

Chapter XII

NOTORIOUS LOCAL MURDERS

The Cornell Murder

Sarah Maria Cornell was found murdered in the stack yard of the Durfee Farm, which was then within the limits of the South Park in Tiverton, on the morning of December 21st, 1831. She was twenty-eight years of age and descended from a respectable family and had been a mill worker in Fall River and other places for several years. She was a member of the Methodist church in Fall River, of which Dr. Bidwell was pastor. Her body was frozen stiff; the knees evidenced, by bruises and clinging grass, that she had been dragged for some distance and she had apparently been hung by a rope taken from one of Durfee's wagons. The rope was tied by a clove hitch knot, not by a slip knot, so that she could not have committed suicide by hanging because the clove hitch could not be drawn tight except by the pulling of both ends together. Her feet were only a few inches above the ground and it was apparent that she was at least unconscious before she was hung because there was no evidence of struggling. Pieces of a broken comb and evidence of a struggle were found at two different places within the limits of the farm. She was in a delicate condition. Soon it appeared that she had consulted a Dr. Wilbour in Fall River on the 8th of October previous and disclosed to him the secrets of her liaison, her condition having been caused at a session of a camp meeting in Thompson, Conn. during the previous summer.

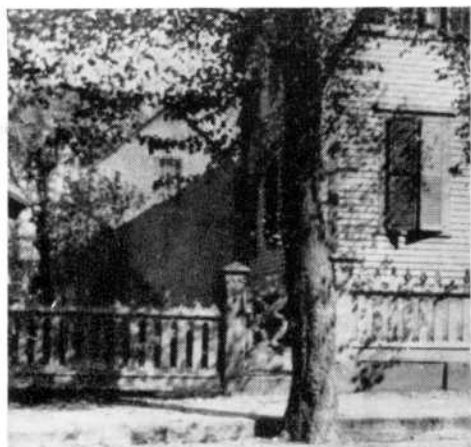
When she was cut down a jury of inquest was immediately summoned who determined it was a case of suicide, but other facts above stated soon appearing, with much evidence directed against the Rev. Ephratus K. Avery, a Methodist minister at Bristol, complaint was made against him. Before a warrant could be served he had disappeared and after diligent search he was located in an obscure town in New Hampshire and brought

back for trial. At the trial he was acquitted. The trial was held in Newport in May 1833.

There was ample evidence that the minister had been frequently seen in her company; that he had counselled her to take poison; that, while refusing to take any action against him because of the respectability of his wife and family and refusing to meet him in Bristol, she had asked him to discuss the situation in Fall River. There was evidence that he did come to Fall River the night of the murder by persons who saw him here and at the Howland Ferry after the murder, but he proved by a great many witnesses that he was home in Bristol that evening at such an early hour that his speed of return, if he did return, was almost beyond human possibility. Apparently there was no evidence that he was expert in the tying of a clove hitch knot and, of course, he was not observed at the scene of the crime. A score of clergymen took oath to his good character and to every one who testified that the girl was above reproach so far as other men were concerned, there were as many or more who testified as to her delinquencies, not with men but by her conduct in the affairs of the church of which she was a member and to which she seemed to be most devoted and her prayers about her shortcomings most incessant. That twelve men agreed that upon all the evidence he was not guilty leads us to accept that conclusion, but it was not accepted by the people at large; much criticism was directed against the public attorney.

Murder of John Bullock

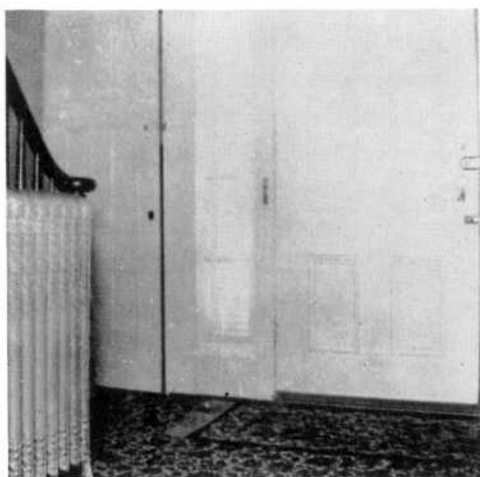
About five hundred feet from the extreme northeasterly city line in the Copicut section, yet two miles from Copicut village, near the Bullock Road, which leads from Assonet to New Bedford, in a rough barren section stands a rough granite post, a cut of which is shown opposite page 86 in Fascicle I. It marks the spot where in June, 1862, one Isaiah Bullock was murdered by a seventeen year old lad named Obed Reynolds. This murder caused widespread consternation because the dissolute youth, seeking only to possess a few dollars was lying in wait for a drygoods and grocery peddler whose weekly route caused him to pass through this lonely road, which in fact he had traversed the previous day. When Bullock happened along returning to his New Bedford home, in a democrat wagon, from the delivery of a barrel of rum to a kitchen barroom at Slab Bridge, knowing Bullock and his business, the youth held him up, blinded him with a gun shot and then during a scuffle which followed, during which the gun was wrested from him, he stabbed Bullock to death. The facts were related to me by my



THE FRONT, SIDE YARD AND BARN



BORDEN RESIDENCE AND DR. KELLY'S
COTTAGE ON SECOND STREET



FRONT HALL AND STAIRWAY



THE BEDROOM

Photographs by author at time of Borden Trial

friend Paul Burns of Assonet, who is now living. Mr. Burns was helping his father on the latter's farm, which was a mile easterly on the Chace Road. Burns heard the noise of the scuffle, then supposing it was from an intervening farm where a neighbor was berating his oxen.

Reynolds returned to his home and his father turned him over to the police. He was indicted for murder June 19, 1862, at Freetown. There was a verdict of guilty, May 19, 1863, in the Supreme Judicial Court, after which Reynolds was sentenced to hang. This sentence was later commuted to life imprisonment by the Governor.¹

The Borden Murder Mystery

Died, at her home, 92 Second Street, in Fall River, Mass. on Thursday, August 4, 1892, at ten o'clock in the forenoon, Abbie D. Borden, age 65, second wife of Andrew J. Borden; also died, at eleven o'clock on the same day and place Andrew J. Borden, age 70. Thus ran obituaries, while newspaper headlines ran "Murdered", and editorials announced "the most famous and baffling crime of the century".

On that morning, the Borden home had sheltered five persons, — Andrew J. Borden, his wife Abbie, Lizzie A. Borden (Mr. Borden's daughter by Sarah A., nee Morse, his first wife), John V. Morse, a brother of the first Mrs. Borden, and Bridget Sullivan, a servant. Mrs. Borden was last seen alive when she went to the up-stairs guest chamber and attended to details of its earlier occupancy by Mr. Morse. Mr. Borden was last seen alive when he entered his home immediately prior to the fatal moment. That morning Mr. Morse had been the first to leave the house. He left before 9 A. M. and went to visit a relative, who lived on Weybosset Street, more than a mile distant. Next Mr. Borden left home to make his usual morning calls to his bank and to his real estate. He was a member of the investment committee of the Union Savings Bank, and a director in several other institutions. He was reputed to be a man of large wealth, in small part inherited from his father Abraham, but mostly accumulated through his own parsimonious thrift and by means which fell within the

¹ The above seems to be the correct version. There is evidently another story extant which the editor found among Mr. Phillips' notes. — Saul Cummings, living on Morgan Street, a trader in horses and cattle, sold a yoke of oxen to a man in the above vicinity and drove over the road to deliver them. A man knowing of the transaction and being short of money and nearing the end of his stock of whiskey thought this a good chance to replenish his supply of both. Knowing that Saul would be coming back with the proceeds, he hid and to keep up his spirits, he filled up with the whiskey in his pocket. After a while, he saw as he supposed Saul Cummings and fired but he killed another man named Bullock. The murderer was convicted and died in jail.

The "Fall River Daily News" gave little space to the details of the evidence, stating only that a piece of a gun stock was found with blood stains on it and that "a young man residing in that vicinity identified the ram-rod as one used by Reynolds."

letter of the law. He owned much valuable and centrally located real estate, loaned money to persons in need if they were financially sound, and had reputedly made investments with brother Morse. Morse had spent most of his life in Iowa, but shortly before had settled in Dartmouth and was owner of some recently imported horses which were kept at a camp of itinerant horse traders in Westport.

After the men had left the house, Mrs. Borden was called to the rear door by a boy who presented a note. Neither Lizzie nor Bridget saw her alive after that. Lizzie thought she had gone out, but events proved that she went to the guest-chamber where she was struck down by her assassin, who wielded some sharp instrument, presumably a hatchet or small axe, and inflicted eighteen deep gashes on her neck and head. Thirteen of them cut through the skull, and any one of them would have killed her. She crumpled on the floor between the bed and bureau, and apparently died without resistance. She must have turned her head toward her assailant as two of the blows were frontal. Lizzie's attorneys believed that the note called for the delivery to the bearer of some article from Mr. Morse's room; that the assassin followed Mrs. Borden into that room and that he afterwards regained possession of the note. It was never found. Of course the Government claimed that there was no boy and no note. Corroborative proof was lacking.

Mr. Borden was murdered an hour later. He returned home shortly before eleven o'clock A. M., was let into the front door of the house by Bridget. He lay down to rest, as was his custom, on the couch in his lower sitting room and was murdered by someone who wielded the same hatchet in the same way and battered his head and brains with eleven strokes, four of them crushing the skull. The temperature on that day was superlatively hot.

One Kirowack, head trader at the Westport trading camp, satisfied the police that he was in New Bedford at the time of the murder, but a farmer or hostler described by one Robinsky as a traveler on the New Bedford road and as wearing blood-stained garments was never found.

There was evidence that Mr. Borden and Mr. Morse had a lengthy and very loud argument during the previous (Wednesday) evening. They made so much noise that Lizzie closed the door of her upstairs bedroom. Ordinarily Mr. Borden was a very mild-mannered and mild-speaking man, yet his conduct in business matters had made him many enemies. Called the sharpest man in town, he provoked many current rumors as to his methods which were far from complimentary. It was said that an employee

who had improperly sequestered a few dollars had avoided prosecution for crime by threatening specific disclosures of Mr. Borden's business methods. Another story related to the undertaking firm of which Mr. Borden was a member and to the manner of fitting corpses to the caskets on hand, another to the method of charging funeral equipment to an amount in excess of that furnished. Mr. Borden kept in close touch with his tenants and their business. Tenants of experience who were cautious about their rental charges were careful to impress him with hard luck stories because he was ever solicitous about sharing their profits in the form of increased rent. When the death of Mr. Borden was first announced on the street, general comment was that "someone had done a good job".

Mr. Borden was parsimonious also with his family. The girls of this wealthy man (Lizzie and her elder sister Emma L.) did not enjoy the moderate finery of the times and often could not attend functions for lack of accoutrements befitting their social rank, for they were members of the same Borden family which was socially prominent in the city. This unusual condition seemed to the police to furnish a motive which might induce his daughter Lizzie to commit the crime.

The Bordens were of Quaker ancestry, descendants of that Joseph Borden of Portsmouth, R. I. who was the friend of the Indian Chieftain Philip. The whole family was fundamentally opposed to violence in any form.

Lizzie had no unusual and no criminal record, had made no threats; she was a church member and prominent in church work as secretary of the Christian Endeavor. At the trial Judge Dewey in charging the jury said "The Government concedes that the defendant's character has been good, not merely negative but of positive active benevolence in religious and charitable work". Lizzie had, however, made statements which were contradicted and had made others which the police considered to be doubtful, so that being suspected from the first she was finally charged with the crime. She was contradicted by Eli Bence concerning her attempt to purchase poison, but at the time of her trial this evidence was excluded as immaterial since there was no evidence that any poison was used or actually purchased. She had sought to purchase it for an innocent purpose.

Every penny counted in the Borden household. A leg of lamb first cooked on the Saturday before the murder was on the table in disguised form five days later.

Although Mr. Morse was first suspected of the crime, he presented the most complete and remarkable alibi ever known, and was almost imme-

diately eliminated from police inquiry. After leaving the Borden home early in the morning, Morse had taken a street car to Weybosset Street from the center of the city and was there till both murders had been discovered. He furnished the police with the number on the street car which he had taken, the number on the conductor's cap and the names of persons he had seen or met. To a certainty he was not in the Borden house when the murders were committed, but nevertheless he had to have a police guard to protect him from infuriated mobs.

After her mother had been murdered and before her father came home, Lizzie passed downstairs from her second story room to the lower floor, and necessarily passed by the open door leading from the upper hall to the guest chamber, upon the floor of which her mother's slain body was resting. Lizzie neither noticed nor heard anything unusual but the police argued that she must have seen the body and so must have testified falsely at the inquest. Reporter John J. Manning was one of the first to enter that room. He found the room "not very light". The shades had been drawn. The evidence disclosed² consists of a photograph which I took from the third step down the stairway. It shows that a body, then lying between bed and bureau, could not have been seen from the hall. The bed was too low. The police also claimed that no person could have remained concealed in the house for upwards of an hour and have remained undiscovered. I now disclose, it never having been used before, a photograph I took showing a closet at the foot of the front stairway, its door partially open. It was a large closet, and Andrew J. Jennings, chief counsel for Miss Borden, was then peeking from inside the closet through a crack in the door into the hall. The murder weapon was used with such force that in each case the walls and ceilings were covered with hundreds of blood spots; yet no clothing of Lizzie Borden's bore a single smutch, except a single spot on an undergarment which was admittedly due to natural causes.

No weapon which could have been used was found. Though the police found several hatchets in the cellar only one of those hatchets, viz: a handleless hatchet and without blood stains upon it, fitted the wounds. One blow from the weapon which had been used in the murder had penetrated Mr. Borden's skull so forcefully that the skull was incised at both edges of the blade. The state specialist, Professor Edward S. Wood of Harvard University, testified that the blade used was exactly three and one-half inches wide. No other would have fitted this wound. He also testified that

² The editor believes that the story and photograph have been previously published in a New Bedford paper.

the hatchet without handle could not have been used in the homicide and afterwards washed so efficiently as to prevent traces of blood from being caught on the ragged surfaces. Professor Wood examined all the hatchets, all of Miss Borden's clothes, including her shoes and stockings and all except a white skirt were found to be bloodless. The skirt had one drop of blood, less than the size of a pin's head, on the back part and eight inches above the hem. Some days after the murder Lizzie admittedly burned a paint-stained dress, but the house had previously been thoroughly searched for evidence by a large police force, and if any evidence was thus destroyed the police were admittedly inefficient. It was burned in the presence of the family and friends and none saw any blood on it.

In the investigation of her case and at the various hearings Lizzie Borden had eminent counsel as follows: Hon. Andrew J. Jennings was her personal counsel, and His Excellency George D. Robinson of Springfield and Col. Melvin O. Adams of Boston were her advisory counsel. The writer was assistant to Mr. Jennings, having been connected with that office since his graduation from law school during the preceding June.

The government was represented by Hon. Hosea M. Knowlton of New Bedford, the local District Attorney, and by William H. Moody of Haverhill, the District Attorney in Essex County. Knowlton was afterwards Attorney General for the Commonwealth and Moody subsequently became a justice of the Supreme Court of the United States.

An inquest was held before Hon. Josiah G. Blaisdell, Justice of the Second District Court of Bristol, beginning on the sixth day after the murders. Lizzie Borden was called as a witness, and interest in the proceedings was so general that business in the center of the city was practically suspended. Miss Borden asked that Mr. Jennings be allowed to attend the inquest in her behalf, but this request was denied. Attorney General Pillsbury was present and Miss Borden was kept on the witness stand the greater part of the afternoon of the first day and much of the following forenoon. During her examination the police had prepared a warrant for her arrest but it had not been signed and it was not served until after her evidence was completed on the second day, — the inquest being still in session. This high handed method of denying an accused person the benefit of counsel negated the evidence which had been given and when the final trial came the Court excluded all the testimony which Miss Borden gave at the inquest.

Miss Borden was arraigned for preliminary hearing on Friday of the week following the murder but the preliminary trial did not begin until ten

days later. The complaint was for the felonious killing and murder of her father. The hearing began on Monday, August 22nd and lasted the whole of that week. At its conclusion Judge Blaisdell found her probably guilty and bound her over without bail to await action by the Grand Jury.

The Grand Jury returned three indictments against her on December 2d but she was not arraigned until the 8th day of the following May, and her trial before a jury began in New Bedford on the fifth day of the following June.

Inasmuch as trials for capital offences then required the attendance of three judges of the Superior Court, Chief Justice Mason and Associate Justices Blodgett and Dewey were assigned to the case and presided at the session which ended with Miss Borden's acquittal by the jury after thirteen days of actual trial.

Fate has decreed that after the lapse of more than forty years, I should be the sole survivor of those who participated professionally in this trial. Every other attorney, every judge connected with it, every member of the jury, every Court officer including clerks and stenographers, every important witness known to me, with the sole exception of Miss Russell, and every reporter with the sole exception of my friend John J. Manning, now of New York, have joined the great majority.

I entered into a study of the evidential details and of defence preparation under the leadership and direction of Mr. Jennings with all that energy which youth possesses and with all the enthusiasm which exists when a man is released from his preparatory studies, has passed his admission tests, and attempts success in his chosen profession. Yet during all this period of over forty years, public consideration has been limited to such facts as were evidenced at the trial plus those disclosed by the prosecution and those revealed by press investigation. The mass of documents and other evidence collected by the defence have never been disclosed or discussed, due to the fact that until the recent death of Miss Borden their secrecy was, in the opinion of Mr. Jennings, important to her defence. He considered that reservation of such facts as would meet any new phases of police investigation was necessary, and that during her life it was improper to disclose or to discuss facts which were gathered in her interest, and which might by any possibility be important if crime should be reconsidered by the District Attorney.

Since Miss Borden's death, I have been importuned from many sources to make public some of the photographs which I personally took and have privately shown, but which were not used at the trial, and also to point

out the relevancy of certain facts which were then produced in evidence with relation to certain other facts which were never disclosed, — in order that a better balanced criterion for public judgment might be furnished, even though thereby certain sensational features of the case might be mitigated and some of the mystery surrounding the case be removed.

Very few criminologists of this enlightened age can conclude that a perfectly sane, normal woman who was without criminal history — could brutally hack to pieces her step-mother, with whom she was living in outward harmony, and after the lapse of more than an hour, and without any faltering, greet her own father in her accustomed cordial manner, wait for him to take a noon-day nap and brutally murder him, and after that so calmly and effectually and within not over twenty minutes to dispose of all evidence of the crime that no implement which could have been used in committing the crime could be found, and although both rooms were spattered high and low with blood, so that no blood could be located upon her garments or person. Yet I thoroughly believe that a large proportion of the public, and a large majority of her own sex, still believe that Lizzie Borden was guilty, because of certain unexplained collateral facts, and because it has not been shown that someone else could have committed the crime. They forget that Lizzie and her father were pals so far as he had any sentimental associations. He was wearing upon his finger at the time a ring which this favorite daughter had given him, and he wore it because she had worn it and had given it to him.

There was no suggestion at the time of the trial that Miss Borden was abnormal. Although the police discovered a small spot of blood on the back of one of her skirts, evidencing not only her then physical condition, but also the fact that they had carefully examined the clothing she was wearing when the murder was committed and had found it otherwise bloodless, there was no evidence that she was ever hysterical or abnormal in these periods, nor was there evidence of any unusual mental condition other than an occasional complaint that although she was a daughter of a very rich parent, he was so sparing of his allowances to her that she could assume no social position. There are no abnormalities in the Borden family. Their inheritance and training savors of their Rhode Island Quaker ancestry; of peace and lack of strife. If Miss Borden's mind showed any lack of balance in later years, it should not be weighed as evidence of her former condition, because she ever afterwards lived alone, she had no close friends, she was always ogled in public and very annoyed by public activities and

encroachments upon her private life. Would any woman be normal when subjected to such a life?

The Government claimed that no stranger could have entered the Borden house, committed the murder and then left it without detection. The house was located in a busy section of Fall River, yet Fall River was far different than it is today. Mr. Borden and Mr. Morse went down town shortly after a frugal breakfast, yet apparently no one met them, nor did anyone meet Mr. Borden while he was returning home a little before eleven o'clock. No witness except the servant Bridget (who let him in) could be found who saw Mr. Borden enter the house; in fact his movements could not be traced from the time he left his down-town banking house. He was let in through the front door. When Bridget let Mr. Borden into the house, she found the door bolted and had some difficulty with the lock. She made a comment which caused Lizzie Borden, who was upstairs, to laugh, and thereupon Miss Borden came downstairs, greeted her father pleasantly, and examined the mail while Bridget continued to wash windows in the sitting room. Mr. Borden went upstairs to his room using the back stairs and when he returned put the key in its customary place and sat down in his easy chair to read. It was shortly after this that he lay down for his noon-day nap on the couch upon which he was killed.

There was, however, as will presently be explained, at least one and probably two strangers loitering around the house at the time of the murder and a team not locally known, was standing under the trees and nearly opposite the front door of the house when Mr. Borden entered.

I am showing herewith a photograph of Second Street taken that same fall. I took it at an hour corresponding with the hour of the murder. It shows the normal travel on the street at that hour. It was taken from the stable door where Mark Chase, a witness, was sitting during the murder period. Chase had been assistant to the chief of police of the city but he had retired and was interested in horses kept at this stable; he was prominent and trustworthy, trained to careful observation, he knew horses and he saw a horse, not known in the neighborhood, hitched to an open buggy standing under the tree which the photograph shows, but due to the fact that one would naturally seek such shade for shelter on such a hot day, he paid little attention to it. He later judged that it was standing there for an hour and a half; he saw a man in the wagon but saw no one leave it or drive it away. It had departed before the murder was known.

Then there was Dr. Benjamin J. Handy of Fall River, every one in town knew him and he knew every one and was very observing. He passed the

Borden house twice during the fateful hours and he saw a stranger on the sidewalk, acting in such an unusual and agitated manner that the doctor turned in his carriage to watch him. The stranger had "an intensely agitated expression on his face" to use the doctor's words.

Mrs. Sarah R. Hart of Tiverton, stopped in front of the Borden house about the time of the murder, and saw a young man, similar in description to the man seen by Dr. Handy, standing in the Borden gateway and resting his head on his left hand, with his elbow on the gatepost. She says he remained in that position at least five minutes, during the time when she was talking with her nephew at the street line further south. Standing in this way his left arm concealed his face. Mrs. Hart was well acquainted with the Borden family and with the locality, as her sister had lived in the next house (Dr. Kelly's). There was no chance that she could be mistaken.

There was therefore ample evidence that strangers were loitering about the house, and although the front door was carefully locked and bolted, there was ample opportunity to enter by the side door. Both Lizzie and Bridget, the servant, had left that door unfastened while they were in the yard at various times.

The condition in which the screened door at the north side of the house was left that morning was a subject of close study. When Mr. Morse departed, Mr. Borden let him out that way and fastened the door behind him, but from the time when Mr. Borden left the house this door seems to have been unfastened until Bridget had finished her outside work just before Mr. Borden's return. Bridget went out for a few minutes to relieve an illness, leaving it open, and after receiving instructions from Mrs. Borden as to her morning's work, went into the yard to wash the outside of the downstairs windows and was at this work until approximately the time of Mr. Borden's return. She asked Lizzie to leave the screen door unfastened so that she could get into the house for water. Bridget's work called for her to be at places from which this side door could not be seen. This door was on the north side of the house, and a photograph which I took at the time illustrates the ease with which the house could be approached from this side without the possibility of observation by one who was in the yard. Bridget's testimony, when asked whether she fastened it or not; was that while she was in the yard she went to the barn five or six times; that she talked with Dr. Kelly's girl over the fence; that she couldn't see the side door at any of these times. At the time when Mr. Borden met his death the screen door was also unfastened, because Lizzie had gone to the barn as is hereinafter explained. There is no doubt but that at the time

when Mrs. Borden was murdered and thereafter until just before eleven o'clock the side door was not fastened.

When an attorney associates himself with other counsel in a criminal cause his main purpose is to have the benefit of expert advice on strategic lines, and so when Mr. Jennings associated himself with Ex-Governor George R. Robinson and Melvin O. Adams in the Lizzie Borden case, he gained the advantage of the former's profound logic and his proficiency in the art of cross-examination and of the latter's experience in the trial of criminal cases. Both were well fitted to join with Mr. Jennings in meeting and analyzing the skilled preparation of the evidence as presented by District Attorney Knowlton, and all were especially alert and capable in avoiding what I call an anti-climax. Briefly, if either side could draw the other into a serious evidentiary controversy, even though its importance might not be great, and prove that his opponent was undoubtedly wrong, the jury would be apt to decide the whole case by its finding on a collateral issue even though it had a somewhat remote bearing upon the principal subject of inquiry. These eminent counsel held long and frequent sessions at which every phase of each piece of evidence was fully gone over and the possibility of its complete refutation discussed.

The defence had one warning of the danger of an anti-climax and this experience has never before been told. The skull of Mr. Borden was an exhibit before the jury — a gruesome sight for Miss Borden to face during this long trial. Many cuts appeared within its bony structure, and at one place the hatchet cut was plainly nitched on both sides of the inner part of the skull. Mr. Adams was about to claim to the jury that the cutting must have been done by a weapon of very unusual make, and was so confident of his position that he went to a nearby hardware store and purchased a hatchet which seemed to be of correct size and planned to exhibit it to the jury and compare it with the notches as an illustration of his claim. I doubt very much whether such an experiment would have been allowed but one can never tell what a doubtful ruling will be. He was urged by Governor Robinson to make a private test first and reluctantly did so, only to find that the fit was perfect, so that it became clear to us that an ordinary new style of hatchet was used by the murderer. If Mr. Adams had, while claiming that no ordinary hatchet could have been used, tried such a hatchet and found that it fitted perfectly it would have created what I term an anti-climax. After many conferences and after debates between themselves at which differences of opinion were plainly expressed, argued and concluded, the defence determined to offer no conclusive evidence as to the manner

in which the murders were committed, or as to the persons who had sufficient motive to plan or execute it, and this conclusion was rendered more certain when the defence was able to itself create an anti-climax, which was felt to make doubly sure a verdict of non-guilty. It happened in this wise: Miss Borden herself gave the alarm after the murders. She had been into the barn loft to locate some fishing tackle or sinkers and to find some metal which would fasten a blind of the house. On the Fall River police force were two detectives of outstanding ability in its inspection service, William H. Medley and Bartholomew Shay, a team well known for their efficiency. When Medley reached the scene of the murder an hour after its commission he questioned Lizzie, and claimed that he immediately sensed her connection with the crime and became convinced that she had not been in the barn when her father was murdered.

The Government claimed that Miss Borden had never been out of the house and that no one had been up in the barn loft. Inspector Medley testified to the effect that he arrived at the scene shortly after the murder, that he searched the premises carefully and then searched the barn carefully; that he went up the steep stairs leading to the loft of the barn and found an accumulation of cobwebs and dust so thick that as he walked along his tracks showed clearly; that he scanned the floor carefully; that there were no foot prints there other than his own, and that there were unbroken cobwebs at the head of the stairs. This presented a moderately important issue which we were able fully and completely to overwhelm by the testimony of two boys whose evidence has ever since been known as the "Me and Brownie story". The writer had early found that these two boys, one named Brown, were among the first upon the scene. They were passing along Second Street when the alarm was sounded. They were excluded from the house but they made free with the yard and adjoining premises long before any policeman appeared. They saw Medley when he arrived at the scene. It chanced that they also explored the barn, went into the loft and tramped all around it and were out again before Medley showed up.⁸ To cap the climax, when this evidence came out there also appeared a Jewish peddler (Hyman Lubinsky by name) who had not previously been located in the search for evidence, and he testified that he was hawking his wares along the street, paying particular attention to back doors in the hope of finding customers, and that he saw Miss Borden go into the house from the direction of the barn. His story was checked up

⁸ Arthur C. Coggeshall, now living in New Bedford, was one of the "boys" who was exploring the Borden dooryard before Medley came upon the scene.

very carefully and verified as to time by reference to people along his route who had made purchases from him. His evidence was not disputed. He had sold ice-cream at the house (to Bridget) on other occasions and knew the premises well.

Public opinion is created and maintained by the news items and editorials transmitted through the public press, and in a sensational case like the Borden mystery the public demand for facts and new sensations was endless. Immediately after the murders, Fall River was crowded with imaginative and careless police trailers who created abnormal situations and controversies. The only reporters who maintained a semblance of fairness towards our client were my friend Manning and a Mr. Archer, the genial representative of the Boston Evening Transcript. Particularly hostile and inconsiderate was Edwin H. Porter, a police reporter for the Fall River Globe, who at a later time published a history of the Borden Murders, known as "The Fall River Tragedy". This book made no mention of Medley's testimony or of that of "Me and Brownie" and Mark Chase's story was disposed of in a single line. The moment the police concluded that Miss Borden was to be brought to trial as the most likely criminal known to the police, this sensational paper of Porter's attempted to mould public opinion to the police view and it came to be a policy followed by a large majority of the press to print and comment only on such facts as indicated that conclusion. The tendency of the general public to believe that the influence of money and social position can turn the wheels of justice, was cleverly fostered and the fact that Miss Borden told one police officer that Mrs. Borden was her step-mother and not her own mother was magnified to indicate an irate disposition and the existence of a continuous jar in the family home.

Bridget's testimony showed that this was not true. She testified that she had lived in the Borden family three years; that it was a pleasant family to live with; that she never saw any quarrelling; that Miss Emma and Miss Lizzie usually slept later than the others and usually ate breakfast alone but that sometimes they ate with the others; that Miss Lizzie and Mrs. Borden spoke civilly to each other; that she heard Lizzie give her a civil answer on the morning of the murder and that except at breakfast they always ate together so far as she knew.

Bridget was early eliminated from suspicion, but she was detained by the prosecution, practically under arrest as a material witness, for nine long months and she was not available to the defendant's attorneys in their investigations. Although under police influence all this time she gave no

evidence which the defence deemed to be significant, but our work in a search for the real murderer was sadly handicapped by our inability to confer with her except in the presence of those who were working at cross purposes.

Andrew J. Borden was the antithesis of liberality. He could not be liberal with his family. His makeup precluded acknowledgment of feminine capacity; he thought he knew that they would lose or idly spend any part of his fortune which he might entrust to them. Why then should he part with its management while he was increasing their ultimate share so rapidly and handsomely? Yet from his own viewpoint, he had given them quite a little for at the time of the murder Lizzie had over twenty-eight hundred dollars in various banks, as well as some bank and textile shares and an interest in the old family homestead. Lizzie was not in want and there is no reason to suppose that her inherited traits of economy had been overcome by extreme modern ideas, if there were any such forty years ago, or that her feelings towards her step-mother differed from those of many millions of others who were in a similar family position. A majority of children dislike the person who assumes their mother's position and authority.

I ask the reader in weighing the new facts now presented to also have in mind that after the murders had been discovered the family physician, Dr. Bowen, was immediately called; that he allayed Miss Borden's nervousness by administering bromides followed by morphine, and by doubling the doses during the balance of the week. She who had discovered the mutilated remains of her father was criticised by the police because she afterwards refused to go with them and look at his remains. It was argued that although she was under the influence of drugs and of these fearful events, she betrayed guilt by varying somewhat in the minute details, as she repeated from time to time and often to various persons the story of that awful day.

The Borden murder is a "mystery" still, after the lapse of nearly half a century, and is a subject of almost daily comment in the home city, because Lizzie Borden has been heralded by the classes as guilty when the judgment of all deliberate men must be that she couldn't have committed the crime. It is the apposition of "must have" with "couldn't have" which creates a mystery. There was no "must have" here for others had far more reason to kill him, even though we do not today know in what manner nor for which particular reason it was done.

The Manchester Murder

Bertha M. Manchester, daughter of Stephen C. Manchester, was murdered, in the early afternoon of Memorial Day 1893, at the Manchester milk farm on Upper New Boston Road (Meridian Street), by Jose C. DeMello, who had come to this city from the Azores during the preceding summer.

DeMello was then eighteen years of age and was unable to speak English when he got a job for the winter on the Manchester farm. It was a hard job and Manchester was not only a hard task-master, but he also paid small wages, and he discharged DeMello in the spring.

On the day of the murder DeMello knew that his former employer and his son would be covering their milk route, and he believed that other employees would be enjoying a partial holiday, so he returned to the farm for the purpose of robbery. After he had ransacked the bureau drawers in one of the sleeping rooms, and taken some small trinkets, he was confronted by Manchester's daughter Bertha, strong of will and muscle, she grappled with him, and to overpower him grabbed a small axe from the kitchen wood-box. DeMello was able to wrest the axe from her hands, and in order to escape struck her over the head with it and killed her; whereupon he rushed away, and went into hiding without fully knowing the result.

Among the articles he had stolen was a silver trade dollar, which the police located in a store where DeMello had bought a pair of shoes and his identification, arrest, confession and plea of guilty of second-degree murder followed in due course.

The Manchesters were of a very old local family and the murder caused consternation throughout the city.

After serving twenty years of his life sentence DeMello was pardoned by Governor Foss on condition that he should return to his relatives at St. Miguel Island, Azores.