that does not do the stenographer any good, you must say where, by describing it.
A. Will you allow me to use my record?
Q. Yes Sir; use anything you like, as far as I am concerned.
A. (Referring to notes.) The first was an incised wound.
Q. Mr. Jennings) When did you make that record?
A. This is the record of the Autopsy made one week after; but so far as the wounds are concerned, it is probably the same as I made the day of the view. Of course the measures are more accurate on this than they were on the other.
(Mr. Jennings objected.)

(Mr. Knowlton) Put it away, Doctor; put it away. Now tell what you remember.
A. I remember another wound that commenced---
Q. You have not finished that one.
A. It commenced at the corner of the eye, and went down to about an inch above the lower angle of the lower jaw. Another one commenced, as near as I can remember, about an inch and a half or two inches, right on the forehead here, at the junction of the forehead at the side of the head.
(Mr. Jennings) You do not tell on which side.
A. I said all were on the left side. Another one commenced here. This same wound took out a piece of the bone.
Q. Commenced where?
A. The junction of the side of the head and the forehead, on the left side, and took a piece out of the skull; came down this way, down by the outer border of the eye, completely cut the eye ball in half, came down and cut the cheek bone in half, and stopped just about above the left angle of the mouth. There were ten wounds in all on the face and the head, all parallel, all ranging from four inches to two and a half inches and an inch and a half; that is, the largest was four and a half, as I can remember now, and from that down to an inch and a half; they were all sizes, that is, lengths. Right here, above the left ear--
Q. How far above?
A. I should judge about an inch and a half above the ear, there was, as it were, a crushing wound which carried the skull with it into the brain, and made an opening about two and a half by four inches long; four inches long, by two and a half wide.
Q. What was the direction of that four inches, was that up and down?
A. Length wise; cross ways to the head from the ear up, as it were, in that direction.
Q. How many of these were apparent as you uncovered the sheet, and found him lying there?

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A. Practically all of them.
Q. How deep were these wounds on the face that you have discribed, as coming down to the eye ot to the mouth? Were they flesh woulds, or through the bone?
A. The first one was a flesh wound, and just entered the skull.
Q. Which do you mean by the first one?
A. The one that began at the left angle of the nose. Then the third, I think it was, that is, commencing at the left and going outwards, was the one that took this piece out here.
Q. Where?
A. At the forehead, and cut the cheek bone in two, and also left an indentation in the skull.
Q. Was that the one that cut the eye ball?
A. Yes Sir.
Q. That made an indentation of the skull, but did not go through the skull?
A. No Sir. Those on the side of the head, practically all of them, went through the skull.
Q. Into the brain?
A. Yes Sir.
Q. Did you find any other wounds on him anywhere?
A. No Sir.
Q. Did you then, or at any time, make an examination of his vital organs?
A. One week later I did, yes sir.
Q. Did you examine all his vital organs then?

A. Yes Sir.
Q. Did you find any other cause of death?
A. No Sir.
Q. I might as well ask it now, as any time, it may be an absurd question too, in an ordinary point of view; what did you find to be the cause of death?
A. Shock.
Q. That you use in the medical sense?
A. Yes Sir.
Q. What do you mean by that? Perhaps your Honor understands what that means.
A. Court) Yes; shock from the wounds, as I understand it, Mr. Attorney.
Q. Shock from those wounds?
A. Yes Sir.
Q. What was the condition of the body or head as to blood?
A. The side of the face and the side of the head, of course, were covered with blood.
Q. The side where the wounds were?
A. Yes Sir, but not clotted blood.

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Q. All these wounds were on which side of the head?
A. On the left side.
Q. There were no wounds on the right side of the face?
A. No Sir.
Q. That was the side that was turned up?
A. Yes.
Q. The head was towards the east or west end of the sofa?
A. Towards the west end, the parlor door.
Q. One side of his face was resting on the sofa?
A. Yes Sir.
Q. That was which side?
A. The right side.
Q. As it would be if his back was to the wall?
A. Yes Sir.
Q. What sort of a sofa was it?
A. An old fashioned sofa.
Q. An arm at each end?
A. Yes Sir.
Q. Not one of these modern lounges?
A. No Sir.
Q. Was the head up on the arm of the sofa?
A. No Sir, it was in the angle between the top of the head of the lounge and the lounge itself, that is, the middle of an angle, about the middle of a line drawn.
Q. What did you say the condition of the blood that was on him was, clotted?
A. No Sir, it was not clotted.
Q. You told what time you were there?
A. Yes, about 11.45.
Q. Was the body cold?

A. No Sir.
Q. Was it of natural heat of life?
A. To the feel, it was, yes sir. I did not take the temperature.
Q. Was the blood still flowing?
A. Yes Sir.
Q. From what?
A. It was flowing--- oozing would be probably the better term, from the wounds on the face and the head.
Q. From all of them?
A. They were all bathed; it would be difficult to tell which one in particular.
Q. What, if any blood was there on his clothing?
A. There was very little blood on his clothing, except on his bosom, his shirt bosom, and of course the back where the blood ran down, that is, the back of his cardigan, and his clothes were soaked, where it had run down from his face to the lounge, as it lay on the lounge.
Q. Where was the principal flow of blood, on the lounge or on the floor?

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A. Through the lounge on to the floor, after going through the pillow and his coat.
Q. Can you give me any idea whether there was much or little blood on the floor when you got there?
A. There was not a great deal on the floor. It was dropping when I was there, dropping from the lounge in two places on to the carpet.
Q. Under the sofa?
A. Yes Sir, from the head of the sofa it was dripping down on to the carpet.
Q. Not on the side, but underneath?
A. Yes, it was under, near the back wall.
Q. Now what was your opinion as to the length of time ---- Was he dead? Of course he was.
A. Yes Sir.
Q. What was the length of time that he had been dead?
(Mr. Jennings.) His opinion formed at this time?
Q. Either then, or from any subsequent examination, or from all you have examined in the case?
A. I do not think he could have been dead over half an hour.
Q. Did you then, or afterwards, or at any time, find any other blood in that room, or near it, that you can tell about now?
A. Yes Sir.
Q. Tell all you found.
A. Taking first the wall behind the sofa, there were in one cluster of spots, as it were, radiating, describing the arc of a circle, there were seventy eight blood spots.
Q. Where were they?
A. Those were immediately behind his head going and dropping towards the east on the wall.
Q. Above the sofa?
A. Yes.
Q. How far above?
A. I can tell by looking at my notes.
Q. Certainly. I guess they have got over objecting to that. When did you make the notes?
A. I took the notes I could not tell you what day, but not the same day.

Q. Did you take them right from the examination?
A. Yes Sir.
Q. Are those the original notes you took?
A. Yes Sir. I said seventy eight; I believe there were eighty six spots. The highest of those of that particular cluster I think were three feet seven inches from the floor.
Q. Now describe where they were, Doctor?
A. They were over the back of the lounge eighty six of them, in one cluster, as I say, describing the arc of a circle from the west, east, that is, from the parlor door towards the kitchen door.

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Q. Beginning how far from where his head was, asyou found it?
A. I do not think I took that.
Q. Estimate it?
A. I should say not over three or four inches east of his head.
Q. That is, beginning within three or four inches of his head and describing a semi circle?
A. Yes Sir.
Q. Eighty six in all?
A. Yes Sir, in one cluster.
Q. How large?
A. Some very minute, some the size of a pin head, others were the size of a pea, and varying from that. Those will probably illustrate the two limits.
Q. That is on the wall paper?
A. Yes Sir.
Q. What else?
A. I then found on the paper above the head of the lounge, the highest spot except one upon the ceiling; that was six feet one and three-quarters inches from the floor.
Q. Tell that again.
A. The highest spot on the north wall was six feet one inch and three-quarters; that was the highest spot on that wall.
Q. What position was that with reference to the head, above it?
A. Yes, and a little to the back, if any.
Q. A little to the east or west?
A. A little to the west of the head. There were two of them. There was a quarter of an inch difference. The lower one, the one immediately lower than that, was six feet one inch and a half. I take notice of those two, because there were two of the largest spots to be found.
Q. The lower one was what?
A. Six feet an inch and a half from the floor.
Q. How large were those spots?
A. Those spots, I did not exactly measure them, but they must have been half an inch in their longest axis by quarter of an inch in width.
Q. Were there any other spots in the immediate neighborhood of them?
A. Further along towards the east on this picture, a picture framed and suspended above the sofa ---
Q. Towards the man's feet?
A. Yes Sir. On that picture and frame were in all forty spots. The highest spot there was fifty eight inches from the floor.
Q. How were those distributed, with any sort of regularity?

A. No Sir. They were more as though shooting directly upward, that is, diagonally from the head.

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Q. That is, towards the east, towards the feet?
A. Yes Sir.
Q. What else?
A. On the moulding around the mop board that goes around the walls there were five spots.
Q. Where?
A. Five spots that is, on the moulding that is behind the lounge. The first one was seven and a half inches east of the door jamb, east of the east side of the door jamb. The next was seven and three-quarters inches.
Q. Were they behind the lounge?
A. Yes.
Q. You could not see them until you took the lounge away?
A. No Sir.
Q. Did that lounge have a back?
A. It was taken back for the purposes of measurement.
Q. It was a lounge that had a back?
A. Yes Sir.
Q. The back of the lounge was between these spots and where the man was, where the head was?
A. Yes Sir, that is right.
Q. How near the floor were they?
A. I think from the base of the mop board to the top of the moulding was seven and three-quarter inches.
Q. How far from the floor?
A. On top of the moulding.
Q. Similar in their character to the rest of the spots?
A. Yes Sir.
Q. What else did you find in the shape of blood there?
A. I found the carpet underneath the head of the lounge in two spots two pools there of blood. I found on the parlor door west of the head of the lounge about seven drops, that is on the door and on the jamb.
Q. That is the door that goes from the sitting room into the parlor?
A. Yes Sir.
Q. How far is that from the head?
A. I think about five feet. I did not measure it accurately.
Q. Seven spots?
A. Yes Sir; one very large one in the center division of the upper two panels of the door.
Q. How far from the floor should you estimate it?
A. Between five and six feet.
Q. How large was that?
A. The top one was quite a large one.
Q. What do you mean by "quite large"?
A. Taking the one I told you above the lounge as the biggest one,

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about half an inch in length, this would be about two-thirds the size of that.

Q. What other spots?

A. We saw two spots upon the ceiling immediately above, not exactly above the head of the lounge. I do not think it was human blood; I think it was some insect that had been killed there. There was another spot Mr. Jennings and myself saw that was in all probability human. That would be from the head westward about a foot or eighteen inches westward on the ceiling.

Q. Any others that you found?

A. I found one on the west door, the jamb of the door leading from the sitting room into the dining room.

Q. In what room?

A. That would be in the dining room.

Q. How near the floor was that?

A. I did not measure it. I should judge from twelve to fourteen inches.

Q. How large a spot was that?

A. It was not a spot, it was a string, as it were, of blood. Instead of being a spot of blood, that was long, it would probably measure, if drawn out, two inches or two and a half inches.

Q. Was it a spatter or not?

A. A spatter, yes sir.

Q. On the dining room side?

A. Yes Sir.

Q. If it were drawn out, what was the shape of it?

A. Where the dining room door opens, that is, as you go from the sitting room into the dining room, the door opens to the east, therefore the jamb where the door shuts in would be on the west side of the door. Taking it where the door fits into that niche, I do not know the technical term for it, beginning there, and then stringing from there on the inside downward. It was higher where the door closes than it was on the inside of the dining room.

Q. The plan shows another spot you have not described onthe door to the kitchen?

A. Oh, yes sir, there were two spots. I have not got that note. If I remember correctly, I think one was three feet one inch from the floor in the groove of the division of the door. There was another one about six inches from the floor on the door proper, about quarter of an inch from the casing of the door.

Q. How large were those spots?

A. The one in the groove was a medium spot. I could not give you the measurement.

Q. Give me an idea? As big as a marble?

A. Oh, no, near a pea; it was probably the size of a huckleberry, a small huckleberry.

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Q. That depends upon the size, and the number of pickers. As big as a pea?

A. No Sir, not as large as a pea, I qualified that.

Q. Is that all you remember of down stairs?

A. That is all I can remember of at present.

Q. How did the spot on the sitting room door which you called a string, differ from the other spots which you found?

A. All the others were spots, were real spots, you could tell from the way they struck. They drew down just as a spot of water on a piece of paper would do where it struck. It made a larger spot

and pressed downward and made a neck. The other one there was a line, without much width.
Q. How could that be made, the one on the dining room casing?
A. It could be made by swinging from an instrument used in murdering Mr. Borden.
Q. What were the character of these wounds on Mr. Borden's face?
A. Incised, sharp wounds, made by a sharp instrument.
Q. Taking all you have observed of the character of the wounds, the size of them, and position of them, didyou form any opinion as to what sort of an instrument the wounds were made with?
Q. I should say it was done with a hatchet or a small ax.
A. Why?
A. Because the wounds were sharp, necessitating a sharp cutting surface. They were long, some of them four and a half inches. And the force required in breaking the skull, which was a crushing blow would necessitate something that would give you leverage, that is a handle.
Q. What is the thickness of the skull, what is the strength of the skull, at the place where this crushing blow was given?
A. It is about the weakest part of the skull.
(Mr. Adams.) That does not answer the question. I object to that.
Q. I wanted to know its strength relatively to the other parts of the skull. What is the thickness of the skull there?
A. I could not give it to you in exact figures; I do not believe it is over one-twelfth part of an inch.
Q. At that place?
A. Yes Sir.
Q. I mean on a person of the age of Mr. Borden.
A. Yes Sir.
Q. And his head. It is of course difficult for you to give, I do not know as you can give in words, but what I want to get at is what relative degree of force is required to crush the skull at that place, if you can give me any idea.
(Mr. Jennings.) I do not know that he is an expert.
(Mr. Knowlton.) I offer him as an expert on that question.

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(Court.) It would depend I suppose upon the instrument that was used.
Q. With a hatchet, as to the relative amount of force, whether it was beyond the limit of human strength or not?
(Mr. Jennings.) Nothing has been disclosed as yet that shows he is competent to pass upon a question of that kind. I do not understand it can be asked him unless he is an expert on a question of that kind, unless he has made some experiments.
(Court.) You can ascertain by asking those questions.
(Mr. Jennings.) It is for him to qualify his expert first. I do not object to his testifying about the matters that come within the scope of a surgeon.
(Court.) If the witness has any idea how much force would have to be used, taking into account always the weight and character of the instrument, he may answer the question. I do not see any objection to the witness answering it so far as he is able.
Q. (By Mr. Jennings.) Have you ever made any experiments at any time as to the degree of force it takes to crush the skull of a man?
A. No Sir.
Q. (By Mr. Jennings.) Never in your life?

A. No Sir.
Q. (By Mr. Jennings.) Have you ever made any study of it?
A. I have studied it in the usual way which comes to a physician to measure the degree of force it takes to fracture, the force in the living. To take a human skull, to see how much force it would take to break it, I have never done it.
Q. (By Mr. Jennings.) Not with any kind of instrument?
A. No Sir.
Q. (By Mr. Jennings.) You have never had any experience in a matter of that kind that enables you to base your judgment upon the degree of force that it would take?
A. The skull is bone, we know about the degree of force it takes to break a bone, we know the thickness of the skull at a certain point, and I do not think it requires any previous trying or experimenting to know about how much force it takes.
Q. (Mr. Jennings.) Irrespective of the weapon used?
A. In my answer I was going to designate what in my opinion a hatchet of a certain weight would do. A hatchet of a certain weight that would break the skull at the point where this was fractured and broken would not break it at another part. In other words, a person falling from a height and striking on the top of his head, does not generally break the top of the head, but breaks the base of the skull, Where the force is directed; because the top of the skull is so much thicker than the base.

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Q. (By Mr. Jennings.) Is there anything in your experience that enables you to estimate the degree of force that would be required to break the skull at the point indicated in the question?
A. If you mean by that I have made an expert study of how many pounds of how much force it would take, no sir, I have not.
(Court.) The question may be asked, and the Doctor may answer so far as he is able to. I do not see how a living man can answer the question correctly without all the circumstances attending it and surrounding the question.
A. I think a person, with a hatchet four or five pounds, I do not mean a robust person, but an ordinary individual, could very easily cause the fractures that were found in the skull.
(Mr. Adams.) I object to the answer as not responsive.
Q. (Question read.) It is of course difficult for you to give, I do not know as you can givein words, but what I want to get at is what relative degree of force is required to crush the skull at that place, if you can give me any idea.
(Court.) I think he may answer.
(Mr. Knowlton.) I submit that he has.
(Mr. Adams.) The witness has already answered; we were trying to object. Under your Honor's ruling, the witness was limited to this, what sort of force with the instrument designated is necessary to be applied tothe human skull over the ear to fracture it; I believe that in substance is the inquiry. The answer is not an answer, but is an illustration which leaves us entirely at sea. An ordinarily healthy person might do it. I think it means this, a force characterizing the blow, whether a heavy blow or a light blow, a blow indirect or a blow direct; but to say that an ordinarily healthy person, who may be strong in his legs or weak in his arms, or vice versa, furnishes no help. This is the first time I have had the experience of having to fight an answer given in that way. I do not find any fault with your Honor's ruling as to the question put to the expert, to give an opinion upon, but my objection goes to the answer, as not being an answer responsive to the question. That is not an

answer to the question, which is intended by the question itself as fairly to follow.
(Court.) Having heard the question as read by Miss White from the record, if you can give any full or specific answer, you may do so.
A. I think to give an answer as explicit as the defense asked for, I think it would be necessary to turn murderers; I do not see any other possible way of doing so.
(Mr. Adams.) I pray that answer may be excluded, that is not responsive to the question. I think a suggestion from the Court that he should answer the question would be the proper thing now.
(Court.) Answer as near as you can.
(Mr. Knowlton.) I do not understand that answer is yet excluded.

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(Court.) Not if it is an answer.
A. I said a person, not necessarily robust, I said an ordinary person in good health could do it. If you wish to eliminate this particular case, if you wish to say what degree of force it would require to kill a person, or to break a skull without the intention of killing, you can measure the degree then by saying a person of that character that I have said, a person in ordinary health, not necessarily robust, could with using moderate force, not their full force, or their entire force, but using moderate force, could break a skull.
Q. With a four or five pound hatchet?
A. Yes Sir.
(Mr. Adams.) He has not answered your Honor's question yet.
(Court.) I will be content with the answer given, so far as the Court understands it.
Q. (By Mr. Knowlton.) What was his age, as near as you could tell?
A. Seventy years.
Q. What was his physical condition?
A. He was in excellent physical condition.
Q. What weight and height?
A. I forget his height, five feet nine I think, I wont be positive about that.
Q. And weight?
A. I do not know his weight.
Q. Estimate it; a thin or stout man?
A. No, he was medium, what we call a man of medium figure, tall with medium figure.
Q. Was the body of the woman lying on its face when you first saw it?
A. Yes Sir.
Q. In the place where you described on the floor?
A. Yes Sir.
Q. As you saw it, without turning it over, what was the appearance of it?
A. You could not see any part of the face. The arms were thrown, as it were, prone around the face. All that was exposed was the right half of the back of the head.
Q. As the body lay there could you see any wounds?
A. Yes Sir.
Q. What wound could you see as the body lay there?
A. As the body lay there you could see, getting down closely, you could see there were a number of wounds, by close examination. Introducing your finger you found those wounds, at least seven or eight of them, went through the bone into the skull, that is into the brain.
Q. I wont trouble you any more with that part of the inquiry. What did you do then, did you turn

the body over?

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A. Yes Sir, I turned the body up so to get to the light to count the wounds better.
Q. What did you find to be the condition, and number, and character, and size of the wounds on her?
A. There were altogether on her head eighteen distinct wounds. All but four of them upon the right side.
Q. The right side of what?
A. Of the medial line of the head.
Q. What part of the head were they on?
A. You can imagine a line drawn from the middle of the neck to the front, and then up back again, and down; in that square you will get about fourteen of the wounds.
Q. Drawn from the middle of the nape of the neck around on top of the ear?
A. Yes in front of the ear.
Q. Clear around to the top of the nose?
A. No Sir up to here, about an inch in front of the right eye.
Q. Then up to the top of the head?
A. Yes Sir, then posterior, to the starting point.
Q. Fourteen were in there?
A. Yes Sir, and four outside.
Q. Describe those wounds as well as you can.
A. I cannot exactly remember the length of them. There was one about five inches long; and they were pretty near all parallel with each other.
Q. What was their direction?
A. As the head lay, the right side up, and the back of the head up, the wounds were from the left side downward and backward to the right side. In other words, they started here, as it were, and went down this way, from the left they went backward and downward to the right.
(Mr. Jennings.) Which, the fourteen of them?
A. All of them.
Q. Their general direction then, if I understand you, was not from front to back, but from side to side?
A. Not directly from side to side.
Q. Half way?
A. Yes, diagonally, you might say across.
Q. The part of the wound, take one single wound, the part of the wound that was nearest the top of the head, farthest front, was the farthest towards the forehead? I am using common language now.
A. Yes, the starting of the wound towards the front of the head.
Q. The end of the wound, towards the top of the head would be the farthest towards the front, on the diagonal?
A. Yes.
Q. That was the general course of all found in that locality?
A. Yes Sir.

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Q. How deep were they?
A. About seven or eight, so far as I canremember, probably six, probably one or two more, went through the skull, crushing it before it, and went into the brain. Others marked the skull; some took a little piece of the bone out; seven or eight went right through into the brain, carrying the bone with them.
Q. Where were the other four?
A. On the left side of the head, the left of the medial line, of the same nature and countour as the others.
Q. What was the character of them?
A. The same nature exactly. The remarkable thing about those on the left, none of those went through the skull.
Q. Onlythose on the right?
A. Yes Sir. I should say also, on the left side, without any mark on the skull, was a flat scalp wound, a wound about one and a half inches wide, and two to three inches long, flapped backwards immediately over the left ear.
Q. Any wounds on the face?
A. On the bridge of the nose there was, what we call a contusion, that is, a black mark, and two over the right eye, and one a little to the left of the left eye--- I forget which--- the left eye I think they were over.
Q. Only contusions there?
A. Yes Sir.
Q. Were they such as might be made by falling?
A. Yes Sir.
Q. Were there any other wounds on her you found then, or afterwards?
A. There was one wound on the back I found afterwards, not at that time.
Q. Where did you fine that?
A. The lower end of the wound was immediately over the spine, about four inches below the juncture of the neck and the body. That then ran forwards, and to the left two and a half inches long.
Q. How deep?
A. Two and a half inches deep.
Q. Cut through to the spine?
A. It did not touch the bone, because it did not go down the full length of the blade; it made a conical wound.
Q. What was the character of these wounds, as to whether they were incised or not?
A. Yes Sir, they were.
Q. As though made by a sharp cutting instrument?
A. Yes Sir.
Q. In you opinion, what could have caused the wounds you saw on her?
A. I should say a hatchet or a small ax.
Q. What did you find in the nature of blood there, first on her?
A. Under her head, and pretty well down on her breast, she was lying in a pool of clotted blood, quite dark, as if it had been there sometime. It was not in the fluid condition that Mr. Borden's was.

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Q. What blood was there, if any, on her clothing?
A. The front of the clothing was very much soaked, that is, down to the chest, and also the back, down about half way, of course going right through to her underclothing.
Q. What blood did you find in the room beside that on her clothing and on the carpet immediately under her?
A. On the pillow sham, immediately above, about a foot or eighteen inches in front were about three spots. On the rail of the bed I should judge there would be from thirty to forty, probably fifty spots of blood.
Q. In what direction were those spots from the head as you found them?
A. Those on the shams were forward ones, about a foot or eighteen inches on the sham. The direction was forward from the head.
(Mr. Adams.) Nearer the wall?
A. Yes Sir, on the pillow sham.
Q. She was lying on the floorwith her head towards the east wall?
A. Yes Sir.
Q. How far from the east wall was her head?
A. Probably four or five feet -four feet.
Q. Those were on the pillow shams some eighteen inches nearer the wall than her head?
A. Yes Sir.
Q. And that distance from her head?
A. Yes Sir.
Q. What was the direction of those on the wall?
A. They were lateral first; they were direct, as if spattered directly against it. On the drawers of the dressing case, I presume they were swelled and could not be put in their whole length, on the projection of them, on the uppermost drawer, there were three or four spots. I think on the second one there were six or seven spots, quite large ones, as if they had gone up in the air and had fallen down.
Q. Any others?
A. On the moulding, the piece of moulding east of the north window, that is the moulding that caps the mop board, about five or six inches from the casing, there was a spot of blood.
Q. On the casing?
A. On the moulding that caps the mop board. Above that, about two feet, there was a spot on the paper.
Q. How far would those spots be from the head as you found it?
A. From the head they would be between six and seven feet at an angle, that is, the dressing case formed an angle, the body lying here, the spots were over here.
Q. There was no straight line between the spots and where the head was found?
A. There was a straight line, but the dressing case intervened.

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Q. No interrupted straight line?
A. No Sir.
Q. The spots could not have gone from the body where you found it to that place?
A. I should not think so, no sir.
Q. What other spots did you find, any on the window itself?

A. No Sir I did not. I found on the east wall that is up against the head of the bed, where the head of the bed was, I found three or four spots there on the wall, and some on the moulding of the mop board.
Q. From what you saw, and all you saw, did you form any opinion as to how long she had been dead when you found her?
A. I could not say exactly how long she had been dead, but it was my impression she was dead anywhere from an hour to an hour and a half when I saw her. Her bodily warmth externally was not near as marked as that of Mr. Borden.
Q. How soon after you saw Mr. Borden's body did you see hers?
A. Within two or three minutes. I just saw Mr. Borden, and was told Mrs. Borden was up stairs. I just glanced at him, and went up stairs, and saw her, and came down, and continued my examination.
Q. That was about quarter of twelve?
A. Yes Sir.
Q. Was there anything inconsistent in what you found with Mrs. Borden's having been dead two hours, when you found her?
(Objected to.)
(Court.) If the Doctor has the means of telling, he may tell.
(Mr. Jennings.) He has already answered.
Q. Was there anything you found in the appearance of the body, or the blood, or the warmth of it, that was in your opinion inconsistent with an assumed fact that she had been dead two hours?
(Objected to.)
(Mr. Knowlton.) I have put it in nearly every murder case I have ever tried.
(Court.) If the Doctor can answer that exact question, understanding what it is, he may do so. (To the witness.) You may answer the question if you understand it.
A. No Sir, I do not see anything inconsistent with it, I did not, at least.
Q. What was, so far as you could see, her age?
A. I should judge a woman between fifty four and fifty five.
Q. What was her size, height and weight?
A. She was I think five feet four, if I remember correctly. I could tell from my autopsy records.
Q. You can refer to them if you like.
A. The autopsy?

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Q. Anything that will give you the height I should like to have you refer to.
A. (After referring to notes.) Five feet three inches.
Q. I suppose you dont make a record of weight, because you do not get it?
A. No Sir. She was very heavy though, I should say from two hundred and ten to two hundred and twenty five pounds.
Q. Did you examine her vital organs also?
A. Yes.
Q. With a view to ascertaining any other cause of death?
A. Yes Sir.
Q. In your opinion what was the cause of her death?
A. Shock from these wounds.

Q. As you have described them?
A. Yes Sir.
Q. Where these wounds crushed the skull, what is the thickness of the skull there?
A. That borders, in fact runs into, the very same place where Mr. Borden was crushed.
Q. That you have described, as to him?
A. Yes Sir.
Q. Perhaps that will answer the question then.
A. That is, they commenced more posteriolly, but they wind up at the same position.
Q. How is it more posteriolly, thicker or otherwise?
A. Thicker.
Q. Did you see anything else there, that I have not called your attention to at that time? Did you remove her stomach?
A. Yes Sir.
Q. Then?
A. Yes Sir that afternoon.
Q. What did you do with that?
A. I put that in an air tight jar, and sealed it up, and also sent that to Prof. Wood.
Q. By express?
A. Yes Sir.
Q. Did you see then, or at any other time, any hatchet or axes there?
A. No Sir, down cellar.
Q. When did you first see anything of that kind?
A. Almost immediately after I got there.
Q. Where did you see it, or them?
A. I saw them lying, as we went down the cellar stairs, lying to the left hand up against the partition.
Q. What?
A. I think four, one hatchet, that is a large hatchet with a claw,

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a very peculiar one, hard to describe, the head of the claw turned under it; it was not an ordinary hatchet at all.
Q. A claw like a hammer claw do you mean?
A. Yes, in fact the head was a hammer claw; that is a good way of putting it.
Q. What else besides that?
A. I think three other axes, ordinary wood axes.
Q. Where were they?
A. Lying up against the partition, or dividing wall in the cellar, at the left hand as you went down stairs, about six or eight feet from the stairs.
Q. Was that a light cellar?
A. Yes Sir, quite light; windows open all around it.
Q. What is that room you go into when you go down stairs first?
A. An ordinary room there which the rooms open from; you go into an open space.
Q. What did you do with the hatchet and those axes?
A. I did not take them myself. I examined two of them, they were brought to me, one of the officers brought them to me when I was in the wash house in the rear of the building.
Q. Which two did you examine?

A. The hatchet, and one of the axes. The hatchet, as I made the remark, then looked ----
(Objected to.)
Q. What did it look like?
A. It looked as if it had been scraped, or washed, as it were, more of a scraping then washing. I would not swear that was the fact, but that is the way it appeared to me.
Q. That was the hatchet?
A. Yes Sir.
Q. On the blade or handle?
A. On the blade.
Q. How large a hatchet was that?
A. I think it had a cutting surface of about five inches, possibly more.
Q. How much would that hatchet weigh?
A. That hatchet. I think weighed from three to five pounds.
Q. Did you afterwards take it?
A. Yes Sir.
Q. What did you afterwards do with it?
A. No Sir, I did not take it; the officer took it.
Q. Did you see it in the possession of the officers?
A. Yes Sir.
Q. Which officer did you see it in the possession of?
A. The Marshal.
Q. Did you afterwards do anything with it yourself?

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A. Yes Sir.
Q. What did you do with it?
A. I examined it with a glass, and saw two hairs on it, and some spots that looked like blood, yet I would not say they were blood, or were not.
Q. On the blade or handle?
A. On both.
Q. What did youdo with it then?
A. I sent it, or gave it into the possession of Prof. Wood.
Q. Did you doanything with either of the axes?
A. I gave them also into his possession.
Q. Did you make any examination of either of the axes?
A. Yes sir; there was what appeared to be blood on all of them, that is, it looked like blood under an ordinary glass.
(Mr. Jennings.) On the axes?
A. Yes sir, but I would not say that it was blood.
Q. Did you then, or at any time, take any clothing from there?
A. Yes Sir.
Q. I am not now talking of the clothing of the dead people.
A. No Sir.
Q. What did you take?
A. I took a dress skirt, that is an ordinary dress skirt, and took a white skirt, an under white skirt.
(Mr. Adams.) What?

A. A white underskirt.
Q. Other than the dress?
A. Yes Sir.
Q. Who gave them to you?
A. I think Mr. Jennings, I would not be positive. Mr. Jennings was there at the time, we rold him to ask Miss Lizzie for them.
Q. What did you do with them?
A. I gave those also to Prof. Wood.

(**Afternoon.**)

Q. Did you take any other article of clothing?
A. Not personally.
Q. Did you receive any from anybody else?
A. Yes Sir.
Q. What?
A. I received the shoes and stockings.
Q. Who gave them to you?
A. The City Marshal.
Q. What did you do with them?
A. I gave them to the City Marshal to give to Prof. Wood, and got a receipt from Prof. Wood that he had given them to him.

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Q. Did you know anything about cutting off the jamb of the door?
A. Yes Sir.
Q. Did you see that done?
A. I did not see it done, no sir.
Q. Was it done under your directions?
A. Yes Sir.
Q. Was the piece given to you?
A. No Sir it was given to the marshal.
Q. Did you receive it from the marshal?
A. No Sir, it is in his custody downstairs.
Q. Doctor, how soon would anyone of these crushing blows, I use the word you used, and by that I mean blows that crushed the skull, how soon would any one of those cause death?
A. I should say instantly.
Q. Perhaps I ought to ask in logical order first whether any of those would cause death?
A. Yes Sir.
Q. Either one of them?
A. Yes Sir.
Q. By instantly, what do you mean, that has a medical meaning? Do you mean instantly?
A. Yes Sir, I mean instantly.
Q. That is, no apparent length of time between the blow and the death?
A. No Sir.
Q. Supposing a blow of that kind was struck, and not only crushed the skull, but knocked the

person over, would death ensue before or after he reached the ground?
A. I think either of those blows struck with a person standing, when he reached the floor, he would be dead; I think either one of them.
Q. When death happens, what becomes of the action of the heart?
A. It ceases.
Q. How soon then would the heart cease to act after one of those crushing blows was struck, assuming the person was not dead when the blow was struck?
A. I think it would stop instantly.
Q. Does that have any effect, the stopping of the action of the heart, upon the spattering or spurting or spraying of blood from wounds?
A. Yes Sir.
Q. What?
A. It stops it.
Q. Does it stop the flow of blood?
A. Not necessarily, no sir.

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Q. What causes the flow of blood?
A. Simply because there is a flow of blood there, and there is a necessity for it.
Q. There would be a pool on the floor?
A. Yes Sir.
Q. The stopping of the action of the heart stops the spurting?
A. Yes Sir.
Q. Did you have any talk with the defendant, Lizzie Borden, at any time?
A. Yes Sir, I had a few words with her.
Q. Did you see her when you went there to take the view?
A. Yes Sir.
Q. Did you have any talk with her then?
A. I do not recollect whether I had anything to say with her when I went in or not.
Q. Where was she?
A. In the dining room.
Q. What doing?
A. Sort of reclining on the lounge, Mrs. Churchill was with her and Miss Russell. I saw her then pass out the door, and go up stairs.
Q. When was it you had any talk with her, if you can remember?
A. When she was sitting in her room up stairs.
Q. That same day?
A. Yes Sir,
Q. What time of day?
A. I should judge it must have [been] quarter to one or half past one.
Q. What was it?
A. I asked her if her mother had received this note; she said she had. I asked her if she had seen the note; and she said no. I asked her if she knew who brought it; she said she did not know and thought it was a boy. I asked her what her mother did with the note; she said she did not know; it all probability she burned it in the kitchen stove.
Q. That is all?

A. That is all I can remember.
Q. When you mentioned one-twelfth of an inch as the thickness of the skull at the point where you described, did you mean that for the average skull, or this skull in particular?
A. I was speaking at the time of Mr. Borden's skull.

Recess for lunch called at 2:10 P.M.

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CROSS-EXAMINATION.

Q. (By Mr. Adams.) I understood you to say you had been medical examiner a year?
A. Yes Sir, about.
Q. Had you had any particular experience in surgery before that time?
A. Yes Sir.
Q. That is, do you make the department of surgery your specialty?
A. I do not exactly make it a specialty, but I do considerable in that line.
Q. You do not claim to do any more surgery than any other sort of practice? You do the general physician's practice?
A. General physician yes.
Q. Such things as you did in this case, you did as Medical Examiner?
A. Yes Sir.
Q. Your duties in that direction, as you understand it, are derived from the Statute?
A. Yes Sir.
Q. As a Medical Examiner have you ever had an autopsy in a homicide case before?
A. I do not know whether you would call it a homicide, there was a case here ----
Q. Whether since you were Medical Examiner you have had a case of homicide before?
A. I would say yes.
Q. How many?
A. One.
Q. What one was that?
A. Do you mean the name?
Q. Yes, for the purpose of identification.
A. It was on the body of a woman named Catherine O'Conner.
Q. What was the cause of her death?
A. Concussion of the brain.
Q. Due to what, in your opinion?
A. Due to beating by her husband.
(Mr. Knowlton.) Has that case been tried?
A. He has been convicted yes sir.
Q. You spoke of repairing to this house the 4th of August at a certain hour?
A. Yes Sir.
Q. Was that a pleasant day?
A. It surely was not a rainy day.
Q. Was it a very hot day?
A. It was sir.
Q. Whenever you went there, the sun was about meridian?
A. Yes Sir.

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Q. Where were you when you got any information from anybody as to the occurrances at this house?
A. In front of Andrew Borden's house.
Q. Was that the first you heard of it, there?
A. Yes Sir.
Q. Did you get any information causing you to go there?
A. No Sir.
Q. Where had you been when you came to that spot?
A. Been to my office.
Q. You were on your way where?
A. I was on my way then from making a call. I made a call in between being at my office and coming to that place.
Q. You left your office at what time?
A. I should think half past eleven.
Q. And were you driving?
A. Yes Sir.
Q. Where did you drive to?
A. I drove to a house on Fourth Street, I think No. 86, I think that was the call, Fourth Street.
Q. Did you get out and go in?
A. Yes Sir.
Q. Stayed there about how long?
A. Five to seven minutes.
Q. Then driving from there to this place?
A. Yes Sir.
Q. Then in consequence of what somebody said to you, you went into the house?
A. In consequence of what I asked, I was driving by, and saw ----
Q. I did not ask you that. You have answered me, and I will accept it. It was in consequence of what you asked that you went into the house?
A. Yes Sir.
Q. What door did you go into?
A. The door on the north side of the house, towards the rear.
Q. That is what we call the door that leads into the kitchen?
A. Yes Sir, into the hall first.
Q. You call that passage way a hall?
A. Yes Sir.
Q. At all events it is in the rear of the house, and towards the barn?
A. It is not exactly in the rear; it is towards the end of the house.
Q. It is towards the rear of the house?
A. Yes Sir.
Q. Now when you went in that way, what room did that bring you into?

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A. What did what bring me into?

Q. That entry way or hall?
A. That brought me into the kitchen.
Q. Who was in the kitchen when you went there?
A. Bridget Sullivan and Dr. Bowen. Dr. Bowen met me just as I went in.
Q. Dr. Bowen met you coming from what direction?
A. He was coming from the sitting room.
Q. The sitting room was the room in which you found Mr. Borden lying?
A. Yes Sir.
Q. You went into the sitting room out of the kitchen?
A. YesSir.
Q. That brought you where Mr. Borden was lying upon this sofa, which I understand it is an ordinary hair cloth sofa, having two arms one at each end, and both alike?
A. Yes Sir.
Q. That brought Mr. Borden so that he faced you?
A. Yes Sir.
Q. Who were in that sitting room at that time?
A. Officers, Mullaly and Doherty.
Q. Who else?
A. I do not remember.
Q. Did you find Dr. Bowen there?
A. I left him in the kitchen.
Q. Did he follow you into the sitting room?
A. I could not tell you.
Q. What did you do then and there?
A. I took down the corner of the sheet and saw the face of Mr. Borden. I asked where Mrs. Borden was; I was informed she was up stairs. I went up and saw her.
Q. You did not then do anything to Mr. Borden, except what you have stated?
A. No Sir.
Q. When you went up stairs you went up the front way?
A. Yes Sir.
Q. Are those winding stairs?
A. They are to a certain extent; not very winding.
Q. I did not ask you that, did I?
A. You asked if they were winding stairs; they were to a certain extent.
Q. What was the carpet, if any, on the floor?
A. Where?
Q. In the hall and on the stairs?
A. I should say Brussels.

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Q. What was its color, as to being light or dark?
A. I do not think it was either very light or dark, I considered it medium. I think it was figured, I am not positive.
Q. Do you remember whether the walls were papersed in the hall?
A. I think they were.
Q. If they were, what were they papered with?

A. Paper.
Q. What sort of paper? When I asked you what they were papersed with, did you understand me, or did you desire to create a laugh?
A. I thought you wanted to know whether they were papered with paper.
Q. Did you think I meant putting on cloth?
A. I do not know what you meant. You were so explicit with your terms I thought I would be with mine.
Q. Were they papered with plain or figured paper?
A. I do not know.
Q. When you got up stairs, which room did you go into?
A. Into the guest room, that is the chamber on the north west corner.
Q. Without reference to the points of the compass, was it on the front of the house, up one flight?
A. Yes Sir.
Q. Over the room commonly called the parlor?
A. Yes Sir.
Q. In your opinion is it about the same size as the parlor?
A. I should judge just the same size.
Q. How did you get into that room?
A. From the door going from the entry.
Q. Did that door meet you when you got to the head of the stairs, or did you turn around?
A. Turned a little to the left.
Q. And walked along the hall or entry way up there?
A. Yes Sir.
Q. That brought you to the door way named; looking into that room, from the door, would the front windows of that room be on your left hand?
A. Yes Sir.
Q. And this one window that you speak of which was near the bureau would be opposite you?
A. Yes Sir.
Q. Would the bureau be on the further side of the room?
A. That would be opposite me also.
Q. I have asked you to imagine yourself standing in the doorway?
A. Yes.
Q. Between you and the bureau would be what, if anything?
A. The bedstead.

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Q. How was the bedstead standing?
A. It was running east to west.
Q. Would that be parallel with the bureau?
A. Yes Sir.
Q. Would that bring the head of the bed to the wall of the room opposite the front of the house?
A. Yes Sir.
Q. Was this, in your opinion, an ordinary full sized bed?
A. Yes Sir.
Q. Did it have its white bed spread and white pillows upon it?
A. Yes Sir.

Q. Who, if anybody, was in that room at that time?
A. That, I cant remember. When I went in, I do not know really that there was anybody there; I do not say whether there was, or was not anybody.
Q. When you got information about Mrs. Borden, is it your recollection it was brought to you by somebody coming down stairs?
A. Dr. Bowen gave me my information.
Q. I did not ask you who, but you have answered me properly enough; did he go up stairs with you?
A. That I could not say.
Q. Did anybody go up stairs with you?
A. I do not think they did.
Q. Did anybody go into the room about the same time that you did?
A. I think there were two or three went in.
Q. Do you know who they were?
A. No Sir.
Q. Would you say Dr. Bowen was there at or about the sametime you were there?
A. Dr. Bowen was in the room with me afterwards.
Q. Do you mean practically at the same time?
A. Yes, within five or ten minutes.
Q. I should like to know whether you now refer to the first time you went into that room, and while you were there for the first time, that Dr. Bowen was then sometime present?
A. Yes Sir.
Q. That is the fact you mean to have me understand?
A. Yes Sir.
Q. Was anybody else present? so far as you recollect, in that room up stairs where you found Mrs. Borden at this first visit?
A. I would not say positively.
Q. Give me, if you please, the best of your recollection about that.
A. Dr. Tourtellotte and Dr. Hardy were both there with me, as we were examining the wounds; and it is my impression that it was at that time.
Q. I asked you a moment ago to state to me the position of things in that room, imagining yourself standing at the door; going forward

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now into that room, where were you when you first got a glimpse of her body?
A. I would not be certain, but what I got a glimpse of her feet before I went into the room.
Q. Have you answered the question as well as you can?
A. Yes Sir; you asked me when I first got a glimpse of the body.
Q. No, I did not. After you went into the room, where were you when you first got a glimpse of the body; I think I did use that expression.
A. I think I was standing at the door, I think I saw her feet projecting from the bed.
Q. When from the doorway did you get a view of the rest of the general trunk of her body, where were you in the room?
A. I did not measure the distance, but it occurs to me that I got about half way the width of the bed.
Q. That brought you at the foot of the bed?
A. Yes Sir.
Q. Then you could look across the bed, and see her lying there?

A. Yes Sir.
Q. She was lying with both hands under?
A. No Sir, more extended over the head, as it were, not over it, but around the head.
Q. This fashion, putting my hands in front of my face?
A. Yes but not resting on the arms; the head in a circle.
Q. In that fashion, with my hands being above the line of my face, and the hands being together?
A. I would not say they were together exactly.
Q. Approaching?
A. Yes Sir.
Q. Her head was toward the same wall of the room that the head of the bed was?
A. Yes Sir.
Q. It was how near that wall?
A. I did not measure that.
Q. Give me your best opinion.
A. From three to four feet I should say, probably five; I think four would be nearer to it.
Q. Five feet do you mean to say?
A. Possibly. I said three to four would be nearer to it.
Q. You do not mean me to take five feet as a correct measurement of that distance?
A. No Sir, three to four.
Q. Do you see any distance in front of you, any width of a table, or anything that indicates to your eye now the same distance that her head was from that wall?
A. It was farther than the width of this table I think.

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Q. Are you willing to point out in front of you, taking your witness stand where your hands are as one point, the end of the other?
A. I should think possibly it would be from here to that screw where the board is screwed down.
Q. That is what you mean taking the rail of the witness stand?
A. No Sir, here.
Q. Taking one end of the shelf then that is nearest you, you think the distance of her head from the wall, which is the same wall the head of the bed was against is equivalent to that distance?
A. I should say about the same distance, yes.
Q. What was the distance between the face of the bureau drawer, or the dressing case, whatever it was, and the side of the bed nearest the bureau; in other words, what was the width of that space in which you saw her lie?
A. I think the space would be about the length of this board, the length of this shelf.
Q. Did you point out to the engineer when he was there the situation of things?
A. Yes Sir.
Q. Did you intend at that time to have him see them practically as they were when you found these persons there?
A. Yes Sir.
Q. Now you say in your opinion the width of the space where she lay is equivalent to the width of that whole shelf?
A. That would be a generous width.
Q. I want you to be just rather than generous.
A. Both are good qualities. I think that would be about the width; possibly six inches short of that.

Q. Did you hear the engineer say this morning it was two feet and ten inches that he measured there?
A. I do not recollect that I did.
Q. Is it your opinion that shelf is two feet and ten inches?
A. It is more.
Q. If it was two feet and ten inches it would be less than that shelf?
A. Yes Sir.
Q. I am asking the space between the bureau and the frame of the bed; did you understand me to ask you that?
A. Yes Sir.
Q. Mrs. Borden was a well nourished woman?
A. Yes Sir.
Q. She was five feet three or four inches in height?
A. Three.
Q. Which is a good womanly height?
A. Yes Sir.
Q. She weighed over two hundred pounds?
A. Yes Sir.

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Q. That made her then more than stout? A fat woman?
A. Yes, she was fat.
Q. Did she fill all that space pretty well, between the bureau and the bed?
A. No Sir.
Q. How much space on either side of her should you judge there was, between the bureau on the one hand and her, and the bed and her on the other hand?
A. I should think there would be a foot on either side, a foot between her and the bureau, and one between her and the bed.
Q. That would make her then exactly ten or eleven inches, the size of her trunk, the diameter of her trunk? Do you mean to have me understand that?
A. No Sir; that is taking the engineer's figures, he is giving you definite figures; I am giving you what I thought, what my ideas were.
Q. If you will pardon me for taking you as an illustration, were her shoulders as broad as yours?
A. I could not tell the width of my shoulders.
Q. If you look in the glass you can tell something about it. Whether hers looked about the same.
A. I do not know. She was a very heavy woman.
(Mr. Knowlton.) Take me.
Q. Take my Brother Knowlton.
A. I was going to take him before he proffered his services.
Q. What about the general width of his shoulders as compared with hers, or her waist and size and hips?
A. They were very much about the one build,
Q. About one build?
A. I do not think Mr. Knowlton was as fleshy as she was.
Q. She was larger than Brother Knowlton then?
A. I said more fleshy.

Q. Do you mean by that larger, or weighed more?
A. If she was more fleshy, she must be larger.
Q. She was larger than Brother Knowlton then?
A. I should say so.
Q. If it be true that she had to go into a space that was two feet ten inches, then you would be in error in saying there was a foot on either hand? You do not mean me to understand you estimate my Brother Knowlton's lateral diameter as ten inches from shoulder to shoulder?
A. I should say it was more than that.
Q. More than twenty is it not?
A. I should say it was.
Q. Now she was lying as you have answered me with reference to her hands, and on her face?
A. Yes Sir.

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Q. With her head turned so she was lying a little on her left side?
A. Yes Sir.
Q. Was it square on the left side or rather diagonally?
A. Diagonally I think.
Q. That left, as I understand you to say, the right side of the back of the head, and the right side of the top of the head, fairly well exposed?
A. Yes Sir.
Q. That and a portion of the left side?
A. Yes Sir.
Q. This fairly must have been near twelve o'clock when you went up stairs, must it not?
A. Yes, it was.
Q. You know whether before you went there any person had disturbed or changed the position of the body, or any part of it?
A. It had not been changed.
Q. That is to say, you believe so?
A. I was told so by the one who saw it.
Q. Having said so much, although it is not competent, I will ask you who that was.
A. Dr. Bowen.
Q. While Dr. Bowen was there with you, did you see him do anything to change the position of the body, or any part of it?
A. No Sir I did not.
Q. Did he, or you, or both of you, put your fingers or hands in these wounds, or any of them?
A. Yes Sir. I raised her up, with his assistance.
Q. Did you, either or both of you, put your hands or fingers into these wounds, or any of them?
A. I put my hands in; I do not know whether he did or not.
Q. Did yours get bloody?
A. Yes Sir.
Q. Do you know whether any blood dropped from your hands?
A. I am quite confident it did not.
Q. You say you are confident about it?
A. Yes Sir.
Q. Had you thought of it before?

A. No Sir.
Q. Did you see Dr. Bowen have any blood upon his hands?
A .No Sir.
Q. Did you get any blood upon your clothing?
A. No Sir. I beg your pardon, I did get two or three spots on my pantaloons; I think it was down stairs though.
Q. Before you came up here?
A. I think so; I would not be positive about that.

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Q. I was going to ask you, that may help youto recollect, whether when down stairs the first time you came into the sitting room and saw Mr. Borden as you stated, you did anything in the way of examining the wounds with your fingers?
A. I do not think I did the first time.
Q. Before you went up stairs?
A. No Sir.
Q. Then it is your recollection that the first time you put your hands or fingers upon the wounds of either person, was that of Mrs. Borden up stairs, when you first saw her, I mean at that time, the precise instant when you first saw her.
A. I would not say that.
Q. What would you say?
A. I am not quite positive, but it occurs to me that I saw Mr. Borden first, and went up and saw Mrs. Borden, and then went down and made an examination of Mr. Borden.
Q. That is altogether different, is not it, from what you put it a few minutes ago?
A. Not at all.
Q. Then you went up stairs, and saw her, and did not touch the wounds or lift the body?
A. Not at that time.
Q. Then it was the second time you must have lifted her body?
A. Yes Sir.
Q. You merely looked at her at that time?
A. Yes Sir.
Q. Was Dr. Bowen with you at that time?
A. I told you I do not know.
Q. You know you have a fresh recollection this time; I do not mean to say your recollection is changeable.
A. I cannot say wherein it is different from what I told you before.
Q. Perhaps I should not characterize it; it is for argument later, if it is worth argument. What we are trying to get at is this, whether the first time you went up stairs you did anything more than look at Mrs. Borden?
A. I do not think I did.
Q. Did you not tell me five minutes ago at that time you put your fingers into her wounds?
A. I have no recollection of telling you anything of that kind, not specifying the time.
Q. I specified the time in my question, did you not understand it? Whether Dr. Bowen was there or not the first time you went up stairs, and looked at Mrs. Borden, and went down stairs, and then took this other view of Mr. Borden.
A. Yes Sir.

Q. At that time did you put your fingers or hands into his wounds,

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or any of them?
A. Yes Sir.
Q. Did they become bloody?
A. Yes Sir.
Q. Do you know whether any blood came from your fingers or hands at that time?
A. What do you mean, dropped from them?
Q. Yes.
A. No Sir, I do not think there did.
Q. Have you thought of it before?
A. No Sir, I have not.
Q. Will you swear there did not?
A. No Sir I will not.
Q. When did you make any examination of these blood spots on the wall, then or afterwards?
A. Do you mean immediately behind the sofa?
Q. Anywhere on the wall in that room; although if I confuse you, I will ask if you then made any examination of the blood spots on the wall behind the sofa?
A. No Sir.
Q. That was at a later time,
A. Yes Sir.
Q. What else did you do down stairs then, and let us not misunderstand each other, after you had been upstairs, and merely looked at Mrs. Borden, and after examining the wounds of Mr. Borden the second time when you saw him, what else did you do then there?
A. I looked at the spots on the parlor door, and also looked at the blood that was dripping from the lounge.
Q. Now, as you have told me, this lounge was a sofa?
A. Yes Sir, a sofa, excuse me.
Q. Is it a hair cloth sofa?
A. Yes sir.
Q. Furnishing very little resistance in your opinion to the flowage of blood through it, would it not?
A. I am not prepared to say that, because I do not know how it is upholstered under the cloth.
Q. The hair cloth of the sofa?
A. I should say hair cloth would offer considerable resistance.
Q. Do you mean it would soak up blood?
A. No Sir.
Q. Would it slide off, or flow on the floor, off the side?
A. I mean it would coagulate, become solid.
Q. Become curded, like a cheese curd?
A. Yes Sir.
Q. It would coagulate because it was kept in the air, and on the top of it?
A. Yes Sir, by the nature of the hair cloth.

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Q. The nature of the hair cloth is such as to keep the blood on top of it so it would not readily go through?
A. Yes Sir.
Q. When it is kept up on top and exposed to the air, it becomes curded or coagulated?
A. Yes Sir.
Q. Was that blood coagulated there?
A. No Sir, it was dripping on to the carpet and floor.
Q. Through the sofa?
A. Yes Sir.
Q. The hair cloth did not furnish resistance to the flow of the blood then, did it?
A. Yes, but there was so much of it.
Q. How much blood is there in the human body?
A. From one twelfth to the thirteenth part of the weight of the body.
Q. Are you willing to give me your authority for that?
A. Yes Sir, almost any physiology.
Q. Is not it about one eighth?
A. Some put it one eighth. Some one tenth, some one twelfth, or one thirteenth; some say one fifteenth.
Q. Why did you put it the lowest amount? Who says one eighth?
A. I do not know particularly who says one eighth.
Q. Can you tell anybody?
A. I cannot now.
Q. Can you tell me any physiology that says one fifteenth?
A. Not by name.
Q. Are you prepared to say one eighth of the weight of the human body is not made up of blood?
A. I should say that would be the highest, the very highest.
Q. How much bulk of blood, by liquid measure, does it take to weigh a pound?
A. I am not prepared to answer that.
Q. Do not you know?
A. I am not prepared to answer that now.
Q. Is it a pint or a quart?
A. I am not prepared to answer.
Q. Is not that a common thing to be found in physiologies?
A. I do not know as it makes any difference whether a pint weighs a pound or two pounds.
Q. Does it not make any difference whether a man has a gallon or two gallons in his body, as to the amount he would bleed?
A. The reason I gave you from one twelfth to one thirteenth is because that is usually used.
Q. Used for what?
A. To find out the amount of blood in the body.
Q. Is that the amount of blood that will escape from the body?

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A. No Sir.
Q. When a body bleeds, does the blood all run out?
A. I never saw one yet.
Q. Do not you know, as a matter of experience and scientific research, from your experience as a

physician and Medical Examiner, do not you know, as a fact, the blood does not all run out of the body?

A. I never heard of it or saw it.
Q. What did I just say?
A. I cannot tell you what you just said.
Q. My last question, seriously put, was whether you could tell me how much liquid measure it took to weigh a pound, liquid measure of blood; you said you could not tell?
A. Yes Sir.
Q. Then, as I remember, I asked you whether you could tell whether there was one or two or three gallons of blood in the human body; you said you did not recollect well about that. Then I asked you if it did not make some difference how much a man would bleed, as to how much blood he had in his body, did not I?
A. I do not recollect it just that way.
Q. What do you say to that question, if you do not recollect it; whether it does not make some difference as to how much a man will bleed, as to how much blood he has got in his body?
A. I cannot see through that question.
Q. You do not understand the question?
A. No Sir.
Q. It is undoubtedly my fault that you do not understand, but I will pass on to another. The next question I would like to have you understand is this; whether in your opinion the blood upon an injury, fatal or otherwise, which opens the veins and arteries, all runs out of the body?
A. No Sir, it does not.
Q. What proportion of it would run out?
A. I should think a very small proportion of it.
Q. A half?
A. I do not think it would.
Q. A fourth?
A. That would depend a great deal upon what part of the body was injured.
Q. If you cut an artery anywhere, the blood will run out?
A. It depends upon the size of the artery.
Q. Are they not all in connection with one reservoir?
A. Yes Sir.
Q. Do not they all run into it?
A. Not to empty that central reservoir.
Q. Does it not make some difference as to how the body is placed?
A. Yes Sir, gravity makes considerable difference.
Q. If a body is suspended in the air from a gas fixture, after a

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vital-wound is given to the body, a great deal more will run out of it than as though it was lying recumbent upon a sofa, if you please?

A. Yes Sir.
Q. As a matter of fact the situation of Mr. Borden's body, when you saw it, was favorable to less bleeding than many other conditions?
A. Not so far as his head was concerned.
Q. I asked you about his entire body, the individual; what do you say to my question?

A. I cannot answer that question put in that form.
Q. Very well. You said something, when I drifted off in this discussion about the amount of blood in the human body, as to whether the blood had coagulated on this hair cloth sofa; now had it coagulated there?
A. I could not say.
Q. Do you not say the hair cloth would tend to make the blood coagulate?
A. Yes Sir.
Q. Did you examine to see whether it had?
A. No Sir.
Q. Then you cannot tell me whether it had or not?
A. No Sir.
Q. So far as you recollect, did the blood run off the side of the sofa which is toward the center of the sitting room, did it run off on to the floor, without going in through it?
A. That is my impression, it ran in between the back and the side.
Q. That is in where the upholstering is?
A. No Sir.
Q. I mean the front side of the sofa, towards the front of the room, where there is no resistance whatever?
A. No Sir; it did not go there at all.
Q. What else did you do then and there; I am now referring to the second time you had seen Mr. Borden, and after you had been going up stairs and had seen Mrs. Borden without doing anything; what else did you do there in the sitting room at the time with reference to Mr. Borden?
A. I do not think I did anything.
Q. Did you take a view?
A. That is what I had been doing the second time.
Q. Did you make an autopsy?
A. No Sir.
Q. Did you have any authority to make an autopsy then?
A. No Sir, I had not.
Q. Was not the Mayor there?
A. Yes Sir.
Q. Did not he give you authority then and there?
A. For what?
Q. To make an autopsy?

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A. Not then, no sir.
Q. When did he give you authority to make an autopsy?
A. I was referring "when" as to the time I made the autopsy, not to the time I got the authority.
Q. My "when" refers to authority, and nothingelse; that is what I am asking you, if you know?
A. I do not know that the Mayor gave me any explicit authority to do so at all.
Q. Have not you certified so in this Court?
A. Yes Sir, I have.
Q. Well, if you have, did you tell the truth?
A. Yes Sir.

Q. When did he give you the authority then?
A. I do not know just when he did.
Q. Did he at all?
A. Yes Sir.
Q. Where?
A. In the house.
Q. That house?
A. Yes Sir.
Q. When?
A. I could not tell you the hour.
Q. That very day?
A. Yes Sir.
Q. Was it in writing?
A. No Sir.
Q. Did you make the autopsy that day?
A. I did not make any autopsy that day.
Q. When did you make it?
A. I made it on the eleventh of August, one week afterwards.
Q. You made it on the eleventh of August?
A. Yes Sir.
Q. Did not you make a return of your autopsy into this Court on the 8th of August?
A. I made the return ---
Q. I beg your pardon; answer my question, if you understand it; if you do not, say so. Did you make the return into this Court of your autopsy on the eighth of August?
A. A partial one.
Q. Did it say "partial"?
A. There was no need of saying it.
Q. I do not ask you what the need was. There is a law to direct you, and you say you get your direction from the law?
A. Yes Sir.
Q. Did you say a partial report?
A. No Sir, not in writing; I did to his Honor, the Judge.

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Q. Have you filed any other since that?
A. No Sir, I have not.
Q. Then, according to your understanding, there is no report of an autopsy filed in this case, is there?
A. I do not think there is any official one.
Q. What are you, but an Official; are not you acting officially?
A. Yes Sir.
Q. What report have you officially made in this case up to this hour?
A. The report you refer to as having been made on the 8th of August.
Q. Did you tell me anything about that? When I asked when you made your report, did not you say you made it on the eleventh of August?
A. The autopsy, yes.

Q. You made a report of it, did not you?
A. To whom?
Q. I ask you if you made -- the transitive verb "made" --- did you make a report of the autopsy?
A. To whom?
Q. To yourself, if you please. Did you make it? I appeal to your Honor whether the witness must not answer my question.
(Court) If he understands the question, he must answer it. It is a very plain one.
Q. Do you understand the question?
A. I do not know to whom you refer, to whom I should make a report.
Q. What was the exact question I put to you?
A. You spoke of a transitive verb "made." Had I made a report of an autopsy.
Q. Do you understand what that means?
A. Yes Sir.
Q. Answer the question then.
(Court) What objection have you to answering the question as to whether or not you made a report?
A. I want to know to whom he refers, to whom I should make it.
(Court) How is that material? If you want to explain after answering you have a right so to do.
A. If you recollect, your Honor, I tendered you a report of the autopsy.
(Court) The report you handed to me was a partial report, as I understand it?
A. Yes Sir.
(Mr. Adams) Does your Honor think he should answer my question?
(Court) I do not know why he should not answer, I am frank to say, if he made a report of the autopsy, to whom he made it.
(Mr. Adams) I do not ask that.
(Court) I added that; I will leave that out. Have you made a Report?
A. I made a report to the District Attorney.
Q. I asked you, if you made a report of the autopsy; did you, or did you not?
A. Yes Sir.

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Q. Was that on the eleventh day of August?
A. I do not think it was.
Q. When was it?
A. I think it was on the 15th.
Q. On the 15th of August, a week ago yesterday?
A. I wont be positive what day it was.
Q. Did you make it in writing?
A. Yes Sir.
Q. Did you make more than one copy?
A. Yes Sir.
Q. Last Monday, when this case came up, was there anything on file in this Court, except that first record of an autopsy, which you call a partial report?
A. No Sir.
Q. Do you understand that under the Statute you are directed to file a report of your autopsy with the Court?
A. Yes Sir.

(Court) In the Municipal Court, it is to be filed with the Court; in the District Court, with the Justice.
Q. I am much obliged for your Honor's correction. Do you understand you are to file a report of your autopsy with the District Attorney and with the Justice of the District Court?
A. Yes Sir.
Q. And that the public have access to it?
A. I do not know anything about that part of it.
Q. You are perfectly willing the public should have access to it?
A. After it passed out of my hands.
Q. Have you filed a copy of that second autopsy record with the Justice?
A. No Sir.
Q. Oh, you have not done that. Why should not you do it? Well, Mr. Witness, if you can find a reason, please tell me.
A. I will state that I proffered a record of the autopsy to the Justice of this Court. Whether he misunderstood me, or did not understand what it was, I do not know. He did not take it.
Q. When did you make the autopsy, the report of which you filed in this Court on the eighth of August?
A. That was on the fourth of August.
Q. That is the day of this calamity in this town, was it not?
A. Yes Sir.
Q. What time in the day?
A. Half past three in the afternoon.
Q. Who were present?
A. His Honor, the Mayor, was there, Dr. Gunning, and Dr. Learned. I know there were several physicians there.
Q. When did you write that out?
A. I could not tell you.
Q. That day?
A. I could not tell you, sir, when I wrote it.

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Q. That was Thursday, was it not?
A. Yes Sir.
Q. Do not you keep any record of your work?
A. Yes Sir; I certainly do.
Q. Did you take minutes at that time, there at the house?
A. Yes Sir.
Q. In a book?
A. No Sir.
Q. What did you take them in?
A. On slips of paper.
Q. Where are those slips of paper?
A. I could not tell you where they are.
Q. The records of this important case, your original notes which the Statute obliges you to take, what did you do with them?
A. That is putting a great big cover over it. The records of this great case are not lost, and have not

been mislaid or misplaced.
Q. Does not the Statute say you shall make minutes at the time of your view?
A. Yes Sir.
Q. Did you make minutes?
A. Yes Sir, I said I had.
Q. Where did you take them?
A. I took them in the house.
Q. Did you destroy them?
A. I could not tell you what I did with them.
Q. Can you tell me whether you destroyed them, or not?
A. I cannot.
Q. What do you think?
A. I cannot tell whether I have destroyed them or not.
Q. Did you burn them?
A. Well, if I burned them, I would know it.
Q. That is what I should think; but I am not sure whether you did or not, and I am asking you. You did not burn them?
A. No Sir; I am not in the habit of burning things like that.
Q. It is not your habit, I am asking about a particular instance. Did you burn these notes?
A. No Sir; I did not burn them.
Q. Where did you put them, the last you saw of them?
A. The last I saw of them they were in my pocket book, my case book.
Q. Have you your case book here?
A. Yes Sir.
Q. Are they in there?
A. No Sir.
Q. How do you know?
A. Because I looked.
Q. When?
A. Today.
Q. What for?
A. For the notes.

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Q. What did you want of them?
A. I wanted to look at them.
Q. Why?
A. For information.
Q. Have not you got all the information you want?
A. I do not know; that is a very peculiar question, have not I got all the information I want.
Q. Were you in doubt about anything today, when you looked for those notes?
A. I wanted to see how near the notes which I took that day, compared with the record, the perfect record of the autopsy held on the eleventh.
Q. Which has never been filed?
A. Which has been filed with the District Attorney.
Q. Does the Statute say you may ignore the Justice of this Court?

A. I have not ignored him.
Q. Does the Statute, as you understand it, say so?
A. I have not ignored him.
Q. Does the Statute say you should do it?
A. I do not know as the Statutes are for ignoring anybody.
Q. I will not spend time on this.
(Mr. Knowlton) It will be done before he leaves the stand, if he has it in his pocket.
(Mr. Adams) I have no doubt the District Attorney will have the right thing done, when he finds out.
Q. You wanted to see if that compared with the perfect notes taken of this other autopsy?
A. Yes Sir.
Q. Then this other autopsy, I have just been talking about, had perfect notes, did it?
A. I do not know whether your "other" refers to the same one my "other" refers to.
Q. Were there more than two?
A. "Other" dont require more than two.
Q. Was there a third autopsy?
A. I have only heard of two so far.
Q. There was one on the fourth of August?
A. No Sir, a partial one.
(After a short discussion the report of the partial autopsy is handed to Mr. Jennings.)
Q. Now, Mr. Dolan is that your signature?
A. Yes Sir.
Q. And is that your report of the autopsy?
A. A partial autopsy.
Q. Is that your report?
A. Yes Sir.
Q. Does it say "partial" anywhere?
A. No Sir.

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Q. Where does the word "partial" come in?
A. Because it was partial.
(Mr. Adams reads the report.)
Q. That is the whole of your report, is not it, your record?
A. Of that partial autopsy, yes sir.
Q. Does it say partial record or partial autopsy?
A. I say it is partial.
Q. Does this say so?
A. If it is there, I think you would see it.
Q. Did you make a record, and a report of your autopsy upon Mrs. Borden the same day?
A. Yes Sir, partial.
Q. That says the eighth of August, does it not?
A. Yes Sir.
Q. That was Monday, was it not?
A. Yes Sir.
Q. When did you hold your next autopsy?
A. I held the autopsy on the eleventh of August.

Q. How many days after that, three?
A. How many days after what?
Q. It was the following Thursday, was not it?
A. That is what I said.
Q. It was the following Thursday, was not it?
A. Yes Sir.
Q. When was this funeral?
A. I do not know, sir; I do not keep records of that.
Q. Was not the funeral on the Saturday following the Thursday?
A. As a matter of fact, I believe it was.
Q. Did you see the undertaker before the funeral?
A. No Sir.
Q. Did he see you?
A. Not that I know of.
Q. Did you send word to him, authorizing him to inter these bodies, before the funeral?
A. No Sir, I telephoned to him.
Q. Do you call that sending word to him?
A. No Sir.
Q. You telephoned to him, then?
A. Yes Sir.
Q. You did not mean to exclude that from me, did you? You did not mean to keep that information from me, did you?
A. What do you mean?
Q. About your seeing him, or sending him any word, before the funeral.
A. I do not know as there is any information in it.
Q. Did you telephone him?
A. Yes, his clerk.
Q. Did you authorize him to proceed with the funeral and inter these bodies?

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A. No Sir.
Q. Did you say the funeral might proceed?
A. No Sir.
Q. Did you say anything of the sort?
A. No Sir.
Q. Did you say so to anybody, or telephone or telegraph, or whisper, or carry any word, or anything of that kind?
A. No Sir.
Q. So far as you know, were these bodies interred?
A. No Sir.
Q. Did you turn these bodies over to the family with leave to inter them?
A. Yes Sir.
Q. When did you do that?
A. I think the day of the murder.
Q. The day of the murder? Were they interred?
A. No Sir.

Q. By whose order were they not interred?
A. By mine.
Q. When did you give it?
A. I think it was Saturday morning; it was the day of the funeral.
Q. Before the funeral?
A. Yes Sir.
Q. To whom?
A. I telephoned to Mr. Winwood's office; his clerk, I presume it was, who answered.
Q. That is the undertaker, is it?
A. Yes Sir.
Q. Where was this second autopsy, the Thursday after this funeral, made?
A. The autopsy on Thursday after the funeral was held at Oak Grove cemetery.
Q. What time in the day?
A. A few minutes after eleven o'clock, supposed to be eleven o'clock.
Q. Who gave you the authority to make that?
A. I do not know whether District Attorney Knowlton, or the Attorney General.
Q. Was it either one?
A. Yes Sir.
Q. Did you come to this Court for authority?
A. No Sir.
Q. Was it verbal or written?
A. Verbal.
Q. From whom did you receive it?
A. I told you I did not know; it was either the District Attorney, or the Attorney General.
Q. How did you receive it?
A. Verbally.

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Q. Telephoned?
A. You might probably get up a technical point, whether a telephone was verbal or not.
Q. You are getting up the technical points. Did the District Attorney see you, and tell you to make a second autopsy?
A. I told you I did not know whether it was the District Attorney, or the Attorney General.
Q. It was verbal any how?
A. Yes Sir.
Q. You went to this cemetery; who accompanied you?
A. Dr. Draper of Boston, and Dr. D. E. Cone of Fall River, and Dr. Leary of Fall River.
Q. Dr. Draper was one of the Medical Examiners of Boston?
A. Yes Sir.
Q. Who took notes that time?
A. Dr. Cone.
Q. Did you take any?
A. No Sir, I dictated.
Q. What are these notes in your book, that you produce here today?
A. Those are the notes of the autopsy.
Q. Where did you get them from?

A. Do you mean this particular copy?
Q. Why, that little book of notes you referred to today, about the autopsy, that little book that you have got in your pocket now.
A. There are no notes of an autopsy there, I misunderstood you.
Q. Have you any notes of the second autopsy?
A. I have notes of the Oak Grove Autopsy.
Q. Call it the Oak Grove Autopsy, for identification. Have you any notes of that?
A. Yes Sir.
Q. Where are they?
A. In my pocket.
Q. In what?
A. In an envelope.
Q. In whose hand writing?
A. Nobodies.
Q. In typewriting?
A. Yes Sir.
Q. You dictated them to this Doctor?
A. Yes Sir.
Q. In your office, or at the Oak Grove Cemetery?
A. At the Oak Grove.
Q. You took your typewriter up there?
A. No Sir.
Q. You had one up there?
A. No Sir.
Q. How were they typewritten up there?
A. They were not.

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Q. I understood you to say so?
A. No Sir.
Q. How were they taken down up there?
A. In ordinary long hand.
Q. By this Doctor?
A. Yes Sir.
Q. Where were they type written?
A. In the office of Cummings & Higginson, by the typewriter there.
Q. You dictated them?
A. Yes Sir.
Q. It is that typewriter copy you got at in some way, that is now in your pocket?
A. Yes Sir.
Q. Is it put into a record of an autopsy?
A. No Sir, it is ordinary cap paper.
Q. Have you any record of that Oak Grove Autopsy?
A. Yes Sir.
Q. Where is that?
A. In my pocket.

Q. Is it officially made out?
A. Yes Sir, not on the Official form.
Q. Have you given the District Attorney one of them?
A. Yes Sir.
Q. When did you do it?
A. I do not know whether it was Monday or not; last Monday, I think it was.
Q. The day of this postponement, last Monday?
A. Yes Sir.
Q. You remember it now, do you?
A. I say I think it was.
Q. Where was it given to him?
A. I think down stairs in the Marshal's office.
Q. After the Court had come in?
A. No Sir.
Q. When did you offer it to the Justice of this Court, I understand you to say that you did?
A. It was the same day, I think it was.
Q. Now we will come back to this second view that you made of Mr. Borden in the sitting room down stairs that day, which was somewhere around twelve o'clock, you say. Did you remove the stomach then?
A. No Sir.
Q. Did you take the temperature of his body then?
A. What do you mean, by thermometer, or by touch?
Q. Answer my question, if you understand it?
A. Did I take the temperature of the body then? I took the temperature by the sense of touch.
Q. Whose touch?
A. Mine.
Q. Things have been delegated so, I did not know how we were going

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to find out. You felt of the body then, did you?
A. Yes Sir.
Q. Is that what you understand to be taking the temperature of a body?
A. No Sir.
Q. Can you tell with ten degrees by touching anybody, what the temperature is?
A. I think you can come pretty near it.
Q. Did you ever try?
A. Yes Sir, I do not know how many times? I try it every day of my life.
Q. Then compare it with a thermometer?
A. Yes Sir, not for comparison.
Q. Within how near can you come?
A. Half a degree, sometimes one fifth of a degree.
Q. Never a degree out of the way?
A. Yes, sometimes.
Q. What is the average temperature of the healthy human body?
A. 98 and 2/5, sometimes 98 and 3/5.
Q. Does it vary in Winter and Summer?

A. Not that I am aware of.
Q. What was the temperature of this body that day at that time, when you touched it?
A. I could not tell you definitely what the temperature was.
Q. But you can come within one fifth or one eighth of a degree in a living subject.
A. This was a dead subject, he was dead.
Q. It was cold?
A. No Sir, he was not cold.
Q. It was warm?
A. Yes Sir.
Q. How warm was it then?
A. It would be speculation to say how warm it was.
Q. Then speculate.
A. I should say the external bodily temperature of Mr. Borden, when I saw him, was at least from 90 to 94.
Q. Did you make any incision then for the purpose of autopsy?
A. No Sir.
Q. Take a reasonably healthy person who suddenly dies, and the body is found in the middle of the day in the warm season, a very hot day of that season, how soon in your opinion will that body become cool?
A. Well, various bodies differ; I could not give you any general answer to that question, any specific answer to that question.
Q. Why do they differ?
A. Some differ on account of the quantity of fat, some the quantity of blood, and other various reasons.
Q. Any other reasons beside fat and blood?
A. There are other reasons; I cannot think of them just at present.

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Q. Take a normal body, found under the circumstances I have given to you, how soon would it take?
A. Normal bodies differ.
Q. In eight hours?
A. You find some warm in eight hours, and find some cold in eight hours.
Q. Under the same circumstances?
A. Yes Sir.
Q. What part of the time do they cool the most rapidly, the last part; do you know?
A. How the surface temperature cools?
Q. Yes.
A. Do you mean, the hours immediately suscceeding, or more removed?
Q. Yes.
A. I should judge that the average would be more intense immediately after death than some hours afterwards.
Q. That is to say, when a person dies, the temperature lowers very fast to begin with?
A. Yes Sir.
Q. Then it almost imperceptibly fades away at the last?
A. Yes Sir, that is my idea.
Q. How many degrees would it lower in an hour?

A. I could not tell you that.
Q. Twenty?
A. I could not tell you.
Q. If it takes eight or nine hours to cool off the human body, would not 20 be a fair estimate for the first hour?
A. I think you would have a pretty cool body if you dropped 20 degrees from a temperature of 60.
Q. You do not figure 20 from 98 to be 60 do you?
A. No, not quite.
Q. That would be 18 more, 78?
A. I could not say how much it would drop.
Q. The temperature of this room, that is not so delightful as it might be, is not more than 78?
A. Between 78 and 80.
Q. Cant you touch it and see?
A. Cant I touch what, sir?
Q. I should not have said that; I beg your pardon.
A. How hot is this room? I should say about 80.
Q. The temperature of the human body that would fall 20 degrees the first hour, would be only two degrees lower than this room, at the present time, you think that would be a pretty cold body, do you?
A. How is that?
Q. I asked you a minute or two ago, did I not, if it would not fall 20 degrees in the first hour, the temperature of the dead body, you said you thought that would make a body pretty cold, if the normal temperature was 98 and a fraction, I will give you the fraction,

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dropping 20 would be 78?
A. Yes Sir.
Q. If this room is 80, you are an expert in temperature I will admit, then the temperature of that body you think would be so cold, would be two degrees less than the temperature of this room?
A. I made a mistake there of ten degrees.
Q. I am asking about the human body that has died, what the temperature would fall the first hour, I suggested 20; you said that was too much, will you agree with me now?
A. No, I do not think it is too much.
Q. How much will it go in the second hour; do you suppose it goes ten?
A. I would not say. I think it is speculative, entirely.
Q. Let us come back to Mr. Borden; his temperature was 94?
A. Yes Sir.
Q. You said he had been dead half an hour?
A. Yes Sir.
Q. Why did you think so?
A. I was told when he was alive.
Q. What they told you, contradicts medical science?
A. Not at all.
Q. Did not you say his temperature was about 94?
A. From 90 to 94.
Q. Call it 90. The average temperature is 98. He had been dead half an hour?

A. I think I said so.
Q. You will agree with me the temperature will fall ten degrees the first hour?
A. I did not say it would.
Q. It is exceedingly improbable then, that it would?
A. I do not know as to that.
Q. Between you and me, do we know very much about these things?
A. I told you it was speculation mostly.
Q. Is not this the fact, that you could not judge absolutely from anything you saw there in that room, how long this man had been dead, but you judged from what people told you?
A. I judged from what people told me, and I judged also from the temperature of his body at the time.
Q. Have not you just said to me, temperature in the way we have discussed it, is mostly speculative?
A. Yes Sir, to a great extent.
Q. What else? I still ask you to stay in this sitting room with the second view of Mr. Borden, after you had been up stairs and merely looked at Mrs. Borden. What else did you see there? or do there?
A. I do not know that I did anythingelse.
Q. Did anybody do anythingelse while you were there?
A. Not to the body, no sir.
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Q. Anywhere in the room? Did anybody take any notes then and there?
A. Yes Sir, I took them myself.
Q. At this view, you took them yourself?
A. Yes Sir.
Q. Did you take some more in the afternoon?
A. I dont know whether I took them, I dont think I did take any in the afternoon, except to take the length of Mr. Borden's body.
Q. Who did take them, if anybody, in the afternoon?
A. I think it was Dr. Tourtellott; I am pretty sure it was Dr. Tourtellott took them; for Mrs. Borden he did, at any rate.
Q. These notes you took then, there, yourself at about this hour, were taken by you on a block or scraps of paper that you had in your pocket?
A. On a block.
Q. How much did you write?
A. I think probably a couple of pieces of paper.
Q. How big was this block, take the stenographer's note book there, was it as wide as that?
A. I can give you the regular size; about that size. (Producing one
Q. After writing those notes, what else did you do there?
A. In the morning you mean?
Q. This time when you were having this view of Mr. Borden.
A. I do not think I did anythingelse, that is, to the body.
Q. Anywhere in that room?
A. No Sir, not that I can recollect.
Q. Where did you go then?
A. I assisted the Officers in hunting the house, searching the house.
Q. Who were these officers?

A. Officer Mullaly, Officer Doherty, and Assistant Marshal Fleet.
Q. Have you given them all?
A. As near as I can recollect, yes sir.
Q. Where did you go first?
A. I think we searched the lower floor first; I am not positive.
Q. The lower floor is the front hall, parlor, dining and sitting room, and the kitchen, and the room off the kitchen, that back hall, and the room on the other side of the back hall?
A. A room on the other side? I think they communicated, there were two rooms.
Q. I am referring to the back entry that goes out the side of the house, is not there a small room on each side of that?
A. I think only one.
Q. Where was Miss Lizzie at this time?
A. I do not know whether she had gone up stairs or not, at that time, I rather think she had.
Q. Where was she when you last saw her?
A. In her room. You mean that day?
Q. When you made this search in the first floor.
A. In her room.

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Q. You did not see her up in her room?
A. Yes Sir.
Q. I understand you to say, immediately then, you began to search with the officers?
A. I said that; but that has nothing to do with what time I saw her.
Q. Where was she when you began to make that search?
A. I said I did not know.
Q. Where was she when you last saw her, before you began this search?
A. In her room I think; I am not positive.
Q. After this being done, with reference to Mr. Borden, did the officers come in, and you make a search then and there of the first floor?
A. Yes Sir, the search began immediately.
Q. I understood you to say you helped them?
A. I did.
Q. When did you see her in her room up stairs?
A. She was there when I came away, about half past one.
Q. You had been making an examination of Mr. Borden, and taking notes?
A. Yes Sir.
Q. Immediately after that the officers came, and you went to searching the first floor; where was Miss Lizzie all that time?
A. I could not tell you; I think she was up in her room.
Q. Did you see her go up into her room?
A. Yes Sir.
Q. Did you see which room she went into?
A. No Sir.
Q. Which way did she go?
A. Came from the dining room, as I recollect it.

Q. Which way did she go?
A. The front way, I think, I would not be positive about it; there were so many going around; but that is my recollection.
Q. You began to search with the officers, and searched all these rooms, searched everything?
A. Yes Sir.
Q. What else did you do at that time?
A. I do not think anythingelse, except to see Mrs. Borden up stairs, and take notes of her wounds.
Q. When did that happen, after the search?
A. I would not say whether before or after.
Q. Have you told me now what took place, you went up stairs, and looked at her, and then came down and examined Mr. Borden, put your fingers in his injuries, took these notes, touched him for his temperature, and saw the blood, did all these things, and the officers came in, and you made the search all through those rooms, is that right?
A. I might have gone up stairs ---
Q. Do you know?
A. Not positively.

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Q. Was that the time when you saw Miss Lizzie, when you went up stairs?
A. What time, the last time?
Q. After this search, when you went up to make the autopsy or view of Mrs. Borden?
A. I saw her in her room three or four times.
Q. When you went up stairs to make the autopsy of Mrs. Borden?
A. I did not make any autopsy up stairs.
Q. You took a view up there?
A. Yes Sir.
Q. When you went up to take the view, was that the time when you saw her in her room?
A. I think so, but I would not say positively.
Q. That was half past one?
A. No Sir.
Q. Have not you said it was half past one when you made the search, and autopsy of Mrs. Borden?
A. The last time I saw her in her room was half past one.
Q. Whether you made the view of Mrs. Borden up stairs, after you got through down stairs, and the officers had searched that first floor?
A. I am not positive whether I did before or after the search.
Q. Did the search get through before half past one?
A. Yes Sir.
Q. What time did it get through? What time did the search get through?
A. I could not tell you, I did not look at my watch every time.
Q. Did you look at your watch at half past one?
A. Yes Sir.
Q. How long before that did it get through?
A. It must have been through half or three quarters of an hour.
Q. Then you are not sure but then you went up stairs, and took your view of Mrs. Borden; is that right?

A. Yes Sir.
Q. That was about quarter to one, was it not?
A. If it was as late as that when the search got through, I must have examined Mrs. Borden before we went on the search; I told you I was not positive.
Q. Did not you tell me you went up and just looked at her, and then went down stairs, and all these things occurred?
A. I told you I did not know positively whether I made the view of Mrs. Borden, that is the second, to examine her wounds, before or after the search.
Q. Who went with you when you took the second view of Mrs. Borden, and examined her wounds?
A. Dr. Hardy, and Dr. Tourtelott, and I think Dr. Bowen.
Q. At that time did any one of the physicians disturb the position of the body?
A. I disturbed it.

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Q. Did anybodyelse?
A. Simply in assiting me, I think.
Q. Not before you touched the body?
A. No Sir.
Q. What dress did she have on?
A. A calico dress.
Q. What color?
A. A light one.
Q. Any figure?
A. I think not.
Q. Light blue, pink or brown?
A. I do not know; it was a light color.
Q. Give me some hint what the color of that gown was.
A. I do not see anything here that looks just like it.
Q. It did not have a red tone, or blue, or pink tone?
A. No Sir.
Q. You cannot tell whether it had any figure or not?
A. No Sir.
Q. Was it light all through; was the waist the same as the skirt, the same material?
A. I think it was, sir.
Q. You spoke of her head being four or five feet in your opinion from that wall against which the head of the bed stood, and you spoke of the situation of the head, and the wounds on it, and I understand you to say these wounds were incised, that is cut by an instrument having a sharp edge. This is the right side of my head, how did those wounds trend, so?
A. No, they appeared to go more from the front, behind.
Q. In that direction?
A. Yes Sir, diagonal.
Q. Beginning with the right hand side of the medial line of my head.
A. Some were on the left.
Q. Four?
A. Yes.
Q. And 14 on the right?

A. Yes Sir.
Q. Beginning there, they went from the medial line of his head, diagonally, from front to rear?
A. Yes Sir.
Q. There were fourteen in here?
A. Yes Sir.
Q. Parallel?
A. For all practical purposes they were parallel.
Q. That is what you said, did you not.
A. Yes Sir.
Q. Was there any blow on the right hand side of the head, or the mark of any blow, made by a blunt instrument, over the ear?
A. I saw none that I can say--- Some of those wounds, though all

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incised, some of them were incised, crushing wounds; that is, they incised, and then crushed afterwards.
Q. You mean then, that in your opinion the cutting edge of some instrument went through?
A. Yes Sir.
Q. Flush to the skull?
A. Yes Sir.
Q. And after that was done, some blunt end of an instrument crushed in where those incised wounds already had been?
A. Whether before or after, I could not say.
Q. Afterwards, would not the edges of the wound, if it was an incised wound, would not they show, unless they were obliterated by this crushing?
A. They should show some, yes sir.
Q. Did not they in this case?
A. I do not think they did.
Q. Is it not your opinion the incised wounds were given first?
A. Yes Sir.
Q. Then, as I understand it, after this cutting edge had come down through with these 14 blows, or whatever they were, the blunt edge or face of some instrument struck afterwards, crushing the skull?
A. That would not be necessary at all; the incised wounds were crushing in themselves. After cutting through the scalp, and cutting the bone out, they cut pieces right out for themselves; they themselves served as a crushing blow by pressing down into the brain, cutting the bone ahead of them.
Q. Those incised wounds, are incised, they cut the eye ball?
A. That is Mr. Borden.
Q. Was not there a cut on her head as unique as that?
A. Yes Sir.
Q. Do you mean to say with that sharp edge that makes the incised wound, there is a crushing effect too, and it would not leave its distinct line there?
A. Yes Sir; I mean to say in cutting a piece of bone out, in two or three pieces of bone, one blow would come along, and carry the scalp with it.
Q. What part of the head were the pieces cut out by the blow or fracture?

A. The right side, toward the back.
Q. I wonder if you could not help me a little by that. (Producing a small doll) I have not attempted to make any travesty; it seems to me this manikin is less shocking---
(Court) There ought to be none.
Q. If I understand you, in the first place these arms were up so, in a crude way, lying down in that position?
A. Yes Sir.
Q. Now these blows began here, and cut through there so?
A. Not quite so high up.
Q. Wont you take a lead pencil and mark them?

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A. This hair is not parted exactly in the middle. (Marks).
Q. You have indicated on this manikin the central line of the head?
A. Yes Sir.
Q. Then upon the right side here, you have made certain marks upon the painted figure, indicating the general location of the wounds?
A. Yes Sir.
Q. None of the wounds appear by your representation here to be anything beyond, in substance, the line running from the ear perpendicular over the head?
A. No Sir; one or two may come a little anterior to that.
Q. Most of them are posterior?
A. Yes Sir.
Q. The wounds here that you speak of, referring now to the left side of the head, were four in number?
A. Yes Sir.
Q. And they were, as you have marked here, largely on the part of the back of the head, which was on the left of this central line?
A. Yes Sir, and commencing farther from the line here, and gradually going down.
Q. Did those run in practically the same direction; parallel with those on the right side of the head?
A. Yes Sir.
Q. These wounds on the left side of the head, I understand you to state were contused?
A. No Sir, incised.
Q. But they were the ones, that did not, so far as you examined, cut into the skull?
A. Yes Sir, they did.
Q. Did they cut into the skull?
A. Yes Sir.
Q. Did they cut through the skull?
A. No Sir, only the one on top took a piece out, that little one I have marked there.
Q. I understood you to say the uppermost one on the left hand side went into the skull, or chipped out a piece, as you would chip out a piece of ice, or anything that would fracture irregularly?
A. Yes Sir.
Q. In your opinion were these blows given by a person standing behind?
A. Yes Sir.
Q. Was there any blow or wound anywhere else upon her head?
A. On that left side?

Q. On either side.
A. Yes sir, right here, on the bridge of the nose there was one. Those were contusions. Not blows; here were two blows. I think those are the locations of the others; I am not quite positive.
Q. That is to say, the injuries to the face?
A. I am not quite positive whether I put those on the right side there or not.

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Q. The wounds on the face consist of some contusions on the nose, and some on the right forehead, over the eye?
A. Yes Sir.
Q. All of which, in your opinion, might be adequately caused by a woman of her appearance, her size, and weight, falling forward on to the face?
A. Yes Sir.
Q. I understand you to say at the Oak Grove Autopsy, there was found an injury in the back of Mr.s. Borden?
A. Yes Sir.
Q. It was just below the line of the junction of the neck, and it went from below, backwards?
A. I simply chose that point because it was a good starting point.
Q. It went diagonally, cutting into the spine, and going diagonally in which direction?
A. In the direction of the left shoulder.
Q. Wont you be good enough to mark the place.
A. Of course this manikin is not very perfect anatomy, the shoulders are too low down.
Q. I see two marks here.
A. I gave that one as the central line of the spine, that is the wound. That is a soil there, not a mark.
Q. I have made that a little more distinct, is that right?
A. Yes Sir.
Q. Did that cut through the gown?
A. Yes Sir.
Q. Were there any stays or other garments under that, as high up, or only the under wear?
A. The top of the chemise was cut.
Q. How deep was that wound?
A. About two and a half inches deep.
Q. That is, running your fingers in so?
A. Yes Sir.
Q. It would come down to the middle joint of my finger, or more?
A. More than that. Perhaps some of that a week afterwards might have been post mortem swelling; I do not think the wound originally was that deep.
Q. I mean the depth of the wound caused by this instrument.
A. That was the exact measurement, two and a half. I think there was some post mortem inflammation there of the gas.
Q. Did it go into the bone anywhere?
A. No Sir, it did not.
Q. Can you give me your opinion as to what the depth of that wound was at the time it was given?
A. About two inches.
Q. Down to the middle joint of my finger would be a fair illustration of the depth of it?
A. Yes Sir.

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Q. Where was the wound deepest, towards the shoulder blade, or towards the spine?
A. Towards the shoulder blade.
Q. Towards the left shoulder blade, and running diagonally down the spine, twoards the shoulder blade?
A. Yes Sir.
Q. Was that wound in the back given, in your opinion, before or after these wounds on the head?
A. I have no idea.
Q. Was the wound in the back necessarily a fatal one?
A. No Sir.
Q. In other words, a person might recover from that?
A. Yes, indeed.
Q. There would be every probability that they would?
A. Yes Sir; it was a flesh wound.
Q. We recollect you stated the length of this back wound to be four inches, is that right?
A. No Sir, two and a half.
Q. What of these wounds on the head, in your opinion, if any of them, were given while the person were standing up?
A. I would say the glancing scalp wound, which I spoke of, on the left side, that did not mark the skull; that flap drew right back.
Q. Now you tell us of a glancing scalp wound on the left side of the head over the left ear?
A. Yes Sir.
Q. You think that wound might have been given under what circumstances?
A. While standing up, and facing.
Q. That was not necessarily fatal?
A. No Sir.
Q. What were the dimensions of that wound?
A. I think one and a half by two inches.
Q. An inch and a half wide, and two inches running from front to back?
A. Yes Sir.
Q. Did it cut the flesh entirely off?
A. No Sir.
Q. If there was any supporting hinge, where was that?
A. At the rear.
Q. Exactly in the back, or toward the bottom?
A. More towards the bottom; I think it was about medium. I would not say positively whether it was towards the bottom or above; I think about the middle.
Q. Was this hinge practically the entire width of the wound?
A. Yes Sir.
Q. So the flesh would fly back, like that?
A. Yes Sir, a flapping wound.

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Q. Now you were describing, in answer to my question, the wounds that she might have received

when standing up; is there any other wound that you think of?
A. I do not think so, sir.
Q. In your opinion were all the other wounds given when the person was lying down, prone on the floor? Could they be?
A. Yes Sir, they could be.
Q. In your opinion, from what you saw, were they so given?
A. Yes Sir.
Q. What was the age of this person?
A. I think it was 54 or 64; 64 I think.
Q. You said in this partial record that she was 67.
A. It was corrected afterwards to 64.
Q. She was 64?
A. Yes Sir.
Q. Did she have a full head of hair?
A. Yes Sir.
Q. What was its color?
A. It was getting to gray; it was not what you call a head of gray hair; but it was getting to that color.
Q. What was the pigment, or the color of it?
A. I think it was brown, or a blackish; I did not pay much attention to that.
Q. You do not think it was dead black; you think it had a brownish tinge, slowly turning gray?
A. Yes Sir.
Q. How was it worn?
A. It was down when I saw it, the knot was broken.
Q. The knot, or whatever it was, was broken, and it was down?
A. Yes Sir.
Q. How was the front, parted in the middle, and combed down smooth?
A. Yes Sir.
Q. Did these blows, or any of them, cut the hair?
A. Yes Sir, all of them cut the hair.
Q. Cut it right through?
A. Yes Sir.
Q. Was it a clean incised cut of the hair?
A. Some of it was so matted you could not tell. There was one large one on top that was cut as though you cut it with the shears; it was a wound that took out the piece of skull on the left side; it was not glancing, but was neat and clean.
Q. As though done with a razor?
A. Yes Sir.
Q. Did you put your fingers into the wounds on the head at this time?
A. DO you mean the second time I saw her up stairs?
Q. At the time we are talking about, this was the time you took the real serious view, did you?
A. Yes Sir.

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Q. Did they become bloody?
A. My fingers, yes sir.
Q. Had you washed them since you came up stairs from Mr. Borden?

A. I am pretty sure I did not.
Q. Did you search the cellar before youcame up stairs?
A. Before I got through yes sir.
Q. Did you search the cellar before yougot through with Mrs. Borden's autopsy or view?
A. We stopped the searching, and went through the cellar.
Q. When did you go through the cellar?
A. We followed the search on the first floor, and then went down cellar.
Q. Did you go down there?
A. Yes Sir.
Q. Did you see any axes or hatchets?
A. Yes Sir.
Q. Were theyhanded to you?
A. Yes Sir, a couple of them were.
Q. Did you take them?
A. I took them in my hand and examined them.
Q. What for?
A. To see if there was any color on them.
Q. You said you had not washed your hands then.
A. I do not think I had.
Q. Did not you get blood on the handle?
A. I do not think so.
Q. Were not your hands all bloody from being on this woman's wounds?
A. Not to offset that question at all, but I remember now that I did go into the kitchen to the kitchen sink and wash my hands. After Mrs. Borden, I washed them up stairs in Mrs. Borden's room, where she was found.
Q. That was after the autopsy on her?
A. Down stairs I also washed them at the kitchen sink, after I got through with Mr. Borden.
Q. Had you ever thought of that question before until I just put it to you?
A. No Sir never thought of it.
Q. Were you telling your good sound recollection before, when you said you had not washed your hands?
A. I said I was pretty positive I had not; now I swear I did.
Q. If youdid not, it was the blood from your own hands that went on to that handle?
A. I told you it was not to offset that question.
Q. How many times did you wash your hands?
A. I washed them in the kitchen sink before I went up stairs; and I

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washed them up stairs in the guest room where Mrs. Borden was found.
Q. Was there water there?
A. Not running water; there was a basin and ewer or pitcher.
Q. What did you do with the water?
A. Left it there.
Q. In the basin?
A. Yes sir.
Q. All bloody?

A. Yes Sir.
Q. Did any of the officers, or men who were searching, take hold of Mr. Borden to lift him up?
A. I do not think so, not in my presence.
Q. Did they of Mrs. Borden?
A. I thought your first question was of Mrs. Borden.
Q. I meant of either.
A. No Sir, I do not recollect of removing either one.
Q. Did either of the officers wash their hands while there?
A. I do not know sir.
Q. Did you see them?
A. I could not say.
Q. Come, recollect if you can whether anybody else washed his hands while you were there, besides yourself.
A. I do not know whether they did. I saw people at the sink; I do not know whether they were officers; I did not take notice.
Q. Do not you know the officers of this town?
A. A great many of them.
Q. And you a Medical Examiner?
(Mr. Jennings.) They all have uniform on.
A. Mr. Allen was in citizen's dress that day.
Q. You know some of them when they do not have uniforms on?
A. I did not pay attention as to who went to the sink. I do not think either of the officers disturbed Mr. or Mrs. Borden; not surely in my presence.
Q. Did not they lift up the rug?
A. What rug?
Q. In either of the rooms.
A. I do not know as there were any rugs there.
Q. Have not you put a rug down anywhere, or lifted one up since you have been in that house?
A. Yes, but not that day.
Q. Have you seen any rugs in that house?
A. Yes I saw rugs.
Q. Did you see any of the officers lift up a rug that day?
A. I do not remember.
Q. Did they look at the carpets in either of the rooms?

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A. I presume they did; I do not know whether they did or not.
Q. These carpets were drenched with blood near the sofa, and near the bureau up stairs?
A. No; under the sofa unless you were really looking, you could not see it, it was under the arm, it was not exposted as it was up stairs.
Q. I asked you as a matter of fact whether the carpet, seen or unseen at that time, did not subsequently prove to be drenched with blood, near the head of the sofa?
A. Yes Sir.
Q. You went down cellar, and you had some instruments handed to you by an officer, after you had washed your hands?
A. Yes Sir.

Q. How many of them?
A. I think I handled two, I would not say positively.
Q. Two what?
A. Two instruments.
Q. What were they?
A. One was a hatchet, and the other an ax.
Q. The hatchet was this hatchet with the blade four or five inches long, with the head on it which had a claw?
A. Yes Sir.
Q. Now, in your opinion, did not that hatchet with the claw on it cause the fracture of the skull upon the left side of Mr. Borden's head?
A. Do you mean the head of it, or the instrument itself?
Q. I said the head, with that claw hammer on it, whether in your opinion that was not the instrument that caused the fracture of the skull over the left ear of Mr. Borden's head?
A. I think it could.
Q. Could an ax?
A. Yes Sir, an ax head yes sir.
Q. Could a stone?
A. I do not think so.
Q. Why?
A. Because it was too regular in its outline.
Q. What was too regular?
A. The fracture.
Q. What was the outline of the fracture?
A. Almost square; it was not exactly square; I should think it would be about four inches long, and two inches wide.
Q. Rectangular in shape?
A. Yes Sir.
Q. That ax or hatchet has gone to Prof. Wood, has it not?
A. Yes Sir.
Q. Do you know where it is now?
A. I have not received it back from him.

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(Mr. Knowlton) We will have it here Friday or Saturday.
Q. You say this fracture was about four inches long by two inches wide?
A. Yes Sir.
Q. Do you mean to say the fracture of a skull follows the outline of the weapon that gives it?
A. Not necessarily so.
Q. Oftentimes is not the blow given on one side of the head, and the fracture found on the other?
A. Very frequently, sir.
Q. As you said yourself, a man may fall from a great height, and strike on top of his head, and fracture down here three or four inches away from the point of contact?
A. Yes Sir.
Q. In other words, it is like striking ice, there may be fractures in many directions from the point of contact, or blow?

A. Yes Sir, but the ice is solid.
Q. Where you spoke of the skull being fractured on the left hand side of Mr. Borden's head, over the ear, was it broken entirely in?
A. It was not exactly over, it was a little posterior of the ear, a little behind.
Q. As you go to the back of the skull, does it grow stronger?
A. Yes Sir.
Q. When did you measure that man's skull?
A. I have not measured it accurately at all.
Q. I understood you to say since dinner, in answer to the District Attorney's question, it was one twelfth of an inch, having reference to his skull.
A. Yes Sir, about.
Q. Was his skull a thick or thin one?
A. Very thin at that place.
Q. Are thin skulls necessarily weak?
A. Yes Sir.
Q. And thick skulls are necessarily strong?
A. Yes Sir, at the point of contact.
Q. What is the average thickness of the human skull?
A. About quarter of an inch, I should say.
Q. Then this man's skull was 2/12 of an inch thinner than the ordinary skull?
A. I think his age would account for that.
Q. Does the skull grow thin as you grow old?
A. In certain places it does.
Q. Does the skull grow thin as you grow old?
A. Yes Sir, to a certain extent it does.
Q. What is the change in the thickness, or thinness of the human skull from middle life to old age? Will a skull that is 3/12 at 40 reasonably become 1/12 of an inch thick at 70?
A. Reasonably, yes sir. That is not a definite law at all.

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Q. Perhaps it is not an apt illustration either. If you did not measure it, it is your opinion or speculation it was a thin skull first, and second it was about one twelfth of an inch thick?
A. Yes Sir.
Q. Now you had one ax and one hatchet, this hatchet which you speak of, given to you; both of those you sent to Prof. Wood?
A. Yes Sir.
Q. So far as you know, he has got them in Pocasset now?
A. Yes Sir.
Q. Did you do anything with the other two axes?
A. Yes Sir. I sent them too.
Q. He has got the whole hand of them?
A. Three axes and a hatchet; the whole four of them.
Q. On which one of those did you see upon the handle any appearance indicating to your mind, blood?
A. Upon one ax, and upon the hatchet.
Q. Upon the handle?

A. Yes Sir.
Q. Were both of them scraped?
A. No Sir.
Q. You said one of them was scraped?
A. The blade.
Q. Had the handle been scraped?
A. No Sir.
Q. Had it been washed?
A. I could not say.
Q. Did it look as though it had?
A. I could not say it had.
Q. Does it look now, so far as you know, as it did then?
A. I have not seen it for quite a while.
Q. So far as you know, you do not know of any changes?
A. No Sir.
Q. Which one looks as though the blade had been scraped?
A. The hatchet.
Q. Pretty sharp?
A. Very sharp.
Q. Freshly ground?
A. Looked as though it had been, yes sir.
Q. Did you try the edge of it?
A. On what?
Q. Any way to give you an opinion as to its sharpness.
A. I tried my thumb on it.
Q. It was very sharp?
A. Yes Sir.
Q. Bright?
A. No Sir, I would not say it was bright.
Q. When you say it was freshly ground, do you mean ground within 24 hours?

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A. I would not say as to that length of time.
Q. The edge, from the grinding, had that shining fresh look?
A. Yes Sir, it had a shining look, a fresh look.
Q. Was it a new, or an old one in looks?
A. I should say it was a moderately new one. I should say it was bought within a year.
Q. Did it look as though it had been used?
A. Not a great deal.
Q. Have any rust on it?
A. Yes Sir.
Q. Where did it have rust on it?
A. On the blade.
Q. You mean on this sharp edge?
A. No Sir.
Q. Where on that, did you see any appearance of blood?

A. I saw some on the cutting edge, and also some on both sides.
Q. How far from the cutting edge?
A. Probably an inch and a half.
Q. How much?
A. Probably seven or eight spots in all.
Q. How big were these spots?
A. The size of a couple of heads of pins.
Q. Of what?
A. Of the heads of two pins.
Q. Each was the size of two pin heads together?
A. Yes Sir.
Q. Fresh blood?
A. I did not swear that it was blood.
Q. Did not you feel of it; did not you touch it?
A. Touch that blood, no sir I did not.
Q. Or try to rub it off?
A. No Sir.
Q. Was it dry?
A. Yes Sir.
Q. Would blood that had been gotten on within an hour be dry?
A. Within an hour, yes sir.
Q. It would?
A. Yes Sir.
Q. Be dried up hard, would it?
A. Yes Sir.
Q. How long does it take blood to dry?
A. I should think on such an ax as that, blood would be dry in half an hour.
Q. Did you examine the other ax, the blade of it, with reference to blood?
A. Yes Sir.
Q. How much did you find on that?
A. I found more on the haft of it, on the handle.

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Q. How much did you find on the blade of the ax?
A. I cannot tell you how much.
Q. Cannot you tell me how many spots? You did a few minutes ago on the hatchet.
A. I probably found ten to fifteen.
Q. 10 to 15 spots?
A. Yes Sir.
Q. Where?
A. On both sides.
Q. Near the cutting edge?
A. Yes, and some an inch and a half above it.
Q. How big were these spots?
A. About the same as the others.
Q. Any rust there?

A. Yes Sir.
Q. A new or old ax?
A. I should say an old one.
Q. Was the blood dry?
A. Yes Sir.
Q. How did you know?
A. Because it looked dry.
Q. How much did you find on the helve?
A. Down near the blade of the ax there was a knot out of the handle of the ax, and that appeared to be filled with blood, that is, what looked like blood.
Q. How big was that knot?
A. About that size, took it right out of here.
Q. It is as big around as the end of that fan handle?
A. Yes Sir, take it right out where it fastens into the blade; there was a knot taken right out of the handle.
Q. In the helve of the ax, near the blade of the ax, there was a little knot about as big around as the handle of this fan that had come out of the helve?
A. Yes Sir.
Q. In that place, it looked as though it was full of blood?
A. Yes Sir.
Q. Dry, was not it?
A. Yes Sir.
Q. That would have dried up in half an hour, a cavity like that?
A. I think it would.
Q. Fresh blood, was it not?
A. It was quite black when I saw it.
Q. What does that mean, if it was quite black?
A. Old.
Q. Then that was not fresh blood?
A. I do not think it was.
Q. More than an hour or two old then?
A. I should say it was.

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Q. Then you do not attach any importance, so far as this ax is concerned, to what you saw in the knot hole of that handle, do you?
A. No Sir.
Q. Was there anythingelse upon this handle?
A. I think there were some little spots of blood on it, I am not quite positive.
Q. Did you look at it under a glass?
A. Yes Sir.
Q. Where?
A. Where did I look at it? Down stairs in the marshal's office.
Q. Down stairs here. When?
A. I could not tell you what day it was.
Q. Some days afterwards?

A. Yes Sir.
Q. With your microscope?
A. No Sir, simply with a magnifying glass.
Q. With your magnifying glass?
A. No, I think the marshal's.
Q. Do you know how much it magnifies, how many diameters?
A. No Sir.
Q. Do I understand you discovered these spots on the handle of that ax the day of the murder when you were down stairs searching, and they were handed to you?
A. No Sir.
Q. Did you discover the spots on the balde of either that, or the hatchet, at that time when they were handed to you?
A. No Sir, only as far as the blade of the hatchet was concerned; it looked at that time as though something had been scraped from it.
Q. At that particular time?
A. Yes Sir.
Q. The ax was a subsequent discovery?
A. Yes Sir.
Q. At that time, namely at the time of the search down in the cellar the day of the murder, you discovered upon the hatchet, when it was handed to you, these spots of blood, is that right?
A. No Sir, I do not think I did.
Q. When did you find these things?
A. I think it was the next day.
Q. Where?
A. I do not know whether at the house, or the marshal's office.
Q. Who called your attention to it, anybody?
A. I think it was the marshal.
Q. Who was present?
A. I do not know I am sure who was; I think the Mayor was present.
Q. The Mayor was there, and who else?
A. I do not think there was anybodyelse.
Q. Did either of them, hand you a glass and ask you to look at it?
A. Yes. I think I asked for a glass; the marshal handed me a glass.

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Q. You think you asked for one?
A. Yes Sir.
Q. Did you examine them with the glass?
A. Yes Sir.
Q. Now as a result of that examination, what you have testified here, appeared, did it?
A. What do you mean by what I have testified?
Q. With reference to finding the spots and appearances?
A. Yes Sir.
Q. I have been, not wilfully, misled by you, but I misunderstood you as to when you examined these things. When did you first see these axes and the hatchet?
A. The day of the murder.

Q. Who handed them to you?
A. One of the officers.
Q. What officer?
A. I could not tell you, I think officer Mullaly, I wont be sure.
Q. Where were you when they were handed to you?
A. In the wash house in the cellar.
Q. That was the laundry where the sink and tubs were, where they washed the clothing?
A. Yes Sir.
Q. Were you down there searching yourself?
A. Yes Sir.
Q. These were brought to you by this officer?
A. Yes Sir.
Q. Did you then take possession of them?
A. I think I told the officer to take them; I did not take them myself.
Q. Had you seen these things before they were brought to you?
A. I saw them lying on the floor, as I went down stairs.
Q. You did not look at them, or take them?
A. No Sir.
Q. It was shortly after, at that same search, while you were in the cellar, and while you were in the wash room of the cellar, these things were brought to you, and you looked at them, and handed them back to the officer?
A. Yes Sir.
Q. The next time you saw them was at the Marshal's office when the Mayor was present. They had been examining them, and you took the glass and looked at them yourself?
A. Yes Sir.
Q. In your opinion, would that hatchet that you saw, furnish an adequate cause of these incised wounds?
A. Yes Sir.
Q. The wounds in both cases?
A. Yes Sir.
Q. So far as you could see in both heads here, was there any differ-

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-ent instrument used in causing these injuries, or was it one and the same instrument, in your opinion?
A. One and the same instrument could do it.
Q. Do you mean reasonably could?
A. Yes Sir.
Q. Do you think it did?
A. Yes Sir.
Q. In both cases you could count about thirty different blows could you not?
A. On each head?
Q. No. You have answered me one instrument could cause all these injuries, and you believe it did. In both heads there were about thirty different blows.
A. Taking the two heads yes.
Q. All but four or five or six cut into the skull?

A. Yes Sir.
Q. Would 24 or 5 blows, by an instrument of that kind, have any tendency to dull its edge?
A. In the solid bone I should think it would.
Q. The skull is solid bone?
A. Yes. But not very markedly, though.
Q. What not very markedly?
A. I do not think it would dull it very markedly, if it was good steel.
Q. This was good steel was it not?
A. I do not know.
Q. It would dull it some, how much? Perhaps you do not know anything more about that then I do?
A. No Sir.
Q. That is your opinion?
A. Yes Sir.
Q. That this bright edge you saw on this hatchet down cellar, sharp as a razor, could notwithstanding its appearance at the time it was handed to you, have been the instrument that cut through 25 times the skulls of two different beings within an hour?
A. Yes Sir.
Q. Was this edge of this hatchet nicked that you think did it?
A. No Sir.
Q. Was the edge turned when you tried it with your thumb?
A. No Sir, I do not think the steel was as finely tempered as that, to have it turned.
Q. Do you understand a finely tempered steel turns more easily than one that is soft?
A. I should say it was not drawn down to as fine an edge.
Q. It did not have a razor's edge then?
A. What I mean is the blade, the cutting edge, did not continue in as fine a condition for any great length of distance, that is for an inch or two inches as would enter; in other words, put it this way,

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it went down a regular ax edge for about an eighth of an inch; it was not sharpened for an inch up.
Q. I did not catch that, but I will accept it anyway. After this Thursday when these axes &c were delivered to you there, that day or the next day did you make another search of the house, either alone or in company with anybody?
A. Yes Sir.
Q. When was that?
A. That was on the succeeding Saturday.
Q. That was the day of the funeral?
A. Yes Sir I believe so.
Q. Before or after the funeral?
A. After.
Q. Had you been there on Friday at all?
A. I think I had; I do not know just the days; but I know I have been there several times.
Q. I want you to come down to the next time you were there to do anything?
A. I could not tell you.
Q. Thursday you had the search on the first floor and the cellar, did you go up stairs and search

around?
A. Yes Sir.
Q. What time Thursday?
A. The same continuous search.
Q. What did you do up stairs?
A. I do not think I went in any room, excepting the clothes room, which is in the front of the building, and the bed chamber of the murdered couple. I did not go into Miss Lizzie's room.
Q. You mean the chamber where they slept, which was in the rear of the house and over the room which corresponds to the kitchen?
A. Yes Sir.
Q. You went into a closet up stairs you said?
A. A clothes closet yes sir.
Q. That clothes closet was a large closet over the front hall, was it not?
A. Yes, immediately over the front door.
Q. A large one, with a door opening into it from that upper front hall?
A. Yes Sir.
Q. A window as big nearly as one of these opening out of it on to the street?
A. Yes Sir.
Q. It was thoroughly light?
A. It was rather dark, on account of the clothes hanging, obstructing the light. I think the clothes hung the whole length of the room.
Q. Were clothes hanging in front of the window in that closet?

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A. I think they were.
Q. Do you mean to say you regarded that closet, that was the length and size of the entry, and had a window in it as big as one of these, as a dark closet?
A. I did not say it was dark.
Q. What did you see there?
A. A lot of clothing hung up there.
Q. Women's clothing hung up in well ordered array?
A. Yes Sir.
Q. All hung on little clothes hooks?
A. Yes sir.
Q. Dress after dress?
A. Yes sir.
Q. How many?
A. I did not count them.
Q. Fifteen?
A. I do not know.
Q. Would you say there was not fifteen there?
A. I would not say any number.
Q. How long was this closet as long as from you to me?
A. Yes sir.
Q. As wide as from you to the bench?
A. Just about.

Q. With a big window looking out of it on to the street?
A. Yes sir.
Q. Around it were dresses hanging on two rows of hooks, one front and one back?
A. Yes Sir.
Q. What else did you do there besides look around, examine the dresses?
A. No Sir.
Q. You looked did you not?
A. Yes sir, those dresses that were on the outside I looked at, not carefully at all.
Q. Who went with you into that closet?
A. I do not know whether it was the Marshal or Mr. Jennings himself.
Q. He was there?
A. Yes sir.
Q. The day of the murder when you went up stairs?
A. I meant the Saturday.
Q. Now have you been telling me right with reference to Thursday, that you went into that closet?
A. Yes sir.
Q. Did anybody go with you?
A. I think there must have been, we went together, I think Mr. Mullaly and Assistant Marshal Fleet.
Q. You went through that closet?

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A. Yes sir.
Q. Did you take anything away?
A. No Sir.
Q. Did you find anything you wanted to take away?
A. No sir.
Q. Did you search all through the clothing?
A. Yes sir.
Q. Then you went back into the room where Mr. and Mrs. Borden slept in the rear of the house?
A. Yes sir.
Q. That took you through Miss Lizzie's room?
A. I think I went down stairs and up there.
Q. Did not you search Lizzie's room then?
A. I was not with the party at that time.
Q. Was it not searched at that time?
A. They told me so.
Q. Who went in there?
A. I do not know.
Q. What officers were in there then?
A. I do not know who.
Q. Was that before she went up stairs?
A. I could not tell you.
Q. About the time, was it not?
A. I could not tell you positively.
Q. What did you do or see done in the rear room where Mr. and Mrs. Borden had slept?
A. We searched that room, searched the closets.

Q. There was a closet opening out of that, a room where the safe was?
A. It was a big room.
Q. The house was once used as two tenements?
A. Yes sir.
Q. In one room, a little office, there was a safe?
A. Yes sir.
Q. In another room there was still the convenience for a pantry?
A. Yes sir.
Q. You searched all through those?
A. Yes sir.
Q. What else did you see done that Thursday?
A. I do not think we did anything else that morning.
Q. What did you do that afternoon?
A. I had the room photographed.
Q. Who did that?
A. James A. Walsh.
Q. Did you have the bodies photographed?
A. Yes sir.
Q. Have you the photograph here?

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A. No sir.
Q. Where is the photograph?
A. At my house.
Q. Will you produce that?
A. If you wish.
Q. Please do tomorrow. What else did you have photographed?
A. The position of both bodies, the rooms, the heads of the bodies; that was all.
Q. What else did you do that Thursday?
A. That afternoon I opened both bodies, and took the stomachs out.
Q. What else did you do that day? That photograph was in the afternoon?
A. About three o'clock, yes sir, that is what causes the discrepancy in my record of that opening, and the I told you. I did it about half past three; and in the record it is three; that is because the photograph was taken.
Q. What do you mean? you made a mistake setting it down in your record?
A. Yes sir.
Q. It was half past three, and not three, that is the time when you removed the stomachs, and sealed them up, and had them sent to Prof. Wood?
A. Yes sir.
Q. That is the time you made the incision?
A. Yes sir.
Q. Up to that time you had not done it?
A. No sir. In the beginning I took the two specimens of milk, I took the Thursday morning's milk, and Wednesday evening, or the mornings, I do not know which.
Q. You took the two speciments you were told had been left there that morning, and what you found in the pantry somewhere?

A. Yes sir.
Q. Who gave them to you?
A. Bridget Sullivan, the servant girl.
Q. What did you do with those specimens?
A. Sent them all to Prof. Wood.
Q. Two specimens of milk?
A. Yes sir.
Q. Half past three that afternoon you made thisautopsy and had the photographing done, and removed these things, and sealed them up, and sent them to Prof. Wood. How cold were the bodies then?
A. Mr. Borden's surface temperature was what you might call cold. Mrs. Borden's, on opening, was quite warm, due to the fat.
Q. That was due to her being fat, was it not?
A. Yes sir.
Q. You come back now to the theory which you stated here a little

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while ago, that if two bodies were killed at practically the same time, a thin body would cool sooner than a fat body?
A. Yes sir.
Q. That is the reason there was a difference in the temperature between herself and Mr. Borden?
A. That is the internal temperature.
Q. Where does the external temperature come from, if not from the internal temperature?
A. It does certainly.
Q. But if the internal temperature in her body was higher, of course the external temperature would be higher, owing to her being a stout, fat person?
A. Well, it was not.
Q. It was not higher?
A. No Sir.
Q. Was it lower?
A. No, they were both about the same, that is at half past three in the afternoon.
Q. How did you take the temperature in the afternoon?
A. Simply by the sense of touch.
Q. Assuming that is the head of Mr. Borden, wont you mark on that, so far as you can mark upon it, the injuries to the face, where they were, the direction they went, and the injury to the skull, for I understand they were all head and face injuries.
(Witness marks with a pen upon a small doll.)
A. That is as near as I can get it.
Q. Have you given me the skull injuries, as far as there were any?
A. Mostly here. You cannot see it very well, it is glued.
Q. Mr. Borden then lay upon the sofa, with these things under his head, the pillow, and the covering over it, something like that, did he not?
A. Yes sir.
Q. Putting the left side down, and the right side up?
A. Yes sir.
Q. That brought his head toward the front side of the house, and opposite, horizontally, the parlor

door?
A. Yes.
Q. Between the arm of the sofa, upon which his head rested, and the parlor door, there was a door which swung into the dining room?
A. Yes sir.
Q. Swinging from the sitting room into the dining room?
A. Yes sir.
Q. And swinging away from the sofa where his head lay, or the other way?
A. The other way, I think. The plan will show that. It swung to the right hand.
Q. It swung from the side of the door nearest to the arm into the dining room? I am trying to get at the space between the head of the

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sofa, I call it the head of the sofa, because his head lay there, and the parlor door, there was first this open door of the dining room, and second the wall space between the door frame and the parlor door?
A. Yes.
Q. In your opinion that is about five feet?
A. Yes sir.
Q. Now upon that parlor door, which was five feet away, you found how many spots of blood?
A. I should think probably seven or eight on the door and on the jamb.
Q. That is the frame?
A. Yes sir.
Q. Which frame, nearest the dining room, or nearest the entrance to the hall?
A. The dining room.
Q. That would be in about a straight line from his head?
A. Yes sir.
Q. Was not it on the corner of that frame of the parlor door that this spot of blood was found, the one you are talking about now, one spot on the frame of the door leading into the parlor, which was nearest the dining room?
A. I did not see one spot in particular, I think there were three or four.
Q. Was there a particular spot on that frame of the door of the parlor which was nearest the dining room, on the edge?
A. Yes sir.
Q. Was not the finish around the frame or casing of the door?
A. Yes, the ordinary casing.
Q. So it made a little groove, a little beading or moulding?
A. Yes sir.
Q. On the inside, I understand you to say, or on the dining room side, of the frame of the door leading from the sitting room into the dining room, and on that part of the frame, which was nearest the parlor and farthest from his head, of that door frame, you found this string of spots?
A. Yes sir.
Q. Where was the big end of those spots?
A. It was one spot.
Q. It was a stringing spot; where was its big end?
A. Nearest the sitting room.

Q. Was the big end uppermost or lowermost?
A. Uppermost.
Q. Did the spot slant down towards the dining room?
A. Yes sir.
Q. If you project a fluid body, or if you force a stream, and the spot strikes, where is the big end of the spot going to be, nearest to you or farthest from you? I throw a spot so from me, I throw a

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liquid which goes upon the door frame in spots; is the big end of that spot to be nearest to me, or farthest from me?
A. If you strike it against a surface, the same as that wall there, the big end would be above.
Q. The big end would be farthest from me.
A. No sir.
Q. Nearest to me?
A. Yes sir.
Q. Is that your theory of experiment?
A. I cannot say I have ever tried it.
Q. Suppose I throw a fluid, the force of the fluid being upwards, and it goes upon the wall, the direction being from below, up, where is the big end of that spot going to be?
A. The big end will be nearest the bottom.
Q. That is to say, the big end is always nearest to you, is it?
A. It just depends upon the direction you take. It all depends upon whether it strikes ----
Q. I am assuming it strikes first that way, going along laterally against the wall; them in my second question I am assuming it shoots upwards. Where would the big end strike?
A. At the bottom.
Q. Suppose I throw it from above down, where would the big end of the spot be?
A. On the top.
Q. Have you tried any experiments of that kind?
A. I cannot say I have tried it; I have observed many times.
Q. Observed it in what?
A. In water and blood stains.
Q. Have you actually thrown blood to see how its spots would be?
A. No sir; but for instance in an operation a little spurting artery wouldspread against a wall.
Q. Your theory is that the larger end indicates the direction from which the fluid came?
A. Yes sir.
Q. Therefore in your opinion, the blood upon the frame of the door, inside of the dining room, farthest from the man's head, which went in this direction horizontally, downward, the big end up, must have come from above?
A. It came from above, yessir.
Q. Not from below, upwards?
A. No sir.
Q. Did you examine these spots on the paper above the sofa where Mr. Borden lay with anything but the naked eye?
A. No sir.
Q. Did you ever apply a microscopis test to it at all?
A. No sir.

Q. Did you notice the carpet where Mrs. Borden lay as to the style and pattern?

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A. It was a very large pattern, a kind of a reddish color.
Q. Was not it a clotted blood color?
A. It was a blood color.
Q. Was not it clotted blood color too?
A. It was not clotted blood color.
Q. Any part of it?
A. No sir.
Q. Was not it dark?
A. It was not as dark as dark clotted blood.
Q. Whether it was not so dark that it simulated it, so that it resembled ordinary clotted blood, rather than fresh blood?
A. Yes sir.
Q. Where is that piece of the door you took off, or caused to be taken off?
A. Locked up down stairs.
Q. Will you produce it?
A. Yes sir.
Q. I should like to see it now, and the piece of plastering, and the moulding. Did you take a piece of moulding from the parlor chamber, or guest chamber?
A. Yes sir.
Q. You removed a piece of plastering in the guest chamber?
A. Wall paper; of course a little piece of plastering with it, so to keep it together.
Q. Was that on the wall between the window frame and the bureau?
A. Yes sir.
Q. And three or four feet from the floor?
A. Yes sir.
Q. Did you look on the screen of that window?
A. Yes sir.
Q. There was a screen in the window, was there not?
A. Yes sir.
Q. Did you see any blood spots on it?
A. Not that I could say were blood.
Q. Was the window open?
A. I could not tell you that.
Q. How did you get at the screen?
A. It was an inside screen.
Q. Did you look at the window?
A. Yes sir.
Q. Did you raise the screen before you looked at the window?
A. Yes sir.
Q. The window was shut was it not?
A. I mean afterwards, not at that particular time.

Q. Did you find any spots on the window?
A. No sir.
Q. Did you find any spots on the ceiling there?
A. No sir.
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Q. What spots did you find on the clothing of the bed?
A. Mostly on the sham; I do not recollect any on the counterpane.
Q. Where are the shams?
A. I dont know.
Q. Who took them?
A. I could not tell you.
Q. Did you see anybody?
A. No sir.
Q. Are they in your possession?
A. No sir.
Q. Did you order anybody to take them?
A. No sir.
Q. Has anybody takenthe bed spread, or any of those things there?
A. Not that I am aware of.
Q. Yet the sham had some spots of blood on it?
A. Yes sir.
Q. How many?
A. Three or four I think.
Q. Is that the jamb of the door? (Produced by the Marshal.) Is that the way it went, suppose you go in at the door?
A. That is it exactly.
Q. When I go through the doorso, supposing this sofa is here, with the head that way, when you turn and go into the dining room so, then this particular door frame you spoke of would be this direction from the head?
A. No, you do not go in that way.
Q. That is the way I want to go so to understand it.
A. That is the way.
Q. Then the door goes in that way from the sitting room into the dining room?
A. Yes sir.
Q. This is part of the frame of the door?
A. Yes sir.
Q. This piece here was on the dining room side?
A. That is what I am trying to make out.
Q. That is what I want to know.
A. That is the position sir.
Q. Here is the sofa here?
A. Yes.
Q. The door goes in here, and the head is here?
A. Yes sir.
Q. Where is this string you speak of?
(Witness points to it.)

Q. It is on the inside of the moulding, the dining room side?
A. Yes sir.
Q. Is that in the condition that you found it now?
A. Yes sir.
Q. Is everything else there that you saw at the time?

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A. Yes sir.
Q. Were any other spots of blood there?
A. Not as I know of.
Q. Do you know whether that is blood or not?
A. I am pretty sure it is.
Q. Do you know anything about it; have you tried it?
A. No sir.
Q. It does not look like it?
A. Well it has faded.
Q. This is a piece of plastering that came from the room up stairs, as I understand. There is a little something there, what is that?
A. That is blood.
Q. Do you think it is?
A. I should say so.
Q. Have you looked at it through a glass?
A. No sir.
Q. Which side was that when you took it out?
A. The way it is now.
Q. This side up?
A. Yes sir.
Q. Then that must have come from above, down, according to your theory of spots?
A. Yes.
Q. Was there any moulding taken off of the base board in the guest chamber between the bureau and the head of the bed?
A. No sir, not that I know of.
Q. Between the bureau and the window?
A. Yes sir.
Q. Now having got the location and direction of that spot in the dining room, and the spots on the door which you said were in the arc of a cilcle, eighty six of them, how was this arc with reference to the room?
A. The other way.
Q. Running from near the head over towards the feet, or towards the kitchen?
A. Towards the kitchen.
Q. You have marked on this little figure here, on the right hand side, a number of parallel lines?
A. The left hand side.
Q. A number of parallel lines, those represent the blows?
A. Yes. (Mr. Borden's manikin)
Q. These blows, or these wounds, were all incised wounds?
A. Yes sir.

Q. And they ran in a general direction parallel with the blows?
A. Yes sir.
Q. The incised wound was the one which began on the forehead and cut through the eye, was it not?
A. I think it was. I dont know but what this was the distinct one.

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Q. You refer to the one by the side of the nose?
A. Yes sir; I cannot say positively.
Q. How much difference between the long incised one that came down the left hand side through the nose, and the one through the eye?
A. About half an inch.
Q. They were about four inches long?
A. Four and a half.
Q. The one that came down through the eye, was at the outer angle here?
A. Yes sir.
Q. Generally on a line parallel with the nose?
A. Yes sir but glanced inwards.
Q. It began here, and when it got down here near the chin it was nearer the central line of the face than where it started?
A. No sir, commencing on the outside like that, it went in that way; it cut the eye right in two.
Q. Did it cut the eye through the center or the side?
A. On the side.
Q. It cut the eye diagonally in half, beginning at the outer angle of the eye?
A. Yes, nearer that way.
Q. It pursued a right line down the face, but cut in here?
A. Yes sir.
Q. That was on the right hand side of the face?
A. The left side.
Q. Did that cut into the skull or the brain?
A. No sir, it took a piece out.
Q. It took out a piece over the eye?
A. Yes sir.
Q. Was that wound a fatal wound?
A. Yes sir.
Q. How many wounds were there between this wound here, as you recollect, and the other wound here, nearest the nose, how many were there in all, taking that as the uppermost one?
A. Ten or eleven
Q. But right in here, all cutting wounds?
A. Yes sir; I mean the whole number were about eleven on Mr. Borden.
Q. How many wound were there, other than these cutting wounds on the face that came in here, how many over the left ear?
A. I think four. I got in too many there, right on the face. And the rest were all extended into the head.
Q. Those were all incised wounds, except that crushing wound which you speak of, which in your opinion was one blow?
A. Yes sir, it could be one, or could be done with the others, as I spoke of in Mrs. Borden.

Q. What was the general direction of those blows above the ear?

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A. They were diagonal, slightly diagonal from these; that is, almost parallel.
Q. Almost parallel with these blows here?
A. Yes sir, having the same general direction, and a little more diagonal.
Q. Where were these wounds on the face deepest?
A. I think the depth was about the same in the whole length.
Q. Where it begun and ended, it was practically the same depth?
A. I should say practically the same depth.
(Mr. Knowlton.) Did one come down below the mouth?
A. Yes, one came down into the chin.
Q. From Mr. Borden's feet, was the kitchen door?
A. Yes sir.
Q. Were there any spots on the door frame of that door?
A. Yes sir.
Q. The part of the frame nearest the dining room?
A. No sir, the other one, the south jamb.
Q. The south frame of the door?
A. Yes sir.
Q. Did you take that door frame off?
A. No sir.
Q. That is there?
A. Yes sir.
Q. Where was the blood spots on that frame larger, at the top or bottom?
A. I only saw one there, that was larger at the top.
Q. Then the direction of that drop must have come from above, downwards, in your opinion?
A. Yes sir.
Q. Did you go there Friday?
A. I could not tell you positively; I think I did. I would not say I did not.
Q. What did you do Friday?
A. I cannot remember just what I did Friday.
Q. Did you search in there Friday?
A. No.
Q. Did you direct anybody to search there Friday?
A. No sir.
Q. Was anything brought from there to you on that Friday?
A. I do not remember.
Q. Did you go there Saturday?
A. Yes sir.
Q. What time, morning or afternoon or evening?
A. Afternoon.
Q. Who went with you?
A. I went there alone; but I met there Marshal Hilliard, Mr. Jennings, Detective Seaver, and Assistant Marshal Fleet.

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Q. Did you search then?
A. Yes sir.
Q. (Mr. Jennings.) Was Captain Desmond there too?
A. Yes sir.
Q. Where did you search?
A. From attic to cellar.
Q. Did you go through the chimney, did you break into the chimney?
A. Not while I was there.
Q. Did you cause it to be done; did you know it was done?
A. Yes sir.
Q. Did you take up bricks and floors?
A. I do not think we took up any floors.
Q. Did you take up bricks in the cellar?
A. I think two or three were up when we were down there, had been up before.
Q. Did you go into the closet over the front hall that day and search?
A. Yes sir.
Q. Was any clothing given to you?
A. Yes sir.
Q. Who gave it to you?
A. I think Mr. Jennings.
Q. Where did he get it?
A. I dont know. He said he got it from Miss Lizzie Borden.
Q. What was it, a dress skirt and an under white skirt?
A. Yes sir and her waist.
Q. Did you examine them?
A. Yes sir.
Q. What do you mean by a waist, an outside or under waist?
A. A blouse waist.
Q. Where are those garments?
A. Prof. Wood has them all, so far as I know; I gave them to him.
Q. Did you examine those at the time?
A. Yes sir.
Q. Did you find some blood on them?
A. One blood spot on the skirt.
Q. How big was it?
A. The size of a good pin head.
Q. That is on the white underskirt?
A. Yes sir.
Q. Do you know whether it came from without, in, or from inside out?
A. From without, in.
Q. How do you know that?
A. Simply because the meshes of the cloth on the outside were filled with blood, and it had hardly

penetrated on the inside.
Q. Did you look at it under a glass?
A. No sir.
Q. What do you mean, an ordinary pin?

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A. Yes, a little larger than that.
Q. You do not mean a shawl pin?
A. No sir.
Q. A common pin?
A. Yes sir.
Q. It was on the skirt?
A. The petticoat.
Q. Where was it?
A. Here.
Q. How far up from the bottom of the skirt?
A. Probably a foot.
Q. Was it as long as the dress or whether it was worn shorter?
A. I could not say that.
Q. You could not say whether that came within six inches of the ground or not?
A. No sir.
Q. Did you find any blood on either of the other garments?
A. I found on the dress skirt a smooch, you might call it, I would not say whether it was blood, or was not.
Q. Where was the smooch?
A. Going into the pocket, just in front of the pocket, or behind it, I presume you call it.
Q. It is pretty hard to tell where a woman's pocket is. With reference to this particular pocket, where was that, was it the bottom or upper part of the opening in the pocket?
A. The upper part.
Q. Near the upper part of the opening going into the pocket; was it above it?
A. No sir, it was about the center of the pocket.
Q. Here is my pocket?
A. It was about there.
Q. Then it was a little to one side, and near the top?
A. Yes sir.
Q. That was a smooch?
A. Yes sir.
Q. Did you examine it under a glass?
A. No sir. Yes I did examine that under a glass.
Q. Where?
A. Down stairs.
Q. The same glass that examined the ax handles?
A. Yes.
Q. Who was there when that was examined?
A. I think Prof. Wood was there; it was when I was giving them to him.
Q. How long after you had had that given to you, did you give them to him?

A. I do not know whether it was Monday or Tuesday.

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Q. How did it look under the glass, did you then think it was blood?
A. I did not come to any conclusion about it at all.
Q. You had no opinion about it?
A. No sir.
Q. Did you have anything else given to you?
A. Yes, I had a waist. I found nothing on that that I could see.
Q. This blouse waist?
A. Yes sir.
Q. Worn with the same dress skirt, as I understand.
A. Yes, not the same material.
Q. There was this dress skirt, and blouse waist, and underskirt?
A. Yes sir, and shoes and stockings.
Q. You did not get those at the same time?
A. No sir.
Q. You went to this girl afterwards for her shoes and stockings?
A. No sir, the Marshal sent for them.
Q. What else was done Saturday?
A. I think that is about all.
Q. Sunday did you let the house rest, or did you go there?
A. I could not tell you; I do not hardly think I went there Sunday.
Q. Did anybody go there on Sunday, so far as you know?
A. I could not tell you.
Q. Did you go Monday?
A. I could not tell you accurately the dates I went there. I know I went there very frequently.
Q. What for?
A. One day for measurements, another day for a piece of carpet, another day to count the spots, another day to see if there was anything I overlooked. I always had all the privileges that were necessary for me to have.
Q. You were afforded every privilege to go everywhere in the house, to examine every piece of clothing, and every trunk and drawer?
A. I did not ask for all that. I was afforded everything I asked for.
Q. You ever had this girl's shoes given to you?
A. Yes sir.
Q. Did you not in the examination go through every trunk and box and drawer?
A. Yes sir ---- not I personally.
Q. But you saw it done?
A. Yes sir.
Q. You looked under the bricks in the cellar, if there were any taken up?
A. Yes, made a good search.
Q. Now some day, Monday or Tuesday afterwards, you went there and asked for Miss Lizzie's shoes?

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A. No sir.
Q. The Marshal went under your direction?
A. Yes sir.
Q. You do not know that she took them off and gave them to him?
A. Yes sir, I understand they were the shoes she wore that day.
Q. And her stockings?
A. Yes sir.
Q. The same stockings?
A. Yes sir, so she said.
Q. What did you do with them?
A. I sent them off.
Q. Did you examine them before they went?
A. Yes sir.
Q. Any blood on them?
A. I could not say.
Q. Any smooch that looked like blood?
A. It is pretty hard to tell. There was blood on her shoes; whether it was human blood, or blood that was not dried out in the tanning of the leather, I could not say.
Q. Where was that blood, were not the shoes lined?
A. In the sole.
Q. Where they were worn?
A. No, the ball of the foot generally bears down in one particular part; around that.
Q. Also on the heel?
A. Yes sir.
Q. Now about the stockings, was there any blood on them?
A. Not that I saw.
Q. Have you told me the last thing that you got from there, or the last search that you have made, or that you did, or caused to be done by virtue of your office?
A. I have. It was Monday the mason went.
Q. He is the man that went to open the chimney?
A. Yes sir. I would not be positive.
Q. Miss Lizzie and her sister were there?
A. I did not go with him.
Q. Did not they go around and point out places, and show you where you could search and look?
A. On Saturday Miss Lizzie and Emma both.
Q. They went around with you?
A. No sir.
Q. They told you did they not?
A. Yes sir.
Q. Did you not make a thorough search, of course a further search, after this thorough Saturday search, on Monday or Tuesday?
A. I do not think so.
Q. In the cellar?

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A. No.
Q. At the time when the mason went there Monday or Tuesday?
A. I was not there.
Q. You do not know as a matter of fact whether there was another search made there or not?
A. No sir, I do not.
Q. I understand you to say, with reference to the hatchet and the ax, you did not discover the blood, or your attention was not called to it, until the next day or a day or two after when they were shown to you there in the house; but it was at the Marshal's office here?
A. Yes sir.
Q. Did you see the hair before that time?
A. No sir.
Q. After this had been brought down from the house to the Marshal's office, and when you were there, your attention was called to some hair?
A. Yes sir.
Q. How many hairs?
A. Two.
Q. What were they on?
A. The hatchet.
Q. Whereabouts?
A. One was almost at the junction of the handle with the head; the other was on the blade, I think about the middle of it.
Q. How were they stuck on, or how did they stay there?
A. I do not know. The one on the handle was stuck on by being caught in the roughened fibers of the wood. The one on the blade was stuck on there either by blood or rust, I dont know which.
Q. Visible to the naked eye?
A. Yes sir.
Q. How did it happen you did not see them up there at the house?
A. Because I did not examine them carefully enough.
Q. Long or short hairs?
A. One was very short.
Q. How short?
A. I should judge three quarters of an inch; the other about an inch and a half.
Q. The three quarters of an inch one, where was that?
A. On the handle.
Q. That was caught in the roughened surface of the fiber?
A. Yes sir.
Q. White or brown?
A. White, that was.
Q. How white?
A. White or grey.
Q. Which was it?
A. Grey.

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Q. Did you look at it under the microscope?
A. I looked at it with a magnifying glass.

Q. What color was it under the magnifying glass?
A. The same, grey.
Q. Do not you know that the magnifying glass or microscope do not have anything to do with color?
A. I did not know they did.
Q. Can you tell anything about color?
A. I think you can, anything you can get right into the field.
Q. If you cannot get it into the field, you cannot see it?
A. I mean to cover the entire field.
Q. A hair does not?
A. No sir. I think you can tell the difference between a black and white hair.
Q. Does a microscope help you to get at the pigment or coloring matter of hair, or only as to its size and dimensions?
A. I think mostly as to its size and structure.
Q. What was this hair, a human hair?
A. I do not know.
Q. A broken off hair?
A. Yes sir, it looked as though it had been broken off.
Q. Both ends broken off?
A. No sir, one end was a fine one.
Q. Did one end look like a root end?
A. No sir, one was a fine end, and the other a broken end.
Q. Three quarters of an inch, is that a measurement or estimate?
A. An estimate.
Q. Tell me on that pencil about where the hair was?
(Witness points.)
Q. About down to where the pencil was sharpened?
A. Yes sir.
Q. The other one was how long?
A. About an inch and a half.
Q. Indicate that one.
(Witness points.)
Q. That was grey, was not it?
A. No sir.
Q. What was that?
A. That was brownish.
Q. What do you call that color?
A. I call that kind of a light.
Q. Darker than that?
A. Yes sir, the other was darker than that; that is a kind of a light color.
Q. That was the longest one on the blade?
A. Yes sir.
Q. Human hair?

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A. I could not say.

Q. A complete hair?
A. I could not tell you that; I think one end was broken.
Q. How near the edge of the hatchet was this longest or dark brown hair?
A. I cannot remember exactly just where it was; it occurs to me that it was on the upper side of the ax.
Q. Do you mean the head side?
A. That is as you put the ax down, with the head down, it was on somewhere here, I am not quite positive that is the way it occurs to me.
Q. Take that for the blade, and here is the helve.
A. I thinkit was somewhere about here, I am not quite positive.
Q. Up near the mauling end, up where the long claw was, on that part?
A. No sir.
Q. You call that the edge then?
A. Yes sir. That is an ax, there is about where I think it was.
Q. That is half way between the edge and the handle?
A. Yes sir.
Q. I do not understand it is on the blade surface, but on the edge?
A. It was not on the cutting surface.
Q. Where, in your opinion, taking the case of Mr. Borden, and these spots that you have described on the kitchen door, on the inner frame of the dining room door the farthest from the head, on the semi circular appearance of the more circular range of spots on the wall, and spots on the kitchen door, and on the frame of it farthest from the dining room, together with the direction of the blow, and the place of the blow on Mr. Borden's head, did the assailant of Mr. Borden stand, or put himself, when he delivered these blows?
A. I think he stood behind him, behind his head.
Q. Between the head of the sofa and the parlor door?
A. Yes sir.
Q. Whereabouts, right close to the sofa, or some little way from it?
A. I should judge some little way from it, though I don't know. It might be right up to the sofa, I would not say that, because his head was in a foot at least from the outside of the end of the arm.
Q. You put this assailant there?
A. I should think he stood in a position about midway in the dining room door.
Q. Midway of the opening of the dining room door, but not in the dining room door?
A. Not necessarily; but I think is that position.
Q. If spots were thrown upon the wall over the sofa in the way you have described, and thrown upon the parlor door, which would be back of where this man stood, and upon that part of the frame of the dining room door which was farthest from the head of Mr. Borden, and therefore behind or beyond where this man stood, or this person stood,

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would not necessarily the assailant have received more or less spots of blood from these blows?
A. Inall probability he would, not necessarily many.
Q. Taking into account the fact that there were eighty six- or the largest number of spots that you have told of, above the head, on the wall in the semi circular range, do not you think that the person who delivered these blows would have received more of the spots upon the upper part of the body than in the lower part?

A. Not in that position, no.
Q. How could the spots, when they stood at the head of the sofa, or near the head of the sofa, have struck their feet or below the waist even; how could as many, as would have gone to the upper part of the assailant's body?
A. I do not see how hardly any could go below the waist, standing in that position.
Q. That is to say, in your opinion, if the assailant got blood upon him, he would receive more blood from the waist up, than he would from the waist, below?
A. Yes sir, you are speaking of Mr. Borden, yes sir.
Q. I suppose that would mean that it would be liable to strike the hair, if the person had nothing on the head; that is it would be liable to strike the upper part of the body or person then exposed?
A. Yes sir, but I do not think a great deal in taking that position, the position of Mr. Borden, and giving the position I have stated of the assailant. There were no spots went, hardly, in that direction, that is as far as we could see, and I do not think many went that we have not seen that is, towards the parlor; so the assailant might not get scarcely any spots, if any.
Q. Do you mean to put yourself on record as saying the assailant could stand there, and not get less than ten spots on his clothes and hair?
A. Not many of them, because it is the other way, towards his feet and on the wall.
Q. Are not they on the wall directly above his head in a semi circle?
A. Yes sir.
Q. Would not that show they followed the direction of the ax as they left the wound?
A. No sir, just the opposite.
Q. Followed the ax after it left the wound?
A. No, those spots on the wall right above his head I think were done by the first blow severing some artery that gave those; I do not think they were done by an ax.
Q. Would not an ax the artery being severed, have gone into the bleeding wound and got blood on it?
A. Certainly.

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Q. If it was bloody when it was lifted out of the wound, would not it throw it in some direction or other?
A. Yes, but not in that direction where the eighty six spots were; throw it backwards.
Q. Might it not throw it upwards?
A. Yes sir.
Q. Might it not throw it on the man?
A. Yes sir.
Q. The person stood, according to your theory, between the sofa and the parlor door?
A. Yes sir, and more towards the dining room door.
Q. Then he would be in the way of the spots that got to the dining room door frame and the parlor door frame?
A. Only from the ax.

End of Day 1 – Testimony suspended at 5:30 P.M. until Friday, August 26, 1892.

Day 2, Friday, August 26, 1892

Dr. William A. Dolan, resumed.

Q. Did you measure at any time, Doctor, the length of the handle of the hatchet that you have described?
A. No sir.
Q. Have you an opinion about its length?
A. I could not say, I should think it would be about probably eighteen inches or two feet, eighteen inches probably.
Q. Do you mean from the hatchet to the end of the handle?
A. No sir, from the blade to the end of the handle, the inner edge of the blade.
Q. Did you at any time measure the length of the edge, that is the breadth of the blade of the hatchet?
A. No sir, I did not.
Q. Did you weigh it?
A. No sir
Q. Have you any opinion about its weight?
A. No, I should think it weighed from three to five pounds.
Q. And the handle was about eighteen inches to two feet long?
A. Yes sir.
Q. What is your theory as to the position the assailant of Mrs. Borden was in when these blows on the back of the head, that you have described, I do not limit them to the back of the head, were given?
A. My impression is ----
Q. Your opinion I am asking for.
A. Yes. That they were given while Mrs. Borden was lying in the position in which she was found, with the murderer standing over her.
Q. If the murderer was standing over her, using the hatchet you have described, with the handle about eighteen inches to two feet long, would the assailant have used, in your opinion, one or two hands to inflict these blows?
A. I would not be prepared to say that.
Q. Would he have been obliged to stoop over in order to give the

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blows?
A. Certainly, he would not have been obliged to stand erect.
Q. In a bending position?
A. Yes sir.
Q. Taking into account the average length of the handle of the hatchet, and the average length of the human arm, whereabouts over the prone body of Mrs. Borden, would the assailant have had to stand, in your opinion?
A. I should judge about over the hips.
Q. Then the assailant would have been obliged to be, would he not astride the hips?
A. Yes sir.
Q. With one foot between the body and the bureau, and the other foot between the body and the

frame of the bed?
A. Yes sir.
Q. Standing in that position do you judge that the spots which you found came from the hatchet, or dropped from the person of the assailant; I mean the spots which you found on the paper, the moulding of the base board between the bureau and the window, and also upon the bureau drawer?
A. Those near the window I think were struck while Mrs. Borden was near the window.
Q. In your opinion they could not be adequately accounted for by a person standing in the way you have described, and giving the blows you have described?
A. No sir, I do not see very well how they could.
Q. Would a person, standing in the way you have described to give the blows, almost of necessity be spattered with blood himself?
A. Yes sir.
Q. In your opinion what part of them would have received these spots of blood?
A. I should think the lower part of the body.
Q. That is below the waist?
A. Yes sir.
Q. Bending over like this?
A. Yes sir.
Q. Would not the upper portion of the body also have received some spots?
A. Possibly it could, but the probability is ----
Q. Possibly? Go on sir, I am reminded that I interrupted you before you had finished your answer.
A. Possibly, but the probability would be against it.
Q. Would the hands, either of them, or both of them, have received any of these drops of blood, in your opinion?
A. Possibly.
Q. Possibly?
A. Yes sir.
Q. You do not admit the probability of it, do you?

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A. No sir.
Q. As a matter of fact, did you find any spots or drops of blood upon the frame or the sash of the window in this guest room chamber which was just beyond the bureau?
A. I saw what appeared to be blood at first, but careful examination showed they were on the outside of the window, and therefore could not very well be blood.
Q. When you say on the outside of the window, do you mean by that on the outside of the glass of the window, or the sash?
A. The outside of the window, of the glass.
Q. The question I put to you was whether you discovered any spots of blood upon the sash of that window?
A. I do not recollect that I did sir.
Q. Was not your attention called to it by some person or persons at the time when you were there searching and examining?
A. My attention was called to what appeared to be blood, what the person thought was blood, one day when I was there.

Q. Is that the blood you have already spoken of, as being outside of the glass of the window?
A. Yes sir, one also I think on the frame inside of the window.
Q. Do you mean the frame of the window, or the sash of the window?
A. The window frame
Q. Where was the spot on the inside of the window?
A. I could not tell you, I did not pay much attention to it; I examined it at the time.
Q. You do not think it was blood?
A. No sir.
Q. Is it there now?
A. I could not tell you.
Q. Did you as any time give directions or permission to any member of the family to wash or clean the paint in any of the rooms?
A. No sir.
Q. Did not you down stairs?
A. No sir.
Q. Did not someone ask or suggest that they might clean up the wood work of the sitting room, andwas not it given, to be done?
A. No sir, not as I recollect. I recollect I gave positive orders for it not to be done.
Q. That was afterwards; I mean early, after you had taken a view, and after you had counted these spots. Do you remember at any time seeing Mrs. Holmes there at the house?
A. Yes sir, several times.
Q. Was it immediately after this occurrence?
A. I think so, I think I saw her the same day, I wont be sure.
Q. Do not you now recollect that you gave her permission, I mean in substance, permission or leave to clean up around there and re-arrange things, and that some such work was done in the way of cleaning the

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paint?
A. I do not recollect it sir.
Q. Are you prepared to say that you did not give any such permission or direction?
A. I do not recollect having given any such permission.
Q. If Mrs. Holmes should say so, you would not be inclined to dispute her?
A. I should certainly be inclined to dispute her as to her understanding of it, and say that there was a misunderstanding.
Q. Do you claim that any member of the family, or any person there, willfully cleaned up, or changed the situation of things?
A. I am not prepared to say whether they did or not.
Q. Any one of the ladies of the house who were there at those times in this living room, this sitting room where he was found, where you found these spots of blood upon the kitchen door and the parlor door, are you prepared to say any one of them willfully removed those spots?
A. There were some spots removed.
Q. Would you think they did any of them willfully remove any of the spots?
A. I should say they did.
Q. Wilfully, I mean.
A. I should say they did.

Q. Who?
A. I do not know.
Q. When was it willfully done?
A. Probably the next day.
Q. After the killing?
A. Yes Sir.
Q. From what door or place were those spots removed?
A. From the parlor door.
Q. Had you counted them before they were removed, and ascertained their location?
A. Not accurately.
Q. Had you counted them before they were removed?
A. Yes Sir, I had.
Q. Then you knew the number?
A. Yes Sir.
Q. How many less are there now than there were at the time of the killing?
A. I could not say.
Q. How many were on the parlor door in all?
A. I think eight spots on the parlor door, and on the north jamb of the door.
(Mr. Knowlton) They were on the sitting room side of the door?
A. Yes Sir.
Q. All you are discussing with reference to the parlor door was on the sitting room side?

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A. Yes Sir.
Q. Were there any other spots removed from any other place in the sitting room, so far as you know?
A. Not that I am aware of, no sir.
Q. When this hatchet was found on the day of the murder, as you have described, do you know how many different people handled it?
A. No Sir.
Q. Did a number of people handle it?
A. I do not think so. When the officer showed it to me, I told him to take charge of it.
Q. I am asking you whether you saw other people looking at it there in the house.
A. No Sir.
Q. Do not you recollect it was laid upon a table there in a room of the house?
A. I could not say, sir.
Q. Do not you recollect that it was brought up, and laid upon the table in the kitchen or the dining room, and all of them were, the hatchet, and all the axes?
A. No sir, I do not know.
Q. Do you know whether it was or not?
A. No Sir.
Q. Do you recollect seeing people looking at them, and trying them? and rubbing them to see whether it was rust, or what it was?
A. No Sir I do not.
Q. Either upon the axes, any of them, or the hatchet?
A. No Sir, I do not.
Q. Now you say you first noticed the blood the next day, or the day after, at the Marshal's office,

when your attention was called to it, or you were asked to look at it, when the Mayor was there?
A. Yes Sir.
Q. Was that the time when you examined the handle for the first time?
A. Yes Sir.
Q. Was that the time when you say the handle looked as if it had been washed, or the blade?
A. No Sir, I said that at the day of the murder at the house.
Q. When it was found, you say it looked as though it had been washed?
A. I do not know as I used the word "washed"; I said scraped.
Q. Did not you say, "scraped or washed," yesterday?
A. Yes Sir.
Q. Do you mean it looked as though it had been washed?
A. Yes Sir.
Q. What has been washed.
A. The blade of the hatchet.
Q. I have understood you to say, whatever else there was on that blade, it was rusty?
A. Yes Sir.

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Q. Was it damp?
A. It was dry when I saw it.
Q. Then it was not damp?
A. No Sir.
Q. You saw it very soon after you got there, did not you?
A. Well, I could not tell you exactly the time, probably 3/4 of an hour after I got there.
Q. Then it was around one o'clock?
A. Yes Sir.
Q. In your opinion, if the ax had been washed an hour before that, it would have been perfectly dry then?
A. I think so.
Q. With the rust and all?
A. Yes Sir.
Q. So far as you recollect, the blade of the hatchet was what we term bone dry; it gave no indication of moisture, or anything of that sort?
A. I do not think you find anything bone dry in a cellar.
Q. Was not this a cellar that was thoroughly light?
A. Yes Sir.
Q. Do you mean to say that was a damp cellar?
A. The earth in any cellar is damp.
Q. Was there any earth there?
A. Yes Sir.
Q. Where?
A. Down stairs.
Q. Was not there a board floor?
A. In the washing apartment.
Q. Was there not in the room just as you turn to go down stairs?
A. No Sir, it was an earth floor, so far as I recollect.

Q. Are you quite sure about that?
A. Quite sure.
Q. These hatchets were standing upon the earth?
A. No Sir, they were not standing at all; they were lying down upon the earth.
Q. Blade down to the earth?
A, All down.
Q. Blade down on the earth?
A. It would have to be, would it not?
Q. They might be lying against the partition of the cellar stairs.
A. I did not say so.
Q. Then they were lying down on the ground?
A. Yes Sir.
Q. Then they were damp, were they?
A. Do you mean from washing?
Q. You said it was a damp cellar?
A. I did not.

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Q. You said all cellars were damp?
A. I said more or less.
Q. Was this a more or a less damp cellar?
A. I do not think that is a very sensible question. "a more or less damp cellar".
Q. I beg your pardon, Mr. Witness. If you wish to criticize my question--
A. I think that is a foolish question.
Q. Was this a damp cellar?
A. I would like to know just your degree of dampness, what you mean.
Q. Was it damp?
A. Do you mean was there water in it?
Q. No sir, was it damp, in the ordinary acceptation of the word?
A. In the ordinary acceptation of the word, I should say it was.
Q. Damp in consequence of there being earth there?
A. Certainly.
Q. These axes were lying upon the earth?
A. Yes Sir.
Q. Well, were they damp?
A. The question you asked me was, were they wet.
Q. I am asking you now were they damp?
A. I should say they were not perfectly dry. According to your primary, first, question about bone dry, I should think they were not.
Q. They were not perfectly dry?
A. No Sir.
Q. They were damp, the hatchets I am talking about, the blades of the hatchets and the ax, they were not perfectly dry?
A. No Sir.
Q. Did not you say a few minutes ago that the hatchet was dry, the blade of it?
A. I said it was dry, as dry as you would find a thing in a cellar.

Q. That is what you said?
A. Yes Sir.
Q. Was there any indication of moisture; did it rub as though there was a moist feeling about it?
A. I did not try it for that.
Q. Did you see it tried?
A. No Sir.
Q. Did anybody, under your direction, or in your sight, rub this spot which you say you saw on the outside of the window glass of the window of the chamber?
A. Yes Sir.
Q. After that had been done did you say you thought it was blood?
A. I said it looked like blood.
Q. When did you determine it was not blood?
A. At that time.
Q. It looked like blood, but was not blood?
A. Yes Sir.

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Q. What was it?
A. I do not know; dirt of some kind.
Q. It was dirt?
A. Yes Sir.
Q. Did you search, or cause to be searched, the person of Mr. Borden at the time?
A. Yes Sir.
Q. Did you take from it the things that were found?
A. Yes Sir.
Q. What did you take?
A. I took some keys.
Q. Where are they?
A. In my possession.
Q. Have you got them here?
A. No Sir.
Q. Will you produce them?
A. If you wish, yes sir.
Q. I do. You took some keys?
A. Yes Sir.
Q. A bunch?
A. Yes Sir.
Q. That is to say, they were on a key ring?
A. Yes Sir.
Q. In what pocket were they?
A. I did not take them myself.
Q. Did you see them taken?
A. No Sir.
Q. Who gave them to you?
A. The undertaker.
Q. I understood you to say you took some keys.

A. No Sir.
Q. Did not I just ask you if you searched, or caused the search?
A. Yes Sir.
Q. Do you know where these keys came from, what pocket?
A. No Sir, I do not.
Q. Did they come from any pocket?
A. I could not say.
Q. Where were you when the undertaker handed them to you?
A. In the sitting room.
Q. On this day?
A. Yes Sir.
Q. Did you take anythingelse from the person, or see anything taken from the person?
A. I cannot remember now whether I took anything or not; I think I did take something myself; I cannot remember just what it was.
Q. What else have you?
A. I have got some money.
Q. Loose, or in a pocket book?
A. Loose and in a pocket book, change, I have some silver, and some

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money in a pocket book.
Q. Who gave you those?
A. The undertaker.
Q. What else?
A. I do not recollect anythingelse. I have a memorandum book.
Q. Have you got any papers?
A. I could not say; I have not examined it.
Q. You have not examined them?
A. I counted the money before the undertaker.
Q. Where are all these things?
A. In the safe at the office.
Q. Will you produce them?
A. Yes Sir.
Q. Have you any keys other than this bunch of keys?
A. There is a big key there, like a shop key.
Q. Have you any other key besides the big shop key and this bunch of keys?
A. I do not know, I have not examined them thoroughly; they were all put in a handkerchief, and tied up, and they have remained that way.
Q. I understand you have not altered these keys as to their arrangement since you received them?
A. No Sir.
Q. There are certain keys that are on a key ring?
A. Yes Sir.
Q. There is one other large key?
A. Yes Sir.
Q. So far as you recollect, that is all the keys there are?
A. So far as I can recollect.

Q. Whatever keys there are, are precisely the same collection that they were, when you received them?
A. Yes Sir.
Q. When this Oak Grove Autopsy was made, I understood you to say that then for the first time this wound in the back of Mrs. Borden was discovered?
A. Yes Sir.
Q. Was there anythingelse found at that time in the shape of injuries that were not discovered at the time that you made this partial autopsy, as you term it, at the house?
A. I do not think so.
Q. Then everythingelse was precisely as you had discovered it at the time?
A. Yes Sir.
Q. Have those bodies been interred?
A. Yes Sir.
Q. When?
A. I do not know just what date it was; I think it was a week last Tuesday.

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Q. Did you remove anything from those bodies, or either of them?
A. Yes sir, I removed the skulls, the heads.
Q. The skulls?
A. Yes Sir.
Q. When?
A. The day of the autopsy.
Q. For what purpose?
A. Because I was instructed so to do.
Q. Were you, at the time?
A. Yes Sir.
Q. By whom?
A. By the Attorney General.
Q. Was he there?
A. No Sir.
Q. Where did he give you that instruction?
A. Fall River.
Q. When, was it at the time he gave you the instructions with reference to this autopsy?
A. Yes Sir.
Q. Did not you say yesterday you could not remember whether it was he or the District Attorney that gave you that instruction?
A. Both gentlemen were together.
Q. Did not you say yesterday you could not remember which one gave you the instruction?
A. Yes Sir.
Q. Do you recollect since yesterday afternoon that it was the Attorney General?
A. No Sir, I have not thought of it at all since.
Q. You are sure it was the Attorney General?
A. I am not quite sure now, sir.
Q. Was it a verbal instruction?
A. Yes Sir.

Q. He told you to remove the skulls?
A. Yes Sir.
Q. The Attorney General?
A. The Attorney General of this state, yes sir.
Q. I do not assume the Attorney General of any other state has anything to do with this case. You did so?
A. Yes Sir.
Q. What did you do with them?
A. I cleaned them.
Q. You cleaned them?
A. Yes Sir.
Q. Do you mean to say these bodies are now buried without the heads?
A. Yes Sir.
Q. Where are these skulls?
A. In my possession.
Q. Where?
A. At my office.

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Q. Has it been said to any member of this family, or any friend, that these people were buried without their heads?
A. I do not know.
Q. Have you said it, or caused it to be said?
A. No Sir.
Q. Did you photograph them, or cause them to be photographed?
A. Yes Sir.
Q. When?
A. I do not know whether Monday or Tuesday of this week.
Q. Of this week?
A. Yes Sir.
Q. You had some photographs taken of the scene, did you not?
A. Yes Sir.
Q. Was that on the day of the killing?
A. Yes Sir.
Q. You told me yesterday, but I forgot the name; who was the photographer?
A. James A. Walsh.
Q. Of this city?
A. Yes Sir.
Q. What time in the day did he go there?
A. Three o'clock in the afternoon.
Q. Were you present?
A. Yes Sir.
Q. Before he got there, had anything been changed?
A. No Sir, probably the furniture, some of the furniture, such as the chairs, but none of the essential furniture.
Q. Had the bodies been moved?

A. No Sir.
Q. Were they not moved for the purpose of the autopsy?
A. No Sir.
Q. Did not you say you lifted up Mrs. Borden?
A. Yes Sir.
Q. Then she was moved?
A. She was placed right back again.
Q. I did not ask you whether she was placed back again; I asked you whether she had been moved. Had not both of the bodies been moved?
A. Mr. Borden? No.
Q. Did not you lift his head at all?
A. No Sir.
Q. Did not you disturb the body when you removed the stomach?
A. Yes Sir.
Q. Was not that done before the photographer got there?
A. No Sir.
Q. That was not done until afterwards?
A. Yes Sir.
Q. When you lifted Mrs. Borden, did you not change the position of the arms?

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A. The arms fell down by the side when she was lifted up, yes sir.
Q. In other words, when the photograph was taken, you put her back again as nearly as you could in the position in which you saw her; is that right?
A. Yes Sir.
Q. Was the bed moved?
A. No Sir, not for the first photograph; it was moved afterwards.
Q. Before the first photograph was taken, was the bed moved?
A. No Sir.
Q. Had anything on the bed been changed?
A. Yes Sir.
Q. What?
A. The covering and shams; the bed had been searched.
Q. Before the photographer came, had anything on the bed been disturbed?
A. Yes Sir.
Q. What?
A. The covering of the bed; the bed itself had been thoroughly searched.
Q. That is to say, it had all been removed?
A. No Sir.
Q. It had to be lifted up, and unmade, the mattresses, &c?
A. Yes Sir.
Q. Who made it up again for the purposes of this picture?
A. The clothes were thrown back, I do not know who did that.
Q. Done by a man's hand?
A. It evidently was.
Q. Then it did not look as it did before?

A. No Sir.
Q. Then in this photograph the appearance of the bed is not the same as it was at the time of the murder?
A. The bed clothing is not the same.
Q. Do you know what became of the sham that had the blood spots on?
A. No Sir.
Q. That was not taken?
A. Not by me.
Q. That was not taken in the picture?
A. Yes Sir, the pillow sham is taken in the picture.
Q. The very pillow sham?
A. Yes.
Q. Have you the photographs here?
A. Yes Sir. (Producing them.)
Q. Did the same photographer take the picture of these skulls that you have?
A. Yes Sir.
Q. Did you bring those photographs?
A. Yes Sir.
Q. Where are they?

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A. Down stairs.
Q. Were you present at the time when the safe was opened?
A. No, not when it was opened, I was not.
Q. When you were trying to open it?
A. Yes Sir.
Q. When was that?
A. I do not recollect the day; I know it was one evening.
Q. Several days after the murder?
A. Yes Sir.
Q. Did you examine the safe, or see it examined?
A. I saw the contents, yes sir.
Q. Did you examine it to find a will?
A. Well, I presume that is what they were looking for.
Q. Who were there making the examination, besides yourself?
A. Mr. Knowlton and Mr. Jennings.
Q. You found no will?
A. No Sir I did not.
Q. You know none was found, do you not?
A. I do not know positively that none was found.
Q. So far as you are informed, none was found?
A. Yes Sir.
(Mr. Adams) The District Attorney has asked me if we would agree to two facts, namely; that for the purpose of this hearing, Mr. Borden was a man of means, sufficient to live upon. I do not doubt that, and I am perfectly willing that should be assumed as a fact. Second, that no will was found among his effects. We agree those facts should be taken as proved, without the formality of

calling a lot of witnesses to that.
Q. Have you now told me all, everything that you found in the house that you consider in any way pertinent to this hearing?
A. I think I have, sir; if there is anything else, it is simply because I cannot recollect it.
Q. Do you remember a pail in the cellar?
A. Yes Sir.
Q. And were there some clothes or napkins in that pail?
A. Yes Sir, three.
Q. Did you examine them?
A. I examined them casually.
Q. Did you take them?
A. No Sir.
Q. Were they taken by anybody?
A. By the officer, officer Mullaly I think I told to take them.
Q. What was subsequently done with them, if you know?
A. Nothing; they were left down stairs in the marshal's office, and nothing further done with them.
Q. Did you examine them?
A. Yes Sir.

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Q. Did you become satisfied that they had no connection with this case?
A. Yes Sir.
(Mr. Knowlton) We claim nothing at present.
Q. There was of course clothing which was found on the bodies of both Mr. and Mrs. Borden, that clothing has not been talked about at all; but I believe it was at one time put in the earth back of the barn?
A. Yes Sir.
Q. That is to say, the clothing was buried without any envelope or box the first time?
A. I was not there, but I understand that to be so.
Q. Then it was taken up, and examined and buried again?
A. Yes Sir, put into a box.
Q. When it was buried again, it was put into a wooden box?
A. Yes Sir.
Q. It was taken up two or three times?
A. Twice I think.
Q. What has become of that clothing?
A. It is down stairs.
Q. In the marshal's office?
A. Yes Sir.
Q. Is all the clothing that was found on the bodies of each there?
A. Yes Sir.
Q. When did I understand you to say you gave these axes and that hatchet to Prof. Wood?
A. It was the day he was down here from Boston; I do not know just what day it was; I think it was the Tuesday.
Q. Was it before or after the Oak Grove Autopsy?
A. It was before.

Q. Did you have the axes or hatchet at any time during that autopsy?
A. No Sir.
Q. Were they at any time used by you or any person in your presence, with reference to the wound?
A. No Sir.
Q. They never have been tried, or attempted to be fitted to those wounds, have they?
A. No Sir.
Q. All the observation you had with reference to determining the time of the death of either of these people was when you made your autopsy, was not it?
A. No Sir, I made the view.
Q. You said when you made the view of Mrs. Borden, you merely looked at her, the first time you went up stairs?
A. The very first time.
Q. You did not do anythingelse with reference to her until after you had completed the view and the autopsy of Mr. Borden down stairs?

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A. No Sir, the autopsies were not until the afternoon.
Q. You said, as I understood you yesterday afternoon, you went up stairs anywhere from quarter to half past twelve to complete the view of Mrs. Borden?
A. Yes sir.
Q. That is the time when you lifted her up?
A. Yes sir.
Q. That was the time when you formed an opinion, so far as you could, of the time that she died?
A. Yes sir.
Q. You said she might have been dead an hour, or an hour and a half?
A. Yes sir.
Q. Then you would fix the time of her death from eleven o'clock until quarter past eleven would you?
A. That would bring it.
Q. It has got to bring it, has it not?
A. Yes sir, somewhere about that time.
Q. From eleven to quarter past eleven?
A. Yes sir.
Q. That is your opinion, is it not?
A. I did not base my opinion solely -----
Q. I did not ask you what you based your opinion on. I asked you if that is your opinion?
A. No sir it is not my opinion.
Q. Have not you said when you performed the autopsy at half past three in the afternoon, that at that time the question of temperature was such, that the time of death was mere speculation?
A. Yes sir.
Q. It is all speculation, is not it, practically when you come to get down to an hour or an hour and a half, or three quarters of an hour?
A. So far as temperature is concerned.
Q. I am speaking of what the autopsy disclosed at half past three in the afternoon.
A. Yes sir.
Q. Then your opinion is based upon something somebody has told you?

A. No sir.
Q. What time do you say she died, after you have testified in the way you have?
A. I should say that she died from an hour to an hour and a half before Mr. Borden, basing that opinion not on the temperature entirely.
Q. On what?
A. Basing it more than anything upon the clotted, black condition of the blood around her head, more than anything.
Q. That was on this clotted blood colored carpet too?
A. Yes sir.
Q. Was that a Brussels carpet?

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A. I could not say.
Q. It is a carpet made with a canvas under side, and the pile up?
A. Yes sir, I think so.
Q. That would arrest the blood on it?
A. Yes sir.
Q. If it arrested the blood, it would throw it up so it would dry readily?
A. It should, yes sir.
Q. The blood had become coagulated because it was dried quick,?
A. It was not dried.
Q. The coagulation was in consequence of the drying, was not it? Was the blood on the carpet coagulated because of its not having dried, or of the drying taking place?
A. No sir, not on account of drying, it was on being exposed to the air.
Q. That answers my question; if it is exposed to the air, it dries too?
A. To a certain extent it would dry.
Q. Would it dry in a vacuum?
A. Yes, not dry, coagulate.
Q. Would it dry in a vacuum?
A. No sir.
Q. You say it would dry because it was exposed to the air, and it coagulates because it is exposed to the air too?
A. Yes sir.
Q. Would it coagulate in a vacuum?
A. I think it would.
Q. Do not you know it would remain in the same condition in a vacuum for hours and hours?
A. No sir.
Q. Have you tried it?
A. No sir, that is simply my opinion.
Q. That is mere speculation?
A. Yes sir.
Q. You say it coagulated because it was exposed the air?
A. Yes sir, and because it was outside of his living tissue.
Q. The blood down stairs was outside of the living tissue, was it not?
A. What blood?
Q. That you saw with reference to Mr. Borden.

A. Yes sir.
Q. There were spots on the wall?
A. Yes sir.
Q. They were dried, were they not?
A. Yes sir, when I saw them.
Q. You saw them before you saw Mrs. Borden?
A. Yes sir.
Q. Were those spots coagulated?

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A. There was not enough of them to coagulate.
Q. How much does it take of blood to coagulate?
A. More than a spot.
Q. In every corpuscle there is coagulation?
A. I do not know about that.
Q. Do you know it is not so?
A. I would not say; it is something I never thought of.
Q. You are not prepared to say whether there was coagulation in the spots on the paper or not?
A. There must have been.
Q. That is in Mr. Borden's case. If the blood had coagulated in Mr. Borden's case, how does that prove that Mrs. Borden was killed an hour and a half before Mr. Borden?
A. There were so few of the spots, if there were such spots in Mrs. Borden's case, they would have been coagulated also.
Q. Was it a Brussels carpet in the room where Mr. Borden was, or a two or three ply?
A. It was not wool; it was Brussels.
Q. Coming back to the carpet up stairs in Mrs. Borden's room, which you say was Brussels, would not that style of carpet tend to keep the blood up, that is prevent its soaking through as readily as through a wool carpet or cotton cloth?
A. Yes sir I think it would.
Q. That would make it bright colored, would it not?
A. Yes sir.
Q. It would coagulate would it not?
A. I do not think any more quickly.
Q. Would it not coagulate because it was kept up on top of a Brussels carpet exposed to the air?
A. No sir.
Q. Then can you say, taking into account the kind of carpet, and the reasons you have said are true, that Mrs. Borden for that reason died an hour and a half before he did?
A. I do not think the carpet had anything to do with it.
Q. For these reasons can you say that she died an hour and a half before he did?
A. Which reasons?
Q. These we have been discussing.
A. On account of the texture of the carpet?
Q. Because the blood was kept up, and kept in the air, because it had coagulated, and not soaked through, can you say on that account she died an hour to an hour and a half first?
A. I should say from the condition of the blood I found there, if it was on a pine floor or anything else, it would indicate it had been out of the living tissue for an hour and a half or two hours.

Q. On what account?
A. On account of the firmness of the coagulation.
Q. You did not see that blood under her until quarter to one?

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A. Yes Sir, when I first went up.
Q. Did you stoop down and examine it, whether it was coagulated or not?
A. Yes Sir.
Q. Did you say that before?
A. Yes Sir.
Q. You formed that opinion when you went up stairs that first time?
A. Yes Sir.
Q. By just looking at it?
A. Yes Sir.
Q. Did you at that time, this first time, examine the edges of the wounds upon Mrs. Borden?
A. The very first time, up stairs, no sir.
Q. To determine how long they had been cut, no sir.
Q. Did you the second time, about one o'clock?
A. Yes Sir.
Q. How long did you think they had been cut then?
A. I could not tell you, because I did not examine very particularly for the freshness of the wound.
Q. I will ask you again for the purpose of certainty when it was that you formed your pinion as to the length of time that Mrs. Borden had been dead?
A. By the coagulation of the blood the first time I saw her ---
Q. I ask you when it was that you first formed your opinion; I asked you when it was.
A. The first time I saw her.
Q. It was in consequence of what you saw then?
A. Yes Sir.
Q. Now it was at that time that you determined how long she had been dead?
A. Yes Sir.
Q. How long do you think at that time she had been dead?
A. I say by the condition of the blood it must have been from an hour to two hours.
Q. Would you be surprised if it was three quarters of an hour?
A. No Sir, I would not.
Q. You did not see her until about twelve o'clock did you?
A. Yes Sir.
Q. It was about twelve o'clock, was it not?
A. 12 o'clock.
Q. During any of this investigation by you, did you get any blood upon your clothes, or your shoes?
A. Not upon my shoes, as I told you yesterday I got two or three spots on my pantaloons.
Q. Did you not step in any blood while you were there?
A. No Sir.
Q. Did anybody that you saw while there?
A. No Sir, not as I know of.
Q. You have not heard anything of that sort?
Ans. No Sir.

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ABRAM G. HART.

Q. (By Mr. Knowlton.) Abram G. Hart is your name?
A. Yes sir.
Q. You are the Treasurer of some Bank?
A. Yes sir of the Union Savings Bank.
Q. Where is that located?
A. No. 3 Market Square, as it is termed, the main street between what used to be the Market, now City Hall, and Bedford Street.
Q. Did you know Andrew J. Borden?
A. I knew him well for forty years.
Q. Was he associated with you in business?
A. He was President of the Bank during the year and a half that I have been its Treasurer, and sometime previous, two or three years.
Q. Did you see him on the morning of the day he was found dead?
A. I did.
Q. When did you see him?
A. In the bank at half past nine, as nigh as I can fix it. I did not look at the clock, but have reasons to judge, I think correctly, that was about the time.
Q. Did he come in when you were there, or did you come in and find him there?
A. He came in while I was there.
Q. How long did he remain there?
A. I should think about five minutes, not over that.
Q. Had he any habit, or custom, or rule about visiting your bank?
A. He had almost a daily custom of coming in there almost every day; occasionally he would miss a day.
Q. At any particular time?
A. Generally at about that time in the morning, but not always.
Q. Usually at that time, generally we will put it?
A. Yes sir.
Q. Usually remained how long?
A. He had no fixed time, sometimes two or three minutes, and then he has stayed there half an hour in conversation with me at different times.
Q. Did you see which way he went when he left your bank?
A. I did not.
Q. Did he appear to be in health?
A. I had a fancy he did not look well, if it is allowable, I might state what he said.
(Mr. Jennings.) I have no objection.
A. The day before there was a quarterly meeting of the Trustees at which he being President would undoubtedly have been present were it not for some good and important reason. When he came in he said he was not present yesterday because he was not well.

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Q. You say you did not think he looked well that day?

A. No sir, well I just had that fancy, that he did not look strong.
Q. He was a man who walked without a cane?
A. Yes sir, walked without a cane.
Q. Not then enfeebled with age?
A. No sir.
Q. That is the last time you saw him?
A. Yes sir, he was in after that, but I was out. I know he was in, by the word that came to me.
(No Cross Examination.)

JOHN T. BURRELL.

Q. (Mr. Knowlton.) John T. Burrell is your name?
A. It is.
Q. What is your place of business?
A. I am cashier of the National Union Bank.
Q. Was Mr. Borden connected with that Bank in any way?
A. He was a stockholder, and a depositor.
Q. Did you see him on the day of the murder?
A. I did.
Q. What time of day did you see him?
A. I have no means of fixing the time very accurately; it was during the first business hour of the day, probably between quarter past nine and quarter to ten; but I would not swear to that.
Q. How long did he remain in the bank?
A. I think from five to ten minutes.
Q. Did he transact any business?
A. I was busy with my business, I noticed him talking with two gentlemen and Mr. Hart in front of my end of the room.
Q. It was in the same building that Mr. Hart is?
A. Yes sir.
Q. That is the time Mr. Hart saw him?
A. Yes sir.
Q. Was Mr. Hart there when he came in?
A. I wont be sure that he was there when he came in, he was there during the time Mr. Borden was there.
Q. That is all the time you saw him in there?
A. Yes sir.
Q. Do you remember, or do you not remember, that he came back again afterwards to go to Mr. Hart's room, but Mr. Hart was not there?
A. I am not sure I was there at that time; I only know that by hearsay.
(No Cross Examination.)

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EVERETT COOK.

Q. (By Mr. Knowlton.) What is your name?
A. Everett Cook.
Q. What is your business?

A. Cashier of the First National Bank.
Q. You were such on the 4th of August?
A. Yes sir.
Q. Was Mr. Borden connected with that Bank?
A. With one of the institutions in the building.
Q. What do you mean by that?
A. With the Trust Company.
Q. The same office?
A. Yes sir.
Q. What?
A. As a Director.
Q. Did you see him on the day of the murder?
A. I did.
Q. When did you see him?
A. At the First National Bank building.
Q. When?
A. On that morning somewhere from quarter to ten to five minutes to ten. I should say he entered the bank at quarter of ten and went away at five minutes of ten.
Q. How do you fix the time?
A. Because that morning I was not very busy, and was talking with a gentleman as he came up; and Mr. Borden waited for me to stop talking with this gentleman; and I glanced at the clock about that time.
Q. As you glanced at the clock, about what time was it?
A. About quarter of ten when he came in.
Q. You glanced at the clock when he came in?
A. Yes sir.
Q. Was it Mr. Borden's habit to come in there?
A. Almost every day.
Q. At any particular time?
A. No sir.
Q. Any part of the day, whether forenoon or afternoon?
A. No sir.
Q. Did you talk with him yourself?
A. I exchanged no words with him at all.
Q. Did he come in there more than once?
A. Not that day.
Q. He stayed how long?
A. About ten minutes.
Q. What time did he go out?
A. About five minutes of ten.

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Q. You did not see where he went to?
Q. No sir.

CROSS-EXAMINATION.

Q. (Mr. Jennings.) You did not notice the clock when he went out?
A. No sir.
Q. Were you engaged in your business while he was in there?
A. At the counter, engaged at the desk that is all.
Q. So it is merely a guess as to how long he remained?
A. Yes sir.

CHARLES C. COOK.

Q. (Mr. Knowlton.) Charles C. Cook is your name?
A. It is.
Q. What is your business Mr. Cook?
A. Insurance.
Q. Did you have any business relations with Andrew J. Borden?
A. Yes sir.
Q. What were they?
A. I had charge of his building on the corner of Anawan and South Main Street.
Q. That is a block he has erected within a year or two, a business block?
A. Yes sir.
Q. Were you in the habit of seeing him often?
A. Yes sir.
Q. How often?
A. Well, three or four times a week.
Q. Do you remember the day of the murder?
A. Yes sir.
Q. Did you see him on that day?
A. I did not.
Q. You did not see him that day?
A. Not until afterwards.
Q. You saw him dead?
A. Yes sir.
Q. You did not see him alive?
A. No sir.
Q. Did you see him the day before the murder?
A. I saw him I think going down Main Street, on the other side of the street from the building, as I stood in the office.
Q. What day was that?
A. That would be Wednesday.
Q. What time of day?

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A. I think in the forenoon, I do not remember the time.
Q. When was the last time you saw him to have any talk with him?
A. Tuesday I think; I know it was Tuesday.
Q. Tuesday afternoon or morning?
A. Tuesday forenoon.

Q. Where did you see him then?
A. In the office.
Q. Tuesday before the murder in the forenoon?
A. Yes sir.
Q. You had some talk with him that time?
A. Yes sir.
Q. Did you have any talk with reference to a will?
A. No sir.
Q. Anything said by him about a will?
A. Not that day.
Q. When was it anything was said about a will, if ever?
A. There was nothing ever said only this ----
Q. My question is, when?
A. I do not remember the date, sometime before that.
Q. How long before?
A. Possibly three weeks, two or three weeks.
Q. What was it?
A. He simply told me that he had not one.
Q. Told you what?
A. That he had not any will.
Q. Did he say anything more?
A. No sir.
Q. Anything about making a will?
A. No sir.
Q. At any time?
A. No sir.
Q. Do you remember of his being in there at one time, when you were writing a will, or some instrument, and he asked you what you were writing?
A. I think that called the remark from me. There was a party talking with me about a will.
Q. Whether you remember that event?
A. I remember was there when he spoke about not having a will; there was a party in the office that I had been doing some work for.
Q. Is that the interview you spoke of a while ago?
A. Yes sir.
Q. At that time you were drawing a will?
A. No, I was not drawing the will at that time. The party came in to ask a question about it. That was after it had been drawn.
Q. Did he then say anything about making a will?
A. He did not.
Q. Have you ever said that he did?
A. No sir.

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Q. Do you remember of talking with Mr. Medley the next day after the murder, or two days after the murder?
A. I remember he was in my office one night; I think it was a Saturday night.

Q. Do you remember of telling Mr. Medley about what he said to you?
A. I do not remember exactly what I told him. I know Mr. Medley asked me a good many questions; some I answered, and some I did not.
Q. Do you remember of telling Mr. Medley what he said to you?
A. I think possibly he asked me if there was anything said about a will.
Q. Do you remember of telling Mr. Medley what he said to you?
A. No, I do not remember exactly what I did tell Mr. Medley.
Q. Do you remember of telling Mr. Medley Mr. Borden said to you "what are you doing?" And you said you were making a will.
(Objected to.)
Q. Do you remember of saying to Mr. Medley that Mr. Borden told you that that was something that he had not done, and must do?
A. I did not say anything of that kind sir.
(No Cross Examination.)

CAROLINE KELLEY.

Q. (By Mr. Knowlton.) What is your name?
A. Caroline Kelley.
Q. Where do you live?
A. 96 Second Street.
Q. Is that next to, or near the house where Mr. Borden lived?
A. Yes Sir.
Q. Is it next?
A. Yes Sir.
Q. Next which way, please?
A. It is above his house.
Q. That is, further up the hill?
A. Yes Sir.
Q. Further away from Pleasant Street?
A. Yes Sir.
Q. Do you live on the side that the back door and steps are on, or the other side?
A. No Sir, I live on the other side.
Q. Do you know enough about the house to know whether you live on the side where the sitting room is?
A. Yes Sir, the sitting room side.
Q. Yours is the next house?
A. Yes Sir.
Q. Were you at home on the morning of August 4th?

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A. Part of the morning.
Q. Do you remember the day when the murder took place?
A. Yes Sir.
Q. Did you see Mr. Borden that morning?
A. Yes Sir.

Q. Where was he when you saw him first?
A. He was coming around his house, going towards the front door.
Q. Coming around in his yard?
A. Yes Sir.
Q. Going towards his front door?
A. Yes Sir.
Q. Did you see him go up the steps?
A. Yes Sir.
Q. What did you see him doing, if anything, when he got up the steps?
A. I thought he was trying to put the key in the door. I thought he was trying to open the door.
Q. Where was you at that time?
A. I was going down the street towards Borden street.
Q. You had left your own house?
A. Yes Sir.
Q. Had you got by his house?
A. Not when I saw him first.
Q. Where were you when you saw him first?
A. About at the corner, nearest my own house.
Q. At the corner of his house nearest your house?
A. Yes Sir.
Q. Is that the corner that the front door is on?
A. Yes Sir.
Q. When you saw him come around the yard, did he go out on the sidewalk?
A. No Sir.
Q. He kept in his own yard?
A. Yes Sir.
Q. Can you reach the front door steps from the yard without going out into the street? Some houses are fenced up by the side.
A. No Sir, the steps do not go on to the street.
Q. You can reach the front door steps from the yard without going out into the sidewalk?
A. O, yes sir.
Q. Did he have anything in his hand at that time?
A. I think he had a small white package.
Q. Did you speak to him?
A. No Sir. I looked up to speak, but he did not see me.
Q. What time was that?
A. I think about 27 or 28 minutes to eleven.
Q. How do you fix the time, Mrs. Kelley?
A. I was due at the dentist's at half past nine, and I looked at

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the clock, and I saw I was about an hour late, before I started.
Q. At half past nine you were due at the dentist's, and you were an hour late before you started?
A. Yes Sir, as near as I can fix, it was about 27 minutes of eleven.
Q. You went to the dentist's?
A. Yes Sir.

Q. Where is the dentist you went to?
A. Corner of Borden and Main streets.
Q. Do you now remember what time it was when you got there?
A. No Sir.
Q. You did not take any notice of that time?
A. No Sir.
Q. That is the first time you had seen him that day?
A. So far as I remember, yes sir.
Q. You had not been in a position to see into that yard at all that day, before that?
A. I do not remember of being.

CROSS-EXAMINATION.

Q. (Mr. Jennings.) What had you been doing before you went down to the dentist's?
A. I had been sitting with a visitor.
Q. Who was the visitor?
A. A nurse from the Hospital.
Q. What was her name?
A. Miss Murray.
Q. Did she come out with you, out of the house?
A. No Sir, she went before I did.
Q. Had you been out of the house before that morning?
A. No Sir, not that I know of; I had not been out on the street, certainly.
Q. What room in the house had you been in that morning most of the time?
A. I had been most of the time in the parlor with this nurse.
Q. Which side was that, towards Mr. Borden's house?
A. No Sir, the other side.
Q. What was the room towards Mr. Borden's house?
A. An office and consulting room and the kitchen.
Q. You say your appointment was at half past nine?
A. Yes Sir.
Q. Are you not mistaken about it, was it not at ten?
A. O, no sir.
Q. Sure about that?
A. Yes Sir.
Q. Why are you sure?
A. Well, I made the appointment, that is all, and I remember it.
Q. How do you know you were about an hour late?

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A. Because I looked at the clock. I was detained by this nurse; and I went and looked at the clock before I left the house.
Q. What time was it when you looked at the clock?
A. Between half past ten and 25 minutes of eleven.
Q. That was just before you left the house?
A. Yes Sir.

Q. Was that the clock in your house?
A. Yes Sir.
Q. In the kitchen?
A. Yes Sir.
Q. Do you know how that clock compares with the City Hall time?
A. No Sir, I do not. We consider it is about right; we consider it keeps pretty good time. I do not know how it compared that morning. If it was anything, it was a little fast.
Q. When you came out of the house, where was Mr. Borden when you first saw him?
A. Coming around the corner of his house, farthest away from mine in front.
Q. Coming around from the north side of the house?
A. I do not know the points, from the side the back door is on.
Q. That would be the north side of the house. Second street runs north and south?
A. I believe it does.
Q. He was coming around that side of the house?
A. Yes Sir, the side the barn is on.
Q. You first saw him as he came around the corner?
A. Yes Sir.
Q. He went up on the steps?
A. Yes Sir, the front door steps.
Q. And came towards you?
A. Yes Sir.
Q. You were coming down the street, and he was coming in the opposite direction, towards his front door?
A. Yes Sir.
Q. Where were you when he got upon the door step?
A. Just about opposite the steps on the sidewalk.
Q. Did you speak to him?
A. No Sir.
Q. Were you personally acquainted with him?
A. I always spoke to him.
Q. That morning, he did not speak to you, nor you to him?
A. No Sir.
Q. Did you look to see what he did at the door?
A. Yes Sir. I looked up to speak to him, and he did not see me.
Q. He was back to you then, was he?
A. Yes Sir; I thought he was trying to open the door.
Q. Could you tell whether he had a key in his hand or not?
A. No Sir.

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Q. Did you see him pull the bell?
A. No Sir.
Q. Did you see him go in?
A. No Sir.
Q. You passed by, and left him there?
A. Yes Sir.

Q. You do not know how he did get in?
A. No Sir.
Q. You do not know that he did get in?
A. No Sir.
Q. You say he had a white package in his hand?
A. I think he had a little square white package.
Q. Did it look as though it might be a letter, or something like that?
A. No, it was bigger, looked as though it might be a small box.
Q. It looked like a small box?
A. Yes Sir.
(Mr. Knowlton) Give me the size of that package or box as near as you can.
A. It might have been five inches square, and perhaps an inch thick, as near as I can remember; it was wider than that book. (Note book.)
Q. Something that shape?
A. No Sir, it was square, about that square.
Q. Something that shape?
A. Yes Sir, but a little wider, as far as I can remember.

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DR. DOLAN, recalled.

Q. (Mr. Adams) Have you got the keys here?
A. I have. Everything is just as I got it, I have not opened it.
Q. Wont you examine, and produce the keys?
A. (Witness produces the keys.)
Q. Is that the large key you speak of?
A. That was the one I referred to; I did not notice this.
Q. Are these three, namely, the bunch of keys, and the two separate keys, are those all the keys?
A. Yes Sir, so far as I can see.
Q. I see you have produced some fine cut chewing tobacco; you understood that Mr. Borden was not in the habit of using tobacco, chewing tobacco?
A. I do not know; I could not tell you.
Q. You do not know, except that there is a package of partly used fine chewing tobacco?
A. Yes Sir.
Q. I asked you before you went, I will ask you again now you see the keys, whether these keys are arranged as they were when they were handed to you?
A. Yes Sir, I have not disturbed them.
Q. I you will leave these things here, I will not trouble you any further, we shall want them during the trial.
A. I should want an order of the Court before I gave them up.
(Court) That is entirely right.
Q. (Mr. Knowlton) I meant to have asked you at the direct examination. The engineer gave us some distances from a place he said you pointed out to him, as the place where the head of Mr. Borden lay after he was found dead?
A. Yes Sir.
Q. Did you point out such a place to him from which to make measures?
A. Yes Sir.

Q. That was the correct place?
A. Yes Sir.
Q. Are these the pictures that were produced, and handed to my brothers?
A. Yes Sir.
(Mr. Knowlton) I will put them in.
Q. When an artery is cut, Doctor, what is the result, if the person is alive?
A. The artery spurts blood.
Q. How many of such spurts that would result from an artery being severed, did you find around Mr. Borden's body?
A. I think there was but one. I think that cluster was made by one artery.
Q. What cluster is that, that you refer to?

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A. That cluster of 86 spots.
Q. The one you said was somewhat semi-circular in form?
A. Yes Sir.
Q. In what direction would the blood spurt to make that semi-circular cluster, from the head, from one of the wounds in the head, would it be at right angles to the wall? Taking the position of the head as you found it.
A. No Sir, an oblique angle.
Q. Above, or somewhat on the same line?
A. A little above.
Q. So the direction of that spurt would be above, upwards from the body, and toward the wall, obliquely?
A. Yes Sir.
Q. That you say was the only thing that looked to you like a spurt from an artery?
A. Yes Sir.
Q. These other spots that you found, were not in your opinion spurts?
A. No Sir, I do not think so; I think they were from a weapon.
Q. Is there any way in which you could determine which were the first blows struck, the first blows struck upon Mr. Borden?
A. No Sir, not very well, I could not. No Sir, I could not say which was the first blow.
Q. That is to say, there would be no way of determining which the first blow was?
A. No Sir.
Q. Would this be true, that the blow that produced the spurt that you have spoken of, must have been given in life?
A. Yes Sir, before the heart ceased.
Q. The heart ceases as soon as life ceases?
A. Yes Sir.
Q. And spurting ceases too?
A. Yes Sir.
Q. Is there any way in which you can determine definitely which was the first blow given to Mrs. Borden?
A. No Sir, simply theory, that is all.
Q. Is the position of the blows upon the top of the head, such, that the crushing blows, such as that, could not have been given, as she was standing?

A. No Sir.
Q. Was his watch found upon his person?
A. Yes Sir it was.
Q. Did you find it?
A. No Sir, I did not.
Q. I understood you did not take any of these things?
A. No Sir.
Q. I intended to ask this in direct examination. How far completed

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was the bed in the spare room when it was found?
A. It was in perfect shape.
Q. All made?
A. Yes Sir.
Q. Shams on?
A. Yes Sir.
Q. What time was it you say you saw her first?
A. I saw her first shortly after I came in. I saw Mr. Borden first, just looked at him, and went right up stairs.
Q. What time did you go in?
A. Quarter of 12.
Q. I thought you said in cross-examination it was about 12 you saw her?
A. I could not say just the minute. I asked questions, and talked to those around me.
Q. No. I, the photograph of Mrs. Borden; the bed has been removed here, I take it?
A. Yes Sir.
Q. Was she in the same position on the floor?
A. Yes Sir.
Q. The same position of the body?
A. No Sir.
Q. No. 2 was taken at the morgue?
A. No Sir, it was taken at the house.
Q. Not on the sofa?
A. No Sir, it was taken so to get a good view of the head.
Q. In No. 3 the bed was in the position in which you found it?
A. The bed frame, yes sir.
Q. All things then were in position in No. 3?
A. Yes Sir.
Q. No. 4, where was that taken?
A. After she was carried down stairs.
Q. No. 5, which is the picture of Mr. Borden, was that as it was when the body was found by you, in every particular?
A. Yes Sir.
Q. (Mr. Adams) You were asked with reference to spurting by an artery that has been severed, is the direction of the spurt indicated somewhat by the way the blow is given in the first place. That is, if you cut an artery transversely, it would spurt in one way; and whaere you cut it this way, it would spurt the other way?

A. To a certain extent.
Q. When an artery spurts, the direction of the spurt depends upon the way the artery is cut?
A. Yes Sir, to quite an extent.
Q. In this picture in the bed room up stairs, that you say is correctly taken, there was then more space between the body of Mrs. Borden and the bureau, than between her body and the bed? In other

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words that picture shows there was no space between her body and the bed?
A. Yes Sir, it shows quite a space.
Q. Is there nearly as much as upon the other side?
A. No Sir, not as much.
Q. Is not the body practically up against the bed frame there?
A. Within six or seven inches I should say.
Q. And the space on the other side is two or three times as large in your opinion?
A. Yes Sir, two or three times.
Q. Have you told me everything that was found in that room where she was?
A. Yes Sir.
Q. Was not there a yard stick found there?
A. I do not know whether there was a yard stick found there.
Q. Do you know anything about that?
A. Do I know anything about a yard stick having been found there, no sir.
Q. Near her feet, partly under the bed, on the floor?
A. No Sir.
Q. Never have seen any?
A. Yes Sir.
Q. Where did you see it?
A. I saw it in that room.
Q. When did you see it?
A. I saw it that day.
Q. Where was it when you saw it?
A. I could not tell you. I asked for a yard stick, and a yard stick was brought to me.
Q. Who brought it to you?
A. I could not tell you that.
Q. You do not know whether the yard stick was there at the time when her body was there, or not?
A. No Sir.
(Mr. Knowlton) When did you call for the yard stick, the first or second view?
A. The second time I went up stairs.
Q. You asked for it for some purpose connected with the view?
A. Yes Sir.
Q. Did any person go out of the room for it?
A. I do not know.
(Mr. Adams) At that first view was there a chair by the bureau, and between the bureau and the window?
A. No Sir. I am glad you spoke of that chair that is lacking from the photograph. There was a kind of a camp chair, you might call it, an upholstered chair between her head and the east wall; and the

feet of that were covered with blood.

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Q. What has become of that chair?
A. It was in the house on Second street the last time I was there.
Q. It was not taken away?
A. No Sir.
Q. Whether there was a chair at the end of the bureau between the bureau and the window, when you saw that room the first time?
A. I think there was a cane seated chair.
Q. Was there any chair near it?
A. I could not tell you.
Q. Was this a chair with ordinary legs, or legs with a rocker?
A. That I would not say.
Q. You do not recollect whether it was a sewing chair, or not?
A. No Sir.
Q. Do you remember any work basket being there?
A. Yes Sir, immediately in front of this chair.
Q. What was this work basket resting on?
A. On the floor---- no, I think it was a rocking chair up against the bureau, and then the basket was sitting on the other ordinary cane seated chair, opposite.
Q. You mean the rocking chair was up against the bureau at the end of it, between that and the window, in that space?
A. Yes Sir.
Q. The other chair was on the other side of the window in front of it, having the work basket on it?
A. Yes Sir, and the sewing machine behind it.
Q. Is that in the photograph?
A. No Sir.

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JONATHAN CLEGG.

Q. (Mr. Knowlton) Are you hard of hearing?
A. Yes Sir.
Q. What is your name?
A. Jonathan Clegg.
Q. Did you know Mr. Andrew J. Borden?
A. Yes Sir.
Q. What is your business?
A. Hats and Gents. Furnishing Goods.
Q. Do you remember the day of the murder?
A. Yes Sir.
Q. Did you see him that day?
A. Yes Sir.

Q. Where did you see him?
A. I first saw him opposite my store in front of Shove and Fisher's. I had occasion to see him that morning, I wanted to see him. I called him across the street into my store to make arrangements for the store that I had taken of him. I had considerable talk with him. It would

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be 20 minutes past ten when I called him in; it would be nine minutes; I know he left my store, 6 No. Main street at exactly 29 minutes past ten.
Q. Is that store in the Borden Block?
A. No Sir, Richardson Block.
Q. Opposite Borden Block?
A. No Sir, next to Bennett's Drug store.
Q. Which way did he go when he left your store?
A. He went south.
Q. It was just 29 minutes past when he left your store?
A. Just.
Q. That is the last time you saw him?
A. Yes Sir.

CROSS-EXAMINATION.

Q. (Mr. Jennings) How did you fix the time he came into your store?
A. I will tell you how I fixed my time. I know I had to go up to the store in So. Main street previous to sending my clerk to dinner, which I do generally at half past ten. I know when I came out the store, it was just half past ten. I looked at the City clock. I had occasion to see Mr. Borden with reference to the new store I am taking. I had two parties in the store at the time.
Q. How did you fix the time?
A. Coming down to my store the first time in the morning, I knew I had got to see Mr. Borden that forenoon. I was actually on the lookout for him. I looked across the street for him, and saw him opposite my store. I went across the street, and says "here Mr. Borden, I want to speak to you". He came into my store; I made my arrangements with him. I went out of my store to So. Main street. I looked at the City Hall clock, it was half past ten; he had only just gone out. I called at John M. Deane's for some material I wanted in the other store. I came back to my store and sent my clerk to dinner at 20 minutes past eleven, exactly.
Q. How do you fix the time he was in your store?
A. I should say he was in my store eight or nine minutes.
Q. You judge of the time he came into your store from the time he went out, and the length of time that he remained?
A. Yes. I should say he was in the store eight or nine minutes.
Q. How soon after he went out did you go out?
A. Directly after, not a minute after.
Q. Could you tell which way he went then?
A. To the best of my knowledge he went south. I did not watch him.
Q. Which way did you go?
A. South.
Q. Did you go the same way?
A. Yes.

Q. Which side of the street did you go on?
A. I came in front of Granite Block, west side.
Q. Of Main street?

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A. Yes, crossed over the top of Pocasset street to go to John M. Deane's.
Q. That is on the east side of Main street.
A. I went on the west side to Brady's drug store, and crossed over there to go to John M. Deane's.
Q. That is on the east side of Main street?
A. Yes Sir.
Q. Where from that?
A. 92 So. Main street, to the store.
Q. How near is that to the corner of Spring street?
A. Four stores.
Q. Is it on the same side of the street with Whitehead's meat market?
A. Yes Sir.
Q. That market is on the corner of Spring and Main, and your new store is the third or fourth this side?
A. Yes Sir.
Q. Did you see anything of Mr. Borden on the way up?
A. No Sir. But the two men that was working for me, fixing the store up----
Q. You did not see him?
A. No Sir.
Q. You did not see him after he left your store?
A. No Sir.
Q. Was Mr. Borden ever in your store before, at this No. Main street store?
A. Yes Sir.
Q. When?
A. On the Tuesday when I first made arrangements to take the store.
Q. Tuesday before he was killed?
A. Yes Sir.
Q. What time was he there then?
A. After dinner I think. I would not be positive.
Q. Can you tell what time by the clock?
A. Somewhere around dinner time, I know.
Q. Can you tell the precise time that he was there?
A. I could not take oath on it. I think just after dinner. I never paid any attention to that particularly. I know he was in on Tuesday when I first made arrangements to take the store.
Q. You did not look at the clock on the day he was murdered in order to determine just what time he left your store?
A. No Sir.
Q. You did not know then anything was going to happen?
A. No Sir.
Q. There was no reason for you to take the time then?
A. I had an object to take the time; inasmuch as I had to take some material up to the other store, and get back in time to send my clerk to dinner. I looked, and it was just half past ten when I left

the store.

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Q. That was by the city clock?
A. By the city hall clock.

JOHN CUNNINGHAM.

JOHN CUNNINGHAM.

Q. (Mr. Knowlton) What is your name?
A. John Cunningham.
Q. What is your business?
A. News dealer.
Q. Did you hear of this affair that morning?
A. Well, I had occasion to be on Borden street----
Q. I wish you would answer my question, and save time. Did you hear of it?
A. Yes Sir.
Q. Where were you when you heard of it?
A. At the front of Mr. Hall's place of business on Second street.
Q. How far is that from the house of Mr. Borden, when he was alive?
A. Four houses on the opposite side, on the west side of Second street.
Q. Four houses nearer City Hall, on the other side?
A. Yes Sir.
Q. From whom did you hear it? I do not ask you what you heard.
A. The first information I got, I noticed there was four or five men standing on the west side of Second street. What called my attention, I noticed a lady running across the street.
Q. Who was that?
A. The lady's name was Mrs. Churchill.
Q. Is it the Mrs. Churchill who is here somewhere? You know Mrs. Churchill, do you? Will you stand up Mrs. Churchill? She is not here.
A. She was here yesterday.
Q. It was the one that was here yesterday?

A. Yes Sir.
Q. You saw her running across the street?
A. Yes Sir.
Q. What did you do then?
A. I stood on the sidewalk. It called my attention; her actions were rather peculiar for a lady.
Q. Did you telephone at any time?
A. I stood on the sidewalk for a few moments, and these four or five men were standing there. There was a young boy about 17 years old there. He walked towards me and said that Mrs. Churchill wanted a policeman, and was speaking to these men, calling on them to get a policeman.
(Objected to.)
Q. Did you telephone?

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A. When this boy told me they did not put themselves out, I stepped into the paint shop and telephoned to the City Marshal.
Q. Was it a short or a long time after you saw Mrs. Churchill running before you telephoned?
A. I think two or three minutes.
Q. Did you talk with the City Marshal?
A. I did sir, a few words.
Q. Do you know what time it was, yourself?
A. In the paint shop there was a clock right over the telephone, looking at that clock, by that clock it was ten minutes to eleven.
Q. To eleven?
A. Yes Sir.
Q. Did you telephone to the city marshal more than once?
A. I do not think I did.

CROSS-EXAMINATION.

Q. (Mr. Jennings) Who were these parties standing there talking, do you know?
A. I recognized one as Mr. Hall, the horse dealer.
Q. Do you know Alec Coggeshall?
A. Yes Sir.
Q. Was he one?
A. I did not notice him there. I know two others by sight; they work in the barn where Mr. Hall keeps his horses.
Q. Do you know Tom Bowles?
A. That keeps the meat market?
Q. No, that works up around the Buffington house?
A. No Sir.
Q. What did you do after you telephoned to the marshal?
A. I telephoned to the Fall River Globe, to Mr. Kennedy.
Q. From the same place, before you went out?
A. Yes Sir.
Q. What did you do after that?
A. I went up stairs over the paint shop on some business.
Q. What were you doing at the time when you saw Mrs. Churchill, as you think it was, run across

the street?
A. I was going up to Bernie Wade's store on some business.
Q. Where is that?
A. Next to Dr. Kelly's house.
Q. The second house south of the Borden house on the same side?
A. Yes Sir.
Q. Which side of Second street were you on when you saw Mrs. Churchill?
A. I was on the east side.
Q. Where did she come from?
A. She came from the east side.
Q. Do you know where her house is?
A. Yes Sir.
Q. The old Mayor Buffington house?

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A. Yes Sir.
Q. You know where the Borden house is?
A. Yes Sir.
Q. And where Dr. Bowen's house is?
A. Yes Sir.
Q. And Southward Miller's?
A. Yes Sir.
Q. Dr. Bowen's and Southward Miller's are in the same house?
A. Yes Sir.
Q. Where with reference to those three houses did this woman you saw come across the street, come from?
A. I should think she came out of her own house. I saw her just as she stepped from the sidewalk to go across the road.
Q. Did she go across the street?
A. Yes sir.
Q. Where did she go to?
A. Down to Mr. Hall's place where these three or four men were standing.
Q. Then what did she do?
A. She commenced to talk to these gentlemen that were standing there.
Q. What did she do after that?
A. This young man was standing there, and then he told me about the affair.
Q. Did you cross over to where they were?
A. I was coming down on the same side, after coming from Mr. Wade's store on the opposite side.
Q. I thought you said as you were going up the street you saw a woman you thought was Mrs. Churchill run across the street?
A. When I was going up on the east side, yes sir.
Q. About where were you when you saw that?
A. Where Mrs. Tripp keeps her restaurant, the next house.
Q. That is the next house to Mrs. Churchill's, this side?
A. Yes sir.
Q. Where were these three men, were they this side of Dr. Bowen's house, or the other side?

A. This side.
Q. So Mrs. Churchill would go almost directly across the street from her house?
A. She would have to have come down sort of triangular, a little this way.
Q. After she went across there, did you go across?
A. No, I went up to Mr. Wade's, and came down. When I came down she stood talking to these men.
Q. Then did you cross over?
A. When I came out of Mr. Wade's store I did, to come down where they were on the west side.
Q. Was she there when you got there?
A. Yes sir, I passed them by - and got by about three yards, and

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this boy was standing there, I found out his name since, it was Peirce, he was standing there, I stepped up to him, and he says to me---
Q. Was Mrs. Churchill still there?
A. Yes sir.
Q. In consequence of what was said to you then, you went to the paint shop and telephoned?
A. Yes sir.
Q. By the telephone clock it was ten minutes to eleven?
A. By the paint shop clock over the telephone.
Q. What did you do after that, after you had telephoned to the Marshal, and to the Globe &c.?
A. I went up stairs over the paint shop on some business.
Q. When you came down what was the condition of things on the street?
A. There was not anybody going up or down, only these men stood there on the sidewalk, and kept looking at the house.
Q. You did not notice anybody on the street?
A. No sir, I stood up against the building, Mr. Gorman's paint shop a few minutes, then I went in and telephoned to the Fall River Herald and the Fall River News. I stepped out and looked down the street, and saw Mr. Allen coming up.
Q. Police Officer Allen?
A. Yes sir.
Q. How long should you think that was after you had telephoned?
A. That I saw Mr. Allen?
Q. Yes.
A. Perhaps it would be four or five minutes I should think.
Q. Not longer than that?
A. No sir.
Q. What did Mr. Allen do, where did he go?
A. Went right direct in the house.
Q. Did you go into the yard at all at that time?
A. Not just then I did not.
Q. Did you see Mr. Allen come out?
A. I did, yes sir.
Q. Did you go into the yard before he came out?
A. Not until he came out no sir.
Q. Did you see Mr. Charles Sawyer there?

A. I did I saw him when Mr. Allen called him back, and went up street with him.
Q. He went back with Mr. Allen?
A. Yes sir.
Q. Did you see Mr. Sawyer afterwards in the yard or house?
A. I saw Mr. Sawyer standing at the side door of the house.
Q. The door on the north side of the house, the door where the steps are?
A. Yes sir the side door.
Q. Where did Mr. Allen go after he came away from the house?

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A. When he came down the street I stopped him and asked him what the trouble was.
Q. Of course you cannot tell what the talk was between you. Where did he go, and where did you go?
A. He went to report to the Marshal; I went up then to the house, and got in the yard on the south side of the building, and noticed two gentlemen in the yard.
Q. Who were they?
A. Mr. Manning and Mr. Stevens.
Q. Mr. Manning of the Globe and Mr. Stevens of the News?
A. Yes sir.
Q. Was there anybody else in the yard that you saw at that time?
A. Not at that time. We made a search through the yard.
Q. Did you make any search in the barn at that time?
A. I did not no sir.
Q. Did you notice anything about the cellar door, whether it was open or shut?
A. Yes sir. I had occasion to try the cellar door, and found it locked.
Q. Found it locked?
A. Yes sir.
Q. Did anybody go into the barn, so far as you know?
A. No sir. I did not stay there, but I should think ten minutes after that. I thought then I would go down to my store.
Q. Where was your store?
A. Wilbur House.
Q. Did you see any other officers there before you came away?
A. Yes sir.
Q. What officers?
A. I saw Officer Doherty.
Q. Anybody else?
A. Officer Mullaly.
Q. Do you mean saw them in the yard or house before you came away?
A. I saw Officer Doherty go in, and saw him come out.
Q. Did he go in before you came away?
A. Yes sir.
Q. Where did he go in?
A. In the side door.
Q. How long did he stay in before he came out?
A. I did not notice.

Q. I thought you said you saw him go in, and saw him going out?
A. I did not notice how long he stayed in. I went to find this Peirce boy. The whisper got around it was one of the farm hands. He was the one that told me; I went and found him, and brought him over to Officer Doherty, I think, if I am not mistaken.
Q. Was Mr. Mullaly there then?
A. No sir.
Q. How long after that did Mr. Mullaly come up?

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A. I could not say.
Q. Did you meet him coming up?
A. No sir I did not.
Q. Did you go into the house at all?
A. I did not.
Q. Did you go up into the barn at all at any time?
A. I did not.
Q. Did you see anybody else?
A. I did not see anybody go into the barn, I did not notice anybody go into the barn.
Q. Did you notice what the condition of the window or doors of the barn were at the time?
A. No sir I did not.
Q. Did you notice anything about that?
A. No sir I noticed the side of the yard; there were no prints on the grass or anything.
Q. (Mr. Knowlton.) I meant to have asked you a little more definitely, where was Mrs. Churchill going from, and to, when you saw her running?
A. It looked to me as though she was coming from her house.
Q. Towards what?
A. Towards Mr. Hall's place of business.
Q. Did she go there?
A. The men were standing on the side walk, she went over to them.
Q. Running from her house?
A. Yes sir.
Q. Did you see Doherty go in the house, did you say?
A. Yes sir.
Q. Did you see anybody go in with him?
A. No sir. By that time I jumped over the fence and went around the side of the building.

FRANCIS H. WIXON.

Q. (By Mr. Knowlton.) Francis H. Wixon is your name?
A. Yes sir.
Q. Mr. Wixon, you are a Deputy Sheriff?
A. Yes sir.
Q. Do you remember the day of the Borden murder?
A. I do.
Q. Where were you when you first heard about it?
A. In the Marshal's office down stairs.

Q. Marshal Hilliard?

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A. Yes sir.
Q. How did the message come?
A. By whom?
Q. In what way, verbal or telephone?
A. The first I heard of it, I do not know whether that was the message with regard to this matter, but I heard the Marshal talking with somebody through the telephone.
Q. You do not know who was talking?
A. No sir, I know he answered the telephone when some message came.
Q. Of course you do not know who was talking with the Marshal?
A. No sir.
Q. Did you take note of the time when the Marshal was talking with somebody by telephone?
A. No sir.
Q. When did you first take any notice of the time?
A. I have thought since trying to account for myself, having a suspicion that I might be called, I thought the matter over.
Q. I had the impression you made a minute of the time.
A. No sir I did not. I think I can tell you pretty nearly.
Q. Tell as near as you can.
A. I should judge somewhere ten or fifteen minutes past eleven.
Q. Where do you fix that?
A. From the fact I account for my time pretty well from the time I left the Granite Block until I got to the Marshal's office, and when I got to the corner, the eleven o'clock bell was striking.
Q. What corner?
A. At the corner of Bedford Street leading up to the Marshal's office. At six minutes of eleven I was at the corner of Central Street. I fix that time because I saw quite a number of people going down Central Street, and I was surprised to see it, and I made a remark---- (Objection.) I turned around to look at the clock.
Q. What time was it then?
A. Not quite five minutes of eleven. I should say by the looks of the clock, so far as my eyesight would guide me, it was about six minutes of eleven.
Q. Then you went to the Marshal's office?
A. Not direct. It was elevene o'clock when I was turning around the corner at the corner of Court Square and Bedford street, and the bell was striking. It might have been half a minute or a minute past eleven when I got in there.
Q. How do you figure it was ten or fifteen minutes past eleven when the message came?
A. Because the Marshal and myself engaged in a little conversation; we were conversing for a while.
Q. You think ten or fifteen minutes elapsed?
A. Not more than that, and our conversation was interrupted by this telephone call.
Q. Did you go up to the house then?
A. No Sir.
Q. How soon did you go up there?

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A. I think within five or ten minutes. At that time somebody came and gave the information, Mr. Allen. I was there when Mr. Allen came. That I should say was half past eleven, or somewhere in that neighborhood; it might have been a little before, if anything.
Q. What did you find when you got to the house?
A. I did not go there direct. I started out, came around the corner, and went into the office of Swift & Grime, just long enough to make the remark that there had been a fearful tragedy; had they heard of it? I do not suppose I was there more than half a minute. Then I proceeded to Mr. Borden's house, and walked quite fast.
Q. How many people were there when you got there?
A. I did not see anybody but Dr. Bowen when I first got in. Officer Doherty overtook me before I got there; Mr. Doherty went in first, and I followed; we went in together.
Q. How long after the telephone came, was that?
A. Ten or fifteen minutes; I should not think much longer.
Q. Then it would be in your estimation about half past eleven?
A. I think it was 25 minutes of 12 certainly, when I got to the house.
Q. What did you find when you got there?
A. The first person I saw when I went in was Dr. Bowen. Do you want what I said to him?
Q. No.
A. I saw Mr. Borden; he went in the room with Doherty and myself; I saw Mr. Borden lying upon the old fashioned sofa, I called it, the hair cloth sofa.
Q. He had not been covered up then?
A. Yes, he had been, Dr. Bowen removed the sheet from his face, and I saw him.
Q. Was that before or after the woman was found?
A. I didnot know anything about Mrs. Borden then.
Q. What else took place up there?
A. I had some conversation with Dr. Bowen.
Q. That is of no consequence.
A. The result of the conversation was removing the watch from Mr. Borden's pocket. I suggested whether anything had been taken.
Q. You found the watch and took it?
A. Yes Sir. I removed the lapel of the cardigan jacket, I should call it, it was a dark material, and took it.
Q. What kind of a watch?
A. Silver.
Q. With a chain?
A. No, a piece of braid, I think they call it, something like this.
Q. Did you see anything of the defendant, Lizzie Borden?
A. No Sir.
Q. How long did you remain at the house?
A. I do not suppose I was there more than ten minutes.
Q. Did you do anythingelse besides look at the body?

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A. Dr. Bowen made the remark that Mrs. Borden was dead too. He went up stairs, and Mr. Doherty and myself followed him, and saw Mrs. Borden.

Q. The position you found her in has been described by the others?
A. Yes Sir.
Q. We wont go into details. Did you do anythingelse?
A. No, I came out into the yard very soon.
Q. Did you see Dr. Dolan when he came?
A. I saw Dr. Dolan; I am not positive whether he was up stairs or down stairs; I did not see him very long.
Q. He came before you went away?
A. I think he did before I went out into the yard.
Q. Did you do anything in the yard?
A. I looked around a little, I looked over into Dr. Chagnon's yard; my eye would naturally go in that direction. I walked towards that yard, and looked south; I do not know why I did, but I did. I saw one man over in the yard, south of the east extremity of the Borden estate and directly east of Dr. Kelley's yard. There seemed to be an open space there, a lot of old lumber and old things there.
Q. What was he doing?
A. The man was sawing wood, or had been sawing wood. I saw two other men out towards Second street in this same yard. They appeared to be working.
Q. Do you know who they were?
A. No Sir. They had not heard of it. I have seen one of the men since in Court here. I told them what had happened; they seemed to be surprised; that was before 12 o'clock.
Q. I do not care about that. You did not see Miss Lizzie at all?
A. No Sir.

CROSS-EXAMINATION.

Q. (Mr. Jennings) Was any search made in the house while you were in there?
A. The search was suggested by somebody, I do not know who.
Q. Do you know whether any was made while you were in there?
A. I think some of the police officers looked around in different rooms.
Q. You have only spoken of one police officer being there?
A. Mr. Doherty was there when we went in; he was the only one that was there when we came out, there were other people there.
Q. Who were in there when you came away?
A. Officer Harrington and Mullaly of the police force. I did not linger a great while there, I came out.
Q. You saw no search going on while you was in there?
A. I cannot say as I did.
Q. After you came out into the yard, did you go into the barn?
A. No Sir I did not.
Q. Did you see anybody go into the barn?
A. I cannot say that I did, or did not. There were considerable many

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people there in the yard.
Q. In the back yard?
A. Yes Sir.
Q. At the time you came out of the house?

A. At the time I came out of the house I saw people there.
Q. Do you recollect whether the barn door was open or not?
A. I did not, not at that time.
Q. How long did you stay out there in the yard?
A. In that yard and in the yard south that I have reference to, where these men were at work, I stayed there sometime after the 12 o'clock bell struck.
Q. How did you get into this yard east of Dr. Kelly's?
A. I climbed over a pile of lumber that was near the back fence of the Borden yard, that is, climbed over the lumber. I got up on the lumber, and got over the fence.
Q. Would not that take you over into Dr. Chagnon's?
A. If I went directly east it would. I think I made a step or two along the fence. The south end of this lumber was very near the south line fence of the Borden estate.
Q. So you got right over from the lumber?
A. I got on to the fence east first, and then stepped along to the south fence, and got over that fence into the yard south of the Borden yard; barbed wire on top.
Q. Was that the yard occupied by Mr. Crowe the mason?
A. I think it is; I am not positive whether he occupies that or not.
Q. It is pretty well filled with lumber and various things?
A. It looked like a general receptacle of odds and ends. There were weeds growing there, that I know, some parts of it.
Q. How near to the Borden fence was this man you saw at work?
A. He was some little distance, probably 25 or 30 feet, I do not know. I think 20 feet or more, 20 or 25 feet.
Q. I am speaking of what we call Crowe's yard, the yard back of Dr. Kelley's house, and south of the Borden back yard?
A. It looked to me a pile of lumber in the center of that yard, and this man was on the easterly extremity of that lumber, in Crowe's yard.
Q. Was he back to or face to, at work; I mean back to, or face to the Borden yard?
A. That I cannot say. I saw the motion of his body, swaying backwards and forwards, but it seemed to me he was in a diagonal position. He was not facing direct, but it was more sideways. The most I saw, in fact, was the top of his hat.
Q. That was about all you could see?
A. I saw a little farther than that; in fact I did not take any particular notice. I got over there as soon as I could, when I saw there was life there.
Q. How near did you get to the man before the man saw you, or spoke to you?
A. I went right over to him.

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Q. How near did you get to him before he saw you or spoke to you?
A. He did not tell me.
Q. Did he turn to look up, or anything?
A. Yes, but I could not understand him, and he could not understand me. I think he was a Frenchman.
Q. How near did you get to him before he spoke to you, or you spoke to him, or looked up to see who you were?
A. That I did not take notice of, I was somewhat excited myself.

Q. Does Crowe's yard run out on to Third street?
A. I do not know whether it is Crowe's yard or not, I do not know whose yard it is.
Q. Does that yard that you went into just south of Mr. Borden's, does that go out on to Third street?
A. There seemed to be an open space there; I do not know how far it went; I did not look to see where it went; I think it must have gone as far as Third street.
Q. Is that where the Fall River Ice Company have their stable?
A. I do not know whether it is there or not; I dont think it is.
Q. Is not the Fall River Ice Company just south of Chagnon's.
A. There was an old barn there, that did not look as though it had any paint on, and did not look as though it was large enough for an ice house. I do not think that is the Ice Company property.
Q. Where were these other two men, could you see them from Borden's yard as you stood on the ground?
A. No Sir.
Q. You did not see them until after you got up on the fence?
A. I did not see them after I got on the fence.
Q. Where did you have to get to see them?
A. At the south east corner of the Borden yard. Allowing that to be the south line fence, and this the east line fence, right over there is a small barn adjoining the Borden estate. At the extreme south east corner of the Borden estate, over that side, there is a barn. Between the south line of the barn there is a space between that and the south line of this lot that I spoke of, a space and jogs out towards Third street; whether it goes to Third street, I do not know. These other two men I have reference to were in the jog south of the barn in the vacant lot.
Q. They could not see the Borden premises as all?
A. Not unless they had come westerly beyond this barn, I do not think. But this other man was clearly in the space; and if anybody had gone over that fence, if he had been looking that way, he must have seen them I think.
Q. Have gone over what fence?
A. Over the south line of the Borden estate into Crowe's yard, as you call it.
Q. This plan represents the Borden yard?
A. That is the south line fence.
Q. Down in the south east corner is some lumber?

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A. Yes, up against the fence.
Q. Where did you go?
A. I got up on to the lumber, and went to the extreme south line.
Q. Near the east boundary fence?
A. Yes Sir.
Q. Walked along the east boundary fence?
A. On top of the lumber that was piled there, near the top of the fence.
Q. And got over the south east corner?
A. I got along on the fence. I think there was a stringer, you know what I mean?
Q. A stringer on the fence?
A. I think there was; I am not positive, but I got right over in that corner, and there was a space there from here to the barn.
Q. There is a barn right opposite that south east corner of Mr. Borden's yard?

A. Yes Sir, that barn comes down, it seems to me it comes a little down west from the south east corner, it comes a little west. The men were over in that space between the south of the barn and the extreme south line of this vacant lot.
Q. That is, they were on the south side of the barn?
A. Yes Sir, these two men. I saw them after I got over here to talk with the first man. The first man was away down here.
Q. The first man was down considerable west of the barn?
A. Yes Sir.
Q. In this Crowe's yard?
A. In that vacant lot. There was a pile of lumber over in this lot west of the barn, and this man was near that pile of lumber, that looked like old horses.
Q. You think he was sawing wood?
A. I think he was.
Q. You cannot tell in which direction he was standing sawing wood?
A. No Sir.
Q. Nor which direction he was looking in?
A. I simply saw that man, and my object was to get over there to see if he had seen anybody.
Q. How far was he from the south boundary fence, where he was standing at work?
A. I should say possibly 25 or 30 feet.
Q. What did you do after you had gone over in that yard, where did you go?
A. I tried to talk with this man, but I could not succeed, because he was French, I think he was, he made motions. There were two other men came up, I am quite positive there was two men; one of them came up, the other did not come up, he stayed out toward Third street; that man I have seen in Court.
Q. How long did you stay there?
A. I stayed in that yard until after 12 o'clock bell struck; then I

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went home.
Q. Did you go back again in the afternoon?
A. Yes Sir.
Q. What time in the afternoon?
A. Between half past 3 and 4 o'clock.
Q. Did you go back into the Borden yard or house again after leaving the Crowe yard?
A. I went through Dr. Kelley's yard. I live in the south part of the city. I came down Second street, got to the Kelley yard, and saw quite a number of people down there, and went over this lumber, the same way I got out in the forenoon, going over this lumber. I said when I came out from the house I got on to this lumber near the east fence, and climbed over that yard; that is the way I came back into the Borden yard in the afternoon.
Q. How did you go through Dr. Kelley's yard to come back, Dr. Kelleys yard was west of the Crowe yard?
A. Yes, but the rear of Dr. Kelley's yard opens right into this yard. There is a large gateway or something, I went through the rear and got into Crowe's yard.
Q. You went out of Crowe's yard into Kelley's yard, and then got over the fence again?
A. I went out of Kelley's yard into Crowe' yard.
Q. Went out of Crowe's yard into Kelley's, and went from Kelley's into Borden's?

A. Not then.
Q. I thought you said you went back the same way you got out, over the pile of lumber?
A. You misunderstand me. I left Crowe's yard, and I went through a gate or an aperature in the fence, there was a space there, I do not know whether a gate or not, I went through there, and went home. After dinner I went back, and went in the same way.
Q. You told me you went into Mr. Borden's yard before you went home.
A. I do not understand you. After I went home, I went in that way.
Q. What time in the afternoon did you come back?
A. I left my home at half past three.
Q. Before you went home to dinner did you see Mr. Medley there at all?
A. I did not; I do not remember of seeing him, although he may have been there.
Q. At half past three did you go into the yard?
A. I said I left home at half past three.
Q. When you came down did you go into the yard?
A. Yes Sir.
Q. Did you go into the barn then?
A. I did.
Q. Did anybody go in with you?
A. Not that I remember; I went in alone.
Q. Did you make any examination of the premises then?

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A. Not to any great extent, because I was told that it had been thoroughly searched.
Q. Did you go up stairs?
A. I did.
Q. What was the situation up there?
A. I think I saw Officer Doherty and Officer Riley.
Q. Up there?
A. Yes, up in the barn; and I think one or two others, I wont say how many. I did not stay there but a very short time. Doherty was pitching over the hay.
Q. Pitching it from where?
A. From the north side of the barn.
Q. Was the hay located at that time on the north side of the barn?
A. It seemed to be all, about; it had been pitched over considerable when I got there.
Q. Were they throwing it from the north side of the barn towards the south, or in what direction were they throwing it?
A. I do not know.
Q. I thought you told me just now it was piled up on the north side of the barn?
A. It looked to be the bulk of the hay was on the north side of the barn.
Q. Which way were they throwing?
A. I cannot remember which way they were throwing it; there was considerable of it scattered around, I saw Officer Doherty take a pitch fork and pitch it into the hay. I presume when he lifted that hay up, I turned around, I do not know.
Q. You do not recollect where they did pitch it?
A. No Sir, I know he did not pitch it at me; if he did, he did not hit me.
Q. You recollect the hay seemed to be on the north side of the barn?

A. The most of the hay I saw seemed to be on the north side of the barn.
Q. Did you look around and see what was up there, or where things were located up there?
A. I did not.
Q. Do you remember whether Mr. Medley was up there at that time?
A. If he was, I did not see him.
Q. (Mr. Knowlton) I was not paying as close attention as I ought to. This time you were talking about pitching hay over in the barn was what time?
A. That I cannot tell you, no more than it was after half past three.
Q. It was not before dinner?
A. No, I did not go into the barn at all until I came down in the afternoon.
Q. You were in the barn after dinner?
A. Yes Sir.

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Q. Of course a good many people had been into the barn at that time?
A. Yes Sir.
Q. Do you know the name of this Frenchman you were talking to?
A. No, I do not know as I ever saw him before.
Q. You saw him before you got over the fence?
A. That is what called me over there.
Q. You saw him sawing wood in the clear space there?
A. Yes Sir. I was told afterwards that he was sawing wood, and I saw the motion of his body.
Q. Just as though he was sawing wood. Where were you when you first saw him?
A. I had not proceeded but a few steps from the house towards the east when I came out from the Borden yard.
(Mr. Jennings) I understand you got on to Dr. Chagnon's fence from the pile of lumber. Do you know where Dr. Chagnon's yard is, right east from the Borden yard?
A. Yes.
Q. Did you get on to Chagnon's fence at all from the pile of lumber?
A. That I would not say. I got on to the lumber, and looked over into Chagnon's yard, as I was turning to get over to the other yard.
Q. You did not get on to the Chagnon fence at all?
A. If I did, I had no idea of getting over in Chagnon's yard.
Q. I thought you said in the beginning you stepped on to that fence, and stepped along a little ways, and got on to the other fence?
A. That is the best of my recollection; but the junction of the two fences is very close together, the lumber was very close.
Q. Both fences were so close to that lumber, you could get on to either fence quite easily from that pile of lumber, were they not; what is your recollection?
A. I am in doubt; my impression is I got on the Chagnon fence in order to get along to the other fence; but I am not positive.

Court adjourned for lunch at 12:30 P.M. and resumed at 2:00 P.M.

MR. WIXON, recalled. Date unknown.

Q. (Mr. Knowlton) (Referring to Joseph De.Rosia.) Is that the man you were talking about the other day?
A. It was a man about that size and he had a mustache, and he was dark. I would not swear that he was the man, because he is dressed differently now, and I cannot recognize him as the man.
Q. Does he look like the man?
A. That is about his size physically.

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JOSEPH SHORTSLEEVES.

Q. Mr. Knowlton) What is your full name?
A. Joseph Shortsleeves.
Q. Did you know Mr. Borden?
A. Yes Sir.
Q. Did you work for him?
A. I worked for him on different jobs, yes sir.
Q. What is your business?
A. Carpenter.
Q. Were you working for him on the day that he was killed?
A. No Sir.
Q. Did you see him on that day?
A. Yes Sir.
Q. You remember the day, of course?
A. Yes Sir.
Q. Where did you see him?
A. In the building that he owns on So. Main street, No. 92.
Q. What street is that the corner of?
A. That is not exactly on the corner, sir, it is three buildings from the corner of Spring and So. Main.
Q. Spring is the next street above his house?
A. Above the store where we were working.
Q. If you were going to his house you would turn down?
A. He lives on the right hand side of the street, turned down on Second to the left.
Q. Go towards City Hall?
A. Yes Sir.
Q. It is between Spring street and the next one below it?
A. Between Borden and Spring street.
Q. Did you see him on some business that day?
A. Nothing, no particular business; he dropped in there. I supposed he was on his way home at the time. We were repairing this store for Jonathan Clegg; and he came in there.
Q. That was the store Clegg was to move into?
A. Yes Sir, he is moving in some of the stuff now.
Q. You were working in that store?
A. Yes Sir.
Q. Did you have some talk with him?
A. Yes Sir.
Q. Who was there with you?
A. My friend James Mather.

Q. How long did he stay there?
A. Between three and four minutes I should judge.
Q. Did you see which way he went when he left your place?
A. I could not swear which way he went, but he disappeared in a very short minute, but he was heading towards So. Main, towards Spring street.

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Q. What time was that?
A. It was between half past ten and quarter to eleven.
Q. After half past ten?
A. Yes sir after half past ten.
Q. How do you fix that fact?
A. My friend there stepped out on to the sidewalk, and he looked down to the town clock, we can see the town clock very plain from where we were, and it was twenty minutes to eleven then.
Q. Was that before or after he had left?
A. It was just after he had left.
Q. You did not see him again after that?
A. No sir we did not.
Q. You had not seen him before that day?
A. No sir I had not.
(No Cross Examination.)

JAMES MATHER.

Q. (Mr. Knowlton.) What is your name?
A. James Mather.
Q. Were you working with Mr. Shortsleeves that day?
A. Yes sir.
Q. In the shop that was to be occupied by Jonathan Clegg in Mr. Borden's building?
A. Yes sir.
Q. Did you know Mr. Andrew J. Borden when he was alive?
A. No sir not until that day.
Q. That was the first time you had seen him?
A. Yes sir.
Q. All the way you knew it was he was by Mr. Shortsleeves telling you?
A. Yes sir.
Q. The man Mr. Shortsleeves addressed as Mr. Borden, you saw and had some talk with?
A. Yes sir.
Q. Whereabouts was it?
A. In front of the store at the window.
Q. He did not go into the store?
A. He went into the store first, and went up stairs, and stayed three or four minutes, then he came down stairs and spoke to Mr. Shortsleeves then.
Q. Spoke about the work that was being done there?
A. Yes sir about that.
Q. Did you hear him talk?

A. Yes sir.
Q. Did you see him go away?
A. Yes sir.

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Q. Did you see which way he went?
A. He turned up along by Spring Street, South Main.
Q. Did you see him go on to Spring Street?
A. No sir.
Q. You saw him go up towards Spring, up to the south?
A. Yes sir.
Q. Had he got to Spring Street the last you saw of him?
A. No sir, about two doors this side of it when I went into the store.
Q. Do you know what time it was when he left you?
A. He was inside the store when I stepped back on the sidewalk and looked at the City Hall clock; it was then twenty minutes to eleven.
Q. How long after that did he leave the store?
A. About two or three minutes I am not positive.
Q. After that?
A. Yes sir.
Q. You looked at the clock while he was there?
A. Yes sir.
Q. Did you look at it for any particular purpose?
A. I was looking to see if it was pretty near noon time. I was getting hungry that was all.

CROSS-EXAMINATION.

Q. (Mr. Jennings.) Where were you standing when he went inside?
A. On the outside of the window nearest to City Hall, I was working outside the window.
Q. You were working there?
A. Yes sir.
Q. Where was Mr. Shortsleeves working?
A. On the inside; I was on the outside.
Q. Whereabouts on the inside?
A. At the corner of the window nearest to Gibbs' store.
Q. At the same window you were working on?
A. Yes sir, the same window; he was working up above, and I was working at the bottom.
Q. Mr. Borden went in, and went up stairs?
A. Yes sir.
Q. And you continued your work?
A. Yes sir.
Q. How came you to look at just that particular time when he went in?
A. Well this last number of years I have been always in the habit of carrying my dinner with me until within three months. When it came about half past ten, I generally went to my lunch pail, and took a lunch; generally about that time I felt hungry. I felt hungry at that particular time, and I stepped back to look at the clock; I dont know any particular reason for it.

Q. Where did you step back to?
A. To the curb stone.

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Q. You can see the City Hall clock from there?
A. Yes sir.
Q. Could you tell perfectly well from that distance what time of day it showed?
A. It might be a minute or two different, it might be 19 or 21 minutes; it was about that time anyway.
Q. At that time Mr. Borden was in the store?
A. Yes sir.
Q. How long after he went in was it before you looked at the clock?
A. I should judge two or three minutes.
Q. After he went in?
A. Yes sir.
Q. How long was it after you looked at the clock before he came out?
A. He just came out while I was standing there.
Q. While you were standing looking at the clock?
A. Yes sir.
Q. I thought you told us just now you looked at the clock just after he went in, and he was inside the store when you looked at it?
A. I did not say how long after he went in.
Q. I thought you told me you looked at the clock as he went in, and after he went in he went up stairs and stayed there two or three minutes talking?
A. I meant shortly after by just after, I said just after.
Q. You said you looked at the clock just as he went in?
A. No, just after he went in.
Q. After he went in he went up stairs and stayed there about two or three minutes?
A. Yes.
Q. What did he do after he came down?
A. He went in, and took an old block off the window stool, and walked outside.
Q. How do you know he went upstairs?
A. I saw him go up.
Q. Where are the stairs?
A. Facing the window at the back.
Q. Was the sash in?
A. The sash was not in the window.
Q. You say now, as I understand you, it was just as he was coming out that you looked at the clock?
A. While I was standing there he came out.
Q. While you were standing where?
A. At the curbstone looking.
Q. How long did you stand there at the curbstone?
A. Time enough to look at the clock, and get back to my work.
Q. He happened to come out at just that time?
A. Yes sir.
Q. When were you first asked about this?

A. About what?

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Q. About this time.
A. I have not been asked. O, I was asked by the Policeman a Saturday.
Q. A Saturday after the murder?
A. Yes sir.
Q. Did you tell them just the same then as you are telling now?
A. No sir I did not think of the time. I said between half past ten and quarter to eleven.
Q. Is that not what you told the Policeman?
A. Yes sir.
Q. If you had looked at the clock and saw it was just twenty minutes to eleven when he came out, why did not you recollect it two days afterwards, but do recollect it now?
A. I did not think at the time when they were there; I thought about it afterwards, and made the remark it was twenty minutes of eleven to Mr. Shortsleeves.
Q. It was some time after the murder you told that to Mr. Shortsleeves?
A. No, just after the policeman went away, when I commenced to think what time it was.
Q. Did you then go and notify the police that you had made a mistake?
A. I did not think it was necessary.
Q. Did you ever notify the police you looked at the clock just as he came out, and saw it was 20 minutes to eleven?
A. No Sir.
Q. Is this the first time, today, you have ever told about looking at that clock, and finding it was 20 minutes to eleven?
A. The first time I have told the police; I have told outsiders.
Q. You say he went to the window, and took something?
A. And old lock that was there, an old store lock.
Q. Was it an iron lock?
A. A Yale lock.
Q. Brass?
A. A brass bolt and brass springs inside.
Q. Did he wrap it up in anything?
A. No Sir, took it in his hands.
Q. Did he have anythingelse in his hand that you noticed at the time?
A. I did not notice.
Q. Did he carry that away with him?
A. Yes Sir.
Q. Did he have it in his hand when you last saw him?
A. Yes Sir.
Q. He went in the direction of Spring street?
A. Yes Sir.
Q. You did not see him turn the corner?
A. No Sir.
Q. Has he any other buildings near by there, except this one where Mr. Clegg's store is?

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A. There is a row of buildings there, I believe that all belong to Mr. Borden, all around there.
Q. Any nearer Spring street?
A. Yes Sir, three or four stores.
Q. Do you know whether he stopped in any of those or not?
A. I could not say.
Q. You did not notice?
A. No Sir.
Q. So you did not watch him until he went by those stores?
A. No Sir, I did not watch him after he turned up that way. I saw him go up past about two stores there, then I went inside of No. 92 where I was working.

JOHN V. MORSE.

John V. Morse.
[From a sketch from life.]

Q. (Mr. Knowlton) Your name is John V. Morse?
A. Yes Sir.
Q. What is your age Mr. Morse?
A. 59.
Q. And your residence?
A. At the present time?
Q. Yes.
A. At Mr. Borden's house now.
Q. Where has been your permanent home, until recently?
A. I have been in Dartmouth most of the time for the last year.
Q. Before that, where?

A. Warren.
Q. You formerly lived in the West?
A. Yes Sir. Hastings, Iowa.
Q. How long did you live there?
A. I think about 20 years.
Q. When did you come back the last time?
A. Two years ago last April.
Q. You came first to Warren?
A. Yes Sir.
Q. And have since lived in Dartmouth?
A. Yes Sir.
Q. And until this affair happened, where were you living?
A. Why, in Dartmouth, for the last year.
Q. Your living in Mr. Borden's house, has only been since the deaths?
A. That is all.
Q. Had you ever lived there before, in Mr. Borden's house?
A. I was there a year seventeen years ago.
Q. That is, stayed there a year?
A. Yes Sir.
Q. Have you since that time?

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A. I have been there occasionally, not stopped a great while at a time.
Q. Were you connected or related to either of them?
A. I am Uncle to these Misses Borden that are here.
Q. That is the brother of---
A. Mr. Borden's first wife was my sister.
Q. She was a Morse?
A. Yes Sir.
Q. When did she die?
A. I think in August 1863.
Q. How old was the defendant, Lizzie Borden, at that time?
A. I think about two or three years old.
Q. And Emma, the sister, is older or younger?
A. Emma is older.
Q. Considerably?
A. I think eight or nine years.
Q. Were you living here at the time your sister died?
A. No Sir, I lived in Illinois at that time.
Q. Did you come back occasionally from time to time?
A. Yes Sir.
Q. When was the first you knew that Mr. Borden was married to the wife that was killed the same day that he was?
A. O, somewhere about 1864 or 1865 I think.
Q. A year or two after the death of the first wife?
A. Yes Sir.

Q. How long had they lived, so far as you know, in that house where they were killed?
A. I think twenty years.
Q. Had they always occupied the entire house?
A. Yes Sir, I think they did.
Q. This last year, how often have you been there yourself?
A. O, sometimes once a month, it might be two months.
Q. When you made your home in Dartmouth?
A. Yes Sir, for the last year.
Q. On the occasion of this tragedy when did you come to the house; I am assuming that you did come.
A. Before this? On the third.
Q. What time on the third?
A. I left New Bedford on the 12.35 train.
Q. That would get you here about one.
A Down to his house I think about half past one.
Q. Did you dine there that day?
A. Yes Sir.
Q. Who did you see when you got there?
A. I saw Mr. and Mrs. Borden.
Q. Was Emma at home?
A. She was not.
Q. Lizzie, did you see her?
A. I did not.
Q. Did you dine with the family?

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A. No, they had got through dinner.
Q. Dinner was made for you?
A. Yes Sir.
Q. How long did you stay there after that?
A. Well, something after three.
Q. What did you do then?
A. I went over to Swansea.
Q. Did you go alone?
A. Yes Sir.
Q. Did Mr. Borden keep a team now days?
A. No Sir.
Q. You went in a team you hired?
A. I hired a team at Mr. Kirby's.
Q. When did you return from the farm?
A. From Swansea, I got back to the house about quarter to nine; not far from that.
Q. Whose farm did you go over to?
A. Mr. Vinnecum's and Mr. Borden's both.
Q. Mr. Borden has a place over there?
A. Yes Sir.
Q. Did you have some business of Mr. Borden's over there?

A. Yes Sir.
Q. I do not care to go into the particulars of it. You had some business relating to Mr. Borden at the farm?
A. Yes Sir.
Q. Something about hiring a man, was it not?
A. I went more particularly over there that day to see about some cattle I bought of him. I thought I would make arrangements to take them.
Q. Mr. Borden knew you was going over?
A. Yes Sir, I invited him to go with me.
Q. How did you find Mr. Borden's health that day?
A. He was sick, indisposed, laying on the lounge.
Q. That is when you got there?
A. That is when I got there.
Q. You left him so when you went away?
A. Well, he was sitting up before I went away, sitting there talking.
Q. How did he appear to be?
A. He appeared to be tolerably comfortable at that time.
Q. Did you see Mrs. Borden?
A. Yes Sir.
Q. How did she appear to be?
A. About the same. She said she was better than she was.
Q. What time did you get back that night?
A. Quarter to nine, as near as I can recollect.
Q. You did not eat supper there that night at the house?
A. No Sir.

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Q. Who did you see when you got back?
A. Mr. and Mrs. Borden.
Q. You did not see [Emma] at all until after the tragedy?
A. No Sir.
Q. When did she come home?
A. The night of the tragedy. I do not know what time, but pretty well to night, Thursday night.
Q. Not on the noon train?
A. No, I think about six o'clock.
Q. Emma was not around from the time you got there until you saw her coming home along about six o'clock the night of the tragedy?
A. No Sir, she was not at home.
Q. Did you see the defendant, Miss Lizzie Borden when you got home that night about quarter of nine?
A. No Sir.
Q. Did you see her at all?
A. I did not see her from the time I came until the time of the tragedy.
Q. You did not see her at all until after they were killed?
A. No Sir.
Q. Did you hear her that night?

A. Yes, I heard her come in, or what I supposed to be her.
Q. You heard somebody come in?
A. Yes, and shut the door, and go up the front stairs.
Q. What time of night was that?
A. Somewhere about quarter past nine, or 20 minutes.
Q. Where was her room?
A. Over the sitting room at the head of the stairs as you go up the front stairs.
Q. Which room did you occupy?
A. The front chamber where Mrs. Borden was murdered.
Q. The same one she was killed in?
A. Yes Sir.
Q. That is the spare chamber, or guest chamber?
A. Yes Sir.
Q. Did you happen to know, in the arrangement of the house, as it was then, whether the spare chamber room was accessible to be back stairs?
A. That night, no sir it was not.
Q. Why not?
A. Because Miss Lizzie's door was locked.
Q. Which?
A. Miss Lizzie's.
Q. That leads into the front hall?
A. Yes Sir.
Q. Where did Mr. and Mrs. Borden sleep?
A. In the east room on the second floor next to Miss Lizzie Borden.
Q. Up the back stairs?

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A. Yes Sir.
Q. Where was Miss Emma's room when she was at home?
A. Off Miss Lizzie's, right north; go into Lizzie's room, and go north into Emma's room.
Q. Right back of the spare room then?
A. Right east of the spare room.
Q. Does Miss Emma's room communicate with the spare room?
A. No Sir.
Q. What does the spare room communicate with?
A. With Lizzie's room, not with Emma's.
Q. There are doors leading to what from the spare room?
A. Into Miss Lizzie's room from the front.
Q. Also into the front hall?
A. Yes.
Q. Not into Emma's room?
A. No.
Q. Do you happen to know whether the door between Miss Lizzie's room and yourself was locked, or not?
A. I do not know.
Q. What time was it you heard somebody come up that you supposed was Miss Lizzie?

A. About 15 or 20 minutes past nine, I think.
Q. You did not hear her voice so to know it was she?
A. I did not hear any one speak at all.
Q. Did more than one person come in?
A. That is all I think.
Q. You occupied the spare room alone that night?
A. Yes Sir.
Q. What time did you go to bed?
A. About ten o'clock.
Q. Who went to bed first?
A. Mrs. Borden I think. She left the room first, and bid me good night; I supposed she went to bed.
Q. What time of night was that?
A. A little after nine.
Q. Who next?
A. Mr. Borden and me both left the sitting room at one time.
Q. What time was that?
A. About ten.
Q. What time did you get up in the morning?
A. About six, if I recollect right.
Q. Daylight, of course?
A. Yes Sir.
Q. What time did you come down stairs?
A. I came down a few minutes afterwards, I made my toilet, and came down stairs, maybe 20 minutes.
Q. When you came down stairs, who did you find there?

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A. Not anyone.
Q. So far as you know, you was the first one up?
A. Yes Sir.
Q. Did you see the servant?
A. Not until about breakfast time.
Q. Who did you first see after you got down?
A. Mr. Borden.
Q. How soon after you got down did he come?
A. I do not think more than 15 minutes.
Q. Where did he come to when he came down?
A. Into the sitting room. I was opening the windows at the time.
Q. That is the room you came into?
A. Yes Sir.
Q. Did you go into the other rooms?
A. I was in the sitting room all the time until breakfast. Mr. Borden was backwards and forwards into the kitchen several times.
Q. When did Mrs. Borden appear?
A. 15 or 20 minutes after Mr. Borden came down.
Q. Did you eat breakfast with the family that morning?

A. Yes Sir.
Q. Who sat down to breakfast?
A. Mr. and Mrs. Borden.
Q. And you?
A. Yes Sir.
Q. Three of you?
A. Yes Sir.
Q. Miss Lizzie you did not see?
A. No Sir.
Q. About what time did you eat breakfast that morning?
A. I think about seven, it may have been a few minutes after.
Q. You could not fix the time any better than that?
A. No Sir, that is as near as I can tell.
Q. Seven or a few minutes after?
A. Yes Sir.
Q. Did you see the servant then when you were eating breakfast?
A. Yes Sir.
Q. Did she wait on the table, staying in the room?
A. No Sir, not all the time; she comes in and out.
Q. Comes in when they ring a bell or something?
A. Yes Sir.
Q. Do you remember what you had for breakfast?
A. I do not.
Q. Do you remember whether any fruit was on the table?
A. I think there was some bananas.
Q. After breakfast, what happened, Mr. Morse?
A. Nothing particular, as I know of, general conversation; we sat there.
Q. Where?

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A. In the sitting room.
Q. All three of you?
A. Mrs. Borden was backwards and forwards through the room; she was in and out.
Q. In and out of where?
A. I saw her go in the kitchen way, and saw her go in the front way, once.
Q. What was she doing, or could you not tell?
A. She was dusting the room when I went in the sitting room, when I was there.
Q. With a cloth or a feather duster?
A. A feather duster.
Q. Did she have anything on her head?
A. I do not think she had.
Q. Did you know of, or hear her go up stairs into your part of the house, while you were there?
A. I did not.
Q. Did she sit down in the sitting room after breakfast with you and Mr. Borden?
A. She sat there a little while.
Q. Before she began to do her work around?

A. Yes Sir.
Q. What time did you go away?
A. I think about quarter to nine.
Q. Quarter before nine?
A. Yes Sir.
Q. You did not see Miss Lizzie at all you say. Do you know whether she had come down stairs before you went away; that is did you hear her?
A. I did not hear her come down.
Q. You had no knowledge of her being down, in any way, before you went off?
A. No Sir.
Q. When you went away, who did you leave there?
A. In the sitting room, or somewhere else?
Q. In the house, so far as you know.
A. I suppose Lizzie was up stairs, I did not see her. I think Mrs. Borden must be up there; she went into the front hall the last I saw of her at all.
Q. Mr. Borden?
A. When I came in, Mr. Borden came out through the kitchen into the back hall, and unhooked the door, and he hooked it, and the last words I heard him say was "John, come back to dinner with us."
Q. Did you see the servant then, Bridget?
A. I saw her when I went out; she was in the kitchen.
Q. When you cane to the house the day before, to which door did you come?
A. I went to the back door.

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Q. Is that the door you used everytime you came there?
A. Not always.
Q. I mean this visit?
A. No. When I came back that night, from over the River, I went to the front door.
Q. Who let you in then?
A. Mrs. Borden.
Q. Did you try to get in without being let in?
A. No Sir.
Q. Do you know what kind of a lock is on that door?
A. I know there is a night lock on it.
Q. One that works with a spring?
A. Yes Sir.
Q. When you came the day before, how did you get in at the back door at noon?
A. The girl let me in, the servant girl.
Q. What is that back door, a wooden door?
A. The one they generally use this time of the year is a screen door; the other one is generally kept open.
Q. When you went in and out both times you speak of, it was the screen door that you came through?
A. Yes Sir.
Q. The regular door was open?

A. Yes Sir.
Q. How was that screen door fastened?
A. With a hook.
Q. Where was the hook?
A. Very convenient, right on the side, to hook to the casing, convenient height to hook to the casing.
Q. It is inside?
A. Yes Sir.
Q. An ordinary hasp?
A. A little small hook just like that, hook right in.
Q. An ordinary hasp style of hook?
A. Yes Sir.
Q. You say when Mr. Borden let you out, he hooked the door after you, and he remained inside himself?
A. Yes Sir.
Q. That you think was about quarter of nine?
A. I think it was.
Q. Can you give me an idea how long you sat at breakfast?
A. Not a great while. I do not think we were there more than 20 minutes. I could not tell exactly about that.
Q. Can you tell me how long you sat in the sitting room after breakfast?
A. Probably an hour and three quarters.

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Q. Now, when you went away, where did you go to?
A. I came down to the Post Office.
Q. Perhaps you better tell what you did after that. I do not care for it particularly, I only ask it in justice to Mr. Morse.
A. I came down to the Post Office and wrote a card, and went from there out to the north door, and went up Third street; from there to Pleasant street, up Pleasant street to Weybosset street, No. 4 to Daniel Emery's.
Q. That is way up to the eastward?
A. Perhaps a good mile up there.
Q. You have some friends up there that you went to visit?
A. Yes Sir.
Q. Who are they?
A. A neice and a nephew from the West; my brother's children.
Q. What time did you start to come away from there?
A. I think about 20 minutes past eleven.
Q. How do you fix the time as about quarter of nine when you left the house?
A. Because I thought I would give them time to get their work done up in the morning. I could not go in the afternoon.
Q. How do you fix the time you left as quarter to nine?
A. I looked at my watch.
Q. When you left?
A. Yes Sir.

Q. Then you fix it by having looked at it?
A. Yes Sir.
Q. Then it was quarter to nine?
A. Within a few minutes of it; I know it was somewhere there.
Q. How long before that time was it that you saw Mrs. Borden go into the front hall?
A. I think about fifteen or twenty minutes before I left the house.
Q. Then did you leave the house at quarter of nine?
A. Somewhere in the neighborhood of half past eight.
Q. You saw her go into the front hall?
A. Yes Sir.
Q. Did she then have a feather duster?
A. I could not tell you.
Q. Did she say anything about where she was going?
A. She did not.
Q. That is the last time you saw her?
A. That is the last time I saw her alive.
Q. Mr. Borden, the last time was when he let you out?
A. Yes Sir.
Q. To whom did you write that letter you put in the postoffice; you are not obliged to tell that.
A. I think it was to William Vinnecum.
Q. Of Swansea?

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A. Yes; it was to him, I know now; it was about some cattle.
Q. You mailed it there in the postoffice?
A. Yes Sir.
Q. Did you go straight up in the horse cars, up to Emery's?
A. No Sir, I walked up.
Q. You think you left about 20 minutes past eleven?
A. Yes Sir.
Q. How do you fix that time?
A. I looked at my watch about going back to dinner.
Q. What was the dinner hour at the Borden house, do you know?
A. You mean Wednesday?
Q. I mean the usual dinner hour at the Borden's.
A. About 12 o'clock.
Q. How did you come back?
A. From Mr. Emery's? On the car.
Q. The car that comes down Pleasant street?
A. Yes Sir.
Q. That would take you where?
A. I got off the corner of Pleasant and Second streets.
Q. You went right up home?
A. Yes Sir.
Q. Did you see any crowds upon the street when you came up?
A. Nothing that attracted my attention.

Q. What did you notice first when you got along?
A. I did not notice anything about the place.
Q. When did you first learn anything had happened?
A. At the door.
Q. Who told you?
A. I think the servant girl.
Q. Bridget?
A. Yes.
Q. Who was inside the house when you got there?
A. Mr. Sawyer, he told me his name was Sawyer.
Q. Who else was in there besides Mr. Sawyer?
A. The first man I saw in there was Dr. Bowen.
Q. Who else did you see there?
A. I think two policemen.
Q. When you got in?
A. After I was in the house.
Q. Do you know who those policemen were?
A. I do not.
Q. Have you seen them here?
A. I would not have known them, if I had.
Q. Did you see Dr. Dolan there then?
A. I did not.
Q. Have you any idea what time it was when you got home?
A. I think about quarter to 12; I do not know exactly.
Q. Did you look at your watch?

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A. I did not after I left up there.
Q. All you can tell is your estimate of the time taken?
A. Yes Sir.
Q. Perhaps we can judge as well as you can. You rode a mile in the car, and walked up Second street to the house?
A. Whatever the distance was.
Q. You did not stop on the way?
A. The car came along, and stopped the way it generally does, once in a while, a regular trip.
Q. Were there any delays on the car?
A. I think not. I walked right up.
Q. Did you see Miss Lizzie when you got there?
A. After I had been in the house two or three minutes, I saw her.
Q. Where did you see her then?
A. In the dining room, sitting on the lounge.
Q. Did you have any talk with her then?
A. A very little, just spoke to her, and that was all.
Q. What did you say to her?
A. I cannot tell. I might have said, for God's sake, how did this happen? or something like that.
Q. You do not remember of any reply she made?

A. No Sir.
Q. You saw the bodies?
A. I saw Mr. Borden's as I passed through. I went in there and saw him laying on the sofa. I went part way up the stairs. I did not go into the room at all, looked under the bed, and saw Mrs. Borden lying there.
Q. What did you do then?
A. I went down stairs, and that is the time I met Miss Lizzie.
Q. That is the time you told about when you saw her?
A. Yes Sir.
Q. You did not do any searching, or anything of that sort?
A. No Sir.
Q. When were you there at the house the last time before this?
A. I think about the middle of July.
Q. How long did you stay then?
A. I think I only ate supper; I think I was there only a short time.
Q. Did you see Miss Lizzie at that time?
A. I do not think I did.
Q. When were you there before that?
A. The last of June.
Q. How long did you stay then?
A. One day.
Q. Did you see Miss Lizzie then?
A. I do not think I did.
Q. When were you there before that?
A. I could not tell you.

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Q. Do you know where Miss Lizzie was the time in June when you were there? Of course you would not know, except from hearsay.
A. All I know is hearsay.
Q. Were you on corresponding terms, I mean terms to write letters back and forth, that is pretty bad English I guess, with any member of the family?
A. Yes Sir, Mr. Borden and Miss Emma.
Q. That is, you corresponded with Emma?
A. Yes Sir.
Q. Did you correspond in Dartmouth, or do you mean while you were in the West?
A. While I was in the West.
Q. You kept up a correspondence with Emma during your stay in the West?
A. Yes Sir.
Q. Did you with Lizzie?
A. I do not think I ever had a letter from Lizzie in my life.
Q. And never wrote to her?
A. I do not think I did, only through the other letters.
Q. Did you see Mr. Eddy when you were over at the farm the night before?
A. I did.
Q. Did you give him any message from Mr. Borden?

A. No Sir.
Q. Or tell him Mr. Borden sent you over there?
A. No Sir. There was one thing I forgot. I got some eggs from there for Mr. Borden; that is all.
Q. For him?
A. Yes Sir.

CROSS-EXAMINATION.

Q. (Mr. Jennings) Did you have any talk with Mr. and Mrs. Borden about their health, soon after you got there, the first day, Mr. Morse?
A. I think I did.
Q. What, if anything, did they say with regard to their health?
A. It seemed they had all been sick one way---
Q. Never mind what it seemed. Did Mrs. Borden say anything?
A. She said something about some poison, thought she got poisoned.
Q. Did she say how?
A. She said she did not know how, unless, they had some baker's bread that day, she spoke about that, and about some milk; she said she did not know but it might be poisoned, the way they were sick.
Q. Did she say who was sick?
A. She said Mr. Borden, and Miss Lizzie, and herself.
Q. Did she say when they were taken sick?
A. Tuesday night, taken in the night.
Q. The night before you got there?
A. Yes Sir.

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Q. Anythingelse about it that you recollect?
A. I do not think of anything.
Q. You said you asked Mr. Borden to go over to Swansea with you?
A. I did.
Q. What did he say when you asked him to go?
A. He said he did not feel able to go.
Q. Did you say anything about waiting for him until the next morning?
A. I told him if he would go the next morning, I would wait for him and go then.
Q. What did he say to that?
A. He said he guessed he would not go on account of taking some medicine; that is all he said about it.
Q. Was there anything said by Mr. or Mrs. Borden as to where Lizzie was, or any question asked by you as to where she was?
A. I asked them, when she was sick that Wednesday; and they said she was up stairs.
Q. Was that the time Mrs. Borden told you she was sick, or had been sick, the night before?
A. Yes.
Q. At the same time?
A. Yes.
Q. Just after you got there, and before you went to Swansea?
A. Yes Sir.

Q. Did you ask her how she tought she could be poisoned, or did she simply say she did not know what caused it, except baker's bread?
A. That is what I understood it; she did not know what caused it; it might be that.
Q. You did not see Lizzie at all that day?
A. No Sir.
Q. Just what did Mrs. Borden say about Lizzie being up stairs sick that morning, that Wednesday, I am talking about now. You got there Wednesday about half past one?
A. Yes Sir, as near as I can tell.
Q. You say Mrs. Borden told you all three of them, herself, Mr. Borden and Lizzie had been sick the night before?
A. Yes Sir.
Q. They did not know but they had been poisoned by some baker's bread they bought?
A. Yes Sir.
Q. Did she say whether Lizzie had been up there all the morning or not?
A. I understood her that she had.
Q. You understood Mrs. Borden to say that she had?
A. Yes Sir.
Q. Been up there sick?
A. Yes Sir.

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Q. From any talk that you had with Mr. and Mrs. Borden at that time did you understand there was any intention, or had been any intention on their part to go over to their farm in Swansea?
A. Yes Sir.
Q. What did they say about that?
A. They said they wanted to go, providing they could get Mrs. Vinnecum to go with them. She is a lady that lives over in Swansea.
Q. What did she have to do about it, do you know?
A. She was expecting her sister here from the West; and if she came they could not go.
Q. Is that what Mr. or Mrs. Borden told you?
A. Mrs. Borden told me that.
Q. They were waiting to hear from Mrs. Vinnecum to see whether her sister came from the West or not?
A. Yes Sir.
Q. Was that told you before you went over to Swansea?
A. Yes Sir.
Q. Then you went over to Swansea and did an errand for Mr. Borden, got some eggs for him?
A. Yes Sir.
Q. Did he request you to get them?
A. Yes Sir.
Q. And you saw Mr. Borden's farmer about some cattle which you had bargained for from Mr. Borden, I understood?
A. Yes Sir.
Q. And got home about what time?
A. Somewhere not far from quarter to nine.
Q. Had they been to supper when you returned?

A. Yes Sir.
Q. Did you have any supper at the house?
A. No Sir.
Q. You returned, as I understand you about quarter to nine?
A. I think so.
Q. You went in at the front door?
A. Yes Sir.
Q. Do you know, Mr. Morse, whether Miss Lizzie was at the house at that time, or not, when you went in?
A. At night? I think not, I do not know. I heard the door open and shut afterwards.
Q. Where did you sit after you got home that Wednesday night?
A. In the sitting room.
Q. Was the door into the hall open?
A. Yes Sir.
Q. Did the person that you heard come in the front door?
A. Yes Sir.
Q. Could not you see then who it was?
A. Not from where I sat.
Q. Where did you sit?

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A. Towards that table there at the south side of the room.
Q. Which way were you facing, towards the east or the west?
A. I think my face was north.
Q. So that you could not see into the front hall at all?
A. I could not from where I sat.
Q. You simply heard somebody come in, and go up stairs?
A. That is all.
Q. Did you hear somebody in the room overhead?
A. I heard somebody after that.
Q. That was about quarter past nine, I understand you to say, as near as you can calculate?
A. Yes Sir.
Q. About that time Mrs. Borden went to bed.
A. She went to bed before that.
Q. You and Mr. Borden sat there after that until about ten?
A. About ten I think.
Q. When you went up stairs to go to bed did you have a lamp?
A. Yes Sir.
Q. Does the door of Miss Lizzie's room open into the front hall?
A. Yes Sir.
Q. The door opening into the front hall from Miss Lizzie's room is in the north east corner of the front hall, is it, up stairs?
A. Yes Sir.
Q. The door that opened into the room which you went into, you face directly as you get to the top of the stairs, do you, looking toward the north?
A. Yes Sir, a little diagonal, this way, you know.

Q. That door of the spare room is right between the door of Miss Lizzie's room, and the door of this large clothes press on the front of the house?
A. Yes Sir,
Q. Do you recollect whether Miss Lizzie's door into the hall was shut or not?
A. It was shut when I went up.
Q. You do not know whether it was locked or not?
A. I do not.
Q. Mr. Knowlton asked you if there was any way of getting into that spare room from the back hall, and I thought you said something about the doors being locked; do you know whether the doors were locked or not?
A. I do not know whether they were locked that night; they generally keep them locked. I did not try it that night.
Q. Which doors do you refer to as locked?
A. This door that goes out of the hall into Lizzie's room.
Q. Was that locked, or hooked?
A. I think it bolts.
Q. How was the other door between her room and her father's room generally fastened?
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A. I do not know; there is a hook on it on the side opposite from her, on the east room.
Q. Was the hook on her father's side, or on her side?
A. On her father's side.
Q. Sure about that?
A. I think I am correct about it.
Q. There was a hook there at any rate?
A. Yes.
Q. That was the way it was generally fastened?
A. I do not know how it was fastened. I know there was a hook there.
Q. Did you ever notice whether it was hooked or not, generally? I suppose you had occasion to go through there.
A. No Sir.
Q. There is a door that opens from Lizzie's room into this spare room?
A. Yes.
Q. Is that door fastened, do you know, or kept fastened?
A. I do not know.
Q. Do you know whether Lizzie kept her desk standing directly in front of that door?
A. She kept her desk in front of that door that goes from her room into the spare room.
Q. Right up against the door?
A. Yes Sir.
Q. A large or small desk.
A. Just about large enough to fill up the door. I do not know about the height or the width of it.
Q. It filled up the whole width of the door?
A. I think so.
Q. How high should you think the desk stood, the top of it?
A. O, I cant tell; it might be five feet; I cant say for that.
Q. It was quite a large desk?
A. It was quite a desk.

Q. Did you sleep there Tuesday night?
A. No, I was not here.
Q. When you went into that room Wednesday night, was the wash stand here on the south side of the spare room?
A. Yes Sir.
Q. And to the west of the door?
A. Yes Sir.
Q. Was there a table up here on the west side of the room?
A. Yes Sir.
Q. And the bureau was near the east corner?
A. Yes Sir.
Q. And the bed up against the east wall of the room?
A. Yes Sir.
Q. How near should you say that bed was at that time to the bureau,

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Mr. Morse, the night you slept there?
A. All I can tell you is my judgment; I never measured it. I should say about three feet.
Q. Did you notice the bed the next day after the murder, notice the position relative to the bureau, as to whether it stood just about the same as it did the night when you slept there?
A. I did not see anything to notice any different.
Q. The next morning you took breakfast with Mr. Borden and with Mrs. Borden?
A. Yes Sir.
Q. Do you recollect whether there was any directions given by Mrs. Borden to Bridget about what she should do that day?
A. Yes Sir.
Q. When was that?
A. While we were at breakfast.
Q. What was it?
A. That she was to wash the windows.
Q. Can you recollect the conversation, the substance of it, between the two, when she gave that order?
A. I think in the first place she asked her what she was going to do, or some thing of that kind.
Q. Who was that?
A. Mrs. Borden asked Bridget what she had got to do. Bridget said I have nothing more than common work; I think something them words.
Q. Then what was said?
A. Well, she says, will you wash the windows. She said that she would.
Q. Did she name what windows, say anything about whether outside or inside?
A. I do not know that she did.
Q. Had Bridget begun to wash to windows, so far as you know, before you went away?
A. I do not know.
Q. Where was Bridget when you went away?
A. In the kitchen.

Q. Do you know what she was doing?
A. I do not.
Q. You say after breakfast Mrs. Borden was about the house there, dusting and doing various things?
A. Yes. Sitting down there a little while/ but she was dusting around there.
Q. Dusting with what?
A. With a dusting brush, a feather duster.
Q. Where was Mr. Borden during the time between breakfast, and the time when you went away?
A. He was there talking with me most of the time. I think he was out in the other room a few minutes.

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Q. Do you know what Mrs. Borden did after she finished dusting?
A. I do not.
Q. Do you know whether she went up stairs?
A. I saw her go into the front hall.
Q. Before that did she go up stairs, so far as you know? and come down again?
A. Not that I know of.
Q. Did you hear any sounds from Lizzie's room before you went away, and while you were sitting in the sitting room?
A. I do not know that I did.
Q. You did not notice any?
A. No Sir.
Q. You do not know whether she had got up or not?
A. I do not.
Q. You told Mr. Knowlton that that front door of the house fastened with a spring lock?
A. Yes Sir.
Q. Was there any other lock or bolt upon it?
A. Yes Sir.
Q. What?
A. There was a common lock that is in most of doors, and then there was a bolt.
Q. Beside the spring lock?
A. Yes Sir.
Q. Do you know whether those locks or bolts were used at all?
A. They have been used nights since I have been there. I do not know what they did with them before. I suppose they were used before.
Q. At night they not only had the spring lock, but used the other lock and the bolt?
A. They did when I was there; I do not know what they did before; when I am not there I do not know.
Q. Before you went away that morning, had anybody gone out the front door to your knowledge?
A. No Sir.
Q. Since the murder have you seen that front door tried to see whether it would close without springing the lock, or not?
A. I have.
Q. How did it act?
A. Sometimes it would open without turning.
Q. Was that when it was not slammed too hard, that it would shut without springing the lock?

A. Yes Sir.
Q. Then it could be opened by anybody without touching the lock?
A. Sometimes it could; and sometimes it could not.
Q. Now when you went out, you went out the side door, as I understand you?
A. Yes Sir, when I went away Thursday morning.
Q. Was, or was not that the usual way for leaving the house? Was it

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your usual way for going out of the house?
A. I commonly went out that way.
Q. Do you know how it was with Mr. Borden and the rest of the family?
A. Whenever I have been with him, he almost always went out that way. I have been out the other way some; but not very often.
Q. Was that side door usually kept hooked?
A. Yes Sir.
Q. After you went out this day, he hooked the door after you?
A. Yes Sir.
Q. Now what time do you say you got back, to the best of your judgment? I mean that noon, after you left the house Thursday morning.
A. What time did I get back at noon?
Q. Yes.
A. I think about quarter to 12.
Q. You met Bridget at the door, or Bridget met you at the door?
A. I think she was at the door, partly sitting down on the stairs.
Q. When you came up the street, who, if anybody, did you see before you went into the yard, as you came up Second street?
A. No one that I could recognize. There might have been a few men along, the same as generally. I did not see anything unusual about it.
Q. Which gate did you go into?
A. Into the north small gate.
Q. Where did you go?
A. I went around to the pear tree.
Q. But you did not have to go by the screen door to get to the pear tree?
A. Yes sir.
Q. Did not you see anybody in the entry way then?
A. No sir.
Q. Neither Bridget nor Mr. Sawyer?
A. No I did not.
Q. You went right back to the back door?
A. Yes sir.
Q. How long did you stay out there under the pear tree?
A. I might have been there two or three minutes.
Q. Did you see anybody in the yard at that time?
A. I do not think I did.
Q. Then you came back to the screen door, and there you found Bridget?
A. Yes sir.

Q. She said what to you?
A. She said Mr. and Mrs. Borden had both been murdered.
Q. What did you say?
A. I cannot tell you.
Q. You cannot think what you did say?
A. No sir.
Q. Was Mr. Sawyer there at that time?
A. Yes sir.

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Q. Was that after you had gone inside, or was it while you were standing on the steps?
A. I was standing on the steps then.
Q. Then did you immediately go in?
A. I went right in.
Q. After you got in you saw Dr. Bowen?
A. Yes sir.
Q. Anybody else that you recollect?
A. Two or three policemen I think.
Q. Where did you first go after you entered the kitchen from the hall or entry way?
A. I went through, up on the stairs, part way up the front stairs.
Q. How did you get there?
A. I went through the back hall, through the sitting room, into the front hall, and up stairs.
Q. Passed by Mr. Borden lying on the sofa?
A. Yes sir.
Q. Did you look at him?
A. I cast one glance at him, that is all.
Q. Was he covered at that time?
A. No sir.
Q. You went up the front stairs, did you go up into the room?
A. No sir.
Q. How far did you go?
A. Probably two-thirds of the way up, so I could look under the bed
Q. What do you mean by "look under the bed"?
A. When I got up high enough, I could look through the space under the bed, and saw Mrs. Borden laying there between the bed and the bureau.
Q. Did you know she was up in that room?
A. They told me so.
Q. Somebody told you so. After you saw that, what did you do?
A. I went down stairs in where Lizzie was, into the dining room, she was sitting on the lounge.
Q. During this passage of yours through the house, did you see Dr. Dolan at all at that time?
A. I did not.
Q. Was he there?
A. I could not tell you.
Q. You did not see him?
A. I did not see him.
Q. All you saw was Mr. Sawyer, and Bridget, and Dr. Bowen, and two or three policemen?

A. There were several ladies there, I did not notice who they were.
Q. Where were they when you came in?
A. I think some of them in the sitting room, and some in the dining room right close to the door.
Q. Do you know what they were doing?

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A. I do not.
Q. Did you see Lizzie at that time when you first passed through to go up stairs?
A. No sir.
Q. Did you see these women when you first passed through to go up stairs?
A. I think I did.
Q. You did not notice who they were?
A. I did not.
Q. When you came back through the sitting room did you then notice Mr. Borden at all?
A. I did not.
Q. You did not look at him to examine anything?
A. No sir.
Q. Was he covered then when you came down?
A. I could not tell you.
Q. Where did you go from the sitting room as you came down?
A. I went out in the other room, I think I went out of doors then.
Q. What do you mean by the "other room"?
A. Into the kitchen.
Q. Did you see Lizzie after you came down?
A. When I came down stairs she was in the dining room sitting on the lounge.
Q. Did you go in there at all?
A. I did.
Q. You came through the sitting room, did you go into the dining room from the sitting room?
A. I went into the kitchen, from there into the dining room, from there back into the kitchen.
Q. Lizzie was on the lounge at that time?
A. Yes sir.
Q. Were these ladies with her?
A. Some of them, I dont know who.
Q. Do you know whether one was Mrs. Churchill, or Miss Russell?
A. No sir.
Q. Did you know any of them?
A. I was so excited at that time I could not tell you who they were; I was nervous, to tell the truth about it.
Q. Then you went out of doors?
A. Yes sir.
Q. What did you do out of doors?
A. I dont know as anything.
Q. When you got out of doors, did you notice any people in the yard?
A. Yes, quite a number in there then.
Q. When you came down that second time, were there any more policemen there than when you went up?

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A. I could not say about that.
Q. How long did you remain out in the yard, Mr. Morse?
A. I do not know but I was out there three or four hours.
Q. Did you notice anybody going into the barn while you were out there, or soon after you got out there?
A. I did not.
Q. Did you remain in some particular place, or did you go around in different parts of the yard?
A. I was walking around in different parts.
Q. You did not really notice what people were doing?
A. No sir I did not.
Q. Did you notice at all the cellar door, whether it was open or shut?
A. I think when I came from the back of the house, when I got the pears, I think it was open; I wont say sure, but I think it was.
Q. When you first went back of the house?
A. Yes sir.
Q. Wide open, or only partly open?
A. Well I could not say.
Q. Did you notice whether the barn door was open or shut?
A. I think it was open.
Q. Did you at any time make any examination of the barn yourself?
A. I did not.
Q. Did you at the time, or have you since, Mr. Morse, noticed that pile of boards in the back yard?
A. I have.
Q. The pile of boards or timber?
A. I have.
Q. Have you noticed it relative to its position to the Chagnon fence?
A. Yes sir.
Q. Could you indicate it on the plan?
(Mr. Knowlton.) It has been pulled over two or three times to find things.
Q. Assuming that to be the board fence between Mr. Borden's yard and Dr. Chagnon's yard, can you indicate about where relative to that fence the pile of boards was?
A. I think over this corner, over here, this way about four or five feet.
Q. From the south east corner, from the south fence?
A. This is Dr. Kelley's place?
Q. From the south east corner of Mr. Borden's yard?
A. I think about four or five feet from there right north to the first end of the boards.
Q. There was a pile of boards there down in the south east corner extending about four or five feet from the Dr. Kelley line; about how far was that pile of boards from the Dr. Chagnon fence?
A. Some of them lay against it.

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Q. Was there any other pile beside that pile?
A. Another small pile north of that.

Q. How far north?
A. I would not think they were more than five or six feet apart.
Q. How near was that second pile to the Dr. Chagnon fence?
A. It was off two feet I think; I dont know exactly.
Q. How high were those piles up relative to the fence?
A. I think the largest pile was about four or five feet high.
Q. How high should you think the Chagnon fence was?
A. Probably six feet and a half; I dont know anything about it that is my best judgment about it.
Q. We will assume the Chagnon board fence is six feet high, you think the pile of boards was about four and a half feet?
A. I think so.
Q. Is there a privy vault here at the east end of the barn?
A. Yes sir.
Q. At the south east end of the barn?
A. Yes sir.
Q. At any time did you observe the wounds upon Mr. Borden's face so that you could give any idea as to the direction of them?
A. Only one of them, I think I can tell about how that was.
Q. Which one was that?
A. The one that went down through, and cut through here, and cut through the nose, a long gash it appeared to be.
Q. Was the direction of that going from the forehead down, was that towards the nose?
A. Yes, right down; I should think about that way.
Q. The cut was diagonal from the forehead down towards and through the nose?
A. Yes sir, that is my impression of it.
Q. Did you make any observation from which you can give us any description of the wounds upon Mrs. Borden's head?
A. I could not.
Q. Do you know whether the body of Mr. Borden was changed at all or touched or disturbed before they took the photograph of it?
A. I do not.
Q. Did you know of the photograph being taken at the time?
A. I knew they came in; I did not know what they done.
Q. You were not present?
A. No sir.
Q. Did you see this pillow that was under Mr. Borden's head?
A. I did not.
Q. I did not mean whether you examined it afterwards or not. Had you seen that pillow before, after, or at any time; do you know what kind of a pillow it was?
A. I know there had always been one there; I could not describe it at all.
Q. You could not tell whether it was a feather pillow or what it was?

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A. No, it was not a feather pillow. Do you mean filled with feathers? I dont know.
Q. Do you know anything about this afghan?
A. No.

Q. Did you see any afghan, or sofa covering there?
A. I do not know.
Q. Do you know whether one was used on the lounge or with the lounge?
A. I have seen such a thing; I dont know whether I saw it this time; I do not think I did.
Q. What kind of a coat did Mr. Borden have on that morning?
A. I could not say.
Q. Have you made any examination, since the death of Mr. Borden, of the blood spots about the room?
A. I have seen some of them.
Q. Do you recollect how the blood spots upon the parlor door in the sitting room appeared before they were washed off?
A. The one that goes into the parlor?
Q. The sitting room door, yes, that goes into the parlor.
A. There was quite a considerable many spots of blood on it.
Q. What portion of the door were they on?
A. Mostly from the knob down.
Q. Any above the knob that you noticed or recollect?
A. I dont recollect.
Q. Mr. Dolan testified that he thought there were seven or eight, what should you say as to that, were there more or less in your opinion?
A. On that whole parlor door?
(Mr. Knowlton.) On the place that is now washed out, he counted ten, as I understood him.
Q. So far as you know that parlor door was the only place where there was any blood washed from, is not it?
A. It is all I know anything about.
Q. What should you say of the number of spots there was upon that door?
A. I never counted them, only just a rough estimate; I should say not less than forty, and maybe more.
Q. Was it, or was it not, sprinkled over the entire width of the door along the lower part?
A. Yes, all over the door, that is all over in spots.
Q. Can you tell what the location of those spots are, as to the large or small spots?
A. The largest ones were nearest the bottom of the door.
Q. Did you notice what the direction of those spots were, whether there was a spatter and a direction which they appeared to take after they struck?
A. I think the heaviest part of them, if I recollect, was down.
Q. The heaviest spots were nearest the bottom?

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A. Yes sir.
Q. Did you make an examination of the carpet between the sofa and that parlor door in the sitting room to see whether there were any blood spots upon the carpet?
A. Between the head of the lounge do you mean?
Q. Yes, and the parlor door in the sitting room.
A. Yes I have looked.
Q. Did you find any?
A. I did not.

Q. What, if any, spots did you notice upon the door which leads from the sitting room into the dining room?
A. I do not recollect as I ever saw any on that door.
Q. You do not recollect seeing any there?
A. No sir.
Q. Did you examine the carpet in front of where the sofa stood to see if you could find any blood spots there?
A. I dont think I did.
Q. Did you look at the carpet, between, we will call it the end of the sofa in distinction from the head?
A. The east end?
Q. Yes, and the door which led from the sitting room into the kitchen. Did you examine the carpet there to see if there were any?
A. I never saw any.
Q. What, if any, spots did you find upon the door leading from the sitting room into the kitchen?
A. I saw two spots on that.
Q. Where were they?
A. I think there was one on the south casing, and the balance on the lower part of the door, I do not recollect where.
Q. Do you recollect where this spot was upon the casing, whether it was upon the round part of the wood, or whether it was right in the groove of the wood?
A. I could not say.
Q. Mr. Kieran stated I think he only observed one spot upon the picture which hung directly over the sofa, did you examine that to see if there were blood spots there?
A. I think I saw one on it.
Q. Did you see any more?
A. I do not recollect as I did.
Q. Did you look at the paper just above the sofa?
A. Yes sir.
Q. What indications of blood spots were there?
A. That, you might say, was all covered; lots of spots all over it.
Q. Were these spots all in the same direction indicating that they struck the paper in the same direction, or in different directions?
A. I could not say; there seemed to be kind of a circle over the top there.
Q. Were there other spots outside of that circle?

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A. I think there were a few.
Q. Now Mr. Morse, from your examination of the blood spots which you found there, and the wounds which you remember distinctly upon Mr. Borden's face, and the position in which you saw the body when you first went in, did you form any opinion as to the position in which the party stood when the blow was struck?
A. Well, I should naturally----
(Mr. Knowlton) The question was whether you formed an opinion or not.
A. No I have not.
Q. Did you form any opinion as to whether it was struck by a right handed or a left handed person?

A. Yes, I think I did.
Q. Well, what was your opinion?
(Mr. Knowlton.) I do not know how this man can give the Court any more information than the Court can draw itself from any fact he pleases to state; he is not an expert in the matter.
(Court.) The question is excluded.
Q. Did you go up to see Mrs. Borden's body after this first time when you saw her, looking under the bed?
A. No sir.
Q. You saw her by looking under the bed, you did not see her looking under the bed I suppose. Did you see any search carried on there on the day of the murder, Mr. Morse, by the officers, in the house?
A. I do not think I did.
Q. Did you see any axes that were taken away from the house on the day of the murder?
A. No sir.
Q. You did not see any axes or hatchets?
A. Taken away on that day, no sir I did not.
Q. Did you at anytime see any hatchets or axes?
A. I saw some taken away afterwards.
Q. When?
A. I could not tell you. I do not know whether the next morning or what morning; it was afterwards.
Q. You saw the axes taken away the next day after the murder?
A. Some day, I dont know what day it was; it was in the forenoon.
Q. It was not the day of the murder?
A. No sir.
Q. Do you know what officer took them away?
A. I do not.
Q. Do you know how many there were that were taken away?
A. I could not tell exactly, I think three or four.
Q. Where did you see them?
A. I was coming from the back yard, this man had a sack around the front of the back step, that is going towards the road, putting these axes in.
Q. Do you know how many of them were axes?
A. What, long axes?

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Q. Axes, I dont know whether long or short.
A. One of them was what we call a common ax, and the other was shorter, a hatchet like.
Q. A long handled ax?
A. Yes, one we generally take to chop wood with.
Q. Do you mean cutting down trees?
A. Yes sir.
Q. What were the others?
A. A shorter one.
Q. How long a handle?
A. It might have been fifteen or sixteen inches likely.

Q. The handle?
A. Yes sir.
Q. Did one policeman have the sack and another one bring the hatchets out of the house?
A. I think I only saw one man there.
Q. He had this sack and was putting the hatchets into it?
A. Yes sir.
Q. Where were the hatchets lying before he put them into it?
A. I cannot tell you. He had it in his hand when I saw him.
Q. How near were you to them when he was putting them in?
A. Probably ten or twelve feet.
Q. Did you see anything about the axes or hatchets that looked unusual?
A. No I did not.
Q. How were they as to rust, any rust on them?
A. I could not say. They were pretty well in the sack, the edges, all going when I saw them. I saw the handles more than I did the axes when he was putting them in; he was just getting them into the sack.
Q. What kind of a sack was it?
A. A course kind of a bag.
Q. A brown bag?
A. Yes, a common kind of a bag.
Q. Was it a white canvas bag, or a brown bag?
A. It was brown.
Q. Can you not describe it in any way; did not it look like anything you ever saw before, a salt bag or anything of that kind?
A. Yes, it looked something similar to a salt bag.
Q. It was a police officer who was taking them away?
A. I could not say who they were.
Q. Was he in uniform or not?
A. I think he was.
Q. You are sure that was not the day of the murder?
A. No, because it was in the morning that I saw him.
Q. Did you see Dr. Dolan up there that day when these were taken away?
A. I dont recollect.

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Q. Was you there at any time in the house when a search was made at the house?
A. Yes I was there several times.
Q. What was the first time that you recollect of any search being made by the officers in the house?
A. I think the next day after the murder.
Q. Do you recollect who the officers were who made it?
A. I do not.
Q. Do you know Marshal Hilliard?
A. Yes sir.
Q. Do you know Assistant Marshal Fleet?
A. Yes sir.
Q. Do you recollect whether they took any part in it the first time?

A. I could not say.
Q. Do you know Mr. Seaver the State Detective?
A. I think I have seen him.
Q. He is right around there back of you. Do you remember whether he took part in the first one?
A. I could not tell you. I seen him in the house, I dont know what he was doing.
Q. Do you know what search they made the day after the murder?
A. I do not.
Q. You know they were there searching the house?
A. I know they were there several times.
Q. Do you recollect anything about the search on Saturday?
A. I do not.
Q. While they were making the search of the rooms, you got out of the way, did you?
A. Yes sir.

RE-DIRECT.

Q. (By Mr. Knowlton.) Do you know whether anybody went out or in at that front door that morning?
A. The morning of the murder?
Q. Yes.
A. Noone that I know of.
Q. While you were there, you did not hear anybody go out or come in?
A. No sir.
Q. Do you know whether the door was locked up that night before, or not?
A. I do not know.
Q. You did not hear anybody do it?
A. No sir.
Q. Do you know whether it is usually locked at night?
A. Yes sir it is.
Q. That is more than the spring lock, and was then of course?
A. Yes sir.
Q. How other than by the spring lock was it usually locked at night?
A. By the bolt, and then they turned the common key in the lock.

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Q. Assuming what was usually done was done that night for the purpose of this question, did you hear anybody unbolt that bolt, or do anything to the lock the next morning?
A. No sir.
Q. That is, opening the extra bolts?
A. No sir.
Q. You did not hear anything of that kind?
A. No sir.
Q. Had you been at Swansea before that week?
A. Yes, I had been there several times before.
Q. During that same week?
A. No sir.

Q. You had not been there with Miss Lizzie at anytime?
A. No sir.
Q. Nor over to Warren, or anywhere around there?
A. No sir.
Q. I also meant to have asked you whether at any time you had any talk with Mr. Borden about a will, about his making a will?
A. He told me that he had a will once.
Q. Did you ever have any talk about it?
A. No sir.
Q. Did he ever say anything to you about a will, or anything that he proposed to do? I do not ask you what yet?
A. He told me that he had a will.
Q. Did he ever say anything to you about any proposition as to his purpose to make a will?
A. No sir.
Q. Or what he proposed to do by way of a will?
A. No sir.
Q. Did he ever tell you anything about any legacies he proposed to give in a will?
A. No sir.
Q. Did he ever tell you about any bequests that he had a notion of making?
A. I think he said something about making -- he did not say how or anything like that.
(Mr. Jennings.) I would like to have the time fixed.
Q. Whether he ever did say anything to you about any purpose?
A. I think sometime he made a remark about a bequest.
Q. When was that?
A. I think somewhere within a year.
Q. Where were you and he at the time?
A. I think on South Main Street.
Q. What doing, walking together?
A. Just walking along.
Q. What was it he said?
A. That is all he said.
Q. What?
A. Something about some bequests that he would make; he did not say

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what they were, or anything about it; something about giving something away, bequest to somebody, he did not say who; something about these bequests that he ---- he did not say anything more about it.
Q. What did he say?
A. He did not know but he might make some public bequests; words to that effect.
Q. Wont you tell me what he said?
A. He talked like he was going to make some public bequests; just in that way.
Q. That was sometime within a year?
A. Yes sir.
Q. Can you fix the time any better than that?
A. I could not.

Q. Did he say anything more specific than that?
A. No sir.
Q. Did he say anything about his farm, about giving that away?
A. We were going over ----
Q. Was that another talk?
A. Yes sir.
Q. I will ask you when that was too.
A. That was some time in May of this year.
Q. What was it he said about that?
A. We were riding over by his place, we got to speaking about the Old Ladies' Home, you know. He says "I would give them some land here, if I thought they would accept of it"; something to that effect.
Q. Nothing about a will then?
A. No sir.
Q. About giving it to them?
A. Yes sir, that is all.
Q. Did you see Mrs. Borden's body before you went up stairs?
A. I went part way up and saw it.
Q. How far up were you when you saw it?
A. Far enough so I could see under the bed; I was not in the room while she lay there.
Q. From the stairs where you stood you could look under the bed and see the body?
A. Yes.
Q. Then I assume your head is on a level with the floor?
A. Yes just about, so I could look over.
Q. How soon was it, you saw that cellar door, as you think, open?
A. That was when I first came, I think when I went right after the pears.
Q. Are you sure the cellar door was open then?
A. I think it was; I am not sure.
Q. Did you shut it up?
A. No sir.
Q. Did you do anything to it?
A. No sir.
Q. Supposing a great many people say it was found shut, would you

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undertake to contradict them?
A. No sir, I would not.
Q. Was not that door usually kept shut and locked?
A. Yes sir.
Q. Do you have any special remembrance of its being open that day?
A. I think when I came around there, I think I saw that door open.
Q. Did you mention that fact to anybody?
A. I do not know as I have.
Q. Did you ever mention it to any police officer?
A. I cannot say.
Q. Have you ever mentioned to anybody before now?

A. I think I have mentioned it.
Q. To who?
A. I dont know as I could tell who.
Q. I wish you would try and think.
A. I dont think I could tell who.
Q. I mean outside of the counsel for Lizzie Borden. In the course of this investigation, before Lizzie Borden was arrested, will you tell me any officers to whom you ever mentioned the fact that you found that cellar door open.
A. I do not think I could.
Q. You regarded it as of importance enough to talk about did not you?
A. I did not think much of anything about it.
Q. You knew an active inquiry was being prosecuted as to how the murderer got in or out?
A. Yes sir, I supposed so.
Q. Yet you never mentioned that fact?
A. No sir, I may have spoken of it; I think I did.
Q. To a police officer?
A. I think not.
Q. Or anybody connected with the police department?
A. I guess not.
Q. Or to me?
A. No sir.
Q. On the contrary, have not you told me that it was shut?
A. No sir.
Q. Who washed off the blood spots from the parlor door, that you did not count or estimate?
A. I think Miss Emma, I wont say, but I think she did.
Q. When?
A. I think Saturday morning.
Q. What with?
A. Some kind of a cloth I suppose.
Q. Did you see her do it?
A. No sir.
Q. Did she wash any other part of the room, excepting that particular place where those blood spots were?

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A. Not that I know of.
Q. Did anybody stop her?
A. Not that I know of.
Q. Did she wash the whole door?
A. I think she did.
Q. Did she wash all the blood spots on the door?
A. I think so.
Q. Were not blood spots found there afterwards?
A. Not that I know of.
Q. Have you not heard Dr. Dolan testify about finding blood spots on the door?
A. I dontknow, I did not pay much attention to what he was talking about.

Q. You did not count those blood spots?
A. No sir.
Q. It is only an estimate you are giving us as to the number?
A. That is all.

RE CROSS EXAMINATION.

Q. (By Mr. Jennings.) Allow me to recall to you; didn't you tell Mr. Charles J. Holmes the first time he came to the house there that you thought this cellar door was open?
(Mr. Knowlton.) I object to the question. What consequence is it whether he told Mr. Holmes or not?
(After a discussion the objection was withdrawn.)
Q. Do you recollect whether the first time Mr. Charles Holmes came there, you told him you thought the cellar door was open?
A. I could not say.
Q. You do not recollect? Do you remember having talked with Mr. Holmes about the matter at all?
A. Yes I think I have talked with him.
Q. This gentleman here?
A. Yes sir.
Q. Did he ask you about various things that you saw?
A. We have had conversation.
Q. When was that talk, do you know?
A. I could not tell.
Q. Was not Mr. Holmes up there Thursday night with his wife?
A. I think he was there; I do not think I saw him Thursday night.
Q. Do you remember when he was up there again?
A. I do not. I saw him some night, I cant tell what night it was.
Q. Do not you remember Mr. Holmes asking you to take him out around the house and show him, and asking about the cellar door, and your pointing it out to him, and taking him out there, and showing him where the cellar door was?
A. I do not recollect anything about it?
(Mr. Knowlton.) One thing I overlooked in my notes. Will you tell

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me who it was you saw taking the axes on Thursday morning?
A. I could not?
Q. Can you see him here in the room?
A. I should not know him if I saw him.
Q. Was it a police officer? It was Friday morning?
A. I do not know; I do not think he was in uniform.
Q. How many did you see him taking?
A. Three or four I think; I dont know which.
Q. Where did you see him have them?
A. Just off the steps, going towards the road.
Q. Did he have them in a bag?
A. He was putting them in when I saw him coming around back of the house, putting them in the

bag.
Q. Come from the cellar?
A. I dont know where he came from; he was standing there putting them in the bag; I dont know where he came from.
Q. When you first saw him where was he?
A. Right near the steps at the back door.
Q. Did he have the bag in his hand when you first saw him?
A. Yes sir.
Q. I thought you said he came from around back of the house?
A. I did.
Q. He was there then?
A. Yes sir.
Q. You did not see him go in the house, or come out, or bring anything out of the house?
A. No sir.
Q. You saw him put two or three axes in the bag?
A. Yes sir.
Q. Where did he take them from?
A. I do not know he had them in his hand.
Q. All four of them?
A. Yes sir.
Q. And the bag too?
A. He had the axes in one hand and the bag in the other. He was standing on the concrete walk right at the back steps.
Q. Putting three or four axes or hatchets in a bag and going off?
A. Yes sir.
Q. Was it axes or hatchets?
A. Three hatchets and one ax I think.
Q. Where he went to, you do not know?
A. No sir.
Q. Did anybody else see him besides you?
A. I do not know.
Q. Three hatchets and one ax?
A. Three or four altogether anyhow, I do not say positive.
Q. You do not know that he took them out of the house at all?
A. No sir.

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Q. Or that he was connected with the Police Department, or anything of that kind?
A. No sir.
Q. Do you know anything about Mr. Borden's axes?
A. I do not.
Q. Did you ever see any axes there?
A. I know there was axes there; I could not recognize them.
Q. Did you ever see any axes or hatchets in the house or cellar before the murder?
A. I do not know as I did.
Q. The water closet is down cellar, the one the family used?

A. The one they generally use, yes sir.
Q. Did you use one that morning?
A. No sir.
Q. You did not go down cellar that morning at all then?
A. No sir.
Q. (By Mr. Jennings.) What sort of cellar is this, as to its dryness or dampness?
A. Well, I call it a reasonably dry cellar.

Thomas Kieran recalled by Mr. Knowlton. The testimony is missing.

As reported in the *New Bedford Evening Standard*, Saturday, August 27, 1892, page 8.

"Thomas Kieran was then recalled and presented remodeled plans in which the woodpile in the Borden yard appeared. The ceiling in the sitting room in the Borden house is 8 feet 10 inches above the floor."

Court took a recess at 4:10 P.M. and resumed at 4:20 P.M.

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BRIDGET SULLIVAN

Bridget Sullivan

Q. (Mr. Knowlton) Your name is Bridget Sullivan?
A. Yes Sir.
Q. Did you go by the name of Maggie usually at the house?
A. Yes Sir.
Q. So if anybody says anything about Maggie, it means you?
A. Yes Sir.
Q. You were employed at Mr. Borden's house?
A. Yes Sir.
Q. How long had you been employed there?
A. About two years and nine months.

Q. What were your duties?
A. Well, I done the washing and ironing and cooking.
Q. Anythingelse besides that?
A. A little sweeping and scrubbing.
Q. Which part of the house did you have the sweeping of?
A. I had the front hall to do, the front entry.
Q. What days did you sweep the front hall?
A. Every other week, Friday.
Q. Only once in two weeks?
A. Yes Sir.
Q. Did you have any other duties in the front part of the house, except sweeping the front hall?
A. No Sir.
Q. Did you have the care of any of the beds?
A. No Sir.
Q. None of them at all?
A. No Sir.
Q. Did you have any duties in any of the bed rooms up stairs?
A. No Sir.
Q. At the time of the tragedy, Miss Sullivan, Miss Emma, was she at hope?
A. No Sir.
Q. How long had she been away, about? I dont care for a day or two.
A. I guess she was two weeks. I cant exactly tell.
Q. She had been out of town you understood?
A. That is what I understood.
Q. She had not been in town, so far as you knew, for that time?
A. No Sir.

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Q. When she was gone, who did the family consist of? Who was left for the family? Who was the family then?
A. Mr. and Mrs. Borden, and Miss Lizzie. Miss Lizzie went with her the day she went.
Q. She did not stay long? How long did she stay?
A. I guess she stayed three days, so far as I can remember.
Q. When she came back, did she go off again?
A. No Sir.
Q. She stayed there all the time. Did you know when Mr. Morse came?
A. He came there a Wednesday.
Q. When did you first see him?
A. I think it was, about, pretty near two o'clock, or half past one.
Q. In the afternoon?
A. Yes Sir.
Q. You got him some dinner?
A. Mrs. Borden waited on him, and got him some dinner.
Q. When did you see Mr. Morse again?
A. I saw him going out in the afternoon.
Q. Do you mean walking out?

A. Going out, and going over the River, as I understood.
Q. You understood he was going over the River?
A. Yes Sir.
Q. You stayed at home that afternoon, did you?
A. Yes Sir.
Q. Did you see him when he came home that night?
A. No Sir.
Q. He was not at supper then?
A. No Sir.
Q. Who was at supper that night?
A. Miss Lizzie, and Mr. and Mrs. Borden.
Q. He was not at supper?
A. No Sir.
Q. That was Wednesday night?
A. Yes Sir.
Q. He was not at dinner with the rest of them?
A. No Sir.
Q. What time did you get up Thursday morning?
A. Quarter past six I should judge I was down stairs.
Q. Did you see anybodyelse down there when you came down?
A. No Sir.
Q. What time did you go to bed the night before?
A. After ten o'clock.
Q. Did you have anything to do with shutting up the doors when you went to bed, or any of them?
A. Not except the back door, I locked that, had a key for it, when I got in.

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Q. You mean the wooden door, not the screen?
A. I had to come through the screen door.
Q. Which did you lock?
A. Both doors.
Q. How was the screen door locked?
A. A bolt.
Q. How the wooden door?
A. There was a fastener to it.
Q. You did not have anything to do with the front door?
A. No Sir.
Q. When you came down stairs in the morning, how did you find the back door?
A. Just as I left it.
Q. What did you do when you came down, about the door?
A. Started my fire.
Q. Did you open either of the doors?
A. The back doors.
Q. Both of them?
A. Yes Sir, and took in my milk can.
Q. The milk can was outside?

A. Yes Sir.
Q. After you took in the milk can, did you do anything to the screen door?
A. Hooked the door.
Q. Did you shut the wooden door up again?
A. No Sir.
Q. Left that open?
A. Yes Sir.
Q. Was that kept open all day?
A. Yes Sir.
Q. That was the habit at that time?
A. Yes Sir.
Q. How was the screen door kept at that time?
A. About quarter of seven I opened it for the ice man to come in.
Q. When you opened it, did you unhook it?
A. Yes Sir.
Q. After the ice man came in, did you hook it again?
A. I cant say, I dont remember.
Q. Do you know how that was usually kept, that screen door, hooked or not?
A. It was hooked most of the time. I kept it hooked as far as I could know about it.
Q. Did anybodyelse come in at the back door, that you know of, that morning, besides the ice man, and your going out to get the milk, and coming in?
A. I do not remember.
Q. You mean you do not remember of anybodyelse, or whether there was

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anybodyelse?
A. No Sir.
Q. Where was your milk can?
A. Right on the back steps.
Q. Do I understand you to say whether you do not remember of anybodyelse coming in?
A. Not out of the house. I supposed the others were in the house. I cannot remember when they went or came.
Q. You saw Mr. Morse go out?
A. No Sir. Mr. Borden went out after he got down stairs.
Q. Before Mr. Borden went out, do you recollect seeing anybodyelse go out or in, besides the ice man, and when you went out yourself?
A. No Sir.
Q. Did you go out of doors that morning again before Mr. Borden went out?
A. No Sir.
Q. You went out after the milk can on the steps?
A. Yes Sir.
Q. Did you go through the screen door again after that?
A. No Sir.
Q. About quarter past six you got up?
A. Yes Sir.
Q. Did you see anybody up when you came down?

A. No Sir.
Q. Did you see anybody in the house when you came down?
A. No Sir.
Q. Or hear anybody?
A. No Sir.
Q. Who was the first one you saw that morning?
A. Mrs. Borden.
Q. How soon after you got up before you saw Mrs. Borden?
A. About half past six, or twenty minutes of seven. She came down stairs from her bed room, and into the kitchen.
Q. The back stairs?
A. Yes Sir.
Q. Her room was where?
A. Over the kitchen.
Q. From Mr. Borden's room too, of course?
A. Yes Sir.
Q. Do you know how the arrangement of that house was, whether it was usual to go through— was there any way of going from the back stairs to the front part of the house?
A. I dont know anything about it; but there was a door there; I do not know whether it was kept locked or not.
Q. Where was that?
A. The door going from Mr. Borden's room into Miss Lizzie's.

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Q. You had to go through that door?
A. The door was there. I went through the afternoon of the murder.
Q. After the murder, it was open then?
A. Yes Sir.
Q. Did you ever see it open before?
A. No. I did not have any business there before.
Q. You did not have any occasion to go up there?
A. No Sir.
Q. Did you ever know of anybody before the murder going up the back way into the front part, or going up the front way into the back part?
A. No Sir.
Q. Did Miss Lizzie ever use the back stairs to go to her room by?
A. I never knew her too.
Q. Did Mr. or Mrs. Borden ever use the front stairs to go to their room?
A. I never saw them.
Q. You saw Mrs. Borden when she came down the back stairs?
A. Yes Sir.
Q. What were you doing when she came down?
A. I was getting breakfast.
Q. Was that before or after the ice man came?
A. Before.
Q. What did she do after she got down?

A. She asked me what I had for breakfast. I told her what I had. She told me what to get.
Q. Did she go to doing anything?
A. She went in the sitting room.
Q. Do you know what she did in there?
A. I could not tell.
Q. You did not go in there with her?
A. No Sir.
Q. Who was the next one you saw of the family, after Mrs. Borden?
A. Mr. Borden.
Q. How soon after her did you see him?
A. It may be ten minutes after her, he came down the back way.
Q. What did he do when he came down?
A. I think he went in the sitting room; I am not sure.
Q. He did not go out of doors?
A. He went out of doors before breakfast.
Q. Where did he go out of doors, do you know?
A. Out in the yard from the back door.
Q. How long did he stay out in the yard?
A. I could not tell.
Q. Did anybody go out with him when he went out?
A. No sir.

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Q. You did not see where he went in the back yard either?
A. He went in the barn and got some water.
Q. Is there a faucet in the barn?
A. Yes Sir.
Q. City water?
A. Yes Sir.
Q. What did he do with the water?
A. Took a slop pail out, and threw it all over the yard.
Q. You mean he emptied some slops?
A. Yes Sir.
Q. Wherebouts did he empty the slops?
A. Right out in the yard.
Q. Then drew some water into the pail?
A. Yes Sir.
Q. How long was he gone?
A. I could not tell.
Q. Any longer than time enough to do that?
A. I dont think so.
Q. He was not gone any longer than that?
A. No Sir.
Q. Where were you when he went out in the yard?
A. In the kitchen.
Q. All the time?

A. Yes Sir.
Q. Was the door from the kitchen to the back entry open?
A. Yes Sir.
Q. You said you did not shut the wooden door afterwards again at all?
A. No Sir.
Q. After he came in with his pail, what did he do then?
A. He washed, and got ready for breakfast.
Q. Washed where?
A. In the kitchen.
Q. He washed in the kitchen?
A. Yes Sir.
Q. Was he dressed when he came down?
A. In his shirt sleeves.
Q. Have his coat with him?
A. No Sir.
Q. Did he put his coat on?
A. No Sir. He had his dressing coat, a short coat, hanging in the kitchen.
Q. He put it on there?
A. Yes Sir.
Q. Did he have his collar and neck tie on when he came down?
A. No Sir.

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Q. Did he put those on?
A. No Sir.
Q. Not for breakfast?
A. No Sir.
Q. When did he put them on?
A. After breakfast I think. He went up stairs to his room.
Q. Did you see Mr. Morse before breakfast?
A. Not until I put the breakfast on the table. I saw him at the breakfast table first.
Q. That was the first time you saw him?
A. Yes Sir.
Q. What did you have for breakfast that morning?
A. Some cold mutton and some soup, and johnny cakes.
Q. Coffee or tea?
A. Coffee.
Q. Who sat down to breakfast?
A. Mr. and Mrs. Borden and Mr. Morse.
Q. Could you tell what time it was they sat down to breakfast?
A. Not exactly. I should judge it was quarter past seven.
Q. What was the usual time of eating breakfast in that family?
A. Mr. and Mrs. Borden always ate when it was ready, when they were down.
Q. You think it was quarter past seven when they sat down?
A. Yes Sir.
Q. They all three sat down together?

A. Yes Sir.
Q. Where were you when they were eating breakfast?
A. Out in the kitchen.
Q. Did you stay in the kitchen the most of the time?
A. Yes Sir.
Q. After breakfast, what took place, do you remember?
A. I took my breakfast, and then cleared off the table, and was washing my dishes.
Q. You were working in the kitchen all the time?
A. Yes Sir.
Q. What were they doing?
A. I dont know. They were in the sitting room.
Q. All of them?
A. Yes Sir.
Q. Mrs. Borden, did you see her doing anything?
A. No Sir.
Q. You saw Mr. Morse go out?
A. Yes Sir.
Q. Who let him out?
A. Mr. Borden.
Q. How long after breakfast was that?
A. I should judge quarter of nine. I cant tell the exact time.

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Q. Which door did he let him out of?
A. The back door.
Q. Where were you when he let him out?
A. Mr. Borden let him out; I was still in the kitchen.
Q. Do you know whether he hooked the door after he went out or not; whether Mr. Borden did?
A. I do not know. I could not tell.
Q. What did Mr. Borden do after he let Mr. Morse out?
A. Went into the sitting room back again.
Q. Was that before he had put on his collar and neck tie? He had not done that then?
A. No Sir.
Q. Where was Mrs. Borden when Mr. Morse was let out?
A. She was not in the dining room. I expect she was in the sitting room.
Q. Did you see her afterwards?
A. I did about nine o'clock.
Q. After Morse had gone?
A. Yes Sir.
Q. Was that before Mr. Borden went?
A. Mr. Borden was gone then.
Q. About what time did Mr. Borden go out?
A. I did not see him go out.
Q. Where were you when he went out?
A. I did not see him going, not to my memory.
Q. You do not know where you were?

A. No Sir.
Q. Did you go down cellar?
A. No Sir.
Q. Did Mr. Borden go out when Mr. Morse did?
A. No Sir.
Q. He went to the door?
A. Yes Sir, with him.
Q. Did you hear him say anything to Mr. Morse?
A. I heard him ask him to come to dinner.
Q. What did Mr. Morse say?
A. I do not know.
Q. That is when they were at the door?
A. Yes Sir.
Q. After Mr. Borden had let Mr. Morse out, where did he go then?
A. The sitting room.
Q. You do not know what he did?
A. No Sir.
Q. Did he go up stairs after that?
A. He came out in the kitchen and cleaned his teeth, and then went up stairs.

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Q. Up the back stairs?
A. Yes Sir.
Q. That was after Morse went; sometime afterwards, or not long?
A. Not very long.
Q. How long was he gone up stairs?
A. I could not tell.
Q. Was that the time he came down with his collar and neck tie on?
A. He put his collar and tie on up stairs.
Q. And came down with them on?
A. Yes Sir.
Q. Did he do anything about his coat when he came down that time?
A. I did not see him. He went in the sitting room.
Q. Where did he keep the coat that he wore out of doors?
A. In the dining room.
Q. Did you see him with that on?
A. No Sir.
Q. So the last time you saw him before he went out, he had his house coat on?
A. Yes Sir.
Q. You say you did not see him go out?
A. No Sir.
Q. You do not know who let him out, or whether he went out the back way or not?
A. I do not know.
Q. Did you go out of the kitchen anywhere?
A. I was out in the back yard.
Q. What were you doing out there?

A. I was out in the back yard; I was not feeling very well, and I was out there.
Q. How long did you stay out there?
A. I might be out there ten or fifteen minutes.
Q. Were you at the water closet?
A. No Sir.
Q. I do not want to ask you any questions you do not want to answer about it.
A. I was sick to my stomach, and was out in the yard, and I was vomiting.
Q. Where in the yard were you?
A. Out near the pear tree.
Q. You went out there to vomit?
A. Yes Sir.
Q. Do you know whether Mr. Morse went off at that time or not?
A. He was gone off then.
Q. How do you know?
A. I know he was

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Q. When you came back, did you see Mrs. Borden?
A. No Sir.
Q. Did you see her after you came back?
A. Not until nine o'clock.
Q. When you went out in the back yard, was it before Mr. Morse went off?
A. No Sir, after he went off.
Q. How soon after he went off?
A. Maybe ten or five minutes; I cannot tell.
Q. When you came back again, where did you go then?
A. Into the kitchen.
Q. Where did you see Mrs. Borden after that?
A. After washing my dishes.
Q. Did you wash your dishes before you went out in the yard sick, or after you came back?
A. Yes Sir.
Q. When you saw Mrs. Borden, where did you see her?
A. In the dining room, dusting. She wanted to know if I had anything particular to do that day. I told her no. Did she want anything? Yes, she said she wanted the windows washed. I asked her how. She said on both sides, inside and outside; they were very dirty.
Q. Did you have any usual time to wash the windows?
A. No Sir.
Q. How often did you use to wash them?
A. Sometimes once a month, and probably twice a month.
Q. Did you see Mrs. Borden after that?
A. No Sir.
Q. Where did she go to then?
A. I could not tell you. I came out, and shut the dining room, and was in the kitchen.
Q. You shut the dining room door and went in the kitchen?
A. Yes Sir.
Q. When did you next see her after that?

A. Not until I saw her dead.
Q. That was the last time you saw Mrs. Borden?
A. Yes Sir.
Q. Was that before Lizzie came down?
A. No. Lizzie was after getting through her breakfastthen.
Q. When Mrs. Borden spoke to you?
A. Yes Sir.
Q. When you saw Mrs. Borden, and had that talk with her, Lizzie was out in the kitchen eating her breakfast?
A. She was through her breakfast. She was not in the kitchen.
Q. Where was she?
A. I do not know.
Q. You had seen Lizzie before then?
A. Yes Sir, before that, when she came down stairs.

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Q. Did Lizzie come down stairs before you went out in the yard to vomit?
A. Yes Sir.
Q. Where was Lizzie when you went out in the yard?
A. Eating on the kitchen table.
Q. When you came back was she still in the kitchen?
A. I left her in the kitchen when I went out in the yard.
Q. When you came back, you do not remember whether she was there or not?
A. No Sir.
Q. When Lizzie came down did she have anything to say?
A. I asked her what did she want for breakfast. She did not know, she did not want any. If she felt like eating something, she would have some coffee and cookies.
Q. About what time was that?
A. I dont know what time it was. I could not tell.
Q. When Mrs. Borden said that to you about washing windows, do you know where Lizzie was then?
A. No Sir.
Q. That was the last time you saw Mrs. Borden?
A. Yes Sir. She had the feather duster in her hand dusting the dining room. I left her there, and went back into the kitchen.
Q. When you went back into the kitchen, did you see Lizzie?
A. No Sir.
Q. Was she in the kitchen or dining room?
A. No Sir. I did not see her.
Q. You did not go in the sitting room then?
A. No Sir.
Q. You do not know whether she was in the sitting room or not?
A. No Sir.
Q. That was the last you saw of Mrs. Borden?
A. Yes Sir.
Q. Where she went after that, you do not know?

A. No Sir.
Q. That was after both men had gone?
A. Yes Sir.
Q. When you came in from vomiting, did you hook the screen door then?
A. I could not tell. I do not know whether I did or not.
Q. Did you usually hook the door?
A. Yes. I always had a habit of hooking the door. I do not know whether I did it that day or not. I cannot tell.
Q. Did you shut the door into the kitchen when you left Mrs. Borden in the dining room?
A. Yes Sir.
Q. At that time you did not see Lizzie, and do not know where Lizzie was?
A. No Sir.

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Q. What did you do then?
A. I cleaned up my kitchen, and straightened up things.
Q. Then what did you do?
A. Washed the windows.
Q. What preparation did you make about washing the windows?
A. I went down cellar and got a pail, and came up, and got a brush out of the closet, and went out to the barn and got a stick.
Q. You went down cellar and got a pail?
A. Yes Sir.
Q. Went into the closet?
A. And got a big brush that sticks in the handle.
Q. And out where?
A. Out in the barn to get the stick.
Q. When you started to go out in the barn, do you remember how you found the door then?
A. Miss Lizzie came through the kitchen then, as I started to go out in the barn with a pail. She was at the back door.
Q. You had the pail?
A. Yes. I was outside. She was at the back door. She wanted to know if I was to wash windows. I said yes. I told her she need not hook the door, for I would be around there; but I told her she could hook it if she wanted to, and I would get the water in the barn.
Q. Where was she standing at that time?
A. In the back entry.
Q. Had she said anything about hooking the door?
A. No Sir.
Q. How came you to say that to her?
A. I thought she might hook it, and I could not get in. She was standing in the back entry then.
Q. How near the screen door was she then?
A. Pretty near it; not very far from it.
Q. Was you going out to get your pail then, or handle?
A. The handle.
Q. What did you say you said about getting the water?
A. I said I would get the water in the barn.

Q. What did she say?
A. Nothing.
Q. When you started to go out, to go through the screen door, was it hooked then?
A. Yes Sir.
Q. You had to unhook it to go out?
A. Yes Sir.
Q. Who was the last person out of that, before that, that you know of?
A. I could not tell.
Q. Had you been down cellar before that morning, before you went to get the pail?
A. I went down after some coal that morning, and some wood to start the fire with.

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Q. That was one trip?
A. No, I went down first for the wood, and took the ashes down, and brought the wood, and went for the coal.
Q. Did you use the water closet down cellar that morning?
A. No Sir.
Q. The next time you went down to the cellar was when you went down to get the pail?
A. Yes Sir.
Q. Did you get the water in the barn?
A. Yes Sir.
Q. Have you any idea how long that was after Mrs. Borden told you to wash the windows?
A. Half and hour I should judge.
Q. During that half hour you were engaged in cleaning up your kitchen?
A. Yes Sir.
Q. What was Miss Lizzie doing?
A. I could not tell.
Q. Did you see her during that time?
A. I do not think I did, not to my memory.
Q. When was the next time you saw her after going out to vomit, then you left her in the kitchen?
A. Yes Sir, eating breakfast.
Q. When was the next time you saw her, was it when she came to the screen door, and you were outside?
A. Yes Sir, to my memory.
Q. During the meantime you had not seen her?
A. No Sir.
Q. Where she was, you do not know?
A. No Sir.
Q. Had anything been said by either her or Mrs. Borden, in your presence, about doing up the spare room?
A. No Sir.
Q. Or doing the work in the spare room?
A. No Sir.
Q. You had nothing to do with the work in the spare room?
A. No Sir.
Q. Do you know who did do the work in the spare room?

A. I did not know as Mrs. Borden ever done it before, excepting her own friends were there.
Q. Whether she did it that morning, you dont know?
A. No Sir.
Q. So the next time you saw Lizzie after she was eating breakfast was when you were out in the yard. Where were you when you saw her? You saw her eating whatever breakfast she ate in the kitchen?
A. I went out in the back yard, and left her in the kitchen. Then I

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next saw her when I started to wash the windows; I was outside the screen door.
Q. Had you got the stick then?
A. No Sir. I had the pail and brush, and was just outside the screen door.
Q. What did you say to her about the door?
A. She asked me if I was to wash windows. I says "yes. You no need to lock the screen door. I will be around here. You may lock it if you want to. I will get the water in the barn." She did not say anything to that.
Q. Did she stay there to the screen door, or go away from it?
A. I do not know what she done. I went into the barn.
Q. When you came out of the barn, did you see her?
A. No Sir.
Q. How many windows outside did you wash?
A. Six.
Q. Which?
A. The sitting room, two, and the parlor and the dining room.
Q. You were on both sides of the house then?
A. Yes Sir.
Q. You were also on the front side of the house too?
A. Yes Sir.
Q. How many windows in the parlor?
A. Two.
Q. One on the front and one on the side?
A. Three, I washed three in the parlor.
Q. One side.
A. Two in the dining room and two in the sitting room.
Q. That is all you did wash outside?
A. Yes Sir.
Q. During the time you were washing windows outside, did you go in the house?
A. Yes Sir, I went in after a dipper.
Q. Where did you go for a dipper?
A. In the sink.
Q. Did you go anywhereelse besides in the sink?
A. No Sir. It was when I got through washing them with the brush.
Q. To throw the water up on to them?
A. Yes Sir.
Q. You washed all the five windows with the brush before you began with the dipper?
A. Yes Sir.
Q. You did not have a hose, but used the dipper instead?

A. Yes Sir.
Q. That was pretty near the end of the job when you went after the dipper?

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A. Yes Sir.
Q. You had been all around with the brush?
A. Yes Sir.
Q. Were the windows shut?
A. I shut them before I went out first.
Q. How many did you shut before you first went out, all of them?
A. I think I shut one in the sitting room, and two in the dining room.
Q. Was the other one in the sitting room already shut?
A. Yes Sir.
Q. So when you went out to wash the windows the windows were all shut up?
A. Yes Sir.
Q. When you were around shutting up the windows, did you see anything of Mrs. Borden or Lizzie?
A. No Sir.
Q. Was that the last thing before you went out?
A. Yes Sir.
Q. As soon as you got out, you saw Miss Lizzie at the back screen door?
A. Yes Sir.
Q. When you were going through the dining room or sitting room or parlor--
A. I did not go in the parlor at all.
Q. In the sitting room or dining room you did not see Miss Lizzie or Mrs. Borden?
A. No Sir.
Q. Did you go where you could see in the front hall?
A. No Sir.
Q. Did you go by the front hall door, or was it shut up?
A. I did not notice.
Q. You did not notice her anywhere, or hear her?
A. No Sir.
Q. That was the last thing you did before you went out?
A. Yes Sir.
Q. Did you go in the house before you completed the washing the windows for anythingelse besides the dipper?
A. No Sir.
Q. For that you only went to the sink?
A. Yes Sir.
Q. Where is the sink, right opposite the screen door?
A. It is the left side of the kitchen, next to the back yard.
Q. That is where the back entry comes out?
A. It is way in the back part of the kitchen.
Q. When you went down cellar to get the pail, which way did you go down?
A. Down the kitchen way inside.

Q. Did you use the outside door?
A. No Sir.
Q. Did you ever use that outside door?
A. No Sir, not except when I would wash.
Q. When did you wash?
A. I washed Monday, and hung them out the Tuesday.
Q. Did you then use the back door?
A. Yes Sir.
Q. Was it open then? I mean the cellar back door, did you use it the day you washed?
A. Yes Sir.
Q. And the day you hung the clothes out?
A. Yes Sir.
Q. Both the same day?
A. I only used it the day I hung them out. I had no business going out the day I washed them, for I did not hang them out.
Q. You used the cellar door that goes into the yard the day you hung the clothes out?
A. Yes Sir.
Q. Who opened that door?
A. Myself. I shut it when I got through.
Q. Did you fasten it?
A. Yes Sir, with a bolt inside.
Q. Did you unbolt it again during that week?
A. No Sir.
Q. Did you take any notice whether it was unbolted or not?
A. No Sir.
Q. Did you try to use it?
A. No Sir.
Q. Did you know of anybodies going in or out of that back door any time that week?
A. No Sir.
Q. Did you notice it after the murder was committed?
A. No Sir.
Q. You did not take any notice of it then?
A. No Sir.
Q. Do you know whether Mr. Borden had anything to do about seeing that the back door was shut up?
A. Yes Sir. He always seen a Monday, or whatever day the clothes would be taken in, that it was locked; for he always took in the clothes line himself.
Q. And saw that the door was locked?
A. Yes Sir.
Q. Did he do that on Tuesday?
A. I suppose he did. He always came through to see if it was open.
Q. Did you see him do it on Tuesday?
A. No Sir I did not.

Q. You did shut up the door yourself on Tuesday, and locked it by a bolt inside?
A. Yes Sir.
Q. Anythingelse besides a bolt?
A. No Sir.
Q. What room did that let into?
A. Into the washroom.
Q. Have you any particular idea how long it took you to wash the windows outside?
A. No. I should think it was twenty minutes past ten when I got in the house.
Q. How do you fix that time?
A. By the way I had the other work to do.
Q. You estimate it by the amount of work you had to do?
A. Yes. I did not look at any time, but I judged by the work I had to do.
Q. Which was the longest part of the job, the doing it with the brush, or swashing the water on with the dipper?
A. With the brush I guess.
Q. That was the longest part of it?
A. Yes Sir.
Q. Is that a good deal the longest part of the work?
A. It is longer to do it with a brush than with the water.
Q. When you came in and got the dipper, and came out again, you washed, threw the water on the windows to make them clean?
A. Yes Sir.
Q. Shut up all the time?
A. Yes Sir.
Q. Where did you get the water that you worked with?
A. In the barn.
Q. There is a faucet there, is there?
A. Yes Sir.
Q. Have you any idea how many pails of water you used?
A. I dont know.
Q. A good many, or not a great many?
A. I guess a good many.
Q. Both for the brush work and the dipper work?
A. Yes Sir.
Q. Do you remember which side you washed first, the dining room side or the sitting room?
A. The sitting room.
Q. That is not the side the parlor is on?
A. No Sir.
Q. There is only two windows on that side of the house?
A. No Sir.
Q. You washed that side first?
A. Yes Sir.

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Q. You did not wash the kitchen at all?

A. No Sir, I washed the parlor window first, next to the sitting room, and the dining room last.
Q. Then you did the dipper work the same way?
A. Yes Sir.
Q. Went around the sitting room first, and then the parlor, and then the dining room?
A. Yes Sir.
Q. The windows were shut all the time?
A. Yes Sir.
Q. Then what did you do?
A. I came in and got the hand basin and went in the sitting room and started to wash the sitting room windows inside.
Q. Still shut up, were they?
A. Yes Sir.
Q. You went in through the screen door, and shut it up and hooked it when you came in?
A. Yes Sir.
Q. Took the hand basin and went to washing the sitting room windows?
A. Yes Sir.
Q. When you came in at that time, did you see Miss Lizzie?
A. I do not think I did. No Sir, I did not.
Q. So, as I understand you, you had not seen her after she came to the back screen door, as you began your work?
A. No Sir, not to my memory.
Q. Where she was, you do not know?
A. No Sir.
Q. You did not hear her either?
A. No Sir.
Q. Did you see Mrs. Borden when you came inside and began to wash the sitting room windows?
A. No Sir.
Q. Did you see any person around the house when you were washing the windows outside?
A. No Sir.
Q. In through the windows, did you see anybody, or did you see anybody in the yard?
A. No Sir.
Q. You say you washed the sitting room windows inside first?
A. Yes Sir.
Q. Did Mr. Borden come in any time during that time?
A. Yes Sir.
Q. What stage of the work were you at? How far had you got along with the washing, when he came in?
A. I had part of one window washed, that was the upper part.
Q. The upper part of one window?
A. Yes Sir.

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Q. That would be quarter of the work in that room, done?
A. Yes Sir.
Q. How did you know he had come?
A. I heard him at the door. I cannot tell did he ring the bell or not, but I heard a person at the door

trying to get in; and I let him in.
Q. What was it you heard, exactly?
A. Somebody trying to unlock the door.
Q. You was then in the sitting room washing the windows?
A. Yes Sir.
Q. What did you do?
A. I went and let him in.
Q. It was Mr. Borden was it?
A. Yes Sir.
Q. Have you any idea what time that was?
A. It might be later than half past ten; I could not tell.
Q. What locks on the front door did you find locked when you let him in?
A. The bolt and a common key that I turned on both sides.
Q. Anythingelse?
A. No Sir.
Q. A spring lock?
A. Yes Sir. He had a key.
Q. He unlocked that from the outside?
A. Yes Sir.
Q. Was that spring lock set to lock the door up when it was shut?
A. Yes Sir.
Q. Up to the time you let Mr. Borden in, had you seen Miss Lizzie?
A. She was up stairs at the time I let him in.
Q. Where up stairs?
A. She might be in the hall, for I heard her laugh.
Q. Up the back or front stairs?
A. The front stairs.
Q. At the time you let Mr. Borden in?
A. Yes Sir.
Q. Was that the first you had heard or seen of her since you spoke to her at the back door?
A. Yes Sir.
Q. You had not seen her or Mrs. Borden during the intermediate time?
A. No Sir.
Q. What was the occasion of her laugh?
A. I got puzzled on the door, I said something, and she laughed at it; I supposed that must make her laugh, I dont know.
Q. She laughed when you said something?
A. Yes Sir. I did not expect the door was locked. I went to open it. I was puzzled; I went to unlock it twice.
Q. What was it you said, if it is not too bad to repeat?
A. No. I did not say much.

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Q. Some exclamation you made when you had trouble with the door?
A. Yes Sir.
Q. Was that the time she laughed?

A. Yes Sir.
Q. Did she laugh out loud?
A. Yes Sir.
Q. Say anything?
A. No Sir.
Q. Did you see her then?
A. No Sir.
Q. How soon did you see her?
A. It might be five or ten minutes after, she came down stairs; she came through the front hall, I dont know whether she came from up stairs. She came through the sitting room, I was in the sitting room.
Q. Where did Mr. Borden go when he came in?
A. Into the dining room.
Q. You were at work in the sitting room then?
A. Yes Sir.
Q. What did he do in the dining room?
A. He sat at the head of the lounge in a chair when I saw him.
Q. There is a lounge in the dining room too?
A. Yes Sir.
Q. That is not the lounge he was found dead on?
A. No Sir.
Q. He sat in a chair? What doing?
A. Reading.
Q. You were still at work in the sitting room, washing the windows?
A. Yes Sir.
Q. Had you finished washing the sitting room windows when she came down?
A. No Sir.
Q. You were still engaged in washing the windows?
A. Yes Sir.
Q. Did you see her when you let Mr. Borden in, or only hear her?
A. No Sir, heard her.
Q. When she came down, what room did she come into from the front hall?
A. In the sitting room where I was; then she went into the dining room.
Q. That is where Mr. Borden was?
A. Yes.
Q. Did you hear her say anything to Mr. Borden?
A. I heard her ask him if he had any mail for her. I heard her telling her father very slowly that her mother got a note, that Mrs. Borden had a note that morning, and had gone out.
Q. You heard her telling that very slowly?

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A. Yes Sir, to her father.
Q. Had got a note?
A. From some sick person. Of course the conversation was very low, I did not pay any attention to it; but I heard her telling her father that.
Q. What else did you hear her say to her father?

A. Not any more.
Q. What happened then, did she stay there?
A. I do not know where she went then, I cannot tell.
Q. Do you know whether she stayed in that room or not?
A. No Sir, I do not.
Q. What did you do then?
A. I stayed washing the windows, right along until I got through.
Q. In the sitting room?
A. Yes Sir.
Q. What did you do then?
A. I came right into the dining room.
Q. Where was Mr. Borden when you came into the dining room?
A. After coming down stairs from his room.
Q. Did you see him go?
A. I saw him take the key from the shelf.
Q. Was that after Miss Lizzie spoke to him?
A. Yes Sir.
Q. Where did he take the key from?
A. Off the sitting room shelf.
Q. How did he go to go up stairs, which way?
A. The back way.
Q. How long was he gone?
A. I could not tell.
Q. Was you washing windows in the sitting room when he went up the back stairs?
A. Yes Sir.
Q. Were you when he came down?
A. I was just taking the step ladder from the sitting room into the dining room.
Q. When you went into the dining room, did you see Miss Lizzie then?
A. No Sir.
Q. Was she in the dining room or sitting room?
A. No Sir.
Q. Did you see her in the kitchen?
A. No Sir. I did not go out in the kitchen.
Q. When Mr. Borden went out into the kitchen, you saw him go out?
A. Yes Sir, he came out of the kitchen door, and went back again.
Q. Did you see whether Miss Lizzie went with him then?
A. I did not notice.
Q. You saw Mr. Borden when he came back?
A. Yes Sir.

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Q. What did he do then when he came back?
A. He let the window down, it was up with the screen in. He took a chair and sat down near the window with a book or paper in his hand.
Q. Which window was that?
A. The sitting room.

Q. Sat in a chair near the window with a book or paper in his hand?
A. Yes Sir.
Q. Was anybody in the room then?
A. Not as I saw.
Q. You could see?
A. Yes Sir.
Q. Was it the usual place to keep the key of his room on the shelf in the sitting room?
A. Yes Sir.
Q. That room was kept locked?
A. Yes Sir.
Q. That is the room that lets in from the back stairs?
A. Yes Sir.
Q. Did he bring the key back when he came back?
A. Yes Sir, and put it on the shelf.
Q. He sat down with a book or a paper near the window in the sitting room?
A. Yes Sir.
Q. In a rocking chair?
A. An easy chair I guess.
Q. Had he then put on his house coat?
A. I could not tell you.
Q. What was you doing then?
A. Started to wash the first window in the dining room.
Q. Had you seen Miss Lizzie about then?
A. No Sir.
Q. How soon did you see Miss Lizzie?
A. I was washing the last window, she came out from the sitting room into the kitchen, and brought in an ironing board.
Q. She came from the sitting room through the dining room?
A. Yes Sir, and she went out in the kitchen, and brought in an ironing board, put it on the dining room table and started to iron.
Q. That was while you was finishing the last window?
A. Yes Sir.
Q. She appeared then from the sitting room?
A. Yes Sir.
Q. Was the door from the sitting room to the kitchen open then?
A. I could not tell you.
Q. Was the door from the dining room to the kitchen open then?
A. She opened it.
Q. She appeared from the sitting room into the dining room, and went into the kitchen, and got the board?

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A. Yes Sir.
Q. You had not seen her before since she came down and asked about the mail?
A. No Sir.
Q. Where she went to meanwhile, you do not know?

A. No Sir.
Q. Where did she put the ironing board?
A. On the dining room table.
Q. Wherebouts did you say she put the ironing board?
A. On the dining room table.
Q. Was the table in the middle of the room?
A. Yes Sir.
Q. Was it set with dishes?
A. Yes Sir.
Q. You kept it set all the time?
A. Yes Sir.
Q. You did not clear it away, and put on a red cloth, or something, but kept it set all the time?
A. Yes Sir.
Q. Did she lay the ironing board right on the table, or from the table to somethingelse?
A. Right on the table.
Q. Which part of the table was that, do you remember now, near the kitchen door, or what?
A. I should say on the corner of the table. She left it on the dining room table.
Q. Which corner of the table?
A. As she came from the kitchen door in, the same side.
Q. Nearest to the kitchen?
A. Yes Sir.
Q. Was this a regular sized ironing board?
A. No Sir, a very small one; it was not the one I used to use.
Q. Something specially for this business, I suppose?
A. Yes Sir.
Q. Give me a little idea of the size of it. Was it as big as that there?
A. No Sir, as big as that.
Q. In front of you?
A. Yes Sir.
Q. You did the ironing, I suppose, for the family?
A. Yes Sir.
Q. What was this that she was ironing?
A. Handkerchiefs. She always done them herself.
Q. It was just as you was finishing the dining room windows that she brought the ironing board in?
A. Yes Sir.
Q. Did she say anything to her father then?
A. I did not hear her.

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Q. Did you hear her father move, or do anything in his room?
A. No Sir, not to my knowledge.
Q. Did you hear him leave the chair he was sitting in, or see him leave the chair?
A. No Sir. I could have seen him from the first window I started to wash. The door was right facing the window.
Q. Did you see him from that window?
A. Yes Sir.

Q. He was sitting in the chair then?
A. Yes Sir.
Q. It was while you were washing the other window Lizzie appeared, and went into the kitchen, and got her ironing board?
A. Yes Sir.
Q. What did you do then when you finished washing the window?
A. I went out in the kitchen, and Miss Lizzie was talking to me a little while, not very long.
Q. What was she saying?
A. She asked was I going out that afternoon. I told her I did not know, I might, and I might not. I was not feeling very well. She said Mrs. Borden was going out, or gone out, I could not catch the two words she said; that somebody was sick. I asked her who was sick. She said she did not know, but she had a note that morning. "If you go out, be sure and lock the door, because I may be out."
Q. Did she say anythingelse?
A. No Sir, not in the dining room.
Q. What did you do then?
A. I went out in the kitchen.
Q. She was then in the dining room?
A. Yes Sir.
Q. What did you do then?
A. Hung up my cloth I had to wash with, and threw away the water, and went up stairs in my room.
Q. Where was Miss Lizzie?
A. She came out in the kitchen, as I was starting to go up stairs.
Q. What for, if you saw?
A. She came out, and she told me there was a sale in Sargeants that afternoon of dress goods for eight cents a yard. I told her I would have one.
Q. Did she say anythingelse to you?
A. No Sir, that was all.
Q. That was before you went up stairs?
A. Yes Sir, just as I was starting.
Q. Was she then having her flats in her hand?
A. I could not tell whether she had her flats or not. She went in the dining room back again.
Q. Did you see her take her flats in her hand before you went up stairs?

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A. Yes Sir.
Q. Did you see her with her flats in her hand when you went up stairs?
A. I do not know. She was ironing when I was in the dining room.
Q. How long did you stay in the kitchen?
A. Not more than three or four minutes.
Q. She came out and told you that about the sale, and then you went up stairs?
A. Yes Sir.
Q. Did you see Mr. Borden again? You said you saw him as you was washing next to the last window in the dining room, and after you got around the partition you did not see him?
A. No Sir.
Q. If he changed his position from there to the sofa you did not know it?
A. No Sir.

Q. When you went up stairs, what time was it?
A. It might be four or five minutes to eleven.
Q. How do you know that?
A. By the length of time I was up stairs when it struck eleven o'clock.
Q. How soon after you got up stairs did you hear it strike eleven?
A. About three or four minutes.
Q. After you got up stairs?
A. Yes Sir.
Q. Did you take any notice of the fact that it struck eleven?
A. Yes Sir.
Q. What notice did you take of it?
A. My clock was on the bureau.
Q. Where were you at the time?
A. I was laying on the bed.
Q. You were laying down?
A. Yes Sir.
Q. You did not take your clothes off?
A. No Sir.
Q. How long did you say it was after you got up stairs before the clock struck?
A. I should say it was three minutes.
Q. Very soon then?
A. Yes Sir.
Q. Did you go to sleep, so far as you know?
A. No Sir.
Q. Why was you not at work getting your dinner at that time?
A. I thought I had time enough to start to get dinner at half past eleven, with the dinner I had to get.
Q. Was it your habit to go up stairs that way?

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A. Yes Sir.
Q. When?
A. When I got through with my work down stairs, if I had not anythingelse to do, I always went up stairs, before I started to get dinner, if I had time.
Q. How did you leave the fire when you went up stairs?
A. I did not see the fire at all.
Q. When was the last time you had anything to do with the fire?
A. After getting breakfast, and washing my dishes, I did not see the fire again. I had no business with it.
Q. Did you look out the window when you were up stairs, you did not, did you?
A. No Sir.
Q. You lay right on the bed?
A. Yes Sir.
Q. When were the flats put on the stove, that were used for the ironing?
A. I could not tell you.
Q. They were on the stove?

A. Yes Sir.
Q. Do you know what the dinner was that day?
A. Yes Sir, some soup to warm over, and some cold mutton.
Q. Potatoes?
A. No Sir; potatoes in the soup.
Q. Had you put the soup on when you went up stairs?
A. No Sir.
Q. You were coming down to do that about half past eleven?
A. Yes Sir.
Q. Cold mutton, of course, did not require any cooking at all?
A. No Sir.
Q. You did not pay any attention to the fire when you went up stairs at all?
A. No Sir.
Q. Was it a coal or wood fire?
A. A little coal fire I started in the morning.
Q. How did you usually warm up the soup with coal or wood?
A. In hot weather we usually used the wood.
Q. You let the coal fire go out?
A. Yes Sir.
Q. You were coming down stairs at half past eleven to get the dinner?
A. Yes Sir, probably sooner.
Q. Did Miss Lizzie say anything more to you before you went up stairs besides what you said?
A. No Sir.
Q. Did you hear anything down stairs?
A. No Sir.

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Q. Did you go in or out of the screen door after you came in from washing the windows?
A. No Sir.
Q. Did anybodyelse, so far as you saw?
A. No Sir.
Q. When you came in, you fastened it?
A. Yes Sir.
Q. After you let Mr. Borden in, did you shut the front door up again?
A. He shut it up.
Q. When did you next see anything, or hear anything?
A. Not until Miss Lizzie called me.
Q. What time was that, as near as you can fix it?
A. I might be up stairs ten or fifteen minutes, as near as I can think, after I went up stairs.
Q. Have you anyway of fixing that, or is it just your estimation?
A. That is what I think, I did not look at the clock when I came down. That is the length of time I thought I was there.
Q. You were still lying on the bed---
A. Yes Sir.
Q. --when she called to you. What did she say?
A. She holloed to me. Of course I knew something was the matter, she holloed so loud. I asked her

what was the matter. She said "come down quick", that her father was dead.
Q. She called your name, Maggie?
A. Yes Sir. I came down, and asked what was the matter, and was going into the sitting room. She told me to go quick for Dr. Bowen.
Q. Where was she when you went down?
A. Standing in the back door, leaning against it, right by the screen door.
Q. The wooden door, that you opened in the morning, that was not shut during the day?
A. Yes Sir.
Q. That was at the foot of the stairs?
A. Yes Sir.
Q. The stairs came down near the screen door?
A. Yes Sir.
Q. Did she say anything when you got down stairs?
A. She said "go for Dr. Bowen". I ran ahead, I did not know what was the matter. She told me to "go quick and get Dr. Bowen."
Q. What did you do then?
A. I went right over to Dr. Bowen's.
Q. Who did you find there?
A. Mrs. Bowen.
Q. You told her what had happened?
A. Yes Sir.
Q. Dr. Bowen was not there?
A. No Sir.
Q. Then what did you do?

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A. Came back.
Q. Dr. Bowen lives right across the street?
A. Yes Sir.
Q. Who was there when you came back?
A. Nobody but Miss Lizzie. I told her he was not in. I told her what Mrs. Bowen told me. She told me to go after Miss Russell.
Q. What did you do then?
A. I went after her.
Q. Where does she live?
A. On Borden street.
Q. How far away is that?
A. I do not know, it is a good ways away. I could not tell you exactly how long it is.
Q. Did you find Miss Russell?
A. Yes Sir.
Q. Had anybodyelse come in when you came back there, telling that Dr. Bowen was not there?
A. No Sir, I did not see anybody.
Q. Where was Miss Lizzie when you came back from Mrs. Bowen's?
A. Where I left her, standing at the door.
Q. At that time when you went out after Dr. Bowen, did you find the screen door locked?
A. No Sir.

Q. Shut up?
A. Yes Sir.
Q. Did you come back with Miss Russell?
A. Ahead of her.
Q. When you came back, who did you find there then?
A. Dr. Bowen was ahead of me; he stepped out of his carriage as I came up Second street. Dr. Bowen went in ahead of me.
Q. When you got in, who did you find there?
A. I think Mrs. Churchill was in when I got in there.
Q. She is the next door neighbor?
A. Yes Sir.
Q. She was in when you got back?
A. Yes Sir.
Q. What was said when you got back?
A. I cannot tell.
Q. Where was Miss Lizzie when you got back?
A. She was there.
Q. Wherebouts?
A. I could not tell you where, I think she must be in the kitchen; I think she was in the kitchen.
Q. Who else was there besides Mrs. Churchill?
A. That is all I remember, Mrs. Churchill and Dr. Bowen.
Q. Did you then see the body?
A. No Sir.
Q. What happened then, what was the next thing you remember? I

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suppose you got pretty confused by that time?
A. Yes Sir.
Q. What is the next thing you remember to have taken place?
A. Dr. Bowen said Mr. Borden was murdered, as I went into the dining room.
Q. Did you see anything of the ironing board when you got back?
A. I did not notice it, but afterwards I saw it on the kitchen table.
Q. Where it belonged?
A. No Sir; it belonged in the closet.
Q. Where were the handkerchiefs?
A. I did not notice them.
Q. About how many handkerchiefs did she have to iron?
A. I could not tell you.
Q. Did she iron anybodys but her own?
A. That is all.
Q. Did you see the handkerchiefs there when you got back?
A. No Sir, I did not think of them.
Q. Was anything more said then that you remember of?
A. No Sir.
Q. What did you do then?
A. We were talking, I said I would like to know where Mrs. Borden was. I said I would go over to

Mrs. Whitehead's. She said she would like us to search for Mrs. Borden, she told us to go and search for her. I said I would go over there, if I knew where the house was. She said she was positive she heard her coming in, and would not we go up stairs and see.

Q. Who said that?
A. Miss Lizzie Borden. I said I would not go up stairs; and Mrs. Churchill said she was willing to go with me; so me and Mrs. Churchill went up the front stairs. There we found Mrs. Borden.
Q. Did you see her before you got in?
A. I saw her as I went in; but I stood at the foot of the bed and looked at her.
Q. Was the door open then into the room?
A. Yes Sir.
Q. Did you disturb or touch the body in any way?
A. No Sir.
Q. Did anybody while you were there?
A. No Sir.
Q. You said you saw her before you went in?
A. Yes Sir, I could see her as I went in. Of course the bed was not a very high bed, I could see her body, her dress; and then I stood at the foot of the bed and looked at her.
Q. What did you do then?
A. I came down stairs.
Q. Did anyoneelse come by that time?

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A. No Sir, Mrs. Churchill came with me. I do not know whether she went into the room or not, I cannot tell. Me and her came down stairs, and she told Dr. Bowen that Mrs. Borden was up stairs.
Q. Where was Lizzie then?
A. In the kitchen with Miss Russell.
Q. What then?
A. That is all I done there.
Q. Then I suppose the other people came?
A. Yes Sir.
Q. Did you see Dr. Dolan when he came?
A. Yes Sir.
Q. Did you see what he did when he came?
A. No Sir, I did not go into the rooms any more.
Q. You stayed in the kitchen after that?
A. Yes Sir.
Q. Did you go down cellar?
A. Yes, with some of the officers.
Q. What officers?
A. I could not tell.
Q. Did you see any axes or hatchets in there?
A. Yes Sir in a box back of the furnace where Mr. Borden used to keep the wood.
Q. When you went down this time with the officers, were they there?
A. Yes Sir. They asked me to go down with them.
Q. They were in a box back of the furnace?

A. Yes Sir.
Q. Was that the first time you had seen them?
A. Yes Sir.
Q. Had you ever seen them before?
A. No Sir.
Q. Which officers went down?
A. I could not tell you one of them.
Q. You do not see any of them here?
A. I do not think I know any of them now.
Q. Did you see whether the outside cellar door was open then?
A. No Sir I did not.
Q. Did you notice it was, or was not?
A. I did not notice anything about it.
Q. How soon was that after you got back that you went down stairs with the officers?
A. Quite a while I guess.
Q. That was the first time you had seen the axes, when the officers went down?
A. Yes Sir.
Q. You had not seen the axes that morning before that?
A. No Sir. I had no business to go to that place at all.
Q. You had been down stairs before?
A. Yes Sir.

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Q. You had not seen any axes before that time?
A. No Sir.
Q. You did not notice anything about the cellar door when you went down?
A. No Sir.
Q. Did you hear Miss Lizzie say at any time where she was when her father was killed?
A. I asked her where she was. She said she was out in the back yard.
Q. Did she say what she was doing in the back yard?
A. No Sir.
Q. Was anything more said by her excepting that?
A. No Sir, not to me.
Q. In your hearing did you hear her say anything beside that?
A. No Sir.
Q. When did she say that, if you remember?
A. I think after I was getting back from being after Miss Russell.
Q. Do you remember what dress she had on that morning?
A. No Sir.
Q. You have no idea at all?
A. No Sir.
Q. You could not tell whether she had a dress and waist of the same kind, or different?
A. No Sir, nothing about it.
Q. Could you tell whether she had an apron on?
A. I could not tell whether she did or not.
Q. Had Mrs. Borden said anything to you about going out that day?

A. No Sir.
Q. Was it her habit to tell you when she was going out?
(Objected to.)
(Court) Your objection is sustained as a matter of course.
(Mr. Knowlton) As to whether it was Mrs. Borden's habit to notify her hen she was going out. I suppose I could show it was her universal habit to notify this girl when she went out for any errand whatever. I am going to show she did not this morning.
Q. Had she told you anything about going out that morning?
A. No Sir.
Q. Whether it was her habit?
(Objected to.)
(Court) Excluded.
Q. The only person you have heard anything about going out from, was from Lizzie?
A. Yes Sir.
(Objected to as leading.)

End of Day 2 - Court adjourned until Saturday, August 27, 1892.

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Day 3, Saturday, August 27, 1892

Bridget Sullivan, resumed.

Q. Had there been any sickness in the family before that Thursday that you know of?
A. Yes Sir, they were sick Wednesday.
Q. What time Wednesday did you first know of it?
A. In the morning, as they got down stairs.
Q. Who is "they"?
A. Mr. Borden came down first.
Q. When who got down stairs?
A. Mr. Borden came down first that morning.
Q. What was it about their being sick?
A. Mrs. Borden came down, and asked me if I heard they were sick all night. I said no. She said her and Mr. Borden were sick all night, taken with vomiting.
Q. That you heard Wednesday morning?
A. Yes Sir.
Q. How did they appear to be Wednesday morning?
A. They looked pretty sick.
Q. Both of them?
A. Yes Sir.
Q. Did you hear Miss Lizzie say anything about being sick too?
A. Yes Sir.
(Mr. Adams) What did she say?
Q. What, if anything, did you hear Lizzie say?
A. No Sir, I heard her say she was sick all night too.
Q. How did she seem to be in the morning?
A. Well, I did not notice.

Q. When did you get the coal and wood for the day?
A. In the morning when I first start the fire.
Q. What is it you get in the morning?
A. I first got the wood, and started the fire, and then went for the coal.
Q. How do you keep the fire going during the day?
A. Sometimes we keep it going, if there is any necessity for it.
Q. How, with coal or wood?
A. Sometimes with wood, more times with coal.
Q. What kind of wood do you use?
A. Hard wood.
Q. Get it where?
A. Down cellar.
Q. Did you have a wood box up in the kitchen?
A. Yes Sir.
Q. One or two little things I did not touch on yesterday, that I went over; how long should you say Miss Lizzie had been ironing when you went up stairs?
A. I could not say how long it was.
Q. As near as you can tell?

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A. Probably about eight or nine minutes.
Q. When you went up stairs?
A. Yes Sir.
Q. That privy out behind the barn, was that used by any member of the family, was that in use?
A. Mr. Borden used it.
Q. Did anybodyelse besides him?
A. Mrs. Borden sometimes.
Q. Did you ever know the girls to use it?
A. No Sir.
Q. Was there any horse kept there on the premises?
A. Not for the last year.
Q. Formerly was?
A. Yes Sir, there was a horse there once.
Q. When did they leave off keeping a horse, so far as you know about?
A. I should think it was a year or two, I cannot exactly tell the time.
Q. Since that time, has there been any animals kept in the barn?
A. No Sir, not as I know of.
Q. Since the horse left off being kept there, have you ever seen Lizzie go to the barn?
A. No Sir, not that I remember.
Q. Tell me again what you said yesterday about what Lizzie said about receiving a note, about her mother receiving a note.
(Mr. Adams) He has already had it; he is not entitled to it again.
(Mr. Knowlton) I do not know whether she said yesterday what I am trying to get at or not.
(Court) You are entitled to understand the testimony.
(Mr. Adams) He does not say that he does not understand it.
(Court) The question may be asked.

Q. Tell that again, what Lizzie said to you about her mother's note.
A. Lizzie Borden asked me that day if I was going out that afternoon. I said I did not know; "I might, and I might not." She said "if you go out, be sure and have the doors fastened, I might go out too, and Mrs. Borden may be gone out too. She had a note this morning, a sick call." I said "who is sick?" She said "she had a note, so it must be in town."
Q. At any time did you have any talk with Lizzie more than what you stated?
A. No Sir.
Q. Did you have any talk about her seeing or hearing Mrs. Borden?
A. No Sir.
Q. Did you ask her any questions as to whether she heard anything?
A. No Sir.
Q. Or did she say anything?
A. No Sir.
Q. Calling your attention; whether you had any talk with her, in which she said anything about hearing her groan?

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(Objected to.)
(Mr. Knowlton) I have exhausted the witness' recollection, and now direct her attention.
(Court) If it is for the purpose of refreshing her recollection of something which you are confident is within her knowledge, the question may be put in that form.
Q. Yes. Miss Lizzie said she was out in the yard, and she heard a groan.
(Mr. Adams) Heard a groan, or heard her groan?
A. Heard her father groan I should think.
Q. What did you say to her before that?
A. I asked her where she was. She said she was out in the back yard. She heard a groan, and she came in, and the screen door was wide open.
Q. When you were opening the door, the front door, and heard her laugh up stairs, did you recognize the voice?
A. Yes Sir.
Q. Whose did you recognize it to be?
A. Miss Lizzie.
Q. At any time after she called you down stairs, did you see Miss Lizzie crying?
A. No Sir.
Q. At no time?
A. No Sir.
Q. That applies to the whole day, that question does.
A. No Sir.

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CROSS-EXAMINATION OF BRIDGET SULLIVAN.

Q. (Mr. Adams.) Do you want to sit down this morning, Miss Sullivan?
A. No Sir.
Q. I am going to ask you a few questions. Do I understand you to say you lived with this family two

years and ten months?
A. Nine months, about.
Q. Two years and nine months?
A. Yes Sir.
Q. That is to say, what season of the year was it you came to Mr. Borden's?
A. Some day in November, I think.
Q. Two years last November?
A. Yes Sir.
Q. Did you come from another place there?
A. Yes Sir.
Q. Whose place was that?
A. Mrs. Remington's in High street.
Q. How long had you lived there?
A. Seven months.
Q. Where did you live before that?
A. Mrs. Reed's in Highland Avenue.
Q. How long did you live there?
A. Fifteen months.
Q. Where before that?
A. Out in South Bethlehem.
Q. Where is that?
A. Pennsylvania.
Q. Then you came from Pennsylvania here to Fall River?
A. Yes Sir.
Q. Did you know anybody in Fall River when you came here?
A. Yes Sir.
Q. Have you any friends or relatives here?
A. Yes Sir.
Q. In consequence of that fact you came here?
A. Yes Sir.
Q. How long had you lived in So. Bethlehem, Pennsylvania?
A. Twelve months.
Q. Were you at work there in a family?
A. Yes Sir.
Q. What doing?
A. House work.
Q. Where did you live before that?
A. Came from Ireland.
Q. Did you land in New York?
A. No Sir, Newport.
Q. You left the steamer at Newport?

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A. Yes Sir, the New York boat.
Q. You came to New York first, and went from New York to Newport?
A. Yes Sir.

Q. That then is five or six years ago, is it not?
A. Six years ago the 24th of last May.
Q. How old are you?
A. Twenty-five.
Q. When was your last Birthday?
A. I do not know.
Q. You do not know?
A. No Sir.
Q. Then how do you know you are twenty-five; because you have been informed so?
A. Yes Sir.
Q. Did you ever live anywhere else than in Pennsylvania and Fall River?
A. In Newport I worked twelve months.
Q. In whose family there?
A. A hotel.
Q. What hotel?
A. The Perry house.
Q. That was when you first came to this country?
A. Yes Sir.
Q. How long did you stay there?
A. Twelve months.
Q. Did you work anywhere else in Newport than in the Perry House?
A. No Sir.
Q. And you were at work all the time while you were in Newport, while you lived there, in the Perry House?
A. I was a little while with my friends before I went to work. I was twelve months in Newport before I left it.
Q. Friends where?
A. In Newport.
Q. Who were they?
A. Sullivans.
Q. What Sullivan is it, what is the first name?
A. Dennis.
Q. Mr. Dennis Sullivan; does he live there now?
A. I do not know.
Q. Was he a relative of yours?
A. A friend.
Q. A married man?
A. Yes Sir.
Q. You stopped in the family?
A. Yes Sir, when I was out of a place.
Q. About how long did you stay in his family before you got the place?
A. I cannot tell.
Q. A week or two weeks or a month?

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A. Two or three weeks.

Q. A short time?
A. Yes Sir.
Q. Did you ever work for a Mr. Saunders, or Landers, any such name as that?
A. No Sir.
Q. What was the name of the family for whom you worked in So Bethlehem, Pennsylvania?
A. Mr. Smiley.
Q. What was his first name?
A. Mr. Matt Smiley.
Q. Matthew Smiley?
A. Yes Sir.
Q. What was his business?
A. I do not know what his business was.
Q. What kind of work did you do in the Perry House at Newport?
A. Kitchen work.
Q. Have you ever testified before in this case?
A. No Sir.
Q. Ever told your story before?
A. What do you mean?
Q. I want you to understand my question, that is, whether or not you have told what you know in this case anywhere before you came into this Court Room?
A. Why, no.
Q. Did you not go before the Inquest? Have you not testified before you began telling your story yesterday?
A. I was here yesterday.
Q. Before that time, did you not tell the story at any time?
A. Yes Sir.
Q. When was that, how long ago?
A. Tuesday after the murder, I guess.
Q. Was it in this same room?
A. Yes Sir.
Q. Who were present, were there any people here?
A. Yes Sir.
Q. How many?
A. Three or four I think.
Q. Can you tell me who they were?
A. Mr. Knowlton was there, and the Marshal, I think.
Q. The Marshal was here?
A. I think he was, I do not know.
Q. Was someone here besides Mr. Knowlton, the District Attorney?
A. I think Dr. Dolan was here.
Q. Were they in the room when you were telling your story?
A. I think so.
Q. All the time?
A. I think so.

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Q. Who else besides Dr. Dolan and the marshal were in the room while you were telling your story?
A. I dont know.
Q. Were there some other people do you think?
A. I dont know. There were three or four folks here, I do not know who they were.
Q. Who asked you the questions?
A. Mr. Knowlton.
Q. Was your story taken down in writing?
A. I think so.
Q. Has any of it been read to you since then?
A. No Sir.
Q. Where did you go when you left the court room last night?
A. I went down in the office to wait for a carriage.
Q. In the marshal's office?
A. Yes Sir.
Q. Did you have any talk down there?
A. No Sir. Of course there was words passed to me.
Q. Did you have any talk about your testimony then, or later?
A. No Sir.
Q. Since you left the Court Room last night, have you talked with anybody about your testimony?
A. No Sir.
Q. Has it been read to you, or your attention called to any part of it?
A. No Sir, I did not hear anything of it read.
Q. Did anybody have any talk with you; did the District Attorney talk to you last night?
A. Yes Sir, he said a few words to me down in the Marshal's office.
Q. Was the Marshal there?
A. He was around there, I do not know whether he was listening to me.
Q. Who else was there?
A. I cannot tell who they were.
Q. Did they have any testimony, or anything, written out, or any paper which they showed you last night?
A. Mr. Knowlton showed me a little paper.
Q. What kind of a little paper?
A. I do not know what it was.
Q. Did you look at it?
A. Yes Sir.
Q. Was it in writing?
A. In printing I think.
Q. Was it something that you had said somewhere?
A. Yes Sir.
Q. It was. And had you made some mistake?
A. No Sir.

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Q. Was it something that you were going to say?

A. No Sir.
Q. Something that you had said at the other hearing?
A. No Sir. What I said was all right.
Q. I understand that. What did he show you the paper for; do you recollect?
A. I do not know.
Q. You read it, did you not?
A. No Sir, I did not.
Q. You saw it was in printing?
A. Yes Sir.
Q. He handed it to you?
A. No Sir.
Q. You said he showed it to you?
A. I said I saw it.
Q. Was he talking about that paper when he showed it to you?
A. No Sir. He read a little of it.
Q. Was that something that you had said?
A. Yes Sir.
Q. When had you said it?
A. I do not know when I said it.
Q. Did you say it yesterday or at that other time when you were in this room?
A. I do not know.
Q. Had you said it at all at any time?
A. Yes Sir.
Q. Had you forgotten all about it?
A. No Sir.
Q. You remembered all about it?
A. Yes Sir.
Q. How much do you think he read to you, quite a little?
A. About half a dozen words I should judge.
Q. What were those half a dozen words?
A. I dont know.
Q. You dont know?
A. No Sir.
Q. Cant you remember?
A. No Sir.
Q. Did anybodyelse show you any paper?
A. No Sir.
Q. Was anybodyelse there beside the marshal, you say he was around there?
A. No Sir. The marshal was not there with me then.
Q. This was in the Marshal's room, in the open room there?
A. I was sitting down there in a chair, waiting for a carriage.
Q. Was it in the marshal's room, the open room there? It was not in a private room, it was in the public room, was it not?

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A. Yes Sir.

Q. What time did you get home last night?
A. I could not tell you.
Q. You did not stay long down there?
A. No Sir.
Q. You did not stay long in the room down stairs?
A. I waited for a carriage, that is all.
Q. I do not know how long you waited for carriage, you know.
A. I do not know either myself; I did not have no time.
Q. Did you get home to supper?
A. Yes Sir.
Q. About six o'clock?
A. I could not tell; I suppose so.
Q. You did not see anybody after that last evening?
A. No Sir.
Q. Nobodyelse showed you any paper last evening?
A. No Sir.
Q. No one has shown you any paper this morning, or any printing?
A. No Sir.
Q. Or read any half a dozen words to you?
A. No Sir.
Q. Were those words that he read to you last night anything about this groan that you testified to this morning?
A. No Sir.
Q. How do you know they was not?
A. I know they was not.
Q. I thought you could not remember?
A. Well, they was not about that.
Q. Were they anything about the note?
A. No Sir.
Q. Were they anything about the laugh up stairs?
A. No Sir.
Q. Were they anything about her saying words slowly?
A. No Sir.
Q. Yet you cannot tell us what they were about?
A. No Sir.
Q. Did he ask you any questions about them?
A. No Sir.
Q. Simply read them to you, and said nothing?
A. Yes Sir.
Q. The Wednesday night before this murder, you were out of the house?
A. Yes Sir.
Q. What door did you go out of?
A. The back door.
Q. That is the north door, the side door?
A. Yes Sir.

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Q. You slept up stairs in the attic, the back side of the house, overlooking the back yard?
A. Yes Sir.
Q. There are other rooms in the attic?
A. Yes Sir.
Q. All locked up?
A. Yes Sir.
Q. Been in the habit of being locked up since you lived there?
A. Yes Sir.
Q. These back stairs you went up and down were the same ones Mr. and Mrs. Borden went up and down?
A. Yes Sir.
Q. They were carpeted way down to where the kitchen was?
A. Yes Sir.
Q. When you went out that night, did you have a key to the back door?
A. Yes Sir.
Q. You left the screen door unfastened?
A. Yes Sir, but the other door was locked.
Q. You always had a key to that door?
A. Yes Sir.
Q. For how long?
A. I dont think I have had it quite a year yet.
Q. Did anybody come home with you that night?
A. No Sir.
Q. Did anybody come to the gate with you?
A. No Sir.
Q. Did you meet anybody in particular in the street?
A. No Sir.
Q. Did you have any visitors?
A. Sometimes.
Q. Did you have any men call on you?
A. No Sir.
Q. Ever since you have been at this house?
A. Not in Fall River.
Q. While you have been in this house?
A. Not anybody from Fall River.
Q. I did not ask you where they were from. When did you have anybody call on you, not from Fall River?
A. About two or three months before that I guess.
Q. That is the last time any man has called on you at the house?
A. Yes Sir.
Q. Has any man walked home with you?
A. No Sir.
Q. Has any man seen you in the back yard?
A. No Sir.
Q. Have you met anybody in the back yard for the last two or three months?
A. No Sir.

A. No Sir.
Q. Did you ever meet anybody in the back yard?
A. No Sir.
Q. Or sit down with anybody on the back step, or in the back yard?
A. No Sir.
Q. Never in your life?
A. I have sat down with girls on the back stairs and in the kitchen.
Q. Have you ever sat out on the back side of the house, or in the yard with girls?
A. No Sir.
Q. Or with anybody?
A. No Sir.
Q. Wednesday night, you came in about what time?
A. About five minutes past ten.
Q. Everybody had gone to bed?
A. Yes Sir.
Q. Did you lock the door?
A. Yes Sir.
Q. Did you get a lamp?
A. Yes Sir, it was lighted in the kitchen.
Q. Waiting for you?
A. Yes Sir.
Q. You went up stairs?
A. Yes Sir.
Q. Did you use gas there?
A. No Sir.
Q. They used lamps all through the house?
A. Yes Sir.
Q. This was Wednesday, the night before. These people had been sick, had they not?
A. Yes Sir.
Q. Mr. and Mrs. Borden had been sick, and Miss Lizzie had been taking care of them, and had been sick herself?
A. That is what they said.
Q. She looked sick, did she not?
A. I did not notice. She told me she was sick that morning.
Q. When did she tell you she was sick?
A. Wednesday morning.
Q. It was the night before, Mr. and Mrs. Borden had been taken ill?
A. Yes Sir.
Q. Did you hear them up around?
A. No Sir.
Q. Their room was under yours?
A. Yes Sir.
Q. Miss Lizzie's was right next to theirs?
A. Yes Sir.

Q. Her room opened into their room?

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A Yes Sir.
Q. They were vomiting?
A. Yes Sir, that is what they said.
Q. Mrs. Borden said she was sick, or had been taken sick that night, and was sick nearly all night?
A. Yes Sir.
Q. Did they all come down to breakfast?
A. Yes Sir.
Q. What did you have for breakfast?
A. Pork steak, and johnny cakes and coffee.
Q. This was Wednesday morning, after the sickness?
A. Yes Sir.
Q. What did you have for dinner?
A. Mutton soup and mutton boiled.
Q. Was it mutton soup or a mutton stew, or a thick soup?
A. Soup.
Q. Were they all there to dinner?
A. Yes Sir.
Q. Mr. Morse came about half past one, and he had his dinner alone?
A. Yes Sir.
Q. What did you have for supper?
A. Some soup warmed over.
Q. This same soup warmed over?
A. Yes Sir.
Q. Whatelse?
A. Some bread, and cake and cookies, and tea.
Q. Where they all there to supper.
A. Mrs. Borden, Miss Lizzie and Mr. Borden.
Q. Emma was away?
A. Yes Sir.
Q. Emma had been away two or three weeks?
A. About two weeks I should judge.
Q. What day did she go away?
A. Thursday.
Q. Did Lizzie go with her?
A. Yes Sir.
Q. When did Lizzie come home?
A. I could not tell. She came home either a Tuesday or Wednesday.
Q. Then she was gone more than three days?
A. I do not know.
Q. Did not you say yesterday she was gone three days?
A. That is what I merely came to know, so far as I could understand.
Q. Lets have it over, and see. Lizzie and Emma went away, and they went on a Thursday?
A. Yes Sir.

Q. Lizzie returned on the following Tuesday you think?
A. I think so.

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Q. There is Thursday and Friday and Saturday, three; and if she came back Tuesday, she was gone five or six days instead of three, was not she? That would be right, would not it?
A. Yes Sir.
Q. So when you said that, you meant she was gone about three days, not exactly three days? Emma was away from that time up, until after this tragedy, this trouble?
A. Yes Sir.
Q. Did Lizzie go away any time after that, and before the tragedy?
A. I cannot tell.
Q. Did she not go away a Saturday?
A. I dont know.
Q. Did she go away the Saturday before the tragedy?
A. I cannot remember.
Q. Did she go away Sunday?
A. I do not know.
Q. Now they were taken sick Tuesday night; do you remember what they had for supper?
A. Yes Sir.
Q. What?
A. Some toasted bread, and some fish, some tea, and cake and cookies.
Q. Toasted bread, fish--fresh fish?
A. Yes Sir.
Q. Broiled?
A. Fried.
Q. Sword fish?
A. Yes Sir; fried for dinner, and warmed it over for supper.
Q. That is Tuesday?
A. Yes Sir.
Q. Did you make that bread?
A. They had baker's bread, and some bread that I made.
Q. This bread they had for supper, was that some you made?
A. They had some of both.
Q. They did have some baker's bread, who got that?
A. I went and got it.
Q. Who sent you?
A. I went myself.
Q. Did they ask you to go?
A. No Sir.
Q. Did you take some money, or have an account?
A. When I went to set the table, I found there was not enough bread for supper, and I went to the baker's to get some rolls. There was no rolls, I got a loaf of bread. I paid for it with my own money. When I came back Mrs. Borden gave me five cents. When I got back to the door, she met me, and was after sending me back for rolls. I told her they had none there.
Q. What sort of bread was this?

A. I do not know.

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Q. It was not brown bread?
A. No Sir.
Q. Flour bread?
A. Yes Sir.
Q. Did you eat any of that bread?
A. No Sir.
Q. You ate some of your own bread, perhaps?
A. Yes Sir.
Q. That did not make you sick?
A. No Sir.
Q. You were not taken sick that night?
A. No Sir.
Q. Now Wednesday night you had this mutton stew warmed over?
A. Yes Sir.
Q. Which you had had at dinner on Wednesday?
A. Yes Sir.
Q. Wednesday morning was the morning they came down stairs, and had all been sick?
A. Yes Sir.
Q. You had the pork steak and something for breakfast?
A. Yes Sir.
Q. And Lizzie complained of being sick?
A. Yes Sir.
Q. Lizzie stayed in her room all that forenoon, did not she?
A. I suppose so; I did not see her until she came to dinner.
Q. You knew she was up stairs. They were all sick and ailing that day?
A. Yes Sir.
Q. She did not go out at all that day, did she, so far as you know?
A. Miss Lizzie? I did not see her.
Q. So far as you know she did not go out?
A. I could not say whether she went out or not.
Q. That Wednesday morning they came down and had all been sick during the night?
A. Yes Sir.
Q. They had breakfast, and they looked pretty badly, or rather Mr. and Mrs. Borden did?
A. Yes Sir.
Q. And Lizzie complained?
A. Yes Sir.
Q. They ate a little breakfast, and Lizzie went back up stairs to her room?
A. I suppose so. She went out of my sight, I do not know where she went.
Q. Wednesday night you went out; and came in after ten o'clock, and everybody had gone to bed, and you took your lamp and went up stairs to

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bed?

A. Yes Sir.
Q. Thursday morning when you came down, you went into this kitchen?
A. Yes Sir.
Q. You came down the carpeted back stairs?
A. Yes Sir.
Q. You made your fire?
A. Yes Sir.
Q. You went down into the basement and got your kindling wood, and got your coal?
A. Yes Sir.
Q. Brought up the kindling wood, and then the hod of coal?
A. The wood first, and then the coal.
Q. Did you bring down your slop pail when you came down?
A. No Sir.
Q. You do usually in the morning?
A. Sometimes.
Q. Did you that morning?
A. No Sir.
Q. At all events you went down cellar and got the kindling wood first?
A. Yes Sir.
Q. Came up stairs, and started the fire in the kitchen?
A. Yes Sir.
Q. Then went down and got some coal?
A. Yes Sir.
Q. That was in the cellar too?
A. Yes Sir.
Q. Then you went in the dining room and started setting the table?
A. Yes Sir.
Q. The table was already set?
A. Yes Sir. I opened the windows and the blinds in the dining room.
Q. Then you began to get breakfast?
A. Yes Sir.
Q. How did you get the people to breakfast, ring a bell?
A. No Sir. I never called them; they got up themselves.
Q. How did they know it was ready?
A. They always came down themselves, before it was ready, sometimes.
Q. You went into the dining room, and opened the windows, and then went into the kitchen and got breakfast?
A. Yes Sir.
Q. What did you do in the kitchen?
A. Opened the back door first, and took in my milk; when the fire was started, went in the dining room and began to get breakfast.
Q. The table was all set?
A. I had to put a good many things on the table, such as milk and butter.

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Q. You did not put those on a long time before they sat down in that warm weather?

A. Sometimes.
Q. Did you that morning?
A. No Sir.
Q. Then you did not have anything particular to do in the dining room until breakfast was about ready?
A. No Sir.
Q. Then you went back into the kitchen, and took in your milk, and began to get breakfast?
A. Yes Sir.
Q. What did you have for breakfast?
A. Was this Wednesday?
Q. No, Thursday morning.
A. Mrs. Borden came down directly, before I had anything under way; she asked me what did I have for breakfast. I told her. She said John was in the house. I says is that so? I says, did he sleep in the attic. She said no, he slept in the front chamber. I told her there was nothing, sure, but soup and cold mutton. She said she thought they would have that for dinner. She says there will be plentyfor dinner too. She told me to warm it over, and make johnny cakes, and have coffee.
Q. You had the mutton stew or soup, of which you thought there would be enough for dinner?
A. Yes Sir.
Q. You had a baked johnny cake, you furnished forth hot johnny cake and some coffee?
A. Yes Sir.
Q. Did you have anythingelse for breakfast?
A. Not as I know of.
Q. You had fruit in the house?
A. Not as I know of.
Q. They were in the habit of having fruit?
A. I could not tell whether they had it that morning or not.
Q. They had bananas, did not they?
A. I could not tell.
Q. It was nothing unusual for them to have bananas?
A. Sometimes they did, and sometimes they did not.
Q. Do you know whether there was any bananas on the table that morning?
A. I could not tell you.
Q. It was nothing unusual for them to have fruit in the morning for breakfast?
A. Sometimes; they did not always have them.
Q. You did not have anything to do with the fruit when they had it?
A. I could have it when I wanted it.

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Q. I did not mean they deprived you of eating a banana if you wanted to. It was on the table or on the sideboard in the dining room?
A. Yes Sir.
Q. Do you remember any other kind of fruit they had that week or about that time?
A. No Sir.
Q. Did they have any pears?
A. No Sir.
Q. What?

A. There were pears there, but not on the table.
Q. The pears were beginning to get ripe, and were dropping off the trees in the back yard?
A. Yes Sir.
Q. You had tried them?
A. No Sir.
Q. How did you know they were getting ripe?
A. Mr. Borden brought some in in a basket.
Q. How long before this?
A. That very morning.
Q. The morning of the tragedy?
A. Thursday morning.
Q. Had he brought in any before?
A. Yes Sir.
Q. They had been having pears there, had they, before?
A. Yes Sir.
Q. How many days before that?
A. I could not tell you. He brought them in and left them on the kitchen table.
Q. What was done with them then?
A. Nothing. Sometimes he came out when they were rotten, and threw them under the barn.
Q. Who would throw them under the barn?
A. Mr. Borden.
Q. Whether or not those pears that he brought in before Thursday, were any of them taken into the dining room?
A. No Sir, I did not see them.
Q. Did he bring them in and let them rot, and then throw them away?
A. Yes Sir.
Q. Did not he eat any of them?
A. I dont know. They were left on the kitchen table.
Q. In the basket?
A. He brought them in a day or two before, and put them on the kitchen table, and took those out that were rotten and threw them under the barn.
Q. How were they on the kitchen table?
A. Laid right out, emptied out.
Q. What table?
A. A table right near the closet.
Q. There was a rocking chair in your kitchen?

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A. Yes Sir.
Q. This was not your cooking table the pears were on?
A. No Sir, the other table.
Q. How many other chairs were there?
A. Three more chairs.
Q. Ordinary plain chairs?
A. Yes Sir.
Q. Then you had a pantry opening out of it?

A. Yes Sir.
Q. Were there any other rooms that opened out of the kitchen, except going into the dining room and sitting room?
A. No Sir.
Q. Then you went to work and baked the johnny cakes, and when breakfast was ready, you set on the milk and butter?
A. Yes Sir.
Q. The soup had got warmed over by that time, and you sliced up some cold mutton, and set on the table?
A. Yes Sir.
Q. Then they came out to breakfast?
A. Yes Sir.
Q. The only rooms you had been in that morning were the dining room and the kitchen?
A. Yes Sir.
Q. The only rooms you had been in before breakfast was laid?
A. Yes Sir.
Q. Then Mr. Morse came out to breakfast?
A. Yes Sir, and Mr. and Mrs. Borden.
Q. Did you go in while they were eating breakfast?
A. Putting the breakfast on the table, and pouring the water into glasses, and passed it around. I did not go in until they got through.
Q. They did not call you in for anything?
A. No Sir.
Q. They kept the coffee on the table?
A. Yes Sir.
Q. Did Mrs. Borden have anything to say to you that morning?
A. No Sir.
Q. Did not have any talk to you at all?
A. She spoke to me about breakfast, before that.
Q. Say anything else to you before that?
A. No Sir.
Q. Was she in the habit of asking you what work you had to do that day?
A. Right after breakfast.
Q. As soon as she had finished breakfast, she would say "well, Maggie, what have you got to do today?"
A. Yes Sir.
Q. That was a common thing right after breakfast?

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A. Yes Sir.
Q. Now did Mr. Borden go out into the back yard before breakfast?
A. Yes Sir.
Q. Take anything out?
A. Yes, he took his slop pail out.
Q. Did he go around back of the barn to take that out there?
A. Threw it out in the yard, I guess, and went in the barn and got some water.

Q. The door of the barn was open that Thursday morning?
A. He had a key, and opened it himself.
Q. He opened it, and got some water?
A. Yes Sir.
Q. There was running water in the barn?
A. Yes Sir, as you go into the barn, and turn to your right.
Q. It was down stairs in the barn, on the first floor of the barn, by the big doors?
A. Yes Sir.
Q. Where did he empty that, near the back part of the yard, or midway?
A. Out in the yard.
Q. Near Dr. Chagnon's fence?
A. Right beside the pear tree.
Q. There are a good many trees there, pear trees.
A. The next pear tree to the barn.
Q. When he went into the barn, do you know whether he went up stairs or not?
A. No Sir.
Q. How long was he there?
A. I could not tell.
Q. Then he came back again?
A. Yes Sir.
Q. This was all before breakfast?
A. Yes Sir.
Q. Did Mrs. Borden go out?
A. No Sir.
Q. She did not go out of the house then?
A. No Sir.
Q. This back entry way you speak of that comes in at the north door, and goes into the kitchen, was a pretty large entry way? Where did you keep the ice chest?
A. A closet that goes from the entry, in, and the ice chest sets in there.
Q. It was in a closet that opens off the entry. You do not have to bring the ice into the kitchen?
A. No Sir.
Q. You come into the entry, and put the ice in the chest?
A. Yes Sir.

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Q. Was there anything else that opened off that entry way but that closet or room where the ice chest was?
A. No.
Q. You went up stairs out of that entry way?
A. Yes Sir.
Q. Any hooks there on the wall, or nails, or anything to hang clothing on in the entry way?
A. Yes Sir.
Q. Who hung clothes there?
A. Nobody hung clothes there, except my aprons.
Q. Was not there a hat ever hung there?
A. No Sir, not in that entry.

Q. What, the back entry?
A. Yes Sir.
Q. Did you ever see a woman's hat hung up there?
A. No Sir, except mine.
Q. You hung up your own hat there?
A. Yes Sir.
Q. Did Miss Lizzie ever have a hat hung there?
A. I did not see it.
Q. A sort of a soft felt hat, or a rough hat?
A. She might while brushing it, or something. She did not keep it there that I recollect.
Q. Any other clothing?
A. A shawl that belongs to the house; sometimes I used to take it on my shoulders to go to the store, or something like that.
Q. Have you given me a description of all the clothing you were in the habit of keeping in that kitchen that goes to the north door, or rather in that entry way?
A. Yes Sir.
Q. Did you have a clothes closet in the kitchen?
A. No Sir.
Q. Were there not closets connected with any of the rooms down stairs?
A. There was one in the sitting room, I think.
Q. What was kept there?
A. I do not know what they kept; a basket with clothes in it.
Q. Mrs. Borden had her bonnet and shawl down stairs?
A. Yes Sir, she kept them in the closet in the sitting room; sometimes her common shawl was there
Q. If she wanted to go out, she could go to the closet in the sitting room and get her bonnet and shawl, and go out without going up stairs?
A. Yes Sir.
Q. What else was kept there?
A. Some clothes belonging to Mr. Borden, I guess.
Q. This jacket he put on in the morning, was not a dressing gown, but a common cardigan jacket?
A. Yes Sir.

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Q. Where was that kept?
A. In the sitting room, as you go into the sitting room from the kitchen; there was a nail there.
Q. By the stove?
A. Yes Sir.
Q. In the sitting room closet, beside the bonnet and shawl, and the outside gear Mrs. Borden kept there, what clothing did Mr. Borden have there?
A. I used to see coats there sometimes, old coats.
Q. How do you know Mr. Borden went into the barn that morning after he emptied his pail?
A. I saw him.
Q. Where were you when you saw him?
A. In the kitchen.
Q. Looking out of the window?
A. Yes Sir.

Q. You are quite sure you did not go into any room before breakfast, except the kitchen and dining room?
A. Yes Sir.
Q. You did not have occasion to go into the dining room, except to arrange the table and raise the window?
A. That is all.
Q. Now you say Mrs. Borden was in the habit of saying, as soon as you finished breakfast, "well Maggie, what have you got to do today"?
A. Yes Sir.
Q. She said that that day, did not she?
A. Yes Sir.
Q. What time did Mr. Morse go away?
A. Pretty near nine o'clock, probably.
Q. Did you see him go?
A. Yes Sir.
Q. Which way did he go out?
A. The back way.
Q. How do you know it was nine o'clock?
A. It was pretty near it.
Q. Did you have any clock in your kitchen?
A. Yes Sir.
Q. Did you have a clock in your bed room?
A. Yes Sir.
Q. You think it was before nine o'clock?
A. I know it was.
Q. 20 minutes before nine?
A. I could not exactly tell the time, but I saw him going out.
Q. He stayed there sometime after breakfast?
A. Yes Sir.
Q. Mrs. Borden was around the house there?
A. I did not see her; she was in the sitting room I think.
Q. Dusting?

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A. I dont know.
Q. She was in the habit of doing it, was not she?
A. Yes Sir.
Q. After breakfast, you say she said "Maggie, what have you got to do today," as usual, then she said you had better wash the windows?
A. Yes Sir.
Q. You had washed them before; you knew what it was to wash the windows?
A. Yes Sir.
Q. You had been in the habit of doing that every once in a while?
A. Yes Sir.
Q. She told you to wash them on the outside and the in?
A. Yes Sir.

Q. Had Lizzie come down then?
A. Yes Sir. Lizzie was through her breakfast then, I think, I should judge she was.
Q. Through what?
A. Through her breakfast, after eating her breakfast.
Q. Did she eat any breakfast?
A. Yes Sir.
Q. Where?
A. In the kitchen.
Q. What?
A. Cookie and coffee.
Q. Are you sure she took any coffee?
A. Yes Sir.
Q. How much, one or two cups?
A. She does not ever take two cups.
Q. Are you sure she took coffee that morning?
A. She said she was to have coffee and cookie for her breakfast.
Q. Do you know she took it?
A. Yes Sir.
Q. You saw her drink it?
A. Yes Sir.
Q. Was that after Mr. Morse had gone?
A. I could not tell.
Q. You saw Mr. Morse go?
A. Yes Sir.
Q. Do not you know whether she came down before or after Mr. Morse went?
A. I dont know. She ate her breakfast in the kitchen.
Q. If Mr. Morse went, he would have to go out the side door?
A. Yes Sir.
Q. She was in the kitchen eating her breakfast?
A. Yes Sir.
Q. She came down about nine o'clock?
A. I think it was something before nine, by my thinking.
Q. Five minutes of nine?

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A. I could not tell you.
Q. Whether it was as early as half past eight?
A. I think it was later than that; of course I did not notice the time.
Q. You think it was between half past eight and nine o'clock she came down?
A. Yes Sir.
Q. She came into the kitchen?
A. I could not tell what time it was. She came right into the kitchen.
Q. She said she was going to have a cookie and some coffee for breakfast?
A. Yes Sir.
Q. Where did she sit down?
A. By the kitchen table, and this chair was facing.

Q. What chair did she sit down in?
A. In a big old chair that is right by the window, by the side of the table.
Q. Was there any rocking chair there?
A. Yes Sir.
Q. Did she sit in that?
A. No Sir.
Q. This chair is an arm chair?
A. Yes Sir.
Q. Did you see her reading there?
A. I did not.
Q. Did you see her reading there any time that forenoon?
A. No Sir.
Q. Did you have any books there?
A. Yes Sir.
Q. Was not there some old Harpers there, a magazine with pictures in it?
A. Yes Sir.
Q. Where were they kept?
A. In a closet in the kitchen.
Q. You had seen her there looking at them, or reading them?
A. Sometimes I would.
Q. You have seen her sitting down in the kitchen doing that?
A. Yes Sir.
Q. How many times?
A. I could not tell you.
Q. Often?
A. Not very often.
Q. She came into the kitchen and sat down there?
A. Not very often.
Q. She has done that before, and you have seen her sit down and read there, and look at these magazines?
A. Once in a while.

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Q. Do you remember whether that morning she sat down in the chair there and read?
A. I did not see her.
Q. You do not remember about it?
A. No Sir.
Q. She partook of her breakfast, what were you doing then?
A. I went out in the back yard when she was eating her breakfast.
Q. Where did she come from?
A. The sitting room.
Q. Where were you?
A. At the sink.
Q. Did you not say yesterday afternoon, the first you saw of her, was when she was there in the screen door, when you were coming back with the poll for the brush?
A. No Sir.

Q. That is not so, at all events?
A. No Sir.
Q. The first you saw of her you were at the kitchen sink?
A. Yes Sir.
Q. Cleaning up the breakfast dishes?
A. Yes Sir.
Q. She came in there?
A. Yes Sir.
Q. You had not then got your brush or pail or pole to wash the windows?
A. No Sir.
Q. She did not then come to the screen door first, as you were coming in, and ask you what you were going to do, and talk about leaving it open, or fastening it?
A. No Sir.
Q. When was that?
A. About an hour later, I should judge, or probably half an hour.
Q. Which do you say?
A. I could not state the time.
Q. Your first impression was an hour?
A. Yes Sir.
Q. What had you been doing during that hour?
A. I was washing up my dishes, and cleaning up my kitchen, straightening it out.
Q. Was she sitting there in the kitchen?
A. No Sir.
Q. She did not take her breakfast right off?
A. She had whatever she had, there.
Q. Was she eating her breakfast when you were washing your dishes?
A. No Sir, I was out in the yard when she was eating her breakfast.
Q. When you were out in the yard, and were coming in from the yard, was the time you had the talk about the screen door?
A. No Sir.

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Q. You went out in the yard, that is when you were sick?
A. Yes Sir.
Q. When were you taken sick?
A. I felt kind of sick that morning when I was getting up; I did not notice it, because I was always having headaches.
Q. Did you touch the milk?
A. Yes Sir.
Q. You did not eat any of the bread?
A. No Sir.
Q. They did not eat any of the milk?
A. I think they had it on the toast.
Q. When?
A. Wednesday night.
Q. They were taken sick Tuesday night, you know.

A. Whatever night they had the toast, I know Mr. Borden had milk in it.
Q. You felt sort of sick Thursday morning?
A. Yes Sir.
Q. What had you eaten the night before?
A. I do not know. I had some mutton soup, and some bread.
Q. What bread, your own bread?
A. Yes Sir.
Q. Anythingelse?
A. No Sir.
Q. Eaten any fruit?
A. No Sir.
Q. Did you taste of a pear at all?
A. No Sir.
Q. Not while they were on your kitchen table?
A. No Sir.
Q. You did not like them?
A. No Sir.
Q. You never eat them?
A. I do.
Q. Not while you were at the Borden's?
A. I did last summer, but I am not any great lover of them.
Q. You did not take any of them this year?
A. Yes Sir.
Q. When you were out in the back yard, when she came down stairs, was the time you were sick to your stomach and vomiting?
A. Yes Sir.
Q. Did you go out near the barn?
A. I went out near the pear tree.
Q. Did you go out into the barn then?
A. No Sir.
Q. You went into the barn to get the pole?
A. That was later.

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Q. Now you came back in again. Had Lizzie had her breakfast then?
A. No Sir.
Q. Had you finished washing your dishes?
A. No Sir.
Q. You came back and washed your dishes?
A. Yes Sir.
Q. What was Lizzie doing?
A. I do not know. She was not in the kitchen that I remember.
Q. Had Mr. Morse gone away then?
A. I do not know.
Q. You did not see him go?
A. Yes Sir.

Q. Can you not remember whether Mr. Morse went away before or after you finished washing your dishes?
A. He went away before I finished washing my dishes.
Q. Did he go away while you were washing your dishes?
A. Yes Sir. I was washing the dishes when Mr. Borden went to the door with him; he did not go out.
Q. That was after Lizzie had eaten her breakfast?
A. I cannot remember what time it was about Lizzie, and her breakfast.
Q. I presume you cannot remember; I want to see whether you can or not. Was that after you had been out in the back yard, and been sick to your stomach?
A. No Sir.
Q. Now wont you stop to think a moment. I do not want to press you too rapidly, or confuse you.
A. I know Mr. Morse was gone when I went out in the yard.
Q. Then you came back to finish washing the dishes?
A. Yes Sir.
Q. And Lizzie had her breakfast?
A. Yes Sir.
Q. After you had finished washing the dishes?
A. She was through before I got through.
Q. Lizzie had her breakfast after you finished washing the dishes?
A. No Sir; she got through before I got through washing the dishes.
Q. That is the way it is?
A. Yes Sir.
Q. Was she having her breakfast when you went in the back yard, and were taken sick to your stomach?
A. Yes Sir.
Q. When you went out in the back yard, and were sick to your stomach, somewhat, Morse had gone?
A. Yes Sir.
Q. You said you came back and went to washing your dishes, and he was gone before you finished washing your dishes, and Mr. Borden went to the door and let him out?
A. Yes.

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Q. Whether Mr. Morse went away before you were sick to your stomach and went out in the back yard, and then came back and finished your dishes?
A. I think he had gone before I went out; I am not sure, but I think he had.
Q. When you came back from the back yard, and went in, washing dishes, Lizzie was there in the kitchen?
A. I did not see her. I left her in the kitchen when I went out.
Q. When you came back from the back yard, that is the last you saw of Lizzie for sometime?
A. Yes Sir.
Q. You think Mr. Morse had gone?
A. Yes Sir.
Q. Mr. Borden had not gone?
A. I dont know. I did not see him then.
Q. You saw Mr. Borden go away that morning, did you not?

A. No Sir.
Q. Did he usually, or always, go out the back door?
A. Sometimes.
Q. Was not it his habit?
A. I did not see him going out as he went down street, at all.
Q. Was it not his custom to go out of the back door?
A. He went out that way a great deal.
Q. He did not go out when Mr. Morse went?
A. No Sir.
Q. You did not see him go out that morning at all?
A. No Sir.
Q. So far as you know, Mr. Borden was in the house then?
A. Yes Sir.
Q. He let Mr. Morse out, and told him to came back to dinner, and then went back into the sitting room?
A. Yes Sir.
Q. You finished washing the dishes?
A. Yes Sir.
Q. What did you do after that?
A. I put the dining room dishes away, and met Mrs. Borden there, and she asked me to wash the windows. That was when I got through with my dining room dishes, I spoke to Mrs. Borden; that was about nine o'clock, so far as I can think of the time.
Q. Lizzie had had her breakfast?
A. Yes Sir.
Q. And Morse had gone?
A. Yes Sir.
Q. Mr. Borden, you do not know where he was?
A. No Sir.
Q. You never saw him after that?
A. No Sir.
Q. Mrs. Borden was in the dining room?

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A. Yes sir, dusting.
Q. You say that is the first time she told you about washing the windows?
A. Yes Sir.
Q. Did you not say before, that she was in the habit of asking you what you had to do that morning, after breakfast?
A. That was the first time she spoke to me after breakfast.
Q. That was the first of it?
A. Yes Sir.
Q. Not when Mr. Morse was at the table?
A. No Sir.
Q. Not while they were sitting around there?
A. No Sir.
Q. Then this was unusual?

A. She always came out in the kitchen after breakfast, which she did not this morning at all.
Q. Then this was unusual?
A. Sometimes she did; but more times she would not.
Q. You told me---
A. Not just after breakfast; sometimes she would go and sit down.
Q. Within a few minutes, ten or fifteen. This was an hour or a half after breakfast?
A. About nine o'clock I guess.
Q. Was it not unusual for her to wait so long?
A. No Sir.
Q. At about nine o'clock every day did she ask you what you had to do?
A. Sometimes she did not need to. I knew myself.
Q. She asked you what you were going to do in the dining room, before you went to get your pail and brush?
A. Not right away.
Q. How soon?
A. About forty minutes, or half an hour after.
Q. You mean forty minutes?
A. Yes, it was a good while after Mrs. Borden spoke to me.
Q. You think perhaps it was half an hour before you went to work to get your pail and brush?
A. Yes Sir.
Q. You finished washing your dishes when you went into the dining room, and when Mrs. Borden spoke to you?
A. Yes Sir.
Q. What were you doing in that forty minutes.
A. I always put away the dining room dishes first, then I had a good deal to do to straighten my kitchen, and to put everything in the closet, and straighten my stove.

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Q. That took you half an hour, or forty minutes?
A. Yes Sir.
Q. Then what did you do?
A. Went down cellar and got my pail.
Q. Where did you get it?
A. Down cellar in the laundry.
Q. That is the wash room in the back side of the cellar, with the bulk head door that goes out into the back yard?
A. Yes Sir.
Q. Then what did you do?
A. Got a brush and went out of doors; went out in the back yard and got a big handle out of the barn.
Q. You went into the barn?
A. Yes Sir.
Q. Wherebouts in the barn did you go in one of the stalls, or up stairs?
A. Right facing when you go in the door.
Q. In one of the stalls?
A. Yes Sir.

Q. You went in there and got that?
A. Yes Sir. I came out, and got a pail of water out of the barn, and went and began to wash the windows.
Q. You did not come in at all?
A. No Sir.
Q. You said you had some talk with Lizzie at the screen door?
A. Yes, as I was going out with the pail, she spoke to me.
Q. You spoke to her as you were going out, and not when you came back?
A. Yes Sir.
Q. Tell us about that.
A. Miss Lizzie asked me if I was going to wash windows. I said yes.
Q. Where was that?
A. That was at the back door; I was outside, and she inside.
Q. You were outside, just as you were going out?
A. I had a pail and brush.
Q. You were going out, and she followed you?
A. Yes Sir, she was in the hall, in the back entry.
Q. Did you go by her when you went out?
A. I did not see her.
Q. Could she have come down the back stairs?
A. I did not see her.
Q. The first thing you know, after you got outside the screen door, having the pail and brush, she spoke to you?
A. Yes Sir.
Q. You had not been to the barn then?
A. No Sir.
Q. You did not come into the house then, after you had been to the barn?

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A. Not right away.
Q. Do you not think you went to the barn and got a pail, then came back into the house, and met Miss Lizzie at the screen door?
A. No Sir.
Q. You do not think you said so yesterday?
A. No Sir.
Q. If you did say so yesterday, you were mistaken?
A. I did not say so.
Q. She had some talk with you about the screen door?
A. Yes Sir.
Q. You said to her she need not fasten it, unless she wanted to?
A. She did not say anything about fastening it. I said "you need not fasten it, I will be around out here, but you can fasten it, if you want to. I will get the water in the barn.
Q. She did not fasten it, or say anything?
A. No Sir.
Q. You went to the barn and got the water?
A. Yes Sir.

Q. How many times did you go?
A. I do not know.
Q. You must have used fifteen or twenty pails of water?
A. No.
Q. How many?
A. Six or seven I should judge.
Q. You washed two windows in the sitting room, three in the parlor, and two in the dining room?
A. Yes Sir.
Q. You had subsequently to take the dipper and rinse them off?
A. Yes Sir.
Q. You think you used six or seven pails of water?
A. Yes Sir.
Q. Every time you wanted a pail of water, you went to the barn and got it, went into the barn?
A. Yes, I went into the kitchen for the dipper.
Q. You used some pails of water before you went into the kitchen for the dipper?
A. Yes Sir.
Q. Every pail of water you wanted, you had to go to the barn and get?
A. Yes Sir.
Q. You went into the barn, and drew the pail of water, and then came back again?
A. Yes Sir.
Q. What windows had you washed before you came in for the dipper?
A. I had them all washed all around with the brush.
Q. You began with the sitting room on the south side of the house, and then went around to the parlor on the front side of the house?
A. Yes Sir.
Q. Then went around to the dining room, which took you on the

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north side?
A. Yes Sir.
Q. Where did you begin to rinse them off?
A. Begun at the sitting room.
Q. Just as you had washed them?
A. Yes Sir.
Q. Where was the dipper you got?
A. In the kitchen sink.
Q. The ordinary tin dipper?
A. Yes Sir.
Q. Did you shut any of the windows before you went out?
A. Yes Sir.
Q. Did you shut them all?
A. All that was up. I think there was one up in the sitting room.
Q. Which was that?
A. I could not tell you?
Q. You say you did not see Mr. Borden go away?
A. No Sir.

Q. He was in the habit of going out the back door?
A. Yes Sir, sometimes.
Q. He did not go out that way before you went to washing the windows?
A. I did not see him.
Q. Mrs. Borden had her bonnet and shawl there in the sitting room closet?
A. She generally did have.
Q. After you rinsed off the windows, as you emptied the pail, you went in the barn and got another one?
A. Yes Sir.
Q. This barn was open up into the roof up stairs?
A. Yes Sir.
Q. There is a stair way that leads up there? There was a lot of old truck in the barn, carriages, and old boxes and implements?
A. I did not go where the carriages was. I know they were there.
Q. After you finished rinsing the windows, what did you do?
A. I commenced to wash the sitting room windows inside.
Q. You came in at the kitchen and went into the sitting room?
A. Yes Sir, I got water and cloths to get ready to wash them.
Q. Was you also going to just rub over the outside too with your cloth?
A. No Sir.
Q. You finished washing outside with the brush, and rinsing them with the dipper?
A. Yes Sir.
Q. You went into the sitting room, did you raise both windows there?
A. As I was washing them.
Q. Did you raise both at once?

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A. First one and then the other.
Q. How many windows had you washed before you heard anything at the front door?
A. I had the upper part washed of one of them.
Q. Was that the one nearest the kitchen or parlor?
A. The one nearest to the hall.
Q. That window was up, was it not?
A. Yes Sir.
Q. Did you hear the bell ring?
A. I do not know whether I heard the bell ring or not.
Q. You do not recollect today, whether you heard that bell ring or not?
A. No Sir. I know I heard the noise at the door.
Q. You cannot tell whether the bell rang or not?
A. No Sir.
Q. Who tended the bell there in the house?
A. I tended it when nobody was in the house. When Mrs. Borden was in, she went. Mr. Borden went always when he was in the house.
Q. You made a coal fire that morning, did not you?
A. Yes Sir.
Q. Did you have any boiler there, or have to heat the water with a tea kettle?

A. Heat the water with a tea kettle.
Q. You did not finish washing the dishes until after nine o'clock?
A. Not right finished up.
Q. Then you had to go in there and work around, after Mrs. Borden gave you this direction you testified to, cleaning up in the kitchen? You had a coal fire?
A. Yes Sir.
Q. Where did you keep the flat irons?
A. In a little closet, back of the stove in the kitchen.
Q. Did you have more than one ironing board?
A. Two.
Q. One was larger than the other? The larger was used by you?
A. Yes Sir.
Q. Who used the other?
A. They used it themselves, and they used it when they had a dress maker.
Q. Mrs. Borden and Lizzie and Emma used it?
A. Yes Sir.
Q. Were they in the habit of ironing on the dining room table?
A. Yes Sir.
Q. It was nothing unusual to have the board on the dining room table?
A. No Sir.
Q. When did you wash that week?
A. Monday.

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Q. Are you sure, did not you wash Tuesday? Was not Monday a stormy day?
A. Yes Sir. I washed Monday.
Q. When did you hang your clothes out?
A. Tuesday.
Q. When did you begin to iron?
A. Wednesday.
Q. If you washed Monday, it was not a good drying day?
A. No Sir. I did not hang them out until Tuesday.
Q. Then you hung them out by going the back way from the cellar?
A. Yes Sir.
Q. Did you finish ironing Wednesday evening?
A. Yes Sir.
Q. Did you go out Wednesday evening?
A. Yes Sir,
Q. What time did you get home?
A. Five minutes past ten.
Q. And had your key?
A. Yes Sir.
Q. Did anybody come with you?
A. No Sir.
Q. Did anybody walk with you that night?
A. No Sir.

Q. Where did you leave the clothes you had ironed Wednesday evening?
A. I put them on the table, folded, and Mr. Borden took a pile, and the girls took the other pile.
Q. When?
A. Wednesday morning.
Q. What girls?
A. Miss Lizzie's and Miss Emma's clothes. I always separated them, and laid them in piles.
Q. You said you separated the piles, and Mr. Borden took one, and the girls took their piles; you do not mean that, because Emma was not there?
A. Miss Lizzie must have taken them then.
Q. They did not take them until Thursday morning?
A. No Sir.
Q. They were not ready to be taken?
A. They were on the clothes horse.
Q. They were hung to air as was your habit after finishing ironing?
A. Yes Sir.
Q. You folded them up Thursday morning?
A. Yes Sir.
Q. You took them off the clothes horse and folded them up?
A. Yes Sir.
Q. Perhaps that is one of the things you did after breakfast?
A. No Sir, while I was getting breakfast.
Q. There was one pile for Mr. Borden's room, and one for Lizzie's and Emma's room?

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A. Yes Sir.
Q. They were not ready until Thursday morning?
A. No Sir.
Q. Where did you pile them up?
A. On the kitchen table.
Q. Where the pears were?
A. Yes Sir.
Q. In the kitchen?
A. Yes Sir.
Q. Now this small ironing board which you say they were in the habit of using was kept where?
A. In the kitchen closet, behind the door.
Q. It was very much smaller than the ordinary board?
A. Yes Sir.
Q. How long was it do you think?
A. Maybe something about that length.
Q. About as long as the side of the rail of the desk?
A. Yes. Maybe longer or shorter.
Q. How wide was it?
A. Not quite as wide as a large ironing board.
Q. Wider than that sheet of paper?
A. Yes Sir, something wider than that.
Q. Was it cloth covered?

A. Yes Sir.
Q. Do you know how the cloth was fastened on?
A. I do not know.
Q. Do not you remember?
A. No Sir.
Q. Pinned on?
A. I could not tell you.
Q. Mrs. Borden and Lizzie and you were in the habit of using that for ironing their small things; and they did it on the dining room table?
A. Yes Sir, if it was hot weather; sometimes they did it in the kitchen.
Q. That was the custom with that small ironing board?
A. Yes Sir.
Q. You said Lizzie was ironing, or trying to iron in the dining room?
A. Yes Sir.
Q. Did you see any flats on the stove?
A. Yes Sir.
Q. Was she sitting in a chair in the kitchen?
A. When she was ironing?
Q. At that time?
A. No Sir.
Q. Did you see her in the kitchen there at all?
A. No Sir. She came in the kitchen before I went up stairs.

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Q. When you came in after the dipper, was not she there in the kitchen?
A. I did not see her.
Q. Just think a moment?
A. Not to my memory, I did not see her.
Q. When you came in for the dipper, was not she there in the kitchen, there in the arm chair, you speak of, or in the rocking chair? Just think a moment; wait and take your time.
A. No; not to my memory, I did not see her.
Q. Did not you ever see her there in the kitchen in the rocking chair, the big chair, reading?
A. I do not remember.
Q. Did not you say this morning, you had seen her there reading?
A. Not that morning.
Q. At any time?
A. Yes Sir.
Q. Are you prepared to say when you came in for the dipper, she was not sitting reading in the kitchen?
A. I do not remember to see her.
Q. You would not say she was not?
A. No Sir. I do not remember of seeing her.
Q. When you came in for the dipper, you went right straight out?
A. Yes Sir.
Q. Where did you get the dipper from?
A. At the sink, at the head of it.

Q. Now I will come back again to your finding her ironing. Did you see the handkerchiefs?
A. Yes Sir.
Q. Do you know when she sprinkled them?
A. No Sir.
Q. Do you know when she washed them?
A. No Sir.
Q. Did not she wash some handkerchiefs several days before that?
A. Lizzie always washed her own handkerchiefs.
Q. Several days before that?
A. No Sir.
Q. They were not washed that week, because you washed on Monday, and dreid Tuesday, and ironed Wednesday?
A. I do not remember.
Q. Do you remember whether she sprinkled any handkerchiefs in the kitchen?
A. I do not remember. I often saw her do it.
Q. Did you see a pile of handkerchiefs on the dining room table when she was trying to iron, or ironing them?
A. Yes Sir.
Q. Were they rolled up, as clothes are when they are ironed?
A. Yes Sir.
Q. Did they appear to be sprinkled?
A. Yes Sir.

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Q. They are sprinkled because they are a little too dry to iron?
A. Yes Sir.
Q. These appeared that way?
A. Yes Sir.
Q. Do you know how many she had ironed?
A. No Sir.
Q. Some were ironed, you think, and there was a roll unironed?
A. Yes Sir.
Q. You are not sure whether the door bell rung or not?
A. I do not remember.
Q. You went to the door, and she was ironing?
A. She was not ironing when I went to the door.
Q. You said you found her ironing there when you went into the sitting room?
A. No Sir.
Q. You do not mean that, then?
A. No Sir.
Q. You heard the door bell ring?
A. Yes Sir.
Q. When did she begin to iron then?
A. She began to iron when I was getting through with the windows.
Q. You had begun with the window in the sitting room?
A. In the dining room.

Q. Did you not wash the sitting room windows before you did the dining room windows?
A. Yes Sir.
Q. You had not finished the sitting room window when Mr. Borden came?
A. No Sir.
Q. You do not know whether you heard the bell ring or not?
A. No Sir.
Q. You are not able to say whether she was in the kitchen or not; you say you do not recollect of seeing her? You would not swear she was not in the kitchen when you came in with your dipper?
A. No Sir. I did not see her.
Q. You say you saw some handkerchiefs on the dining room talbe?
A. Not at that time.
Q. You did not see them there?
A. Yes Sir.
Q. You heard the bell ring?
A. I heard the noise; I went to the door.
Q. You are not sure whether the bell rung or not?
A. No Sir.
Q. You went to the door?
A. Yes Sir.
Q. Was everyone of those locks fastened?
A. Yes Sir.
Q. What did you say?

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A. I went to the door, and let Mr. Borden in.
Q. What did you say?
A. Say to who?
Q. When you were opening the door. I am waiting Miss Sullivan.
A. I let Mr. Borden in. I got puzzled at the door, I said "Oh pshaw" at the door. Miss Lizzie laughed up stairs.
Q. That is all you said "Oh, pshaw"?
A. Yes Sir.
Q. Why did you object to telling me that? Do you consider that to be all wrong?
A. No Sir.
Q. That is all, and everything you said "Oh pshaw"?
A. Yes Sir.
Q. And she laughed?
A. Yes Sir.
Q. In her room?
A. Either in her room, or in the hall, I do not know which.
Q. Was not she in her own room?
A. I do not know.
Q. What did you do?
A. I let Mr. Borden in, and went back to my work in the sitting room.
Q. Where did he go?
A. In the dining room.

Q. What happened next?
A. Miss Lizzie came down a little while after.
Q. Do you know whether she did or not?
A. Yes Sir, she came through the hall, and in from the sitting room.
Q. Did you see her come through the hall?
A. Yes Sir.
Q. Did you say so yesterday?
A. Yes Sir. The first she came there, she came from the hall into the sitting room.
Q. Who was in the sitting room?
A. I was there.
Q. Where was her father?
A. In the dining room.
Q. She went in there?
A. Yes Sir.
Q. And asked him if there was any mail?
A. Yes Sir.
Q. He said none for her?
A. I do not know what he said; they were talking.
Q. Did he have anything in his hand?
A. When I saw him. I did not see him then.
Q. When he came in, did he have anything in his hand?
A. A parcel.
Q. A white parcel?
A. Yes Sir.

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Q. Any key or brass lock in his hand?
A. I did not notice it.
Q. Did one hand seem to be free, and the other to have a package in it?
A. I did not notice, only that he had a little package.
Q. He sat down in the dining room?
A. Yes Sir.
Q. What passed between them then?
A. I heard Miss Lizzie tell him about a note, that the mother had a note, and had gone out, very slowly. They were talking very slowly, and were talking to themselves.
Q. Why do you put in that expression, "very slowly"? Why do you use that expression, because she said it so?
A. Yes Sir.
Q. Because she said that very much more slowly than anything else she said?
A. Well, no.
Q. She did not?
A. No Sir.
Q. Everything she said, she said very slowly?
A. Ordinarily slow.
Q. Do you mean I should understand when she spoke about the letter or note, that Mrs. Borden had got, she spoke more slowly than she did the rest of it?

A. No Sir, just the same.
Q. And had gone out?
A. Yes Sir.
Q. Did her father make any reply to that?
A. No Sir. I did not hear him saying anything.
Q. What did you do next?
A. I finished washing the sitting room windows.
Q. What did you do next?
A. I washed the windows.
Q. In what room?
A. The sitting room and dining room both.
Q. Had you finished the sitting room window then?
A. No Sir. Mr. Borden came through the kitchen door, and took a key off his shelf, and went up into his room.
Q. Up stairs did he keep a safe?
A. Yes Sir.
Q. In a room leading off his room?
A. Yes Sir.
Q. Since you have been there, that house has been broken into?
A. Yes Sir.
Q. And entered in broad day light?
A. Yes Sir.
Q. Money and a gold watch, and things taken?
A. So they said.
Q. Drawers broken open?

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A. Yes Sir.
Q. You were at home that day?
A. Yes Sir.
Q. Where were you?
A. Doing my work.
Q. You did not see anybody come in or go out?
A. No Sir.
Q. Miss Emma was in the house that day, up stairs?
A. Yes Sir.
Q. All this happened in broad daylight, and nobody saw anybody come or go?
A. No Sir.
Q. How long ago was that?
A. A year last July, I guess.
Q. Since that time the barn has been broken into?
A. I think it was.
Q. How long ago was that the barn was burglarized?
A. I cannot tell you.
Q. Not long ago?
A. I do not think so.

Q. Within a few months the barn was broken into, and something taken or tried to be taken out of that, so far as you know?
A. Yes Sir,
Q. Has the barn been broken into more than once? It has been twice, has it not?
A. I do not remember.
Q. You only remember once?
A. Yes Sir.
Q. Now he went into the sitting room, took this key and went up stairs to his room?
A. Yes Sir.
Q. What was you doing?
A. Washing the sitting room windows. As he came down, I was taking the step ladder from the sitting room into the dining room. He went in the sitting room, and sat down at the window in the sitting room, and had a paper or book, or something in his hand. I cannot tell what it was. That was the last I saw of him.
Q. Did you go in the dining room from there?
A. Yes Sir.
Q. Was Lizzie there then?
A. No Sir.
Q. Did you know where she was?
A. No Sir.
Q. Did she come into the dining room?
A. She came from the sitting room into the dining room.
Q. Did she bring the ironing board in then?
A. No Sir.

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Q. Were the handkerchiefs on the table?
A. I did not see them.
Q. What was you doing then?
A. Washing windows in the dining room. I got through my windows. Miss Lizzie came from the kitchen with an ironing board, and placed it on the table.
Q. This small board?
A. Yes Sir.
Q. Did she begin to iron?
A. Yes Sir.
Q. Did she bring these handkerchiefs you told us about-- did she bring them in then?
A. I suppose so.
Q. Did you see her have them?
A. No. I saw them on the table.
Q. They were rolled up, and appeared to be sprinkled?
A. Yes Sir.
Q. Did you see her iron any of them?
A. Yes Sir.
Q. How many did she iron, two or three?
A. I could not tell you.
Q. Did she go back into the kitchen again?

A. She had a flat ironing.
Q. Did she go into the kitchen, and get another one?
A. I do not remember.
Q. Did she say anything to you?
A. She said then, was I going out. She asked me if I was going out this afternoon. I said I did not know, I might and I might not. I was not feeling very well. She said if I went out, to be sure and fasten the back door, she might be out too, and Mrs. Borden out. Mrs. Borden had a note that morning, she said she had gone out on a sick call. I asked who was sick. She said she had a note that morning; so it must be in town.
Q. Did she say anythingelse to you then?
A. Not then.
Q. Directly afterwards?
A. I got through with my work, and was in the kitchen. Then she told me there was a sale of dress goods in Sargent's, eight cents a yard. I said I would have one. That is all.
Q. Did not she make the statement about the sale of dress goods at Frank Sargeants, if that is the name, two or three days before that?
A. No Sir.
Q. Did she ever tell you about any sale at Sargeants before this particular day?
A. No Sir.
Q. It is the first time she ever mentioned it?
A. Yes Sir.

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Q. About any chance of buying any?
A. Yes sir. Emma had a good many times told me about bargains.
Q. Miss Lizzie had not before, so far as you recollect?
A. No Sir.
Q. What did you do next?
A. I went up stairs directly after that.
Q. You went up stairs?
A. Yes Sir.
Q. Now you said that was a few minutes of eleven when you went up stairs?
A. Yes Sir, three or four minutes of eleven.
Q. Did you look at the clock in the kitchen?
A. No Sir.
Q. Did you at the one in your room when you got up stairs?
A. No Sir.
Q. So far as the clock in your room is concerned, you have no recollection of what time it was then you got up stairs?
A. I think it was two or three minutes afterwards.
Q. You laid on the outside of the bed?
A. Yes Sir.
Q. Did you take off your shoes or any clothing?
A. No Sir.
Q. Did you go to bed?
A. No Sir.

Q. When you laid there, you heard the clock strike eleven?
A. Yes Sir.
Q. When Miss Lizzie shouted to you, as you said yesterday, did you look at your clock?
A. No Sir.
Q. You said you thought it was ten or fifteen minutes past eleven?
A. Yes Sir.
Q. Was that your impression merely?
A. Yes Sir.
Q. You did not look at any clock?
A. No Sir.
Q. When you got down stairs you found her up against the door?
A. She was standing near the door.
Q. Was she leaning against it, or holding on to it?
A. I did not notice. She was leaning up, as anybody would be, against the door.
Q. Was she standing up near the door?
A. Yes Sir.
Q. Was she against it?
A. I should think she was.
Q. Did she have her hands to her face, or head at that time?
A. Not that I knew of.
Q. Was she wringing her hands, or doing anything at that time?

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A. No Sir.
Q. You did not see her?
A. No Sir.
Q. She sent you for Dr. Bowen?
A. Yes Sir.
Q. You hurried across, and did not find him, and came back again?
A. Yes Sir.
Q. Then she sent you for Miss Russell, down on Borden street? You went there, and came back?
A. Yes Sir.
Q. Did you see Mrs. Churchill?
A. No Sir, not until I came back.
Q. When you got back from Miss Russell's, did you see Mrs. Churchill?
A. Yes Sir, she was in the house.
Q. Did you tell her anything about this affair? Did you talk with her about it?
A. No Sir.
Q. Did you tell her anything about any note?
A. Yes Sir, I guess the note was going all around; everybody was talking about the note.
Q. Whether you told her anything about a note.
A. Yes Sir, I guess she told me what Miss Lizzie was telling me.
Q. Did you tell Mrs. Churchill Mrs. Borden had told you she had a note from somebody, and was going on a sick call, and went away without telling you where she went?
A. No Sir. Mrs. Borden did not say anything to me about a note.
Q. Whether you said to Mrs. Churchill that? Do you remember of talking with her about it?

A. I might tell her what Miss Lizzie told me.
Q. Never mind about the might. I want to call to your mind, if I can, whether in the talk you had with Mrs. Churchill, you said to her that Mrs. Borden was away; that she told you that she had got a note, and had gone off on a sick call; and she went away without telling you anything about it?
A. I do not know if I told her that.
Q. Or without telling you where she was going?
A. I do not remember if I did.
Q. What do you think about it?
A. I do not remember it.
Q. You do not remember saying anything of that sort?
A. No Sir.
Q. You did talk with Mrs. Churchill?
A. Yes Sir I did.
Q. Did you go for Dr. Bowen more than once?
A. Yes, I went twice.
Q. You went first for Dr. Bowen, and came back, and then went for Miss Russell, and then went for Dr. Bowen again?

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A. I went over, Miss Lizzie sent me over, to tell Mrs. Bowen to come over.
Q. Then you went across the street three times?
A. I went twice to Dr. Bowen's. I went down to Miss Russell's once.
Q. Did you go over to Mrs. Bowen's after you came back from Miss Russell's?
A. Yes Sir.
Q. You went first for Dr. Bowen, then for Miss Russel, and then came back and went for Mrs. Bowen?
A. Yes Sir.
Q. That is the way of it?
A. Yes Sir.
Q. Were you in the habit of going out in the back yard?
A. No Sir, excepting my business would carry me there.
Q. There were a number of trees there, pear trees?
A. Yes Sir.
Q. Any other trees?
A. Not as I know of.
Q. A pile of boards against Dr. Chagnon's fence?
A. Yes Sir.
Q. Was Mr. Borden in the habit of opening the barn early in the morning?
A. Yes Sir.
Q. With the key he himself had?
A. Yes Sir.
Q. It stayed open all day?
A. Yes Sir.
Q. Was he in the habit of going there, in the barn?
A. I did not notice.

Q. You do not know whether any of the family went to the barn during the day, or not, except from guess work?
A. No Sir.
Q. They may have gone twenty times a day, and you not know anything about it?
A. No Sir; I did not see them.
Q. Did you go up stairs in this house, after Miss Lizzie gave the alarm? Did you go up stairs in the house where Mrs. Borden was, before or after you went for Mrs. Bowen?
A. After I went up stairs.
Q. You went for Mrs. Bowen after you went up stairs?
A. Yes Sir.
Q. When was it that you went down cellar the day of the tragedy, I mean after it happened, when was it you went down cellar?
A. I could not tell you what time it was.
Q. Was it pretty soon after?
A. I should think it was. I could not tell the time.
Q. You went down with some officers?
A. Yes Sir.

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Q. Wherebouts in the cellar did you go?
A. I went in all the rooms, I think.
Q. You said these men found some axes in a box?
A. Yes Sir.
Q. This box was where?
A. In the little room back of the furnace.
Q. Was that in the part of the cellar towards the front side of the house?
A. Yes Sir.
Q. The furthest from the stairway where you went down stairs?
A. Yes Sir.
Q. The stairway that goes into the cellar, goes down from the back entry?
A. Yes Sir.
Q. That takes you down under the kitchen?
A. Yes Sir.
Q. The wash room is under the kitchen?
A. Yes Sir.
Q. With a door into the back yard?
A. Yes Sir.
Q. Going along through the cellar is a room, what is that used for, a water closet?
A. No Sir, Mr. Borden kept wood there for the furnace.
Q. Beyond that was the furnace, going towards the front?
A. There was the furnace, and there was the door.
Q. This box in which the axes were, was near the front part of the cellar? That part of the cellar that is under the front part of the house?
A. Yes Sir.
Q. Who found those axes?
A. I could not tell you who the officers were; I was with them.

Q. How many were there?
A. I could not tell you.
Q. What kind of a box were they in?
A. A box we used to keep starch in, I think.
Q. That starch would come in?
A. Yes Sir.
Q. Standing, with their heads down in the box, and their handles sticking up?
A. As near as I can remember.
Q. Can you tell how many there were?
A. No Sir, I saw them there; one of the officers took them.
Q. Did you see them up stairs?
A. No Sir, I do not remember.
Q. Did you see them on the table up stairs?
A. No Sir.
Q. Do you know what officer it was?
A. No Sir.
Q. Did you know any one of the officers who went down stairs at the

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time you did?
A. No sir. They were all strangers to me; I did not know any of them.
Q. When you saw Miss Lizzie there at the foot of the stairs, at that time when she gave the alarm, what dress did she have on?
A. I could not tell you.
Q. Dark or light?
A. I could not tell you.
Q. What dress did she wear that morning?
A. I could not tell you.
Q. Did you see any blood on her?
A. No Sir, I did not notice any blood on her.
Q. Did you see any blood anywhere, except in the places told about in this case?
A. No Sir.
Q. Where with reference to these back stairs was this room that was broken into when the money was taken, and the gold watch &c?
A. At the top of the back stairs, Mrs. Borden's room.
Q. Is that where the safe is?
A. Going in from where Mrs. Borden's bed room is.
Q. If I understand you, this room that was burglarized, when the house was entered sometime ago, was a room that led out of Mrs. Borden's room? You could get into it by going up the back stairs?
A. You have to go into Mrs. Borden's room first.
Q. That leads out of the back stairway?
A. Yes.
Q. Those stairs are carpeted, and have been for years?
A. Yes Sir.
Q. Do you know what dress Mrs. Borden had on that day?
A. No Sir.

Q. What dress did you have on?
A. A calico dress.
Q. Where is that dress now?
A. Down home where I am.
Q. You are staying here in town?
A. Yes Sir.
Q. Did you see Mr. Borden at any time that morning empty his pail, his slop pail?
A. Yes Sir.
Q. Was that before or after breakfast?
A. Before breakfast.
Q. Did you see Miss Lizzie empty hers?
A. No Sir.
Q. Was she in the habit of doing it?
A. Yes Sir.
Q. They each did that, and were accustomed to do it?
A. Yes Sir.
Q. Do you know who emptied the slop pail, if there was any, in the

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room Mr. Morse occupies, that morning?
A. I do not remember.
Q. There was one in there?
A. I do not know.
Q. There was not running water in any of the chambers?
A. No Sir.
Q. The place where Miss Lizzie had her bowl and pitcher was a little closet?
A. I do not know.
Q. Was you ever there?
A. I was in the room, but I did not notice where she kept her pitcher or anythingelse?
Q. After the tragedy, did you yourself empty any pails?
A. No Sir.
Q. Or see any emptied?
A. No Sir.
Q. Did you see people washing their hands around there?
A. Yes Sir.
Q. Where were they washing them?
A. In the sink.
Q. How many different people?
A. I could not tell you.
Q. Several?
A. I did not see anybody that I remember, except Dr. Dolan and Dr. Coughlan. I think I noticed them two.
Q. Dr. Coughlan?
A. I think I saw him washing his hands.
Q. Anybodyelse?
A. No Sir, not as I remember.

Q. Did you see anybody washing their hands up stairs?
A. No Sir, I was not up stairs.
Q. Only once when you went up, as you told me?
A. Yes Sir.

End of Day 3 – Court adjourned until Monday, August 29, 1892 at 10:45 A.M.

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Day 4, Monday, August 29, 1892

ADELAIDE B. CHURCHILL.

Mrs. Adelaide Churchill

Q. (Mr. Knowlton.) What is your name?
A. Adelaide B. Churchill.
Q. You live in the next house to Mr. Borden's?
A. I do.
Q. Which side?
A. The north side.
Q. Is that the side where the back door of their house is?
A. Yes Sir.
Q. Near the rear of the house?
A. Yes Sir.
Q. Do you occupy the whole house where you live?
A. Yes Sir.
Q. You remember the day of the tragedy, of course?
A. Yes Sir.
Q. What was the first you saw or heard that indicated that anything had happened?
A. I saw Bridget Sullivan going from Dr. Bowen's house.
Q. The first you say you saw was Bridget Sullivan?
A. Going from Dr. Bowen's house over to the Borden's house.
Q. Where were you at that time?
A. On Second street.

Q. Not at home?
A. I was coming home from down street.
Q. Exactly where were you when you saw her, exactly where on Second street?
A. Not quite to my back gate.
Q. Coming up?
A. Coming south.
Q. From the direction of City Hall?
A. Yes Sir.
Q. When you first saw her, where was she?
A. In the road I think going across.
Q. Going towards Dr. Bowen's house, or away from it?
A. Away from it.
Q. Was there anything in the way she was going that attracted your attention?
A. She looked frightened, to me.
Q. What did you do then?
A. I went in my house.
Q. Then what?
A. I went into the kitchen.
Q. Which side of your house, with reference to Mr. Borden's house, is your kitchen?
A. It is on the south east side of our house.
Q. What I mean is, is your kitchen on the side of the house towards the Borden's, or on the opposite side?

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A. Towards the Borden's.
Q. Your windows are opposite what part of the Borden premises?
A. Two front north, and two south.
Q. Your kitchen has windows both sides?
A. Four windows.
Q. The windows that front south are opposite what part of the Borden's premises?
A. Opposite the back door, and one window of the dining room.
Q. Opposite the back door, and one window of the dining room?
A. Yes Sir.
Q. What happened when you got into the kitchen?
A. I looked out of the window, and saw Miss Lizzie standing by the screen door.
Q. Was the screen door then open?
A. No Sir.
Q. Was she standing outside the door, or inside of it?
A. Inside.
Q. Was there anything in her attitude that attracted your attention?
A. Yes Sir.
Q. What was it?
A. She looked as if she was distressed or frightened about something.
Q. What gave you that impression?
A. Why, she was leaning against the side of the door. I do not know but she put her hand to her head; and looked as if she was distressed.

Q. What did you do or say?
A. I opened one of the windows and said "Lizzie, what is the matter?
Q. Go right on, now,
A. She said "O, Mrs. Churchill, do come over; somebody has killed father".
Q. Go right on, if you please.
A. I closed the window, and went directly through my house out the front door, and went over to her house, and opened the screen door, and went in. Then she sat on the second stair at the right of the screen door, the back stairs.
Q. The stairs, as I remember the plan, came down, the foot of the stairs is very near the back door?
A. Just as the right of the door as you go in.
Q. She was sitting then opposite where she had been standing?
A. Yes Sir.
Q. What happened then?
A. I put my hand on her arm, and said "O, Lizzie". I said "Where is your father"? She said "in the sitting room". I said "where were you when it happened"? She said she went to the barn to get a piece of iron, and came back, heard a distressed noise, and came in, and found the screen door open.
Q. Let me ask you there; so far as you know, was Bridget back again then?

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A. No Sir.
Q. I have to ask you again when you first saw Bridget, was she going towards Dr. Bowen's, or towards the house again?
A. Towards the house.
Q. She was not there when you got around?
A. No Sir.
Q. Did you see her go away again?
A. I do not remember.
Q. But she was not there?
A. No Sir.
Q. Was there anybodyelse there that you know of when you got there?
A. I did not see anyone.
Q. So far as you know then, you were the first person, not a member of the family, that got there?
A. So far as I know.
Q. Have you any way of fixing the time?
A. No Sir.
Q. Whether it was before or after eleven?
A. I think it was near eleven when I went down street; but I do not know what time it was when I came back.
Q. How far down street did you go?
A. To Mr. M. T. Hudner's Market on So. Main street.
Q. Where is that?
A. Nearly opposite my house, a little north on Main street.
Q. How did you reach it?
A. Down Second street, Borden to Main, and south a little way.
Q. About the same relative distance on the block on Main street as your house is on Second street?

A. A little more north.
Q. Further than that you have no way of fixing the time, except it was about eleven when you started away?
A. No Sir.
Q. Was that a meat market you went to?
A. Yes Sir.
Q. Something about your dinner, perhaps?
A. Yes Sir. I purchased three articles.
Q. Coming back again. She said something about going out to the barn, as you have testified. What was the next thing that happened, as you remember?
A. I asked her where her mother was. She said she had a note to go see someone that was sick.
Q. Anything more?
A. But she did not know but that she was killed too. She then said she wished someone would try to find Mrs. Borden, for she thought she heard her come in.
Q. What then?
A. She said that father must have an enemy, for they had all been sick, and they thought the milk had been poisoned.

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Q. Yes.
A. She then said Dr. Bowen was not at home, and she must have a Doctor. I said "will I go and try to find someone to get a doctor"? She said yes. Then I left and went to find someone.
Q. At that time did you go into the sitting room?
A. No Sir.
Q. When you left, did anyone come?
A. No Sir.
Q. Did you see anyone coming when you left?
A. No Sir.
Q. Where did you go?
A. I went a little way down Second street on to the west side, to a Sale Stable that was there, and got a young man that I thought I should find there, that works for us, to go and get a Doctor.
Q. What is his name?
A. Thomas Bowles.
Q. Did you see, if the name is correctly contained in my memory, a Peirce boy?
A. I do not remember.
Q. A boy named Pierce?
A. I do not remember.
Q. Bowles was the first one you saw?
A. He was the one I asked for. I asked Mr. Hall that kept the stable for him.
Q. Perhaps there is no objection to your telling what you said to Bowles?
A. I said "Thomas, will you go and try to find a Doctor. Somebody has killed Mr. Borden." "Any doctor" I said.
Q. What did you do then?
A. I went back again.
Q. Where did you find Bowles?
A. A little way down on Second street, on the left had side, going down the west side.

Q. Opposite your house?
A. Yes, just a little below.
Q. As far down as Borden street?
A. Yes sir.
Q. Then what did you do?
A. I went back.
Q. When you went back did you find anyone there more than you found when you left?
A. I do not remember whether Bridget had got back or not.
Q. Anybody else there?
A. In a few moments Dr. Bowen came.
Q. Was he the first one you remember of coming?
A. After Bridget.
Q. He is the first one that you remember of seeing there?
A. Yes sir.
Q. What happened then?

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A. We told him to go into the sitting room. He went in through the dining room into the sitting room, and found Mr. Borden. We went as far as the dining room, Miss Lizzie and Bridget and I.
Q. Did you go far enough to see in?
A. No sir.
Q. Neither of you?
A. No sir.
Q. Then what?
A. Then Dr. Bowen came out soon.
Q. Go on yourself, if you can.
A. He asked for a sheet to cover Mr. Borden, and I went with Bridget up stairs to get the sheet.
Q. Up which flight was that?
A. The back stairs through Mrs. Borden's room into a small bedroom or clothesroom.
Q. Then what?
A. Bridget got some sheets out of the drawer, and we went down and gave one to Dr. Bowen.
Q. What happened then?
A. I think Dr. Bowen went out. I still stayed there.
Q. Anything more said that you remember?
A. No sir.
Q. What was the next thing that happened then after that?
A. I think Miss Russell came in then.
Q. I do not care for every little thing that happened. Did anything happen with relation to Mrs. Borden, what part did that begin to take place in? I wish to direct your attention to that point.
A. Soon after Miss Russell came in, I think Miss Lizzie said she wished we would try to find Mrs. Borden, she thought she heard her come in. Bridget did not want to go alone, I went with her half way up the front stairs. I could see across the floor of the spare bedroom. I saw something at the far side of the bed, the north side, that looked like a prostrate form. I did not go any farther, I turned and went right back again.
Q. Was the bed between you and the prostrate form when you saw it?
A. Yes sir.

Q. Did you see it over the bed or under the bed?
A. Under the bed.
Q. Did the bed have those things that hang down, the name of which I do not know.
A. No sir.
Q. There was nothing underneath the framework of the bed?
A. No sir.
Q. Was it a low or high bedstead?
A. I do not know.
Q. At any rate you did see under?
A. Yes sir.
Q. Where were you standing when you first saw what you think was the prostrate form?
A. About half way up the stairs I think.

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Q. So your head was above the level of the floor?
A. My eyes were on a level when I looked.
Q. What did you do then?
A. I went down stairs.
Q. You did not go any further?
A. I did not sir.
Q. Who went with you?
A. Bridget.
Q. Did she go any further?
A. I do not know how far she went.
Q. What happened when you got down stairs?
A. I made a noise, a distressed noise, Miss Russell asked me if I had found another one. I said yes.
Q. Then what?
A. I do not remember much more.
Q. Was Dr. Bowen there when you came back after having found Mrs. Borden?
A. No sir.
Q. Did he come in again?
A. Yes sir.
Q. Who was the next person you remember of coming in after Dr. Bowen, I think you said Miss Russell?
A. Yes sir.
Q. Who next after Miss Russell?
A. I think a policeman named Allen was the next one I saw.
Q. Can you give me any idea how soon Mr. Allen came after you got there the second time?
A. No sir.
Q. It was after you got there the second time Mr. Allen came?
A. Yes.
Q. Did Mr. Allen come before Dr. Bowen went away or after?
A. After Dr. Bowen went out the first time I think.
Q. And before he came back again?
A. I cannot tell that, I do not know.
Q. Do you know who came next after Mr. Allen the policeman?

A. I think Charles Sawyer was with him.
Q. Not a policeman?
A. No sir.
Q. Have you any idea who came next?
A. No sir.
Q. What did you do after you came back, down from up stairs?
A. I do not remember much that happened.
Q. Do you remember anything that happened after that time?
A. No sir not particularly.
Q. Had you seen anything of Mr. Borden that morning?
A. Yes sir.
Q. When and where had you seen him?
A. I saw him out in the yard about nine o'clock, as he was going

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down street, somewhere about that time.
Q. What time did you say?
A. I should think about nine o'clock.
Q. Where did you see him first?
A. He stood at the east side of the back steps.
Q. That would be the side nearest the yard, the farthest from the street?
A. Yes sir.
Q. He stood on the steps?
A. No sir.
Q. Where?
A. On the ground, as if he was coming around the steps.
Q. Was he alone then?
A. Yes sir.
Q. You did not see him come out of the screen door?
A. No sir.
Q. Whether he had been in the yard or not, you could not say?
A. I do not know.
Q. What did he do then?
A. I dont know, I think he went down street.
Q. Did you see him go out of the yard?
A. I saw him heading towards the street; I did not look any longer.
Q. The last you saw of him he was headed towards the street?
A. Yes sir.
Q. When you first saw him, was he was standing still or walking?
A. I think standing at the steps.
Q. How near to the foot of the steps?
A. Close to it, as he came around.
Q. Where were you when you saw him?
A. In my kitchen.
Q. You saw him through the window?
A. Yes.

Q. You spoke about opening your window, was the window shut at any part of the time?
A. That window I opened, we kept shut.
Q. Did you see anybody else around the Borden premises after that?
A. I saw Bridget.
Q. What did you see Bridget doing?
A. Rinsing or washing off the parlor window, rinsing it, throwing water on it.
Q. The second part of the work?
(Objected to.)
Q. Just exactly what was she doing?
A. Throwing water on to the parlor windows.
Q. What with?
A. The dipper.
Q. What window was that on?
A. A parlor window.

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Q. You had not seen her before?
A. No sir.
Q. Where were you when you saw her doing that?
A. In the bedroom.
Q. Up stairs?
A. No sir down stairs.
Q. On the same side of the house as the kitchen?
A. Yes sir.
Q. Further towards the street?
A. Yes sir.
Q. Can you give any idea what time that was when you saw her rinsing the windows?
A. No sir.
Q. Can you give any idea how long it was after you saw Mr. Borden go off?
A. No sir.
Q. Whether it was a very short time, or longer; give the best judgment you have about that?
A. I cannot tell.
Q. You did not see her doing anything else beside that?
A. No sir.
Q. Which parlor window was she rinsing, those on the street or in the yard?
A. The north one in the yard.
Q. The one nearest you?
A. Yes sir.
Q. How long did you remain in the kitchen? You were there you say and saw Mr. Borden. What were you doing Mrs. Churchill?
A. Washing dishes.
Q. Have you any idea how long you remained in the kitchen?
A. No sir.
Q. When you got through with the kitchen where did you go then?
A. I cannot tell, I do not know.
Q. All you know, you were in the bedroom at some time?

A. Yes sir.
Q. What were you doing in your bedroom?
A. I think I was making my bed.
Q. Did you see anyone else out of that house around those premises until you left home?
A. No.
Q. When you left home, by which door did you go out, when you left to go down street?
A. The front door.
Q. That would not take you by the Borden house, the way you went?
A. No sir.
Q. Did you go directly to the market?
A. Yes sir.

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Q. And came directly back?
A. Yes.
Q. And stopped how long at the market?
A. I do not know.
Q. Do you remember of looking into the yard at any other time beside the two times when you saw Mr. Borden and Bridget?
A. No sir.
Q. That is, you did not look there at any other time?
A. I do not remember.
Q. Did you hear anything else said by Lizzie that you have not recalled now, that you have not testified to now?
A. I do not remember of anything.
Q. Anything about telegraphing?
A. O, yes, she asked Dr. Bowen if he would send a telegram to her sister Emma.
Q. Was that the first time that Dr. Bowen came?
A. I think it was.
Q. Tell all that she said then.
A. I do not know as I can.
Q. Did she say anything more than that?
A. She told him not to tell the worst, because the lady was old where her sister was visiting, and it would shock her; something to that effect.
Q. Do you remember anything more that Miss Lizzie said.
A. I do not remember.
Q. Anything about the cemetery?
A. O, yes, she said that she would have to go to the cemetery herself. I said "O, no, the undertaker will attend to everything for you".
Q. When was it that she said that?
A. I do not know.
Q. Where was she?
A. In the kitchen I think.
Q. Was that after somebody else had come?
A. I do not remember.
Q. Do you remember anything more being said about that note, than what you have testified to?

A. Yes sir, Bridget told me that Mrs. Borden had a note to go to see someone that was sick, and that she was dusting the sitting room, and hurried off. She said "She did not tell me where she was going; she generally does."
Q. Did you hear anything else said about the note?
A. No sir.
Q. Did you go up again into the room where Mrs. Borden was?
A. No sir.
Q. That is the only time you were up there?
A. Yes sir.
Q. Did you at any time go in to see Mr. Borden?

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A. No sir.
Q. Do you remember how Lizzie was dressed when she was standing there?
A. I think she had a cotton dress on, calico.
Q. Can you describe it any better than that?
A. I think the color was blue, blue and white.
Q. And the figure?
A. There was a figure on it, the shape of a diamond, it looked to me, of a darker shade of blue, navy blue, printed on it.
Q. Any other figure, stripe, or spot, or anything of that sort?
A. I do not remember.
Q. Do you remember whether it was all one kind of cloth, that is the upper and the lower part?
A. I thought it was.
Q. What sort of a waist was it?
A. I do not know.
Q. Whether it was tight fitting or loose fitting?
A. I do not know.

CROSS-EXAMINATION.

Q. (By Mr. Jennings.) How long should you think, Mrs. Churchill, it was before you went down to Mr. Hudner's that you saw Bridget rinsing off the windows?
A. I cannot tell.
Q. Can you tell what you were doing in the meantime between the time you saw her rinsing the windows, and the time you went down to Mr. Hudner's?
A. I presume I was up stairs making beds, I had extra work that morning.
Q. When you saw her rinsing the windows you were in the bed room then making the bed?
A. Yes Sir, down stairs.
Q. Could you give any idea as to whether it was half an hour, or an hour after, that you think you went to Mr. Hudner's, after you saw her rinsing the windows off?
A. I do not think it was any more than half an hour, or so; I should not think so.
Q. Could you give us any idea how long it was after you saw Mr. Borden by the east side of the steps, that you saw Bridget washing the windows, or rinsing the windows?
A. I cannot tell.
Q. Could you give any idea whether it was half an hour or an hour or more?

A. No Sir.
Q. You cannot tell what you were doing in that time, between the time you saw Mr. Borden, and the time you saw Bridget rinsing the windows?
A. No, I cannot.
Q. Do you recollect whether you were in your kitchen during the time

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which elapsed after you saw Bridget rinsing the windows, and when you went to Mr. Hudner's?
A. I cannot tell.
Q. But you think you were perhaps making beds during that time?
A. Yes Sir.
Q. That would carry you into the upper part of the house?
A. Yes Sir.
Q. How many beds were there to attend to that morning, do you think?
A. Seven I guess.
Q. Did you attend to most of them?
A. Yes Sir.
Q. You attended to all of them yourself?
A. I think so.
Q. One of them was down on the lower floor?
A. Yes Sir.
Q. The one you were making when you saw Bridget rinsing the windows?
A. Yes Sir.
Q. Were the others all up stairs?
A. Two on the south side down stairs.
Q. Where were the others?
A. Up stairs.
Q. Those two on the south side would be directly opposite the Borden house?
A. Yes Sir.
Q. Where were the ones up stairs?
A. Three on the north side.
Q. So that when you were engaged in making the beds in those three north up stairs rooms, you could not see anything that was going on in the Borden premises?
A. No Sir.
Q. That was on the opposite side of the house entirely?
A. Yes Sir.
Q. Did you make those down stairs first, and then afterwards make those up stairs?
A. I do not remember.
Q. Do you recollect whether you made them all after Mr. Borden went away, or after you saw him out there by the steps?
A. I think I did.
Q. Were any of these bed rooms up stairs on the south side of the house?
A. One.
Q. Where was that located, the front or rear of the house?
A. The south west corner.
Q. So that would be directly opposite Mr. Borden's spare room?

A. Yes Sir.
Q. Where Mrs. Borden was found dead?
A. Yes Sir.

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Q. Do you recollect whether that morning, or not, the windows of that room were up?
A. No Sir.
Q. You do not recollect whether they were or not?
A. No Sir.
Q. Were the windows open in the kitchen?
A. Whose kitchen?
Q. Your kitchen.
A. One.
Q. That is directly opposite the screen door?
A. Yes Sir.
Q. When you came into the kitchen from Mr. Hudner's, was there anybodyelse in your kitchen there?
A. No Sir.
Q. You said you went to Mr. Hudner's, you think somewhere near eleven o'clock?
A. Yes Sir.
Q. How did you get that idea, did you look at the clock?
A. Yes Sir. I thought I must go, if I was going to get my dinner.
Q. Do you have any recollection as to what time that was, about what time?
A. No Sir, I do not.
Q. You only know it was somewhere around eleven o'clock?
A. Yes Sir.
Q. You would not say whether it was quarter of eleven, or ten minutes of eleven, or twenty minutes of eleven?
A. No Sir.
Q. All you know is that it was before eleven o'clock?
A. Yes, near eleven o'clock.
Q. How long should you think it took you to go down to Mr. Hudner's and back?
A. Not more than ten or fifteen minutes.
Q. Not more than ten or fifteen minutes? Should you think it would take you as long as that? It is not more than a couple of minutes walk?
A. Yes, but I spoke to my brother a few minutes.
Q. Where did you meet him?
A. He works there.
Q. In the shop?
A. Yes Sir.
Q. Did you purchase more than one thing?
A. Three articles.
Q. And you took those home?
A. Yes Sir.
Q. On the way home you saw Bridget crossing the street?
A. Yes Sir.

Q. From Mrs. Bowen's to the Borden yard?
A. Yes Sir.

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Q. When you went in, you put these articles down on your kitchen table?
A. A long bench that runs across the south side of the kitchen, directly in front of the window.
Q. As you put them down there, you saw Lizzie through the window?
A. Yes Sir.
Q. Standing in the screen door?
A. Inside the screen door.
Q. You say she appeared to be very much distressed?
A. Yes Sir.
Q. Rubbing her face?
A. Yes Sir, I think so.
Q. Did she look pale and frightened?
A. Yes Sir.
Q. So much so you opened the window and asked her what was the matter?
A. Yes Sir.
Q. Did she say "Mrs. Churchill come over", or "Addie, come over quick"? Did she call you by your christian name?
A. "O, Mrs. Churchill".
Q. She always called you Mrs. Churchill?
A. She did that morning.
Q. Did she say anything more than that, "Mrs. Churchill, come over quick"?
A. "O, do come over; somebody has killed father."
Q. She added that somebody had killed father?
A. Yes Sir.
Q. When you went out of the house, did you go immediately?
A. I stepped to the north west door in the front entry and told my mother that I was going over; that something had happened to Mr. Borden.
Q. Then you went immediately out?
A. I went right over.
Q. When you got out did you see anything of Bridget on the street?
A. No Sir.
Q. Did you see any other persons on the street at that time?
A. I did not notice anybody.
Q. You did not notice anybodyelse?
A. No Sir.
Q. When you got in there, she was alone?
A. Yes Sir.
Q. Can you recollect what you first asked her, the first time you asked her?
A. Why, I said "where is your father"? That was the first question.
Q. Did she say anything to you before that?
A. No.
Q. What did she reply to that, when you said "where is your father?"
A. "In the sitting room."

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Q. What next?
A. Then I asked her where she was when it happened.
Q. What did she say?
A. She said she went to the barn to get a piece of iron.
Q. Did she say what she wanted the iron for?
A. No Sir.
Q. Did there any more conversation take place before Bridget came back, or Dr. Bowen came?
A. Yes, I asked her where her mother was.
Q. Tell us what she said to that, if you please, again.
A. She said she had a note to go see someone that was sick.
Q. Where were you when this took place, were you still right there at the screen door?
A. She sat on the second stair, right there at the door; and I stood by her side.
Q. This time while this conversation was going on?
A. Yes Sir.
Q. I suppose it did not last very long, this talk that you had?
A. I should not think so.
Q. What were you doing, were you fanning her, or was she doing anything but just sitting there?
A. No Sir. I put my hand on her shoulder, or her arm, as I came in.
Q. When you asked her where her mother was, she said she had a note to go see someone that was sick?
A. Yes Sir.
Q. Was that all she said at that time?
A. But she did not know but she was killed too.
Q. Did she say anything besides that at that time?
A. She said that she wished someone would try to find her; that she thought she heard her come in.
Q. Did she say that at that time?
A. I think so.
Q. Are you sure she said that then Mrs. Churchill, or afterwards when Miss Russell came?
A. She said it after again.
Q. But you think she said it this time too?
A. Yes Sir.
Q. What took place then after that?
A. Then she said Dr. Bowen was not at home, and she must have a Doctor; and I offered to try to get one.
Q. Where did you say you went to find Bowles?
A. To Mr. Hall's sale stable, just below my house on the west side of Second street.
Q. Did you meet Mr. Hall, or anybody before you got there?
A. He was in the yard, I asked him if Thomas Bowles was there, and he called him; and I told him what I wanted him to do.
Q. You sent him for Dr. Chagnon?

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A. Any Doctor, I said.

Q. Do you know what time that was?
A. No Sir.
Q. Do you recollect Mr. Hall looking at his watch?
A. No Sir.
Q. Do you recollect whether he did, or did not?
A. No Sir, I do not know anything about it.
Q. Then did you go immediately back to the house?
A. Yes Sir.
Q. Had Bridget returned when you got back?
A. I do not think she had got in there then; she came soon.
Q. Soon after you got there?
A. Yes Sir.
Q. Where was Lizzie then when you got back?
A. She was on the stairs when I got back.
Q. The same place you left her?
A. Yes Sir.
Q. Anybody with her then?
A. No Sir.
Q. What did you do then after you went in?
A. I do not remember. I think she got up and came into the kitchen.
Q. Did she sit down in a chair in the kitchen?
A. Yes Sir.
Q. How soon after that did Bridget come in, do you think?
A. Soon I think, I do not know how soon.
Q. Very soon was it?
A. Quite soon, yes sir.
Q. Did you at any time fan Lizzie while she was sitting in the chair there?
A. Yes Sir.
Q. When was that?
A. After Miss Russell came.
Q. How soon after Bridget came did Miss Russell come?
A. Pretty soon.
Q. Did they come in together?
A. I do not remember that.
Q. Was there any talk between you and Miss Lizzie while Bridget was there, before Miss Russell came?
A. I do not remember of any.
Q. Was there any talk by Miss Lizzie with you or the others, after Miss Russell came?
A. I do not remember much of anything that was said.
Q. You spoke to us about Lizzie asking someone to find her mother again the second time?
A. Yes Sir.
Q. When was that, and who was present then?
A. Miss Russell, and myself, and Bridget and Lizzie.
Q. Was it in consequence of Lizzie saying she wanted someone to see

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if they could find her mother, that you and Bridget went up stairs, as you did?
A. Yes Sir.
Q. I understand that you had previously gone up stairs, at Dr. Bowen's request and got a sheet to cover the body up with?
A. Up the back way, by the back stairs.
Q. When you went up to find Mrs. Borden, which way did you go?
A. In the dining room, through the dining room into the sitting room, up through the front entry up the stairs.
Q. Was Mr. Borden's body covered up then?
A. Yes Sir.
Q. So you did not see Mr. Borden's body uncovered at all?
A. No Sir.
Q. You passed by his head, from the dining room into the sitting room and then out into the hall way?
A. Yes Sir.
Q. Did you go up ahead, or Bridget?
A. I do not remember, I think Bridget was ahead, but I do not remember.
Q. You think she was?
A. Yes Sir.
Q. Did she go into the room before you looked in and saw Mrs. Borden's body?
A. I do not know.
Q. She said, as I recollect it, that she went into the room to the foot of the bed, and looked over and saw Mrs. Borden; do you recollect whether she went in before you looked and saw, or not?
A. I do not know; I did not stop to see.
Q. You think she went up ahead of you; cannot you recollect whether she opened the door or not?
A. The door was open.
Q. Are you sure about that?
A. Yes Sir.
Q. Did you come down with Bridget, or come down alone, when you came down?
A. I came down alone.
Q. You left Bridget up there?
A. Yes Sir.
Q. You do not know what she did after you came down?
A. No Sir.
Q. When you came back, where did you find Lizzie then?
A. She was with Miss Russell in the kitchen.
Q. Still in the chair in the kitchen?
A. Yes Sir.
Q. Perhaps you may recall, Mrs. Churchill, you said, I think that Miss Russell asked you if there was another one; did not you put your hands up, and make some gesture, or something?

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A. Yes, I said I must have made some noise, or something that she asked me.
Q. Did not you say "I do not know but what there is another?"
A. I do not think so, but I made a noise; she knew something was the matter.
Q. You think you either made a noise or said something, and then Miss Russell asked you if there

was another?
A. Yes Sir.
Q. And you said yes?
A. Yes Sir.
Q. Now when was this talk that you have spoken of with Lizzie where she said she thought that her father had an enemy, or must have had an enemy?
A. She sat on the stairs.
Q. That was before Miss Russell came?
A. Yes Sir.
Q. Just what was it that she said?
A. She said "father must have an enemy, for we have all been sick, and we think the milk must have been poisoned."
Q. Was there any time when something was said about some Portuguese having done it, some farm hand?
A. The policeman inquired of Miss Lizzie about a man that worked on the farm. I heard them talking about it.
Q. What did Miss Lizzie say about that?
A. She would not suspect that man of anything of that kind, said that he had worked for them a great many years.
Q. Did she say that she did not think anybody that worked on the farm would have done it?
A. I do not remember her saying that, but I remember she said she did not think he did it for he was not over here, for the other man was sick, and he was obliged to stay on the farm.
Q. She did not think the Portuguese did it then. Did Bridget come down in the kitchen again while you and Miss Russell and Lizzie were there?
A. Yes Sir.
Q. How long do you think Lizzie remained in the kitchen there?
A. I do not know how long.
Q. Do you recollect whether she was there when Officer Allen came?
A. I do not remember that.
Q. Did Officer Allen come before or after Mr. Sawyer?
A. He came in just before him; I think Mr. Sawyer followed.
Q. They both came in about the same time?
A. Yes.
Q. Which way did they come in?
A. The back door, or north door.
Q. The side screen door, the same door you went into where you found Lizzie?
A. Yes Sir.

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Q. Did they come in before Dr. Bowen came back, do you recollect?
A. I do not remember.
Q. You do not remember about that?
A. No Sir.
Q. Did you afterwards have Lizzie go into the dining room and lie down on the sofa?
A. Miss Russell and Lizzie went in the dining room.
Q. Did you go in there with them?

A. Not when they first went, I did not.
Q. Did Lizzie lie down on the lounge there?
A. Yes Sir.
Q. What was Miss Russell doing?
A. I do not know.
Q. Was there any time you or Miss Russell were fanning Miss Lizzie?
A. I did not fan her in the dining room; Miss Russell may have done so.
Q. Where did you fan her?
A. In the kitchen.
Q. Did you stand right up beside her?
A. In front of her I stood.
Q. Now Mrs. Churchill, was there any sign of any blood upon Miss Lizzie that you observed at that time?
A. Not that I saw.
Q. On her face or hands?
A. No Sir.
Q. Or her dress?
A. No Sir.
Q. Or her hair?
A. No Sir.
Q. Do you recollect how her hair was done up?
A. No Sir.
Q. Was it done up in the usual way?
A. Yes, the way she generally wore it.
Q. Did she have anything on her head?
A. What do you mean?
Q. A hat or bonnet or cap, or anything of that kind, any covering on her head?
A. No Sir.
Q. I suppose ladies all understand what I mean by the hair being done up; was her hair done up?
A. Yes Sir.
Q. It was not down her back, it was not loose, it was not hanging in a braid?
A. No Sir.
Q. It was what is called done up on her head as usual?
A. Yes Sir.
Q. Did you observe anything out of the way about it, its being dis-

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arranged?
A. No Sir.
Q. You saw no blood upon it?
A. No Sir.
Q. Did it appear to be wet or anything of that kind?
A. I did not notice anything about it.
Q. Do you recollect what shoes she had on?
A. No Sir.
Q. You did not notice those?

A. No Sir.
Q. Did you see her lying down upon the sofa?
A. Sofa? The couch, I should say it was a lounge or couch.
Q. You saw her lying down there?
A. Yes, after Miss Russell and she went in there.
Q. Do you recollect whether her shoes showed there or not?
A. No Sir.
Q. You do not recollect whether they did or not?
A. No Sir.
Q. How long did you think you remained after she lay down in the dining room?
A. Not much longer.
Q. Did you see her again that day?
A. No Sir.
Q. Now you say that Bridget told you something about this note, when was that?
A. We were in the kitchen, she called me in the kitchen.
Q. Called you in the kitchen?
A. Yes Sir.
Q. Who was there at that time?
A. Lizzie.
Q. Anybodyelse?
A. I dont think so.
Q. Wont you tell us again just what Bridget said to you. Do you recollect how it happened that you said anything to her; state that.
A. I did not.
Q. She told you this voluntarily, without anything being said to her?
A. Yes Sir.
Q. Now tell us again, as near as you can recollect, just what Bridget said.
A. She said Mrs. Borden had a note to go and see someone that was sick. She was dusting the sitting room, and she hurried off. She said she did not tell me where she was going; she usually does.
Q. That you think was before Miss Russell came?
A. I think so.
Q. I understood you to say you did not see Miss Lizzie again that day; did you go into the house again that day after you went away?

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A. No Sir I did not.
Q. Did you go in the next day?
A. No Sir.
Q. So that is substantially all you know about it, Mrs. Churchill?
A. Yes Sir.
Q. Did you testify at the Inquest?
A. Yes Sir.
Q. Who was present when you testified?
A. Judge Blaisdell, Mr. Knowlton. Marshal Hilliard, Mr. Seaver, Dr. Dolan and the stenographer.
Q. Not so very private, was it? Who asked you the questions?
A. Mr. Knowlton.

Q. Anybodyelse?
A. No Sir.
Q. During the examination was it suspended at any time while these parties consulted together, that you have named?
A. No Sir.

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ALICE M. RUSSELL.

Courtroom Sketch of Miss Alice Russell

Q. (Mr. Knowlton) What is your name?
A. Alice M. Russell.
Q. Where do you live?
A. On Borden street.
Q. Miss Russell, is it?
A. Yes Sir.
Q. How far from Second street?
A. I am told about 300 yards.
Q. Towards Main street, or towards the other way?
A. East.
Q. Away from Main street?
A. Yes Sir.
Q. Were you acquainted with the Bordens?
A. Yes Sir.
Q. How long had you known Lizzie?
A. I think about eleven years, eleven or twelve.
Q. When did you first hear of this affair; or where were you when you first heard of it?
A. I was at home.
Q. From whom did you hear it?
A. Maggie. I do not quite understand; do you mean when I was called?
Q. Yes. Who called you?
A. Maggie.
Q. Do you know what time of day that was?

A. I am not positive.
Q. As near as you can fix it, when was it?
A. I thought that day it was quarter past eleven; I do not know why I thought so, now.
Q. Have you come to any different opinion now?
A. No Sir. I have forgotten how I placed the time.
Q. What did you do then, Miss Russell, when she called you?
A. I went to the door when I saw her coming up the steps.
Q. What was said I do not care for. She called you; what happened then, what did you do?
A. I went over. I changed my dress though before I went.
Q. Did you hurry to get over?
A. I thought I hurried; I do not know whether I did or not.
Q. When you got there, who did you find there?
A. I am not positive who I found. I saw Lizzie.
Q. Where did you see Lizzie?
A. As near as I can remember she was leaning up against the frame of the door between the back entry and the kitchen.
Q. Was Mrs. Churchill there when you got there?
A. I cannot remember whether she was or not.
Q. Did you say anything to Lizzie, or she to you then?

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A. I do not remember.
Q. What did you do when you got there?
A. I think I got Lizzie to sit down in the rocker.
Q. Where?
A. In the kitchen.
Q. Was anybody with you when you got her to sit down?
A. I do not remember, I do not think there was.
Q. When you got there, do you remember whether Dr. Bowen was there or not?
A. I do not think he was.
Q. Did you see the policeman, Mr. Allen come?
A. When I first went?
Q. Did he come after you got there?
A. I do not remember of seeing him at all.
Q. You did not see him?
A. I do not remember of seeing him.
Q. Do you remember anything you did? Did you go in and see either of the bodies?
A. No Sir.
Q. Do you remember how Lizzie was dressed?
A. No Sir.
Q. Do you remember anything that took place at all?
A. I remember nothing very connectedly.
Q. Did you say anything to Lizzie about it, talk with her?
A. I do not know what I said, I am sure.
Q. Did you at any time say anything to her about it; have you at any time?
A. I did not ask her any questions. In general conversation, I do not know but what I might have;

but I do not remember.
Q. At any time since then?
A. That is what I mean, I did not talk on the subject with her very much I am sure.
Q. Do you remember of asking her where she was when her father was killed?
A. I do not remember of asking her; I might have.
Q. Do you remember of her telling you where she was when her father was killed?
A. I remember of hearing her tell it, I do not remember who asked it or whether she told it to me.
Q. What did she say?
A. She said she had come in from the barn, and saw him lying on the sofa with his face all ---
Q. Did she say anything more than that?
A. I do not know. Someone was asking her questions all the time, that I heard.
Q. Did she say what she went to the barn for?
A. I asked her that. She said she went out to get a piece of tin or iron to fix her screen or window.

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Q. When was it you asked her that?
A. I do not remember that.
Q. What was it you said to her?
A. I said "what were you out in the barn for, Lizzie"?
Q. Did she say anything more in answer to it than what you have already said?
A. I do not remember; I do not think she did.
Q. Did she say what window she wanted to fix?
A. I do not remember that she did; I do not think she did.
Q. Do you recollect when that was that she said that?
A. I think it was up stairs, after we had gone up stairs.
Q. That is, the same forenoon?
A. Yes Sir.
Q. But after you had gone up to her room?
A. Yes Sir.
Q. Were there many people there when you went up stairs?
A. I do not know how many there were in the house. It seemed to me there had been a great many coming and going; it was confusion all down stairs.
Q. Did you remain there afterwards?
A. Yes Sir.
Q. How long did you remain there?
A. I was there four nights, and about three days and a half.
Q. Where did you stay when you stayed there?
A. What do you mean, nights, or days?
Q. Nights; where did you sleep?
A. I slept two nights in Miss Emma's room. I slept two nights in what was Mrs. Borden's room, the next two nights in Miss Emma's room.
Q. Had you been in the habit of visiting in that house?
A. I have been in the habit of going there, not making any visits.
Q. How often had you been in the habit of going there?
A. Sometimes I would go perhaps two or three times a week, sometimes it would be two or three weeks before I went.

Q. Who did you usually see when you went there?
A. Emma and Lizzie; just as it happened, if they were there.
Q. Were you on more intimate terms with the girls, or with the father and mother?
A. With the girls.
Q. Where did you usually see the girls?
A. Up stairs.
Q. Where up stairs?
A. In what we call the guest chamber.
Q. There was a bed in it?
A. Yes Sir.
Q. When you made calls, you called on them there in the guest room?
A. Yes Sir; that was their sitting room.
Q. The sitting room used by Lizzie and Emma?

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A. I think so.
Q. So far as you had the opportunity of seeing?
A. Yes Sir.
Q. Is that where you usually saw them, there?
A. Yes Sir.
Q. Did you often see Mrs. Borden there?
A. No Sir.
Q. Ever see her there?
A. Not recently. I do not remember what I have seen in all the years that I have been there.
Q. Within a year or two?
A. I do not think I have.
Q. Is that where you usually made your calls, in the guest chamber?
A. Either there, or in the girl's rooms.
Q. The girls rooms were, we have already ascertained, next to each other?
A. Yes Sir.
Q. How often have you been in the habit of calling there?
A. Just as it happened.
Q. Once a year or once a week?
A. Just as it happened; if I had reasons to go there two or three times a week, I went. If I did not, perhaps it was two or three weeks I did not go; just as it happened.

CROSS-EXAMINATION.

Q. (Mr. Jennings.) When you went in, where did you say Lizzie was?
A. I think she stood leaning against the frame of the door between the entry and the kitchen.
Q. How long did she stay there, do you think, after you came in?
A. I think I asked her to sit right down.
Q. Where did she sit down?
A. In the rocking chair about the middle of the kitchen I think.
Q. Was it while she was there that Mrs. Churchill was there fanning her, do you recollect about that?

A. I remember that we fanned her with a paper, I do not remember who fanned her; I remember we were both there fanning her, or doing something.
Q. Where were you standing?
A. I think I was sitting.
Q. Where were you sitting?
A. Right beside her.
Q. Did you notice whether there was any blood on her or not?
A. I did not see anything.
Q. On her hands?
A. No Sir.
Q. Did you see her hands?
A. Yes Sir, I rubbed them.
Q. Were there any signs of any blood on them?
A. No Sir.
Q. Did you observe her face?

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A. I bathed her face.
Q. Were there any signs of blood on it?
A. No Sir.
Q. Or on her hair?
A. No Sir.
Q. Was her hair done up, as usual?
A. I think it must have been, or I would have noticed it.
Q. Did you notice any signs of blood on that?
A. No Sir.
Q. Did you notice any signs of blood on her clothing, or her dress?
A. No Sir.
Q. Do you know who got her to go into the dining room, or how she came to go into the dining room?
A. Yes Sir.
Q. How was that?
A. It was I.
Q. What did she do?
A. She lay on the lounge.
Q. Did she lie at full length on the lounge?
A. I think so.
Q. Did you notice whether her shoes showed or not as she lay down there?
A. I do not remember about her shoes.
Q. Do you remember what kind of shoes she had on?
A. No Sir.
Q. Do you remember what kind of shoes she usually wore in the morning?
A. No Sir. I noticed nothing unusual that would attract my attention.
Q. You noticed nothing at all about her dress or appearance unusual?
A. No Sir.
Q. Did you notice whether she seemed to be panting from exertion, or anything of that kind?

A. She was not panting.
Q. After she lay down on the lounge, did you do anything for her then?
A. I think perhaps I fanned her; I think so.
Q. Nothing was given her, no medicine, or anything of that kind?
A. No Sir, I do not think there was, I do not remember of seeing any medicine around.
Q. Do you recollect whether she went up stairs before the officers came or not?
A. She did not.
Q. Do you remember the time when the officers first went up stairs?
A. No, I do not.
Q. I do not mean the time of day, but do you remember?
A. No, I do not remember.
Q. How do you know she did not go up stairs before they did?

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A. Because I remember of her talking, the officers asking her questions in the kitchen.
Q. Do you know about their going up stairs after that?
A. Yes, they went up stairs.
Q. Then you recollect about their going up stairs?
A. I do not recollect about their going, I remember of being in some of the rooms with them. Then part of it drops out of my memory; I cannot connect it.
Q. Did you go up with them?
A. I do not remember that.
Q. Do you remember whether they went up the back or front stairs?
A. I do not remember anything about it.
Q. Do you remember anything they did up stairs?
A. I remember being up in Mr. And Mrs. Borden's rooms with some officer, I remember their asking me about the rooms that went out of it. The door into Miss Lizzie's room was hooked. They pulled the screw out, I judged. I remember I asked them to let me look in first; I did not know what the condition of the room was. I pulled the portiere aside, and looked in, and said it is all right, and they went in. I do not recollect whether I went in or not.
Q. Do you know whether they searched it or not?
A. I do not.
Q. Do you know Officer Doherty by sight?
A. I do now.
Q. Was he one of them?
A. I have not the faintest idea.
Q. How many were there of them?
A. It seems to me there were three.
Q. At any rate they were up in Miss Lizzie's room before she went up stairs at all?
A. Yes Sir.
Q. And were up stairs around there?
A. Yes Sir.
Q. Do you know whether they went into other rooms or not?
A. I remember going into the parlor with these officers, with some officers.
Q. Was that before Lizzie went up stairs?
A. I think it was about the same time. I had an idea they were making the first search through the

house, looking for whoever might be in it, or whoever they might find.
Q. That was before Lizzie went up stairs?
A. The other part was; but the parlor I am not positive of.
Q. You do not recollect whether it was the same man?
A. I do recollect one of the officers, I think one of them was Mr. Fleet.
Q. Mr. Fleet?
A. I think so.
Q. Were there any other searches after that?

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A. Yes, there were two searches, a partial search and a thorough search.
Q. That same day after Miss Lizzie went up stairs, did the officers come into her room again making inquiries, or to search?
A. May I ask you to put that again?
Q. After Miss Lizzie went up stairs to her room did the officers come in there afterwards?
A. In her room, yes, I think they were coming all day; it seemed to me they were.
Q. Asking her questions?
A. Yes Sir.
Q. Did she answer them freely?
A. Yes Sir.
Q. Did they come the next day, that was Friday?
A. I do not remember; I do not think they did.
Q. Do you remember whether Dr. Dolan came up there and asked her questions?
A. I do not remember.
Q. Now take Saturday, the day of the funeral; do you recollect anything about any search made that day?
A. Yes Sir.
Q. What kind of a search was that, what did they do?
A. They searched a closet.
Q. If you know, did they search the whole house from the top to the bottom?
A. No Sir, they did not.
Q. Saturday afternoon?
A. O, Saturday afternoon?
Q. After the funeral, I mean.
A. I do not quite understand you question.
Q. The funeral was Saturday morning?
A. Yes Sir.
Q. Saturday afternoon do you recollect of an extended search being made?
A. Yes Sir.
Q. And Marshal Hilliard was there?
A. Yes Sir.
Q. And Dr. Dolan?
A. Yes Sir.
Q. Myself, and Mr. Fleet, and others?
A. Yes Sir.
Q. Do you recollect whether that was or was not the time when they made a thorough search from

the top to the bottom of the house?
A. I remember that was the time.
Q. Do you recollect whether in this first search that was made before Lizzie went up stairs, the officers went into all of the rooms in the upper part of the house?
A. I do not know.

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Q. Do you know whether they went into the spare room?
A. I do not, no sir.
Q. You know they went into Mr. Borden's room?
A. Yes Sir.
Q. You know they went into Miss Lizzie's room?
A. Yes Sir.
Q. Do you know whether they went into Miss Emma's room?
A. I do not.
Q. Do you know whether they went in that spare room?
A. No Sir.
Q. Do you know whether they went in the closet where the clothes were?
A. I do not know.
Q. Do you know whether they did on Saturday or not?
A. In the afternoon?
Q. Yes.
A. I do not know.
Q. Of your own knowledge?
A. I did not follow the officers around.
Q. Do you know whether there was another search made Monday?
A. No, I do not know. I came away Monday morning.

LUCY COLLET.

Q. (Mr. Knowlton) What is your name?

A. Lucy Collet.
Q. Where do you live?
A. 22 Borden street.
Q. Do you know where Mr. Borden lived?
A. Yes Sir.
Q. Near what other street did you live, on Borden street, near Maine or Second, or what?
A. Near Third.
Q. Do you live with your father?
A. Yes Sir.
Q. Do you remember the day when this murder was committed?
A. It was the fourth.
Q. You remember that day, do you?
A. Yes Sir.
Q. Where were you living at that time?
A. I was in Dr. Chagnon's office.
Q. At Dr. Chagnon's house?
A. Yes Sir.
Q. Were you stopping at Dr. Chagnon's house then?
A. No. He had just telephoned to me to go and keep the telephone.
Q. Where was your home then, on Borden street?
A. Yes Sir.
Q. With your father?

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A. Yes Sir.
Q. What is his name?
A. Dr. Collet.
Q. Your father is a doctor too?
A. Yes Sir.
Q. You went to Dr. Chagnon's house?
A. Yes Sir.
Q. When did you go there?
A. I was there ten minutes to eleven.
Q. How do you fix that time?
A. Before going, they telephoned to me; it was about quarter to eleven. I put on my hat and went right away.
Q. Who telephoned to you?
A. The clerk.
Q. The clerk up to Dr. Chagnon's?
A. Yes Sir.
Q. What was your errand up there?
A. Just to keep the telephone and the door.
Q. Keep the telephone where?
A. Dr. Chagnon's house.
Q. You were going up there to keep the telephone up there?

A. Yes Sir.
Q. Had you ever done that before?
A. No Sir; but it was because they were all gone, Dr. Chagnon's family.
Q. Who was this that telephoned to you?
A. Dr. Chagnon's clerk.
Q. From his office? Does he have an office at the house?
A. Yes Sir.
Q. So you went in consequence of this telephone message?
A. Yes Sir.
Q. When was it you got there?
A. I was there at ten minutes to eleven.
Q. Did you go into the house?
A. No Sir; all the doors were locked.
Q. What did you do?
A. I sat down on the piazza.
Q. Whereabouts is that piazza?
A. In front of the house on Third street.
Q. How long did you remain there?
A. I was there up to twelve o'clock.
Q. That is, on the piazza?
A. Yes Sir.
Q. What were you doing while you were there?
A. Just sitting there.
Q. Waiting?
A. Yes Sir.

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Q. Were you reading, or anything of that sort?
A. No Sir.
Q. Anybody there with you?
A. Nobody.
Q. Were you awake; if I may ask such a question as that; you were awake, were you all the time?
A. O, yes.
Q. Did you see anybody in the yard?
A. No Sir, I did not see nobody.
Q. Did you see anybody go through the yard?
A. No Sir.
Q. Any part of the time while you were there?
A. No Sir.
Q. Or go away from the premises?
A. What do you mean?
Q. Go off from the yard, out into the street?
A. O, no sir.
(Court) Does the piazza over look the yard?
A. O, no.
Q. How much of the yard can you see from the piazza?

A. We can see all the yard.
Q. The whole yard?
A. Yes Sir.
Q. Was there anybody in the yard while you were there?
A. No Sir.
Q. Do you know where this Borden house is?
A. Right behind it.
Q. Where you were sitting, could you see the fence that is between that and the Borden yard?
A. No Sir.
Q. You could not see the fence, but you could see the whole yard?
A. Yes Sir.
(Upon objection being made, Mr. Knowlton withdraws the repetition of the statement.)

CROSS-EXAMINATION.

Q. (Mr. Jennings) Which side of the house is this piazza?
A. In front of the house.
Q. On the east side of the house?
A. It overlooks Third street.
Q. Right next to Third street?
A. Yes Sir.
Q. Does it extend along the whole front of the house?
A. It is just on one side.
Q. The whole side of the front, or only on one side of the front door?
A. One side of the front door.
Q. Which side of the front door is it?
A. Going on Borden street.
Q. Is it on the side towards Borden street?

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A. Yes Sir.
Q. Then this piazza extends from the front door along the east side of the house, towards Borden street, does it?
A. Yes Sir.
Q. Does it go around on the other side of the house, does it extend around on the side of the house towards Borden street?
A. No, the door is just at the corner.
Q. What door is at the corner?
A. The front door.
Q. I thought you told me that the piazza extended from the front door along the front of the house toward Borden street?
A. I do not know; I cannot explain that. I do not know how to explain that.
Q. Suppose this is the house, and that is Third street running right in front of it; there is the front door in the middle of the house?
A. No Sir, it is on the side.
Q. On the south side furthest from Borden street?

A. Yes Sir.
Q. So if that was the front door there, then the piazza extends from that front door along in front of the house, down towards Borden street?
A. Yes Sir.
Q. Does it come around the corner here?
A. No Sir.
Q. Only extends along the front of the house?
A. Yes Sir.
Q. Is there a roof over the piazza?
A. Yes Sir, I think it is; I guess it is.
Q. Do you feel pretty sure about that?
A. I do not know.
Q. You do not know whether there is a roof over the piazza, or not? You did not notice that when you were there?
A. No Sir.
Q. Now what part of that piazza were you sitting, Miss Collet?
A. I was sitting near the stairs of the front door.
Q. Near the front door?
A. Yes Sir.
Q. Were you sitting on the stairs?
A. No Sir on a bench.
Q. On a bench near the front door?
A. Yes Sir.
Q. Which way were you looking?
A. I was looking in the yard. I was sitting down with my face toward the yard.
Q. Which way were you sitting?
A. I was sitting with my face turned to the yard.
Q. Dr. Chagnon's yard?
A. Yes Sir.

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Q. Which yard do you mean? Is not there a yard on both sides of the house?
A. There is just a road going to the barn on one side; and there is a yard on the other side.
Q. Were you back to that road?
A. Yes Sir.
Q. That road comes in from Third street, a carriage drive?
A. Yes Sir.
Q. Comes in from Third street, and runs into his barn?
A. Yes Sir.
Q. Is not there a back yard there, that there is a fence between?
A. Behind the house.
Q. There is a yard behind the house, and a fence between that yard and Mr. Bordens?
A. There is the barn; there is no fence between Mr. Borden's.
Q. Is not there any fence between Mr. Borden's yard, and that back yard?
A. Just a barn, Dr. Chagnon's.
Q. Sure about that?

A. Not on that side, there is not a fence.
Q. What do you mean?
A. There is the barn instead of the fence.
Q. Do you mean to say the barn comes clear up to the house?
A. I do not know. In back of the barn, there might be one; in back of the barn there might be a fence.
Q. In front of the barn?
A. No.
Q. What is there between the barn and the house, to separate Mr. Chagnon's yard from Mr. Borden's?
A. I do not mean Mr. Borden's barn, I mean Dr. Chagnon's barn. He has a barn.
Q. Perhaps you do not understand me. In back of Dr. Chagnon's house there is a barn?
A. Yes Sir.
Q. Is there any back yard there between the barn and the house?
A. Yes Sir.
Q. Now is not there a fence between that back yard, and Mr. Borden's land? Is it all open on the south?
A. I do not know. I did not see any.
Q. Is not that back yard fenced in?
A. It might be in back of Dr. Chagnon's yard.
Q. I mean between Dr. Chagnon's house and his barn there is an open yard, a back yard?
A. Yes, there is a yard.
Q. There is a fence there, is there not?
A. There is no fence.
Q. How wide a space is there between Dr. Chagnon's house and his barn on the back there?

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A. From here to the second row, there.
Q. The second row of seats from here?
A. No.
Q. From you to the second row of seats?
A. Yes Sir.
Q. There is that space you think between the house and the barn?
A. Yes.
Q. Is there not a fence runs along on this side of it?
A. On the side, yes, but not on the front of the barn.
Q. I did not say anything about in front of the barn.
A. On the side, yes.
Q. Between Mr. Borden's yard and that back yard?
A. Yes Sir.
Q. That is right, there is a fence there?
A. Yes.
Q. You were sitting with your face turned towards the other yard, to the south, were you not?
A. Yes, I was.
Q. So if anybody came over that fence at the back yard there, and down the carriage drive, you would not have seen them, would you, unless they had made a noise?

A. I would not have seen them, but I would have heard the noise.
Q. How do you know you would?
A. I might, and I might not.
Q. You might, and you might not; is that so?
A. Yes Sir.
Q. Unless there was some noise, made, you would not have seen them, would you, unless it caused you to look around? You would not have seen them unless you had looked around?
A. No Sir.
Q. Did you remain in that one spot all the time?
A. Yes Sir.
Q. Did not move around?
A. When I came there, I went in Dr. Chagnon's yard.
Q. Which yard, the back or front yard?
A. The front yard.
Q. How long did you stay there?
A. I just walked there, and came back, just went to see if the hammock was there.
Q. It was not there?
A. No Sir.
Q. So you went back and sat on the piazza?
A. Yes Sir.
Q. You say you got a telephone from Dr. Chagnon's clerk?
A. Yes Sir.
Q. Where did he telephone from; where did you understand he was telephoning from?

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A. It was from our drug store.
Q. Your father's drug store, do you mean?
A. Yes Sir.
Q. About what time do you think it was?
A. It was quarter to eleven when he telephoned.
Q. How do you know?
A. Because I looked to see at what time they were going; they were going to take the train; I wanted to see what train they were going to take.
Q. When did you look at that, before or after the telephone?
A. After the telephone.
Q. Did you go immediately upon getting the telephone?
A. I just put my hat on and went right away.
Q. Did not you change any article of your attire at all?
A. No Sir.
Q. Sure about that?
A. I am almost sure. I just put my hat on.
Q. How sure are you about that?
A. Because I was dressed.
Q. Have you not stated you changed your shoes or your slippers?
A. Mamma said so, but I did not. I did not change them.
Q. You are sure about that?

A. I am sure.
Q. Where do you live?
A. I live on Borden street, 22 Borden street.
Q. Is that between Second and Third streets?
A. Yes Sir.
Q. Did you see anything of Dr. Chagnon's people before you went up there?
A. No Sir.
Q. Did not you see anything of them while you were going up there?
A. No Sir. I saw them from my sitting room window; I saw them going by from the window; that is all.
Q. You saw them going by on Borden street?
A. Yes Sir, in the carriage.
Q. How long was that before you got your telephone?
A. I was just putting on my hat when I saw them going by.
Q. After you got the telephone?
A. Yes Sir.
Q. You sat there for half an hour on the piazza looking into that south garden?
A. There was a man that came, and I spoke to him.
Q. Who was he?
A. I do not know; it was one that came for the Doctor.
Q. One that came for Dr. Chagnon?
A. Yes Sir.
Q. Do you know what his name was?
A. I do not know his name.
Q. What time was that, how long after you went there?

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A. I could not say the right time; I guess it was about ten or twenty minutes. There was another one that came to get medicines too. He sat down.
Q. He sat down?
A. Yes Sir.
Q. Do you know who he was?
A. Mr. Robinson.
Q. Do you know his first name?
A. No Sir.
Q. Do you know where he lives?
A. He lives in Somerset.
Q. Now Miss Collet, you would not want to say that a man could not have come down that driveway and gone off, without your knowing it; while you were sitting there?
A. No, I would not say it, but I did not see anybody.
Q. You would not be apt to with your back to him, would you unless he made a noise?
A. No Sir.

Court took lunch recess until 2:00 P.M.

RE-DIRECT.

Q. (Mr. Knowlton) What were you sitting in?
A. On the bench.
Q. On a bench?
A. Yes Sir.
Q. Was the bench on the piazza?
A. Yes sir, on the piazza.
Q. Were you looking towards the street or towards the garden?
A. Towards the garden.
(Mr. Adams) I think he should ask where she was looking.
Q. Tell me which way you were looking.
A. I was looking towards the garden.
(Court) Does she mean by that a yard?
A. The yard.
Q. On the south side of the house where the trees are?
A. Yes Sir.
Q. The yard where the hammock is?
A. Yes Sir.
Q. On the piazza?
A. On the piazza.
Q. Which part of the piazza was it, was it nearer the street, or away from the street?
A. Nearer the street than it was away.
Q. How near the end of the piazza was it?
A. About two feet.
Q. Two feet from the part that is nearest the street.
A. Yes Sir.

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ELI BENCE.

ELI BENCE

Q. (Mr. Knowlton) What is your name?
A. Eli Bence.

Q. What is your business?
A. I am a drug clerk.
Q. Where is the store?
A. On the corner of Columbia and South Main streets.
Q. How far is Columbia street from Borden street?
A. Well, it is two streets on the right, down. I believe. There is Spring, then Borden.
Q. Columbia is farther up So. Main street?
A. Yes Sir.
Q. On the other side of Columbia street, what street do you come to, or not there any?
A. Spring street on the left, coming this way.
Q. If you go right across Main street, does it go to the east of Main street?
A. No Sir. It goes towards the Shore. Rodman is to the east, a little further south, on the other side.
Q. Do you remember the day of this tragedy, the 4th of August, Thursday?
A. Yes Sir.
Q. Do you know the defendant, Miss Lizzie Borden?
A. I knew her as Miss Borden before this time.
Q. Did you see her in your store at any time before the tragedy?
A. I did, yes sir.
Q. When?
A. I saw her the day before.
Q. What time of day was it?
A. In the morning.
Q. What time in the morning was it?
A. Between ten and half past eleven in the forenoon.
Q. Was she alone?
A. She was.
Q. What took place?
A. She asked me for ten cents worth of Prussic Acid.
Q. Tell all that took place.
A. I informed her we did not sell prussic acid without a doctor's prescription. She said she wanted it, I believe to put on, either a seal skin sack or a seal skin cape, I would not be certain which. I again told her we did not sell it without a doctor's prescription; that it was something that was very dangerous, and we did not sell it. I believe she said she had purchased the article before. I believe that is all that took place.
Q. Then she went out?
A. Yes Sir.
Q. Is this defendant the woman?

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A. Yes Sir.
Q. Are you sure?
A. Positive.
Q. Who else was present in the store at the time?
A. Mr. Harte the second clerk, and Mr. Kilroy; also the third clerk, he was way in the back shop.
Q. I do not ask you what was said; you would not be allowed to say what was said. How soon afterwards was your attention called to the fact that she was there?

A. My attention was called to the fact---
Q. I do not want what was said, that would not be proper.
A. Thursday evening, along towards six o'clock; I think I had been to supper and come back again. It might have been a few minutes before six, or afterwards.
Q. When was your attention first called to who it was that was there?
A. Soon after that time.
Q. Soon after what time?
A. Soon after six o'clock Thursday evening.
Q. When was your attention first called to the fact that the Miss Borden that you waited on, this Miss Borden that you say it was, was the daughter of Andrew Borden?
(Mr. Adams) You assume that it was.
Q. If that was so? Was your attention called to the fact?
A. At the time she was in, or after she went out, a few moments.

CROSS-EXAMINATION.

Q. (Mr. Adams) You say you are a drug clerk there?
A. Yes Sir.
Q. Is the store your store?
A. No Sir.
Q. Whose store is it?
A. Mr. Smith's.
Q. How long have you been such drug clerk there?
A. Three years last April.
Q. You were a general prescription clerk?
A. Yes Sir.
Q. Were you at the prescription counter at that time?
A. No Sir.
Q. In the front of the store?
A. Yes Sir.
Q. Standing in the floor when she came in?
A. Yes Sir, at the first of it.
Q. How was she dressed?
A. She had on a drak dress; that is all I could tell you.
Q. Dark blue or brown?
A. I could not tell you the color, only it was dark.
Q. Do you know the color of the gown she has on now?

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A. I should call it blue.
Q. Is that the gown she had on then?
A. I know it was not blue; I am positive of that.
Q. It was some dark color?
A. Yes Sir.
Q. Was it generally of one color, like this gown she has on now?
A. I could not say.

Q. Whether it gave you the impression of being a gown all of one solid color like that?
A. I could not say.
Q. Did she wear gloves?
A. I could not say.
Q. Did she have a purse in her hand?
A. I could not say.
Q. Did she have on a hat or a bonnet?
A. I do not know the distinction between a hat and bonnet, hardly.
Q. Do you see what she has on now?
A. Yes Sir.
Q. Was it anything like that? Was it that?
A. I could not say.
Q. Was it shaped like that?
A. I could not say.
Q. Was it trimmed like that?
A. I could not say.
Q. Was it low, or was it something sticking up?
A. I should judge it was low.
Q. Lower than that?
A. I could not say.
Q. Was it dark or light?
A. I presume it was dark.
Q. Do you mean because that is the prevailing shade, or because that is the impression you got from seeing this lady?
A. That is the impression I got.
Q. You would not swear that it was dark?
A. I would swear that her dress was dark.
Q. I am asking about her head cover now.
A. I think you were.
Q. Be kind enough to confine yourself to that, unless you desire to make an explanation later. I am asking about this thing she wore on her head. It was a close fitting object--- anyhow it was low?
A. Yes Sir.
Q. And your impression is it was dark?
A. Yes Sir.
Q. Did it have any feathers, or anything of that sort on it for trimming?
A. I could not say.
Q. Did she wear a veil?
A. I could not say.

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Q. Had she ever been in there before?
A. Not to my knowledge.
Q. What lady came in there before she did that morning?
A. I could not tell you.
Q. Were there not some ladies in there before that?
A. There might have been, quite a number.

Q. Who talked with you?
A. About what?
Q. About anything; about the weather, if you please.
A. I do not understand what you mean by that question.
Q. Did any other lady come into your store that morning before this woman whom you say was Miss Borden?
A. I could not tell you.
Q. Did you see anybodyelse in there before she came in?
A. Any other lady? I could not say; I was in the back shop most of the time.
Q. I did not ask you where you were; I asked if you saw. Did you?
A. I could not answer that question.
Q. Do not you remember whether there was any other lady who came in there that morning?
A. I could not say.
Q. Was there any lady came in immediately after?
A. I could not say anything about that. I was not in the front shop.
Q. Were you not in the front shop at all again that day?
A. Why, most assuredly.
Q. Did you see any other lady that day?
A. Yes Sir.
Q. Who?
A. I do not know.
Q. What did the others buy?
A. I do not know.
Q. What did they ask for?
A. I do not know.
Q. What did you refuse to sell them?
A. Who? I refused to sell Miss Borden prussic acid.
Q. After she was there?
A. I do not remember of refusing anybody anything.
Q. Do you remember of selling anything to any lady that day?
A. I might have sold my sister something.
Q. Yes, I am willing to take that. I assume that your sister was a lady. What time did she come in there?
A. I do not know. She was liable to come in there any time.
Q. When was she in there that day?
A. I could not tell you.
Q. What did you sell her?
A. I might have sold her a sponge.
Q. What did you sell her; not what you might. Upon your oath, what

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did you sell her?
A. Possibly-----
Q. Not possibly. Have you any definite recollection?
A. I have no definite recollection.
(Mr. Knowlton objects, and the Court rules that the witness must be allowed to finish his answers.)

Q. When did you see this lady, who came in there, before that?
A. What do you mean?
Q. When before that morning, did you see this lady who came in there?
A. What, Miss Borden?
Q. Yes.
A. Well, I have seen her quite a number of times. I could not tell when.
Q. When before that did you see her?
(Mr. Knowlton again objects that the witness is not allowed to make full answers. Mr. Adams objects because the witness does not pay attention to the questions, and answer them, as put.
(Court to the witness.) Understand the question; answer it; and stop.
Q. My question was this; when before this morning, had you seen this lady, whom you said was Miss Borden?
A. I had seen her on the street quite a number of times. I could not state the day, or anything.
Q. That week?
A. I could not say anything about that.
Q. Did you ever trade with her in your life?
A. Not in that store.
Q. Where else?
A. Possibly in Riddell's drug store, when I worked there.
Q. When?
A. Six years ago.
Q. Sure you ever sold her anything in your life?
A. I think so. I had seen the lady quite often before, and had her pointed out to me before as Miss Borden, a good many times.
Q. Before this time?
A. Yes Sir, a good many times.
Q. You say she asked for ten cents worth?
A. Yes.
Q. Used that precise language?
A. Yes Sir.
Q. Did she ask you in the front store?
A. Certainly.
Q. Near the door?
A. No; she was right by the show case, that is along near the front end of the shop.
Q. It is in the front part of the store rather than the rear part?
A. Yes sir.

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Q. Where were these other gentlemen, Mr. Kilroy and Mr. Harte?
A. Mr. Kilroy was sitting right by the post in the front shop.
Q. Were they near you?
A. Yes Sir.
Q. Where was Mr. Harte?
A. Mr. Harte was, I think behind the counter at the time.
Q. Have you given this testimony before?
A. Only at the Inquest.

Q. When?
A. When they called me down there.
Q. When was that, if you recollect?
A. I do not remember the date.
Q. Who was present?
A. I think the marshal and Mr. Knowlton and His Honor the Judge, and this lady; I do not know whether there was anybodyelse.
Q. Do you remember whether there was anybodyelse or not?
A. I do not think there was.
Q. The questions were put to you by one of the people who were in the room, only.
A. Yes Sir.
Q. Have you ever read your testimony over since?
A. No Sir.
Q. And have not signed it, or anything of that sort?
A. No Sir.
Q. It is a common form I believe at an Inquest to have the witness sign his name; you have not done it yet?
A. No Sir. I have not signed anything, not with regard to that.
Q. Who came to you first, of the officers, if you please, about this?
A. Officers Doherty and Harrington.
Q. When did they come?
A. In the evening.
Q. Of what day?
A. Of the 4th.
Q. Of Thursday?
A. Yes, I believe so.
Q. They came together, do you mean?
A. Yes Sir, they came together.
Q. Anybodyelse with them?
A. No Sir.
Q. Did you know both of these officers well?
A. Yes Sir.
Q. Do you know whether this lady had on any wraps?
A. She did not have any wrap on at the time.
Q. Or on her arm?
A. I would not say about that.
Q. Did I understand you to recollect whether she had a purse or bag with her?
A. I did not say so.
Q. You said you did not recollect?

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A. I said I did not recollect.
Q. Your recollection is that she did not wear a veil?
A. I do not think she did; she might have done.
Q. You are sure it was not a blue gown?
A. I am sure it was not blue, yes sir.

Q. I mean blue of this shade she has on here today.
A. That is what I mean.
Q. Is that right?
A. She did not have on that dress.
Q. Or a dress of a blue shade?
A. Or a dress of a blue shade, either.
Q. But it was dark?
A. Yes Sir.
Q. Are you able to give me an idea whether it was shading on black or brown?
A. I am not able to say anything about it; I did not notice her dress any.
Q. How do you state the time when this occurred?
A. I looked at my watch once before she was in, and it was ten o'clock, and I got to dinner at half past eleven; I know it was between that time and dinner.
Q. Between ten and half past eleven?
A. Yes Sir.
Q. That is the best you can say?
A. That is the best I can say.
Q. You do not know whether it was eleven or half past ten?
A. I was very busy that day, and had been away, and had just got back that morning.
Q. Did you say you were busy in the back shop?
A. I had been, and I was called out by a friend who came in before she came.
Q. Do you mean you were busy at work in the shop itself, or around town?
A. I was busy in the back shop.
Q. If I understand you, I want to get it right, you are positively sure this was not a blue dress?
A. I said it was not a blue dress.
Q. You are sure of that?
A. I am sure.
Q. And it was a dark dress?
A. It was a dark dress.
Q. And the bonnet or hat was simply dark, without any reference to its trimming, and it was close fitting?
A. I should judge it was a bonnet something like what she has on; I could not say.
Q. It was dark?
A. It was dark.
Q. Whether black or blue you are unable to state?
A. I do not take notice of those things; not on women generally.

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Q. I suppose in the excitement of the time you told a number of people about what you thought you saw?
A. No Sir I did not.
Q. Have not you talked with some people about it?
A. I talked with the authorities about it.
Q. Have you talked with any others; you need not name them?
A. I talked to one other.
Q. Did you talk to anybody other than this person, who you have in mind now; that makes three

people?
A. Not to my knowledge. Excuse me, I will say Mr. Phillips came up to see me, and wanted to talk with me about it. I told him I did not care to say anything about it. He said Mr. Jennings would come up. I told him to send him, if he wished to.
Q. That was about the time, within a day or two after the tragedy?
A. It was before the trial; I think it was Saturday; he can tell you probably.
Q. You mean a week ago this last Saturday?
A. Yes Sir.
Q. Did you ever make a statement to anybody that you could not swear that it was Miss Borden?
A. No Sir.
Q. Or anything like that, I do not mean the precise words, in substance that?
A. No Sir.
Q. Do you know Mr. Gray?
A. What Gray?
Q. George Gray.
A. George Gray? There is a George Gray lives on Whipple street, on the same street I do, he goes to Harvard.
Q. Have you talked with him about it?
A. Never to my knowledge. I do not think he has been in the shop since then.
Q. Do you recollect ever having discussed this question with him?
A. Not to my knowledge, no sir.

RE-DIRECT.

Q. (Mr. Knowlton) Is prussic acid a thing often called for in your store?
(Objected to.)
(Mr. Knowlton) I offer to show prussic acid is a thing that is almost never called for, simply for the purpose of showing how much more clear a man's memory would be of such a singular circumstance as that. I can show it never was called for.
(Court) He may answer.
Q. Did you ever have a call for prussic acid before?
A. No Sir, not to sell over the counter, no sir. I mean to say by a person coming in, and calling for prussic acid, that I never had a call for it before.

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Q. How do druggists sell it?
(The answer was objected to, and the question is not pressed.)
Q. When was the first time you mentioned that fact?
A. I mentioned it that evening.
Q. I do not ask you to whom. When was the first time you mentioned that fact? Was that one person before or after you went to the authorities?
A. Before, directly.
(Mr. Adams) I do not understand he went to the authorities.
Q. I am wrong. How long before the authorities came to you?
A. Do you mean that I talked with this friend?
Q. Yes.
A. I should say possibly about an hour; I do not think any longer than that.

Q. Who was the person?
A. Dr. Dutra.
Q. It was an hour afterwards the Officer came into the store?
A. Yes Sir.
Q. Have you heard this defendant's voice; have you heard her in conversation since that time?
A. Yes Sir.
Q. Do you recognize the voice?
(Objected to.)
(Mr. Knowlton) I forgot it.
Q. Do you recognize the voice as being the voice of the person who came there?
(Mr. Adams) I do not think he has proceeded far enough to answer that.
A. I said I had heard it since then.
Q. Do you recognize the voice?
A. Yes Sir.

RE-CROSS.

Q. (Mr. Adams) Now lets see about this. You say you have heard it since, since when, since that morning?
A. Heard her voice? Yes sir.
Q. Since that morning?
A. Yes Sir.
Q. When did you hear it?
A. The night after the tragedy, the day of the tragedy, in the evening.
Q. Where?
A. Over to her house.
Q. Who was with you?
A. Officers Doherty and Harrington.
Q. Did you go over there?
A. I did.
Q. Where did you see her?
A. In the kitchen I think, I do not know what it was; I went in through the alley way and into a room there.

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Q. The first room you came into, the room furnished as the kitchen?
A. I should call it the kitchen.
Q. Who was there?
A. Officer Harrington and myself and Lizzie Borden.
Q. He took you there?
A. Yes Sir.
Q. Was anybody with her?
A. Not at that time, only Officer Harrington.
Q. She was in the kitchen, as I understand, alone then with you and Mr. Harrington?
A. She was in the kitchen with Mr. Harrington, that was all; I stood in the door way.
Q. The door way leading from the back entry or back hall into the kitchen?
A. Yes Sir.

Q. Did you find her there, or call her in there?
A. I believe she was called in there.
Q. How was she dressed then?
A. I think she had on a loose wrapper.
Q. What was the conversation?
A. I think it was relative to somebody---
Q. Not what it was relative to. If you can tell me what it was, I wish you would.
A. I cannot tell you the conversation.
Q. What did Mr. Harrington say?
A. I heard him ask about somebody that had been around there.
Q. What did he say "Has anybody been around here?"
A. I think that is probably what he said.
Q. Is that your answer?
A. He said something about that. I did not pay attention to just the words that he said.
Q. Is that the substance of what he said?
A. I think that was.
Q. What did she say?
A. She said she had not seen anybody.
Q. Where was she standing or sitting?
A. She was standing nearer, I should say the door way that I was standing to, nearer this way in the kitchen.
Q. She said she had not seen anybody?
A. I believe that is what she said.
Q. Is that all she said?
A. He asked her a few more questions; I could not tell you what the questions were.
Q. What did she say?
A. She said she had not seen anybody.
Q. What other words did she say?
A. That was two or three of her answers, that she had not seen anybody.
Q. That is all she said?

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A. That is all I remember any way. I think it was all she said.
Q. Then you went away?
A. Yes Sir.
Q. Was that the voice of the woman you had heard six years before that down at Riddell's?
A. I had heard it since then.
Q. Was that the same voice you heard down there?
A. It was the same woman I had seen down there.
Q. I asked you if it was the same voice, did not I?
A. I believe so.
Q. Did you understand that question?
A. Yes Sir.
Q. Please answer it; or say you cannot.
A. It is a long time to remember a voice, you know, for six years.
Q. It may be for some people, but perhaps not for you. There are accents that linger a good many

years, you know?
A. Yes.
Q. Tell me the best you can about that.
A. So far as that goes, I could not say about the voice, so far as the six years go; I know it was the same voice I heard in the shop.
Q. Was it the voice of the woman who came into your shop, and that you traded with, six years ago; or are you unable to answer it?
A. I should say I was unable to answer just that question.
Q. Do you sing?
A. No Sir.
Q. Do you make any pretensions to vocal culture?
A. No Sir.
Q. Do you play?
A. No Sir.
Q. I mean play a tune, music?
A. No Sir.
Q. Do you claim to have a particularly sensitive or educated ear for sounds?
A. Well, I do not know as I do.
Q. What was the peculiarity about this voice?
A. The peculiarity was in the way that she spoke; it was kind of --- a little tremulous.
Q. It was tremulous when?
A. When she spoke to me for the acid.
Q. It trembled when she said she had not seen anybody, did not it?
A. Yes Sir.
Q. The same tremor in it?
A. I should say it was.
Q. Was there anythingelse except this tremulousness that you noticed?
A. She talked a little might low; I do not know as I can put it in words, just what I want to say.

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Q. I agree I am asking you a difficult question. I would like your opinion about it. When you say it is low, do you mean it was in a low register, what we call a low voice, distinguished between a strong voice and a loud voice, or low in sound?
A. She spoke a little might low that morning.
Q. Low in sound?
A. Yes Sir.
Q. Did she that night?
A. Yes Sir.
Q. Is there anythingelse that occurs to you to say that this woman in a wrapper in the kitchen of that house in the evening, saying she had not seen anybody, was the same voice that you heard in the morning, besides its being low and tremulous?
A. I could not explain that part to you at all. I know there are voices that a man remembers, that he cannot always explain about. It is difficult for a person to get up and explain any person's voice. When you are in actual conversation with another party, it is very difficult for a man to get up and explain the voice in which they spoke.
Q. This is the first time you ever did anything of this kind, I suppose?

A. I never identified anybody before in Court. I never had any occasion to.
Q. I suppose you are reasonably sure of the people you see, are you not?
A. Yes.
Q. You never made any mistake did you?
A. Well, I don't suppose that there is anybody that never made a mistake.
Q. I did not suppose so, I did not know but I had seen one that never had. I want to know if you ever have.
A. I do not know but what I have.
Q. When?
A. What do you mean?
Q. When did you ever mistake one person for another, find you had made a mistake in identification?
A. I do not say I have ever mistaken anybody, one for another.
Q. Have you?
A. I do not know as I ever did.
Q. Did you ever mistake one friend for another anywhere in your life?
A. I do not know that I ever did.
Q. Or any person for another?
A. I do not know as I ever did.
Q. You do not recollect that?
A. No sir.
Q. You know that is a common thing?

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A. It is common with some people.
Q. It is a matter of common experience?
A. I believe it is.
Q. You are in a place where you see a great many people every day I suppose?
A. Yes Sir.
Q. Perhaps a hundred every day in the year?
A. All of that.
Q. When you were at the Borden house, you say you stood in the doorway?
A. Yes Sir.
Q. Did you stand in view of Miss Borden?
A. I did, I stood in view of her.
Q. Did she see you, were you in the open door, or behind the door?
A. I was in the doorway.
Q. You were not behind a door or obstruction, you stood right out, open?
A. I did yes sir.

FRANK H. KILROY.

Q. (By Mr. Knowlton.) What is your name?
A. Frank H. Kilroy.
Q. What is your business?
A. I am a student of medicine.

Q. What is the name of the store where Mr. Bence worked?
A. Mr. Smith's.
Q. Were you at that store the week of this tragedy?
A. Yes sir.
Q. What doing there?
A. I was conversing with Mr. Bence in the front shop.
Q. Were you there all the week, or on a single occasion?
A. A single occasion. I do not know whether I was in there before that week or not, I could not say.
Q. You were not employed there?
A. No sir.
Q. When were you there?
A. Wednesday morning, the day before the day of the tragedy.
Q. Who did you say you were conversing with?
A. Mr. Bence.
Q. What time in the morning was it?
A. So far as I recollect it was cloudy, sort of a warm morning.
Q. What time in the morning was it, when was it?
A. I could not say definitely.
Q. Was it before dinner?
A. Yes sir.
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Q. Do you know Miss Borden, the defendant here?
A. I have seen her; I am not personally acquainted with her.
Q. How often have you seen her before that time?
A. I could not state.
Q. Did you know her by name?
A. Yes sir.
Q. Did you see her that morning?
A. Yes sir.
Q. Tell what you saw take place.
A. I was sitting in the front shop, under the fan, and conversing with Mr. Bence, and this lady came in, and Mr. Bence left me, and went behind the counter, and I heard her say "Prussic acid". Mr. Bence says "I cannot sell it without a prescription". She said something that I could not understand, except "seal skin cape"; and she left the store.
Q. Was this the woman?
A. Yes sir.
Q. Are you sure of it?
A. Quite.
Q. Have you seen her since?
A. No sir not until the trial.
Q. That is, this trial?
A. Why, yes sir.
Q. That is all you heard, what you said?
A. Yes sir.
Q. Who else was present there?
A. Mr. Harte.

CROSS-EXAMINATION.

Q. (Mr. Adams.) You live in Fall River, do you?
A. Yes sir.
Q. What did you say your business was?
A. A student of medicine.
Q. You are not engaged in any business?
A. No sir.
Q. Rather engaged in the expectation of business, I suppose?
A. Yes sir.
Q. You went in there for no particular purpose, perhaps because you knew some of the people in the store?
A. Yes sir.
Q. You were casually in there, is that the fact?
A. Yes sir.
Q. You were sitting down towards the rear of the store?
A. No sir.
Q. Nearer the front?
A. Yes sir.
Q. This lady, whoever she was, spoke up loud enough for you to hear?
A. I heard her say "prussic acid".

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Q. You heard the objection in each of these cases. You heard her say seal skin cape; was not it sack?
A. No sir, I am pretty sure it was a cape.
Q. You were further away than you and I are from each other?
A. No sir.
Q. How much shorter?
A. Three or four feet. The distance between the lady and myself was between three and four feet, as near as I can judge.
Q. Point out some distance here that looks like it.
A. From here to the end of that bench there, that door.
Q. Over to this tripod, not a tripod but that thing there?
A. Yes sir.
Q. You were sitting there, and she came right up to the counter there?
A. Yes sir.
Q. She did not speak low, or anything of that sort?
A. Quite a loud tone it seemed to me.
Q. Tremulous, was it not?
A. I could not say that it was.
Q. Was it not?
A. I do not think so; it did not seem so to me, to be very tremulous.
Q. You did not observe those tremulous tones?
A. No sir.
Q. What did she have on? What kind of gown did she have on?

A. I could not say.
Q. You are not beyond noticing what a woman wears, are you? Did she have on a black dress, or a dark dress?
A. I could not state that.
Q. Did she have on a close fitting dress?
A. I did not take any notice at all.
Q. Did she have on a veil?
A. I did not notice.
Q. Her back was towards you?
A. Sort of a three-quarters position.
Q. In order to talk with him, her back had to be towards you?
A. Yes sir.
Q. Did she have on a veil?
A. I could not say.
Q. When before that had you ever seen her?
A. Several times on the street.
Q. How long before that?
A. I could not state that definitely. Perhaps two or three months.
Q. You say you next saw her in the court room?
A. Yes sir.
Q. You did not go down to the house?
A. No sir.

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Q. You did not go to identify her voice, or anything of that sort?
A. No Sir.
Q. She did not have on any wrap, did she?
A. I could not say.
Q. You can say whether the outlines of her figure showed?
A. I think she had a cape or sack of some kind thrown over her arm, so far as I remember. I do not state that positively.
Q. Taking these impressions that come upon you from seeing a woman coming in and going right out; was this a dark sack, or you cannot tell that I suppose?
A. No sir.
Q. Except you know it was not a white one possibly?
A. I do not think it was white.
Q. Did she have a purse in her hand?
A. I do not remember.
Q. About how long did this take her, coming in and going out, and talking up loud as you say?
A. Three or four minutes I should judge.
Q. That is all that was said so far as you understood?
A. That is all that was said while I was there. And she went out.
Q. You did not follow her, did you?
A. No sir.
Q. She went out, leaving you there?
A. Yes sir.

Q. Do I understand you correctly to say that this lady, whoever it was, came in there and spoke up loud, and asked for this, whatever it was, and said "prussic acid", and "seal skin cape", and then went out?
A. I do not say it was loud, I say a natural tone.
Q. I did not mean that she shouted it; but she did not speak low; is that right?
A. That is right.
Q. You know Officer Doherty, do you not?
A. Yes Sir.
Q. You knew him before this time?
A. Yes Sir.
Q. You talked with him about this?
A. No Sir.
Q. Were you not ever present when there was any discussion about it?
A. Where?
A. At any time after this happened; when he was present?
A. No Sir.
Q. Did you testify before the Inquest?
A. Yes Sir.
Q. Who was present in the inquest room when you testified?
A. Judge Blaisdell, Mr. Knowlton, and Marshal Hialliard and Mr. Seaver, and the stenographer.

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Q. That is to say, there were three people here besides the Court and the stenographer?
A. Yes Sir.
Q. Nobody asked you any questions, beside the District Attorney, I suppose?
A. That is all.
Q. Did you ever have any talk with anybody about this occurrence in this drug store after it happened? I do not ask you what the talk was but I ask you as to the fact?
A. I think so.
Q. Have you talked it over, not what you said, but have you talked it over with Mr. Bence, or Mr. Harte?
A. No Sir.
Q. You have not mentioned it to each other, have you?
A. It has been mentioned, yes sir.
Q. It has not been talked over?
A. No Sir.
Q. You did not know that Bence went up to the house, did you?
A. I do not remember now, no sir.
Q. You never heard of it until here today?
A. Not that I remember of; I do not recollect it now.

RE-DIRECT.

Q. (Mr. Knowlton) Was any talk had between any of you three about it that day before the tragedy, that same day she was in there?
A. Yes Sir.

Q. Was the fact of her being there discussed between you that day?
A. Yes Sir.
Q. How soon after she was there?
A. As soon as she went out.
Q. Between whom was that discussion had?
A. The three, Mr. Bence, Mr. Harte and myself.

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FREDERICK B. HARTE.

Q. (Mr. Knowlton) What is your name?
A. Frederick B. Harte
Q. What is your business?
A. Drug clerk.
Q. For Smith?
A. Yes Sir.
Q. That is on the corner of So. Main and Columbia streets?
A. Yes Sir.
Q. Is that the same store Mr. Bence is employed in?
A. Yes Sir.
Q. Were you there, employed, on Wednesday August third?
A. Yes Sir.
Q. Previous to that day, did you know Miss Borden?
A. No Sir.
Q. Not even by sight?
A. No Sir.
Q. Do you remember of seeing her on that day?
A. Yes Sir.
Q. What time of day was it?
A. Between ten and half past eleven Wednesday morning.
Q. Where were you?
A. In back of the counter.
Q. Has the store two counters?
A. Yes Sir.
Q. Which counter was this? I suppose the store faces to the east?
A. The south counter.
Q. Where was Mr. Bence?
A. Over the other side.
Q. The north counter?
A. He was not behind any counter.
Q. Tell exactly what you saw and heard.
A. A woman came in, and asked for prussic acid, ten cents worth, and said she wanted it to put on seal skin, I do not know whether it was a cape or sack, but it was a seal skin garment of some sort, to put around the edges, she said.
Q. Tell all you heard.
A. It was refused her.
Q. You must tell what was said. In what way was the refusal given?

A. She was told it never was sold, except on a prescription.
Q. Who told her that?
A. Bence. Nothing more was said that I know of; and she turned away and went out.
Q. Did she speak to you at any time?
A. No Sir.

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Q. Or come towards you, or anything?
A. Pretty close to me.
Q. How far were you from her?
A. Not over two or three feet at the most.
Q. Have you seen this defendant since then?
A. Yes Sir.
Q. Is that the woman?
A. Yes Sir.

CROSS-EXAMINATION.

Q. (Mr. Adams) Where you behind the other counter?
A. Behind the south counter.
Q. Were you behind the counter other than the one to which she went and asked this question?
A. I do not understand you.
Q. I want to know if, when Mr. Bence went to wait upon her, he went behind the counter where you were?
A. The same counter.
Q. Were you nearer the door than he, or further away?
A. Farther away.
Q. And your duties are the same as his?
A. Yes Sir.
Q. Behind the counter?
A. Yes Sir.
Q. How long have you been there?
A. This last time I have worked there about a month.
Q. You have worked there before?
A. Yes Sir.
Q. When was that?
A. Almost a year ago.
Q. Where were you during the last year?
A. I have been at work here for different parties in Fall River.
Q. When you worked there before, how long did you work?
A. Two years.
Q. You are a general drug and prescription clerk?
A. Yes Sir.
Q. This lady that came in there, you never had seen before?
A. No Sir.
Q. When did you next see her, if you remember?
A. Thursday, I think the week following.

Q. Where did you see her?
A. In the Court Room here, passing out.
Q. Was that the time of the Inquest?
A. Yes Sir.
Q. Were you here then?
A. Yes Sir.
Q. Was your attention called to her by anybody as she went out?
A. Not as she went out. As I came in, I was asked that question.
Q. Who asked you?
A. Mr. Knowlton.

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Q. Was she in the room here?
A. No Sir, she had passed out. I suppose they had been examining her, but I do not know.
Q. Your attention was called to her while she was here in this building at the Inquest, and by the District Attorney; is that right?
A. Yes Sir.
Q. That is the first time you had seen this person?
A. Yes Sir.
Q. That was out in this corridor?
A. Yes Sir.
Q. This part of the corridor, or the other?
A. Right here by the door. I saw her sitting down too after she came out of the door.
Q. Was that the first time you saw her after you think you saw her in this drug store?
A. Yes Sir.
Q. That was in this corridor and near this door?
A. Yes Sir, and at the other end of the corridor too.
Q. Where was the place that you first saw her, at this door, or at the other end of the corridor?
A. At this door.
Q. You say the District Attorney called your attention to it?
A. He did after I came in here.
Q. Did anybody call your attention to her there in the corridor?
A. No Sir.
Q. Was anybody with her?
A. I think the Marshal came out with her. I wont be positive.
Q. The Marshal brought her out?
A. I think so; I am not positive about that.
Q. You knew she was in here?
A. No Sir.
Q. You heard she was going to be here?
A. Yes Sir.
Q. He came out with her?
A. Yes Sir.
Q. And stopped and talked with you?
A. No Sir.
Q. Passed right by right here in the corridor?

A. Yes Sir.
Q. What time of day was it?
A. After four o'clock.
Q. In the afternoon?
A. Yes Sir.
Q. The corridor was lighted up?
A. I could not say as to that, I am not positive.
Q. How was she dressed that day, just the same as she is today?
A. No, I think she had on black; I think it was black.

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Q. A black dress?
A. Yes Sir.
Q. I do not mean to confuse you. I mean when you saw her in the corridor as she was shown out of this Inquest room by the marshal. That is the time when you think she was dressed in black?
A. Yes Sir.
Q. How long ago was that, if you please, that you saw her here in the corridor?
A. On the Thursday following the tragedy I think.
Q. How was this lady dressed when she came into the store?
A. Some dark clothes of some nature.
Q. Was it dark blue?
A. I could not say.
Q. Did she have any sack on her arm?
A. I think she did.
Q. She had a sack or wrap on her arm?
A. I think so.
Q. Did she have any purse?
A. I think she did.
Q. That is, a purse she carried in her hand?
A. I think so.
Q. A dark purse?
A. I could not say the color.
Q. It looked dark, did it not?
A. I could not swear.
Q. If you saw a purse, you have some recollection of it.
A. I would not say for sure I did see it; I think I did.
Q. That is your recollection?
A. Yes Sir.
Q. She had gloves on, I presume?
A. I could not say as to that.
Q. You saw a lady who came in there, and she had a sack on her arm, and you have got an impression that she had her purse in her hand; just think a moment; she had gloves on, did she not?
A. I would not say.
Q. What is your impression, have you got any?
A. No Sir.
Q. Did she have on a close fitting bonnet or hat like that?

A. I think it was a low bonnet.
Q. Something like that?
A. I could not say it was that. I think it sat fully as low on the head as that.
Q. The trimming from here up was not quite so high?
A. I could not say.
Q. The impression you give me is it was a lower crown.
A. Fully as low as that, I should think.
Q. She had a veil on, perhaps?
A. No Sir, I do not think she did.

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Q. She did not have any veil on?
A. No Sir.
Q. Your store is on a corner, is it?
A. Yes Sir.
Q. This part of the store where she came was near that corner window?
A. Yes Sir.
Q. So you had a good chance to see her?
A. Very good.
Q. Anything in that window?
A. Yes Sir.
Q. Any of these parti-colored pyramid things of different colored waters, or anything of that sort in your window? I do not know but the fashion has gone by?
A. There were two in there.
Q. Those tend to obscure the light somewhat?
A. No Sir.
Q. They color the light somewhat?
A. Not at all.
Q. The light that shines through them is not colored.
A. They are almost out of my sight when I stand behind the counter.
Q. The light that comes through the window, does shine through them?
A. Not as I can see. I suppose it does.
Q. The light that comes through them is colored by the colors in the globes?
A. Yes Sir.
Q. How many different colors have you got in those windows?
A. Two or three, I am not positive which.
Q. What are the colors in that window, if you recollect?
A. I should say one bluish, dark blue, and orange.
Q. The blue one is on top?
A. Yes Sir.
Q. The orange of course then is underneath?
A. Yes Sir, below.
Q. So the highest one is blue?
A. Yes Sir.
Q. This lady, whoever she was, when she asked for prussic acid, said she wanted it for a seal skin cape, or sack, you cannot remember which; you do remember she wanted it to put around the edges?

A. Put on the edges; I suppose it means the same thing literally.
Q. Which did she say?
A. I would not say whether it was "put around", or "on"; it was some thing about edges.
Q. You understood it was moth eaten, did you not?
A. No Sir.
Q. There was not anything said about that?
A. No Sir.
Q. Can you fix the time of day?
A. Yes Sir.

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Q. Fix it, please.
A. I had heard it strike ten.
Q. When she was there?
A. Before she was there.
Q. How long before?
A. That is something I cannot say.
Q. Then how am I going to know what time it was? Did you hear it strike eleven after she went away?
A. No, I cannot say I did.
Q. Then you do not know, I suppose, whether it was ten or eleven when she was there?
A. I know it was after ten.
Q. You do not know whether it was as late as eleven or not?
A. No Sir. I could not say.
Q. It certainly was not as late as twelve?
A. No Sir, it was not.
Q. Or as late as half past eleven?
A. No, it was not.
Q. So you are willing to fix the time on the two extremes, that certainly it was later than ten and before half past eleven?
A. Yes Sir.
Q. Beyond that you would not care to go?
A. No Sir.

RE-DIRECT.

Q. (Mr. Knowlton.) I do not know but you have made it plain; you say that I called your attention to the woman here?
A. Not exactly that. You asked me if I recognized the woman, if you remember.
Q. What I asked you was in the regular course of the examination, and after you had seen her?
A. Yes Sir.
Q. I did not have any talk with you until after you came in and took your seat as a witness?
A. No Sir.

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JOSEPH DE ROSIA.

Q. (Mr. Knowlton) (Through Mr. Perron as Interpreter.) What is your name?
A. Joseph De Rosia.
Q. Where do you live?
A. At the King Phillip on Main street.
Q. Do you know where Mr. Borden lived?
A. No.
Q. Do you remember the time when the man and woman were killed?
A. I remember the day they told me.
Q. Who told you?
A. It was an Irishman, and another Frenchman that understood English he told me.
Q. Stand up Mr. Wixon. Did you see that man there.
A. He came in the yard that day.
Q. What yard was that?
A. I think he came in John Crowe's yard; but I am not certain.
Q. What were you doing there?
A. Sawing wood.
Q. How long had you been sawing wood there?
A. Since Monday.
Q. Had you been there all that day?
A. Yes.
Q. What part of the yard had you been working in?
A. Side of the barn.
Q. Did you work in one place all the time, or in different places?
A. The same place all the time.
Q. Was that the place where you saw this man that stood up, where you were working?
A. If he is the man I saw, it was where I was working, near the barn; I am not certain that I saw him.
Q. Did you see what yard that man came from, if that is the man you saw?
A. No, I do not know.
Q. Did you see which way he did come from?
A. I cannot say.
Q. Did you see anybody come over the fence into the yard while you were there any time while you were sawing wood?
A. No Sir, I saw no one.
Q. Did you see any person in the next yard?
A. No, I saw no one.
Q. What time did you begin work that morning?
A. Seven o'clock.
Q. Who else was there, if anybody?
A. John Crowe's teamster when I started in the morning.
Q. Who else, during the day, if anybody?

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A. There was an Irishman cutting stone, and two Irishmen and a Frenchman teaming for John Crowe; they came there once in a while.
Q. Do you know the name of the Irishman cutting the stone?
A. No Sir, I heard him named, but I do not remember.

CROSS-EXAMINATION.

Q. (Mr. Jennings) How near was this man to you before you saw him?
A. I cannot swear that I saw him. I cannot swear that is the man.
Q. Then you did not see him get over any fence?
A. No Sir.
Q. You did not see him go through any yard?
A. No Sir.

PATRICK H. DOHERTY.

CAPTAIN PATRICK H. DOHERTY.

Q. (Mr. Knowlton) What is your name?
A. Patrick H. Doherty.
Q. You are a Police Officer?
A. Yes Sir.
Q. Where were you when you first heard of this affair?
A. Down stairs.
Q. In this building?
A. Yes Sir.
Q. What time was it?
A. 28 minutes to 12.
Q. What did you do then?
A. I went up to the house. I walked as far as the Postoffice, and I ran. I met Mr. Wixon near Mrs. Buffington's. He asked me if I was going to Mr. Borden's house. I brought him in there with me. I went in first.
Q. How many people were there when you got there?

A. There was a reporter sitting on the steps. You asked me how many people were there before I got there?
Q. Yes.
A. That is all I saw before I got there. When I got inside, I met Dr. Bowen there.
Q. Anybodyelse?
A. Yes Sir, the work girl was there.
Q. Name all you saw inside, when you went in there.
A. Dr. Bowen met me at the door. I opened the screen door, and went right in. Dr. Bowen met me at the kitchen door, and spoke to me; and the girl was in the kitchen over in the corner near the sink.
Q. Bridget?
A. Yes Sir. Dr. Bowen said--
Q. That would not be evidence, and I do not care for it.
A. We went into the room there where Mr. Borden was laid on the sofa; and he removed the sheet from the head, and I looked at the

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wounds.
Q. Describe the wounds as you saw them?
A. I noticed there was one wound down here, across the eye, that was very deep. It looked to me on the left side of the face, the right side was on the sofa, and the eye seemed to be knocked out, hanging by some thread or something. There was another wound came down by the nose, or down by the cheek bone, the cheek bone was open wide, by the cheek bone clear down to the neck was laid right open. Dr. Bowen said--
Q. Then what did you do?
A. I went up stairs, he led the way, and we went up stairs.
Q. In consequence of what he told you, you went up stairs?
A. He led the way, and we went up stairs, and we went into a sleeping room on the north side. We went out through the dining room, through the front hall up the stairs to a room on the north side of the house. He pointed to Mrs. Borden. I went to the foot of the bed; I looked at her. She was laying face downwards between the dressing case and the bed. I noticed three or four blood spots on the pillow sham, and a bunch of hair on the bed.
Q. How large a bunch?
A. Well, it was a small bunch.
Q. It was not a switch or false hair?
A. No, I think it was human hair that had been pulled out, or something, been cut out, or something.
Q. Give me some idea how much.
A. About half as big as that, I should think.
Q. On the bed?
A. On the bed. I wanted to examine the woman, but there was not room between the bed and dressing case to walk. I walked back to the foot of the bed, up around the north side of the bed, and I pulled it out about three feet, away from her.
Q. Towards the street?
A. No, pulled it against the north wall, away from her head.
Q. So to make the space between the bed and the dressing case, wider?
A. Yes. I pulled it away, and I went in, and I stopped down and I saw that she was lying in a pool of

thick black blood, and her head was all cut.
Q. Face down, or back down?
A. Face down.
Q. How were her arms?
A. This way, something like that. I just put one finger here, and raised this a little bit so I could see under the hair around the ear better. Then I called Dr. Bowen's attention to it. I told him that this woman---
Q. You had some talk with him?
A. Yes Sir, I had some talk with him.
Q. As you first saw her there, was that before Dr. Dolan came?
A. Yes Sir.
Q. As you saw her there, how far was her head from the wall towards which her head was pointed, that would be the east wall of the room?

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A. There would be a foot I think.
Q. Between her head and the wall?
A. I did not take particular notice. I might say that; I will say that.
Q. Before you moved the bed away, how wide was the space between the bed and the dressing case?
A. It was not more than two feet, I guess, 24 inches; I do not think it was much more than two feet, two or three feet.
Q. How much of the space did she fill up, as she laid there?
A. She filled it all up, so I had no show at all to walk between the bed and the form.
Q. Did you put the bed back again?
A. No Sir.
Q. Then what did you do?
A. I asked Dr. Bowen---- Well, I notified the marshal right away.
Q. Then what did you do?
A. I came back.
Q. Came back to the station do you mean?
A. To the house.
Q. You went down to the station and notified the marshal?
A. No Sir, I ran around the corner to a telephone, half a minute run from there.
Q. What store was that?
A. Mr. Gorman's, the undertaker. Then I came back.
Q. Where was the telephone?
A. Right around the corner of Spring street, just the second door, a little store there.
Q. When you came back, who was there then, any more than what were there before?
A. Yes, there was some people at the gate, and nobody in the house, only what I had left there, Mr. Sawyer. But as I got in, in half a minute there was some officers came there.
Q. Who?
A. Mr. Mullaly, Mr. Allen and Mr. Denny, and I think Mr. Medley.
Q. Do you know whether that was the first time Mr. Allen had been there?
A. The first time to my knowledge that he was there.
Q. You had not seen him there before?

A. No Sir.
Q. Had Dr. Dolan got there then?
A. Yes Sir, he came in right away.
Q. Before you got back from telephoning?
A. When I went up stairs, he was there; I do not know whether he got back while I was out at the telephone or not. I stopped in the kitchen a few minutes to speak to the girl; and then I went right up stairs, and Dr. Dolan was there then.
Q. When you came back from telephoning the Marshal?
A. Yes Sir.

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Q. When you first came there, did you see Miss Lizzie?
A. No Sir.
Q. You saw both bodies, but not her?
A. No Sir.
Q. Did you go into the dining room?
A. No Sir, not then.
Q. When you came back the second time, what did you do then?
A. I went and spoke to the servant girl first.
Q. Had some talk with her?
A. Yes Sir.
Q. What did you do then?
A. I suggested to Mr. Mullaly that we search the house.
Q. Then what did you do?
A. I started to do it.
Q. Tell what you did, where you searched, and where you went?
A. We went up in the attic first, to the servant girl's room. We met her on the stairs, and told her where we were going. She went with us up and opened the door for us. We looked around that room, and then she opened the next room north of it.
Q. Was that a furnished room?
A. Yes Sir. I asked her who occupied that room---. We searched around there, went through it, and looked through the girl's presses and around. From there we went down through all the rooms in the second story. We came down, and went through all the rooms, all but one, that I have since heard about; that I did not go through. We looked in all the other rooms, and we finished in the cellar.
Q. Which room was it you did not look in?
A. Miss Emma's, I believe.
Q. You did not go in that room?
A. No Sir.
Q. You looked around the cellar?
A. Yes Sir.
Q. Did you notice the condition of the outside door to the cellar when you got down there?
A. I did; I tried it.
Q. What did you find it to be?
A. Locked.
Q. I mean the door that goes up from the cellar to the back yard.

A. I understand you; that is the door I tried.
Q. When did you first see Mr. Morse there?
A. I saw Mr. Morse in the room when I got back from the telephone, when I was looking at Mrs. Borden's body. He stood in the room with his hand on the foot of the bed.
Q. Looking at Mrs. Borden's body the second time?
A. Yes Sir.
Q. When you put the bed back, did you put it back where it was before?
A. I did not put it back.

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Q. What did you find in your search?
A. We did not find anything.
Q. Were you one of those who assisted in finding the hatchets?
A. I was there when the officer had the hatchet; I did not find it.
Q. And the axes?
A. Yes sir.
Q. What officer had it when you first saw it?
A. Mr. Mullaly.
Q. You did not see where he got it?
A. I did not see where he got it. I saw him take it from a shelf about as high as his head.
Q. Did you make any examination of the hatchet yourself?
A. I just looked over his shoulder at it, that is, stood by his side and looked at it.
Q. When you came back the second time, did you see Miss Lizzie?
A. Yes Sir.
Q. Where was she then?
A. In the kitchen.
Q. Did you then say anything to her, or she to you?
A. I spoke to her.
Q. What was said?
A. I said "Miss Borden, where were you when your father was killed"? She said "I was in the barn". I said "is there any Portuguese working on the farm over the River for your father?' She said "no sir". "Who works for your father?" She says "Mr. Eddy, and Mr. Johnson; and Mr. Eddy has been sick." I asked her if either Mr. Eddy or Mr. Johnson were in town this morning, or up here to the house this morning. She said "no sir." "Neither Mr. Eddy nor Mr. Johnson would hurt my father."
Q. Anything more?
A. No Sir.
Q. Did she say anything about a noise, or hearing any noise?
A. Yes Sir. I asked her, I said "Miss Borden, did you hear any screams, or outcries"? She said "No sir. I heard some kind of a peculiar noise". I says "can you describe the noise"? She says "no, not very well; something like scraping". That is all the conversation I had with her.
Q. Did you have any talk with Miss Lizzie at any other time?
A. No Sir.
Q. Did she tell you how long she was in the barn?
A. No Sir.
Q. You say she was in the kitchen at this time when you had the talk with her?
A. She was in the kitchen with Miss Russell and Mrs. Churchill.

Q. Sitting down?
A. Yes Sir. She and Miss Russell were sitting down; Mrs. Churchill was standing by her side with a fan.

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Q. Mr. Doherty, you are the officer that was up to the Chagnon house this noon, as I walked up with you?
A. Yes Sir.
Q. Did you take notice whether any part of the Borden rear fence was in sight of the piazza?
A. I did, yes sir.
Q. From the front of the piazza how much of the fence can be seen?
A. You can see about 40 feet from the south end of the fence.
Q. Which part of the Borden fence is that? It is the rear you see, but what part of the rear is that, the northern, middle, or southern part.
A. It is the southern part.
Q. The 40 feet is the southern 40 feet, that you can see?
A. Yes Sir.
Q. How long is that piazza?
A. I should think it would be 15 feet; that is about all.
Q. From the middle of the piazza, how much of the fence can you see?
A. You can probably see 25 or 30 feet.
Q. Did you see anybody passing as you were looking, from any part of the piazza?
A. Yes Sir.
Q. Where were you standing then, what part of the piazza?
A. I was standing then within four feet of the end of it.
Q. Which end?
A. Facing Third street, to the east end.
Q. How far was it then, judging by the pacing, that you could see the fence?
A. Pretty near 40 feet.
Q. Where you were then?
A. Yes Sir.
Q. Of the south end of the Borden fence? This is the Chagnon house you are talking about?
A. Yes Sir.
Q. What is south of the Chagnon house?
A. Mr. Crowe's yard and stable.
Q. But on the Chagnon premises, what is there?
A. A little orchard, lawn, with pear trees there on the south of the house, the yard. It is a little orchard there.
Q. How far is it from the Chagnon house to the next house south?
A. 60 feet I guess.
Q. The 60 feet is occupied by the lawn and orchard?
A. Yes Sir.
Q. Running from the street back to what?
A. No, I mean the length of the fence running north and south.
Q. 60 feet north and south?
A. Yes Sir.

Q. This lawn and orchard begins at the street the other way?
A. Yes Sir.
Q. How far back does it run?
A. I should think it would be nearly 60 feet square.
Q. What is back of it?
A. Back of the lawn, Mr. Borden's yard.
Q. What separates the two?
A. The fence.
Q. It is that tight board fence with the barbed wire on top?
A. Yes Sir.
Q. What is there on the other side of the Chagnon premises?
A. A driveway.
Q. How wide is that driveway?
A. Just a common ordinary driveway, eight feet wide maybe.
Q. That driveway is between the house and the north line of the Chagnon property?
A. Yes Sir.
Q. What is next north of that?
A. A cottage there, Mr. Kirby's, I believe.
Q. How near is that to the driveway?
A. I think the house sits pretty near the driveway, very near.
Q. Now going back to the Borden lot; what part of the lot is the pile of boards in, if you remember of seeing them there?
A. It is back to the fence, in the rear of Mr. Borden's; not right directly in the rear of the house, but in the back yard.
Q. In what part of the yard is it? It is near the fence you say, which part of the fence?
A. Up against the south east corner, the fence is.
Q. Is that the same part you can see from the piazza?
A. Yes Sir.
Q. So the part you can see from the piazza is right where the board fence is?
A. Yes Sir.

CROSS-EXAMINATION.

Q. (Mr. Adams) In what manner did you receive such information as you did get about this occurrence?
A. I received it from Marshal Hilliard.
Q. He was there in the office?
A. He came out to the office door, as I was in the Guard Room.
Q. You have fixed the time; it is customary with you?
A. Yes Sir, force of habit, I suppose.
Q. I understand it was 28 minutes of twelve when you left the station house here in Court Square?
A. Yes Sir.
Q. Then when you got to the corner of the street, you started to run?
A. Yes Sir.

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Q. When you got to the house you went in the side gate to the rear door, in through the screen door into the kitchen?
A. Yes Sir.
Q. Have you any objection to stating who the enterprising reporter was that sat on the door step?
A. No Sir. It was Mr. Manning.
Q. Connected with what?
A. With the Globe, I presume.
Q. The one of the largest circulation, or the next largest, the Fall River Globe?
A. The Fall River Globe, I mean.
Q. He was on the front steps?
A. No Sir, he was on the steps at the north side of the house.
Q. At this back door?
A. Yes Sir.
Q. Was there anybodyelse there at the door?
A. Not outside.
Q. You have spoken of seeing Mr. Charles Sawyer?
A. Yes Sir.
Q. Was he there at that time?
A. Inside the screen door.
Q. Then the people who were there at the house when you got there, were Mr. Manning on the steps of the back door ---
A. He was on the steps.
Q. And Mr. Sawyer inside the back door in the back entry?
A. Yes Sir. Mr. Sawyer's post was inside the door, with his elbow out, holding with his hand on the latch. As I opened the door, he stepped one side, and I passed him and went into the kitchen.
Q. When you got into the kitchen, you found there, who?
A. Dr. Bowen.
Q. Anybodyelse?
A. Bridget in the kitchen.
Q. Bridget was sitting down in the kitchen?
A. She was standing in the south east corner.
Q. Then you went with Dr. Bowen into the sitting room, I do not ask you what you did, but you went in there, and then you went up stairs, as I understand it?
A. Yes Sir.
Q. That was the time when you moved the bed?
A. Yes Sir.
Q. And lifted the arms?
A. Yes Sir, just put my hand on the shoulder, I did not lift the hand off the floor.
Q. Then you came down stairs, and went out again this same side door?
A. Exactly.
Q. And went just around the corner on Spring street to the undertaker's shop which is opposite the church, the Catholic Church?
A. Yes Sir.

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Q. Then came immediately back?
A. Right back.
Q. When you came back, you went in again at the side door?
A. Yes Sir.
Q. At that time, who came in with you, if anybody?
A. I went in alone the second time.
Q. Who came in at or about the same instant of time that you did?
A. When I came back from the telephone?
Q. Yes.
A. I cannot say as anybody with me; somebody might have followed me in directly.
Q. You met Mr. Wixon, did you not?
A. When I was responding to the marshal's call, when I went up the first time.
Q. Did Mr. Wixon go with you?
A. Yes Sir, the first time.
Q. Did he go in then?
A. Yes Sir.
Q. Did he come out with you?
A. No Sir.
Q. Did you leave him in there?
A. I asked him to remain by the front door.
Q. Now I come to the second time, after you had sent the telephone from the undertaker's shop, and had returned again, and come in, who were there at that time, as you went in?
A. In the kitchen was the three ladies I spoke of, Miss Lizzie Borden, Miss Russell and Mrs. Churchill, in the kitchen, and Bridget also. In the sitting room was Mr. Wixon I think, and two or three newspaper fellows.
Q. Men?
A. Yes Sir. I went up stairs, and Dr. Bowen and Dr. Dolan were there, I spoke to Dr. Dolan.
Q. You left Dr. Bowen there when you went away to send this telephone?
A. Yes Sir.
Q. When you came back, you found Dr. Dolan had come, and was up stairs with Dr. Bowen?
A. Yes Sir.
Q. How soon after that did these officers you have named come?
A. Right away. I walked right down into the kitchen, and Officer Mullaly was the first man I met. He was at the time having some words with Miss Lizzie about --- he asked her if -----if you want to know, I will tell you.
Q. I did not ask you, but I have no objection to your telling.
(Mr. Knowlton) What is it?
A. Mr. Mullaly asked Miss Lizzie what her father was in the habit of carrying in the line of money or jewelry every day. She told him a

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silver watch, and an old pocket book, and some money.
Q. You think that was Miss Lizzie?
A. I do.
Q. You say Mr. Mullaly was the first officer you saw when you came back from the guest chamber

where Dr. Bowen and Dr. Dolan were?
A. Yes Sir.
Q. You found them there, and heard this conversation; was that all he said to her?
A. That is all I heard.
Q. Did you begin the search going up by the back stairs?
A. Yes Sir.
Q. You searched Bridget's room, and up there, then you searched the rooms underneath?
A. We searched Bridget's room.
Q. You went through the whole of that house, with the exception of Miss Emma's room?
A. Yes Sir.
Q. It was the small bed room over the dining room, leading out of Miss Lizzie's room?
A. Yes Sir.
Q. Did you search the clothes closet over the front hall?
A. Yes Sir, we looked in.
Q. At that time?
A. Yes Sir.
Q. That is the closet with the window in, the big closet over the front hall, where the dresses hung, and everything of that sort?
A. I cannot say, I looked in the clothes closet with the window in it.
Q. You looked in the clothes closet over the front hall?
A. I looked in all the rooms that was open so we could go in, clothes closets and sleeping rooms.
Q. If they were not open, you opened them?
A. Yes Sir.
Q. You think you looked in that closet?
A. Yes Sir.
Q. Without reference to your remembering whether there was a window in it, or not, and I wish you would look sometime and see; could you see in it?
A. Yes, I do not think it was very dark.
Q. Then you searched the first floor, the main floor, and you went into the cellar?
A. Yes Sir.
Q. Who were with you when you went into the cellar?
A. Mr. Mullaly and the servant girl directly behind us, went down.
Q. Were those all the people that were in the cellar at that time?
A. That is all when we went in there first.
Q. You went down the stairs that lead from this back entry?
A. Yes Sir.
Q. The cellar is a very light cellar?

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A. It is.
Q. Just as light as an ordinary room perhaps?
A. Yes Sir, the washroom is very light.
Q. That is the room into which the door that goes from the back yard leads?
A. Yes Sir.
Q. As you go down the cellar stairs from the back entry, you come into a room that is used for what?
A. The water closet, I believe.

Q. The water closet is divided off, is not it?
A. When you get to the bottom of the stairs there is a kind of a hall way or space.
Q. What is that used for?
A. I do not know as anything.
Q. Did you see Mr. Mullaly find the axes and hatchets?
A. Not when he found them.
Q. You saw him reaching up for them?
A. Yes. I turned to the left, and went over to the sink and I looked at this pail that was spoken of the other day.
Q. Which you do not rely upon now?
A. No Sir. Of course I called Mr. Mullaly's attention to it. I was at that time probably 12 or 14 feet from Mr. Mullaly. He was looking at something in his hand. I walked over, and he had a hatchet. I just took and glanced at it, and said "that looks all right Mike"; something like that, and left him. The girl was standing with her hand about as high as her head.
Q. When you say "the girl", you mean Miss Sullivan?
A. Yes Sir.
Q. I want the location of the place where you found the axes and the hatchets.
A. Near the furnace there.
Q. On the shelf?
A. Yes Sir.
Q. So he had to reach up a little above the line of his shoulder to get them?
A. Yes Sir.
Q. Were they in anything?
A. I could not say; I thought they were on a shelf; I could not say as there was anythingelse there.
Q. Do you know what he did with them?
A. He laid one down beside his feet, and came over and looked at the pail where I was.
Q. That would be in the part of the cellar near the foot of the stairs where he laid it down?
A. Yes Sir.
Q. What became of the other three axes, if there were any?
A. I do not know; I was interrupted just at that time.
Q. Did you go back up stairs then?

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A. No Sir.
Q. Did you see him do anything more with the axes?
A. No Sir.
Q. How many did you see?
A. One.
Q. Only one axe?
A. One hatchet. I did not see any axes at all. I saw him looking at this one; it seemed to be a hatchet. I do not think the handle was more than 24 inches, something like that. He laid that right down by his feet there, and came over where I was.
Q. Give us as good a description as you can of that hatchet, because we cannot get at it just yet.
A. I cannot give an accurate description of that hatchet. I said "that looks all right Mike". I thought it was a large blade for such a short handle; but anything more, I did not notice.
Q. Did you notice the head of it?

A. I did not.
Q. Could you tell whether it had a claw on the head of it or not?
A. No Sir, I would not say.
Q. How long before you came up stairs?
A. Right away then.
Q. That finished your search of the cellar at that time?
A. Yes Sir, and every other time; I have not been in the cellar since.
Q. When, if at all, did you see Officer Medley?
A. I saw him in the front entry when I came up.
Q. From the cellar?
A. Yes Sir.
Q. That is the first time you had seen him?
A. That is the first time I had seen him.
Q. He was not there when you got back from the telephone?
A. I do not want to say he was; I am not positive.
Q. You did not see him?
A. No Sir.
Q. You did not see him when you and the other officer were searching through the house, because you went through the attic, and down through the house, and then down cellar?
A. When I came up, he was talking to the servant girl; I remember that; that was the first time I had seen him.
Q. Now with reference to this fence which was in the rear of the Borden lot, and makes a portion of the dividing line between the Borden place and the Chagnon premises, that runs north and south?
A. Yes Sir.
Q. The barn is in one corner, so to speak, of the lot, is not it?
A. Whose barn?
Q. Mr. Borden's barn.
A. Yes Sir.

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Q. Toward the other corner is this pile of lumber in the Borden lot?
A. Yes Sir.
Q. That pile of lumber comes within a foot or a foot and a half of the top of the fence?
A. Yes, I think it does.
Q. When one drops down on the other side of the fence, he is then in the Chagnon premises?
A. Yes Sir.
Q. The Chagnon premises front on Third street?
A. Yes Sir.
Q. The front part of the Chagnon premises correspond, a portion of them, to Mr. Borden's lot?
A. Yes Sir.
Q. Dr. Chagnon's house being further north?
A. Yes.
Q. Then the barn of Mr. Borden's?
A. Yes Sir, a little.
Q. Then further north still, is the driveway into Dr. Chagnon's premises?

A. Yes Sir.
Q. Dr. Chagnon's barn does not come back entirely to the line of that fence, I suppose?
A. No.
Q. Do you understand it does not stand flush up against the fence?
A. Dr. Chagnon's barn, no.
Q. So if one were over the fence from the Borden side towards the Chagnon's, he could go along the side of the fence by the Chagnon barn, and come out into that driveway; no trouble about that, is there?
A. No.
Q. If you got over into the Chagnon lot, there would be no trouble in going from back of the Chagnon barn out the driveway?
A. If I said that, I want to correct myself. I do not know whether there is an open space between the back of Dr. Chagnon's barn and the fence, or not.
Q. I mean the fence that fences his lot.
A. I do not know.
Q. Is there a piazza on more than one side of Dr. Chagnon's house?
A. I think not.
Q. Have not you been there today?
A. I was there to that one, that is all.
Q. Were you there at the east side of the house today?
A. Yes Sir, the front.
Q. The portion of the house that fronts on Third street?
A. The east is the front.
Q. It fronts on Third street?
A. Yes Sir.
Q. The piazza was on the east side of the house?
A. No, on the south side of the house.

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Q. Is there any piazza on the front side of the house?
A. No Sir.
Q. Or on the north side of the house?
A. I do not think there is on the north side of the house.
Q. Where is the front door, on the south or east side of the house?
A. On the east, facing Third street.
Q. This piazza you saw today is on the south side of the house?
A. On the south east corner, facing the house, right on the south east corner.
Q. Does the front door have any communication with that piazza?
A. No Sir, I do not think it does.
Q. Was there any door that opens off of that piazza, I am asking now about the piazza you saw today?
A. I do not think so, no sir.
Q. What does open off that piazza, if anything? Was there a French window, or low windows, or windows on the level with it?
A. That is my recollection of it; I do not know of any door there.
Q. Did you go to the Chagnon barn?

A. No Sir.
Q. I am still asking you about the Chagnon premises that you visited today.
A. No Sir, I did not.
Q. Which way did you get to the Changon house today, by going on Third street?
A. From Pleasant right up Third all the way.
Q. Whether you did not see a piazza on the east side of the house as well as the south side?
A. No Sir, the east side of the house has the door there, and steps going up, with a little roof over, if you call that a piazza.
Q. A roof over the door?
A. Yes Sir, a little out over the steps.
Q. Just a little porch?
A. Yes Sir, there is no piazza on the front.
Q. Did you go around the north side of the house where that drive is?
A. No Sir, I merely looked up the drive from the street, that is all.
Q. Passing to the south, through the Chagnon open lot there, you come to what premises then?
A. Mr. Crowe's.
Q. And on Second street whose premises correspond to Crowe's premises, Kelley's?
A. Dr. Kelley's, yes.
Q. Is there any lot in between, in the rear of each of those houses?
A. Yes Sir.
Q. Whose is that?
A. Do you mean is there a lot in the rear of Dr. Kelley's?
Q. Yes, and of Crowe's.
A. No Sir.
Q. Those two lots make up the entire space between the two streets?

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A. Dr. Kelley's and John Crowe's, yes sir; they are divided with a fence and a gateway going from one to the other.
Q. If I understand you, the first time you got to the house, you did not see Miss Lizzie?
A. No Sir.
Q. The second time you got there, the only time you did see her, was in the kitchen?
A. Yes Sir. She was sitting down, and Miss Russell or Mrs. Churchill was fanning her.
Q. Was that the time when you talked with her?
A. Yes Sir.
Q. Do you remember how she was dressed?
A. I have a faint recollection of the dress.
Q. What is that faint recollection?
A. I think it was a calico dress. I cannot describe it much; something similar to that lady's over there writing, that kind of stuff, whatever you call it.
Q. You mean the material, you do not mean the color?
A. I mean the material. I thought the bosom of it was starched stiff.
Q. What was its color, I mean more particularly?
A. Well, it was blue of that kind, or a light blue, a little blue.
Q. Was it a dress that gave you the idea that it was the same color the whole of it?
A. No, it was figured printed spotted.

Q. A print dress with figures in it?
A. Yes Sir.
Q. The general color of it was blue?
A. Yes Sir.
Q. Light blue?
A. No.
Q. Do you see any such color here?
A. They call them challies, or something like that; I do not know.
Q. Well, you are showing considerable knowledge. It was a figured challie then?
A. I would not say it was a challie; but it was figured.
Q. What I am trying to get at is the general color of that dress. I understand you to say it was light blue?
A. Yes Sir.
Q. Then you were a little uncertain; I thought if you could see some color here ---- Do you see a neck tie near you, or the dress back of Mr. Jennings?
A. I do not see anything just now that would compare to it.
Q. You do not see any color here that reminds you of it?
A. No Sir, I would not say, unless it was Mr. Spear's neck tie; something like that, with blue spots.
Q. It had a white ground?

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Q. It had a white ground?
A. There was white to it.
Q. There was white to it?
A. I thought so; it was of that stuff.
Q. I suppose you are not very sure about this any way; you have only a general impression of it?
A. I cannot describe that dress. I have a faint recollection of it, but I cannot describe it right. I think there was a blue spot in it, a spot as large as the rubber on Mr. Jennings pencil I thought, or nearly as big.
Q. Did you observe her dress otherwise, whether she had shoes on?
A. No Sir I did not.
Q. Or her hair?
A. I thought her hair was all right.
Q. Done up properly?
A. It was done up.
Q. Did you yourself observe any marks of blood upon her, or spots or anything of that sort?
A. No Sir.

RE-DIRECT.

Q. (Mr. Knowlton) Wont you tell me where you saw that hatchet taken from?
A. On the right near the furnace, near where the coal was. It was a shelf that ran east and west, I think, about five or six feet high. It seemed to me he put his hand right around the corner, like that, and took it down.
Q. Who put his hand up and got it?
A. The girl and Mr. Mullaly; they were both there, and were reaching up.
Q. Did you see any ax taken from there?

A. Not from there I did not.

RE-CROSS.

Q. (Mr. Adams) Did you have any talk with Bridget about the dress Miss Lizzie wore?
A. Not about the dress.
Q. Was it in this same conversation in the kitchen there, I was asking you about before you left the stand, that you asked her who worked on the farm?
A. Miss Borden, yes sir.
Q. Precisely what was that?
A. As near as I can put it, I says "Miss Borden, is there a Portuguese working for your father over on the farm across the River?" She says "no sir; Mr. Eddy and Mr. Johnson are the only men working for my father; and neither of them would hurt my father."

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MR. DOHERTY, recalled. Date unknown.

Q. (Mr. Knowlton) Did you take anything from the person of Mr. Borden?
A. No Sir.
Q. Did you examine to see what there was there?
A. No Sir; I asked Dr. Dolan.
Q. You did not make a personal examination?
A. No Sir.

MICHAEL MULLALY.

OFFICER MICHAEL MULLALY.

Q. (Mr. Knowlton) What is your name?
A. Michael Mullaly.
Q. You are a police officer?
A. Yes Sir.
Q. When was you first called to this case?
A. August 4th.
Q. What time of day?
A. I did not notice the time when I started for there.

Q. When did you first take note of time?
A. When I arrived there.
Q. What was that?
A. That was 23 minutes to 12.
Q. Who did you go with, if anybody?
A. I went with officer Allen.
Q. Do you know whether Allen had been up there before, or not?
A. I believe that he told me that he had been there before.
Q. All you know is what he told you. How did you get the time when you got there?
A. I took my watch out, and looked at it.
Q. Who and what did you find when you got there?
A. When I got there I saw Mrs. Churchill, and Miss Russell, and Bridget Sullivan, and Dr. Bowen and Miss Lizzie Borden.
Q. Where was Miss Borden?
A. Miss Borden was in the room north of where Mr. Borden laid on the sofa.
Q. Was there a dining table in it?
A. I did not notice.
Q. What did you do, did you have any talk with Miss Borden then?
A. I told Mrs. Churchill --
Q. Was Miss Borden present?
A. No Sir.
Q. You had some talk with Mrs. Churchill?
A. I did.
Q. Then what did you do?

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A. I then went to Miss Lizzie Borden.
Q. Did you have any talk with her?
A. Yes, I did. I told her that I was sent there to get a report of what had happened.
Q. Go on, and tell all that was said.
A. She told me that she had been out of doors, and when she came in, she found her father dead on the sofa. I then inquired of her if she knew what kind of property her father had on him. She said she did. She told me that her father had a silver watch and chain; he also had a pocket book with money in it, and he had a gold ring on his little finger. By that time Officer Doherty had appeared in the door, and I told him to look and see if Mr. Borden had the property on him.
Q. Did you go with Doherty to look?
A. No, I did not.
(Mr. Adams) I will admit that he did look.
Q. What did you do then?
A. He reported to me that his watch---
(Mr. Adams) I will admit that.
A. He reported to me that his watch and chain was on him.
Q. And his pocket book?
A. He did not say anything about the pocket book.
Q. Did you see his chain taken away, or did you take it?
A. I did not see; he stood in the door way.

Q. Did you have any more talk with Miss Lizzie then?
A. I did, I inquired of her if she knew whether there was a hatchet or an ax on the premises; and she said yes.
Q. What then?
A. She told me that Bridget Sullivan would show it to me in the cellar. I then came out, and I went up stairs where Mrs. Borden laid on the floor in a pool of blood.
Q. Was that before or after Doherty went out?
A. That was when I left Miss Lizzie.
Q. What did you do then?
A. I came down stairs, and we went from there up into the attic and searched all of those rooms.
Q. What do you mean by searching?
A. Bridget Sullivan went up there with us, and opened each room, and let us look into them. We looked into each room, and she told us who occupied them. We went from one room to the other, and came down stairs.
Q. What did you do in the rooms?
A. We searched, looked all around.
Q. What do you mean by "looked all around?"
A. Looked around the rooms.
Q. Looked in the drawers &c?
A. No Sir, just went in and looked around, and did not see anything and came out.
Q. Did you open any closet doors, or anything of that kind?

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A. We looked in some closets.
Q. Up in the attic?
A. I would not say whether there was a closet in the attic or not.
Q. Did you look under the beds? and all around the rooms?
A. We looked under the beds and all around the rooms.
Q. Who were you looking for?
A. We were looking for the man, or the person who committed the deed, and the weapon it was committed with.
Q. Those were the two things you were looking for?
A. Those were the things.
Q. What did you do then?
A. Came from there, and went into the cellar.
Q. Did you go into the second story of the house?
A. When I came down stairs, I met Bridget Sullivan, and then we went down stairs to look for the axes.
Q. Did Bridget go with you?
A. Yes Sir.
Q. What took place down there?
A. We went down cellar, and went along to the left.
Q. Did Bridget lead the way?
A. Bridget led the way to the left. We went in, and in a small box, I would not say whether it was a partition across there, or not, but she reached up, and took two hatchets out of this box, and passed them to me. We came out of there, and went into an apartment south of the furnace, I

believe, or hot water heater, I believe it was. In there we found two axes. I took them down.
Q. Where were they?
A. They were on the south side of the cellar up against the wall. I would not say whether they were on a shelf, or whether there was something put there to hold them up. I know I reached up and took them down.
Q. Was this a covered box, these two hatchets were in?
A. No, the top was open.
Q. Did you take any notice of the hatchets when you got them down?
A. I did.
Q. What did you notice about them?
A. One was larger than the other.
Q. Anythingelse?
A. On the large one, there was a small rust spot.
Q. Anythingelse?
A. That was all I noticed. On the axes, both handles were covered with ashes.
Q. Anythingelse?
A. Then while I was in the wash room, I believe it was Mr. Doherty called my attention to some cloths in a pail.
Q. Skip them now. You looked at them?
A. We took them out, and looked at them, and put them back again. No, I wont say I put them back again.

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(Mr. Adams) You disclaim any connection?
(Mr. Knowlton) For this hearing to this Court, I make no claim about those things, whatever. I do not bind myself to any accidental future discoveries. So far as I am at present advised, I make no claim.
Q. Go on, Mr. Mullaly.
A. I left those axes on the cellar floor in the wash room.
Q. As you go down, you have a kind of walk there, and a passageway that leads right to the water closet, if I remember?
A. Yes Sir.
Q. Do you go along that walk to go to the place where you found the hatchet, or steer off from there?
A. Go towards Second street.
Q. Go by the water closet?
A. No, just before you get to the water closet, on the south side of the house, we found those hatchets.
Q. In that room that is a passageway?
A. It looked to me like an alley way.
Q. The first thing you get into when you get down the cellar stairs is what I should call, the same as you do, an alley way; is that right?
A. Yes Sir, that is the way it looked to me.
Q. Was it in that alleyway you found those things?
A. No Sir, I found them in the cellar further to the southward.
Q. Which side of the house are the back steps on, the north side?

A. They are on the north side.
Q. You go right down cellar from that door; now where is the water closet, towards the street?
A. Towards the street.
Q. You do not go quite so far as the water closet, before you get to those hatchets?
A. Just before you get to the water closet, we went into this department in the cellar where there was a lot of wood piled up.
Q. That was a wood house then?
A. Yes Sir. We carried out the hatchets, and put them on the cellar floor.
Q. Hatchets and axes?
A. Yes Sir.
Q. Did you afterwards see them in Mr. Dolan's hands?
A. Yes Sir.
Q. Were they the same ones?
A. They were the same ones I carried out.
Q. Did you see what the condition of the door that leads from the cellar to the back yard was?
A. That was shut. Officer Doherty tried to get out there, and I believe he found it locked.
Q. Did you see him do that?
A. I saw him do it.
Q. Locked how, or did you not notice?

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A. He went up and tried it, and came back.
Q. Did you search any of the rooms in the second or first story of the house when you were looking for the man or the weapon?
A. I think we searched one part of it.
Q. Which part?
A. I could not tell whether the kitchen or what it was, to the right of where Mr. Borden laid, going towards the eastern part of the house; beyond that, we did search.
Q. The second story?
A. I took in some rooms up there, and also took in the room where Mrs. Borden laid, searched there.
Q. What other room in the second story, beside the one Mrs. Borden lay in, did you search?
A. There were rooms before I got to there, where you first go up stairs.
Q. Up the back or the front stairs?
A. Up the side back stairs, I should call it.
Q. What search did you make there?
A. We searched all the rooms.
Q. Do you know which room is called Miss Lizzie's room?
A. There was a room between where we searched and the room where Mrs. Borden was found, I believe they call that Lizzie's room.
Q. Did you search that?
A. I did not search Lizzie's room.
Q. Did you afterwards?
A. No, I did not.
Q. Who was the searching party?
A. Officer Doherty, he was the searching party on the first, and I think on the second, Officer Hyde,

and some other officer.
Q. On the second search?
A. Yes Sir.
Q. When was the second search made?
A. Sometime before I came away.
Q. You searched twice?
A. Yes Sir.
Q. Did you see Miss Lizzie again?
A. I saw Miss Lizzie after that, and I inquired of her if she had seen anyone around on the premises. She told me that she saw a man there in the morning.
Q. That morning?
A. That morning; and this man had on dark clothes; and that was all. She told me that he was a man about Officer Hyde--- about as large as Officer Hyde.
Q. Did she say where she saw him?
A. I do not think she did.
Q. What did she say; giver her language if you can.
A. She told me that she saw a man around there in the morning; that is the way I understood it.

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Q. Where was she then?
A. In her own room, the room adjoining the room where Mrs. Borden was.
Q. Did you go there again?
A. No. I believe I went from there, and went out and searched the barn and the yard.
Q. The whole barn?
A. That is, I searched down stairs and up.
Q. In the barn?
A. Yes.
Q. With the same object in view, for the man or the weapon?
A. The same object in view.
Q. Did you disturb the pile of boards, or did anybody?
A. I do not know as I disturbed anything.
Q. The pile of boards out in the back part of the yard?
A. I looked around that pile of boards, and also all around the fence and over into the other yard.
Q. Do you remember what the appearance of that pile of boards was at that time?
A. It was a pile of old boards, kind of a square pile, a little ways from the fence.
Q. Do you know where they are now?
A. No, I do not know where they are now.
Q. You have not looked at them lately?
A. No Sir.
Q. Do you know where they were three or four days after the murder was discovered?
A. No Sir.
Q. I thought you were on duty at the house part of the time?
A. I got through I think 20 minutes past two. I have not been there on duty.
Q. You did not disturb the pile of boards yourself?
A. No Sir.

CROSS-EXAMINATION.

Q. (Mr. Adams) Were there any trees in front of this house, on Second street?
A. I think there was trees out on the street.
Q. That is to say, they are on the line of the street in front of the house, on the side of the house?
A. I think so.
Q. There are fruit trees there?
A. I would not say for certain.
Q. Don't they pretty well shade the front of the house?
A. Standing on Second street, and looking up, it looks as though there was trees in front of that house.
Q. When Miss Lizzie said something about seeing a man around there, did not she say she saw a man under the tree, or something like that, by the front fence?

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A. I do not remember just what she did say.
Q. You would not say, she did not say in substance something like that?
A. No Sir, I could not.
Q. I do not care to ask you many question; but with reference to the search you made of the house, the first search where you went up stairs into Bridget's room, and came down, and went through the second story; did you go into a large closet which is over the head of the front stairs on that floor?
A. Yes.
Q. In which clothes were hung, you went into that, and looked those over?
A. Yes Sir.
Q. That is a closet that is light, and you could see readily in it?
A. Yes sir.
Q. Was there a window in it?
A. I would not say whether there was a window in it or not.
Q. It was a pretty large and light closet, one could get inside and walk around in it?
A. Yes Sir.
Q. Then you went down stairs, Bridget leading the way, and she went to this place where the hatchets were got first?
A. Yes Sir.
Q. That is the part of the cellar that you turn into first when you come down the stairs?
A. Yes Sir.
Q. What was the floor of that, was it earth, or brick or boards?
A. In the wash room they were brick.
Q. I am speaking now of the first room you come into.
A. In the room where the hatchets were found, I would not say what the floor was.
Q. Is not a portion of the cellar still earth?
A. To the north of that is earth.
Q. To the north of what?
A. Of the cellar where the hatchets were.
Q. These hatchets you say she reached up, and took out of a box?
A. Yes Sir.
Q. There were two of them; one larger than the other?

A. Yes Sir.
Q. Did either have, as far as you recollect, this claw head?
A. That I do not remember.
Q. How long were the handles, do you recollect?
A. I should judge that the handles were about 14 or 15 inches long.
Q. They were such hatchets as you would use with one hand?
A. Yes, such hatchets as you would use with one hand.
Q. What is your trade, or what was your trade before you became a public functionary?

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A. I was a seaman.
Q. You never were a carpenter, or worked at carpenter work?
A. No Sir.
Q. The axes you say were found in the room where the furnace was, or one sure?
A. That is further towards the street, coming towards Second street.
Q. That is west?
A. Yes.
Q. You say they were either up on something, or they were hung up?
A. They were up so I had to reach up and take them down.
Q. Were they lying down, or hanging?
A. Lying down lengthwise on a cross piece, I should say.
Q. They were covered with dust and ashes; you mean the fine dust of ashes?
A. Covered with ashes, they was.
Q. At this time Doherty had been in the wash room, which was the backside of the house, towards the east?
A. Yes Sir.
Q. You showed him these, and then laid them down on the floor in the wash room?
A. I think Mr. Doherty came along in the alley way, if I remember right. When I brought them in, I laid them down in the wash room.
Q. They were left there, so far as you know?
A. So far as I know.
Q. On the floor in the wash room?
A. Yes Sir.
Q. That is a brick floor?
A. Yes Sir.
Q. How did you know this was a rust spot; could you tell by rubbing it?
A. By looking at it; I did not touch it.
Q. Were these pretty sharp, or look as though they were then, all of them?
A. The larger hatchet was quite sharp.
Q. Was that the one that had the rust on?
A. That is the one that had the rust on.
Q. The smaller hatchet was not as sharp?
A. I do not think it was.
Q. Did you ever look at them again?
A. No.
Q. Did you see any blood on the handles at that time?

A. No, I could not see any blood on them.
Q. I mean all of them, the axes or the hatchets.
A. I did not see any blood on any of them, that I could call blood.
Q. Did you see any hair on any of them?
A. No.
Q. Did you examine them?

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A. That is, I did not give them what you call a thorough examination I just looked at them.
Q. You were looking for evidence of blood?
A. Yes Sir I was.
Q. You looked on the handles and on the blades?
A. Yes Sir.
Q. And looked at the edge of the blade?
A. Yes Sir, and saw this spot of what I call rust.
Q. You did not see any hair there on any of the blades, or on the handles?
A. No.
Q. Do you know how Dr. Dolan got possession of those axes and hatchets?
A. He came down in the cellar, and I gave him this large hatchet, and he looked at it.
Q. What did he do with it then?
A. I do not know what he did do with it.
Q. Did you give him anythingelse? Do you know how he got possession of the axes?
A. The other axes laid there, I do not know whether he examined them or not.

JOHN FLEET.

ASST. MARSHAL JOHN FLEET.

Q. (Mr. Knowlton) John Fleet is your name?
A. Yes Sir.
Q. You are the assistant city marshal?
A. Yes Sir.
Q. When was your attention first called to this affair?

A. I think about 20 minutes to 12 on August 4th.
Q. By somebody telephoning, or how?
A. A man came up in a team, sent by the marshal to my house.
Q. You were at home when the news came to the office?
A. Yes Sir.
Q. Tell that again, what time it was.
A. About 20 minutes to 12.
Q. Where do you live?
A. 13 Park street.
Q. How far is that from this station?
A. Perhaps about three quarters of a mile, or less.
Q. Who was the man who came up with the team?
A. A man from Stone's stable, I do not know his name. It was our team, that is, a police team.
Q. What did you do then?
A. I got my hat and coat and jumped in the wagon, and drove down to 92 Second street, Mr. Borden's.

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Q. This place?
A. Yes Sir.
Q. Have you any idea what time you got there?
A. Yes; I think sometime between quarter to 12 and 12 o'clock; perhaps ten minutes to 12.
Q. Who did you find there when you got there?
A. I saw Officer Gillen at the front door, and I think Mr. Manning the reporter was there at the time. I went around to the back door, and saw Mr. Charles Sawyer, and went into the house.
Q. Was there much of a crowd on the street then?
A. There was some crowd, yes sir.
Q. Who did you find in the house when you got in?
A. I saw Bridget Sullivan, Mr. Morse, Dr. Dolan, Dr. Bowen, and Miss Russell, and Lizzie Borden.
Q. Was Mr. Buck there then?
A. And Rev. Mr. Buck.
Q. What happened after you got in there?
A. I went into the sitting room, and saw Dr. Dolan standing over Mr. Borden. He was then laid on the lounge dead, with his head all cut up. From there I went up stairs, and saw Mrs. Borden. She was between the bed and the dressing case. Her head was all smashed, and she was turned face downwards. From there, I went into Miss Lizzie's room; that is, by asking Dr. Bowen, I found that she was in her room.
Q. You had not seen Miss Lizzie then?
A. I had not at that time; no sir. I had a conversation with her.
Q. Where did you find her?
A. I found her sitting in the room with Rev. Mr. Buck, sitting on a sofa or lounge, I would not be sure which it was.
Q. That was the first you had seen of her?
A. That is the first I saw of her, yes sir.
Q. Did you have any talk with her?
A. I did, yes sir.

Q. Tell what that was, please.
A. I asked her if she knew anything about who had killed her father and mother, (An expression which the witness used here was objected to, and Mr. Knowlton agreed that it might be stricken out.) She said it was not her mother, that her mother was dead. She said it was not her mother, it was her step mother. I asked her if she had seen anybody around the premises that she--- or seen anybody around the premises this morning. She said that she had not; and then she said that she had heard a man at the front door talking to her father about nine o'clock, or thereabouts, nine or a little before nine. I asked her what they were talking about, and she said that she did not know, but she thought he was speaking about some store. I asked her then if she thought that that man would be the one to do him an injury, or to kill him. She said no, she did not know. I asked her if she knew who he was. She said she did not know, she did not see

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him, but heard them talking. She said that he spoke like an Englishman, and thought that he was there after a store, something about a store. I asked her if she knew anyone that had ever threatened her father, or suspected anyone that would do such a thing as kill him, and she said "no, I did not know that he had an enemy in the world." Then Miss Russell said "tell him all Lizzie, tell him about the man that you was telling me about." So then she said that about two weeks ago a man came to the door, and they had some loud talk, and the man seemed to be mad or angry. I asked her what he was talking about. She said he was talking about a store, and wanted Mr. Borden, she should judge, to let him the store; and he would not, saying that he would not let it for that purpose. I asked her if she knew who he was. She said she did not, but thought he was a stranger, somebody out of Fall River. I asked her who else was in the house during the day or last night. She said Bridget, the work girl, she did not say Bridget, she said Maggie, the work girl, was there this forenoon. She said Bridget had been in the house in the forenoon. Well, I says "do you suspect Bridget?" She says "no, I dont." I says "where was Bridget during the time that your father--- that is, at any time this morning?" She said she had been outside washing windows, and that she came in, and after her father came in, she went up stairs, as she thought, to fix her room, or make her bed; but she did not think that Bridget had anything to do with it. She said after she went up stairs, that she went up in the barn.
Q. You have got some shes there.
A. When Bridget went up stairs she said that she, meaning Lizzie, went up in the barn. I says "up in the barn"? She says "yes". "What do you mean by "up"? "Up stairs in the barn." "How long did you remain in the barn"? She says "about a half an hour. When I went out my father was laid on the lounge. When I came back, I found him killed or cut up, in the same position as when I left him." She also said that John V. Morse, her Uncle, came there the day before, and he slept in the room where Mrs. Borden was found killed. I asked her if she thought that John V. Morse could have had anything to do with this. She said that it was impossible, because Mr. Morse went away before nine o'clock this morning, and did not come back until after the murder. I then had a conversation with Morse.
Q. That I do not care for. Was she present?
A. No Sir.
Q. Was she present in the conversation with Bridget?
A. No Sir.
Q. At that time did you have any more talk with Lizzie than that?
A. I did, afterwards.

Q. Have you told all that took place at this interview?
A. I think I have, about all I can remember.
Q. Did you ask her, or did she tell you, what she was doing up in the barn?
A. She did not.

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Q. Nothing said about that?
A. No Sir.
Q. Who else was present during that conversation that you have told?
A. Mr. Buck and Miss Russell, that is all.
Q. No other officer?
A. Not at that time.
Q. What did you do then?
A. I then searched, just looked around her room, without making a general search, searched around in all the rooms that I could get into, that was not locked.
Q. What rooms were those, if you remember?
A. The one I was already in, I merely glanced around in that room; then in the upper front bed room, or spare room, as they call it, I searched around there; and tried another room which I found locked, a clothes press. Then I went down stairs. I did not go in that room at that time.
Q. Did you go into Emma's room?
A. Not at that time; I just merely looked, what I could see from Lizzie's room, that is all. All I did was to look in there from Lizzie's room; I did not make any search.
Q. Was the door open between the two rooms?
A. Yes Sir, I looked in, but did not go in. I went down stairs, and looked in a closet at the foot of the stairs, the foot of the front stairs, down stairs. I looked in the dining room, sitting room, kitchen, pantry, and sink room down stairs. I went up stairs, and looked in the rooms that were opened, Bridget's room---
Q. In the third story?
A. Yes, and another room on the second story, and is in the stair way.
Q. Did you go back to that room that you found locked, again?
A. I did afterwards, not at this visit. I then came back again and went down in the cellar.
Q. What did you find down in the cellar?
A. I found Mr. Mullaly, Mr. Doherty, and afterwards Dr. Dolan. I found Mr. Mullaly with a pair---- these same axes and hatchets on the floor in the wash room. We searched down in the cellar, we searched the cellar even after that, to see if we could find anything that might have been used, other than what was already on the floor; but failed to find anything.
Q. What was it that was already on the floor?
A. The two axes and the two hatchets.
Q. Did you make any examination yourself of them?
A. I did.
Q. What did you see about that?
A. I saw that the axes were dusty as though they might have been-- the ashes likely thrown over them, or dust from ashes got on to them; the same way with a small hatchet, it was dusty. The larger hatchet was clean, with the exception of a rust spot that we looked at, and

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thought it might be blood, and made up our minds, or after looking at it, thought that it was rust. Looking on the handle we saw a little spot which looked like blood, or somethingelse, I could not tell what it was.

Q. I hope soon to have the hatchet here. I should like to have you describe it, so I shall not have to call you again. Describe that hatchet you say was clean.
A. It was a hatchet, the blade about as wide as that.
Q. Give it in inches.
A. Well, about four inches; and from head to blade, or sharp point, about six inches.
Q. (Mr. Jennings) The entire length of the blade?
A. I mean from the head to the cutting point.
Q. What kind of a head did it have?
A. A claw hammar.
Q. The other one did not have a claw hammar?
A. I think not.
Q. It was a claw hammar hatchet?
A. Yes Sir.
Q. About how long was the handle?
A. I think about two feet.
Q. Then what did you do, Mr. Fleet?
A. We searched the cellar.
Q. Then what?
A. Dr. Dolan looked at these axes and hatchets; and he said we had better leave them there for the time being.
Q. Where were they, by the way?
A. In the wash room on the cellar floor.
Q. Was that a brick or wooden floor at that place?
A. Brick.
Q. Resting on what?
A. On the brick, only when we held them up, looking at them.
Q. The handle was not laying up against any wall, the whole thing was on the floor?
A. They were, yes. I think at one time they were put up against the partition there.
Q. Then what did you do, Mr. Fleet?
A. I took one of them, this broad hatchet, and put it away.
Q. Where did you put it?
A. I put it into the cellar adjoining, where there was some shingles and other boxes and some barrels. I put it there, thinking I might want it again.

(Mr. Adams) Never mind what you thought.

A. I put it there, so I could find it again.
Q. You may have gone over this, but I want to make sure. The hatchets and axes when you first saw them, were where?
A. They were on the floor when I saw them.

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Q. Was there anybody near them then?
A. Yes, there was Mr. Mullaly, Mr. Doherty and Bridget. Bridget was there, and went up stairs after I

came down.
Q. Had Dr. Dolan got there then?
A. Dr. Dolan got there soon after I got there.
Q. Then what?
A. I went outside. O, while in there, I tried the cellar door. Somebody said they were--- I tried the cellar door, and I found it was fastened.
Q. You tried it in consequence of what somebody said?
A. Yes Sir.
Q. That door goes from the cellar to the back yard?
A. Yes Sir.
Q. Is there any other door to the cellar beside that?
A. None whatever that leads outside.
Q. Then what?
A. Then I went up stairs, and came outside, and went in the barn.
Q. Tell what you did there.
A. I looked around the barn, and satisfied myself that there was nobody, or anything, there that could have done this deed.
Q. Was the barn door open?
A. Yes Sir.
Q. The barn door is around on the side?
A. Yes Sir, on the south side.
Q. Then what?
A. Then I came out. Of course in the mean time I had given some orders to the men, in putting them around; that has nothing to do with this thing, I suppose.
Q. Where did you go then?
A. Afterwards I went in the house again.
Q. At this same visit?
A. Yes, and consulted with two of my officers, and a state officer.
Q. Mr. Seaver, had he got there then?
A. No Sir, it was Mr. Dexter.
Q. What then?
A. I made another search. I went up stairs and questioned Lizzie again in the presence of two of the officers.
Q. Who were they?
A. Officer Minnehan and Officer Wilson.
Q. What then?
A. I went to the door, and found that Dr. Bowen was in there holding the door.
Q. What?
A. Dr. Bowen was in there, and he held the door. I told him what I wanted to do, I wanted to get in there, and search the room and search the house pretty thoroughly. He said he would see Miss Lizzie. He said he had been bothered considerable, and he would see Miss Lizzie.

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"Just wait a moment". I waited.
Q. He was in the room?
A. Yes; so he turned and said something to her. Of course I do not know what it was. He came back

and says "is it absolutely necessary that you should search this room, Lizzie wants to know?" I says "yes, I have got to do my duty as an officer, and I cannot leave the premises until I have searched the whole of this house." So he said something to her, and then opened the door, and I went in. I spoke to her and told her that I had got to search the house. She says "how long will it take you?" I says "it wont take me long. I have got to search it though." "I do hope you will get through soon", she says, "it will make me sick." I said in the meantime "you say Miss Borden, that you went out in the barn this morning, and remained out a half an hour". She says "no sir I do not." "What do you say then"? "I say that I went out in the barn, and was out there from twenty minutes to a half an hour." "You told me this morning, or you told me when I saw you before, that you was in there for half an hour." Well, she says "I do not say so now, I was there I say from twenty minutes to half an hour". I says "what do you make it now, twenty minutes?" She says "no, from twenty minutes to half an hour," --(Witness added two words which were objected to, and Mr. Knowlton agreed might be stricken out.) We searched the premises, that is, her room, looked in the drawers---

Q. You had no more talk with her just then?

A. Not that I can just remember. We searched the bureau drawers, and went into what was called Miss Emma's room, and searched her bed, and Lizzie's bed, and all the places that was available. Then we went behind the bed, Lizzie's bed, to another door, and I got my hand on to that door, and asked her where the key was to this door. She says "that is father's room." She says "you cannot get in at that door. It is always locked." I says "I should like to get in there some way or another. She says "the only way to get in is by going around the back stairs and going in that way. I found the door was locked, so I took her word for it, and went out. O, then I got out in the hall way, I asked her who had the key to this door, and what it was used for.

Q. What door was that?

A. A clothes press on the second floor. She said that she had a key that would open it. I says "I wish you would produce it, I want to look in there." Well, she says "there is nothing in there, but clothing". Well, I says "I want to see, I want to look in there." She produced a key and unlocked the door. I went in there and looked around.

Q. Describe that room.

A. It was a room five by eight; that is as near as I can see it now, about five by eight.

Q. Is it a room directly over the front door?

A. Yes Sir.

Q. A window in it?

A. Yes Sir.

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Q. Light?

A. There is light when the shutters are open.

Q. How did you find it?

A. I found that the shutters were closed, that is, partly closed, the upper one was a little bit open, I found in the window, where the two parts joined, I found that was packed with some sort of cloth or paper so no dust could come in there, and the same on the bottom, so that the window had never been opened for sometime.

Q. You searched in there?

A. I searched in there, and found nothing that we thought we had ought to take. We went from there down stairs, and looked in the parlor, and did not find anything there, and went ---

Q. You said "we", who was that with you?
A. As I said before Officer Minnehan and Wilson. We searched again the sitting room and closet in there, and found nothing. The same way in the sitting room, and searched the kitchen and the closets, a more thorough search. Then we got the key from Bridget and searched Mrs. Borden's room.
Q. You went up the back stairs, do you mean?
A. We went up the back stairs to do that.
Q. Did you try the door between Lizzie's room and Mrs. Borden's?
A. Yes Sir.
Q. Which side did you try it from?
A. From Lizzie's side.
Q. How was it fastened?
A. By a bolt I think from the other side, and I do not know but a hook too.
Q. Then what?
A. We searched that room, and the room adjoining, there was a safe in that, but we did not find anything; nothing but the bed, that is all; we found no kind of an instrument that the persons could have been killed by. Then we went up stairs and searched the four attics, I think it was four. Bridget had the keys. We went into each one as she unlocked them, and turned over things, and put them back in their proper places, and found nothing there that we wanted. We searched Bridget's bed, and searched also a bed where John Morse had slept since, and I think had before.
Q. That is in the attic?
A. That was in the attic. That is all I can state just now.
Q. Then you went away?
A. I made a report to the Marshal.
Q. What time did you get back to the office?
A. I can hardly tell, I think 2 o'clock or so, after 2.
Q. Have you told all you can remember that Miss Lizzie told you?
A. All I think of.
Q. Do you remember of her saying anything about the possibility of getting into her room?
A. O yes, when I went in there she said ----

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Q. Which time was that?
A. The second time, when the two officers were with me.
Q. Those two, Minnehan and Wilson?
A. Yes sir. That time when I went in, she said "it is no use in searching this room," she says, "Nobody can get in here, or put anything in." She says "I always lock my door when I leave it. There is no possibly way for anybody to get anything in there."
Q. Did she say anything to you about when she last saw Mrs. Borden?
A. Yes. I asked her when she saw Mrs. Borden last. She said the last time that she saw her was about nine o'clock that morning, when she was going down stairs. "Where did you see her then?" "I saw her in the room where she was found murdered."
Q. Did she say what she was doing in there?
A. She was fixing the bed. She also said in the previous conversation, the first conversation, that she thought that Mrs. Borden had received a note, or letter, from someone that morning, and "We thought she had gone out of the house." That was the first talk with her.

Q. In this talk where she told you the last time she saw her was when she was going down stairs in the morning, which talk was that?
A. That was the first talk, the first time.
Q. What was Miss Lizzie's appearance when you saw her in her room?
A. Cool and collected.
(Objected to.)
Q. Was she in tears?
A. No sir.
Q. At any of the time was she in tears?
A. Not any time.
Q. Is there any other fact, Mr. Fleet, that I have not asked you with relation to this matter? My minutes end here.
A. Not that I can think of.

CROSS-EXAMINATION.

Q. (Mr. Adams.) This talk with her was sometime between about noon and two o'clock in the afternoon, was it not?
A. Yes sir.
Q. The first talk was about noon was it not?
A. Yes sir.
Q. Did you know that Officer Doherty had talked with her before you had?
A. I did not.
Q. Did you know that Officer Mullaly had before you had?
A. No sir.
Q. Did you know that other people had been talking to her before you had?
A. I did not, no sir.
Q. Or that they were measuring the words of this girl, immediately after finding her father and stepmother dead; you did not know that did you?
A. I did not know who had talked with her at all.

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Q. When you were in the cellar at the time that you have stated, did you find Mr. Doherty the officer there?
A. I did.
Q. Did you know at that time he had searched this clothes press which you say was locked, and was over the stairs?
A. No sir I did not.
Q. You say that your look in that room was the first look of anybody after this tragedy?
A. I do not.
Q. You do not know anything about it, do you?
A. No sir I did not; but I thought it was.
Q. When you got there, and had this first talk with her, do I understand that you went to the barn, or made some other search, before you went to the barn?
A. Yes sir ---- no I did not go to the barn; I made a search around the house, as already stated.
Q. I was not quite sure in my recollection about that. When you went to the barn, who went with you?

A. Officer Minnihan and Officer Wilson.
Q. Do you know where Officers Doherty and Mullarly were then?
A. Around in the house.
Q. This barn was then open when you got there?
A. Yes sir.
Q. Did you go up stairs?
A. Yes sir.
Q. Did you look at the hay?
A. I did.
Q. Did you go to the different windows?
A. I did not pay much attention to the windows.
Q. Are there windows in the hay loft?
A. One on each end I think.
Q. One to the west and one to the east?
A. Yes sir.
Q. Did you see a work bench up there in the second floor of the barn?
A. I did not notice any. I think there was a bench.
Q. Was there not some sort of a bench there, what is commonly called a work bench, which might be used for a variety of work, carpenter work, and any work of that sort?
A. I think there was something of that kind there.
Q. Did you go to these windows?
A. No sir.
Q. Was there anything to prevent your going?
A. There was on one end.
Q. Which end?
A. On the west end.
Q. What was there to prevent it?
A. I think there was a partition there, I am not sure.

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Q. So you cannot get to that west window?
A. No,; I could have got there well enough.
Q. What kind of a partition?
A. A wooden one.
Q. How high up?
A. I would not be sure, probably six or seven feet.
Q. Running from north to south across?
A. No, it does not go right across, only on one end of it, on the south west end of the barn.
Q. There is a partition that runs across?
A. Corner ways, yes sir, one corner.
Q. What is it for?
A. I do not know.
Q. That prevents your going to that west window, does it?
A. No I did not say that it did.
Q. I understood you to say you did not go there because there was something that prevented you, that there was a partition?

A. I said there was a partition there. I did not go to the west window.
Q. Did you not say that was the obstacle that prevented you from going to the west window?
A. It was there; but I do not know as it could have stopped me from going, if I wanted to go.
Q. My examination now is directly to this point, why you did not go to the west window. I understand you to say there was an obstacle in the nature of a partition six or seven feet high?
A. I am not sure about that.
Q. How will you leave it, was there anything to prevent your going to this west window, when you went up there?
A. I could not really say, but my impression was there was a partition there, and it did not go to the window. I did not go to the window, did not go to either window.
Q. You do not mean to leave it there was anything there that would prevent you from going to either window, if you had happened to want to go there?
A. Not if I had wanted to.
Q. Do you remember how the hay was piled when you got up into the barn?
A. Yes sir, it was piled on the north west part; in fact all on the north side of the barn was hay.
Q. That left the passage way, or the place to walk, on the side of the barn, that the door was, namely on the south side?
A. That left a passage way there.
Q. You searched down stairs, I understood you went all around there in the barn?
A. Yes.
Q. Who went up stairs with you, Officers Minnehan and Wilson?
A. The same two officers were with me.

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Q. Did you see Officer Medley there?
A. Not at that time, I saw him in the yard, I think after twelve o'clock.
Q. That was shortly after you had got there, and after you went in the barn?
A. I went in the barn after I saw him.
Q. Where was he?
A. In the yard when I went there at this time.
Q. Was he out in the yard when you went to the barn?
A. I think not.
Q. Where were you when you first saw him, were you in the house, or coming to the house?
A. I was outside.
Q. Had you been in?
A. I had not.
Q. That was then when you were first going there?
A. When I first went there.
Q. Where was he with reference to the street fence?
A. Mr. Medley was between the back entrance to the house and the front fence.
Q. On the north side where the walk is?
A. Yes.
Q. Do you know whether Medley had been up in the barn then or not?
A. I do not think he had.
Q. Now this young woman, who had been asked questions by Officer Doherty, and Officer Mullaly, and by you, was subsequently asked questions in her chamber when Dr. Bowen was there, was

not she, by you?
A. Yes sir.
Q. And this talk you have sketched took place up there?
A. Yes sir.
Q. About the time she was out at the barn?
A. Yes sir.
Q. When you say in the first conversation that she did not accuse Bridget, and she did not accuse Mr. Morse, and she did not accuse such and such people, and that someone two weeks ago had had a controversy at the door, between whom did she say that occurred?
A. Between her father and this man at the door.
Q. Do you think she said there was any talk between her father and this man you have spoken of on the morning of the day of the tragedy?
A. I do not. This was another man. I think I so stated.
Q. At all events, when you went up stairs this second time, and asked her how long she had been in the barn, you thought she had told you something else a few minutes before, Dr. Bowen was there in charge of her, was not he, at the same time, as a physician?
A. He was there most of the time, yes sir.
Q. I am speaking now of the time when you went upstairs to her room, the last talk you had with her, the second talk, when he came to the door, and went back and spoke to her, you said he was there as her physician?

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A. As a friend and physician.
Q. As both?
A. Yes sir.
Q. Then you went in, and she asked you if it was necessary, and said she hoped it would not take long?
A. Yes sir.
Q. And she gave you the key?
A. She did not, she went and unlocked the door herself.
Q. Having the key herself?
A. Yes sir.
Q. This was the clothes press, or closet we were asking about, which was over the front entry, which you make about eight feet by five, and which was light, and easy to search?
A. It was when we opened the blind.
Q. You did that?
A. Yes sir.
Q. It was full of women's clothing?
A. Yes sir.
Q. Hung in order?
A. Perfect order I should say.
Q. Hung on wooden frames, dresses hung around there, two or three rows of them?
A. Yes sir.
Q. How many dresses were there?
A. A dozen to eighteen dresses I should think.
Q. You examined that place pretty thoroughly?

A. Not so thoroughly as it was examined afterwards.
Q. Was it examined afterwards?
A. Yes sir.
Q. When?
A. On the Saturday following.
Q. Did you look over the clothing at this particular time?
A. I did not, not in a particular way.
Q. What did you look at?
A. I did, I looked at the clothing, some of it.
Q. What did you leave unlooked at, any portion of it?
A. No sir; I just merely looked at the clothing. I lifted up the cloth over them, and took each dress and looked at it.
Q. Was there a cloth over them?
A. Yes sir.
Q. What kind of a cloth?
A. A white cloth.
Q. Hung all over this clothing in that closet?
A. Yes sir.
Q. A cheese cloth, or sheet, to keep the dust off?
A. Like a sheet.
Q. How was the cloth fixed up, how was it fastened up, or placed

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over them after they were hung there?
A. Run from one end of the room to the door.
Q. Tacked up?
A. I do not know, so you could lift it up.
Q. You lifted it up without its coming down?
A. Yes.
Q. Were you looking to see if you could find any bloody garments?
A. Not very closely, I was if ----
Q. Did you have that in mind?
A. Yes sir.
(Mr. Knowlton.) Let him answer.
A. I was if I could find any clothing that had blood on that showed very plainly, of course; but I was not looking in a very close way.
Q. You were looking at these various garments to see if they had indications of having blood upon them?
A. Yes sir.
Q. You went through this closet, looking at these various garments lifting the sheet?
A. Yes sir.
Q. Lifting up those on the outside, so you could see those in the rear?
A. Yes sir.
Q. They were hanging from hooks that stood inside the shelf so they hung a little distance from each other?
A. There was two or three dresses, one over the other you know.

Q. On the same hook?
A. Apparently; one dress would rest against the other.
Q. Were they on the same hook?
A. I do not know.
Q. Were there not two rows of hooks there, one upon the wall, and the other on the bottom of the shelf just above the row of hooks that ran around the room?
A. I could not say as to that. Some of the dresses were one dress hanging above the other.
Q. Not on the same hook?
A. I did not say so; I cannot say as to the hooks.
Q. You went through that closet in the manner you have described?
A. Yes sir.
Q. That was after you came out of the cellar?
A. Yes sir.
Q. After you had seen these axes?
A. Yes sir.
Q. And the hatchets?
A. Yes sir.
Q. When you left there, this larger hatchet, you put upon a pile of shingles that were under the stairs, or in a closet there?
A. I did not say so. I put it away.
Q. Where?
A. Into a room adjoining the wash cellar.

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Q. Was not there a bin in that room?
A. Yes sir.
Q. Did you put it in the bin?
A. No sir, I put it into a place that led from the wash cellar into the cellar where they kept barrels and some stuff.
Q. What was that on, how was it placed?
A. There was some boxes there, and some frames, and pieces of wood; I put it in between the boxes, so I could go and put my hand on it.
Q. When did you go and get that afterwards?
A. I did not get it.
Q. Do you know who did get it?
A. Yes sir, Officer Edson.
Q. Under your direction?
A. No sir.
Q. When he got it, you did not know that he was to get it?
A. No sir.
Q. When did he get it?
A. The following morning.
Q. Then this was not taken on the day of the tragedy, but the next day after?
A. It was not brought here until the day afterwards.
Q. Was it taken that morning away from that house?
A. No sir.

Q. Or was it carried up stairs that day of the tragedy?
A. Not that I saw.
Q. Do you know whether Officer Edson went from headquarters up there and got it and brought it here?
A. He went by the order of the Marshal, down very early in the morning and got it.
Q. Did he bring the other axes with him?
A. I do not know, I was not there.
Q. Did you see the other axes in the Marshal's room?
A. I did.
Q. What were they in?
A. They were exposed, they were on the side of the partition.
Q. Do you know what they had been brought in?
A. I do not.
Q. Do you know anything about a sack or a bag?
A. Only as I have heard it here.
Q. You did not see the officer take any such thing to get them in?
A. I did not.
Q. Did you see him then he went?
A. I did not.
Q. At any event, he went on Friday morning?
A. Yes sir.
Q. Now this particular hatchet, which you put in between the boxes in that room which led out of the wash room where the old barrels are, or whatever they are,; they were barrels that contained some liquid sometime or other?

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A. Yes sir.
Q. When you put it there, was it damp, or did it look as though it had been freshly washed?
A. It did to me.
Q. How did it look?
A. It looked as though it had been wiped.
Q. With a damp cloth?
A. Yes, or might have been washed and wiped.
Q. Had it been scraped?
A. No sir, it did not show any scraping.
Q. Did you notice the handle?
A. I did.
Q. Did you see any hairs on it?
A. I did not.
Q. Or on the blade?
A. No sir.
Q. Or above the blade on the handle of the hatchet?
A. On no part of it.
Q. You examined all those axes and the hatchet to see whether they showed any indications of blood, did not you?
A. Yes sir.

Q. You had that in mind?
A. Yes.
Q. You knew at that time, the injuries to these people were such, there was liable to be hair on the axes, or the weapon whatever it was, that done it?
A. I did not think of everything at the time.
Q. Did you think about that?
A. I thought there was liable to be blood of course.
Q. Did you think of hair?
A. I should if I had seen it of course.
Q. You examined the axes for the purposes of detecting blood, and seeing what you did; and did not see any hair?
A. No sir.
Q. I understand you to say you made a search there, not the day following the tragedy, but the next day, Saturday, that was the day of the funeral?
A. Yes sir.
Q. Was it after the funeral?
A. Yes after the funeral.
Q. It was after the funeral procession had left the house?
A. After the services at the house.
Q. Did you search for it while the funeral was going on?
A. No sir.
Q. Or just before the funeral?
A. No sir.
Q. But after the procession had left the house, then you began to search, did you not?
A. Yes sir.

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Q. Who was present at that time?
A. Marshal Hilliard, Mr. Seaver, Dr. Dolan, Capt. Desmond, Mr. Jennings and myself.
Q. This then was in the afternoon as I understand it?
A. Yes sir.
Q. You went through everything then as thoroughly as you knew how?
A. Yes sir.
Q. Mr. Jennings was there?
A. Yes he was.
Q. You were given every facility to go through the house?
A. Yes sir.
Q. Did you search this closet again at the head of the stairs?
A. We did.
Q. Who did?
A. I was in there, looked in there, and the Marshal I think was the one that searched it thoroughly.
Q. How thoroughly was it searched, what was done if you saw?
A. We looked at all the clothing I suppose.
Q. Was Mr. Seaver there?
A. Yes.
Q. He was engaged in that part of the search too, was not he?

A. Yes, I did not search that time, I merely went to the room, and the others were in it.
Q. Who unlocked it for you, if it was locked at that time?
A. I think the keys were given to the Marshal.
Q. By whom?
A. By somebody in the house, I could not say who.
Q. That is, the keys to everything in the house?
A. Yes.
Q. You searched the cellar again, and the barn?
A. I did not.
Q. It was searched, was not it?
A. Not at that time.
Q. Did you search the vault, and everything else?
A. I searched it on the first day.
Q. You went through such things as band boxes and barrels and all those things on this Saturday search, and bundles, undid bundles?
A. We went through everything.
Q. Things done up in bundles, you went through those, and untied them?
A. Yes sir, furs and capes &c.

End of Day 4 - Adjourned until Tuesday, August 30, 1892.

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Day 5, Tuesday, August 30, 1892

EDWARD S. WOOD.

Q. (By Mr. Knowlton) What is your full name?
A. Edward S. Wood.
Q. What is your business?
A. I am a physician and chemist.
(Mr. Adams) You need not spend any time in qualifying him, so far as we are concerned.
Q. You are a Professor, I believe, in Harvard University, in chemistry?

A. Yes Sir.
Q. Did you receive a package containing two stomachs at any time?
A. On the fifth of August I received a box by express, and opened it, and found that it contained four jars. One jar was labelled "milk of August 3rd," and another jar labelled "milk of August 4th", the third jar labelled "stomach of Andrew J. Borden", and the fourth jar labelled "stomach of Mrs. Andrew J. Borden". All of these jars were properly tied and sealed, with the seals unbroken.
Q. Have you preserved the seals?
A. I have.
Q. You have not them here?
A. No Sir.
Q. But they are in your custody?
A. They are in my possession.
Q. What did you do with those stomachs, Professor?
A. The stomachs were both unopened. I opened them; carefully examined the stomachs, and carefully examined the contents which they contained. I found that both stomachs were perfectly natural in appearance. They were in the condition of apparent perfect health. There was no evidence of inflamation, no evidence of the action of any irritant, or anything of that kind. The contents of the stomach of' Mrs. Andrew J. Borden were first examined. Her stomach contained about eleven ounces of semi-solid food, being a mixture of the solid food and water. I should say at least 4/5 of it, and perhaps 9/10 of the contents of Mrs. Borden's stomach was solid food, the rest being water; it was partially digested food. It contained bread, or rather wheat starch, which would be the case in case bread had been eaten, or any similar food which was made with flour or meal. It contained a good deal of meat, both the muscular fiber and the fat. That is, the contents consisted chiefly of bread, or some similar food, it might have been some kind of cake or muffin, and meat and oil. It also contained a good many vegetable pulp cells, which might be potato, or might be apple, so far as I could determine. I found some vegetable tissue which might have been onion or apple skin, or some bit of vegetable in the food. The digestion, to me, seemed to be somewhere advanced in the neighborhood of from two to three hours.

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To the best of my opinion it would be in the neighborhood of 2 and 1/2 hours, more of less. (Refers to notes.) The stomach was immediately tested for prussic acid, with a negative result; no prussic acid was detected there. The preliminary test was performed at once; and later a more complete analysis for prussic acid was made after the contents were thoroughly sealed in glass. If there had been any, none would have escaped. The stomach of Mr. Andrew J. Borden contained only about six ounces, and that was chiefly water, about 9/10 water, and 1/10 solid material. I should have stated in connection with Mrs. Borden's stomach in the first place, there were solid bits of meat, as well as of the bread or muffin, or whatever was eaten, the starchy food. In Mr. Borden's stomach there was found only a very small quantity of starch, and a very small quantity of meat. The principal portion of the solid food in his stomach was the vegetable pulp cells, which might be potato or apple or pear, or something of that kind which he ate. The digestion in his case, there being so little food in his stomach, being nearly all water, I should say had advanced from 3 and 1/2 to 4 hours. I could not say accurately within an hour; but it was very much further advanced than in the case of Mrs. Borden.
Q. About what difference was there in the advancement of the two stomachs?
A. In Mrs. Borden I should say from two to three hours; in his, from 3 and 1/2 to 4 and 1/2;

somewhere in the neighborhood of two hours difference, an hour and a half, or two hours difference between the two I should think. There were a few shreds of vegetable tissue in his stomach, as well, which might have been apple skin.

Q. Could they have been pear skin?

A. I should think so.

Q. When you say "apple", you mean some fruit of that kind. Did you find any trace of any poison in either stomach?

A. I tested Mr. Borden's stomach also for prussic acid, with a negative result. There was no evidence of any irritant poison having been in the stomach at all, no irritation. There is no other ordinary poison which would prove fatal immediately; that was the only one I considered it necessary to test for, under the circumstances.

Q. Have you yet analyzed the milk?

A. I have not.

Q. So you have no report to make about the milk of either day?

A. I have not opened the jars; I have not had time to.

Q. Is that all you have to say about the stomachs, Professor?

A. Yes Sir.

Q. You came to Fall River yourself after them?

A. I was in Fall River on the 9th of August.

Q. And received some things from here?

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A. On the 10th of August I received from Dr. Dolan a trunk.

Q. Received it personally?

A. Received it personally.

Q. What did you find in the trunk?

A. The trunk contained a hatchet, two axes, a blue dress skirt, a blue dress waist, a white skirt, a starched skirt, a lounge cover, and a large envelope which contained three small envelopes, these small envelopes being marked, one of them, "hair taken from A. J. Borden", the second one, "hair taken from Mrs. A. J. Borden", and the third one "hair taken from the hatchet," or "from hatchet". On the 16th of August I received from City Marshal Hilliard, personally, in Boston, a paper box containing a pair of shoes or ties, and a pair of black stockings.

Q. Women's stockings?

A. Yes Sir. Of these substances, I examined the hatchet-- take them in order, as I have given them. The hatchet contained quite a number of suspicious looking spots which looked like blood spots on the head of the hatchet, and also on the handle. These were examined very carefully and thoroughly, but there was no blood spot upon the hatchet, whatever, no trace of blood. The same was true of both axes. Every spot which seemed possible to be a blood stain, and some which did not look to me like blood stains, I tested very carefully; and there was no blood whatever on either ax. The blue dress skirt contained, near the pocket, a long smooch, one or two inches long, which looked as if it might be a blood smooch; but on testing that very carefully, it was found not to be a blood smooch. Another stain lower down on the skirt had a similar appearance; and that also was not blood. There was no suspicious spot whatever on the blue dress waist. The white skirt had one very small spot, which looked like blood, and which was plainer, more extensive, a little more extensive on the outside of the skirt than on the inside. That stain was situated almost exactly in front, and six inches from the bottom. It was about 1/16 of an inch in diameter. That

was a spot of blood. There was no other spot on the skirt whatever which could by any possibility have been mistaken for blood. The carpet--- one carpet was a light Brussels carpet, light colored, with red figure, which had two dried pools of blood, that is, two patches made by the drying of a pool of blood, which, of course, was blood stain. That was the carpet which I recognized as being the sitting room carpet. The other carpet was thoroughly saturated with blood, both underneath and on the surface; it was stiff with blood. I recognized it as the carpet from the spare room, and said to have been found under the body of Mrs. Borden. The lounge cover had a dirty stain near one corner, which looked a good deal like blood; but which I proved not to be. There was no blood on the lounge cover. The envelope marked "hair from A. J. Borden" was

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simply a lock of white hair, a part of it stained with blood. The envelope marked "hair of Mrs. A. J. Borden" contained several locks of dark grayish hair, some of it clotted with blood. The hair taken from hatchet was about one inch long, and under the microscope was seen to have a red brown color, and contained both the root and the point. In other words, it was hair like that from a cow, or an animal, and was not a human hair.

Q. About how long was it?

A. One inch long. The pair of shoes or ties, they were more like ties, the bottom of the right one looked as though it might contain a blood stain. But careful testing of it, proved it to be not a blood stain; it was from the leather, or the tanning of the leather in some way. The left shoe had nothing suspicious on it. Neither had either of the stockings. In other words, there was no blood on either shoes or stockings.

Q. Did you testimony include the two axes? If it did not, tell us about them. You found nothing on the two axes?

A. Nothing on the two axes.

Q. There was something on the hatchet that had been supposed to be blood, or that was thought to be?

A. Yes Sir. Near the sharp edge of the hatchet on both sides, there was an accumulation of material which looked as though it might be blood, and which under the microscope was seen to be chiefly wood and cotton fiber. There was quite a number of cotton fibres in this patch. There was a little stain that looked as though it might have been from a spatter of blood. It was a long narrow stain on the beveled edge of the hatchet, on the left hand side, about one inch from the upper corner on the blade, on the head of the hatchet, at the sharp edge, and it was evidently made by moisture. It was a spatter of some kind, perhaps a spatter of water, where rust had accumulated there. It was iron rust, and not blood; it looked like blood though. There was another spot on the side of the head of the hatchet very similar to a blood stain. In fact iron rust does resemble blood very much, and it is almost impossible, sometimes, for me to distinguish between the two.

Q. Without a scientific examination?

A. Without testing, yes sir. There were also several stains on the handle, which I examined, with negative result.

Q. What were they; what did they turn out to be?

A. On the handle of the hatchet, and on the handle of the axes, there were some reddish stains, that looked very much like blood, which was either reddish tinted varnish--- There was a pigment on them, which after performing the blood test, appeared to be some mineral pigment that resembled blood.

Q. You only examined one hatchet?
A. That is all.
Q. Have you that hatchet here?

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A. I have.
Q. Please produce it.
A. I did not bring it here for this purpose; I brought it for another purpose. (Produces it.)
Q. That is the one you have been talking about?
A. Yes Sir.
Q. The other hatchet you have not seen?
A. No Sir.
Q. It has not been put in your hand?
A. No Sir.
Q. You say you found but one hair in the envelope?
A. One. There were two papers. One of them was marked as containing a hair, but I could not find any. It had evidently been lost off in some way. I have the original paper here. I noticed it stuck to the envelope some when I took it off. I was very careful about it, and examined it with the lens. This paper is marked "hair placed here 1.57 P. M. 8-7-9," but I could not find any hair on it.
Q. You found a mucilage spot, but no hair?
A. Yes.
Q. Have you the axes with you or the clothing?
A. No Sir.
Q. You did not bring them?
A. No Sir. It is never my habit to carry them to any preliminary hearing. These I brought for another purpose; I did not bring them to show.

CROSS-EXAMINATION.

Q. (By Mr. Adams) I desire to call your attention, Professor, to the white skirt which was handed to you. I understood you to say that was a starched white skirt?
A. It was what I supposed was a white, ordinary, starched skirt.
Q. It had the stiffness, or appearance of starch, one would commonly notice in a white skirt?
A. It was a common white skirt, yes sir.
Q. Did the test you applied to this indicate that it was starched?
A. That was mere guess work on my part; there was no test applied to it.
Q. On which side of the skirt was this spot?
A. Right in front. It was a little larger in diameter on the outside than on the inside, showing, in all probability, the spot got on it from the outside.
Q. Did the skirt appear to have been turned?
A. No Sir.
Q. The skirt was worn only upon one side?
A. It had that appearance.
Q. Was it immediately opposite the placket hole?
A. Yes Sir.
Q. If that were worn in the rear, that would be the front?

A. Yes Sir.

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Q. If it were worn a little on one side, that would vary the place of the spot?
A. Yes Sir.
Q. The size of this spot would be about that of an ordinary pin head?
A. Yes Sir, about 1/16 of an inch, I mentioned.
Q. When you get down to 1/16 of an inch, I do not get a good comprehension of the size of it. Is there some object here, the ordinary head of the pin would be a little larger than this spot?
A. It would be the head of a pin about an inch and a half long.
Q. This you say was human blood?
A. I did not say that; no sir.
Q. What was it?
A. It was blood.
Q. What kind of blood?
A. I do not know. I have not examined to see whether it was human or not. I have not had time for that.
Q. If human blood was drawn out by the tantalizing process of the mosquito, or the flea, and then got on a skirt, would that alter its appearance so that test would show that it was human blood?
A. Only in this way; if a mosquito or flea were crushed, it would have a different shape, it would not be the clear round shape that this was.
Q. Could you tell anything from the shape of this spot, in what direction it came, or struck the skirt?
A. No Sir, there was nothing about it which would indicate that.
Q. It was dry?
A. It was when I got it.
Q. It was dried then when you got it; so that the test you would have to apply to it now to determine whether it was human blood, or some other variety of blood, would be the test that must be applied to dried blood?
A. Certainly.
Q. Are you prepared to say, Professor, in the test for dried blood, one can assert with positiveness that a given specimen is, or is not, human blood?
A. You can state whether it is consistent with its being human blood, or not. You cannot state positively that it is.
Q. Science has not proceeded far enough yet so you can say whether it is, or not, human blood?
A. No; but you can say it is not certain animals blood.
Q. When you get into the class of mammals that suckle their young, after blood has been dried, the test is not so satisfactory?
A. You can tell between those, certain ones.
Q. Between a man and a dog it is pretty close?
A. That is very close.

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Q. Between a man and a horse it is a little further off?
A. Yes Sir. The principal ones, however, are the opossum and seal, and one kind of guinea pig; those

are the nearest human, nearer than the dog.
Q. The dog is sufficiently near so to make it somewhat doubtful?
A. It is a little more difinite in the case of a dog nowadays than it used to be.
Q. A little more than it used to be?
A. Yes Sir.
(Mr. Knowlton) The difference is a little more obvious you mean?
A. We detect it more easily now than we used to.
Q. Now coming to the stomachs which were sent to you, and the process of digestion; I suppose this depends somewhat upon the condition of health of the person?
A. I should have mentioned when I gave my opinion in regard to the time, I did not happen to think of it, provided the digestion went on normally. I should have put in that proviso.
Q. You meant to answer my question by saying that determining the length of time the person is dead by the condition of the stomach, depends somewhat upon the process of digestion, whether it went on normally?
A. Yes Sir.
Q. Speaking generally, does digestion go on faster or slower in a stout person than a lean person?
A. I did not know that there was any difference. I have heard it stated so since I came to Fall River. I do not know whether there was anything in it, or not. I am not aware of any difference.
Q. It seems in a stout person the result is a little more successful but you are not prepared to say there is any difference?
A. I never heard of any.
Q. Does the amount of the gastric juice affect speedy or slow digestion? Does it affect the digestion?
A. Why, certainly the gastric juice helps digestion.
Q. If there is a surplus of it, what is theeffect?
A. I think that would be disposed of, most of it. The excess would be absorbed by the movement of the stomach, would be passed onward into the intestines.
Q. Would it retard digestion?
A. It might make sour stomach, which would secrete more.
Q. You say these stomachs showed no appearance of inflamation or irritation?
A. No Sir, they appeared healthy.
Q. Suppose one had been suffering a day or two, or three or four days, from what are common this time of the year, an attack of cholera morbus, or the complaint where one vomits, is unable to retain food,

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and they die, and the stomach was then examined, what would the appearance of the stomach be under those circumstances?
A. It would not have any special appearance.
Q. There would not be any appearance of any special irritation?
A. No Sir.
Q. If one was in that condition, would the fact they were suffering from that complaint tend to retard digestion of such food as they put into their stomach?
A. I think more likely it would tend to diminish the appetite.
Q. What effect would it have on any food they put into their stomach, from such food as was put into the stomach? Would not the digestion be retarded somewhat?
A. It might, or might not.

Q. In other words, there is nothing certain about it? Is there anything certain about it?
A. Within certain limits.
Q. Within what limits?
A. You cannot say from an examination of the contents of the stomach just how long digestion has been going on, to the minute. As I mentioned it, in speaking of this, it was somewhere from two to three hours. I should not dare say exactly. I should say to the best of my judgment about two and a half hours, under normal circumstances.
Q. You would not be surprised if the facts were such that it was not more than two hours?
A. We know of cases where food had been eaten at night, and stayed in the stomach all night, and was there in the morning, and would be thrown up.
Q. Indigestion?
A. Yes Sir.
Q. With reference to the time the digestion had been going on in either case here, you would not be willing to put it positively within any given time?
A. I should say half an hour, more or less.
Q. Have you been to the house?
A. I was in the house the morning of the 10th of August.
Q. With whom did you go?
A. Dr. Dolan.
Q. Did you make an examination of the premises?
A. Only a rough one.
Q. For instance, did you see the sitting room?
A. I did.
Q. Was the position of the couch in that room pointed out to you?
A. Yes Sir.
Q. Did you examine the wall and the door?
A. Yes Sir. I did not examine them to make careful measurements and notes.

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Q. You have the examination well in mind?
A. Yes Sir.
Q. Did you go up stairs?
A. I did.
Q. And went into the front room?
A. Yes Sir.
Q. And saw the position of things there?
A. Yes Sir.
Q. And the place where she lay was pointed out to you?
A. Yes Sir.
Q. And where the carpet was taken up?
A. Yes Sir.
Q. The bureau was perhaps shown to you, and the stains upon the drawer?
A. Yes Sir.
Q. If one were struck by some instrument with a sharp cutting edge, which would penetrate through the skull and the eye and down the whole length of the face to the line of the chin, would there be any spurting of blood from such a blow as that, commonly?

A. There probably would, if an artery was cut.
Q. There is an artery that could be cut by such a blow?
A. Yes Sir.
Q. In what direction would the blood naturally spurt, if the artery were cut in the way I have described?
A. The direction in which the artery pointed.
Q. In what direction does the artery point?
A. I dont know. It would depend upon which artery were cut, and the position of the head.
Q. Suppose the head lay on the right side so the left side was exposed, and the person was lying down upon the couch, the feet on the floor, and the head on the arm, and this blow was cut in the way I have described, what direction do you think the blood would spurt naturally and commonly from such a blow as that?
A. I do not think the spurting of the blood which made the stains in that room had anything to do with the artery particularly. An artery never spurts over three feet.
Q. Did you see the wall paper which was immediately above the back of the sofa?
A. Yes Sir, and the stains on the door leading into the kitchen, and those on the door leading into the parlor.
Q. I was calling your attention chiefly to these on the wall paper near the foot of the sofa near the dining room door, where the spots were, many of them, in a semi-circular form; could they not have been caused by the spurting of an artery?
A. I should think more by the spattering from the instrument that struck the blow. I have seen a similar spattering from a blow by a

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club, where there was no artery cut. If a blow strikes with sufficient force, on the head, or anywhere else, it will cause spattering in all directions. I have seen that repeatedly.
Q. What artery could be cut by the blow I have described, if any?
A. I would not want to answer that, because my anatomy is rather old. I do not remember all the arteries.
Q. You mean your knowledge of anatomy?
A. Yes Sir.
(Proof of the photographs by the photographer is waived. Mr. Adams can have duplicates of them.)
Q. There is a photograph which you see shows the wall of the room and the wall paper of that room which you looked into.
A. Yes Sir.
Q. Assuming that the position of the person is practically like that you see before you, with the head a little higher upon the arm, might not the blow I have described, have cut an artery which would have spurted and made spots upon the wall paper immediately over head?
A. Made part of them I should think, yes.
Q. Others you think might have been made by being spattered from the instrument that was used in the assault?
A. I should think that was amore plausible explanation of some of them, particularly those on the picture glass and frame and those at any distance must have come from spattering. They could not have come from an artery spurt.
Q. You mean by spattering, thrown from the instrument that was used in the assault?
A. Spattering from the blow, the same as spattering takes place when you throw a stone into a mud

puddle, spattering in all directions.
Q. The wound was bleeding, and every subsequent blow would make the blood spatter?
A. Yes Sir.
Q. The rest of the blood would fall from the instrument that made the repeated blows?
A. Yes Sir, if there was enough of it.
Q. Have you made any experiments, or are you familiar with the disposition of blood spots as they strike surfaces, so you can tell in a general way the direction from which they came?
A. You can sometimes.
Q. Assuming that the person stood behind, the assailant stood behind the person upon the sofa, and the blow was struck from behind, and blood came from the instrument which was making the assault, and struck the wall or the paper, what would be the shape--- if I do not put the question too general--- what would be the shape of those blood spots upon the paper?
A. More or less elongated, and in the direction away from the point

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from which the blood flew, whether it flew from the head or wound, or whether it flew from the instrument. It would be away from the point at which the blood left its original position before it flew. Then in addition to that, it would be an elongated stain, more or less, according to circumstances, and the coagulated blood is usually at the distant end, that is the farther end of the stain, from the object from which it came.
Q. That is to say, some of these spots that you saw were sort of pear shaped?
A. Yes Sir.
Q. The big end of the pear would be the farthest from the object?
A. It might be the little end, but it would contain generally the heaviest part of the blood. But the appearance upon the wall of the pear shape would not necessarily bring the larger end towards the spot. Sometimes the blood sort of skips, as you skip a stone on the water, and it leaves a smallish stain beyond the larger one, where the blood spot first touched. That gives it sometimes an appearance as though the smallest part of the blood stain was at the farther end. Usually, though, if it all makes one battledoor shaped spot, the heaviest part of the blood is at the larger end which is away from the point at which the blood originated.
Q. You mean larger in size?
A. Larger in extent, and containing the heaviest portion of the blood.
Q. That is farther away from the point of contact, the blow?
A. Yes Sir. Then if the force with which the blood flies is strong enough, there will be a little skip, and make a smaller one beyond, and perhaps it will be carried beyond.
Q. Did you weigh this ax?
A. I did not.
Q. Did you measure the handle?
A. Yes.
Q. The hatchet that is produced?
A. Yes. I have a record here of it, somewhere. I did measure it, but here is a little foot rule. (Measures.) It is just a foot from the head.
Q. From the head, the outer end?
A. 14 inches.
Q. From the end of the handle to the end of the helve in the head?
A. Yes Sir.

Q. Are there any changes in that since you have had it?
A. Only what I have done by scraping it a little.
Q. The edges &c?
A. I have scraped off some of these stains. There is an accumulation there on the inner edge of both sides. This I have called right hand, I have marked it with an R; that is my mark simply to designate what I

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term right, and what I term left.
Q. What causes the coagulation of blood?
A. It is the fibrene it contains, or albumen.
Q. When does it most rapidly coagulate?
A. After leaving the body.
Q. On exposure to the air?
A. Yes Sir, very quickly.
Q. It would not coagulate then in a vacuum?
A. I have forgotten whether it would or not.
Q. There would be no exposure to the air in a vacuum, if it was a proper vacuum?
A. No.
Q. Can you tell from the appearance of blood after it has left the body, by its coagulation, with any definiteness, the length of time that a person has been dead?
A. I hardly feel competent to answer that question. A wound looks a little differently, more glazed over, as I remember.
Q. I am asking about the blood itself.
A. You could tell something by the extent to which a stain had dried. Take a pool for instance; if it was dried more and soaked into a fabric on which it was, more, you could tell whether it was absolutely fresh or not.
Q. Could you tell within a half an hour, with any definiteness, from the appearance of the blood on the clothing, how long the person had been dead, suppose it was on a wound, or carpet or any fabric?
A. You could tell whether it was put there freshly, or an hour or two old.
Q. Could you tell within a half an hour of the time?
A. I do not think you could tell within a very few minutes.
Q. Would similar blood coagulate more rapidly at some times than others, after it had left the human body, depending somewhat upon the temperature and weather?
A. Practically it would be the same time.
Q. Practically the same?
A. Yes Sir.
Q. Have you examined any of the spots in the house, or any of the pieces that have been taken from the house, with reference to the blood on them?
A. I have just mentioned those on the carpet.
Q. I said the pieces of the house, the wood work on the door or walls?
A. No Sir I have not.
Q. (Producing bits of wood.) Have you any glass with you by which you could make a sort of an examination of this wood work, anything by which you could make a test here?
A. I have simply a condensing lens by which I could tell whether it looked like blood or not; that is

all.

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Q. Do you remember the room in the house called the kitchen?
A. I was in that.
Q. And its relative location to the room in which Mr. Borden was found, where you were shown the paper?
A. Yes Sir.
Q. You recollect there was a door leading from that into the kitchen?
A. Yes Sir. I just mentioned that door frame.
Q. You noticed in the little bit of moulding that went up, making the frame work, a little spot of blood?
A. Yes Sir.
Q. That was a spot of blood, taking into account the situation of Mr. Borden on the sofa, from the direction of his head, over his feet, towards the door?
A. Yes Sir, it was about seven feet away.
Q. Have you formed any theory as to the position in which the assailant stood when the blow was given?
A. There was only one thing that would throw the slightest light on that to my mind, that was a long stain an inch and 3/4 or two inches long, on the dining room door frame.
Q. You saw that?
A. Yes Sir, that looked like a blood stain. It struck me it would have been impossible for that stain to have been made, except from a point somewhere in the dining room. It is only guess work. It occurred to me that probably it fell from the instrument which was used.
Q. And the person stood in the dining room when they were giving the blow?
A. Yes Sir, the first blow. That was the only thing which would throw, to my mind, any light on it.
Q. Do you recall this spot now presented to you on the dining room frame, as similar to the one you saw?
A. Yes Sir. It looked to me like blood at that time. There is no light here. What I want to get is sky light. (Mr. Wood goes to the window in the next room, and looks at the spot.) It does not look like a blood stain to me now.
Q. What does it look like?
A. I do not know.
Q. Tobacco?
A. I do not know; it is a yellowish stain.
Q. Look at that with the glass (fourth hatchet), and see if you see any appearance of blood upon that.
A. I could hardly do that in five minutes, to go over it carefully at all. I probably spent six or eight hours on that other hatchet. From a rough examination, I do not see anything, except on the head here; and iron rust always looks like blood.
Q. Is there anything upon the hatchet that you see there now, that

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indicates anything but dust and rust?
A. No Sir, I do not see anything now.

(Mr. Knowlton) Regard that as put in your charge now, and take charge of it from this time up.
Q. Did you observe the parlor door, which was the door opposite the head of the sofa?
A. Yes Sir.
Q. Were there any spots upon it then?
A. Yes Sir.
Q. Did you examine those spots in a way to get a general notion of their situation and appearance?
A. I looked at them.
Q. Would those spots, taking the theory that you have advanced, naturally come there in consequence of a blow stuck by a person standing inside the dining room?
A. They might have. They might have come from the position here, on the head of the lounge or sofa.
Q. Is there anything to conflict with the theory that the assailant, whoever it was that gave these blows, stood behind, and inside the sitting room?
A. I know of nothing, except of course they could not have passed through the assailant's body. The assailant stood between that and the door.
Q. That the spots could not?
A. No, the blood that made the spots.
Q. Suppose it was lifted, and rained down upon the body of Mr. Borden they might have gone over the head of the assailant, and gone upon the parlor door?
A. Yes Sir.
Q. That would be a natural thing to happen?
A. Yes Sir, if the assailant stood between the door and the body.
Q. From your knowledge of the flowing of the blood, would not you think it would be natural and probable that the assailant would receive more or less blood upon his person and clothes?
A. I should say it was impossible for him not to.
Q. They would naturally come upon what part of the body? Assuming that the assailant stood in the rear and behind the head of this sofa; what part of the body would naturally be covered by spots?
A. Any part. I should think any of the upper part of the body.
Q. Hands, clothes, neck, face, hair, or anything that was exposed about the locality of the head of the sofa?
A. Yes Sir.
Q. There is a photograph (No. 3) which represents the front chamber which you visited, where Mrs. Borden is lying upon her face. You observe the wounds upon the back of the head there, the right half of the back of the head?

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A. I cannot see the head here at all.
Q. Assuming that the wounds were upon the right half of the back of the head, and on the right side of the head, on the right of the line drawn through the center of the head diagonally from the center toward the back, and on the right half of the head; how should you say the person would have to stand delivering such blows?
A. Over the body.
Q. And in standing over the body, would it be possible for the assailant to deliver those blows without getting spattered with blood?
A. I should think not.
Q. Standing as you imagine those blows must have been given, the blood would hit what portion of the assailant's body?

A. Anywhere from the knees up, more particularly.
Q. In other words, they would be exposed to the same opportunity for being spattered with blood that the assailant of Mr. Borden was down stairs?
A. Yes Sir, only in this case, there would be apt to be more staining, or more blood stains on the lower portion of the body than the upper, than in the case of Mr. Borden; that is simply on account of the position of the victim.
Q. That would be upon the waist or shoulders?
A. Anywhere above the feet.

RE-DIRECT.

Q. (Mr. Knowlton) Was there anything in the appearance of the stomach that indicated anything abnormal or irregular in the process of digestion?
A. No Sir.
Q. Or interruption?
A. No Sir.
(Mr. Knowlton) I will now put into your hands that, before I forget it, and all the things here. They are the things we have already produced in the case, and also that piece of plastering.
(Mr. Jennings) We concede that is a blood spot on the plastering. We want it to remain in the position it is. I am willing to deposit this in the custody of the court, and have it remain here. It is a piece of plastering on which I wish the spot to remain in the same place it is now.
(Court) Are you willing to concede it is human blood?
(Mr. Jennings) Yes Sir.
(After a little discussion, the Court rules it must be left in the custody of the Court, and no assurance is given as to what shall become of it.)
(Court) Is it easy to efface blood stains from a hatchet, or the handle of a hatchet, with water, when they are fresh, so that there would be no indication of the stain left?
A. O, certainly, it is possible to wash it off.

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(Mr. Adams) You say it is possible; is it easy?
A. I answered that.
Q. You said it was possible?
A. Yes Sir.
Q. Is it easy?
A. It depends entirely upon what the surface is.
Q. From wood?
A. If the wood is polished and hard it can be washed off very quickly.
Q. Take that particular helve, would it be easy to wash blood off of that?
A. It would this part, but it is not in there, and it would not be easy to wash it out from all these holes in the end; and in between the helve and the head where these deep cracks are, which I have very carefully examined, it would be a very difficult matter.
Q. You say you have examined into these deep cracks, and all about the head, and there is no blood there whatever?
A. No Sir.
(Mr. Jennings) We have concluded to surrender this to the custody of the Court, but I should like,

before anything is done with it, to have the opportunity to file a motion that this be left in the custody of the Court, and it be heard upon it.

(Mr. Adams) It is to remain in the Court until we have a chance to be heard.

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JAMES WINWOOD.

Q. (Mr. Knowlton) What is your name?
A. James Winwood.
Q. You are an undertaker?
A. Yes Sir.
Q. Did you have something to do with the bodies of Andrew J. Borden and Mrs. Borden?
A. I had charge of them, yes sir.
Q. Were you the one who removed the effects from the body?
A. I took the things out of Andrew J. Borden's clothes.
Q. Did you give whatever you took to Dr. Dolan?
A. I did.
Q. Without bothering to produce them, will you kindly tell me what they were, in the shape of valuables?
A. I think there was $78. in bills in the pocket book.
Q. In a pocket book?
A. Yes Sir.
Q. What pocket was that pocket book in?
A. In the inside pocket in the coat, I should think.
Q. In the coat pocket?
A. Yes Sir, inside pocket, inside the coat.
Q. Not inside the vest. What else in the shape of valuables?
A. In that pocket there was some minor papers, which we did not examine into, just opened them, and saw there was no more money in there, or notes. That is all we examined for.
Q. There was a watch and chain?
A. Yes Sir, in his vest.
Q. Anythingelse?
A. In his pants pockets some loose change, two or three dollars in silver.
Q. What size bills were these?
A. I think about $5.
Q. All in bills?
A. Yes Sir.
Q. Whatever you took, you turned over to Dr. Dolan, the Medical Examiner?
A. Yes Sir.
Q. Did you find anything valuable in her pockets?
A. I did not have anything to do with her pocket at all.

(Some things are brought in wrapped in a handkerchief.)

CROSS-EXAMINATION.

Q. (Mr. Jennings) Were these keys all upon the ring?
A. I do not remember; I should think they were; but I would not be positive about it.

Q. Did you not find either of the keys loose in his pocket?
A. I could not say; I do not recollect.

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Q. You do not remember whether you put any of the keys on the ring after you found them, or not?
A. I did not put any of them on the ring.
Q. So all the keys that are on the ring now, so far as you know, were there when you took them from his pocket?
A. They were.
Q. Do you recollect whether you found either of the keys in his vest pocket?
A. I should say not.
Q. You think they were all in his pants pocket?
A. Yes.
Q. Did you personally attend to preparing the bodies for burial?
A. I did.
Q. Can you give us any description of the wounds upon Mr. Borden's face, as to the direction?
A. Well, I should think they were given from behind; as I looked at them, I judged they were.
Q. As to the direction of the wound, whether it was right straight up and down, or whether it slanted in towards the nose?
A. This first wound went down there, right down straight through, a very clean cut; it was not ragged at all, just one clean cut.
Q. Where was it?
A. A little more than half way the upper part of the nose.
Q. About at the bridge of the nose?
A. About.
(Court) On that side of the nose?
A. On the side that was up.
Q. On the left side?
A. Yes Sir.
Q. How far did that extend?
A. Right down through the chin, right through on the same side.
Q. Was there any other long cut upon his face?
A. The other cuts were so close together, I should say two or three of them were almost as long as that.
Q. Two or three others?
A. Yes, almost as long as that cut, perhaps not quite.
Q. Did you at any time receive permission from Dr. Dolan to bury the bodies?
A. Well, he delivered the bodies to me.
Q. When?
A. That afternoon, about half past five.
Q. For burial?
A. I presume it was for burial; there was not anything said about what it was for.
Q. What did he say when he delivered them to you?

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A. Dr. Tourtellot asked me if Dr. Dolan had given me charge of the bodies. I said no. The Doctor came along a few minutes afterwards, I said to him "are you through with the bodies?"
Q. You said to whom?
A. Dr. Dolan.
Q. Said what?
A. I asked him if he had finished, if he was through with the bodies?
Q. What did he say?
A. He said, "yes, you may take them now."
Q. Anythingelse?
A. That is all.
Q. Now when was that?
A. Well, I should think it was about half past five.
Q. What day?
A. The day of the murder.
Q. August 4th?
A. Yes.
Q. Did you have any communication from him after that in regard to the burial of the bodies?
A. I did the morning of the funeral.
Q. What day was that?
A. Saturday.
Q. When Saturday?
A. One of my assistants came to Mr. Borden's house, I should think after nine o'clock, perhaps half past nine.
Q. Saturday, somewhere about nine o'clock?
A. Yes Sir.
Q. What were you notified then?
A. I was notified not to bury them.
Q. But between the time of having the bodies turned over to you by Dr. Dolan, and nine o'clock Saturday morning, had you proceeded to prepare the bodies for burial?
A. I had.
Q. And were they all prepared for burial?
A. They were.
Q. Do you know whether Dr. Dolan knew that you were preparing them for burial?
A. I do not know.
Q. Did you see him up in the house there, while you were engaged in it?
A. The only time I saw him, I went in with him on Friday night.
Q. Went in with him where?
A. Into the room where the bodies were.
Q. Were they then in the caskets?
A. No. They were on boards; they were not prepared then.

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Q. Was anything said about burying them then?
A. No Sir.
Q. He did not notify you not to bury them?
A. No Sir.

JOHN DENNIE.

(Mr. Knowlton) What is your name?
A. John Dennie.
Q. What is your business?
A. Stone cutter.
Q. At any time were you employed in the yard of Mr. Crowe?
A. Yes Sir.
Q. Do you remember the day of this tragedy?
A. Yes Sir.
Q. Were you employed there that day?
A. Yes Sir.
Q. What part of the day?
A. From quarter to seven to five o'clock.
Q. You went away at dinner?
A. I went into the barn.
Q. You remained on the premises?
A. Yes Sir.
Q. What time did you take your dinner?
A. 12 o'clock.
Q. What part of the yard were you in?
A. On the east end of it, on the Third street side.
Q. Near Third street; or near the rear?
A. Close to Third street; the fence was between me and the sidewalk.
Q. That fence separates the Crowe premises from what other premises?
A. From Third street.
Q. Were you anywhere near the north fence, or were you nearer the south fence of the Crowe property?
A. Nearer the south fence.
Q. Of the Crowe property?
A. Yes Sir.
Q. Were you in a position to see the Chagnon yard?
A. I could not see the Chagnon yard from where I was.
Q. Could you see the Borden yard?
A. Not unless I stepped out in front of the shed.
Q. Where you were, you could not see the Borden yard?
A. Yes Sir.
Q. Could you see the Crowe yard?
A. Yes, I was in it.
Q. How much of the Crowe yard could you see?
A. All the way up from the fence that divided it from Dr. Kelley's.

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Q. That is the rear fence?
A. Yes Sir.
Q. At any time did you see any person passing through or from Kelley's yard, so far as you could see?

A. No Sir, nothing but the men that were going out and in there.
Q. The people who were at work there?
A. Yes Sir.

CROSS-EXAMINATION.

Q. (Mr. Jennings) In between where you were working and the Chagnon yard, was there a large building or barn?
A. Barn?
Q. Right between you and the Chagnon yard?
A. No, there was 20 feet of a fence that runs out.
Q. Running from the barn down to Third street?
A. Yes Sir.
Q. Then the barn occupied the rest of the space?
A. Yes Sir; it forms the line.
Q. You could not see over that fence at all?
A. No Sir.
Q. In order to see over into the Borden yard, you would have to come out to Third street, and go to the West, and go by the corner of this barn, would you not?
A. Yes Sir.
Q. You could not see what took place in the Crowe yard, back of that barn, could you, to the west of that barn?
A. No Sir.
Q. All you could do would be to look up this lane directly towards the west?
A. Through to Second street, the gap in the fence.
Q. So the biggest part of the Crowe yard was hidden from you when you were in there?
A. Yes Sir, except what was immediately in front of me.
Q. Did you see Mr. Wixon over there?
A. Yes Sir.
Q. Was it before you stopped work at noon?
A. Yes Sir.
Q. It was before 12 o'clock, was it?
A. Yes Sir.
Q. Did you see him get over the fence?
A. No Sir. He stood in the gap in the fence.
Q. You did not see him come through the Borden yard, and dont know how he got into the Crowe yard?
A. No Sir.

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PHILIP HARRINGTON.

Q. (Mr. Knowlton) What is your name?
A. Philip Harrington.
Q. Any middle name?
A. No Sir.
Q. You are a police officer, Mr. Harrington?
A. Yes Sir.
Q. When was your attention first called to this matter?
A. At noon of the fourth day of August. I was at home at dinner.
Q. Did you go there?
A. Yes Sir.
Q. How soon did you go?
A. I took the next car down town which left at the City Hall twenty minutes after the hour, after 12. I got off the car at the corner of Rodman and Second street and hurried down towards the Borden house.
Q. You live up at the south end?
A. Yes Sir. I got there about twenty minutes past 12.
Q. I had the impression those came on the quarter?
A. Not my way.
Q. When you got there, who did you find there?
A. There was quite a large crowd in front of the house. The first person I saw that I recognized, was Officer Hyde. I went in through the gate that leads directly to the front door. I walked along the yard north. Right in front of the gate that leads into the house was Officer Hyde. I said to him-----. I went then to the rear, the side door on the north side, and saw Mr. Sawyer. He allowed me to pass through. I saw Officer Devine and quite a number in the kitchen, I do not know how many, and I do not recollect who they were. I asked a question, and the consequence was I went into the sitting room. The door was shut, I opened it, and went in. On the lounge, with the head towards the west, was a form partially covered with a sheet.
Q. You found the body of Mr. Borden?
A. I could not recognize who it was.
Q. Why could you not recognize who it was?
A. It was marked so.
Q. Any other part but the face?
A. That is all, sir. Then I went out through the front hall up stairs. In going up I turned towards

the door on the north side of the hall way; and under a bed on the other side, I saw a form of a woman.

Q. You saw Mrs. Borden?

A. I continued up stairs, and saw the woman laid out there.

Q. Then what did you do?

A. I then turned and came back again to the hall, and met officer Riley and officer Co----- standing on the threshold of the door which

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leads into the store room. I stepped into the hall to a door on the east, which was partially open. Through that door I saw Miss Lizzie Borden and Miss Alice Russell inside the room. I walked into the room and told Miss Borden I would like to speak to her about this matter. As I went in, I shut the door to, Miss Russell got hold of it and closed it completely. Miss Russell stood beside a chair close to the door by which I entered on the north side. Miss Borden stood at the foot of her bed which runs diagonally across the room, or cross ways. She stood at the north west corner at the foot.

Q. Who did?

A. Miss Lizzie Borden. I asked her if she could tell me anything about this crime. She said "nothing at all."

Q. What was her appearance at that time?

A. Shall I characterize the way she looked or acted?

Q. I do not want you to give any argumentative terms; describe her exact appearance.

A. She was cool and collected, and stood erect without any support at all. She said she could tell me nothing at all. I asked her if she could tell me anything about this. She said she could tell me nothing at all. I then asked her when she last saw her father. She said when he returned from the post office, he had some mail. "I asked him had he any mail for me; and he said no." Then I asked her who was in the house at the time she saw him murdered. She said there was nobody there that she knew of but the girl, Maggie, and herself. She called her Maggie. I asked her where she was at the time the murder was committed. She said in the barn. I then asked her if she had any suspicion of the farm help; that was owing to what I had heard, the reason I asked that was from something I heard. She said "no, they are reliable men, and have been in our employ for several years." So I asked her then if she had any suspicion of anybody. She said no. Then I asked her how long she was in the barn. She said twenty minutes. I asked her, could she give the exact time. She said twenty minutes. I said "is it not hard to fix the exact time; was it not half an hour?" She said, no, it was 20 minutes. I said possibly it was 15. She said no it was 20 minutes I was in the barn. I then told her I thought it would be well for her to be careful what she said at this time, owing to the excitement. I said perhaps on the morrow she would be in a better frame of mind to give a more clear statement of the facts as she knew them. She made a curtesy, and said "no, I can tell you all I know now just as well as at any other time." I then asked her if her father had any person that she would consider an enemy, that she knew of. She said no. I asked when she was going to or from the barn, did she see anybody in the yard or around the yard, did she see anybody pass by the front of the yard, or come towards the house. She said "no, I did not." I said the barn is not a great distance from the house. She said no sir. Said I, it

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being such a short distance to the screen door, anybody making a noise, whether, being open or shut, would you not hear it, and why not. She said "well, I was up in the loft." I says "while in the loft, did you hear any noise in or about or around the yard, or see anybody in the yard?" She said no sir. I then asked her to be very careful to recollect if there was anybody she had any suspicion of. I says "no matter how insignificant it may appear to you, or how remote it may be from the present time, it may be of great importance to the police in ferreting out this matter, and however light it is, you will please let me know." Then she said several weeks ago there was a man called to see father, and they before parting had very angry words, the conversation became very animated. Says I "what was it about?" She said it was about a store. I says "did you see this man?" "No Sir". I asked her then how she knew that they had animated conversation and grew angry. She says "they were in one room and I was in another, and I overheard part of the conversation." "What was it"? "I heard father say, no sir, I will not let my store for any such business. He then went away." I asked her did she see him coming to or going from the house. She said no sir. She said he came back here two weeks ago, and they had another conversation, a part of which she overheard. Before they got through, she said they got quite angry again; but finally before they finished, father said, when you are in town again, come, and I will let you know more about it; so they parted. She did not see them part, but it was the last she heard, she said. Then said I, he must be a man from out of town. Well, she says "I should judge so." Then you do not know?" She said no. Then said I "perhaps it will be well, Miss Borden, for you not to submit to any further interview today, and tomorrow you may recollect of having seen this man, having heard his name, or of having heard your father say something about it"; so I said "it will be well perhaps for you not to submit to any further interview today."

Q. Is that all?

A. I think there was somethingelse there. I asked her then if she heard her father say anything at all about it. She said no sir. I think that was about the end.

Q. Then where did you go?

A. I then started down stairs. O, while standing there talking to her, Miss Russell during the early part of the conversation, stood up, not very long, perhaps two minutes, and she sat down in this chair which was directly behind her. She was very pale, if I may be allowed to----

Q. I do not know as I care for Miss Russell's appearance. What did you do then?

A. I then went down stairs through the front hall, through the sitting room and into the kitchen. As I entered the kitchen, I saw several officers, I cannot recollect them now, because I did not pay much attention to them, being so accustomed to see them around, one of

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them I think was Devine again. Dr. Bowen stood there close by the stove. I walked by him to the east---

Q. This does not in any way effect Dr. Bowen. For any reason did you look in the stove?

A. Not at all.

Q. Not at all? What did you see in the stove?

A. I was going to tell what he had in his hand. When he took the cover off the stove, the fire was very low, and there appeared to be, or there was, rather larger coal, or larger remains of something that appeared to be burnt paper, and it was quite large. I should say quite large judging from the size of the stove, comparatively speaking.

Q. Why did you say it looked like burnt paper?

A. Because I have seen burnt paper before, that is all the reason.
Q. Where was it?
A. On the back part of the fire place, or the fire part, whatever you call it, the fire part of the stove.
Q. You mean the place where the fire is?
A. Yes Sir.
Q. What sort of a fire was it that there was there?
A. I could not swear that, but there was a small red spot down in the center.
(Mr. Adams) Not a blood spot.
A. A small spark of fire there that looked to me like coal, but that I would not swear to.
Q. You could not tell whether it was a coal or wood fire?
A. No Sir; but that is the impression I had at the time, it was coal.
Q. Did you go into the barn?
A. Yes sir.
Q. Go into the second story?
A. Yes Sir.
Q. How high was that, give a general idea of it as near as you can. Nobody has described that yet.
A. Shall I tell all my experience in the barn?
Q. Yes, if you please.
A. I went up to the barn about three o'clock, I am not certain about the time. I was so pushed that day, I did not pay much attention to the time after that. On the ground floor was Marshal Hilliard, Riley, Connors, Doherty, and a man named O'Toole. The marshal gave orders to search that barn, and search it thoroughly. We began work, and he with us. It contained an old sleigh and two carriages.
Q. This was down stairs?
A. Yes Sir, a number of barrels, and quite a number of old window frames, some containing glass, and others not. We searched all around there, without finding anything we thought necessary to take. Then the Marshal and I went up stairs. When we got there, I saw officer Conners, Riley and Doherty, they had preceeded us, but I did not see them go up. We stood there a little while. The Marshal gave orders

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to search that barn thoroughly, and pitch all the hay over. It was a common barn, with a barn roof, and from the eaves to the floor perhaps it is five feet or five feet and a half. It then runs up to an angle perhaps 12 feet, maybe a little more.
Q. 12 feet from the floor?
A. Yes Sir, up to a point.
Q. 12 feet high in the middle?
A. Yes, maybe 15.
Q. How large a room is it?
A. It is a room perhaps 25 feet, maybe more, maybe 30 feet.
Q. If it is the entire length and width of the barn, the plan will give it?
A. Yes Sir.
Q. What windows are there?
A. On the east, and one on the west, and in the middle of the barn facing the south there is a door; that was open when I got there.
Q. How were the windows, shut or open?

A. The window on the west was open.
Q. Towards the front?
A. Yes. And I think, but I am not certain, that some of the men opened the window on the east to get air. It was very warm up there.
Q. That was three o'clock in the afternoon?
A. Yes Sir. There was a pidgeon loft on the east end of the barn, up above the window.
Q. Was there hay in the barn?
A. Yes sir, considerable hay.
Q. How much?
A. Close to half a ton.
Q. Anythingelse in the loft of the barn?
A. Yes Sir, a lot of old grass there that did not seem to be cured properly, such stuff as they use for bedding, it had the appearance of sea grass. There was an old fire place that stood over in that north west corner, leaning against the side.
Q. Not that belonged to the barn?
A. No Sir, put away. This was more of a store room than a barn.
Q. This was up stairs?
A. Yes sir. In the south west corner was piled a lot of old lumber odds and ends. On top of that there were three or four racks such as are used to hold peonies up when growing, painted green. These racks were on the east side of the door, that was the south door. On the east side of that door, between that and the stairway was another pile of lumber, and a box which contained straw, I thought it was a box that at one time had had glass packed in it.
Q. Was there a bench there?
A. I think not. This may have been a bench that I called a pile of lumber, but if it was, there was a lot of odds and ends of lumber put on top of it. I am not positive about that.

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Q. Mr. Adams and I agree there was one there.
A. The hay lay on the north side of the barn, but there was quite a space from the end of the hay to the east end of the barn. The hay was pitched from where it was at that time towards the east until we got pretty well filled up, and then was pitched towards the west and south. When we had thoroughly gone through with that, we went down stairs into the yard, and under directions of the marshal we went through the cellar. In the cellar were Marshal Fleet, Dr. Dutra, another police officer and myself, I do not know who, but I think it was Devine, I am not positive about that. When we went into the wash room lying on the floor were two axes and a hatchet. I had seen another hatchet that day before which was not in that collection.

CROSS-EXAMINATION.

Q. (Mr. Jennings) When was this, Saturday?
A. Thursday, the afternoon of the murder.
Q. I thought you said you saw a hatchet the day before?
A. No, I saw a hatchet previous to that, earlier in the day.
Q. Where did you see the hatchets lying on the floor?
A. They were lying on the wash room floor, directly in front of the door that leads to the back yard, about three or four feet from the bottom step, three feet perhaps.

Q. Did you make any examination of them?
A. No Sir, I did not.
Q. Were they hatchets or axes, or both?
A. One hatchet and two axes; the other was missing, but we found it afterwards.
Q. This was at what time in the afternoon?
A. I think I went there about three o'clock; but I lost all reckoning of time that afternoon, because I was too busy.
Q. Was it about half past four or five?
A. It was not as late as that.
Q. About four?
A. Possibly.
Q. Did you hunt for the other hatchet then?
A. Yes Sir.
Q. Where did you find it?
A. In the front cellar at the west end of the house.
Q. In the west end of the house?
A. Yes Sir.
Q. The west end or east end?
A. The west end. Those were in the east end, in the wash room.
Q. I thought they were in the laundry, in the south east room?
A. Yes.
Q. Where was this other hatchet?
A. It was at the west, down near the coal cellar.
Q. As you came from the laundry towards the west end of the house, on which side of the passageway was it?

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A. It was just to the right, at the end as you went to the coal cellar.
Q. Was it before you got to the coal cellar?
A. Just at the entrance.
Q. Wherebouts there?
A. It was lying on a block there.
Q. On a large block that stands up there?
A. A block that is commonly used for chopping wood on.
Q. That is almost directly opposite the furnace?
A. A little further west, but not much, close by.
Q. Right by the side of the entrance into the coal cellar?
A. Yes Sir.
Q. What kind of a hatchet was that you found there?
A. As big as the hatchet I saw when I first entered the house, and resembled the one you had here this morning.
Q. What time was that?
A. I got there about 20 minutes past 12.
Q. You thought this was the same hatchet you saw then?
A. It looked like it.
Q. Where did you see that the first time?

A. As I came down stairs after a conversation with Miss Borden, I went into the kitchen, and somebody came in the kitchen there with three or four axes or hatchets in their hands, I think it was Dr. Dolan; about that I am not positive.
Q. Brought them up into the kitchen?
A. Yes. I am not certain about its being Dr. Dolan. That was the first I saw of them.
Q. Did you see him, or anybodyelse, examine those in the kitchen?
A. No Sir.
Q. Did he look them over at all?
A. Not in my presence.
Q. What did they do with them in the kitchen?
A. Dr. Dolan called me towards him, and gave me certain orders, and I obeyed them, and he left the room.
Q. What did you do in consequence of what he told you?
A. I watched two or three cans that were put in my care, to see that nobody disturbed them.
Q. What became of the axes and hatchets?
A. He disappeared, Dr. Dolan did; that is the last I saw of them. I did not see them after that until I went down cellar.
Q. Did they disappear when he did?
A. I do not know.
Q. Was that claw headed hatchet we had here this morning the one you found on the chopping block?
A. I cannot say about the one I found; it resembled it.
Q. It looks like the hatchet you found on the chopping block in the afternoon?
A. Yes.

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Q. About the same size and weight?
A. Yes Sir.
Q. Did it have a claw end?
A. Yes Sir.
Q. Is that the only claw end hatchet that you saw around the house?
A. Yes Sir.
Q. What did you do with it?
A. I took it from where I found it, and brought it back into the laundry, as you call it, the wash room. Marshal Fleet was there, he suggested---- He took the hatchet and we went into a room to the north of that, which contained some boxes and barrels, and he put it on a scaffold at the east of the door as you go in, behind some boxes.
Q. That is in the north east corner of the room that opens out of the laundry?
A. That is right.
Q. Now when you were talking with Miss Lizzie in her room, are you sure that she told you that her father told the man if he came to town, to come and see him again?
A. Positive, sir.
Q. Did not she say that the man said that he was coming to town, and he would see him again, if he did come to town?
A. No Sir.
Q. You are sure about that?

A. Yes Sir, because it was followed by saying "I will then tell you more about it."
Q. Which said that?
A. She said that her father said so.
Q. Did you make a memorandum of this conversation?
A. Notes of it, that is all.
Q. Took notes of it?
A. Yes Sir.
Q. Have you testified to it before?
A. No Sir, this is the first and only time.
Q. You did not testify at the Inquest at all?
A. No Sir.
Q. Have you a memorandum of that part of the testimony?
A. I have not it with me, no.
Q. Have you a memorandum of that part of it?
A. Yes Sir.
Q. Did you look at it before you testified this morning?
A. No Sir.
Q. So what you are testifying to this morning is simply your best recollection of the conversation, as it was given to you?
A. Yes Sir.

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Plaintiff rests.

(Mr. Adams) Before the defense proceeds with this case, I should like your Honor's ruling with reference to this. Some evidence here of a negative character has been offered as to an attempt to buy some prussic acid. Whether true or false, I desire to ask your Honor to rule that out of the record, as it does not pertain to this case. The defendant is charged with homicide of Mr. Andrew J. Borden with an ax, and that alone; therefore any evidence of any other form of, or attempted form of, killing, would not be pertinent to this case. I agree it is negative testimony, but I ask your Honor, before we proceed with our case, that that should be excluded, should be ruled out now. It is always in order to make such a motion as to evidence that has gone in, but that was understood de bene.

(Court) It was not admitted de bene.

(Mr. Adams) I ask this as a special ruling.

(Court) Does the government rely upon that testimony?

(Mr. Knowlton) Yes Sir. It does not follow because a man is charged with committing a crime in some other way, that an attempt was made to commit it in some other way, which failed for some reason, can not be shown. I do not care to argue the force or effect of the testimony at present.

(Mr. Adams) This testimony is absolutely negative in its character. There is no evidence tending to show that it was even an attempt. I ask your Honor, as a special ruling, to rule out that evidence, whatever it is, which has gone in here, as not being pertinent to the issue which we are trying, and not material. It does not go so far, even, as to prove an attempt, taking my brother's own reasoning, and it clearly ought not to be a part of, or to encumber the record.

(Court) I think it must stand for the present at least. It may be of no great importance or materiality, but I think the evidence must stand as it is, and I will hear the defence, such as it is. I think I must

decline the ruling that you ask.

ANNIE M. WHITE

Note: The testimony of Annie M. White is not included in the official Preliminary transcript. The following appeared in the Wednesday, August 31, 1892 edition of the *New Bedford Evening Standard*, page 8, col. 5.

The Stenographer on the Stand.

Annie M. White was the first witness. She said: I am the official stenographer of the courts of this county. I was present at the inquest and heard the testimony of Miss Lizzie A. Borden. I took notes of her testimony and have since transcribed them.

The witness was cross-examined. She said: I cannot tell who were present when Lizzie Borden testified. I know Mr. Seaver. Mr. Hilliard and Dr. Dolan were present. The statements that these people made, including that of a stranger present, were taken down by me. I made two copies of the testimony taken. I gave them both to Mr. Knowlton. That was the last I saw of them. The examination of Miss Borden was suspended once. At that time other witnesses were examined between the first and second time she was on the stand. I remember being here in the room with Mrs. Brigham, Miss Borden and Officer Harrington. The others were then out of the room. Some of them were in the judge's room. Mr. Knowlton was in that room. I know Miss Borden was at the inquest two days. Her examination was all the forenoon one day and not over an hour next day. The date of her last examination was Aug. 11. On refreshing myself from my notes I find that Miss Borden was at the inquest on the 9th, 10th and 11th. The examination on Wednesday was in the afternoon. On Tuesday she was perhaps an hour and a half engaged in testifying.

Mr. Adams said defence was willing to admit Miss White's report of testimony at the inquest provided defence can make its objection to what it deems irrelevant.

Lizzie's Testimony at the Inquest.

Miss White's report of the evidence taken at the inquest was then read by Mr. Knowlton. It was to the effect that Lizzie gave her name and said: My age is 32. My mother is not living. She died when I was 2 years old. My father and stepmother lived in the Second street house for 27 years.

I have no idea what my father was worth. I know part of the real estate he owns. Do not know about all of it.

Mr. Adams objected at this point on general grounds to admitting this evidence but he was overruled.

The report was further read by Mr. Knowlton**.**

Lizzie Borden's Inquest Testimony in its entirety as printed in the *New Bedford Evening Standard* of June 12, 1893 [the pagination of the Fall River Historical Society's archive of the Inquest has been retained]:

[47]

LIZZIE BORDEN

Q. (Mr. Knowlton.) Give me your full name.
A. Lizzie Andrew Borden.
Q. Is it Lizzie or Elizabeth?
A. Lizzie.
Q. You were so christened?
A. I was so christened.
Q. What is your age, please?
A. Thirty-two.
Q. Your mother is not living?
A. No sir.
Q. When did she die?
A. She died when I was two and a half years old.
Q. You do not remember her, then?
A. No sir.
Q. What was your father's age?
A. He was seventy next month.
Q. What was his whole name?
A. Andrew Jackson Borden.
Q. And your stepmother, what is her whole name?
A. Abby Durfee Borden.
Q. How long had your father been married to your stepmother?
A. I think about twenty-seven years.
Q. How much of that time have they lived in that house on Second street?
A. I think, I am not sure, but I think about twenty years last May.
Q. Always occupied the whole house?
A. Yes sir.
Q. Somebody told me it was once fitted up for two tenements.
A. When we bought it it was for two tenements, and the man we bought it of stayed there a few months until he finished his own house. After he finished his own house and moved into it there was no one else ever moved in; we always had the whole.
Q. Have you any idea how much your father was worth?
A. No sir.

Q. Have you ever heard him say?
A. No sir.
Q. Have you ever formed any opinion[?]
A. No sir.
Q. Do you know something about his real estate?
A. About what?
Q. His real estate?
A. I know what real estate he owned, part of it; I don't know whether I know it all or not.
Q. Tell me what you know of.
A. He owns two farms in Swanzey, the place on Second street and the A. J. Borden building and corner, and the land on South Main street where Mc Mannus is, and then a short time ago he bought some real estate up further south that formerly, he said, belonged to a Mr. Birch.

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Q. Did you ever deed him any property?
A. He gave us some years ago, Grandfather Borden's house on Ferry street, and he bought that back from us some weeks ago, I don't know just how many.
Q. As near as you can tell.
A. Well, I should say in June, but I am not sure.
Q. What do you mean by bought it back?
A. He bought it of us, and gave us the money for it.
Q. How much was it?
A. How much money? He gave us $5,000 for it.
Q. Did you pay him anything when you took a deed from him?
A. Pay him anything? No sir.
Q. How long ago was it you took a deed from him?
A. When he gave it to us?
Q. Yes.
A. I can't tell you; I should think five years.
Q. Did you have any other business transactions with him besides that?
A. No sir.
Q. In real estate?
A. No sir.
Q. Or in personal property?
A. No sir.
Q. Never?
A. Never.
Q. No transfer of property one way or the other?
A. No sir.
Q. At no time?
A. No sir.
Q. And I understand he paid you the cash for this property?
A. Yes sir.
Q. You and Emma equally?
A. Yes sir.
Q. How many children has your father?

A. Only two.
Q. Only you two?
A. Yes sir.
Q. Any others ever?
A. One that died.
Q. Did you ever know of your father making a will?
A. No sir, except I heard somebody say once that there was one several years ago; that is all I ever heard.
Q. Who did you hear say so?
A. I think it was Mr. Morse.
Q. What Morse?

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A. Uncle John V. Morse.
Q. How long ago?
A. How long ago I heard him say it? I have not any idea.
Q. What did he say about it?
A. Nothing, except just that.
Q. What?
A. That Mr. Borden had a will.
Q. Did you ask your father?
A. I did not.
Q. Did he ever mention the subject of will to you?
A. He did not.
Q. He never told you that he had made a will, or had not?
A. No sir.
Q. Did he have a marriage settlement with your stepmother that you knew of?
A. I never knew of any.
Q. Had you heard anything of his proposing to make a will?
A. No sir.
Q. Do you know of anybody that your father was on bad terms with?
A. There was a man that came there that he had trouble with, I don't know who the man was.
Q. When?
A. I cannot locate the time exactly. It was within two weeks. That is I don't know the date or day of the month.
Q. Tell all you saw and heard.
A. I did not see anything. I heard the bell ring, and father went to the door and let him in. I did not hear anything for some time, except just the voices; then I heard the man say, "I would like to have that place, I would like to have that store. Father says, "I am not willing to let your business go in there." And the man said, "I thought with your reputation for liking money, you would let your store for anything." Father said, "You are mistaken." Then they talked a while, and then their voices were louder, and I heard father order him out, and went to the front door with him.
Q. What did he say?
A. He said that he had stayed long enough, and he would thank him to go.
Q. Did he say anything about coming again?
A. No sir.
Q. Did your father say anything about coming again, or did he?

A. No sir.
Q. Have you any idea who that was?
A. No sir. I think it was a man from out of town, because he said he was going home to see his partner.
Q. Have you had any efforts made to find him?
A. We have had a detective; that is all I know.
Q. You have not found him?
A. Not that I know of.
Q. You can't give us any other idea about it?

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A. Nothing but what I have told you.
Q. Beside that do you know of anybody that your father had bad feelings toward, or who had bad feelings toward your father?
A. I know of one man that has not been friendly with him; they have not been friendly for years.
Q. Who?
A. Mr. Hiram C. Harrington.
Q. What relation is he to him?
A. He is my father's brother-in-law.
Q. Your mother's brother?
A. My father's only sister married Mr. Harrington.
Q. Anybody else that was on bad terms with your father, or that your father was on bad terms with?
A. Not that I know of.
Q. You have no reason to suppose that man you speak of a week or two ago, had ever seen your father before, or has since?
A. No sir.
Q. Do you know of anybody that was on bad terms with your stepmother?
A. No sir.
Q. Or that your stepmother was on bad terms with?
A. No sir.
Q. Had your stepmother any property?
A. I don't know, only that she had half the house that belonged to her father.
Q. Where was that?
A. On Fourth Street.
Q. Who lives in it?
A. Her half-sister.
Q. Any other property beside that that you know of?
A. I don't know.
Q. Did you ever know of any?
A. No sir.
Q. Did you understand that she was worth anything more than that?
A. I never knew.
Q. Did you ever have any trouble with your stepmother?
A. No sir.
Q. Have you, within six months, had any words with her?
A. No sir.

Q. Within a year?
A. No sir.
Q. Within two years?
A. I think not.
Q. When last that you know of?
A. About five years ago.
Q. What about?
A. Her stepsister, half-sister.
Q. What name?

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A. Her name now is Mrs. George W. Whitehead.
Q. Nothing more than hard words?
A. No sir, they were not hard words; it was simply a difference of opinion.
Q. You have been on pleasant terms with your stepmother since then?
A. Yes sir.
Q. Cordial?
A. It depends upon one's idea of cordiality, perhaps.
Q. According to your idea of cordiality?
A. We were friendly, very friendly.
Q. Cordial, according to your idea of cordiality?
A. Quite so.
Q. What do you mean by "quite so"?
A. Quite cordial. I do not mean the dearest of friends in the world, but very kindly feelings, and pleasant. I do not know how to answer you any better than that.
Q. You did not regard her as your mother?
A. Not exactly, no; although she came there when I was very young.
Q. Were your relations towards her that of daughter and mother?
A. In some ways it was, and in some it was not.
Q. In what ways was it?
A. I decline to answer.
Q. Why?
A. Because I don't know how to answer it.
Q. In what ways was it not?
A. I did not call her mother.
Q. What name did she go by?
A. Mrs. Borden.
Q. When did you begin to call her Mrs. Borden?
A. I should think five or six years ago.
Q. Before that time you had called her mother?
A. Yes sir.
Q. What led to the change?
A. The affair with her stepsister.
Q. So that the affair was serious enough to have you change from calling her mother, do you mean?
A. I did not choose to call her mother.
Q. Have you ever called her mother since?
A. Yes, occasionally.

Q. To her face, I mean?
A. Yes.
Q. Often?
A. No sir.
Q. Seldom?
A. Seldom.
Q. Your usual address was Mrs. Borden?
A. Yes sir.
Q. Did your sister Emma call her mother?

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A. She always called her Abby from the time she came into the family.
Q. Is your sister Emma older than you?
A. Yes sir.
Q. What is her age?
A. She is ten years older than I am. She was somewhere about fourteen when she came there.
Q. What was your stepmother's age?
A. I don't know. I asked her sister Saturday, and she said sixty-four. I told them sixty-seven; I did not know. I told as nearly as I knew. I did not know there was so much difference between she and father.
Q. Why did you leave off calling her mother?
A. Because I wanted to.
Q. Is that all the reason you have to give me?
A. I have not any other answer.
Q. Can't you give me any better reason than that?
A. I have not any reason to give, except that I did not want to.
Q. In what other respect were the relations between you and her not that of mother and daughter, besides not calling her mother?
A. I don't know that any of the relations were changed. I had never been to her as a mother in many things. I always went to my sister, because she was older and had the care of me after my mother died.
Q. In what respects were the relations between you and her that of mother and daughter?
A. That is the same question you asked before; I can't answer you any better now than I did before.
Q. You did not say before you could not answer, but that you declined to answer.
A. I decline to answer because I do not know what to say.
Q. That is the only reason?
A. Yes sir.
Q. You called your father father?
A. Always.
Q. Were your father and mother happily united?
(Witness pauses a little before answering.)
A. Why, I don't know but that they were.
Q. Why do you hesitate?
A. Because I don't know but that they were, and I am telling the truth as nearly as I know it.
Q. Do you mean me to understand that they were happy entirely, or not?
A. So far as I know they were.

Q. Why did you hesitate then?
A. Because I did not know how to answer you any better than what came into my mind. I was trying to think if I was telling it as I should; that is all.
Q. Do you have any difficulty in telling it as you should, any difficulty in answering my questions?
A. Some of your questions I have difficulty in answering, because I don't know just how you mean them.
Q. Did you ever know of any difficulty between her and your father?

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A. No, sir.
Q. Did he seem to be affectionate?
A. I think so.
Q. As man and woman who are married ought to be?
A. So far as I have ever had any chance of judging.
Q. They were?
A. Yes.
Q. What dress did you wear the day they were killed?
A. I had on a navy blue, sort of a bengaline or India silk skirt, with a navy blue blouse. In the afternoon they thought I had better change it. I put on a pink wrapper.
Q. Did you change your clothing before the afternoon?
A. No, sir.
Q. You dressed in the morning, as you have described, and kept that clothing on until afternoon?
A. Yes, sir.
Q. When did Morse come there first, I don't mean this visit, I mean as a visitor, John V. Morse?
A. Do you mean this day that he came and stayed all night?
Q. No. Was this visit his first to your house?
A. He has been in the east a year or more.
Q. Since he has been in the east has he been in the habit of coming to your house?
A. Yes; came in any time he wanted to.
Q. Before that had he been at your house, before he came east?
A. Yes, he has been here, if you remember the winter that the river was frozen over and they went across, he was here that winter, some 14 years ago, was it not?
Q. I am not answering questions, but asking them.
A. I don't remember the date. He was here that winter.
Q. Has he been here since?
A. He has been here once since; I don't know whether he has or not since.
Q. How many times this last year has he been at your house?
A. None at all to speak of; nothing more than a night or two at a time.
Q. How often did he come to spend a night or two?
A. Really I don't know; I am away so much myself.
Q. Your last answer is that you don't know how much he had been here, because you had been away yourself so much?
A. Yes.
Q. That is true the last year, or since he has been east?
A. I have not been away the last year so much, but other times I have been away when he has been here.

Q. Do I understand you to say that his last visit before this one was 14 years ago?
A. No, he has been here once between the two.
Q. How long did he stay then?
A. I don't know.
Q. How long ago was that?
A. I don't know.
Q. Give me your best remembrance.

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A. Five or six years, perhaps six.
Q. How long has he been east this time?
A. I think over a year; I am not sure.
Q. During the last year how much of the time has he been at your house?
A. Very little that I know of.
Q. Your answer to that question before was, I don't know because I have been away so much myself.
A. I did not mean I had been away very much myself the last year.
Q. How much have you been away the last year?
A. I have been away a great deal in the daytime, occasionally at night.
Q. Where in the daytime, any particular place?
A. No, around town.
Q. When you go off nights, where?
A. Never unless I have been off on a visit?
Q. When was the last time when you have been away for more than a night or two before this affair?
A. I don't think I have been away to stay more than a night or two since I came from abroad, except about three or four weeks ago I was in New Bedford for three or four days.
Q. Where at New Bedford?
A. At 20 Madison street.
Q. How long ago were you abroad?
A. I was abroad in 1890.
Q. When did he come to the house the last time before your father and mother were killed?
A. He stayed there all night Wednesday night.
Q. My question is when he came there.
A. I don't know; I was not at home when he came; I was out.
Q. When did you first see him there?
A. I did not see him at all.
Q. How did you know he was there?
A. I heard his voice.
Q. You did not see him Wednesday evening?
A. I did not; I was out Wednesday evening.
Q. You did not see him Thursday morning?
A. I did not; he was out when I came down stairs.
Q. When was the first time you saw him?
A. Thursday noon.
Q. You had never seen him before that?
A. No sir.
Q. Where were you Wednesday evening?
A. I spent the evening with Miss Russell.

Q. As near as you can remember, when did you return?
A. About nine o'clock at night.
Q. The family had then retired?
A. I don't know whether they had or not. I went right to my room; I don't remember.

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Q. You did not look to see?
A. No sir.
Q. Which door did you come in at?
A. The front door.
Q. Did you lock it?
A. Yes sir.
Q. For the night?
A. Yes sir.
Q. And went right up stairs to your room?
A. Yes sir.
Q. When was it that you heard the voice of Mr. Morse?
A. I heard him down there about supper time---no, it was earlier than that. I heard him down there somewhere about three o'clock, I think. I was in my room Wednesday, not feeling well, all day.
Q. Did you eat supper at home Wednesday night?
A. I was at home; I did not eat any supper, because I did not feel able to eat supper; I had been sick.
Q. You did not come down to supper?
A. No sir.
Q. Did you hear him eating supper?
A. No sir. I did not know whether he was there or not.
Q. You heard him in the afternoon?
A. Yes sir.
Q. Did you hear him go away?
A. I did not.
Q. You did not go down to see him?
A. No sir.
Q. Was you in bed?
A. No sir, I was on the lounge.
Q. Why did you not go down?
A. I did not care to go down, and I was not feeling well, and kept my room all day.
Q. You felt better in the evening?
A. Not very much better. I thought I would go out, and see if the air would make me feel any better.
Q. When you came back at nine o'clock, you did not look in to see if the family were up?
A. No sir.
Q. Why not?
A. I very rarely do when I come in.
Q. You go right to your room?
A. Yes sir.
Q. Did you have a night key?
A. Yes sir.
Q. How did you know it was right to lock the front door?

A. That was always my business.

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Q. How many locks did you fasten?
A. The spring locks itself, and there is a key to turn, and you manipulate the bolt.
Q. You manipulated all those?
A. I used them all.
Q. Then you went to bed?
A. Yes, directly.
Q. When you got up the next morning, did you see Mr. Morse?
A. I did not.
Q. Had the family breakfasted when you came down?
A. Yes, sir.
Q. What time did you come down stairs?
A. As near as I can remember, it was a few minutes before nine.
Q. Who did you find down stairs when you came down?
A. Maggie and Mrs. Borden.
Q. Did you inquire for Mr. Morse?
A. No sir.
Q. Did you suppose he had gone?
A. I did not know whether he had or not; he was not there.
Q. Your father was there?
A. Yes sir.
Q. Then you found him?
A. Yes sir.
Q. Did you speak to either your father or Mrs. Borden?
A. I spoke to them all.
Q. About Mr. Morse?
A. I did not mention him.
Q. Did not inquire anything about him?
A. No sir.
Q. How long before that time had he been at the house?
A. I don't know.
Q. As near as you can tell?
A. I don't know. He was there in June sometime, I don't know whether he was there after that or not.
Q. Why did you not go to Marion with the party that went?
A. Because they went sooner than I could, and I was going Monday.
Q. Why did they go sooner than you could; what was there to keep you?
A. I had taken the secretaryship and treasurer of our C. E. society, had the charge, and the roll call was the first Sunday in August, and I felt I must be there and attend to that part of the business.
Q. Where was your sister Emma that day?
A. What day?
Q. The day your father and Mrs. Borden were killed?
A. She had been in Fairhaven.
Q. Had you written to her?
A. Yes sir.
Q. When was the last time you wrote to her?

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A. Thursday morning, and my father mailed the letter for me.
Q. Did she get it at Fairhaven?
A. No sir, it was sent back. She did not get it at Fairhaven, for we telegraphed for her, and she got home here Thursday afternoon, and the letter was sent back to this post office.
Q. How long had she been in Fairhaven?
A. Just two weeks to a day.
Q. You did not visit in Fairhaven?
A. No sir.
Q. Had there been anybody else around the house that week, or premises?
A. No one that I know of, except the man that called to see him on this business about the store.
Q. Was that that week?
A. Yes sir.
Q. I misunderstood you probably, I thought you said a week or two before.
A. No, I said that week. There was a man came the week before and gave up some keys, and I took them.
Q. Do you remember of anybody else being then around the premises that week?
A. Nobody that I know of or saw.
Q. Nobody at work there?
A. No sir.
Q. Nobody doing any chores there?
A. No sir, not that I know of.
Q. Nobody had access to the house, so far as you know, during that time?
A. No sir.
Q. I ask you once more how it happened that, knowing Mr. Morse was at your house, you did not step in and greet him before you retired?
A. I have no reason, except that I was not feeling well Wednesday, and so did not come down.
Q. No, you were down. When you came in from out.
A. Do you mean Wednesday night?
Q. Yes.
A. Because I hardly ever do go in. I generally went right up to my room, and I did that night.
Q. Could you then get to your room from the back hall?
A. No sir.
Q. From the back stairs?
A. No sir.
Q. Why not? What would hinder?
A. Father's bedroom door was kept locked, and his door into my room was locked and hooked too I think, and I had no keys.
Q. That was the custom of the establishment?
A. It had always been so.
Q. It was so Wednesday, and so Thursday?
A. It was so Wednesday, but Thursday they broke the door open.
Q. That was after the crowd came; before the crowd came?

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A. It was so.
Q. There was no access, except one had a key, and one would have to have two keys?
A. They would have to have two keys if they went up the back way to get into my room. If they were in my room, they would have to have a key to get into his room, and another to get into the back stairs.
Q. Where did Mr. Morse sleep?
A. In the next room over the parlor in front of the stairs.
Q. Right up the same stairs that your room was?
A. Yes sir.
Q. How far from your room?
A. A door opened into it.
Q. The two rooms connected directly?
A. By one door, that is all.
Q. Not through the hall?
A. No sir.
Q. Was the door locked?
A. It has been locked and bolted, and a large writing desk in my room kept up against it.
Q. Then it was not a practical opening?
A. No sir.
Q. How otherwise do you get from your room to the next room?
A. I have to go into the front hall.
Q. How far apart are the two doors?
A. Very near, I don't think more than so far (*measuring*.)
Q. Was it your habit when you were in your room to keep your door shut?
A. Yes sir.
Q. That time, that Wednesday afternoon?
A. My door was open part of the time, and part of the time I tried to get a nap and their voices annoyed me, and I closed it. I kept it open in summer more or less, and closed in winter.
Q. Then, unless for some special reason, you kept your door open in the summer?
A. Yes sir, if it was a warm day. If it was a cool day, I should have closed it.
Q. Where was your father when you came down Thursday morning?
A. Sitting in the sitting room in his large chair, reading the Providence Journal.
Q. Where was your mother? Do you prefer me to call her Mrs. Borden?
A. I had as soon you called her mother. She was in the dining room with a feather duster dusting.
Q. When she dusted did she wear something over her head?
A. Sometimes when she swept, but not when dusting.
Q. Where was Maggie?
A. Just come in the back door with the long pole, brush, and put the brush on the handle, and getting her pail of water; she was going to wash the windows around the house. She said Mrs. Borden wanted her to.
Q. Did you get your breakfast that morning?
A. I did not eat any breakfast; I did not feel as though I wanted any.
Q. Did you get any breakfast that morning?

A. I don't know whether I ate half a banana; I don't think I did.
Q. You drank no tea or coffee that morning?
A. No sir.
Q. And ate no cookies?
A. I don't know whether I did or not. We had some molasses cookies; I don't know whether I ate any that morning or not.
Q. Were the breakfast things put away when you got down?
A. Everything except the coffee pot; I am not sure whether that was on the stove or not.
Q. You said nothing about Mr. Morse to your father or mother?
A. No sir.
Q. What was the next thing that happened after you got down?
A. Maggie went out of doors to wash the windows and father came out into the kitchen and said he did not know whether he would go down to the post office or not. And then I sprinkled some handkerchiefs to iron.
Q. Tell me again what time you came down stairs.
A. It was a little before nine, I should say about quarter; I don't know sure.
Q. Did your father go down town?
A. He went down later.
Q. What time did he start away?
A. I don't know.
Q. What were you doing when he started away?
A. I was in the dining room I think; yes, I had just commenced, I think, to iron.
Q. It may seem a foolish question. How much of an ironing did you have?
A. I only had about eight or ten of my best handkerchiefs.
Q. Did you let your father out?
A. No sir; he went out himself.
Q. Did you fasten the door after him?
A. No sir.
Q. Did Maggie?
A. I don't know. When she went up stairs she always locked the door; she had charge of the back door.
Q. Did she go out after a brush before your father went away?
A. I think so.
Q. Did you say anything to Maggie?
A. I did not.
Q. Did you say anything about washing the windows?
A. No sir.
Q. Did you speak to her?
A. I think I told her I did not want any breakfast.
Q. You do not remember of talking about washing the windows?
A. I don't remember whether I did or not; I don't remember it. Yes, I remember; yes, I asked her to shut the parlor blinds when she got through, because the sun was so hot.
Q. About what time do you think your father went down town?

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A. I don't know; it must have been after nine o'clock. I don't know what time it was.

Q. You think at that time you had begun to iron your handkerchiefs?
A. Yes sir.
Q. How long a job was that?
A. I did not finish them; my flats were not hot enough.
Q. How long a job would it have been if the flats had been right?
A. If they had been hot, not more than 20 minutes, perhaps.
Q. How long did you work on the job?
A. I don't know, sir.
Q. How long was your father gone?
A. I don't know that.
Q. Where were you when he returned?
A. I was down in the kitchen.
Q. What doing?
A. Reading an old magazine that had been left in the cupboard, an old Harper's Magazine.
Q. Had you got through ironing?
A. No sir.
Q. Had you stopped ironing?
A. Stopped for the flats.
Q. Were you waiting for them to be hot?
A. Yes sir.
Q. Was there a fire in the stove?
A. Yes sir.
Q. When your father went away, you were ironing then?
A. I had not commenced, but I was getting the little ironing board and the flannel.
Q. Are you sure you were in the kitchen when your father returned?
A. I am not sure whether I was there or in the dining room.
Q. Did you go back to your room before your father returned?
A. I think I did carry up some clean clothes.
Q. Did you stay there?
A. No sir.
Q. Did you spend any time up the front stairs before your father returned?
A. No, sir.
Q. Or after he returned?
A. No, sir. I did stay in my room long enough when I went up to sew a little piece of tape on a garment.
Q. Was that the time when your father came home?
A. He came home after I came down stairs.
Q. You were not up stairs when he came home?
A. I was not up stairs when he came home; no, sir.
Q. What was Maggie doing when your father came home?
A. I don't know whether she was there or whether she had gone up stairs; I can't remember.
Q. Who let your father in?

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A. I think he came to the front door and rang the bell, and I think Maggie let him in, and he said he had forgotten his key; so I think she must have been down stairs.
Q. His key would have done him no good if the locks were left as you left them?

A. But they were always unbolted in the morning.
Q. Who unbolted them that morning?
A. I don't think they had been unbolted; Maggie can tell you.
Q. If he had not forgotten his key it would have been no good?
A. No, he had his key and could not get in. I understood Maggie to say he said he had forgotten his key.
Q. You did not hear him say anything about it?
A. I heard his voice, but I don't know what he said.
Q. I understood you to say he said he had forgotten his key?
A. No, it was Maggie said he said he had forgotten the key.
Q. Where was Maggie when the bell rang?
A. I don't know, sir.
Q. Where were you when the bell rang?
A. I think in my room up stairs.
Q. Then you were up stairs when your father came home?
A. I don't know sure, but I think I was.
Q. What were you doing?
A. As I say, I took up these clean clothes, and stopped and basted a little piece of tape on a garment.
Q. Did you come down before your father was let in?
A. I was on the stairs coming down when she let him in.
Q. Then you were up stairs when your father came to the house on his return?
A. I think I was.
Q. How long had you been there?
A. I had only been upstairs just long enough to take the clothes up and baste the little loop on the sleeve. I don't think I had been up there over five minutes.
Q. Was Maggie still engaged in washing windows when your father got back?
A. I don't know.
Q. You remember, Miss Borden, I will call your attention to it so as to see if I have any misunderstanding, not for the purpose of confusing you; you remember that you told me several times that you were down stairs, and not up stairs when your father came home? You have forgotten, perhaps?
A. I don't know what I have said. I have answered so many questions and I am so confused I don't know one thing from another. I am telling you just as nearly as I know.
Q. Calling your attention to what you said about that a few minutes ago, and now again to the circumstance you have said you were up stairs when the bell rang, and were on the stairs when Maggie let your father in; which now is your recollection of the true statement of the matter, that you were down stairs when the bell rang and your father came?
A. I think I was down stairs in the kitchen.
Q. And then you were not up stairs?

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A. I think I was not; because I went up almost immediately, as soon as I went down, and then came down again and stayed down.
Q. What had you in your mind when you said you were on the stairs as Maggie let your father in?
A. The other day somebody came there and she let them in and I was on the stairs; I don't know whether the morning before or when it was.

Q. You understood I was asking you exactly and explicitly about this fatal day?
A. Yes, sir.
Q. I now call your attention to the fact that you had specifically told me you had gone up stairs, and had been there about five minutes when the bell rang, and were on your way down, and were on the stairs when Maggie let your father in that day---
A. Yes, I said that, and then I said I did not know whether I was on the stairs or in the kitchen.
Q. Now how will you have it?
A. I think, as nearly as I know, I think I was in the kitchen.
Q. How long was your father gone?
A. I don't know, sir; not very long.
Q. An hour?
A. I should not think so.
Q. Will you give me the best story you can, so far as your recollection serves you, of your time while he was gone?
A. I sprinkled my handkerchiefs, and got my ironing board and took them in the dining room. I took the ironing board in the dining room and left the handkerchiefs in the kitchen on the table and whether I ate any cookies or not I don't remember. Then I sat down looking at the magazine, waiting for the flats to heat. Then I went in the sitting room and got the Providence Journal, and took that into the kitchen. I don't recollect of doing anything else.
Q. Which did you read first, the Journal or the magazine?
A. The magazine.
Q. You told me you were reading the magazine when your father came back?
A. I said in the kitchen, yes.
Q. Was that so?
A. Yes, I took the Journal out to read, and had not read it. I had it near me.
Q. You said a minute or two ago you read the magazine awhile, and then went and got the Journal and took it out to read?
A. I did, but I did not read it; I tried my flats then.
Q. And went back to reading the magazine?
A. I took the magazine up again, yes.
Q. When did you last see your mother?
A. I did not see her after when I went down in the morning and she was dusting the dining room.
Q. Where did you or she go then?
A. I don't know where she went. I know where I was.
Q. Did you or she leave the dining room first?
A. I think I did. I left her in the dining room.
Q. You never saw her or heard her afterwards?
A. No, sir.

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Q. Did she say anything about making the bed?
A. She said she had been up and made the bed up fresh, and had dusted the room and left it all in order. She was going to put some fresh pillow slips on the small pillows at the foot of the bed, and was going to close the room, because she was going to have company Monday and she wanted everything in order.
Q. How long would it take to put on the pillow slips?

A. About two minutes.
Q. How long to do the rest of the things?
A. She had done that when I came down.
Q. All that was left was what?
A. To put on the pillow slips.
Q. Can you give me any suggestion as to what occupied her when she was up there, when she was struck dead?
A. I don't know of anything except she had some cotton cloth pillow cases up there, and she said she was going to commence to work on them. That is all I know. And the sewing machine was up there.
Q. Whereabouts was the sewing machine?
A. In the comer between the north and west side.
Q. Did you hear the sewing machine going?
A. I did not.
Q. Did you see anything to indicate that the sewing machine had been used that morning?
A. I had not. I did not go in there until after everybody had been in there, and the room had been overhauled.
Q. If she had remained down stairs, you would undoubtedly have seen her?
A. If she had remained down stairs, I should have; if she had remained in her room, I should not have. If she had remained down stairs, I should have. If she had gone to her room, I should not have.
Q. Where was that?
A. Over the kitchen.
Q. To get to that room she would have to go through the kitchen?
A. To get up the back stairs.
Q. That is the way she was in the habit of going?
A. Yes, sir, because the other doors were locked.
Q. If she had remained down stairs, or had gone to her own room, you undoubtedly would have seen her?
A. I should have seen her if she had stayed down stairs; if she had gone to her room, I would not have seen her.
Q. She was found a little after 11 in the spare room, if she had gone to her own room she must have gone through the kitchen and up the back stairs, and subsequently have gone down and gone back again?
A. Yes, sir.
Q. Have you any reason to suppose you would not have seen her if she had spent any portion of the time in her own room, or down stairs?
A. There is no reason why I should not have seen her if she had been down there, except when I first came down stairs, for two or three minutes I went down cellar to the water closet.

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Q. After that you were where you practically commanded the view of the first story the rest of the time?
A. I think so.
Q. When you went up stairs for a short time, as you say you did, you then went in sight of the sewing machine?
A. No, I did not see the sewing machine, because she had shut that room up.

Q. What do you mean?
A. I mean the door was closed. She said she wanted it kept closed to keep the dust and everything out.
Q. Was it a room with a window?
A. It has three windows.
Q. A large room?
A. The size of the parlor; a pretty fair sized room.
Q. It is the guest room?
A. Yes, the spare room.
Q. Where the sewing machine was was the guest room?
A. Yes, sir.
Q. I ask again, perhaps you have answered all you care to, what explanation can you give, can you suggest, as to what she was doing from the time she said she had got the work all done in the spare room until 11 o'clock?
A. I suppose she went up and made her own bed.
Q. That would be in the back part?
A. Yes sir.
Q. She would have to go by you twice to do that?
A. Unless she went when I was in my room that few minutes.
Q. That would not be time enough for her to go and make her own bed and come back again?
A. Sometimes she stayed up longer and sometimes shorter; I don't know.
Q. Otherwise than that, she would have to go in your sight?
A. I should have to have seen her once; I don't know that I need to have seen her more than once.
Q. You did not see her at all?
A. No sir, not after the dining room.
Q. What explanation can you suggest as to the whereabouts of your mother from the time you saw her in the dining room, and she said her work in the spare room was all done, until 11 o'clock?
A. I don't know. I think she went back into the spare room, and whether she came back again or not I don't know; that has always been a mystery.
Q. Can you think of anything she could be doing in the spare room?
A. Yes sir. I know what she used to do sometimes. She kept her best cape she wore on the street in there, and she used occasionally to go up there to get it and to take it into her room. She kept a great deal in the guest room drawers; she used to go up there and get things and put things; she used those drawers for her own use.
Q. That connects her with her own room again, to reach which she had to go down stairs and come up again?

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A. Yes.
Q. Assuming that she did not go into her own room, I understand you to say she could not have gone to her own room without your seeing her?
A. She could while I was down cellar.
Q. You went down immediately you came down, within a few minutes, and you did not see her when you came back?
A. No sir.
Q. After that time she must have remained in the guest chamber?
A. I don't know.
Q. So far as you can judge?

A. So far as I can judge she might have been out of the house, or in the house.
Q. Had you any knowledge of her going out of the house?
A. No sir.
Q. Had you any knowledge of her going out of the house?
A. She told me she had had a note, somebody was sick, and said "I am going to get the dinner on the way," and asked me what I wanted for dinner.
Q. Did you tell her?
A. Yes, I told her I did not want anything.
Q. Then why did you not suppose she had gone?
A. I supposed she had gone.
Q. Did you hear her come back?
A. I did not hear her go or come back, but I supposed she went.
Q. When you found your father dead you supposed your mother had gone?
A. I did not know. I said to the people who came in "I don't know whether Mrs. Borden is out or in; I wish you would see if she is in her room."
Q. You supposed she was out at the time?
A. I understood so; I did not suppose anything about it.
Q. Did she tell you where she was going?
A. No sir.
Q. Did she tell you who the note was from?
A. No sir.
Q. Did you ever see the note?
A. No sir.
Q. Do you know where it is now?
A. No sir.
Q. She said she was going out that morning?
A. Yes sir.
(Hearing continued [Wednesday] Aug. 10, 1892.)
Q. I shall have to ask you once more about that morning. Do you know what the family ate for breakfast?
A. No sir.
Q. Had the breakfast all been cleared away when you got down?
A. Yes sir.
Q. I want you to tell me just where you found the people when you got down that you did find there?

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A. I found Mrs. Borden in the dining room. I found my father in the sitting room.
Q. And Maggie?
A. Maggie was coming in the back door with her pail and brush.
Q. Tell me what talk you had with your mother at that time?
A. She asked me how I felt. I said I felt better than I did Tuesday, but I did not want any breakfast. She asked me what I wanted for dinner. I told her nothing. I told her I did not want anything. She said she was going out, and would get the dinner. That is the last I saw her, or said anything to her.
Q. Where did you go then?
A. Into the kitchen.
Q. Where then?
A. Down cellar.

Q. Gone perhaps five minutes?
A. Perhaps. Not more than that; possibly a little bit more.
Q. When you came back did you see your mother?
A. I did not; I supposed she had gone out.
Q. She did not tell you where she was going?
A. No sir.
Q. When you came back was your father there?
A. Yes sir.
Q. What was he doing?
A. Reading the paper.
Q. Did you eat any breakfast?
A. No sir, I don't remember whether I ate a molasses cookie or not. I did not eat any regularly prepared breakfast.
Q. Was it usual for your mother to go out?
A. Yes sir, she went out every morning nearly, and did the marketing.
Q. Was it usual for her to be gone away from dinner?
A. Yes sir, sometimes, not very often.
Q. How often, say?
A. O, I should not think more than---well I don't know, more than once in three months, perhaps.
Q. Now I call your attention to the fact that twice yesterday you told me, with some explicitness, that when your father came in, you were just coming down stairs?
A. No, I did not, I beg your pardon.
Q. That you were on the stairs at the time your father was let in, you said with some explicitness. Do you now say you did not say so?
A. I said I thought first I was on the stairs; then I remembered I was in the kitchen when he came in.
Q. First you thought you were in the kitchen; afterwards you remembered you were on the stairs?
A. I said I thought I was on the stairs; then I said I knew I was in the kitchen. I still say that now. I was in the kitchen.
Q. Did you go into the front part of the house after your father came in?
A. After he came in from down street I was in the sitting room with him.

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Q. Did you go into the front hall afterwards?
A. No sir.
Q. At no time?
A. No sir.
Q. Excepting the two or three minutes you were down cellar, were you away from the house until your father came in?
A. No sir.
Q. You were always in the kitchen or dining room, excepting when you went up stairs?
A. I went up stairs before he went out.
Q. You mean you went up there to sew a button on?
A. I basted a piece of tape on.
Q. Do you remember you did not say that yesterday?
A. I don't think you asked me. I told you yesterday I went up stairs directly after I came up from down cellar, with the clean clothes.

Q. You now say after your father went out, you did not go up stairs at all?
A. No sir, I did not.
Q. When Maggie came in there washing the windows, you did not appear from the front part of the house?
A. No sir.
Q. When your father was let in, you did not appear from up stairs?
A. No sir, I was in the kitchen.
Q. That is so?
A. Yes sir, to the best of my knowledge.
Q. After your father went out, you remained there either in the kitchen or dining room all the time?
A. I went in the sitting room long enough to direct some paper wrappers.
Q. One of the three rooms?
A. Yes sir.
Q. So it would have been extremely difficult for anybody to have gone through the kitchen and dining room and front hall, without your seeing them?
A. They could have gone from the kitchen into the sitting room while I was in the dining room, if there was anybody to go.
Q. Then into the front hall?
A. Yes sir.
Q. You were in the dining room ironing?
A. Yes sir, part of the time.
Q. You were in all of the three rooms?
A. Yes sir.
Q. A large portion of that time, the girl was out of doors?
A. I don't know where she was, I did not see her. I supposed she was out of doors, as she had the pail and brush.
Q. You knew she was washing windows?
A. She told me she was going to. I did not see her do it.
Q. For a large portion of the time you did not see the girl?
A. No sir.
Q. So far as you know you were alone in the lower part of the house, a large portion of the time, after your father went away, and before he came back?

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A. My father did not go away I think until somewhere about 10, as near as I can remember; he was with me down stairs.
Q. A large portion of the time after your father went away, and before he came back, so far as you know, you were alone in the house?
A. Maggie had come in and gone up stairs.
Q. After he went out, and before he came back; a large portion of the time after your father went out, and before he came back, so far as you know, you were the only person in the house?
A. So far as I know, I was.
Q. And during that time, so far as you know, the front door was locked?
A. So far as I know.
Q. And never was unlocked at all?
A. I don't think it was.

Q. Even after your father came home, it was locked up again?
A. I don't know whether she locked it up again after that or not.
Q. It locks itself?
A. The spring lock opens.
Q. It fastens it so it cannot be opened from the outside?
A. Sometimes you can press it open.
Q. Have you any reason to suppose the spring lock was left so it could be pressed open from the outside?
A. I have no reason to suppose so.
Q. Nothing about the lock was changed before the people came?
A. Nothing that I know of.
Q. What were you doing in the kitchen when your father came home?
A. I think I was eating a pear when he came in.
Q. What had you been doing before that?
A. Been reading a magazine.
Q. Were you making preparations to iron again?
A. I had sprinkled my clothes, and was waiting for the flat. I sprinkled the clothes before he went out.
Q. Had you built up the fire again?
A. I put in a stick of wood. There was a few sparks. I put in a stick of wood to try to heat the flat.
Q. You had then started the fire?
A. Yes sir.
Q. The fire was burning when he came in?
A. No sir, but it was smoldering and smoking as though it would come up.
Q. Did it come up after he came in?
A. No sir.
Q. Did you do any more ironing?
A. I did not. I went in with him, and did not finish.
Q. You did not iron any more after your father came in?
A. No sir.
Q. Was the ironing board put away?

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A. No sir, it was on the dining room table.
Q. When was it put away?
A. I don't know. Somebody put it away after the affair happened.
Q. You did not put it away?
A. No sir.
Q. Was it on the dining room table when you found your father killed?
A. I suppose so.
Q. You had not put it away then?
A. I had not touched it.
Q. How soon after your father came in, before Maggie went up stairs?
A. I don't know. I did not see her.
Q. Did you see her after your father came in?
A. Not after she let him in.
Q. How long was your father in the house before you found him killed?

A. I don't know exactly, because I went out to the barn. I don't know what time he came home. I don't think he had been home more than fifteen or twenty minutes; I am not sure.
Q. When you went out to the barn, where did you leave your father?
A. He had laid down on the sitting room lounge, taken off his shoes, and put on his slippers, and taken off his coat and put on the reefer. I asked him if he wanted the window left that way.
Q. Where did you leave him?
A. On the sofa.
Q. Was he asleep?
A. No sir.
Q. Was he reading?
A. No sir.
Q. What was the last thing you said to him?
A. I asked him if he wanted the window left that way. Then I went into the kitchen, and from there to the barn.
Q. Whereabouts in the barn did you go?
A. Up stairs.
Q. To the second story of the barn?
A. Yes sir.
Q. How long did you remain there?
A. I don't know, fifteen or twenty minutes.
Q. What doing?
A. Trying to find lead for a sinker.
Q. What made you think there would be lead for a sinker up there?
A. Because there was some there.
Q. Was there not some by the door?
A. Some pieces of lead by the open door, but there was a box full of old things up stairs.
Q. Did you bring any sinker back from the barn?
A. I found no sinker.
Q. Did you bring any sinker back from the barn?
A. Nothing but a piece of a chip I picked up on the floor.
Q. Where was that box you say was up stairs, containing lead?

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A. There was a kind of a work bench.
Q. Is it there now?
A. I don't know sir.
Q. How long since have you seen it there?
A. I have not been out there since that day.
Q. Had you been in the barn before?
A. That day, no sir.
Q. How long since you had been in the barn before?
A. I don't think I had been into it, I don't know as I had in three months.
Q. When you went out did you unfasten the screen door?
A. I unhooked it to get out.
Q. It was hooked until you went out?
A. Yes sir.

Q. It had been left hooked by Bridget, if she was the last one in?
A. I suppose so; I don't know.
Q. Do you know when she did get through washing the outside?
A. I don't know.
Q. Did you know she washed the windows inside?
A. I don't know.
Q. Did you see her washing the windows inside?
A. I don't know.
Q. You don't know whether she washed the dining room and sitting room windows inside?
A. I did not see her.
Q. If she did would you not have seen her?
A. I don't know. She might be in one room and I in another.
Q. Do you think she might have gone to work and washed all the windows in the dining room and sitting room and you not know it?
A. I don't know, I am sure, whether I should or not. I might have seen her, and not know it.
Q. Miss Borden, I am trying in good faith to get all the doings that morning of yourself and Miss Sullivan, and I have not succeeded in doing it. Do you desire to give me any information or not?
A. I don't know it— I don't know what your name is.
Q. It is certain beyond reasonable doubt she was engaged in washing the windows in the dining room or sitting room when your father came home. Do you mean to say you know nothing of either of those operations?
A. I knew she washed the windows outside; that is, she told me so. She did not wash the windows in the kitchen, because I was in the kitchen most of the time.
Q. The dining room and sitting room, I said.
A. I don't know.
Q. It is reasonably certain she washed the windows in the dining room and sitting room inside while your father was out, and was engaged in that operation when your father came home; do you mean to say you know nothing of it?
A. I don't know whether she washed the windows in the sitting room and dining room or not.

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Q. Can you give me any information how it happened at that particular time you should go into the chamber of the barn to find a sinker to go to Marion with to fish the next Monday?
A. I was going to finish my ironing; my flats were not hot; I said to myself "I will go and try and find that sinker; perhaps by the time I get back the flats will be hot." That is the only reason.
Q. How long had you been reading an old magazine before you went to the barn at all?
A. Perhaps half an hour.
Q. Had you got a fish line?
A. Not here; we had some at the farm.
Q. Had you got a fish hook?
A. No sir.
Q. Had you got any apparatus for fishing at all?
A. Yes, over there.
Q. Had you any sinkers over there?
A. I think there were some. It is so long since I have been there; I think there were some.
Q. You had no reason to suppose you were lacking sinkers?

A. I don't think there were any on my lines.
Q. Where were your lines?
A. My fish lines were at the farm here.
Q. What made you think there were no sinkers at the farm on your lines?
A. Because some time ago when I was there I had none.
Q. How long since you used the fish lines?
A. Five years, perhaps.
Q. You left them at the farm then?
A. Yes, sir.
Q. And you have not seen them since?
A. Yes, sir.
Q. It occurred to you after your father came in it would be a good time to go to the barn after sinkers, and you had no reason to suppose there was not abundance of sinkers at the farm and abundance of lines?
A. The last time I was there there were some lines.
Q. Did you not say before you presumed there were sinkers at the farm?
A. I don't think I said so.
Q. You did say so exactly. Do you now say you presume there were not sinkers at the farm?
A. I don't think there were any fish lines suitable to use at the farm; I don't think there were any sinkers on any line that had been mine.
Q. Do you remember telling me you presumed there were lines, and sinkers and hooks at the farm?
A. I said there were lines I thought, and perhaps hooks. I did not say I thought there were sinkers on my lines. There was another box of lines over there beside mine.
Q. You thought there were not sinkers?
A. Not on my lines.

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Q. Not sinkers at the farm?
A. I don't think there were any sinkers at the farm. I don't know whether there were or not.
Q. Did you then think there were no sinkers at the farm?
A. I thought there were no sinkers anywhere, or I should not have been trying to find some.
Q. You thought there were no sinkers at the farm to be had?
A. I thought there were no sinkers at the farm to be had.
Q. That is the reason you went into the second story of the barn to look for a sinker?
A. Yes, sir.
Q. What made you think you would find sinkers there?
A. I heard father say, and I knew there was lead there.
Q. What made you think you would find sinkers there?
A. I went to see, because there was lead there.
Q. You thought there might be lead there made into sinkers?
A. I thought there might be lead with a hole in it.
Q. Did you examine the lead that was down stairs near the door?
A. No sir.
Q. Why not?
A. I don't know.
Q. You went straight to the upper story of the barn?
A. No, I went under the pear tree and got some pears first.

Q. Then went to the second story of the barn to look for sinkers for lines you had at the farm, as you supposed, as you had seen them there five years before that time?
A. I went up to get some sinkers, if I could find them. I did not intend to go to the farm for lines; I was going to buy some lines here.
Q. You then had no intention of using your own lines at Marion?
A. I could not get them.
Q. You had no intention of using your own line and hooks at the farm?
A. No sir.
Q. What was the use of telling me a little while ago you had no sinkers on your line at the farm?
A. I thought I made you understand that those lines at the farm were no good to use.
Q. Did you not mean for me to understand one of the reasons you were searching for sinkers was that the lines you had at the farm, as you remembered then, had no sinkers on them?
A. I said the lines at the farm had no sinkers.
Q. I did not ask you what you said. Did you not mean for me to understand that?
A. I meant for you to understand I wanted the sinkers, and was going to have new lines.
Q. You had not then bought your lines?
A. No sir, I was going out Thursday noon.
Q. You had not bought any apparatus for fishing?
A. No hooks.
Q. Had bought nothing connected with your fishing trip?
A. No sir.

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Q. Was going to go fishing the next Monday, were you?
A. I don't know that we should go fishing Monday.
Q. Going to the place to go fishing Monday?
A. Yes sir.
Q. This was Thursday, and you had no idea of using any fishing apparatus before the next Monday?
A. No sir.
Q. You had no fishing apparatus you were proposing to use the next Monday until then?
A. No sir, not until I bought it.
Q. You had not bought anything?
A. No sir.
Q. Had not started to buy anything?
A. No sir.
Q. The first thing in preparation for your fishing trip the next Monday was to go to the loft of that barn to find some old sinkers to put on some hooks and lines that you had not then bought?
A. I thought if I found no sinkers I would have to buy the sinkers when I bought the lines.
Q. You thought you would be saving something by hunting in the loft of the barn before you went to see whether you should need them or not?
A. I thought I would find out whether there were any sinkers before I bought the lines; and if there was, I should not have to buy any sinkers. If there were some, I should only have to buy the lines and the hooks.
Q. You began the collection of your fishing apparatus by searching for the sinkers in the barn?
A. Yes sir.
Q. You were searching in a box of old stuff in the loft of the barn?
A. Yes sir, up stairs.

Q. That you had never looked at before?
A. I had seen them.
Q. Never examined them before?
A. No sir.
Q. All the reason you supposed there was sinkers there was your father had told you there was lead in the barn?
A. Yes, lead; and one day I wanted some old nails; he said there was some in the barn.
Q. All the reason that gave you to think there was sinkers was your father said there was old lead in the barn?
A. Yes sir.
Q. Did he mention the place in the barn?
A. I think he said up stairs; I am not sure.
Q. Where did you look up stairs?
A. On that work bench, like.
Q. In anything?
A. Yes; it was a box, sort of a box, and then some things lying right on the side that was not in the box.

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Q. How large a box was it?
A. I could not tell you. It was probably covered up with lumber, I think.
Q. Give me the best idea of the size of the box you can.
A. Well, I should say, I don't know, I have not any idea.
Q. Give me the best idea you have.
A. I have given you the best idea I have.
Q. What is the best idea you have?
A. About that large, (*measuring with hands*.)
Q. That long?
A. Yes.
Q. How wide?
A. I don't know.
Q. Give me the best idea you have.
A. Perhaps about as wide as it was long.
Q. How high?
A. It was not very high.
Q. About how high?
[A.] (*Witness measures with her hands*.)
Q. About twice the length of your forefinger?
A. I should think so. Not quite.
Q. What was in the box?
A. Nails, and some old locks, and I don't know but there was a door knob.
Q. Anything else?
A. I don't remember anything else.
Q. Any lead?
A. Yes, some pieces of tea lead, like.
Q. Foil, what we call tin foil, the same as you use on tea chests?
A. I don't remember seeing any tin foil; not as thin as that.

Q. Tea chest lead?
A. No, sir.
Q. What did you see in shape of lead?
A. Flat pieces of lead, a little bigger than that; some of them were doubled together.
Q. How many?
A. I could not tell you.
Q. Where else did you look beside in the box?
A. I did not look anywhere for lead except on the work bench.
Q. How full was the box?
A. It was not nearly as full as it could have been.
Q. You looked on the bench, beside that where else?
A. Nowhere except on the bench.
Q. Did you look for anything else beside lead?
A. No, sir.
Q. When you got through looking for lead did you come down?
A. No, sir, I went to the west window over the hay, to the west window, and the curtain was slanted a little. I pulled it down.
Q. What else?
A. Nothing.
Q. That is all you did?

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A. Yes, sir.
Q. That is the second story of the barn?
A. Yes, sir.
Q. Was the window open?
A. I think not.
Q. Hot?
A. Very hot.
Q. How long do you think you were up there?
A. Not more than fifteen or twenty minutes, I should not think.
Q. Should you think what you have told me would occupy four minutes?
A. Yes, because I ate some pears up there.
Q. Do you think all you have told me would take you four minutes?
A. I ate some pears up there.
Q. I asked you to tell me all you did.
A. I told you all I did.
Q. Do you mean to say you stopped your work, and then, additional to that, sat still and ate some pears?
A. While I was looking out of the window, yes sir.
Q. Will you tell me all you did in the second story of the barn?
A. I think I told you all I did that I can remember.
Q. Is there anything else?
A. I told you I took some pears up from the ground when I went up; I stopped under the pear tree and took some pears up when I went up.
Q. Have you now told me everything you did up in the second story of the barn?
A. Yes sir.

Q. I now call your attention, and ask you to say whether all you have told me— I don't suppose you stayed there any longer than necessary?
A. No sir, because it was close.
Q. I suppose that was the hottest place there was on the premises?
A. I should think so.
Q. Can you give me any explanation why all you have told me would occupy more than three minutes?
A. Yes, it would take me more than three minutes.
Q. To look in that box that you have described the size of on the bench and put down the curtain and then get out as soon as you conveniently could; would you say you were occupied in that business twenty minutes?
A. I think so, because I did not look at the box when I first went up.
Q. What did you do?
A. I ate my pears.
Q. Stood there eating the pears, doing nothing?
A. I was looking out of the window.
Q. Stood there, looking out of the window, eating the pears?
A. I should think so.
Q. How many did you eat?
A. Three, I think.
Q. You were feeling better than you did in the morning?

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A. Better than I did the night before.
Q. You were feeling better than you were in the morning?
A. I felt better in the morning than I did the night before.
Q. That is not what I asked you. You were then, when you were in that hot loft, looking out of the window and eating three pears, feeling better, were you not, than you were in the morning when you could not eat any breakfast?
A. I never eat any breakfast.
Q. You did not answer my question, and you will, if I have to put it all day. Were you then when you were eating those three pears in that hot loft, looking out of that closed window, feeling better than you were in the morning when you ate no breakfast?
A. I was feeling well enough to eat the pears.
Q. Were you feeling better than you were in the morning?
A. I don't think I felt very sick in the morning, only— Yes, I don't know but I did feel better. As I say, I don't know whether I ate any breakfast or not, or whether I ate a cookie.
Q. Were you then feeling better than you did in the morning?
A. I don't know how to answer you, because I told you I felt better in the morning anyway.
Q. Do you understand my question? My question is whether, when you were in the loft of that barn, you were feeling better than you were in the morning when you got up?
A. No, I felt about the same.
Q. Were you feeling better than you were when you told your mother you did not care for any dinner?
A. No sir, I felt about the same.
Q. Well enough to eat pears, but not well enough to eat anything for dinner?

A. She asked me if I wanted any meat.
Q. I ask you why you should select that place, which was the only place which would put you out of sight of the house, to eat those three pears in?
A. I cannot tell you any reason.
Q. You observe that fact, do you not? You have put yourself in the only place perhaps, where it would be impossible for you to see a person going into the house?
A. Yes sir, I should have seen them from the front window.
Q. From anywhere in the yard?
A. No sir, not unless from the end of the barn.
Q. Ordinarily in the yard you could see them, and in the kitchen where you had been, you could have seen them?
A. I don't think I understand.
Q. When you were in the kitchen, you could see persons who came in at the back door?
A. Yes sir.
Q. When you were in the yard, unless you were around the corner of the house, you could see them come in at the back door?

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A. No sir, not unless I was at the corner of the barn; the minute I turned I could not.
Q. What was there?
A. A little jog like, the walk turns.
Q. I ask you again to explain to me why you took those pears from the pear tree?
A. I did not take them from the pear tree.
Q. From the ground, wherever you took them from. I thank you for correcting me; going into the barn, going up stairs into the hottest place in the barn, in the rear of the barn, the hottest place, and there standing and eating those pears that morning?
A. I beg your pardon, I was not in the rear of the barn. I was in the other end of the barn that faced the street.
Q. Where you could see anybody coming into the house?
A. Yes sir.
Q. Did you not tell me you could not?
A. Before I went into the barn, at the jog on the outside.
Q. You now say when you were eating the pears, you could see the back door?
A. Yes sir.
Q. So nobody could come in at that time without your seeing them?
A. I don't see how they could.
Q. After you got through eating your pears you began your search?
A. Yes sir.
Q. Then you did not see into the house?
A. No sir, because the bench is at the other end.
Q. Now I have asked you over and over again, and will continue the inquiry, whether anything you did at the bench would occupy more than three minutes?
A. Yes, I think it would, because I pulled over quite a lot of boards in looking.
Q. To get at the box?
A. Yes sir.
Q. Taking all that, what is the amount of time you think you occupied in looking for that piece of

lead which you did not find?
A. Well, I should think perhaps I was ten minutes.
Q. Looking over those old things?
A. Yes sir, on the bench.
Q. Now can you explain why you were ten minutes doing it?
A. No, only that I can't do anything in a minute.
Q. When you came down from the barn, what did you do then?
A. Came into the kitchen.
Q. What did you do then?
A. I went into the dining room and laid down my hat.
Q. What did you do then?
A. Opened the sitting room door, and went into the sitting room, or pushed it open; it was not latched.
Q. What did you do then?
A. I found my father, and rushed to the foot of the stairs.
Q. What were you going into the sitting room for?

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A. To go up stairs.
Q. What for?
A. To sit down.
Q. What had become of the ironing?
A. The fire had gone out.
Q. I thought you went out because the fire was not hot enough to heat the flats.
A. I thought it would burn, but the fire had not caught from the few sparks.
Q. So you gave up the ironing and was going up stairs?
A. Yes, sir, I thought I would wait till Maggie got dinner and heat the flats again.
Q. When you saw your father where was he?
A. On the sofa.
Q. What was his position?
A. Lying down.
Q. Describe anything else you noticed at that time.
A. I did not notice anything else, I was so frightened and horrified. I ran to the foot of the stairs and called Maggie.
Q. Did you notice that he had been cut?
A. Yes; that is what made me afraid.
Q. Did you notice that he was dead?
A. I did not know whether he was or not.
Q. Did you make any search for your mother?
A. No, sir.
Q. Why not?
A. I thought she was out of the house; I thought she had gone out. I called Maggie to go to Dr. Bowen's. When they came I said, "I don't know where Mrs. Borden is." I thought she had gone out.
Q. Did you tell Maggie you thought your mother had come in?
A. No, sir.

Q. That you thought you heard her come in?
A. No, sir.
Q. Did you say to anybody that you thought she was killed up stairs?
A. No, sir.
Q. To anybody?
A. No, sir.
Q. You made no effort to find your mother at all?
A. No, sir.
Q. Who did you send Maggie for?
A. Dr. Bowen. She came back and said Dr. Bowen was not there.
Q. What did you tell Maggie?
A. I told her he was hurt.
Q. When you first told her?
A. I says "Go for Dr. Bowen as soon as you can, I think father is hurt."
Q. Did you then know that he was dead?
A. No, sir.
Q. You saw him?
A. Yes sir.

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Q. You went into the room?
A. No sir.
Q. Looked in at the door?
A. I opened the door and rushed back.
Q. Saw his face?
A. No, I did not see his face, because he was all covered with blood.
Q. You saw where the face was bleeding?
A. Yes sir.
Q. Did you see the blood on the floor?
A. No sir.
Q. You saw his face covered with blood?
A. Yes sir.
Q. Did you see his eye ball hanging out?
A. No sir.
Q. See the gashes where his face was laid open?
A. No sir.
Q. Nothing of that kind?
A. No sir. (*Witness covers her face with her hand for a minute or two; then examination is resumed.*)
Q. Do you know of any employment that would occupy your mother for the two hours between nine and eleven in the front room?
A. Not unless she was sewing.
Q. If she had been sewing you would have heard the machine?
A. She did not always use the machine.
Q. Did you see, or were there found, anything to indicate that she was sewing up there?
A. I don't know. She had given me a few weeks before some pillow cases to make.
Q. My question is not that. Did you see, or were there found, anything to indicate that she had done any sewing in that room that morning?

A. I don't know. I was not allowed in that room; I did not see it.
Q. Was that the room where she usually sewed?
A. No sir.
Q. Did you ever know her to use that room for sewing?
A. Yes sir.
Q. When?
A. Whenever she wanted to use the machine.
Q. When she did not want to use the machine, did you know she used that room for sewing?
A. Not unless she went up to sew a button on, or something.
Q. She did not use it as a sitting room?
A. No sir.
Q. Leaving out the sewing, do you know of anything else that would occupy her for two hours in that room?
A. No, not if she had made the bed up, and she said she had when I went down.
Q. Assuming the bed was made?
A. I don't know anything.
Q. Did she say she had done the work?

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A. She said she had made the bed, and was going to put on the pillow cases, about 9 o'clock.
Q. I ask you now again, remembering that—
A. I told you that yesterday.
Q. Never mind about yesterday. Tell me all the talk you had with your mother when you came down in the morning?
A. She asked me how I felt. I said I felt better, but did not want any breakfast. She said what kind of meat did I want for dinner. I said I did not want any. She said she was going out, somebody was sick, and she would get the dinner, get the meat, order the meat. And I think she said something about the weather being hotter, or something; and I don't remember that she said anything else. I said to her: "Won't you change your dress before you go out?" She had on an old one. She said: "No, this is good enough." That is all I can remember.
Q. In this narrative you have not again said anything about her having said that she had made the bed?
A. I told you that she said she made the bed.
Q. In this time saying, you did not put that in. I want that conversation that you had with her that morning. I beg your pardon again, in this time of telling me, you did not say anything about her having received a note.
A. I told you that before.
Q. Miss Borden, I want you now to tell me all the talk you had with your mother, when you came down, and all the talk she had with you. Please begin again.
A. She asked me how I felt. I told her. She asked me what I wanted for dinner. I told her not anything, what kind of meat I wanted for dinner. I told her not any. She said she had been up and made the spare bed, and was going to take up some linen pillow cases for the small pillows at the foot, and then the room was done. She says: "I have had a note from somebody that is sick, and I am going out, and I will get the din- [sic] at the same time." I think she said something about the weather, I don't know. She also asked me if I would direct some paper wrappers for her, which I did.
Q. She said she had had a note?

A. Yes sir.
Q. You told me yesterday you never saw the note?
A. No sir, I never did.
Q. You looked for it?
A. No sir, but the rest have.
Q. She did not say where she was going?
A. No sir.
Q. Does she usually tell you where she is going?
A. She does not generally tell me.
Q. Did she say when she was coming back?
A. No sir.
Q. Did you know that Mr. Morse was coming to dinner?
A. No sir, I knew nothing about him.
Q. Was he at dinner the day before?
A. Wednesday noon? I don't know. I had not seen him; I don't think he was.

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Q. Were you at dinner?
A. I was in the house. I don't know whether I went down to dinner or not. I was not feeling well.
Q. Whether you ate dinner or not?
A. I don't remember.
Q. Do you remember who was at dinner the day before?
A. No sir, I don't remember, because I don't know whether I was down myself or not.
Q. Were you at tea Wednesday night?
A. I went down, but I think, I don't know, whether I had any tea or not.
Q. Did you sit down with the family?
A. I think I did, but I am not sure.
Q. Was Mr. Morse there?
A. No sir, I did not see him.
Q. Who were there to tea?
A. Nobody.
Q. The family were there, I suppose?
A. Yes, sir; I mean nobody but the family.
Q. Did you have an apron on Thursday?
A. Did I what?
Q. Have an apron on Thursday?
A. No sir, I don't think I did.
Q. Do you remember whether you did or not?
A. I don't remember sure, but I don't think I did.
Q. You had aprons, of course?
A. I had aprons, yes sir.
Q. Will you try and think whether you did or not?
A. I don't think I did.
Q. Will you try and remember?
A. I had no occasion for an apron on that morning.
Q. If you can remember I wish you would.

A. I don't remember.
Q. That is all the answer you can give me about that?
A. Yes sir.
Q. Did you have any occasion to use the axe or hatchet?
A. No sir.
Q. Did you know where they were?
A. I knew there was an old axe down cellar; that is all I knew.
Q. Did you know anything about a hatchet down cellar?
A. No sir.
Q. Where was the old axe down cellar?
A. The last time I saw it it was stuck in the old chopping block.
Q. Was that the only axe or hatchet down cellar?
A. It was all I knew about.
Q. When was the last you knew of it?
A. When our farmer came to chop wood.
Q. When was that?

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A. I think a year ago last winter; I think there was so much wood on hand he did not come last winter.
Q. Do you know of anything that would occasion the use of an axe or hatchet?
A. No sir.
Q. Do you know of anything that would occasion the getting of blood on an axe or hatchet down cellar?
A. No sir.
Q. I do not say there was, but assuming an axe or hatchet was found down cellar with blood on it?
A. No sir.
Q. Do you know whether there was a hatchet down there before this murder?
A. I don't know.
Q. You are not able to say your father did not own a hatchet?
A. I don't know whether he did or not.
Q. Did you know there was found at the foot of the stairs a hatchet and axe?
A. No sir, I did not.
Q. Assume that is so, can you give me any explanation of how they came there?
A. No sir.
Q. Assume they had blood on them, can you give any occasion for there being blood on them?
A. No sir.
Q. Can you tell of any killing of an animal? or any other operation that would lead to their being cast there, with blood on them?
A. No sir, he killed some pigeons in the barn last May or June.
Q. What with?
A. I don't know, but I thought he wrung their necks.
Q. What made you think so?
A. I think he said so.
Q. Did anything else make you think so?
A. All but three or four had their heads on, that is what made me think so.
Q. Did all of them come into the house?

A. I think so.
Q. Those that came into the house were all headless?
A. Two or three had them on.
Q. Were any with their heads off?
A. Yes sir.
Q. Cut off or twisted off?
A. I don't know which.
Q. How did they look?
A. I don't know, their heads were gone, that is all.
Q. Did you tell anybody they looked as though they were twisted off?
A. I don't remember whether I did or not. The skin I think was very tender, I said why are these heads off? I think I remember of telling somebody that he said they twisted off.
Q. Did they look as if they were cut off?
A. I don't know, I did not look at that particularly.

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Q. Is there anything else besides that that would lead, in your opinion so far as you can remember, to the finding of instruments in the cellar with blood on them?
A. I know of nothing else that was done.
(Judge Blaisdell)—Was there any effort made by the witness to notify Mrs. Borden of the fact that Mr. Borden was found?
Q. Did you make any effort to notify Mrs. Borden of your father being killed?
A. No sir, when I found him I rushed right to the foot of the stairs for Maggie. I supposed Mrs. Borden was out. I did not think anything about her at the time, I was so—
Q. At any time did you say anything about her to anybody?
A. No sir.
Q. To the effect that she was out?
A. I told father when he came in.
Q. After your father was killed?
A. No sir.
Q. Did you say you thought she was up stairs?
A. No sir.
Q. Did you ask them to look up stairs?
A. No sir.
Q. Did you suggest to anybody to search up stairs?
A. I said, "I don't know where Mrs. Borden is;" that is all I said.
Q. You did not suggest that any search be made for her?
A. No sir.
Q. You did not make any yourself?
A. No sir.
Q. I want you to give me all that you did, by way of word or deed, to see whether your mother was dead or not, when you found your father was dead.
A. I did not do anything, except what I said to Mrs. Churchill. I said to her: "I don't know where Mrs. Borden is. I think she is out, but I wish you would look."
Q. You did ask her to look?
A. I said that to Mrs. Churchill.

Q. Where did you intend for her to look?
A. In Mrs. Borden's room.
Q. When you went out to the barn did you leave the door shut, the screen door?
A. I left it shut.
Q. When you came back did you find it shut or open?
A. No, sir; I found it open.
Q. Can you tell me anything else that you did, that you have not told me, during your absence from the house?
A. No, sir.
Q. Can you tell me when it was that you came back from the barn, what time it was?
A. I don't know what time it was.
Q. Have you any idea when it was that your father came home?
A. I am not sure, but I think it must have been after 10, because I think he told me he did not think he should go out until about 10. When

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he went out I did not look at the clock to see what time it was. I think he did not go out until 10, or a little after. He was not gone so very long.
Q. Will you give me the best judgment you can as to the time your father got back? If you have not any, it is sufficient to say so.
A. No, sir, I have not any.
Q. Can you give me any judgment as to the length of time that elapsed after he came back, and before you went to the barn?
A. I went right out to the barn.
Q. How soon after he came back?
A. I should think not less than five minutes; I saw him taking off his shoes and lying down; it only took him two or three minutes to do it. I went right out.
Q. When he came into the house did he not go into the dining room first?
A. I don't know.
Q. And there sit down?
A. I don't know.
Q. Why don't you know?
A. Because I was in the kitchen.
Q. It might have happened, and you not have known it?
A. Yes sir.
Q. You heard the bell ring?
A. Yes sir.
Q. And you knew when he came in?
A. Yes sir.
Q. You did not see him?
A. No sir.
Q. When did you first see him?
A. I went into the sitting room, and he was there; I don't know whether he had been in the dining room before or not.
Q. What made you go into the sitting room?
A. Because I wanted to ask him a question.

Q. What question?
A. Whether there was any mail for me.
Q. Did you not ask him that question in the dining room?
A. No sir, I think not.
Q. Was he not in the dining room sitting down?
A. I don't remember his being in the dining room sitting down.
Q. At that time was not Maggie washing the windows in the sitting room?
A. I thought I asked him for the mail in the sitting room; I am not sure.
Q. Was not the reason he went in the dining room because she was in the sitting room washing windows?
A. I don't know.
Q. Did he not go up stairs to his own room before he sat down in the sitting room?
A. I did not see him go.
Q. He had the key to his room down there?
A. I don't know whether he had it; it was kept on the shelf.
Q. Don't you remember he took the key and went into his own room and then came back?

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A. No, sir.
Q. You don't remember anything of that kind?
A. No, sir; I do not think he did go up stairs either.
Q. You will swear he did not?
A. I did not see him.
Q. You swear you did not see him?
A. Yes, sir.
Q. You were either in the kitchen or sitting room all the time?
A. Yes, sir.
Q. He could not have gone up without he had gone through the kitchen?
A. No, sir.
Q. When you did go into the sitting room to ask him a question, if it was the sitting room, what took place then?
A. I asked him if he had any mail. He said "none for you." He had a letter in his hand. I supposed it was for himself. I asked him how he felt. He said "About the same." He said he should lie down[.] I asked him if he thought he should have a nap. He said he should try to. I asked him if he wanted the window left the way it was or if he felt a draught. He said "No." That is all.
Q. Did you help him about lying down?
A. No, sir.
Q. Fix his pillows or head?
A. No, sir; I did not touch the sofa.
Q. Did he lie down before you left the room?
A. Yes, sir.
Q. Did anything else take place?
A. Not that I remember of.
Q. Was he then under medical treatment?
A. No, sir.
Q. The doctor had not given him any medicine that you know of?

A. No, sir; he took some medicine; it was not doctor's medicine; it was what we gave him.
Q. What was it?
A. We gave him castor oil first and then Garfield tea.
Q. When was that?
A. He took the castor oil some time Wednesday. I think some time Wednesday noon, and I think the tea Wednesday night; Mrs. Borden gave it to him. She went over to see the doctor.
Q. When did you first consult Mr. Jennings?
A. I can't tell you that; I think my sister sent for him; I don't know.
Q. Was it you or your sister?
A. My sister.
Q. You did not send for him?
A. I did not send for him. She said did we think we ought to have him. I said do as she thought best. I don't know when he came first.
Q. Now, tell me once more, if you please, the particulars of that trouble that you had with your mother four or five years ago.
A. Her father's house on Fourth street was for sale—

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Q. Whose father's house?
A. Mrs. Borden's father's house. She had a stepmother and a half sister, Mrs. Borden did, and this house was left to the stepmother and a half sister, if I understood it right, and the house was for sale. The stepmother, Mrs. Oliver Gray, wanted to sell it, and my father brought [sic] out the Widow Gray's share. She did not tell me, and he did not tell me, but some outsiders said that he gave it to her. Put it in her name. I said if he gave that to her, he ought to give us something. Told Mrs. Borden so. She did not care anything about the house herself. She wanted it so this half sister could have a home, because she had married a man that was not doing the best he could, and she thought her sister was having a very hard time and wanted her to have a home. And we always thought she persuaded father to buy it. At any rate he did buy it, and I am quite sure she did persuade him. I said what he did for her people he ought to do for his own children. So he gave us grandfather's house. That was all the trouble we ever had.
Q. You have not stated any trouble yet between you and her?
A. I said there was feeling four or five years ago when I stopped calling her mother. I told you that yesterday.
Q. That is all there is to it then?
A. Yes, sir.
Q. You had no words with your stepmother then?
A. I talked with her about it and said what he did for her he ought to do for us; that is all the words we had.
Q. That is the occasion of his giving you the house that you sold back to him?
A. Yes, sir.
Q. Did your mother leave any property?
A. I don't know.
Q. Your own mother?
A. No, sir; not that I ever knew of.
Q. Did you ever see that thing? (*Wooden club*.)
A. Yes, sir; I think I have.

Q. What is it?
A. My father used to keep something similar to this, that looked very much like it under his bed. He whittled it out himself at the farm one time.
Q. How long since you have seen it?
A. I have not seen it in years.
Q. How many years?
A. I could not tell you. I should think 10 or 15 years; not since I was quite a little girl, if that is the one. I can't swear that it is the one; it was about that size. (*Marks it with a cross*.)
Q. How many years, 10 or 15?
A. I was a little girl, it must be as much as that.
Q. When was the last time the windows were washed before that day?
A. I don't know.
Q. Why don't you know?
A. Because I had nothing to do with the work down stairs.
Q. When was the last time that you ate with the family, that you can swear to, before your mother was killed?

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A. Well, I ate with them all day Tuesday, that is, what little we ate we sat down to the table; and I think I sat down to the table with them Wednesday night, but I am not sure.
Q. All day Tuesday?
A. I was down at the table.
Q. I understand you to say you did not come down to breakfast?
A. That was Wednesday morning.
Q. I understood you to say that you did not come down to breakfast?
A. I came down, but I did not eat breakfast with them. I did not eat any breakfast. Frequently I would go into the dining room and sit down to the table with them and not eat any breakfast.
Q. Did you give to the officer the same skirt you had on the day of the tragedy?
A. Yes, sir.
Q. Do you know whether there was any blood on the skirt?
A. No, sir.
Q. Assume that there was, do you know how it came there?
A. No, sir.
Q. Have you any explanation of how it might come there?
A. No, sir.
Q. Did you know there was any blood on the skirt you gave them?
A. No, sir.
Q. Assume that there was, can you give any explanation of how it came there, on the dress skirt?
A. No, sir.
Q. Assume that there was, can you suggest any reason how it came there?
A. No, sir.
Q. Have you offered any?
A. No, sir.
Q. Have you ever offered any?
A. No, sir.
Q. Have you said it came from flea bites?
A. On the petticoats I said there was a flea bite. I said it might have been. You siad [sic] you meant the

dress skirt.
Q. I did. Have you offered any explanation how that came there?
A. I told those men that were at the house that I had had fleas; that is all.
Q. Did you offer that as an explanation?
A. I said that was the only explanation that I knew of.
Q. Assuming that the blood came from the outside, can you give any explanation of how it came there?
A. No, sir.
Q. You cannot now?
A. No, sir.
Q. What shoes did you have on that day?
A. A pair of ties.
Q. What color?
A. Black.
Q. Will you give them to the officer?
A. Yes.

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Q. Where are they?
A. At home.
Q. What stockings did you have on that day?
A. Black.
Q. Where are they?
A. At home.
Q. Have they been washed?
A. I don't know.
Q. Will you give them to the officer?
A. Yes, sir.
Q. The window you was at is the window that is nearest the street in the barn?
A. Yes, sir; the west window.
Q. The pears you ate you got from under the tree in the yard?
A. Yes, sir.
Q. How long were you under the pear tree?
A. I think I was under there very nearly four or five minutes. I stood looking around. I looked up at the pigeon house that they have closed up. It was no more than five minutes, perhaps not as long. I can't say sure.
(Judge Blaisdell.) Was this witness on Thursday morning in the front hall or front stairs or front chamber, any part of the front part of the house at all?
Q. What do you say to that?
A. I had to come down the front stairs to get into the kitchen.
Q. When you came down first?
A. Yes, sir.
Q. Were you afterwards?
A. No, sir.
Q. Not at all?
A. Except the few minutes I went up with the clean clothes, and I had to come back again.
Q. That you now say was before Mr. Borden went away?

A. Yes, sir.

(Miss Borden recalled [Thursday] Aug. 11, 1892.)

Q. (Mr. Knowlton.) Is there anything you would like to correct in your previous testimony?
A. No, sir.
Q. Did you buy a dress pattern in New Bedford?
A. A dress pattern?
Q. Yes.
A. I think I did.
Q. Where is it?
A. It is at home.
Q. Where?
A. Where at home?
Q. Please.
A. It is in a trunk.
Q. In your room?
A. No, sir; in the attic.
Q. Not made up?

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A. O, no, sir.
Q. Where did you buy it?
A. I don't know the name of the store.
Q. On the principal street there?
A. I think it was on the street that Hutchinson's book store is on. I am not positive.
Q. What kind of a one was it, please?
A. It was a pink stripe and a white stripe, and a blue stripe corded gingham.
Q. Your attention has already been called to the circumstance of going into the drug store of Smith's, on the corner of Columbia and Main streets, by some officer, has it not, on the day before the tragedy?
A. I don't know whether some officer has asked me, somebody has spoken of it to me; I don't know who it was.
Q. Did that take place?
A. I [sic] did not.
Q. Do you know where the drug store is?
A. I don't.
Q. Did you go into any drug store and inquire for prussic acid?
A. I did not.
Q. Where were you on Wednesday morning that you remember?
A. At home.
Q. All the time?
A. All day, until Wednesday night.
Q. Nobody there but your parents and yourself and the servant?
A. Why, Mr. Morse came sometime in the afternoon, or at noon time, I suppose, I did not see him.
Q. He did not come so to see you?
A. No, sir, I did not see him.

Q. He did not come until afternoon anyway, did he?
A. I don't think he did; I am not sure.
Q. Did you dine with the family that day?
A. I was down stairs, yes, sir. I did not eat any breakfast with them.
Q. Did you go into the drug store for any purpose whatever?
A. I did not.
Q. I think you said yesterday that you did not go into the room where your father lay, after he was killed, on the sofa, but only looked in at the door?
A. I looked in; I did not go in.
Q. You did not step into the room at all?
A. I did not.
Q. Did you ever, after your mother was found killed, go into that room?
A. No, sir.
Q. Did you afterwards go into the room where your father was found killed, any more than to go through it to go up stairs?
A. When they took me up stairs they took me through that room.
Q. Otherwise than that did you go into it?
A. No, sir.

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Q. Let me refresh your memory. You came down in the night to get some water with Miss Russell, along towards night, or in the evening, to get some water with Miss Russell?
A. Thursday night? I don't remember it.
Q. Don't you remember coming down sometime to get some toilet water?
A. No, sir; there was no toilet water down stairs.
Q. Or to empty the slops?
A. I don't know whether I did Thursday evening or not. I am not sure.
Q. You think it may have been some other evening?
A. I don't remember coming down with her to do such a thing. I may have, I can't tell whether it was Thursday evening or any other evening.
Q. Other than that, if that did take place, you don't recollect going into that room for any purpose at any time?
A. No, sir.
Q. Was the dress that was given to the officers the same dress that you wore that morning?
A. Yes, sir.
Q. The India silk?
A. No, it is not an India silk, it is silk and linen; some call it bengaline silk.
Q. Something like that dress there? (*Pongee.*)
A. No, it was not like that.
Q. Did you give to the officer the same shoes and stockings that you wore?
A. I did, sir.
Q. Do you remember where you took them off?
A. I wore the shoes ever after that, all around the house Friday, and all day Thursday, and all day Friday and Saturday until I put on my shoes for the street.
Q. That is to say you wore them all that day, Thursday, until you took them off for the night?
A. Yes, sir.
Q. Did you tell us yesterday all the errand that you had at the barn?

A. Yes, sir.
Q. You have nothing to add to what you said?
A. No, sir.
Q. You had no other errand than what you have spoken of?
A. No, sir.
Q. Miss Borden, of course you appreciate the anxiety that everybody has to find the author of this tragedy, and the questions that I put to you have been in that direction; I now ask you if you can furnish any other fact, or give any other, even suspicion, that will assist the officers in any way in this matter?
A. About two weeks ago—
Q. Was you going to tell the occurrence about the man that called at the house?
A. No, sir. It was after my sister went away. I came home from Miss Russell's one night, and as I came up, I always glanced towards the side door as I came along by the carriage way, I saw a shadow on the

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side steps. I did not stop walking, but I walked slower. Somebody ran down the steps, around the east end of the house. I thought it was a man, because I saw no skirts, and I was frightened, and of course I did not go around to see. I hurried in the front door as fast as I could and locked it.
Q. What time of night was that?
A. I think about quarter of 9; it was not after 9 o'clock, anyway.
Q. Do you remember what night that was?
A. No, sir; I don't. I saw somebody run around the house once before last winter.
Q. One thing at a time. Do you recollect about how long ago that last occurrence was?
A. It was after my sister went away. She has been away two weeks today, so it must have been within two weeks.
Q. Two weeks today? Or two weeks at the time of the murder?
A. Is not today Thursday?
Q. Yes, but I thought you said she was gone two weeks the day of the murder?
A. Is not today Thursday?
Q. Yes, but that would be three weeks. I thought you said the day your father was murdered she had been away just two weeks?
A. Yes, she had.
Q. Then it would be three weeks today your sister went away, a week has elapsed?
A. Yes, it would be three weeks.
Q. You mean it was sometime within the two weeks that your sister was away?
A. Yes. I had forgotten that a whole week had passed since the affair.
Q. Different from that you cannot state?
A. No, sir; I don't know what the date was.
Q. This form when you first saw it was on the steps of the backdoor?
A. Yes, sir.
Q. Went down the rear steps?
A. Went down towards the barn.
Q. Around the back side of the house?
A. Disappeared in the dark; I don't know where they went.
Q. Have you ever mentioned that before?

A. Yes, sir; I told Mr. Jennings.
Q. To any officer?
A. I don't think I have, unless I told Mr. Hanscomb.
Q. What was you going to say about last winter?
A. Last winter when I was coming home from church one Thursday evening I saw somebody run around the house again. I told my father of that.
Q. Did you tell your father of this last one?
A. No, sir.
Q. Of course you could not identify who it was either time?
A. No, I could not identify who it was, but it was not a very tall person.
Q. Have you sealskin sacks?
A. Yes, sir.
Q. Where are they?
A. Hanging in a large white bag in the attic, each one separate.
Q. Put away for the summer?
A. Yes, sir.
Q. Do you ever use prussic acid on your sacks?

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A. Acid? No, sir; I don't use anything on them.
Q. Is there anything else that you can suggest that even amounts to anything whatever?
A. I know of nothing else except the man who came, and father ordered him out, that is all I know.
Q. That you told about the other day?
A. I think I did; yes, sir.
Q. You have not been able to find that man?
A. I have not; I don't know whether anybody else has or not.
Q. Have you caused search to be made for him?
A. Yes, sir.
Q. When was the offer of reward made for the detection of the criminals?
A. I think it was made Friday.
Q. Who suggested that?
A. We suggested it ourselves, and asked Mr. Buck if he did not think it was a good plan.
Q. Whose suggestion was it, yours or Emma's?
A. I don't remember. I think it was mine.

After the reading of Lizzie Borden's Inquest testimony the Commonwealth closed.

Defense Witnesses.

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DR. DOLAN, recalled.

Q. (Mr. Adams) Doctor, have you completed, and filed the record of the Oak Grove autopsy?
A. Yes Sir.
Q. Has it been filed in Court?
A. Yes Sir.

Q. When was it done?
A. I believe the morning after I was on the stand here, the first morning, that would be Friday morning I think.
(Court hands the report to Mr. Adams, upon his request.)
Q. What is this, Doctor? (Handing witness paper.)
A. It is a record of the autopsy held at the Oak Grove Cemetery.
Q. What is that? (Handing witness another paper.)
A. It is a record of the autopsy of Andrew Borden; the first one was a record of the autopsy of Abby D. Borden.
Q. Both held at Oak Grove Cemetery on Tuesday following the tragedy?
A. No Sir.

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Q. The autopsy itself I mean.
A. On Thursday.
(Mr. Adams) I want to put both of these in.

(Copy)

Fall River, Mass. August 11, 1892.

Record of Autopsy on body of Abby D. Borden, aged 64 years. Thursday August 11, 1892. at 12.35 P. M. One week after death.

The Autopsy was performed by W. A. Dolan, Medical Examiner, assisted by Dr. F. W. Draper, and was witnessed by F. W. Draper of Boston, and J. H. Leary of Fall River. Clerk of Autopsy D. E. Cone of Fall River.

Body that of a female, very well nourished and very fleshy 64 years of age. 5 feet, 3 inches in height. No stiffness of death, owing to decomposition, which was far advanced. Abdomen had already been opened. Artificial teeth in upper jaw. No marks of violence on front of body. On back of body was
First an incised wound 2 and 1/2 inches in length, and 2 and 1/2 inches in depth. The lower angle of the wound was over the spine and four inches below the junction of neck with body, and extending thence upward and outward to the left. On the forehead and bridge of nose were three contused wounds. Those on the forehead being oval, lengthwise with body.
Second The contusion on bridge of nose was one inch in length by one half inch in width.
Third On the forehead one was one inch above left eyebrow, one and 1/4 inches long by 3/8 inch in width, and the other one and 1/4 inches above eyebrow, and one and 1/2 inches long by 1/4 inch wide. On the head there were 18 distinct wounds, incising and crushing, and all but four were on the right side. Counting from left to right with the face downwards, the wounds were as follows;-
1. was a glancing scalp wound two inches in length by one and 1/2 inches in width, situated 3 inches above left ear hole, cut from above downwards and did not penetrate the skull.
2. Was exactly on top of the skull one inch long penetrating into but not through the skull.
3. Was parallel to No. 2, one and 1/2 inches long, and penetrating through the skull.
4. Was 2 and 1/4 inches long above occipital protuberance and one and 1/2 inches long.
5. was parallel to No. 4 and one and 1/2 inches long.

6. Was just above and parallel to No. 5, and one and 1/4 inches long

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On top of skull was a transverse fracture two inches in length, a continuation of a penetrating wound.
7. was two inches long and two inches behind ear hole crushing and carrying bone into brain.
All the wounds of the head following No. 7 though incised crushed through into the brain.
8 was 2 and 1/2 inches long.
9 was 2 and 3/4 ″ ″
10 ″ one and 3/4 ″ ″
11 ″ 1/2 ″ ″
12 ″ 2 and 1/4 ″ ″
13 ″ One and 3/4 ″ ″
14 ″ two and 1/2 ″ ″
15 reached from middle line of head towards the ear 5 inches long.
16 was one inch long.
17 ″ 1/2 ″ ″
18 ″ 3 and 1/2 inches long.
These wounds on the right side were parallel, the direction being mostly from in front backwards.

HEAD. There was a hole in right side of the skull 4 and 1/2 to 5 and 1/4 inches, through which the brain was evacuated in a fluid condition being entirely decomposed.

CHEST. The chest and adbomen were opened by one incision from chin to pubis.
LUNGS. Bound down behind but normal. HEART normal.
ABDOMEN. Stomach and part of bowel had been removed. Spleen, pancreas, kidneys, liver, bladder and intestines were normal. Womb was the seat of a small fibroid tumor on anterior surface. Fallopian tubes and ovaries normal. Lower bowel empty. Upper portion of small bowel containing undigested food.

W. A. Dolan, Medical Examiner.
D. E. Cone, Clerk.

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Fall River, Mass. August 11, 1892.

Record of Autopsy held at Oak Grove Cemetery on body of Andrew J. Borden. Autopsy performed by W. A. Dolan, Medical Examiner, assisted by Dr. F. W. Draper. Witnesses F. W. Draper of Boston and John W. Leary of Fall River. Clerk D. E. Cone of Fall River. Time of Autopsy 11.15 A. M. August 11th, 1892, one week after death.

Body that of a man well nourished. Age seventy years. 5 feet 11 inches in height. No stiffness of death on account of decomposition, which was far advanced. Inguinal hernia on right side. Abdomen had already been opened. Artificial teeth in upper jaw. There were no marks of violence on body, but on left side of head and face there were numerous incised wounds and one contused wound penetrating into the brain.

The wounds beginning at the nose and to the left were as follows:-

1 Incised wound 4 inches long beginning at lower border of left nasal bone and reaching to lower edge of lower jaw, cutting through nose, upper lip, lower lip, and slightly into bone of upper and lower jaw.
2 Began at internal angle of eye and extended to one and 3/8 inches of lower edge of jaw, beginning 4 and 1/2 inches in length, cutting through the tissues and into the bone.
3 Began at lower border of lower eye lid cutting through the tissues and into the cheek bone, 2 inches long and one and 3/8 inches deep.
4 Began two inches above upper eye lid 1/2 inch external to wound No. 3, thence downward and outward through middle of left eyebrow through the eye ball cutting it completely in halves, and excising a piece of the skull one and 1/2 inches in length by 1/2 inch in width. Length of would 4 and 1/2 inches.
5 Began on level of same wound superficial scalp wound downward and outward 2 inches long.
6 Parallel with this 1/4 inch long, downward and outward.
7 Began 1/2 inch below No. 5, 3 inches in length downward and outward, penetrating cavity of skull. On top of skull was a transverse fracture 4 and 1/2 inches in length.
8 Began directly above No. 7 and one inch in length downward and outward.
9 Directly posterior to No. 8 beginning at ear and extending 4 inches long, 2 inches in width, crushing bone and carrying bone into brain. Also crushing from without in.
10 Directly behind this and above it, and running downwards backward 2 inches long superficially.
The general direction of all these wounds is parallel to each other.

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HEAD. Right half of top of skull removed. Brain found to be completely decomposed; and in fluid condition.
CHEST. Chest and abdomen opened by one incision extending from neck to pubis. Right lung glued to ribs in front. Left lung normal. Heart normal.
ABDOMEN. Spleen normal, kidney normal, liver and bladder normal. Stomach and portion of liver had been removed. Lower part of large bowel filled with solid formed faeces. Faeces also in lower part of small bowel.

William A. Dolan, Medical Examiner
D. E. Cone, Clerk

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MRS. CHURCHILL, recalled.

Q. (Mr. Jennings) The question we wanted to ask you Mrs. Churchill was with reference to this statement of Bridget's to you with regard to the note which Mrs. Borden received. Whether or not she gave that as something that Miss Lizzie told her, or something that Mrs. Borden told her?
(Mr. Knowlton) I object to that; I do not object to that she said.
Q. Whether she said that as told to her by Miss Lizzie or by Mrs. Borden?
(Mr. Knowlton) The way to get at that would be to say just what she did say.
(Court) You may ask the question.
Q. Now as to that statement which you say Bridget made to you with regard to the note, whether

she did or did not state whether Miss Lizzie, or Mrs. Borden told her that?

A. She did not say who told her. She said to me Mrs. Borden had a note to go see someone that was sick. She was dusting the sitting room, and she hurried off. She did not tell me where she was going; she usually does.

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DR. SEABURY W. BOWEN.

Seabury W. Bowen, M.D

Q. (Mr. Adams) What is your full name?
A. Seabury W. Bowen.
Q. And your place of residence?
A. Second street, Fall River.
Q. How long have you resided there?
A. About twenty years.
Q. And you have been in practice how long, as a physician and surgeon?
A. 25 years.
Q. You are in general practice?
A. Yes.
Q. Do you have any particular specialty, or are you in general practice as a physician and surgeon in this city?
A. General practice.
Q. You were a neighbor of the Bordens, both family physician and friend, I believe?
A. Yes Sir.
Q. If your house is correctly described to me, it was diagonally across the street from Mr. Borden's house?
A. Yes.
Q. On the day of the tragedy, you received some information with reference to it, did you not?
A. Yes.
Q. Where were you then, when that came to you?
A. I was just driving up to my house from the south.
Q. From whom did this information come?
A. It came from my wife, and from a man named Thomas Bowles at the same time.

Q. Thomas Bowles is the one referred to as working in the stable near by there, or connected with the stable?
A. He works for Mrs. Churchill.
Q. Do you know what time it was then?
A. No Sir.
Q. Can you give me an idea about what time it was?
A. The only means I have of judging, is calculating backwards from the time that I sent a telegram.
Q. Such calculations as you seem fit to make enables you to say in round numbers it was about what time?
A. Somewhere between ten and twenty minutes past 11 in the morning.
Q. By the way, you have been summoned here, and have been in attendance here constantly, as a government witness? You have been summoned here every day as a government witness?
A. I have been summoned.
Q. If you do not know by whom, it is very fortunate.
(Mr. Knowlton) I will agree that he was.
Q. In consequence of that information, what did you do?

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A. I went directly across the street into the side gate, the north gate, into the side door, which was the north door, and met Miss Lizzie Borden.
Q. What took place? State everything you saw, and what was said and done.
A. I was excited myself, because I received the message in such a manner that I knew something was wrong. My wife was very much excited indeed, and Mr. Bowles at the same time told me to go across; and I was prepared for something unusual. I said "Lizzie, what is the matter"? She said "father has been killed", or "been stabbed", I would not say which.
Q. What was her appearance? Describe how she stood, and where she stood, and her general appearance.
A. I could not describe her appearance, or what she had on very well, because I did not think nor mind.
Q. Describe her manner, and where she stood, not her clothing, everything that took place, as near as you can recollect.
A. I could not say whether she was in the side hall or in the kitchen, I think in the hall.
Q. What did you do?
A. I asked her where her father was- -- or perhaps I asked her---. She said he had been killed, or stabbed. I says "did you see anybody"? She said she did not see anybody. I asked her if she heard anybody. She said she did not. Then I asked her where her father was. She said he was in the sitting room. I went directly through the dining room to the door of the sitting room, the door from the dining room to the sitting room.
Q. I do not care to go into that about which there is no dispute. You went into the sitting room, and saw Mr. Borden?
A. Yes Sir.
Q. Who were there when you got to the house?
A. I have heard all the evidence, and I have no doubt that Mrs. Churchill was there, and Miss Lizzie Borden, those two.
Q. You do not recollect anybodyelse?
A. I do not recollect anybodyelse at that time.

Q. After seeing Mr. Borden, what did you do?
A. I examined him, and satisfied myself that he was dead. I went directly out the door going from the sitting room to the kitchen, and told whoever there was there that Mr. Borden had been killed, that he had been murdered.
Q. What was done? Was anything done about a sheet then?
A. I asked very soon for a sheet, I wont say how long afterwards.
Q. Was it at this first time you went to the house you asked for that?
A. Yes Sir.
Q. Who got it?
A. I dont know.

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Q. Did you see Bridget there?
A. Bridget was there before I left the house.
Q. You do not remember she was when you came the first time?
A. When I went to the door, I do not remember certainly.
Q. What was the position of Mr. Borden on this sofa at this time when you saw him, because, as I understand it, you were the first person who came in there?
A. He was lying on the right side of his face. The head of the lounge or sofa was near the door leading from the dining room to the sitting room.
Q. With his head towards the hall?
A. Yes, the front hall door.
Q. Calling your attention to Photograph No. 5, and the position there, I ask you how the position which you saw him in, varies from that, if it does at all?
A. The only difference I can see, I think the whole form has sunk down, has slipped down. I do not think the head is quite as high now as it was when I first saw him. The only way I can explain that, is that by walking through the room, he may have settled down some way.
Q. Settled down into the sofa, up towards the foot of the sofa a little?
A. I thought the head was a little higher up on the arm.
Q. On that part of the arm where it makes the curve to the back of the head?
A. Yes Sir. Under the head was a coat, I think, and a sofa pillow that he was lying on.
Q. Now after this sheet was brought, which you think was sometime during this first visit to the house---
A. I am certain it was the first visit.
Q. Whether you went away?
A. Yes Sir.
Q. Where did you go?
A. As I was going out, Miss Lizzie asked me if I would not telephone or telegraph to her sister. I said I would do anything for her that I could.
Q. You did telegraph, or cause a telegram to be sent?
A. Yes Sir.
Q. Where did you go to send it?
A. The Western Union Telegraph Office on Pleasant street, between Second and Main.
Q. How many minutes walk was it?
A. It was a ride, I rode.
Q. You drove?

A. No, I went to my house before that.
Q. You went to the house?
A. To my house across the street.
Q. Then did what?
A. I told my wife what had happened, and consulted the Old Colony

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time tables to see if she could come on the first train, to see if she was able to.
Q. After consulting the time tables, what did you do? Did you drive to the telegraph office?
A. Yes Sir, my boy drove me down to the telegraph office.
Q. Then right back again?
A. I went from the telegraph office into Mr. Baker's drug store on Main street. I had a few moments conversation with Mr. Samuel Flint. Then I drove directly to the Borden house.
Q. When you went in the second time, as I assume you did, who were there then?
A. I could not say I am sure.
Q. Were there people there?
A. Yes, there were people there, some, I do not know who.
Q. While you were there do you recall that Mrs. Churchill came in with some information with reference to Mrs. Borden?
A. Yes.
Q. Was that at that time?
A. That was at that time, yes.
Q. What did you do in consequence of that?
A. I went up stairs.
Q. Who went with you?
A. I went alone, as far as I know.
Q. You went through the sitting room and front hall up the front stairs?
A. I am not certain whether I went through the sitting room or dining room.
Q. You got to the front hall, and went up stairs?
A. Yes Sir.
Q. When you got up stairs yourself, what did you see?
A. As I was going into the door, I could look over the bed and see the prostrate form of a lady, a woman.
Q. I do not care as to any details with reference to the injuries which she had, but I would like to have you describe the situation at the time of the bureau and the bed, and of her body.
A. The body was just about midway, I should say, between the dressing case and the bed, in that direction, and the head, I could not say but two or three feet from the wall of the partition of the room. It is merely a matter of guessing, I do not know anything about it, and never have measured it.
Q. How much space was there on either side of the body, between the bureau and the body, and the body and the bed?
A. I dont think I went between the dressing case and the body, but I went between the bed and the body. There was very little room, and I presume I moved the bed in going there.
Q. Was anybody with you when you went there?
A. I do not think there was when I went first.
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Q. Now I would like to have you describe the position of the hands and the body at that time, when you first saw it.
A. Mrs. Borden was lying on her face, squarely on her face, perfectly straight, so far as her legs were concerned, perfectly straight and square on her face, as near as I can remember. Her arms were folded or----
Q. Give an illustration with yours.
(Witness shows with his arms.)
Q. Pointing how, abreast, or below the line of the arm pits?
A. Yes Sir.
Q. One across the other?
A. Yes Sir.
Q. Were they up like this, over the head?
A. No Sir.
Q. Are you positive about that?
A. I am positive of that.
Q. What did you do to the body at that time? Did you do anything at the first sight of it?
A. I placed my hand on the head, on the wounds of the head, and satisfied myself that she was dead.
Q. Did you disturb any of the limbs, or anything, did you move them at all?
A. No Sir, I do not think I did.
Q. Do you know how they got to be in this position where they got to be subsequently?
A. No, I do not know.
Q. Have you any idea about it?
A. She must have been moved.
Q. You do not know who did it?
A. No Sir.
Q. Later that same day did you see Dr. Dolan there?
A. Yes Sir.
Q. How long after that?
A. I could not say how long.
Q. Was it a little while, 10 or 15 minutes, or half an hour, anything like that?
A. I should say it was somewhere near quarter of an hour, I would not say positive.
Q. Somewhere near quarter of an hour?
A. Somewhere near.
Q. Did you and he then go up stairs together after he got there, sometime?
A. Yes Sir, I think I took him up stairs.
Q. After he came you took him up stairs?
A. I think so, I am not certain.
Q. To see this body?
A. Yes.

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Q. While he was there, did you make some notes for him?
A. I did sometime; whether it was the first, second or third time, I do not know.
Q. Was there a third time that you went up there?
A. I do not remember.

Q. Were you there a good many times during the day?
A. I went up several times between the first time I went up, and 12 o'clock. I went up with several parties, I do not remember who.
Q. Were you there later during the day?
A. I think I must have been until probably one o'clock, or half past 12; I wont say positive.
Q. Do you remember being in Miss Lizzie's room when the officers came, and they were searching, two or three o'clock in the afternoon, or 12 or one o'clock, whenever it was?
A. I do not know as I was in the room. I know the officer suggested that Lizzie's room be searched.
Q. Did you go in to speak to her in consequence of what was said to you?
A. Yes Sir.
Q. Had you previously had some talk with her about her condition and feelings, and one thing and another?
A. The second visit I told her to go to her room. I covered Mr. Borden up, and had her friend Miss Russell take her up to her room. I told her, she better go up to her room, and stay there.
Q. Did she go in consequence of your direction?
A. I think she did in consequence of my direction.
Q. Afterwards you found her there?
A. I think she was there most of the day.
Q. After the officers spoke to you, you found her in her room?
A. Yes Sir.
Q. Which was sometime that morning, or about one o'clock?
A. Yes Sir.
Q. Had you been in the habit of visiting the Borden house?
A. Very seldom, except for business, financial or professional.
Q. Do you remember when you were there before the tragedy?
A. I was there the morning before.
Q. That was Wednesday morning?
A. Yes Sir.
Q. What time?
A. I could not say. It was after my breakfast time; it was somewhere about eight o'clock, or quarter past eight.
Q. How long after your breakfast?
A. Very soon after.
Q. Somewhere about nine o'clock?
A. Before nine I think.
Q. Before nine o'clock?
A. I think so.
Q. Did you have any talk with Mr. or Mrs. Borden that morning?

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A. I talked with Mrs. Borden in the office, and with Mr. Borden at his house Wednesday morning.
Q. The morning before the tragedy?
A. Yes Sir.
Q. You went over there somewhere between 8 and 9 o'clock, after your breakfast?
A. Yes Sir.
Q. Do you know where Miss Lizzie was that morning?

A. I do not.
Q. Did they tell you where she was?
A. No.
Q. I ask you if they told you?
A. I do not think they did; I do not think I inquired after her.
Q. You do not remember anything about that?
A. No, I do not remember anything about that.
Q. The first time you went up with Dr. Dolan, was there then any examination made about the character of the wounds, or the blood; or was that the second time?
A. I could not say whether it was the first or second time, I am sure.
Q. Did you form any opinion as to how long these people had been dead?
A. At that time I supposed they had been dead only a short time.
Q. What do you mean by "only a short time"?
A. I should say a half an hour.
Q. Did you form any opinion as to whether there was any essential difference in the time of their dying?
A. I did not at that time.
Q. Have you any opinion now?
A. I ought to have; I have heard opinions enough.
Q. Have you any opinion that you would care to express?
(Mr. Knowlton) Based upon a medical examination.
Q. That you care to express, based on what you have seen?
A. That would be merely supposition, or opinion.
Q. In consequence of what you saw there.
A. Well, yes.
Q. What is your opinion?
A. At what time do you wish to know? What time do you wish me to be at 12 o'clock or one o'clock?
Q. If you formed an opinion at any time when those parties had died, and an opinion as to the difference in the time of dying, I should like to know when it was you formed it, and what your opinion is, if you have it now, if it is something that sticks to you.
A. I have no means, myself, of judging whether there was any difference in the time of their death, or not, no reliable opinion, no reliable information, no reliable way of possessing any that I know of myself, or that was used that day there.

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Q. Or that was used that day?
A. Or that was used that day.
Q. Either by yourself, or anybody in your presence?
A. So far as I know.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) A very few questions. When was the last time you saw Mr. Borden?
A. Mr. Borden, I saw him, I do not remember whether I ever saw him after Wednesday morning, or not. I know my wife said he was out on the sidewalk; whether I looked out and saw him, I do not remember.

Q. You did not see him on Wednesday morning?
A. Yes, I saw him Wednesday morning.
Q. One of them called on you with reference to sickness they had had there?
A. Mrs. Borden called.
Q. When was that?
A. Wednesday morning.
Q. How early?
A. That was before breakfast, sometime between seven and eight o'clock perhaps.
Q. What was it she complained of?
A. She came to my door and rang the bell, and said she was frightened. She said she was afraid that she had been poisoned. I asked her into my office, and she sat down. I questioned her on what she had been eating, and what her sickness consisted of, in what way; and told her what to do. I told her I guessed it would not be anything serious. At the time, during the time, she very nearly vomited, so much so, that I was getting something ready for her. Whether she did in her handkerchief, or not, I could not say; but she seemed to be sick all at once.
Q. Go on.
A. That is all of that. I told her what to do.
Q. Did she say the same things had happened to Mr. Borden during the night?
A. She said that Mr. Borden and herself were sick sometime between nine and twelve, that they were both vomiting, and that Lizzie, Miss Lizzie, was sick later. That she either went into the room, or heard them, and that about 12 she was vomiting-, had been vomiting Wednesday night.
Q. What time in the morning was this that she was in there?
A. In the office?
Q. Yes.
(Mr. Adams) All this is directed to Wednesday?
(Mr. Knowlton) Yes.
A. It was between seven and eight, before my breakfast sometime.
Q. Did her appearance seem to bear out what she said to you?
A. Yes, she acted sick.

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Q. You went over to the house after breakfast?
A. Yes Sir.
Q. You were not called?
A. I went of my own accord.
Q. From the symptoms she had described, you felt somewhat alarmed?
A. Yes Sir, so many of them; not because they sent for me.
Q. When you got there, who did you see?
A. I think that Bridget Sullivan let me in at the front door; I am not certain, I think so. I am very sure that Miss Sullivan let me in.
Q. Who did you see?
A. I saw Mr. Borden.
Q. You talked with him?
A. Yes Sir.
Q. How did he appear to be?
A. He was lying down then. As I went in, of course he sat up on the sofa.

Q. Did you see Lizzie then?
A. I did not. I saw someone going up stairs, I do not know whether it was Bridget or Lizzie or Mrs. Borden, I did not see the face, I saw the form.
Q. Did you see Lizzie at all that day?
A. I think not.
Q. Out of doors, or in?
A. I do not remember as I did. I know my wife said she was going up the street, or going down street towards night, that was Miss Lizzie.
Q. You did not see her during the day at all?
A. No Sir. I remember that, because my wife accounted for Mr. Borden being out, and Lizzie being out, and I suppose they were all right.
Q. That is the last time that you know of that you saw Mr. or Mrs. Borden?
A. Yes Sir.
Q. You did not call upon them afterwards?
A. No Sir.
Q. That call was voluntary?
A. Yes Sir.
Q. You were not sent for to come over. Dr. Bowen, you say Mrs. Churchill was there when you came in?
A. Yes Sir. In my first testimony I did not think she was, but I am satisfied now that she was.
Q. You saw Miss Lizzie when you came there?
A. The first time, yes.
Q. Where was she then?
A. I would not swear whether she was just as the edge of the kitchen or in the hall, or at the door I am sure. I remember what I said to her.
Q. You do not remember where she was?

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A. I do not remember exactly where she was.
Q. Was she alone when you saw her?
A. I think Mrs. Churchill was with her, I am not certain.
Q. What was the first thing you said to her?
A. The first thing I said to her was "why Lizzie, what is the matter?" She said father had been killed or stabbed. That is all I remember just now.
Q. Anything more did she say?
A. Not until I asked her questions.
Q. What was the next question you asked her?
A. I would not say what the order was they were in. I do not pretend to remember the order. I asked her if she had seen anyone. I exclaimed, your father stabbed or killed. I asked her if she had seen anyone, seen anyone in the room. She said she had not. She said she was afraid her father had --- I do not remember. She was afraid her father had had some trouble with the tenants; that was it, I think.
Q. Did not she say when you asked her if anybody had been there, that she had heard her father talking loud lately?
A. Yes Sir. That did not refer to that day particularly, but some previous time, that she had heard her father talking loud.

Q. She had heard her father talking some previous day?
A. Yes, she had heard loud talking. The talk I had first was "why Lizzie, what is the matter?" She said her father had been killed or stabbed, I do not remember which. I asked her if she had seen anyone anybody about the house. She said she had not. She said she was afraid that her father---- I might have asked other questions. I remember the drift of the conversation was this, that she was afraid her father had had some trouble with the tenants.
Q. Did she say then she had overheard somebody talking in the house?
A. Yes, but not that day. She said that that day.
Q. The very first conversation when you got there was like that?
A. Yes Sir, sometime between the time I went there, and the time I left, my first visit.
Q. That was almost the very first thing you said when you saw her?
A. Yes. I think that conversation was on the way into the dining room.
Q. It was at that very first interview she told you of the trouble with the tenants, and the talking loud?
A. I think that was when I first went in.
Q. That was the first words you said to her?
A. Yes Sir.
Q. You testified about this matter before the Inquest?
A. Yes Sir.
Q. Was your memory in a better condition then than it is now?
A. About the same. I do not think it is quite so good now.
Q. Did you say something of this kind, "I met Miss Lizzie in the hall. I says what is the matter Lizzie? I spoke pretty quick. She

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said I think my father has been stabbed or hurt. I said has there been anybody here. She said not that she knew of. She said she had overheard her father talking loud recently, and was afraid &c" That was so, was it?
A. So far as I remember, as near as I can remember.
Q. How soon did you go into the sitting room where the dead man was?
A. It could not have been very long.
Q. Immediately almost?
A. A very few minutes.
Q. Was not it at once?
A. Yes Sir, at once.
Q. As soon as you could go in, when you found out where he was, you went in?
A. Yes Sir.
Q. No very few minutes about it?
A. I cannot tell how many minutes it was, I am sure.
Q. Do you remember?
A. No Sir.
Q. Is not it the fact that the spectacle of those two bodies dazed you for a while, so you had no adequate remembrance of what was going on?
A. It took me sometime, I must say, to straighten out my actions during the first half hour; it took me almost all the week to satisfy myself where I was.
Q. What you do remember about it now, is a conscious attempt to recollect what was entirely

confused in your mind at the time?
A. Yes Sir, and hearing witnesses, and getting at the truth, as near as I could.
Q. You have got a kind of a revived impression of what took place?
A. Yes Sir. ("Revived" is objected to, but waived.)
Q. If you had not heard anybody tell about it at all, you would have a pretty confused idea of what went on? Will you tell me if you would remember anything about that matter if you had not heard these other witnesses talk, any distinct recollection?
A. Certainly.
Q. Of what took place in the first half hour?
A. Somewhat; I would not say positive, I am sure.
Q. I suppose you went in there as soon as you could?
A. Yes Sir.
Q. Will you tell me whether you noticed anything, except what you have said, wrong about that picture, as you saw him first?
A. (Putting on his glasses.) Excepting the sliding down; that is all.
Q. In every other respect does the recollection of what you saw there, correspond with that picture now?
A. So far as I know.
Q. Dr. Bowen, it was an awful sight, was it not?

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A. Yes Sir.
Q. It was a ghastly sight, was it not?
A. Yes Sir.
Q. It effected you to tears, did it not, Doctor?
A. No Sir.
Q. When you came out from that room into the other room, were there not tears streaming down your cheeks?
A. I should not think so.
Q. Would you say they were not, if anybodyelse said so?
A. I should want more than one to say it, or two or three.
Q. The eye ball was hanging out itself?
A. It was cut in two, in halves.
Q. And lay on one cheek or the other?
A. No it was not lying on the cheek. It was cut in two, or cut in halves, and remained almost in the natural position.
Q. You do not remember that you came out of that room with the tears streaming down your face?
A. No Sir.
Q. You think you did not?
A. I think I did not; I am sure I did not.
Q. What did you say the position of the arms was, I wanted to get that, Mrs. Borden's?
A. Very near that way, crossed this way. (showing.)
Q. When did you first see the body of Mrs. Borden?
A. What time?
Q. Where were you when you first saw it?
A. I was in the door way.

Q. Standing in the door way?
A. Yes Sir.
Q. Who were with you?
A. Nobody as I know of. There might have been somebody behind me, I do not know.
Q. Who suggested your going up into the front room?
A. Mrs. Churchill.
Q. Did you have any talk with Lizzie about going up in the front room?
A. No Sir.
Q. Did you hear Lizzie say she thought her mother had come back?
A. No Sir.
Q. Did you hear her say she thought her mother had gone out then before you went away?
A. I am very sure she said that her mother had had a note that morning, and had gone out, or she thought she had gone out. The question was raised where is Mrs. Borden; and as nobody could account for her, I left and went down street on that evidence. I did not have time, I did not think it was necessary for me to look.
Q. It was when you came back the second time, you found Mrs. Borden?

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A. Yes Sir.
Q. You did not go up stairs the first time you came in?
A. No Sir.
Q. Whether anybody had been up there before you had, you do not know?
A. No Sir.
Q. Who had been up there before you had, you do not know?
A. I know two had been up, but I do not know how many before me. I know that two had been up, I do not know how many more had been up.
Q. Did you ask Lizzie at any time where she was when her father was killed?
A. Yes Sir. That was the first visit, I omitted that.
Q. What did she say?
A. She said she was out in the barn.
Q. What did she say she was doing out in the barn?
A. She said she was looking for irons, or something to that effect. I think that was the word that was used, looking for irons.

RE-DIRECT.

Q. (Mr. Adams) When Mrs. Borden came over to your house Wednesday morning, and had this talk with you, she described her symptoms?
A. Yes Sir.
Q. You asked her such medical questions as you thought were proper?
A. Yes Sir.
Q. You said to her you did not think it was anything serious?
A. Yes Sir.
Q. What did you think the matter was at that time?
A. At that time the weather was very warm, and it was not unusual for people to be unwell that way.
Q. It is a common complaint at that time of the year?

A. Yes Sir.
Q. And has happened in your practice?
A. Yes Sir.
Q. She said she and Mr. Borden were taken about nine o'clock, and Lizzie was taken sick about twelve o'clock?
A. Yes Sir.
Q. That is between Tuesday night and Wednesday morning?
A. Yes Sir.
Q. When you say you thought she had that appearance, you did not mean I should understand she had the appearance of being poisoned?
A. I had the impression by her actions that she was sick, felt sick.
Q. You did not prescribe for her on the theory that she had been poisoned?
A. No.
(Court) Doctor, let me understand. When you saw the body of Mrs. Borden, as I understand you, lying flat on the face, were her arms folded across the face?
A. They were.
(Court) Under her?

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A. Yes Sir, they were.
(Court) She was laying on her arms?
A. Yes Sir.

RE-CROSS.

Q. (Mr. Knowlton) How long a look did you take at the body at that time?
A. The first time up there, I do not suppose it was more than a minute or two.
Q. Were you taking particular notice of the position of things at that time?
A. No Sir I was not, except herself, except the body.
Q. You were not looking at it as a physician would look at an ordinary case?
A. No Sir. I was satisfying myself she was dead.
Q. You were then, if you will pardon me for saying so, quite excited?
A. I was.
Q. You were very excited?
A. Yes Sir.
Q. You looked at that thing, however, so to satisfy yourself she was dead?
A. Yes Sir.
Q. The position was only incidental?
A. It was incidental, for I saw it several times after that, and took several parties up.
Q. Who was up there, and saw it in the same position that you saw it?
A. I cannot tell.
Q. Tell me anybody that saw it as you have described it.
A. I dont know.
Q. You have seen the witnesses that testified on the stand who saw it; can you tell me any of them who saw it, so I could see whether their memory coincided with you.
A. I am not positive.
Q. When was the last time you saw the body in that position, with the arms under it?

A. After Dr. Dolan came we turned the body over on the back--
Q. When was the last time you saw her with her arms under her, instead of over her head?
A. Before she was moved by the direction of Medical Examiner Dolan.
Q. When Dr. Dolan first came, her arms were in the same position as when you first saw her?
A. So far as I know.
Q. So far as you remember?
A. Yes Sir.
Q. So when Dr. Dolan first came, the position he found her in was the position you first found her in?

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A. So far as I remember.
Q. So far as you remember now?
A. So far as I remember. I did not intend to have her disturbed until the Medical Examiner was there. I intended to notify him as soon as I could.
Q. So far as you can remember the position in which Dr. Dolan found her, was the same position in which you found her?
A. So far as I know.
Q. Did officer Allen get there before you?
A. I do not know the man. I should not know him, if he was here. As I was going out the first time, I think I said I wished someone would notify the police.
Q. Do you know whether officer Allen came there before you did the second time?
A. I do not. I know this fact, that Mr. Sawyer said that some officer was there; and I satisfied myself that the police were notified.
Q. Had got there before you got back the second time?
A. I satisfied myself that the police were notified of the event by the presence of a police officer, who was not, I think in uniform.
Q. Before you went off the first time?
A. Before I left the first time.
Q. (Mr. Adams) Had you, before this time, assisted at a number of autopsies with Dr. Dwelley?
(Mr. Knowlton) I will admit he is an experienced Autopser.
(Mr. Adams) I want to know whether he had had any experience that would teach him to observe.
(Mr. Knowlton) I concede it; he is an expert.

End of Day 5 – Trial adjourned until Wednesday, August 31, 1892

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Day 6, Wednesday, August 31, 1892

RUFUS B. HILLIARD.

Marshal Rufus B. Hilliard

Q. (Mr. Jennings) What is your full name?
A. Rufus B. Hilliard.
Q. You are the City Marshal of Fall River?
A. Yes Sir.
Q. When did this first come to your knowledge, Mr. Hilliard?
A. The first that I heard of it was by a telephone message about quarter past eleven on August 4th.
Q. Did you go up yourself immediately?
A. No Sir, I did not.
Q. Who did you send?
A. I sent Officer George W. Allen.
Q. How soon did you go yourself?
A. O, I did not get there to the house until somewhere between two and three in the afternoon.
Q. Do you know what other officers had been sent up meantime?
A. Well, I had sent quite a number that I could get hold of by the signal, and by sending men after them, at their houses. The next officers sent were Doherty, then Mullaly, Medley, Gillan, Wilson, and quite a number of others that I cannot mention now.
Q. Have you endeavored to give them in the order in which you sent them?
A. As near as I can remember it.
Q. You have given them in the order in which you think you sent them?
A. Yes Sir.
Q. When you went up there at three o'clock, what did you do?
A. I went there with some men to search the barn, the yard, and also the yards in that vicinity.
Q. Do you know whether the barn had been searched before by any of the officers?
A. Nothing more than what I was told.
Q. Told by them?
A. Some of them, yes sir.
Q. Who were the officers from whom you derived the information?
A. Officer Medley was one, Mr. Fleet was another, and I think Mr. Riley, I wont be sure, but I think Mr. Riley told me that he was there.
Q. By the way, where is Officer Medley; is he in town?
A. No Sir. I have sent Officer Medley to look after something that the Reverend Mr. Buck placed in my hands.

Q. He is off on duty somewhere out of town?
A. Yes Sir.
(Mr. Knowlton) I had just as leave tell you where he is, but I do not care to tell it in Court.
Q. Following out some clue in connection with this murder, or dont

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you care to answer that? I wont press it, if you do not care to answer it.
A. I cannot answer it, Mr. Jennings, in that way. Some supposed clue.
Q. Something in connection with the murder?
A. Yes Sir.
Q. Now what was done after you got up there?
A. When I arrived there, I went directly into the yard where several of the officers were. Some I sent into the barn to search the barn, and I went to the back part of the yard where the pile of lumber lay.
Q. Wait just a minute, Marshal. Do you know of your own knowledge whether in that search of the barn, the hay was all pitched over?
A. I do sir.
Q. A thorough examination was made, was there, of your own knowledge, of the whole barn, up stairs and down?
A. Yes Sir.
Q. The hay removed and everythingelse?
A. It was placed from where it was to the other end of the barn. It was all overhauled.
Q. Now you were going to tell me about the back yard; what was done there?
A. The first place I went, after sending the men in the barn, I went to that pile of lumber which lays at what is termed, I presume, the Chagnon fence. It lays a little to the southward I think from the center of the yard. I looked that over, some of it was handled over so we could look in and see if there was anything there that we were looking for. We looked over the fence into the Chagnon property, and also into the lot on the south, adjoining the Borden yard.
Q. That is what has been called the Crowe yard?
A. Well, I presume part of it; the other part is Dr. Kelley's I presume. From there we went, or I went to the well, or what was the well, but it has been filled up. From there I went to the rear end of the barn, and looked into a vault that was there. From that I went into the barn, up where they were overhauling the hay. I looked around there, and came down stairs, and helped in the search of the carriage house and the carriages and barrels.
Q. That is in the lower part of the barn?
A. Yes Sir, on the west end.
(Mr. Knowlton) Not a separate building?
(Mr. Jennings) No.
A. It is that part of the barn where the carriages are, and it is on the west end of the barn, down stairs. We searched in the stalls that are on the north of the barn, and also under the stairway that is there; in fact, all that was down stairs.
Q. You made a thorough search of the whole premises?
A. Yes Sir. When we got through there, I came up and told the officers that---- Well, I sent them to search the other yards around

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in that neighborhood. I then went into the house.
Q. Now can you recollect, Marshal, what other officers were in the house at that time that afternoon?
A. There was no other officer at the time that I went in; or, at least, I saw none. The Doctors were there.
Q. What doctors were there when you went in?
A. I saw Dr. Dolan.
Q. About what time was this you went into the house, do you think?
A. Somewhere in the neighborhood of quarter of four, perhaps four o'clock.
Q. Give us the names of the Doctors?
A. I saw Dr. Dolan there, Dr. Coughlan, Dr. Peckham, Dr. Dutra. I am pretty positive that Dr. Tourtellot was there. I saw Mr. Winwood the undertaker. I am not positive whether Dr. Bowen was there, or not he may have been there, or may not.
Q. Was Dr. Abbot there?
A. I did not see Dr. Abbot. He might have been there, for all I know.
Q. What were they doing at that time, Marshal?
A. I first went into the dining room where Mrs. Borden was.
Q. Where Mrs. Borden was?
A. Where Mrs. Borden lay, the body was in the dining room.
Q. They had brought it down?
A. Yes Sir, they had brought it from up stairs, down. It was in there; and the Doctors were talking together; I do not know what they were saying, I am sure.
Q. I do not care for that, of course. I only wanted to know what you saw them do, if anything.
A. In fact I did not see them do anything at that time.
Q. They appeared to be in consultation at that time?
A. Yes, they were talking when we entered.
Q. What did you do after that, Marshal?
A. I spoke to Dr. Dolan. I looked at the safo, where it was, looked at some spots---
Q. Did you examine the sofa at all, look it over?
A. No Sir, no more than to look at it as it stood there. I did not examine it at all.
Q. Did you examine it enough to tell whether any part of it was cut?
A. No Sir.
Q. You cannot tell whether any part of it was cut, or not?
A. No Sir, I cannot.
Q. Can you tell us whether there were any blood spots on the head of it, or not?
A. At that time I did not look at it.
Q. I suppose you are speaking now of the sofa in the sitting room?
A. I am speaking of the sofa, yes sir, that sat on the north side of the sitting room, between what I should term the dining room door on

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the north and the kitchen door on the east.
Q. Did you notice whether there were any blood spots, or not, on the parlor door?
A. There was.
Q. On the sitting room side?

A. Yes Sir.
Q. Did you notice how many, or what the character of them was?
A. No Sir I did not. I saw there was some. There is a door goes from the sitting room into the parlor. On the north of the door that enters the front hall, there on the north side of that door, I saw blood spots there.
Q. Could you tell whether there were few or many?
A. That I could not.
Q. You simply know there were blood spots on there?
A. That is all I know about that.
Q. Was Mr. Borden's body still on the sofa, or had that been removed?
A. His body lay, probably from his feet to the sofa was just room enough for me to pass by, going that way.
Q. Then the body had been removed?
A. Yes; it was on some kind of an undertaker's form there.
Q. What did you do after that?
A. I then passed into the front entry way with Dr. Dolan. I went up stairs into the chamber, or the front room over the parlor, where they said Mrs. Borden was found. I looked at the place where the blood was on the carpet. I also looked at the clothing on the bed. I saw some spots of blood on the pillow sham. I saw some one or two, perhaps more, on the----
Q. Have you the shams and spread in your possession?
A. Yes Sir.
Q. Will you get them?
A. Yes.
Q. Wont you bring up, if you have it, the marble piece that came off the bureau?
A. Yes. (They are produced from down stairs.)
Q. Are these the shams that were delivered to you as the ones that were on the bed?
A. Yes Sir, I should say they were.
Q. When did you receive them?
A. I got them at the house on Wednesday, the 10th of August.
Q. There seems to be blood only on one of them. Have you examined them to see if there is blood on more than one of them?
A. I have not examined them since the day I saw them on the bed.
Q. What day did you see them on the bed?
A. The fourth of August.
Q. The time you have just spoken of as going up there?
A. Yes Sir.
Q. This is the bed spread?

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A. Yes, I believe that is the one. That is the one I brought away from the house.
Q. The spread that was given to you at the house?
A. Yes, the spread that was given to me at the house.
Q. Can you tell me how they lay, whether this sham with the blood on it, lay next to the bureau, or furthest away from it?
A. No sir, it lay next to the bureau, the bureau or dressing case, whatever it is.
Q. How was the bloody part of the spread, if you recollect, relative to that bloody sham?

A. That was just below it, supposing the pillow to be here.
Q. To the west of it?
A. Yes Sir a little to the west of it, on the north side of the bed.
Q. Without going through your whole movements in detail, Mr. Hilliard, I want to know whether you made any search of the house that afternoon; and if so, give me a description of the search.
A. I made no search of the house myself. At the time that I sent some men to search the yards, I also sent some to search the cellar, to go through it thoroughly. I had been informed that it had been searched.
Q. Before this, before you got there?
A. Yes Sir, but I sent men down there to give it a thorough searching.
Q. Was that after you came in the house, or before?
A. I sent them just before I went into the house, and probably went in about the same time myself, into the house.
Q. Do you know whether they did search the cellar?
A. I did not go down there. All I know is what was reported to me.
Q. What further do you know about the search, if anything, that afternoon?
A. Nothing whatever, sir.
Q. Do you recollect who the officers were that you directed to make that search in the cellar?
A. I think Assistant Marshal Fleet and Mr. Harrington, and I think Mr. Riley was there, and I think Mr. Medley was there, perhaps there may have been one or two others that I do not recollect.
Q. Now I wont ask you what the report was; but I ask you whether a report was made of the search that afternoon?
A. Yes Sir, when they came up from the cellar I met Mr. Fleet outside.
Q. Do you know whether anything was found that afternoon as the result of these searches?
(Mr. Knowlton) He can know that only by hearsay.
Q. Was anything delivered to you as found that afternoon, as the result of those searches?
A. No Sir, not that day.

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(Mr. Knowlton) I do not object to any report that was made to him, or anything that was found, any object.
Q. Is this the direction that this marble lay, north and south?
A. Yes Sir.
Q. You found one blood spot on the top of that?
A. That is all that I saw.
Q. And two blood spots on the front edge?
A. Yes Sir.
Q. Do you know, Mr. Hilliard, or were any orders given by you to search the upper part of that house that afternoon?
A. No Sir, none whatever.
Q. Do you know, from the reports of your officers, whether any search had been made of the upper part of the house that day?
A. Yes Sir.
Q. Do you know from the reports, or were there such reports made?
A. I know from the reports from my officers.
Q. That there were such reports made?

A. Yes Sir.
Q. Now what was done the next day in the way of search? The next day was Friday?
A. Yes Sir. I do not know that there was any search made on a Friday; not that I know of.
Q. Did you receive anything on Friday as the result of any previous search?
A. Friday morning I did.
Q. What did you receive?
A. I received two hatchets and two axes.
Q. Were the two hatchets which you received the two hatchets which were in Court here yesterday?
A. Yes Sir.
Q. One with the claw hammar head, and the other the small hatchet which you gave to Mr. Wood?
A. Yes Sir, I gave it to Mr. Knowlton, and he ordered it given to Mr. Wood.
Q. Did you made any examination of those hatchets at the time you received them?
A. Not immediately. I looked at them during the forenoon, after Court. I was in Court that morning, if I remember right.
Q. I think Dr. Dolan testified that he did not make a close examination of these hatchets at the house, but he did make an examination of the glass afterwards in your office; can you recollect when that time was?
A. Yes Sir.
Q. When was it?
A. It was on Sunday, the seventh.
Q. Sunday morning?
A. That is the time I remember of his making a thorough investigation of these axes and that hatchet.

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Q. Is that the time when he examined them through a glass? He spoke of using a glass to look at them?
A. No Sir, he looked at them on the 5th after they were in my office. What I said on Sunday, was that he took a powerful glass which I brought, and looked at them very thoroughly, handles and heads, and all around.
Q. Do you know when the hair was first discovered on the hatchet?
A. I think I went up there; but I think the officer who brought it down from the house to my office, was the man who found the hair, or supposed hair, whatever it was, just under the handle, and next to the head of the hatchet.
Q. The claw hammar head?
A. Yes Sir.
Q. Who was that officer?
A. Mr. Edson. I do not know; I do not say positive, but I think he was the one that found that.
Q. I was going to ask you, Marshal, whether it was not Mayor Coughlan who first called attention to that, Saturday night?
A. No Sir, I do not think it was, that is, to that hair next to the head of the hatchet; I do not think it was.
Q. Was there anything that he first called attention to Saturday night?
A. Yes sir. On one of the axes, he called my attention to what looked like blood, not only on the ax itself, but the handle.
(Mr. Knowlton) Ax or hatchet?

A. Ax.
Q. I simply wanted to place Dr. Coughlan's examination. Now go back to the search Marshal. When was the next search that you made after Thursday?
A. The next search that I made---
Q. Or that you caused to be made; made by you, or under your directions.
A. Do you mean a partial or thorough search?
Q. Partial. I want to cover all the searches that were made.
A. Saturday, I should say somewhere about half past 12. That search was made from something that came to my knowledge, in fact, was handed to me; and I went there after the funeral procession left the house, and made a partial search of three rooms.
Q. This was about half past 12?
A. Somewhere in that vicinity; it was soon after the procession started.
Q. Now what three rooms did you search Saturday afternoon?
A. I looked in what I was told was Miss Lizzie's room, the room to the northward. We went from that room, and looked into the spare or front bed room, up stairs.

(Examination suspended to allow Dr. Learned to testify.)

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WILLIAM T. LEARNED.

Q. (Mr. Jennings) What is your full name?
A. William T. Learned.
Q. You are a practicing physician here?
A. Yes Sir.
Q. Were you at the Borden house on the day of the tragedy?
A. Yes Sir.
Q. At what time?
A. About quarter past three.
Q. Did you see Mrs. Borden in the front upper room there?
A. Yes Sir.
Q. Where she was lying between the bureau and the bed?
A. Yes Sir.
Q. Now I want to ask you if you recollect what was the position of her arms, relative to her head or body at that time.
A. The arms were under the body. She was lying prone, with the arms under.
Q. Can you show us by your own arms?
A. I could not see the fore arms, but supposed they were this way. (Shows.) Upper arms were by the side of the body.
Q. Did the position of the lower part of the body indicate that the arms were as you now indicate?
A. Yes Sir.
Q. Were they up over her head anyway, in this position?
A. No Sir.
Q. Who were present at that time?
A. Several; I think at least a dozen.
Q. Was Dr. Bowen there?
A. Yes Sir.

Q. Was Dr. Dolan there?
A. Yes Sir.
Q. And other doctors?
A. Yes Sir; but I do not know that they were in the upper room at the time I was, not all the time.
Q. But they were there in the house?
A. Yes Sir.
Q. Was that just before she was taken down stairs to perform the autopsy?
A. Yes Sir.
Q. Did you remain during the autopsy?
Ans. Yes Sir.
Q. Did you understand that it was an autopsy?
(Objected to. Court; The doctor may tell what he witnessed, and what he did.)
Q. (Mr. Knowlton) That was after the photographs were taken probably, then?
Ans. Yes Sir.

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Examination of Marshal Hilliard resumed.

Q. (Mr. Jennings) Then if I understand you correctly, you examined the room that is called Miss Emma's room, and Miss Lizzie's room, and the guest room?
A. I examined partially the three rooms that I have spoken of. I do not know about Miss Emma's room; I do not know where that is.
Q. You know where Miss Lizzie's room is?
A. Yes Sir.
Q. I understood you to say you examined the room that opened out of that?
A. Yes Sir, opened out of that to the north.
Q. This being Miss Lizzie's room on the south of the house, you examined that room, with the door opening directly out of it to the north?
A. Partially, the whole three.
Q. What do you mean by partially?
A. I did not go through the bureau drawers, and such as that, but looked at the beds, looked at this bed that stood here, and that one there.
Q. What do you mean by looking at, tore them to pieces?
A. Yes sir, lifted the bed, and took the clothes off.
Q. Took everything off of it, so you could see if anything was concealed in any part of the bed or any part of the bedding?
A. Yes Sir.
Q. You did not examine the bureau drawers in any part of the room?
A. No Sir. There was this lounge here, a sofa. I looked back of it.
Q. You looked back of the sofa in Lizzie's room?
A. Yes Sir.
Q. When you went into the spare room, or guest room, what did you do there, in the north west corner?
A. Nothing at all, just merely looked at it.
Q. That was when?
A. Saturday noon, somewhere between 12 and one o'clock, probably half past 12. I left the office at noon.

Q. Now was there any other search made that day, Marshal, Saturday?
A. Yes Sir, Saturday afternoon at three o'clock I went to the house with other officers, Dr. Dolan----
Q. Give the names please.
A. Assistant Marshal Fleet, and Capt. Desmond, Mr. Seaver, Dr. Dolan, Mr. Jennings and myself.
Q. Now tell us Marshal what was done in the way of searching that house that afternoon.
(Court) Was that the afternoon of the 6th?
(Mr. Jennings) Yes, Saturday afternoon, began at three o'clock.
A. We commenced at the top of the house in what I should term the

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attic rooms. We searched that whole landing clear through. I first went into the rooms on the east and north side of the house---
Q. I am not particular about your giving it in detail. Give us a general answer as to whether you searched everything, every box, every drawer, every trunk, every barrel, every bed, every bundle?
A. So far as I know, it was done. Of course, while I was searching perhaps in one room, some other officer was searching in another; but we went all through it.
Q. Those were the instructions, and that was the way you understood it?
A. Yes Sir.
(Mr. Knowlton) I will agree the search was made as thorough as the officers knew how to make it.
(Mr. Jennings) Into everything, everything from the attic down, to the cellar floor?
(Mr. Knowlton) Yes. That was the Saturday afternoon.
Q. That was not so, clear down to the cellar, because we left it--- I was going to ask you about the roof; whether Marshal Fleet did not go up there, and examine under the roof?
A. I should judge from the looks of him when he came out, that he had.
Q. You went through Miss Lizzie's room in the same way that you have stated in answer to this general question, as is conceded?
A. Yes Sir.
Q. There is no city water in the house, was there? There is none up stairs, so far as you know?
A. Yes Sir, I think there is a tank in what I should term a clothes press off of Bridget Sullivan's room. Bridget's room was on the east and south side of the house, the attic; and off of that was what I term a clothes press or room; and at the top of that, there was a wooden tank.
Q. Perhaps my question was not quite accurate enough. What I mean was whether in the second story of the house, in these bed rooms, there was any running water, any faucets, or anything of that kind connecting with the City water, or whether they simply used pitchers and bowls to wash with?
A. I did not notice any running water there, Mr. Jennings.
Q. I want to ask you more particularly with regard to the second floor. Whether you personally examined the large clothes press out of the front hall up stairs?
A. I did not.
Q. Do you know who did?
A. Yes Sir.
Q. Who was it?
A. Officer Seaver.
Q. Anybodyelse, was not there someone else in there with him?

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A. I do not know but what Mr. Desmond or Mr. Fleet, I do not know which, because I was engaged in what is termed Miss Lizzie's room when that was going on. I think you was there part of the time.
Q. In Miss Lizzie's room with you?
A. Yes, and I think you went out to the front of the house.
Q. Did you go into the closet at all yourself?
A. No Sir I did not.
Q. You understand, of course, we are talking about the Saturday afternoon search all this time?
A. Yes Sir.
Q. Now you made a little exception as to the cellar?
A. Yes Sir.
Q. What was the exception that you cared to make with regard to the search down there?
A. Saturday afternoon it was only partial as to the cellar.
Q. Now give us some sort of a description as to what kind of a search it was, whether it did not cover everything, except pulling over the wood, and making an opening into the chimney, and things of that kind?
A. Well, we looked around the cellar; it was not what I should term a thorough search. There were barrels piled up in one of the cellars that was off of what I call the laundry or wash room. Then west of that room, of the laundry, was another cellar where there was a great quantity of wood. Then west of that again, there was another cellar or room, and also a space where the furnace set, the boiler, or whatever it was, and also the foundation, or top of the foundation. We looked Saturday afternoon there to see if there was any place where a brick or stone could be removed, or had been removed, but there was nothing of that kind.
Q. In connection with this examination of the chimney, did or did you not remove a brick from the lower portion there, finally?
A. It was removed by a mason that went by my directions on the following Monday.
Q. What were you looking for there?
A. Looking to see if there was in what is termed the bottom part of the chimney, whether there was any space there, or not, where anything could have been thrown down the chimney.
Q. A weapon do you mean?
A. Yes, or any other thing.
Q. Take this search of Saturday, as to whether you received any assistance or information that you requested from the girls in the house there, Miss Lizzie and Miss Emma I mean?
A. Yes Sir. Miss Emma came into the kitchen while we were there, in fact all that were there on the search, even to yourself I think, stood on the kitchen floor, when Miss Emma, I cant say her exact words, but as near as I can, she told us that she wanted us to make as thorough

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an examination as possible of every part of the house, everything in the house; and if there was any place or box or anythingelse that we did not understand, could not open, why the keys would be given to us. I think she handed you, or someone of the party, the keys of the upper floor.
Q. That was before we started?
A. Yes Sir.
Q. Afterwards when it was found there were one or two things which apparently could not be opened, they furnished whatever information or means were necessary?

A. There was one trunk in the room at the west and south side of the house that bothered all of us a little, about the top part of it. I noticed it was not a great while after we had been at work on it before I think Miss Emma and Miss Lizzie both came in.
Q. Dont you remember the steamer trunk we could not get in to, Miss Emma showed us where the key was hanging?
A. Yes Sir, that is the one I am speaking of.
Q. Was not that Lizzie that showed us where the key was tied on to that low trunk there?
A. That I could not say; it was one or the other; which one I wont say.
Q. They both came up there to explain the thing to us, so we could get into it?
A. Yes Sir.
Q. So far as you know, in any and all of these searches, did there appear to be any attempt on their part to obstruct you, or hinder you in any way, in making a full examination of the house?
A. Not that I am aware of, sir.
Q. Now Monday, what did you do as to the search?
A. I was not there Monday myself. I sent Capt. Desmond with other officers to complete the search in the cellar, and also ordered them to re-search the barn.
Q. So far as you know from the report of your officers, what was the character of that search in the cellar on Monday?
A. So far as I know----
Q. As to the thoroughness of it?
A. It was thoroughly searched clear through.
Q. That was the cellar I understand it, that was searched on Monday?
A. The cellar and the barn.
Q. And everything, gone over with, the same as you had gone over the upper part of the house on the Saturday before?
A. Yes Sir, so far as I know of.
Q. I am asking you, from the report that you received of the officers instructed by you to make it.
A. Yes Sir.
Q. Was that still made for the purpose of finding a weapon?

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A. Yes Sir, or anything that might have blood on it.
Q. On the day of the search, Saturday, what was delivered to you?
A. There was a dress.
Q. What kind of a dress?
A. A dress skirt. Well, it was a blue figure in it. I could not possibly describe the pattern of it.
Q. Was it a blue ground and white figure, or white ground with a blue figure?
A. I should say from my recollection of it, it was a blue ground with a white figure, or partially white figure in it.
Q. Sort of a navy blue color?
A. Similar to it, yes sir.
Q. That was the skirt?
A. That was the dress skirt.
Q. Was there a dress waist?
A. Yes Sir.
Q. Was it a dress waist, or a sort of a loose blouse?

A. As near as I can remember it was a dress waist, with perhaps part of it here in front loose.
Q. Was it like the skirt? Do you recollect whether it was the same material as the skirt?
A. I think it was, Mr. Jennings, similar to it. It might possibly have been, instead of whatever figure was on the dress, it might possibly have been round spots.
Q. Was not one of them a sort of cotton material, and the other a sort of silk?
A. That I could not tell.
Q. You could not remember now?
A. No Sir.
Q. You examined it pretty carefully?
A. Yes Sir. I was examining it with you.
Q. Both of us looked at it pretty carefully?
A. Yes Sir.
Q. There was also a white under skirt there?
A. Yes Sir.
Q. That is the one that the spot of blood was found on?
A. Yes Sir.
Q. About the size of a pin?
A. Yes Sir, a pin head.
Q. Was anything else given to you that day, Marshal?
A. Do you mean the afternoon, at the time they were searching?
Q. Yes.
A. Yes Sir, there was I think a lounge cover there that was taken from the dining room.
Q. Was that the one Prof. Wood referred to?
A. I presume so; they were all turned over to Dr. Dolan.

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Q. You did not take the shams and spread that afternoon?
A. No Sir.
Q. When did you take the shoes and stockings?
A. That was on Wednesday, the 10th.
Q. After the Inquest began?
A. Yes Sir.
Q. Was that after Miss Lizzie testified, or was testifying?
A. It was when I accompanied her back to the house, Wednesday noon.
Q. From the Inquest?
A. Yes Sir. I remained in the parlor, and a pair of ties or shoes, and a pair of black stockings were handed to me.
Q. You asked her for them?
A. Yes Sir, as she was going up the stairs I asked her if she would be kind enough to hand me the articles she spoke in the Inquest about. She said she would give them to me.
Q. She made no objection?
A. None whatever.
Q. She went immediately and got them and brought them to you?
A. Yes Sir. I would not say whether she brought them down herself. They were brought down immediately after she went up stairs.
Q. When did you get the shams and the spread?

A. The same day and the same time, Wednesday the 10th. Mrs. Holmes I think handed those to me.
Q. When did you bring away this marble?
A. The same day.
Q. What did you do with the shoes and stockings?
A. I delivered those to Dr. Dolan that day or the next morning, I wont be sure which.
Q. Has the marble been in your possession ever since?
A. Yes Sir.
Q. In your custody?
A. Yes Sir.
Q. And the shams and the spread?
A. Yes Sir.
Q. They are just as you found them when you took them away?
A. Yes Sir.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) Mr. Hilliard, did you look in the trunks in the attic?
A. Yes Sir.
Q. All of them?
A. Yes Sir.
Q. Did you examine their contents?
A. Yes Sir.
Q. Did you see anything up there of an unmade dress pattern in the attic?

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A. Well, there was some of the trunks that I looked into, but I did not look into all of them. I did not, to my recollection, see any dress pattern in any of the trunks that I saw.
Q. What other officer looked in the trunks in the attic besides you?
A. I think Mr. Seaver, I am not sure but what Mr. Fleet did. I think Mr. Desmond.
Q. Have you been to inquire for a dress pattern there since?
A. I have not, but under my orders other officers have.
Q. Who did go?
A. Mr. Fleet.
Q. Have you been able to get the dress pattern, or any dress pattern?
A. No Sir.
Q. When was it you sent for it?
A. I think the first officer that went there was Mr. Medley. After that, I think, I am pretty positive I sent the Assistant Marshal. Week before last I think was the first time the officer went there. I think Mr. Fleet was there a week ago last Saturday night. I think he was there some day the first part of the week, of last week.
Q. And you have not got it?
A. No Sir.
(Mr. Knowlton) I now call for it, Brother Jennings, and ask you to bring it, not now, but this afternoon.

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GEORGE F. SEAVER.

STATE OFFICER GEORGE SEAVER.

Q. (Mr. Jennings) What is your name?
A. George F. Seaver.
Q. What is your business, Mr. Seaver?
A. I am an officer, a member of the Massachusetts District Police.
Q. Have you taken any part in the investigation of this murder of Mr. Borden?
A. Yes Sir, some part.
Q. When is the first time that you knew of the murder?
A. I was informed of the fact by telegraph about 3.40 on the day of the murder.
Q. When, if at all, did you first go to the house?
A. Between 5 and half past 5 that afternoon.
Q. What did you do there then?
A. I went there with Marshal Hilliard. I went through the different rooms.
Q. Tell us what you did there.
A. I made several inquiries, quite a number.
Q. Of whom?
A. Various ones that I saw there, officers.
Q. Did you make any inquiries of Lizzie?
A. I did not.
Q. Have you at any time had any talk with her?
A. I have not. I think I did speak to her one day; but I do not recollect what I said; no general conversation with them.
Q. What else did you do besides go through the house; what part of the house did you go through?
A. The lower part only at that time.
Q. Was the sofa still there in its place?
A. Yes Sir.
Q. Where was Mr. Borden's body at that time?
A. It laid up on a table or something in the sitting room.
Q. Did you see any blood on the doors there in the sitting room?
A. I did.
Q. Which doors did you see the blood on?
A. I saw the blood on the east door, the kitchen door, going out of the sitting room. I saw spots of

blood on the parlor door, the west door.
Q. Did you notice how many spots of blood there were on the kitchen door?
A. I did not count them.
Q. Did you notice how many there were on the parlor door?
A. Quite a number of them; I did not count them.
Q. Should you say few or many?
A. I should say at least a dozen. I would not say how many.
Q. And there might have been more?

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A. There might have been more.
Q. On the sitting room side of the parlor door, right west of the head of the lounge?
A. Yes Sir.
Q. Did you go up stairs at all that time?
A. I went into the front hall; but I think I did not go up stairs at that time. I would not be positive I did not go up to the top of the stairs. I have been up there several times. I would not be positive but I think I did not go up stairs at that time.
Q. When did you next go there? Is that all you did, just go through those rooms?
A. No Sir, I went out around the yard, and barn.
Q. What did you do out there?
A. I looked around generally, and looked over the fence.
Q. You saw no signs of anything out there, did you, remarkable?
A. No Sir.
Q. Then what did you do after you had done that, I mean about the premises there?
A. I think that was all I done at the premises at that time.
Q. When did you next go up? By the way, did you see the axes at that time?
A. I did not.
Q. When did you next go up there?
A. I was up there the next morning.
Q. What time?
A. Between eight and nine o'clock I should say it was.
Q. What did you do that morning, anything in the way of search?
A. Not in the morning. About half past 12---
Q. This is on Friday.
A. Nothing in the way of search at all that day---- Yes Sir, I was out around the barn, and searched around the barn; and I was down in the cellar and searched around the cellar that day.
Q. And saw nothing there?
A. No Sir.
Q. Did you see the axes or hatchets that morning?
A. I did not see that there. The first I saw of the axes was in the police station.
Q. Did you make any further search in the house that day, Friday?
A. No Sir, I did not.
Q. What did you do about the premises the next day?
A. Saturday?
Q. Yes. You said you had no conversation with Lizzie about the matter at any time?
A. No Sir.

Q. Did you have any talks with Bridget?
A. Yes Sir.
Q. More than one?
A. I think I spoke to her at two or three different times.

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Q. Do you remember whether you talked with her the day of the murder?
A. I think I did.
Q. Did you talk with her the following day?
A. I think I did.
Q. Now we come to Saturday; what did you do Saturday about the premises there?
A. I was up there several times Saturday. About searching, do you speak of?
Q. Yes.
A. I was up there Saturday with Marshal Hilliard about half past 12 I think, or very soon after the procession started.
Q. That is the first time you went into the house, at that time, half past 12, that day?
A. O, no sir, I had been in the lower part of the house down stairs.
Q. No searching?
A. No Sir.
Q. Did you have any talk with Bridget about the murder Saturday?
A. Yes Sir, I think I spoke to her about it.
Q. Did you make memorandums of those conversations?
A. I think I might, yes sir; I think I did, yes sir.
Q. And have them now?
A. I have not them with me.
Q. No, I meant you have the memorandums, you preserved them?
A. Yes.
Q. Now at half past 12 you say you made a search; what did you do then?
A. I was up in three rooms or four.
Q. Anybody with you?
A. Marshal Hilliard.
Q. Was Marshal Hilliard with you at that time?
A. Yes Sir.
Q. Tell us what you did.
A. We made a partial search of the middle room, called Miss Lizzie's room, and the room out of that, north of that.
Q. That we have called Miss Emma's room?
A. Yes, also the front or spare room, the west room.
Q. Now you say you made a partial search; what do you mean by that?
A. We looked at the beds.
Q. That is, you took off the bedding?
A. Yes Sir.
Q. Made an examination?
A. Of the beds generally.
Q. Did you find anything there?
A. We did not.

Q. You mean you have made an examination of the beds in all three rooms?
A. Yes Sir.

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Q. Anythingelse beside that?
A. We did not go into any other part of the house besides. We generally looked around the premises, did not disturb any bureau drawers or anything at that time.
Q. Do you remember what the washing arrangement is in Lizzie's room?
A. I have an indistinct recollection there was a bowl there.
Q. A little alcove in the south corner and a bowl?
A. Yes Sir.
Q. Any running water?
A. I did not see any.
Q. Do you remember in the spare room whether there was a pitcher and bowl to wash, there on the usual wash stand?
A. Yes. No running water there.
Q. Did you look about that wash bowl at all at that time, make any examination?
A. I do not think I did, no sir.
Q. This was about half past 12 at noon?
A. I should say it was.
Q. Then did you make another search that day?
A. Yes Sir, this search that Marshal Hilliard has referred to.
Q. At that time when you were there?
A. When we went from attic to cellar.
Q. At that examination everything was examined, was it not?
A. So far as I went, I was very thorough; and I think the rest were.
Q. So far as you saw, they went through everything?
A. Yes Sir.
Q. Every bundle and box?
A. Yes, and trunks and boxes.
Q. Every hole that anything could be put into?
A. Yes Sir.
Q. Did you personally examine the clothes press that afternoon?
A. Yes Sir.
Q. At the top of the front stairs?
A. Yes Sir.
Q. Cant you give us a little description of it; we have not had a very good description of it. Can you tell us about how big it was?
A. I did not measure; I should think certainly four feet wide.
Q. About how long?
A. I should think it must be from seven to eight feet long.
Q. It is the whole width of the front hall?
A. The length of that is just the same as the width of the front hall.
Q. The door opens right into it from the upper front hall?
A. Yes Sir.
Q. Is there a window directly opposite the door?

A. Yes Sir.
Q. A large full sized window?

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A. Yes sir, the same size window as those in the other rooms.
Q. The same as in the guest chamber?
A. Just the same.
Q. When you went there, were there any clothes hung in front of the window?
A. I think not, directly in front of the window. The window blind was closed very carefully by oil cloth, or something pinned in the sides and on the top as a guard so the light came in very little when we came in there. We took the clothes down, and opened one half of the shutter so we could see inside.
Q. Perfectly light was it in there?
A. Yes Sir.
Q. So you could see as well there as in any room?
A. Yes Sir.
Q. What did you do in there?
A. We examined all the boxes, and I think there was one trunk there.
Q. Did you take everything out of those, and look at them?
A. I cannot say that we took everything.
Q. Looked them over?
A. It was satisfactory to us that we could not find anything we were looking for.
Q. Did you examine all the dresses in there?
A. We examined about all the dresses. I think there was one or two silk dresses I did not particularly look at. I looked at the common dresses, the woolen dresses there. There were two dresses I did not examine; they were silk dresses. I did not think it was necessary to examine those.
Q. Every other dress you examined, did you?
A. Yes Sir.
Q. Examined carefully with a view to determine whether there was blood on them or not?
A. Yes Sir, that is what we were looking for.
Q. You found none?
A. No Sir.
Q. Was not there somebodyelse in there with you?
A. Mr. Fleet.
Q. Did you take these dresses out to the window to look at them at all?
A. I think we did in two or three instances.
Q. Should you say, Mr. Seaver, from the examination you made of those dresses, if there had been any with very much blood on it, you would have noticed it?
(Objected to.)
(Mr. Jennings) I am basing that on the character of the examination that he made.
(Mr. Knowlton) Mere inference.
(Question excluded by the Court.)

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Q. You saw no blood?

A. No Sir.
Q. Did you take any part in the search on Monday?
A. No Sir.
Q. Have you made any search since?
A. I have been up through the barn some since; and I have been in the cellar once since.
Q. What were you looking for then?
A. Still looking to see what I could find.
Q. Anything, weapon or clothes, or anythingelse?
A. Yes. I have been through the cellar quite thoroughly myself, and through the barn, with the exception of the hay, that had been thrown over as quoted, and I have not touched that.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) Is there any running water in the house anywhere?
A. I do not recollect that I saw any.
Q. What is there in the sink, a faucet?
A. Possibly there is some in the sink; I am not positive about that. In the other rooms of the house I did not see any.
Q. The City water is let into the house, is it not?
A. I think it is.
Q. There is a water closet down stairs, is not there?
A. Yes Sir.
Q. That must be run by City water?
A. Yes Sir.
Q. There is a faucet in the sink?
A. Yes Sir.
Q. No hot water in the house?
A. No Sir.
Q. No bath tub in the house?
A. No Sir.
Q. Nothing except the water closet down stairs, and the faucet in the sink?
A. That is all I saw.
Q. No other water in the house?
A. No Sir.
Q. When was the first time you made any thorough search at all?
A. Friday, excepting what little I looked around that afternoon.
Q. Friday where were you searching?
A. Friday morning down cellar and in the barn.
Q. What were you looking for then?
A. To see what I could find.
Q. Anything particular, for any bloody clothing, or anything of that kind?
A. That is what I was looking for. I looked in all portions of the cellar.

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Q. You did not examine the clothing then at all anywhere?
A. No Sir. The first time.

Q. In your search of Saturday did you look in the attic?
A. Yes Sir.
Q. You went in the attic?
A. Yes Sir.
Q. Did you look in the trunks in the attic?
A. Not all of them.
Q. Who looked in those you did not look in?
A. Marshal Hilliard.
Q. You looked in all Marshal Hilliard did not?
A. I think Marshal Fleet looked in one or two trunks that I did not see in.
Q. In all but one or two, you looked?
A. Yes Sir.
Q. Did you see anything of a dress pattern not made up, there?
A. No Sir.
Q. Did you see the trunks Mr. Fleet looked into, did you look into the contents of them?
A. I did not.
Q. You did not find any dress pattern at all up there in the garret?
A. Not up there.
Q. How many trunks were there up there?
A. I could not tell you, I think three or four.
Q. In the attic?
A. Yes, that is, trunks and large boxes.

RE-DIRECT.

Q. (Mr. Jennings) Do you know who opened that trunk that had the numerous springs on it?
A. Marshal Hilliard.
Q. Sure about that?
A. Do you mean that first opened it?
Q. Yes.
A. He went to that trunk first; I was there and attempted to assist him.
Q. Who finally got it open?
A. Capt. Desmond I think. I think Marshal Hilliard was the first one who went to it. I think your attention was called to it, and mine, and I do not know but two or three others.
Q. Did you look into that trunk to see if there was anything in it?
A. No Sir.
Q. You do not know whether there was any dress pattern there or not?
A. No, Marshal Hilliard was there; I supposed he was taking care of that; and I went into the other room.

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JOHN DONNELLY.

Q. (Mr. Jennings) What is your name?
A. John Donnelly.
Q. You are a hack driver?
A. Yes Sir.
Q. Did you go up to Mr. Borden's house on the morning of the murder?

A. Yes Sir.
Q. About what time do you think you got up there?
A. I could not just give you the time. I think somewhere around 12 o'clock.
Q. Should you think it was before or after?
A. I could not say positive.
Q. What is your best recollection?
A. I should not want to make it much after 12.
Q. Did you go into the barn at all?
A. Yes Sir.
Q. When?
A. I might have been up there ten or fifteen minutes before we went in there.
Q. Do you know whether officer Medley was there at that time, or not?
A. I did not see officer Medley there nowhere.
Q. Did you notice anything about the hay?
A. Yes Sir.
Q. Where was the hay?
A. I call it on the north side of the barn.
Q. What did you see in the hay, anything about the hay that indicated anything, except the usual condition of hay piled up there?
A. It looked so to me as though there had been somebody laying on it; I do not know whether there had or not.
Q. Where was that?
A. On the pile this way.
Q. When you say "this way", what do you mean by that, north or south?
A. I should call it north west.
Q. Near the north west part?
A. Yes Sir.
Q. Towards the window?
A. Yes Sir.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) What was it that looked as though somebody had been lying there?
A. This hay.
Q. What was it about it?
A. It looked as though there was a form of a body on there, that had been sleeping on there, or something.
Q. Do you mean as though somebody had been pressing, or making the impression of their form on the hay?

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A. Yes Sir.
Q. How long was the form?
A. I could not tell you; I did not measure it.
Q. How wide was the form?
A. I should think about so wide.
Q. Was it the form of a dog or a man?

A. That I could not say.
Q. How deep was the impression?
A. About five or six inches, I should say.
Q. That is the whole width of the space was an impression of five or six inches. Rounding or square?
A. Kind of rounding.
Q. Give the width in inches, if you can.
A. I could not.
Q. You gave the depth of it in inches; cant you give the width of it?
A. About a foot perhaps.
Q. Straight?
A. No Sir. It looked kind of rounding.
Q. Length ways straight?
A. It looked like kind of a round hole right in the hay.
Q. How long was the hole?
A. I cannot give any idea.
Q. Give the best idea you have.
A. Five or six inches I should say.
Q. Five or six inches long?
A. A foot long, I said.
Q. About a foot wide?
A. Yes Sir.
Q. And six inches deep?
A. Yes Sir.
Q. That was the impression that you saw?
A. Yes Sir.
Q. That made you think a man had been lying there?
A. I could not say what it was.
Q. When did you first hear of this thing?
A. I do not recollect the time now; I did not take the time.
Q. Where were you when you heard of it?
A. I had just drove into the stable.
Q. Where was the stable?
A. On Fourth street. I board my horses at Archie Holt's stable on Fourth street.
Q. I do not know where that is; will you tell me?
A. It is right up here off of Pleasant street.
Q. How far?
A. Do you know where the horse cars to around to go up---
Q. I do not know anything about it. Tell me how far up Pleasant street it is.

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A. It might be 200 yards.
Q. Have you any idea what time it was when you heard of the murder?
A. No Sir, I have not.
Q. Give me the best judgment you have.
A. I think somewhere about half past eleven.
Q. What were you doing up there at half past eleven?

A. I went up there to put up my horses to feed them.
Q. What did you do then?
A. I heard of the murder and went up and stood in the yard there talking to Mr. Miller. He said to me---
Q. No, I want to know what you did.
A. I went into the barn.
Q. Did you go straight up as soon as you heard of it?
A. No, about 15 minutes after I got in.
Q. You think you got in about noon?
A. Yes Sir.
Q. Who was the first person you saw when you got there?
A. Charlie Sawyer was on the door of the house.
Q. Who else?
A. Charlie Cook.
Q. Who else?
A. A man named Clarkson.
Q. Anybodyelse?
A. Yes. Then I saw---
Q. When you first got there, I mean.
A. Mr. Miller, and quite a number of others, I cant recollect now.
Q. Try and recollect, if you can.
A. I have.
Q. You cant think of anybodyelse that you saw there at that time?
A. No Sir.
Q. How many people do you think you saw there when you got there?
A. There might have been 25 or 30.
Q. Did you see any officers?
A. Yes Sir, two or three officers, but they were all in the house.
Q. Who were they?
A. Doherty was one. They was all in the house, all I saw.
Q. I asked you who they were.
A. I did not see only Mr. Doherty; I knew him.
Q. Did you see any other officers?
A. Not for sometime.
Q. When you first got up there?
A. No Sir.
Q. Did any officers come after you got there?
A. Yes Sir.
Q. Who?
A. I do not recollect their names now.

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Q. How many did you see come, after you got there?
A. I think five or six.
Q. Can you tell me the names of any of them?
A. I think one's name was Gillian. I think Mr. Chase was one, I am not sure.

Q. Did you see anybodyelse come that you know the names of?
A. No Sir.
Q. No other names of officers you saw come after you got there?
A. No Sir. I saw quite a lot of them there, but I do not recollect their names now.
Q. All you saw come were Gillian and Chase?
A. Yes Sir.
Q. All you saw there was Doherty, when you got there?
A. Yes Sir.
Q. I think you told me there was two or three there?
A. They were in the house. I did not see them to know who they were.
Q. Did you see them to know that they were officers?
A. I saw them going through the hall way when I came by the door.
Q. When you first got there?
A. Nobody but Doherty that I knew.
Q. Were there other officers there that you did not know?
A. Yes Sir.
Q. How do you know they were officers?
A. Because they had uniforms on.
Q. How many people did you see there with uniforms on?
A. I might have seen seven or eight there.
Q. How many did you see?
A. That I cannot give you, sir, straight.
Q. I mean when you first got there.
A. When I first got there I saw only this man Doherty.
Q. When you first got there, I have to repeat the question I am afraid, how many people in uniform, did you see on those premises, inside or outside of the house?
A. I think between seven and eight there.
Q. That is when you first got there?
A. No Sir, afterwards.
Q. I shall repeat it again now. I am going to ask you again, when you first got there, how many people in uniform did you see inside or outside of the house, or anywhere about the premises?
A. I did not see none until after I had been in the barn.
Q. So that before you went in the barn you saw no person in uniform in or about the premises anywhere?
A. No Sir. After I come out of the barn, I went around the yard---
Q. I did not ask you anything about that, but you may say it.
A. After I came out of the barn the officers were there, and they ordered us out into the street.

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Q. Was that the first you saw of the officers?
A. What was in the house.
Q. Who were the officers that ordered you into the street?
A. Gillian was one of them.
Q. Who was the others?
A. Gillian was the only one that ordered me into the street.
Q. When you first got up there, did you go in the yard?

A. Yes Sir.
Q. What did you do when you first got into the yard?
A. Stood there talking with some folks.
Q. Who?
A. Charlie Cook and Mr. Miller, and some more.
Q. How long did you stand there talking?
A. 15 or 20 minutes.
Q. That you stood there talking after you got there?
A. Yes Sir.
Q. During the time you were talking there, did you see anybody in uniform?
A. No Sir, not until after we came out of the barn.
Q. So during the 15 or 20 minutes, you saw no person in uniform in or about the premises any way?
A. They were in the house.
Q. I want to know if you saw them in or about the premises anywhere during the 15 or 20 minutes you stood there talking in the yard?
A. Not in the yard, I did not.
Q. Did you see them in or about the premises? I cannot make plainer English than I have. During the 15 or 20 minutes you stood there talking, did you see any person in uniform in the house, or out of the house, or about the premises?
A. No Sir, I do not recollect as I did.
Q. Did you see any physician while you stood there talking, in the house, or out of the house, or about the premises?
A. No Sir. I did not go in the house at all.
Q. I want to know if you saw anybody while you stood there in the yard talking for 15 or 20 minutes; that would be before you went up into the barn?
A. Yes Sir.
Q. That would be from 12 to 15 minutes past 12?
A. Yes Sir.
Q. Who was the first officer you did see?
A. Officer Doherty.
Q. When did you see him?
A. When we were going through to go to the barn, me and this Charlie Cook.
Q. Who is Charlie Cook?
A. A fellow that works for the Telephone Company.
Q. Did he go into the barn with you?

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A. Yes Sir.
Q. Did he see this round hole in the hay?
A. Yes Sir.
Q. Did you see anythingelse in the hay besides this round hole?
A. No Sir.
Q. That is all that led you to think there had been a form there?
A. Yes Sir. We looked all around to see if we could see any weapon or anything.
Q. Did you report this round hole to any officer?
A. I do not recollect as I did, sir.

Q. When was the first time you mentioned this round hole, or this impression perhaps I ought not to characterize it; when was it you first mentioned this impression that you saw in the hay?
A. I mentioned it that day.
Q. Who to?
A. Some outsiders.
Q. To any officer?
A. No Sir.
Q. Ever to any officer?
A. No Sir. As I did not disturb the hay at all, I thought let them see it themselves.

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DR. FRANK W. DRAPER.

Q. (Mr. Adams) What is your full name Doctor?
A. Frank Winthrop Draper.
Q. What is your profession?
A. Physician.
Q. Are you Medical Examiner for Suffolk County?
A. I am.
Q. For how many years?
A. 15 years and 2 months.
Q. Ever since the office has been established?
A. Yes Sir.
Q. At the request of any official of the Commonwealth, did you go to Fall River on Tuesday following this Thursday?
A. On Thursday following the tragedy I came to Fall River.
Q. At whose request?
A. At the request of the Attorney General of the Commonwealth.
Q. And were you present at the Autopsy that was then made on the body of Mr. and Mrs. Borden?
A. I was.
Q. Have you had any conference with me with reference to the results of that Autopsy, until you got here today in response to a summons received last night?
A. None sir.
Q. Or with anybody representing the defence?
A. No one.
Q. Who were present at that Autopsy in the Oak Grove Cemetery?
A. Medical Examiner Dolan, Dr. Cone, Dr. Leary, Mr. Morrill, superintendent of the cemetery, and two police officers whose names I do not know.
Q. And the Autopsy, I presume, proceeded in the usual way? I wont go into the details of that. Whether from your observations at the time, you took notes then, or immediately after when the matter was fresh in your mind?
A. I took notes then, and made other notes afterwards while the matter was fresh in my mind.
Q. If you like, I have no objections to your referring to those notes for the purpose of my examination. Taking up the autopsy upon the body of Mr. Borden; where did you find, and what was the character of the injuries to him?
A. Answering the first question first. I found all the injuries in a group on the left side of the face and head, between the left side of the nose and the front of the ear, laterally between the margin

of the lower jaw and the top of the head, from below, upwards. Answering the other question; in my opinion they were made by some edged instrument or weapon of considerable weight.

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Q. What instrument or weapon, in your opinion, might be an adequate cause for these injuries which you saw?
A. I should think a hatchet would be adequate to cause the injuries I saw.
Q. Are you willing to name any other instrument, or do you think of any other instrument which would also furnish an adequate cause for such injuries?
A. I do not at this moment think of any other instrument. A chisel of sufficiently broad blade might have done it; but the hatchet is the most readily suggested instrument.
Q. In speaking of a hatchet, do you distinguish it from an ax, the ordinary ax?
A. I say hatchet, because of the length of the wounds. I do not think a broad ax, with a broad blade would have done them, would have made them.
Q. I did not mean a broad ax, at all events not the broad ax we used on the farm to cut up pumpkins with, with a broad blade; I mean the ordinary wood choppers ax; whether or not such an instrument as that, or such a weapon as that which I presume you have seen, would furnish an adequate cause for such injuries?
A. I think it would, assuming the edge of the blade to have been nearly at right angles, and not rounded.
Q. What do you mean in your answer by "rounded?"
A. I can better make a picture than describe it in words, I think.
(The witness makes diagrams on paper.)
Q. Old axes I think have a rounded edge instead of a square edge as they are when they are new. A new ax that had not been ground at the corners so to make it round would, I think, cause those wounds.
(Mr. Knowlton) You mean that one could have done it, and that could not?
A. I do not think that one could; but I think the other one could.
Q. You mentioned, as one of the reasons for preferring one kind of an instrument to another, as an adequate cause of such an injury, the length of these injuries. Have you notes of the extent of these injuries, or can you state it without your notes, I would be glad to have you do so, numbering them if you please, beginning with the injury nearest the nose, and proceeding then towards the left side of the face.
A. I cannot from memory.
Q. I said I am perfectly willing you should refer to your notes.
A. The first one beginning at the left nostril was four inches in length.
Q. Commencing where?
A. Commencing just above the nostril, going through it, going through the outer portion of the upper lip, through the outer portion of the lower lip, and coming down near the angle of the jaw.

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(Mr. Knowlton) He does not mean the first one inflicted?
(Mr. Adams) No.
A. I described them as numbered at the autopsy.
Q. Whether in your opinion that injury was necessarily fatal?

A. It was not necessarily fatal.
Q. Proceed now to injury No. 2.
A. No. 2 measured 4 and 1/2 inches in length, and began at, or just below, the corner of the left eye, and went parallel with No. 1, down through the upper lip and lower lip, not penetrating into the mouth, but ending just above the edge of the jaw.
Q. Was that injury necessarily fatal?
A. No Sir.
Q. The next one, if you please.
A. The third was 2 inches in length, and was just over the cheek bone, just over the prominence of the cheek bone, and went through into the bone.
Q. Beginning under the eye?
A. Yes.
Q. Went through the bone?
A. Yes Sir.
Q. Its extent was what?
A. Two inches in length.
Q. Its lateral extent?
A. It opened and gaped to the extent of an inch and 3/8.
Q. That was merely the gaping of the wound?
A. Yes.
Q. Was that injury necessarily fatal?
A. It was not.
Q. Take the next one.
A. No. 4 began in the forehead, a secondary cut as I would call it, went toward the left half an inch, then down---
Q. Laterally, or slightly inclined up ward?
A. Very nearly laterally, very nearly parallel with the eyebrow, then down.
Q. Turning at a sharp angle?
A. At right angles, then down through the eye brow, through the eye at the outer portion, bisecting it, nearly, then down into the cheek bone to end in the wound last described, No. 3.
Q. The length of that?
A. Altogether 4 and 3/4 inches, including the upper branch.
Q. Was that injury necessarily fatal?
A. No Sir.
Q. Take now the next one.
A. No. 5 was a wound in the forehead, two inches in length, parallel with the upper portion of No. 4.
Q. Did that penetrate the skull?

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A. I think not.
Q. That was not necessarily fatal then?
A. No Sir.
Q. What was the next one?
A. No. 6 was through the temporal bone, above and in front of the ear, and was 4 inches long, just in the left temple, also parallel with the others.

Q. Did it penetrate the skull?
A. Yes Sir.
Q. Was that necessarily fatal?
A. No Sir.
Q. The next one.
A. No. 7 was an extension upward in the same line with the one last described and was two inches in length.
Q. Going nearer the top of the head?
A. Yes Sir.
Q. Give its character, if you please.
A. It was also superficial, it was a scalp wound, and did not penetrate to the skull, and it was not necessarily fatal.
Q. What was the next one?
A. No. 8 was an extension upward of No. 5, a short superficial wound in the scalp one quarter of an inch long.
(Mr. Jennings) What does he mean by extension?
A. A different wound, but in the same line, upward.
Q. You will be good enough to say whether that was necessarily fatal.
A. No Sir, that was a superficial wound. No. 9 extended from the front of the left opening of the ear, the left ear at its opening, upward, through the left temple, a distance of four inches, directly upward. Its edges were parted to the extent of two inches. The bone under this wound was crushed into the brain.
Q. Was that necessarily fatal?
A. No Sir.
Q. Was it probably fatal?
A. Yes Sir.
Q. What is the next one, if there are any others?
A. The tenth and last was behind the upper end of No. 9, two inches long, and at the lower portion involved the fracture of the skull, but the upper portion did not.
Q. Speaking generally then of these injuries which you have described, Doctor, they were all in front of practically the opening of the left ear?
A. Yes Sir.
Q. Proceeding from there around to the left nostril?
A. Yes.
Q. Was this last one you have described probably a fatal injury, or a fatal wound?
A. I should group the wounds in the left temple together as being

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the cause of the death.
Q. Taking the injury which you have described as coming down through the temple or the eye brow and cutting through the eye, bisecting the eye, and coming down through the cheek, what was the character of that injury as to its direction, having reference to the body itself?
A. Do you mean whether it was perpendicular to the surface, or at angles?
Q. Yes.
A. It was, as we should call it, bevelled. Instead of entering at right angles to the surface, it entered at an angle from the left to the right.

Q. It bevelled, and went from the left toward the right?
A. Yes Sir.
Q. That would be from the outer side of the face towards the nose?
A. Yes Sir. As a general illustration, it was backward as well as bevelled.
Q. Were any of these other injuries which you have described bevelled in a similar direction?
A. Yes, the one in front of the left ear was bevelled in the same way.
Q. This one here?
A. Yes Sir.
Q. How was the skull as to its thickness?
A. It was of average thickness. It did not represent extremes in either way.
Q. What was its thickness, if you recollect, in the left temple?
A. Approximately at its thinnest point, 1/16 of an inch. I did not measure it, but that is as my memory serves.
Q. What was its thickness at the thickest portion of the skull?
A. I should say 3/8 of an inch; not more than that.
Q. Did you find in the examination which you made, or saw made there, any evidence of a crushing blow upon the temple, or side of the head of the body, caused by the blunt end, or the hammer head of the hatchet?
A. No Sir.
Q. In your opinion would all these incised wounds, which you have described, adequately cause the appearances which you there found?
A. I think so.
Q. Have you made any experiments with blood by which you have an opinion as to the size and appearance of blood spots, indicating the direction from which they came?
A. I have made experiments, and I have seen in my experience, so that I am able to say.
Q. Have you made any experiments with reference to this particular case?
A. Yes Sir.
Q. What were those experiments?

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A. I pricked my finger with a sharp needle, and threw the blood from my finger on to a surface of white paper placed perpendicularly.
Q. In what direction did you throw the blood?
A. As nearly as possible from above downward, not at right angles.
Q. So that it would strike this white paper surface in what direction?
A. At an acute angle.
Q. Have you the result of that experiment here, or any one of those?
A. I have.
Q. I would like to have you produce it.
(Mr. Knowlton) I object to its being produced as evidence.
Q. You may put it up Doctor. You do not need that as a memorandum for the purpose of testifying?
A. No Sir; the fact is well known.
Q. Assuming then that blood is thrown by any force from an instrument, or in a stream, upon the surface of a perpendicular wall, and from upward down, what would be the general shape of the spot of blood upon that paper or perpendicular surface?
A. The shape of a pear.

Q. Where would the stem of the pear be?
A. Downward.
Q. That is to say, the stem end of the pear would be upon that part of the spot which is farthest from the force?
A. Yes Sir.
Q. Assuming that blood was thrown from a similar instrument, or stream or spurt, from below, upward, upon a like perpendicular surface, what would be the shape of the blood spot, under those circumstances?
A. The same as before.
Q. That is to say, the stem end of the pear would be up. From below, upward, would be farthest from the force?
A. Yes, it would be farthest from the origin of the force.
Q. Either by experiments, or by professional experience, have you observed this skipping of the blood from the pear shaped end of a spot, or the skipping of a blood spot?
A. I do not quite catch your meaning. I do not quite understand the question.
Q. It is evident then I am all wrong, if you do not understand me. Whether or not this fact is not sometimes seen, that a blood spot, a pear shaped blood spot, ends at a point, or the stem end of the pear, and there are small ones leading directly from that, called skipping?
A. I understand, and answer yes.
Q. What is the term generally used?
A. I do not know. Skipping is a good term.
Q. That indicates what?

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A. Considerable force in the spurt or throwing of the blood.
Q. That is, it would indicate more blood?
A. Yes.
Q. Please state whether or not blood thrown in the manner which I have put in my other questions to you upon a like surface placed horizontally, would in a general way assume the same shape?
A. I have no facts upon which to base an answer; but my belief is, it would.
Q. Would the spot in your opinion be more rounded and less pear shaped under those circumstances?
A. I think it would still preserve the pear shape, but modified as to force.
Q. With the stem end farthest from the force?
A. Yes Sir.
Q. Have you ever visited the house which is pointed out as the Borden house?
A. I have never seen it; I do not know where it is.
Q. (Calling the attention of the witness to photograph No. 5, which is the picture of Mr. Borden in the sitting room upon the sofa.) I will ask you, Doctor, to look at that photograph, and observing that the body rests upon the safo, with the head upon the arm, presenting, as physicians say, exposing the left side of the face, with the head resting a trifle higher up upon the arm of the sofa and that portion of the arm which connects it with the back of the sofa where the curve is there, or the angle, and injuries were found upon it like those which you have described as having been noted by you in the Autopsy at the Oak Grove Cemetery, please give me such opinion as you have as to where the assailant stood when these blows were given.
(Mr. Knowlton) If he is able to form one.

A. I prefer not to give an opinion, sir, because I have not studied the problem sufficiently. I do not know enough of the facts yet to form an opinion.
Q. I have given you certain facts; you say you are not prepared upon the statement that I have given?
A. On those facts alone, I may have to modify it.
Q. I presume you have expressed no opinion upon it then to anybody up to the present time?
A. I have studied it somewhat. Yes, I have expressed an opinion to you this morning, with the comment that I was not prepared to express it.
Q. Up to the present time, as you say, you have not formed an opinion?
A. Not a conclusive opinion that I wish to express.
Q. That you wish to advance?
A. Not under oath, no sir.

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Q. I will ask you, Doctor, and you may take refuge in the same haven if you see fit, whether the injuries I have described, in your opinion might adequately have been made by a person standing behind Mr. Borden that is to say, over him, or behind him, I mean using as a weapon a hatchet or some similar instrument?
A. I should prefer not to enter that course of question and answer.
Q. You mean you are as kind to me as to anybody?
A. Yes Sir.
Q. Taking these injuries upon the head of Mr. Borden which you have described, and considering them in the order named, namely, beginning with the nose, and proceeding from there toward the left; did the examination disclose then the distinct separation of the cuts, either through the flesh or through the bone, from each other?
A. Yes Sir; they were distinct.
Q. That is to say, they were not crushed into one mass, but they still remained distinct?
A. They remained distinct.
Q. The cutting through the bone and skull was a separate and distinct cut from its neighbor?
A. In a number of instances; in most of the cases.
Q. Please state Doctor, whether then these injuries must have been inflicted by an instrument which was very sharp.
A. The expression "very sharp" is relative. I should say sharp; not so sharp as a razor.
Q. And not so dull as a hoe. I want to get from you, and I know you do not want to conceal from me your opinion at all, I want to get from you your opinion as to whether it was not what is commonly termed a sharp cutting edge.
A. I am not prepared to answer that the instrument or weapon was an edged instrument or weapon. Its sharpness I cannot say about because at the time of the autopsy, the appearances just after death had been much modified.
Q. That prevented an adequate examination of the edges of the wounds?
A. Yes Sir.
Q. Which unabled you to observe how sharp the cutting edge was?
A. Yes.
Q. Did you observe the hair?
A. Yes.
Q. Upon one or both of the bodies?
A. Both.

Q. What was the appearance of the hair with reference to its being cut?
A. I saw no evidence of the cutting of the hair.
Q. You saw no evidence of that?
A. No Sir.
Q. You are not prepared to say whether it was cut, or not?

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A. I do not say it was not cut. I say I did not see it.
Q. Well, the fact that these injuries penetrated through the skull or cheek bone, as one is described by you, and were close together, and still remained distinct, is a fact, is it not, indicating that the instrument must have been a fairly thin and fairly sharp instrument?
A. I do not know about that.
Q. That is rather a matter of mechanics, is it?
A. I should think so.
Q. If you have an opinion Doctor, please give me it, with reference to the force of the blow which caused these injuries with this instrument.
A. I am unable to tell you sir, I have no opinion upon it.
Q. Have you had any experience enabling you to form an opinion from the use of a hatchet, as to whether a given blow was made with the right or left hand, provided a single blow was given?
A. No, I have not.
Q. I suppose your experience is a youthful experience, having reference to another profession than this in the use of those instruments. The coagulation of blood is caused by what?
A. I do not know.
Q. Have you any opinion about it?
A. I have an opinion; but the opinions upon that matter are not matured, and they are changing; physiologists are not certain about it.
Q. Can you form an opinion from the coagulation of blood which has come from the body, and is found near it, as to the time of death?
A. Within very narrow limits.
Q. How narrow are those limits?
A. I should say after fifteen minutes, it would be unsafe to form an opinion.
Q. How near by an examination of the stomach can you come in forming an opinion as to the time of death?
A. It would be approximate only.
Q. And by approximate, how near, within what limits?
A. I am unable to give minutes.
Q. Well, 60 of them?
A. I should not want to.
Q. That is to say, there might easily be an hours variation from the fact of the appearance of the stomach?
A. Yes Sir, because stomachs differ in their digestive powers in different individuals, and in the same individual under different circumstances.
Q. Those conditions might not be apparent in the stomach after death?
A. That is so.
Q. What, if any, arteries are there in the head?

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A. Outside or inside?
Q. Outside.
A. The principal artery is the temporal artery which runs on each side over the temple region in front, above the ear.
Q. Did this autopsy disclose that any artery had been cut?
A. Not as a matter of demonstration. As a matter of inference, I am unable at this moment to say. I should want to study the point. I saw no evidence of cutting an artery.
Q. Would such injuries as you have described be liable to cut an artery?
A. I think the temporal artery, or one of the branches, would be in the way.
Q. If cut, what would be the effect of the cutting by the instrument you have described, on the flowing of the blood?
A. If cut through and through with a sharp instrument, a clean blow, the artery would spurt.
Q. In what direction, in your opinion?
A. In the direction of the flow of the blood.
Q. The flow of the blood in the left temple would be in what direction?
A. Upward towards the top of the head.
Q. What is the projectile force of that spurt; how far would it go?
A. It varies in individuals. I think taking all cases, and averaging them, two feet would be an average length of the spurt.
Q. As a matter of experience, how much further than that has an artery similarly situated, been known to have spurted?
A. I have seen the spurt of an artery as much as five feet on the wall of the room.
Q. That was in a subject under what circumstances?
A. In an adult subject in a surgical operation, from an artery of about the same size as the temporal artery.
Q. What is the character of that spurting, a spraying spurt?
A. It is a spurt in jets, with each impulse of the heart.
Q. When you speak of its spurting in jets, following the action of the heart, would this spurt project the spray or spots over, without leaving a trail between the farthest point of the projection and the subject, or would it trail along, in your opinion?
A. It would trail it along.
Q. Do you mean it would trail it along the entire distance from the spurt? (This question was by the Court.)
A. It would be, with perhaps an interval between the point of the cutting of the artery and the beginning, a little interval. In fact the answer should be that it would be trailed along from its source to its end.
Q. Did you make notes with reference to the body of Mrs. Borden?
A. I did.

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Q. I want to ask you one question in order to impress it, if you please. Whether, from the appearances at the autopsy, there were any injuries upon her head or person which indicated that they might not be adequately caused by the cutting blow?
A. I saw none, sir.

Q. There was a blow in the back you found at the autopsy for the first time?
A. Yes Sir.
Q. What was your opinion with reference to the cause of that?
A. It was made with the same instrument or weapon which caused the scalp wound, an edged weapon of considerable weight.
Q. Did you form an opinion as to how that blow was given, and where the party stood?
A. Not a mature opinion.
Q. In your opinion was it a miss blow, or dont you care to say?
A. A blow that was not intended to go there, do you mean?
Q. Yes, a miss blow.
A. Yes, I think so.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) I am not intending to go into the medical part of this case. I have not paid much attention to it at this hearing. Do you remember it was in consequence of a telegram from Dr. Dolan that you first came down here?
A. I think it was a double suggestion. At the time I received the telegram, I was not in the house when it came, when I received it, I also received by mail a letter from the Attorney General. They came coincidently.

Court took a recess until 2:00 P.M.

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DR. BENJAMIN J. HANDY.

Q. (Mr. Jennings) What is your full name Doctor?
A. Benjamin J. Handy.
Q. You are a physician and surgeon?
A. Yes.
Q. How long have you been in active practice?
A. 20 years.
Q. What portion of the time in Fall River?
A. All of it.
Q. Do you remember the day when the tragedy occurred, the Borden murder?
A. Yes Sir.
Q. Were you in the vicinity of the house during the forenoon at any time?
A. I passed it twice.
Q. At what time?
A. Once in the morning about nine, and returning about somewhere between 20 minutes past ten and twenty minutes of eleven; that is as near as I can calculate.
Q. Were you on foot, or in a carriage?
A. In a carriage.
Q. Did you see any person in the vicinity of the Borden house at that time?
A. I did.
Q. Where?
A. Opposite the space between Dr. Kelly's house and Mr. Wade's store.
Q. Was he a stranger, or somebody that you knew?

A. A stranger.
Q. What attracted your attention to him?
A. In the first place I noticed a very pale, exceedingly pale individual---
(Mr. Knowlton) I had some doubts as to whether the evidence would be admissible or not. At this hearing, I would like to know what the Doctor has to say.
Q. What attracted your attention to him?
A. I noticed a very pale, exceedingly pale individual, and he was passing very slowly up the street, south.
Q. Where was he with reference to the Borden house?
A. He was just beyond Dr. Kelley's house, south, opposite the space between that and the store.
Q. Describe his appearance as near as you can.
A. He was a young man of medium height, dressed in a light suit of clothes.
Q. What do you mean by light; can you give any color?

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A. Sort of a grayish.
Q. A grayish color; anythingelse that you can recollect?
A. I was struck by his peculiar appearance. I could not define what I saw about him. There was something about him that attracted my attention, so that I turned and looked at him the second time, as I went by him.
Q. What did he appear to be doing?
A. Slowly moving south, very slowly.
Q. This you say was right in front of the Kelly house?
A. Just to the south of the front, opposite the space between that and the store.
Q. Between Wade's store?
A. Yes Sir.
Q. The Kelly house is the next house to the Borden house?
A. The next house to it, yes sir.
Q. Did you ever see the man before?
A. I could not state that I have.
Q. What is your opinion?
A. My opinion is that I had seen him before.
Q. When and where?
A. Within a few days on Second street.
Q. On that same street?
A. Yes Sir.
Q. Did you see a man named Thomas Bowles around there about the same time?
A. Yes Sir.
Q. You know him?
A. Yes Sir.
Q. Was it, or not, Thomas Bowles?
A. No Sir.
Q. Have you seen the man since?
A. No Sir.
Q. Do you recollect what day it was that you saw him there on Second street before this?
A. No sir, I do not.

Q. Do you know whether any search has been made to find the man?
A. I could not answer that.
Q. Have you, or not, been called to identify men that the policemen had been looking for as this man?
A. I have.
Q. Were either of the men that you were called to identify the man you saw that morning on Second street?
A. No Sir.
Q. Can you describe him any further than you have, about the size and height of the man? Whether he had a smooth face, or beard or mustache?
A. I have the impression that he had a mustache. He was a small man

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five feet four; five feet three or four.
Q. Short, was he?
A. Yes Sir. He had a very full, and very white forehead, full face.
Q. You say his appearance was so peculiar that you turned around and looked at him a second time?
A. Yes Sir.
Q. I do not ask you what you said; but did you speak to anybody about seeing this man, after the tragedy?
A. I spoke to my wife first, immediately on getting him, after hearing of it.
Q. Did you speak to anybodyelse about it?
A. Yes Sir.
Q. When?
A. Between six and seven that night.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) To whom did you speak at six o'clock?
A. To the officers that are stationed at the patrol station nearly opposite my house.
Q. You were in town that day?
A. Yes.
Q. You either had been before that, or afterwards very soon were over to Marion?
A. Yes Sir, the next day.
Q. It was at your cottage that Miss Lizzie was expected to go?
A. Yes.
Q. Had she been over there?
A. I think she had.
Q. She had been over once and came back again?
A. That is my impression.
Q. How long did she stay there?
A. I do not know.
Q. Were you there when she was there?
A. No Sir.

Q. Do you know when it was?
A. I have the impression it was the Saturday before.
Q. When did the party go? There was quite a party of them, was there not?
A. I could not tell you, sir.
Q. It was the next day you went to Marion?
A. Yes Sir, Friday.
Q. I think I saw you there that afternoon?
A. Yes.
Q. I did not quite hear what you said. He was a pale man?
A. Very pale, sir.
Q. And walked slowly?
A. Very slowly.
Q. Was there anythingelse that attracted your attention about him?
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A. Well, yes sir. I cannot define what. He attracted my attention so I turned and looked at him. I cannot say whether it was agitation or what it was.
Q. What time in the morning did you say it was?
A. Somewhere between 20 minutes past 10 and 20 minutes of eleven; in that twenty minutes.
Q. Where was he when you saw him?
A. Opposite the space between Dr. Kelley's house and the store next south on that side of the street.
Q. Dr. Kelly's is the next house south of the Borden house?
A. Yes Sir.
Q. Which way was he going?
A. He was facing towards the south. He did not always face the south. He turned partially around several times while I was going by, that is moving.
Q. Did he have anything in his hand?
A. Not that I saw.
Q. Did he have on an ordinary sack coat?
A. Yes Sir.
Q. He was alone, was he?
A. Alone.
Q. Did you see him go anywhere?
A. No. I drove by him.
Q. Did you see him more than once that morning?
A. No sir, only once.
Q. You were in your carriage driving?
A. Yes Sir.
Q. The other time you thought you saw him was some days before that?
A. Yes Sir.
Q. Where then?
A. On that same street. I could not say just where.
Q. He did not attract your attention then?
A. No Sir.
Q. Was there any difference in his appearance the first and second time?
A. I could not say that I saw any.
Q. Can you tell me why he did not attract your attention in the first place?

A. No Sir I could not.
Q. But he did the second time?
A. Yes Sir.
Q. When you saw him the second time, did it occur to you then you had seen him there before?
A. It did not at the time.
Q. Sometimes afterwards you thought of that?
A. Yes Sir.

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Q. It was not because you had seen him before that he attracted your attention the second time?
A. No Sir.
Q. Or that you consciously recognized him as somebody you had seen before?
A. No Sir.
Q. It was his appearance that time?
A. It was his appearance at that time.
Q. Was his appearance different the second time?
A. I did not observe him very closely the first time.
Q. But you did observe him closely the second time?
A. Yes Sir.
Q. Did you see anybodyelse on the sidewalk?
A. Not near him.
Q. You went down to Boston with some officer to try and find the man?
A. Yes Sir.
Q. You understand quite active efforts have been made by the police to find such a man?
A. Yes Sir.
Q. And they have followed down every rumor?
A. Yes Sir.

RE-DIRECT.

Q. (Mr. Jennings) What did he appear to be doing when he turned around?
A. He did not turn clear around. He seemed to be moving or turning or vacillating or oscillating on the sidewalk.
Q. Do you mean looking and turning back and looking again?
A. No Sir, looking down on the sidewalk.
Q. Not looking back at the house or at anything?
A. No Sir.
Q. Did he appear to be drunk?
A. No Sir.
Q. You said he was oscillating.
A. It was not that way, sir.
Q. It was not that kind of oscillation?
A. No Sir.
(Mr. Knowlton) You are not obliged to do it; I have no right to ask you to do it, unless everybody is willing. I would like to see if you could sort of imitate that movement in walking along.
A. I could not do it.

(Mr. Knowlton) I made some public allusion to the dress pattern. I am satisfied that is the dress pattern; so that whatever may have been supposed to have been in the case, is out of it. I say that in justice to the defendant. I ought to say I never supposed there was anything about it; I simply wanted to see it, that is all.

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DELIA S. MANLEY.

Q. (Mr. Jennings) What is your name?
A. Delia S. Manley.
Q. Where do you live?
A. 206 Second street.
Q. Do you remember the day of the Borden murder; I do not mean the date.
A. I remember the day; but I do not remember the date.
Q. Were you in the vicinity of the house on the morning of the murder?
A. I was.
Q. About what time?
A. About quarter of ten.
Q. How do you fix the time?
A. Well, I fix the time by the distance I went. I went direct from there down to Perry Gifford's store, and perhaps remained in the store about five minutes, went directly on to the street, and the City Hall clock struck ten.
Q. Now did you see any person near or about the Borden premises?
A. I did see someone on the premises.
Q. Where?
A. Standing in the north gateway, that is the gateway north of the house.
Q. Where were you?
A. I was on the sidewalk.
Q. At what point on the sidewalk?
A. I was between the two houses, between the Borden house and the Churchill house.
Q. Were you on the same side of the street as the Borden house?
A. I was.
Q. Right between the Borden house and the Churchill house?
A. Yes.
Q. You know where the Churchill house is?
A. Yes.
Q. The house this side of the Borden house?
A. Yes.
Q. What were you doing there?
A. I was standing there talking with a gentleman that was in a carriage.
Q. What was this man doing?
A. He did not seem to be doing anything, only simply standing in the gateway.
Q. Was he a young man, or old man, or middle aged man?
A. Well, if I was to give it to the best of my understanding, I should say that he was young.
Q. Did you know Mr. Borden?
A. No Sir I did not.

Q. Do you know Mr. Morse?
A. No Sir.
Q. Stand up please, Mr. Morse. Was that the man?
A. No Sir.
Q. A younger man than he?
A. I should say it was.
Q. I do not know whether I asked you or not; I will ask you again. What did you say he was doing?
A. He was standing in the gateway, leaning against the south gate post; standing something like that.
Q. Did you leave him there when you went away?
A. I did.
Q. Which way did you go?
A. I came north. I came down Second street.
Q. Have you lived in Fall River all your life?
A. No Sir.
Q. How long have you lived in Fall River?
A. I have lived here not some ten years.
Q. Did you ever see this man before to your knowledge?
A. No Sir, I did not.
Q. Could you describe him at all, Mrs. Manley?
A. I do not think I could.
Q. Do you recollect what kind of clothes he had on, whether gray or black, or anything of that kind?
A. I do not think they were black.
Q. You do not think they were black?
A. I do not.
Q. Do you recollect anything about his face, as to whether he wore whiskers or beard?
A. I do not.
Q. That you say was about what time?
A. Quarter or ten minutes of ten.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) I suppose you see a great many people every day you go out, that you do not know?
A. Yes Sir.
Q. You do not claim to know quarter of the people in Fall River?
A. No Sir.
Q. This man was standing there quietly?
A. Yes Sir.
Q. Not doing anything?
A. No Sir, did not seem to be.
Q. Nothing in his hand?
A. No Sir.
Q. Was he looking towards the street?
A. He seemed to be looking toward us.
Q. And was still standing there still when you went away, out of sight?

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A. Yes Sir.
Q. When you went by, who was with you?
A. A lady named Mrs. Hart was with me.
Q. Who else?
A. The gentleman and lady in the carriage that I was talking with.
Q. Who were they?
A. The gentleman was Mr. Manley; the lady, I do not know.
Q. So there were four people that saw him?
A. That I cannot say for. I said nothing to those other people about him.
Q. There were four people in sight of him?
A. Yes Sir.
Q. Where he could see them?
A. Yes Sir.
Q. He did not move, he stayed there?
A. Yes, he stayed right there.
(Mr. Jennings) Where is this other lady that you speak of?
(Mr. Knowlton) I do not make any point of that.
A. She lives near Adamsville.

MARIENNE CHAGNON.

Q. (Mr. Jennings) What is your name?
A. Marienne Chagnon.
Q. Mrs. Chagnon has some difficulty in expressing herself. Where do you live?
A. 31 Third street.
Q. You are the wife of Dr. Chagnon?
A. Yes.
Q. You live in the house that has been spoken of as in the rear of Mr. Borden's?
A. Yes.
Q. Were you at home the night before the murder?
A. Yes Sir, Wednesday night.
Q. Were you at home the day of the murder?
A. No Sir. We were going to Central Falls by the train nine minutes past eleven.
Q. So you were not there at the time of the murder?
A. I suppose not.
Q. You went away, and took that train to Central Falls?
A. Yes Sir.
Q. Now the night before the murder, I want to know if you saw or heard anything of any person about the Borden fence?
A. Yes Sir.

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Q. Now wont you state what the circumstances were?

A. It was about between eleven and eleven and a half, and we were alone, Miss Martha, my daughter and I. She was playing the piano, and she told me "did you hear somebody?"
Q. She said something which attracted your attention?
A. Yes.
Q. Did you hear anything then?
A. Yes. She said "did you hear some noise"? I was near the door; I listened; I heard some noise myself in the yard back.
Q. What did it sound like? What did it appear to be?
A. It seemed to me it was like somebody jumping on the fence.
Q. That is what it sounded like to you?
A. Yes Sir.
Q. What fence was that?
A. I cannot tell you because we have not gone to see, because we were afraid to go.
Q. I do not ask you whose fence it was; but from what direction did it appear to come?
A. It came from the back of the house near the kitchen, in the west part, I suppose.
Q. Is there a fence there between your land and Mr. Borden's?
A. Yes, there is a fence.
Q. Is, or is not that the direction from which it appeared to come?
A. I do not understand.
Q. Was that the direction from which it appeared to come? Did the noise appear to come from the direction of that fence?
A. Yes Sir, about that.
Q. What did you do in consequence of this noise? What effect did it produce upon you and your daughter?
A. After, we forgot it. But I was to go into the cellar to look after something, and Martha did not want to come. She was too much afraid. I was obliged to go alone.
Q. It frightened you both?
A. Yes Sir, we were both frightened.
Q. It frightened you both so you did not want to go into the cellar afterwards?
A. Yes Sir.
Q. Were the windows of your room open, do you recollect?
A. Perhaps there was some, but I do not recollect it.
Q. You cannot tell?
A. No Sir.
Q. How distinctly, how clearly, could you hear the noise?
A. Very well, because the door between the dining room and the sitting room was open. I told Martha "dont be afraid, it is the dog." She says "no, the dog is there." She showed me the piazza.
Q. You tried to make her think it was the dog, and she said the dog was on the piazza there?
A. Yes.

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Q. Did she point the dog out to you?
A. No, but she saw the dog there.
Q. She was nearer the window than you were?
A. Yes Sir.
Q. The window opened right on the piazza?

A. Yes Sir, it is very low.
Q. A low window that went way down to the piazza?
A. Yes Sir.
Q. Now Mrs. Chagnon, is there any piazza on the front of your house?
A. Perhaps you can call it so in speaking about the door, the door and the step. I do not speak very well.
Q. There is nothing but the jet over the door, a projection?
A. Perhaps you can call it a piazza.
Q. That only extends over the steps?
A. That is all.
Q. There is no piazza extending across the front of the house?
A. Not excepting the concrete walk.
Q. Miss Collett spoke something about a bench upon which she sat; where is that?
A. On the concrete.
Q. The piazza is on the south side of the house, is it not?
A. Yes Sir.
Q. The settee is kept on the concrete in front of the house?
A. Yes.
Q. Could anybody sitting on that bench, on that concrete, see what was going on in the back of the yard?
A. There is more than a bench. There is one nearer the way than the other one. If she sat on the bench near the way, she could see anybody in the orchard, and on every side.
Q. Is not there a long porch comes out on the end of your house, that would cut off the view? Is there a porch which extends out southward from your house into the orchard? There is the street, here is the orchard; is there a porch, an extension which runs out on the west end of your house, and runs out south into the orchard?
A. That is the way, the public way.
Q. The street?
A. Yes Sir, and she was there.
Q. Right in front of the house?
A. Yes. She was walking there.
Q. When she was sitting on that bench in front of the house, could she see this fence back here, of Mr. Borden's?
A. No Sir. If she was here, she can.
Q. I know; but suppose she was on the bench in front of the house, could she?
A. No Sir. She could look in part of the orchard.
Q. Directly south?
A. Yes Sir, and that side.

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Q. But she could not see up here to the fence?
A. She can if she sat here; she could see people passing there, but not in the back.
Q. Not in the back, but she could in front?
A. Yes. She could not see in the back.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) Was the dog there that night?
A. Yes.
Q. He was on the piazza?
A. Miss Chagnon told me, she told me so. She showed the dog; I have not seen him.
Q. You did not hear him go out there where the noise was?
A. No Sir.
Q. Your yard has Mrs. Churchill's yard behind and also Mr. Borden's, does it not?
A. Yes.
Q. Both yards were behind your house?
A. Yes Sir.
Q. Your lot is bigger than that other one, and takes in both?
A. Yes Sir.
Q. What kind of a dog was it?
A. After eleven.
Q. What kind of a dog was it?
A. I cannot tell you.
Q. A little or big dog?
A. A big dog.
Q. What they call a Newfoundland?
A. No. I want to tell you the name, but I fear to mix it.
Q. St. Bernard?
A. It is mixed. It is a good guardian. He is a little old and lazy now.
Q. He did not go for that noise on the fence? You did not hear him starting out for this man that scared you?
A. No Sir.

MARTHA CHAGNON.

Q. (Mr. Jennings) What is your name?
A. Martha Chagnon.
Q. Do you live with your parents on Third street?
A. Yes Sir, 31 Third street.
Q. In the rear of this Borden house?
A. Yes Sir.
Q. Wont you tell us what took place in regard to this noise that you heard on the night before the murder.
A. It was about eleven o'clock, and I was playing on the piano, and all

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of a sudden I heard a noise, just like if somebody tried to jump over a fence. Then I did not go in the rear because I was afraid to go there. I just stayed in the sitting room and told Mrs. Chagnon that I heard some noise.
Q. Do you know where the dog was at that time?
A. Yes Sir.
Q. Where was he?
A. On the piazza on the south east.

Q. On the east side of the room?
A. Yes Sir.
Q. Where did this noise appear to come from, the east or the west?
A. The west side.
Q. Was that the back side of the house?
A. Yes Sir.
Q. Was there a fence on the back side of the house between your land and Mr. Borden's?
A. Yes Sir.
Q. Whether it appeared to come from the direction of that fence?
A. Yes Sir.
Q. Was there more than one sound?
A. No. I heard the noise about five minutes.
Q. Then there was more than one sound?
A. Yes Sir.
Q. You mean you only heard one time?
A. Yes Sir.
Q. Do you mean you continued to hear this noise as if a party was getting over the fence for about five minutes?
A. Yes Sir.
Q. And it came from the direction you say of this Borden fence?
A. Yes Sir.
Q. Do you know of any other cause that could have occasioned such a noise as that?
A. No, I do not know.
Q. Did you have any horse in your barn?
A. No Sir. We used to have them, but not now.
Q. You did not that night?
A. No Sir.
Q. Now I want to ask you is there any piazza on the front of your house?
A. No Sir.
Q. What is there at the front of the house there?
A. It is a kind of a walk side of it.
Q. Your house is raised up above the street, is it not?
A. Yes Sir a little.
Q. Where the dirt was raised up, it has been concreted?
A. Yes, on the front side.
Q. Was there a chair and bench ot settee out there?
A. Benches and one chair.

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Q. Is that where the people sat out there?
A. Yes Sir.
Q. Was there any bench, to your knowledge, on the piazza on the south side?
A. No Sir.
Q. Could a person sitting on the front, there where that bench is usually kept, see the Borden fence from there?
A. Only the south side, the south west, a part of it, that is all.

Q. A large or small part?
A. A small part.
Q. All the rest of the fence would be hidden from them?
A. Yes Sir.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) Where that bench was, that was out in front of the house?
A. Yes Sir.
Q. Not on any piazza at all?
A. No Sir.
Q. Out of doors?
A. Yes Sir.
Q. What did the bench rest on, the ground?
A. No Sir.
Q. What on, the walk?
A. Yes.
Q. Sitting on that bench, you could see the driveway, the end of it?
A. On Third street, yes.
Q. You could see on the front side of your lot from the driveway, clear up to Mr. Crowe's?
A. Yes Sir.
Q. Where were you sitting that night when you heard the noise?
A. Playing on the piano.
Q. Where was that?
A. In the sitting room on the south side of the house.
Q. How near the piazza is it, next behind the piazza?
A. Yes Sir, about four feet, probably.
Q. I mean the piazza where the dog was.
A. Yes.
Q. There is a window opens out on that piazza?
A. Yes Sir.
Q. Was that open?
A. No Sir.
Q. Was the window open out into the yard?
A. No Sir.
Q. The windows were all shut?
A. Yes Sir.
Q. You heard the noise through the shut windows?

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A. Yes Sir.
Q. You think it lasted about five minutes?
A. Yes Sir.
Q. He had a good deal of trouble getting over the fence?
A. Yes.
Q. Have you got a pretty good idea how much five minutes is?
A. Yes Sir.

Q. How long have you been on the stand now?
A. I could not say.
Q. Have you been on the stand five minutes?
A. I cannot say.
Q. Give me some idea what the noise was, pounding or scraping?
A. Pounding.
Q. Kind of a pounding noise that lasted for five minutes?
A. Yes Sir.
Q. You did not go to the door to see what the noise was?
A. No Sir.
Q. You did not know but what it was in the ice house, over there, where they were dumping ice?
A. No Sir.
Q. Did it sound like the way ice is handled, when they thump ice?
A. No Sir.
Q. Did it sound like horses any?
A. No Sir.
Q. Give me some idea what this noise sounded like, this pounding over there. Did you hear any scraping noise?
A. No Sir.
Q. Are you sure it was the night before?
A. Yes Sir.
Q. You have never said it was the night before that?
A. No Sir.
Q. When did you tell anybody about it first?
A. Because I was at Providence, and I heard of it, about the murder, so I said I heard some noise the night before; that is all I said.
Q. Did your step mother go with you? That was your step mother, I suppose?
A. Yes Sir.
Q. Did she go with you?
A. To Providence, yes.
Q. When did you get back?
A. That same night, the 4th.
Q. What officer did you notify, do you remember?
A. No Sir.
Q. Did your father do it?
A. Yes Sir.
Q. What officer did he notify, what policeman?
A. I did not notify anybody.

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RE-DIRECT.

Q. (Mr. Jennings) Did you say this noise appeared to come from the rear of the house?
A. Yes Sir.
Q. Do you know where the ice house is?
A. Yes Sir.
Q. Is the ice house in the rear of your house?

A. No Sir.
Q. Did it appear to come from the direction of the ice house?
A. No Sir, the back of the house.
Q. The back of your house?
A. Yes Sir.
Q. Which direction is this ice house from you?
A. I could not say. There is a barn and house between the ice house and my house.
Q. A barn and a house before you get to the ice house on Third street?
A. Yes, going up Third street.
Q. First there is your house, then your orchard to the south of your house, then the barn and house, and then the ice house is beyond that. I understand you to say that the sound did not appear to come from the ice house at all? The sound did not appear to come from the ice house?
A. No Sir.

ALFRED CLARKSON.

Q. (Mr. Jennings) What is your name?
A. Alfred Clarkson.
Q. You are a plumber?
A. No Sir.
Q. What is your business, steam fitter?
A. Steam engineer.
Q. Were you at the Borden house on the morning of the murder?
A. Yes Sir.
Q. At what time, as near as you can recollect?
A. About 11.40.
Q. Did you go into the barn at all that morning?
A. Yes Sir.
Q. About how soon was it after you got there before you went in?
A. I should say about seven or eight minutes.
Q. Did you go up stairs in the barn?
A. Yes Sir.
Q. What did you observe up there, in the upper part of the barn, if anything?
A. I noticed that the door on the south, where they put the hay in stood open about seven or eight inches, and there was considerable hay

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there that extended from the south west corner to the north.
Q. Extended across the barn?
A. Yes Sir, mostly on the north west corner.
Q. Most of the hay was on the north side of the barn?
A. Yes Sir.
Q. Did you notice anything about the hay, except that; whether it appeared to have been disturbed at all, or not?
A. In two or three places it looked as though it had been stepped in. In one place west of the window, it looked as though a man had laid there.
Q. In what direction from the window?

A. North of the west window.
Q. Did you disturb anything there?
A. No Sir.
Q. Was anybodyelse up there at the time that you recollect?
A. Yes Sir.
Q. Who?
A. There were three gentlemen that I did not know.
Q. Any of them officers?
A. No Sir.
Q. Do you know officer Medley?
A. I think I do.
Q. Did you see him up there in the barn?
A. No Sir.
Q. Did you see him up there around the premises when you first got there?
A. No Sir.
Q. Did you see him afterwards?
A. In the afternoon.
Q. You did not see him until afternoon?
A. No Sir.
Q. Had you been home, and come back then?
A. I went home about five minutes past one.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) Did these three men go up before, or after you?
A. Before me.
Q. You found them up there walking around the barn?
A. Yes Sir.
Q. Have you seen any of them here?
A. No Sir.
Q. Have you been here during the trial?
A. Not but one day.
Q. What day was that? Have you been here today?
A. Since quarter to eleven.
Q. Did you see Mr. Donnelly, the witness just before dinner?
A. Yes Sir.
Q. Was he one of them?

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A. No Sir.
Q. Where did you see him?
A. Yes Sir, in the yard.
Q. After you came down?
A. No Sir.
Q. Before you went up?
A. Yes Sir.

Q. Did you see him when he came into the yard?
A. No Sir.
Q. Did you know him to speak to him?
A. Yes Sir.
Q. Did you speak to him?
A. Yes Sir.
Q. Did he say anything about going up in the barn?
A. No Sir.
Q. Did you say anything to him about going up in the barn?
A. No Sir.
Q. Did anybody say anything about going up, to you?
A. Yes Sir.
Q. You went up because you saw other people going up, you say?
A. No Sir.
Q. Did you see the other people going up when you started to go up?
A. No Sir.
Q. There were three men you saw there?
A. Yes Sir.
Q. You cannot give me the names of any of them?
A. No Sir.
Q. They were people that you never had seen before?
A. I did not recognize them.
Q. What officers did you see when you got there?
A. Officer Allen.
Q. Anybodyelse?
A. No Sir.
Q. Did you go into the house?
A. No Sir.
Q. Did you see anybody at the door?
A. Yes Sir.
Q. Who was that?
A. Charles Sawyer.
Q. Did you see any of the officers come?
A. Yes Sir.
Q. Who?
A. I cannot give you their names.
Q. You saw officers come?
A. Yes Sir.
Q. What did you do the seven or eight minutes before you went up in the barn?

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A. I stood on the steps two or three minutes, then went to the foot of the stairs, talking with somebody, I do not know who; and I saw Mr. Wixon.
Q. How do you fix the time at 11.40 when you got there?
A. Simply because I looked at my watch about 11.35.
Q. Where were you then?

A. Sitting on the door step of D. Brock's office on Third street.
Q. Did you hear of the murder then?
A. Yes Sir.
Q. And went right around?
A. Yes Sir.
Q. Did you see anybodyelse go up in the barn?
A. I saw several go up while I was there.
Q. How many did you see go up before you did?
A. I think four.
Q. Three of those where those you saw there?
A. Yes Sir.
Q. You saw one other beside the four?
A. Yes Sir.
Q. Do you know who that was?
A. No Sir, never saw him before. I did not recognize him. They went up while I was in the carriage house, three of them.
Q. When did the other one go up?
A. When we were coming out.
Q. Did you go into the house then?
A. No Sir.
Q. What did you do then?
A. I came out and went to the stoop and stood there talking with Southward Miller and one or two other parties. I stayed around there until I went to dinner.
Q. Did you see anybodyelse go up in the barn?
A. No Sir, not to say they went into the barn. I saw a number go towards the barn.
Q. How many do you think you saw go towards the barn?
A. I should say a dozen.

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JOHN V. MORSE recalled.

Q. (By Mr. Jennings.) You were asked the other day when you were on the stand with regard to whether you had informed any person about seeing the cellar door open, and you were asked by me whether you had informed Mr. Holmes or not, and you remember of course what reply you made to the questions; I now want to ask you if you have thought the matter over since?
A. I have.
Q. Do you desire to make any change in your testimony with regard to that?
A. Yes sir.
Q. State what it is.
A. I met Mr. Holmes and his wife down in front ----
Q. (By Mr. Knowlton.) What person did you mention it to?
A. Mr. Holmes.
Q. Where and when did you mention it to him?
A. I think at the house after we got through.
Q. Did you meet him at the house?
A. I met him first down in front of the City Hall.
Q. Did you walk up with him to the house?

A. Yes sir.
Q. After you got to the house what did you do?
A. Went into the house and showed him over it.
Q. Did you go outside afterwards with him?
A. Yes sir.

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Q. What did you do outside?
A. Went to the barn.
Q. Did you go into that with him?
A. Yes sir.
Q. Now at what time was it during those proceedings that you told him about the cellar door being open?
A. I think it was after we went out of the house, after being in; I think it was.
Q. While you were going out to the barn?
A. Yes sir, I think it was.
Q. Was that the day of the murder?
A. No sir.
Q. What day was it?
A. I could not tell you; it was after the murder; I do not know but several days after.
Q. What did you do, if anything, at the time you told him about this cellar door? I mean as to whether you pointed it out, or anything of that kind?
(Mr. Knowlton.) It seems to me it is entirely immaterial. He told you he had not told anybody, now he says he has.
(Court.) If you deem it at all material, you may ask the question.
Q. Whether at that time you pointed out the cellar door to him that you said was open?
A. I do not know as I pointed it out, I told him I thought the cellar door was open.
Q. As to whether you pointed the door out to him at the time you told him?
A. I think I did.

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MARY E. BRIGHAM.

Q. (Mr. Jennings) What is your name?
A. Mary E. Brigham.
Q. Are you familiar with the Borden house?
A. Yes Sir.
Q. A friend of Lizzie's?
A. Yes Sir.
Q. And have you been there considerable during the last two or three weeks?
A. A great deal.

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Q. Do you know the way in which this front door was fastened at or about the time of the murder? I do not mean at the time of the murder, but in what way the door was fastened?

A. Do you mean in what ways the front door could be fastened?
Q. Yes.
A. It had an ordinary spring lock, a bolt, and also you could turn the key to lock the door.
Q. Now suppose the bolt and the key lock are both thrown back so that there is nothing but the spring lock to fasten it; now does that spring lock have any catch or anything that prevents its being sprung when the door is shut to?
A. No Sir.
Q. You know what I mean, that some spring locks have a little thing that you can push in that holds the bolt back; is there anything of that kind on this spring lock?
A. Nothing.
Q. So if the door is shut at any time, the spring lock, if it works properly, should fasten the door, should it?
A. Yes Sir.
Q. Do you claim there is any running water up stairs?
(Mr. Knowlton) No.
Q. Did you make an experiment this noon, Mrs. Brigham, to see if you could see a person lying flat upon the floor between the bed and the bureau, while you were standing on the upper entry floor?
A. Yes Sir.
Q. Did you stand there yourself?
A. I did.
Q. Did you have anybody lie down between the bureau and the bed?
A. I did.
Q. Who was it?
A. Mr. Morse.
Q. Could you see any portion of his person while he was lying there?
A. Not any.
Q. Do you know about this clothes room that opens out of the front hall?
A. Yes Sir.
Q. Is it a large room, a large clothes room?
A. I heard a description given of it, or its dimensions given during this hearing, that I thought were about so. I should call it 5 feet by eight.
Q. Just what was given this morning, or very nearly?
A. Yes Sir.
Q. Do you know whether it is light in there so when you go in there, you can see perfectly well what Things are hanging up there?
A. I never had any trouble.
Q. You have been in there?

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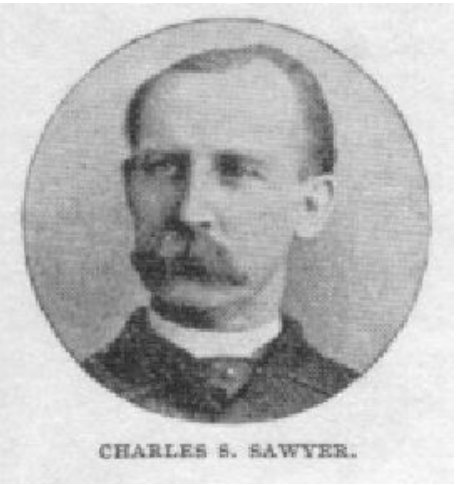
A. A great many times.
Q. Do you recollect how the clothes hung there, whether there is a row of hooks along the wall, and then another row coming out further from the wall, which is screwed into the bottom of the shelf?
A Yes Sir.
Q. So the dresses there hang separate and apart from each other?

A. Yes Sir.

CHARLES S. SAWYER.


CHARLES S. SAWYER.

Q. (Mr. Jennings) What is your name?
A. Charles S. Sawyer.
Q. You are a painter by trade?
A. Yes Sir.
Q. A sign painter?
A. A little of everything in that line.
Q. You mostly confine yourself to ornamental painting, do you not?
A. Yes.
Q. Are you the Charles Sawyer that has been referred to here as the person who went up with officer Allen?
A. Yes Sir.
Q. Can you fix the time, at all, when it was that you went up with him?
A. I should say not with any degree of accuracy between ten and fifteen minutes.
Q. What did you do, you and Officer Allen?
A. We went in, and he placed me at the door, and told me to let no one out.
Q. Which door?
A. The north door. He told me to let no one in or out until he came down, except police officers.
Q. Who was in there when you got there?
A. Miss Lizzie, Miss Russell, and Mrs. Churchill.
Q. Was Dr. Bowen there?
A. Dr. Bowen? I do not recollect of seeing him; but I think I let him out of the door afterwards, shortly after I got there. I should judge that he was in the house.
Q. Where was Miss Lizzie when you first saw her?
A. Sitting in a chair, not in the center of the kitchen, but very near the entry door.

Q. How near did you go to her?
A. I went within probably the nearest about three feet from her.
Q. Did you look at her?
A. Yes Sir.
Q. Did you see any signs of blood on her?
A. No Sir.

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Q. Was her hair disarranged at all?
A. No Sir.
Q. Were there any signs of blood on her hands?
A. No Sir, not that I saw.
Q. Did you see Miss Russell bathing her face or hands?
A. I saw them ministering to her in different ways.
Q. Did you see any blood on her dress, or any signs of anything of that kind?
A. No Sir, nothing.
Q. Did you see the hatchet?
A. I saw the hatchet, yes sir.
Q. How many hatchets did you see?
A. I suppose it was the hatchet, it was the one that was brought up and examined and criticised.
Q. Was that brought up stairs?
A. Yes Sir.
Q. When was it brought up?
A. I think the police officers went down stairs and were searching, and some of them brought up I think two axes that I know of and this hatchet, and I do not know but what there was another one, but I am not certain.
Q. You do not recollect whether there was one or two hatchets?
A. One or two.
Q. Do you recollect whether one of the hatchets they brought up had a claw on it, or not?
A. The one I saw here yesterday in Court looked very much like it.
Q. Did you examine it yourself?
A. Yes.
Q. Did that look like the hatchet you examined?
A. I did not examine the one that was here. I should say it looked very much like it at the distance I saw it. I thought it looked a little smaller.
(Mr. Knowlton) I agree that is the one.
Q. Do you know who brought it up?
A. I do not. The first I saw of it, His Honor the Mayor was looking at it.
Q. Mayor Coughlin?
A. Yes.
Q. Anybodyelse?
A. I did not see any one else at that time. I was going out in the entry, and letting people in and out that required it.
Q. Where was this that he was examining the hatchet?
A. He stood in the back entry door leading into the kitchen. He stood there.
Q. Do you know what became of the hatchet after he examined it?

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A. I do not know whether he laid it on the kitchen table or not, but that is where I found it.
Q. Did you see Dr. Dolan examine it at all?
A. No Sir I did not. It was about the time they were making the autopsy, as I supposed, and he was not out there then.
Q. That hatchet was left on the table there, was it?
A. Yes Sir.
Q. You found it there?
A. Yes Sir.
Q. How long should you think that hatchet remained on the kitchen table?
A. I could not say that. I do not know how long it had been there when I picked it up. I saw it there with some cans of milk setting on the table.
Q. Were the axes there too?
A. I do not distinctly recollect about the axes at that time that they were on the table at all. I saw the axes.
Q. Where did you see them?
A. Somebody had them. One of them was pretty badly knicked up, kind of open between, gapes between the blade and handle, no edge to it apparently. That was the only one I thought would be liable to do the deed.
Q. The one that was lying on the kitchen table?
A. Yes Sir.
Q. What did you do when you examined it?
A. I looked it over pretty thoroughly, and I rubbed my finger on the side of it.
Q. You was the man that did the scraping on that hatchet?
A. I do not know as I scraped it any, I rubbed it, and got a dried yellow rust off.
Q. Tell us just what you did.
A. I took it up and looked at it, and turned it over and looked at it, and turned it over and looked at it.
Q. Did you say you rubbed the blade of it?
A. Yes Sir.
Q. How did it appear when you rubbed it?
A. A dry powder, I got off a yellowish powder, apparently rust; it looked to me like a dry rust.
Q. Did you see any indications of blood on it anywhere?
A. No Sir.
Q. Or hair?
A. No Sir.
Q. Now cant you give us any idea of how long that hatchet stayed there?
A. I could not, not definitely. I could answer for its being there when I picked it up; beyond that, I do not dare to say. I laid it back there again.
Q. You do not know who took it away?

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A. No Sir, I do not.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) What time of day was that when you saw the hatchet?
A. I think at the time they were in performing an autopsy, or getting ready to do it, as I understood it.
Q. In the afternoon then?
A. Yes Sir.
Q. Three o'clock?
A. I do not know as it was quite as late as that, though I would not swear.
Q. Was it when they brought the body down stairs?
A. I do not know when they brought it down.
Q. They were getting ready to have the autopsy?
A. I should judge so. I had admitted quite a number of Doctors.
Q. You had been there quite a while then?
A. Ever since I came in the morning. I stayed there until six o'clock.
(Court) What time did you get there in the morning?
A. Probably from ten to fifteen minutes past eleven I should say.
(Court) I understood you to say ten?
A. No, eleven.

JEROME C. BORDEN.

Q. (Mr. Jennings) What is your name?
A. Jerome C. Borden.
Q. You are a lumber dealer?
A. Yes Sir.
Q. Mr. Borden, did you go to this Borden house a day or two after the tragedy?
A. The next day.
Q. Did you have occasion to go in the front door?
A. I did.
Q. Was the door closed?
A. It was.
Q. How did you get in?
A. I took hold of the knob to the door, and turned it and pushed the door open.
Q. You did not have to ring to get in?
A. No Sir.
Q. Nobody let you in?
A. No Sir.
Q. Was, or was not, the front door fully closed?
A. It was apparently closed.
Q. So if there was a spring on there at that time, it did not keep you out?

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A. It did not show that the door was hindered from opening by any spring lock then.
Q. Do you know whether there was a spring lock on it?
A. I do not know; I did not examine it.

Q. Was there any surprise manifested at your getting in, at the time?
(Objected to.)
Q. What effect did it have on the people in the house to see you come in without ringing?
(Objected to.)
(Mr. Jennings) That is a matter of action. I do not ask what they said.
(Court) If you deem it is material, ask it. I do not see its materiality. I leave that to your own judgment entirely.
Q. What effect did your coming in in that way appear to have on the people in the house?
A. I thought they seemed a little surprised.
Q. Of course I cannot ask you what they said, Mr. Borden. That was the day after the murder?
A. It was.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) The amount of it is, the time when you opened the door, if the spring lock was there, it was not properly locked, it was not caught?
A. I could not have opened it, if it had been caught.
Q. It was not shut far enough to catch it?
A. No.
Q. I suppose you did not take particular notice how far it was shut up?
A. I looked at the jamb of the door first, but saw it was closed, as I came up the steps.
Q. You took hold of it, and opened it?
A. Yes Sir.
Q. Were there some officers out there at the gate?
A. There were, yes sir.

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PHEBE BOWEN.

Q. (Mr. Jennings) What is your name?
A. Phebe Bowen.
Q. You are the wife of Dr. Bowen?
A. Yes Sir.
Q. You are a friend of Miss Lizzie and Miss Emma?
A. Yes Sir.
Q. You have known the Borden family all your life, have you?
A. I think I have always known Emma Borden, and have known Miss Lizzie since she has lived on the street, twenty years.
Q. You have lived at the same house all your life?
A. Always.
Q. And have been in the habit of going there frequently?
A. Yes.
Q. And were very friendly with them?
A. Yes.
Q. Did you know anything about Mrs. Borden being sick the night before?
A. Yes.
Q. I mean Tuesday night?

A. Yes sir.
Q. Were you in the house Wednesday at all?
A. I was there Wednesday night soon after six o'clock.
Q. Did you see Lizzie at all Wednesday?
A. I saw her go down the street just before I went in there.
Q. You saw Lizzie go down the street just before you went in there, and that was sometime after six o'clock?
A. Yes Sir.
Q. Did you have any talk with Mrs. Borden about their being sick?
A. I did, I asked her how they were feeling. She said she was feeling better. Mr. Borden said he was not feeling very well. I says "I suppose Lizzie is better, for I saw her going out." Mrs. Borden says "yes, she has not been out all day, but she has gone now to see Alice Russell."
Q. That was after you had seen Lizzie go down street yourself?
A. Yes Sir, which was soon after I had eaten my supper; we have supper at six o'clock.
Q. Now the day of the murder, was it you Bridget first spoke to about something being wrong over there?
A. She came to my house soon after eleven o'clock, for the Doctor.
Q. Can you give me any idea what time it was?
A. I had occasion to look at the clock five minutes to eleven; it was soon after that, she came to the house and inquired for Dr. Bowen.
Q. And he was out?
A. Yes Sir. I told her I wound send him as soon as he came in.
Q. Did you go over then?

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A. I did not.
Q. Did you go over before the Doctor came home?
A. I did not. The Doctor went over to the house, and came in and told me Mr. Borden was dead. Soon after that, Bridget came back.
Q. The second time?
A. She did. She rang my bell, and said Miss Lizzie wanted me to come over.
Q. Did you go over then?
A. I was delayed a few seconds, and then I went over.
Q. When you got over there, who did you see there?
A. Miss Lizzie Borden, Miss Alice Russell, Mrs. Churchill, Bridget Sullivan, and I do not remember whether Mr. Sawyer was at the door when I went in. He was there when I came out.
Q. Where was Lizzie when you first went in?
A. She was sitting in the rocking chair in the kitchen.
Q. Were Miss Russell and Mrs. Churchill there with her?
A. Miss Russell was sitting in the chair beside her, on the edge of the chair, Miss Lizzie's head was leaning on Miss Russell's shoulder.
Q. How near did you go to her?
A. I stood directly in front of her. Miss Russell was fanning her with a newspaper.
Q. Did she appear agitated?
A. She had her eyes closed, and her head on Miss Russell's shoulder I thought perhaps she was faint. She did not speak at first. Miss Russell asked me to wet the end of the towel, as she was bathing

Miss Lizzie's face.
Q. Did you see any signs of blood on the towel after Miss Russell had bathed her face?
A. No Sir.
Q. Did you see any blood on her hands?
A. No Sir.
Q. Did Miss Russell bathe her hands?
A. No Sir. Miss Russell said "rub her hands". Lizzie made the motion, no.
Q. Shook her head?
A. Yes Sir.
Q. You saw her hair; was that disarranged, or not?
A. Not at all.
Q. It seemed as it usually did?
A. Yes Sir.
Q. How about her clothing, any spots of blood on it?
A. I saw none.
Q. What dress did she have on?
A. A blouse waist of blue material, with a white spray, I should say, running through it.
Q. A white spray?
A. I thought it was.

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Q. What was the body of the dress?
A. I did not notice particularly.
Q. The ground of the blouse, you say it had a white spray?
A. O, it was blue.
Q. Light or dark blue?
A. I should say quite a dark shade; I cannot tell; I was not looking for fashions then.
Q. Do you know what skirt she had on?
A. I do not. It was nothing more than an ordinary morning dress; I think I had seen her wear it before. I only noticed the dress skirt.
Q. Something you had seen her wear frequently before?
A. Yes Sir.
Q. In the morning, or when?
A. In the morning when I have been in.
Q. How long did you stay?
A. I could not tell how long I stayed, a very short time.
Q. Did you go in to see the bodies at all?
A. I did not. They told me Mrs. Borden had been killed, Mrs. Churchill told me.
Q. That is all you knew about it?
A. I did not see anybody.
Q. Did you go away before Lizzie went into the dining room?
A. I came out just, I think, as she was going in. Miss Russell asked Lizzie if she would go into the dining room, if she would take the chair in, as she thought it was cooler in that room. Somebody asked for a fan, and Lizzie told Bridget to go into the dining room closet and get the fan. We went into the dining room. I made a sound when they told me Mrs. Borden was dead. I sat in a chair back of Lizzie, where she was sitting. Lizzie asked who this was that made the sound. They

told her Mrs. Bowen.
Q. That sort of upset you when you heard Mrs. Borden was dead?
A. Yes Sir.
Q. Did you go home then?
A. Yes, they told me I was not fit to stay.
Q. Did you go into the house again that day?
A. I went as far as the back door, I did not go into the house; I did not go in that day.
Q. You go in often since.
A. Yes Sir.

CROSS-EXAMINATION.

Q. (Mr. Knowlton) 10.55 you took notice of the time, five minutes of eleven; what had you been doing that you noticed the time?
A. I was looking down the street watching for my daughter to come home; she had been away, I was standing in my bay window, the window facing the north.
Q. How long had you been standing there?

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A. I had been watching some few moments, as I had been expecting her to come on a train, and was watching for her to come from a horse car.
Q. Five or ten minutes?
A. I was back and forth from the window during that time.
Q. You watched ten or fifteen?
A. Yes Sir.
Q. That is the north bay window?
A. Yes Sir.
Q. That is right opposite the Borden house?
A. My window is not exactly; my window is more opposite the Churchill house.
Q. A little further up the street?
A. Down the street.
Q. Further north?
A. Yes.
Q. The Borden house is in plain sight?
A. Yes Sir.
Q. You did not see anybody come out of the Borden house while you were watching there, or go in?
A. No Sir.
Q. Or out or in the yard?
A. No Sir.
Q. Your windows were closed?
A. Yes Sir, and the blinds.
Q. You did not look through the blinds?
A. Yes, but I did not see anybody going in or out.
Q. You were in sight of the yard?
A. Yes Sir, I could see the yard.
Q. You was not watching the yard as closely as down street?
A. My attention was attracted down street.

Q. Whether you paid attention, or not, you did not see anybody go in or out of their yard?
A. No Sir, if I had had the blinds open---- I had my blinds closed so I could not see through them.
Q. So you could not see the yard at that time?
A. Not at that time.
Q. At that time you could not see the yard where you were at all?
A. No.
Q. So where you were standing that morning, watching for your daughter, you could not have seen, without opening some blinds, you could not have seen the yard?
A. No Sir. I misunderstood you.

End of Day 6 – Adjourned until Thursday, 10:30 A.M., September 1, 1892.

Day 7, Thursday, September 1, 1892.

The following was taken from *The Fall River Tragedy*, Edwin H. Porter, George Buffinton, Fall River, Mass., 1893. Rpt. Robert Flynn, King Philip Publishing, 1985, p. 125-140.

Closing Statements and Verdict.

The proceedings opened by Judge Blaisdell announcing that he was ready to hear the arguments of counsel.

The Defense.

Mr. Jennings: "May it please Your Honor, this complaint upon which you have to pass to-day, in substance, alleges that on the 4th of August last Andrew J. Borden was murdered by his daughter Lizzie. I must say I close this case with feelings entirely different from those I have ever experienced at the conclusion of any case. This man was not merely my client, he was my friend. I had known him from boyhood days, and if three short weeks ago any one had told me that I should stand here defending his youngest daughter from the charge of murdering him, I should have pronounced it beyond the realm of human credibility. But such is the fact, and upon the decision of Your Honor will rest the liberty and good name of this young woman.

There are some things of which there is no doubt. There is no doubt that Andrew J. Borden was murdered in his house at the time given by Bridget Sullivan, Mr. Shortsleeves and Jonathan Clegg.

All these give the time from the City Hall clock. Mr. Clegg sees Mr. Borden leave his store at 10:30 o'clock, a time he fixes by looking at the clock. As Mr. Borden entered his other store, one of the men working there saw it was twenty minutes before 11. It seems to me it is fixed almost beyond a peradventure that the last time Andrew J. Borden entered the house was between quarter and ten minutes before 11. Mrs. Kelly is wrong unless the others are wrong. Mr. Borden did not enter his home at twenty minutes before 11 unless Mr. Shortsleeves is wrong and Bridget Sullivan is wrong. The time between his entering the house and the giving of the alarm is from twenty-five minutes to half an hour.

Now what took place after he got there? Bridget Sullivan says she left him in the sitting room reading the paper, and within this narrow limit of half an hour Andrew Borden has to talk with Lizzie, talk with Bridget, go up stairs, go down-stairs, compose himself in the chair and place himself upon the sofa. If the theory of the Government is correct, it certainly took five minutes or perhaps ten minutes from the time Miss Lizzie gave the alarm to the time information was received at the Central Station. Now, I claim that you must deduct ten minutes from the time at which he left the centre of the city to the time he was found dead. If you do that you limit the time of the committing of this crime to fifteen, to thirteen, or perhaps not more than ten minutes. We have had a description of the injuries, and I suggest that even the learned District Attorney himself cannot imagine that any person could have committed that crime unless his heart was as black with hatred as hell itself. Blow after blow was showered upon them, cutting through blood, bone and flesh into the very brain. Not one, not two, but in the case of the woman, eighteen. I know it will be said that the person who did this wanted to make sure. There is an unnecessary brutality about this that suggests nothing but insanity or brutal hatred. There is another thing. Every blow showed that the person who wielded that hatchet was a person of experience with the instrument. Every blow shows its own line of demarcation and, taking with this the fact that all the blows were parallel, I venture to say that no hand could strike those blows that had not a powerful wrist and experience in handling a hatchet.

But now, Your Honor, it is a maxim of law that better one hundred guilty persons should escape than one innocent man perish. But more of these wounds. Prof. Wood told you it was almost impossible for a person to commit these crimes without being almost covered with blood, from the waist upward in the case of Mr. Borden, and from the feet upward in the case of Mrs. Borden. Now, what takes place? It becomes the duty of the Commonwealth to investigate an atrocious crime like this with the greatest care.

It is of the utmost importance that the guilty party should be found and not someone accused of it. The Commonwealth seems to have made up its mind that the crime was committed by some one in that house. All their labors have been directed with that view. It is perfectly evident to lawyers that this was one of the views the Commonwealth was taking in presenting its case. They say no one could get out on the south because Mrs. Kelly is there, Crowe's yard is there, men are working there and there is the Chagnon house. You have Mrs. Churchill on the north and others on the west. The first thing they've got to do in order to draw the line around the people in the house is to isolate that house. Now, what is the fact? They know that the house has been burglarized and the barn broken into within a few months. Whether they know it or not, a person would say they ought to think that there was someone who knew that there was money in Mr. Borden's room.

You know that Mrs. Manley saw a man standing at that gate. The police have had I don't know how many men in this case, but they never found this woman. They never found the man Dr. Handy saw. They can find the axes Lizzie Borden killed her father with, but they can not find this man. I don't say they haven't tried to, but the fact is they haven't. Certain men got over that back fence that day and Mrs. Churchill didn't see them, nor did Miss Collette. Miss Collette didn't see Frank Wixon get over that fence and walk on it before 12 o'clock that day. John Crowe's man didn't see him either.

The District Attorney will tell you that Mrs. Chagnon and her daughter heard pounding. They described it as of some one getting over a fence. If Your Honor will think a minute, you will see that it was not pounding which was in their minds, but the thought of a man getting over a fence. We claim, Your Honor, that this shows an idea that nobody else could have got into that house and escaped.

Mr. John Morse appears to have satisfactorily accounted for his time, and that brings us to two parties, Bridget Sullivan and Lizzie Borden. In the natural course of things who would be the party to be suspected? Whose clothing would be examined, and who would have to account for every movement of her time? Would it be the stranger, or would it be the one bound to the murdered man by ties of love? And right here, what does it mean when we say the youngest daughter? The last one whose baby fingers have been lovingly entwined about her father's head. Is there nothing in the ties of love and affection?"

And I do not wish to be misunderstood. I do not believe that Bridget Sullivan committed that murder any more than I believe Lizzie Borden did. Why don't the District Attorney make Bridget Sullivan explain what she was doing during the twenty minutes which elapsed while she is supposed to be washing the upper sitting room windows? Does it take her twenty minutes to wash the upper part of one window? Why isn't she questioned regarding every second as Lizzie Borden was? Yet, according to her story, it was three-quarters of an hour. She didn't wash in all but three windows and a half. Yet the prosecution thinks nothing of this. If Miss Lizzie cannot escape being tripped up by one officer and another, she must be guilty.

Now, to commit a crime there must be opportunity. I submit that unless she alone had an opportunity to commit the crime there is no ground for holding her. Bridget Sullivan was out washing windows. Nobody saw her but Mrs. Churchill. Bridget was three-quarters of an hour washing windows. Mind you, I don't say Bridget Sullivan did it. I distinctly state she did not, but I call attention to these points, which the State haven't considered yet.

Now in regard to the length of time which those two people had been dead. Prof. Wood testified under cross-examination that, providing the digestion had been normal, Mrs. Borden was killed an hour and a half or two hours before Mr. Borden. If she was killed at 9:30 or 10 o'clock, Mr. Borden was there in the house. He goes to the Union Savings Bank a few minutes before 9:30. Surely Lizzie never killed her mother while her father was in the house. Surely she did not get her father out of the house to kill the mother.

Now, in regard to this, it is perfectly clear to me why the answers to the questions of her whereabouts at the time of the killing of her mother and later that morning should be inconsistent. I have stated before that I considered the inquisition of the girl an outrage. Here was a girl they had been suspecting for days. She was virtually under arrest, and yet for the purpose of extracting a confession from her to support their theory, they brought her here and put her upon the rack, a thing they knew they would have no right to do if they placed her under arrest. As in the days of the rack and thumb screws, so she was racked mentally again and again. Day after day the same questions were repeated to her in the hope to elicit some information that would criminate her. Is it a wonder there are conflicting statements? Here is an intelligent lady, Mrs. Churchill, who went into the house with Bridget Sullivan and can't tell what became of the servant. Bridget Sullivan could not melt into thin air, but this intelligent lady can't tell whether she went upstairs or down. Here is Lizzie Borden, who has been under surveillance for days, who has been compelled to take preparations to induce sleep. She is brought here, and because she couldn't remember the minutest details, that is a sign of guilt. Now she tells that she got up that morning, goes down stairs about 9 o'clock, not feeling very well. Bridget Sullivan saw her, but can't say if she was reading an old magazine. She goes upstairs and then comes down again. She irons some handkerchiefs. I don't know but the State is going to say those handkerchiefs were being cleaned of blood. It wouldn't be more presumptuous than several other ideas they have tried. How about that fire?

I am surprised the State hasn't taken up that. Perhaps he has not found out that it is hard to start a fire.

Now about her whereabouts at the time her father came in. She first says she is upstairs. Then she says she is down stairs, and sticks to that. I submit that, if she was on the stairs when Bridget opened the door to let Mr. Borden in and laughed, as Bridget says she did, she must have been insane, and was insane at the time of the commission of the crime. No human being could do a deed like that and then stand and laugh at a remark like that made by Bridget Sullivan. It is beyond the bounds of human belief. Then she says she went out in the yard and stayed there, and then went into the barn. I don't believe she can tell how long she was in the barn. Look at the testimony in this case and see if you ascribe guilt to Lizzie Borden because she couldn't tell whether she was in the barn twenty minutes or half an hour. She goes into the barn and looks for this lead. Is there anything improbable or unreasonable in this? If one theory is correct, she couldn't have been there twenty minutes or half an hour. It is simply a guess. Then she comes in and finds her father. It is said that she is guilty because she didn't call for her mother. She knew Bridget was in the house, and she hollered and called her down. Is she the calm, collected being who hasn't been moved by this? Mrs. Churchill looks over and sees a sign of distress. She says, 'What's the matter?' and Lizzie says, 'Come over quick, my father is killed.' Then her emotion is such that she requires the attention of her two friends. The testimony of everybody else in the case is that this girl had received a terrible shock. She asks her friends to search for her mother. She tells them her mother had said that she was going out to see a sick friend and that she thought she had heard her come in. Was it unnatural that, being unable to find Mrs. Borden, she should think she had been killed. Now Lizzie's story conflicts with Bridget's. Lizzie says she thinks her mother went out. Bridget says no. Bridget don't see Mr. Borden go out. Why should she see Mr. Borden?

Now the Government is bound to show that there is a motive for this crime. In the absence of it, unless there is direct evidence, their case has got to fall. What was the motive? The papers all over the country have published it as it was given out to them. Has there been a motive shown here? No, only that five years ago something happened. It was as a result of Mr. Borden's giving his wife's stepsister a residence, and the girls said they thought their father ought to have done as much as that for them. After that Lizzie called her Mrs. Borden. But now what kind of a motive would it have required to commit this crime. A man sometimes when pressed for money will commit crime, and in the case of Mrs. Robinson we know there was murder to get insurance money. I beg you to remember if crimes of this sort are committed unless there is a pressing want of money. And yet to get the motive they've got to say that without hatred, bitterness or previous quarrel, she murders him to get possession of the money which, in the natural course of events would be hers within a few years. I say that this is beyond the bounds of human credibility. They say the attempted purchase of prussic acid by Lizzie Borden shows she was going to do some deadly deed. If there is one thing which is weakest in criminal cases it is the matter of mistaken identity. The books are full of such references. These three persons say it was Lizzie Borden who went into that store, and attempted to buy prussic acid. Neither of them knows her, but all three assert it is she. One of them, Bence, is taken to her house and he says he recognized her by her voice. He says he recognized it because it was tremulous. Kilroy says her voice was clear and distinct, yet Bence, with the life and liberty of this girl hanging upon his words, says he identified her by her voice. If it pleases Your Honor, Lizzie Borden did not attempt to purchase prussic acid, and she has asked to have her testimony taken upon this point. She declares that she never left her home Wednesday morning, and by a special providence, which seems to have watched over us in parts of this case, her words are corroborated by the dead woman who told John Morse that Lizzie had been sick in her room all day and had not left the house, and later, when Mrs. Bowen comes to the house and asks for Lizzie, Mr. Borden says: she was in the house all day and only went out at night, when she called on Miss Russell. I ask you, Your Honor, taking the testimony of Prof. Wood that no prussic acid was found in the stomachs of the murdered couple, who told the

truth? I don't mean to say that these young men meant to tell anything untrue, but in the light of these facts was it Lizzie Borden who entered that drug store and attempted to purchase prussic acid, or was it some person who looked like her?

Now, if they had proved a motive, if the motive they have given satisfies you, let us look at other evidence in the case. This girl has got at the most ten to fifteen minutes to commit the crime and conceal the weapon. Why didn't she wait before she called Bridget Sullivan downstairs? What is her condition just afterwards? Is there anything on her when the neighbors come to show that she committed the crime? If she did have time to kill her mother and clear the blood stains from her garments, she did not have time to clear up the evidence of her work down stairs. If she had on an apron, where is the apron? Officer Doherty attempted to describe the dress he saw her have on. Mrs. Churchill thinks it was of another color. The lighter the dress the better to find out if she did it, and, if she did it with the white skirt on, where are the blood spots? Where did she get rid of the weapons? The dress, the shoes she had on that morning. Are there any shoe buttons found in the fire? Is there any smell of burnt clothing? No. Why, at the time of the arrest of this girl we were enveloped in an atmosphere of poison, gore, hatchets and bloody hairs. Why, until Prof. Wood stepped on the stand, it had been given out, whether by the police I do not know, that the hatchet Prof. Wood had was the weapon with which the crime was committed, and that it bore signs of having been used to commit it. I confess that until Prof. Wood went upon the stand my heart almost stood still with anxiety.

The Government is in this position. The more closely they hold Lizzie Borden in that house, the more they show she couldn't get out, they shut that bloody hatchet up there with her. Day after day, hour after hour they have searched and examined, and the only thing they produced was the hatchet, which Prof. Wood says contained no blood. I don't believe Dr. Dolan would willingly harm a hair of this defendant's head, and yet his description of this hatchet was one of the most terrible things of this trial. It would be such a hatchet as would commit this deed, he said, and it appeared to have upon it what seemed to him was a blood spot. The end he said was such as to cause the crushing wound in the head. But then comes Prof. Draper, who says there was no such crushing wound. You can imagine, Your Honor, the feelings of the counsel, who sat there almost heart sick day after day, waiting for that report and guarding the interests of a client whom they believe to be innocent, and who insist she is innocent. I have no doubt that every person with a feeling of sympathy for that girl felt their hearts leap with joy as Prof. Wood gave his testimony. If I could have had my way I would have shouted for joy. That was the deliverance of Lizzie Borden. If that hatchet had been lost on the way by a railroad accident, Lizzie Borden would have been a condemned woman upon the testimony of Dr. Dolan, regarding the description of that hatchet. Lizzie Borden's life was in Dr. Dolan's hands and by the goodness of God's providence Prof. Wood came, and, like that shot at Concord, which rang round the world, his story went like a song of joy from Maine to Mexico and from the Atlantic to the Pacific. They haven't proved that this girl had anything to do with the murder. They can't find any blood on her dress, on her hair, on her shoes. They can't find any motive. They can't find the axes, and couldn't clean the axe, and so I say I demand the woman's release. The grand jury, if they meet more evidence, can indict her. She is here—she can't flee. She isn't going to flee.

The great public is going to take your decision as they took the arrest upon the strength of Mr. Knowlton's experience. They can't find a motive, no blood, no poison, and so I say that this woman shan't be sent to prison on such evidence as this, shan't be sent to jail for three months, shan't be deprived of her liberty and her good name. Don't, Your Honor, when they don't show an incriminating circumstance, don't put the stigma of guilt upon this woman, reared as she has been and with a past character beyond reproach. Don't let it go out in the world as the decision of a just judge that she is probably guilty. God grant Your Honor wisdom to decide, and, while you do your duty, do it as God tells you to do it, giving to the accused the benefit of the doubt."

Court adjourned until 2:00 P.M.

The Prosecution.

District Attorney Knowlton: "I can fully appreciate Your Honor's feelings, now that the end of this hearing is about to be reached.

The crime of murder touches the deepest sensibilities of feeling. There is the deepest feeling of horror about it, and above all in the unnaturalness that brings the thrill of horror to every mind. The man who is accustomed even to conflicts of arms may not be expected to be free from horror at the thought of the assassin. While it was not a pleasant summons that came to me, the almost despairing cry that came to me to come over here, I should not have been true to duty if I had not undertaken to ferret out the criminal. It was so causeless a crime. The people interested in it were so free from ordinary bickerings or strife that of all cases that transcend the ideas of men, this case was that case.

The murdered man's daughter was arrested. I perfectly understood the surprise and indignation that started up. I am sorry that Your Honor was criticised. Does not Your Honor believe my own soul is filled with anguish that I must go on and believe the prisoner guilty, and yet the path of duty is not always the path of pleasure. The straight and narrow path is often full of anguish, and does not have the popular voice behind it.

What is it we have done? There are three stages, yes, four, which are junctions of the law in a case like this. First, the stage of simple inquiry. I am sworn on that book before Your Honor that an inquest shall be held, which is necessarily private. That step has been taken. There then comes another stage, when by the laws of inquiry it finally sees the evidence points to any particular person and such an occasion as this follows. That is the present state. To that tribunal it is Your Honor's duty to direct such cases as seem too grave for Your Honor to decide. Then the evidence appears to indicate that the balance of probabilities is in favor of finding the accursed guilty of the act. The Commonwealth advances no statements as to probable guilt. Your Honor's duty is before you.

Let us go back to the pictures. They are before you. Such was the scene presented four weeks ago this morning. What are they? One is a man retired from business, of simple and frugal habits, and so far as we know without an enemy in the world. If there was some friction between him and his wife's relatives, that domestic and honorable lady was absolutely without harsh feelings on the part of the world, yet she was murdered, and there was a hand that dealt those blows, and a brain that directed

them. There was not a man, woman or child in the world of whom we could not have said, they would have done it. But it was done. The presumption that some enemy killed him and then killed her, for I presume that Your Honor will prefer the evidence of the chemist, Prof. Wood, rather than the story of a Medical Examiner who has not examined the stomachs, is that Mrs. Borden was dead fully an hour and a half before the murder of Mr. Borden. Who could have done it? As an eminent attorney once said, there is no motive for murder. There is reason for it, but no motive. I never in all my experience saw a man so utterly low as to believe him guilty of such a deed. But it was done. By what? Obviously by a hatchet. The blows were struck from behind. It was the act of a physical, if not a moral coward. It was the act of a person who, while willing to murder, was not willing to let the murdered people see who was doing it. As you listened to the description of the blows, you are convinced of the fact that no man could have struck them. You are struck with the thought that it was an irresolute, imperfect feminine hand that could strike, and yet not with the strength of a man, and we do not know who did it. It was not the result of spite as first thought, but the blows were fast, swift blows of somebody who had a reason for doing it.

The first obvious inquiry is, who is benefited by that removal. God forbid I should impute that motive, but what have we before us? I don't know what was the cause of it. I have discovered the fact that she has repudiated the relation of mother and daughter. I knew once two boys who in growing to be men discovered that their father had committed a crime and called him Mr., but I never heard of another case of that sort. We've got the terrible fact. She has repudiated the name of mother. Has Your Honor, as I have, ever learned that no more lasting hatred ever springs up than between step-parents and their children? We have seen that he didn't provide the house with gas, that he hadn't in the house what those daughters very much wanted, a bath tub, and that they quarrelled about property. Do you suppose that was a sufficient motive? I grant that that is not an adequate motive for killing her. There is no adequate motive for killing her. But I have found the only person in the world with whom she was not in accord.

Let us look around and it cannot be imagined how anybody could have got in or out. I listened to the eloquent remarks of my brother and failed to hear him tell how anybody could have got in there, remained an hour and a half, killed the two people and then have gone out without being observed. Doors locked and windows closed. Here was a house with the front door locked, the windows closed, the cellar door locked and the screen door closed, with somebody on guard in the kitchen. Nay, Mr. Borden locked the barn every night, and you can't go from one part of the house to the other without keys. That makes us begin to think. Of course, this is negative evidence. Of course it is neither sufficient, reliable or conclusive, but all evidence is made up of circumstances of more or less weight. Yet from this house, on a main street, near the centre of the city, passed by hundreds of people daily, no man could depart without being seen. And that isn't the most difficult part of it. I can't devise any way by which anybody could have avoided those locks. Tell me not about the barn which Mr. Borden always locked himself; the front door was locked when Mr. Borden came in; there was not a hiding place when they came in; they could not get upstairs to the front of the house by the back way; they must be seen passing through the house; and I haven't dwelt on the chances of anybody escaping the notice of these five people and the refusal of the human mind to accept such a possibility. I can conceive of a villain. I can't conceive of the villain who did this; and I can't also conceive of a villain who is a fool. All the movements of this family must have been known, and so the mind, not the mind which is actuated by sympathy and which I understand but cannot follow, because I am sworn to my duty, but the impartial mind looks toward the house.

There has been no idle and unjust suspicion. It was natural that suspicion should be directed towards the inmates of that house. Morse is out of the way and then comes the servant girl, perhaps the next one thought of. The discharge of my duties have found in my eyes no difference between

one class and another. When I came to Fall River I knew no difference between honest and reputable Lizzie Borden and honest and reputable Bridget Sullivan, and so Bridget Sullivan was brought here to what my learned friend calls a star chamber inquiry, and was questioned as closely and minutely as any other member of the family. The innocent do not need fear questioning. In all my twenty-five years experience will my learned brother say that he ever heard or knew me to treat a female witness discourteously. She sitting in one chair and the inquirer in another, presumably as innocent as anybody; and yet fault is found that she is suspected when she answers questions in two ways. I'm going to assume that Your Honor believes Bridget Sullivan has told the exact truth.

What took place, Bridget Sullivan? Mr. Morse went off that morning and left Lizzie in the kitchen alone. The only time when Mrs. Borden could have been killed. Mrs. Borden told her to wash windows and she goes out to do it. Lizzie didn't go up the back way because she couldn't get up that way. In the lower part of the house there was no person left and Lizzie and her mother were upstairs. Then Lizzie comes to the screen door. Maggie says, don't lock the screen door. Mr. Borden was then alive. Mrs. Churchill saw Mr. Borden go off and then saw Bridget washing windows. Then the hatchet was driven into the brain of Abby Borden.

Many a man has been convicted because he alone could have committed a crime. Maggie finishes her work, and then, until Mr. Borden comes in, Lizzie and Mrs. Borden are alone upstairs, and this is not all; Mr. Borden comes to the front door. I don't care to comment on Lizzie's laughter at Bridget's exclamation, but Lizzie was where, if Mrs. Borden fell to the floor, she could not have been twenty feet away from her, and where, if the old lady made any noise, she could have heard it. Then Lizzie comes down stairs and commences to iron. Bridget leaves her alone with her father. Less than fifteen minutes later the death of Mr. Borden takes place. She could have but one alibi, she could not be down stairs; she could not be anywhere except where she could not see any person come from the house.

It is now more difficult in the cool of September than it was at the inquest, to imagine the improbability of the story told by Miss Lizzie. Where he was she can't tell; where he came from she didn't know; where was she between the hours of nine and ten, when her mother was killed; whatever else I may not say of Lizzie Borden, I will say that for one to even suggest that from the time she found her father dead she was not in full control of all her faculties, is to confess that they do not know the facts. She has not shed a tear, and it is idle for any one to say she has been confused or dazed. I asked her where she was when her father came back, and we get this story: 'I was down in the kitchen.' That's the kind of thumbscrew I apply, and it was a most vital thing. Almost a moment after: 'Where were you when the bell rung?' 'I think I was upstairs in my room.' 'Were you upstairs when you heard the bell?' No thinking now, no daze: 'I think I was on the steps coming down.' Isn't it singular, isn't it a vital thing that upon this most important subject she should not tell the same story upon two pages of the testimony. I prefer to take the story of one who gives the same answer twice, for I am not affected by the heat and the turmoil which surrounds this case, and for which I have no hard feelings towards anybody.

Then I asked her: 'What were you doing while your father was out?' and she said she was waiting for the irons to heat. Unsatisfactory explanations. Isn't it singular that I can't get a satisfactory explanation from her as to how she spent the hour and fifteen minutes while her father was out and her mother was being killed upstairs. Finally, however, she says after urging twice, she saw him take off his slippers, when the photographs show he did not take off his boots, and after speaking to her father she tells him that she thinks her mother has gone out; and then she tells us that she went to the barn. And when we asked her 'where was your mother?' She answers, 'she is not my mother, but my stepmother.' and her bosom friend, Miss Russell, is compelled testify that Lizzie told her she went out to get a piece of something to fix her window. Then she tells Dr. Bowen it was to get a piece of

iron; then she tells the story of the fish line and the sinker. I say to her, 'Where did you spend twenty minutes or half an hour on that hot morning?' She says she went to fix a curtain at the west end of the barn and ate pears there.

Let me say I never saw an alibi labor as this one does; you can see by reading that testimony how she was away from home during the questioning. She was going to that barn on the hottest of days to get something unnecessary. I don't say this is enough to convict her, but with Maggie's story that she had been where she could have committed the crime, there is something to challenge our credulity. Relation of mother and daughter. There was so little in common between the daughter and the mother that it was to Bridget the mother gave notice of her intended movement, and not to the daughter. We have it from Lizzie that her mother received a note from sick friends. Who sent it? Where did it come from? It did not come in the screen door, because Bridget was in the kitchen. Mr. Borden knew nothing about it. Lizzie says she told him. Some laughter was heard when a witness said a reporter was found sitting on the steps when the first officer arrived. I am not one who joined in that laughter, for the reporter in this case represents the anxious and agonized public, who wish to know any fact in this matter and every point of evidence, true or false. If there was any person in the world who wrote that note would he not in the interest of humanity come forward. There never was a note sent. It was a part of the whole cunning scheme, and if there had been, the writer of it had been in the remotest corner of the world, he would certainly have come forward.

It's an easy thing to say, but it is one of those things that, when a matter becomes public property, cannot be concealed. Nobody, Your Honor, has said this family was poisoned with prussic acid. All that the Commonwealth says is that this was the first proposition. I intended to say at the outset that the crime was done as a matter of deliberate preparation. Those young men recognized her not by her voice, but recognized her and her voice. Is there any different point of view in Lizzie Borden from any other person who is accused of crime. We find here the suggestion of a motive which speaks volumes. The druggist told her plainly she couldn't have it. Then how could this thing be done? Not by the pistol, not by the knife, not by arsenical poisoning. There was but one way of removing that woman, and that was to attack her from behind. That is a dreadful thing. It makes one's heart bleed to think of it. But it is done. I'd rather resign my office than deal with it, but I will not flee from duty.

I haven't alluded to and I think I will not comment upon the demeanor of the defendant. It is certainly singular. While everybody is dazed there is but one person who, throughout the whole business, has not been seen to express emotion. This somewhat removes from our minds the horror of the thing which we naturally come to. Atrocious and wicked crime is laid to the door of some women. The great poet makes murderesses, and I am somewhat relieved that these facts do not point to a woman who expressed any feminine feeling. When Fleet came there she was annoyed that any one should want to search her room for the murderer of her father and step-mother.

I know there are things that have not been explained. It has been a source of immense disappointment that we have not been able to find the apron with which she must have covered her dress, and which must contain blood, just as surely as did the shoes. It is a source of regret that we have not been able to find the packet, but she had fifteen minutes in which to conceal it. This was not a crime of a moment. It was conceived in the head of a cunning, cool woman, and well has she concealed these things. If Your Honor yielded to the applause which spontaneously greeted the close of the remarks of my earnest, passionate brother, if Your Honor could but yield to the loyalty of his feelings, we would all be proud of it, and would be pleased to hear him say: 'We will let this woman go.' But that would be but temporary satisfaction. We are constrained to find that she has been dealing in poisonous things; that her story is absurd, and that hers and hers alone has been the opportunity for the commission of the crime. Yielding to clamor is not to be compared to that only and greatest satisfaction that of a duty well done."

The Verdict.

Judge Blaisdell: "The long examination is now concluded, and there remains but for the magistrate to perform what he believes to be his duty. It would be a pleasure for him, and he would doubtless receive much sympathy if he could say 'Lizzie, I judge you probably not guilty. You may go home.' But upon the character of the evidence presented through the witnesses who have been so closely and thoroughly examined, there is but one thing to be done. Suppose for a single moment a man was standing there. He was found close by that guest chamber which, to Mrs. Borden, was a chamber of death. Suppose a man had been found in the vicinity of Mr. Borden; was the first to find the body, and the only account he could give of himself was the unreasonable one that he was out in the barn looking for sinkers; then he was out in the yard; then he was out for something else; would there be any question in the minds of men what should be done with such a man?

"So there is only one thing to do, painful as it may be—the judgment of the Court is that you are probably guilty, and you are ordered committed to await the action of the Superior Court."

End of Day 7 and the Preliminary Hearing.