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# **PRELIMINARY HEARING**

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## **"THAT IS THE FIRST THING THAT I UNDERTOOK TO DO THAT I NEVER COULD"**

*Monday, August 22, 1892*

The thermometer had pushed past 80 degrees and continued rising. Inside Fall River's second floor courtroom it could only have been hotter. Spectators had been filling the seats since eleven o'clock—many of them ladies carrying their knitting and lunch baskets. Almost three dozen reporters sat wedged behind tables they had procured from local furniture stores. In all, three hundred people waited—not only to see Miss Lizzie Borden, but to finally hear the evidence against her firsthand and learn whether it would be enough to send her to trial.

The city hall bell struck two, and Judge Blaisdell arrived. Then all eyes turned to the door of the matron's room. Lizzie Borden did not appear. Almost twenty hushed minutes passed before Lawyer Jennings entered, a scowl on his face. With him was Colonel Melvin Ohio Adams, an eminent Boston lawyer with a razor-sharp memory, a genius for cross-examination, and "[a] record of unvarying success," who had been enlisted to Lizzie's defense team. The pair passed through to the judge's chamber, where they conferred so long with District Attorney Knowlton that even Judge Blaisdell could not keep his eyes from his watch. Another thirty minutes inched by before the three attorneys emerged and Knowlton addressed Judge Blaisdell.

"If it please Your Honor, there are some things used as evidence in this case which are wanting at the present time." The dress Lizzie had turned over to the police, among other things, was still being tested at Harvard. "Consequently we have agreed with the defendant's counsel to adjourn this hearing until Thursday, if it meets Your Honor's approval."

Blaisdell approved, and so for two more days Fall River drummed its fingers.

At her own request, Lizzie Borden waited out the continuance in Matron Hannah Reagan's room at the Fall River police station rather than return to the county jail at Taunton. Emma brought Lizzie's bedding from home and cooked her meals. Most of the time Lizzie lay on her cot and read. A few select visitors were permitted in, and one of the matrons was always on duty to see to Lizzie's comfort as well as guard her privacy. The reporters never stopped coming, no matter how often the matrons turned them away.

### INSIDE 92 SECOND STREET

While Lizzie sat undisturbed in jail—"a sanctuary," as the *New York Telegram* wryly put it, "from the sleuth hounds of the press"—one reporter, a Mrs. Percy of the *New York Herald*, managed to talk her way into the Borden house for a look around. Goodness only knows who let her in—Bridget had long since gone, and Mrs. Percy's article clearly states she did not see any member of the family.

However she did it, Mrs. Percy got inside and was permitted to view the two rooms where the murders took place, as well as the parlor, dining room, and, most astounding of all, given Emma Borden's feelings about privacy, the Borden sisters' own bedrooms.

"I was surprised to find the house extremely pretty and refined in its appointments," Mrs. Percy wrote. "Easy chairs, shaded lamps, books, well-chosen bits of bric-a-brac, cushions and draperies, an open piano, a

hundred comforts and pleasing trifles tastefully disposed bespoke pleasantly the character of the occupants." The only room she did not care for was the guest room, its expensive black walnut furniture being of a "heavy gloomy" style no longer in fashion.

Lizzie's room held the most fascination—"as dainty and charming a place as any girl need ask for," with its hand-embroidered blue bedspread and wealth of books and pictures. "How could Lizzie Borden have come in the dainty place and removed the traces of such fearful work without marring all the delicate purity of everything with which she had contact?" Mrs. Percy wondered. "Why, the washstand even is in a recess veiled by a pale silken curtain. A soiled finger pushing it aside would leave a mark, and there is none."

Surrounded by her books and her friends and her sister's good cooking, Lizzie Borden passed the hours as pleasantly as could be expected under the circumstances. Even as the court date closed in, she could relax enough to enjoy a little merriment. The last afternoon before the hearing, she and Emma, Mrs. Brigham, and Mrs. Holmes sat laughing together over a bet Lizzie had made with Matron Reagan. The matron had wagered a dollar that Lizzie couldn't break an egg.

"Well, I can break an egg," Lizzie said.

"Not the way I would tell you to break it," Matron Reagan teased.

Lizzie negotiated the bet down to a quarter, and Mrs. Brigham fetched an egg. Lizzie followed the matron's instructions (hold the egg between two clasped hands and try to crush it) and to her astonishment, the egg would not break.

"There, that is the first thing that I undertook to do that I never could," Lizzie marveled, much to her friends' amusement.

In the middle of it all, Edwin Porter, a correspondent for the *Globe*, came up into the corridor, asking for Matron Reagan. The matron was not pleased to be interrupted for the umpteenth time that week. "That reporter has come after me again, and I told him that I had nothing to tell him," Mrs. Brigham remembered hearing her grumble when she returned to the room.

### "LIZZIE WAS BACK TO HER OLD MOOD"

By nine o'clock on the morning of Thursday, August 25, the crowd gathered on Granite Street knew there was almost no hope of getting inside the courtroom. The seats had begun filling before eight, the officers on guard at the doors awarding most of them to well-dressed young women. Even gentlemen had to make do with standing room once inside. But the people choking the sidewalks outside the police station were not willing to give up. They watched keenly as a curtained carriage pulled up to the public entrance. Someone was about to get inside.

It was as if a silent signal passed among them. All at once the mob surged for the door, overwhelming the police and blocking the sidewalks and doorway entirely. At a gesture from Marshal Hilliard, the officers charged forward, pushing the crowd back at a run.

Miss Emma Borden stepped quickly out into the space they had cleared and went straight upstairs to the matron's room. There she found her sister calmly rocking in a chair by the window. Emma kissed her, and Lizzie replied with a squeeze of her hand. Immediately, they began talking as though they sat in their own front parlor instead of the police station. Not a word of the

murder passed between them. Only Emma's tearful face betrayed the ordeal to come. It was nearly time.

The first and greatest revelation of the entire hearing came on the second morning. For a day and a half, Medical Examiner Dolan's questioning by District Attorney Knowlton and cross-examination by Colonel Adams had monopolized the stand. Adams, with his endless arsenal of rapid-fire questions, generated so much clinical talk of wounds and blood, spatters and gashes, that by the time Dolan began to describe the autopsies the court was nearly numb to it. And then Colonel Adams asked, "Did you remove anything from those bodies, or either of them?"

Dolan's eyes and voice both dropped. "Yes, sir," he said. "I removed the skulls, the heads."

Shock and revulsion careened through the courtroom. Every head pivoted toward the Borden sisters. Startled, Lizzie also looked to her sister. Emma could not cover her face or lower her head fast enough to hide her tears. Lizzie managed to mask herself behind her black fan. It was perfectly clear no one had told them, much less asked their permission.

"For what purpose?" Adams asked.

"Because I was instructed to do so." The state attorney general had given the order, Dolan explained.

"What did you do with them?" Adams asked.

"I cleaned them."

*Cleaned* was a comically delicate way of putting it. The man had boiled Mr. and Mrs. Borden's heads like soup bones until the flesh—their very faces—dropped off, exposing the battered and broken white skulls beneath.

Adams, who could swerve from cordial to sarcastic in the blink of an eye, matched his tone to the gravity of the news. "Do

you mean to say these bodies are now buried without the heads?" he asked.

"Yes sir," Dolan answered.

The public was incensed. Barbarous, they called it. The argument that every means necessary must be taken to bring the murderer to justice, no matter how revolting, hardly made a dent in the outcry. "The bodies have been made sausage meat of," said one paper, proclaiming that the decapitation was more cold-blooded even than the crime itself.

There were dull moments, too. Both Bridget's and Uncle Morse's testimonies, though loaded with detail, left the public unsatisfied. They had hoped for splashy stories of the family's relations, of bitter arguments pitting parents against children. Instead, they got minute-by-minute accounts of the hours leading up to the murder—the meals, chores, and mundane morning habits common to most any family.

Dull as it was, this turned out to be some of the most damning testimony. Bridget in particular accounted for the Bordens' movements so thoroughly that it became difficult to imagine how anyone could have snuck into the household unnoticed, much less remained unnoticed during the interval between the two murders. The combination of intricate planning and sheer luck necessary to pull it off seemed awfully far-fetched.

The logic was simple: if no one from the outside could get in, that left no one but Lizzie Borden to do it.

As the testimony mounted, the public's attitude toward Lizzie's demeanor changed. Lizzie herself had not changed one bit—she never would—but the way the newspapers portrayed her did. Early on, many reporters had described her calm self-possession as *wonderful*, *dignified*, and *remarkable*. Now, with the shadow of guilt creeping ever closer, words like *strange*, *indifferent*, *unfeeling*, and *abnormal* appeared more often than not.

“Even at the recital of the gory details of the butchery of her parents she showed no emotion,” the *New York Times* claimed. Another correspondent saw it differently. As Dr. Dolan described his first ghastly sight of Mr. Borden’s face, the *New Bedford Evening Standard* observed, “Miss Lizzie closed her eyes with a look of real sadness, and placed a small palm-leaf fan which she had in hand over her face. The reporters all around her were nudging each other to look at Lizzie, but before they all had the opportunity to see the prisoner’s grief the fan was lowered and Lizzie was back to her old mood.”

Before her arrest the *Evening Standard* had consistently referred to her as *Miss Lizzie*, or at least *Lizzie Borden*. It was common courtesy. Once she was behind bars, that courtesy began tapering off. Then came the hearing, and suddenly she became almost exclusively *Lizzie*—as though she were a child or a servant. Consciously or unconsciously, the *Standard* (and other papers, too) were signaling to their readers that Lizzie Borden was unworthy of respect.

### **TRIAL BY NEWSPAPER**

Without the newspapers’ reports you would never know when the spectators gasped, when they laughed, or when they fell into utter silence. You would never get the slightest glimpse of the ladies’ shawls and handbags draped over the gas jets; the tables jammed elbow to elbow with sweating, scribbling newspapermen; the constantly waving paper fans printed with advertisements featuring scantily clothed nymphs swinging a pressed ham in some festoons of ribbon. None of that is in the official transcript. Even if you read all 480



pages of the preliminary hearing, you will never see Lawyer Jennings's perpetual scowl; Knowlton sitting on his table, dangling his feet during lengthy cross-examinations; Dr. Bowen's wife fainting from the heat; or Lizzie Borden chewing the end of a pencil "to a fringe" during testimony, then leaning forward with her elbows on her knees and her chin in her hands to chat gaily with Mrs. Brigham and Mrs. Holmes during recesses. Only the papers can tell you how it looked and felt inside that courtroom.

Their coverage of the testimony was another story—sometimes quite literally. The words that came out of the witnesses' mouths and the words the papers printed did not necessarily match. Often the difference was negligible, and for that the reporters deserve a little slack. They did not have the advantage of digital voice recorders, or even typewriters. The only tools the press correspondents had were pencils, paper, and their own memories. And they could not print every last question and answer. There simply was not space. Most of it had to be shortened or summarized somehow. For example, the *New Bedford Evening Standard* condensed the twenty-six-question testimony of Joseph Shortsleeves, one of the last people to see Mr. Borden alive, to this: "Mr. Borden was in my place of business on the day of the murder. It was between 10:30 and 11 o'clock when I saw him." In the case of Mr. Shortsleeves, that really is all you need to know about what he said.

Other witnesses' testimony deserved more nuance but rarely got it. Take the opening lines of Alice Russell's testimony, as printed in the *Evening Standard*:

"I live on Main Street near Second. I have known

Lizzie Borden for some considerable time. I first heard of this affair about 11:15 o'clock on the day of the murder."

And here is how Knowlton actually got Alice to establish the time:

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.

Yes, the final answer is basically the same in both versions: Alice Russell first heard of the murder around 11:15. But in this instance, Alice comes across as noticeably less sure of herself in the real testimony. In fact, Alice Russell was one of the most uncertain witnesses called to testify, yet you'd hardly know it from the *Evening Standard's* rendition. Alice actually answered *I do not remember* to so many questions that Knowlton finally asked her, "Do you remember anything that took place at all?"

"I remember nothing very connectedly," Alice acknowledged.

What difference does it make how she stated that one plain fact? Think back to Lizzie's interview with Assistant Marshal Fleet. Many would argue that the way Lizzie Borden said *She is not my mother* changed the course of the entire investigation, and that was a plain fact, too.

## "YOU GAVE ME AWAY, EMMA"

Believe it or not, the preliminary hearing itself wasn't the hottest news in the Borden case that week. On August 25, the very same day the hearing opened, a story more incriminating than any of the courtroom evidence claimed headlines all across New England:

### THE TWO SISTERS.

#### Quarrelled in Fall River Police Station.

Matron Hannah Reagan had overheard every juicy word of the argument, so the story went, and somehow the conversation had found its way out of the central station and into the ear of the *Fall River Globe's* Edwin Porter, who fed the scoop to a Boston paper before breaking the news locally. Almost instantaneously it boomeranged back to the *Globe*, then the *Herald* and the *New Bedford Evening Standard*, and by the next day readers across the country were eagerly lapping up Lizzie and Emma's stormy exchange:

*"You gave me away, Emma, didn't you?"*

*"No, Lizzie, I only told Mr. Jennings what I thought he ought to know for your defense."*

*"That is false and I know it. But, remember, I will never give one inch! Never!"* And here the papers said Lizzie had held up the tip of her little finger for emphasis, showing her sister just how little she would budge, then defiantly turned her back to Emma for the rest of her visit.

Exactly what secrets Emma had "given away," the papers never so much as hinted at. Nevertheless, Lizzie's words were so tantalizingly close to a confession that the argument became a sensation. Finally, the public feasted on just the sort of brash dramatics

it had been craving from the stoic Bordens. No one could get enough of it.

Matron Reagan promptly denied the entire tale, just as the *Globe* had cleverly predicted. "If approached I have no doubt she would absolutely refuse to talk," Porter's anonymous informant had warned, "and, perhaps, in self protection, would deny the story. But it is true."

"Naturally it was denied," the *New Bedford Evening Standard* retorted with unmistakable sarcasm. "Everything is denied just now, and it is somewhat doubtful if a murder has been committed."

The next day the newspapers were in a frenzy. At the close of Bridget Sullivan's testimony on August 26, a cadre of reporters approached the defense table in hopes of questioning Lizzie Borden herself about the quarrel. Lawyer Jennings became indignant at the very idea. Was he supposed to let them at Lizzie every time the press churned out another ridiculous story? Some of the newspapermen bristled at Jennings's tone. Their papers had already denounced the tale entirely, and they would not be lumped together with the *Globe's* scandal-mongering—not when they had been specifically sent to find out if there was any truth to the story.

By now Lizzie's friends had joined the fray, and their comments about the press were no more complimentary than Jennings's. The only way to end the nonsense was with a sworn statement from Matron Reagan. Lawyer Jennings quickly drew up an official denial for the matron to sign.

What happened next is a matter of some confusion. According to Edwin Porter, author of the original article on the quarrel, "Mrs. Reagan refused, saying that she would have to consult with the marshal." Others said she was willing to sign until a Providence police detective interfered with advice to ask the marshal's

permission before committing her name to the document. What is certain is that things heated up in a hurry.

Reverend Buck accompanied the matron to Marshal Hilliard's office. A reporter from the *New York Recorder* managed to squeeze into the room unnoticed and watched the marshal's face cloud as he read the document. "If you sign this," the reporter heard Hilliard say to Matron Reagan, "you do it against my order."

"Then he turned around and saw me," the *Recorder* man reported, "and nearly had a fit. 'This is a private office!' he shouted." Hilliard ordered the press out of the room, but not before some of the newspapermen heard him tell Matron Reagan that if she had anything to say about any of it, she could do so on the witness stand.

Jennings was incensed. The marshal's conduct was an outrage, he shouted, and every newspaper should publish it.

The scene was edging dangerously close to a riot. Police officers stepped closer as Lizzie's friends continued to attack the article. "The man that wrote it should be driven out of town!" they cried.

Remarkably, the man that wrote it spoke up. "If you want affidavits," Edwin Porter said, "you'd better take mine. I know what Mrs. Reagan told me, and I am willing to swear to it."

In the end, no one budged. Porter would not back down, and neither would Lizzie's supporters. Only Hannah Reagan could break the stalemate, and by order of the city marshal, her side of the story must wait until the trial.

### **"MY HEART ALMOST STOOD STILL WITH ANXIETY"**

The room lay deadly silent as Professor Edward Stickney Wood of Harvard University stepped up to the witness stand on Tues-

day, August 30. This was the chemist whose tests had delayed the hearing—the man entrusted with examining Mr. and Mrs. Borden's stomachs, as well as the hatchets, axes, and clothing collected from the crime scene. If there were any telltale traces of poison or blood, he would be the one to find them.

"It was doubtful," the *New Bedford Evening Standard* said, "that the old court-room ever saw so many people before." Women stood on the seats at the back, so tall and still they looked like Greek columns holding up the ceiling. "My heart," Lawyer Jennings later admitted, "almost stood still with anxiety."

Knowlton asked Professor Wood to begin with his examination of the Bordens' stomachs, no doubt in hopes of introducing forensic proof to link two critical pieces of circumstantial evidence: the Bordens' violent illness of August 2, and druggist Eli Bence's claim that it was Lizzie who tried to buy a deadly dose of prussic acid on August 3. "I found that both stomachs were perfectly natural in appearance," Wood told the court. "They were in the condition of apparent perfect health."

"Did you find any trace of any poison in either stomach?" Knowlton asked.

"There was no evidence of any irritant poison having been in the stomach at all," Wood said. The spectators turned to each other in stunned silence. No poison?

Next came the hatchet. From the lurid descriptions of the battered corpses, the crowd was braced for a fearsome weapon. Instead, the *Boston Advertiser* said, Professor Wood "pulled out an innocent-looking hatchet from a medium sized valise." It was the claw-headed hatchet—the one with the hair and red stains on the blade.

Without any dramatics or fanfare he informed the court, "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 only speck of blood Wood could find was on Lizzie Borden's white underskirt—a single spot right at the front, about six inches from the bottom and no bigger around than a grain of rice. This, Lizzie had already admitted at the inquest, was likely from "flea bites." ("Fleas" was a peculiar euphemism, possibly unique to Fall River, for a woman's menstrual period.) There was nothing on her blue skirt or waist, nothing on her shoes or stockings, nothing on the cover from the dining room lounge.

It was bewildering.

At last Wood had compared the hair samples from Mr. and Mrs. Borden with the hair found on the hatchet.

"The hair taken from the 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."

A tremor went through the listening crowd. Shocked newspapermen dropped their pencils. No poison. No blood. Not even so much as a hair.

Only one portion of Professor Wood's testimony proved troublesome for Lizzie Borden's case. By examining the contents of the Bordens' stomachs, Wood estimated that at the time of his murder, Mr. Borden's digestion had been in process for three and a half to four and a half hours. Mrs. Borden's stomach, however, had likely been churning her breakfast for only two to three hours. Given that the two had eaten the same breakfast at the same time, Wood's observations strongly suggested that Mrs. Borden had died first—possibly as much as two hours before her

husband. (Abby Borden had last been seen alive at nine o'clock, ruling out a two-and-a-half-hour difference.) Wood's testimony allowed the authorities to target a ninety-minute window for Mrs. Borden's death, somewhere between nine o'clock and ten-thirty, by calculating all the varying scenarios, such as working backward from the discovery of Mr. Borden's body or forward from breakfast.

The timing fit perfectly within both Bridget's and Uncle Morse's recollections of the morning of August 4. Wood's conclusions also aligned with the time of death Medical Examiner Dolan had deduced based on the bodies' differing temperatures and coagulation of blood.

Expert and lay witnesses agreed: between nine o'clock and ten-thirty, someone had murdered Abby Borden. By her own admission, Lizzie Borden had been in the house the entire time.

### **"GOD GRANT YOUR HONOR WISDOM TO DECIDE"**

On Thursday, September 1, day seven, Lizzie came into court as she always did, on the arm of Reverend Buck. But this time was different. One look at her eyes told everything—Lizzie Borden had been crying, and anyone could guess the reason why. Today Judge Blaisdell would decide whether to send her home to Second Street or return her to Taunton Jail. All the testimony was in. Even her inquest testimony had been read into the official record. Only the attorneys' closing arguments remained.

The audience on this most pivotal day was especially lively. Most of the area's lawyers had taken the day off to hear the arguments. The women had brought boxes of candy and crimped their children's hair, and chattered as though they were waiting to watch a matinee.



Lawyer Jennings stepped forward first. Carefully, he laid out the timing of Mr. Borden's errands in town, his arrival home, and the subsequent sounding of the alarm barely thirty minutes later. Suddenly, Jennings shouted, "Lizzie Borden did not do this crime! It was the work of an insane man or of a person whose heart was black as hell itself."

Every reporter in the room noticed Lizzie Borden's reaction. "Her form was convulsed," Edwin Porter of the *Globe* remembered, "her lips were trembling, and she shaded her eyes with her hands in order to partially conceal the tears, which were freely flowing."

Those terrible, bone-crushing wounds, Jennings continued, spoke for themselves. Every blow was distinct and parallel, the work of a strong and experienced hand. Yet the weapon had not been found, and the motive remained unaccounted for.

"Evidently," the *Evening Standard* observed, "Mr. Jennings feels in his innermost conscience the weight which is pressing on his client." It was impossible to miss. Jennings paced and shouted as he drove each point home, his plea fueled by a passionate energy. He paused only to refresh himself with a sip of ice water or a nip from a stick of licorice. (Knowlton, meanwhile, sat at his desk with the morning papers as though nothing of the least interest were going on.)

The house and barn had been burgled on three separate occasions, Jennings said, proving that someone could get on and off the property undetected. And there was the matter of strangers seen lurking about the place.

"Why have not the police found these suspicious-looking characters outside the house?" Jennings demanded, pointing to Marshal Hilliard and District Attorney Knowlton. "Why, because they have made up their minds the murderer was inside, and are not looking outside."

"That brings it down to Lizzie and Bridget." And who would be more likely to murder a man, Jennings pondered aloud, his servant or his youngest daughter? The woman who swept up after him or "the pet of the family; the one whose fingers were last clasped by the dead father, and the one whose head last rested against his breast"?

Again Lizzie's composure crumbled. Jennings himself was almost in tears.

"Understand me, I don't believe that Bridget Sullivan did that deed any more than I believe Lizzie Borden did it," Jennings assured the court. His point was only that from the outset Bridget had been treated with far less suspicion than Lizzie. "Was Bridget Sullivan compelled to tell how many dishes she washed, where she put them and how she laid them away?" he asked.

"Here is Lizzie Borden," he continued, "who has been taking prescriptions to cause her to sleep, and because she cannot tell the minutest details she is supposed to be the guilty party."

At last he cried, "I demand her release! 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."

The room was awash. Colonel Adams wept right along with Lizzie's friends. The mayor and the medical examiner stepped forward to shake Jennings's hand as first a timid pattering and then a thunder of applause broke over the room.

It was an almost impossible act for Knowlton to follow. Not only was there still no direct evidence, not one tangible link between Lizzie and the crime, but Jennings's emotional plea had forced the

district attorney to take on the role of a villain to do his duty as prosecutor.

Where Jennings had struck hotly with emotion, Knowlton turned his aim toward cool, impartial logic. Hands in his pockets, he spoke "in a most impassive manner." The district attorney also had a singular advantage: all he had to do was make Lizzie Borden appear *probably* guilty. Proving it beyond a reasonable doubt could wait until the trial.

He began with his own assessment of the wounds. "They are not such blows as a strong man would strike," Knowlton contended, "but those of a weak, irresolute, imperfect feminine hand, not striking to kill the first time, but striking and striking and striking until death was apparent."

"Who would be benefitted by this murder?" Knowlton asked.

That led him to an unpleasant fact: Lizzie Borden had renounced the name of Mother from the only mother she had ever known. It did not seem cause enough for murder, Knowlton acknowledged, but the "stubborn fact" remained that Lizzie was the only person in the world with whom Mrs. Borden had any discord.

Unfamiliar people were indeed seen outside the house, but not, Knowlton emphasized, entering or leaving it. Further, the defense had provided no explanation for how anyone could have gotten into a house so thoroughly locked up, both inside and out. It only stood to reason that those inside were immediately suspected.

"Next comes the servant girl. Now, I am a lover of fair play, and in my eyes one class of people is no different from another," Knowlton said. "Let us assume that Bridget Sullivan told all the truth," he proposed. Both times Bridget had left Lizzie alone with one of her parents—first at 9:30 to wash windows and then at 10:55 to go nap—one of them had ended up dead.

As for Lizzie's story of idling in the barn while someone

chopped up her father? Too convenient, as far as Knowlton was concerned. "She could have but one alibi," he said. There was only one place on the Borden property where she could not see someone leave the house, Knowlton pointed out, making it clear that he believed Lizzie had deliberately chosen the barn for her cover story.

And of course, there was the matter of Lizzie's implacable reserve. "While everybody is dazed there is but one person who, throughout the whole business, has not been seen to express emotion," Knowlton claimed—in bald contradiction of Lizzie's most recent bursts of tearfulness.

As much as her coolness had disturbed Officer Harrington and Assistant Marshal Fleet, Knowlton had found a way to make Lizzie's behavior both incriminating and unexpectedly reassuring. Better for a murderess to be outwardly cool and cunning than disguised behind a delicate, feminine veneer. "This somewhat removes from our minds the horror of the thing," he said. It was an inspired approach. Reluctant as most people were to suspect a woman of such a crime, no one wanted to contemplate the more terrifying possibility that their own sweet-tempered daughters might be capable of murder.

If Judge Blaisdell sided with the earnest, passionate Jennings and the clamor of spontaneous applause his argument had sparked, Knowlton said, "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," Knowlton concluded. "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."

Deathly silence.

## “THERE IS ONLY ONE THING TO DO”

There was no lively chatter now, no rustling of peppermint wrappers. Only Judge Blaisdell's voice, husky and indistinct, as though he did not want to hear his own words.

“The long examination is now concluded,” he said, “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 sympathy must be laid aside in view of the evidence, Blaisdell continued. Imagine a man standing before the court under the same circumstances, offering the same alibi, he proposed. There would be no question as to what should be done with such a man.

“So there is only one thing to do, painful as it may be.” Judge Blaisdell paused, turning aside to wipe his cheeks. “The judgment of the Court is that you are probably guilty,” he said, “and you are ordered committed to await the action of the Superior Court.”

A sound rose from the spectators, something between an excited hum and a groan. Lizzie Borden sat stone still. Stunned or indifferent, no one could tell; it was as though the news had not penetrated her. Her lower lip slid silently into her mouth.

“Lizzie A. Borden stand up,” Clerk Leonard commanded.

But Lizzie could not—her whole body was shaking now. Reverend Buck and Lawyer Jennings rushed to help her. As soon as she was on her feet, the trembling ceased. “Don't be afraid,” she told Reverend Buck, motioning for him to release her arm. “I am all right.”

“The judgment of this court is that you are probably guilty of the offense charged against you,” Clerk Leonard read, “and it is therefore the order of this court that you be committed to the

Taunton Jail, there to await the action of the Grand Jury, which meets the first Monday of November next."

Lizzie sank wearily into her seat. Reverend Buck leaned over to console her, but Lizzie interrupted. "It is for the best, I think. It is better that I should get my exoneration in a higher court, for then it will be complete."

Nevertheless, Lizzie Borden wept as she was led away to the matron's room.