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# THE WAITING TIME

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## “FLAP-DOODLE, GUSH, IDIOTIC DRIVEL”

There was nothing to do but wait. Just over two months stood between Lizzie Borden and the grand jury. Sixty-six days of wondering whether the twenty-one-man jury would send her to trial or set her free.

The newspapers could hardly bear it. With little actual news to print about the case, they squabbled over Lizzie's treatment in jail. Some sneered at what they believed were her many privileges; others had her “shivering in the chilliness of her temporary tomb, wrapped in shawls for comfort.”

Only one of the stories had any possible basis in fact. All along, reporters had begged for interviews at Taunton Jail, and Lizzie refused every one of them—until a letter came from Mrs. Kate McGuirk, an old acquaintance in her charity work.

Would Miss Borden grant an interview for the *New York Recorder*? she wanted to know. Lizzie agreed.

*I was anxious to see if this girl, with whom I was associated several years ago in the work of the Fall River Fruit and Flower Mission, Mrs. McGuirk wrote in her article, had changed her character and become a monster since the days when she used to load up the plates of vigorous young newsboys and poor children at the annual turkey dinner provided during the holidays for them and take delight in their healthy appetites.*

“How do you get along here, Miss Borden?” Mrs. McGuirk began her interview.

“To tell the truth, I am afraid it is beginning to tell on my health,” Lizzie said. She missed fresh air and exercise. “I cannot sleep nights now, and nothing they give me will produce sleep.”

Without her friends standing by her, Lizzie emphasized again and again, she would have fallen apart. Their loyalty made it bearable. “The hardest thing for me to stand here is the night,

when there is no light," Lizzie confessed. Lights-out began at seven-thirty, and no exceptions. "They will not allow me to have even a candle to read by, and to sit in the dark all the evening is very hard; but I do not want any favors that are against the rules."

Seen through Mrs. McGuirk's eyes, Lizzie's stoicism bloomed into something meek and admirable. Lizzie had either been grossly misrepresented by the press, or she and Mrs. McGuirk were putting a masterful spin on her personality. Likely a measure of both was coming into play.

### **SECOND STREET FROM ANOTHER ANGLE**

The house on Second Street had not been fitted out with all the latest conveniences, Mrs. McGuirk's interview explained, because there was talk in the family "of moving up 'on the hill.'" Mr. Borden was as satisfied with the old place as ever, but if his daughters wanted to move, then he wanted to please them. Even so, Andrew Borden was not inclined to spend any more than necessary to do it—for the last year, a real estate agent had been hunting for a bargain for him. In the meantime, McGuirk claimed, it was not Andrew Borden who resisted updating their current residence. "When Mr. Borden wanted to put in modern improvements, the wife and daughters said they preferred to stand it than have the house torn up for piping."

"There is one thing that hurts me very much," Lizzie said. "They say I don't show any grief. Certainly I don't in public. I

never did reveal my feelings, and I cannot change my nature now. They say I don't cry. They should see me when I am alone, or sometimes with my friends. It hurts me to think people say so about me. I have tried hard to be brave and womanly through it all." She spoke slowly, Mrs. McGuirk wrote, and her eyes filled with tears that did not fall before they were wiped away. "I know I am innocent, and I have made up my mind that, no matter what happens, I will try to bear it bravely and make the best of it."

The accusation that she was unwilling to have her room searched also stung. "Why, I had seen so many different men that first day, and had been questioned about everything till my head was confused and in such a whirl that I could not think," Lizzie said. Dr. Bowen was just preparing something for her headache when Fleet rapped at the door. That was the only reason they had not let the assistant marshal in immediately, she explained.

"As to our not putting on mourning, of which people spoke unfavorably," Lizzie continued, "there was not a moment when I could think of such a thing as a hat or a dress. Somebody was talking to me, it seemed, all the time about the murder and asking me questions, and I could not think of anything else." And besides, she explained, their father had never approved of the custom.

"If people would only do me justice that is all I ask, but it seems as if every word I have uttered has been distorted and such a false construction placed on it that I am bewildered. I can't understand it."

*There was not a trace of anger in her tones, Mrs. McGuirk concluded—simply a pitiful expression.*

"Petticoat propaganda," the *Fall River Globe* branded it. Newsman Edwin Porter pronounced it "a magnificent 'fake.'" Perhaps it was. Or perhaps the *Globe* was envious of Mrs. McGuirk's scoop. While no one has yet proven the McGuirk interview inauthentic, nonsense was indeed running rampant in most newspapers'

Borden coverage in the early fall of 1892—and it was just getting started.

### “LIZZIE BORDEN TOOK AN AXE”

Every editor in New England salivated at the sight of the *Boston Globe*'s front page on October 10, 1892:

#### LIZZIE BORDEN'S SECRET MR. BORDEN DISCOVERED IT AND HOT WORDS FOLLOWED

It was an explosive story, more dramatic than the alleged jailhouse quarrel between Lizzie and Emma. Twenty-five new witnesses had stepped forward, each with evidence more stunning than the last, and there was only one place to read it. Column after column, the *Globe* laid out its exclusive revelations:

While pushing her baby carriage down Second Street on August 4, a Mrs. Gustave F. Ronald had heard “a terrible cry or groan.” Looking up to the Bordens' window, she spied a woman in a rubber hood or cap. Just then, Peter Mahany of 103 Pleasant Street walked up and confirmed that the hooded woman who glared down at them before slamming the window was none other than Lizzie Borden. Yet another man, Augustus Gunning, also saw the whole thing from his rented room at Mrs. Churchill's house.

Mr. and Mrs. Frederick Chase, along with their daughter Abigail, witnessed the motive when they'd knocked at the Bordens' back door the night before the murder. From inside the dining room, they heard Mr. Borden's voice:

“You can make your own choice and do it to-night. Either let

us know what his name is or take the door on Saturday, and when you go fishing, fish for some other place to live, as I will never listen to you again. I will know the name of the man who got you into trouble" ("trouble" being a delicate way of referring to the pregnancy of an unmarried woman).

Despite the fact that no will had yet been found, Mr. George J. Sisson of 180 Rock Street confided to the *Globe* that Mr. Borden had indeed made a will, leaving his daughters only \$25,000 apiece; moreover, Dr. Dolan had uncovered evidence that generous bequests were made to Bertie Whitehead and other members of Mrs. Borden's family.

Bridget Sullivan, the story continued, had heard Uncle Morse talking to Lizzie about the will late on the night before the murder. "Quarreling will not fix the thing," Morse said. "Something else has got to be done and I will do all I can." Worse, Bridget had learned from Mrs. Borden that the father of Lizzie's child was none other than Uncle Morse. "Keep your tongue still and don't talk to these officers and you can have all the money you want," Lizzie had promised Bridget the evening of the murders.

If that were not incriminating enough, a former Fall River lawyer, Frank Burroughs, claimed Lizzie had been inquiring about wills and property inheritance for months, showing particular interest in the case of a stepmother dying before her husband.

The *Globe's* revelations spanned fourteen columns.

The whole thing was, of course, a spectacular hoax. Anyone with a lick of sense ought to have known it was too deliciously sordid to be true—an illicitly pregnant Lizzie Borden hacking up her stepmother in plain view of the neighborhood and buying the maid's silence?

But the *Boston Globe*, fearful that its archrival, the *Boston Herald*, would get hold of its monumental scoop, had printed the story without verifying the most basic facts. Within ten hours

the *Globe* realized it was all a dreadful mistake. By then it was too late—the whole thing was on the verge of detonating into the biggest Borden scandal yet.

A \$500 FAKE, the *Boston Herald* headlines trumpeted that evening. ASSAULT ON MISS BORDEN'S HONOR IS PURELY A MYTH.

The Fall River city directory, Lawyer Jennings had discovered, contained no Frederick Chase, no George Sisson. Not only that, but their supposed addresses did not exist at all. None of them did.

Incest. Murder. Bribery. The story had besmirched Lizzie Borden from every possible angle without a shred of proof. John Morse telegraphed threatening a libel suit.

How had a paper as prominent and respected as the *Boston Globe* gotten itself into such a fix?

It turned out that a young *Globe* reporter by the unfortunate name of Henry Trickey had purchased the entire fraudulent story from private detective Edwin McHenry for \$500. Trickey had no reason to doubt Detective McHenry. The two had done business before, and after all, McHenry was temporarily on the Fall River Police Department's payroll and likely to have inside information.

Unbeknownst to Trickey, Edwin McHenry was himself a phony—he'd established his own detective agency under false pretenses and had already been involved in three cases of fraud. McHenry tried to wiggle clear of the scandal, claiming the next day that of course some of the particulars had been changed to protect the witnesses' identities. But the Boston paper was above such shenanigans. One day of uproar and investigation was enough to convince the *Globe* that it had been swindled. On October 12, the *Boston Globe* completely retracted the entire story and printed a boxed front-page apology to both Lizzie Borden and John Morse.

The apology was sincere, and the whole episode won Lizzie the support of both Boston's *Globe* and *Herald*. But the damage to

Lizzie Borden's reputation would never be completely undone. Sometime that fall, in the midst of all the stories and scandals, the children of Fall River began to sing:

*Lizzie Borden took an axe,  
Gave her mother forty whacks.  
When she saw what she had done,  
She gave her father forty-one.*

### “THEY’LL HANG HER, SURE”

Just under a month after the *Boston Globe* fiasco died down, Lizzie Borden's case came before a grand jury of the Superior Court of Massachusetts. Their decision marked the point of no return. Based on the evidence they heard, the grand jurors could either drop the case and set Lizzie free or indict her for murder and send her to trial for her life.

Like Lizzie's inquest testimony, this vital piece of the Borden case has been lost. The entire transcript—every word of it. And because grand jury sessions are always closed to the public, there are no newspaper accounts to reconstruct it from.

Only these facts are available: the twenty-one-man jury convened on Monday, November 7. For the next two weeks they heard evidence from a number of cases, including Lizzie Borden's. On Monday, November 21, they adjourned without taking any action on the Borden case—no indictment, no release of the prisoner.

More evidence was coming, the papers assured a puzzled public.

It did. On Thursday, December 1, 1892, the grand jury reconvened. One of the witnesses had asked to be recalled: Miss Alice Russell.



She had not wanted to say any more than she had to. When first examined before the Grand Jury, Alice had not mentioned that Lizzie burned a dress on the morning of Sunday, August 8. Conveniently, District Attorney Knowlton had not known to ask. But through the middle of November, Alice's conscience plagued her so fiercely that she could not sleep nights. The oath she had taken was to tell the truth, *the whole truth*, and nothing but the truth. Finally, she consulted an attorney to see whether there was any legal way around divulging what she knew. There was not.

The day after Alice testified, Lizzie Andrew Borden was indicted on a vote of twenty to one for the murders of Andrew and Abby Borden. The jurors had deliberated for just ten minutes.

"They'll hang her, sure," one of them said.

Alice's conscience was relieved, but her troubles were far from over. It was her revelation that had "clinched" the grand jury's decision to indict her friend of nearly a dozen years for murder.

Now it was in all the papers. They had it partly wrong, of course—some said the dress had been burned the very morning of the murder, before the police arrived. Others said Saturday, before the police searched the house from the ridgepole to the cellar.

It did not matter that her name was not in the early reports of the indictment. Lizzie and Emma would know. There was no one else who could have told about that dress. It would be an astonishment if either of them spoke to her again. Emma Borden was confined to her bed; Lizzie, though she reportedly took the news with "the same stolid demeanor," was said to be "much distressed" by the following week. How much of their suffering was due to the indictment itself and how much to Alice's confession was impossible for Alice—or anyone else—to gauge.

## “I HAVE SCARCELY EXPECTED A VERDICT OF GUILTY”

Alice Russell was not the only one losing sleep over the Borden case as winter closed in. Lawyer Jennings also “lay awake half of the night thinking about it and arranging matters in his head,” the *New Bedford Evening Standard* reported.

By February, Jennings had recruited the Honorable George Dexter Robinson to Lizzie’s defense team—not just to assist but to lead—for the reported fee of \$25,000. His prestige alone warranted a hefty sum. According to the *Boston Globe*, Robinson had been “a prominent figure in Massachusetts political and legal circles for so long that his name is almost a household word.” Not only had the fifty-nine-year-old Robinson served as governor of Massachusetts, but during that time he had appointed one of the three judges who would preside over the Borden trial. Lizzie, it was later said, adored Governor Robinson from their first meeting, when he patted her arm and promised, “It’s all right, little girl.”

The defense was not alone in fortifying itself. Sometime in late March, the state attorney general appointed young William Henry Moody to join District Attorney Knowlton for the prosecution. A graduate of Harvard, the forty-year-old Moody was also a district attorney in his own right, in Essex County, and was considered “one of the most skillful and successful pleaders of the Essex bar.” Although the Borden case would be his first murder trial, in time he would become Secretary of the Navy and a justice of the United States Supreme Court.

And yet District Attorney Knowlton’s mind was no more at ease than Lawyer Jennings’s. In the first place, he had not expected to be the one to try Lizzie Borden at all. Usually, the state attorney general took responsibility of capital trials. But he had demurred

on his doctor's advice. So he said. Despite recurring newspaper reports of ill health, some wondered if the attorney general had deliberately dodged the Borden case. It was growing clear that whoever prosecuted Lizzie Borden was going to become very unpopular among some large cross-sections of voters—not just Fall River society, but religious conservatives and women's rights champions all across Massachusetts and beyond who were outraged at the very idea of a woman facing the death penalty—and the attorney general had his eye on the Republican nomination for governor. No one with such aspirations wanted to open his mailbox and find spiteful postcards like Knowlton had received:

*One thing is sure and that is you will never be  
District Attorney again.*

*The people of Bristol Co will attend to that next Nov.*

*After the mean underhanded part you have taken in the  
Borden case you deserve to be kicked out.*

*Respectfully yours  
Voter.*

### **SUPPORT FOR LIZZIE**

Immediately following her arrest, a number of respected organizations came out publicly in support of Lizzie Borden's innocence.

On Monday, August 15, Lizzie received a message in Taunton Jail:

*We, the members of the Young People's Society of Christian Endeavor, desire to extend to our fellow member, Miss Lizzie A. Borden, our sincere sympathy with her in her present hour of trial, and our confident belief that she will soon be restored to her place of usefulness among us.*

The message was also released to the press.

That same day, the local chapter of the Women's Christian Temperance Union convened a special meeting to publicly declare their sympathy, support, and "unshaken faith" in Lizzie Borden. By the next afternoon, the Women's Auxiliary of the YMCA was praying for her, too.

As interest in the Borden case spread, Lizzie's advocates multiplied. At a Boston meeting just three days after Lizzie was judged probably guilty at the preliminary hearing in September, the president of the Massachusetts Women's Christian Temperance Union read aloud a petition asking the governor to release Lizzie Borden on bail. All but 40 or 50 of the 2,500 members in attendance stood to show their support.

But it was more than politics troubling Knowlton. The district attorney had begun to believe that the whole trial was a lost cause.

"Personally I would like very much to get rid of the trial of the case," Knowlton wrote to the attorney general in late April 1893, "and fear that my own feelings in that direction may have influenced my better judgement." Exactly what those feelings

were, Knowlton did not say. It hardly mattered. Once the grand jury had indicted Lizzie Borden for murder, there was virtually no legal way of backing out. "[I]t does not seem to me that we ought to take the responsibility of discharging her without trial, even though there is every reasonable expectation of a verdict of not guilty," Knowlton wrote. They had even investigated the possibility of insanity to spare the time and cost of trying Lizzie, to no avail.

"The situation is this," Knowlton summed up, "nothing has developed which satisfies either of us that she is innocent, neither of us can escape the conclusion that she must have had some knowledge of the occurrence."

The prosecution had no choice but to forge ahead with what Knowlton believed to be a doomed effort.

### **"I TRY TO FILL UP THE WAITING TIME AS WELL AS I CAN"**

While the two legal teams squared off, Lizzie waited in jail. Unable to go outdoors, Lizzie was permitted to tend to a row of little pots lined up in a windowsill: geraniums and ivy, and strawberry plants sent by strangers as well as friends. Her sole form of exercise was tramping up and down the corridor outside the women's cells. On days without visitors, there was only the prison cat, a lazy yellow and white tom named Daisy, for company.

Weeks passed, then months, with no trial date in sight. All the while she was keenly aware of the changing seasons outside her window—the blasts of autumn wind, winter sleigh bells jingling, the scent of spring.



In one way, at least, seclusion was good for Lizzie. Since Alice Russell's revelation about the burned dress had crisscrossed the nation, public opinion was swerving back toward guilty. Once again, suspicion began to find a foothold in the popular mind, and the newspapers were happy to oblige with their own fanciful concoctions.

Even the state attorney general was getting fed up with them. "[I]t is singular that newspapers cannot tell the truth, even when it is put before them and they know it is the truth," he complained to District Attorney Knowlton after the press mangled yet another of their official statements.

Knowlton did not have to open the papers to see the latest stories. Letters from all manner of people crammed his mailbox, showering him with theories, tips, rumors, and clues. Maybe she'd done the killing with a flatiron rather than an axe, a Boston man proposed. A Brooklyn woman suggested Lizzie had worn a rubber cloak and sponged off the blood afterward. And most scintillating of all: could a young woman with such "wonderful nerve" have stripped herself naked to commit the crime and then burned the paint-stained dress as a decoy?

More than a few had something to say about Lizzie's personality. Not one of them had met her, but all were certain what kind of a person she was. For one thing, her reaction to the murder was not natural. That was sure. In exactly what way, they could not agree.

"No sudden, frantic scream when she finds her murdered father—no rushing to his side—no examination to find a spark of life—no calling for the mother whom she had heard come in—nor to the neighbors!" admonished one.

Another asked, "[W]hy did she not rush, terror stricken, from that house as far as she could go—just as any other woman would

have done under the circumstances of finding her father murdered?"

There was no winning—whether Lizzie rushed toward her father's body or away from it, she was branded unnatural. Nothing about her was deemed genuine. "Her religious pretences are only cloaks to hide her real nature," one critic declared.

Glimmers of that real nature, someone else insisted to Knowlton, had been apparent even before Andrew and Abby Borden turned up dead: "A MAN NAMED RODMAN OF BOSTON HAD A SISTER WHO WAS SICK ABED WITH A COLD. SHE HAD HEART DISEASE AND THE DOCTOR SAID SHE MIGHT DIE ANYTIME OF HEART DISEASE. LIZZIE BORDEN WAS HER FRIEND AND WAS ALONE WITH HER WHEN SHE DIED—AFTER HER DEATH BLACK MARKS WERE FOUND ON HER NECK AND HER JEWELRY WAS GONE."

How much of the public sentiment might have reached Lizzie is difficult to know. At the very least, she realized what was at the core of the feelings against her. "What would they have me do?" she asked one visitor. "How! Go into hysterics? I am wrongly accused of two horrible crimes. I know it is useless to cry out in indignation at the outrage, so I am trying hard to keep calm and self-controlled until I shall be proved innocent."

Whatever the cause, Lizzie's mood was plainly suffering. She had not been keeping up with her correspondence since mid-January. "My head troubles me so much," she apologized in a letter to her friend Mrs. Annie Lindsey of Dorchester. "I think soon they can take me up the road, to the insane asylum." She never failed to appreciate her friends' small kindnesses—books and flowers and boxes of candy—but their optimism seemed to be wearing on her. "Do you know I cannot for the life of me see how you and the rest of my friends can be so full of hope over the case," Lizzie continued. She'd known for months that her lawyers

held out little promise of an acquittal, and nothing encouraging had happened in the meantime. "To me, I see nothing but the densest shadows."

Finally, the date was settled. Her trial would open on Monday, June 5, in New Bedford.

By mid-May, Lizzie's morale had slumped lower than ever. She had been arraigned before the Superior Court, then almost immediately laid up with bronchitis. "My spirits are at ebb tide," she confided to Annie.

*I see no ray of light amid the gloom. I try to fill up the waiting time as well as I can, but every day is longer and longer.*

*I began to think the tangled threads will never be smoothed out. My friend—do not make any plans for me at Christmas. I do not expect to be free—and if I am, I could not join in any merry making. I don't know that I ever could again, certainly not at present. You know my life can never be the same again if I ever come home.*

### **ANOTHER MURDER IN FALL RIVER**

On the morning of May 31, 1893, twelve-year-old Freddy Manchester returned home from delivering milk with his father to find his sister, twenty-two-year-old Bertha, splayed facedown before the kitchen stove. Pools and smears of blood stained the floor, her face, her arms. It matted her long brown hair and dripped through the floorboards to the cellar below. Her neck was slashed, the top of her skull "crushed to a jelly," and five of her teeth had been knocked from



her mouth. The scene, the *Evening Standard* said, was “fully as revolting as the appearance of either victim in the Borden tragedy.” A bloodied axe was found in plain sight on the woodpile.

Despite the obvious parallels, Marshal Hilliard insisted there was no similarity between Bertha’s murder and the Bordens’. The motive in this case, the marshal said, was obvious: Bertha’s watch and money had been stolen, and her position on the floor indicated that she had “struggled for her honor and her life,” though she had not been raped.

Following the trail of Bertha’s missing property, police soon accumulated enough evidence to arrest a Portuguese immigrant named Jose Correa deMello, who had recently been fired from the Manchester farm without pay.

Jose Correa deMello first pled not guilty, then, most likely in hopes of escaping the death sentence, switched his plea to guilty of second-degree murder. On January 8, 1894, he was convicted and sentenced to the state prison for life.

To the Borden jurors, who were already sequestered before word of the deMello arrest hit the newsstands, it must have appeared that an axe-wielding murderer was still on the loose. Surely they wondered—could it have been the same killer? A coincidence? Or was it what we would now call a copycat crime?

One thing was undeniable: it could not have been Lizzie Borden.

But could Jose Correa deMello have killed the Bor-

dens? At the time of his arrest in May 1893, he had been in the United States for less than a year—possibly as little as two months. Depending on exactly when he arrived, Correa may not have been in the country on August 4, 1892.

Here is something else the Borden jurors could not take into account: two decades after the murder of Bertha Manchester, Jose Correa deMello was pardoned and instructed to go home to the Azores, never to return to the United States again. Why? No one, not even the most exhaustive Borden references, offers an explanation.