

**The twelve days' trial of Dr. John W. Webster for the murder of Dr. Parkman : comprising the addresses of the counsel engaged, the examination of the 121 witnesses, the prisoner's singular defence, and the chief justice's charge to the jury, and his sentence on the prisoner.**

### **Contributors**

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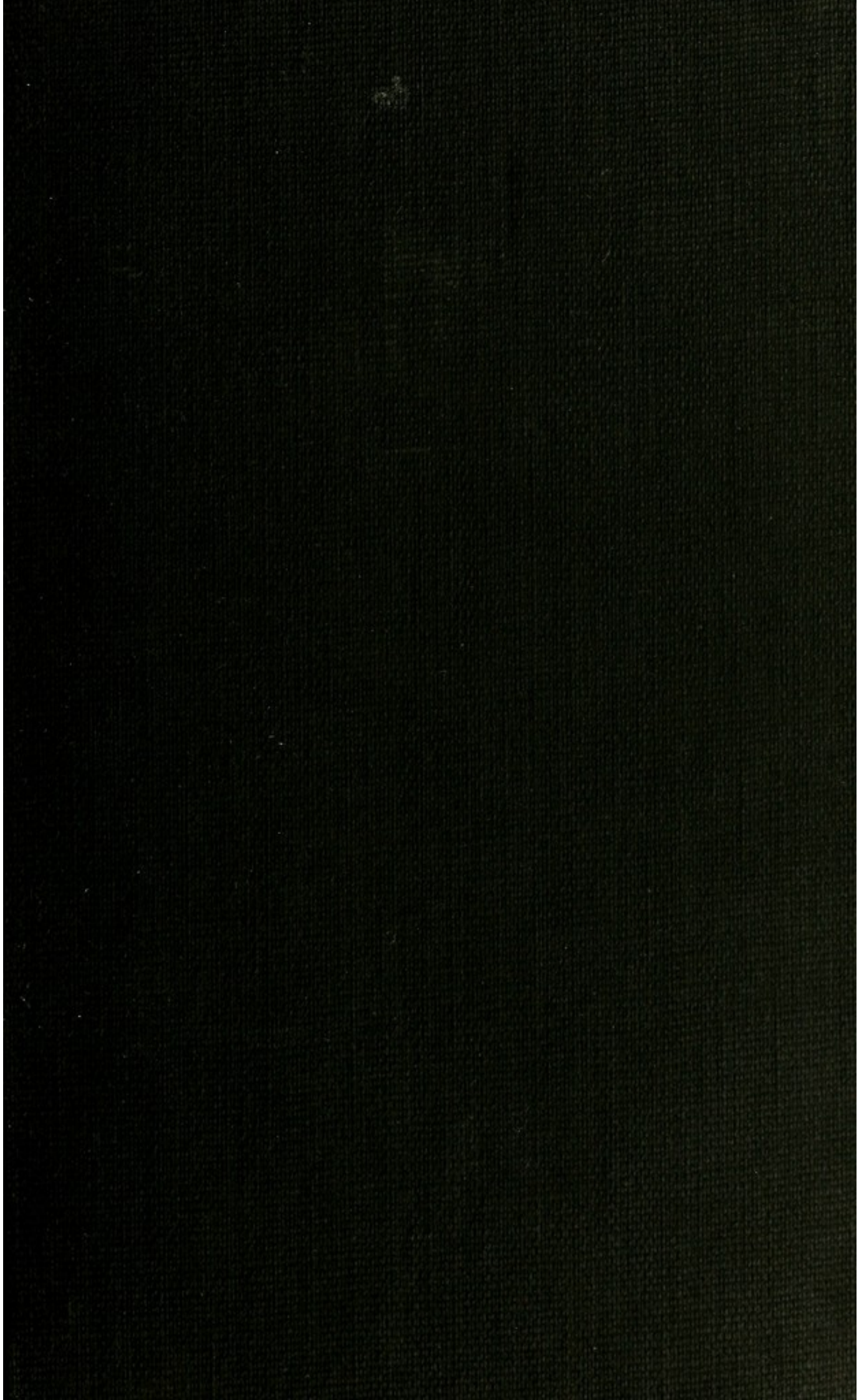
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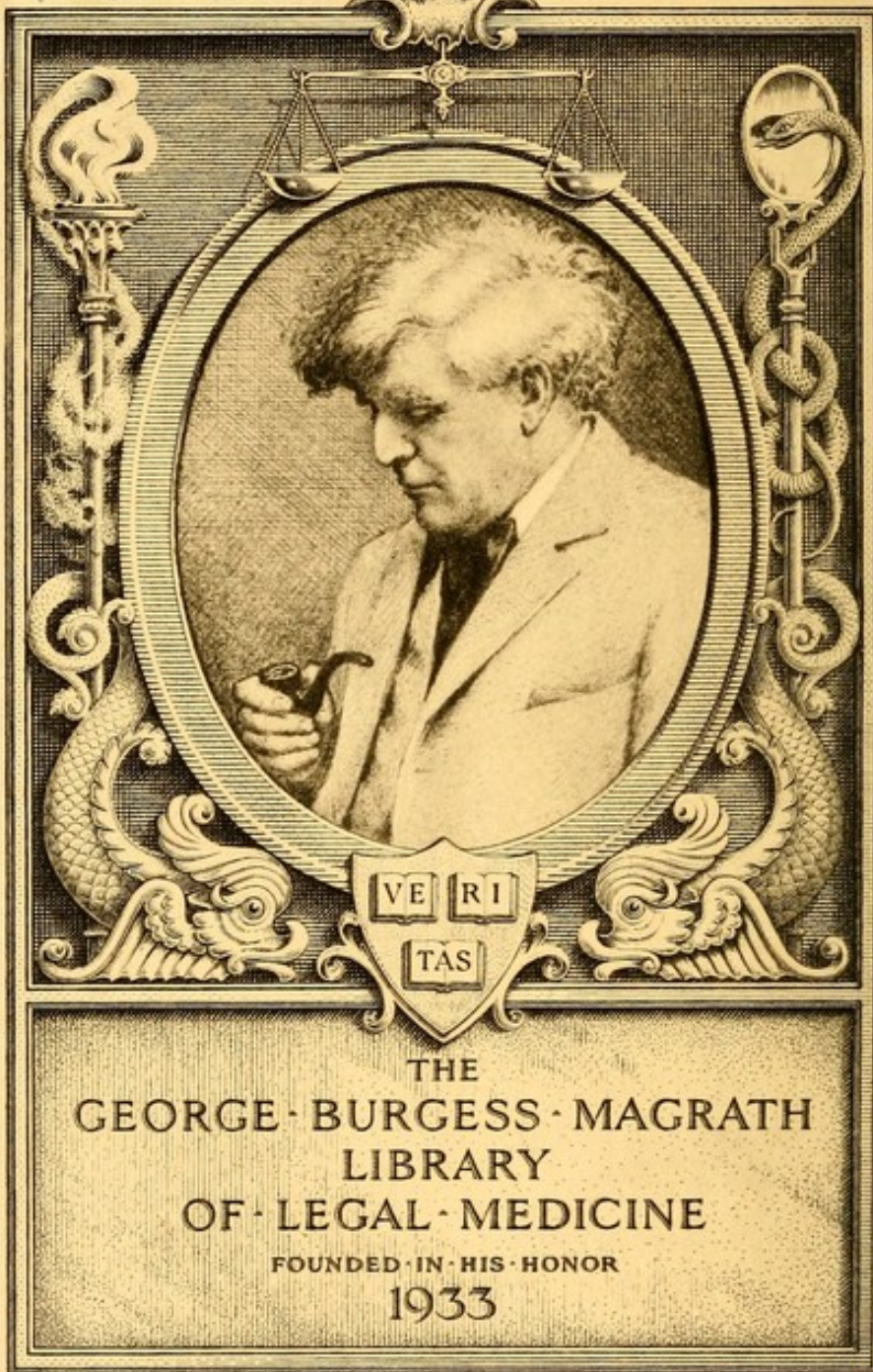
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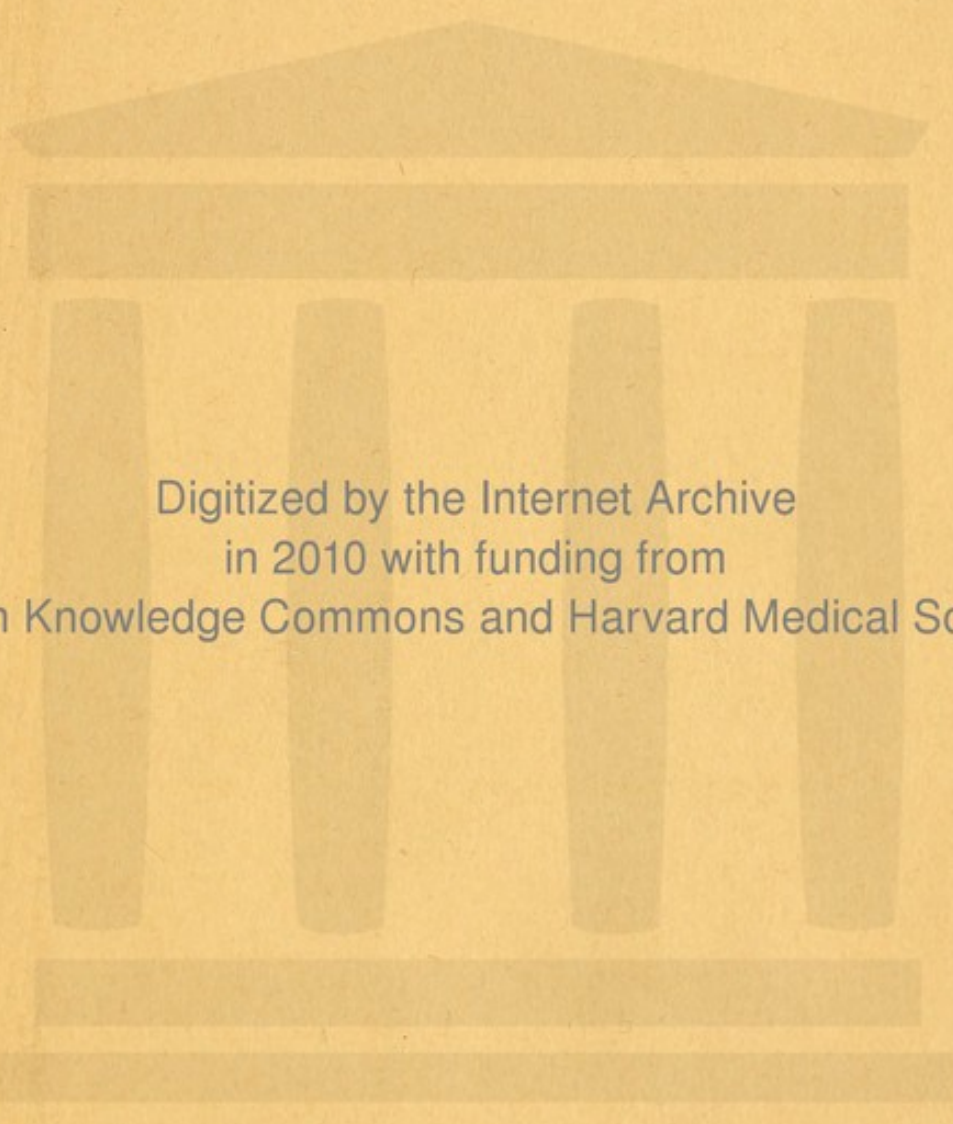
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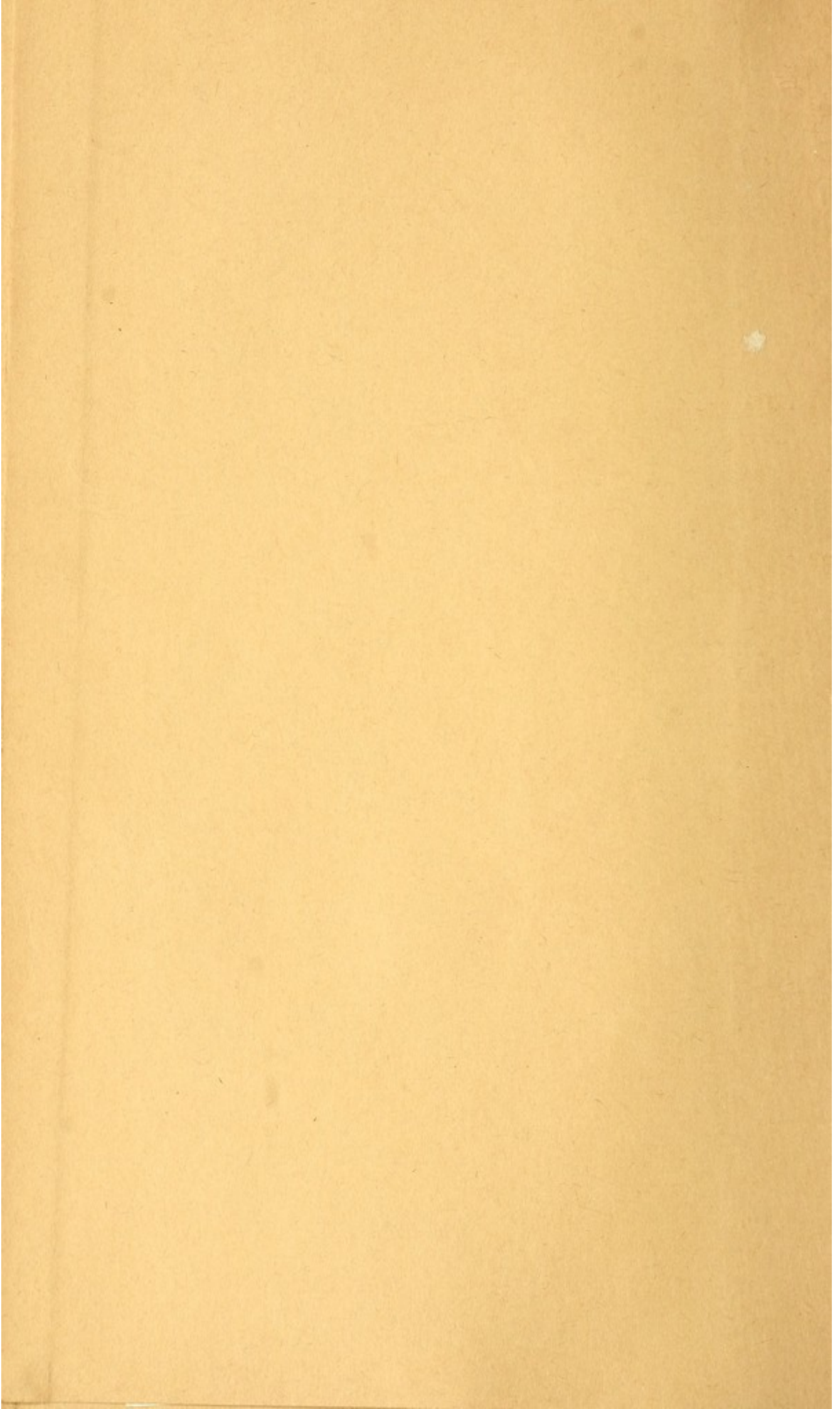
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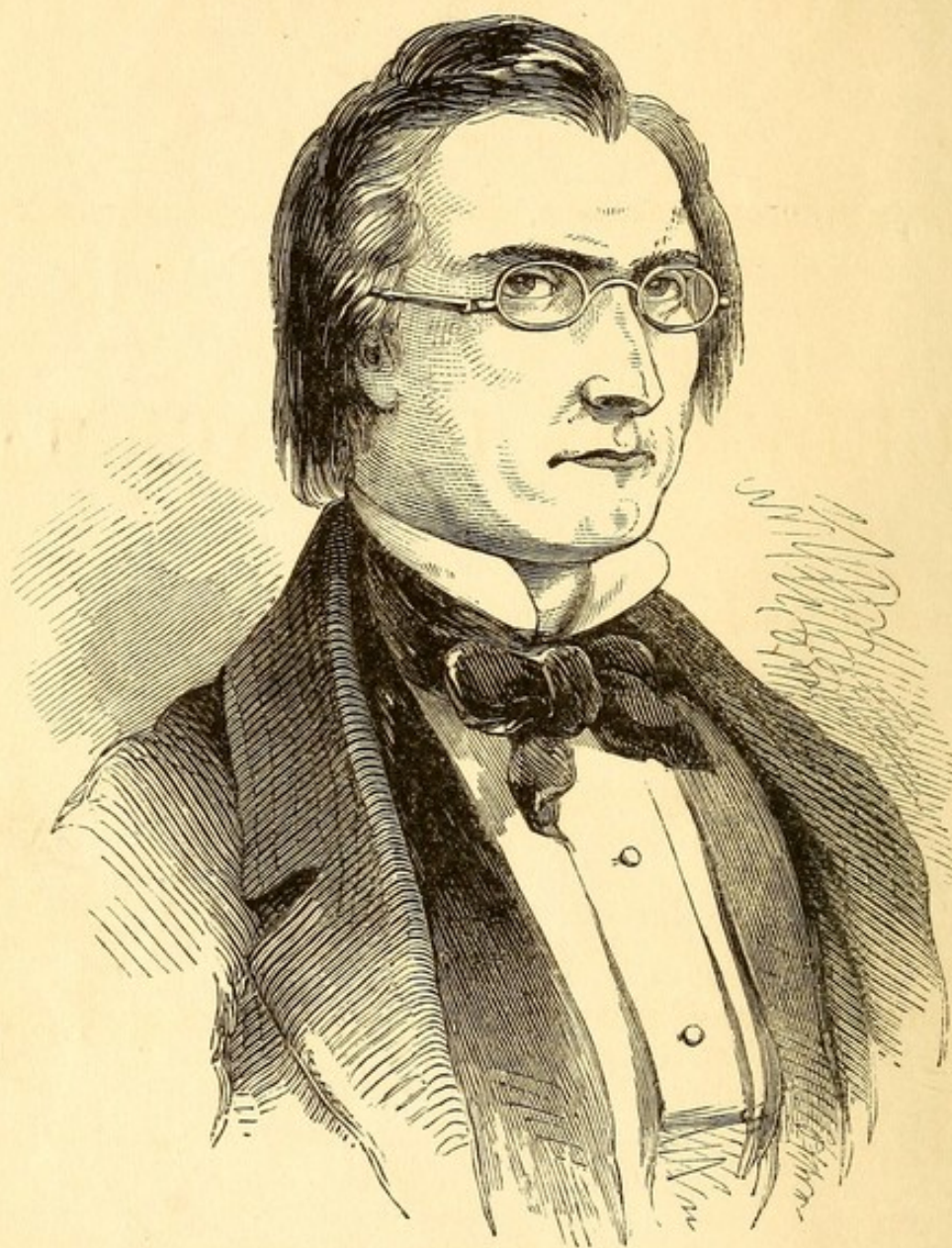
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PORTRAIT OF DR JOHN W. WHELAN

(from a photograph)



PORTRAIT OF DR. JOHN W. WEBSTER.

(From a Daguerreotype.)



THE TWELVE DAYS' TRIAL  
OF  
DR. JOHN W. WEBSTER,  
PROFESSOR OF CHEMISTRY,  
AT THE MEDICAL COLLEGE, BOSTON, IN THE UNITED STATES,  
FOR THE  
MURDER OF DR. PARKMAN.

COMPRISING THE ADDRESSES OF THE COUNSEL ENGAGED, THE EXAMINATION  
OF THE 121 WITNESSES, THE PRISONER'S SINGULAR DEFENCE, AND  
THE CHIEF JUSTICE'S CHARGE TO THE JURY, AND HIS  
SENTENCE ON THE PRISONER.

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Printed Verbatim from the Short-hand Notes of the Trial.

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"There are reporters here who will spread the evidence to which you have listened on the wings of the lightning to all lands and into all languages, and your action upon it will go with it to do honour to Massachusetts law, and to prove your deep reverence for the eternal principles of justice."—*Speech of the United States' Attorney-General on the Trial of Professor Webster for Murder.*

LONDON:  
JAMES GILBERT, 49 PATERNOSTER ROW.

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# TRIAL OF DR. J. W. WEBSTER,

FOR THE

## MURDER OF DR. PARKMAN.

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FIRST DAY.—MARCH 19, 1850.

BOSTON.

THE prisoner, Dr. JOHN W. WEBSTER, was brought in at precisely nine o'clock. His step was light and elastic. In crossing towards his place, his countenance betrayed a degree of calm and dignified composure which created some remark from persons at the time in the court.

On taking his seat, Professor Webster smiled as he saluted several of his friends and acquaintances, to some of whom he familiarly nodded, and a stranger would have taken him for an ordinary spectator. He wore his spectacles, and sat with ease and dignified composure in the dock, occasionally shaking hands with some of his friends. The countenance of the prisoner indicated to the physiognomist strong animal passion and irascible temperament. The cheek bones are high, and the mouth, with compressed lips, betray great resolution and firmness of character; the forehead is inclined to angular, rather low and partially retreating. He stands below the middle height, and is by no means a man of strong muscular strength. His general appearance makes no favourable impression.

A few moments after Chief Justice SHAW took his seat on the bench, accompanied by Assistant Justices WILDE, DEWEY, and METCALF.

The counsel for the government is J. H. CLIFFORD, Esq., Attorney-General, assisted by GEO. BEMIS, Esq. For the defence, Hon. PLINY MERRICK, and E. D. SOHIER.

The prisoner being called upon, he stood up firmly in the dock and pleaded "Not Guilty," in a strong and firm tone of voice, and while several of the Jurors were being examined and questioned by the Court, as to whether or not they had formed or expressed an opinion, he manifested much anxiety as to the answers given. In the course of the examination, officer Edward J. Jones attended the prisoner at the dock, and his counsel William E. Sohier, Esq., and Judge Merrick, took their places immediately outside, near the prisoner, and were actively engaged scrutinizing the jury panel, and attending to the swearing in of the jurors.

The empannelling of jurors was then proceeded with.

There were several excuses on the plea of ill-health, and other disabilities.

The Clerk of the Court having advised the prisoner that he had a right to challenge peremptorily twenty of the jury, proceeded to call the names.

William D. Adams' name was first called, and he was peremptorily challenged.

At this stage of proceedings Chief Justice Shaw addressed the jurors upon what the statutes considered as disqualifications in a juror, such as the formation and expres-



sion of an opinion, prejudices, &c., and instructed them to answer under oath, whether they considered themselves as coming within the boundary of the disqualifying statute.

He also addressed the jurors, charging them, that if they had any such opinions on the subject of capital punishment as would preclude them from finding a verdict of guilty, under any circumstances, that they were disqualified by the statute, and were to make answer, under oath, whether or no such prejudice was entertained by them.

After about a dozen additional challenges a competent jury was at length obtained and sworn in, their names are as follows:—

Robert J. Byram, Foreman; John Borroughscale; Mr. Thos. Barry; J. Crosby; J. E. Davenport; Albert Day; J. Eustis; D. T. Fuller; B. H. Green; A. Haywood; Fred. A. Henderson; Stephen A. Stackpole.

The Attorney-General, the prosecuting officer in behalf of the State, now rose to address the jury.

#### OPENING ADDRESS OF THE ATTORNEY-GENERAL.

Mr. CLIFFORD addressed the jury on the painful, yet imperative duty which had fallen upon them, and exhorted them to throw aside all former prejudices which might have infected their minds, and to consider calmly and dispassionately the testimony which should be offered by the government against the accused, as well as the evidence which the accused might offer in his own defence.

The events attendant upon the committal of the crime attributed to Professor Webster has created a wide spread and universal excitement in the community, and it might be natural that the jury should have participated in the feelings of the public, but they were now to discard this feeling, and in that Hall were to imbibe and nourish the sentiments to which that place should give rise in the bosom of every man who was bred up in a country possessing institutions like their own.

The Government, in the course of the trial, would introduce testimony to prove that on Friday, the 23rd of November, 1849, at a little after one o'clock, p.m., Dr. Parkman, who was a man of most regular habits, had just purchased before his regular dinner-hour a quantity of lettuce, which was at that time of the year a very rare luxury, and it was evident that Dr. Parkman had, in purchasing that article at that time of the day, the intention of eating it at his dinner-table on that day.

The Government would also introduce testimony to prove that Dr. Parkman was not at his home on that day at his usual dinner-hour, nor ever after that; the last time he was seen on that Friday, was while he was entering the Medical College in Grove Street, and although many persons had at first declared that they had seen him at or after five o'clock p.m., on the day of his disappearance, yet when these statements had been examined, it was proved that they were all mistaken as to the day or the hour of the day in question.

On the Saturday succeeding the 23rd Nov., the streams around the city were searched, and the police was put in requisition, to discover, if possible, the body of the missing man. Large rewards were offered by the family and relatives of the Doctor for the recovery of his body, alive or dead.

On Sunday, for the first time, Dr. Parkman's friends learned from Dr. Webster himself, that he had been in company with him on Friday, between one and two o'clock. On the 30th of November there were found in a privy vault in the Medical College, the pelvis and right thigh to the knee, of a body corresponding to that of Dr. Parkman. On the evening after were found in Dr. Webster's laboratory, in a tea-chest, a thorax and left thigh, from the knee to the hips. Afterwards were found in the furnace of Dr. Webster, bones, a quantity of gold, and a block of mineral teeth. None of the bones found in the furnace were duplicates of those found in the tea-chest or vault. The teeth would be fully identified by Dr. Keep as a set which he lately made for Dr. Parkman, and a mould would be shown which exactly cor-



responded to a jaw-bone found in the furnace. The thorax was perforated in the region of the heart. There has been chemical applications of strong alkali to the remains, and the veins has not been injected with any preservative fluid. This was the evidence going to show that Dr. Parkman had been murdered.

On the second head, that the prisoner murdered Dr. Parkman. Mr. Clifford went into a minute detail of Dr. Webster's pecuniary relations of 1842, when he borrowed money of him, and had been in debt and embarrassments ever since, and he would show that Dr. Webster dishonestly endeavoured to raise money of Robert G. Shaw and others, on property mortgaged to Dr. Parkman, and that Dr. Parkman regarded him as a dishonest man, and pressed him accordingly to recover his debt. He alleged that it would be proved that Dr. Webster had made conflicting statements and false ones, in relation to money paid to Dr. Parkman, and that at the time of the latter's disappearance, all of Dr. Webster's property was bound to him.

Mr. Clifford also dwelt at great length on Dr. Webster's conduct during the time of his arrest, and contended that a great number of circumstances would be found irreconcilable with the supposition of his innocence.

Mr. Clifford concluded a few minutes past one o'clock, and on motion of Mr. Sohier, the Court ordered all but medical witnesses to retire.

CHARLES M. KINGSLEY (1st witness).—Has been Dr. Parkman's agent from May or June, 1836; had the care of his real estate; was in the habit of meeting him at least every day on business; had never failed to find him at home at the dinner-hour when he called, for 15 years; Dr. Parkman was said by his family to have left home at twelve o'clock on Friday; witness commenced searching for him on Saturday at two o'clock, and traced him through Bromfield, Washington, Devonshire, Court, Green, Vine, and Blossom Streets, to Grove, and the Medical College, where he entered at two o'clock, p. m., or a little before, having left some butter at a grocery which he was to take on his return; a large number of the police force assisted in the search; advertisements were first issued offering a reward; on Saturday or Sunday heard that Dr. Parkman had been seen in East Cambridge; searched there; returned about ten o'clock; searched all the rooms in the Medical College.

He then proceeded to give an account of what took place in their first search of the Medical College; they knocked at Dr. Webster's door; and he and Starkweather finding no admittance, were going down stairs towards the cellar, when Littlefield said Dr. Webster must certainly be there, and shook the door; in about two minutes Webster came and opened the door; saw nothing in particular unusual in the appearance of Dr. W.; he took little notice of us; we looked carelessly around and went out.

After this we pursued the search at East Cambridge; returned in the afternoon, and with officers Clapp, Rice, and Fuller, searched the Medical College again; first searched Littlefield's room, in beds and closets, for papers or any clue, but found nothing; then searched the cellar, but found nothing; knocked at Webster's room and were admitted sooner than before; Clapp made excuse for calling on him; had no suspicions; Clapp made a motion to go into a small private room, Webster said his valuable things were there; Clapp went as far as the door, and said he would not be blown up; went down into the lower laboratory; found a bright fire in the furnace there, looking as if the ashes had been swept up; saw in the corner, with rubbish, an old tea-chest filled with tan, and minerals placed upon the top of it; think Clapp pointed to the door of the privy and asked what that was; Littlefield answered that it was Webster's private privy, and he had the key; Webster or some one else immediately called our attention away to another quarter.

This witness went on to detail the subsequent finding of the remains in the privy and tea-chest, but could not swear positively that they were Dr. Parkman's. He was also examined as to how Dr. Webster was effected on being arrested and told of the cause at the jail, and also on being shown the remains at the Medical College. He thought Dr. W. would die, and never saw any one so prostrate before.



PATRICK Mc GOWAN.—Was a servant of Dr. Parkman; could not identify Dr. W. as the man who engaged to meet Dr. Parkman at half-past two o'clock.

ROBERT G. SHAW.—This witness is brother-in-law to Dr. Parkman. Question by Clifford. When you saw the remains did you see anything that induced you to believe that they belonged to Dr. Parkman? Answer—Yes. The hair on the breast was the same colour as his; so on the legs; and the teeth he believed to be those of Dr. Parkman.

*Cross-examined.*—Question—Would you have known the body to be Dr. Parkman if you had not known Parkman to be missing? Answer—I should not.

This witness proved that Dr. W. had sold him minerals about two years before, which had been mortgaged, with other property, to Dr. Parkman.

## SECOND DAY.

MARSHAL TUKEY—(4th witness).—I am City Marshal, and as such have the direction of the police. After the disappearance of Dr. Parkman on Saturday at half-past ten we were called upon; Mr. Blake came to my office and said Dr. Parkman was missing. On reaching my office, I found R. G. Shaw, who said Dr. Parkman was missing, and wished to know what could be done. I directed the west end officers to go to that part of the city and inquire about the Dr.'s houses for him. About two o'clock on Saturday, Mr. Shaw wished all the officers to be employed in the search, which was done in the evening, and I advised a publication in the papers. The reports that he was seen in different parts of the city were followed up. From the time that I learned that the Dr. was missing up to the time of the discovery of the remains, the search was general—on the railroads, in the woods, and on the Cape. Handbills were circulated, four in number—1st, Nov. 25, stating that he was missing; but that he had been seen that afternoon, at five, in Washington Street. The next—Nov. 26, was printed on Monday, offering a reward of 3000 dols. The next was on the 27th, offering 100 dols. for a watch which we knew to be the Dr.'s. The 4th was on the 28th, offering 1000 dols. for the body of the Doctor. Of these, 28,000 were circulated.

Our search was terminated by finding the remains, which was on the Friday after he was missing. Messrs. Kingsley, Edward Blake, and George M. Thacher were in my office. Dr. Henry Bigelow came in. I went to R. G. Shaw's house, where I saw him and Mr. Littlefield. I sent another officer to the outside of the college, and then went there with Dr. Bigelow, one of the professors. In Littlefield's apartment we found him and officer Clapp; and from thence Mr. Littlefield, Dr. Bigelow, Mr. Clapp, and myself, went through a trap-door, which is in the front entry, into the cellar, when we passed over the uneven surface, sixty or seventy feet, to an extreme corner, where we found a hole newly made in a partition wall, which passed across from the foundation walls of the building. When we reached that corner we found a fresh hole in the partition wall. I asked that gentleman to stop; and I then had a light brought. I looked in and found several pieces of flesh; others did the same. I then asked Littlefield and the officer to pass out the pieces, which he did—one thigh and one leg, and laid them on a board. Mr. Littlefield said there was no entrance to this place except through the privy hole and the trap-door through which we had come. While they (Littlefield and the officer) were in the privy vault, they heard some noise over head, and said they thought Dr. Webster was up stairs. We returned as we came to a room connected with the laboratory. The officers then searched in the laboratory for the person they heard over head, but did not find any one. I then passed into the laboratory with the officers. I stopped near the furnace. A person laid cinders and bone in a box, and I directed them to let matters alone until an officer of the court should take possession. I then directed the officers to go



and arrest Dr. Webster. [The cinders and bone were exhibited to the jury, and identified by the marshal; also a dirk knife.] These articles I have had in my possession. I passed over to Dr. Keep a set of teeth, which were also found in the furnace.

*Cross-examined* by Mr. SOHIER.—The first notice was prepared on Saturday. I wrote it on Saturday night. It was submitted to the family, altered and published. I also submitted the second notice. The third was my own, and the last by the family. The new aperture made in the partition wall was near the foundation wall. When we looked through and saw the remains, they were not exactly under the hole of the privy. One part was nearer the wall, and the other on the other side; but can't say how far they were from a perpendicular line let drop from the privy hole. The ground was highest near the wall, and they seemed to lie on the side of the slope.

*Re-examined*.—I did not observe whether the tide ebbed and flowed in this space. The turf adhered to the remains when they were taken out.

CALVIN G. MOORE (5th witness).—Last November I resided at the corner of Vine and Bridge Streets. I saw Dr. Parkman on the 23rd of November last, in Holland's store at the corner of Vine and Blossom. I was there at ten or twenty minutes to two, when Dr. Parkman came in from Vine Street. He bowed and spoke to Mr. Holland about some sugar which he purchased, as well as some butter. There was further conversation. He went out in Blossom Street, after making a remark to Mr. Holland. I did not observe where he went.

*Cross-examined*.—I lived at 34 Bridge Street at the time. My house was across the way from Holland's, and I went there to purchase some butter, which I paid for at the time. I dined at half-past twelve, and was not in a hurry to go out. I think I said at the coroner's inquest, it was between one and two. I first mentioned seeing the Dr. to Mr. Kingsley when he came to see me on Saturday, about four or five o'clock. It was after this conversation with Mr. Kingsley that I came to the conclusion respecting [the time when I saw Dr. Parkman. Can't say whether I have ever stated this to any one.

Mrs. MARTHA MOORE (6th witness).—I reside at the corner of Vine and Bridge Streets. I knew Dr. Parkman by sight; I did not see Dr. Parkman on the 23rd of Nov. I told my son George to go to school ten minutes before two. He was at the corner of Fruit and Bridge Streets, on the side walk; I saw a truck there, and told him from the window he would be late; I looked at the clock at that time. He heard me, and said he would go at two. My attention was called to this fact about a week afterwards.

*Cross-examined*.—George attended Phillip's school, which commenced at two o'clock. I recollect it was the 23rd, because I heard people talk about the matter. George called my attention to the fact within a week after. It was in my chamber; I cannot say whether my husband was present, nor state any circumstances which fixed the day as Friday, though I know it was.

GEORGE F. MOORE (7th witness).—I am twelve years old, son of the last witness; I saw Dr. Parkman 23rd of November last, in Fruit Street, I was standing there by a truck, and he was passing down towards Grove Street, about ten minutes before two; another boy (Dwight Prouty, jun.,) was with me going to school; I said, "there goes Dr. Parkman." I was at school just before it was "tardy." I heard on Saturday that Dr. Parkman was missing.

*Cross-examined*.—Did not see Dr. Parkman that week, before Friday; he passed right by us; I told mother the next day in the afternoon.

DWIGHT PROUTY, Jun., (8th witness).—I am thirteen—go to the Phillips school—I saw Dr. Parkman on Friday, Nov. 23rd, at ten minutes before two. I left the house a quarter before two by the clock; I saw George Moore, there was a truck in the street. I saw Dr. Parkman going down Fruit Street towards Grove Street, and I think a boy said "there goes Dr. Parkman." He passed by me on the same side of the street. George's mother told him from the window that it was ten minutes of two, and time to go to school.



*Cross-examined.*—The truck was near the corner of Fruit Street, moving towards the Iron Foundry.

ELIAS FULLER (9th witness).—I carry on the Iron Foundry, my counting-house is on the west side of North Grove Street, opposite Fruit Street, which I can look down; my room is seventy-five feet from the Medical College; I knew Dr. Parkman, saw him frequently, and had business with him. He had a claim on the ground under my foundry; I saw the Dr. on Friday, Nov. 23rd, between half past-one and two.—I was on the side walk, in front of North Grove Street, to see Joseph Annis, who had agreed to meet me at two. I cannot say precisely when I saw the Dr., but think it was a few minutes before two; I had not my watch with me while waiting for Mr. Annis, and so inquired of my brother, he replied the first time, “twenty minutes of two.” After this Dr. Parkman passed towards the Medical College, he came over and passed within a few feet of me. [This witness confirmed the preceding, respecting the truck.]

*Cross-examined.*—He was dressed in a dark frock coat.

ALBERT FULLER (10th witness).—Am brother of the preceding witness; knew Dr. Parkman for some years, and met him frequently. I saw him on the 23rd of November last, passing towards the Medical College, within twelve feet of me: I stepped down from where I was at work, to see if he went to my counting-room; he did not enter, but passed towards the college; this was near two o'clock; I was there all the afternoon, and did not see the Doctor afterwards; there are two ways of going from the college, but if he had left by Fruit Street I think I should have seen him; I was not in the building, but at the door. [Confirmed the preceding witness, as to the inquiry about the time.] I heard of the Doctor's disappearance on Saturday; on Tuesday after, Dr. Webster came into my room and signed a check for Mr. Cummings; Mr. Littlefield borrowed a tool of me on Friday, I think, after the disappearance of Dr. Parkman, in the afternoon.

By COUNSEL.—For what purpose? Objected to. By the Court—Not admissible.]

Witness.—I furnished him with chisels; I had lent him a bar before; Mr. Kingsley called on me that afternoon, to make inquiries; when Dr. Webster signed the check at my counting-room, he made a remark, that he saw by the papers that nothing had been heard of Dr. Parkman.

*Cross-examined*—I passed Friday, the 23rd, weighing iron; I had men putting in the iron; I could see both side-walks of Fruit Street; I stood side to the door.

LEONARD FULLER (11th witness).—Brother of the preceding; work in the foundry with my brothers; after Dr. Parkman's disappearance I recollect Mr. Littlefield's borrowing of me a steel churndrill, four feet long, the day the remains were found, after dinner; he came back after a chisel and hammer, which he took with him; when he came for them, his coat and jacket were off, and his clothes were soiled; he went to the college, and I saw nothing more of him that night; I saw Dr. Parkman on Friday, the 23rd, but can't say at what time; I have known him for ten years; he came to my counting-room nearly every day; he was prompt and punctual.

*Cross-examined.*—I saw the Doctor in Court Street, but had no conversation with him.

PAUL HOLLAND (12th witness).—I was a grocer at the corner of Vine and Blossom Streets; on Friday, 23rd of November, saw Dr. Parkman, in my store between one and two—about half past one; he staid about fifteen minutes, and bought thirty-two pounds crushed sugar and six pounds of butter; he brought in a paper bag with him; I had but little conversation with him, but after the articles were put up, he asked permission to leave the bag for a “few minutes” or “five minutes,” that he would call for it—this was as he was going out; when I told him I would send up the things, he replied, “any time in the afternoon;” not calling for the bag, I opened it, and found lettuce; on Saturday afternoon I heard from Mr. Kingsley and others that the Doctor was missing; I usually dined about two.

*Cross-examined.*—Dr. Parkman had on a black frock coat, black pants, and, I think, black satin vest.



JABEZ PRATT (13th witness).—I am one of the coroners of the county, and was called upon by officer Spurr, Nov. 30, Friday, in my official capacity, to act with reference to some remains found in the Medical College; I went with him to the house of S. D. Parker, Esq., and thence with others to the jail; Dr. Martin Gay, and Mr. Kingsley were with us.

I saw Professor Webster in the gaol. A warrant had been put into my hands for his arrest before this time. In company with Dr. Gay I went into the lock-up under the gaol-office, and found Dr. Webster lying on his face, apparently in very great distress. Dr. Gay endeavoured to soothe his feelings, and requested him to get up. The Doctor said he was unable to get up. He was agitated, and trembled more than any man I ever saw before, and exclaimed, "What will become of my poor family?" He was then assisted up stairs, where he appeared in a state of perspiration. He was nearly helpless, and was seated in a chair. Somebody offered him water, but he was so agitated he could not drink—he passed the glass from him, and spilt some on his clothes. I have said that Mr. Parker gave directions that no one should converse with Dr. Webster.

Mr. Parker had some conversation with him in the office; he said to him that some discoveries had been made at the Medical College, and that he had come to see if he was willing to go down and make any explanation; he consented to go, and we took him to the Medical College, Mr. Leighton, one of the keepers of the jail, and myself inside with him, and Mr. Cummings on the outside.

He was equally helpless in the carriage, and was supported by an officer each side. He complained of the manner in which he had been taken from his family. When he arrived at the college he was led into the college by the main entrance, up into the lecture-room, by Mr. Cummings and Mr. Leighton.

They then went into the laboratory, back of the lecture-room, and my impression is, that the door was broken open. Some one then inquired for the key of the room adjoining the laboratory. Dr. Webster said that was his private room, where he made his chemical preparations, and that it was dangerous—that Mr. Clapp had taken all his keys. It was broken open and I went in with others.

We found a coat near the door, and Dr. Webster said that it was one he wore while he lectured; and that, unless they were careful, they would break some of the bottles. We attempted to open some drawers in the small room, and then broke them. Dr. Webster objected and said, "you'll find nothing there except demijohns and bottles." We found them; we found a hatchet done up in paper, apparently new, and some articles of clothing. We then went down stairs. I do not recollect all the conversation between the parties while there; but an inquiry was made for the key of the privy, and Dr. Webster said it was hanging on a nail. I did not take so much notice as others, as I only went as coroner. While we were in the laboratory, the key was tried, but did not fit the door of the privy, which was then broken open, and the seat was torn up. Some one then inquired, where is the chimney which is hot; and it was replied, there is the furnace. I directed them to let that remain as it was, after a piece of bone had been taken out. On the top of the furnace were some minerals and a lead pot, which remained as they were.

Dr. Webster called for water in the laboratory, but was unable to drink; I can't well describe his appearance and action; unless by saying it was like to that of mad creatures when water is offered to them. He was more excited here than when up stairs. We then went into the large laboratory, where a trap-door was opened. Mr. Clapp, Mr. Littlefield, and I went down creeping along. Some portions of a human body were then brought out by the officers through the trap-door. These remains were taken into the laboratory, and for the night were placed in the privy, and the building left in the care of the officers.

The next day I issued a warrant for a coroner's inquest to meet at four o'clock, and when I arrived, I found that other portions of a body had been found. I took out the contents of the furnace on Saturday, assisted by police officers, and directed the



pieces of metal and bones to be put into a box. Some of the metals had the appearance of being gold. After taking out more than half of the contents of the furnace, I found pieces sticking to the brick, which I broke off.

We also found a piece of an artificial jaw about an inch long, and two or three single mineral teeth near the bottom of the furnace. The piece of the jaw was put into the hands of Dr. Winslow Lewis, Jun.

The ashes of the furnace remained at the college at that time ; but I gave directions that these should be passed into the hands of the chemists. Some of those were at the college on Saturday, and others on Sunday. Some of the bones were put into the privy with the fragments of the body, and a nail driven over the door.

I have a tin box in my custody, which was said to have been made by Mr. Waterman. I had a note on Monday after the arrest, stating that such a box was at Mr. W's, and I sent for it. It has remained at my office since.

*Cross-examined.*—I cannot tell what the cinders clinging to the sides of the furnace were, but I know that a portion of them was bone. This I discovered before I broke them off.

Dr. WINSLOW LEWIS, Jun. (14th witness).—I was one of the physicians called to the Medical College on Saturday, at three o'clock, p.m. Drs. Charles T. Jackson, Martin Gay, and James W. Stone, were there also. Dr. Wyman took charge of the bones found in the furnaces, and certain articles supposed to have blood on them. Drs. M. Gay and Jackson were to make the chemical analysis ; Drs. George H. Gay and James W. Stone and myself were to make a report to the coroner's jury, which was done. I knew Dr. George Parkman, and in the form and appearance of these portions, there was nothing dissimilar to what I should expect to find in his remains. They were not separated for anatomical purposes, as far as I could judge, from the manner : nor was there anything in the vessels of the body, such as is usually injected for the purposes of preservation. There is no doubt but that these five pieces of the remains belonged to one and the same subject. Some mineral teeth (a block) were shown to me by Coroner Pratt ; it was about two inches long. I gave it to Dr. N. C. Keep.

*Cross-examined.*—I have known Dr. Parkman thirty years, intimately. Had I not been told that Dr. Parkman was dead, I could not have said that it was his body at once. There were no peculiar marks on the fragments. The height of the person could be ascertained to within one-half an inch from such remains. Between the sixth and seventh ribs there was an opening, affected by chemical agency, and I could not say that the hole was made by a stab, nor could I tell how it was done—whether before or after death. The hole might have been made through this place with the finger, in taking up the body—the flesh was so much affected by chemical agency. The usual quantity of blood in the body of such a person might be two gallons ; but not more than two quarts of fluid or blood would be found in a subject of the same size. These bones of the head might have been consumed in two or three hours. And as to those parts of the body missing, I cannot say how long it would take to consume them. It would depend upon the quantity of fuel used. The muscular development was more than I should have expected to find on such a body. I gave the teeth to Dr. Keep the next day after I received them. He returned them, and I then gave them to the coroner.

*Re-examined.*—If a person had received a wound in the direction of the heart, he would be most likely to bleed internally. I cannot say positively as to the time that would be required to consume the head.

Dr. JAMES W. STONE (15th witness).—I was one of the physicians called to examine the remains, and signed the report. I now concur in the statement of that report as correct. In the remains there was more than the usual quantity of hair on the back, sandy gray, and longer than usual. The muscles of the lower extremities were more than usually developed, which would indicate much exercise in walking. On one side the hair was burned, so that its length could not have been determined.



I thought the person to whom they belonged to have been between 50 and 60—near 60, from the ossification of the veins. I knew Dr. Parkman, and there was no indication in the remains other than I should have expected to find. He was a great and fast walker. The manner in which these remains were separated would indicate anatomical skill. The breast-bone was removed in the usual manner, which is difficult to persons unacquainted with anatomy. The joints were separated as a surgeon would do, though somewhat irregularly. I have seen physicians give up the attempt to separate the breast bone, and break it off at the collar bone. If a body had been injected merely for anatomical purposes, it might be difficult to determine, unless there had been an injection of glue, which did not here appear. There was one circumstance which might indicate that the remains belonged to a subject.

*Cross-examined.*—I made a careful examination of the opening between the ribs. There was no appearance of a cut on the rib at the time we examined it, though it was said that there was an appearance the day after. I did not see, at the examination, any cut on the ribs, though I looked for it.

*Re-examined.*—There was no mark or indentation on the rib. The membrane and muscle remained on some of the ribs; but there was no indication of a cut on the periosteum of the ribs that I saw.

Dr. GEO. H. GAY (16th witness).—I was one of those who drew up the report on the remains. The separation of the different parts of the body indicated anatomical skill. The separation of the breast bone is not difficult to those who understand it. The saw is not generally used in separating the head from the body. The separation of the thigh from the hip is of some difficulty; but the indications in this case did not show much want of skill. When I arrived at the Medical College, on Saturday, one of the officers was removing the tan with his cane; and when he raised his cane I saw the aperture between the ribs, though I can't say that the cane caused it. I saw no cut on the ribs, though I examined them externally and internally.

*Cross-examined.*—I did not examine the ribs to see what the hole was caused by, but saw no indication of the use of a knife.

Dr. WOODBRIDGE STRONG (17th witness).—I have been in practice since 1820, and have had considerable experience as an anatomist. I have had occasion to consume human flesh by fire, made of wood; and on one occasion endeavoured to consume the flesh of a body in the course of a night, but was unsuccessful. Pitch pine, or any dry wood, would be the best for such purposes. I have always considered it a difficult matter.

I knew Dr. Parkman for many years. I saw him alive on the day of his disappearance, about half-past twelve, in Beacon Street, while looking for him. He turned down on the Common, and I did not speak to him.

I was at the Medical College on the Tuesday again—had been there on Monday—after finding the remains. Several gentlemen were there. The examination was nearly finished when I reached the place. I saw part of the body on the table, which were the chest, the pelvis, two thighs, and one of the lower legs. The chest was laid open, as in the case of a *post-mortem* examination. The flesh was dissected back, and off, and the ribs were separated as far as the flesh had been removed. I observed a hole, and observed that it was like a stab, and it was replied—(objected to). I examined the hole, and found on the other side a cut, which seemed to have been made while the person was alive, and such as must have been made with a sharp knife—if made after death. It occurred to me that death was caused by a knife or dirk at this place.

The vessels were unusually bloodless, and I drew the inference that this person bled to death.

The hair was an intermixture of white or gray.—The skin had lost the elasticity of youth, and had the appearance of age. I judge the person to have been between fifty and sixty, from the hair, and the appearance of the cartilages.

The body was narrow across the shoulders, and very long and straight. The



appearance of the hair, and other facts mentioned, lead me to think these the remains of Dr. Parkman—they were certainly not dissimilar.

*Cross-examined.*—The hair on the head and body are not always the same ; can't say that ever I saw him with whiskers ; I observed Dr. Parkman as an anatomist. I do observe anatomically, as a matter of habit, everybody I meet.

I never attempted to burn any portion of a body in a furnace. The little furnace at the Medical College certainly wanted draught to consume rapidly. There was a large stove in the room, which would have been much better for that purpose. I have used a stove to consume human flesh, and found difficulty in burning with anthracite coal. Wood is much better.

The blood would have flowed nearly entirely internally if the stab had been made between the sixth and seventh ribs. Death would have rapidly ensued.

Dr. FREDERICK S. AINSWORTH (18th witness).—I am demonstrator of anatomy at the college.—All subjects pass through my hands, and I keep a record of all anatomical materials received and disposed of at the college. I examined my account at the time Dr. Parkman's remains were discovered, and found it complete without including the remains found.

I saw the remains taken from the privy and tea-chest, and came to the conclusion that that subject had never been sent to the college for dissection. We make a practice of injecting the veins of subjects with substances which penetrate into all the blood vessels. I examined the arteries of the remains, and found nothing of the usual appearances of subjects which had been injected. I have made no chemical analysis. These remains shewed no indication of having been dissected for anatomical purposes, and I think they were not cut up by any person who had used the knife, though he might have seen the dissection of a body. The breast-bone was separated in the only place where the knife will cut.

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### THIRD DAY.

Dr. CHARLES T. JACKSON (19th witness).—I am a chemist by profession, and was called to the Medical College after the disappearance of Dr. Parkman, Saturday, p. m., Dec. 1st, with Dr. Martin Gay, and met Dr. W. Lewis, jun. We made arrangements for the examination, Dr. Gay and myself undertook the chemical part. The remains of a human body, and the contents taken from a small assay furnace, about ten inches square, were shown to us. I made observations of the remains, and thought that they had not been used for anatomical purposes ; they indicated some knowledge of anatomy—the manner of dividing the cartilages, and the separation of the clavicle ; the hip was neatly disarticulated, without hacking.—I heard the testimony of the Doctors yesterday, as to the age, height, &c., and concurred with them.

I knew Dr. Parkman, and had often observed his form, which was peculiar—broad and flat across the pelvis. I saw nothing in the remains dissimilar to the body of the Doctor—nothing in the muscular developments. The flesh indicated the application of a strong caustic potash.

I assisted in drawing the Report submitted to the Coroner's Jury, and signed the same.

On the 2nd of December I was requested to assist in making the examination. On Sunday morning, we (Drs. Lewis, Wyman, and myself,) resumed our examination ; Dr. Ainsworth assisted. The remains of the bones exhibited the effects of fire, and were partly fused. We identified among other things mineral teeth—a pearl shirt button, some small punch pieces of copper—pieces of glass, masses of metals, zinc, tin, and lead—the latter tea lead. The washed cinders yielded globules of gold, and silver. I took portions of the skin from the thorax and found them charged with alkali, which I found to contain potash and sea salt ; but found no alkali in the flesh



beneath the skin ; the opening through the sixth and seventh ribs was corroded as by potash. In my laboratory I examined the portions for arsenic acid and zinc, but found none.

Since that interview, I have taken possession of the articles left with Dr. Gay. The blood vessels I delivered to Dr. Richard Crosby, a chemist in my employ. The alkali found on the body was subjected to a full chemical test, and found to be potash. The effect of this is to dissolve the flesh. The best manner is to boil the flesh in dissolved potash. With suitable apparatus, a body, cut up in small pieces, would be dissolved in a few hours. It would require a bulk of potash equal to half the body, and a large kettle. But less than that quantity would destroy the identity of the body.

I examined the Doctor's laboratory, and the largest vessel I saw there, was a large tin boiler, such as is used for washing clothes—a foot or fifteen inches square ; but it was not large enough to dispose of the entire thorax, unless cut up.

Nitric acid is the next best solvent after potash.—This would require some parts of sulphuric acid. For the entire dissolution of the body, it would require a weight of Nitric acid equal to that of the body.

On the sides of the staircase from the laboratory to the back room, I found drops of green fluid, and spots on the stairs. I sent for paper to absorb the green fluid, which Dr. Gay accomplished, and carried the paper away with him. I have examined that paper and found that the green fluid was nitrate of copper. These spots were very abundant from the top to the bottom of the staircase, and were then in a fluid state. The spots of green fluid coincided in position with the dark spots on the side walls, and more abundantly near the foot, than the top of the stairs.

I was present on Sunday, I think, when spots of blood were discovered on the pantaloons, and saw Dr. Wyman cut out pieces from them. The microscope is the best test of blood in small quantities.—We also saw the blood on the slippers, from which Dr. Wyman cut pieces.

We found a large quantity of punch pieces of copper in the drawers, such as were found in the ashes ; though those were reduced in size, and nitrate of copper adhered to the latter, which indicated that they had been put into nitrate acid.

A half a peck of ashes and two quarts of cinders yielded 173 5-100 grains of gold, equal in value to 6 dols. 94 c., and more might have been found, had we examined the fine ashes.

[The block of mineral teeth found in the ashes was examined in court by the Doctor and found to contain gold.]

I have known the prisoner for twenty-five years.—I recognised the knife (which was produced,) as one I used to see with him, in the Mason Street College. It was shown to me at the Medical College in Grove Street. We found fresh oil and whiting on it, indicating an attempt to clean it.

*Cross-examined.*—The spots on the wall of the staircases, I found to be nitrate of copper. I should not have supposed the remains to have been those of Dr. Parkman unless I had known that he was missing.—The thorax did not exhibit the appearance of having been boiled ; but the hair was singed on the back. It was not decomposed except where the potash had acted—on the left side, the two ends, and the back.

The flesh, if cut up and boiled in a large kettle, with potash, might have been consumed in two hours ; and the bones separately, in half a day. Nothing would have remained save a yellow liquid. I examined, quite recently, the large boiler, but found no potash in it. The bottles of nitric acid were quite full. The green fluid might have been on the wall two weeks. The mixture of oil and whiting was found on the silver hilt of the knife, and had been used for cleaning. The ashes taken from the pit were sassafras. The potash on the thorax did not appear to have been on long ; but the potash and fire conjointly would have produced the effect in a few minutes which we observed about the opening between the ribs. The green



spots were on the sides of the staircase. [Pieces cut from the staircase were shown to the jury.]

*Re-examined.*—The ashes were partly of wood and charcoal.

RICHARD CROSSLEY (20th witness).—I was an assistant of Dr. Jackson, and have been a chemist for thirteen years. I made experiments on certain blood vessels, at the request of Dr. Martin Gay, to ascertain if they had been injected with arsenic acid, or chloride of zinc, and found no appearance of those substances.

DR. N. C. KEEP (21st witness).—I am a dentist, and have been in practice for twenty years, and have given attention to mineral teeth. I knew Dr. George Parkman, as early as 1822. In 1825, he employed me as his family dentist, and ever since that time, so far as I know. I was shown a block of mineral teeth, by Dr. Winslow Lewis, Jun., on the Monday after Thanksgiving last. I recognised them as the teeth I had made for Dr. Parkman, in 1846; (a block found in the furnace, was exhibited to the witness), these are the same as shown by Dr. Lewis. Dr. Parkman's mouth was peculiar, in many respects—especially in the relation between the upper and lower jaws; and thus the impression left on my mind was very distinct; I remember these peculiarities with great exactness. The circumstances under which the teeth were ordered were peculiar. Dr. Parkman asked how long it would take to make the teeth. He said he wanted to be present at the opening of the Medical College, and was expected to speak; and he did not wish to order them unless they would be ready at that time, The time was rather short. The peculiarities of the mouth required as much skill as could be used in fitting the teeth. The great irregularity of the left side of the lower jaw occasioned much difficulty. The set was cut into three pieces before baking. These pieces are called blocks. The upper teeth of Dr. Parkman were in three blocks. The lower teeth were also in three blocks but not made whole, in consequence of the natural teeth which remained. There was an accident which injured one of the teeth, which rendered it necessary to make an additional block anew. This occupied me nearly all night; but they were finally finished thirty minutes before the opening of the Medical College. I did not feel entirely certain that they would be quite as I wished them, so I requested of the doctor that I might see him soon. When I next saw him, he remarked that room was wanting for his tongue. In order to obviate that difficulty, I ground the lower blocks, on the inside, to make more space, which at that time was not accomplished with much ease, and required a small wheel on account of the angle formed by the teeth and the plate. This grinding removed the colour of the gum, and also the enamel of the teeth. Two weeks before his disappearance, he called late in the evening, having broken the spring, which I repaired. The day before his disappearance, he called to inquire respecting a servant who had lived with me. Monday after Thanksgiving, Dr. Lewis presented to me the portions of mineral teeth, saying he was requested to bring them to me for examination. On looking at them, I recognised them to be the same teeth I had made for Dr. Parkman. The most perfect portion which remained was the block belonging to the left side of the lower jaw, I recognised the shape and outline to be the same with those which I had laboured on so long. Several of the other portions had been much injured by exposure to fire. I proceeded to look for the model by which those teeth were made. On comparing the most perfect block with the model, the resemblance was so striking that I had no doubt. This portion which I now hold in my hand belonged to the right upper jaw. The teeth were in the Doctor's head the last time I saw him—the day before he disappeared. The presumption is very strong that these teeth were consumed with the head, for when worn they absorb small portions of water, which, when heated rapidly, would explode them, and they would go into a multitude of pieces. If the teeth had been removed from the head, the spring by which they were opened would have thrown them apart, and they would not probably have been found fused together. I find fused in with these mineral teeth portions of the natural jaw.

DR. LESTER NOBLE, (22nd witness).—I was an assistant of Dr. Keep in the



Autumn of 1846, and continued until July, 1849. I recollect working upon teeth for Dr. Parkman in 1846. The handwriting of the model—"Dr. Parkman, October, 1846," is mine. I examined the teeth found in the furnace, and recognised them to be Dr. Parkman's from the general shape and configuration. It struck me at once. In looking them over carefully, I noticed a hole between the second bi-cuspis and the first molar tooth. I also noticed a surface which appeared to have been ground, and recollected that those of Dr. Parkman had been ground in that way—that I saw Dr. Keep grind them. I also noticed a small margin near the plate, unground, which could not be reached without removing the plate. I see good reason to believe these to be the teeth of Dr. Parkman, and none, that they are not. I have not the slightest doubt, but that they are the same I worked upon for Dr. Parkman. [The witness confirmed the evidence of Dr. Keep as to the circumstances of haste in which these were prepared for Dr. Parkman.]

DR. NOBLE *resumed*.—We were employed quite a number of days upon these teeth. I have put blocks of teeth into the fire, and they cracked immediately. But they may be heated gradually, and then will escape injury. I confirm the statement of Dr. Keep, as to the increasing liability of worn mineral teeth to be cracked in the fire.

DR. JEFFRIES WYMAN (23rd witness).—I am a professor of anatomy in Harvard College. I went to the Medical College on Sunday, December 2, and found several gentlemen there. My attention was called more especially to the fragments of bones found in the furnace. I have a catalogue of these bones. These, in this box, are the fragments found at the College. They are registered under 35 heads.

My attention was directed to the remains of flesh, though not particularly. These remains showed no indication of having been used for anatomical purposes. On examining the thorax, I was struck with the fact that the sternum was removed in the manner usual in post-mortem examinations; as well its separation from the collar-bone and the first rib. The route which the knife passes is such, that a person unacquainted with the operation, would have great difficulty. There is only one way. The separation of the thigh bone from the hip indicated the same knowledge; I did not observe as to the separation of the head from the trunk. The saw is not usually employed for purposes of anatomical examination. The quantity of hair on the back was very unusual—on each side of the spine, and half or third of the way down the back. If death were occasioned by a blow, and the stab were immediate, I should look for a considerable flow of blood. Post-mortem examinations are not necessarily attended with much flow of blood; though it is usual to spread cloth by the sides of the body.

I examined certain spots on the sides of the stairway leading from the upper to the lower laboratory. Some of these were tobacco spittle. But there were others higher up, of which I discovered nothing definite. On Sunday, these were moist. They were said to be nitrate of copper.

I have experimented to determine whether nitrate of copper would destroy the globule character of blood. I placed some blood under the microscope, and added some nitrate of copper. In the course of a few hours, the discs of blood had disappeared.

There were brought to me a pair of slippers, and a pair of pantaloons. These are the same slippers, and these are the same places where I cut out certain spots. [These slippers were then shown to the jury.] I have satisfied myself that these spots were blood. These are the same pantaloons. Dr. Webster's name is marked upon them, I cut out the spots from them. I obtained a sign from these spots which satisfied me that they were blood. I think the drops of blood did not fall upon the pantaloons from any great height—say, three feet—otherwise, the drop would have assumed the elongated form on the surface upon which it fell. These spots are on the lower part of the outside of the left leg. [A paper was also shown, found by officer Heath in the laboratory, under the table, which the witness said contained two spots of blood.]



These bones (which were shown) are arranged, 1st, as to those of the head. The first fragment formed the outer portion of the forehead. The second, is found under the base of the skull. The third, is a portion situated just behind the ear. The fourth is a portion of the parietal bones. The fifth, are some of those forming the back part of the head, and approaching the ear. The sixth portion, I could not say where they belonged, except generally to the head. These bones are parts of five out of the eight forming the skull. The next is a part of the molar bone of the face. There are also, four fragments, forming part of the lower jaw; the inside of the right half.

The diagram which I show to the jury, exhibits five pieces of the jaw, and these (to the jury) are the bones represented. These fragments belonged to a person who had lost all the teeth in that portion of the jaw which they formed, but one of the fragments exhibits one half of the socket of a tooth. There are these points of resemblance between the model of Dr. P's jaw and the bones found in the furnace;—the three grinding teeth have disappeared, and there is an indication of the root of the bi-cuspis tooth. From the indication of these bones, the chin of the person to whom they belonged would be thrown quite high.

The remaining fragments are two pieces of the vertebræ of the neck, of which there are seven; one fragment of the tip of the elbow; two of a rib; one of a finger; several of right leg below the knee—of the right tibia; two bones, one of the ankle, and the other of the heel, (the right leg was the one missing); small portions of the instep and the toes. I found no duplicates, and none belonging to the fragments found in the vault or tea-chest.

I find a small thin bone attached to these mineral teeth, similar to the thin bones of the nostrils. One or two fragments of the bones of the head from the furnace had the appearance of having been fractured before they were subjected to heat. This I considered only as presumptive evidence, from the nature of the fracture. The fracture might have been made after death and before calcination.

*Cross-examined.*—The bone might have the same appearance, if beaten out of the furnace in a half calcined state. I consider nitric acid not more effectual than water to remove blood. Muriatic acid might be as effectual. The usual quantity of blood is usually estimated at about one-fifth of the weight of the body, though twenty-five pounds is nearer the quantity generally found. This would be about the same number of pints. The only marks of blood I observed in the laboratory are those I have mentioned. I saw a hole betwixt the sixth and seventh ribs. My impression, from casual observation, was, that it was not made with a knife. The microscope will distinguish the blood of some animals from that of human, such as the lower animals.

DR. O. W. HOLMES (24th witness).—I am Parkman Professor of the Medical College. Dr. Webster lectured four times a week to the medical students on the subject of chemistry. His department was distinct from that of the other professors. He had no connection with the anatomical department. His lectures were delivered from twelve to one, mine from one to two. I saw the remains found at the College. They indicated anatomical knowledge on the part of the person who dissected them. My attention was drawn to the manner by Dr. Wyman, and I can only confirm the general statement, that there was no botching about the business. I observed the effect of chemical agency on the flesh, and the length of hair on the shoulders. I noticed nothing in the remains dissimilar to those of Dr. Parkman. A stab between the sixth and seventh ribs need not necessarily be followed by a great effusion of blood externally; it would depend on the direction of the wound. On the day of Dr. Parkman's disappearance, my lecture commenced at one. My lecture-room is over Dr. Webster's, and I never was disturbed by a noise from the room below, chemical explosion or other. The rooms are very high. The seats of the students are raised above the main floor, but I stand upon it.

WM. D. EATON, (25th witness).—I am a police officer, and was present when the thorax was thrown out of the tea-chest. The back lay up. Mr. Fuller took out one



of the limbs. I scraped the tan from the breast, and observed a cut, of which I spoke to Mr. Fuller at the time. I said to him, "the hole is about the size of the knife which came out of the tea-chest."

*Cross-examined.*—It was shut, and I opened it. The neck of the body was towards the furnace. The wound was on the left side, between the ribs.

There was a half dozen of us there then. None of them removed the tan before I did. I brushed it with my hand; I lay hold and turned it over, before I observed the hole. I was with Mr. Fuller when the chest was found. The first thing I saw was the minerals in the papers; there were several layers of these. I took off some of them and then went to a shelf. They carried it out and turned it over, when I returned to it, I saw some one take hold of the body and turn it over.

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#### FOURTH DAY.

EPHRAIM LITTLEFIELD (26th witness).—I am the janitor of the Medical College, make the fires, do the sweeping, and have had the general charge of the building for four winters—three at the old college; have known Dr. Webster since I have been connected with the college; I also knew Dr. Parkman for more than twenty years. The week of the Doctor's disappearance, Monday, the 19th of November, Dr. Webster had an interview with Dr. Parkman, in Dr. Webster's private room; I was there assisting him, he had three candles lighted; the Doctor was looking at a chemical book in his hand, and I was standing by the stove; Dr. Parkman entered from the lecture-room. Dr. Webster seemed surprised that Dr. Parkman should come in without being heard; Dr. P. said, "Dr. Webster are you ready for me to-night," very quick and loud; Dr. Webster said, "No, I am not ready to-night, Doctor." Dr. Parkman then said something else which I did not exactly hear—something about having sold something mortgaged. Dr. Webster said that he was not aware that it was so, but if it was, he had forgotten it; Dr. Parkman replied, "It is so, and you know it." Dr. Webster then said, "I will see you to-morrow, Doctor." Dr. Parkman then stood near the door, and said, "Dr. Webster, something must be done to-morrow."

In the course of the next day, I was standing in front of the college, when Dr. Webster came out, and asked if I was too busy to carry a note to Dr. Parkman, that I must get some one, or carry it myself. I got a boy, John Maxwell, to carry it; he came back in about twenty minutes and said he had given it to Dr. Parkman.

On the same Monday, in the forenoon, before Dr. Parkman was there, I had an interview with Dr. Webster, I think, about noon. Dr. Webster asked me about the vault of the dissection-room and the demonstrator's room; he said something had been said about having it repaired, or a new one built. I told him it was built under his coal-bin, between the laboratory and the dissecting-room entry; that the weight of the coal had sprung the walls so that the odour affected the whole building. I told him that it had been fixed, and he asked how. I replied that the vault had been all covered up with earth. He inquired how we got down to fill it up. I told him that we took up the brick floor in the dissecting-room entry, and then cut through the board floor. He then asked if that was the only way to get down under the building, and I said that it was. I told him how the walls run.

He asked if we could get a light into the vault, and I replied, no—that I was sure of it, for I had tried a few days before—that the gas extinguished the light. Dr. Ainsworth wanted to have a skull macerated; it was let down, and the rope had rotted off; so we attempted to put a light down to find it, but the light was extinguished. Dr. W. said he wanted to get some gas to try experiments; I replied, it is a good time to get it out now, the tide is up, which presses the gas up. I asked him how he could get gas out into a vessel which would hold it; he said he had apparatus



for the purpose, and that, when he wanted it he would let me know; I heard nothing more about it.

On Thursday, 22nd, he said he wanted me to get him a pint of blood for the next day's lecture; I took down a quart glass jar from his shelf, which he said would do, to get it full, if I could, at the hospital. Before two o'clock, I took the glass jar to the entry, to the glass case where we put up notices; I saw a student, Hadly, I think, who attended the apothecary's shop at the hospital, and told him Dr. Webster wanted to get a pint of blood; he said "we may bleed somebody to-morrow morning, and I will save the blood."

Friday morning I went after it, and the student said they had bled no one, and could n't get it. At half past eleven I told Dr. Webster that I could not get the blood. He replied that he was sorry, as he wanted to use it at the lecture.

I recollect no other interviews that (Friday) morning. When I made his fire that morning in the back room, I swept up the hearth, and placed the broom behind the door that leads to the laboratory, where I saw a sledge hammer which the masons left there the year before, the handle was about two feet long, and both faces of the sledge were round, it weighed six or seven pounds; this had always been kept in the laboratory before, and I never saw it anywhere else. I carried it down stairs, into that room, and set it against a form where the Doctor made gasses, and have never seen it since, though I have searched for it.

About a quarter before two the same day, I was looking out the front door, from the entry, when I saw Dr. Parkman coming towards the college from North Grove Street, walking very fast. I then went to Dr. Wyman's lecture-room, and waited for Dr. Holmes's lecture to be over, lying on a settee near the door and furnace; during that time I heard no one go in or out of Dr. Webster's room. I staid there until nearly two, when I went up stairs to Dr. Holmes's lecture-room, and staid there fifteen minutes; we came down, and Dr. Holmes was the last who went out of the building. I then locked the outside door and went down stairs to clean out the furnaces for the next day, as is usual, and to put in shavings and bark; I cleaned the furnaces of two rooms, the Anatomical and Medical, and then went up stairs into the Medical Professor's private room, and cleaned the stove there, on the same floor with Dr. Webster's private room; I then went down to Dr. Webster's laboratory room, to the door, for the purpose of doing up his work. I tried the door that leads to my cellar and found it bolted on the inside. I then went to the other laboratory door and found that fastened; that door leads into the store-room, I thought I heard him in there, and the Cochituate water running. I then went up stairs and tried the door that leads into the lecture-room from the front entry, and found that bolted on the inside though unlocked; then I went to the kitchen and lay down, as I had been out late the night before.

About four o'clock I was told that a gentleman at the door wished to see me. I found Mr. Pettee, the collector of the college bills.

He came to fill out the tickets for Ridgway, a student who wanted to go the next morning. He did except those for Dr. Webster's course which I had myself. He filled them out and went away, I was to take the money for them; after he went away I went to Dr. Webster's door to do his work as usual, the laboratory stairs door, and found all his doors fastened. Late in the evening, about half-past five, I was coming out of my kitchen, and heard some one coming down the back stairs that leads to the front entry, opposite my apartment. I found that it was Dr. Webster, he had a candle in his hand which he extinguished and placed on a settee in my entry, went out the east-door. within a foot or two of me.

Soon after I went to a party at Mr. Grant's, and remained until about ten; on my return, I took a lamp to close the building, I went to Dr. Webster's laboratory stairs door and found it fast, and then went to the dissecting-room door, and found neither light nor person. I also bolted the dissecting-room door and then went to bed; I never knew the Doctor's doors fastened before during term time.



The next day, being Saturday, I made a fire in the furnace that heats Dr. Ware's lecture-room, and then went to the dissecting-room, and did the same; when I went to unbolt the dissecting-room door, I found it unbolted; this was about seven; at the time, I thought I had fastened in some student the night before, and that he had unbolted it. I never knew that any one had a key to the outside front door except Dr. Leigh, the librarian.

The same morning I went to Dr. Webster's lecture-room door, and went in; this was the same door that he left the night before, I passed down the lecture-room and went to the door between that room and the Doctor's private room, and found it locked; I had no key to the door, to which there were two locks. These doors are locked in the summer time when there are no lectures. Soon after Dr. Webster came through the east door with a small bundle under his arm. He passed through my entry and turned to the left hand door and entered the same door he left the night before. He unlocked the lecture-room door, and we passed in; he then unlocked the door from his lecture-room to his back room. He then said "Mr. Littlefield make up a fire for me." I made it in the stove, and in reply he said he wanted nothing more done; I then started to go down the stairs that lead to the laboratory, when he told me to go out the other way, which I did. I was not, I think, in his back room or laboratory during that day.

I saw him again, before eleven o'clock, in the lower entry coming into the college through the east shed with a bundle done up in a newspaper, under his arm. I gave him fifteen dollars, in half eagles, for Mr. Ridgway's tickets, the remainder for the other lectures, I gave to Mr. Pettee. During the day I was unable to enter his rooms for the purpose of sweeping, though I tried them several times; but I heard some one walking, and the water running all the time in the sink, in the lower laboratory. I did not see him again that day.

On Sunday I saw nothing of Dr. Webster until late in the afternoon, when I was talking in front of the college in North Grove Street, with Mr. Calhoun, about the sudden disappearance of Dr. Parkman. I saw Dr. Webster coming in Fruit Street from Bridge Street, and said to Mr. Calhoun, "there comes one of our professors now." He came directly to me, and said, "Mr. Littlefield, did you see Dr. Parkman during the latter part of last week." I said I had. He asked when; I replied, "last Friday, about half-past one." He asked where I saw him; I said, "about this spot." He asked which way he was going; I replied, "directly towards the college." He asked where I was; I told him I was in the front entry, looking out the front door. He had his cane in his hand, which he struck upon the ground, and said, "that was the very time that I paid him 483 dols.," and he added some odd cents. I told him I did not see him go into the college. He said he counted the money down to Dr. Parkman on his lecture-room table, and that Dr. Parkman grabbed up the money without counting it, and started off from the lecture-room, up those steps to the entry, two at a time. He said that Dr. Parkman told him that he would go and meet him at Cambridge and discharge the mortgage; and I (Dr. W.) suppose he did, but I have not been over to the Registry of Deeds' Office to see. He said that he read of Dr. Parkman's disappearance in the Transcript, and that he had come over to see about it. I can't say whether he (Dr. Webster,) said he had read in the paper that Dr. Parkman was to meet, or to see, an unknown gentleman, but that he (Dr. Webster,) was the person alluded to in the newspaper notice. He went away. While Dr. Webster was talking he had his head down and seemed much confused and agitated, though his usual manner was different. He looked pale.

Mr. BEMIS—Did you make any observation to any one at the time about his manner?

By the COURT—The question is incompetent for the purpose of corroborating the witness's own testimony.

He (Dr. Webster) went up North Grove Street, towards Cambridge Street, but not towards the college.



I was unable to enter his room on Monday to make his fire. The first I knew of his being in college, my wife told me. She said Dr. Samuel Parkman had inquired for me, and had gone to see Dr. Webster. I went up to Dr. Webster's lecture-room, and saw him talking with Dr. Samuel Parkman, who stood nearly in the door. They were talking about Dr. George Parkman. Dr. Webster said Dr. George Parkman was very angry, but did not hear much. I then went down stairs, when I heard the front-door bell ring. A gentleman, as I have since learned, Mr. Parkman Blake, who inquired if Dr. Webster was in. I said he was. He said he wanted to see him. I carried his name to Dr. Webster's door, but found the door bolted on the inside. I then went round and tried the other way, by the laboratory stairs,—only a few minutes after I saw Dr. Samuel Parkman. I told Dr. Webster that Mr. Blake wished to see him. After some hesitation, he said "let him in." I then went out of the room. This might have been about ten.

About half-past eleven I went to the laboratory stairs from my cellar, and found the door fastened. My object was to do any work he might wish. Near twelve o'clock I saw Mr. Kingsley and Mr. Starkweather, and I think I was on the front steps. Mr. Kingsley said they wanted to look for Dr. Parkman about the college, as they could trace him nowhere else. I told them I would show all places that I could enter. We saw Dr. Holmes, and he remarked to Mr. Kingsley and said, "you don't want to haul our subjects out do you?" Mr. Kingsley said that "they only wanted to see if Dr. Parkman had not stowed himself away in the attic." Dr. Holmes directed me to show them all about. Mr. Kingsley spoke about going to Dr. Webster's apartment. I took my key to unlock his door, and found it bolted on the inside. I gave three or four loud raps. In a few minutes Dr. Webster came and unbolted the lecture-room door, and put his head out. I told him that the officers had come to look for Dr. Parkman. Don't recollect that he made any answer. He passed through the lecture-room, to his room in the rear of that, into the lower laboratory. Messrs. Kingsley and Starkweather looked about, and then went out. I followed. I didn't hear the Doctor say anything. I took them over the building, and then they went off. Dr. Webster was in his apartments in the afternoon. I tried the door and could not get in.

Tuesday morning, Dr. Webster's lecture day, I tried his doors, but only got into his lecture-room, which I entered about half-past nine or ten. I found Dr. Webster there with a cap and overalls on, busily engaged in preparing for his lecture. I passed round the table in the lecture-room, to go to his back room, and observed a fire in the stove. I asked him if he wanted a fire in the furnace of the laboratory, and he said he did not, as the preparations for the lecture would not allow much heat. I then left his room the same way I entered.

A short time after I saw Messrs. Clapp, Fuller, Kingsley, and Rice. They said that they were going to search every part of the neighbourhood, and wished to begin with the Medical College, so that people about there might have no objection to searching there houses. I told them I would show them every place where I had access. We met Dr. Bigelow, and told him what they had come for; he said Mr. Littlefield, show them all over the building; one of the officers said "let us go to Dr. Webster's apartment;" I led them to the laboratory stairs and tried that door; it was fastened on the inside. We then went up the front entry, and found Dr. Webster's lecture-room door bolted on the inside, and then rapped loud, and after a few minutes pounded. Dr. Webster came, and I told him what the officers were there for. We passed into the lecture-room down to the back room. Mr. Clapp went to the door which leads into the little room, to which I never or seldom entered. Dr. Webster said, "that is where I keep my valuable and dangerous articles." They did not enter that door, but passed down the laboratory stairs, and Dr. Webster followed us. Mr. Clapp went to the privy door, which had a large square of glass over the top of it, a part of which was painted on the inside. Looking over the top of the square, the officer said, "what place is this?" Dr. Webster was then within three feet of me;



I told them that was Dr. Webster's private privy, and that no one had access but himself. Dr. Webster drew their attention to the laboratory door, and said, "here is another room." They passed into the front store-room, without looking about much. One of them said they wanted to lower a light into the vault where they threw the remains of the subjects, but I told them there was nothing there but what I threw in myself. There was an opening about two feet square, and double locked. I unlocked the vault and they lowered a glass lantern into it, and appeared to be satisfied that there was nothing there except what belonged there.

They went into the cellar under the front steps. They then asked if there was a way under the building. I led them to the trap-door, with lights.—Messrs. Rice, Clapp, Fuller, and myself went under the building; Mr. Fuller and I crept across to the back side of the building; but nothing was found. I pointed to the wall which separated us from the cellar of Dr. Webster's laboratory, and told them there was no way of getting in except by digging through the wall, or taking up the floor. They then went to search my room, and then went away.

About four o'clock the same day, I was in the front cellar when Dr. Webster came to the college, and went up stairs. I heard him come down the laboratory-stairs, and unbolted the door, which leads to my cellar-kitchen. I had not been there more than a half a minute when the bell rung. I went up to his back room. He stood beside the table, with a newspaper in his hand. He asked me if I knew where Mr. Foster the provision-dealer kept, near the Howard Athenæum. I replied that I knew him. He then asked me if I had bought my Thanksgiving turkey. I replied I had not. He then handed me an order and told me to go to Mr. Foster's and get me a nice turkey, as he made a practice of giving away two or three, and might want me to do some odd jobs for him. I thanked him, and told him I should be happy to do anything for him. There was another order for some sweet potatoes. Both these orders I carried to Mr. Foster, and picked out a turkey and came home. This was the first time the Doctor ever made a present to me.

In the evening about six, I was coming out of my kitchen, and going down to attend a meeting of the Odd Fellows; I heard some one coming down the front back stairs. It was Dr. Webster, who had a candle which he extinguished, and went out with me. I asked him if he wanted fires that week? He said he did not. Just before he got to Cambridge Street, he asked me if I was going down town; I replied that I was going to the Lodge. He asked me if I was a Freemason, I told him I was. We then separated, he going towards the bridge. When I returned from Mr. Foster's, I found Dr. Webster's door bolted.

Wednesday morning. Dr. Webster came to the college quite early and went up the back-stairs, to the front entry. Soon after I heard him moving things about in his laboratory, and I tried to look through the key-hole; but the catch was down on the inside. I found my wife looking at me, and I went into the kitchen. Before this, I had tried to make a hole with my knife, but thought Dr. Webster heard me. I went back again into the store-room, and lay down on the floor, by the door, to look under. I heard a coal-hod move on the bricks towards the laboratory and stairs. When he came along, I could see him up as far as his knees, with a coal-hod in his hand going towards the furnace. Different kinds of coal and bark were kept near the laboratory stairs. When he went where the furnace was, he was out of sight, but could hear him moving things about. I lay there about five minutes.

I was absent with my wife from nine till one. As I was passing through the dissecting-room entry, about three o'clock, I passed up the stairs and felt the wall against the laboratory furnace to be very hot. I never knew a fire there before. I was afraid that the building had taken fire, and went into the store-room, from the dissecting-room entry, and found the door to Dr. Webster's laboratory bolted on the inside. I also found the other door fastened. I then went into the lecture-room and the door from that room was locked. Then I went out of doors to see if fire could be observed in the windows. I climbed the wall to the double, by which I entered



the window to the laboratory and went to the furnace where the bones were afterwards found. I did not find much fire. It was covered with a soap stone cover, and small stone pots of minerals were on the top—all over the range. Also an iron cylinder. I then went to the door and got a broom, which I put into a hogshead of water, that was two-thirds empty. This and another hogshead were full on Friday. A spout ten or twelve feet long, led from one to the sink. On Friday, there were nearly two barrels of pitch kindling, which were, at this time, about two-thirds consumed.—Going up stairs, I saw spots on the stairs, which I never saw before. It tasted like acid. When I got to the back private room, I found the same kind of spots on the floor. I then went down, got out of the window, and told my wife what I had seen. The Cochituate was still running in the laboratory, though the Doctor had, before this ordered me to stop it, when I let it on, because, he said, it spattered the floor. I never knew it to be kept running.

On Monday before Thanksgiving, some grape vines in a bundle, a bag of tan, and an empty box, about a foot square, were left in my cellar. I tried to put them into the Doctor's apartment, but could not, because the door was fastened. I think the bag of tan was carried up on Tuesday, but I am not sure whether all the other articles remained in the cellar from Monday until Friday, the day of the arrest.

On Tuesday, at Dr. Webster's request, I went to Mr. Hoppin's for a piece of lime, as big as my head. I had often been for lime before in the winter season.

Thursday, in the afternoon, about three o'clock, I commenced digging a hole in the wall, which would lead to the vault of Dr. Webster's privy. I did this to see if there was any thing there, to satisfy myself and those who asked me what had become of Dr. Parkman, whenever I went out into the street. I thought that if anything had been done with Dr. Parkman in that building, his body would be likely to be found there—the only place which had not been searched. I went down the trap-door and commenced digging through the wall, at the place where officer Fuller and myself had been before. I used a hatchet and a chisel. I got out a few portions of brick, and not being able to use the tools further, I left it for the night. I was at the ball of the Shakspeare division of the Sons of Temperance on Thanksgiving evening, and got home about four next morning. I rose before nine. We were at breakfast when Dr. Webster came to the kitchen and took up a newspaper and asked if there was anything new about Dr. Parkman. I replied that I had heard nothing. He said that he had just come out of Dr. Henchman's Apothecary's shop, and Dr. Henchman said that he had seen a woman who told him she had seen a large bundle put into a cab; that the number of the cab was taken, and when found, it was covered all over with blood. I replied that there were many flying reports. Dr. Webster went out.

I was in the anatomical lecture-room, between the seats and the floor, directing the arrangements of some busts which were brought in when Dr. Bigelow came.

The conversation between Dr. Bigelow, who had some control over the building, and the witness, respecting digging through the wall, was objected to by the defence.

By the Court.—Proceed.

I told Dr. H. J. Bigelow that I had commenced digging through the wall, and he told me to go on with it. I had conversation with Dr. J. S. B. Jackson, who was one of the professors; I told him I was digging through the wall to the vault. He said "go through the wall before you sleep to night." He gave me directions as to what I should do in case I should find anything. I told him I should go to Dr. Holmes. He said, "don't go to him but Dr. Bigelow, and then come and tell me. If I am not at home write your name on my slate, and I shall understand it." In the afternoon, about two o'clock, I asked the Fullers for a crow-bar. They got one for me, and asked me what I wanted to do with it. I told him I wanted to dig a hole in a brick wall, for a water pipe. He said, "I guess you do." I suppose he understood what I was doing. I returned to the college, and turned all the keys, so that no one could get in. I told my wife to watch the door, and let no one in unless she saw who it was



as I was going to dig. I told her if Dr. Webster came to the door, not to let him in until she had given me a signal of four raps on the floor with a hammer; but to let in other professors.

I then went to work, for half an hour I think, and blistered my hands; I got a pair of gloves, and then resumed my work. The crow-bar not answering my expectations, I then asked the Fullers for a cold-chisel ten inches long, and a hammer. These worked pretty rapidly. I had got out three courses and a half of brick, when I heard a running over the floor; I then left my working, and came up. Then I met my wife and she said, "I made a fool of you this time; two gentlemen just passed, one of whom I thought was Dr. Webster, but they proved to be Kingsley and Starkweather." I went to the door. Mr. Kingsley asked what private place that was in the college which had not been searched. I told them. Kingsley said, "let us go into the dissecting-room." I told them the rooms were all locked up, and they went away.

I saw Mr. Trenholm, the officer, and told him what I was doing, and if he would come back in twenty or thirty minutes, he should learn the result. As I was going into my shed, I met my wife, and she said (objected to). I waited until Dr. Webster came out (he had gone in, though the witness did not see him until he came out, but was told that he was in).

When Dr. Webster came out—not far from four—he told Trenholm and me that an Irishman had offered a 20 dols. bill for his toll. That the keeper took the bill to the Marshal, who knew nothing about it. After saying this, Dr. Webster went off. Mr. Trenholm also went off, to return. I charged my wife again to watch the door, and then went down; and with my crow-bar, knocked a hole in five minutes. There was much trouble in getting a light through on account of the draft of air through the hole; but I succeeded and put my head through. The first thing I saw was a human pelvis, and then two parts of a leg. The water was then running down from above. I then went up and told my wife what I had found—took the key of the trap-door, and told my wife to let no one go down. My wife spoke to me first, and, asked what was the matter. [Objected to.] I was very much afflicted. I went to Dr. Jacob Bigelow's house in Summer Street, but he was not at home. I then went to Dr. Henry Bigelow's, in Chauncy Place, and told him what I had discovered. He told me to go with him to R. G. Shaw's, where we found him. We separated after the Marshal had come, who directed me to return to the college. On my way I wrote my name on Dr. J. B. S. Jackson's slate. I found Mr. Trenholm at the college, and learned that he had made some discoveries.

The hole I had made was close to the foundation wall of the building and about midway in the height of the wall. It was eighteen inches by twelve. The ground on my side of the partition wall was about a foot lower than on the privy side. The hole of the privy was about nine feet above the wall. I found the remains a little out of a perpendicular line from the privy hole. The ground sloped to the foundation wall. There was no aperture to allow any substance to flow under this part of the building, though the tide flows through the broken stones thrown up outside to strengthen the wall of the building. Mr. Trenholm went down with a key of the trap-door, which my wife had.

Messrs. Tukey, Trenholm, and myself went into the laboratory after this, when the bones in the furnace were discovered. Mr. Trenholm remained in the college, by the order of the Marshal.

Dr. Webster was brought there about eleven, with two men, one on each side, who seemed to support him. Dr. Webster said, "Mr. Littlefield, they have arrested me, and taken me away from my family, without allowing me to bid them good night." He seemed much agitated.

I unlocked the lecture-room door, and we all passed in. When we came to the door of the Doctor's private room they asked me for the key, and I referred them to Dr. Webster. He said they had taken him away in a hurry, and the key was left behind; some one said, "force the door." Assisted by one of the officers we went



round to the other door and broke it open. They then wished the door of the back private room opened, and Dr. Webster made the same answer as before as to the key; it was broken open. The key of the privy was then wanted, and Dr. Webster said, "there is the key up there." The key given to us would not open that door, and Doctor Webster said, on looking at it, "that is the key of my wardrobe, but the right one was up there somewhere." But we could not find it, and the door was broken open.

Before we broke open the door of the little room I looked for a hatchet, which usually hung up with a ring, by the stove. I asked the Doctor for it, he said it was down in the sink, in the laboratory, where we found it. It was a shingle hatchet. We found another in a drawer, in the private room, done up in a paper. As the officer was undoing it, the Doctor said, "that is a new hatchet, never used."

When we got down into the laboratory the Doctor asked for water, which I brought to him. In raising it, he snapped at it, but was unable to drink, until assisted by one of the officers.

Some one asked me where the furnace was where the bones were found. We went to it, and took off both covers. I took out a piece of bone as long as my finger—part of a socket. Mr. Pratt was there and directed us not to disturb them.

We then went under the privy and brought up the remains on a board, which were placed in the front cellar. Dr. Webster was brought in. S. D. Parker, Esq., asked Dr. Gay if they were the remains of a human body. Dr. Webster was agitated, and his face was covered with tears and perspiration. The officers remained in the college that night—Adams, Fuller, Rice, and Trenholm.

[The witness here identified Dr. Webster's slippers, which he said had been in the building for two years.] I never had seen the fine saw [produced] until the Saturday after the arrest. [The jack-knife found in the tea-chest with the thorax was shown to the witness.] Dr. Webster showed the knife to me the Monday after the disappearance of Dr. Parkman. He said, "see what a fine knife I have got; I got it to cut corks with." I told him I thought it just the thing, and returned it to him. The Doctor's usual working dress was a pair of blue cotton overalls, and an old coat. I have never seen these since the arrest; but he had them on Monday or Tuesday before. I can't say whether they were new last Autumn. The Doctor had keys to his own doors, and of the dissecting-room; but none others that I know of. A bunch of skeleton keys was found in the drawers of his back private room, on the Saturday of the arrest. A diaper roller, and a crash towell were found in the vault. The latter was marked "W." I saw the roller towell on the Friday when I was unable to get blood at the Hospital for him. I wiped my hands upon it, after having washed some glasses for the Doctor.

I have never known parts of a human subject in the Doctor's apartment, unless when he asked for a small part of a muscle, or a joint, for his experiments.

[The roller towell (with others) was here exhibited, and identified by the witness as that found in the vault. He said that it was found eaten through when taken out. He had never seen it from the day he wiped his hands upon it, until the day it was taken from the vault.]

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#### FIFTH DAY.

Mr. LITTLEFIELD, *cross-examined*.—Monday, 19th of November, I had an interview with Dr. Webster. It was not dark. I saw Dr. Parkman come into the upper laboratory. When he came in I was standing by the stove; Dr. Webster was reading. He accused Dr. Webster of selling something that was mortgaged to him. As he stood in the door he raised his hand and said, "Dr. Webster, something must be done to-morrow!" I went away in half an hour.

Friday morning, Nov. 23rd, I took the broom to sweep the floor. I cannot tell where I took it from; but I put it behind the door, where I saw the sledge, which



was left there the year before. It was such a one as is used for breaking up stones with. Don't know that the sledge was sent in from Cambridge. Both faces were equally rounded. I took particular notice of it, though I never used it. I searched for it after Dr. Webster's arrest. There was a smaller one, with one round face, weighing two or three pounds, which was Dr. Webster's, and remains there now in the laboratory.

I dine at one, before Dr. Holmes' lecture, but after I have rung his bell; but on this day I was delayed by the examination of the tickets at his door. This took me fifteen minutes before I got down stairs.

When I went into Dr. Ware's room and lay on the settee, the door was closed. I remained until near two, but did not go to sleep. I reclined with my head on my arm. Friday, 23rd, I think I heard some one in the laboratory—it might have been in the entry. I tried to get the door open, and then listened, and heard the water running; I was there a minute or two, and heard footsteps. I went then and tried the other door. When Dr. Webster came down, with the light in his hand, he passed very near me, and must have seen me. I went to a party about six o'clock. I tried all the doors after the Doctor left, and before I went to the party. I wanted to go to do up the Doctor's work, wash glasses, &c. When I got back from the party, about ten, I went to fasten the doors. There was no light in the dissecting-room; I fastened the door of that room. I tried all the Doctor's doors after I came in, except the lecture-room. There are two doors from the laboratory to the lecture-room, only one of which is used. There are slides in the door, fastened on the inside, and not usually opened.

On the Thursday night, I went to a ball a little before seven, and remained until half past twelve, when I returned home.

By COUNSEL.—Have you ever played cards, or gambled in that, or in the Doctor's room?

I decline to answer these questions.

Friday, 30th, the water was running on that day, I generally drew the pipes off to keep them from freezing, after the Doctor left. I put the glass pipe there before the arrest to draw off the water, and the Doctor forbade it.

I have changed my testimony as to the day I went after the turkey. Before the Coroner's Jury I said it was on Wednesday, about four o'clock, after the examination of the Doctor's premises, but it was on Tuesday. That is all I recollect. I wrote down the heads of my evidence after I went before the Coroner's Jury, and made a mistake in saying that I saw the Doctor after I examined his premises. I began to think over the Doctor's conduct from the Sunday night, before his arrest—soon after the conversation I had with him in front of the college. I think I saw the rewards on Monday; I assisted in the search. I went into an old cellar after the reward was offered. I never said to Dr. Webster that I meant to get the reward,

From Sunday night I did observe the Doctor's conduct. Going from the college, I was standing on that night on the left side of Grove Street, and Dr. Webster was on the northwest side of Fruit Street; I was near the corner. I said he came directly to me. He left the platform and came to ask me the questions about Dr. Parkman. This was about sun down. The Doctor did not look at me when he struck his cane down on the pavement. He looked pale. I then began to suspect Dr. Webster. When Dr. Webster struck his cane on the ground, he said, "that is the very time I paid Dr. Parkman 483 dols., 67. The Doctor grabbed the money, and run up the lecture-room steps two at a time;"—and so on as given in chief.

The next day, on Monday, my wife told me that Dr. Samuel Parkman wished to see me, and had gone up to see Dr. Webster. I went up, and they were talking about Dr. George Parkman. I can't say whether I then called to mind what had occurred on Saturday. On that Monday I did suspect Dr. Webster. When I went down into my room Parkman Blake came soon after. When I went up I opened the lecture-room door and went out the same way. Mr. Kingsley came about twelve



o'clock. I was let into the lecture-room door with Kingsley and Starkweather. The Doctor unbolted the door. We all went down into the laboratory. I looked round with them, and was seeing how Dr. Webster appeared. I can't say whether Dr. Webster came down stairs with us; nor whether I saw him after, though I heard him in his room. This night, I went down to Mr. Grant's dancing academy. I tried the Doctor's doors before I went down to Grant's. I wanted to do up the work, and that was my only object,

On Tuesday I did not see the Doctor go in; but I went in and found the Doctor at work at his table. And so on as in chief. I went out as I entered. About eleven the examination was made. Dr. Webster let in the persons who came to examine the premises—Clapp and others. Mr. Kingsley was out towards the furnace looking about. At the time, I thought Dr. Webster led them from the privy. While Clapp was looking at the privy door, Dr. Webster started right off and said, "here is another room." This was after I told Clapp that the door lead to the Doctor's private privy. I saw the Doctor no more until the afternoon. I went back to hear if the Doctor went into the laboratory. I wanted to know what he was doing. I can't say whether the upper or lower laboratory bell rung. I went up to the upper laboratory. It was about four. This was the day I went to Foster's for the turkey.

I never got into the windows before the time I thought the laboratory was on fire.

I might have said before the coroner's jury that I did not see the Doctor until six o'clock that evening.

That night, when I saw the Doctor, I told him I was going to the lodge, and he asked me if I was a freemason. I did not get home before eleven; I can't say whether I tried the doors that night, after my return.

I did not say before the coroner's inquest, that I saw Dr. Webster on Wednesday about one o'clock; I tried the key-hole that day. I watched, because the Doctor usually wanted very warm fires, and I thought it strange that he should be there without. I did not watch long. I thought the Doctor heard me, because he stopped moving something. I heard the coal-hod move on the floor before I saw him under the door.

The heat on the wall increased my suspicions. I got in at the window to see if the building was on fire. There did not appear to be much fire. As I walked along the dissecting-room entry, I felt the heat on the wall a little higher than my head. The fire of the furnace is about three feet from the floor. The entry and the laboratory are on the same level. There had been no fire in the large furnace. I did not uncover the furnace, because Dr. Webster had told me never to touch things except on the table. The fire was going down. The top was covered with crucibles and minerals. I cannot say that there was much fire, though it was hot. This was where the Doctor was carrying coal to in the morning. The hogsheads were for the purpose of making gas with. I put the broom into the hogshead to see if Dr. Parkman was there. I thought the fire in the furnace was suspicious; but I did not look in.

I never tried to get into the privy that night. I do not think the lock of it a common one. I staid there about ten minutes, but made no attempt to get a key for the privy; I went down to a cotillion party that night. I noticed the spots on the staircase and on the floor; I thought it was blood, with acid put on; I tasted and found that it was acid. I told my wife that night, and Dr.'s Bigelow and Jackson on Friday.

Thursday morning I was in the building; I tried the doors, but not the window. I didn't know but that the Doctor might have gone in. I had communicated my suspicions to Doctor Hannaford in Bowdoin Square, on Tuesday night; and to no one else before Wednesday night; on that day I told them to George Thompson, and then the physicians of the college. The bricks of the floor are laid on mortar, but none came through the crevices. When they were taken up there was no sand, except what may have crumbled from the mortar. I do recollect that sand was spread upon the bricks and swept over.



Dr. Webster might have got blood for his lecture, but I don't know that he did. I had no private signal by which I was admitted to Dr. Webster's doors. I made no correction of my testimony respecting Tuesday's search, before the coroner's jury. I might have made some minutes of my evidence before I testified at that time. I wrote off the heads after that, and have seen and read it many times since. I never had a copy, or read a word of my testimony as taken down before the coroner.

On Monday, I saw one of the advertisements offering the reward of 3000 dols. Dr. Parkman gave me one, which I carried up to the Demonstrator's room and showed to Dr. Holmes. The second, of 1000, I saw in the sheds about the college, but can't say how early. I was at the toll-house, at Cragie's bridge, on Sunday evening, with Mr. Todd. The toll-keeper asked Mr. Todd if he was the man who saw Dr. Parkman.

I don't recollect that I ever said I saw Dr. Parkman go out of the Medical College; nor did I ever say I saw Dr. Webster pay Dr. Parkman money; nor did I know that he did pay any. I did not see a person of the name of Green, at that time, at the toll-house.

*Re-examined.*—I saw the notice with the reward of 3000 dols. on Monday. I never saw the notice of Saturday night. I have never made any claim for the reward. I have said I never did claim the reward, and never should. I now disclaim any attention of claiming the reward.

My first wife called my attention to the mistake as to the day when I got the turkey. I went to Foster's and found the day, and then went to have it corrected. I also voluntarily corrected the mistake before the grand jury.

The first time I ever saw notches in the bottom of the sink, on the laboratory floor, where the Cochituate water was running, was on Saturday after the arrest; they might have been there before.

I did not know that Dr. Webster had keys of the upper and lower front doors of the Medical College; but have since known that one of the officers found them in the Doctor's private back-room.

*Cross-examined.*—Dr. Webster used to have ice put in the sink, and broken up here.

A. A. FOSTER (27th witness).—I am a provision dealer. I remember taking of Mr. Littlefield an order for a turkey on Nov. 22nd last. The order was destroyed. It read thus:—"Please deliver to Mr. Littlefield a nice turkey, of eight or nine pounds, and charge the same to me.—J. W. Webster." There was also an order for sweet potatoes for Dr. W. The charges are on my books.

Mrs. CAROLINE F. LITTLEFIELD (28th witness).—I am the wife of the janitor of the Medical College.

I first heard of Dr. Parkman's disappearance, on Saturday or Sunday after. I am sure I heard of it on Sunday, because my husband told me of it.

Mr. BEMIS.—Did you caution your husband not to say anything about it?

Mr. SOHIER.—I object to these conversations between husband and wife.

ATTORNEY-GENERAL.—This conversation is a matter of fact and important, as showing why Mr. Littlefield said nothing of the suspicions he entertained of Dr. Webster, at an earlier day than Wednesday.

By the COURT.—We think the question competent so far as what the wife said.

My husband came into the house on Sunday evening. He beckoned me to the bedroom, and said—"I think just as much as I am standing here, that Dr. Webster murdered Dr. Parkman." I told him not to mention it or think of it again; for if the Professors got hold of it, it would make trouble for him.

When my husband mentioned his suspicions I then recollected that I had noticed that Dr. Webster's door from the laboratory to the cellar had been fastened. I had usually got water from the laboratory; but that day (Friday), about four o'clock, I sent the little girl to get some water, but she came back and said it was fastened, and so I found it. I recollected also that the door was fastened on Saturday, because I went for a pail of water on Saturday morning, for breakfast, and I had occasion to



get it several times, but was unable to do so in the laboratory. I can't say whether I went to the door on Sunday. On Monday morning between nine and ten, Dr. Samuel Parkman came and inquired for Mr. Littlefield and also for Dr. Webster. I told him I thought they were in. He then asked the way to the Doctor's room, and I showed him the laboratory stairs, which were then unfastened; we went up. I found it fastened a short time after, when I went to get some water. I never tried the store-room door. That same forenoon, the Cambridge Expressman brought a bundle of grape vines, a box, and a bag, and left them on my cellar-floor, which he never did before, but always carried them up. If the Doctor happened to be out, the Expressman would go up with the key; but that morning he did leave them. I tried them a number of times, but can only fix on Thursday, when I asked Mr. Littlefield why he did not put the things in the laboratory where they belonged. He tried the door and said "you see I can't get in." I can't say whether the bag was there or not; but the box and grape vines were there, because my little boy scattered the latter all about.

Mr. BEMIS.—Did you see Mr. Littlefield trying to find out what Dr. Webster was doing in his room?

Mr. MERRICK.—We object to the question proposed to the witness. She may show that the doors were tried; but as to his lying down to look under the door, we think that incompetent.

By the COURT.—Any fact in this connection, material to the issue, and not too general, may be put.

I saw Mr. Littlefield listening at the key-hole of Dr. Webster's door; when he saw me he came away. I don't know that my husband built any fires in Dr. Webster's apartment that week. I saw Dr. Webster pass through the entry, Monday, Wednesday, and Friday. Wednesday morning he came as early as eight, and I think I saw him pass through the entry; he turned to the door which leads through to the front entry above. I don't know that there were any lectures on Thanksgiving week.

On Friday morning, Dr. Webster came to the college, when we were at breakfast, as late as nine. That was unusually late, as Mr. Littlefield had been out the night before at a late hour. Dr. Webster came into our apartment, and took up a paper, and asked Mr. Littlefield whether he had heard anything of Dr. Parkman. He replied that he had not. Dr. Webster then said that a woman said she had seen a large bundle put into a cab, that they had taken the number of the cab, and found the bottom all covered with blood. Mr. Littlefield replied that there were many flying reports about Dr. Parkman.

My husband commenced digging through the wall. He was there about an hour. On Friday I had to watch lest Dr. Webster should come. About three o'clock the doors were all locked, and my husband resumed his labour; when he had been there about three-quarters of an hour, I thought I saw Dr. Webster coming. [The witness corroborated the evidence of her husband respecting digging through the wall.] Dr. Webster came and passed to the laboratory. He then came down and carried up the grape-vines, leaving the door unlocked and a little open. After Dr. Webster had left, which was in a short time, Mr. Littlefield resumed his work. (While Dr. Webster was in the college Mr. Littlefield had been out talking with a police officer.) After he had been at his work, about ten minutes, he came up and seemed very much afflicted; I asked him what was the matter. He said [objected to.]

The ATTORNEY-GENERAL seemed to think the conversation of Mr. Littlefield, as well as his appearance, were material facts. These things were material, inasmuch as would be made a part of the case, that either Mr. Littlefield or Dr. Webster must have known that Dr. Parkman's remains were in the building, and it would be argued that the former had placed the remains in the position in which they were found.

By the COURT.—The conversation of Mr. Littlefield is incompetent.

Mr. Littlefield burst out a crying. He locked the doors and then went out.



Mr. Trenholm and another came, I told them my husband had gone to Dr. Bigelow's. I got another key and unlocked the door of the cellar, and Mr. Trenholm went down. He remained not more than five minutes. He remained there until Messrs. Littlefield and Clapp returned. I was there, about the house, until the officers came.

*Cross-examined.*—I can't say that the bag contained tan. I don't know that I ever saw tan in the laboratory. The Doctor remained only a few minutes at the time the bag was carried up.

JOHN MAXWELL (29th witness).—I live in Fruit Street Place, I know both Mr. Littlefield and Dr. Parkman. Mr. Littlefield got me to take a note to Dr. Parkman the first part of the week he was missing. I gave it to Dr. Parkman at his house.

JOHN HATHAWAY (30th witness).—I have charge of the medicines of the Mass. General Hospital. The week before Thanksgiving on Thursday, Mr. Littlefield asked me to get some blood for Dr. Webster; I could not furnish any.

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### SIXTH DAY.

SARAH BUZZELL (31st witness).—I know Mr. and Mrs. Littlefield—am a relative of the latter. I visited them the 19th November last, and returned the 23rd. While there I heard of Dr. Parkman's disappearance on Friday afternoon. I heard them talking about it on Friday, Saturday, Sunday, and Monday. On Friday, between four and five, I went to the front door to let in Mr. Pettee, as I have since learned. I did not let him in at that door. I was sitting in the kitchen when the bell rung. Mr. and Mrs. Littlefield were not in the room. The front door was locked, and I did not find the key. Through the side light, I saw a man who wanted to see Mr. Littlefield. I told him to go down to the other door, and I would call Mr. Littlefield. He did so. As I was passing through the entry I saw Mr. Littlefield come out of the bed-room door. He went to the outer door.

*Cross-examined.*—I think it was between four and five, because it was after the lecture, and Mrs. Littlefield sometimes lies down at that time. I went to the front door before I heard of the disappearance of Dr. Parkman.

JOSEPH W. PRESTON (32nd witness).—I am a student of medicine, and have been in attendance on the last course. I attended Dr. Webster's lectures. I recollect having seen Dr. Webster on Friday, the 23rd, about six o'clock. He was about ten or twelve feet from Mr. Littlefield's shed, going to the shed, which he entered. I can't say that he entered the college. I am perfectly confident that this was Friday the 23rd. I was going out of the dissecting-room entry, and passed the Doctor.

*Cross-examined.*—The shed is called the east shed. I can't say that I touched him. I spoke and he nodded. I passed from the dissecting-room along the front of the building, and passed the Doctor going into the shed. I know this was Friday, because I was to meet some young men on Hanover Street. I had seen them the evening before, and had told them I was engaged on Saturday. I thought it somewhat remarkable to meet Dr. Webster at that time. I think I mentioned it as remarkable to Mr. Richardson, not far from Thanksgiving; but I can't say whether before or since the arrest. I fix the hour by my tea-time, and the hour I had agreed to meet the young men alluded to. I had come from the dissecting-room, where I left several students.

*Re-examined.*—I thought it remarkable because I had never seen him before at that hour, or after his lecture.

WILLIAM CALHOUN (33rd witness).—I drive team for Mr. Fuller, the iron founder. I know Mr. Littlefield. I recollect the time when Dr. Parkman disappeared. I remember seeing Dr. Webster the first Sunday after Dr. Parkman was missing. I saw Dr. Webster coming down Fruit Street, in front of the college. I



was with Mr. Littlefield talking. I think it was about four o'clock. He came up to Mr. Littlefield and said, "Mr. Littlefield, did you see anything of Dr. Parkman the latter part of last week?" "Yes," said Mr. Littlefield "I did." "Where did you see him?" "About the ground we now stand on." "Which way was Dr. Parkman coming?" Mr. Littlefield said he was coming towards the college. "Where were you when you saw him?" He said he was in the front entry of the college. "Did you see him enter the college?" "No," said Mr. Littlefield. "I went and sat down in one of the rooms." "What time did you see Dr. Parkman?" Mr. Littlefield said it was about half-past one o'clock. Dr. Webster then said about that time he paid Dr. Parkman about 483 dols., and that he grabbed it up, or wrapped it, and started to run off. That he told Dr. Parkman that he must go to Cambridge and have the mortgage discharged and done up in good shape. Dr. Webster said that that was the last he saw of him, Dr. Parkman. I am unacquainted with Dr. Webster's manner, and I could not say how he looked. He had a cane, which he struck or played upon the ground.

DR. JOHN B. S. JACKSON (34th witness).—I am one of the Professors of the Medical College in the department of Pathological Anatomy. I have known Mr. Littlefield for some years; I remember that he applied to me the morning of the day Dr. Webster was arrested, at the Medical College. Mr. Littlefield did not make any direct application to me for leave to do anything; but communicated to me about one o'clock, that he had partly dug through the partition wall of the cellar. I advised him to go and finish the opening; I told him, if he made any discovery, to go at once and inform Dr. Jacob Bigelow, and also to call and leave his name upon my slate, in case I was not at home. I enjoined strict secrecy upon him in case he made no discovery, and pledged myself to the same. When I came home the early part of the evening, I found his name on the slate.

GEORGE W. TRENHOLM (35th witness).—I am one of the police. Last November my beat was the west end, near the Medical College. The first time I saw Dr. Webster was on Sunday afternoon, after Dr. Parkman's disappearance. This was about four o'clock; I was conversing with Mr. J. H. Blake, near the Medical College, in Grove Street. Dr. Webster came from the front steps of the college; he came up and said to Mr. Blake that the first he heard of Dr. Parkman's disappearance, was in the paper of the evening before; that he thought he would come in and let his friends know about it. That he had paid Dr. Parkman 483 dols., which he took and started off without stopping to count the money, and so on as giving by Mr. Littlefield.

On Friday, the day of arrest, I was passing the Medical College, not far from four, when I met Mr. Littlefield, who told me he had commenced digging through the wall, for the body of Dr. Parkman; that every place of the building had been searched but that. He meant to satisfy himself and the public. We went down to the front part of the building, when Dr. Webster came up and asked me, "what about that 20 dol. bill?" I had heard nothing about it. He said that an Irishman had offered at the Cambridge bridge, a 20 dol. bill to pay one cent toll; that he thought it rather strange that an Irishman should have such a bill; that the toll-keeper asked him where he got it, and the Irishman replied that he got it of Dr. Webster. He further said that the Marshal had the bill, and wished to know if he (Dr. Webster) could identify it. Dr. Webster then went away.

Mr. Littlefield wanted me to come back in twenty or thirty minutes; I did so, and found his wife, and asked her if he had come up from under the building. She said he had, and had gone for Dr. Bigelow. She then asked if I should be afraid to go down with a light. I told her I should not; and she then showed me the way to go down, and the direction to the hole. I took a light, and crawled out to the place where he had dug through. I put the lamp in and saw parts of the body afterwards shown to Coroner Pratt. I then came up and waited there until Mr. Littlefield returned, with Dr. Bigelow and the officers. We all went down under the building.



Littlefield and I crawled through the hole. I held the lamp, and Littlefield passed the parts through the hole, which were laid upon a board. The Marshal then directed me to take charge of the college until they returned. I did so. Near eleven o'clock Dr. Webster and the officers came. I went with Mr. Littlefield and forced the door of the laboratory, so that they might pass in. Some one asked for the key of the privy door. Littlefield said Dr. Webster always kept that himself. The Doctor then pointed to a nail, and said that it was hanging up there. Mr. Starkweather handed the key to Mr. Littlefield. We went down, but neither could unlock it. Mr. Littlefield went back and told Dr. Webster that it was not the key. The door of the privy was thereupon broken open.

While in the laboratory, Dr. Webster appeared very much agitated and confused—more than while up stairs. Some one inquired about the bones in the furnace, while the Doctor was in the room.

Messrs. Adams, Rice, and I remained in charge of the laboratory that night;—I remained until Sunday, and through that day. The place was securely guarded. I don't know that any directions were given as to Littlefield, nor that any control was exercised over him. I recollect the inquiries as to the hatchet.

*Cross-examined.*—I had heard nothing about the 20 dols. bill before Dr. Webster mentioned it. Don't recollect that Dr. Webster said who told him about it.

I was present at a conversation on Saturday, after the disappearance, about three or four o'clock, between Mr. Littlefield and Mr. Kingsley, when the former said he had not seen Dr. Parkman for three or four days.

MR. MERRICK.—We object to the conversation which the witness had with Mr. Littlefield, in which the latter corrected his former statement about not having seen Dr. Parkman.

BY THE COURT.—The latter conversation is inadmissible.

*Cross-examined.*—Littlefield, Kingsley, and myself, were the only persons present on Saturday, when Littlefield said he had not seen Dr. Parkman for three or four days.

The hatchet was wanted to pry open a door. It was after that door was opened that the inquiry for the privy key was made. There was a key where the Doctor told us we should find one, but it did not fit. That door was also forced by the hatchet. The privy door was fastened that night with a nail.

NATHANIEL D. SAWIN (36th witness).—I am a Cambridge and Boston Expressman; I have been in the habit of carrying articles for Dr. Webster. I carried for him the week of the disappearance, and also after. Monday, 26th November, I brought in from Dr. Webster's house in Cambridge, two faggots of grape vines, an empty soap box, and a bag of tan. I left them in Mr. Littlefield's according to Dr. Webster's directions, and that he (Dr. Webster) would take them into the laboratory himself. I had never received similar instructions as to leaving in the cellar, though I had been there for the Doctor perhaps two hundred times. Sometimes I left them in the upper and sometimes in the lower laboratory. There was a bunch of keys which hung in a small case in Littlefield's kitchen. I found the door to the laboratory fastened, and could not find the keys in the kitchen; so I left the articles where the Doctor had directed.

I went again on Wednesday, 28th November, and carried two boxes—one about two feet and a half long, twelve inches deep, and ten inches wide, which was empty. The other was about a foot and a half square—such as I carried on Monday before. This had something in it; a piece of the cover was split off, and I observed a bundle in a checked handkerchief. I left these where I placed the others on Monday. Those remained where I left them, except the bag of tan.

After the arrest of Dr. Webster, I went to the college, perhaps on Saturday, and could find only one of the boxes which I had carried there—the smallest of them. These boxes were made of pine wood.

*Cross-examined.*—I have seen this knife (the jack knife) before—on the 17th



of November. I went into Dr. Webster's garden, and he was trimming grape-vines with it. I noticed the knife as very peculiar. I noticed blood on the Doctor's finger, and made a remark at the time about it.

DERASTUS CLAPP (37th witness).—Have been connected with the police since 1828. [The mortgage notes and the paper showing accounts between Doctors Webster and Parkman, and a memorandum which were found at Dr. Webster's house, were identified by the witness.]

On the 5th December I was directed by the City Marshal to go to Cambridge and search Dr. Webster's house; I went with officer Hopkins, and procured the aid of Sanderson, a Cambridge officer. We went to the house of Dr. Webster; two officers went up stairs, while I remained below. This was not the first search of the house. I asked Mrs. Webster if she had any package or bundle of papers given to her by Dr. Webster. In a short time Mr. Sanderson brought down these papers. Not being mentioned in the search warrant, I directed him to put them into the trunk, where he had found them, and bring that down. I then requested Mrs. Webster to take out these papers, and that I would give her a receipt, she did so; we found nothing more.

I recognised the handwriting of Dr. Parkman on two of these papers. I put my initials on these papers. [These papers were then shown to the court and jury.] First, a note dated Boston, June 22, 1842, to pay in fifteen months 400 dols., with interest at six per cent. per annum, to George Parkman, and signed J. W. Webster. In pencil mark at the bottom, in Dr. Parkman's handwriting, "this is to be given up on payt. of W's. mort. of Jan. 1847." On the back "July 10, 1845, interest is accounted to date by receipt, and 7 dols. 00c. of the principal, leaving due 393 dols." Also, "Oct. 10, 75 dols.," endorsed on the top of note of back, in figures, 483 dols. 64c., paid November 23," supposed to be in the defendant's handwriting. Second, a note dated Boston, 22nd January, 1847, to pay to George Parkman, or order, 2400 dols. within four years from date, with interest yearly, a quarter of said capital sum to be paid yearly. J. W. Webster, and witnessed Charles Cunningham. Immediately below, in pencil mark, is "500 dols. of the above is G. P's; plus, 332 dols.—equal 832 dols. For bal. see Mr. Charles C." On the top of this note, in Dr. Parkman's hand, "On payment to G. Parkman of 832 dols. of this note, with interest, Dr. W's other mortgage and note to G. P., of June 22, 1842, is to be cancelled." Then six words in pencil: "Copy, W. has 831 dols. 83½c." On the back, in pencil, "Nov. 3rd, 17 dols. 56c. as by receipt." Then in writing, "This endorsement, 1848, April 8, rec'd a hundred and eighteen dollars 50-100. Charles Cunningham;" and gave a receipt. G. P." Also a second endorsement, "One hundred and eighty-seven dollars 50-100 and receipt, C. C." Across the face of the note was marked "paid" twice, which would be showed to be the prisoner's handwriting. The paper was then read, giving an account of the sum due to Dr. Parkman from Dr. Webster, signed by Charles Cunningham, and addressed to Dr. Webster, April 25, 1849. In pencil marks of the defendant, "Bal. due by Dr. P. 456 dols. 27c., and 27 dols. 37c. interest—equal 483 dols. 64c." The account had been folded as a letter and addressed to Dr. Webster at Cambridge.

[The witness then produced a memorandum in Dr. Webster's handwriting, which he said he received from Dr. Webster, at the jail office on the night of his arrest. This was read and purported to give an account of what was due to Dr. Parkman, as well as what was said and done on Friday, Nov. 23, at the lecture-room, between Drs. Webster and Parkman. Two small memoranda were also shown to the Court and Jury, found in the Doctor's hand, in pencil, "483,64," and on the other, "jug mol," "tin box," &c.]

On Tuesday, after the Doctor's disappearance, I took part in the search of Dr. Webster's apartments. I was directed to search the college, the houses in the vicinity, and the vacant lands where they were building the new jail; with several officers and Mr. Littlefield, I went to the door—either the laboratory or the store-



room—we then went to the door of the lecture-room and found it fastened; we were told that it was the Doctor's lecture day, and that he would soon begin. Littlefield rapped, we waited half a minute and then rapped again, when Dr. Webster came. I told him we wished to look over the college; he said that the police had made a search before, but that we could look over the rooms if we chose. I said to Dr. Webster, "we can't believe it to be necessary to search your apartments." He asked us to walk in; we did so to the table where he lectured. I inquired of him what time he saw Dr. George Parkman last. He said he saw him on Friday, the 23rd, at that place by appointment. He said he paid him 483 dols., but do not recollect any odd cents. He said that Dr. Parkman then went out hurriedly, and that he had not seen him since. We then went to the back room, behind the lecture-room; I looked in but made no search, and then went to the lower laboratory. I saw nothing which attracted my attention. I don't recollect looking into the privy window. I had no search warrant, and had no suspicion of the Doctor.

After leaving his apartments we went to the vault. I held the lantern down into it, and could see a large space.

We searched every square inch of Littlefield's apartment—bureaus, closets, drawers, crockery ware, and every other part which we could find. The houses in the neighbourhood were then searched.

November 30th, Friday, about six o'clock, p. m., I was notified to repair to the college. I went to Littlefield's apartment, and in a short time I was joined by Trenholm, Littlefield, the Marshal, and Dr. Bigelow. We went to the trap-door and went down, and found the remains under the privy; after which we went to the laboratory. I saw the free-stone on the top of the furnace covered with crucibles. These were removed. I took up a piece of hard coal and something adhered to it which looked like bone. The Marshal directed me to leave these things alone, and I was sent to Cambridge. I did so, with other officers. Some rods before we reached Dr. Webster's house, we stopped the coach. When I got to the front steps, I met the Doctor showing gentlemen out of his house. I spoke to him on the steps, and told him we were about to search the college over that evening, and we wished him to be present. We passed to the library, where the Doctor put on his coat and boots. After we had passed out, the Doctor said he should like to get his key. We told him that we had keys enough. We then got into the coach, and I gave directions to go by Cragie's bridge. We talked about the contemplated railroad a part of the time, and also about the attempts to find the body of Dr. Parkman. He said that Mrs. Dempster at the Port had seen him, or knew something about him, and that we had better go that way. I said that we had better postpone it at that time. He said that he had called at Dr. Parkman's house on the morning of the 23rd., requesting Dr. Parkman to call at the college between one and two, and that he did call. That he paid him 483 dols., and that he was to cancel a mortgage. He said he did not know whether he had or not; and in reply, said that he thought he should not be the loser.

When we arrived near the bridge, I told him that a sounding had been had all about those waters, above and below the bridge; that a hat had been found by the Charlestown Marshal, near the navy yard.

When we got to Brighton Street, Dr. Webster said that the driver was going the wrong way. I replied that he would find his way. We arrived at the jail door, and I got out and went to the jail office and found no spectators there. I then asked those inside to get out and walk into the jail office. They did so, and I heard no remark. We then walked to the inner office, and still nothing was said. Dr. Webster was the first who spoke. He turned round to me and said, "what does all this mean?" I replied that he would recollect that, at the bridge, I had said that soundings had been had above and about the bridge, and that we had been sounding in and about the college, and we have done looking for Dr. Parkman, and you are now in custody for his murder." He articulated half a sentence, which I did



not understand, and then wished me to send word to his family. I advised that it should be postponed until morning, as it would be a sad night for them. He said something about the murder, but I advised him to say nothing to me respecting it. He wished me to notify some of his friends in the city; but I told him, that as things then stood, he could not see them.

I then told him I wished to see if he had anything about him improper to carry into the jail. He then handed to me, or I took into my possession, a gold watch, wallet with papers, and 2 dols. 40 c., an omnibus ticket case, and five keys. One of these had a label on it, marked "privy." I carried these articles to the Marshal's office, and did not see them until Sunday, about twelve o'clock.

I left Dr. Webster in the custody of Starkweather and Spurr, while I made out a mittimus. I directed Starkweather not to commit the Doctor to the cell until he heard from me. Shortly after, Spurr and I went to the Marshal's office, but did not find him. I then went to the college, where I joined those there at the laboratory. While there, there was an inquiry for the privy key. Littlefield brought a large number, none of which would fit. The door was then pryed open, and the lock fell off. I have since tried the privy key, which I took from Dr. Webster at the jail, and found that it fitted this lock of the privy door. I afterwards found a bunch of keys at Dr. Webster's house, which fitted many of the locks on the inside doors of the college.

[The witness corroborated previous witnesses as to Dr. Webster's attempt to drink the water offered to him at the laboratory, on the night of the arrest.]

On Saturday morning, December 1st, I searched Dr. Webster's premises by virtue of a warrant issued by Justice Livermore, of Cambridge. I took a bank note from a drawer in his library, searched the trunk in which the notes, &c., which have been produced, were subsequently found, but they were not there unless in the folds of other papers.

On Tuesday they were very conspicuous, and laid by themselves; I recognised them instantly on seeing Dr. Parkman's handwriting. The same Saturday we made a second search of Dr. Webster's house, having first searched the mineralogical cabinet at the college, by permission of the President; but did not find what we were most particularly after.

MR. CLAPP *Cross-examined*.—I looked over the papers for those pertinent to the case of Dr. Webster. When I was in the upper laboratory I looked into the private room and all things seemed to be tidy. I observed nothing peculiar about the minerals. The keys presented are all those I have had anything to do with. Dr. Webster said nothing about having a receipt for money he had paid to Dr. Parkman; but that he thought he should not loose anything as Dr. Parkman was an honest man. My object was to keep the conversation free. We arrived at the jail about a quarter past eight, and a little past ten when we reached the college.

CHARLES W. LITTLE (38th witness).—I am a resident of Cambridge, a member of the senior class of Harvard College. I saw Dr. George Parkman on Thursday, November 22nd, between one and two, p.m., on the road which leads from the colleges to Washington Elm. He was riding alone in a chaise. He asked me where Dr. Webster lived; I told him and he rode on. This was not more than an eighth or a quarter of a mile from Dr. Webster's. I fix the day because I went to New York, Friday, p. m.

SETH PETTEE (39th witness).—I am the discounting clerk in the New England Bank, and collect funds for the Medical College. There are seven professors connected with the Medical Faculty, and it is my duty to dispose of the tickets and collect the price of them. At the commencement of the medical lectures I received upwards of 100 tickets for the chemical lectures of Dr. Webster. I sold fifty-five tickets, for which I had received the pay, at 15 dols. each, amounting to 825 dols. Of the remainder, I disposed of some and took notes in pay; others were of the free course class; and others still of the third class. In all, I disposed of 93



tickets for Dr. Webster; thirty-eight were for the third course, and free tickets; seven I have on hand. Since the 23rd of November, I have received from these tickets 30 dols. Two of the notes were for half-pay tickets, and Dr. Webster received 15 dols. in all from these before the 23rd of November. One hundred was the number of the students. I delivered to Mr. Littlefield, on the verbal order of Dr. Holmes, one set of tickets. On the 23rd of November, Mr. Littlefield sent for me to come to the College; I went there and filled out tickets for Ridgway; and I know of one other—in all three, besides what I sold. Five hundred and ten dollars, for tickets sold, was due to Dr. Webster, November 9th. The course begun on the 7th. I paid that in this manner. Dr. Bigelow gave me a note against Dr. Webster for 225 dols. 89 c., dated April 1st, 1849. The interest was 8 dols. 31 c. I gave Dr. Webster a check for 275 dols. 90 c., the balance and the note thus paid. About the 14th November, I credited the Doctor with 13 tickets sold, equal to 195 dols., by a check on the New England Bank. On the 16th, I credited Dr. Webster with two tickets—thirty dollars, which I paid by check to Mr. Littlefield on the Doctor's order. On the 23rd of November, I credited the Doctor with 6 tickets, equal to 90 dols. I drew a check for that amount, and paid it to him personally at the Medical College. This was the last I paid over to Dr. Webster.

On the 12th November Dr. Parkman came to the New England Bank, and inquired if I collected the funds for the Medical College. I had no funds of Dr. Webster's in my hands at that time, and so informed Dr. Parkman. I asked if Dr. Webster owed him. He said that I might judge from his manner. A few days after he called on me again—about the 14th. I then told him I had just paid over 195 dols. to Dr. Webster. He said he thought he had given me a hint to retain the funds. I remarked that I had no control of them; but only paid them over to the professors. He said I should have done justice to all concerned if I had retained them; but now he should be obliged to distress Dr. Webster and his family. He then said that Dr. Webster was not an upright or honourable man; and asked me to tell Dr. W. so from him. I did not see Dr. Parkman again. On the morning of the 23rd November, I went to the college to pay Dr. Webster 90 dols., for tickets sold. I passed into Dr. Webster's laboratory, where I found him. I excused myself for coming in at that time in the morning. He asked me to walk in, when I told him that Dr. Parkman had called on me several times to inquire whether I had any of his (Dr. Webster's) funds in my possession—that I had therefore come to pay over what I had, as I wished to have no trouble with Dr. Parkman. Dr. Webster said that Dr. Parkman was a curious sort of man, and had been subject to fits of mental aberration; so much so, that he was obliged to put his business out of his hands, and Mr. Blake, a relative, attended to it. He then said, "You will have no further trouble with Dr. Parkman, for I have settled with him."

I went there again on the same Friday afternoon, about four or five, I went to the front door of the Medical College and rung the bell. A woman came and looked through the side light. I told her I wished to see Mr. Littlefield. She directed me to the east door, where I found Mr. Littlefield, without shoes. He said he had sent for me, and wanted to fill up a set of tickets for a student (Ridgway) who was going to leave town next morning. I filled up the tickets and gave them to Littlefield. He said I should have the money for them the next day. I called again the next day about three o'clock, and saw Mr. Littlefield. [The conversation was objected to.]

I did not hear Dr. Parkman use any profane words at either interview, but he spoke harshly. I think I did not communicate Dr. Parkman's message to Dr. Webster, but told him I did not wish to have any trouble with Dr. Parkman.

*Cross-examined.*—I have no means of knowing how many tickets Dr. Webster may have sold. I keep only a record of the students who buy tickets of me, which was 107. Only ninety-nine took chemical tickets of me.

JNO B. DANA (40th witness).—I am the cashier of the Charles River Bank, at



Cambridge. Dr. Webster in November last, had an account with the bank. [The bank book found at Dr. Webster's house, was put in by the government.]

During the month of November, Dr. Webster deposited at the bank, 10th, 275 dols. 90 c.; in a check on Freeman's Bank, Nov. 15th, 150 dols.; Nov. 24th, 190 dols., a check on the Freeman's Bank. On the 23rd of November, the bank owed Dr. Webster 139 dols. 16 c. before the 90 dols. was deposited. On the 1st December Dr. Webster drew a check of 93 dols. 27 c. which paid rent. On Monday, he drew 5 dols. 10 c., and 19 dols. in checks. At that time 68 dols. 78 c. was trusted, was the balance due Dr. Webster by the bank.

DR. DANIEL HENCHMAN (41st witness).—I am a druggist in Cambridge Street. I know Dr. Webster. On the 23rd November, Dr. Webster asked me if I could give him bills for a check of 10 dols. on the Charles River Bank. I did so, but have not received payment for the same. This was about ten o'clock on Friday morning.

JAMES H. BLAKE (42nd witness).—I am nephew of the late Dr. Parkman. The Sunday after Dr. Parkman's disappearance, I went up North Grove Street, towards the college, about three o'clock. I was standing near the east end of the building, talking with the police officers, when I saw Dr. Webster come from the college. He took me by the hand, and said that on Saturday evening he saw in the transcript, that Dr. Parkman was missing; that he came in on purpose to notify the family that he was the gentleman who went to Dr. Parkman's house on Friday morning, and agreed to meet him at the college at half past one. That was the first I knew that Dr. Parkman had gone to the college at that time. (Dr. Webster gave to the witness the same account of the payment of money in the lecture-room, as has been stated by other witnesses.) He then said he should go up and see the Rev. Dr. Parkman about it. That he had gone to church in the morning, and he thought he would wait until after dinner before he came in. He then went into the college. I approached the college from North Grove Street. I did not see Dr. Webster on that day. During the whole of our interview, he held me by the hand, but I noticed nothing peculiar in his manner.

*Cross-examined.*—I was searching for Dr. Parkman at the time; but I don't think I told Dr. Webster of that fact.

DR. FRANCIS PARKMAN (43rd witness).—I am a brother of the late Dr. Parkman. I have known Dr. Webster for many years. He once attended my church. I baptised his family. After he removed to Cambridge, I still maintained an intimacy with him. Within two months of the disappearance of Dr. Parkman, I was called upon to baptise the grand-child of Dr. Webster.

On Sunday, after the disappearance of Dr. Parkman, we were in great distress. None of us were at church that day, but at my brother's house.—About four o'clock, as people were passing from church, Dr. Webster came to my house. Immediately upon entering the room, he said, "I came to tell you that I saw your brother at half-past one, on Friday, and paid him some money." Some one of us then said, "then you were the gentleman, who called at George's house, at half-past nine, Friday morning, and made the appointment?" He said he was, but had not seen the notice until Saturday evening, and had waited until then, thinking the family might have been at church. I then said, "Dr. Webster we are glad to see you, because we had some fears that one who meant him ill, had made an appointment with him at East Cambridge.

Dr. Webster then said, "I was the person. Your brother came, and I paid him 483 dols. and some cents." I asked him if he was certain as to the hour. He replied that he was; that it was half-past one. I then asked if he had had papers in his hand. Dr. Webster said yes; and that Dr. Parkman took one of these papers and dashed his pen through the paper. Dr. Webster represented the motion as one of suddenness and violence. That Dr. Parkman said he would see the mortgage discharged, and then went out very rapidly from the lecture-room. I then asked Dr.



Webster if my brother actually went to Cambridge to cancel the mortgage. He replied that he did not know, but intended to go to Cambridge and see. He then went to the door, repeated his intention of going to Cambridge, and then left.

I think I have a correct recollection of what Dr. Webster said and did—especially, as to the paper, and dashing a pen through it.

I could not but observe that his manner was very earnest. He commenced by speaking in a business tone the moment he entered. He expressed no surprise at the mysterious disappearance; and no sympathy in our grief. It seemed like a business visit. I have observed similar quickness of manner before. It is characteristic. But there was a certain flurry which I had not observed before; but I was not so much struck with that as the absence of any expression of sympathy. He remained from ten to twelve minutes. My impression is that Dr. Webster went towards Green Street when he left my house.

Dr. Parkman's habits were remarkable as to punctuality. He was almost invariably at his regular meals, and seldom out of the city, though much about in it. His daughter had been a great invalid, and for her, he was perpetually anxious. At the time, his son was in Europe.

I have never heard Dr. Parkman use language properly called profane. When he was moved, he would express himself strongly, but not with profane words.

*Cross-examined.*—Fessenden and Oliver were the names of the persons who said they had seen my brother. Dr. Webster did not say what the paper was which he had dashed his pen through.

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#### SEVENTH DAY.

**RALPH SMITH** (44th witness).—My place of business is 20 Exchange Street. I have had dealings with Dr. Webster. He was owing me last year. I received this letter [shown by the witness] dated Oct. 15, 1849. I wrote to him for payment, and this letter was in reply: "Dear sir,—I will call and pay your bill when I receive the fees from the medical students; until which I respectfully ask your indulgence. Respectfully yours, J. W. Webster."

**SAMUEL B. FULLER** (45th witness).—I am on the police. I saw Dr. Webster on Sunday night, Nov. 25th, after the disappearance. I went to East Cambridge, to see if Dr. Parkman had discharged Dr. Webster's mortgage. I went with the registry clerk to Dr. Webster's house in Cambridge, just after dark. Dr. Webster came to the door. The clerk made known our business to Dr. W. He turned over an account-book two or three times, and then left the room. He trembled while turning over the leaves. He left the room and was absent some minutes, when he returned and sat down. He said it was strange that he could not find the papers. He then overhauled a trunk under the table, and then returned to the account-book, and turned over the leaves a number of times, and then had some conversation with the clerk. He said, "My ticket man told me that Dr. Parkman came to him the other day, and demanded what money he had in his possession for tickets sold; but my ticket man refused to let him have the money; when Dr. Parkman said to the ticket man that I was a damned rascal and a scoundrel. I thought hard of it at the time, but I don't care about it now, for I have settled with Dr. Parkman, and it is all over." He had some conversation with the clerk, and told him that the mortgage was on personal property, and not real estate. I remarked that we would go to the City clerk and see if Dr. Parkman had been there, and then we left the room.

I engaged in the search on Tuesday, about half-past eleven, with Messrs. Clapp, Rice, and Kingsley. We went to the lower laboratory door, leading from Mr. Littlefield's cellar, and found it fast, as well as that from the store-room. We then went to the front door of the lecture-room. Mr. Littlefield knocked twice, and, in the



course of a minute or two, Dr. Webster came. In the lecture-room I asked Dr. Webster who was with him when he paid Dr. Parkman the money. He said no one but himself. That this was paid between half-past one and two o'clock. We passed through the lecture-room, and the Doctor said that he paid the money by the lecture-room table—near the left-hand end, behind the table.

We then passed into the upper laboratory. Dr. Webster said that the room back was his private room, where he kept his dangerous and valuable articles.—We then went to the lower laboratory. Mr. Clapp asked, "what place is this?" Mr. Littlefield said that it was Dr. Webster's private privy. Dr. Webster then said, "Here, gentlemen, is another room which you have not seen." We then passed to the store-room and went out. Dr. Webster seemed to be hurrying us through the room, and I am sure he led off.

After we had looked at the main vault, Mr. Littlefield and I went down the trap-door, with a lantern, and crawled out as far as we could, for the partition wall. This was the corner where the hole was afterwards dug through; but there was none there then. There was a conversation as to the position of the privy.

I have been through that hole three times since, and examined the walls about the cellar twice.—There is no access through the wall except for the tide water; nothing else could pass through.

I discovered the remains in the tea-chest. I had been searching on Saturday, 30th of November, from half-past eight in the morning to about four; Starkweather, Rice, Trenholm, and others, were with us. Before the tea-chest was turned over, it had not been examined to my knowledge. I looked at the tea-chest, and supposed that he kept his minerals there; but as we were overhauling every thing, I commenced taking off the minerals. I noticed tan in the chest. I run my hand down and took out two or three minerals in the tan. I then took out a large hunting-knife, which I looked at, and then put it into my pocket. I then remarked that there must be something there beside minerals. I then took it up and carried it out into the room, and turned it over. The remains were then found. When the contents of the chest came out, the back of the thorax was up. I turned it over, and saw the hole in the left breast. One of the officers attempted to scrape off the tan; I forbade it. I remarked that the knife I had in my pocket (taken from the tan) would fit the hole very well. [The tea-chest was then exhibited.] I found one of the kidneys in the ash-hole on Sunday.

In the lower laboratory, on the table, was a comforter and two woollen blankets. This was near the window. These articles seemed to be quite new. I remained in charge of the rooms until the 3rd of January, from eight in the morning until seven at night, and no one was allowed to go in without a pass. We were ordered to observe the movements of Mr. Littlefield.

The old privy seat was taken off. The hole was  $9\frac{3}{4}$  inches in diameter. We tried to get the thorax through the hole of the privy, but could not. The pelvis, which was found in the vault, would go through edgewise.

We experimented as to hearing noise from the lecture-room in the laboratory, and *vice versa*. We halloed, but could hear nothing while the doors were closed.

A little plate, with a stick, wound at the end with cloth, was found in the upper laboratory. The plate was on the table, and the stick lay under. This was on Saturday morning.

*Cross-examined.*—I measured the privy seat after it was taken up. The experiment was made after the seat was taken up. Mr. Littlefield and I both tried the thorax and pelvis. We found a bag of tan, and more in a barrel. The bag was about eight or ten feet from Mr. Littlefield's cellar. The bag was nearly full of tan. I did not notice the tea-chest on Tuesday. The knife which I took from the tea-chest was shut. I think I put it into my pocket. Messrs. Tarlton, Buckman, Starkweather, Rice, and, I think, Mr. Littlefield, were present, when the thorax was taken from the tea-chest. It fell back up from the chest. I saw the hole after I turned it over. We



had looked at it some four or five minutes before I turned it over. I drew the thigh part way out, and then left it. The twine was tied about the bone. I saw no one touch the thorax with a stick. The coroner's jury came about four o'clock that afternoon. Officer Buckman had a stick in his hand, and I forbade him scraping it. He said he was going to scrape the tan off to see how it looked. I brushed off a little of the tan with my hand. The thorax stood in the tea-chest, neck up. I put my hand into the tan as far as my wrist, and felt something cold.

I think it was Thompson who went with me to Cambridge. I told him, after we left Dr. Webster's house, that I thought he appeared very singular; but it might be his natural way. I told Thompson I thought Dr. Webster trembled. I had no suspicions at that time. We reached there just after dark, and remained not more than fifteen or twenty minutes. We went to ascertain the date of the mortgage.

When we went to the Doctor's room on Tuesday, he said that Dr. Parkman was there between half-past one and two. I made a memorandum of this conversation, either that night after I got home, or the next morning before I left the office. I also made a memorandum on Monday forenoon, as to what took place on Sunday. In that, I did not say that Dr. Webster "trembled," but I think I used the word "excited."

Sunday morning, after the arrest, was the first time I went to the vault under the privy. The tide, when it flows in, follows, and is confined to the trench about the wall. Under the privy hole, the ground slants to the north and west walls. A man could not stand up, except in the trench.

By the privy the slope is not very steep; but five or six feet, towards the north wall, the angle increases. The towels were found directly under the privy. The labels on the minerals on the tea-chest might have been written five or six months.

*Re-examined.*—Mr. Eaton was not present when I first discovered the tea-chest, but came after it was carried out in the room.

SAMUEL PARKMAN BLAKE (46th witness).—I am a nephew of the late Dr. Parkman. I devoted my whole time to the search. I called on Dr. Webster on Monday morning, after the disappearance, between ten and eleven, at the college. As I approached the college, I asked a student whether Dr. Webster lectured that day. He referred me to Mr. Littlefield, whom I found, and asked if Dr. Webster lectured that day. He replied that he did. He believed that he was in the lecture-room. We tried the door of the lecture-room, and found it fastened. He asked my name, and said he would carry it by the back way. He went, and I waited until his return, which I thought unreasonably long. He then appeared and unbolted the door, and passed out, and I went in. I saw Dr. Webster coming out of the room back. The Doctor was dressed in his working clothes. I said I called to get the particulars of his interview with Dr. Parkman, as I had understood he had paid him some money.

He then went on to state, that on Tuesday, Dr. Parkman had called before his lecture was finished, and sat on the left hand seat, waiting for him to finish his lecture; after which, Dr. Parkman came up to him, and said to Dr. Webster, "I want the money," and was very much excited. "You have 500 dols. in your pocket, and I want it." When Dr. Webster related this incident, his own countenance lighted up very much. He said he told Dr. Parkman that he could not pay him on that day, as he had not quite collected the money for his tickets. That Dr. Parkman then asked when he would pay it. He said that he replied, on Friday. Dr. Parkman then went off.

That on Friday, 23rd, when coming to the city, he called at Dr. Parkman's house, and told him, if he would come to his lecture-room on that day he would settle. That he did come about half-past one. I asked him how he knew about the time. He said that the lecture had been finished, and that two or three students had stopped to ask him some questions. That he then went to the back part of the room; that soon after, Dr. Parkman appeared, in a great hurry, and came up to his table, where



he was standing, and asked him if he was ready for him. That he said he was. That Dr. Parkman then took out a bundle of papers, and drew out the notes, and that he (Dr. Webster) took out bills and paid him 483 or 484 dols., and some cents; that Dr. Parkman received the money without counting it and was going off. That he (Dr. Webster) then said, "there is one thing you have forgot, Doctor,—that mortgage." Dr. Parkman replied, "I have not got it with me, I will see that it is attended to." That Dr. Parkman then rushed out with the bills in his hands.

I then asked him to recollect the money which he had paid to Dr. Parkman, as it might lead to some discovery; he said he could recollect only one bill which was for 100 dols., on the New England Bank; I asked him particularly as to the denominations, &c., of the other bills, but he said he could only tell as to the 100 dols. I then asked him if he had the note;—he said yes, but in a manner which made an impression on my mind at that time; his eyes dropped; he said that no one was present at the interview; there was some more general conversation, and I left. I had known Dr. Webster for many years; when I first entered his room I noticed the absence of that cordiality and politeness which was usual. I thought he looked very pale as I was coming down the lecture-room steps; his manner was stiff and formal, and I think he did not offer to shake hands. When he spoke of Dr. Parkman he expressed no sympathy for the family on account of his disappearance; he made no inquiries as to the extent of the search, nor about Dr. Parkman's family. I heard the door bolted after I went out.

*Cross-examined.*—I heard that Dr. Parkman was missing, for the first time, about five o'clock the same afternoon. Dr. Webster said he was preparing for his lecture the next day; I did not assist in the circulation of the handbills. After we had our conversation in the lecture-room, I looked into the laboratory, just to see what sort of a place it was.

CHARLES B. STARKWEATHER (47th witness).—I have been connected with the police about four years. On Saturday, after Dr. Parkman's disappearance, I was on the search until the remains were found. On Monday, about twelve o'clock, I went to the Medical College with Mr. Kingsley; I saw Drs. Bigelow and Ainsworth, and told them our business. They made no objection to our search. Mr. Littlefield tried Dr. Webster's lecture-room and found it fastened. He then knocked two or three times, when Dr. Webster came; we told him what we wished; we went into the lecture-room, into the laboratory, and then down to the lower laboratory, Dr. Webster with us; we staid about three minutes; when we got there, Dr. Webster said that we had seen all his apartments. Mr. Littlefield then showed us into his cellar; we then searched the other rooms of the college.

I was one of the party who went to arrest Dr. Webster; Messrs. Clapp and Pierce were with us. On our way in, Dr. Webster talked very freely about the railroad to Cambridge; also about a Mrs. Bent, who had seen Dr. Parkman on Friday, and wished us to drive over and see her; Mr. Clapp talked with the Doctor chiefly. When we arrived at the jail, we got out and went into the back office. Dr. Webster was the first who spoke, and turning to Mr. Clapp, said, "what does this mean?" Mr. Clapp then said, "Dr. Webster, we have done looking for Dr. Parkman, and you are in custody for the murder!" Dr. Webster then said, "what, me!" "Yes," said Mr. Clapp, "you are in custody for the murder of Dr. Parkman!"

Messrs. Clapp and Spurr then said they would go for the Marshal or S. D. Parker, Esq. Mr. Clapp made out a mittimus and handed it to me, but said, "don't commit Dr. Webster until you hear from me." After they had gone, Dr. Webster asked for water, which was handed him, and he drank several times. He asked me if they had found Dr. Parkman. I told him I wished he would not ask me any questions that it would not be proper for me to answer. He said, "you might tell me something about it. Where did they find him? Did they find the whole of the body? How did they come to suspect me? Oh, my children, what will they do? Oh, what will they think of me? Where did you get the information?" I then



asked the Doctor if anybody had access to his private apartments except himself. He said, "no one but the porter who makes the fires." There was then a pause of a minute or so, and then he exclaimed "that villian, I am a ruined man!" He then walked the floor, would wring his hands, and then sit down. He put his hand to his vest pocket and put it to his mouth. He then stretched out like a man in a spasm. I then said, Doctor, haven't you been taken anything? He said "he had not." I then helped him up, and he walked the floor. I was with him about an hour. Mr. Clapp then came back and told me, "commit the Doctor." I went to Dr. Webster and told him that I should commit him. I took hold of his right arm, but he couldn't stand. I asked Mr. Cummings, one of the attendants, to assist me. We then carried him to the lock-up. I told Mr. Clapp I thought the Doctor had been taking something, and that we had better send for a doctor. Mr. Clapp thought not, unless he was worse. We laid Dr. Webster in his berth, on his side, and he turned over on his face.

I was at the college when the back private door and the privy door were broken open. When we were in the lower laboratory, some one asked where the furnace was. Mr. Littlefield walked towards it. Dr. Webster was much agitated, especially while down stairs.

I assisted in lifting up the remains, and handed them to Mr. Hopkins. Dr. Webster asked for water, but could not drink it. Dr. Webster saw the remains, and stood looking at them.

I was at the Medical College, from the time the remains were found to the time they were carried away,—during the day-time.

[Two grapples, consisting of large fish-hooks attached to heavy sinkers and twine, were exhibited to the court and jury.] One of these has three hooks, the other two they were found in Dr. Webster's small private room. I saw them on Friday night, and took them away on Saturday; they were done up in a paper, lying on a shelf. The ball of twine was also found there. On Saturday there was a general search; I was in the upper room, in the afternoon, and I was called to the lower laboratory; I went down and saw Mr. Fuller bringing a tea-chest from the back part of the room; the tea-chest was turned over; we saw the thigh, the thorax, and a quantity of tan. There was some twine tied about the thigh; I cut off a piece, which is the same I now hold in my hand.

[A bunch of skeleton keys was here exhibited as articles found in Dr. Webster's apartment.] I found all these keys, except one, in Dr. Webster's private room, on a shelf, tied together.

[Counsel for defence objected to anything concerning the keys, as being irrelevant to the issue of this trial. If Dr. Webster were on trial for burglary, it would be proper to investigate them. The court overruled the objection.]

This key fits the dissecting-room door; this fits both the lecture-room and the store-room door, and is marked 5; and this fits the front door as well as the door underneath the steps. Where the drawers had been, a little door was found in the closet. [By the COURT.—That is immaterial.] When the Doctor was brought to the Police Court to be examined, I said, Doctor, I found some keys in the college, "What," said he, "those that are filed? I picked them up in Fruit Street, and threw them in there."

*Cross-examined.*—I testified before the Coroner's Inquest. I wrote off my evidence at the college, as I found things. I commenced this on Saturday after the disappearance. I wrote off this evidence before I testified at the Coroner's Inquest; but I think I said nothing there about Dr. Webster's putting something into his mouth at the jail. On the day of the discovery I went to the Medical College, and asked Mr. Littlefield if we had seen every place in the building! He said all but Dr. Webster's private privy, and that he had taken the keys and had gone. I told him that he would come in the morning and see him. Mr. Kingsley was with me at this time. We came from the Marshal's office. I saw the fish-hooks, on Friday



night, on the shelf, in the private room. The keys were in the same room. When I spoke of the keys to Dr Webster, I did not say skeleton keys. He said, "What those that are filed," &c. I found the keys that fitted the outer doors in the same place. I give the exact words Dr. Webster used at the jail. I wrote them down as the Doctor was talking.

CHARLES G. RICE (48th witness).—I am one of the police. I went to search Dr. Webster's apartments on Tuesday. After the party had gone down to the laboratory, it was asked if we had seen everything about the premises. The answer was that we had seen all, except Dr. Webster's private privy. Dr. Webster led the way to another room.

I was at the college the night of the arrest. The coroner gave directions not to meddle with the furnace.

*Cross-examined.*—I was present when the tea-chest was turned over. I cannot say who brushed off the tan from the thorax; nor whether any one had a stick in his hand. I think some of the tan was brushed off, though not very clean.

SAMUEL LANE, Jun. (49th witness).—Hardware merchant, No. 9 Dock Square. I have known Dr. Webster since 1835. I saw Dr. Webster at my store after I heard of Dr. Parkman's disappearance; I think in the after part of the day. I think the day was Monday or Tuesday, because I was out of town on Wednesday. Dr. Webster came in and inquired for fish-hooks. Some one said we had none. I had seen Dr. Webster frequently before, and knew him well.

STEPHAN B. KIMBALL (50th Witness).—I was the clerk of Mr. Lane last autumn, and knew Dr. Webster. I saw him last Thanksgiving week, Monday and Tuesday. He came and inquired for large size fish-hooks.

JAMES W. EDGERLY (51st witness).—I am a hardware merchant in Union Street. Tuesday of last Thanksgiving week, a person came into my store and inquired for the largest sized fish-hooks. He purchased six of them and went away. I have since seen the same hooks. There is a peculiar mark on them. They are of an unusual size, and I had them on hand a long time. I did not then know Dr. Webster, but have since seen him, and think he was the person I sold the hooks to. [The witness then identified the fish-hooks he had sold to be the same as those which formed one of the grapples.]

WILLIAM W. MEAD (52nd witness).—I am in the hardware business in Union Street. A person came to my store Friday after Thanksgiving, and inquired for hooks to form a grapple with. I showed him some and sold him three of them. They were considerably smaller than those (the same purchased of the last witness). I think the person was Dr. Webster. I was called upon to go to the jail to see Dr. Webster. I saw him in his cell. I could not so well tell him in the clothes he then had on. Dr. Webster changed his clothes, I then thought he was the same person to whom I sold fish-hooks.

WM. M. TYLER (53rd witness).—I manufacture ropes, lines, and twine. I have been in the business for forty-five years. I think I am able to judge of the similarity of different pieces of twine, and have once or twice been called upon to testify on the subject. [The twine which was taken from the thigh was shown to the witness; also that which was attached to the grapple, and the ball which had been found in Dr. Webster's apartment.] All these pieces of twine are from the same ball. I have no doubt on the subject. They are manufactured of Russian hemp; which is unusual at the present time. Both in respect to the material and the mode of manufacture this twine is peculiar.

*Cross-examined.*—I judge of the twine both by the stock and the manufacture. I am of the opinion both pieces are of the same kind, but I don't say that both came from the same piece. There is a slight apparent difference which is not unusual in the same ball of twine, owing to carelessness of manufacture.

NATHANIEL WATERMAN (54th witness).—I manufacture tin plate, in Cornhill. I have known Dr. Webster for twelve years. About 30th Nov., 1849, he was in my



place of business, about ten o'clock. He was talking with my foreman, when I asked him how Dr. Parkman appeared when he paid him the money. He said he darted out of the building with papers in his hand. I said if that was the case, he might have been seen by some one, with the money and papers in his hand, who enticed him into one of his own houses, and that I believed, if found, it would be there. That I did not believe the story of his going over Cragie's bridge. Dr. Webster then said energetically, that he (Dr. Parkman) did go to Cambridge. He then said, "only think, Mr. Waterman, a mesmerizer had told the number of the cab he went away in, and that Fitz Henry Homer had found the cab, and it was covered with blood,

The conversation was then changed to a tin box, about which he had been conversing with my foreman. I told him, if he was desirous of putting a large thing in it, the sides must come up straight; and if it was not made in that way, the cover would have to go on the side, which would be more troublesome to solder. He said, "small things, say books, &c." He then spoke of having the handle very strong. I then told him that if a piece of tin was put under where the handle would go on top, then it would hold 100 pounds. He said he wanted to have it made so that he could solder it himself, and added, "you know I can do such things, Mr. Waterman." I had no further conversation with him, and I left. I did not hear him say when he would like to have it done. I have done business with him before. My account with him commenced in 1843. I find nothing charged like this box. I have never made a box exactly like it for anybody else. He wanted the handle made very strong. The box came down from the workshop about nine o'clock, Saturday morning.

CHARLES P. LOTHROP (54th witness).—I am Mr. Waterman's foreman, and remember Dr. Webster coming to order a tin box. He came Friday, Nov. 30, about ten. I showed him some, which he said would not answer. He wanted a square tin box to pack things in it. I asked him what. He said, "say books, &c." He then gave me a piece of paper containing the size—eighteen inches square thirteen deep. I told him how we generally made such boxes. He said he wanted it made of thick tin. I told him we generally made them of light tin. He said he wanted it made strong, with the handle on the top, fastened so that it would not pull off. He asked me if I could have a groove made in the body. I told him that it would be best to have the edge turned in; it would be easier to solder it on. Mr. Waterman then came along and spoke about Dr. Parkman. Dr. Webster said that Dr. Parkman took the money and darted off, &c., as given by the last witness. Mr. Waterman told him to send in the box, after he had packed the things, and he would solder it up. He said he had got to send it out of town, and added, "you know I can solder it up." I told him I would have the box done by Saturday night. He said he wanted it before. I then told him it should be done by noon of that day.

SAMUEL N. BROWN (55th witness).—I am one of the toll gatherers on the West Boston or Cambridge Bridge; I knew both Drs. Parkman and Webster. On Nov. 30, the day of Dr. Webster's arrest, I was at the corner of Cambridge and Groves Street, in a grocery store, a little before four o'clock. I saw Dr. Webster pass by the window. I went out of the store and walked to the toll-house with him. I asked him if he could recognise that 20 dols. bill which I took in the morning. On the morning of the same day, I was on the Cambridge side. An Irishman came along and gave me a 20 dols. bill to take out one cent for his toll, I changed the bill for the Irishman, and carried it to the other side, to Mr. Hadley, the other tollman. He advised that it should be kept. It was, and shown to the Marshal. It was on the Freeman's Bank. When I walked down with Dr. Webster, I asked him if he could recognise that bill. He said he could not. That the money he paid Dr. Parkman was that received of the students. It was of different denominations.

The last I saw of Dr. Parkman was the Wednesday or Thursday before he disappeared. I think the latter. He came to the toll-house and asked me if I had seen Dr. Webster that morning. That was between eleven and one o'clock. I told him



I had not. In 15 or 20 minutes he came, with a white horse in a chaise, and rode over the bridge. He had been to the toll-house twice within four or six days to make the same inquiry.

*Cross-examined.*—I first mentioned the conversation with Dr. Webster, about the 20th, as soon as I got to the toll-house—to Mr. Hadly, I think.

Mrs. AUGUSTA BENT COLEMAN (56th witness).—I reside in Cambridge Port. I have known Dr. Webster a number of years. I remember the time of Dr. Webster's arrest. I saw him on that day, at my house, about four o'clock. When he came, the servant introduced him to the room. He said he called respecting Dr. Parkman. He asked me what day it was that I saw him. I said I thought I saw him Thursday, p.m., the day before his disappearance. "Wasn't it Friday you saw him?" No, I replied, "How was he dressed when you saw him?" In dark clothes, I answered. I then asked him if he had heard anything of him. He said that there had been a coat or cloak fished up, which was thought to be his, which had spots of blood on it. That a hat had likewise been found. I then said, oh, dear! then I am afraid he has been murdered! Dr. Webster then said, "We're afraid he is!" That a 20 dols. bill had been paid by an Irishman at the toll-house, which looked very suspicious. When I told him I saw Dr. Parkman on Thursday, he asked me two or three times if it wasn't on Friday. When he reached the door, he repeated the question, if it was not Friday that I saw Dr. Parkman. I said no more.

SAMUEL D. PARKER (57th witness).—I was at the jail the night Dr. Webster was arrested. I was at home, in my house, 30th November. Some ten or fifteen gentlemen came—Dr. H. J. Bigelow, Parkman Blake, R. G. Shaw, with others—Marshal Tukey and some police officers. They stated the objects of their visit; that remains had been found, and that they were satisfied that they were human. I advised that a complaint should be made. Mr. Justice Merrill was applied to, and he ultimately consented to act as a magistrate. Mr. Kingsley agreed to make the complaint, and did so. The warrant was then made out. [Mr. Parker then went into a full account of the advice and directions given, as to the remains at the college, as well as what took place at the jail.] Dr. Webster was brought into the inner office of the jail (from the lock-up). I placed him in an arm-chair. He was very much agitated. He recognised me, and spoke to me by name; he also recognised Dr. Gay. Water was brought, but he was unable to drink. I asked Dr. Gay to assist him. He did so, and I suppose he did drink. I never intended to be a witness, and never expected to be a witness, and haven't treasured the words said in my mind. I told him I wished that he would go with the officers and assist them in searching his private premises. He said he would go if he could. He wished to have Franklin Dexter and W. H. Prescott sent for. I said that Mr. Dexter lived out of town. He said that Mr. Dexter's family were at the Revere House. He mentioned two or three times the distress of his family, and I then mentioned that there was another family in town in great distress, and that the public had a duty to perform in making these inquiries. He said, "oh, my wife and children!" I said to him, "Doctor, I hope you will explain the whole of it." I had known his father as well as himself, and endeavoured to sooth him all I could. I told the officer that Dr. Webster was not to be interrogated. I can't say whether Dr. Webster could walk or not.

I went to the college, before Dr. Webster. I did not see him when he was brought in; nor did I speak to him while in the building. We passed into the lecture-room and then to the back room, the door of which was forced open. I remember Dr. Webster asked for water when they were forcing the door of the privy. There was the same difficulty in his drinking.

When the remains were brought up I was in the entry. Clapp and others went for the remains. They were passed through the trap-door, and placed on a board. I asked Dr. Gay to say whether they were parts of a human body, and of the same. He replied that they were. Dr. Webster was then within ten feet of the remains,



supported by some officers. There was not much light then. Nobody spoke to Dr. Webster, neither did he speak.

JOHN M. CUMMINGS (58th witness).—I am watchman and turnkey at the jail. I was there when Dr. Webster was brought under arrest. He was carried down and put into the lock-up. We spoke to him two or three times, but he made no answer. We laid him in a berth and left him. He was in a very bad state indeed; spoke of his family two or three times and wanted water. When Mr. Parker came, I went down and told him I wanted him to go up stairs, that Mr. Parker wished to see him. He took no notice of what I said; finally I took hold of him. He was very much agitated, and said, "I expected this." I found I could not handle him alone, so I went up and told Parker he couldn't come up. Pratt, Dr. Gay, Leighton, and Jones went down. Dr. Gay spoke to him and asked him if he couldn't get up and walk up stairs. He didn't make any answer. He then took hold of him, and he made a powerful spring and threw his arms right round Jones' neck, as though he was frightened. We carried him up and set him in an arm-chair.

Leighton and I helped Dr. Webster into the coach to go to the college. I rode outside. When we got there, we helped him out and up the steps. He trembled very bad and had a cold sweat on him. The weather was cold. I accompanied the Doctor all round, and heard his remarks. In the private room, while searching it, we came across a coat. The Doctor said, "That is the coat I have to lecture with." While searching the drawer, he said, "I don't know what they want there; they won't find anything there."

When we got into the coach, he couldnt help himself at all. I noticed that his pantaloons were quite wet. His under coat was also quite wet, when we took off his top coat at the jail. We had to carry him down to his cell. I went down twice during the night. He lay just as we left him.

GUSTAVUS ANDREWS (59th witness).—I am the jailor. [Mr. Andrews stated nothing new as to what took place at the college, but simply corroborated other witnesses.] On the way back to the jail he said, "why don't they ask Littlefield? he can explain all this; he has the care of the building. What will my family think of my absence." I then said, "my dear sir, I pity you, and am sorry for you." He said "you pity me! you, sorry for me! What for?" I said, "you was so excited; I hope you will be calm." He then said, "oh, that's it!"

The next morning he was just where he was left the night before, and wanted to be raised up. In the forenoon he was able to sit in the chair. I said nothing to him, but he gratuitously said in the forenoon, "that is no more Dr. Parkman's body than it is my body; but how in the world it came there I don't know." He then said, "I never liked the looks of Littlefield, the janitor; I opposed his coming there all I could."

I noticed the dampness on his coat the night before (spoken of by Cummings.)

I have a letter in the handwriting of Dr. Webster. It is a rule to examine all the letters sent or received by the prisoners. This letter was sent up December 4th, open. I can't say who brought it up from Dr. Webster. Mr. Holmes called my attention to a certain clause, and asked if it should be sent. I replied, not at present. I retained the note, and it has never been sent. After the search was made, I told Dr. Webster that he could communicate with his family. [The letter was dated Boston, Monday evening, and addressed to Miss Mary Ann Webster, at Cambridge. The clause for which it was retained was as follows:—"Tell mamma not to open the little bundle I gave her the other day, but to keep it just as she received it."]

LEVI C. KINSLEY (60th witness).—I am Postmaster at East Cambridge. [Was shown a letter with postmark, November 30.] That letter was dropped into the letter box the same day, and I gave it to Marshal Tukey. It was addressed to "Mr. Tukey, Boston." It must have been dropped in between ten and twenty minutes past a. m.



*Cross-examined.*—I put the post-mark on, and then brought it to Mr. Tukey, on account of the excitement.

FRANCIS TUKEY (61st witness), [was shown three letters.]—This was the first anonymous letter I received—the day of the post-mark I think November 26, Boston, before Dr. Webster's arrest. This (the second) one was brought to me by the East Cambridge, p. m., the same as that spoken of by the last witness. This (the third) one, I think I received the day of the post-mark, Boston, November 30.

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### EIGHTH DAY.

NATHANIEL D. GOULD (62nd Witness). I have seen the handwriting of Dr. Webster.—the signature to a Medical Diploma. I have been in the habit of filling up diplomas. I have been engaged in the art of penmanship from my youth,—have been an instructor for fifty years.

MR. BEMIS.—We propose to show that the three letters addressed to Mr. Tukey were written by Dr. Webster,

MR. SOHIER.—We object to this evidence. They do not propose to show that these letters are in his handwriting. This kind of evidence has always been considered as weak; and we suppose that the Court will not extend the doctrine of the case of *Moody v. Rowell*. We do not think that this evidence offered comes within any of the principles of that case.

The ATTORNEY-GENERAL.—We think that the Counsel for Dr. Webster totally misapprehends the grounds on which we offer these letters. We do not offer them as in the ordinary handwriting of the defendant; but they are written in the disguised hand of Dr. Webster. The witness will say that he has been in the habit of examining handwriting, and can detect similarities between the real and disguised hand of a person. We think the case we propose does not even go so far as the case of *Moody v. Rowell*, and it is clearly within the English rule.

MR. MERRICK.—I do not think that this precise question has ever been submitted to the Court. I know that the question, whether handwriting was in the natural or disguised hand of a person, has been decided; but it is not pretended that these papers are in the handwriting of Dr. Webster, and the proposition is, that an expert may show that these letters were written by him, by analyzing the lines and stroke of the letters.

The ATTORNEY-GENERAL.—I find that my friends confine themselves to a single letter. We expect to show that one of these letters was written by an instrument found in the Doctor's apartment, which presents another ground.

MR. MERRICK.—We only object to the extension of usual rule.

By the COURT.—We think the precise point now raised is not obnoxious to the objection urged. This witness is in the condition to say whether these letters are in the hand of, or were written by, the defendant. These questions usually arise in cases of forgery; but there is another class of cases—those of threatening letters. We think the witness may say whether or not these letters were written by the defendant.

[Mr. Bemis then showed to the witness the letter signed "Civis," dated Nov. 31. The postmark Nov. 30.] The witness said he thought the letter was written by Dr. Webster; that there were always peculiarities in handwriting which could not be disguised. [The Court allowed the witness to give the reasons of this opinion, from his acquaintance with the handwriting of Dr. Webster.] It is impossible for me to explain the grounds of my opinions without going into matters which may seem trivial. I think it is impossible to make two letters precisely alike; but I have always been able to designate to which of my pupils writing belonged, though their hands were similar. These peculiarities cannot be disguised, A person who attempts



to disguise must do it in one or two ways, either by an affected carelessness, or by the utmost care, which cannot be carried through the whole. In this letter there are three letters entirely different from Dr. Webster's hand—the letters a, r, and the character &. [Documents were then shown to the witness, in the acknowledged hand of Dr. Webster.] I find a similarity in the capital letter I, which can hardly be mistaken; also P and D. There is also a similarity of words. The figures 1, 3, 4, 9, are similar. The small f is the same. The abbreviation, "Nov.," is alike in all. Also, from, was, of, is, his, Boston, (though B is not always alike); the letter v, especially when capital. I have no doubt but that these letters were written by Dr. Webster. [Then the letter was exhibited, with the post-mark, Nov. 26, Boston, directed to Francis Tukey, and signed, "Captain of the Darts." In this there is an entirely different hand, in first appearance. The capital T, in the direction, appears to be dissimilar. It seemed to have been written by a boy; but the capital D shows it to have been written by an adult. The y and the word yours are similar. The letter w has a peculiar turn. In Dr. Webster's usual writing, the letter a is almost always left open at the top, and so in the letter which I hold. In this, and other letters, the tops have been closed by the pen, after the letter was written. I have no reason to doubt but that this letter was written by Dr. Webster. The inside of the envelope has a superscription, which was erased by something else than a pen. It could not have been made with a finger; otherwise, the mark would have been strongest at the beginning of the erasure. The letters under the erasure appear to be plain. I think the letter was written with a pen. [The Esq. Cambridge letter, in a red envelope, with the post-mark, Nov. 30, and addressed to Mr. Tukey, was submitted to the witness.] I have no doubt but that the character of this letter was written by the same hand as the other.

[The witness gave the reasons of his opinion, as in the preceding cases.] This letter was not written with a pen; the tops of the letters show that they were not commenced with a pen, because they are soft; nor with a brush. The letters show the passage of some very fine fibres.

The ATTORNEY-GENERAL said that a peculiar Instrument had been found on the premises of the defendant; that a document had been found which, it appeared, might have been written with that instrument, and no other known instrument. Now may not the Government show by this witness, that the letter was written with the same instrument.

MR. MERRICK.—We understand that the witness has experimented with the instrument—we think it not admissable.

THE ATTORNEY-GENERAL.—The objection goes rather to the value, than its competency.

By the COURT.—The evidence is too loose and uncertain to be admissable.

[The notes of Dr. Webster to Dr. Parkman were then shown with the words "paid" written across them. Also the 400 dol. note, with pencil marks upon it.

These words "paid," and the pencil marks,—"483 dols. 64 c. balance paid, Nov. 23," are in the handwriting of Dr. Webster; also the pencil marks at the foot of Mr. Cunningham's memorandum, and the labelling of the same.

The erasures, or crosses on the notes, were not made with a pen. There are indications of the same fibres as are to be observed in the anonymous letters.

*Cross-examined.*—I have examined these and other anonymous letters, which I think were addressed to Mr. Tukey. The letter addressed in his own name, to Mr. Tukey, is in the ordinary hand of Dr. Webster. The letter signed "Civis," I can't tell on the first appearance, whether it is in a disguised hand, or not. There are some letters in it which are dissimilar to the ordinary hand, but I think that all the others are like his hand, taken as a whole. The most of it are like his ordinary hand. I can't say whether the letters which are dissimilar to his ordinary hand are the same wherever they occur in the letter, though I think they generally are.

I don't pretend to tell whether a hand is disguised, without first having compared with the genuine hand.



I think the hand of the "Civis" letter is similar to Dr. Webster's writing. The "Dart" letter, in general appearance, is dissimilar to the hand of Dr. Webster; but seven letters are similar. I think this letter to be in a disguised hand, and to be disguised by Dr. Webster, from the similarity of the letters of the above-mentioned letters to his general hand, and also from the similarity of certain words. I do not think the letter was written with a pen. Taken as a whole, and with the peculiarities mentioned, I think it was written by Dr. Webster.

GEORGE G. SMITH (63rd witness).—I have known Dr. Webster for many years, and have seen his signatures to diplomas, as well as on notes received from him. I am an engraver, and have had occasion to make many fac-similes of handwriting.

[The letters to Mr. Tukey, Miss Webster, Ralph Smith, and the memoranda, were shown to the witness.] I think the "Civis" letter to be in the hand of Dr. Webster; I feel quite confident of it. The "Dart" letter resembles Dr. Webster's hand; but I am not prepared to assert it with the same degree of confidence. I think it might be his. The hand of the letter and that of the outside of the envelope were written by the same person. The erasure, on the whole, seems not to have been made with a pen, but might have been made with the finger, after partially dry.

The "East Cambridge" letter, in my opinion, rests on the same degree of confidence as the "Dart" letter. I observed some of the same peculiarities. I think it was not written either with a pen or brush. There is a very peculiar softness in the top of the letters. The pen, full of ink, would have made a much deeper mark.

I think the erasures on the notes were not made with an ordinary pen or brush; they are marks of some soft substance.

*Cross-examined.*—I can't say that an old quill pen might not have made the crosses on the notes. I hardly think they could have been made with the back of a steel pen. It is possible that cotton in a pen might have made the peculiar fibrous marks. The general "air" of the letter "Civis," strengthens my opinion that Dr. Webster wrote it. [The witness also mentioned other peculiarities in certain letters and characters.]

These letters were then read to the court and jury by Mr. Bemis. The "Civis" letter was dated Boston, Nov. 31, 1849, and addressed to Mr. Tukey.—This letter pointed out various methods of recovering Dr. Parkman's remains—such as searching cellars, out-houses, and firing cannons from Cragie's bridge to raise the body. The "Dart" letter was postmarked Boston, Nov. 26, and addressed to the same. "You will find Dr. Parkman murdered on Brooklyn Height. Yours' truly, — Captain of the Dart."

The "East Cambridge" letter, postmarked Nov. 30, and addressed to the same. "Dr. Parkman was took on board the ship "Herculum." This is all I dared to say, or I shall be killed. One of the men gave me his watch, which I threw in the water from the East Cambridge bridge."

Dr. FISHER A. BOSWORTH (64th witness).—I am resident of Grafton. I attended medical lectures in 1847-8. I knew Dr. George Parkman by sight; I also knew Mr. Littlefield. I was at the Medical College, Nov. 23rd, in the afternoon, near two o'clock; I went up the east stairs to the front door and found the door ajar, and knew that the lecture was not done.

I then passed towards the dissecting-room, and met Dr. Parkman near the foot of the stairs leading to the front door. He then passed up the stairs leading to the college. I then went to Court Street, and got back not far from four o'clock. I rung the bell for Littlefield, and he made his appearance in three or four minutes. I asked Mr. Littlefield if a student, Coffrain, was there. He said he did n't know, but that I might find him in the dissecting-room; that he was busy, and that I could go and find him. Mr. Littlefield appeared in his usual working dress. I found Mr. Coffrain in the dissecting-room, and had a conversation with him. I fix the time by this circumstance, that on the 21st I gave my note for the payment of money. On the 22nd I came to Boston, but was unable to do any business. The next day I went out to do business. I was at dinner at two o'clock, and from the table went directly to the college. The next day I went to South Boston to see my brother. I heard of Dr.



Parkman's disappearance that evening, at the depot, and also in an evening paper. I then recollected the circumstance, and spoke of it at the time.

[Copies of the letters thought by Gould and Smith to have been written by Dr. Webster.]

No. 1.—[Copy.]

“ Boston, Nov. 31, 1849.

“ Mr. TUKEY,

“ Dear Sir,—I have been considerably interested in the recent affair of Dr. Parkman, and think I can recommend the adoption of means which might lead to some explanation of the mysteries connected with the disappearance of the aforementioned gentleman.

“ In the first place, with regard to searching houses, &c., I would recommend that particular attention be paid to the appearance of cellar floors. Do they present the appearance of having been freshly covered? Or might not the part in the cellar be covered by piling of wood? Have the houses and necessaries carefully been examined—have they all been sufficiently raked?

“ Probably his body was cut up into small pieces, and placed in a stout bag, and thrown into the river from *Cragie's Bridge*; and I would recommend the firing of cannon from some of these bridges, and from various parts of the harbour and river, in order to cause the body to rise to the surface of the water. This I think would be the last resort, and it should be done effectually, and I recommend that the cellars of the houses in East Cambridge be examined.

“ Yours, respectfully, CIVIS.”

No. 2.

Postmarked Boston, Nov. 26, directed to Francis Tukey, City Marshal.

The envelope contains the name of Francis Tukey inside erased.

“ Dear Sir,—You will find Dr. Parkman murdered on Brooklyn heights.

“ Yours' truly, CAPTAIN OF THE DART.”

No. 3.

[Directed to Mr. Tukey, Boston.]

“ Dr. Parkman was took on Board the ship herculam, and this is al i dare to say or i shal be killd.

“ Est Cambridge.

“ One of the men give me his watch, but i was feared to keep it, throwd it in the water right side the road to the long bridge to Boston.”

The evidence for the Government was here closed.

Mr. SOHIER opened the case for the DEFENCE.

*May it please the court—Gentlemen of the jury.*—I am aware, gentlemen of the jury, that it is usual, perhaps it may be considered as imperative, for counsel to call the attention of the jury to the importance of the case; but I cannot do it, I cannot allow my attention to wander from the subject before us, otherwise, I might speak of the character of the man—a man who for twenty-five years has been a professor at an institution where many of us were educated—of his high position in society; but, gentlemen, I must confine myself to the cause—to the rules of law and evidence—to the long chain of circumstantial testimony which has been introduced. We are to consider the question which has agitated the community for a long time. The question, gentlemen, is this, is the life of the prisoner at the bar forfeited by the commission of a great crime? It devolves upon you to say whether he leaves this court to his family or to the gibbet. This devolves upon you to say whether the fire on his hearth shall continue to burn, or be extinguished—that devolves upon you to say whether he is guilty, upon your oath.

Gentlemen of the jury,—In some cases you might err with comparative safety, but to err here, is destruction to the prisoner. Can we then, gentlemen, stand in an



antagonistic position to each other? We are to assist each; and it is your duty to constitute yourselves the counsel of the defendant, and to see that he does not suffer by our insufficiency.

Gentlemen of the jury,—Allow me to address a few remarks to you on the examination of your own minds, and that you eradicate the least particle of prejudice against the prisoner. I know you took your oaths that you had no prejudice against him, but can you say now, at the end of a long week's trial? Gentlemen, there is no safety in the impression that one is not prejudiced, unless he makes the most determined effort to eradicate it from his mind. The nature of prejudice is subtle, and you will be on your guard against it. Gentlemen, we are to suppose that you have forgotten the great excitement which was created by the disappearance of Dr. Parkman, especially when it was said that the remains had been found in the Medical College, which endangered even that institution. Gentlemen, we ask you, then, to divest your minds of any remaining portion of prejudice.

Gentlemen of the jury,—I first propose to call your attention to the rules of law defining the offence; secondly to the indictment; thirdly, to the nature of the Government evidence; and lastly, the facts we intend to give in evidence. First, then, as to the rules of law which describe the offence charged. The offence charged is the murder of George Parkman. Murder is a division of the word homicide, which signifies the killing of a man generally. Homicide is of two kinds; criminal, or murder, which is a capital offence; secondly, that which is punished severely, but not capitally.

Gentlemen of the jury,—The Indictment charges murder, and you may convict him of either offence; so that it becomes necessary to examine both—First, then, what is murder? It is defined the killing of a person, with malice aforethought, either express or implied. You must then have an idea of malice. There are two kinds; express and implied. By the former, we mean the popular signification, a depraved mind which shall induce one to kill another with an express, deliberate design. But secondly, malice is in some cases, implied by law. The law punishes not so much the overt act, as the intention. But how shall the law dive into the mind and see its intentions? It cannot, except through overt acts—So that, the law says that certain facts shall imply malice; and that is the mode by which the law arrives at implied malice. So we must know what are the facts and circumstances which imply malice.

Well, gentlemen of the jury, what are the acts which imply malice in homicide? It is implied from any cruel, deliberate act, by which one kills another, however suddenly, without any, or considerable provocation. So you see the distinction between murder and manslaughter. Murder is deliberate, without provocation; manslaughter is sudden, and with provocation. This line may be a narrow one, but it is never to be lost sight of; for on the one side it is death, and on the other it is life—life, it may be on certain terms—but still life. So the importance of the distinction.

But, gentlemen, the law says, manslaughter is the taking the life of man on a reasonable provocation. The instrument with which the offence is committed, is to be regarded; for from the weapon the provocation may be implied. Weapons may be divided into two classes—deadly, and those not deadly. Then what is a sufficient provocation, where a deadly weapon is used; and then where the weapon is not deadly? What will reduce the crime from murder to manslaughter? Any indignity which is resented immediately, with an instrument at hand. [The learned counsel referred to several cases illustrating the position.]

The next question, gentlemen of the jury, is, what is considered a sufficient provocation for an offence committed with some weapon not likely to produce death? Words and insulting gestures are sufficient to reduce the crime to manslaughter, when deadly weapons are not used in a sudden combat.

What then is a sudden combat? [The counsel read from the books the definition of sudden combat. White's case. Lewin's Reports, 173.]

Professor Webster stands charged with the murder of Dr. Parkman, and the



Government means to aver that the act was done in a cruel and deliberate manner; so that the Government are bound to prove the manner; and the distinction which I have drawn becomes important. But when the Government alleges manslaughter, then it means in heat of blood, with some provocation.

I come to the rules of law as to the manner in which the crime should be charged. The jury should bear in mind, not only the offence, but the particular manner in which it is charged to have been committed. It must be shown that the particular crime charged was committed, and the particular manner as alleged; otherwise there would be no safety.

Then we are to inquire whether the indictment sets forth the crime properly. It alleges that Dr. Webster killed Dr. Parkman with a knife, in the first count. Secondly, by striking him with a hammer; thirdly, by striking him with his fists and feet, and striking him against the floor; fourthly, by some means, instruments and weapons to the grand jury unknown.

I now ask your attention to the rules of law as applicable to the first three counts. It is a rule that the means of death shall be accurately set forth, and that the proof shall sustain the allegation. Again, there are certain means of death; first, striking with a weapon; second, striking a man against an object. These are distinct means of death. Then there are poisoning, starving, strangling, and many others, which are distinct. Now, whichever of these means the Government sees fit to charge as used, must be proved as charged. Now, the means charged must be made out; but it is immaterial whether the instrument was a hammer or a stone, when it is alleged that the crime was done by striking, provided that the Government prove that the crime was done by striking.

[The counsel read several cases to this point.]

The means, then, must be proved as charged.—Now, as to the first two counts, the Government alleges, and therefore must prove, that the killing was by striking. The fourth count is, by the hands and feet of the defendant.

I now contend that the fourth count is insufficient, and that the Government has no right to give evidence under it; and that none in fact has been offered. The authorities are against such a count. 2 "Hale's Pleas of the Crown," 184 (Am. ed). He refers to 2 "Coke's Inst.," 119. The same doctrine is laid down in "Hawkins," "East," "Chitty," "Russell," showing that it is necessary to set forth the means of the death. The count is clearly different from that set forth in Colt's case, in 8. "Hill's Reports." We apprehend that such a count, if upheld, would contravene the rules of criminal pleading. So, gentlemen, I contend that the fourth count is insufficient. Has the Government proved that Dr. Webster killed Dr. Parkman by striking him with a weapon? If not, then he must be acquitted; for it is the privilege of any man to have the allegations proved as charged, otherwise the defendant would not be safe. So you must be convinced, beyond a reasonable doubt, that the death was caused by striking Dr. Parkman with weapons, or by striking him on the floor, on which last point no evidence has been offered by the Government; so that we return to the consideration of the first count.

Now, the Government must prove that Dr. Webster killed Dr. Parkman, by striking him with some weapon; and that must be proved beyond a reasonable doubt. I know, gentlemen, some slur has been thrown upon this matter of reasonable doubt; but it is a matter of the greatest importance. The excitement which always attends the discovery of a great crime unfits the minds of all, more or less, from weighing the case carefully; so that the law requires the Government must prove the case beyond a reasonable doubt. There would be no safety otherwise. It is not a mere gratuity to a prisoner, but it is a right. The Government then must prove the case beyond a reasonable doubt. The counsel then read from 1. "Starkie on Evidence," 514, as to the definition of a reasonable doubt.] There must be such a certainty, then, gentlemen, that you would act upon it in matters of the highest importance.

I now come to the nature of the Government's evidence, and the rules applicable



to it. Evidence is either direct or circumstantial. Circumstantial evidence is where the deed has not been seen ; but where certain facts are proved, and then the inference is to be drawn from them. This is a case of circumstantial evidence, which is weak, when compared with direct testimony, because of the increased probabilities of error. In direct evidence, the chances of error are few ; but in the case of circumstantial evidence, where there are numerous facts, each one is a separate and distinct issue, which must be proved. Here, then, the chances of error begin to multiply, and may be increased, in the inferences and conclusions almost indefinitely.

[The Counsel here illustrated the chances of error in circumstantial evidence.]

It is one of the most unfortunate tendencies of this kind of evidence, that incorrect inferences are frequently drawn from it. The books are full of instances of errors arising from confidence in circumstantial evidence. There is the common instance of inferring guilt from having stolen property in possession. I am induced to dwell upon this, because it is a common remark that circumstantial evidence is the strongest. Circumstances may not lie, it is said ; but witnesses who attempt to prove them may ; as well as the inferences which we draw from them. I will read from "Best on Presumption," 253, as to the fallacious nature of this kind of evidence.

Another reason why circumstantial evidence should not be much relied upon, is of a moral nature. I mean the exaggeration into which witnesses are led, by a disposition to detect and punish crime ; and I will read from the same work.

So much for the nature of the Government's evidence ; it is merely circumstantial. In some cases the Government has endeavoured to prove circumstances by circumstances themselves.

I shall call your attention to some of the rules which the law has set up to guard against errors from this evidence. The first rule is, that every single circumstance from which a conclusion is to be drawn, must be proved beyond reasonable doubt. So, if there is a single circumstance which fails, then the case fails at once. Secondly ; the circumstances which are proved must establish the particular hypothesis to be proved by them, beyond a reasonable doubt. The circumstances and the inferences must both be proved.—"Wills on Circumstantial Evidence," 183. Thirdly, these circumstances must not only support the particular inference, but must exclude every other hypothesis. It is the disregard of this rule which has inflicted so much evil on individuals. "Best on Presumptive Evidence," 183. [The Attorney-General doubted the authority of the work]. Well, I will quote "Starkie on Evidence," 573, and "Wills on Circumstantial Evidence," 187, if the Attorney-General doubts the authority of Best. [Mr. Sohier then read from "Best."] The case which I have just read shows the danger of relying on circumstantial evidence, and the consequent necessity of the rules I have stated. To illustrate take the Government evidence. It consists of a great amount of circumstantial proof, by which they have endeavoured to convict the defendant. It is in two parts. First, to prove the *corpus delicti* ; and secondly, that Dr. Webster caused the death. They start by attempting to prove that Dr. Parkman was killed, because he was seen to enter the Medical College, and other circumstances. They then say Dr. Webster destroyed him by violence. Why ? Because Dr. Webster was the last person with whom he was seen. But suppose Dr. Parkman should appear, that would destroy the inference of the second class of circumstances.

So the necessity of the rule that each circumstance should be proved ; and of the other rules I have stated. Now, we take the ground that the circumstances are not proved beyond reasonable doubt ; and, secondly, that the inferences do not follow which the Government would draw.

I come, then, gentlemen of the jury, to state the heads under which to introduce some evidence. We do not go into the circumstances of the Government evidence. We do not intend to give any direct evidence to show how those remains came to be found where they were. The defendant stands upon the same ground that you would. Again, we have no direct proof as to the nature of the interviews between Dr.



Webster and Dr. Parkman. There can be no direct proof on that subject; so that we must rely on such circumstances as we can prove, taken in connexion with those proved by the Government.

We shall introduce the character and reputation of the defendant, which will be more important than if the Government case were supported by direct evidence.

It is a rule of law that a defendant may introduce evidence as to his character in respect to the crime charged. He is charged with having committed a violent, cruel, and inhuman act; and we shall give evidence as to his character in these respects.

Again, we shall introduce evidence as to the conduct of Dr. Webster during the week after the disappearance of Dr. Parkman. Then, as to the fact, whether Dr. Parkman did or not leave the Medical College after he entered it.

We shall show that Dr. Webster has given his attention to the pursuit of chemical studies; that though he may have his peculiarities, that he never was a violent or cruel man. That it was no new thing for Dr. Webster to pursue his studies night and day, and to lock up his laboratory. Such a course is more or less necessary.

We shall show how Dr. Webster passed the time after the disappearance; and these are all that we can show under the peculiar circumstances of the case.

#### EVIDENCE FOR THE DEFENCE.

JOSEPH T. BUCKINGHAM (65th witness).—I reside at Cambridge, and have been acquainted with Dr. Webster for thirty years. I never heard that he was a man of violence, inhumanity, or ill temper, though I have lived in his neighbourhood for seventeen years.

JOHN G. PALFREY (66th witness).—I have long known Dr. Webster, and have never heard of any imputation upon his character as being a man of violence; though I have considered him as somewhat petulant; proceeding, however, not beyond words.

JOHN H. BLAKE (67th witness).—I reside in Boston, and have known Dr. Webster for twenty-five years, and intimately for some portion of that time. As a peaceable and humane man he has been very highly esteemed.

*Cross-examined.*—The year of my intimate acquaintance with him was twenty-five years ago.

JAMES WALKER (68th witness).—I reside at Cambridge, and have known Dr. Webster for ten years. I have never heard any thing against him as a peaceable, humane man.

FRANCIS BOWEN (69th witness).—I reside at Cambridge, and have known Dr. Webster for about twenty years. He may have been considered hasty and irritable, but timid man. Excitable, but without depth of passion.

JOSEPH LOVERING (70th witness).—I reside at Cambridge, and have known Dr. Webster about thirteen years. I always regarded him as a peaceable and humane man.

GEORGE P. SANGER (71st witness).—I reside in Charlestown, and have known Dr. Webster for twelve years. I have never heard of any act of inhumanity or violence charged upon him.

DR. CONVERSE FRANCIS (72nd witness).—I reside at Cambridge, and have known Dr. Webster since 1842, as a neighbour. So far as I know of his reputation as a peaceable and humane man, it has been held highly regarded.

ABEL WILLARD (73rd witness).—I reside at Cambridge, and have known Dr. Webster twenty years. He has always held a high reputation for humanity and peaceableness.

JOHN CHAMBERLAIN (74th witness).—I reside in Cambridge, and have known Dr. Webster for a long time. His character stood very high as a peaceful neighbour and citizen.

JOEL GILES (75th witness).—I reside in Boston, and have known Dr. Webster since 1829, and acquainted with him since 1845. So far as I know, he has held a high reputation; and I have never heard any acts of violence imputed to him.



EDWARD P. HASTINGS (76th witness).—I reside in Milton, and was formerly a merchant. I first knew Dr. Webster in 1825, and so on to 1833. I sold him the land where he built his house. As a peaceable, quiet, and humane man, I have never heard anything to the contrary.

JOHN A. FULLER (77th witness).—I am a painter, and reside at Cambridge. I have known Dr. Webster for twelve or fourteen years. I never heard anything of him than that he was a quiet, peaceable gentleman. I never heard any acts of violence or inhumanity imputed to him.

*Cross-Examined.*—I recollect when a hall was decorated at Cambridge. I can't say that he showed anger when he was ordered to stop. He ordered the green shrubbery to be removed. I didn't see him pull them down with his own hand.

JAMES D. KEENE (78th witness).—I reside at Cambridge, and have known Dr. Webster somewhat, for fifteen or twenty years. He has been regarded as a peaceable, quiet, and humane man.

P. M. HALLETT (79th witness).—I reside at Cambridge, and have known Dr. Webster, for twenty or twenty-five years. [Corroborated the preceding witness.]

DANIEL TREADWELL (80th witness).—I reside at Cambridge, and have been connected with the college as a professor. I have known Dr. Webster nearly thirty years. I think he has been regarded as somewhat irritable and nervous; but quite humane and harmless.

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### NINTH DAY.

H. I. BOWDITCH (81st witness).—I reside in Boston, and have known Dr. Webster for twenty years. His reputation, so far as I have known, was that of a humane and peaceable, but somewhat irritable, man.

J. D. HEDGE (82nd witness).—I have been acquainted with Dr. Webster for about twenty-five years, and have never known or heard anything against his character as a humane and peaceable man; but I have supposed he was somewhat nervous.

JAMES CAVANAGH (83rd witness).—I reside in Cambridge, and have known Dr. Webster for sixteen years—He was regarded as a kind and peaceable man.

ABRAHAM EDWARDS (84th witness).—I reside in Cambridge, and have known Dr. Webster for fifteen years. As a man of peace, quiet, and humanity, I have never heard anything to the contrary.

P. W. CHANDLER (85th witness).—I have known Dr. Webster personally for about twelve years. He was regarded as a timid, mild man—deficient in energy of character and strength of passion. His reputation for peace and humanity has been in his favour.

DR. MORRILL WYMAN (86th witness).—I have resided in Cambridge for twelve years. I knew Dr. Webster fifteen years since as a teacher in chemistry, and my acquaintance with him has since continued. I have always supposed that he was regarded as a mild, peaceable, and amiable, man.

JARED SPARKS (87th witness).—I reside in Cambridge, and have known Dr. Webster seventeen years as a neighbour. His character, as far as I knew from observation and report, was that of a mild, peaceable, and amiable man.

*Cross-examined.*—Since his arrest, I have heard some remarks implying that the question as to his character would be raised.

CHARLES O. EATON (88th witness).—I reside in Boston, and have known Dr. Webster for three years. I never heard or knew, that he was other than a kind, quiet, and peaceable man. I am a sign and ornamental painter, and have had occasion to do work for him. I have been to the Medical College, chiefly in the winter. I always found him in his private room, or the lecture-room. I have been there



frequently when the doors were bolted on the inside. I found more difficulty unless I went at, or near, the lecture-hour. Sometimes the janitor could not gain admittance; and he told me that the Doctor was bolted in. I was there November 12, at his request. I went and rung the outside bell. Mr. Littlefield told me I could not see him. I showed him my letter. He then tried the lecture-room and laboratory doors which were bolted, and I gained admittance at the private door.

*Cross-examined.*—I was there during the spring or summer of 1849, before his course of lectures had closed. I had orders almost every week during the course of lectures.

Near the close of his course he had many diagrams to be completed, and wanted me to wait until the next course of lectures for my pay. At times I have been three or four times a week, and then again not for a fortnight. I have prepared diagrams for three courses of lectures. I was an apprentice when I first was in the habit of going to the college—and went less frequently, after I went into business for myself.

Sometimes I went every lecture day. I cannot tell precisely when the lectures commenced or finished. I have been there when it was warm weather, and the windows down; but I cannot say whether it was in April or March. I cannot fix the month. When I said I was there in the latter part of spring or early part of summer, I simply meant that it was quite warm. I had been at his house in Cambridge; but not at the college for sometime before the 12th of November, 1849.

ROBERT E. APTHORP (89th witness).—I knew Dr. Webster for about six years, and never heard anything against his character as a mild and peaceable man.

SAMUEL S. GREENE (90th witness).—I reside in East Cambridge. I recollect the Sunday after the disappearance of Dr. Parkman. I was the person who gave the information that the toll-man had seen him pass. Was at the toll-house on Sunday evening. Two or three men came there, and one of them said he had charge of the building, and Dr. Parkman had been there and paid Dr. Webster 470 odd dollars. I was sitting back in the toll-house. I understood him first to say that he saw the money paid, but afterwards he said he did not. I understood him to say that he saw the man go out. He referred to Dr. Parkman. The day he spoke of was Friday, and the time of the conversation the Sunday following.

*Cross-examined.*—One of the men present was Mr. Fifield. He thought as I did at the time, but since that time I have understood he differs from me. I cannot give Mr. Littlefield's language; 480 dols. was the amount. I said 470 dols., but I was wrong. There were no cents. As to the person, I cannot say it was Mr. Littlefield. I said it was the man who stated that he had charge of the building. He said he was at the Medical College when he saw Dr. Parkman. Cannot recollect where he said he was. I understood him to say he saw Dr. Parkman in the building. Did not understand where he was; but he said he saw Dr. Parkman go out. I so understood it. I did not say that he said he saw Dr. Parkman in the building. Do not recollect that Mr. Littlefield said he saw Dr. Parkman come into the building. I understood him at first to say he saw Dr. Parkman pay the money to Dr. Webster, but afterwards I understood him to say that he did not see him pay the money. I did not understand Mr. Littlefield to say that Dr. Webster said he paid the money.

JUDGE FAY (91st witness).—I have resided in Cambridge for forty years, and have known Dr. Webster for fifteen years. I have always understood that he was a man of nervous irritability; but never passionate or violent. I heard of the disappearance of Dr. Parkman on Saturday evening. On Friday evening after his disappearance, I saw Dr. and Mrs. Webster at Mr. Treadwell's. Dr. Wyman and his wife were also there. I was there about nine. There was considerable conversation, in which Dr. Webster engaged. I saw Dr. Webster during the week following. I called at his house on Sunday evening, I think, but it might have been on Monday or Tuesday evening. I went to make inquiries respecting the disappearance of Dr. Parkman. I was there two or three hours on Monday evening, and was invited to sit down and play whist with him, his wife, and daughter. I am confident I was at his house



two out of the three evenings, Sunday, Monday, and Tuesday. On one evening I was there only a short time to make inquiries, which I made of Dr. Webster himself.

JOSEPH KIDDER (92nd witness).—I am a druggist in Court Street. I know Dr. Webster, and met him on the day Dr. Parkman disappeared at my store, not far from five—say fifteen minutes before. He was there only a short time.

*Cross-examined.*—He called to purchase a box of cologne. He took it with him, but did not pay for it.

MARIANNE WEBSTER (93rd witness).—I am a daughter of Dr. Webster, and since his arrest I have endeavoured to call to mind where he passed the time during that week. On Friday, 23rd, my father was at home at tea, before six that evening. I remained at home till eight, and then went to a neighbour's house to a party. Father and Mother went with my sister and myself. He left us and went away with my mother. I next saw him at half-past twelve, when we got home from the party. He remained until about one in the morning, and then went up to bed. On Saturday morning I did not breakfast with the family. He dined at home with us at one; I was not at home that afternoon, and did not see him until tea. I saw the Evening Journal that evening. A neighbour had the Evening Transcript. My father was at home that evening. He read aloud to us, and we played whist. This was not the evening that Judge Fay was in. I retired at a quarter of ten that night.

Sunday morning, the first I recollect of seeing him, was when he was at church. He then went to take a walk. He was at dinner at half-past twelve. He went to Boston that afternoon to inform Dr. F. Parkman about seeing his brother on Friday. We had dinner earlier on that account, as we knew in the morning that he wished to go in. I can't say whether I saw him that evening.

On Monday father was at home at dinner, but not at home during the afternoon. He came at six, at tea-time, and was at home that evening, and played whist. Judge Fay came in. I retired about ten, earlier than the rest of the family. My father was then in the house.

On Tuesday my father was at home at dinner, and remained a short time after dinner. He was with us at tea, and during the evening until ten or eleven; I retired and left him up. We played whist, and I recollect that a fire took place that evening. We had no company that evening. My father generally breakfasts at home with the family.

Father was at home about eleven on Wednesday forenoon. I was in the dining-room. He came in and spoke to me about a book. He then went to the garden and trimmed grape vines until dinner. He remained at home until twenty minutes after six, and then went with us to Mrs. Cunningham's, in Boston, at a party. He came home with us past eleven. We left him up in his dressing-room when we retired.

On Thanksgiving day, father remained at home all day. A part of the morning he was in the garden. When I retired about ten, he was up.

On Friday, I can first recollect seeing him at dinner. He was at home about about half an hour after dinner; also at sunset.

I have a sister in Fayal. She is married, and we have constant intercourse with her. We keep a journal, from which we write letters to Fayal. My father is in the habit of sending air tight boxes of plants to my sister. We intended to send some during the winter.

HARRIET P. WEBSTER (94th witness).—I am daughter of Dr. Webster. On Friday, November 23rd, I saw father between half-past five and six that evening. He accompanied my sister and myself to a neighbour's house—Mr. Batchelder's—to a party. On our return, he opened the door for us and let us in. I saw him about half an hour. He went up to his room before I did. I recollect seeing him at one, at dinner, and he remained until two.

On Saturday afternoon he was at home about dark, and was then out for half an hour. When he came back, he brought a book. He passed the evening at home. Miss Hodges was there a part of the time. The first of the evening he read to us, and then we played whist. He was there at ten o'clock.



On Sunday, he went to church in the morning, and then went to Boston, to tell Dr. Francis Parkman about having seen his brother. He expressed the intention in the morning. I saw him in the evening, but I cannot state the hour. It was before I retired, and I think I left him up.

The first I recollect of seeing him on Monday, was at tea-time. Miss Wells was there the early part of the evening.

On Tuesday he was at home at dinner-time. I do not recollect seeing him again till tea. He read aloud to us a part of the time, and we played whist.

He was at breakfast on Wednesday. I saw him again about eleven. He was in the garden the rest of the forenoon. The afternoon he was at home. He went out with my sister. I did not see him again until Thursday. He was in the garden that morning, and during the rest of the day and evening. We were all at home—he with us.

On Friday I saw him at breakfast, and saw him again about five o'clock.

Several articles were sent to our house from the laboratory in Boston the day after the arrest. A cap, a pair of overalls and coat, were among other things.

ANN FINNEGAN (95th witness).—I live at Dr. Webster's—went there the 15th November. Dr. Webster usually breakfasted at half-past seven or eight at that time. He usually dined at two o'clock. On Wednesday, Thanksgiving week, I saw Dr. Webster in the kitchen between eleven and twelve. He came in, and I thought I was late about dinner. He took off his coat and went into the garden. Dr. Webster was at home at breakfast every day that week, until the arrest.

CATHERINE P. WEBSTER (96th witness).—I am a daughter of Dr. Webster. Friday afternoon, November 23, my father was at home between half-past five and six o'clock. He accompanied us to a party, and I saw him at half-past twelve again. I left him about one o'clock.

On Wednesday, I saw my father between eleven and twelve. He was in the garden. In the afternoon he was at home between five and six. We were at a party in Boston, and left for home about half-past ten. We walked from Mr. Cunningham's to the toll-house, and there took the omnibus. While we were waiting at the toll-house, we saw the notice of a reward offered for the discovery of Dr. Parkman. My sister showed it to my father, and he read it. It was rather high up.

On Sunday before, I saw my father preparing to go to Boston, to see Dr. Francis Parkman about having seen his brother. My mother asked him to remain until afternoon. He did remain, and went to church. After church I took a walk with him. I saw him that evening. I heard his voice at dark, in the entry.—Saw two men come to see him, between nine and ten, in his study.

DR. WINSLOW LEWIS, JUN. (97th witness).—I have known Dr. Webster for thirty years. He always stood fair as a man of humanity and kindly feeling—never a man of violence. I have frequently had difficulty in gaining admittance to Dr. Webster's room, when in the Mason Street College.

The ATTORNEY-GENERAL objected to the examination of this witness on the matter of the report made by him.

MR. SOHIER.—I wish to examine Dr. Lewis as to something in which he was contradicted by Dr. Strong.

The ATTORNEY-GENERAL—Mr. Sohier had an opportunity to cross-examine him in the matter when the witness was on the stand before.

By the COURT—You may put the question, but not go into a general examination.

I did examine the cut between the ribs. It was not a clean cut. If it had been, that would not show that it might not have been done after death. I could not form any conclusion from the appearance of the fracture of a bone, whether the fracture was made before or after it was calcined.

We finished our examination on Sunday. When I saw Dr. Strong at the laboratory we had finished our examination.



*Cross-examined.*—I have not had as much experience in osteology as Dr. Wyman. The membranes are more tense before than after death, and if the cut were a clean cut, it would have been more likely to have made before death.

DR. GEORGE H. GAY (98th witness).—We finished our examination of the remains on Sunday. I saw Dr. Strong there on Monday. The cut was not a clean cut. I thought at the time it was made with a cane. The limbs from the privy had the appearance of maceration.

DR. O. W. HOLMES (99th witness).—There are two principal authorities on the subject of the quantity of blood in the human body. One says one-fifth of the weight of the subject, twenty-seven or twenty-eight pounds. The other, between one-fourth and one-fifth, about thirty-four pounds—about seventeen quarts, something less.

In regard to forming an opinion respecting the shape of the fracture before or after calcination, it depends on the degree in which they are calcined. If calcined to a moderate degree, I could not judge for certain.

By the ATTORNEY-GENERAL.—Should not prefer Dr. Wyman's opinion to my own. Have examined the specimen shown by Dr. Wyman, and could not form any opinion whether it was fractured before or after being calcined.

E. N. HORSFORD (100th witness).—I am professor in the Lawrence Scientific School, at Cambridge. I have given lectures on chemistry, as well as instruction. Nitrate of copper is a substance common in chemical laboratories, and is frequently used in organic analysis. It is not the best article to destroy the globule character of blood.

Nitric acid and potash dissolves bone quite as readily as any other substance. I have made experiments with the former in dissolving bones and tendons. In five hours and twenty minutes the liquid became clear. The tendons were dissolved in between three and four hours. Human muscle can be dissolved in a very short time; but I have never dissolved human bone. Some vessels in Dr. Webster's laboratory contained solution of copper. Gases are frequently taken from anatomical vaults for the purposes of examination.

When I took possession of Dr. Webster's laboratory, I sent out to Cambridge an old blanket, two pairs of pantaloons, one or two coats, a pair of overalls, and a light cap. I examined the overalls cursorily before I sent them out, and observed nothing on them. I looked over all the clothes. I have seen the same garments since and observed no change in them. There was no blood upon them.

*Cross-examined.*—I found the overalls in the small private room. I think the policeman had used them for a pillow. There was, perhaps, a gallon and a half of nitric acid in the laboratory; about thirteen or fifteen pounds. I could not say how strongly it had been concentrated. I think it would require rather more than the weight of a body, to dissolve it in nitric acid rapidly. In the experiments I made in dissolving bones and muscles with nitric acid, no odour escaped. I discovered no apparatus about the laboratory, sufficient to use 150 pounds of nitric acid.

I have not examined the spots on the staircase. I attached no importance to them, as it is common to drop substances about a laboratory. Nitrate of copper would not effect the fabric of clothes at once.

DR. W. T. G. MORTON (101st witness).—I am a dentist, and have practiced about eight years. I usually manufacture all the mineral teeth I use. I have had opportunities of knowing Dr. Keep's work. I see nothing peculiar about these teeth (those found in the furnace), by which they could be identified. I see nothing peculiar in the grinding of mineral teeth to make room for the tongue. It is quite common.

The mode of pinning the teeth to the plate is quite in the usual manner. The position of the hole is that laid down in the late books, (The witness thought the mould shown by Dr. Keep would fit the lower jaw in many mouths.) The block of



teeth found in the furnace fits the mould of Dr. Keep no better than many I could pick out of a refuse lot of blocks. (Dr. Morton here exhibited to the jury several moulds of greater angle of absorption than that exhibited in mould of Dr. Parkman's jaw; and others, tending to show that the teeth found in the furnace could not be identified by comparing them with the mould.) The block which was found in the furnace has the same appearance as those which I take from my furnace, when they have fallen in by accident.

I think the three teeth in the mould are those of the lower jaw, which we generally allow to remain, in preparing it for blocks of mineral teeth. (The witness exhibited moulds from his laboratory exhibiting the same number of teeth remaining, as in the mould of Dr. Parkman's mouth.)

I think the action of fire has warped one of the blocks, and the lower one, I argue, may have also warped, so as to fit, more or less perfectly, the mould of Dr. Keep.

*Cross-examined.*—I knew Dr. Parkman, and should hardly know whether to say he had a peculiar jaw; I never saw any two jaws alike. All jaws are alike in some respects. I have seen a good many like Dr. Parkman's jaw, and I can't think it peculiar. I am not at liberty to name my patients whose jaws project as much as those of Dr. Parkman.

I could not identify my own work, after it had been into the fire. In many instances I could identify it, before it was subjected to the fire, but not always.

Teeth, when fitted for one mouth, with plates, would not answer for another.

I should say that the person, the mould of whose jaw I have exhibited for remarkable absorption, was between fifty and sixty.

Teeth fitted for both jaws would be much less to fit the mouth of another person than for one.

*Re-examined.*—The blocks, separate and distinct, might fit the mouth of another person than the one for whom they were prepared.

DANIEL O. TREADWELL (102nd witness).—I recollect Friday, Nov. 23rd. I saw Dr. Webster that day at half-past eight. When he and his wife came in, Mrs. Treadwell, Dr. Morrill Wyman, his wife, and Judge Fay were present. The conversation was general. They left past ten. I have since called his appearance to mind, and recollect nothing peculiar in his manner, or wandering in his conversation.

I saw him the next week, Tuesday evening, somewhere near the burying-ground in Cambridge, after six o'clock. I had taken tea, and was going down town from my house. We recognised each other, stopped and conversed.

I saw him once after that, but can't say what evening. There was nothing remarkable in his manner. We spoke of Dr. Parkman. As I left, he pointed to a very bright star, and asked me what it was.

DR. JAMES W. STONE (103rd witness).—I was one of those who examined the remains found in the laboratory. We finished our examination on Sunday. The hole between the ribs was not a clean cut; and there would be no difficulty in making such a cut after death, more than a butcher would have in cutting a piece of meat.

MRS. G. B. HATCH (104th witness).—I live at 15 Vine Street, and knew Dr. Parkman some fourteen years. I saw him Friday, Nov. 23rd, in Cambridge Street, between Blossom and North Russell Streets. I was going towards Cambridge Bridge and he in the opposite direction. When I got into the house, it was between twelve and thirteen minutes of two o'clock. He was going towards Court Street. I looked at the clock to see how long I had been absent. I fix the time, because my husband went to Vermont on the 22nd, and my sister came to the city the same day. On that day I went to tell my daughter of her arrival. I mentioned it when I was told that he was missing.

*Cross-examined.*—After I passed him I don't know but that he turned exactly round. I was not his keeper. I told my sister I had met "chin," for the purpose



of drawing a smile on her countenance. She did smile. I did n't tell her immediately after I went in, but some time in the afternoon. I met him on the same side of the street, on the right hand.

JOSEPH HATCH (105th witness).—I reside at No. 15 Vine Street. I went from Boston to Vermont, on Tuesday, November 22, 1849, and returned on Monday, December 3rd.

WM. V. THOMPSON (106th witness).—I reside at East Cambridge, and am clerk in the Registry of Deeds. I went to Dr. Webster's house on Sunday evening with one of the Boston officers. We went about six o'clock, p. m. We went to ascertain the date of the mortgage on which he said he had paid money. I went to his study. I asked him if he recollected about the time when the mortgage was given. He said if he would wait a minute or two, he would tell us. He looked into a trunk on the floor, and remarked that it was strange he couldn't find the paper, and then said he could give the information another way. He read a few extracts from a book which I took to be a journal. He gave me the date of a mortgage, and said instantly, I suppose that is not the one you want. I told him I wanted the one on which he paid the money to Dr. Parkman. He gave the date and I told him I would call on Paige, and see if it was discharged. I made a minute of the dates of these mortgages.

He said he had been to inform Dr. F. Parkman that he was the gentleman who had made an appointment with Dr. G. Parkman. That on his return, he had called on Mr. Paige to see if the mortgage had been discharged and was not aware that his communion-day was on the last Sunday of the month instead of the first. He ascertained that the mortgage had not been cancelled. I said that we would call at Mr. Paige's and see if he had not overlooked the mortgage. I saw nothing peculiar in his manner; no trembling. The first mortgage he gave me the date of was the largest in amount. I took notes at the time.

I knew Dr. Parkman for about ten years, and saw him frequently for the five years last past. I saw him on the 23rd of November in Causeway Street. It was within ten minutes of the quarter past two o'clock; I was going towards Charlestown Bridge, and he coming towards Leverett Street. It was a little below the middle of the street, a miliner's shop one side, and a carpenter's shop on the other, where I met him. I was on the left hand side, and he was opposite. I fix the day, by paying for this coat, and I also had made an examination of titles at the registry, and was going to carry it to the man in India Street. I had not been in Boston for nine days before. The week after I was in again, on Thanksgiving day.

When I went to India Street, I wrote a billet. I fix the hour, by the fact that I started from East Cambridge at two, by the Court House clock. The first place I had to call, was at the corner of Elm and Hanover Streets, to leave some things. I took out my watch, and it was twenty-three or twenty-five minutes past two. This was after I had passed Dr. Parkman. I came on foot into Leverett Causeway, then into a street which leads into Portland, and then into Hanover Street. I think I am a rather quick walker.

I noticed Dr. Parkman's appearance. He had on a dark frock coat, pantaloons, and hat. When I saw him, he had his hands behind him, and appeared rather excited. I did not turn round to look after him. I stated this to Mr. Blake, on Sunday, about five o'clock.

*Cross-examined.*—I do not think I am near-sighted, and do not wear spectacles. I wear slightly-coloured glasses for weak eyes. I mainly give attention to copying, which may weaken my eyes, but not impair my sight. (Here followed some questions as to the witness's knowledge of the streets and localities.) I met Dr. Parkman between Merrimack and Leverett Streets, and nearer the latter. I am positive I went through Merrimack Street. I carry a magnifying glass for the purpose of looking at fine writing. I have never said that I had written so fine at one time that I could not read at another time—to the best of my knowledge. I once told a



gentleman that I had written very fine writing in a "biological" state—so fine that others could not read it without a glass.

[MR. MERRICK objected to the mode of cross-examination; but the Court ruled that it was admissible.]

I don't know that my eyesight is better in a "biological" state than out of it; it may be. I don't think I can see at a great distance in a "biological" state. I had no conversation with Dr. Parkman. I stated to Mr. Blake that I had seen Dr. Parkman. I don't know whether he acted upon it.

When at Dr. Webster's on Sunday night, I asked him how Dr. Parkman appeared when he paid him the money. He said that he seemed angry and excited. He also said that Dr. Parkman had called on Mr. Pettee, the gentleman who sold his tickets, and inquired if he had any money in his hands belonging to Dr. Webster. That Mr. Pettee told Dr. Parkman that he had. That Dr. Parkman wished Mr. Pettee to pay over the money to him, (Dr. Parkman,) and that he would give his receipt. That Mr. Pettee refused, and that Dr. Parkman then said that he (Dr. Webster) was a damned whelp. When we were coming from the house, Dr. Webster said to us, "Gents., I hope you will be successful in your search, and any assistance which I can give, I shall be happy to." I have always so stated it. [The Attorney General here showed the witness a letter.] That letter contains a general outline of what occurred and was said at Dr. Webster's. The gentleman to whom I wrote that letter, said he wanted merely an outline, and nothing more.

Dr. Webster might have said that Dr. Parkman had been insulting towards him; also that he (Dr. Webster) would pay him when he got the pay for his tickets. As to his saying that there were two persons present when he paid the money, I may have said that such was my impression.

*Re-examined.*—I told Mr. Andrews that Dr. Webster said that either two persons were present, or had just gone, one of them was the janitor. Mr. Andrews said he wanted only a rough outline, and that I had better put it down.

NATHANIEL A. WENTWORTH (107th witness).—I am a provision dealer in No. 1 Lynde Street. I knew Dr. Parkman for two years. I saw him last on the 23rd November, in Court Street, between the hours of half-past two and half-past three o'clock. I dined at one, and got back to my shop at two. I then sent my clerk to dinner, and he was gone until half-past two. I then was going to market, when I saw Dr. Parkman near Sudbury Street, opposite Mrs. Kidder's shop. He stopped and turned about and faced the middle of the street. He was going towards Bowden Square. He had his hands behind him, under his coat, when he stopped. I know it was Friday, because when I went home on Saturday evening, my wife said that two men had been there after Dr. Parkman. I said to her, "I guess he ain't gone a great ways, for I saw him yesterday in Court Street." After I had passed him, I crossed the street, and then I noticed Dr. Parkman standing with his face to the street.

*Cross-examined.*—I told a lady in the house at the time. I told it to Mr. Foster the week after the discovery of the remains. I think the time was near three o'clock. I am sure that it was Friday, because I never go to market on Thursday for Saturday. I remarked it to Mr. J. H. Russell at the time when I saw Dr. Parkman. I don't know Mr. Coy, nor who the men were who came to my house.

SAMUEL CLELAND (108th witness).—I reside in Chelsea, and do business in Boston, 26 South Market Street. I knew Dr. Parkman for about eleven years, and during the year 1839 I was a tenant of his. I saw him last on Friday, Nov. 23rd, between three and half-past three, as near twenty minutes past as possible, in Washington Street, between Milk and Franklin Streets, on the east side. He was going towards Roxbury, and I coming towards State Street. We passed each other on the same side of the street.

My attention was attracted to him, by first noticing that I thought he was walking with a labouring man, but on nearer approach, I found he was only passing him at the time.



On Wednesday, Nov. 21st, I addressed a note Rev. Mr. Allen, of East Boston, inviting him to preach in Chelsea. Not hearing from him, on Friday I addressed another note. I sent my boy to his brother in Federal Street, to ascertain if he was in the city, or likely to be in the course of the day. He was not over, or likely to be. I sent the boy to East Boston the same day, but he did not find him.

I then addressed a note to Rev. Mr. Wirt on the same subject.

At three o'clock, the same afternoon, I left the store and passed up State, through Devonshire to Franklin Street, and called on the Rev. Mr. Wildes. After some conversation with him, I went to Washington Street, and there I met Dr. Parkman.

I went to Mr. Wilde's at three, because I always found him at home at that hour—or about that hour.

[The witness here produced the notes, one of which he had written on Friday, and another which he had received on the same day, respecting the same subject, from Rev. Mr. Wirt. But they were not admitted.]

*Cross-examined.*—I told it to my partner who had read that he was missing. Afterwards to Mr. Knapp, who thought it not necessary to communicate it to his family. I saw the advertisements on Monday. I think the street was not particularly crowded at the time. When I first saw him he was four or five rods off.

LUCIUS R. PAIGE (109th witness).—I am the City Clerk of Cambridge, and have the records of mortgages of personal property. Dr. Webster was at my house on Sunday, after the disappearance, not far from a quarter before five o'clock. I found him there on my return from church. He wanted to know whether Dr. Parkman had been at my house to discharge a mortgage. I told him he had not been there.

Mrs. ABBY D. RHOADES (110th witness).—I live in Minot Street. I knew Dr. Parkman for 25 years. I saw him Nov. 23rd, Friday afternoon, at the corner of Green Street and Lyman Place, near an apothecary's store, not far from a quarter to five. It was as late as that, for it was very near dark. I was going towards Cambridge and he towards Bowdoin Square. He passed very near me, my daughter only was between us. We bowed to each other as we passed.

It was Friday, because that was the only day when my daughter and myself went home together. I made some purchases at Hovey's store on that day of *mouselin de laine*, and my daughter was with me the whole of the day. I was so positive as to the day that I communicated the fact to Dr. Francis Parkman on Tuesday afternoon. On Saturday I was at home, and my daughter was out. Thursday I was at home likewise. I saw the disappearance on Sunday morning, in one of the papers. My daughter called it to my mind on Tuesday, after her return from the country, where she had gone on Saturday, and I recollected it at once. I cannot be mistaken as to the day. I went out between two and three, and it was on my way back that I met Dr. Parkman.

*Cross-examined.*—I had been a parishioner of Dr. Francis Parkman, and felt a deep interest in the welfare of the family. I saw the notice of the disappearance of Dr. Parkman on Sunday morning. I have never expressed any misgivings or doubts as to the matter, to my recollection; though I have had conversation with various persons. I never expressed any doubt to my sister on the subject. I can't tell who the gentleman was that was walking with Dr. Parkman; nor whether they were in conversation. I don't recollect the weather. On Tuesday afternoon, I communicated the fact to Dr. Francis Parkman, and told him that I was reminded by my daughter. I went to see him again on Friday morning.

MARY RHOADES (111th witness).—I am the daughter of the last witness. I have known Dr. Parkman by sight for nearly ten years. I saw him last on Friday, Nov. 24th, at the corner of Green Street and Lyman Place. I was coming with my mother from Hovey's store. [This witness gave the same account of seeing Dr. Parkman as had been given by her mother.] I first mentioned seeing Dr. Parkman on Tuesday after my return to Boston, to my mother.



*Cross-examined.*—I first heard of the disappearance while I was at Lexington, by the papers. I did not then mention that I had seen Dr. Parkman. I was at home during the week of the disappearance, until Saturday. I was out with my mother, in Green Street, when going from home; but not when returning.

MRS. SARAH GREENOUGH (112th witness).—I knew Dr. Parkman by sight for several years. I saw him last Nov. 23, on Friday, in Cambridge Street, between South Russell and Belknap Streets, ten minutes before three, going towards the bridge, on the opposite side of the street. I cannot be positive, but it is my belief that I saw Dr. Parkman at that place and time.

NATHANIEL B. BEAN (113th witness).—I am a clerk at Hovey and Co.'s stores. I sold eleven yards of *mouselin de laine*, at 20 c. per yard, and that was the only sale of the article for cash on that day.

[Mr. Sohier said that he thought that the evidence for the defence was closed; but if, on looking over his memorandum others should be found, he wished the privilege of calling them.]

## TENTH DAY.

### REBUTTING TESTIMONY FOR THE GOVERNMENT.

JOSEPH SANDERSON—(114th witness).—I am one of the police officers of the city of Cambridge, and have known Dr. Webster for about four years. During the week after the disappearance, I saw Dr. Webster, between Sunday and Thanksgiving evening, get out of the theatre-coach in Harvard Square, in Old Cambridge; and I think it was between eleven and twelve o'clock at night. None of his family were with him. I was standing near the omnibus, and followed him towards his house. I did not see him after he passed Graduates' Hall. I followed him for about fifteen rods. I am a watchman, and had occasion to be about there. I met another watchman, Mr. John Bryant, immediately after. I told him about it, and some conversation ensued. Dr. Webster might have touched me.

I first called this to mind the Saturday after Dr. Webster was arrested. The theatre-coach came out from a little past eleven to past twelve.

*Cross-examined.*—I do not know that it was not Wednesday night. Quite a number got out of the coach at the time. I cannot say whether there were any ladies. I know it was not Thanksgiving night, because the night was very pleasant. He walked faster than I did. I followed him to within a short distance of his house, but he passed on out of my sight, after he passed Graduates' Hall. When the coach stopped, I was near the head of the wheel horses, on the side walk, and looking towards those who were getting out. The moon did not shine out at the time; it was as light as a starlight night. He passed me when I was standing still, and I turned and followed him. After Graduates' Hall there is a vacant lot, and then Church Street, before you come to the church.

DR. DANIEL HARWOOD (115th witness).—I am a dentist of this city, and have been in practice since 1829. I am one of the counsellors of the Massachusetts Medical society; I have always been busy in the manufacturing of mineral teeth, and one of the first. There are distinct marks of identity, by which a dentist can know his own work, as a general thing, especially in what are called large "cases." By large cases, I mean where several teeth are connected by plate, or in a block. Single teeth would depend upon the composition.

I also think a dentist would recognise the work of another; though I would not say positively that I could identify Dr. Keep's work. As I see the patients of other dentists, I sometimes remark that this is the work of Dr. Keep, or Dr. Morton, and generally, the patient says that I am correct.—[The teeth from the furnace were here shown to the witness.]—These are covered with foreign substance, and I should



be unwilling to say positively as to them, as there are other dentists who use the same composition as Dr. Keep—such as Drs. Flag and Kelley. These teeth seem to be the same composition as is used by Dr. Keep.

The style is certainly Dr. Keep's; for he does not separate the teeth down to the gums. I judge of Dr. Keep's work, by having seen his work in the mouths of patients, and occasionally, at my laboratory. It may be the style of others also.

There is something peculiar in the shape of the block, which might enable the maker to identify it as his own work.—[The mould was here shown to the witness.]—There is a striking peculiarity on the left side—the great absorption.—[Objected to; and the Court confined the witness to a general identification.]—If I had made such a piece of work, and had seen it recently, and compared it with the model, I think I should know it; nor do I think Dr. Keep could be mistaken.

*Cross-examined.*—We don't do all the work ourselves, but have assistants. I can't find among my models any which present so great an absorption on one side only, as that of Dr. Parkman.

DR. JOSHUA TUCKER (116th witness).—I have been engaged in dentistry for twenty-one years, at work all the time.—[Teeth and models were shown to the witness.]—I should not wish to give an opinion, except as to one block—in the left lower side; and that, I think, affords accurate means of identification.

*Cross-examined.*—They may have warped, owing to having been subjected to heat.

DR. W. W. CODMAN (117th witness).—I am a dentist, and have had a medical education; have practised as a dentist between sixteen and seventeen years. A part of the time I have given exclusive attention to the manufacture of mineral teeth. I think these teeth, and the model—[shown to the witness]—would be sufficient to enable a dentist to identify his work.

BENJAMIN H. TODD (118th witness).—I reside in the city. I remember the Sunday after the disappearance, and was at the toll-house on Cragie's Bridge. There was a conversation, in which Mr. Littlefield engaged. The tollman, and an old gentleman who sat back, were present. Mr. Littlefield asked the tollman if any of the police had gone over? I asked the tollman if he was the one who saw Dr. Parkman go over with an Irishman? He said he was not; but that man had gone to sea.

Mr. Littlefield said that he was engaged at the college. Some one remarked about the story of Dr. Webster's having paid Dr. Parkman some money. Littlefield said he saw Dr. Parkman coming to the college on Friday afternoon; and then what Dr. Webster had said.

*Cross-examined.*—I don't recollect hearing Mr. Littlefield say that he saw Dr. Parkman go away from the college. I can recollect every word which was said at that time, about Dr. Parkman. I can't say that I have always called this conversation to mind. I have talked with Littlefield about it since the trial came on. He asked me if I recollect the conversation at the Bridge; he said he thought I might be summoned.

ISAAC H. RUSSELL (119th witness).—I reside in Boston; I am a dry goods dealer. I know Samuel W. Wentworth. I think I have heard him speak of Dr. Parkman before his disappearance; it might have been one day, or three months. I have no recollection of having seen Dr. Parkman about the time of his disappearance. I don't know what time I saw him last: if I had seen him about that time, I think I should have recollected it.

THE ATTORNEY-GENERAL.—We propose to call five witnesses, who will testify that at the time of the disappearance of Dr. Parkman, there was a person in the city who resembled Dr. Parkman; so much so, that he was approached by these witnesses, under the impression that it was Dr. Parkman. We wish to take the direction of the Court upon the admissibility of this class of evidence, though we see no objection upon principle.

Mr. MERRICK thought that the testimony was inadmissible, as the witness would



only give evidence of their own capability of forming an opinion as to the identity of a person.

The ATTORNEY-GENERAL said that he saw no difficulty as to the admissibility of the evidence, upon principle; but he admitted that the question was entirely new.

By the COURT.—As we understand the proposition—it is not offered to prove the identity of a particular person who is brought into Court, but that some one resembled him; and we think the evidence too remote, and therefore inadmissible.

GEORGE W. FIFIELD (120th witness).—I am toll-gatherer on Cragie's Bridge, and remember the time when the clock was put up on the Court House. So far as I know, it has not kept good time. Sometimes it would stop; and when running, it was a very inaccurate time-piece.

*Cross-examined.*—The clock was put up last fall. I have noticed that it sometimes varied from other clocks (such as the Lowell Rail Road), from half to a quarter of an hour.

SAMUEL D. FULLER (121st witness).—I am toll-gatherer on the West Boston Bridge. I have had occasion to observe the clock on the Cambridge Court House. It has not been an accurate time-keeper. I have noticed it from five to ten minutes out of the way.

The Government here rested their case.

#### MR. MERRICK'S ADDRESS TO THE JURY.

*May it please the Court, and Gentlemen of the Jury*—I need not say to you with what serious embarrassment I rise to address you, on a case of so great magnitude, involving such a mass of evidence, and the consequences depending upon it. A few months since, a well-known and respectable individual suddenly disappeared from the society in which he had moved. Extensive inquiries were made in vain, although he was an individual well known and connected in this community. He disappeared; and his friends naturally took the deepest interest in ascertaining his fate. When all inquiry, and all investigation, and all effort was baffled, and there was no hope left, and all was darkness—a sudden and startling announcement fell upon the public ear—the mangled remains, as it is said, of Dr. Parkman, were found in the Medical College; and an individual, who had held a most reputable position in society, and the last to be suspected, was accused of the murder. Incident after incident was communicated to the public, and everything which could be brought to bear upon the question of guilt, was spread upon the wings of the wind. In the meantime, the prisoner at the bar was in a cell of your prison; and while any incident tending to accuse him was daily scattered abroad, he was alone, without friends, to repel the accusation. He awaited in silence and hope—he addressed no appeal to the public. He suffered these accusations to be sent abroad, till the echo returned from distant parts of our own, and other lands, without making an answer. He waited in silence till the time when passion and prejudice would be gone, and calm reason and judgment should try him. These hopes and expectations are not disappointed, and the prisoner is before you, gentlemen. He did not ask one hour's delay; but as soon as the convenience of this Court and the Government allowed, he came to the trial, willing to lay his case before a jury of his countrymen, confidently trusting his cause and life with an impartial jury, under the instructions of an impartial and learned court.

Gentlemen of the jury—it is impossible that you did not know much of this cause before you took your seats in that box. It is true that you, one and all, have declared that the public accusations of the prisoner created not only no prejudice, but not even a bias in your minds; and if so, gentlemen, I have some grounds to estimate the effects which this same evidence, in a judicial form, is entitled to produce on your minds. What, gentlemen of the jury, is the charge and the proof of the Government?



The Government charge, that on the 23rd of November, 1849, George Parkman was murdered by the prisoner at the bar. In various forms these charges are presented in the indictment of the Grand Jury. It has been said, that it is competent for the Government to present the charge in different forms, to meet the different facts offered in the evidence, which may be given at the trial. But it is enough now, that the defendant is on trial for his life. The Government must prove the death of Dr. Parkman; they must prove that it was through the agency of another; they must prove that the prisoner at the bar was that other; and that in so doing, he acted with malice aforethought. If any one of these facts, or series of facts, is not proved, there can be no verdict for murder against the prisoner. The Government has undertaken to establish these charges, by an unusually large amount of evidence, that not one single fact has been proved by direct testimony. By no direct evidence is it proved that Dr. Parkman is not in the land of the living; by no direct evidence that he came to his death by violence; that that violence was inflicted by another; that that other person was the prisoner at the bar; or that there was malice in the death. Yet it is attempted to prove these facts by inference, from circumstantial evidence. Let us see, then, gentlemen, precisely what the proposition of the Government is, and what the prisoner at the bar concedes—and then the issue is found which you are to try.

The precise proposition is, that on the 23rd of November, 1849, Dr. George Parkman, between the hours of one and two, entered the Medical college, and that he never left that building, and that shortly after, the body of Dr. Parkman was there found, murdered by the prisoner. There is no evidence to show that if they separated at that college, that they have seen each other since; and unless he was a victim then of Dr. Webster, there is no evidence to connect his death with the prisoner.

The prisoner concedes that there was an interview at the college for a specific purpose, which was accomplished, and that Dr. Parkman departed after a short interview of a few minutes. Beyond that the prisoner denies, and if the Government contends that the prisoner was there afterwards, the Government must then prove it.

Whether Dr. Parkman did leave that building, or not, we are to examine and decide upon the evidence. I do not say that the circumstantial evidence introduced by the Government has no tendency to accuse the prisoner when unexplained and examined by a close analysis.

On the other hand we have undertaken to show that Dr. Parkman was abroad in the city at a later hour of the day; and if we prove this, then there is no proof that Dr. Parkman came to his death by the hand of Dr. Webster, at the time he entered the Medical College. Say, if you choose, that the remains found at the Medical College are those of Dr. Parkman, and say that he was slain by violence, and that we can't show how he was slain; still, if it be proved that Dr. Parkman and the prisoner once separated, then there is no proof to connect Dr. Webster with the murder.

It is said that fact is more strange than fiction, and there are facts which lie deeper than the human mind can fathom; but if these parties once separated, there is no proof which can connect the prisoner with these sad events.

Did they separate or not? We have called several witnesses—persons of great respectability, to show that Dr. Parkman was afterwards seen. Compare the number of witnesses who saw him in the afternoon, with the number of those who saw him going towards the College, and certainly there is no great disparity between them.

Mrs. Hatch testifies that on Friday, at five minutes past two, she saw him in Cambridge Street.

But the Government witness says he entered the Medical College before two. Mr. Thompson says he came from Cambridge twenty minutes after two and saw Dr. Parkman in Causeway Street. He had known him for many years, and had often seen him. He says they passed each other on the way. Is it true that the witness did see Dr. Parkman? I know that the Government have attempted to show that



he had given a different account of some matters connected with the case, though not with this particular portion of it. When the Attorney-General read from a paper, which seemed to contradict the witness, the witness gave a fair statement and explanation of the matter; and the Government did not think proper to put the letter into your hands. I do not suppose that the witness is to be discredited by reason of his peculiar philosophical belief; for such persons are generally most honest, because they act upon their own convictions, and not to please the public. No attempt has been made to impeach the witness; or to show that his visual organs were not accurate.

Mr. Wentworth is well known in this community. He testified that he saw Dr. Parkman in Court Street, while he was walking with Mr. J. H. Russell. He gives the facts particularly. That it was Friday because he went to Haymarket Square on that day; and that on the next day, his business required his absence to a late hour, and that on his return, his wife said that two men had been to inquire about Dr. Parkman. He replied that he could not be far off as he had seen him that afternoon.

But Mr. Russell is called to say that he had no recollection of walking with Mr. Wentworth at that time; but he gives no definite account of the matter, except that his recollection is not sure within the space of three months. Nor is it singular, for where there is nothing peculiar to fix a fact on the mind, it is not always easy to remember a fact long passed. Could you, gentlemen, recall all the persons whom you saw on any day before you engaged in this anxious trial? So with Mr. Russell; the slight circumstance had passed out of his mind; but Mr. Wentworth says that he saw him, that he recollected and spoke of it afterwards.

The testimony of Mr. Cleland comes next. He says that, on the morning of November 23, he was taking measures for supplying a pulpit in Chelsea. That he wrote and received notes respecting the matter. These notes fix the day satisfactorily. He says that he had occasion to go to Franklin Street to see a gentleman. That, on his return, he saw Dr. George Parkman at twenty minutes past three, under peculiar circumstances, in Washington Street, which called his attention to him. He says he kept his eye upon him for some rods. Of the time and place there can be no doubt. He knew Dr. Parkman. The circumstance was called to his mind. He mentioned it to an official gentleman, who said that it was not necessary to communicate with the family.

Then comes the testimony of Mrs. Rhoades and daughter, that they went to Hovey & Co.'s store, and purchased a dress of a certain quantity and price. Hovey & Co.'s books corroborate the fact of the sale. This leaves no question as to the day. The hour is fixed with similar certainty to be a quarter to five. At the corner of Green Street and Lyman Place, they passed Dr. Geo. Parkman. She knew him well; they recognised each other and bowed. The daughter says she knew Dr. Parkman, and brought it to the mind of her mother. They know the importance of this testimony, and that it contradicts the hypothesis of the Government, and the belief of Dr. Parkman's friends; and, with all this responsibility, they feel compelled to say that they saw Dr. George Parkman.

Mrs. Greenough says that she saw Dr. Parkman in Cambridge Street, ten minutes before three, on the other side of the street.

This is the testimony on which we rely to show that Dr. Parkman did leave the Medical College, and separated from the prisoner at the bar.

But he did not return to his home! Something intervened which prevented. Can you say, upon the evidence, what that cause was? We start no new thing; but take up that which the friends put forth in their advertisement. They suggested, in an advertisement, offering a reward of 3000 dols., that he might have strayed away in a fit of mental aberration. Respectable men said they saw him after he entered the college; and who can say but that he did wander away, as the family suggested in their notice of his disappearance.

The remains found in the Medical College are said not to be dissimilar to those of



Dr. Parkman's; but here are witnesses who judge not a single fragment, or a number of fragments of a human body, but of the living form in the broad light of heaven.

But it may still be true that these are Dr. Parkman's remains, and yet if Dr. Parkman left that college, Dr. Webster would have had no hand in his death.

Gentlemen of the jury, I shall proceed to the testimony of the Government, which I mean to treat in all fairness. I do not feel that I am here in strife or contest with you, or the Attorney-General. We do not contend for victory; but to aid you in this long and painful examination. I do not feel that I have any opposition to overcome, any resentment to beat down! No, you are my friends, and the friends of us all.

The burden of proof is now on the Government. The law presumes that the prisoner at the bar is not guilty; and upon these two great propositions I proceed to the examination of the evidence.

1. Have the government proved that Dr. George Parkman is dead? You have much evidence, certainly, but you are first to settle that fact beyond a doubt before you go further.

Certain remains have been shown to you which the Government contends are those of Dr. Parkman. Those were found in the vault, the tea-chest, and the furnace. Gentlemen have been called to testify as to the identity of the body. Dr. Wyman has said that there was no fragment found which could have existed in two different human bodies; but that they were the remains of one body. Then are they the remains of Dr. Parkman? Here you have strong proof, but is it sufficient? The same gentleman has said that there was nothing dissimilar to the remains of Dr. Parkman. Dr. Keep gives evidence, which may be still stronger, to identify the body. We have called in the evidence of Dr. Morton, not to contradict Dr. Keep, but to show the nature of the evidence. Are you satisfied on this evidence beyond a reasonable doubt that these are the remains of Dr. Parkman.

2. If these are the remains of Dr. Parkman, then, the next question is, what was the cause of his death? Does it yet appear that Dr. Parkman came to his death by violence? I suppose the government will rely upon the supposed fracture of the skull, and the perforation in the side.

As to the blow, Dr. Wyman said there was nothing to show whether the fracture was made before, or after death; but seemed to think that it was before calcination.

Dr. Holmes testified that the fracture might have the same appearance after calcination. That it was a simple experiment which any person could make, and that there was no such difference in the weight or value of opinion upon such a question. The evidence of these witnesses leaves that matter in great doubt.

Then, as to the perforation between the ribs. Dr. Strong says that it was made before death; but the committee of physicians who were called to examine the remains, tell you that there was no knife-cut there; that it was quite ragged; and that a clean cut might have been made after death. These men disagree. Do you know how the fact was, on the evidence? Can you then say that Dr. Parkman came to his death by a blow on the head or a stab in the side?

It is not for the prisoner to show how Dr. Parkman was killed; but for the Government to show that Dr. Webster was the perpetrator of the act.

There is no other manner of death, which is supported by the least degree of evidence.

Shall the Government say that that was death by violence, when they can't tell the manner? Is it enough to say that he was alive and well on the 23rd, and not since seen? The disappearance was on the 23rd, and the discovery on the 30th; and there is nothing in the appearance of the remains which might not have been accomplished after death. How then, gentlemen, can you say that Dr. Parkman was murdered? How can you say that he might not, in some strange way which you cannot see, have died a natural death. Gentlemen, you will take care how you so say, before you find a verdict which will consign the prisoner to death on circumstantial evidence.



Lord Hale said that he would not advise conviction on circumstantial evidence, unless the body were found. Now, is there here, gentlemen, that perfect judicial evidence to show that the body has been found? If so, can it be said that they were not placed there by the agency of another.

But, gentlemen, suppose that this was the body of Dr. George Parkman, and that the death was caused by violence, what is the crime which was committed? I shall show that, if even committed by Dr. Webster, there is no evidence that it was more than manslaughter. Do not misunderstand me, gentlemen. Dr. Webster says he is innocent; but we cannot say what effect the evidence has had upon your minds, and we are obliged to show that if a crime were committed, it was manslaughter.

Gentlemen, you are to say whether the homicide was manslaughter or murder; you are to look at all the circumstances of the case, and see under what circumstances it must have been committed.

I understand that the Government alleges express malice, that Dr. Webster intended to kill Dr. Parkman before he went into the college; that he devised the plan and means, and seduced Dr. Parkman into the college.

It is said that Dr. Webster made an appointment with Dr. Parkman to bring certain papers to that building. Dr. Webster says that he met the appointment, and paid the money. This the Government deny, and say that Dr. Webster had not the money to pay the debt to Dr. Parkman.

The Government has brought certain evidence as to the amount of money Dr. Webster had at his disposal, and that it was appropriated to other objects. Well, gentlemen, I am fully authorised to say that Dr. Webster did not pay with money from medical tickets, but with other money. The money in Charles River Bank was for Dr. Webster's daily purposes, and the bills which he declined paying were those which would draw upon the money devoted to ordinary personal expenses.

The Government have not gone far enough to show express malice arising from money transactions between the parties. You know that Dr. Webster was a debtor, and that Dr. Parkman was a rigid creditor; that Dr. Parkman had a mortgage of Dr. Webster's minerals; and that in his money difficulties Dr. Webster was driven to sell these minerals to R. G. Shaw. Dr. Webster knew that the time was fast at hand when he would be called to meet the demand of a rigid creditor; and there was every reason why Dr. Webster should hoard up the little sums with which he was accustomed to pay his ordinary debts.

Portions of the money which Dr. Webster had received were deposited in the Charles River Bank, for his ordinary use, and the remainder was reserved to meet Dr. Parkman's demand. These are the facts, so far as circumstances show, and they are corroborated in various ways.

Dr. Webster says he paid 483 dols., and that 100 dols., was on the New England Bank. Dr. Webster told the toll-gatherer that the remainder was paid in bills of different denominations, which he received of the students. Mr. Pettee drew the check on the New England Bank, and banks usually pay in bills of their own bank, which accounts for the statement that he paid Dr. Parkman 100 dols. on the New England Bank.

Dr. Parkman was the creditor of Dr. Webster and it was most binding on him to make the payment and preserve his place and standing; he therefore made careful savings.

But the Government says that the notes, which Dr. Webster says he paid, were due in part to other persons. In ordinary circumstances, the possession of the notes would be presumptive evidence of payment. Now, Dr. Webster says he sent for Dr. Parkman to pay the small note. Now, if you will consider the note, you will see that 483 dols. was more than was due on the note. This is some evidence to show that there might have been a compromise, and that the notes might have been given up. It is in evidence that something was said about the mortgage, and that Dr. Parkman said he would take care of that. Dr. Webster did go to see if the mort-



gage had been taken care of. I think that this is a reason to suppose that there was a business arrangement between them respecting the notes and mortgage, though I admit that the facts are not very full. But I think this is sufficient to rebut the presumption which the Government has endeavoured to raise that Dr. Webster enticed Dr. Parkman into the college to murder him. Is not our supposition more reasonable than to suppose that a man of Dr. Webster's position would be guilty of such an atrocious crime as charged upon him.

Gentlemen,—I shall now call your attention to the circumstances which attended the interview between Drs. Parkman and Webster. No human eye but theirs saw the transaction, there is no direct evidence as to it, and we must gather from the relations of the parties the nature of the transactions.

You know that Dr. Parkman was the creditor, and Dr. Webster the debtor; that the former had repeatedly expressed his indignation towards Dr. Webster, and had grown more and more angry and excited. Dr. Parkman had been disappointed in his attempt to satisfy his debt from Dr. Webster, from the money in the hands of Mr. Pettee. It was not the amount of the money which excited the indignation of Dr. Parkman, but the circumstances which had attended their business intercourse. You find that Dr. Parkman's purpose was inflexible and his manner determined. You know the message he sent to Dr. Webster by Mr. Pettee, and if that did not reach him, still, we must suppose that it had reached Dr. Webster from some other source. At least, gentlemen, the relation between them was not kindly. Mr. Littlefield has related the interview of Monday night. Dr. Parkman parted with Dr. Webster that night with a menace—"Something must be done to-morrow, Dr. Webster."

The next day Dr. Webster wrote a note to Dr. Parkman. I am sorry that letter is not in the case; but you cannot doubt but that it had relation to their business relations. Dr. Parkman was on the watch for Dr. Webster at the toll-house; and not finding him, he went to Cambridge to see Dr. Webster.

On Friday they met under the influence and excitement of all these transactions. One pursuing a person whom he considered to be a dishonourable debtor, and the other meeting an exacting and excited creditor.

Gentlemen,—I am arguing upon probabilities of an excited wrangle, at such a meeting and under such circumstances.

It is highly probable that if there were altercation, that would be followed by blows, and it is possible by death. Here the debtor was exacting, and the less fortunate party would naturally answer word for word, and blow for blow. Now which is the more natural, such a course of events as I have imagined, or that Dr. Webster coldly and deliberately led Dr. Parkman to death? The annals of crime tell no such story of a person leaping away all at once to the worst crime which a man can commit against another.

Yet you are asked by the Government to believe that Dr. Webster deliberately formed the plan of seducing Dr. Parkman into that building, and then coldly murdering him. I leave you as rational men to decide upon this mass of circumstantial evidence, that death came not from premeditation but from anger, from moral exasperation. For we are not permitted to go beyond that time to fix the character of the act. But should you wish to go further, we should hope, and perhaps expect, that the person who had been guilty of such a crime, should rush out and cry out, God be merciful to me; in a moment of passion I have slain a man! But stunned as he was, and surrounded as he was by the walls of that college, the temptation came over him to conceal the murder. The first step at concealment would cut him off from confession. All the rest would follow. Then he would naturally wish to avert suspicion from himself. And if he wrote these anonymous letters, which the evidence does not support, still it would be one consequence of his first false step.

Then, gentlemen, review all this testimony—see the relation of the parties—the heat of blood aroused—the death as a consequence; and if Dr. Webster killed Dr. Parkman, must it not have been in the heat of passion, and does it not reduce the crime from murder to manslaughter?



I call your attention to the indictment. The first and the second counts of the indictment are substantially the same. The first charges that the crime was committed with a knife. The second charge that the act was done with a hammer, by striking upon the head.

The proof which would support either of these counts would support the other.

But the third charges that it was done with the hands and feet, or by striking Dr. Parkman against some other substance.

The fourth count is by means unknown to the grand jury.

Now we claim that no indictment is sufficient which does not set forth the means of death, and the attention of the court has been called to the reasons found in the books.

Then with respect to the fourth count, we contend that it is incompetent to offer any evidence under it. It simply says in some way or manner. Now in what way would the defendant be able to defend himself on such a count. The Government is allowed to give as many counts as it chooses; but when the case comes to trial, then the Government are confined to the counts given. So if there is a count which does not set forth the means of death, then the Government cannot give evidence under it. Well gentlemen, if this proposition is correct, the Government in applying the evidence, must apply it to the counts which set forth the manner of the deed.

If the Government should prove that the death was caused by striking Dr. Parkman against the floor, evidence under such a count would not support the first or second. Now can you say that this is evidence that the death was caused by the hammer or the knife? Dr. Wyman's testimony as to the fracture of the bones, and the evidence of the perforation in the ribs is all that has been given, and can you say that such evidence is sufficient to convict Dr. Webster?

Are you prepared to say that proof, which at most, amounts to this only, that he was alive and now is dead, that the death was occasioned in a particular manner? Gentlemen, we are in the broad field of conjecture; but the Government ask you to determine and decide. But is it certain that death was occasioned in the manner and form alleged. I know that the Attorney said, that had it rested with him, he should have relied upon the fourth count, and that it would be a reproach to him if he was not allowed to argue under it. But is such the law? If not, the Attorney is not right, and then your duty is plain. The law throws guards around the life of a man which it highly regards. And I say that to acquit a known felon by following the law, is more noble than to extort groans from the criminal on the scaffold.

I now proceed to an examination of the evidence by which the Government claims to have brought home to the prisoner the guilt of murder to Dr. Webster.

The Government says that Dr. Parkman went to that college at half-past one. The defendant admits it. The Government then says that he never left that room. Here the defendant denies, and here is one of the issues. The Government says that Dr. Parkman came to his death by the hand of Dr. Webster. This he denies. That is another issue. The Government says that the remains are those of Dr. Parkman. This Dr. Webster neither admits nor denies. It is true that he said on that terrible night, that he did not think they were the remains of a man, and much less those of Dr. Parkman.

I wish to trace the evidence of the Government which bears upon these propositions. But I will dispose of a few other matters first. First, then, the anonymous letters. It is said that these letters were written to direct the attention of the Government from himself to other persons. But is it true that Dr. Webster wrote these letters? I am sorry that these letters came so recently to my hands, as to allow me but little time to make such inquiries as would lead to their true authorship. But I think that the evidence of the Government, to bring these home to Dr. Webster, is insufficient.

The experts, Gould and Smith, do not support each other in all respects. Mr. Gould expended his force upon the "Civis" letter, and if either is Dr. Webster's



this is certainly the one. Mr. Gould is the merest visionary that was ever called to the stand; and I wish, gentlemen, that you would take these letters and compare them with Dr. Webster's acknowledged handwriting, and see what you think of the "Civis" letter. Mr. Gould said that the figures 1, 3, 4, and 9 were the most characteristic! but will you compare them with Dr. Webster's genuine figures, and see if you can observe any resemblance, sufficient to enable you to say that they were written by him. I cannot go fully into the matter, but I think the most careful scrutiny will show you that no reliance is to be placed upon the experts.

As to the tin box, gentlemen, how does that connect Dr. Webster with the murder? It may be said that the remains could have been carried off in it; but the remains were at the Medical College, and when the box was ordered, it was said that it was to be filled with articles out of town. Gentlemen, would you allow the life of Dr. Webster to hang for a moment upon the supposed purposes of this box? Every fact which the Government puts into the case forms an issue, if disputed, and is to be laid out of the case, unless fully proved.

I might make the same remarks as to the fish-hooks. Dr. Webster is not allowed to go upon the stand and explain what his purposes were as to them; and you must hold the Government to strict proof of their intended use.

Now, as to the bag of tan which was carried to the Medical College on Monday. Parts of the remains were found embedded in tan on Friday; but the Government evidence shows that the bag of tan was there after the arrest, nearly full; so that it does not appear that the tan in the bag was used at all.

There was another source of apparent danger—I mean the bunch of keys. But all we have is from Dr. Webster himself, that he found them, and threw them into his drawer. If Dr. Webster were to be tried for burglary, the possession of the keys might be serious evidence, but here, they are of no importance.

Mr. Littlefield testified as to a sledge-hammer; and another, as to twine. It is true, gentlemen, that twine was found about a part of the remains, and a ball in the private room, which were said to be of the same piece. But the Government evidence does not exclude the idea of another agency. Another person, or persons, might have made such use of them as they thought proper, to fix suspicions upon Dr. Webster.

Dr. Webster called on Mrs. Coleman to inquire as to the time she had seen Dr. Parkman; but I think, considering the relations between the families of Drs. Parkman and Webster, there was nothing remarkable in the fact that he should make these inquiries. And when he was going to jail, unawares, it was quite natural that, supposing he was going to Boston to assist in the search, he should mention to the officers that she had seen Dr. Parkman. It does not appear that Dr. Webster pressed Mrs. Coleman to alter her impressions on the subject.

The spots which were found on Dr. Webster's apartment are suspected to have been caused by blood. But it is in evidence that Dr. Webster sent Littlefield to the Massachusetts General Hospital for blood; and Professor Hosford says that it was quite usual to employ blood in chemical experiments.

The inquiries of Littlefield respecting the vault, seem to amount simply to this;—that Dr. Webster wished to be informed as to the means of obtaining gas from that place.

I now come to the evidence of the main propositions of the government.

First, that Dr. Parkman entered the Medical College at half-past one, and never left that building alive. I have called your attention to the evidence proving an *alibi* of Dr. Parkman after two o'clock. I now wish to fully analyze this testimony, and to show that the time when the government witnesses say that they saw Dr. Parkman, was after he had been into the Medical College, and had at that time left. You will observe the importance of this; for if it does not show who did murder Dr. Parkman, it does show that it was some one else than Dr. Webster.

As to the time when Dr. Parkman entered the college, Dr. Webster's assertion was, that the time was half-past one. Now those who saw him in Grove Street fix



the time as ten minutes before two. Where was Dr. Parkman during the twenty minutes? I contend that he had been at the college and gone away again. Mr. Littlefield leaves the time indefinite. Now what was the hour of appointment? Dr. Parkman's servant testifies that the hour of appointment was mentioned as half-past one. If the appointment was at half-past one, he most likely was there; for, by the testimony of those who best knew him, he was the most punctual of men.

Dr. Bosworth says he saw Dr. Parkman go into the college about two. Now Littlefield did not see Dr. Parkman at this time, which shows that Dr. Parkman had been there before, when he saw him. I now contend that it is most probable that Dr. Parkman had been there and finished his business and departed; for Mrs. Hatch says she saw him going up Cambridge Street at a quarter to two, and he was next seen in Canseway Street after that time. Dr. Parkman stopped in Holland's store, and talked about sugar, butter, &c.; and is it probable that he had not been at Dr. Webster's at the time, when he had made an appointment with a man whom he was most anxious to see? It is true, there is mystery everywhere here; and if so, let the prisoner at the bar have the benefit of the probability. I say that the testimony of Dr. Bosworth strikes my mind with great force.

Now, allow me to go one step further. In the state of excitement which Dr. Parkman was then in, is it improbable that Dr. Parkman might have become subject to a fit of mental aberration, and wandered off.

But at this time, when Dr. Parkman may have been wandering we know not where, Dr. Webster was at his house, at tea; and, also, when his family returned from a party quite late. He was at home next morning. But, according to Mr. Littlefield's testimony, the door of the dissecting-room had been unbolted from the inside. Gentlemen, some one had been there!—Who it was, gentlemen, I cannot say; nor how he gained access. We know that Dr. Webster's apartments had been entered by a window. During the time which elapsed from Tuesday until Friday, there had been a change in some of the articles in Dr. Webster's apartments. A knife was found in that tea-chest; though Dr. Webster had shown it to Sawin and Littlefield. Why should Dr. Webster have hid that clean knife in that place? Is there any reason why Dr. Webster should have placed the twine round the thorax? There are strong reasons why another person may have done it.

Nor is it unreasonable to suppose that another person should have conceived the idea of consuming portions of the remains in Dr. Webster's furnace.

In the furnace, there was nothing found of the remains of clothing. There are some incombustible substances attached to clothing, yet there was no trace of them found in the ashes. Is it unreasonable to suppose that Dr. Parkman was carried to that room, a naked body? Gentlemen, if there is a reasonable theory which is inconsistent with the Government hypothesis, shall not the prisoner have the benefit of it.

I now come to the testimony of Mr. Littlefield. I regret that I am obliged to speak of it. It is no purpose of mine to charge one person with a crime to relieve another; but I must examine this testimony, and you must give weight to whatever suggestions may affect his evidence.

I contend that his testimony is inconsistent with the Government testimony; but I do not impute, in the slightest degree, crime to him. He is corroborated in some respects by other witnesses. Sawin does so, as to the articles which were left in the cellar. He is also corroborated by the evidence of Mrs. Littlefield, though not very directly. But I object to the general scope of his testimony, respecting the conduct of Dr. Webster during that week.

We do not attempt to impeach the character of Mr. Littlefield, nor rely upon the errors into which he may have fallen, in respect to conversations; but we ought not to rely too fully upon the testimony which in the slightest degree is found to err.

But I must call your attention to the internal character of this evidence. Consider the account which he has given of the conduct of Dr. Webster, and his own connection with it. Let us take our point from Sunday night, when he had his conversation with



Dr. Webster. Dr. Webster told Mr. Littlefield that Dr. Parkman came to his lecture-room at half-past one. Then says Mr. Littlefield, he felt sure that Dr. Webster had murdered Dr. Parkman. Yes, gentlemen, it was this slight conversation that convinced Mr. Littlefield that Dr. Webster was a murderer!—That he went to his wife and communicated his suspicions to her.

Now, gentlemen, observe whether his conduct agrees with the supposition that he suppressed this overwhelming conviction in accordance with his wife's suggestion. Does it agree with his conduct before and after his suspicions were excited?

On Monday morning he goes into the room where that murderer was! He was three times in that room alone, with opportunities for examination. Would not his eye naturally have fell upon every object which might have confirmed his suspicions? Yet he makes no observation whatever. The police came there to make search with the power of the law. But did he turn the attention of the police to those quarters which he was intimately acquainted with?

On Tuesday the police came again. In Littlefield's presence, Mr. Clapp tells Dr. Webster that he had no suspicions about the college. Yet while these horrible suspicions were preying upon his mind, he did not even suggest to the police a thorough search. He had seen the spots on the floor on Monday and Tuesday, but did not call the attention of the police to them. I think these things should lead us to suspect this evidence.

Then, Mr. Littlefield, on Tuesday, takes from the red right hand of the bloody murderer the present of that thanksgiving turkey, and passes down the walks with him in friendly converse! Gentlemen, can these accounts be consistently explained?

The next day he says he felt upon his face the heat from a small assay furnace, through the wall, and that he thought the building was on fire. He entered the room, and found that the fire was quite down. Is this probable? That night he entered the laboratory to search for the body of Dr. Parkman, yet he would not even take off the cover of that furnace, because he had so much regard for the directions of Dr. Webster. He made no effort to go to the privy, though he knew Dr. Webster had diverted the attention of the police from it.

On Thursday he goes to the vault to search for the remains of Dr. Parkman, yet he had not attempted to search the privy alone. How did he know that the remains were below, instead of above? I believe that the publication of the last reward offered was coincident with his efforts to break through the wall; yet, when he had partially completed his labours, he desisted, and went to a party that night, and danced eighteen out of twenty times, though the horrible suspicions of murder were upon his mind.

The next day was Friday. Mr. Littlefield did not resume his work very early. It does not appear that he went to Dr. Webster's door to see whether he was in his room, yet, at the same time, he had stationed his wife to observe the approach of Dr. Webster, when, for aught he knew, Dr. Webster was in the very room—he was above the very place where he was drilling through the wall.

When Starkweather proposed that the privy should be searched, he put him off—at the very time when he had nearly completed the perforation of the wall, and when he could have had a disinterested witness to what was to be found in the vault.

Gentlemen,—I make these remarks respecting these internal difficulties, this intrinsic corruption of this testimony, that you may make the proper deductions from the credibility of the witness.

Now, gentlemen, was the alleged conduct of Dr. Webster at all consistent with his guilt? Where were the traces of crime—where the marks of the blood? A few spots on pantaloons and a pair of old slippers, which had been there for years; a half dozen spots only found. No marks of blood on any instrument—none on the towels found in the vault—none on the overalls which Littlefield said could not be found after the arrest, yet it is shown that a policeman used them for a pillow, and Prof. Hosford says that there was no trace of blood on them.



Dr. Webster was a chemist, and he could have dissolved those remains effectually in a short time; and do you believe he would have accomplished his work in such a bungling manner? Gentlemen, it must have been an unknown person who entered those rooms and accomplished that work which the Government are endeavouring to fasten on Dr. Webster.

But, gentlemen, follow Dr. Webster to his home; to the houses of his neighbours. Here we find him self-possessed and social as usual. Could human nerves have sustained such a load of guilt, so that the wife of his bosom would not have observed a cloud upon his brow? Would it have escaped the eyes of his fond children—of his social neighbours? If so, gentlemen, he must have been more than a man.

The next day, after he learned of the disappearance of Dr. Parkman, he goes to Boston for the express purpose of informing the friend of Dr. Parkman that he was that unknown person with whom Dr. Parkman had made an appointment. A secret which he might have hid for ever in his own bosom.

Mr. Blake thought him too warm, and Dr. F. Parkman thought him too formal, when he told them of the fact of having seen Dr. Parkman on Friday.

Observe, gentlemen, his conduct through that week. In all his various relations, as an instructor, a citizen, a neighbour, and a father, he is mild and calm as usual; at the same time the Government would have you believe that he was burdened with the blood of a human being, and a friend.

On Friday the officers came for him to assist in searching the college. Without suspicion, he talks about Dr. Parkman,—changes from one subject to another with perfect ease. Now, gentlemen, had Dr. Webster been laden with guilt, would his nerves upborne him then? Innocence would have carried him through all; but guilt would have disclosed some intimations of its existence. They reach the jail—they enter, and when within the inner room, then says Dr. Webster “what does this mean?” He is charged with the murder of Dr. Parkman, and told that he was under arrest for that crime. Gentlemen, he was deceived, and he then knew it for the first time. He was told that he could not see his friends. His nerves gave way, and he sunk under the horrors of his situation. His faculties disordered, his mind shattered, no wonder that he sunk back in despair. His few muttered words were taken down by the vigilant policemen.

The police officer asked him who had access to his rooms, and then suspicions burst upon his mind.—“The villain!” he exclaimed, “he has ruined me!”

He goes to the college, willingly, as far as his shattered mind could consent. He assents to the search. His rooms were broken open; and he was the most calm at the very moment when the privy was broken open, the place where these remains had been concealed.

Gentlemen, the remains were shown in his presence. He returned to the jail, a broken man, and his words were no more than to be regarded than those of a maniac. He faints—is helpless—and passes the night insensibly. In the morning, with the first dawn of reason, he says, “I do not think they are the remains of Dr. Parkman; I am sure that I do not know how they came there!”

Gentlemen, it is a rule of law, that when the mists of mysterious circumstances crowd about, and hang heavy upon a man, he may call to his protection the character, which, in youth and manhood, by assiduous toil and upright conduct, he has laid up as the crown of his old age. The friends of Dr. Webster's earlier days, the associates of his later studies and social intercourse, have crowded around him, with affectionate zeal, to bear witness to the excellence of his character and reputation. May it prove his shield in this hour of his peril! God grant him a safe deliverance in this moment of danger! And may you, gentlemen of the jury, when you have rendered your verdict, have the satisfaction of believing that you have anxiously and deliberately discharged your duty both to the Government and to the prisoner at the bar.



## ELEVENTH DAY.

## THE ATTORNEY-GENERAL'S ADDRESS TO THE JURY.

*May it please the Court—Gentlemen of the Jury*—In a cause of the magnitude of this which now engages our attention I expected, and you doubtless expected, that all that human power, professional skill and adroitness could do, would be done for the prisoner at the bar, to shew him innocent of the heinous crime laid to his charge. I had a hope, if not an expectation, which I expressed with a compassionate heart for the prisoner, when I opened this case a fortnight ago, that he would be able to offer a complete explanation of the vast web of guilty circumstances which the evidence has woven about him; but we have been disappointed—miserably disappointed. You will call to mind, gentlemen, that in my opening address I presented, with moderation, an outline of the government's case; and I now ask you if that outline has not been filled up, and does it not now press upon your minds with irresistible force? Has this mass of testimony been explained or contradicted? has it been shaken in the slightest degree by anything offered by the prisoner.

Gentlemen, we have waited for many months for an explanation, but none has been given. It is true, as has been said by the defendant's counsel, that he has been a prisoner in his cell, but not without ardent, sympathising friends, and active and able counsel.

Gentlemen, I submit to you that there has been an unusual degree of forbearance both on the part of the public and the prosecuting officers, towards a man who has been charged upon such strong *prima facie* grounds of guilt. The counsel for the defendant will do me the justice to admit, that the evidence taken before the coroner's jury was submitted to them even before the representatives of the government had examined it; and I do not know of a single opportunity for explanation which has been denied to the prisoner.

The remark of the counsel, that the defendant had remained friendless in his cell, while the grand jury were making their investigations, will find an answer in the fact that he had ample opportunity of making any explanation which he might choose to give before another tribunal in this building, where he was brought with the ablest counsel of the commonwealth. He here could have demanded of the government the proof upon which it had been attempted to charge him with crime; and I put it to you, gentlemen, whether a man innocent of the charge would have refused to explain and preserve a character which he had laboured sixty years to acquire, rather than have gone back to his cell, and suffered reproach to rest upon his good name. It has come to be a point in this case, that such an opportunity was suffered to pass by unregarded. But now the hour for trial has arrived, and you have heard his explanation so far as he has attempted to give one. The defence has brought its proofs to four propositions, which I shall consider.

First.—They have brought witnesses to prove his character. We have no disposition to deny that he had a reputation, how well founded in character, it will be for you, under this evidence, to say.

Second.—That it was no unusual thing for him to be locked up in his room. To this they have brought a single witness.

Third.—That his own conduct and his whereabouts during the week after the disappearance, disprove his guilt.

Fourth.—The defence attempts to answer this whole case by proving that Dr. George Parkman was seen after the time at which he entered the Medical College on Friday, November 23. This is all, absolutely all.

The counsel for the defendant undertakes to start certain hypothesis, which I shall attend to by and by, and leave you to judge of them.

Gentlemen, there is one proposition which cannot escape your attention. The



highest object of the Constitution is to preserve human life. Under that Constitution is a system of laws; and we have here a case which will test the value of that Constitution and that system of laws. We are now to know whether our laws and tribunals of justice are impartial. Do they punish the high as well as the low?

We have often heard—it is the common complaint—that the law is strong to hold the weak, but weak to punish and restrain the strong. I thank God, gentlemen, that we have here a system of law to which no such reproach will apply.

Is there any doubt but that Dr. George Parkman has been murdered? and is there any doubt now in your minds that Dr. Webster was the perpetrator of the crime, in a building erected by the munificence of Dr. Parkman? But somebody has murdered Dr. Parkman, and somebody must answer for it; and I now come to the extreme improbability that Dr. Webster has been falsely accused.

Look at the impossibility of a false accusation against such a man as this. Since the crime was committed, the mind of the public has been directed to the perpetrator; the police having been vigilant, and if there has been a mistake in fixing suspicion on him it would be more wonderful than the commission of the crime itself.

It is said there is no direct evidence in the case; but, gentlemen, when will murder be punished if we are to wait for direct evidence. When men commit this crime they take no witnesses with them. Murderers court secrecy; no eye but that of the Omnipotent sees them when they strike the mortal blow.

Let us consider the nature and character of this evidence, and the law applicable to the offence and to the indictment which charges it.

Gentlemen, the evidence is circumstantial; it is usually so in such cases. We are not here to discover infallible proof, but to arrive at the best conclusion which our faculties will allow us. If you exercise your judgment to the best of your abilities, then no such terrible consequences, as the opening counsel shadowed forth, will follow you.

What is the nature of circumstantial evidence? I give its definition in the language of an able Judge of a sister state, in the case of the "Commonwealth v. Harmon," I mean C. J. Gibson. [The Attorney-General then read from the case as to the value of circumstantial evidence, shewing that in many cases it was stronger than direct evidence.]

I now come to the consideration of some points of law, which seem to be involved in the case. We take the ground of the common law, as laid down in the case of Peter Yorke, and subsequently recognised in various cases.

The distinction taken by the opening counsel between express and implied malice. I do not intend to go into at all, because I entirely concur with him. Gentlemen, it is said that though the Government may charge the various modes, yet it must prove the commission of the crime under one of these, and that the fourth count would allow no such evidence under it, because it did not charge the form of murder. Gentlemen, I can conceive of no proposition more extraordinary and monstrous. The common law is called the perfection of reason; but if the law were as the defence contends, nothing could be farther from reason.

I consider that the law is correctly laid down in "Hawkin's Pleas of the Crown," where it is said that the manner of the death should be laid down as fully as the nature of the facts would admit. The case itself furnishes a good illustration of the incorrectness of the defendant's law. Suppose that the defendant had dissolved Dr. Parkman's body in eight hours, so that not a particle remained; that Dr. Parkman had been seen last to enter the building, and then four brother physicians had rushed in, found the clothes of Dr. Parkman, and heard the defendant say, I have murdered Dr. Parkman, yet he could not have been punished; he might be as free as you or I.

If, gentlemen, such were the law of the land, it were time it were altered. If you are in doubt how it was done, but are satisfied Dr. Webster was the perpetrator, then he is not to escape the penalties of a violated law.



Now in order to come to the consideration of the evidence, I start with the proposition that you are to be satisfied beyond a reasonable doubt that Dr. George Parkman has been killed by somebody. If you have no doubt of that, my labours would stop here, for here the case would stop.

The defendant's counsel says that there is no direct evidence that Dr. Parkman is not now living. He rests upon the testimony of Dr. W. G. T. Morton to contradict the testimony of Dr. Keep, who swears positively to his work, fortified by the opinions of other professional men in the same line. Gentlemen, what have we been doing here? Have the solemnities of burial taken place? Have the estates of Dr. Parkman been administered upon and passed to others, and he yet in the *land* of the living? Would to God he were.

What was the original purpose of the *alibi* of Dr. Parkman? Look at the opening of the defence; did they intimate that there was a separation between Dr. Parkman and Dr. Webster. No; the purpose was to shew that Dr. Parkman is still living. They went over this community to find witnesses who would say that they had seen Dr. Parkman after two o'clock. They summoned five; they might have summoned fifteen, only it would have required Dr. Parkman to have been in too many places at a time.

Mrs. Hatch says she saw him going up Cambridge Street ten minutes before two, and a mistake of five minutes would make all consistent. Dr. Parkman might have then turned on his track, and proceeded to the Medical College.

Mr. Thompson came next, the "biological" witness. He says, "I saw him fifteen minutes past two," because he came from Cambridge at a certain time by the court house clock, which we have known to be extremely inaccurate. You will admit, if you please, that he did see a person who looked like Dr. Parkman. He did not meet him; he saw him across the street; he may have supposed he saw him; and this is readily explained by seeing a man who resembled Dr. Parkman.

Wentworth saw Dr. Parkman in Court Street. This is most extraordinary, that Dr. Parkman should have been seen in so many places. He says that his attention was called to it the next night, yet he made no communication to his friends. And more than this, he says that Russell was with him at the time. But Russell says that it is highly improbable, for he had no recollection of the circumstance.

Mr. Cleland's testimony is like that of Mrs. Rhoades; because it depends upon two circumstances. First, the time when he went to see Rev. Mr. Wildes, and the time when he saw Dr. Parkman. He fixes the day by the notes, which may have been dated the wrong day. Then as to the identity, we think there must have been some mistake. He did not observe his dress. He had not spoken with him for years; there is no doubt but that there was a person in the city at that time who had a striking resemblance to Dr. Parkman. He did not pass next to him. I submit that he might have mistaken a person having the general appearance of Dr. Parkman.

Then comes Mrs. Rhoades and her daughter. The sun set at that time at twenty minutes past four. She bowed to him and he to her. It is uncommon for a gentleman to return a bow to a lady who has mistaken him? Although a parishioner of Dr. Francis Parkman, she said nothing of it to him till Tuesday evening when her daughter returns from Lexington. There was a gentleman with him; if Dr. Parkman had been deranged, he would have taken care of him.

I need not comment upon the testimony of Mrs. Greenough. She was very fair and conscientious.—She said it was her belief that she had seen him; but she gave due weight to the consideration that he had not been seen since.

I undertake to say that this testimony in the ordinary case of *alibi* of a person living, would be weak and insufficient. What was Dr. Parkman doing in wandering in these various parts of the city? Was there ever anything so improbable? I believe the city have made a computation that 30,000 persons pass through Court-street in a day. Are there many residents in the city who did not know Dr. Parkman? If he had been wandering about this city that afternoon, thousands of persons must have seen



him, and could have been here to testify to the fact. The vigilant, but unsuccessful search which was made, also shows that these persons did not see him.

But, gentlemen, we offer to prove that there was a person in the city, at that time, who had been approached by persons who took him for Dr. Parkman, but it was not admissible for reasons stated by the court.

But, gentlemen, if the remains of Dr. Parkman were found, and the murder was committed by the defendant, it matters not that he was said to have been seen by these witnesses. The mere point of time when the murder was committed, is of no consequence.

But, gentlemen, where was Dr. Webster on that day? Where did he dine? Is there any testimony to show that he was not at the laboratory, dinnerless and alone? He lacked no legal counsel, no active friendship. Could he not have shown where he was, and where he dined?

I now pass to the consideration of the identity of the remains. How is that proved? We have heard something said about the negative argument; but I apprehend there is nothing negative about the whole evidence.

First, the government has shown that these remains constituted parts of one human body only. In addition to that, it is evident they were not the remains of a subject for dissection. Dr. Ainsworth's testimony is conclusive. Then it is not shown that any other person was missing, either living or dead. The remains had all the points of similarity to a person of the age, size, and shape of Dr. Parkman. Is this negative evidence? You may select the person who most resembles Dr. Parkman, and let his remains be mutilated, and the chances are as millions to one, that there would be found some one little point of dissimilarity which would have been fatal to the question of identity.

Yet, you find from the testimony of Dr. Strong and Mr. Shaw, that these were the remains of Dr. Parkman, before Dr. Keep was called to give evidence as to the teeth.

Here were portions of a human body, which had great peculiarities—the length and quantity of the hair, the form of the body, &c.,—yet no dissimilarity—not the slightest between them and the form of Dr. Parkman. The threads all run in one direction, and formed a cable of wonderful strength.

But I come to the demonstrative testimony, upon which I undertake to say, you must be as entirely convinced as though we had brought in the entire body of Dr. Parkman. I mean Drs. Keep, Noble, and Wyman.

There seems something providential in the discovery of these teeth; and the counsel for the defendant must have felt, when this unwilling testimony was given, that the sands upon which they stood were crumbling and falling beneath them.

Gentlemen, the whole evidence on this point must convince you beyond a doubt, that these were the identical teeth which Dr. Keep had fitted for Dr. Parkman.

That this set of teeth should remain to reveal the murderer and to vindicate the law, I regard as the finger of the Almighty God.

That from the smouldering remains in the ashes of the furnace the pieces should be fished out from which that true son of science, Dr. Wyman, should reconstruct the very jaw which bears the unmistakable peculiarity of Dr. Parkman, is a wonderful Providence. Looking at the person who sits in the culprit's dock, himself a devotee of science, I have been disposed in sickness of heart to ask,

“Star-eyed Science has then wandered there  
To bring us only darkness and despair.”

No, science has vindicated what this false son of science has debased. Scientific men have appeared here, who, throwing away all feelings of class, have given themselves to the search of truth, as truth, let the results strike where they might. They have restored the body so as to show where each minute particle or bone fits, and to show that these were parts of the same body, in no part dissimilar to Dr. Parkman's, and bearing some most striking resemblances.



But gentlemen, I now come to the examination of another proposition ; I consider it already settled that the remains of Dr. George Parkman were found in the apartment of Dr. Webster. These facts negative two suppositions ; first, that he died by his own impious hand ;—that he committed suicide ; and secondly, that he died by the visitation of God.

The proposition is monstrous, that some person made such dispositions of the remains of Dr. Parkman in the apartment of Dr. Webster, and he disconnected with crime. This was not pressed upon you, but thrown out as a suggestion, as was almost everything else.

I now examine the hypotheses which have been set up by the defendant ; and I wish you to consider whether they exclude that of the Government, or whether they are consistent with themselves. I do not deem it necessary to examine them at length, for though they were presented with wonderful skill and force by the defendant's counsel, I do not suppose that their inconsistencies could have escaped your minds.

First, they contend that Dr. Parkman went to the Medical College at half-past one, and had an interview with Dr. Webster. This we admit. They contend that Dr. Webster paid the money ; this we deny. They rush to hypothesis and say he might have committed suicide, might have been robbed, or some other thing might have been done. We are not here to consider possibilities. We might suppose that Dr. Holmes killed Dr. Parkman in the lecture-room ; or any other extravagant supposition. But we want an hypothesis which has something to support it. The case first seems to rest upon the supposition that he was murdered outside and brought into the college for destruction, or, perhaps, to get the reward ; but it is an absurd supposition, because in the full strength of the word, they say, this accounts for the dissecting-room being open ; but this must have made the work very expeditious, for it was Friday night that the dissecting-room door was open. Another, that Dr. Parkman had gone roaming about for some time, and that he was brought in there murdered, after slander began to breathe that Dr. Webster was the guilty man. How could Dr. Webster remain in such a community as his, with all the sympathies of the University in his favour, when his innocence could be established by confirming such an hypothesis. I think that open door had something to do with the remains ; but it was in connection with Dr. Webster, whose whereabouts was not accounted for till one o'clock, though his daughter usually breakfasted with him. It has appeared with what facility Dr. Webster flitted back and forth between Cambridge and the Medical College. It has been suggested that the remains were carried to the Medical College for the purpose of getting the reward. If they were so carried to get the reward, why was such pains taken to destroy the identity ? If it was Littlefield who was looking out for the reward, why did he find nothing that could be or has been identified ? The points by which the remains are identified were all discovered by others. Dr. Webster's three daughters were here, and their testimony remarkably confirms that of Mr. Littlefield. They put their father away from home just when Mr. Littlefield makes him at the college ; and Littlefield puts him away from the college, just as they put him at home. There is nothing but a good piece of dovetailing between them.

Suppose Dr. Parkman to have been murdered in the college, or out of it, and brought into the laboratory for concealment, or any other purpose, then, I maintain, that either Dr. Webster, or Mr. Littlefield, must have known it. Could a man be roasted in Dr. Webster's assay furnace, in which he never made a fire, and such a man as he not have known it ? We might as well come into this court-room and do a thing which we wished to conceal. Was it brought there to fasten suspicion on Dr. Webster ? Where is the enemy of Dr. Webster who would attempt such a thing ? He is an amiable man, and no such enmity has appeared. There are two ways of impeaching a witness : one is to bring counter-testimony to show his falsehood—that is fair, and can be met by corroborating testimony. But the counsel for the defence have not taken that way to attack Mr. Littlefield, because they know that if they did,



they would be directly, like unskilful engineers, hoisted by their own petard. No; they have come forward in their argument and attacked his testimony as an improbable story. I shall reply to that by and by.

I shall now do my part to vindicate Mr. Littlefield, and it shall be no fault of mine if he suffer under the cruel imputations that have come forth from the prisoner. If he is vindicated, there is an end to the defence of Dr. Webster. He gave himself up to the fullest search of the police; every room, and closet, and pocket of his premises were searched. He has told a story during a whole day on the stand, which stands altogether uncontradicted. If he had falsified, there were the police officers, Dr. Hanaford, Mr. Grant, the 'Odd Fellows' Lodge, and many others, who could have been brought to show him up.

The defendant's counsel proceeds upon the assumption that Mr. Littlefield's suspicion on Sunday night were fixed and settled. But Mr. Littlefield has not that command of language which enabled him to state his precise impressions. You are also to consider the relation of the parties, that Littlefield was in a measure dependent upon Dr. Webster for his bread. That he had received admonitions from his wife respecting these suspicions.

But suppose he had attempted to verify these suspicions, and they had proved false; would not he have lost his place. He is denounced for not acting upon his suspicions; but I say that he did act upon them considerately.

Why should he have refused to accept of that Thanksgiving turkey from Dr. Webster?

But it does not appear that he eat it, for he dined away from home that day.

The walls of that entry would have retained heat of the fire in the furnace after the fire had gone down.

But then as to the search in the laboratory, why did he not search there before he dug through the wall. Why gentlemen, he was not to expose himself to the loss of the place unnecessarily. When the cloud had settled upon his mind, he then broke through the wall. You are not to look at his conduct from a point after the discovery of the remains, but before.

Drs. Bigelow and Jackson had suspicions, but they acted with the same caution which Mr. Littlefield manifested.

Now, gentlemen, if a man is to be put upon his trial, he is first to be accused. But the defendant's counsel have attempted to try Mr. Littlefield, though they have objected to the form of our indictment for want of certainty. Remember, gentlemen, that Littlefield has confronted Dr. Webster, the inferior the superior.—Remember that Friday night when the remains were discovered.

When Dr. Webster was in that cellar where the remains were, he pronounces that they were not human remains; yet Dr. Webster had accused him at the jail. When they came face to face in that cellar, he made no charge upon Littlefield. And is Mr. Littlefield to be accused here by the breath of Dr. Webster's counsel. Gentlemen, I ask no more for him, than you would for yourselves.

I should have added one thing in the conduct of Mr. Littlefield. I mean the time when those remains were found. Littlefield and his wife were examined separately, and they could not have told what questions skilful counsel would have asked, if there was an understanding. She said that when Littlefield came up from the cellar, "he burst out a crying"—in her unaffected language. He could not choose but to weep under such circumstances.

But gentlemen, what opportunity had Littlefield to be connected with the murder? Within five minutes after Dr. Parkman was at the College, Mr. Littlefield was in Dr. Holmes's lecture room and assisted him, and then came down stairs a quarter-past two with him. He then goes about his own work, and at three o'clock, Dr. Bosworth came there and found him in his usual dress. At four he had lain down on his bed. This his niece testifies. Mr. Pettee found him in his stocking feet.

That evening he went to Mr. Grant's and passed the whole evening.



If he had had any thing to do with the murder, he might have thrown those remains beneath, in the vault, of which he had the key. Dr. Webster did not do this, because he could not have unlocked that receptacle; and another reason is, that he would have been exposed to the observations of students.

Then, gentlemen, there is another answer to all this. When you are tracing the history of a criminal, you must remember that when he has committed a crime, he has but little in common with others.—We often exclaim upon the folly of certain criminal acts; but a wise providence frequently deprives him of his natural sagacity. Crime fails to cover up its tracts, and has been so from the beginning.

There is another fact which has been impressed upon my mind. When a man has possession of fatal evidence of guilt, fire seems to be the most effective agent of destruction. How would you do under similar circumstances? Burial would be imperfect destruction; but fire would be effective. So it was with this learned Professor. He had two things to do; one to destroy that body in some way with the things pertaining to it; and the second to avoid suspicion. He was to keep up his natural character, and maintain his usual demeanour.

Had he power to do it? You have observed his demeanour here—when others were effected—when his children were upon the stand, and the hard hearts of public prosecutors were too much moved to cross-examine them, he remained unmoved. And he has always done so, except on that terrible night. Even then, the assurances of his friend restored him to his equanimity.

Gentlemen, I shall have occasion to revert to this again, whatever effect it may produce upon any one.

This case shows that the character of Dr. Webster stood well only on the outside; and all the transactions with Dr. Parkman, showed that he had no correct principle within.

I say, gentlemen, that it is not by the base, the low, the uneducated, that the great wounds are inflicted upon law and order. I care not what may be one's position, if his character is neutral, he knows not what he may be left to do in the hour of trial. There is nothing in education which will infallibly protect me from the commission of crime.

The counsel for the prisoner says that no one becomes suddenly vile; but we know not what the process within may have been undermining the character, and leaving a man without defence against sudden temptations.

Gentlemen, criminals are to be tried on legal proof, and you are to say whether the charge against the prisoner has not been made out.

Gentlemen, about a hundred years ago, a learned scholar was arrested for a murder committed twelve years before. The *corpus delicti* was proved, and he was convicted on circumstantial evidence, and executed for the crime committed for money. I refer to the case of Eugene Aram.

Again, there is the case of Dr. Dodd—a learned member of the church of England, who was executed for a great crime, committed also for money.

But, gentlemen, we need not go across the water for examples of this kind. They are common in this country.

A man cannot come here and put himself upon his character, as a defence to the charge of having committed a crime which others of equal standing and character have done.

I now come to the evidence that Dr. Webster murdered Dr. Parkman. The first consideration which leads us to this conclusion, is the relation which Dr. Webster bore to Dr. Parkman. I don't care for a better statement than that given by the defendant's counsel. He represented Dr. Parkman as the rigid creditor, and Dr. Webster as an unable debtor. Dr. Webster had made a promise to pay the debt with the money from the tickets, but that had been otherwise appropriated, and he had not the money to meet his engagements. [The Attorney-General reviewed the transactions between Drs. Webster and Parkman.] Here was an inexorable creditor. The cloud



over him was blackening from day to day. What could he do? Gentlemen, the evidence in the case tells you. His household furniture had been mortgaged—the money from the sale of the minerals gone—the liberality of his friends exhausted.

He saw that his character was likely to be blasted, and his situation lost; and can you conceive a person who had a stronger motive to relieve himself from these tremendous embarrassments.

Dr. Webster was the last man with Dr. Parkman. The latter's remains were found under his lock and key, and his property in his possession. And more than that, the circumstances which have since been disclosed, and the disclosures of nature say who was the murderer.

[The Attorney-General then stated the money transactions between Drs. Webster and Parkman.]

The actual indebtedness of Dr. Webster to Dr. Parkman, in 1849, was 456 dols. 27c., which was made up of items due at different times. There was then due to other parties 512 dols. 67c.—the other beneficiaries of the mortgage. Now, do you think that Dr. Parkman intended to go to Cambridge and release the lien which the others had under that mortgage? Never, gentlemen; he never so intended, though Dr. Webster has given such a statement as a part of his case.

If Dr. Webster had paid the money, Dr. Parkman would have given up the note, and then turned the mortgage over to the other parties, whose interests were secured thereby.

Dr. Webster having got these notes into his possession, he had two things to do—to destroy those remains, and then make up a story respecting these debts. He was to fix upon the sum he owed Dr. Parkman; but he did not owe him 483 dols. 64c., on the 23rd November, 1849; and this note is the most extraordinary document ever found in the pocket of an honest debtor. He gives the most particular account of the transactions on this memorandum—such as never could have occurred. On the 9th he owed Dr. Parkman 483 dols. 64c.; but this is the sum which Dr. Webster says he paid him on the 23rd, as the sum then due; and do you suppose that Dr. Parkman, when standing upon points with a dishonourable debtor, would have consented to such an arrangement. [The Attorney-General's argument upon this point depended upon a calculation of the various items and sums due to Dr. Parkman, as gathered from the memorandum.]

Gentlemen, there was found in Dr. Webster's pocket a little piece of paper, with 483 dols. 67c. What did he carry it there for? Gentlemen, he had committed himself to Dr. Francis Parkman and Mr. Blake, and must maintain his consistency, as to the amount which he paid to Dr. Parkman.

Then as to the letter which he wrote to his daughter, to request his wife to keep the little bundle unopened. That bundle, gentlemen, contained that memorandum, which discloses the real amount which was due to Dr. Parkman, and that it was different from what he had stated.

I say that Dr. Webster never paid the money to Dr. Parkman. The amount of the deposits in Charles River Bank, and the account of Mr. Pettee the collecting agent, will show that Dr. Webster could not have paid this debt out of the money received from the students, as he had stated to various persons.

The prisoner and his counsel have not been unmindful of the necessity of showing where he got this money which he said he paid to Dr. Parkman; but, gentlemen, neither he nor they have shown it.—And the reason is, because he had no money. He had the most ample means at command; for he might have summoned, at the expense of the Government, every student who paid him money for tickets.

Gentlemen, we come to the unhappy conviction that he had no money to pay Dr. Parkman, and that he was obliged to manufacture this story, to endeavour to make a consistent explanation.

On the morning of the 23rd, when he went to Dr. Parkman's house, why did he not pay the money then? Has it been shown that he was better able to do so at half-



past one, than he was at nine, when he called. Gentlemen, for what did he wish Dr. Parkman to come to the Medical College?

If he did not pay these notes, has it been shown, how did they come into his possession? And what becomes of the theory that Dr. Parkman was murdered by some other persons, and placed there. Gentlemen, 90 dols. of the very money which he said he paid to Dr. Parkman, was, on the next day, deposited in the Charles River Bank.

I now come to the condition of things in that laboratory when those remains were found. With some of those remains, were found his towels, which he was not a man to throw away. One of these was in that room on the very morning the murder was committed.

It is in evidence that the knife which was found in the tea-chest had only the day before been brought from Cambridge. Who could have brought it, and placed it there, unless Dr. Webster himself.—Here were the murderous weapons, [the knife and hammer,] which were found in his apartments. Why was the tan brought over, and why had not Swain been admitted at this time, as he had a year before. What became of the fire kindling? Would not Dr. Webster's eye have noticed the disappearance in so rapid a manner?

Gentlemen, there was found in a furnace a shirt-button, and yet the counsel for the defendant, supposes that the body might have been brought there naked because no other buttons were found.

The stains of blood upon the pantaloons, and the nitrate of copper upon the stairs have been lightly passed over by the defendant's counsel. But nitrate of copper readily destroys the characteristics of blood. Has this fact no pregnancy. The Cochituate water was constantly kept running in the sink. A very unusual circumstance.

We never gave any importance to the matter of the overalls. We do not suppose that he had them on when he committed the act. And is it to be supposed that the story of the skeleton keys is true—that he picked them up in the street—and these keys fit the doors of the building?

These grapples of fish-hooks are pregnant facts.—There are three of them, and one certainly had been used, for it was corroded. The twine was found in the room to which Dr. Webster alone had access, and I put it to you whether it is not connected with the remains in the vault.

Dr. Webster carried in his pocket the key of that privy; and is it reasonable to suppose that he would have carried, for any honest purpose, a cumbersome key which he could not have used elsewhere? Gentlemen, he carried that key in his pocket, because it unlocked the door of that privy where the remains had been concealed.

Gentlemen of the jury, have I pressed the facts too far to show that Dr. Webster had the entire possession and control of the mutilated remains of Dr. George Parkman?

Then as to his conduct during the week after the disappearance. He was locked in those rooms during a week when he had no official duty. This is the evidence of various persons. He had said that he wished no fires, yet he kept up such fires as were never kept there before.

I have already remarked that there is a most significant corroboration of Littlefield's testimony, by the daughters of Dr. Webster. Where was he during the time of which his daughter gave no account? Some of the time, he certainly was at the Medical College.

It is asked why did Dr. Webster communicate with Dr. P.'s family. If he were guilty, it would have been fatal to him; he well knew not to do it—the servant of Dr. Parkman was likely to recognise the man who called there to make the appointment. The notes would be in demand when the estate of Dr. P. should be settled, and he must show that he had paid them. He left Cambridge to see the family after an early dinner at half-past twelve o'clock, but he did not get there till nearly four



o'clock, and what an interview it was! He was careful to speak of the payment of the money. There was no expression of sympathy. We revert to the search by Mr. Clapp, at the time the tea-chest was seen, and the party was diverted from a search of the privy. On that night he kindled a fire in his furnace, covered it with the soap-stones, and left it to moulder away. He had then something else to attend to. His *alibi* must be kept up, and he flitted to Cambridge. That was a week of professional leisure. Why did he come over that afternoon? Was it only to give a turkey to Mr. Littlefield? Had he any great chemical investigation going on? Why has he not shown it.

On Friday he went to Mr. Waterman's, and ordered a tin box; he then told a story about a mesmeric woman, very singular for such a man to tell. It is suggested by his counsel, that this box was to send plants to Fayal, and they were to be kept from the air. He said it was to put books and small things in; but why did he order a handle strong enough to hold one hundred pounds, and in what condition would the plants have arrived at Fayal after being soldered up? His daughter admits that they were not then about to send any.

Put yourself, Mr. Foreman, in the condition of Dr. W. at the jail, supposing him to be an innocent man. He there asked Mr. Starkweather, before they had carried him to the jail, "did they find the whole of the body?" How could he have asked that if he had not known that the remains were divided? Again, in his agony on the bed, he said to Mr. Cummings, "I expected this." It was not in the pathetic tones of his counsel that he made the assertion, "I do not believe that those are the remains of Dr. Parkman; I am sure I do not know how they came there." No, it was rather in a flippant way that he said it. "I do n't believe that is any more Dr. Parkman's body than it is mine. I do n't know how on earth it came there." He is a teacher in a Christian University, a college whose motto is "Christ and his Church"—he is a victim, as he pretends, of a foul conspiracy. He sits down to write to his daughter, and I shall ask you if in that note he manifests any reliance on God, or anything like the spirit which should belong to a Christian man in such circumstances. The turkey and rice from Parker's are thought of. He is intent wholly on his physical wants. And his particular requests that mamma should not open that little bundle, which turned out to contain those fatal notes which are the proofs of his guilt.

If he premeditated that crime but a moment, it is nevertheless murder. If there was not malice before, there was afterwards. If we may be allowed to cite that great reader of human nature, "'tis too bloody first to cut off the limbs and then to hack them afterwards."

We have had appeals in behalf of the prisoner's family. I would not forget them; but there is another family that should not be forgotten. That mother, the partner of whose life, whose protector has been taken away—that daughter in whose welfare and comfort he had most assiduously and tenderly laboured—and that son is to be remembered, whose lot it was to hear of the death of his father in a foreign land, and enter upon his high responsibilities prematurely.

It is not for you, gentlemen of the jury, to exercise mercy. That belongs to another branch of Government under our laws. But what is mercy? I question whether the many murders that have thickened upon us of late would have taken place if juries had been true to their duty.

There never was a case in this Commonwealth which called more loudly on a jury to be firm to its high duty, and I think, you, gentlemen, will not be wanting in yours. There are employed here men who will spread all this evidence to which you have listened, on the wings of the lightning, to all lands and into all languages, and your action upon it will go with it to do honour to Massachusetts law, and to prove your deep reverence for the eternal principles of justice.

After the close of the ATTORNEY-GENERAL'S address to the Jury, Chief Justice SHAW informed the prisoner at the bar that he was entitled to make such further remarks or explanations as he thought proper, in addition to those offered in his behalf by his counsel.



PROFESSOR WEBSTER rose, and in a very distinct voice made the following remarks:—

I have desired to enter into an explanation of the complicated network of circumstances which, by my peculiar position, the Government has thrown around me, and which, in nine cases out of ten, are completely distorted, and probably nine-tenths of which could be satisfactorily explained. All the points of the testimony have been placed in the hands of my counsel, by whom my innocence could have been firmly established. Acting entirely under their direction, I have sealed my lips during the period of my confinement, trusting myself entirely to them. They have not deemed it necessary, in their superior wisdom (this was said in an ironical tone) to bring forward the evidence which was to exonerate me from a variety of these acts. The Government have brought whatever consummate ingenuity could suggest against me, and I hope it will not have an undue influence upon my jury.

I will not allude to many of the charges, but there is one which touches me, and that is the letter which has been produced. It is not the first I had read in the daily prints which have been distributed in my apartments, and various publications which have been made respecting them. One statement was that I had, after the disappearance of Dr. Parkman, purchased a quantity of oxalic acid to remove the stains of blood, and it instantly occurred to me that this parcel might be saved, and produced when necessary. For several days Mrs. Webster had requested me to purchase some acid for domestic use, and as my wife had repeatedly laughed at me because I had not purchased it, I had borne it in my mind that afternoon, and had gone into Thaver's store, under the Revere House, made the purchase, and waited till the Cambridge Hourly came along, and then jumped into the omnibus with the bundle. I went home, and gave the bundle to my wife; and when afterwards I heard so much said about the bundle, it flashed on my mind in a moment that this must be the bundle. It was to this bundle, and not to any document, that I referred in the direction to my wife.

As regards the nitrate of copper, in the usual lectures preceding my arrest, I had occasion to use the influence of chemical agents in producing changes of various subjects. Among others on gases. I prepared a large quantity of oxalic acid gas.

A gallon jar was filled with gas, in order to produce the changes from dark colour to orange, and also in air. On great heat being applied to the jar, the gas was drawn through water. As to the nitrate of copper spilled on the floor of the laboratory, it was spilled accidentally from a quantity, and by me, in my lectures, between the day of Dr. Parkman's disappearance and my own arrest.

So I might go on explaining a variety of circumstances which have been distorted. My counsel have pressed me to keep calm. My very calmness has been made to bear against me; but my trust has been in my God and my own innocence. In regard to money, I must say a word. The money which I paid Dr. Parkman on the afternoon of Friday, November 23rd, I had saved up from time to time, and kept it in a trunk in my house in Cambridge; but, unfortunately, no one ever saw me take it out—therefore, I can only give my word that such is the fact. Several years ago I had students, who were in the habit of being in my laboratory, and who injured my apparatus; therefore, I prepared everything for my own use in my lectures with my own hands, and that is the reason why I excluded persons from my laboratory.

As regards my whereabouts from the hour of Dr. Parkman's disappearance, I have put into my counsel's hands satisfactory information, which will account for every day I had spent during that week—for every day and every hour. I never was absent from home. As to being seen by Mr. Sanderson, I was at home every evening.

One thing that has been omitted by my counsel was, that on the Friday on which the alleged murder was said to have been committed I had purchased Humboldt's new work, "Cosmos," and, while waiting for an omnibus, stepped into Briham's to take a mutton chop, and, in coming out to take the omnibus, had forgotten my book; but



after my arrest remembered the place where I had left it, and mentioned it to my counsel. They had sent to Briham's, and the book had been found.

The Professor here sat down, but almost instantly arose and said: "I will say one word more. I have felt very much distressed by the production of those anonymous letters, more so than by anything that has occurred during the trial. I call my God to witness, that if it were the last hour of my life, I never wrote those letters. Since the trial commenced a letter has been received from this very 'Civis' by one of my counsel. If this person has any spark of humanity, I call upon him to come forward. A notice to this effect has been put in the papers."

Dr. Webster again took his seat, having evidently made a deep impression upon all present by the seriousness of his remarks, and the earnestness of his manner.

#### CHARGE OF CHIEF JUSTICE SHAW.

Gentlemen,—I rise with the deepest sense of the responsibility which presses upon this tribunal. You have been so long engaged in this important case, that I cannot detain you much longer in suspense. I shall not at this late period, keep you long confined in considering the facts which have been so fully laid before you, and it is mainly a question of facts. I shall rather dwell upon a few plain principles. It is the nature of our laws under which our lives are secured, to distribute to the several organs of Government each its several department of duties, and each is responsible for his own. We are not here to make the laws, but to execute them.

This indictment charges the prisoner at the bar with murder. Murder is the highest species of homicide. Homicide is a general term, including several degrees; some of which are justifiable, such as those committed in justifiable war, or by the officers of justice, with proper warrants;—but I need not dwell on them. The statute law only provides that wilful murder shall be punished by death, but that is not the only law in force among us. We have the common law. The common law was received by our ancestors from England, but is really as much in force among us as any other, and may be called the common law of Massachusetts. [The learned Chief Justice read from a memorandum of his own on the nature of malice.]

In murder, to escape the imputation of malice, the prisoner must prove the provocation, the accident, or any other circumstance which goes to preclude the malice, otherwise it is argued from the act itself. No provocation of words, however opprobrious, will mitigate the motive for a mortal blow, or one intended to produce death, so as to make it manslaughter, where there is an intention to kill, if there is sufficient provocation, it is manslaughter; but words are not a sufficient provocation. [The Chief Justice read some authorities from East's Crown Laws.]

Malice is implied by any deliberate cruel act, against another, however sudden.—When there is a blow of a deadly or dangerous weapon, with intent to do some great bodily harm, and death ensues, malice is presumed. If a man provoked by a blow, with a feeling of resentment returns it, and kills his aggressor, it is not excusable, but it is a less crime than murder; it is manslaughter, with heat of blood. We see no evidence in this case of any provocation or heat of blood. There were angry feelings, but they do not amount to a provocation or a heat of blood sufficient to render the crime manslaughter. The purpose of a coroner's inquest is to find how the dead body came to its death. There is no distinction in the eye of the law between persons, whether it be a coloured pauper in a country almshouse or the most distinguished member of the community. The same machinery of further proceedings, in case the jury find that violence was used by some party to produce the death.

In this case a charge was made against an individual of having, in some way or other, produced death. No one saw it done. The evidence is altogether circumstantial, yet it may be sufficient to produce a reasonable conviction. Crimes are secret. There is a necessity of circumstantial evidence, otherwise we could not protect ourselves from crime. Each sort of evidence has its advantages. There is no



common standard of comparison. We may often arrive at a sure conviction by circumstantial as by positive evidence. The inference from the facts should be a natural or a necessary one, and each fact should be proved by itself.

Suppose in the present case the teeth are found to be those made for Dr. Parkman before his death; that fact is itself sufficient to establish the conclusion that the remains are his,—if no other facts are found repugnant to this, the allegation is that he entered the Medical College about two o'clock, and never came out of it alive. Search was made during the week. The next Friday, human remains were found under the Medical College. The place was taken possession of by the police. Investigations were made, and the remains were declared to be those of Dr. Parkman. Is this proved? It is proved that he disappeared from his home on Friday forenoon and did not come back to dinner, and never came back. This is established. Has it been proved that he was seen anywhere after the hour he is said to have entered the college? As to the testimony of Mrs. Hatch, Mr. Thompson, Mr. Wentworth, Mr. Cleland, Mrs. Rhoades, and her daughter, and Mrs. Greenough, I need not comment particularly. It is to be compared with the proof on the other side. When such a great event happens, the whole community is thrown into a committee of inquisition, and a large number of lines of inquiry are instituted, a great many persons are found who have seen the object of the search.

It became known on Saturday evening that Dr. Parkman, a man known to almost everybody, had disappeared. The whole community were put upon their recollections, and would it be strange if a great many should remember that they had seen him, and yet have been mistaken. If they had not been mistaken, would not others be found, when all were intent who would testify that they saw him also. This negative evidence, it is true, is not conclusive in itself, but it goes to destroy the positive evidence, for we can hardly conceive that if there had been no mistake in those who saw him as to his identity or the time, a great many others would not also have seen him, and would not have recollected it the next day.

If Dr. Parkman went to the college at the invitation of Dr. Webster, and was there killed by him, all question of implied malice is put out of the question, for it was done by express malice. Dr. Webster admits that Dr. Parkman came there, and as he says, he paid him money. It is in evidence that Webster staid there that afternoon, and left there about six o'clock. In so much as Dr. Parkman has never been seen since that afternoon, if it shall appear that the remains found in the apartments of Dr. Webster were identified as the body, the *alibi* is of no consequence.

In a recent case in Richmond, a man was stabbed with a knife; a man was arrested who had a knife in his possession the day before; the handle of the knife was found broken off near the deceased. It was sworn to be that which belonged to the prisoner the day before; and, on a *post-mortem* examination, a blade was found, which by the scratched edges of the broken steel, tallied with that of the handle. This circumstance was allowed a great weight. When a circumstance of this kind is established, then the absence of any testimony to the contrary—the proof of concurrent circumstances—has a strong tendency to strengthen the conclusion. When a party has attempted to suppress proofs, the circumstance acts to prove a consciousness of guilt. When we apply these principles to a case, certain rules are to be applied. First, the circumstances upon which the conclusion depends are to be fully proved; second, all must connect together; no one must be inconsistent with an act of this nature or *alibi*. An *alibi* means elsewhere. If a man is charged with being in one place and he can prove himself in another at that time, then he must escape—This is a mode of defence which easily suggests itself, and may be secured by a little contrivance. Third, the circumstances must not only limit the guilt of the party, but they must be such as to exclude every other reasonable hypothesis. They must exclude all reasonable doubt. What is a reasonable doubt? It must be more than a probability. The facts must be such as to implicate the defendant also. We must now, gentlemen, apply these to the present case.



The indictment charges J. W. Webster with the murder of Dr. George Parkman, on the 23rd of November last. The indictment has been referred to by the defence, and we have taken the matter into consideration. It is the rule of law that the means and manner of the crime shall be set forth, so that the prisoner may prepare for his defence; yet if death is produced in some new mode, the law will not let the criminal escape. It has general rules, which provide for new cases.

The last count sets forth that the prisoner assaulted and killed George Parkman, in some manner or by some weapon unknown to the jury. The Court are of opinion that this is a good count. Dr. Parkman may have been assaulted with chloroform or ether, which stupified and made him insensible, and then death would have been caused by the weapons to the jury unknown; and the jury were only bound to set forth all they knew. That is necessary to be proved. First, it is necessary to prove the *corpus delicti*, or the killing, so as to exclude suicide or accident. Dr. Parkman was in good health, as appears by Mr. Shaw, that morning. We now come to the teeth. These are the principal signs of identification. That the other parts of the body did not differ in any material respect from Parkman's, proves little in itself, but becomes very important, if it is made out that the teeth were his. It is a serious inquiry, whether by the correspondence of the teeth to the mould, the identity can be made out. We must rely only on the evidence of those who have made this subject their study. Dr. Keep identified these teeth without hesitation, pronounced them Dr. Parkman's, and he has explained to you the reasons which confirm him in that opinion. You have also heard the testimony of Dr. Noble to the same effect. Dr. Morton is of opinion that the characteristics of teeth are not such as to enable a dentist to identify his work under such circumstances, with certainty. Three other eminent dentists have been called, who are of a different opinion, and confirm Dr. Keep.

This evidence is, undoubtedly, to be received with care. It is of the same nature as that which is applied to fossil remains, and by means of which a single bone is made to lead to the discovery of an entire animal, of an extinct species. You must be judges of it in this case. If these are the teeth of Dr. Parkman, and if, as was stated to you by Dr. Keep, their condition proves that they were put into the furnace in the head, and the whole body, no part of it being dissimilar to Dr. Parkman's, and if the suppositions of suicides and accidental death are excluded, the *corpus delicti* is established.

I shall pass over the testimony of Littlefield—it has been somewhat called in question. But whether much or little weight be given it, it does not materially affect this case. It may be remarked that, as far as it does affect this case, it is confirmed by other witnesses, particularly the officers of the police. From about Sunday or Monday pretty strict watch was kept of the Medical College till Friday. Nothing important could be transacted there without the knowledge of the police, of Littlefield, or Webster. To some of these parties the existence and condition of these remains found partly under the privy, in the tea-chest, and partly in the furnace, must have been known. You will judge from the evidence by whom.

We do not think much can be argued by the conduct of the defendant after his arrest. We have no experience here to guide us. We do not know how we should act in such a case, or how he ought to have acted. To come to the main proof of this case, there are two theories in regard to it. The Government takes the one, which supposes that he invited Dr. Parkman to the Medical College, and there slew him, in order to get possession of two notes which he owed to Dr. Parkman, and that he got possession of them. Dr. Parkman had loaned to Professor Webster 400 dols. in 1841. In 1846 several parties contributed to another loan, to relieve, to the amount of 2430 dols.; to this Dr. Parkman contributed 500, and the 332 dols. on the note; and other parties the balance. Dr. Parkman held the large notes and the mortgage on personal property, for its security, for the benefit of himself and the other parties, and also the old note, which was to be given up whenever his share was paid. It appears that the



defendant was in possession of both notes, and the Government contends that he never paid either; that he invited Dr. Parkman to his lecture-room and slew him, to get possession of these notes. If this be proved, it is express malice.

The other theory is that of the defence, that being together, the one to pay and the other to receive money; they quarrelled, and Dr. Webster killed Dr. Parkman in sudden heat, and then concealed him, to avoid detection. If this be proved it may be manslaughter. If Dr. Webster did entice Dr. Parkman to the Medical College to get possession of the notes, we can see no difference between it and murder. The Government, to strengthen its theory, brings proof that he could not have had money to pay either of the notes; and he has never pretended that he had money to take up the larger one of them. You will judge. One very significant fact is, that the 900 which was that morning paid to him by Mr. Pettee—a check on the Freeman's Bank, was not a part of the money paid, but was, on that afternoon or the next day, deposited in the Charles River Bank to his credit. He also told Mr. Pettee, that morning, that he had settled with Dr. Parkman, although Dr. Parkman had not yet called on him. You must judge how far these circumstances go to prove intention to get hold of the notes as a motive of the homicide; and if that was the motive, it is a very strong case of murder by express malice.

If in the hypothesis of the defence, the concealment of the remains was made by another hand, it was of no interest to Dr. Webster; and his reluctance towards the search is to be accounted for, as well as the fact that he did not himself make the discovery which lay directly in his way. Any concealment of evidence going to implicate him, to which a party under suspicion resorts, must go as far as it goes at all against him.

He has mentioned, that the package to which he referred in his letter to his daughter, was one of nitric acid and not those notes which have been brought as evidence to prove the intention of the homicide. If, so, as far as that goes, it goes to obliterate the effect of attempted concealment of evidence. But it does not at all affect the case or the bearing of these notes when found, or the animus or intention of the act.

The circumstances of the twine used, and many others, which it is needless to mention, go to show, that whoever did any part of the concealment of those remains did the whole. We think it of much consequence that he waived an examination in the police court. As to the anonymous letters, you must judge on their bearing, if proved. But we must remark, that we consider the proof of them exceedingly slight. Character may be of consequence in a minor case, as of larceny; but when a prisoner is charged with a crime so atrocious, all sink to the same level, and we must rest on the proof of the facts; yet in such a case the prisoner has a right to put in his character, and the testimony is competent evidence.

Many other things press upon my mind, but the time reminds me I ought to close. You have been selected by lot, mostly concerned in the active business of life, so as to secure the greatest impartiality. Take sufficient time to deliberate upon your verdict. Use your good judgement and sound conscience, and we are assured the verdict will be a true one.

The jury retired at five minutes past eight o'clock, and came into court at eleven o'clock.

CHIEF JUSTICE SHAW called on the prisoner to stand up and hear the verdict.

CHIEF JUSTICE.—Mr. Foreman, have you agreed to a verdict?

FOREMAN.—We have.

CHIEF JUSTICE.—Do you find the prisoner guilty, or not guilty?

FOREMAN.—GUILTY!

The prisoner sank back into his chair with his hands upon the railing, and his face in his hands, and so remained for ten minutes.

When he recovered from the shock, he said to the officer Jones, "Why are you keeping me here to be gazed at?" He was immediately carried up to the jail, and locked up for the night, the precaution having been taken to remove his razor and knife.



A buggy was at the door of the court room to convey the sad intelligence to his family at Cambridge.

During the whole of this trial, we understand from the officer in charge, that Professor Webster has not shed a tear, or expressed any particular interest for anything but his table of supplies. His last order to officer Lawrence, when he left the jail to hear the verdict, was, "Tell Parker to send me some of his best turkey for dinner to-morrow, and a lot of good segars"

Since Mr. Cleland was on the stand, we learn he has retracted his statement as to the day on which he saw Dr. Parkman. Rev. Mr. Wells has convinced him the note was received on the 22nd, and not on the 23rd of November.

We also understand Mrs. Rhodes has written a letter to one of the judges, in which she retracts her statement that it was Dr. Parkman whom she saw.

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### TWELFTH DAY.

The ATTORNEY-GENERAL rose and said: May it please Your Honours—The prisoner at the bar, at the January Term of the Municipal Court, was indicted for the wilful murder of Dr. George Parkman. That indictment was duly certified up to this Court, and the prisoner pleaded not guilty. Able counsel were assigned by the Court, at his suggestion, to assist him in his defence upon the trial of the issue thus formed. After a long and anxious trial he was found guilty of the crime for which he stood indicted; and it is now my most painful duty to move that the sentence of the law be passed upon the prisoner.

The CLERK of the Court, under the direction of the CHIEF JUSTICE, then said:—John W. Webster, have you anything to show why the sentence of death should not now be pronounced upon you?

The PRISONER: Nothing.

CHIEF JUSTICE SHAW then addressed the prisoner as follows:—

JOHN W. WEBSTER—In meeting you here for the last time, to pronounce that sentence which the law has affixed to the high and aggravated offence of which you stand convicted, it is impossible by language, to give utterance to the deep consciousness of responsibility, to the keen sense of sadness and sympathy with which we approach this solemn duty. Circumstances, which all who know me will duly appreciate, but which it may seem hardly fit to allude to in more detail, render the performance of this duty on the present occasion unspeakably painful. At all times, and under all circumstances, a feeling of indescribable solemnity attaches to the utterance of that stern voice of retributive justice, which consigns a fellow being to an untimely and ignominious death. But, when we consider all the circumstances of your past life, your various relations to society, the claims upon you by others, the hopes and expectations you have cherished, and contrast them with your present condition, and the ignominious death which awaits you, we are oppressed with grief and anguish, and nothing but a sense of imperative duty, imposed on us by the law, whose officers and ministers we are, could sustain us in pronouncing such a judgement.

Against the crime of wilful murder, of which you stand convicted, a crime at which humanity shudders, a crime everywhere and under all forms of society regarded with the deepest abhorrence, the law has denounced its severest penalty in these few and simple, but solemn and impressive words:—

"Every person who shall commit the crime of murder shall suffer the punishment of death for the same."

The manifest object of this law is the protection and security of human life, the most important object of a just and paternal government. It is made the duty of this court to declare this penalty against any one who shall have been found guilty, in due course of the administration of justice, of having violated this law. It is one



of the most solemn acts of judicial power which an earthly tribunal can be called upon to exercise. It is a high and exemplary manifestation of the sovereign authority of the law, as well in its stern and inflexible severity, as in its protecting and paternal benignity. It punishes the guilty with severity, in order that the right to the enjoyment of life, the most precious of all rights, may be more effectually secured.

By the record before us, it appears that you have been indicted by the grand jury of this country for the crime of murder, alleging that on the 23rd of November last you made an assault on the person of Dr. George Parkman, and by acts of violence deprived him of life with malice aforethought. This is alleged to have been done within the apartments of a public institution in this city, the Medical College, of which you was a professor and instructor, upon the person of a man of mature age, well known, and of extensive connexions in this community, and a benefactor of that institution. The charge of an offence so aggravated, under such circumstances, in the midst of a peaceful community, created an instantaneous outburst of surprise, alarm, and terror, and was followed by an universal and intense anxiety to learn, by the results of a judicial proceeding, whether this charge was true. The day of trial came, a court was organized to conduct it, a jury almost of your own choosing was selected in the manner best calculated to ensure intelligence and impartiality, counsel were appointed to assist you in conducting your defence who have done all that learning, eloquence, and skill could accomplish, in presenting your defence in its best aspects, a very large number of witnesses were carefully examined, and after a laborious trial of unprecedented length, conducted, as we hope, with patience and fidelity, that jury have pronounced you "guilty."

To this verdict, upon a careful revision of the whole proceedings, I am constrained to say in behalf of the court, that they can perceive no just or legal ground of exception.

"Guilty!"—How much under all the thrilling circumstances which cluster around the case and throng our memories in the retrospect, does this single word import. The wilful, violent, and malicious destruction of the life of a fellow man, in the peace of God and under the protection of the law—yes, of one in the midst of life, with bright hopes, warm affections, mutual attachments, strong, extensive, and numerous, making life a blessing to himself and others.

We allude thus to the injury you have inflicted, not for the purpose of awakening one unnecessary pang in a heart already lacerated, but to remind you of the irreparable wrong done to the victim of your cruelty; in sheer justice to him, whose voice is now hushed in death, and whose wrongs can be only vindicated by the living action of the law. If, therefore, you may at any moment think your case a hard one, and your punishment too severe—if one repining thought arises in your mind, or one murmuring word seeks utterance from your lips, think, oh! think of him, instantly deprived of life by your guilty hand; then, if not lost to all sense of retributive justice, if you have any compunctious visitings of conscience, you may be ready to exclaim in the bitter anguish of truth—"I have sinned against Heaven, and my own soul, my punishment is just, God be merciful to me, a sinner."

God grant that your example may afford a solemn warning to all, especially to the young; may it impress deeply upon every mind the salutary lesson it is intended to teach, to guard against the indulgence of unhallowed and vindictive passion, to resist temptation to any and every selfish, sordid, and wicked purpose, to listen to the warnings of conscience, and yield to the plain dictates of duty; and whilst they instinctively shrink with abhorrence from the first thought of assailing the life of another, may they learn to reverence the laws of God and of society, designed to secure protection to their own.

We forbear, for obvious considerations, from adding such words of advice as may be sometimes thought appropriate on occasions like this. It has commonly been our province, on occasions like the present, to address the illiterate, the degraded, the outcast, whose early life has been cast amongst the vicious,



the neglected, the abandoned, who have been blest with no means of moral and religious culture, who have never received the benefits of cultivated society, nor enjoyed the sweet and ennobling influences of home. To such an one, a word of advice, upon an occasion so impressive, may be a word fitly spoken, and tend to good. But, in a case like this, where these circumstances are all reversed, no word of ours could be more efficacious than the suggestions of your own better thoughts, to which we commend you.

But as we approach this last sad duty of pronouncing sentence, which is indeed the voice of the law and not our own; yet in giving it utterance, we cannot do it with feelings of indifference, as a formal and official act. God forbid that we should be prevented from indulging and expressing those irrepressible feelings of interest, sympathy, and compassion, which arise spontaneously in our hearts; and we do most sincerely and cordially deplore the distressing condition into which crime has brought you. And though we have no word of present consolation, or of earthly hope to offer you in this hour of your affliction, yet we devoutly commend you to the mercy of our Heavenly Father, with whom is abundance of mercy, and from whom we may all hope for pardon and peace.

And now nothing remains but the solemn duty of pronouncing the sentence which the law affixes to the crime of murder, of which you stand convicted; which sentence is:

That you, John W. Webster, be removed from this place, and detained in close custody, in the prison of this county, and thence taken, at such time as the executive Government of this Commonwealth may by their warrant appoint, to the place of execution, and there be hung by the neck until you are dead.

And may God, of his infinite goodness, have mercy upon your soul.

The prisoner received the sentence of the law, as it had been pronounced by the Chief Justice, with the deepest emotion. The whole scene was most solemn and impressive.

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